

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

DOCKET 1207

5 Maryhill Drive

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 1207**

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. Mozeliak, 5 Maryhill Drive, requesting relief from the ruling of the Building Official denying a building permit for an accessory structure which would result in an accessory structure being located in a front yard of the property which is prohibited by section 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 accessory structure and Mr. Penney stated that the proposed garage would be located in a front yard and that the property has two front yards as it is a corner lot. The proposed garage would be located in a front yard. The detached garage meets the maximum size requirements for detached garages.

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 May 16, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated May 16, 2016 and a letter of support from Mr. James Godfry, 8 Maryhill Drive
- Exhibit F - Entire file relating to the application

The court reporter administered the oath to Ms. Mozeliak, 5 Maryhill, and her representative who is the general contractor for the property owner. Ms. Carla Marshall, trustee of Maryhill subdivision, was also sworn in.

Ms. Mozeliak stated that the existing attached garage is difficult to access and was originally constructed based on smaller car sizes. The contractor further explained the project involving the proposed two-car garage.

Ms. Marshall, stated that she is in support of the project, and is president of the association.

Ms. Mozeliak stated that there are attached garages in the neighborhood that are substantial and that the proposed detached garage will be smaller in stature.

Mr. Welsh asked what the existing dimensions of the garage and it was clarified that one space is deep and two are much narrower. The garage is difficult to access with modern vehicles. The existing condition is essentially a two car garage and the detached garage will allow for two cars.

The public comment portion of the meeting was closed.

Commission discussion began. Mr. Welch stated that the Board has historically been sensitive to two-yard situations.

Ms. Panke asked if the garage could be attached. Ms. Mozeliak stated that based on the location of a generator serving the home, it would be in conflict with a potential enclosure connecting the garage to the home.

Mr. Welsh pointed out differences between this petition and other petitions for garages on corner lots.

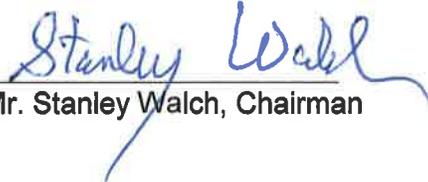
Mr. Schlafly made a motion that based on the evidence presented, a practical difficulty exists and the decision of the Building Official be reversed, and a variance should be granted to construct the project as shown on the, site plan dated April 20, 201. Mr. Welsh seconded the motion. Mr. Walch called 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 Walsh, Chairman

DOCKET 1207

DATE OF HEARING	June 6, 2016
NAME	Mr. & Mrs. Mozeliak
DESCRIPTION OF PROPERTY	5 Maryhill Drive
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for an accessory structure which would result in an accessory structure being located in a front yard of the property which is prohibited by section 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 accessory structure which would result in an accessory structure being located in a front yard of the property which is prohibited by section V-C-1(b) of Zoning Ordinance #1175 and the decision of the Building Official was overturned.