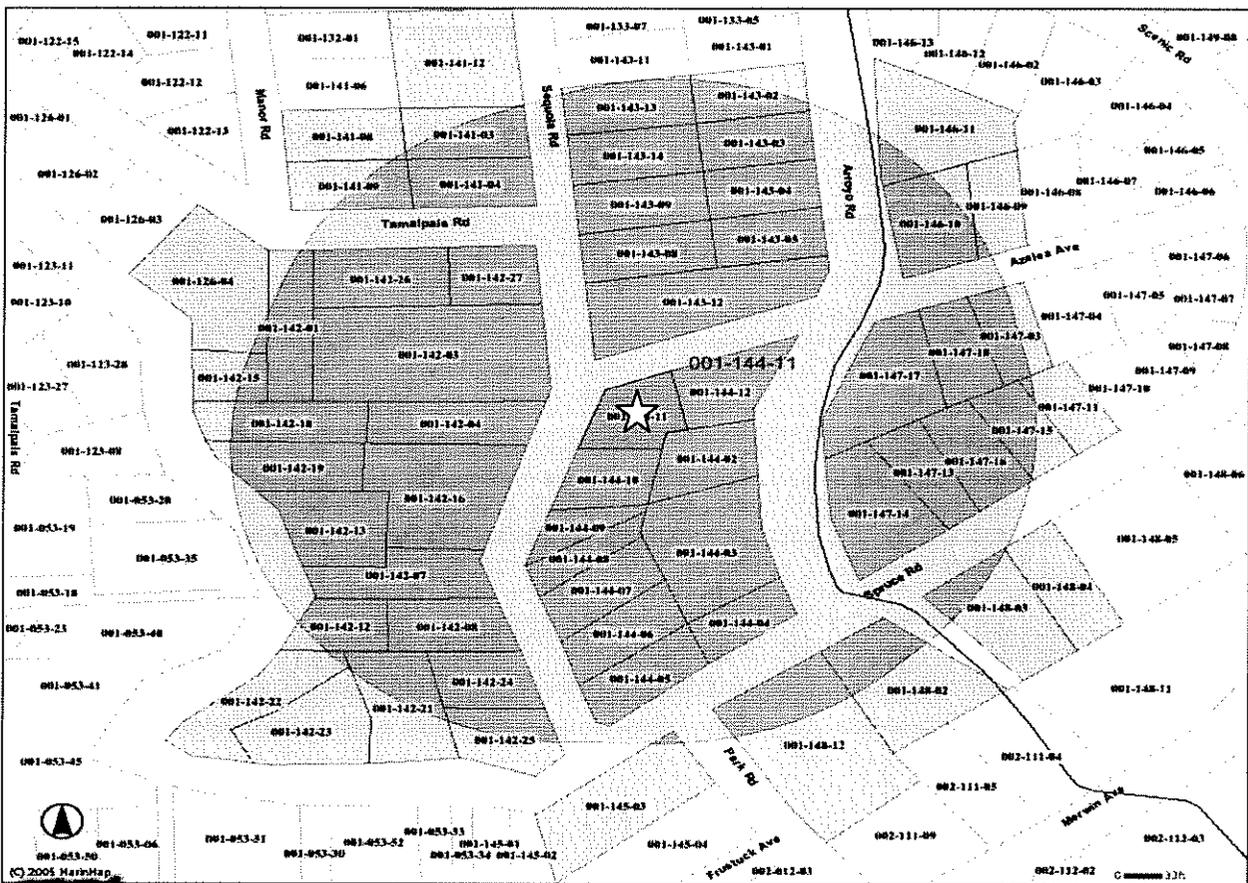


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: June 21, 2012
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 41 Azalea Avenue; Assessor's Parcel No. 001-144-11
ZONE: Multiple Family RM Zone
PROJECT: Garage
ACTION: Design Review, Variances, Use Permit; Application # 12-10
APPLICANT: Thomas and McCoy Dodsworth
OWNER: Same
CEQA STATUS: Categorically exempt section 15303(e) and 15305(a)



41 AZALEA AVENUE

BACKGROUND

The parcel was created in its current configuration on July 7, 1971 and it is 4,817 square feet in size. A 1,088 square foot residence was constructed in 1922 and the 420 square foot carport in 1972. A 144 square foot room was added in 1985 so the residence is currently 1,232 square feet in size and has three bedrooms and 1 bathroom.

A 204 square foot deck has been constructed on the east side of the building in the required 10 foot side setback. Staff can find no record of a variance being granted for this structure. The application includes a request to legalize this deck.

DISCUSSION

The applicants are applying to demolish the existing 400 square foot, 2 car, carport to construct a 528 square foot, 2 car garage. The property is located in a Multiple Family Residential RM Zone as are other select blocks in this neighborhood. The RM Zoning was placed upon the property and others in the area in 1973 by the adoption of Ordinance 352 which expanded the number of residential zones in Fairfax from two, the R-1 and the R-2 Zones, to four, including the RM Zone, RS 7.5 Zone, RS 6 Zone and the RD 5.5-7 Zone. At the same time the Town greatly increased all the setbacks required in the residential zones including the RM Zone which resulted in many of the residences becoming non-conforming with respect to setback and lot sizes. The Town also included the requirement that any changes to non-conforming properties required the review and approval of the Planning Commission.

