

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
SIMON AND KATHERINE LITTLE,)
Appellant(s))
vs.)
ZONING ADMINISTRATOR,)
Respondent)

Appeal No. **25-054**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on November 25, 2025, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on November 21, 2025, of a Variance Decision pertaining to 20 Burnside Avenue (The proposal is to remove the existing, approximately four-foot tall fence and construct a new six-foot tall solid fence at the front of the property containing a two-story, single-family building. Planning Code Section 132 requires the subject property to provide a front setback equal to the adjacent property with the shortest front setback. The required front setback at 20 Burnside Avenue is approximately 7 feet 6 inches from the property line on Burnside Avenue. The proposed fence would be within the required front setback and exceed the 3-foot-tall solid fence permitted by Section 136(c)(17). Alternatively, Section 136(c)(16) also permits a 6-foot-tall decorative railing or grille work, other than wire mesh, that is at least 75 percent open to perpendicular view. The proposed fence is fully within the required front setback, is 6 feet tall and is less than 75 percent open to perpendicular view. Therefore, a variance is required at the subject property. The Zoning Administrator denied the front yard variance).

CASE NO. : 2025-003868VAR

FOR HEARING ON January 28, 2026

Address of Appellant(s):

Address of Other Parties:

Simon Little and Katherine Little, Appellant(s) 20 Burnside Avenue San Francisco, CA 94131	
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Date Filed: November 25, 2025

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 25-054

I / We, **Simon and Katherine Little**, hereby appeal the following departmental action: **ISSUANCE of a Variance Decision (Case No. 2025-003868VAR) (Denial of a Front Yard Variance)** by the **Zoning Administrator** which was issued or became effective on: **November 21, 2025**, for the property located at: **20 Burnside Avenue**.

BRIEFING SCHEDULE:

Appellants' Brief is due on or before: 4:30 p.m. on **January 8, 2026, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, joseph.ospital@sfgov.org and andrew.perry@sfgov.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **January 22, 2026, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, joseph.ospital@sfgov.org, andrew.perry@sfgov.org and simonjameslittle@gmail.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, January 28, 2026, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties are encouraged to attend in-person but may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Simon and Katherine Little, appellants

APPEAL OF VARIANCE DECISION 2025-003868VAR 20 Burnside Avenue, SF, CA 94131

We are a family with two young children appealing the Zoning Administrator's variance denial dated November 21, 2025. We seek to replace a fence in a manner that restores functional privacy to our outdoor space without creating detriment to neighbors or disharmony with the Code. We believe the decision fundamentally misunderstands our property's unique configuration and disregards the unanimous written support from all adjacent neighbors.

The Extraordinary Circumstance: Complete Absence of Private Outdoor Space: The denial characterizes our lot as merely "somewhat shallow," but this understates the hardship. Our property has *no functional rear yard whatsoever*. The only open space exists entirely within our front and side yards—fully visible from the street. This is not a request for enhanced privacy; it is an attempt to achieve *any* private outdoor space for our family.

Exceptional Public Exposure: Beyond the lack of rear yard, our property faces institutional-level public activity uncommon in residential San Francisco. We are directly across from St. John's School (daily pickup/drop-off traffic), one block from Glen Canyon Park's main entrance (constant visitor parking), and on the designated cross-town trail through Glen Park Greenway. This is not typical neighborhood activity—it is sustained, high-volume public exposure adjacent to a lot with zero private outdoor space.

Unique Property Configuration: Our lot has no residential neighbors across the street (school), no adjacent neighbor on one side (corner facing Chenery Street), and an elevated neighbor on the other whose sight lines are unaffected. All four neighboring properties provided written support for this project.

Request: The Planning Code's purpose is to balance livability with neighborhood character. The denial applies a standard analysis to a non-standard property, ignoring both the genuine hardship and the complete absence of neighborhood opposition. We respectfully request the Board reverse this decision and grant the variance, allowing our family functional private outdoor space that every neighbor supports.



VARIANCE DECISION

Date: November 21, 2025
Case No.: **2025-003868VAR**
Project Address: **20 BURNSIDE AVENUE**
Block/Lots: 6733A / 002
Zoning: RH-1 (RESIDENTIAL- HOUSE, ONE FAMILY)
Central Neighborhoods Large Residence SUD
Family and Senior Housing Opportunity SUD
Height/Bulk: 40-X Height and Bulk District
Applicant: Katherine L. Little
20 Burnside Ave
San Francisco, CA 94131
Owner: Katherine L. Little
20 Burnside Ave
San Francisco, CA 94131
Staff Contact: Michelle A. Taylor – 628-652-7352
Michelle.Taylor@sfgov.org

Description of Variance – Front Yard Variance Sought:

The proposal is to remove the existing, approximately 4 feet tall fence and construct a new 6 feet tall solid fence at the front of the property containing a two-story, single-family building.

Planning Code Section 132 requires the subject property to provide a front setback equal to the adjacent property with the shortest front setback. The required front setback at 20 Burnside Avenue is approximately 7 feet 6 inches from the property line on Burnside Avenue. The proposed fence would be within the required front setback and exceed the 3-foot-tall solid fence permitted by Section 136(c)(17). Alternatively, Section 136(c)(16) also permits a 6-foot-tall decorative railing or grille work, other than wire mesh, that is at least 75 percent open to perpendicular view. The proposed fence is fully within the required front setback, is 6 feet tall and is less than 75 percent open to perpendicular view. Therefore, a variance is required.

Procedural Background:

1. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2025-003868VAR on August 27, 2025.**

3. In response to comments from the Zoning Administrator, revised plans were submitted on November 8, 2025, that continued to propose a 6-foot-tall fence, but with a wedge-shaped setback from the front property line.

Decision:

DENIED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a 6-foot-tall solid fence in the required front setback.

Findings:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Not Met.

- A. There are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district. While the lot is somewhat shallow, it is also wider than a typical lot, contains a single-family building within an RH-1 Zoning District, and has Code-complying open space. The applicant notes the impacts of property's adjacency to a school and that the area is visited by people from outside the neighborhood. While those conditions do not exist in all residential areas, they also are not uncommon within San Francisco, where neighborhoods often have a mix of use, open spaces, and other features.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Not Met.

