



City of Sunnyvale

Meeting Minutes

Zoning Administrator Hearing

Wednesday, March 27, 2019

3:00 PM

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

CALL TO ORDER

Ms. Caliva-Lepe, Zoning Administrator, called the meeting to order at 3:04 p.m.

PUBLIC HEARINGS

File #: 2018-8005

Location: 1102 Viscaino Avenue (APN:161-25-016)

Applicant / Owner: Kristel Wickham & Lance Scudder

Proposed Project:

VARIANCE to allow a deck and retractable fabric shade canopy at a setback of 8' from the reducible front property line, where a minimum of 9' is required, and preserve an existing 6'-9" tall shed behind a 6'-1" tall fence within the reducible front yard.

Reason for Permit: A Variance is required to allow a setback of less than 9' and to allow a utility building within the reducible front yard.

Environmental Determination: A Class 1 Categorical Exemption relieves this project from CEQA provisions.

Project Planner: Aastha Vashist, (408) 730-7458,
avashist@sunnyvale.ca.gov

Issues: Setbacks, accessory structure

Recommendation: Approve with conditions

Ms. Caliva-Lepe inquired with Aastha Vashist, project planner, if she had any comments or changes to the staff report.

Ms. Vashist stated she did not have any changes to the report nor did she receive any contact from neighbors.

Ms. Caliva-Lepe inquired with Ms. Vashist if the shed was attached to the house. Mrs. Vashist stated she had verified with the applicant that the shed was not attached but it may appear as attached.

Ms. Caliva-Lepe opened the hearing to the applicants.

Kristal Wickham, applicant, introduced her husband Lance Scudder, and project

designer Leslie Dean. She requested the variance be approved and stated the existing shed is barely visible by the current fence and sees no need for condition of approval PS-1 to further screen the structure.

Ms. Wickham also stated she has agreed to removing the pergola as it is within the vision triangle, however the house itself is within the vision triangle. Cars parked on the street are more of a hazard than the pergola.

Ms. Caliva-Lepe inquired with applicant if the shed is attached to the house. The roof looked as if it was attached to the house and she was not sure if it shared a wall with the house.

Lance Scudder, applicant, stated the shed is not attached to the house but abuts the house. There is no wall facing the house, so the shed is not sealed. The roof tile abuts the house but does not physically attach to the house. The shed is attached to the fence so the fence is structurally important to the shed but not the house.

Ms. Caliva-Lepe inquired what supports the roof of the shed.

Mr. Scudder stated there are internal posts in the shed, which is the load bearing support for the roof.

Ms. Caliva-Lepe inquired if the applicant wanted to ask staff to allow for them to keep the pergola.

Ms. Wickham stated she was not expecting to keep the pergola, but wanted to make a statement about parked cars blocking the view at the corner of the street.

Ms. Caliva-Lepe stated the project was not advertised with the pergola and that a separate application would be required.

Ms. Caliva-Lepe inquired with Ms. Vashist about the findings regarding the reducible front yard. She inquired if that has been discussed with the Attorney's Office if a variance is the right permit to review something that is prohibited in the city code.

Ms. Vashist stated it has been discussed internally but staff did not discuss with the City Attorney.

Ms. Caliva-Lepe opened the hearing to the public.

Mr. Scudder stated there are two walls perpendicular to the fence. There are no walls facing the fence and the house.

Ms. Caliva-Lepe closed the hearing to the public.

Ms. Caliva-Lepe stated she will take the item under advisement. The findings for the deck and the canopy over the deck can be met. The second set of findings for the shed will need to be explored further with the City Attorney's office to see if the variance is the right permit to consider the shed as the code prohibits sheds within the reducible front yard.

Ms. Caliva-Lepe also asked for the applicant to schedule time to take pictures of the structure so she can get a better understanding of how it was constructed.

On March 28, 2019, the Zoning Administrator has determined the following:

ACTION: Approved the variance for the deck and canopy. Denied the variance for the existing storage due to inability to make the first and third variance finding that there are unique conditions of the property and that approval would not constitute a special privilege.

File #: 2019-7009

Location: 544 Cheyenne Drive (APN: 323-29-004)

Applicant / Owner: Landcon Inc.(Applicant) / Rita And George Tharakan (Owner)

Proposed Project:

USE PERMIT to allow an 8' tall front yard fence.

Reason for Permit: A Use Permit is required for fences over 6' high in a front yard.

Environmental Determination: A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA).

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Compatibility with the neighborhood

Recommendation: Approve with conditions

Ms. Caliva-Lepe inquired with Aastha Vashist, project planner, if she had any comments or changes to the staff report.

Ms. Vashist stated she received a letter from a neighbor in favor of the project.

There were no changes to the staff report nor were there any further comments from the public.

Ms. Caliva-Lepe opened the hearing to the applicant.

Bruce Hamilton, applicant, introduced himself and stated the extension of the fence would provide the applicant the advantage of additional space in the backyard.

Ms. Caliva-Lepe stated that the arbor feature by definition is considered an open garden feature. Given this definition, Ms. Caliva-Lepe inquired if Ms. Vashist can still make the findings listed in pages 2 and 3 of the staff report.

Ms. Vashist stated the findings can be met.

Ms. Caliva-Lepe opened the hearing to the public. Seeing no members of the public in attendance, Ms. Caliva-Lepe closed the hearing to the public and inquired if the applicant had any additional comments to make.

Mr. Hamilton thanked Ms. Vashist for her help on the project and inquired with Ms. Vashist if he needed to provide any samples of the materials.

Ms. Vashist stated that if he is matching the original material, there is no need to show staff but should provide a picture if he is using new material.

Mr. Hamilton stated he plans to match the old material.

Ms. Caliva-Lepe commented she is able to make the findings in the staff report with the additional comment to finding 1 in that the arbor, an open garden feature, does comply with the setbacks and height restrictions as noted in the code.

Ms. Caliva-Lepe closed the public hearing.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

ADJOURNMENT

Ms. Caliva-Lepe adjourned the hearing at 3:20 p.m.