

126 The regular meeting of the San Anselmo Planning Commission was called to order by Vice-Chairman Peterson on April 5, 1982, at 8:00 p.m. in the Town Hall Council Chamber. T. J. Robbins present.

1. ROLL CALL

Commissioners Present: Harle, McPeak, Peterson, Signorelli  
Commissioners Absent: Hayes, Ollinger

2. APPROVAL OF MINUTES - March 15, 1982

Commissioner Signorelli said it was inappropriate for Commissioner Hayes to comment on his addition to the March 1st minutes at the last meeting as Commissioner Hayes did not attend the March 1st meeting, and because Commissioner Hayes has also added in-depth statements to approval minutes in the past.

Commissioner Peterson suggested that when the new member is appointed to the Commission, perhaps an agenda item can be scheduled to discuss any problems with the minutes.

M/S McPeak, Signorelli, to approve the minutes of March 15, 1982, as written.

Motion passed unanimously.

3. OLD BUSINESS

- A. SR-330 - Spotless Cleaners, Red Hill Avenue, A/P 6-201-02, determination of the number of uses on the premises of Spotless Cleaners.

Daniel Boyter, representative, present.

Staff explained to the Commission the purpose of this hearing is to determine the number of uses, adding that the reader board was previously denied but due to this hearing the appeal period has been extended to April 15. It was pointed out that the Town Attorney prefers to have the Commission make the determination on the number of uses based on facts, rather than his legal determination based on Code interpretation.

Mr. Boyter, referring to staff's memo, said there are usually two cash registers at 2 Red Hill Avenue; however, they are currently making some repairs, and 6 Red Hill Avenue is in the process of being remodeled. Mr. Boyter said there are four different telephone numbers for the separate uses listed in the new telephone book. Mr. Robbins noted Mr. Morgan's March 31st letter stated there is only one cash register on the premises.

Commissioner Signorelli said the uses are separate as they are not similar in appearance. Commissioners Harle, McPeak and Peterson feel it is one general use.

M/S McPeak, Harle, that the Planning Commission recognizes Spotless Cleaners as basically one use and the existing signs will be considered legal, non-conforming.

Motion carried: AYES: Harle, McPeak, Peterson  
NOES: Signorelli

Applicant's representative was advised of the ten day appeal period for both this determination and the reader board denial.

4. NEW BUSINESS

- A. Proposed Ordinance Amending Title 10, Chapter 3, Article 21, Variances, of the San Anselmo Municipal Code.

Mr. Robbins said this will be an implementing ordinance and in the future a resolution will be heard by the Commission for the different categories of administrative variances. He noted that adjoining neighbors would be notified of administrative variance applications and if the Planning Director felt it necessary, he could pass it to the Commission rather than make

the decision himself. Should a variance be approved by the Director, it would be subject to appeal to only the Commission, rather than also to the Council.

Commissioners Harle, McPeak and Peterson questioned the wording change in Section 10-3.2102(a), (b) and (c) - reasons for granting a variance. Mr. Robbins said State Law has changed since the Ordinance was written and the Town Attorney felt it appropriate to rewrite it at this time. The Commissioners felt the new wording makes interpretation difficult. Commissioner Harle said in some past cases the noise of a hot tub motor has been found to be a detriment and the variance was denied. He feels the new wording would not address such a concern. Commissioner Peterson added that per Section 10-3.2102(b), if all the houses on a street have a four foot sideyard setback, then any new houses should also be granted that privilege.

Commissioner McPeak suggested there be notice given that a variance is going to expire (Section 10-3.2105).

Commissioner Peterson suggested there be either "ands" or semi-colons between subsections (a), (b) and (c) of Section 10-3.2102 so that it is clear that all the conditions must be met. He questioned whether both types of variances may be appealed to the Town Council under Sections 10-3.2103 and 10-3.2104, and suggested that it be specifically pointed out.

