

DOCKET 1151

DATE OF HEARING	January 6, 2014
NAME	Richard Waidmann
DESCRIPTION OF PROPERTY	10 Fordyce Lane
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a detached garage which violates Section 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 and granted a variance because of a practical difficulty. The variance was granted with the condition that the variance granted under ZBA Docket 1133 is terminated.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, January 6, 2014

DOCKET 1151
10 Fordyce Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, January 6, 2014, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Robbye Toft
Ms. Liza Forshaw
Ms. Laura Long
Mr. Fred Goebel

Also present were: Mayor Nancy Spewak; Mr. Michael Wooldridge, Assistant to the Mayor / City Clerk.

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 1151

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 Richard Waidmann, 10 Fordyce Lane, 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 V, C, 1, (a) & (b) of Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Monday, January 6, 2014, 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:)

)

RICHARD WAIDMANN)

Docket Number 1151

10 FORDYCE LANE)

LADUE, MISSOURI 63124)

Monday, January 6, 2014

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LUBER, LLC

P.O. Box 31201 ~ 1015 Grupp Road ~ St. Louis, MO 63131

314.993.0911

CERTIFIED COPY

ZONING BOARD OF ADJUSTMENT  
 CITY OF LADUE  
 LADUE, MISSOURI

IN THE MATTER OF: )  
 )  
 RICHARD WAIDMANN ) Docket Number 1151  
 )  
 10 FORDYCE LANE )  
 )  
 LADUE, MISSOURI 63124 )  
 )  
 Monday, January 6, 2014

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

1 APPEARANCES:

2  
 3 COUNCIL MEMBERS:  
 4 Mr. Stanley Walch, Chairman  
 5 Ms. Liza Forshaw  
 6 Mr. Fred Goeble  
 7 Ms. Laura Long  
 8 Ms. Robbye Toft  
 9  
 10  
 11 Also Present:  
 12 Mr. Michael Wooldridge, City Clerk  
 13 Mayor Nancy Spewak  
 14  
 15 Mr. Richard Waidmann, Appellant  
 16 Mr. David Pape, Architect  
 17

18  
 19 Court Reporter:  
 Bobbie L. Luber  
 20 Registered Professional Reporter #9209  
 Missouri CCR #621  
 21 Illinois CSR #084.004673  
 Bobbie Luber, LLC  
 22 P.O. Box 31201  
 St. Louis, MO 63131  
 23 (314) 993-0911  
 24  
 25

ZONING BOARD OF ADJUSTMENT  
 CITY OF LADUE  
 LADUE, MISSOURI  
 PUBLIC HEARING

8 IN THE MATTER OF: )  
 9 )  
 10 RICHARD WAIDMANN ) Docket Number 1151  
 11 10 FORDYCE LANE )  
 12 LADUE, MISSOURI 63124 )  
 13 )  
 14

15 BE IT REMEMBERED that on the 6th day of  
 16 January, 2014, hearing was held before the Zoning  
 17 Board of Adjustment of the City of Ladue, Missouri, at  
 18 Ladue City Hall, 9345 Clayton Road, in the City of  
 19 Ladue State of Missouri 63124, regarding the  
 20 above-entitled matter before Bobbie L. Luber,  
 Certified Court Reporter, Registered Professional  
 21 Reporter, Certified Shorthand Reporter, a Notary  
 22 Public within and for the State of Missouri, and the  
 23 following proceedings were had.  
 24  
 25

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

5 CHAIRMAN WALCH: All right. We will  
 6 proceed with Fordyce Lane.

7 First, Mr. Wooldridge, I will ask you to  
 8 explain, if you can, why the deputy building  
 9 commissioner turned these plans down.

10 MR. WOOLDRIDGE: The building  
 11 commissioner -- excuse me, the building official  
 12 turned this down. It's a request for a three-car  
 13 garage, if I'm correct, three-car garage that is  
 14 extending into the rear setback approximately 23 feet,  
 15 and it is in violation of Sections V, C, 1, (a) and  
 16 (b) that states that you can't have any of the main  
 17 building into the setback -- or into the required --

18 CHAIRMAN WALCH: All right. Any questions  
 19 of Mr. Wooldridge?

20 MS. FORSHAW: Are we talking about two  
 21 setbacks, Mr. Wooldridge, or just one?

22 MR. WOOLDRIDGE: As I understand it, when I  
 23 talked to the building department, that 50-foot  
 24 building line is a side yard that is -- that is  
 25 required by the indentures. Wait a minute. Let me

1 double-check. You may be right on that. Let me look  
2 at the side yard setback.

