





# Town of Tiburon

## STAFF REPORT

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The proposed office addition and deck expansion would increase the calculated lot coverage on the site to 3,002 square feet (20.6%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore, a variance is requested for excess lot coverage.

The deck expansion would extend up to the rear property line. As a 25 foot rear yard setback is required, a variance is also requested for reduced rear yard setback.

The 142 square foot office addition would increase the floor area of the house to 3,490 square feet, which is 36 square feet greater than the 3,454 floor area ratio for a lot of this size. Therefore, a floor area exception is also requested.

A color and materials board has not been submitted, as the proposed addition would match the exterior appearance of the existing house.

### ANALYSIS

#### Design Issues

A variance was approved in 1977 (File #27702) for this property to increase the lot coverage on the site to 17.6%. In 1978, the town issued permits for construction of a hot tub and expanded deck area; however, the increased lot coverage caused by this deck, and the fact that the deck extended up to the rear property line, were not noted in this approval, and variances were not required for the additional lot coverage and reduced rear yard setback created by that project.

The proposed deck expansion would follow the same general alignment as the deck area approved and constructed in 1978. Portions of this deck have recently been removed as part of a separate construction project on the site. At the southern exterior corner of the deck, the deck surface would be approximately six feet above grade; most of the proposed deck would be closer to the existing grade.

An area of dedicated open space owned and maintained by the Marinero Owners Association is adjacent to the rear property line. This open space creates a visual buffer between the rear of this site and the nearby properties to the rear. This intervening space also creates a privacy buffer for the uses associated with the pool area, including the proposed barbecue, fireplace and spa.

The proposed office addition would fill in a nook in the upper floor plan. This addition would only be marginally visible from the side property line of the adjacent lot, and would be screened from view from the neighboring home by the slope directly above the addition and mature vegetation along that side property line.

#### 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 reduced rear yard setback and excess lot coverage, and a floor area exception./



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### 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 rear of the subject property is bordered by an open space area that slopes away from the back portions of the site and other lots in the immediate vicinity. The topography and surroundings of the subject property therefore create special circumstances which otherwise would constrain development of the property in a manner consistent with other homes in the vicinity while complying with the requirements of the RO-2 zone.

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 vicinity and elsewhere in the RO-2 zone have received variances for excess lot coverage. Although few applications have been approved for zero property line setbacks, there have been other occasions where decks or other limited structures have been allowed adjacent to property lines where buffers (such as the adjacent open space) exist to mitigate the potential impacts of such construction. Therefore, the granting of these variances would be generally 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 existing deck approved by the Town in 1978 extends along a much longer portion of the rear property line than is proposed by the deck expansion associated with this application. Much of this existing deck also contributes to the existing nonconforming lot coverage situation on this site. Forcing any future expansions to comply with these requirements when the current conditions have been in place for many years without harm to the surrounding neighborhood would place an unnecessary hardship on the applicants.

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 project would not create any significant visual or privacy impacts on neighboring homes.



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### Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

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; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout 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.

The proposed office addition and deck expansion would blend in with the existing house footprint and the alignment of the existing deck on the site. The office addition would be situated on a level area of the site surrounded by existing portions of the house, and the proposed deck would not extend substantially above the surrounding natural grade.

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

### **Public Comment**

As of the date of this report, no letters have been received regarding the project.

### **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. Submitted plans

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### CONDITIONS OF APPROVAL

#### 43 MEADOWHILL DRIVE

#### FILE #20439

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 22, 2004, or as amended by these conditions of approval. Any modifications to the plans of October 22, 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.