

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on October 5, 1987, by Chairman Hayes in the Town Hall Council Chamber. Staff present: Lisa Wight, Planning Technician.

A. ROLL CALL

Commissioners Present: Sias, Zaharoff, Yarish, Julin, Hayes
Commissioners Absent: Manning, Harle

B. APPROVAL OF MINUTES - September 21, 1987

M/S Sias, Hayes to approve the minutes of September 21, 1987 minutes as written.

Motion carried: Ayes: Sias, Hayes
Abstain: Zaharoff, Yarish, Julin

1. Z-244 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, proposed rezoning from R-1 (Single Family Residential) to R-2 (Two Family Residential) and initial environmental review.

V-2186 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, a 20 foot frontyard variance and three foot south sideyard variance for required parking for duplex use to be within zero feet of the front property line and five feet of the south side property line; a parking size variance for the four parking spaces to be substandard in length; a lot area variance; and an average lot width variance.

Lisa Wight presented staff report noting that at the Commission meeting on August 18, 1987, the hearing was continued to allow: 1) the applicant to provide alternative plans for the parking away from the street; and 2) for staff to provide the uses of the properties in the neighborhood, parking spaces required for these uses, and to list the parking variances granted for this uses. The applicant has chosen not to provide alternate parking plans. Staff has provided the uses of the properties in the neighborhood, parking spaces required for each use, and parking variances granted. The applicant has provided staff with additional information on the number of living units.

Steven Potter said they will cut down the hawthorne tree if there is no alternative. He presented the Commission with data to the lot sizes in the area. He referred to the staff report prepared by John Roberto Associates dated February 5, 1987 prepared for Sohner Court stating this area on Ross has been established as multi residential. Mr. Potter said that No. 60 Ross has 4 2-bedroom apartments and the lot is smaller then his. No. 53 Woodland has 8 apartments that look right into his yard.

Commissioner Zaharoff said it seems that Ross Avenue has been picked out as the model of infilling. At the beginning she was interested in density to make sure that there was equity. It now appears the applicant is well within the averages for the area even though the lot is substandard. She now needs clarification on parking before proceeding with this application. Commissioner Yarish wanted to know if the applicant was going to move the hawthorne tree to accommodate parking. Currently there is only 32' of tandem parking and if the tree was removed there would be adequate parking. Commissioner Sias would like to see relocation of the hawthorne tree but could support it. Commissioner Julin said in regards to the issue of density, it is very important to address when looking at large parcels however it is not as important when looking at an R-1 parcel. She felt that the important issue was what will be seen, and because there are so many variances requested she felt she would agree with staff.

Chairman Hayes addressed the two main issues saying that the surveys that have been done suggests that the applicant is not asking for too much to rezone but he feels that there isn't adequate room for tandem parking. He felt that much of the time cars would be parked on the sidewalk. He was in agreement with Commissioner Yarish about removing the hawthorne. He also wanted to know if the applicant was proposing any shrubs along the driveway.

M/S Sias, Zaharoff, to continue V-2186 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, a 20 foot frontyard variance and three foot south sideyard variance for required parking for duplex use to be within zero feet of the front property line and five feet of the south side property line; and a parking size variance for the four parking spaces to be substandard in length; and Z-244, proposed rezoning from R-1 to R-2, for the following reasons: that the applicant is to get new revised parking with accurate dimensions of landscaping and of the elm tree and that this will be continued to the regular meeting of October 19, 1987.

Motion passed unanimously.

2. V-2195 - Clifford A. and Ute M. Pierce, 40 Karl Avenue, A/P 6-052-10, a 14'6" rearyard variance and an 8' east sideyard variance to construct a storage building within 5'6" of the rear property line and zero feet of the east side property line, with a 2' roof overhang.

Clifford and Ute Pierce, applicants and Bruce Pendergraft, Architect, present.

