

GREENWOOD PLANNING COMMISSION
WEDNESDAY, September 19, 2012
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:02 p.m.

Members Present: Chairman Lucking and Commission members John Beal, David Paeper, Douglas Reeder and Alternate Kristi Conrad

Absent: Commissioner Lisa Christian

Others Present: Council Liaison Tom Fletcher, City Attorney Kelly and Zoning Administrator Gus Karpas.

Due to the appointment of Commissioner Bill Cook to the City Council, Alternate Conrad will be a voting member of the Commission at tonight's meeting.

2. APPROVE AGENDA

Commissioner Beal moved to accept the agenda for tonight's meeting. Commissioner Paeper seconded the motion. Motion carried 5-0.

3. MINUTES OF August 15, 2012.

There was not a quorum of attendees of the August 15th meeting to act on the minutes so official action on the minutes was continued to the October meeting.

LIAISON REPORT

Council Liaison Fletcher informed the Commission that Commissioner Bill Cook has been sworn in as a City Councilmember to fill the vacancy of outgoing Councilmember Biff Rose. He said Mr. Cook was chosen over the other candidate who filed because he filed for office first. He said the Council reviewed and recommended their support to the LMCD of the new dock configuration for Bean's Marinas. He said both the Precopio and Zygmunt variance requests were approved, though there were slight modifications to the Precopio requests. He said the City of Greenwood will be hosting a Planning Workshop on January 12th at the Southshore Senior Center and encourages Commissioners to attend.

4. PUBLIC HEARING

Chip Fisher, 5185 Greenwood Circle, variance requests to remove an existing non-conforming single family home and construct a new single family home which would encroach into the minimum required front, lake and east side yard setbacks and exceed the maximum permitted impervious surface and above grade structure volume. The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required lake and west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of five feet for the proposed single family home. The proposal requires a variance of twenty-five feet of the front yard setback.

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Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen feet. The applicant proposes an east side yard setback of six feet for the proposed single family home. The proposal requires a variance of nine feet east side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of five feet for the proposed single family home. The proposal requires a variance of twenty-five feet of the front yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicant proposes a lake yard setback of thirty-nine feet for the proposed single family home. The proposal requires a variance of eleven feet of the lake yard setback.

Section 1140.10 of the Zoning Ordinance does not permit the placement of an accessory building between the lakeshore and the side of the principal building nearest the lake.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is seeking a variance to exceed the maximum permitted impervious surface area by 6.5%.

Section 1140.18(3) regulates the maximum permitted above grade structure volume based on lot area. Based on the applicant's lot area, the permitted structure volume for the property is 32,390 cubic feet. The applicant proposed a structure volume of 36,840 cubic feet. The applicant is seeking a variance to exceed the maximum permitted above grade structure volume by 4,459 cubic feet.

Chairman Lucking summarized the request and opened the public hearing.

Chip Fisher said he and his wife feel that Greenwood is a special place and wanted to build something on the lot that would fit into the character of the neighborhood. He said there are a lot of "weird" lots in Greenwood, in terms of their dimensions. He said his lot is no different. He said his lot is difficult to duplicate in that the existing home alone would require six variances. He said the existing home was constructed in the 1920's and is obsolete. He said the lot is under 6,500 square feet and is unusual in that it tapers in width as it moves from the street towards the lake. He said the street level is also a whole story above the low grade of the lot, which he feels creates a uniqueness to the lot which would prevent any type of precedence. He said the existing boathouse needs to be replaced since it is an eyesore and does not fit into the neighborhood. He feels they are proposing a positive improvement for the property and for the city as a whole. He feels the requested variances are reasonable. He said the variance request for the excess volume is necessary to the uniqueness of the lot which creates three exposed sides on the lower level which inflates the volume of the house. He said they have worked closely with the architect to get as small as a building as possible on the lot that meets their needs. He said the home is not a mansion and he doesn't feel the proposal overbuilds the lot or violates the intent of the massing ordinance. He said it is a modern home which would be on the small side of the homes already existing in the neighborhood. He said they have spoken with all the neighbors that have been notified about the request and have heard no negative feedback about their request. He said

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having built on the lake in the past, he understands the concerns associated with protecting that asset.

Commissioner Reeder asked about the volume and if it had been underestimated and if so, how.

Rehn Hassell, YA Architecture, said he spoke with Commissioner Beal about some of his concerns about the volume numbers and agreed there may have been some errors made and recalculated the numbers. He adjusted the numbers and the variance in volume increased from 4,459 cubic feet to 7,819 cubic feet. He said the calculation was difficult because the structure is very complex. He said the entire process in developing the property required aggressively shrinking the structure down to meeting just the basic needs. He said the home was lowered to maintain the existing grade which created the additional exposed foundation impacting the volume calculation. He said the proposed volume is not out of character with other homes located in the neighborhood.

Chairman Lucking asked about the ceiling height of the lower level. Mr. Hassell said eight feet. Commissioner Reeder asked if the volume would be reduced by approximately 10,000 cubic feet if it was a full basement instead of exposed as it is. Lucking said quite possibly it would. Reeder said he was concerned about the reconstruction of the boathouse. City Attorney Kelly said the boathouse is grandfathered. Reeder noted only grandfathered as is, and said it's not really a boathouse per se. He said the city would not allow the construction of a new boathouse in the location.

City Attorney Kelly asked how much of the lower level is dedicated to storage. Mr. Hassell said approximately 400 square feet. Kelly asked where the home utilities would be located. Mr. Hassell said that has not been settled yet.

Commissioner Conrad asked if the previous omitted volume was the storage space. Mr. Hassell a portion of it was. Conrad asked what the volume of the current home was. Mr. Hassell said 22,673 cubic feet. He said the new home was designed to try and follow the same setback pattern for the most and trying to make some of the setbacks better.

