

Town of Tiburon

STAFF REPORT



AGENDA ITEM E4

TO: **DESIGN REVIEW BOARD**

FROM: **KRISTIN KRASNOVE, ASSOCIATE PLANNER**

SUBJECT: **124 LELAND WAY; FILE NO. 20603
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
ADDITIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A
VARIANCE FOR REDUCED FRONT YARD SETBACK**

MEETING DATE: **MARCH 2, 2006** _____

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PROJECT DATA:

ADDRESS:	124 LELAND WAY
ASSESSOR'S PARCEL:	034-175-05
PROPERTY OWNER:	DIANE RICHARDS
APPLICANT:	RAY WELTER
LOT SIZE:	7,996 SQUARE FEET
ZONING:	R1-BA (SINGLE-FAMILY RESIDENTIAL-BEL AIRE)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	A
DATE COMPLETE:	FEBRUARY 10, 2006

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301.

PROPOSAL

The applicant is requesting Design Review approval to construct additions to an existing single-family dwelling located at 124 Leland Way. The addition would consist of a one-story structure to be extended from the front and rear of the existing residence. The proposed structure would extend 6 feet into the required front yard setback (14 feet in lieu of the minimum 20 feet), therefore a Variance for reduced front yard setback is required.

The applicant is requesting to substantially increase the size of the existing residence. The subject residence is a 1,004 square foot one-story structure with 3 bedrooms, one bathroom, family room, kitchen, and a one-car garage. The project would include the addition of a master bedroom and bathroom, office, and family room off the rear of the structure. A new one-car garage and laundry room would be added to the front of the house. The three existing bedrooms and bathroom would remain unchanged.



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The proposed additions would increase the lot coverage by 965 square feet to 2,247 square feet (28.1%), which is below the 30.0% maximum permitted lot coverage in the R-1-B-A zoning district. The proposed addition would also increase the floor area of the house by 1,009 square feet, and would result in a total floor area of 2,013 square feet, which is less than the maximum floor area permitted for a lot of this size.

The exterior façade of the residence would not be altered. All of the additions would match the existing painted colors, trim, and asphalt shingles of the existing residence.

It should be noted that the subject property is located in the flood zone. The Building Division requires that all new construction in the flood zone be at least one foot above the base flood elevation. The current plans do not explicitly reflect this requirement; however, Staff does not anticipate any view or privacy impacts resulting from altering the foundation to meet the said standard.

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 house is situated on Leland Way and backs up to the creek and the properties uphill on Cecilia Court. There is existing wood fencing along the side property lines that will decrease the visibility of the proposed project from adjacent neighbors.

The width of the existing structure would not change and the overall height of the structure would not be increased. The most significant changes would be visible from the rear as well as the front of the structure.

The master bedroom addition would contain doors opening into the rear patio. The family room addition would also extend into the rear yard creating a U-shaped structure where doors would open into the center of the yard. The rear elevation of the proposed master bathroom and family room would contain clerestory windows. The right side of the structure would contain one new horizontal rectangular window, and the left side elevation would contain no new windows.

The existing garage would be pulled out 16 feet closer to the street to allow for a new laundry room and bathroom behind the new garage. The existing house has a maximum height of 13 feet, 7 inches, and the new roof area would have a maximum height of 12 feet, 5 inches. No skylights are proposed for this project.

The proposed addition does not appear to have a view impact on surrounding properties. Staff does not foresee any other design issues with this project.



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Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R1-BA zone with the exception of the previously noted variance for reduced front yard setback.

Variance

In order to grant the requested variances, the Board must make the findings as required by Section 4.03.05 of the Tiburon Zoning Ordinance. Staff suggests that the following findings may be made in support of the requested 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 7,996 square foot lot size is 20% smaller than the 10,000 square foot minimum lot size for the R-1-BA zone making compliance with setback requirements more difficult than with other properties in the R-1-BA 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.**

Numerous other properties in the vicinity have received variances for reduced front yard setbacks; including the properties at 78 Claire Way (File #20501), 210 Blackfield Drive (File #27105), 11 Claire Way (File #29905), 80 Pamela Court (File #20303), and 321 Karen Way (File #20404). Therefore, granting the reduced front yard setback variance 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.**

As previously stated, two-story structures are not typical in the Bel Aire neighborhood, and would be more intrusive than the proposed single-story residence which encroaches into the required front yard setback. Because a second story element would likely be difficult to approve, it would be a hardship to strictly apply the Ordinance in regards to front yard setback.

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



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Due to the location of the property line away from the roadway, the proposed garage would be located a sufficient distance from the street, eliminating any driveway safety issues. The 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 variances.

Public Comment

To date, no public comment has been received regarding the subject application.

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.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL

124 LELAND WAY

FILE #20603

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 31, 2006 or as amended by these conditions of approval. Any modifications to the plans of January 31, 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. All new construction in the flood zone shall be at least one foot above the base flood elevation.
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.