



**Staff Report**

**Date:** April 30, 2014  
**To:** Mayor P. Beach Kuhl and Council Members  
**From:** Elise Semonian, Senior Planner  
**Subject:** Appeal of Staff Decision Permitting Improvement of Nonconforming Accessory Structure at 6 Southwood, File 1859

---

**Recommendation**

The Town Council uphold the staff decision that alterations to the nonconforming accessory barn structure, plans approved by the Building Department on March 31, 2014, were consistent with the conditions of the March 8, 2012, Town Council approval for the residence remodel and landscape project.

**Project Summary**

**Appellant:** Dr. Elizabeth Robbins and Dr. Steven Hauser  
**Owner:** Darr and Sandy Aley  
**Location:** 6 Southwood Avenue  
**A.P. Number:** 73-151-20  
**Zoning:** R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size)  
**General Plan:** Low Density (1 - 3 units per acre)  
**Flood Zone:** Zone X (outside 1-percent annual chance floodplain)

Appeal of town planner determination modifications to the nonconforming accessory structure within the rear yard setback were consistent with the 2012 Town Council approval of demolition permit, design review, and variance application to permit a remodel of the residence and landscape improvements, and did not require Town Council approval. The modifications include lighting, electrical, interior wall finishes and installation of a window in an existing upper level opening on the north side of the structure.

<b>Lot Area</b>	<b>16,140 square feet</b>	
<b>Existing Floor Area Ratio</b>	<b>4,575 sq. ft.</b>	<b>28.3%</b>
<b>Approved/Proposed Floor Area Ratio</b>	<b>4,575 sq. ft.</b>	<b>28.3% (15% permitted)</b>

<b>Existing Lot Coverage</b>	<b>3,245 sq. ft.</b>	<b>20.1%</b>
<b>Approved/Proposed Lot Coverage</b>	<b>3,220 sq. ft.</b>	<b>19.9% (15% permitted)</b>
<b>Existing Impervious Surface</b>		<b>43.4%</b>
<b>Approved/Proposed Impervious Surface</b>		<b>32.8%</b>

*The existing development is nonconforming in setbacks, height, stories and covered parking.*

**Background, project description and discussion**

The project site is developed with a residence and a detached accessory structure, the “barn”, built prior to zoning regulations. The barn sits at the rear property line, within the required rear yard setback, and is considered a nonconforming structure under Town zoning regulations. In 1973, a prior owner received approval to use the barn as a guest cottage/servant’s quarters. It is unknown if the barn was subsequently improved and the conditions of the approval required the use to be discontinued on sale of the property.

In 2012, the property owner (Aley) received design review and variance approval from the Town Council for a significant remodel of the existing residence and upgrades to the site landscaping. The approval included a variance from the covered parking requirement. No change to the barn was proposed or publicly noticed. However, the Town Council imposed a condition that required the structure to be preserved and made structurally sound (Condition No. 3).

In June 2012, the Aley’s applied for design review and a demolition permit to add skylights on the ridge of the barn and new sliding glass doors on the north, east and south elevations. The appellants opposed the request and the Aley’s withdrew the application (see appellants’ letter dated June 3, 2012).

The Aley’s began construction of the approved project in 2012. In March 2014, the building inspector confirmed a contractor for the Aley’s was performing construction in the barn without approved plans or a permit. The Aley’s submitted an application for a \$35,000 project to improve the interior of the barn. The project included adding a window in the existing opening on the upper level. Staff determined the Town Council approval did not preclude the project, which would be permitted under the Town nonconforming structure regulations that allow alterations to nonconforming structures. The building department limited the structure to “U” occupancy, which precludes use of the space for habitable space: living, sleeping, eating or cooking.

The adjacent neighbors filed an appeal (letter attached).

The Town Attorney has determined that staff’s authority to approve the proposed alterations depends upon an interpretation of Condition of Approval Number 3. See attached memo from the Town Attorney.

**Staff Recommendation**

Staff recommends the Town Council affirm the staff decision to issue the permit for the barn alterations, which are permitted under the zoning code and did not change the historic use of the structure.

**Fiscal, resource and timeline impacts**

None. The applicant has already obtained a building permit for the project.

**Alternative actions**

1. Find the barn improvements conflict with Condition of Approval 3 and direct the Building Official to rescind the building permit.
2. Uphold the staff decision to approve the barn improvement and require Town Council review for any future modifications to the exterior of the nonconforming accessory structure or any change to a different Building Code occupancy classification.

**Environmental review (if applicable)**

The project may be found categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301, existing facilities. No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources, applies to the project.

**Attachments**

1. Minute history
2. Letter of Appeal
3. Letter from appellants dated June 3, 2012
4. Town Attorney memorandum
5. Proposed plans

March 8, 2012 Minutes

and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion. The construction completion timeline is not extended by this approval.

18. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
19. No changes from the approved plans, before or after project final, shall be permitted without before Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval before any change.
20. THE TOWN MAY STOP WORK AT THE PROJECT SITE IF DEMOLITION EXCEEDS WHAT IS PROPOSED. EXCEEDING PROPOSED DEMOLITION MAY RESULT IN A REQUIREMENT FOR A DEMOLITION PERMIT AND SIGNIFICANT DELAYS TO THE PROJECT.
21. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

Council Member Martin resumed his position on the Town Council.



29. **6 Southwood Avenue, Variance, Design Review and Demolition Permit No. 1859**  
Darr and Sandy Aley, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre). Application for a demolition permit, design review, and variances for a remodel of the residence and landscape improvements. The project includes: 1.) demolition and reconstruction of the rear section of the residence, the kitchen and family room; 2.) reconstruction of the pool within the rear yard setback (40 feet required, 10 feet existing, 26 feet proposed); 3.) reconstruction of pool patio area within the rear yard setback (40 feet required, 8 feet proposed); 4.) 164 cubic yards of grading associated with the creation of a basement; 5.) alterations to the exterior of the residence including new windows; and 6.) third story dormers that extend over the 30 foot height limit, but are located below the roof ridge of the residence. A total of 4,575 square feet of development is proposed.

Effective Lot Area	16,140 square feet
Existing Floor Area Ratio	28.3%
Proposed Floor Area Ratio	28.3% (15% permitted)
Existing Lot Coverage	20.1%
Proposed Lot Coverage	19.9% (15% permitted)
Existing Impervious Surface	43.4%
Proposed Impervious Surface	32.8% (15% permitted)

*The existing development is nonconforming in setbacks, height, stories and covered parking.*

## March 8, 2012 Minutes

Senior Planner Elise Semonian summarized the staff report and recommended that the Council consider the issues identified in the staff report. If the Town Council does not wish to require new covered parking, staff recommended approval of the project subject to the findings and conditions outlined in the staff report.

Council Member Martin wanted to preserve the barn as a condition. Council Member Strauss agreed since it is a historical building it would be nice to maintain it. Council Member Martin noticed that the permeable surface is being reduced and it is largely because of the proposed asphalt pavers and he questioned the specs received in that regard. Senior Planner Semonian has not received any specs to date, but Town Hydrologist Matt Smeltzer can review what it entails in terms of runoff and whether or not it is collected.

Council Member Hunter thinks this is a wonderful house. He loves the plan and barn, but it is an opportunity to get the parking lot off the street. He further believed if the barn were converted into a garage it would solve the parking problem.

Ken Lindsteadt, architect, discussed the architecture and explained that it is a great old house. In his opinion, it is a minimal amount of redo on the house. The barn is their favorite structure on the property. His task was to address the back family and kitchen areas. It was a very awkward situation. They elected to use a flat roof in order to open up to the outdoor space. The internal workings were redone. Dormers were placed at the street side and two in the backyard. There is also another dormer above the sunroom and that was raised for the master bathroom, which did not add to the floor area. They simplified the pool and used blue stone paving rather than the wood deck.

Council Member Strauss desired an explanation of the exterior materials. Architect Lindsteadt responded that the exterior is white painted shingles and the roof material will remain the same. Council Member Strauss asked if they considered improving the barn structure. Architect Lindsteadt noted that the barn will need work. It is not part of this application, but the barn structure will be restored at some point.

Mayor Pro Tempore Russell desired an explanation in regard to the basement issue. Architect Lindsteadt noted that they desired a basement to have a place for utility and storage. If it is too big for the Council, he asked if there is a threshold number in order to have some utility space. Mayor Small pointed out that this is in a high water table area as opposed to other topography in the community.

Jessica Fairchild, landscape architect, explained the landscape is a very similar concept. They love the house and how it appears. The idea is to simplify the pool and respect the architecture that is present and to make it more cohesive and move it farther away from its nonconforming situation. She reiterated that the goals were to simplify the pool and make it work with the architecture, but also add some screening in front. They propose a fence similar to the fence behind the parking area and add plant screening to that area to buffer the house and front yard from the street. They propose stone pavers with a minimum of an inch between them with low water requiring ground cover in between. There will be a base layer of rock below, essentially making it as permeable as possible and allowing a walking surface. Also, they are looking at water storage areas as well, which mainly had to do with the basement.

**March 8, 2012 Minutes**

Council Member Martin discussed the new parking area to the barn and asked if that is turf. Landscape Architect Fairchild responded that there is currently lawn in the area, which will be maintained.

Mayor Small opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Hunter believed they have done a nice job. It is a wonderful property. He suggested using the barn as a garage. He recommended running a driveway along the side, which would enable the applicants to move one fence up and enlarge the turf area to solve a parking problem. Mayor Pro Tempore Russell stated what is happening on the site is not making the parking any worse than it has been, so he is not sympathetic to that issue. This is being used as a question of leverage to get the barn changed into a garage. He further noted that the barn is historic and it should be preserved.

Mayor Small pointed out that the driveway would be in the side yard setback and the neighbors house is set back. She believed it would be more disturbing to place the driveway into a setback and have vehicles travel to the back property line. As proposed the vehicle noise is situated in front of the house further away from the neighbors and those on the back of Southwood, so maintaining the vehicle traffic in front is the least disturbing. Also, additional landscaping could be added to shield the noise. She would rather have more grass than gravel. She also wanted to see the barn restored.

Council Member Martin indicated that the pavers do not have to be asphalt as proposed. There are pavers designed for parking areas that would look aesthetically pleasing and asked the applicants to consider. He also liked the project and believed they are restoring a wonderful house. He also wanted preservation of the barn as well to make sure it does not deteriorate. Independent of this project, the treatment of a couple of redwood trees in terms of lollipoping has occurred on this property. Ross has a tree ordinance that prevents extreme lollipoping, which impedes the trees ability to photosynthesize and produce native sugars. He further recommended that the Council re-examine the tree ordinance to have stricter measures.

The Council supported staff's findings in regard to the basement.

Mayor Small asked for a motion.

Council Member Strauss moved and Council Member Martin seconded, to approve 6 Southwood Avenue Variance, Design Review, Demolition Permit No. 1859 with the findings and conditions outlined in the staff report, granting a variance for covered parking, deleting the basement, and retaining the barn structure with improvements to be done at the same time as the project in order to be made structurally sound. Motion carried unanimously.

**6 Southwood Conditions:**

*Conditions of Approval (shall be reproduced on the first page of the plans submitted for building permit):*

1. The project shall be constructed in substantial conformance with the plans approved by the Town Council on 3/8/12, on file with the Planning Department except as otherwise provided in these conditions. The demolition shall substantially conform to the demolition shown on the approved plans.

March 8, 2012 Minutes

2. The basement is not approved.
3. The parking variance is granted upon condition that the barn/carriage house structure be retained and the structure shall be structurally improved prior to project final.
4. A permeable paver system shall be used for the pool area.
5. The landscape plan shall incorporate additional landscape screening in the area of the existing front yard sod area in order to screen vehicles in the parking area from public view.
6. The roof over the new kitchen and family room addition shall not be used as a deck without prior Town Council approval.
7. An arborist shall submit a report regarding the condition of all on site and adjacent trees prior to issuance of a building permit. The arborist shall review the proposed building plans, including plans for the swimming pool and utilities, to develop a tree protection plan prior to issuance of the building permit. The tree protection plan shall be reviewed and approved by the town arborist. The plan shall include tree protection during construction and an arborist shall be present during any foundation and pool excavation and any trenching at the site to protect mature trees. The arborist shall submit written confirmation that excavations were inspected. All tree protection measures shall be followed during construction.
8. The building permit plans shall reflect that the fireplaces comply with the Bay Area Air Quality Management District Wood Smoke Rule and Ross Municipal Code Chapter 15.42. New fireplaces shall be gas or one of the following: 1.) A U.S. EPA Phase II certified wood-burning device; 2.) A pellet-fueled device; or 3.) A low mass fireplace, masonry heater or other wood-burning device of a make and model that meets EPA emission targets and has been approved in writing by the APCO.
9. An encroachment permit is required for any work within the public right-of-way. The proposed decomposed granite is not approved unless the director of public works issues an encroachment permit for the material.
10. The drainage plan is not approved. A revised drainage plan shall be submitted for review and approval by the town hydrologist prior to issuance of a building permit. The drainage design shall comply with the Town's stormwater ordinance (Chapter 15.54). The plan shall be designed to produce no net increase in peak runoff from the site compared to pre-project conditions. Roof leaders shall not be tight-lined to the street and shall be directed to appropriately sized drainage facilities. No sub-drain is permitted in the lawn area. All runoff shall be dissipated on site. Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and written confirmation that the Town-approved plan has been installed shall be provided to the building department prior to final inspection on the project.
11. If the structure will be elevated for foundation work, the applicant shall provide a surveyor's confirmation regarding the existing finished floor elevation and shall confirm the resulting finished floor elevation to ensure that the structure does not increase in height.
12. The Public Works Director may require utilities to be undergrounded to the nearest utility pole.
13. All costs for town consultant, such as the town hydrologist, review of the project shall be paid prior to building permit issuance. Any additional costs incurred to inspect or review the project shall be paid as incurred and prior to project final.
14. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall

**March 8, 2012 Minutes**

- file for a business license. A final list shall be submitted to the Town prior to project final.
15. This project shall comply with the requirements of the Department of Public Safety including: 1.) A street number must be posted {minimum four inches on contrasting background}; 2.) a local alarm system is required; and 3.) sprinklers are required.
  16. The Building Official and other Town staff shall have the right to enter the property at all times during construction to inspect operating procedures, progress, compliance with permit and applicable codes.
  17. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final.
  18. The applicant shall demonstrate that the landscape plan and irrigation shall comply with the Marin Municipal Water District Water District Conservation Ordinance. Written confirmation that the plan has been reviewed and approved by MMWD shall be required to be submitted to the town planner prior to project final.
  19. The applicant shall comply with all requirements of the Ross Valley Sanitary District prior to project final. Written confirmation from the RVSD is required to be submitted to the building department prior to project final.
  20. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
  21. **NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. RED-LINED PLANS SHOWING ANY PROPOSED CHANGES SHALL BE SUBMITTED TO THE TOWN PLANNER PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.**
  22. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
  23. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
  24. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

*Mayor Pro Tempore Russell and Council Member Martin recused themselves from the next agenda item in order to avoid the appearance of a conflict.*

30. **12 Norwood Avenue, Variance, Design Review, and Demolition Permit No. 1853**



Mayor Small asked for a motion.

Council Member Hunter moved and Council Member Martin seconded, to approve the design review of the side entry deck subject to the findings and conditions outlined in the staff report and continue the application for the new pool so that the Gilpin Geosciences Study may be peer reviewed by an expert chosen by Town staff to determine the accuracy of the study. Motion carried unanimously. Strauss absent.

4 Canyon Road Conditions:

The Town Council approves the deck work within 25 feet of the top bank of the seasonal creek subject to the findings and conditions of the May 12, 2011, Town Council approval and the following additional conditions:

1. All fencing at the project site shall be reduced to 6 feet tall prior to project final. Pursuant to Ross Municipal Code Section 18.40.080 (c) the height of the fences shall be the vertical distance between finished grade at the base of the fence and the top edge of fence material.
2. The applicant shall provide sufficient survey evidence to staff to verify that no soil or other materials have been placed on any adjacent site prior to project final.

29. **6 Southwood Avenue, Variance, Design Review, and Demolition Permit No. 1859**  
*\*\*This item has been continued.\*\**

Darr and Sandy Aley, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre), Zone X (outside 1-percent annual chance floodplain. Request for design review and a demolition permit to alter the barn structure to add skylights on the ridge and new sliding glass doors on the north, east and south elevations.

End of Public Hearings on Planning Applications- Part II.

30. **Adjournment.**

Mayor Small moved to adjourn at 11:24 p.m.

\_\_\_\_\_  
 Carla Small, Mayor

ATTEST:

\_\_\_\_\_  
 Linda Lopez, Town Clerk

September 13, 2012 Minutes

Approved/Proposed Lot Coverage	21.6% (15% permitted)
Approved/Proposed Impervious Areas	26.1%

*The existing structures and pool are nonconforming in setbacks.*

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the conditions of the March 8, 2012, conditions of approval. Staff further recommended one additional condition of approval as follows: *"to minimize the visual impact of the fencing, the fence shall remain a natural wood finish and shall not be painted or stained."*

Mayor Russell opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Russell asked for a motion.

**Council Member Hoertkorn moved and Council Member Brekhus seconded, to approve the project at 10 Norwood Avenue subject to the conditions of the March 8, 2012 conditions of approval with the additional condition outlined by staff. Motion carried unanimously.**

**b. 6 Southwood Avenue, Amendment to Design Review No. 1859**

Darr and Sandy Aley, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre). Application for an amendment to the demolition permit, design review, and variance application approved by the Town Council March 8, 2012, to permit a remodel of the residence and landscape improvements. The amendment would allow the applicants to modify the roof over a second floor bedroom to raise the ceiling height and add windows.

Effective Lot Area	16,140 square feet
Existing Floor Area Ratio	28.3%
Approved/Proposed Floor Area Ratio	28.3% (15% permitted)
Existing Lot Coverage	20.1%
Approved/Proposed Lot Coverage	19.9% (15% permitted)
Existing Impervious Surface	43.4%
Approved/Proposed Impervious Surface	32.8%

*The existing development is nonconforming in setbacks, height, stories and covered parking.*

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions of the March 8, 2012, Council approval.

Mayor Russell opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Russell asked for a motion.

**Council Member Brekhus moved and Council Member Hoertkorn seconded, to approve the project at 6 Southwood Avenue subject to the findings and conditions of the March 8, 2012, Town Council approval. Motion carried unanimously.**

**End of Public Hearings on Planning Applications- Part I.**

**16. Town Council discussion/action to appoint a Ross resident to the Marin/Sonoma Mosquito & Vector Control District Board.**

Town Manager Rob Braulik summarized the staff report and recommended that the Council make an appointment to serve on the Marin/Sonoma Mosquito & Vector Control District Board of Trustees through December 31, 2013. The following three residents are interested in serving on the Board:

- \* Bonnie Bibas
- \* Phil Paisley
- \* Zane Morrissey

Phil Paisley, candidate, explained that his office is next to Cotati where the Board meetings are held. He also wondered about the mosquito control program and noted his interest in filling the vacant board seat. He further agreed to attend all meetings.

