



Agenda Item No. 11a.

Staff Report

Date: November 8, 2018
To: Mayor Kuhl and Council Members
From: Heidi Scoble, Planning Manager
Subject: Moe Residence, 47 Willow Avenue, File No. 2018-025 BAE

Recommendation

Town Council approval of Resolution 2082 to allow the conversion of up to 209 square feet of uninhabitable basement floor area into improved habitable floor area at 47 Willow Avenue.

Property Information:

Owner/Applicant: John and Paulette Moe
Location: 47 Willow Avenue
A.P. Number: 073-261-25
Zoning: R-1:B-7.5 (Single Family Residence, 7,500 square foot min. lot size)
General Plan: Medium Low Density (3-6 Units/Acre)
Flood Zone: Zone X (Outside of 1-percent annual chance floodplain)
Project Application No.: 2018-025 BAE

Project Summary Data

Lot Area	10,850 square feet	
Existing Floor Area/Ratio	2,556 sq. ft.	23.5% (20% Permitted)
Proposed Floor Area/Ratio	2,765 sq. ft	25.5%

*****No changes are proposed to Lot Coverage or Impervious Surfaces as the project would only entail adding floor area within the footprint of the existing residence.**

Project Description

The applicant is requesting an Exceptions to Basements and Attics Permit to allow for the interior remodel and renovation to an existing unimproved basement. The existing basement area is comprised of 209 square feet. The project would convert approximately 155 square feet of the basement area into an improved bathroom and closet. The remaining 54 square feet of the basement area would remain as a basement/storage area.

No exterior modifications to the residence or other site improvements would result as part of the project.

The proposed project requires an **Exception to Basements and Attics is required pursuant to Ross Municipal Code (RMC) Section 18.46.020** to allow an exception for improvement of an attic or basement in an existing residential structure created prior to the effective date of this chapter in any single-family residence district or special building site district.

Pursuant to Section 18.46.030(d)8, Design Review is not required if the project can be found to substantially conforms with the Town's Design Review Criteria and Standards of Section 18.41.100 of the Ross Municipal Code.

Pursuant to Section 18.39.020(7), a Hillside Lot Permit is not required for an attic or basement improvement permitted unless the project involves exterior work within twenty-five feet of a creek, waterway or drainageway, or if the attic or basement project is associated with a larger project that requires a hillside lot permit.

Background and Discussion

The Marinmap.org website identifies that the project site has an average slope of 20% and located within the Town's Slope Hazard Stability Zone 2 (Hillside Lot Regulations do not apply to the project site). Access to the site is from Willow Avenue via Lagunitas Avenue, Madrona Avenue, or Bridge Road. The existing residence was originally constructed circa 1930. The residence is considered to be legal nonconforming relative to side and rear setbacks and floor area. The project history records provide information regarding Variances that have previously been granted at the project site.



Advisory Design Group Review

The Advisory Design Review (ADR) Group have previously reviewed the project on September 25, 2018. As the project would result in an interior remodel with no exterior modifications to the residence, the ADR Group found the would be consistent with the design review criteria and standards of the Ross Municipal Code and therefore recommends approval of the project as proposed.

Key Issues

Exceptions to Basement and Attics

Pursuant to Section 18.46.030(a), Review and Approval Authority, of the Ross Municipal Code, the Town Council is able to approve, conditionally approve, or deny the applicant's request to

allow for the floor area to exceed the maximum permitted provided that the floor area is located within either an attic or basement space and that the requisite findings can be achieved.

Staff suggests the Exceptions to Basement and Attics findings can be achieved as the project would meet the intent and purpose of the regulations as follows:

1. The existing residence was originally constructed circa 1930. Variances in 1958, 1987, and 1989 have also been previously granted to allow for the existing size and configuration of the residence, including the basement.
2. The scope of the project would not result in the increase of exterior dimensions of the buildings.
3. The scope of the project would not result in any exterior modifications to the existing project.
4. The project site can provide a minimum of four on-site parking spaces.
5. The project would be required to comply with the Town's Building Code and Fire Code requirements prior to issuance of any building permit and prior to final sign off of the completed building permit.
6. The project would not result in any on-site grading.

