

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF FEBRUARY 12, 1990

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

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

B. PUBLIC HEARINGS CONTINUED TO MARCH 5, 1990

1. V-2321 - Blain and Karen Beckmann, 7 Millbrae Avenue, A/P 6-112-12, a 19' rearyard variance to construct a two car garage within 1' of the rear property line within the R-1C zoning district.

2. V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25, 1) a 2' frontyard variance and a 5' south sideyard variance to construct a carport within 18' of the front property line and within 3' of the south side property line; and 2) a 4' south sideyard variance to construct a living addition within 4' of the south side property line, with an 18" roof overhang within an R-1 zoning district.

C. PUBLIC HEARINGS

1. V-9003 - Jim Birrell, 69 Broadmoor Avenue, A/P 5-132-24, 1) an 8' north sideyard variance and an 8' rearyard variance to construct a one car garage and attached workshop within 0' of the north side property line and within 12' of the rear property line; and 2) an 8' north sideyard variance to construct a carport within 0' of the north side property line within the R-1 zoning district.

The applicant and Scott Adams, Architect, were present.

Lisa Wight presented the staff report.

Mr. Adams felt the 2' side setback would be a detriment in that it would also reduce the kitchen and familyroom. He specifically designed the wall of the carport and workshop/greenhouse to act as a fence between the properties. He also felt the 2' setback would create an area of uncertainty and would reduce an already narrow driveway.

Mr. Birrell thought the 2' sideyard setback as recommended by staff would create more of a maintenance problem. The area would be dark and damp. The reason the workshop/greenhouse was placed on the rear portion of the carport was to increase the yard area and to create a buffer zone between his property and his neighbor.

Commissioner Kroot did not want to see the addition placed on the property line and concurred with staff's recommendation of a 2' sideyard setback. He also stated that if the dwelling was on the property line there would be the possibility of water draining off the roof and onto the neighbors property. He felt it would be better if the greenhouse was moved further away from the property line.

Commissioner Julin supported the 2' sideyard setback for the same reasons as Commissioner Kroot. She felt her decision was based on more than maintenance, specifically the design pattern for the Town. She did not object to the placement of the greenhouse based on the value of the yard being a play area for the children.

Commissioner Harle had no problem with the placement of the workshop/greenhouse but could not make the required findings for approval because it could be placed elsewhere on the lot. He had no problem with the carport on the property line but the neighbors have already stated concern about potential drainage problems and therefore he suggested specific provisions are made for water runoff.

Chairman Yarish thought the 2' sideyard setback puts the maintenance in the neighbors yard. He preferred the design submitted by the applicant but was unable to make the special circumstances. He added that the 2' setback would not allow for landscaping.

Commissioner Harle noted that the lots are small in this neighborhood and by reducing the sideyard by 2' feet would be wasted space.

The Commissioners had no comment on staff's recommendation to plant a vine on the sideyard wall.

The applicant said he would be agreeable to a 2' sideyard setback.

M/S Kroot, Julin, to approve V-9003 - Jim Birrell, 69 Broadmoor Avenue, A/P 5-132-24, 1) a 6' north sideyard variance and an 8' rearyard variance to construct a one car garage and attached workshop within 2' of the north side property line and within 12' of the rear property line; and 2) a 6' north sideyard variance to construct a carport within 2' of the north side property line within the R-1 zoning district for the following reasons: 1) Due to special circumstances applicable to the property, specifically, the existing driveway and parking area in the present location allow for the most logical placement for the garage and carport and the new workshop will replace a workshop that is being demolished in the same location that encroaches more into the rearyard setback. The strict

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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 that other people in the area have garages and workshops close to the property line; 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. This approval is based on the drawings dated and amended 2/12/90 for the 2' sideyard setback.

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

2. V-9004 - Donald R. Barthol, 55 Valley Road, A/P 5-081-09, 1) a 1' north sideyard variance for a hot tub to be within 7' of the north side property line; and 2) a 7' north sideyard variance for hot but equipment to be within 1' of the north side property line within the R-1 zoning district - After the Fact.

The applicant was not present.

Lisa Wight presented the staff report.

