

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
Monday, May 5, 2014

DOCKET 1157  
44 Conway Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, May 5, 2014, at City Hall.

The following members of the board were present:

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

Also present were: Mayor Nancy Spewak, Mr. James Schmieder, Director of Building & Zoning, and Mr. Michael Gartenberg, Building Official.

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 1157**

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 Wesley Wedemeyer, 44 Conway Lane, St. Louis, MO 63124, requesting relief from the ruling of the Building Official who declined to issue a permit for an addition which violates Sections V, C, 1, (a) and (b), of Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Monday, May 5, 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)

  
Chairman Stanley Walch

DOCKET 1157

DATE OF HEARING	May 5, 2014
NAME	Wesley Wedemeyer
DESCRIPTION OF PROPERTY	44 Conway 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 determined a hardship exists and the decision of the Building Official was reversed and the variance granted per the site plan dated 4/22/2014.

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# ORIGINAL

ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE  
LADUE, MISSOURI

IN THE MATTER OF:                    )  
  )  
WESLEY WEDEMEYER                    ) Docket No. 1157  
44 CONWAY LANE                        ) (Continued from April 7, 2014)  
LADUE, MISSOURI 63124                )

Monday, May 5, 2014

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



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A P P E A R A N C E S:

BOARD MEMBERS:

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

Also Present:

- Mr. Michael W. Gartenberg, Deputy Building  
Commissioner
- Mr. James Schmieder, Building Department
- Ms. Nancy Spewak, Mayor
- Mr. John King, Attorney for Appellant
- Ms. Susan Wedemeyer, Appellant
- Mr. Wesley (Denny) Wedemeyer, Applicant
- Ms. Kim Waldman, Resident
- Mr. Clay Vance, Vance Engineering

Court Reporter:

Bobbie L. Luber  
Registered Professional Reporter #9209  
Missouri CCR #621  
Illinois CSR #084.004673  
Bobbie Luber, LLC  
P.O. Box 31201  
St. Louis, MO 63131  
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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

5                   CHAIRMAN WALCH: Good afternoon, and  
6 welcome to the Ladue Zoning Board of Adjustment  
7 hearings. My name is Stan Walch. And we have three  
8 cases to be heard today. I will started today's  
9 proceedings with some general procedural matters that  
10 will be incorporated in the record of the zoning  
11 appeals we will hear today. Those are Docket Numbers  
12 1157, 1159 and 1160. Before doing so, however, I want  
13 to introduce the members of the board and some other  
14 dignitaries in the crowd.

15                   On my far right, Elizabeth Panke, Liza  
16 Forshaw. Stan Walch and Robbye Toft and John  
17 Shillington. And, also, our mayor is with us today,  
18 Nancy Spewak. She is sitting right over there. And  
19 up on the dais we have Jim Schmieder, who is with the  
20 building department. And we have Mr. Gartenberg,  
21 Terry Gartenberg, who is --

22                   MS. FORSHAW: Mike.

23                   CHAIRMAN WALCH: Mike Gartenberg, who is  
24 the Deputy Building Commissioner.

25                   So the first procedural matter is the Code

1 of Ordinances of the City of Ladue will be  
2 incorporated in the record by reference in all three  
3 docket numbers. The Zoning Code of the City of Ladue,  
4 which is Ordinance 1175 as amended, will be used by  
5 the board as a basis for reaching our decision in  
6 these three appeals. And it will be marked as Exhibit  
7 A and included in the record of all three docket  
8 numbers I just read.

9 Now, as part of the process of the appeals  
10 we will hear this afternoon I will explain how this  
11 board works. The appellant in each case will be given  
12 an opportunity to present reasons why he or she feels  
13 that a variance is warranted based on practical  
14 difficulties or undue hardship. Reasons of economic  
15 consideration and self-inflicted hardship will not be  
16 considered by the board.

17 We may have questions of each appellant.  
18 Following that, any member of the audience who wishes  
19 to address the case will be heard. Then the portion  
20 of the hearing for public comment will be closed and  
21 the board will discuss the matter amongst ourselves  
22 and we will try to arrive at a decision this  
23 afternoon.

24 After discussion -- after the discussion is  
25 over when we get to the closed section, I will ask if

1 any member of the board wishes to prepare a proposed  
2 motion to approve the requested variance. If a motion  
3 is proposed and seconded the board will vote on that  
4 motion. Otherwise, I will simply ask the board to  
5 vote on whether the requested variance should be  
6 granted. Four out of the five members of the board  
7 must vote in favor in order to approve a variance.

