

DOCKET 1157

DATE OF HEARING	April 7, 2014
NAME	Wesley Wedemeyer
DESCRIPTION OF PROPERTY	44 Conway Lane
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a fence which violates Sections V, C, 1, (a) & (b) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the hearing was continued to allow the applicant to revise their plan.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, April 7, 2014

DOCKET 1157
44 Conway Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, April 7, 2014, at City Hall.

The following members of the board were present:

Ms. Robbye Toft, Vice-Chair
Ms. Liza Forshaw
Ms. Elizabeth Panke
Mr. Fred Goebel
Mr. John Shillington

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

Vice-Chair Toft 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, April 7, 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)


Robbye Toft, Vice-Chair

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ZONING BOARD OF ADJUSTMENT
CITY OF LADUE
LADUE, MISSOURI

IN THE MATTER OF:)
)
WESLEY WEDEMEYER)
44 CONWAY LANE)
Ladue, Missouri 63124)

Monday, April 7, 2014

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BOBBIE 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: )  
 )  
WESLEY WEDEMEYER )  
44 CONWAY LANE )  
Ladue, Missouri 63124 )  
  
Monday, April 7, 2014

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

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

- COUNCIL MEMBERS:  
Ms. Robbye Toft, Chairman  
Ms. Liza Forshaw  
Mr. Fred Goebel  
Ms. Elizabeth Panke  
Mr. John Shillington

- Also Present:  
Mr. Michael Wooldridge  
Mr. Michael W. Gartenberg

- Susan Wedemeyer  
Wesley Wedemeyer  
Kim Waldman  
Carol Carlson  
Erle Broughton

- 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  
(314) 993-0911

ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE  
LADUE, MISSOURI

IN THE MATTER OF: )  
 )  
WESLEY WEDEMEYER )  
44 CONWAY LANE )  
LADUE, MISSOURI 63124 )

BE IT REMEMBERED that on the 7th day of April, 2014, hearing was held before the Zoning Board of Adjustment of the City of Ladue, Missouri, at Ladue City Hall, 9345 Clayton Road, in the City of Ladue State of Missouri 63124, regarding the above-entitled matter before Bobbie L. Luber, Certified Court Reporter, Registered Professional Reporter, Certified Shorthand Reporter, a Notary Public within and for the State of Missouri, and the following proceedings were had.

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

CHAIRPERSON TOFT: At this time I will call Docket 1157, the application of Wesley Wedemeyer, 44 Conway Lane, requesting relief of the ruling of the building commissioner who declined to issue a permit for an addition which violates Sections V, C, 1, (a) and (b) of Zoning Ordinance 1175.

If you would like to take a seat, we have a little bit of official business before having you sworn in.

Would the building official please explain the reason or reasons the plans were disapproved so that the audience and members of the board will have a clear understanding of the issues in this case?

MR. GARTENBERG: Yes, ma'am. The subject property is actually a corner lot located at what is shown to be the intersection of Conway Lane and Pebble Creek Road. The addition that is being proposed to us actually encroaches into each of those 50 foot front yard setbacks.

There is a site plan, which is included, which shows that it actually leaves a remaining 16 and a half feet on Pebble Creek Road frontage, which is

1 actually somewhat comparable to the existing frontage  
2 or front yard setback that exists there today. And it  
3 does actually encroach approximately 10 feet into the  
4 50 foot front yard, which is required, onto Conway  
5 Lane.

6 CHAIRPERSON TOFT: Mr. Gartenberg, for  
7 purposes of this hearing and as far as the City of  
8 Ladue is concerned, are these considered to be one --  
9 is this one lot or two lots that we are looking at  
10 here?

11 MR. GARTENBERG: Well, from information  
12 provided to us, the way the application is, it  
13 certainly appears to be one lot. There is a signed  
14 and sealed survey on Survey Solutions, LLC which shows  
15 it as one property. The city clerk made mention to me  
16 earlier today of information on the county website  
17 indicates that there could possibly be two properties  
18 because there are two locators. So it might help if  
19 you get some clarification from the applicant this  
20 afternoon as to what might be leading to that  
21 information.

22 CHAIRPERSON TOFT: For purposes of our  
23 obligations under the zoning code, are there any  
24 additional considerations that we need to focus on  
25 that this is in fact two lots rather than one?

1 MR. GARTENBERG: Well, it does cause the  
2 property to be a smaller property as to two lots, as  
3 opposed to one. The side setbacks are the same. The  
4 front yards are the same. It does not impact that  
5 part.

6 CHAIRPERSON TOFT: Thank you very much.  
7 The following documents will be included in the record  
8 as exhibits in this appeal.

9 The public notice of this hearing will be  
10 marked Exhibit B.

11 The denial letter from the building  
12 official, dated March 7, 2014, will be marked as  
13 Exhibit C.

14 The list of residents to whom the notice of  
15 public hearing has been sent will be marked as Exhibit  
16 D.

17 The appellant's letter requesting a  
18 variance, dated March 12, 2014, and any other letters  
19 in support or opposition to the request for a  
20 variance, which will be marked as Exhibit E.

21 I have -- I have never understood,  
22 Mr. Wooldridge, why you reference those as Exhibit E,  
23 but they are also referenced as Exhibit G. Do you  
24 care if I mark it one way or the other?

25 MR. WOOLDRIDGE: No.

1 CHAIRPERSON TOFT: I have been provided two  
2 letters, one in the form of an email, and I will mark  
3 that as Exhibit E. It is from Anita Lamont to  
4 building@cityofladue, dated Monday April 7, 2014, at  
5 10:18 a.m. regarding follow-up, planning and zoning  
6 consideration.

7 Good morning, Mr. Schmieder. Over the  
8 weekend, this trustee was notified by several  
9 residents who wish to remain anonymous, voicing their  
10 opposition to granting a variance for Number 44 Conway  
11 Lane. Residents at Number 50 Conway Lane were denied  
12 a variance on two separate permit applications several  
13 years ago, because of the proximity to Pebble Creek  
14 Road. Sincerely, J.E. Lamont, trustee.

15 We have a letter dated April 4, 2014, which  
16 will also be marked as Exhibit E from the Conway Lane  
17 Association Trustees to James Schmieder, MPA, Building  
18 Department and Code Enforcement, City of Ladue.

19 Dear Mr. Schmieder. The trustees of Conway  
20 Lane Association have recently been notified of a  
21 Planning and Zoning Board meeting regarding the  
22 property at 44 Conway Lane. While we are sympathetic  
23 to the circumstances that prompt the request for a  
24 zoning variance, we are concerned that approval of the  
25 variance could set a precedent, encourage additional

1 requests, and change the character of the  
2 neighborhood.

3 In addition, this plan is nearly identical  
4 to one presented by the previous property owner,  
5 Mrs. Marie Macheca approximately 8 to 10 years ago  
6 which was denied by the Ladue Planning and Zoning  
7 Board.

8 We appreciate your consideration.

9 Sincerely, Conway Lane Association  
10 Trustees.

11 The entire file pertaining to the  
12 application, including all memoranda from staff and  
13 consultants to the Zoning Board of Adjustment and the  
14 City of Ladue will be marked as Exhibit F.

15 Mr. Wooldridge, you have given us the two  
16 letters I have just read. Are there any further  
17 letters?

18 MR. WOOLDRIDGE: There is no further  
19 correspondence.

20 CHAIRPERSON TOFT: Thank you. At this time  
21 would the appellant or anyone else who wishes to speak  
22 to the appellant's case please come forward at this  
23 time and give your name to the court reporter, and she  
24 will swear you in. This includes any members of the  
25 audience who may wish to speak to this case, if we

1 could swear everyone in at one time, and then we will  
2 let the appellant speak first, and then you will be  
3 given an opportunity to speak.