- A. As noted above, there are no exception or extraordinary circumstances at the subject lot, and therefore not resulting in practical difficulty or unnecessary hardship. While the applicant's concerns regarding privacy and safety are completely understandable, they can be addressed through other means, such as a taller fence located outside the required front setback, or various forms of

landscaping to supplement the existing fence that is already 1-foot-taller than permitted by the Planning Code.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Not Met.

- A. Granting this variance to construct a noncomplying fence is not necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district. The property otherwise contains a single-family home within an RH-1 Zoning District with Code-complying open space and has other options to address issues of safety and privacy.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Not Met.

- A. The required front setback is intended to relate the setbacks provided on a subject property to the existing front setbacks of adjacent buildings. Tall, solid fences at the front property line can be visually disjointed and typically are not consistent with the Residential Design Guidelines. More specifically, the Residential Design Guidelines state that projects should avoid creating blank walls at the front setback that detract from the street and encourages the use of landscaping within the front setback. This, in part, is why solid fences are limited by Planning Code Section 136 to no more than 3 feet in height. Allowing a 6-foot-tall fence within this front setback would create a permanent blank wall along the street frontage, contrary to the Residential Design Guidelines, whereas supplemental landscaping is a less permanent and adjustable option.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Not Met.

- A. This development is not fully consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said

policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposed fence would create a permanent, tall, blank wall that would not enhance the street.
3. The proposed project will have no effect on the City's supply of affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit www.sfgov.org/bdappeal.

Very truly yours,



Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.

TITLE PAGE

PROJECT DESCRIPTION: 6' REDWOOD FENCE (23')
ALONG FRONT PROPERTY LINE
OF 20 BURNSIDE AVE, AND
6' REDWOOD FENCE WITH GATE (24.5')
BETWEEN DRIVEWAY AND FRONT
YARD OF 20 BURNSIDE AVE

ADDRESS 20 BURNSIDE AVE

BLOCK / LOT 0733A / 002

ZONING DISTRICT RH-1

BULK DISTRICT 40-X

SPECIAL USE DISTRICT CENTRAL NEIGHBORHOODS LARGE RESIDENCE
FAMILY AND SENIOR HOUSING OPPORTUNITY SUD

OF COMMERCIAL BUILDINGS EXISTING 0
PROPOSED 0

BUILDING SQUARE FOOTAGE UNCHANGED

HEIGHT OF EXISTING
BUILDING STRUCTURE UNCHANGED

DWELLING UNIT MIX SINGLE FAMILY HOME

OF VEHICLE PARKING
SPACES 0 PUBLIC
1 PRIVATE

OF BIKE PARKING
SPACES 0

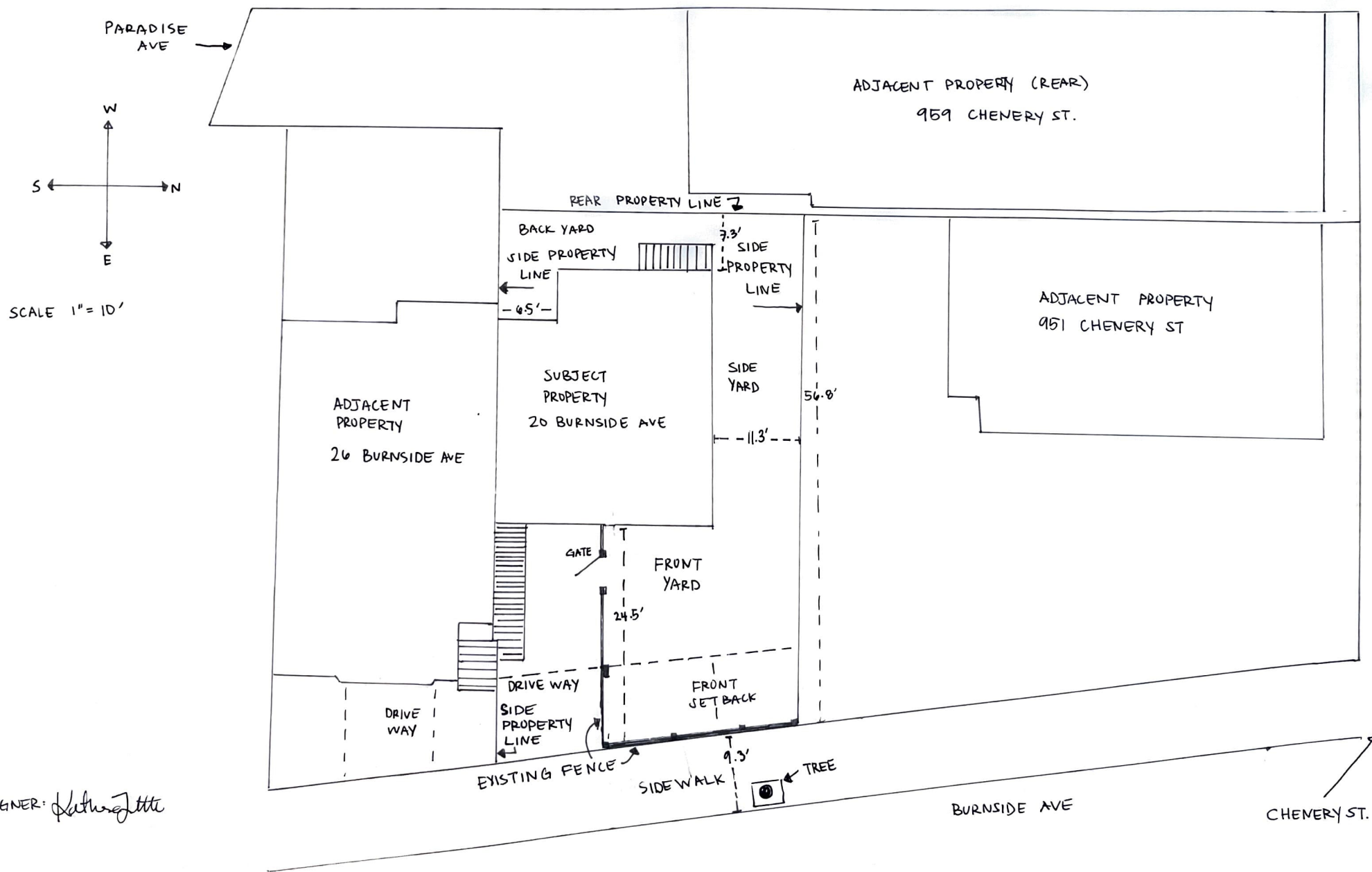
SQUARE FOOTAGE OF
USABLE OPEN SPACE UNCHANGED