8 Finally, the board has visited the sites  
9 for each of the appellants right before this meeting.  
10 Since we know what it looks like, the appellant need  
11 not spend a lot of time trying to describe the  
12 physical circumstances of the site.

13 Now the first case, which is a continuance  
14 from the April 7 meeting, Docket Number 1157,  
15 concerning an addition which violates Sections V, A,  
16 (1) and (7) of Ordinance 1175. And I will do so by  
17 first asking Mr. Gartenberg to explain the reason or  
18 reasons the plans were disapproved so the audience and  
19 the members of the board will have a clear  
20 understanding of the issues of that case.

21 MR. GARTENBERG: Yes, sir. Let me give a  
22 little background to that.

23 At the last meeting, April 7th meeting, the  
24 Zoning Board of Adjustment continued this hearing  
25 concerning a proposed addition to a corner lot located

1 at the intersection of Conway Lane and Pebble Creek  
2 Road. The property is an existing nonconforming  
3 property. The existing structure encroaches 30.26  
4 feet into the required 50-foot front yard at Pebble  
5 Creek Road. The existing accessory structure coverage  
6 in that front yard exceeds the 30 percent national  
7 allowable established by the zoning code also.

8 An existing nonconforming accessory  
9 structure is located in that required front yard of  
10 Pebble Creek Road also.

11 The zoning code prohibits the main building  
12 and accessory building from being located in that  
13 required front yard.

14 The proposed improvement on the plans  
15 reviewed by the board last month reflected an  
16 encroachment of 9.3 feet into the required front yard  
17 on Conway Lane, and 33.45 feet into the required front  
18 yard on Pebble Creek Road.

19 They also reflected an increase in the  
20 Pebble Creek Road front yard coverage.

21 As a follow-up to last week's -- last  
22 month's meeting, the applicant submitted a revised  
23 plan for the Zoning Board of Adjustment's  
24 consideration. And those are what you have before you  
25 today.

1           These plans reflect a 3-foot encroachment  
2 into the required front yard of Conway Lane, and a  
3 37.80 foot encroachment into the required front yard  
4 at Pebble Creek Road. An increase in the Pebble Creek  
5 Road front yard coverage is indicated also.

6           So we are still dealing at this meeting  
7 with the same three issues, encroachment into the  
8 Conway Lane front yard. Encroachment into the Pebble  
9 Creek front yard. And the side coverage of the Pebble  
10 Creek front yard. They have been revised as I  
11 indicated, and they have been reduced. The three  
12 considerations are there for the board's  
13 consideration.

14           CHAIRMAN WALCH: Mr. Gartenberg, just for  
15 the record, is this a situation where there are two  
16 required front yards because it's on a corner?

17           MR. GARTENBERG: Correct. What looks to be  
18 a driveway over on the north side of the road is in  
19 fact a platted road, Pebble Creek Road.

20           CHAIRMAN WALCH: Thank you. All right.  
21 Next I'm going to have to put some documents in the  
22 record. I notice Mr. King gave me some numbered  
23 exhibits, but he may use the numbered exhibits in his  
24 presentation, but our method here is to do it by  
25 alphabetical exhibit numbers.

1           So the first one will be the public notice  
2 of this hearing.  Actually it's the second.  The  
3 public notice of this hearing, and that will be marked  
4 as Exhibit B.

5           The denial letter -- well, that's already  
6 been marked as Exhibit C.  In fact, I believe all of  
7 this was probably at the first hearing, is it not?

8           MR. KING:  Yes.

9           CHAIRMAN WALCH:  So I think we can skip  
10 that and move right along to the appellant's  
11 presentation.

12           MR. KING:  Do you want to swear in the  
13 people who will be testifying?

14           CHAIRMAN WALCH:  Yes.  I think we should do  
15 that.

16           (At this time Mr. King, Susan Wedemeyer,  
17 Wesley Wedemeyer, and Clay Vance were sworn in by the  
18 court reporter.)

19           MR. KING:  Mr. Chairman, members of the  
20 Zoning Board of Adjustment, my name is John King.  I'm  
21 an attorney, and I'm here this afternoon representing  
22 Susan Wedemeyer and her husband.

