

Town of Tiburon STAFF REPORT

AGENDA ITEM E3



.....

TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **490 RIDGE ROAD; FILE #20615
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
ADDITIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A
VARIANCE FOR REDUCED SIDE YARD SETBACK (CONTINUED FROM
JULY 6, 2006)**

MEETING DATE: **AUGUST 3, 2006** _____

.....

PROJECT DATA:

ADDRESS:	490 RIDGE ROAD
ASSESSOR'S PARCEL:	059-082-06
FILE NUMBER:	20615
PROPERTY OWNERS:	DANIEL AND LINDA DUNPHY
APPLICANT:	ROGER HARTLEY
LOT SIZE:	21,660 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	JUNE 16, 2006

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 two-story single-family dwelling located at 490 Ridge Road. Additions to the upper level of the house would include an expanded entry to the front, expanded master bedroom and study to the rear, a new family room and an expanded kitchen. The lower level of the house would be expanded to the rear to add a play room and expand two bedrooms. A trellis would be placed above much of the upper level deck. An existing garage would be removed and replaced with a cabana with an open trellis roof and an adjacent bathroom. Five skylights are shown on the submitted plans; it is unclear whether these skylights currently exist on the house or are proposed to be installed as part of this project.



Town of Tiburon

STAFF REPORT

The proposed project would add 896 square feet of floor area to the existing house, resulting in a total floor area of 4,057 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 177 square feet to a total of 3,852 square feet (17.8%); although this figure is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone, a variance is not required as Town policy does not require such a variance for lot coverage increases less than 1.0%.

The existing house extends to within 13 feet of the northern side property line, which is less than the 15 foot minimum side yard setback required in the RO-2 zone. The proposed upper and lower level floor space would increase the building area within the required side yard setback. Therefore, a variance is requested for reduced side yard setback.

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

This application was first scheduled for review at the July 6, 2006 Design Review Board meeting. The applicant requested a continuance to the August 3 meeting to address issues raised in the previous Staff report for the proposed house.

ANALYSIS

Design Issues

The subject property slopes down from the front of the property. The area to the rear of the house slopes down further, leaving the house at an elevation well above homes below the site. There are no other residences directly above the site with views over the house; as a result, the proposed additions should not result in view impacts for any residences uphill from the property.

The originally proposed upper level master bedroom expansion would have extended further into the area currently occupied by an exterior deck and intruded into the viewline from the upper level living room, dining room and decks for the adjacent home to the north at 500 Ridge Road. The applicant has since modified the plans to include additions akin to two bay windows, which appears to eliminate this potential view impact. The modified addition would also reduce the amount of additional floor area that would be located within the side yard setback, but would not completely eliminate the need for the requested variance.

The applicant has also made several other minor modifications to the previously proposed plans. A new pizza oven would be installed on the west side of the upper floor; the oven would extend into the side yard setback, but such projections are permitted without a variance. A new set of at-grade exterior steps would be installed along the east side of the house.

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 reduced side yard setback.



Town of Tiburon

STAFF REPORT

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 existing house is situated within the required northern side yard setback. This physical condition creates 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.***

Numerous other properties in the same or similar zones have received variances for reduced side yard setbacks to extend an addition along the line of an existing building legally constructed within the side yard setbacks. 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 side yard setback would force the proposed additions to be set back from the line of the existing house. The Design Review Board has on other occasions found this forced setback to be a practical difficulty or unnecessary hardship on the applicants.

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 upper level addition no longer appears to result in an undesired view blockage for the adjacent home at 500 Ridge Road. The proposed lower level addition 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.



Town of Tiburon

STAFF REPORT

Public Comment

As of the date of this report, the only letter that has been received regarding the subject application since the July 6 meeting date is from the owner of the adjacent home at 500 Ridge Road, authorizing his neighbor at 510 Ridge Road to represent him at the meeting.

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. Letter from Richard Dwyer, dated June 29, 2006
4. Letter from Pamela Peterson, dated June 29, 2006
5. Letter from Richard Dwyer, dated July 19, 2006
6. Submitted plans

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

490 RIDGE ROAD

FILE #20615

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 July 25, 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.