(At this time the appellant and members of  
the audience were sworn in by the court reporter.)

CHAIRPERSON TOFT: At this time I will  
allow the appellants to present their case, and then I  
will call the members of the public who wish to speak.  
You may proceed.

MR. WEDEMEYER: May it please the members  
of the board. My name is Denny Wedemeyer. I'm one of  
the two applicants here.

Before I proceed, our reasons are pretty  
much outlined in our letters and I think they are  
obvious. First, I would like my wife to show you a  
photograph so you have it. I know you have all been  
by and so you know what it looks like. Just so you  
can see the photographs.

And then next, I don't want to start being  
objectionable, but I guess I have to. Only today, by  
accident were we aware of two emails from one of our  
neighbors, Jim Lamont, who lives maybe 100 -- 120  
yards down the lane from us -- he lives in the front  
of the lane, we live in the back -- saying that he had  
talked to some members of the lane who wished to

1 remain anonymous, who objected to what we are doing by  
2 means of this addition of a bathroom and a bedroom.  
3 He doesn't say who they are, but they wish to remain  
4 anonymous. Then he sends another letter, email, to  
5 this board purporting to be from the Conway Lane  
6 Association Trustees, and that the trustees said that  
7 they are going -- this was going to change the  
8 character of the neighborhood. We don't think it's  
9 going to change the character of the neighborhood. It  
10 is in keeping with the Williamsburg style exactly when  
11 it was built in 1926.

This house is a 1500 square foot house. It  
says on the plat, or wherever it is, it has got a one  
and a half bathroom. It does not have one and a half  
bathrooms. It has one bathroom. The lavatory  
downstairs is a lavatory that is half the width of  
this table here. All that will fit in there is a  
toilet. So it is basically a loo. We are a one  
bathroom house. It's upstairs. It's very modest.  
It's very small.

Now, Mr. Lamont, who sent this, obviously,  
says it's on behalf of the Conway Lane Association  
Trustees. The names of those trustees are not given  
to you. They are nowhere listed on this letter. You  
would think that he would have thought to do that. So

1 we know their reasons. We know who the trustees are,  
2 Susan and I. And we have spoken to the other two, and  
3 they expressed no objection. And one of them, in  
4 fact, is here today and will testify that she does  
5 not.

So Mr. Lamont is sending this to you. It  
is normally signed letters, and that's the reason you  
put signatures on letters, that it's an attestation of  
what is in the content, the subject of the letter is  
true. But we do not know.

We know Mr. Lamont was invited here, but he  
declined to come. It would have been nice so he could  
come up, along with our other neighbors, to tell what  
exactly his problems are. He seems to know about  
other people who have had variances denied, but we  
can't -- Susan and I can't compete against someone who  
had an application for a small swimming pool five  
years ago. They are completely different.

Now, the primary reason set forth in the  
letter is medical. My problem. I have been a Type 1  
juvenile diabetic for 55 years. One thing about  
diabetics is they tend to themselves. They tend to  
lose eyesight. They tend to lose liver, pancreas.

I have been relatively healthy, but in  
recent years I have been losing toes, foot, and now a

1 leg. I think conceivably in the next year or two I  
2 will lose the other leg.

Our house has a strange configuration.  
Normally in situations like that you get one of those  
automatic stairways that go up. But our stairs are  
not configured that way. Two steps go up due north,  
and then you take a right-hand turn, four steps go up  
due east -- no, wait, north -- north, east, yes, and  
then eight steps go up by themselves. You cannot put  
one of those chair lifts on something like that. So  
we are faced with a situation that in probably a short  
period of time I'm going to need a bathroom  
downstairs, and I'm going to need a bedroom  
downstairs. That is the sole reason for this.

Now, we have got a few other things to  
figure out if this variance is granted. But it would  
certainly be helpful to me, and we don't think from  
what you have been provided there, it is the exact  
Williamsburg architecture with which the house was  
designed back in 1926 before there were setback lines  
or even -- our driveway actually used to be called  
Pebble Creek Road. And it used to go down to the  
Pebble Creek and then up to Warson Road. And that got  
cut off some years ago. But we share a driveway with  
two neighbors. One, Don and Carol Carlson. Carol is

1 here today. And another family named Grace. The  
2 Abels are also next door and they have no problem with  
3 it.

    We are just curious how Mr. Lamont can  
4 claim that he has talked to people who are unnamed.  
5 Mr. Lamont, he has never been down to our part of the  
6 lane. I don't know how he can have a problem with it,  
7 but apparently he does, and he apparently has an  
8 objection to other people doing whatever they want  
9 with their houses.

10 My wife, Susan, is here, and she has a  
11 photograph. My wife has been in the building business  
12 for some years, or was at one time, and she knows  
13 about the design and what's going into it.

14 MRS. WEDEMEYER: First, if I may approach  
15 you with two other letters. This letter I should have  
16 brought, or I should have asked the Abels to send it  
17 to City Hall. That's from Mary and Mark Abels written  
18 on the 29th. And this letter is from Carol Carlson,  
19 who is here today. I have a few copies. I have  
20 copies explaining what Denny just said about his  
21 amputation.

22 He can walk up the stairs now to the  
23 bathroom. And he does that with help. I help him up  
24 the stairs and help him with his prostheses, but it's  
25

1 getting harder.

2 I guess from what you said earlier, this  
3 committee isn't necessarily concerned with those kinds  
4 of issues, and so I won't take your time on that.

5 As far as the architectural plan goes, you  
6 received the elevation, the front elevation, and we  
7 think it's very much in keeping with the house,  
8 especially with the bedroom/bathroom in it. And it's  
9 connected by the setback section.

10 The architect, Donna Boxx, explained this,  
11 it would be more much pleasing to the eye, and  
12 aesthetically consistent with the architecture to have  
13 a setback with one continuous elevation, and that's  
14 the reason for that look of the setback.

15 As far as the site plan goes, as we said  
16 before you started this part of the session, this is  
17 actually -- is 40.7 feet back from the -- from Conway  
18 Road -- Conway Lane. Conway Lane is actually on the  
19 side of our house. So this is kind of a variance on  
20 the side of the house, even though it's the front of  
21 the lane if you want me to say it in adjectives, it's  
22 quite charming.

23 The Pebble Creek Lane part that's marked on  
24 this Pebble Creek Road, that is our driveway and it  
25 is -- we have always thought our land, owned by us,

1 maintained by us, the maintenance is shared by the  
2 people who use the driveway, the Carlsons, and  
3 sometimes Debbie Drace (phonetic). She doesn't  
4 participate in a lot of things with the lane or with  
5 taxes with the City of Ladue.

6 Now, to explain this lot situation to you.  
7 Do you see the driveway to the Carlson's house? I  
8 think it's hard for me to do here. We actually -- the  
9 Carlson's driveway is an easement into their garage,  
10 and the Pebble Creek that's listed -- it says in this  
11 survey as an easement, which becomes our driveway and  
12 I had thought is our property.

13 The reason we had two lots is the easement  
14 of the Carlsons' separates that second little lot from  
15 the first little lot. So we have two tax bills and I  
16 guess that means there is two lots. But one -- do you  
17 know the dimensions of that second lot? It's on here.

18 CHAIRPERSON TOFT: I think it's about 54  
19 feet.

20 MRS. WEDEMEYER: 50 by 50 maybe. It's  
21 shared by the Carlsons and us for all practical  
22 purposes for planting and maintaining.