Zane Morrissey, candidate, noted his interest in getting involved in the community and helping the Town in anyway possible.

Mayor Russell opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Brekhus noted that the Town is lucky to have three residents interested in serving on the Board. Council Member Small believed all three interested residents would be qualified to serve on the Board. The Council agreed.

The Council asked the Town Attorney to investigate as to whether or not an alternate would be acceptable to serve on the Marin/Sonoma Mosquito & Vector Control District Board. Town Attorney Greg Stepanicich agreed to review the bylaws.

The Council agreed to appoint Ross resident Phil Paisley as Ross' representative to the Marin/Sonoma Mosquito & Vector Control District Board of Trustees. Mr. Paisley, along with two other Ross residents (Bonnie Bibas and Zane Morrissey), submitted their names for consideration. Mayor Russell thanked each of the candidates for their interest in serving on this important board. With the recent news of the West Nile Virus outbreak in many parts of the country, serving on this Board is more important than ever. Mr. Paisley will replace current Board member Iris Winey who asked to step down. He will serve the rest of Mrs. Winey's term through December 31, 2013. At that time, the Board seat will once again be up for reappointment.

Report No. **1734-11**

**TOWN OF ROSS**

APPLICATION FOR RESIDENTIAL BUILDING REPORT  
BUILDING DEPARTMENT  
POST OFFICE BOX 320  
ROSS, CA 94957

Telephone: (415) 453-1453 Ext.6

Fax: (415) 460-9761

.....  
PARCEL NUMBER: **073-151-20**

STREET ADDRESS: **6 Southwood Avenue**

PRESENT OWNER: **Edwin D. Ayscue & Kathleen Mahoney**

NEW OWNER: **Darr & Sandra Aley**

REALTOR: **Ronald P. Albert**

PHONE: **Ronald, 415-332-5600**

SEND REPORT TO: **Ronald P. Albert**  
**66 George Lane, #101**  
**Sausalito, CA 94965**

---

Fee: \$325 payable to the Town of Ross at the time of application. \$100 per additional unit +\$50 non-cancellation penalty.

DATE AND TIME OF APPOINTMENT: **03-28-11, 10:00 am**



## CORRECTION(S) REQUIRED:

### Water Heater:

- 1. Gas supply pipe to be stainless steel flexible connector.
- 2. Provide a pressure relief valve to the hot side of the water heater piping or to the appropriate manufacture's connection.
- 3. Overflow pipe from pressure relief valve to be metallic same size as valve to extend to the outside or within six inches of the floor.
- 4. Strap to resist earthquake motion, (2 straps)
- 5. Flue to be brought up to code

### Furnace:

- 6. Gas supply pipe to be stainless steel, flexible connector.
- 7. Provide a disconnect switch.
- 8. Repair bad joints or loose connection in flue pipe.

### Electrical:

- 9. Install exterior main disconnect switch for electric service.
- 10. All exposed Romex wiring must be protected from physical contact below eight feet in height in
- 11. All splices must be within junction boxes in \_\_\_\_\_
- 12. All thee prong outlets that are not grounded to be grounded or original two prong installed in
- 13. Ground outlet
- 14. Install GFI outlets in **hall, bath/second floor bath**
- 15. All Edison based fuses must be fitted with type "S" fuses. Maximum 15 Amp for size 14 wire and 20 Amp for size 12 wire.
- 16. All junction boxes and switches to be covered in
- 17. Label all panels and breakers,
- 18. Pool/Spa equipment to be grounded.

### General:

- 19. Provide safety barriers to code in pool area.
- 20. Install smoke detectors in ceiling in **hallway off kitchen/master bedroom**
- 21. All stairways, interior and exterior, with more than three risers shall be provided with handrail at **front stairs, interior stairs**
- 22. Guardrails shall be at least 42 inches high with openings sized so that 4" diameter sphere cannot pass through at
- 23. Provide sparks arrester at top of chimney, screening to be half-inch maximum square openings.
- 24. Post your address in numerals at least 4 inches in height and in a contrasting color of background. Address has to be clearly visible from street.
- 25. The required firewall of five eighth gypsum board type x fire taped must be installed on the garage side abutting living spaces.
- 26. Repair holes in Gypsum board and tape in
- 27. Door from garage to dwelling must be solid core and self-closing
- 28. Chimney to be swept
- 29. Repair, and fill in joints in firebricks in fireplace.

## ADDITIONAL REQUIREMENTS AND CORRECTIONS

- 30.** Provide gas shutoff valve at range.
- 31.** An after-the-fact permit is required for remodel of upper bath.
- 32.** Flexible stainless gas connection to pool heater required.
- 33.** All extension cords in barn should be removed.
- 34.** Based on the planning files, there was no approval of a lot coverage variance for the rear yard trellis and the roof over the doorway. Property owner shall obtain appropriate after-the-fact permits for these structures or remove the construction within six (6) months from the date of this report.
- 35.** Please find Public Safety attached.

### Informational items:

1. It is the homeowner's responsibility to maintain the drainage ways and watercourse to the extent of the property lines.

**The above corrections must be made within six (6) months of the date of this report.** Please contact the Building Department at 415-453-1453 Ext.170 to schedule a re-inspection. There is no fee for re-inspection. The Town makes no recommendation as to whom, seller or buyer, makes the required corrections.

### Building permits will be required for items:

---

This Residential Building Report is valid for twelve (12) months from the date of inspection.

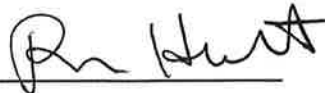
*There are a number of issues that may arise during a discretionary planning review process that the Town will not identify in the resale inspection. For example, a structure may be considered "historic", or a site may contain sensitive archaeological resources, protected wildlife or habitat, or be considered a hillside lot subject to more restrictive development regulations. The Town does not independently verify the accuracy of any lot size, lot coverage, setback or floor area information that may be provided with this report.*

**Residential Building Report No. 1734-11**

**Inspection Date: 03-28-11**

**Expiration Date: 03-28-2012**

**Building Inspector Signature:** \_\_\_\_\_





FIRE DEPARTMENT  
 Town of Ross  
 33 Sir Francis Drake Blvd, P.O. Box 320  
 Ross, CA 94957

THOMAS V. VALLEE, CHIEF

Resale / Hazard Inspection

Date: 3/28/2011

First Notice  Second Notice

Address: 6 Southwood Avenue

Issued To:

Issued By: James Popken

Contact information: 415-453-1453 option 2, then 2

Voicemail ext. 160

notes

**30 feet of defensible space ("Lean, Clean and Green Zone")**

- Cut all grasses to less than 3 inches
- Remove vertical "ladder fuels"
- Remove dead branches and foliage from trees and bushes
- Remove all dead vegetation on the ground
- Remove all tree branches on mature trees within 10 feet of the ground
- Remove all tree branches or foliage within 10 feet of the chimney
- Remove all tree branches less than 2 inches in diameter or foliage within 10 feet of the roof
- Remove all dead vegetation from the roof and gutters

**"Fuel Reduction Zone" 70 feet or to property line**

- Remove vertical "ladder fuels"
- Create horizontal spacing and vertical spacing between vegetation

**Other Code Requirements**

- Driveway/roadway must be clear of vegetation 13.5 feet vertically
- Driveway/roadway must be clear of vegetation 5 feet horizontally from edges
- 4 inch address numbers with contrasting background must be posted where clearly visible from the street
- Remove vegetation, landscaping and other material for three feet of clearance around fire hydrant
- 1 Chimney requires spark arrester. Minimum of 3/8<sup>th</sup> inch to maximum of 1/2 inch opening in screen.
- Outdoor fire pit does not meet requirements of, chapter 14.2 Ross Municipal Code

Notes / Comments:

1. Both chimneys need to have a spark arrester installed.



**Authority and Transferring its Assets to the Marin General Services Authority. The motion carried unanimously by the Council.**

*Town Attorney Hadden Roth excused himself from the Town Council meeting at 8:16 p.m.*

- 13b. Council Consideration of an Amendment to Bylaws of the Ross Park and Recreation Committee to Remove the Residency Requirement.**  
Mayor Byrnes summarized the staff report and recommended that the Council consider an amendment to the Bylaws of the Ross Park and Recreation Committee to remove the residency requirement.

Mayor Byrnes believed the request is too broad. He supported allowing the Board Member from Kentfield, but over the last year and a half due to declining enrollment and revenue they are not adding to their reserves. He added that there is a lot of discussion by subcommittees to market programs. They identified a woman to help outreach into Kentfield and they desired her to be on the Board, which he could support, but could not support people living in, for example, San Rafael and Corte Madera. He asked the Council if they should allow a non-Ross Board member.

Council Member Hunter stated that they have been running a great operation and felt they would pick an individual that would continue operating in that fashion. He believed if the Board requested this approach, then the Council should not second-guess their decision.

Mayor Pro Tempore Strauss recommended a presentation from the Ross Park and Recreation Committee in order for him to better understand the proposal. He further agreed to consider this matter.



Council Member Hunter stated that it is a one-year term, so the Council has control and if it did not work out, then the Council did not have to approve it again the following year. He recommended placing a limit on this proposal.

Mayor Pro Tempore Strauss suggested a limit on the bylaws. He reiterated the desire to have a presentation from one of the Ross Recreation Committee members.

Mayor Byrnes recommended continuing this request to the June meeting. Town Manager Broad agreed.

**14. Consent Agenda.**

The following four items will be considered in a single motion, unless removed from the consent agenda:

-   a. **Extension of Time for V1511, DR. 400**  
Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 73-151-20, R-1-B-20 (Single Family Residence, 20,000 square foot minimum.) A one year extension to April 8, 2006 of a variance and design

review application originally approved by the Town Council on April 8, 2004 to allow the following as then approved: 1) renovation of the existing residence including demolition of the rear portion of the structure, construction of a new kitchen, family room, and reading room, creation of a finished basement area, and alterations to the exterior of the residence including the addition of a third story dormer; 2.) construction of a pool and pool equipment within required setbacks; and 3.) demolition of the existing barn and construction of a 2-car garage.

***Ayscue and Mahoney Extension of Time Conditions***

1. Except as specifically amended here, all conditions of this project's 2004 approval shall remain in full force and effect.
2. Failure to secure required building permits and/or begin construction by April 8, 2006 will cause this approval to lapse without further notice.
3. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

18 **b. Extension of Time for V1471, DR 363**  
Cynthia and Richard Hannum, 23 Baywood Avenue, A.P. No. 72-071-06, R-1:B-10 (Single Family Residence, 10,000 Square Foot Minimum.) A second one year time extension to May 8, 2006 of a variance and design review application originally approved on May 8, 2003, including the following: 1.) conversion of upper level deck area to living room within the side and front yard setback; 2.) removal of upper level deck and a chimney and an upper level deck addition; 3.) conversion of lower level deck area to a master bedroom addition and a lower level bathroom addition; 4.) garbage enclosure addition; and 5.) raising the roof pitch to 3:12 within the front and side yard setbacks.

***Hannum Extension of Time Conditions***

1. Except as specifically amended here, all conditions of this project's 2003 approval as well as the 2004 extension of time shall remain in full force and effect.
2. Failure to secure required building permits and/or begin construction by May 8, 2006 will cause this approval to lapse without further notice.
3. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards,

or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Council member Byrnes and passed with three affirmative votes. Councilmembers Strauss and Hunter were opposed.

5. **VARIANCE AND DESIGN REVIEW.**

**Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum) to allow the following: 1) Removal of a 27.5 square foot shed, a 52 square foot shed, a 28 square foot closet and a 57 square foot closet; 2) pool construction within the rear yard setback (40 feet required, 12 feet proposed); 3) a patio within the side yard setback (20 feet required, 13 feet proposed) and rear yard setback (40 feet required, 8 feet proposed); 4) pool equipment and pad within the east side yard setback (20 feet required, 16 feet proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed) and new steps to basement (20 feet required, 16 feet proposed); 6) demolition of the existing barn and construction of a 558 square foot 2-car garage with bike storage to the rear of the existing residence accessed by a ribbon driveway and a gravel turnaround; 7) creation of a 188 square foot finished basement, including a laundry room; 8) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 9) demolition of the existing rear section of the residence containing the kitchen and family room and construction of a new family room and kitchen with an 82 square foot breakfast nook addition; 10) conversion of 202 square feet of sun porch into a 136 square foot reading room; 11) a porch, wood deck and bluestone paving and steps addition to the west elevation; 12) alterations to the exterior of the residence, including new windows at the basement, first story, second story and third story levels and the addition of a third story dormer at a height of 35 feet (30 feet permitted); and an expanded play court area within the side yard setback (18 inches proposed) and front yard setback.**

<b>Lot area</b>	<b>16,140 square feet</b>
<b>Present Floor Area Ratio</b>	<b>28.7%</b>
<b>Proposed Floor Area Ratio</b>	<b>28.7% (15% permitted)</b>
<b>Present Lot Coverage</b>	<b>20.1%</b>
<b>Proposed Lot Coverage</b>	<b>22.3% (15% permitted)</b>

**(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)**

Mr. Broad explained the plans as outlined in his staff report of April 1, 2004. He said that the Council previously encouraged the owners to demolish the barn and construct a garage that conforms to setback requirements. The proposed garage complied with zoning ordinance provisions which allows a garage that is used only for garage purposes, to be located within 10 feet of the side and rear property lines. Letters of concern had been received from adjacent neighbors.

Mr. Ozzie Ayscue said that he was in agreement with the conditions of the staff report with two exceptions: Condition Three – that the Council approve the plans as is or permit a four-foot hardscape all around the edge of the pool. Condition Seven: that the Council permit electrical outlets in the basement because lighting is critical and electricity is needed for a sump pump. He said that some neighbors were concerned about use of the garage, consequently, he moved his office space into the house.

Council member Poland questioned why the windows were located two feet from the ground.

Ms. Wendy Posard, architect, said that the location afforded lighting for getting in and out of the cars and were below the fence line and would not look into the neighbor's property.

Council member Poland asked what one would see, looking into the garage from outside.

Mr. Ayscue said that it is a bike storage area.

Council member Hunter asked if the second story was dedicated to storage.

Ms. Posard said that it was.

Councilmember Strauss felt that the floor of the storage area could be eliminated and just the rafters used for storage. This would then provide additional lighting from the windows above.

Council member Hunter asked if they could move the house forward and have the sports court in the rear.

Mr. Ayscue responded that the neighborhood children love to play in the main driveway. He said that if they moved it, they would be limited in off-street parking and they did not want to remove the magnolia tree.

Mayor Barr invited community input.

Mr. David DeRuff of Southwood Avenue said that this project had been before the Council ten times and the primary concern has been the garage. He said the applicants had lived there for two years and he urged the Council to let them start the project and get on with it.

Ms. Marta Osterloh spoke on behalf of her mother who owns the house at 3 Southwood. She agreed that the project had been before the Council on numerous occasions but she said that it is a very complicated project.

She said that her parents lived in their house for 44 years and their property would be the most impacted. She said that the lean on the rear was added in the 70's and her parents did not object. She disagreed that the new additions would not be in the setback. She said that demolishing a structure and requesting variances for a new structure does not comply with the Town's codes. She said that the proposed plans would significantly block light and air from her mother's house and the contractor said it would be a simple project to move the house back. She felt they should move the additional mass/bulk off the property lines. She urged the Council to look into the matter further.

Council member Hunter said that Item No. 9 of the staff report states that the new structure would not be in the setback and he asked Mr. Broad if that was correct.

Mr. Broad responded that to his knowledge, that was correct.

Dr. Elizabeth Robbins of 7 Norwood felt these were essentially the same plans submitted over and over again. She felt that the garage was not a garage by the Town's definition. She said that they could see into the windows and currently there is no window. She felt that bike storage did not need a window and expressed concern that the garage could be used for living space in the future. She objected to the rear patio extending close to the rear fence which would bring much of the poolside activity right to the fence line.

Mr. Richard Hall of 9 Norwood said he sympathized with the applicants but he felt that the proposed garage would have a greater impact than the existing barn. He was concerned about its location and the possibility of it being used for living space.

Former Mayor Charles Goodman said that an accessory structure is not supposed to call attention to itself and he felt that the size of the proposed window would call attention to the structure. He said the Council was having a difficult time wrestling with locations for a pool, a sports court and a garage because of the size of the lot. Council member Byrnes asked Mr. Goodman if he were on the Council when this property was discussed and Mr. Goodman responded that he was.

Mayor Barr said that the prior and current Councils had all studied this project and they have all tried to do what is best for the property.

Council member Byrnes said that the issue had been before three Councils and the common thread was concern over the garage. He said it was difficult to balance the applicants rights/impacts on neighbors/and visual impact from the street. He felt the garage should be smaller and the height lessened. He suggested that the garage be made smaller to house 2.5 cars and storage which could be done in a 23-foot wide garage and be 15 to 16 feet high. He also said the applicants were trying to do too

much on a site already almost double the allowable FAR; i.e., swimming pool in the setback, garage too close to the property line, grass playfield, sports court and parking pad in front of the house. He felt the garage should be smaller with the sports court immediately in front of it, the ribbon driveway only to the street and landscaping in front from the magnolia tree to the street.

Council member Strauss felt that the project was so close to being approved, he thought that something could be worked out. He suggested that the pool equipment be moved to the basement.

Council member Poland felt that the applicants had followed the prior Council's directions. He said that he looked at the property and read all the past records. He felt that the most impact is to the neighbor to the north. He felt that the window was large for a garage but could support it, if window coverings were provided. He felt that a maximum of a four-foot wide walkway could be permitted to the rear of the pool.

Council member Hunter expressed concern that the garage would not be used for parking cars. He recommended that the play court be moved to the front of the garage with a basketball hoop on the garage. He felt the windows on the second floor could be false windows.

Council member Poland felt that moving the sports court back to the garage would have more of a noise impact to the neighbor on the north.

Mayor Barr favored lowering the height of the garage and making it narrower.

Mr. Broad did not object to the applicant's request that electrical outlets be installed in the basement.

Mr. Ayscue said that the sports court had never been mentioned as a concern in the records. He said that if the children are playing in the sports court in front of the garage, the cars would have to be parked on the street. It would require a circular driveway up front.

Ms. Mahoney said that they wanted to park their cars on the sports court also. She said that they have been trying to find a location for the garage for two years.

Council member Strauss felt that the sports court in front of the house was a flaw and did not represent excellence of design.

