

Town of Tiburon STAFF REPORT

AGENDA ITEM **F-5**



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TO: DESIGN REVIEW BOARD

FROM: BRIAN LYNCH, ASSOCIATE PLANNER

SUBJECT: 42 MERCURY AVENUE; FILE #20414
SITE PLAN AND ARCHITECTURAL REVIEW FOR ADDITIONS TO AN
EXISTING SINGLE-FAMILY DWELLING, WITH A VARIANCE FOR
REDUCED FRONT YARD SETBACK.

MEETING DATE: APRIL 15, 2004 _____

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PROJECT DATA:

OWNER:	JULIA JACKOVICS
APPLICANT/ARCHITECT:	PAUL BALLORA
ADDRESS:	42 MERCURY AVENUE
ASSESSOR PARCEL NUMBER:	034-262-08
FILE NUMBER:	20414
LOT SIZE:	7,274 SQUARE FEET
ZONING:	R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN:	MH (MEDIUM-HIGH DENSITY RESIDENTIAL)
FLOOD ZONE:	C
DATE COMPLETE:	MARCH 26, 2004
CEQA EXEMPTION:	APRIL 15, 2004
PERMIT STREAMLINING	
ACT DEADLINE:	JUNE 14, 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 dwelling on a property located at 42 Mercury Avenue. The proposal includes a master bedroom and bathroom expansion at the rear of the residence, a new two-car garage in front of the residence, and various interior alterations. Two new skylights are proposed to be installed on the north side of the roof, and a trellis would be installed above the entryway.



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The project would increase the floor area of the home by approximately 580 square feet, for a total of 1,656 square feet. The lot coverage on the property would be increased by 9%, for a total of 29%. The project would comply with both the lot coverage and floor area limits for the property.

The garage addition would be located 12'6" from the front from the west side property line. Since the minimum front yard setback for the property is 15 feet, the applicant is requesting a variance for reduced front yard setback.

ANALYSIS:

Design Issues

The subject house is situated on a relatively flat, rectangular parcel. The existing house is fairly rectilinear as well, and the additions would create a "double-L" shaped building. The addition would maintain the architectural style that is prevalent in the area. 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. In addition, the applicant has indicated that the garage addition at the front of the house would be preferable to allow the owners to preserve the relatively small flat rear yard area for recreational use. It does not appear that the proposed additions would result in significant view or visual impacts on nearby homes. Existing vegetation along the sides of the property would provide screening of the additions.

The proposed additions would match the existing building in materials and color. The siding would be horizontal wood siding, and the roof would be comprised of composition shingles. Staff foresees no issues in the design of the project.

While the proposed garage addition would bring the structure closer to the street than most of the homes in the Belveron West neighborhood, it would approximately match the recent addition on the adjacent property at 44 Mercury Avenue, which was approved in 2000. A similar variance for reduced front yard setback was also recently approved at 63 Mercury Avenue in March of 2004.

Other variances for reduced front yard setbacks granted prior to 2000 include: 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 variance for reduced front setback.



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Variance

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 7,274 square foot lot size is substantially smaller than the 10,000 square foot minimum lot size for the R-1 zone. The east property line is at a slight angle, resulting in the southeast corner of the existing house to be located within the side yard setback area, making additions on the southeast side difficult. 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, other properties in the Belveron West neighborhood have received variances for front yard setbacks, including the adjacent property at 44 Mercury Avenue. 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 application of the required front yard setback would force the proposed garage addition to be set back further into the site, resulting in a sub-standard sized two-car garage. The strict application of the Ordinance may also result in the applicant designing additions on the southeast side of the residence which would be within the side yard setback area, and would adversely affect the adjacent property at 44 Mercury Avenue by bringing the living areas of the homes closer together. In addition, the strict interpretation of the required front yard setback would force additions to this house to intrude further 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.



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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

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 for reduced front yard setback, 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 March 15, 2004.
3. Applicant's findings for the variance.
4. Plans for the proposed project.

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EXHIBIT 1

CONDITIONS OF APPROVAL 42 Mercury Avenue FILE #20414

1. This approval shall be used within 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 plans received by the Town of Tiburon on March 17, 2004, or as amended by these conditions of approval. Any modifications to the approved plans must receive further design review and approvals.
3. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light type fixtures.
4. No lighting shall be installed 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.