3 You are right. I'm sorry. I stand  
' corrected. It is the rear-end side setback.

CHAIRMAN WALCH: All right. If there are  
6 no other questions we will proceed with the  
7 formalities of the formal identification and marking  
8 of exhibits.

9 The first one is Exhibit B, which would be  
10 the notice of public hearing that was published in  
11 this case.

12 Exhibit C will be the denial letter from  
13 the building official, which is dated December 16th,  
14 2013.

15 Exhibit D is the list of residents to whom  
16 the public notice of this hearing was mailed.

17 The appellant's letter requesting a  
18 variance is dated December 17th, 2013. And any other  
19 letters in support or opposition of the request for  
20 variance will be marked as Exhibit E. Are there any  
21 other letters, Mr. Wooldridge?

22 MR. WOOLDRIDGE: No, there is not.

23 CHAIRMAN WALCH: Finally, the entire file  
24 pertaining to this application, including any  
25 memorandum from staff and consultants to the Zoning

1 Board of Adjustment or the City of Ladue will be  
2 marked as Exhibit F.

3 So at this point I would ask the appellant  
4 and anyone who wants to speak on behalf of the  
5 appellant to come forward and give your name to the  
6 court reporter and she will swear you in.

7 (At this time Mr. Waidmann and Mr. Pape  
8 were sworn in by the court reporter.)

9 MR. WAIDMANN: My name is Rich Waidmann.  
10 Thank you for meeting with us today. I will move this  
11 a little closer. My eyesight is not very good.

12 We were here last year about this same time  
13 requesting a variance. We have a hardship on our  
14 property. I don't know whether you can see it or not.  
15 It's an old stone house that sets back from the  
16 street. I'm standing midway in the yard looking back  
17 up the hill. There is a tall hill, it goes down to  
18 the creek, and it comes back up again. It's almost V  
19 shape. It's about 10 feet below the property where  
20 you would stand.

21 We were looking to expand the kitchen, if  
22 you will remember last time, and we were given a  
23 variance to go over the back setback. We were putting  
24 a kitchen on this end of the house. It's like a  
25 bowling alley. It's a long skinny house. Family room

1 on this end. It used to be a living room and a dining  
2 room. We flipped those two rooms. We have a small  
3 dining room and a big living room, but it really  
4 didn't make sense for how we lived, and so we flipped  
5 them. We were given approval to get a variance to  
6 build a kitchen on the back of the house here.

7 The current garage has a three-car garage.  
8 When we bought the house, the garage itself, to try  
9 parking a car in the garage, we didn't. This was  
10 built in 1929. You can pull your car in, but you  
11 can't open the door. And we don't have big cars.

12 So what the plan was originally, that we  
13 got the approval for, was to turn these three into  
14 two, so it would be a two-car garage. If you remember  
15 at the last meeting, I think it might have been  
16 Mr. Schlafly mentioned that ideally we typically like  
17 three cars, if possible, we were willing to live with  
18 two cars if we could without trying to do too many  
19 changes to the house.

20 What has happened since that time -- it's  
21 interesting to note also, is where the house sits on  
22 the lot. That's the reason we are asking for the  
23 hardship.

24 The building sits all the way back in the  
25 corner of the lot. When it was first built in 1929

1 the setback was 25 feet on all sides. It has since  
2 changed to 50 feet. There used to be a 50-foot side  
3 track also that was owned by this building. Sometime  
4 in the late '50s or '60s they sold that 50-foot tract  
5 to the neighbors, and they built their house to the  
6 side.

