



Town of Tiburon

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The façade of the home would contain hardi-plank siding and a composite shingle roof. The siding would be burnt yellow, and the trim and front door would be mahogany. A color and material palette will be available for review at the Board meeting. One skylight would be installed over the kitchen, and a ridge skylight would be installed over the family room and living room.

The gross floor area of the residence would be 2,840 square feet which is exactly the floor area limit for the property. The lot coverage on the property would be 3,390 square feet, which exceeds the 2,520 square foot lot coverage limit, therefore a variance for excess lot coverage (40% in lieu of the maximum 30%) is requested.

ANALYSIS:

Although the proposed residence would be single story, the structure would have an elevated foundation and the roof height would be increased to 19' to gain ten foot vaulted ceilings over the center of the house. There would be lower ceilings with attic space above on the sides of the structure. The Belveron West neighborhood is made up of primarily single-story homes; however, the adjacent house at 497 Washington Court is a two-story structure, as well as a handful of homes on Jefferson Drive and Irving Court.

The proposed garage doors, wood trellis, and entry columns contribute detail to the front façade. The roof would be gabled over the entry, family room and living room. There would be four windows on the right side of the residence, and three windows would be located on the left side of the house. The master bedroom and family room would have windows facing the rear yard, and the living room would contain sliding glass doors opening onto the rear patio.

The proposed residence would more than double the size of the existing residence, and the floor plan would be basically rectangular with the garage extending out to 16'6" from the front property line. Exterior steps would be installed on the right side of the garage. Four existing Redwood trees would be removed from the rear yard, and slender medium height trees would be installed along the rear fence and left side property line. Jasmine bushes, Princess trees, and Magnolias would be installed in the front yard. The existing wood fence along the right side and rear yard property line would remain.

The proposed residence does not exceed the allowable floor area for the property, and variances for excess lot coverage are common in the vicinity for one story homes; however, the proposed floor area of the house (exactly at the floor area allowance for this lot) considered with the requested excess lot coverage and the increased height may represent an overall size and scale that is not compatible with the surrounding Belveron West neighborhood.



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Zoning

As previously mentioned, the proposed dwelling would not comply with the lot coverage regulations of the R-1 zoning district. Besides the requested variance, 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.**

Excess Lot Coverage

Constructing a second story in this neighborhood has been somewhat discouraged in the past, so in an attempt to avoid building a second story while still constructing additional living space, the applicant proposed to exceed the lot coverage. The subject parcel is zoned R-1, which is geared towards lots that are 10,000 square feet or more. The subject parcel is only 8,400 square feet, which is 15% smaller than the minimum lot size required for this zone. The size of the home, and the amount of property it covers, is consistent with properties in the R-1 zoning district that are over 10,000 square feet in size.

- 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.**

Excess Lot Coverage

As previously stated, the Board has reviewed several applications in the R-1 zone for lot coverage variances in order to retain single-story design. Numerous properties in the R-1 zone have also been granted variances for excess lot coverage due to the substandard lot sizes. For these reason, the granting of the variance would not appear to be a special privilege inconsistent with properties in the R-1 zone

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

Excess Lot Coverage

Although two-story structures have not been typical in the Belveron West neighborhood, the adjacent property at 491 Washington Court (as well as the new residences around the corner on Jefferson Drive) are two-story structures. For this particular property a two-story structure would be more intrusive than the proposed single-story residence making a second story element more difficult to approve. It would therefore be a hardship to strictly apply the Ordinance in regards to lot coverage.



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

Excess Lot Coverage

As proposed, the lot coverage 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 excess lot coverage requirement.

Public Comment

To this date, no public comment has been received regarding this project.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07, and 4.03.05 (Guiding Principles for Design Review, and findings for a variance) 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 finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review and the findings for variances for excess lot coverage and reduced front yard setback can be made, then it is recommended that the project be continued for approval with the attached Conditions of Approval.

EXHIBITS:

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

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EXHIBIT 1

CONDITIONS OF APPROVAL 493 WASHINGTON COURT FILE #20531

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 to the application dated by the Town of Tiburon on September 9, 2005 and the plans dated September 9, 2005, or as amended by these conditions of approval. Any modifications to the plans dated September 9, 2005 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Department 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 Department 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 Design Review 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 Design Review 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 other than those approved by the Design Review Board must be down light type fixtures.
6. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
7. The project shall comply with the following requirements of the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).

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- b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
 - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
8. The following requirements of the Marin Municipal Water District shall be met:
 - a. A copy of the building permit shall be submitted.
 - b. Appropriate fees shall be paid.
 - c. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
9. All requirements of the Town Engineer shall be met.
10. 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.