

PLANNING COMMISSION MINUTES
JULY 17, 1989

The regular meeting of the Planning Commission was called to order by Commissioner Yarish in the Council Chambers at 8:00 p.m. Staff present: Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Julin, Kanis, Kroot, Yarish
Commissioners absent: Hayes, Harle, Sias

B. PUBLIC HEARING CONTINUED

U-629/644 - Lenny Lerner, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, six month review of use permit to allow: 1) automotive repairs; and 2) cellular telephone sales, service and installation.; and review of current proposal for two canopies on the west side of the building. CONTINUED TO AUGUST 7, 1989.

C. PUBLIC HEARINGS

1. V-2293 - Matthew Neil Doucet, 1 Southview Terrace, A/P 6-156-05, an 11'6" frontyard variance to construct an open deck within 2'6" of the front property line.

The applicant was present.

Lisa Wight presented the staff report.

All the Commissioners were in support of this variance.

M/S Kroot, Julin, to approve V-2293 - Matthew Neil Doucet, 1 Southview Terrace, A/P 6-156-05, an 11'6" frontyard variance to construct an open deck within 2'6" of the front property line on the basis: 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 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, specifically there is minimum useable yard area for outdoor enjoyment and the fact that it is unlikely Southview Terrace will be widened in the future, and the existing foliage will screen the deck and the deck is not visible from Southview Terrace; and 2. The applicant desires to construct a deck 14 feet in width and the deck will be accessed from the main living space of the residence; and 3. The granting of the variance should not have an adverse visual impact on the neighborhood because the deck is screened by planting. Noise generated by persons using the deck should also not have an adverse impact as other dwellings are situated quite a distance from this deck. This is based on the plans dated June 5, 1989.

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

2. V-2294 - Joann and David Hartley, 14 Hazel Avenue, A/P 7-112-16, a 1'9" west sideyard variance to construct a first story living addition within 6'3" of the west side property line, with a 1 foot roof overhang.

The applicants and their architect, Michael McClosky, were present.

Lisa Wight presented the staff report.

Mr. McClosky said they were reluctant to move the addition closer to the tree because of the roots and drip system. This addition would only impact the neighbors to the rear

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and those neighbors have given a letter of support for the project.

Commissioner Kanis agreed that the tree should not be removed and was in support of the application.

Commissioner Kroot said that moving the structure 1'9" to comply to the setbacks would not make a difference, therefore he is in support of the application.

Commissioner's Julin, and Yarish agreed with the comments of the other Commissioners.

M/S Kroot, Julin, to approve V-2294 - Joann and David Hartley, 14 Hazel Avenue, A/P 7-112-16, a 1'9" west sideyard variance to construct a first story living addition within 6'3" of the west side property line, with a 1 foot roof overhang on the basis: 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 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, specifically, the location of the walnut tree that is in the middle of the backyard; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the existing house is very small and the applicants are adding only a small addition which is not uncommon in the neighborhood; and 3. 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, specifically that the west property line is fully screened with dense vegetation which is the property that affects the neighbors and those neighbors are in full agreement with this application. This is based on drawings dated for the meeting of July 17, 1989.

3. V-2295 - Susan Holbrooke, 14 Idalia Court, A/P 7-232-10, a 3'" east sideyard variance to construct a two car carport and storage area within 4'6" of the east side property line (existing garage to be converted to living area); and a 2'3" rearyard variance to construct an inground swimming pool within 5'9" of the rear property line.

Noel Wilson, co-owner of property, was present.

Lisa Wight presented the staff report.

Mr. Wilson said that he had the support of the neighbors and that there are trees separating the houses so that the carport will not have an adverse impact on the neighbors.

The neighbor from 12 Idalia said they were in support of the variance as long as there was proper drainage for the swimming pool and if the landscaping is kept trimmed.

Mr. Wilson said he was in agreement with that and in addition would plant additional foliage by the pool for additional screening.

Commissioner Kroot was in support of the application but wanted assurance that the pool would not be built on the easement.

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Commissioner's Kanis and Julin supported the application.

Commissioner Yarish supported the application and added that the landscaping be maintained and that a drip irrigation system be installed.

M/S Julin, Kanis, to approve V-2295 - Susan Holbrooke, 14 Idalia Court, A/P 7-232-10, a 3'6" east sideyard variance to construct a two car carport and storage area within 4'6" of the east side property line; and a 2'3" rearyard variance to construct an inground swimming pool within 5'9" of the rear property line on the basis: 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 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 specifically that the pool is a reasonable request and that the existing garage area that will be converted to living space will provide additional living area and that other properties in the area have converted garages and that the new parking area will be screened by existing foliage; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. 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. This is conditioned upon the fact that there be screening with foliage on the east property line in the backyard to screen the pool from the neighbors. This is based on drawings dated 6/8/89 and 6/27/89.

All ayes. Motion unanimously passed.

4. C-500 - David E. Bell 25 Tamalpais Avenue, A/P 7-212-18, design review of exterior changes to a commercial building: roof, mouldings, awnings, and color.

The applicant was present.

Lisa Wight presented the staff report.

Commissioner Julin objected to the roofing materials, stating that corrugated metal roofs did not belong in the commercial area but was in support of the other aspects of the design review.

Commissioner Kanis agreed with the comments of Commissioner Julin.

Commissioner Kroot approved of the application and added that he did not think the roof would be very visible.

Commissioner Yarish was in support of the application.

Mr. Bell stated that this will be the same color as is on the garage and will look like terra cotta without the expense.

