



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0366, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

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

PROJECT DESCRIPTION

Zoning District:	R-0	Existing	<i>6'-9" tall shed behind 6'-1" tall fence in the reducible front yard. Existing deck in the rear yard was demolished in 2018.</i>
Setback:	<i>8'-0" setback of the deck and shading canopy from reducible front yard. Zero setback of the shed from reducible front yard.</i>	Proposed	<i>Preserve the existing shed and add a four feet high deck with a retractable shading canopy at 8' setback from the reducible front yard.</i>

Previous Planning Projects related to Subject Application:	No
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements <i>The applicant is requesting the deck and shading canopy to be setback 8'-0" from the reducible front property line, where 9'-0" is the minimum required. The existing 6'-9" tall shed is requested to be preserved, where a utility building is not allowed within reducible front yards.</i>	Yes

The applicant requests a Variance for the addition of a 4' high deck and 13' high shade canopy in the rear yard at 8' setback from the reducible front property line, where a minimum of 9' setback is required per SMC Section 19.040.40. The original 55-year-old deck and pergola were in poor condition and demolished in 2018.

The applicant also requests a Variance to preserve an existing 6'-9" tall shed located behind the 6'-1" tall reducible front yard fence at the property line. Per SMC Table 19.40.040, utility buildings are not allowed within reducible front yards. As measured from the top of adjacent curb, the height of the shed 8'-1" and height of fence is 7'-5."

See Attachment 1 for the Vicinity and Noticing Map and Attachment 2 for the Project Data Table.

Site Layout and Architecture

The proposal lies on a corner lot located within a residential neighborhood north of West El Camino Real, between South Mary Avenue and Bernardo Avenue. The surrounding uses are single-family residences to the west, east, and north, and multi-family residential to the south. The south side of the block is zoned R-3 (Medium Density Residential), while the north side is zoned R-0 (Low Density Residential).

Many of these homes include decks, as noted by the applicant in Attachment 5. Several corner homes have detached accessory structures within the reducible front yard, behind the fences. The project site is currently developed with a 1,922-square foot two-story, single-family home and a 460-square foot two-car attached garage. The home has a split level and requires the deck to allow access to the rear yard (see Attachment 4). The addition is designed to retain the original deck and pergola, which was demolished in 2018. The applicant proposes a retractable fabric that will allow shade from the rain and sun.

The applicant wants to retain the existing 100-square foot, 6'-9" tall utility building in the reducible front yard. The height of the structure is 6'-1" at the property line and slopes up to 6'-9" height towards the main house. The structure is located between the main house and 6'-1" tall reducible front yard fence. It is not visible from the street as the height of the structure at the property line is the same as that of the fence.

The applicant also proposes to demolish the existing 7'-8" tall open garden feature within the corner vision triangle as part of this application (See Condition GC-6 in Attachment 3).

Applicant's Variance Justifications

The applicant has provided justifications and photos to support the Variance requests (see Attachment 5). The following is a summary of the justifications:

- The original deck and shading structure had non-conforming reducible front yard setbacks, and the addition would not further encroach.
- Strict application of the 9-foot setback will result in a deck and railing to be positioned in the middle of the dining room window, which is not desirable.
- The 100-square foot shed is located behind the reducible front yard fence and not visible from the street.
- The Variance request does not harm or negatively impact the public or neighbors and will not grant the owners special privileges. The project would result in a layout that is similar to others in the neighborhood.

Public Contact

361 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

Environmental Determination

A Class 1 Categorical Exemption relieves this project from CEQA provisions. Class 1 consists of minor alterations to existing structures, including additions that will not result in an increase of more than 50 percent of the existing floor area, or 2,500 square feet, whichever is less.

FINDINGS

In order to approve the Variance request for allowing 8' setback for deck and pergola, where 9' is the minimum required from the reducible front yard property line, 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 of privileges enjoyed by other properties in the vicinity and within the same zoning district; **Finding met***

Although the lot width and area of these properties are considered substandard by current code standards, the lot size and shape of the project site are similar to others in the neighborhood. The existing house and original deck were built with a reducible front yard setback of 8 feet, which is similar to the setback pattern of the corner homes in the neighborhood. The strict application of the setback standard would deprive the property owner from having a functional deck, which is required to allow access from the split-level house to the rear yard. The requested Variance will allow the applicant to improve the functionality of the deck without extending past the existing front wall line. The proposed deck and pergola is attractive in design, and is consistent with the architectural style of the home.

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 addition of deck and pergola would not be detrimental to the public welfare or injurious to the property/neighborhood, since it is consistent with the predominant neighborhood front setback pattern, and would not extend past the existing wall line of the main house, which has been in place for 55 years. The addition exceeds the required setback from the rear and side property lines, and will have no privacy impact on the adjacent neighbor. The addition, in line with the existing wall line, would also not be detrimental to the public welfare or injurious to the property/neighborhood, since it is similar to other structures in the neighborhood with less than 9-foot 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***

The intent of the reducible front yard setback requirement is to provide sufficient light, air, and visual clearance when viewed from the street and neighboring properties. The proposed addition encroaches approximately eight square feet into the reducible front yard setback. The addition would not go beyond the existing front wall line of the main house that constitutes the main mass and bulk when viewed from both streets and neighboring properties. Granting of the Variance would not constitute a special privilege, as the addition would meet the same setback as existing homes in the neighborhood.

In order to approve the Variance request for the utility building within the reducible front yard, 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 of privileges enjoyed by other properties in the vicinity and within the same zoning district; **Finding met***

Several corner lots within the neighborhood have detached accessory structures within the reducible front yard. The height of the shed from the finished grade is less than 8', which does not require setback from the property line in the side and rear yard. The strict application of the ordinance will deprive the property owner of privileges enjoyed by other properties in vicinity and within same zoning district. Staff recommends extension of the existing reducible front yard fence to eight feet (as measured from the top of the curb) to further screen the shed from the adjoining street (Condition PS -1, Attachment 3).

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 shed would not be detrimental to the public welfare or injurious to the property/neighborhood since it is consistent with the predominant neighborhood front setback pattern, and located behind the 6'-1" tall fence. The shed has no visual impact on the adjacent

neighbor as it is not visible from the street.

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***

The intent of the reducible front yard setback requirement is to provide sufficient light, air, and visual clearance when viewed from the street and neighboring properties. The shed is not visible when viewed from the streets and neighboring properties. The shed is located adjacent to the house and appears as part of the main structure. Granting of the Variances would not constitute a special privilege, as it is similar to other corner lots.

ALTERNATIVES

1. Approve the Variance Permit with recommended Conditions in Attachment 2.
2. Approve the Variance Permit with modifications.
3. Deny the Variance Permit.

RECOMMENDATION

Alternative 1. Approve the Variance Permit with recommended Conditions in Attachment 2.

Prepared by: Aastha Vashist, Associate Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Standard Requirements and Recommended Conditions of Approval
4. Site and Architectural Plans
5. Variance Justification by the Applicant