7 This is a view that we see of their house.  
8 So as we were getting bids to build this project, one  
9 of the contractors, MarkWay -- MarkWay started talking  
10 to us about how we used the space. We have four kids.  
11 Enough time has elapsed that all four are now in  
12 college. And we found we really weren't spending much  
13 time at this end of the house; we were spending more  
14 time in this end of the house. His point was, it  
15 would be much easier and better for the flow of the  
16 house to build on this end. Put your kitchen here,  
17 which is where the existing kitchen is, and do the job  
18 externally as opposed to trying to move it down here.  
19 That's why we have come to the board to ask approval  
20 to put a garage on the back.

21 What I'm showing here, what we would like  
22 to do is still stay within that same 25 -- what was  
23 the original 25, and the street behind us is Fielding.  
24 They are in a different zone. They also have 25 foot  
25 setbacks as well.

1 What we would like to do is stay within  
2 that 25-foot setback, put the garage externally, and  
3 make a courtyard basically in the back of the house.

4 There's a stone wall around the back of the  
5 house. We would like to try to keep it. This is the  
6 general area that we would be putting it, right in  
7 here. So, it goes uphill, and what we were trying to  
8 do is basically hide this in the side of the hill.

9 So I don't know if you can see it. The  
10 property line is right here, or the setback line, the  
11 property line for the 50 feet. If we can cheat a  
12 little bit this way we can stay further away from the  
13 back setback, because it's crooked on the property  
14 line.

15 So in either case, our architect, we were  
16 able to move it a little bit this way. Go up another  
17 foot into the hill, meaning a foot higher, go a foot  
18 less than that building is shown and hide the garage  
19 into the hillside.

20 I took this picture and I thought it might  
21 be interesting to know. This is the house directly  
22 behind us. This is the view we have as well as our  
23 neighbor, Tom Moore. This is what we see in back of  
24 our property line. This wall and the fence is about  
25 ten feet off the property line. So what we are

1 looking to do is build 25 feet from the property line,  
2 so we would be 35 feet away from that, and we are  
3 looking to have similar -- it wouldn't be brick, it  
4 would be a masonry structure with stucco and then a  
5 fence around it also, and landscape around that. Does  
6 that make sense?

7 MS. TOFT: Do you know roughly how much of  
8 the garage would extend above the ground level?

9 MR. WAIDMANN: Dave, can you help out on  
10 that?

11 MR PAPE: About four feet.

12 MS. TOFT: And it looks like you are  
13 proposing a flat roof on it to minimize the visual.

14 MR PAPE: For two reasons. One, so that  
15 from the back you don't see a building that's just a  
16 roof sitting on the ground, and it would look more  
17 like a deck if anything else. It's going to have a  
18 railing around it. And then from the front as well,  
19 or from the house, it's not as imposing on them. It's  
20 one of the few ways of accomplishing that.

21 MR. WAIDMANN: We looked at all the  
22 different options when we started doing this. We  
23 couldn't build originally when we were wanting to do  
24 the addition the first time on the front of the house.

25 I don't know if you can see it on here, but

1 there is a pool here. We had a structural engineer  
2 look at it and he said we can't build on this side of  
3 the house because the pool is too close and you would  
4 technically damage the integrity of the pool. That's  
5 how we ended up in the back of the house.

6 When you look at the rest of the options on  
7 the house, you have got an option on the front, you  
8 have got them along the side. We looked at all  
9 different places. No matter where we build it we have  
10 a variance issue we have to talk to you about. This  
11 seemed like the most good or the least bad, depending  
12 on how you look at it.

13 The front section of the house looks like  
14 there is a possibility. The problem is, because of  
15 the slope of the ground, by the time this extends out  
16 from the corner of the house, there is ten feet from  
17 the corner of the house because there is an electrical  
18 utility here and the house juts back. You have to  
19 come out away from there because you have to get a car  
20 out. When you go another 39 feet, which is the width  
21 of a three-car garage, you are now in the front yard  
22 quite a bit, and the wall, the retaining wall would  
23 basically -- would you say eight foot?

24 MR PAPE: Nine feet.

25 MR. WAIDMANN: So we would have a nine-foot

1 retaining wall in front of the house.

