

Town of Tiburon STAFF REPORT

AGENDA ITEM E4



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TO: **DESIGN REVIEW BOARD**

FROM: **KRISTIN KRASNOVE, ASSISTANT PLANNER**

SUBJECT: **108 SUGARLOAF DRIVE; FILE NO. 20510
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A DECK WITH VARIANCES FOR REDUCED SIDE
YARD SETBACK AND EXCESS BUILDING HEIGHT**

MEETING DATE: **MAY 5, 2005** _____

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PROJECT DATA:

ADDRESS:	108 SUGARLOAF DRIVE
ASSESSOR'S PARCEL:	058-311-03
PROPERTY OWNER:	ROBERT AND KATHRYN DOUGHERTY
APPLICANT/ARCHITECT:	ROGER HARTLEY
LOT SIZE:	10,600 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	APRIL 15, 2005

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301.

PROPOSAL

The applicant is requesting Design Review approval to make exterior alterations to an existing single-family dwelling located at 108 Sugarloaf Drive. The subject property is located on the east side of Sugarloaf Drive, which slopes steeply towards the direction of Paradise Drive. The applicant is proposing to replace the existing sundeck in the side yard with a new smaller deck that would be located at a higher elevation.

The existing deck is accessed from the driveway at the garage level of the residence. The proposed deck would be accessed from the upper level dining room and would be 55 square feet smaller than the existing deck. The proposed deck would be supported by 8 x 8 posts and drilled piers. A new access stairway would be installed below the deck.

The existing deck actually encroaches seven feet onto the neighbor's property. The proposed deck would eliminate the encroachment and would instead be located two feet from the right



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side property line. A variance for reduced side yard setback is therefore required. The existing deck has a maximum height of 30'2", and elevating the deck to the upper level would increase the maximum height to 39'5". The maximum building height is 30 feet; therefore a variance for excess building height is also required.

ANALYSIS

Design Issues

The house was constructed in its current fashion mainly because of the topographical constraints of the lot. Similar to most of the homes along Sugarloaf Drive, the design of the structure is based on the significant slope of the hillside.

The proposed deck would be visible from the adjacent neighbor at 104 Sugarloaf Drive, but would be minimally visible from downhill locations toward Paradise Drive. Since the proposed deck is smaller than the existing deck, it would help create more space between the neighboring homes. The increased height of the structure would also reduce the privacy and light impacts on the adjacent neighbor since it would be located well above the windows and living areas of the residence at 104 Sugarloaf Drive.

Section 4.02.07(c) of the Tiburon Zoning Code indicates that the height, size and/or bulk of a proposed project should bear a reasonable relationship to the character of buildings in the vicinity. Replacing the side deck on the existing structure would not visually alter the structure's relationship with the topography of the site, and the subject deck would not be uncharacteristic of the hillside development in the neighborhood.

Zoning

Besides the requested variances for reduced side yard and excess building height, 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.**

Reduced side yard setback

The improvements on the property are limited in scope because of the topographical constraints of the property, and the existing structure was already encroaching into the required setback. The strict application of the side yard setback requirement would

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eliminate any practical location for a deck replacement, depriving the applicant of the ability to expand this residence in a manner consistent with other properties in the vicinity.

Excess building height

The variance request stems from the significant slope on the property, which does not exist on many other properties in the R0-2 zoning district. In order for the deck to comply with the height requirement, it would have to be located on the lower level, below the living areas in the residence, which would also 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.**

Reduced side yard setback

Several properties in the vicinity have been granted similar variances for various standards due to the slope of the properties. For this reason, the granting of the variance would not appear to be a special privilege.

Excess building height

The buildable area of this property is constrained because of the steepness of the slope, and variances for excess height for properties with similar topography in the R0-2 zoning district have been granted on numerous occasions. 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.**

Reduced side yard

It would be an unnecessary hardship to strictly apply the side yard setback requirement in this case because the configuration of the parcel and the location of the existing structure on the property.

Excess building height

The applicant contends that it would be an unnecessary hardship to strictly apply the Ordinance in this case because there is no area of the site to construct an outdoor living area with access from a living area without exceeding the height limit requirements.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**



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Reduced side yard and excess building height

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 sufficient evidence to support the findings for the requested variances.

Public Comment

To date, one letter expressing support for the subject project was received from the property owners at 104 Sugarloaf Drive

RECOMMENDATION

It is recommended that the Board 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 attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans
4. Letter from Charles and Carol Arnold, 104 Sugarloaf, received April 21, 2005

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CONDITIONS OF APPROVAL

108 SUGARLOAF DRIVE

FILE #20510

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 April 7, 2005, or as amended by these conditions of approval. Any modifications to the plans of April 7, 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.