

DOCKET 1175

DATE OF HEARING	May 4, 2015
NAME	Sarah Tourville
DESCRIPTION OF PROPERTY	101 Pointer Lane
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a fence which violates Section V, C, 1 (a) and V, C, 1 (b) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the covered front porch due to the existence of a hardship and the decision of the Building Official is reversed.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, May 4, 2015

DOCKET 1175
101 Pointer Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, May 4, 2015, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Robbye Toft, Vice-Chairman
Mr. David Schlafly
Ms. Liza Forshaw
Mr. John Shillington

Also present were: Mr. Michael Gartenberg, Building Official; Ms. Anne Lamitola, Director of Public Works; Mayor Nancy Spewak

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 1175**

Notice is hereby given that the Zoning Board of Adjustment of the City of Ladue, St. Louis County, Missouri, will hold a public hearing on a petition submitted by Sarah Tourville, 101 Pointer Lane, St. Louis, MO 63124, requesting relief from the ruling of the Building Official denying a building permit for a covered front porch which violates Sections V, C, 1, (a) & V, C, 1, (b) of Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Monday, May 4, 2015, 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 March 5, 2015;
Exhibit D – List of Residents sent notice of meeting;
Exhibit E – Letter from the resident requesting the variance (April 8, 2015), and any letters of support;

Exhibit F – Entire file relating to the application.

Ms. Tourville, property owner, and Ms. Wibbenmeyer, the project architect, explained the desire for a covered front porch for protection from the elements. The applicant noted similar variances being issued in her neighborhood.


It was noted that no one from the neighborhood has expressed a negative opinion about the project and no one attended the hearing to address the Board.

Ms. Toft noted that to her recollection there have been other similar variances issued within the same neighborhood.

Mr. Schlafly and Ms. Toft noted their support for the variance request.

Ms. Toft moved that based on the evidence presented, a hardship exists and the decision of the Building Official be reversed, and a variance granted based on the site plan dated March 17, 2015. She noted there were no conditions to this motion. Ms. Forshaw seconded the motion and the vote thereupon was as follows:

Mr. Stanley Walch	"Aye"
Ms. Robbye Toft	"Aye"
Mr. David Schlafly	"Aye"
Ms. Liza Forshaw	"Aye"
Mr. John Shillington	"Aye"



Mr. Stanley Walch, Chairman

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ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:)

)

SARAH TOURVILLE)

Docket No. 1175

101 POINTER LANE)

Ladue, Missouri 63124)

Monday, May 4, 2015

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ORIGINAL

BOBBIE LUBER, LLC

Certified Court Reporters

P.O. Box 31201 ~ 1015 Grupp Road ~ St. Louis, MO 63131

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ZONING BOARD OF ADJUSTMENT
CITY OF LADUE
LADUE, MISSOURI

IN THE MATTER OF:)
)
SARAH TOURVILLE) Docket No. 1175
101 POINTER LANE)
LADUE, MISSOURI 63124)

BE IT REMEMBERED that on the 4th day of
May, 2015, hearing was held before the Zoning Board of
Adjustment of the City of Ladue, Missouri, at Ladue
City Hall, 9345 Clayton Road, in the City of Ladue,
State of Missouri 63124, regarding the above-entitled
matter before Bobbie L. Luber, Certified Court
Reporter, Registered Professional Reporter, Certified
Shorthand Reporter, a Notary Public within and for the
State of Missouri, and the following proceedings were
had.

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A P P E A R A N C E S :

BOARD MEMBERS:

- Mr. Stanley Walch, Chairman
- Ms. Liza Forshaw
- Ms. Robbye Toft
- Mr. David Schlafly
- Mr. John Shillington

Also Present:

- Ms. Anne Lamitola
- Mr. Michael W. Gartenberg
- Ms. Sarah Tourville
- Ms. Katie Wibbenmeyer
- Mayor Nancy Spewak
- Ms. Sarah Tourville
- Ms. Kati Wibbenmeyer

Court Reporter:
Bobbie L. Luber
Registered Professional Reporter #9209
Missouri CCR #621
Illinois CSR #084.004673
Bobbie Luber, LLC
P.O. Box 31201
St. Louis, MO 63131
(314) 993-0911
bluber@lubercourtreporting.com

1 (The Meeting of the Zoning Board of
2 Adjustment of the City of Ladue was called to order at
3 4:00 p.m.)
4

5 CHAIRMAN WALCH: I'm going to call this
6 meeting to order. First, good afternoon and welcome
7 to the Ladue Zoning Board of Adjustment hearings. My
8 name is Stan Walch. We have three cases to be heard
9 by the board today.

