

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MAY 1, 2006**

A. CALL TO ORDER

Commissioners Present: Chair House, Harris, Overberger, Schinner, Zwick
Commissioners Absent: Vice-Chair Krebs, Sisich

B. OPEN TIME FOR PUBLIC EXPRESSION

None

C. CONTINUED PUBLIC HEARING ITEMS

1. **V-0604/DR-0604 - Brian Clark, 190 Scenic Avenue, APN 007-063-15**, Hillside Design review of a new 4,338+ square foot, two story single family dwelling, a 642+ square foot pool house, a 642+ square foot carport, and uncovered deck terraces; a Parking Access Variance to access the property via an easement over APN 007-063-11 (undeveloped lot known as 186 Scenic Avenue); and Setback Variances for 1) the new dwelling to be located within 15'2" of the front property line (Scenic Code setback: 20' front yard setback with a 2' roof eave projection); and 2) retaining walls up to 42" above existing grade to be located within 0' of the east side property line, on property located in the R-1 C zoning district. (staff person: Wight) CONTINUED TO 05/15/06
2. **U-0604/V-0601/DR-0601 – Ralph Epstein for House Mavens LLC, 8 Richmond Road, APN 007-302-29**, 1) Use Permit to demolish a single family residence; and Design Review of a ±1,459 square foot second story in conjunction with a new 2,680± square foot dwelling and a 499± square foot garage and a Parking Variance to permit tandem parking (Code: clear parking, not in tandem), located in the R-1 zoning district. (staff person: Wight) CONTINUED TO 05/15/06

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – April 17, 2006 – CONTINUED TO 5/15/06

REGULAR AGENDA

The order of proceedings changed when the architect for the project at 54 Madrone was late.

3. **V-0627 – Marcia Bargmann, 6 Glen Road, APN 007-012-30**, 1) Parking Variance to convert the one car garage and relocate parking on the lot in an area not meeting required setbacks; 2) Parking variance to permit the existing parking space(s) to remain partially within the right-of-way but off pavement due to the excavation of the lower area into conditioned space; 3) Setback Variance for a 63 square foot second story balcony within 12 feet of the front property line (Code: 14'); and 4) Setback Variance for exterior stairs to be within 3' of the west side property line (Code: 6'), located in the R-1 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report.

A new site plan was submitted by the architect showing changes to the parking layout, which Ms. Chambers discussed in further detail. She explained why the parking variance was no longer necessary, but noted that special circumstances do not exist to support the variance for the balcony or stairs. Ms. Chambers said that the architect plans to redesign the stairs.

Ms. Chambers and Commissioners Harris and Overberger discussed the issue of the stairs. Ms. Chambers confirmed that if a solution was reached that did not require a variance, re-noticing would not be necessary.

Bill Kirsch, architect, described the project in more detail, including the reasons that the parking variance is no longer necessary. He explained why his client requests the balcony, and he noted that it does not encroach the setback further than other parts of the property. Mr. Kirsch explained his plans to reconfigure the stairs.

In response to Commissioner Zwick, Mr. Kirsch described the circumstances of the project being red-tagged.

In response to Commissioner Overberger, Mr. Kirsch explained why he believed a design for the stairs did not exist that would render a variance unnecessary.

Barry Murphy, 28 Fern Lane, representing Donna Simone of 10 Glen Road, presented photographs to illustrate a problem they perceive to exist with the location of the lot line. He said that the placement of the stairs is too close to the lot line of 10 Glen Road, and that the new proposed placement still does not provide sufficient space. He also discussed his client's concerns about drainage.

Gail Permar, 113 Madrone Ave, spoke about the distance between property lines and fire regulations.

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Petite Sousa, 4 Glen Road, is concerned about the impact of construction vehicles on the road, and that the project should be engineered correctly because it is close to the creek. She is further concerned that privacy is an issue because there is a window facing her kitchen, and the changes to the plans are a further concern.

Jim Gibbs, 52 Forest Ave, agrees with previous speakers that the stairway is too close to the lot line of 10 Glen Road.

Mr. Kirsch noted that a window does not exist that would cause a privacy concern, as indicated by a previous speaker. He said that other residents in the area have been granted similar variances, and they simply wish to make the home more livable.

Commissioner Harris and Mr. Kirsch discussed a design for the staircase that might render a variance unnecessary. Mr. Kirsch explained why he believed this would not work, partly because some of the steps would need to encroach the rear yard setback. He noted that the neighbor's fence encroaches the right-of-way.

Commissioner Zwick said that property lines do not fall under the purview of the Planning Commission, and that both variances are acceptable. He noted that a plan submitted in 2003 called for a much larger home and that this is a modest project in comparison.

Commissioner Harris said he understood why the applicant desires the variances, but that the Planning Commission is required to make a finding of special circumstances applicable to the property. He is not concerned that other properties might have been granted similar variances; a finding for the balcony needs to be made in order to uphold the integrity of the process. Commissioner Harris noted that a configuration for the stairway exists that would not require a variance, albeit in a more inconvenient location.