The applicants are proposing construction of a 528 square foot, 15 foot tall garage. The garage will include an area for a washer and dryer hook up and for a utility sink.

The structures at 41 Azalea maintain the following setbacks and are legal non-conforming for the RM Zone:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	10 ft	10 ft	40 ft	10 ft & 10 ft	25 ft	.40	.35	28.5ft, 2 stories
Existing	8 ft (front of carport)	2.5 ft (back of house)	10.5 ft	4 ft (west side of carport) & 6ft (east side of house)	10 ft	.38	.47	????
Proposed	10 ft (front of garage)	2.5 ft (back of house) no change	12.5 ft (combined front/rear setback increases)	5 ft (west side of garage) & 6 ft (east side of house unchanged) (west side setback increases)	11 ft (combined side setback increases)	.26	.48	15 ft ±, to a maximum of 17 ft, one story

Note: The applicants have indicated that the lot coverage is not changing because 176 square feet of storage shed is being removed. However, only 96 square feet of shed is located out from underneath the existing carport. Therefore, unless 50 square feet of the back patio, or other impermeable surface, is not replaced with landscaping or permeable patio, the project will increase the lot coverage from .47 to .48.

The project requires the Planning Commission's approval of the following discretionary permits:

Use Permit: Town Code § 17.088.050(A)(1) requires that a Use Permit be secured from the Planning Commission prior to any improvements on a parcel in the RM Zone that does not meet the minimum 7,500 square foot minimum parcel size requirement. The project site is only 4,817 square feet.

The 528 square foot garage will replace the existing 400 square foot carport and will still provide 2 on-site parking spaces while maintaining greater setback from the property lines than the existing parking structure. The third required guest parking space is provided along the property frontage within the public right-of-way as is permitted in Town Code § 17.052.030(A)(2).

Setback Variances: Town Code § 17.088.070 sets for the setback regulations for the RM Zone District. These include a 10 foot front setback, 10 foot rear setback and 40 foot combined front/rear setback as well as 10 foot minimum side yard setbacks and a combined side setback of 25 feet. Town Code § 17.052.010(D) requires that each residential unit have at least one covered parking space and section 17.052.010(B) prohibits the location of required parking, covered or uncovered, within required side yard setbacks.

Due to the small size and irregular shape of this parcel there is no way for the owners to comply with the setback requirements and the covered parking and general parking regulations while still providing on-site parking and maintaining adequate spacing between the structures on the site.

The deck on the east side of the property maintains a 4 foot setback which would be permitted in an RS 6 Zone but which is substandard based on the RM setback requirement of 8 feet [decks can encroach 2 feet into a required setback per Town Code §17.044.070(A)(2)]. The existing deck maintains a 9 foot setback from the neighboring structure at 35 Azalea Avenue which meets the intent of the Code. The west side of the residence at 35 Azalea also has no windows so the deck will not infringe on their privacy.

Lot Coverage Variance: Town Code § 17.040.010 limits the amount of area that structures and impervious surfaces can cover on a lot to 35%. The site currently has a 47% lot coverage that is legal non-conforming because it predated the inclusion of impervious surfaces to the lot coverage calculation with the adoption of Ordinance 696 on August 6, 2002. The Commission historically has allowed non-conforming lot coverages to continue although has required the removal and replacement of some percentage of impervious surfaces to keep the site from becoming more non-conforming. The proposed project increased the non-conforming lot coverage from 47% to 48% and staff recommends that the Commission require that 5 at its existing non-conforming

The application indicates that the lot coverage is remaining the same because 176 square feet of storage shed is being removed. However, all but 96 square feet of the shed is underneath the carport which has been included in the lot coverage so it cannot be included in the calculation.

Staff is recommending that 50 square feet of the rear patio be replaced either with landscaping or some other impervious surface in order to keep the lot coverage at its legal non-conforming 47%.

Note: the deck on the east side of the residence is permeable so it is not counted towards lot coverage (Town Code § 17.008.020, Definition of lot coverage).

Height Variance: Town Code § 17.080.060(B) limits the height of accessory structures to 15 feet. This application includes a request for a Height Variance to allow the garage to reach up to 17 feet at its peak. While the peak will be located 13 to 20 feet from the southern property line (the garage is set at an angle to the property line) it still is an exception to the regulations. On a flat lot there is no special feature of the property that warrants an exception to the code and a garage can be designed to comply with the 15 foot height limit.

The applicants have indicated that the exception is necessary in order for the roof pitch to match that of the existing residence. Unfortunately, findings for approval of variances are typically tied to something inherent to the property/land that requires the granting of the exception such as size, slope, and special topographical features such as large rock outcroppings and not to the existence/design of man-made structures which are not permanent.

