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toward the front. The previously approved additions permitted extensions to the rear of the house for a new master bedroom suite and expanded kitchen and dining room.

The proposed additions would add 228 square feet of floor area to the existing house and garage, resulting in a total floor area for the house of 1,759 square feet, with a 450 square foot garage; this is less than the floor area ratio for a lot of this size. The proposed additions would increase the lot coverage of this property by 228 square feet to a total of 2,396 square feet (28.1%), which is less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed bedroom and bathroom additions would extend to within 4 feet, 3 inches of the right (east) side property line, which is less than the 8 foot minimum side yard setback required in the R-1 zone. A variance is therefore requested for reduced side yard setback.

The proposed garage addition would extend to within 7 feet, 6 inches of the left (west) side property line, which is also less than the required side yard setback. A variance is therefore also requested for this reduced side yard setback.

A color and materials board has not yet been submitted, but will be available at the meeting for review by the Design Review Board.

ANALYSIS

Design Issues

As noted in the previous Staff report for this property, the house on this lot was originally constructed in the 1950's, prior to establishment of the Tiburon Zoning Ordinance. The house was built with a 4'8" setback to the right (east) side property line, and a 5'0" to 7'6" setback to the left (west) side property line. The proposed additions would generally follow the lines of the existing building. The garage addition would not project closer to the side property line than the original house. However, due to the angle of the house site to the right side property line, the proposed rear bedroom addition would extend 5 inches closer to this property line than the existing house.

The previously approved Site Plan and Architectural Review application first included the construction of a carport in front of the existing garage, with the garage to be converted into livable area. The original design would have required a variance for reduced front yard setback, along with a variance for a reduced setback on the left side of the property. Concerns were raised at that time by the Design Review Board and neighboring property owners regarding the proposed carport and front yard setback variance. The applicant then revised the project design to eliminate the carport and garage conversion, and moved the addition to the right side of the property. The Board approved this design, along with a variance for a reduced right side yard setback of 4'8".

Although the proposed application would involve encroachments into both side yard setbacks, the proposed single-story additions would generally not extend closer to the property lines than



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the design of the original house on this property. Therefore, the proposed additions would not likely result in significant privacy or other visual impacts on neighboring homes.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variances for reduced side yard setbacks.

Variances

In order to grant the requested variances, the Board must make all of the following findings 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 8,329 square foot lot size is substantially smaller than the 10,000 square foot minimum lot size for the R-1 zone. The existing house on the site was originally developed with legally nonconforming side yard setbacks. These physical conditions create special circumstances that would deprive the owners of this property of development privileges enjoyed by other 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.***

Numerous other properties in the vicinity have received variances for reduced side yard setbacks, including, most recently, the newer homes at 2090 & 2100 Centro East Street (Files #297024 & 297025) and the adjacent residence to the west at 2195 Centro East Street (File #200013). Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The strict interpretation of the required side yard setback would force the proposed additions to step back from the line of the existing building, which would place an unnecessary hardship on the property owners.

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

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As described above, the proposed additions would not appear to create any significant privacy or visual impacts on neighboring homes.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances.

Public Comment

To date, no letters have been received regarding the subject application. The applicant has submitted a set of plans that have been approved by the neighboring property owners of 32 & 33 Juno Road.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Minutes of the February 6, 2003 Design Review Board meeting
4. Minutes of the March 6, 2003 Design Review Board meeting
5. Submitted plans

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CONDITIONS OF APPROVAL

31 JUNO ROAD

FILE #20325

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 with the application dated by the Town of Tiburon on August 25, 2003, or as amended by these conditions of approval. Any modifications to the plans of August 25, 2003, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division 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 Division 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 Planning Division 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 Planning Division 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures must be down light type fixtures.
7. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
8. Prior to underfloor 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 slabs. No inspections will be provided until the survey results have been verified.

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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 1210).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
 - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
 - e. A "Jones" model 3740 fire hydrant shall be located on the street within 350 feet of the project along the fire apparatus access route. The final location of the hydrant shall be approved by the Fire District. The fire hydrant shall be capable of flowing a minimum of 1,000 gallons per minute at 20 psi residual pressure for a duration of two hours (UFC 903).
 - f. The access road shown on the improvement plans is not of adequate width to allow for any parking outside of the designated parking spaces. Appropriate signage shall be installed indicating that parking is prohibited along the main traveled roadway, and enforceable CC&R's or deed restrictions shall be placed to maintain the area free for emergency vehicle access at all times.
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.