

DOCKET 1187

DATE OF HEARING	December 7, 2015
NAME	Mr. & Mrs. Troy Duncan
DESCRIPTION OF PROPERTY	4 Oakleigh Lane
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for an addition which would result in the addition being located in a side yard of the property which is prohibited by Section IV, D, (8), V, C, (1),(a), and V, C, (1),(b) of Zoning Ordinance #1175 which states that nonconforming structures cannot be enlarged unless such enlargement complies with Ordinance #1175 and every part of the required yard shall be open from its lowest point to the sky unobstructed
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the proposed garage addition and covered walkway, by separate motion, due to the existence of a hardship and the decision of the Building Official is reversed.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, December 7, 2015

DOCKET 1187
4 Oakleigh Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, December 7, 2015, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Liza Forshaw
Mr. David Schlafly
Ms. Elizabeth Panke
Mr. Daniel Welsh

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Mayor Nancy Spewak, Ms. Erin Seele, City Attorney

Mr. Walch called the meeting to order at 4:00 PM.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1187**

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 Mr. Troy Duncan, 4 Oakleigh Lane, requesting relief from the ruling of the Building Official denying a building permit for an addition which would result in the addition being located in a side yard of the property which is prohibited by Section IV, D, (8), V, C, (1),(a), and V, C, (1),(b) of Zoning Ordinance #1175 which states that nonconforming structures cannot be enlarged unless such enlargement complies with Ordinance #1175 and every part of the required yard shall be open from its lowest point to the sky unobstructed

The hearing will be held at 4:00 p.m. on Monday, December 7 2015, 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

Mr. 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 October 13, 2015;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated October 12, 2015
- Exhibit F – Entire file relating to the application

(Transcript attached as part of the minutes)

The court reported administered the oath to Mr. Troy Duncan, homeowner of 4 Oakleigh Lane. Mr. Duncan explained the project which consists of a renovation of the existing home and an addition that includes a two-car attached garage and a covered walkway to the existing out building, both of which will extend into the required side yard. He explained that other portions of the addition comply with the setbacks. He stated that the topography on the property slopes significantly to the south. He stated that he does not desire to tear the home down to construct a new home.

Mr. & Mrs. Sackett, 6 Oakleigh Lane, stated that they met with Mr. Duncan and objected to his proposed plan. They stated that they believe there are other options on the property that would allow for proposed improvements to comply with required setbacks. They stressed that Ladue's zoning ordinances exist for good reason and that every effort should be made to comply with those requirements outlined in the ordinance. They suggested that the garage be placed on the southern portion of the home. They questioned whether or not their property value would be negatively impacted.

The Public Hearing was closed.

The Commission discussed the proposed variance. Ms. Panke stated that the views of the southern vista added significant quality to the property and that that vista should not be negatively compromised by adding the garage to the southern end of the property. She stated that the existing garage and driveway are located on the northern end of the home and that function should likely remain in that location.

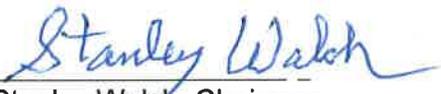
The Commission discussed whether the applicant would consider redesigning the project to lessen the impact in the required side yard. After much discussion, Mr. Walch moved that based on the evidence presented, a hardship exists and the decision of the Building Official will be reversed, and a variance should be granted to construct the improvements consisting of the *proposed attached garage* accordance with the submitted site plan prepared by Mitchell Wall dated October 5, 2015. Mr. Schlafly seconded the motion. Mr. Walch called for a vote and the vote thereupon was as follows:

Mr. Stanley Walch	"Aye"
Ms. Liza Forshaw	"Aye"
Mr. David Schlafly	"Aye"
Ms. Elizabeth Panke	"Aye"
Mr. Daniel Welsh	"Aye"

Mr. Walch moved that based on the evidence presented, a hardship exists and the decision of the Building Official will be reversed, and a variance should be granted to construct the improvements consisting of *the covered walkway between the primary structure and the out*

building accordance with the submitted site plan prepared by Mitchell Wall dated October 5, 2015. Mr. Schlafly seconded the motion. Mr. Walch called for a vote and the vote thereupon was as follows:

Mr. Stanley Walch	"Aye"
Ms. Liza Forshaw	"Aye"
Mr. David Schlafly	"Aye"
Ms. Elizabeth Panke	"Aye"
Mr. Daniel Welsh	"Aye"



Mr. Stanley Walch, Chairman