Lisa Wight presented staff report, noting that staff is able to make the special circumstance finding for the rear yard variance because this construction will not be visible nor will it result in a noise problem to persons across Center Boulevard. However, staff is unable to make the special circumstance finding for the sideyard variance for the following reasons: 1) maintenance will be difficult as it will be necessary to remove boards from the inside in order to repair the structure; and 2) a solid wall of structure along the rear property line may be considered overdevelopment in this portion of the lot. Although this approval would not be a granting of special privileges due to the fact that the neighboring property at No. 34 has an open structure along the entire rear property line, staff does not support such construction. Should the Commission make the required findings for approval, staff recommend a minimum of two feet of sideyard setback to required for maintenance purposes.

Mr. Pendergraft, Architect, stated that the applicant's son is away at college and part of this space will be for storage of his car in addition to the applicant's boat. Also, the adjacent owner has reviewed the plans and has no objection. In response to staff's concern of access for maintenance, the applicant will alter the ends of the structure and leave it open. He feels this will eliminate the need for the 2' setback requirements.

Commissioner's Julin and Sias had no problem with the application. Commissioner Yarish stated that the structure would be visible from Center and felt that the side yard setback requirements should be followed. Commissioner Zaharoff has no problem with the rear yard setbacks but would like to see a minimum of 2' setback even though the applicant will leave the end open. Chairman Hayes felt that maintenance was a concern and asked staff if opening up the sides would allow for adequate maintenance purposes. Staff affirmed.

M/S Zaharoff, Julin to approve V-2195 - Clifford A. and Ute M. Pierce, 40 Karl Avenue, A/P 6-052-10, a 14'6" rear yard variance and an 8' east sideyard variance to construct a storage building.

within 5'6" of the rear property line and zero feet of the east side property line, with a 2' roof overhang, on the basis that: 1. there are special circumstances associated with the variance requests, specifically that the location of the dwelling on the lot necessitates the placement of the storage area in this location; 2. the variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances are approved as they 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; 4. the variances are necessary for the preservation and enjoyment of substantial property rights, specifically that other lots in the area enjoy storage accessory buildings placed within the rear and side setbacks; and 5. the variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that it is not in view of any of the neighbors and is consistent with the character of the surrounding area. This is based on the set of drawings received by the Town on August 10, 1987.

Motion carried: Ayes: Zaharoff, Sias, Julin, Hayes

Noes: Yarish

Applicant advised of 10 day appeal period.

3. V-2196 - Jack and Linda Moerschbaeher, 26 Jordan Avenue, A/P 6-152-65, a 6' northwest sideyard variance to construct a patio roof within 2' of the northwest side property line; and a two foot rear yard variance to install a hot tub within 18' of the rear property line.

Larry Fitzgerald, representing applicants, present.

Lisa Wight stated the applicant has just brought revised drawings that indicate the roof line is to be changed to a hip roof and the hot tub equipment is to be placed under the bench. When the applicant applied for the variance staff was under the impression that the equipment would conform to the sideyard setback so the noticing did not include the variance for the equipment.

There was discussion among the Commission and the applicant as to whether the spa should be continued to another meeting and include the equipment, or the equipment should be the only part continued. It was decided that the applicant would submit a variance for the spa equipment only and there would be no additional fee because there was possibly a misunderstanding as to where the equipment was going to go originally.

Lisa Wight presented staff report saying the applicants desire to construct a sturdy roof over the patio and since it will be an extension of the existing roof, it is desirable to extend it an additional 18 inches towards the west side property line to line up with the existing eave line. The hot tub is proposed in front of the existing retaining walls. To conform the tub to the required rear yard setback, would place it too close to the dwelling and under the patio roof. The hot tub will be on the east side of the yard. The neighboring dwellings to the rear are not visible from the applicant's property and the easterly neighbor at No. 24 has foliage between the two properties.

Commissioner Zaharoff supported this application. To which Commissioner Julin agreed. Commissioner Yarish said the nature of the roof over the patio and the skylights not being symmetrical indicate future development. He noted that if the patio was approved they may be approving infill of that space later on. Commissioner Sias shares the concerns of Commissioner

Yarish and said the neighbors on the west side look to be close. Ms. Wight said the distance was 10' from house to house.

