

Variance response for 2398 Rainbow Court

**SEC. 10-1.3325 FINDINGS.**

**The approving authority may approve or conditionally approve an application when all of the following findings are made:**

- a. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.**

This parcel APN # 425-410-31, address 2398 Rainbow Court, has an irregular shape that makes building a home consistent with surrounding properties slightly difficult, (see attachment 1).

- b. Strict application of the Zoning Ordinance deprives such a property of privileges enjoyed by other properties in the vicinity under the same zoning classification.**

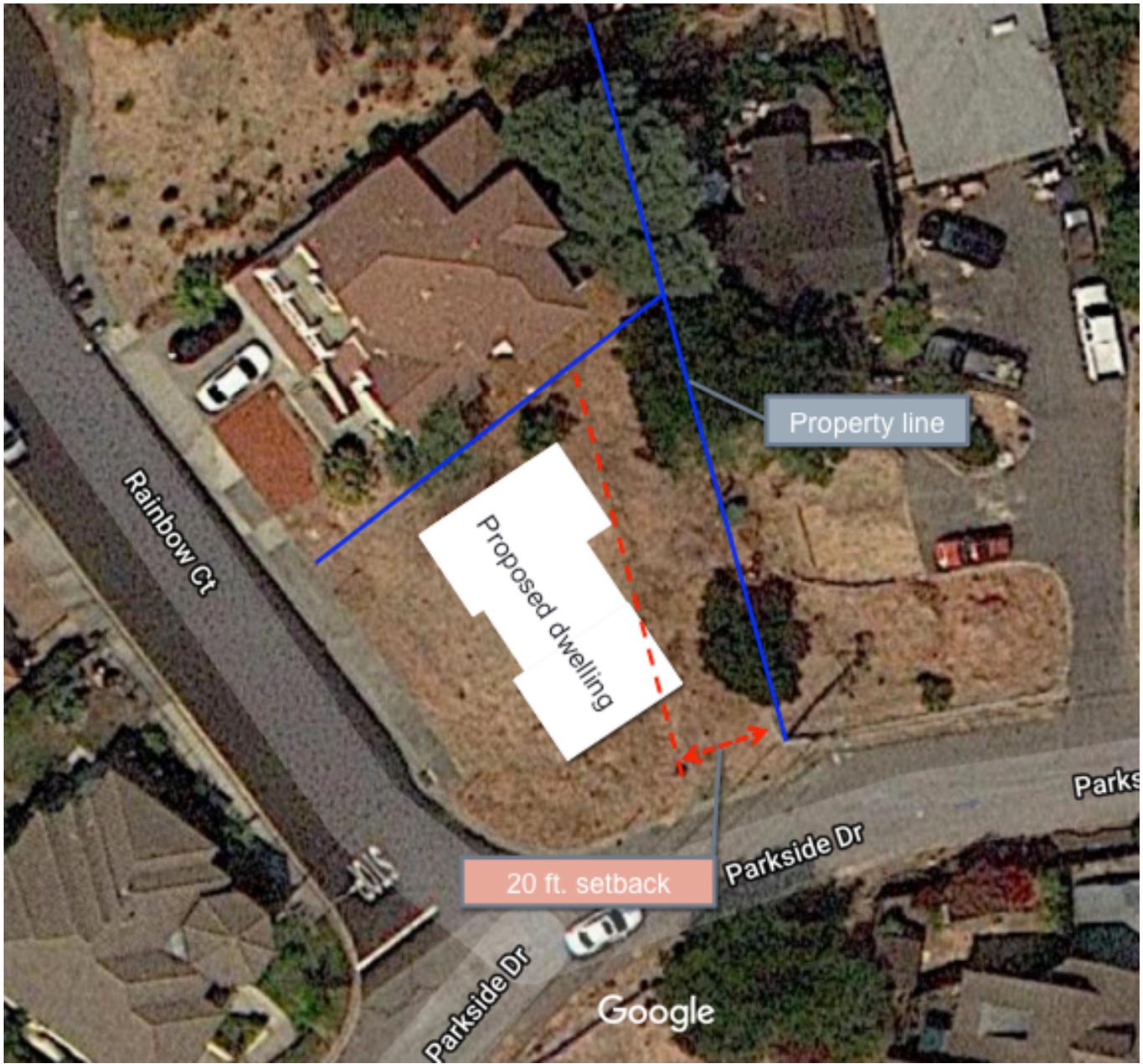
Based on the 20 foot setback per the Zoning Ordinance deprives this project from privileges enjoyed by other properties in the vicinity by:

- Due to the Zoning Ordinance for “step backs”, the second floor of the proposed project will have a confined living space if the “setback” Zone Ordinance is strictly adhered to.
  - This project is already significantly smaller than the current/proposed residences on Rainbow Ct.
  - 2398 Rainbow Ct. is proposed to be 2,168 sq/ft
    - 2399 Rainbow is 4,167 sq/ft
    - 2391 Rainbow is 2,740 sq/ft
    - 2390 Rainbow is 3,238 sq/ft
    - 2393 Rainbow (new proposed) is ~3,100 sq/ft
- Reducing the corner of the proposed project to meet the Zoning Ordinance will take away from the aesthetics of the house, as there will be too many “notches” or zigzags in the design. This change will take away from the architectural intent of the house, (see attachment 2).
- I have written approval from adjacent property owner (26144 Parkside Dr.) that they are fine with the space needed for the variance (see attachment 3).

