

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
June 5, 2017

DOCKET 1227

19 Waverton

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, June 5, 2017, at City Hall.

The following members of the board were present:

Mr. Stanley Walch  
Ms. Liza Forshaw  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. Daniel Welsh

Also present were: Mr. William Penney, Building Official and Ms. Erin Seele, City Attorney. Councilman John Fox and Mayor Nancy Spewak were also in attendance.

Chairman Walch called the meeting to order at 4:00 PM.

Chairman Walch started the meeting by asking for an approval of the agenda. Seeing no amendments to the agenda all members present approved the agenda as submitted.

The next item of business was the approval of the minutes from the May 8, 2017 meeting. Mr. Welch stated that comments attributed to him regarding the application by DESCO were asked by a different member. He would like those comments properly attributed to the member asking them and for the minutes to state that he recused himself from that docket due to a conflict of interest.

Ms. Panke noted that her vote was incorrectly documented regarding docket 1226, 28 Magnolia. She voted to "approve" the variance and the minutes stated that she voted "deny".

The meeting minutes will be amended and resubmitted for approval at the July 10<sup>th</sup> meeting.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, MISSOURI  
DOCKET NUMBER 1227**

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 Bill and Liz Gladney for the property at 19 Waverton Drive. Requesting relief from the ruling of the Building Official denying a permit for an Addition that would result in the proposed non-conforming structure to encroach into the required side yard which is prohibited per the Ladue Zoning Ordinance #1175, Section IV-D-(8), Section V-C-(1)(a) and Section V-C-(1)(b).

The hearing will be held at 4:00 p.m. on Monday, June 5, 2017, at the Ladue 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

Chairman 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 17, 2017;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated April 2, 2017
- Exhibit F – Entire file relating to the application

Chairman Walch asked Mr. Penney why the application was denied for a permit.

Mr. Penney stated that the application was for an addition to the rear of the existing 1.5 story home. It currently had an encroachment into the side yard of approximately three (3) feet. The new addition would have an encroachment of approximately four (4) feet. The addition would be a one (1) story addition.

The court reporter administered the oath to Mr. Paul Fendler, contractor for the applicant. He stated the house was currently non-conforming on the south side. It currently had a six (6) foot encroachment into the side yard, they were requesting an additional foot from what currently exists.

A discussion followed about the amount of the encroachment and the possibility of moving the space onto the other side of the home, the possibility of reducing the size of the proposed family room or master bedroom to maintain the current setback.

A Board member asked whether the addition could be built keeping it in line with the existing non-conforming footprint.

The court reporter administered the oath to Ms. Clair Vasquez, neighbor at 21 Waverton. Ms. Vasquez stated that her only concern is runoff. It was already an existing issue and there was not much space to absorb the water. She would like to know what provisions would be made.

Mr. Fendler stated that all downspouts would be connected to underground pipes that would include those that are currently discharging to the front yard.

The court reporter administered the oath to Mr. Ray Potter, 13 Midpark Ln. Mr. Potter stated that several years back the side yard setback requirements for this area were changed from six (6) feet to ten (10) feet. There had been a few variance requests that were denied an encroachment into the ten-foot setback. The width is not particular to this lot on Waverton. It is the nature of the whole area. Allowing variances for these encroachments is going back on an ordinance set up by the City Council that was changed to ten (10) feet for a reason.

The public comment portion of the meeting was closed.

Board discussion began.

The Board members felt that there was no particular hardship in this case.

A discussion ensued regarding the reduction of size to the proposed master bedroom or the family room making the addition possible without a variance.

The applicant requested a continuance so that they could resubmit plans with the addition remaining within line of the existing non-conforming house.

Chairman Walch granted a continuance for this docket.

## DOCKET 1227

DATE OF HEARING June 5, 2017

NAME Bill and Liz Gladney

DESCRIPTION OF PROPERTY 19 Waverton

CAUSE FOR APPEAL Relief from the ruling of the Building Official denying a permit for an Addition that would result in the proposed non-conforming structure to encroach into the required side yard which is prohibited per the Ladue Zoning Ordinance #1175, Section IV-D-(8), Section V-C-(1)(a) and Section V-C-(1)(b).

## RULING OF THE BOARD

After a discussion of the facts presented, the Board allowed the matter seeking a variance for a proposed non-conforming structure to encroach into the required side yard which is prohibited per the Ladue Zoning Ordinance #1175, Section IV-D-(8), Section V-C-(1)(a) and Section V-C-(1)(b).to be continued.

  
Mr. Stanley Waich, Chairman