

Town of Tiburon STAFF REPORT

AGENDA ITEM D-2



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TO: **DESIGN REVIEW BOARD**

FROM: **BRIAN LYNCH, ASSOCIATE PLANNER**

SUBJECT: **130 GELDERT DRIVE; FILE #20332
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF ADDITIONS TO AN EXISTING SINGLE-FAMILY
RESIDENCE WITH VARIANCES FOR REDUCED FRONT YARD
SETBACK, REDUCED SIDE YARD SETBACK, EXCESS LOT
COVERAGE, AND EXCESS STRUCTURE HEIGHT.**

MEETING DATE: **FEBRUARY 5, 2004** REVIEWED BY: DMW

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PROJECT DATA:

OWNER/ APPLICANT:	KARI AND DAVID VASQUEZ
ARCHITECT:	MAHONEY ARCHITECTS
ADDRESS:	130 GELDERT DRIVE
ASSESSOR PARCEL NUMBER:	039-031-17
FILE NUMBER:	20332
LOT SIZE:	14,557 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL OPEN)
GENERAL PLAN:	M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE:	C
DATE COMPLETE:	DECEMBER 19, 2003
CEQA EXEMPTION:	JANUARY 19, 2004
PERMIT STREAMLINING ACT DEADLINE:	MARCH 18, 2004

PRELIMINARY ENVIRONMENTAL DETERMINATION:

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

PROPOSAL:

The applicant has submitted a request to construct additions to an existing single-family residence located at 130 Geldert Drive. The subject parcel is located on the south side, or downhill side, of Geldert Drive. The site slopes significantly from the street down to the rear of the property. The existing residence is a two-story structure with the upper level constructed



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directly above the lower level. This configuration, coupled with the significant change in topography, gives the structure a one-story appearance from the street and a three-story appearance from the rear of the property. The slope of the property also resulted in the existing structure to be built in close proximity to the street, apparently to provide relatively easy access to the home. A variance for reduced front yard setback was granted when the residence was first constructed in 1968. The existing structure also does not comply with the side yard setback and height requirements.

The applicant is proposing to construct additions at the entrance and on both sides of the building. The additions would create a formal entrance to the home, create a larger garage, increase the size of the master suite, and add new exterior deck areas. The additions would equal approximately 804 square feet. As part of the project, the applicant would be replacing a terrace room approximately 250 square feet in size on the east side of the residence with an exterior deck. The net increase in floor area for the project would be 587 square feet, resulting in a total of 3,057 square feet for the property. The project would be in compliance with the floor area requirements for the property.

The applicant is requesting the approval of the following variances: excess building height (31'7" in lieu of the maximum 30 feet), reduced front yard setback (10 feet in lieu of the minimum 30 feet), reduced side yard setback (10 feet in lieu of the minimum 15 feet), and excess lot coverage (19.5% in lieu of the maximum of 15%). Dimensions for the proposed variances are measured to the nearest wall or structural element. Further details on the proposed variances will follow.

ANALYSIS:

Design Issues

As previously discussed, the existing building is constructed on a steep hillside. Although the building runs lengthwise with the contours of the site, which is a preferred design technique, the two levels are stacked directly on top of each other, which is a design technique that is generally discouraged. This configuration creates a large amount of unexcavated under-story space, and an imposing rear elevation. The Hillside Design Guidelines state that the preferred design in this situation would be to step the building down the slope to respect the contours of the site.

While the existing development of the site employs some undesirable design techniques, the additions would appear to meet the intent of the Hillside Design Guidelines. The additions would make use of existing under-story space, and the additions would elongate the structure along the contours of the site. The additions would also maintain the single-story appearance of the residence as viewed from the street.

The most visible change proposed would be the new covered entryway. The entryway would have two hipped roof elements supported by a simple set of wood columns. A new entry walk would be created leading from the street, and leading from the driveway. This part of the addition would also create a powder room and space for a stairwell just inside the front door.



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The bulk of the new floor area would be located on the lower level on the east side of the existing building. This addition would create a new master bathroom and closet, and would also create a lower-level deck off the rear of the master bedroom. Above this area would be a large new exterior deck. This deck would wrap around to the rear of the building, and a portion of it would be covered with a wood trellis.

On the west side of the building, the existing garage would be expanded 150 square feet to more adequately accommodate two cars. A small access deck would be created underneath the garage expansion leading to the lower level of the residence.

The applicant is proposing to change the siding material from wood to stucco. The roof would be comprised of composition shingles. New wood clad windows would be installed throughout the residence, and a new wood garage door would also be installed.

Zoning

As previously mentioned, the proposed project would not comply with several zoning regulations. Details on the requested variances are as follows:

Excess Building Height The height of the existing home is 31'7". Most of the proposed additions would be below the 30 foot maximum height line. At the entryway addition however, the new roof would match up with the existing ridgeline. At this point, a small triangular piece of the new roof would exceed the 30 foot maximum height line. The proposed height variance would not exceed the existing non-conforming situation.

Reduced Front Yard Setback The required front yard setback for the home is 30 feet. The entire length of the front elevation of the existing building encroaches in the front yard setback; the closest point to the front property line is 15'6". Much of the addition would also encroach on the front yard setback. The closest point to the front property line would be 10 feet at the new entryway. The existing non-conforming situation would be increased by 5'6".

Reduced Side Yard Setback The existing home is approximately 13 feet from the property line on the right side, which does not comply with the required 15 foot setback. The additions on the right side of the building would be designed in such a way that the proposed setback would be no less than 10 feet. The non-conforming situation would be increased by three feet.

Excess Lot Coverage The existing lot coverage for the property is 14.8%. The maximum lot coverage for the property is 15%. The additions, including the new decks would add approximately 700 square feet, resulting in a total of 19.5% lot coverage.

Variance

In order to grant the requested variances, 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.**

All of the requested variances stem from the same unusual site characteristics; the significant slope on the property and the magnitude of the existing non-conforming characteristics of the existing structure.

- 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.**

Although a similar set of variances have not been approved on any single property in the vicinity, variances for reduced front yard setback have recently (since 1994) been approved at 197, 199, and 201 Stewart Drive; and 100 Geldert Drive. Variances for reduced side yard setbacks have recently been approved at 177, 197, 199 Stewart Drive; 120 Geldert Drive; and 125 Porto Marino.

Variances for excess structure height are generally highly scrutinized by the Board due to the potential view impacts now and in the future. However, in cases where an applicant has proposed additions to an existing non-conforming structure, the Board has taken a more liberal approach in the review of the application. Similar height variances have recently been granted at 100 Lyford Drive and 116 Sugarloaf Drive. For these reasons, the granting of the variances would not appear to be a special privilege.

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

It would be an unnecessary hardship to strictly apply the Ordinance in this case and require the applicant to rebuild the existing home to meet the required setbacks and building height requirements. The only reasonably flat area of the site is close to the street. To build a structure more than 30 feet away from the front property line and 15 feet away from the side property lines, and to modify this existing house to a maximum height of 30 feet, as suggested by the zoning ordinance, would create significant practical, engineering and structural problems.

- 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 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 received regarding this application.

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RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07 and 4.03.05 (Guiding Principles, 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 variances for excess building height, reduced front and side yard setbacks and excess lot coverage, 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 project

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EXHIBIT 1

CONDITIONS OF APPROVAL **130 Geldert Drive** **FILE #20332**

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 December 10, 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.