

DOCKET 1177

DATE OF HEARING	July 6, 2015
NAME	Ms. Harriet Marshall
DESCRIPTION OF PROPERTY	5 Bridle Creek
CAUSE FOR APPEAL	Relief from the decision of the Building Official for an addition and garage which violates Section 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 the addition and garage due to the existence of practical difficulties and the decision of the Building Official is reversed. There was one condition stipulated for the variance: 1) applicant must submit a landscape plan to the Building Department that they find to be acceptable.

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
Monday, July 6, 2015

DOCKET 1177  
5 Bridle Creek

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, July 6, 2015, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman  
Ms. Robbye Toft, Vice-Chairman  
Ms. Liza Forshaw  
Mr. David Schlafly  
Ms. Laura Gerdes Long

Also present were: Mr. Michael Gartenberg, Building Official; Ms. Anne Lamitola, Director of Public Works; Mayor Nancy Spewak

Mr. Walch called the meeting to order at 4:00 PM.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, MISSOURI  
DOCKET NUMBER 1177**

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 Harriet Marshall, 5 Bridle Creek, St. Louis, MO 63124, requesting relief from the ruling of the Building Official denying a building permit for an addition being located in a side yard which violates Section V, C, 1, (a) & (b)

The hearing will be held at 4:00 p.m. on Monday, July 6, 2015, 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 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 27, 2015;  
Exhibit D – List of Residents sent notice of meeting;  
Exhibit E – Letter from the resident requesting the variance date June 5, 2015  
Exhibit F – Entire file relating to the application

(Transcript attached as part of the minutes)

The court reported administered the oath to Paul Fendler, Architect, for Ms. Marshall. Mr. Fendler reviewed for the commission what the existing improvements that encroach into the side yard setback consist of and indicated that the proposed improvements will not encroach further into the setback.

Mr. Walch clarified that the proposed improvements will comprise of an increased square footage in the setback.

Mr. Fendler indicated that alternate locations were considered for the improvements, but that the topography is challenging on the property and that storm water issues could arise if the improvements were located to the south.

Ms. Toft noted the size of the proposed addition located within the side yard setback and inquired whether the second floor was needed. She discussed whether hardships exist for the proposed improvements.

Mr. Schlafly noted that the encroachment into the side yard setback is significant.

Mr. Fendler reviewed the layout of the home and explained that the first floor consisted of the mudroom with the second floor addition consisting of a bedroom expansion. He noted that the second staircase would be located in the addition.

The Public Hearing was closed.

Mr. Schlafly noted that the proposed improvements will modernize the home.

Ms. Forshaw noted that the addition is sensible, but asked whether the garage should be reduced to a two-car garage.

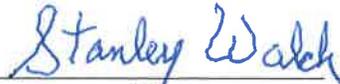
Ms. Toft stated that a three-car garage is warranted, that only one property is impacted by the proposed work, that the property has existing non-conforming improvements, and that the architect has noted that the structure is unworkable in other locations.

Ms. Long noted the irregular configuration of the lot, but stated that a lack of a mudroom may not be a hardship.

Mr. Walch noted that the Board has previously concluded that a mudroom is a necessity in a home of this size.

Mr. Schlafly moved that based on the evidence presented, practical difficulties exists and the decision of the Building Official be reversed, and a variance granted based on the site plan dated June 5, 2015, with the following condition; 1) a landscape plan be submitted to the Building Department and subsequently approved. Ms. Toft seconded the motion and the vote thereupon was as follows:

Mr. Stanley Walch	"Aye"
Ms. Robbye Toft	"Aye"
Ms. Liza Forshaw	"Aye"
Mr. David Schlafly	"Aye"
Ms. Laura Gerdes Long	"Aye"



Mr. Stanley Walch, Chairman

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ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:            )  
  )  
HARRIET MARSHALL            )     DOCKET NUMBER 1177  
5 BRIDLE CREEK                )  
LADUE, MISSOURI 63124        )

Monday, July 6, 2015

ORIGINAL

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BOBBIE LUBER, LLC  
P.O. Box 31201 ~ 1015 Grupp Road ~ St. Louis, MO 63131  
314.541.3179

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ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:            )  
                                          )  
HARRIET MARSHALL            )       DOCKET NUMBER 1177  
5 BRIDLE CREEK                )  
LADUE, MISSOURI 63124        )

BE IT REMEMBERED that on the 6th day of  
July, 2015, hearing was held before the Zoning Board  
of Adjustment of the City of Ladue, Missouri, at Ladue  
City Hall, 9345 Clayton Road, in the City of Ladue  
State of Missouri 63124, regarding the above-entitled  
matter before Bobbie L. Lubber, Certified Court  
Reporter, Registered Professional Reporter, Certified  
Shorthand Reporter, a Notary Public within and for the  
State of Missouri, and the following proceedings were  
had.

