





# Town of Tiburon

## STAFF REPORT

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line, and the pool would actually be located approximately 26 feet from the west property line. The subsequent retaining walls would range from two feet to six feet in height. A wood and wire deer fence with a maximum height of five feet would be installed on the north, east, and a portion of the west property lines. An iron ornamental fence with a maximum height of five feet would be installed along Audrey Court and along the boundary with 8 Acela Drive.

The change in the floor plan includes a reconfiguration of the family room and main level bedroom so that the wall on the north side of the house is diagonal and improves the site line from the uphill properties on Bartel Court. There has also been a reduction in the amount of windows on the second level of the east elevation. This was achieved by eliminating the decorative balcony and removing one of the side lites adjacent to the French door.

The chimney height was also reduced from the previous plans by converting the wood burning fireplace in the kitchen to a gas fireplace so that the chimney can remain at its current height. The garage roof was altered so that the north edge remains at its current height. The proposed front yard landscaping was also replaced with a lawn and lavender starflower privacy screen along the proposed iron fence. This revised planting would have a mature height of 8-10 feet. The stucco color has also been revised to be a more muted sand tone.

This redesign predominantly addresses the issues raised by the Board. As the previous plans indicated, the proposed lot coverage would still exceed the allowed lot coverage amount by 300 square feet, and although the gross floor area has been reduced, the project would exceed the allowable square footage for this property by 958 square feet.

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R0-2 zoning district with the exception of the previously noted variance for excess lot coverage and a floor area exception. As noted on the previous report for this application, Staff believes there is sufficient evidence to support the findings for the requested variance and floor area exception.

### **Public Comment**

To date, no additional public comment has been received since the previous hearing on this application. However, the applicant has submitted an updated list of neighbors' signatures. Ten nearby property owners have given approval to the revised plans, including the adjacent neighbors at 18 and 22 Juno Road. The neighbors at 18 Juno Road who initially objected to the right side yard setback variance have provided signatures in support of the relocated garage

### **RECOMMENDATION:**

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, and 4.03.05(Guiding Principles and Variance Findings) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in

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Section 15303. If the Board agrees with the conclusions of Staff, then it is recommended that the project be approved with the attached Conditions of Approval.

### EXHIBITS:

1. Conditions of Approval
2. Revised application and supplemental materials
3. Design Review Board Staff report dated November 3, 2005
4. Minutes from the November 3, 2005 Board meeting
5. Revised plans for the project

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**CONDITIONS OF APPROVAL**

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### 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 November 11, 2005, or as amended by these conditions of approval. Any modifications to the plans of November 11, 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 vehicle entry gate shall be located at least sixteen feet from the roadway.