

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John Sharp at 8:00 p.m. on November 4, 1985 in the Council Chamber. John Kottage of staff present. Rabi Elias of staff present.

1. ROLL CALL:

Commissioners Present: Bergeson, Harle, Heubach, Kroot, Sharp

Commissioners Absent: Hayes

2. APPROVAL OF MINUTES

The minutes of May 20 and October 14 were held over.

Minutes October 21, 1985. Commissioner Kroot pointed out a typo on Page 3, next to last paragraph, fourth word should be he rather than the.

Commissioner Heubach said he had made the statement and wished the minutes to reflect the balance of his statement as follows: .. and added a lack of opposition does not necessarily mean the variance is not detrimental.

On Page 4, third paragraph the word is should be changed it.

M/S Heubach, Kroot, minutes be approved as corrected.

B. SR-350 Mobil Oil Corporation

Mr. Ben Farley of Mobil Oil was present.

Commissioner Kroot said he had no objection to sign #1 on the pumps, but felt requested sign #2 was too large and it was a product sign which are not allowed per code.

Commissioner Harle said he agreed and he also felt to grant this application would be giving one station more signing than others. It would be out of place.

Commissioner Heubach said the hardship being demonstrated was the lack of visibility; however, in his opinion, this particular station was one of the most visible in Town. He felt the sign #2 was too large and obtrusive.

Commissioner Sharp agreed with the other Commissioners and said the sign was out of character with the Town; he too felt this location was the most visible in Town, and felt the Town could soon become overloaded with signs.

There was no one in the audience to comment on the application.

M/S Heubach, Harle, that SR-350, application of Mobil Oil for a sign variance at 631 Sir Francis Drake Boulevard be approved in part to allow 2 price signs above the pumps as identified as sign # 1 in the application on the exhibit attached to the staff memo dated 10-18-85; that the application for approval of sign # 2, as indicated on the attachment to the staff memo of that date be denied. Approval of signs identified as sign # 1 is the strict application of the provisions of the Code would result in unreasonable practical difficulties or in unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his use and are not present generally; strict application of the provisions of the Code would bring about results inconsistent with the purposes and intent of the Code. The granting of the application will not adversely affect the public health.

safety or welfare or be detrimental to or endanger or depreciate the property located in the surrounding area. Denial of sign #2 is based on the detriment to the neighborhood and represents an unreasonable obstruction of view on Sir Francis Drake Boulevard. Motion passed unanimously. Applicant notified of the 10-day appeal period.  
P/C 11-4-85

C. V-2083 Allan and Joy Widenhofer

Staff reported there had been a change in the roof line and wall line. The roof line had been stepped down in two places; one wall had been moved back 6" to make it 4' from the property line.

Mr. and Mrs. Widenhofer were present. Mr. Widenhofer said the window footage was different from that reported. Staff said the figure had been corrected.

John Cowan of 66 Elm Avenue read the following statement:

"First of all, than you Commissioners for your consideration given in the past. I object to granting a variance of this magnitude to applicant because a proposed third story addition and a proposed 3'6" or 4', whichever the case may be, sideyard setback would encroach upon my right to privacy and the enjoyment of my rear patio and pool area. Also, the proposed new framed-in roof line, currently evident, but without benefit of a building permit, is now approximately 3'7" higher, as shown in applicant's new drawings, than the highest point of the established roof of the original house. The original established 8' and a partial area of 6' sideyard setback is still in evidence, because the original exterior side wall has not been torn out. Rather, new framing, now covered with black plastic and tar paper, has been partially put in place in front of the house's original side exterior, by applicant.

I have lived at my residence for over 10 years, and purchased with the expectation that all City Ordinances and laws would be upheld in any matter regarding property within the Town of San Anselmo. I am not planning on moving, contrary to the suggestion by applicant in his letter to the Commission.

