

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on August 18, 1987 by Chairman McPeak in the Town Hall Council Chamber. Staff present: Lisa Wight, Planning Technician and Barbara Chambers, Administrative Secretary/Technician.

#### A. ROLL CALL

Commissioners Present: Harle, Kroot, Zaharoff, McPeak

Commissioners Absent: Hayes, Sias, Manning

#### B. APPROVAL OF MINUTES

The following corrections were made to the minutes of August 3, 1987 as follows: Page 1, second paragraph under Public Hearings, delete "create the up to date" and add "conform to the recommendations of the latest"; Page 1, third paragraph under Public Hearings, change "on" to "of"; Page 1, fourth paragraph, change "The criteria which needs" to "The criteria which need"; Page 2, first paragraph, change "determent" to "detriment"; Page 2, ninth paragraph, change "if we depart from the limits that are set then we would altercate it" to read "we should not depart from the limits set"; Page 6, third paragraph, change "north side and front" to "north rear and westside"; Page 6, fourth paragraph, change "dwelling" to "structure".

M/S Kroot, Zaharoff to approve the minutes as corrected.

Motion carried. Commissioner Harle abstained.

The following corrections were made to the minutes of August 10, 1987 as follows: Page 1, last paragraph, change "sings" to "signs"; Page 5, eighth paragraph, change "Natural and should be matched up with colors, and roof and also the stucco" to "connected to the colors, roofing and stucco, as shown on the color board"; Page 5, last paragraph, delete "from the gray downwards". Page 7, seventh paragraph, add "maybe up to 12 feet. He felt the 6 in 12 garage roof slope worked visually."

M/S Zaharoff, Kroot to approve minutes as corrected.

Motion carried. Commissioner Harle abstained.

#### PUBLIC HEARINGS

1. V-2188 - Jacqueline M. Kientz, 86 Scenic Avenue, A/P 7-054-09, a 13 foot rearyard variance and a 10 foot west sideyard variance to construct an open deck and open stairs within one foot of the rear property line and zero feet of the west side property line.

Jacqueline Kientz, applicant, present.

Lisa Wight presented staff report stating the applicant desires to construct an open deck along the entire width of the rear of the garage. Open stairs are proposed from the street along the south side of the structure to the rear deck. Special circumstances for the deck are that the garage was constructed on the existing foundation and to conform the deck to the required 14 foot rearyard setback would eliminate all but a six foot length. Special circumstances for the open stairs are to access the rear deck and workshop without opening the garage doors. The granting of the rearyard variance for the deck construction could be considered a granting of special

privileges because most garages do not have open decks to the rear. The granting of the west sideyard variance for the stair construction would not be a granting of special privileges because other properties enjoy a second entrance to a garage other than using the garage doors. The applicant feels the open deck and stairs are necessary for the enjoyment of her property rights for the reasons that it will provide an outdoor area off the workshop and be accessible from the street without opening the garage doors. Staff is concerned that this workshop and garage may be used for separate living quarters in the future. While the applicant has intentions to use it for one parking space and a workshop, the structure has possibilities for becoming a second living unit someday. A wall is not proposed between the garage space and the workshop. There are sliding glass doors along the entire back wall of this structure with a proposed open deck and stairway from the street. Since it is the applicant's intent to use this structure for parking and a workshop, staff finds that the open deck extending the entire width of the garage may not be necessary for the enjoyment of this structure. Staff supports the open stairs leading to a door to gain access to the structure, rather than having to open the garage door and feel this variance request is necessary for the enjoyment of property rights. Staff received letters of support for the reconstruction of the garage from owners of three properties on Plumas Avenue. The letters do not mention the construction of the open deck and stairs so staff is uncertain whether those structures are supported by the neighbors. Neither the open deck nor the stairs should have a detrimental effect on the neighborhood.

Jacqueline Kientz stated that the reason for the open deck across the back and the glass windows was to let light into the workshop and also to increase the view to the backyard.

Chairman McPeak wanted to know if the driveway plans and curb cuts have been turned in by the applicant as stipulated by the Commission at the last meeting.

Ms. Wight said that staff has been in contact with the contractor and will be going out to the site. Apparently there is a driveway across the street from the applicant that has the same configuration.

Commissioner Harle was inclined to favor these variances, stating he could see the strong interest the owner might have in the deck and outside stairway and couldn't understand staff's comment on the deck perhaps not being necessary.