23           I think that you have -- some of the board  
24 has heard this, but I don't think, Mr. Walch, you have  
25 heard it all.

1                   They presently own a home over at 44 Conway  
2 Lane. It has two frontages, which Mr. Gartenberg said  
3 was Conway Lane and Pebble Creek. That goes back to a  
4 house that's located back here, and also goes back, a  
5 driveway that comes into the house that's located  
6 adjacent to them on the south.

7                   As you can see, this is the lot that they  
8 have. So there is a second hardship. The first  
9 hardship being the two front yards is a corner lot.  
10 And the second hardship is the odd-shaped lot that  
11 they have at this location. And that's about, in all  
12 of my years doing this kind of work, I have never seen  
13 a lot this odd shaped or shaped like this ever in my  
14 many years of zoning.

15                  If you will note, their backyard takes up  
16 about half of the front yard, or about 40 percent of  
17 the front yard of the house adjacent to it. What they  
18 do, they have -- Mr. and Mrs. Wedemeyer have a deal  
19 with the Carlsons, or have an agreement with the  
20 Carlsons, that they keep this area cut and landscaped.  
21 They split the cost of that landscaping and the mowing  
22 and et cetera.

23                  This house, the third hardship that we  
24 would point out would be that there is no bathroom or  
25 master bedroom on the first floor. So to bring the

1 house up to date in the event -- and they have no idea  
2 of selling it today, but to bring it up to what I  
3 think are the standards here in Ladue and to be able  
4 to sell this house, they are going to have to have at  
5 least a bathroom and master bedroom located on the  
6 first floor.

7           We have a garage that's located right here.  
8 And as you can see, that garage is way past the  
9 building line, and it is about the same -- in fact, it  
10 is the same distance just slightly ahead of what our  
11 addition is that would be right here.

12           That addition sticks into the front area of  
13 the front yard setback of Pebble Creek, and we also  
14 are in this front yard right here. Now we show 3  
15 feet. We would like to have 5 feet, but that will be  
16 explained by Mrs. Wedemeyer when she explains to you  
17 the changes we have made and what we had done with  
18 this plan.

19           There was also some talk about being able  
20 to build back here, but we don't want to do that to  
21 the Carlsons at this time because that would really be  
22 devastating to take this and put it here in the front  
23 yard.

24           I have given you exhibits. The first  
25 exhibit I gave you is a letter from Mrs. Wedemeyer.

1 The second exhibit is a letter from Mr. and  
2 Mrs. Wedemeyer.

3 The third exhibit I have given you is the  
4 number of people who have signed a petition in favor  
5 of this zoning. Both Mr. Carlson -- Mr. and  
6 Mrs. Carlson, and Mr. and Mrs. Mark Abels are adjacent  
7 to this lot. They both are in favor of this.

8 If you look at this Exhibit 3 you will see  
9 that the names of -- all the names and addresses of  
10 the people within Conway Lane Association have signed  
11 this. Those that have a little small circle in front  
12 of them are all the people who have signed in favor of  
13 this petition. And you can see that -- on this, that  
14 most people in the subdivision have said they are for  
15 it.

16 The next exhibit that I have is the exhibit  
17 of what we had originally proposed and Mrs. Wedemeyer  
18 will explain that. This has changed, Exhibit 4 has  
19 changed substantially. This is Exhibit 4. We have  
20 changed that substantially. At the board's suggestion  
21 we have eliminated this area right here, and attached  
22 this right up against the house so as to reduce the  
23 square footage.

24 Here is the new exhibit that we have. This  
25 is the architect's rendering, freehand rendering of

1 what we have done.

2 CHAIRMAN WALCH: That's the view from Deer  
3 Creek Lane?

4 MR. SHILLINGTON: Pebble Creek.

5 CHAIRMAN WALCH: Pebble Creek.

6 MR. KING: Yes. And this is the garage  
7 back here, as you can see.

8 The other thing I have given you and marked  
9 as an exhibit is the aerial taken from the county maps  
10 showing you what their lot is. And if you will look  
11 at this, this is their lot right here. You can see  
12 what a odd-shaped lot this is right here.

13 Adjacent to the north is Mark Abels' home  
14 that is right up against the Pebble Creek roadway, and  
15 then our home is not quite up there. It's within a  
16 pretty good distance, or close to it. We also, to the  
17 west, you can see that we have a pretty good setback.

