



Town of Tiburon

STAFF REPORT

The applicant is requesting variances for reduced side yard setback (2'6" in lieu of the minimum 15 feet) and front yard setback (2' in lieu of the minimum 30 feet) for the garage. The entire structure is located within the front yard setback. The subject garage would increase the lot coverage by 304 square feet to 1,578 square feet (11.7%), which is less than the 15.0% maximum permitted lot coverage in the RO-2 zoning district.

ANALYSIS:

Design Issues

The subject garage is painted a dark, earthy color to blend in with the landscape. The garage is enclosed on three sides and does not contain garage doors. The structure has a 3:12 pitch red metal roof to match the existing house. The subject structure has a maximum height of 11 feet, and the sides are finished with wood siding. There are no windows or doors on the structure, and the surrounding plantings will help blend the structure into the landscape.

The location of the garage encroaches into the required side yard and front yard; however, the separation of surrounding residences and steep terrain assure that there are no privacy or view impacts from the structure. Since the previously existing parking pad was in the location of the subject garage, there is no change in traffic patterns on the private drive as a result of the garage addition.

The subject garage provides two covered parking spaces. The other parking spaces for the residence are uncovered and located in front of the residence within the front yard setback. The garage has consistent exterior treatments to match the style of the existing residence. For these reasons, no other design issues are expected.

Zoning

As previously mentioned, the proposed dwelling would not comply with the side yard setback and front yard setback regulations of the RO-2 zoning district. 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.**

Reduced Side Yard and Front Yard

If the applicant were to construct a detached garage while complying with the setback requirements, significant landscaping, including mature trees, would have to be removed and substantial excavation would be required as well. The unique lot configuration also



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results in a narrow section at the northern corner of the property which is the best location for cars to be pulling onto and off of the private drive. For these reasons, 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.**

Reduced Side Yard and Front Yard

Other properties in the vicinity have received variances for reduced setbacks; including the properties at 2311 and 2308 Spanish Trail (File #296020 and #200015). 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.**

Reduced Side Yard and Front Yard

The applicant contends that it would be an unnecessary hardship to strictly apply the Ordinance in this case because the previously existing cement parking pad was located within the side and front yard setbacks. So, the strict interpretation of the side yard and front yard setbacks would force the demolition of an existing cement pad, placing an unnecessary hardship on the property owners.

- 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.

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

Public Comment

One letter from the property owners of 2323 Spanish Trail and on behalf of the tenants at 2307 Spanish Trail was submitted in support of the project. To date, no other public comment has been submitted regarding the subject application.

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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 attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated April 11, 2005
3. Applicant's findings for the variance
4. Plans for the project
5. Letter from Patricia Bertrand, received April 11, 2005.

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EXHIBIT 1

CONDITIONS OF APPROVAL 2309 SPANISH TRAIL ROAD FILE #20511

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 April 11, 2005, 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. 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.