



Agenda Item No. 8a.

Staff Report

Date: September 8, 2022
To: Mayor Kuhl and Council Members
From: Rebecca Markwick, Planning and Building Director
Subject: 19 Redwood Drive

Recommendation

Town Council approval of Resolution No. 2268 (**Attachment 1**) approving a Variance for the subject project as described below.

Property Address: 19 Redwood Drive
A.P.N.: 073-272-04
Applicant: Michael Lind
Property Owner: Michael Lind
Zoning: R-1:B-7.5
General Plan: ML (Medium Low Density)
Flood Zone: AE (High Risk)

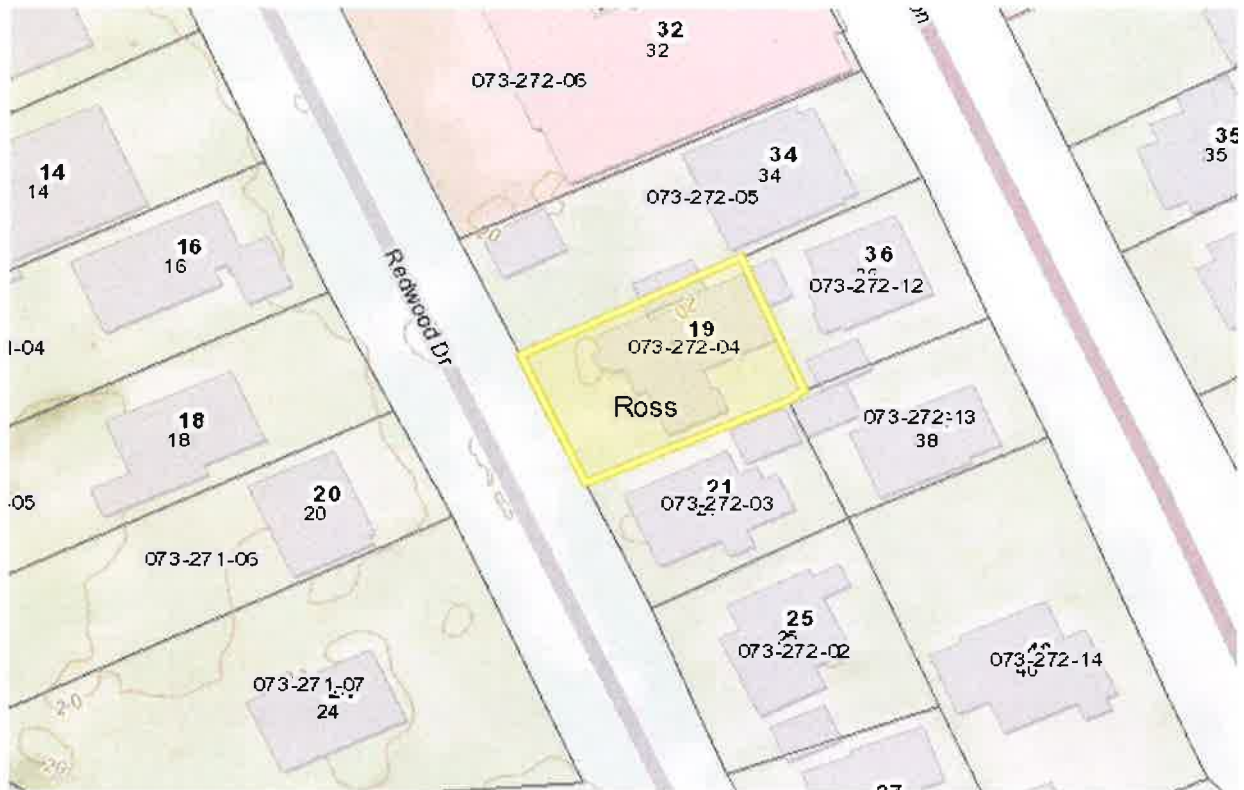
Project Summary: The applicant requests approval of a Variance to renovate and add onto an existing non-conforming deck in the side yard setback.

Project Data

This project consists of hardscape changes only which will not affect the project data table and will not increase the impervious surfaces.

Background

The project site is a developed 4,200 square foot, flat lot on the Redwood Drive. The existing home and deck are nonconforming with respect to the minimum required 40-foot rear yard setback and 15-foot side yard setback.



