

DOCKET 1143

DATE OF HEARING	July 1, 2013
NAME	Jonathan Campbell
DESCRIPTION OF PROPERTY	99 Trent Drive
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a detached garage which violates Sections IV, A, 4, (c), and V, C, (1), (b) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board affirmed the decision of the Building Official and the variance was denied.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, July 1, 2013

DOCKET 1143
99 Trent Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, July 1, 2013, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Robbye Toft
Ms. Liza Forshaw
Ms. Elizabeth Panke
Mr. John Shillington

Also present were: Mayor Nancy Spewak; Mr. Michael Wooldridge, Assistant to the Mayor / City Clerk; Mr. Michael Gartenberg, Building Official; Mr. John Maupin, City Attorney.

Chairman Walch called the meeting to order. Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1143**

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 Jonathan Campbell, 99 Trent Drive, St. Louis, MO 63124, requesting relief from the ruling of the Building Official who declined to issue a permit for a detached garage which violates Sections IV, A, 4, (c), and V, C, 1, (b) of Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Monday, July 1, 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

(Transcript attached as part of the minutes)


Stanley Walch, Chairman

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ZONING BOARD OF ADJUSTMENT
CITY OF LADUE
LADUE, MISSOURI

IN THE MATTER OF:)
)
JONATHAN CAMPBELL) Docket No. 1143
99 TRENT DRIVE)
LADUE, MISSOURI 63124)

Monday, July 1, 2013

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BOBBIE LUBER, LLC  
P.O. Box 31201 ~ 1015 Grupp Road ~ St. Louis, MO 63131  
314.993.0911

CERTIFIED COPY

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3 ZONING BOARD OF ADJUSTMENT  
4 CITY OF LADUE  
5 LADUE, MISSOURI  
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8 IN THE MATTER OF: )  
9 )  
10 JONATHAN CAMPBELL ) Docket No. 1143  
11 99 TRENT DRIVE )  
12 LADUE, MISSOURI 63124 )  
13  
14 Monday, July 1, 2013  
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19 BOBBIE LUBER, LLC  
20 P.O. Box 31201 - 1015 Grupp Road - St. Louis, MO 63131  
21 314.993.0911  
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2 ZONING BOARD OF ADJUSTMENT  
3 CITY OF LADUE  
4 LADUE, MISSOURI  
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8 IN THE MATTER OF: )  
9 )  
10 JONATHAN CAMPBELL ) Docket No. 1143  
11 99 TRENT DRIVE )  
12 LADUE, MISSOURI 63124 )  
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15 BE IT REMEMBERED that on the 1st day of  
16 July, 2013, hearing was held before the Zoning Board  
17 of Adjustment of the City of Ladue, Missouri, at Ladue  
18 City Hall, 9345 Clayton Road, in the City of Ladue  
19 State of Missouri 63124, regarding the above-entitled  
20 matter before Bobbie L. Lubber, Certified Court  
21 Reporter, Registered Professional Reporter, Certified  
22 Shorthand Reporter, a Notary Public within and for the  
23 State of Missouri, and the following proceedings were  
24 had.  
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1 A P P E A R A N C E S :  
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4 BOARD MEMBERS:

5 Mr. Stanley Walch, Chairman  
6 Ms. Liza Forshaw  
7 Ms. Elizabeth Panke  
8 Mr. John Shillington  
9 Ms. Robbye Toft

10 Also Present:

11 Mr. Michael Wooldridge, City Clerk  
12 Mr. Michael W. Gartenberg, Deputy Building  
13 Commissioner  
14  
15 Nancy Spewak, Mayor  
16 Mr. Anthony Bommarito, Former Mayor  
17 Mr. Paul Fendler, Architect  
18 Mr. Jonathan Campbell, Appellant  
19

20 Court Reporter:

21 Bobbie L. Lubber  
22 Registered Professional Reporter #9209  
23 Missouri CCR #621  
24 Illinois CSR #084.004673  
25 Bobbie Lubber, LLC  
P.O. Box 31201  
St. Louis, MO 63131  
(314) 993-0911

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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: I call this meeting to  
5 order. My name is Stan Walch. I want to welcome you  
6 to the Ladue Zoning Board of Adjustment hearings. We  
7 have two cases to be heard by the board today.  
8 I will start today's proceedings with some  
9 general procedural matters that need to be  
10 incorporated into the record of the two zoning appeals  
11 we will hear today, and they are Docket Numbers 1143  
12 and 1144.