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A P P E A R A N C E S :

BOARD MEMBERS:

Mr. Stanley Walch, Chairman

Ms. Liza Forshaw

Ms. Laura Long

Mr. David Schlafly

Ms. Robbye Toft

Also Present:

Ms. Nancy Spewak, Mayor

Ms. Anne Lamitola

Mr. Michael W. Gartenberg

Mr. Paul Fendler, Architect

Court Reporter:

Bobbie L. Luber

Registered Professional Reporter #9209

Missouri CCR #621

Illinois CSR #084.004673

Bobbie Luber, LLC

P.O. Box 31201

St. Louis, MO 63131

(314) 993-0911

bluber@lubercourtreporting.com

1                   (The Meeting of the Zoning Board of  
2 Adjustment of the City of Ladue was called to order at  
3 4:00 p.m.)

4                   CHAIRMAN WALCH: Good afternoon, and  
5 welcome to the Ladue Zoning Board of Adjustment  
6 hearings. My name is Stan Walch.

7                   We have three cases to be heard today by  
8 the board. I will start today's proceedings with some  
9 general procedural matters that will be incorporated  
10 in the record of the three zoning appeals we will hear  
11 today, and they are Docket Numbers 1177, 1178 and  
12 1179.

13                   Before we get into those procedural matters  
14 though, I will introduce the members of the board and  
15 some of our distinguished guests.

16                   On my far right is David Schlafly. On my  
17 immediate right is Robbye Toft. I'm Stan Walch. And  
18 on my left is Liza Forshaw. And on my far left is  
19 Laura Long. We are fortunate to have our mayor here  
20 today, Ms. Spewak, who is there. And up at the dais  
21 is Michael Gartenberg, who is the building official,  
22 and Anne Lamitola, who is -- what is your title, Anne?

23                   MS. LAMITOLA: Director of Public Works.

24                   CHAIRMAN WALCH: Director of Public Works.  
25 I thought that's what it was, but I wanted to be sure.

1 All right. I will get into the procedural  
2 matters. First, the Code of Ordinances of the City of  
3 Ladue is incorporated into the record by reference in  
4 all three docket numbers, 1177, 1178 and 1179. The  
5 Zoning Code of the City of Ladue, which is Ordinance  
6 1175 as amended, will be used by the board in reaching  
7 its decision in the three zoning appeal cases, and it  
8 will be marked as Exhibit A and included in the record  
9 of the docket numbers I just read.

10 As part of the process of the appeal we  
11 hear this afternoon I will explain our board's  
12 process. First, the appellant will be given an  
13 opportunity to present reasons why he or she feels a  
14 variance is warranted based on practical difficulty or  
15 undue hardship. Reasons of economic considerations  
16 and self-inflicted hardships will not be considered by  
17 the board.

18 The board may have questions of each  
19 appellant. Following that, any member of the audience  
20 who wishes to speak will be permitted to address the  
21 case you are hearing. And then a portion of each  
22 hearing for public comment will be closed and we will  
23 discuss the case among ourselves, and may ask  
24 additional questions of either the city staff or the  
25 appellant.

1           After the discussion I will ask if any  
2 member of the board wishes to propose a motion to  
3 approve the requested variance. If a motion is  
4 proposed and seconded the board will vote on that  
5 motion. Otherwise, I will ask the board simply to  
6 vote on whether the requested variance will be  
7 granted. This is an important point, and each  
8 appellant should understand, that four out of five  
9 members of the board have to vote in favor of the  
10 requested variance for it to be granted. So we will  
11 poll the members of the board after the hearing is  
12 closed and we have made our decision and see how they  
13 vote.

