

Town of Tiburon STAFF REPORT

AGENDA ITEM E2



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TO: **DESIGN REVIEW BOARD**

FROM: **SCOTT PHILLIPS, ASSISTANT PLANNER**

SUBJECT: **30 OLD LANDING ROAD; FILE #20703**
SITE PLAN AND ARCHITECTURAL REVIEW TO CONSTRUCT AN
ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING, WITH A
VARIANCE FOR REDUCED FRONT YARD SETBACK

MEETING DATE: **FEBRUARY 15, 2007** _____

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PROJECT DATA

ADDRESS: 30 OLD LANDING ROAD
OWNER: ROBERT EDINGTON.
APPLICANT: CHRIS CHAPEK
ASSESSOR'S PARCEL: 038-171-77
FILE NUMBER: 20703
LOT SIZE: 19,732 SQUARE FEET
ZONING: RO-2 (RESIDENTIAL OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: JANUARY 25, 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 15303.

PROPOSAL

The applicant is requesting Design Review approval for the construction of an addition to an existing single-family dwelling located at 30 Old Landing Road. The addition would include expanding the first and second story in the front of the residence above and to the side of the existing garage. The proposal also includes three additional skylights on the existing home, various new windows throughout the home as well as replacing the existing chimney with one that is 2 feet taller. A new folding fire escape is also proposed between the primary and detached accessory structure.



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The lot coverage on the site would increase by 14 square feet to a total of 3,830 square feet. Town policy does not require a variance for excess lot coverage if the total lot coverage increases by less than 1% of the lot area.

The total floor area for the home including the expansion would be 4,275 square feet, which is 302 square feet greater than the maximum floor area permitted for a lot of this size. Therefore, a floor area exception is requested.

The proposed addition would extend to within 8 feet of the side property line, in lieu of the 15-foot side yard setback required in the RO-2 zone. Therefore, a variance is requested for a reduced side yard setback.

The submitted plans note that the exterior color and material of the addition would match the existing walls and roof of the primary structure.

PREVIOUS REVIEW BY THE DESIGN REVIEW BOARD

Before the property was annexed into to the Town of Tiburon, the Marin County Planning Division reviewed a similar proposal in 1981 to construct an addition with a variance in the same location as what is proposed with this application. The addition with a variance was subsequently approved but was never built.

ANALYSIS

Design Issues

The subject home is located on a relatively flat rectangular lot along Old Landing Road adjacent to the San Francisco Bay. Along the northwest corner of the subject home, where the expansion is proposed, a number of mature bamboo trees exist. The trees effectively screen the subject home from the adjacent property to the north. The proposed additional windows along the north side of the residence would subsequently be screened as well. Between the portion of the home where the addition is proposed and the adjacent neighbors to the north there is a beach access alley approximately 10 feet wide that acts as a buffer between the two properties.

Because of the existing screening and buffer, the reduced side yard setback requirement would not have any adverse impact on the views or privacy of the neighboring homes.

The addition follows the alignment of the existing home. The exterior material and roof design is consistent throughout the home.

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 front yard setback and floor area exception.



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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 subject property is narrower than most other properties in this area. This narrow lot configuration combined with the required 15 feet side yard setback would deprive the applicant of the development potential enjoyed by other residents 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 with similar lot configurations have been granted variances for reduced setbacks when no issues of proximity, privacy, or view blockage have affected adjacent residences. Granting the reduced front yard setback would not be a special privilege inconsistent with properties in the vicinity.

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

The strict application of the side yard setback requirement would result in an unnecessary hardship in this case because the shape of the lot creates a unique situation that makes it more difficult to comply with the side yard setback requirement. The side yard setback requirement would force the new addition to have an unusual jog in the building that would serve no practical purpose. Such an unusual jog would be more difficult to tie into the existing building.

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

As proposed, the reduced side yard setback variance would not have an adverse impact on views or privacy of the neighboring homes. A beach access alley approximately 10 feet wide acts as a buffer between the subject property and the adjacent neighbor's that have the potential to be affected by the granting of the variance.



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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
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 in the surrounding neighborhood have two or more floor levels with relatively vertical house designs. The proposed addition is compatible with the surrounding land as the height of the proposed addition is less than the height of the existing home.

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

Public Comment

To date, no public comments have been received regarding this project.

RECOMMENDATION

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

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL 30 Old Landing Road FILE #20703

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 January 17, 2007, or as amended by these conditions of approval. Any modifications to the plans of January 17, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
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.