Since last we were here in this forum, when the Commission agreed applicant's drawings were not proper, I have reviewed all documents in this matter. I find the requested new drawings are still deficient. Asking for a few feet here and a few feet there could eat up a lot of homeowners privacies in San Anselmo. It is the principle of the whole thing. As well, there are discrepancies in previous submittals, as in the May 28, 1985 Variance Application. From page 1, I quote 'Partial excavation necessary to better control drainage from year-round spring on the property'. That excavation was previously mentioned as, quote 'Limited clean-up excavation constitutes 3rd story in small section of house.' But from pg. 2 of application, regarding a spring, I quote 'Drainage of spring - spring source actually unknown'. A further quote: 'House perimeter not being extended in any way'. on this same page.

In view of the evidence, I trust this variance will not be granted, nor any future variance, if applied for, which does not comply with the house's original sideyard setback, and a

Planning Commission Minutes 11-5-85  
Page 3

roof line dictated to be no greater in height than that of house's original roof. Thank You."  
John Cowan  
66 Elm Avenue  
San Anselmo

Mr. Peter Mello, 70 Elm Avenue, said the construction was visible from his house, and he would like to see it finished.

Commissioner Heubach said this was about the toughest application he has ever seen. The difficulty stems from the site and house location. The new plans are a step in the right direction. He said he was not sure of the architectural style. There seems to be more than one style. He said he felt the applicant had the right to develop his property, but he would like to have seen architectural drawings for the development. He said he felt it was not an unreasonable intrusion on the privacy of the neighbors.

Commissioner Harle felt the detriment was how it affects the rear yard and how it affects Mr. Cowan's property. His pool is overlooked by the construction. He said the height of the wall at the property line had been lowered.

Commissioner Kroot felt the design was improved. The height is what creates the problem and how it overlooks the neighbor's yard. He suggested taking a photo from the Cowan backyard and working with that.

Commissioner Bergeson said this is a very complicated application and the drawings were very difficult to read. He felt the height had been reduced somewhat, and said the architecture is somewhat improved. There is much mixing of materials and this is not conducive to making the project acceptable to neighbors. Some improvement has been made in good faith and the applicant is heading in the right direction.

Commissioner Sharp said he had trouble with adverse effect on the neighborhood. He still cannot reconcile that aspect. He wonders if there is something more that can be done to make it more acceptable.

Commissioner Bergeson said it is still 3'7" higher than the original roof. The building is in the same place.

Commissioner Harle said the problem is obvious: there is a striking detriment. The drawing and evidence do not present the applicant's case in a very effective way. It needs to be visualized better than the drawings do. Perhaps a larger scale photo with proposed changes marked on an overlay.

Commissioner Heubach said Commissioner Harle had expressed his thoughts. He said there must be a balancing of the hardships against the detriment to the neighbors. He felt the applicant had gone a long way to mitigate the detriment and perhaps an overlay tracing showing the way it was and how it will be would be helpful.

Commissioner Kroot said if the shrubbery were extended it might soften the effect. He said the windows in the loft do look into the Cowan patio area.

Commissioner Sharp said he felt there was definitely a

hardship. Photo overlays would be helpful.

Commissioner Bergeson said solar panels should be shown because they would have an impact also.

Mr. Cowan said the setback was changed without permit in the last two years. The old stucco shows where the foundation line was.

Commissioner Heubach felt the application should be referred back for further modification.

Commissioner Harle said he could not vote on the application at this time.

Commissioner Bergeson said the Commission needed simpler drawings and a photo.

Commissioner Heubach pointed out the problem area and the need to find grounds to lessen the impact on the Cowan property.

Mr. Widenhofer said while he is extremely frustrated in his attempt to remodel his home, he appreciated the direction the Commission had given him. He is really concerned over one set of standards for one side of the fence and another for the other side. He said if he had to bring his building lower down in height he would be back where he started and have the same condition he was trying to correct with his alterations.

M/S Heubach, Kroot, to continue V-2083, application of Allan and Joy Widenhofer, 60 Elm Avenue, A/P 7-053-23 to the first regular meeting of the Planning Commission in December 1985. Passed unanimously. P/C 11-4-85

D. Todd and Stephanie Lapidus

John Kotage reported there was no controversy over the proposed transfer of the Use Permit as far as staff is concerned.

The applicant had nothing to add to staff memo.