18 The other thing I provided you, I did not  
19 mark it, but it was a letter that we received recently  
20 from an appraiser who lives in the subdivision, and he  
21 was kind enough to send this letter without any  
22 prompting whatsoever. He just thought this was a  
23 letter you all should see.

24 So we are providing this, this is the  
25 improvement right here. And Mrs. Wedemeyer, Susan

1 Wedemeyer will present to you the architect's  
2 rendering of what it looks like and the floor plan to  
3 show you why we are doing it.

4           The last thing I would point out, and I  
5 know this is not considered a legal hardship, but  
6 Denny Wedemeyer recently had his leg amputated due to  
7 juvenile diabetes, and he had to have his leg  
8 amputated, and their only full bathroom, full bath, is  
9 upstairs. He has to climb the stairs to get to the  
10 bathroom and the bedroom upstairs. He has changed,  
11 and now needs sleeping downstairs on the first floor,  
12 and we would provide a master bedroom and a full bath  
13 in this area right here. And Susan will show you that  
14 on the floor plan. Susan.

15           MRS. WEDEMEYER: I guess you all have the  
16 exhibit in front of you.

17           MR. KING: Show them.

18           MRS. WEDEMEYER: At the last hearing, and  
19 Mr. Walch was not here, this is the drawing that we  
20 presented. And the drawing contains a 9 foot -- 9.7  
21 foot -- no, maybe it's just 9 foot building part in  
22 here. One, for architectural reasons, the architect  
23 said the setback would modify this and make it look  
24 better. But clearly that put us further over the 50  
25 foot setback.

1 I don't know if it's been mentioned before  
2 in your conversations or not, our setback is 50 feet.  
3 Our neighbor's across the street is 40 feet.

4 CHAIRMAN WALCH: I was aware of that.

5 MRS. WEDEMEYER: Okay. It's odd in  
6 different regions of Ladue. Particularly the women,  
7 and I had to identify with that because it's simple to  
8 just take this out. And with this 9-foot addition  
9 contained, and you have this in the original drawings  
10 that you had last time, was a sitting area, where  
11 either you could sit and read or watch television or  
12 if there was a need for a helper they could sit and go  
13 in the bedroom. That's gone.

14 And the other part was a large walk-in  
15 closet which is now eliminated in the new plan. And  
16 Mr. Gartenberg, with all due respect, I don't like  
17 closets too.

18 The new plan contained the new master  
19 bedroom and bathroom. One of the things that I have  
20 done between the last hearing and this hearing is be  
21 in touch with Paraquad, with ADA, and the architect  
22 consultant who helped plan accessible houses. The  
23 last one is a consultant whose help we would use as we  
24 get into working drawings. But I have these. I'm not  
25 going to take your time to get them out, but

1 essentially to plan for a wheelchair in the event that  
2 Denny would need a wheelchair again, either  
3 temporarily or permanently. You would draw a circle  
4 about the size of a nickel here to get access for the  
5 wheelchair to turn around. And maybe a dime -- no, a  
6 nickle. I have it in the scale, I will get it if you  
7 like.

8           You need a circle for a wheelchair to turn  
9 around both between the bed and the bathroom and  
10 between the bed and the closet. And you also need  
11 accessibility in a bathroom for a wheel chair to turn  
12 around and to fit in this spot next to the toilet.

13           So I have consulted with ADA and Paraquad  
14 and Mike Houlihan, who is, himself, in a wheelchair  
15 actually. I think he's an architect.

16           But that's the way we changed it and the  
17 reason these rooms, you know, we could probably  
18 squeeze them down to our building line, but they would  
19 not work for us and so we would not be able to live in  
20 this house under these circumstances.

21           And I have some thoughts on why I don't  
22 think this sets a precedence, but I will hold them  
23 back.

24           In summary, I think the combination of this  
25 odd lot, this odd-shaped lot, which was built before

1 any setback lines were introduced in the City of  
2 Ladue, that combination, the personal needs  
3 combination, and a driveway which is a paper street  
4 labeled Pebble Creek, it is our driveway. As far as I  
5 know we pay tax on the land under the concrete.

6 It should be -- it should have been changed  
7 by now by the county. I don't know if that's a  
8 process we are going to undertake or not.

9 But that's essentially what we have done to  
10 change the plans, and we ask your forbearance if we  
11 could say -- I don't know if you can say a 3 to 5 foot  
12 variance. I want to get the architect to exactly make  
13 sure we have enough room, but it would not be more  
14 than 5 feet. Is that an explanation?

