



**E. PUBLIC HEARINGS**

5. Application regarding an interpretation of project approval including interpretation of a condition of approval that was part of an approved Design Review project for a new single family dwelling at **36 Cove Road**. The project was approved on May 19, 2015 and has been constructed. The applicant is asking that the Planning Commission make a determination regarding Condition J from Planning Commission Resolution No. 2015-21 which reads: "Prior to the issuance of a Building Permit, a final landscape plan shall be submitted for the review and approval by the Planning Commission Chair and the City Planner. The final landscape plan shall address any changes to proposed landscaping, including but not limited to adjustments to landscaping proposed in the public right-of-way. The final landscape plan shall include screening for utilities. Proposed hedges and shrubs shall not exceed a height of six (6) feet unless agreed to in writing by adjacent property owners." Applicant: Elizabeth Breckus; Property Owner: Robert & Connie Peirce.

Vice-Chair Mark stated that the applicant for Item 5 (**36 Cove Road**) has today requested a continuance of the item.

Commission discussed options to hear or not hear the item. Granting the continuance is the usual action taken when an applicant requests one.

Staff suggested that public comment may be opened before the Commission determines what action they may decide to take.

Open public hearing.

Riley Hurd, representing the neighbor to the applicant, commented that the late request for a continuance does negatively impact outside parties and the Commission. Many people have invested time and money into being present tonight. Continued delays regarding this item need to be discouraged.

Close public hearing.

The Commission discussed that since the applicant is not present there is no way to consider both sides of the item and the potential for appeal would be present. Commissioners agreed they will plan on hearing the item at the August meeting.

MOTION: To continue the Item for **36 Cove Road** to the August Planning Commission meeting.

MOVED BY: Pat Carapiet, seconded by Marsha Lasky

VOTE: AYES: Peter Mark, Pat Carapiet, Nena Hart, Marsha Lasky,  
Claire Slaymaker  
NOES: None  
ABSTAIN: None  
RECUSED: Larry Stoehr  
ABSENT: Jim Lynch

Commissioner Stoehr rejoined the Planning Commission.

Commissioner Carapiet recused herself from Item 6 (**20 Lagoon Road**) because she owns property within 500 feet of the subject property. She retired from the meeting.

6. Retroactive Design Review, Demolition, and Variance for exceeding the allowable scope of work for the project at **20 Lagoon Road**. The project currently under construction exceeded the approved project scope for demolition and additional exterior walls were removed beyond 50 percent which requires a Demolition permit. Because the project is now considered a Demolition the Variance application is required for the existing carport which encroaches into the front and side yard setbacks. A new fence is proposed at the North property line, 8 feet in height. Project Applicant: Holscher Architecture; Property owners: Joy and William Matthews.

Associate Planner Markwick presented the staff report. A slide show accompanied her remarks<sup>1</sup> Staff notes that the existing bedroom at the front on the house encroaches into the front yard setback, so an additional variance is required for the bedroom as well. Staff suggests that if the Commission is in a position to approve the project as presented that a condition be added that a front yard variance for the bedroom return to the commission at the July hearing.

Commissioners clarified that the proposed side yard fence height is 6 feet and it would be located on the 20 Lagoon Road property. A discussion was held as to whether the new demolition status of the project might be an opportunity to correct the areas currently needing Variances. A consideration of such a change might increase building costs that could trigger FEMA issues.

Open public hearing.

David Holscher, project architect, clarified the construction conditions that brought this project back to the Commission. They wish to avoid large changes to the project because of the need to contain the costs to stay under the Substantial Improvement cost threshold.

William Mathews, property owner, stated that he has met with his neighbor, Ms. Ury, and they have agreed upon three items subject to the Commission's approval. First that the tree at the western corner of the lot next to her lot be changed to one that would be a maximum height of 8 feet at maturity. Second they will have a boundary survey performed by a surveyor of Ms. Ury's choice to accurately identify the property line between their two properties. They will install a fence 6-7 feet high to be built on his own property of an agreed-upon design and configuration. No changes have been requested or are planned for the existing carport or the front bedroom which remain as existing.

Elizabeth Ury, 18 Lagoon Road, confirmed the new agreements from the meeting today. She listed some of the issues that have been her concerns through the approval and building process.

Close public hearing.

Commissioners discussed that approvals be conditioned in accordance with the agreements between the neighbors. Had the project been considered a Demolition at the time of the original approval some felt they might have had an opportunity to address the existing nonconformities but now costs are a concern. Commissioners agreed that \$1,000 would be an appropriate penalty for the Retroactive applications.

MOTION: To adopt the Resolution granting Demolition for the property located at **20 Lagoon Road**.

MOVED BY: Marsha Lasky seconded by Larry Stoehr

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<sup>1</sup> The slide show presentation is archived with the record of the meeting.

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Larry Stoehr,  
Nena Hart  
NOES: None  
ABSTAIN: None  
RECUSED: Pat Carapiet  
ABSENT: Jim Lynch

MOTION: To adopt the Resolution finding No Historical Resource per CEQA for **20 Lagoon Road.**

MOVED BY: Marsha Lasky seconded by Larry Stoehr

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Larry Stoehr,  
Nena Hart  
NOES: None  
ABSTAIN: None  
RECUSED: Pat Carapiet  
ABSENT: Jim Lynch

MOTION: To adopt the Resolution granting Retroactive Design Review for the proposed changes at **20 Lagoon Road,** as conditioned per the discussion tonight.

MOVED BY: Marsha Lasky seconded by Larry Stoehr

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Larry Stoehr,  
Nena Hart  
NOES: None  
ABSTAIN: None  
RECUSED: Pat Carapiet  
ABSENT: Jim Lynch

MOTION: To adopt the Resolution granting a Variance to allow the existing carport to encroach into the front and side yard setbacks at **20 Lagoon Road,** as conditioned.

MOVED BY: Marsha Lasky seconded by Larry Stoehr

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Larry Stoehr,  
Nena Hart  
NOES: None  
ABSTAIN: None  
RECUSED: Pat Carapiet  
ABSENT: Jim Lynch

Vice-Chair Mark stated that the applicant has requested a continuance for Item 7 (**28 Windward Road**)

7. Design Review, Exception to Total Floor Area and Variance applications for an addition on the first floor and a new second story addition for the property located at **28 Windward Road.** The project requires an Exception to Total Floor Area to exceed the allowable floor area and a Variance to exceed the allowable lot coverage. Applicant: Jeff Plonowski Architecture; Property Owner: Gloria and Fernando Cruz.

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MOTION: To continue the applications for **28 Windward Road** to a future meeting.

MOVED BY: Marsha Lasky, seconded by Nena Hart

VOTE: AYES: Peter Mark, Larry Stoehr, Nena Hart, Claire Slaymaker,  
Marsha Lasky

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Pat Carapiet, Jim Lynch

**ADJOURNMENT**

The meeting was adjourned at 7:45 pm.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on July 16, 2019 by the following vote:

AYES: Marsha Lasky, Nena Hart, Pat Carapiet, Larry Stoehr

NOES: None

ABSTAIN: Jim Lynch (due to absence from meeting)

RECUSED: None

ABSENT: Peter Mark, Claire Slaymaker

**APPROVED:**

  
Jim Lynch, Planning Commission Chair

**ATTEST:**

  
Alison Foulis, City Clerk