

RECOMMENDED FINDINGS

Variance

In order to approve the Variances, the following findings must be made:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. [Finding made]

The subject site is located on a 11,733-square foot lot on the northwest side of a three-way intersection of Eleanor Way and Ramon Drive. The subject site has three sides, a curved front property line along Eleanor Way, a side property line on the north side, and a rear property line on the west side. The garage and driveway for the project site are located on the left (west) side of the property.

The Variance is applicable in that the physical hardship is due to the substandard shape and lot width of the property. Most of the usable yard space is in the front of the house which the applicant wishes to separate from the public right-of-way with a fence. The design of the fence is open wrought iron with good visibility through the fence and the curved front property line.

Due to the substandard lot shape, lot width, and circumstances described above, the property owner is deprived of the opportunity to provide a sufficient private yard and the fence provides separation from the public right-of-way.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. [Finding not met]

Staff finds that the intent of the vision triangle requirement is to promote safety and reduce the potential of accidents by providing drivers a better view of pedestrian, bicycle and vehicular traffic. Although the fence is an open fence design, concerns related to visual obstacles at the driveway vision triangles remain.

3. Upon granting of the Variance, the intent and purpose of the ordinance will be still served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. [Finding not met]

Staff finds that the intent of the vision triangle requirement is to promote safety and reduce the potential of accidents by providing drivers a better view of pedestrian, bicycle and vehicular traffic. Approval of the Variance would grant a special privilege to the applicant. There does not appear to be an established precedence for approving taller

fences within driveway vision triangles in this neighborhood. Therefore, granting the Variance would constitute a special privilege.