Project Description

On June 8, 2022 the Town received a complaint about construction located at 19 Redwood Drive. Town Senior Building Inspector went to the site and determined that work was being conducted on the deck without issuance of planning approval and a building permit. A Stop Work Order was placed on the property on June 8, 2022.

The deck was permitted in 1982, therefore is 40 years old. The applicant would like to add onto the existing deck because the patio underneath is undulating due to tree roots and removal of the tree roots will most likely cause the demise of the trees.

The project proposes to reconstruct the existing 200 square foot deck off the house, and construction of an addition to the deck, for a total deck size of 460 square feet. Town of Ross Municipal Code Section 18.52.030, a non-conforming structure may be expanded so long as the expansion complies with all zoning regulations. The existing deck is in the required side and rear yard setbacks, and the expansion is proposed into the side and rear yard setbacks, therefore a Variance is required for the expansion.

Project application materials are included as follows: Project Application as **Attachment 2**; Project Plans as **Attachment 3**.

Discussion

The proposed project is subject to the following permit approvals pursuant to the Ross Municipal Code:

Variance for Deck in the Side yard Setback

Pursuant to RMC Section 18.48.010, where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the zoning ordinance may result from the strict application of certain provisions thereof, variances, exceptions and adjustments may be granted, by the Town Council in appropriate cases, after public notice and hearing as provided in the zoning ordinance. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

In accordance with RMC Section 18.48.010 (c), a Variance is recommended for approval to allow the construction of the deck within the minimum required side yard setback based on the following mandatory findings:

- 1) That there are special circumstances or conditions applicable to the land, building or use referred to in the application.

Analysis: The special circumstances and conditions applicable to the land include the substandard lot which is 4,200 square feet and the requirement is 7,500 square feet. Additionally, the location of the existing residence which occupies the side yard and rear yards makes it infeasible to construct a deck anywhere else on the property. Consequently, the strict application of the minimum required yard setbacks on the property would severely restrict the ability of the property owner to construct a deck in any area of the property given the current siting of the house and deck as well as the size of the lot.

- 2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.

Analysis: Decks are commonly enjoyed by owners of residential properties in the immediate vicinity. Granting of the variance request, in a neighborhood where existing nonconforming setbacks are not uncommon, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- 3) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Analysis: The reconstruction of the existing deck and the deck extension will not adversely affect the health or safety of person residing or working in the neighborhood as the project will require compliance with the California Building Code. Existing mature landscaping provide visual screening from adjacent properties. No members of the general public including owners of

adjacent properties have expressed concerns or issues with respect to the project.

Stormwater Management

Pursuant to RMC Section 18.41.070 (t), to the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors.

Analysis: The project would use permeable materials for the deck. Post-project stormwater runoff rates would be no greater than pre-project rates.

Alternative actions

1. Continue the item to gather further information, conduct further analysis, or revise the project; or
2. Make findings to deny the application.

Environmental Review

The project has been reviewed under the provision of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On August 24, 2022, the proposed project was determined to be categorically exempt from CEQA pursuant to Section 15301 because the proposed project consists of the project consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or former use.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site 10 days prior to the meeting date pursuant to the Ross Municipal Code. At the time of writing the staff report, emails of support were received from 16, 21 and 34 Redwood.

Attachments

1. Resolution No. 2268
2. Project Plans
3. Project Application
4. Correspondence

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2268

A RESOLUTION OF THE TOWN OF ROSS APPROVING

A VARIANCE AT

19 REDWOOD DRIVE, A.P.N. 073-272-04

WHEREAS, the property owner Michael Lind, has submitted an application requesting approval of a Variance for an addition to an existing non-conforming deck to deviate from setback standards at 19 Redwood Drive, A.P.N. 073-272-04 (herein referred to as “the Project”).

