

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JUNE 2, 2020 4:00 P.M.**

DOCKET 1295

4 St. Andrews Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, June 2, 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. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. David Schlafly

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

Chairman Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda and Minutes

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

Mr. Rottmann made a motion to adopt the Minutes of the May 5, 2020 meeting. Ms. Panke seconded the motion. All those present were in favor.

4:30 pm **Docket 1295** Petition is submitted by Kevin Bridick of Streib Electric for the property located at 4 St Andrews Drive. Petitioner is requesting relief from the Building Commissioner denying a generator. The generator encroaches into the side setback about 10 feet. This is in violation of Ordinance #1175, Section V-B (2).

Mr. Stewart stated the applicant requests a variance to allow a generator to encroach into the 50-foot side yard setback in the B Zoning District. The encroachment shown on the plans submitted was about 38 feet. The applicant has since modified his proposal and the proposed variance is now a 10-foot encroachment into the 50-foot side yard setback. The property was built in 1925, and remodeled in 2012, and currently is undergoing a remodeling.

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 4, 2020;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated April 20, 2020;

Exhibit F – Entire file relating to the application

Exhibit G – Letters of support and opposition

Kevin Bridick of Streib Electric was sworn in and addressed the Board. He stated his belief that the letters of opposition were based on old information. The practical difficulty justifying this variance is the narrow, rectangular shape of the lot. Fifty-foot setbacks on both long sides of the lot are very limiting and compliance with the 50-foot setback would have a negative impact on neighbors. The proposed location is the most logical place and is unobtrusive -- 40 feet from the property line and 150 feet from the closest neighboring structure. The site plan shows that the generator would be screened with full-height boxwoods making the generator virtually invisible.

Bob Ciapciak, the property owner, took the oath and addressed the Board. When the generator was delivered, it was positioned approximately 10 feet off the property line and mounted on a set of skids. At that time, his neighbor Mrs. Edison came over and objected to the location.

Mr. Ciapciak explained that the currently proposed location is not visible from her house. Mrs. Edison's home is in the center of her property, about 150 feet from the property line. The distance between the back corner of her residence and the proposed location of the generator is somewhere around 300 feet. A tree line provides considerable screening. Without the 10-foot variance the generator placement would be in the center of the back yard, which is not ideal from a visibility standpoint. Furthermore, the neighbor on the other side received a variance years ago extending his structure to 10 feet from the Ciapciak property line. Moving the generator to the center of the back yard would cause the generator to be much closer to that neighbor's house (i.e. only 60 feet away from that house). The currently proposed location is the least offensive to the three contiguous neighbors considered together. Subdivision trustee approval was granted.

Robynn Ragland took the oath and responded to Mr. Ciapciak's comments. Visibility, peace and quiet of Mrs. Edison's side yard are all concerns. The size of the encroachment is irrelevant; it is still an encroachment into Mrs. Edison's side yard. The generator is a massive device. This request is based on a personal preference or choice, and that should not be the basis for a variance.

Chairman Forshaw asked Ms. Ragland if she is an attorney representing Ms. Edison. Ms. Ragland stated that she is, but Ms. Edison may want to speak on her own behalf.

Ms. Ragland voiced concern about noise when the generator is running, adding that the zoning ordinance's 50-foot setback protects Mrs. Edison from the potential noise of this machine.

Hope Edison took the oath and testified that the generator could be placed farther from her home or a smaller generator could be installed.

Mr. Ciapciak stated that the generator is sized to run his house, which is substantial. A smaller generator would not run the whole house. A generator farther from Mrs. Edison's property line would be louder for the neighbor on the opposite side.

Ms. Ragland stated her opinion that hardship, not personal preference, is the proper basis for a variance to be granted.

Chairman Forshaw directed this issue to the City Attorney. Ms. Seele stated for the record that the current legal standard for granting a variance of this type is practical difficulty (not hardship).

Board discussion focused on the growing necessity of generators in Ladue, Mr. Ciapciak's efforts to harmonize the location to the extent possible with all neighbors, the practical difficulty of the narrow lot configuration juxtaposed with wide 50-foot side yard setbacks, the considerable reduction in the encroachment from the one originally proposed, the unattractiveness of an alternative location in the center of the back yard, and the very limited visibility of the generator in the proposed location because of screening.

After discussion of the facts presented, Ms. Panke 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. Mr. Schlafly seconded the motion.

The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Laura Long	"oppose"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"
Mr. David Schlafly	"approve"

With four (4) votes in favor and one (1) against, the motion carried, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

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

DOCKET 1295

DATE OF HEARING June 5, 2020

NAME Kevin Bridick

DESCRIPTION OF PROPERTY 4 St. Andrews Drive

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a generator. The generator encroaches into the side setback about 10 feet. This 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 practical difficulties exist. The decision of the Building Commissioner is overturned, and a variance is granted.

Ms. Liza Forshaw, Chairman