

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 21, 2008**

A. CALL TO ORDER

Commissioners present: Harris, Krebs, Overberger, Schinner, Sisich, Zwick
Commissioners absent: None

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

C. CONTINUED ITEM

1. DR-0806/U-08008 – Catherine and Guy Sene, 53 Indian Rock Road, APN-177-250-24, Hillside Design Review of a new 4,298± square foot, two story dwelling with a 202± square foot garage, a 500± square foot garage, and Use Permit to construct a new, detached, 500± square foot, two story second unit to be up to 29.5' above average grade and on a second floor (Code: 18' height, one story) located within the R-1 zoning district. (staff person: Consultant Henderson)
CONTINUED TO 5/5/08

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – March 17, 2008
2. V-08005 – Silke Von Bauer dba Local Flora, 100 Red Hill Avenue, APN 006-167-04, Variance to place a sign on the existing monument sign in the parking lot of United Market facing Red Hill Avenue, located within the C-3 zoning district. (staff person: Chambers)
3. U-0807 - Lassa Frank, 1604 Sir Francis Drake Blvd., APN – 005-121-14, Conditional Use Permit to operate an optometrist practice in a building that is in excess of 1,200 square feet, located in the C-L zoning district. (staff person: Chambers)

M/s Overberger, Harris, and unanimously passed (6-0) to approve Consent. Audience advised of the ten day appeal period to the Town Council.

REGULAR AGENDA

4. DR-0741 – Sean Condry, 15 Fernwood Drive, APN 007-131-36, Design Review Amendment to the previously approved project which was a 2,348± square foot dwelling, 990± square foot uncovered decking, 170± square foot covered porch, and 500 square foot garage, to add a 1,135± square foot lower floor area and reduce the upper floor 56 square feet, bringing the total floor area to 3,427± square feet, reduce the uncovered decking 245 square feet, bringing the total uncovered decking to 745± square feet, no change to the size of the 170± square foot porch, and reduce the garage 60 square feet to 440± square feet, and other design modifications, located within the R-1 zoning district (above 150' msl). (staff person: Wight)

Planning and Building Director Wight presented the staff report.

Harris asked if the basement proposal was part of the original plans. Wight responded that this is an amendment to what was previously approved.

Sisich questioned whether staff would have made the same recommendations for approval if this plan were previously proposed. Wight affirmed, noting that staff did not support the original variance request for the deck, stairs and hot tub that are now removed from this proposal.

Sean Condry, applicant, provided an overview of the proposals, noting that the original plan was designed for a retired couple. When he purchased the project, he felt the house size should be increased and the best way to do that was not to add additional space outside the existing walls. He will landscape as much as the neighbors want as long as the Fire Department is in support of the location and species. He noted that the terraced retaining walls will have landscaping and will add additional privacy. He will also remove the top tiered retaining wall and will slope the land at 3:1, which will eliminate the massing of that upper wall. There have been concerns about the roadway modifications. However, this plan is identical to what was previously approved. Although the drainage report indicated no additional drainage is necessary he is adding an additional catchment basin. He has also added a swale that will be lined with rip-rap and a pipe will connect to the Town drain.

Zwick asked for clarification on the retaining walls. Condry stated that the basement area had a grade beam and he realized there was a crawl space that would add living space and asked for a permit for the retaining walls. The retaining walls have been built.

Zwick asked if this is now a three story house. Wight clarified that the lower area is considered a basement due to its height above natural grade and not a story.

Nancy Fox, Fernwood, wanted to thank the applicant for all his cooperation during this project. However, she is still concerned about the future integrity of the road. She said everyone shares the responsibility for maintenance of a portion of the road in front of the applicant's property. If the road fails because of excavation, as owners of neighboring properties, they would all be responsible. She would like the applicant to apply a surety bond for the next 20 years. If it fails, the neighbors would not have access to the road. She is also concerned about the retaining walls.

Brian Beard, Fernwood, supports this project, noting the applicant has mitigated many of the concerns of the neighbors. He would support staff's recommendation of approval.

Condry said the foundation walls are done and the site has bedrock 4 feet below. His insurance policy is good for 10 years; he has a homeowner's policy and a \$4,000 roadway bond with the Town. Regarding the peer review, they were designed by a previous engineer and reviewed by someone else, not himself.

Public Works Director Elias said he requires the applicant to maintain the road during construction. If something happens during construction, the owner will be liable for the repairs. The road has already been reviewed. It is not the Town's policy to keep a bond after construction. The road is non-town maintained. After construction has been completed the applicant cannot be responsible for future problems.

In response to Sisich, Elias said there are no longer requirements for a video tape of the road; if there is damage during construction, the applicant is responsible. The permit would never have been issued if the drainage and roadway was not designed properly.

