

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, November 7, 2016

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, November 7, 2016, at Ladue City Hall.

The following members of the board were present:

Ms. Liza Forshaw
Mr. David Schlafly
Ms. Laura Long
Mr. Lee Rottmann
Ms. Elizabeth Panke

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 4:03 p.m.

DOCKET 1210 - 20 Lindworth Lane

Notice of Public Hearing, as follows:

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

DOCKET NUMBER 1210

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 Michael Bokermann and Laura Lumaghi, 20 Lindworth Lane, requesting relief from the ruling of the Building Official denying a building permit for a new single family home residence that does not meet the required front yard setback of 50 feet for 'C' Residential zoning. Setback requirements are outlined in Section V-B-(1) of Zoning Ordinance #1175

The hearing will be held at 4:00 p.m. on Monday, November 7, 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 asked Building Official Will Penney for an explanation with regard to the denial of the permit at and Mr. Penney stated that the proposed new home encroaches 25' into the front yard setback. Applicant claims there was no cul-de-sac when the development was designed. The proposed setback is prohibited by section V-B-(1) Zoning Ordinance #1175.

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 August 1, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated August 5, 2016
- Exhibit F - Entire file relating to the application

The court reporter administered the oath to homeowners of 20 Lindworth Lane Mr. Bokkerman, Ms. Lumaghi and their contractor Mr. Pete Hennessey. Mr. Hennessey presented the project to the commission, saying that the lot was unique in Ladue and that there is no other lot like it in Ladue, indicating that if a variance was granted, it would not set a precedent for other lots in Ladue. He stated that the cul-de-sac was not in the original plans for the development. Mr. Hennessey distributed a 1948 development map to support this claim. He continued that the applicant needed to move the proposed new home closer to the street to keep the home an appropriate distance from two sink holes on the property for safety and structural reasons. He said other homes in the area were as close to the street as the new proposed home. The existing home sits in the setback, also. Mr. Bokkerman and Ms. Lumaghi also provided comments.

The public comment portion of the meeting was closed.

Discussion followed and the question was raised as to why the home needed to move further into the setback than the original home. Also questioned was the placement of the garage, which encroaches further into the setback. Mr. Hennessey explained that the design of the home was done to use the lot as appropriately as possible. Ms. Panke noted that the proposed home does not follow the curve of the road, although the garage does; but the garage is part of the problem as it extends the furthest into the setback. Mr. Rottmann noted that there is enough room to move the entire project back and Ms. Long voiced support for keeping the proposed home on the same footprint as the existing home. City Attorney Erin Seele reminded the commission to be specific on the variance language.

Mr. Schlafly 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 home and garage on the footprint of the current home. Ms. Long seconded the motion. Ms. Forshaw called for a vote with regard to this variance request and the vote thereupon was as follows:

Ms. Panke	"Approve"
Ms. Liza Forshaw	"Approve"
Mr. David Schlafly	"Approve"
Ms. Laura Long	"Approve"
Mr. Rottmann	"Approve"

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


Ms. Liza Forshaw Vice-Chair

Docket 1210

DATE OF HEARING	November 7, 2016
NAME	Michael Bokermann and Laura Lumaghi
DESCRIPTON OF PROPERTY	20 Lindworth Lane
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for a new single family home residence that does not meet the required front yard setback of 50 feet for 'C' Residential zoning. Setback requirements are outlined in Section V-B-(1) of Zoning Ordinance #1175
RULING OF THE BOARD	After a discussion of the fact presented, the Board approved the variance to construct the proposed home and garage on the footprint of the current home, which will result in the home exceeding the required front yard setback of 50 feet for 'C' Residential zoning per Section V-B-(1) of Zoning Ordinance #1175 and the decision of the Building Official was overturned.

