



Town of Tiburon

STAFF REPORT

ANALYSIS

Design Issues

The subject property is accessed via a shared driveway leading down from Rancho Drive and rears onto Tiburon Boulevard. The rear yard slopes down from the house, with the rear property line at an elevation below the level of Tiburon Boulevard.

The existing wooden fence along the rear property line is somewhat screened from view from Tiburon Boulevard by vegetation and tree limbs that extend over the fence. The fence more visible if viewed at an angle while driving on Tiburon Boulevard, which would involve unsafe driving practices.

When viewed from the subject house and most of the rear yard, the top of the existing fence is below the street level of Tiburon Boulevard. The 6 foot tall fence therefore provides marginal privacy or sound protection for the property. An addition 2 feet of wall height and better sound-absorbing materials would help mitigate much of the surface-level noise which is most prominent with heavily trafficked roadways such as Tiburon Boulevard. The additional wall height would only be marginally noticeable when viewed from Tiburon Boulevard, and would not intrude into any views for neighboring homes.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variance for excess wall height.

Variance

In order to grant the requested variances, 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.***

The subject property is located adjacent to Tiburon Boulevard with a sloping rear yard that dramatically exposes the home and rear yard to visual and noise impacts from the street. The strict application of the fence height requirements would deprive the applicant of the privacy privileges enjoyed by other properties in the vicinity and in the same or similar zones.

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.***

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Numerous other properties in the vicinity and in the R-1 zone in Tiburon have received variances for excess fence and wall heights to address noise or privacy issues that would not be adequately mitigated by a 6 foot tall fence.

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

The construction of a 6 foot tall fence would result in undesirable noise and privacy impacts on the subject residence due to the location of the street elevation above the rear property line. The strict application of the fence height requirement would therefore place an unnecessary noise and privacy hardship on the applicant.

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 subject wall and fence would not result in unwanted view or visual impacts on neighboring properties.

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.

ATTACHMENTS

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

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CONDITIONS OF APPROVAL

64 RANCHO DRIVE

FILE #20613

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 to the application received by the Town of Tiburon on May 4, 2006, or as amended by these conditions of approval. Any modifications to the plans of May 4, 2006 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. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.