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Homeowner Planning to Appeal Addition Decision

By Cathy Tyson



The Polichio family in front of their Burton Valley home. Photo Cathy Tyson

Burton Valley homeowners Joe and Noelle Polichio refuse to take no for an answer. They are appealing a decision of the Planning Commission that does not allow them to build a second story addition to their Lucas Drive home.

It's been a roller coaster for the family. The Design Review Commission considered the project at a number of meetings, and on September 13, conditionally approved it after some modifications were made. Then in October, neighbors William Wahlander and John Woolery appealed that decision to the Planning Commission.

The Planning Commission heard the matter twice and directed the applicants to make significant changes to reduce the size of the project. The latest version was downsized by 189 feet, but since the process began the project has shrunk by 31% from 1,580 square feet for the second story addition to 1,084 square feet. The majority of Commissioners at the third meeting felt it still wasn't enough.

Joe Polichio describes his frustration, "This is a property rights issue. The City is disregarding its own guidelines." Noelle adds, "I wish the opposition could recognize that we love our beautiful Burton Valley neighborhood just as much as they do, and we're just trying to add to the existing charm of the neighborhood while accommodating our growing family." She points out that there are five two-story homes on Lucas Drive.

The Polichios figure they are committed to the project, "it makes sense to see it through." Indeed they have paid for their architect to prepare several iterations of the project and recently hired an attorney to go to bat for them.

With a lot constrained by trees, the only way to go is up. Since they have two small children, they wanted all of the bedrooms together on the second floor.

"The major issue is compatibility," said William Wahlander, who opposes the project and lives adjacent to the home, at the third meeting of the Planning Commission to review the project. The trouble is "compatible" can mean different things to different people. Wahlander also noted the average size of homes in the immediate neighborhood is substantially smaller than the proposed addition.

From the beginning, city staff agreed with the homeowner and architect: "In staff's opinion, the applicant has made extremely significant modifications....staff recommends conditionally approving the project."

Unfortunately for the homeowner, ultimate approval is not up to staff, but rather the Planning Commission. However even its decision can be appealed to the City Council.

Attorney David Bowie, representing the applicant, argued that the home is compatible, explaining that notices of the hearing were sent to homes within a 300 foot radius as required; within this area are a number of two-story and split level homes. He also pointed out that the size of the home is consistent with objective City requirements and there is no regulation that says you have to make your home average size.

He concluded that, "Homogeneity is not the standard here," unlike the cookie cutter developments of Brentwood and Antioch.

Architect Ken Hertel was, "saddened that Wahlander doesn't see all the changes - there is significantly reduced mass and appearance." He said there are five recently approved second story additions in Lafayette - and they are all next to single story homes.

Comments from the audience included a chorus of complaints about "ambiguous standards" that will affect potential buyers and create a ceiling on property values. A number of speakers cited young families, attracted to the quiet neighborhood and good schools of Burton Valley, who should have the opportunity to expand their homes.

One gentleman commented that he was, "Frankly shocked they are going through this agony. It's a tasteful design.....times have changed since the 1950's."

A Walnut Creek resident who is shopping for a home in Burton Valley commented that second stories in Lafayette are allowed - but not allowed here. Now she is reluctant to consider buying a fixer-upper. Another fellow called it a, "Quasi-historical preservation zone - without the official title."

Oddly enough also on the evening's agenda was a new 5,000 square foot home on Reliez Valley Court, and an 8,450 home on the site of a demolished 2,200 square foot property on Canyon Road. The difference in both cases is the proposed homes are on larger lots, both over an acre, and tucked away from neighbors.

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