

DOCKET 1196

DATE OF HEARING	April 4, 2016
NAME	Mr. & Mrs. Kriegel
DESCRIPTION OF PROPERTY	8 Mayfair Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for a pool and pool house which would not meet the required rear and side yard setbacks that require improvements to be located 50 or more feet from both the rear and side property lines. These requirements are outlined in Sections V-C-1(a) and V-C-1(b) of zoning ordinance #1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the pool to be located within the required setbacks and the decision of the Building Official was overturned. The Board did not issue a variance for the pool house.

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

DOCKET 1196

8 Mayfair Road

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

The following members of the board were present:

Ms. Liza Forshaw, Acting Chairman
Mr. David Schlafly
Mr. Daniel Welsh
Mr. Lee Rottmann

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

Ms. Forshaw 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 1196**

Notice is hereby given that the Zoning Board of Adjustment of the City Mr. & Mrs. Kriegel, 8 Mayfair Road, requesting relief from the ruling of the Building Official denying a building permit for a pool and pool house which would not meet the required rear and side yard setbacks that require improvements to be located 50 or more feet from both the rear and side property lines. These requirements are outlined in Sections V-C-1(a) and V-C-1(b) of zoning ordinance #1175.

The hearing will be held at 4:00 p.m. on Monday, April 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

Ms. Forshaw asked Building Official William Penney for an explanation with regard to the denial of the permit for the pool and pool house. Mr. Penney explained that both the pool and pool house are proposed to be located in the rear and side yard. The property is zoned B Residential which requires primary and accessory structures to be located 50 or more feet from both the side and rear setbacks.

Ms. Forshaw 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 January 25, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated February 22, 2016
- Exhibit F - Entire file relating to the application
- Exhibit G – postcard from Mr. & Mrs. Hackett, 30 Picardy Lane
- Exhibit H – revised drawing dated April 4, 2016 submitted by Mainline Architecture

Ms. Erin Seele stated for the official record that the applicant was advised in advance of the meeting that there would be only four members of the Zoning Board of Adjustment in attendance and that approval of a variance requires all four votes. The applicant waived their right for a continuance.

The court reporter administered the oath to Mr. Kriegel, 8 Mayfair Road, and Mr. Alan Roeher, project architect with Mainline Group Architecture.

Mr. Roeher stated that in response to feedback received from adjoining neighbors, the Kriegels have modified the proposed plan to reduce the encroachment into the required setbacks. He stated that the hardship present for this petition is due to the pie-shaped lot configuration. Complying with the setbacks for a project of this magnitude will result in a significant decrease of the greenspace between the primary structure and the proposed accessory improvements. Mr. Roeher stressed that the impervious coverage is decreasing with the removal of the tennis court.

Ms. Forshaw asked Mr. Penney for clarification with regard to whether the pool deck must comply with setbacks and Mr. Penney stated that only the pool structure, the pool house, and the free-standing walls are subject to setbacks.

Mr. Schlafly asked for additional clarification with regard to some of the project details and Mr. Roeher provided further description of the wall that contains the gas grill which Mr. Roeher clarified will need a variance due to the height exceeding 36 inches.

Mr. Kriegel stated that the neighbor immediately south of this property, 9 Mayfair, has expressed support for the project. Mr. Kriegel had previously submitted the proposed plans to the trustees of the Mayfair subdivision and no one has approached him with questions or comments about the project with the exception of the property owners to the north.

Mr. Roeher and Mr. Kriegel discussed the free-standing wall where the gas grill is located north of the pool house and they agreed that further modifications to the plan can be made in order to comply with the setbacks.

Mr. Robert Schulte, 7 Mayfair, was sworn in by the court reporter. Mr. Schulte stated that the original plan was unacceptable due to the close proximity of the proposed pool house to their

home. Mr. Schulte explained that he had asked Mr. Kriegel to modify the plan which is reflected in the revised plan that was submitted. Mr. Schulte is supportive of the applicant having a swimming pool, but is concerned about the impact to his property. Mr. Schulte stated that he is relatively satisfied with the revised plan, but wants to ensure that an appropriate vegetative screening between the property lines is installed.

Mrs. Susy Schulte was sworn in by the court reporter. She asked whether the variance is specific to this plan or a blanket variance waiving the entire setback requirement in perpetuity. Ms. Forshaw & Ms. Seele clarified that variances are issued specific to plans that are submitted.