INDEX

1. TITLE PAGE
2. EXISTING AERIAL VIEW
3. EXISTING FENCE VIEW
(AERIAL + FRONT FACING)
4. PROPOSED FENCE VIEW
(AERIAL, FRONT, AND
SIDE FACING)
5. PROPOSED AERIAL VIEW

DESIGNER *Katherine Little*
KATHERINE (ROCKWELL) LITTLE

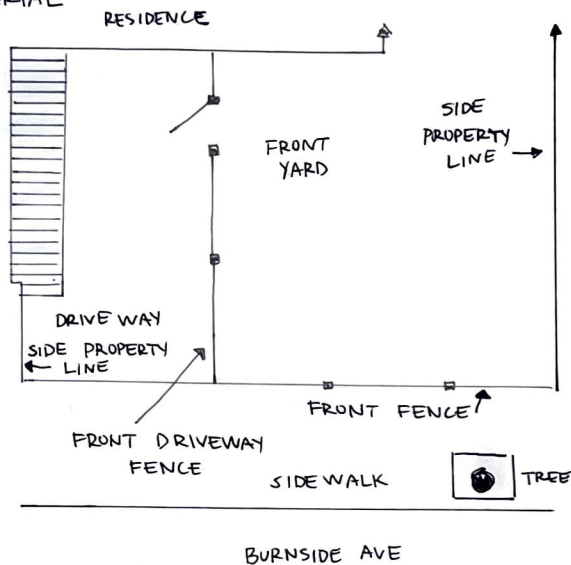
EXISTING AERIAL VIEW



DESIGNER: *Huth Jette*

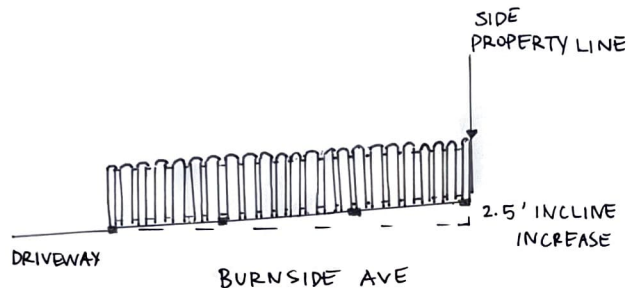
EXISTING FENCE VIEW

AERIAL

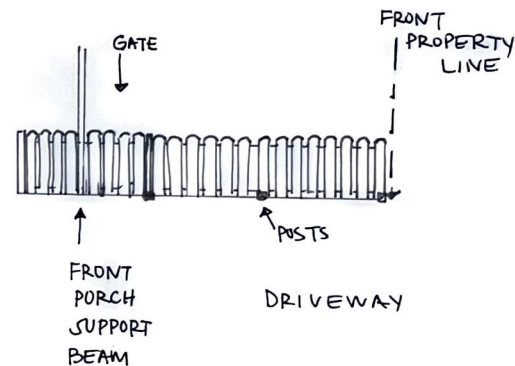


EXISTING FRONT FACING VIEW

FRONT FENCE : 23'

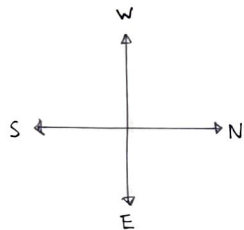


EXISTING FRONT DRIVEWAY FENCE : 24.5'



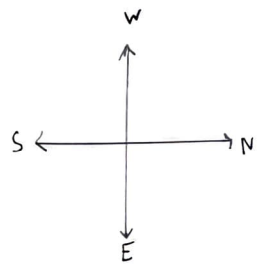
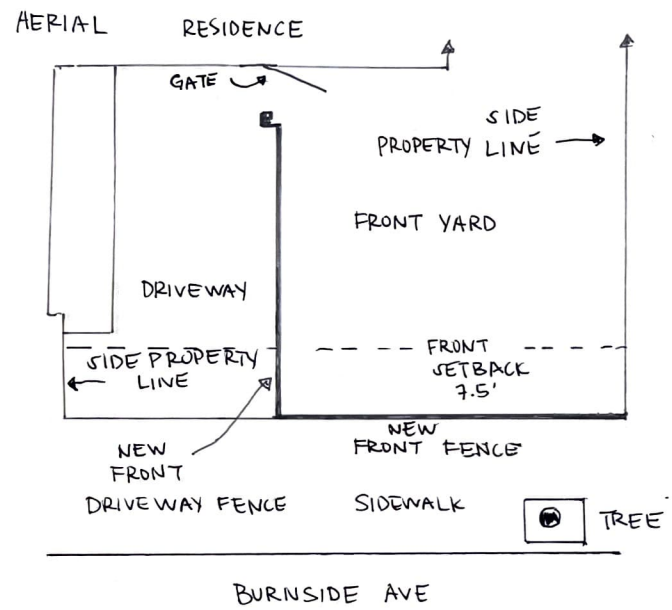
NOTES:

1. SCALE $\frac{1}{8}'' = 1'$
2. EXISTING FENCE IS 4' HIGH WITH 4x4 POSTS EVERY ~7.5' IN FRONT FENCE, AND EVERY 3.5-7.5' IN FRONT DRIVEWAY FENCE.
3. 2.5' INCLINE INCREASE IN SIDEWALK GRADE ACROSS LENGTH OF FRONT FENCE
4. ENTIRE EXISTING FENCE WILL BE REMOVED.



