

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, NOVEMBER 19, 2014
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Pat Lucking and Commissioners Lake Bechtell, Kristi Conrad, David Paeper, Douglas Reeder and Rick Sundberg

Absent: Commissioner Fiona Sayer

Others Present: Council Liaison Bill Cook, City Attorney Mark Kelly and Zoning Administrator Gus Karpas.

2. MINUTES – October 15, 2014

Commissioner Bechtell moved to approve the minutes of October 15, 2014 as presented. Commissioner Paeper seconded the motion. Motion carried 5-0.

3. PUBLIC HEARINGS

Variances, Michael and Deborah Jonikas, 4930 Meadville Street - Requests to encroach into the minimum required east and west side yard setbacks, lake yard setback and to exceed the maximum permitted impervious surface for the construction of a new single family home.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard and west side yard setback of fifteen feet. The applicants propose an east side yard setback of six feet, five inches and a west side yard setback of seven feet, four inches for the proposed single family home. The proposal requires a variance of eight feet, seven inches of the required east side yard setback and seven feet, eight inches of the required west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicants propose a lake yard setback of twenty-eight feet, nine inches for the proposed single family home. The proposal requires a variance of twenty-one feet, three inches of the required lake yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicants propose an impervious surface area of 44.3% and are seeking a variance to exceed the maximum permitted impervious surface area by 14.3%.

The proposal would remove an existing non-conforming single family home and replace it with a home that would be rebuilt substantially within the same footprint and maintains or reduces the existing non-conformities.

The proposed home maintains the existing eight foot, seven inch encroachment into the required east side yard setback and twenty-one foot, three inch lake yard setback. The proposal would reduce the west side yard encroachment from seven feet, eleven inches to seven feet, eight inches and reduce the impervious surface area by 7.4%.

The applicants have reduced the structural impervious surface area from 2,855 square feet (2.72%) to 2,560 square feet (2.43%) and reduced the overall impervious surface area by 7.4%.

The proposed addition complies with the front yard setback requirement outlined in Section 1120.15, the height limitations outlined in Section 1120.20 and the maximum permitted grade alteration permitted in Section 1140.10.

Chairman Lucking summarized the request and opened the Public Hearing.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, NOVEMBER 19, 2014
7:00 P.M.

Michael Jonikas discussed the request noting the project utilized the footprint of the existing structure, looked to conserve the natural resources with the minimum disruption of the site and increased the green space through the reduction of impervious surface area. He said the home would be a reasonable use of the property, would fit into the character of the neighborhood and improve the management of drainage versus that of the existing structure. He said steps have also been taken to maintain and protect the health of the existing tree stock.

Rick Hendel, Hendel Homes, introduced himself and described his philosophy. He said it's very unusual to find a client that actually wants to reduce the percentage of impervious surface on a property.

Hearing no further comment, the hearing was closed.

Commissioner Paeper discussed the proposed footprint, noting it was not exactly the same. Zoning Administrator Karpas said the non-conforming footprint has been kept, but the altered area complies with the setback. He said the applicants have reduced the square footage of footprint area.

Commissioner Conrad asked if the city has any precedent in regulating the height of the structure. City Attorney said that is a matter of discussion for the Planning Commission since the height would be increased in the area of non-conformance though in the past it has granted variances for second stories on non-conforming footprints. It comes down to if it is a reasonable use of the property and whether the practical difficulty is a result of an action caused by the property owner.

Council Liaison Cook felt the request was reasonable. He said there was a reduction in impervious surface area, it's within the permitted volume and it's not out of character for the city to grant a variance for a second story on a non-conforming structure.

Commissioner Reeder asked if there would have to be a separate variance granted for the height or if it's included as part of the overall request. Mr. Kelly said it's all part of the request.

Commissioner Sundberg likes the request and feels it improves the existing conditions of the property.

Commissioner Bechtell is supportive of the request and agreed with Mr. Hendel that it is rare to find someone who wants to have more grass.

Chairman Lucking is supportive of the request and feel it would be a hard precedent to set to deny a second set within the roof.

Commissioner Paeper is generally supportive of the request. His only issue is the hardship claim on the lot area. He said the owner takes on the burden of developing the lot within the ordinance requirements when they purchase a non-conforming lot.

Approval Motion: Commissioner Conrad moved the Planning Commission recommend the city council approve the application of Michael and Deborah Jonikas for variances of Greenwood Ordinance Section 1120:15 to encroach eight feet, seven inches into the required fifteen foot east side yard setback, to encroach seven feet, eight inches into the required fifteen foot west side yard setback, to encroach twenty-one feet, three inches into the required fifty foot lake yard setback and a variance of Greenwood Ordinance Section 1176.04(3)(3) to exceed the maximum permitted impervious surface area by 14.3% . Commissioner Paeper seconded the motion. Motion carried 5-0.

4. LIAISON REPORT

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, NOVEMBER 19, 2014
7:00 P.M.**

Council Liaison Cook said the Council held two meetings, a special meeting to discuss the Talebi requests and their regular meeting. The Council discussed the requests Kam Talebi and approved the conditional use permit and approved the variance setback requests for the proposed swimming pool, retaining walls and accessory structure and the variance to exceed the accessory structure height.

Cook said the regular meeting included a public hearing for the proposed Lake Improvement District, which had about half the public comment for and half against the proposal. The Council unanimously approved the Anderson variance request and unanimously denied the Lecy subdivision request and after much discussion, the Old Log Theater withdrew their Conditional Use Request. The last point of discussion was how the city was going to respond to the City of Shorewood's request that it give up its equity interest in the Southshore Center. The Council feels that would not be in the city's interest and agreed to send a letter expressing that position.

5. ADJOURN

Motion by Commissioner Conrad to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 7:50 pm.

Respectively Submitted,
Gus Karpas - Zoning Administrator