

PLANNING COMMISSION MINUTES  
OCTOBER 17, 1988

The regular meeting of the Planning Commission was called to order on October 17, 1988, at 8:00 p.m. in the Council Chamber by Commissioner Sias. Staff present: Lisa Newman, Planning Consultant, and Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Julin, Manning, Harle, Sias,  
Kroot, Yarish  
Commissioners absent: Hayes

B. CONTINUED PUBLIC HEARINGS

1. PP-9/AR-7 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, preliminary plan review and architectural plan review of a single family dwelling in an R-1 H District - CONTINUED TO OCTOBER 24, 1988.

2. V-2254 - Suzanne Eberhart, 9 Humboldt Avenue, A/P No. 7-023-01, a 13 foot rearyard variance to construct a building addition within 7 feet of the property line, a 11 foot frontyard variance to replace and enlarge an existing parking deck within 9 feet of the front property line and a variance for 2 of the 4 required parking spaces to be substandard in size (9' by 15'). CONTINUED TO NOVEMBER 7, 1988.

3. Nancy L. Thurmond, Oak Springs Drive, A/P No. 5-291-60 - review of conditional certificate of compliance - THIS ITEM IS CANCELLED. THIS MATTER WILL BE HANDLED BY THE PLANNING COMMISSION IN A DIFFERENT FASHION.

C. PUBLIC HEARINGS

1. V-2241 - Mr. & Mrs. Pichignau, 117 Crescent Road, A/P No. 7-232-35, a 8 foot west sideyard variance to reconstruct an existing retaining wall and a third story variance.

Mr. Mcarthy, Architect, and the applicants were present.

Lisa Newman presented the staff report.

Mr. Pichignau said that the house now has rooms that are chopped up and the basement area is quite cold and moldy and the most logical place for the addition is what is being proposed by the architect.

Mr. Oddsen, 125 Crescent, said he does not object to additional space for the Pichignaus but feels that the addition will cut out his morning sunlight in the breakfast room and kitchen. The lack of light will reduce the already small house.

Mrs. Oddsen, 125 Crescent, said her house is only 1,100 square feet and the proposed addition will affect the whole side of her house. She will loose sunlight as well as warmth and the use of her garden. She also feels that if the addition is built her privacy would be invaded.

Dixie Manwaring, 111 Crescent, feels the addition will affect the entire neighborhood. She felt it should be noted that the mildew in the basement of 117 Crescent that the Pichnaus refered to has been corrected. The scale of the addition is too large. Regarding the third story, the three story homes currently in the neighborhood were there prior to the third story ordinance and people purchased their homes in the neighborhood knowing the three story homes existed. She also did not want to loose her view.

Mr. Pichignau noted that the Oddsens will only see the second story because they are on the upslope.

PLANNING COMMISSION MINUTES  
OCTOBER 17, 1988

Mrs. Pichignau said they have modified their plan which includes the removal of the tower.

Commissioner Kroot noted that the addition is mostly on the west side and asked if it could be placed to the rear or more to the center.

Mr. Mcarthy, architect, felt it would be quite costly to build in the rear because of the slope, and if the building was moved more to the east, the east side neighbors would probably not be satisfied. He felt this was the most logical place for the addition.

Commissioner Yarish wondered if the architect had considered leaving the first and second floor as is and moving the third story more to the center. Mr. Mcarthy thought it would be too costly to handle structurally because of the baring walls.

Mr. Mcarthy gave a demonstration of the existing floor plan and the proposed addition, explaining that he is not building a new home, rather this is an addition to an existing home and cost is also a factor.

Commissioner Manning was sympathetic about the expansion but he felt that the addition would be a detriment to the neighborhood.

Commissioner Julin asked what the lot size was and what conclusions could be made by a shadow study. Ms. Newman responded that the lot was 9,600 square feet and it slopes to the west and south. The shadow study would give objective knowledge of the shadow and show how far and how long the shadow will last.

