





# Town of Tiburon

## STAFF REPORT

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The proposed additions would increase the lot coverage by 290 square feet (including the elimination of the detached garage) to 3,698 square feet (15.17%), which meets the 15% maximum permitted lot coverage in the RO-2 zoning district. The proposed addition would also increase the floor area of the house by 393 square feet, and would result in a total floor area of 5,035 square feet, which exceeds the maximum floor area ratio permitted for a lot of this size. Therefore a Floor Area Exception of 599 square feet is requested (5,035 square feet in lieu of the maximum 4,436 square feet).

The materials of the proposed addition would match the existing materials of the main house. Light beige painted stucco, gray shingle roof material, precast concrete window trim, and sandstone tiles would be used. The roof terrace would have a maximum height of 21 feet, 1 inch, and the peak of the stairway enclosure would have a maximum height of 28 feet, which is approximately 1 foot, 3 inches taller than the current height of the guest house.

### ANALYSIS:

The subject property has a unique configuration and is essentially a flag-shaped lot. The property at 612 Ridge Road shares the northern property line, and 1907 Straits View Road is to the east, 1905 Straits View is to the south, and 600 ridge Road is to the west. There are no developed properties directly behind the subject property.

The majority of the main house would remain unchanged and the only modification to the structure would be the infill between the guest house and the main house. The lower level of the addition would have doors on the east and west elevations. Windows would also be installed on east elevation of the upper level addition.

The landscape plan improvements would include a number of various details around the property. The proposed improvements include a new deer fence to complete the enclosure of the property; a metal arbor with stone cast columns on the existing rear deck, a barbeque, sink, refrigerator and fireplace at the north end of the pool; a six foot tall vehicle entry gate; a six foot tall stone wall with a seat wall attached on the north side of the driveway gate; new wall fountains in the entry court and on the south side of the addition; a wood arbor with cast stone columns over the proposed barbeque area;

The most significant changes would be visible from the front and left side of the structure. The garage addition would not contain any windows. The master bedroom addition would include a new window and sliding glass door on the front elevation and one new window is proposed on the left side elevation. The new roof ridge for the master bedroom would be pitched above the existing roof line and would include three clerestory windows facing west.

A new five foot high slated fence would be installed around the perimeter of the property, and new landscaping would be installed in front of the front yard fence. The existing trees and landscaping would remain

Staff does not foresee any other design issues with this project



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### Zoning

As previously mentioned, the proposed dwelling would not comply with the front yard setback regulations of the R-1BA zoning district. Besides the requested variances, the project would be in compliance with all other zoning district requirements.

### Variance

- 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 7,735 square foot lot size is 23% smaller than the 10,000 square foot minimum lot size for the R-1 zone making compliance with lot coverage and setback requirements more difficult than with other standards properties in the R-1 zone. This circumstance would deprive the applicant of the privilege to expand their home as 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.**

Due to the substandard lot sizes and difficulty to construct a second story in the neighborhood, numerous other properties in the Belveron and Belveron West neighborhood have received variances for reduced side yard setbacks and excess lot coverage. Other properties in the vicinity that have received variances for reduced side yard setback and/or excess lot coverage include the properties at 32 Mercury Avenue (File No. 200045; 7'4" setback), 31 Juno Road (File No. 20325, 4'3" setback), 20 Juno Road (File No. 20443; 5' setback), 27 Apollo Road (File No. 790118, 6'10" setback), 21 Apollo Road (File No. 20324; 6'2" setback and 31% lot coverage), and 493 Washington (File No. 20531, 40% lot coverage) Granting the lot coverage and side yard setback variances 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.**

The applicant contends that it would be an unnecessary hardship to strictly apply the side yard setback requirement in this case because the existing garage encroaches into the side yard so that any lateral expansion of the garage would not comply with the setback regulations. As previously stated, two-story structures are not typical in the Belveron 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.

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**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 reduced side yard and excess lot coverage variances would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested excess lot coverage and reduced side yard setback variance.

**Public Comment**

To this date, no public comment has been received concerning the subject project. The applicant has submitted signatures from the property owners at 35, 37, 39, 40, and 44 Mercury Avenue.

**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 by Acting Body) 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 agrees with staff's conclusions, then it is recommended that the project be approved with the attached Conditions of Approval.

**EXHIBITS:**

1. Conditions of Approval
2. Application and supplemental materials dated January 11, 2006
3. Applicant's findings for the variance
4. Plans for the project

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### CONDITIONS OF APPROVAL

#### 36 MERCURY AVENUE

#### FILE #20601

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 January 11, 2006, or as amended by these conditions of approval. Any modifications to the plans of January 11, 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.
5. All exterior lighting fixtures must be shielded, down light type fixtures.
6. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
7. 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.