

PLANNING COMMISSION RESOLUTION NO. 9005

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SAN ANSELMO APPROVING VARIANCE V-2315; FILED CONCURRENTLY WITH PRELIMINARY DEVELOPMENT PLAN PP-14; ALLOWING ACCESS TO THE PRELIMINARY DEVELOPMENT PLAN PP-14 PROJECT SITE, COMPRISED OF PARCELS IDENTIFIED BY THE ASSESSOR OF THE COUNTY OF MARIN AS ASSESSOR'S PARCEL NUMBERS 5-043-16, 5-043-22, 5-043-31, 177-133-13, AND 177-220-54, TO BE TAKEN FROM A PRIVATE ACCESS ROAD INTERSECTING THE SOUTHERLY SIDE OF THE ALAMEDA BETWEEN 444 AND 500 THE ALAMEDA; FILED BY JAMES HELFRICH

WHEREAS, a variance application was filed with the Town of San Anselmo Public Works and Planning Department by James Helfrich on September 25, 1989, and concurrently with an application for Preliminary Development Plan PP-14, requesting that access to the Preliminary Development Plan PP-14 project site, located south of The Alameda and generally located between 444 and 500 The Alameda, and identified by the Assessor of the County of Marin as Assessor's Parcel Numbers 5-043-16, 5-043-22, 5-043-31, 177-133-13, and 177-220-54, be taken from a private access road intersecting the southerly side of The Alameda between 444 and 500 The Alameda; and

WHEREAS, Section 10-3.1906 of the San Anselmo Municipal Code requires that each lot have access directly from a public street; and

WHEREAS, the Planning Commission of the Town of San Anselmo conducted a public hearing on Variance V-2315 on September 17, 1990; and

WHEREAS, the Planning Commission of the Town of San Anselmo considered information presented by the Public Works and Planning Department, the Town of San Anselmo Open Space Committee, the applicant, and other interested parties at the public hearing; and

WHEREAS, on September 17, 1990, the Planning Commission of the Town of San Anselmo adopted a Negative Declaration for Variance V-2315 and Preliminary Development Plan PP-14, pursuant to provisions of the California Environmental Quality Act Guidelines.

NOW, THEREFORE, the Planning Commission of the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Pursuant to Section 15063 of the California Environmental Quality Act Guidelines an initial study has been prepared and it has been determined that although the proposed project could have a significant effect on the environment there will not be a significant effect on the environment in this case because mitigation measures identified in the Initial Study have been added to the project and made conditions of the project approval. A Negative Declaration has been adopted.

Section 2. That the findings required for the approval of a Variance, as set forth by Section 10-3.2101 of the San Anselmo Municipal Code, have been made as follows:

- (a) Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The Preliminary Development Plan PP-14 project site has approximately 302.61 lineal feet of frontage along The Alameda, which is a public street. The project site, which is designated for the development of four single family detached residential units by the General Plan of the Town of San Anselmo, is located within the R-1-H Zoning District. Established development standards within the R-1-H Zoning District require a minimum lot frontage of forty feet (40'), a minimum average lot width of sixty feet (60'), and a minimum lot size of 7,500 square feet. The project site's effective street frontage is reduced to approximately 190 lineal feet by the existence of an intersection created by The Alameda and a private access easement which traverses the project site. While the effective street frontage of the project site represents adequate street frontage for the creation of four lots having a minimum street frontage of forty feet (40') as required by the R-1-H Zoning District development standards, the course of the same private access easement which reduced the effective street frontage of the project site, also reduces the area of the project site fronting The Alameda to approximately 9,250 square feet, which is not of sufficient size to create four lots in accordance with the R-1-H Zoning District development standards for minimum average lot width and minimum lot size. In summary, the location and course of the private access easement traversing the project site does not allow the development of the project site to the extent envisioned by the General Plan and in accordance with established development standards of the R-1-H Zoning District. Therefore, the approval of Variance V-2315 would not represent a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- (b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

The Preliminary Development Plan PP-14 project site has approximately 302.61 lineal feet of frontage along The Alameda, which is a public street. The project site, which is designated for the development of four single family detached residential units by the General Plan of the Town of San Anselmo, is located within the R-1-H Zoning District. Established development standards within the R-1-H Zoning District require a minimum lot frontage of forty feet (40'), a minimum average lot width of sixty feet (60'), and a minimum lot size of 7,500 square feet. The project site's effective street frontage is reduced to approximately 190 lineal feet by the existence of an intersection created by The Alameda and a private access easement which traverses the project site. While the effective street frontage of the project site represents adequate street frontage for the creation of four lots having a minimum street frontage of forty feet (40') as required by the R-1-H Zoning District development standards, the course of the same private access easement which reduced the effective street frontage of the project site also reduces the area of the project site fronting The Alameda to approximately 9,250 square feet, which is not of sufficient size to create four lots in accordance with the R-1-H Zoning District development standards. In summary, the location and course of the private access easement traversing the project site does not allow the development of the project site to the extent anticipated by the General Plan. Therefore, the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

- (c) The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

No evidence has been presented which indicates that access to the Preliminary Development Plan PP-14 project site from a private access road in lieu of direct access from a public street will significantly impact the public's health, safety, or general welfare. As such, the granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

BASED ON THE ABOVE FINDINGS, the Planning Commission of the Town of San Anselmo DOES HEREBY APPROVE Variance V-2315 allowing access to the Preliminary Development Plan PP-14 project

site to be taken from a private access road intersecting the southerly side of The Alameda between 444 and 500 The Alameda, subject to the following conditions:

1. Within ten (10) days of the date of Planning Commission approval of Variance V-2315, the applicant shall remit to the Town of San Anselmo payment for all costs incurred by the Town in the processing of the application for Variance V-2315.
2. Approval of Variance V-2315 shall be valid on September 27, 1990.

PASSED AND ADOPTED by the Planning Commission of the Town of San Anselmo on the 17th day of September, 1990, by the following roll call vote:

AYES: SIAS, HAYES, KROOT, YARISH


NOES: NONE

ABSTENTIONS: JULIN, MIHALY

ABSENTS: HARLE



CHAIR, PLANNING COMMISSION



ATTEST, ASSISTANT DIRECTOR OF PLANNING