Commissioner Julin felt that the views of the neighbors would be impacted and therefore the windows on the upper story would have to be reduced or moved so as not to impact the neighbors. She was in favor of the 2nd story addition and the retaining wall but could not make the findings on the third floor addition because of the impact on the neighbors.

Commissioner Harle said he thought the Oddsens would lose approximately 1 to 1 1/2 hours of sunlight a day in the kitchen and breakfast room. This light is important because the rest of the house is dark and therefore the sunlight is in the hands of the applicants. On the other hand, the applicants' house is really not that large, the two rooms in the basement have very little light and has a poor floor plan. Sufficient information has been presented by the architect to add the additional space in a logical place and he can't help but feel it will impact the Oddsens strongly however, it is mostly because of the character of the Oddsens' house. Therefore, it is his opinion to approve this application on the grounds that the deficit is primarily due to the structure and disposition of the Oddsens' house which places a severe restriction on the Pichignau's.

Commissioner Kroot felt the addition would be a detriment, not only the shadow but also the windows overlooking the side. The addition would cause a hardship on the Oddsens. He thought if the addition could be centrally located, it would create a little less shadow and be further away from the Oddsens. Also, he would like to see less windows to the side facing the Oddsens.

Commissioner Yarish thought there could be a workable design somewhere without impacting the neighbors and without costing an exorbitant amount of money. The dining room,

PLANNING COMMISSION MINUTES  
OCTOBER 17, 1988

living room and master bedroom are very large and there is adequate room to relocate at the very least, the staircase to ease back from the westerly profile. Perhaps it might mean stepping back the upper sections. Commissioner Yarish said he is unable to approve the application as it is now.

Commissioner Sias was unable to make the findings for number 2 and 3. He is persuaded that the application would be detrimental to the property rights of the neighbors and thought there could be other possibilities for the addition.

Mr. Kroot asked if the applicant's would be interested in continuing the application since it looks as if it will be denied. Mr. Pichignau wondered if his application could be continued for three to four months to allow the architect time to look into the possibility of redesigning the plans.

Ms. Newman said the Town has to make a decision on the application prior to December 9, 1988, but an alternative would be to denied the application without prejudice and waive the planning fees when the applicants submit a new drawing.

M/S Manning, Harle, to deny without prejudice V-2241 - Mr. and Mrs. Pichignau, 117 Crescent Road, A/P No. 7-232-35, an 8 foot west sideyard variance to reconstruct an existing retaining wall and a third story variance, and that fees be waived for subsequent filing of this application.

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

2. V-2256 - Marjorie Van Dusen and Patricia Schuman, 101 Sequoia Drive, A/P 6-127 - 03, a 19'6" rearyard variance and an 11'6" south sideyard variance to construct a two car garage within 6" of the rear and south side property lines with a 12 inch roof overhang.

Bruce Blakely, Attorney, and Terry Keast, Builder, were present to represent the applicants.

Lisa Wight presented the staff report.

Mr. Blakely stated that the applicants concur with the findings on the staff report and added that the neighborhood would be improved by the off street parking.

Commissioner Sias asked why there was a need for a 24 feet wide garage. Mr. Blakely responded by saying they applicants wanted to earthquake proof the garage and to have easier access to the vehicles. Mr. Keast said there are 4 feet sheer panels on each side of the garage.

All the Commissioners were in support of the application although Commissioner Yarish thought 4 foot sheer panels was a bid excessive and decreasing the garage 2 to 3 feet would be more suitable.

M/S Kroot, Julin, to approve V-2256 - Marjorie Van Dusen and Patricia Schuman, 101 Sequoia Drive, A/P 6-127-03, a 19'6" rearyard variance and an 11'6" south sideyard variance to construct a two car garage within 6" of the rear and south side property lines with a 12 inch roof overhang on the basis: Due to special circumstances related to the topography, specifically the creek behind and the existing location of the garage on the site. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that many of the other homes in the area have two car garages; and 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

PLANNING COMMISSION MINUTES  
OCTOBER 17, 1988

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 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 the garage will have no affect on the neighbors. This is based on drawings dated April 22, 1988.

