

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John F. West on May 19, 1969 at 8:00 p.m. in the City Hall. Representing the City Staff: John T. O'Rourke

1. ROLL CALL

Commissioners Present: Creighton, Perry, Tusler, West  
Commissioners Absent: Gue, Heinecke, Moore

2. APPROVAL OF MINUTES

Commissioner Creighton moved the minutes of May 5, 1969 be approved as written, seconded by Commissioner Tusler and unanimously approved.

3. OLD BUSINESS

A. ADJ. 395 WILLIAM E. RAUDIO. Application for a 5 foot variance in frontyard setback and a 3 foot variance in sideyard setback to construct a second story above the carport at 50 Florence Avenue. A/P 7-014-30

Mr. Raudio explained he felt there would be a building hardship to put in an interior stairwell, and in the rear yard they planned to put in a swimming pool. He said they had redesigned the entry hall so the stairway would be inside the house, and they had removed the proposed upstairs bathroom. He also said this plan included the floor plan of the house and the proposed use of the backyard.

Commissioner Tusler questioned whether a car could be parked under the stairs.

Mr. Kotch of Fairfax Lumber Company said he had designed the addition for Mr. and Mrs. Raudio. He said they needed a third bedroom, and when the carport was built two years ago, the building inspector had advised the Raudios how to construct it so that it would take a second story.

Chairman West explained that the ordinance has been amended and now required greater setbacks than when the carport was constructed, and he also explained the meaning of "hardship" within the ordinance.

Mrs. Raudio said that a room off the back bedroom would cut off the light both from the rear bedroom and her kitchen. She said to build in the rear yard would, in effect, chop up their outdoor area into 5 small sized yards.

Mr. Raudio pointed out that there are two 2-story buildings across the street, virtually on the property line. He said he could see no advantage to requiring the second story of his carport to conform to present setbacks.

Commissioner Perry said he could see where the applicants had made an attempt to overcome the Planning Commission's objection that the addition would become a second unit; however, he could not see that a building hardship exists. Because the property is developed to the hilt, he said, did not create a hardship. He said he felt the rear yard could be developed.

Commissioner Tusler said he supported the remarks of Commissioner Perry. He said he was sure the applicants had worked very hard on the property, and the architecture of the house does not lend itself to a rear yard addition; however, he could see no hardship consistent with the intent of the ordinance. He said Florence Avenue is extremely narrow, and if all of the property were developed with frontyard variances, the character of the street would be changed.

Commissioner Creighton said he concurred with the other Commissioners; he felt there was plenty of room to develop horizontally rather than vertically.

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Commissioner West said he thought the Commission did feel sympathetic with what the Raudios were trying to accomplish. He said if this variance was denied, they could still construct a room on the top of the carport, but instead of its dimensions being those requested, it would be somewhat smaller.

Commissioner Tusler moved that ADJ. 395, William E. Raudio, application for a 5 foot variance in frontyard setback and a 3 foot variance in sideyard setback to construct a second story above the carport at 50 Florence Avenue be denied for the reason that hardship or results inconsistent with the ordinance have not been demonstrated. Motion seconded by Commissioner Creighton and unanimously approved.

Commissioner West stated another reason for denial is there appears to be no denial of substantial property rights involved here.

The applicant was informed of his right to appeal the decision of the Planning Commission to the City Council within ten days.

#### 4. NEW BUSINESS

##### A. ADJUSTMENTS

- (1) ADJ. 397 HOWARD N. COLLAMER. Application for a 7'6" variance in frontyard setback and a 2' variance in sideyard setback to construct a dwelling at 479 Laurel Avenue. A/P 7-131-47

Mr. Ronald Schenck appeared as counsel for Mr. Collamer; Mr. Valmar Schaaf, consulting engineer, was present on behalf of Mr. Collamer.

Mr. Schenck explained this was a re-application; a variance had been granted for this property and Mr. Collamer did not realize that the variance expired at the end of one year. He had been obtaining soils reports, engineering and plans. Mr. Schenck said it was risky to plan the house further down the slope because the soil is unstable. The sideyard setback is requested in order to save the trees; and the parking variance is requested for the same reason. He explained that the road is up a 20 foot bank, and the road could never be developed toward this property for that reason. There was an old home that was demolished in this location, and that is the reason there are trees located around the proposed building, but none where the building is proposed to be located.

There was no one in the audience to comment on the application.

Commissioner Perry asked about the debris removal, and Mr. Schaaf said that all of the old patio area would be removed and some loose unstable ground also. Mr. Schaaf said the parking would be on a ground deck.

Commissioner Tusler asked if the flue from the fireplace would be in the oak trees, and Mr. Schaaf said it would.

Commissioner West said he doubted that a deck as shown on the plans could be considered a ground deck, hence landscaping, requiring no permit.

