

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF OCTOBER 21, 1991**

The regular meeting of the Planning Commission was convened by Vice Chair Jeff Kroot at 8:00 p.m. in the Council Chamber. Commissioner's present: Mihaly, Harle, Yarish, and Sias. Commissioners absent: Hayes, Julin. Staff present: Planner Lisa Wight and Planning director Ann Chaney.

B. CONSENT AGENDA

1. Minutes - October 7, 1991

M/S Yarish/Sias to approve consent agenda. All ayes with the exception of Commissioner Mihaly who abstained.

C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF NOVEMBER 4, 1991

1. GPA-9101/Z-9101/ER/LLR-9101/U-9104/V-9130/DR-9110 - Jim McDonald, 40 Belle, A/P 7-301-05, 7-301-16 and 7-301-17, 1) Environmental review of the General Plan amendment and rezoning; 2) General Plan amendment to revise the land use map for a portion of the property currently C-3 to have a designation of R-1 and a portion currently R-1 to have a designation of C-3 (fronting Mariposa Avenue); 3) Rezoning of a portion of the property currently zoned C-3 (fronting Mariposa Avenue); 4) Lot line relocation to create two parcels from three existing parcels; 5) A use permit, variance and design review to construct a new building and parking area within 6' of the west side property line (fronting Mariposa Avenue) to house current school activities; and 6) A use permit for the Rummage Rack location to be shifted from the C-3 zoned parcel to the adjacent R-1 parcel (located in the new building fronting Mariposa Avenue).

2. DR-9117/V-9140 - Sue McDowell and Michael Frideger, 140 Allyn Avenue, A/P 7-092-19, 1) design review of a second story living room and deck addition; 2) 1 foot side yard variance to construct a deck within 5 feet of the side property lines on property located within the R-1 zoning district (above 150 feet mean sea level).

D. PUBLIC HEARINGS

The first item was taken out of order.

6. V-9142 - E. W. Deer, 63 Indian Rock Road, A/P 177-250-27, a 4 foot front yard variance to construct first and second story additions within 16 feet of the front property line (AFTER THE FACT)

The applicant was present.

Ms. Wight presented the staff report. She noted that she visited the site and assured the Commission that the garage was being used as a garage and not a second unit.

Mr. Baker represented the applicant by stating that the deck was rotten and unfortunately the addition proceeded without permits. They are willing to pay whatever penalties are required.

Commissioner Sias stated that he was glad that staff investigated the allegation of a second unit. He said he was in support of the small addition but not in favor of people proceeding without the appropriate approvals.

Commissioner Yarish echoed the comments of Commissioner Sias.

Commissioner Harle stated he had emotional opposition for people who did work without permits or planning approval but had no objection for this small addition.

Commissioner's Mihaly and Kroot had nothing further to add.

M/S Sias/Mihaly, to approve V-9142 - E. W. Deer, 63 Indian Rock Road, A/P 177-250-27, a 4 foot front yard variance to construct first and second story additions within 16 feet of the front property line (AFTER THE FACT) The approval is based on the following findings: 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. The first and second story additions are corner notch fillers - each floor's addition is 68 square feet; however, only 28 square feet of each of these additions encroaches into the front setback by 3.5 feet. The additions are not visible as a significant extension of the dwelling due to the existing large pine trees, the fact that the additions are short continuations of the existing west and south building walls, and the fact that there was previously a second story uncovered deck in this location. 2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of

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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 neighborhoods. The additions will have no adverse visual impact on surrounding neighbors due to the small size and location behind existing trees. **Condition of approval is that the addition be built to approved plans dated 9/9/91.**

The motion unanimously passed. Audience advised of the ten day appeal period.

1. **V-9131 - Ronald and Lynn Hinck, 45 Suffield, A/P 5-121-11, 1)** an 8' front yard variance to construct a second story addition within 12' of the front property line; and 2) a 7' front yard variance to extend an existing garage within 13' of the front property line, on property located within the R-1 zoning district.

The applicants were present.

Ms. Chaney presented the staff report, noting that this is a continued item and the applicants have decided not to make any modifications to the original plans.

