

The regular meeting of the San Anselmo Planning Commission was called to order by Commissioner Zaharoff on February 22, 1988, at 8:00 p.m. in the Town Hall Council Chamber. Staff present: John Kottage, Director; Lisa Wight, Planner; John Roberto, Planning Consultant; Hadden Roth, Town Attorney.

A. ROLL CALL

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

B. PUBLIC HEARINGS

1. A-144 - Mauro Passetti, to Mariposa Avenue, A/P 7-284-32, design review of ten apartment units and review of the environmental document.

John Roberto presented the staff reported dated February 22, 1988.

John Kottage addressed the drainage system.

Mauro Passetti said he will comply with the drainage requirements as proposed by staff and has replaced the Japanese Maple trees with Fern Pine. His intent for planting ivy was to have it cling to the side of the building and provide additional articulation. He had no objection to having the laundry room in building B project out an additional 2 feet.

Bob Swanson, Architect, said it was an oversight in not having windows put on the east side.

John Silvey, 50 Mariposa, said that half of his living space looks on to the east side of the building and fears that Fern Pine trees are not the proper landscaping. He has checked with Sunnyside Nursery and was told that the pine is a moderate growth tree and does not feel it will adequately screen. Perhaps landscaping Architects should be hired to help the applicant solve this problem.

Dick Tracy, 66 Mariposa, wondered if they were going to fence all around and if so has a survey been performed to determine the west property line. Mr. Swanson said they have not surveyed but have measured.

Barbara Tracy, 66 Mariposa, felt there should be a survey.

Bob Swanson said there will be adequate screening but he is opposed to large trees that will block out sunlight.

Commissioner Julin wondered if there was a detailed analysis of the topography and suggested the applicant meet with the neighbors to come up with a landscaping plan. Mr. Passetti did not think a topo map was necessary as the property is very flat. He was going to put in 20 gallon ferns but would consider taller more dense ferns. Commissioner Julin felt she would be satisfied if the neighbors were.

Commissioner Harle felt the landscaping was satisfactory as it stands now but has no objection to the applicant meeting with the neighbors.

Commissioner Manning questioned the height of the fern at maturity and wondered if the applicant would be willing to increase the density and work with the neighbors on a solution. Mr. Passetti indicated that the larger the tree the larger the roots and that should be kept in mind.

Mr. Silvey would like to get involved in the landscaping plan.

Mr. Roberto was concerned that no landscape architect was involved in

the project and thought it would be a good idea to get expert advise. Also the applicant needs to provide a landscape plan for the building.

Commissioner Yarish felt screening for buildings A and B should be from east and west to allow light in and agrees that the neighbors should be consulted. He thought perhaps pittosporium would be a shrub to consider as it is fast growing. He felt the drainage plan was appropriate given the limited change in elevation.

Commissioner Zaharoff will rely on the Town Engineer's requirements for drainage, agrees with staff on the lattice and ivy, stating perhaps there should be small shrubs in place until the ivy grows. As long as the Tracys are in agreement to the placement of the fence then she did not feel a survey was necessary.

Mr. Roberto said that he will prepare a negative declaration and a Resolution for approval for the next meeting.

Mrs. Tracy was questioning the exterior lighting. Mr. Passetti said it will be low level, recessed in entrances and walkways.

Mr. Passetti was agreeable to having a landscape architect meet with his architect and neighbors.

M/S Yarish, Manning to continue A-144 - Mauro Passetti, 60 Mariposa Avenue, A/P 7-284-32, design review of ten apartment units and review of the environmental document to the next meeting of March 7, 1988 for the purpose of refining the landscaping plan and with consultation with neighbors as to the landscaping.

Motion passed unanimously.

2. V-2207 - Wie-Shing and Lorraine Lee, 208 Brookside Drive, A/P 5-132-28, a two foot frontyard variance and a six foot north sideyard variance to enlarge a garage to accommodate two vehicles within 18 feet of the front property line and two feet of the north side property line, with a six inch roof overhang.

