



# City of Sunnyvale

## Meeting Minutes

### Zoning Administrator Hearing

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Wednesday, August 30, 2017

3:00 PM

West Conference Room, City Hall, 456 W.  
Olive Ave., Sunnyvale, CA 94086

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#### **CALL TO ORDER**

Gerri Caruso, Principal Planner, called the meeting to order at 3:00 p.m.

#### **PUBLIC HEARINGS**

**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

**Issues:** Setbacks, Neighborhood Compatibility

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

Ms. Caruso asked if George Schroeder, project planner, had any additional updates or comments.

Mr. Schroeder stated there were no updates nor comments from members of the public and proceeded to summarize the project. The design is consistent with the city's development standards except for the combined sideyard setback. The design would result in a nonconforming sideyard setback of 12 feet where 15 feet is required. Staff recommends denial of the variance as there are other alternatives that can be utilized to meet the setback requirements. Changes should be made prior to approval.

Ms. Caruso inquired whether a variance would be needed if the design kept the addition separate to the garage.

Mr. Schroeder stated there would be no need for a variance in that instance. The garage was built under the jurisdiction of the county and the neighborhood was annexed in 2002.

Ms. Caruso opened the hearing to the applicant.

Bob Fuselier, applicant, proceeded to explain why the property is an unusual circumstance. Based on the variance, there are three conditions why the application should be approved. The first is exceptional extraordinary condition, the second the granting of the variance will not be materially detrimental to the public, and third is that the applicant would not gain any privileges than anyone else.

Mr. Fuselier stated the tract was developed in 1949. The garage and house were built in 1956 where the garage was built two feet from the property line when the requirement should be six feet. The county allowed for the building to not follow the tract requirements. In 1998, the county allowed for the construction of the current garage, which includes a bathroom. It does not make sense to take the structure out in order to gain two and a half feet on the other side of the house. Mr. Fuselier stated there would be a significant loss of structure space and money. The other option was to have a breezeway for a 2-story house while another option would affect form and function and impedes a 40 foot tree. The undue hardship deprives the applicant the same privileges the neighbors enjoy. The setback will stay the same and the expansion will not be visible from the street.

Mr. Fuselier stated multiple single family developments have more allowances for setbacks while single family home owners are more restricted. Mr. Fuselier stated code 19.50.020 in the city municipal code negated the need for a variance. The current presented solution is the least impactful for neighbors on both sides and is a benefit, as it will increase the value of the neighborhood. The form and function of the development will be fully utilized as presented. Neighbors were allowed to expand their homes previous to the new setback requirements, which would violate the current standards today.

Lisa Orlando, applicant, stated she does not have the means to tear down the house and start over. She was not aware of the code change until after drawing plans.

Ms. Caruso closed the hearing to the applicant and stated the floor plan was reasonable however the new code increased the setback. The size of the applicants' property makes it difficult to make an argument that other options could not be considered. Ms. Caruso stated she will consider the points made by the applicant carefully, and will take the application under advisement and confer with the planning officer.

Mr. Fuselier stated the nonconforming code would allow to expand without increasing the nonconforming. Ms. Caruso stated the expansion would increase the non-conformity since the building would be longer. Mr. Fuselier stated the plane perspective should be considered, as a one and half foot difference is not adjusting the conformance at that perspective.

Seeing no members of the public in attendance, Ms. Caruso closed the hearing.

ACTION: 8/31/17 Denied - Staff was unable to make the required findings as there were no exceptional or extraordinary circumstances or conditions applicable to the property or use that prevents design of a project that meets Sunnyvale zoning requirements.

**ADJOURNMENT**

Ms. Caruso adjourned the meeting at 3:25 p.m.