13 Before doing so, however, I want to  
14 introduce the board and some other people in the  
15 audience. On my far right is Robbye Toft. On my  
16 immediate right is Liza Forshaw. On my left is  
17 Nancy -- Elizabeth -- thank you. I'm sorry. And on  
18 my far left is John Shillington.

19 And we have in the audience Mayor Spewak  
20 today, who is over there. And we also have former  
21 Mayor Tony Bommarito. Welcome, Tony. We are glad to  
22 have you here today.

23 And up at the dais we have the City Clerk,  
24 Michael Wooldridge, and the Deputy Building  
25 Commissioner, Michael Gartenberg.

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1 All right. I will get into this boring  
2 stuff. First, the Code of Ordinances of the City of  
3 Ladue is incorporated into the record by reference to  
4 Docket Numbers 1143 and 1144. The Zoning Code of the  
5 City of Ladue, which is Ordinance 1175 as amended, and  
6 will be used by the board as the basis for reaching  
7 some of the decisions in both zoning appeal cases will  
8 be marked as Exhibit A and included in the record of  
9 both docket numbers I just read.

10 And now, as part of this process, I want to  
11 explain how the board works. First, the appellant in  
12 each appeal will be given the opportunity to present  
13 reasons why he or she feels that a variance is  
14 warranted based on either 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 address the case will be heard. Then I  
21 will close the public comment portion of each hearing,  
22 and the board will discuss the matter here in open  
23 session among ourselves, and we may ask questions of  
24 the city staff or the appellant.

25 After the discussion I will ask if any

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1 member wishes to make a motion with respect to the  
2 proposed variance. If a motion is proposed and  
3 seconded, the board will vote on that motion.  
4 Otherwise, I will simply ask the board to vote on  
5 whether the requested variance should be granted.

6 And a very important point is, four out of  
7 the five members of this board must vote in the  
8 affirmative to approve the variance.

9 Finally, the members of the board have  
10 visited both sites for each of the appellants, for  
11 which each of the appellants is seeking a variance  
12 this afternoon. Since we know what the site looks  
13 like, the appellants need not describe the physical  
14 characteristics of the site to us.

15 Now I will open the first case, which is  
16 docket 1143 concerning a retaining wall -- not  
17 concerning a retaining wall. It concerns a detached  
18 garage, which violates Section IV, A, 4, (c), and V,  
19 C, 1, (b) of Ordinance 1175.

20 First, Mr. Gartenberg, will you explain the  
21 reason or reasons why the plans were disapproved so  
22 the audience and members of the board have a clear  
23 understanding of the issues in this case?

24 MR. GARTENBERG: Yes, I will. The proposed  
25 improvement is an accessory structure which is being

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1 proposed between the primary structure and the front  
2 property line, which is specifically prohibited by our  
3 Ladue Zoning Code.

4 CHAIRMAN WALCH: And the front property  
5 line would be Trent Road, or thereabouts?

6 MR. GARTENBERG: Correct.

7 CHAIRMAN WALCH: Any other questions of  
8 Mr. Gartenberg?

9 MS. TOFT: Mr. Gartenberg, if I may. In  
10 the letter from the applicant's architect it indicates  
11 that there are two front yards. Is that, in fact, on  
12 the southern exposure a front yard, or is that a  
13 private drive?

14 MR. GARTENBERG: Well, there are a series  
15 of drives to the south of the property. The frontage  
16 occurs to the east on the east side. If you take a  
17 look at the plans submitted by the applicant it shows  
18 up as Trent Drive, the 267 foot lawn frontage.

19 MS. TOFT: And then on the southern side --  
20 I'm looking at the letter and trying to compare it  
21 to -- to get it to compare to the plat. And it says  
22 that there are two front yards, but I'm trying to  
23 understand what would be the second front yard, the  
24 non-front avenue front yard.

25 MR. GARTENBERG: That's not consistent with

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1 the city zoning map, or our understanding of the  
2 property. Our records indicate that to the south  
3 would be a series of private drives. The property is  
4 located in that area.

5 MS. TOFT: Okay. So would this house have  
6 two front yards under our ordinance?

7 MR. GARTENBERG: No. Just the east side.

8 MS. TOFT: There is a single front yard  
9 with an address on the same street, Trent?

10 MR. GARTENBERG: Trent. Correct.

11 MS. TOFT: Okay. Thank you.

12 CHAIRMAN WALCH: Any other questions of  
13 Mr. Gartenberg before we proceed?

14 MS. PANKE: Yes. If it's an accessory  
15 structure meaning it's not connected to the house,  
16 they could put the garage -- there is building space  
17 between the house and the building limit for a garage,  
18 it's just the fact that it's separate makes it the  
19 accessory; correct?

