



Town of Tiburon

STAFF REPORT

replaces the carport. A new interior stairwell would replace the existing spiral staircase to service the two floors.

The maximum gross floor area for the property is 3,816 square feet. The proposed additions would increase the floor area by 1,542 square feet, resulting in a gross floor area of 3,812 square feet, which is under the maximum permitted. The proposed additions would increase the lot coverage by 1,117 square feet, for an overall square footage of 3,393 square feet (18.7%), which is over the permitted lot coverage in the RO-2 zoning district (15%). A variance has been requested for the excess lot coverage.

ANALYSIS:

Design Issues

The subject property is located north of Reed Ranch Road and south of Burrell Court. The property slopes north to south and has views of San Francisco and the bay. The front of the property is densely vegetated with mature trees and shrubs, which aids in screening the existing home and the proposed improvements. Three small fruit trees, located on the right side of the driveway, towards the front of the property, are proposed to be removed due to the addition of the family room.

The existing driveway slopes downward from the street and curves to the right towards the existing carport. The proposal seeks to convert the carport and build a two-car garage over the proposed guest suite at the end of the driveway. This would eliminate a large area of the driveway and create additional backyard area for the residents to enjoy. Construction would require approximately 1-6 feet of excavation for the guest suite, and a balance of cut and fill to bring the garage up to grade with the driveway. The proposed roof ridgelines would be slightly higher in elevation than the existing structure, due to the slight increase in the grade of the site. This slight increase in the roof ridgeline would not impede on viewsheds.

The properties surrounding are designed to take advantage of views of San Francisco and the bay, including the adjacent dwelling to the north at 2 Burrell Court. Staff visited the home and determined that views would not be impacted by the proposed construction from any of the primary living areas. However, the property owners of 2 Burrell Court have raised concerns over the visual mass of the garage due to its proximity to their shared property line.

The Design Review Board is encouraged to visit the site and surrounding neighbor's homes to view the story poles to better understand the extent of this proposal.

Zoning

Besides the requested variance for excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.



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Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-4.3 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.**

Due to the existing topography and orientation of the home and surrounding homes, adding an upper story to the existing house to gain additional living space would impede on viewsheds, most notably from 2 Burrell Court, and would increase the mass and bulk of the structure. The applicant has opted to convert an existing area into usable space at the lower level where it is concealed, and expand the existing footprint for additional living area. This expansion will be masked by existing vegetation at the front of the 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.**

Properties in the vicinity of the subject property, specifically on Burrell Court and along Reed Ranch Road, have previously been granted variances for excess lot coverage. Therefore, it is not uncommon for this type of variance request.

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

A proposal which aimed to add another story to the existing home to gain additional living area would not likely be acceptable by Zoning Ordinance standards and the Hillside Design Guidelines. It would also not be acceptable to neighboring residences. In order to increase the living area, the existing footprint would have to be expanded at the same level, which therefore increases the lot coverage.

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

The proposed improvements will not add a major amount of mass and bulk to the existing structure, and most of the improvements will be screened by existing vegetation. The additions do not appear to block any views from the surrounding neighbors.

Public Comment

A letter was received on August 28, 2006 from Margee and Joe Poen of 2 Burrell Court regarding the proposed improvements.

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RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and 16-4.3 (Variances), 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, Staff would recommend that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated July 17, 2006
3. Letter dated August 28, 2006 from Margee and Joe Poen of 2 Burrell Court
4. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL

4 Warren's Way

FILE #20620

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 July 17, 2006, or as amended by these conditions of approval. Any modifications to the plans of September 7, 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 down light type fixtures.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
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.