

Agenda Item No. 14b.

Staff Report

Date:	April 3, 2015
To:	Mayor Elizabeth Brekhus and Councilmembers
From:	Elise Semonian, Senior Planner
Subject:	Rosenbaum, Variances, 14 Madrone Avenue, File 1999

Recommendation

Council approve the project subject to the findings and conditions attached.

Project Summary

Owner:	Elika and Michael Rosenbaum
Design Professional:	Polsky Perlstein Architects
Location:	14 Madrona Avenue
A.P. Number:	73-232-42
Zoning:	R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size)
General Plan:	Medium Low Density (3-6 units per acre)
Flood Zone:	Zone X (outside 1-percent annual chance floodplain)

Application for floor area and setback variance to add 57 square feet of floor area to family room, with the rear yard setback (40 feet required, 35.5 feet proposed).

Lot Area	18,677 square	e feet	
Existing Floor Area Ratio	4,379 sq. ft.	23.5%	
Proposed Floor Area Ratio	4,436 sq. ft.	23.8%	(20% permitted)
Existing Lot Coverage	1,924 sq. ft.	10.3%	
Proposed Lot Coverage	2,000 sq. ft.	10.7%	(20% permitted)
Existing/Proposed Impervious Sur	rfaces no c	hange	

Background, project description and discussion

The applicants request approval for a small addition to the residence, which would be within the rear yard setback and would take the lot further over the maximum permitted floor area.

The applicants' justification for the variance is attached. The existing residence was originally built in conformance with zoning regulations. Over the years, the definition of floor area changed and the site currently exceeds the maximum floor area limit, primarily due to improved and unimproved basement areas. The basement floor area does not add visible mass to the structure. If the Town excluded the basement space from floor area, the proposed project would fall under the floor area permitted for the site. Staff believes it meets the intent of the floor area regulations and Basement Exception ordinance to permit the applicant to exceed the floor area by a minimal amount due to the existing basement volume. Staff also supports the setback variance due to the unusual shape of the lot. The area where the addition is proposed will have no negative impact on any neighbor.

The neighbor to the rear of the site, 147 Lagunitas, has written with concerns with the project. Approval of the project is based on the property lines identified on the Assessor Parcel Map and does not include any claimed easements or property on adjacent sites. The addition is small, at a lower grade that 147 Lagunitas, and should have no negative impact on that site.

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 in part on the valuation of the work proposed. 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. The Town currently serves the site and there would be no operating or 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 Sections 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 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. Findings and Conditions of Approval
- 2. Information provided by the applicant
- 3. Town Council Minute history
- 4. Correspondence received

Attachment 1

Recommended Town Council Action, Findings and Conditions

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, site visits, review of story poles installed at the site, staff reports, correspondence, and other information contained in the project file, approve the project as proposed with the attached Findings prepared by the applicant, findings in the staff report, and subject to the following Conditions of Approval:

The following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit.

1. Except as otherwise provided in these conditions, the project shall substantially conform with the plans for the residence approved by the Town Council on April 9, 2015. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. The applicants shall submit detailed floor area calculations and fully dimensioned floor plans for each level of the residence with the building permit application. The non-basement floor area (the two upper levels, the addition, and garage space) shall be limited to 20% of the site area. Staff may require reduction in the size of the addition if appropriate to maintain the 20% limit.

3. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

4. 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 attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

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	Planning Department	Staff Use Only
	MAR 2 3 2015	Received By:
ACCOUNTS OF THE		Date: Fees Paid:
and the second second	Town of Ross Planning Department Town of Ross	Date:
	rianning Department	
TOWN	Post Office Box 320, Ross, CA 94957 Phone (415) 453-1453, Ext. 121 Fax (415) 453-1950	
ROSS	Web www.townofross.org Email esemonian@to	wnofross.org
VAR	AIANCE/DESIGN REVIEW/DEMOLITION APPLIC	ATION
	14 MAONTAD	
Parcel Add	ress and Assessor's Parcel No. 073-232-42	,
Owner(s) of	Parcel ROSENBAUM FAMILY PANST OF 1	988
	lress (PO Box in Ross) 1035	
0	2055 State ZIP	4957
	415 454 3455 Evening Phone Same	
	KA · ROSEN BAVM & GMAIL. com	
	Dr applicant if not owner) Poisky PENISTEIN	Aners 7EUS
Architect (C	tress 469 B MAGNOULA ANE	11011100
	MESPUR State CA ZIP 9	4939
		1)-1
	15 927-1156 EXT 301	
Email	THED C BUSKY ANCHTITEOTS. COM	
Existing and	d Proposed Conditions (For definitions please refer to attached fac	t sheet.)
Gross Lot S	ize 18,677 sq. ft. Lot Area 18677	sq. ft.
Existing Lot	ize <u>18,677</u> sq. ft. Lot Area <u>18677</u> Coverage <u>1924</u> sq. ft. Existing Floor Area <u>43</u>	379 sq. ft.
	Coverage <u>/0.3</u> % Existing Floor Area Ratio _	
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Coverage A	dded 3d. ft. Floor Area Added	57 sa ft
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	ot Coverage <u>2000</u> sq. ft. Proposed Floor Area	
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No CH	sq. ft. Proposed Impervious Areas	sq. 1t.
	Dervious Areas% Proposed Impervious Area	
	ew Retaining Wall Construction ft. (length)	
Proposed C	ut cubic yards Proposed Fill	cubic yards

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4

Written Project Description – may be attached.

