

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 1, 1991

The regular meeting of the San Anselmo Planning Commission was called to order on July 1, 1991, at 8:10 p.m. in the Town Hall Council Chamber, 525 San Anselmo Avenue. Staff present: Lisa Wight, Planner, Delvin Washington, Consultant.

A. ROLL CALL

Present: Harle, Julin, Kroot, Mihaly, Sias
Absent: Hayes, Yarish

B. ANNOUNCEMENT

Chair Julin announced the following applications continued to July 15, 1991: AR-9113/V-9119 (Johnson), V-9114 (Glenn), V-9117 (Singh) and V-9111/AR-9111 (Ordaz).

C. CONSENT AGENDA

1. V-9123 - Tom and Kay Peacock, 43 Durham Road, A/P 5-205-04, a 5 foot sideyard variance to construct an expanded room within 3 feet of the side property line on property located within the R-1 zoning district.

M/S Harle, Mihaly, approval of the consent agenda.

Motion carried; Commissioner Kroot abstained.

D. PUBLIC HEARINGS

1. **V-9109/AR9109 - Jasper and Sheryl Smith, 66 Oakland Avenue, A/P 5-211-47, a 14' rearyard variance to construct a deck within 0' of the rear property line on property located within the R-1 zoning district (above 150 mean sea level elevation).**

Jasper Smith, applicant, present.

Ms. Wight presented the staff report and noted that the applicant has responded to some of the Planning Commission's suggestions in that the sideyard encroachment has been eliminated and the northeast corner of the deck has been angled; however, the applicant did not feel a split level deck was feasible for two reasons: 1) an existing retaining wall below the deck; and 2) the desire to have a level area for children to play.

Commissioner Sias arrived at the meeting at this time.

Mr. Smith discussed the drawings with the Commission.

Commissioner Mihaly felt that it is a transitional problem in that there have been 3 hearings for this application and due process influences his action as well as the fact that it is not highly visible, but he wishes the applicant had done more to reduce the rear encroachment.

Commissioner Harle expressed concern about flattening sloped lots.

Commissioner Sias said he cannot make the findings and feels it is precedent setting. He added that it is his understanding that the deck will be 3' higher than the 6' high fence with a 3' high railing, for an overall vertical mass of 12'.

Commissioner Kroot said he originally did not support the project until he viewed the property from the lower neighbor's yard and it appears the deck will not be highly visible and the proposed landscaping will screen the deck.

Chair Julin, noting the proposed trees, said she supports the application as she feels the deck is not large and is not highly visible.

M/S Mihaly, Kroot, to approve V-9109/AR9109 for Jasper and Sheryl Smith, 66 Oakland Avenue, A/P 5-211-47, a 14' rearyard variance and design review to construct a deck within 0' of the rear property line on property located within the R-1 zoning district (above 150 mean sea level elevation), on the grounds that: 1) special circumstances are the slope of the lot and the configuration of the dwelling which make the encroachment into the rearyard the only feasible area for a deck; the deck will not have an adverse visual impact on the neighbors due to the required landscaping of 4: caragana arborescens along the rear property line and 2: caragana arborescens along the side, with a drip irrigation system; the deck expansion is of the same materials and colors as the existing structure; it will be a visual extension of the existing structure; it is consistent with uses in the neighborhood; and will not

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generate additional vehicular trips based on the plans submitted for the July 1, 1991 hearing.

Motion carried; Commissioners Harle and Sias voted no.

Applicant was advised of the ten day appeal period.

2. **DR-9108/SR-9104, Mohammad Banaee, 100 Sir Francis Drake Boulevard, A/P 6-241-01**, design review of an automobile repair facility on property located within the C-3 zoning district.

Mohammad Banaee, applicant, present.

Mr. Washington presented the staff report, noting the applicant had prepared a rendering using shades of grey although the actual color samples were in green-grey tones.

There was significant discussion regarding the signage and it was suggested by staff that the sign review portion of this application be continued to a future meeting so that staff can determine the specifics of the application.