Wie-Shing and Lorraine Lee, applicants, present.

Ms. Wight presented staff report, noting this application had been continued from the January 4, 1988 at the contractor's request.

Chris Blum, contractor, stated this was the best plan he could come up with for the redesign.

Kris O'Conner, 119 Brookmead Court, said that he would be able to see the garage from his second story window and it would be an eyesore. Also, the size of the garage is not accurately specified on the plans.

Mrs. Sisler, 212 Brookside, said that when they came before the Planning Commission for their garage addition, the Lee's were opposed to having the addition so close to their house. The Lee's are now asking for variances to have the structure 2 feet from the property line. Mrs. Sisler does not feel it is warranted since they were required to set theirs back four and one-half feet.

Mrs. Lee said the garage will not be fancy and will be used only to house 2 cars.

Commissioner Harle was in support of the application however thought perhaps it would be a granting of special privileges because of the two neighbors. He did feel the two garages were quite close but overall supports off street parking whenever possible.

Commissioner Manning was against the application, stating there was no need to have a two car garage in that there is already room

for 3 vehicles off street, and it would be too close to the neighbors property.

Commissioners Julin and Yarish felt they could support the application.

Commissioner Zaharoff was concerned about passage for the Fire Department on the west corner and wondered if it could be widened. Mr. Blum thought that might be a possibility but it would be difficult to tell until work was started. Commissioner Zaharoff did add that the fence could be removed if necessary for access so she thought she could approve the application.

M/S Harle, Julin to approve V-2207 - Wie-Shing and Lorraine Lee, 208 Brookside Drive, A/P 5-132-28, a two foot frontyard variance and a six foot north sideyard variance to enlarge a garage to accommodate two vehicles within 18 feet of the front property line and two feet of the north side property line, with a six inch roof overhang on the basis that: specifically because of the placement of the house with regard to side and front property lines it is the minimum encroachment possible to provide for the garage and is the best solution to the problem for providing that amenity. 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 a two car garage has been allowed with variances in the neighborhood before; 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; 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. This is in reference to plans submitted to the Town on February 16, 1988.

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

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

3. U-631 - Cerelo Nabarrete, Jr., 330 Sir Francis Drake Boulevard, A/P 6-251-04, use permit for Arthur Murray Dance School in a C-3 District - CONTINUED TO 3-7-88.

V-2208 - Cerelo Nabarrete, Jr., 330 Sir Francis Drake Boulevard, A/P 6-251-04, parking variance for a dance school in a C-3 District - CONTINUED TO 3-7-88.

4. U-632 - Marilyn Izdebski Productions, 330 Sir Francis Drake Boulevard, A/P 6-251-04, use permit for Marilyn Izdebski Dance Productions in a C-3 District.

V-2209 - Marilyn Izdebski Productions, 330 Sir Francis Drake Boulevard, A/P 6-251-04, parking variance for a dance school in a C-3 District.

Marilyn Izdebski, applicant, present.

John Kottage presented staff report dated February 22, 1988, noting that this item was continued from February 1, 1988.

Ms. Izdebski wanted to make a correction to the staff report regarding the hours of instruction and presented the Commission with the correct hours. She did not think parking was an issue at the close of the last meeting, rather the availability of drop off points. With regards to Exhibit A on the staff report, she did not feel that she could put a maximum on the number of students; did not feel that she could control the number of parking spaces issued to her; could not make a decision about carpeting the stairs because she is only subleasing; the question of blocking

the air duct to the first floor business has never been brought up before she did not know how to respond. With regard to noise, Ms. Izdebski feels that everyone deals in some way with noise and she is only talking about an overlap of three hours a week, ten months out of the year.

The Town Attorney asked how long the lease was for and the terms of said lease. The applicant was unable to find a copy of the lease however did state the lease is up June 3, 1988.

MS. Wight noted that Exhibit A is provided only as a suggestion to the Planning Commission and so was the closing of the air ducts.

Jan O'Connor, 44 Medway, said Ms. Izdebski offers a service to the community and wonders if the real issue is Carter Collins and Club Mime. She feels these issues need to be separated.