A complete description of the proposed project, <u>including all requested variances</u>, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

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For more information visit us online at www.townofross.org

Mandatory Findings for Variance Applications

In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances

That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

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Substantial Property Rights

That the variance is necessary for the preservation and enjoyment of substantial property rights. **Describe** why the project is needed to enjoy substantial property rights.

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For more information visit us online at www.townofross.org

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

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Special Privilege

That the granting of this variance shall not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. **Describe why the variance would not be a grant of special privilege**.

- SUCH A SMALL ADDITION AFONDST IS NOT UN com MON



RE: Couch bump-out addition

1 message

Holmes, Stephen <sholmes@interwest.com> To: elika rosenbaum <elika.rosenbaum@gmail.com> Tue, Mar 24, 2015 at 12:14 AM

i think your proposal is an excellent idea. It does not harm any neighbor. Further, as you point out, if the basement had not been sheet rocked, you'd be within the FAR guideline. Given the siting of the house, the topography of the site and the property boundaries, i am not concerned about the rear yard setback incursion. you are simply reducing your patio area somewhat.

i support your proposal.

not that it matters, but i sure can see how this would improve your QOL [Quality Of Life].

And, heck, the house was not initially sized for such a large and loving dog, who will really enjoy the sofa when the project is done!

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Stephen Holmes| InterWest Partners| General Partner & COOT: 650.854.8585| F: 650.854.4706| M: 415.729.6125| sholmes@interwest.comAssistant: Michele Mir| mmir@interwest.com

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From: elika rosenbaum [mailto:elika.rosenbaum@gmail.com]
Sent: Monday, March 23, 2015 8:51 PM
To: Holmes, Stephen
Subject: Couch bump-out addition

Hi Steve and Debbie,

After 28 years of tripping on our couch, Mike and I have finally of the family room so we can move it out of the pathway. The v $G_{1/1}$ the house.

Below are the plans and a photo of the back of the house wher outwards at the window area.

Replies to Rosenbaum 970 MacPhere t F idee vala-will look later

We would be in the rear yard setback by 4.5 feet and would also exceed the FAR because part of the basement got sheetrocked when they fixed the foundation. (Without the basement we would be at 19.3% but with it counted we would be at 23.75%. (20% is allowable.)

Please let me know if you have comments or concerns.

Best,

Elika

Elika Rosenbaum

elika.rosenbaum@gmail.com

415.454.3455



Re: Couch bump-out Addition

1 message

tony rose <trose41@earthlink.net> To: elika rosenbaum <elika.rosenbaum@gmail.com> Tue, Mar 24, 2015 at 10:04 AM

Rosalie and I absolutely approve of your request. The distance between your structure and the one behind you is probably 100 yds. The minimal amount you are requesting is entirely unobtrusive.

From: elika rosenbaum Sent: Monday, March 23, 2015 8:46 PM To: Tony Rose Subject: Couch bump-out Addition

Hi Tony and Rosalie,

After 28 years of tripping on our couch, Mike and I have finally decided to apply for a variance to bump out part of the family room so we can move it out of the pathway. The variance request is for 57 sq feet on the back of the house.

Below are the plans and a photo of the back of the house where we would effectively pick up and move the wall outwards at the window area.

We would be in the rear yard setback by 4.5 feet and would also exceed the FAR because part of the basement got sheetrocked when they fixed the foundation. (Without the basement we would be at 19.3% but with it we would be at 23.75%. (20% is allowable.)

Please let me know if you have comments or concerns.

Best,

Elika

Elika Rosenbaum elika.rosenbaum@gmail.com



RE: Couch bump-out addition

1 message

Nancy MacPhee <yonana1@comcast.net> To: elika rosenbaum <elika.rosenbaum@gmail.com> Tue, Mar 24, 2015 at 10:25 AM

Your plan makes sense to me and looks like a logical solution!! Good luck!!

Yes, taxes are somewhat a time consuming project now!!! We are doing as well as we can...one day at a time!

See you soon...

Nancy

From: elika rosenbaum [mailto:elika.rosenbaum@gmail.com]
Sent: Monday, March 23, 2015 8:55 PM
To: Nancy MacPhee
Subject: Couch bump-out addition

Hi Nancy,

Thanks for your earlier email. I have been hiding out as it is tax season except to take Mav on a walk. I guess you have been really busy too. Is all status quo there?

After 28 years of tripping on our couch, Mike and I have finally decided to apply for a variance to bump out part of the family room so we can move it out of the pathway. Having Mav finally made the decision for us! The variance request is for 57 sq feet on the back of the house.

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Please let me know if you have comments or concerns.

Best,

Elika

ps We should definitely get together once I get beyond tax day!

