



Town of Tiburon

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with the majority of the living space on the lower level, with only one bedroom and bathroom on the second level.

The additions would be located on the both the first and second levels of the building. On the upper level, 522 square feet would be added for an additional bedroom and game room. On the lower level, 75 square feet would be added off of the master bedroom, and 158 square feet would be added to the garage. The garage currently has the capacity for two cars, and the addition would add capacity for a third car. The floor area of the residence would be increased by approximately 700 square feet, for a total of 4,032 square feet.

The proposed project would exceed the requirements for both lot coverage and floor area for the property. The proposed garage addition would also be located within the side yard setback. Therefore, the applicant is requesting variances for excess lot coverage, reduced side yard setback; in addition to a floor area exception.

ANALYSIS:

Design Issues

The design of the existing structure would largely be maintained. The most significant design change would be the four dormer windows that would be added to the upper level. Two dormers would face the street, and two dormers would face Old St. Hilary's Open Space. Architectural variety and interest would be created with the additions. The color and materials of the additions would match the existing building; horizontal wood siding with composition roof shingles.

The location of the residence is in an area that is not highly visible from the adjacent properties and the residences up the hill. Although the rooflines of the residence would change, there are no perceived potential visual impacts to properties in the vicinity.

Zoning

As previously mentioned, the proposed dwelling would not comply with the lot coverage, side yard setback, and floor area regulations of the RO-2 zoning district. Additional information regarding this zoning criteria follows:

Excess Lot Coverage The existing lot coverage for the property is 18.9%. The maximum lot coverage for the property is 15%. The additions would create a lot coverage of 20.2%.

Reduced Side Yard Setback The existing garage is approximately 15 feet from the east side of the property, which matches the required side yard setback. The garage addition would bring the building within 9 feet of the side property line.

Floor Area Exception The existing home is approximately 3,330 square feet in size, and the garage is approximately 575 square feet in size. The proposed living area additions equal 615 square feet, and 86 square feet of the garage addition would contribute to the gross floor area calculation, totaling 4,032 square feet gross floor area for the project.



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Since the maximum allowable floor area for the property is 3,790, a floor area exception of 240 square feet is proposed.

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.**

The variance request for excess lot coverage and reduced side yard setback are caused by the addition to the garage and the small addition off the master bedroom. Because the size of the master bedroom addition would most likely be insignificant in the calculation for lot coverage, and does not affect the side yard setback, the requested variances can be mainly attributed to the garage addition. The applicant has stated that the property, at 17,900 square feet, is significantly smaller than the minimum 20,000 square foot lot size for the zoning district. It is true that the subject parcel is afforded less lot coverage than many other homes in the zoning district. This is an unusual physical circumstance that would deprive the applicant of privileges of other properties in the vicinity. The applicant has also stated that the proposed house is large enough to necessitate a three-car garage.

The town has a general policy that two-car garages should be constructed as part of a new single-family dwelling so vehicles can be located off-street and screened from view. Variances are often granted for additional covered or uncovered off-street parking spaces for properties on narrow streets in densely developed areas such as Old Tiburon. However, the subject parcel is in an area with relatively large lots, single-family homes, and wide streets. In addition, there would appear to be adequate area for additional off-street parking spaces behind the building, which would not be visible from the street, which would not require any variances.

- 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.**

Similar variances for both reduced yard setbacks and excess lot coverage have been granted for the properties in the same neighborhood at 6 Acela Drive (#27122, #28411), and 8 Audrey Court (#298015), and 4 Acela Drive (#20321). In the immediate vicinity, variances for both setbacks and lot coverage have been approved at 130 Lyford Drive (#78498) and 140 Lyford Drive (#290610). Therefore the granting of the proposed variances would not constitute a special privilege.

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

The strict application of the Ordinance would result in the property having a two-car garage instead of a three-car garage. While several homes in the vicinity have three-car garages, it is more a luxury than a necessity. If the property owner owns three or more cars, creating the additional uncovered off-street parking spaces in lieu of a garage space would not appear to be a practical difficulty or unnecessary hardship.

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.

Floor Area Exception

In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.

Most of the additions would appear to be consistent with the development of the neighborhood. The additions would not contribute to the overall height of the building because there is an existing large vaulted ceiling and/or attic space. The additions on the second level would appear to add architectural interest of the building rather than increase mass and bulk.

However, the garage addition should also be considered because the garage addition contributes to the floor area exception request. The garage addition would expand the envelope of the building rather than being contained within the existing building volume as with the other proposed additions.

2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.

The subject parcel is relatively remote compared to other properties in the neighborhood. The property is adjacent to public open space, and would appear to be compatible with the existing physical characteristics of the site.

Public Comment

The applicant has submitted a set of plans with the signatures of the adjacent neighbors at 4 Heathcliff Drive, 138 Lyford Drive, 82 Sugarloaf Drive, and 140 Lyford Drive.



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CONCLUSION:

The proposed additions would not appear to adversely impact the neighbors in the vicinity, and would add to the architectural interest of the building. The mass and bulk of the building would remain largely unchanged. However, the addition of the third garage space is the overriding contributor to the requested variances for excess lot coverage and reduced side yard setback, and also significantly contributes to the requested floor area exception. It is recommended that the Board closely consider the factors discussed in the findings for the variances and the floor area exception, and if the Board is inclined to approve the project, the Board should provide specific language to support the requested variances and the floor area exception.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05, 4.02.08 (Guiding Principles, and Variance Findings, Floor Area Exception Findings) 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 variances for reduced side yard setback, excess lot coverage, and the floor area exception, 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 22, 2004.
3. Applicant's findings for the variance and floor area exception.
4. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 141 Lyford Drive FILE #20415

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 March 22, 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 fixtures other than those approved by the Design Review Board must be down light type fixtures.
4. 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.