23 So this addition allows us to put in a  
24 master bedroom and full bath which will include a  
25 handicapped access tub and shower, and egress from the

1 master bedroom to the outside.

2 One of the situations that we have now is  
3 if we were to have a fire and be sleeping on the  
4 second floor, it would be a very difficult emergency  
5 exit. I have thought about it, and I have planned it,  
6 and we have a plan in mind, but it's difficult.

7 And if we are limited to the first floor,  
8 this will be an absolute necessity, or we will have to  
9 go somewhere else.

10 Your package shows a west elevation. There  
11 is one thing that is not correct on the west elevation  
12 and I'm sorry I didn't have it changed, but we have  
13 two windows. This roof pitch actually will allow the  
14 two upstairs windows to show. So the west elevation  
15 plan will actually be very much the same as it is now,  
16 if not more handsome than it is now. Then out between  
17 this house, the west elevation, we have a whole garden  
18 of trees before the road.

19 It seems like a very simple addition. My  
20 explanation may be too simple, but that's it.

21 And I sent a letter to Kim Waldman, who is  
22 here, and is on the board of trustees. I think maybe  
23 she wants to speak, and we asked all of our neighbors  
24 to feel welcome to come by and look at the plans.

25 One thing Denny said by accident, we

1 actually came here before the meeting to see if there  
2 was anything we should know about or anything we  
3 should bring. So we got that from the City of Ladue.

Thank you.

4 MR. WEDEMEYER: Thank you. I think that  
5 may be the only one-bathroom house in our city. We  
6 want to double it.

7 MRS. WEDEMEYER: It was sold to us as a one  
8 and a half bath house. And Denny is right. It is  
9 like a loo on an airplane.

10 CHAIRPERSON TOFT: People were probably  
11 smaller back then.

12 MRS. WEDEMEYER: Do you have any questions  
13 for us?

14 CHAIRPERSON TOFT: I will ask, do the  
15 members of the board have questions of the applicants  
16 at this time?

17 MR. GOEBEL: Not at this time.

18 MS. FORSHAW: There is a letter in the  
19 file. There is a memo from Mr. Schmieder that  
20 indicates that the proposed addition would encroach  
21 9.3 feet over the front yard setback from Conway Lane  
22 and 33.35 feet over the front yard setback from Pebble  
23 Creek Road, but the memo does not tell us by how much  
24 you would exceed the -- the coverage, the yard

1 coverage restriction of 30 percent.

2 MRS. WEDEMEYER: I don't know the answer to  
3 that.

4 MS. FORSHAW: Mr. Gartenberg, do you have  
5 any idea?

6 MRS. WEDEMEYER: May I add one thing?

7 MR. GARTENBERG: That was my -- my  
8 interpretation of the site plan that I received was  
9 this was one property. That being the case, I did not  
10 anticipate that was -- that was an issue.

11 Now I'm looking at this. I must say,  
12 looking at the site improvements further to the east,  
13 a calculation of this could possibly yield that as  
14 being an encroachment as well.

15 If in fact the property is two properties  
16 as has been suggested, that could compound that issue  
17 as well.

18 CHAIRPERSON TOFT: I'm sorry,  
19 Mr. Gartenberg. I was trying to follow you. Are you  
20 saying that we do have a coverage issue, whether it's  
one lot or two?

21 MR. GARTENBERG: Well, I don't know. I  
22 don't know. I took a look at this and I believe the  
23 property to the east, the portion of the property to  
24 the east complicates -- looking at it now, I don't

1 know for fact that is truly correct. The issue came  
2 up earlier today about the possibility of this being  
3 two properties rather than one could be more  
4 significant for the western property, the one where  
5 the existing home is if it is two properties.

6 MRS. WEDEMEYER: For all intents and  
7 purposes, it is one property with an easement of the  
8 driveway for our neighbors. These were all built as a  
9 family plot years ago. And the easement of their  
10 driveway divides it into two lots. We certainly  
11 bought it as one property.

12 And the other thing I wanted to clarify.  
13 It is 9. -- help me with this, 9.3 -- it's 40.7 feet  
14 back -- setback. The setback on our side of the lane  
15 for some reason is 40 feet, and on the other side --  
16 is 50 feet, and on the other side of the lane is 40  
17 feet. So many of the houses on the other side of  
18 Conway Lane are less than 50. They are at 40 feet or  
19 less.

20 CHAIRPERSON TOFT: So when you are saying  
21 the other side, that would be the west side of Conway?

22 MRS. WEDEMEYER: Correct. Conway Lane.

23 CHAIRPERSON TOFT: So our record is  
24 straight.

25 MR. WEDEMEYER: I forgot one thing, because

1 I heard something in your brief notation about medical  
2 conditions about self-imposed or not self-imposed.

3 CHAIRPERSON TOFT: I don't mean to suggest  
4 that your medical condition was self-imposed.

5 MR. WEDEMEYER: I know it's in the language  
6 if someone goes there.

7 CHAIRPERSON TOFT: I don't think that was  
8 the intent at all.

9 MS. FORSHAW: To go back to  
10 Mrs. Wedemeyer's point. Are you saying that houses  
11 across Conway Lane have a shorter front yard setback  
12 than yours?

13 MRS. WEDEMEYER: Yes. It's in a different  
14 zone. This is Carol Carlson, who has been on the  
15 board of trustees. She is not now, but Kim Waldman  
16 who is on the board of trustees.

17 MS. CARLSON: The other side of the street.

18 CHAIRPERSON TOFT: I'm going to ask  
19 Mr. Gartenberg, if you are looking at the zoning map  
20 of the City of Ladue, would it be the case that homes  
21 on the west side of the road, Conway Lane, would be in  
22 a different zoning district?

23 MR. GARTENBERG: And I believe that is  
24 correct. What I do want to point out to the board and  
25 I wanted to confirm this being in the C district

1 having a 50-foot front yard setback. So Pebble Creek  
2 being here, Conway Lane here. From Conway Lane, what  
3 is being proposed to be 40 feet from the right-of-way.  
50-foot setback line is shown here. I will get this  
closer, John, so you can see as well.

6 So the 50-foot setback line shown here; on  
7 the Pebble Creek portion, this property in this area  
8 is actually less than 50 feet deep. This property  
9 that lays here along the eastern side is about 55  
10 feet.

11 So the -- when we talk about encroachment  
12 in the front yard, the addition on the front yard, you  
13 can see in its entirety it's in the Pebble Creek front  
14 yard.

15 The 30 percent maximum coverage would  
16 basically be a rectangular area coming back 50 feet on  
17 the east and west sides, and then running parallel to  
18 the Pebble Creek right-of-way line, or property line.

19 So, yes, this proposed addition does  
20 increase the degree of nonconformity with regard to  
21 site coverage. The buildable portion of this  
22 property, as you can see by deduction, is really just  
23 a small area that exists on the -- to the south of the  
24 existing home.

25 CHAIRPERSON TOFT: So effectively,

1 virtually none of the existing structure is built  
2 within the building contour.

3 MR. GARTENBERG: Correct.

4 MS. PANKE: It's in the front yard setback.

5 MR. GARTENBERG: It's in the Conway Lane  
6 front yard setback.

7 MS. PANKE: Is it possible to go halfway,  
8 does the property line go halfway?

9 MR. GARTENBERG: This shows as being a  
10 property line right here. It doesn't show as being a  
11 easement. There would be a -- a 10-foot setback over  
12 here and about 20 feet of buildable width over in this  
13 area is what would be left in the building envelope.

