

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
OCTOBER 1, 2019, 4:00PM**

DOCKET 1277

9757 Old Warson Rd

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, October 1, 2019 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw

Ms. Kristen Holton

Ms. Laura Long

Ms. Elizabeth Panke

Mr. Lee Rottmann

Also present were: Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; Mark Koester, Storm Water Engineer; Roger Stewart, Building Commissioner; Councilmembers John Fox and Stacey Kamps; Mayor Nancy Spewak; and Administrative Assistant Lori Wrobel,

Chairman Forshaw called the meeting to order at 4:15 p.m.

Approval and Adoption of the Agenda

Ms. Long made a motion to adopt the agenda. Mr. Rottmann seconded the motion. All those present were in favor; the agenda was approved.

Approval of the Minutes from the September 3, 2019 meeting

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

Docket 1277 Petition is submitted by Nicole Zellweger and James Bass for the property at 9757 Old Warson Road. Petitioner is requesting relief from the Building Commissioner denying a pool due to encroachment into required setbacks which is in violation of Ordinance 1175, Section V-B-2.

Mr. Stewart stated the applicant requests a variance to permit a side yard encroachment in the B residential zoning district. Approximately half of the lot is in the floodplain. The house, garage and driveway are on the other side. The proposed pool would encroach approximately 10 feet. The required side yard set back is 50 feet.

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 August 30, 2019;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated September 3, 2019;

Exhibit F – Entire file relating to the application

Exhibit G – Letter from Albert Watkins, representing neighbor Christine Kaplan.

Nicole Zellweger took the oath and addressed the board. She currently lives in Frontenac and is purchasing the property at 9757 Old Warson Road contingent upon the ability to install a pool. The yard configuration, slope and floodplain create a hardship. The property has two front yards and 70% of the lot is in the flood plain because of a creek. A pool is not allowed in a front yard. A sewer easement also prevents an alternative location. The proposed pool would not have a diving board or a slide and would be unheated. The pool equipment would be placed next to the house, not in the required side yard. The proposed placement retains the charm of the property. A large tree's removal is already permitted by the City. A stone boundary wall and some vegetation partly screen the pool site from the nearest neighbor (Christine Kaplan), and additional trees will be planted. The family has two boys and no area for recreation due to dense woods in the floodplain. No part of the property is visible to the nearest public road, Old Warson, from which access to the property is afforded over a private easement. Letters from six neighbors stating they have no objection to the project were submitted to the Board.

Ms. Zellweger acknowledged that the pool could be placed a few feet closer to the house, thereby avoiding the need for a variance, but that placement would be less attractive from a design standpoint.

The pool contractor, Mr. Drew Bradshaw, was sworn in and addressed the board regarding the backwashing process. He stated the neighbors would not be impacted. The pool covers come in varying colors.

Albert Watkins, an attorney representing neighbor Christine Kaplan, took the oath and addressed the Board. Ms. Kaplan lives at 9755 Old Warson. The proposed pool would be visible from her front door, landing, and all of the bedrooms. She would prefer the pool be located where the driveway currently sits or in a front yard. When the large tree is removed, and in the winter months, the pool will become more visible from her home. She objects to the variance.

Ms. Kaplan took the oath and acknowledged that she has a pool on her own property, but stated that she can only see her pool from her family room. She has added landscaping.

After a discussion of the facts presented, including yard configuration, the two front yards, the impact of the floodplain, the extremely limited building area of the lot, the relatively minor extent of the encroachment, and the limited impact of the project on the adjoining property, the Board found that practical difficulties exist. Ms. Long made a motion to overturn the decision of the Building Commissioner and grant the variance for the pool encroachment. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"in favor"
Mr. Kristen Holton	"in favor"
Ms. Laura Long	"in favor"
Ms. Elizabeth Panke	"in favor"
Mr. Lee Rottmann	"in favor"

With five (5) votes in favor and zero (0) against, the motion passed, the variance was granted, and the ruling of the Building Commissioner was overturned

Adjournment

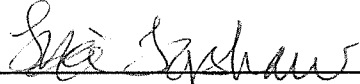
At 6:45 p.m. Ms. Long made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1277

DATE OF HEARING	October 1, 2019
NAME	Nicole Zellweger
DESCRIPTION OF PROPERTY	9757 Old Warson Road

CAUSE FOR APPEAL	Petitioner is requesting relief from the Building Commissioner denying a pool due to encroachment into a required side yard setback which is in violation of Ordinance 1175, Section V-B-2.
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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.
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Ms. Liza Forshaw, Chairman