

DOCKET 1164

DATE OF HEARING	September 2, 2014
NAME	Mike and Sharon Kinsella
DESCRIPTION OF PROPERTY	21 Ellsworth
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a new residence which violates Sections V, A, 1 and V, A, 7 of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board reversed the decision of the building official and granted the variance.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Tuesday, September 2, 2014

DOCKET 1164
21 Ellsworth Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, September 2, 2014, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Robby Toft
Mr. David Schlafly
Ms. Liza Forshaw
Ms. Laura Long

Also present were: Mayor Nancy Spewak; Mr. James Schmieder, Director of Building & Zoning; and Mr. Michael Gartenberg, Building Official.

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 1164**

Notice is hereby given that the Zoning Board of Adjustment of the City of Ladue, St. Louis County, Missouri, will continue a public hearing on a petition submitted by Mike and Sharon Kinsella, 21 Ellsworth Lane, St. Louis, MO 63124, requesting relief from the ruling of the Building Official who declined to issue a permit for a new residence which violates Sections V, A, 1 and V, A,7 of Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Tuesday, September 2, 2014, 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 June 20, 2014;
Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated July 14, 2014, and any letters of support;
Exhibit F – Entire file relating to the application.

Mr. Kinsella provided a summary of the project to the Board. Mr. Kinsella stated he applied for and obtained the building permit for the new residence currently under construction. Mr. Kinsella noted during a subsequent inspection the City found an area of non-conformity which by the time it was noticed the only option to remedy the issue was to seek a variance.

Ms. Toft asked if the condition exists on the project drawings submitted and approved by the City. Mr. Gartenberg confirmed the violation of the height limitation is on the approved plans reviewed by the City. Mr. Gartenberg affirmed the lower level and upper level of the residence are considered stories resulting in a three story residence.

There being no one further wishing to speak, Mr. Walch closed the public comment portion of the public hearing.

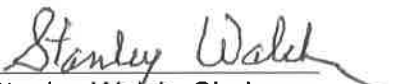
Ms. Forshaw noted that the ordinance is very technical and the residence does not appear to be three stories.

Ms. Forshaw moved that based on the evidence presented a hardship exists and the decision of the Building Official is reversed, and a variance granted based on the site plan dated December 3, 2013.

The motion was seconded by Ms. Long.

The vote on the motion was follows:

Mr. Stanley Walch, Chairman	"Aye"
Ms. Robby Toft	"Aye"
Mr. David Schlafly	"Aye"
Ms. Liza Forshaw	"Aye"
Ms. Laura Long	"Aye"


Mr. Stanley Walch, Chairman