



**AGENDA
TOWN OF SUNNYVALE
BOARD OF ADJUSTMENT
MONDAY, NOVEMBER 7, 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 SEPTEMBER 6, 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: JOY KOSHY – ATRIUM FINE HOMES, LLC
AT OR ABOUT: 508 E. TRIPP ROAD
REQUEST: VARIANCE TO EXCEED THE HEIGHT REQUIREMENTS
FOR AN ACCESSORY STRUCTURE**

DISCUSSION / WORKSHOP

- 3. NEW MEMBER AND BOARD REVIEW PRESENTATION BY DAVID DODD,
TOWN ATTORNEY.**

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 NOVEMBER 4, 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
SEPTEMBER 6, 2016
7:00 P.M.**



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

CALL MEETING TO ORDER

Chairperson Hoffman called the meeting to order at 7:00 p.m.

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

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

**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.**

Director Jackson presented the request.

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.

Member Golder asked if the current 14,000-19,000 square foot lot standards applied to the home.

Director Jackson stated yes.

Member Golder stated that the home was close to the standard requirements for the width but it was pretty far off for the side setback requirements

Chairman Hoffman verified the orientation of the existing home and noted the current rear setback requirements for the home.

Tuyen Phan, 114 Barnes Bridge Road, Sunnyvale Texas, spoke on behalf of the request. He provided background and noted the reasoning for his variance request. He asked the board to explain the hardship criteria for a variance.

Chairman Hoffman explained the hardship criteria for a variance to the applicant. He different scenarios for a variance approval.

Chairman Hoffman asked if the applicant could revise the plans to meet the current requirements.

Tuyen Phan stated that he could revise the plan but financially it wouldn't make sense. He stated he wanted to try to get a variance first prior to trying to revise his plan.

Chairman Noster asked if the applicant had his parents living with him.

Tuyen Phan stated he did not.

Discussion was had amongst the Board members and the applicant with regard to possible alternate solutions.

Public Hearing – Open

No one present

Public Hearing – Closed

Member Noster made a motion to approve, motion failed due to lack of second.

ADJOURN

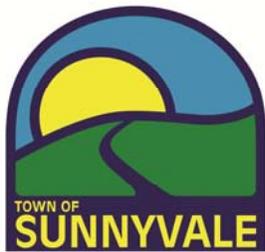
Chairman Hoffman adjourned the meeting at 7:18 p.m.

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

Chairman James Golder

ATTEST:

Leslie Black, Town Secretary



Town of Sunnyvale

November 7, 2016

Prepared By: Rashad Jackson, AICP
Director of Development Services

Summary:

APPLICANT: JOJY KOSHY – ATRIUM FINE HOMES, LLC
AT OR ABOUT: 508 E. TRIPP ROAD
REQUEST: VARIANCE TO EXCEED THE HEIGHT REQUIREMENTS FOR AN ACCESSORY STRUCTURE

Analysis

The subject property is zoned SF-1, Single-Family Residential 1; in which accessory buildings are allowed providing the requirements of 19.1 Accessory Buildings are met. Based upon the size of the property, the applicant would be permitted to have accessory structures, not to exceed a combined floor area of 4500 square feet as well as the following other requirements:

- Maximum wall height not to exceed ten (15) feet
- Rear yard setback of not less than five (5) feet from any lot line or alley line, or easement
- Side yard setback of not less than five (5) feet from any lot line, or alley line.
- Setback from any adjacent residence a distance of forty (40) feet
- All accessory buildings larger than 400 square feet shall be constructed with the same exterior construction materials as that of the principal building.

The applicants' proposal would meet the noted requirements except for the maximum wall height. The maximum wall height is measured from the top of the building foundation to the top of the plate line supporting the roof. The wall height of the structure would exceed the requirements by approx. eight (8) feet, thus requiring a variance from the height requirement to allow for the proposed structure.

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 property is larger than the required minimum lot acreage within the SF-1 Zoning District. The minimum lot size within the SF-1 District is 2 acres. The subject lot is approximately 6 acres. Lots of this size would lend itself to larger accessory structures, which are more adequately scaled to the increased acreage.