Staff is recommending that the accessory structure be kept to the required 15 feet in height because we are unable to make the required findings for an exception.

Design Review

In most of the Town's residential zones, design review is not required to replace one parking structure with another. However, because the site is zoned RM, Town Code § 17.020.030(B) requires that any new construction obtain design review approval from the Planning Commission.

The garage has been designed to emulate the architecture of the existing residence with similar roof lines, trim and horizontal siding. The siding will be a dark grey (Sherwin Williams, Storm Cloud SW 6249), the trim will be a grayish-tan color (Sherwin Williams, Popular Gray, SW 6071) and the roofing material will be dark gray asphalt shingles (Timberline, Weathered Wood).

In order to grant design review approval for a project the Commission must be able to find that the project complies with the design review criteria set forth in Town Code § 17.020.040 as follows (staff's comments follow each criteria in bold, italicized font):

The proposed development shall 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 garage has been designed to mimic the architecture of the residence including; a) using similar windows and trim; b) colors that will compliment the color palette of the house; c) articulating the street façade of the garage by stepping the northern parking space back from the southern space matching the way the western side of the residence has the main portion of the house set back from the entryway; and d) varying the roof line.

Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.

The trim, exterior articulation and color pallet of the garage will compliment the architecture and colors of the residence.

The proposed development shall be 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 and exterior materials and colors will be of a quality and character appropriate to and serving to protect the values of private investments in the immediate area.

The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in this title.

The parking has been oriented on the site in a manner that will allow for safe entry and exit to and from the garage and the driveway will be relocated and paved to comply with the

Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with such plans.

There is no neighborhood plan in this area.

There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.

The façade of the structure steps back from Azalea Avenue and the roofline over the eastern parking space entry is lower in height than the rest of the garage structure. The garage doors will have horizontal siding the match the garage siding and that of the residence and they include glass panels. Therefore, sufficient variety exists in the design of the structure to avoid monotony in its external appearance.

The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.

The garage will be kept to the 15 foot maximum allowable height for accessory structures and it will maintain setbacks similar to those required for properties zoned and developed with

single family residence. The exterior of the structure has been designed to emulate the architecture of the existing residence. Therefore, the size and design of the structure is in proportion with the building site and will present a harmonious appearance to the street façade.

The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.

There are many two story structures in the vicinity that are designed with the residential living space above the two car garages. There are also one story homes with detached garages and other accessory structures. There is no one identifiable common general character of architecture to be found in the Fairfax Manor neighborhood and the proposed garage is not out of character with other structures in the neighborhood.

The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.

Not applicable.

The extent to which natural features, including trees, shrubs, creeks and rocks, and the natural grade of the site are to be retained.

The garage has been located in generally the same location as the existing carport and two storage sheds to disruption of the vegetation on the site has been minimized.

The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.

The parking has been designed to allow safe ingress and egress to and from Azalea Avenue in a similar location to the existing carport. Therefore, the new garage will not result in any significant disruption to the traffic flow in the public right-of-way.

The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites, and separating building areas from paved areas to provide access from buildings to open space areas;

The small size of the site results in the areas where landscape screening could be located being minimal if access around all sides of the structure is to be maintained. If the Commission feels it is necessary to add a requirement for landscape screening, after taking public testimony, they should add the requirement as a condition subject to; a) staff's review and approval of the landscaping and irrigation plan prior to the issuance of the building permit; and b) subject to the applicant obtaining a bond to ensure the landscaping survives to be in place for 18 months after installation and/or until the landscaping becomes established.

In the case of any commercial or industrial structure, the board shall consider its proximity to any

residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area.

Not applicable.

The design review board may recommend design guidelines to the planning commission and town council for adoption in order to further the objectives of this section and to illustrate design criteria.

Not applicable.

Other Agency/Department Comments

Building Department/Public Works

The relocated driveway apron requires the approval of an encroachment permit from the Department of Public Works and must be designed with a sidewalk that has a maximum 2% slope towards the street.

Ross Valley Fire Department

- The structure must be provided with a fire suppression system that is approved and inspection by the Ross Valley Fire Department.
- Vegetative management on the site must comply with Ross Valley Fire Department Fire Protection Standard 220.
- Address numbers that are at least 4 inches in height must be in place adjacent to the front door and if not clearly visible from the street additional numbers are required where they are clearly visible from the street. The numerals must be illuminated so they are visible at night.

Marin Municipal Water District

Any landscaping must comply with District Code Title 13, Water Conservation.