Elika Rosenbaum

elika.rosenbaum@gmail.com

415.454.3455



Re: Couch bump-out addition

1 message

Susan Gillfillan <susangillfillan@comcast.net> To: elika rosenbaum <elika.rosenbaum@gmail.com> Tue, Mar 24, 2015 at 5:32 PM

Hi Elika,

Good to hear from you! We have no problem with your plans and if you need us to sign anything just let me know. I hope it goes smoothly for you. I can't imagine why anyone would complain about the plans. Good luck with the town council...I hope they are accommodating! Sue

Sent from my iPhone

On Mar 23, 2015, at 8:58 PM, elika rosenbaum <elika.rosenbaum@gmail.com> wrote:

Hi Sue and Mike,

I hope all is well with you. I can't wait to get beyond tax season--I don't know what I was thinking when I became a CPA!!

I am writing because after 28 years of tripping on our couch Mike and I have finally decided to apply for a variance to bump out part of the family room so we can move it out of the pathway. The variance request is for 57 sq feet on the back of the house.

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Elika Rosenbaum elika.rosenbaum@gmail.com 415.454.3455

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<IMG_3352.JPG>



Re: Couch bump-out addition

1 message

wendy huck <wendy.huck@gmail.com> To: elika rosenbaum <elika.rosenbaum@gmail.com> Fri, Mar 27, 2015 at 5:21 AM

Hello Elika and nice to hear from you. I'm away with my family over the Easter break but I will look at this as soon as I'm back in town. I hope that's ok for your time schedule.

Many thanks and we look forward to meeting you this summer. Kind Regards, Wendy

On 24 March 2015 at 04:23, elika rosenbaum <elika.rosenbaum@gmail.com> wrote: Hi Wendy and Jurgen,

I hope all is well with you and your plans to move to Ross.

I am writing because after 28 years of tripping on our couch Mike and I have finally decided to apply for a variance to bump out part of the family room so we can move it out of the pathway. The variance request is for 57 sq feet on the back of the house.

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Please let me know if you have comments or concerns.

We look forward to meeting you.

Best,

Elika

Elika Rosenbaum elika.rosenbaum@gmail.com 415.454.3455



Fri, Mar 27, 2015 at 8:32 AM

Re: Couch bump-out addition

1 message

elika rosenbaum <elika.rosenbaum@gmail.com> To: wendy huck <wendy.huck@gmail.com>

Enjoy your break!! My daughter at St. Paul's Girls School is looking forward to hers as well.

Elika

starts tone On Fri, Mar 27, 2015 at 5:21 AM, wendy huck <wendy.huck@gmail.com> wrote: Hello Elika and nice to hear from you. I'm away with my family over the Easter break but I will look at this as soon as I'm back in town. I hope that's ok for your time schedule.

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Please let me know if you have comments or concerns,

We look forward to meeting you.

Best.

Elika

Elika Rosenbaum elika.rosenbaum@gmail.com 415.454.3455

Elika

Elika Rosenbaum

Elise,

Thanks for talking with me today about our variance request for the proposed 57 square foot addition to the rear of the Rosenbaum residence.

As noted this proposal is for a very small one story addition. The existing house has a 780 square foot finished basement. If the basement floor area was not counted towards the FAR then the FAR of the existing residence would be 19.3% and with the proposed addition the FAR would be 19.6%.

The proposed addition would not be visible from any offsite neighbor and certainly will not disturb the privacy or serenity of the neighboring property to the north.

The Rosenbaum lot is oddly shaped and has a steep upslope at the rear. The property line between this lot and the neighboring property to the north is over 12' higher than the main floor of the Rosenbaum residence--almost at the top of the roof of the proposed addition. The existing grade on the neighboring property continues to slope steeply to the north away from the Rosenbaum residence. There is currently a pool many feet above the shared property line. The proposed addition will not be visible to the neighbors to the north either at their pool or from the rest of their property.

Feel free to call if you have any questions.

Jared Polsky Principal

Polsky Perlstein Architects 469B Magnolia Ave. Larkspur, CA 94939 t:415.927.1156 e:301 f:415.927.0847 www.polskyarchitects.com



-149-14. Variances. a. Variance No. 776. Mr. & Mrs. Robert Walker, 50 Willow Ave., (AP 73-232-24) 10,000 sq. ft. zone. Request to allow addition of 56 sq. ft. breakfast area; non-conforming house 20 ft. from rear setback (40 ft. required);addition of deck 6 ft. from rear; encroachment permit to create parking area. Lot Area 9,554 sq. ft. Lot Area 21.3% Present Lot Coverage 228 Proposed Lot Coverage 25.7% Present Floor Area Ratio 26.2% Proposed Floor Area Ratio (20% allowed) Kathy Strauss, Architect for Mr. & Mrs. Walker, presented the plans. Councilman Dirkes was concerned about the proximity of the deck to the neighboring house. Mrs. Strauss said that 35% of the new deck will be covering existing patio. Councilman Dirkes moved approval of the application with the condition that the Council reserve the right to request further landscaping, if needed, and that the structure be painted one color, as requested by the neighbor. This was seconded by Mrs. Flemming and passed unanimously. b. Variance No. 777. Fr. Peter McDonald, St. Anselms Church, 97 Shady Lane, (AP 73-051-22) 5,000 sq. ft. zone. Request is to allow construction of 423.5 sq. ft. deck (approx. 20 ft. x 21 ft.). Proposed deck to be 0 ft. from side yard setback (15 ft. required). Councilman Dirkes moved approval of the variance with the condition that there was no opposition from the audience, seconded by Mr. Poore and passed unanimously. c. Variance No. 778. Mr. & Mrs. J. Chriss, 16 Southwood Avenue, Ross, (AP 73-151-02) 20,000 sq. ft. zone. Request to allow addition of 6' 6" to existing family room; non-conforming house. Lot Area 10,500 sq. ft. 25% Present Lot Coverage 27.5% Proposed Lot Coverage 228 Present Floor Area Ratio 23.8% Proposed Floor Area Ratio (15% allowed) Councilman Dirkes moved approval of the variance subject to the condition that there was no opposition from the audience. This was seconded by Mr. Poore and passed unanimously. 131-1C d. Variance No. 779. Mr. John R. Tozzi, Madrona Avenue, Ross (AP 73-232-38) 10,000 sq. ft. zone. Request to allow construction of garage in lower portion of new house where southeast corner of house is above grade, making a partial third story. 18,500 sq. ft. Lot Area 9.75% Proposed Lot Coverage

