

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JUNE 1, 2021 4:00 P.M.**

DOCKET 1328

17 WARSON TERRACE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, June 1, 2021.

**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. Elizabeth Panke
Mr. Lee Rottmann
Ms. Kristen Holton

Also present were Erin Seele, City Attorney; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; John Fox, Councilman; and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:01 P.M.

Approval and Adoption of the Agenda and Minutes

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

Mr. Rottmann made a motion to adopt the Minutes of the May 4, 2021 meeting. Ms. Panke seconded the motion. All those present were in favor.

Docket 1328 - Continued Petition is submitted by Johan and Sally Henriksen for the property at 17 Warson Terrace. The petitioner is requesting relief from the Building Commissioner denying a new residence due to an encroachment into the rear yard setback of approximately 17 feet and six inches. This is in violation of Ordinance # 1175, Section V-B-1.

Mr. Stewart informed the applicant that with only four board members present a variance will not be granted without a unanimous vote.

Mr. Stewart explained the request for a variance to build a new home with a 17'6" encroachment into the 30-foot rear yard setback. The home is located in the "D" zoning district. The ordinance provides that in corner lots with two front yards, the primary front yard shall be on the street that the front door to the house faces, and the rear yard shall be the yard opposite the primary front yard. Because the original plans showed a front door facing east, Mr. Stewart treated the west side as the rear yard. The proposed house encroaches 17'6" into the 30-foot setback that would apply to that rear yard. If the front door were placed differently so that the rear yard could be deemed to be on the south side of the property, the house would not require a setback

variance, because the west side of the property would be deemed to be a side yard, which requires a lesser setback than a rear yard in the "D" district.

Since the May Zoning Board of Adjustment hearing, the applicant has offered an alternative of having the front door face northeast instead of east, in case the Board wishes to interpret the front door as facing sufficiently north so that the south end of the lot could be the rear yard. Or, the Board could consider a variance for a 17'6" encroachment into the rear yard on the west side as originally requested.

The lot and a half is made up of lot 17 and 50% of lot 16. The plans have not been submitted to the Architectural Review Board for approval.

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 March 29, 2021;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated April 3, 2021;

Exhibit F – Entire file relating to the application

Johan Henriksen, the owner, and Pete Hennessey, the builder, took the oath and addressed the Board. Mr. Hennessey proposes to place the front door on the northeast corner facing both front yards. There is neighbor support for tearing down the dilapidated garage and redeveloping the property with an attractive new home. The house would be 3,690 square feet, which is not large and is compatible with the neighborhood.

Peggy Dozier, subdivision trustee, took the oath and confirmed that there is good support for the project by trustees and neighbors. She said the garage is unsightly and Mr. Hennessee has proposed a good solution for redevelopment.

Board discussion included the challenges of the corner lot with two front yards; the small, trapezoidal buildable area with two 40-foot setbacks and at least one 30-foot setback; the moderate size of the house consistent with the lot and with surrounding homes; the fact that but for the placement of the front door, the entire house would be within all setbacks; and the trustee support. Under the circumstances, the consensus was that a setback variance was warranted permitting the applicant's preferred originally proposed placement of the front door toward the east and a 17'6" encroachment into the 30-foot rear yard setback on the west side.

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. Mr. Rottmann seconded the motion. The vote was as follows:

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

With four (4) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 5:46 p.m. Ms. Panke made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1328

DATE OF HEARING June 1, 2021

NAME Johan and Sally Henriksen

DESCRIPTION OF PROPERTY 17 Warson Terrace

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a new residence due to an encroachment into the rear yard setback of approximately 17 feet and six inches. This 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