

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 6, 1992**

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot. Commissioners present were Jullin, Harle, Hayes and Mihaly. Staff present were Director Ann Chaney, Planning Consultant Delvin Washington and Planner Lisa Wight.

B. CONSENT

1. Minutes - June 29, 1992
2. **DR-9208 - Robert and Vicki Gerstenkorn, 241 Oak Springs, A/P 5-293-16**, Design Review to construct an addition, on property located within the R-1 Zoning District (above 150 feet mean sea level).
3. **V-9217 - Glen K. Miwa for Comforts Restaurant, 335 San Anselmo Avenue, A/P 7-252-18**, parking variance to establish a delicatessen within an existing structure without the five required off street parking, on property located within the C-2 Zoning District.
4. **V-9219 - Rod and Robyn Berry, 103 Oak Knoll Avenue, A/P 5-152-06**, a 5 foot side yard variance to construct a rear addition 3 feet from the side property line, on property located within the R-1 Zoning District.

M/S Jullin/Hayes to approve consent agenda based on the findings in the Staff Reports. **Conditions of approval are as follows:**

DR-9208 - Robert and Vicki Gerstenkorn, 241 Oak Springs, A/P 5-293-16, 1. Approve the Design Review as presented on plans dated Received June 25, 1992. 2. Exterior materials on the additions will be: vertical plywood siding painted to match the existing house: Olympic Beachwood with a tar and gravel roof to match the existing roof color; and white aluminum windows to match the existing windows.

V-9217 - Glen K. Miwa for Comforts Restaurant, 335 San Anselmo Avenue, A/P 7-252-18, 1. Approve the Variance as presented on plans dated Received April 27, 1992.

V-9219 - Rod and Robyn Berry, 103 Oak Knoll Avenue, A/P 5-152-06, 1. The addition shall be constructed in accordance with the plans dated stamped Received by the Planning Department May 4, 1992.

Motion carried with Hayes to abstain on the Minutes of June 29, 1992. Audience advised of the ten day appeal period.

C. PUBLIC HEARINGS - CONTINUED

1. **V-9213 - Harry Kraft, 214 The Alameda, A/P 5-054-07**, a 20' front yard and 8' side yard variance to allow a 7'3" existing fence and trellis structure to remain within 0' of the front and side property line, on property located in the R-1 Zoning District. **CONTINUED TO THE MEETING OF 7/20/92**

2. **Water Well Ordinance - Town of San Anselmo** - A General Plan Amendment and Ordinance Code Amendment to allow private domestic water systems and the adoption of a well ordinance relative to their construction, reconstruction, maintenance, removal and monitoring. **CONTINUED TO THE MEETING OF JULY 20, 1992**

3. **DR-9210/PDP-9201/ LLR-9202 - Michael Gill, 663 Oak Avenue, A/P 7-154-07, 1)** Design review and Precise Development Plan for the construction of a new 4,994 square foot single family dwelling with detached garage/guest quarters on a 3.25 acre parcel and demolition of existing single family home and illegal second unit. The project also includes the construction of a 40,450 gallon water tank; and 2) Lot Line Relocation to exchange an equivalent amount of land between 7-201-10 (neighboring parcel) and 7-154-07 (subject parcel) on property located within the R-1H Zoning District. **CONTINUED TO THE MEETING OF JULY 27, 1992**

4. **V-9208 - John Oldfather and Holly Ford, 158 Pine Street, A/P 7-251-31, 1)** a 4'8" side yard variance; and 2) a 1' front yard variance to construct a second floor addition; and 3) a two car parking variance to locate parking within the front and side yards, on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF AUGUST 17, 1992**

D. PUBLIC HEARINGS

Chairman Kroot announced that the applicants for Item 4, 18 Crescent Lane, have requested a continuance to the Meeting of August 3, 1992.