2 If you look at the house, it's a very  
3 picturesque house. It's this option. You can see it  
4 marked in yellow. We were afraid it would make the  
5 front yard look like a used car lot. We have four  
6 kids. There are six cars. It just didn't seem like a  
7 very good option for us.

8 The option that we thought was probably the  
9 best one was to put the garage in the back. A little  
10 over the neighbor's line by about eight feet or so; is  
11 that correct? I talked to Tom Moore, and he was fine  
12 with it, and so we were hoping that there wouldn't be  
13 an issue. Does that make sense?

14 MS. TOFT: It would be about four feet of  
15 garage, as with the rear yard neighbor?

16 MR PAPE: What?

17 MS. TOFT: The northern, I guess that's the  
18 northern neighbor. Is that Mr. Moore to the north?

19 MR. WAIDMANN: Mr. Moore to the north.

20 MS. TOFT: So he would have about four  
21 inches of garage -- four feet of garage that he would  
22 see?

23 MR PAPE: It's actually built up a little  
24 higher. It's probably a little bit less than that.

25 MS. TOFT: Okay. Less.

1 MR PAPE: Yes. It keeps continuing out.  
 2 MR. WAIDMANN: Is it really the garage or  
 3 is it the wall and the fence above it?  
 4 MR. PAPE: It's the wall.  
 5 MR. WAIDMANN: What we did is we have  
 6 pillars, and then a fence around. What he is going to  
 7 see looks similar -- the wall doesn't go up that high.  
 8 There is a pillar with a fence going across it,  
 9 ornamental iron fence, stucco pillar with the stone  
 10 cap.

11 Do you want us to show you the drawing?  
 12 MR PAPE: This is the view from the  
 13 Waidmanns' house here, and then from the two sides,  
 14 and then over there.

15 MS. FORSHAW: Would you say this proposal  
 16 is more or less burdensome on your neighbors than the  
 17 proposal you got a variance for last year?

18 MR. WAIDMANN: Less. The other one was a  
 19 two-story. This is only a one-story, and all but a  
 20 few feet of variance. The variance before was down at  
 21 this end of the house. It was a two-story addition.

22 MR PAPE: As far as the mass of it and the  
 23 amount of area over the building line, the previous  
 24 was more. This actually gets a couple feet closer on  
 25 one corner, and then takes the angle of the property,

1 and so it steps it back quickly.

2 MS. FORSHAW: Also, the drawings show that  
 3 there was a shorter building line until 1992. Was  
 4 that a change in the city ordinance or was it a  
 5 subdivision restriction?

6 MR PAPE: That's the city ordinance.

7 MR. WAIDMANN: City ordinance.

8 MR PAPE: It is changed to 50 feet now.

9 MR. GOEBEL: You said there is a pool in  
 10 the backyard. Where is that?

11 MR. WAIDMANN: That's there. When we try  
 12 to come out this way, it should take it up through  
 13 there.

14 CHAIRMAN WALCH: The two-car garage that  
 15 you were talking about earlier --

16 MR. WAIDMANN: The one we were looking to  
 17 build?

18 CHAIRMAN WALCH: Yes.

19 MR. WAIDMANN: The plan now is to -- this  
 20 will become the kitchen. So, the kitchen is right  
 21 there. The kitchen was going to move down to the  
 22 other end of the house, and our contractor said, why  
 23 do you want to do that? We find we are living in this  
 24 part of the house. Moving everything this way, which  
 25 is on another level up, it's down two stairs. We are

1 not getting younger. We plan to be there hopefully a  
 2 long time. It seemed to make more sense to try to  
 3 keep the kitchen where it is, and the living space  
 4 where we are typically using it and not try to move to  
 5 the other side of the house.

6 CHAIRMAN WALCH: So that picture is of the  
 7 house as it exists today?

8 MR. WAIDMANN: Yes.

9 MS. TOFT: The two-car garage then becomes  
 10 the kitchen, in lieu of the variance that we granted  
 11 at the far end of the house which was going to be a  
 12 two-story structure kitchen that also encroached on --  
 13 I couldn't remember.

