

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 3, 2005**

A. CALL TO ORDER

Commissioners Present: Chair Sisich, Commissioners Freeman, Harris, House, Zwick
Commissioners Not Present: Pipkin

B. OPEN TIME FOR PUBLIC EXPRESSION

None

C. CONTINUED PUBLIC HEARING ITEMS

1. V-0439 - Jeannie Langinger, 12 Arroyo Avenue, APN 5-111-67, setback variance to add a 400 square foot, single story addition within 3' of the west side property line located within the R-1 zoning district. (staff person: Chambers) **CONTINUED TO 2/7/05**
2. DR-0502 - Albert and Elizabeth Malka, 52 Durham Road, APN 5-202-21, hillside design review and setback design review of a +/- 260 square foot first story and +/- 593 square foot second story addition totaling approximately 853 square feet to be within 5' of the north and 5'-10" of the south side property lines, located within the R-1 zoning district (above 150' msl). (staff person: Chambers) **CONTINUED TO 1/18/05**

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes - December 6 and 20, 2004
2. U-0425/S-0403 - Tony Briggs for Total Island Yoga, 7A Mariposa Avenue, APN 7-301-07, conditional use permit to operate a yoga studio located within the C-3 zoning district. (staff person: Chambers)
3. U-0501/V-0501/DR-0501 - Brian Beard and Kristen Gregoriev, 25 Fernwood Drive, APN 7-131-05, use permit to demolish more than 50% of the existing dwelling; variance to construct a 400 square foot garage within 1'-4" of the access easement and 16'-4" of the front property line (code: 20' from access easement); variance to construct retaining walls up to a maximum of 7' within 18' of the access easement and 33' of the front property line (code: maximum height 4' from access easement); design review of a +/- 502 square foot lower and +/- 625 square foot upper story addition totaling approximately 1,082 square feet, upper level deck of approximately 330 square feet, construction of a 400 square foot garage and retaining walls, located within the R-1 zoning district (above 150' msl). (staff person: Chambers)

M/s, Freeman/Harris and unanimously passed (5-0, Pipkin absent) approval of the consent agenda changing item 1 to approve only the minutes of December 6, 2004, approving item 2 without discussion and removing item 3 for discussion.

U-0501/V-0501/DR-0501 - Brian Beard and Kristen Gregoriev, 25 Fernwood Drive, APN 7-131-05

House said she felt the window trim needed to be a darker color, that white stands out too much when viewed from a distance, and should blend with the hillside.

Brian Beard said he thought the white looks good, he spent a lot of time and money picking out the colors and all the neighbors signed a petition saying they liked the plans for the house. Additionally, he said currently the house is a white-beige color, the new colors significantly reduce its visibility, and the proposed white trim is a small area compared to what it is now.

Harris said he hasn't visited the site again but the house is tucked into the mountain. He is not uncomfortable with the white trim.

Freeman said he doesn't see a problem with the white trim.

M/s, House/Pascal and passed (3-1, noes: Freeman, abstain: Harris) to amend item number 2 to require the windows and trim color to be a darker unobtrusive color.

REGULAR AGENDA

4. V-0438 - Steve Thompson, 110 Alder Avenue, APN 7-041-21, setback variances to construct:
1) a 270 square foot, single story garage up to 11.25' above grade within 3.3 of the east side property line; and 2) a trellis attached to the garage and dwelling up to 10.5' above grade within 2' of the east side property line located within the R-1 zoning district. (staff person: Chambers)

Lisa Wight presented the staff report. She said the proposal is to add a garage to accommodate one car (location in front of addition that is being constructed now) and would require a setback variance. She said a second proposal includes construction of a trellis on the front of the garage and portion of the house and would also require a setback variance. Staff was unable to make a special circumstance finding. A 9-foot wide parking space exists without any setback variances. The trellis is in close proximity to the side property line and staff was not able to make a special circumstance finding. Staff recommends denial of the proposed project.

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Steve Thompson said the garage is important to have with a family, especially in winter weather and the proposed width would accommodate the opening of car doors and getting in and out of the car.

Scott Couture, Architect on the project, said the addition is a one car garage and trellis extending over the porch. Homes in the area are large and detailed and the project brings the aesthetics up to match the existing homes in the neighborhood. A typical car requires 12 feet of clearance to include accommodating the doors being opened, and they are asking for 6 inches beyond the 12 feet for reasonable day to day use of a family size car. Reducing the size of the garage will make it less usable, and not change the variance requirement nor impact the Sullivans (neighbors) any less. The back of the lot is not suitable for a garage location because the property drops off toward the creek. The project is consistent with the existing properties in the area and is an improvement.

Sisich asked why this had gone to the Council in October. Lisa Wight said staff was reduced and there were scheduled vacations so two Planning Commission meetings were cancelled. In the interest of time, the Town Council agreed to hear the appeal of Staff's interpretation. She said the history includes a carport that had previously been located in the area currently under construction. It was removed in 1982, with a condition that it be put back and that it should be the location of parking for the property, with the intent to prevent parking convergence to the street. Council's decision was to not require a variance.

Harris asked if it is possible to pull the garage forward or make it narrower. Mr. Couture said if the garage is pulled forward it would require more of an encroachment into the setback. If it is made narrower to accommodate the gable it would block the sunlight for the neighbors, so it was decided to keep the roofline lower.

Zwick asked the architect if he anticipated that the garage addition would come to the Planning Commission for a variance when he appeared before the Council. Mr. Couture said there was no garage in the proposal to Council so it could be expedited as quickly as possible due to wanting to begin construction before the rains came.

Zwick said the struggle is finding reasons for giving a variance.

Sisich said sometimes staff can't make findings and the Planning Commission can. Size, shape and topography are main things we use to grant variances. We have a pie shaped lot with various easements which affects the buildable area of the lot, also find the survey of the parking in the area shows that a similar property was granted a variance, or at least within 5 feet.

Harris said he likes the attractiveness of design and understands a need for a garage for the family. He said the floor area of the house and addition is large for the lot and he is not convinced he could make findings under the government code. The irregular shape of the lot is the only sure finding.

Freeman said he can appreciate the problem involved in needing the width in the garage to accommodate the family. If Commissioner Sisich can make the findings, then he could support it.

Zwick said he is convinced that Mr. Couture has tried to find a place for a garage and he does not see any alternatives for it. If Sisich can make the findings then he would be comfortable supporting it.

House said she is confident in Sisich's findings as presented.

M/s, Sisich/House and passed (4-1: noes: Harris) to approve as proposed with no changes and findings are based on the constrained nature of the lot due to easements and creek setbacks and the shape of the lot, and this would not be granting of a special privilege based on the fact that applicants have shown it is normal in that neighborhood to have at least one enclosed parking garage and finally that the house at 106 Alder has an existing garage within 5 feet of the property line.

This decision is subject to an appeal to the Town Council within 10 calendar days.

E. ITEMS FROM PLANNING COMMISSION

House asked if there are a lot of projects in the pipeline. Wight said there are a lot of big projects slated to be heard in the Spring. The next meeting will be on January 18th. House asked if the project on Sir Francis Drake and Oak Knoll is done. Senior Planner Wight said it goes to the Town Council on the 25th then back to the Planning Commission for design review. Senior Planner Wight said February's first meeting lands on a holiday so at the next meeting we need to decide when to have the February meetings. The thing that needs to be considered is the Permit Streamlining Act, which requires a determination within 60 days once a project is determined complete.

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F. ITEMS FROM STAFF

None

Meeting adjourned at 8 p.m.

Respectfully submitted by:

Denise A. Phillips
Senior Police Administrative Assistant