

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, JUNE 5, 2017

DOCKET 1229

750 S. Price Rd.

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:

Ms. Liza Forshaw
Ms. Elizabeth Panke
Mr. Stanley Walch
Ms. Laura Long
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. Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1229**

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 James and Kelly Edwards for the property at 750 S. Price Road. Requesting relief from the ruling of the Building Official denying a permit for an Addition that would result in the proposed structure encroaching 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 asked Building Official Will Penney for an explanation of the denial for a permit.

Mr. Penney went over the staff report and stated that the application submitted was for an addition to the rear of the house which would encroach into the side yard setback in violation of the code.

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 April 26, 2017;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated April 27, 2017
- Exhibit F – Entire file relating to the application

The court reporter administered the oath to Mr. Jr. Willhite of Clayton Engineering.

Mr. Willhite explained that the existing building encroaches a small amount, ranging from twenty (20) to twelve (12) inches into a fifty (50) foot setback. Because of the alignment of the building to the property line, the proposed addition encroaches an average of nine (9) inches into the fifty (50) foot setback.

Chairman Walch stated that for any variance to be granted there had to be the presence of an undue hardship or practical difficulty.

Mr. Willhite said the hardship was aesthetically based. It would require a small kink in the building line to meet the setbacks.

A discussion ensued about the proposed encroachment and the possibility of moving a wall to meet the setback requirements.

The court reporter administered the oath to Mr. Randy Mayer, RJ Mayer Development.

Mr. Mayer discussed the effect on the interior space if the wall placement met the code requirements.

The court reporter administered the oath to Ms. Dabey Mayer, interior designer for the project and Ms. Kelly Edwards, homeowner of 750 S. Price.

Ms. Mayer discussed how the proposed exterior encroachment was important to the interior space.

Ms. Edwards discussed that an addition, in line with the existing home, was what they desired.

The court reporter administered the oath to Mr. Charles Van Dyke, 714 S. Price.

Mr. Van Dyke, neighbor to the subject property, expressed that he was in favor of the proposed addition.

The public comment portion of the meeting was closed.

Discussion ensued regarding the home currently being a non-conforming structure and whether a hardship or practical difficulty was shown.

Ms. Long made a motion based on the evidence presented to overturn the ruling of the Building Official and grant a variance for an addition encroachment into the side yard setback.

Ms. Forshaw seconded the motion.

Chairman Walch called for a vote on the proposed motion made by Ms. Long.

Ms. Liza Forshaw	"Approve"
Ms. Elizabeth Panke	"Deny"
Mr. Stanley Walch	"Deny"
Ms. Laura Long	"Approve"
Mr. Dan Welsh	"Deny"

There were two (2) votes to approve and three (3) votes to deny and therefore the variance was denied.

Meeting was adjourned at 6:50 pm.

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DATE OF HEARING June 5, 2017

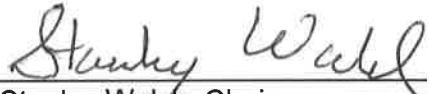
NAME James and Kelly Edwards

DESCRIPTION OF PROPERTY 750 S. Price

CAUSE FOR APPEAL Relief from the ruling of the Building Official denying a permit for an addition that would result in the proposed structure encroaching 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 denied the variance for the addition that would result in the proposed structure encroaching into the required side yard and the ruling of the Building Official was upheld.


Mr. Stanley Walsh, Chairman