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.
A strict application of the requirements does not appear to represent a hardship. The main reasoning for the request is to allow for an increase in ceiling space that would be needed for an indoor gym. There are other options available for the property owner, so as to meet ordinance requirements. The proposed gym could be attached to the main structure which could alleviate the need for a variance. Staff notes, other details of the design of the main structure may prevent this possible solution though.
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 application 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. Given the size of the lot and setbacks that have been applied from the lot line, the scale of the proposed building in relationship to the neighboring properties appears not to be an issue.
4. That substantial conformity to standards primarily established in the zone may be secured.
The applicant is requesting a variance to the accessory structure height regulations. All other standards will be adhered to for the proposed structure.
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 variance be granted. The proposed structure would match the home that is being constructed on the property and has been set back on the property.
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, October 19th. Letters were also sent to surrounding properties meeting the distance requirements as provided within the Ordinance. Eleven (11) letters were sent. As of the writing of this staff memo, one (1) letter had been returned with general questions.

Staff Recommendation

Given the circumstances surrounding this particular request, Town staff has weighed the factors that are to be taken into consideration when reviewing such a request and would support approval of the variance as requested only if the proposed structure could not be attached to the main home. All other details of the proposed accessory structure meet the standards of the zoning ordinance. Town staff has provided comments to each of the factors above. Comments have been provided within *underlined italics*.

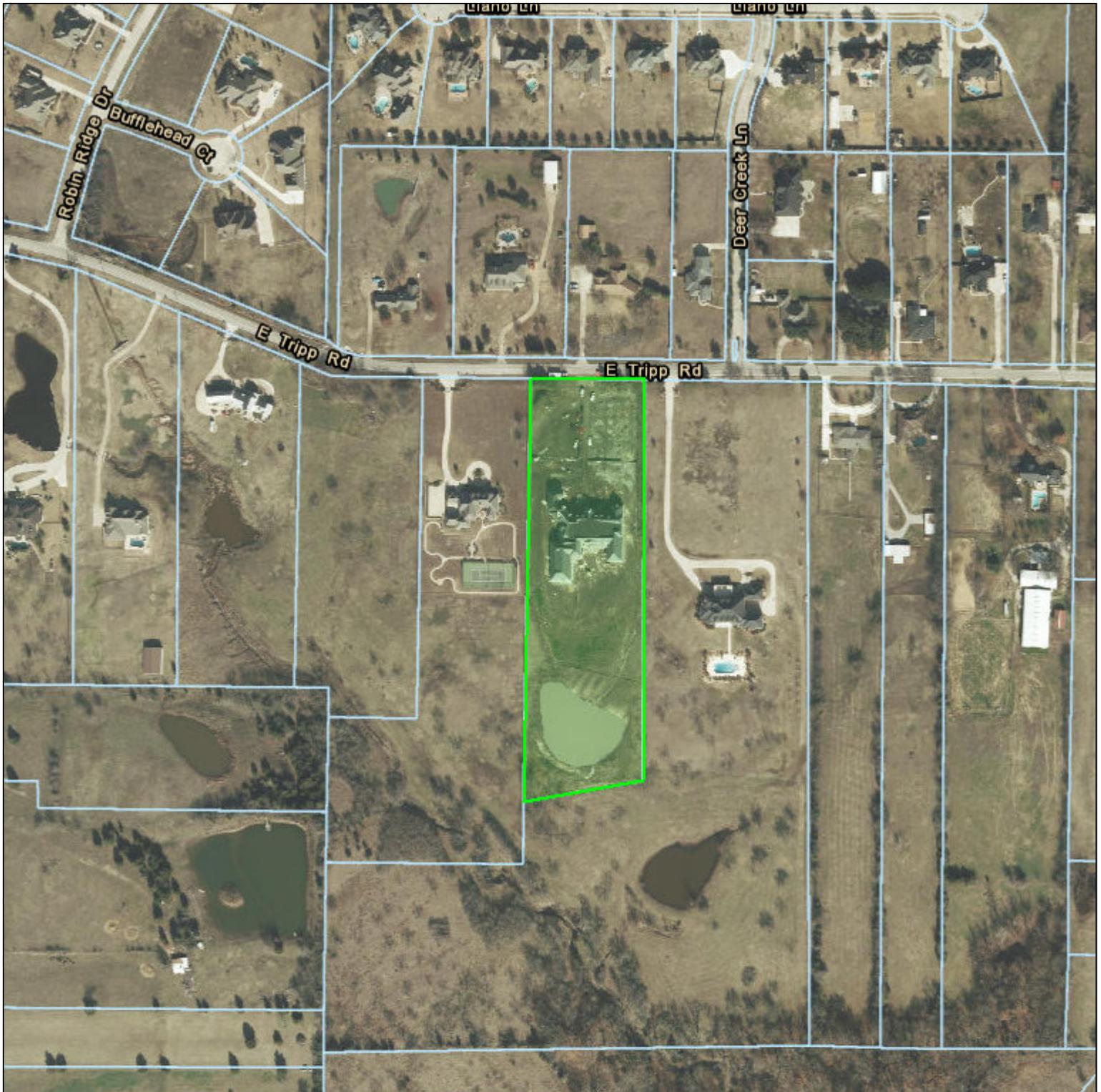
Attachments

- Map
- Exhibits
- Chart 19.1 Accessory Building Size Requirements
- Abutting Resident Notice