Proposed Floor Area Ratio 20% (20% allowed) Mr. Glass, Architect for Mr. John Tozzi, presented the plans. He stated that the only reason he was before the Council was

He stated that the only reason he was before the Council was because the garage made a partial third story. The Council was concerned about off-site drainage problems caused by the new construction.

After discussion, Councilman Brekhus moved approval of the variance subject to the condition that the final drainage plans be approved by the Council. This was seconded by Councilman Poore and passed with three affirmative votes, Mrs. Flemming voted against and Mayor Julien abstained. Mr. Lunding was directed to get cost and figures on the drainage.

Councilman Brekhus requested that a discussion on drainage fees be placed on the June Agenda.

e. Variance NO. 780. Mr. & Mrs. D. Miskie, Potential Buyers, 85 Bolinas (AP 73-041-17) 5,000 sq. ft. zone. Request to allow construction of new home 5 ft. from side yards (15 ft. required).



J.

Mr. Georgiou stated they had a guest house but no one was occupying it and no one would be occupying it. Mrs. Robert Behrendt of Laurel Grove spoke from the audience and said that she would like the Council to consider story poles. Mr. Georgiou stated he would be willing to put in as many 25 ft. trees as Mrs.Behrendt requested.

After discussion, Councilman Brekhus moved approval of the variance with the condition that the Council reserve the right to request further landscaping and that Mr. Georgiou bring back his landscaping plans for approval, and that a monitored fire alarm system be installed as per the Ross PSD. This was seconded by Councilman Poore and passed with four affirmative votes. Mr. Julien was opposed.

h. John and Ingrid Gallagher, 15 Norwood (AP 73-151-11) 20,000 sq. ft. Request is to remodel attic area into bedroom and bath; dormer windows; addition of 221 sq. ft.; non-conforming house. VARIANCE NO. 792

Lot Area	6,200	sq.	ft.
Present Lot Coverage	14.6%		
Proposed Lot Coverage	14.6%		
Present Floor Area Ratio	16.7%		
Proposed Floor Area Ratio	20.3%		
(15% allowed)			

There being no comments from the audience, Councilman Poore moved approval with the condition that a smoke detector be installed as per the Ross PSD, seconded by Councilman Dirkes and passed unanimously.

i. Michael and Sheila Mandel, 3 Willow Hill Road (AP 73-252-13) <u>l Acre Zone</u>. Request is to allow reconstruction of existing carport 4 ft. from front property line (25 ft. required). Non conforming house. VARIANCE NO. 793

Lot Area	23,144.5 sq. ft.
Present Lot Coverage	15%
Proposed Lot Coverage	15%
Present Floor Area Ratio	21%
Proposed Floor Area Ratio	21%
(15% allowed)	

Mr. Mandel presented the plans, and stated that the structure would be designed by a structural engineer, and the drainage will be tied into the culvert.

After a brief discussion, Councilman Dirkes moved approval of the variance subject to the condition that the drainage be tied in to the culverts and the number of the house be posted on the street. This was seconded by Councilwoman Flemming and passed unanimously.

17. Cathy and Lee Epstein, 15 Brookwood Lane - Review of Variance No. 739 Granted 7/11/85. Public Works Director Lunding stated he had three sets of drawings: house, landscaping and drainage. Letters of approval had been received from all neighbors approving these plans. The Potters were out of Town but there was no problem there. Accordingly. Councilman Brokhus moved approval of these

Accordingly, Councilman Brekhus moved approval of these plans, seconded by Councilman Poore and passed with four affirmative votes. Councilwoman Flemming abstained.

- 18. John R. Tozzi, Madrona Avenue, (AP 73-232-38) Variance No. 779 - Granted 5/8/86 - Approval of Drainage Plans. After review, Councilman Brekhus moved approval of the plans subject to Town Engineer Hoffman's approval. This was seconded by Councilman Poore and passed unanimously.
- 19. Review Resolution No. 1179 Marin County Revised Solid Waste Management Plan by the Marin County Board of Supervisors. Councilman Brekhus moved approval of the Resolution No. 1179, seconded by Councilman Poore and passed unanimously.

