



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
June 16, 2016  
Agenda Item: **I**

## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Community Development Department  
**Subject:** 95 Seafirth Road; File Nos. DR2016041, VAR2016013, & VAR2016014; Site Plan and Architecture Review for Construction of Additions and Fencing to an Existing Single-Family Dwelling, with Variances for Excess Lot Coverage and Excess Fence Height

### PROJECT DATA

**ADDRESS:** 95 SEAFIRTH ROAD  
**OWNER:** THOMAS DULEY AND CHRISTINA KAN-DULEY  
**APPLICANT:** DNM ARCHITECT  
**ASSESSOR'S PARCEL:** 039-101-33  
**FILE NUMBERS:** DR2016041, VAR2016013, AND VAR2016014  
**LOT SIZE:** 11,000 SQUARE FEET  
**ZONING:** RO-2 (SINLGE-FAMILY RESIDENTIAL-OPEN  
**GENERAL PLAN:** M (MEDIUM DENSITY RESIDENTIAL)  
**FLOOD ZONE:** VE/X  
**DATE COMPLETE:** MAY 24, 2016

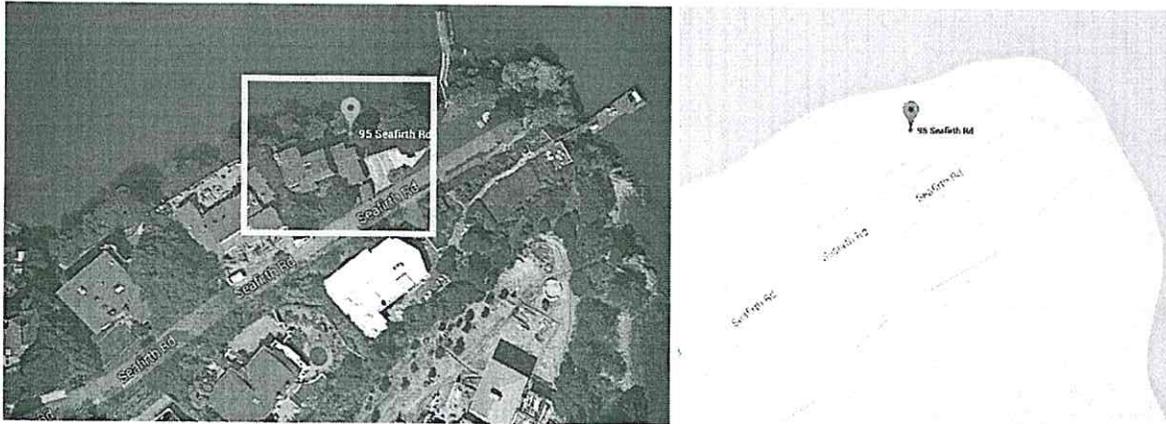
### PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 95 Seafirth Road, with variances for excess lot coverage and excess fence height. The applicant would like to extend the existing roof over a second front entrance, install an 8 foot tall fence on the west side property line and install a roof over a previously approved trash enclosure. All proposed improvements would be located in the front portion of the property.

The floor area of the existing home would remain the same. The proposed additions would cover 37.45% of the site, which is more than the 15.0% maximum lot coverage permitted in the RO-2 zone.

The proposed fence would be 8 feet tall. As the Tiburon Zoning Ordinance restricts fences to a maximum height of 6 feet within required setbacks, a variance is requested for excess fence height.

## PROJECT SETTING



The property is located near the end of a cul-de-sac along the bay on Seafirth Road. The majority of the lot is steep, which is similar to the other properties along Seafirth Road. The subject site has views of the bay, San Rafael Bridge, and Paradise Cay. The adjacent neighbors on the east and west have similar multi-level house designs and are screened by existing landscaping and fencing. The adjacent neighbor to the south is uphill and has a partial landscaping buffer between the neighbors. There are no neighbors to the north.

## ANALYSIS

### Design Issues

The front of the site is well screened from view from the street. The proposed roof extension and trash enclosure would not be particularly visible from the street or any other properties in the vicinity.

The adjacent residence to the south at 85 Seafirth Road has been undergoing renovations and includes an exterior stairway along the northern side of the site, facing the subject property. There are uninterrupted views from this stairway to the front terrace, adjacent to the kitchen of the subject home. There does not appear to be sufficient space to install screening landscaping between the stairs and the shared side property to provide appropriate screening at this area. As a result, the applicants are proposing to install an 8 foot tall fence along this portion of the side property line.

### Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the RO-2 zone, with the exception of the requested variance for excess lot coverage and excess fence height.

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-52.030 (E) 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.***

*Excess Lot Coverage*

The subject property is substantially smaller than the 20,000 square foot minimum lot required in the RO-2 zone and slopes sharply downhill from the street. These physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the maximum lot coverage requirement is strictly applied.

*Excess Fence Height*

The subject property slopes sharply downhill from the street and has open views of the front terrace from the side stairway of the adjacent home at 85 Seafirth Road. These physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the maximum fence height requirement is strictly applied.

2. ***The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

*Excess Lot Coverage*

Numerous other properties in the RO-2 and similar zones have been granted variances for excess lot coverage.

*Excess Fence Height*

Numerous homes in the RO-2 and similar zones have been granted variances for excess fence height to provide appropriate privacy screening on steeply sloping lots.

3. ***The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.***

### *Excess Lot Coverage*

The strict application of the maximum lot coverage requirements would substantially limit the ability of the applicants to construct necessary improvements to the house without expanding upwards, which could create view or privacy impacts on other nearby homes, which would result in practical difficulty on the applicant.

### *Excess Fence Height*

The strict application of the maximum fence height requirement would result in substantial privacy impacts on the front terrace of the subject house when viewed from the exterior stairway of the adjacent property, which would create an unnecessary hardship on the applicant.

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

As noted above, the project would not create visual or privacy impacts for other homes in the vicinity.

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

## **PUBLIC COMMENT**

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

## **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.

## **RECOMMENDATION**

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) 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 can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

## **EXHIBITS**

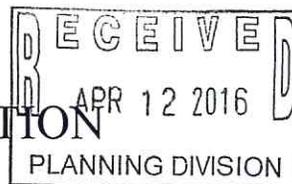
1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

**CONDITIONS OF APPROVAL  
95 SEAFIRTH ROAD  
FILE #DR2016041, VAR2106016, AND VAR2016014**

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. Construction shall conform with the application dated by the Town of Tiburon on a[RO; 12, 2016, or as amended by these conditions of approval. Any modifications to the plans of June 8, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and 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 other than those approved by the Design Review Board 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, with defense counsel subject to the Town’s approval. 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.
7. A copy of the Planning Division’s “Notice of Action” including the attached “Conditions of Approval” for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
8. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
  - a. The automatic fire sprinkler system shall be modified to properly protect the new and remodeled areas. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. (CFC 903.2)



TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) 2 #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other \_\_\_\_\_

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 95 Seafirth Road PROPERTY SIZE: 11000  
 PARCEL NUMBER: 039-101-33 ZONING: RO-2

PROPERTY OWNER: 95 Seafirth Road - Christina Kar-Duley  
 MAILING ADDRESS: Same

Tiburon CA 94920.  
 PHONE/FAX NUMBER: 415-4126309 E-MAIL: ckanduley@gmail.com

APPLICANT (Other than Property Owner): Architect  
 MAILING ADDRESS: \_\_\_\_\_

PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ARCHITECT/DESIGNER/ENGINEER DNM Architect  
 MAILING ADDRESS: Karl Vavrek 1A GATE 5 ROAD

SANRACITO CA 94965  
 PHONE/FAX NUMBER: 415 613 7940 E-MAIL: karl@dnm-architect.com

*Please indicate with an asterisk (\*) persons to whom Town correspondence should be sent.*

**BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):**

\*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- staff level:  
 DR2016010

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:\* \_\_\_\_\_

Date: 4/12/2016

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:\* \_\_\_\_\_

Date: 4/12/2016

*\*If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

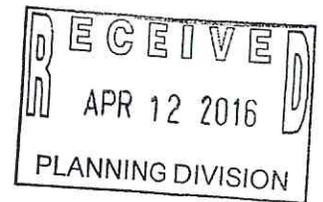
**NOTICE TO APPLICANTS**

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon  
Community Development Department  
Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7390 (Tel) (415) 435-2438(Fax)  
[www.townoftiburon.org](http://www.townoftiburon.org)