14           Finally, this also is important. The  
15 members of the board, in fact we just returned from  
16 our site visits and so we know what each site looks  
17 like. Since we know what the site looks like the  
18 appellants need not describe the physical  
19 characteristics of the site to us.

20           Now I open the first docket in the first  
21 case which is 1177 concerning an addition which  
22 violates section V, C, 1, (a) and (b), subsections (a)  
23 and (b) of Ordinance 1175.

24           First, Mr. Gartenberg, will you explain the  
25 reason or reasons the plans were disapproved? This is

1 Docket 1177, the Harriet Marshall application at 5  
2 Bridle Creek Lane.

3 MR. GARTENBERG: Certainly, Mr. Chairman.  
4 The subject property is located in the city's A  
5 residential district. It has a 75-foot minimum  
6 required front yard setback, and a 50-foot required  
7 side and rear yard setback.

8 The proposed project shows the removal of a  
9 couple of structures which are currently in that  
10 required side yard. One being an existing shed, and  
11 the second being a one-story garage, a portion of  
12 which is in the required side yard.

13 The proposed project also shows  
14 construction of some improvements which extended into  
15 that required side yard, being a two-story addition  
16 and a one-story side entry garage. The new structure,  
17 the two-story addition and the one-story side entry  
18 garage are partially -- will be partially in the  
19 required side yards. Specifically they would extend  
20 11-and-a-half-feet into the 50-foot required yard.

21 CHAIRMAN WALCH: Any other questions of  
22 Mr. Gartenberg? I think we have all seen the site.  
23 All right.

24 The following documents will be included in  
25 the record of this particular appeal as exhibits.

1 First is Exhibit B, which will be the public notice of  
2 this hearing.

3 The second will be the denial letter from  
4 the building official dated May 27, 2015, which will  
5 be marked as Exhibit C.

6 The third, the list of residents to whom  
7 the notice of this public hearing has been sent will  
8 be marked as Exhibit D.

9 The appellant's letter requesting a  
10 variance dated June 5th, 2015, and any other letters  
11 in support of or in opposition will be marked as  
12 Exhibit E. And there are some in our files, as I  
13 recall the file. In particular, concerning a neighbor  
14 to the immediate west who wanted to see the plans in a  
15 letter from Mr. Fendler, the architect, assuring us  
16 that has now been accomplished. I wanted to get the  
17 date of that letter, if I can find it here.

18 MR. GARTENBERG: June 5.

19 CHAIRMAN WALCH: June 25.

20 MS. TOFT: Well, there are two. June 5th.

21 CHAIRMAN WALCH: I have already given the  
22 date of the June 5th letter. That's the date of the  
23 appellant's letter requesting variance. The June 25th  
24 letter is further explanation in connection with the  
25 clarification, and I take it the approval of the

1 neighbor.

2 So, finally, Exhibit F will be the entire  
3 file pertaining to the application, including any  
4 memoranda from staff and consultants of the Zoning  
5 Board of Adjustment of the City of Ladue.

6 Ms. Lamitola, were there any additional  
7 letters from the public received after you distributed  
8 packets to the board for this appeal?

9 MS. LAMITOLA: No.

10 CHAIRMAN WALCH: Okay. Thank you.

11 At this point I would appreciate the  
12 appellant and anyone else who wants to speak on the  
13 appellant's behalf to please come forward and be sworn  
14 in.

15 (At this time Mr. Fendler was sworn in by  
16 the court reporter.)

17 MR. FENDLER: Hello. Thank you very much.  
18 Nice to see you all again.

19 Just to quickly run through this again.  
20 What we are proposing is a -- what is in the orange is  
21 the new addition. We are proposing a new three-car  
22 garage, a mud room in front. We have an existing  
23 internal staircase that we would like to put into the  
24 new mud room which will free up some internal space  
25 and then we are going to renovate the existing kitchen

1 and expand the existing kitchen.

2 This is a fairly narrow lot for the A  
3 district. And as you will see, the property lines are  
4 not parallel with the house, they are angled to the  
5 house, so that I have less distance in the front of  
6 the house to the property line than I do in the back  
7 of the house.

8 There is an existing two-car garage now  
9 that is a detached garage. The idea is to remove that  
10 garage and then construct the new addition.