20 MR. GARTENBERG: Our code says, you know,  
21 you have spoken to two things, the building setback  
22 line and accessory structure.

23 MS. PANKE: We do not -- we are not going  
24 over the building setback line.

25 MR. GARTENBERG: Correct. Our code says

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1 that all structures need to be behind that building  
2 setback line. The code also says that there should be  
3 separating structure between the primary structure and  
4 the street frontage.

MS. PANKE: Okay.

CHAIRMAN WALCH: All right. I have a few  
7 more procedural things to take care of before we go to  
8 the appellant's case.

9 The first is the public notice of this  
10 hearing will be marked as Exhibit B and placed in  
11 evidence in this docket number.

12 Exhibit C is the denial letter from  
13 Mr. Gartenberg dated May 30th, 2013.

14 Exhibit D is the list of residents to whom  
15 this notice of public hearing have been sent.

16 Exhibit E is the appellant's letter  
17 requesting a variance, which is dated June 1st, 2013.  
18 And any other letters in support or opposition to the  
19 request for a variance, which I will mark all of those  
20 letters as Exhibit E. Do we have any other letters  
21 Mr. Wooldridge?

22 MR. WOOLDRIDGE: No, we do not.

23 CHAIRMAN WALCH: All right. The entire  
24 file for the application, including all memoranda from  
25 staff and consultants to the Zoning Board of

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Adjustment of the City of Ladue will be marked as  
2 Exhibit F and part of the evidence in this docket  
3 number.

4 And at this point either the appellant and  
5 anyone else who wants to speak on the appellant's  
6 behalf should come forward, give your name to the  
7 court reporter, and she will swear you in.

8 (At this time Mr. Paul Fendler and  
9 Mr. Jonathan Campbell were sworn in by the court  
10 reporter.)

11 MR. FENDLER: Thank you for letting us  
12 come. This is Jonathan Campbell. Jonathan is the  
13 owner, and his wife, Jennifer. So 99 Trent. Let me  
14 show you the site plan. This is Trent Avenue.

15 CHAIRMAN WALCH: Would you state your name,  
16 for the record?

17 MR. FENDLER: I'm sorry. Paul Fendler.  
18 I'm the architect.

19 CHAIRMAN WALCH: Thank you.

20 MR. FENDLER: Trent Avenue, as you may be  
21 aware, is a very private road. There is only a  
22 handful of houses that are on that road. This is  
23 the -- I guess we are calling it the private driveway  
24 that comes up.

25 The house is a long, narrow lot. The house

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1 is oriented in a east and west direction. As you see  
2 the architecture of the house, this is the front yard.  
3 This is the front door. It has a very prominent front  
4 yard. And the rear, and what we would consider two  
5 side yards. This is the garage at this end of the  
6 house. And then the remaining of the living space.  
7 And the lot sort of slopes down as we get to the back.

8 Most of the houses along Trent Avenue, this  
9 lane, are oriented in this same direction, where they  
10 all -- kind of the side faces Trent Avenue.

11 We are looking at adding a garage. They  
12 need additional garage space. They have children.  
13 Their children, as all children, have a lot of stuff.  
14 Every time I have gone over there there are bikes,  
15 there are hockey nets. They have automobiles. They  
16 are always parked out there. They are hoping to try  
17 to get some of this indoors.

18 So, we started looking at the appropriate  
19 place to put a garage, and the appropriate look for  
20 the garage. These are sort of elevations we came up  
21 with. They are nice. They match the house, the same  
22 detailing, the same brick, the same roof, the pitches,  
23 everything will match the house.

24 One of our main objectives here was to not  
25 have the garage doors face the road. I think there

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1 are very few cases in the A and B district, and even  
2 the C district, as far as I know, where garage doors  
3 face the road. That's sort of one of the nice things  
4 about this area, you don't have garage doors facing  
5 the main road.

6 And so we really had only a couple of ways  
7 to do it. One was to do a detached structure where  
8 the garage sort of faced inward, and we have sort of  
9 this courtyard here. And this is the existing asphalt  
10 driveway. I think you have been to the site, but  
11 there are some photos that show there is some existing  
12 stone pillars, and the entrance into that driveway.