At this time the application was continued to be heard after Item D-3, to allow this applicant time to obtain the color samples at his shop.

After hearing Item D-3, the Commission continued their discussion on this application.

The issue of the flags and holders was raised by Commissioner Julin and the applicant was advised they are not permissible.

M/S Mihaly, Sias, to approve the color scheme based on the samples presented at the meeting.

Motion passed unanimously.

M/S Mihaly, Sias, to deny the sign review portion of this application on the basis that it has not been properly presented and that a variance is required.

Motion passed unanimously.

Commissioners Mihaly and Sias requested that staff calculate the proposed and allowed signage and provide the Commission with the intent of the Ordinance requirement that both sides of a freestanding sign are included in the calculation of sign area.

Applicant was advised of the 10-day appeal period.

3. **DR-9107/SR-9103 - Sezer Ozkan, Redwood Gas Station, 98 Sir Francis Drake Boulevard, A/P 6-191-36**, 1) design review of exterior building changes to an existing service station; 2) addition of a new pump island; and 3) sign review; on property located in the C-3 zoning district.

Sezer Ozkan, applicant, present.

Mr. Washington presented the staff report, noting that the use as a service station is a permitted use, not requiring a use permit, and, therefore, the addition of a gas pump only requires design review. With regard to the building color, the applicant proposes it remain green, yellow, red and white, as was recently painted without first obtaining permits. The banners and other signs not previously approved are to be removed. Mr. Washington recommended that the ingress be off Sir Francis Drake Boulevard and egress be onto Barber Avenue, to which the applicant stated is satisfactory for him.

Commissioner Sias said he supports the application, but recommends that ingress be permitted off Barber Avenue.

Commissioner Harle said he supports the project and feels staff's recommendation regarding traffic flow is a reasonable one.

Commissioner Kroot said he supports the project whether or not there is restricted traffic flow.

Commissioner Mihaly supports the application. Noting the bold colors, he acknowledged that these are the Redwood Gas corporate colors, but suggested that the horizontal lines make it appear "louder" than he would prefer.

Chair Julin pointed out the inconsistency that the neighboring property at No. 100 has been restricted to a green grey tone, and this applicant is being permitted green and gold stripes all

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over the building. Ms. Julin feels the color scheme is incompatible with the adjacent residential district and the building across the street at No. 100.

M/S Kroot, Sias, to approve DR-9107/SR-9103 for Sezer Ozkan, Redwood Gas Station, 98 Sir Francis Drake Boulevard, A/P 6-191-36, 1) design review of exterior building changes to an existing service station; 2) addition of a new pump island; and 3) sign review; on property located in the C-3 zoning district, with one exception: the don not enter signs be deleted, to be based on the drawings dated June 18, 1991.

Motion carried; Chair Julin voted no.

Applicant was advised of the ten day appeal period.

4. **V-9120 - David Torme, 38 Morningside Drive, A/P 5-184-10**, an 11' rearyard variance and a 4' sideyard variance to construct a carport within 9' of the rear property line and 4' of the side property line on property located in the R-1 zoning district.

David and Lise Torme, applicants, present.

Ms. Wight presented the staff report, noting that on her first visit she didn't realize there was already an existing garage which is located behind the carport. Based on that finding, staff cannot support the application.

Mr. and Ms. Torme discussed the application with the Commission.

Virginia Kinsella, 3 Hazel Avenue, said that it sounds as though the application fits in with what is there and is supported by the neighbors and if she were on the Commission, she would approve.

Commissioner Sias said that the neighbors support the project and 3 vehicles can be placed in and in front of the carport and he favors keeping the landscaping rather than widening the carport 2'. He acknowledged staff's reasoning for their recommendation of denial based on the letter of the law, but in this case it does not justify what we would have to go through, i.e., removing a tree or reducing the side setback, to which the other Commissioners agreed.

Chair Julin added that the carport was very well thought out and well executed. She expressed trouble with the inconsistency of denying the garage conversion at 96 Broadmoor Avenue, however, as this is approving a garage conversion as well as a parking structure to be in the setback.

