

DOCKET 1135

DATE OF HEARING	March 4, 2013
NAME	Keith Kitsis
DESCRIPTION OF PROPERTY	3 Ladue Lane
CAUSE FOR APPEAL	Relief from the decision of the Building Official for an addition, which violates Sections V, C, 1(a) & (b) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board reversed the decision of the Building Official based on an unnecessary hardship and approved the variance per the site plan dated February 3, 2013, with the condition that evergreens be planted for screening that are higher than the fireplace.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, March 4, 2013

DOCKET 1135
3 Ladue Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 PM on Monday, March 4, 2013, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Robbye Toft, Vice-Chair
Ms. Liza Forshaw
Mr. David Schlafly
Mr. John Schillington

Also present were: Mayor Anthony M. Bommarito; Council Members John Fox and Nancy Spewak; Mr. Michael W. Wooldridge Assistant to the Mayor / City Clerk; Mr. Michael Gartenberg, Building Official.

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1135**

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 Keith Kitsis, 3 Ladue Lane, St. Louis, MO 63124, requesting relief from the ruling of the Building Official who declined to issue a permit for an accessory structure which violates Section V, C, 1 (a) & (b) of Ordinance 1175.

The hearing will be held at 4:00 p.m. on Monday, January 7, 2013, 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

Chairman Walch called the meeting to order.

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 February 11, 2013;
Exhibit D – List of Residents sent notice of meeting;
Exhibit E – Letter from the resident requesting the variance dated February 8, 2013, and any letters of support;

Exhibit F – Entire file relating to the application;

Mr. Gartenberg explained that the proposed accessory structure, an outdoor fireplace, encroaches into the required rear yard setback as prohibited in Zoning Ordinance 1175.

Mrs. Gail Kitsis stated she and her husband were renovating an existing home which is a legal non-conforming structure. She explained that the lot is very long with little depth, front to back. Mrs. Kitsis indicated they intend to landscape the fireplace from the neighboring property.

Mr. Tom Dunn, project contractor, advised there is only a 14' wide strip, side to side, on the property which is buildable.

Mr. Schlafly asked if other locations were considered. Mr. Dunn stated other locations were considered; however, those locations were either out of compliance or have issues with the grade of the location.

Ms. Forshaw asked if there were any comments from the neighbors. Mrs. Kitsis advised that the neighbor at 1 Ladue Lane, Grant Williams, saw the plans, and had no comments.

Ms. Toft noted the proposed fireplace location is farther from the property line than the addition previously granted a variance in 2012.

There being no one further wishing to speak, Chairman Walch closed the public comment portion of the public hearing.

Ms. Toft noted that the irregular shape of the lot and its dimensions creates a hardship.

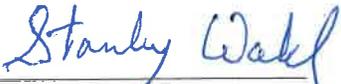
Ms. Toft moved that on the basis of the evidence presented an unnecessary hardship exists and the decision of the Building Official is reversed, and a variance granted based on the site plan dated February 3, 2013 with the condition that evergreens are planted behind the fireplace higher in height than the fireplace.

The motion was seconded by Mr. Schillington.

The vote on the motion was follows:

Mr. Walch	"Aye"
Ms. Toft	"Aye"
Ms. Forshaw	"Aye"
Mr. Schlafly	"Aye"
Mr. Schillington	"Aye"

Mr. Walch declared the request for a variance granted and the decision of the Building Official reversed.


 Stanley Walch, Chairman