

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
May 5, 2020 4:00 P.M.**

DOCKET 1288

33 Dunleith Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, May 5, 2020
**DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC GATHERINGS DUE
TO COVID-19, THE MEETING WAS CONDUCTED BY TELECONFERENCE VIA ZOOM**

The following members of the Board were present:

Chairman Liza Forshaw
Mr. David Schlafly
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Dan Welsh
Sub: Mr. Lee Rottmann

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

Mr. Schlafly called the meeting to order at 4:00 P.M. standing in for Chairman Forshaw.

Approval and Adoption of the Agenda and Minutes

Ms. Panke made a motion to adopt the agenda and Minutes of the March 3, 2020 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1288 Petition is submitted by Kristen Kuda and David Fox for the property located at 33 Dunleith Drive. Petitioner is requesting relief from the Building Commissioner denying an accessory structure. The deer proof raised garden accessory structure is located in a required setback which is in violation of Ordinance 1175, Section V-B (2).

Mr. Stewart stated the applicant requests a variance for an existing accessory structure that encroaches 7 feet into the side yard setback, which is 20 feet.

Mr. Schlafly 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 December 6, 2019;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated February 7, 2020;
- Exhibit F – Entire file relating to the application

Carol Walsh, 33 Dunleith Drive, was sworn in and addressed the Board. She inquired about a new designation of garden structure, or whether this is indeed considered an accessory structure. Building Commissioner Roger Stewart explained that this is considered an accessory structure. (At a previous meeting, the Board decided to classify the structure as a non-fence accessory structure.) Ms. Walsh described the reasons for the placement as topography, garden sunlight, avoiding the utility junction, facilitating access by the lawn service, and keeping a safe distance from the road. The building materials are deer resistant and the height was determined to prevent deer from entering. The lot is a corner lot and the side property line abuts the back property line of the neighbor, who Ms. Walsh said is supportive of the structure.

Mr. Schlafly asked if there had been any changes made to the structure since Board members visited it prior to the November 2019 meeting. Ms. Walsh answered that no changes were made.

After discussion of the facts presented, including the location of the structure, the small encroachment, the openness and attractiveness of the structure, the minimal impact on the neighbor's rear yard, and the fact that by ordinance, a six foot tall barrier fence would be permitted, it was determined that practical difficulties exist. Mr. Schlafly made the motion to overturn the decision of the Building Commissioner and grant the variance Ms. Forshaw seconded the motion. The vote was as follows:

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

With five (5) 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 6:29 p.m. Ms. Long made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1288

DATE OF HEARING	May 5, 2020
NAME	Kristen Kuda and David Fox
DESCRIPTION OF PROPERTY	33 Dunleith Drive
CAUSE FOR APPEAL	Petitioner is requesting relief from the Building Commissioner denying an accessory structure. The deer proof raised garden accessory structure is located in a required setback which is in violation of Ordinance 1175, Section V-B (2).
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