City Attorney Kelly asked about the garage dimension and questioned how they were included in the volume calculations. Mr. Hassell said only a portion of the garage was included specifically in the volume calculation as garage, the rest was included as part of the house calculation. Kelly noted the proposed garage is smaller than a standard garage, indicating the applicant is making an effort to tighten up the house.

Commissioner Paeper asked if any attempt has been made to design a house that meets both the volume and impervious surface standards. Mr. Hassell said he has not been able to design one that meets the needs of his clients. He said he could take drastic steps to minimize the volume, but the structure wouldn't fit into the neighborhood. Paeper asked why the house was moved back. Mr. Hassell said to provide driveway space to park vehicles. Commissioner Conrad asked if moving the house closer to the road reduces volume. It was noted the applicant was only about five feet from city property.

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Commissioner Conrad asked about the portico on the lakeside of the house and how much the volume would be reduced if the main floor deck was removed. The Planning Commission discussed volume requirements as they pertained to open porticos and decks.

Commissioner Beal said at some point each property has a volume budget and the Fischers are free to have a portico but they have to recognize that the volume will come from their total volume budget. Mr. Hassell said the Planning Commission's decision is arbitrary beyond the ordinance. He said if there was some guidance they could design to, they would do it, but this is the house they want. Chairman Lucking said the volume needs to be reduced. Commissioner Paeper said that would also help with the impervious surface area.

Council Liaison Fletcher said another consideration is the expansion of the deck area within the required setback and used the recent request on Channel Drive as an example. He said it was determined that the applicant was allowed to work with only that square footage existing in the required setback, but could not add additional area within the setback. He said this request is adding deck in the setback.

Mr. Hassell said they were using the existing marker as a guide when designing the house and did not move beyond the existing home. As for the portico, they intentionally left that open so it would have not visual impact for adjacent properties.

Commissioner Beal discussed volume and said prior to the ordinance the city had to rely of its setbacks, impervious surface and height requirements as a way of limiting massing. The city knew it had to come up with a way to more closely regulate the size of homes on smaller lots. Commissioner Reeder noted that when the ordinance passed, it was clear that the permitted volume was directly tied the a property's square foot area. Beal said yes. Beal discussed the history in the creation of the massing ordinance.

Mr. Hassell said the reason they made such detailed illustrations was to show how the house would fit in neighborhood even being above the allowable volume.

Chairman Lucking commented the lot is unique in that it does have a thirteen foot drop from the street level and unlike the lots around it, which may be similar, it does not have the same opportunity to place its garage at the bottom of the hill.

Chip Fisher said he spoke with neighbors with similar sized lots but double the sized homes than what they are proposing. He reiterated this home would be the smallest in the neighborhood. Mr. Hassell said it has been a challenge developing this lot.

Chairman Lucking asked if more of the second floor could be put under the roof. Mr. Hassell said maybe, but the second story is already has a ceiling height under eight feet. Commissioner Conrad asked if it was reasonable to ask them to build something to fit within the volume. Commission Paeper said his opinion is you could build a marketable home within the volume requirements, but it may not meet the needs of Mr. Hassell's clients.

Mr. Fisher said they always intended on building something that would add value to the neighborhood and not be a burden. He said they would be reluctant to build something undersized for the neighborhood.

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John Bible, 5175 Greenwood Circle, supports the proposal. He has lived next to the property for the last five years. He said it's an extremely difficult property to develop and is an eyesore. The proposal is a huge benefit to the neighborhood. We have been pleased with the thought that has been put into the development of the proposed house. Commissioner Beal asked how wide Mr. Bible's property is. Mr. Bible said about 150 feet. He said some thought needs to be given to the vision and though the proposal doesn't fit into the volume requirement, it clearly fits into the neighborhood.

Keith Stuessi, 5000 Meadville Street, said there are a number of properties on Greenwood Circle that have significant non-conformities. He said the average distance between homes is less than twenty feet. He doesn't believe that people have intentionally abused the ordinances. They just have developed small lots.

Hearing no further public comment, the hearing was closed.

Chairman Lucking feels the big issue in front of the Commission is the proposed volume.

Commissioner Beal said he doesn't feel the permitted volume number is unreasonable. He does agree the character of the lot imposes a difficulty in having a basement. He questions the need for a portico and sees that as a want rather than a need and sees the boathouse as a storage shed.

Commissioner Paeper liked the quality of submission and believes the house is well designed, but he's not supportive of the proposed volume.

Commissioner Reeder doesn't see a case for the boathouse. He feels the applicant should stay within the volume requirement since the city specifically created the ordinance to regulate the size of homes on smaller lots. He has no issue with the proposed front yard setback, but is concerned about the proposed lake yard encroachment.

Commissioner Conrad believes approving a variance for volume would set precedence. She agrees it may be tricky to get down to the required volume she feels the proposed volume is too much.

Chairman Lucking said the amount of volume has been bothering him, though he has never seen such a quality presentation. He said it is easy to see where the applicant is coming from.

Zoning Coordinator Karpas explained to the applicant that it appears the Commission is going to recommend denial to the Council. That being the case, if the Council follows that recommendation, they would not be permitted to submit a new variance for a similar request for one year. Their options are to continue onto the Council with a unanimous recommendation to deny, they could waive their sixty day right for a decision and ask to return to the Planning Commission for consideration on an amended plan or they could withdraw their request and resubmit an application at a later date.

Mr. Fisher summarized the issues he felt the Commission had with the request which include the proposed volume, the lake setback and the enlargement of the boathouse.

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The applicants requested to continue their request to the October 17th meeting.

5. Old Business

Discuss – Impervious Surface Requirements

The Commission agreed to continue this discussion to their October 17th meeting.

6. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:37 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator