

## PROJECT SUMMARY

The Owners would like to add a tennis court and shade pavilion to their property. The proposed tennis court project includes the court itself, a shade pavilion, a perimeter retaining wall, fencing, drainage improvements, and significant plantings. The proposed tennis court area is illustrated on the site plan, and supporting cross-sections and details included with this application.

## Requested Variance

### Lot Coverage

Per code section §220-21 RLD, Paragraph D, Schedule I, the maximum allowable lot coverage percentage for a property of this size (over 20,000 SF) is 25%. By adding the tennis court, shade pavilion, and associated site improvements to the property, the lot coverage area will be at 26.82%, which is slightly over the maximum allowable lot coverage by Code. The owner is requesting a variance for Lot Coverage.

**1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by the granting of the variance:***

An undesirable change to the character of the neighborhood will not be produced by granting the variance requested. This is a large 3.33 acre property, and of that area, 2.43 acres will remain vegetated. It is far from being a densely developed property or lacking in greenspace. Quite to the contrary, given its size, it stands out as one of the more substantial green stretches along the lakefront. It should also be noted that this property formerly had another residence in the proposed location of the tennis court. Another very important fact is that the majority of the area (4,675 +/- sf) below the tennis court is being designed specially to receive, store and infiltrate stormwater as part of a comprehensive stormwater management system that will slow, cleanse and dramatically improve the quality of stormwater leaving this site. Although this major stormwater storage and infiltration system below the tennis court does not technically change the lot coverage calculations, it does result in a difference between the percentage of lot coverage and the percentage of impervious area. The percentage of lot coverage is 26.82%, however the percentage of impervious area is effectively 23.60% as a result of the specially designed stormwater management system below the tennis court. Given that impervious area and increased runoff are perhaps the greatest concern with increased lot coverage, the fact that the impervious area on this project is effectively below 25%, should alleviate any concern with the slight overage in lot coverage.

At the closest point, the tennis court and associated shade pavilion are over 125 feet from the edge of pavement on West Lake Road and sit 20 feet below the road. Given the significant distance and elevation change, and the substantial roadside berm and dense planting, the court will go completely unnoticed from West Lake Road. It is also buffered from the property on the north side by a western red cedar hedge, and from the property to the south by the dense existing vegetation. The court will not be visible from the lake due to the wooded slope along the full eastern edge of the court and the 60 foot grade differential. On the interior of the property there will also be a substantial amount of planting and sensitive use of grading and landform to integrate into the court into the landscape. As noted above, special provisions are also being made to manage and treat stormwater in a much more sensitive manner than is in place today.

With the substantial area of remaining green space, and all of landscape and stormwater management improvements that are being put in place, the granting of this variance will in no way result in an undesirable change in the character of the neighborhood, or be a detriment to nearby properties.

**2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.***

The benefit sought by this variance request cannot be achieved by other feasible methods. A tennis court requires a specific amount of area, and despite the 3.33 acre size of the parcel, the area of the court puts the lot coverage slightly over the 25 percent maximum allowed. However, as noted in response 1 above, this is a very large site, and even at the 26.82 percent lot coverage requested, there will be 2.43 acres of greenspace remaining on this site. Because of the size of the property, it will not be at all densely developed, and all the landscape and stormwater management improvements will enhance the property and more than mitigate the slight overage in lot coverage. As noted in the in the response to Question 1, the impervious area percentage for the property is effectively 23.60% as a result of the specially designed stormwater management system below the tennis court.

**3. *Whether the requested area variance is substantial.***

We believe the requested area variance is not substantial. At just 1.82% over the allowable lot coverage on such a large property, there will still be 2.43 acres of greenspace, and the proposed improvements include a significant stormwater management component and landscape enhancements that will offset the slight overage. As noted in the in the response to Question 1, the specially designed stormwater management system below the tennis court effectively results in an impervious area percentage of 23.60%

**4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

The project will not have an adverse impact on the physical and environmental conditions in the neighborhood or district. In fact, the project has been designed to improve the quality of the landscape on the site and dramatically improve the stormwater management system. Significant areas of new planting are being introduced, and as noted above, innovative measures are being put in place to control and cleanse stormwater in the upper reaches of the property, where today there are no functioning stormwater management systems in place. Given that the majority of the area under the tennis court will be used to receive, store and infiltrate stormwater, the impervious area on the site will effectively be at 23.60%. The project is designed in a manner that is environmentally responsible and will not result in adverse impacts on the neighborhood or district.