Although the applicant is only requesting convert 155 square feet of the 209 square foot basement, staff is recommending that the project approval allow for up to 209 square feet of the existing basement area to be improved and converted into floor area. Approving the entire 209 square foot basement area, not including the crawlspace as shown on Sheet 2 of the project plans, would allow the applicant to proactively have the opportunity to improve the remaining 54 square foot basement/storage space at the same time the bathroom/closet project is being constructed. The requisite findings to allow for both the 155 square foot and the 209 square foot basement conversion into improved floor would be able to be achieved as no grading would be required, no exterior changes to the basement would be required, and the project site can accommodate the requisite parking.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. No public comments were received as of the writing of the staff report.

Fiscal, resource and timeline impacts

If approved, the project would be subject to one-time fees for a building permit and associated impact fees, which are based the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no net funding impacts associated with the project.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301 –*additions to existing structures*, because it involves the remodel of a basement within the footprint of the existing residence where there would be no potential impacts to surrounding properties. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources.

Attachments

1. Resolution 2082
2. Project plans
3. Project History

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2082

A RESOLUTION OF THE TOWN OF ROSS APPROVING AN EXCEPTIONS TO BASEMENT AND ATTICS TO ALLOW FOR THE CONVERSION OF A BASEMENT INTO HABITABLE SPACE AT 47 WILLOW AVENUE, APN 073-261-25

WHEREAS, property owners John and Paulette Moe have applied for an exception to allow the conversion of up to 209 square feet of uninhabitable floor area into improved habitable floor area at 47 Willow Avenue, (the “project”); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301, existing facilities, as an addition to an existing single-family residence in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project; and

WHEREAS, on November 8, 2018, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, conducted a site visit, considered other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit “A” and approves the Exception to Basement and Attics Permit subject to the Conditions of Approval attached as Exhibit “B”.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 8th day of November 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
47 WILLOW AVENUE
APN 073-261-25

A. Findings

I. In accordance with Ross Municipal Code Section 18.46.030(D), An exception of Basements and Attics is approved based on the following findings:

- (1) That the area to be improved is an existing area created prior to the effective date of this chapter in an existing residence built prior to the effective date of this chapter. Existing area shall not include basement space with a ceiling height less than 5.5 feet.**

The existing configuration of the residence and the unimproved basement has been previously approved by the Town Council, as shown in the public records. The project would consist of the conversion of up to 209 square feet of uninhabitable basement area within the footprint of the residence into improved inhabitable floor area. Therefore, the project is consistent with the intent and purpose of this finding.

- (2) If the project involves improvement of an attic, that the improvements proposed shall not change the exterior appearance of the structure, for example, by addition of dormers or raising the roof ridge. However, the Town Council may approve minor changes to the exterior appearance of an attic, such as the addition of windows or skylights, if they will not create view, light or privacy issues for neighbors.**

The finding is nonapplicable to the project as the project would not involve an attic.

- (3) If the project involves improvement of a basement:**
- a. If the structure is in a Special Flood Hazard Area identified on the town Flood Insurance Rate Map and/or in an area that is known for flooding, that the finished floor level of the improvements shall be above the base flood elevation.**
 - b. That modifications proposed to the building exterior do not increase the exterior dimensions of the building and that modifications, such as new windows, are compatible with the design of the existing improvements and shall not create privacy issues. The Council may limit the size of light wells to the minimum size necessary to satisfy California Building Code requirements for light, ventilation and emergency egress.**
 - c. That any modifications to site drainage have been designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site.**

The project would neither result in any modification to the exterior of the residence, nor require any grading. A building permit would also be required to include the project would be in conformance with the California Building Code or California Residential Code. Therefore, the project is consistent with the intent and purpose of this finding.

- (4) **The fire chief has confirmed that there is adequate water supply for firefighting purposes for the site, or that the project includes measures to provide adequate water supply for firefighting purposes.**

The Ross Valley Fire Department has reviewed the project and supports the project as proposed, therefore the project is consistent with the intent and purpose of this finding.

