

Town of Tiburon STAFF REPORT

AGENDA ITEM **G3**



.....

TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **40 SEAFIRTH PLACE; FILE #20514**
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WITH A
VARIANCE FOR REDUCED FRONT YARD SETBACK

MEETING DATE: **JULY 14, 2005** _____

.....

PROJECT DATA:

ADDRESS:	40 SEAFIRTH PLACE
ASSESSOR'S PARCEL:	039-101-24
FILE NUMBER:	20514
PROPERTY OWNERS:	ANN SWART
APPLICANT:	HOLSCHER ARCHITECTURE
LOT SIZE:	15,000 SQUARE FEET
ZONING:	RO-2 (SINGLE--FAMILY RESIDENTIAL - OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	JUNE 24, 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 for the construction of additions to an existing single-family dwelling on property located at 40 Seafirth Place. As more than 50% of the existing house would be demolished as part of this project, an application has been filed for construction of a new residence.

The proposed project would involve the construction of several additions to both the main floor and the upper floor of the existing house. On the main floor, the existing family room would be enlarged; a new entry porch would be created; the rear deck would be expanded, with a spa installed on the deck; the existing carport would be enclosed into a two-car garage; and a new mudroom would connect the house to the garage. On the upper floor, the existing rooms would be reconfigured, with one more bedroom added, and a new guest room and bathroom



Town of Tiburon

STAFF REPORT

constructed above the garage. A new sloped roofline would replace the existing flat roof of the house.

The floor area of the existing house would be increased by 1,097 square feet to 3,322 square feet, which is less than the maximum floor area for a lot of this size. The proposed additions would increase the lot coverage on the site by 180 square feet to a total of 2,018 square feet (13.5%), which is less than the 15.0% maximum lot coverage permitted in the RO-2 zone.

The proposed upper floor addition and entry porch would extend to within 18 feet, 6 inches of the front property line. As the RO-2 zone requires a front yard of 30 feet, a variance is requested for reduced front yard setback.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with natural finished wood siding and dark brown roof shingles.

BACKGROUND

A Site Plan and Architectural Review application for additions to this residence was first reviewed at the March 3, 2005 Design Review Board meeting. At that time, the Board determined that the project would be compatible with the surrounding neighborhood and would not impact any nearby residences. As a result, the Design Review Board approved the submitted plans for the project.

The plans submitted with the current application are identical to those approved by the Board on March 3. The same variance for reduced front yard setback is requested, and the floor area of the house would be the same as previously approved. The only difference results from the applicant's realization during the preparation of working drawings for the project that more of the house would need to be demolished to accomplish this project. Therefore, the applicant has submitted the subject application for approval of this project as the construction of a new single-family dwelling.

ANALYSIS

Design Issues

As described in the previous report for this property, the Design Review Board determined that the general layout of the residence on the site appeared to be appropriate, and that the requested variance for reduced front yard setback was acceptable. Potential view impacts on nearby residences did not appear to be a concern, as the increased roof height proposed by this project would not interfere with the views of other nearby homes on Seafirth Place or Seafirth Road.

As previously noted, the existing residence has been developed within 21 feet, 4 inches of the front property line. A variance (File #25913) for this reduced setback was approved in 1959 by Marin County. Although the corner of the proposed entry porch and upper floor addition would



Town of Tiburon

STAFF REPORT

project further into the required front yard setback, most of the proposed project would comply with the required setbacks for the lot.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted front 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 this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property is smaller than the minimum size for new lots in the RO-2 zone, with an irregular shape bordered by San Francisco Bay on one side. The location of the existing house is at an angle to the front property line, with one corner protruding into the required setback. These characteristics create special circumstances that limit the areas and extent of construction on the site; the strict application of the front 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 RO-2 zone have received variances for reduced front yard setbacks, primarily to accommodate additions to existing homes that have previously been constructed within the required setbacks.

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

The existing house extends into the required front yard setback for the site. The strict application of the front yard setback requirement for this property would impose an unnecessary hardship on the property owner by limiting the location of any additions that could reasonably be expected to be proposed for this property.

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

Town of Tiburon

STAFF REPORT



As described above, the proposed project 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.

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 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. Application and supplemental materials
3. Design Review Board Staff report dated March 3, 2005
4. Minutes of the March 3, 2005 Design Review Board meeting
5. Submitted plans

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

40 SEAFIRTH PLACE

FILE #20514

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 May 16, 2005, or as amended by these conditions of approval. Any modifications to the plans of May 16, 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.
7. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
8. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.



Town of Tiburon

STAFF REPORT

9. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
10. The project shall comply with the following requirements of the Southern Marin 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).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 1210).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
 - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
9. The following requirements of the Marin Municipal Water District shall be met:
 - a. A High Water Pressure Water Service application shall be completed.
 - b. A copy of the building permit shall be submitted.
 - c. Appropriate fees shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the date of application.
 - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
11. All requirements of the Sanitary District No. 5 shall be met.
12. All requirements of the Town Engineer shall be met.