

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF FEBRUARY 24, 1992**

The special Planning Commission Meeting was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot with Commissioner's Harle, Hayes and Yarish present. Planning Director Ann Chaney and Planner Lisa Wight were present to represent staff.

B. CONSENT AGENDA

Minutes - January 27, 1992

Minutes - February 10, 1992

Commissioner Yarish asked that the minutes be removed from the Consent Agenda and be placed at the end of the public hearings.

C. PUBLIC HEARINGS CONTINUED -

1. **V-9148/DR-9121 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19, 1) a 20' front yard variance and a 4' side yard variance to construct a carport within 0' of the front property line and 4' of the side property line; and 2) design review to add to an existing house, on property located within the R-1 Zoning District (above the 150' mean sea level). CONTINUED TO THE MEETING OF MARCH 16, 1992**

2. **AR-9006/V-9039 - Luis Huerto-Rojo, 16 Ivy Lane, A/P 7-064-55, 1) a 20' front yard variance and a 16'6" rear yard variance; and 2) design review amendment to construct a new single family residence, on property located within the R-1 Zoning District (above 150 mean sea level). CONTINUED TO THE MEETING OF MARCH 2, 1992**

3. **Water Well Ordinance - Town of San Anselmo - Consideration of the adoption of a well standards ordinance relative to their construction, reconstruction, maintenance, removal and monitoring. CONTINUED TO THE MEETING OF APRIL 6, 1992**

D. PUBLIC HEARINGS

1. **V-9204 - Michael Velloza, 175 San Francisco Blvd, A/P 6-021-04, a 4' north side yard variance to construct first and second story living additions within 4' of the north side property line, with a 1' roof overhang, on property located within the R-1 Zoning District.**

The applicant and his architect, Fran Halprin, were present.

Ms. Wight presented the staff report.

Ms. Halprin stated that the addition was necessary in this location because of the narrow lot and steep rear yard. If the addition was moved more towards the center the yard will be negatively impacted by lack of light and loss of view. Other houses in the neighborhood have second story additions that encroach into the setbacks and therefore this will not be precedent setting. She said they are relying on the existing foundation for the second story addition and if moved closer to the center, the cost would increase.

Mr. Velloza presented photographs of other homes within the neighborhood that have side yards that encroach into the setbacks. He noted that they do not want an addition that looks like it was just added on to the existing house. If the addition was moved to the center it would shrink the bathroom. Also, the kitchen has vaulted ceilings and that would be jeopardized. He said that by moving the addition to the rear 4' or 8' would only mean 10 to 12 minutes of sun light would be affected. The windows on the north side are for light but he would be willing to compromise on the height and size if necessary. He presented letters from his neighbors that supported his proposal.

Commissioner Harle agreed that the addition would be aesthetically pleasing as proposed but by building the addition as proposed will crowd the next door structure. The addition looks like it can be accomplished within the setbacks.

Commissioner Yarish agreed that the addition might take away from some of the rear yard and there may be some loss of light but it did not think those factors were compelling enough to make the necessary findings for approval. He would prefer to see more thought to a plan that extends the addition farther to the rear although it might cause more shading for the neighboring property.

Commissioner Hayes felt that the addition would be too close to the property with only an eight foot separation between houses. He was unable to make the necessary findings for approval because the lot is wide enough and there is sufficient room to move the addition to comply with the side yard setbacks.

Chairman Kroot understood the reasons for wanting to preserve the outdoor living space but he felt the addition could be moved four feet in and make the second story addition longer and thinner. His concern was more for the second story variance than the first story variance.

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Mr. Velloza felt that shifting the addition farther to the rear would not accommodate his needs because it would be too narrow. He noted that all the lots in the neighborhood are tiny postage stamp lots.

Commissioner Yarish agreed with Chairman Kroot that he would be able to support the lower addition but still felt the upper addition should be shifted back.