Joyce Brown, Elan Fitness, feels that parking is the main problem and she does not want to see overflow onto Greenfield Avenue.

Maggie Simmons, 312 Sir Francis Drake, wanted to know what would happen with regards to parking when the lease expires in June.

David Iaasic, did not think parking was still an issue, principally noise was. Ms. Izdebski said most of her students are in carpools and the students are dropped off.

Katherine Barcos, Marin Community Playhouse, after surveying the area, does not feel that parking was a problem; listened to the sound from Witherspoon & Postlethwaite and although noise is relative, it sounded like distant typing.

Eddie Iacapi, SA Tire and Brake, asked if staff was able to identify the available on site and off site parking. Mr. Kottage responded.

Mr. Diehl, agreed that Ms. Izdebski is an asset to the community but is in the wrong location. He reiterated his feelings about how disruptive the noise was for his business.

Commissioner Manning did not feel enough has been done to eliminate the noise and that the neighbors concerns are valid, therefore, the noise is a detriment. Perhaps a professional sound engineer could come in and provide suggestions. With regards to parking, he did not feel the intensity is great but it could have a cumulative affect.

Commissioner Yarish, felt parking is a problem everywhere but the use is one of the best because of low intensity use, however it is moot because of the noise. He felt that insulating would be costly but could not support unless it was sound proofed.

Commissioner Julin did not feel this was a compatible use because of the noise and the hours that overlap the other businesses. Commissioner Harle was unable to support for the reasons the other Commissioners stated.

Commissioner Zaharoff said if parking was the only issue she could support the application however the noise is creating a serious problem for the neighbors. She said she will be willing to continue to have the applicant investigate the possibility of closing the duct otherwise she did not see what else could be done without going into great expense for the applicant.

Ms. Izdebski said that she could not afford to spend a lot of money to upgrade the premises and that she plans to appeal to the Town Council.

Mr. Roth noted that the applicant should think about when they are going to stop operation but did not need to make a decision until

the appeal is heard by the Council.

M/S Harle, Julin, to deny U-632 - Marilyn Izdebski Productions, 330 Sir Francis Drake Boulevard, A/P 6-251-04, use permit for Marilyn Izdebski Dance Productions in a C-3 District on the basis that: The establishment, maintenance and operation of the use will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the Town; and there is unresolvable detriment for this use for the other commercial uses in this building with noise created by tap dancing.

Motion passed unanimously.

Audience advised of the ten day appeal period.

5. V-2215 - Mozart Kaufman, 540 San Anselmo Avenue, A/P 6-102-31 - parking variance for the division of the building into 9 retail shops and 3 offices.

C-215 - Mozart Kaufman, 540 San Anselmo Avenue, A/P 6-102-31, design review of exterior changes to a commercial building.

Mozart Kaufman, applicant, present.

Mr. Kottage presented staff report dated February 22, 1988.

Bill Jelinek, 53 Florence, spoke against the last application but feels this is an appropriate use of the premises.

Tony Barbera, Collective Antiques, feels this will be an asset to the Town.

John Kaufman, Pt Reyes Station, said the spaces his father is proposing is average space for businesses in the Town. Regarding intensification of use, there used to be 40 employees in the old store and this will not be more intense.

Bill Hendrickson, 90 Chipman Place, wants to see Mr. Kaufman get back in business and questioned why a variance is necessary. Commissioner Zaharoff explained.

Jerry Angel, Keegan & Coppin, has tried unsuccessfully to get one tenant for the building.

Commissioner Yarish feels the application is appropriate for the use and would not be opposed to alterations.

Commissioner Julin was in favor of the application but wanted to know if there were sufficient exits in case of fire; wondered if a requirement should be that loading and unloading be from Sir Francis Drake Blvd. and not San Anselmo Avenue. She was not opposed to windows on Sir Francis Drake Blvd as it will be attractive and more leasable. Mr. Kaufman said all shops and offices will have a rear exit.

