



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
June 21, 2007
Agenda Item: **F8**

STAFF REPORT

To: **Members of the Design Review Board**

From: **Associate Planner Tyler**

Subject: **29 Meadowhill Drive; File # 20716
Site Plan and Architectural Review for Construction of Deck Additions
and a Swimming Pool with Variances for Reduced Side Yard Setback
and Excess Lot Coverage**

Reviewed By: _____

PROJECT DATA:

OWNER: STEVE & MARIAN RUSSELL
APPLICANT/ARCHITECT: STEVE YOUNG/MAGRANE ASSOCIATES
ADDRESS: 29 MEADOWHILL DRIVE
ASSESSOR PARCEL NUMBER: 058-322-05
FILE NUMBER: 20716
LOT SIZE: 17,416 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: C
DATE COMPLETE: MAY 31, 2007

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 has submitted a request to construct landscape improvements which include decking and a new swimming pool within the side yard setback. Currently the property is improved with a single-family dwelling which is vacant, due to interior improvements.

The project as proposed would result in raised deck along the right side of the property, continuing around the back of the house. The proposed deck would connect with new at-grade concrete pool patios, which would adjoin the new swimming pool, at the rear of the property.

The proposed deck would be located 4 feet 1 inch from the right side yard property line. The proposed swimming pool would be located in roughly the same area as an existing swimming pool, but partially within the side yard setback, at a distance of 6 feet 1 inch from the property line. As the minimum side yard setback in the RO-2 zone is 15 feet, the applicant has requested a variance for reduced side yard setback of 4 feet 1 inch.

The project would not increase the floor area of the home, as no addition to the home is proposed as part of the project. The lot coverage would increase from 2,505 square feet (14.3%) to 2,814 square feet (16.2%), due to the increase in coverage from the proposed deck. As the maximum lot coverage in the RO-2 zoning district is 15%, the applicant has requested a variance for excess lot coverage.

ANALYSIS

Design Issues

The topography of the site slopes gently down from Meadowhill Drive, and levels off where the existing dwelling is located. Toward the rear of the site, the topography continues to be level and then drops off to an extremely steep slope. Only half of the rear yard is usable because of the slope. The rear yard is southwest facing and contains views from San Francisco to Sausalito and Belvedere.

The existing swimming pool is a small rounded-rectangular pool located within the rear and side yard setback, roughly fourteen feet from the side yard property line. At one point, decking surrounded the pool, but has been removed during construction/demolition. The proposed swimming pool would be slightly larger and rectangular with a built in spa, and would be located six feet from the right side yard property line. Although the swimming pool is proposed closer to the shared property boundary, it would still be higher in elevation than the neighbors' property at 31 Meadowhill Drive. The neighbor at 31 Meadowhill Drive has expressed a concern with the location of the spa in the swimming pool, and the potential for noise.

The location of the proposed deck would be adjacent to the master bedroom on the right side of the property, beneath a shaded area of existing mature vegetation, and would be four feet one inch from the side property line. A small glass patio door would open onto the proposed deck for access from within the master bedroom. In general, deck which are accessed through bedrooms are usually considered to be a less intensive use of outdoor space, than decks located off large family or dining rooms for entertaining purposes. It should be noted that a large pine tree, currently located in the area proposed to be decked, was approved for removal under a Tree Permit issued on June 1, 2007 by the Planning Division. The deck would continue to wrap around the rear of the home and then step down to concrete patios leading to the proposed swimming pool.

The dwelling to the right at 31 Meadowhill Drive is at a much lower elevation than the subject property, and is also pushed towards the rear of the property, essentially at a different plane than 29 Meadowhill Drive. The proposed deck would not appear to cause any privacy issues between the two residences because of the change in elevation, location of each dwelling, and existing vegetation; however, the neighbor at 31 Meadowhill Drive thinks otherwise, and wishes for the

deck to be pushed further back from the property line. The applicant has taken this concern into consideration, and may modify the plans to show this change for review at the meeting. It should also be noted that the plans indicate new six foot high fencing around the property, including the edge of the proposed deck. The applicant will provide details of the fencing at the meeting.

Zoning

With the exception of the requested reduction in the side yard setback and excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zone.

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.**

Side Yard Setback:

Due to the current placement of the existing home in relation to the street, a large portion of the rear yard is located on the steep portion of the slope, which is currently not usable space. The owner has opted to utilize the areas at the sides of the home for outdoor use, rather than build large retaining walls to terrace the steep slope.

Lot Coverage:

The size of the property is 17,416 square feet, which can be considered substandard since the minimum lot size in the RO-2 zone is 20,000 square feet. The increase in coverage is minimal due to the proposed deck addition along the right side of the property, which would be at an elevation greater than three feet above grade, to meet the access door off the master bedroom.

- 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.**

Side Yard Setback:

Properties within the vicinity of the subject property have previously been granted variances for reduced side yard setbacks; therefore it is not uncommon for this type of request.

Lot Coverage:

Properties within the vicinity of the subject property have previously been granted variances for excess lot coverage due to a substandard lot size; therefore it is not uncommon for this type of request.

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

Side Yard Setback:

The owner would incur a large expense to construct retaining walls to terrace the steep portion of the rear yard, to create usable outdoor space for a pool and deck, which would result in an unnecessary hardship.

Lot Coverage:

The applicant could use alternative means of providing outdoor usable space without using a raised deck which increases the coverage; however, the increase in coverage is not overall a large increase. Therefore, there does not appear to be a hardship for exceeding the maximum lot coverage.

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

Side Yard Setback:

The proposed deck adjacent to the master bedroom would not result in privacy issues as it would be screened by six foot high fencing, existing mature vegetation, and a large elevation change between the subject property and the neighboring property at 31 Meadowhill Drive. In addition, the proposed pool, while closer to the property line than the existing pool, would not result in a substantial increase in noise or privacy concerns for the neighboring property beyond those normally associated with such improvements in residential rear yard areas; therefore the granting of this variance would not be injurious to other properties.

Lot Coverage:

The increase in lot coverage is due to the proposed deck off the master bedroom, which would only be slightly visible from the neighbors at 31 Meadowhill Drive, and would not be injurious to this neighboring property owner.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the reduced side yard setback, but not for the excess lot coverage. There are alternative ways to utilize the yard without increasing the coverage, and leaving the steep portion of the hillside untouched. This application is proposing raised decking to meet an existing door leading out of the master bedroom; however, the increase in coverage is not significant.

Public Comment

As of the date of this report, one letter has been received from the owner of 31 Meadowhill Drive in opposition to the project.

RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 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 wishes to approve the project, findings should be articulated for the requested approval, and Staff would recommend that the attached conditions of approval be applied.

- Exhibits:
1. Conditions of Approval
 2. Application and Supplemental Materials
 3. Letter from Carole Fried dated June 13, 2007
 4. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

EXHIBIT 1

CONDITIONS OF APPROVAL

29 MEADOWHILL DRIVE

FILE #20716

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 16, 2007, or as amended by these conditions of approval. Any modifications to the plans of May 16, 2007, 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 other than those approved by the Design Review Board must be down light type fixtures.
7. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
8. The proposed six foot high fencing shall not exceed six feet in height at any point.
9. All requirements of the Town Engineer shall be met.