Larry Fitzgerald said the applicants were going to add on however there is a major crack in the concrete that may not support an additional structure so they have decided not to develop that area.

Chairman Hayes had no objection to the application and stated that the hot tub was as far away from the house as possible.

M/S Zaharoff, Yarish, to approve V-2196 - Jack and Linda Moerschbaeher, 26 Jordan Avenue, A/P 6-152-65, a six foot northwest sideyard variance to construct a patio roof within two feet of the northwest side property line; and a two foot rear yard variance to install a hot tub within two feet of the rear property line, on the basis that: 1. there are special circumstances associated with the variance requests, specifically: that the patio roof is going over or replacing a exterior patio and as the hot tub is desired as shown on the plans so that it can be located against an existing retaining wall and away from the dwelling; and 2. the variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances are approved as they 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; 4. the variances are necessary for the preservation and enjoyment of substantial property rights, specifically that the patio roof variance is simply replacing the existing patio roof and the hot tub is for the enjoyment of the owners; and 5. the variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that both variances are situated in that they will not impact neighbors visually; based on the drawings dated October 5, 1987.

Motion passed unanimously.

Applicant advised of 10 day appeal period.

4. V-2198 - Joan Olsen Hechtman, 66 Indian Rock Road, A/P 177-261-02, a one foot frontyard variance to construct a carport over an existing parking deck within 19 feet of the front property line, with a two foot roof overhang.

Joan Olsen Hechtman, applicant, present.

Ms. Wight presented staff report and said the special circumstances associated with this variance request are that the parking deck exists in this location and to construct the outside of the cover to be setback 20 feet from the front property line and still have sufficient length to protect the cars would cause the support post to block the stairs. The easterly neighbor at No. 58 has only a garage window facing the carport and the views from the other neighbors will not be adversely affected.

Ms. Joan Olsen Hechtman said she desired a covered garage.

None of the Commissioners had an objection with this application.

M/S Sias, Julin, to approve V-2198 for Joan Olsen Hechtman, 66 Indian Rock Road, a/P 177-261-02, a one foot frontyard variance to construct a carport over an existing parking deck within 19 feet of the front property line, with a two foot roof overhang.

on the basis that: 1. there are special circumstances associated with the variance requests, specifically: that the configuration of the existing structure on that parcel of land is such that to construct the outside of the cover to be setback 20 feet from the front property line and still have sufficient length to protect the cars would cause the support post to block the stairs; and 2. the variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances are approved as they 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; 4. the variances are necessary for the preservation and enjoyment of substantial property rights, specifically that the applicant wishes to have covered parking like other people in the neighborhood; and 5. the variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, and referenced to plans dated August 10, 1987.

Motion passed unanimously. Applicant advised of 10 day appeal period.

5. V-2199 - Michael Conroy, 27 Oakwood Court, A/P 5-062-80, a third story variance to construct a floor in the lower area to provide additional living area.

A. 144 - Michael Conroy, 27 Oakwood Court, A/P 5-062-80, architectural review on exterior changes.

Michael Conroy, applicant, present.

Ms. Wight presented staff report stating that in 1985 the Planning Commission granted variances to construct a dwelling and attached garage with a two foot roof overhang and a porch and open deck within five feet of the front property line. These variance approvals were conditional upon review by the Planning Commission of the structural and architectural aspects of the building. The goal of this structural and architectural review was to allow the Commission and public to participate in the building permit approval stages. The primary concern was safety, with special emphasis on structural design, soils engineering findings, drainage and construction in terms of storage of materials. The visual aspects of the design were clearly of secondary importance. Normally architectural design of single family residences are not subject to Commission review. The approved cedar shingle siding has been changed to "T 1-11" grooved texture plywood siding. The color of the siding is Olympic Stonehedge (blue-grey) with Decorator white (off-white) trim. The siding and color change were already in place when staff informed the applicant that this change will require a design review amendment prior to finaling the home. Staff considers this design review amendment a formality and not a significant change to the structure. Special circumstances for the third story variance are that the area of construction is within the existing exterior walls and the only exterior change will be two windows. The existing dwelling has several windows facing the north. These windows are visible to persons below and across the valley. The additional windows, one of which will face north and the second will face west, should not be a significant change or an infringement of anyone's privacy. To deprive the applicant of using the area for additional floor area would serve no apparent purpose. The addition will provide a larger master bedroom suite and the second bedroom will have a private bathroom and would not necessarily result in additional persons residing in the dwelling. Approval of the variance will not be a granting of special privileges because it is all interior construction. The interior construction should not

