

# Town of Tiburon STAFF REPORT

AGENDA ITEM   D2  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **PLANNING MANAGER WATROUS**

SUBJECT:           **63 MERCURY AVENUE; FILE #20406**  
**SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF**  
**AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH**  
**VARIANCES FOR REDUCED FRONT AND SIDE YARD SETBACKS**

MEETING DATE:   **MARCH 18, 2004** \_\_\_\_\_

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**PROJECT DATA:**

<b>ADDRESS:</b>	<b>63 MERCURY AVENUE</b>
<b>ASSESSOR'S PARCEL:</b>	<b>34-281-34</b>
<b>FILE NUMBER:</b>	<b>20406</b>
<b>PROPERTY OWNERS:</b>	<b>MARGOT AND DAVID GEITHEIM</b>
<b>APPLICANT:</b>	<b>CHRISTINE CASTALDO (ARCHITECT)</b>
<b>LOT SIZE:</b>	<b>8,066 SQUARE FEET</b>
<b>ZONING:</b>	<b>R-1 (SINGLE-FAMILY RESIDENTIAL)</b>
<b>GENERAL PLAN:</b>	<b>MEDIUM HIGH DENSITY RESIDENTIAL</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>FEBRUARY 27, 2004</b>

**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 an addition to an existing one-story single-family dwelling located at 63 Mercury Avenue. The addition to the front of the house would result in a new master bedroom and bathroom, along with a new entryway.

The proposed project would add 426 square feet of floor area to the existing house, resulting in a total floor area of 1,466 square feet, which is less than the floor area ratio for a lot of this size. The proposed additions would also increase the lot coverage of this property by 341 square feet to a total of 1,838 square feet (22.8%), which is less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed addition would extend to within 10 feet, 2 inches of the front property and to within 1 foot, 3 inches of the right side property line. As a 15 foot front yard setback and an 8



# Town of Tiburon

## STAFF REPORT

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foot side yard setback are required in the R-1 zone, variances are requested for reduced front and side yard setbacks.

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

The subject house is situated on a relatively flat parcel with a sloping area toward the rear of the site. The applicants have indicated that an addition to the front of the house would be preferable to allow them to preserve the relatively small flat rear yard area for recreational use.

The plans originally submitted with the subject application included a 571 square foot addition that would have extended to within 2 feet of the front property line. Staff advised the applicants that few, if any, variance requests have been approved in Tiburon for additions that extend that far into the required front yard setback unless the lot sloped significantly away from the front property line. After consulting with Staff, the applicants submitted revised plans increasing the requested front yard setback from 2 feet to 10 feet, 2 inches. Both the originally submitted and revised plans request a similar encroachment into the required side yard setback.

This house was originally constructed within 1 foot, 8 inches of the right side property line. The side of the building is not situated parallel to the side property line. The Design Review Board has occasionally approved variances for reduced side yard setbacks in order to allow building additions to follow the line of an existing building with a legal nonconforming setback. Due to the angle of the existing building in relation to the side property line, the proposed addition which generally follows the line of the original structure would encroach further into the required side yard setback than the existing house. Portions of the proposed addition would step back further from the side property line, but the addition would encroach to within 1 foot, 3 inches of the side property line at its closest point. The Design Review Board should consider whether the proposed building setback would provide adequate separation for the adjoining property, or whether the proposed addition should be stepped further back from the alignment of the side of the existing house.

It does not appear that the proposed addition would result in significant view or visual impacts on nearby homes. Existing vegetation along the right side of the property would provide some screening of the addition. The single-story design of the elevation would not exceed the height of the existing house, and would be compatible with the overall design of the original dwelling.

Numerous variances for reduced side yard setbacks have been granted for homes with the Belveron West subdivision. Since 1980, the smallest side yard setback approved was 4 feet, 3 inches for the home at 31 Juno Road (File #20325), which was also approved to extend a building addition in line with the side walls of an existing house. Most other variances approved for reduced side yard setbacks in this neighborhood have allowed setbacks of 6 to 7 feet in lieu of the required 8 foot setback.



# Town of Tiburon

## STAFF REPORT

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Only four other variances have been previously granted for reduced front yard setbacks in this neighborhood: 47 Mercury Avenue (11 feet, File #29704); 50 Mercury Avenue (13 feet, File #296001); 68 Mercury Avenue (16 feet, File #26312); and 21 Venus Court (12 feet, 9 inches, File #298034). In addition, the nearby house at 57 Mercury Avenue was originally developed with a 5 foot front yard setback.

### **Zoning**

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

### 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:

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 8,066 square foot lot size is substantially smaller than the 10,000 square foot minimum lot size for the R-1 zone. The existing house is situated at a slight angle from the western side property line, causing the side of the house to encroach significantly 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.***

As previously noted, numerous other properties in the Belveron West neighborhood have received variances for reduced side yard setbacks, and several other nearby homes have either received variances for reduced front yard setbacks or have been developed with legally nonconforming front yard setbacks. Therefore, the granting of these variances 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 nearly 7 feet from the line of the existing house.



# Town of Tiburon

## STAFF REPORT

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The strict interpretation of the required front yard setback would force any additions to this house to intrude into the small usable rear yard area available on the site.

**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.

### **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

# Town of Tiburon

## STAFF REPORT

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### CONDITIONS OF APPROVAL

#### 63 MERCURY AVENUE

#### FILE #20406

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 February 5, 2004, or as amended by these conditions of approval. Any modifications to the plans of March 8, 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 exterior lighting fixtures must be down light type fixtures.