		YES	NO
TOWN	CLERK	221	105
TOWN	TREASURER	212	112

The present Clerk and Treasurer have agreed to stay on so there was no need to appoint anyone at this time. Mayor Flemming said she was delighted that they would be continuing in their positions.

14. Open Time for Public Expression. On behalf of the Council, Mayor Flemming presented Councilman Julien with an engraved gavel to thank him for his service to the Town of Ross as Mayor.

15. Use Permits.

6-11-87

a. James Kelly, 32 Ross Common (AP 73-272-06) C-L District. Request is to allow a general contractor's office for Kelly Pacific Construction Company. U.P. 488 Councilman Poore moved approval subject to the following:

1. That construction trucks not be allowed in and

out of the area.

2. That the use permit be reviewed in one year.

This was seconded by Councilman Brekhus and passed unanimously.

b. Robert Ham, 6 Duff Lane (AP 73-211-30) Acre Zone. Request is to allow construction of house in Hazard Zone No. 3. VARIANCE request is for construction of a garage under the proposed two-story house.

Mr. Ham presented the plans and said that the proposed house would be within the setbacks, but the proposed pool would be in the setback.

Mr. Hoffman said he had not received this application by the required 21 days and several items needed to be addressed:

- Parcel does not front on public street variance required.
- Slope is in excess of 30% hillside lot application required.
- Drainage.

Councilman Brekhus reminded the applicant that the Council wants to know about slides and/or potential slides around and above the site. He asked that the applicant be very familiar with the Town's Ordinance on Hillside Lot Applications and Hazard Zone construction.

Councilman Poore said that the applicant needs to prove that this is a buildable lot. Councilman Julien said he would be more amenable to granting the garage variance rather than the pool variance.

Mr. Ham will return to the July Meeting. Two further hearings will be required for the Hillside Lot Application.

16. Lot Line Adjustment.

Virginia and Michael George, 147 Lagunitas Road (AP 73-232-44) 10,000 sq. ft. zone. Request is to allow Lot Line Adjustment between lands of George and Lands of Tozzi. Proposed change to result in the following:

Lands of	George	-	1,17	AC	to	1.22	AC
Lands of	Tozzi	-	0.42	AC	to	0.47	AC

Proposed lot line will necessitate a VARIANCE for existing garage 2 ft. from rear and existing cabana 30 ft. from rear (40 ft. required).

At the request of Messrs. George and Tozzi this item was withdrawn.

September 8, 1988

17. Solar Permit.

Steen Moller, 69 Wellington Avenue (AP 72-072-09) 10,000 sq. ft. zone. Request is to allow a solar permit for the installation of three 4 ft. x 8 ft. solar panels mounted on the rear roof at 20 degree angles facing south. These panels will stand 2 ft. 6 inches high. (Continued from August meeting)

SOLAR PERMIT NO. 40

Mrs. John Poletti of Winship Avenue requested that the plans presented by Mr. Moller at the meeting in August 1988 be the same plans as those on file at Town Hall. On motion by Councilwoman Flemming, seconded by Councilman

Lill this application was unanimously granted with the condition that the presented plans be on file in Town Hall.

18. <u>VARIANCES.</u> a. Micha

Michael and Elika Rosenbaum, 14 Madrona Avenue (AP 73-232-42) 10,000 sq. ft. zone. Request is to allow construction of a 20 x 42 ft. kidney shaped pool 18 ft.

construction of a 20 x 42 ft. kidney shaped pool 18 ft. of the front yard property line (25 ft. required) and 22 ft. of the rear yard property line (40 ft. required); construction of an 8 x 8 ft. hot tub sited 18 ft. of the rear yard property line.

Lot Area	18,500 sg. ft.
Present Lot Coverage	9.75%
Proposed Lot Coverage	9.75%
Present Floor Area Ratio	20%
Proposed Floor Area Ratio	20%
(20% allowed)	

Mr. & Mrs. Michael Rosenbaum presented the plans. The rear property line may have been misrepresented on the site plan.

Mr. Michael George of 147 Lagunitas Road explained that his property is back-to-back with the Rosenbaums' property and he is the most affected neighbor. He said he had been engaged in discussions regarding modification of the lot line between the properties prior to the Rosenbaums' purchase of their home. He asked that this variance request be deferred pending resolution of these discussions.

Councilman Barry moved to continue this item for 30 days. This was seconded by Councilman Goodman and passed unanimously.

b. David and Nadine Hunter, 80 Wellington Avenue (AP 72-121-15) 10,000 sq. ft. zone. Revocation of Variance #878 Granted 4/14/88. Request is to allow removal of an existing 131 sq. ft. deck and the construction of a 139 sq. ft. addition to the master bedroom resulting in a net addition of 9 sq. ft. Proposed addition is 35 ft. of the rear yard property line (40 ft. required) and 10 ft. of the side property line (15 ft. required). Variance for the addition of a patio and spa 27 ft. of the rear property line and 3 ft. of the side yard property line. House is non-conforming in front, and side setbacks, floor area ratio, coverage, and the covered parking requirement.

