

## LAND USE PLANNING AND ZONING COMMITTEE

Minutes of the Meeting of June 4, 2015

### Members Present

<input checked="" type="checkbox"/>	John Haak, Co-Chair	<input checked="" type="checkbox"/>	Joyce Lenhardt
<input checked="" type="checkbox"/>	Ned Mitinger, Co-Chair	<input checked="" type="checkbox"/>	Jean McCoubrey
<input checked="" type="checkbox"/>	Cynthia Brey	<input checked="" type="checkbox"/>	Andrew Moroz
<input checked="" type="checkbox"/>	Steve Gendler	<input type="checkbox"/>	Larry McEwen, VP Physical (ex-officio)
<input checked="" type="checkbox"/>	Larry Goldfarb	<input type="checkbox"/>	Will Detweiler, President, CHCA (ex-officio)
<input type="checkbox"/>	John Landis		

### Others Attending:

John and Lindsay Berardino, owners 210 E Evergreen Avenue  
Neighbors of 210 E Evergreen Avenue  
Debra McCarty, Deputy Commissioner PWD  
Patrick Perhosky, PWD  
Tom, PWD rep  
Norwood/Sunset neighbors  
John McDonald, owner 8109 St. Martins Lane  
Larry McEwen, architect 8109 St. Martins Lane  
Celeste Hardester, CHCA Community Manager  
Melissa Nash, recorder

John Haak, chair, opened the meeting at 8:10 p.m. As minutes are not available for the April meeting, there will be no minutes approval.

### **210 E Evergreen Ave Parking Space and Curb Cut**

•Presentation: Owner, Jonathan Berardino, distributed materials and presented the proposal. They wish to create a driveway/parking space in their front yard. They applied to L&I and have a refusal. The proposal shown at this meeting is a variation of the proposal submitted at DRC. The parking area is narrower, and it shows a separate walkway. He noted that the driveway could extend along the side of the house for a little bit but cannot go all the way to the back. They had started work on the parking pad but stopped when they were informed they needed permission. The gravel is not intended to be the final surface, which would be paving stone and/or concrete.

•Committee Input: Cynthia Brey asked about using the curb cut. There is no curb cut at the present, just the worn curb, and they do not park in the front yard. Steve Gendler asked about the functionality of parking and further asked about pulling the car up along side of the house. There is a tree in the way and the space is not wide enough. J Haak asked about neighbors. There are sympathetic neighbors with 3 letters that include the neighboring properties at 208 and 212. There is also a list of signatures. Ned Mitinger stated that parking in the setback is not desirable and that there was almost enough room to park 2 cars. Joyce Lenhardt noted that installing a driveway to access a garage in the rear is a very different story. They cannot do this, as there is not enough width for the driveway. Jean McCoubrey asked where the property line was located and where the setback is being measured from. S Gendler added that the drawing should show property lines, setbacks, trees and other physical elements. This information can be obtained at the 9<sup>th</sup> Survey District Office.

•Neighbor Input: Susan Hemphill, 218 E Evergreen, stated that before the Berardinis owned the house the developer was stopped from creating the drive/parking space. The sales information listed the house as having street parking. She also expressed concern about future cars; a small car fits but a larger one would hang over the sidewalk. Eileen Ryan of the 100 block stated that this would remove another piece of green from the street and what was proposed is not a driveway but a parking pad. The Code prohibits surface parking in the front, side and rear yards. She also noted that in some parts of the City, people just park in front of their houses as the rule. She also mentioned the larger car issue, citing an example of a business owner parking a truck, which would hang over the sidewalk. Elliott Rood, 226 E Evergreen, added that with the adjacent driveway there would be a large swath of continuous paving. He also asked about the location of the steps to the porch, as this is not shown.

•Committee Action: C Brey and S Gendler suggested working with the adjoining neighbor to get an easement to use their drive to access the rear yard. J McCoubrey reiterated the need to get the exact property lines. J Lenhardt stated the car would be parked in front of the house and that there is a need for more detail in the proposal including materials. J Haak stated that the CHCA discourages parking in the front yard. There needs to be a value returned to the community if this is allowed. Most of the existing parking areas pre-date the ordinance. Susan Hemphill noted that her neighbors' driveway went through the process and a compromise was reached. Tom Hemphill noted that the neighbors sometimes park two cars and one hangs over the sidewalk. C Brey moved that the committee reject the proposal for a curb cut and driveway at 210 E Evergreen. Additional information about property lines, clearances from sidewalk and house are needed. The motion was seconded. S Gendler encouraged the Berardinis to step out of the box and look at the whole property including sharing the neighbors' drive. The motion was unanimously accepted. This motion will go back to the DRC on June 16.