Mr. Wolfeld said he bought the property in 1989 with the understanding that the seller, Mr. Barthol, had already applied for the variance. He felt that the special circumstances for approval are that other houses in the area have structures close to the rear and sideyards. Also, there is a fruit tree that is between the kitchen window and the hot tub. If the hot tub were moved one foot, the tree would block the view of the tub from the kitchen and there fore would become a sight problem. He also thought that the housing for the equipment does buffer the noise. He realized that people should not be rewarded for building illegally but he said he was faced with the problem when he purchased the property.

Commissioner Julin said that the hardship goes with the land, but in this situation she was inclined to approve the variance because it is the most logical place because the area is private and with the 6' fence that is required by the Building Department, the area will be even less obtrusive. Also, she thought the housing should be left on because it acts as a buffer.

Commissioner Harle said there are other places on the lot that hot tub and equipment could be placed that would not require a variance.

Commissioner Kroot did not think the variance was a detriment because the hot tub and equipment have been there for 12 years. Also, the existing landscaping acts as a screen and the hot tub area is easy to supervise from the kitchen.

Chairman Yarish said that once the fence is up, the tub will not be visible to the neighbors.

M/S Kroot, Julin, to approve V-9004 - Donald R. Barthol, 55 Valley Road, A/P 5-081-09, 1) a 1' north sideyard variance for a hot tub to be within 7' of the north side property line; and 2) a 7' north sideyard variance for hot but equipment to be within 1' of the north side property line within the R-1 zoning district on the basis: 1) Due to special circumstances applicable to the property, specifically, that the location of the hot tub is the most logical place because it is easy to supervise from the kitchen and moving the equipment will mean that the existing landscaping would have to be removed, including a tree, 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; and 2) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically, other people have similar situations; 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 the hot tub is located in a very private area, is well screened and the fence around the property is to be increased to 6 feet. This is based on drawings dated 2/12/90.

Ayes: Julin, Kroot, Yarish

Noes: Harle

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

3. V-9005 - Barbara Jereb and Brian Ross, 3 Rancho Drive, A/P 5-062-54, 1) a 6" south sideyard variance and a 7' frontyard variance to construct a second story living addition within 7'6" of

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the south side property line and within 13' of the front property line, with a 2' roof overhang; and 2) a parking variance to reduce a portion of the existing garage length to 17'6" in order to accommodate an interior stairway to the proposed second story living addition within the R-1 zoning district.

The applicant was present.

Dain Anderson presented the staff report.

The Commissioners were able to support the application although Commissioner Julin commented that it might be more attractive to rotate the addition so the gabled part would face the front.

M/S Harle, Kroot, to approve C-9005 - Barbara Jereb and Brian Ross, 3 Rancho Drive, A/P 5-062-54, 1) a 6" south sideyard variance and a 7' frontyard variance to construct a second story living addition within 7'6" of the south side property line and within 13' of the front property line, with a 2' roof overhang; and 2) a parking variance to reduce a portion of the existing garage length to 17'6" in order to accommodate an interior stairway to the proposed second story living addition 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 other houses in the neighborhood have 2nd stories and the building as proposed offers no detriment to the neighborhood and is comparable to other houses; the 2nd story will not block the neighbors views or create shadowing. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner specifically, the enlargement of the living space and it is the most logical place on such a small lot. 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. This approval is based on the drawings dated 12/13/89.

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

4. U-9003 - Somsak Kamloonwasaraj, Lela Thai Cuisine Restaurant (former Pizza Hut Restaurant) 810 Sir Francis Drake Boulevard, A/P 6-061-22, use permit for the on-sale of beer and wine in a restaurant within the Limited Commercial zoning district.

The applicant was present.

Dain Anderson presented the staff report.

The Commission supported the use permit based on the historic use of the site.

M/S Harle, Julin, to approve U-9003 - Somsak Kamloonwasaraj, Lela Thai Cuisine Restaurant (former Pizza Hut Restaurant) 810 Sir Francis Drake Boulevard, A/P 6-061-22, use permit for the on-sale of beer and wine in a restaurant within the Limited Commercial zoning district on the basis: The establishment, maintenance, or operation of the use or building applied for 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 of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner specifically the previous use (Pizza Hut) had on-site sale of beer and wine and therefore has historic precedence.

