

DOCKET 1189

DATE OF HEARING	January 4, 2016
NAME	Mr. & Mrs. Yavitz
DESCRIPTION OF PROPERTY	8 Graybridge Lane
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit a retaining wall to be constructed in a required front yard of the property which violates Section IV, F, (2) of Zoning Ordinance #1175 which states that retaining walls in the front yard may be erected to heights up to 36 inches provided they are setback at least 6 feet from any property line
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the retaining wall 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 1189
8 Graybridge Lane

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 1189**

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. Gary Yavitz, 8 Graybridge Lane, requesting relief from the ruling of the Building Official denying a building permit for a retaining wall to be constructed in a required front yard of the property which violates Section IV, F, (2) of Zoning Ordinance #1175 which states that retaining walls in the front yard may be erected to heights up to 36 inches provided they are setback at least 6 feet from any property line

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 12, 2015;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated November 24, 2015
- Exhibit F - Entire file relating to the application
- Exhibit G – photos marked #1 - #9
- Exhibit H – photos marked #10 - #12
- Exhibit I – email from Mr. Yavitz’s attorney with regard to discuss with City staff

(Transcript attached as part of the minutes)

Mr. Penney explained that the constructed wall is located close to the property line which is in violation of the zoning code which requires all retaining walls to be placed a minimum of six feet from any property line.

The court reported administered the oath to Mr. Yavitz. He explained that he is requesting the variance for storm water diversion. The wall aids in the diversion of storm water into a swale constructed on his property. He submitted photos and explained when the wall and associated grade was constructed. He stated that there was an old wall that existing in the general vicinity of the newly constructed wall and that the old wall was destroyed by Laclede Gas when they performed work on the property. He stated that he obtained a variance for the primary structure on the property in December 2012. He explained that a City inspector stopped work on the property and told them a permit was required.

Mr. Welch asked how far the new wall is located from the property line and Mr. Yavitz stated that is located at the property line. He stated that a wall cannot be constructed six feet from the property line as the driveway is located there.

Public Comments

Mr. Gordon Webb, 6 Graybridge Lane, stated that he is speaking on behalf of himself and his neighbor, Peter Shank, who lives at 4 Graybridge Lane. Mr. Webb stated that there was no wall previously located in the area of the new wall. Mr. Webb stated that wall may be constructed over the property line of the property of 2 Graybridge Lane. Mr. Webb stated that the wall and berm that were constructed diverts storm water onto his property.

Mr. Richard Lincoff, 17 Granada Way, stated that he lives immediately to the east of the subject property and that photo #9 submitted by the applicant shows the swale that flows to the east toward his property. He stated that the constructed wall changes the flow of storm water and that his property has been flooded. He asked that the Board take into account storm water impacts when making this decision.

Ms. Cathy Thayer, 13 Granada Way, stated that she also lives downstream of the subject property and has been flooded. She is concerned about the potential storm water impacts related to the newly constructed wall.

Mr. Yavitz presented photos marked #10 - #12 and stated he has removed twenty (20) linear feet of the wall. He shared with the board that Mr. Webb constructed a wall without a permit in 2013. Mr. Yavitz explained that the constructed berm was to contain water onto his property.

Ms. Louis Kaufman Yavitz, 8 Graybridge, reiterated that Mr. Webb's wall was constructed without a permit.

Ms. Forshaw asked the concerned residents how the wall could have been constructed differently.

Mr. Webb explained how he addressed storm water with basins on his property. He defended the 2013 wall construction by stating that it replaced a deteriorated railroad tie wall with a new versa-lock block wall.

Mr. Yavitz stated that his attorney received some verbal direction from the City that removing twenty (20) feet of the wall would decrease the storm water impacts from the wall.

The Public Hearing was closed.

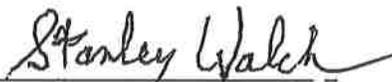
Ms. Panke stated that the wall has been constructed over the required setback. She stated that driveway pavement could be removed in order to install the wall at the required six foot setback.

Mr. Welch stated that a denial could result in a wall being installed at the six foot setback.

Ms. Lamitola stated that the zoning ordinance allows for MSD to review any project to ensure there are no adverse storm water conditions that could arise as a result of a proposed project.

Ms. Long 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 retaining wall in accordance site plan attached to the appeal letter dated November 24, 2015 with one condition; that MSD be consulted as to whether the retaining wall will result in an adverse storm water condition per the language in Zoning Ordinance #1175, Section II, (A)(7)(d). Mr. Walch called for a vote and the vote thereupon was as follows:

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


Mr. Stanley Walch, Chairman