Lot Area	5592 sq. ft.
Present Lot Coverage	32.2%
Proposed Lot Coverage	32.2%
Present Floor Area Ratio	51%
Proposed Floor Area Ratio	51.1%
(20% allowed)	

October 13, 1988

23. VARIANCES.

- 7
- a. Michael and Elika Rosenbaum, 14 Madrona Avenue (AP 73-232-42) 10,000 sq. ft. zone. Request is to allow construction of a 20 x 42 ft. kidney shaped pool 17 ft. of the front yard property line (25 ft. required) and 22 ft. of the rear yard property line (40 ft. required); construction of an 8 x 8 ft. hot tub sited 18 ft. of the rear yard property line.

Lot Area	18,500
Present Lot Coverage	9.75%
Proposed Lot Coverage	9.75%
Present Floor Area Ratio	20%
Proposed Floor Area Ratio	20%
(20% allowed)	

VARIANCE NO. 903

Henry Cole, architect, presented the plans for the project, explaining that the odd shape of the lot created a special circumstance in which the required setbacks could not reasonably be met.

Mr. George, the uphill neighbor, noted that the irregularity of the lot was necessary in order to create the 40 ft. setbacks. His cabana, uphill from the proposed pool site was once a caretaker's house, and he hopes in the future to return it to that function. He expressed concern that the Council might in the future object to his doing so on the grounds that it impinged on privacy of the proposed pool.

Councilman Barry agreed that the hardship had been created by the Town when the subdivision was made.

Councilman Lill moved, and Councilman Goodman seconded, a motion to grant the variance with the condition that the Council has the right to request further landscaping if needed. Councilmembers Flemming and Barry abstained.

b.

James Van Buskirk, 196 Lagunitas Road (AP 73-171-11) 10,000 sq. ft. zone. Request is to allow an 8' 6" x 6' addition to an upstairs bathroom to allow for the installation of a whirlpool bathtub. Addition totals 51 sq. ft. Non conforming side and rear yard setbacks.

Lot Area	32,516
Present Lot Coverage	15.4%
Proposed Lot Coverage	15.4%
Present Floor Area Ratio	19.7%
Proposed Floor Area Ratio	19.8%
(20% allowed)	

VARIANCE NO. 904

Mr. Buskirk made a brief presentation of the project. Councilwoman Flemming commented on the number of units on the property and requested the Mr. Buskirk be asked to file a second unit permit.

Councilman Barry moved that the variance be granted, seconded by Mayor Brekhus and passed unanimously. Councilman Barry also moved that Mr. Van Buskirk be asked to apply for a second unit permit, which was seconded by Mayor Brekhus. The motion was passed unanimously. February 13, 1991

Page Three

11. Finance Committee Reports. Councilman Reid stated that the Town's Accountants, Cooper and Kerr, annually remind us that we do not have a statement of fixed assets. He said he would look into the matter. Councilman Goodman suggested he talk to Councilman Lill and past Mayor Richard Julien. Councilman Goodman directed the Town Secretary to request the Town's accountants submit the financial statements by March 10 in order for the Council to have ample time to review the eight-month period.

- <u>Consideration of 32 Shady Lane as Marin Designers Showcase</u> <u>1991, (Fredric Newton, AP No. 73-191-01).</u> Continued to next meeting.
- 13. <u>Introduction of Well Ordinance No. 496.</u> Continued to next meeting.
- <u>Discussion/Decision Re Census Figures for 1990.</u> Mayor Barry informed the audience of the 25 percent decrease

in the Town's population for the Census 1990. He read a letter he had sent to the Census Bureau disputing these figures. Councilman Brekhus offered to write a letter to our Congresswoman telling her of our problems with the Census forms and reminding her that he had been on CBS and NBC two weeks in a row because the Town had not received these forms.

Mayor Barry asked that he include a copy of his letter and a letter from the Ross Postmistress testifying that the Post Office did not receive the forms. Public Works Director Elias was directed to get this letter from the Post Office.

15.

Request for Construction Completion Extensions as Per Ordinance No. 482. a. Elika S. Rosenbaum, 14 Madrona Avenue, AP 73-232-42

Elika S. Rosenbaum, 14 Madrona Avenue, AP 73-232-42 Building Permit Issued 3/16/89; Expires 12/29/90 Extension Request: 12/29/91

Mr. Rosenbaum explained that he had been granted a variance from the Town to build a swimming pool; however, during the course of construction, it was discovered that a sewer line, which serves the adjoining neighbor, Mr. Michael George, ran through the proposed site of the pool. They immediately stopped work and are presently in litigation.

Mr. George referred to his letter dated February 13, 1991, and asked that the Council put this issue in abeyance until the court ruling is received.

Mayor Barry told Mr. George that it is very difficult for the Council to read letters delivered the day of the meeting and he again asked the audience to submit letters at least 24 hours in advance.

Mr. George explained that the sewer lines have served his property for years and presently the sewer access to his pool house has been eliminated.

Councilman Brekhus said that since the sewer line was never brought up during the variance application, he did not feel the Council could grant the extension.

After some discussion, Councilman Brekhus moved to deny the extension without prejudice to a new application after the court ruling, seconded by Councilman Reid.