13 We did look at other solutions. This was  
14 sort of the other option that we came up with, where  
15 this does work. I guess in terms of the look, it's  
16 just not in my mind the appropriate way to put the  
17 garage up. We end up with a 60-foot long garage, and  
18 the driveway continues in the back and extends asphalt  
19 closer to the street. We sort of ended up with, you  
20 know, something that looks like a trailer home in a  
21 way where we get this enormous 60-foot long section  
22 here that is almost the same width as the main body of  
23 the house.

24 So, in our opinion, the appropriate design  
25 solution was to do a detached garage in this location.

12

1 The home to the south of this, which is the  
2 Cornell's (phonetic) have an accessory structure in  
3 the front -- which I guess is considered the front  
4 yard. They have a gazebo. Which is almost identical.  
5 I don't think it's quite as far to Trent, but it sits  
6 back a little further. So there are other accessory  
7 structures.

8 This type of accessory building is very  
9 common throughout Ladue, where you have pool houses  
10 and garages. There are other garages that are located  
11 in the front yard. Some of them may have been there  
12 for a while. There is one on Litzsinger. There is  
13 one on Barnes Road that I can think of.

14 And we have also done accessory structures  
15 in the front yard. I argued before this board years  
16 ago on Glen Eagle, where we put a pool in the front  
17 yard. It happened to be a corner lot, and it's just  
18 the way it worked out. So there is certainly a  
19 precedence in Ladue for this.

20 And I think, you know, again going back to  
21 what is the appropriate design. This really is the  
22 best design in terms of what we are looking at for  
23 Trent. Again, the whole idea of not having these  
24 garage doors face Trent Avenue. I think it sort of  
25 maintains, kind of, the integrity of this area.

13

MR. CAMPBELL: My name is Jonathan  
2 Campbell. I don't know if it is important. We also  
3 looked at potentially creating a courtyard at the back  
4 of the house with the garage facing the existing  
5 garage, but it would have encroached on the building  
6 line, and so we couldn't do it on that side either.

7 The area we have right now that's listed on  
8 the asphalt drive is really the only off-load parking  
9 we have on Trent. So anytime anybody comes parking on  
10 Trent, which is quite narrow, that's what we have to  
11 utilize for those cars. Not to mention with the kids,  
12 that's the only place they can really play off the  
13 street. It is important for us to maintain that  
14 component.

15 I know during the conversation earlier  
16 there was a mention that there wasn't any letters in  
17 favor of the structure. I think that was the question  
18 that was posed. We do have a list of virtually every  
19 neighbor on Trent Drive.

20 CHAIRMAN WALCH: That's part of this.

21 MR. CAMPBELL: I'm sorry. I didn't realize  
that had been presented. I apologize.

23 CHAIRMAN WALCH: No. We included that as  
24 Exhibit E, I believe.

25 MS. FORSHAW: All I have, Stan, is the

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1 signatures, but not the letter.

2 CHAIRMAN WALCH: I didn't think they sent a  
3 letter.

4 MR. CAMPBELL: I can certainly pull this  
5 off.

6 MS. TOFT: I think we have that document.

7 CHAIRMAN WALCH: Let's make sure.

8 MS. TOFT: This is the same?

9 MR. CAMPBELL: I believe so, yes.

10 And they have all seen the plans. And  
11 obviously our relationships with the neighbors are  
12 important.

13 MS. TOFT: Do you have a functioning  
14 three-car garage currently?

15 MR. CAMPBELL: We do.

16 MS. TOFT: And the height of the doors is  
17 such that you can pull your typical vehicles into it?  
18 We have some houses where the doors are so low that  
19 you can't get an SUV in it.

20 MR. CAMPBELL: It's tight, but it's fine.

21 MS. FORSHAW: How many cars would your  
22 proposed new garage hold?

23 MR. CAMPBELL: Three. We do have an  
24 electric vehicle that we use to drive up to Old Warson  
25 as well. More than anything, it's all the children's

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1 accessories and toys, and those types of things, that  
2 tend to occupy some space.

3 CHAIRMAN WALCH: Where is the building  
4 line?

5 MR. FENDLER: 75 feet. The accessory  
6 structure is approximately 100 feet.

7 CHAIRMAN WALCH: I mean the rear building  
8 line. The one he said he couldn't build --

9 MR. FENDLER: Here. It's right at this  
10 line here. So we are about -- about 30 feet at most  
11 off of the existing house. Plus the ground slopes up  
12 quite a bit as we get back to the building line.

