



Town of Tiburon

STAFF REPORT

The existing floor area of the home is 4,035, which exceeds the floor area limit of 3,850. Therefore, with the additional floor area, the applicant is requesting an exception of 510 square feet. The lot coverage would increase from 14.3% to 16.2%. Since the maximum lot coverage for the property is 15%, the applicant is requesting a variance of 1.2%.

ANALYSIS:

Zoning

Except for the above mentioned variance request for excess lot coverage, and the floor area exception, the project appears to be in conformance with the remaining development regulations of the RO-1 zoning district.

Design Issues

The existing residence is a U-shaped building with a courtyard at the rear of the residence. The proposed greenhouse would be located on this courtyard to achieve integration with the existing residence. The design of the greenhouse would include a barrel vault ceiling with arched eaves which would mimic the arched eaves on the existing residence. The proposed materials of the greenhouse would be significantly different than the predominant stucco façade of the residence. However, a combination of translucent materials would be used to “lighten” the structure reducing the visual mass and bulk. The greenhouse would also compliment the modern forms and materials used on properties in the vicinity. Staff foresees no design issues with the proposed greenhouse.

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-1, which is geared towards lots that are 40,000 square feet or more. The net area of the subject parcel is only 18,500 square feet, which is 54% smaller than then the minimum lot size required for this zone. The applicant has submitted a chart that compares the lot sizes and respective lot coverage of the surrounding properties. The applicant has suggested that 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.**

While no similar lot coverage variances have been granted for properties in the vicinity, the applicant has represented that the size of the resulting home would be smaller than



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all but one of the properties in a 500 foot radius. Therefore the variance would not constitute a grant of special privilege inconsistent with properties in the vicinity.

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

The strict application of the lot coverage regulations would allow the applicant to construct a smaller greenhouse approximately 130 square feet in size. Therefore the strict application of the Ordinance **would not** appear to be a hardship or practical difficulty for the property owner.

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

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 provided adequate information which indicates that the increased floor area would be consistent with the development of properties in the vicinity. The additions would not expand on the width or height of the existing structure, therefore remaining compatible with the other 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.

The applicant has stated the proposed additions would be compatible with the physical characteristics of the site because the additions would be built into the natural slope of the property. The addition would also be fitted into the U-shaped portion of the existing residence minimizing its impact on the site.

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CONCLUSION:

The applicant has provided a chart, which is incorporated into the submitted plans, that compares the size of the adjacent properties and the level of development on them with the proposed project. The applicant has shown that the proposed structure itself would be of a compatible size and character of structures in the vicinity. However, the subject parcel is the smallest parcel in the vicinity. What is appropriate development on the larger properties in the vicinity may represent an overbuilding of the smaller subject parcel.

In the review of several previous applications the Design Review Board has granted lot coverage variances for single-story additions to allow applicants to maximize their floor area without resorting to a two-story structure. This perceived trade-off has been employed by the Board in order to achieve better designs or designs that are compatible with the development of properties in the vicinity. The Board should carefully consider whether the addition, which would require both a lot coverage variance and a floor area exception, represents an overbuilding of this specific property.

PUBLIC COMMENT:

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

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05, and 4.02.08 (Guiding Principles, and Variance Findings by Acting Body, and findings for a Floor Area Exception) 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 is inclined to approve the proposed project, the Board should make the appropriate findings for the lot coverage variance. 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 and the floor area exception, 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 and floor area exception.
4. Plans for the proposed project.

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EXHIBIT 1

CONDITIONS OF APPROVAL 5 Gilmartin Court FILE #20329

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 29, 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 proposed barrel vault ceiling.
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.