

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 site is located on the northwest corner of West Washington Avenue and Charles Street. The 4,000-square foot lot is half of the minimum lot size requirement of 8,000 square feet for R-2 zoning; and has a lot width of 40 feet, which is half of the minimum lot width requirement of 82 feet for a corner lot. The detached garage was constructed in the rear of the property with a driveway length of 17 feet 5 inches and has provided one uncovered parking space for many decades. The existing driveway cut at Charles Street is approximately 12 feet wide.

The project to convert a portion of the existing detached garage to an accessory dwelling unit requires additional uncovered parking spaces to be secured on site. A new driveway on the Washington Avenue side cannot be created, because the entire front setback is within the 40-foot corner vision triangle, and due to the proximity to the intersection of West Washington Avenue and Charles Street; it is considered unsafe. There is also an existing VTA Bus Stop for Route 53 immediately in front of the subject property.

Due to the substandard lot size, lot width, and circumstances described above, the property owner is deprived of the opportunity to provide a sufficient driveway length of 20 feet.

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 17 foot 5-inch driveway has existed in the current location for many 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 neighbor across Charles Street has a similar lot size, driveway location, and driveway dimensions.

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]

Granting of the Variance would not constitute a special privilege, as the applicant would have the same benefit enjoyed by other neighbors. The neighbor across the Charles Street has a similar lot size, driveway location, and driveway dimensions. Many of the surrounding properties have garages located in the rear of the property.