Jullin/Mihaly, to continue **V-9220 - Dr. and Mrs. Kasman, 18 Crescent Lane, A/P 7-221-22, 1)** request to removal a heritage tree to construct a lap pool; 2) a 3' rear yard variance to locate the

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pool 5' from the rear property line; and 3) a variance to construct a 9' high fence, on property located within the R-1 Zoning District. This is continued to the meeting of August 3, 1992. Motion unanimously passed.

1. **V-9218 - Michael Watkins and Diane Ballard, 174 Pine Street**, a one foot side yard variance to construct a second floor addition 7 feet from the side property line, on property located within the R-1 Zoning District.

Chairman Kroot stepped down for the application and turned the gavel over to Commissioner Mihaly.

The applicant and his Architect Jeff Kroot were present.

Mr. Washington presented the staff report.

Mr. Watkins presented a petition of support from the neighbors. He stated that he has made every effort to have his addition conform to the Pine Street area. His children are the fourth generation on Pine Street and they do not want to leave the area but there is a need to expand to meet the needs of his family. He has attempted to keep the front of the second story as low a profile as possible and still maintain the flavor of the architecture. There is a large driveway adjacent to the west side property and he did not feel that 6" would constitute a hardship on his neighbor. In addition, it was more structurally sound to follow the lines up as well as more aesthetically pleasing. The neighbors to the west that are most affected by the addition are in support of his project.

George Jewel, 155 Pine Street, stated that he has lived on Pine Street for 44 years and was in support of the project.

Frank Ortiz, 160 Pine Street, supported the project and stated that Mr. Watkins was a good neighbor and did not want him to move out of the neighborhood because he would not be able to expand to fit the needs of his growing family.

Commissioner Harle supported the project. He stated that the house was on a small lot and built at in the 1920's when there were little if any restrictions. He thought 6" to 10" was quite trivial and that there would be no significant detriment to the west side neighbor, and in fact the neighbor was also in support of the variance.

Commissioner Julin concurred with Harle, adding that to conform with the sideyard setback could in fact create some design problems.

Commissioner Hayes supported the project because of the location of the driveways on both the west and east side of the applicants property allowing close to 16 feet between houses. Therefore he felt there was a conceptual agreement with the spirit of the code and could support this project. In addition to move the wall on the west side would create a more unsound house structurally. The design and symmetry of the house would be compromised if it had to meet the side yard set backs.

Commissioner Mihaly concurred with the comments of his fellow Commissioners and added that the house was never really centered on the lot when it was first built. He made it clear to future proposals for property owners on Pine Street that he would not however support a side yard variance if it were 4' to 5' intrusion even if there was a driveway between properties.

M/S Harle/Hayes, to approve V-9218 - Michael Watkins and Diane Ballard, 174 Pine Street, a one foot side yard variance to construct a second floor addition 7 feet from the side property line, on property located within the R-1 Zoning District.

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; and* The intrusion into the west side yard is of minor character and fulfilling the requirements to the setbacks would introduce structural integrity and would create a problem much greater than the intrusion could. The driveway to the west provides for further clearance and this accommodation is necessitated by placement of the house on property which when originally built had much less restrictive rules. Also, the spirit of the eight foot side yard setback is still being maintained because of the driveways on both the west and east side yards with allow for additional space between the houses. 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.* The west side yard variance is such a minor intrusion and there is ample protection with the driveway on the adjacent property. **Conditions of approval are that the addition be built in accordance with plans dated Received by the Town May 1, 1992.**

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Ayes: Julin, Hayes, Mihaly, Harle

Abstain: Kroot

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

2. U-9203 - Jean Brunswick and LaMonte Cochran, 22 Magnolia, A/P 7-212-34, a use permit to allow for a residential duplex, on property located within the P (Professional) Zoning District.

Mr. Cochran and his Designer Peggy Hosner, were present.

Ms. Chaney presented the staff report.

Commissioner Mihaly thought the previous applications had more landscaping to buffer the building from the Town parking lot adjacent to the building. Ms. Chaney stated that it could be made a condition if the Commission required it.

