

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
MARCH 7, 2023, 4:00PM  
DOCKET 1378**

**17 Warson Terrace**

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  
Mr. David Schlafly

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 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 Mr. Schlafly and second by Ms. Long.

**Approval of the Minutes from the February 7, 2023 meeting**

The minutes were approved unanimously upon motion by Mr. Schlafly and second by Ms. Long.

**Docket 1378**            **Petition submitted by Peter Hennessey of Hennessey Development for the property located at 17 Warson Terrace. The petitioner is requesting relief from the City Planner denying a new residence due to proposed encroachment into the required front yard. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and Section V-C-1(b).**

Ms. Sukanek explained the denial of the application was due to the encroachment. Located in the D zoning district, the corner lot property has a required 40' front yard setback on two sides. The subdivision predates city setback requirements. The existing home faces east and is less than 30' from the road. The proposed 3,752 square foot home faces east and the south side of the structure would be 10' into the setback. Many of the structures built on Warson Terrace are less than 40' from the road right-of-way.

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 January 19, 2023;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter requesting the variance dated January 26, 2023;

Exhibit F – Entire file relating to the application

Exhibit G – Letter of support from neighbor

Exhibit E1 – Identified plan submitted for variance

Mr. Peter Hennessey took the oath and stated his case for a variance. He built the home at 20 Warson Terrace which sits on 2 lots. He stated that most houses in the subdivision sit on 2 lots; however, #17 is a smaller, oddly shaped plot that is comprised of 1.5 lots. The current structure has a 3' larger encroachment than the proposal. His request is to be essentially grandfathered in and use the footprint of the existing house. The new house would face east like the existing house, but with a smaller encroachment. The neighbors want the garage to face south, which is what his proposal would do. (The subdivision indenture does not allow a garage to face the street.) The Board granted a rear yard variance to the applicant for this property in the past, but he was unable to develop that house.

Peggy Dozier, 1 Warson Terrace took the oath and spoke in support of the proposal. Ms. Dozier is a trustee and reported support of all the trustees for the variance. She stated that the house has long been in disrepair and the proposed structure will be a big improvement and good for the subdivision.

Discussion ensued. It was noted that the packet included three very similar plans, only one of which was being considered. To alleviate confusion Ms. Forshaw entered the proposed plan as exhibit E1 into the record. Board discussion included the challenging lot, the difficulty of two front yard setback requirements, the decrease in the existing encroachment, the consistency of the proposed setback with other houses in the subdivision, and strong neighbor support.

Mr. Schlafly moved to overturn the decision of the City Planner and grant a variance for the plans identified as exhibit E1. Ms. Panke seconded the motion. The vote was as follows:

The vote was as follows:

Ms. Liza Forshaw	“approve”
Ms. Laura Long	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“approve”
Mr. David Schlafly	“approve”

With five (5) votes in favor and zero (0) against, the motion carries, the ruling of the City Planner was overturned, and a variance was granted.

### **Adjournment**

At 5:10 p.m. the meeting adjourned upon motion by Ms. Long and second by Mr. Schlafly.

DOCKET 1378

DATE OF HEARING February 7, 2023

NAME Peter Hennessey

DESCRIPTION OF PROPERTY 17 Warson Terrace

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a new residence due to proposed encroachment into the required front yard. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and Section V-C-1(b).

RULING OF THE BOARD After discussion of evidence presented, the Board overturned the decision of the City Planner. A variance is granted.



Ms. Liza Forshaw