WHEREAS, the Project was determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of minor alteration of existing private structures, facilities, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, on September 8, 2022, the Town Council held a duly noticed public hearing to consider the Project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit “A”, and approves Design Review to allow the Project, subject to the Conditions of Approval attached as Exhibit “B”.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 8th day of September, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
19 REDWOOD DRIVE
A.P.N. 073-272-04

- I. In accordance with Ross Municipal Code Section 18.48.010 (c), Variance is approved based on the following mandatory findings:**

- a) That there are special circumstances or conditions applicable to the land, building or use referred to in the application.**

The special circumstances and conditions applicable to the land include the existing lot is only 4,200 square feet, substandard for the specific zoning classification. The location of the proposed deck extension will not adversely affect the neighbors given the surrounding landscaping. There is nowhere reasonable or feasible to place the deck given the size of the lot and the location of the existing deck.

- b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.**

Due to the special circumstances of the small lot, the strict application of the zoning ordinance provisions for minimum side and rear yard setbacks (15 and 20 feet) in the district would deprive the subject property of the ability to construct a deck similar to the neighboring properties. Granting of the variance request, in a neighborhood where existing nonconforming side yard setbacks are not uncommon, may be deemed necessary for the preservation and enjoyment of the owner's substantial property rights. Granting of the variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- c) That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

The proposed new deck will not adversely affect the health or safety of the persons residing or working in the neighborhood as the pool construction is subject to the California Building Code. No members of the general public including owners of adjacent properties have expressed concerns or issues with respect to the project.

EXHIBIT "B"
CONDITIONS OF APPROVAL
19 REDWOOD DRIVE
A.P.N. 073-272-04

1. This approval authorizes a Variance for an addition to a deck to deviate from setback standards at 19 Redwood Drive, A.P.N. 073-272-04 (herein referred to as "the Project").
2. The building permit shall substantially conform to the plans prepared by the homeowner, dated 7/28/22; and reviewed and approved by the Town Council on September 8, 2022.
3. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
4. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period.
5. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
6. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
7. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
8. A Tree Permit shall not be issued until the project grading or building permit is issued.
9. The Project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
 - a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names

of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

- b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
- c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
- d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
- e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
- f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.

- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.
- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of

their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

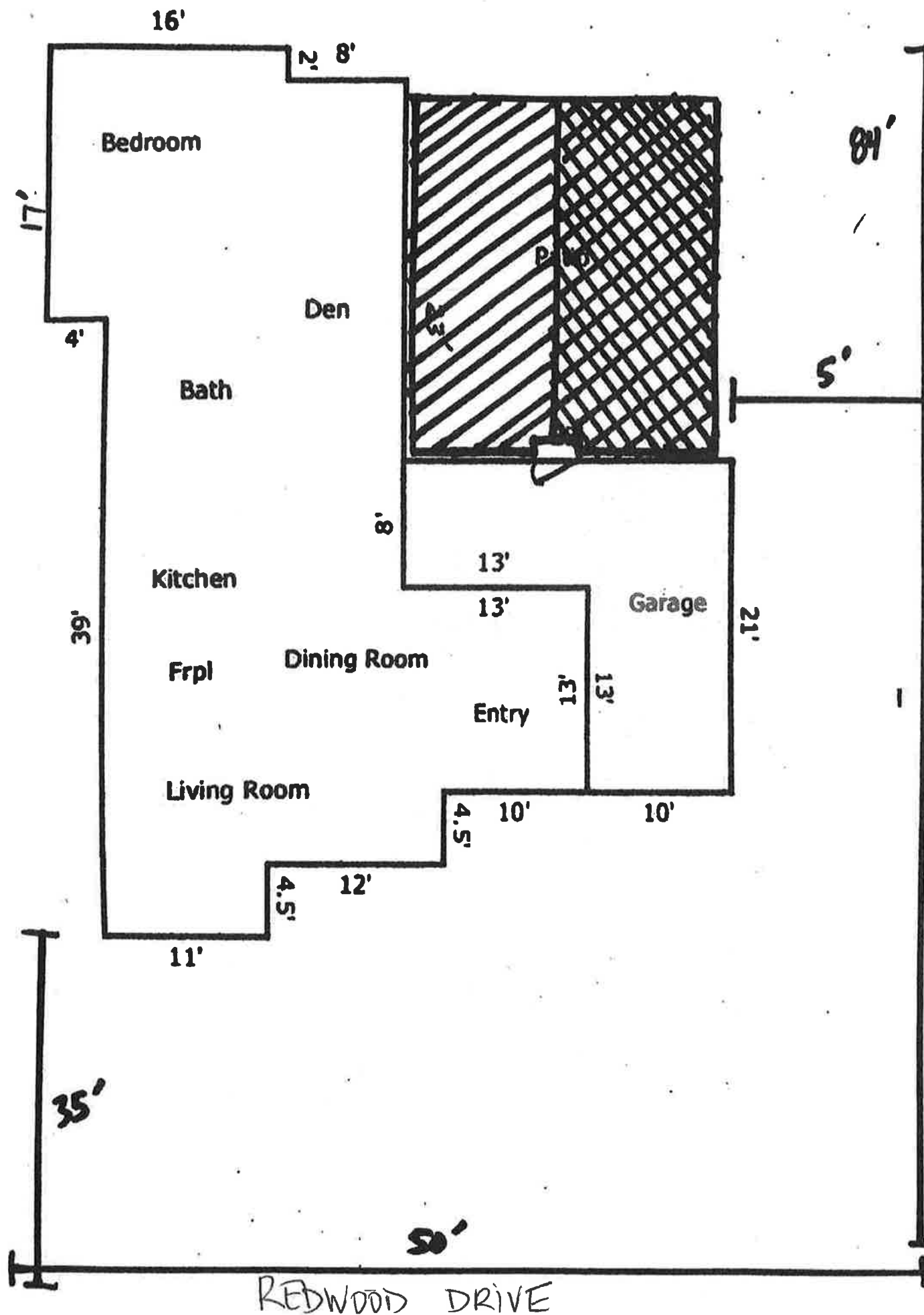
- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
 - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.
 - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department

