

# LAND USE, PLANNING AND ZONING COMMITTEE

## *Minutes of the Meeting of November 4, 2021*

### Members Present

- |                            |  |
|----------------------------|--|
| ✓ Jean McCoubrey, Co-chair | ✓ Larry McEwen (recused)                     |
| ✓ Steve Gendler, Co-chair  | Ned Mitinger                                 |
| Jason Friedland            | ✓ Andrew Moroz                               |
| ✓ John Landis              |  |
| Joyce Lenhardt             | ✓ Kathi Clayton, President CHCA (ex-officio) |
| Chris Linn                 | Joyce Lenhardt, VP Physical (Interim)        |

### Others Attending:

Joe Pizzano, owner 8410 Prospect  
Larry McEwen, architect 8410 Prospect  
Charlie Durkin, engineer/surveyor 8410 Prospect  
Steve Heinmann, neighbor, 319 E Gravers  
Susan Jacobson and Michael Golden, neighbors 8420 Prospect.  
David Thornberg, neighbor  
Josh Horvitz, attorney for the neighbors  
Don Ratchford  
Robert Caserio  
Stephen Magargee  
Karen Pilling  
Ross Pilling  
Brian and Amy Egras, neighbors  
Greg Lattanzi  
Ann Williams  
Elizabeth Wright  
Patricia Cove, HDAC  
Camille Peluso  
Diane Fiske, CH *Local* and *Inquirer*  
Celeste Hardester, Development Review Facilitator  
Anne McNiff, Executive Director CHCA  
Melissa Nash, recorder

The meeting was opened at 8:04 pm by Steve Gendler, co-chair. This meeting was conducted remotely using Zoom. The agenda includes minutes approval and 8410 Prospect. A motion was made to approve the October minutes. Two changes were noted – a deletion and a word change. The motion was seconded. With the changes, the minutes were approved

### **8410 Prospect**

•Presentation: A discussion followed regarding the presentation of 8410. There was not a quorum present so no action could be taken. The project had just been heard by the HDAC. Josh Horowitz suggested that the project be heard when the complete committee is present. L McEwen wished to present. It was decided to continue with the presentation. A subsequent presentation should be heard by all members. It was noted that the meeting is being recorded and can be heard by the missing members. L McEwen stated that the ZBA appeal has been filed. A date in February will be the earliest. The project will be presented and discussed but no vote will be held. L McEwen noted that the Pizzanos are

long time owners who love Chestnut Hill. There will be minimal impact from the smaller new house. The lot will be divided for the main house (lot 1) and a second lot (lot 2) with a 50' wide flag and a rear portion. The lot at present has 58,000 sq ft. Each of the new lots would be larger than any other lots on the block. The city requires 75' street frontage, thus the need for a variance. The water department has approved the project. Three trees will be lost for utility installation. The original house was built in 1855 and was purchased in 1884 by Joseph Patterson. Around 1925, the Wood family acquired the property and remodelled the exterior, removing the Victorian details. The Wood family also subdivided the property creating 325 E Gravers and 8400 Prospect. The project will have no new fences and no new driveway. The existing drive will be extended. Trees will screen the two houses. Pictures of the front door and the rear facade of the existing house were shown. The new garage, which will match the gable on the rear, will be located where the fountain is now. There will be no limestone on the garage. The new house is 85' from the existing. It will wrap around the mature hollies. A Japanese maple will be moved. The turn around for fire trucks will be grass pavers. The required open space is 65%. It is 95% now. For lot 1 it will be 88.8% and for lot 2, 92.6%. The drainage plan was shown with 2 stone infiltration beds. Run off will drain toward the railroad tracks with a riprap blanket. Some rain water will drain from 8420 to 8410. The plans will be made available on the CHCA website. The buildable area for the new lot was shown. The current design has the new garage between 10' and 15' from the property line. The drive will be 12' in asphalt and 4' wide sides in pervious paving. The new house will have a deck that gives access the yard. A walking path to the street on the flag will be created including the existing Japanese walk. The house will feature a cool palette with wood, a standing seam metal roof, which slopes away from the existing house, and windows with dark gray mullions. The basic massing of the house was shown. The relationship of the conservatory at 8420 to the new house was shown. It is 135' to 315 E Gravers. There is a heavy evergreen tree screen.

