

PLANNING COMMISSION MINUTES
JUNE 19, 1989

The regular meeting of the San Anselmo Planning Commission was called to order on June 19, 1989, at 8:00 p.m. in the Council Chamber by Chairman Sias. Staff present: Lisa Wight, Planner.

A. ROLL CALL

Commissioners Present: Harle, Kroot, Julin, Kanis,
Yarish, Sias
Commissioners Absent: Hayes

B. PUBLIC HEARINGS CONTINUED

1. PP-12 - Oak Springs Partnership, End of Oak Springs Drive, A/P 5-011-60, review of initial environmental study and determination of whether a Negative Declaration or an Environmental Impact Report will be required for the proposed four-lot split for development of four single family dwellings. CONTINUED.

2. U-629/U633 - Lenny Lerner, 1535 Sir Francis Drake Blvd., A/P 5-153-01, six month review of use permit to allow: 1) automotive repairs; and 2) cellular telephone sales, service and installation; and review of current proposal for two canopies on the west side of the building - CONTINUED TO JULY 3, 1989.

3. V-2288 - Dan and Kathleen Hilken, 46 Forest Avenue, A/P 7-013-10, a 20 foot rearyard variance and a 6 foot west sideyard variance to construct a two car parking area with retaining walls within 0 feet of the rear property line and within 2 feet of the west side property line; a 20 foot rearyard variance and a 15.5 foot frontyard variance to reconstruct the dwelling and construct first and second floor additions within 0 feet of the rear property line, with 4'6" of the front property line and within 0 feet of the rear property line, with a 1 foot roof overhang (the construction of the parking area, first and second floor additions, entry glen road right of way and will necessitate the applicant enter into an encroachment agreement with the Town); a variance for the lot coverage to be 47 percent; and a third story variance for an interior stairway. CONTINUED TO JULY 3, 1989.

C. PUBLIC HEARINGS

1. V-2289 - Ken Bostjancic, 236 Butterfield Road, A/P 5-052-17, a 9 foot rearyard variance to construct a first story addition within 11 feet of the rear property line; a 17 foot rearyard variance to construct a second story addition within 3 feet of the rear property line, with a 2 foot roof overhang; and a 2 foot north sideyard variance to construct an open landing and open stairway within 4 feet of the south side property line.

The applicant was present.

Lisa Wight presented the staff report.

Commissioner Kroot asked the applicant why there was a need for the exterior stairway.

Ken Bostjancic said that although it isn't a code requirement he wanted the additional exit in case of a fire.

Commissioner Kroot said there are other portable types of stairs that could be used as an alternative. He was in support with the rest of the variances.

Commissioner Yarish said the exterior stairs would not offer much of an alternative for a fire exit because both the interior and exterior stairs are accessed in the same location. He thought there were alternatives to the fire escape but was in support with the rest of the variance.

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Commissioner Harle echoed the comments of Commissioner Yarish.

commissioner Julin approved all the variances except the open landing and stairway for the reasons presented in the staff report.

Chairman Sias concurred with Commissioner Julin.

M/S Yarish, Harle, to approve V-2289 - Ken bostjancic, 236 Butterfield Road, A/P 5-052-17, a 9 foot rearyard variance to construct a first story addition within 11 feet of the rear property line; a 17 foot rearyard variance to construct a second story addition within 3 feet of the rear property line, with a 2 foot roof overhang for the following reasons: 1. Due to special circumstances applicable to the property, specifically the narrowness of the lot, the existing location of the structure and the lack of input of neighbors and lack of comments of neighbors in opposition of this plan, the strict application of the controlling zoning ordinance of regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance 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 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that most of the houses in the neighborhood were constructed before zoning regulations and several are within equal distance with the side and rear yard setbacks and the house is unusually small and it is the desire of the owners to enlarge it. This is based on drawings dated 6/13/89.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

M/S Yarish, Harle, to deny V-2289 - a two foot north sideyard variance as it does not comply with the findings required, specifically that there are other alternatives on the site without infringing on the property rights of the petitioner.

All ayes. Motion denied. Audience advised of the ten day appeal period.

