



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Action and Approved Minutes - Regular Meeting
Design Review Board
May 20, 2010
7:00 P.M.

ACTION MINUTES #7 TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL 7:30 PM

Present: Vice Chairman Tollini, Boardmembers Kricensky & Weller

Absent: Chairman Chong

OLD BUSINESS

1. **1490 VISTAZO WEST STREET:** File No. 21003; Danuta Shaddock, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with variances for reduced side yard setback and excess building height. The new structure would have a reduced side yard setback of 3 feet, 2 inches in lieu of the minimum 8 feet, and would have a building height of 37 feet, 9 1/8 inches in lieu of the maximum 30 feet. APN: 058-223-14 [LT]
Continued to 6/3/10

NEW BUSINESS

2. **10 TOWER POINT LANE:** File No. 21001; Jim and Linnea Gerber, Owner; Site Plan and Architectural Review for construction of an addition to an existing single-family dwelling with a variance for reduced front yard setback. The applicant proposes to construct an addition above an existing carport. As the existing carport is currently located within the front yard setback, the addition would be located with the same reduced setback of two feet, six inches (2'6"). APN: 059-122-40 [LT] **Approved 3-0**
3. **2028 PARADISE DRIVE:** File No. 21005; Anthony and Patricia Guzzardo, Owner; Site Plan and Architectural Review for construction of an elevator addition and a deck/landing area to an existing garage, with variances for excess lot coverage and excess building height. The proposed deck, landing and elevator addition would result in increased lot coverage of 3,673.4 (47.3%) which exceeds the maximum permitted lot coverage in the R-2 zoning district (35.0%). The elevator addition would increase the height of the structure from twenty-six feet (26') to thirty-five feet, two inches (35'2"), which exceeds the maximum building height of thirty feet (30') in any zone. APN: 059-172-42 [LT] **Approved 3-0**
4. **2351 SPANISH TRAIL:** File No. 21006; Derek and Nancy Parker, Owner; Site Plan and Architectural Review for construction of a deck extension with a variance for reduced side yard setback. The applicant proposes to expand an existing deck further into the right side yard setback, resulting in a reduced setback of ten feet six inches (10' 6"). APN: 059-091-52 [LT]
Continued to 6/17/10

MINUTES

5. Regular Meeting of May 6, 2010 *Approved as amended 3-0*

ADJOURNMENT 8:30 PM

**APPROVED MINUTES #7
TIBURON DESIGN REVIEW BOARD
MEETING OF MAY 20, 2010**

The meeting was opened at 7309 p.m. by Vice-Chair Tollini.

A. ROLL CALL

Present: Vice-Chair Tollini, Boardmember Kricensky and Boardmember Weller

Absent: Chair Chong

Ex-Officio: Associate Planner Tyler and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. OLD BUSINESS BEFORE THE BOARD

1. 1490 VISTAZO WEST STREET: File No. 21003; Danuta Shadduck, Owner; Site Plan and architectural Review for construction of a new single-family dwelling, with variances for reduced side yard setback and excess building height. The new structure would have a reduced side yard setback of 3 feet, 2 inches in lieu of the minimum 8 feet, and would have a building height of 37 feet, 9 1/8 inches in lieu of the maximum 30 feet.

CONTINUED TO JUNE 3, 2010

E. NEW BUSINESS BEFORE THE BOARD

2. 10 TOWER POINT LANE: File No. 21001; Jim and Linnea Gerber, Owner; Site Plan and Architectural Review for construction of an addition to an existing single-family dwelling with a variance for reduced front yard setback. The applicant proposes to construct an addition above an existing carport. As the existing carport is currently located within the front yard setback, the addition would be located with the same reduced setback of two feet, six inches (2'6").

The applicant is requesting to construct an addition with a variance for reduced front yard setback, on property located at 10 Tower Point Lane. Currently the property is improved with a single-family dwelling and attached carport. The proposal would incorporate a den addition above the existing carport, which would include a storage area and bathroom.

