





# Town of Tiburon

## STAFF REPORT

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The proposed lot coverage of the project is 14.3%, which is below the 15% maximum for the R0-2 zoning district. The proposed garage would encroach 30 feet into the required front yard. Therefore a Variance for reduced front yard setback is requested (0 feet in lieu of the front yard minimum of 30 feet).

### ANALYSIS:

#### Zoning

Besides the requested variance for reduced front yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district

#### Design Issues

The subject property is surrounded by single-family homes which are generally designed to take advantage of the views of San Francisco Bay. The proposed garage would be where the existing carport is located.

Staff has noted that a number of properties on the bayward side of Seafirth Road (#55,75, 85, and 95) contain carports as opposed to garages due to the sloping nature of the lots. Encroachment into the front yard setback along Seafirth Road is typical, generally making carports a less intrusive parking solution than garages. The residences at 45 and 65 Seafirth Drive do contain enclosed garages; however, these structures are set further back from the roadway than the subject carport.

The Tiburon Board of Adjustments and Review reviewed a similar proposal for the subject property in 1984. The Board of Adjustments and Review recommended at that time to remove the garage doors and make the carport a more open structure (see attachment #4). There was concern raised over the potential visual impact on the street. This recommendation resulted in the current situation of essentially a garage without doors. The applicant is now requesting to fill in the open areas of the carport with a garage door and windows.

Although the enclosure of the carport would be highly visible from the roadway, it does not appear that it would interfere with line of sight issues or views from surrounding properties.

#### Variiances

- 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 16,133 square foot lot size is 20% smaller than the 20,000 square foot minimum lot size for the RO-2 zone making compliance with setback requirements more difficult than with other standards properties in the RO-2 zone. This circumstance would deprive the



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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.**

Numerous other properties in the RO-2 zoning district and on Seafirth Road in particular have received variances for reduced front yard setbacks due to the sloping nature of the properties. 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.**

It would be extremely difficult to construct a garage in compliance with the front yard setback on the subject property. Major teardown of existing living space and demolition of the existing carport would be required. Therefore, the strict interpretation of the front yard setback would place an unnecessary hardship on the property owners.

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

The front yard setback encroachment would not appear to create any significant view impacts on neighboring homes. 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.

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

### **Public Comment**

To date, no letters have been received regarding the subject application. The applicant has submitted signatures from surrounding property owners at 65, 70, 80, and 85 Seafirth Road.

### **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 Section 15303. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

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### EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated January 17, 2006
3. Signatures from surrounding property owners
4. Applicant's Variance findings and Staff Report from July 12, 1983 Tiburon board of Adjustments and Review Meeting
5. Staff Report from the November 8 and December 6, 1984 Board of Adjustments Meetings
6. Minutes from the December 6, 1984 Board of Adjustments Meeting
7. Plans for the project

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL 75 SEAFIRTH ROAD FILE #20602

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 17, 2006, or as amended by these conditions of approval. Any modifications to the plans of January 17, 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 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.