- (5) **The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence, number of bedrooms, and the size and use of the proposed attic and/or basement area and may require additional parking up to the following:**

<i>Total site floor area (excluding covered parking)</i>	<i>Required off street parking</i>
1,300 square feet to 3,300 square feet	3 spaces
Over 3,300 square feet	4 spaces

The project site can accommodate more than 4 off street parking spaces, therefore the project is consistent with the intent and purpose of this finding.

- (6) **That the project shall comply with the most recent California Residential Code adopted by the Town.**

The project would be required to comply with the Town's Building Code and Fire Code requirements, therefore the project is consistent with the intent and purpose of this finding.

- (7) **Excavation, grading or cutting shall not exceed 35 cubic yards for newly created basement floor area. The excavation limit shall apply to excavation required to lower the floor to the finished floor and shall not include up to one foot of over excavation for the floor and foundation or any removal of existing foundation or flooring. Additional excavation is permitted for construction of stairs counted as floor area on an upper floor and for existing areas that meet the definition of floor area. If the project involves excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area.**

The finding is nonapplicable to the project as the project would not include any grading.

(8) The project substantially conforms to design review criteria and standards in Section 18.41.100, even if design review is not required.

The Town's Advisory Design Review (ADR) Group has reviewed the project on September 25, 2018. As the project would result in an interior remodel with no exterior modifications to the residence, the ADR Group found the would be consistent with the design review criteria and standards of the Ross Municipal Code. Therefore, the project is consistent with the intent and purpose of this finding.

EXHIBIT "B"
CONDITIONS OF APPROVAL
47 WILLOW AVENUE
APN 073-261-25

1. This approval authorizes an Exception to Basement and Attics to allow the conversion of up to 209 square feet of uninhabitable floor area into improved habitable floor area at 47 Willow Avenue. No modifications to the exterior of the residence would occur as a result of the project.
2. The building permit shall substantially conform to the plans entitled, "Bathroom Addition", consisting of 3 sheets prepared by Ferrari/Moe, LLP Architects and Engineers date stamp received August 23, 2018.
3. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of all necessary Building Permit plan sets to list all standard and project specific conditions of approval as notes.
5. The applicant/owner shall pay any deferred Planning Department's fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Planning Manager.
6. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney's fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

SPECIAL CONDITIONS

7. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

- a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
- b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
- c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.
- d. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- e. BEFORE ISSUANCE OF A BUILDING PERMIT, a construction and traffic management plan shall be submitted. The construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.
- f. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- g. BEFORE ISSUANCE OF A BUILDING PERMIT, a preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector. The preconstruction meeting would review the conditions of approval for the project and the construction management plan.
- h. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- i. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.

- j. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- k. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- l. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.
- m. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- n. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- o. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- p. The project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.

- q. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- r. Final inspection and written approval of the applicable work by Town Building Department, Planning Department, and the Ross Valley Fire Department staff shall mark the date of construction completion.
- s. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.

ATTACHMENT 2

RECEIVED
Planning Department

47 Willow Ave
Bathroom Addition
John & Paulette Moe

AUG 23 2018

Town of Ross

Project Information:

AP# 073-261-25

Land SF = 10,850 SF

FAR: 25.48%

EXISTING:

NEW: No Change

Living Area SF = 2,262 SF

Unfinished Basement = 209 SF

Garage = 294 SF

TOTAL SF: 2,765 SF

Project Scope:

- To convert an existing basement area into a small bathroom and closet.
- No changes to the exterior will be done.
- No grading or excavation will be done.
- No change in utilities will be done.
- No changes in the drainage will be done.