14 MR. WAIDMANN: Just one.

15 CHAIRMAN WALCH: So the other variance was  
 16 not used?

17 MR. WAIDMANN: We did not use it, correct.

18 MS. TOFT: They thought better. I was  
 19 worried, honestly. When I saw what you were doing  
 20 with the kitchen, and the distance from the garage, I  
 21 thought that's a lot of lugging of groceries.

22 CHAIRMAN WALCH: Is that variance still  
 23 alive? They do expire after a certain time.

24 MR PAPE: The variance is still there, but  
 25 the building did not commence. But the building

1 permit has expired.

2 MR. WAIDMANN: I think the variance had a  
 3 year. We are still in that year. So you are right.  
 4 MarkWay talked some sense. Are you sure you want to  
 5 do that. We had a different architect. Paul Taylor  
 6 (phonetic) was working with us, great guy. It had  
 7 gone on for a year and a half. I think we mutually  
 8 decided we were both worn out. We found David who had  
 9 done some work on the house with the previous owner,  
 10 and also came recommended. Maybe talked a little  
 11 sense to us, but a better project.

12 CHAIRMAN WALCH: So the only thing you need  
 13 the variance for today is the attached garage?

14 MR. WAIDMANN: Yes. Just for the setbacks.

15 CHAIRMAN WALCH: You are going to build the  
 16 kitchen where that old garage is right now?

17 MR. WAIDMANN: Yes. I don't know if you  
 18 have that drawing. That will be a new rear entrance  
 19 to the house. That will be filled in, and this will  
 20 be a nicer entryway.

21 CHAIRMAN WALCH: I assumed you wouldn't  
 22 keep it as a garage.

23 MR. WAIDMANN: No.

24 MS. FORSHAW: Could you explain to me since  
 25 it is a detached garage, is there any reason why it

1 couldn't be moved farther in on this asphalt?  
 2 MR PAPE: That's what these -- let me show  
 3 you.  
 4 MR. WAIDMANN: No matter what we do, it  
 5 still is not within the setback, and so we need the  
 6 variance.  
 7 MR PAPE: We went through a whole series of  
 8 different positions as far as the building line on the  
 9 corner. This was pushing it over one building line  
 10 here and, bringing it into the existing garage.  
 11 This one actually keeps it within the  
 12 two -- well, in the one building line and it is ten  
 13 feet over on one on the back. What it does -- and it  
 14 needs parking and turnaround. This digs into the  
 15 hillside and required a nine-foot retaining wall at  
 16 this point. Well, we can't do a retaining wall half  
 17 the distance of the property building line, that would  
 18 be 25 feet, and so we are exceeding that. Plus, we  
 19 would have to tier the retaining wall. Tiers, which  
 20 mathematically is horrible. So this is just something  
 21 that doesn't work.  
 22 Then the two that we looked at here. This  
 23 one puts it outside the line, basically, like I was  
 24 talking about, where the parking would have been that  
 25 uses the existing parking area. Again, it's only over

1 one line, but it goes quite a bit over.  
 2 Then the one in front --  
 3 MR. WAIDMANN: We could do it inside both  
 4 the setbacks. It's just if we have a variance, the  
 5 retaining wall would be here. If we want to use the  
 6 back parking today we would need this road, extend  
 7 that. Otherwise all these cars are in front of the  
 8 house today.  
 9 MR PAPE: This actually goes down in the  
 10 creek area. I think we would be getting into MSD  
 11 issues, probably putting culverts in and kind of  
 12 diverting the creek a little bit; plus, if you move  
 13 down this wall, keeps getting higher and higher from  
 14 the front of the house, which by code or ordinance we  
 15 would never do that.  
 16 Now, the one that I do not have drawn,  
 17 which we had to throw out immediately, just didn't  
 18 make sense, put it right up against the house here.  
 19 But what it does is it shows any windows on the back  
 20 of the house and two bedrooms up above. The parking  
 21 would have to be out to the west, and in order to do  
 22 that, would be digging back and we run into the same  
 23 retaining wall issue. This is the only solution that  
 24 we stayed within the lines completely, but again it's  
 25 going to require a variance for a wall.

