

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

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot. Commissioner's Harle, Yarish, Julin and Sias were in attendance with Hayes arriving at 8:15. Commissioner Mihaly was absent. Staff present was Planning Director Ann Chaney.

**B. CONSENT AGENDA**

1. **DR-9201 - Peter Joseph, 53 Summit Avenue, A/P 7-031-29**, design review of uncovered decks on property located within the R-1C Zoning District.

M/S Sias/Julin, to approve DR-9201 - Peter Joseph, 53 Summit Avenue, A/P 7-031-29, design review of uncovered decks on property located within the R-1C Zoning District. Approval is based on the following: 1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* The decks and new french doors will provide some visual interest to the rear walls of the dwelling, which are currently void of any articulation. 2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.* The decks will have no impact on noise, odors, nor other factors which could make the environment less desirable. 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area.* The decks will only be slightly visible from homes to the east of this property and they will be a visual improvement to the rear elevation of the house. 4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provide for satisfactory access by emergency vehicles and personnel.* The decks will have no impact on traffic nor emergency access. 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The decks and new doors will provide another means of exterior access from the dwelling, which will improve the safety of occupants of the dwelling. 6. *Conformance to the approved precise development plan.* This finding is not applicable to this project. A precise development plan is only required for properties with an R-1 H zoning designation. 7. *Adequacy of Screening.* The decks are well screened from neighboring homes due to the distances between the properties, the topography of surrounding properties, and existing tree vegetation. 8. *Selection of architectural features that enable the structure to blend with its environment and which results in a low visual profile.* The decks will blend with the environment and will have a low visual profile. **Conditions of approval: 1. Project is to be constructed according to plans dated October 29, 1991.**

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

**C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF 1/27/92**

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. **V-9148/DR-9121 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19**, 1) a 20' front yard variance and a 4' side yard variance to construct a carport within 0' of the front property line and 4' of the side property line; and 2) design review to add to an existing house, on property located within the R-1 Zoning District (above the 150' mean sea level).

**PUBLIC HEARINGS**

1. **V-9201 - Robert Swanson, 117 Woodland Avenue, A/P 7-281-20**, a 2'6" rear yard variance to construct an addition and deck above, within 17'6" of the rear property line on property located within the R-1 district.

Director Chaney presented the staff report.

Commissioners Sias, Julin and Kroot approved of the staff recommendation. Commissioner's Harle and Yarish also approved of the project but stated because there have been several variances for this project they wanted to let the applicant know that they would not approve of a third story in the future.

M/S Yarish/Sias to approve V-9201 - Robert Swanson, 117 Woodland Avenue, A/P 7-281-20, a 2'6" rear yard variance to construct an addition and deck above, within 17'6" of the rear property line on property located within the R-1 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 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 parcel has a very unusual shape and is substandard in size for residential parcels in this zoning district.

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Because of these unusual and limiting characteristics, a variance is a reasonable request. The curvature of Woodland Avenue creates a very unique property line configuration for this parcel. It would be nearly impossible to construct a reasonably sized home on this lot that could conform with all of the setbacks for the R-1 zoning district. 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood.* A variance approval would not have any detrimental impacts to the immediate neighbors or the community at large. The Wade Thomas School playground abuts the property on two sides and two other sides front on Woodland Avenue. There is only one residential property abutting this lot and it is heavily screened with vegetation. The expanded floor area will be minor and not change any of the characteristics of this property. **Conditions of approval are: 1. The addition shall be constructed in accordance with the plans dated October 31, 1991.**

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

2. **PS-9201 - Geoffrey Koblick et al, 6-42 Red Hill Avenue, A/P 6-201-02, parcel split and environmental review of property located within the C-3 Zoning District.**

Chairman Kroot stepped down from this application.

The applicant was present.

Director Chaney presented the staff report.

Mr. Koblick stated that one of the reasons for the lot split is that he has two water meters allocated for this location and has to use them by July 1992 or lose them. He has no objection to staff's recommendation that there be a mutual driveway access between his property and the optical company and Mr. Valient also concurred.

Commissioner's Julin, Yarish, Sias and Harle supported the project. Commissioner Hayes supported the project but wanted assurance that parking was not being taken away from the current business. He also shared staff's concern that any future business would more than likely have to have the building located at a 90 degree angle for better use of the lot. Although, even if a future building was at a 90 degree angle he felt that the space would be limited. He also wondered if there were any special fire standards because of the potential of two buildings being so close together.

Mr. Koblick stated that the water meters will only allow for a small building.

Director Chaney stated that although Commissioner Hayes had valid concerns, there is no proposal at this time for a building, only a lot split. She also stated that staff would also require as a condition of development of the parcel that a soil's report be submitted.

M/S Julin/Sias to approve the negative declaration for PS-9201 - Geoffrey Koblick et al, 6-42 Red Hill Avenue, A/P 6-201-02.

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

M/S Sias/Yarish, to approve PS-9201 - Geoffrey Koblick et al, 6-42 Red Hill Avenue, A/P 6-201-02, parcel split for property located within the C-3 Zoning District. Approval is based on the following: 1. The subdivision, together with the provisions for its design and improvement, is consistent with the General Plan of the Town. The subject property is designated General Commercial on the General Plan and is zoned General Commercial. This land division will not alter that General Plan designation. In addition, the Zoning Ordinance contains no minimum lot size or lot width for this zone. Thus the land division is considered to be consistent with the General Plan. **Conditions for approval are: 1. The parcel split shall be per plans dated September 1991. 2. Prior to recordation of the parcel split, an easement agreement shall be entered into between the owner of A/P 6-201-02 (the "Developing Owner") and the owner of A/P 6-201-04 (the "Adjacent Owner") whereby the Adjacent Owner agrees to grant an easement to the Developing Owner, or subsequent owners, for the installation and use of a minimum 25' wide driveway along the respective property lines to be constructed by the Developing Owner. Determination of the actual driveway width, construction requirements, and maintenance shall be determined at the time of development of Parcel A. In addition, the Developing Owner shall be required to stripe both lots, at the time of development, in accordance with an approved parking plan to be reviewed and approved by the Town Public Works Director. This agreement is subject to the review and approval of the Town Attorney and shall be recorded as part of the parcel split. 3. A soils report will be required with any new construction prior to the issuance of a building permit.**

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

**G. ADJOURNMENT**

The regular meeting of the Planning Commission was adjourned at 8:45 p.m. to the next special meeting of January 27, 1992.