M/S Yarish/Hayes to continue V-9204 - Michael Velloza, 175 San Francisco Blvd, A/P 6-021-04, a 4' north side yard variance to construct first and second story living additions within 4' of the north side property line, with a 1' roof overhang, on property located within the R-1 Zoning District. This is continued to the meeting of March 16, 1992 to allow the applicant an opportunity to redesign.

All ayes.

2. V-9205 - Jerry Fitzpatrick, 161 San Francisco Blvd, A/P 6-021-05, a 4' north side yard variance to construct first and second story living additions within 4' of the north side property line, with a 1' roof overhang, on property located within the R-1 Zoning District.

The applicant was present.

Ms. Wight presented the staff report

Mr. Fitzpatrick stated that his lot was steep and felt his only recourse would be to add up. He also did not want to compromise the first story. If he had to build within the setbacks he felt the addition would look like a grain elevator. He presented a petition that was signed by neighbors, including those on either side of him. He wanted to have an aesthetically pleasing addition. If the second story addition was moved more to the rear in more on center the patio would have to be split into two areas. Also, a terraced back yard would require additional landings and would not be safe for his small children. His proposal will not need extensive engineering and cost is also a factor. Because of the interior space, the addition would actually have to move in 14 feet, not 4 feet. The proposed addition fits the character of the house and the neighborhood.

Commissioner Yarish was more sympathetic about this proposal because of the brevity of the rear yard because of breaking up the rear yard. He also felt the existing floor plan was a little less flexible than the previous application.

Commissioner Hayes noted that the addition was adjacent to a storage building so two living spaces will not be close together.

Commissioner Harle did not think the steepness of the rear yard alone would weight heavily enough.

Commissioner Kroot thought it would be difficult to move the interior stairway elsewhere but he thought the upstairs bathroom could be reduced but it would look awkward but it could be carried across the roof.

Mr. Fitzpatrick said he has worked on the best possible way for this addition for the last five years and he did not think it would be possible to just shift the second story over 4 feet. He would not be able to move the master bedroom because it would impact the staircase and roof line. The storage room on the lower level could not be shifted because it would cut down the size of the room and would create additional engineering costs.

Commissioner Yarish thought he could make the special circumstances because of the existing rear deck and the proximity of stairs and the narrowness of the outside space. It seems as if the applicant has done a thorough job of exploring all the options and noted that even with the addition the house will be small. He felt that although this addition was similar to the previous application and his next door neighbor, the previous application had a broader rear yard and greater flexibility in the interior floor plan. Therefore he felt this application could be approved.

M/S Yarish/Harle, to approve V-9205 - Jerry Fitzpatrick, 161 San Francisco Blvd, A/P 6-021-05, a 4' north side yard variance to construct first and second story living additions within 4' of the north side property line, with a 1' roof overhang, on property located within the R-1 Zoning District. Approval is based on the following: 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. Special circumstances include the steepness of the lot; the location of the existing concrete stairs and retaining wall which are the sole access to the back of the property; also, the existing layout of the house and lack of viable alternatives due to the location of the stairway based on the belief that the applicant has done a very thorough job of looking at the alternatives.

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2. The granting of the 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. There were a number of letters of support from the neighbors and the most adjacent building next to this addition is not a habitable space and is in fact a storage building. This approval is based on the drawings dated 1/23/92.

Commissioner Hayes was not sure about including the statement about the applicant having done a very thorough job of looking at the alternatives.

Commissioner Yarish said that he feels this applicant has thoroughly researched his alternatives where as the previous applicant had not.

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

3. DR-9204 - Polly and Randy Cherner, 30 South Oak, A/P 7-192-06, design review of a new single family dwelling on property located within the R-1C Zoning District.

The applicant and his architect, Hank Taylor, were present.

Ms. Chaney presented the staff report, noting that she would like added to the conditions of approval that a deed restriction be recorded for the second structure. Also, that no other trees be removed except for those shown on the plan.

