

# Town of Tiburon STAFF REPORT

AGENDA ITEM   D3  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **PLANNING MANAGER WATROUS**

SUBJECT:           **36 TERRACE COURT; FILE #20611**  
**SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF**  
**ADDITIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A**  
**VARIANCE FOR EXCESS LOT COVERAGE**

MEETING DATE:   **JUNE 1, 2006** \_\_\_\_\_

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## **PROJECT DATA:**

<b>ADDRESS:</b>	<b>36 TERRACE COURT</b>
<b>ASSESSOR'S PARCEL:</b>	<b>034-221-07</b>
<b>FILE NUMBER:</b>	<b>20611</b>
<b>PROPERTY OWNERS:</b>	<b>JAMES AND PATRICIA ARCE</b>
<b>APPLICANT:</b>	<b>STUDIO TMT (ARCHITECTS)</b>
<b>LOT SIZE:</b>	<b>12,500 SQUARE FEET</b>
<b>ZONING:</b>	<b>RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)</b>
<b>GENERAL PLAN:</b>	<b>MEDIUM DENSITY RESIDENTIAL</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>MAY 10, 2006</b>

## **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 one-story single-family dwelling located at 36 Terrace Court. An addition to the east side of the building would increase the size of an existing master bathroom and add one additional bathroom. Other internal modifications proposed as part of the project would result in minor changes to the exterior of the building, including the installation of several small windows, replacement of other existing windows with doors, and the installation of a chimney for a new fireplace.

The proposed project would add 229 square feet of floor area to the existing house, resulting in a total floor area of 2,565 square feet, which is less than the floor area ratio for a lot of this size. The proposed additions would also increase the lot coverage of this property by 229 square feet



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to a total of 3,359 square feet (26.9%). As the maximum lot coverage permitted in the RO-2 zone is 15.0%, a variance is requested for excess lot coverage.

A color and materials board has not been submitted, as the proposed additions would match the colors and materials of the existing house.

### ANALYSIS

#### Design Issues

The rear yard of the subject property is a level area currently occupied by a spa and children's play structures. The proposed addition would extend into this level area. The submitted plans do not indicate whether the spa and play structures would remain on the site or be removed.

The location of the proposed addition would be above the elevation of the neighboring home at 34 Terrace Court. This location would not be prominently visible from the adjacent home and should not result in any view or privacy impacts.

The area above the side property line is heavily screened by existing vegetation. Several homes above the site on Reed Ranch Road are situated at much higher elevations. The proposed one-story addition would not intrude into views for these nearby residences.

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variance for excess lot coverage.

#### 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 12,500 square foot lot size is substantially smaller than the 20,000 square foot minimum lot size for the RO-2 zone. These physical conditions create special circumstances that would deprive the owners of this property of development privileges 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.***



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Numerous other properties in the Belveron West neighborhood have received variances for excess lot coverage, particularly when minimal additions are proposed for lots that are substantially smaller than the minimum lot size in the RO-2 zone. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The strict interpretation of the required lot coverage would require construction of second story additions that could result in unwanted view impacts for homes above the site or potential privacy impacts or loom over homes below the site.

**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 changes would not appear to 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 variance.

### **Public Comment**

To date, no letters have been received regarding the subject application. The applicant has submitted a set of the project plans signed by eight (8) nearby property owners indicating their support for this request.

### **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 agrees with Staff's conclusions, it is recommended 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

#### 36 TERRACE COURT

#### FILE #20611

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 April 25, 2006, or as amended by these conditions of approval. Any modifications to the plans of May 9, 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. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
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.