

RECOMMENDED FINDINGS

Variance

In order to approve the Variance, the following findings must be made:

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 of privileges enjoyed by other properties in the vicinity and within the same zoning district. [Finding not made]

The project site is located midblock along Bryan Avenue near the intersection with South Bayview Avenue. The 7,294-square foot lot is under the minimum lot size requirement of 8,000 square feet for R-2 zoning; and has a lot width of 49 feet, which is under the minimum lot width requirement of 76 feet at the front setback. However, the property is sufficiently deep and scaled appropriately compared to adjacent properties with 50-foot width and 150-foot depth and is not constrained by floor area ratio or lot configuration. The subject parcel is developed with a 1,422 square-foot home and 400 square-foot detached garage which totals approximately 25% of the lot area, well under the 45% FAR allowed in the R-2 zoning district.

Therefore, the strict application of the ordinance is not found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

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. [Finding made]

Staff finds that the 189 square-foot accessory structure has existed in the current location for many years and has not been materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and zoning. Adjacent neighbors have limited visibility of the structure and its use does not unreasonably disrupt the privacy and enjoyment of adjacent properties.

3. Upon granting of the Variance, the intent and purpose of the ordinance will be still 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. [Finding not made]

Many of the properties in the vicinity are developed in a similar pattern to the subject parcel, with a small house situated at the front of the lot and a detached garage behind the home with a long, narrow, and open backyard. Though several properties have been subdivided or developed with two-family dwellings, few contain accessory structures which exceed the maximum floor area, height, or minimum setbacks dictated by the Sunnyvale Municipal Code. The intent of required yard setbacks is to ensure the separation of buildings across property lines and to mitigate potential impacts to privacy, light, air, or the enjoyment of property whether current or in the future. Staff finds that the granting of a Variance for the accessory structure at the subject address would constitute a special privilege being granted to the property owner due to the lack of constraints on the site and few similar privileges granted to nearby properties.