



Town of Tiburon

STAFF REPORT

The stairway canopy is attached to a detached garage on the site, and is therefore considered to be an accessory structure. The canopy has a height of 15 feet, 8 inches, which is taller than the maximum accessory structure height of 15 feet. A variance is therefore also requested for excess accessory structure height.

ANALYSIS

Design Issues

The subject property is one of a series of lots along Redhill Circle developed in a similar fashion. Each of these lots is very narrow, and is developed with a single-family dwelling built up to the side property lines; although the homes have the appearance of attached dwellings, each is actually a separate structure. Garages built along the frontage are also situated at or near the side property lines, giving these homes the appearance of a single attached residential complex.

The design for each of these properties includes a courtyard area separating the house from the garage. This area is open to the elements and bordered by side walls providing privacy from the yards on either side. Some of the lots, including the subject property, have a grade difference between the garage level and the entrance of the home beyond, with stairs leading down from the front of the lot to the courtyard.

The stairway canopy was constructed some years ago and was recently discovered by the Town. The canopy consists of a redwood frame and translucent plastic covering. The canopy creates a weather-protected path from the front of the property to the residence.

One portion of the canopy barely projects above the side wall and would only be marginally visible from the adjacent property; the remainder of the canopy is fully screened by the wall along the side property line. Much of the structure height is necessitated by the lengthy stairway, which negotiates an elevation change of over 6 feet; other properties in the vicinity do not appear to have such a large elevation difference between the garage levels and the dwellings.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-3 zone with the exception of the previously noted variances for reduced side yard setback, excess lot coverage and excess accessory structure height.

Variances

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***

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

The subject property is extremely narrow and has a larger elevation difference between the front of the property and the dwelling than most other properties in the vicinity. These physical characteristics are special circumstances applicable to the subject property that would otherwise deprive the applicants of 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.***

All other homes in the immediate vicinity have either been granted variances similar to those requested or have been developed with conditions that would violate the current R-3 standards for side yard setbacks, lot coverage and structure heights.

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

The strict interpretation of the Zoning Ordinance would create an unnecessary hardship by preventing the applicants from constructing even the most modest of additions to the property, and from having weather protection when walking to and from the garage on the site.

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

As described above, the stairway canopy is only marginally visible from the adjacent property and should not create any unwanted visual impacts on neighboring residents.

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

Public Comment

A letter has been received from the owner of the adjacent property at 70 Redhill circle supporting this project.

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 15303. If the Board wishes

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to approve the application, it is recommended that the attached conditions of approval be applied to the project.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Candace and Keith Nordstrom, dated June 14, 2005
4. Submitted plans

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CONDITIONS OF APPROVAL

72 REDHILL CIRCLE

FILE #20542

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 19, 2005, or as amended by these conditions of approval. Any modifications to the plans of October 19, 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. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures must be down light type fixtures.