

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
February 4, 2020 4:00PM**

**DOCKET 1283
6 Rio Vista**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 4, 2020 at City Hall.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. David Schlafly

Also present were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Mark Koester, Stormwater Engineer; Councilmembers John Fox and Stacey Kamps; Mayor Nancy Spewak; and Lori Wrobel, Administrative Assistant.

Chairman Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda

Ms. Forshaw requested a motion to adopt the agenda. Ms. Long made the motion and Mr. Rottmann seconded the motion. All those present were in favor and the agenda was adopted.

Approval of the Minutes from the January 7, 2020 meeting

Mr. Rottmann made a motion to approve the minutes as submitted. Ms. Long seconded the motion. All those present were in favor; the minutes were approved.

Docket 1283 Petition is Michael and Laura Ellenhorn for the property at 6 Rio Vista Drive. Petitioner is requesting relief from the Building Commissioner denying a driveway addition and concrete patio due to green space for overall lot coverage minimum required is 55% and plans submitted show 50.9%. Impervious coverage of rear yard max is 30%, plans submitted would increase this to 55%. Impervious coverage of side yards max is 25% and plans submitted would increase this to 46.2%. This is in violation of Ordinance #1175, Section V-G(1) "Lot Coverage Restriction".

Mr. Stewart stated the applicant requests a variance to the required greenspace on the rear and side yards. The property is located in the D zoning district. The rear yard greenspace is 51.8% and not the required 55%. The side yard requirement is 53% and the plans show only 50.9%.

Chairman Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated November 19, 2019;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated January 6, 2020;
- Exhibit F – Entire file relating to the application
- Exhibit G – Letters of approval submitted by applicant.

Laura Ellenhorn and Clay Vance both took the oath. Ms. Ellenhorn stated that this is their second time before the Board. The initial request was to retain the paved back yard to alleviate storm water issues. That pavement was laid without a permit. The Board denied that request. The lot sits at the lowest point of a 230-acre area. Having the benefit of feedback from the Building Commissioner along with their engineer, Mr. Vance, and the desire to be in compliance, she presented a new plan with increased greenspace. The altered plan would reduce the impervious footprint by 2,630 square feet (which represents a majority of the pavement previously laid on the property), while efficiently directing storm water to the creek. This proposal would result in only a very small 2% shortfall in greenspace for the overall lot (as remeasured by Mr. Vance by letter dated January 3, 2020 to the Building Commissioner, showing 53% greenspace vs. the required 55%). Unlike the previous petition, the current petition does not seek a variance for storm water runoff to neighboring properties. The runoff to neighboring properties would be eliminated with an engineered storm water mitigation feature involving a storm water storage bed and flo-well.

The site plan included pre-improvement, current and the proposed future state of the lot. The two-story brick home is in the center of the yard with the one-car garage at the low point. The applicants have rebuilt an original failing tie wall, widened the creek channel and installed a hydraulic capacity concrete collar on the draining pipe. They have also added sump pumps, a French drain and landscaping. While it is not shown on the site plan, the applicants intend to add more screening landscaping.

The stated hardship is the storm water from 230 acres draining into the yard, which has caused significant flooding to the property in the past. The applicants love the home and love the neighborhood. They intend to make reasonable use of the house. The applicants submitted 3 letters of support from neighbors, including the 2 adjacent neighbors. Chairman Forshaw added the letters to the record as Exhibit G.

After discussion of the facts presented, including the efforts for compliance, the serious storm water issue, the minimal 2% shortfall of greenspace for the entire lot, the necessity of retaining the existing driveway (which predates the applicants' purchase of the property) in order to access the one-car garage, the need for a parking area to supplement the one-car garage, and the benefits to the neighborhood of keeping parked cars off the narrow street, it was determined that practical difficulties exist. Ms. Long made the motion to reverse the decision of the Building Commissioner and grant the variance as requested on the revised site plan dated 12/26/2019. Ms. Panke amended the motion by adding the following conditions, that appropriate landscaping will be added to screen the view of the pavement from the adjacent properties. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"
Mr. David Schlafly	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 4:38 p.m. Mr. Rottmann made a motion to Adjourn the meeting. Ms. Long seconded the motion. A unanimous vote in favor was taken.

DOCKET 1283

DATE OF HEARING

February 4, 2020

NAME

Michael and Laura Ellenhorn

DESCRIPTION OF PROPERTY

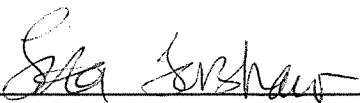
6 Rio Vista

CAUSE FOR APPEAL

Petitioner is requesting relief from the Building Commissioner denying a driveway addition and concrete patio due to green space for overall lot coverage minimum required is 55% and plans submitted show 50.9% (53% as remeasured by the petitioner's engineer). Impervious coverage of rear yard max is 30%, plans submitted would increase this to 55% (51.8% as remeasured by the petitioner's engineer). Impervious coverage of side yards max is 25% and plans submitted would increase this to 46.2%. This is in violation of Ordinance #1175, Section V-G (1) "Lot Coverage Restriction

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted.



Ms. Liza Forshaw, Chairman