M/S McPeak, Harle, to recommend to the Town Council to adopt this Ordinance with the following changes:

1. deletion of the proposed Sections <sup>10-3.2101 and</sup> 10-3.2102<sup>4</sup> and keep the wording in the existing ordinance;
2. add to the proposed Section 10-3.2105(a), " . . . use or other activity directly related to the variance to immediately cease."
3. add to the proposed Section 10-3.2105(b), " . . . shall automatically expire upon a 30-day written notice to the applicant and become void without further action by the Town . . ."

Mr. Robbins suggested the 30-day notice be omitted as it could set a precedent, to which Commissioner McPeak agreed.

Commissioner Peterson added the following to the motion, Section 10-3.2103, "(c) Any interested party may appeal the decision of the Planning Commission to the Town Council", to which Commissioner McPeak agreed.

Motion passed unanimously.

It was announced that this will be heard by the Council on April 27, 1982, rather than April 13th as previously advertised. Commissioner McPeak indicated he would be present at that meeting to pass on the Commission's concerns regarding the wording change in Section 10-3.2102.

- B. V-1005 - Richard and Cynthia Jordan, 28 Merced Avenue, A/P 5-193-02, two foot north sideyard variance, two foot south sideyard variance and 13 foot rearyard variance to construct a bath and family room addition within ten feet of the north side property line, six feet of the south side property line, and seven feet of the rear property line (north and west (rear) to have one foot eaves).

Richard and Cynthia Jordan, applicants, and Richard Beckman, Architect, present.

Mr. Robbins advised the Commission that similar variances were approved in 1979, but the work was not accomplished.

Mr. Jordan said the house is small and the additions will provide a bath for the master bedroom downstairs and space to the kitchen.

M/S Harle, McPeak, to approve V-1005 for Richard and Cynthia Jordan, 28 Merced Avenue, A/P 5-193-02, two foot north sideyard variance, two foot south sideyard variance and 13 foot rearyard variance to construct a bath and family room addition within ten feet of the north side property line, six feet of the south side property line, and seven feet of the rear property line (north and west (rear) to have one foot eaves), on the grounds that it is the only logical place for such construction; it will not be detrimental to anyone living or working in the neighborhood; and is necessary for the enjoyment of substantial property rights.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- C. U-570 - A J's at Redhill, 888 Sir Francis Drake Boulevard, A/P 6-061-23, on-sale general liquor (use permit for beer and wine granted in 1977).

Joseph Allen, applicant, present.

Ms. Burglin advised the Commission that the Police Department has no problems with this application.

In response to Commissioner Peterson's questions, Mr. Allen advised that he does not intend to have a bar with cocktail tables as the place is not large enough.

M/S Signorelli, Harle, to approve U-570 for A J's at Redhill, 888 Sir Francis Drake Boulevard, A/P 6-061-23, on-sale general liquor, on the grounds that it is necessary for the enjoyment of substantial property rights and it will not be detrimental to the neighborhood.

Motion passed unanimously.

- D. V-1006 - Michael and Dianne Sheridan, 201 Sequoia Drive, A/P 6-113-03, 6-113-04 and 6-113-05, third story variance to construct a living addition.

Dianne Sheridan, applicant, present.

It was agreed that this addition should not be a detriment to anyone in the neighborhood. Ms. Sheridan advised she had spoken to her neighbors about their plans for the third story. She added that building up is the only logical alternative.

M/S McPeak, Harle, to approve V-1006 for Michael and Dianne Sheridan, 201 Sequoia Drive, A/P 6-113-03, 6-113-04 and 6-113-05, third story variance to construct a living addition, on the basis that the hardship is the topography of the land; it will not be detrimental to the neighborhood; and will allow substantial property rights.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- E. U-571 - Norbert Hartman, 101 San Anselmo Avenue, A/P 7-301-20, use permit for a video game family center - CONTINUED 04/19/82.

5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 9:20 p.m. to the next regular meeting on April 19, 1982.

*Lisa Burglin*

LISA BURGLIN  
PLANNING ASSISTANT