

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
OCTOBER 5, 2021 4:00 P.M.**

DOCKET 1345

11 LADUE LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, October 5, 2021.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Elizabeth Panke
Ms. Laura Long
Mr. Lee Rottmann
Mr. Dan Welsh

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Anne Lamitola, Director of Public Works, Lori Wrobel, Administrative Assistant; John Fox, Councilman; 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.

Mr. Welsh made a motion to adopt the Minutes of the September 14, 2021 meeting. Ms. Long seconded the motion. All those present were in favor.

Docket 1345 - **Docket 1345 -** Petition submitted by Paul Fendler on behalf Tom and Tracy Erb for the property located at 11 Ladue Lane. The petitioner is requesting relief from the building commissioner denying an addition due to encroachment into the side yard setback which is in violation of Ordinance # 1175, Section V-B-1.

Chairman Forshaw asked the City Planner to explain the reasons for denial. Ms. Sukanek reported the applicant is proposing an addition that encroaches into the 50-foot side yard setback by 16 feet.

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 August 16, 2021;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter requesting the variance received August 17, 2021;

Exhibit F – Entire file relating to the application;

Mr. Paul Fendler took the oath and was sworn in and reported that the home was built in 1930 and predates the setbacks. The existing building encroaches onto the setback by 15 feet, plus 2 extra feet for a fireplace in a covered porch added pursuant to a 2000 variance. Since the present porch is only 9 feet deep, it is not very usable space. The applicant proposes to tear down the current porch and add a covered porch with a fireplace that would encroach a total of 16 feet onto the side yard setback (1 foot more than the original house, 1 foot less than the 2008 addition). The 1 foot of extra encroachment is really only for the fireplace; the rest of the porch would be in line with the original house which encroaches 15 feet. The porch would extend 10 feet farther to the rear than the existing porch, thus creating a more usable space.

Board discussion included the inability to expand the porch in another direction due to the pool, the existing nonconforming house, the setback ordinance having been imposed on an existing development, and the fairly insignificant impact of the proposal on the side yard as compared with the existing improvements.

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. Ms. Long seconded the motion. The vote was as follows:

Chairman Liza Forshaw	“approve”
Ms Laura Long	“deny”
Ms. Panke	“approve”
Mr. Welsh	“approve”
Mr. Lee Rottmann	“approve”

With four (4) votes in favor and one (1) against, the motion passed. The ruling of the Building Commissioner is reversed and the variance was granted.

Adjournment

At 4:31 p.m. the meeting was adjourned upon motion by Mr. Welsh and second by Mr. Rottmann.

DOCKET 1345

DATE OF HEARING October 5, 2021

NAME Paul Fendler

DESCRIPTION OF PROPERTY 11 Ladue Lane

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying an addition due to encroachment into the side yard setback which is in violation of Ordinance # 1175, Section V-B-1.

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.



Ms. Liza Forshaw, Chairman