



Town of Tiburon

STAFF REPORT

The existing floor plan includes a garage, 3 bedrooms, 3 bathrooms, kitchen, living room, and studio/family room. The proposed additions would increase the lot coverage by 441 square feet to 2,352 square feet (28.8%), which is just below the 30.0% maximum permitted lot coverage in the R-1-B-A zoning district. The proposed addition would also increase the floor area of the house by 191 square feet, and would result in a total floor area of 2,102 square feet, which is less than the maximum floor area permitted for a lot of this size.

The exterior façade of the residence would be updated with new doors and windows, an altered roofline, and new trims. The proposed attic would be accessed by a pull down ladder from the laundry room, resulting in an increased roof height over the existing studio/family room on the left side of the residence. The garage would be brought closer to the street to allow for more living space behind.

ANALYSIS:

The proposed addition would contribute an updated design to the neighborhood. The proposed addition would result in a two-story appearance with unfinished attic space on the upper level. The increased ceiling height over the foyer in addition to the attic space would result in a new roof height of 19'5". Due to the integrated design and u-shaped nature of the home, the second story element would not be prominent from the street, and there are no neighboring properties to the rear. The most significant impact of the second story would be on the neighbor at 325 Karen Way who has approvingly signed the project plans.

With the exception of the unusual two-story residence across the street at 326 Karen Way, the adjacent neighbors are predominantly single-story homes. The proposed addition does not exceed the allowable floor area or lot coverage for the property, and variances for reduced front yard setbacks are common for homes in the neighborhood with a sloping rear yard. The Board should consider whether the increased height is compatible with the surrounding Bel Aire neighborhood.

The proposed garage doors, windows, and front porch area would contribute detail to the front façade. The roof would be gabled over the garage and attic, and a new dormer would be installed over the entry. Bay windows would be installed on the front and right side. Due to the installation of two fireplaces, two chimneys would also be added.

Zoning

As previously mentioned, the proposed dwelling would not comply with the front yard setback regulations of the R-1BA zoning district. Besides the requested variances, the project would be in compliance with all other zoning district requirements.

Variance

- 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.**

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The 8,175 square foot lot size is smaller than the 10,000 square foot minimum lot size for the R-1-BA zone. This condition creates special circumstances that would deprive the owners of this property of development 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 Bel Aire neighborhood have received variances for reduced front yard setbacks. Therefore, granting the reduced front yard setback variance would not be a special privilege inconsistent with properties in the vicinity.

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

The applicant contends that it would be an unnecessary hardship to strictly apply the front setback requirement in this case because the topography of the lot creates a unique situation that make it more difficult to comply with the front setback requirements. Strictly applying the ordinance in this case would result in 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.**

As proposed, the reduced front yard variance would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

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

Public Comment

To this date, no public comment has been received concerning the subject project. The applicant has submitted signatures from the property owners at 325, 326, 334, 330, and 333 Karen Way.

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 by Acting Body) 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 staff's conclusions, then it is recommended that the project be approved with the attached Conditions of Approval.

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EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated August 1, 2005
3. Applicant's findings for the variance
4. Plans for the project

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CONDITIONS OF APPROVAL

329 KAREN WAY

FILE #20524

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 August 1, 2005, or as amended by these conditions of approval. Any modifications to the plans of August 1, 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 shielded, down light type fixtures.