



Town of Tiburon

STAFF REPORT

The retaining walls would be situated within the required side yard setback, and would have a maximum height of 12 feet, 4 inches. As the maximum wall height within a required setback is 6 feet, a variance is required for excess wall height.

The proposed carport modification would extend the structure to within 10 feet of the side property line. As a 15 foot side yard setback is required in the RO-2 zone, a variance is also requested for reduced side yard setback.

BACKGROUND

Two previous Site Plan and Architectural Review applications (Files # 299004 and 200024) have previously been approved by the Design Review Board to construct several additions to the existing house on the site. The first application included the construction of several additions to the existing house on the site, with variances for reduced front yard setback and excess lot coverage, along with a floor area exception. Concerns were raised by several surrounding property owners over the size of the project and potential privacy impacts. The Design Review Board determined that the privacy impacts could be mitigated by landscaping and that the size of the house was consistent with the surrounding Hillhaven neighborhood, and approved the project on July 1, 1999. An appeal of this decision was filed by the owners of the adjacent property at 440 Ridge Road, but the appeal was subsequently withdrawn.

A second Site Plan and Architectural Review application was submitted to modify the approved plans with various minor changes, including a new driveway gate and a 4 foot tall wooden fence along the side property line. This application again required variances for reduced front yard setback and excess lot coverage and a floor area exception. Neighbors raised noise and safety issues regarding the driveway gate, and issues over the height of portions of the proposed structures. On June 15, 2000, the Design Review Board approved the application, subject to conditions of approval modifying the submitted plans. The approved plans also included the construction of retaining walls on the north side of the driveway turnaround area.

ANALYSIS

Design Issues

The subject property is a flag-shaped lot, with a driveway leading down from Ridge Road to the house location. The majority of the site is situated below the level of the surrounding lots on Ridge Road; most of the house and driveway are not visible from homes above the site.

During excavation of the driveway, the applicant determined that the retaining walls would need to be taller than 6 feet in order to hold back the adjacent slope. The proposed retaining walls would have a stepped and varied design, to eliminate a monolithic wall appearance. This would be consistent with Goal 1, Principle 7 of the Hillside Design Guidelines, which recommends project that would "avoid large retaining walls in a uniform plane," and to "break walls into elements." The visual relief provided by the proposed wall design would be visible only from the



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interior of the property; the walls themselves would not be visible from the adjacent properties above the site.

The currently approved plans for the proposed carport allow the structure to extend within 12 feet of the side property line. The proposed plans would widen the interior space of the carport to 22 feet, requiring an additional encroachment of 2 feet into the required side yard setback. The additional requested width would the carport to more comfortably house two vehicles. The additional width would also be situated below the view lines of the homes above the site, and should not result in any visual impacts on surrounding properties.

The proposed wooden fence along the side property is consistent with the condition of approval of the second Site Plan and Architectural Review application for this project. The fence would be generally screened from view from the adjacent home at 440 Ridge Road by existing vegetation along the rear of that neighboring property. However, the proposed fence along the side of the “flagpole” portion of the lot would be six feet in height, which is different than shown on the previously approved plans and inconsistent with pervious direction from the Board. It is recommended that this fence also be limited to four feet in height to avoid causing view impacts across this portion of the site.

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 requests for variances for excess wall height and reduced side yard setback.

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 shape and topography of the subject property creates an unusual level area below the elevations of the surrounding properties, limiting the location of improvements on the site to a relatively narrow area, and requiring cuts into the sloped areas. These physical conditions on the subject property 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.***

Numerous other properties in the RO-2 zone have received variances for reduced side yard setbacks due to irregularly shaped lots such as the subject property.

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Overheight walls have also been approved in certain locations where necessitated by the terrain and where such walls would not visually impact other properties. Therefore, the granting of these variances would be consistent with the limitations upon other properties 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 side yard setback would force the carport to have a relatively narrow configuration that would not effectively house two vehicles in a comfortable manner. The strict interpretation of the maximum wall height would either severely limit the on-site turnaround area by moving the walls away from the side property line, or would allow walls of insufficient height to adequately hold back the dirt above the driveway. The strict interpretation of these requirements would therefore result in practical difficulties or unnecessary hardships on the property owner.

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 retaining walls and carport modification 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 variances.

Public Comment

A letter has been received from the owners of the adjacent property at 440 Ridge Road, which describes the history of the project and raises concerns about potential view impacts that could occur if the wooden fence along the side property line is not constructed.

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 wishes to approve the project, Staff recommends that the attached conditions of approval should be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Minutes of the July 1, 1999 Design Review Board meeting

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4. Minutes of the June 15, 2000 Design Review Board meeting
5. Letter from Casey and Fred Hannahs, dated September 27, 2004
6. Submitted plans

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CONDITIONS OF APPROVAL

430 RIDGE ROAD

FILE #20437

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 29, 2004, or as amended by these conditions of approval. Any modifications to the plans of September 29, 2004, 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. All new fencing approved as part of this application shall be limited to a maximum height of four feet (4').