DESIGNER: *H. H. H. H.*

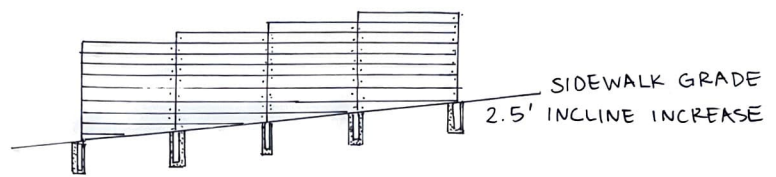
PROPOSED FENCE VIEW



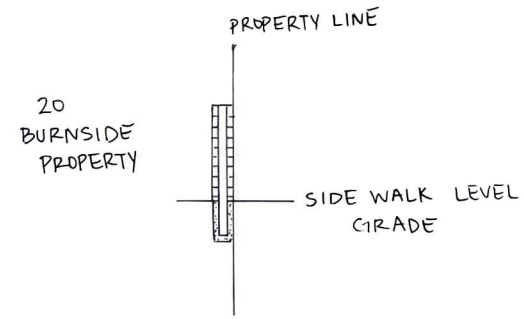
DESIGNER: *Kathryn Jett*

PROPOSED FRONT FACING VIEW

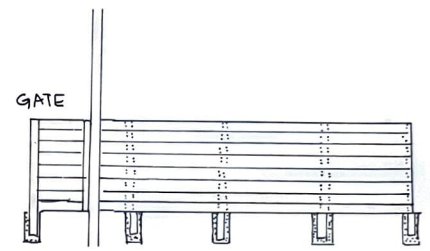
FRONT FENCE: 23'



PROPOSED POST SIDE VIEW



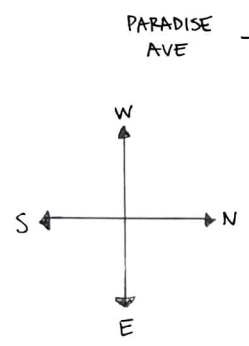
PROPOSED FRONT DRIVEWAY FENCE: 24.5'



NOTES:

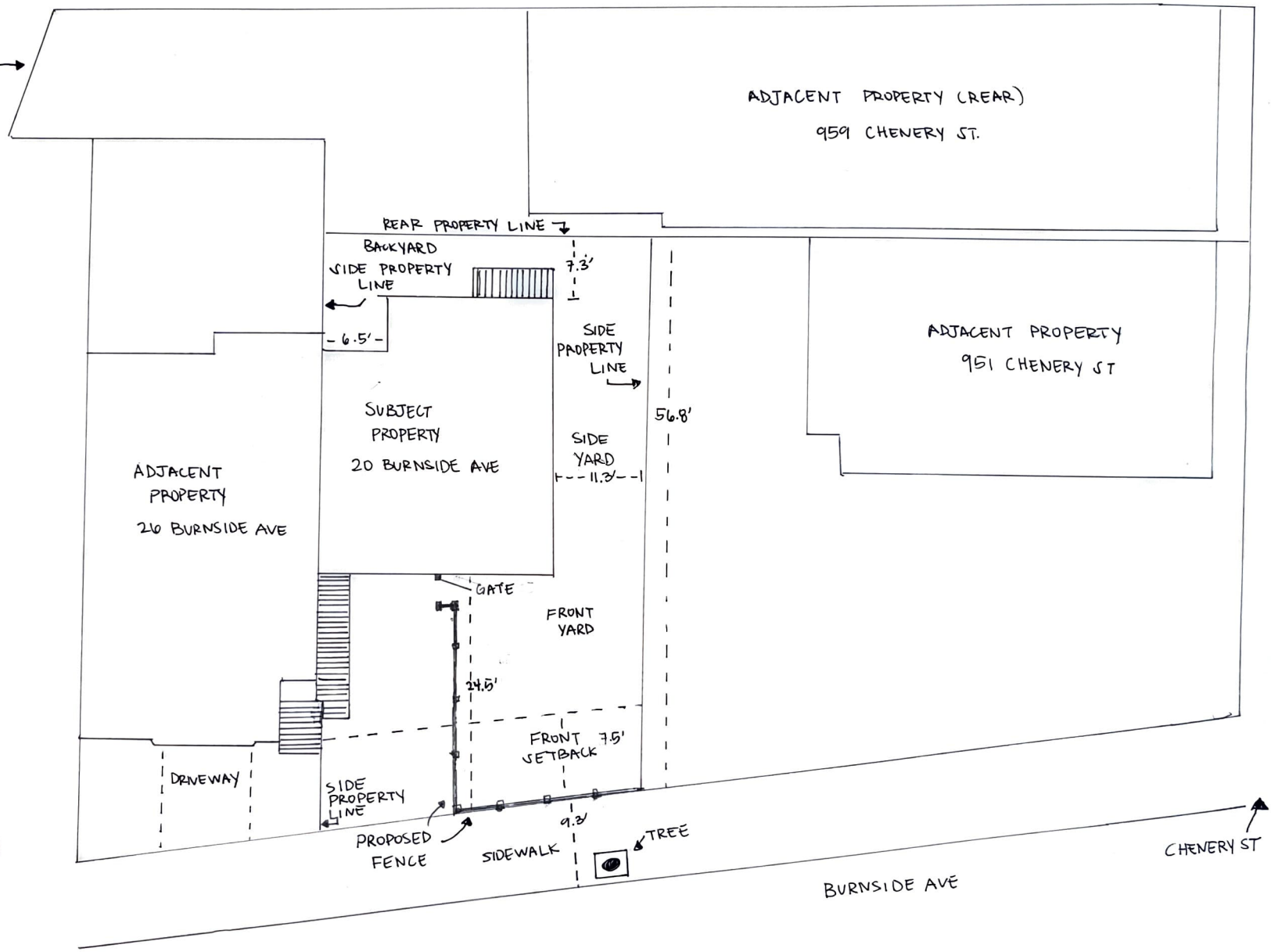
1. SCALE $\frac{1}{8}" = 1'$
2. 30-36" DEEP 4x4 PRESSURE TREATED POSTS EVERY 3-3.5' IN CONCRETE
3. ALL EXTERIOR LUMBER WILL BE REDWOOD
4. FENCE WILL BE MAX 6'-0" HEIGHT AT SIDEWALK LEVEL (GRADE)
5. 2.5' INCLINE INCREASE IN SIDEWALK GRADE ACROSS LENGTH OF FRONT FENCE.
6. ENTIRE FRONT FENCE AND FRONT DRIVEWAY FENCE WILL BE NEW.