**5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.***

The owner has, of course, proposed to add a tennis court to the property which has resulted in this area variance request. However, for all of the reasons noted in the above test questions, the granting of this variance will have no negative impacts on character of the neighborhood or district, and will result in significant improvements to the landscape and stormwater management system on site.

Respectfully Submitted By:  
Bayer Landscape Architecture, PLLC  
Mark H. Bayer, RLA, ASLA  
(Agent for Daniel Wegman, Owner)

## PROJECT SUMMARY

The Owners would like to add a tennis court and shade pavilion to their property. The proposed tennis court project includes the court itself, a shade pavilion, a perimeter retaining wall, fencing, drainage improvements, and significant plantings. The proposed tennis court area is illustrated on the site plan, and supporting cross-sections and details included with this application.

## REQUIRED VARIANCES

This project will require the approval of (3) three variances. The (2) variances associated with the tennis shade pavilion and the associated test questions for each is described in detail below:

- A. **Tennis Shade Pavilion size (area):** Per code section §220-21 RLD, Paragraph C , (2) allows 100 square feet maximum for accessory buildings/structures in the RLD district. The proposed Tennis shade pavilion is 352 square feet, more than allowable by code. The Owner is requesting a variance for area of an accessory building/structure.

1. ***Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties.***

An undesirable change to the character of the neighborhood will not be produced by granting the variance requested. This is a large 3.33-acre property, and of that area, 2.43 acres will remain vegetated and pervious. It is far from being a densely developed property or lacking in greenspace. Quite to the contrary, given its size, it stands out as one of the more substantial green stretches along the lakefront.

At the closest point, the tennis court and associated shade pavilion are over 125 feet from the edge of pavement on West Lake Road and sit 20 feet below the road. Given the significant distance and elevation change, and the substantial roadside berm and dense planting, the court and shade pavilion will go completely unnoticed from West Lake Road. It is also buffered from the property on the north side by a western red cedar hedge, and from the property to the south by a natural landform and existing vegetation. The shade structure will not be visible from the lake due to wooded slope along the full eastern edge of the court and the 60-foot grade differential. On the interior of the property there will also be a substantial amount of planting and sensitive use of grading and landform to integrate into the court and shade pavilion into the landscape. The shade pavilion was designed to complement the architectural style of the existing buildings on site, scaled to accommodate the Owner's needs, and to fit comfortably within the context of this property.

2. ***Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.***

The benefit sought by this variance request cannot be achieved by other feasible methods. Given the dramatic topography and areas of valuable vegetation on the property, the only realistic place to locate the tennis court is to the north of the main house on a moderately sloped area of the property which was previously the location of another single family residence. The proposed shade structure has been carefully sized to accommodate the Owner's need for a modest shaded seating area to view the tennis court and complement the existing architectural style of the other building on the property. The 352 SF shade structure is in correct proportion to the tennis area, the existing buildings, and the property. Anything smaller will not meet the Owner's needs or fit well within the context.

3. ***Whether the requested variance is substantial.***

The shade pavilion building itself is sized at 352 SF. Although considerably larger than the 100 SF allowed, it is the minimum size that will accommodate the owner's needs. The shade pavilion is simply an open-air structure to provide the Owner and guests protection from the summer sun. The shade structure is located in an area of the property that is buffered from the Road, the adjacent neighboring properties and from the lake. The area of the shade structure will have no adverse impact to the neighborhood, nearby properties, or the lake. Given these reasons we do not feel the requested variance is substantial.

