



Town of Tiburon

STAFF REPORT

The residence currently exceeds the lot coverage limit for the property. The existing lot coverage for the site is 25.5%, and the maximum lot coverage allowed is 15%. Despite the modest the addition, the applicant is requesting a variance for excess lot coverage (26% lot coverage in lieu of the maximum 15% lot coverage).

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 RO-2 zoning district.

Design Issues

The addition would be well integrated with the existing structure. The windows in the proposed bay would provide adequate light and air for the kitchen. The addition would be finished 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 RO-2, which is geared towards lots that are 20,000 square feet or more. The subject parcel is only 7,560 square feet, which is 62% smaller than then the minimum lot size required for this zone, which creates a significant mismatch for the size of a home that would be allowed versus the size of the homes in the vicinity. The size of the home, the amount of property it covers, and its proximity to the adjacent parcels, is relatively consistent with homes in the neighborhood.

- 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.

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

The variances are requested because of the seemingly inappropriate zoning designation for a parcel of this size and in this location. The property is located in the Old Tiburon neighborhood, yet retains the zoning from the properties in the Hill Haven neighborhood. It is clear when looking at the "building envelope" for the property, that constructing a home to fit within the envelope would be near impossible, let alone a hardship.

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

The applicant has provided signatures from the owners of the adjacent properties indicating their support of the project.

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 14, 2003.
3. Applicant's findings for the variance.
4. Plans for the proposed project.

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EXHIBIT 1

CONDITIONS OF APPROVAL 2299 Spanish Trail FILE #20322

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 September 8, 2003, or as amended by these conditions of approval. Any modifications to the approved plans must receive further design review and approvals.
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.