Mr. Hinck stated that many homes in his neighborhood do encroach into the front setbacks therefore he is not setting any precedent. In drawing the plans for the addition, he took into consideration his neighbors and what would have the least amount of impact on them as well as the needs of his family and the sloping grade to the rear of the property. He stated that although 79 Suffield is similar to his house he felt he did not want to build to the rear because of the impact on his neighbors. He said that many of his neighbors are here tonight in support of his project. Mr. Hinck also presented a letter from his architect, Scott Schlosser, stating the reasons for the addition. He said that "the addition was impossible to the rear because of the existing grade conditions (their site slopes towards Suffield and the entire rear wall of their garage is an existing retaining wall)."

John Hanley, 35 Suffield, Larry Parker and Jacine Parker, 50 Suffield, Brian Groshant, 60 Suffield, and Eleanor DeMartine, 110 Hawthorne, stated that they were in support of the project and their neighbor in trying to enlarge their home in an attempt to stay in the neighborhood.

Commissioner Yarish stated that he was torn but that the addition did take into consideration the view and light of the neighbors and therefore would approve the project. He also stated that if the applicants were to follow the addition of 79 Suffield, their house would increase in height by 3 feet, thereby becoming more visible.

Commissioner Harle wished the architect would have been more specific in explaining his reasons for the need for a variance because that was what the Commission requested from the last meeting. He said that the neighbors and the applicant have indicated that sunlight would be blocked and the architect did say there would be a need for additional excavation and staff indicated that if the addition was pulled back there would be a need for a side yard variance. For those reasons he felt he could support the variance request.

Commissioner Mihaly did not feel there were findings for the variance and concurred with staff's recommendation for denial. He felt the addition could be reconfigured in such a manner no to require a variance.

Commissioner Sias was inclined to support the variance because of the testimony from the neighbors and the taking away of light from the adjacent neighbor if the addition was to the rear. He did not feel this would be setting a precedent because other homes in the neighborhood are as close to the street.

Commissioner Kroot stated that he favored a 4' front yard encroachment at the last meeting although the applicants are not setting a precedent because other homes in the neighborhood encroach. He also felt the testimony of the neighbors was convincing and in re-evaluating the interior circulation of the house, he felt it might be difficult to relocate the house farther to the rear.

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M/S Yarish/Harle, to approve V-9131 - Ronald and Lynn Hinck, 45 Suffield, A/P 5-121-11, 1) an 8' front yard variance to construct a second story addition within 12' of the front property line; and 2) a 7' front yard variance to extend an existing garage within 13' of the front property line, on property located within the R-1 zoning district. The approval is based on the following findings: 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. The impact on views and sunlight would result in a negative impact upon the neighbors 2. The granting of the 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 neighborhoods. The testimony from the neighbors in support of the variance shows the variance will not be a detriment to the public welfare or injurious to property or improvement in such neighborhoods. **Conditions of approval are that the additions is built according to plans dated 7/12/91.**

Ms. Chaney stated that the Commission should be aware that there is a driveway that separates the applicants house and that of his neighbor and it would be difficult to block the sunlight.

Ayes: Harle, Sias, Yarish, Kroot

Noes: Mihaly

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

2. **DR-9115 - Daniel Ohlson and James Howey, 21 Mariposa, A/P 7-301-06**, design review to install new exterior finish on an existing self storage facility on property located within the C-3 district.

The applicant and his architect, Ed Hageman, were present.

Ms. Chaney presented the staff report.

Mr. Hageman stated that the building is a square box and that metal would be more unsightly than wood. He stated that the wood will be trimmed and capped off. The applicant has looked into different alternatives but the proposed wood would be the best solution, although not the least expensive. He stated that the original foundation was poured incorrectly and the exterior would have to be sand blasted and sealed if they were to retain the same exterior. He stated that the wood would be of water proofed mahogany and would blend in with other properties in the neighborhood.

Mr. Howie stated that the mahogany comes factory primed and he feels this wood exterior will adequately protect the 350 tenants.

