

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes on March 21, 1988, at 8:00 p.m. in the Town Hall Council Chamber. Staff present: Lisa Wight, Planner.

A. ROLL CALL

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

B. PUBLIC HEARINGS

1. V-2217 - Jim Kessler, 54 Hillside Avenue, A/P 7-121-21, a 14 foot frontyard variance to construct an open deck and open stairs within zero feet of the front property line; and a 20 foot frontyard variance to construct a lattice trellis on the open deck within zero feet of the front property line.

Jim Kessler, applicant, present.

Lisa Wight presented staff report.

Gale Pettyjohn, 52 Hillside, will be putting in a driveway sometime in the future and wondered if this variance would have an impact on his plans. Commissioner Yarish said there was more than 20 feet between the properties and did not feel that was an issue.

Commissioner's Manning, Sias and Harle had no objection to the application.

Commissioner Julin felt the view that was blocked was minor and was in support of the application.

Commissioner Yarish thought it was over the property line already and very congested, therefore he could not support the variance.

Commissioner Zaharoff had no problem with the deck or stairs and thought only one 3 - 4 foot section of the lattice fence would obstruct the neighbors which is minor.

Chairman Hayes thought the bamboo trees were more of an obstruction than the trellis fence but could sympathize with the neighbors.

M/S Harle, Julin, to approve V-2217 - Jim Kessler, 54 Hillside Avenue, A/P 7-121-21, a 14 foot frontyard variance to construct an open deck and open stairs within zero feet of the front property line; and a 20 foot frontyard variance to construct a lattice trellis on the open deck within zero feet of the front property line on the basis that: The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the right to some outdoor living area, and the geography of the lot necessitates this particular location is by far the least visible location. This variance will not provide a significant detriment to the neighborhood. This is based on the drawings received by the Town on November 23, 1987.

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

Motion carried. Audience advised of the ten day appeal period.

2. V-2221 - Albert K. S. Jung, 41 Hillcrest Court, A/P 5-092-12, a 15 foot frontyard variance and a 2.5 foot north sideyard variance to construct an in-ground swimming pool within five feet of the front property line and 5.5 feet of the north side property line; and an eight foot north sideyard variance to install pool equipment within zero feet of the north side property line.

Albert Jung, applicant, present.

Lisa Wight presented staff report.

Albert Jung presented new drawings showing placement of pool equipment by neighbors garage and view of proposed fence saying he wants to keep the fence at 5 feet. The fence will be solid, and material will either be redwood or fir.

There was discussion among the Commissioners as to whether the fence should be measured from roadway elevation or frontyard elevation. It was determined that the fence will be reviewed during the building permit stage and if necessary, an administrative variance applied for.

Maggie Stafnes, 33 Hillcrest mentioned that the steps had to be moved if the fence is moved.

Commissioner Harle felt he could make the findings on the drawings presented tonight but wanted to note that the soils stability and drainage should be addressed. Staff said that will be addressed during the building permit stage when reviewed by the Town Engineer.

Commissioner's Sias and Julin felt they could support the application.

Commissioner Manning did not feel the pool was necessary for the for the property rights and therefore did not support the application.

Chairman Hayes thought the pool was quite large for the lot but probably was not that much of an imposition and was pleased to see the pool equipment moved and covered.

M/S Yarish, Julin, to approve V-2221 - Albert K. S. Jung, 41 Hillcrest Court, A/P 5-092-12, a 15 foot frontyard variance and a 2.5 foot north sideyard variance to construct an in-ground swimming pool within five feet of the front property line and 5.5 feet of the north side property line; and an eight foot north sideyard variance to install pool equipment within zero feet of the north 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 no other area on the property could handle the swimming pool; and 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 it is not uncommon to have a swimming pool in the neighborhood; and 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that it is consistent with the character of the neighborhood; 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 with the proper design of the fence that will meet local building codes and relocation of the pump and filter system with the provision for providing sound insulation. This is based on the drawings submitted to the Town on December 14, 1987 and revised March 21, 1988.

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

Motion carried. Audience advised of the ten day appeal period.

3. V-2218 - Diane and Michael Snodgrass, 28 Agatha Court, A/P 6-043-15, a 4.5 foot west sideyard variance to construct a second floor addition within 3.5 feet of the west side property line.

Diane Snodgrass, applicant, and Bob Hatfield, Architect, present.

Lisa Wight presented staff report.

Mr. Hatfield stated that the 2nd floor has only one bath and the applicants want to put a new bath adjacent to the master bedroom. The alternative location to the rear of the house was previously proposed by contractors. This would be extremely costly. Regarding light diminishing from the neighbor at No. 22, he felt there would be reflective light and felt the loss would be minimal.

Commissioner Sias supports the points made by the Architect.

Commissioner Yarish thought the arguments made by the Architect were convincing and could support the application.

Commissioner Manning thought the addition as proposed is the most practical.

Commissioner Julin supported the application.