11 I should note that the encroachment of the  
12 existing detached garage is the same encroachment that  
13 we are requesting now. So we are not requesting any  
14 further encroachment than what currently exists.

15 As you would see, the house encroaches on  
16 both the -- the west side of the property as well as  
17 the east side of the property. But again, the green  
18 line is the building setback. The orange line is the  
19 existing, and again the proposed encroachment. So we  
20 are not requesting any more than we currently have.

21 CHAIRMAN WALCH: Is that entirely correct?  
22 I mean, aren't you asking for more encroachment on the  
23 front part?

24 MR. FENDLER: No, we are not. If you look  
25 closely. We are stepping the addition back. There is

1 an offset, so the front corner and the back corner are  
2 the same.

3 CHAIRMAN WALCH: But it's still more of an  
4 encroachment as it's larger than the one-car garage.

5 MR. FENDLER: You are correct. I'm saying  
6 the distance is the same. You are correct in terms of  
7 the square foot. There is more of an encroachment in  
8 terms of the square feet. But the distance, we are  
9 not going any closer to the setback, to the property  
10 line.

11 Our options for other additions are quite  
12 limited. I cannot go in the back because there is an  
13 existing pool house and swimming pool, as you saw when  
14 you were over there.

15 We did look at the option if we were to  
16 build on the front of the house. The addition in  
17 order to do the garage and the mud room addition at  
18 the front, and because of the setback, again I think  
19 it's farther up, the setback -- or the building line  
20 moves closer in. And so I would have to put a fairly  
21 large addition on the front of the house.

22 By code, before the addition, I need to  
23 have a step into the house. So my addition, in order  
24 to set the level of my addition, to get my driveway to  
25 work out, as you saw there is quite a bit of a hill in

1 front of that house. I would have to erect a  
2 retaining wall, just to get that driveway to work, of  
3 four to five feet. Three feet is the maximum  
4 retaining wall I can have in the front yard. So I  
5 started running into retaining wall issues.

6 I started to run into issues, I'm sure  
7 there would be water runoff and concern of dumping  
8 additional water into the neighbor's yard. Plus, I  
9 think the addition on the front would not be the most  
10 desirable addition on a house like that. You don't  
11 often see it, especially in the A district where the  
12 garage would be the very first thing and would be the  
13 most prominent feature on that house.

14 It would also put a lot of the parking in  
15 front of -- almost in front of the adjacent house.  
16 This is Lemkemeier's house next door. So for that  
17 reason we are looking at putting an addition on the  
18 side, again kind of maintaining that setback that  
19 currently exists.

20 There was a little confusion on my DBA  
21 letter when I first sent that, Harriet had spoken with  
22 the Lemkemeiers. I was under the impression she had  
23 shown them the plans as well. I did get a call from  
24 David Lemkemeier, who is their son. I did send David  
25 the plans. He reviewed them with his parents, and

1 Mr. and Mrs. Lemkemeier are in favor of the addition.  
2 They had several conditions. They asked if we could  
3 do some additional landscaping on that side of the  
4 property, especially in relation to the garage and the  
5 driveway. And then the second condition, it was just  
6 if we could sort of keep them updated on the progress  
7 of the project and keep them updated on the additional  
8 landscaping, which Harriet Marshall certainly agreed  
9 that she would do that. I think they have known each  
10 other for years, and have lived next door for years.  
11 Really they would be the only neighbors that would be  
12 impacted -- impacted by the addition.

13 I would certainly be happy to answer any  
14 questions you have.

15 CHAIRMAN WALCH: I have one. Is the  
16 appellant here today?

17 MR. FENDLER: She is not, no.

18 MS. TOFT: The hardship issue which is  
19 before us; as to the garage, I understand you have the  
20 existing nonconforming garage that you have had  
21 essentially the same side yard encroachment as what  
22 you are proposing. The concern that I have is the mud  
23 room and then a two-story addition on top of that,  
24 two-thirds of which is in the side yard setback. How  
25 is there a hardship if we don't allow a mud room with

1 a second story addition?

