

DOCKET 1192

DATE OF HEARING	February 1, 2016
NAME	Mr. & Mrs. Tim Deloge
DESCRIPTION OF PROPERTY	462 S. Price Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for an addition to the south of the residence which would encroach into the side yard setback 17 feet which is prohibited by Sections V-C-1(a) & (b) and IV-D (8) of Zoning Ordinance #1175 which state that nonconforming structures cannot be enlarged unless such enlargement complies with Ordinance #1175 and every part of the required yard shall be open from its lowest point to the sky unobstructed
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the addition encroaching into the side yard setback and the decision of the Building Official was overturned.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, February 1, 2016

DOCKET 1192
462 South Price

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, January 4, 2016, at City Hall.

The following members of the board were present:

Ms. Liza Forshaw, Acting Chairman
Mr. David Schlafly
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Daniel Welsh

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Ms. Erin Seele, City Attorney, Ms. Andrea Sukanek, City Planning Consultant

Ms. Forshaw 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 1192**

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 Mr. & Mrs. Tim Desloge, 462 South Price Rd, requesting relief from the ruling of the Building Official denying a building permit for an addition to the south of the residence which would encroach into the side yard setback 17 feet which is prohibited by Sections V-C-1(a) & (b) and IV-D (8) of Zoning Ordinance #1175 which state that nonconforming structures cannot be enlarged unless such enlargement complies with Ordinance #1175 and every part of the required yard shall be open from its lowest point to the sky unobstructed

The hearing will be held at 4:00 p.m. on Monday, February 1, 2016, at the 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 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 21, 2015;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated January 7, 2016
- Exhibit F - Entire file relating to the application

(Transcript attached as part of the minutes)

Mr. Penney explained that the proposed addition encroaches 17 feet into the required 50 foot side yard setback. The existing structure is nonconforming which requires the expansion to comply with zoning requirements.

The court reported administered the oath to Mr. Jessica Deem, project architect. She explained the project including a description of the existing non-conforming home and stated that the proposed patio will not be enclosed, but will include a masonry fireplace.

Ms. Panke asked why the expansion could not be located in the front yard and Ms. Deem responded that her client would like the privacy associated with the improvements being located in the side yard.

Public Comments

No one from the public came forward to speak on this matter and the Public Hearing was closed.

Mr. Schlafly stated that the expansion conforms to the feel of the home.

Ms. Panke stated that there are limited locations for the proposed space and that the proposed location is logical.

Mr. Welch asked if there is a hardship present as he has not heard an argument for the presence of a hardship. He did note that the proposed improvements fit with the preservation of the home.

Mr. Schlafly noted that precedents for historic homes should allow for some latitude with this determination.

Ms. Forshaw stated that variances have been granted for similar circumstances where homes were constructed prior to incorporation of the City and development of the zoning regulations.


Ms. Panke asked about the color selection of the expansion and the homeowner confirmed it would match the existing home which is pink.

Mr. Schlafly moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official will be reversed, and a variance should be granted to construct the improvements consisting of the addition of the outdoor room in accordance site plan dated

December 4, 2015. Ms. Forshaw called for a vote with regard to this variance request and the vote thereupon was as follows:

Ms. Liza Forshaw	"Approve"
Mr. David Schlafly	"Approve"
Ms. Laura Long	"Approve"
Ms. Elizabeth Panke	"Approve"
Mr. Daniel Welsh	"Approve"

The request for the variance to permit an addition encroaching into the side yard setback at 462 S. Price Road was approved.


Ms. Liza Forshaw, Acting Chairman