PROPOSED AERIAL VIEW



SCALE 1" = 10'

DESIGNER: Katherine Jettell



BRIEF SUBMIT BY THE APPELLANT(S)

VARIANCE APPEAL FOR 20 BURNSIDE AVENUE, SF (No. 2025-054)

I. INTRODUCTION

We are a family with two young children appealing the Zoning Administrator's variance denial for our property at 20 Burnside Avenue. We seek to replace and increase our existing damaged four-foot solid fence to six feet in the front setback area—a modest two-foot increase that would have an outsized impact for us and restore functional privacy to our only usable outdoor space. The Zoning Administrator's denial mischaracterizes our property's unique configuration, disregards the absence of neighborhood opposition and strong support from immediate neighbors on all sides, and applies a standard analysis to an exceptional situation that demands closer examination. We understand that the Board of Appeals must determine whether the facts establish the five criteria for granting a variance. We respectfully submit that the Zoning Administrator erred in finding that these criteria were not met. This brief demonstrates that the property's extraordinary circumstances, the practical hardship created by literal enforcement of the Code, and the absence of detriment to public welfare or neighboring properties, all of whom support the variance application. We respectfully request that the Board of Appeals reverse the Zoning Administrator's decision and grant the variance for a six-foot solid fence in the front setback area of 20 Burnside Avenue.

II. STATEMENT OF FACTS

A. The Property's Unique Configuration

The property at 20 Burnside Avenue presents an exceptional circumstance that distinguishes it from the significant majority other residential properties in the district: it has no functional rear yard whatsoever. The entire usable outdoor space exists exclusively within the front and side yards, areas that are currently fully visible from the public street. *See Exhibit 1*. This is not merely a "somewhat shallow" lot as characterized in the denial; it is a non-conforming lot where our family's only opportunity for outdoor activity is in space that

provides zero privacy from constant public exposure. Unlike typical residential lots in San Francisco's RH districts where families enjoy private rear yards shielded from street view, our property offers our young children no space for unstructured outdoor play that is not directly observable by every passerby, creating a hardship unique to our family and lot.

B. The Elongated Lot and Front Setback Problem

Our property presents an additional exceptional circumstance related to its elongated shape and the geometry of Burnside Avenue (*See Exhibit 2*). The Zoning Administrator suggested that we could comply with the Code by placing a solid fence at the required front setback line. However, due to the elongated configuration of our lot and the angle of Burnside Avenue (neither our property at 20 Burnside or our neighbor at 26 have a front facade that is parallel to the sidewalk), literal enforcement of this suggestion would place our fence significantly behind the front line of our adjacent neighbor's property on Burnside Avenue. This would create an awkward, visually inconsistent streetscape where our fence would be noticeably recessed compared to the established building line of neighboring properties.

Recognizing this problem, after the Appeal process, we proposed a reasonable compromise during discussions with the Planning Department: we offered to create a wedge-shaped section of our property that we would dedicate space back to the public, which would allow our fence to align with the front facade of the only adjacent property facing Burnside avenue, thereby maintaining visual consistency along the streetscape (*See Exhibit 3*). This proposal would have achieved the Code's aesthetic goals, maintained front facade alignment, eliminated sightline concerns (aligned to neighbors facade), provide requested essential privacy for outdoor livability and created an attractive planted area along the sidewalk for public good. Despite this good-faith effort to find a mutually acceptable solution, our proposal was denied. The rejection of this compromise further demonstrates how the rigid application of the Code to our unusual property configuration produces unreasonable results.

C. Extraordinary Public Exposure Due to Location and Surroundings

California Government Code Section 65906 explicitly recognizes that "location" and "surroundings" are valid special circumstances justifying a variance. Our property's location and surroundings are genuinely exceptional. The property is situated at the confluence of multiple high-traffic generators that create institutional-level public activity uncommon in residential San Francisco neighborhoods:

First, we are located directly across the street from St. John's School, which generates substantial daily foot and vehicle traffic during morning drop-off and afternoon pickup periods. During school fire drills, staff and students line up on the sidewalk directly in front of our fence. This means our front yard is under near-constant observation during school hours by parents, teachers, and students. Second, we are located one block from the main entrance to Glen Canyon Park, one of San Francisco's most popular natural areas. Our street serves as a de facto parking area for park visitors from throughout the city. Third, our property sits along the designated cross-town trail that runs through the Glen Park Greenway, past the popular Burnside mural, and along Paradise Avenue. This popular recreational route brings non-local pedestrians past our property daily, with particularly heavy use on weekends when our family would most benefit from outdoor time in our yard. Fourth, city walking tours regularly visit our street to view the new artistic stair tiling project and painted mural that have been added on Burnside Avenue, creating additional non-local foot traffic.

These locational factors are not personal circumstances; they are permanent, physical characteristics of where our property sits. The confluence of these factors at a property that lacks any rear functional yard creates a situation that is genuinely distinguishable from other properties in the district.

D. Absence of Neighborly Oversight

Our property has no residential overlookers from the front because it faces a school rather than neighboring homes. This actually deprives us of the informal community watching that typically provides security in

residential neighborhoods. Combined with high non-local traffic, this creates genuine security vulnerabilities—our vehicle has been stolen from outside our house twice, demonstrating risks inherent to our location near the freeway and BART. Importantly, facing the school also means that a fence would not impede the visual experience of neighbors opposite our property.

