

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, MAY 2, 2023, 4:00PM**

DOCKET 1387

21 Dwyer Place

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, May 2, 2023.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Kristen Holton
Ms. Laura Long
Mr. David Schlafly
Mr. Dan Welsh

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Anne Lamitola, Director of Public Works; and Lori Mullins, Deputy City Clerk.

Chairman Forshaw called the meeting to order at 4:01 P.M.

Approval and Adoption of the Agenda and Minutes

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

The minutes of the April 11, 2023, meeting were approved unanimously upon motion by Mr. Schlafly and second by Mr. Welsh.

Docket 1387

Petition is submitted by Douglas Hufton of Hufton Construction on behalf of Austen Hufton for the property located at 21 Dwyer Place. The petitioner is requesting relief from the Building Official denying a new residence due to storm water design which is in violation of Chapter 110, Section 110-142 of the Ladue Code of Ordinances.

Mr. Sukanek explained that the applicant is requesting a variance to install a Nyloplast drywell and discharge point at the pop-up emitter in violation of Sec. 110-142. 'Storm Water Design'. As follows: Runoff from downspouts may be piped underground to discharge at an outlet point away from the building, discharge points must comply with the following:

- a. Discharge outlets shall be located in the buildable area of the lot and not in any setback.
- b. Exceptions may be made in situations in which the building occupies all or nearly all of the buildable area, determined by the building commissioner. Exceptions shall comply with the following: the discharge point may encroach into the required yard by up to five feet. Exceptions will not be approved if this would allow discharge pipes to be less than 20 feet from any property lines. In higher density zoning districts, such as D, E, and E1, in which infiltration of storm water on each property is not practical, runoff shall be collected by a MSD-approved storm sewer, a designated swale, or other storm water management BMP, as approved by the building commissioner and MSD, if necessary. Storm water

may drain to the street, if approved by the building commissioner. The project must also be approved by the public works director if a public street will be affected.

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 March 21, 2023;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated April 4, 2023;

Exhibit F – Entire file relating to the application

Douglas Hufton took the oath and addressed the Board, reporting that the drywell and popups were designed by Volz Engineering to alleviate the storm water problems on the small lot. The drywell will capture and retain the overflow. The popups are required to be 20' from the property line. The proposal encroaches 14' into the rear yard setback, and 11' into the side yard setback.

Mr. Dietmeyer of Volz Engineering took the oath and explained that the drywell was designed to capture runoff. There must be at least 10' between any structure and the popup. Relocating the drywell in this case would negate its intended effect or violate the manufacturer's instructions. The velocity of the water would be near zero. Water from the popup would run downhill toward neighboring property. The house is proposed to have a 1,475 square foot footprint. This drywell is bigger than it needs to be for this location, meaning that it can divert more water than it needs to. More bioretention would not work.

Melissa Convie, 23 Dwyer Place took the oath and said she would like to have an engineer assess the proposal. Ms. Convie owns a house next door to 21 Dwyer (23 Dwyer) and vacant land to the rear of 21 Dwyer. She stated that the popup would be less objectionable to her if it is placed closer to the midpoint between the side boundaries of the applicant's yard. She does not mind runoff going to her vacant land, but she would like to keep it away from her house.

Spencer Toder, 24 Warson Terrace, took the oath and shared concerns about storm water runoff from 21 Dwyer Place to his property on the other side of the land owned by Ms. Convie. He showed photos of previous water runoff from Dwyer to his property. His property is 118' from the subject property.

John Shreshian, 23 Warson Terrace, took the oath and shared concerns about erosion, lost vegetation and possibly exacerbating the existing runoff problem.

Mr. Hufton reported that the proposal has MSD. approval. He stated the drywell requirement is for 36 cubic feet. The proposed drywell is 132 cubic feet, so it provides significantly more than the required mitigation. The proposal is not intended to create downstream issues.

Ms. Lamitola took the oath and described some of the challenges on the lot. The lot is nonconforming, with only 6,000 square feet versus the required 10,000 square feet for the district. The new house plans would result in a modest increase in the impervious surface and the house itself does not require a variance.

Board discussion included:

The nonconforming lot, the applicant's attempt at compliance regardless of the small lot size, the property being small relative to the setbacks, and reduced velocity of water release.

After discussion, Mr. Schlafly moved approval of the variance, with the condition that the placement of the popups to be at a minimum distance of 25' from the side lot lines, and the distance from the rear lot line as shown. The motion was seconded by Ms. Long. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Kristen Holton	"approve"
Ms. Laura Long	"approve"
Mr. David Schlafly	"approve"
Mr. Dan Welsh	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, and the decision of the City Planner is reversed, and the variance granted.

Adjournment

The meeting was adjourned unanimously upon motion by Mr. Schlafly and second by Mr. Welsh at 6:25 p.m.

DOCKET 1387

DATE OF HEARING

MAY 2, 2023

NAME

Douglas Hufton

DESCRIPTION OF PROPERTY

21 Dwyer Place

CAUSE FOR APPEAL

The petitioner is requesting relief from the Building Official denying a new residence due to storm water design which is in violation of Chapter 110, Section 110-142 of the Ladue Code of Ordinances.

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds practical difficulties exist. The decision of the City Planner is reversed, and the variance granted, with the condition that the placement of the popups to be at a minimum distance of 25' from the side lot lines, and the distance from the rear lot line as shown.



Ms. Liza Forshaw, Chairman