10 I will start today's proceedings with some
11 general procedural matters that will be incorporated
12 into the record of the three appeals, which are Docket
13 Numbers 1173, 1174 and 1175.

14 Before I do that, I will first introduce
15 the members of the board. To my right is -- far right
16 is Robbye Toft. David Schlafly. Liza Forshaw is on
17 my left. And John Shillington is on my far left.
18 Also, we are lucky to have in attendance Mayor Spewak,
19 who is sitting right over there, and is a regular
20 attendee at these proceedings. At our podium we have
21 a newcomer to us, who has taken just over, the
22 director of public works, Anne Lamitola. And Mike
23 Gartenberg, who is the deputy building clerk.

24 We are going to have a slight variation of
25 procedure. We are not going to take the docket

1 numbers in order because we are anticipating one of
2 them will be unduly long, and we don't want to take
3 everybody else's time while sitting here waiting for
4 their turn.

5 We are going to take Docket Number 1175
6 first. Can you explain, Mr. Gartenberg, the reason or
7 reasons the plans were disapproved so the audience and
8 members of the board will have a clear understanding
9 of the issues in this case?

10 MR. GARTENBERG: In this case,
11 Mr. Chairman, the proposed improvement, which is a
12 four-foot canopy roof over the front porch extends
13 into the required front yard of the property.

14 CHAIRMAN WALCH: All right. I have skipped
15 some of the general procedure matters, which I will
16 now pick up.

17 As far as the record of the hearing in all
18 three appeals this afternoon, I will explain the
19 board's process. The appellant in each case will be
20 given the opportunity to present reasons why he or she
21 feels the variance is warranted based on practical
22 difficulty or undue hardship. Reasons of economic
23 considerations or self-inflicted hardship will not be
24 considered by the board.

25 The board may or may not have questions of

1 each appellant. Following that, any member of the
2 audience who wishes to address the case will be heard.
3 Then the portion of each hearing for public comment
4 will be closed, and the board will discuss the matter
5 amongst ourselves. And we may, at that point, ask
6 additional questions of the city staff or of the
7 appellant.

8 After the discussion I will ask if any
9 member of the board wishes to propose a motion to
10 approve the requested variance. If a motion is
11 requested of the approved variance--if the motion is
12 requested and seconded, the motion will be voted on
13 and will be decided right here today. Otherwise, I
14 will ask the board to vote on whether the requested
15 variance should be granted. This is an important
16 point. You should understand--each appellant should
17 understand that four out of five members of the board
18 must vote in the affirmative to approve the variance.

19 Finally, as far as the general matters are
20 concerned, the board has visited the sites for each of
21 the appellants for which each of the appellants is
22 seeking a variance this afternoon. Since we know what
23 each site looks like, the appellant should not
24 describe the physical appearance of the site to us.

25 Now, I will open the first case, which will

1 be Docket Number 1175. And I have already called out
2 Mr. Gartenberg who will explain what that's about.

3 I do have one more general procedure matter
4 I need to cover for the record. This applies to all
5 three docket numbers.

6 The code of the City of Ladue is
7 incorporated in the record by reference as Docket
8 Numbers 1173, 1174, and 1175. The Zoning Code of the
9 City of Ladue, as amended, will be used by the members
10 of the board as a basis of reaching a decision in the
11 three zoning appeal cases and will be marked as
12 Exhibit A and included in the record of the docket
13 numbers I just read.

14 And now we will turn to case number 1175.
15 And I have some sort of docket -- exhibits which will
16 be peculiar to that particular case.

17 The first is Exhibit B, which is the public
18 notice of this hearing.

19 The second is the denial letter from the
20 building official dated April 2, 2015, which we marked
21 as Exhibit C.

22 The list of residents to whom the notice of
23 public hearing will be sent will be marked as Exhibit
24 D.

25 The letters -- the appellant's letter

1 requesting a variance dated April 13th, 2015, and any
2 other letters in support of or in opposition to the
3 variance, which will be marked as Exhibit E. Are
4 there any letters Ms. Lamitola other than the
5 appellant's letter in this case?

6 MS. LAMITOLA: No, there are not.

7 CHAIRMAN WALCH: Okay. Thank you. Exhibit
8 F will be the entire file pertaining to the
9 application, including all memoranda of staff and
10 consultants to the Zoning Board of Adjustment of the
11 City of Ladue. You already told us there are no
12 additional letters, so there will be no Exhibit G.
13 Okay.

14 At this point will the appellant come
15 forward and whoever wishes to speak on the appellant's
16 behalf come forward and give your name to the court
17 reporter.

