



Town of Tiburon

STAFF REPORT

The proposed project would add 883 square feet of floor area to the existing house, resulting in a total floor area of 2,067 square feet, which is less than the floor area ratio for a lot of this size. The proposed additions would also increase the lot coverage of this property by 474 square feet to a total of 2,041 square feet (29.9%), which is one square foot less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The existing house extends to within 3 feet, 9 inches of the western side property line, which is less than the 8 foot minimum side yard setback required in the R-1 zone. The proposal to raise the roofline over this portion of the house would increase the building area within the required side yard setback. Therefore, a variance is requested for reduced side yard setback.

A color and materials board has been submitted, and will be present at the meeting for review by the Board. The project proposes to use yellow-gold stucco siding with green trim, and red mission tile roofing.

ANALYSIS

Design Issues

The proposed second story addition is relatively modest in scale, and would be generally consistent with the limited two-story design approach successfully used by other homes in the vicinity. The upper floor windows would have relatively high sill levels, which should limit any potential privacy impacts on the adjacent homes at 24 Apollo Road. The applicant has submitted a letter signed by several surrounding property owners in support of the proposed additions, including the owner of that adjacent home.

The Mediterranean style of the proposed house is inconsistent with the surrounding neighborhood. A visual survey of the entire Belveron West neighborhood reveals that there are no other homes with this design theme in this subdivision. Many of the residences in this neighborhood have been remodeled in recent years, and a number of these homes have stucco finishes (including the house across the street at 21 Apollo Road). However, all of these remodeled homes have used designs that are more compatible with the historical nature of this neighborhood.

Section 4.02.07 (f) of the Tiburon Zoning Ordinance (Guiding Principles in the Review of Site Plan and Architectural Review Applications) states that the Design Review Board shall consider if "the architectural style and exterior finish are harmonious with existing development in the vicinity and will not be in stark contrast with its surroundings." The extensive Mediterranean style of the proposed home, including tile roofing, a turret above the entry, and arched windows and doors, would be "in stark contrast with its surroundings." The Design Review Board should consider whether to direct the applicant to modify the exterior design of the house to a style more in keeping with the Belveron West neighborhood.



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The proposed garage addition would provide the interior space for only one garage space, although two garage doors are shown on the submitted plans. Although the house currently has a two-car garage door, building records for this property which predate the Town's incorporation show only one garage space for this house. As a result, the applicants are not required to comply with the Town's garage conversion policies, as one garage space is being replaced with one new space.

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 variance for reduced side yard setback.

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 6,807 square foot lot size is substantially smaller than the 10,000 square foot minimum lot size for the R-1 zone. The existing house is situated at a slight angle from the western side property line, causing the side of the house to encroach significantly into the required side yard setback. These physical conditions 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 Belveron West neighborhood have received variances for reduced side yard setbacks, or have been developed with legally nonconforming side yard setbacks. Therefore, the granting of this variance 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.***

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The strict interpretation of the required side yard setback would force the roofline of the house to remain unchanged or the portion of the house within the required setback to have a shorter roof than the remainder of the house.

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 changes would not appear to create any significant visual or privacy impacts on neighboring homes.

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

Public Comment

To date, no letters have been received regarding the subject application. As previously noted, the applicant has submitted a letter signed by several nearby property owners in support of the 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 agrees with Staff's conclusions, Staff would recommend that the applicant be directed to modify the exterior design of the project. If the Board wishes to approve the project, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL

22 APOLLO ROAD

FILE #20502

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 January 14, 2005, or as amended by these conditions of approval. Any modifications to the plans of January 14, 2005, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.