

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 2, 1990

The regular Planning Commission meeting was convened at 8:00 p.m. by Vice Chair Julin. Staff present: Lisa Wight, Planner, Dain Anderson, Assistant Director of Planning and Neil Whitbeck, Planning Intern.

A. ROLL CALL

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

B. CONTINUED PUBLIC HEARING

1. NU-64 V/9008 - Richard and Maureen Hochschild, 281A Crescent Road, A/P 7-222-42, 1) a use permit to legalize a second living unit located on property within the R-1 zoning district; and 2) a 9' frontyard variance and a 15' rearyard variance to construct a new dwelling within 11' of the front property line and within 5' of the rear property line, with a 1' roof overhang; and a third story variance for an attic in the new dwelling - CONTINUED TO JULY 16, 1990.

C. PUBLIC HEARINGS

Taken out of order because the first applicant was not present.

2. V-9010 - Norman Vachon, 12 Fern Lane, A/P 7-015-02, a 3' north sideyard variance and an 11' rearyard variance to construct a living addition within 5' of the north side property line and within 9' of the rear property line, with a 1' roof overhang, on property located within the R-1 zoning district.

Lisa Wight presented the staff report.

Mr. Vachon stated he presented his proposed plans to the neighbors and there have been no objections. The reason he has not chosen to build up was because the house is framed in redwood and he was told it would not be strong enough to support a second story addition. Therefore, the likely place for the addition would be to the rear.

Commissioner Kroot asked for clarification as to why redwood would not support a second story. Mr. Vachon said he told by a non professional that redwood was not that strong.

Commissioner Kroot said he would have trouble making the findings although the design was nice. He stated that he has seen many homes that have two, or three stories that were built of redwood.

Commissioner Harle stated that while the addition was unobtrusive and modest, and by removing the shed would well remove additional setback variances, it would be difficult to make the findings. He added that it would be less obtrusive to go to the rear than it would to go up.

Commissioner Hayes noted that the addition was unobtrusive however there has been several variances, both currently and in the last request by this applicant.

Commissioner Sias was unable to make the findings for approval because there is an alternative to build up.

Commissioner Julin was unable to make the necessary findings and asked the applicants if they would be willing to consider a second story.

Mr. Vachon wanted to have his application continued to allow him time to redesign for a second story and added that he might even gain some space.

M/S Harle, Sias, to continue V-9010 - Norman Vachon, 12 Fern Lane, A/P 7-015-02, a 3' north sideyard variance and an 11' rearyard variance to construct a living addition within 5' of the north side property line and within 9' of the rear property line, with a 1' roof overhang, on property located within the R-1 zoning district to the meeting of 8/6/90 to allow the applicant time to redesign his plan.

Motion unanimously passed.

1. U-9008 - David N. Cook, Bubba's Restaurant, 566 San Anselmo Avenue, A/P 6-102-26, use permit for the on-sale of beer and wine.

Lisa Wight presented the staff report.

Mr. Cook stated that the restaurant is now open for dinner and he felt customers would enjoy wine with their meals.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 2, 1990

Commissioner Harle said that the circumstances warrant the approval of the use permit.

Commissioner Hayes felt this would be in line with other restaurants in town.

M/S Hayes, Sias, to approve U-9008 - David Cook, Bubba's Restaurant, 566 San Anselmo Avenue, A/P 6-102-26, use permit for the on-sale of beer and wine on the basis that: 1. The granting of the use permit, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and 2. The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

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

3. **AR-9003 - April and Chuck Wu, 471 Redwood Road, A/P 7-340-01**, after the fact architectural review of an open deck, open stairs and a gazebo located to the rear of the dwelling on property located within the R-1H zoning district.

The applicants were present.

Lisa Wight presented the staff report.

Ms. Wu said she did not realize that permits were required for the work they did.

The consensus of the Commission was that the design was acceptable.

M/S Kroot, Sias, to approve AR-9003 - April and Chuck Wu, 471 Redwood Road, A/P 7-340-01, after the fact architectural review of an open deck, open stairs and a gazebo located to the rear of the dwelling on property located within the R-1H zoning district on the basis: 1. The deck and gazebo construction are within the approved building envelope and do not encroach into the private open space; 2. The existing trees and the additional planting the applicant has done should screen the deck construction. The deck is stained natural; 3. The deck and gazebo have simple lines and blend with the environment; 4. The deck and gazebo are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 4. The residential use of the deck will not create excessive noise, odor and other factors which may make the environment less desirable; 6. The deck and gazebo will not cause the surrounding area to depreciate materially in appearance or otherwise discourage occupancy, investment, or orderly development in such an area; 7. The deck and gazebo will have no impact on traffic and provide additional access for emergency vehicles; 8. The deck and gazebo will not adversely affect the health or safety of persons using the improvement or endangering property located in the surrounding area. The open deck will allow the applicant to enjoy the existing natural landscape. This is based on drawings stamped 3/13/90.

