

08 The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:00 p.m. on October 10, 1977 in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Olive, Ragan
Commissioners Absent: Greenberg, Harle, Ollinger

2. OLD BUSINESS

- A. EU-17 - M. Massey & E. Saunt, 34 Elm Avenue, A/P 7-053-02, application for use permit to allow existing second unit to remain.

Mr. Massey was present. He stated he had been unable to secure additional off-street parking for the second unit.

Mr. Robbins commented the only other alternative would be to cut back the embankment and build a ten foot retaining wall in order to provide off-street parking.

Applicant and Commissioners agreed to hold this item over for one month in order to give applicant more time to locate an additional parking space.

- B. SS-206 - Janice Tonini, 1361 San Anselmo Avenue, application for 2-lot parcel split. HELD OVER UNTIL 10/17/77.

3. NEW BUSINESS

- A. VAR-745 - Charles A. Deardorff, 74 Redwood Road, A/P 7-081-45, front and sideyard setback for construction of a two car carport.

Applicant was present and explained his application.

Commissioner Buckle questioned staff whether an encroachment permit would be required and stated a "depressed curb" on the building permit should be specified.

M/S Olive, Goltz to approve VAR-745, application for an 11'9" frontyard variance to allow an 8'3" frontyard setback and a 4'3" sideyard variance to allow a 3'9" sideyard setback to allow construction of a two car carport for Charles Allen Deardorff, 74 Redwood Road, A/P 7-081-45, on the basis that granting of the variance is necessary for the preservation and enjoyment of substantial property rights, because off-street parking is essential to the applicant, that the granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood (indeed it should help it), will not be materially detrimental to the public welfare or injurious to property or improvements and that because of the downsloping site it is impossible to provide parking and observe the setback requirements. Passed unanimously.

- B. VAR-746 - Donald Thompson/Polly Meridith, 90 Woodside Dr., A/P 5-271-15, 0' frontyard setback for car deck.

Applicant was present and explained his application.

He stated he was aware of the history of this lot. The man who did the soils report was the overseer on the reconstruction of the road and site after the 1967 slide.

Commissioner Goltz questioned whether the architect had tried to locate the house outside the setback areas. Mr. Thompson stated there were ways to locate the building outside the setback areas, however, they were asking for the variance in order to make a more attractive building.

Commissioner Olive questioned the validity of soils tests when taken during two of the most historically dry years. Applicant stated this reconstructed lot was probably more stable than the adjacent lots.

Mrs. Virginia Hubert, 80 Woodside Dr., felt the open underpinnings of the house would be less aesthetically pleasing than if enclosed. She felt a garage was better than a deck and would rather see the house have normal setbacks.

Mr. Larry Baughan, 92 Woodside, stated his garage was enclosed. He very much opposed the proposed car deck. He felt this type of house would be injurious to property values. Mr. Baughan also suggested the house and garage be anchored together for safer conditions.

Ms. Etcheberry, 88 Woodside Drive, immediate neighbor. Ms. Etcheberry stated she would like to see Mr. Thompson explore some of the other options he stated were available for constructing this house. She felt cardecks were unsightly, also there was no place for storage.

Commissioner Goltz stated that if the Commission granted the deck there should be a minimum deck size of 20' wide by 20' deep to cut down the amount of building.

Commissioner Goltz felt a variance should not be granted. He stated there were many solutions for constructing this building without requiring a variance. He did not feel the variance procedure was available merely for making it simpler for the applicant to build his building.

Commissioner Goltz also stated the neighbors had reinforced his feelings that the granting of the variance would be detrimental to the neighborhood.

Other Commissioners agreed there appeared to be no hardship in order to grant a variance from the setback requirements.

M/S Buckle, Olive to refer back to applicant, VAR-746, Thompson/Meridith, 90 Woodside Drive, A/P 5-271-15, for further study and for reconsideration on November 14th, 1977. Passed unanimously.

Commissioner Goltz mentioned to the applicant he felt the house could be built without a variance. However, if there was a condition of the soil which required the variance then he should resubmit his application.

Commissioner Buckle requested applicant submit elevations if he came back in.

- C. VAR-747 - Wiley & Anne Wright, 72 Mariposa Avenue, A/P 7-284-46, front and sideyard variances for parking to allow converted garage to remain.

Applicant was present.

With respect to Staff's report to the Commission, Mr. Wright stated it had not been his intent to give any misinformation to the Building Department when applying for his deck.