Mrs. Elizabeth Hackett, 30 Picardy, was sworn in. She asked if the existing tennis court complies with setbacks and it was stated that it does not meet the required setbacks. Mrs. Hackett stated that she recently completed a project at 30 Picardy and had to meet the setbacks for her property. She stated her husband will be concerned about what whether the project will negatively impact storm water runoff onto their property. Mr. Kriegel stated that grading will be performed as well as the installation of drain tiles to properly address the drainage. He stated that the drainage system will be improved from the existing condition. He desires to install evergreen trees for improved screening. He stated that moving the improvements closer to the primary structure will also help site drainage. He stated that the location of the pool house and pool are aligned to the primary structure.

Ms. Forshaw asked what the maximum encroachment into the 50 foot side and rear setbacks are on the revised plan. Mr. Roeher stated that the maximum encroachment is 10 feet.

Ms. Forshaw asked if the pool house is an open or enclosed structure and Mr. Roeher stated that the pool house structure is open on three sides with one masonry wall which is the south wall.

Ms. Forshaw asked if the improvements could be moved to comply with the setbacks and Mr. Roeher explained his rationale about the proposed location of the improvements (including centering the pool house on the length of the pool) and he stressed that preserving the green space was a priority. Ms. Forshaw asked for an explanation with regard to the necessity of constructing the pool house. Mr. Roeher stated that the pool house is part of the total project which will allow the Kriegels to accommodate their family and to entertain.

Mr. Welsh asked the applicant to provide the total square footage that is encroaching into the required setbacks and Mr. Roeher indicated that the encroachment of the pool is approximately 250 square feet.

Ms. Forshaw concluded the public hearing.

Mr. Schlafly stated that many pool house requests come before the board, but that those particular properties have had numerous challenges such as multiple front yards. He stated that the lot size for 8 Mayfair is quite large, and suggested that perhaps the improvements could physically be situated in a location that would comply with the required setbacks.

Mr. Welsh stated that the pie-shaped configuration of the property does not easily support a pool and a pool structure, but asked if both of those items are critical to the overall use of the property.

Ms. Forshaw stated that having a pool and pool house are not critical items to having a modern home. She did note the dilapidated non-conforming tennis court structure would be removed as part of the proposed improvements, thereby improving the view of the property from the neighbors' properties.

Mr. Rottmann stated that the changes that have been proposed are an improvement from what was originally submitted. He stated that the setback encroachments are not that significant on the revised plan. He noted the unusual shape of the lot as presenting unique challenges.

Ms. Forshaw stated that the grill structure could be moved in order for it to comply with the setbacks for the purpose of the variance being limited to the pool itself. She noted that the applicant has verbally agreed to additional landscaping to provide screening.

Mr. Welsh stated that it is possible for the pool and pool house to be located within the setbacks, but they would have to be reduced in size. He restated that the applicant wants to maximize the green space. He asked the other members of the board whether there has been precedent with regard to preserving green space. Ms. Forshaw stated that she did not know of a specific precedent for green space preservation, but noted that the impervious coverage will be reduced in with the proposed improvements, which is a benefit.

Mr. Rottmann stated that the proposed project will improve the overall appearance of the property largely due to the removal of the tennis court.

Mr. Schlafly moved that based on the evidence presented, a practical difficulty exists due to the pie-shaped configuration of the lot and the decision of the Building Official be reversed, and a variance should be granted to construct the pool and pool house, in accordance with the site plan dated April 4, 2016, which does not meet the requirements that such improvements must meet the setbacks of being located 50 or more feet from the rear and side property lines with the following conditions:

- Plant vegetative screening between the proposed improvements and 7 Mayfair
- Further modify the site plan to ensure that all aspects of the pool building envelope comply completely with the setbacks

Mr. Welsh seconded the motion. Ms. Forshaw called for a vote with regard to this variance request and the vote thereupon was as follows:

Ms. Liza Forshaw	"Approve"
Mr. David Schlafly	"Approve"
Mr. Daniel Welsh	"Approve"
Mr. Lee Rottmann	"Approve"

The variance was granted for the pool. Mr. Penney stated that a revised site plan will be needed to verify that the pool house complies with the required setbacks.


Ms. Liza Forshaw, Acting Chairman