

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
MARCH 1, 2022 4:00 P.M.**

DOCKET 1358

26 BRAEBURN DRIVE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, March 1, 2022.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Kristen Holton
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Councilman John Fox; Mayor Spewak; and Lori Mullins, Deputy City Clerk. Present via ZOOM, Anne Lamitola, Director of Public Works.

Chairman Forshaw called the meeting to order at 4:03 P.M.

Approval and Adoption of the Agenda and Minutes

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

The minutes of the January 4, 2022 Board meeting were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1358 Petition is submitted by Bob Johnston for the property located at 26 Braeburn Drive. The petitioner is requesting relief from the Building Commissioner denying a pool due to encroachment into the side yard setback. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-2.

Mr. Stewart stated that the applicant requests a variance for a pool to encroach into a side yard setback in the "A" Zoning District in violation of Ordinance 1175, Section V, (B), (2). The pool would encroach into the 50-foot required side setback about 20 feet.

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 November 4, 2020;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated November 18, 2020;
- Exhibit F – Entire file relating to the application

Exhibit E – Letter from the resident requesting the variance dated February 7, 2022;

Exhibit F – Entire file relating to the application

Mr. Schnuck took the oath, thanked the Board, and presented the amended plans. The plans that were denied a variance at the Board's January meeting were revised to change a 5-car garage to a 4-car garage. Many homes in the neighborhood are over the side yard setbacks as a result of the narrow lots. The modification to the plans has slightly shortened the length of the addition and reduced the number of doors for the proposed garage. The modification has actually improved the usefulness of the addition in other ways. Mr. Schnuck included an extensive landscaping plan for both sides of the lot with his revised plans. He noted that there is a 7-foot privacy fence between his lot and the neighbor's lot which is nearest to the proposed garage.

Board discussion ensued.

After discussion of the facts presented, including the modifications to the plans, the narrow lot, the existing encroachment by the house, and a fairly similar variance granted by the Board in 2018 for a garage addition on the nearest neighbor's lot, the Board determined that practical difficulties exist. Ms. Panke made the motion to overturn the decision of the City Planner and grant the variance. Ms. Long seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Kristen Holton	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the City Planner was overturned, and the variance was granted.

Adjournment

At 7:05 p.m. Ms. Panke made a motion to Adjourn the meeting. Ms. Long seconded the motion. A unanimous vote in favor was taken.

DOCKET 1358

DATE OF HEARING

March 1, 2022

NAME

Bob Johnston

DESCRIPTION OF PROPERTY

26 Braeburn Drive

CAUSE FOR APPEAL

Petition is submitted by Bob Johnston for the property located at 26 Braeburn Drive. The petitioner is requesting relief from the Building Commissioner denying a pool due to encroachment into the side yard setback. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-2.

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted.



Ms. Liza Forshaw, Chairman