

# **AGENDA ITEM SUMMARY SHEET**

## **City of Rollingwood**

**Meeting Date: November 16, 2022**

**Submitted By:**

Staff

**Agenda Item:**

Discussion and possible action on an appeal of the City Engineer's denial of a request for alternative methods of design for drainage facilities for 208 Ashworth Drive

**Description:**

The property owner of 208 Ashworth Drive is in the process of obtaining building permits for a new residence and swimming pool. They have proposed construction plans that include a maximum cut of approximately fourteen (14) feet of depth into the existing natural terrain of the property, which is not in compliance with section 103-235(5) of the city's Code of Ordinances, which limits maximum allowable depths of cut to eight (8) vertical feet.

The applicant originally submitted a request for a variance to the Board of Adjustment, but after legal review, it was determined that the Board of Adjustment was not the correct avenue for this request as section 103-235(5) is not in the Zoning Code. Please note that this processing error is why the applicant's letter is addressed to the Board of Adjustment and refers to seeking a variance, however, the request has not changed other than that it is now being considered as an appeal to the City Council.

It was then determined that the next step for this request was for it to be submitted as a request for an alternative method of design per section 103-206(b) of the City's Code of Ordinances. This section states that "Alternative methods of design of drainage facilities may be considered where performance is demonstrated through sound engineering practices to meet the performance requirements of this article. If any condition requiring some additional measure of protection is identified as necessary to conform to the purpose identified in section 103-199, the applicant's engineer shall make provision therefor in the design of the development."

The City Engineer reviewed the request for relief from Section 103-235(5) and recommended denial on the basis that the alternative method of design provisions of the code are not applicable to a request such as this. They interpreted the alternative method of design process to apply to the design of drainage facilities only; not site design criteria in general, such as cut or fill.

The City Engineer further noted that although the applicant has demonstrated that the proposed cut would not negatively impact surrounding properties, the alternative method of design process does not apply in this case.

The applicant's only other recourse based on the relief procedures provided by the City's Code of Ordinances is to appeal the City Engineers determination to the City Council, Section 103-208(a) of the city's Code of Ordinances, for further consideration and potential approval.

**Action Requested:**

Take action on an appeal of the City Engineer's denial of a request for approval of an alternative methods of design for drainage facilities at 208 Ashworth Drive

**Fiscal Impacts:**

No significant fiscal impact anticipated at this time

**Attachments:**

- 208 Ashworth Drive – Drainage Plans
- 208 Ashworth Drive – Site plan
- 208 Ashworth Drive – Pictures
- 208 Ashworth Drive – Applicant Submittal Letter and Attachments
- Memo from K. Friese and Associates Re: Alternative Method of Design