

Town of Tiburon STAFF REPORT

AGENDA ITEM E2



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **31 NORTH TERRACE; FILE #20608**
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF AN ATTACHED GARAGE, WITH VARIANCES
FOR REDUCED FRONT AND SIDE YARD SETBACKS AND EXCESS
LOT COVERAGE

MEETING DATE: **MARCH 16, 2006** _____

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PROJECT DATA:

ADDRESS:	31 NORTH TERRACE
ASSESSOR'S PARCEL:	034-221-01
FILE NUMBER:	20608
PROPERTY OWNER:	ALAN BORNSTEIN
APPLICANT:	LEON SUGARMAN (ARCHITECT)
LOT SIZE:	9,211 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM LOW DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	FEBRUARY 23, 2006

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

PROPOSAL

The applicant is requesting Design Review approval for the construction of a new attached garage and entry addition to an existing single-family dwelling on property located at 31 North Terrace. A two-car garage would be constructed in front of an existing bedroom, occupying a portion of the existing driveway. New columns would be added beneath an existing roof extension above the main entry to the house.

The proposed 440 square foot garage would not change the calculated floor area of the house of 2,827 square feet, which is less than the floor area ratio for a lot of this size. The lot coverage of this property would be increased by 440 square feet to a total of 3,267 square feet (35.5%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore, a variance is requested for excess lot coverage.



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The proposed garage would be situated within 9 feet, 6 inches of the front property line and within 4 feet of the side property line. As a 30 foot front yard setback and a 15 foot side yard setback are required in the RO-2 zone, variances are also requested for reduced front and side yard setbacks.

A color and materials board has not been submitted, as the garage and railings would be finished to match the exterior of the existing house.

ANALYSIS

Design Issues

The subject property is situated at the southwest corner of North Terrace and Terrace Court. Portions of the house already extend into the required front yard and both side yards. The basic layout of the house is not situated at right angles to any of the exterior property lines. A variance (File #28421) was approved in 1984 for reduced front and side yard setbacks and excess lot coverage to construct the bedroom that would be to the rear of the proposed garage. The original garage on the property was apparently converted to living space sometime prior to 1984.

The closest point of the front of the proposed garage would extend to within 14 feet of the edge of the roadway of North Terrace, but most of the garage would be situated at least 15 feet from the street. The garage location would appear to be in substantial conformance with Town policy to require a setback of at least 15 feet from the edge of a street for parking structures in order to allow room for vehicles to park in front without overhanging into the street.

The proposed garage would extend the one-story design of the existing house. Much of the garage would be effectively screened from the view of the adjacent home at 25 North Terrace by a property line fence and a large tree on the adjoining lot, and would not project into the primary views for any homes in the vicinity.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variances for reduced front and side yard setbacks and excess lot coverage.

Variance

In order to grant the requested variances, 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***

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in the vicinity and in the same or similar zones.

As noted above, the subject house sits at unusual angles to its property lines and is situated on a corner lot. The 9,211 square foot size of the lot is also less than half the minimum lot size required in the RO-2 zone. These physical characteristics are special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variances are not granted.

- 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 properties in the vicinity and in the RO-2 zone in Tiburon have received variances for reduced front and side yard setbacks and/or excess lot coverage, particularly on lots with substandard area and unusual configurations similar to those of the subject property.

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

The strict application of the setback and lot coverage requirements for this property would preclude the location of a new garage anywhere on the site, due to the small size and unusual configuration of the subject property.

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

As noted above, the proposed garage would not create any view impacts for other homes in the vicinity.

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

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

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 to approve the project, Staff would recommend that the attached conditions of approval be applied.

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ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL

31 NORTH TERRACE

FILE #20608

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 February 8, 2006, or as amended by these conditions of approval. Any modifications to the plans of February 8, 2006, 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. 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. All exterior lighting fixtures must be down light type fixtures.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All requirements of the Town Engineer shall be met.