E. Unanimous Neighbor Support

All four neighboring properties provided written support for this variance application, in addition to an additional neighbor next door to an adjacent neighbor. No neighbor has expressed any opposition to our knowledge. **The elevated neighbor whose property could theoretically be affected by the fence and whose house location determines our front setback line has affirmatively supported the project, confirming that their sight lines would not be negatively impacted.** This unanimous support demonstrates that the proposed variance would not be materially detrimental to property or improvements in the vicinity and is aligned to community sentiment.

III. LEGAL STANDARD

We understand that under San Francisco Planning Code Section 305(c), the Board of Appeals may grant a variance upon finding that five criteria are met. The City Charter provides that the power to grant a variance shall be applied when literal interpretation and enforcement of the Code would "result in practical difficulties, unnecessary hardships, or where the results would be inconsistent with the general purpose of the Code."

California Government Code Section 65906 provides that variances shall be granted when "because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity." Notably, "location" and "surroundings" are explicitly enumerated as valid special circumstances. Our property's location across from a school, adjacent to a major park entrance, next to a public art feature and

along a recreational walking trail constitutes precisely the type of locational circumstance contemplated by this statute.

The Planning Code restricts solid fences in front setback areas to a maximum height of three feet, while permitting fences up to six feet if they are 75% open. This restriction exists to maintain neighborhood aesthetics and sight lines. However, the variance process exists precisely to address situations where rigid application of these standards would create undue hardship without corresponding public benefit.

IV. ARGUMENT: THE FIVE VARIANCE CRITERIA ARE SATISFIED

A. Criterion One: Exceptional or Extraordinary Circumstances

Our property presents multiple exceptional circumstances: First, the complete absence of a functional rear yard is itself extraordinary—the significant majority of RH district residential properties possess rear yards that provide private outdoor space shielded from public view. Second, the elongated shape of our lot and the geometry of Burnside Avenue (*See Exhibit 2*) means that literal compliance with the front setback requirement would place our fence behind, and at an angle to the established front line of our neighbor's property, creating visual inconsistency that the Code's aesthetic goals aim to prevent. Third, the property's location at the confluence of a school, major park entrance, recreational trail, and walking tour destination creates cumulative public exposure that is genuinely exceptional—while many properties might face one factor in isolation, the combination is unique.

The Zoning Administrator's characterization of our lot as merely "somewhat shallow" fundamentally misunderstands the nature of our hardship. This is not a matter of degree; it is a categorical difference. A family with a shallow but functional rear yard still has private outdoor space. We have none.

B. Criterion Two: Practical Difficulty or Unnecessary Hardship

The primary hardship is clear: without a variance, our young children cannot engage in unstructured outdoor play on our own property with any privacy. The constant observation by non-local visitors to the school, park, and trail means our family cannot use our outdoor space without being on public display.

The Zoning Administrator's suggested alternative—placing a solid fence at the front setback line—creates its own practical difficulty. Due to our lot's elongated shape and the street geometry, this would position our fence behind our neighbor's front line, creating an awkward visual discontinuity. Additionally, this would markedly reduce our functional front yard space. We attempted to address this by proposing a wedge-shaped dedication of property back to the public that would align our fence with the neighbor's facade, but this compromise was rejected. The rejection of a reasonable alternative that would have served both the Code's aesthetic purposes and our privacy needs exemplifies the unnecessary hardship created by rigid enforcement. These pre-existing conditions are inherent to the property, not created by us.

C. Criterion Three: Preservation of Substantial Property Right

The property right at issue is the ability to enjoy private outdoor space on one's residential property. Other properties in the RH district enjoy this right through their rear yards, which are protected from public view by the building itself and by the ten-foot fence heights permitted in rear yard areas. The Code allows higher solid fences in rear yards specifically to preserve this privacy interest. Our property cannot access this protection because we have no rear yard. We are not seeking an advantage over other properties; we are seeking to remedy a disadvantage that denies us a benefit that other property owners in our district take for granted.

D. Criterion Four: No Material Detriment to Public Welfare or Neighboring Properties

Most significantly, all adjacent neighbors have provided written support for this project. Not a single near neighbor has expressed opposition to our knowledge. This community support is the clearest possible evidence

that the proposed fence would not be materially injurious to neighboring properties—the neighbors who could theoretically be affected have clearly and vocally supported this variance.

The unique configuration of our property minimizes any potential detriment to public welfare. Because we face a school rather than residential neighbors across the street, there are no residential sight lines from the opposite side that would be affected. The elevated neighbor on one side has confirmed that their views would not be impacted. The corner configuration of our other neighbor (facing Chenery) means no adjacent neighbor would experience loss of light or views. The variance would not set a precedent that undermines the Code's goals because the extraordinary circumstances of our property are highly unlikely to be replicated elsewhere.

E. Criterion Five: Harmony with Code Purpose and General Plan

The General Plan's Housing Element explicitly recognizes the importance of supporting families with children in San Francisco. Goal 4 calls for "sufficient housing for existing residents and future generations for a city with diverse cultures, family structures, and abilities." The implementing programs specifically acknowledge that "families with children" have "special housing needs that need to be taken into account." Denying this family the ability to create private outdoor space for their children contradicts these expressed policy goals.

The Recreation and Open Space Element emphasizes the importance of outdoor space for children and families, noting that active recreation includes "children's play areas" as essential facilities. The recently adopted Family Zoning Plan reflects San Francisco's commitment to family-friendly neighborhoods. Our variance request seeks to transform an unusable outdoor space into one where our children can play privately—consistent with this policy direction.

V. THE ZONING ADMINISTRATOR'S DENIAL ERRED IN ITS ANALYSIS

The denial erred in several respects. First, characterizing our property as merely having a "somewhat shallow" lot depth fundamentally misunderstands our hardship—the issue is not that our lot is shallow; it is that we have

no private outdoor space at all. This is a categorical difference, not a matter of degree. Second, the suggested alternative of placing a fence at the setback line fails to account for our elongated lot and street geometry, which would place our fence behind our neighbor's front line, creating visual inconsistency and not aligning with the aims of the SF Planning code. When we proposed a compromise—dedicating a wedge-shaped portion back to the public to align with the neighbor's facade—this reasonable solution was rejected. Third, the denial failed to give appropriate weight to unanimous neighbor support—when every affected neighbor has affirmatively expressed support, we believe that the fourth criterion is satisfied.

