

DOCKET 1179

DATE OF HEARING	September 14, 2015
NAME	Mr. Francis & Elizabeth Henke
DESCRIPTION OF PROPERTY	27 Overbrook
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a proposed three story single family home, thus exceeding the code requirement of two and one stories maximum which violates Section V, A, (1) of Zoning Ordinance 1175. Each of the three levels of the proposed structure constitutes a story as per the provisions contained in Section V, A (7) of Zoning Ordinance 1175 and for the home to be elevated up to 4.3 feet in height above the existing level of the lot which violates Section V, A, (3) of Zoning Ordinance #1175 which states that the level of a building pad of a lot shall not be raised above the existing level of such lot by adding fill thereto for the purpose of artificially elevating the building to be erected thereon.
RULING OF THE BOARD	After a discussion of the facts presented, the Board continued the matter in order for the applicant to address all outstanding items outlined in the denial letter dated August 25, 2015 prepared by the Building Commissioner.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, September 14, 2015

DOCKET 1182
27 Overbrook

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, September 14, 2015, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Robbye Toft, Vice-Chairman
Ms. Liza Forshaw
Mr. David Schlafly
Ms. Laura Gerdes Long
Ms. Elizabeth Panke

Also present were: Mr. Michael Gartenberg & Mr. William Penney, Building Officials; Ms. Anne Lamitola, Director of Public Works; Mayor Nancy Spewak

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 1182**

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 Francis & Elizabeth Henke, 27 Overbrook, requesting relief from the ruling of the Building Official denying a building permit for:

- 1) A proposed three story single family home, thus exceeding the code requirement of two and one stories maximum which violates Section V, A, (1) of Zoning Ordinance 1175. Each of the three levels of the proposed structure constitutes a story as per the provisions contained in Section V, A (7) of Zoning Ordinance 1175.
- 2) A proposed single family home proposed to be elevated up to 4.3 feet in height above the existing level of the lot which violates Section V, A, (3) of Zoning Ordinance #1175 which states that the level of a building pad of a lot shall not be raised above the existing level of such lot by adding fill thereto for the purpose of artificially elevating the building to be erected thereon.

The hearing will be held at 4:00 p.m. on Monday, September 14, 2015, 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 August 25, 2015;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance date August 24, 2015
- Exhibit F – Entire file relating to the application

(Transcript attached as part of the minutes)

The court reported administered the oath to Mr. Rehnquist, builder, who is representing the property owners of 27 Overbrook. Mr. Rehnquist stated that one of the two issues that were being considered for a variance, the matter of the proposed structure exceed two and one-half stories, has been satisfied by Building Official Michael Gartenberg. Mr. Rehnquist stated that only minor issues remain with regard to architectural review board approval and landscape design approval. He stated that the floodplain review is still ongoing by MSD and the City of Ladue.

Commissioner Toft asked if the lot is buildable without fill. Mr. Rehnquist responded that it was not. Commissioner Toft asked Mr. Rehnquist to confirm the ceiling heights in the proposed building are 9 feet in the basement, 10 feet one the first floor, and 9 feet on the second floor. Mr. Rehnquist confirmed that those heights were correct.

Mr. Tom Cori, 9715 Litzsinger, stated that he is opposed to the proposed home construction for aesthetic reasons and because a significant amount of fill has been brought onto the property without proper approvals. He provided the commission with photos and a letter of opposition which were made part of the file.

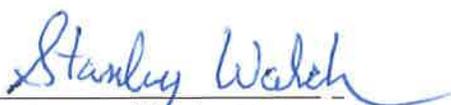
Ms. Kathy Williams, 9721 Litzsinger, stated that she is opposed to the proposed home construction for aesthetic reasons and wants to ensure that the flood studies for the property are approved.

Ms. Anne Hill, 9718 Litzsinger, stated that she is opposed to the home construction because a three story home is detrimental to the aesthetics of the neighborhood.

Mr. William Huffman, 22 Overbrook, stated he has concerns about the proposed home construction and how it will impact flooding in the neighborhood. He noted that the street and some of the homes flood somewhat frequently.

A discussion ensued regarding the various outstanding items associated with the project which are outlined in the denial letter dated August 25, 2015 written by Mr. Gartenberg.

Ms. Toft suggested that the matter be continued until all other outstanding items associated with the project are addressed and Mr. Walch agreed to continue Docket 1182.


Mr. Stanley Walch, Chairman