18 (At this time Sarah Tourville and Kati
19 Wibbenmeyer were sworn in by the court reporter.)

20 MS. TOURVILLE: Hi. My name is Sarah
21 Tourville. Thank you for your time today. This is
22 Kati. You have met with Lauren Strutman. That's the
23 firm that Kati worked with in the past. I was
24 actually in front of you all probably six or seven
25 months ago as it pertains to my house at 101 Pointer

1 Lane. The request is to put on a covered porch with
2 pillars on the sides. And the primary reason for the
3 request is just for protection and safety of the main
4 entry of my home from snow, weather conditions,
5 et cetera.

6 I'm happy to answer any questions you may
7 have. But it's meant to be completely open with those
8 two pillars, two columns.

9 MS. TOFT: Do you have neighbors who have
10 similar structures that encroach the front yard
11 setbacks, do you know?

12 MS. TOURVILLE: My understanding is that I
13 have two neighbors that have come in front of the
14 board in the past year that have the same situation,
15 and they were approved to have the same structure on
16 the front of the house.

17 MS. TOFT: This is to be just a four-foot
18 cover?

19 MS. WIBBENMEYER: Exactly.

20 CHAIRMAN WALCH: I think we all understand
21 the issue.

22 MR. SCHLAFLY: I think it's --

23 CHAIRMAN WALCH: Do you want to say
24 anything?

25 MS. WIBBENMEYER: She pretty much covered

1 everything. We did try to think of other ways, but
2 that really wouldn't give you enough coverage.

3 CHAIRMAN WALCH: All right. Does any
4 member of the public wish to speak to this case? It
5 looks like you are in luck.

6 MS. TOURVILLE: My neighbors approved it.
7 I have talked to all the neighbors.

8 CHAIRMAN WALCH: Thank you. Thank you very
9 much for the presentation.

10 Unless the members of the board have an
11 objection I will now close the public comment portion
12 of this hearing. Hearing none, who wants to start our
13 discussion?

14 MS. TOFT: I believe the applicant is
15 correct. I can recall one or two other variances I
16 believe on this very street where houses were built
17 right to the building setback, but many of the houses
18 for whatever reason, I guess, because of the era in
19 which they were built, they had no cover for the front
20 door, and so we did grant variances for those. And we
21 have done so on other streets with similar
22 architecture and lack of space between the front yard.

23 CHAIRMAN WALCH: I think this board
24 historically has allowed it regarding the necessity of
25 having a covering over the front stoop, if you would,

1 is self-evident. And unfortunately a lot of things
2 are built right on the building line. And you have
3 that need. And I think we are fairly consistent in
4 that.

5 MS. TOFT: I think with one exception,
6 which one went to the Circuit Court which the
7 applicants sought about a 20 foot by 9 foot.

8 CHAIRMAN WALCH: I'm talking about a little
9 variance, a little porch.

10 MR. SCHLAFLY: I would support this.

11 MS. TOFT: I would too.

12 CHAIRMAN WALCH: Does anybody care to make
13 a motion?

14 MS. TOFT: I'm prepared to make a motion.

15 CHAIRMAN WALCH: Please do.

16 MS. TOFT: Mr. Chairman, I would move that
17 on the basis of the evidence presented we find that a
18 hardship exists and that the decision of the building
19 official should be reversed and the variance granted
20 as requested on the plans submitted by the applicant
21 and dated March 17, 2015. And I would attach no
22 conditions to that.

23 MS. FORSHAW: Second.

24 CHAIRMAN WALCH: Okay. No further -- any
25 discussion of the motion? Hearing no further

1 discussion, how do you vote, Ms. Toft?

2 MS. TOFT: In favor.

3 MR. SCHLAFLY: In favor.

4 CHAIRMAN WALCH: In favor.

5 MS. FORSHAW: In favor.

6 MR. SHILLINGTON: In favor.

7 CHAIRMAN WALCH: Thank you. And good luck
8 with your front porch.

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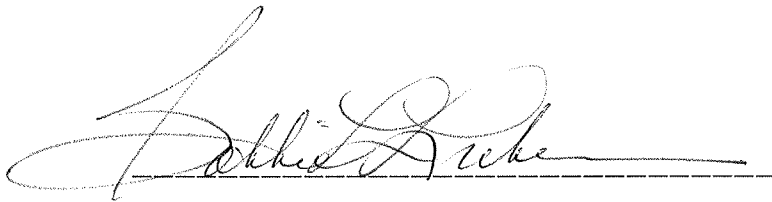
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CERTIFICATE OF REPORTER

I, Bobbie L. Lubber, Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Bobbie L. Lubber, RPR, CCR #621

