



Town of Tiburon

STAFF REPORT

30%). The proposed addition would also increase the floor area of the house by 495 square feet, and would result in a total floor area of 2,271 square feet, which is less than the maximum floor area permitted for a lot of this size.

The exterior façade of the residence would not be altered. All of the additions would be located at the rear of the residence, and the new exterior areas would match the existing painted colors, trim, and asphalt shingles of the existing residence.

It should be noted that the subject property is located in the flood zone. The Building Division requires that all new construction in the flood zone be at least one foot above the base flood elevation. The current plans do not explicitly reflect this requirement; however, Staff does not anticipate any view or privacy impacts resulting from altering the foundation to meet the said standard.

ANALYSIS

Design Issues

The subject house is situated on Blackfield Drive in the Bel Aire neighborhood. The rear of the subject property contains a large drainage easement that runs behind this stretch of residences on Blackfield Drive. A pedestrian access path also separates the rear yards on Blackfield Drive from the rear yards along Rancho Drive. The homes along Rancho Drive are uphill from the subject property and contain views over the single-story residences along Blackfield Drive.

The width of the existing structure would not change and no change to the front elevation or the overall height of the structure is proposed. The most significant changes would be visible from the rear of the structure and right side of the structure.

The master suite addition would contain French doors and windows that open into the interior patio. One small window would be located on the south elevation, and a door into the water heater closet would be installed on the east elevation. The proposed addition would be pushed in one foot from the existing structure in order to comply with the side yard setback. The proposed structure would also be 34 feet from the rear property line and 19 feet from the rear fence.

The existing house has a maximum height of 13'3", and the proposed addition would have a pitched roof with a maximum height of 12'3". One skylight would be installed over the master bedroom.

The proposed addition does not appear to have a view impact on surrounding properties. Staff does not foresee any other design issues with this project.

Zoning

Besides the requested variance for excess lot coverage, the project appears to be in conformance with the remaining development regulations of the R1-BA zoning district.



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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.**

Constructing a second story in this neighborhood has been 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-BA, which is geared towards lots that are 10,000 square feet or more. The subject parcel is only 7,485 square feet, which is 25% 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-BA 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.**

As previously stated, the Board has reviewed several applications in the Bel Aire neighborhood for lot coverage variances in order to retain single-story design. Other properties in the vicinity that have received variances for excess lot coverage include the properties at 95 Harriet Way (File No. 20231; 40.8% lot coverage), 80 Pamela Court (File No. 20303; 31.7% lot coverage), 283 Karen Way (File No. 20327; 31.0% lot coverage), 321 Karen Way (File No. 20404; 35.3% lot coverage), 301 Karen Way (File No. 20316; 34.1% lot coverage), 78 Claire Way (File No. 20501; 40.3%). Granting the 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.**

As previously stated, two-story structures are not typical in the Bel Aire neighborhood, and would be more intrusive than the proposed single-story residence. Because a second story element would likely be difficult to approve, 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.**

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.

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Public Comment

To 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 (Guiding Principles for Design Review) 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 to approve the project, 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

107 BLACKFIELD DRIVE

FILE #20547

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 November 10, 2005, or as amended by these conditions of approval. Any modifications to the plans of November 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. A survey shall be submitted along with the building permit showing that new construction shall be located at least one foot above base flood elevation.
7. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
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.