Commissioner Yarish said he would like to see a primer and two additional coats of sealer over the wood because mahogany does not tend to weather well.

Commissioner Kroot did not favor the wood exterior, stating he preferred the existing stucco because it blends in better in the neighborhood. The wood siding will peel and look unsightly. He also wondered if there was adequate room for the wood siding because the structure is right on the property line now and if the vacant parcel adjacent to this one is ever developed there could be some fire safety issues.

Commissioner Harle supported the proposal.

Commissioner Sias also supported the proposal as long as the owner continues to maintain the siding.

Commissioner Mihaly said he had trouble visualizing the wood siding.

A woman from the audience stated that they have received five quotes to sand blast and recoat the stucco and they have been told that the membrane is in very bad shape. They therefore have decided to go with the wood siding even though it is more expensive.

M/S Sias/Harle to approve DR-9115 - Daniel Ohlson and James Howey, 21 Mariposa; A/P 7-301-06, design review to install new exterior finish on an existing self storage facility on property located within the C-3 district. Design Review: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. By introducing a wood exterior finish this commercial building will become more similar in character to neighboring buildings in downtown San Anselmo. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. This proposal will not

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have any major long-term detrimental impacts on the environment. This existing building presently does not cause any detrimental impacts on any of the neighboring properties. Nor will it create any conditions which will reduce the desirability of this sector of San Anselmo from continuing to be a suitable area for businesses to locate. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. By upgrading and improving this existing commercial structure it will improve the aesthetics of the street and increase the investment potential of surrounding properties. 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. The existing traffic levels caused by this activity will not be increased by the exterior improvement of this structure. The building is currently near or at capacity. 5. Will not adversely affect the health or safety or persons using the improvement or endanger property located in the surrounding area. The improvement of this structure will not result in any adverse or detrimental impacts on this property nor will it result in the endangerment of activities or structures located on neighboring properties. The proposed use is in conformance with the established zoning, and the activity is consistent with existing neighboring land uses. These established land uses are permitted because of their compatibility with each other and the area. 6. Conformance to the approved precise development plans. This property is zoned C-3 and a precise development plan is not required. 7. Adequacy of Screening. This is an existing commercial establishment and there is no available area on the property to install any additional landscaping. Also a certain degree of visibility is necessary for a commercial establishment. 8. Selection of architectural features that enable the structure to blend with its environment. The introduction of a natural wood finish on the property will make the property more compatible with existing commercial and residential structures which currently use these types of materials on their exterior. **This approval is based on the following conditions: The building improvements shall be done in accordance with the approved plans dated September 11, 1991; 2. that two (2) additional coats of sealer are to be applied to the factory primed mahogany. This is so delimitation will not occur; 3. This approval of wood siding is with the understanding that it conforms with both Fire Department and Building Code regulations; 4. The exterior surface will consist of a vertically applied 5/8" grooved mahogany plywood siding above a visqueen under layer. This surface will be applied in 4' x 10' sheets on the east, west, and south faces of the building. It will be capped with a 2" x 12" trim and the entire building will be painted a grey mist. The front elevation will be painted grey mist and maintain its concrete finish.**

Ayes: Mihaly, Sias, Harle, Yarish

Noes: Kroot

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

3. V-9138 - Alex and Lucinda Thomas, 300 The Alameda, A/P 5-043-01, 1) a 15'3" front yard variance within 4'9" of the front yard setbacks on property located within the R-1 zoning district.

The applicants and their architect, Rich Rushton, were present.

Ms. Chaney presented the staff report.

Mr. Rushton explained that his clients want to expand their small dining room and enlarge the kitchen. To expand up and to the rear would have a greater impact because of the slope. He said the addition will have a flat roof and not be noticeable because of the large hedge and fence.

Ceda Cooper, 290 The Alameda, wanted to know if the addition was going to go beyond the deck. Mr. Rushton stated that it would not. Ms. Cooper responded that she did not have any objection to the project.

The Commissioner's were in support of the addition.