Commissioner's Zaharoff and Kroot had no problem with the application.

Chairman McPeak agreed with staff and stated the exterior stairway in the back was unnecessary and would be a granting of special privileges and therefore could not support the application with the exterior stairway.

M/S Zaharoff, Kroot, move to approve V-2188 for Jacqueline M. Kientz, 86 Scenic Avenue, A/P 7-054-09, a 13 foot rear yard variance to construct an open deck within one foot of the rear property line; and a ten foot sideyard variance to construct open stairs within zero feet of the side property line; 1. there are special circumstances associated with the variance requests, specifically: that the construction of a new garage on the original garage site in order to meet code requirements necessitated the elevation of the garage and to provide access to the garage is necessary to grant the variances requested; 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 garages in the area enjoy access other than through the car garage doors; 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 variances are minor additions and not visible to any of the neighbors.

AYES: Harle, Kroot, Zaharoff  
NOES: McPeak

Motion carried.

Applicant advised of 10 day appeal period.

2. 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 the 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.

Steven Potter and Jefferey Potter, applicants, present.

Ms. Wight presented staff report stating there is currently a two story single family dwelling on the property. There is a substandard one car garage on the first floor, a substandard one car tandem driveway, and substandard two car tandem parking is proposed on the south side of the property. The applicants propose to rezone the property to R-2 and construct an addition and open deck on the rear of the property which conforms to the required setbacks. The General Plan shows this area as Mixed Residential, Predominantly Multiple 12 to 20 units per acre. Ross Avenue has C-2, R-3, R-2 and R-1 uses. Environmental Review: Staff has issued a Negative Declaration on the basis that this project is small in scope and will not have a significant adverse affect on the neighborhood. Rezoning: In 1981 the Planning Commission reviewed the zoning of Ross Avenue and some properties were rezoned to reflect existing residential uses and to help bring peripheral downtown zoning into conformance with the General Plan. Nos. 36, 40 and 57 were rezoned from C-2 to R-3; No. 76 was rezoned from R-2 to R-3; and No. 110 was rezoned from R-1 to R-2. Since then, No. 24 was rezoned from R-2 to SPD to construct two additional units. At the Planning Commission workshops in 1981, 54 Ross Avenue was not discussed as the Commission was only rezoning properties to conform to their present use. No. 54 Ross Avenue has always had a single family residential use. The General Plan encourages infill rental housing. The General Plan Land Use Designation of 12 - 20 units per acre would allow two living units on this parcel. Therefore, the rezoning would be in conformance with the General Plan. The parcel is surrounded by R-1, R-2 and R-3

uses, so to rezone this property would not be spot zoning and would conform to the neighborhood. Variances: To rezone property to a higher density a variance is necessary for the lot area, average width and parking. The parcel is substandard in size for both R-1 and R-2 zoning according to today's minimum lot size of 7,500 square feet. The average lot width is substandard for both R-1 and R-2 zoning according to today's standard of 60 feet. There are four 9 by 19 foot on-site parking spaces required with R-1 zoning. The lot is substandard in size by 2,950 square feet. To add another living unit to this property could be considered overdevelopment. The average lot width is substandard by ten feet and consequently the additional two required parking spaces are forced to be within five feet of the south side property line. It is difficult to find the special circumstances to grant these variances since the need for variances is self-created by the requested rezoning. The one car garage and tandem driveway are existing, both of which are substandard in length according to today's standards. The legal size tandem third and fourth parking spaces are proposed in the front south sideyard in order to maintain the open backyard area. The applicant has shown that it is possible to conform the third and fourth parking spaces to the required 20 foot frontyard setback, but this plan is not desired by the applicant. Since the parking variances are being created due to the proposed expanded use, it is difficult for staff to make the finding of special circumstances. Variances are required to be based on a hardship which is not self created. The granting of the lot area, average lot width and parking variances are not necessary for the preservation and enjoyment of substantial property rights of the petitioners. Staff appreciates the fact that the applicant has provided usable sized parking spaces, but the parking is in tandem and located in the setbacks. Based on the number of parking variances required for this expanded use, staff generally feels that the two family use might be overdevelopment of the property. The granting of such variances may affect adversely the health or safety of persons residing or working in the neighborhood. An additional living unit will result in a demand for additional parking. The two proposed parking spaces on the south side of the property will place parking closer to the southerly neighbor. Tandem parking can be difficult to monitor. Tenants may find it easier to use street parking and eventually request a permanent overnight parking permit from the Town. While there are merits to this proposal, specifically they infill housing will be provided and four on-site parking spaces can be provided, staff has difficulty recognizing officially the parking pad, garage and driveway that requires cars to park in tandem.

