

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, June 6, 2016

DOCKET 1205

10 Briarcliff

A meeting of the Zoning Board of Adjustment was held at 3:00 p.m. on Monday, June 6, 2016, at City Hall.

The following members of the board were present:

Mr. Stanley Walch
Mr. David Schlafly
Ms. Elizabeth Panke
Mr. Daniel Welsh
Mr. Lee Rottmann

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Ms. Andrea Sukanek, City Planning Consultant, and Ms. Erin Seele, City Attorney. Councilman John Fox and Mayor Nancy Spewak were also in attendance.

Mr. Walch called the meeting to order at 3:00 PM.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1205**

Notice is hereby given that the Zoning Board of Adjustment of the City of Ladue, St. Louis County, Missouri, will hold a public hearing on a petition submitted by Mr. & Mrs. Perkins, 10 Briarcliff, requesting relief from the ruling of the Planning Consultant for a proposed re-subdivision of the property located in 'C' Residential District into two lots, where one of the two lots would not meet the minimum lot size requirement of 30,000 square feet as outlined in Section V-(B)(1) of Zoning Ordinance #1175.

The hearing will be held at 3:00 p.m. on Monday, June 6, 2016, at the City Hall, 9345 Clayton Road.

The hearing will be public and anyone interested in the proceedings will be given the opportunity to be heard.

Pursuant to Section 610.022 RSMo., the Zoning Board of Adjustment could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Stanley Walch, Chairman
Zoning Board of Adjustment

Mr. Walch asked City Planning Consultant Andrea Sukanek for an explanation with regard to the denial of the re-subdivision of the property. Ms. Sukanek explained that the applicant has proposed a re-subdivision of the property, located in 'C' Residential District, into two lots, where one of the two lots would not meet the minimum lot size requirement of 30,000 square feet as outlined in Section V-(B)(1) of Zoning Ordinance #1175. She explained that the petitioner was required to go before the Zoning and Planning Commission for two variances to the subdivision regulations and one of the two variances were approved; the maximum number of sides of a lot was increased from five sides. The second variance sought to include the square footage dedicated for roadway purposes into the minimum lot size and that variance was denied.

City Attorney Erin Seele stated that the Zoning Board of Adjustment does have the authority to vary the size of the lot size per state statutes, and that similarly to all other variance requests, a hardship must exist in order for the variance to be granted. She explained that the subdivision process had to be followed through the Zoning & Planning Commission and the City Council, and that the applicant has the right to request modifications to the zoning regulations.

Mr. Schlafly stated that the Board of Adjustment has never been asked to vary the size of a lot.

Mr. Walch agreed that the Zoning Board of Adjustment has never voted on this type of variance and questioned whether they truly had the authority to make determinations on lot size.

Mr. Walch 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 – Permit denial dated April 13, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated May 16, 2016
- Exhibit F - Entire file relating to the application
- Exhibit G – Briarcliff trustee letter, and the rescinding of the opposition dated June 6, 2016
- Exhibit H – Packet of information distributed to the commissioners that includes many documents in the file as well as the original lot configuration for the subdivision, lists and photographs of lots in the subdivision that are less than 30,000 square feet, letters of support from neighbors

The court reporter administered the oath to Mr. Peter Perkins, 10 Briarcliff, Mr. Stephen Kling, attorney, and Mr. Fort, neighbor from the Briarcliff subdivision.

Mr. Kling distributed documents to the Board. He explained that there were two lots of record and that a past owner combined the lots. He reviewed the packet of information that he distributed which include aerial photographs of existing non-conforming lots in the subdivision. He stated the proposed lot is flat and buildable with no topographic constraints. He provided 13 letters of support from various neighbors.

He stated that there is not an adverse impact on the neighborhood and that no subdivision violations related to this lot split exist. Mr. Kling stated that the lot alignment is shown to preserve existing improvements such as the pool.

Ms. Panke asked what the lot width is, and Ms. Sukanek stated that the lot width of proposed lot B, which is the lot that is less than the required 30,000 square feet, is 143 feet wide.

Mr. Perkins provided history of their family living in the Briarcliff subdivision. He stated that there were previously two lots that were previously consolidated and that they desire to reestablish two lots, but in a different configuration than what was originally platted. He stated that the majority of the neighbors surrounding his property are supportive. There are 69 homes in the neighborhood and 14 of those have written support of the lot split. He expressed his desire to preserve the neighborhood. Furthermore, he explained that the original lot configuration is not viable due to the existing pool, mature trees, and historic walls. He closed by stating that he would like to downsize and construct a home on the new lot.

Ms. Panke sought clarification on the dividing of the land and whether any configuration of a split could comply and Ms. Sukanek stated that it was not possible due to the fact that the acreage dedicated for the roadway could not be included in the acreage.

Mr. Welsh inquired as to what the actual hardship is for this case. Mr. Perkins stated that the hardships are the removal of existing improvements such as the pool and historic retaining walls as well as the loss of mature trees.

Mr. Walch asked what other approvals are needed from the City. Ms. Kling stated that City Council approval is still needed for the variances and the platting. A discussion ensued regarding the remaining items required prior to final approval.

Mr. Perkins asked for a continuance.

Chairman Walch granted a continuance for this docket.


Mr. Stanley Walch, Chairman

DOCKET 1205

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| DATE OF HEARING | June 6, 2016 |
| NAME | Mr. & Mrs. Perkins |
| DESCRIPTION OF PROPERTY | 10 Briarcliff |
| CAUSE FOR APPEAL | Relief from the ruling of the City Planning Consultant denying a proposed re-subdivision of the property located in 'C' Residential District into two lots, where one of the two lots would not meet the minimum lot size requirement of 30,000 square feet as outlined in Section V-(B)(1) of Zoning Ordinance #1175. |
| RULING OF THE BOARD | After a discussion of the facts presented, the Board allowed the matter seeking a variance for a proposed re-subdivision of the property located in 'C' Residential District into two lots, where one of the two lots would not meet the minimum lot size requirement of 30,000 square feet as outlined in Section V-(B)(1) of Zoning Ordinance #1175 to be continued. |