

Town of Tiburon STAFF REPORT

AGENDA ITEM D1



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **321 KAREN WAY; FILE #20404**
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
ADDITIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH
VARIANCES FOR REDUCED FRONT AND SIDE YARD SETBACKS
AND EXCESS LOT COVERAGE

MEETING DATE: **FEBRUARY 19, 2004** _____

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PROJECT DATA:

ADDRESS:	321 KAREN WAY
ASSESSOR'S PARCEL:	34-122-12
FILE NUMBER:	20404
PROPERTY OWNERS:	VASCO MORAIS AND HOLLY KAISER
APPLICANT:	MALOTT ARCHITECTS
LOT SIZE:	7,557 SQUARE FEET
ZONING:	R-1-BA (SINGLE-FAMILY RESIDENTIAL-BEL AIRE)
GENERAL PLAN:	MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	JANUARY 30, 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 15301.

PROPOSAL

The applicant is requesting Design Review approval to construct additions to an existing one-story single-family dwelling located at 321 Karen Way. Two additions to the front of the house would result in two new bedrooms and bathrooms, along with a one-car garage. Two sets of eight (8) solar panels would be installed on the existing portions of the roof, along with two new skylights.

The proposed additions would add 301 square feet of floor area to the existing house, resulting in a total floor area of 2,318 square feet, which is less than the floor area ratio for a lot of this size. The proposed additions would increase the lot coverage of this property by 341 square feet to a total of 2,674 square feet (35.3%), which is greater than the 30.0% maximum lot



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coverage permitted in the R-1-BA zone. Therefore, a variance is requested for excess lot coverage.

The proposed garage would extend to within 18 feet of the front property line. As a 20 foot front yard setback is required in the R-1-BA zone, a variance is requested for reduced front yard setback.

The other proposed addition would extend to within 5 feet, 6 inches of the western (left) side property line. As a 6 foot side yard setback is required in the R-1-BA zone, a variance is also requested for reduced side yard setback.

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

ANALYSIS

Design Issues

A similar request to construct additions to this house was approved in 1998 (File #298003). A dining and kitchen expansion to the rear of the house was constructed, but the additions to the front of the house were never built. The approvals granted for that applications have since expired. No public objections were received regarding this previous application.

The house is situated on a relatively flat parcel with a sloping area toward the rear property line. The front of the house is currently slightly further back from the front property line than the main structures for the parcels on either side of this site. The proposed additions to the front of the house would effectively move the subject house slightly in front of these neighboring structures. However, the parcel to the west of the site (317 Karen Way) has a carport and trellis structure that is situated almost adjacent to the front property line, well beyond the proposed additions. This adjacent parcel also has a 7'6" entry trellis along the front property line, similar to the gate proposed for the subject site. Trees, shrubs and fencing along both side property lines should also provide some screening of the proposed additions.

Staff does not foresee any other design issues with this project.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1-BA zone with the exception of the previously noted variances for reduced front and side yard setbacks and excess lot coverage.

Variances

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:

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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 7,557 square foot lot size is substantially smaller than the 10,000 square foot minimum lot size for the R-1-BA zone. The existing house is situated at a slight angle from the western side property line, causing the front of the house to encroach slightly into the required side yard setback. These physical conditions create special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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.***

Other properties in the Bel Aire neighborhood that have received variances for reduced front yard setbacks include 210 Blackfield Drive (File #27105), 11 Claire Way (File #299005) and 80 Pamela Court (File #20303). Homes that have received variances for reduced side yard setbacks include 275 Karen Way (File #293008), 38 Claire Way (File #20132) and 279 Cecilia Way (File #293021). Properties that have received variances for excess lot coverage include 283, 301 & 317 Karen Way (Files #20327, 20316 & 296008), 95 Harriet Way (File #20236) and 80 Pamela Court (File #20303). Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The strict interpretation of the required side yard setback would force the proposed addition to be set in several inches from the line of the existing house. The strict interpretation of the required front yard setback would not allow for the development of an adequately sized garage space for the property. The strict interpretation of the maximum lot coverage requirement would force the applicant to construct floor area within a second story, which could create potential privacy or visual impacts on neighboring properties.

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

As described above, the proposed changes would not appear to create any significant visual or privacy impacts on neighboring homes.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances.



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Public Comment

To date, no letters have been received regarding the subject application.

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. Submitted plans

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CONDITIONS OF APPROVAL

321 KAREN WAY

FILE #20404

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 January 21, 2004, or as amended by these conditions of approval. Any modifications to the plans of January 21, 2004, 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.