



Town of Tiburon

STAFF REPORT

The applicant has submitted plans which have been modified to address the concerns of the neighboring property owner. In reviewing the revised plans, Staff determined that a portion of the requested room additions and decks would extend into the required rear yard setback for this lot, yet the applicant did not request a variance for reduced rear yard setback.

As a result, no legal notice has been published for this additional variance request, and the Design Review Board cannot make a decision on this application until the October 5, 2006 meeting. The Board may review the application, take testimony on the project as designed, and give general deliberation on the application, then should continue the application to the October 5 meeting.

PROPOSAL

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 71 East View Avenue. Small additions would be made to the entry, kitchen and powder room on the upper level of the house, and a new deck would extend off the living room. On the lower level, the family room would be expanded, a new deck constructed off the master bedroom and a balcony added to the second bedroom. A new balcony would also be added off the guest bedroom on the basement level. An eight inch (8") tall parapet would be added around the perimeter of the existing flat roof of the house.

The proposed additions would add 104 square feet of floor area to the house, resulting in a total floor area of 2,575 square feet. As the floor area ratio for a lot of this size is 1,421 square feet, a floor area exception is requested.

The proposed project would add 50 square feet of lot coverage to the site, resulting in total lot coverage of 33.0%, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Therefore a variance is requested for excess lot coverage.

The proposed entry addition would extend to within 1 foot of the front property line. As a 15 foot front yard setback is required in the R-1 zone, a variance is requested for reduced front yard setback.

The proposed entry addition would extend to within 3 feet of the rear property line. As an 8 foot, 1 inch rear yard setback (20% of the depth of the lot) is required in the R-1 zone, a variance is requested for reduced rear yard setback.

The proposed roof parapet would increase the maximum height of the house to 36 feet, 6 inches. As the maximum building height is 30 feet, a variance is also requested for excess building height.

A color and materials board has been submitted, and will present at the meeting for the Board to review. The house would be finished with brown stucco siding and beige trim, with tar and gravel roofing.



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ANALYSIS

Design Issues

The existing dwelling is situated on a very small lot on Corinthian Island. The house overlooks Main Street and Downtown Tiburon.

The proposed building additions and decks to the rear of the house would not extend substantially beyond the line of the existing structure, and would not appear to project into any views from the adjacent home at 73 East View Avenue. Mature trees behind and below the house would help provide privacy screening for the additions and decks on the lower and basement levels of the house. The entry addition would better identify the front door of the house, and would be generally in line with the gate that is currently in front of the front door.

The proposed parapet would only marginally add to the height of the existing house. The homes across the street are situated at much higher elevations than the subject dwelling, and therefore the parapet should not affect any existing views across this building. Several neighboring property owners across the street from the site have reviewed the proposed plans and have indicated their support for this application.

The modified plans for the project would replace a previously requested deck on the basement level of the house with a small balcony. The proposed decks on the upper and lower level of the house have also been reconfigured to reduce the amount of space where people could gather on each of the decks. These changes are intended to address the concerns of the downhill neighboring property owner over potential noise and privacy impacts that could be caused by activity on new deck spaces.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variances for reduced front and rear yard setbacks, excess lot coverage and excess building height and floor area exception.

Variances

In order to grant the requested variances, 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 subject property slopes sharply down from East View Avenue and has an exceptionally small lot size of 4,060 square feet. These physical characteristics are

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special circumstances that would deprive the owners of this property of privileges enjoyed by other properties in the vicinity if the subject variances are not granted.

- 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 vicinity on Corinthian Island have received variances for reduced setbacks, excess lot coverage and excess building height, due to the small lot sizes and steep topography similar to the characteristics of the subject property.

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

The strict application of the front yard setback requirement would keep the proposed entry further back from the street than the existing gate and fence along the front property line. The strict application of the rear yard setback requirement would prevent the owner from filling in areas beneath existing portions of the house that already extend into this setback. The strict application of the lot coverage requirements for a lot of this size would limit any physical improvements to the existing structure needed to take advantage of views and outdoor spaces in a manner consistent with more contemporary home designs in the vicinity. The strict application of the building height ordinance would limit the roof of the house to the height of the current, unadorned flat roof. The imposition of these requirements would severely limit the size and placement of a structure on the site, creating a practical difficulty and an 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 additions, decks and roof parapet would not result in substantial view impacts on other homes in the vicinity. The modified deck and balcony design should eliminate any potential noise or privacy impacts on downhill nearby homes.

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



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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 on Corinthian Island have two or more floor levels with relatively vertical house designs. The proposed changes to the existing house would not alter the current relationship of the house to the physical layout of the site.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances and floor area exception.

Public Comment

As of the date of this report, one letter has been received regarding the subject application, expressing support for the request. As noted above, Staff has spoken to several nearby uphill property owners who have expressed their support for this request. Staff has also spoken to one downhill property owner who had raised concerns about noise and privacy issues regarding the proposed deck areas.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and continue the application to the October 5, 2006 Design Review Board meeting.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Bob Walker, dated September 6, 2006
4. Submitted plans

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CONDITIONS OF APPROVAL

71 EAST VIEW AVENUE

FILE #20621

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 20, 2006, or as amended by these conditions of approval. Any modifications to the plans of September 12, 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.
8. All requirements of the Town Engineer shall be met.