

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR OCTOBER 1, 1990

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Yarish. Staff present: Dain Anderson, Assistant Director of Planning and; Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Julin Kroot, Sias, Yarish
Commissioners absent: Hayes, Harle, Mihaly

B. CONSENT AGENDA

1. Approval of Minutes

September 10, 1990 and September 17, 1990

M/S Kroot, Julin, to approve Consent Agenda. Motion unanimously passed.

C. PUBLIC HEARINGS CONTINUED TO FUTURE MEETINGS

1. **V-9023/AR-9006 - Jean Brunswick, 22 Magnolla Avenue, A/P 7-212-34, 1) a 1'0" front yard variance, a third story variance, and a building height variance to construct a professional office building; 2) a variance to exceed the maximum allowable lot coverage of 60%, and 3) a parking variance to allow inadequate parking, and design review, on property located within the "P" Zoning District: Continued to October 15, 1990**

2. **U-9012 - Tri-Xuan Le, 606 Redhill Avenue, A/P 6-092-04, use permit for a dry cleaner and laundry agency (no cleaning on-site) on property located within the L-C zoning district: Continued to October 15, 1990**

D. WITHDRAWN APPLICATION

V-9022 - **Richard and Judith Storms, 25 Scenic Avenue, A/P 7-081-23, 1) a 9'0" front yard variance and a 5'0" east side yard variance to construct first story living and garage additions within 11'0" of the front property lien and within 3'0" of the east side yard property line; 2) a variance to exceed the maximum allowable lot coverage of 40%; and 3) a parking variance to allow the creation of a substandard parking space, on property located within the R-1 Zoning District.**

E. PUBLIC HEARINGS

1. **V-9020 - Paul Dal Porto, 40 Floribel Avenue, A/P 7-081-58, 1) a 4'6" north sideyard variance to construct a second story living addition within 3'6" of the north side property line; 2) a 1'6" north sideyard variance to construct a third story living addition within 6'6" of the north side property line, with a 1' roof overhang; and 3) a variance to construct a third story, on property located within the R-1 zoning district.**

Planner Wight presented the staff report, noting that at the last meeting the Commission had asked the applicants to erect story poles so the neighbors and the Commission could see the potential impact on the neighborhood.

Paul Dal Porto said that he spoke to his neighbors and they were still in favor of their addition, in fact two neighbors said that the addition would be an improvement to the neighborhood.

Commissioner Kroot, favored this addition. He felt this addition would be an improvement and that the topography warranted the expansion in this configuration. He said that any other expansion would use up yard area and that although the applicants are seeking a third story variance, most of the lower floor in underground. He believed that this expansion would allow growing families to continue to live in the community.

Commisisoner Julin concurred with staff's recommendation for denial. House would loom and the expansion could be done without variances.

Commissioner Sias favored approval of this variance. He spoke with the neighbors and they did support the project. He was glad he was able to view the site with the story poles because he now felt it the addition was in the rear and in compliance to the setbacks, the intrusion to the neighbors would be greater.

Chairman Yarish felt this was the best location for the addition, for the reasons stated by Commisisoner Sias.

M/S Sias, Kroot, to approve V-9020 - Paul Dal Porto, 40 Floribel Avenue, A/P 7-081-58, 1) a 4'6" north sideyard variance to construct a second story living addition within 3'6" of the north side property line; 2) a 1'6" north sideyard variance to construct a third story living addition within 6'6"

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR OCTOBER 1, 1990

of the north side property line, with a 1' roof overhang; and 3) a variance to construct a third story, on property located within the R-1 zoning district 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 a 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 it is a steep back lot and the really only alternative area for expansion because it is not reasonable anywhere else on the lot given the fact the addition will impose more on the neighbors than what is proposed. 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically the existing house is very small and they want to raise a family and expansion is not feasible elsewhere because it would entail extensive grading. 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 this is the most unobtrusive part of the property for the expansion. The approval is based on plans dated April 16, 1990.

Ayes: Kroot, Sias, Yarish

Noes: Julin

Motion carried. Audience advised of the ten day appeal period.