In response to a question Mr. Elias stated that if the Building Department was aware of a sewer line in the area, they will not issue the building permit.

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

September 12, 1991

d.

-6-

posts. Mayor Goodman agreed. Upon motion by Councilman Barry, seconded by Councilman Reid the matter was unanimously continued.

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Michael and Elika Rosenbaum, 14 Madrona Ave., AP 73-232-42, R-1:B-10, Single Family Residence, 10,000 square foot minimum. Request is to allow:

square foot minimum. Request is to allow: Construction of a 22 X 39 foot kidney-shaped pool within the front yard setback (25 feet required, 17.5 feet proposed) and rear yard setback (40 feet required, 17 feet proposed.) Concrete and stone paving within the front (5 feet proposed, 25 feet required), rear (3 feet proposed, 25 feet required) and side (13 feet proposed, 15 feet required) yard setbacks. Placement of pool equipment and enclosure within front yard setback (25 feet required, 1 foot proposed.) The existing spa is nonconforming in rear yard setback. The existing brick patio and spa heater are nonconforming in side and rear yard setbacks.

noncontorming in side and	rear yard	secoacks.	
Lot Area	18,500	sq. ft.	
Present Lot Coverage	9.88	-	
Proposed Lot Coverage	9.88	(20%	allowed)
Present Floor Area Ratio	20.0%	•	· · · · · · · · · · · · · · · · · · ·
Proposed Floor Area Ratio	20.0%	(20%	allowed)

1004

VARIANCE NO. 1004. Town Attorney Roth asked that the record reflect that the applicants have made an unqualified and unconditional offer to grant a sewer easement to Mr. & Mrs. George. The only issue that remains is: who will pay for the pipes? In response to a question by Mr. Roth, Mr. Rosenbaum said he is not charging for the easement. Mr. Roth further advised that the Council cannot grant a variance if there is a detriment to adjoining property. He did not feel that the question concerning who would pay for the pipes is relevant to this application because the sewer easement will be granted by the Rosenbaums unconditionally to the Georges and, therefore, the Council could vote on the application.

Town Planner Broad stated that the equipment enclosure is about one to two feet from the property line. The applicant said it was placed there to satisfy some of the neighbors. He said that staff recommends that it be lower than the fence and not be visible from the street. Also, Mr. Rosenbaum said that a certified arborist had been consulted concerning the Heritage tree and he had indicated that construction of the pool would not effect the tree. Mr. Broad recommended the arborist submit a written statement to this effect.

After some discussion, Councilman Barry moved approval with the following conditions:

- a. The pool maintenance equipment should be lower than the fence and be subject to landscaping conditions.
- b. The Town arborist shall render an opinion as to whether the applicant's arborist plans are likely to protect the tree.

c. The Council reserves the right to request adequate and suitable vegetation.

This was seconded by Councilman Reid and passed with four affirmative votes. Councilman Reid said he was going to vote against the application but after hearing legal counsel, he felt there was no basis for denial. Peter R. Wonderley, 7 Shanley Lane (73-091-07) 10,000 sq. ft. zone.

Request to allow fire safety ramp exit (5' x 30') attached to existing reconstructed deck 13' from sideline.

Lot Area 10,000 sq. ft. Present floor area ratio 23.1% Proposed " " 24.6% (20% allowed)

Mr. Wonderley explained that the reason the deck had been rebuilt without permission was because of a communication problem with his builders. Mrs. Douglas Moore, the neighbor on the east, reminded the Council she had been promised that no building would be done without notice being sent. She said that her husband was out of Town and wished the matter to be continued until he could be present.

Mrs. Osterloh moved continuance to June 14th, seconded by Mr. Maginis and unanimously passed.

5. Lot Line Adjustment.

Mr. and Mrs. John R. Tozzi, 147 Lagunitas Road and 14 Madrona Avenue (73-232-38 & 40) 10,000 sq. ft. zone. Request to allow lot line adjustment between parcels. Swimming pool and cabana will remain with Parcel 1 and existing house. Parcel 2 (18,158.6 sq. ft.) has driveway access from Madrona Ave. All structures which are non conforming, except the playhouse and storage on Parcel 1, will be removed. Richard Julien, representing Mr. Tozzi, explained the request. Mr. Chase moved approval of the lot line adjustment, subject to the filing pf a parcel map within 90 days. Mr. Maginis seconded the motion, which was unanimously passed.

- 16. <u>General Government Tentative Budget</u>. Put over to the June meeting.
- 17. Variance No. 524 Michael and Judith Phillips, 59 Ivy Drive (73-142-03) 20,000 sq. ft. zone. Mr. Phillips presented details of the design of his proposed parking deck, together with letters of approval from Roger Hooper and Mr. and Mrs. Muirhead. On motion by Mr. Chase, seconded by Mr. Maginis, the plans were unanimously approved.
- Other Business.
 Unanimously granted <u>fee increases to Leader, Jarvis</u> & Keigwin for \$700 per monthly fee (up from \$500) and \$5,000 annual reporting fee (up from \$3,200).