In response to Chair House, Ms. Chambers said that variances are unique to each property. Chair House expressed concern that a precedent might have been set with the granting of a similar variance to a property in the vicinity. Planning Director Wight confirmed that variance applications are treated on an individual basis.

Commissioner Overberger said that a design that encroached upon the back property line would be preferable to one that encroached upon the side yard setback. She would also like to know if other properties in the neighborhood have been given the benefit of similar variances.

Commissioner Schinner is in agreement with Commissioner Overberger that a modest encroachment into the setback would be acceptable. He does not believe the position of the stairwell will impose upon neighboring properties and he would like to support the variances.

Chair House said she would support a continuance of the project to allow staff to research findings for other variances that might have been granted to neighboring properties in the past.

Commissioner Zwick asked that the City Engineer study the concrete steps that appear to be directing water on to the neighboring property.

Ms. Chambers said that the project will need to be renoticed if the stairwell design is changed.

M/s Zwick/Overberger and passed (3:2 noes: Harris/Schinner) to continue the project to the meeting of 18 May, 2006.

Chair House reminded the audience of the 10-day appeal period to the Town Council.

2. **V-0626 - Joann Sollecito, 54 Madrone Avenue, APN 006-082-24**, Setback Variance to construct a two story addition to the rear of the dwelling to clear the December 31, 2005 flood elevation within 5'6" + of the west side property line and Flatland Setback Design Review for the two story addition to be within 5'11-1/2"+ of the east side property line; and a Lot Coverage Variance for the structures to exceed the maximum lot coverage at 38% (Code maximum: 35%). In conjunction with the project, the one-car garage will be reestablished to accommodate a 9' x 19' parking space, on property located in the R-1 zoning district. (staff person: Wight)

Commissioner Overberger recused herself from the podium because she lives within 500 ft of the property.

Senior Planner Wight introduced the staff report, when she explained how the addition could be construed as a third story. She brought to the Commissioners' attention a letter from a structural engineer who confirmed that some damage could be sustained if the home is raised. Ms. Wight discussed changes to the design that would render the variance unnecessary, and she noted that the current design might impact the neighbor at 58 Madrone Avenue. Thus, special circumstances do not seem to exist to grant the variance.

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In response to Commissioner Harris, Ms. Wight discussed flatland design review and the findings that need to be made, which do not seem to exist to allow the addition to encroach the setback on the west side of the property.

Gail Permar, architect, explained the project in more detail. She discussed the consequences of raising the house, which would affect the neighbor's view and sunlight. She explained that the house is in a flood zone, which should constitute a special circumstance to allow the lot coverage variance.

In response to Commissioner Schinner, Ms. Permar explained why it would be inconvenient to make the changes recommended in the staff report to render the variance unnecessary.

Neighbors who spoke in favor of the project were: Pam Meyers, 42 Madrone Avenue; Jack Spears, 22 Nokomis Avenue; Bob Lewis, 15 Nokomis Avenue; Dick Wheeler, 44 Madrone Avenue; Del Smith, 50 Madrone Avenue; Peter La Croix, 68 Madrone Avenue.

A letter of support was given to staff and Commissioners.

Commissioner Zwick said he would like flood vents, which have been suggested, added to the plans. He said that raising the house is possible, and that it is difficult to oppose staff's report. However, he has a better understanding of the project but findings still need to be made.

Commissioner Harris is in agreement with Commissioner Zwick. He is sympathetic but remains concerned that the integrity of the process would be jeopardized if exceptions were continually made. In this instance, a request is being made for a larger home than will comply with Code, and he hesitates to support a project without understanding the reasons a smaller dwelling that complies with Code is not suitable.

Chair House noted that the findings for flatland design review exist in that the project should not unreasonably impair light and access to other properties. Furthermore, the neighbors would be more affected if a larger structure were built in front that met height restrictions. However, she would like to make findings for the lot coverage variance, since the home will still be a modest size and she likes the architectural interest of the design at the back of the house. Unfortunately, findings do not seem to exist to grant the variance.

Commissioner Zwick and Ms. Permar discussed changes to the design which might reduce the lot coverage to 35%.

Ms. Wight and Commissioner Harris discussed possible findings to allow the lot coverage variance. Ms. Wight said that it is possible to raise the house, thereby negating the need for a lot coverage variance.

General discussion ensued between staff and Planning Commission regarding the way forward.

M/s Zwick/Harris and unanimously passed (4-0) to continue the project to the meeting of May 18, 2006, for which changes should be made to enable the project to meet the allowable lot coverage ratio of 35%.

Chair House reminded the audience of the 10-day appeal period to the Town Council.

E. ITEMS FROM PLANNING COMMISSION

Commissioner Zwick commented on his desire for a joint meeting of the Planning Commission and Town Council.

F. ITEMS FROM STAFF

Planning Director Wight reported that the Sign Committee has made recommendations that will be heard by the Town Council.

111 Barber Avenue has been appealed to the Town Council.

G. ADJOURNMENT TO THE MEETING OF MAY 15, 2006.

The meeting was adjourned at 9pm.

**JOANNE O'HEHIR
SR. ADMIN. SERVICES ASST.**