1 CHAIRMAN WALCH: Retaining wall.  
 2 MR. PAPE: Right. And all the cars would  
 3 be parked in front of the house.  
 4 CHAIRMAN WALCH: It would look like a used  
 5 car lot.  
 6 MR. WAIDMANN: That's what we are afraid  
 7 of. It's such a pretty house.  
 8 MR PAPE: Besides the green space. And  
 9 part and parcel from this, when we have to redo, it  
 10 would be a really strange plan to make that work.  
 11 Front entry, stairwise, it would probably be eight  
 12 stairs getting into the garage from the house. It's  
 13 just not a good plan.  
 14 CHAIRMAN WALCH: Fred, you are the only  
 15 architect on the board today. Does what they are  
 16 saying make sense to you in terms of placement?  
 17 MR. GOEBEL: It's weird that an applicant  
 18 comes to us and shows their design process. Usually  
 19 we are looking at what the applicant wants to do.  
 20 Clearly a number of these things have  
 21 economic impact. Some are more or less expensive; not  
 22 so much the building itself but all the things that it  
 23 takes to do it.  
 24 I used to set on the architectural review  
 25 board. And I love the fact that it has got all of

1 this stone on it and it's well landscaped like that.  
 2 I understand the need to keep current with the number  
 3 of parking spaces and covered garages. The thing I do  
 4 like about this that they have is as a building it  
 5 kind of just goes away. It's in back. The appearance  
 6 of the facade stays as it is. They are putting a few  
 7 windows in the right side here as part of the  
 8 architecture of the building as they make it a  
 9 kitchen. I think that will actually make the front  
 10 more elegant.  
 11 So, I mean, as a board, if we approved the  
 12 variance in the back in the past, not that that wasn't  
 13 the same kind of thing that we are doing here, right,  
 14 but it's somewhat of an earlier decision, I would  
 15 respect the fact that it seems like the site where you  
 16 really don't see the building back there. I kind of  
 17 like the idea of something to occur behind the house  
 18 which takes the whole -- the car circulation and all  
 19 the things along with that and retains the elegance of  
 20 the front stone facade.  
 21 So, in terms of land use and variance, if  
 22 we are talking about going across one corner versus  
 23 two corners, I think we are a little bit pregnant. I  
 24 don't think it's any better to go over one than over  
 25 two if it is tucked in nicely.

1 CHAIRMAN WALCH: I agree with that.  
 2 MR. GOEBEL: And it doesn't give any  
 3 offense to either property. Clearly from the  
 4 photographs shown the building is burying into the  
 5 landscape because of the site terrain. What they have  
 6 shown here, I appreciate -- they didn't need to show  
 7 us all of this, but it reinforces the fact that it's a  
 8 good location for it and I would be supportive of the  
 9 solutions that they have shown here.

10 MR. WAIDMANN: Thank you.

11 CHAIRMAN WALCH: Thank you. That was  
 12 helpful, Fred.

13 MR. WAIDMANN: Do you need this anymore?

14 CHAIRMAN WALCH: No, I don't think so.

15 Does that conclude your presentation?

16 MR. WAIDMANN: That's it.

17 CHAIRMAN WALCH: Okay. Thank you. Since  
 18 the room is empty I'm assuming no member of the public  
 19 wishes to address this, other than -- empty other than  
 20 our mayor.

21 MAYOR SPEWAK: I will pass.

22 CHAIRMAN WALCH: Hearing none, I'm going to  
 23 declare the public comment portion of this hearing  
 24 closed and we will start the discussion among  
 25 ourselves. I think Fred really kind of started it a

1 minute ago. Is there anything you want to add to  
 2 that?

3 MR. GOEBEL: Well, I guess the last point  
 4 is in terms of the invasive nature of things getting  
 5 into setbacks, I think they are still retaining some  
 6 measure of that, and if someone had known when this  
 7 house was built or designed, 1929 did you say?

8 MR. WAIDMANN: '29.

9 MR. GOEBEL: To pull it a little forward it  
 10 would have been great, but we are kind of past that  
 11 point. I think having a flat roof on the garage makes  
 12 a lot of sense because it means there is less visible  
 13 clutter from the back. Again, I would have no  
 14 objection to that.

