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dormers on the building would be modified to have hipped roofs instead of the gabled roofs as originally proposed. The dormer style change was presented to the Board at the May 6, 2004, Board meeting.

In addition to these design changes the applicant is proposing a few new elements to the project. The new plan includes a wrought iron fence along the front yard of the property, with a vehicle entry gate. The fence would be six (6) feet high with stucco pillars. A new exterior patio would be created in the front and side yards of the property. A wood trellis would be located on the proposed patio in the side yard of the property.

In a more technical matter, the applicant's revised design includes the provision for a built-in hot tub within the side yard area of the property. According to the Zoning Ordinance, hot tubs must comply with both the front yard and side yard setbacks on the property. The project has been conditioned to ensure that the hot tub be relocated to comply with the front and side yard setbacks.

ANALYSIS:

Zoning

During the review of the proposed changes to the project, a discrepancy has been found in the data for the project. The project data originally submitted did not include the lot coverage and floor area calculations for the enclosed terrace on the south side of the residence. This area is approximately 540 square feet in size. Because this discrepancy was not found until a late date, the project has not been properly notified as to the total requested floor area and the total requested lot coverage. Therefore, it is recommended that the Board not take action on the application until the Board meeting of June 17, 2004, when the project can be properly noticed. It should be noted that the increment of new floor area and lot coverage proposed has not changed.

Updated information regarding the requested floor area exception and variance for lot coverage in consideration of the enclosed terrace area is as follows:

Excess Lot Coverage The existing lot coverage for the property is 21.6% (in lieu of 18.9% as previously thought). The maximum lot coverage for the property is 15%. The additions would create a lot coverage of 22.8% (in lieu of 20.2% as previously thought).

Floor Area Exception The existing home is approximately 3,883 square feet in size, and the garage is approximately 545 square feet in size. The proposed additions would bring the total floor area to 4,555 square feet (in lieu of 4,032 square feet as previously thought). Since the maximum allowable floor area for the property is 3,790 square feet, a floor area exception of 765 square feet is proposed (in lieu of 240 square feet as previously thought).

Design Issues

As previously discussed the staff report dated May 6, 2004, the design of the existing structure would largely be maintained. The most significant design change would be the four dormer



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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 building wood be change in conjunction with the addition. The existing horizontal wood siding would change to beige stucco. The existing composition roof shingles would change to grey slate.

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.

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 is 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, 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.

- 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. The creation of 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

No additional public comment has been received regarding this application.

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RECOMMENDATION:

It is recommended that the Board review the revised application, consider public testimony, and give the applicant guidance as to the merits of the application based on the new information regarding the magnitude of the floor area exception and the lot coverage variance. It is recommended that the Board continue the public hearing until the June 17, 2004 DRB meeting so the project can be properly noticed to the public.

EXHIBITS:

1. Staff report dated May 6, 2004
2. Minutes from the May 6, 2004, Board meeting
3. Plans for the project