have an adverse affect on the neighborhood as the same number of bedrooms will exist. It has been suggested by a neighbor that the expanded lower finished floor may become a second living unit. Often staff has this concern when additional area is being constructed however, in this case staff does not share this feeling for the following reasons: 1. there is no exterior access proposed to this area. Interior access is through the middle of the house; and 2. the middle floor only contains one bedroom and the study, each of which are only 12 feet by 16 feet. It is unlikely that this arrangement would create an attractive second unit situation.

Michael Conroy, General Contractor, said that the room is basically already enclosed and there is no excavation necessary. The space is defined and the framing is already there. All that needs to be done is to add a few windows and a bath. The applicant is coming before the Commission to legalize the usage. At this time the configuration is such that to access the downstairs bathroom from the 2nd bedroom one has to go through the master bedroom. This is poor design and we want to correct this now before the applicant moves in. Access from the exterior of the building is almost impossible so there should be no concern for a second unit. Mr. Conroy said the original plans called for cedar siding as explained in the staff report, and the error was on his part because he thought that plywood siding was an alternative.

Rick Sheviakov, 30 Oakwood, had no problem with the exterior change however he felt that brown would have been better. As far as the 3rd story variance was concerned if felt very strongly that the applicant should follow what was already approved. That the 3rd story variance was addressed as part of the original variance in 1985 and then dropped because of all the "heat" in the neighborhood about his home being built. Mr. Sheviakov then read a letter addressing his particular objections as to lot legality, construction impact, parking, slide potential and more presently, the nature and quality of his neighborhood. In addition he feels the description of proposed use is unclear and there is potential for a second unit.

John Mitchell, 55 Oakwood, wanted to know why the applicant did not originally apply for a 3rd story why can the applicant change the siding without getting permission.

Carman Mitchell, 55 Oakwood, said it was known and understood that there was not going to be a 3rd story home when it was originally built. All the neighbors knew that the interior plan was poorly designed in the beginning and the owner should have realized it.

Phyllis Ostrander, 45 Oakwood, stated that a 2 car garage on the property was not even practical.

Commissioner Zaharoff said she would side with the neighbors in this case in regards to the 3rd story variance. The applicant originally applied for a 3rd story variance and then withdrew it. It was assumed that there would only be a two story home built. She also said it was difficult to understand how there could be a misunderstanding on the exterior siding. Commissioner Yarish did not see why they should change what has already been decided by the Commission. He also can not approve the color and siding change. Commissioner Sias was against the 3rd story variance and wanted the applicant to remove the joists. He felt it was a violation of the whole process. He also felt he would like to see them use the original cedar shingle siding instead of the plywood. Commissioner Julin wanted to abstain because she was unfamiliar with the history of this applicant. Chairman Hayes felt the siding should be shingles and not plywood and that there should never have been a 3rd story. There were such lengthy discussions about this dwelling and there should have been no misunderstanding by the

owner. He felt the 3rd story will increase the intensity of use and can not understand how the owner is just about ready to move into the home and realize that the exit from the 2nd bedroom has to be through the masterbedroom.

Mr. Conroy said that he was not the contractor when this application was originally brought to the Commission however it has never been his intent to try to get away with anything. There was an error made with regards to the exterior and the 2nd bedroom exit and Mr. Conroy said he has come before the Commission to follow the legal process to rectify the errors. If there was no separate entrance what impact would the 3rd story have on the neighborhood.