Steve Potter stated they are trying to propose a quality living unit that they would like to live in and they don't want a mother-in-law unit. Rezoning the R-2 will give them a reasonable return on their investment. He said the merits of infill housing should outway the parking issue however they don't want to encourage on street parking.

Commissioner Kroot stated he had trouble with the lot area being considerable smaller than R-2 requirements and in looking at the site plan the parking is small and seems to go over the property line.

Commissioner Zaharoff was in favor of infilling and believes that is the philosophy of the Town. This however, was a substandard lot. She could understand the desire for the applicants to rezone because of the various zones in the neighborhood but wanted to hear additional discussion. She also wanted to know if the applicants were going to work within the existing structure.

Commissioner Harle said that if this lot was in an R-1 zone he would not approve the variance because the lot was too small for so much development. However, since this section of Ross Avenue is fairly heavily multiple his main objection now is the parking issue. He did not feel that parking should be in the frontyard because it would be visible to the public and wanted to see it moved internal. Commissioner Harle said he was not prepared to make a decision until there were other accommodations for vehicles.

Steve Potter said they could cement the backyard but liked to garden and did not want to give up that space. He did not feel that parking close to the street would be a problem because the neighbors do it. He said that they did give staff additional drawings, indicating that they now have 4 car parking available on the side of the house.

Chairman McPeak felt that perhaps the applicants are trying to get too much use out of the property.

The applicant stated that most of the lots in the area are about the same size.

Chairman McPeak asked staff the square footage of lots in the neighborhood that are zoned R-2. He thought a survey was done in that area when the Sohner development came before the Commission.

Ms. Wight said that No. 43 Ross has a use of R-2 and is much larger. No. 60 Ross is a R-3 lot and is about the same size with 4 units on it.

Chairman McPeak wanted to see the other uses of the lots in the neighborhood and parking spaces required for those.

Commissioner Harle wanted to see a proposed alternative for the parking away from the front of the building.

M/S Zaharoff, Kroot move to continue Z-244 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, proposed rezoning from R-1 to R-2 and the initial environmental review and V-2186 - a 20 foot frontyard variance and three foot south sideyard variance for the 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 to refer back to applicant to provide alternative plans for the parking away from the street and for staff to provide the uses of the properties in the neighborhood and parking spaces required for each use, and parking variances granted and to be reheard on September 21, 1987.

Motion passed unanimously.

3. U-623 - Alberto Pavanello, 208 Sir Francis Drake Boulevard, A/P 6-252-02, use permit for the on-sale of beer and wine.  
V-2187 - Alberto Pavanello, 208 Sir Francis Drake Boulevard, A/P 6-252-02, parking variance to increase the intensity of use with on-site parking.

Alberto Pavanello, applicant, present.

Ms. Wight presented staff report stating the applicant proposes to operate an Italian restaurant. The primary use is to be sit down service with the on-sale of beer and wine, and take-out food will also be offered. Off-sale beer and wine are not proposed. The proposed hours of operation are: Monday through Saturday 10:00 a.m. to 10:00 p.m. and Sunday 10:00 a.m. to 2:00

p.m. The total number of employees will be five, with a maximum of three at any one time. The 1,500 square foot building has a second floor mezzanine which will be used for the restaurant's office. Approximately 750 square feet of the gross floor area will be used for dining. Proposed seating includes eight tables with 36 chairs and a counter with seven stools. Fifty seats would be acceptable to the Ross Valley Fire Department based on the square footage of the dining area. The proposed restaurant use is an increase in intensity of use over the previous retail use so either the minimum parking must be provided or a parking variance obtained. Based on the square footage of the building and the proposed use, six on-site parking spaces are required. There is no on-site parking however, off-site parking reserved for this specific use on an adjacent property at 190 Sir Francis Drake Blvd. are: two: 8 by 20 foot spaces, two: 8'6" by 17 foot spaces, and two: 9 by 18 foot spaces in tandem. In addition there are nine on-street parking spaces in front of the businesses between Bank Street and the driveway to 190 Sir Francis Drake Blvd., two of which are limited to 20 minute parking. Use Permit: The property is zoned C-3, General Commercial. The on-sale of beer and wine use is consistent with the use of other restaurants in the area. The restaurant is accessible only from the Sir Francis Drake Blvd. frontage, so residential properties to the rear should not be affected. Residential neighbors have expressed concern about customers bringing bottles out of the restaurant however, the sale of beer and wine is strictly limited to on-site. Parking Variance: The circulation of automobile traffic in the Sir Francis Drake Blvd. downtown area including the parking of these automobiles, is a major concern to the Town. Granting of variances require certain findings, such as hardship, unique circumstances, preservation of property rights and that it not be a detriment to the community. It is becoming increasingly difficult to make these findings, primarily due to the realization that if property use and associated parking is allowed to intensify unchecked, in times of business community success, the parking needs necessary to support the success can not be met and, therefore, businesses will damage each other to the detriment of the community. There are clearly uses of this site that can comply with Code requirements and would not face staff opposition. The applicant feels the granting of the parking variance is necessary as there is no available on-site parking due to the configuration of the building on the lot. He also feels that the restaurant will provide off-sale of food items which will create a turnover of parking spaces.