14 CHAIRPERSON TOFT: I am going to, at this  
15 time, read into the record, and, sorry, you are going  
16 to have to listen to me a bit more, the two letters  
17 that have just been presented by the applicants. I  
18 will mark these as Exhibit G.

19 The first is to the Zoning Board and to  
20 members of the City Council from Carol Carlson.

21 We, Don and Carol Carlson at 40 Conway  
22 Lane, are the closest neighbors to 44 Conway Lane  
23 owned by Susan and Denny Wedemeyer. As the neighbors  
24 most affected by the proposed addition at 44 Conway  
25 Lane we want to go on the record saying that we

1 heartily approve the planned addition. Reason, we  
2 feel, the addition will enhance both properties giving  
3 a look of separation rather than looking at 44 with a  
4 guest house of 40 as many had thought. Also, as  
5 proposed, we think it will hardly make any difference  
6 from the view of Conway Lane. The surrounding  
7 neighbors are in agreement.

8 Regarding the precedence setting, a  
9 variance is just that, a variance, something that must  
10 be reconsidered and judged each time the situation  
11 comes up. I believe there have been numerous such  
12 variances in Ladue each judged on its own merits.

13 In short, we hope the Wedemeyers -- we hope  
14 for the Wedemeyers and ourselves that the proposal  
15 will be accepted. Respectfully yours, Carol Carlson.  
16 With the addition that adding any addition would bring  
17 the house comparable to the rest of the homes on the  
18 lane.

19 The second letter is dated March 29th,  
20 2014, from Mark and Merri, M-E-R-R-I, Abels,  
21 A-B-E-L-S, 50 Conway Lane.

22 We are the owners of the property adjoining  
23 the northern edge of property owned by Denny and Susan  
24 Wedemeyer at 44 Conway Lane. We have reviewed the  
25 Wedemeyers' plan for an addition to the west side of

1 their house. We are comfortable with the plan and we  
2 feel that this addition to their house would enhance  
3 our neighborhood and we encourage the city to approve  
4 the Wedemeyers' request for a variance so they can  
5 proceed with construction.

6 Thank you. Mark B. Abels and Merri Ann  
7 Abels. And there are copies for every member of the  
8 board. Okay.

9 At this time I would like to ask if there  
10 is any member of the public who wishes to address this  
11 case?

12 MS. WALDMAN: I will.

13 CHAIRPERSON TOFT: If you would be kind  
14 enough to state your name for the record before you  
15 begin speaking.

16 MS. WALDMAN: Kim Waldman. And I am a -- I  
17 live at 10110 Ingleside, right next to Mr. Lamont. I  
18 am also one of the Lane trustees.

19 I came down when Jim told me. I was not  
20 notified through planning and zoning of the variance.  
21 They have an older trustee of record. So I sent out a  
22 letter with all the information for the meeting and  
23 all, and I went and spoke with Susan, and looked at  
24 her plans. I came and talked with Jim and looked at  
25 the plans and went over to the Wedemeyers' house to

1 look to see exactly what it was. While there we  
2 looked at all different scenarios. Could you redo the  
3 steps? Could you go through the back? Could you do  
anything other than ask for the variance?

5 In being inside and talking with them and  
6 seeing the layout, to me it is a huge safety issue by  
7 not having a first floor exit plan to be able to get  
8 Mr. Wedemeyer out, or Susan for that matter.

9 I happened to go the day after that huge  
10 storm. And so it kind of brought it to my attention.  
11 They were going to have French doors on the back so  
12 they can get out.

13 It does not have a first floor master bath  
14 or bedroom. It has one bathroom for all intents and  
15 purposes. So I think for the value it could bring the  
16 home, if they stayed or when they leave, it would  
17 definitely increase the value to have this addition.

18 And I think aesthetically, their house sits  
19 perpendicular when everybody else sits horizontal to  
20 the lane, as you know. So I believe the whole house  
21 has all along been a variance. And I'm not sure that  
22 30 percent building, I think it probably doesn't meet  
23 that as it exists today.

24 I think with the addition, what it would do  
25 by going back the 9.3 feet over the encroachment of

1 50 -- I did speak with Jim when I was looking at the  
2 plans, and the houses on the west side have a 40-foot  
3 setback. And so they would -- this addition would  
4 conform with the whole setback on the whole west side  
5 of the lane.

6 Their house, some people had emailed me and  
7 talked to me about possibly the domino effect, if this  
8 person asked for one, then someone else will ask for  
9 one. And I really don't see that because as I stated,  
10 the Wedemeyers' house sits perpendicular versus  
11 horizontal. So unless -- if someone wanted to put on,  
12 you know, a front porch or something to that effect, I  
13 really don't see where it would become a domino  
14 effect.

15 I do want to go on record. Jim Lamont came  
16 to my home on Saturday, not the 4th, the 5th,  
17 presented to me a similar letter to what he submitted.  
18 He had all three of our names on it. I told him I did  
19 not want my name on it. I wanted to come to the  
20 hearing. I wanted to listen to what everybody said  
before I made a decision one way or another. And I  
22 had not spoken with the Wedemeyers yet. And so he  
23 said, you won't sign it? I said, no, I did not want  
24 to sign it.

25 And I get here and see what Susan had

1 gotten, and it said all the Lane trustees. There is  
2 three of us. I do take -- I am opposed to him  
3 submitting that when I specifically asked for it not  
4 to be done. He and I did have a conversation.

5 I did sit on Planning and Zoning in my  
6 former residence at Warson Woods, and so I'm familiar  
7 with how everything works. And I wanted to keep an  
8 open mind. And I do, as a trustee, do think it will  
9 increase the value of our neighborhood. It will  
10 conform, I believe aesthetically, architecturally. I  
11 think it will, even though I'm not supposed to think  
12 personally, I think it will personally benefit them,  
13 but I even think going down the line for resale, you  
14 know, with people that are moving in and who is moving  
15 in, et cetera, I do think that will be a benefit.

16 CHAIRPERSON TOFT: Can I ask you, who is  
17 the other trustee from the Conway Lane?

18 MS. CARLSON: It is Diane Francis.

19 CHAIRPERSON TOFT: And do you know what her  
20 position is?

21 MS. CARLSON: Interesting. Jim told me  
22 specifically that because of her relationship with the  
23 Wedemeyers she was for the variance.

24 CHAIRPERSON TOFT: So of the trustees, it's  
25 your understanding that it's only Mr. Lamont who

1 opposes this?

2 MS. CARLSON: Yes. I can't speak for  
3 Diana. I can only tell you what Jim had originally  
4 told me. He basically said she didn't know but she  
5 felt she couldn't because she has a personal  
6 relationship. She, herself, has gotten a variance for  
7 her home. So she has benefited from presenting to you  
8 all and been awarded a variance.

9 I do -- I am a little taken aback that he  
10 would say that after I asked for him not to say it.  
11 But to me, because it meets what the other side of our  
12 lane, if we all look at one lane, that it does meet  
13 within that 40 feet setback. And I would think that  
14 that would be a benefit, and it's not going to  
15 conform, I don't think, no matter what you do, it  
16 doesn't appear to conform. For most of the variance  
17 for the Pebble Creek Road, there is no road. It's a  
18 driveway. It dead ends into a big mud backyard of  
19 someone else's home at the end. It's not a lane. And  
20 my understanding is the Wedemeyers pay taxes on it.  
21 It goes almost up to the Abels' house to about this  
22 close to their residence. Thank you.

23 CHAIRPERSON TOFT: Thank you very much. Is  
24 there anyone else who would like to address this case?

25 MS. CARLSON: I'm Carol Carlson. I don't

1 know if this is pertinent except that the last time it  
2 was mentioned in Dr. Lamont's letter that it had been  
3 turned down when Ms. Macheca lived there. However,  
4 when that was presented we didn't know it was being  
5 presented. We were out of town. I may have been a  
6 trustee at the time. I can't even remember. But  
7 basically no one else really knew about it, and no one  
8 made a proper presentation as is being done. I hope  
9 this is proper presentation. And we were not  
10 consulted at all.

11 As you all saw, our house is the one that  
12 is most affected by it. And we think that this would  
13 not only be -- make the house a more viable house for  
14 anyone living there, certainly Denny and Susan, but we  
15 have been a -- have had a very cooperative arrangement  
16 ever since they have lived there and I feel that it  
17 would enhance the house.

18 I would venture to say that no one will  
19 even notice that it has added a bit onto the side  
20 because of the way you look at that house.

21 CHAIRPERSON TOFT: Thank you very much.

22 MR. GOEBEL: Can I ask, how long have you  
23 lived in your home, Ms. Carlson?

24 MS. CARLSON: We have lived there 24 years.  
25 And we lived there with Mrs. Macheca, and realized

1 that she, too, needed the same sort of things. She  
2 just went into a nursing home. That was her --  
3 unpleasant. But they didn't -- and the house, again,  
4 as Susan said, it was a property owned by the same man  
5 that built our house, and he built these houses for  
6 his daughters. And it was just a compound, more or  
7 less, which was beyond -- before any regulations, and  
8 Pebble Creek Road, which I wish we could get that  
9 changed because it is no longer a road, and it's  
10 merely a driveway. And so as far as setback from that  
11 place, it doesn't seem to fit.

12 MRS. WEDEMEYER: Our driveway has a little  
13 name of its own. I don't know if it's official.

14 MS. CARLSON: Somebody named it.

15 MS. WALDMAN: Shady Hill.

16 MR. WEDEMEYER: Another point of interest.  
17 Ms. Macheca, she was a delightful lady. She lived in  
18 that house for 57 years, for your record.

19 CHAIRPERSON TOFT: Thank you.

20 MS. BROUGHTON: Hi. My name is Erle  
21 Broughton. And I have lived at 19 Conway Lane  
22 diagonal from their house. And we have a big side  
23 yard that is almost adjacent to the beginnings of the  
24 Carlsons and this driveway.

25 We bought our house in '98. I too remember

1 when Mrs. Macheca first came forward, we heard about  
2 it after the fact, that the variance would certainly  
3 cause issues about other people wanting a variance.

4 I was a new owner of the house and I  
5 thought, fine, that makes sense. This does not.  
6 Anybody who has seen our lane knows that their house  
7 was there first. We were bought and made into houses  
8 way after. This house was the house at that lane. We  
9 were fields. In fact, my mom grew up in Picardy Lane  
10 and her sister had a horse, and she rode around Conway  
11 Lane with all the fields and places where she could  
12 ride her horse. So their house was first.

13 I am an appreciator of historic property.  
14 I wanted to be a historic preservation person for that  
15 reason.

16 I think their house is absolutely  
17 beautiful, wonderful appeals of heritage that Ladue  
18 would be thrilled to have. When we are in the busy  
19 tearing down of ranch houses and building horrible,  
20 ugly different kinds of houses in our city, I think  
21 that's more of a problem. I would love to have their  
22 house preserve some of the history of this city with  
23 the Williamsburg details that it has. They have done  
24 nothing but make the house even better since they  
25 bought it. Everything from landscaping to fences to

1 painting to the decorative, you know, detail. The  
2 Wedemeyers are a wonderful addition to our lane, and  
3 so are the people who live in it. The house is an  
4 addition, and so are the people. We love them. And  
5 we don't want to force any kind of problem. I think  
6 they deserve to have this variance.

7 It will do nothing but enhance our  
8 properties. And being adjacent to this, I think that  
9 every one should give them that kind of attention.

10 CHAIRPERSON TOFT: Thank you very much. Is  
11 there anyone else who wishes to speak to this case?  
12 Seeing no indication I will -- does any member of the  
13 board object to my closing the public portion of the  
14 meeting?

15 MR. GOEBEL: Do we know when the house was  
16 built originally?

17 MR. WEDEMEYER: I think 1926.

18 MS. FORSHAW: Also, is there a topographic  
19 reason why your proposed addition goes to the west  
20 instead of the south? Is it a question of terrain?

21 MRS. WEDEMEYER: South, it would be right  
22 into the Carlsons' yard.

23 MS. CARLSON: We would object to that.

24 MRS. WEDEMEYER: We would not even ask them  
25 to do that. We have a three-sided glass porch.

1 MS. WALDMAN: It sits perpendicular. It's  
2 because the way the house sits.

3 MRS. WEDEMEYER: We wouldn't consider an  
4 addition there. That's like our front yard. Their  
5 front yard is our front yard from the back, if you  
6 will.

7 I also have information on Diana Francis if  
8 you want me to add to that question. She is out of  
9 town. She was out of town on April 4th. I spoke to  
10 her weeks ago, and she told me about the issue she had  
11 with her variance, and then she told me about the  
12 builders and how they worked around things, and she  
13 expressed no opposition whatsoever.

14 CHAIRPERSON TOFT: Thank you very much.  
15 Did you have a question?

16 MS. PANKE: I don't know if this is a  
17 question, but you are adding -- I mean it's really  
18 charming. You are adding on essentially a two-piece  
19 addition, the little piece in between which forces you  
20 exactly 9 feet over the setback. But did you consider  
21 not doing the 9 feet little piece in between, just  
22 taking the whole side of the house out 14 feet and  
23 have your same size bedroom? And then you would not  
24 be over.

25 MRS. WEDEMEYER: We could consider that.

1 And if our variance is not granted we might consider  
2 that. However, it will not be as architecturally  
3 interesting, number 1. And number 2, it would  
4 considerably change the closet size in the master  
5 bedroom. I want to make that closet size smaller  
6 anyway, but for this purpose it stands as it is.

7 CHAIRPERSON TOFT: Does any member of the  
8 board -- does any member of the board have any  
9 objection to my closing the public portion of the  
10 hearing? Okay. The public portion of the meeting is  
11 now closed. Does anyone wish to lead off with this  
12 discussion?

13 MR. SHILLINGTON: It's interesting to me  
14 that the only objection that I saw, it seems to lack  
15 credibility. Everybody else seems to be for it,  
16 except one person.

17 Also, I have been in that area a number of  
18 times. Pebble Creek Road, I'm sure it was called that  
19 at one time. It really isn't a street. It has no  
20 address on it. And so therefore my opinion is it's  
21 not a corner lot. So even though, I don't think that  
22 setback of Pebble Creek has a bearing on it.

23 And finally, although we are not involved  
24 with the interior use of the house, in this particular  
25 situation I think it's quite different. It's a safety

1 situation there as well as health situation. I think  
2 that could vary a lot.

3 MS. PANKE: I'm going to say the opposite.  
4 That when you come down Conway Lane, the houses are  
5 all pretty much set back, and then this one would be  
6 coming forward. I will give you all the side yard on  
7 Pebble Creek, that doesn't concern me, but this one  
8 would stick out and it would stick out exactly the 9  
9 feet that you have of your little reading room.

10 And so I'm wondering if that couldn't be  
11 revised to stay within the -- to stay further within  
12 the setback.

13 MS. FORSHAW: Well, the main hardship with  
14 this lot is the two front yards, and it's a very small  
15 house. And there just aren't a lot of places to go  
16 with it for an addition. I agree it's -- while it's  
17 architecturally charming, it's just very small for  
18 current usage, and this addition would do a lot to  
19 maintain the property value as well as it being  
20 functional for the owners.

