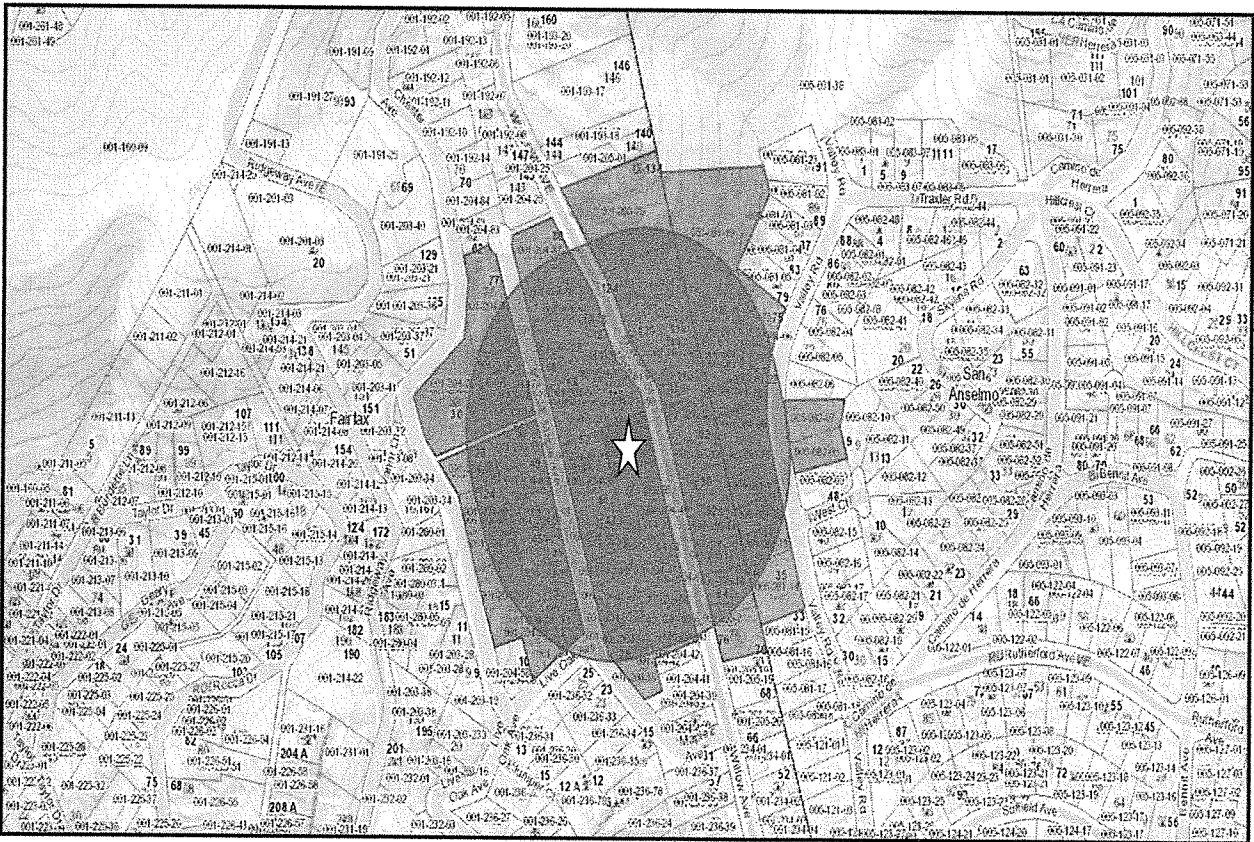


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: August 17, 2017
FROM: Linda Neal, Principal Planner
LOCATION: 107 Willow Avenue; Assessor's Parcel No. 001-204-95
ZONING: Residential RD 5.5-7 Zone
PROJECT: 50 % Remodel/expansion of a single-family residence
ACTION: Design Review Permit and Combined Front/Rear Setback Variance; Application # 17-29
APPLICANT: Henry Taylor, Architect
OWNER: Kelly Harvard & Ryan Giesen
CEQA STATUS: 15301(e)(1)



107 WILLOW AVENUE

BACKGROUND

The 8,000-square-foot site is relatively level with an 11% slope. The property is located within the Residential RD 5.5-7 Zone that allows single-family residences on properties of 5,500-square-feet or more and duplexes on properties of 7,000-square-feet or more (Town Code §17.084.020). The minimum lot width requirement is 60-feet.

The 744-square-foot residence with an unimproved first floor and living space on the second floor was constructed in 1913, prior to the Town of Fairfax's incorporation in 1931.