Commissioners Kroot and Sias disagreed with the inconsistency. Commissioner Kroot stated that in this case the parking structure is off an alleyway where all surrounding properties have parking structures in the setbacks. Commissioner Sias said the difference is precedent setting - in this neighborhood all the neighbors have parking structures in the setbacks; on Broadmoor not all the neighbors have converted their garages.

In response to Commissioner Mihaly's question, Mr. Torme said he was not aware that a permit would be required for a carport and that is why construction began.

M/S Sias, Kroot, approval of V-9120 for David Torme, 38 Morningside Drive, A/P 5-184-10, an 11' rearyard variance and a 4' sideyard variance to construct a carport within 9' of the rear property line and 4' of the side property line on property located in the R-1 zoning district, on the grounds that it affords the applicant enjoyment of property rights in this neighborhood; specifically, that there is ample evidence that the other neighbors have carports and garages narrower than that prescribed by ordinance and without aprons so this would not be a grant of special privileges inconsistent with what is happening in the neighborhood; further, this placement saves landscaping; specifically, a large tree that serves the neighborhood by providing greenery; that it is possible to get 3 cars onto this property in the carport as it has been built; this variance will not have an adverse impact on the health and safety of the neighborhood; specifically, there has been no opposition; in fact, there is support from adjoining

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neighbors, based on the plans submitted for the July 1, 1991 hearing.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. **V-9121 - Virginia Kinsella, 3 Hazel Avenue, A/P 7-114-02**, a 18'6" rearyard variance and a 5'8" sideyard variance for a gazebo, deck and hot tub to be within 1'6" of the rear property line and within 2'4" of the side property line on property located in the R-1 zoning district.

Virginia Kinsella, applicant, present.

Ms. Wight presented the staff report.

Ms. Kinsella explained that the existing location is the only feasible location due to a large apple tree and the configuration of the dwelling on the lot.

In response to Commissioner Mihaly's questions, Ms. Kinsella said she did not obtain a permit prior to construction as she did not know it was required. The 18" of lattice on the fence was to afford the neighbor additional privacy.

David and Lise Torme, 38 Morningside Drive, suggested that the Commission approach this application looking at the human side since it is done well aesthetically and is supported by the neighbors.

Commissioner Kroot supports the location of the structures to save landscaping and noted the neighborhood support, to which the other Commissioners agreed.

Commissioner Mihaly, although agreeing to support, suggested there may be a noise factor associated with future occupants of the dwelling utilizing the tub and that perhaps a hot tub is not appropriate for this lot - it is not a given right.

Chair Julin noted the small size of the lot and the fact that many neighboring properties are developed within the setbacks. Ms. Julin added that a swimming pool will generate sufficiently more noise than a hot tub and it could be within 8' of the rear property line.

M/S Kroot, Harle, approval of V-9121 for Virginia Kinsella, 3 Hazel Avenue, A/P 7-114-02, a 18'6" rearyard variance and a 5'8" sideyard variance for a gazebo, deck and hot tub to be within 1'6" of the rear property line and within 2'4" of the side property line on property located in the R-1 zoning district, on the grounds that the special circumstances are that the site itself is very small and that any other location on the site would destroy very beautiful developed landscaping, including a large apple tree. The hot tub with its lattice work provides a great deal of privacy to the neighbors; the variances will not adversely affect the health nor safety of persons residing in the neighborhood because of the lattice work and because the only two neighbors that are affected by it are in approval; based on the plans received March 12, 1991.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

Commissioner Mihaly said he is worried about approving dense things in dense neighborhoods because they are already dense; it helps a lot that neighbors like the project, but we are the guardians for the future.

E. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Ms. Wight announced that 96 Broadmoor Avenue has been appealed and will be heard by the Council on July 9, 1991.

F. ADJOURNMENT TO REGULAR MEETING ON JULY 15, 1991.

M/S Sias, Kroot, to adjourn at 10:45 p.m.

LISA WIGHT
PLANNER