

**TOWN OF SAN ANSELMO
TOWN COUNCIL**

RESOLUTION NO. 3428

A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL CONDITIONALLY APPROVING VARIANCE V-9742 FOR DEVELOPMENT OF AN ACCESSORY STRUCTURE WITHIN 5' OF THE REAR PROPERTY LINE AT 34 ELM AVENUE (APN 7-053-02)

BE IT RESOLVED by the San Anselmo Town Council as follows:

WHEREAS, the applicant, Jocelyn Olivier, properly submitted a variance application package to build an accessory structure within the southerly side and rear setback areas for use as an exercise and gardening studio at 34 Elm Avenue on August 27, 1997;

WHEREAS, on January 20, 1998, the Planning Commission was not able to make the necessary findings to grant a Variance for the proposed structure and subsequently denied the application;

WHEREAS, the Planning Commission did determine that the proposed location of the structure in regards to the southerly side property line would be detrimental to the neighboring property owners at 40 Elm Avenue;

WHEREAS, the applicant (Olivier) properly submitted the necessary items appealing the Planning Commission decision to the Town Council;

WHEREAS, the Town Council heard and continued the appeal at a regularly scheduled meeting held March 10, 1998 with direction to relocate the structure to meet the side setback requirement and increase the original rear setback of 1'-6";

WHEREAS, the applicant has relocated the structure pursuant to the direction of the Town Council with the exception of a drainage solution for the accessory structure;

WHEREAS, the revised rear setback of 5' was determined by the transition between flatter ground and steeply sloping ground therefore reducing massing created from understory structure; and

WHEREAS, the Town Council finds that said slope is a special characteristic in which strict interpretation of the development standards would

cause significant detriment to neighboring property owners because of said increased massing necessary for slope development.

NOW, THEREFORE BE IT RESOLVED that the Town Council of San Anselmo approves Variance V-9742 subject to the following conditions:

1. That the request for a Variance be granted to construct an accessory structure in accordance with the plans date stamped April 24, 1998 received by the Town of San Anselmo Planning Department.
2. Building Plans shall be revised to show a drainage solution for the proposed structure via sealed roof leaders draining at Elm Avenue. Plans shall show location of rain gutters on structure, detail of sealed roof leaders, the course of the leaders to Elm Street, and the type of outfall to be used.
3. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
4. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
5. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.


PASSED AND ADOPTED by the San Anselmo Town Council at a specially scheduled meeting held on the 12 day of May, 1998, by the following vote:

AYES: Kroot, Breen, Overberger, Hodgens

NOES: None

ABSTAIN: None

ABSENT: Chignell



Judith K. Hodgens, Mayor

ATTEST:



Debra Stutsman, Town Clerk