

1. **VARIANCE (Project I.D. 2011-0274): WOLIVER**

LAJ

The subject property is located at **26 Bay Vista Drive, Mill Valley**, and is further identified as **Assessor's Parcel No.034-153-53-17**.

The project is a proposal to remodel an existing entry stairway and deck attached to a 2,711-square foot single-family residence with an attached 575.9-square foot garage. The existing non-conforming, two-story house and garage are located approximately 21 feet from the easterly roadway/utility easement, 7 feet from the southerly side property line, 10 feet from the northerly side property line, and 23.8 feet from the westerly rear property line. While the project entails no addition to the existing single-family residence, the applicant is requesting a Variance to render the existing house and garage conforming. The proposed entryway and deck would replace existing nonconforming and deteriorating stairs, deck, and planter; the existing stairs are unsafe, the existing deck has no railings, and the planter crosses the property line. The proposed stairs would attain a maximum height of 10.4 feet and have the following setbacks: approximately 2 feet from the southerly side property line and 24.2 feet from the easterly roadway/utility easement. The proposed deck would match the elevation of the existing deck, attain a maximum height of approximately 9.1 feet, and have the following setbacks: 0 feet from the southerly side property line, 28 feet from the westerly rear property line, and approximately 35 feet from the easterly roadway/utility easement. A Variance is required because the existing residence/garage and the new stairway would be located within the 10-foot side yard setback and 25-foot front yard setback required by the applicable zoning district. The deck would be located within the required 10-foot side yard setback.

In response to the hearing Officer, no one wished to speak on the item.

The public testimony portion of the hearing was opened. Since there were no comments, the public testimony portion was closed.

The Hearing Officer noted that after making a site visit he concluded that there were unusual circumstances to support Variance findings. He also noted that since the stairs and deck are located up to the property line, fire protection measures would need to be incorporated before issuance of a building permit.

The Deputy Zoning Administrator (DZA) concurred with staff's findings and conditions of approval in the Resolution, and approved the Woliver Variance.

The Deputy Zoning Administrator (DZA) informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days, which will be Friday, January 27, 2012 by noon.