M/S Yarish, Sias to deny V-2199 for Michael Conroy, 27 Oakwood Court, A/P 5-062-80, a third story variance to construct a floor in the lower area to provide additional living area; and A-144, architectural review on exterior changes, on the basis that: 1. there are no special circumstances associated with the variance and architectural review requests, specifically: a previous understanding and agreement with the Planning Commission that this will be a two story dwelling and the agreement that the siding will be shingle; and 2. the variances and architectural review are denied because the strict application of the controlling zoning ordinance will not deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances and architectural review are denied as they will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; 4. the variances and architectural review are not necessary for the preservation and enjoyment of substantial property rights, specifically that need of additional space or freedom to change colors and finishes for economic reasons; and 5. the variances and architectural review will materially affect adversely the health or safety of persons residing or working in the neighborhood; and will be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that the color, plywood siding and the additional floor could have and adverse impact on the neighborhood.

Motion carried. Ayes: Zaharoff, Sias, Yarish, Hayes
Abstain: Julin

Applicant advised of 10 day appeal period.

6. V-2200 - Lawrence Tan, 219 The Alameda, A/P 5-052-11, a 14 foot rearward variance to construct a hot tub within six feet of the rear property line; a two foot north sideyard variance and 12 foot rearward variance to construct an open deck within six feet of the north side property line and eight feet of the rear property line; and an eight foot rearward variance to construct an addition within 12 feet of the rear property line, with a two foot roof overhang.

Lawrence Tan, applicant, present.

Ms. Wight presented staff report and stated the special circumstances are that due to the design of the existing dwelling on the parcel, the only possible location for expansion is to the south. The existing master bedroom does not have a separate bathroom and with the construction of the hot tub to the rear of the dwelling, and with the upgraded master bedroom, it is desired to have a second bathroom towards the rear of the house. Construction of the addition, hot tub and deck should not have an adverse affect on the neighborhood.

Lawrence Tan said that his home is unusual and he needs to add another bedroom because his family is increasing. Also, his neighbors have no objection to the application.

None of the Commissioners had an objection to this application.

M/S Sias, Yarish, to approve V-2200 - Lawrence Tan, 219 The Alameda, A/P 5-052-11, a 14 foot rearyard variance to construct a hot tub within six feet of the rear property line; a two foot north sideyard variance and 12 foot rearyard variance to construct an open deck within six feet of the north side property line and eight feet of the rear property line; and an eight foot rearyard variance to construct an addition within 12 feet of the rear property line, with a two foot roof overhang, on the basis that: 1. there are special circumstances associated with the variance requests, specifically: that there is no other place to construct these structures; and 2. the variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances are approved as they 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; 4. the variances are necessary for the preservation and enjoyment of substantial property rights, specifically that the property owners wish to have a larger master bedroom, additional bathroom and hot tub; and 5. the variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that the neighbors are set a reasonable distance from this addition and the hot tub and deck should not be noticeable. This is based on the plans modified October 5, 1987.

Motion passed unanimously. Applicant advised of 10 day appeal period.

7. V-2201 - James W. Culver, 90 Woodside Drive, A/P 5-271-15, a third story variance to construct an addition.

James Culver, applicant, present.

Ms. Wight presented staff report stating that the area of construction is within the existing exterior walls and that the only exterior change will be the installation of windows on the north and east side, and an open deck on the east side. The additional windows should not be a significant change nor an infringement on anyone's privacy due to the steep downslope from the street and the dense foliage surrounding the dwelling. The addition will provide a music room for a home occupation and will not necessarily result in additional persons residing in the dwelling. Although the applicant intends to use the area for music instruction, it is possible that in the future, this area could become a second living unit and this area has reached its maximum Code allowed density for second living units at this time. Staff understands the desire for the second entrance to allow students to enter the music room without walking through the dwelling. However, given the low level of activity associated with this occupation, staff believes that the interior stairs are the only access this room requires and, therefore, recommends elimination of the exterior access in order to preclude future creation of a second unit.