After further discussion, Council member Poland moved approval with the findings in the staff report and the added condition that the ribbon driveway be gravel, rear entertainment area be reduced to four feet, the walkway be four feet wide, that the windows have coverings and the window on the east side be reduced to four feet in height, that the width of the garage be reduced from 28 feet to 24 feet and that it be lowered by two feet; that the electrical outlets be permitted in the basement and that that area never be used for living space; dormer window must be a false window.

Council member Strauss asked Council member Poland how he felt about moving the garage forward. Council member Poland responded that he did not feel that would be the answer.

Council member Byrnes said that he could second the motion if Council member Poland would amend his motion to include that the garage be moved forward ten feet and have a parking apron for cars. He felt that the sports court should be in the middle of the driveway behind the magnolia tree and the garage be reduced to 23 feet x 23 feet and 15 feet high.

Ms. Mahoney said that they would not build a garage in that location and they would just live with what they had.

Council member Byrnes said that they had to have covered parking and ten feet is not a lot but it is a lot to the neighbors.

Mayor Barr did not object to the location of the garage and she felt that it could be landscaped to be less visually intrusive; she supported the garage being made shorter and narrower and preferred that the play area be moved back, making a more gracious front to the house.

Council member Poland said he agreed with Council member Byrnes that the sports court be moved back behind the magnolia tree and supported changing the garage to his suggested dimensions. He felt that the garage should not be moved.

Council member Byrnes then asked Council member Poland to amend his motion to the following: Leave garage in its present location; reduce dimensions to 23 feet by 23 feet, 15 feet in height; apron in front of the garage to accommodate two cars; sports court be moved behind the magnolia; pool equipment be soundproofed; ribbon driveway be installed from street to sports court.

Council member Poland accepted the amendment.

Mr. Ayscue said that this proposal would force them to park their cars on the street. Council member Poland felt that it would be forcing the hand of the applicant if the Council were to move the sports court.

Mayor Barr said that the Council is trying to accommodate the applicants but the placement of all the issues is difficult.

Doctor Robbins said that she did not object to the sports court in its present location. Council member Strauss said that the character of the Town is not to have pools and play courts in front of the houses. He felt that this was a good compromise.

Mayor Barr called for a vote and the motion passed with four affirmative votes.

Council member Poland voted against.

Following are the conditions of approval:

1. All windows shall be real wood windows without cladding with permanent wood mullions appropriate to the style of the structure. All windows must substantially resemble real wood true divided light windows and are subject to Planning Department approval.
2. All areas constituting floor area to be removed shall be eliminated prior to the issuance of a building permit, as feasible.
3. The pool patio shall be redesigned to limit development on the north side of the pool to a maximum 4-foot wide walkway *and to allow a maximum 4-foot wide "walkway" to the east of the pool.*
4. *A gravel, ribbon driveway shall be provided from the street to the apron in front of the garage, which shall accommodate parking for at least two (2) vehicles.*
5. *The sports court shall be relocated onto the site to the north of the existing magnolia tree. Revised plans shall be submitted for Planning Department approval prior to the issuance of a building permit.*
6. Pool equipment shall be located within an insulated enclosure for noise attenuation, subject to staff approval, with a maximum 6-foot height.
7. *Revised garage plans shall be submitted for planning department approval prior to the issuance of a building permit, which include the following: a) the garage shall be reduced to a maximum size of 23 feet by 23 feet; b) it shall not exceed 15 feet in maximum height; c) the dormer window shall be a false window; d) the east garage window shall be reduced to a maximum size of 3 feet wide by 4 feet high and shall not be operable; and e) the adequacy of the garage window treatments shall be subject to ongoing Town review and approval for three (3) years from project final.*
8. The garage attic area shall be used for storage only and may not be finished nor used as living space or for other activities. It shall be improved as follows: 1) ceiling height shall not exceed a 7-foot maximum; 2) access shall be from a pull-down ladder only; 3) there shall be open rafters and studs and a plywood floor only with no sheet rock or paneling; and 4) no electrical outlets and a maximum of two bare bulb light fixtures shall be provided. *The attic area shall never be used as living space.*
9. As provided by zoning regulations, the garage shall be used for garage purposes only in light of its 10 foot side and 10 foot rear yard setbacks. Failure to use the structure for vehicular parking and other garage purposes shall be subject to deemed a violation of zoning ordinance provisions and subject to Town nuisance abatement procedures.
10. The unfinished basement shall not exceed a maximum height of 7-feet, shall not be sheet rocked and may not be used as living space or as floor area. No electrical outlets or utilities shall be added, *except one electrical outlet may be provided for a sump pump. A bare bulb light bulb only may be provided for lighting.*
11. The existing front parking/driveway area shall not be expanded in size in order to accommodate the creation of a sports court area.
12. Prior to the issuance of a building permit a landscape plan shall be submitted for Planning Department approval. The submitted plan should focus on screening development from off-site vantage points, including properties to the east, north and west.
13. Prior to the issuance of a building permit, a tree protection plan focusing on protection of existing trees during the construction process shall be submitted for Town Arborist approval.

14. Prior to the issuance of a building permit, the applicants shall submit a construction/traffic management plan for the review and approval of the Planning Department and the Department of Public Works. The plan shall include, but not be limited to: 1.) location of equipment and material staging areas; and 2.) parking location for construction traffic. The construction/traffic management plan shall focus on minimizing, to the greatest extent possible, the impacts of construction, construction equipment, and construction related traffic on neighboring property owners.
15. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance the owner will be subject to automatic penalties with no further notice.
16. Prior to the issuance of a building permit, the project contractor, building official and planning director shall meet to discuss the project and Town rules and regulations.
17. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
18. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
19. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
20. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
21. Any portable chemical toilets shall be placed off the street and out of public view.
22. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) A street number must be posted (minimum 4 inches on contrasting background; 2.) A 24 hour monitored alarm must be provided; and 3.) a second means of egress from the 3<sup>rd</sup> to the 2<sup>nd</sup> floor, such as an exterior folding ladder, must be provided.
23. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
24. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

AT 8:30 P.M., MAYOR BARR CALLED FOR A RECESS AND THE COUNCIL RECONVENED AT 8:40 PM WITH EVERYONE IN ATTENDANCE.

6. **DEMOLITION, DESIGN REVIEW AND TREE REMOVAL.**  
**Agnes and Donlon Gabrielsen, 2 Glenwood Avenue, A.P. Nos. 73-131-18 and 73-131-21 (Lot No. 2), R-1:B-A (Single Family Residence, One Acre Minimum)**  
**Demolition permits to allow the removal of portions of a 2,285 square foot two-story residence. Design review to allow: 1.) a 3,041 square foot one-story addition to the north and west of the existing residence including a 544 square foot two car garage; 2.) removal of approximately 70 square feet from the southeast corner of the existing residence and the construction of an entry porch**

lowered by one foot as proposed by the architect. This was seconded by Council member Byrnes.

Council member Strauss said that he could not make the findings for excellence of design. He suggested that they submit some alternative plans, just quick sketchy plans. He apologized to the applicants but said that he was present for three of the hearings. Doctor Diab said he and his wife invested much in the site and they tried to be sensitive to the Council's concerns and every time the project is reviewed by the Council, they try to focus on the Council's directions.

Mayor Barr said that the Council has to consider the property, the neighborhood and the Town. She said that what is built, will be there a long time and Council member Strauss wanted to see some alternate designs. She asked the applicants if they wanted the Council to vote or continue the project.


Doctor Diab indicated that he wished to continue the matter. Accordingly, Council member Poland withdrew his motion and Council member Byrnes his second.

Council member Strauss then moved to continue the matter and asked that during that time, the architect work with the applicant to closer address the issues discussed at this meeting.

Mayor Barr asked that they address the watercourse, FAR, bulk/mass and design. This was seconded by Council member Hunter and passed with four affirmative votes. Council member Poland voted against.

**AT 11:50 P.M., MAYOR BARR ANNOUNCED THAT BECAUSE OF THE LATENESS OF THE HOUR, THE REMAINING ITEMS WOULD BE CONTINUED TO MONDAY, APRIL 26, 2004, AT 6:00 P.M.**

25. **REVISIONS TO AN APPROVED DEMOLITION PERMIT, VARIANCE, DESIGN REVIEW AND TREE REMOVAL.**  
Mark and Molly Gamble, 14 Norwood Avenue, A.P. No. 73-091-30, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum). Amendment to a September, 2003 Town Council approval allowing demolition of the existing residence and barn and construction of a 5,514 square foot, two-story residence and a 645 square foot garage with a 371 square foot guest unit on the second floor. The applicants request that condition of approval No. 3, allowing a maximum 6-foot 6-inch basement ceiling height, be amended to allow a 7-foot 5-inch maximum ceiling height.  
Due to lack of time, this matter was continued to Monday, April 26, 2004

-  26. **VARIANCE AND DESIGN REVIEW.**  
Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum) to allow the following: 1) Removal of a 27.5 square foot shed, a 52 square foot shed, a 28 square foot closet and a 57 square foot closet; 2) pool construction within the rear yard setback (40 feet required, 12 feet proposed); 3) a patio within the side yard setback (20 feet required, 13 feet proposed) and rear yard setback (40 feet required, 8 feet proposed); 4) pool equipment and pad within the east side yard setback (20 feet required, 16 feet proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed) and new steps to basement (20 feet required, 16 feet proposed); 6) demolition of the existing barn and construction of a 558 square foot 2-car garage with bike storage to the rear of the existing residence accessed by a ribbon driveway and a gravel turnaround; 7) creation of a 188 square foot finished basement, including a laundry room; 8) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 9) demolition of the existing rear section of the residence containing the kitchen and family room and construction of a new family room and kitchen with an 82 square foot breakfast nook addition; 10) conversion of 202 square feet of sun porch into a 136 square foot reading room; 11) a porch, wood deck and bluestone paving and steps addition to the west elevation; 12) alterations to the exterior of the residence, including new windows at the basement, first story, second story and third story levels and the addition of a third story dormer at a height of 35 feet (30 feet permitted); and an expanded play court area within the side yard setback (18 inches proposed) and front yard setback.



Lot area	16,140 square feet
Present Floor Area Ratio	28.7%
Proposed Floor Area Ratio	28.7% (15% permitted)
Present Lot Coverage	20.1%
Proposed Lot Coverage	22.3% (15% permitted)

(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)

Due to the lack of time, this matter was continued to Monday, April 26, 2004

**27. DEMOLITION, DESIGN REVIEW AND TREE REMOVAL.**

Agnes and Donlon Gabrielsen, 2 Glenwood Avenue, A.P. Nos. 73-131-18 and 73-131-21 (Lot No. 2), R-1:B-A (Single Family Residence, One Acre Minimum) Demolition permit to allow the removal of portions of a 2,285 square foot two-story residence. Design review to allow: 1.) a 3,041 square foot one-story addition to the north and west of the existing residence including a 544 square foot two car garage; 2.) removal of approximately 70 square feet from the southeast corner of the existing residence and the construction of an entry porch in the same location; 3.) addition of a 176 square foot second-story roof deck to west elevation of the existing residence; 4.) conversion of an existing roofed breezeway running parallel to Lagunitas Road to a trellis-topped walkway; 5.) removal of the existing driveway and vehicular access gate and their replacement with a new driveway located approximately 50 feet to the east of the existing drive and new 6 foot tall timber pedestrian and vehicular access gates with stone pillars; and 6.) changes to the roofline, doors, and fenestration of the existing residence including the addition of skylights on the east and west elevations. Tree removal permit to allow the removal of one protected tree, a 12 inch elm.

Lot area	60,860 square feet
Present Floor Area Ratio	3.8%
Proposed Floor Area Ratio	8.8% (15% permitted)
Present Lot Coverage	4.6%
Proposed Lot Coverage	9.9% (15% permitted)

(The existing residence is nonconforming in covered and uncovered parking)

Due to the lack of time, this matter was continued to Monday, April 26, 2004.

**28. DEMOLITION, VARIANCE, DESIGN REVIEW AND TREE REMOVAL.:**

Al and Kathy Herbermann, 14 Fernhill Avenue, A.P. No. 73-051-20, R-1:B-20 (Single Family Residence, 20,000 Square Foot Minimum). Demolition permit to allow the removal of a 2,715 square foot single-story residence, a 252 square foot car port, and two sheds totaling 181 square feet. Variance and design review to allow: 1.) construction of a new 2,746 square foot two-story craftsman-style residence and a 400 square foot attached two-car garage resulting in total development of 3,146 square feet of floor area; 2.) construction of a pool and pool patio at the rear of the residence; 3.) construction of a patio and side entry stairs within the west side yard setback (20 feet required, 10 feet proposed;) 4.) construction of a pool equipment enclosure within the east side yard setback (20 feet required, 15 feet proposed;) and 5.) construction of 6-foot tall iron automotive entry gates with 6-foot tall stone columns along Fernhill Avenue. Tree removal permit to allow the removal of one protected tree, an 11 inch hawthorn.

Lot area	20,557 square feet
Existing Floor Area Ratio	15.3%
Proposed Floor Area Ratio	15.3% (15% permitted)
Existing Lot Coverage	20.5%

and the Council should give some direction on the design of the structure. He added that he was not wild about stucco in this woody setting and favored muted colors and use of stone and he wanted to see a 14 ft. roadway to be approved by the Public Safety Department and that the applicant submit an elaborate traffic management plan.

Mr. Wisenbaker said that he would work with the Public Safety Department to determine the width of the roadway.

Councilmember Curtiss moved that the matter be continued, seconded by Councilmember Gray and passed unanimously.

MAYOR ZORENSKY RETURNED TO THE COUNCIL CHAMBERS.

26. **Kathleen Mahoney and Ozzle Ayscue, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). A variance and design review application to allow the following:**1) Removal of a 27.5 square foot shed, a 52 square foot shed, a 28 square foot closet and a 57 square foot closet; 2) pool construction within the rear yard setback (40 feet required, 12 feet proposed); 3) a patio within the side yard setback (20 feet required, 13 feet proposed) and rear yard setback (40 feet required, 8 feet proposed); 4) pool equipment and pad within the east side yard setback (20 feet required, 16 feet proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed) and new steps to basement (20 feet required, 16 feet proposed); 6) demolition of the existing barn and construction of a 558 square foot 2-car garage with bike storage to the rear of the existing residence accessed by a ribbon driveway and a gravel turnaround; 7) creation of a 188 square foot finished basement, including a laundry room; 8) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 9) demolition of the existing rear section of the residence containing the kitchen and family room and construction of a new family room and kitchen with an 82 square foot breakfast nook addition; 10) conversion of 202 square feet of sun porch into a 136 square foot reading room; 11) a 100 square foot porch addition to the west elevation; 12) alterations to the exterior of the residence, including new windows at the basement, first story, second story and third story levels and the addition of a third story dormer at a height of 35 feet (30 feet permitted.)

Lot area	16,140 square feet
Present Floor Area Ratio	28.7%
Proposed Floor Area Ratio	28.7% (15% permitted)
Present Lot Coverage	20.1%
Proposed Lot Coverage	22.3% (15% permitted)

(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)

(Continued at the applicants' request.)

29. **Adjournment**  
The meeting was adjourned at 11:30 p.m.

David Zorensky, Mayor

ATTEST:

  
Laura Thomas, Town Clerk



**27. VARIANCE AND DESIGN REVIEW**

**Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 073-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Variance and design review to allow the following: 1) removal of a 27.5 square foot shed, a 52 square foot shed, 28.5 square feet of front steps, and 133 square feet of "patio/steps covered by eave"; 2) a new swimming pool within the rear yard setback (40 feet required, 9 feet proposed); 3) variance to allow a patio within the side yard setback (20 feet required, 12 feet proposed) and rear yard setback (40 feet required, 2 feet proposed); 4) pool equipment and pad within the side yard setback (20 feet required, 1 foot proposed) and rear yard setback (40 feet required, 17 feet proposed); 5) an outdoor fireplace within the rear yard setback (40 feet required, 1 foot proposed); 6) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed); 7) relocation of the existing barn within the side yard setback (6 feet proposed, 20 feet required) and rear yard setback (40 feet required, 4 feet proposed) and improved with a lower level work/play/bathroom with a front deck and 4 dormers added to create a new upper level office; 8) a fountain within the front yard setback (25 feet required, 9 feet proposed); 9) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 10) demolition of the existing rear section of the residence containing the kitchen and family room and construction of new family room and kitchen with a 115 square foot breakfast nook addition; 11) conversion of 67 square feet of enclosed porch within the front yard setback (25 feet required, 23 feet proposed) to open porch; 12) alterations to the second and third stories of the residence, including lowering the height by 2.5 feet and adding a dormer to the third story (2 stories permitted) at a height of 32 feet (30 feet permitted). An encroachment permit is requested to allow improvements within the Southwood Avenue right-of-way, including a bench, planting beds and picket fence and gates.**

Lot area	16,140 square feet
Present Floor Area Ratio	31.5%
Proposed Floor Area Ratio	31.5% (15% permitted)
Present Lot Coverage	20.1%
Proposed Lot Coverage	19.6% (15% permitted)

**(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)**

This matter was continued to the June 12, 2003 meeting because of the late hour.

**28. APPEAL OF A STAFF DETERMINATION, HILLSIDE LOT APPLICATION, DESIGN REVIEW AND HAZARD ZONE 3 AND 4 USE PERMIT**

**Joe Sherer, 200 Hillside Avenue, A.P. No. 73-291-20, 21 and 22, R-1:B-5A (Single Family Residence, Five acre minimum). The applicant has appealed the Planning Director's determination that the Council's March 14, 2002 project approval expired because a building permit was not secured and construction commenced within one year of the approval as required under Ross Municipal Code Section 18.39.060 and 18.41.130.**

**If the appeal is denied, the Council will consider a design review, hillside lot and hazard zone 3 and 4 use permit application to allow a 2-story residence with a 1,615 square foot lower level, a 3,020 square foot main level, including a 3-car garage, 158 square feet of deck area and a 400 square foot detached office. A 486 square foot upper level is proposed above the garage. A total of 5,679 square feet of floor area are proposed.\* 892 cubic yards of cut and 125 cubic yards of fill and retaining walls, primarily at the driveway, garage, pool and detached office, are proposed. A 33 foot by 12 foot swimming pool is proposed.**

**b. CONSTRUCTION COMPLETION EXTENSION.**

**Ben and Patty Shimek, 2 Canyon Road, AP. No. 072-092-06.**

**Building Permit No. 14991 and Upgrades. Issued: 01/12/02. Expires: 7/24/03. Request Extension to: 12/31/03.**

Council member Gray moved approval. Seconded by Council member Curtiss and passed unanimously.

**c. VARIANCE NO. 1474.**

**(This matter was removed from the Consent Agenda)**

**John and Lisa Martin, 73 Bolinas Avenue, A.P. No. 073-041-22, R-1 (Single Family Residence). Variance to allow after-the-fact approval for an air conditioner compressor located within 3 feet of the west side yard setback (15 feet required.)**

Mr. Scott Schaefer of 109 Bolinas said that he was representing the neighbors at 77 and 79 Bolinas Avenue. He was surprised that the compressor would be located just 3 feet from the property line and he was concerned that this would set a precedence because all the properties were so close together.