Commissioner Harle wanted an explanation on how and when tenants apply for use permit. Mr. Kottage explained that some could require a use permit but only if it is an intensification of use or a high traffic generator. Commissioner Harle said that he is supportive of this application but wants to have reasonable assurance that there will not be high traffic generators in the building.

Commissioner Manning supports the application and wondered if there was going to be individual design reviews for each tenant. Mr. Kottage said only if it changes the exterior design.

Commissioner Zaharoff was in support of the application but would like to see some mitigation on intensification of use. To which Mr. Kottage replied that the Kaufman Men's Store had a condition relating to this issue and suggested the wording be incorporated

as follows: Uses being allowed there to be low traffic generators as determined by the Town Engineer; and Use permits will be required if the ensemble of uses of the spaces in the aggregate will result in significant increases in intensity of use.

There was discussion among the Commissioners about the individual businesses putting up signs. Mrs. Kaufman said that each sign would have to go before staff and if they felt it would change the theme then it could come before the Commission. If each tenant had to come to the Commission it would take too long. Mr. Kottage proposed that the first sign be put before the Commission and then each done on a case by case basis.

M/S Yarish, Harle to approve V-2215 - Mozart Kaufman, 540 San Anselmo Avenue, A/P 6-102-31, parking variance for the division of the building into 9 retail shops and 3 offices and C-215 - design review of exterior changes to a commercial building 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 in the vicinity and under identical zoning classification; 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 since there is no parking on site this use seems to be the minimum amount intensity that might be expected for the size of the building; 3. The granting of the variances is necessary for the preservation and enjoyment of substantial property rights of the petitioner specifically that there are few if any options available to the owners; 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 public welfare or injurious to property or improvements in such neighborhood, specifically this proposed use is very much consistent with the other uses of buildings in this part of the downtown area and has received support from several of the neighboring businesses.

M/S Yarish, Harle, to approve C-215,- design review of exterior changes to a commercial building on the basis that: It is functionally and aesthetically compatible with the existing improvements in nature and elements in the area and provides for protection against noise, odor and other factors which may make the environment less desirable and will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy investment or development in the area or will not create unnecessary traffic hazards, projection or distraction of motorists or other factors and provides a satisfactory access for emergency vehicles and will not adversely affect the health or safety of people in the surrounding areas. This is contingent upon the following items that the uses being allowed there to be low traffic generators as determined by the Town Engineer; and use permits will be required if the ensemble of uses of the spaces in the aggregate will result in significant increases in intensity of use. Also that design consideration will be given to tenants on a case by case basis on the exterior changes. This is based on drawings received by the Town on September 18, 1987.

Commissioner Julin wanted to know if there should be a requirement that the loading and unloading take place on Sir Francis Drake Blvd. Mrs. Kaufman noted that there is a very contiguous loading zone on San Anselmo Avenue and also across the street by the 601 San Anselmo Building. The general feeling of the Commission was not to limit it to Sir Francis Drake Blvd.

Motion passed unanimously.

Audience advised of the ten day appeal period.

6. V-2216 - Harvy Suddy and Joe Simmons, 28 Crest Road, A/P 6-

221-26, a third story variance; a two foot east sideyard variance to construct a catwalk deck within four feet of the east side property line; a height variance for a lattice screen to be eight feet in height above grade; a 13'6" frontyard variance and five foot west sideyard variance to construct an open deck within six inches of the front property line and one foot of the west side property line.

Bob Swanson, representing applicant, present.

Ms. Wight presented staff report and noted that the neighbor said a water line goes across the property. Mr. Swanson said they have checked and the water line is not on the applicants property. With regard to staff's suggestion that the lattice screen be reduced, he said because of the slope the fence is really about five feet above the roadway and is not obtrusive.

All the Commissioners were in support of the application. Commissioner Julin added that there is such a drop that the fence height is really no problem.