VAR2016-014

**DO NOT WRITE BELOW THIS LINE**

VAR2016-013			DEPARTMENTAL PROCESSING INFORMATION		
Application No.:	DR2016-041	GP Designation:	Fee Deposit:	\$1385 <sup>00</sup>	
Date Received:	April 12, 2016	Received By:	Receipt #:	R992	
Date Deemed Complete:	5/24/16	Action:	By:	JD	
Acting Body:			Date:		
Conditions of Approval or Comments:			Resolution or Ordinance #		

**MINOR ALTERATION SUPPLEMENT**

RECEIVED  
MAY 17 2016  
PLANNING DIVISION

Please fill in the information requested below:

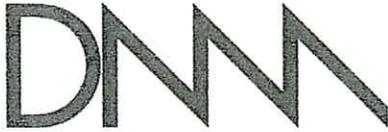
- Briefly describe the proposed project (attach separate sheet as needed): VARIANCE REQUESTED  
TO ALLOW CONSTRUCTION OF:  
 1) A 6' MAX FENCE AT WEST SIDE TERRACE  
 2) A deeper 4' FLAT ROOF AT SECONDARY ENTRANCE OFF TERRACE  
 3) A SOLID 'FLAT' ROOF ON THE TRASH ENCLOSURE
- Lot area in square feet (Section 16-100.020(L))\* 10,735 # TOTAL / 5,110 Zoning: RO-2  
5,025 # NET SUBMERGED  
4,135 #
- Square footage of Landscape Area: \_\_\_\_\_
- Proposed use of site (example: single family residential, commercial, etc.):  
 Existing SINGLE-FAMILY RESIDENTIAL  
 Proposed \_\_\_\_\_
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
NO CHANGES

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
<b>Setbacks from property line</b> (Section 16-100.020(Y))* <b>Front</b>	15 ft.	∅ ft.	15 ft.	ft.	ft.
<b>Rear</b>	19'-0 ft.	∅ ft.	19'-0 ft.	ft.	ft.
<b>Right Side</b>	8 ft.	∅ ft.	8 ft.	ft.	ft.
<b>Left Side</b>	5 ft.	∅ ft.	5 ft.	ft.	ft.
<b>Maximum Height</b> (Section 16-30.050)*	23'-6 ft.	∅ ft.	23'-6 ft.	ft.	ft.
X <b>Lot Coverage</b> (Section 16-30.120(B))*	2,107 sq.ft.	+63 sq.ft.	2,170 sq.ft.	sq.ft.	sq.ft.
X <b>Lot Coverage as Percent of Lot Area</b>	37.45 %	1.12 %	38.57 %	38.6 %	15.0 %
<b>Gross Floor Area</b> (Section 16-100.020(F))*	2492 sq.ft.	∅ sq.ft.	2492 sq.ft.	sq.ft.	sq.ft.

\*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Title IV, Chapter 16 (Zoning)

S:\Planning\Forms\Current Forms\Design Review Board Application for Minor Alteration 9-2012.doc

\*EXISTING HERE REFERS TO 'AS APPROVED'



**DNM ARCHITECT**  
1A Gate 5 Road  
Sausalito, CA 94965

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## **PROJECT DESCRIPTION**

### **PROPOSED VARIANCE TO CONSTRUCT, at 95 SEAFIRTH ROAD:**

- 1) **An 8 foot tall fence along the sideyard property line.**
- 2) **A 4' deep awning roof over a secondary entrance in the front yard.**
- 3) **A roof over a trash enclosure in the front yard.**

May 16, 2016

This application (DR2016041, VAR2016013 & VAR2016104) is to allow construction, as part of a renovation (approved under DR2016010), of a taller fence along the West property line, a more protective roof over a secondary entrance and a solid roof over a trash enclosure area to hide the trash from street view.

#### 8 Foot Tall Fence Along West Property Line:

The fence approved in application DR2016010 is 6 foot maximum and runs across the front of the property and down the left (West) side.

It is composed of mostly 4' tall fence sections on a 2' tall brick wall along the street frontage.

A small portion at the Southwest corner of the property would be 6 foot tall (where it becomes greater than 3' horizontally from the edge of the sunken terrace). It then turns the Southwest corner at 6' tall until it approaches 3' from the sunken terrace edge again along the West property line.

On the West side of the existing sunken terrace there would be a section of fencing, nominally 4' tall again, such that the height from the terrace is kept to 6' maximum.

