



Town of Tiburon

STAFF REPORT

The floor area of the existing house would be increased by 1,411 square feet to 2,632 square feet, which is less than the maximum floor area for a lot of this size. The proposed additions would increase the lot coverage on the site by 1,186 square feet to a total of 2,967 square feet (39.3%). As a maximum lot coverage of 35.0% is permitted in the R-1 zone, a variance is requested for excess lot coverage.

The proposed additions suite would extend to within 3 feet, 11 inches of the southern side property line, within 6 feet, 9 inches of the northern side property line and within 8 feet of the rear property line. As the R-1 zone requires side and rear yards of 8 and 18 feet, respectively, Variances are also requested for reduced side and rear yard setbacks.

A color and materials board has not been submitted for this project, as the exterior design of the proposed structure would match the existing residence.

ANALYSIS

Design Issues

A Site Plan and Architectural Review application (File #20105) was approved on June 21, 2001 for essentially the same project. As this application has expired, the applicant is again requesting Design Review approval for this project. A review of the minutes for this previous application indicates little or no opposition to the request.

All of the rooflines of the proposed additions would be at or below the ridgeline of the existing roof of this house. The subject property currently has a 6 foot tall wooden fence along the rear property line. This fence, as well as some of the landscaping on both sides of this property line, would help screen much of the proposed rear addition from view from the neighboring homes behind the subject property along Hilary Drive.

The adjacent residence at 730 Hilary Drive has views of the proposed master bedroom suite addition from a second story master bedroom. The proposed addition would not interrupt any water, San Francisco or Sausalito views from this or any ceremonial rooms in the house, primarily due to the lower roofline level and the existing configuration of the subject home and the adjacent residence at 757 Hawthorne Drive.

The proposed additions would maintain the existing single-story character of the subject residence. This would be consistent with recent Design Review approvals in the vicinity, which have attempted to maintain the generally single-story character of this neighborhood.

Other properties in the Hawthorne Terrace subdivision have previously received approvals for reduced side yard setbacks, including homes at 682 & 698 Hawthorne Drive (Files #27923 & 27026), 646, 647, 661, 684 & 688 Hilary Drive (Files #26127, 37339, 27210, 200050 & 27022), 93 & 146 Rock Hill Drive (Files #26926 & 299021). Variances have previously been granted for reduced rear yard setbacks on properties in the vicinity located at 670, 687 & 695 Hawthorne



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Drive (Files #26213, 25401 & 25201) and 646 & 720 Hilary Drive (Files #26127 & 26311). Two other homes in the vicinity have received variances for excess lot coverage: the home at 690 Hilary Drive (File #299032; 33.1%), and the residence at 696 Hilary Drive (File #299022; 39.2%).

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted side and rear yard setback and excess lot coverage variances.

Variance

In order to grant the requested variance, 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 surrounding neighborhood around the subject residence consists of predominantly one-story homes. A previous development application to construct a low two-story addition to the subject home was denied in 1998 as being out of character with other homes in the vicinity. The inability to add a second story to this home therefore creates special circumstances which force the proposed additions to violate the required side and rear yard setbacks and lot coverage requirements for this property.

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.***

As stated above, several other homes in the vicinity have received variances for reduced side and rear yard setbacks and excess lot coverage similar to that proposed for this property.

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

The strict application of the side and rear yard setback and lot coverage requirements for this property, combined with the previously documented one-story character of the surrounding neighborhood, would impose an unnecessary hardship on the property owner by severely limiting the amount of floor area that could be constructed on this property while maintaining a one-story design that also complies with these zoning requirements.

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

As stated previously, the proposed construction should not result in significant view or privacy impacts on neighboring property owners.

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

Public Comment

As of the date of this report, 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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Staff report dated June 21, 2001
4. Minutes of the June 21, 2001 Design Review Board meeting
5. Submitted plans

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CONDITIONS OF APPROVAL

735 HAWTHORNE DRIVE

FILE #20438

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 October 5, 2004, or as amended by these conditions of approval. Any modifications to the plans of October 5, 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 requirements of the Town Engineer shall be met. An encroachment permit shall be obtained from the Public Works Department for all construction work to be conducted within the Town right-of-way.