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AUG 25 2010

Comm. Dev. Dept. Brisbane

August 19, 2010

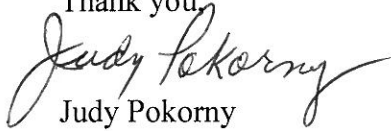
TO: Brisbane Planning Commission

RE: Notice of Public Hearing 8/26/10
Variance for Pond & Pumps – 338 Kings Road

It seems that having a pond on the uphill side of Kings Road can only cause problems and create hazards for the surrounding neighbors. I have already experienced one mud slide from this site, the heavy flow of water and mud came down the street causing it to pool up at my front stairs and around my vehicle, then flowed down the street into the storm drain which flows to the bay. All that mud and debris flowing in to the bay cannot be a good thing. This issue causes me to wonder about the stability of the pond itself and the impact on our neighborhood if another slide should occur.

Please take this into consideration as you decide on the requested variance.

Thank you,



Judy Pokorny
326 Kings Road
Brisbane, CA 94005

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AUG 25 2010

Comm. Development

August 25, 2010

Planning Commissioners
City of Brisbane
C/o Community Development Department
50 Park Place
Brisbane, CA 94005

RE: 338 Kings Road Pond & Pumps - Variance V-5-10

Dear Commissioners:

While we are not opposed to our neighbor's installation of a koi pond and improvements to their yard, we are opposed to the proposed location of the pump and pond and the fact that they began the project without the proper permits and it appears they continue to do work while under a stop work notice issued by the Building Department.

The existing pond and pumps, which were installed without the required permits/variances and in violation of the building code, currently encroach approximately 1.5'-2' onto our property. Mr. Muller was informed of the side property line location in 2008 when he was shown the property line stake in our driveway as he built a new deck and replaced a section of the existing fence. The replaced section of the fence was relocated to comply with our property limits. The older portion of the existing fence (the location where the pond/pumps currently encroach onto our property) was left in place during the deck construction; at that time Mr. Muller acknowledged that if he were to remove that portion of fence he would move it back to match the new section.

The unpermitted construction of the pond, the amount of water in the pond, and the close proximity of the pond to our house has twice resulted in drainage runoff onto our property. The first time it drained onto our property it caused a mudslide down our front stairs (which we cleaned up). The second time it happened, it was a much larger slide, with large amounts of water and mud coming off the side of the hill, down our driveway and into the street/storm drain, which is about 5 houses down. A City worker drove by and informed Mr. Muller that he needed to clean it up. We have enclosed photos demonstrating the extent of damage and inconvenience we have previously experienced.

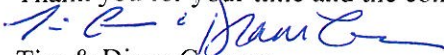
The proposed location and construction of the pond concerns us in that more drainage/slides may occur causing possible damage to our stairs, front door, retaining walls, driveway, vehicles and possible runoff flowing into the interior of our home.

We respectfully ask the Commission to consider the following during their deliberations:

1. We insist that all improvements installed on our property by Mr. Muller be removed.
2. Our preference is that the commission deny the variance and not allow the pond/pumps to be installed within the 5' side setback.
3. Whether the variance is denied or approved, we ask the commission to direct that the facilities be installed in complete accordance with current building codes, or be completely removed.

4. Finally, considering the hillside location and topography of the location, and the two previous overflows that have caused flooding and damage onto our property, we ask that any approved pond design include a diversion structure that prevents any pond water overflow or pond failure from cascading on to our property.

Thank you for your time and the consideration of our concerns.



Tim & Diane Cannon
334 Kings Road
Brisbane, CA 94005
(415) 468-0957