2. **V-9030 - Frederic and Theresa Wachs, 130 Scenic Avenue, A/P 7-063-09, a 5' 0" east sideyard variance to construct a first story garage and a second story addition within 3' of the east side property line, with an 18' roof overhang.**

Planner Wight presented the staff report.

Mr. Wachs did not agree with staff's assessment. He thought that tandem parking is not the most convenient and not safe in the area proposed because of the hairpin turn coming up Scenic. He also felt that he did not want to give up his yard area and the neighbors have signed a petition in support of his proposal. He added that he was not seeking a 2nd unit on the property and therefore staff's point is irrelevant.

Commissioner Julin concurred with staff's recommendation for denial. The lot was of sufficient size that the additional living space could be accommodated elsewhere without variances. The driveway could also be moved. She felt the variance process must be observed in this case.

Commissioners Sias, Kroot and Yarish had nothing further to add.

M/S Sias, Julin, to deny V-9030 - Frederic and Theresa Wachs, 130 Scenic Avenue, A/P 7-063-09, a 5' 0" east sideyard variance to construct a first story garage and a second story addition within 3' of the east side property line, with an 18' roof overhang on the grounds that the findings cannot be found to justify the proposed variances because the additions could be placed elsewhere on the property where variances will not be necessitated.

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

3. **V-9031 - Shawn and Paul Haley, 1514 Sir Francis Drake Boulevard, A/P 5-144-17, 3' west and east sideyard variance to construct first and second story living additions within 5'0" of the west and east side property lines, with a 1' roof overhang; a parking variance to convert a portion of the existing garage to a utility/storage room; and a 4' frontyard variance to construct a trellis within 16' of the front property line.**

The applicants and their Architect, Donald Olsen, were present.

Planner Wight presented the staff report. It was brought to staff's attention that a horseshoe driveway in the front of the garage is indicated on the plans. Since it was not noticed as part of this application, the Commission cannot act on this driveway tonight.

Mr. Olsen stated that the current house is very small with 5' sideyard setbacks. The addition will just follow the existing lines and would look strange if it had to be pulled in 3 feet to conform to the current setbacks. Although not part of the application, the reason they have decided on the horseshoe driveway in front, is because tandem parking currently exists and this is the best solution for egress onto Sir Francis Drake Boulevard. His clients want to retain their yard in the rear for a play area for the children. The addition is a low profile and they have tried to respect the privacy of the neighbors. The neighbors have presented letters of support. Therefore, he felt land planning would best be served by following the 5 foot sideyard setbacks.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR OCTOBER 1, 1990

Commissioner Kroot, felt this would be a vast improvement to the house and that the Architect has skillfully turned this into a lovely house. The neighbors also have a 5' sideyard setback and nothing can be gained by coming in 3'. He did not feel the addition as proposed would be a detriment to the neighborhood, but there would be a detriment if a lower floor addition was built in the backyard setback which would necessitate the removal of a heritage tree. With regards to parking, he did not see there being any difference than what is currently existing.

Commissioner Julin agreed that the house could benefit from some height and that parking will still exist in the driveway but is unable to make the findings for approval because there are other places on the lot for the addition that would comply with the Code. Therefore, she felt that the application should be denied.

Commissioner Sias felt that the addition would be a wonderful improvement, that the encroachment already exists and that the addition is just an extension of walls that already exist. The addition will be a very low profile and there is support from the neighbors. He supported the application.

Chairman Yarish concurred with Sias and Kroot, adding that he would like to see additional landscaping in the front of the property.