21 The -- I think it's also relevant that all  
22 but one of the statements by neighbors have been  
23 supportive, and that this setback would be more or  
24 less consistent with the setbacks across the street on  
25 Conway.

1 Elizabeth does make a point about exceeding  
2 the setback on the same side of Conway with the  
3 neighboring houses, and perhaps consideration should  
4 be given to eliminating the extra space that causes it  
5 to jet out.

6 But generally I think we have granted many  
7 variances in the past in situations where there are  
8 two front lots of the property -- front yards.

9 CHAIRPERSON TOFT: Fred, I don't mean to  
10 cut in front of you, but does anybody really have  
11 problems with the Pebble Creek Road given the existing  
12 garage that encroaches even more on Pebble Creek Road?  
13 Fred, do you?

14 MR. GOEBEL: I'm not sure I'm following  
15 your question.

16 CHAIRPERSON TOFT: We have two front yard  
17 setbacks. One being Pebble Creek, the other being  
18 Conway Lane. Does the proximity to Pebble Creek given  
19 the existing house and the existing garage, the way it  
20 comes forward?

21 MR. GOEBEL: Yes. I think we need to  
22 recognize that it's not a variance that's just in one  
23 axis.

24 CHAIRPERSON TOFT: Yes. In recognizing  
25 that, does it bother you that it encroaches roughly 10

1 feet in the Pebble Creek setback?

2 MR. GOEBEL: Yes.

3 CHAIRPERSON TOFT: Could you tell me why?

4 MR. GOEBEL: I look at this and, you know,  
5 in some ways even I don't care if it was 1926, clearly  
6 the land sale relationships of these homes is a  
7 nightmare because the buildable area for the  
8 applicant's home allowable space within all the  
9 setbacks happens to be in someone else's front yard.  
10 But the neighbor whose front yard it is is not here to  
11 get a variance, and in fact, interesting enough, is in  
12 support of this.

13 But the applicants have all their rights to  
14 build within their own property. It could be that the  
15 builder had some plan for how his family was going to  
16 live many years ago. I guess people have all moved  
17 on. I assume the applicants have only lived in the  
18 home for seven years. You know, they are not a 30 or  
19 40-year resident of this house.

20 And where you lived before, I mean, there  
21 were probably some indications of health problems that  
22 might have to be addressed, but how you do that on  
23 this house is a challenge. It's a very small house on  
24 a very small lot with some very complex geometry to be  
25 adjacent to the property. The ordinance doesn't take

1 account of necessarily what -- what can you build on  
2 the allowable land.

3 If it was built on allowable land they  
4 wouldn't even be here in front of our committee.

5 MS. FORSHAW: The house already encroached  
6 a great deal onto the Pebble Creek setback.

7 MR. GOEBEL: Well, I mean, they have the  
8 option to build on their own land.

9 CHAIRPERSON TOFT: To build to the south.

10 MR. GOEBEL: That's perfectly allowable  
11 aside from the aesthetic concern. But that concern is  
12 not a matter of this variance. I mean, we are asking  
13 the neighbors what their opinions are and share what  
14 that is. But if they build on the allowable land,  
15 suddenly what would not need a variance would be very  
16 much in discussion.

17 CHAIRPERSON TOFT: Objectionable to the  
18 neighbors.

19 MR. GOEBEL: Objectionable to the neighbors  
20 even though it conforms entirely with what is being  
21 done here on the property.

22 So, I mean, the fact that we are getting  
23 closer to the setbacks on Pebble Creek Road, it may be  
24 a private lane, it may be all these things, I  
25 understand that. But, you know, for our purposes we

1 are not in the business of changing the land ownership  
2 or property understanding of the city of Ladue. I  
3 mean, for us, it's final. The front yard is a front  
4 yard, and a side yard is a side yard. And if our  
5 departments have determined this is what they are,  
6 then these are the parameters within which our  
7 committee functions. I don't think we have the  
8 discretion here to reinvent what the front looks like.

9 CHAIRPERSON TOFT: And I wasn't clear with  
10 my question. What I was intending to ask, given you  
11 have an existing garage that encroaches even more on  
12 the Pebble Creek front yard, does this addition  
13 offend you? Do you know what I mean?

14 MR. GOEBEL: It's not a question of  
15 offending me. It's just an understanding that what we  
16 are ruling on has not just one dimension. It's not  
17 just a setback off Conway Road. It's a variance  
18 asking for a setback also off of Pebble Creek Road. I  
19 mean, in that case there is only -- there is only 19  
20 feet to begin with. And now that dimension would  
21 become 16 feet on the primary house, even though the  
22 garage itself is only -- is only 10 feet. How that  
23 was ever allowable is not clear to me in 2014 from  
24 something built in 1926. And that takes nothing away  
25 from the design of the existing house. It's a very

1 charming house. The design of the addition is very  
2 nice and very charming. It's just that it takes no  
3 account of the dimensions and allowable building areas  
4 of the property.

5 You could design a handsome home, but if  
6 you design it for a 100-foot width and you only have  
7 50 foot, I mean, some things you just can't do because  
8 of the setbacks.

9 I mean, again, our board is not looking at  
10 aesthetics. We are not here to, necessarily, as a  
11 primary consideration to build a value of a home, but  
12 to use the zoning ordinance clearly to establish some  
13 community setbacks for how the building should be  
14 sited on the site.

15 If there some hardship that results because  
16 of the age of the property, it would seem to me to be  
17 some of the things further down Pebble Creek Road, not  
18 necessarily in the Conway Lane frontage. But to not  
19 be about to use -- for some reason not use available  
20 building land to build an addition on that's available  
21 because of this, I guess I'm not tracking why -- why  
22 we would want to approve something that does that. If  
23 there is buildable land, why it wouldn't be considered  
24 some way to make an aesthetic design for it. Why the  
25 hardship has to result in moving forward on the

1 property is not yet clear to me.  
 2 CHAIRPERSON TOFT: You are saying because  
 3 there is an available building envelope to the south  
 4 you don't see a hardship to encroach on -- what I was  
 5 saying, you don't see the hardship to encroach on  
 6 either Pebble Creek Road or Conway Lane, or you don't  
 7 see the justification for encroaching on Conway Lane?

8 MR. GOEBEL: Not from what we have been  
 9 presented with here before. The only information we  
 10 have about the existing house is it has stairs in  
 11 front, and it has a sunroom around the side. But  
 12 clearly for the health issues that Mr. Wedemeyer has  
 13 there are probably other concerns in terms of  
 14 usability of the house or access to the stairs or  
 15 issues that might go around that.

16 But I don't see anything on the inside that  
 17 are making accommodations. Maybe there are other  
 18 plans for that. But, I mean, there is plenty of room  
 19 to do the addition. You just have to use the proper  
 20 side of the building to do that. And if it's not  
 21 possible to somehow do the addition without  
 22 encroaching in the front setback further, I guess I  
 23 would be surprised if that were the case. We haven't  
 24 seen any effort here about how that might be done.

25 CHAIRPERSON TOFT: The reason for my

1 question is I was trying to see if there was a  
 2 compromise that could be struck, and I was trying to  
 3 flush that out given the existing garage and how  
 4 significantly it encroaches on the Pebble Creek  
 5 setback. If we could agree on a variance that would  
 6 allow to encroach on Pebble Creek but perhaps not on  
 7 Conway Lane, but given that it -- am I making sense?

