





# Town of Tiburon

## STAFF REPORT

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The lot coverage on the site would increase by 475 square feet to a total of 6,894. The total lot coverage is approximately 9% of the lot area, which is less than the 15% maximum allowed for the RO-1 zone.

The total floor area for the home including the expansion would be 8,329 square feet, which is 329 square feet greater than the maximum floor area permitted for a lot of this size. Therefore, a floor area exception is requested.

The proposed addition would extend to within 17 feet of the side property line, in lieu of the 20-foot side yard setback required in the RO-1 zone. Therefore, a variance is requested for a reduced side yard setback.

The submitted plans note that the proposed lightweight grey tile roof and stucco walls of the addition would match the existing walls and roof of the primary structure.

### **PREVIOUS REVIEW BY THE DESIGN REVIEW BOARD**

The Design Review Board reviewed a Site Plan and Architectural Review application for additions to the existing single-family dwelling on this property (File # 702170) in 2002. The additions included a pool, spa, cabana, terraces, and additional landscaping. No variances or exceptions were associated with the addition. Since that time, two additional staff-level Design Review applications have been approved for modifications to previously approved plans for the property.

### **ANALYSIS**

#### **Design Issues**

The subject home is located behind and approximately 20 feet above the lots that front Round Hill Road. Access to the subject home is by an easement at the end of Round Hill Road. Gilmartin Court serves the three lots located behind the subject home.

The northeast corner of the subject home is screened by an abundance of mature Eucalyptus and Pine trees. The submitted plans indicate a large Eucalyptus tree within 7 feet of the proposed addition that is proposed to remain. The proposed new skylights could be visible from the adjacent properties on Gilmartin Court if the large tree were removed.

There is no potential view blockage associated with the proposed addition as the adjacent homes on Gilmartin Court are situated well uphill from the site. Mature landscaping completely screens the corner of the existing home where the new master bathroom is proposed.

The proposed addition is rectangular, with only the sauna in the northeast corner of the addition projecting into the required side yard setback. It would appear that the addition could be easily redesigned to either move the entire addition to the southwest or reconfigure the addition to eliminate the encroachment into the required setback.



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The applicant has submitted a letter suggesting that the Board contact the property owners to arrange a convenient time and day for a site visit.

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-1 / RPD zone with the exception of the previously noted variance for reduced side yard setback and a floor area exception.

### 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 proposed addition is located on the long eastern side of the flag-shaped lot. This location is horizontally separated from all adjacent neighbors to the north, west, and south by well over 100 feet. The significant property slope and irregular slope are special circumstances applicable to this property.

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 slope characteristics have been granted variances for reduced setbacks and excess floor area when no issues of proximity, privacy, or view blockage have affected adjacent residences.

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

If this minor side yard encroachment is not approved, the addition would need to be shifted further downslope to the southwest as previously noted. It is apparent that this could be accomplished without creating a practical difficulty or unnecessary hardship associated for the applicant.

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 its internal location on the flag shaped lot, the addition would not be visible from any nearby homes. Furthermore, the property slope and large distance to adjacent residences minimizes any impact on other properties in the vicinity.

### Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.

Many of the homes in the surrounding neighborhood have two or more floor levels with relatively vertical house designs. Much of the proposed addition would be below the existing grade of the site, further limiting the visual mass and bulk of the structure. The proposed addition is compatible with the surrounding land as the height of the proposed addition is less than the height of the existing home.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance but the findings can be sufficiently made for the floor area exception.

### **Public Comment**

The adjacent neighbor at 10 Gilmartin Court, has raised issues regarding possible visibility of the proposed addition, and has stated that she would like to be contacted before the Board conducts a site visit.

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 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 15303. If the Board agrees with Staff's conclusions, it is recommended that either the applicant be given direction to move the proposed master bathroom addition out of the required side yard setback, or Staff be directed to prepare a resolution denying the application. If the Board can make the necessary findings and wishes to approve the application, it is recommended that the attached conditions of approval be applied.

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### 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 280 Round Hill Road FILE #20627

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 September 14, 2005, or as amended by these conditions of approval. Any modifications to the plans of September 14, 2005, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
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.