Commissioner West said in considering a variance we have to consider design aspect as it relates to the terrain. He said he would be happier if the house could be more closely snubbed into the ground. Insofar as the sideyard is concerned, he could not see any compelling reason why this structure couldn't conform to the eight foot requirement. He said he would go along with the application because of a technicality since there has been approval of a variance for this construction a little over a year ago.

Commissioner Perry moved that ADJ. 397 application of Howard N. Collamer for a 7 foot 6 inch variance in frontyard setback and a two foot variance in sideyard setback be granted; and further that a variance be granted so as to permit construction of the patio deck and parking area pursuant to the plans prepared by Schaaf and Jacobs,

dated April 13, 1969; the hardship justifying this variance being physical characteristics of the land and engineering problems presented, and the fact that it is consistent with the intent of the ordinance to allow location of improvements not to interfere with existing trees. Commissioner Tusler seconded the motion which was unanimously approved.

Commissioner West commented that as far as the approval of the permit is concerned, it will be up to the staff to make a determination of the building height for conformance to the ordinance.

(2) ADJ. 398 MEL R. WESTENBERG, Application to roof carport at 36 Sunview Avenue. A/P 5-164-19

Mr. Westenberg said he wanted to roof his carport to keep the weather off his car, and perhaps if he found the roof did not do so adequately, he would then like to add sides part of the way up on two sides.

Mrs. William Rankin, 37 Sunview Avenue, said she wished to object to the carport for the following reasons: The carport was on a sharp curve and sides and a roof would obscure visibility. She also said there was a fire hydrant just across from the cardeck, and large trucks frequently tried to turn around and had to use the car deck. Several times in the past these trucks had become "hung up" on the fire plug. Without an open deck, it would be virtually impossible to free any vehicle that was caught on the hydrant. She said the plan was not compatible with the wooded area. She said the street was approximately 15 to 18 feet wide at this point, and she felt a carport instead of the deck would give the appearance of a tunnel.

Commissioner West said the objection to the visual impact of the structure had some validity; however, it would appear the deck was serving traffic in general, and he did not feel we could compel an individual to maintain a cardeck for the convenience of street traffic.

Commissioner Tusler asked about the proposed walls on the structure, and Mr. Westenberg said he would only add those if the weather still comes through, and then only on the west and south side.

Commissioner Creighton said if the deck is covered and sides added, he would prefer not allowing it all the way to the street.

Commissioner Tusler said he was not sure that a variance for a roof over a cardeck with a zero setback could ever be justified.

Commissioner Perry said he did feel it a hardship to have an uncovered cardeck; an automobile represents an important facet in everyday life, and it was a great inconvenience to get in and out of a car in the pouring rain. He said he was somewhat concerned with the design and felt if there was a showing of a justification for a variance that the application should be referred to the Design Review Committee.

Commissioner Perry moved that ADJ. 398, application of Mel. R. Westenberg to roof a carport at 36 Sunview Avenue be approved so as to allow the construction of a roof over the interior 20 feet of the existing car deck as such deck is shown on the application received by the City of San Anselmo on May 13, 1969, subject, however, to approval of plans by the San Anselmo Design Review Committee prior to issuance of a building permit. Motion seconded by Commissioner Creighton and unanimously approved.

Commissioner West asked if the intent of the motion is to have the roof set back 4 feet from the edge of the deck.

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Commissioner Perry said yes, the motion was not intended to imply that an encroachment into public right of way is approved; the Planning Commission, in approving the application was taking the statement at face value, it being represented that the front of the car deck is flush with the property line. He also said it might be well to have the staff check to the best of their ability to see if there is an encroachment prior to the issuance of the permit.

Commissioner Tusler said he voted Aye for the reason that prior Planning Commission approval had been granted on this application; however, he feels that the question of hardship should be re-evaluated on future applications of this type.

Commissioner West said he did not feel constrained by any previous approval to vote Aye, but did so with the thought that the terrain circumstances are such as to justify the approval, and he relies upon the Design Review Committee to require a suitable and aesthetically pleasing design, or else to deny design approval. He also said the design submitted to the planning commission is totally unsatisfactory -- very unpleasing and unaesthetic.

The applicant was informed that the variance was granted subject to approval by the Design Review Committee, and provided there was no appeal of the decision of the Planning Commission to the City Council within ten days.

5. CORRESPONDENCE

A notice from the County of Marin on the hearing of the new regulations for signs.

6. MATTERS FOR CONSIDERATION OF PLANNING COMMISSION

The Chairman announced that Commissioner Creighton had been appointed by the City Council to serve another four year term on the Planning Commission; that Commissioner Perry had been appointed by the City Council to serve on the Design Review Committee for the following year, and that it was Commissioner Tusler's last meeting. He had resigned because he was moving to Kentfield. The Commission expressed their appreciation to Mr. Tusler and said they would miss his wisdom and guidance which has been very valuable to the Planning Commission and the City. Mr. Martin Stuart, the Planning Commissioner appointed to fulfill Mr. Tusler's term, was introduced.

The meeting adjourned at 9:40 p.m.



JOHN F. WEST  
CHAIRMAN