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

5. V-9006 - Craig Larsh, 80 Oakland Avenue, AP 5-211-17, 1) a third story variance for a living addition; and 2) a 1' south sideyard variance to enclose an existing porch within 7' of the south side property line within the R-1C zoning district.

Jim Mallot, Architect, was present to represent the applicant.

Dain Anderson presented the staff report.

Mr. Mallot provided clarification of what was being proposed.

The Commission was able to make the required findings for approval.

M/S Julin, Kroot, to approve V-9006 - Craig Larsh, 80 Oakland Avenue, AP 5-211-17, 1) a third story variance for a living addition; and 2) a 1' south sideyard variance to enclose an existing porch within 7' of the south side property line within the R-1C zoning district on the basis: 1) Due to special

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circumstances applicable to the property, specifically the steep topography and that this is a logical place to provide a parking area and the only possible place to put it on the parcel, 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; 2) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that the applicant requires additional space for parking and living area and this is the logical place and the addition is not adding additional bulk to the house; 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. This approval is based on the drawings dated 11/22/89.

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

6. V-9007 - Jonathon and Kathleen McGraw, 6 Medway Road, A/P 5-153-19, 1) a parking variance to convert the rear portion of the existing tandem garage to living area and extend the existing driveway to accommodate a second parking space; 2) an 8' frontyard variance to construct open stairs to the second story within 6' of the front property line; and 3) a 2' west sideyard variance to construct a second story living addition within 6' of the west side property line, with a 2' roof overhang within the R-1 zoning district.

Kathy McGraw was present as well as her designer, Mary Tupperman.

Lisa Wight presented the staff report.

The applicant stated that structural requirements limit the possibility of parking elsewhere on the property.

Marty Tepperman said that they have tried to rectify the structural design. Guest parking is not feasible because any good sized car would extend into the street.

Commissioner Harle supported the application, noting that the Code only requires two off-street parking.

Commissioner Kroot said the addition works aesthetically with the house and the sideyard setback addition is further from the property line than the house is at present. Also the tree will not have to be removed.

Commissioner Julin supported the proposal.

Chairman Yarish said the setback variance has minimal impact on the neighbors.

M/S Kroot, Julin, to approve V-9007 - Jonathon and Kathleen McGraw, 6 Medway Road, A/P 5-153-19, 1) a parking variance to convert the rear portion of the existing tandem garage to living area and extend the existing driveway to accommodate a second parking space; 2) an 8' frontyard variance to construct open stairs to the second story within 6' of the front property line; and 3) a 2' west sideyard variance to construct a second story living addition within 6' of the west side property line, with a 2' roof overhang within the R-1 zoning district on the basis: 1) Due to special circumstances applicable to the property, specifically the configuration of the existing residence, configuration of the lot line, the need to maintain the small back and frontyard areas, the saving of a tree in the backyard and that two more usable parking spaces will be available, 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; 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 the applicant will still have two parking spaces and will plant vines on the westerly wall. The type of vine to be determined by staff. This is based on the plans approved 2/6/90.

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

7. DR-9001 - Townsend & Townsend, I San Anselmo Auto Body and Autohaus, 640 Sir Francis Drake Boulevard, A/P 6-092-08, design review of exterior building color change within the General Commercial zoning district - After the Fact.

Staff received word today that the applicant is requesting that this item be continued to the meeting of March 5, 1990.

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8. V-9008 - Michael Davies, 43 Creek Road, A/P 7-012-33, a 6' south sideyard variance to alter the roof on an existing dwelling and a 7' south sideyard variance to construct a new chimney within 6' of the south side property line and within 3' of the south side property line, respectively, within the R-1 zoning district.

The applicant was present.

Lisa Wight presented the staff report.

The Commission was able to make the required findings.