4. ***Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district.***

The proposed shade structure is consistent with the style, materials and scale of the residence at 4885 West Lake Road and is a fitting addition to the property. Small accessory structures such as this are quite common along West Lake Road and elsewhere in this neighborhood. The new structure will be set below the level of the road, well above the lake, and buffered with heavy plantings. It will not be visible from the road, adjacent properties, or the lake. With an area of 352 SF, will have no adverse effect or impact on the physical or environmental conditions in the neighborhood or district whatsoever.

5. ***Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not preclude the granting of the area variance.***

Although building a tennis court with an associated shade structure is a choice the Owner is making, it's perfectly appropriate on a property of this scale and prominence. The shade structure has been very carefully planned and scaled to complement and enhance the existing home and property and fit comfortably in the neighborhood.

- B. **Tennis Shade Pavilion Height:** Code section §220-21 RLD, Paragraph C, (2) allows a maximum height of 10 feet above average finished grade for accessory buildings/structures in the RLD district. The proposed tennis shade pavilion is 18'-0" above average finish grade, higher than allowed by code. The Owner is requesting a variance for height of an accessory building/structure.

**1. *Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties.***

An undesirable change to the character of the neighborhood will not be produced by granting the variance requested. This is a large 3.33-acre property, and of that area, 2.43 acres will remain vegetated and pervious. It is far from being a densely developed property or lacking in greenspace. Quite to the contrary, given its size, it stands out as one of the more substantial green stretches along the lakefront.

At the closest point, the tennis court and associated shade pavilion are over 125 feet from the edge of pavement on West Lake Road and sit 20 feet below the road. Given the significant distance and elevation change, and the substantial roadside berm and dense planting, the court and shade pavilion will go completely unnoticed from West Lake Road. It is also buffered from the property on the north side by a western red cedar hedge, and from the property to the south by a natural landform and existing vegetation. The shade structure will not be visible from the lake due to wooded slope along the full eastern edge of the court and the 60-foot grade differential. On the interior of the property there will also be a substantial amount of planting and sensitive use of grading and landform to integrate into the court and shade pavilion into the landscape. The roof lines, pitches and height of the shade pavilion were designed to complement the architectural style of the existing buildings on site and fit within the context of this property.

**2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.***

The benefit sought by this variance request cannot be achieved by other feasible methods. The Owner requires a shade structure adjacent to their proposed tennis area given its distance from the main residence and the need for relief from the sun during play. To fit within the context of this property, the roof lines, pitches, and height of the shade structure need to complement the existing architecture. The proposed 18'-0" height from average finish grade for the shade structure has been very carefully considered and will result in a structure that is in the correct proportion to the adjacent tennis court area, surrounding landscape, and other structures on the property.

**3. *Whether the requested variance is substantial.***

Although higher than allowed by code, the proposed height is necessary in this context. The 10 feet allowed by code would be inappropriate for this structure and this property. The 18'-0" height of the proposed shade pavilion is the minimum height necessary to match the roof lines, pitches and proportions of the existing structures. Seamlessly matching into the existing architecture is critical on a property of this significance. The new shade structure needs to look like it belongs and fits into the property and complements the existing structures. The proposed height is the minimum necessary to accomplish this important goal.

**4. *Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district.***

The proposed shade pavilion is consistent with the style and materials of the residence at 4885 West Lake Road and is a fitting addition to this property. Similar accessory structures such as this are quite common along West Lake Road and elsewhere in this neighborhood. The new shade structure will be situated well below the road, well above the lake, and heavily buffered by planting and will not be visible from the road or adjacent properties. The proposed shade structure, at a height of 18'-0", will have absolutely no adverse impact on physical or environmental conditions in the neighborhood.

**5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not preclude the granting of the area variance.***

Although building a shade pavilion at the proposed height of 18'-0" is a choice the Owner is making, it's very appropriate given the architectural style and roof lines of the other buildings on this property. The tennis area and shade structure have been carefully planned and scaled to complement and enhance the existing home and property, and fit comfortably in the neighborhood.

Respectfully Submitted By:  
Bayer Landscape Architecture, PLLC  
Mark H. Bayer, RLA, ASLA  
(Agent for Daniel Wegman, Owner)