

**RESOLUTION NO. XX-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA DENYING A VARIANCE TO LOCATE A SIX-FOOT WROUGHT IRON FENCE WITHIN THE 10-FOOT STREET SIDE SETBACK AND WITHIN THE 20-FOOT FRONT SETBACK PROPOSED AT 572 WOODHAMS ROAD**

PLN24-00514 (Variance)

**WHEREAS**, on October 4, 2024, Thuy Hoa Nguyen (“Owner” and “Applicant”) filed an application for a Variance to permit an existing six-foot wrought iron fence within the required 10-foot street side setback and 20-foot front setback at a residence located at 572 Woodhams Road, Santa Clara (“Project Site”);

**WHEREAS**, the lot is situated on the corner of Forbes Avenue and Woodhams Road;

**WHEREAS**, the Project Site is currently zoned as R1-6L, Single-Family;

**WHEREAS**, the applicant is requesting to locate the fence along the street side property line at 0-feet encroaching into the required 10-foot street side setback area and the required 20-foot front setback area as shown on the Development Plan, attached as Exhibit “Development Plan”;

**WHEREAS**, the California Environmental Quality Act (“CEQA”) Guidelines Section 15270 provides that “CEQA does not apply to projects which a public agency rejects or disapproves”;

**WHEREAS**, the subject property meets the code required 6,000 square feet minimum lot size for Single Family zoned properties;

**WHEREAS**, on November 21, 2024, the notice of public hearing for this item was mailed to property owners within a 300-foot radius of the Project Site; and,

**WHEREAS**, a duly noticed public hearing was held before the Planning Commission on December 4, 2024 to consider the application. At the public hearing, the Planning Commission invited and considered any, and all verbal and written testimony offered in favor of and in opposition to the Project.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds the above Recitals are true and correct and by this reference makes them a part thereof.

2. That the Planning Commission hereby denies the Variance to locate the six-foot wrought iron fence within the required 10-foot street side setback and 20-foot front setback.

3. That pursuant to SCCC Section 18.124.050, the Planning Commission determines that the following findings do not exist in support of the variance:

1. There are special circumstances or conditions applicable to the subject property or existing buildings (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;

a. The property at 572 Woodhams Road does not have unusual conditions, the lot is larger than the minimum lot size and the residence is similarly sized to surrounding single-family homes.

2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;

a. The granting of the variance is not necessary for the enjoyment of the property, the homeowner could locate the fence to meet the 10-foot street side setback while still meeting the zoning code requirements.

3. Approving the Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and

a. The subject property is like many other street properties in the R1-6L zoning district. The granting of this encroachment would be a special privilege as the property is comparable to many R1-6L zoned lots in this neighborhood and throughout the City.

4. Granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property in question.

a. The granting of the variance would adversely impact the general interests of the residents or property owners in the vicinity of the subject property because placing the fence at 0-foot street side setback may introduce visual impediments for the users of the neighboring driveway and on Forbes Avenue. Locating the fence at 0-foot street side setback may disrupt the harmonious streetscape for the neighborhood that residents have enjoyed for years from established setback requirements.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 4<sup>th</sup> DAY OF DECEMBER, 2024, BY THE FOLLOWING VOTE:

AYES:                    COMMISSIONERS:  
NOES:                    COMMISSIONERS:  
ABSENT:                COMMISSIONERS:  
ABSTAINED:            COMMISSIONERS:

ATTEST: \_\_\_\_\_  
REENA BRILLIOT  
ACTING DIRECTOR OF COMMUNITY  
DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:  
1. Development Plan