

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, JULY 11, 2023, 4:00PM**

DOCKET 1390

3 Trinity Farm Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, July 11, 2023.

The following members of the Board were present:

Vice-Chairman Dan Welsh
Mr. Jon Dalton
Ms. Kristen Holton
Ms. Elizabeth Panke
Mr. Lee Rottmann

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

Vice-Chairman Dan Welsh called the meeting to order at 4:02 P.M.

Approval and Adoption of the Agenda and Minutes

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

The minutes of the **June 6, 2023**, meeting were approved unanimously upon motion by Mr. Dalton and second by Mr. Rottmann.

Docket 1390

Petition submitted by Joel Rafferty, on behalf of Joe Stieven, for the property located at 3 Trinity Farm Lane. The petitioner is requesting relief from the City Planner denying a proposed new residence which appears to be three and a half stories on the east elevation. Also, the chimney will extend more than 45 feet above the lowest grade and exceed the maximum building height. This is in violation of Ladue Zoning Ordinance #1175, Section V-A-1 and Section V-A-3. The City Planner has also denied the retaining walls shown on the proposed plan, which exceed the maximum allowed height per Section IV-F-5 and the fence which exceeds six feet in height and is in violation of Section IV-C-3.

Ms. Sukanek explained that the applicant is requesting to erect a new residence, in the "A" zoning district. Variances are required for the structure that exceeds three stories, the maximum building height, the retaining walls exceed the maximum allowed height, the retaining walls do not meet the required minimum horizontal spacing and encroach into the required side setback.

Mr. Welsh confirmed that there are six variances required for the proposed plans.

The following exhibits were entered into the record:

Exhibit A – Zoning Ordinance 1175, as amended;

Exhibit B – Public Notice of the Hearing;

Exhibit C – Letter of Denial dated May 22, 2023;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated June 5, 2023;

Exhibit F – Entire file relating to the application

Exhibit G – Letter of support received, post packet delivery

Mr. Joseph Stieven, Sr. took the oath and presented the variance request to the Board. The reported practical difficulty is the topography. The lot slopes 75' from the front to the rear. The applicants have been working to meet the City storm water and MSD requirements. The proposal has the approval of the Architectural Review Board and strong neighbor support.

Mr. Michael Abraham and Mr. Joel Rafferty took the oath and shared the attempts to keep the structure 2.5 stories. The front is 2.5 stories, and the back is 3.5. The chimneys are 45' from the rear grade due to the code requirement of being a minimum of 2' above the roof.

Mr. Tim Meyer of Volz Construction took the oath shared the reasoning for the retaining wall placement and height, primarily to control storm water, to meet the MSD requirements, to create a level area for a useable yard and to spare mature trees.

Mr. Joseph Stieven, Jr. took the oath and thanked the Board members, he shared information regarding the working of all the individuals and their part in the details of the project.

Board discussion included:

- the limitations due to topography
- the strong support of the neighbors
- ARB approval
- the focus on storm water considerations

After discussion, Mr. Rottmann moved approval of the variance for the 3.5 story residence as shown on the plans dated 5/2/2023; the motion was seconded by Ms. Holton. The vote was as follows:

Mr. Dan Welsh	“approve”
Mr. Jon Dalton	“approve”
Ms. Kristen Holton	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“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.

Mr. Rottmann moved approval of the variance for the maximum height of 49 feet to the top of the chimney caps as shown on the plans dated 5/2/2023; the motion was seconded by Ms. Holton. The vote was as follows:

Mr. Dan Welsh	“approve”
Mr. Jon Dalton	“approve”
Ms. Kristen Holton	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“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.

Mr. Rottmann moved approval of the variance for retaining walls height up to 9’ as shown on the plans dated 5/2/2023; the motion was seconded by Mr. Welsh. The vote was as follows:

Mr. Dan Welsh	“approve”
Mr. Jon Dalton	“approve”
Ms. Kristen Holton	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“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.

Mr. Rottmann moved approval of the variance for the retaining walls to be separated by less than 20’ as shown on the plans dated 5/2/2023; the motion was seconded by Mr. Welsh. The vote was as follows:

Mr. Dan Welsh	“approve”
Mr. Jon Dalton	“approve”
Ms. Kristen Holton	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“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.

Mr. Rottmann moved approval of the variance for the maximum height of the 4’ fence erected on the retaining to exceed the 6’ maximum- as sections of the retaining the wall are 9’ as shown on the plans dated 5/2/2023; the motion was seconded by Mr. Welsh. The vote was as follows:

Mr. Dan Welsh	“approve”
Mr. Jon Dalton	“approve”
Ms. Kristen Holton	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“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.

Mr. Rottmann moved approval of the variance for the retaining walls encroach into the side yard setback as shown on the plans dated 5/2/2023; the motion was seconded by Mr. Welsh. The vote was as follows:

Mr. Dan Welsh	“approve”
Mr. Jon Dalton	“approve”
Ms. Kristen Holton	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“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 Ms. Long and second by Mr. Dalton at 5:39 p.m.

DOCKET 1390

DATE OF HEARING

JULY 11, 2023

NAME

Joseph Stieven

DESCRIPTION OF PROPERTY

3 Trinity Farm Lane

CAUSE FOR APPEAL

The petitioner is requesting relief from the City Planner denying a proposed addition that would enlarge a portion of a three-story structure resulting in a larger three-story section, which is in violation of Ladue Zoning Ordinance #1175, Section V-A (1). The structure is legally nonconforming which would allow for maintenance and alterations, but applicant may not increase the cubic content of the structure which is in violation of Ladue Zoning Ordinance #1175, Section IV-D (8).

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 variances are granted.

Mr. Dan Welsh, Vice-Chairman