

DOCKET 1159

DATE OF HEARING	May 5, 2014
NAME	James Foster
DESCRIPTION OF PROPERTY	34 Fair Oaks
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a retaining wall which violates Sections IV, F, (2) 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 3/6/2014.

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

DOCKET 1159
34 Fair Oaks

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 1159**

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 James Foster, 34 Fair Oaks, 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 IV, F, (2) 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

Chairman Walch introduced the following exhibits to be entered into the record:

Exhibit A – Zoning Ordinance 1175, as amended;
Exhibit B – Public Notice of the Hearing;
Exhibit C – Permit denial dated April 14, 2014;
Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from Mr. Foster requesting the variance, and any letters of support.

Exhibit F – Entire file relating to the application;

Mr. Gartenberg explained that the proposed retaining walls exceed the maximum height allowed in a front yard which is in violation of Zoning Ordinance 1175.

Mr. Matt Moynihan, project designer, stated the proposed retaining walls were adjacent to the driveway and were intended to raise the driveway.

Mr. Foster stated the driveway is difficult to navigate particularly at night.

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

Ms. Forshaw stated upon reviewing the property there was clearly a hardship and safety issue with the existing driveway.

Vice-Chair Toft commented the proposed stone retaining walls would be consistent with the neighbor's driveway and would be an acceptable solution to the existing problem.

Ms. Toft moved that based on the evidence a hardship exists and the decision of the Building Official is reversed, and a variance granted based on the site plan dated March 6, 2014.

The motion was seconded by Ms. Panke.

The vote on the motion was follows:

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

Chairman Walch declared the decision of the Building Official was reversed and the variance granted.


Chairman Stanley Walch