Town of Ross

FERRARI MOE, LLP
ARCHITECTS | ENGINEERS

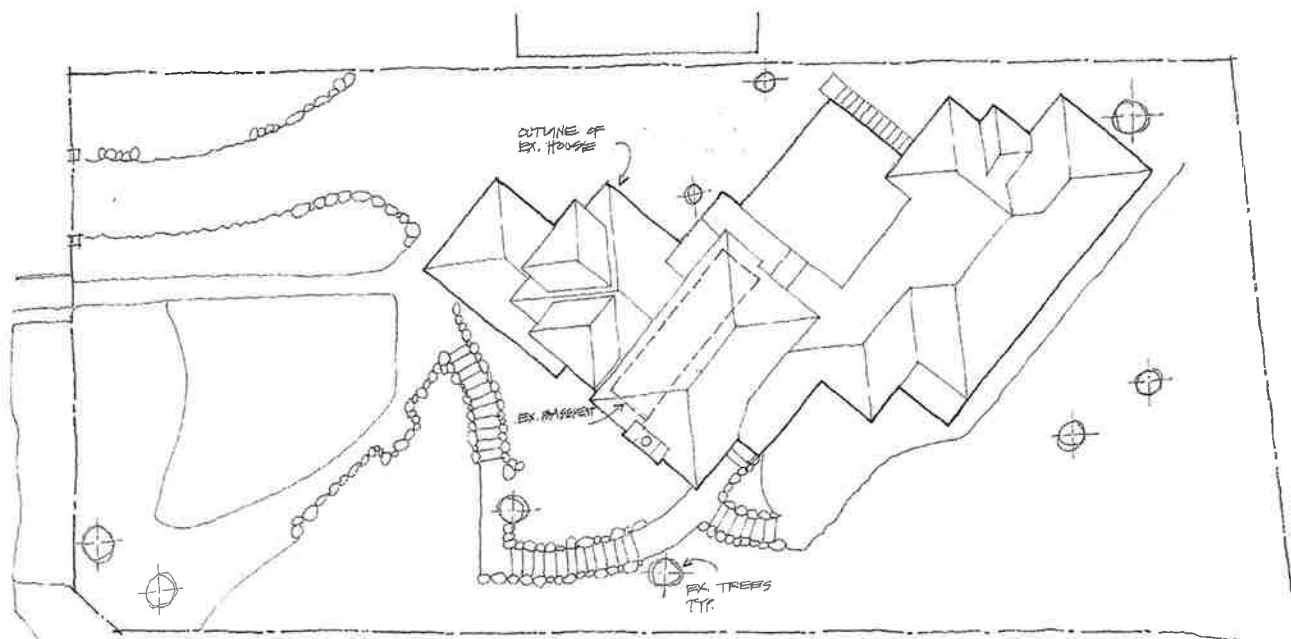
2128 FOURTH STREET
SAN RAFAEL, CALIFORNIA 94801
(415) 458-5511 • (415) 458-5312

BATHROOM ADDITION
47 WILLOW, ROSS

ISSUE

[illegible]

1



SITE PLAN

WILLOW AVES

BRIDGE PD

MADRONA

ATTACHMENT 3

April 12, 1990

Brekke said that if he wished to make any additions to his home, he would have to apply for a variance because of the existing non-conforming side yard setback. This nonconformity remains unaffected by the proposed lot line adjustment.

This issue was continued for 30 days.

21. Use Permit and Variance.

Ashford Wood, 71 Shady Lane, AP #73-091-32, 10,000 sq. ft. zone. Request is to allow construction of a 630 square foot studio sited one foot from the rear property line (40 feet required). Proposed 28.7% Floor Area Ratio exceeds the allowable 20%. Pre-existing nonconforming Floor Area Ratio and three story home, which exceeds the 30 foot height limit. (CONTINUED FROM MARCH 8, 1990, MEETING)

Home Occupation Permit is for an artist's studio.

4-12-90

Lot Area	20,275 sq. ft.
Present Lot Coverage	13.4%
Proposed Lot Coverage	16.5%
Present Floor Area Ratio	25.6%
Proposed Floor Area Ratio	28.7%
(20% allowed)	

Mr. Wood presented the plans, stating that many of the homes in his neighborhood had structures in the back yard. He redesigned the plans to comply with the flood ordinance. He said that there had previously been a structure which had been grandfathered in but they had torn it down.

He stated that his neighbor, Mrs. Rose Alberighi, had no objections to the proposed plans.

