

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 20, 2006**

A. CALL TO ORDER

Commissioners Present: Chair House, Harris, Overberger, Schinner, Sisich, Zwick
Commissioners Absent: Vice Chair Krebs

B. OPEN TIME FOR PUBLIC EXPRESSION

None

C. CONTINUED PUBLIC HEARING ITEMS

1. **V-0535/DR-0530 – Greg and Kristi Bush, 142 Sequoia Drive, APN 006-114-05,** 1) Setback Variances to add a ±272 square foot first story addition within 18' of the front property line and 8'-6" of the street side (Knoll Road) property line, and a ±310 square foot second story addition within 18' of the front and 8'-6" of the street side (Knoll Road) property line (Code setbacks: front: 20'; street side: 12'); 2) Hillside Design Review of first and second story additions totaling + 582 square feet; and 4) Parking Variance for one of the three required on-site parking spaces to be substandard in length and partially in the right-of-way (Code: 3: 9'x19' spaces wholly on the property); located within the R-1 zoning district. (Staff person: Chambers) CONTINUED TO 4/3/06
2. **V-0604/DR-0604 - Brian Clark, 190 Scenic Avenue, APN 007-063-15,** Hillside Design review of a new 4,338+ square foot, two story single family dwelling, a 642+ square foot pool house, a 642+ square foot carport, and uncovered deck terraces; a Parking Access Variance to access the property via an easement over APN 007-063-11 (undeveloped lot known as 186 Scenic Avenue); and Setback Variances for 1) the new dwelling to be located within 15'2" of the front property line (Scenic Code setback: 20' front yard setback with a 2' roof eave projection); and 2) retaining walls up to 42" above existing grade to be located within 0' of the east side property line, on property located in the R-1 C zoning district. (staff person: Wight) CONTINUED TO 4/3/06
3. **U-0604/V-0601/DR-0601 – Ralph Epstein for House Mavens LLC, 8 Richmond Road, APN 007-302-29,** 1) Use Permit to demolish a single family residence; 2) Design Review for a ±1,441 square foot second story in conjunction with a new 2,669 square foot dwelling and a ±499 square foot garage; and 3) Parking Variance to permit tandem parking (Code: clear parking, not in tandem), located in the R-1 zoning district. (staff person: Wight) CONTINUED TO 4/3/06

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – March 6, 2006**
2. **U-0609 - Constance Prodromou, 6 Bridge Street, APN 006-083-07,** Use Permit for an acupuncturist office, on property located in the C-L zoning district. (staff person: Chambers)

M/s Zwick/Overberger and unanimously passed (6-0) to approve Items 1 and 2 of the consent agenda.

Commissioner Overberger recused herself because she lives within 300 feet of the properties on Nokomis Avenue.

3. **V-0613 - Troy and Helen Van Dongen, 32 Nokomis Avenue, APN 006-082-27,** Setback Variances: 1) to raise the existing dwelling 5' to clear the December 31, 2005 flood elevation and construct a storage room up to 5'+ on the existing garage in order to tie the garage and dwelling heights together within 2.5'+ of the front property line (Code setback: 20'); 2) to construct entry stairs and deck within 0' of the front property line (Code setback: 14'); 3) to construct a balcony on the main floor within 5.5'+ of the south side property line (Code setback: 6'); on property located in the R-1 zoning district. (staff person: Wight)
4. **V-0615 - Carla Overberger, 37 Nokomis Avenue, APN 006-074-32,** Setback Variances: 1) to raise the existing dwelling 3.5' to clear the December 31, 2005 flood elevation within 4.5'± of the southwest side property line (Code setback: 8'); 2) to construct stairs within 11.33' ± of the rear property line (Code setback: 14'); 3) to reconstruct a trellis at a higher elevation within 14'± of the rear property line (Code setback: 20'); on property located in the R-1 zoning district. (staff person: Wight)
5. **V-0616 – Tom and Julie McInerney, 50 Nokomis Avenue, APN 006-082-33,** Setback Variance to raise the existing dwelling 3.7' to clear the December 31, 2005 flood elevation within 17.5'+ of the front property line (Code setback: 20'), on property located in the R-1 zoning district. (staff person: Wight)

M/s Zwick/Harris and unanimously passed (4-0) to approve Items 4, 5 and 6 of the consent agenda.

Chair House reminded the hearing of the 10 day appeal period to the Town Council for all items on Consent.