15 MS. LONG: I was just going to mirror what  
 16 Mr. Goebel was saying. The fact that it was built in  
 17 1929, for whatever reason it was on the very back of  
 18 the property. And then the setbacks changed over  
 19 time. I don't remember what year, or what decade that  
 20 was, but it seems to me it fits in practical  
 21 difficulty and undue hardship and something that is  
 22 hardship listed. Especially looking at all the other  
 23 options is usually a question for us and what are the  
 24 other alternatives.

25 MS. TOFT: I can speak to the prior

1 variance, and because everyone didn't get to go to the  
 2 site, I will tell you this is a lovely home. The  
 3 materials that have been used on it are lovely, and  
 4 the improvements that were made were made with high  
 5 quality material and it was just stuck with this old  
 6 garage that was not functional. And I think we have  
 7 granted variances for garages because I just think it  
 8 makes a great house a very difficult place to live in  
 9 where you can't have garages on days like this where  
 10 you have to be scooping 12 inches of snow off your  
 11 car.

12 We thought clearly there was a hardship,  
 13 and given the placement of the house on the lot, and  
 14 all the other issues with it, that it deserved a  
 15 variance. As I said, I was concerned about the  
 16 placement of the kitchen at the far end just because I  
 17 would have been very unhappy hauling groceries all the  
 18 way down there, and I thought it was maybe going to be  
 19 a regrettable decision and maybe you were in a bad  
 20 way.

21 I'm impressed that they come forward as  
 22 opposed to a flat roof, and be one that is basically  
 23 buried in the terrain, which to me that the whole  
 24 purpose of the side yard setback has been hugely  
 25 addressed by the fact that there is such a mass that

1 either neighbor would be seeing that there is really,  
 2 while technically it does encroach on the side yard  
 3 setback, visually it's not an issue for me. And I  
 4 applaud the homeowners for coming up with that as a  
 5 solution, and the architect, because I can't see how  
 6 the neighbors can find that objectionable.

7 MS. FORSHAW: And it's really a better  
 8 solution from the standpoint of neighbors than the  
 9 variance we granted a year ago.

10 MS. TOFT: I think -- it really is. It  
 11 really is.

12 CHAIRMAN WALCH: I have a question for  
 13 Mr. Wooldridge. Do you think we need to kill the  
 14 prior variance that was granted if it's less than a  
 15 year?

16 MR. WOOLDRIDGE: No. Because if it's been  
 17 more than a year and they haven't started. I mean you  
 18 can certainly do it there. There is no downside to  
 19 it. I don't remember what the number was on it, but I  
 20 can certainly reference that docket number in the  
 21 letter the applicant will receive when I write it up  
 22 tomorrow, that that particular variance is resigned by  
 23 a vote of the board.

24 CHAIRMAN WALCH: I think it would be  
 25 prudent to do that. All right. Does anybody want to

1 make a motion?

2 MS. FORSHAW: I will. Mr. Chairman, I move  
3 on the basis of the evidence presented we find that  
4 practical difficulties exist and the decision of the  
5 building official is reversed and a variance granted  
6 as requested on the site plan dated 12/12/13,  
7 conditioned on termination of the variance that this  
8 board previously granted to this property.

9 MS. TOFT: I would second that.

10 CHAIRMAN WALCH: All right. The motion has  
11 been made and seconded. Any further discussion?  
12 Hearing none, how do you vote, Mr. Goebel?

13 MR. GOEBEL: Aye.

14 MS. FORSHAW: In favor.

15 CHAIRMAN WALCH: In favor.

16 MS. TOFT: In favor.

17 MS. LONG: In favor.

18 CHAIRMAN WALCH: All right. Good luck with  
19 your project. Thanks for not proceeding with our  
20 silly variance that we gave you the first time.

21 MR. WAIDMANN: I appreciate you coming in  
22 today.

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CERTIFICATE OF REPORTER

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I, Bobbie L. Lubber, 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. Lubber, RPR, CCR #621

**BOBBIE L. LUBER**  
**Notary Public - Notary Seal**  
**State of Missouri**  
**St. Louis County**  
**My Commission Expires: July 19, 2016**  
**Commission #12478045**