

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes on April 18, 1988, at 8:00 p.m. in the Town Hall Council Chamber. Staff present: Lisa Wight.

A. ROLL CALL

Commissioners present: Zaharoff, Julin, Yarish, Manning, Hayes, Sias, Harle

Chairman Hayes congratulated Commissioner Zaharoff on her victory for a seat on the Town Council. He commended her on the fine job she had done in the last 2 1/2 years on the Planning Commission.

B. SET DATES FOR SPECIAL HEARINGS TO CONSIDER 1) PP-9 for Robert E. Yeakey, 80 South Oak Avenue, A/P 7-241-50; and 2) PP-10 for Carradine, Incorporated, Architects, The Alameda, A/P Nos. 7-043-16, 5-043-22 and 5-043-31.

It was decided that Robert Yeakey could be added to the regular agenda of May 2, 1988 but put on as the last item with the meeting to start at 7:00 p.m. A special meeting would be set aside on May 9, 1988 for Mr. Carradine.

Commissioner Julin wanted to state for the record that she did not feel the Commission should spend more time on the Carradine application until the applicant settles his bill with the Town. Lisa Wight said that the Town Attorney feels the Planning Commission should proceed.

C. PUBLIC HEARINGS

1. V-2227 - Jeffrey and Lori Reinders, 67 Spruce Avenue, A/P 7-025-01, a 20 foot frontyard variance and a 5 foot west sideyard variance to construct a retaining wall within 0 feet of the front property line and 3 feet of the west side property line (an encroachment permit from staff will be required as the retaining wall is proposed to encroach 20 feet into the right of way); a variance to convert a one car carport to living area; a 10 foot frontyard variance and a 5 foot west sideyard variance to provide a second parking space within 10 feet of the front property line and 3 feet of the west side property line; a 13 foot frontyard variance and a 4 foot east sideyard variance to construct a first story addition within 7 feet of the front property line and 4 feet of the east side property line.

Jeffrey and Lori Reinders, applicants, present.

Lisa Wight presented staff report.

Jeff Reinders said these improvements will make the house safer.

Commissioner Sias said that a neighbor had some concerns about the retaining wall that will encroach in the Town right of way. Lisa Wight said the neighbors are going to put their concerns in writing to the Director however the Commission can act on the variance at this time and staff will make the decision on the encroachment permit.

All the Commissioners were in agreement with the variance request.

M/S Yarish, Sias move to approve V-2227 - Jeffrey and Lori Reinders, 67 Spruce Avenue, A/P 7-025-01, (1) a 20 foot frontyard variance and a 5 foot west sideyard variance to construct a retaining wall within 0 feet of the front property line and 3 feet of the west side property line; (2) a variance to convert a one car carport to living area; (3)

a 10 foot frontyard variance and a 5 foot west sideyard variance to provide a second parking space within 10 feet of the front property line and 3 feet of the west side property line; (4) a 13 foot frontyard variance and a 4 foot east sideyard variance to construct a first story addition within 7 feet of the front property line and 4 feet of the east side property line on the basis that: 1. 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 identical zoning classification, specifically that most houses are larger than this one and this addition best uses the space on the property; 2. The granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically it is not uncommon to have two parking spaces and that the proposed spaces do not create problems for neighboring properties 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that the additional space and parking is reasonable in light of the topography; 4. 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, specifically that this addition has minimal impact visually, or in any other way, and no one has spoken out against the application. This is based on the drawings submitted to the Town on March 2, 1988.

Motion passes unanimously. Applicant advised of the ten day appeal period.

2. V-2228 - Howard C. and Mary O. Bailor, 115 Meadowcroft Drive, A/P 5-142-11, a third story variance to construct a living addition; a three foot west sideyard variance to construct the third story living addition within five feet of the west side property line; and a three foot east sideyard variance to construct a main floor dining room addition within five feet of the east side property line.

Howard and Mary Bailor, applicants, present.

Lisa Wight presented staff report.

Mr. Bailor presented a statement of support from his neighbors. With regards to staff's recommendation of moving the addition 3 feet to the east, he commented that he was not receptive because the stairway up to the addition is fixed and the addition is centered above the driveway which is aesthetically pleasing.

Jim Pierson, 151 Meadowcroft, said the applicants have the most attractive house on the street and this will enhance the neighborhood.

Commissioner Yarish felt this was a fine design and appreciates that it is set back which will reduce the size from the street. Also, the oak tree would be threatened if the addition was anywhere else. Commissioner Sias echoed Commissioner Yarish.

Commissioner Harle was in support of the application as all the neighbors were in agreement and noted that many of the homes in San Anselmo are small and people now need more living space so the Commission should look upon these applications with more leniency.

Commissioner Julin will support it because of the neighbors but she does think it is a bit high.

Commissioner Manning felt it would be a grant of special privileges and that it would set a bad precedent in the neighborhood, therefore he could not support the application.

Commissioner Zaharoff said that because the house is built over the garage, she could count it as one story; the addition is stepped back which will soften the looming effect and because of the overwhelming support from the neighbors she will approve this application.

Chairman Hayes supports the application for the same reasons as Commissioner Zaharoff and added if the addition was built in the back yard the oak would have to be sacrificed.

