



Town of Tiburon

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feet into the required left side yard. Therefore a Variance for reduced side yard setback is requested (8 feet in lieu of the side yard minimum of 15 feet).

The existing lot coverage on the property is 16.2%, which exceeds the 15% maximum for the RO-2 zoning district. Since the 200 square foot addition would increase the lot coverage by less than one percent, a Variance for excess lot coverage is not required. The proposed lot coverage is 17%. The proposed addition would also increase the floor area of the house by 200 square feet, and would result in a total floor area of 2,597 square feet, which is less than the maximum floor area permitted for a lot of this size.

The proposed structure would contain materials to match the existing residence, including wood siding, painted metal windows and wood trim.

ANALYSIS:

Design issues

The subject property is surrounded by single-family homes which are generally designed to take advantage of the views to the southwest. The proposed addition would be located at the rear of the structure. A row of four small windows with six foot sill height is proposed on the east elevation, which should reduce privacy impacts. No windows are proposed on the front, and sliding glass doors to open onto the rear yard would be located at the rear of the office addition.

A row of mature landscaping currently exists along the eastern property line. This landscaping should help increase the privacy and visual impacts from the structure on the adjacent property at 7 Corte Palos Verdes. It does not appear that it would interfere with views or privacy from other surrounding properties. Staff does not foresee any other design issues with this project.

Zoning

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

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 site is restrictive in width due to the pie shape of the lot. The existing garage already encroaches into the side yard due to this constraint. Therefore, the physical characteristics of the site deprive the applicant of 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 RO-2 zoning district have received variances for reduced side yard setbacks when it would be difficult to construct a second story due to potential view and privacy impacts. 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 side yard setback would require excavation into the slope in order to construct the addition on the east side of the house. This situation 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.**

Due to the location of the residences along Corte Palos Verdes, the proposed addition would be located a sufficient distance from the adjacent residence. The side 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; however, the applicant submitted plans with an approval signature from the most affected property owner, Carol Beck at 7 Corte Palos Verdes.

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 November 19, 2004
3. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 9 CORTE PALOS VERDES FILE #20556

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 December 12, 2005, or as amended by these conditions of approval. Any modifications to the plans of December 12, 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 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.