M/S Sias/Mihaly, to approve V-9138 - Alex and Lucinda Thomas, 300 The Alameda, A/P 5-043-01, 1) a 15'3" front yard variance within 4'9" of the front yard setbacks on property located within the R-1 zoning district. This approval is based on the following: 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. This site is 5,750 square feet and is triangular shaped and bordered on two sides by roadways. The Alameda runs along the front and level portion of the property, while a private roadway runs along the rear and upper portion of the site. There is about a 20 foot differentiation between the front and rear of the property at the highest point. The house is concentrated in the smaller part of the triangle. Because most of the site is consumed by the 20' front and rear setbacks, the actual buildable area is quite limited. In fact, the majority of the existing house is located within the setback areas. While there is room on the north part of the

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lot to expand into, this area is not near the kitchen and the applicant is not proposing to do extensive remodeling throughout the house. The variance granted in 1978 was based on the configuration of the lot, and that justification is applicable in this instance as well. 2. The granting of the 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 neighborhoods. The addition will not be imposing along The Alameda because of the hedge, because it is one-story and because the materials will match the existing house which is dark brown shingles. In addition, the new construction will not adversely affect the health or safety of persons residing or working in the neighborhood nor be detrimental to the public welfare or injurious to other property. **Conditions of approval are that the addition is built according to the approved plans dated 7/29/91.**

Motion unanimously passed. Audience advised 22 of the ten day appeal period.

4. **DR-9116/V-9139 - Jeb and Holly Harrison, 56 Crooked Avenue, A/P 6-115-09, 1) design review of a first and second story addition and 2) a 4'6" front yard variance to construct an entry and second story addition within 15'6" of the front property line; 3) a 12 foot rear yard variance to construct a family room within 8 feet of the rear property line; 4) a 4 foot side yard variance to construct a roof within 4 feet of the side property line; 5) a 20' front yard variance to allow one of two required off-street parking spaces, on property located within the R-1 zoning district (above 150 feet mean sea level).**

Commissioner Kroot stepped down for this application.

The applicants and their architect were present.

Ms. Chaney presented the staff report, noting that because of the pie shaped lot, the setbacks are calculated differently. Therefore, the applicant does not require a side yard variance and the front yard variance request is less than what was originally noticed.

Mr. Harrison stated that his neighbors affected by the addition were in support of his variance proposal.

The Commission was in favor of this variance.

M/S Harle/Sias, to approve DR-9116/V-9139 - Jeb and Holly Harrison, 56 Crooked Avenue, A/P 6-115-09, 1) design review of a first and second story addition and 2) a 3'6" front yard variance to construct an entry and second story addition within 16'6" of the front property line; 3) a 6 foot rear yard variance to construct a family room within 14 feet of the rear property line; 4) a 20' front yard variance to allow one of two required off-street parking spaces, on property located within the R-1 zoning district (above 150 feet mean sea level). The approval is based on the following findings:

Design Review:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The proposed addition will become an attractive element to the structure upgrading the entire appearance of the house. By locating the second story addition 19 feet from the side property line any potential impacts the structure might have on the immediate neighboring property to the south have been eliminated.
2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. This proposal will not have any major long-term detrimental impacts on the environment. Continuation of the proposed use will be consistent with current activities occurring in this neighborhood.
3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. The addition has been professional designed and incorporates existing building materials used on neighboring homes. The remodel and expansion of this house will not alter the existing character of the neighborhood, however it will improve the existing housing stock.
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. The addition will not result in any additional vehicular trips to the property nor will it impact existing circulation patterns in this area.
5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The construction of the additions will adhere to all of the established codes controlling building in San Anselmo. These standards have been adopted to insure that all new development and additions will not create any adverse or hazardous conditions during construction and after completion.
6. Conformance to the approved precise development plans. This property is zoned R-1 and a precise development plan is not required.
7. Adequacy of Screening. The addition as designed will not impact the privacy of neighboring residences. The second story has been substantially setback from the side property line which borders the closest neighboring structure this residence.
8. Selection of architectural features that enable the structure to blend with its environment. The architect is proposing to use natural

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building materials that are typically encouraged on hillside lots. This includes horizontal cedar siding and a composite roof. This house, "after the addition is completed", will still remain compatible with neighboring residences.

