



Town of Tiburon

STAFF REPORT

at the front of the property would be removed and replaced with a new swimming pool and spa at a different location at the front of the site.

The floor area of the existing house would be increased by 165 square feet to 3,193 square feet, which would be 15 square feet greater than the maximum floor area for a lot of this size. A floor area exception is therefore requested.

The proposed additions would increase the lot coverage on the site by 165 square feet to a total of 3,389 square feet (31.3%). As the maximum lot coverage permitted in the RO-2 zone is 15.0%, a variance is requested for excess lot coverage.

The proposed spa would extend to within 7 feet, 4 inches of the front property line, and the proposed bedroom closet additions would extend to within 23 feet, 6 inches of the front property line. The bathroom addition would extend to within 7 feet, 8 inches of the east (right) side property line, and the additions to the garage would extend to within 8 feet of the west (left) side property line. As the RO-2 zone requires front and side yards of 30 and 15 feet, respectively, variances are also requested for reduced front and side yard setbacks.

A color and materials board has not been submitted, as the proposed exterior siding and roofing would match those of the existing building.

ANALYSIS

Design Issues

The front of the subject property is mostly surrounded by a 5 foot tall wooden fence, which screens the existing swimming pool and deck areas from view from the street. This fencing would also provide adequate privacy screening for the proposed pool and spa. The adjacent residence at 4 Burrell Court is situated at a higher elevation and has only a few small windows facing the proposed pool and spa locations. The relationship of this area to the neighboring home, combined with the relatively minor change in activity level anticipated from changing the current pool and deck area to the proposed pool and spa design, should minimize any potential privacy impact of these improvements.

The proposed bathroom expansion would replace an existing, high-silled window with one of similar size and location. Both the existing and proposed windows are only marginally visible from several windows at much higher elevations on the adjacent home at 4 Burrell Court. As a result, the proposed bathroom should not create any privacy impacts on this neighboring residence.

The proposed additions to the side of the garage would be screened from the view of the adjacent home at 8 Burrell Court by an existing dense hedge along the common side property line and a proposed stucco wall to be built just inside the property line. These screening elements should render this proposed addition essentially invisible from the neighboring residence.



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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 and side yard setback and excess lot coverage variances and floor area exception.

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 house and swimming pool on the subject property were originally developed within the currently required front and side yard setbacks for the RO-2 zone, and the single-story house already exceeds the lot coverage requirements for this zone. The placement of these improvements is likely the result of the lot configuration, which has an oddly-shaped, curving front property line due to the location of this lot near the end of the Burrell Court cul-de-sac. These physical conditions create special circumstances that limit the areas and extent of construction on the site; the strict application of the front and side yard setback and lot coverage requirements 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 Reedlands neighborhood have received variances for reduced front and side yard setbacks, primarily to design homes that work with the varying topographical constraints found in this area. Many homes in this neighborhood have also received variances for excess lot coverage to expand single-story homes without adding a second story that could block views for other dwellings in the vicinity.

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

As noted above, the existing house and swimming pool extend into the required front and side yard setbacks and already exceeds the maximum lot coverage on the site. The strict application of the front and side yard setback and lot coverage requirements for this property would impose an unnecessary hardship on the



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property owner by severely 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.*

As previously noted, the proposed improvements should not result in any unwanted visual or privacy impacts on neighboring residences.

Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.

The proposed project would only add 165 square feet of floor area to the existing house, and would be consistent with the existing one-story floor plan of the residence. The minor additions would not substantially alter the visual size or scale of the existing house, and would conform to the existing physical layout of the site.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances and floor area exception. It should be noted that the Design Review Board has found some other applications which request both a variance for excess lot coverage and a floor area exception to represent overdevelopment of the property. However, relatively small nature of the proposed improvements would not appear to represent a substantial change the development intensity of the subject property.

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

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. Staff would recommend that the attached conditions of approval be applied if the project is approved.

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ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL

6 BURRELL COURT

FILE #20518

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 June 23, 2005, or as amended by these conditions of approval. Any modifications to the plans of July 18, 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. 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.
6. All exterior lighting fixtures must be down light type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.