After having a survey of his property, he discovered the public right-of-way was wider than either he or previous owners believed it to be. Mr. Grippi's (Land Surveyor) report indicated there was 13.7' of unused right-of-way which had "theoretically" been considered part of the property at 72 Mariposa Avenue.

Mr. Wright stated he had done everything in his power to upgrade the property.

Chairman Ragan directed the applicant to address himself to the problem of the garage conversion and explain why this had been done without a request for variance or building permit.

Mr. Wright stated he and his contractor had decided, after the remodeling that the garage should be converted to allow for more living space. A sketch was drawn up, but no permit was taken out due to the fact that the contractor had assumed Mr. Wright had applied for the permit. (Mr. Wright had left on vacation.)

The contractor had completed the conversion at the time a complaint was received by the Building Department and a stop work order issued by the Town's Building Inspector.

Mr. Peter Fenton, 75 Ross Avenue stated each time a new owner takes over this property they try to increase its capacity. He felt it was not good for the neighborhood to decrease the parking facilities.

Mr. Tracy, 64-66 Mariposa, stated he felt this was a clear cut case of "do whatever you feel like doing..." He felt it was possible the next owner would turn the recreation room into a studio.

Martin Gordon, 72 Mariposa, stated he had done the work and contrary to the commissioner's belief, Mr. Wright was on vacation when the work was done.

Mr. Gordon stated they had felt the parking was adequate. He felt Mr. Wright had upgraded the property to the standards of the neighborhood.

Susan Lewis, 70 Mariposa stated she supported the variance. She stated Mr. Wright had improved the property and she hoped he stayed.

Commissioner Olive stated she couldn't sympathize with the applicant. The applicant was aware of the fact that a building permit was required. The other construction was done with a permit, the owner/contractor should have been aware of the need for a permit. Commissioner Olive stated she could not vote for this application.

Commissioner Buckle stated there were still four parking spaces. The fact that a permit for the garage conversion had not been taken out also bothered him, but he felt the Commission should not beat the matter to death.

Commissioner Buckle felt there was too much parking on the lot, and the elimination of the garage pushed the cars further out toward the street.

Commissioner Goltz stated he would grant the variance for a deck, but the garage conversion he would not vote for.

M/S Goltz, Buckle that VAR-747 for Wiley and Anne Wright, 72 Mariposa, A/P 7-284-46, for a 2'4" frontyard variance to allow a new deck to remain be approved on the basis that the lot is small, that the configuration of the existing building requires that the deck be located in this area, it will not be detrimental to those living and residing in the neighborhood because of the minimal nature of the deck, and granting of this variance is necessary for substantial enjoyment of property rights. Passed unanimously.

M/S Goltz, Olive that remaining portion of VAR-747, Wiley and Anne Wright, 72 Mariposa Avenue, A/P 7-284-46, for a 12'3" frontyard variance, 3'5" sideyard variance for a parking space to allow a recreation room to remain be denied for the

reasons that there is no condition of the land or building that would require this variance, it would be detrimental to those living and residing in the neighborhood to have a car in the front setback, and the granting of this variance is not necessary for the enjoyment of substantial property rights in that the unit that is being added to is of a sufficient size for living. Passed unanimously.

Mr. Robbins noted parking setbacks were not required until 1969.

4. MATTERS FOR CONSIDERATION

- A. Revision of Resolution 1699, procedures augmenting the California Environmental Quality Act of 1970.

Move that we recommend to the Town Council that the EIR resolution 1699 be amended in the following way: That Item 5(e) be added to read, "Preliminary Planned Development if no change in presumptive use is proposed. (SPD is not exempted,)" Passed unanimously.

- B. Consideration of extent of maintenance allowed on a non-conforming use (second units). HELD OVER UNTIL 10/17/77

- C. Proposed Amendment which would limit the ratio of residential floor area to commercial floor area in commercial zones.

Staff was directed to proceed with the preparing of an ordinance change to include a ratio of 1:1 (commercial/residential) and to exclude rent control.


- D. Review SPD (Specific Planned Development) Flow Chart

HELD OVER UNTIL 10/17/77

5. APPROVAL OF MINUTES - September 19 and 26, 1977

M/S Goltz, Olive that the minutes of September 19 and 26, 1977 be approved as written. Passed unanimously.

6. ADJOURN - Meeting adjourned at 10:15 p.m.


 Catherine L. Carpenter, Secretary

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