





# Town of Tiburon

## STAFF REPORT

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level and two bedrooms on the lower level. There is currently a large deck area and swimming pool within the “U” of the existing building.

The addition would be located in the area of the existing decks within the “U” of the existing building, and would create an interior connection between the two wings of the building. The addition would be on the lower level and would be comprised of a recreation room, bathroom, and storage space. The addition would be partially excavated underneath the existing deck, and a new roof deck would be constructed above the addition to replace the existing deck. The project would also include the removal of a portion of the existing pool, and the installation of a concrete patio in its place. The recreation room would have French doors opening up onto the new concrete patio. A shade trellis would be added above the French doors of the addition.

The addition would add approximately 640 square feet to the residence, for a total of 4,728 square feet. The project would also add 1.8% to the lot coverage calculation for the property. Since the existing improvements exceed the limits for both lot coverage and floor area, a variance for excess lot coverage (32.4% in lieu of 15%) and a floor area exception (of 1,316 square feet) are requested.

### ANALYSIS:

#### Design Issues

The addition would approximately match the existing building. The addition would only be visible from the rear yard of the property. Visually, the project would eliminate the existing two-level deck and replace it with a one-level deck accessed from the main living area. Since the project would not be visible from any adjacent properties, staff foresees no design issues with the project.

#### Zoning

As previously mentioned, the proposed dwelling would not comply with the lot coverage and floor area regulations of the RO-2 zoning district.

#### 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 subject property, at only 14,166 square feet in size, is significantly smaller than the minimum 20,000 square foot lot size for the zoning district, and therefore 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



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properties in the vicinity. However, even if the subject parcel were approximately 30,000 square feet in size, the project would still exceed the lot coverage limit.

- 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 excess lot coverage have been granted for the properties in the same neighborhood at 6 Acela Drive (#27122, #28411), 8 Audrey Court (#298015), 4 Acela Drive (#20321), 130 Lyford Drive (#78498) and 140 Lyford Drive (#290610). Therefore the granting of the proposed variances would not appear to constitute a special privilege.

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

The applicant has stated that the recreation room is needed because of the property owners' large extended family. The subject parcel is often the meeting place for holidays and family functions, and it would be an unnecessary hardship to not have the appropriate amount of space for the family during these occasions.

The applicant has also stated that one of the main reasons for the project is to create an interior connection to the bedroom on the southeast part of the "U", on the lower level. Currently the only access to this bedroom is from the pool deck. In addition, the project would eliminate the unsafe stairwell on the exterior deck that is located just outside the door to the primary living areas of the home. Even though these inconveniences were developed by the previous property owner, they are considered self-created hardships, which normally do not carry the same weight as physical hardships. In addition, it appears that the project could be reduced in scope and scale and still successfully alleviate the above mentioned problems.

- 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.**

The addition would not change the visual size and scale of the building due to the location of the addition underneath an existing deck. In addition, the size of the resulting



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home, at 4,700 square feet in size, would be comparable to other homes on Berke Court. The average square footage of the other four homes on Berke Court is approximately 4,250 square feet.

- 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.**

Since the addition would be within the confines of the existing structure, it would appear that the project would remain compatible with the existing physical characteristics of the site.

### **Public Comment**

The applicant has submitted letters of support from all of the adjacent property owners (2, 3, and 5 Berke Court; 4 Acela Drive; and 111 Lyford Drive).

### **CONCLUSION:**

The proposed additions would not appear to adversely impact the neighbors in the vicinity, and would not be visible from outside the rear yard of the property. The mass and bulk of the building would remain unchanged. However, it appears that the hardships the property owners are experiencing are self-created. In addition, it appears that the owners would be able to achieve their goals of proper internal circulation with a smaller project, that would not exceed the lot coverage and floor area limits by the same magnitude. It is recommended that the Board closely consider the factors discussed in the findings for the variance and floor area exception, and if the Board is inclined to approve the project, the Board should provide specific language to support the requested variance 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 variance for excess lot coverage and the floor area exception, then it is recommended that the project be approved with the attached Conditions of Approval.

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### 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. Letters signed by adjacent neighbors.
5. Plans for the project

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL

**1 Berke Court**

**FILE #20421**

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 May 19, 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.