

Town of Tiburon STAFF REPORT

AGENDA ITEM F6



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TO: **DESIGN REVIEW BOARD**

FROM: **ASSISTANT PLANNER, KRISTIN KRASNOVE**

SUBJECT: **34 NOCHE VISTA LANE; FILE NO. 20433**
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A
VARIANCE FOR REDUCED REAR YARD SETBACK

MEETING DATE: **OCTPOBER 7, 2004** _____

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PROJECT DATA:

ADDRESS:	34 NOCHE VISTA LANE
ASSESSOR'S PARCEL:	39-070-06
APPLICANT:	MICHAEL HECKMAN (ARCHITECT)
PROPERTY OWNER:	JOHN FERGUSON
LOT SIZE:	17,500 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	SEPTEMBER 15, 2004

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 and make exterior alterations to an existing single-family dwelling located at 34 Noche Vista Lane. The property is essentially "land locked" and is accessed via a private roadway easement. The site slopes down from the entrance to the site (north side) to the south side of the property. The existing residence is a three-level structure with the garage and primary living areas on the upper-level, secondary living areas and master suite on the middle level, and additional bedrooms on the lower level. A site plan and architectural review application for an addition of 693 square feet with a variance for a reduced rear yard setback (21' in lieu of the required 25') was approved on April 1, 2004 for the subject property. The permit granted approval for a new garage to extend 4 feet into the rear yard at the northwest corner.

The applicant is requesting a variance for reduced rear yard setback (21' in lieu of the minimum 25 feet) for the 64 square foot addition that includes extending a small storage enclosure on the



Town of Tiburon

STAFF REPORT

upper level with a below-grade closet expansion underneath it toward the rear of the building. The proposed project would enlarge the master closet by 40 square feet, requiring an exterior wall on the north side of the building to extend into the required rear yard. The garden storage container would also be located on the north side of the building. The master closet addition would be adjacent to the work room, and the garden storage reconfiguration would be adjacent to the garage.

In addition, the upper level east-facing decks would be reconfigured and enlarged. The garden storage enclosure would be modified on the upper level above the closet addition, deleting the previously approved lower level storage addition. Additional exterior alterations would include the addition of two garage skylights and enlarging the window at the master bedroom sitting area. The garage door design would also be modified.

The proposed additions would increase the lot coverage by 64 square feet to 1,777 square feet (10.1%), which is less than the 15.0% maximum permitted lot coverage in the RO-2 zoning district. The proposed addition would also increase the floor area of the house by 40 square feet, and would result in a total floor area of 3,148 square feet, which is less than the maximum floor area permitted for a lot of this size.

ANALYSIS

Zoning

Besides the requested variance for reduced rear yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Design Issues

The existing building is a relatively new building with modern forms, but is comprised of traditional materials. The applicant would maintain the characteristics of the building with the proposed project. Expanding the master closet would bring out an exterior wall on the upper level four feet; however the materials would remain consistent with the adjacent exterior walls. The garden storage enclosure would also maintain the traditional materials but would contain a metal roof and a blind access door. The visual impacts would be minor.

The previously approved deck on the eastern side would be increased by 80 square feet. The deck would extend three feet into the required rear yard and two feet into the required side yard, which is an allowable projection for a deck. The most significant alteration is the closet addition where 40 square feet of livable space would be added, and the rear yard setback would be encroached upon by 4 feet. Because the proposed addition would be located below the garden storage, there would not be view impacts from the proposed project. The project would also have little effect on the mass and bulk of the building. For these reasons, staff foresees no design issues with the project.



Town of Tiburon

STAFF REPORT

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 improvements on the property are limited in scope because of the topographical constraints of the property. The variance results from a master closet addition expanding into the rear yard setback, but it is located at the center of the property, well away from both side neighbors.

- 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 have been granted in the surrounding area for various standards due to the slope of the properties. The properties at 76, 123, 134, 136, 137, and 150 Hacienda Drive were all granted variances for setbacks. For this reason, the granting of the variance 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 the current exterior utility storage and interior closet available for the residence is minimal. Exterior storage and master suite storage for a house of this scale need to be increased.

- 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.

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.

Town of Tiburon

STAFF REPORT



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.

ATTACHMENTS

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

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

34 NOCHE VISTA LANE

FILE #20433

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 September 9, 2004, or as amended by these conditions of approval. Any modifications to the plans of September 9, 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.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.