



Town of Tiburon

STAFF REPORT

The proposed garage addition would extend to within 4 feet, 10 inches of the front property line and 7 feet of the side property line. As a 15 foot front yard setback and an 8 foot side yard setback are required in the R-1 zone, variances are also requested for reduced front and side yard setbacks.

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

ANALYSIS

Design Issues

The subject property is situated at the very southern end of Virginia Drive, adjacent to the Del Mar Middle School property. The street dead-ends without a cul-de-sac, although a portion of the roadway before the subject property widens out.

The existing carport extends into both the front and side yard setbacks. The house itself also extends slightly into the side yard setback. The proposed garage would follow the side yard alignment of the carport, but would extend approximately 6 feet further out than the carport. The existing house also already exceeds the maximum lot coverage requirements, likely due to its one-story design.

The roofline of the proposed garage would extend slightly higher than the flat roofline of the existing house. A series of large mature trees below the house screen much of the view of Richardson Bay for the home across the street at 595 Virginia Drive. The proposed garage roofline would extend only slightly into the lower portion of water views visible through these trees, and is therefore unlikely to create a substantial view blockage for this neighboring residence.

The front of the garage would be situated 12 feet, 8 inches from the edge of the roadway. Town policy usually requires a distance of 15 feet from either the face of a garage or a driveway gate to the edge of a roadway to leave enough room for a vehicle to park in front without extending into the roadway. This end of Virginia Drive is relatively lightly trafficked, with less potential for traffic conflicts resulting from having a garage so close to the street. The current steeply sloping carport driveway inhibits parking in front of the carport; the limited space in front of the proposed garage would therefore not eliminate any practical parking spaces on the site. On-street parking, including the space at the end of Virginia Drive, appears to be adequate to serve the two homes at this end of the street.

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 side yard setbacks and excess lot coverage.



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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 is substantially smaller than the 10,000 square foot minimum lot size required in the R-1 zone and is situated at the end of a long street, bordering a school property instead of other residential lots. The site also drops more sharply down from the street than other properties in the vicinity. These physical characteristics are 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 and in the R-1 zone have received variances for reduced setbacks and/or excess lot coverage.

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

The strict application of the lot coverage requirements for a lot of this size would require any physical improvements to the existing structure to be placed on a second story, which would likely create substantial view impacts on nearby homes. The strict application of the front and side yard setback requirements would not allow a practical garage location on the site which would be consistent with the siting of the existing house. The imposition of these requirements would severely limit the size and placement of improvements 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 would not result in substantial view or other impacts on homes in the vicinity.

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

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Public Comment

As of the date of this report, no letters have been received regarding the subject application.

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 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

594 VIRGINIA DRIVE

FILE #20712

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 March 22, 2007, or as amended by these conditions of approval. Any modifications to the plans of March 22, 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 must be downlight 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.