

**AGENDA
TOWN OF SUNNYVALE
BOARD OF ADJUSTMENT
TUESDAY, SEPTEMBER 6, 2016
TOWN HALL – 127 N. COLLINS RD.
7:00 P.M.**

CALL MEETING TO ORDER

Chairperson calls the Meeting to order, state the date and time. State Members present and declare a quorum present.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:

1. MEETING OF JULY 5, 2016.

PUBLIC HEARINGS

Open or continue public hearing, consider testimony and other information provided, close public hearing, and take necessary action with respect to the following applications:

- 2. APPLICANT: TUYEN PHAN / GINA NGUYEN
AT OR ABOUT: 114 BARNES BRIDGE ROAD
REQUEST: VARIANCE FROM SECTION 3.7 AREA STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS, CHART 3.2 AREA STANDARDS FOR RESIDENTIAL LOTS TO REDUCE THE REQUIRED REAR YARD SETBACK AND SIDE YARD SETBACK AND A VARIANCE TO EXPAND A NON CONFORMING STRUCTURE.**

ADJOURN

THE SUNNYVALE BOARD OF ADJUSTMENTS RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.086 (ECONOMIC DEVELOPMENT).

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS IN-ADVANCE OF THE MEETING.

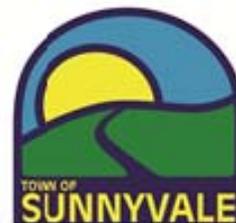
THE FOREGOING NOTICE WAS POSTED IN THE FOLLOWING LOCATIONS:

SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE

**I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON
SEPTEMBER 2, 2016, IN THE FOLLOWING LOCATION AND REMAINED SO
POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEEDING THE
SCHEDULED TIME OF SAID MEETING:**

TOWN HALL AT 127 N. COLLINS ROAD

LESLIE BLACK, TOWN SECRETARY



**MINUTES
TOWN OF SUNNYVALE
BOARD OF ADJUSTMENT
TOWN HALL CHAMBERS
JULY 5, 2016
7:00 P.M.**

CHAIRPERSON	RICKY HOFFMAN
MEMBER	JOHN NOSTER
MEMBER	KATHY KANE
MEMBER	JAMES GOLDER
MEMBER	JIM NEEL - ABSENT
ALTERNATE MEMBER	DIANE TURNER - ABSENT
ALTERNATE MEMBER	AUSTEN IRROBALI - ABSENT

CALL MEETING TO ORDER

Chairperson Hoffman called the meeting to order at 7:04 p.m.

1. CONSIDER APPROVAL OF THE MINUTES FOR THE SPECIAL MEETING OF MAY 24, 2016.

Member Golder made a motion, seconded by Member Noster, to approve the minutes. Chairman Hoffman called for a vote, and with all members voting affirmative, the motion passed unanimously.

**2. APPLICANT: DEAN ZIMMERMAN
AT OR ABOUT: 584-586 N. COLLINS ROAD
REQUEST: VARIANCE FROM SECTION 3.7 AREA STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS, CHART 3.2 AREA STANDARDS FOR RESIDENTIAL LOTS TO REDUCE THE REQUIRED LOT WIDTH AND TO REDUCE A REQUIRED SIDE YARD SETBACK**

Director Jackson presented the request.

The applicant is the owner of 2 residential lots located at 584 North Collins and 586 North Collins. The property is zoned within a SF-2 Single Family Residential District. The minimum lot size for the SF-2 District is one (1) acre. The minimum lot width for a property within this district is 250' and the lot depth shall be greater than the width. The applicant proposes to replat the property with the intent to create a 1 acre lot (584 N. Collins) and a 4.38 acre lot (586 N. Collins). As it exists now, the two lots are currently platted as two 2.71 acre lots.

The proposed replat will require a variance for the lot width of the proposed 4.38 acre lot (586 N. Collins). A lot larger than 2 acres requires a minimum lot width of 250'. Staff notes the both lots were initially platted with lot widths of approximately 183' which is less than the required 250' minimum for 2 acre lots.

The proposed replat will also require a side yard setback variance for the home located at 586 N. Collins. The existing home was constructed too close to the side property line, so consequently a variance will be required to allow for a 39' side yard setback.

Dean Zimmerman, 586 N. Collins Road, Sunnyvale Texas, spoke on behalf of the request. He provided background and noted the reasoning for his variance request.

Member Noster asked if the proposed 1 acre lot would be sold.

Mr. Zimmerman stated that they planned to sell the 1 acre lot and live in the neighboring home.

Board member Golder spoke. He questioned if the existing lot width for the properties met the development standards at the time of the original plat.

Director Jackson stated that he believed that the lots were developed in accordance with the development standards at the time they were originally platted.

Public Hearing – Open

No one present

Public Hearing – Closed

Member Golder noted that he did not see a hardship in the variance request.

Director Jackson noted that there wasn't an overall hardship but he noted the applicants request would resolve an existing property line issue.

Discussion was had amongst the Board members with regard to possible alternate solutions and variance hardship criteria.

Member Kane made a motion, seconded by Member Noster, to approve the variance request. Chairperson Hoffman called for a vote, the motion failed 3-1.