Commissioner Sias felt it was not precedent setting because of the large oak tree.

M/S Zaharoff, Yarish, to approve V-2228 - Howard C. and Mary O. Bailor, 115 Meadowcroft Drive, A/P 5-142-11, a third story variance to construct a living addition; a three foot west sideyard variance to construct the third story living addition within 5 feet of the west side property line; and a 3 foot east sideyard variance to construct a main floor dining room addition within 5 feet of the east side property line on the basis that: 1. Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings and location of a specimen oak tree, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning, classification, specifically that other properties in the area are built within the 5 foot setback of years ago; 2. 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, specifically that other properties enjoy additions in the 5 foot setbacks; 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that there is no other logical location; and 4. 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, specifically that this addition is aesthetically pleasing and an overall improvement to the neighborhood. This is based on plans submitted to the Town on March 16, 1988.

AYES: Yarish, Julin, Harle, Sias, Zaharoff, Hayes  
NOES: Manning

#### C. APPLICATIONS CONTINUED OR WITHDRAWN

1. EU-11 - Uma Silvey, 28 El Cerrito Avenue, A/P 5-242-11, a use permit for a second living unit to remain upon change of ownership - CONTINUED TO MAY 2, 1988.

2. V-2225 - Eric Ainsworth, 95 Tamalpais Avenue, A/P 5-242-11, a 12 foot rear yard variance to construct a two car garage and second story addition within eight feet of the rear property line with a six inch roof overhang - CONTINUED TO MAY 16, 1988.

3. V-2172 - Libby Hayes, 14 Elm Court, A/P 7-081-15, a 15'3" rearyard variance and a 4'11" east sideyard variance for an accessory building addition to be within 4'9" of the rear property line and within 3'1" of the east side property line, with an 18 inch roof overhang - CONTINUED TO MAY 2, 1988.

E. APPROVAL OF MINUTES - APRIL 4, 1988

M/S Zaharoff, Julin to approve the minutes of April 4, 1988 as written.

AYES: Zaharoff, Julin, Yarish, Manning, Hayes  
ABSTAIN: Harle, Sias

F. OTHER BUSINESS

Lisa Wight presented a status report on Caesar's Cyclery, 29 San Anselmo Avenue, stating the building was torn down after the contractor found dry rot on one side, and a cracked foundation with no reinforcement on the other. Since the design review and parking was approved based on the first story being there, Ms. Wight wanted to know what action, if any, the Commission wanted to take. Commissioner Julin wanted to see the sign changed to have it below the eaves. Commissioner Harle would be satisfied if the applicant rebuilt the property exactly the same. Commissioner Sias agreed if the applicant rebuilds exactly as the Commission has approved then he did not feel the applicant need come back to the Commission. Chairman Hayes felt it should be rebuilt as was originally approved by the Commission.

Lisa Wight felt it would be good to act on this in a form of a resolution.

M/S Harle, Julin, declare that if the rehabilitation of the first story is done exactly as the building which was existing and approved at the first hearing, then the matter need not come back to the Planning Commission. It can be handled as an administrative process. If possible, to lower the projection of the sign if it can be accomplished without significant changes; otherwise, it will have to come back before the Planning Commission.

Motion passed unanimously.

Chairman Hayes noted that several trees had been removed from the site at 80 West Hillside for the new dwelling in an R-1H area and wondered if the applicant had cut down more than was approved by the Commission. The house is highly visible. He directed staff to contact the owner with the concerns.

G. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 9:45 p.m. to the next regular meeting of May 2, 1988.

Barbara Chambers  
Administrative Secretary/Technician

substantial property rights of the petitioner, specifically the right to access the pool without leaving their dwelling;

3. 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, specifically that the surrounding homes will not cause adverse effect on the community. This is based on plans dated March 11, 1988.

All ayes. Motion passed unanimously. Applicant advised of the 10 day appeal period.

C. APPOINTMENT OF VICE-CHAIRMEN FOR BALANCE OF 1988.

Commissioner Sias was unanimously chosen for the Vice Chairman for the balance of 1988, to replace Commissioner Zaharoff.

D. CONTINUED OR WITHDRAWN PUBLIC HEARINGS

1. EU-11 - Uma silbey, 28 El Cerrito Avenue, A/P 5-242-11, a use permit for a second living unit to remain upon change of ownership - CONTINUED TO MAY 16, 1988.

2. V-2225 - Eric Ainsworth, 95 Tamalpais Avenue, A/P 5-242 - 11, a 12 foot rearyard variance to construct a two car garage and second story addition within 8 feet of the rear property line with a six inch roof overhang - CONTINUED TO MAY 16, 1988.

3. V-2171 - Libby Hayes, 14 Elm Court, A/P 7-081 15, a 15'3" rearyard variance and a 4'11" east sideyard variance for an accessory building addition to be within 4'9" of the rear property line and within 3'1" of the east side property line, with an 18" roof overhang - CONTINUED TO MAY 16, 1988.

E. APPROVAL OF MINUTES - April 18, 1988 - continued.

The regular meeting of the San Anselmo Planning Commission was adjourned at 8:45 p.m. to the next special meeting on May 12, 1988.

Barbara Chambers  
Administrative Secretary/Technician