2. V-2222 - Roger Irwin, 16 Sunny Drive, A/P 6-112-13 and 6-112-22, a 12 foot rearyard variance to reconstruct a garage within 8 feet of the rear property line (this is an amendment to a previous variance approval to raise the height of the garage and construct a second story living area above. The applicant has determined the existing garage has extensive termite and water damage and the garage must be reconstructed prior to construction of the second story addition).

The applicants were present.

Lisa Wight presented the staff report.

Mr. Irwin explained the circumstances behind the amendment to the existing variance, noting that there was extensive termite damage and water damage and when they started

construction realized how unsafe the garage was and therefore it was torn down for safety reasons.

Commissioner Yarish was in support of this amendment, noting that it is always good to get parking off the street and the area above the garage has no adverse impact on the neighborhood.

Commissioner's Harle, Kanis, Julin, Kroot and Sias were in support of the application.

M/S Kroot, Julin, to approve V-2222 - Mr. and Mrs. Roger Irwin, 16 Sunny Drive, A/P Nos. 6-112-13 and 6-112-22, a 12 foot rear yard variance to reconstruct a garage within 8 feet of the rear property line, with a 1 foot roof overhang on the basis: 1. Due to special circumstances applicable to the property,, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance 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, specifically the garage is being located where the original garage was and if located elsewhere the landscaping would have to be removed and; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that other houses in the area have garages; and 3. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that it will not block any views and will create off street parking spaces. This is based on the drawings dated 12/21/87.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

3. AR-4 - Terry Schenk, 33 Cherne Lane, A/P Nos. 5-300-24 and 5-300-28, amendment to the preliminary plan and architectural review to eliminate the previously approved garage and replace it with an uncovered parking area.

Terry and Eugene Schenk were present.

Lisa Wight presented the staff report.

Commissioner Kroot asked staff to explain the safety hazard associated with not having a turnaround.

Lisa Wight said that although the Fire Department did not require a turnaround for this property in 1985, they have been requiring it of new applications. she noted that she was unable to turn her van around when leaving the site and had to back out.

Terry Schenk said the pavement is not all the way to the edge yet but there is a 24' radius. He noted that he is able to turn his truck around and also said there is no other through traffic.

Eugene Schenk said if the Commission required a turnaround there would have to be a retaining wall built where the garage was approved and then he might as well go back to the idea of building the garage.

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Chairman Sias asked if the applicants were stilling planning to pursue the lot split. Eugene Schenk said he was defeated on that issue.

Commissioner Julin asked if the garage was built behind the tree it would block the access required for the pool and landscaping but it looks like the parking pad would do the same.

Eugene Schenk said the proposal for the pad is just asphalt top over a level area.

Commissioner Julin asked if a bond had been obtained by the Town for building the garage and if a certificate of occupancy was obtained. Ms. Wight said a certificate of occupancy was granted on 4-19-89.

Commissioner Julin asked if the bond would be refunded to the applicant if the parking pad was granted. Ms. Wight affirmed.

Commissioner Julin wondered if the applicant had thought about a parking deck on piers. She did not think it would impede the oak tree. She said the sketch shows enough room to the north side of the house for two to three cars and then a single width space in front of the house. It was her opinion that the house was so nicely designed and the Town has put so much time and effort into approving the design review, that she does not think a parking pad would be appropriate. Commissioner Julin did not think a parking deck would be as obtrusive as a garage and would still provide access to the pool area and landscaping.

Eugene Schenk was opposed to Commissioner's idea, noting that some day they would like to build a garage, but at this time they are only asking for a parking pad.

Chairman Sias said that the applicant currently has approval of a garage on the site behind the oak tree and if the Commission denied the parking pad then the garage would still have to be built.

Commissioner Kroot thought the Commission should look at the proposal before them and not speculate what might or might not happen in the future. He felt the parking pad would be less obtrusive than the garage.

Terry Schenk said that they do not want to construct the garage in the location that has been approved because it will damage the root system of the oak tree. His future plan is to build a garage at the lower end of the property but at the present time he would like to apply for a paved asphalt parking pad.

