





# Town of Tiburon

## STAFF REPORT

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approve the project and the requested variances at the meeting of July 17, 2003. The project has now been properly noticed to the public, and Planning Division Staff has reviewed the project in respect to the Zoning Ordinance and Hillside Design Guidelines.

The applicant is requesting variances for increased lot coverage (22.1% in lieu of 15%), reduced front yard setback (16'6" in lieu of 30 feet), and reduced side yard setback (11 feet in lieu of 15 feet). At 4,360 square feet, the size of the proposed home exceeds the floor area limits for the property; a floor area exception of 710 square feet is proposed.

### ANALYSIS:

#### Design Issues

At the July 17, 2003, the Board made the motion to accept the design of the project in concept. The Board also suggested two conditions which have now been added to the list of conditions of approval: 1). The exposed retaining wall surface below the swimming pool shall be faced in decorative stone; 2). The revised story poles for the project shall be certified by a licensed surveyor. Staff has no additional concerns with the design of the project.

#### Zoning

As previously stated, the project does not meet the required side yard setback, front yard setback, lot coverage limit, and floor area ratio for the property. The project appears to meet the remaining standards of the R-0-2 zoning district.

#### Floor Area Exception

In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**

The applicant has submitted a survey of several properties in the vicinity in regards to the floor area ratio and the floor area exceptions granted for each respective property. This information is attached (exhibit #2). Based on this survey, the size and scale of the proposed home would be compatible with the predominant pattern established by the existing structures in the neighborhood.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

It appears that the proposed structure would be compatible with the dimensions of the lot and surrounding physical features. The prominent location and terraced topography of the property would require a low sprawling design, which the applicant has achieved.



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### Variance

In order to grant the requested variances, the Board must make the following findings as 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 fact that the subject property is in the line of site of several important views is an unusual characteristic. The applicant has stated that the requested variances are necessary to accommodate the visual assets of the properties in the vicinity.

- 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.**

The applicant has submitted a survey of properties in the immediate vicinity that have been granted similar variances to those that are proposed. This information is attached (exhibit #2). According to this survey, the granting of the variances would not constitute a special privilege inconsistent with the neighborhood.

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

The strict application of the Ordinance would result in a significantly smaller home, which would be inconsistent with the other structures in the vicinity. The alternative would be to bury the home into the existing grade even more than what is proposed, resulting in a practical difficulty and unnecessary hardship for the applicant.

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

The granting of the requested variances to enable the lowering and "spreading out" of the home would be beneficial to the properties in the vicinity.

### Public Comment

No public comment has been received regarding this application since the July 17, 2003, DRB meeting.

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### **RECOMMENDATION:**

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05, 4.02.08 (Guiding Principles, and Variance Findings by Acting Body, and Floor Area Exception Findings) and the Hillside Design Guidelines. Based on the previous discussion of the Board at the July 17, 2003, Board meeting, it is recommended that the project be approved with the attached Conditions of Approval.

### **EXHIBITS:**

1. Conditions of Approval.
2. Applicants variance and FAR survey.
3. Revised plans for the proposed project.

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL 111 SUGARLOAF DRIVE FILE #20314

#### **\*AS AMENDED AT THE JULY 17, 2003, DRB MEETING**

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 and plans dated by the Town of Tiburon on July 17, 2003, or as amended by these conditions of approval. Any modifications to the plans must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Department 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 Department 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 Design Review 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 Design Review 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 other than those approved by the Design Review Board must be down light type fixtures.
6. **The exposed retaining wall surface below the swimming pool shall be faced in decorative stone.\***
7. **The location of the story poles must be certified by a licensed surveyor. Any changes in the story poles must be approved by the Design Review Board, prior to the issuance of a building permit.\***
8. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and

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slabs. No inspections will be provided until the survey results have been verified.

9. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
  - e. The water pump, if required, for domestic supply shall be sized to supply the automatic fire sprinkler system.
10. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
11. All requirements of the Town Engineer shall be met.