



Town of Tiburon

STAFF REPORT

An in-ground lap pool would be installed in the rear yard where the driveway is currently located.

The proposed additions would increase the lot coverage by 439 square feet to 3,082 square feet (16.6%), which exceeds the maximum permitted lot coverage in the RO-2 zoning district; therefore a variance for excess lot coverage is requested (16.6% in lieu of the allowed 15%). The proposed addition would also increase the floor area of the house by 1,220 square feet, and would result in a total floor area of 4,903 square feet, which exceeds the allowed floor area for a lot of this size; therefore a floor area exception is also requested

The exterior façade of the residence would be updated with new doors, windows, deck railings, and a stucco finish. An ornamental fence and driveway gate would also be installed. The basic footprint and most of the roofline would remain the same.

ANALYSIS:

The proposed addition and remodel would contribute an updated design to the neighborhood. The proposed addition would have a flat roof line with clay roof tile to match the existing roof. The existing brick chimney would be finished with stucco to match the façade of the house. Large windows would be installed on the lower level around the house.

The lower level addition would also include a reconfiguring of the existing secondary dwelling unit. The kitchen and living area would be expanded. A new wine storage area, laundry room, bathroom, bedroom, and closet would also be added on the lower level. The main level addition would include a reconfigured floor plan with a new bedroom and balcony, library, and expanded kitchen and family room. A patio with an in-ground spa would be constructed beyond the living room at the front of the house. The upper level floor plan would also be reconfigured with a new balcony and deck off the master bedroom on the west elevation, and a new balcony with french doors off would be located over the main level kitchen addition on the east elevation.

The landscape plan would include the removal of one 25 foot tall pine tree. Stone pavers and a water fountain surrounded by a six foot stucco wall would be installed in the front entry to the left of the driveway. On the south side of the residence a new stone paver patio with steps leading down to a natural walking path and a water fountain would be constructed. Raised planters would be located along the west property line, and a new deer fence would be constructed around the perimeter of the property. The plans also propose a 6'6" tall metal entry fence with stone pier along the front property line. A condition of approval reducing the maximum height of the fence to six feet has been included. A new parking space would be located in front of the new stone patio and retaining wall.

Although it is not clearly indicated on the plans, it appears from the topography of the site that the proposed pool deck in the rear yard would require tall retaining walls on the left side. A portion of these walls are within the left side yard setback, and would therefore be restricted to a six foot height limit (including the safety railing). Since a variance for excess wall height has not been requested, the wall and railing aspect of the project may need to be continued for further review. The close proximity of the walls and pool deck to the side property line would also contribute adverse privacy impacts on the property at 10 Acela Court. For these reasons, it is



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recommended that the pool, pool deck, and subsequent retaining walls are either shifted away from the left side property line or reduced in size to eliminate the wall height issue and mitigate the privacy impacts. The Board is encouraged to view the proposed project from the rear yards of the properties located at 8 and 10 Acela Court to evaluate the privacy and aesthetic impacts.

Since the proposed addition exceeds both the allowable floor area and lot coverage for the property, the Board should consider whether the proposed 1,220 square foot addition would contribute excess mass and bulk to the structure.

Zoning

As previously mentioned, the proposed dwelling would not comply with the lot coverage and floor area regulations of the RO-2 zoning district. Besides the requested variance and floor area exception, 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.**

The 18,548 square foot lot size is smaller than the 20,000 square foot minimum lot size for the RO-2 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 undersized properties in the RO-2 zone have received variances for excess lot coverage. Therefore, granting the reduced excess lot coverage 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.**

Expanding the second story would be more intrusive than the proposed addition. Because a second story expansion would likely be difficult to approve due to potential view impacts, it would be a hardship to strictly apply the Ordinance in regards to lot coverage

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



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As proposed, the excess lot coverage variance would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

Floor Area Exception

As previously mentioned, the proposed dwelling would not comply with the Town's floor area regulations. 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 proposed addition would be consistent with the development of properties in the vicinity. Numerous homes in the area significantly exceed the floor area requirements, and this project would not be incompatible with structures in the surrounding neighborhood.

- 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.**

The applicant has stated the proposed project would be compatible with the physical characteristics of the site because due to the lot orientation and topography, the additions would not highly visible from surrounding properties or the street. The topography of the lot 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 for excess lot coverage and floor area exception. However, it should be noted that the Design Review Board has generally discouraged applications that would exceed both the lot coverage and floor area ratio for a lot, as such projects often represent an overbuilding of the property.

Public Comment

To this date, one letter was received from the property owner at 10 Acela Drive regarding the location of the pool and pool deck. The property owner at 6 Audrey Court has submitted historic correspondence concerning the previous development of the property in regards to height. No other public comment has been received concerning the subject project.

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 Exceptions, and Variance Findings by Acting Body) and determine that the project is exempt from the provisions of the California



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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.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated August 26, 2005
3. Applicant's findings for the variance
4. Plans for the project
5. Letter dated November 6, 2001 from Michael King to Roger Hartley, received October 24, 2005
6. Letter dated February 6, 2002 from Michael King to Roger Hartley, received October 24, 2005
7. Letter from James Deitz, received October 26, 2005

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CONDITIONS OF APPROVAL

2 AUDREY COURT

FILE #20540

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 26, 2005, or as amended by these conditions of approval. Any modifications to the plans of August 26, 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.
6. 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.
7. The decorative entry gate iron gate shall not exceed six feet in height.