

DOCKET 1188

DATE OF HEARING	January 4, 2016
NAME	Mr. Gornet & Ms. Ratts
DESCRIPTION OF PROPERTY	9904 Litzsinger Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit a proposed generator to be constructed in a required setback of the property which violates Section V, C, (1),(a) and V, C, (1),(b) of Zoning Ordinance #1175 which states that 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 generator, due to the existence of a practical difficulty and the decision of the Building Official is reversed.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, January 4, 2016

DOCKET 1188
9904 Litzsinger Road

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, January 4, 2016, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Daniel Welsh

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; 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 1188**

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. Matt Gornet & Ms. Valerie Ratts, 9904 Litzsinger, requesting relief from the ruling of the Building Official denying a building permit for a proposed generator to be constructed in a required setback of the property which violates Section V, C, (1),(a) and V, C, (1),(b) of Zoning Ordinance #1175 which states that 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, January 4, 2016, 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 November 13, 2015;
Exhibit D – List of Residents sent notice of meeting;
Exhibit E – Letter from the resident requesting the variance dated November 11, 2015
Exhibit F – letter provided by Mike Lemke, from neighbors
Exhibit G – revised plan, dated December 30, 2015
Exhibit H - Entire file relating to the application

(Transcript attached as part of the minutes)

Mr. Penney explained that the proposed generator is proposed to be located within a required yard.

The court reported administered the oath to Mr. Michael Lemke, general contractor for the applicant; Mr. & Mrs. Gornet. Mr. Lemke stated that they have met with neighbors who collectively have stated that the location of the proposed generator on the west side of the primary structure is unacceptable because it will be highly visible from Bridle Creek Road. Mr. Lemke stated that the plan has been revised to reflect the generator being placed along the north elevation. Landscaping will be installed to screen the generator. The new plan, dated December 30, 2015 was submitted to the members of the Board of Adjustment. He also explained that although the lot is large, the building is historic and served as a stable building originally. The structure is non-conforming to setbacks.

Ms. Forshaw asked why the south side of the home was not considered for the generator location.

Mr. Lemke stated that the distance from utilities and the home's electrical panel made this option impractical.

Hal Burroughs, City Councilman, was sworn in. He stated that he has spoken with two nearby property owners and they do not object to the revised location on the north side of the home.

The Public Hearing was closed.

The Commission discussed the proposed variance. Ms. Forshaw stated that the property has two front yards and that the home is mostly non-conforming. She suggested that perhaps the discurance occurred because Bridle Creek was developed after the home at 9904 Litzsinger Lane was constructed. She stated that the compromised new location is good for both access and to limit dmage to utilities. She stated that a practical difficulty exists.

Ms. Long stated that all options have been evaluated.

Ms. Panke stated that the rear location to the south of the home would be ideal, but finds the compromise location on the north side of the home to be acceptable.

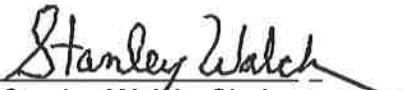
Mr. Welch stated that efforts have been made to consider all aspects of the neighbors.

Ms. Forshaw moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official will be reversed, and a variance should be granted to construct the improvements consisting of the generator in accordance with the revised site plan dated

December 30, 2015 with one condition; that the generator is appropriately screened. Ms. Long seconded the motion. Mr. Walch called for a vote and the vote thereupon was as follows:

Mr. Stanley Walch
Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Daniel Welsh

"Aye"
"Aye"
"Aye"
"Aye"
"Aye"


Mr. Stanley Walch, Chairman