### **Runoff Problems on Norwood Avenue and Sunset Lane**

•Presentation: J Lenhardt provided a brief introduction to this problem. At the intersection of Norwood and Sunset, there is a severe storm water runoff problem. She was made aware of the severity of the problem after the committee heard the proposal for Bells Mill Road. Debra McCarty of PWD introduced Patrick Perhosky who presented the results of a Water Department study. There are ponding issues at the intersection. There is a 14-ac drainage area; 3 ac have impervious coverage. There is no drainage infrastructure. The lowest lying area is in the right of way. Stone was placed in the right of way ditches to help drainage but silting has now rendered the ditches useless. P Perhosky presented potential solutions. The corner could be connected to the Bells Mill storm sewer system. The city has a utility right of way to Bells Mill. There have been structures built in the right of way; so this would be difficult to do. There is also a problem with adding more storm water to Morris Arboretum. Another solution would be to move the storm water to a creek on the north side of Norwood. This would be over private property and would overload the creek. The creek is fairly stable at the moment. A member of the audience asked when the right of way to Bells Mill was purchased. That is not known but will be looked into. J Lenhardt asked about the size of pipe required. The drain to Bells Mill would probably be a 30" pipe. The easements are usually 50' wide. Photos of erosion at the Hillcrest culvert were shown, as were photos of rock structures in Morris Arboretum. Another solution for the ponding problem is to construct an underground stone basin, which would help drain the ponding. Water would be stored in the right of way with no overflow to the creek.

•Committee Comments: C Brey asked if rain statistics have been adjusted for current conditions. They used a 2008 update. N Mitinger asked how long the construction would last. It would take 6-7 months. The road would be reduced at times to a single lane with some periods of complete closure. A neighbor asked where it would be located. It will be French drain-like with a rain garden in the right of way. Soil testing would need to be done to establish the depth. A neighbor stated there has been 20 years of dialogue about the storm water. This solution would not eliminate the moat. It was also stated that people would park on the drainage areas, shortening their life. The life expectancy is estimated to be 20-25 years. The city would maintain the rain garden. J Lenhardt asked if there would be a way to combine the proposal strategies. D McCarty noted that Caryl Lane adds water to Sunset and as it is a private street, the Water Department has no authority to work on that part of the problem. Andrew Moroz said that the pipe to Bells Mill would have an adverse affect on the Arboretum. In response to a comment, D McCarty stated that this was not a drinking water problem. It was noted that the stream has taken a beating and has undermined the property. It gets water from sources other than Norwood/Sunset. Kent Miller noted that ponding for small storms has been reduced. Chris Hall added that a new drain on Germantown Avenue has helped. It was stated that the problem is not just at the corner. Other neighbors spoke of problems with water rushing down Sunset in waves and extensive icing in the winter. It was asked if a sewer connection could be made at Green Tree. To be effective this would require a lift station; the city does not use lift stations for storm water. C Brey agreed that the problem was not just the corner. It was asked why infrastructure could not be built. A private/public partnership is needed. Celeste Hardester suggested using the parking lot at Norwood School for a drainage basin. It was noted that Norwood has its own basin. There is a need for a more concerted effort for plantings. The drain proposal needs control of sediment for it to work. The resident of 8871 Norwood noted that they are the lowest of the low and suffer from water convergences. Septic systems are also affected. There are waves of water flowing down Sunset in a heavy storm.

•Committee Recommendations: N Mitinger asked if the PWD would be open to suggestions. They would. L Goldfarb suggested that property owners need to get involved. J Haak suggested that the CHCA could convene further meetings for resolution and input, but that this could delay things. J Lenhardt noted that the sense of the room seemed to be to involve private property as part of the solution. Perc tests need to be done. Steve Gendler suggested moving onto the school property.

•Future project announcement: Tom of the PWD distributed fliers announcing a project for replacing water mains on the west side in the Willow Grove and St. Martins area. This project would probably begin in January after the bridge is complete.

### **8109 St. Martins Lane Garage**

•Presentation: Larry McEwen, architect for 8109 St. Martins, distributed information and presented the project. He noted that this was an informal presentation, as they do not have their refusal. N Mitinger noted that the refusal was important so that there are no surprises. L McEwen stated that they planned to file for an accelerated review but were told that single-family additions cannot be accelerated. They have since learned that they can be accelerated. He introduced the owner, John McDonald. The project is to create a new garage with an attached exercise room and an upstairs dormitory. The property is 102' x 310'. The lot is not sub-dividable. The existing garages have a 1085 sf footprint and can hold 5 cars. This project would remove those buildings and add a 48' long garage storeroom and exercise pavilion at the rear of the property. There would be dormers in the dormitory section. The building would be broken up into articulated portions. The Chestnut Hill

West tracks are at the rear of the property. There is a 70' wide right-of-way for the railroad. The tracks are elevated. L McEwen stated that he expects the refusal to be for use due to the second floor and the size of the garage both in height and area. The building would be 4'-8" to 6'-0" from the rear property line. The dormitory for guest-related overflow is necessary as there are only 3 bedrooms on the second floor of the house and 2 on the third floor in the house. The proposed garage would have 800 sf, the storage 300 sf and the exercise room 720 sf for a total of 1800+ sf. There will be no kitchen but there will be a bathroom. There will be no increase in impervious coverage. They have polled the neighbors and all are in support. The buildings will create about 18% coverage, which is about half of what is allowed. The existing garage is 16'-10", which is the same as the proposed exercise pavilion.

- Committee Comments: It was asked if the variance would allow for a second building that could be used as a rental. J Lenhardt stated that the lack of a refusal was a serious problem. S Gendler asked about a scalar view. The proposed building also hides the train from view.

- Committee Action: N Mitinger moved that the variances for the proposed building be recommended for approval to the DRC and Board. The motion was seconded. It was noted that when there is a refusal they would need to follow RCO procedures. The vote was 4 for the motion and 3 abstentions that were made due to the lack of refusal. It was recommended that there be a representative from the LUPZC at the DRC meeting to qualify the motion.

### **Adjournment**

- The meeting was adjourned at 10:45 p.m.