Finally, the denial failed to recognize that our property's "location" and "surroundings"—the school, park entrance, recreational trail, and walking tour destination—constitute valid special circumstances under California Government Code Section 65906. These are permanent physical characteristics, not personal circumstances.

VI. CONCLUSION

The Planning Code's purpose is to balance livability with neighborhood character. The variance process exists precisely to address situations where general rules create unintended hardship without corresponding public benefit. Our property presents such a situation: no rear yard, constant public observation from exceptional locational factors, a suggested alternative creating visual inconsistency, a rejected compromise, and unanimous neighbor support.

We respectfully request that the Board of Appeals reverse the Zoning Administrator's decision and grant the variance for a six-foot solid fence in the front setback area of 20 Burnside Avenue. This modest two-foot increase from our existing damaged four-foot fence which needs replacement would have an outsized impact on our family and provide our family with functional private outdoor space while creating no detriment to our neighbors, the public welfare, or the purposes of the Planning Code.

EXHIBIT 1

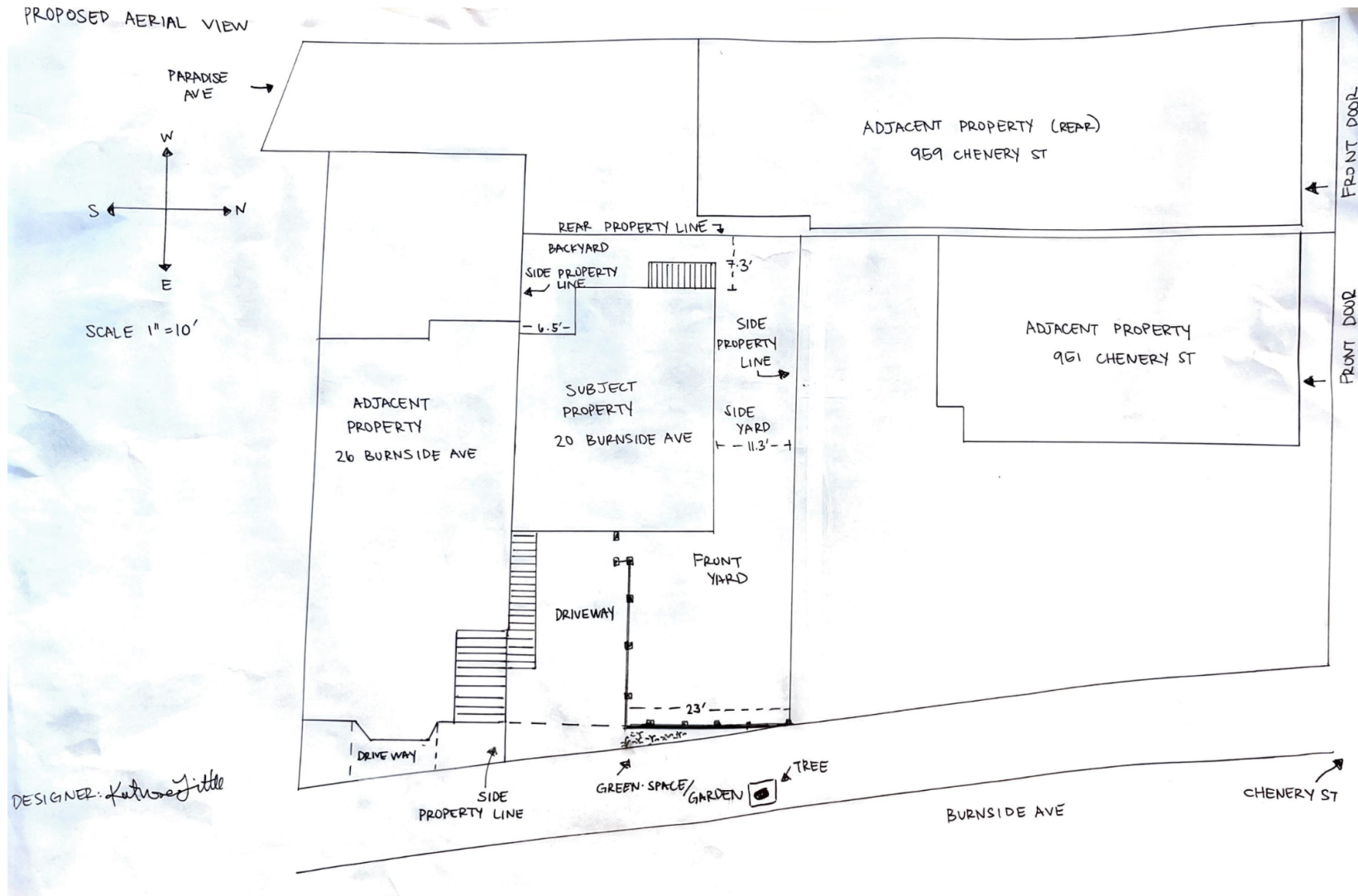


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EXHIBIT 3

PROPOSED AERIAL VIEW



BRIEF SUBMITTED BY PLANNING DEPARTMENT



BOARD OF APPEALS BRIEF

HEARING DATE: January 28, 2026

January 22, 2026

Appeal No.: 25-054
Project Address: 20 Burnside Avenue
Subject: Variance Case No. 2025-003868VAR
Zoning: RH-1 (Residential-House, One Family)
Family and Senior Housing Opportunity SUD
Height: 40-X
Staff Contact: Corey A. Teague, AICP, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

Background and Analysis

The proposed project is to remove the existing, approximately 4-foot tall fence and construct a new 6-foot tall solid fence at the front of the property containing a two-story, single-family building. A variance is required because the subject lot has a required front setback of approximately 7 feet 6 inches, and within a front setback a solid fence may be a maximum of 3 feet above grade. However, a 6-foot tall fence may be permitted if it is at least 75 percent open to perpendicular view.