13 There is actually a retaining wall back to the asphalt  
14 drive. From there it slopes up a fair amount.

15 CHAIRMAN WALCH: You would have required a  
16 variance for that, but you also require a variance --

17 MR. FENDLER: Exactly.

18 CHAIRMAN WALCH: -- for what you want to do  
19 anyway, so it's kind of 6 to 1.

20 MR. FENDLER: Exactly. We have to get a  
21 variance to the back.

22 MS. TOFT: I can appreciate that adding  
23 three more garages in a long line would not be  
24 attractive, and I'm not trying to redesign. If you  
25 could attach this structure to the house in some way

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1 perhaps. Perhaps put it in an angle but attach it to  
2 the home, since you do have the asphalt there, is  
3 there no way you could pick up a couple of garage bays  
4 perhaps at an angle, maybe not three but perhaps two,  
and not even need a variance, because it would be  
attached to the primary residence?

7 MR. FENDLER: The house is such a strong  
8 architectural presence with the front and the two  
9 wings. It's fairly symmetrical. We kind of  
10 considered that. We have a problem going back in this  
11 direction because of the slope here. It would start  
12 to push our retaining wall. We have quite a bit of  
13 retaining wall. Start to push that over the building  
14 line. So we have a problem angling in the back.

15 We could potentially angle it to the front,  
16 but, you know, I mean, when you drive up, this is sort  
17 of what you would first see. I'm really concerned  
18 having this angle coming up in front, and suddenly you  
19 lose sort of the whole visual impact of the house.  
20 It's really a beautiful house when you drive up to it.  
21 I think architecturally it's difficult.

22 What is the, really the best solution  
23 architecturally, and this clearly is in my opinion.

24 MS. TOFT: I'm just talking about maybe a  
25 porte-cochere where you would enter this way and you

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could pick up -- you could put your three in through  
2 there, and it would be attached to the house.

3 I will be very honest with you, we normally  
4 have people try to pick up a second garage bay, maybe  
5 a third garage bay. For people to come in that have  
6 three garages and ask for four, five and six on the  
7 basis of hardship, I'm the old timer on this board,  
8 and we have never considered the need for four, five  
9 or six garage bays to constitute a hardship. And I  
10 can think in my ten years or so that there has only  
11 been one accessory structure that's ever been allowed  
12 in the front yard. We did maybe have a blip on the  
13 screen where we allowed a tree house one time where  
14 they had -- everything was front yard. They had no  
15 yard that wasn't a front yard. And in that case the  
16 accessory structure was more than a thousand feet from  
17 the second front yard.

18 In this case I don't think you have two  
19 front yards. I think Trent is your front yard, albeit  
20 you don't face it. I think those are private drives  
21 that don't even constitute yards under our code.

22 And so when you have a singular front yard,  
23 you have three garage bays, and you are putting an  
24 accessory structure 100 feet from one of the nicer  
25 residential streets in St. Louis. I mean, Johnny, bar

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1 the door for the next 100 garages that people want to  
2 come in and ask for, because you have killed us on all  
3 three. If we give you this variance, we would be in a  
4 tough position to say no to anybody.

5 I'm just being honest with you.

6 MR. SHILLINGTON: If you take that little  
7 peninsula like thing that's -- thank you. What if you  
8 put it right in here someplace? You could still go  
9 around. I would think you could go around in here to  
10 get into that.

11 MS. PANKE: Cover it with a walkway.

12 MR. SHILLINGTON: And you still wouldn't be  
13 facing Trent.

14 MS. PANKE: There are a lot of ways to  
15 connect it, as you know.

16 MR. FENDLER: I know. We could take that  
17 covered walkway and connect it, and it's like you are  
18 fine. Why don't we just keep it an accessory  
19 structure?

20 MS. TOFT: And I don't know when that  
21 gazebo was put in. I would be surprised if a variance  
22 were granted to allow the gazebo as a structure in the  
23 front yard.

24 I'm not saying people don't do it, because  
25 it certainly happens. Fences show up and gates show

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up and things like that.

2 MR. FENDLER: So you are saying our garage  
3 would show up?

4 MS. TOFT: The stone and all of that stuff,  
5 that would get to be -- I'm just saying you are asking  
6 us to go a few steps beyond where we have ever gone.

7 CHAIRMAN WALCH: It would be a lot easier  
8 to ask, in my opinion, to ask us for a setback  
9 variance in the backyard, than it is -- or the side  
10 yard I should say, the side yard. Because I, too, get  
11 confused. Common sense versus the ordinance.