Council member Curtiss said that it was his understanding that the Council could permit them in setbacks if there was no neighborhood objection.

Mr. Broad said that this lot is 40 ft. wide and all development would be limited to a 10-foot wide strip down the middle of the lot in the absence of a side yard setback variance. He said that neighbors on both sides have signed off on the variance.

Mayor Zorensky said that the Council would not be setting a precedence because it deals with each variance on a case-by-case basis.

Council member Gray moved approval with the findings in the staff report and the following conditions:

1. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
2. The Town Council reserves the right to require additional landscape screening for up to two (2) years from project final.
3. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Council member Curtiss and passed unanimously



**18. VARIANCE AND DESIGN REVIEW.**

**Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 073-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum) to allow the following: 1) Removal of a 27.5 square foot shed and a 52 square foot shed; 2) pool construction within the rear yard setback (40 feet required, 10 feet proposed); 3) a patio within the side yard setback (20 feet required, 10 feet proposed) and rear yard setback (40 feet required, 5 feet proposed); 4) pool equipment and pad within the side yard setback (20 feet required, 16 feet proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed); 6) relocation of the existing barn within the rear yard setback (40 feet required, 4 feet proposed) and improved with a lower level work/play/bathroom with a front**

deck and a dormer added to create a new upper level office and skylights added; 7) a fountain within the front yard setback (25 feet required, 9 feet proposed); 8) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 9) demolition of the existing rear section of the residence containing the kitchen and family room and construction of new family room and kitchen with a 115 square foot breakfast nook addition; 10) conversion of 67 square feet of enclosed porch within the front yard setback (25 feet required, 23 feet proposed) to open porch; 11) alterations to the second and third stories of the residence, including lowering the height by 2.5 feet and adding a dormer to the third story (2 stories permitted) at a height of 32 feet (30 feet permitted). An encroachment permit is requested to allow improvements within the Southwood Avenue right-of-way, including a bench, planting beds and picket fence and gates.

Lot area	16,140 square feet
Present Floor Area Ratio (approx.)	30.5%
Proposed Floor Area Ratio (approx.)	31.1% (15% permitted)
Present Lot Coverage	20.1%
Proposed Lot Coverage	19.6% (15% permitted)

(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)

At the request of the applicant, this matter was continued.

19. **APPEAL OF STAFF DETERMINATION.**

Hillside lot, design review and hazard zone 3 and 4 use permit. Joe Sherer, 200 Hillside Avenue, 73-291-20, 21 and 22, R-1:B-5A (Single Family Residence, Five acre minimum). The applicant has appealed the Planning Director's determination that the Council's March 14, 2002 project approval expired because a building permit was not secured and construction commenced within one year of the approval as required under Ross Municipal Code Section 18.39.060 and 18.41.130. If the appeal is denied, the Council will consider a design review, hillside lot and hazard zone 3 and 4 use permit application to allow a 2-story residence with a 1,615 square foot lower level, a 3,020 square foot main level, including a 3-car garage, 158 square feet of deck area and a 400 square foot detached office. A 486 square foot upper level is proposed above the garage. A total of 5,679 square feet of floor area are proposed.\* 892 cubic yards of cut and 125 cubic yards of fill and retaining walls, primarily at the driveway, garage, pool and detached office, are proposed. A 33 foot by 12 foot swimming pool is proposed.

Lot area	173,804 square feet
Present Floor Area Ratio	0.0%
Proposed Floor Area Ratio	3.3% (15% permitted*)
Present Lot Coverage	0.0%
Proposed Lot Coverage	2.4% (15% permitted)

(\*The slope of this lot is 45%. The hillside lot ordinance recommends a maximum of 6,534 square feet of floor area

Planning Director, Gary Broad, said that the applicant appealed staff determination that the Council's March 14, 2002, project approval expired because a building permit was not secured and construction commenced within one year of the approval as required under Ross Municipal Code. Also Mr. Broad wrote to Mr. Sherer (March 27, 2003), advising him that because he did not obtain a building permit and commence construction, the Council's approval automatically lapsed after one year and a building permit could no longer be issued without a valid planning approval. Mr. Broad said that based on these issues, the Council should deny the appeal and then consider the hillside lot application.

Council member Byrnes said that he was not on the Council when this matter was approved. He noted a letter from Scot Hunter suggesting the Council

13. No changes from the approved plans shall be permitted without prior approval of the Planning Director. Red-lined plans showing any proposed changes shall be submitted to the Planning Director prior to the issuance of any building permits.
14. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
15. This project shall comply with the following recommendations to the satisfaction of the Department of Public Safety: 1.) Sprinklers are required; 2.) All brush impinging on the access roadway must be cleared; 3.) A street number must be posted (minimum 4 inches on contrasting background; 4.) A Knox Lock box must be installed; 5.) All dead or dying flammable materials must be cleared and removed as per Ross Municipal Code Chapter 12.12; and 6.) A 24 hour monitored alarm must be installed.
16. The project owners and contractors shall be responsible for maintaining town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
17. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Planning Department prior to project final.
18. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Council member Gray and passed unanimously.

 21. **VARIANCE AND DESIGN REVIEW.**

**Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum) to allow the following:**

- 1) Removal of a 27.5 square foot shed, a 52 square foot shed, a 28 square foot closet and a 57 square foot closet; 2) pool construction within the rear yard setback (40 feet required, 12 feet proposed); 3) a patio within the side yard setback (20 feet required, 13 feet proposed) and rear yard setback (40 feet required, 8 feet proposed); 4) pool equipment and pad within the east side yard setback (20 feet required, 16 feet proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed) and new steps to basement (20 feet required, 16 feet proposed); 6) relocation of the existing barn plus a 29 square foot addition within the rear yard setback (40 feet required, 6 feet proposed) and within the west side yard setback (20 feet required, 10 feet proposed) with the lower level for a 2-car garage/bathroom/storage with a front dormer added for an upper level office, adding 197 square feet of floor area; 7) addition of a ribbon driveway to access the proposed rear barn/garage; 8) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 9) demolition of the existing rear section of the residence containing the kitchen and family room and construction of a new family room and kitchen with an 82 square foot breakfast nook addition; 10) conversion of 202 square feet of

**sun porch within the front yard setback (25 feet required, 23 feet proposed) to open porch; 11) alterations to the exterior of the residence, including new windows at the basement, first story, second story and third story levels and the addition of a third story dormer at a height of 35 feet (30 feet permitted.)**

<b>Lot area</b>	<b>16,140 square feet</b>
<b>Present Floor Area Ratio</b>	<b>28.7%</b>
<b>Proposed Floor Area Ratio</b>	<b>28.2% (15% permitted)</b>
<b>Present Lot Coverage</b>	<b>20.1%</b>
<b>Proposed Lot Coverage</b>	<b>22.0% (15% permitted)</b>

**(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)**

COUNCIL MEMBER CURTISS STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.

Planning Director, Gary Broad, said that at the July meeting, the Council had a number of concerns and there are almost a dozen different areas where the applicant has requested a variance and design review approval. He said that they are all outlined in his staff report dated September 5, 2003. Mr. Broad then reviewed some of the requests. He said that the Council requested covered parking on the site. The applicants have modified the barn to turn 90 degrees from the current location with an upstairs home office; however, a letter of concern was received from the neighbors on the north side. He suggested several alternatives, including building a one-story garage with only a 10 foot setback. Mr. Broad said that this would not require a variance. Council member Gray asked if the basement could be lowered to lower the overall height of the structure.

Mr. Broad said that in the first submittal, the applicant said they would lower the residence by three feet but this application did not propose that change.

Mr. Ayscue said that this was not discussed at the last hearing and they only addressed the concerns heard at the last meeting; i.e., lowered the height of the family room; lowered the height of the chimney; moved the pool and patio back from the property line; removed the dormer on the third floor and removed the fence in the right-of-way.

He said that the barn has been in its present location for 100 years and was there before any houses were built. Mr. Ayscue said that the Council permitted living space above the garage last month because it was the best location on the site. He added that the dormer window in the bathroom is needed to create head height.

Doctor Elizabeth Robbins' attorney said that they are not objecting to the structure but rather to the reorientation and turning it into living space.

Mr. David DeRuff of 4 Southwood felt that the applicants had responded to the Council and to the neighbors. He said that sometimes it is impossible to satisfy everyone and there would be no visual impact from his property or from the property he rents.

Ms. Marta Osterloh of Hillgirt Drive felt it would be too much bulk/mass on the property line. She said that this house is already so tall and to make it any taller would be detrimental to the back yard of her house because of the lack of light. She provided plans that she had marked in yellow to show the proposed mass. She said that to allow any further mass/bulk seemed impossible to justify and it was not necessary to the enjoyment of the property. She felt that the new chimney was unnecessary because there are already three chimneys in the house and it would be in her sight line in the back yard. Ms. Osterloh said that the previous owner said that the foundation needed fixing and, if that were the case, the Council has in the past requested that the applicant move the house off the property line.

Mr. Tony Curtiss of Hillgirt Drive said that the applicants say they are reducing but what are they reducing? It is the same proposal as the one submitted two months ago. The neighbors are looking up at a three-story home. There is little

sunlight in the neighbor's yard so why should it be aggravated more than one square inch? He felt there was no justification in allowing the requests.

Dr. Elizabeth Robbins said that Mr. Ayscue said that the facade of the barn would be essentially the same; however, the facade that currently faces her property does not have windows and doors so she disagreed that it would not change. She did not want windows looking down into her yard.

Ms. Lanphier of 8 Southwood said she agreed with Mr. DeRuff. She felt that the applicants had been very responsive to the Council's requests. She said that this property has been in front of the Council many times and felt that these owners could do something positive and stay in the neighborhood. She was concerned about the relocation of the barn as it would have an impact on her property and had strong concerns about the second story being used as living space with a bathroom.

Mr. Richard Hall of 9 Norwood was concerned about more living space close to the property line.

Mayor Zorensky asked if they were constructing a new foundation and Mr Ayscue responded that they were. The Mayor said that the structure could then be moved.

Council member Curtiss said that it would not cost more to move the house.

Council member Gray said that this house has been before the Council many times. He said that the barn should not have living space. He suggested that they build a garage with a sympathetic design that gets the least objection from the neighbors who are affected.

Council member Barr asked if there were any objections to leaving the garage where it is and that it be remodeled to accommodate a car, satisfying the covered parking issue?

Mrs. Mahoney said that the Council approved a garage with living space last month.

Mayor Zorensky responded that the Council could make findings to approve the neighbor's garage/living space because of the terrain and there was no impact on the neighbors. Also, they did not exceed the allowable 15% FAR. Mayor Zorensky said that this proposal is already at 28% FAR and they are asking for further nonconformities. He added that if the garage were not in the setback, then the Council could consider it differently.

Council member Byrnes said that the advantage to not having more living space above the garage, is that they could have a 10 foot setback and they would not need a variance. He suggested that they put the two-car garage in front of the elm tree, eliminate the living space over the garage, reduce mass of the building on site and lower the structure. He did not feel that the barn had architectural merit. Further, he did not support the additional chimney, since they have three existing and asked for a redesign of the roof form without the chimney.

Council member Gray offered the following suggestions: the family room should not have a chimney, the house be moved and centered more on the property, and that they reduce the overall height.

Mr. Ayscue said that the basement is used for storage.

Ms. Mahoney said that that centering the house would take up too much of their yard.

After further discussion, the matter was continued.

#### COUNCIL MEMBER CURTISS RETURNED TO THE COUNCIL CHAMBERS

#### 22. DESIGN REVIEW. <sup># 344</sup> ~~377~~

Jeff Paster, 150 Lagunitas Road, A.P. No. 73-201-08, R-1:B-A (Single Family Residence, 1 Acre Minimum). Design review to allow: 1.) alterations to the exterior of the existing residence to include the addition of shingle siding and new wood windows; 2.) reconstruction of the existing roofline including alteration of the pitch and reduction of the eaves at their exterior edges; 3.) enclosure of the existing carport to create a three-car garage, bathroom, and office; 4.) additions to the first story of the residence including an enlarged entry, bathroom, and family room bay window totaling 151 square feet of new floor area; 5.) alterations and additions to the second story of the residence including a bathroom, master bedroom, and walk-in closet totaling 108 square feet of new space; 6.) additions to the existing pool house



- c) all dead or dying flammable materials shall be removed and cleared per Ross municipal Code Chapter 12.12; and d) all .
- 9. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee, including the project landscape designer. Prior to the issuance of a building permit or fence construction, the owner or contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
- 10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Council member Gray who added that the landscaping has to obscure the stone wall. Mayor Pro Tempore Barr called for a vote and the motion passed with three affirmative votes. Mayor Zorensky had stepped down and Council member Curtiss was absent.

MAYOR ZORENSKY RETURNED TO THE COUNCIL CHAMBERS.

25. **VARIANCE AND DESIGN REVIEW.**

**Kathleen Mahoney and Ozzie Ayscue, 6 Southwood Avenue, A.P. No. 073-151-20, R-1-B- 20 (Single Family Residence, 20,000 square foot minimum) to allow the following: 1) Removal of a 27.5 square foot shed, a 52 square foot shed, a 28 square foot closet and a 57 square foot closet; 2) pool construction within the rear yard setback (40 feet required, 10 feet proposed); 3) a patio within the side yard setback (20 feet required, 13 feet proposed) and rear yard setback (40 feet required, 5 feet proposed); 4) pool equipment and pad within the side yard setback (20 feet required, 16 feet proposed); 5) stone steps and stoop within the east side yard setback (20 feet required, 14 feet proposed); 6) relocation of the existing barn within the rear yard setback (40 feet required, 4 feet proposed) with a lower level work/play/bathroom with a front deck and a dormer added to create a new upper level office with skylights, adding 211 square feet of floor area; 7) new front steps and pilasters within the front yard setback (25 feet required, 17 feet proposed); 8) demolition of the existing rear section of the residence containing the kitchen and family room and construction of a new family room and kitchen with a 115 square foot breakfast nook addition; 9) conversion of 202 square feet of sun porch within the front yard setback (25 feet required, 23 feet proposed) to open porch; 10) alterations to the second and third stories of the residence, including adding a dormer to the third story (2 stories permitted) at a height of 34 feet (30 feet permitted). An encroachment permit is requested to allow improvements within the Southwood Avenue right-of-way, including a bench, planting beds and picket fence and gates.**

Lot area	16,140 square feet
Present Floor Area Ratio (approx.)	28.7%
Proposed Floor Area Ratio (approx.)	28.7% (15% permitted)
Present Lot Coverage	20.1%
Proposed Lot Coverage	22.5% (15% permitted)

**(The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and pool are nonconforming in rear yard setbacks. The property is nonconforming in covered parking—two covered spaces required, none provided.)**

Mr. Broad said that this matter was continued without Council discussion last month at the applicants' request. Modifications have been made from the original submittals and this is the third staff report in which staff continued to express concerns about failure to provide covered parking which is something the Council wanted to see in its review of the previous owners' application. Further concerns were developing the barn for living space within the rear yard setback, adding improvements within the right-of-way, adding a new third story dormer above the 30-foot height limit and constructing a pool 10 feet off the rear property line with a patio within 5 feet of the rear property line when 40 feet are required. Mr. Broad said that the applicants proposed to convert the existing enclosed sunroom back into a porch which he felt would enhance the appearance of the residence. Mr. Broad said that one of the reasons the Council chose to eliminate decks and porches from FAR was to end the trade-off of these spaces for living space. However, staff was concerned about allowing grossly nonconforming properties additional FAR for converting living space into partially open porches.

Mr. Wendy Posard, architect, said that when they approached the project, it was their wish to bring it back to its historical character. They pulled back the gate and fence and proposed planting in front. She felt they had ample off-street parking and the proposed pool would be pushed back further than the existing. She said that the porch is used as living space and they were not asking for an increase in the FAR.

Mayor Zorensky said that they were not adding additional FAR but they were trading interior space.

Ms. Posard responded that they were taking interior space and adding it to the rear of the property.

Mayor Zorensky said the house is nonconforming and already has a lot of mass/bulk and there should be covered parking.

Council member Gray said that he had given the property much thought since it has been before the Council four or five times. He said that he supported houses reflecting their historic origin and he suggested that the barn be turned into a garage and the lean-to removed. He felt that the house could be lowered by three feet.

Mr. Ayscue said that turning the barn into a garage would require demolition and they liked the barn and proposed to use it as a pool cabana.

Council member Gray said that the plans are too big and should be downsized, the covered parking issue addressed and the number of variances reduced.

Mayor Zorensky said he understood that the applicants thought that with no increase in the FAR, they could manipulate what they had but he objected to the new dormer 40 feet from the ground. He said that the burden is on the applicant to justify all the variances they are requesting.

Council member Byrnes offered direction: provide covered parking, the two-story barn could become a one-story garage; the dormer cannot look into an neighbor's yard; no planting is permitted in the right-of-way; the pool and equipment be moved further from the property line; the patio be more than 5 ft. from property line. He did not feel that the existing story poles were helpful.

Council member Barr said that she did not have a problem with the pool.

Mr. David DeRuff of Southwood Avenue said that the proposed wrap-around porch was beautiful. He felt that there was not enough change in the height to make a difference but the result was a beautiful building. He felt that replacing the pool was a safety issue for the children.

Ms. Marta Osterloh of Hillgirt Drive said that alot is being added to the elevation. She said that the addition to the house is almost as wide as the Council Chambers and she expressed concern over light from all the windows.

Ms. Partlow said that she lives directly across the street and was happy with the design and the applicants. She hoped everything went well for them.

Mr. John O'Connor, attorney, spoke on behalf of Dr. Elizabeth Robbins. He said that they objected to the plans.

Mayor Zorensky said the Council would like them to reduce the size of the house and provide covered parking.

Council member Byrnes moved that the matter be continued based on discussion at this meeting, seconded by Council member Gray and passed unanimously.

November 8, 2001

12. Any portable chemical toilets shall be placed off the street and out of public view. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Council member Delanty Brown and passed unanimously.

- X
31. **DEMOLITION PERMIT, VARIANCE AND DESIGN REVIEW.**  
**Angela McCoy and Bill Bachman, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Demolition permit to allow the demolition of 966 square feet of existing residence, including sunrooms, family room and laundry. Additional demolition of damaged walls will occur as necessary and reconstructed as they currently exist. The existing 564 square foot carriage house, two sheds, balconies, decks, patios and steps will be removed. Variance and design review approval to allow the following: 1.) construction of a 625 square foot garage with a 625 square foot upper story and a 220 square foot breezeway within the west side yard setback (25 feet required, 5 feet proposed; 2.) enclosure of the front entry as a 105 square foot sunroom; 2.) construction of a 64 square foot entry porch on the west elevation; 3.) construction of a new family room, kitchen and laundry room; and 4.) construction of two second-story bathrooms totaling 298 square feet within the east side yard setback (19.5 feet proposed, 20 feet required.) The swimming pool will be removed and a new pool constructed.**

Lot Area	16,140 sq. ft.
Present Lot Coverage	20.1%
Proposed Lot Coverage	18.9% (15% permitted)
Present Floor Area Ratio	31.5%
Proposed Floor Area Ratio	35.0% (15% permitted)

The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and existing pool are nonconforming in rear yard setback.