ADJOURN

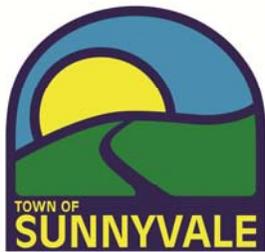
Chairman Hoffman adjourned the meeting at 7:35 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Chairman Ricky Hoffman

ATTEST:

Leslie Black, Town Secretary



Town of Sunnyvale

Board of Adjustments

September 6, 2016

Prepared By: Rashad Jackson, AICP
 Director of Development Services

Summary:

APPLICANT: TUYEN PHAN / GINA NGUYEN
AT OR ABOUT: 114 BARNES BRIDGE ROAD
REQUEST: VARIANCE FROM SECTION 3.7 AREA STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS, CHART 3.2 AREA STANDARDS FOR RESIDENTIAL LOTS TO REDUCE THE REQUIRED REAR YARD SETBACK AND SIDE YARD SETBACK AND A VARIANCE TO EXPAND A NON CONFORMING STRUCTURE.

Background:

The applicant is the representative of a residential property located at 114 Barnes Bridge Road. The property is zoned within a SF-3 Single Family Residential District. The current minimum lot size for the SF-3 District is one (1) acre. The existing lot does not conform to the current development standards of our zoning ordinance; therefore the lot and the structure are legally non-conforming. The applicant proposes to expand the residential structure with a proposed 536 sq. ft. addition at the rear of the residence. Section 27.5 of the zoning ordinance sets limitations on the expansion of legally non-conforming structures. In order to expand, the applicant must request a variance from the noted limitations.

The applicant has also requested a variance from the required rear and side setback requirement. If the structure is added on to, the residence would not meet the minimum setback requirements for a 15,000 sq.ft. lot. The setback requirement and proposed setbacks are noted below.

	Lot Width	Front Setback	Side Setback	Rear Setback
Required setback for 14,000-19,999 square feet lots	100 feet	50 feet	20 feet	30 feet
114 Barnes Bridge	96 feet	50 feet	10 feet (existing) 8 feet 3 inches (proposed)	30 - 32 feet (existing) 22 feet 5 inches (proposed)

Zoning Ordinance – Variance Standards

Chapter 26 Variance Procedures of the Zoning Ordinance establishes the standards for approval of a variance. The Board of Adjustments shall not approve a variance unless it finds that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. The following factors are to be taken into consideration when reviewing a variance request:

1. That there are special circumstances or conditions applicable to the property referred to in the application which does not prevail on other property in that zone.
The existing lot is an existing developed residential lot. The applicant does not have the opportunity to acquire additional lot width from the side or rear.
2. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights.
Strict application of the regulations may result in an unnecessary hardship. The residential structure was built on a lot which is constrained by boundaries which are less than what would typically be required for such a lot. The property could still be used for the intended use but future expansion of the residence (1st floor only) would not be possible without a variance.
3. That the granting of such application will not materially affect the health and safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
The granting of the variances does not appear to affect the health and safety of persons residing in or working in the area nor does it appear to be detrimental to the public welfare.
4. That substantial conformity to standards primarily established in the zone may be secured.
The applicant is requesting variances to the rear and a side setback requirements. It would appear that all other standards would be adhered to within this zoning district and on this property.
5. That detriment of injury to the neighborhood will not result from the granting of a variance as applied for.
There does not appear to be detriment of injury to the neighborhood should the variances be granted.
6. That substantial conformity to standards previously established in the zone may be secured and that detriment of injury to the neighborhood will not result from the granting of a variance as applied for.
Please see #5 above, as a similar answer would apply in this instance.

Public Notice

Notice was published within the Town's Official Newspaper on Wednesday, August 17th. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Thirty-four (34) letters were sent out. As of the writing of this staff memo, one letter had been returned in favor of the request.

Staff Recommendation

Comments have been provided within underlined italics within the Zoning Ordinance – Variance Standards portion of this memo. Should the Board of Adjustments choose to approve the variance request, the following conditions should be considered:

1. The applicant will need to submit a complete building permit application for the development of the property to be reviewed through the appropriate Town processes.