508 E Tripp - Accessory Structure Variance - 11.7.16

DCAD ID: 520094400A0040000

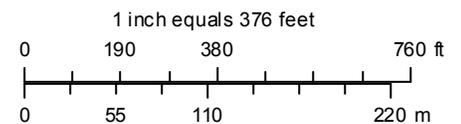
Date of copy: 10/21/2016



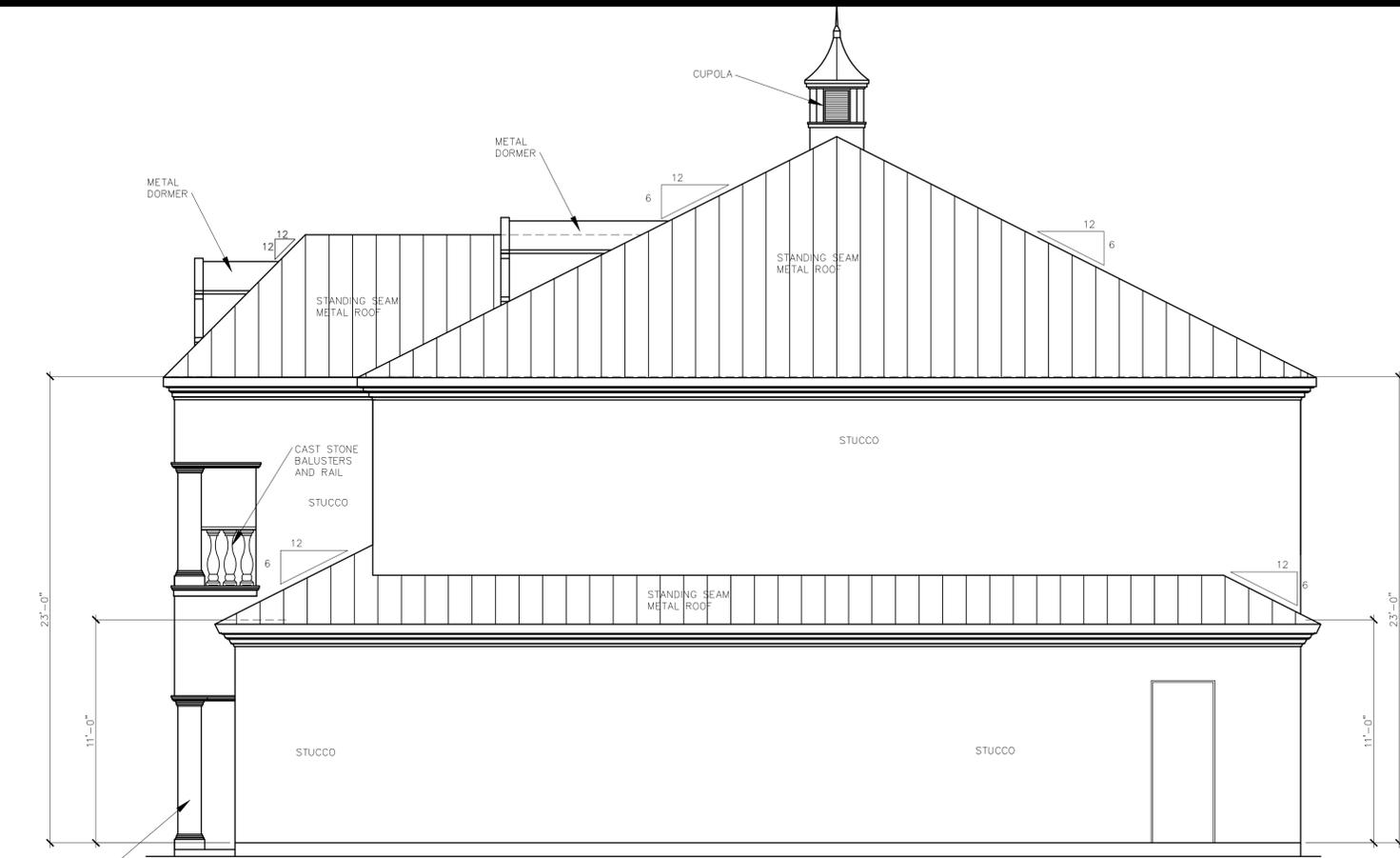
This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