**COUNCIL MEMBER CURTISS STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.**

Mr. Broad, the Town Planner, said that at the last meeting, The Council discussed a number of alternatives to the submitted application, including removing the existing carriage house and providing covered parking. The current plans show a two-story garage structure with a level of living space above the parking level and a 220 square foot breezeway to connect the garage to the residence. Mr. Broad said that the property already has twice the amount of development permitted under the zoning ordinance and there is no special circumstance that would permit the FAR to be further increased. Because of the design and the inability to make the necessary findings, staff recommended that the application be denied.

November 8, 2001

Mayor Hart asked the Town Planner to go over the Council direction from the last meeting and Mr. Broad said the Council wanted a plan that would remedy the nonconforming parking situation but no discussion was made that it be a two-storey with additional living. Council also discussed that the addition off the rear second storey was too large and bulky.

Council member Gray said that the applicant has two options: one is to fix the foundation, electrical, plumbing, paint the house and sell it; two, is to build a garage out of the setback without living space and not increase the existing FAR.

Ms. McCoy asked for clearer direction from the Council.

Council member Curtiss speaking from the audience said that staff gave a succinct report and felt that the applicant should follow the recommendation that no additional construction be done on the east side. He said that the applicant changes the plans at the meeting and the proposed plans increased the mass considerably and it is new mass/bulk which, he said, is not acceptable.

Ms. Marta Osterloh of Southwood Avenue said that Ms. McCoy asked her what she could do and Ms. Osterloh said that if she did the addition on the west side she would not object but she could not know the full impact without first seeing the plans. She said that the plans as shown would block light and air from her mother's property.

Ms. Cameron Lanphier of Southwood Avenue said that the proposal to put a garage in the setback is inappropriate and there is nothing in the existing setback. She objected to the increased FAR and she said that she had a problem with an applicant changing the design after the neighbors had seen the plans. She urged the Council not to approve the plans.

Ms. Lanphier complained that the property is not being maintained.

Dr. Elizabeth Robbins said that she is the neighbor to the north and said that the biggest change is the living space above the garage. She said that the current barn is tall but it is not a living area and she did not mind having an old barn against her property but a new structure would have a completely new feel.

Council member Zorensky felt that the plans should be denied without prejudice because the Council could not continue to design the project on the spot. This was seconded by Councilwoman Delanty Brown. Mayor Hart said that this is the third hearing on this application and the Council gave some very clear direction at the last meeting; however, the recent submittal did not necessarily comply with that guidance and the Council cannot engage in a design-as-you-go project and no one has had a chance to look at the new plans. Council member Gray moved denial of the project based on the staff report and discussion, seconded by Council member Zorensky and passed with four affirmative votes. Council member Curtiss had stepped down.

**COUNCIL MEMBER CURTISS RETURNED TO THE COUNCIL CHAMBERS.**

**32. DEMOLITION PERMIT.**

**Susan and Tom Reinhart, 21 Fernhill Avenue, A.P. No. 73-091-37, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Demolition permit to allow the demolition of an existing 3,040 square foot residence and 687 square foot garage. The existing driveway and hardscape will be removed and additional screen plantings and lawn provided.**

11-8-01

<b>Lot Area</b>	<b>27,802 sq. ft.</b>
<b>Present Lot Coverage</b>	<b>13.3%</b>
<b>Proposed Lot Coverage</b>	<b>0.0% (15% permitted)</b>
<b>Present Floor Area Ratio</b>	<b>13.8%</b>
<b>Proposed Floor Area Ratio</b>	<b>0.0% (15% permitted)</b>

Town Planner, Mr. Broad, explained that the applicants proposed to demolish the existing residence and garage. The existing driveway and hardscape will be removed and additional

October 11, 2001

27.

**DEMOLITION PERMIT, VARIANCE AND DESIGN REVIEW.** Angela McCoy and Bill Bachman, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Demolition permit to allow the demolition of 966 square feet of existing residence, including sunrooms, family room and laundry. Additional demolition of damaged walls will occur as necessary and they will be reconstructed as they currently exist. The demolition of two sheds, balconies, decks, patios and steps is proposed. Variance and design review approval to allow the following: 1.) enclosure of the front entry as a 105 square foot sunroom; 2.) construction of a 64 square foot entry porch on the west elevation; 3.) construction of a new family room, kitchen and laundry room within the east side yard setback (19.5 feet proposed, 20 feet required); and 4.) construction of two second-story bathrooms totaling 298 square feet within the east side yard setback (19.5 feet proposed, 20 feet required.) The swimming pool will be removed and a new pool constructed.

Lot Area	16,140 sq. ft.
Present Lot Coverage	20.1%
Proposed Lot Coverage	17.2% (15% permitted)
Present Floor Area Ratio	31.5%
Proposed Floor Area Ratio	29.4% (15% permitted)

The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and existing pool are nonconforming in rear yard setback.

**COUNCIL MEMBER CURTISS STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.**

Mr. Broad said that the Council at the last hearing expressed concern both with the FAR and design of the project. The applicant submitted a reduced scale addition to the rear of the property. Mr. Broad said that while the project was scaled back, the design does increase bulk/mass to the property to the east. Mrs. McCoy showed the plans. She offered to lower the roof line and move the structure over one foot from east to west so that it would no longer be in the setback on the Osterloh side. She said that she tried to accommodate the Council's request.

In summary, Council member Gray said that the building would be out of the setback on the east side, the front steps would be removed and the front of the house would no longer be in the setback.

Mayor Hart questioned why the garage was deleted.

Councilwoman Delanty Brown said that it was her understanding that there would be no swimming pool and Ms. McCoy said that she was concerned about the cost of the project and they would probably fill in the pool. She said that the home needs electrical and plumbing work and has termites and that her insurance has been cancelled twice.

Mr. Bachman, Ms. McCoy's husband said that in the original proposal the garage was further forward and they placed storey poles indicating a more favorable position.

Ms. Marta Osterloh said that her mother lives on the east side. She did not feel that the current storey poles were appreciably different than the storey poles put up two months ago. Ms. Osterloh said that the storey poles are distressing to her mother and the project would wall-in her entire back yard and the mass/bulk ruin the quiet enjoyment of her back yard.

Mr. Curtiss, speaking from the audience, said that the setback issue is a red herring. The issue is bulk/mass and if it is moved six inches or one foot, there will still be bulk/mass. He commended Ms. McCoy for wanting to improve the property. He said that the family room was built in the 50's without permits and Ms. Julie Osterloh did not oppose it at that time because it was a low building. However now they want to pitch up the roof to add footage inside the family room.

October 11, 2001

Mr. David DeRuff who lives across the street said that none of the changes are visible to his property. He said it is difficult to design a house when the thoughts of the community and the Council are moving and asked that the Council do its best to give clear concrete advice so the applicants can work to that goal.

Mr. Bachman said that they were willing to change the design but needed more concrete direction and asked for specific guidelines.

Council member Gray said that the house is in need of repair. He said that anyone buying the house is going to want a garage.

Council member Zorensky shared Council member Gray's concerns about a garage. He said that the Council did not intend for the applicant to eliminate it - the Town has mandates that require a garage. He was concerned about mass/bulk on the east. He reminded the applicants that the Council is not in the business of designing houses. Councilwoman Delanty Brown thought that maybe the house should be demolished and replaced with a two-storey house.

Council member Gray felt it would be better to build a new house. But given the present house, he said he would support the reduction of the roof by one foot, that the outline of the house be no greater than that presented and that the front area of the house be softened to present a more street-friendly approach, that a garage be part of the plan and that it be constructed according to the design review ordinance and that the barn be demolished.

Also, that the applicant submit a clearer set of drawings.

Council member Zorensky said he would require a better drawing in order to make a decision. He was concerned about mass/bulk to the east and asked for another alternative. Councilwoman Delanty Brown favored demolishing the house and replacing it with a two storey house and a garage. She did not oppose the side entrance.

Mr. Curtiss questioned how the Council could justify one more foot on the roof when it is already too large. He said that if the structure could be moved back one foot, why could it not be moved to the middle of the lot?

After further discussion, Council member Gray moved that the matter be continued, seconded by Councilwoman Delanty Brown and passed unanimously.

#### **COUNCIL MEMBER CURTISS RETURNED TO THE COUNCIL CHAMBERS**

##### **28. VARIANCE.**

**Robert Rothman and Alyssa Taubman, 23 Garden Road, A.P. No. 72-154-02, R-1:B-10 (Single Family Residence, 10,000 square foot minimum). Variance to allow after-the-fact approval for the installation of a replacement exhaust fan mounted to a ledge on the residence's east wall. The fan is located approximately 9 feet from the east property line (15 feet required.)**

Ms. Taubman said that since the June Council meeting she spoke with six mechanical engineers and each one said that this is not the type of work they do and they all directed her to an acoustic engineer. She then spoke to six acoustical engineers who did not want to touch any project this small. She said that she investigated several ways to appease her neighbors. She said that Michael Stocker, an acoustic engineer, did an informal measurement.

Council member Gray said that he went over to Ms. Taubman's house and turned on the fans and found that at the first setting you hear nothing.

Ms. Taubman said that the only time she would use the high setting, is when food might be badly burned. She said that the fan cannot be vented under the house. She said that it is a different configuration in the exact same location as the previous fan.

Mr. Bill Nicholson the adjoining neighbor said that the crux of the problem is that the houses are large and very close to each other and special care has to be taken so that one's actions does not damage the neighborhood for the convenience of oneself.

Council member Gray asked if the fan vent had always existed.

Mr. Nicholson responded that it went through the roof when it was a one storey house.

July 12, 2001

- 11. The applicants and/or owners shall defend, indemnify and hold the Town harmless along with its boards, commissions, agents, officers, employees and consultants from any claim, action or proceeding against the Town, its boards, commissions, agents, officers, employees and consultants attacking or seeking to set aside, declare void or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

This was seconded by Councilmember Curtiss and passed unanimously

Mayor Hart cautioned the applicant that any changes to the approved plans must be brought back to staff.



23. DEMOLITION PERMIT, VARIANCE AND DESIGN REVIEW.

Angela McCoy and Bill Bachman, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 square foot minimum). Demolition permit to allow the demolition of an existing 564 square foot carriage house and 966 square feet of existing residence, including a sunroom, family room and laundry. The demolition of two sheds, balconies, decks, patios and steps is proposed. Variance and design review approval to allow the following: 1.) construction of a new 2-car, 520 square foot garage within the west side yard setback (11 feet proposed, 20 feet required); 2.) construction of a new entry porch, family room, mudroom and butler's pantry within the east side yard setback (19.5 feet proposed, 20 feet required); and 3.) construction of second story bedroom/bathrooms/closet addition within the side yard setback (19.5 feet proposed, 20 feet required.) The front entry will be enclosed as a sunroom. The swimming pool will be removed and a new pool constructed.

Lot Area	16,140 sq. ft.
Existing Lot Coverage	20.1%
Proposed Lot Coverage	16.6% (15% permitted)
Existing Floor Area Ratio	31.5%
Proposed Floor Area Ratio	31.5% (15% permitted)

The existing residence is nonconforming in front and side yard setback, height, stories and covered parking. The existing barn/carriage house and existing pool are nonconforming in rear yard setback.

**COUNCILMEMBER CURTISS STEPPED DOWN FROM THE COUNCIL CHAMBERS AND TOOK A SEAT IN THE AUDIENCE.**

Mr. Broad said that Town ordinances require that the Council find that a proposed demolition will not remove a structure of unique architectural, cultural, aesthetic or historic value. Staff did not feel that removal of the family and laundry rooms would adversely impact the property since they are a more-recent addition to the original structure. He did not know if there was any historical value to the sunroom and carriage house. If the Council was concerned about removal of either of the structures, an historic architect could be retained. Mr. Broad referred to his staff report concerning FAR, bulk/mass as viewed from surrounding properties, relationship to other properties and consistency with existing structure. The Council has strongly sought to have garages minimized and the proposed garage is located at the 25 foot setback and a two-story addition to the rear of an already three-story home.

July 12, 2001

Ms. McCoy said that this is a three-story home and two additions were made about 40 - 50 years ago. She explained the plans, adding that she was open to suggestions and was willing to make it smaller and landscape wherever the Council felt it was needed.

In response to a question by Councilmember Zorensky, Ms. McCoy said that her first choice would be to have the garage behind the magnolia tree but the neighbor might be concerned about the noise.

Ms. Marta Osterloh of 7 Hillgirt spoke on behalf of her mother who lives next door. She said that her mother is concerned about bulk and about making the home into a five or six bedroom house when the house is already very large for the neighborhood. It has more house space for the size of the lot than any other house and it is also taller and will tremendously impact her mother's house. She said that there is a portion of the yard where the house already has a great impact on her mother's home. They never used that area, even as children, because Ms. McCoy's house blocks the sun, light and air. The proposed plans would block the light and air further down the property and also impact the privacy of that portion of the yard that is left. Ms. Osterloh said that it is difficult to appreciate the impact from the storey poles and there was nothing to show how the walls would block the light and air. This would change the nature of the property and enjoyment of her mother's back yard. She said she did not believe that the shed addition went through Council approval and her parents did not object because it is something you can barely see. She said that her parents good graces of not previously objecting would now be punished with another structure. She questioned if tearing down a brick patio and putting mass/bulk on her mother's side seemed logical. She did not feel that the proposed plans represented a good exchange or good use of manipulating the numbers. She said that she always heard that the house was the oldest in town and was told that the house came from Winship Park. She felt that alternate plans should be submitted that did not impact the neighbors and she asked that this variance not be granted.

Dr. Elizabeth Hauser of 7 Norwood said that she did not want to be disrespectful of history, but she felt that the carriage house was dilapidated and probably a fire trap. She did not see it as a beautiful historic structure but rather a relic that needs to be removed. She said that everyone has parked their cars in the front of the property and a garage would be better than looking at parked cars. The house needs work and she would not be opposed to a second storey addition if it were more modest in size.

Mayor Hart asked Doctor Hauser that if the applicants could get as much bulk as possible away from her property, would she then agree to the plans?

Doctor Hauser said that they are used to the barn and it was there when they moved in.

Former Mayor Fleming of 5 Hillgirt said that she cannot see the house but she was interested in hearing the comments on privacy and screening. Ms. Fleming lives behind a house that Ms. McCoy remodeled and the current house has greatly affected her privacy because the landscaping is minimal and she has had to do most of it. She thought that keeping the same FAR is acceptable and suggested that the zoning ordinance should be reviewed.

Mr. William "Tony" Curtiss spoke from the audience and said that he would welcome an historical architect to look at the plans and Ms. McCoy could use her skills and get pictures of how it used to be and restore it. He felt that the carriage house has merit. He suggested putting a bedroom in the barn rather than piling FAR on top of a three-storey house.

Councilmember Zorensky said that he and Councilmember Delanty Brown discussed this with the applicant. He agreed with the staff report in that Council should restrict traded floor area to a meaningful exchange. He was troubled by the garage location and felt that the applicant could come up with a plan that is historic. He added that he would consider living space as part of the garage construction.

Councilwoman Delanty Brown said that in her discussion with Ms. McCoy, she felt that Ms. McCoy was in favor of having living space above the garage and she was surprised to hear that this was now not the case. After viewing the area from the Osterloh property, she could understand the concern about bulk/mass and felt it would be a tremendous invasion. She suggested lowering the roof line and said that new plans should be submitted.



July 12, 2001

Mayor Hart hesitated to retain an historical architect but felt that the character of the house needs to be maintained. He said that the bulk/mass has to be addressed. He asked that the new plans include the residence, garage and proposed landscaping as related to the neighbors.

Ms. McCoy said she has attended a lot of Town Council meetings and has never heard that anyone was required to retain an historical architect. She said that she would have consulted one earlier if she had been told. She said that the plumbing leaks and there are termites. She has been told not to restore the house but rather to demolish it and build a two-storey home. Moving the garage closer to the Lanphier house would not be feasible because they have two ginkgo trees that are messy and hang over her property.

In response to a question by Ms. McCoy, Mr. Broad said that changing the roof line on the family room would require a variance.

Mr. Curtiss said that if Ms. McCoy did not like the roof line, she should take off the back family room because anything else would add bulk.

Mayor Hart said that the Council has given the applicant guidelines; i.e., location of garage, reduction in bulk/mass and stressed that it is very important to work with the neighbors. The Council did not feel that it was necessary to hire an historic architect. The applicant was instructed to not add more than 1046 square feet.

Councilwoman Delanty Brown moved to continue the matter, seconded by Councilmember Zorensky and passed unanimously.

24. **VARIANCE AND USE PERMIT.** #1287  
**Jennifer and Brian Maxwell, 47 Laurel Grove Avenue, A.P. No. 72-181-12, R-1:B-A (Single Family Residence, One acre minimum). Variance to allow a 53 square foot addition to the existing lower level extending within the south side yard setback as measured from the roadway easement serving the adjacent parcel (25 feet required, 19 feet proposed.) A use permit is requested to allow this existing "servants' quarters" and the proposed 53 square foot expansion to be used as a second unit.**

Lot Area	135,036 sq. ft.
Proposed Lot Coverage	4.7%
Proposed Lot Coverage	4.8% (15% permitted)
Existing Floor Area Ratio	6.0%
Proposed Floor Area Ratio	6.0% (15% permitted)

**The existing residence is nonconforming in setback from the access easement.**

There being no comments from the audience, Councilwoman Delanty Brown moved approval with the findings in the staff report and the following conditions:

1. All dead or dying flammable material per Ross Municipal Code Chapter 12.12 shall be cleared and removed from the property. A local alarm is required.
2. The Town Council reserves the right to require landscape screening for up to two years from project final.
3. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. Lighting shall be shielded and directed downward.
4. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner prior to the issuance of any building permits.
5. Use of this space as a second unit shall be in compliance with zoning ordinance section 18.42.040 requirements.
6. The project owners and contractors shall be responsible for maintaining Town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.

- 10. Public Hearing for Rate Increase - Yellow Cab Company.  
 Mr. Robert C. Jennings requested the following rate increases in taxi cab fares in Ross:  
     .70¢ first 1/6 mile.  
     .10¢ each additional 1/7 mile  
     Waiting time - no change (\$2.00 1/4 mile)  
 There were no objections from anyone in the audience.

