

*EREDRAFT*

**KENSINGTON MUNICIPAL ADVISORY COUNCIL**

**MEETING MINUTES**

**Meeting Venue: Conference Room, Kensington Community Center**

**Meeting Date: April 29 2003, 7.00 pm**

- 1. Present:** J. Carman (Chair), R. Barraza, E. Detmer, D.Jenkins and K. Reed.
- 2. Minutes** of the March 25, 2003 Meeting were approved unanimously with the following changes:

Item 3 paragraph 4 should read:

“ 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), P. Taybe and J. Frankel (84 Kensington Road) and M. McCallister (83 Kensington Road) brought out the following points.”

- 3. Citizens Comments**

J. Gallegos brought KMAC’s attention to Senate Bill 952 (Perata) that is to be heard before the Senate Local Government Committee (Chaired by Senator Tom Torkelson) on May 7, 2003. SB 952:

*“.....would prohibit a local agency from enacting or enforcing any ordinance, regulation, or resolution that would prohibit the conduct of, or require a use permit for, events held on property zoned for residential use by specified tax exempt organizations that charge admission or ask a donation.”.....*

After ascertaining that all KMAC members were opposed to SB 952, the Council voted to have Chair Carman draft a letter to Senators Perata and Torkelson expressing KMAC’s opposition to this legislation. This letter and SB 952 will be posted on the About Kensington website to provide information that can be used by individuals wishing to state their opinions on this proposed legislation.

- 4. 89 Kensington Rd. (VR021113).** Request for variances connected with a third story (2\_ stories allowed).

This project was discussed extensively at the March 2003 KMAC meeting, but action was postponed to allow the applicant to discuss the project with her neighbors, make

modifications if desired and for KMAC members to schedule an interior and exterior site visit.

The Owner/Applicant M. Keegan indicated that she was “working with the County” to address neighborhood concerns by engaging the services of a structural engineer to evaluate the project and by developing deed restrictions relating to the property.

Discussion by KMAC and the public (P. Taybe (84 Kensington Road), M. McCallister (83 Kensington Road), J. Schafer (98 Kensington Road)) raised the following points.

- The third kitchen on the bottom floor seems to have been constructed without permit (M. McCallister)
- While the project floor area was indicated as 3000 ft<sup>2</sup>, it was actually closer to 5000 ft<sup>2</sup> (J. Schafer)
- There are many numerical, typographical and factual errors in the plans (P. Taybe).
- It is hard to imagine that the project with so many bedrooms, kitchens, laundry rooms and bathrooms is going to be a single family residence (P. Taybe).
- The deed restrictions alluded to by the Applicant consist of the Standard County language for single family residential units and do not adequately address issues such as multiple occupancy, cooking equipment, and parking posed by the project (J. Carman).

Chair Carman noted that the only issue before KMAC concerned the proposed expansion of the 3<sup>rd</sup> (bottom) story. Recognizing this, the following motion was developed:

- *KMAC recommends denial of the request for a variance for expansion of the 3<sup>rd</sup> story*
- *KMAC further recommends removal of the bottom story bathrooms, laundry rooms, cooking equipment, capping sewer and water services (except for the wet bar), and the closing of all of this story except for the originally-finished, approximately 12 ft. by 33 ft. rumpus room area.*
- *KMAC recommends the addition of a deed restriction forbidding the installation of cooking equipment on the 2<sup>nd</sup> and 3<sup>rd</sup> stories.*
- *KMAC recommends that only single utility meters be allowed for gas and electricity.*

The motion was passed 4-1.

**5. 614 Cannon Drive (VR021076).** Reconsideration, because of revised design, of a

request for variances to construct a second floor on an existing detached garage with a height of 22 ft.

The Owner/Applicants B. and J. James and the Architect (M. Wilson) presented design modifications to a project for which a variance has already been granted. The design changes were made to enhance the external appearance, to extend the roofline over a walkway for protection from rain, and to lower the roofline to reduce the impact on neighbors. The footprint was identical to the approved project but the floor plan has been rotated 90° to take better advantage of the interior space.

KMAC complemented the Applicants and the Architect on the improved, lower impact project and moved as follows:

*KMAC recommends approval of the proposed project as shown in the plans stamped March 26 200.*

Passed 3-0 with 2 abstentions.

- 6. 601 Wellesley Ave. (VR031021).** Request for variance for a 3 story (2\_ stories allowed) addition to an existing dwelling on a substandard lot.

The proposed project was presented by the Owner/Applicants R. and Z. Dodd. It is desired to add two floors above an existing carport in the front of an existing one-story, 1100 ft<sup>2</sup> floor area residence. The proposed addition will increase the floor area to approximately 1700 ft<sup>2</sup>. It was the Applicants opinion that the proposed addition was the least intrusive way of increasing the living space in the residence. The uphill neighbor (J. Grossman, 603 Wellesley) was present and indicated that she had worked closely with the Applicants and that the proposed addition had the least impact of any on her view and light access.

KMAC noted an April 17, 2003 letter from R. Hernandez (County Community Development Department) to the Applicant requiring a geologic report for the proposed project and questioning whether the necessary findings for a variance and for construction on a sub-standard lot could be made. KMAC pointed out inconsistencies in the plans regarding some of the elevations; they questioned the use of 10 ft ceilings when a variance for 3 stories was being requested and they suggested that there were better ways to integrate an addition in the proposed location with the existing structure.

Following this discussion the Applicants requested that KMAC not take any action so that they could further consider KMAC's points.

- 7. 117 Lawson Road. (VR031012).** Request for small lot review and 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. No formal recommendation will be made at this meeting. Applicant has requested the Council provide advice and suggestions on the modifications made to the plan to date.

The Owner/Applicant R. Conception and the Builder (M. Kelly) presented the revised project.

The impact of the structure's bulk had been reduced by introducing horizontal and screening elements such as trellis and lathe work, and a balcony with wood detail on the front. The basement detail was shown and a decision to remove the front pine trees has been made.

KMAC reviewed, discussed, and made suggestions regarding the revised plans with generally favorable comments.

## **8. Procedural Matters**

- a) Lenox Road sidewalk.

The Public Works Department received a telephone complaint from a resident concerning the absence of a sidewalk (and encroachment into the space for a sidewalk) in front of 32, 40 and 44 Lennox Road. The County Public Works Department desires KMAC's recommendation on whether the County should enforce the residents of 32, 40 and 44 Lennox Road to pay for the construction of sidewalks. Chair Carman will attempt to work out this situation with the residents of 32, 40 and 44 Lennox Road. If this is not successful, then KMAC will consider the County Public Works Department's request at a future meeting.

## **9. Information Reports**

- (a) ZA decision on 69 Norwood Ave. **(LP022080)**

The use permit was granted with no mitigation for the next door neighbor Ms. Taylor.

- (b) New house on Edwin Drive.

Construction was halted when residents of the former Blake Estate exercised an enforceable covenant that retains the rights of original owners to preserve their views.

- (c) **Enforcement Report**

One case closed, one new case opened. There seem to be at least 3 projects in Kensington being constructed without permits. The County Enforcement Department is investigating these.

### **10. Adjournment**

The meeting was adjourned at 9.45 pm.

Respectfully submitted,

David Jenkins  
Secretary KMAC