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

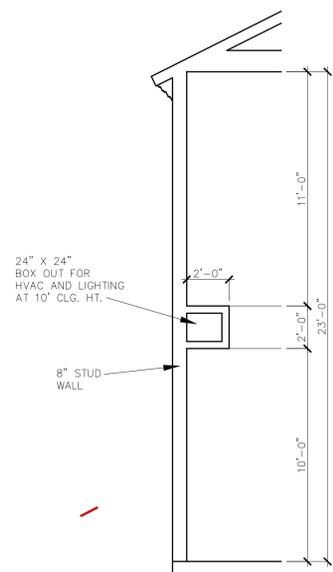


DCAD, NCTCOG, USGS, Esri, Inc

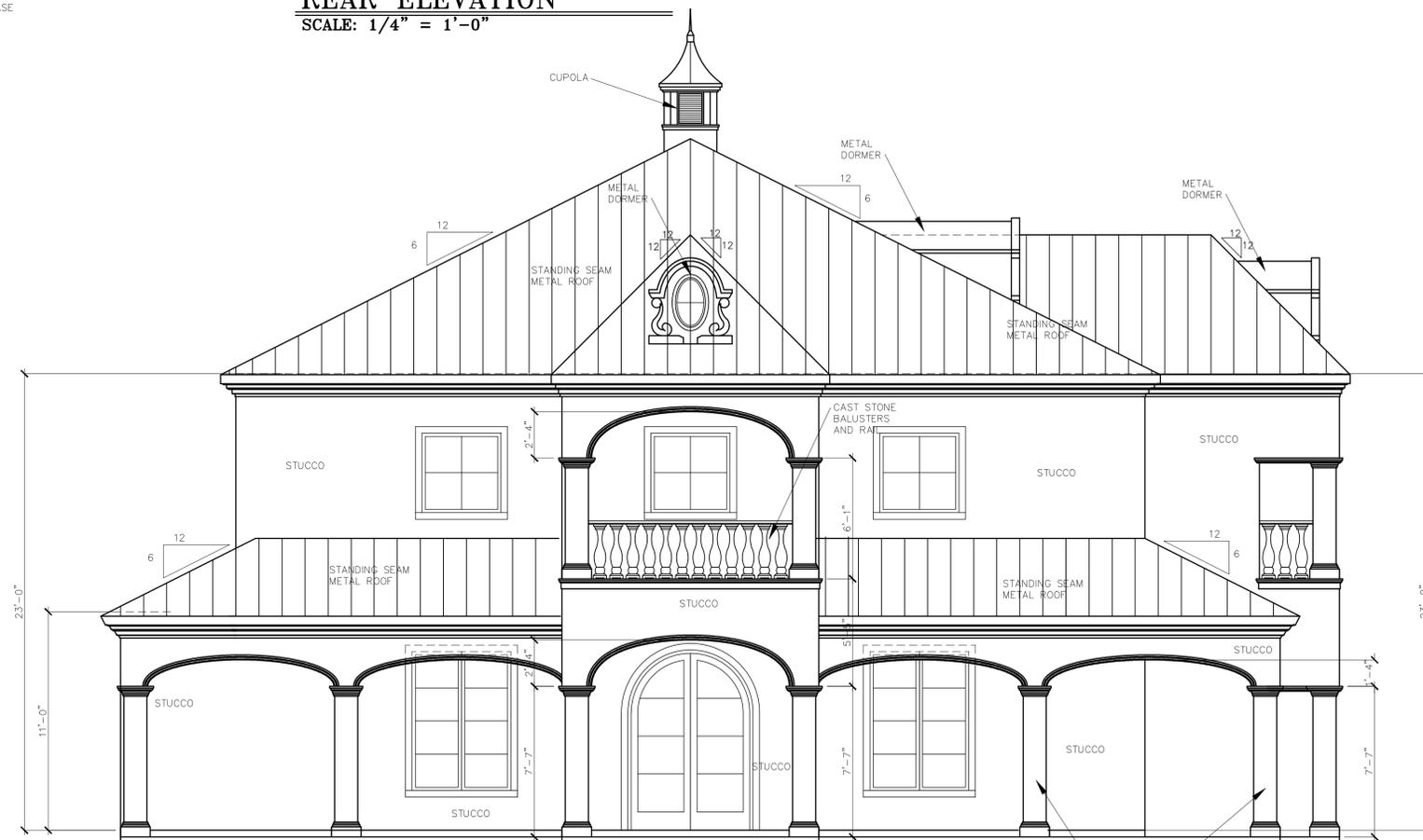


REAR ELEVATION
SCALE: 1/4" = 1'-0"

