



Town of Tiburon

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1,382 square feet; as a result, the calculated lot coverage of the deck has decreased from 962 square feet to 691 square feet. The total lot coverage of the site would be 2,467 square feet (17.6%); as this would still exceed the 15.0% maximum lot coverage permitted in the RO-2 zone, a variance is still requested for excess lot coverage. The proposed deck would have to be reduced in size an additional 731 square feet to comply with the lot coverage requirements for this site.

As a result of the reduced size of the revised deck, the structure would have a height of 29 feet, 8 inches, which is less than the 30 foot height limit. The proposed structure height includes a 42 inch tall safety railing, which is taller than the 36 inch railing required by the Uniform Building Code. A variance for excess building height would not be required for the revised deck design.

The side of the deck has also been pulled back several feet from on the southern side, increasing the setback toward the property at 114 Sugarloaf Drive. Additional landscaping is proposed to be planted along that side of the deck to provide visual screening for the neighboring residence.

The overall area of the proposed deck has been reduced by over 28%, which would significantly reduce the overall visual mass of the structure. The deck would still be a very large structure cantilevered over a steeply sloping property in an attempt to create a substantial flat outdoor space for this property. The Design Review Board should carefully review this structure and determine if the revised deck design is consistent with the policies of the Tiburon Hillside Design Guidelines that “buildings should be terraced using the slope;” “overhanging decks make buildings seem more massive;” and “to increase the integration of dwelling and site, [building forms should] follow hillside contours.”

Zoning

Besides the requested variance for lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variances

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 variance request stems from the significant slope on the property. Many other properties in the RO-2 zoning district are larger in size and do not have an average slope of over 50%.



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- 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.**

Several properties in the vicinity have been granted similar variances for various standards due to the slope of the properties. The properties at 97, 111, and 133 Sugarloaf Drive were all granted variances for excess lot coverage. 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.**

As previously noted, the applicant contends that it would be an unnecessary hardship to strictly apply the Ordinance in this case because there is no reasonably flat area of the site to construct an outdoor living area without exceeding the height limit and lot coverage requirements. However hillside lots with steeply sloping yards are not uncommon in Tiburon. By their topographical nature, such properties generally do not provide substantial level areas upon which to place useable yard area, and are normally developed without the yard space associated with more level lots. This lack of level space is an inherent characteristic of a sloping lot, and therefore in and of itself, does not constitute an unnecessary hardship on the applicant.

- 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 insufficient evidence to support the findings for the requested variance. The Design Review Board must articulate the practical difficulty or unnecessary hardship caused by the strict application of the lot coverage requirements for this property if the variance is to be approved.

Public Comment

To date, no letters have been received regarding the subject application.

RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07 and 4.03.05 (Guiding Principles and Variance Findings by Acting Body) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301 and take either of the following actions:

1. If the Board agrees with the conclusions of Staff, the application should be denied or the applicant given direction to further revise the deck design to comply with the lot coverage requirement for this property.

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2. If the Board finds that the project is consistent with the Guiding Principles for Site Plan and Architectural Review, and all necessary findings can be made for the variance for excess lot coverage, then it is recommended that the project be approved with the attached conditions of approval.

ATTACHMENTS

1. Conditions of approval
2. Revised plans

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CONDITIONS OF APPROVAL

116 SUGARLOAF DRIVE

FILE #20440

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