Commissioner Julin asked if it were certain that the Town trees would not have to be moved. She recalled during the previous application trees had to be removed because the foundation footings would impede the tree roots. Ms Chaney measured the location of the previous building location and the current proposal. She noted that the previous application was at the property line and this was set back three feet. Also, the previous application had a elevator and the footings for that may have required different footings.

Mr. Cochran felt satisfied that no trees would have to be removed. The reason they have presented a new application was that the last one was cost prohibited.

Ms. Hosner understood staff's concern about the difficulty of cars getting out of the parking spaces but felt that was workable because most cars are smaller than the one staff was using as an example.

Commissioner Harle said that the curbing added to the difficulty and wondered if they were turned diagonally would that solve the problem. Ms. Chaney did not think that was workable and it would probably take away another Town parking space.

Mr. Cochran stated that the units were relatively small now, approximately 1,200 square feet, and if they had to be reduced by 10 feet to allow for additional space for ingress and egress, it could make a considerable difference in the size of the units.

Commissioner Julin asked if the units were prefab. If so, she wondered what kind of flexibility the applicant had to modify the plans. Mr. Cochran stated that although it was a prefab it could be modified.

David Bell, 25 Tamalpais, had some concerns about the parking but was really offended by the design proposal. He stated that the last proposal was much more in keeping with the neighborhood and this was of very poor design. He was hopeful that the applicant could revise the plans.

Commissioner Mihaly stated that he was not sure that they had much control over the design because this was for a use permit application however he would not be able to support this project due to the safety issues associated with the parking. In good conscience, he did not think the Town could grant an easement until they were satisfied that parking was not a detriment. He would also like to see landscaping planted between the dwelling and the Town parking lot.

Commissioner Hayes agreed with Commissioner Mihaly that he could not approve for safety reasons. He thought that the Commission could subject some controls about the design of the project because of the close proximity to the Town parking lot that it used by visitors and many residents. He did not feel the project was very attractive and definitely out of character with the neighborhood, especially in this neighborhood.

Commissioner Julin agreed with her colleagues.

Commissioner Harle felt that the safety issue was the controlling reason not to approve.

Chairman Kroot would like to see the building much shorter, in fact, he thought that because of the shape of the lot, parking under the building would be preferable. He did not think it was good planning to have the duplex at street level to have the tenants view into a parking lot, where as if they were on the second floor, the view would be better.

Mr. Cochran stated that one of the reasons for this design over the last one is that the parking under the building was very expensive. He also said that the exterior siding proposed was the same as that of the last proposal. He asked for direction of the Commission as to what design would be satisfactory.

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Commissioner Hayes was reluctant to get into a specific design because he was not a designer but thought the applicant should discuss it with staff.

Commissioner Mihaly said it was too massive with single planes. He would like to see more planes, such as that of his previous design with additional landscaping which will add in the screening and softening of the project.

Chairman Kroot did not think it was a good design to view into a parking lot on one side and a driveway on the other.

M/S Mihaly/Hayes, to continue U-9203 - Jean Brunswick and LaMonte Cochran, 22 Magnolia, A/P 7-212-34, a use permit to allow for a residential duplex, on property located within the P (Professional) Zoning District. This is continued to the meeting of August 3, 1992 to allow for a redesign to allow for an adequate parking design and a landscape plan and a list of the exterior building materials that are to be used.

Motion unanimously passed.

3. **V-9215 - Robert Mitchell, 20 Olive**, A/P 7-083-28, 1) A 6' front yard variance and 7'3" side yard variance to construct a garage 14' from the front property line and 9' from the side property line; 2) a 2' front yard variance and 4' side yard variance to construct a second story addition within 18' of the front property line and 4' of the side property line; and 3) a parking variance to allow the two (2) required parking spaces to encroach into the front and side yard setback areas and to allow the parking space outside the enclosed garage to be substandard in length, on property located within the R-1 Zoning District.

The applicant and his Designer were present.

Ms. Chaney presented the staff report.

Mr. Mitchell stated that Olive Avenue is a very narrow, unsafe street, and no place for children to play. Therefore his reason for moving the parking forward was to allow for additional outdoor living space for his family.

