

RESOLUTION NO. XX-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA DENYING A
VARIANCE TO MAINTAIN A 68 SQUARE FOOT ACCESSORY
BUILDING IN THE REAR YARD OF A SINGLE-FAMILY
RESIDENCE AT THE SITE LOCATED AT 2121 SHERATON
DRIVE, SANTA CLARA**

PLN22-00441 (Variance)

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

WHEREAS, on August 3, 2022, Jim Horner (“Applicant”) filed an application for a Variance to allow for a 68 square foot accessory building located in the rear of a single-family residential lot located at 2121 Sheraton Drive, Santa Clara (“Project Site”);

WHEREAS, the Project Site is currently zoned as R1-6L, Single-family Residential Zoning District;

WHEREAS, the applicant is requesting to maintain and complete a partially built accessory structure within the rear accessory building setback, and within the minimum accessory structure setback from a main building. The accessory structure was requested to be maintained at its current footprint of 68 square feet and have no plumbing, as shown on the Development Plans, attached as Exhibit “Development Plans”;

WHEREAS, the Project is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15270, Projects Which Are Disapproved;

WHEREAS, the subject property conforms to zoning code standards except for a substandard rear lot width of 44-feet where 60 feet is the minimum lot width in the Single-family Residential Zoning District (R1-6L), the 106 foot front lot width of the subject property exceeds the zoning code standards, as does the lot size of 7,000 square feet, where only 6,000 square feet is required;

WHEREAS, on October 27, 2022, the notice of public hearing for this item was posted within 300 feet of the Project Site and 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 November 9, 2022 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 FURTHER 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 finds that a Variance to allow a 68 square foot rear accessory structure within the required setback areas is denied.

3. That pursuant to SCCC Section 18.108.040, the Planning Commission hereby makes the following findings with respect to the variance application:

A. That there are no unusual conditions applying to the land or building which do not apply generally in the same district, because the shape, dimensions, and size of the lot are not unusual for the R1-6L zone.

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, because the Owner could locate an accessory structure in an alternate location on the lot and still comply with Code requirements.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION DENIED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9th DAY OF NOVEMBER 2022, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Approval
2. Development Plans