

# Town of Tiburon STAFF REPORT



AGENDA ITEM 2

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TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **FILE #60301: REQUEST FOR A LOT LINE ADJUSTMENT, WITH A VARIANCE FOR REDUCED LOT SIZE; 8 SONORA COURT AND 145 STEWART DRIVE; BERNARD AND JOYCE CURLEY AND LOWELL AND JEAN AIROLA, OWNERS; ASSESSOR'S PARCEL NOS. 55-101-12 & 13**

MEETING DATE: **NOVEMBER 12, 2003** REVIEWED BY: SA

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## PROJECT DATA

Addresses:	8 Sonora Court and 145 Stewart Drive
Assessor's Parcel Numbers:	55-101-12 & 13
File Number:	60301
Lot Sizes:	7,601 & 7,887 square feet
General Plan:	Medium High Density Residential
Zoning:	R-1
Current Uses:	Single-Family Residential
Owners:	Bernard and Joyce Curley and Lowell and Jean Airola
Applicant:	William Schroeder
Date Complete:	October 23, 2003

## PROJECT DESCRIPTION

The project is a proposed lot line adjustment between two residential properties located at 8 Sonora Court and 145 Stewart Drive. The project would transfer 661 square feet of land from the lot at 8 Sonora Court to the lot at 145 Stewart Drive. The intent of the lot line adjustment is to align the property line between the two lots with the position of an existing fence.

The Tiburon Subdivision Ordinance normally allows the Community Development Director to approve lot line adjustment applications. However, Section 14-11.2 (b) of the Subdivision Ordinance states that "an application for a lot line adjustment... may be accepted only if application approval will not result in a parcel that has less area than the minimum lot area required for new parcels by the regulating zone. If a lot is already below the minimum lot area for its zone, then the lot area shall not be further reduced." Both of the subject properties currently have less than the 10,000 square feet of lot area required for new lots in the R-1 zone, and the proposed lot line adjustment would further reduce the lot size of the 8 Sonora Court property. Therefore, a variance has been requested from this code requirement.



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### ANALYSIS

Each of the subject properties is developed with a single-family residence, situated well above street level. Due to the sloping nature of these sites and the small lot sizes, both homes have relatively small usable rear yard areas.

Either the current or previous property owners of 145 Stewart Drive constructed the previously mentioned fence onto the adjacent lot at 8 Sonora Court. This wooden fence and a large portion of a rear patio area extend well across onto the 8 Sonora Court property. A relocated fence along the current property line would eliminate a substantial portion of the usable rear yard area currently enjoyed by the owners of 145 Stewart Drive.

The residence at 8 Sonora Court currently has a usable rear yard area, even with the wooden fence in its current configuration. This would indicate that a reasonably sized yard area would still be available on this lot if the requested lot line adjustment is approved, even though this lot is currently smaller than the adjacent property and would be made even smaller by this request.

### ZONING AND GENERAL PLAN CONSISTENCY

Staff has reviewed the proposal and finds it to be in conformance with the standards of the Tiburon Subdivision Ordinance, with the exception of the previously noted variance for reduced lot size.

The Medium High Density Residential land use designation described in the Land Use Element of the Tiburon General Plan has a density of up to 4.4 dwelling units per acre, which translates into a lot size of 9,900 square feet. Although the proposed lot line adjustment would make the size of the lot at 8 Sonora Court smaller than that allowed by this designation, the resulting lot size of 6,940 square feet would be more consistent with the Medium High Density designation than the next residential designation; the High Density Residential designation of 11.6 units per acre translates into a lot size of only 3,755 square feet. Therefore, the proposed lot line adjustment would appear to be generally consistent with its land use designation within the Land Use Element. The request would not be incompatible with any other policies contained within the Tiburon General Plan.

The Little Reed Heights subdivision in which the subject properties are located was approved prior to the incorporation of the Town of Tiburon. A substantial majority of the lots within this subdivision have less than 10,000 square feet of lot area, with many of these lots smaller than 8,000 square feet. The only nearby lot that is smaller (6,901 square feet) than that proposed for the 8 Sonora Court property is the property at 147 Stewart Drive, adjacent to both of the subject properties.

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***

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***this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

Both of the subject properties are substantially smaller than the 10,000 square foot minimum lot size for the R-1 zone, and have been developed with small usable rear yard areas. These physical conditions create special circumstances that would deprive the owners of the property at 145 Stewart Drive of the privilege of having usable rear yard area enjoyed by other properties in the vicinity and in the same or similar zones, if the requested variance is denied.

- 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.***

As previously noted, numerous other lots in the Little Reed Heights subdivision have lot sizes that are smaller than the minimum lot size required in the R-1 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 size requirement would substantially reduce the usable rear yard area for the home at 145 Stewart Drive, creating 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 existing rear yard area for the lot at 145 Stewart Drive is screened from view from any nearby residences. The result of the proposed variance would therefore not create any significant privacy or visual impacts on neighboring homes.

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

### ENVIRONMENTAL REVIEW

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15305 of the CEQA Guidelines.

### CONCLUSION

The subject application is supported by the owners of both of the affected properties. The lot line adjustment would recognize the condition created by the existing fence, which results in



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satisfactory usable rear yard areas for both lots. The lot line adjustment would approve a physical condition that has been present for some time, which does not significantly impact any surrounding properties.

### **RECOMMENDATION**

Staff recommends that the Planning Commission:

1. Hold a public hearing on this application; and
2. Adopt the attached resolution approving the application.

### **EXHIBITS**

1. Application form and supplemental materials
2. Draft resolution
3. Submitted plans