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REGULAR AGENDA

6. **V-0617/DR-0606 - Shana Larkin, 11 Sturdivant, APN 006-181-12 and 006-181-14**, Hillside Design Review and Setback Variance for a new 576± square foot garage with a 491± square foot room above (living area, not a second living unit) to be within 4' of the front property line; and a 118± square foot entry deck. The second driveway will require an encroachment permit from the Public Works Director. (staff person: Wight)

The Planning Commission waived the reading of the staff report. Planning Director Wight said that two letters had been received, one of which was from a neighbor who is concerned about the location of a stairway. Ms. Wight noted that this is not part of the review, of which the writer was informed. She explained that staff is able to support the setback variance but that special circumstances do not appear to exist to allow the second story.

In response to Commissioner Harris, Ms. Wight said that there is no separate height limit for a garage.

Commissioner Sisich joined the meeting at 7.10pm.

Michael Pettit, architect said that the site is an unusual shape and the topography very steep, which could perhaps be used as a special circumstance to allow the second story. The design appears to be a practical solution to adding living space and, furthermore, they would fall below the FAR (floor area ratio) limits if the rules applied in this instance. Mr. Pettit believes that this is the most logical place to put an addition.

Shana Larkin, applicant, discussed the reasons she preferred to add living space on to the garage, rather than to her house. She said it would be safer for her son, who is learning to drive, to back out of the garage rather than the driveway.

Commissioner Overberger commended the staff report. She noted that the property is at the end of a long driveway and the project would have little impact on other people. However, she remains concerned that special circumstances do not appear to exist for the second story.

In response to Commissioner Schinner, Ms. Wight confirmed that no other comments from neighbors had been received.

Ms. Wight discussed the difficulty of using the driveway, which is the reason for having parking below.

In response to Commissioner Harris, Ms. Wight said that providing a turnaround by the house would necessitate retaining walls because the property is very steep. This might be visually worse and would possibly raise setback issues.

Commissioner Harris said that he could support the variance for the use of the garage, and he noted that the Commission is unable to consider economic factors in their purview. The stairwell and elevation of the ground are of concern, and he suggested that the applicant make a finding since there appears to be no opposition to the project.

Ms. Wight said that a color board had been submitted but that it was not available at this moment.

Commissioner Sisich said he would support a second unit, to which Ms. Wight said that a use permit and deed restriction would be required.

In response to Commissioner Zwick, Ms. Wight said that a conditional use permit would not negate the need for a variance because the addition is still in the setback. Commissioner Zwick noted that they are required to apply the rules of the Planning Code universally, even if the argument in favor of a project appears to be rational.

Commissioner Harris and Ms. Wight discussed the two driveways.

Mr. Pettit described the topography in further detail and explained why he believes a hardship exists that necessitates putting the additional space above the garage.

Commissioner Zwick and Mr. Pettit discussed a different design that Commissioner Zwick thought might render the variance unnecessary.

Commissioner Sisich made a suggestion for special circumstance findings.

Commissioner Harris moved to support the staff report, but it died through lack of a second.

Planning Director Wight explained what special circumstances would be necessary to make findings to support the project. She noted that the lot is large and an addition could be placed elsewhere on the property. It does not need to be confined to a second story on top of the garage which is at the bottom of the street.

General discussion ensued on findings.

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M/s House/Harris and unanimously approved (7-0) to continue the project to the meeting of April 13, 2006.

7. **DR-0605 - Town of San Anselmo, Lansdale Park, APN 007-012-48** (located at the intersection of Center Boulevard and Forest Avenue), Design Review of playground equipment improvements. (staff person: Wight)

The reading of the staff report was waived.

There was no-one from the public who wished to speak.

M/s Harris/Schinner and unanimously passed (7-0) to approve the staff report. Chair House reminded the hearing of the 10-day appeal period to the Town Council.

E. ITEMS FROM PLANNING COMMISSION

None.

F. ITEMS FROM STAFF

53 Indian Rock Road has been appealed and is tentatively scheduled for the Council Meeting of April 13, 2006.

Ms. Wight reported that the Sign Committee has had its first meeting, and will reconvene weekly for another four consecutive weeks.

G. ADJOURNMENT TO THE MEETING OF APRIL 3, 2006.

The meeting was adjourned at 7.40pm.

**JOANNE O'HEHIR
SENIOR ADMIN. SERVICES ASST.**