June 14, 2012 Minutes

move on. It does not seem to have any size limits on basements, which would be very discriminatory in regard to a big basement. Also, the only provision for amnesty was that the basement or attic must be built before the enactment of the ordinance, which was last September. If built before it is subject to amnesty. This basement was built in 2001 or 2002, so by law there are no grounds to deny amnesty. If it must be continued, he would hope it is a win/win that Mr. Greenberg wants to make good, pay his fee and not be discriminated against the large basement.

Mayor Small opened the public hearing on this item.

Katie Hoertkorn, Lagunitas Road resident, asked if more than 35 cubic feet was removed in order to construct this basement. Architect Polsky responded in the affirmative.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Small agreed to continue the matter in order for the Town Attorney to review. They were all rather surprised by the immense amount of work that was done. In most neighborhoods that would not have been done without a neighbor making a phone call to the Town. It is a significant project, but regardless, they have an ordinance. If this ordinance creates this loop hole so that the Council must honor this, then that is what they must do. Then they must look at attics and basements to determine a scale factor. They must also be careful how they move forward in order to treat this fairly. She wondered if Town staff should review business licenses. Council Member Strauss urged staff to review contractors without a contractor's license and building illegally in Town. He further views this as an illegally built structure. Town Attorney Stepanicich must review the facts and how the amnesty provision is worded.

Mayor Small asked for a motion.

Mayor Small moved and Council Member Hunter seconded, to continue 27 Upper Road, Basement Exception and Hillside Lot Permit No. 1882 to a future date. Motion carried unanimously. Russell absent.

Mayor Pro Tempore Russell reconvened his position as Mayor Pro Tempore on the Town Council. Council Member Strauss recused himself from the next agenda item in order to avoid the appearance of a conflict.

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f. 14 Madrona Avenue, Variance No. 1801

Elika and Michael Rosenbaum, 14 Madrona Avenue, A.P. No. 73-232-42, R-1:B-10 (Single Family Residence, 10,000 Square Foot Min. Lot Size), Medium Low Density (3-6 Units/Acre). Setback variance to install an emergency generator within the front yard setback (25 feet required, 0 feet proposed). The unit would be located to the west of the pool equipment.

Mayor Small opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Small asked for a motion.

Council Member Martin moved and Council Member Hunter seconded, to approve 14 Madrona Avenue, Variance No. 1801 subject to the findings and conditions outlined in the staff report. Motion carried unanimously. Strauss absent.

14 Madrona Avenue Conditions:

- 1. A building or electrical permit may be required for the generator. Contact the Town building official for details.
- 2. No changes from the approved plans, before or after project final, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval prior to any change.
- 3. 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. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses 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.
- 4. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- Failure to secure required building permits and/or begin construction by June 14, 2013will cause the approval to lapse without further notice.
- 6. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding 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 because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Council Member Strauss reconvened his position on the Town Council.

End of Public Hearings on Planning Applications- Part I.

17. Town Council consideration/approval of Special Events Permit for Campout on the Common September 7-8, 2012.

Interim Town Manager Patricia Thompson summarized the staff report and recommended that the Council approve a permit for use of a portion of the Common for the Ross School PTA fundraiser for a Campout on the Commons for September 7-8, and determine if a permit application fee and reservation fee should be charged or waived.

Elise Semonian

From:	wendy huck <wendy.huck@gmail.com></wendy.huck@gmail.com>
Sent:	Thursday, April 02, 2015 1:08 AM
То:	Elise Semonian
Cc:	Barbara Chambers; Jessica Seaton; Jason Yee; jay (work)
Subject:	Public Hearing 9 April Comments
Attachments:	Elise - April 9 Council Mtg-3.docx

Elise - thank you very much for forwarding the Public Hearing Notice to us in England! We received it two days ago which gave us this opportunity to comment officially.

We feel very strongly against this addition due to the matters outlined in the attached letter. In light of this, could you possibly postpone this discussion for a later meeting? That would give us a chance to talk directly to the Rosenbaums about their plans, and not be so rushed.

I hope it's all right that I try to reach you on the phone later - I'd just like to confirm you received this and talk a little about the process.

Many Thanks,

Wendy Huck

April 2, 2015

Elise Semonian Senior Planner Ross Town Council

re: A.P. number 73-232-42

Dear Ms. Semonian,

We are writing in reference to the planning application submitted for 14 Madrona Avenue that will be addressed at the April 9, 2015 Council Meeting. Our property (147 Lagunitas Road) is directly behind the proposed addition and we strongly object to this encroachment within the rear yard setback. This house is already very close to our property and we are concerned of the impact this addition would have on our privacy. It is also already well over the allowable FAR for the lot area, currently 4,379 SF with 4,436 SF proposed and only 3,735 SF allowed.

The proposed encroachment into the rear yard setback raises another issue which we have yet to address -- based upon our title records and property survey, it appears that 14 Madrona Avenue is currently using land that belongs to us. We strongly object to any new construction until this matter is clarified and resolved. It is our concern that any agreement to the proposed extension may be a pre-emptive use of the land in dispute.

We are currently living in London, England until this August; therefore, we unfortunately won't be able to attend next week's meeting. Please use this letter to represent our intentions.

Many thanks for your attention to this matter.

Sincerely,

Jurgen and Wendy Huck 147 Lagunitas Road