

Town of Tiburon STAFF REPORT

AGENDA ITEM D-1



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TO: **TIBURON DESIGN REVIEW BOARD**

FROM: **BRIAN LYNCH, ASSOCIATE PLANNER**

SUBJECT: **5047 PARADISE DRIVE; FILE #20412
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF ADDITIONS TO AN EXISTING SINGLE-FAMILY
RESIDENCE WITH A VARIANCE FOR EXCESS STRUCTURE HEIGHT
(CONTINUED FROM THE APRIL 1, 2004 DRB MEETING).**

MEETING DATE: **MAY 6, 2004** _____

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PROPOSAL:

The applicant has submitted a revised application for additions to an existing single-family residence located at 5047 Paradise Drive, with a variance for excess structure height. The original request was for additions at the entrance to the building, at the southeast side of the residence, and on the west side, above the existing garage. The additions would add approximately 930 square feet for total of 4,105 square feet for the residence. In addition to the variance for excess structure height, the original application included a variance for reduced side yard setback.

On April 1, 2004, the Design Review Board held a public hearing for the original proposal. During the review of the application there was a concern voiced from the adjacent neighbor to the west about the project's proximity to their residence. The Board reviewed the project, and the majority of the Board liked the design and basic concept of the additions. There was no consensus among the Board members regarding the merits of the two requested variances, however it was suggested by at least two of the Board members that the applicant redesign the project in an attempt to address the neighbor's concerns. The Board also suggested that the applicant provide a survey for the property, and clarify the distance from the proposed addition to the residence on the adjacent property to the west.

The revised application eliminates the need for a side yard setback variance, and in doing so the applicant has stated that the redesigned project would at least partially address the concerns of the neighbors to the west. The kitchen and entryway addition have remain largely unchanged, but the bedroom addition on the north side of the residence has been reconfigured. The addition would not occupy the space over the existing garage, but would be located towards the rear yard of the property. The internal circulation pattern would be changed, and the west elevation would be modified. Shed style roofs would be created on the west side, and an outdoor patio would be created above the existing garage. The floor area of the revised project would be increased to 1,230 square feet, for a total of 4,405 for the property. The project would still remain in compliance with the floor area limits for the property.



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ANALYSIS:

Design Issues

It appears that the revised application would address at least part of the concerns of the Board. The applicant has provided a site survey for the project which is attached to the revised plans. While the revised project would eliminate the need for a side yard variance, the building would actually be closer to the existing home on the property to the west, and the third story element would be enlarged. Based on the discussion from the Board meeting of April 1, 2004, the Board should consider whether the revised application would alleviate the privacy and proximity concerns of the adjacent neighbors.

Zoning

As previously mentioned, the proposed project would still require a variance for excess structure height. The height of the existing home is 30' 6 1/2". Most of the proposed additions would be below the 30 foot maximum height line. At the proposed architectural projection off the master suite on the upper-level, the new roof edge would extend beyond the existing roof edge. At this point, the new roof edge would be a maximum of 30'7". The proposed height variance would minimally exacerbate the existing non-conforming situation.

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 topographical constraints of the site minimize the developable area of the lot, and the configuration of the existing improvements on the site also hinder future improvements. For example, the flattest area of the lot is in the location of the existing building. The existing improvements are designed to respect the topography of the site and have a linear east to west orientation. The proposed improvements would follow this precedent and respect the topography of the site. In regards to the height variance, the existing improvements create a tall unarticulated wall on the front elevation. The architectural projection on the upper-level is designed to break up the mass and bulk of the existing building.

- 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.**

Variances for excess structure height are generally highly scrutinized by the Board due to the potential view impacts now and in the future. However, in cases where an applicant has proposed additions to an existing non-conforming structure, the Board has taken a more liberal approach in the review of the application. Similar height variances have recently been granted at 100 Lyford Drive, 136 Hacienda Drive, 116 Sugarloaf

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Drive, and 130 Geldert Drive. For these reasons, the granting of the variances 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 it would require that the roofline of the existing residence be re-sloped throughout the entire upper-level.

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 requested variance would not appear 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 submitted

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 excess building height, then it is recommended that the project be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval
2. Staff report Dated April 1, 2004
3. Minutes from the DRB meeting of April 1, 2004
4. Revised plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 5047 Paradise Drive FILE #20412

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 other than that approved by the Design Review Board shall be shielded down lighting.
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.