2 MR. FENDLER: Harriet has several children.  
3 She is engaged to a gentleman who has more children,  
4 and so there are a number of kids. I think a mud  
5 room -- there is no mud room now. There is a very  
6 small closet. I think for this size of a house in  
7 this area a three-car garage is certainly typical. A  
8 mud room is certainly typical. It's a matter of the  
9 bathroom and the second staircase. I don't think  
10 there is anything we are doing that is atypical for  
11 homes in this area.

12 The additional space above is some  
13 additional bedroom space, and it's also a need to get  
14 that second staircase up. The staircase right now is  
15 kind of right in the middle of the house. This is a  
16 back staircase. And we are removing it so we can open  
17 up the floor plan between the kitchen and family room.

18 I think programmatically, you know,  
19 certainly a mud room space is certainly warranted in  
20 this type of addition.

21 MS. TOFT: As to the additional bedrooms,  
22 is there a reason why they have to be encroaching in  
23 the side yard setback, because it does appear to be  
24 without affecting the pool house or the pool. There  
25 is room at the rear with plenty of space to add

1 bedrooms.

2 MR. FENDLER: There is a very nice large  
3 patio in the back. There is no way to do a rear  
4 addition without having first floor space. And so  
5 that's certainly -- there is no need for additional  
6 first floor space. This makes sense because we are  
7 already going through and building the first floor,  
8 and so the second floor just programmatically makes  
9 sense.

10 We did look at an addition kind of above  
11 the garage, but that is also encroaching. It seemed  
12 to be that the two-story house and the two-story  
13 addition in the front of the house would have worked  
14 with the massing of the house and then step the garage  
15 down.

16 The garage I think will be more  
17 objectionable to the neighbor visually to try to lower  
18 that mass so that's not visually as noticeable.

19 MS. TOFT: And I understand the  
20 architectural appeal and stylistic appeal. My concern  
21 is that we get requests for additions all the time  
22 into side yards. And unless someone doesn't have a  
23 kitchen, or doesn't have a garage, we generally don't  
24 allow it. And so we here we are talking about a  
25 two-story structure encroachment for something that

1 would be nice, but not essential.

2 And so that's my concern, were we to allow  
3 this, a two-story structure encroachment for having a  
4 new kitchen.

5 MR. FENDLER: The two-story addition is  
6 essential to get the back staircase to the second  
7 floor. Like I said, right now the staircase blocks  
8 between the existing kitchen and the family room. In  
9 order to open that up, and certainly the majority of  
10 my clients want that kitchen/family room feel, I need  
11 to move the staircase out of that location. And the  
12 only place to move it is in this new addition, and  
13 obviously I need the second floor above it.

14 MS. TOFT: Is that the second staircase?

15 MR. FENDLER: Yes, it is.

16 MS. TOFT: I'm looking at the hardship  
17 angle. I'm not disagreeing that stylistically what  
18 you are requesting is perfectly sensible. What I'm  
19 concerned about is the 100 requests that are going to  
20 follow on the heels of this if we were going to grant  
21 that two-story structure addition was given because  
22 their daughter needs this staircase, or their --

23 MR. FENDLER: Certainly. A house this  
24 size, I mean, I work on very few homes that don't have  
25 two staircases with a house this size in this area. I

1 think that's certainly not an excessive request, the  
2 second staircase.

3 MS. TOFT: Except, it's the hardship.  
4 That's what I'm trying to understand. What are we  
5 going to do for the hardship?

6 MR. FENDLER: Again, I think the need to  
7 get that second staircase up, so, I guess that would  
8 be a hardship.

9 MS. TOFT: The Lemkemeiers, do you know if  
10 their home or garage encroaches on the 50-foot side  
11 yard?

12 MR. FENDLER: I do not know, no. I think  
13 the Lemkemeiers' lot is much wider than this lot.  
14 This is a very narrow lot.

15 We are also taking down -- there is a  
16 second structure that is right on the property line.  
17 We are going to be removing that, cleaning up that  
18 whole area, and so I think visually this is going to  
19 be a much nicer addition than what currently exists.  
20 That and the additional landscaping will make it more  
21 pleasing than the current one.

22 MS. LONG: The current square foot is 2910?

23 MR. FENDLER: I believe so. Is that what I  
24 put down?

25 MS. LONG: What's the additional?

1 MR. FENDLER: The garage is 600-some-odd,  
2 650 square feet. I think the addition is another 500,  
3 plus the second floor, and so we are probably adding  
4 another 7 or 800 square feet total of finished.