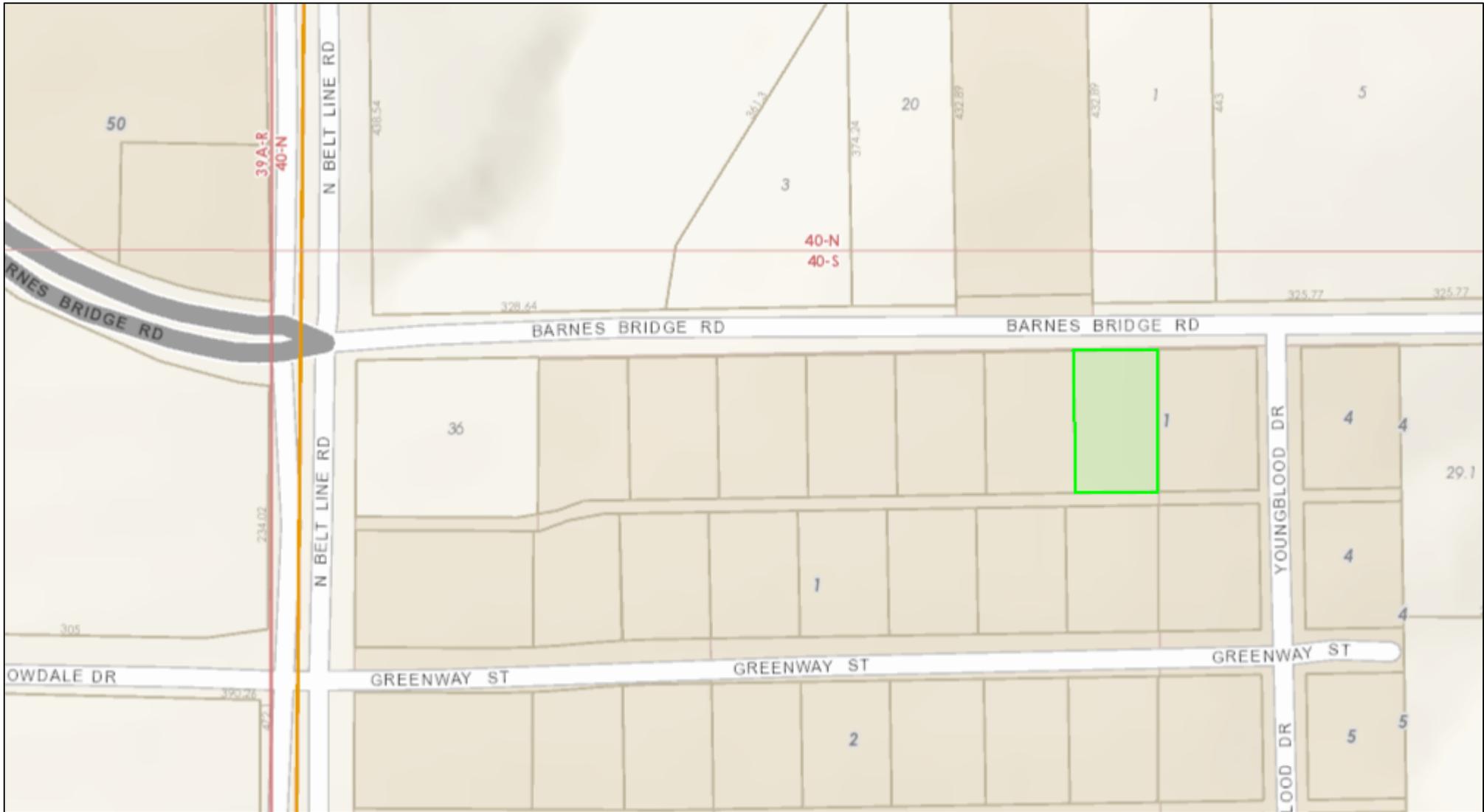
Attachments

- Location Map
- Chart 3.2 Area Standards for Residential Lots from the Zoning Ordinance
- Exhibits
- Notice Letter

114 Barnes Bridge

DCAD ID: 52004500010080100

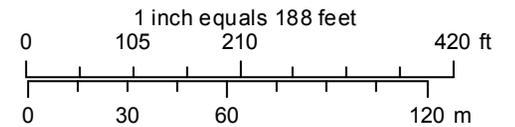
Date of copy: 8/24/2016



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Dallas Central Appraisal District
2949 N Stemmons Freeway
Dallas, TX 75247-6195
(214) 631-1342
www.dallascad.org