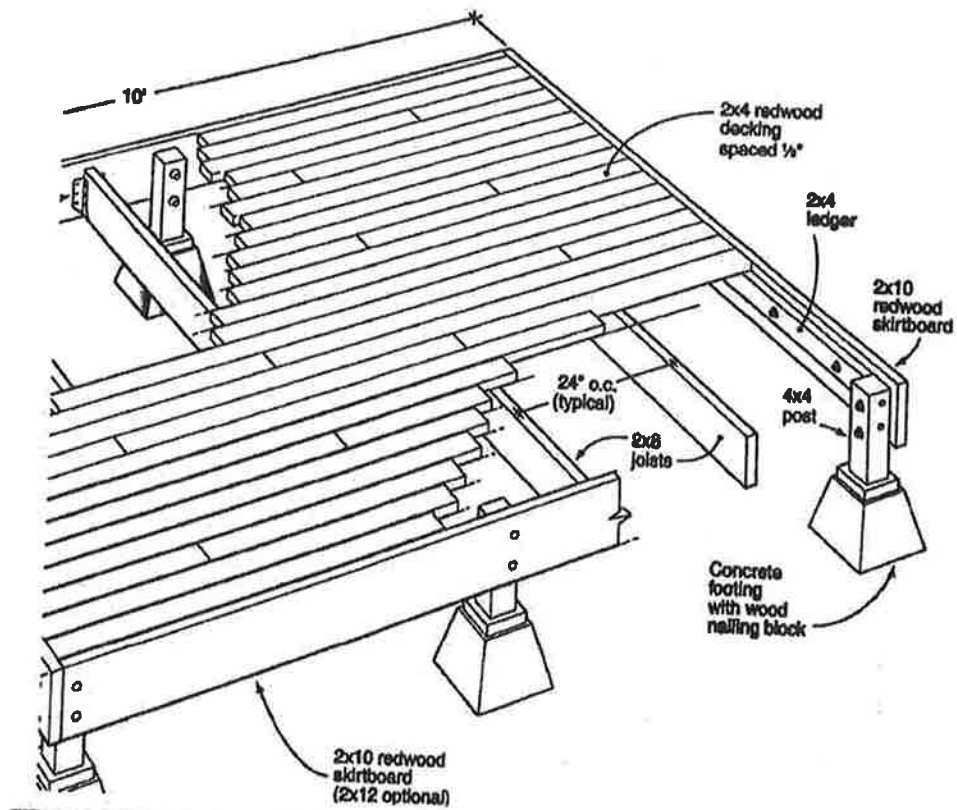
of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