5 MS. TOFT: 2900 is just the footprint?

6 MR. FENDLER: Footprint, yes.

7 MR. SCHLAFLY: The garage, I completely  
8 understand and I also see the constraint that is  
9 provided to you and the owner, but I'm very concerned  
10 about the mass of encroachment to the rear on a  
11 two-story. What we see here, outside of the garage  
12 and kitchen, I wish there was a better architectural  
13 solution to that part to lower that mass.

14 MR. FENDLER: Perhaps I could lower it with  
15 some dormers.

16 MS. TOFT: My understanding is the lack of  
17 a hardship for the additional space on the house.

18 MR. FENDLER: The additional second floor  
19 space or the first floor? I mean, there is no mud  
20 room space. And again, I think that every home that I  
21 do has a garage and mud room. I think that type of  
22 space is certainly warranted, and certainly in every  
23 home in this area. And it's not an excessive size mud  
24 room. I mean, it is a bathroom and there is a  
25 separate entry there. So I would certainly think the

1 first floor space is not uncommon.

2 MS. TOFT: And I think that we have, and I  
3 can remember our former chairman, Clay Mollman, saying  
4 that a mud room and a garage are pretty much that we  
5 will grant will bring everybody a reasonable right to  
6 that.

7 I don't know if the second staircase on a  
8 two-story. I'm not voting. I'm just saying to go for  
9 two stories, I'm not saying it's not desirable, nor am  
10 I saying it's not sensible. I'm just worried about  
11 the cases that follow.

12 MR. SCHLAFLY: Where is the kitchen?

13 MR. FENDLER: The garage is the deepest of  
14 the addition, and so I purposely pulled that to the  
15 back so I could shove it back as far as I could to get  
16 it away from the setback. So the garage, mud room,  
17 and then we come straight into the kitchen. The  
18 kitchen is here. The existing staircase is right  
19 here. It's right in the very middle. So we are  
20 moving that staircase and we will be able to open that  
21 up.

22 MR. SCHLAFLY: It's creating a fair amount  
23 of floor space.

24 MS. TOFT: And a more useful house.

25 MR. FENDLER: I think for this house and

1 this area it is certainly a sensible plan.

2 MR. SCHLAFLY: I agree.

3 MS. FORSHAW: Mr. Fendler, how many  
4 bedrooms does the current house have and how many  
5 would it have with the addition?

6 MR. FENDLER: I think we have -- there are  
7 four bedrooms now, and we are adding a fifth bedroom.

8 CHAIRMAN WALCH: Any other questions of  
9 Mr. Fendler?

10 MS. FORSHAW: I take it the Lemkemeiers do  
11 not have a representative here?

12 MR. FENDLER: I know they are out of the  
13 country, I believe. Like I said, I have talked to  
14 their son, David, on several occasions. I did forward  
15 him the letter that I sent to all of you, and he  
16 replied to thank you and that it looks good.

17 CHAIRMAN WALCH: That was the June 25th  
18 letter.

19 MR. FENDLER: That's correct.

20 MS. FORSHAW: Have they provided you any  
21 specifics about what additional landscaping?

22 MR. FENDLER: They have not, but my client  
23 has agreed to meet with them. Once we get a landscape  
24 architect onboard we will sit down with them and work  
25 with them on the design of that. I think they have

1 both lived next to each other for a long time, and I  
2 think they are amicable. I don't expect any problems.

3 CHAIRMAN WALCH: Any further questions?

4 Does anyone else wish to speak on behalf of  
5 the appellant? Hearing none, do any members of the  
6 public wish to speak to this case? Hearing none, I  
7 will declare the public comment portion of this  
8 hearing closed unless a member of the board has an  
9 objection. Hearing none, that portion of the meeting  
10 is closed. Which board member wants to start our  
11 discussion? I think we all focused on the same issue.

12 MR. SCHLAFLY: Despite my concern for the  
13 mass encroachment, the outcome of this architectural  
14 plan makes a very good home element and creates a  
15 modern floor plan, that's with the existing kitchen  
16 and location of the mud room and garage. Otherwise I  
17 wouldn't see how it would be possible to organize the  
18 floor plan. It's a little more clear to me.