M/S Julin, Harle, to approve V-9008 - Michael Davies, 43 Creek Road, A/P 7-012-33, a 6' south sideyard variance to alter the roof on an existing dwelling and a 7' south sideyard variance to construct a new chimney within 6' of the south side property line and within 3' of the south side property line, respectively, 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, the location of the creek on the lot, the condition of the existing roof, and the configuration of the existing dwelling on the lot. 2) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Specifically, the change in roof design will enable the applicant to construct an open deck over the second story living area on the south side of the dwelling; 3) The granting of the variance 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, the roof design change will result in a lower height and will be no further encroachment into the setback. Additionally, the existing housing for the chimney will be removed and a new chimney constructed which will be smaller in size and the proposed improvements should benefit the neighborhood. This approval is based on plans dated 1/8/90.

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

9. V-9009 - John Kapelowitz and Bob Wisner, 20 Cottage Avenue, A/P 6-166-01, a 10' rear yard variance to construct a garage and second story living addition within 10' of the rear property line, with a 2' roof overhang within the R-1 zoning district.

The applicants were present.

Dain Anderson presented the staff report.

Sophia Spencer, 18 Jordan, asked if this was going to be a single family dwelling, wondered why the address was to be changed from Cottage to Jordan and stated that a garage already exists on Jordan and why is there a need to replace the garage on Jordan and disrupt Jordan. She also wanted to make sure that the pepper tree could be salvaged.

Mr. Anderson stated the existing garage is dilapidated.

Alex Ashford, 13 Jordan was concerned about the reduction of light into their property, lack of privacy and the garage being so close to their bedrooms. Currently, all the houses in their area seem equally distant and this addition will be out of character. Also, all houses on the odd side of Jordan are single story and this addition would loom over the neighbors homes. He said he encourages renovation of the lot but is concerned about the privacy issue.

Bob Wisner said that although they did not go to each neighbor to show them the plans, he took into consideration the neighbors when preparing the plans for the addition. He felt the plans could not be changed to make all the neighbors happy and in his opinion, this was the best design and placement of the addition.

Commissioner Julin had no problem with the variances. She felt the addition would be an improvement to the neighborhood but that she hoped the applicant would consult with the neighbors in developing the final drawings.

Commissioner Harle supported the variance, noting that the addition proposed is in the most logical spot.

Commissioner Kroot concurred with his colleagues.

Chairman Yarish thought the proposed layout was the most logical and the lot layout suggests that Jordan should be considered the front of the lot.

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M/S Harle, Julin, to approve V-9009 - John Kapelowitz and Bob Wisner, 20 Cottage Avenue, A/P 6-166-01, a 10' rearyard variance to construct a garage and second story living addition within 10' of the rear property line, with a 2' roof overhang 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 that the placement of the existing house makes the proposed location of the new garage the only feasible one within the particular placement of the property. 2) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner specifically the increase in living area and a serviceable garage; 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. This approval is based on the drawings dated 1/11/90.

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

10. AR-9001 - Diana Rebman, 551 Redwood Road, A/P 7-340-05, architectural review of proposed open decks and a spa within the R-1 H zoning district.

Commissioner Kroot to abstain.

Barry Schenker was present to represent the applicant.

Lisa Wight presented the staff report..

The Commissioners were able to make the appropriate findings.

M/S Julin, Harle, to approve AR-9001 - Diana Rebman, 551 Redwood Road, A/P 7-340-05, architectural review of proposed open decks and a spa within the R-1 H zoning district on the basis: 1. Conformance to the approved preliminary and precise development plans; 2) Adequacy of screening; 3) Selection of architectural features that enable the structure to blend with its environment; 4) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 5) Provides for protection against noise, odors, and other factors which may make the environment less desirable; 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; 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; and 8) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This approval is based on the plans dated 1/19/90.

Ayes: Julin, Harle, Yarish
Abstain: Kroot

Motion carried. The audience was advised of the ten day appeal period.

D. APPROVAL OF MINUTES: JANUARY 22, 1990

M/S Kroot, Harle, to approve minutes as written.

Ayes: Harle, Kroot, Yarish
Abstain: Julin

E. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

La Mancha Development, 805 Sir Francis Drake Blvd., will be heard at the Town Council meeting of February 27, 1990 on an appeal of the exterior siding.

F. ADJOURNMENT

The special Planning Commission was adjourned at 11:45 p.m. to the next regular meeting of March 5, 1990.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY