

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JUNE 1, 2021 4:00 P.M.**

DOCKET 1329

2 MIDPARK LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, June 1, 2021.

**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. Elizabeth Panke
Mr. Lee Rottmann
Ms. Kristen Holton

Also present were Erin Seele, City Attorney; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; John Fox, Councilman; and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:01 P.M.

Approval and Adoption of the Agenda and Minutes

Ms. Panke made a motion to adopt the Agenda. Ms. Holton seconded the motion. All those present were in favor.

Mr. Rottmann made a motion to adopt the Minutes of the May 4, 2021 meeting. Ms. Panke seconded the motion. All those present were in favor.

Docket 1329 - Petition submitted by Amanda and Adam Miller for the property at 2 Midpark Lane. The petitioner is requesting relief from the Building Commissioner denying a pool and deck addition due to reduction in green space. The required rear yard green space for the district is 70% and this addition would take it down to 35.3%. Correlating hardscape is 64.7% which is more than the 30% allowed. This is in violation of Ordinance #1175, Section V-G-1.

Mr. Stewart informed the applicant that with only four board members present a variance will not be granted without a unanimous vote.

Mr. Stewart explained that he denied the plan Because the required rear yard greenspace for the "E" residential district is 70%, and the addition of the pool and pool deck would reduce rear yard greenspace to 35% (approximately half of the required greenspace).

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 12, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated April 13, 2021;
- Exhibit F – Entire file relating to the application

Adam Miller, homeowner, took the oath and addressed the Board. Mr. Miller reasoned that city ordinances require greenspace for storm water runoff. The plans submitted have a storm water abatement plan providing for collecting water from the garage roof and storing it in a holding tank. The small lot currently has 54.7% of the required 70% rear yard greenspace. The plan reduces the rear yard greenspace to 45.01%. This property is a special case as it sits behind a high-traffic alley and parking lot with dumpsters. The proposed plan is intended to enhance the value for the owner and others.

Jason Bailey of Pool Specialists took the oath and stated that the lot as a whole meets the greenspace requirement for an entire lot. The rear yard has an existing nonconformity with greenspace requirement for a rear yard, which would be increased. However, due to greenspace on the rest of the yard, the lot as a whole would remain in compliance with the greenspace for an entire lot.

Board discussion included the challenge of adding a pool in such a small back yard which would be mostly covered by hardscape, the sizeable deviation from the required rear yard greenspace, the purposes of greenspace requirements, and the undesirability of setting a precedent for such a large deviation from rear yard greenspace requirements.

After discussion of the facts presented, Ms. Panke made the motion to overturn the decision of the Building Commissioner and grant the variance. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"deny"
Ms. Elizabeth Panke	"deny"
Mr. Lee Rottmann	"deny"
Ms. Kristen Holton	"deny"

With zero (0) votes in favor and four (4) against, the motion failed, the ruling of the Building Commissioner was upheld.

Adjournment

At 5:46 p.m. Ms. Panke made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1329

DATE OF HEARING June 1, 2021

NAME Adam and Amanda Miller

DESCRIPTION OF PROPERTY 2 MIDPARK LANE

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a pool and deck addition due to reduction in green space. The required rear yard green space for the district is 70% and this addition would take it down to 35.3%. Correlating hardscape is 34.7% which is more than the 30% allowed. This is in violation of Ordinance #1175, Section V-G-1.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board upholds the decision of the Building Commissioner.



Ms. Liza Forshaw, Chairman