RECOMMENDATION

1. Move to approve application # 12-10 based on the following findings, the design review criteria listed above and subject to the following conditions:

Recommended Findings:

1. Many of the residences in the neighborhood, on similar sized properties have two car garages and/or similar sized accessory structures. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment
2. The site is too small to allow multiple residences in compliance with its Residential Multiple Family Zoning. The proposed garage will maintain similar setbacks to those required in properties zoned for single-family development. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. The Fairfax Zoning Ordinance requires that residential properties be provided with covered parking. Therefore, approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.
4. The site is only 4,817 square feet in size and irregularly shaped. These are the special circumstances applicable to the property that would result in the the strict application of this title depriving the applicant of the ability to rebuild their parking structure, a privilege enjoyed by other property owners in the vicinity and under identical zone classification.
5. The garage maintains a setback of 5 feet from the closest southern side property line and an 8 foot setback from the street which are similar to other setbacks maintained by accessory structures and principal structures in the neighborhood. The deck on the east side maintains a 4 foot setback which is typical for property located in a single-family neighborhood. Therefore, the proposed development 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.
6. The strict application of this title would result in excessive or unreasonable hardship because the applicant's would be unable to rebuild their two car parking structure.
7. 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 because the structure is setback an adequate distance from the street to avoid creating a visibility barrier for traffic and pedestrians using Sequoia Road and Azalea Avenue.
8. The garage has been designed to emulate the architecture and design of the residence and it will not change the single-family character of the neighborhood.

Recommended Conditions

1. The structure may not exceed 15 feet in height.
2. The utility sink must be relocated so that a clear 9 foot by 19 foot parking space exists in the southern side of the garage.

Fifty square feet of the rear patio or other impermeable surface must be replaced with landscaping or other permeable surface to keep the lot coverage, which already exceeds the permitted 35%, the same as it is now at 47%.

3. The project is limited to the development depicted on the plans prepared by Robert Burford, Architects, dated received by the Town April 19, 2012, pages A1 through A3.
4. Prior to issuance of a building permit 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 schedule (deliveries, worker hours, etc.)
 - Notification to area residents
 - b. The applicant shall submit a bond to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official. Upon approval of the contract costs, the applicant shall submit a bond or letter of credit equaling 100% of the estimated construction costs.
 - c. The foundation and retaining elements shall be designed by a structural engineer certified as such in the State of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural engineer.
 - d. The applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations prior to submittal of the building permit plans.

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

- a. The 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 retaining forms and piers.

- b. The structural 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 prior to the

concrete form inspection by the structural engineer. 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 closure 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.

6. Excavation shall not occur between October 1st and April 15th. The Town Engineer has the authority to waive this condition depending upon the weather.

7. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

8. During construction the developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

9. Any changes, modifications, additions or alterations made to the approved building permit project plans will require a modification of Application # 12-10. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 12-10 will result in the job being immediately stopped and red tagged.

10. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

11. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

13. Construction hours are limited to between 8 AM and 5 PM, Monday through Friday, 9 AM to 5 PM on Saturdays and that there be no noise generating construction on Sundays.

14. Noise from construction worker's radios shall be controlled so that they are not audible at residences adjacent to the project site.
15. All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.
16. Quiet models of air compressors and other stationary noise sources shall be utilized where technology exists.
17. Noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
18. Unnecessary idling of internal combustion engines shall be prohibited.
19. Applicant shall notify adjacent residents to the project site of the construction schedule in writing.
20. Conditions place upon the project by outside agencies may be eliminated or amended with that agencies written verification of the eliminated or modified condition to the Planning Department prior to issuance of the building permit.

ATTACHMENTS

- Exhibit A – Applicant's supplemental information
- Exhibit B – Other agency/department comments

PROJECT DESCRIPTION: DETACHED SINGLE STORY 2-CAR GARAGE
DRIVEWAY W/ RELOCATED CURB CUT

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	4817 ^{sq}	SAME
Size of structure(s) or commercial space (square feet)	1771	528 ^{sq}
Height and No. of stories	20' +/- 1 STORY	16' +/- 1 STORY
Lot coverage	37%	37% (TOTAL)
No. of dwellings units	1	1
Parking ¹	No. of spaces	1
	Size of spaces	2
		9x19x9

Amount of proposed excavation and fill	Excavation = 20 CU. YDS.	Fill = 20 CU. YDS.
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Estimated cost of construction \$ 35,000.

Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

¹Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? No

[Signature]
Signature of Property Owner

[Signature]
Signature of Applicant

April 19, 2012
Date

4 19 2012
Date

Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584

FLOOR AREA RATIO (FAR) AND LOT COVERAGE STATISTICS

The following information will be used to verify application FAR and lot coverage amounts. Applications will not be considered complete until the following table is complete.

	Existing	Proposed
Footprint square footage for all structures/SURFACES	2350 ^{sq}	2352 ^{sq}
Living space square footage		
First floor	1275	1275
Second floor		
Third floor		
Total	1275	1275
Accessory structure square footages		
Sheds	176	0
Pool houses		
Studios/offices		
Second units		
Miscellaneous (specify use)		
Total		
Square footage of impervious surfaces		
Walkways	100	150
Patios	400	400
Impervious decks	0	0
Miscellaneous (specify use)		
Total		
Garage/carport square footages (specify type)	CARPORT 400 ^{sq}	GARAGE 529 ^{sq} - 500 ^{sq} = 29 ^{sq}

* All square footage measurements must be the sum of all interior floor area measured from the exterior faces of the exterior walls for structures (Town Code § 17.008.020).