This goal of the Variance is to allow the whole run along the West property line to be a maximum of 8' tall.

This fence would run only as far as the face of the existing building and terminate in a gate oriented East-West in line with the facade of the home.

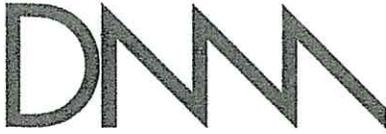
See revised drawing A1.0v. & new drawing A1.lv. as well as the color versions of the perspective views.

#### 4' Deep Awning Roof at Secondary Entrance from the Front Terrace

Planning application DR2016010 approved construction of a nominally flat roof that cantilevers off the existing facade above the new sliding glass door to the new Media Room on the Ground Floor (see A2.3v, near Grid Intersection 'B/4'). To comply with the required setback, this roof was kept to only 1-6" deep which is inadequate to protect a user from precipitation.

The second goal of this Variance application is to approve construction of the same roof a full 4'-0" deep to protect the entire stoop and limit rain entering the new doorway. Posts are added to support this deeper roof at each end.

See drawing A2.4v. & new drawing A1.lv as well as the color versions of the perspective views.



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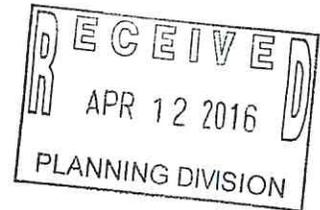
Roof at Fenced Trash Enclosure:

Planning application DR2016010 approved construction of a 6' tall fenced trash enclosure at the west edge of the existing carport. The construction would match the other fencing (as described above).

Because the enclosure is mostly within the front yard setback, the enclosure is open on top. However this Variance application seeks approval to build a roof so that the trashcans are not visible from the street (which is 5 to 6' higher than the walking surface at the carport, terraces and trash enclosure).

The proposed roof would be nominally flat and set within the two fenced 'walls' of the enclosure, such that it would not be from the carport or terrace.

See revised drawing A1.0v. & new drawing A1.Iv. as well as the color versions of the perspective views.



**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Division (415)-435-7390**  
[www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)

## APPLICATION FOR VARIANCE

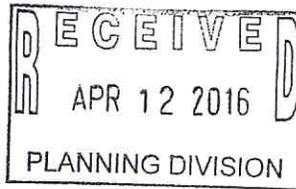
A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

### WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Setback	<u>30'-0"</u>	<u>15'-0"</u>	<u>15'-0"</u>	<u>(none)</u>
Rear Setback	<u>19'-8"</u>	<u>19'-8"</u>	<u>19'-8"</u>	<u>(none)</u>
Left Side Setback	<u>15'-0"</u>	<u>5'-0"</u>	<u>5'-0"</u>	<u>(none)</u>
Right Side Setback	<u>15'-0"</u>	<u>8'-0"</u>	<u>8'-0"</u>	<u>(none)</u>
Lot Coverage	<u>15%</u>	<u>36.34%</u>	<u>37.45%</u>	<u>1.11%</u>
Height	<u>30'-0"</u>	<u>23'-6"</u>	<u>23'-6"</u>	<u>(none)</u>
Parcel Area Per Dwelling Unit	<u>20,000 sf</u>	<u>10,735 sf</u>	<u>10,735 sf</u>	<u>(none)</u>
Usable Open Space	<u>(no req't)</u>	<u>3,200 sf +/-</u>	<u>3,200 sf +/-</u>	<u>(none)</u>
Parking	<u>2 spaces</u>	<u>3 spaces</u>	<u>3 spaces</u>	<u>(none)</u>
Expansion of Nonconformity	<u>(no req't)</u>	<u>225 sf coverage in front setback</u>	<u>288 sf coverage in front setback</u>	<u>+63 sf coverage in front setback</u>
Other (Please describe):	<u>Variance to allow an 8' tall fence on the lefts side property line. Zoning requires 6' max. Existing condition is 5' +/- tall fence. Magnitude of variance is +2' of height.</u>			



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**FINDINGS FOR PROPOSED VARIANCE TO CONSTRUCT, at 95 SEAFIRTH ROAD:**

- 1) **An 8 foot tall fence along the sideyard property line.**
- 2) **A 4' deep awning roof over a secondary entrance in the front yard.**
- 3) **A roof over a trash enclosure in the front yard.**

April 7, 2016

1. Describe what special circumstances apply to the property that cause a strict application of the zoning regulations to deprive you of privileges enjoyed by other properties in the vicinity and same or similar zone.