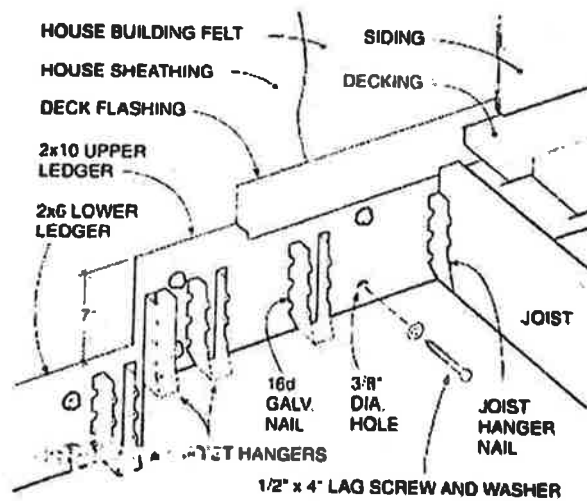
- iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.

10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 2







ATTACHMENT 3



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Advisory Design Review | <input type="checkbox"/> Minor Exception |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> Non-conformity Permit |
| <input type="checkbox"/> Basement and Attics Exception | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Demolition Permit | <input type="checkbox"/> Tentative Map Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review- Amendment | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Final or Parcel Map | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zoning Ordinance |
| <input type="checkbox"/> Hillside Lot Permit | <input type="checkbox"/> Amendment Other: |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Other: |

To Be Completed by Applicant:

Assessor's Parcel No(s): 073-272-04

Project Address: 19 Redwood Drive

Property Owner: Michael Lind

Owner Mailing Address (PO Box in Ross): Box 769

City/State/Zip: Ross, CA, 94957 Owner's Phone: 415 370-1431

Owner's Email: michael@karascupcakes.com

Applicant: Michael Lind

Applicant Mailing Address: 19 Redwood Drive

City/State/Zip: Ross, CA, 949567 Applicant's Phone: 415 370-1431

Applicant's Email: _____

Primary point of Contact Email: ☒ Owner ☐ Buyer ☐ Agent ☐ Architect

To Be Completed by Town Staff:

Date Received: _____

Application No.: _____

Zoning: _____

Planning 5300 _____

Tree Permit 5305 _____

Fee Program Administration 5315-05 _____

Record Management 5316-05 _____

Record Retention 5112-05 _____

Technology Surcharge 5313-05 _____

Date paid: _____ TOTAL FEES: _____

Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.

SUBDIVISION INFORMATION ONLY

Number of Lots: _____

LOT LINE ADJUSTMENT ONLYDescribe the Proposed Lot Line Adjustment: _____

Existing Parcel Size(s)	Parcel 1:	Parcel 2:
Adjusted Parcel Size(s)	Parcel 1:	Parcel 2:

PARCEL ONE	PARCEL 2
Owners Signature: _____	Owner's Signature: _____
Date: _____	Date: _____
Owner's Name (Please Print): _____	Owner's Name (Please Print): _____
Assessor's Parcel Number: _____	Assessor's Parcel Number: _____

* If there are more than two affected property owners, please attach separate letters of authorization.

REZONING OR TEXT AMENDMENT ONLY

The applicant wishes to amend Section _____ of the Ross Municipal Code Title 18.

The applicant wishes to Rezone parcel _____ from the _____ Zoning District to _____.

GENERAL OR SPECIFIC PLAN AMENDMENT ONLYPlease describe the proposed amendment: _____
_____**CERTIFICATION AND SIGNATURES**

I, the property owner, do hereby authorize the applicant designated herein to act as my representative during the review process by City staff and agencies.

Owner's Signature: _____ Date: _____

I, the applicant, do hereby declare under penalty of perjury that the facts and information contained in this application, including any supplemental forms and materials, are true and accurate to the best of my knowledge

Owner's Signature: _____ Date: _____

SIGNATURE:

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at

Ross _____, California on July 28, 2022 _____

Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

Notice of Ordinance/Plan Modifications

- ☐ Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm _____
Project Landscape Architect _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

Firm _____
Project Engineer _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Arborist

Firm _____
Project Arborist _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Written Project Description – *may be attached.*

A complete description of the proposed project, **including all requested variances**, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

Replacement of an original exterior deck which was permitted and built in 1982 and was

forty years old. The proposed new deck will maintain the same front and rear

dimension, but extend closer to the property line on the southern side, covering more

of our patio. The reason for increasing the footprint of the deck is that the patio is

undulating and unsafe to walk on, caused by the roots of several mature trees. Leveling the patio and removing the roots would likely cause the demise of these trees.