The applicant's Designer stated that by placing the garage further forward on the lot would allow for additional outdoor space in the rear for her clients but also for the neighbors on either side because the mass will be moved forward. Also by turning two parts of the building to the street it will create a more interesting design. After reviewing the staff report, she stated that she proposed an alternative plan that might be acceptable to the Commission. Revised drawings were passed out. The revised drawings show a reduced garage width and length by a few feet but still allowing for the required 9' by 19' parking. The angle on the side of the garage is to allow for storage.

Ms. Chaney stated that the revision does meet the required front yard setback and a sideyard variance would always be required but she felt that this plan requires a 6' sideyard setback at the rear of the garage for the storage. She did not feel she could make the findings.

Commissioner Julin was inclined to support staff although she felt the revised plan had merits in that no front yard variance is required and the plan will still allow for the use of the rear yard.

Commissioner Harle could see some advantages of the revision in that it not only had merits for the applicants but also for the neighbors because it allows for open space in the rear. He felt this was less of a detriment to the neighbors than that proposed by staff.

Commissioner Mihaly applauded the applicant for proposing an alternative, although he was not sure he could make a decision tonight. He suggested a continuance to allow staff time to review the revisions.

Chairman Kroot had no objection to the second story addition and said he could either support staff's recommendation for the garage placement or the revised plan. He did not think either would be a detriment. He was not sure however if the revised plan would only encroach 4' into the side yard setback.

Commissioner Mihaly did not want to see a frontyard variance. He felt more strongly about this than the sideyard variance.

Chairman Kroot stated that if the garage were 10' wide, moved back 20' from the front property line, and approximately 20' to 22' in length it might work.

Ms. Chaney presented a scaled drawing that showed the garage 10' wide, set back 22' from the property line and the length of the garage to be 22' in length going straight back. She said the encroachment into the side yard would be 4' but would not encroach any closer than what already

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exists for the carport.

Chairman Kroot stated that he liked this plan and noted that the length of the garage could be anywhere from 20' to 24' depending on whether or not the applicants want to install the washer or dryer.

M/S Hayes/Julin to approve V-9215 - Robert Mitchell, 20 Olive, A/P 7-083-28, 1) A 4' side yard variance to construct a garage 4' from the side property line; 2) a 2' front yard variance and 4' side yard variance to construct a second story addition within 18' of the front property line and 4' of the side property line; and 3) a parking variance to allow the two (2) required parking spaces to encroach into the setbacks. A 4' side yard variance to allow the space within the garage to be located within 4' of the side property line. A 7' side yard and 17' front yard variance to allow the space in the driveway to be located 1' from the side property line and 3' from the front property line respectively, on property located within the R-1 Zoning District. 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 the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and 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; and

Second Story Addition

Due to the fact that the lot angles at the back thereby narrowing the lot width, staff is able to support the side yard variance for the second story addition based on the shape of the lot. With regard to the front yard set back, the size and configuration of the addition appear to be very minor. While the pure variance findings for the front are difficult to make, staff supports the request due to its minor nature.

Garage

By relocating the garage 22 feet from the property line, going back in a straight line parallel to the current house, with the garage width to be 10' and length of 22' or more the side yard setback will be no more than 4'. This is shown on the scaled drawing marked by staff based on the comments of tonight's meeting of July 6, 1992.

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 neighborhood. Given the recommended conditions, these variances should not materially affect the health and safety of people in the neighborhood or be injurious to property within that neighborhood. The reasoning for this finding is that the garage setback and number of parking spaces will not be worsened with the construction of the garage except for the fact that there will now be an enclosure rather than an open carport. In addition, the variances for the second story addition are minor in scale and for the most part conform to required setbacks. **Conditions of approval are: Approve the revised plan dated July 6, 1992, and the variances mentioned.**

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

E. ADJOURNMENT TO THE MEETING OF July 20, 1992

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:10 p.m. to the next meeting of July 20, 1992.

BARBARA CHAMBERS