12 But to ask for a side yard variance then it  
13 is for a front yard variance, and particularly when  
14 you are cursed with, and probably in your opinion, the  
15 owner's opinion, have been cursed with the fact that  
16 you have only one front yard, even though it looks  
17 like you have two front yards. That's not something  
18 we created. It's something we have to live with. And  
19 probably something you weren't even aware of when you  
20 purchased the house. It's unfortunate.

21 MR. FENDLER: Do you want to vote or --

22 CHAIRMAN WALCH: We are not through yet.  
23 We have some procedures we have to follow. Thank you  
24 very much.

25 The next question is, does anybody in the

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1 audience wish to speak to this matter? All right.  
2 Hearing none, is there any objection from a  
3 member of the board if I close the public comment  
4 portion of this hearing? Hearing no objection, the  
public comment portion is closed.

5 Robbye, welcome back from your trips, and  
6 I'm glad to see you. Would you like to start our  
7 discussion?

8 MS. TOFT: Well, I think I expressed to  
9 Mr. Fendler what my reservations are. The singular  
10 garage or accessory structure that comes to mind  
11 whether we did grant a variance and it was rather  
12 recently and it was in the Trulass (phonetic)  
13 residence on the St. Louis Country Club grounds, which  
14 it had a Glen Engle address, if I'm remembering. But  
15 it also had a front yard on Ladue Road. And in that  
16 instance they were wanting to put a garage, which they  
17 had virtually no garage, if I'm remembering correctly.  
18 If they had a garage it was going to have to be in the  
19 front yard or backyard. But that garage, as I said,  
20 was 1,000 feet from Ladue Road. And because of the  
21 terrain, that garage wasn't going to be visible to  
22 anybody on Ladue Road.

23 Albeit, it was a garage in the front yard.  
24 It was not a front yard that anyone would be able to  
25

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1 see unless they were trespassing on the property and  
2 drove in the drive and got themselves where they could  
3 see it.

4 So it seemed, I thought, to the board at  
5 that time, that it would be more over substance to  
6 deny them a garage at all, because it was going to  
7 have to be in the front or the backyard.

8 Speaking as the old member of the board, I  
9 cannot think of any hardship we have ever granted when  
10 people have a three-car garage. So I think if we were  
11 to deem this a hardship, from my recollection this  
12 would be an unprecedented hardship.

13 CHAIRMAN WALCH: All right. Are there any  
14 other comments?

15 MR. SHILLINGTON: I feel there are other  
16 places it could be placed. It may not be exactly what  
17 they want, but I believe there are other places it  
18 could be put in position.

19 And I'm very concerned about setting a  
20 precedent, which is what you are talking about.

21 CHAIRMAN WALCH: A question for you,  
22 Ms. Toft. Would you agree with me, and I'm not asking  
23 you to make any commitment, but from our presence,  
24 it's much easier to get a side yard variance than it  
25 is a front yard variance, particularly when it's the

22

1 only front yard.

2 MS. TOFT: It is the only front yard, and  
3 it is clearly a long, narrow lot. Although I would  
4 state again, I'm not the hardliner, but, you know, to  
5 say that you need four, five, six garage bays, and  
6 being denied that, that that's a hardship.

7 I do think that would also be another  
8 matter of precedence for us.

9 CHAIRMAN WALCH: All right. Any other  
10 comments?

11 MS. PANKE: I will just agree with  
12 everybody. It's a beautiful lot. There are lots of  
13 other areas that we can see that it can be located.  
14 It can be attached to the house to make it not an  
15 accessory structure. I just don't see the hardship of  
16 it to break the rule that we have.

17 CHAIRMAN WALCH: All right. Any further  
18 discussion first? Does anyone care to make a motion?

19 Hearing no motion coming forward, then I  
20 have the duty, because we are required in the interest  
21 of the complete hearing, to have an up or down vote.  
22 And so I would simply ask you to vote on the question  
23 of whether the variance as requested by the appellant  
24 should be granted.

25 MS. TOFT: I would vote no.

23

1 MS. FORSHAW: No.

2 CHAIRMAN WALCH: No.

3 MS. PANKE: No.

4 MR. SHILLINGTON: No.

5 CHAIRMAN WALCH: Sorry. You should  
6 redesign in some way.

7 MR. FENDLER: That's all right. Thank you.

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CERTIFICATE OF REPORTER

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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