Mr. and Mrs. Culver wanted to assure the Commission that there is no 2nd unit proposed. Their object was to have the music room somewhat separate from the rest of the house. Because the door is unlocked while teaching, the students would have to enter the house 3 floors away if they continued to use the existing front door. This leaves them open for vandalism and very difficult to exit in case of fire. It is also more professional to have a separate entrance. Lastly, the interior staircase won't allow the piano to go through.

Commissioner Sias said there should be more than one access for fire but is concerned about the 2nd unit usage for subsequent owners. To which Commissioner Julin agreed. Commissioner Yarish indicated this is a perfect set up for a 2nd unit and just lends itself to a perfect mother-in-law unit but is inclined to approve this application because of the other circumstances. Commissioner Zaharoff had no objection with the 3rd story variance but is concerned about the potential 2nd unit in the future. Chairman Hayes had no objection about the 3rd story or with the exterior door from the music room.

There was discussion among the Commissioners and the applicants about different ideas for the exterior door and staircase. It was decided that the Commission would act on all items with the exception of the exterior staircase, hoping the applicants could construct a door within the setbacks so a variance would not be needed.

M/S Zaharoff, Yarish to approve V-2201 for James W. Culver, 90 Woodside Drive, A/P 5-271-15, a third story variance to construct an addition, on the basis that: 1. there are special circumstances associated with the variance requests, specifically: that there are no exterior changes to the existing exterior walls and that the only exterior change will be the installation of windows on the north and east side and a deck on the east side; and 2. the variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances are approved as they 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; 4. the variances are necessary for the preservation and enjoyment of substantial property rights, specifically that the addition is necessary for the owner to pursue a home occupation; and 5. the variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that it only entails interior construction and that this construction is wholly within the existing building envelope. This is based on the drawings received by the Town on August 7, 1987.

Motion passed unanimously. Applicant advised of 10 day appeal period.

Chairman Hayes stated even though this 3rd story variance looks similar to the Valásquez application they are different. This is a new application and the Valásquez's, after much deliberation, had been approved by the Town Council for a two story dwelling and they should live by what was approved.

8. V-2202 - Thomas and Carol Lubinski, 4 Myrtle Lane, A/P 7-161-16, a seven foot sideyard variance to enclose an existing carport within one foot of the side property line.

Thomas Lubinski, applicant, present.

Ms. Wight presented staff report stating that the carport is existing. Approval of this variance will not be a granting of special privileges because other properties in the neighborhood enjoy covered parking within the setbacks. Staff has received letters of support from property owners at 79 and 80 San Rafael and 126 Tamalpais Avenue.

None of the Commissioners had an objection to this application.

M/S Sias, Julin to approve V-2202 - Thomas and Carol Lubinski, 4 Myrtle Lane, A/P 7-161-16, a seven foot sideyard variance to enclose an existing carport within one foot of the side property line, on the basis that: 1. there are special circumstances associated with the variance requests, specifically the configuration of existing structures is that it is not practical to place it in another spot; and 2. the variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances are approved as they 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; 4. the variances are necessary for the preservation and enjoyment of substantial property rights, specifically that other neighbors in the neighborhood have closed garages; and 5. the variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, and this is in reference to plans dated April 9, 1987.

Motion passed unanimously. Applicant advised of 10 day appeal period.

9. V-2204 - George and Dorothy Wallerich, 27 Vine Street, A/P 7-273-25, a third story variance to construct an addition - WITHDRAWN ON OCTOBER 5, 1987.

D. CONTINUED PUBLIC HEARINGS

1. PP-9 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, preliminary plan review of a single family dwelling in an R-1 H zone - CONTINUED TO OCTOBER 19, 1987.

AR-7 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, architectural review of a single family dwelling in an R-1 H zone - CONTINUED TO OCTOBER 19, 1987.

E. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:30 p.m. to the next special meeting on October 14, 1987.

Barbara Chambers
Planning Secretary/Technician