



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 29, 2009
AGENDA DATE: November 4, 2009
PROJECT ADDRESS: 256 San Nicolas Avenue (MST2009-00272)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 6,130 square foot project site is located on the corner of San Nicolas and San Miguel Avenues. Current development on site consists of a single family residence and detached one-car carport. The proposed project involves an "as-built" fence located along the San Miguel front lot line. The discretionary application required for this project is a Modification to permit the cumulative height of the fence, on top of a wall, to exceed the maximum allowable height of 3 ½' when located within ten-feet of a front lot line (SBMC §28.87.170).

Date Application Accepted: August 4, 2009

Date Action Required: November 4, 2009

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Inge Rose	Property Owner:	Inge Rose
Parcel Number:	045-151-001	Lot Area:	6,130 sf
General Plan:	5 Units Per Acre	Zoning:	E-3/SD-3
Existing Use:	One Family Residence	Topography:	Flat

Adjacent Land Uses:

North – San Miguel Avenue

East - One Family Residence

South – One Family Residence

West – San Nicolas Avenue

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,511 sf	1,511 sf
Carport	155 sf	155 sf

IV. DISCUSSION

The proposed project involves a current enforcement case for an "as-built" fence, located on top of an existing retaining wall, along a front lot line. Because the cumulative height exceeds the maximum allowable height of 3 ½', the property owner is requesting a Modification to permit the fence and wall to be legalized in its current configuration. Staff understands the site constraint associated with corner properties and the desire of homeowners to screen their rear yards for privacy. Transportation Planning Staff has conducted a site visit and determined that because the subject fence abuts a neighbor's fence, it does not result in visibility or safety issues for the neighborhood. The project was also reviewed by the Single Family Design Board and received positive comments based on consistency with the neighborhood and the understanding that the fence is located along the front lot line of a secondary front yard. It is Staff's position that corner properties have a hardship that justify Staff's support for overheight fences when there is no safety issue associated with the height.

V. FINDINGS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The fence provides privacy to the rear yard of this corner property, and is consistent with corner lots throughout the Marine Terrace Neighborhood.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated August 3, 2009

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470

August 3, 2009

Staff Hearing Officer
City of Santa Barbara, P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED
AUG 04 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Staff Hearing Officer:

Re: Request for Modification

Enforcement Case No. ENF2009-00212; **256 San Nicolas**; APN: 045-151-001; Zone: E-3/SD-3

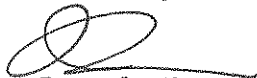
This is in response to a Complaint to the City about my existing hedge along the San Nicolas Street and San Miguel Street front yards. The hedge has been on the property since well before 1989, as noted on the 1989 and 1992 Zoning Information Report. The Transportation Department has visited the site to review the hedge and reported on March 23, 2009 that the hedge is not a traffic hazard, so the hedge does not need to be removed or modified and is not in violation.

As a result of the hedge complaint Planning and Zoning has determined that the existing fence along the San Miguel Street secondary front yard requires a Modification. I have met with Betsy E. Teeter and Roxanne Milazzo to understand the problem and the process to mitigate the fence height problem. The existing fence was not listed as a non-conforming installation on the 1989 and 1992 Zoning Information Reports. If this 48-inch fence had been cited as a violation at the time of purchase the correction could have been made at the time of either purchase. The Single Family Design Board has reviewed this plan & request and found the existing wall to be consistent with secondary front yards in the Marine Terrace neighborhood for the August 3, 2009, Consent Calendar. The photo examples show the historic fabric of the Marine Terrace neighborhood.

In the last 20 years several Building Permits and inspections have been applied for, permitted, inspected and completed. At no time has this fence been brought up as an issue or a problem or as non-conforming. The fence on the San Miguel secondary front yard is not nearly as high as many other front yards or secondary front yards in the Marine Terrace area. When the Marine Terrace tract was permitted in 1950 there was no second front yard requirement for side street fronts, in-fact some houses have only 6 foot secondary front yards. This rock and brick wall has been in place since before 1975, when it was repaired and a dated concrete corner installed, on the rock wall is a 48-inch wooden fence. Due to the length of time that the fence has existed there are several large fruit bearing trees within this area, some are over 30 years old. The attached photos and plan have all existing wall dimensions and examples in the Marine Terrace neighborhood. This Modification is being requested to allow the existing old fence to remain without being in violation of City Planning and Zoning codes.

The benefits of granting this fence Modification are: That the existing secondary front yard fence has been in place over 30 years; that the privacy to bathroom and kitchen windows will be maintained; that the security and safety of the house and back yard will be retained; that the existing side yard of 15 feet will remain available for use with the house and will continue to be used with the back yard area; that access will remain to the existing avocado tree and existing apricot trees; that this house will continue to be part of the uniform fabric of the Marine Terrace neighborhood built in the 1950's, where this is the common secondary front yard condition.

Thank-you for your consideration and please allow this modification. Thank-you.



Inge Rose, for the Stallings & Rose Trust, 256 San Nicolas, Santa Barbara, CA 93109 ~ -805-965-8465

Exhibit B