Commissioner Kanis asked if the paint would wear off. Commissioner Yarish said the paint is baked on and will last a long time. Commissioner Kanis would consent to the roof as long as it did not peel.

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M/S Kroot, Kanis, to approve C-500 - David E. Bell, 25 Tamalpais Avenue, A/P 7-212-18, design review of exterior changes to a commercial building: roof, mouldings, awnings, and color on the basis: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. Provides for protection against noise, odors, and other factors which 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; 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; and 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. In addition the colors tie in with the neighborhood and is compatible with other buildings in the neighborhood and the colors are not out of character with the neighborhood. This is based on the colored xerox dated for the meeting of 7/17/89 and further that the terra cotta color metal roof to match the existing garage roof; decorative mouldings; copen blue, terra cotta, and white trim paint around the lower windows and doorways; and copen blue, terra cotta, and white vertical striped awnings over the 4 sets of windows and doorways.

Ayes: Kanis, Kroot, Yarish
Noes: Julin

Motion carried. The audience was advised of the ten day appeal period.

5. V-2296 - Martha A. Culbertson, 110 Allyn Avenue, a/P 7-092-36, a 6'6" east sideyard variance to construct an open deck within 7'6" of the east side property line; ana height variance for a 6 foot high screen fence to be constructed on the east side of the open deck (the east side of the deck extends 14 feet in length from the house, and the deck is a maximum of 14 feet above grade).

The applicants and their contractor, J. D. Marsh, were present.

Lisa Wight presented the staff report.

Martha Culbertson said the deck is their only yard and they want reconstruct the deck to have an enjoyable area for their leisure time. She noted that the bug sapper has been removed so it will not irritate the neighbor. Mr. Culbertson said four of their immediate neighbors support their proposal.

Daniel Grinnell, Attorney for Ms. Pelati, the neighbor at 100 Allyn, read a statement that the Culbertsons and Ms. Pelati entered into a Covenant Agreement regarding this variance for the reconstruction of the existing deck and the Culbertsons do not want to honor this Agreement. He said he thought this deck was only for reconstruction, however it now appears it is for an enlargement of the deck as well. He feels there is a privacy issue involved and that his client will concur with the plans of the deck if a condition is placed that a privacy screen is constructed 5 feet high and then tapering off. In addition the openings of the screen should be no larger than 1 1/2". Mr. Grinnel provided photographs for the Commission of the looming effect of the deck.

Lisa Wight noted that she has spoken with the Town Attorney regarding the Covenant Agreement between the neighbors, and the Commission does not have to acknowledge action of it.

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Diane Campbell, 107 Allyn did not think the applicants were asking for a substantial change to what they already have.

Chuck Diakon, 122 Allyn, said that the proposed deck is very modest and tasteful and adds to the aesthetics of the neighborhood.

D. J. Marsh, Contractor, said the screening that is proposed will provide the privacy necessary for the neighbor and the spacing will not exceed 1 1/2". This will be custom made and very attractive.

Commissioner Kanis said he thought the two neighbors should work out the differences and come up with a solution that would be agreeable for both. Until then, he was unable to make a decision.

Commissioner Kroot said it sounds like there are two different opinions on this issue. He suggest the possibility of a side screen and then having it slope down to soften the effect. He suggested the slope be at a 45 degree angle. The applicants were in agreement with this suggestion. Mr. Marsh suggest a 30 degree angle so that it would be in line with the rest of the deck.

Commissioner Yarish thought that be having the railing at 3 feet at the corner will achieve privacy and if they had to have a screen of 5 feet it would block their light.

Mr. Grinnell felt that Ms. Pilati might be receptive to find a way of tapering the screening but contends that she needs protection in a form of a covenant. If the Commission is inclined to approve the application it should be conditioned that the tapering start with the corner post.

Joyce Pilati, 100 Allyn said she had no objection to what was just discussed with a tapering of 30 degrees but was concerned that it might be removed at a future date.

Mr. Culbertson promised that she would not remove the screen.

Commissioner Julin would approve the variance based on the discussions tonight.

Commissioner Kroot changed the drawings to reflect the changes that had been proposed tonight.

M/S Kroot, Julin, to approve V-2296 - Martha A. Culbertson, 110 Allyn Avenue, A/P 7-092-36, a 6'6" of the east side property line; and a height variance for a 6 foot high screen fence to be constructed on the east side of the open deck on the basis: 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 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; specifically that they will also construct a sloped portion of a screened fence commencing at the southerly corner of the 6' screened fence and will descend at a 30 degree angle from the horizontal along the southerly guard rail; and that this area will be screened as thoroughly as the 6' high screened fence down to the deck from top to bottom; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner in that this deck is the only useable exterior space for the owners; and 3. The granting of such variance, under the

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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 application and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood specifically that this is the only exterior area of the applicants and they are only rebuilding an existing deck and the most affected neighbor would be visually screened by a 6 feet high privacy screen and 30 degree angle return. This is based on drawings submitted July 6, 1989 and amended at tonights meeting of July 17, 1989.

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

D. APPROVAL OF MINUTES

M/S Kroot, Kanis to approve the minutes of July 10, 1989 with the following amendments: page one, add Commissioner Kroot as being present; page 4, paragraph 5, delete "...that is..." and add "...than is...";

Ayes: Yarish, Kanis, Kroot
Abstain: Julin

E. ADJOURNMENT

The meeting was adjourned at 10:40 p.m. to the next special meeting of July 24, 1989.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY-TECHNICIAN