8 MS. PANKE: I don't think we have to since  
 9 the house is so far into the setback. The setback is  
 10 50 feet and the house really is in that. If you want  
 11 to align the front of the house, I would have less  
 12 trouble with that than going with the different area  
 13 of Conway.

14 CHAIRPERSON TOFT: That's what I was  
 15 looking for. If there is a potential that we get four  
 16 votes for a variance, understanding you don't like the  
 17 Conway Lane encroachment and, Fred, I take it you  
 18 object to Pebble Creek, the further encroachment on  
 19 Pebble Creek setback or the Conway Lane setback.

20 MR. GOEBEL: I do. I think it's a very --  
 21 the usable part of the property is a very small lot.  
 22 To me, the part of the property in the back here is  
 23 almost unusable for anything, because for whatever  
 24 reason, the builder and the owners privately agreed to  
 25 allow this other access here to the other properties.

1 So, I mean, practically speaking they have created a  
 2 situation where the lot itself is really only this  
 3 little front portion here.

4 And it's a very charming house on a very  
 5 little lot, but it's pretty finite in how it fills the  
 6 lot currently. It may be a great house for people who  
 7 love historical buildings and has its own charm and  
 8 it's great, but it's sort of a finite house if the  
 9 owners don't want to build to the south or on  
 10 available land. But if they don't want to do that, I  
 11 don't see that as a self-imposed hardship allowing  
 12 them to build in the front into the major street  
 13 setbacks.

14 CHAIRPERSON TOFT: You don't view it as a  
 15 hardship?

16 MR. GOEBEL: No, I don't.

17 CHAIRPERSON TOFT: You said self-imposed  
 18 hardship. You don't view it as a hardship?

19 MR. GOEBEL: No, I don't. I think it's a  
 20 self-imposed hardship. They are setting their own  
 21 criteria whether or not to build to the south out of  
 22 respect for the neighbors. That's fine. But it  
 23 doesn't -- in itself, by them choosing to do that,  
 24 doesn't mean they are allowed to build into the  
 25 setbacks on the other side.

1 It's a complex real estate setup that they  
 2 have got in terms of where these buildings are  
 3 located, but to fix it by building into the front area  
 4 to me doesn't seem like a reasonable thing to do.

5 MR. SHILLINGTON: Is there room to the  
 6 south to put an addition on?

7 CHAIRPERSON TOFT: Yes. The far side of  
 8 Pebble Creek. But they don't want to do that because  
 9 the Carlsons would be --

10 MS. PANKE: There is a sun room there.

11 MS. FORSHAW: I am not bothered by the very  
 12 minor increased encroachment on the Pebble Creek  
 13 setback, because the existing garage is quite a bit  
 14 more, and this 50-foot setback from Pebble Creek does  
 15 not fit the existing improvements at all. So I think  
 16 it's harsh to insist on compliance with that feature.

17 CHAIRPERSON TOFT: I do agree with you in  
 18 that regard. We can vote, we can -- that's why I was  
 19 trying to get a feeling as to Pebble Creek versus the  
 20 Conway Lane.

21 It seems to me we could potentially make  
 22 this into a two vote, we would be willing to grant a  
 23 variance as to Pebble Creek Road and take a vote on  
 24 that, and we would be willing to grant a variance to  
 25 impose on the setback of Pebble Creek Lane, or we

1 could wait for a motion. And if somebody wants to  
2 make a motion that sets forth the encroachment that  
3 they would be amenable to and see if we could get a  
4 second to call for a vote.

5 MR. GARTENBERG: The application for the  
6 project is such that it requires both variances --  
7 both variances.

8 MS. FORSHAW: Furthermore, it would be to  
9 the applicant's advantage, I think, to get a  
10 continuance and resubmit if a modification would be  
11 needed here rather than get a no vote on either of the  
12 variances.

13 CHAIRPERSON TOFT: I think we have come to  
14 the point where I need to talk to you about what your  
15 options are.

16 You have heard that one member is opposed  
17 to either the Pebble Creek or Conway variance. One is  
18 opposed to a Conway variance. It requires four  
19 positive votes. As your application stands, it does  
20 not appear that you can get four positive votes. If I  
21 call for a motion and a motion is made and seconded,  
22 and four votes aren't granted, then you are, A, your  
23 application is denied, and, B, you have to wait for  
24 six months before you can come forward with an  
25 alternative plan.

1 If that is not satisfactory -- what you  
2 would prefer -- you have the option of requesting a  
3 continuance. You can go back to your architect, and  
4 having heard what the discussion is, you can get a  
5 sense of the issues that members of this board have,  
6 and perhaps the architect can come up with an  
7 alternative plan that might not require -- I'm not  
8 saying that might not require encroachment on the  
9 Conway Lane setback or might build it further south.  
10 There are alternatives. We are not here to redesign.

11 So you have a choice at this juncture. If  
12 you would like to ask for a continuance, go back and  
13 meet with your architect and see if there is an  
14 alternative that would not require encroaching both on  
15 the Conway Lane setback and the Pebble Creek setback,  
16 or if you want to go forward I will see if someone  
17 wants to make a motion, and if we can get a second,  
18 and then I will call for a vote. But I think it's  
19 obvious there will not be a variance granted because I  
20 don't think you will be able to get four people to  
agree to encroach on Pebble Creek and Conway Lane.

21 MR. WEDEMEYER: Has the suggestion been  
22 made that we could build to the south of our property?  
23 That would be right in the middle of the Carlsons'  
24 front yard.  
25

1 CHAIRPERSON TOFT: That is a possibility.  
2 And that is a possibility that would require no  
3 variance. It obviously would not put you in a good  
4 position with your neighbor. But, again, we are in a  
5 predicament where we make a decision. We set  
6 precedence.

7 I didn't bring this up for discussion, but  
8 I don't think that we have ever had a case where we  
9 have considered it a hardship to not have a first  
10 floor master bedroom suite. And you can imagine that  
11 there are lots of homes in Ladue that don't have a  
12 master bedroom suite on the first floor, and for which  
13 there is not a building envelope that would  
14 accommodate that.

15 And so if we would consider it a hardship  
16 that you don't have it, then there are ever so many  
17 people who would be coming in asking for that, and the  
18 encroachments could be even more objectionable than  
19 yours.

20 And so I think that you have heard why  
21 there is a high reluctance and an unwillingness to  
22 determine that the lack of a master bedroom suite on  
23 the first floor constitutes a hardship, and perhaps  
24 there are alternatives. I'm not saying that there  
25 are. Perhaps getting back with your architect.

1 Having heard the thoughts of people, you understand  
2 the perimeters and where there might be some room, and  
3 you might be able to come up with a plan that would  
4 fit your needs. Maybe it's not your optimum plan, but  
5 would suit your needs.

6 MRS. WEDEMEYER: I understand what you are  
7 saying, and I appreciate the way you said it. Really  
8 we should ask for a continuance the way the vote would  
9 come out.

10 I do want to say that I don't think we  
11 could add onto the back without being here for a  
12 variance for three sides, not two. There is not  
13 enough property on the south side to add another room.  
14 We could tear off our three season porch --  
15 four-season porch which we may -- which we built. But  
16 I don't think adding to the south -- not only would we  
17 not do it out of courtesy to our neighbors, you know.

18 This whole house is a variance. If that's  
19 what you have concluded. And the only solution to  
20 this house is to burn it down, or tear it down and  
21 sell the lot for nothing. I mean, as I see it that's  
22 the alternative.