•Committee Discussion: S Gendler called for committee comments and questions. J Landis asked for clarification of changes made since the DRC meeting. The new house garage has been moved about 7' further from the property line. The existing house garage has been moved about 3' closer to the house. A passageway was added between the new house and its garage. S Gendler suggested showing plans for the new existing house garage and site sections. He also asked about the screen between the existing and new houses. Existing trees will be preserved with added magnolias and maples. A Moroz asked if landscaping and aesthetics were some of the central issues for the neighbors. S Gendler noted that neighbors will address their issues soon. J McCoubrey asked why a 75' wide flag was not used with 2 lots created front to back. L McEwen noted that that width would trigger the need for a variance as well as the side yard for the existing house would be insufficient. It was asked if other schemes were considered. They were. Charlie Durkin noted that a compliant 10,000 sf ft lot could be created on Prospect but that would be a terrible solution.

•Neighbor Discussion: Josh Horowitz would coordinate the neighbor responses. S Heinmann noted that the plan to preserve 8410 was commendable but the abutting neighbors are most affected. There could be a economic community impact on housing values. If private interests prevail over public, neighbors cannot rely on zoning laws for protection. The legal issue is one of hardship. The only hardship is that the Pizzanos want to stay on the property and create economic development. The group of house from 8400 to 8430 is a set piece of architect that would be disturbed. This would set a precedent. Chestnut Hill has many lots that can be subdivided as of right, which is a problem leading to over population. It is worse if lots needing variances are allowed to be split. All near neighbors are opposed except one who has not responded. They recommend denying the variance. Susan Jacobson noted that Chestnut Hill is in the Garden District, a unique community. They purchased their home for the open space. The new house will be right next to them. There will be too much asphalt, too much house, adding 2 garages, and removing major trees. The architecture

does not reflect the community. Everyone has opposed this project. Chestnut Hill needs to be protected. Granting variances when there are as of right lots is not good. Ross Pilling, not an immediate neighbor, pointed out the the flag does not conform to zoning. The neighborhood has no other flag lots. It was noted that 8420 is a flag lot. There is no economic hardship. Sharing a driveways is a recipe for disaster. This is a conflict waiting to happen. L McEwen noted that there are many flag lots in the area, especially on Crittenden. S Gendler noted that the lots are still large. This is an antidote for multiple lots created from this one lot. J Pizzano noted that the new house would not be large. Landscaping would be retained. There are no other subdividable lots on the block. 8427 was divided about 10 years ago. The new house is subtle and well landscaped. He further noted that he could build a large garage at the rear of the property. S Gendler noted the preservation of the tree cover is extraordinary. It was noted that in this scheme a variance is needed. John Landis suggested that the opposition and the applicant submit written staements of their positions for the next meeting. S Gendler suggested that info such as flag lots devalue communities need facts to back up the info. C Hardester asked if L McEwen had considered other orientations for the new house – moving it or turning it. L McEwen compared 8420 and the new house. The footprint of 8420 is 2800 sq ft± while the total square footage of the new house is less.

•Mixed Discussion: S Gendler asked for more questions or needed information. J Landis noted that the committee opposed variances that impact adversely historic structure. The ZBA does not judge design of new structures but may respond to a negative impact on an existing structure. S Gendler asked if the new house can be seen from the street. Could the utilities trench construction open the view to the rear. Could the utilities be located under the driveway. L McEwen note that placing the utilities under the driveway could impact the residents of the front house if repairs are needed. Utilities could be located along the pervious portion of the driveway. Shared driveways exist in Chestnut Hill without problem. The new house will probably not be seen. S Jacobson asked if neighbor opposition was a factor in the committee’s decision. It is. J Landis stated three major areas for consideration: is there measurable adverse impact on the near neighbors, is there measurable adverse impact on the community, and is there measurable impact on the aesthetic or environmental. Andrew Moroz asked for an example of a measurable impact. That could include plantings and water runoff. The natural environment is maintained in this project. A Moroz noted the impact on neighbors and community are very different. How do you measure the impact. J Horowitz noted that the burden is on the applicant. No valid hardship has been presented. Elizabeth Wright asked about the existence of green space as essential for the community. Elimination of green space is a community issue. The community can’t stop by right work but where a variance is needed, that is questionable.. J Landis noted the need to balance owner’s rights and community’s rights. The applicant needs to show the work to eliminate the adversity. Specific examples from owner and neighbors need to be presented. Hardship needs to be shown. The ZBA will ultimately judge the hardship. The committees make recommendation to the ZBA. S Gendler noted that aging in place is an issue that needs to be respected. J Pizzano noted that due to the size of the house/property, he cannot age in place as is. Without the project, he cannot stay in a place in which he wants to stay. The objections are a problem to him.

### **Adjournment**

•The meeting was adjourned at 9: 54 PM.