



Town of Tiburon

STAFF REPORT

around the garage would be excavated to create a level area. A retaining wall and railing would be installed adjacent to this excavated area.

Site Plan and Architectural Review approval was granted on July 1, 2004 for a new detached garage with a variance for excess lot coverage (20.5% in lieu of the maximum 15%) as well as the conversion of the existing garage to living space. Other improvements included the creation of a new driveway for access to the detached garage, replacement of windows throughout the existing residence, installation of new siding on a portion of the building, addition of screening trellises, addition of a new deck on the south side of the residence, and a new skylight on the east side of the roof. A new fence and entry monuments were also included along the front property line, and new fencing along portions of the side property lines. The applicant has requested modifications to the detached garage, new sections of fencing, and several minor alterations. The other previously approved improvements will not be considered with this application.

The prior approval was based on a site plan that showed the existing structure in compliance with the front yard setback. However, a survey was conducted on the property showing that the front property line is in fact further east than previously believed, creating the need to relocate and redesign the proposed detached garage. In response to the new survey, the applicant has rotated the proposed garage into the side yard setback to allow for sufficient space between the existing house and the new garage structure. The applicant has also modified the detached garage from a 4 car tandem garage to a 2 car garage with a separate guest bedroom and bathroom. The project as proposed would encroach 6'8" into the required side yard, requiring a variance for reduced side yard setback.

The project modification would alter the size of the garage from 814 square feet to 828 square feet. The proposed structure would include 528 square feet of garage space and 300 square feet of guest room and bathroom space. The property would remain in compliance with the floor area requirements. The project would increase the lot coverage by less than 1% of previously approved area, so an additional variance for lot coverage is not required. Additional modifications to the site plan include new skylights and reconfiguring the decks on the south side of the house. The deck reconfiguration would reduce the previously approved deck footprint. The window and door designs have been modified throughout the structure, and the chimney would now be finished in integral color plaster finish.

A variance for excess fence height is also being requested in two locations. One fence would be located along the eastern property line and would have a maximum height of 8'. The excess fence height is requested to provide screening from the adjacent property. The fence would be reduced to 6' in height for the 25' closest to the front property line. The second request is for the safety railing above a recently approved retaining wall (File No. 704168). Most of the wall running along the southern property line ranges in height from 2-3 feet, but reaches 5' in height in certain areas. The required safety railing above a retaining wall is 3', so the combined height would reach 8' in locations. As the maximum fence height within a required setback is 6 feet, a variance is requested for excess fence height in these locations.



Town of Tiburon

STAFF REPORT

ANALYSIS:

Design Issues

The proposed garage would have a modern but simple design. The garage would be a rectangular structure with gabled roofs on either end. The siding of the structure would be a mixture of cement plaster and horizontal cedar siding, with metal accents. Rectangular aluminum windows would be installed on the north (right) side and east side (rear) of the structure. The door to the guest room would be on the south (left) side and would be made of painted wood. No windows would be located on the south (left) side of the structure. The maximum height of the structure would be 14'8".

A painted steel guardrail would be located around the structure. The guestroom and bathroom would be located in the rear of the structure with concrete stairs leading up to the entrance on the south (left) side, closest to the side property line.

The location of the garage appears to require some encroachment into the required side yard; however, the proposed guest room and bathroom could be eliminated or reduced in size to reduce the encroachment into the side yard. With the entrance to the proposed guest room located within the side yard, the traffic near the property line has been increased. The wooden fence is designed to reduce the privacy impacts of the new structure, but reconfiguring the proposed guest room could reduce privacy impacts further.

The proposed fence would be constructed of horizontal wood beams separated by 6' – 8' tall wood posts. The fence would be designed to match the existing grade.

The improvements would keep the residence on a single story, and the residence and garage would have consistent exterior treatments. For these reasons, no adverse view impacts are expected.

Zoning

As previously mentioned, the proposed dwelling would not comply with the side yard setback and fence height regulations of the RO-2 zoning district. Besides the previously approved variance for lot coverage, the project would be in compliance with all other zoning district requirements.

Variance

In order to grant the requested variances, the Board must make the following findings as 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.**



Town of Tiburon

STAFF REPORT

Fence Height:

Because of the elevation difference between the adjacent properties, a fence taller than six feet is necessary to create an acceptable level of privacy.

Reduced Side Yard

If the applicant were to construct an addition while complying with the setback requirements, a second story addition would be an option. However, an addition on the second story would adversely impact the view of the neighbor to the north. Since many of the adjacent homes are two story buildings, the physical characteristics of the site deprive the applicant of 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.**

Fence Height:

The applicant has suggested that granting the variance would not constitute a special privilege because the new fence would provide necessary privacy screening which the neighbors have requested. Variances have often been approved in similar neighborhoods where the topography of adjacent properties make a 6 foot tall fence inadequate for privacy purposes.

Reduced Side Yard

Other properties in the vicinity have received variances for reduced setbacks; including the properties at 2 Tara Hill Road, 83, 87, and 285 Round Hill Road. Variances for reduced setbacks for properties with similar topography have been granted on numerous occasions. Therefore, the granting of these variances would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

Fence Height:

The applicant has stated that to rely on a six foot fence that is not effective in maintaining privacy would be an unnecessary hardship.

Reduced Side Yard

The applicant contends that it would be an unnecessary hardship to strictly apply the Ordinance in this case because the existing residence is significantly under the allowed floor area for the property, and is smaller than most homes in the vicinity. If the Ordinance is strictly applied for this project, the applicant could design a guest bedroom and bathroom as a second story addition to comply with the side setback regulations. Since it is unlikely that a second story addition would be approved based on the potential view impacts to adjacent residences, it would be an unnecessary hardship to strictly apply the Ordinance. However, locating a 300 square foot guest room and bath room in the detached garage when one guest bedroom already exists in the residence does not constitute an unnecessary hardship in this case.

Town of Tiburon

STAFF REPORT



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.

Public Comment

No public comment has been received regarding this application.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05 (Guiding Principles, and Variance Findings) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303 and take one of the following actions:

1. If the Board agrees with the conclusions of Staff, the applicant should revise the detached structure design to eliminate or reduce the size of the proposed guest bedroom and bathroom.
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 variances for excess fence height and reduced side yard setback, then it is recommended that the project be approved with the attached conditions of approval.

If the Board finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review, and all necessary findings can be made for the variances for reduced side setback and excess fence height, then it is recommended that the project be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated November 19, 2004.
3. Applicant's findings for the variance.
4. Plans for the project

Town of Tiburon

STAFF REPORT



EXHIBIT 1

CONDITIONS OF APPROVAL 222 Round Hill Road FILE #20441

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 to the application and plans dated by the Town of Tiburon on November 19, 2004, or as amended by these conditions of approval. Any modifications to the plans must be reviewed and approved by the Design Review Board.
3. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
4. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
5. 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.