





# Town of Tiburon

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rectilinear floor plan. The building would be two stories high on either end, and one story high in the middle. The first level of the building would be comprised of a two-car garage, living room, kitchen, bedroom, laundry room, study, and two bathrooms. The upper level would consist of two large bedroom suites, one on the east side of the residence, and one on the west side of the residence. The existing deck on the south side of the residence would be repaired and replaced with like kind.

The application does not include a comprehensive landscaping plan because there is well established landscaping currently on the site. The applicant has indicated that the existing landscaping would be trimmed, irrigated, and otherwise maintained.

The gross floor area of the residence would be 2,883 square feet which complies with the floor area limit of 3,041. The proposed garage with bedroom suite above would encroach three (3) feet into the side yard setback on the east side. Therefore a variance for reduced side yard setback is requested (5 feet in lieu of the minimum 8 feet).

### **ANALYSIS:**

#### **Zoning**

Besides the above mentioned variance for reduced side yard setback, the project appears to be in conformance with the remaining development regulations of the R-1 zoning district.

#### **Design issues**

The design of the home would be a cottage style with low sloping roofs, and simple geometric forms. Large picture windows would be located on the south side of the structure to capture views of the San Francisco Bay. The materials of the residence would be stucco on the first level, and wood shingle siding on the second level. The stucco would be painted tan, and the trim would be painted medium brown. The membrane roofing would also be brown in color. A color and materials palette will be available for review at the Board meeting.

Because the property is relatively secluded, and is further screened by existing trees throughout the site, the project would not appear to cause any adverse view, privacy, or other impacts to adjacent properties. For these reasons, staff foresees no design issues with the proposed project.

It should be noted that the bedroom suite above the garage on the east side of the building would have its own exterior access via the garage. Although this bedroom suite would appear to have potential to become a future secondary dwelling unit, it would not be considered self-sustaining at this time because no kitchen is proposed to be installed. The project has been conditioned to ensure that the proposed wet bar in the bedroom not be equipped with kitchen facilities.

In addition, the existing deck on the south side of the building is an existing non-conforming structure (located in the front yard setback area), and the plans indicate that the deck would be replaced. The plans also show a concrete wall would be installed below the deck to create additional support. The applicant has stated that the majority of the existing deck would remain,



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and it would be minimally repaired and upgraded as required. The project has been conditioned to ensure that the deck is repaired and replaced with like kind to retain the deck's status as an existing non-conforming structure.

### 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.

- 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.**

The area in which the subject parcel is located is in an historic subdivision. While not many variances for reduced side yard setback have been granted on neighboring properties, many of the adjacent homes do not comply with current setback requirements, and are considered existing non-conforming structures. For this reason, the granting of the variance would not appear to be a special privilege inconsistent with the development of other properties in the vicinity.

- 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 the applicant is attempting to retain as much of the existing structure as possible, and comply with the parking requirements for a single-family dwelling. The applicant is required to provide two covered parking spaces on the site, and since there currently is no covered parking, the applicant has designed a new two-car garage. The only feasible location for this garage is adjacent to the existing driveway, as currently designed.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

The magnitude of the variance request is relatively minimal since only the corner of the proposed two-car garage encroaches on the side yard setback. Since this situation



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causes no view, privacy, or other impacts to adjacent properties, it appears that granting the variance would not be detrimental.

### **Public Comment**

To this date, no public comment has been received regarding this application.

### **RECOMMENDATION:**

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07, and 4.03.05 (Guiding Principles for Design Review, and findings for a variance) 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 the findings for variance for reduced side yard setback can be made, 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 May 20, 2004.
3. Applicant's findings for the variance
4. Plans for the project

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL 955 Owlswood Lane FILE #20422

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 20, 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. 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.
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 other than those approved by the Design Review Board must be down light type fixtures.
6. The location of the story poles must be certified by a licensed surveyor. Any changes in the story poles must be approved by the Design Review Board, prior to the issuance of a building permit.
7. The deck at the rear of the building is not approved as shown. The deck shall be repaired and replaced with like kind. Any additional support walls shall not exceed a height of six feet in the setback area.
8. No kitchen facilities shall be installed in the upstairs bedroom on the east side of the residence.

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9. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
10. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
11. The following requirements of the Marin Municipal Water District shall be met:
  - a. A copy of the building permit shall be submitted.
  - b. Appropriate fees shall be paid.
  - c. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
12. All requirements of the Town Engineer shall be met.