There is no record of when the detached, 323-square-foot, 2-car, garage was built but it maintains only a 3-foot rear setback which was the required setback in the residential zones from October 11, 1961 through March 13, 1973. In March of 1973 the rear-yard setback was increased to 6-feet. The garage appears to have been constructed prior to 1973 is considered legal non-conforming.

DISCUSSION

The proposed project encompasses the following:

1. Lifting the 25-foot, 3-inch in height structure 3-feet to a maximum height of 28-feet, 3-inches, while also shifting it to the east to comply with the required 5-foot minimum side-yard setback requirements.
2. Increasing the ceiling height in the first floor to 8-feet, 1-inch to convert the area to living space.
3. A two-story addition off the west, rear, side of the structure adding; a) a 150-square-foot playroom and a 150-square-foot deck onto the second floor including a stairway down to the rear yard; and, b) Construction of an 300-square-foot addition on the first floor to accommodate an accessory dwelling unit on the first floor.
4. Construction of 96-square-feet of additional living space on the front, eastern side of the house, underneath the covered, front entry deck to facilitate the construction of 2 additional bedrooms, a second bathroom and laundry area and an internal stairway to connect the two living levels of the main residence.
5. Improvement and expansion of the existing driveway to include a concrete driveway apron within the public right-of-way, an expanded uncovered parking area for 2 vehicles, and surfacing of the entire driveway/parking area on the private property with crushed road base.

The project will increase the residence from a 744-square-foot, 2-bedroom, 1-bathroom, residence to a 2,034-square-foot, 3-bedroom, 2-bathroom residence with a 546-square-foot, 1-bedroom, 1-bathroom, accessory dwelling unit.

Note: Due to recently adopted Assembly Bill 2299, the 546-square-foot, accessory dwelling unit on the first floor is permitted and will be processed at a ministerial level (State Government Code §65852.1).

The project complies with the regulations of the Residential RD 5.5-7 Zone as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	28 ft. 6 in., 2 stories
Existing	10 ft. 6 in.	3 ft.	13 ft.	3 ft. & 41 ft.	44 ft.	.19	.17	25 ft. 3 in., 1 story with a basement
Proposed	No change	No change	No change	6 ft. & 41 ft.	47 ft.	.25	.25	28 ft. 3 in., 2 stories

The project complies with the 6-foot, minimum, front setback, the 5-foot minimum side setbacks and the combined 15-foot, side-yard setback requirements. The proposal also complies with the 35% lot coverage limit, the 40% FAR restriction and the 28-foot, 6-inch and 2-story height limit.

Discretionary Permits

Combined Front-Rear Setback Variance

Town Code § 17.084.070(A)(1) requires that structures within the RD 5.5-7 Zone maintain a combined front-rear setback distance of 25 feet. Due to the location of the existing non-conforming 3-foot rear setback maintained by the existing garage, the property already maintains a non-conforming front-rear setback of 13 feet. The project will result in 60-square-feet of the new bedrooms at the front of the house being created within the combined setback when the front entry deck is converted into a covered

porch with portions of the lower floor bedrooms underneath. The lower floor front bedrooms would not project any further towards the front property line than the existing entry deck and stairway.

The findings required to approve the Combined Front-Rear Setback Variance are can be found in Town Code §17.028.070(A) and are as follows:

1. Because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of this title will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.
2. The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
3. The strict application of this title would result in excessive or unreasonable hardship.
4. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

The additions to the house will comply with the required combined front-rear setback except for the 60-square-foot expansion of the first level at the front of the residence 2 feet into the combined 25-foot, front-rear setback area. The addition will not result in the front entry stairs or porch projecting any further into the combined front-rear setback. The windows have been minimized in the additions on the north side of the house where the 5-foot setback is maintained. Only 1 new window would be added on the ground floor in the north wall at the north east corner of bedroom number 3 (see page 3 of the plans). No windows are proposed in the north wall of the new addition at the rear of the structure. One of the small windows in the upper story would be replaced with a larger window over the stairwell to bring light into the house. The enlarged window will not significantly impact the privacy of the neighboring residence at 111 Willow Avenue and only overlooks the front yard and entryway. If the Planning Commission is concerned about this window having an impact on the neighboring property, they can incorporate the following condition into the attached Resolution No. 17-28:

The 28-square-foot window on the north side of the residence in the stairway shall be opaque.

The code requires that if the garage structure is ever repaired or reconstructed to an extent where 50% of the structure is affected, it will need to be relocated to a conforming location. At that point the property will become compliant with the combined front-rear setback regulation as required by Town Code 17.016.070(B)(1)

unless an applicant applies for a Variance to keep the structure in the same location and is granted another Variance by the Planning Commission.