19 MS. FORSHAW: I think the addition does  
20 make sense. And removing the old buildings is an  
21 improvement. The only question in my mind is, does  
22 there need to be a three-car garage as opposed to a  
23 two-car garage?

24 MS. TOFT: I understand your concern on  
25 that. My thought is this is a very large lot. And

1 when you add up the square footage of the house, a  
2 three-car garage would be appropriate in that area on  
3 that size lot.

4 I don't think the garage, the third garage  
5 bay is going to be obtrusive to the neighbors. And so  
6 I'm thinking about when the next hundred cases come to  
7 us when people want to do an addition like this.  
8 There are things I think that need to distinguish this  
9 property. First of all, it's the last house at the  
10 end of the road. And there is only one property owner  
11 that would even see this.

12 Second of all, it's an existing  
13 nonconforming structure on both sides. The house  
14 already encroaches on one side yard, and the garage  
15 and the playhouse are significant encroachments on the  
16 other side. This will be a lot more attractive than  
17 what is there.

18 My concern is, if we deny this, I think the  
19 architect has made a pretty strong case about how it's  
20 a very difficult and workable structure, and I fear  
21 that the homeowner won't want to make any improvements  
22 to it because they can't make it work, and so it will  
23 be another older Ladue house that will fall into  
24 disrepair and fall under the wrecking ball and be  
25 replaced with a McMansion.

1 MS. FORSHAW: The neighbor who is most  
2 affected by it is relevant, provided there is enough  
3 landscaping.

4 MS. LONG: I don't have any problem with  
5 that. The hardship in not having a mud room, I don't  
6 think we could count that with a hardship like you  
7 talked about with the three-car garage. I don't have  
8 a problem with the garage, it's the project going up  
9 and the mud room. The other problems are well taken.  
10 This is a very unusual shaped lot. There are no  
11 places for options.

12 MR. SCHLAFLY: It's just provides modern  
13 amenities for a house.

14 MS. TOFT: And I understand what you are  
15 saying about the mud room, and had I not sat here and  
16 listened to Clay make a case for a mud room, lack of a  
17 mud room is a hardship, I might have agreed with you.

18 CHAIRMAN WALCH: I think that goes back  
19 quite a few years. And we have -- generally this is  
20 just a matter for all general propositions, but  
21 generally we considered it a hardship if the house  
22 didn't have either a mud room or an adequate garage.  
23 That doesn't mean we automatically grant every  
24 setback, but if it's done properly, I think that is a  
25 consistent thing. Obviously the two stories here, but

1 he does make a coherent case that ties in and makes it  
2 a coherent floor plan.

3 Anybody else got any comments? Does  
4 anybody wish to make a motion?

5 MR. SCHLAFLY: Mr. Chairman, I move the  
6 following: On the basis of the evidence presented we  
7 find practical difficulties exist and the decision of  
8 the building official is reversed and a variance is  
9 granted as requested on the site plans dated June 5,  
10 2015 with the following conditions. That the variance  
11 is subject to an acceptable landscape plan approved  
12 by -- mutual approval of the owner and neighbor,  
13 Lemkemeier. I don't know how that would be  
14 executed -- excuse me. I'm not sure how that would be  
15 executed between the two of them.

16 MS. TOFT: I would propose a friendly  
17 amendment, and that would be a landscape plan be  
18 approved by the building department, so we don't have  
19 to deal with neighbors to agree.

20 MR. SCHLAFLY: Subject to approval by the  
21 building department.

22 CHAIRMAN WALCH: I think that's a good  
23 addition.

24 MS. TOFT: I would second that.

25 CHAIRMAN WALCH: All right. Any further

1 discussion on the motion? If not, I will call for a  
2 vote. How do you vote, Mr. Schlafly?

3 MR. SCHLAFLY: In favor.

4 MS. TOFT: In favor.

5 CHAIRMAN WALCH: In favor.

6 MS. FORSHAW: In favor.

7 MS. LONG: In favor.

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CERTIFICATE OF REPORTER

I, Bobbie L. Luber, Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Bobbie L. Luber, RPR, CCR #621