Extending the deck solves this issue and provides more useful area for our family

to enjoy the outdoors. The proposed deck will be five feet from the property line on the

southern exposure and six feet from the the property line on the eastern exposure, both

of these exceed the current setback requirements, necessitating a variance.

The proposed deck will be 23 feet long and 20 feet deep.

Mandatory Findings for Variance Applications

In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances

That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

The size of our lot precludes compliance with the existing zoning regulations.

Substantial Property Rights

That the variance is necessary for the preservation and enjoyment of substantial property rights. **Describe why the project is needed to enjoy substantial property rights.**

Our family is not able to safely use the backyard due to undulations and surface conditior

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

Extending our deck will not harm or be visible to any of our neighbors.

ATTACHMENT 4

Hi,

My wife, Kara, my daughter, Lucia and I moved into our new home at 19 Redwood in Ross last spring. We love living here.

Our home is a charming 1500 square foot cottage which was built more than 100 years ago.

The small backyard had an existing but rotten wood deck (approximately 240 square feet) that was permitted and built in 1982.

We removed the deck as it was a hazard, and had started on its replacement when notified that this work required a permit.

Off the deck is a patio which has been covered by masonry bricks for several years.

The patio has an irregular surface caused by the roots of mature trees on the border of our property. Like the original deck, the patio, in its current condition is mostly unusable.

Leveling the patio would require removal of the bricks, removal of the tree roots, grading and reinstallation of the masonry.

We have been told that this process would likely kill multiple mature trees.

Our solution is to leave the patio and trees unmolested, and to extend the deck (another 240 square feet) so that it covers the uneven patio.

This way we have a safe and usable backyard, and a surface that is permeable to water, as our property is prone to flooding.

The proposed deck is roughly 480 square feet and is just slightly elevated, about 21 inches above grade. The deck would not be visible to any of our adjacent neighbors.

Installation of the deck would not impact any of the existing vegetation in our yard.

Because our yard is so small, building the deck will require a variance.

The entire proposed (and previous) deck will be within the required setback areas.

Michael Lind
Founder, VP
san francisco, california
c: 415 370 1431
www.karascupcakes.com

Photos of the material (Redwood) that the rear deck will be constructed out of, it will match the deck at the front of the home.



Hello Ms. Marwick:

We live at 21 Redwood Drive, next door to Michael and Kara Lind. They are requesting an extension of their deck to cover the uneven patio. We are happy to support this proposal.

They are a great addition to the neighborhood.

Alan Sandler & Laura London
21 Redwood Drive
Ross, CA 94957

Rebecca - I hope you are doing well.

I wanted to reach out and let you know we are supportive of the deck extension project at 19 Redwood.

I have looked at the site and deck. We are very supportive of the project and think it's an excellent addition to the property. We believe it will enhance the enjoyment of the property. We do not see it encroaching on anyone else's space or happiness.

We hope it will be approved. We are looking forward to connecting with you soon.

Jeff

Jeff Shouger
650-339-0717
jeff.shouger@gmail.com
Skype: jeff.shouger
www.linkedin.com/in/shouger

We enjoyed many good times over ~40 years at 19 Redwood Drive when Tom Kemp & Barbara lived there, so I'm well aware of the layout of the deck and patio. A larger deck would make it more functional for eating, or just entertaining friends, and eliminate carrying food and beverages down and up the steps to the patio.

Most, if not all of the homes on Redwood Drive that are between the Common and Brookwood Lane are on 50' wide lots. At least 4 of the lots on the east side of the street, running from 19 Redwood Drive to Brookwood Lane are on very short lots, atypical of most of houses in Ross.

I encourage you to approve the variance because of the benefits of the larger deck to the Michael family, but also because our neighborhood is unique in Ross with it very small lots, and thus seems to warrant special dispensation.

Thanks for your consideration.

Dick Bobo

16 Redwood Drive