Judy Valles, 260 Brookside Drive asked out the unit, saying the previous owner had rented two units; she then said the owner of 240 Brookside rented to numerous people and she wished to see there was not a proliferation of second and third units in her single family neighborhood.

The applicant said he intended to rent only the one unit to one person only.

Commissioner Heubach said he fully supported the application.

M/S Bergeson, Heubach to approve EU-2, application of Todd and Stephanie Lapidus for a Use Permit for a second unit upon transfer of ownership at 261 Brookside Drive on the basis that it is in conformance with the general plan, that it falls within the maximum number of second residential units authorized by resolution of the Council for the single family residential use area in which it is located; is located on an Assessor's Parcel on which the owner of record maintains his principal residence; does not encroach upon required setbacks

on the conditions that the unit be made subject of a rental guarantee contract between the Town and the applicant. Passed unanimously. Applicant notified of the ten-day appeal period.

P/C 11-4-85

E. V-2094 - John Blackwell

Mr. Blackwell said he thought a single exit only was however, he was willing to add a second exit per staff request.

Staff Person John Kottage read excerpts from the Uniform Building Code; he said he would refer the matter to the ICBO for an interpretation.

Mr. Kottage said the basic issues were deck extensions to which staff had no objections, and the separate access that is being created to the attic space. While the applicant is not requested a third unit, it could very easily be converted to a third and separate unit. The applicant proposes to remove the old stairs and replace them for fire and access to garage.

Commissioner Bergeson said he has a problem with a deck to the property line which is exacerbated by adjacent property which has a deck to the property line.

Commissioner Kroot said he had a problem with the deck to the property line. He said it would be really easy to see how this could become a third unit. He was under the impression that the second floor requires a second exit.

Commissioner Harle said the deck would encroach on the house next door and would destroy the privacy of the occupants as well as cutting out light. He said he had no objection to the structural elements that make it possible to become a third unit. He said the applicant is not asking for a third unit and it is not under consideration.

Commissioner Heubach said he agreed with Commissioner Harle regarding a possible third unit; however, he feels the deck is unnecessarily close to the property line. The light saving for the applicant's lower unit is being taken from the neighboring unit. He did not feel there is sufficient hardship.

Commissioner Sharp said he agreed with Commissioner Harle and Heubach. He wished to state strongly we are not implying a third unit. He said the Commission is not in any way intending to grant another unit at this location. Future owners should be so advised.

Commissioner Bergeson said the parking requirement was for 4 spaces. He feels the carport is practically unusable.

M/S Heubach, Harle to continue V-2095, application of John Blackwell, 1365-67 San Anselmo Avenue to the meeting of December 18, 1985. Passed unanimously.

F. V-2095 Steven Delaney

Staff reported the proposed dish presents a potential visible impact.

Mr. Delaney said the dish will not be visible from the street

or in front of the house. He said there is a landscaping of shrubbery with watering facilities that shields the dish.

Commissioner Heubach said he did not view the site, but he did wonder why the dish was placed in that location.

Mr. Delaney said the dish would be more visible if placed lower down the hill.

Mr. Jackson, the northwest neighbor, said he had no objection to the application.

Mr. Delaney said the dish would obstruct no views.

Commissioner Kroot said he could see the rationale for this placement.

Mr. Delaney said the dish would be even less visible when painted, and he intended to paint it green and brown to camouflage it.

Commissioner Sharp said he had no trouble with the application, especially if the dish is painted.

M/S Kroot, Harle, to approve V-2095, application of Steven Delaney, 77 Mountain View Avenue, A/P 5-212-06 for a 12' rearward variance to install a satellite dish with 8 feet of the rear property line on the basis that granting of the variance is necessary for the preservation and enjoyment of substantial property rights; granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvement in said neighborhood and in consideration of the fact that this location is least visible spot on the lot; granted on the condition that it be painted brown and green and that further screening be placed around it. Passed with four Aye votes. Commissioner Bergeson abstained.

At 10:06 the meeting adjourned to the next regular meeting of November 18, 1985.

Thelma Foster