



Town of Tiburon

STAFF REPORT

The additions to the primary structure would include a 58 square foot bay window in the living room, and a relocated fireplace. The subsequent chimney would be located above the living room, and would be finished with siding and a spark arrestor cover. The chimney height would extend above the roof line the minimum amount to comply with the Uniform Building Code.

The existing lot coverage for the property is 19.3% and the proposed lot coverage of the project would be 21.9%, which exceeds the 15% maximum for the RO-2 zoning district. Therefore a Variance for excess lot coverage is requested (21.9% in lieu of the maximum 15%). The proposed gross floor area for the project is 3,889 square feet which is less than the allowable floor area ratio for a property of this size.

ANALYSIS:

Design issues

The subject property is surrounded by single-family homes which are generally designed to take advantage of the views to the south and east. The proposed structure would be buried slightly into the sloping eastern portion of the site. The roof of the building would extend only 3 feet above the existing grade near the house, and the structure would only have an overall height of 13 feet.

The location of the proposed structure may be somewhat visible from the downhill property due to its location toward the east side of the site; however, an existing double row of hedges should provide adequate screening. The proposed chimney on the primary structure would be visible from surrounding properties and may be located within some peripheral views.

Numerous other properties in this section of the Hillhaven subdivision have previously received variances for excess lot coverage, including homes at 1840, 1845, 1850, 1884, and 1985 Mountain View Drive (Files #327907, 299011, 299027, 28117, 27629), 1801 Lagoon View Drive (File #293017) and 430, 445, and 607 Ridge Road (Files # 299004, 27427, and 298017). In 1994 and 2001, previous variances for excess lot coverage (Files # 294011 and 20101) were granted for the subject property to permit several additions and for a pool cabana (which was never constructed) on the subject site.

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

Variances

- 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.**



Town of Tiburon

STAFF REPORT

The subject residence was constructed as a single-story structure on a relatively level portion of the site above Ridge Road. The location of this house precludes the potential for constructing second story additions without creating significant view impacts on nearby homes across Ridge Road. These physical limitations would prevent the applicant from constructing additional floor area in a manner consistent with other homes on the vicinity while complying with the lot coverage requirements of the RO-2 zoning district.

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.

As noted above, numerous other properties in the vicinity have received variances for excess lot coverage. 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 maximum lot coverage requirement could be considered to be an unnecessary hardship by requiring that any additional floor area on the site be constructed within the existing building envelope. This type of addition could result in much more significant view impacts on neighboring property owners, thereby limiting the overall ability of the property owner to develop the subject site in a manner which would not be harmful to other homes in the vicinity.

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

As stated previously, the proposed construction should not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

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

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07 and 4.03.05(Guiding Principles and Variance Findings) 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, Staff would recommend that the attached conditions of approval be applied.

Town of Tiburon

STAFF REPORT



EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated November 23, 2005
3. Plans for the project

Town of Tiburon

STAFF REPORT



EXHIBIT 1

CONDITIONS OF APPROVAL 611 RIDGE ROAD FILE #20551

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 November 23, 2005, or as amended by these conditions of approval. Any modifications to the plans of November 23, 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 exterior lighting fixtures must be down light type fixtures.
6. 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.