15 CHAIRMAN WALCH: Does anybody have any  
16 questions of Ms. Wedemeyer?

17 MRS. WEDEMEYER: Thank you.

18 CHAIRMAN WALCH: You are welcome to stay  
19 seated.

20 MR. WEDEMEYER: Thank you. Visually we  
21 don't think this is going to change the looks of the  
22 house. It's nice, pleasant, and it's going to have  
23 the same windows formation as the present one does,  
24 and I believe most of you have seen the house.

25 I would ask this body to take into

1 consideration the testimony a month ago, in April, of  
2 the five neighbors who live immediately around us.  
3 They are all very favorable. One who is not immediate  
4 to the west is Kim Waldman, and she is a trustee of  
5 our Conway Lane Association.

6 MRS. WEDEMEYER: And if I may just add,  
7 thank you for reminding me, in your papers you have a  
8 letter from the Conway Lane trustees. And in the last  
9 hearing, Mr. Walch, Kim Waldman, a trustee, spoke up.  
10 She had been asked by the head trustee, James Lamont,  
11 to sign a letter requesting that you do not grant a  
12 variance. Kim Waldman was here at the last meeting  
13 and she was not willing to sign that letter. She came  
14 over to City Hall. She looked at all the  
15 qualifications. She came to the last hearing and  
16 spoke favorably. So the letter from the Conway Lane  
17 Association was really not -- I believe the panel did  
18 not see it as credible evidence representing the lane.  
19 And I have spoken to every person on Conway Lane and  
20 on Pebble Creek -- excuse me, and on Ingleside and  
21 Maryview. And to a person -- there has been no one  
22 who has said he or she objects.

23 I also had the plans, the new plans that  
24 you have, spread out on my dining room table, and  
25 invited everyone to stop by between 5:00 and 7:00

1 o'clock on two nights in April. And both Jim Lamont  
2 and Dianna Francis, the trustees who actually did  
3 write that letter, were there, and they both said  
4 well, 3 to 5 feet, we might be able to go along with  
5 that. I did not ask them to sign my petition because  
6 I didn't want to.

7 CHAIRMAN WALCH: This was the person who  
8 objected?

9 MRS. WEDEMEYER: These are two trustees out  
10 of three. What I'm saying to you is, even the two  
11 trustees who did write the letter backed off a little  
12 bit. I asked Dianna Francis if she would please write  
13 the planning committee a letter either rescinding or  
14 saying she has changed her mind about that. I don't  
15 think she did. I called Jim this morning to find out  
16 if there were any letters.

17 But your letter here that prepares someone  
18 to come before you asks to take in mind the most  
19 adjacent neighbors. We have taken in mind all the  
20 adjacent neighbors.

21 The other thing the letter said that Denny  
22 reminded me of was that it would change the character  
23 of the neighborhood. And I have been in the  
24 architectural and design business. I have sold many  
25 projects, and this will not change the architectural

1 character of a lane that is a motley crew -- a motley  
2 collection of houses. And to a planner it would look  
3 crazy, but to a buyer the lane is charming. Our  
4 houses sell there overnight.

5 So thank you for your recent consideration  
6 of our request.

7 MR. KING: I think, Mr. Chairman, the other  
8 thing is, by evidence of the number of signatures and  
9 the people who have spoken in favor, that gives you a  
10 good idea about how the neighbors feel about this  
11 development.

12 CHAIRMAN WALCH: Do you have another  
13 gentlemen who wants to speak up?

14 MR. KING: Yes. He is going to explain the  
15 coverage.

16 State your name, please.

17 MR. VANCE: Clay Vance, Vance Engineering.  
18 Mr. Gartenberg was correct about the site coverage.  
19 However, this drive, you subtract this driveway out,  
20 even with the addition the coverage that's due to  
21 their house is only 25 percent. As it is today  
22 without the addition on it would be 30 percent  
23 including this, it's about 20 percent without it.

24 MR. GARTENBERG: Let me speak to that issue  
25 if I can. Our ordinance speaks to accessory

1 structures in a required front yard or in an actual  
2 front yard. The reason it speaks to only accessory  
3 structures is because the primary structure is not  
4 supposed to be in the front yard.

