



## City of Sunnyvale

## Agenda Item

17-0820

Agenda Date: 8/30/2017

**REPORT TO THE ZONING ADMINISTRATOR****File #:** 2015-7144**Location:** 584 Crawford Drive (APN: 201-33-042)**Applicant / Owner:** Bob Fuselier**Proposed Project:**

**DESIGN REVIEW** for a 1,142 sq. ft. one-story addition to an existing 1,227 sq. ft. one-story single-family home (2,369 sq. ft. living area and 1,205 sq. ft. garage), resulting in 3,574 sq. ft. and 36% FAR. The project includes attaching the existing garage to the home and a minor architectural modification to the existing front porch.

**VARIANCE** to allow a 12-foot, 4-inch combined side yard setback when 15 feet is required.

**Reason for Permit:** A Design Review permit is required for an addition that adds more than 20 percent of the existing home area. A Variance is required for the request for a reduced combined side yard setback.

**Project Planner:** George Schroeder, (408) 730-7443, [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov)

**Issues:** Setbacks, Neighborhood Compatibility

**Recommendation:** Deny the Design Review and Variance

**PROJECT DESCRIPTION**

	Existing	Proposed	Required/Permitted
<b>Zoning:</b>	R-0	Same	N/A
<b>Lot Size:</b>	9,921 sq. ft.	Same	N/A
<b>Gross Floor Area:</b>	2,432 sq. ft.	3,574 sq. ft.	3,600 sq. ft. (threshold for Planning Commission review)
<b>Floor Area Ratio (FAR):</b>	25%	36%	45% (threshold for Planning Commission review)
<b>Lot Coverage:</b>	25%	37%	45% max.
<b>Building Height:</b>	14'-8"	17'-10"	30' max.
<b>No. of Stories:</b>	1	Same	2 max.
<b>Front Yard Setback:</b>	24'-2"	Same	20' min.
<b>Rear Yard Setback:</b>	70'-11"	21'-2" (existing garage setback)	20' min. with up to a 10' encroachment
<b>Left Side Setback:</b>	10'	Same	4' min.

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<b>Right Side Setback:</b>	22'-9"	2'-4" (existing garage setback)	4' min.
<b>Combined Side Setback:</b>	32'-9"	12'-4"	15' min.

<b>Previous Planning Projects related to Subject Application:</b>	None
<b>Neighborhood Preservation Complaint:</b>	None
<b>Deviations from Standard Zoning Requirements:</b> 12-foot, 4-inch combined side yard setback when 15 feet is required per Sunnyvale Municipal Code (SMC) Table 19.34.030.	Yes

### Background

The applicant is proposing a 1,142-square foot addition at the rear of an existing one-story single-family home, resulting in 36% Floor Area Ratio (FAR) and 3,574 sq. ft. The addition would connect the existing nonconforming detached garage to the house. The existing front porch would also be modified in design. The proposed addition meets the Single Family Home Design Techniques and Sunnyvale Municipal Code (SMC) development standards, except for the combined side yard requirement. The applicant is requesting a Variance from this standard to allow for a desired floor plan (see Attachment 3 - Site and Architectural Plans).

### Site Plan and Architecture

The subject property is rectangular in shape and 75 feet wide throughout the depth of the lot. The combined side yard setback requirement per SMC Table 19.34.030 is 20% of the lot width at the front setback line, which results in 15 feet for this property. The minimum side yard setback requirement on one side is four feet. The proposed addition would be setback ten feet on the left side, and the right side setback would change from 22-feet, 9-inches to 2-feet, 4-inches because the existing nonconforming garage would be attached to the house. This results in a 12-foot, 4-inch combined side yard setback where 15 feet is required.

The existing detached garage along the right side was constructed when this property was in the jurisdiction of Santa Clara County. This property, along with others on Crawford Drive, was annexed by the City in 2002. Per SMC Section 19.50.020, legal nonconforming residential structures can continue to remain, as long as there is no increase in its nonconformity. Aside from attaching the garage to the house, there would be no changes to its size, location, or height. Therefore, this existing nonconforming side yard setback can continue to remain. However, on the left side, the addition would continue the existing ten-foot side yard setback and would be at the same plane as the garage, resulting in the 12-foot, 4-inch combined side yard setback, which requires a Variance. This combined side yard setback occurs for the entire 30-foot length of the addition on the left side. In order to meet the required setback, the new addition would need to be setback an additional 2-feet, 8-inches from the left (east) side property line or 12-feet, 8-inches total.