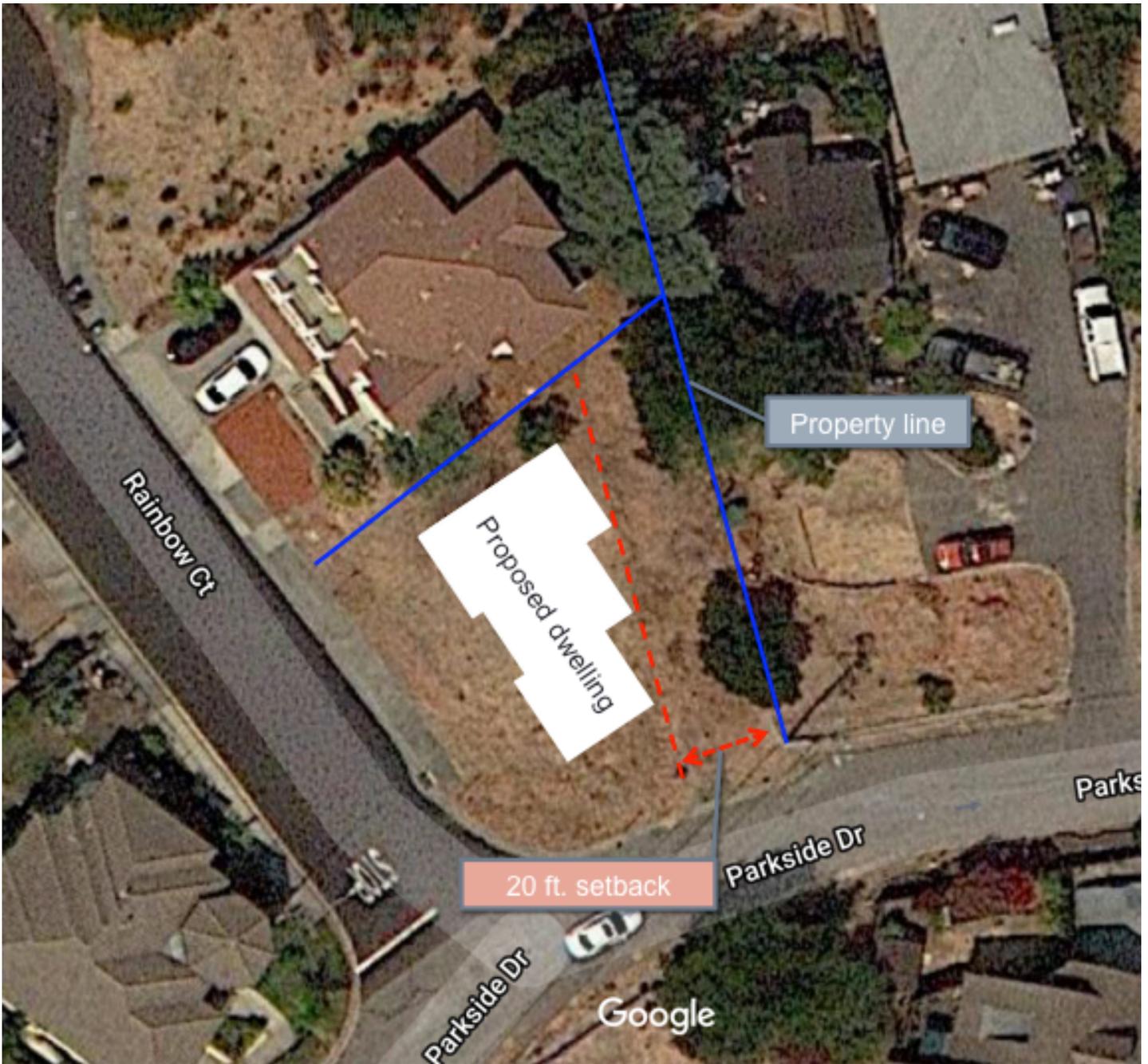
- c. **The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.**

The variance for this project will not constitute any special privilege inconsistent with adjacent properties. The variance will improve the neighborhood because this is a corner lot and is visible to all foot and vehicle traffic that passes by. Allowing for a slight variance will create an aesthetically pleasing and structurally sound home which will benefit both the neighborhood and homeowner of the property.

Attachment 1. 2398 Rainbow Ct.



Attachment 2. 2398 Rainbow Ct.



Attachment 3. 2398 Rainbow Ct.

**Holly A. Guier**

26148 Parkside Dr., Hayward, CA 94542

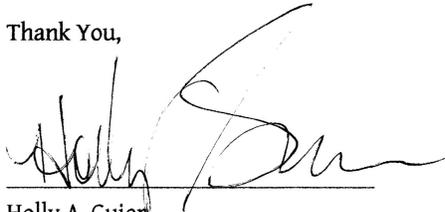
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To whom it concerns,

We the undersigned give permission to **Siddiq Miakhail** for the property-line setback variance of the HMC Municipal Code, Section 10-1.3325 findings ... for the property **2398 Rainbow Court, Hayward, CA, 94542.**

Holly A. Guier  
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Thank You,



Holly A. Guier

March 2, 2018 - 4:00 PM