



# VARIANCE JUSTIFICATIONS

All three of the following findings must be made in order to approve a Variance application.

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance. Please provide us information on how your project meets **all** of the following criteria.

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.

a) Our lot is substandard in width at only 50ft wide, which is 33% narrower than a standard 76 foot wide lot for this zoning district. The narrow lot makes it challenging to meet both the "second covered parking" rule, as well as the "combined setback" rule.

b) The historic house and garage were built (Circa. 1925) prior to modern building codes, so the garage sits very close along the North property line. Enlarging the garage would represent destroying a largely intact original structure to the property, compromising the historic nature of this heritage resource.

c) We want to preserve the large Magnolia tree behind the garage (it is a protected tree as defined by City Ordinance) and doing so would not allow us to relocate or rebuild the garage further back to accommodate the addition, and therefore is an extraordinary condition that applies to the property.

d) We would like to adapt this wonderful historic house to meet our family needs by adding a Master Bathroom and a Family Room. Due the physical constraints of the property mentioned above we considered adding a 2<sup>nd</sup> story Master Bedroom Suite, but our architect dissuaded us from doing so because it would be incongruent with the existing single story historic residence and therefore we are hoping that you will support the variance to maintain a 1-story residence that will be enjoyed by our family for many years.

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 proposed addition will not materially impact neighbors. The proposed addition would be a single story that complies with the setbacks requirements for the structure, and it is only through the existing legally non-conforming detached garage (which we would not be touching) would the violations be triggered. The addition is designed to be architecturally sensitive to the historic nature of the building. Granting the variances would not be harmful in any way to the immediate neighboring structures, nor neighborhood itself. In fact the neighborhood would be enhanced by having a well preserved, and architecturally appropriate heritage resource pointing to the neighborhoods roots in early Sunnyvale history.

AND

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.

The extraordinary circumstances and conditions stated above are specific to this property, and therefore the granting of the Variance would not grant special privileges not enjoyed by other surrounding property owners within the same zoning district.

We are proposing a small addition to the rear of the property, which would add a second bathroom and a family room. A fourth bedroom is **not** being added so the intent of the "second covered parking" is still maintained which is having an appropriate amount of covered parking relative to the number of people living in the structure. It will still be a 3 bedroom home.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One-Stop Permit Center.