

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 6, 2022 4:00 P.M.**

DOCKET 1367

1311 BRYNNWOOD DRIVE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, September 6, 2022.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. Dan Welsh

Also present were Erin Seele, City Attorney; Roger Stewart, Building Commissioner; and Lori Mullins, Deputy City Clerk.

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

Approval and Adoption of the Agenda and Minutes

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

The minutes of the June 30, 2022, Board meeting were approved unanimously upon motion by Ms. Long and second by Mr. Welsh.

Docket 1367 Petition is submitted by Devin and Brian Mueller for the property located at 1311 Brynnwood Drive. The petitioner is requesting relief from the Building Commissioner denying an exterior remodel/porch addition. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1.

Mr. Stewart reported the applicant is requesting a variance to erect a porch addition in the "C" zoning district. The proposal encroaches 8' into the required 50' front yard setback in the "C" district. The house was built in 1976.

Ms. Forshaw noted that this proposal is a modification of the original plan, which the Board denied in September 2021.

Chairman 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 July 1, 2022;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated July 3, 2022;

Exhibit F – Entire file relating to the application

Exhibit F – Additional signatures of support

Ms. Betty Mueller took the oath and provided evidence of signatures of support from the 9 other houses on Brynnwood. Chairman Forshaw entered this evidence into the record as Exhibit G. Ms. Mueller added that the front door is unusable in warm months. The door handle reaches a temperature of 140 degrees due to direct sunlight. This is a problem for children, delivery people and guests.

Mr. Brian Mueller took the oath and stated his belief that there is a safety issue of children touching the hot door handle. There are ten homes on the lane, and the proposal has approval of the neighbors on the lane. The other houses have covered porches, and several have covered porches with comparable encroachments. Presumably they were built before the current setback rules were adopted.

Mr. Stewart confirmed that at least 4 other houses have encroaching porches, one of which encroaches 10' into the 50' front yard setback. The proposed porch has been slightly reduced in depth from the plan previously denied by the Board.

Board discussion included:

- Support of the neighbors
- Dangerous front door temperatures
- Consistency of the neighborhood character
- Other encroachments on the lane
- Small size of the encroachment (the covered porch would be 8' deep x 12' wide, narrower in the front than in the rear, encroaching about 72 square feet in a total front yard of about 4,700 square feet)

After discussion of the facts presented the board found that practical difficulties exist. Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance as requested on the site plan, noting the encroachment is not to exceed 72 square feet. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	“approve”
Ms. Laura Long	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“approve”
Mr. Dan Welsh	“approve”

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner is overturned.

Adjournment

The meeting was adjourned upon motion by Mr. Schlafly and second by Mr. Rottmann at 4:35 p.m.

DOCKET 1367

DATE OF HEARING September 6, 2022

NAME Devin and Brian Mueller

DESCRIPTION OF PROPERTY 1311 Brynwood Drive

CAUSE FOR APPEAL Petition is submitted by Devin and Brian Mueller for the property located at 1311 Brynwood Drive. The petitioner is requesting relief from the Building Commissioner denying an exterior remodel/porch addition. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance granted.



Ms. Liza Forshaw, Chairman