

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

DOCKET 1206

7 Pebble Creek

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 1206**

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. Fox, 7 Pebble Creek, requesting relief from the ruling of the Building Official denying a building permit for an addition which would result in an encroachment into the front yard setback of the property and increase the degree of nonconformity for a non-conforming structure. The proposed addition is prohibited by sections IV-D-8, V-C-1(a), and V-C-1(b) 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 Building Official Will Penney for an explanation with regard to the denial of the building permit and Mr. Penney explained that the applicant wants to modernize their entryway and the proposed addition would result in an encroachment into the front yard setback of the property and increase the degree of nonconformity for a non-conforming structure which is not permitted without a variance.

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 27, 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

The court reporter administered the oath to Ms. Monica Moore-Zigo, project architect and Mr. Brett Fox, 7 Pebble Creek. Ms. Moore-Zigo explained that her client would like to access the home from the front of the home and that the hardship is the fact that the home predates the zoning codes. The home was originally constructed as accessory structure to a larger home which was accessed from the west via a bridge over the adjacent creek and now the home is accessed from the east. The applicant is trying to update the historic home, part of which was constructed prior to 1937 and has been expanded upon. Ms. Moore-Zigo performed research that indicated the City first adopted a zoning ordinance in 1938.

Mr. Fox stated that the home was originally built as stables for a large estate on Warson Road.

Mr. Schlafly asked for the dimension of the encroachment into the front yard setback and Ms. Moore-Zigo explained that the north property line was considered to be the location of the front yard. He sought to clarify where the area of the encroachment is located and Ms. Moore-Zigo indicated that it is approximately eight feet into the fifty foot setback.

Mr. Walch asked why the plan cannot be modified to encroach into the setback less. Ms. Moore-Zigo stated that the corner is being filled in and that the addition is in-line with existing improvements.

Mr. Fox stated he desires to work with the existing structure and preserve it.

The public comment portion of the meeting was closed.

Commission discussion began. Mr. Walch stated that the Board has been supportive of applicants maintaining historic homes and non-conforming structures. He believes it does meet the spirit of past decisions.

Mr. Schlafly stated that the property is difficult to work with.

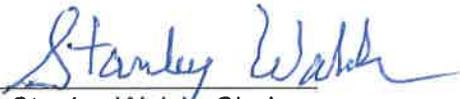
Mr. Welsh stated he is sensitive to the history of the property and that the structure needs to be modernized.

Mr. Rottmann stated that the original entrance is on the west side of the home and it is non-usable. They desire to construct an entrance from Pebble Creek which is their current access.

Mr. Schlafly moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official be reserved, and a variance granted to construct the addition as shown on the plans dated February 28, 2016. Mr. Welsh seconded the motion. Mr. Walch called for a vote with regard to this variance request and the vote thereupon was as follows:

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

There were five (5) votes to approve and zero (0) votes to deny and therefore the variance was granted.


Mr. Stanley Walch, Chairman

DOCKET 1206

DATE OF HEARING	June 6, 2016
NAME	Mr. & Mrs. Fox
DESCRIPTION OF PROPERTY	7 Pebble Creek
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for an addition which would result in an encroachment into the front yard setback of the property and increase the degree of nonconformity for a non-conforming structure. The proposed addition is prohibited by sections IV-D-8, V-C-1(a), and V-C-1(b) of Zoning Ordinance #1175
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for a building permit for an addition which would result in an encroachment into the front yard setback of the property and increase the degree of nonconformity for a non-conforming structure. The proposed addition is prohibited by sections IV-D-8, V-C-1(a), and V-C-1(b) of Zoning Ordinance #1175 and the decision of the Building Official was overturned.