

DRAFT

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING MINUTES

Meeting Venue: Conference Room, Kensington Community Center

Meeting Date: March 25, 2003, 7.00 pm

1. **Present:** J. Carman (Chair), R. Barraza, E. Detmer, D.Jenkins and K. Reed.
2. **Minutes** of the February 25, 2003 Meeting were approved unanimously as written.
3. **89 Kensington Rd. (VR021113).** Request for variances connected with a third storey (2_ stories allowed) and probably other variance issues including a front yard setback of presumably 2' 10" (20 ft. required).

Because legible plans, past approvals, and a chronology of open permits had not been made available to KMAC by the County Planner in time for the meeting, no official hearing of this case was possible. Since many persons were in attendance to make presentations on this project, KMAC agreed to hear statements from the Applicant and the public without either taking action or making comments itself.

The Owner/Applicant M. Keegan stated that the 3 storey residence was built in the 1960s with an approved recreation room on the bottom (basement) level. This recreation room was subsequently finished and expanded and the carport was converted to a garage. The residence was in this condition when M. Keegan purchased the property in 1985. Since then two living units have been added on the bottom level without permit. Following enforcement action, the Applicant stated that she desired to convert the residence back to a single family residence by integrating the bottom level into the rest of the house and expanding the bottom floor bathrooms. The proposed project would result in a residence with 5 bedrooms each with its own bathroom and a sitting room.

Discussion by L. Le Cam (101 Kensington Road), C. Henry (109 Kensington Road), J. Shafer and J.B.Shafer (98 Kensington Road), M. Hutching (88 Kensington Road) and P. Taybi and J. Frankel (84 Kensington Road) brought out the following points.

- When the residence was a 3-family unit it was occupied by many more than 3 unrelated lessees and sub-lessees
- Many parked vehicles and delivery vehicles were associated with the residence
- It was noisy and dirty

- It was under almost continuous construction with construction debris disposed of in the backyard.

Opposition was expressed to:-

- A project that is anything but clearly a single-family residence
- Changing the required setbacks or granting any further variances

Following this presentation KMAC suggested that M. Keegan hold discussions with the neighbors prior to KMACs formal consideration of the project. She should inform the planner if she wishes to modify the application.

4. **117 Lawson Rd. (VR031012).** Request for front yard setback variance of 0 ft (20 ft required) to build a 7 ft retaining wall as part of an extensive remodel of an existing dwelling on a substandard lot. The small lot review will consider other aspects of the proposal.

The project was presented by R. Concepcion (Applicant) and M. Kelley (Builder). Q. Tom (Attorney for Applicant) also participated in the presentation. R. Concepcion stated that he wished to expand the existing 700 ft² single storey residence into a 2 storey residence for an expanding family. No neighbors were present.

The following points were raised during discussion between KMAC and the Applicant, Builder and Attorney:

- The project drawings should be generally clarified and specifically modified to show:
 - The existing window structure in the basement.
 - Details of any structures (.e.g., columns, footings, walls) and equipment (e.g. water heater, furnace) proposed for the basement.
 - Dimensions of all retaining walls and garage pad.
 - More complete dimensions and improved designation of what is existing and new construction.
- The basement is 7 ft 3 in from floor to the bottom of the above floor joists, and is not a storey.
- The exterior chimney does not extend to the ground surface and therefore does not encroach into the side-yard setback.

- Any construction within the drip line of the front yard pine tree will be subject to evaluation by a registered arborist. The tree should be shown as existing on the plan and its future made explicit.
- Cost effective methods for reducing the “bulk” of the proposed project when viewed from the street, such as setting back the second storey, should be explored.
- The possibility of reducing the roof pitch for conserving the views of uphill neighbors should be examined.

After this discussion, the Applicant requested that KMAC defer formal action until he had evaluated the issues cited above.

5. **709 Wellesley Ave. (VR031017).** Request for a side yard setback variance of 0 ft and 0 ft aggregate (3 ft and 8 ft aggregate required) to replace a 6 ft retaining wall on a substandard lot.

This project was presented by the Applicant’s son-in-law, J. Jensen. A side yard retaining wall needed replacement since the soil level on the uphill property had been raised by about 1 ft and, together with a large cedar tree (since removed), this had caused the existing retaining wall to tilt. The Applicant and the previous owner of the uphill property have agreed to share the cost of the project.

KMAC congratulated J. Jensen on his highly professional documents and presentation. The following motion:

“KMAC recommends the granting of a variance for a side yard setback of 0 ft and 0 ft aggregate to replace a 6 ft high retaining wall on a substandard lot. This recommendation is based on the findings that

- a. the project does not require the granting of a special privilege*
- b. the project is justified by the unique topography of the lot*
- c. the project meets the intended purpose of the land use district.”*

Motion passed 5-0.

6. **Citizens’ Comments**

E. Detmer asked whether Kensington Young’s Market required a permit for the Coke machine that has appeared on the side-walk. J. Jenkins (citizen) indicated that the coke machine placement was an experiment suggested by the vendor. The market owner did not like the arrangement and would probably terminate it shortly.

7. Procedural Matters

Chair Carman requested that KMAC members return their completed Form 700s to him.

8. Information Reports

(a) Enforcement Reports

- _ The public hearing on 69 Norwood Road is scheduled for April 7, 2003.
- _ Enforcement action at 163 Arlington Ave. has not gone forward apparently because Code Enforcement is still waiting for a “go-ahead” from Community Development.

9. Adjournment

The meeting was adjourned at 9.05 pm.

Respectfully submitted,

David Jenkins
Secretary KMAC