



Town of Tiburon

STAFF REPORT

The floor area of the house would increase by 138 square feet to a total of 2,791 square feet, which is 247 square feet greater than the floor area ratio for a lot of this size. Therefore a floor area exception is requested.

The lot coverage of the proposed house would also increase by 102 square feet to a total of 2,384 square feet (31.6%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Therefore a variance is requested for excess lot coverage.

A portion of the proposed second floor kitchen would extend to within 3 feet of the right (northern) side property line, and within 12 feet of the rear property line. A corner of the proposed master bedroom would extend to within 6 feet of the left (southern) side property line. As an 8 foot side yard setback is required in the R-1 zone and a 20 foot rear yard setback is required for this property, variances are requested for reduced side and rear yard setbacks.

A color and materials board has been submitted, and will be available at the meeting for review by the Design Review Board. Grey horizontal cedar siding would be used, with aluminum window frames and glass guardrails. Composition shingle roofing would be installed.

ANALYSIS

Design Issues

The subject property slopes sharply up from Centro East Street. The existing duplex sits at an upper portion of the site, above the driveway and carport, and well below other properties uphill from this lot.

The duplex was constructed in the 1950's prior to the incorporation of the Town of Tiburon. The existing structure extends into both required side yard setbacks and the rear yard setback, and the property is already slightly over the maximum lot coverage permitted in the R-1 zone.

The proposed house would only extend out slightly from the footprint of the existing structure. The proposed second floor master bedroom would project out slightly from the current walls, bringing it into alignment with the rest of the existing side wall of the building. The proposed kitchen and breakfast nook would extend out less than five feet and connect the main part of the building with the area that currently contains a semi-detached laundry room. The existing roofline currently slopes back from a high point along the front of the building; the proposed house would extend a flat roof at the same maximum roof elevation.

As a result, the overall volume of the proposed house would not significantly increase the mass of the existing structure. The extension from the existing building footprint to the rear and sides would closely align with the shape of the existing structure. The increased roof volume would occur at the rear of the site, well below the viewlines of the homes uphill from the property; this roof change would not be noticeable from the street below.



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Several second floor windows would face the adjacent home to the north at 2097 Centro East Street. However, this neighboring residence has minimal windows facing to this side, and its privacy should therefore not be impacted by the design of the proposed dwelling.

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 variances for reduced side and rear yard setbacks and excess lot coverage, and the requested floor area exception.

Variances

In order to grant the requested variances, 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 size of the subject property is substantially smaller than the 10,000 square foot minimum lot size currently required in the R-1 zone. The existing duplex on the site was legally developed in the 1950's with side and rear yard setbacks that are less than those required under the R-1 zone. Due to these special circumstances, the strict application of the required side and rear yard setbacks and lot coverage requirements would 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.

Numerous other properties in the Old Tiburon neighborhood have received variances for reduced setbacks and lot coverage for project designs that are related to the location of older homes on their sites.

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

The existing duplex on this site was developed with portion of the structure within the required side and rear yard setbacks, in a location which minimizes visual impacts on neighboring homes. Forcing the applicant to construct a new residence with substantially different setbacks and with lesser lot coverage would likely push the house into less desirable portions of the site, and would therefore create an unnecessary hardship on the applicant.

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



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As noted above, the design of the proposed house would not appear to result in unwanted view impacts or significant privacy impacts on neighboring properties.

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 visual size and scale of the proposed house would be substantially similar to that of the existing structure on the site, and consistent with the pattern of other hillside homes along Centro East Street. The location of the proposed house in the same approximate level footprint of the existing structure would result in a building that is compatible with the physical layout of the site.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance and floor area exception.

Public Comment

To date, 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 15303. If the Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

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

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CONDITIONS OF APPROVAL

2095 CENTRO EAST STREET

FILE #20519

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 28, 2005, or as amended by these conditions of approval. Any modifications to the plans of August 2, 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. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures must be down light type fixtures.
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.



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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.
9. The project shall comply with all requirements of the Southern Marin Fire Protection District.
10. 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 Town Engineer shall be met. An encroachment permit shall be obtained from the Public Works Department for all construction work to be conducted within the Town right-of-way.
12. A revised landscaping plan shall be submitted for review by the Design Review Board. Said plan may be included with a future Site Plan and Architectural Review application for property line fencing.