Councilman Goodman said that at the last meeting the Council had spent considerable time attempting to find an alternate location. He expressed concern over the proposed location, bulk and density and questioned the variance hardship.

Councilman Lill was concerned about the one foot setback, the size of the structure, and the strong neighborhood objection.

Mayor Brekhus stated that when granting a home occupation permit, the Council must make findings that the granting would not be detrimental to the health, comfort, or convenience of persons residing in the neighborhood. He said that the neighbors on both sides objected to the proposed plans.

After some discussion, Councilman Goodman moved approval of the application with the condition that the Council has the right to request adequate and suitable vegetative screening, if needed. This was seconded by Councilwoman Flemming.

Mayor Brekhus called for a vote and the motion failed to pass 4-0.

The request for a home occupation permit became moot.

22. Variances

a. John and Paulette Moe, 47 Willow Avenue, AP #73-261-25, 7,500 sq. ft. zone. Request is to allow Hillside Lot Application for the construction of additions on a property having a slope in excess of 30%. Construction of kitchen, study and garage additions totaling 750 square feet. Carport and shed totaling 245 square feet to be removed. Proposed 20.7% Floor Area Ratio exceed the allowable 20%. Pre-existing, nonconforming side and rear yard setbacks.

(CONTINUED FROM THE MARCH 8, 1990, MEETING)

Lot Area	12,738 sq. ft.
Present Lot Coverage	16.5%
Proposed Lot Coverage	20%
Present Floor Area Ratio	14.7%
Proposed Floor Area Ratio	20.7%

(20% allowed)

VARIANCE NO. 956

April 12, 1990

April 12, 1990

Mr. Moe referred to his plans and presented the new renderings, stating that he would submit a copy for the Town's files.

Mayor Brekhus expressed concern over the size of the additions and requested that the size of the concrete area in the front be reduced and that vegetative landscaping be planted. Mr. Moe said he had no objections to this.

Councilman Goodman felt that large trees, such as 15 gallon size, be planted to replace the trees being removed.

After discussion, Councilman Goodman moved approval with the following conditions:

1. Applicant must plant large trees to replace the trees being removed.
2. The Council reserves the right to request adequate and suitable vegetative screening.
3. A smoke detector be installed outside the new master bedroom.

This was seconded by Councilman Lill and passed with four affirmative votes.

- b. John and Marjorie Willcutt, 12 Circle Drive, AP #73-083-01, Acre Zone. Request is to allow addition of a 30 square foot elevator sited 20 feet of the front property line (25 feet required). Pre-existing nonconforming front, side and rear yard setbacks; Coverage and Floor Area Ratio.

Lot Area	19,518
Present Lot Coverage	18.04%
Proposed Lot Coverage	18.23%
Present Floor Area Ratio	20.25%
Proposed Floor Area Ratio	20.70%
(15% allowed)	

VARIANCE NO. 957

Upon motion by Councilman Lill, seconded by Councilman Goodman, the variance was unanimously granted.

- c. Kamal Azari, 41 Sir Francis Drake, AP #73-161-15, 20,000 sq. ft. zone. Request is to allow construction of an 80 square foot storage area at the rear of the garage. Proposed addition is sited 11 feet of the side property line (20 feet required). The six foot extension of the living room over the existing deck is also proposed. Proposed 18.2% Coverage and 17.6% Floor Area Ratio exceed the allowable 15%. Pre-existing nonconforming Coverage, Floor Area Ratio and side yard setbacks.

Lot Area	23,469
Present Lot Coverage	18.2%
Proposed Lot Coverage	18.2%
Present Floor Area Ratio	17.3%
Proposed Floor Area Ratio	17.6%
(15% allowed)	

VARIANCE NO. 958

Mr. Mike Ghazan, the contractor for Mr. Azari, addressed the Council.

Adjoining neighbor, Dr. Bernard Bradman, objected to the proposed plans and the nonconforming setbacks. He stated that he had not seen the proposed plans.

After considerable discussion, Councilman Lill moved approval with all the conditions as outlined in the previous variance granted 9/14/89. This was seconded by Councilwoman Flemming.

