



Town of Tiburon

STAFF REPORT

The current proposal consists of an expansion of the previously approved garage, and a modification to the floor plan. The project would also eliminate an office in the basement area on the southwest corner of the home. The project would result in a net decrease in floor area for the residence.

The previously approved square footage of the home was 2,876 square feet. The proposed project would result in 2,700 square feet of floor area. The lot coverage would increase from 26.3% to 29.9%. The project would meet the requirements for lot coverage and floor area.

The existing structure on the north side is 6'7" from the side property line. The garage expansion would continue this scenario and would be 6'7" from the side property line. Since the required side yard setback is 8', the applicant is requesting a variance of 1'5". Similar setback variances for reduced side yard setbacks have been granted for the properties at 524, 548 and 555 Virginia Drive, 532 and 544 Silverado Drive, 534, 543 and 546 Comstock Drive.

ANALYSIS:

Zoning

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

Design Issues

A building permit was issued for the original project on October 7, 2003. During the initial demolition and exploration of the existing structure, it became apparent that the approved floor plan would require modification. Specifically, the office and wine cellar in the basement area could not be built as proposed. Subsequently, the project architect designed a floor plan where all of the floor area is on the upper level. The current floor plan calls for the expansion of the garage toward the front of the property to accommodate a new family room in a portion of the previous garage area. The basement area would no longer be converted to habitable space. Two new skylights would be added above the new family room.

The side yard setback of the existing structure would be maintained, and the north wall of the garage would be extended 12'6" towards the street. To minimize the impact on the adjacent neighbors, an existing storage shed on the north side of the garage would be removed. The design, roofline, colors and materials would match the project that was approved by the Board on June 19, 2003. Staff foresees no design issues with the proposed modifications.

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:

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- 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 narrow with little room to expand on either side. There is also a view corridor across the rear of the property that may preclude any development to the rear of the building. The applicant has designed the project to conform as much as possible to the physical constraints particular the subject property.

- 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.**

As mentioned above, several homes in the vicinity (Little Reed Heights) have been granted variances for front yard and side yard variances. Therefore, the variance would not constitute a special privilege inconsistent with properties in the vicinity.

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

The existing side yard setbacks for the residence, which are the same as when the property was first developed, are 8 feet on the south side, and 6'7" on the north side. Strict application of the Zoning Ordinance would require that that the proposed addition be 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 project 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. However, the applicant has stated that the plans have been shown to most of the neighbors in the vicinity who have indicated their support for the project.

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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 (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 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 November 13, 2003.
3. Applicant's findings for the variance.
4. Plans for the proposed project.

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EXHIBIT 1

CONDITIONS OF APPROVAL **544 Comstock Drive** **FILE #20331**

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 November 13, 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. The basement area on the southwest side of the residence shall be permanently modified so it can not be used as habitable space. The Planning Division shall review and approve the basement area prior to the issuance of a building permit.
6. 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.