23 I think we should ask for a continuance, go  
24 back to the architect, and I will defer to my husband  
25 in a minute. On the other hand I have to say, a

1 committee that is to hear variances has to take each  
2 variance into consideration, and I know people would  
3 like to have master bedrooms on the first floor. And  
4 maybe you will have ten more as a result of this, but  
5 that's the job of the committee to vote on the  
6 variance. If that's the way you feel about this, so  
7 be it.

8 CHAIRPERSON TOFT: And I appreciate that.  
9 What I will say to you is that my experience has been  
10 that people are sometimes pressed, they get a  
11 continuance, and they come back actually with a plan  
12 they are much happier with. I hope that will be the  
13 case with you, and it may be. And if not, then we  
14 will have -- just have to call for a vote and see how  
15 it comes out.

16 Am I to understand that you do request a  
17 variance at this time?

18 MR. WEDEMEYER: Where are we? We are not  
19 asking for a continuance.

20 MRS. WEDEMEYER: That is what she is  
21 advising.

22 CHAIRPERSON TOFT: I'm asking if you would  
23 like to continue your case, revisit the design, and  
24 then you would not be precluded from coming back  
25 within the next six months.

1 MR. WEDEMEYER: But I'm not sure if we  
2 would do that. What would we be asking the architect  
3 to change, on which side? I mean, on the west side?

4 MRS. WEDEMEYER: Make the addition on the  
5 west side smaller and make no addition on the front  
6 side, or maybe smaller.

7 Those who disagree with the Pebble Creek,  
8 and I'm going to say the City of Ladue should change  
9 that Pebble Creek because it's not Pebble Creek. It's  
10 Shady Lane -- that's where we live -- Shady Hill.

11 But the variance -- the reason -- one  
12 reason for the Pebble Creek variance is -- this is an  
13 aesthetic reason, but it mirrors the garage, which is  
14 a variance, so that you have two structures similar on  
15 each end of the house.

16 But I think we should ask for a  
17 continuation, and then perhaps visit with someone on  
18 the committee about how we should go into this based  
19 on this two-fold problem.

20 CHAIRPERSON TOFT: The building department  
21 would be who you would want to consult with. And, if  
22 I may, sometimes to have your architect here to  
23 articulate all of the considerations that he or she  
24 gave and why this particular design that's being  
25 presented is the only viable option, or the best

1 option in the architect's opinion, that may be of some  
2 assistance and address some of the concerns that  
3 people have.

4 MR. WEDEMEYER: I still don't quite  
5 understand. If there is a Pebble Creek problem, it  
6 can't be surmounted, then that's the end of the story.  
7 But if it's just a matter of three or four feet on the  
8 west side of the proposed addition, maybe we could do  
9 something.

10 MS. WALDMAN: Right now you are going to  
11 get two negatives.

12 CHAIRPERSON TOFT: And I think, if you  
13 heard the discussion, it may very well be that the  
14 little sitting room, walk-in closet addition, if that  
15 could be -- and, again, there might be some option  
16 available to the architect that would end up being  
17 satisfactory to you that would not cause the Conway  
18 Lane encroachment.

19 You have heard the discussion and you  
20 hopefully have a sense of how people feel about the  
21 Pebble Creek Road. And so it requires four out of  
22 five votes.

23 MRS. WEDEMEYER: Is this committee  
24 consistent at every meeting? The chairman's not here  
25 today?

1 CHAIRPERSON TOFT: Not normally. There  
2 might be an effort made to reconstitute the committee  
3 with the people who are sitting here today, depending  
4 upon availability.

5 But I was going to say, is the Pebble Creek  
6 Road something to have an abandonment of roadway? Is  
7 that something the property owners --

8 MR. GARTENBERG: It could be initiated by  
9 the trustees. They actually control Pebble Creek.  
10 Your survey is being a dedicated street, a dedicated  
11 right-of-way actually. If that would be vacated it  
12 would actually accomplish a couple things. It would  
13 not be a front yard at that point, and it would also  
14 create a situation where the adjoining property owners  
15 could enlarge their yards to encumber some of what is  
16 now that dedicated right-of-way.

17 So typically that vacated right-of-way goes  
18 to the adjacent property owners, so it would  
19 accomplish a couple of things.

20 CHAIRPERSON TOFT: When you are speaking of  
21 the trustees, are you talking Pebble Creek or the  
22 Conway Lane trustees?

23 MRS. WEDEMEYER: Not Pebble Creek.

24 MR. GARTENBERG: Actually, having said  
25 that, one of the things we have to be really careful

1 of is what kind of nonconformities it may create for  
2 other properties. The obvious thing in my mind for  
3 you to see this vacated and that would improve your  
4 situation. It actually creates problems for people  
5 who are further to the east, and who may be dependent  
6 on that.

7 MR. WEDEMEYER: What do you mean by vacate?  
8 Do you mean just change the name?

9 MR. GARTENBERG: Actually, cause the  
10 right-of-way to disappear.

11 MRS. WEDEMEYER: In other words, to say  
12 it's our property, or it's Conway Lane's property, or  
13 no one's property?

14 MR. GARTENBERG: Well, instead of it being  
15 Conway Lane's property, it would be the association's  
16 property for travel within it. If they could abandon  
17 that, vacate that. And there is a process by which  
18 adjacent property owners would recover that property.  
19 That would be pretty straightforward.

20 As I look at this in response to the  
21 question, it creates some issues for people who live  
22 further to the east who are dependent on that.

23 MRS. WEDEMEYER: Further to the east or the  
24 north?

25 MS. WALDMAN: The Carlsons, who use that

1 lane.

2 MR. GARTENBERG: By code they are required  
3 to have certain access frontage and buildable lot and  
4 so forth along a street. While this is a relatively  
5 minor, narrow, or small street, and the same holds  
6 true for the right-of-way there, it is by definition  
7 the street, and it shows up that way in the  
8 information that has been provided to us.

9 MRS. WEDEMEYER: I would like to ask some  
10 questions, but I can do those afterwards.

11 CHAIRPERSON TOFT: You have the potential  
12 of creating a flag lot for the Carlsons if Pebble  
13 Creek Road is vacated. This probably is not the venue  
14 to discuss that, but I'm sure Mr. Gartenberg can help  
15 you, or your surveyor or your architect can help you,  
16 because there may be ramifications to property owners  
17 to rely upon Pebble Creek Road to gain access to their  
18 parcels of land.

19 MRS. WEDEMEYER: We have a driveway  
20 agreement with them.

21 CHAIRPERSON TOFT: Believe me, there are  
22 ever so many ordinances that need to be considered  
23 before you do that. And this is the time to do it.

24 If you want to request a continuance, you  
25 just need to make that request, and then we can vote

1 on whether we will grant the continuance.

2 MRS. WEDEMEYER: Could we appeal to one of  
3 the members of the board specifically about --

4 CHAIRPERSON TOFT: No.

5 MRS. WEDEMEYER: I think we have to request  
6 a continuance.

7 MR. WEDEMEYER: For what purpose?

8 MRS. WEDEMEYER: For the purpose of making  
9 this conform to the ordinances.

10 CHAIRPERSON TOFT: Do you wish to request a  
11 continuance?

12 MRS. WEDEMEYER: Yes.

13 MR. WEDEMEYER: Sure.

14 CHAIRPERSON TOFT: I will -- if there is no  
15 objection, we will grant the application for a request  
16 for continuance.

17 MR. WEDEMEYER: Thank you for your  
18 consideration. We are really impressed by your  
19 expertise in these areas.

20 CHAIRPERSON TOFT: You are more than  
21 welcome. Good luck.

22

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1 CERTIFICATE OF REPORTER

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Bobbie L. Luber, RPR, CCR #621

