

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, JANUARY 08, 2019, 4:00PM

DOCKET 1260
33 WOODCLIFFE ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, January 8, 2019 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw

Ms. Laura Long

Mr. Dan Welsh

Mr. David Schlafly

Ms. Elizabeth Panke

Also present were: David A. Streubel, City Attorney; Lori Wrobel, Administrative Assistant; Roger Stewart, Building Commissioner; Councilman John Fox and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:00 PM. She stated that there would be two hearings taking place.

Approval and Adoption of the Agenda

Ms. Forshaw requested a motion to amend the agenda to elect the Chairman and Vice Chairman. Ms. Panke made the motion and Ms. Long seconded the motion. All those present were in favor and the agenda was approved as amended.

Ms. Long made a motion to elect Ms. Forshaw as the Chairman. Ms. Panke seconded the motion. All those present were in favor.

Ms. Long made a motion to elect Mr. Welsh as the Vice Chairman. Ms. Panke seconded the motion. All those present were in favor.

Approval of the Minutes from the November 6, 2018 meeting

Ms. Long made a motion to approve the Minutes as submitted. Mr. Welsh seconded the motion. All those present were in favor and the minutes were approved.

Docket 1260 Petition submitted by Rich and Julie Lane for the property located at 33 Woodcliffe Road. Petitioner is requesting relief from the Building Commissioner denying a pool heater due to encroachment into the setback which is in violation of Ordinance #1175, Section V-B-(2).

Chairman Forshaw asked the Building Commissioner for an explanation of the denial.

Mr. Stewart stated that the pool heater was installed without a permit. This 4-foot heater leaves less than 3 feet of the required 10 foot setback.

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 November 14, 2018;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated November 30, 2018;

Exhibit F – Entire file relating to the application

Exhibit G – Additional letters received at the meeting

The appellant, Ms. Lane, 33 Woodcliffe was sworn in and addressed the Board. She stated they were instructed by the contractor to place the pool heater where it is due to slopes and vegetation. They did not believe this gas heater was an accessory structure. Their intent was not underhanded. Mr. Lane was sworn in and addressed the Board. Mr. Lane stated that he had discussed the installation with his neighbors. Planting screening was a discussed option. Limited use of the pool in the St. Louis climate was the stated hardship.

Ms. Kohlbry, 32 Woodcliff was sworn in and addressed the Board. She expressed her many concerns with the placement of the heater. She initially thought the heater was on her property.

After a discussion of the facts presented, Ms. Long made a motion to overturn the ruling of the City Planner and grant a variance. Ms. Panke seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"disapprove"
Ms. Laura Long	"disapprove"
Mr. Dan Welsh	"disapprove"
Mr. David Schlafly	"disapprove"
Ms. Elizabeth Panke	"disapprove"

With zero (0) votes in favor and five (5) against, the variance was denied.

Adjournment

At 5:12 Ms. Long made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1260

DATE OF HEARING

January 8, 2019

NAME

Rich and Julie Lane

DESCRIPTION OF PROPERTY

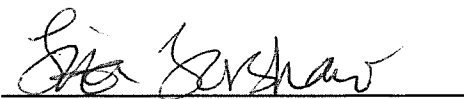
33 Woodcliffe Road

CAUSE FOR APPEAL

Petition submitted by Rich and Julie Lane for the property located at 33 Woodcliffe Road. Petitioner is requesting relief from the Building Commissioner denying a pool heater due to encroachment into the setback which is in violation of Ordinance #1175, Section V-B-(2).

RULING OF THE BOARD

After discussion of the merits of the case and the evidence presented, the Board finds that neither a sufficient hardship nor practical difficulties exist and, therefore, that the decision of the Building Commissioner is affirmed and the request for a variance is denied.

A handwritten signature in black ink, appearing to read "Liza Forshaw", is written over a horizontal line.

Ms. Liza Forshaw, Chairman