



Town of Tiburon

STAFF REPORT

2,598 square feet, which is 481 square feet less than the maximum floor area permitted for a lot of this size.

The proposed addition would extend to within 11.5 feet of the front property line, in lieu of the 15-foot front yard setback required in the R-1 zone. Therefore, a variance is requested for a reduced front yard setback.

The submitted plans note that the proposed composition shingle roof and painted plywood siding walls of the addition would match the existing walls and roof of the primary structure.

ANALYSIS

Design Issues

The subject home is located on a triangular shaped lot along Blackfield Drive. The northwest corner of the subject home is screened by a number of Pine trees. The submitted plans indicate a large Pine tree within 10 feet of the proposed addition that is to remain.

The addition follows the alignment of the existing home. The exterior material and roof design is consistent throughout the home.

The adjacent residence at 230 Blackfield Drive behind the subject home has a slight potential for view blockage associated with the proposed addition. Windows from non-primary living space at the residence at 230 Blackfield Drive face the proposed addition, but do not have any water or other views across the subject property.

Archeological Findings

A number of Native American artifacts have been unearthed in the area surrounding the subject home. As a result, an additional condition of approval has been added requiring a qualified archeologist to be on site if archeological artifacts or human remains are unearthed. Furthermore, if any Native American resources are encountered during construction, construction shall cease immediately until a Native American descendant, appointed by the Native American Heritage Commission of the State of California, is able to evaluate the site, make further recommendations, and be involved in the mitigation planning. Any artifacts or samples collected as part of the initial discovery or monitoring must be properly conserved, catalogued, analyzed, evaluated, and curated in a manner consistent with current professional archeological standards.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variance for reduced front yard setback.



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Variance

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

The subject property has a curved triangular shape that follows the bend in Blackfield Drive as it climbs higher. The unusual shape creates special circumstances applicable to this property to which strict application of the front yard setback would deprive the applicant of the development potential enjoyed other residents 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 same or similar zones with similar lot configurations have been granted variances for reduced setbacks when no issues of proximity, privacy, or view blockage have affected adjacent residences. Granting the reduced front yard setback 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.***

The strict application of the front yard setback requirement would result in an unnecessary hardship in this case because the shape of the lot creates a unique situation that makes it more difficult to comply with the front yard setback requirement. The front yard setback requirement would force the new addition to have an unusual jog in the building that would serve no practical purpose. Such an unusual jog would be difficult to tie into the existing building as well.

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

As proposed, the reduced front yard setback variance would not have an adverse impact on views or privacy of the neighboring homes.



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Public Comment

To date, no public comments have been received regarding this project.

RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles for Design Review) 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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental materials
3. Findings to Support Variance to Setback Requirements
4. Submitted plans
5. Letter to the Design Review Board

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CONDITIONS OF APPROVAL 220 Blackfield Drive FILE #20634

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 November 7, 2006, or as amended by these conditions of approval. Any modifications to the plans of November 7, 2006, must be reviewed and approved by the Design Review Board.
3. If, during construction activities, any archeological artifacts or human remains are encountered, the following measures shall be implemented:
 - a. Construction shall cease and a qualified archeologist shall visit the site to address the find. The Marin County Medical Examiner's office shall be notified to provide proper direction on how to proceed. If any Native American resources are encountered during construction, construction shall cease immediately until a Native American descendant, appointed by the Native American Heritage Commission of the State of California, is able to evaluate the site, make further recommendations, and be involved in the mitigation planning.
 - b. Any artifacts or samples collected as part of the initial discovery or monitoring must be properly conserved, catalogued, analyzed, evaluated, and curated in a manner consistent with current professional archeological standards.
 - c. The project sponsor is responsible for notifying the contractor in writing of the possibility of such findings and shall provide proof of this communication to the Town of Tiburon Planning Division prior to the onset of construction.
4. 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.

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6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
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.