The proposed addition would not result in increased lot coverage, as the area of the addition is within the existing building footprint. The current dwelling has an existing lot coverage of 2,252 square feet (27.5%)

which is below the maximum permitted lot coverage in the R-1 zoning district (30.0%). The proposed structure would result in a gross floor area of 2,616 square feet, which is below the maximum permitted floor area for a parcel of this size (2,817.3 sq. ft.).

The existing carport is currently located within the front yard setback, a distance of two feet, six inches (2'6") from the property line. As the proposed den addition would be located directly above the existing carport, it would therefore be located within the front yard setback at the same distance (2'6"). As the required front yard setback in the R-1 zoning district is fifteen feet (15'), a variance has been requested to continue the reduced setback of two feet, six inches (2'6") for the new addition.

Hank Bruce, architect, said that the project involves the addition of a single room to provide more space. He said that the house is on a relatively restricted site and that the proposal was totally within the other zoning parameters. He stated that the owners requested a variance because this is the only suitable location to build, and would not invade privacy or view corridors of adjacent properties. He stated that the neighbors have all expressed support for the project.

There were no public comments.

Boardmember Kricensky said that he visited the site and the house fits in nicely with the neighborhood. He said that the other house behind it is very high and the addition would not impact views. He commended the owner and architect for not trying to add 12 foot ceiling heights. He thought that the project was very reasonable, as it would not exceed lot coverage or FAR and the reduced setback already exists, so he supported the project.

Boardmember Weller agreed and commended the applicants for a reasonable proposal.

Vice-Chair Tollini agreed with his fellow Boardmembers, stating that there was sufficient evidence to support the variance. Given the constraints of the property, he felt that the existing structure is shoehorned into its current location and the proposed addition would be a nice change for the only other property that can see it and would be within the existing footprint.

<p>ACTION: It was M/S (Weller/Kricensky) that the request for 10 Tower Point Lane is exempt from the California Environmental Quality Act and approved the project, subject to the attached conditions of approval. Vote: 3-0.</p>

3. 2028 PARADISE DRIVE: File No. 21005; Anthony and Patricia Guzzardo, Owner; Site Plan and Architectural Review for construction of an elevator addition and a deck/landing area to an existing garage, with variances for excess lot coverage and excess building height. The proposed deck, landing and elevator addition would result in increased lot coverage of 3,673.4 (47.3%) which exceeds the maximum permitted lot coverage in the R-2 zoning district (35.0%). The elevator addition would increase the height of the structure from twenty-six feet (26') to thirty-five feet, two inches (35'2"), which exceeds the maximum building height of thirty feet (30') in any zone.

The applicant is requesting to construct a wood deck and landing, and an elevator addition to an existing garage, with variances for excess lot coverage and excess building height. The primary purpose of the new deck, landing and elevator is to provide handicap access to the residence from the street/garage level, down to the home.

The proposed elevator addition would result in a gross floor area of 2,730.9 square feet which is below the maximum permitted floor area for a parcel of this size (2,776.9 sq. ft.). The proposed deck, landing and elevator addition would result in increased lot coverage of 3,673.4 (47.3%) which exceeds the maximum permitted lot coverage in the R-2 zoning district (35.0%). Therefore, a variance for excess lot coverage has been requested.

The elevator addition attached to the garage would increase the height of the structure from twenty-six feet (26') to thirty-five feet, two inches (35'2"). As the maximum height of structures in any zone is thirty feet (30'), a variance for excess building height has been requested.

John Swain, architect, said that the owners have been in the house since 1965. One of the owners, Patricia Guzzardo, has had several knee operations, and they would like to remodel the property for wheelchair access and install an elevator.

There were no public comments.

Boardmember Weller said that this was a situation where there was clearly a difficulty in creating the access that is desired. He stated that this is the only location available on this property and that the addition of the wheelchair and elevator access was consistent with the need and nature of this property.

