



Town of Tiburon

STAFF REPORT

2.6 feet in lieu of the minimum 15 feet side yard setback and 2 feet in lieu of the minimum 30 feet required front yard setback, so the garage is actually located further from the front property line than originally indicated; however, it is now apparent that the garage is encroaching into the ingress/egress and public utility easement 3.6 feet.

Since the submitted survey does not show the location of mature trees or other improvements on the site, it is difficult to evaluate potential alternative locations for the garage. The survey verifies that the subject garage is located within the property lines and that relocating the garage to avoid encroachment into the easement would be difficult.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zoning district with the exception of the previously noted variances for reduced side yard and front yard setbacks. As noted on the previous report for this application, Staff believes there is sufficient evidence to support the findings for the requested variances.

Public Comment

To date, no additional public comment has been received since the previous hearing on this application.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, and 4.03.05(Guiding Principles and Variance Findings) 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 agrees with the conclusions of Staff, then it is recommended that the project be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval
2. Staff Report from the June 16, 2005 Board meeting
3. Minutes from the June 16, 2005 Board meeting
4. Survey completed by Stephen Flatland Land Surveying

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EXHIBIT 1

CONDITIONS OF APPROVAL 2309 SPANISH TRAIL 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.
5. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.