



Town of Tiburon

STAFF REPORT

The proposed additions would increase the total floor area of the property to 6,477 square feet, which is more than the 5,654 square feet permitted for a lot of this size. A floor area exception is therefore requested for this application.

The proposed additions would increase the lot coverage on the site to 5,656 square feet, or 15.5% of the lot size. As a maximum lot coverage of 15.0% is permitted in the RO-1 zone, a variance is also requested for excess lot coverage.

A color and materials board has not been submitted, as the proposed construction would match the colors and materials of the existing house.

ANALYSIS

Design Issues

The existing house structure is situated at the end of a cul-de-sac of Mt. Tiburon Road. The site occupies a large level area below other nearby homes accessed by a private driveway leading up from the end of the cul-de-sac. The north side of the lot begins to slope upward, and much of the property is surrounded by mature vegetation.

The proposed additions would be shielded from view by existing portions of the house and the landscaping on the site. Although the existing house has two levels, the majority of the floor area is contained on one level, giving the residence the general appearance of a one-story structure. The house also has a variegated perimeter, and the proposed additions would simply extend slightly out from three different points on the exterior of the house.

Three other properties in the vicinity at 227, 265 & 285 Round Hill Road (Files #28116, 28029 & 298026) have also received variances for excess lot coverage. Numerous other homes in the single-family residential zones have received variances for excess lot coverage to support predominantly one-story house designs.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-2 zone with the exception of the previously noted variance for excess lot coverage and floor area exception.

Variance

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.***

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The subject property is situated around the edge of a road and cul-de-sac, with physical separations between the house site and other nearby homes above and below the property. The applicant's desire to add on to the existing structure while maintaining the house on primarily one level cannot be achieved without adding lot coverage in a manner similar to many other properties faced with a 15.0% maximum lot coverage which have also received variances for excess lot coverage. The strict application of these zoning requirements would therefore deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.

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 stated above, several other homes in the vicinity and in the same or similar zones have received variances for excess lot coverage similar to those proposed for this property.

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

In order to comply with the required lot coverage requirement, the proposed additions would need to be constructed as part of an additional level to the house, which would result in increased building costs and could result in view or privacy impacts for nearby homes. This alternate design would create a practical difficulty for the property owner by forcing a design which could create problems for neighboring property owners.

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

As stated previously, the proposed improvements would not result in view or privacy impacts on neighboring property owners.

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

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; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout 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.



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The proposed additions would not alter the visual size and scale of the existing house, as most of new area would be result in minimal projections that would only be marginally visible from other nearby properties. The proposed construction would also not alter the relationship of the existing house to the site, as the additions would follow the grade of most of the existing house.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance and floor area exception.

Public Comment

To date, no letters have been received regarding the subject application. Minutes of the September 21, 2000 Design Review Board meeting indicate that no objections were received during the review of the previous application for this project.

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 September 21, 2000 Design Review Board meeting
4. Submitted plans

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CONDITIONS OF APPROVAL

102 MT. TIBURON ROAD

FILE #20335

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 December 11, 2003, or as amended by these conditions of approval. Any modifications to the plans of December 11, 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.