

RECOMMENDED FINDINGS

Recommended Findings – Variance

In order to approve the Variances, 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 or privileges enjoyed by other properties in the vicinity and within the same zoning district. [Finding made]

The project neighborhood is part of the Taaffe-Frances Heritage District, one of the oldest neighborhoods in Sunnyvale. The established neighborhood pattern includes detached accessory structures or garages in the rear and in close proximity to the side and rear property lines. The detached garage with a rear setback of 4 feet 5 inches and side setback of 2 feet 5 inches encroaches into the required 10-foot rear setback and 4-foot side setback. In this neighborhood, many lots contain nonconforming detached structures that do not meet the current rear and side yard setback requirements. The new detached garage is small in scale and attractive in design. The location and the size of the structure allow for the property owners to protect the existing redwood tree and maintain maneuverability of vehicles out of the garage.

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 existing detached garage has been in the current location for over 60 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. The new garage would be placed in the same location approximately 100 feet from the front property line and readily visible from the public right-of-way. There are other accessory structures or garages on the adjacent properties with similar setbacks.

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 made]

Many of the homes within the neighborhood have large detached accessory structures or garages with their required rear and side yards which do not conform to the current development standards. Many of these structures are considered legal nonconforming. Granting of the Variances would not constitute a special privilege, as the applicants would have the same benefit enjoyed by other neighbors. The accessory structure is a garage and not used for habitable space.