Councilman Goodman stated that the area behind the garage will be for storage, only, and that the applicant proposed to square off two "L's" of the house.

Mayor Brekhus called for a vote and the motion passed unanimously.

April 12, 1990

4/12-90

4/12/90

July 13, 1989

request further landscaping, if needed, and a smoke detector be installed in the new family room. This was seconded by Councilman Barry and passed unanimously.

- e. James Gaither, 11 Southwood, AP #73-152-05, 20,000 sq. ft. zone. Request is to allow construction of a 24 square foot bay window on a nonconforming house. Pre-existing nonconforming front, rear and side yard setbacks.

Lot Area	48,850
Present Lot Coverage	8.17%
Proposed Lot Coverage	8.22%
Present Floor Area Ratio	12.3%
Proposed Floor Area Ratio	12.3%
(15% allowed)	

VARIANCE #929

Councilman Barry moved approval, seconded by Councilwoman Flemming and passed unanimously.

- f. John and Paulette Moe, 47 Willow Avenue, AP #73-261-25, 7,500 sq. ft. zone. Request is to allow the addition of a 440 square foot garage sited one foot from the side property line (15 feet required). Carport and shed to be removed; pre-existing, non-conforming side and rear yard setbacks.

Lot Area	12,738 sq. ft.
Present Lot Coverage	16.5%
Proposed Lot Coverage	18.2%
Present Floor Area Ratio	16.5%
Proposed Floor Area Ratio	18.2%
(20% allowed)	

Mr. Moe stated that since submitting his plans, he had considered other alternatives for the siting and design of the garage and he proposed to submit these plans at a future meeting.

Mayor Brekhus said he was opposed to constructing garages in front yards. Councilman Goodman said he was opposed to having garages sited close to the property line as shown in the present plans. Councilwoman Flemming said she would like to see the alternative plans and moved to continue this item for 90 days. This was seconded by Councilman Barry and passed unanimously.

25. Appointment to the Commission on Aging.
Councilman Barry said he would report on this matter at the next meeting.
26. Other Business.
Mrs. Charles Page, President of the Ross Historical Society addressed the Council regarding her letter of July 6, 1989, concerning the schoolhouse project. Mrs. Page stated that the expenses for the proposed work would not be incurred by the Town.
After some discussion, it was the consensus of the Council that the existing garage be torn down and the Bay tree be removed or trimmed at the Town of Ross's Redwood Drive property. Exact location of the schoolhouse will be determined at a later date.
28. Adjournment.
There being no further business, the meeting was adjourned at 12:35 a.m.

A T T E S T:

PETER B. BREKHUS, MAYOR

Virginia Stott, Town Clerk

Laura Thomas, Town Secretary

July 9, 1987

18. Variances.

- a. Peter D. Eisenberg, 47 Willow Avenue (AP 73-261-25) 7,500 sq. ft. zone. Request is to allow addition on first floor of closet area on north side bedroom; new laundry/mud room at rear; remove existing master/bedroom/bath and replace with wood deck (564.25 sq. ft.) Second floor addition of a master bedroom and bath. Replace existing carport with new one-car garage (43 sq. ft.); enlarge kitchen at side; enlarge entry at side; total addition of 938 sq. ft. Non-conforming house 6 ft. from side property line (15 ft. required); 17 ft. 6 in. from rear property line (40 ft. required). Proposed garage to be 3 ft. from side property line (15 ft. required).

Lot Area	11,738 sq. ft.
Present Lot Coverage	16.5%
Proposed Lot Coverage	19.7%
Present Floor Area Ratio	16.5%
Proposed Floor Area Ratio	23.9%
(20% allowed)	

Mrs. Kathy Strauss, AIA, presented the plans and said that the applicant had cut back on the FAR as requested by the Council at the last meeting. Also, two windows had been removed. They had considered all other alternatives for the addition, but felt this was the least intrusive to the neighborhood.

Mr. Norman Bradley of 41 Willow Avenue said that he felt the addition would be an intrusion on his privacy and he did not see the hardship required in granting a variance. Mrs. Strauss said that the vision would not be towards Mr. Bradley's property, and she felt the hardship was because of the topography of the lot.