FLOOR AREA: Fairfax Town Code § 17.008.020, Definitions, defines "floor area" as the sum of all interior floor area measured from the exterior faces of the exterior walls. The "floor area" of any accessory structures on the same lot shall be included. The "floor area" of any garage in excess of 500sf in size for single-family residences and 800sf in size for duplexes shall also be included.

LOT COVERAGE: Fairfax Town Code § 17.008.020, Definitions, defines "lot coverage" as the percentage of the lot area that is occupied by the ground area of a building, any accessory building(s), as well as any impervious surface areas such as patios (other than driveways) adjacent to the building or accessory structure.

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: to match existing residence
2. Proposed exterior wall color(s): Sherwin-Williams OC130 Cloud White
3. Proposed exterior trim color: " 6248 Jubilee
4. Proposed exterior window color: white
5. Proposed roof material and color: GAF Timberline Nantucket Morning (to match existing)
6. Special features: GARAGE DOORS - SECTIONAL ROLL UP W/WDWS.
ENTRY DOORS - INSULATED STEEL W/LITE
7. Lot Coverage: _____
8. Number of existing parking spaces and their sizes: 1- 9x19x7
9. Number of proposed parking spaces and their sizes: 2- 9x19x9

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:

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

5 foot rear yard variance to construct a GARAGE within 5 feet of the rear property line.

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

8 feet of the side property line. (CORNER LOT SETBACK = 10')

_____ 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.) BUILDING HEIGHT 17' FOR ACC. BLDG.
LOT COVERAGE: 35% TO 38% +/- (SEE CALCS IN THE RELEVANT INFO. SECTION BELOW)

FINDINGS:

- 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).

SEE ATTACHED

- 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).

SEE ATTACHED

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

SEE ATTACHED

RECEIVED

APR 19 2012

ROBERT BURFORD
ARCHITECT

TOWN OF FAIRFAX

September 16, 2011

**TOWN OF FAIRFAX
PLANNING AND ZONING DEPARTMENTS**

PROJECT: DODSWORTH GARAGE
ADDRESS: 41 AZALEA
APN: 001-144-11

My daughter and son-in-law, McCoy and Thomas Dodsworth, are planning for a new detached garage on their lot. The proposed garage will replace a non-conforming carport close to Sequoia Street and two sheds by the carport. Thomas has met with you and you gave him an overview of the process to get to permitting for the construction. He also obtained the necessary forms and information from your office. I am assisting in their efforts from Arizona.

This letter and the attached preliminary drawings are sent to preview the project with you and to clarify the request for use permit and variances we will need to proceed. We ask for your review of the proposed project to determine if we need to request any other variances or use permitting. We understand that this project will need to go to Design Review due to the zoning of the property.

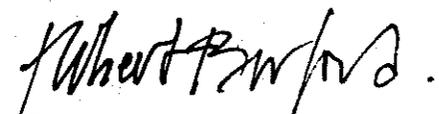
Use Permit: Section 17.088.050 of the zoning code sets out lot size requirements in the RM zone. We will be requesting a use permit due to the lot not meeting the 7500 sq.ft. minimum requirement.

Variances:

1. Rear setback. Section 17.088.070 sets the rear yard setback at 10 feet minimum. We will be requesting a variance from that to 5 feet.
2. Lot coverage. Section 17.040.010 sets the lot coverage at 35% maximum. We will be requesting a variance from that to approximately 50% depending upon what will be included in the calculations.
3. Accessory building height. Section 17.088.060 limits the overall height to 15 feet. We will be requesting a variance from that to approximately 16 feet depending upon the roof pitch.

We are planning on a 16 inch overhang that will encroach into the Sequoia street side setback and into the rear setback. I assume that the projections into setbacks of not more than 2 feet will be acceptable.

I appreciate your assistance in this project with helping us understand your jurisdiction's requirements and procedures. Thank you for your review and comments and should you require additional information or clarification please call this office.


Robert Burford, Architect

DODSWORTH GARAGE

Town of Fairfax
Variance request submittal

FINDINGS:

1. List below special circumstances...

The lot size is 4817 sq.ft. in an R-M zone. The shape is irregular and is a corner lot. These combine to limit the lot coverage available, to increase one yard setback and to determine vehicular access to the site. The residence was built without a garage and previous Owners constructed a carport and storage shed buildings to provide for car access and parking. The lot is level and in the Fairfax creek flood area. Other properties in the immediate neighborhood (and throughout Fairfax) have detached garages. Some are on or very close to property lines. Some are two stories and most usually coordinate in style with the main residence. The variance request for setbacks, height and lot coverage is consistent with other properties on Azalea and Sequoia streets and elsewhere in town.

2. List below your reasons...

The proposed detached garage will replace an existing carport and storage sheds. The positioning of the drive and the interior parking spaces will place the cars further from the sidewalk area and will provide improved access to Sequoia Street. The garage is proposed to match the style of the residence and will place the usual items in the carport behind doors.