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

3. V-2257 - Denise Hazleton, 1 Parkside Court, A/P No. 5-172-79, a 12 foot south sideyard variance to construct a carport within 0 feet of the south side property line.

Bruce Pendergraft, Architect, was present to represent the applicant.

Lisa Wight presented the staff report.

Mr. Pendergraft has nothing to add to the staff report.

Commissioner Yarish inquired about the height of the retaining wall. Mr. Pendergraft said they will keep it as low as possible and should not exceed 9 feet in height

Commissioner Sias asked about screening and suggested that there be landscaping that drapes over the retaining wall to soften it. Mr. Pendergraft said there will be landscaping on the side to soften the wall however the highest part will be behind the garage and not visible.

All the Commissioners were in support of the application. Commissioner Kroot added that he could support this application without putting a condition on the landscaping of the retaining wall.

M/S Kroot, Julin, to approve V-2257 - Denise Hazleton, 1 Parkside Court, A/P No. 5-172-79, a 12 foot south sideyard variance to construct a carport within 0 feet of the south side property line on the grounds that: due to special circumstances applicable to the property, specifically the steep upslope and this is the only possible area to place the two car offstreet parking area; and the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically most homes to have two offstreet parking spaces side by side; and 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 more off street parking will benefit the neighborhood. This is based on the drawings submitted August 29, 1988.

M/ Yarish to suggest an amendment that there be some amount of landscaping for the retaining wall to texture and break up its size and looming nature to the street.

Commissioner Kroot did not feel it was necessary to include a condition on the landscaping.

Commissioner Yarish withdrew his amendment due to lack of support.

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

**PLANNING COMMISSION MINUTES  
OCTOBER 17, 1988**

4. V-2258 - Charles Eggers, 18 Allyn Avenue, A/P No. 7-092-10, a 3 foot south sideyard variance to reconstruct open stairs within 2 feet of the south side property line; and a third story variance to enclose stairs in the front entry.

The applicant was present.

Lisa Wight presented the staff report.

All the Commissioners were in support of this application.

M/S Yarish, Kroot, to approve V-2258 - Charles Eggers, 18 Allyn Avenue, a/P 7-092-10, a 3 foot south sideyard variance to reconstruct open stairs within 2 feet of the south side property line; and a third story variance to enclose stairs in the front entry on the grounds that: due to special circumstances applicable to the property, including the location and design of the existing dwelling and, in particular, the topography of the land, the strict application of the controlling zoning ordinance or regulation will deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically a logical enclosed entry to the structure, which is consistent with the topographical requirements of the site; and the granting of a 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 located, as there are other properties in the vicinity with three stories; and the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, so that there will be a safe and reasonable entry for both residents and visitors; and 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, that no views may not be significantly adversely impacted and no neighbors have expressed any concern or interest in making this design different. More specifically, although the revised structure will be more massive than the existing structure, it will be no higher than the existing structure. This is based on drawings dated by the architect on August 25, 1988.

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

**E. APPROVAL OF MINUTES - OCTOBER 3, 1988**

M/S Harle, Julin, to approve the Minutes of October 3, 1988 with the following amendment: page 3, 9th paragraph, add the sentence "There was no decrease in the number of car spaces".

Ayes: Harle, Hayes, Julin, Kroot  
Abstain: Manning, Sias, Yarish

**F. ADDITIONAL ITEMS OF BUSINESS**

Commissioner Manning said he was visiting the site of the Quarry Mountain Development and he said it looked like one of the garages had converted into living space. Commissioner Sias added that some of the floor plans that had been approved through planning seem to be changed during construction, specifically that the decks were not supposed to be cantilevered out. Staff will check on this items and respond back to the Commission at the next meeting.

**G. ADJOURNMENT.**

PLANNING COMMISSION MINUTES  
OCTOBER 17, 1988

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:30 p.m. to the special meeting of October 24, 1988.

BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY/TECHNICIAN