

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of August 29, 2006

Council Members present:

Chair: Reyes Barraza

Vice Chair: Pat Tahara

Secretary: Richard Karlsson

Member: Kay Reed

Member: Pam Brown

1. The meeting commenced at 7:00 p.m.
2. The minutes of July 25th, were approved by a vote of 3 – 0, with those not present at the July meeting abstaining. Ms. Reed additionally mentioned that she had brochures regarding earthquake preparedness and that if anyone had any questions related to this topic, she would be happy to address same.
3. Citizen's Comments: A question was asked regarding whether one could add an apartment on the top of an existing garage. Chair Barraza responded that the approval of second units was not discretionary, and that the second unit must meet all zoning ordinances for second units.
4. Consent Items: **825 Coventry Rd. (LP 062054)**: Recommend approval of an application to conduct a home occupation consisting of record-keeping and computer work in a room of an existing residence subject to conditions of CoCoCounty Zoning Code section 82-4.240. *Motion was made by Secretary Karlsson to approve and it was approved 4 – 0, with Ms. Brown not yet present.*
5. **Procedural Matters**: Discussion was had concerning notice to neighbors and how timely notice would be given in advance of the KMAC meeting regarding an application. It was recommended that the current process be continued, with notice being provided in advance of the meeting in writing, to those within approximately 300 feet of the subject residence.
6. **57 Richardson Rd. (VR 051118)**. Variance request and development plan review to construct a fence up to 9'4" high (6' allowed), a retaining wall up to 3'6" high (3' allowed) and a combination fence on top of retaining wall up to 9'6" high (6' allowed) within the front, sideyard and rearyard setbacks adjacent to the north property line. *Continued from January 3, 2006, closed for decision and recommendation.* The hearing began with Chair Barraza indicating that he had

walked the neighborhood to determine whether similar fences existed in light of the physical attributes of the property and neighboring property. It was his opinion that the physical attributes of this property and adjacent property resulted in fences that exceeded the height limitations for such fences. A number of questions followed by Member Reed regarding the necessity for such a high fence. The owner responded that the fence was installed in large part due to the fact that before the uphill neighbor remodeled his home, the property was separated by a bamboo fence. To increase light to their home, they replaced the bamboo fence with the subject fence. Vice Chair Tahara had a number of concerns about the concrete portion of the wall (already built) and whether this could not be either replaced with another type of material or lowered by taking off the top portion of the wall to comply with the height ordinances. The applicant responded that the fence was built in the manner it was because they were not aware of the ordinance, but they believed the height necessary to maintain the prior level of privacy between the neighbors. There were no neighbors who spoke in opposition to the fence. *At the close of the testimony, Secretary Karlsson made a motion to approve the variance and development plan for the existing structure and plans dated (as filed) 11-17-05. The motion passed 3 – 2, members Tahara and Reed opposed.*

7. **389 Ocean View Ave. (DP 063054).** Development plan review to expand an addition to existing residence with variance requests for: 16'11 ½ depth (19' required) for a new two car garage, 0' front setback for the new garage (20' required) and three stories (2 ½ maximum) in the area of new main stairwell. Thomas Davick, architect, and Susan Tweddle, owner, made the presentation. They began by stating that they had solved one of the problems, that being the stairwell, and that they were no longer seeking a variance for a three story structure. They also indicated that they were changing the drainage so that it went around the structure rather than through it. In regard to the neighbors, they believe that they improved the views by moving the second story to the rear.

Member Brown then inquired about the size of the proposed improvements, noting that it exceeded the recommended thresholds for the size of the proposed home and the lot size. The home was more than 700' beyond the recommended size of the home, based upon the lot size. Member Reed expressed concern regarding the size of the garage, which was undersized, given the size of the proposed home. The owner's architect stated that to make the size of the garage to code, it would require moving a retaining wall, involving additional expenses. Member Tahara expressed concern regarding the size of the addition and also inquired about the material used on the exterior (response: stucco). Discussion was then had as to why the same materials were not used in the new addition and the response was that the new addition could not be seen from the street. Member Tahara then asked why the new addition was required to be so large and the response was that a lot of the square footage was in decks and stairway and also by preserving views by pushing the second story back. 200 square foot was due to expanding the garage.

Neighbors then spoke regarding the proposal. Dr. Kay Richards thanked the owner for attempting to preserve views. That said, she said that she would like to see better story poles and that she had concerns as to whether the actual structure would be in the area stated in the design drawings. She also had concerns regarding mold and was told by the owner that they were taking steps to avoid it. Chair Barraza indicated that potential mold due to construction was beyond the jurisdiction of KMAC. A discussion then followed regarding views from the existing and proposed residence and potential impact upon neighbors.

At the close of testimony, Chair Barraza indicated that he favored improving the garage, in light of the expanded home, so that it would hold two cars. Secretary Karlsson expressed the same concern, particularly because the owner was seeking a home well in excess of FAR guidelines. Member Reed was concerned about the size of the house and the impact upon the neighborhood and believed that the renovation was too large. Vice Chair Tahara congratulated the owner on discussing the issue of view preservation with the neighbors, but was concerned regarding the size of the structure, a 4 bedroom - 3 bath house with an inadequate garage. He believed that changes could be made to drop the house by 300 sq. feet. Member Brown indicated the same concerns and asked whether the applicant may wish to consider a continuance to revisit their proposal versus an immediate recommendation by KMAC. The applicant decided that they would prefer to request a continuance. *Chair Barraza thereafter made a motion to accept the request from the applicant to continue the hearing. The motion passed, 5 – 0.*

8. Information Reports:

- a. **Enforcement Report:** Chair Barraza reported upon three pending matters, 89 Kensington Rd., 57 Richardson Rd., and 228 Columbia Ave..
- b. **Updates on Pending Applications:** 40 Kingston Rd. was opposed by several neighbors at the Zoning Administrator's hearing. However, the Zoning Administrator approved the improvements as recommended by KMAC, overruling the staff report.

9. The meeting was adjourned at 9:25 p.m.

Minutes prepared by Secretary Karlsson