

DOCKET 1146

DATE OF HEARING	October 7, 2013
NAME	Ed Spitznagel
DESCRIPTION OF PROPERTY	5 Godwin Lane
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a deck, 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 a practical difficulty and approved the variance per the site plan dated June 27, 2013.

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
Monday, October 7, 2013

DOCKET 1146  
5 Godwin Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 PM on Monday, October 7, 2013, at City Hall.

The following members of the board were present:

Ms. Robbye Toft, Vice-Chair  
Ms. Liza Forshaw  
Ms. Laura Long  
Mr. David Schlafly  
Mr. John Shillington

Also present were: Mayor Nancy Spewak; Mr. James Schmieder, Building Department & Code Enforcement; and Mr. Michael Gartenberg, Building Official.

NOTICE OF PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, MISSOURI  
DOCKET NUMBER 1146

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 Ed Sptznagel, 5 Godwin Lane St. Louis, MO 63124, requesting relief from the ruling of the Building Official who declined to issue a permit for a replacement deck which violates Sections V, C, 1, (a) & (b) of Zoning Ordinance 1175.

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

Vice-Chair Toft called the meeting to order at 4:00 PM.

Ms. Toft 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 July 16, 2013;  
Exhibit D – List of Residents sent notice of meeting;  
Exhibit E – Letter from the resident requesting the variance dated August 13, 2013, and any letters of support.  
Exhibit F – Entire file relating to the application;

Mr. Gartenberg explained that the proposed deck encroaches into the 15.7' side setback in violation of Zoning Ordinance 1175. He noted the proposed deck is 5'3" from the side property line. He further advised that the existing deck is already in the setback creating a legal non-conforming structure.

Mr. Denny Corr, Mosby Building Arts, addressed the Board. He stated that the proposed deck would be an exact replacement of the existing non-conforming deck.

Mrs. Marjorie Ivey, 28 Godwin Lane, Godwin Lane trustee, spoke in favor of the project and encouraged approval of the request.

Mrs. Carolyn Sachs, 9 Godwin Lane, stated she was in favor of the project as long as the proposed deck was no closer to the property line than the existing deck.

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

It was noted by members of the Board that similar applications have been considered in the past.

Ms. Forshaw noted the existing encroachment of the setback and the fact that the deck needs to be replaced.

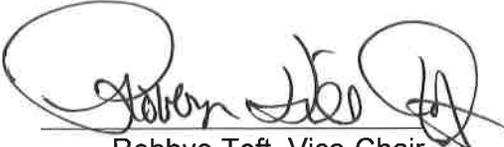
Ms. Forshaw moved that on the basis of the evidence presented a practical difficulty exists and the decision of the Building Official is reversed, and a variance granted based on the site plan dated June 27, 2013.

The motion was seconded by Ms. Long.

The vote on the motion was follows:

Ms. Toft	"Aye"
Ms. Forshaw	"Aye"
Mr. Schlafly	"Aye"
Mr. Shillington	"Aye"
Ms. Long	"Aye"

Ms. Toft declared the request for a variance granted and the decision of the Building Official reversed.



Robbye Toft, Vice-Chair