

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, AUGUST 20, 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, Fiona Sayer and Rick Sundberg

Absent: None

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

**2. OATH OF OFFICE**

City Attorney Kelly administered the Oath of Office to Commissioners Fiona Sayer and Rick Sundberg.

**3. MINUTES – August 20, 2014**

Commissioner Paeper moved to approve the minutes of August 20, 2014 as presented. Commissioner Bechtell seconded the motion. Motion carried 5-0.

**4. PUBLIC HEARINGS**

**Conditional Use Permit and Variances, Erotas Building Corp., 5560 Maple Heights Road** – Request for a conditional use permit to construct a swimming pool and variances to encroach into the minimum lake yard setback for the construction of a swimming pool, fireplace and retaining walls and variances to encroach into the minimum lake yard setback and to exceed the maximum permitted accessory structure height in conjunction with the relocation of an accessory structure.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet.

- The proposed **swimming pool** requires a variance of eighteen (18) feet of the required fifty (50) foot lake yard setback.
- The proposed **fireplace** requires a variance of eleven (11) feet of the required fifty (50) foot lake yard setback.
- The proposed **retaining walls** require a variance of thirty-five (35) feet of the required fifty (50) foot lake yard setback.
- The proposed **accessory structure** requires a variance of eighteen (18) feet of the required fifty (50) foot lake yard setback.

Section 1122.20(2)(b) permits a maximum accessory structure height of fifteen feet. The applicant proposes an accessory structure height of twenty-two feet and is seeking a variance to exceed the maximum permitted accessory structure height by seven feet.

Chairman Lucking opened the Public Hearing.

Marietta Jacobsen, 5530 Maple Heights Road, asked for clarification on the retaining walls. David Erotas, Erotas Building Corp., said the walls were altered to permit access to the south side of the garage rather than the initial straight driveway originally proposed. Ms. Jacobsen asked about landscape screening of the walls. Mr. Erotas discussed the preliminary landscape plan noting the original trees would remain, but additional landscaping would be added.

Jeff Sagal, 21240 Excelsior Boulevard, believed the city was very generous with its initial variance approvals on the original plans. He's concerned with the proposal which would place

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two structures between the house and the lake. He noted variances are bending the law and that encroachments into the required lake setback impact everyone. The original intent in the development of this property was to maintain the greenery and privacy.

Frank Precopio, 5520 Maple Heights Road, said he likes the new design of the new driveway, though he agrees it would be nice to see the exact landscaping intentions on the property.

Hearing no further comment, the hearing was closed.

Commissioner Paeper is opposed to moving the structure, but is not concerned about the retaining walls for the driveway. He does not see a reason for the other encroachments giving the width of the building pad.

City Attorney Kelly discussed the practical difficulty standard noting the Commission has to view the request from the prism of whether the proposal is reasonable, whether the plight of the owner is due to the land and not created by the landowner and whether the proposal will alter the essential character of the neighborhood.

David Erotas noted the existing location of the accessory structure is at the highest point of the lot and the proposed location would put it at a lower elevation, essentially keeping the visual height the same as currently exists or lower.

Commissioner Conrad believes the creation of a lawn is a reasonable use, though the previous owner also developed the property in a usable manner. Though she feels the plan is well done, she has mixed feelings on it.

Council Liaison Cook has trouble with granting variances for the required lake yard setback, noting the city has disappointed a number of past applicants with similar requests. He feels granting a variance for these requests could set precedent. He said the basic problem the applicant faces is self-created encroachments into the fifty foot setbacks and the city has been strong in maintaining the required fifty foot setback.

Commissioner Paeper agreed with Councilmember Cook and has difficulty supporting the request.

Commissioner Sundberg concurs, stating that even though the property is an island, he's not sure the applicant's plan can't be accomplished by rearranging the components and maintaining the setbacks.

Commissioner Bechtell also has concerns about the setbacks and is not supportive of the request.

Chairman Lucking is not supportive of the request and said the only reason the gazebo is on the property is because it is supposed to be attached to the house.

Kam Talebi said when he addressed the city after purchasing the property he explained there would need to be changes made to the property to fit his family's needs. He said the property is very unique and was initially designed for a different type of family. Due to a previous family accident he is looking to create protection around the circumference of the island while providing a backyard play area for his children. He said they are not looking to add anything new to the property than what has already been approved and doesn't feel the proposal impacts or changes the aesthetics or views. Commissioner Paeper asked if the applicant considered alternate plans. Mr. Talebi said a number of plans were considered before this plan was selected.

Commissioner Reeder feels the lot has plenty of room and the applicant should be able to design within the envelope available to him.

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Chairman Lucking believes the plight is created by the homeowner and is not due to the land itself.

Chairman Lucking explained to the applicant that it appears the Commission may forward a negative recommendation to the Council. If the Council were to agree, the applicant would not be able to submit a new application for one year. He said the applicant could continue on with that recommendation or continue his request and redesign the project, withdraw the request and submit a variance application at a later date or totally withdraw his request and design a project that complies with the ordinance requirements.

**5. LIAISON REPORT**

Council Liaison Cook said the Council discussed the preliminary budget and fee amendments, the creation of a Lake Improvement Districts for St. Alban's Bay, approved the first reading of the swimming pool and sign ordinances, approved the Hessian's variance request, discussed the current inflow/outflow of the city's sewer system and extended the building permits of the Talebi and Pastor projects.

**6. ADJOURN**

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:10 pm.

Respectively Submitted,  
Gus Karpas - Zoning Administrator