





# Town of Tiburon

## STAFF REPORT

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permitted in the R-1 zone; this represents an increase of 611 square feet of lot coverage from the previously submitted design. The floor area of the existing house would be 2,874 square feet, which represents a decrease of 326 square feet from the previously submitted design, which is also the maximum floor area for a lot of this size. Although the second story addition would not extend into the required side yard setback, a small roofline change along the right side of the house would still require a variance for reduced side yard setback.

### ANALYSIS

#### Design Issues

The revised project design would substantially reduce the visual mass and bulk of the proposed second story addition. The smaller upper floor would be centered above the existing house, similar in design to modest second story additions that have recently received favorable attention in the somewhat similar Belveron neighborhood. This type of more modest second story area would represent an appropriate transition between most of the single-story homes in the vicinity and the larger two-story homes above the site. In addition, the proposed garage and deck additions would accentuate the lower floor of the house in relation to the upper floor and provide appropriate visual articulation for the building.

The reduced scale and central location of the upper floor area should eliminate any potential concerns over sunlight impacts on the adjacent residence at 691 Hilary Drive. The Design Review Board should carefully review the proposed windows on either side of the proposed family room to determine if these windows would result in unwanted privacy impacts on the homes to either side of the site.

As previously noted, the existing house was constructed with a 6 foot east side yard setback which was consistent with the Marin County zoning requirements in effect at that time, prior to the incorporation of the Town of Tiburon. The proposed roofline change for the lower floor of the house would extend this nonconforming condition along the same setback line. However, only the upper floor family room portion addition would no longer encroach into this setback.

#### 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 side yard setback variance.

#### Variance

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***

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***this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

As previously noted, the existing house was developed with a 6 foot eastern side yard setback, which was consistent with the Marin County zoning requirements in effect at that time, prior to the incorporation of the Town of Tiburon. The rear of the lot is somewhat steep, limiting the ability to add onto this portion of the lot. These characteristics create special circumstances that limit the areas and extent of construction on the site; the strict application of the side yard setback requirement on such a lot would deprive the applicant of the development potential enjoyed by other homes 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 R-1 zone and similar single-family residential zones have received variances for reduced side yard setbacks to continue the line of an existing nonconforming residence.

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

The strict application of the required side yard setback would eliminate any potential changes to the roofline of the existing house. Such a restriction would place a hardship on the property owner that is unnecessary for the desired visual appearance of the addition.

- 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 revised project design would not 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**

As of the date of this report, no letters have been received regarding the project since the last meeting.

### **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

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California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied if the project is approved.

### ATTACHMENTS

1. Conditions of approval
2. Minutes of the April 21, 2005 Design Review Board meeting
3. Design Review Board Staff report dated April 21, 2005
4. Revised plans

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### CONDITIONS OF APPROVAL

#### 689 HILARY DRIVE

#### FILE #20508

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 March 28, 2005, or as amended by these conditions of approval. Any modifications to the plans of May 9, 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. The lighting fixtures indicated on the submitted plans are not approved, and shall be replaced with appropriate down lights.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.