Commissioner Kroot said that the use permit is consistent with other restaurants in San Anselmo. He suggested that it might be a good idea to mark the parking spaces reserved for the restaurant.

Commissioner Zaharoff had no problem with approving the beer and wine use on the premises but that traffic and parking is a big problem in that area. Because the applicant is providing 6 off-site parking she would approve this application if the parking spaces are marked for this restaurant.

Commissioner Harle generally supports the application and the comments of the other Commissioners.

Chairman McPeak wanted to know if the off-site parking for the other restaurants in the area are labeled. He said he would be in agreement with the application if the 6 off-site parking spaces were labeled.

Dr. Kluse, 190 Sir Francis Drake Blvd., stated that 10 of the 17 parking spaces are labeled and the others need to be redone again.

M/S Kroot, Zaharoff move to approve U-623 for Alberto Pavanello, 208 Sir Francis Drake Boulevard, A/P 6-252-02, on-sale of beer and wine, on the basis that: 1. the establishment and use of on-sale beer and wine will not, 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, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; 2. the granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Motion passed unanimously.

M/S Kroot, Zaharoff move to approve V-2187 for Alberto Pavanello, 208 Sir Francis Drake Boulevard, A/P 6-252-02, parking variance, this is based on the fact the applicant will mark 6 spaces in the parking area to the south of his proposed business.

Motion passed unanimously.

Applicant advised of the 10 day appeal period.

4. V-2189 - Donald Clark, 100 Florence Avenue, A/P 7-011-27, a five foot frontyard variance and five foot east sideyard variance to construct a garage and workshop within 15 feet of the front property line and three feet of the east side property line with a two foot roof overhang; 1 17 foot rearyard variance and a 6 foot west sideyard variance to reconstruct and extend an accessory structure within 3 feet of the rear property line and 2 feet of the west side property line.

Donald Clark, applicant, present.

The proposed size of the workshop is 20 feet by 20 feet and is designed so that the applicant can work on a vehicle inside the structure. The proximity of the existing shade tree in front of the dwelling makes it difficult to maintain the desired 20 foot workshop width and conform to the 20 foot frontyard setback. Reducing the workshop width to 15 feet to conform to the 20 foot frontyard setback would still provide area for a vehicle and a workshop and, therefore, staff is uncertain of the special circumstance finding for the frontyard variance. To maintain the desired 20 foot workshop length and conform to the 8 foot sideyard setback requirement would place the structure in direct line of the living room windows. This is not aesthetically pleasing for the applicant. If the length of the workshop is reduced to 15 feet to conform to the 8 foot sideyard setback a vehicle cannot be accommodated. Although staff can understand the applicant's desire to construct a structure large enough to accommodate a vehicle, it seems that the variance requests are based on a self-created hardship. There is covered space in the carport if it is necessary to work on vehicles. It would also be possible to construct a workshop on the south side of the lot that could conform to the front and east side setback requirements. The applicant feels the size and proposed location of the workshop are necessary for the maximum enjoyment of the structure. The westerly neighbor at No. 98 has a driveway next to the proposed workshop so the workshop should not have an adverse effect on this neighbor. Due to the high and dense foliage in the frontyard and sideyard, the proposed structure should not be visible to other neighboring properties. Staff has received a letter of support from the neighbor at No. 98. Summer House: The building was recently demolished as it was in poor condition. The applicant has used this room for