Boardmember Kricensky agreed and said that this was a very logical solution to the problem. He stated that the project would not influence the neighborhood or any neighbors and that the one foot height increase was negligible at this slope.

Vice-Chair Tollini agreed and said that this was a location where the actual limitation in lot coverage can increase. He noted that much of the lot is over the water, which limits flexibility. He thought that the improvements were a reasonable solution to increase access to the house.

<p>ACTION: It was M/S (Kricensky/Weller) that the request for 2028 Paradise Drive is exempt from the California Environmental Quality Act and approved the project, subject to the attached conditions of approval. Vote: 3-0.</p>

4. 2351 SPANISH TRAIL: File No. 21006; Derek and Nancy Parker, Owner; Site Plan and Architectural Review for construction of a deck extension with a variance for reduced side yard setback. The applicant proposes to expand an existing deck further into the right side yard setback, resulting in a reduced setback of ten feet six inches (10' 6").

The applicant is proposing to construct an extension to an existing deck with a variance for reduced side yard setback. Currently the property is improved with a single-family dwelling. The existing deck provides outdoor living space for the dwelling, as the subject site is steeply sloped with minimal useable yard area.

The proposed expansion of the deck would not result in increased floor area, as decks are not counted towards the gross floor area of a parcel. The proposed deck expansion would result in a lot coverage of 2,070.5 square feet (18.3%) which exceeds the maximum lot coverage in the RO-2 zoning district (15.0%), but as the existing structure currently exceeds the maximum lot coverage, and the request to expand the deck is a less than 1% increase, a variance is not required for excess lot coverage.

The extension of a structure, such as a deck, is permitted to encroach into a side yard setback no more than three feet (3'). This proposal would encroach into the right side yard setback a distance of 4' 5 1/16" for a reduced side yard setback of 10'6". As the minimum required side yard setback in the RO-2 zone is fifteen feet (15'), a variance for reduced side yard setback has been requested.

Derek Parker, owner/architect, said that they are trying to solve three problems. First, they plan to strengthen the deck by adding horizontal rods. Second, the deck is quite narrow, and they would like to expand one section to allow a dining table to fit on it. Third, a substantial part of the deck is in shade, and they hope to gain more sunshine by extending the deck further to the northeast. He said that the area

requested by the variance would be completely invisible to everyone. He stated that the neighbors are all in support of the project.

Vice-Chair Tollini pointed out the deck could have been expanded completely within the setback. Mr. Parker replied that an extended deck in that area would be completely within the shade of the house.

Boardmember Weller asked about another area, and Mr. Parker said that the deck would be even further into the setback if they moved the deck in that direction. He noted that the existing deck already projects three feet into the setback. He said that he could also use the existing column if the project was approved as proposed.

There were no public comments.

Vice-Chair Tollini said that he was conflicted on this project. He agreed with the staff report that there are other ways to expand the deck. However, he felt that it was not only a question of expanding the deck to accommodate a table, but also a question of expanding in the right place to enjoy the deck. The part that made him feel conflicted was that portions of the deck already extend into the setback, but not necessarily in a practical way. Considering there is already a substantial setback and no one else would appear to be impacted by the project, he could support the project; however, he said there were some challenges in reaching the conclusions necessary to support the findings.

Boardmember Kricensky said that he also was conflicted. He felt that some of the reasons that were presented make a lot of sense, but sunshine and room for a table are hard to justify. He drew an illustration of what could be the maximum deck in the existing space and suggested that as an option. Mr. Parker said that there is a patio on the lower level which would then be covered and be in the shade. Boardmember Kricensky voiced concern that the 17 inch setback could set a precedent, though he acknowledged the deck itself would not impact anyone.

Boardmember Weller said that this was a small request, but the Board has a statute to enforce, and he did not see a practical difficulty or unnecessary hardship to apply in these circumstances.

