

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

DOCKET 1201

9733 Conway 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 present.

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 1201**

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. Scott Kolker, 9733 Conway Road, requesting relief from the ruling of the Building Official denying a building permit for a swimming pool which would result in the swimming pool encroaching approximately 13 feet into the 50 foot side yard setback on the eastern side of the property which is prohibited by Section V-C-1(a) & (b) of ordinance #1175 which states that every part of a required yard shall be open from its lowest point to the sky unobstructed and no accessory structure shall be located in any part of a required side yard

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 pool. Mr. Penney explained that the project is located in zoning district B and that the proposed pool does not meet the required side yard setback of 50 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 24, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated April 6, 2016
- Exhibit F - Entire file relating to the application
- Exhibit G – Supporting documents accompanying the appeal letter.

The court reporter administered the oath to Mr. Scott Kolker, property owner. He stated that variances have been granted in the past for the primary home and that there is no way to fit the proposed pool on the property to meet the side yard setbacks due to the layout of the lot and the size of the pool. He stated that they desire to preserve mature trees on the property. He stated that the surrounding property owners are supportive of the project.

The public comment portion of the meeting was closed.

Ms. Panke asked the applicant if the pool could be rotated 90 degrees and the applicant indicated that it could, but then the pool house would be pushed further north into the rear yard setback.

Ms. Forshaw noted that past variances have been granted on the property for the primary home due to the long, narrow shape of the lot and the extremely narrow buildable area relative to the setbacks. She noted that the proposed pool house complies with the setbacks and that no neighbors have expressed opposition. She stated the pool will be not be visible from the street.

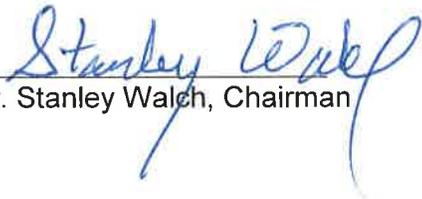
Mr. Walch noted a similar past case on Litzsinger where there was a similar lot configuration and a variance granted for a pool

Mr. Welsh noted the proposed pool does not expand beyond the width of the existing home and is in its shadow.

Mr. Rottmann noted the narrow lot size and commended the applicant on the proposed plan.

Ms. Forshaw moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official be reversed, and a variance should be granted to construct the project as shown on the plans dated February 23, 2016. Ms. Panke 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 Walsh, Chairman

DOCKET 1201

DATE OF HEARING	May 2, 2016
NAME	Mr. Scott Kolker
DESCRIPTION OF PROPERTY	9733 Conway Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for a swimming pool which would result in the swimming pool encroaching approximately 13 feet into the 50 foot side yard setback on the eastern side of the property which is prohibited by Section V-C-1(a) & (b) of ordinance #1175 which states that every part of a required yard shall be open from its lowest point to the sky unobstructed and no accessory structure shall be located in any part of a required side yard
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the swimming to be located within the required side yard setback and the decision of the Building Official was overturned.