Commissioner Zaharoff felt the addition was not consistent with the neighborhood.

Chairman Hayes supports the application although understands Commissioner Zaharoff's comments. Unfortunately the houses were built close together to begin with.

M/S Harle, Julin, to approve V-2218 - Diane and Michael Snodgrass, 28 Agatha Court, A/P 6-043-15, a 4.5 foot west sideyard variance to construct a second floor addition within 3.5 feet of the west side property line on the basis that: The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the placement of the house on the lot stays within the existing footprint and it would be a considerable expense to place the addition elsewhere. 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. This is based on the drawings received by the Town on October 19, 198, and March 15, 1988.

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

NOES: Zaharoff

Motion carried. Audience advised of the ten day appeal period.

4. V-2224 - Susan K. Horst, 228 Brookside Drive, A/P 5-132-03, a six inch north sideyard variance for an addition to be within 7'6" of the north side property line with a two foot roof overhang; and a 2 foot north sideyard variance for a greenhouse window to be within 6 feet of the north side property line - After the Fact.

Susan Horst, applicant, present.

Lisa Wight presented staff report.

Susan Horst said she was unaware of the need for a variance for the greenhouse window and only discovered the 6" variance need when her property was surveyed.

All the Commissioners were in support of this application.

M/S Zaharoff, Yarish, to approve V-2224 - Susan K. Horst, 228 Brookside Drive, A/P 5-132-03, a six inch north sideyard variance for an addition to be within 7'6" of the north side property line with a two foot roof overhang; and a 2 foot north sideyard

variance for a greenhouse window to be within 6 feet of the north side property line - After the Fact, on the basis: 1. Due to special circumstances applicable to the property, including size of the lot and location of the house, 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 most people in the area are encroaching in the setbacks; and 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 again most of the properties in the neighborhood encroach in the setbacks; and 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that the encroachment is necessary to continue the existing building line otherwise creating a jog; 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 the addition is an improvement to the property and other properties encroach within the setbacks. This is based on drawings submitted to the Town on June 6, 1986.

Motion passed unanimously. Audience advised of the ten day appeal period.

5. V-2225 - Eric Ainsworth, 95 Tamalpais Avenue, A/P 7-212-03, a 12 foot rear yard 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.

Eric Ainsworth, applicant, present.

Lisa Wight presented the staff report.

Ms. Ainsworth could not disagree, after talking with his neighbors, that the second floor addition isn't too large and is willing to step it back from the street. He does think if it is moved back the height will be increased. He did not want to decrease the garage from 30' because he wanted to use a portion as a work area.

John Watson, 97 Tamalpais, thinks it would change the architecture of the neighborhood.

David Ellison, 81 Magnolia, reiterated his concerns as stated in his letter to the Planning Commission.

Bill Hazel, 99 Tamalpais, stated the addition will not affect his view and the removal of two trees are rather minor.

Commissioner Yarish said the scale of the neighborhood is rather small but he could generally support the application if the addition was scaled down and the garage decreased about 5 feet. He would like to see a 10 in 12 roof line and the second story moved back away from the street.

Commissioner Zaharoff thought the big problem was the second story and would like to see it stepped back. Commissioner Manning echoed Commissioner Zaharoff.

Commissioner Julin wondered why the second story was a separate structure over the garage and not the house and if the property lines were accurate as shown on the drawings. Staff said the applicant used the same measurements as staff.

Commissioner Harle did not object to the width of the garage but agreed the second story was too close to the street.

Commissioner Sias agreed with the other Commissioners and would like to see revised plans and reasons for the garage being so large.

Chairman Hayes said the structure was quite large and needs to be moved back from the street.

Mr. Ainsworth wondered if the Commission would allow him to resubmit plans of the exterior changes only for a future meeting to get a feeling if the neighbors and the Commission were in agreement of the new plans. If it were approved then he would do the interior plans to present to the Commission.

David Ellison, would agree to see just the revised plans of the exterior elevations and at a future meeting the interior revisions.

Chairman Hayes wanted to stress that if the Commission went with this approach it would not mean the application could be approved at the next meeting.

M/S Zaharoff, Sias, to continue V-2225 - Eric Ainsworth, 95 Tamalpais Avenue, A/P 7-212-03, a 12 foot rearward 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 to the meeting on April 18, 1988 for a revised set of drawings to show the 2nd story setback further and a floor plan of the existing structure.

Motion passed unanimously.

C. ITEMS CONTINUED OR WITHDRAWN

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 4-4-88.

D. APPROVAL OF MINUTES - March 7, 1988

M/S Yarish, Zaharoff, to approve minutes of March 7, 1988 with the following amendment: Page 2, paragraph 10, change "staff" to "Planning Commission".

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

E. ADJOURNMENT TO REGULAR MEETING ON APRIL 4, 1988

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:00 p.m. to the next regular meeting on April 4, 1988.

Barbara Chambers
Administrative Secretary/Technician