This type of variance request for a solid fence taller than 3 feet within the front setback is proposed from time to time, and the consistent outcome of such cases is that the variance is denied because it is challenging for such a variance to meet the 5 required findings. Concerns regarding safety and privacy from the street frontage are often not specific or unlike many other properties in the City. This information was provided to the applicants during the project review.

The variance case was heard at public hearing on August 27, 2025. While it was acknowledged how such a fence would be desirable to the applicant, it was stated that the variance was likely to be denied. However, it was also acknowledged that the applicant had provided a strong presentation and that the case would be taken under advisement to see if perhaps a lesser variance was justified. After that hearing, there was good-faith coordination between the parties to determine if some variance could be justified. While a much smaller scope was considered that would allow a transition of height from the neighboring fence up the hill down to a new, 3-foot tall fence on the subject property, it was ultimately determined that the variance should be denied on the same grounds as other similar cases before.

The following information includes the findings language from the Variance Decision Letter with additional comments provided in *italics* below:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Not Met.

- A. There are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district. While the lot is somewhat shallow, it is also wider than a typical lot, contains a single-family building within a RH-1 Zoning District, and has Code-complying open space. The applicant notes the impacts of property's adjacency to a school and that the area is visited by people from outside the neighborhood. While those conditions do not exist in all residential areas, they also are not uncommon within San Francisco, where neighborhoods often have a mix of use, open spaces, and other features.

It's important to note that neither the Planning Code nor the Residential Design Guidelines provide any guidance, controls, or protections related to privacy from the public right-of-way. While it's always understandable for property owners to desire specific levels and types of privacy, there is a limit to the amount of privacy that is protected by local controls given the urban context of the City. There are also numerous scenarios across the City of residential areas adjacent to larger nonresidential uses like schools. There are also many residential properties across the City with little to no rear yard, but the Planning Code does not provide an exception for fences in the required front setback for such cases.

Granting a front setback variance on the grounds of having no rear yard, improved privacy, or proximity to common nonresidential uses could impact future proposals as well.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Not Met.

- A. As noted above, there are no exception or extraordinary circumstances at the subject lot, and therefore no resulting practical difficulty or unnecessary hardship. While the applicant's concerns regarding privacy and safety are completely understandable, they can be addressed through other means, such as a taller fence located outside the required front setback, or various forms of landscaping to supplement the existing fence that is already 1-foot taller than permitted by the Planning Code.

It is typically preferred that a project employs other reasonable means to address any perceived difficulties or hardships instead of a variance, if possible. In this case, while the alternatives may not be as desirable to the Appellant, they are still viable options that would avoid the need for a variance. Additionally, once a noncomplying fence is permitted at the site, it is likely that future occupants will maintain the feature even if they do not have the same privacy concerns. Whereas other options, such as supplemental landscaping, may be a preferred temporary solution. It's important to note that the Planning Department, Planning Commission, Zoning Administration, and the Board of Appeals have used/required landscaping features as a form of privacy mediation in the past (although it is more typical in the context of a rear or roof deck).

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Not Met.

- A. Granting this variance to construct a noncomplying fence is not necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district. The property otherwise contains a single-family home within a RH-1 Zoning District with Code-complying open space and has other options to address issues of safety and privacy.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Not Met.

- A. The required front setback is intended to relate the setbacks provided on a subject property to the existing front setbacks of adjacent buildings. Tall, solid fences at the front property line can be visually disjointed and typically are not consistent with the Residential Design Guidelines. More specifically, the Residential Design Guidelines state that projects should avoid creating blank walls at the front setback that detract from the street and encourages the use of landscaping within the front setback. This, in part, is why solid fences are limited by Planning Code Section 136 to no more than 3 feet in height. Allowing a 6-foot tall fence within this front setback would create a permanent blank wall along the street frontage, contrary to the Residential Design Guidelines, whereas supplemental landscaping is a less permanent and adjustable option.

As stated above, the proposed variance runs directly counter to the intent and provisions of the Planning Code and the Residential Design Guidelines. And while it is always preferred that applicants work with their neighbors and have full support, that fact alone is not sufficient to determine that Finding 4 has been met.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Not Met.

- A. This development is not fully consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposed fence would create a permanent, tall, blank wall that would not enhance the street.
3. The proposed project will have no effect on the City's supply of affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

Conclusion

To conclude, the proposed variance was determined to not meet the 5 required findings for the reasons provided. There is also concern that the Appellants arguments could be applied broadly, such to justify many other such variances in the future, which indicates that there are no exceptional or extraordinary circumstances in this case where a variance is necessary to address a practical difficulty or unnecessary hardship. For all those reasons, I respectfully recommend that the Board find that the Zoning Administrator did not err or abuse their discretion in denying the variance, and deny the appeal.

cc: Simon and Katherine Little (Appellants)
Joe Ospital (Department of Building Inspection)

PUBLIC COMMENT

From: [Michael Neumann](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal No.25-054, 20 Burnside Street
Date: Tuesday, January 13, 2026 8:55:41 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Appeal No.25-054, 20 Burnside Street

Good Morning Board of Appeals,

I am writing to fully support my neighbor's appeal #25-054, 20 Burnside Street to construct a 6 foot high fence at their front property line at 20 Burnside Street. This will provide the privacy and security for a young family with small children. The 20 Burnside house does not have a secure backyard.

Burnside is a busy street with the St John School directly across the street and there is also plenty of pedestrian activity in front of their house.

I live directly next door at 951 Chenery. My adjacent existing sidewalk fence is 6 high with a 1 foot gap at the top. Their fence will certainly maintain that visual context. There is also an existing 6 foot high fence at the corner of Burnside and Paradise. So there is precedence in the neighborhood.

I hope you vote in their favor.

Thanks.

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Mike Neumann
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415 640 1709