sleeping in the hot summer months. To construct a new structure will be an improvement to the property and will not intrude any further than the former accessory building. However, staff is unable to make the special circumstance finding for the new structure to encroach two more feet into the rear setback since a 200 square foot room seems to be a practical size for a studio and occasional sleeping area by members of the main dwelling. The applicant feels the proposed size is necessary to accommodate his needs and this location is preferred due to the existing foundation. The reconstruction of the structure will be an improvement to the property since the old structure was in a dilapidated condition. although it is only two feet from the westerly neighbor at No. 60 Belle Avenue in Fairfax, the structure is next to a walkway and garage, so it should not impact NO. 60 Belle's living quarters. Due to the high foliage to the rear of the applicant's property, the new structure should not be noticeable to the neighbors at No. 5 Pastori Avenue and 95 Oak Knoll Avenue.

Commissioner Zaharoff said she had no problem with the guest house but was reluctant about approving the variance for the workshop primarily because of the space allocated. Perhaps a carport could be used instead of a garage that goes into the setbacks.

Mr. Clark said the workshop will be used for woodworking and for working on cars. He restores automobiles year round and wants a covered area to work in so a carport would not be adequate for his needs. He has spoken to his neighbors and they do not have a problem with what he is proposing.

Commissioner Harle had no objection to the proposals, stating that the things the applicant is asking for are relatively unobtrusive.

Commissioner Kroot said that the proposed new shop can hardly be seen because of the way it has been screened.

M/S Harle, Kroot move to approve V-2189 - Donald Clark, 100 Florence Avenue, a/P 7-011-27, a 5 foot frontyard variance and 5 foot east sideyard variance to construct a garage and workshop within 15 feet of the front property line and 3 feet of the east side property line with a 2 foot roof overhang; a 17 foot rear yard variance and a 6 foot west sideyard variance to reconstruct and extend an accessory structure within 3 feet of the rear property line and 2 feet of the west property line; 1. there are special circumstances associated with the variance requests, specifically: the workshop specifically needs to be this size requested for the use projected and placement of the tree and front of the house pretty much dictate the location of that. The location of the auxiliary building is dictated by the previous building; 2. 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 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; 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 building is well screened and adjacent neighbor has supported the application and the building is not considered a detriment. this is in reference to drawings dated June 1987.

Motion passed unanimously.

Applicant advised of the 10 day appeal period.



5. V-2190 - Raymond and Sherie Less, 235 San Francisco Boulevard, A/P 5-204-31, a 1'8" northwest sideyard variance to construct a dining room addition within 6'4" of the northwest side property line, with a 2 foot roof overhang.

Raymond Less, applicant, present.

Ms. Wight presented staff report stating that the addition will be continuing the south and west building lines. To reduce the dining room width 1'8" to comply with the current 8 foot setback requirement would be a jog in the building line which would be aesthetically unpleasing and would reduce the width of the dining room to 9'6" which is too narrow to accommodate a dining room table. This is the logical location for the dining room addition as it is off the living room and kitchen. To place the addition to the rear of the kitchen would appear as an addition and could disturb the roots of the large redwood trees. The applicants feel the logical location for the dining room addition is as proposed because it will be at the end of the living room and next to the kitchen. The applicants desire a dining room as the eating area is currently in the kitchen, which is small. The addition should not have an adverse affect on the neighborhood. The construction is along existing building lines and is only encroaching 1'8" into the south side setback. The rear neighboring dwelling at Nos. 36 and 40 Santa Barbara Boulevard are set a considerable distance from the proposed construction and due to the large redwood trees on this property, the addition should not be noticeable. There is adequate on-site parking so the additional living space should not result in a demand on parking.

Mr. Less stated that he had support from his neighbor at No. 231.

The Commissioners had no objection to this application.

M/S Kroot, Zaharoff move to approve V-2190 fro Raymond and Sherie Less, 235 San Francisco Boulevard, A/P 5-204-31, a 1'8" northwest sideyard variance to construct a dining room addition within 6'4" of the northwest side property line, with a two foot roof overhand; on the basis of the drawings dated April 14, 1987 1. there are special circumstances associated with the variance requests, specifically: that the dining room will continue the line and will not be closer to the property line than the existing building already is; 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, that the owners would like to add a dining room to their residence; 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 new dining room will be no closer to the property line than the existing living room and it is also screened from the street.

Motion passed unanimously.

Applicant advised of the 10 day appeal period.

