



Town of Tiburon

STAFF REPORT

2 zone is 15.0%, a variance is requested for excess lot coverage. A color and materials board has not been submitted, as the proposed additions would match the colors and materials of the existing house.

ANALYSIS

Design Issues

The rear yard of the subject property is situated at an elevation well below the home to the rear at 20 Reed Ranch Road. Mature vegetation at the rear of the subject property would minimize any privacy impacts from the proposed addition, and the difference in elevation would eliminate any potential view impacts.

The proposed master bedroom deck would face toward the adjacent home at 33 Terrace Court. The neighboring homeowners have raised several objections to the deck and main level addition. The neighbors feel that the deck may result in noise and privacy impacts on their side bedrooms; that the addition would block sunlight to these rooms; and that the deck and other side windows could cause unwanted privacy impacts.

The home at 33 Terrace Court is situated at an elevation below that of the subject property. A solid wood fence and dense shrubbery is present along the side property line shared with 35 Terrace Court; the fence and vegetation would appear to shield much of the proposed construction from the adjacent home. Although the main level addition would be at a much higher elevation, it would not appear to block substantial sunlight for the neighboring residence. The Design Review Board is encouraged to visit the home at 33 Terrace Court to better evaluate any potential impacts that could result from the proposed addition.

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 variance for excess lot coverage.

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 9,577 square foot lot size is substantially smaller than the 20,000 square foot minimum lot size for the RO-2 zone. These physical conditions create special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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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 other properties in the Reedlands neighborhood have received variances for excess lot coverage, particularly when additions are proposed for lots that are substantially smaller than the minimum lot size in the RO-2 zone. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The strict interpretation of the required lot coverage would require construction of third story additions that could result in unwanted view impacts for homes above the site or potential privacy impacts or loom over homes below 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 proposed changes would not appear to create any significant visual or privacy impacts on neighboring homes.

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

Public Comment

To date, one letter has been received regarding the subject application from the owners of 33 Terrace Court raising the issues noted above.

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 15301. If the Board agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from David and Elizabeth Yoder
4. Submitted plans

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CONDITIONS OF APPROVAL

35 TERRACE COURT

FILE #20609

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 14, 2006, or as amended by these conditions of approval. Any modifications to the plans of May 15, 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. 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.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.