Zwick said that drainage and construction requirements are much better today than in the past. He has never seen a bond required to be posted for future problems that may happen.

Zwick said as he heard the report, listened to the applicant and the neighbors, he supports the project. The owner did take a risk by excavating the basement and understands he will have to add fill if the project is not approved. However, he does support the project.

Sisich and Overberger are in support of the project.

Harris said he also supports the project, adding that we do not have the tools or mechanisms to do anything else with respect to the road in the future.

Krebs said we have to rely on the experts regarding the future roadway issues. The Public Works Director states the project is stable and there is no contrary evidence so he is in support of the project as proposed.

Schinner also approves the staff report and questioned Condition No. 4. He suggests there be annual pruning. Wight stated that is standard language in the hillside.

M/s Krebs/Overberger, and unanimously passed (6-0) to support the staff report.

Audience advised of the ten day appeal period.

5. **U-0806/V-0806 – Catherine and Alex Hargrave, 50 Alder Avenue, APN 007-041-29**, Use Permit to demolish 50% or more of the existing dwelling; Setback Variance to demolish and rebuild the south wall of the existing dwelling within 5' of the south side property line and raise it approximately 2' in height (Code: 8'); Setback Variance to construct a one car garage in a similar location as the existing carport within 0' of the north side property line (Code: 8'), and a Parking Variance to relocate one existing 9' x 19' parking space to the rear of the proposed garage within 0' of the north side property line (Code 8'), located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers presented the staff report.

Zwick inquired about other workable parking solutions to which Chambers advised that the previous project was approved with tandem parking with the carport being removed. She noted that covered parking is not a Code requirement. The garage, as proposed is non-conforming in length and width. Removing the existing chimney would increase the width inside the garage.

Sisich said there isn't enough room to even place a carport due to the dwelling width. Chambers agreed, noting that the house width was previously approved to be expanded.

In response to Schinner, Chambers acknowledged it is more like a storage building and the chimney obstructs even the 8' to allow a vehicle to pass through.

Jill Tardy, architect, presented the project, noting that attempts were made to keep the existing wall, but it was too deteriorated and even the windows crumbled. The contractor mistakenly thought he could reframe with new wood. The existing carport was scheduled to be removed because it had been partially located on adjacent 56 Alder Avenue. The new structure would be used for storage and the owner's car could fit through, even though the width is substandard. It is proposed to have a substandard length in order to protect views from their dining room windows.

Phyllis Anderson, Saunders Avenue, said the house has no resemblance of what was approved; it is a brand new house and she objects to the size and mass of the house.

Cynthia Potts, Alder Avenue, said the project is mainly new. It is very large and very high. As a long time residents, she urges the Town to consider these monster homes and the pain they inflict on the community.

Dennis Thompson, Alder Avenue, voiced his opposition to the project, which he didn't want to do originally, but now granting these variances for the garage and parking space is adding insult to injury. He doesn't mind replacement of the carport in its original size or replacement of the south wall. It's a beautiful house, but imposes on his views and privacy.

Nancy Thompson, Alder Avenue, stated the height of the garage is taller than the previous carport, which takes away their entire yard view from their pool.

Ms. Tardy said the house looks the same as what was originally approved and once it's complete it will be clearer. The only changes will be the new garage. She acknowledged the proposed garage height will be 2-1/2 -3' taller, but within the scale of the house. There is a great deal of planting between this home and No. 56.

Catherine Hargrave, applicant, said the construction does match the approved plans. She further advised that they weren't trying to get away with anything and their engineer supported the wall replacement.

Commissioner Sisich acknowledged that it is easy to be in a situation where one would think they had permission to replace that wall. The house is being built exactly as approved, so he would have supported a use permit then. He does not support the garage unless there is a house redesign because it's too much to ask of the neighbors.

Zwick, Overberger, Harris, Krebs and Schinner support the staff report. Harris added that if a garage is necessary, there are creative ways to accomplish that without the requested variance. Krebs added that he supports the dwelling construction, but is also sensitive to the neighbors' concerns. Schinner said the neighbors and Commission may be open to rebuilding the carport.

Chambers said the Code allows replacement in kind, but the fact that it was partially on the neighbor's property, she would need to review it further.

M/s Sisich, Overberger, and passed (6-0), to move the staff report, thereby approving the Use Permit and variance for the wall reconstruction and denial of the carport.

Audience was advised of the 10 day appeal period

E. ITEMS FROM PLANNING COMMISSION

F. ITEMS FROM STAFF

Wight stated the Town Council will discuss FAR tomorrow night.

Zwick added that a summary was placed in the Commissioner's box tonight regarding the FAR modifications. He said there was no meeting of the minds between Jeff Kroot and him regarding a compromise on the FAR discussion.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Barbara Chambers