

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Youth Center
Thursday, March 21, 2013

Call to Order/Roll Call

Shelly Hamilton (Chair)
Morgan Hall
Laura Kehrlein
Brannon Ketcham
Morgan Hall
Roxanne Esset-Lofstrom

COMMISSIONERS ABSENT:

Shelby LaMotte (Vice-Chair)

STAFF PRESENT:

Linda Neal, Senior Planner Neal
Joanne O'Hehir, Minutes Secretary

Chair Hamilton called the meeting to order at 7 p.m.

APPROVAL OF AGENDA

M/s, Ketcham/Kehrlein, Motion to continue the item at 12 Vista Way to the meeting of April 18, 2013:

AYES: All

M/s, Brannon/Esset-Lofstrom, Motion to approve the agenda as amended:

AYES: All

CHAIR AND VICE CHAIR

M/s, Ketcham/Hall, Motion to elect Chair Hamilton for a further two-year term and Vice-Chair LaMotte for a further two-year term:

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one came forward to speak.

CONSENT ITEMS

There were no items on Consent.

PUBLIC HEARING ITEMS

1. **30 Maple Avenue:** Application # 13-07: Request for a Use Permit and Fence Height Variance to: a) construct a decorative 7 foot tall entry arbor; b) demolish the existing open carport; and c) construct an enclosed 343 square foot garage, 245 square foot rooftop deck and 73 square foot access stairway and elevated roof area over the stairwell of an single-family residence; Assessor's Parcel No. 001-204-36; Residential RD 5.5-7 Zone; Laura Kehrlein, architect/applicant; Richard Miller and Karen Belanger, owners; CEQA categorically exempt, § 15301(a) and 15303(e).

Commissioner Kehrlein recused herself and left the meeting since she had acted as the project's architect/applicant.

Senior Planner Neal presented the staff report. She explained that a Use Permit would be necessary because the parcel did not meet the minimum size requirement to allow expansion and/or improvements etc. Ms. Neal explained that the proposed addition would not result in a residence that would be out of scale with other houses in the vicinity.

Ms. Neal went on to discuss the elevation over the new staircase and the front setback that would be necessary in order to construct a trellis, which staff could not support for reasons she explained. However, the applicants had confirmed that they were willing to remove the trellis from the plans and so staff could support the project.

Architect Fred Divine discussed the addition, which he noted would be fairly small and would be necessary to create an entryway for the staircase. He confirmed that they did not intend to construct a trellis because it would use up too much of the small yard.

The applicants, Richard Miller and Karen Belanger, discussed previous projects at their property with Commissioner Ketcham. He noted that the combined applications did not affect 50% or more of the structure.

Commissioner Hall noted that the upstairs deck did not seem to pose any privacy issues.

M/s, Ketcham/Esset-Lofstrom, Motion to approve Application # 13-07, a request for a Use Permit to demolish the existing open carport and construct an enclosed 343 square foot garage, 245 square foot rooftop deck and 73 square foot access stairway and elevated roof area over the stairwell of a single-family residence at 30 Maple Avenue with the removal of the proposed trellis from the plans:

AYES: All

Chair Hamilton announced the appeal rights.

Commissioner Kehrlein returned to the meeting room.

2. **41 Bothin Road:** Application # 13-06: Request for a Use Permit and a Combined Front/Rear Setback Variance to construct a 212 square foot addition/remodel onto a 1,587 square foot residence; Assessor's Parcel No. 001-101-03; Residential Single-family RS 6 Zone; Christopher Fiore, applicant/architect; Mark Fiore and Chelsea Donovan, owners; CEQA categorically exempt, § 15301(e) and 15305(a).