14" DIA. COLUMN
W/ 18" X 18" CAP
AND BASE



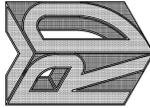
WALL SECTION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

14" DIA. COLUMN
W/ 18" X 18" CAP
AND BASE

**VON READEN
DESIGN**
Brad von Readen
(214) 502-1558 Mobile
(972) 423-1971 Fax
brad.vonreaden@gmail.com



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION/DESIGN INFORMATION NECESSARY TO COMPLETE THIS STRUCTURE. FIELD VERIFY THE ACCURACY OF THESE PLANS PRIOR TO CONSTRUCTION. DO NOT SCALE THESE DRAWINGS. BUILDER RESERVES THE RIGHT TO MODIFY THESE PLANS AS REQUIRED. LOCAL CODES, ORDINANCES, AND RESTRICTIONS WILL APPLY SHOULD ANY DISCREPANCY OCCUR BETWEEN THE PLANS AND LOCAL REQUIREMENTS. PLANS ARE THE PROPERTY OF VON READEN DESIGN AND ARE NOT TO BE USED FOR CONSTRUCTION, REUSED, TRACED OR REPRODUCED WITHOUT THE EXPRESS WRITTEN PERMISSION OF VON READEN DESIGN.



508 E. TRIPP RD.
LOT: 4 BLK: A
SUNNYVALE ACRES EST.
SUNNYVALE, TEXAS
PLAN: DANIEL GYM

DWG # AT-DANIEL.DWG
FILE # C:\VRD\DRAWINGS
DISK # \ATRIUM
DATE PRELIMINARY
REVISIONS:

Sheet Number

2

Plan Number
DANIEL

5. Shipping containers used as accessory buildings are prohibited. No person shall place or cause to be placed or use any shipping container as an accessory building, storage building or living unit.
- a. Portable on-demand storage containers may be allowed for use as temporary on-site storage for a maximum 90 days only by approval from the Building Official.

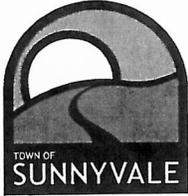
Amended by Ord. No. 15-01 on 3/3/2015

Chart 19.1
Accessory Building Size, Number, and Setbacks¹

Lot Size (acres)	Maximum Number of Accessory Buildings Allowed	Combined Floor Area Allowed (All Accessory Buildings – sq. ft.)	Maximum Wall Height ¹ (feet)	Setback from Adjacent Residence (feet)
<1/2	2	580	8	10
½ to < 1	2	960	8	20
1 to <2	3	2500	10	20
2 to <3	3	3000	15	25
3 to <4	4	3500	15	30
4 to <5	4	4000	15	35
5 to <10	5	4500	15	40
10+	5	No more than 3% of the lot/tract	15	45

1. Wall height shall be measured from the top of the building foundation to the top of the plate line supporting the roof.

Section 19.1 revised by Ordinance 473, October 22, 2007; Ord. No. 13-02 on 1/28/2013; Ord. No. 15-01 on 3/3/2015



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

The Town of Sunnyvale has received a request from Jojy Koshy for a variance from Chapter 19 Special Regulations Applicable to Particular Use, specifically Chart 19.1 Accessory Buildings, to exceed the maximum height regulation for an accessory building to allow for the construction of an indoor gym. Maximum wall height for an accessory building is 15 feet. The applicant is requesting a variance to increase the height to 23 feet. Such request is for the property located at 508 E. Tripp Road. The location of the property is shown on the attached exhibit.

The Board of Adjustment will hear this application on Monday, November 7, 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) 203-4188 or rashad.jackson@townofsunnyvale.org.

I am in favor of granting a variance.

I am opposed to granting a variance.

Explanation:

*Does not show where on property
it's to be built. For personal use?
Or commercial use? Rehab?
If behind house, O.K.
If beside house NOT O.K.*

Signature:

Printed Name:

Address:

Date:

Gerald Hopkins

505 E. Tripp

10-30-16