Design Review Permit

Town Code 17.020(A) requires that projects that constitute 50% remodels are subject to obtaining a Design Review Permit. Town Code §17.008.020, Definitions, defines a 50% remodel as, "The renovation of any structure that affects more than 50% of the existing floor area of the structure, expands that floor area by more than 50%, or result in the addition of a bedroom, as measured in accordance with 17.016.040 of this title (Title 17, Fairfax Zoning Ordinance).

The project constitutes a 50% remodel per the above code section and requires the approval of a Design Review Permit.

In order to approve a Design Review Permit the Commission must determine that the project complies with the Design Review Criteria contained in Town Code § 17.020.040(A) through (N).

The additions to the structure have been designed to complement the farmhouse style architecture of the existing structure and the exterior walls have been articulated through the use of windows of varying sizes, the inclusion of front and rear entry decks and . The siding, windows and roofing material will match the existing structure. The mass has been minimized by incorporating horizontal siding.

The project will not result in the removal of any trees and the modest additions to the front and rear of the structure will not result in significant site disturbance.

Residences in the P.H. Jordan Subdivision of Ridgeway Park Subdivision on similar size and slope sites range in size from a 1,450-square-foot, 3-bedroom, 2-bathroom residence on a 7,500-square-foot site (84 Willow Avenue) to a 2,465-square-foot, 3-bedroom, 3-bathroom, residence on a 10,000-square-foot site (110 Willow Avenue). Therefore, the 2,034-square-foot single-family residence on this 8,000-square-foot size will not be out of scale with the site or out of character with other residential structures in the neighborhood.

The lighting fixtures depicted on page 3 of the plans shall be replaced with "dark sky" fixtures that direct all light downward.

Other Agency/Department Comments

Ross Valley Fire Department

RVFD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows: The property is located in the Wildland Urban Interface (WUI) Area and the applicant must comply with

requirements for construction in a WUI, including submittal of a Vegetation Management Plan (VMP), and vegetation clearance consistent with the VMP and Fire standards. The building shall be sprinklered.

Marin Municipal Water District (MMWD)

MMWD submitted written comments which have been incorporated into conditions of approval in the attached resolution and are summarized as follows: The plans must comply with all the indoor and outdoor District Code requirements 13, a gray water system may be required, and a High Pressure Water Service Application is required prior to occupancy.

Ross Valley Sanitary District

A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

Fairfax Public Works Department

A public sidewalk shall be installed along the entire property frontage when the driveway apron for the project is poured and must comply with the County of Marin Uniform Standards for concrete curb, gutter, sidewalk, driveway and other "Flatwork", Drawing No. 100.

Fairfax Police and Building Departments

The police and the building departments did not provide conditions of approval or comments on the project.

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve application # 17-29 by adopting Resolution No. 17-28 which sets forth the findings and conditions for the project approval.

ATTACHMENTS

- Attachment A – Resolution No. 17-28
- Attachment B – Applicant's supplemental information

RESOLUTION NO. 17-28

A Resolution of The Fairfax Planning Commission Approving Application No. 17-29 for a Design Review Permit and Combined Front-Rear Setback Variance for 107 Willow Avenue

WHEREAS, the Town of Fairfax has received an application from Kelly Harvard and Ryan Giesen to remodel and expand an existing single family residence from a 744-square foot, 2-bedroom, 1 –bathroom residence to a 2,034-square-foot, 3-bedroom, 2-bathroom residence with a 546-square-foot accessory dwelling unit; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 17, 2017, at which time the Planning Commission determined that the proposed project complies with the Design Review Criteria in Town Code §17.020.040; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary to approve the Combined Front-Rear Setback Variance to allow the construction of 96-square-feet of living space in the setback; and

WHEREAS, the Commission has made the following findings:

A. The proposed remodel/addition has been designed to stay within the footprint of the existing structure and decks and the design minimizes the visual mass of the building and minimizes additional disturbance to the site, the project has been found to comply with the following 2010-2030 Fairfax General Plan Policies and Goals and Design Review Criteria:

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.

Policy LU 7.1.5; New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

The proposed development will create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.

The proposed development is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

The design of the structure has sufficient variety and articulation to avoid monotony in the external appearance.

The size and design of the structure is in proportion to its building site and has a balance and unity among its external features so as to present a harmonious appearance.

Most of the site will be retained in its existing condition so the natural features including trees, shrubs, creeks and rocks, will be maintained.

The on-site parking is accessible and will have no significant impact on passing vehicular or pedestrian traffic.

