





# Town of Tiburon

## STAFF REPORT

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The lot coverage on the property would be increased by five percent (5%). The existing lot coverage for the site is 26%, and the maximum lot coverage allowed is 30%. Therefore the applicant is requesting a variance for excess lot coverage (31% lot coverage in lieu of the maximum 30% lot coverage).

The addition would also be located 6'2" from the west side property line. Since the minimum setback for the property is eight (8) feet, the applicant is requesting a variance for reduced side yard setback (6'2" in lieu of the minimum 8 feet).

### ANALYSIS:

#### Zoning

Except for the above mentioned variance requests for excess lot coverage, and reduced side yard setback, the project appears to be in conformance with the remaining development regulations of the R-1 zoning district.

#### Design Issues

The addition would maintain the architectural style that is prevalent in the area. The gabled features associated with additions would match the roofline of the existing garage. There would be new window seat on the front of the residence that would provide much better light and air for the residence.

While the proposed addition would bring the structure closer to the street than some of the adjacent homes, there have been similar projects approved recently in the Belveron neighborhood. The project is consistent with the new development in the neighborhood. The basic floor plan of the home would be maintained, lessening the intrusiveness of the addition. There is also substantial vegetative screening between the proposed addition and the closest residence to the west.

The siding of the addition would be cement plaster, and the roof would be composition shingles. The addition would be painted to match the existing residence. Staff does not foresee any concerns with the design of the project.

#### Variance

In order to grant the requested variance, 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 subject parcel is zoned R-1, which is geared towards lots that are 10,000 square feet or more. The subject parcel is only 6,860 square feet, which is 30% smaller than then the minimum lot size required for this zone. The size of the home, the amount of

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property it covers, and its proximity to the adjacent parcels, is relatively consistent with homes in the R-1 zoning district on properties that are over 10,000 square feet in size.

- 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.**

According to the Town's records, several properties in the immediate vicinity have been granted similar or greater variance requests. Approving the requested variances would not constitute a grant of special privilege to the applicant.

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

**A. Lot Coverage:**

The lot coverage variance is requested because of the small size of the lot. The owner's desire is to enlarge their house without the need for a second story element. A second story is not the standard in the neighborhood, and would be more intrusive than the proposed ground floor addition. Because a second story element would not likely be approved, it would be a hardship to strictly apply the Ordinance in this case.

**B. Reduced Side Yard Setback:**

The existing side yard setbacks for the residence, which are the same as when the property was first developed, is 8 feet on the east side, and 6'2" on the west side. Strict application of the Zoning Ordinance would require that that the proposed addition is offset just over one foot from the existing wall of the structure. It would not be impossible to accomplish this, but it would be awkward and inconsistent with the design of adjacent homes.

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

As proposed, the variances would not appear to have an adverse impact on views privacy, or otherwise on the properties in the vicinity.

### **Public Comment**

To this date, no public comment has been received regarding this application.

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### RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07 and 4.03.05 (Guiding Principles, and Variance Findings by Acting Body) 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 finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review, and all necessary findings can be made for the variance for excess lot coverage and reduced side yard setback, then it is recommended that the project be approved with the attached Conditions of Approval.

### EXHIBITS:

1. Conditions of Approval.
2. Application and supplemental materials dated August 20, 2003.
3. Applicant's findings for the variance.
4. Plans for the proposed project.

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL 21 Apollo Drive FILE #20324

1. This approval shall be used within 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 plans received by the Town of Tiburon on August 20, 2003, or as amended by these conditions of approval. Any modifications to the approved plans must receive further design review and approvals.
3. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light type fixtures.
4. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
5. 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.