

Variance request

Location: 424 Bryan Ave

Applicant / Owner: Wayne Lin (design studio)/Stacey and Thomas Moser (owner)

Proposed Project:

VARIANCE to allow deviations from the setback requirements for a detached structure in backyard

Reason for Permit: A Variance is required for deviations from setback requirements for accessory structures

Issues: Setbacks

Background

The pool shed is located at 424 Bryan Ave, located within an area of the Heritage District which is known for narrow lots (50ft) and multi-density coverage with most lots zoned R-2. The lot at 424 Bryan Ave is single family, two feet more narrow (48ft) than other lots in the area (50ft), and has a large free form pool of ~1800 sq ft constructed 20+ years ago with the pool shed. There is only one other single family property in the neighborhood with a pool. The adjacent lot (432 Bryan Ave) to the pool shed at 424 Bryan Ave is a tri-plex and the lot behind the pool shed has two detached single family homes on similar lot size. Due to narrow lots and multi-family residences, numerous detached buildings in the back portion of lots are found throughout the neighborhood.

For example, the newly built home adjacent to our property (418 Bryan Ave) has an accessory structure with 10 ft in height and approx. one-foot setback (See Attachment A). This structure was also rebuilt after the new main house was complete. Most detached structures, like the pool shed at 424 Bryan Ave were built over the past 25-50 years for accessory usage or additional rental properties with zero setbacks on the side or rear fence.

The pool shed in question at 424 Bryan Ave is substantially smaller (11x16) than many of the buildings in the neighborhood and also is not built on the property line. The setbacks from the side and rear fence are larger than the original pool shed which was built without any setbacks. Please refer to attachments A-C for the illustrations.

There have been several relevant setback variances approved in Sunnyvale in the recent past:

1 568 South Frances Street: CASE FILE #2015-8086

<https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=2563197&GUID=B529C5A3-775F-42AB-951B-7A730AC59D48&Options=ID%7CText%7C&Search=Setback+variance&FullText=1>

- Replace 200sq ft garage with 300sq ft Single Car Garage
- Setbacks of 2 & 3.5ft approved (side and back)

- Justification: Redwood tree location
- 2 1348 La Belle Avenue: CASE FILE #2014-7986**
<https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=2080138&GUID=69AE3958-13A9-431D-A54B-D9E0272E47B5&Options=ID%7CText%7C&Search=Setback+variance&FullText=1>
- Setbacks of 4.5ft (Side & back) approved for 140sq ft (12 ft tall) accessory structure on 9,600 sq ft lot
 - Justification: Similar to current Neighborhood structure setbacks. Smaller in scale and attractive in design

Variance Justification

- 1** “Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district”

We believe given the size, shape, and location of our pool on a narrow lot, this represents an exceptional or extraordinary condition applicable to the property, and that the strict application of the ordinance would deprive us of privileges enjoyed by other properties in the vicinity and within the same zoning district. The pool has been there for 25 years and cannot be moved and has to be considered in the assessment of alternatives. As illustrated above in case file #2015-8086, the city council, in the past, considered less restrictive objects, such as a tree, as exceptional conditions that warranted a variance approval. In addition, other locations for the pool shed (for example in the middle of our backyard) would have deteriorated the view and reduced privacy for both our side and back neighborhood. Given our lot is zoned R-2, there also exists an option to build a 2-story building in our backyard which would likely remove all privacy and potential value for our neighbors. We found that improving the condition of our existing pool shed was the best option for our current situation as well as our neighbors privacy and home values.

In addition we only modified the non-conforming accessory structure that was built with the pool 25 years ago when the structure was a safety concern. We decreased the overall footprint of the structure in size and height as well as increased the rear yard setback. The modifications not only improved the safety but also the attractiveness of the structure. In case file #2014-7986 the city council also approved a variance request due to the fact that “many lots contain...non-conforming detached structures that do not meet current rear and side yard setback requirements” and due to the fact, that “the accessory structure is small in scale and attractive in design”. This is also true in our case.

AND

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The zoning and planning Sunnyvale commissions have already agreed this condition to be met. The original pool shed was built approximately 25 years ago and recent repairs have ensured the safety of the building as well as improved the privacy of neighbor with a reduced size/height and an increase in setback. Please refer to attachments B for the illustrations.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

This is acknowledged and the zoning and planning Sunnyvale commissions have agreed this condition to be met given the number of similar buildings in the neighborhood of larger scale with less setbacks.

Alternative Options

- 1** build addition at back of house
- 2** build office space with required setbacks

#1: Build addition at back of house

Building an addition at the back of house would not have been an option for us. Our master bedroom is at the back of the house, as is our master bedroom. We remodeled our master bathroom in 2019 and don't want to lose this investment by having to remodel again.

On top of that, any addition to the back of the house would close off the backyard from the house. It would also create a very tight walkway between the garage and the addition which would look awkward at best and reduce the value of our property at worst.

- Our Master Bedroom is at back of house
- Master bathroom next to bedroom – remodeled in 2019!
- Would require a complete remodel of the interior to attach to back of house (\$150-\$200k).



#2: build office space with required setbacks

The backyard area where the pool is located is 2500sqf in total. Out of this, 1800sqf is occupied by the pool. That leaves potentially 700sqf for the construction of an accessory structure. However, when taking the required setbacks for side/rear area into account the useable area shrinks to 342sqf. Not only does it shrink to a very small size, it would also require to build the accessory structure in the middle of the available backyard. This would basically reduce the useability of the backyard to zero.

