

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
AUGUST 4, 2020 4:00 P.M.**

DOCKET 1303

9908 Old Warson Road

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, August 4, 2020  
**DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC  
GATHERINGS DUE TO COVID-19, THE MEETING WAS CONDUCTED BY VIDEO  
CONFERENCE VIA ZOOM**

The following members of the Board were present:

Chairman Liza Forshaw  
Ms. Kristen Holton  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. Lee Rottmann

Also present were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Andrea Sukanek, City Planner; and Nancy Spewak, Mayor.

Chairman Forshaw called the meeting to order at 4:02 P.M.

**Approval and Adoption of the Agenda and Minutes**

Mr. Rottmann made a motion to adopt the Agenda. Ms. Panke seconded the motion. All those present were in favor.

Ms. Panke made a motion to adopt the Minutes of the July 7, 2020 meeting and the delayed minutes of two cases at the June 2, 2020 meeting. Ms. Long seconded the motion. All those present were in favor.

**Docket 1303**

Petition is submitted by Richard Estes for the property located at 9908 Old Warson Road. Petitioner is requesting relief from the Building Commissioner denying a new residence. The proposed new residence encroaches into the front yard setback which violates Ordinance #1175, Section V-B (1).

Mr. Stewart stated the applicant requests a variance to construct a new house in the "B" zoning district. The proposed construction would result in a 14-foot encroachment into the front yard setback.

Exhibit A – Zoning Ordinance 1175, as amended;

Exhibit B – Public Notice of the Hearing;

Exhibit C – Letter of Denial dated July 1, 2020;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated July 2, 2020;

Exhibit F – Entire file relating to the application

Mr. Richard Estes was sworn in and addressed the Board, stating that this narrow irregular lot is a challenge to build on. The proposed home is already narrow at 84.5' wide. The City deems an unnamed 14' wide easement that serves as a driveway for 2 homes a private road, creating the issue of two front yards and requiring measurement of the 50' setback from the private road even though the full width of the 14' wide road easement is contained on the applicant's lot. The proposed new house would encroach 14' into the 50' setback. If the setback were measured from the lot line instead of from the easement over the edge of the lot, no variance would be needed. The existing home, to be demolished, is 98.3' wide, is nonconforming and encroaches into the setbacks on both sides. The proposed new home is narrower than the existing home and would encroach less than the existing home. The proposal has the support of neighbors.

Robert Wilson, 9900 Old Warson Road, took the oath and shared his support of the plans.

The Board discussion noted the practical difficulty of the long and narrow lot with 50' setbacks on all four sides, leaving an extremely narrow 71' wide buildable area in the middle. The difficulty of designing a house in compliance with the setbacks is underscored by the fact that the existing nonconforming home encroaches on the setbacks more than the proposed new home would.

After discussion of the facts presented, Ms. Forshaw made a motion that on the basis of the evidence presented, the Board finds that practical difficulties exist, and that the decision of the Building Commissioner is reversed, and a variance is granted. Ms. Long seconded the motion.

The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Kristen Holton	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"

With five (5) votes in favor and zero (0) against, the motion carried, the ruling of the Building Commissioner was overturned, and the variance was granted.

### **Adjournment**

At 5:23 p.m. Ms. Long made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1303

DATE OF HEARING

August 4, 2020

NAME

Richard Estes

DESCRIPTION OF PROPERTY

9908 Old Warson Road

CAUSE FOR APPEAL

Petitioner is requesting relief from the Building Commissioner denying a new residence. The proposed new residence encroaches into the front yard setback which violates Ordinance #1175, Section V-B (1).

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds practical difficulties exist. The decision of the Building Commissioner is overturned, and a variance is granted.



Ms. Liza Forshaw, Chairman