Associate Planner Tyler noted that there is no previous variance on record for this property, though the deck already extends at certain points into the setback. Mr. Parker said it was like that when they purchased the house. Vice-Chair Tollini questioned and confirmed the owners purchased the house, which was built in the 1970's, four years ago, and the deck was altered before they bought the home.

Vice-Chair Tollini said that that may qualify for a hardship finding because a new axis would need to be created if they extended the deck in another way, which could cause structural difficulties.

Boardmember Weller said that he had trouble making the finding for practical difficulty or unnecessary hardship. He stated that there clearly was other usable space that was used by previous owners.

Mr. Parker said that they are not saying that there is no usable outdoor space, they are saying there is not usable space for dining. Vice-Chair Tollini said that if the deck was built within the required setback there would be enough space for a dining table. Mr. Parker said this was staff's original recommendation, but the problem with that is a 6 person table would not fit, only a 4 person table. He said that they would also need to put in a new 35 feet tall column and a concrete foundation on a very steep hillside to support it. He said that they would be left with a funny-looking piece of deck that would be architecturally inconsistent with the house.

Vice-Chair Tollini said the deck would be 12 feet 6 inches, and this would be larger than a table for four. Boardmember Weller said that it seemed like the sun was the key issue.

Boardmember Weller questioned whether there was extra material cost needed to provide the support of the column. He said that if the applicant could show there was additional cost, then the hardship finding could be met. Mr. Parker said a column 35 feet high with concrete foundation on a steep, rocky hillside would be a significant cost. He stated that doing that they would result in a smaller deck, less amenity, less sunshine, and an odd-looking structure.

Boardmember Weller said the Board cannot conclude that more sun on the deck meets the practical difficulty or unnecessary hardship findings. Vice-Chair Tollini explained the Board is bound by the constraints needed to approve variances.

Associate Planner Tyler suggested continuing the project to allow the applicant to come up with more evidence of the cost. Vice-Chair Tollini said that if they provide a letter from a structural engineer that the column would require significant additional cost, then they may be able to make the conclusion that there is a practical difficulty or unnecessary hardship. Boardmember Weller suggested that the applicant read the requirements the Board has to satisfy to approve the variance and provide more evidence.

Mr. Parker felt that he did not have enough guidance. Vice-Chair Tollini said that the Board did not have sufficient evidence to conclude that there was a practical difficulty or unnecessary hardship. He said that there was a concern that this would constitute a grant of a special privilege if approved. He suggested a continuance during which time the applicant could produce letters that staff could use as evidence that there is more engineering difficulty and more cost. He said that if the Board had that evidence, they would be able to make the finding for the variance.

Mr. Parker said that he is an architect and asked what else was necessary other than what he has provided tonight. Vice-Chair Tollini thought that input from a structural engineer was needed. Boardmember Weller said that they were looking for specific written documentation that would detail the practical difficulty or hardship that would be created by extending the deck within the required setback. The Board needed addition information regarding the complexity and cost associated with the construction of the alternative within the setback.

Vice-Chair Tollini added that he would like to see the documentation contrast with the current proposal and state whether the cost and labor would be less if the deck were extended only within the setback.

ACTION: It was M/S (Weller/Kricensky) to continue the application for 2351 Spanish Trail to the June 17, 2010 meeting. Vote 3-0.

F. APPROVAL OF MINUTES #6 OF THE 5/6/10 DESIGN REVIEW BOARD MEETING

Boardmember Kricensky corrected page 6, final paragraph: “He liked the architectural style but did not understand why it included all of the differences between the wood siding and the stucco” should be corrected to read, “He liked the architectural style but did not understand the differences between the wood siding and the stucco.”

ACTION: It was M/S (Weller/Kricensky) to approve the minutes of the May 6, 2010 meeting as amended. Vote: 3-0.

G. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.