

Town of Tiburon

STAFF REPORT

AGENDA ITEM _____ **F5**



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TO: DESIGN REVIEW BOARD

FROM: KRISTIN KRASNOVE, ASSISTANT PLANNER

SUBJECT: 55 SPRING LANE; FILE #20442
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A DETACHED CARPORT WITH VARIANCES FOR
FRONT AND SIDE YARD SETBACKS

MEETING DATE: OCTOBER 6, 2005 _____

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PROJECT DATA:

OWNER:	HOOKER
APPLICANT/ARCHITECT:	JAMES REAM
ADDRESS:	55 SPRING LANE
ASSESSOR PARCEL NUMBER:	058-141-14
FILE NUMBER:	20525
LOT SIZE:	42,438 SQUARE FEET
ZONING:	R0-2 (SINGLE-FAMILY RESIDENTIAL OPEN)
GENERAL PLAN:	M (MEDIUM 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 15303.

PROPOSAL:

The applicant has submitted a request to construct a new detached carport on the property located at 55 Spring Lane. The property slopes down from Spring Lane toward Round Hill Road. The property is currently improved with a single-family dwelling with an uncovered parking platform. The subject project would include installing a roof over the existing parking platform for weather protection.

The proposed carport would be 390 square feet with a maximum height of 15 feet. The roof would be wood shakes to match the existing residence. The east and west elevations would contain openings above four foot rail walls. The rear of the structure would contain fixed glass above four foot walls. A pyramid skylight would be located at the peak of the roof.



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The proposed lot coverage of the project is 10.4%, which is below the 15% maximum for the R0-2 zoning district. The proposed carport would encroach 11 feet into the required front yard and 8'5" into the required right side yard. Therefore variances for reduced front and side yard setbacks are requested (19 feet in lieu of the front yard minimum of 30 feet and 6.5 feet in lieu of the side yard minimum of 15 feet).

The proposed structure would contain materials to match the existing residence, including wood fascia trim, wood shake roof, steel frame, and wood shingles.

ANALYSIS:

Zoning

Besides the requested variance for reduced front and side yard setbacks, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district

Design issues

The subject property is surrounded by single-family homes which are generally designed to take advantage of the views to the south and east. The proposed structure would be where the previously approved parking platform is located. A steep driveway leads past the parking platform down to the entrance of the house.

A row of hedges approximately 12 feet in height currently exists along the western property line. This landscaping along with the topography of the hillside should help increase the privacy and visual impacts from the structure on the adjacent property at 65 Spring Lane.

Although the proposed structure would be visible from the adjacent neighbors and the residences across Spring Lane as well, it does not appear that it would interfere with views or privacy from these homes.

Variances

- 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 surveyed front property line is set back 10' to 30' from the roadway, making compliance with the front yard setback unusually difficult. The visual setback from the street would appear similar to surrounding residences. The steep slope of the property has also caused the need to locate the residence and the carport closer to the front of the property. These conditions create special circumstances that would deprive the owners of the property of development privileges enjoyed by 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.**

Numerous other properties in the RO-2 zoning district and on Spring Lane in particular have received variances for reduced front and/or side yard setbacks. 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.**

The strict interpretation of the front and side yard setbacks would require relocating the structure away from where the existing parking platform is, which encroaches into the front and side yard setbacks. This situation would place an unnecessary hardship on the property owners.

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

Due to the location of the property line away from the roadway, the proposed carport would be located a sufficient distance from the street, eliminating any driveway safety issues. The side yard setback encroachment would not appear to create any significant view impacts on neighboring homes. 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 variances and floor area exception.

Public Comment

To date, no letters have 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.

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EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated August 25, 2005
3. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 55 SPRING LANE FILE #20525

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 25, 2005, or as amended by these conditions of approval. Any modifications to the plans of August 25, 2004, 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. The carport may not exceed 15 feet above grade (including the peak of the skylight) at any point.
8. 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.