5 In the case of this particular property, I  
6 have looked at it from the perspective that all  
7 structures that are in that front yard which would go  
8 across the entire Pebble Creek Drive frontage, whether  
9 they are accessory structures or primary structures,  
10 they provided that coverage just as a point of  
11 clarification.

12 MR. VANCE: The only thing I was pointing  
13 out is that this coverage is -- really goes with this  
14 lot. This coverage that would be used by this lot  
15 here is, it's all a technicality and I don't think it  
16 would make any difference one way or the other. But  
17 that -- I did want to point that out.

18 CHAIRMAN WALCH: Okay. Thank you,  
19 Mr. Vance.

20 MS. TOFT: I think there is someone in the  
21 back who wanted to speak to the case who hasn't been  
22 sworn in.

23 CHAIRMAN WALCH: Well, let's let the  
24 appellant complete their presentation first.

25 MS. WALDMAN: I just wanted to --

1                   CHAIRMAN WALCH:  Would you come forward to  
2  be sworn in.

3                   (At this time Ms. Waldman was sworn in by  
4  the court reporter.)

5                   MS. WALDMAN:  I just wanted to acknowledge  
6  her talking about me and I was sitting in the back.

7                   I can't speak for the letter that was  
8  written, and then having to talked to Dianna Francis  
9  after she wrote it because I felt that she  
10  misrepresented all of us.  And in speaking with her  
11  she did say it was not her intent, and that she did  
12  not disagree with the plans as they were written.  She  
13  just said that she wanted to go on record saying that  
14  it could possibly, by agreeing, it could, you know,  
15  start a trickle-down effect.  So she wanted to go on  
16  record that she didn't say she was against it or for  
17  it.

18                   That's the way she wrote that, and she  
19  acknowledged she didn't misrepresent by saying "the  
20  trustee."

21                   CHAIRMAN WALCH:  Any questions of this  
22  witness?  Thank you.

23                   MR. KING:  We are open for any questions.

24                   CHAIRMAN WALCH:  I'm going to ask, does  
25  anybody else wish to comment on this case, any member

1 of the public? It appears not. So I will declare the  
2 public portion of this hearing closed and we will  
3 start our discussion.

4 I will say, to me it appears that the lot  
5 itself permits a classic case of hardship. This is  
6 literally no -- other than building in front of the  
7 neighbor's house so they couldn't see the street,  
8 there is no other way to do anything with this  
9 property. It's one of the most peculiar lots I have  
10 ever seen. I don't know if anybody else on the board  
11 shares that thinking, but that's my opinion.

12 MS. TOFT: I don't know that we have ever  
13 been presented with a parcel that is this irregular.  
14 If we have been, I assure you it did not have two  
15 front yards. I know it was not an existing  
16 nonconforming structure, and I know it didn't have  
17 someone else's driveway across that parcel. I think  
18 you win the contest for the most number of hardships  
19 and extraordinary conditions.

20 I would like to say for the record, I don't  
21 believe that Ladue considers it a hardship to not have  
22 a master bedroom suite on the first floor. And if  
23 this would be interpreted by finding, that there would  
24 be -- if we want to talk about floodgates, we would  
25 have a whole bunch of people coming in thinking they

1 would be entitled to a variance for the master bedroom  
2 suites on the first floor. And so I can't go along  
3 with you on that, and I specifically would state on  
4 the record I don't believe we have ever found that to  
5 be a hardship.

6 CHAIRMAN WALCH: I would agree with that.  
7 That's not a hardship.

8 MR. KING: I have got enough other ones.

9 MS. TOFT: I think the applicant has  
10 responded to the concerns by taking out the 9-foot  
11 breezeway, or whatever you want to call it. A 3-foot  
12 encroachment is modest.

13 I do think it's quite notable when we are  
14 talking about front yard coverage, that being the  
15 Pebble Creek side, that the neighbor immediately to  
16 the north is on the property line, and so I think -- I  
17 think given this is effectively more like a private  
18 lane, the whole front yard coverage issue should be  
19 given some leniency. But I also think it's  
20 particularly awkward given that so much existing is  
21 nonconforming that the primary house is being counted  
22 in coverage, and I don't think we have ever had that  
23 before, although I have never seen a circumstance like  
24 this. I don't think the coverage issue should be much  
25 of a barrier to granting the variance.

1 MS. PANKE: I will also say thank you for  
2 responding to the encroachment. The 3 feet is a much  
3 smaller encroachment than the 9 foot sitting room.