6. V-2191 - Lori and Tony Wright, 427 Scenic Avenue, a/P 7-032-06, a 5.5 foot south sideyard variance to reconstruct a storage area under an existing garage for use as a study/office within 2.5 feet of the south side property line, with a one foot overhang.

Ms. Wight presented staff report stating that special circumstances are that the existing enclosed storage area is already within 2.5 feet of the south side property line. The three foot extension to the rear is minor and will simply line up with the existing carport above. The existing structure is not aesthetically pleasing and this enclosure could be considered an improvement to the property. This is a logical place to create a study as the enclosed area is existing and will have minimal impact on the neighborhood. The 1,300 square foot dwelling has two bedrooms. The applicants desire to work at home and both bedrooms are occupied by family/office members. The applicants feel the logical location for the study is in the existing storage area. The existing structure is within 2.5 feet of the southeast side property line. The reconstruction of this enclosure and the three foot extension should have no adverse affect on the neighborhood. The neighboring dwelling at No. 431 is set to the rear of the new construction and the reconstruction should be a visual improvement to them. Rearyard neighbors are lower on the hillside and should not be affected by the addition.

Mr. Wright said that the immediate neighbor is in support of changing the existing enclosure.

All the Commissioners were in favor of the application.

M/S Zaharoff, Kroot move to approve V-2191 - for Lori and Tony Wright, 427 Scenic Avenue, A/P 7-032-06, a 5.5 foot south sideyard variance to reconstruct a storage area under an existing garage for use as a study/office within 2.5 feet of the south side property line, with a 1 foot roof overhang, on the basis that: 1. there are special circumstances associated with the variance requests, specifically: it is simply improving an existing structure that is necessitated by the original placement of the side property line; 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 properties in the area enjoy the same type of storage area; 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 this addition can only be viewed as an improvement and will add to the aesthetes value in the neighborhood. This is based on the drawings of July 1987.

Motion passed unanimously.

Applicant advised of the 10 day appeal period.

7. V-2192 - Jeffrey Rudsten, 180 Sturdivant Avenue, A/P 6-231--  
6. a 15 foot rearyard variance to construct a restroom/changing  
room within 5 feet of the rear property line; a 17 foot rearyard  
variance and a 5 foot southeast sideyard variance to construct  
retaining walls within 3 feet of the rear property line and 3  
feet of the southeast side property line.

Brian Schroeder, representing John Nichols Assoc., present.

Ms. Wight presented staff report stating that the applicants desire to construct a swimming pool and restroom/changing facility building within the rear setback. The Town Code allows the inground swimming pool to be located within 8 feet of the

rear property line without variances. Due to the steep upslope of the lot behind the dwelling, it is necessary to construct retaining walls up to 13 feet in height in order to create the flat area required to locate a pool and associated structures at this site. While it would be possible to locate the pool, retaining walls and restroom/changing area to the rear of the dwelling on the northwest side of the property, thereby complying with the 20 foot rear setback requirements, the proposed location is preferred. The restroom/changing area located above the pool will be a convenience. If the retaining walls and restroom/changing area are required to conform to the setback requirements, they will crowd the rear of the dwelling and may not be the best use of the property. Neighboring dwellings are set quite a distance from the proposed construction therefore this should cause no adverse visual affect on the neighborhood. The building permit will be conditioned upon the applicant strictly complying with the recommendation in the soils report dated June 30, 1987, by Donald Herzog & Associates, Inc. to insure the safety of persons in the neighborhood will be protected.

Mr. Schroeder stated that this will provide visual separation from the house and that having the pool farther away from the house will be safer for the small children. In addition the impact on existing vegetation will be reduced.

Commissioner Zaharoff felt she should abstain as she did not have time to view this site because she just came back from vacation and was not able to visit the site.

Commissioner Harle said his only concern was the 13 foot retaining wall but if work was to be done under the supervision of a soils engineer he had no objection to the application.