3. Explain why complying....

Complying with the Town requirements for lot coverage would not allow for a two car space garage on site. The height requirement would limit the ability to coordinate the roof design and material with the main residence. The setback requirements would again limit the size of the structure and could make the separation distance to the main residence less than workable for the owners and for city needs. The existing carport is non-conforming in size of parking spaces and setbacks. The construction is also sub-par in general and for the neighborhood in specific. Replacing it with the proposed garage in a location further from Sequoia Street will be a safety and an aesthetic improvement.

In the space below...

This is a family residence occupied by the owners with their toddler son. A garage will provide 2 parking spaces and some interior storage for the family. Trash and recycling containers will have a place beside the garage behind a fence and gate. Additional landscaping will be needed and included in this area of the site. A new drive, curb cut and partial sidewalk will be installed with the garage. With the main access to the residence on Azalea and the car access on Sequoia, the streetscape of the front will be undisturbed and the side streetscape improved. The style, details, colors and construction will complement the residence and will fit with the neighborhood.

This project is required to be presented to Design Review and that process is more assurance that the proposed structure will be appropriate.

Specific to the Lot Coverage variance request; the existing lot coverage calculation includes the residence, walkways and patios but does not include the sheds and carport as they are not over 500 square feet in area. The existing lot coverage is therefore $1775 \text{ sq.ft}/4817 \text{ sq.ft}=37\%$ lot coverage. The proposed garage will replace the carport and sheds. The garage is over 500 sq.ft by 28 sq.ft. Adding the residence, walkways, patios and the 28 sq.ft results in $1853 \text{ sq.ft}/4817 \text{ sq.ft}=38\%$ lot coverage. Another way to view the lot coverage is to count the concrete area under the existing carport, the sheds, the residence and other walks and patios making the existing lot coverage: $2351 \text{ sq.ft}/4817 \text{ sq.ft}=49\%$ lot coverage and the proposed coverage, including the entire garage area, existing residence and other walks and patios, to be: $2353 \text{ sq.ft}/4817 \text{ sq.ft}=49\%$ lot coverage. A bit confusing to calculate but very similar in actual lot development from existing to proposed.

Specific to the Setback variance requests; the existing carport and sheds are built within the corner side yard setback (to within approximately 6 feet of the property line) and within the rear yard setback (to within approximately 3.5 feet of the property line). The proposed garage setbacks are greater than either of these existing conditions.

Specific to the Accessory Building Height variance request; for the garage to have a reasonable width (22 feet) and a pitched roof to coordinate with the existing residence (garage 5/12 pitch residence 8/12 pitch), the ridge of the roof may exceed the 15 foot limit by 1-2 feet. This is only at the ridge of the proposed garage.

DODSWORTH GARAGE

Town of Fairfax
Use Permit application

A written description of the proposed use...

The use of the proposed detached accessory building is as a garage. It will provide two off street parking spaces and storage/laundry for the residence. This is a residential use in a single family neighborhood.

In the space below...

(Please review the Variance request submittal statements)

This project proposes a new detached garage for a single family residence in a neighborhood of the same. The proposed structure will replace an older carport and storage sheds. The new building will be further from Sequoia Street than the existing structures and will be similar to the existing residence in style, detail and color. Other properties on both streets and in the general neighborhood have been developed similarly with a main residence and a detached garage. This is part of the character of the area and is partially due to the age of structures and of the lot division of the area.

This project as proposed will improve the streetscape by moving vehicles further from the street and placing them indoors; by substituting substantial new construction for sub-par existing structures; and by the review of the project by the Design Review Process. The conformance with the policies of the Town of Fairfax is addressed by these requests. The adjacent property to the proposed garage is separated by an existing fence and dense landscaping. The garage will be a visual and audible improvement to the existing open carport and sheds. Again, other properties in the Town have been developed in a similar manner.

The approval of the use permit...

The R-M zone of the lots that include 41 Azalea is spot zoning and none of the lots are developed as multi-family sites. It may be in the interests of the Town to rezone this spot zoning condition to better reflect the development of this area. The proposed use is consistent with actual use of the surrounding lots.

The development and use of property...

This finding is supported by the proposal being similar to what exists in the area. The streetscape will be improved physically and aesthetically by the proposed use permit. The existing structures detract from the neighborhood and the Town.

Approval of the use permit is not contrary...

Approval of this use permit is required by the spot zoning of this lot in the R-M zone. The development of this area of Town is not R-M in nature. Single family residences dominate and the plans of the Town reflect this direction.

Please note:

The requirements for presentation to Design Review and for submission for a Use Permit are due to the R-M zoning of 5 lots in this block of otherwise single family zoned lots. These 5 lots do not meet the 7500 sq.ft. minimum lot size required for multi-family development. All lots have single family residences. This zoning is requiring the Owners to expend time and money on these issues that other residents of the immediate area would not be required to expend. The Town may want to review this spot zoning (or may have already) to clean up this situation.

DODSWORTH GARAGE DESIGN REVIEW CRITERIA STATEMENT

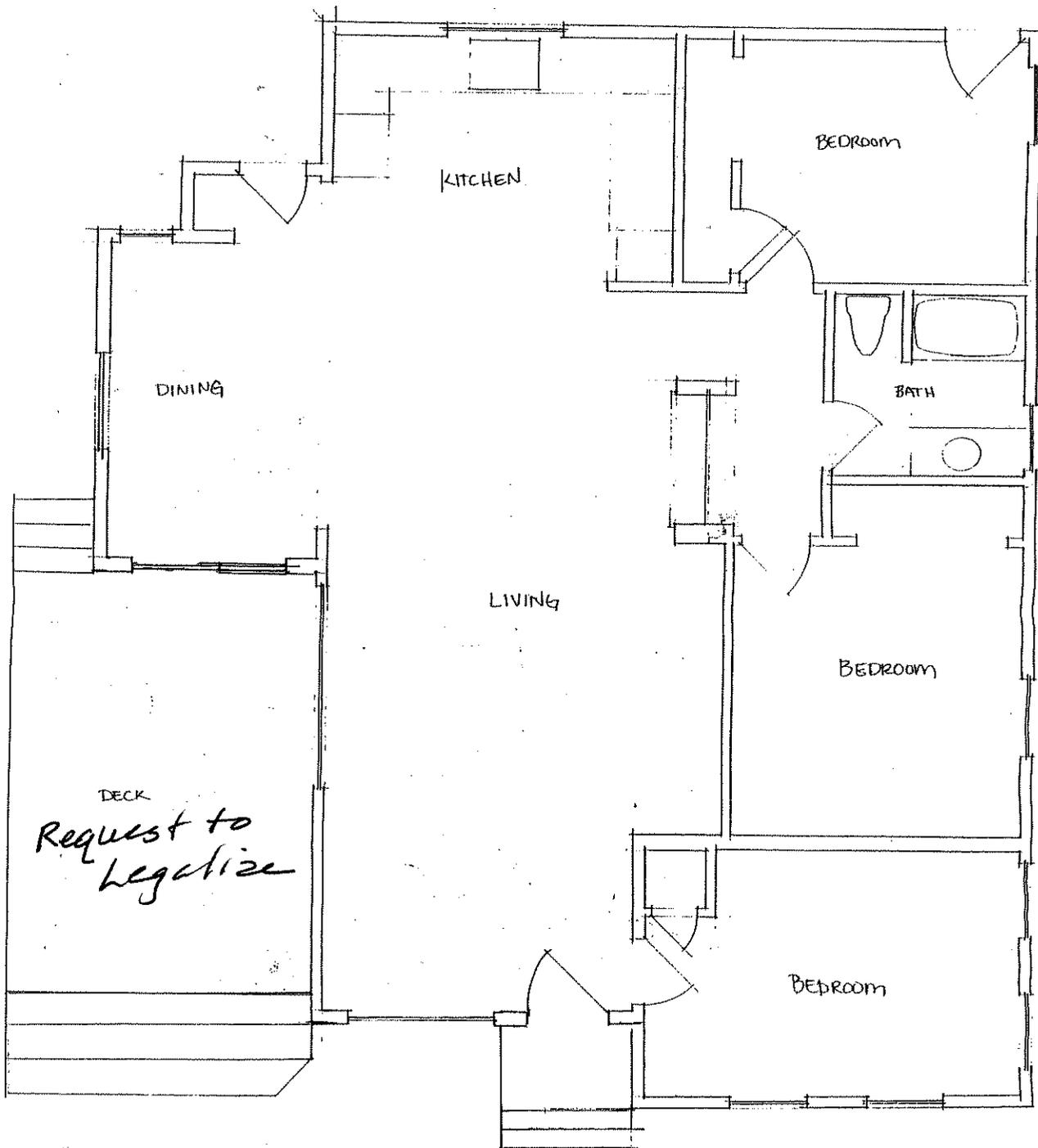
This project is the addition of an accessory garage building to a single family residence in a predominately single family neighborhood. The garage will replace a non-conforming carport and storage sheds on the site. The site is a corner lot and the main residence faces Azalea Ave. and the garage will be accessed from Sequoia St.

The proposed garage will coordinate with the design of the residence: pitched gable roof with matching shingles, similar overhangs with gutters, horizontal siding with matching exposure, half light entry doors and simple garage doors with upper windows. Paint colors will match the main residence and trim details will mimic those of the main residence. The garage is small to match the scale of the residence and to fit on the small lot. The design includes separate garage doors to minimize their street presence and with one door in an extended bay, again developing interest and scale to the main elevation.

Existing mature trees are to be maintained and the existing fencing will be modified to mate to the new structure. Existing trash and clutter viewable due to the unenclosed carport will be behind doors or behind new fencing with gates. This, along with improved landscaping at the driveway side will improve the streetscape presence. Off-street parking will now be in the garage which is proposed to be further from the street/property line than is the present carport parking. The grade is level for the entire lot and no grade issues will affect this project. Access to the parking, both ingress and egress will benefit from the new location of the parking spaces and this level streetscape with good visibility along Sequoia St.

This project is small and limited and residential in scale, use and function. We are requesting variances for height (to allow for the pitched roof similar to the main residence) and for setbacks (to allow for separation from the main residence and driveway ease). The geometry of the layout develops exterior spaces with the main residence and with Sequoia St. that will benefit both. Due to the size of the lot, the existing residence, the location of neighboring buildings and the mature landscaping, the garage design was obvious. We considered rebuilding the carport in place but feel that the enclosed garage will be of more benefit to us and to the character of our neighborhood. We are excited about the design and the opportunity to continue developing our family residence and site.

DODSWORTH 41 AZALEA



DINING

KITCHEN

BEDROOM

BATH

LIVING

BEDROOM

DECK

Request to Legatize

BEDROOM



Ross Valley Fire Department
777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: New detached garage
ADDRESS: 41 Azalea Ave
Fairfax CA, 94930

Page: 1 of 2
Date: 05/11/2012
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning E-mail: Rbastianon@rossvalleyfire.org
Bldg. Dept. Fire Dept. # 12-0111 Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

Applicant*: Planning
Address:

***Applicant is responsible for distributing these Plan Review comments to the Design Team.**

Occupancy Class: U	Fire Flow Req: 1000 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: sf:	Turn-Around Req: NO	Permits Required:
Stories: 2	Fire Flow Test Required: NO	Sprinkler
Height: +ft.	Wildland Urban Interface: NO	

The project listed above has been reviewed and determined to be:

- () **APPROVED** (no modifications required)
- () **APPROVED AS NOTED** (minor modifications required - review attached comments)
- () **NEEDS REVISION** (revise per attached comments and resubmit)
- () **INCOMPLETE** (provide additional information per attached comments and resubmit)

NOTE: Please review the comments and make corrections and/or add notes as required. Changes and/or additions shall be clouded and referenced by date on a legend. Approval of this plan does not approve any omission or deviation from the applicable regulations. Final approval is subject to field inspection. Approved plans shall be on site and available for review at all times.

ROSS VALLEY FIRE DEPT.
REVIEWED

DATE: 5/11/12

Inspections required:

- () Access/Water Supply prior to delivery of combustibles
- (X) Defensible Space/Vegetation Management Plan
- (X) Sprinkler Hydro/Final
- (X) Final

EXHIBIT # B



Ross Valley Fire
Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: New detached garage
ADDRESS: 41 Azalea Ave
Fairfax CA, 94930

Page: 2 of 2
Date: 05/11/2012
Reviewed by: Rob Bastianon
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TYPE OF REVIEW: Planning E-mail: Rbastianon@rossvalleyfire.org
Bldg. Dept. Fire Dept. # 12-0111 Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
1		This project as designed requires the installation of an automatic fire suppression system. Fairfax Fire Code Section 903.2	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
2		Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth. Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan is available online @ Rossvalleyfire.org to assist the applicant in meeting the minimum defensible space requirements.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
3		Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	

*If re-submittal is required, all conditions listed above shall be included in revised drawings.
Fire and life safety systems may require a separate permit. Fire permits may be noted as deferred.*

**TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES**

142 Bolinas Road, Fairfax, California 94930
Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning and Building Services Department

Date: April 27, 2012

To: Town Engineer Fairfax Police Dept. Marin County Open Space Dist.
 Town Attorney Sanitary Dist. 1 Other – Building Official
 MMWD Public Works Dept.
 Ross Valley Fire Marin County Health Dept.

Address and Parcel No: 41 Azalea Ave.; Assessor's Parcel No. 001-144-11

Project Description: new two car garage

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	Received 4/19/12	Preliminary development plans

REMARKS DRIVEWAY APPROACH REQUIRES AN ENCROACHMENT PERMIT, AND MUST BE BUILT WITH A SIDEWALK THAT HAS A MAXIMUM 2% CROSS SLOPE.
Please respond by May 9, 2012. Thanks

NO FURTHER COMMENTS AT THIS TIME

MARK LOCKARY
FAIRFAX BUILDING OFFICIAL
+
PUBLIC WORKS MANAGER

If you have any questions please contact: Linda Neal, Senior Planner



MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169

www.marinwater.org

May 18, 2012
Service No. 09004

RECEIVED

MAY 22 2012

TOWN OF FAIRFAX

Linda Neal
Town of Fairfax
Dept of Planning and Building Services
142 Bolinas Rd
Fairfax CA 94930

RE: WATER AVAILABILITY - Single Family Dwelling
Assessor's Parcel No.: 001-144-11
Location: 41 Azalea Ave, Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed construction of a new two car garage will not impair the District's ability to continue service to this property.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 – Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org.

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Very truly yours,

Joseph Eischens
Engineering Technician

JE:mp