





# Town of Tiburon

## STAFF REPORT

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The floor area of the existing house would be increased by 560 square feet to 2,300 square feet, which is less than the maximum floor area for a lot of this size. The proposed additions would increase the lot coverage on the site by 630 square feet to a total of 2,700 square feet (37.9%), which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone. A variance is therefore requested for excess lot coverage.

The proposed addition would follow the alignment of the eastern side of the existing house, which currently extends to within 2 feet, 6 inches of the left side property line. The proposed entry addition would encroach to within 3 feet of the northern (right) side property line. As the R-2 zone requires a side yard of 8 feet, variances are requested for reduced side yard setbacks.

A color and materials board has been submitted and will be present at the meeting for the Board to review. The house would be finished with medium brown stucco siding and beige and stone trim, with mixed brownish-red mission tile roofing.

### ANALYSIS

#### Design Issues

The subject property is a triangular lot situated at the corner of Spanish Trail and Centro East Street. The existing house and detached garage both extend into the required setbacks for the property. A previous Site Plan and Architectural Review and variance application (File #20605) was initially processed for construction of additions to the existing house. The applicant subsequently indicated that substantial modifications would be made to the submitted plans; as a result, the previous application was deemed withdrawn.

The proposed dwelling would maintain the one-story design of the existing house, with the elevations of the new roof portions that would be lower than the highest points of the roofline of the existing house. An existing fence along the eastern property line would help screen the proposed home, and the elevation of the house somewhat below the level of Spanish Trail also limit the visibility of the addition.

The low roof design would ensure that the proposed residence would not intrude into the view of the home across the street at 2290 Spanish Trail. The adjacent home at 2300 Spanish Trail is situated at an elevation well above the subject property and does not have any windows facing this site; as a result, the proposed house would not result in any visual or privacy impacts on this neighboring residence.

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-2 zone with the exception of the previously noted side yard setback and lot coverage variances.



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In order to grant the requested variances, 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 triangular shape and has a lot size of only 7,210 square feet. The substandard lot size and unusual shape create special circumstances applicable to this property for which the strict application of the side yard setback and lot coverage requirements would deprive the applicant of the development potential enjoyed by other homes 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 R-2 and similar zones have received variances for reduced side yard setbacks and excess lot coverage to extend additions along the same alignment of homes with legally nonconforming setbacks, or to allow construction of additions or a new home on a substandard sized, irregularly shaped lot.

3. ***The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The existing house extends into the required side yard setback for the site. The strict application of the side yard setback requirement for this property would impose an unnecessary hardship on the property owner by forcing the new house to have an unusual jog in its alignment that serves no practical purpose. The side yard setback would also constrain any improvements to the entry of this older dwelling. The strict application of the lot coverage requirements would likely force additional floor area into a new upper level that could create unwanted view impacts on nearby homes.

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

As described above, the proposed project would not create any significant visual or privacy impacts on neighboring homes.

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

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### Public Comment

As of the date of this report, no letters have been received regarding the project.

### RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied if the project is approved.

### ATTACHMENTS

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

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### CONDITIONS OF APPROVAL

#### 2288 SPANISH TRAIL

#### FILE #20616

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 May 11, 2006, or as amended by these conditions of approval. Any modifications to the plans of May 11 & 23, 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. 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.
6. All exterior lighting fixtures must be down light type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
9. Prior to the issuance of final building inspection approval, all landscaping and irrigation

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- shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
  11. The project shall comply with the following requirements of the Tiburon Fire Protection District:
    - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
    - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 1210).
    - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
    - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
  12. The following requirements of the Marin Municipal Water District shall be met:
    - a. A High Water Pressure Water Service application shall be completed.
    - b. A copy of the building permit shall be submitted.
    - c. Appropriate fees shall be paid.
    - d. The structure's foundation shall be completed within 120 days of the date of application.
    - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
  13. The applicants shall obtain all necessary sewer permits and pay all applicable fees from the Sanitary District No. 5.
  14. All requirements of the Town Engineer shall be met.