

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

DOCKET 1297

8919 Pine Acre Road

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 TELECONFERENCE 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.

Docket 1297 Petition is submitted by Annie and Dan Benninger for the property located at 8919 Pine Acre Road. Petitioner is requesting relief from the Building Commissioner denying a fence in the front yard along Dromara Road. The proposed fence is taller than 42" and is not 40% open. This is in violation of Ordinance #1175, Section IV-C (1).

Mr. Stewart stated the property is in the "C" zoning district. The proposed fence is in the second front yard along Dromara Road. It is greater than 42 inches in height and not 40% open as required. The fence would be 72" tall along Dromara and 48" tall in another area. Approximately 80% of the lot is in 50-foot required front yards.

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 April 21, 2020;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated May 4, 2020;

Exhibit F – Entire file relating to the application

Dan and Annie Benninger were sworn in and addressed the Board. They are requesting a variance to install a scalloped cedar privacy fence along Dromara (to the rear of the house) due to having two front yards and no privacy. The large viburnum bushes will remain on the Dromara side of the fence to provide some screening from the Dromara side. The property next door has a six-foot privacy fence with half-inch slats.

Julie Sherburn, a Dromara subdivision trustee, was sworn in and stated that the project has the support of the neighbors and trustees.

David Schlafly recalled that the property had a privacy fence in the past, which was helpful to screen the applicant's back yard activity from Dromara. That old fence was removed before the current owner moved in.

After discussion of the facts presented, including the two front yards and the strong support of the neighbors, the Board determined that practical difficulties exist. Mr. Schlafly made a motion to overturn the decision of the Building Commissioner and grant the variance. Ms. Long seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"
Mr. David Schlafly	"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 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 1297

DATE OF HEARING	June 5, 2020
NAME	Dan and Annie Benninger
DESCRIPTION OF PROPERTY	8919 Pine Acres Road
CAUSE FOR APPEAL	Petitioner is requesting relief from the Building Commissioner denying a fence in the front yard along Dromara Road. The proposed fence is taller than 42" and is not 40% open. This is in violation of Ordinance #1175, Section IV-C (1).
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 the variance is granted.

Ms. Liza Forshaw, Chairman