Resolution No. 957.  
Modifying Taxicab Rates.  
 On motion by Mr. Jones, seconded by Mr. Chase, Resolution No. 957 was unanimously adopted.

- 11. Introduction of Ordinance No. 346.  
Amending, and Adding Various Sections to, The Ross Municipal Code Relating to Distribution of Literature on Public and Private Property.  
 By unanimous vote of the Council, Ordinance No. 346 was introduced by reading the title only and passed for first reading by the following vote: ayes - Allen, Jones, Chase, Osterloh, Maginis.

Mr. Elliott reported that Mr. Strong plans to attend the August meeting.

- 12. Commercial Use of Thomson Tennis Court by Mr. and Mrs. Chavez.

7-18-74

The Clerk reported that a certified letter was sent to Mr. and Mrs. Chavez on June 19th advising them of the illegal use of the tennis court and directing them to appear at the July meeting to show cause if the uses had not ceased. A letter was received on July 17th from Mrs. Chavez, stating they would be on vacation until July 29th. On motion by Mr. Jones, seconded by Mr. Maginis and unanimously passed, Mr. Elliott was directed to send Notice to Abate Nuisance to Mr. and Mrs. Chavez and Willa K. Thomson, owner of the property.

\*

- 13. Request from Joseph A. Filippelli for Extension of Variance and Use Permit.  
 Mr. Maginis moved that the variance and use permit issued to Mr. Filippelli on August 9, 1973 be extended for six months. Mr. Chase seconded the motion, which passed by a four to one vote, Mr. Jones dissenting.

- 14. Adoption of Ordinance No. 344.  
Amending Section 5.04.070(15) of the Ross Municipal Code Relating to Business License Fees.  
 On motion by Mr. Chase, seconded by Mr. Jones, Ordinance No. 344 was unanimously adopted.

X  
8-9-73  
13. Use Permit No. 37 Joseph Filippelli, 28 Southwood Ave. (73-151-20) 20,000 sq. ft. zone.

Use of detached barn as guest cottage or servant's quarters. Barn is located 3' from rear property line.

Mr. Filippelli explained the need for using the barn as living quarters for his mother-in-law, who is ill. He said no kitchen facilities are planned.

Mr. Jones said he favored granting the use permit, with a conditional yearly review.

Mr. Chase moved granting the use permit, subject to the following conditions:

1. Building to meet all building standards, acceptable to the Town building inspector.
2. No kitchen facilities to be installed.
3. Use permit to terminate upon sale of property.

Mrs. Osterloh seconded the motion, which passed by a vote of four to one, Mr. Jones dissenting.

14. Preliminary Hearing on 1973-74 Budget.

Councilman Chase presented the 1973-74 tentative budget totaling \$256,620. The breakdown listed \$166,436 for general government, \$39,593 for parks and boulevards, \$13,932 for retirement, \$26,395 for drains and flood control, \$9,238 Workman's Compensation and Health benefits and \$1,026 for planning. The major increase is to cover salary increases, granted to all Town employees. The new tax rate is \$1.75, 8% lower than last year.

Mr. Chase moved approval of the tentative budget, subject to final approval on August 16th, after receipt of state-assessed utility roll. Mr.

Maginis seconded the motion, which was unanimously passed.

15. Other Business.

1. Requested the Town Attorney to study San Anselmo's ordinance regarding building inspections for residential building records.

2. Decided not to extend the fence on the Ross Common.

3. Allen, Chase and Maginis agreed to approve two soccer fields for one year only, Jones and Osterloh opposing.

4. Heard from Tom Guerin that he is the Ross School Board representative to the Ross Town Council.

5. Agreed that the next Federal Revenue Sharing payment will be used toward purchase of the Hamer property for recreational use.

6. Heard that the Ross Volunteer Fire Dept. netted \$1,817.75 on July 4th for their Welfare Fund.

has been vacated and will only be rented to a single family. He assured the Council that future tenants will conform to the Town's zoning ordinances.

12. Variances.

Laurence B. and Susan S. Higbie, Upper Ames (73-291-02)  
Acre Zone.

Request to allow ten foot fence for tennis court 10' from sideline (25' required) 30' from rear line (40' required)

Mr. Leonard V. Martin stated his objections to having a fence closer to his property than that allowed for acre zoning and also said the court will be owned by more than one family, which is not single family use of the property.

Because Mr. Higbie was not present to answer questions, the variance request was continued to the September 13th meeting.

No. 400 Mary C. and Howard G. Shaw, 24 Walnut Avenue (73-171-46) 10,000 sq. ft. zone.

Request to enclose two open porches at ground level and addition of 12' x 42' deck to rear of existing house and 5' deck extension along west side 10' from property line.

Present lot coverage	21.2%
Proposed " "	24 %

8-9-73

Mr. Shaw explained his request, stating that space is needed for a family room and a breakfast room. His family consists of himself, his wife and two children, a boy and a girl, in a house with two bedrooms. The large lot coverage is caused by a separate cottage which was rented until the Town ordinance prohibiting rentals went into effect.

Mr. Jones moved granting the variance, seconded by Mr. Maginis and unanimously passed.

No. 401 Joseph Filippelli, 28 Southwood (73-151-20)  
20,000 sq. ft. zone.

Request to add 20' x 20' detached carport at west side of residence 10' from west sideline (20' required)

Present lot coverage	31%
Proposed " "	33%

X  
8-9-73

Mr. Filippelli explained that the existing barn and shed are not adequate for large cars and the length of the driveway is a great hazard for small children.

Mr. Chase moved granting the variance, seconded by Mr. Maginis and passed by a four to one vote, Mr. Jones opposing.

8. Resolution No. 893.

Establishing Application Form for Alarm System License and Permit.

On motion by Mr. Jones, seconded by Mrs. Osterloh, Resolution No. 893 was unanimously adopted.

9. Tilt Property. U.P. No. 27

Mr. Elliott presented an affidavit signed by the Tilts, dated January 6, 1971. The Council indicated the affidavit was satisfactory and Mr. Chase moved that the use permit be granted, subject to the guest cottage conforming to safety standards acceptable to the Building Inspector. Mrs. Osterloh seconded the motion, which passed, four to 0, Mr. Jones abstaining.

Our Property.

Mr. Jones reported that records show that final sale of the property has been made; however, no Report of Residential Building Record has been requested.

Mr. Jones moved that letters be written to Senator Behr and Assemblyman Bagley, requesting legislation to enforce compliance with the Town Ordinance requiring a Report of Residential Building Record.

10. Authorization for Signing Modification of Joint Powers Agreement Between San Anselmo and Ross re. Maintenance of Traffic Signals.

Mr. Jones moved that the Mayor and the Clerk be authorized to sign the modification, provided Mr. Hoffman has no objections. Mrs. Osterloh seconded the motion, which was unanimously passed.

11. Variances.

1. No. 355-James Gallagher, 19 Winship Avenue (72-153-12) 10,000 sq. ft. area. Request to extend kitchen 10' x 15' at rear of non-conforming house. On motion by Mr. Chase, seconded by Mrs. Osterloh and passed by a four to one vote, the variance was granted, Mr. Jones dissenting.

2. No. 356 Arnold J. and Barbara Fredrick, 28 Southwood Ave. (73-151-20) 20,000 sq. ft. zone. Request to use plastic, air-supported cover for swimming pool during winter months. Northeast corner of cover is approximately 8' from sideline.

Mayor Allen read a letter from Mr. Fredrick explaining that Mrs. Fredrick is required, for health purposes, to swim daily. Mr. Chase stated that swimming pool plastic covers are very unattractive, but felt the variance should be granted because a hardship exists.

1-14-71

Mr. Jones moved granting approval of the cover, based upon the medical need as claimed, with the variance to run for a three year term, at which time if the Fredrick's own the property, they must reapply and restate the circumstances, or if the Fredrick's sell the property, whichever occurs first, the variance will be terminated. Mr. Maginis seconded the motion, which was unanimously passed.

12. Other Business.

1. Mayor Allen reported receipt of another letter from C. J. Bradley, dated December 21, 1970 and received January 13, 1971. Following discussion, Mr. Jones moved that the Mayor be directed to reply to Mr. Bradley's letter, following the draft submitted by Mr. Elliott. Mrs. Osterloh seconded the motion, which was unanimously passed.

2. Requested Mr. Elliott to draft an ordinance deleting the position title of Assistant Police Chief and inserting Police Sergeant. The ordinance will be introduced at the February meeting.

3. Heard a request from the accounting firm of Leader, Jarvis and Keiswin to raise the monthly billing rate from \$330 per month to \$365 per month, raise the annual audit fee from \$500 to \$600 and raise the annual street report and financial report fee from \$300 to \$400. Mr. Chase moved acceptance of the rate increases, Mr. Jones seconded and the motion was unanimously passed.

4. Authorized the Mayor to reply to the Association of Bay Area Governments concerning San Anselmo's application for Urban Planning Assistance - (701 HUD) that the Town is willing to cooperate to the fullest extent possible commensurate with our limited manpower and lack of funds.

5. Mayor Allen moved that Mr. Jones be authorized to give to San Anselmo Mayor Reed for his report to the Board of Supervisors on January 26th, the number of out-of-town assists requested of the Ross Police Dept. and the number of assists requested by Ross.

6. Unanimously agreed that the debris box in the Post Office parking lot be continued on a month-to-month basis.

# O'CONNOR AND ASSOCIATES

Telephone:  
(415) 693-9960

Facsimile:  
(415) 692-6537

ATTORNEYS AT LAW  
201 Mission Street  
Suite 710  
San Francisco, California 94105

Reply to:  
John D. O'Connor

email:  
john@joclaw.com

April 7, 2014

Town Council  
City Hall  
P.O. Box 320  
Ross, CA 94957

**Re: Appeal of Town Planner's Decisions re Nonconforming Use;  
6 Southwood, Ross**

To the Council:

Dr. Elizabeth Robbins and Dr. Steven Hauser ("Hausers") of 7 Norwood, Ross, hereby appeal a recent decision by the Town Planner that the only standard governing changes to the Aleys' nonconforming barn is the "U" occupancy designation.

The Hausers agree that "U" occupancy standards are indeed applicable to this structure. However, they contend that these standards are not the *only* governing conditions. They contend that the conditions put on the recent variance obtained by the Aleys is also a limitation on use of and change to the building.

Specifically, as shown on the attached Minutes of Council Meeting of March 8, 2012, the variance relieving the Aleys of their covered parking obligation was granted on the express condition that the historic structure be preserved as a barn. The Aleys, however, are not preserving the structure as a barn, but are changing it to some form of entertainment center, perhaps ultimately sleeping quarters, although the latter use may not be presently admitted. We note this because the Aleys' prior withdrawn plans manifest such an intent. In any case, the Aleys are inserting windows on the top floor of the barn, and perhaps glass doors on the side of the barn, both inches from the Hausers' property line, and facing their living area.

The attached background statement written by Dr. Robbins should adequately summarize the granting of the variance freeing the Aleys from their obligation to provide covered parking, and we also attach the Minutes. Because covered parking would likely necessitate removal of the barn, or conversion to a garage, the Aleys emphasized, and the Town agreed, that the historic nature of the barn argued for its preservation. On this condition, the variance was granted.

Now, to be sure, the Council did not define exactly what was meant by the express condition requiring "preservation" of the barn or that the barn be "retained." Certainly, part of this was making the structure sound, given its foundation problems.

But the fact that precise definition of "retained" or "preservation" were not provided does not render the condition meaningless. Was it really within the contemplation of the Council that much of the barn's exterior could be replaced with windows or glass doors? If that occurs, what remains of the "historic value" of the barn, the value justifying the variance?

We hope that the Council will not encourage homeowners that seek variances to negate the conditions of such a grant. These conditions mean something, and respect for them, reasonably interpreted, is essential to Town's orderly planning process that the Council tries so hard to carry out.

We urge you to rule that the structure's exterior may change only insubstantially and in such a manner that its character be retained as an historical barn structure, not as an outdoor entertainment complex, disguised *au pair* unit or guest house.

Respectfully submitted,



John D. O'Connor

Cc: The Aleys  
Elise Semonian



Re: 6 Southwood Avenue barn improvement plans  
To the Council:

We are respectfully appealing Ms. Simonian's determination on 3/31/14 that "the proposed barn improvement plans [at 6 Southwood Avenue] do not need Town Council review or an amendment to the parking variance". Her email indicates that it is her view that alterations to the barn at 6 Southwood Avenue and use of the barn are governed by Ross code Section 18.52.030, Nonconforming Structures and Uses. We believe instead that alterations to the barn and use of the barn are governed by the Council decision on 3/8/2012, which approved the renovation project for the house at 6 Southwood with specific conditions applying to the barn. We believe that the proposed barn improvements are not in keeping with these specific conditions and therefore require review by the Council.

At the March 8, 2012 meeting the discussion among the Council members, the motion to approve the 6 Southwood house renovation project, and the condition imposed for granting the parking variance for no covered parking all indicate that the Council was directing the Aleys to preserve the barn as the quaint historic barn that existed, and only to make structural improvements. Wording from the motion included "make improvements to be done at the same time as the project in order to be made structurally sound." The parking variance was granted "upon condition that the barn/carriage house structure be retained and the structure shall be structurally improved" (wording from Condition #3).

Comments from Council members as recorded in the minutes of the March 8, 2012 meeting included:

"Council Member Martin wanted to preserve the barn as a condition"

"Council Member Strauss agreed since it is a historical building"

"Council Member Hunter...suggested using the barn as a garage...He further noted that the barn is historic and it should be preserved"

"Mayor Small...wanted to see the barn restored"

These comments, along with the wording of the motion and Condition #3, all indicate that the Council was imposing conditions on the barn, and that the intent of these conditions was that the barn be preserved as a historic barn/carriage house while being made structurally sound. Neighbors attending the meeting understood the comments and motion to mean that specific conditions were being imposed on the barn: that the barn was being preserved as a barn as a condition of approval of the house project with no parking. Had there been any indication that these conditions were inadequate to preserve the exterior appearance and use of the barn, there would have been many comments from the public addressing this point during the March 8 2012 meeting. In fact, there were no neighbors' comments despite various controversial aspects of the house project (new 3<sup>rd</sup> floor windows, no covered parking) because neighbors were satisfied that the conditions imposed on the barn as part of the project approval would preserve the barn as a barn. There was no indication from Council member comments, the motion, or the parking

variance condition that the Council intended the barn to undergo future exterior and interior changes that would change the historic appearance of the barn and change its use to living space. So in summary, the Council in its March 8 2012 action imposed enduring conditions on the appearance and use of the barn, and the intent of these conditions was to preserve the appearance and use of the barn as a historic barn.

By contrast, Code section 18.52.030 would allow a non-conforming structure to be "altered so long as the exterior dimensions of the structure are not enlarged". We do not believe that the Council intended this provision of the code to govern alterations and use of the barn. This provision of the code would allow the Aley's to make extensive alterations that would destroy the historic appearance of the barn and transform the interior to additional living space. Extensive exterior remodeling of up to 25% would be permitted even without design review per Section 18.41.020 of the Ross Code. Changes in barn appearance and use were not intended by the Council as is apparent from its discussion about preserving the historic barn as a condition for the house approval. Unfortunately, if Code section 18.52.030 instead of the March 8 2012 ruling is determined to govern alterations and use of the barn, then it is likely that the barn, over time, will indeed be altered in such a way that it no longer resembles the barn the Council wished to preserve, and is used instead as additional living space that the Council hadn't intended. The Aleys true intentions for the barn are clear: just weeks after the house renovation plan was approved in March 2012, they revealed extensive interior and exterior remodeling plans including new windows, sliding glass doors on two sides of the barn, skylights, a bathroom, insulation, and remodeling of a loft on the second floor that would open down to sliding glass doors. Although Ms. Simonian has recently stated that the structure is designated as a "U" occupancy (garage, barn, etc), which would prohibit plumbing, this would not prohibit significant alterations to the barn's exterior and interior such that structure becomes a family room and media center. So, in summary, if Code section 18.52.030, if used to govern alterations to the barn and use of the barn, then extensive exterior alterations would be undertaken, which would violate the intention of the Council to preserve the barn as a barn/carriage house. We believe that the Council intended its rulings on March 8 2012 to govern alterations and use of the barn, and not Ross Code section 18.52.030, as suggested by staff.

Thank you for considering our appeal.

Sincerely,

Elizabeth Robbins & Stephen Hauser

Elizabeth Robbins, MD and Stephen Hauser, MD

Minutes March 8 2012

6 Southwood Avenue, Variance, Design Review and Demolition Permit No. 1859 Darr and Sandy Aley, 6 Southwood Avenue, A.P. No. 73-151-20, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre). Application for a demolition permit, design review, and variances for a remodel of the residence and landscape improvements. The project includes: 1.) demolition and reconstruction of the rear section of the residence, the kitchen and family room; 2.) reconstruction of the pool within the rear yard setback (40 feet required, 10 feet existing, 26 feet proposed); 3.) reconstruction of pool patio area within the rear yard setback (40 feet required, 8 feet proposed); 4.) 164 cubic yards of grading associated with the creation of a basement; 5.) alterations to the exterior of the residence including new windows; and 6.) third story dormers that extend over the 30 foot height limit, but are located below the roof ridge of the residence. A total of 4,575 square feet of development is proposed.

Effective Lot Area 16,140 square feet  
Existing Floor Area Ratio 28.3%  
Proposed Floor Area Ratio 28.3% (15% permitted)  
Existing Lot Coverage 20.1%  
Proposed Lot Coverage 19.9% (15% permitted)  
Existing Impervious Surface 43.4%  
Proposed Impervious Surface 32.8% (15% permitted)

Senior Planner Elise Semonian summarized the staff report and recommended that the Council consider the issues identified in the staff report. If the Town Council does not wish to require new covered parking, staff recommended approval of the project subject to the findings and conditions outlined in the staff report.

**Council Member Martin wanted to preserve the barn as a condition. Council Member Strauss agreed since it is a historical building it would be nice to maintain it.** Council Member Martin noticed that the permeable surface is being reduced and it is largely because of the proposed asphalt pavers and he questioned the specs received in that regard. Senior Planner Semonian has not received any specs to date, but Town Hydrologist Matt Smeltzer can review what it entails in terms of runoff and whether or not it is collected.

Council Member Hunter thinks this is a wonderful house. He loves the plan and barn, but it is an opportunity to get the parking lot off the street. He further believed if the barn were converted into a garage it would solve the parking problem.

Ken Lindsteadt, architect, discussed the architecture and explained that it is a great old house. In his opinion, it is a minimal amount of redo on the house. The barn is their favorite structure on the property. His task was to address the back family and kitchen areas. It was a very awkward situation. They elected to use a flat roof in order to open up to the outdoor space. The internal workings were redone. Dormers were placed at the street side and two in the backyard. There is also another dormer above the sunroom and

that was raised for the master bathroom, which did not add to the floor area. They simplified the pool and used blue stone paving rather than the wood deck.

