



Town of Tiburon

STAFF REPORT

The proposed additions would increase the lot coverage by 443 square feet (17.5%) to 2,611 square feet (21.1%), which exceeds the maximum permitted lot coverage in the RO-2 zoning district; therefore a variance for excess lot coverage is requested (21.1% in lieu of the allowed 15%). The proposed addition would also increase the floor area of the house by 162 square feet, and would result in a total floor area of 2,805 square feet, which is below the maximum floor area permitted for a lot of this size.

ANALYSIS

Zoning

Besides the requested variance for excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Design Issues

The property generally slopes down to the rear of the property with the rear and side decks looking out towards Richardson Bay. The proposed additions would be visible from the north, south, and west elevations of the residence. The new front entry elements would contribute architectural interest to the front facade of the house. The new deck would be supported with posts that would match the front entry canopies.

Due to the topography of the lot and the nature of the proposed additions, the proposed additions 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 variance, 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 subject parcel is zoned RO-2, which has standards designed for lots that are 20,000 square feet or more. The subject parcel is only 12,360 square feet, which is 40% smaller than the minimum lot size required for this zone. The amount of property the structure would cover is consistent with properties in the RO-2 zoning district that are over 20,000 square feet in size.



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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 properties in the RO-2 zoning district have been granted variances for excess lot coverage due to the substandard lot sizes. For this reason, the granting of the variance would not appear to be a special privilege.

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

The lot coverage variance is requested because of the small size of the lot and potential difficulty to build an upper level addition. Because an upper level addition would be more intrusive than a ground floor addition, it would be a hardship to strictly apply the Ordinance 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 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

38 REED RANCH ROAD

FILE #20541

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 October 10, 2005, or as amended by these conditions of approval. Any modifications to the plans of October 10, 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.