Mr. Taylor stated that he has been contacted by the Fire Department about sprinkling the house and they have no objection to this. He also stated that the only tree to be removed was a pine tree on the lower level.

Jack Deignan, 60 South Oak Avenue, was thankful that he received a notice about the proposal. He wondered how much higher the roof line would be of this house than the current house. He said the present house now blends in with the surroundings and he was hopeful that the new house would do the same.

Ms. Chaney stated that by looking at the plans, the roof line of the new house would be approximately 10 feet higher than the current house.

Rob Yeakey, 80 South Oak Avenue, wondered if there would be a maintenance road bond as part of the condition of approval.

Ms. Chaney stated that since this project is in the same vicinity as Mr. Yeakey's project, she will look at those conditions placed on Mr. Yeakey and provide additional information for the Commission.

Mr. Deignan said that Oak Avenue up to 30 South Oak is in beautiful condition and that the road is in very poor condition at the end of Oak Avenue.

Commissioner Hayes questioned the size of the house. He said that with the house, garage and second building on the lot, it measured to about 4,500 square feet. He wanted to see story poles erected so the neighbor at 60 South Oak would have the opportunity to view the height. Overall he supported the project and did not think the house would be visible from the street. He concurred that the deed restriction should be required.

Ms. Chaney stated that this parcel differs from the 379 Oak Avenue project in that the lot is one and one quarter acres and the house is more compact with more screening.

Commissioner Harle concurred with Commissioner Hayes.

Commissioner Yarish thought this was a very pleasing design and the visual impact has been minimized. The house creates good indoor and outdoor spaces. He agreed for a continuance to allow the applicant to erect story poles and to have staff look into the mitigations for road work regarding the potential damage to South Oak, the damage to Upper Oak that is already falling apart. Perhaps the owner could contact the neighbors to set up an assessment district for paving upper South Oak. Another thought would be to contribute funds for resurfacing a portion of the road.

Chairman Kroot supported this project and this was a perfect example of a project that will work in the hills. The size was of no concern to him because it will be concealed. He considered story poles optional because based on his calculations the very peak is only about six feet across and the neighbor would only view the upper roof. He would like to have the house sprinkled as a condition but felt some consideration should be made for the road bond because of the scope of the project.

Mr. Deignan appreciated the Commission's consideration in asking the applicant to erect story poles to ease his mind of any doubt about the possible impact.

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M/S Hayes/Yarish to continue DR-9204 - Polly and Randy Cherner, 30 South Oak, A/P 7-192-06, design review of a new single family dwelling on property located within the R-1C Zoning District. This is continued to the meeting of March 16, 1992 for the purpose of erecting story poles and reviewing the possibility of conditions for roadway maintenance and/or a bond.

Motion unanimously passed.

4. Minutes of January 27, 1992 and February 10, 1992

M/S Yarish/Kroot, to approve minutes for January 27, 1992 with the following amendments. Page one, paragraph 9, add "...from this application and relinquished the chair to Commissioner Mihaly". Page two, paragraph nine, add "...for the vacant lot, however development of housing would be preferred".

Ayes: Harle, Yarish, Kroot
Abstain: Hayes

M/S Yarish/Kroot, to approve minutes for February 10, 1992 with the following amendments. Page four, change condition number 2. to read as follows: 2) #2 cedar shingle siding is to be used at all exterior walls and the roof is to have an 18" overhang which is not shown on the drawings.

Ayes: Harle, Yarish, Kroot
Abstain: Hayes

E. GENERAL DISCUSSION

Chairman Kroot asked if storage tanks will be included as part of the review of the water ordinance.

Ms. Chaney stated that the Zoning Subcommittee will meet at 8:00 a.m. tomorrow at Town Hall.

F. OPEN TIME FOR PUBLIC DISCUSSION

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO THE REGULAR MEETING OF MARCH 2, 1992

The special meeting of the Planning Commission was adjourned at 10:45 p.m. to the next regular meeting of March 2, 1992.

BARBARA CHAMBERS