





# Town of Tiburon

## STAFF REPORT

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square-shaped and would maintain a ranch style design in order to be architecturally compatible with the surrounding neighborhood.

The façade of the home would contain wood siding and a composite shingle roof. The siding would be beige/yellow, and the trim would be painted white with a burgundy door for accent. A color and material palette will be available for review at the Board meeting.

The gross floor area of the residence would be 2,600 square feet which complies with the floor area limit of 2,604 square feet. The lot coverage on the property would be 2,999 square feet, which exceeds the 2,232 square foot lot coverage limit, therefore a variance for excess lot coverage (40.3% in lieu of the maximum 30%) is requested.

The proposed garage and bedroom #2 would encroach five feet into the front yard setback. Therefore a variance for reduced front yard setback is also requested (15 feet in lieu of the minimum 20 feet).

### ANALYSIS:

The proposed residence would contribute updated ranch style architecture to the neighborhood. Although the proposed residence would be single story, the roof height would be increased to 19'5" to gain an elevated ceiling over the gallery while maintaining consistent slope lines throughout the roof. With the exception of the unusual two-story residence directly behind the subject property at 133 Leland Way (17'5" height and 1,957 square feet), the adjacent neighbors have single-story homes averaging 13'5" in height. The height of the proposed residence may not be in keeping with the neighborhood and could have a privacy and light impact on the direct neighbors. The proposed residence does not exceed the allowable floor area for the property, and variances for excess lot coverage are common in the vicinity for one story homes; however, the proposed floor area of the house (only 4 square feet below the floor area ratio for this lot) considered with the requested excess lot coverage and the increased height may represent an overall size and scale that is not compatible with the surrounding Bel Aire neighborhood.

The proposed garage doors, bay windows, and front porch area contribute detail to the front façade. The roof would be gabled over the garage and front bedrooms, and the highest point would run above the gallery. False beams would be located over the gallery, and seven skylights would also be located on the side slopes of the roof. There would be one bay window and four smaller windows on the right side of the residence, and 9 windows would be located on the left side of the house. All three rooms facing the rear yard would have exterior access with stamped concrete steps off the kitchen and bedroom #4.

The proposed residence would be nearly triple the size of the existing residence, and the floor plan would be basically square with the garage and bedroom #2 extending out to 15' from the front property line. A slate walkway would be installed along the driveway toward the entryway of the proposed residence. The existing Sycamore tree would remain in the front yard, and new groundcover and hedges would be planted along the front of the residence. A 7 foot screening pittosporum hedge is proposed along the side property lines toward the front and rear of the property. The portion of the screening in the front yard should be replaced with a more



# Town of Tiburon

## STAFF REPORT

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transparent species to alleviate a visual barrier along the road. The 3 existing fruit trees would remain in the rear yard, and a new fountain and deck would be constructed in the southeast corner of the rear yard.

### Zoning

As previously mentioned, the proposed dwelling would not comply with the front yard setback and lot coverage regulations of the R-1-B-A zoning district. Besides the requested variances, the project would be in compliance with all other zoning district requirements.

### Variance

- 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.**

#### Excess Lot Coverage

Constructing a second story in this neighborhood has been discouraged in the past, so in an attempt to avoid building a second story while still constructing additional living space, the applicant proposed to exceed the lot coverage. The subject parcel is zoned R-1-BA, which is geared towards lots that are 10,000 square feet or more. The subject parcel is only 7,441 square feet, which is 25% smaller than the minimum lot size required for this zone. The size of the home, and the amount of property it covers, is consistent with properties in the R-1-BA zoning district that are over 10,000 square feet in size.

#### Reduced Front Yard

The 7,441 square foot lot size is substantially smaller than the 10,000 square foot minimum lot size for the R-1-BA zone. This condition creates 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.**

#### Excess Lot Coverage

As previously stated, the Board has reviewed several applications in the Bel Aire neighborhood for lot coverage variances in order to retain single-story design. Other properties in the vicinity that have received variances for excess lot coverage include the properties at 95 Harriet Way (File No. 20231; 40.8% lot coverage), 80 Pamela Court (File No. 20303; 31.7% lot coverage), 283 Karen Way (File No. 20327; 31.0% lot coverage), 321 Karen Way (File No. 20404; 35.3% lot coverage), 301 Karen Way (File No. 20316; 34.1% lot coverage). Granting the lot coverage variance would not be a special privilege inconsistent with properties in the vicinity.

# Town of Tiburon

## STAFF REPORT

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### Reduced Front Yard

Numerous other properties in the vicinity have received variances for reduced front yard setbacks; including the properties at 210 Blackfield Drive (File #27105), 11 Claire Way (File #29905), 80 Pamela Court (File #20303), and 321 Karen Way (File #20404). Therefore, granting the reduced front yard setback variance would not be a special privilege inconsistent with properties in the vicinity.

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

#### Excess Lot Coverage

As previously stated, two-story structures are not typical in the Bel Aire neighborhood, and would be more intrusive than the proposed single-story residence. Because a second story element would likely be difficult to approve, it would be a hardship to strictly apply the Ordinance in regards to lot coverage.

#### Reduced Front Yard

The applicant contends that it would be an unnecessary hardship to strictly apply the front setback requirement in this case because there is a need to preserve as much of the back yard as possible. However, since the applicant has indicated that the existing structure and foundation would be entirely demolished, the typical constraint of expanding an existing structure is not applicable. Sufficient rear yard space could be retained with the design of the new residence without encroaching into the front yard. The lack of rear yard space as a result of constructing a larger home 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.**

#### Excess Lot Coverage

As proposed, the lot coverage variance would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

#### Reduced Front Yard

As proposed, the reduced front yard variance would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested reduced front yard setback variance; however, there is sufficient evidence to support the findings for the requested excess lot coverage requirement.



# Town of Tiburon

## STAFF REPORT

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### **Public Comment**

To this date, two letters have been received from the residents at 79 Claire Way and 82 Claire Way concerning the height and mass of the subject project.

### **RECOMMENDATION:**

Due to insufficient public noticing for the subject project, no action may be taken by the Design Review Board on March 3. The project may be discussed and recommendations made, but the Board's action must be postponed to provide time for adequate public noticing.

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07, and 4.03.05 (Guiding Principles for Design Review, and findings for a variance) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review and the findings for variances for excess lot coverage and reduced front yard setback can be made, then it is recommended that the project be continued for approval with the attached Conditions of Approval.

### **EXHIBITS:**

1. Conditions of Approval
2. Application and supplemental materials dated January 3, 2005
3. Letter from Cynthia Perry and Bruce Sievers, received January 7, 2005
4. Letter from Lynne Marcotte, received February 24, 2005
5. Applicant's findings for the variance
6. Plans for the project

# Town of Tiburon

## STAFF REPORT

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL 78 CLAIRE WAY FILE #205010

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 dated by the Town of Tiburon on January 3, 2005 and the plans dated February 1, 2005, or as amended by these conditions of approval. Any modifications to the plans dated February 1, 2005 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.
6. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
7. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).

# Town of Tiburon

## STAFF REPORT

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- b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
8. The following requirements of the Marin Municipal Water District shall be met:
  - a. A copy of the building permit shall be submitted.
  - b. Appropriate fees shall be paid.
  - c. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
9. All requirements of the Town Engineer shall be met.