

Town of Tiburon STAFF REPORT

AGENDA ITEM F7



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TO: **DESIGN REVIEW BOARD**

FROM: **ASSOCIATE PLANNER, KRISTIN KRASNOVE**

SUBJECT: **50 STEWART DRIVE; FILE NO. 20527;
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A
VARIANCE FOR REDUCED REAR YARD SETBACK**

MEETING DATE: **OCTOBER 6, 2005** _____

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PROJECT DATA:

ADDRESS:	50 STEWART DRIVE
ASSESSOR'S PARCEL:	055-092-12
PROPERTY OWNER:	ABOLGHASSEN, IRAN, AND TOUFAN RAZI
APPLICANT:	ROGER HARTLEY
LOT SIZE:	7,446 SQUARE FEET
ZONING:	R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN:	MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	SEPTEMBER 15, 2005

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301.

PROPOSAL

The applicant is requesting Design Review approval to construct additions to an existing single-family dwelling located at 50 Stewart Drive. An addition would be made at the rear of the structure, and the space between the house and garage would be filled in. The deck on the west side of the house would also be enlarged and a skylight would be installed on the east side of the structure. The additions would contribute 322 square feet of living space and 115 square feet of deck space to the existing structure.

The subject property is surrounded by Stewart Drive, Virginia Drive, and Tiburon Boulevard to the north, east, and west. The rear of the property adjoins the side property line of 554 Virginia Drive. The property slightly slopes east-west towards Tiburon Boulevard.



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The proposed additions would increase the lot coverage by 220 square feet to 2,252 square feet (31.2%), which is 20 square feet over the permitted lot coverage in the R-1 zoning district. The project has been conditioned to reduce the project by 20 square feet, so that it is compliance with the lot coverage requirement. The existing residence currently contains 1,510 square feet of living space. The proposed addition would increase the floor area of the house by 322 square feet, resulting in a total floor area of 1,832 square feet, which is less than the allowable floor area for a property of this size.

ANALYSIS

Zoning

Besides the requested variance for reduced rear yard setback, the project appears to be in conformance with the remaining development regulations of the R-1 zoning district.

Design Issues

The proposed additions would include infilling a portion of the front entry. The infill would create a vaulted round metal roof extending four feet above the existing roof line. New clerestory windows and a glass front door would be installed at the new entry. One new window would also be installed on the right side of the front elevation.

The rear addition would be L-shaped. The master bedroom addition would extend out 6'10" beyond the existing wall, and the smaller bedroom additions would extend out 3'10" from the existing wall. Two bay windows would be installed in bedrooms #2 and #3, and two new windows would also be installed in the master bedroom. The master bedroom addition would come within 11'6" of the rear property line.

The proposed additions would be most visible from the three surrounding streets and the immediately adjacent home to the southeast (554 Virginia Drive). Although the property at 554 Virginia Drive is oriented to take advantage of the views to the west, the increased amount of windows on the proposed rear elevation could create a privacy and light emission concern for the neighboring property. The Design Review Board should evaluate whether the aesthetic effects of the proposed improvements would outweigh these potential privacy and light impacts on the neighboring residence.

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

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**

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Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.

Due to the location of the property, the lot configuration is atypical. The front/rear direction of the subject lot is defined the same as the side to side direction of other properties in the vicinity. This situation creates a special circumstance that would deprive the applicant of privileges enjoyed by other properties along Virginia Drive.

- 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.**

Since the rear yard of the subject lot is typically the side yard of other properties in the R-1 zone, allowing a set back of 11 ½ feet when the side yard setback regulation is eight feet would not constitute a grant of special privileges.

- 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 rear yard setback requirement in this case because the practical location for any expansion of the existing structure is to the south. Since it is unlikely that a second story addition would be approved based on the potential view impacts to adjacent residences, it would be an unnecessary hardship to strictly apply the setback requirement in this case.

- 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.

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

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 15301. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

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ATTACHMENTS

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

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CONDITIONS OF APPROVAL

50 STEWART DRIVE

FILE #20527

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 30, 2005, or as amended by these conditions of approval. Any modifications to the plans of August 30, 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.
8. The proposed square footage shall be reduced by 20 square feet so that the project is in compliance with the 30% maximum lot coverage requirement.