

DOCKET 1182

DATE OF HEARING	November 2, 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, 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 denied the variance request and upheld the decision dated August 25, 2015 of the Building Commissioner to deny the permit.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, November 2, 2015

DOCKET 1182
27 Overbrook

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, November 2, 2015, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Robbye Toft, Vice-Chairman
Mr. John Shillington
Ms. Laura Gerdes Long
Ms. Elizabeth Panke

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

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 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, November 2, 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 explained to the Aboard that all outstanding requirements have been met with respect to the proposed project with the exception of the required variance for fill to artificially elevate the structure. He also explained that MSD is requiring amended soils on the property to address water quality concerns.

A representative from the Litzsinger Ecology Center, addressed the commission, and explained the flooding experienced on their property.

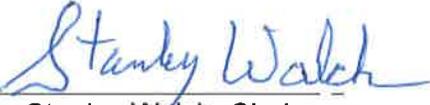
Mr. Tom Cori, 9715 Litzsinger, addressed the commission and reiterated concerns he has with regard to the proposed home and impacts to the floodplain.

Mr. Rehnquist explained that the project complies with the floodplain ordinance which requires that projects result in no velocity increase or no rise in the floodplain elevation.

The commission discussed various options for construction that comply with the zoning ordinance.

Ms. Toft moved that based on the evidence presented, no hardship exists and the decision of the Building Official will be upheld, and a variance will not granted to elevate the home above the existing grade. Mr. Walch asked if the variance should be granted and the vote thereupon was as follows:

Mr. Stanley Walch	"Nay"
Ms. Robbye Toft	"Nay"
Mr. John Shillington	"Nay"
Ms. Laura Long	"Nay"
Ms. Elizabeth Panke	"Aye"


Mr. Stanley Walch, Chairman