

# Town of Tiburon STAFF REPORT

AGENDA ITEM   F2  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **PLANNING MANAGER WATROUS**

SUBJECT:           **19 VIA CAPISTRANO; FILE #20419**  
**SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF**  
**AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A**  
**VARIANCE FOR REDUCED FRONT YARD SETBACK**

MEETING DATE:   **JUNE 3, 2004** \_\_\_\_\_

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## **PROJECT DATA:**

<b>ADDRESS:</b>	<b>19 VIA CAPISTRANO</b>
<b>ASSESSOR'S PARCEL:</b>	<b>38-322-07</b>
<b>FILE NUMBER:</b>	<b>20419</b>
<b>PROPERTY OWNER:</b>	<b>JEFF HARBAND</b>
<b>APPLICANT:</b>	<b>HOLSCHER ARCHITECTURE</b>
<b>LOT SIZE:</b>	<b>20,624 SQUARE FEET</b>
<b>ZONING:</b>	<b>RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)</b>
<b>GENERAL PLAN:</b>	<b>MEDIUM DENSITY RESIDENTIAL</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>MAY 13, 2004</b>

## **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 15301.

## **PROPOSAL**

The applicant is requesting Design Review approval to construct an addition to an existing single-family dwelling located at 19 Via Capistrano. The addition to the front of the house would result in a new family room and an expanded two-car garage.

The proposed project would add 280 square feet of floor area to the existing house, resulting in a total floor area of 3,253 square feet, which is less than the floor area ratio for a lot of this size. The proposed additions would also increase the lot coverage of this property by 291 square feet to a total of 2,520 square feet (12.2%), which is less than the 15.0% maximum lot coverage permitted in the RO-2 zone.



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The proposed addition would extend to within 12 feet, 9 inches of the front property line. As a 30 foot front yard setback is required in the RO-2 zone, a variance is requested for reduced front yard setback.

A color and materials board has not been submitted, as the proposed addition would match the colors and materials of the existing house.

### ANALYSIS

#### Design Issues

The subject house is situated on a parcel that slopes away from Via Capistrano, with the rear of the house following the downhill slope of the site. This property and neighboring residences to either side are situated on a spur of Via Capistrano that is situated below the level of the main roadway. The existing garage extends into the required front yard setback, with the rest of the house situated just beyond the required setback.

The proposed addition would extend in front of the existing attached garage on the site. The front of the garage would be approximately 20 feet from the edge of the roadway. This setback would still provide adequate space for vehicles to park in front of the proposed garage on the driveway without extending out into the street.

The subject home is situated at a level well below the elevation of the nearby homes across Via Capistrano that are accessed off Blackfield Drive. The height of the proposed addition would not exceed that of the ridgeline of the existing house. As a result, the proposed addition would not result in any view impacts on other residences in the vicinity.

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variance for reduced front yard setback.

#### Variances

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 subject property slopes away toward the rear of the site, while the house on the parcel is situated toward the front of the site, into or near the required front yard setback. The topography of the site and the placement of the house would make it

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difficult to add on to the rear of the residence without creating unwanted visual mass and bulk when viewed from below the site. 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.***

A number of other properties within the RO-2 and other single-family residential zones have received variances for reduced front yard setbacks for new garages in which the resulting distance between the garage and the roadway provided sufficient space for off-street parking. 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 interpretation of the required front yard setback would force any proposed additions to be located to the rear of the house. Due to the sloping character of the lot and the potential that such additions to the rear of the building would be too visible when viewed from below, the strict interpretation of the required front yard setback would result in a practical difficulty for the applicants.

- 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 addition would not appear to create any significant view or visual impacts on neighboring homes.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

### Public Comment

To date, no letters have been received regarding the subject application.

### RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

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### ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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### CONDITIONS OF APPROVAL

#### 19 VIA CAPISTRANO

#### FILE #20419

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 with the application dated by the Town of Tiburon on May 10, 2004, or as amended by these conditions of approval. Any modifications to the plans of May 10, 2004, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division 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 Division 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 Planning Division 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 Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures must be down light type fixtures.