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

4. **V-9011 - Kurt and Terry Scheidt, 32 Nokomis Avenue, A/P 6-082-27**, a 14.5 frontyard variance to construct a second story living addition within 5.5' of the front property line with a 2.5 roof overhang on property located within the R-1 zoning district.

The applicants were present.

Lisa Wight presented the staff report.

Mr. Scheidt indicated that they have a large garage but the living space was approximately 900 square feet. He presented a petition from many of his neighbors that were in support of the application.

All the Commissioners were in support of the variance.

M/S Sias, Kroot, to approve V-9011 - Kurt and Terry Scheidt, 32 Nokomis Avenue, A/P 6-082-27, a 14.5 frontyard variance to construct a second story living addition within 5.5' of the front property line with a 2.5 roof overhang on property located within the R-1 zoning district on the basis: 1. Due to special circumstances applicable to the property, specifically the irregular shape of the lot, the configuration of the existing dwelling on the lot, and the floor plan of the existing dwelling, it is not possible to construct additional bedroom area to conform to the minimum setbacks; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner in that it is not possible to construct elsewhere on the lot; 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 there is an

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 2, 1990

existing 24" oak tree in front of the dwelling and a 36" oak tree to the rear, both of which should help to screen the second floor addition. This is based on approved plans dated 3/16/90.

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

5. V-9012 - Vance Frost, 58 Oakland Avenue, A/P 5-211-24, a 19' frontyard variance to construct an arbor on an existing deck within 1' of the front property line; and a 6' frontyard variance to construct an extension to the open deck within 8' of the front property line on property located within the R-1 C zoning district.

The applicant was present.

Lisa Wight presented the staff report.

Mr. Frost encouraged the Commission to approve the variance for the deck. He presented letters from adjacent neighbors in support of his application. He felt his deck expansion and arbor are architecturally interesting but not a necessity.

Commissioner Kroot had no problem with the arbor because of the location of the house although the small extension of the deck causes some concern it would not be visible by his neighbors.

Commissioner Harle noted if this small extension was applied for at the same time as the original deck it would have been approved.

Commissioner Hayes stated the arbor was essential because of the sun and concurred with Commissioner Harle that if the extension was applied for at the time of the deck it would have been approved. He considered this section a completion of a design concept.

Commissioner Sias stated he would deny the deck because he could not make the findings but would be able to support the arbor.

Commissioner Julin felt the deck was invaluable outdoor living space and could also support the arbor.

M/S Harle, Kroot, to approve V-9012 - Vance Frost, 58 Oakland Avenue, A/P 5-211-24, a 19' frontyard variance to construct an arbor on an existing deck within 1' of the front property line; and a 6' frontyard variance to construct an extension to the open deck within 8' of the front property line on property located within the R-1 C zoning district on the basis: 1. Due to special circumstances applicable to the property, specifically the steep slope and the building of the house close to the roadway and the availability of outdoor living space if limited and the existing deck is inappropriate for that use; the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, 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 situated; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property right of the petitioner specifically it will provide playing space for a growing family and will add to the value to outdoor space and it is not inconsistent with the neighborhood; 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 two neighbors affected are in favor and are not in the position of being seriously affected by the deck and across the street is open space. These reasons also apply to the arbor with will also provide shade for the outdoor space. This approval is based on plans dated 3/19/90.

Ayes: Hayes, Kroot, Harle, Julin

Noes: Sias

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

6. V-9013 - Tony Backer, 22 Vine Avenue, A/P 7-231-38, a 20 foot frontyard variance and a 3'3" east sideyard variance to construct a two car carport within 0' of the front property line and within 4'9" of the east side property line (a separate permit issued by the Department of Public Works is also required for the proposed carport to encroach up to 3'4" onto the public right of way, but still be setback 3' from the edge of the road pavement) on property located within the R-1 zoning district.

The applicant was present along with his architect, Bill Ollinger.

Lisa Wight presented the staff report.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 2, 1990

Mr. Ollinger stated that the applicants currently do not use the garage because it is substandard but want to have cover for their vehicles. He noted that the carport proposed would house two vehicles, not three as stated in the staff report. They also wanted to break up the lines of the house to make it architecturally pleasing,

Mr. Backer presented a petition from some neighbors that approved of their proposal.

Commissioner Harle indicated that the variances were necessary because the house was located so close to the road.

Commissioner Hayes supported the variances and added the proposal was a clever way to change the exterior and build a carport.

Commissioner Sais echoed the comments of Hayes.

Commissioner Kroot stated the design would break up the boxiness and soften the look of the exterior.

Commissioner Julin was persuaded by the neighbors support.