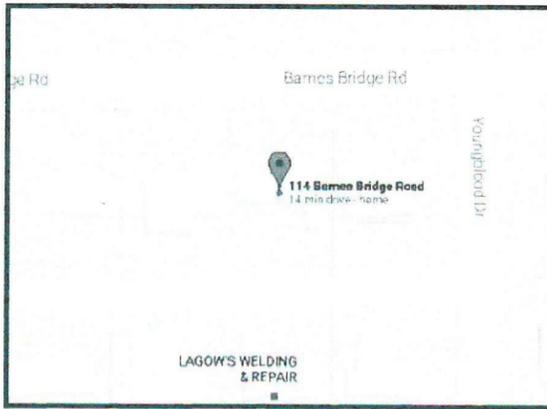


DCAD, NCTCOG, USGS, Esri, Inc

**Chart 3.2
Area Standards for Residential Lots**

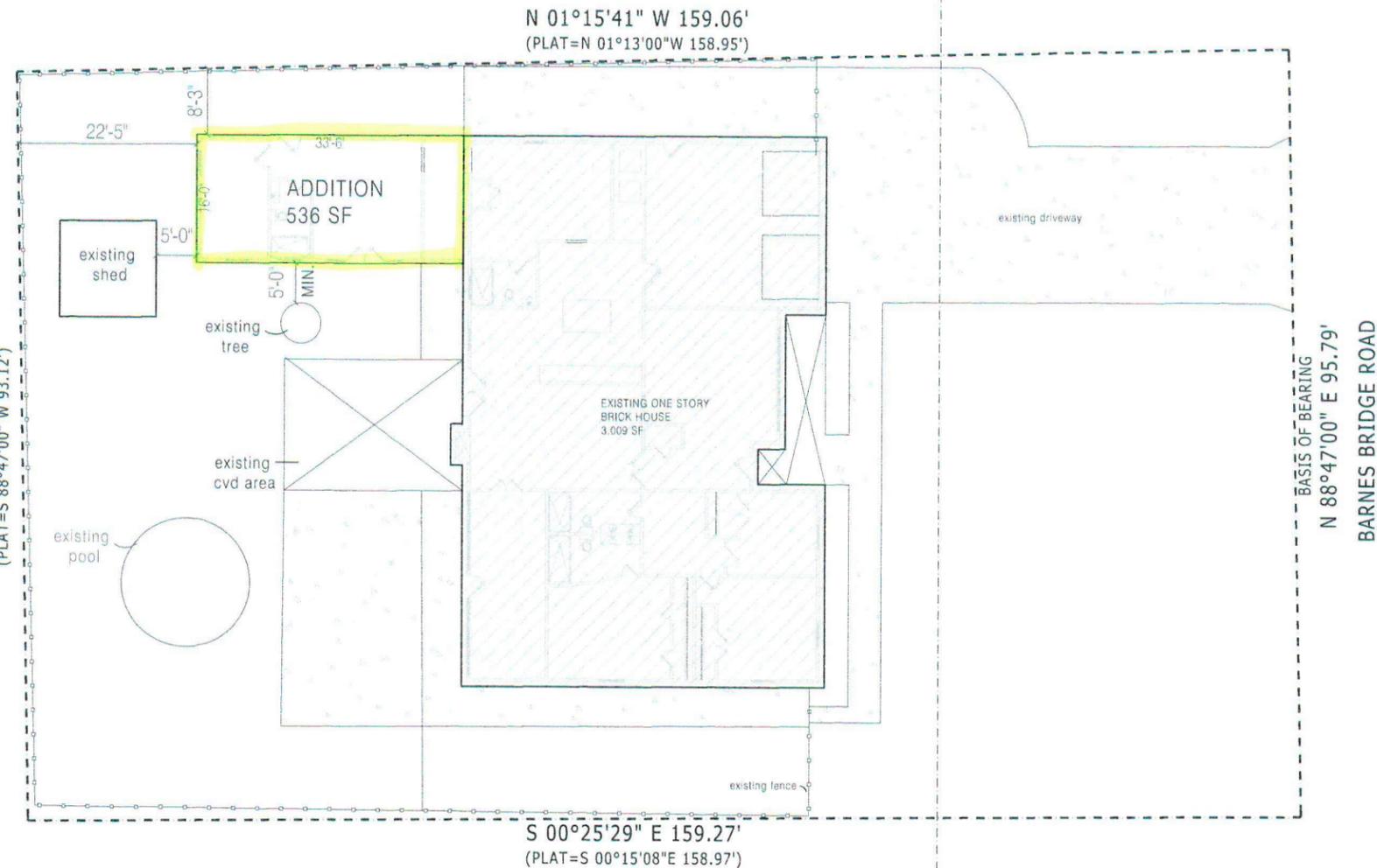
Lot Size	Width ¹	Front Yard Setback	Side Yard Setback ²	Rear Yard Setback
2 acres and over	250 feet	80 Feet	50 feet	120 feet
1.5 to 1.99 acres	200 feet	80 feet	40 feet	100 feet
1 acre-1.49 acres	170 feet	70 feet	30 feet	80 feet
35,000-43,559 square feet	150 feet	60 feet	30 feet	60 feet
20,000-34,999 square feet	120 feet	60 feet	20 feet	40 feet
14,000-19,999 square feet	100 feet	50 feet	20 feet	30 feet
12,000-13,999 square feet	100 feet	40 feet	15 feet	30 feet
10,000-11,999 square feet	100 feet	30 feet	15 feet	20 feet
7,000-9,999 square feet	70 feet	25 feet	10 feet	20 feet
4,500-6,999 square feet	50 feet	25 feet	5 feet	20 feet

1. For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line.
2. When adjacent to a side street, the side yard setback of a corner lot shall not be less than the following, whichever is greater: (a) 150 % of the side yard setback shown; or (b) the front yard set back of any adjacent lot located within 20 feet of the rear lot line of the corner lot, where the front yard of the adjacent lot faces in the same general direction as the side yard of the corner lot.



VICINITY MAP
N.T.S

SQUARE FOOTAGE	
EXG AREA	3,009
PROPOSED ADDITION AREA	536 SF
LOT SIZE	15,542 SF
LOT COVERAGE	22.8%



1 SITE PLAN
Scale: 1"=20'



FLOOR PLAN NOTES:

