

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of August 30, 2005

Council Members present:

Chair: Reyes Barraza

Vice Chair: Pat Tahara

Secretary: Richard Karlsson

Council Member: Kay Reed

Council Member: Pam Brown

1. The meeting commenced at 7:01 p.m. All members were present.
2. The minutes of July 26, 2005 were approved as drafted, by a vote of 4 -0- 1; Chair Barraza abstained as he was not present for the July meeting.
3. There were no citizens' comments regarding non-agenda items.
4. **Report on actions by Board of Supervisors regarding Temporary Events Ordinance.** Chair Barraza reported that the Board of Supervisors at its August 9th meeting had made three changes to the proposed Temporary Events Ordinance. Supervisor Mary Piepho made a change that one could only have one event in seven days, Supervisor Gioia eliminated the ability to have three events with one permit and instead required that each event required a separate permit, and he also made a change so that the Zoning Administrator could consider venue size, the proximity of surrounding residences and density of the underlying zoning district when providing for the conditions for granting or denying the permit. Because of these changes, the ordinance will go back to the Planning Commission for further hearings on September 13th.
5. **70 Eureka Ave. (DP 053051).** Development Plan review and Variance Requests to (1) expand an existing residence by one additional story, (2) variance request for a 12' setback (20' required) for the new story, and (3) variance request for 3rd story (2.5 allowed) where the new story is directly above an existing basement. Continuance requested by applicant.

The applicant, Joe Recht, appeared and confirmed that he and Ms. Dalton were requesting a continuance because they were going to make changes based upon the comments of the neighbors. Mr. Susan Groszkiewicz, 55 Franciscan Way, appeared in opposition and indicated that it was her view that there was considerable neighborhood opposition to the existing plans. She requested notice of future hearings on the revised drawings. Names of individuals

appearing at the meeting were taken and provided to Mr. Recht so that he might be able to discuss his revisions with the neighbors in advance of the next hearing. *A motion was then made to approve the request to continue the pending plans for 70 Eureka Ave. to a future meeting, which motion was adopted by a vote of 5 – 0.*

6. **144 Ardmore Rd. (DP 05021).** Request for a review under the County Small Lot Ordinance for a two-story expansion to the rear of an existing two story residence. *Continued public hearing. Public comment was to be limited to those aspects to the application that are changed with respect to the proposal re-reviewed on April 26, 2005.*

Chair Barraza began by noting that as this was a continued hearing and as the application was received prior to the effective date of the Kensington Combining District, it would be determined under the previous Small Lot Ordinance and the primary factors for approval or denial of same would be size, height, design and location of the remodeled structure. The owner of the property, Mr. Tom Snyder, appeared with his Architect. Mr. Snyder then explained the changes to the plans from those presented in April, to address the concerns of his neighbor to the immediate north, Jim McGuire and Sharon Messenger, of 140 Ardmore Rd. The items changed were to move the second story back from the north toward the south, to flatten the pitch of the roof 4' (on the addition), to reduce the overall length of the structure 2' from the back fence, and to move the chimney from the south side of the house to the east. These changes reduced the overall size of the house from the plans submitted in April by more than 100 square feet.

Chair Barraza began by questioning the need for the door below the extended front deck. Mr. Snyder indicated that the purpose was for utility and storage and that the basement was unfinished and its height was 7' 6" and that they were prepared to keep it the same height and unfinished. Vice Chair Tahara inquired about the size of the basement with the addition and Mr. Snyder could not respond as he did not know the square footage. Further questions regarding the basement, size and use continued. Vice Chair also noted under the Combining Ordinance that the size of the structure would exceed that allowed for lot coverage. He also was concerned with the basement size and that it had both a door and windows and questioned the need for the size of the deck and additional basement. Member Reed inquired about the height of the roofline, the dimension of the windows and discussions with the neighbors. Mr. Snyder was able to meet many of the concerns of the neighbors to the north but was not clear as to how he might address Mr. Kohn's concerns regarding the 'wind tunnel' effect, size and view.

Peter Kohn, 22 Ardmore Rd., then spoke and presented written objections, dated August 30th, to the development as inappropriate for the neighborhood. Mr. Kohn also believed that this development is subject to the new Combining Ordinance, as the revised plans were submitted after the effective date of the ordinance. He further stated that in his view the re-design was not much different than the earlier version and that KMAC should not ignore the additional

space created under the front deck. In his opinion this remained a “massive structure” and he questioned how the height of the building should be measured. Chair Barraza then explained how the height of a structure is measured from the ground, at any single point from the ground to the roof, to determine the elevation. Member Reed then asked what would make it better. Mr. Kohn stated he did not want to look at the chimney and that the total square footage of the structure was not being measured, as the basement was not being counted. Chair Barraza indicated that under the Small Lot Ordinance, non-habitable space was not to be considered.

Mr. McGuire, 140 Ardmore Rd., then spoke and indicated that while he was unhappy with the development, Mr. Snyder did make a good faith effort and he was willing to accept compromise. Ms. Sharon Messenger, 140 Ardmore Rd., also stated that they really do not know how this will look and what the impact will be and that they are not really happy with it, but that the Snyder’s did make a good faith effort to address their concerns.

