

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, JULY 11, 2023, 4:00PM**

DOCKET 1389

1 LADUE LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, July 11, 2023.

The following members of the Board were present:

Vice-Chairman Dan Welsh
Mr. Jon Dalton
Ms. Kristen Holton
Ms. Elizabeth Panke
Mr. Lee Rottmann

Also present were Erin Seele, City Attorney; Paul Garlock, Building Official; Andrea Sukanek, City Planner; Anne Lamitola, Director of Public Works, and Lori Mullins, Deputy City Clerk.

Vice-Chairman Dan Welsh called the meeting to order at 4:02 P.M.

Approval and Adoption of the Agenda and Minutes

The agenda was adopted unanimously upon motion by Mr. Dalton and second by Mr. Rottmann.

The minutes of the **June 6, 2023**, meeting were approved unanimously upon motion by Mr. Dalton and second by Mr. Rottmann.

Docket 1389

Petition submitted by Paul Fendler, on behalf of Doug and Abby Giles, for the property located at 1 Ladue Lane. The petitioner is requesting relief from the City Planner denying a proposed addition that would enlarge a portion of a three-story structure resulting in a larger three-story section, which is in violation of Ladue Zoning Ordinance #1175, Section V-A (1). The structure is legally nonconforming which would allow for maintenance and alterations, but applicant may not increase the cubic content of the structure which is in violation of Ladue Zoning Ordinance #1175, Section IV-D (8).

Ms. Sukanek explained that the applicant is requesting a variance to construct an addition that includes two floors of living space and an expansion of a tuck-under garage on the ground level in the "B" zoning district. The 1,200 square foot addition consists of three floors of additional space; the proposed height is 42 feet. The proposed north and west elevations appear to have three full stories, but due to the slope of the property, the south elevation appears that it could be considered as two stories.

According to Section V.A.(1) of the Ladue Zoning Ordinance, the maximum allowed number of stories of a structure is two and one half. Due to the wall height on the north and west elevations, the third story is considered a full story, this addition does not comply with the Zoning Code, and thus was denied.

The following exhibits were entered into the record:

Exhibit A – Zoning Ordinance 1175, as amended;

Exhibit B – Public Notice of the Hearing;

Exhibit C – Letter of Denial dated May 22, 2023;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated April 24, 2023;

Exhibit F – Entire file relating to the application

Mr. Paul Fendler took the oath and addressed the Board, stating the sloping topography and the inadequate size of the existing garage constitute practical difficulties.

Mr. David Culver, 5 Ladue Lane, took the oath and inquired about the procedure reporting that he had not received notice of the meeting. Mr. Welsh checked the list and verified that notice was mailed to 5 Ladue Lane.

Board discussion included:

- the impracticality the small existing garage
- the age of the home
- the existing structure's legally nonconforming status
- the limitations due to topography

After discussion, Mr. Rottmann moved approval of the variance, seconded by Ms. Holton. The vote was as follows:

Mr. Dan Welsh	"approve"
Mr. Jon Dalton	"approve"
Ms. Kristen Holton	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, and the decision of the City Planner is reversed, and the variance granted.

Adjournment

The meeting was adjourned unanimously upon motion by Ms. Long and second by Mr. Dalton at 5:39 p.m.

DOCKET 1389

DATE OF HEARING JULY 11, 2023

NAME Paul Fendler

DESCRIPTION OF PROPERTY 1 Ladue Lane

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a proposed addition that would enlarge a portion of a three-story structure resulting in a larger three-story section, which is in violation of Ladue Zoning Ordinance #1175, Section V-A (1). The structure is legally nonconforming which would allow for maintenance and alterations, but applicant may not increase the cubic content of the structure which is in violation of Ladue Zoning Ordinance #1175, Section IV-D (8).

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds practical difficulties exist. The decision of the City Planner is reversed, and the variance granted.

MR. Dan Welsh, Vice- Chairman