Combined Front-Rear Setback Variance Findings

- A. The new construction will occur within the footprint of the existing house and attached decks and will result in the re-location of the structure out of the minimum 5-foot, side-yard setback bringing the structure more into compliance with current zoning regulations. Therefore, the strict application of the setback regulations would deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification who have been allowed to make minor expansions within the combined setback areas
- B. There are many other properties in the Willow Avenue neighborhood that have been granted variances to project into the required combined setbacks. Therefore, the variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
- C. The strict application of this title would result in an unreasonable hardship and would potentially impact the neighboring property at 110 Willow by requiring the additional square footage of the residence to project outside the footprint of the existing structures on the site. .
- D. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Conditions of Approval

WHEREAS, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. This approval is limited to the development illustrated on the amended plans

prepared by Henry Taylor dated 6/21/17, pages 1 through 7 and 7A.

2. Prior to issuance of the building permit for the project the applicant or his assigns shall:

a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

- Construction delivery routes approved by the Department of Public Works.
- Construction schedule (deliveries, worker hours, etc.)
- Notification to area residents
- Emergency access routes

b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).

c. Submit a cash deposit, bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible damage to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.

d. The foundation shall be designed by an engineer certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.

e. The grading and drainage elements shall also be stamped and signed by the project engineer.

f. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.

3. During the construction process the following shall be required:

a. The project engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town Staff that the grading has been completed as recommended prior to installation of foundation and/or retaining forms and piers.

b. Prior to the concrete form inspection by the Building Official, the project

engineer shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans. The Building Official shall field check the concrete forms prior to the pour.

c. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.

d. Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

4. The project engineer shall field check the completed project prior to issuance of the occupancy and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.

5. Excavation shall not occur between October 1st and April 1st of any year. The Town Engineer has the authority to waive this condition depending upon the weather.

6. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.

7. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 17-28. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 17-28 will result in the job being immediately stopped and red tagged.

8. Any damages to the public portions of Willow Avenue or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.

9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not

be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

10. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.

11. Conditions placed upon the project by outside agencies, the Town Engineer or other Fairfax Department may be eliminated or amended with the written approval of the agency, the Town Engineer or the other Department to the Planning and Building Services Department prior to issuance of the building permit.

12. The window over the interior stairway shall be opaque.

13. All exterior lighting shall be "dark sky" fixtures and direct the light downward. The fixture cut sheets shall be included in the building permit submittal and be subject to Planning Staff approval prior to issuance of the building permit.

Ross Valley Fire Department

1. The property is located within the Wildland Urban Interface Area for Fairfax and the new construction must comply with Chapter 7A of the California Building Code or equivalent.
2. The owner must maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth in compliance with Ross Valley Fire Department Fire Protection Standard 220, Vegetation/Fuels Management.
3. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.

4. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
5. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
6. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
7. A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system with plans and specifications for the system submitted to the Ross Valley Fire Department by an individual or firm licensed to design-build sprinkler systems.
8. A Vegetative Management Plan designed in accordance with the Ross Valley Fire Standard @220 is required to be approved prior to issuance of the building permit for the project.
9. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

Marin Municipal Water District (MMWD)

1. The plans must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Landscaping plans must be submitted to the District and be approved.
2. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.
3. Comply with MMWD Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

4. Complete a High Pressure Water Service Application prior to issuance of the occupancy permit for the residence.

Ross Valley Sanitary District

A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

Fairfax Public Works Department

A public sidewalk shall be installed along the entire property frontage when the driveway apron for the project is poured and must comply with the County of Marin Uniform Standards for concrete curb, gutter, sidewalk, driveway and other "Flatwork", Drawing No. 100.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Design Review Permit and the Combined Front-Rear Setback Variance is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the project can occur without causing significant impacts on neighboring residences and the environment.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17 day of August 2017 by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Fragoso

Attest:

Ben Berto, Director of Planning and Building Services

SUPPLEMENTAL QUESTIONNAIRE & DRB APPLICABILITY

DESIGN REVIEW

For Commercial, Planned Developments, Hillside Residential and Multiple Family Design Review: (Include brand and number for all finish and/or paint colors.)

1. Exterior finish: SHINGLES / SIDING (HORIZONTAL)
2. Proposed exterior wall color(s): EXISTING WHITE
3. Proposed exterior trim color: EXISTING WHITE / LIGHT BLUE-GREY
4. Proposed exterior window color: EXISTING / NEW-WHITE
5. Proposed roof material and color: EXISTING GREY (COMPOSITION SHINGLES)
6. Special features: _____
7. Lot Coverage: 1614 SQ. FT PROPOSED - 20.17%
8. Number of existing parking spaces and their sizes: 2
9. Number of proposed parking spaces and their sizes: TOTAL 3 (2 @ 10X20 FT)
(1 EXISTING GARAGE 10X17)

DESIGN REVIEW APPLICABILITY

1. Hillside Design Review (in a ridge line)

All new dwellings located on hillside properties and all additions on properties located in a ridgeline scenic corridor (which include deck and stairway structures) shall require design review.