Council Member Strauss desired an explanation of the exterior materials. Architect Linsteadt responded that the exterior is white painted shingles and the roof material will remain the same.

**Council Member Strauss asked if they considered improving the barn structure. Architect Linsteadt noted that the barn will need work. It is not part of this application, but the barn structure will be restored at some point.**

Mayor Pro Tempore Russell desired an explanation in regard to the basement issue. Architect Lindsteadt noted that they desired a basement to have a place for utility and storage. If it is too big for the Council, he asked if there is a threshold number in order to have some utility space.

Mayor Small pointed out that this is in a high water table area as opposed to other topography in the community. Jessica Fairchild, landscape architect, explained the landscape is a very similar concept. They love the house and how it appears. The idea is to simplify the pool and respect the architecture that is present and to make it more cohesive and move it farther away from its nonconforming situation. She reiterated that the goals were to simplify the pool and make it work with the architecture, but also add some screening in front. They propose a fence similar to the fence behind the parking area and add plant screening to that area to buffer the house and front yard from the street. They propose stone pavers with a minimum of an inch between them with low water requiring ground cover in between. There will be a base layer of rock below, essentially making it as permeable as possible and allowing a walking surface. Also, they are looking at water storage areas as well, which mainly had to do with the basement.

Council Member Martin discussed the new parking area to the barn and asked if that is turf. Landscape Architect Fairchild responded that there is currently lawn in the area, which will be maintained.

Mayor Small opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Hunter believed they have done a nice job. It is a wonderful property. **He suggested using the barn as a garage.** He recommended running a driveway along the side, which would enable the applicants to move one fence up and enlarge the turf area to solve a parking problem. Mayor Pro Tempore Russell stated what is happening on the site is not making the parking any worse than it has been, so he is not sympathetic to that issue. This is being used as a question of leverage to get the barn changed into a garage. **He further noted that the barn is historic and it should be preserved.**

Mayor Small pointed out that the driveway would be in the side yard setback and the neighbors house is set back. She believed it would be more disturbing to place the driveway into a setback and have vehicles travel to the back property line. As proposed

the vehicle noise is situated in front of the house further away from the neighbors and those on the back of Southwood, so maintaining the vehicle traffic in front is the least disturbing. Also, additional landscaping could be added to shield the noise. She would rather have more grass than gravel. **She also wanted to see the barn restored.**

Council Member Martin indicated that the pavers do not have to be asphalt as proposed. There are pavers designed for parking areas that would look aesthetically pleasing and asked the applicants to consider. He also liked the project and believed they are restoring a wonderful house. **He also wanted preservation of the barn as well to make sure it does not deteriorate.**

Independent of this project, the treatment of a couple of redwood trees in terms of lollipoping has occurred on this property. Ross has a tree ordinance that prevents extreme lollipoping, which impedes the trees ability to photosynthesize and produce native sugars. He further recommended that the Council re-examine the tree ordinance to have stricter measures.

The Council supported staff's findings in regard to the basement.

Mayor Small asked for a motion.

Council Member Strauss moved and Council Member Martin seconded, to approve 6 Southwood Avenue Variance, Design Review, Demolition Permit No. 1859 with the findings and conditions outlined in the staff report, granting a variance for covered parking, deleting the basement, **and retaining the barn structure with improvements to be done at the same time as the project in order to be made structurally sound.** Motion carried unanimously. 6 Southwood Conditions:

Conditions of Approval (shall be reproduced on the first page of the plans submitted for building permit):

1. The project shall be constructed in substantial conformance with the plans approved by the Town Council on 3/8/12, on file with the Planning Department except as otherwise provided in these conditions. The demolition shall substantially conform to the demolition shown on the approved plans.
2. The basement is not approved.
3. **The parking variance is granted upon condition that the barn/carriage house structure be retained and the structure shall be structurally improved prior to project final.**
4. A permeable paver system shall be used for the pool area.
5. The landscape plan shall incorporate additional landscape screening in the area of the existing front yard sod area in order to screen vehicles in the parking area from public view.
6. The roof over the new kitchen and family room addition shall not be used as a deck without prior Town Council approval.
7. An arborist shall submit a report regarding the condition of all on site and adjacent

trees prior to issuance of a building permit. The arborist shall review the proposed building plans, including plans for the swimming pool and utilities, to develop a tree protection plan prior to issuance of the building permit. The tree protection plan shall be reviewed and approved by the town arborist. The plan shall include tree protection during construction and an arborist shall be present during any foundation and pool excavation and any trenching at the site to protect mature trees. The arborist shall submit written confirmation that excavations were inspected. All tree protection measures shall be followed during construction.

8. The building permit plans shall reflect that the fireplaces comply with the Bay Area Air Quality Management District Wood Smoke Rule and Ross Municipal Code Chapter 15.42. New fireplaces shall be gas or one of the following: 1.) A U.S. EPA Phase II certified wood-burning device; 2.) A pellet-fueled device; or 3.) A low mass fireplace, masonry heater or other wood-burning device of a make and model that meets EPA emission targets and has been approved in writing by the APCO.

9. An encroachment permit is required for any work within the public right-of-way. The proposed decomposed granite is not approved unless the director of public works issues an encroachment permit for the material.

10. The drainage plan is not approved. A revised drainage plan shall be submitted for review and approval by the town hydrologist prior to issuance of a building permit. The drainage design shall comply with the Town's stormwater ordinance (Chapter 15.54). The plan shall be designed to produce no net increase in peak runoff from the site compared to pre-project conditions. Roof leaders shall not be tight-lined to the street and shall be directed to appropriately sized drainage facilities. No sub-drain is permitted in the lawn area. All runoff shall be dissipated on site. Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and written confirmation that the Town-approved plan has been installed shall be provided to the building department prior to final inspection on the project.

11. If the structure will be elevated for foundation work, the applicant shall provide a surveyor's confirmation regarding the existing finished floor elevation and shall confirm the resulting finished floor elevation to ensure that the structure does not increase in height.

12. The Public Works Director may require utilities to be undergrounded to the nearest utility pole.

13. All costs for town consultant, such as the town hydrologist, review of the project shall be paid prior to building permit issuance. Any additional costs incurred to inspect or review the project shall be paid as incurred and prior to project final.

14. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

15. This project shall comply with the requirements of the Department of Public Safety including: 1.) A street number must be posted {minimum four inches on contrasting background}; 2.) a local alarm system is required; and 3.) sprinklers are required.

16. The Building Official and other Town staff shall have the right to enter the property at all times during construction to inspect operating procedures, progress, compliance with permit and applicable codes.
17. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final.
18. The applicant shall demonstrate that the landscape plan and irrigation shall comply with the Marin Municipal Water District Water District Conservation Ordinance. Written confirmation that the plan has been reviewed and approved by MMWD shall be required to be submitted to the town planner prior to project final.
19. The applicant shall comply with all requirements of the Ross Valley Sanitary District prior to project final. Written confirmation from the RVSD is required to be submitted to the building department prior to project final.
20. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in Municipal Code Section 15.50.040 construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
21. NO CHANGES FROM THE APPROVED PLANS SHALL BE PERMITTED WITHOUT PRIOR TOWN APPROVAL. RED-LINED PLANS SHOWING ANY PROPOSED CHANGES SHALL BE SUBMITTED TO THE TOWN PLANNER PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
22. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately.
23. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.
24. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

June 3, 2012

Dear Town Council Members,

We are writing to express our concerns about the barn renovation plans for 6 Southwood Avenue that were shown to us by the owner this week. I was present at the March 8 Town Council meeting when the house renovation and landscaping plans for 6 Southwood were discussed and approved. My understanding is that the Council approved the project on the condition that the barn be preserved and made structurally sound.


Our concerns are twofold. First, we are concerned that the public had no prior knowledge that the barn was to be part of the discussion at the March 8 meeting. There were no barn plans submitted for review and there was no mention of barn work in the project summary notice mailed to neighbors prior to the meeting. The first mention of the barn came during the Council's discussion of the house project, when a Council member suggested that the barn be preserved as a historical structure. The minutes of the meeting reflect that the architect stated that the barn was not part of the current application and that the barn would be "restored at some point". There was no opportunity for public comment at the end of the discussion when the barn was included as part of the formal motion to approve the proposed plans for 6 Southwood Avenue.

Second, we are concerned about the specific barn plans prepared by the owners of 6 Southwood following the March 8 Town Council meeting. The Council's motion states that the barn structure is to be retained "with improvements to be done at the same time as the project in order to be made structurally sound". At the March 8 meeting, it was clear that the Council wished to see the barn preserved as a historical structure; at no time did the Council suggest that the barn be converted to new living space. We are not opposed to structural improvements. However, the barn plans that the owner showed us this week go far beyond the structural restoration reasonably contemplated by the Council. The plans allow for the full conversion of the old, unimproved barn to living space. It's unlikely that the neighbors would have supported the owners' house renovation plans on March 8 had they known that an extensive barn renovation, that allowed for the creation of new and additional living space, was to become part of the project. The barn plans now include new windows, the addition of sliding glass doors on two sides of the barn, the addition of sky lights at the top of the roof, the addition of insulation, the addition of plumbing, creation of a bathroom, construction of a loft on the second floor that would open down to the sliding glass doors, and a new stairway.

Regarding the conversion of the barn to potential living space: this has been strongly opposed by all adjacent neighbors through the years whenever it's been proposed. The corner of the barn is just inches from the back property line. A new structure in this location with these features would not be permitted by the Council. Given the lack of any setback, and given the large size of the existing house, conversion of this barn to living space also should not be permitted by the Council.

Thank you very much for considering our concerns. Please let me know if you'd like to stop by our home, and I'll arrange to meet you at your convenience.

Sincerely,



Elizabeth Robbins and Stephen Hauser  
7 Norwood Avenue; 459-9331; eliz.robbsins@gmail.com  
cc: Elise Semonian





## DRAFT MEMORANDUM

TO: Elise Semonian, Town Planner  
CC: Rob Braulik, Town Attorney  
FROM: Greg Stepanicich, Town Attorney  
DATE: April 30, 2014  
SUBJECT: Appeal of Town Planner Decision Regarding Barn at 6 Southwood

---

On March 8, 2012, the Town Council approved design review and a variance from the covered parking requirements of the Zoning Ordinance for the remodel of an existing single family residence located at 6 Southwood (the “project”). An historic barn also existed on the subject property. As part of its approval the Council imposed Condition No. 3 which states:

“The parking variance is granted upon condition that the barn/carriage house structure be retained and the structure shall be structurally improved prior to project final.”

In imposing Condition No. 3, the Councilmembers expressed their desire to preserve the barn with improvements designed to make it structurally sound. Although words such as “restored,” “preserve,” and “retain” were used by Councilmembers, the Council did not specifically define the extent of the improvements that would be permitted without further review by the Council. The condition itself is clear that structural improvements are not only permitted but required. This is consistent with the expressed intent of the Council that the barn be preserved. The condition did not expressly prohibit design or aesthetic alterations to the exterior. At the same time, consistent with the requirement to retain an historic structure, a reasonable interpretation of Condition No. 3 is that exterior alterations may not be made to the barn that would change its historic character or appearance without Council approval. Condition No. 3 is silent on the interior use of the barn and the extent to which interior alterations are allowed without Council approval.

On March 31, 2014, the Town Planner determined that proposed alterations to the barn satisfied the requirements of Ross Municipal Code Section 18.52.030 (alterations to nonconforming uses and structures) and the conditions of approval for the project. Section 18.52.030 permits the alteration of a nonconforming structure “so long as the exterior dimensions of the structure are not enlarged by the alteration and all other regulations are complied with.” On April 7, 2014 an appeal of the Town Planner’s determinations to the Town

## MEMORANDUM

Elise Semonian, Town Planner  
April 30, 2014  
Page 2

Council was filed by Dr. Elizabeth Robbins and Dr. Steven Hauser (the “appeal”) who reside at 7 Norwood, adjacent to the subject property.

The initial question is whether the determination made by the Town Planner is appealable to the Town Council. Section 18.60.040(a) provides that “any interested person may appeal decisions of the town planner to the town council by filing a notice of appeal with the planning department within ten calendar days after the date of the decision...” Section 18.60.040(d) provides that “[i]n considering the appeal, the town council shall conduct a de novo hearing, considering the appeal as a new matter.”

In this case, the Town Planner made two determinations. One was whether the alterations to a nonconforming structure complied with Section 18.512.040, and the second determination was whether the proposed alterations complied with the project conditions of approval, particularly Condition No. 3. I have concluded that the Town Planner’s planning determinations are subject to appeal to the Town Council and that the appeal was timely filed.

The next question is whether the Town Planner had the authority to approve the proposed alterations or whether Town Council approval was required. The answer to this question depends upon the interpretation of Condition No. 3. The interpretation of Condition No. 3 appears to be the only legal issue involved with this appeal as the proposed alterations do not trigger new design review under Ross Municipal Section 18.41.020 and the Town has not adopted historic preservation regulations.

Chapter 18.41 of the Ross Municipal Code provides for design review by the Town Council of any improvements specified by Section 18.41.020. This section states that design review is required for all new buildings and “all exterior remodeling resulting in additions, extensions or enlargements of existing buildings exceeding two hundred square feet of new floor area...” Since the proposed alterations to the exterior of the barn do not increase its footprint, these alterations are not subject to design review.

The barn is not listed on the National Register of Historic Places or the California Register of Historic Resources. Although Government Code Section 37361(b) authorizes cities to adopt reasonable regulations for the preservation of historic buildings, the Town has not adopted an historic building preservation ordinance. Ross Municipal Code Section 18.41.010(b)((7) states that one of the purposes of design review is to “[p]reserve buildings and areas with historic or aesthetic value and maintain the historic character and scale,” but these principles come into play only when a design review application is being considered by the Town Council.

## MEMORANDUM

Elise Semonian, Town Planner  
April 30, 2014  
Page 3

Turning to Condition No. 3, as noted above, this condition requires that the barn be retained on site and that it be structurally improved for its preservation and safe use. No design or preservation criteria or standards were included in the condition to guide staff as to what types of alterations made to the barn require Council approval. The proposed exterior alterations to the barn include enclosing an existing opening with a glass window and installing glass doors at the entrance to the barn that will be installed behind the existing sliding wood door. Subject to the Council's interpretation of Condition No. 3, these proposed alterations appear to be consistent with this condition as the overall appearance of the barn would not be changed. Any alterations that are consistent with the requirements of Condition No. 3 are subject simply to administrative approval by the Town Planner and Building Official.

A related potential issue in the future is the occupancy classification for the barn. The barn currently is classified as a Utility and Miscellaneous Group U occupancy under Section 312 of the Building Code. Section 312 describes the U occupancy classification as consisting of building and structures of an accessory character and includes but is not limited to the following types of buildings and uses: agricultural buildings, barns, carports, greenhouses, and sheds. The U classification does not permit sleeping or cooking within the structure. The Building Code does not prohibit a change in occupancy classification to the Residential Group R occupancy classification under Section 310 of the Building Code which would permit sleeping and cooking within the structure, but this could occur only if the required improvements for the Residential Group R occupancy are made. These types of alterations would raise the question as to whether they are consistent with the terms and intent of Condition No. 3. This condition does not expressly address the occupancy classification of the barn and does not prevent a change in classification from U to R provided that the barn is preserved. Thus, any proposed change in occupancy classification that would require alterations to the barn also trigger the question of the intent of Condition No. 3 with respect to alterations. I understand that the property owner is not proposing a change in occupancy classification at this time.

On this appeal, the Council will have the opportunity to more specifically define when Council approval is required under Condition No. 3 for physical alterations to the barn or changes in use that otherwise are not subject to design review.

SCALE: 1/4" = 1'-0"

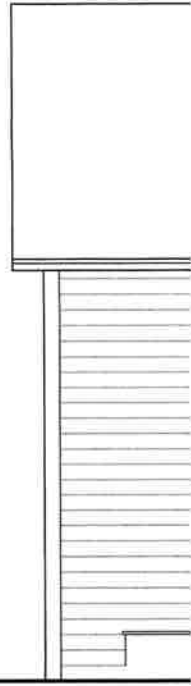
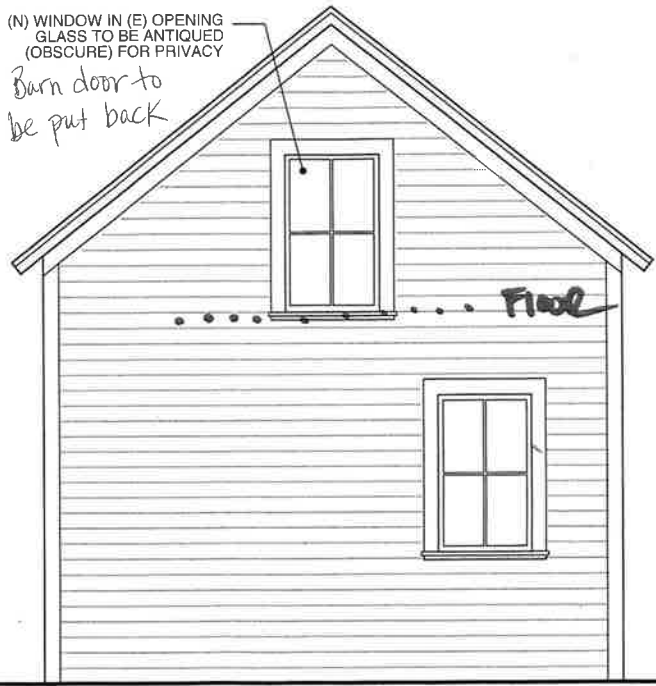
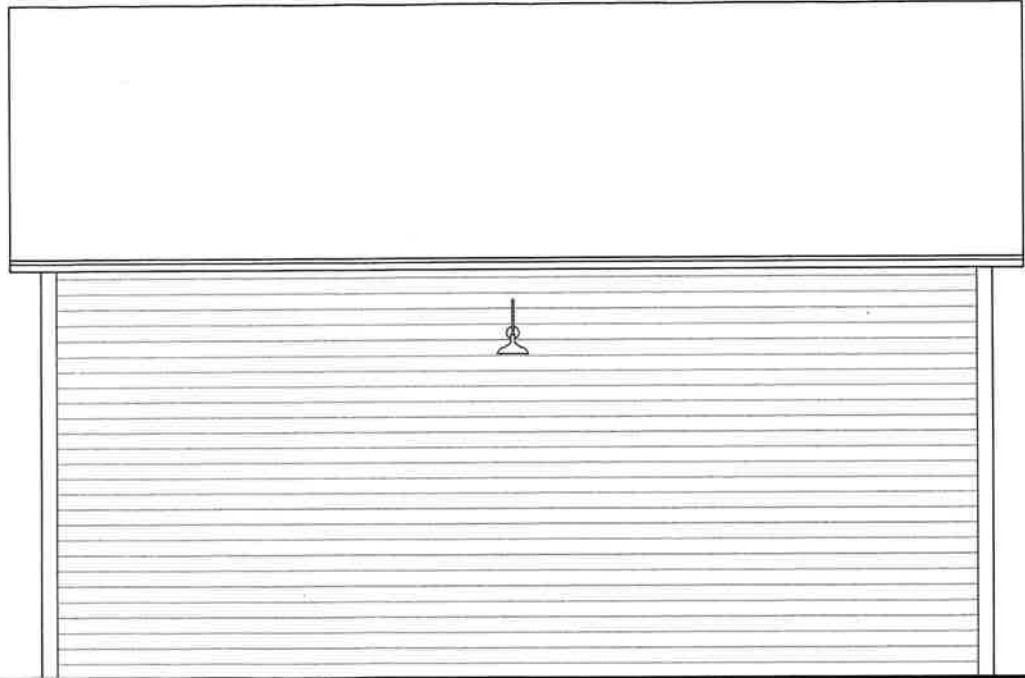
02

