

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, February 6, 2017**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, February 6, 2017 at Ladue City Hall.

The following members of the board were present:

Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Daniel Welsh
Mr. Lee Rottmann

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Mayor Nancy Spewak and Councilman John Fox were also in attendance.

Ms. Forshaw called the meeting to order at 4:00 p.m.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1219**

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 Thomas and Linda Valvo for the property at 53 Willow Hill Road, requesting relief from the ruling of the Building Official denying a permit for a building addition that encroaches in the side yard in the D Zoning District, per the Ladue Zoning Ordinance #1175, Section V-C(1)(a), Section V-C(1)(b), and Section V-B(1).

The hearing will be held at 4:00 p.m. on Monday, February 6th, 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

Ms. Forshaw asked Building Official Will Penney for an explanation with regard to the denial of the application. Mr. Penney stated that the application was denied for a permit for a two-story addition that encroaches into the side yard in the D Zoning District. The encroachment is approximately 2'3" into the setback. There would also be a second story added to the existing garage which already encroaches into the setback.

Ms. 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 – Permit denial dated December 16, 2016
- Exhibit D – List of residents sent notice of the meeting
- Exhibit E – Letter from the resident requesting the variance dated December 19, 2016
- Exhibit F – Entire file related to the application

The court reporter administered the oath to Mr. Randy Rhodes, architect and Mr. Thomas Volvo and Mrs. Linda Volvo, homeowners. Mr. Rollie Woltjen, 29 Willow Hill, also came forward.

Mr. Rhodes, project architect, came forward and explained the project. He noted the constraints on the property are the shared driveway easement as well as the triangular shape of the property. The proposed addition is approximately 900 square feet which will include garage and living space. The required side yard setback is 12'3" and the proposed improvements will be located approximately 9 feet, 1 inch from the property line.

Ms. Long asked for the dimensions of the addition Mr. Rhodes provided them. Ms. Long asked if the new garage is offset from the existing and Mr. Rhodes confirmed that it is offset slightly.

Ms. Forshaw asked if the existing home lacks a family room and Mr. Rhodes explained where the new family room will be located within the addition and confirmed there is only one living space currently.

Ms. Forshaw asked how many bedrooms the home has and Mr. Volvo explained that there are four bedrooms currently and four will remain.

Ms. Panke asked about access from the shared driveway and Mr. Volvo provided details about the shared access easement that has been executed between 53 and 54 Willow Hill Road.

A discussion ensued regarding whether there is rear yard on the property.

Mr. Volvo read an e-mail into the record from the adjoining property owner at 54 Willow Hill Road that offered support of the project.

Mr. Rollie Woltjen, 29 Willow Hill, came forward and offered support of the project and said that it will enhance the appearance of the neighborhood.

The public comment period ended.

Ms. Panke stated that the existing garage is already over the side yard setback. She noted that the encroachment has been minimized and that there are not many locations on the property where the addition could be located due to the other setbacks on the property. She noted that in her opinion, that the garage does not appear to be oversized.

Ms. Long noted that the shape of the lot is restrictive. She noted that the encroachment is minimal.

Ms. Panke noted that the green space is being preserved and there will not be a significant increase in impervious coverage.

Ms. Forshaw noted that the view from the street will not be modified based on this project.

Mr. Rottmann expressed that initially his concern was related to access into the garage, but noted that his concerns have been alleviated after reviewing the shared access driveway easement.

Ms. Long moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official be reversed, and a variance granted to construct the proposed pool on the site plan dated on December 5, 2016. Mr. Rottmann seconded the motion. Ms. Forshaw called for a vote with regard to this variance request and the vote thereupon was as follows:

Ms. Liza Forshaw	"Approve"
Ms. Laura Long	"Approve"
Ms. Elizabeth Panke	"Approve"
Mr. Daniel Welsh	"Approve"
Mr. Lee Rottmann	"Approve"

There were five (5) votes to approve and zero (0) vote to deny and therefore the variance was granted.

DOCKET 1219

DATE OF HEARING

February 6, 2017

DESCRIPTION OF PROPERTY

53 Willow Hill Road

CAUSE FOR APPEAL

Relief from the ruling of the Building Official denying a permit for a building addition that encroaches in the side yard in the D Zoning District, per the Ladue Zoning Ordinance #1175, Section V-C(1)(a), Section V-C(1)(b), and Section V-B(1)

RULING OF THE BOARD

After a discussion of the facts presented, the board deemed there to be practical difficulties associated with the application and approved the variance for a building addition that encroaches in the side yard in the D Zoning District, per the Ladue Zoning Ordinance #1175, Section V-C(1)(a), Section V-C(1)(b), and Section V-B(1) and the decision of the Building Official was overturned.



Ms. Liza Forshaw, Vice-Chairman.