

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, FEBRUARY 5, 2019, 4:00PM

DOCKET 1263

2220 S. Warson Road

A meeting of the Zoning Board of Adjustment was held at 4:05 p.m. on Tuesday, February 5, 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: Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; and Councilman John Fox.

Chairman Forshaw called the meeting to order at 4:05 PM.

Approval and Adoption of the Agenda

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

Approval of the Minutes from the January 8, 2018 meeting

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

Docket 1263 Petition is submitted by Thomas Wall on behalf of Drew and Denise Franz for the property at 2220 S Warson Road. Petitioner is requesting relief from the Building Commissioner denying a conservatory addition that encroaches into the side yard setback. This is in violation of Ordinance #1175, Section V-B.

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

Mr. Stewart stated that applicant applied for a conservatory addition. The conservatory encroaches into the 50-foot side yard setback in violation of Ord. 1175, Section V-B.

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 January 4, 2019;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated January 7, 2019;
- Exhibit F – Entire file relating to the application

The appellant Thomas Wall of Mitchell Wall Architecture and Design was sworn in and addressed the Board. The stated hardship is the homeowner's several bouts of skin cancer preventing outdoor enjoyment. There is no increase to the existing encroachment by this proposal. The proposed addition does not protrude beyond the existing masonry wall. Every year the owner has been erecting a temporary canvas canopy on the location of the proposed addition. The proposed addition would be considerably more attractive than a temporary canopy.

After a discussion of the facts presented, including the long and very narrow shape of the permissible building area of the lot into which a well-designed house has been skillfully fitted over the years, the minimal impact of the proposed encroachment, the absence of objection by neighbors, the vegetation screening at the side boundary of the lot, and the superiority of a permanent structure matching the house compared with a temporary canvas canopy, it was determined that a practical difficulty exists. Mr. Schlafly made a motion to overturn the ruling of the Building Commissioner and grant a variance. Mr. Welsh seconded the motion. The vote was as follows:

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

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

Adjournment

At 5:41 Ms. Long made a motion to Adjourn the meeting. Mr. Schlafly seconded the motion. A unanimous vote in favor was taken.

DOCKET 1263

DATE OF HEARING February 5, 2019

NAME Thomas Wall

DESCRIPTION OF PROPERTY 2220 S. Warson Road

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a conservatory addition that encroaches into the side yard setback. This is in violation of Ordinance #1175, Section V-B.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that a practical difficulty exists and, therefore, that the decision of the Building Commissioner is reversed and the request for a variance is granted.



Ms. Liza Forshaw, Chairman