- ALL STRUCTURAL INFORMATION SHOWN FOR REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE LICENSED STRUCTURAL ENGINEER REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS SUCH AS ALL FRAMING WALLS, BEAMS, CONNECTION, HEADERS, JOIST AND RAFTERS.
- ALL DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUDS UNLESS NOTED OTHERWISE.
- WINDOW SIZES INDICATED ON PLANS ARE NOTED BY APPROXIMATE ROUGH OPENING SIZE, REFER TO PLANS AND EXTERIOR ELEVATIONS FOR WINDOW TYPES.
- COORDINATE LOCATION OF UTILITY METERS WITH SITE PLAN AND LOCATE AWAY FROM PUBLIC VIEW. VISUAL IMPACT SHALL BE MINIMIZED, I.E. MOUNT AS LOW AS POSSIBLE.
- CONTRACTOR SHALL COORDINATE ALL CLOSET SHELVING REQUIREMENTS.
- DO NOT SCALE DRAWINGS, FOLLOW DIMENSIONS ONLY.
- CONTRACTOR SHALL FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION.
- BEDROOM WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQ.FT. A MINIMUM NET CLEAR OPENABLE WIDTH OF 20", A MINIMUM NET CLEAR OPENABLE HEIGHT OF 24" AND HAVE A MAXIMUM FINISH SILL HEIGHT OF 43" FROM FINISH FLOOR.
- ALL GLASS LOCATED WITHIN 18" OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 60" OF FLOOR AT BATHTUBS, WHIRLPOOLS, SHOWERS, SAUNAS, STEAM ROOMS OR HOT TUBS SHALL BE TEMPERED.
- ALL EXPOSED INSULATION SHALL HAVE A FLAME SPREAD RATING OF LESS THAN 25 AND A SMOKE DENSITY RATING OF LESS THAN 450.
- PROVIDE COMBUSTION AIR VENTS, WITH SCREEN AND BACK DAMPER, FOR FIREPLACES, WOOD STOVES AND ANY APPLIANCE WITH AN OPEN FLAME.
- BATHROOMS AND UTILITY ROOMS SHALL BE VENTED TO THE OUTSIDE WITH A MINIMUM OF A 90 CFM FAN. RANGE HOODS SHALL ALSO BE VENTED TO OUTSIDE.
- ATTIC HVAC UNITS SHALL BE LOCATED WITHIN 20" OF ITS SERVICE OPENING. RETURN AIR GRILLES SHALL NOT BE LOCATED WITHIN 10 FEET OF A GAS FIRED APPLIANCE.
- ALL WALLS AND CEILINGS IN GARAGE AND GARAGE STORAGE AREAS TO HAVE 5/8" TYPE-X GYP. BOARD W/ 1-HOUR FIRE RATING. ALL EXT. DOORS IN GARAGE TO BE METAL OR SOLID CORE DOORS INCLUDING DOORS ENTERING HEAT/COOLED PORTION OF RESIDENCE.
- ALL FIREPLACE CHASE WALLS SHALL BE INSULATED INSIDE AND OUTSIDE. PROVIDE HORIZONTAL 'DRAFT STOPS' AT EACH FLOOR LEVEL BY PACKING 6" (R-19) INSULATION BETWEEN 2x4 JOISTS.
- ALL INTERIOR WALLS SHALL BE COVERED WITH 1/2" GYPSUM BOARD, WITH METAL CORNER REINFORCING. TAPE FLOAT AND SAND. (3 COATS) USE 5/8" GYPSUM BOARD ON CEILING WHEN SUPPORTING MEMBERS ARE 24" O.C. OR GREATER USE 1/2" GYP. BOARD ON CEILING MEMBERS LESS THAN 24" O.C.
- ALL BATH AND TOILET AREA WALLS AND CEILINGS SHALL HAVE WATER RESISTANT GYPSUM BOARD.



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project name and owner:
ADDITION FOR MR. NGUYEN
114 Barnes Bridge Rd
Sunnyvale, TX 75182
DAL-VIEW 4TH INST
BLK 1 LOT 8A

job no: 4134

issue date: 8/9/16

drawn by: AGY

checked by: AV

issued for:

sheet title:
SITE PLAN

sheet no.:

1



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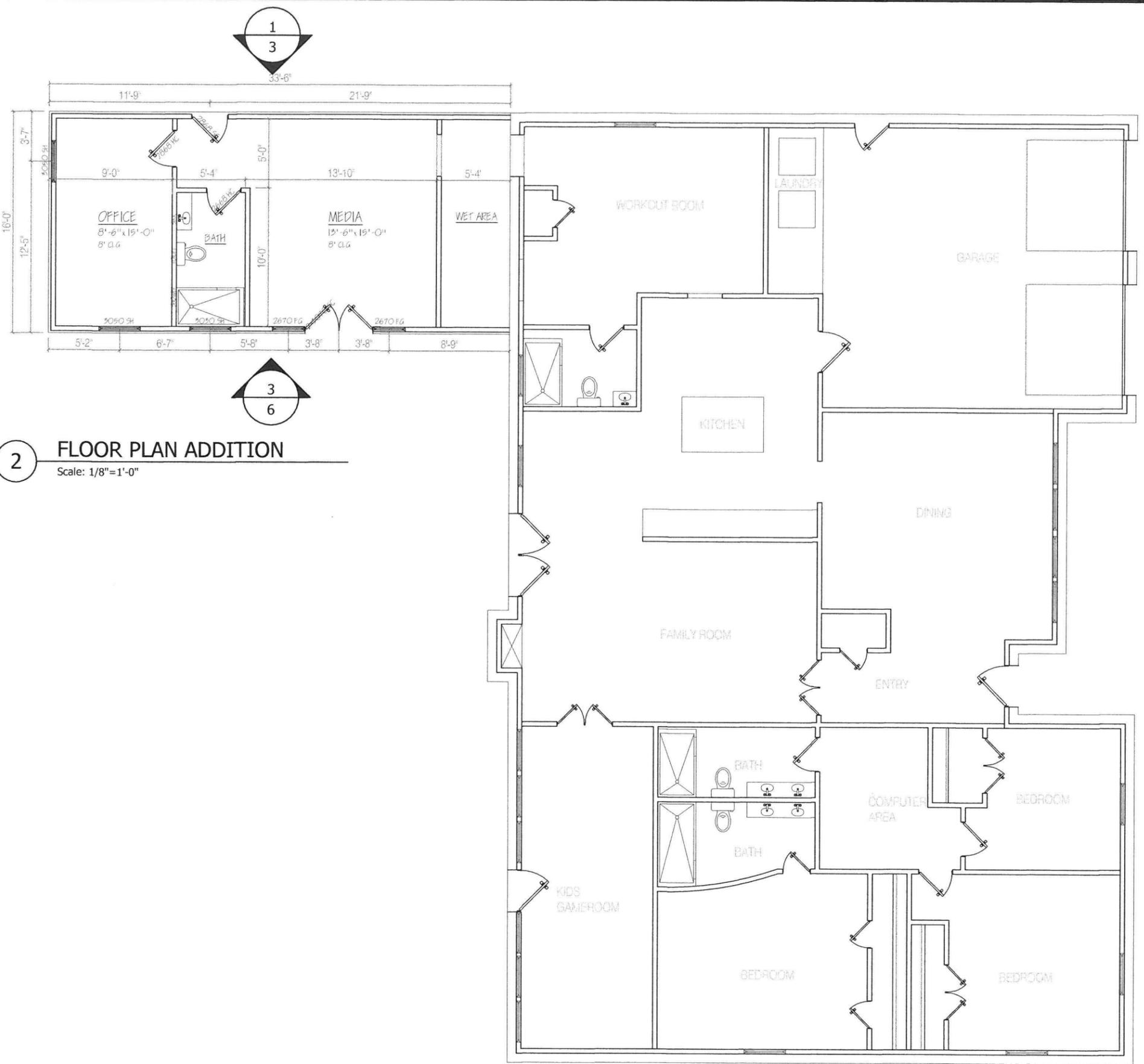
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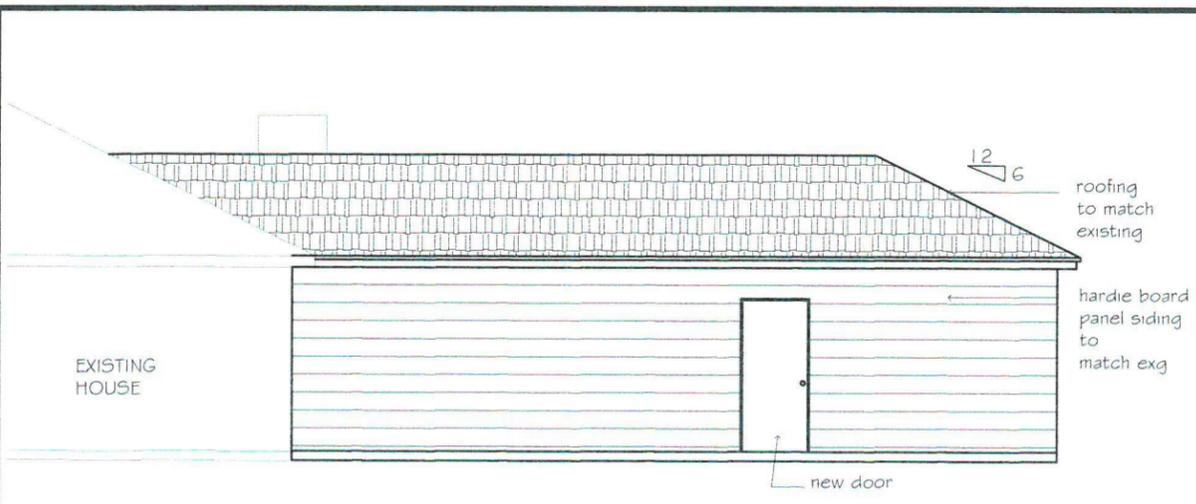
issued for:

sheet title:
 FLOOR PLAN

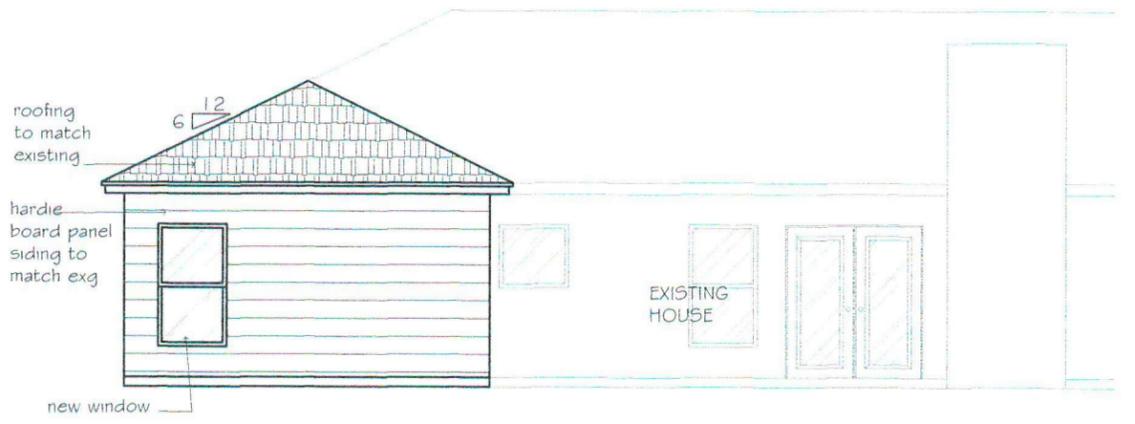
sheet no.:
2



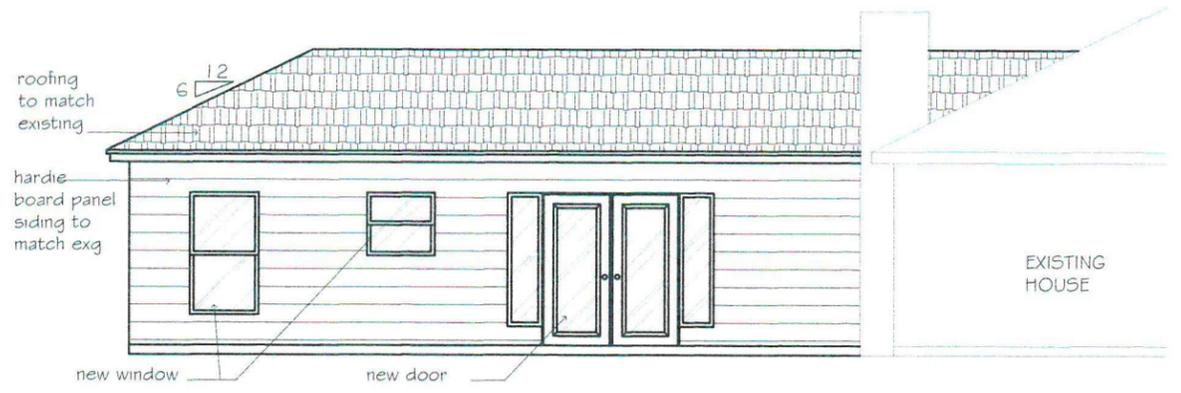
2 FLOOR PLAN ADDITION
 Scale: 1/8"=1'-0"



