

DOCKET 1184

DATE OF HEARING November 2, 2015

NAME Mr. & Mrs. John Ross

DESCRIPTION OF PROPERTY 31 Glen Eagles Lane

CAUSE FOR APPEAL Relief from the decision of the Building Official denying a building permit for a pool and arbor terrace with fireplace which are considered accessory structures which would result in accessory structures constructed in a front yard of the property which is prohibited by:

- Section IV, A, (4), c which states no accessory building or structure may be erected in a front yard on a corner lot, except driveways, sidewalks, fence, permitted retaining walls and waterway stabilization walls and additional parking as permitted. It also states that within the actual front yard, but not the required front yard (stipulated by setback), accessory structures are permitted with the exception of **swimming pools**, tennis courts, play apparatus, and roofed structures.
- Section V, C, (1), b which states no accessory building shall be located in any part of a front yard of any lot in any residential district, except for permitted fences, permitted entry monuments, permitted retaining walls and waterway stabilization walls, driveways and sidewalks and except for parking spaces which are in addition to the number of parking spaces required for the building.

RULING OF THE BOARD After a discussion of the facts presented, the Board approved the variance for the pool, arbor terrace, and fireplace due to the existence of a hardship and the decision of the Building Official is reversed.

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

DOCKET 1184
31 Glen Eagles

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. Liza Forshaw
Mr. David Schlafly
Mr. John Shillington
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 1184**

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 31 Glen Eagles Road, Mr. & Mrs. John Ross, requesting relief from the ruling of the Building Official denying a building permit for a pool and arbor terrace with fireplace which are considered accessory structures which would result in accessory structures constructed in a front yard of the property which is prohibited by:

- Section IV, A, (4), c which states no accessory building or structure may be erected in a front yard on a corner lot, except driveways, sidewalks, fence, permitted retaining walls and waterway stabilization walls and additional parking as permitted. It also states that within the actual front yard, but not the required front yard (stipulated by setback), accessory structures are permitted with the exception of **swimming pools**, tennis courts, play apparatus, and roofed structures.
- Section V, C, (1), b which states no accessory building shall be located in any part of a front yard of any lot in any residential district, except for permitted fences, permitted entry monuments, permitted retaining walls and waterway stabilization walls, driveways and sidewalks and except for parking spaces which are in addition to the number of parking spaces required for the building.

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 September 29, 2015;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance date October 12, 2015
- Exhibit F – Entire file relating to the application

(Transcript attached as part of the minutes)

The court reported administered the oath to Mr. John Ross, property owner and Mr. Allen Roehrig, project architect. Mr. Roehrig explained the layout of the property, including the three frontages and two true frontages, and the proposed improvements. He explained that to place the improvements on a portion of the lot that complied would result in major tree loss and significant grading due to the topography issues that exist on the property. He stated that the proposed improvements will not be visible from Ladue Road. A letter of approval submitted by the St. Louis Country Club was submitted to the City for the record.

Mr. Ken Bush, a Creve Couer resident on South Tealbrook Drive, inquired about how the various yards are defined by the zoning ordinance. Ms. Seele provided an explanation.

Ms. Forshaw moved that based on the evidence presented, there are practical difficulties that exist and the decision of the Building Official will be reversed, and a variance should be granted to construct the improvements as proposed in accordance with the submitted site plan. Mr. Schlafly seconded the motion. Mr. Walch called for a vote and the vote thereupon was as follows:

Mr. Stanley Walch	"Aye"
Ms. Liza Forshaw	"Aye"
Mr. John Shillington	"Aye"
Mr. David Schlafly	"Aye"
Ms. Elizabeth Panke	"Aye"


Mr. Stanley Walch, Chairman