M/S Harle, Kroot move to approve V-2192 for Jeffrey Rudsten, 180 Sturdivant Avenue, A/P 6-231-06, a 15 foot rearyard variance to construct a restroom/changing room within 5 feet of the rear property line; a 17 foot rearyard variance and a 5 foot southeast sideyard variance to construct retaining walls within 3 feet of the rear property line and 3 feet of the southeast side property line, on the basis that: 1. there are special circumstances associated with the variance requests, specifically: that the placement of the improvements including the displacement involves saving some planting in the rear of the house that would otherwise have to be removed to place in that location. The advantage of this location as it pertains to the uses itself is obvious and; and 2. since this variance will not materially affect adversely the health or safety or persons residing or working in the neighborhood because of the extreme distance from the property and this location is acceptable; 3. 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 4. 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; and 5. the variances are necessary for the preservation and enjoyment of substantial property rights and the proviso is that the grading and construction be done in strict accordance with the recommendations with the geotechnical experts who provide inspections of the property. This is in accordance with drawings stamped as printed August 10, 1987 and dated June 20, 1987.

AYES: Kroot, Harle, McPeak  
ABSTAIN: Zaharoff

Motion carried.

Applicant advised of 10 day appeal period.

8. V-2193 - John V. and Wendy Drucker, 14 Entrata Avenue, A/P 6-241-54, a 20 foot frontyard variance to construct a carport addition within zero feet of the front property line; and a 16 foot frontyard variance to construct a second story living addition within 4 feet of the front property line.

John Drucker, applicant, present.

Ms. Wight presented staff report stating the existing carport is too small and the applicants propose to extend the width and length to make it practical for use by two vehicles. This will not be a granting of special privileges as other have been granted similar variances to provide usable parking on their lots when it is feasible. The applicants feel it is necessary to expand the existing carport so that it is usable. Staff has received a letter of support from the westerly neighbor at No. 16. The plans include constructing planter boxes on the sides of the carport to screen the vehicles. The greenhouse addition on the east side will permit morning sunlight into the master bedroom. Due to the close proximity of the master bedroom to the front property line, and the existing on-grade deck off the master bedroom, and the configuration of the lot, this is the logical location for a greenhouse addition. It is difficult to find special circumstances and necessity for such an addition other than it will be aesthetically pleasing and offset the addition on the west side. The applicants feel the addition is necessary to provide sunlight into their master bedroom. The addition will not be noticeable by any neighbors. The master bedroom will be 15 feet wide by 20 feet in length. Since this room is located on a separate floor from the rest of the living area, it is necessary to install a bathroom on this floor. While the bathroom addition appears very big, from the exterior it will balance with the carport extension below. The dwelling is 3,800 square feet; however, there are only three bedrooms and they are in close proximity of each other. The applicants want to use the unfinished room as a master bedroom and desire a bathroom and closet space next to this room. The existing structure and the proposed addition will look over the westerly neighbor at No. 16 as it is located higher on the slope. The windows associated with this addition that will be closer to this neighbor are bathroom windows and should not affect this neighbor's privacy.

Mr. Drucker was in agreement with staff report.

The Commissioners all were in support of this application.

M/S Zaharoff, Kroot move to approve V-2193 for John V. and Wendy Drucker, 14 Entrata Avenue, A/P 6-241-54, a 20 foot frontyard variance to construct a carport addition within zero feet of the front property line; and a 16 foot frontyard variance to construct a second story living addition within four feet of the front property line; 1. there are special circumstances associated with the variance request, specifically: the size of the lot and placement of existing structure necessitates the granting of the variances in order to accommodate the proposed addition; 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 properties in the area enjoy 2 car garages and additional living space; 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 additions are consistent with the character of the neighborhood and preserve the character of the neighborhood.

Motion passed unanimously.

Applicant advised of 10 day appeal period.

**D. CONTINUED PUBLIC HEARINGS**

9. Town of San Anselmo initiated amendments to the Zoning Ordinance - Title 10 of the Municipal Code - Hillside Density Districts (R-1H) - to establish a new application processing procedure and standards for developments proposed within the R-1H District and review of the proposed Negative Declaration.

10. NU-55 - Debbi and Tim Peterson, 58 Madrone Avenue, a/P 6-082-25, use permit for a new second living unit in an R-1 zone - CONTINUED TO 9-21-87.

V-2178 - Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, parking variance for a third parking space to be within 20 feet of the front property line and 1/6" of the east side property line - CONTINUED TO 9-21-87.

11. C-214 - Guasco Market, 100 Center Boulevard, A/P 6-101-04, design review of a permanent storage container on the west end of the property - CONTINUED TO 9-21-87.

12. 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-1H zone - CONTINUED TO 9-21-87.

**E. ADJOURNMENT**

The meeting was adjourned at 10:15 p.m. to the special meeting of August 24, 1987.

Barbara Chambers  
Administrative Secretary/Technician