

RECOMMENDED FINDINGS

Variance

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 met.***

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 existing detached garage was built at substandard side and rear setbacks, similar to the other detached garages in the neighborhood. The replacement garage would maintain the existing substandard setbacks with a slightly taller structure. The increase in height is necessary to upgrade the structure to current code, and achieves a gable roof design that is in keeping with the main home and neighborhood.

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 met.***

The existing detached garage has been in the current location for over 80 years and has not been materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district, even in its dilapidated state. The new garage would be placed in the same location approximately 73 feet from the front property line, and only the top portion would be readily visible from the public right-of-way due to the proposed side gate on the driveway. There are other accessory structures or garages on the adjacent properties with similar location and setbacks.

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. ***Finding met.***

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.