M/S Kroot, Sias, to approve V-9031 - Shawn and Paul Haley, 1514 Sir Francis Drake Boulevard, A/P 5-144-17, 3' west and east sideyard variance to construct first and second story living additions within 5'0" of the west and east side property lines, with a 1' roof overhang; a parking variance to convert a portion of the existing garage to a utility/storage room; and a 4' frontyard variance to construct a trellis within 16' of the front property line 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 a 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 existing house was built within the 5' sideyard setbacks and the addition is only following a few feet to the rear; the second story is low and a minimal area intrudes into the sideyard setbacks; a notch into the house would serve no useful purpose and a non variance addition to the rear of the property would endanger the heritage oak; a larger second story without a variance would be more obtrusive and create more shade to the west side neighbors. With regard to parking, although some space has been taken from the garage, a legal space remains as well as a space in the front yard; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically the existing house is a small and the applicants are attempting to expand for a family, and other houses in the neighborhood have larger homes and similar setbacks; 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 parking will remain the same and the neighbors have seen the plans and are supportive of the expansion. This is based on drawings submitted dated received 8-30-90 and revised tonight's meeting to omit the horseshoe driveway. It should further be noted that should the applicants wish to pursue the horseshoes driveway in the near future, there would be not additional variance charge.

Ayes: Sias, Kroot, Yarish
Noes: Julin

Motion carried. Audience advised of the ten day appeal period.

4. **A-8903 - Gary and Fani Hansen, 27 Indian Rock Road, A/P 177-250-21, exterior color review of a proposed new single family dwelling within the R-1C zoning district.**

The applicants were present.

Planner Wight presented the staff report. She stated she spoke with the next door neighbors at number 47, and they did not have any feelings one way or another on the exterior color of the house.

Mrs. Hansen presented slides of various homes in the neighborhood that had similar exterior colors of off-white. She stated that much of the house was glass and really only the balconies would be white.

Mr. Hansen stated that they were trying to choose colors that would create a chameleon effect.

Planner Wight stated that the glass will also create a glare from farther away and staff recommends a darker color for the balcony so the house could blend into the hillside.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR OCTOBER 1, 1990

Commissioner Sias concurred with staff's recommendation for a darker exterior color but could support the roof and fence.

Commissioner Kroot thought the colors were a nice combination and within reason.

Commissioner Julin felt staff did a good analysis of the color and it was important to have the house blend in with the hillside. Therefore a darker color was in order.

Chairman Yarish felt he could support the colors.

At this point there was a discussion about the colors that staff recommended because the Commission could not agree on what was proposed by the applicants. The Hansens and the Commission agreed that an alternative color, No. 137 (Mushroom) instead of No. 110 Dry Vit (beige).

M/S Julin, Sias, to approve A-8903 - Gary and Fani Hansen, 27 Indian Rock Road, A/P 177-250-21, exterior color review of a proposed new single family dwelling within the R-1C zoning district on the basis: 1. Conformance to the approved preliminary and precise development plans. This property is zoned R-1 C and preliminary and precise development plans have not been required by staff. 2. Adequacy of screening. The intent of the design review requirement for R-1C parcels is to "protect the visual character of the hillside." The proposed 4,283 square foot two story dwelling will have large glass windows and decks. The dwelling will be visible from the surrounding hillsides. Approved colors for the exterior are: Exterior color and material: No. 137 (Mushroom); roof: Everglade Moss (olive green) Metal roof; Fence: No. 722 Olympic Stain (dark brown); 3. Selection of architectural features that enable the structure to blend with its environment. This finding was made for the building design itself and is not applicable to the exterior building color. 4. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The colors that were chosen will blend into the surrounding area. 5. Provides for protection against noise, odors, and other factors which may make the environment less desirable. The colors as noted above in item number 3 are appropriate color selections for the site. 6. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. The proposed exterior colors will not tend to cause the area to depreciate materially in appearance or value or otherwise discourage occupancy as the colors will blend into the hillside. 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. The proposed exterior colors 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. 8. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The proposed exterior colors will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

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

F. GENERAL DISCUSSION

Commissioner Julin stated that she and Commissioner Sias met to come up with a list of items for discussion by the Commission as possible goals. The list will be prepared for introduction at the October 15, 1990 meeting. She will meet with staff prior to the November 4, 1990 meeting and will report back to the Planning Commission at the November 4, 1990 meeting to discuss the goals.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Assistant Planning Director Anderson stated that Anthony House was discussed at the last Town Council meeting and has been continued until the next meeting.

H. ADJOURNMENT

The regular Planning Commission meeting was adjourned at 10:15 p.m. to the special joint Town Council/Planning Commission meeting on October 3, 1990, and to the regular meeting on October 15, 1990.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY