

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on July 10, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - JUNE 19, 1978

There being no corrections or additions to the minutes of June 19, 1978,

M/S Kapranos, Ragan, they be approved as submitted.

Commissioner Olive abstained since she did not attend the meeting.

3. NEW BUSINESS

- A. U-513 - William L. Kapranos, 160 Prospect Avenue, A/P 6-192-22, application for a use permit to allow a home occupation as a landscape architect.

Mr. Robbins reviewed home occupation requisites in relation to provisions of the Municipal Code for the benefit of the numerous people in the audience. He said the area proposed for the office is presently a workshop under the carport, approximately 15 x 28 feet in size.

Mr. Kapranos submitted a letter from his adjacent neighbor, Harry Serlis, stating he had no objection to the use.

Mr. Kapranos stated he estimated he would have two to three callers per month. He said this is primarily a drafting room and a space for his bookkeeper/typist. His employee works approximately one and one-half to two days per week. Mr. Kapranos designs landscapes and writes specifications. There is no proposed night use of the building. He is going into a reduced practice; he teaches in addition; most of his calls are on the site. He said there will be no alterations to the building except to replace two doors. There will be no noise generated by this use.

Mr. Raymond Harris, 52 Alta Vista, said he felt the separate working area was like having a separate business away from the house and out of the category of a home occupation. He was afraid of setting a precedent. Mr. Harris said he objected to the use in a separate building and he also objected to the business use.

Mrs. Patricia Burton, 43 Alta Vista, protested the possible precedent which may be set. She said the parking, which is adequate, is intended for guest parking and not business. She said Mr. Kapranos is listed in the telephone directory both in the white and yellow pages, hence he is still active.

Mr. Vincent McLorg, 171 Prospect Avenue, was concerned about the type of equipment going in and out. He was afraid there might be pickup trucks, or a sign. When assured there would be none of these, he stated he had no objection to the use.

Mrs. Eleanor Beales, 166 Prospect Avenue, said she grew up in that home. She does not agree that operating a business will not change the character of the neighborhood. She had a copy of her parents' deed which stipulated there was to be no erection of a store or business house on said property. She said Mr. Kapranos must have to consult with landscape contractors, and that she assumes said contractors would drive a truck. She said she is most unhappy about a business in the neighborhood and additional traffic.

Mrs. Virginia Sylla, 170 Prospect Avenue, said the street was not discreet for sightseeing. She bought three years ago and did not realize one could have a business in an R-1 District. She wishes to maintain the R-1 zoning in the neighborhood.

Mr. Jim Sylla, 170 Prospect Avenue, said he did not understand why the procedure of a use permit was necessary if it would not

affect the neighborhood. He said he moved here from Mississippi and he opposes the proposal. He said he was pleading for an objective evaluation from the Commission.

Chairman Buckle said the application was legal and all posting and noticing had been done in accordance with the law.

Mrs. Beales said she did not understand Commissioner Ragan's reasoning that it is not a commercial enterprise since Mr. Kapranos is earning money and making a living there. She also requested if the application was approved that a stipulation be that Mr. Kapranos provide sight-proofing between the two properties.

Commissioner Olive read the definition of a home occupation from the Municipal Code.

Chairman Buckle reiterated considerations as follows:

1. Parking: No problem.
2. Traffic: Concern from the audience. Mr. Kapranos lives alone on the property; if he had a family of three or four teenage children driving cars, there would probably be more impact than from the proposed use.
3. Use Considered Commercial: Does not feel that is valid since there is no visible indication of a commercial use. There will be no remodeling.
4. Separate Office Aspect: Concerns of the audience not valid since this is provided for in the Municipal Code.
5. Noise: There should be no problem since this use will generate less noise than a regular size family.
6. Precedent Setting: The code allows this type of operation and strictly limits uses in R-1 zones.
7. There is no real impact to the neighborhood that would be detrimental.

Five letters (petition type) voicing opposition to the application had been received. Names of signers were read aloud. Letters (petitions) were made a part of the permanent file.

Commissioners Ragan said he felt the neighbors should give Mr. Kapranos a chance to start this use and see the results. He pointed out that use permits are revokable at any time.

M/S Olive, Ollinger, that U-513 for William L. Kapranos, 160 Prospect Avenue, A/P 6-192-22, for a home occupation as a landscape architect be granted with the following conditions:

- (1) That there be no signs advertising business on the premises;
- (2) That at any time only one employee be on the premises; limited to twenty hours per week average;
- (3) That there be a rehearing in six months;
- (4) Those items shown on the plan, received by the Town of San Anselmo on July 9, 1978, and dated May 22, 1978, be implemented before the home occupation is begun;
- (5) The hours of visitation be between 10:00 a.m. and 4:00 p.m.

Motion passed by four ayes with Commissioner Kapranos abstaining.

The audience as well as the applicant was notified of the ten day appeal period in which any interested party can appeal the decision of the Planning Commission to the Town Council.

- B. U-514 - Auxiliary of Volunteer Bureau of Marin, 165 Crescent Road, A/P 7-171-44, application for a use permit to allow the Marin Designer's Showcase to open this home to the public for an ad-

mission price, four hours per day, between September 25, 1978, through October 15, 1978.

Jan Logan and Tippy Peck, two volunteers, were present to explain the proposed use.

Activities had been outlined in a letter submitted with the application which is made a permanent part of the file.

Mrs. Logan said an off-duty policeman would be hired to handle the traffic and he would have the ability to cite and tow. A parking lot with a shuttle bus would be provided for the two anticipated large attendance nights. Members will be instructed to park away from the area and walk. Ads will not include the address of the home. Mrs. Logan said she had an oral contract with the Chief of Police for one week to see how it was working.

Mr. Harry Jones, 218 Crescent Road, is concerned over parking problems. A letter was submitted signed by eight people who live on Crescent Road who are concerned about traffic.

Mrs. Marion Kelley, Executive Director of the Volunteer Bureau said many people come in groups, such as those from Rossmore who come by bus. In groups of 20 or more, there is a discount for admission.

Mr. Paul Eastman, 177 Crescent Road, said he had no objection. The residents at 158 Crescent Road said they had no objection.

A memo was read from the Chief of Police which removed any reservations he had expressed previously. He wrote that certain streets would be posted for no parking and others on one side only.

M/S Ragan, Ollinger, to approve U-514, for the Auxiliary of Volunteer Bureau of Marin, 165 Crescent Road, A/P 7-171-44, a use permit to allow the Marin Designer's Showcase to open the home to the public for an admission fee, four hours per day, between September 22, 1978, and October 15, 1978, be approved with the provision that there be no parking problems and all parking needs be handled between the applicant and San Anselmo Police Department.

Motion passed unanimously.

Applicants were advised of the ten-day appeal period.

- C. V-787 - George and Marcia Lucas, 52 Park Way, A/P 6-163-36, application for a height and third story variances to restore the third floor of this house, which was earlier removed.

Mr. Lucas said he had been a resident of San Anselmo for five years. He purchased the old Tompkins' home with hopes of restoring it to its original design. The only addition which was not part of the original design is the turret at the rear of the building. The building will be 44.5 feet high at this point. When asked if it was his intention to use this building as an office, Mr. Lucas said it would not be used for a business.

Chairman Buckle commented on a request to grant this variance from the Historical Commission. He said he hoped that all applications would receive equitable consideration and felt this should not be given special consideration because it is a historical landmark.

Mrs. Agnes Geromoni, 23 Ancho Vista Avenue, said she wanted assurance that the building would be for R-1 use only.

Mr. Mel Fendell, 47 Sequoia Drive, withdrew any objections.

Mr. William Darnell, 101 Sequoia Drive, wanted to know how soon it would start and how long alterations would take. Mr. Lucas told him if all was approved, the project would start within three to four weeks and be completed in a few months.

M/S Ollinger, Ragan, to approve V-787, for George and Marcia Lucas,

52 Park Way, A/P 6-163-36, for a 9'6" height variance and a third story to restore the third floor of the home which was earlier removed as this will allow the use of property rights and will not be detrimental to the neighborhood; and is justified as the project is considered of historical value to the Town.

