





# Town of Tiburon

## STAFF REPORT

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area ratio by 296 square feet. The proposed addition would further increase the floor area of the house by 157 square feet, and would result in a total floor area of 3,203 square feet; therefore a floor area exception is requested.

### ANALYSIS

#### Zoning

Besides the requested variance for reduced side yard setback and a floor area exception, the project appears to be in conformance with the remaining development regulations of the R-2 zoning district.

#### Design Issues

The proposed additions would extend toward the front of the property. The property generally slopes down to the rear of the property. The existing front and interior garden walls would remain, and a new roof would be installed over the garden patio area. The new left side wall would contain two 1.5' x 6' windows. One skylight would be installed towards the front of the new roof area. The roof would be flat to match the existing roof line of the structure. The maximum height of the addition would be nine feet.

The proposed additions would only be visible from the street and the immediately adjacent home to the southeast (1956 Centro West). This portion of Centro West does not contain neighbors on the uphill side, so the proposed addition should not have a view impact on surrounding properties.

Staff does not foresee any other design issues with this project.

#### Variance

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 improvements on the property are limited in scope because of the topographical constraints of the property, and the existing structure was already encroaching into the required setback. The strict application of the side yard setback requirement would eliminate the practical location for an addition, depriving the applicant of the ability to expand this residence in a manner consistent with other properties in the vicinity.

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- 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.**

The buildable area of this property is constrained because of the steepness of the slope, and variances for setbacks for properties with similar topography in the R-2 zoning district have been granted on numerous occasions. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

It would be an unnecessary hardship to strictly apply the side yard setback requirement in this case due to the existing location of the residence on the property and the steepness of the slope.

- 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 project would not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

### Floor Area Exception

As previously mentioned, the proposed dwelling would also not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

- 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.**

The excess floor area would not make the proposed addition out of scale with the surrounding neighborhood. The proposed additional floor area would be located in a space that is already walled in, so the proposed addition would not contribute any additional visual size and scale to the structure.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics 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.**



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The applicant has stated the proposed project would be compatible with the physical characteristics of the site because the addition would be located near the top of the slope, which would reduce the visual impact of the addition on the property.

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 public comment has been received regarding the subject application.

### **RECOMMENDATION**

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.02.08, and 4.03.05 (Guiding Principles, Floor Area Ratio Guidelines, 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 Staff's conclusions, 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

#### 1952 CENTRO WEST STREET

#### FILE #20528

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 31, 2005, or as amended by these conditions of approval. Any modifications to the plans of August 31, 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.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. 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.