The applicant proposes to attach the garage to the house for safety and convenience purposes. The applicant's Variance justifications (Attachment 4) note that the existing nonconforming garage setback is not increasing in nonconformity and it would be an undue hardship to demolish the garage to meet setbacks when it was originally permitted by the County. The applicant mentions the new

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addition is minimally impactful because it would not be visible from the street and would continue along the existing house's conforming (on one side) left side setback. According to the applicant, increasing the setback on the side of the addition would result in shifting floor area further to the rear of the property, which may impact an existing protected tree. Further, the applicant notes that the application of the required combined side yard setback would deprive them of privileges enjoyed by neighboring property owners, because they observed other examples in the neighborhood where the combined setbacks were not met. One of these examples is 666 Princeton Drive, where a Variance was approved in 1981 for a one-foot encroachment into the required side yard setback. The other two examples include combined side yard setbacks that are less than 20 percent of the lot width, but these were approved before the current requirement went into effect in 2009. Staff did not find any Variance approvals on record for the examples mentioned, nor on Crawford Drive.

### **Neighborhood Impacts/Compatibility**

The proposed setback encroachment would have minimal visual impact on the neighborhood, however, approval of a Variance could be considered as setting a precedent for such requests of deviations from the code that are intended to maintain community expectations, privacy impacts and aesthetic values.

**Public Contact:** 58 notices were sent to surrounding property owners and residents within a 300-foot radius of the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public at the time of staff report production.

**Environmental Determination:** A Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include minor additions to an existing-single family residence.

## **FINDINGS**

### **Design Review**

In order to approve the Design Review permit the following finding must be made:

1. *The proposed project is desirable in that the project's design and architecture complies with the policies and principles of the Single Family Home Design Techniques.*

The proposed addition respects the scale, bulk, and character of homes in the adjacent neighborhood by its consistency with the existing house's architecture and form. The proposed addition also respects immediate neighbors in terms of height, setbacks on one side, and privacy. The architectural modifications to the front entry are consistent with the existing architectural style and would continue its orientation to Crawford Drive. However, connecting the existing garage with the proposed addition to the main house would not reinforce prevailing neighborhood home orientation, as it would result in a combined side yard setback that is less than the minimum required. There is not a neighborhood pattern of existing homes with nonconforming combined side yard setbacks, and approval of a Variance could be considered as setting a precedent. -

**Finding not met.**

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## Variance

In order to approve the Variance, all of 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.*

While the new addition area exceeds the minimum setback on one side, attaching the existing nonconforming garage at the same plane results in a combined side yard setback that is less than the minimum required. The lot is rectangular and has the same approximate dimensions as the majority of other lots on the block. Additionally, the lot area of 9,921 sq. ft. exceeds the 6,000 sq. ft. minimum lot size of the zoning district, and the lot width of 75 feet exceeds the 57-foot minimum lot width of the zoning district. Therefore, the lot is not considered unique to the neighborhood or zoning district and does not create a hardship that prevents code requirements from being met.

Staff finds that minor changes to the floor plan layout could accommodate the proposed addition, while meeting the combined side yard setback requirement. Staff does not find that implementing the additional setback on the proposed addition would impact an existing protected tree in the rear yard. The tree is 12 feet away from the rear of the addition and there is 28 feet of area between the addition and existing garage where the addition could be relocated. Alternatively, the proposed addition could maintain a minimum five-foot clearance from the detached garage and a Variance would not be required. The existing protected tree in the rear yard There is not a neighborhood pattern of existing homes with nonconforming combined side yard setbacks -

**Finding not met.**

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 exceeds the minimum four-foot side yard requirement on one side, but would result in a combined side yard setback less than the minimum required because the existing nonconforming garage would be attached to the house. This would 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 because the new area is within setbacks and the existing garage is not expanding in size or changing location. Granting of the Variance would not have an adverse visual impact to the surrounding area. - **Finding met.**

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 granting of the Variance does not serve the intent and purpose of the code to require greater setbacks for wider lots, and the recipient of the Variance may be granted a special privilege not enjoyed by other surrounding property owners within the same zoning district. Code requirements could be met with minor modifications to the floor plan layout or by not attaching the garage to the house. - **Finding not met.**

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Staff is unable to make all the required Variance findings as noted above.

**ALTERNATIVES**

1. Approve the Design Review permit and Variance with recommended Conditions in Attachment 2.
2. Approve the Design Review permit and Variance with modifications.
3. Deny the Design Review permit and Variance.

**RECOMMENDATION**

Alternative 3. Deny the Design Review permit and Variance.

If the Hearing Officer is able to make the required findings and approve the project, staff has included Conditions of Approval in Attachment 2.

Prepared by: George Schroeder, Senior Planner

Approved by: Ryan Kuchenig, Senior Planner

**ATTACHMENTS**

1. Noticing and Vicinity Map
2. Standard Requirements and Recommended Conditions of Approval (if approved)
3. Site and Architectural Plans
4. Applicant's Variance Justifications