Additions and accessory structures may be exempt from design review where the applicant demonstrates, through the use of story poles, plans and photo montages, that an accessory structure or addition will have no impact on significant view corridors due to the proposed location of the structure in relation to existing improvements. Project exemption shall be determined by the Fairfax Planning Director.

2. Multiple family Design Review

Multiple family residential units of three (3) or more and additions to structures located in the Multiple Family RM Zone.

3. 50% remodels of additions to residential properties

SUPPLEMENTAL QUESTIONNAIRE

VARIANCE

VARIANCE (S) REQUESTED: EXISTING GARAGE: 3 FT FROM EAST PROPERTY LINE - NO WORK PROPOSED
_____ foot front yard variance to construct a _____ within _____ feet of the front property line. VARIANCE TO APPROVE EXISTING NON-CONFORMANCE

3 foot rear yard variance to construct an EXISTING GARAGE within _____ feet of the rear property line.

_____ foot side yard variance to construct a _____ within _____ feet of the side property line.

_____ foot creek setback variance to construct a _____ within _____ feet of the top of the creek bank.

Other (fence height, building height, parking number or size, etc.) _____

FINDINGS: GARAGE

- 1. List below special circumstances applicable to the property, including size, shape, topography, location, or surroundings, to show why the variance should be granted; and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone (you may attach a statement).

THE GRANTING OF THIS VARIANCE WILL NOT BE SPECIAL PRIVILEGE GIVEN THE PROXIMITY OF SHEDS AND RESIDENCES TO EXISTING PROPERTY LINES (SHED 48 MAPLE, RESIDENCE SIDEYARD SETBACK 3'0" III WILLOW, SIDEYARD SETBACKS-NORTH & SOUTH-52 MAPLE) THE EXISTING LOW PROFILE OF THE CURRENT GARAGE IS NOT BLOCKING VIEWS

- 2. List below your reasons why the variance will not materially adversely affect the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood (you may attach a statement).

GRANTING THIS VARIANCE TO APPROVE EXISTING NON-CONFORMANCE WILL NOT ADVERSELY AFFECT THE HEALTH OR SAFETY OF NEIGHBORING PROPERTIES OR BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY IN THE NEIGHBORHOOD GIVEN THE CURRENT LOCATION ON THE PROPERTY AND LOW PROFILE OF THE BUILDING ALONG WITH ITS EXISTANCE FOR WELL OVER 50 YEARS

- 3. Explain why complying with the Town Ordinance requirements will be a hardship for the owner.

COMPLYING WITH CURRENT SETBACK REQUIREMENTS WOULD REQUIRE AN ADVERSE LOCATION ON THE SLOPE OF A NEW GARAGE ALONG WITH UNNECESSARY ADDITION EXPENSES

Variance - Additional information required.

- SHT
6 > Include a cross section through the proposed project depicting the project and the relationship of the proposal to existing features and improvements on adjacent properties.
- SHT
1 > Lot coverage calculation including all structures and raised wooden decks.

In order to approve your project, the Planning Commission must make findings of fact which state that 1) there is a special feature of the site (such as size, shape or slope) which justifies an exception; 2) that the variance is consistent with the treatment of other property in the neighborhood; 3) that strict enforcement of the ordinance would cause a hardship; and 4) that the project is in the general public interest.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

THIS LOW PROFILE GARAGE, BUILT OVER 50 YEARS AGO,
IS WELL LOCATED ON THE SITE, PROVIDING ONE ENCLOSED
CAR SPACE AND IN A NEIGHBORHOOD OF SEVERAL OLDER
NON-CONFORMING SHEDS AND RESIDENCES (REFER TO
FINDING NO. 1) NO WORK IS PLANNED FOR THE
STRUCTURE WHICH WOULD ADD UNNECESSARY ^{EXPENSE} TO A
MODEST PROJECT. THIS VARIANCE IS CONNECTED TO
THE DESIGN REVIEW TO MOVE AN EXISTING RESIDENCE
FROM 3'-0" SIDYARD SETBACK TO A 6'-0" NORTH SIDYARD
SETBACK WHICH IS FELT TO BE AN IMPROVEMENT
IN PARTICULAR FOR THE IMMEDIATE NEIGHBOR TO
THE NORTH AT 111 WILLOW.