

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JUNE 2, 2020 4:00 P.M.**

DOCKET 1299

45 Trent Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, June 2, 2020
**DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC
GATHERINGS DUE TO COVID-19, THE MEETING WAS CONDUCTED BY
TELECONFERENCE VIA ZOOM**

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. David Schlafly

Also present were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; and John Fox, Councilman.

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

Approval and Adoption of the Agenda and Minutes

Mr. Rottmann made a motion to adopt the Agenda. Ms. Long seconded the motion. All those present were in favor.

Mr. Rottmann made a motion to adopt the Minutes of the May 5, 2020 meeting. Ms. Panke seconded the motion. All those present were in favor.

Docket 1299

Petition is submitted by Thomas Wall for the property located at 45 Trent Drive. Petitioner is requesting relief from the Building Commissioner denying a permit for a new home. The exposed lower level is in excess of the 40% exposure allowable by ordinance. The home meets the requirement for being less than 45 feet tall, but exposed elevations both rear and left are exposed larger than the 40% allowed. This new plan reduces the exposure on the left side from 65% to 64%. This is in violation of Ordinance #1175, Section V-A (1) and Section V-A (8).

Mr. Stewart stated the property is in the "B" zoning district. Ladue currently prohibits three-story houses where the lower level is more than 40% exposed. The Board denied a variance for this new construction last month and the applicant has revised the plans and reapplied for a variance. The sloped yard leaves more than 40% of the lower level exposed on the rear and left elevation.

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 May 8, 2020;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated May 11, 2020;

Exhibit F – Entire file relating to the application

Exhibit G – Randy and Fiona Woods Email

Thomas Wall, architect, was sworn in and addressed the Board. He is requesting a variance for the exposure of the lower level of the new house, due to the steep grade and narrow configuration of the lot. This lot has not been built on previously due to the very difficult topography and the subdivision indenture's 75-foot setback. The extreme grade change (a 90-foot drop at a 3:1 slope) results in a visible third story viewed from the rear. From Trent Drive the house would appear to be one-story. The rear of the lot is dense woods, limiting visibility of the three-story house façade from the rear. It is virtually impossible to cover more of the lower level without extensive regrading which would create a dangerously unsafe driveway and a risk of landslide. A high retaining wall would not work, nor would it be permitted by the zoning ordinance.

Mr. Wall testified that to have a functional structure with sufficient depth from front to back, a third floor is needed on this lot. The design is for a contemporary flat-roof house minimizing the height of the house. The house would be about 56 feet deep from front to back. Because of the steep grade, a house without a third story would have to be no more than 20 feet deep from front to back, which is not functional. The subdivision was platted in the 1950s, when smaller ranch houses were the norm, but such houses are no longer the norm on Trent Drive. The last 7 houses built on Trent Drive contain more than 7,000 square feet. A ranch house would not be appropriate in the neighborhood today and would be inadequate for a family of 6. The proposed house would be 7,307 square feet on the two main floors plus 2,934 square feet on the lower level.

Mr. Wall stated that he has exhausted possibilities for design, engineering and construction and concluded that without a variance this lot is unbuildable. He has found no other site in Ladue with a similar situation. The revised site plan includes numerous new trees (including evergreens) and plantings to help conceal the lower level. The Architectural Review Board and the subdivision trustees have approved the plans. A letter from a subdivision trustee stated that the trustees have no objection to the lower level.

Mr. Schlafly inquired if the residents from Bridle Creek, directly behind the property, have been contacted. (The nearest house to the rear of 45 Trent Drive, 1 Bridle Creek, is about 475 feet away per Roger Stewart.)

Jim Minton, General Contractor, took the oath and addressed the Board. He has had no contact with the Bridle Creek residents. There is a 150' deep densely wooded area between the property and Bridle Creek. Mr. Minton stated that no living trees in this area will be removed.

Sam Cabbabe, 1 Bridle Creek, stated his severe concerns with the proposed plans. He has lived in the area for 3 years. He has concerns regarding the visual effect on his pool house.

An email in opposition to the proposal from Randy and Fiona Woods, 2 Bridle Creek, was shared and entered as "Exhibit G".

Aaron Walbrandt, property owner of 45 Trent Drive, took the oath. He shared drone video and still shots to establish the density and limitations of the site.

After discussion of the facts presented, including the practical difficulty of the steeply sloped topography, setback requirements, considerable existing and proposed tree screening, trustee support, and the great distance to the nearest house to the rear, it was determined that practical difficulties exist for reasonable use of this property. Mr. Rottmann made a motion to overturn the decision of the Building Commissioner and grant the variance. Ms. Long seconded the motion. The vote was as follows:

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| Chairman Liza Forshaw | “approve” |
| Ms. Laura Long | “approve” |
| Ms. Elizabeth Panke | “approve” |
| Mr. Lee Rottmann | “approve” |
| Mr. David Schlafly | “oppose” |

With four (4) votes in favor and one (1) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance is was granted.

Adjournment

At 5:23 p.m. Mr. Schlafly made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1299

DATE OF HEARING June 5, 2020

NAME Thomas Wall

DESCRIPTION OF PROPERTY 45 Trent Drive

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a new home. The exposed lower level is in excess of the 40% allowable by ordinance. The home meets the requirement for being less than 45 feet tall, but exposed elevations both rear and left are larger than the 40% allowed. This new plan reduced the exposure on the left side from 65% to 64%. This is in violation of Ordinance #1175, Section V-A (1) and Section V-A (8).

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 is granted.

Ms. Liza Forshaw, Chairman