4 I do appreciate that the bathroom, even  
5 though it sticks out in the front of the house, it is  
6 less than the existing garage, so you are creating a  
7 little U there. And if you want that sitting room you  
8 can come in front of the sitting room -- the sunroom.

9 I would -- I don't know that this has  
10 anything to do with what we are allowed to talk about,  
11 but I would encourage you to look at the elevation of  
12 Conway Road and ask your architect to make that as  
13 charming as the rest of the houses on the street.

14 MRS. WEDEMEYER: May I respond? That side  
15 view is not correct. It's a nice large window instead  
16 of that little thing.

17 CHAIRMAN WALCH: Does anybody care to make  
18 a motion?

19 MS. TOFT: I would make a motion,  
20 Mr. Chairman.

21 Mr. Chairman, I would move the following:  
22 On the basis of the evidence presented we find that a  
23 hardship exists and the decision of the building  
24 official should be reversed and a variance granted  
25 according to the plans dated April 22nd, 2014.

1 MS. FORSHAW: I would like to ask a  
2 question before we vote. I'm a little confused as to  
3 whether what we are looking at is in fact what you  
4 want us to use, because I think in some of the  
5 discussion you said the variance might be 3 to 5 feet.

6 MR. KING: We went to 3 feet, but after  
7 Susan talked to the Paraquad they said it would be a  
8 lot more flexible and easier to deal with if it was 5  
9 feet as opposed to 3 feet, for us to deal with -- for  
10 their family to deal with.

11 MS. PANKE: Can we vote on something that's  
12 not --

13 MS. TOFT: Well, I don't know that we --

14 CHAIRMAN WALCH: We can grant a variance  
15 subject to a condition not to exceed.

16 MS. TOFT: Well, 3 to 5 feet. The last one  
17 was 10 feet.

18 MS. PANKE: 9 feet over.

19 MR. KING: I think our petition states it's  
20 greater than 5, I know that, the original petition,  
21 that this was based on.

22 MS. PANKE: It was 9.

23 MR. GARTENBERG: 9.3 feet was the original.

24 MS. PANKE: 3 foot addition.

25 MS. FORSHAW: I will point out the

1 encroachment toward Pebble Creek Road is no greater  
2 than the existing encroachment of the garage, and so  
3 it's not especially troublesome. The encroachment  
4 toward Conway is probably -- probably the addition  
5 would be sticking out farther than the other  
6 structures up and down Conway. And so we are  
7 sensitive to how much that encroachment would be  
8 increased.

9 CHAIRMAN WALCH: Well, there has been a  
10 motion made.

11 MS. FORSHAW: Before us for the 3 foot.

12 MS. TOFT: Yes. That's what the motion was  
13 for. I was using the 4/22 site plan.

14 MR. SHILLINGTON: We can amend it 3 to 5.

15 MS. TOFT: My concern would be by doing so  
16 we may lose one or two votes. And I guess I could  
17 feel -- is that correct?

18 MS. PANKE: I think we need to vote on what  
19 we are being presented with, not something that might  
20 be.

21 MS. TOFT: Well, I think we could --

22 CHAIRMAN WALCH: We could do an amendment.

23 MS. TOFT: The question would be, would we  
24 lose enough votes that we wouldn't have four votes?

25 MR. KING: You can vote up to 5 feet, but

1 3, you can vote on 3.

2 MS. TOFT: My motion is based on the plan  
3 with 3 feet. And what I'm saying is if we push it to  
4 5 feet, I don't know if you are going to get four  
5 votes.

6 MR. KING: 3 feet is fine.

7 MS. TOFT: My motion, Mr. Chairman, would  
8 be with a 3-foot encroachment on the Conway Lane front  
9 yard as noted on the site plan dated April 22nd, 2014.

10 CHAIRMAN WALCH: Is there a second?

11 MS. FORSHAW: Second.

12 CHAIRMAN WALCH: Second to that motion.

13 Motion has been made and seconded. We will vote on  
14 that motion. How do you vote?

15 MS. PANKE: Aye.

16 MS. FORSHAW: Aye.

17 CHAIRMAN WALCH: Aye.

18 MS. TOFT: Aye.

19 MR. SHILLINGTON: Aye.

20 MR. KING: Thank you very much.

21 CHAIRMAN WALCH: Good luck with your  
22 project.

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CERTIFICATE OF REPORTER

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