

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, DECEMBER 12, 2018
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

Members Present: Chairman Pat Lucking, Kelsey Nelson, and David Steingas

Others Present: Council Liaison Kristi Conrad and Zoning Administrator Dale Cooney

Absent: Commissioners Dean Barta and Jennifer Gallagher

2. MINUTES – November 14, 2018

Motion by Steingas to approve the minutes as written. Motion was seconded by Nelson. Motion carried 3-0.

3. PUBLIC HEARINGS

3a. Consider variance and conditional use permit request of Roland and Rane Jacobus to encroach into the north and south side yard setbacks, and to regrade portions of the lake yard in conjunction with the construction of a new house at 5290 Meadville

Street.—Section 1120.15 of the Greenwood Zoning Code requires side yard setbacks of 8 feet. Section 1140.19 (2) requires a conditional use permit for any the grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material.

Lucking introduced the agenda item and opened the public hearing.

Ranee Jacobus, applicant, said that the existing house is nonconforming and 75 years old and that it is in need of many repairs. She said that the current structure is 36 feet wide and that the proposed house would be 30 feet wide and pulled away from the property lines by two feet on each side. She said that the house would be substantially on the same footprint. Jacobus said that the property has been neglected and the lakeshore is covered in buckthorn and that there are a lot of issues that need to be cleaned up. She said that the self-constructed walkout for the house has created structural and drainage issues. Jacobus said that they would completely clean up the lakeshore with old nonconforming structures and have a more ecologically sensitive approach to the property.

Jason Letourneau of Letourneau Design Associates, architect for the applicant, said that there are existing dock and retaining walls that are falling into the lake and that just cleaning up these issues would likely trigger the city process for grading.

Bob Newman of 5230 Meadville Street asked about the lateral movement of the house on the property. Letourneau said that it would be centered on the property with wider setbacks. Jacobus said that the structure would be 4 feet narrower.

Jeffrey Solum of 5280 Meadville Street said that anything is better than what is there now. He said that he likes that they are moving away from the property lines. He said that this house is in front of him by 24 feet and asked if the house could be moved back to match that setback. He said that it would be preferable if the houses were lined up.

Cooney said that the city could not require that the house be moved back. He said that, when houses are rebuilt they are typically built right up to the lake setback and that when the house at 5280 Meadville is rebuilt in the future, it would likely be built at the 50 foot setback too.

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Jacobus said that the existing garage would need to come down to construct the new house and wanted to get the planning commission's opinion on their preference if the garage were to be slightly relocated. She said that she did not think there was room to get it completely out of the right-of-way.

Lucking closed the public hearing.

Lucking asked what the law is around encroachments into the public right-of-way. Cooney said that he had thought this would be regulated as a legal nonconforming structure but that he would follow up with the city attorney.

Conrad said that she thought the proposal did a nice job.

Steingas said that he was less enthusiastic and that the rules are the rules. He said that he did not like the house within the setbacks or having the garage in the street. He said that they benefited from the hardcover of the garage in the street and that he also did not like the garage being right next to the neighbor's property.

Lucking said that they could not build a house that meets both the setback requirements and the minimum house width requirements. Steingas said that he understands.

Steingas asked about reducing to a two-car garage. Letourneau said that that would impact the value of the house. Jacobus said that several of the garages in this area are in the right-of-way.

Steingas said that he would like to see the garage be more conforming for fire and safety issues. Jacobus said that, given the cost of the neighborhood, and the size of the house, she would like the existing garage space for storage. She said that it is a wide garage, but not deep enough for storage. She said that it would make sense to move it against the marina property.

Lucking said that the garage issue is not part of this current request and the planning commission shouldn't get too sidetracked about that.

Jacobus said that there is a practical difficulty and that she could rebuild the existing house and still be on top of her neighbors and not be able to get to the back yard. She said that she tried to move towards conformance with the proposal.

Nelson said that she liked the house plan and that it would be an improvement.

Conrad said that brining the hardcover down from existing to be compliant is a huge accomplishment regardless of the garage issue.

Steingas said that he would have preferred a slightly narrower house that would be approximately five feet from the property lines, but that he was okay with it.

Lucking said that he likes the plan in that they moved it back from the property lines and kept it under the volume limitations.

Motion by Steingas to recommend approval of the request based on the recommendation and findings of staff. Motion was seconded by Nelson. Motion carried 3-0.

3b. Consider the conditional use permit request of Todd and Amy Wilkinson for 21800 Byron Circle to regrade the lake yard areas of the property —Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any the grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material.

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Lucking introduced the agenda item and opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Lucking said that he had difficulty understanding what is being proposed.

Cooney said that the applicant is proposing to repair and replace retaining walls within the bluff and that grading and new retaining walls are not allowed within the bluff area and bluff impact zone unless it is related to stairways. He said that there are also several existing nonconforming retaining walls that could be repaired/replaced, but not expanded.

Lucking said that it is unclear what is existing and what is proposed. He said that he would prefer to have the plans updated and review it at the next meeting.

Motion by Steingas to take an additional 60 days to review the request based on the fact that the plans did not clearly identify the extent of the work. Motion was seconded by Lucking. Motion carried 3-0.

3c. Consider preliminary plat application (subdivision) request of Lesley J. Adam, consultant for the homeowners, to reconfigure the property lines for the properties at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road.— The request is governed by Chapter 6 of the Greenwood Code of Ordinances.

Lucking introduced the agenda item and opened the public hearing.

Leslie Adam, applicant for the property owners, said that this was a replat of existing lots and that no new lots were being created. She said that there would be no expansion or creation of any nonconformities.

Nelson asked about 4940 St. Albans Bay Road that has a lot for sale. Adam said that that listing is what prompted this lot reconfiguration.

Lucking asked if the property owners were still planning to subdivide 4940 St. Albans Bay Road. She said that any future sale or subdivision of that property is beyond the scope of this transaction.

Steingas said that the replat helps a great deal by getting rid of one lake flag lot and making a better property at 5155 Weeks Road.

Nelson said that she thought it was a good proposal.

Conrad asked if there had been consideration in removing the flag access to 4950 St. Albans Bay Road and having access off of Weeks. Adam said that had not been considered. Steingas said that there was a severe grade change and that the access would be difficult. Conrad said she thought it would be a cleaner parcel.

Lucking closed the public hearing.

Motion by Steingas to approve the request based on the recommendation and findings of staff. Motion was seconded by Nelson. Motion carried 3-0.

4. NEW BUSINESS

5. LIAISON REPORT

Conrad said that she picked up the wrong packet when she left the house and asked if Cooney would summarize the city council decisions from last week.

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Cooney said that the simple subdivision request at 5135 and 5125 Weeks Road was approved.

Cooney said that the CUP grading request at 4980 Meadville Street was also approved. He noted that the city council would like to see any required stormwater mitigation for a proposal prior to it going before the city council.

Cooney said that the CUP request for grading and a pool at 5175 Queens Circle was approved and that the applicants provided the required mitigation to keep the expanded runoff on the property.

Cooney said that the CUP and variance request at 5260 Meadville Street was approved. He said that the applicant revised the building volume to be less and that the city council felt that a practical difficulty was warranted in this case due to the exposed lower level.

Cooney said that the updated grading ordinance was approved and that a CUP was triggered when a project increased or decreased the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area.

6. ADJOURN

Motion by Steingas to adjourn the meeting. Nelson seconded the motion. Motion carried 3-0. The meeting was adjourned at 8:23 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator