



# 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.

We are requesting the granting of variance to allow the retention of the compressor for residential AC system to remain in its current location and allow (E) patio trellis support to remain in place.

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 strict interpretation of the ordinance would require the homeowners to remove site and systems elements that have been in place for many years and would, because of the smaller than typical size of the corner lot, require a significantly greater impact on the (E) structure and lot than would be considered normal or reasonable for the remodeling and addition scope the Murphys intend.

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.

#### Columns

- The columns are entirely located on the homeowner property;
- There is no easement being violated;
- The columns are structural and architectural significant;
- The trellis has no impact on the neighboring properties;
- Respect the intent of setback principle outlined in the city's zoning code

#### AC unit

- The AC unit is not visible to the public. It is screened from Margaret Court by the (E) fence;
- The noise production in the AC unit is 66 dBA and at the closest neighbor is less than 50dBA. The Sunnyvale Municipal Code section 19.42.030 states that sound level shall not exceed 50 dBA during nighttime or 60dBA during daytime hours at any point on adjacent residentially zone property;
- It has no impact on public welfare; nor is it injurious to the property nor uses in the vicinity nor district

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.

Granting of variance to allow the existing condition to remain would not grant special privileges to the Murphys, they would simply allow an existing non-conformity to remain. If the homeowners had not decided to add a 2nd floor the status of the trellis posts and the AC unit location would not have arisen.

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