

Town of Tiburon STAFF REPORT

AGENDA ITEM E2



.....

TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **2108-2110 MAR EAST STREET; FILE #20512
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A NEW FENCE, WITH A VARIANCE FOR EXCESS
FENCE HEIGHT**

MEETING DATE: **JUNE 2, 2005** _____

.....

PROJECT DATA:

ADDRESS:	2108-2110 MAR EAST STREET
ASSESSOR'S PARCEL:	59-181-12
FILE NUMBER:	20512
PROPERTY OWNERS:	RAYMOND AND SANDRA L'HEUREUX
APPLICANT:	SAME
LOT SIZE:	5,950 SQUARE FEET
ZONING:	R-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN:	HIGH DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	MAY 13, 2005

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

PROPOSAL

The applicant is requesting Design Review approval for the construction of a new wooden fence on property located at 2108-2110 Mar East Street. A two-family dwelling is currently situated on the site.

The proposed fence would extend along the south (right) side property line, and would have a maximum height of 17 feet. As the maximum fence height within a required setback is 6 feet, a variance is requested for excess fence height.



Town of Tiburon

STAFF REPORT

ANALYSIS

Design Issues

A two-family dwelling was recently constructed on this property, which replaced a previous two-family home on the site. The existing fence along the southern side property line was not removed or modified during the construction of the new duplex on the site.

The existing fence consists of solid wood panels on the lower portion with lattice sections on top. The fence steps down the slope of the property in three sections, with the tallest portion of the fence currently approximately 15 feet in height.

The proposed fence would be slightly different than the existing structure. The fence would consist of two sections rather than three, with the height of the uphill section roughly splitting the difference in height between that of the two uphill sections of the existing fence. The proposed fence would be slightly shorter than the existing fence on the uphill side, and slightly taller further downhill, resulting in the proposed height of 17 feet. The design and materials of the fence would generally match those of the existing fence.

Both the existing and proposed fences are not visible from the street, and can only be seen from the subject property and the adjacent residences at 2100 & 2102 Mar East Street. The top of the fence would be well below the elevation of the homes on either side, and therefore would not interfere with any views from other nearby residences.

The fence would provide appropriate privacy between the subject home and the adjacent residences. Both structures have windows that face the commons side property line with relatively little intervening space. The fence would screen views between the two buildings without interfering with the outward views from any of the homes. The adjacent property owner has indicated their support for this application.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-2 zone with the exception of the previously noted variance for excess fence height.

Variance

In order to grant the requested variance, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***



Town of Tiburon

STAFF REPORT

The subject property slopes steeply down from Mar East Street toward Raccoon Straits. The duplexes on both the subject property and the adjacent lot at 2100 & 2102 Mar East Street have been constructed relatively close to the common side property line and with windows facing into the intervening space that require additional privacy protection. These physical characteristics are special circumstances that would make a six foot fence on this portion of the site inadequate to address the privacy concerns of these two neighboring properties.

- 2. The variance will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in the vicinity and in other similar residential zones in Tiburon have received variances for excess fence height in areas where the topography of the site would make a six foot fence inadequate to meet the normal needs for privacy or screening enjoyed by other residential property owners.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

A six foot fence along the entire side property line would place a hardship on the neighboring property owner, by exposing a portion of their residence and the adjacent duplex to unwanted privacy impacts.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

As noted above, the design of the proposed fence would not appear to result in unwanted view or visual impacts on neighboring properties, but would mitigate a potential privacy problem.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied if the project is approved.

Town of Tiburon

STAFF REPORT



ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

2108-2110 MAR EAST STREET

FILE #20512

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on April 28, 2005, or as amended by these conditions of approval. Any modifications to the plans of April 28, 2005, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures must be down light type fixtures.
6. The absolute height of the top of the fence shall be as shown on the submitted plans, with a height from finished grade of no more than seventeen (17) feet.