

**TOWN OF SAN ANSELMO**  
**TOWN COUNCIL RESOLUTION NO. 3283**

**A RESOLUTION OF THE TOWN OF SAN ANSELMO TOWN COUNCIL  
APPROVING AN AMENDMENT TO A PREVIOUS DESIGN REVIEW  
APPROVAL TO ALLOW CONSTRUCTION OF A HALF GARAGE/HALF  
CARPORT STRUCTURE; AND DENYING A REQUEST FOR A SECOND UNIT  
AND ONE-STORY HOUSE ADDITION ON PROPERTY LOCATED AT 379 OAK  
AVENUE IN THE R-1 ZONING DISTRICT (APN 7-241-61: (DR-9120/NU-9302);  
APPELLANT: THEODORE POSTHUMA.**

WHEREAS, on September 8, 1992, the Town Council denied an appeal of the Planning Commission and approved the Design Review request to expand house with conditions per Resolution No. 3200;

WHEREAS, the applicant filed an amendment to that approval and on September 20, 1993, the Planning Commission denied a request to allow a second unit, new two-story addition and a two-car garage;

WHEREAS, on September 29, 1993, the applicant/appellant, Ted Posthuma, appealed the Planning Commission denial to the Town Council;

WHEREAS, on August 23, 1994, the Town Council denied the second unit and one-story addition and approved the garage subject to the installation of story poles and incorporating a roof to match the existing house.

WHEREAS, on October 25, 1994, the Town Council approved a half garage/half carport structure subject to the following conditions:

1. That all the conditions of Resolution No. 3200 are incorporated herein.
2. That the half garage/half carport structure be located as shown in dotted lines (closest to the house) on plans date stamp received by the Town on October 25, 1994. Elevations shall be subject to staff review to ensure architectural appropriateness and shall be similar to elevations shown on sheet A9 date stamp received by the Town on July 5, 1994.
3. Prior to issuance of a building permit, landscaping proposed for the previous approval shall be installed wherever it does not interfere with approved construction in order to begin establishing new landscaping.
4. Prior to issuance of a building permit, the parking pad off the easement shall be removed and landscaped as shown on plans approved in 1992.
5. Prior to issuance of building permits, the applicant shall remove and keep the site clear of all excess debris and storage equipment with the exception of the metal container which shall be removed upon issuance of a permit to occupy or within six months of the garage approval, whichever is first.
6. Prior to issuance of building permits, the Public Works Director shall review and approve drainage plans for garage.

7. All graded materials shall remain on site to the greatest extent possible. The applicant shall provide information to this effect, to the Public Works Director.
8. That the new unauthorized building should be removed within six weeks of this action.
9. That prior to the issuance of building permits, the applicant shall reimburse the Town for any outstanding payments for processing this planning permit.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY APPROVE THE PROPOSED HALF GARAGE/HALF CARPORT STRUCTURE BASED ON THE FOLLOWING FINDINGS:**

**Findings:** The proposed half garage/half carport structure:

- 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 may 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;
- 5) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area;
- 6) Provides adequate screening; and
- 7) Selection of architectural features and colors enable the structure to blend with its environment and results in a low visual profile.

**Rationale:** The half garage/half carport structure is located in an area of the site which will have the least impact on the uphill neighbor and to motorists or pedestrians on Oak Avenue. The height of the structure will not exceed nine (9) feet. In addition, the garage will be constructed partially into a hill which will assist in creating a low visual profile. The exterior materials and color will match the existing house. The construction of a garage will also help in creating storage space for vehicles and equipment, thereby creating a visually more attractive site.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY DENY THE PROPOSED SECOND UNIT BASED ON THE FOLLOWING FINDINGS:**

**Findings:** That the establishment, maintenance, or operation of the use will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.

**Rationale:** A single family deed restriction was previously required for this property in part due to the concern that added units in this hillside area would have an adverse impact on traffic and safety due to the narrow winding nature of Oak

Avenue. In addition, the site is currently used as a home occupation and a second unit would further intensify the use on this site. Finally, it should be noted that the applicant withdrew this request for a second unit during the August 23, 1994 hearing.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY DENY THE PROPOSED ONE-STORY ADDITION TO THE EXISTING HOUSE BASED ON THE FOLLOWING FINDINGS:**

**Findings:**

- 1) Is not functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;
- 2) Will not provide for protection against noise, odors, and other factors which may make the environment less desirable;
- 3) Will 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;
- 5) Will adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area;
- 6) Provides adequate screening; and
- 7) Selection of architectural features and colors will not enable the structure to blend with its environment and results in a low visual profile.

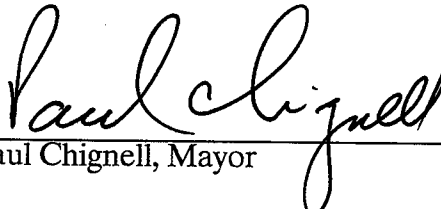
**Rationale:** The addition to the house will exceed the specific limit on size and length of the house approved by the Town Council in 1992 which was determined to be compatible with the surrounding properties but that a larger and longer house would result in an incompatible structure.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO** at a regularly scheduled meeting on October 25, 1994, by the following vote:

AYES: Kroot, Yarish, Zaharoff, Breen, Chignell

NOES: None

ABSENT: None

  
Paul Chignell, Mayor

ATTEST:

  
Caroline Foster, Town Clerk