



Town of Tiburon

STAFF REPORT

The proposed house would have a floor area of 2,740 square feet, which is 10 square feet less than the floor area ratio for a lot of this size. The lot coverage of the proposed house would be 2,200 square feet (29.3%), which is 51 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed house would be situated within 13 feet, 6 inches of the rear property line. As a 23 foot, 2 inch rear yard setback is required for this property, a variance is requested for reduced rear yard setback.

The proposed detached garage would be situated within 5 feet, 3 inches of the front property line and 3 feet of the east (right) side property line. A spa is also proposed to be installed 3 feet from this side property line. As a 15 foot front yard setback and an 8 foot side yard setback are required in the R-1 zone, variances are requested for reduced front and side yard setback.

A color and materials board has been submitted, and will be available at the meeting for review by the Design Review Board. Beige colored stucco siding with dark brown trim is proposed for the building exterior. A tar a gravel roof is proposed to be installed for the house.

ANALYSIS

Design Issues

The proposed house would be pulled back toward the rear of the site, as evidenced by the requested variance for reduced rear yard setback. It appears that this location is an attempt to move the proposed building behind the line of the adjacent house to the west at 741 Tiburon Boulevard. As a result, the proposed house would not interfere with any views from this adjacent residence. However, the neighboring home would view a relatively unarticulated two-story side of the house, creating potentially undesirable visual mass and bulk.

The adjacent home to the rear of the site at 757 Hawthorne Drive has relatively panoramic views of Richardson Bay, Sausalito and the Golden Gate Bridge. The existing house and trees on the subject property screen a central portion of the water and Sausalito views from the kitchen and deck of this neighboring residence. The proposed house would appear to block a portion of the water and Sausalito shoreline views from the deck of the adjacent home. This potential view condition would appear to be exacerbated by the location of the house within the required rear yard setback, as the location of the building closer to the neighboring home effectively pushes the roof further into the foreground water views. It should be noted that the recently constructed neighboring home to the rear was lowered into the ground somewhat by its owners in order to avoid view impacts on several other uphill residences. A similar effort to push the proposed house down into the ground could help to mitigate the potential view impacts on this adjacent residence.

The proposed garage would be situated behind dense existing hedges along the front and east side property lines, which would make the structure practically invisible from off-site. The rooftop patio would provide residents with views toward Richardson Bay without creating any unwanted privacy impacts, as there are no other homes across Tiburon Boulevard from the site.



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The proposed garage would be approximately 21 feet wide and 37 feet deep. The depth of the structure would allow a storage space to be constructed as a basement toward the rear of the building, along with a third tandem parking space. The portion of the structure containing the storage area and tandem parking space would be situated within the required side yard setback.

The location of the proposed spa combines the recreational uses for this property into one general portion of the site. However, the location of the spa within the required side yard setback would bring this use close to the neighboring residence to the east at 757 Tiburon Boulevard, resulting in potential privacy impacts on this adjacent property. The Design Review Board should consider whether the existing hedge along this property line provides adequate privacy screening for this spa location.

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, side and rear 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 subject property is relatively narrow, and has a lot size that is substantially less than the 10,000 square foot minimum lot size required in the R-1 zone. However, other similar lots in the vicinity and elsewhere in the R-1 zone have been developed with homes that fully comply with the required setbacks. Therefore, these physical characteristics do not appear to be special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted.

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.***

Numerous other properties in the vicinity and in the R-1 zone in Tiburon have received variances for reduced front, side or rear yard setbacks. However, few, if any, lots in the R-1 zone have been approved with reduced setbacks on three of the four sides of the property, unless the lot had significant topographical constraints that do not exist on the subject property.

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

The location of the proposed house in compliance with the required rear yard setback would significantly reduce the usable private recreation space at the center of the lot, but would increase the usable space at the rear of the site. Moving the proposed garage out of the required front yard setback would also eliminate much of the central open area of the site. However, the proposed garage structure would be deeper than most garages, and could easily be shortened to move the structure out of the required side yard setback. Similarly, the proposed spa could be moved away from the side property line to provide appropriate privacy for the neighboring property to the east.

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

As noted above, the design of the proposed house could result in unwanted view or visual impacts on neighboring properties. The location of the proposed garage should not impact other properties in the vicinity. The location of the proposed spa could result in unwanted privacy impacts on the adjacent property to the east.

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

Public Comment

As of the date of this report, 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 15303. If the Board agrees with the Staff analysis contained herein, the applicant should be directed to redesign the project to comply with the lot coverage requirements for this property, or the Board should direct Staff to prepare a resolution denying the application. If the Board wishes to approve the project, findings should be made to support the requested variances, and 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

747 TIBURON BOULEVARD

FILE #20401

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 6, 2004, or as amended by these conditions of approval. Any modifications to the plans of February 25, 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.
7. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
8. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.

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9. The project shall comply with the following requirements of the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-R. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 1210).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
10. The following requirements of the Marin Municipal Water District shall be met:
 - a. A High Water Pressure Water Service application shall be completed.
 - b. A copy of the building permit shall be submitted.
 - c. Appropriate fees shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the date of application.
 - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
11. All requirements of the Town Engineer shall be met. An encroachment permit shall be obtained from the Public Works Department for all construction work to be conducted within the Town right-of-way.