RESPONSE: The fence for which the variance is requested is along the property line between 85 and 95 Seafirth lane. While 95 Seafirth is making the variance request, it is supported by 85 Seafirth. 95 Seafirth is downhill from its western neighbor at 85 Seafirth. The trash cans and electric meters of 85 Seafirth are highly visible to 95 Seafirth. This topography prevents a 6' fence from providing the level of privacy and screening that is enjoyed by other properties on relatively level lots in the vicinity.

The built coverage, for which a variance is requested is a small fraction of the current coverage (barely more than 1%) and would be even less, except that much of the property is permanently under water, making the lot coverage percentage seem much higher than it is.

The construction within the front setback of a roof-awning at the slider-door to the living space, for which a variance is requested, is necessitated by the fact that the under-water portion of the lot is unusable. All usable Open Space is in the front yard. Access to and from that Open Space must be via the front facade for all users. Protecting their entry from rain is a reasonable desire. Other, similarly sized and zoned homes can have roofs at entries. And the bulk of the existing legal-non-conforming carport roof will make the proposed roof almost invisible from the street

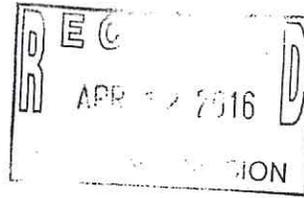
The construction within the front setback of a roof over the trash enclosure, for which a variance is requested is necessitated by the fact that the under-water portion of the lot is unusable. All accessory structures must be placed in the front yard. Protecting the refuse and recycling bins from rain and sun is a reasonable desire and in fact is consistent with Tiburon's requirements for recycling enclosures for larger residential buildings. Other, similarly sized and zoned homes can roofed trash enclosures. In fact the existing enclosure already extends 1/2-way into the setback. And the bulk of the existing legal-non-conforming carport roof will make the proposed trash enclosure roof almost invisible from the street and will contribute to a nicer environment for neighbors and visitors

2. Explain how granting of the variance would not result in a special privilege that is inconsistent with limitations on other properties in the vicinity and in the same or similar zone.

RESPONSE: An 8' fence does not create a special privilege for the 95 Seafirth owners. A similar variance was already granted for the fence between 85 Seafirth and 75 Seafirth, and there is ample precedents in the area. Because of thick vegetation along the street, the sideyard fence will not be visible from the street.



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A small roof at an entrance is not a special privilege. Most homes in the area have such protection at their entrances. The dense vegetation and existing carport roof will screen this structure from view.

A roof on their trash enclosure is not a special privilege. But rather a reasonable way to screen the sight of refuse and recycling and limit the adverse effect of sunlight on the smell. Most homes have roofed trash enclosures and Tiburon requires them for some residences.

3. Explain how the strict application of the zoning regulations would result in practical difficulty or unnecessary physical hardship. Self-created hardships shall not be considered.

**RESPONSE:** 90 Seafirth is downhill from its western neighbor at 85 Seafirth and the houses are relatively close to each other. This topography presents practical difficulties for the property owners to maintain privacy and screening and fully enjoy their properties without undertaking other, potentially more expensive and onerous measures to protect their privacy.

It is impractical to enter the home on the rear due to site topography, it is impractical and unnecessary to access the home without rain protection at the larger secondary entrance.

It is unnecessary to have the trash and recycling bins exposed to sun and rain and impractical to locate the bins anywhere but in the front yard due to site topography.

4. Explain how granting of the variance would not be detrimental to the public welfare or injurious to other property in the vicinity.

**RESPONSE:** Due to the topography and thick vegetation along the street at 85 and 95 Seafirth, the sideyard fence is not visible to any other neighbors or passers by. There would be no detrimental effect to the public welfare or harm to other property in the vicinity.

Granting a variance to allow a deeper roof-awning can only improve the experience of anyone visiting this home, presents no danger to the public and does not intrude upon other property in the area.

Granting a variance to allow a roof on the trash enclosure only improve the experience of anyone visiting this area by screening the views of refuse and recycling and may decrease the smell of the trash by protecting it from sun. It presents no danger to the public as the fence enclosure ensures that no one can collide with the roof. This roof does not intrude upon other property in the area.