Variance

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. This property has only three sides and very unusual topographical features which justify the granting of a variance of this type. This property has a very limited area in which a house can be constructed that is within all the setbacks. If the applicant were forced to design an addition that conformed with all the standards of this district it would substantially detract from the appearance of the house. 2. The granting of the 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 neighborhoods. This variance approval will not have any detrimental impacts to the immediate neighbors or the community at large. In spite of the limited size of the lot the design will not impact neighboring properties. **Conditions of approval are that the addition be built according to the approved plans dated 8/19/91**

Ayes: Sias, Harle, Mihaly, Yarish

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

5. **V-9141 - Conn Hickey, 4 Hillcrest Avenue, A/P 7-111-14**, a 20 foot front yard variance and a 4 foot side yard variance to construct a parking pad within 0 feet of the front property line and 4 feet of the side property line on property located within the R-1 zoning district.

The applicant and his contractor, Michael Colton, were present.

Ms. Chaney presented the staff report, including photographs and a letter of support from the neighbor. She also stated that she discovered today from the Contractor that the bearing walls in the garage project partially into the garage which does not allow for adequate parking. She stated that there were approved plans for an addition in 1979 however the bearing walls are not indicated as they were built.

Mr. Hickey stated that he has not been using the garage. He wants the parking pad for safety reasons because it is difficult for his small children to get into and out of the car. He also indicated that there are two other houses on his street that have parking pads. Also, his neighbors are in support of the project because it will take his car off of the street.

Mr. Colton stated that there is a 4'x6' beam that does go across the width of the garage with a break mid way and it would be very difficult and expensive to change. In addition, the driveway is not adequate because of the 25 percent slope and not a viable access to the entrance of the house because of the steepness.

Commissioner Yarish stated that the issue of safety is significant enough to allow the car deck. He did not think the design was very attractive and was hopeful that landscaping, perhaps trailing vines, would be used to cover the deck.

Commissioner Harle echoed the comments of Commissioner Yarish.

Commissioner Mihaly felt that the issue was safety for this particular application although he felt that all garages with such a steep slope should be looked at individually.

Commissioner Sias felt confident that somewhere in the future this owner or a future owner will ask to build a carport or garage in the location of the proposed car deck and he did not want to see parking moved closer to the street. There are many hills in San Anselmo where the slope is 25% or more and he did not want this to be precedent setting. The other house at 5 Hillcrest that is shown in the photograph does not have a garage and therefore he could understand the need for a parking pad. He would like to see the garage adequately repaired to allow for access.

Commissioner Kroot did not think code allowed for more than a 25% slope and therefore approved the car deck for safety reasons. He did want to make sure the issue of drainage was addressed during the plan check stage.

M/S Yarish/Harle, to approve V-9141 - Conn Hickey, 4 Hillcrest Avenue, A/P 7-111-14, a 20 foot front yard variance and a 4 foot side yard variance to construct a parking pad within 0 feet of the front property line and 4 feet of the side property line on property located within the R-1 zoning district. Approval is based on the following: 1. Due to special circumstances applicable to the

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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. A 25% slope exists on the driveway, which is designated as the second parking space. This slope is considered a safety hazard for people getting into and out of the vehicles on the driveway. 2. The granting of the 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 neighborhoods. Other houses within the neighborhood have car decks and this will not be a detriment to the neighbors. **Conditions of approval are: 1. that there be adequate landscaping on the sides of the car deck to screen the car deck; 2) that a carport or garage shall not be built at a later date to cover the car deck for the reasons stated in the above discussion; 3) drainage should be adequately carried to the street and not allowed to drain on the downslope neighbors property; and 4) that the car deck is to be constructed according to approved plans dated "Received August 22, 1991"**

Ayes: Harle, Mihaly, Yarish, Kroot

Noes: Sias

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

E. GENERAL DISCUSSION

G. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 11:00 p.m. to the next regular meeting of November 4, 1991.

BARBARA CHAMBERS