In addition, an accessory structure built in the middle of our backyard would be much higher than the height of the current structure and reduce the privacy of the neighbor property substantially.

- backyard area has 2500sqf (see screenshot below)
- 1800sqf covered by pool area
- Distance from back fence to garage is 52ft
- Distance from side fence to pool is 13ft
- With setbacks useable area shrinks to 342sqf



Attachment A

This variance application is in regards to the modifications made to an existing pool shed with setbacks that does not meet the city code. Figure 1 shows an aerial view of the property at 424 Bryan Ave.

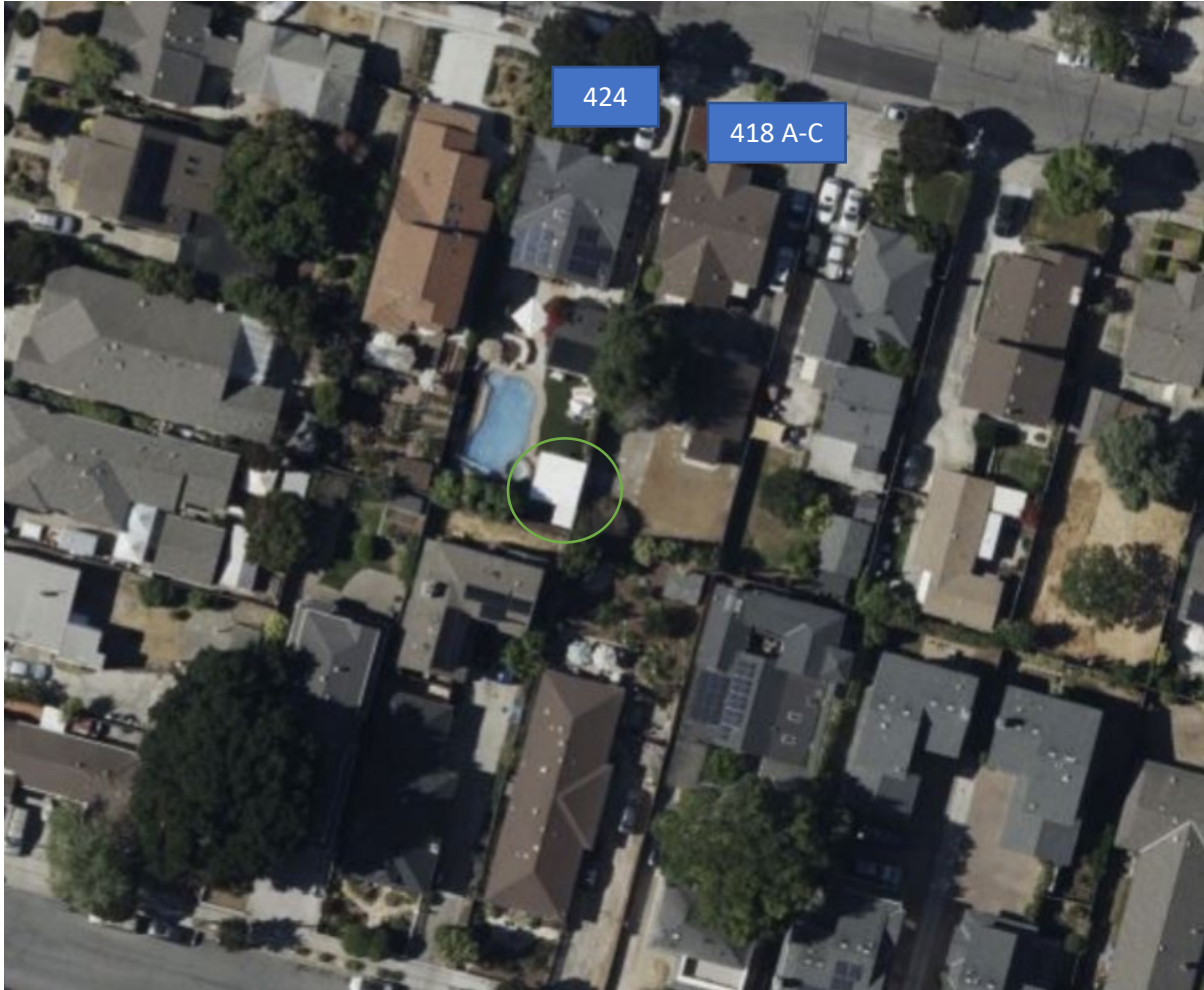


Figure 1: Ariel View of housing density around 424 Bryan Ave (Zoned R-2)

Attachment B

Showing the Original Pool Shed structure and modifications made for safety three years ago.

424 Bryan Ave – Modifications



Original:
210 Sq Feet
Pitched Roof
0 Setback
9.5ft Height



Today:
189 Sq Feet
Flat Roof
9ft Height
2.5 ft Overhang



Original Structure:

- Built by prior owners: 25 years old
- ~210 sq ft with zero setbacks: Used as pool house/storage
- Was damaged beyond use in 2019

Repaired in 2020 for safety:

- Reduced size to 189 sq ft to increase back setback
- Reduced height in back to <6 ft
- Made roof flat to reduce neighbor visual
- **2.5 Foot Overhang on three sides**