Motion passed unanimously.

Applicants were advised of the ten-day appeal period.

- D. V-788 - Dirk and Mira Moeller, 1 Rancho Drive, A/P 5-062-53, application for a five foot sideyard variance to extend an existing family room within three feet of the side property line.

Mr. Moeller, applicant, present.

Mr. Moeller explained his application. There was no one in the audience to comment on the application.

M/S Ragan, Ollinger, that V-788 for Dirk and Mira Moeller, 1 Rancho Drive, A/P 5-062-53, for a five foot sideyard variance to extend an existing family room to within three feet of the side property line be approved for the reasons that (1) the topography of the property is such that this is the only location to make such an improvement; (2) that this will not be detrimental to the neighborhood; and (3) it will let the applicant enjoy substantial property rights.

Motion passed unanimously.

Applicant was informed of the ten-day appeal period.

- E. V-789 - Henry Van Dyke, Jr., 16 Foothill Road, A/P 7-033-05, application for a 20 foot rearyard and five foot north sideyard variances to rebuild a carport within zero feet of the rear property line, and three feet of the north side-line.

Mr. Van Dyke said most of the structure is sound. He intends to remove that which is not and replace it.

There was no one in the audience to comment on the application.

M/S Olive, Kapranos, to approve V-789 for Henry Van Dyke, Jr.; 16 Foothill Road, A/P 7-033-05, a 20 foot rearyard and a five foot north sideyard variance to rebuild a carport to the rear property line and to within three feet of the north side line, insomuch as granting the variance will not be a detriment to the health and 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; and will allow him the preservation and enjoyment of substantial property rights granted on the basis of the hardship due to the steep slope and narrow road.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. V-790 - Richard and Patricia Lee, 2 Indian Rock Court, A/P 177-250-16, application for a third story variance to construct a house.

Mr. John Nielsen, architect, presented the application.

Mr. Robbins mentioned that the applicant questioned the staff's interpretation of the Code since this application does not exceed two stories in any vertical plane, the applicant did not feel it constituted two stories.

Chairman Buckle questioned the turn-around, which is considered to be a deck. He said all of the underpinning is visible.

The architect said the solution is a result of the study of the lot and trees, trying to save two trees. The application has been before the Design Review Committee.

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There was no one in the audience to comment on the application.

M/S Ollinger, Ragan, to approve V-790, for Richard and Patricia Lee, 2 Indian Rock Court, A/P 177-250-16, a third story variance inasmuch as this will afford use of property rights and is not detrimental to the neighborhood and because of the lot and the configuration of the trees and slope.

Motion passed unanimously.

Applicant was informed of the ten-day appeal period.

- G. V-791 - Mr. and Mrs. Frank Schweiger, 1 Fernwood Drive, A/P 7-131-37, application for a 14 foot frontyard variance to construct a kitchen within six feet of the front property line, and a four inch sideyard variance to construct a deck and balcony within five feet-six inches of the side property line.

A determination was made by staff of what constituted the frontyard and what constituted the sideyard, and it was determined that no sideyard variance was needed.

There was no one in the audience to comment on the application.

M/S Ragan, Kapranos, to approve V-791 for Mr. and Mrs. Frank Schweiger, 1 Fernwood Drive, A/P 7-131-37, a ten foot frontyard (Redwood Road) variance to construct a kitchen to within ten feet of the front property line and an eight foot-six inch frontyard variance to construct a deck and balcony to within five feet-six inches of the front property line on the basis that the configuration of the lot is such that these improvements could not be placed elsewhere; that this will not be detrimental to the persons residing in the neighborhood; that it enables the property owner to enjoy substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

4. ITEM FOR DISCUSSION

- A. Review of Planning Department's Reduced Scope of Work in Line With the 1978/79 Budget

The Planning Commission concurred on that they deeply regret the cuts in the Planning Department.

5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission adjourned at 11:20 p.m. to the next regular meeting on July 17, 1978.

THELMA FOSTER  
ACTING PLANNING SECRETARY

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