1 RIGHT VIEW ELEVATION
Scale: 1/8"=1'-0"



2 REAR VIEW ELEVATION
Scale: 1/8"=1'-0"



3 LEFT VIEW ELEVATION
Scale: 1/8"=1'-0"



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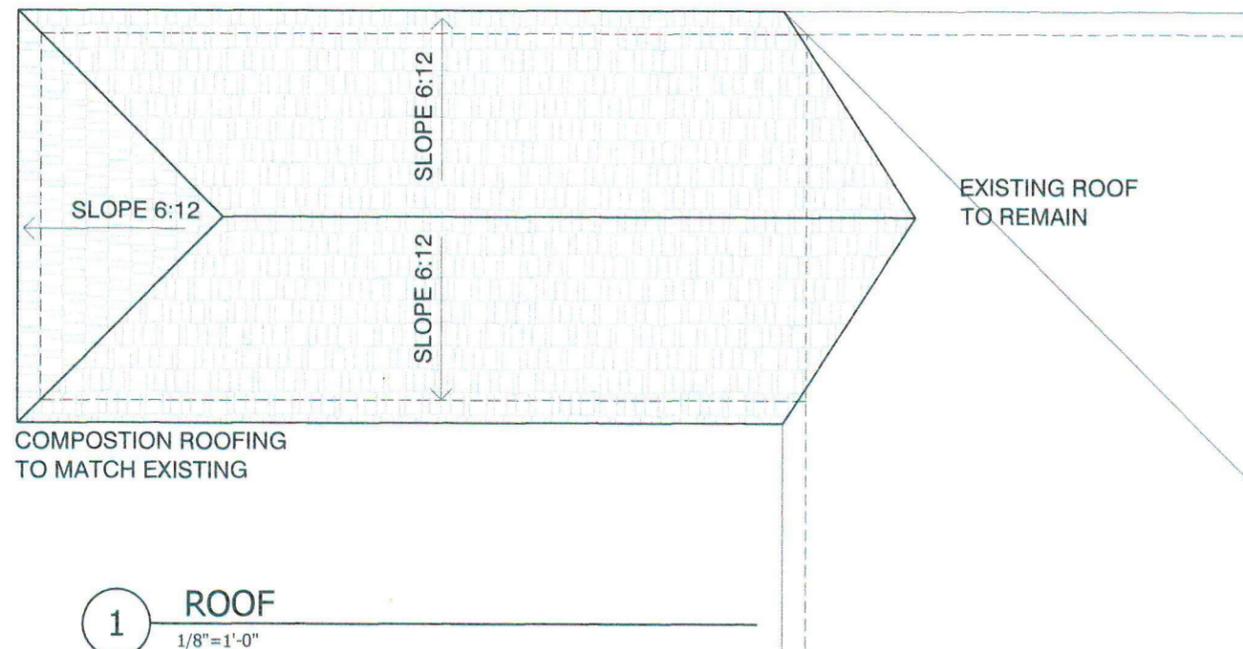
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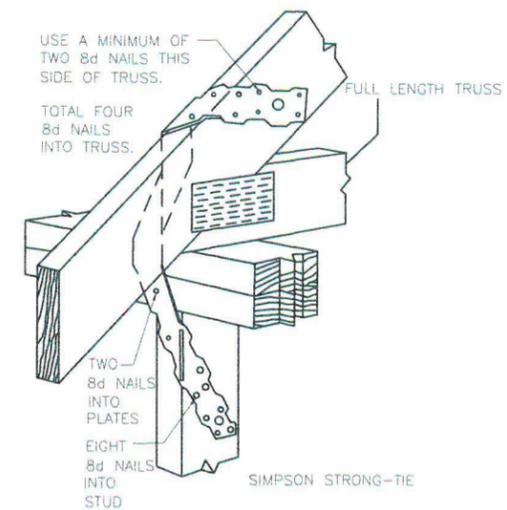
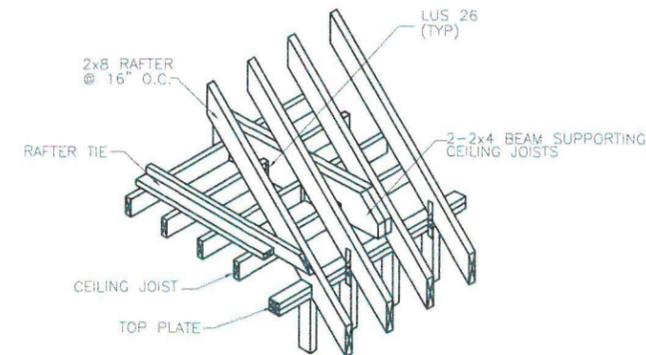
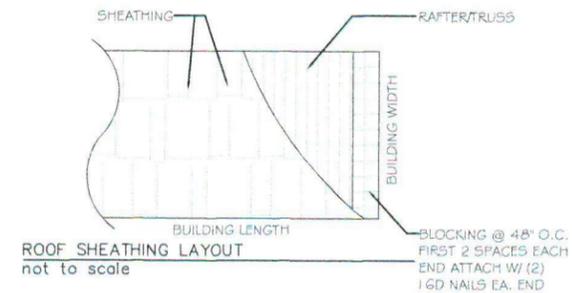
issued for:

sheet title:
ELEVATIONS

sheet no.:
6



1 ROOF
1/8" = 1'-0"



ROOF VENTING NOTES:

PROVIDE ADEQUATE VENTING FOR ATTIC USING A COMBINATION OF CONTINUOUS SOFFIT VENTING AND EITHER CONTINUOUS RIDGE VENTS AT ALL ROOF RIDGES OR VENT TILES TO COORDINATE WITH ROOF TILES. OWNER TO MAKE FINAL DECISION. IF VENT TILES ARE SELECTED, THEY SHALL BE LOCATED ON THE UPPER 1/3 OF THE ROOF AND INSTALLED ON THE ROOF PLANES NOT VISIBLE FROM THE MAIN ENTRY DRIVE. REFER TO ROOF TILE MANUFACTURER SPECIFICATIONS FOR ANY ADDITIONAL VENTING NOTES OR REQUIREMENTS.



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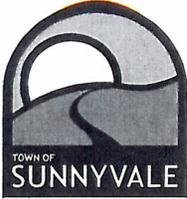
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job no: 4134
issue date: 8/8/16
drawn by: ACY
checked by: AV

issued for:

sheet title:
ROOF

sheet no.:
5



**Notice of Application for Variance
Town of Sunnyvale
Board of Adjustment**

The Town of Sunnyvale has received a request from Tuyen Phan, for a Variance from Section 3.7 Area Standards for Detached Single-Family Dwellings, Chart 3.2 Area Standard for Residential Lots to reduce the required rear & side setback to expand a legally non-conforming residential structure on property located at or about 114 Barnes Bridge Road. The location of the property is shown on the attached exhibit.

The Board of Adjustment will hear this application on Tuesday, September 6, 2016. The hearing will be conducted in open session at Town Hall, 127 N Collins Rd at 7:00 p.m. If you have comments regarding this application, you may present them in person at the meeting or may submit written comments at any time on or before this meeting. If you wish to submit a written response, please complete and return this notice as soon as possible.

The variance application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact Rashad Jackson, Director of Development Services at (972) 203-4103 or rashad.jackson@townofsunnyvale.org.

- I am in favor of granting the variances.
 I am opposed to granting the variances.

Explanation: *I highly approve the request of the Phan family. They are enjoyable next door neighbors to my older sister and me. I would not want to lose them.*

Signature: *Roseleen Davidson*
Printed Name: *Roseleen Davidson*
Address: *112 Barnes Bridge Rd*
Date: *8/28/16*