M/S Harle, Manning, to approve V-2216 for Harvy Suddy and Joe Simmons, 28 Crest Road, A/P 6-221-26, a third story variance; a two foot east sideyard variance to construct a catwalk deck within four feet of the east side property line; a height variance for a lattice screen to be eight feet in height above grade; a 13'6" frontyard variance and five foot west sideyard variance to construct an open deck within six inches of the front property line and one foot of the west side property line on the basis that: Because of the extreme steepness of the lot and placement and character of the house that building the third story house seems only feasible to increase the living space of the house and not granting of special circumstances because other houses in the neighborhood are generally as large or larger than this house with the additional living space; The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the additional living space; 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 submitted to the Town November 9, 1987.

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

7. V-2217 - Jim Kessler, 54 Hillside Avenue, A/P 7-121-21, a ten foot frontyard variance to construct an open deck and open stairs within four feet of the front property line; and a 16 foot frontyard variance to construct a lattice trellis on the open deck within four feet of the front property line - CONTINUED TO 3-7-88.

8. 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.

Michael and Diane Snodgrass, applicants, present.

Ms. Wight presented staff report.

Kay Coleman, 22 Agatha Court, said this addition will come to within 8'9" of her bathroom window and she feels the light will be a factor and asks the Commission to take that into consideration when making their decision.

Commissioner Harle understood the neighbors comments and although the house could use more bathrooms, wondered if the addition could be elsewhere. Commissioner Manning echoed Commissioner Harle.

Mr. Snodgrass said they have explored 3 scenarios, the architect feels this is the best. He did not feel this addition would reduce the amount of sunlight for his neighbor.

Commissioner Yarish asked why the addition could not be done in the rear. The applicant said it was possible however not feasible because of plumbing and aesthetic reasons and suggested he provide a floor plan showing the interior configuration. Commission Yarish thought perhaps the applicant could explore additional possibilities for the benefit of the neighborhood.

Commissioner Julin felt that number 22 has taken the light from number 20 and this application seems no different however she will wait to see the additional drawings before making a decision.

Commissioner Zaharoff felt if the neighbor will be impacted by light and with the possibility the addition could be placed elsewhere she wondered if the applicant might consider a continuance to consider the Commission's concerns. The applicant affirmed.

M/S Harle, Yarish to continue V-2218 Diane and Michael Snodgrass, to be referred back to applicant for further information, specifically floor plans and arguments against any other possible layouts that state this plan is still the most favored; to be continued to the meeting of March 7, 1988.

Motion passed unanimously.

9. U-633 - Michael Valliant, 60 Redhill Avenue, A/P 6-201-04, use permit for a wholesale and warehouse use of an optical company.

V-2219 - Michael Valliant, 60 Redhill Avenue, A/P 6-201-04, parking variances for the use of an optical company.

C-215 - Michael Valliant, 60 Redhill Avenue, A/P 6-201-04, design review of exterior changes to a commercial building.

Michael Valliant, applicant, and John DeWitt, present.

Ms. Wight presented staff report.

Mr. Valliant noted that he intends to put a bronze tint on the windows and wants to keep the exterior the color that already exists.

Jerry Angel, Keegan and Coppin, indicated they have been looking for a tenant to occupy this space for 1 1/2 years.

John DeWitt, said this is a non retail business with 3-5 client visits a year; deliveries are by UPS; low intensity use.

Commissioner Manning was in support of the application.

Commission Yarish was in support of the application but asked if a yellow zone could be painted in front to accommodate the UPS trucks. Ms. Wight said the suggestion should be addressed to the Traffic Safety Committee.

Commissioner Julin wondered if there would be appropriate ventilation for the acetone substance and also what the means are for storage and disposal of hazardous waste. She asked if the applicant could provide landscaping and perhaps a false front. She thought perhaps the planter boxes could be removed and the sidewalk taken up and shrubs or trees planted in ground. Mr. Valliant said there will be no signs or awnings planned for the building; felt that he could accommodate the Commission by planting shrubs but thinks it would be rather costly to put up a false front. He said there will be proper ventilation at each work station and they follow all regulations required by the Fire Department and EPA.