Commissioner Harle felt the applicant has stated good reasons for not building a garage by the tree. Also, there would be less of a detriment if the garage was not constructed. Ideally, he would like to see a turnaround however there is no real traffic problem on Cherne Lane.

Commissioner Kanis was concerned about the turnaround. He agreed with staff that it is difficult to turnaround and this might cause a serious problem or hazard for visitors. He had no problem with the parking pad.

Commissioner Julin thought there should be a turnaround and that it is not good site planning to have vehicles back down a road. She restated her feelings about pursuing a parking deck.

Commissioner Kroot was in support of the parking pad, stating it would be less obtrusive than what was originally

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approved. With regards to the turnaround he thought it was rather tight but there is only one house and very little traffic.

Commissioner Yarish echoed the comments of Commissioner Kroot, adding that he hoped the area of the "Y" could be widened a few feet to make it easier for people to turn their cars around.

Chairman Sias echoed the comments of Commissioners' Kroot and Yarish and added that this does not mean it would indicate approval in the future for a garage.

M/S Kroot, Yarish, to approve AR-4 - Terry Schenk, 33 Cherne Lane, A/P Nos. 5-300-24 and 5-300-28, amendment to the preliminary plan and architectural review to eliminate the previously approved garage and replace it with an uncovered parking area for the following reasons: 2. Conformance to the approved Preliminary Development Plan specifically it is a better position and less visible than the original garage and is a more concealed parking area. 2. Adequate screening, specifically that the house is the screen for the pad; 3. Selection of architectural features that enable the structure to blend with its environment, specifically there are no architectural features, only paving; Additional findings are: 4. It is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, specifically that it is a pad and barely visible; 5. Provides for protection against noise, odors, and other factors which may make the environment less desirable, specifically there is no impact; 6. 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, specifically it will have no impact; 7. 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, specifically that the applicant create a widened area between his driveway and Cherne Lane so that vehicles can more easily back out of the driveway onto Cherne Lane and drive forward onto Woodside Drive. The widening is to be done to the satisfaction of the Director of Public Works and Planning; 8. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area; 9. The material of the driveway is to be of asphalt. This is based on drawings dated 6/19/89.

Commissioner Julin that the proposal as it stands is fine but the applicant has suggested that sometime in the future there will be another plan, she wanted to state that she felt the optimum location is still behind the tree. She wondered if the motion could state that two pads should be constructed next to the house but not to rule out the garage to be built behind the oak tree.

Commissioner Harle said there is a need for a place to park cars and he approves of the parking pad as an interim solution. If and when the applicant presents another proposal for placement of a garage is when discussion of the garage should take place.

Chairman Sias suggested that the motion should include language that states the unobtrusive location of the parking pad.

Commissioner Julin suggested wording that any parking structures located on the site be as unobtrusive as possible.

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Commissioner Kroot did not want to include that in his motion.

Ms. Wight stated the ordinance specifies low visual profile.

Ayes: Kanis, Harle, Yarish, Kroot, Sias
Noes: Julin.

The audience was advised of the ten day appeal period.

D. APPROVAL OF MINUTES-June 5, 1989

M/S Julin, Kanis to approve minutes of June 5, 1989 with the following amendments: Page 1, 4th paragraph from the bottom, change wording from "...the impact on ..." to "...the input of..."; page 3, paragraph 9, change wording from "...should be fined..." to "...should be a fine..."; page 7, last paragraph, change wording from "...rather large..." to "...rather high..." and "...why it is necessary." to "...why the height is necessary".; page 8, last paragraph, change "...heritage tree to preserve and stay far enough away from it..." to "...heritage tree to be preserved and that..."; and change "...would be hurt without the variance if..." to "...would be aesthetically hurt without the variance and if..."; and add "...up to 35 feet not the 22 feet requested here...".

Ayes: Yarish, Kanis, Kroot, Sias, Julin
Abstain: Harle

The regular meeting of the Planning Commission was adjourned at 10:00 p.m. to the next meeting of July 3, 1989.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY-TECHNICIAN