3/31/14  
WINDOW/PENINGS ON

(opening may not be shown  
to scale)

(N) WINDOW IN (E) OPENING  
GLASS TO BE ANTIQUED  
(OBSCURE) FOR PRIVACY

Barn door to  
be put back



~~SOUTH~~ EAST

~~WEST~~ NORTH

~~NORTH~~ W

31174  
 DOWN/PENINGS ON REAR ELEVATION SHALL NOT BE ENLARGED OR MOVED.  
 - ES



NORTH WEST

EAST SOUTH

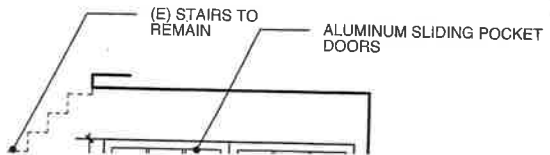
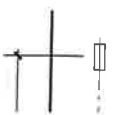
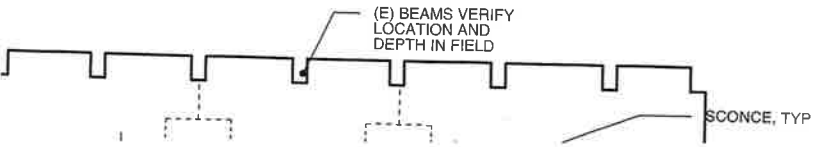
- RED LINES
- 1) THIS BUILDING IS A Group "U" structure only and will be USED AS SUCH.
  - 2) Provide Smoke Detector on all levels.
  - 3) Provide CARBON MONOXIDE ALARM on Both Levels

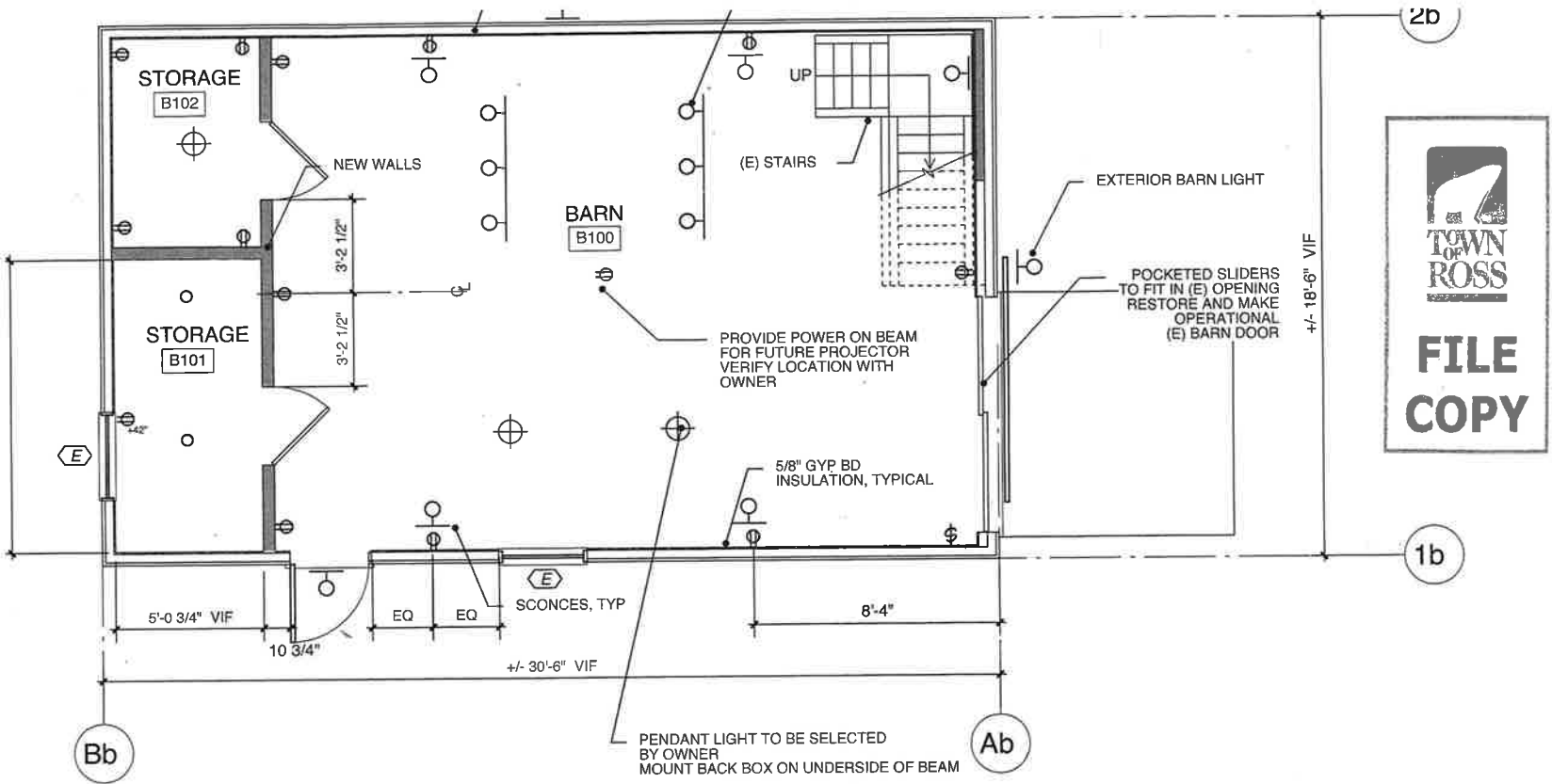
**BARN EXTERIOR ELEVATIONS**  
 SCALE: 1/4" = 1'-0"

B1

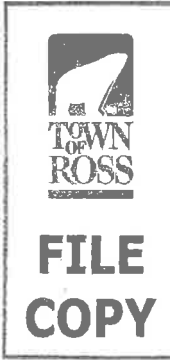
**GENERAL NOTES**

- EXTERIOR LIGHTS TO BE HIGH OR ON SENSOR
- PROVIDE OUTLETS TO MEET C REQUIREMENTS, VERIFY ADDITIONAL LOCATIONS REQUIRED WITH C PRIOR TO INSTALLATION
- ALL WALL MOUNTED LIGHT FIX HEIGHTS TO BE CONFIRMED WITH C PRIOR TO BACK BOX INSTALLATION TYPICAL THROUGHOUT
- ADDITIONAL DIMMER, TIMED, M SENSOR AND DOOR SWITCHES REQUIRED, REVIEW ALL SWITCH OPERATION WITH OWNER PRIOR TO INSTALLATION
- INSTALL ALL NEW WINDOWS AS PER MANUFACTURER RECOMMENDATIONS PROVIDE FLASHING, WATERPROOFING





**BARN PLAN - FIRST FLOOR**  
 SCALE: 1/4" = 1'-0"



# ALEY RESIDENCE

SOUTHWOOD AVENUE  
 ROSS CA 94957

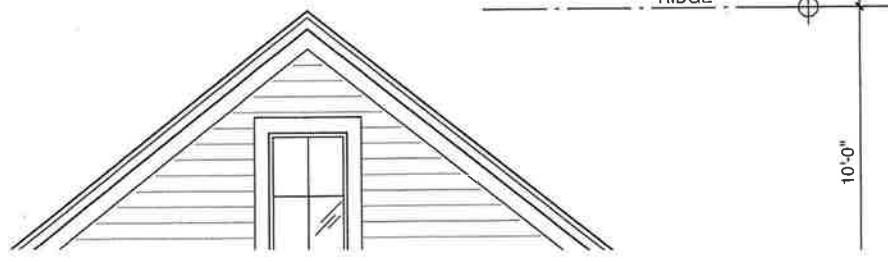
DARR AND SANDY ALEY  
 SOUTHWOOD AVENUE  
 ROSS CA  
 94957

RECEIVED  
 DATE 3-24-14  
 TOWN OF ROSS  
 BUILDING DEPT

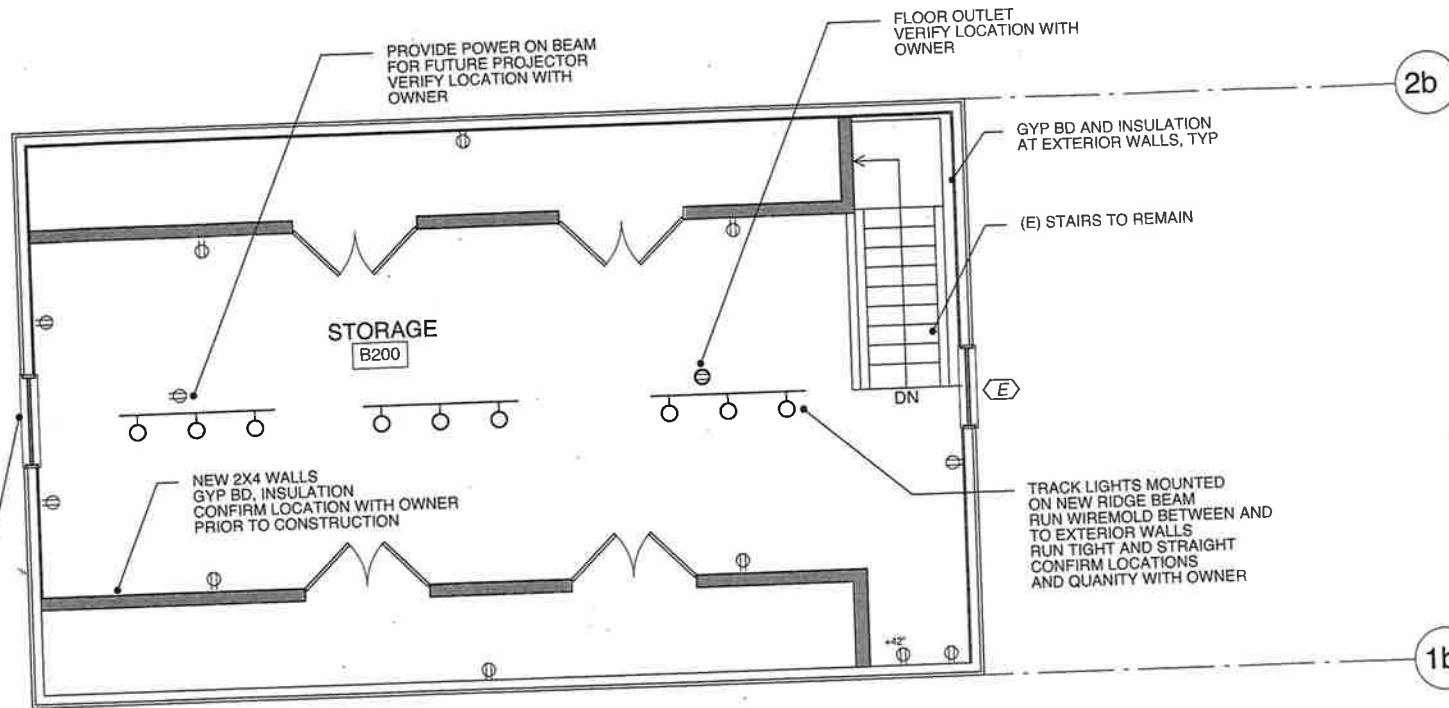
Fairchild  
 Broms  
 Design

180

ATTN SHALL NOT BE ENLARGED OR MOVED.  
 - ES



(N) WINDOW IN (E) OPENING  
GLASS TO BE ANTIQUED  
(OBSCURE) FOR PRIVACY



PROVIDE POWER ON BEAM  
FOR FUTURE PROJECTOR  
VERIFY LOCATION WITH  
OWNER

FLOOR OUTLET  
VERIFY LOCATION WITH  
OWNER

GYP BD AND INSULATION  
AT EXTERIOR WALLS, TYP

(E) STAIRS TO REMAIN

STORAGE  
B200

NEW 2X4 WALLS  
GYP BD, INSULATION  
CONFIRM LOCATION WITH OWNER  
PRIOR TO CONSTRUCTION

TRACK LIGHTS MOUNTED  
ON NEW RIDGE BEAM  
RUN WIREMOLD BETWEEN AND  
TO EXTERIOR WALLS  
RUN TIGHT AND STRAIGHT  
CONFIRM LOCATIONS  
AND QUANTITY WITH OWNER

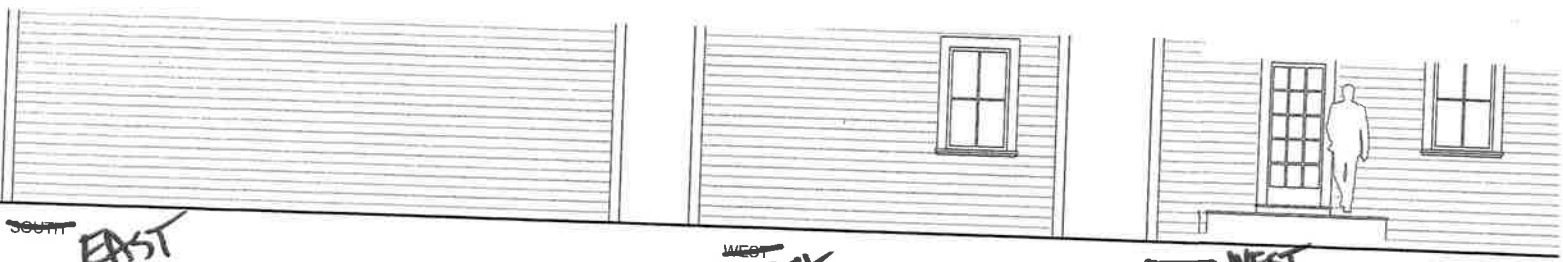
BARN PLAN - SECOND FLOOR  
SCALE: 1/4" = 1'-0"

3/31/14  
WINDOW/OPENINGS ON F

(opening may not be shown  
to scale)

(N) WINDOW IN (E) OPENING  
GLASS TO BE ANTIQUED  
(OBSCURE) FOR PRIVACY



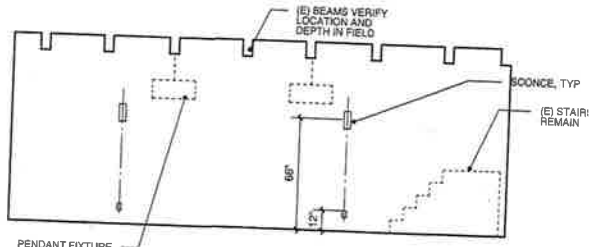
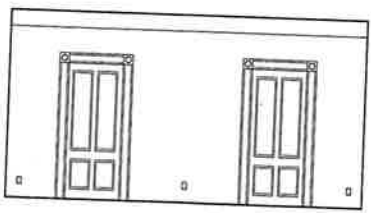
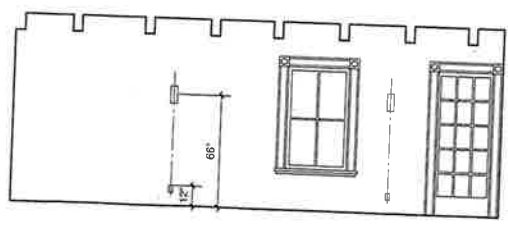


~~SOUTH~~ EAST

~~WEST~~ NORTH

~~NORTH~~ WEST

- RED LINES
- 1) THIS BUILDING IS A Group "U"
  - 2) Provide Smoke Detectors
  - 3) Provide CARBON MONOXIDE Both Levels



COASTLAND ENGINE  
 REVIEWED THIS SHEET  
 GENERAL CONFORMANCE  
 CURRENTLY ADOPTED  
 CODES OF THE JURISDICTION  
 3/25/14





~~WEST~~  
**NORTH**

~~NORTH~~ **WEST**

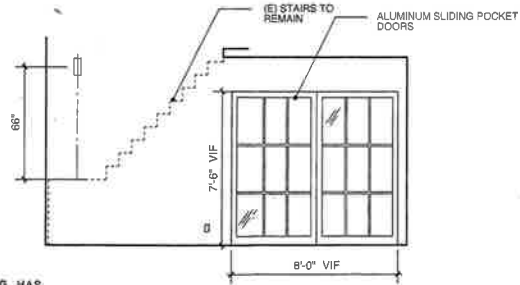
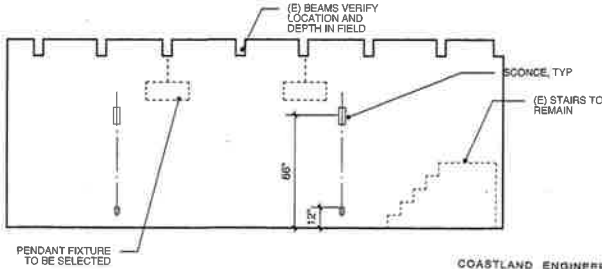
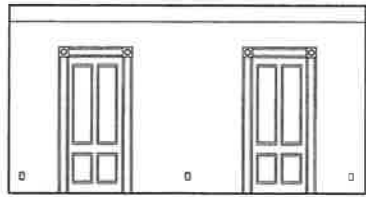
~~EAST~~ **SOUTH**

**RED LINES**  
 1) THIS BUILDING IS A Group "U" structure only and will be used as such.  
 2) Provide Smoke Detector on all levels.  
 3) Provide CARBON MONOXIDE ALARM on Both Levels

**BARN EXTERIOR ELEVATIONS**

SCALE: 1/4" = 1'-0"

(B1)



COASTLAND ENGINEERING HAS REVIEWED THIS SHEET AND FINDS IT IN GENERAL CONFORMANCE WITH THE CURRENTLY ADOPTED BUILDING CODES OF THE JURISDICTION  
 3/20/14 *(Signature)*

**BARN INTERIOR ELEVATIONS**

SCALE: 1/4" = 1'-0"

(A1)

RE  
PE  
IS,  
SE