

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
FEBRUARY 7, 2023, 4:00PM
DOCKET 1376
3 LOREN WOODS DRIVE**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

Chairman Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Ms. Kristen Holton

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Ms. Liza Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Approval of the Minutes from the January 3, 2023, meeting

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1376

Petition is submitted by Harold Stuhl, Jr. for the property located at 3 Loren Woods Drive. The petitioner is requesting relief from the City Planner denying a garage due to encroachment into the side and rear yard setback which is in violation of Ladue Zoning Ordinance #1175, Section V-B-2 and V-C-1(a).

Ms. Sukanek explained that the proposal was denied due to the encroachment into the required 5' side yard setback. The applicant wishes to construct a new garage in the vacated footprint of a nonconforming carport. The structure was nonconforming and was built next to the property line, with no setback.

The previous building commissioner issued a permit for the structure based on his interpretation of Section IV-D(8):

Repairs, maintenance, improvements, conversion and structural alterations of nonconforming buildings housing conforming uses may be carried out, provided that such work does not increase the cubic content of the building, increase the height of the building, in anyway increase the degree of nonconformity, or create any new nonconformity.

Mr. Stewart apparently interpreted the code as allowing for a replacement of the nonconforming structure with a new structure of the same dimensions, so long as a piece of the nonconforming structure was retained. The carport was fully demolished, however (including its concrete pad), and upon learning of the demolition the City revoked the building permit. Mr. Stewart then retired and the case was taken over by Ms. Sukanek. Upon permit review, Ms. Sukanek found the proposed garage would encroach into the 5' setback and thus denied the permit. She explained that she interprets Section IV.D(8) as not allowing a full demolition and replacement of a nonconforming structure.

Ms. Forshaw 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 – Letter of Denial dated December 21, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated January, 2, 2023;
- Exhibit F – Entire file relating to the application

Mr. Stuhl took the oath; he submitted a writeup of his experience. This was his first building project. He has been in the house for over 30 years and wants to add to the house and keep it as a forever home. He would like the garage to sit in the same footprint as the former carport and does not want an attached garage. In meetings with the ARB and with Mr. Stewart, the requirement that the existing structure be partially retained was not discussed.. He signed a construction contract thinking that the City was on board with the project. He stated that he would be willing to modify his plan to cut off a Corner of the proposed garage so it would be 2' away from the property line.

Ms. Cathy Karpowich, 5 Loren Woods, took the oath to oppose the variance because the proposed garage would be too close to the property line and granting the variance would set a precedent concerning setbacks.

Mr. Jim Dillon, attorney for the Groves, who reside at 1 Loren Woods, shared several objections and asked the Board to object to the plan for the following reasons:

- Non-compliance with zoning
- Grandfathering is not available for a total reconstruction
- Only economic hardship
- Compliant placement is possible, as there is plenty of space in the rear yard

Mr. Dillon reported that the proposed structure cannot be built without trespass onto the Groves' property.

One of the three subdivision trustees submitted a letter of opposition to the variance.

After discussion of the facts presented, including the importance of setbacks, the meaning of Section IV-D(8), the risk of setting a precedent, the applicant's ability to change the placement of a new garage by 5', and the lack of practical difficulties, Ms. Long moved to overturn the decision

of the City Planner and grant the variance. Ms. Panke seconded the motion. The vote was as follows:

The vote was as follows:

Ms. Forshaw	“disapprove”
Ms. Laura Long	“disapprove”
Ms. Elizabeth Panke	“disapprove”
Mr. Lee Rottmann	“disapprove”
Ms. Kristen Holton	“disapprove”

With zero (0) votes in favor and five (5) against, the motion failed, the ruling of the City Planner was upheld, and a variance was denied.

Adjournment

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1376

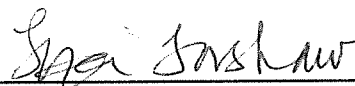
DATE OF HEARING February 7, 2023

NAME Harold Stuhl, Jr.

DESCRIPTION OF PROPERTY 3 Loren Woods Drive

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a garage due to encroachment into the side and rear yard setback which is in violation of Ladue Zoning Ordinance #1175, Section V-B-2 and V-C-1(a).

RULING OF THE BOARD After discussion of evidence presented, the Board upholds the decision of the City Planner. A variance is not granted.



Ms. Liza Forshaw