

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, May 2, 2016

DOCKET 1198

2 Lindworth Drive

A meeting of the Zoning Board of Adjustment was held at 3:00 p.m. on Monday, May 2, 2016, at City Hall.

The following members of the board were present:

Mr. Stanley Walch
Ms. Liza Forshaw
Ms. Elizabeth Panke
Mr. Daniel Welsh
Mr. Lee Rottmann

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Ms. Andrea Sukanek, City Planning Consultant, and Ms. Erin Seele, City Attorney. Councilman John Fox and Mayor Nancy Spewak were also in attendance.

Mr. Walch called the meeting to order at 3:13 PM.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1198**

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. & Mrs. Nollau, 2 Lindworth Drive, requesting relief from the ruling of the Building Official denying a building permit for an accessory building which would result in:

- an accessory building being located in a front yard of a corner lot of the property which is prohibited by sections IV-A-4(c) of Ordinance #1175
- an accessory building that would exceed 650 square feet in the 'C' residential district which is prohibited by IV-A-(4)(b) of Ordinance #1175

The hearing will be held at 3:00 p.m. on Monday, May 2, 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 asked Building Official Will Penney for an explanation with regard to the denial of the permit for the garage. Mr. Penney explained that the proposed detached garage would be located in a front yard because the property is a corner lot. The zoning ordinance does not allow for accessory uses in a required or actual front yard. Additionally, the proposed garage exceeds the allowable square footage of 650 square feet which is the maximum permitted for zoning district C. The proposed total square footage of the two-story garage is 2174 square feet.

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 March 17, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated March 18, 2016
- Exhibit F - Entire file relating to the application

The court reporter administered the oath to Mr. Steve Nollau, 2 Lindworth Drive. Mr. Nollau inquired about how the square footage was calculated for the garage as it was his understanding that the footprint dictated the square footage with regard to detached garage square footages, not the total square foot of the structure. He stated that the footprint of the garage is 1310 square feet. Mr. Nollau described the property and the lot configuration and stated that the acreage is 1.42 acres. Mr. Nollau stated that the property only has one two-car attached garage on the property at this time. He described the proposed improvements including a caretaker's space on the second level over the garage.

Mr. Welsh inquired as to whether Mr. Nollau considered attaching the garage to the home so that it would not be considered an accessory structure. Mr. Nollau explained the constraints on the site that include the small rear yard, the topography that slopes to the east, and the layout of the improvements on the corner lot property.

Mr. Darryl Labruyere, project architect, was sworn in.

Ms. Forshaw stated that the proposed garage would be considered an accessory structure and asked if there was a way to attach the garage to the home. Mr. Labruyere explained to the Board that they were told by the Building Official that installing a covered walkway or pergola would not be permitted to comply. Mr. Penney clarified that there is a difference between a covered walkway and a porte-cochere or a breezeway. Mr. Penney stated that the roof lines needed to connect in order to constitute an attached improvement/structure.

Ms. Panke inquired as to whether the square footage would comply if the garage was attached and Mr. Penney stated that it would as long as the setbacks would be met.

Mr. Welsh stated that a hardship has to be shown for a variance to be granted. Mr. Nollau responded that he has a passion for cars and desires to have space for four additional cars accommodated on the property. Mr. Labruyere stated that an attached garage would be unattractive due to the garage doors having to face the roadway.

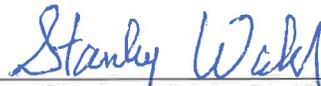
Mr. Walch and Ms. Forshaw explained that a continuance could be granted so that the options could be evaluated. A discussion ensued with regard to how attachments can occur between the primary structure and the proposed garage.

The public comment portion of the meeting was closed.

Commission discussion began. Ms. Forshaw inquired as to whether there is an easy way to attach the proposed garage to the building. Ms. Panke stated that perhaps the garage could be rotated and then the project may not need a variance. Mr. Welsh stated that he is sympathetic to the two front yards situation. Ms. Forshaw observed that the proposed improvement has an attractive design. Mr. Welsh stated that he is not sympathetic to the argument that the garage is needed to accommodate multiple vehicles as the property already has an attached two car garage. He stated that the issue would become moot if the applicant could comply. They discussed how many cars are reasonable for a variance and Mr. Walch recalled that the Board has previously taken the position that a lack of a two-car garage was a hardship.

Ms. Forshaw stated that she recommends that the applicant seek a continuance.

Mr. Nollau requested a continuance and the Board granted that request.



Mr. Stanley Walch, Chairman

DOCKET 1198

DATE OF HEARING	May 2, 2016
NAME	Mr. & Mrs. Nollau
DESCRIPTION OF PROPERTY	2 Lindworth Drive
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for garage which would not meet the following: would result in: <ul style="list-style-type: none">▪ an accessory building being located in a front yard of a corner lot of the property which is prohibited by sections IV-A-4(c) of Ordinance #1175▪ an accessory building that would exceed 650 square feet in the 'C' residential district which is prohibited by IV-A-(4)(b) of Ordinance #1175
RULING OF THE BOARD	After a discussion of the facts presented, the applicant requested that the matter be continued and the Board approved the continuance.