



Town of Tiburon

STAFF REPORT

suite on the middle level, and additional bedrooms on the lower level. The applicant is proposing to make additions on the upper and middle levels.

The additions on the upper level would include a new two-car garage in place of an existing carport, a new entryway on the west side, and an addition to the family room on the east side. The additions on the middle level would include a new workshop and expansion to the master bedroom. Other aspects of the project include a new section of fence and gate at the end of the driveway, and an expansion to the existing decks on the upper and middle levels. The additions would add approximately 693 square feet for total of 3,108 square feet for the residence. The project would be in compliance with the floor area requirements for the property.

The applicant is requesting a variance for reduced rear yard setback (21" lieu of the minimum 25 feet). The northeast corner of the existing carport is located on the required rear yard setback line. The carport would be converted to a standard sized garage; therefore the northeast corner would extend four feet into the required rear yard.

ANALYSIS:

Zoning

Besides the requested variance for reduced rear yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Design Issues

The existing building is a relatively new building with modern forms, but is comprised of traditional materials. The applicant would maintain the characteristics of the building with the proposed project. The additions on the upper level create a more formal entrance to the home, with a covered walkway and entry columns. The additions would create nooks in the building which would add to the interest to the elevations and the floor plan. The majority of the new floor area would be attributed to the new workshop on the middle level. The workshop would be created in a currently unexcavated space of the existing building, and would have little affect on the mass and bulk of the building. For these reasons, staff foresees no design issues with the project.

The color and materials of the additions would match the existing building, with the exception that the existing sloped roof would be changed from composition shingles to standing metal seam.

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:

- 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.**



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The improvements on the property are limited in scope because of the topographical constraints of the property. The variance results from a corner of the new garage expanding into the rear yard setback. The existing carport does not have the adequate depth for larger vehicles to park, and this design would be the only conceivable location for a standard sized garage.

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.

Several properties in the vicinity have been developed so the buildings are located near the street, or at the top of the slope, for reasonable access to the site, just as in the subject application. In some cases, variances have been granted to achieve this design, such as on the properties at 76, 123, 134, 136, 137, and 150 Hacienda Drive. For this reason, the granting of the variance 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 because the owner would not be able to have a standard sized garage on the property. As a general principle, enclosed garage spaces are encouraged over other alternatives, and are essentially required in the development of new homes.

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.

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 variance reduced rear yard setback, then it is recommended that the project be approved with the attached Conditions of Approval.

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EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated February 24, 2004.
3. Applicant's findings for the variance.
4. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 34 Noche Vista FILE #20410

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 February 24, 2004, or as amended by these conditions of approval. Any modifications to the plans must be reviewed and approved by the Design Review Board.
3. All exterior lighting other than that approved by the Design Review Board shall be shielded downlighting.
4. No lighting fixtures shall be located in the wells of the skylights, and the skylights shall be tinted in a non reflective manner.
5. 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.