

DRAFT

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING MINUTES

Meeting Venue: Conference Room, Kensington Community Center

Meeting Date: September 24, 2002, 7:00 pm

1. **Present:** R. Barraza (Acting Chair), E. Detmer, D.Jenkins and C. Reed.
2. **Minutes** of the July 30, 2002 meeting were approved unanimously.
3. **614 Canon Dr. (VR021076).** Request for variances, to: construct a second floor on an existing detached garage with a height of 22 ft. (15 ft. allowed) and a floor area of 800 sq. ft. (500 sq.ft. allowed).

The project was presented by J. and B. James, Applicants.

The request is to construct a 400 ft² family room above an existing 400 ft² detached garage. Because the garage is detached the total 800 ft² area of the detached structure (existing + addition) is counted thereby triggering a variance on this count. B. James pointed out that unconventional shape of the living area of the house (geodetic dome) made it difficult to attach other structures to it.

Other points made included:

- The addition would have small impact on views since the neighbor's view of the addition is substantially blocked by their own tree. From the street the addition only screens the view of the existing house.
- The addition is considerably lower in height than the existing or neighboring houses.
- There is no increase in building footprint.
- The proposed construction (wood frame with a sloped roof) is consistent with the neighborhood.
- The zoning code allows for a variance when topography limits the feasibility of building a separate structure. Steep slopes and drainage ways encumber the lot.
- The addition does not affect off-street parking because the existing garage will remain.
- Because the lot size (almost 12,000 ft² is large for Kensington, and the structure is set back 64 ft. from the street it will not cause a visible increase in density.

The following motion was passed 3-0 with 1 KMAC member recusing himself.

“KMAC finds that the variance requests for an 800 ft² detached structure with a maximum height of 22 ft grants no special privilege, is justified by unique special circumstances and if authorized will meet existing land use criteria”.

“KMAC recommends that the wall height from the roof of the garage not exceed 8 ft and that the roof slope be no greater than 3/12”.

“KMAC recommends that a deed restriction be placed on the property that prohibits the use of the detached structure as additional living area for non-family members”.

4. **32 Kenilworth Drive. (VR021077).** Request for variances, on a substandard lot to: construct a first floor deck with a rear yard setback of 14 ft (15 ft required); a second floor deck with a rear yard setback of 12 ft (15 ft. required); to legalize a front setback of 4' 4" (20' required).

The project was presented by Architect T. Rempel.

The applicants desire an upper deck of sufficient area for “al fresco” family dining and as a play area for young children. A smaller lower deck is desired to improve the living-space in the legal lower floor “in-law” unit.

The special circumstances cited were the steep-sloped unusable rear yard, and the need for a play area for young children visible from the main living area of the house.

Comments from neighbors included:

A. Gutierrez (37 Arlington Ave – adjacent neighbor down hill from 32 Kenilworth) who stated that the upper deck would severely impact his privacy. A smaller upper deck would have a lesser impact. The impact on his privacy of the lower deck could be mitigated by a good-neighbor fence. He suggested reducing the size of the upper deck and expanding the size of the lower deck.

H. Patton (11 Cowper Ave – adjacent neighbor to the south) expressed concerns about the impact of the upper deck rail on her view.

After much discussion involving KMAC, the Architect, the neighbors and the audience, it appeared that a resolution of the issues cited above would be possible through discussion among the interested parties. Therefore KMAC took no action on

the variance requests for the decks and continued its deliberations on these issues until a future meeting.

The following motion regarding legalizing the existing front setback of 4 ft 4 in for the garage was passed 4-0.

“KMAC recommends legalization of an existing set back of 4 ft 4 in for the garage (20 ft required)”.

5. 278 Grizzly Peak Blvd (DP023050) Request for a small lot review of a new deck built without permit.

The project was presented by M. Pearce (former owner and architect) and P. Elmore (present owner).

M. Pearce stated that he had lived in and remodeled the residence over the past 2 years prior to selling it to P. Elmore. He stated that it has been his longstanding practice as an Architect to obtain all building permits **after** completing the work as a matter of convenience and “efficiency” for him and his clients. He stated that he had never had any problems in the past with this practice and that he had found that Building Departments always “went along” with him. He also stated that he did not feel the need to have his rough work inspected since he always built up to or better than code. He was surprised that the deck required a small lot review for neighborhood compatibility.

KMAC members expressed their strong disapproval of M. Pearce’s open disregard of Regulations and accepted practice.

Following highly favorable comments on the quality of work, use of space and design from neighbors J. Rose (274 Grizzly Peak Blvd) and C. Kimball (282 Grizzly Peak Blvd) and from KMAC members, the following motion was passed 4-0.

“KMAC recommends that the existing deck at 278 Grizzly Peak Blvd, constructed without permit, be approved with regard to its neighborhood compatibility”.

6. Citizen Comments

G. Kessner, 163 Arlington, asked KMAC to modify its former recommendation that required him to rebuild a public pathway and to widen one of the door frames of his existing garage spaces to 96 inches or wider as conditions of issuing a variance for a project. He desired to have deleted the requirements for widening the garage door frame. Because this item was not noticed in the meeting agenda KMAC could take no action.

KMAC indicated that G. Kessner should make his request formally to the County so that KMAC could consider it as an agenda item.

7. **Procedural Matters**

(i) Progress on New Ordinance

J. Gioia and the Steering Committee have met and proposed to move the ordinance forward without imposing any community tax for the election costs. The County, Kensington Improvement Club, Kensington Services District and Kensington Fire Department would each be asked to contribute \$7,000.00.

The community would be informed about the ordinance at a Kensington Improvement Club Community Meeting in October. Another general community meeting will be scheduled in November to discuss the ordinance.

KMAC should be involved in preparing materials for these community meetings which Chair Carman believe should include:-

(1) an introductory memo from Supervisor Gioia, (2) the Guideline Brochure that is essentially a lay version of what is in the ordinance, (3) the ordinance draft, (4) the MAC protocol that must be approved by the Board of Supervisors along with the ordinance, (5) the flowchart of the process, (6) the proposed letter that would go to neighbors within 300 ft.

E. Detmer indicated that it would be difficult for him to find time to complete the design guidelines by the middle of October. KMAC expressed the desire that any explanatory documents sent to the general public be written in plain English.

8. **Information Reports**

a) Enforcement Report

- i. 2 new, 4 settled, 4 continued, leaves 6 on list on 8-31.
77 and 105 Kensington Rd are not problematic; 89 Kensington Rd is a major problem.
- ii. Noise ordinance: D. Scher's recent concert resulted in neighbor complaints about noise. Supervisor Gioia's office has reactivated its efforts on developing noise ordinance for Kensington.
- iii. 656 Coventry

There appears to be subdivision activity to remove the “flagpole” from this property so that it would no longer be subject to small lot review.

9. Adjournment

The meeting was adjourned at 9.35 pm.

Respectfully submitted,

David Jenkins
Secretary KMAC

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