

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
AUGUST 3, 2021 4:00 P.M.**

DOCKET 1335  
65 CLERMONT LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, August 3, 2021.

The following members of the Board were present:

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

Due to the recusal of Ms. Long, Ms. Panke filled in for Docket 1335.

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; and Mayor Nancy Spewak.

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

**Approval and Adoption of the Agenda and Minutes**

Ms. Panke made a motion to adopt the Agenda. Mr. Rottmann seconded the motion. All those present were in favor.

Ms. Panke made a motion to adopt the Minutes of the July 6, 2021 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

**Docket 1335**            Petition submitted by Michael and Rebecca Nolan for the property at 65 Clermont Lane. The petitioner is requesting relief from the Building Commissioner denying a swimming pool and deck addition due to reduction in green space for the district from 65% down to 59.1%. This is in violation of Ordinance #1175, Section V-G -1 (2).

Chairman Forshaw asked the Building Commissioner to explain the denial. Mr. Stewart reported the proposed plan reduces the green space from the required 65% in the "C" district to 59.1%. The home was built in 1947 on a .54 acre lot.

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 June 7, 2021;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated June 11, 2021;

Exhibit F – Entire file relating to the application

Mr. Michael Nolan, the homeowner, took the oath and was sworn in. He explained that the house was built in 1947 and predates the green space requirements. The “C” district has a minimum lot size of 30,000 square feet. The lot in question is less than 25,000 square feet, and the existing structure does not comply with green space requirements. He believes that his small lot size in the “C” district creates a practical difficulty as the requirements are tailored for larger lots. Reduction is planned for the hardscaped driveway and garage pad, and a dry creek bed and bioretention area are planned to address run off and drainage issues. The proposal has approval of the subdivision trustees, the neighbors, and the city Architectural Review Board.

Board discussion ensued. It was noted that the variance requested is partly for a new patio that is completely impervious, and the house already violates green space requirements. Discussion included the possibility of using pervious materials for the main pool deck and the 25% credit for green space that this change would provide. The homeowner expressed openness to this possibility and indicated a preference that the Board resolve the issue at this meeting in lieu of his submitting a revised plan for a future meeting. The Board and the homeowner could not be certain that the plan would require a variance with this change to pervious materials, but it appeared that any resulting shortfall in green space would be de minimis.

After discussion of the facts presented, Ms. Panke made the motion to overturn the decision of the Building Commissioner and grant the variance based on practical difficulty with the condition that the material surrounding the pool at the lowest level of the deck shall be pervious material. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	“approve”
Ms. Kristen Holton	“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 5:16 p.m. Mr. Schlafly made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1335

DATE OF HEARING August 3, 2021

NAME Michael Nolan

DESCRIPTION OF PROPERTY 65 Clermont Lane

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a swimming pool and deck addition due to reduction in green space for the district from 65% down to 59.1%. This is in violation of Ordinance #1175, Section V-G -1 (2).

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 with condition that the material surrounding the pool at the lowest level of the deck is revised to be pervious material.



Ms. Liza Forshaw, Chairman