Senior Planner Neal presented the staff report. She noted that a Use Permit would be necessary because the property failed to meet the minimum lot size and width requirements based on the slope. Ms. Neal discussed the proposed addition, which she said would not result in the residence being out of scale with the site or the neighboring structures. Furthermore, she noted that it would meet most of the town's setback requirements, with the exception of the required minimum combined front/rear setback. Ms. Neal explained that 36 square feet of the addition would maintain a combined setback of 32 feet when 35 feet was required and thus a variance had been requested for this purpose. She noted that staff could support the variance because the encroachment into the setback would be towards the road, rather than alongside a neighboring property.

Ms. Neal and Commissioner Kehrlein used the plans to discuss the reasons why a combined setback variance would be necessary.

Ms. Neal noted that parking would not be an issue because the project did not constitute a 50% remodel.

Christopher Fiore, Architect, discussed the addition. He said that they had worked within the setbacks as far as it was possible and had designed something appropriate.

Commissioner Ketcham and Mr. Fiore discussed the height of the crawl space.

Chair Hamilton opened the public comment period and then closed it when no one came forward to speak. She said that she could approve the project.

Commissioner Hall noted that it was an intelligent way to add space.

Commissioner Ketcham noted that the required setback would affect the road rather than a neighboring property and that the applicants had tried to avoid variances.

Commissioner Kehrlein said that the project was a well thought out solution for adding space.

M/s, Ketcham/Hall, Motion to approve Application # 13-06, a request for a Use Permit and a Combined Front/Rear Setback Variance to construct a 212 square foot addition/remodel onto a 1,587 square foot residence at 41 Bothin Road.

AYES: All

Chair Hamilton announced the appeal rights.

MINUTES

3. Minutes from the February 21, 2013 Planning Commission meeting.

The minutes from the February 21, 2013 Planning Commission meeting were continued to the meeting of April 18, 2013 due to a lack of a quorum of commissioners who had been present at the meeting.

PLANNING DIRECTOR'S REPORT

Planning Director Moore had been absent from the meeting and therefore a report had not been presented.

DISCUSSION ITEMS

4. Discussion/consideration of a draft Ordinance regulating leaf blowers and/or other gasoline powered landscaping maintenance equipment. Zoning - All residential and commercial zones districts in Town; Direction originates from Town Council Resolution No. 13-3 directing the Commission to include but not be limited to: ordinance effect date, permitted times and days of operation, hardship/exemption considerations and processing, inclusion of other gasoline powered equipment and penalties.

Senior Planner Neal announced that she would not present a staff report with which the commissioners were in agreement. Ms. Neal suggested that the commissioners discussed the materials provided by staff, take public testimony and then request staff to draft an ordinance for further discussion at the next meeting.

Chair Hamilton opened the public comment period and invited the single member of the public present at the time to speak.

Cindy Swift, Madrone Road, suggested that the ordinance should apply to the many kinds of outdoor equipment that created noise and not be restricted to leaf blowers for reasons she explained. Ms. Swift also said that there should be noise level limitations and both weekday and weekend use. She explained why she would not support permit use for equipment usage.

Chair Hamilton noted that the current ordinance covered decibel levels and gardening equipment and so she suggested that they discuss amending the ordinance rather than drafting a new document.

General discussion took place on restricting the use of outdoor equipment and limiting the hours of operation.

Chair Hamilton reopened the public comment period and John Sergeant, Madrone Road, discussed the petition that instigated the discussion of the ordinance. He noted that some of the signatures belonged to non-residents

Mr. Sergeant discussed leaf blowers and his recommendations that related to limiting hours of operation and decibels.

Chair Hamilton closed the public comment period.

The commissioners discussed air quality relating to leaf blowers.

There was general consensus that limiting the hours of operation might be the most effective way forward and that the decibel level should be measured from the receiving end, i.e. from the property line of the resident who made the complaint.

The commissioners discussed outreach and education measures to mitigate the problems of leaves being blown into the street.

Chair Hamilton requested that the commissioners be provided with the minutes of the previous discussion on the ordinance at the Council's 2008 meeting.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Ketcham requested that staff draw up a proclamation for Commissioner Lacques who had resigned from the commission after serving 8 years.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8.30 p.m.