





# Town of Tiburon

## STAFF REPORT

---

The project would be located four (4) feet from the left side property line. Since the required side yard setback in the zoning district is eight (8) feet, the applicant is requesting a variance of four (4) feet.

### ANALYSIS:

#### Zoning

Other than the request for a variance for reduced side yard setback, the project is in compliance with the development standards for the R-1 zoning district.

#### Design issues

The area of the proposed addition is currently 11 feet from the side property line, a distance which would be reduced to four (4) feet as a result of the project. The majority of the existing residence is six (6) feet from the side property line, which is an existing non-conforming situation. The addition would be offset two feet from the existing structure. In some situations this offset may be more visible and generally undesirable, but due to the small scale of the addition, it would not appear to cause any significant impacts to adjacent properties. The colors and materials of the addition would match the existing residence.

#### 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.**

*Staff's initial evaluation is that the above finding can be made based on the following statement:*

The subject parcel is fairly steep site. The applicant has demonstrated a need for additional storage area on the upper level of the home, and according to the floor area limits for the property, a small addition may be permitted. The proposed location of the addition is the only reasonable location for additional floor area while avoiding the steep areas of the 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.**

*Staff's initial evaluation is that the above finding can be made based on the following statement:*

According to the Town's records, several homes in the vicinity do not meet the current setback requirements. The Town has also approved several variances for reduced side



# Town of Tiburon

## STAFF REPORT

---

yard setbacks on properties in the vicinity; such as 524, 548 and 555 Virginia Drive, 532 and 544 Silverado Drive, 534, 543, 544 and 546 Comstock Drive. 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.**

*Staff's initial evaluation is that the above finding **cannot** be made for the following reasons:*

The existing setback from the north (left) property line is six (6) feet, which is the same as when the property was first developed. If the proposed addition were to comply with the required eight (8) foot setback, the addition would be offset two (2) feet from the existing wall of the residence. In the recent past, the Board has granted variances so new construction could be aligned with an existing non-conforming structure. The rationale is that granting such a variance would prevent the addition from having an awkward offset from the existing structure, which would be inconsistent with the design of adjacent homes.

The current project includes construction beyond the existing non-conforming structure. Although this would create only a minor offset in the building design, it would produce a situation that is typically prevented via the granting of a variance; as described above. If the applicant was requesting a side yard setback of six (6) feet instead of four (4) feet, the addition would be aligned with the existing structure, which would be more congruous with previous variance applications approved by the Board. The applicant has not demonstrated that there is a practical difficulty or unnecessary hardship to design an addition that would comply with the required setbacks, or at least be aligned with the existing non-conforming structure.

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

*Staff's initial evaluation is that the above finding **can** be made based on the following statement:*

As proposed, the addition would not appear to result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

**Public Comment**

To this date, no public comment has been submitted.

# Town of Tiburon

## STAFF REPORT

---



### RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05 (guiding principles for design review, and required variance findings) 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 findings 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 11, 2003.
3. Applicant's findings for the variance.
4. Plans for the project

# Town of Tiburon

## STAFF REPORT

---



### EXHIBIT 1

#### CONDITIONS OF APPROVAL 563 Virginia Drive FILE #20333

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 to the application and plans dated by the Town of Tiburon on November 21, 2003, or as amended by these conditions of approval. Any modifications to the plans must be reviewed and approved by the Design Review Board.
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.