Comments were then made by KMAC and Vice Chair Tahara again stated his concerns regarding the basement and the deck, as it did contribute to the bulk of the revised house. Further discussion followed about the deck, the height of the basement over the new deck and the new chimney. Questions were asked as to whether the fireplace in the new family room could not be gas and thereby eliminate the need for such a large chimney. Following the discussion, Member Reed made a motion to: *recommend approval of the revised plans, dated August 15, 2005, with the following restrictions: a) that the height of the new front deck be limited to 12’ 8” as shown on the west datum point (rather than the 13’10” shown on the revised plans), b) that the interior height of the basement under the deck be no greater than 6’ 0”, c) that the new fireplace be a gas fireplace with an offsetting reduction in the height of the new chimney to the east, d) the height of the new second story addition be limited to 23’ 2” as shown in the south elevation drawing, and e) that the new north facing windows in the second floor addition be at least 5’ above the floor of the addition. The motion was seconded and approved 4 – 1, Vice Chair Tahara voting no.*

7. **3 Jessen Ct. (DP 053053).** Development Plan review to add a lower level garage and work area with a variance for 10’ secondary frontyard setback (15’ required) and to allow a variance for 7’ retaining wall (3’ allowed) with a 0’ secondary frontyard setback (15’ required). Chair Barraza began by reading the criteria to enable one to be entitled to a variance. The owners of the residence, Peter and Marijke Patiris, then presented evidence as to why they believed KMAC should recommend approval of their planned improvements. They stated that basically their home had been impacted by the “Blakemont slide”, which had seriously damaged their existing garage, and they therefore wished to landscape the area of the existing garage, place a new garage under their existing residence and build a retaining wall in the areas immediately adjacent to the south side of the residence. Questions from KMAC members concerned the extent of the work to be performed (answer: garage and retaining wall), whether there was to be additional foundational work (answer: yes), the extent of grading

(answer: to allow construction of garage) and the length of the retaining wall that, per plans, extended beyond the property line and into the public right of way (answer: to match the existing retaining wall already built along Highgate Rd).

Don Specter, property owner of 7 Jessen Ct., which is the property immediately uphill and to the east, then voiced his concerns about the project. First, he was concerned about the excavation of land to build the garage and the impact that may have on his property. Second, that with the addition of the garage, the subject property would exceed the lot coverage requirements of the Combining Ordinance recommendations. Third, that the retaining wall and driveway would create a safety hazard when turning from Jessen Ct., and finally, that an improvement would be made into the public right of way by virtue of the retaining wall. Chair Barraza expressed his views, based upon experience, that the removal of the soil and replacement with concrete as shown should not worsen further sliding. Chair Barraza also noted that with the deletion of the existing garage and the addition of the new garage, lot coverage would not be greater following the remodel. Concern remained, however, regarding the impact of the retaining wall. Chair Barraza expressed his opinion that while it was possible the house was still moving, that the subject construction should not worsen the problem. Chair Barraza also expressed his view that because of the grading necessary to build the foundation and removal of soil, that it should not be necessary to have a retaining wall higher than 3'. The Chair therefore objected to the variance for the retaining wall higher than 3'. The owners of the subject property responded that while that may be possible, their intent was to have a patio and the intent was to fill the present grade to the same level. Following discussion, the following motion was made:

To recommend approval of the application for design review dated 7/14/05 (the plans were not dated) and find that the request for a variance did not grant a special privilege but instead was necessitated by the site conditions and topography of the land that would otherwise deprive the owner of beneficial use of the property. It was moved that the excavation be under the supervision of a licensed Geotechnical engineer with emphasis upon protecting the uphill property from damage, which might otherwise result from the construction. Further it was moved that a retaining wall be designed by a Civil Engineer so as to minimize the height of the retaining wall, but in any event, designed in such a manner that it is no higher than 7'. The motion was approved 4 to 1, with Chair Barraza voting no.

8. **239 Columbia Ave. (DP 05055).** Development Plan review to enlarge an existing study on the ground floor at the southwest corner of house, add a new outside door to the study and modify the existing architectural features on the front of the house. The owner/applicant Mitchell *Lucio* presented the details of the proposed plans. Member Tahara, the architect of the plans, recused himself from participating in the discussion in behalf of KMAC. The plans essentially were to allow the existing crawlspace to be expanded into part of the existing study and to add a new front door in the area of the remodel. Questions by KMAC were asked as to the need to the second front door (an existing front door

already existing on the second floor) and Mr. Lucio stated it was for the purpose of being able to exit from the first floor, with the only current exit through the garage. Jamie Jakubezak, co-owner explained the need for an additional exit. Ms. Elizabeth Weldberger, the next door neighbor, also expressed her concerns as to the reason for an additional front door and the design of same. This was explained for safety reasons and the lack of a suitable alternative. The owners of the property again stated that the reason was for safety and convenience and there was no intent of an additional residential unit.

A motion was made to recommend approval of the application for design review dated 7/18/05 (no date was on plans) as proposed improvements were within the footprint of the existing structure. The motion was approved 4 – 0, 1 excused.

9. **Building Inspection Department:** Complaint of no enforcement action regarding outdoor lighting at 500 Coventry Rd. The lighting in question was in the trees and a question was raised as to whether this was illegal without a permit if it was not 'hard wired.' Chair Barraza stated that the complaint was outstanding for several months, and that this was the type of complaint causing the neighbors on Coventry Road concern, as they perceive the County as not taking action even when such action is warranted under the existing codes.

10. **Procedural Matters:**

- a.) Discussion of the need for an additional meeting in light of the numbers of applications: Discussion followed as to whether certain items on the calendar might not be expedited through the use of 'consent items' that would be listed and only taken off the calendar for discussion if a member of KMAC or a member of the public wanted to discuss it. The next meeting was scheduled for September 20, 2005, and another meeting was scheduled for October 4th.
- b.) Bylaws update and discussion. Chair Barraza indicated that he would be sending out the proposed bylaws for KMAC in advance of the next meeting, September 20th.

11. **Information Reports:**

- a.) Enforcement Report. This item was passed.

The meeting was adjourned at 9:50 p.m.

Minutes prepared by Secretary Karlsson