

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

DOCKET 1199

9213 Clayton Road

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. Mayor Nancy Spewak and Councilman John Fox 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 1199**

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 the City of Ladue for Fire House #1, 9213 Clayton Road, requesting relief from the ruling of the City Planning Consultant denying a building permit for the new Fire House project which would result in:

- A principal building being located five (5) feet from the side property line in lieu of the required 50 feet which is required for the side yard when the commercial property abuts a residential property which is outlined in Section V-C-3 of Ordinance #1175
- No landscape buffer or landscape areas are proposed. A 10 foot landscape buffer is required for any parcel within the G-Commercial District where it abuts any residential district and a planting strip shall be provided within the required 40 foot front yard. In addition, all parking areas shall contain a landscaped area equal to ten percent of the required parking spaces which areas shall contain trees, shrubs, ground cover, or grass as outlined in Section III-A-3 of Ordinance #1175
- The majority of the parking spaces appear to be within the required front, side, and rear setbacks which violates Section VI-C-3 of #1175 which states that "*no required parking spaces on a lot in G Commercial district shall be located within a required front, side, or rear yard*"
- The proposed trash enclosure and generator are proposed to be located within the rear yard setback which violates Section V-C-(1)-(a) of #1175 which states that "*every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of....ornamental features...*"

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 City Planning Consultant Andrea Sukanek for an explanation with regard to the denial of the permit for the new City Fire Station. Ms. Sukanek explained that there are several variances needed for the new fire house that replaces the existing non-conforming fire house that was built in the 1950's. The code requires a 50-foot side yard setback because the property is adjacent to residentially zoned property. It should be noted that the property to the west contains a church with a cell-phone tower that is currently being constructed. There are also required landscape buffers, limitations on the location of the parking spaces that prohibit them from being located in the required yards, and the encroachment of the proposed trash enclosure and generator in the rear yard setback.

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 April 4, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated April 11, 2016
- Exhibit F - Entire file relating to the application

John Fox, Chairman of the Fire House oversight committee, explained the project which consists of the replacement of an outdated fire house that was constructed in the 1950s. The City evaluated various options, but selected the existing fire house site to best accommodate the needs of the department and the community at large. Current fire apparatus is significantly larger than what the current building can accommodate and the proposed fire house is 25 percent larger than the existing structure to accommodate the fire apparatus, updated individual sleeping quarters in lieu of common sleeping areas, and offices for the administrators of the department.

Rebecca Kleba, Chiodini project architect, and Jennifer Kissinger, Paric construction manager, were sworn in. Ms. Kissinger stated that no adequate structure could be constructed on the property to comply with the setbacks from residentially zoned property. Ms. Kissinger stated that a landscape buffer will not be possible on the west side of the structure due to the cellular tower which is being constructed at this time. Parking has to be located on the rear of the property with access to the parking area located on the east of the building. Height limitations are being met which the design team perceived to be a higher priority to the City than the setback and parking setbacks. Additionally, the generator and trash enclosure are necessary to the operation of the building and will be adequately screened from adjacent properties. A landscaping buffer will remain as is on the north side of the property which is adjacent to residential property.

Mr. Walch asked how the team will proceed if a denial is issued and Mr. Fox responded that the team desires to obtain the necessary variances.

The public comment portion of the meeting was closed.

Ms. Forshaw stated that the City needs a new fire house and the proposed design is a responsible approach to using the available ground. She noted that the existing fire house is non-conforming.

Ms. Panke stated that the proposed building is located in a primarily commercial area.

Mr. Walch asked about the ownership of the structure to the west of the fire house and Ms. Kissinger stated that it is owned by Village Lutheran church. Mr. Fox clarified that the church utilizes the structure for temporary student housing and youth meeting areas.

Mr. Welsh asked if the church has expressed an opinion on the fire house project and Mr. Fox stated that the church is supportive of the project.

Mr. Rottmann stated that the City of Ladue needs two fire houses and that the City and the architects have done a good designing the replacement facility on the existing property.

Ms. Forshaw moved that based on the evidence presented, a practical difficulty exists and the decision of the planning consultant should be reversed, and a variance should be granted to construct the project as shown on the plans dated March 25, 2016. Mr. Welsh seconded the motion. Mr. Walch called for a vote with regard to this variance request and the vote thereupon was as follows:

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


Mr. Stanley Walch, Chairman

DOCKET 1199

DATE OF HEARING May 2, 2016

NAME City of Ladue, Fire Department

DESCRIPTION OF PROPERTY 9213 Clayton Road

CAUSE FOR APPEAL Relief from the ruling of the City Planning Consultant denying a building permit for the Fire House project which would not meet the following:

- A principal building being located five (5) feet from the side property line in lieu of the required 50 feet which is required for the side yard when the commercial property abuts a residential property which is outlined in Section V-C-3 of Ordinance #1175
- No landscape buffer or landscape areas are proposed. A 10 foot landscape buffer is required for any parcel within the G-Commercial District where it abuts any residential district and a planting strip shall be provided within the required 40 foot front yard. In addition, all parking areas shall contain a landscaped area equal to ten percent of the required parking spaces which areas shall contain trees, shrubs, ground cover, or grass as outlined in Section III-A-3 of Ordinance #1175
- The majority of the parking spaces appear to be within the required front, side, and rear setbacks which violates Section VI-C-3 of #1175 which states that *"no required parking spaces on a lot in G Commercial district shall be located within a required front, side, or rear yard"*
- The proposed trash enclosure and generator are proposed to be located within the rear yard setback which violates Section V-C-(1)-(a) of #1175 which states that *"every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of....ornamental features..."*

RULING OF THE BOARD After a discussion of the facts presented, the Board approved all of the variances for the Fire House project and the decision of the City Planning Consultant was overturned.