Mr. & Mrs. Jules Becker of Allen Avenue were concerned about the impact from their property and Mr. Becker said he would like to see the architect come up with some other design. He also stated that the addition would be 10 ft. from the property line.

Mrs. Becker said that Dr. Eisenberg had a great deal of space in front which, she felt, would be appropriate for additional construction, and the addition, if built in the back, would obscure their vision of the Mountains.

Mr. Walker of 50 Willow was in favor of Dr. Eisenberg's plans, as was Mr. Dennehy an adjoining neighbor.

After considerable discussion, Councilman Dirkes said he felt that the addition would be a hardship to the Beckers and he moved to deny the application. This was seconded by Councilman Poore and passed unanimously.

- b. Lorraine and Robert Berry, 4 Ames Avenue (AP 73-181-05) 20,000 sq. ft. zone. Request is to allow construction of a new front entry of 116 sq. ft. (Variance No. 804, granted December 11, 1987, for same construction but was not used.) VARIANCE NO. 834.

Lot Area	17,938 sq. ft.
Present Lot Coverage	24%
Proposed Lot Coverage	24.5%
Present Floor Area Ratio	18.5%
Proposed Floor Area Ratio	19%
(15% allowed)	

There being no comments from the audience, Councilman Dirkes moved approval subject to the condition that a smoke detector be installed in entry. This was seconded by Councilman Poore and passed unanimously.

July 9, 1987

MINUTES OF THE REGULAR MEETING OF THE TOWN OF ROSS COUNCIL
HELD ON NOVEMBER 13, 1958

The meeting was called to order by Mayor Kanzee at 8:00 PM.

Present: Councilmen - Kanzee, McNab, Scott, Selfridge, Witter

Absent : Councilmen - None

The following minutes were approved as mailed to the Councilmen and the reading thereof waived:

Regular meeting of October 9, 1958.

Special meeting of October 25, 1958.

The following Variance Applications were heard:

a) Geo. W. Sheppard, 47 Willow Avenue - addition to dwelling extending to 12' from northerly side line.

Approving signatures of the neighboring property owners were presented to the Council and the need for the addition explained.

On motion of Mr. McNab, seconded by Mr. Scott, and by unanimous vote of the Council, Variance Request No. 106 was granted.

b) E. J. Torney, Jr., Shanley Lane - addition to front of existing dwelling extending to 22 1/2' from front line of property.

Mr. Torney, being ill, was represented by Robt. H. Busse, who presented the approving signatures of the neighboring property owners.

On motion of Mr. Selfridge, seconded by Mr. McNab, and by unanimous vote of the Council, Variance No. 107 was granted.

c) John I. Sheridan, Madera Avenue, Winship Park - construction of new dwelling with front extending to front property line, and side yard areas of 8' and 9' on the easterly and westerly side lines, respectively.

Mr. Sheridan explained that the topography and size of the lot was such that the house could not be constructed without the variance being granted. However, he did not have approving signatures of the neighboring property owners.

On motion of Mr. Scott, seconded by Mr. McNab, and by unanimous vote of the Council, Variance No. 108 was granted, subject to Mr. Sheridan obtaining the approving signatures of 4 neighboring property owners.

The Clerk read a letter from E. W. Bullard, Jr., Shady Lane, concerning the speeding on Shady Lane and other streets in Ross. He asked if the Sheriff's office or the Highway Patrol couldn't help patrol the Town.

It was pointed out that the Sheriff's office could not help and the Highway Patrol was too thin to patrol any of the minor roads.

Chief Regoni stated that if the Town was to give 24-hour coverage, 7 days a week, the force would have to be increased to 5 men.

It was suggested and approved that a Vieira Patrol man be engaged for each school day to cover the Bolinas Avenue-Sir Francis Drake crossing between 8 and 9 AM. This would relieve the Town's force for patrolling.

Mayor Kanzee directed Chief Regoni to adopt a "get tough" policy and issue citations for any violations over the posted speed limits.

Mr. Oglesby was asked to report on his survey of the Locust Ave-

November 13, 1958