M/S Kroot, Harle, to approve V-9013 - Tony Backer, 22 Vine Avenue, A/P 7-231-38, a 20 foot frontyard variance and a 3'3" east sideyard variance to construct a two car carport within 0' of the front property line and within 4'9" of the east side property line (a separate permit issued by the Department of Public Works is also required for the proposed carport to encroach up to 3'4" onto the public right of way, but still be setback 3' from the edge of the road pavement) on property located within the R-1 zoning district on the basis: 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 an identical zoning classification, 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 situated, specifically that the house is located within 20' of the property line and it is the only place covered parking can be developed and that other houses in the area have two car covered parking; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; 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 the design of the parking structure will break up the boxy appearance and bring aesthetic value to the house and many neighbors are in support of the proposal. This approval is based on drawings dated 6/25/90.

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

7. AR-9004 - Jill and Harlan Howard, 71 Holstein Road, A/P 5-053-37, a 20 foot frontyard variance to construct a patio wall within 0' of the front property line; a 14' frontyard variance to construct open stairs within 0' of the front property line (a separate revocable encroachment permit is also required by the Department of Public Works for the wall and stairs to encroach up to 2' onto the public right of way, but still be setback 6' from the edge of the road pavement); a 13' frontyard variance to expand a living room within 7' of the front property line; and a 4' frontyard variance to expand an open deck within 10' of the front property line on property located within the R-1C zoning district.

The applicants and their architect, Steve Kay, were present.

Lisa Wight presented the staff report.

Mr. Howard stated that a survey was done in 1962 and recently. The recent survey states the property line is further off the street than that of 1962. They are unable to build to the north because of the steep slope.

Steve Kay stated that any building to the north would require 8 foot, or higher, retaining walls because of the slope. The existing house is quite small for the size of the lot and the placement of the house on the lot is difficult for expansion. The existing layout of the house is substandard and the living room is cut diagonal and therefore hard to fit in furniture. They are only seeking a small intrusion into the setbacks. The exterior stairway, as proposed is a logical placement and necessary for the extension of the house to the west. He noted that the road is located to the extreme one side of the right of way. The wall proposed is a maximum of 8' but could be lowered to 6' and backfilled. They anticipate softening the wall with draught resistant vegetation and would be happy to provide a landscape plan to the Planning Commission.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 2, 1990

Mr. Phil Bunsheau, 421 The Alameda, was concerned that any future development by the Town to expand the right of way should be considered when approving the applicant's request to build in the Town right of way. Currently, at certain points on the road two cars can not pass on the road.

James Young, 34 Holstein, lives directly below the applicant. He agreed that the house is a rather large structure but there is a lot of landscaping to screen the house. His impression was that the wall will improve the house and soften it. He was also with the understanding that the applicants would plant cypress trees as part of their landscaping plan.

Mr. Kay stated that the road right of way is currently 40' and could probably double in size without going into the applicant's driveway.

Commissioner Hayes, after hearing the discussion, did not think any encroachment into the right of way would affect any future widening of the road. He supported the proposal and with adequate screening of the wall would be an improvement mitigation to the neighborhood.

Commissioner Sias supported the proposal but would like to see the wall lowered. He felt the variances were necessary because the north and west expansion were necessary to make the design work.

Commissioner Kroot did not think anything could be gained at this time to redesign the staircase. Also, the Town requires a revocable encroachment permit from the applicant which would allow the Town access to the right away if necessary.

Commissioner Harle supported the application.

Commissioner Julin said that because of the topography and location of the right away being so close to the house, the variances are necessary. She suggested that the applicant work with staff in achieving the appropriate landscaping to screen the wall

M/S Hayes, Harle, to approve AR-9004 - Jill and Harlan Howard, 71 Holstein Road, A/P 5-053-37, a 20 foot frontyard variance to construct a patio wall within 0' of the front property line; a 14' frontyard variance to construct open stairs within 0' of the front property line (a separate revocable encroachment permit is also required by the Department of Public Works for the wall and stairs to encroach up to 2' onto the public right of way, but still be setback 6' from the edge of the road pavement); a 13' frontyard variance to expand a living room within 7' of the front property line; and a 4' frontyard variance to expand an open deck within 10' of the front property line on property located within the R-1C zoning district on the grounds: 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 an identical zoning classification, 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 situated. Special circumstances are the irregular shape of the lot and the location of the house in its current configuration and geological sloping of the lot; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; 2. 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 approval is based on drawings dated March 19, 1990 and subject to staff review that suitable screening for the patio wall. This is to be appealable to the Planning Commission if necessary.

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

D. APPROVAL OF MINUTES - JUNE 18, 1990 - CONTINUED TO THE MEETING OF JULY 16, 1990.

E. DISCUSSION

F. REPORT OF UPCOMING APPEALS TO THE TOWN COUNCIL

Appeals to the Town Council are: Dry Cleaners and Laundry Facilities at 805 Sir Francis Drake Blvd; James Helfrich, The Alameda; Dan Moriarty, 16 Bolinas; and Gene Marksbury, 55 Sais

G. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 9:40 p.m. to the special Zoning Meeting on July 9, 1990.