Commissioner Manning felt there is only so much the Commission can require and was concerned about the burden of additional costs put on the applicant.

There was discussion among the Commissioners about the bronze film over the windows. Yarish did not feel it will screen out what is inside, particularly at night. Zaharoff asked if seams were going to show. The applicant said he does not operate the business at night and it is his understanding there will be no seams.

Commissioner's Harle and Zaharoff were in support of the application.

M/S Manning, Yarish, to approve U-633 and V-2219 for Michael Valliant, 60 Redhill avenue, A/P 6-201-04, use permit and parking variances for a wholesale and warehouse use of an optical company 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 the parking limitation in the area and on the property and use of property is below parking generating and traffic generating and that the parking spaces on the property are appropriate for the use; 2. The granting of the variance and use 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 share similar parking situations and this proposed use will not generate parking access of its capabilities; 3. The granting of the variances and use is necessary for the preservation and enjoyment of substantial property rights of the petitioner; 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 in that both through State and local regulations removal of hazardous type waste there will be appropriate restrictions and that this will not be a safety hazard;

M/S Manning, Yarish, to approve C-215 - Michael Valliant, on the basis that it: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. Provides for protections against noise, odors, and other factors which may make the environment less desirable; 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

Commissioner Julin wanted to add a condition to landscaping by stating "the existing planter boxes on the inside walk, be replaced with hedge like or tree like greenery that would lie along the southerly sidewalk in front of the building and wrap around the south east corner where the window is. Also to have the sidewalk removed to so that the plants would be inground". Commissioner Manning wanted to add. . . "provided it will not interfere with parking"

Commissioner Yarish to add " That there be a recommendation to the Traffic Safety Committee to create a yellow zone to accommodate the UPS trucks so they will not create a hazard by having to back out of the driveway."

The applicant wanted to know if it was really necessary to break

up the sidewalk instead of using planter boxes for the greenery.

There was discussion about this among the Commissioners. Ms. Chambers was asked to read back the motion and asked if the Commission wanted to leave in or retract the part about the sidewalk being removed. Since Commissioner Manning made the motion he felt it was not necessary to include it in the motion.

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

10. V-2220 - John and Laurie McInnis, 117 Woodland Avenue, A/P 7-281-20, a 13 foot frontyard variance and a 6.5 foot east sideyard variance to enclose a portion of the front porch within 7 feet of the front property line and 5.5 feet of the east side property line; and an 8 foot east sideyard variance to construct a fireplace chimney within 4 feet of the east side property line.

John McInnis, applicant, present.

Ms. Wight presented staff report.

Commissioner Yarish supported the application.

Commissioner Julin felt the front addition is too close to the street and out of place to build so close to the sidewalk. She could not support the application.

Mr. McInnis said he was not exceeding the footprint and the neighbors have no objections.

Commissioner Harle did not see this as an encroachment on the neighbors was not sure he could support any more variances in the future. Commissioner Manning echoed Commissioner Harle.

Commissioner Zaharoff supported the applicaiton.

M/S Harle, Yarish, to approve V-2220 - John and Laurie McInnis, 117 Woodland Avenue, A/P 7-281-20, a 13 foot frontyard variance and a 6.5 foot east sideyard variance to enclose a portion of the front porch within 7 feet of the front property line and 5.5 feet of the east side property line; and an 8 foot east sideyard variance to construct a fireplace chimney within 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 the lot is so small there is no other way to accommodate the variance; 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 this will make the house consistent in size with other homes in the area; 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that this will help create an entry that is separate from the street; 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 most is in the building envelope already. This is based on the drawings submitted to the Town on November 29, 1987.

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

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

C. APPROVAL OF MINUTES - February 16, 1988

M/S Harle, Julin to approve minutes of February 16, 1988 with the following amendmends; page 2, paragraph 2, add "It was the Commissions intent that the applicant bear the cost for the engineer to review the plans".

Motion passed unanimously.

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:45 p.m. to the next regular meeting of March 7, 1988.

Barbara Chambers,
Administrative Secretary/Technician