

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, October 10, 2016

DOCKET 1202 - CONTINUED

1300 Log Cabin Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, October 10, 2016, at City Hall.

The following members of the board were present:

Mr. Stanley Walch
Ms. Liza Forshaw
Mr. David Schlafly
Ms. Laura Long
Mr. Daniel Welsh

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Ms. Andrea Sukanek, City Planner, and Ms. Erin Seele, City Attorney. Mayor Nancy Spewak was also present.

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
CONTINUED DOCKET NUMBER 1202**

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. Robert Hardie, 1300 Log Cabin Lane, requesting relief from the ruling of the Building Official denying a building permit for a garage which would result in the garage being erected in a front yard of a corner lot which would result in a violation of Section IV-A-4(c) of ordinance #1175.

The hearing will be held at 4:00 p.m. on Monday, October 10, 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 permit for the garage. Mr. Penney explained that the proposed detached garage would be located in an actual front yard on a corner lot, which is not permitted. He stated that the plan has been amended to include a stone column which is connected to the primary home via a low retaining wall. Additionally, the cantilevered roofline will connect to the stone column. 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 – Original permit denial still in effect, dated March 28, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letters from the resident requesting the variance dated April 7, 2016 & August 22, 2016
- Exhibit F - Entire file relating to the application

The court reporter administered the oath to Mr. Robert Hardie, homeowner of 1300 Log Cabin Lane and Mr. Matt Marquette, project contractor. Mr. Hardie stated that the direction in response to their petition to the Zoning Board of Adjustment in May 2016 was the issue of a lack of attachment between the garage and the primary structure. Mr. Hardie stated that he considers the project to be an addition to the home, and not a garage. He provided information about the connection which is comprised of a stone retaining wall with a vertical stone wall that will be connected to the cantilevered roofline of the garage. Mr. Hardie and Mr. Marquette explained that numerous designs were explored. Mr. Hardie stated that the term connection is not defined in the zoning code.

Mr. Hardie stated that the neighbors have not expressed concerns about the proposed project. Mr. Hardie stated that a larger scale wall could be considered if desired. Mr. Welsh reviewed the plans with Mr. Hardie and Mr. Welsh pointed out that the stone column wall does not connect directly to the home, but to a low retaining wall. Mr. Welsh asked the applicant if the argument is that the building is now connected to the primary structure and Mr. Hardie stated that based on the feedback at the last meeting, they have now proposed what they believe to be a garage that is a connected to the primary structure.

Ms. Forshaw asked the applicant about the existing garage on the property. Mr. Hardie explained that there is an existing attached garage on the property and that the proposed project includes a building that could house cars, art, or other uses. It was clarified that there will be a garage door.

Mr. Schlafly inquired about if other locations on the property were considered and Mr. Hardie explained the setbacks on the property limited the options for this structure. Mr. Marquette came forward to explain why various locations on the site were not possible due to the current garage location, tree removal impacts, and the topography at the rear of the home.

Mr. Hardie inquired whether the appeal for a garage located in two front yards at 4 Lindworth Lane, that also came before the Zoning Board of Adjustment in May 2016, was approved at a follow-up meeting. Chairman Walch confirmed that the 4 Lindworth case involving a garage attached to the primary structure was approved.

Ms. Carol Wall and Mr. Thomas Wall with Mitchell Wall Architects came forward to speak. Ms. Carol Wall stated that she lives #2 Clermont Lane. She stated that her garage is connected to the home with a pergola.

Mr. Wall stated that the proposed connection is comprised of a retaining wall, stone wall, and landscaping. He asked the Board for a definition of a connection. He stated that he proposed a thoughtful design that constitutes a connection while also addressing aesthetics.

The public comment portion of the meeting was closed.

Mr. Walch stated that properties with two front yards are challenging with regard to flexibility.

Ms. Forshaw and Mr. Welsh stated that a definition of a connection is necessary. Mr. Welsh stated that he is sympathetic to property owners with two front yards. He added that he does not agree with the argument that the low brick wall is a connection.

Mr. Schlafly stated that the cases with two front yards are very difficult to develop. He stated that there will be cars in the structure and therefore will function as a garage. He added that the Board cannot design the projects for the applicants.

Ms. Long is stating that she is in favor of the project.

Ms. Forshaw stated that the connection is artificial and that you cannot walk from one interior to the other.

Ms. Seele clarified that there are two options; either make a determination regarding Mr. Penney's interpretation of what constitutes an attachment or make a determination whether a variance should be granted for an accessory structure to be located in a front yard.

Ms. Long moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official will be reversed, and a variance should be granted to construct the improvements consisting of the detached garage in accordance with renderings dated August 29, 2016. Mr. Walch called for a vote with regard to this variance request and the vote thereupon was as follows:

Mr. Stanley Walch	"Opposed"
Ms. Liza Forshaw	"Approve"
Mr. David Schlafly	"Approve"
Ms. Laura Long	"Approve"
Mr. Daniel Welsh	"Opposed"

The request for the variance to permit a detached garage in the front yard at 1300 Log Cabin Lane was denied.


Mr. Stanley Walch, Chairman

CONTINUED DOCKET 1202

DATE OF HEARING	October 10, 2016
NAME	Mr. Robert Hardie
DESCRIPTION OF PROPERTY	1300 Log Cabin Lane
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for a garage which would result in the garage being erected in a front yard of a corner lot which would result in a violation of Section IV-A-4(c) of ordinance #1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board denied the variance for 1300 Log Cabin Lane for a garage to be erected in a front yard of a corner lot and the decision of the Building Official was upheld.