

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 14, 2021 4:00 P.M.**

DOCKET 1342

40 OVERHILLS DRIVE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, September 14, 2021.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Kristen Holton
Mr. Lee Rottmann
Ms. Laura Long
Ms. Elizabeth Panke

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Anne Lamitola, Director of Public Works; Melissa Barklage, Administrative Assistant; and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda and Minutes

Ms. Long made a motion to adopt the Agenda. Mr. Rottmann seconded the motion. All those present were in favor.

Ms. Long made a motion to adopt the Minutes of the July 6, 2021 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1342 Petition submitted by Paul Fendler on behalf of Grant Williams for the property located at 40 Overhills Drive. The petitioner is requesting relief from the Building Commissioner denying a garage addition due to encroachment into the side yard setback which is prohibited by Ladue Zoning Ordinance #1175, Section V-B-1.

Chairman Forshaw asked the City Planner to explain the reasons for denial. Ms. Sukanek reported that the applicant is requesting relief from the Building Commissioner denying a garage addition due to encroachment of 10 feet into the 50-foot side yard setback.

Chairman 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 – Letter of Denial dated July 12, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated July 20, 2021;
- Exhibit F – Entire file relating to the application.

Paul Fendler, architect, took the oath and was sworn in. The existing home is on a 6-acre lot. The existing 3-car garage is in the basement. The proposal is for an additional 3-car garage attached at grade with a partial second floor that will be a home office. There is an existing carport that will be removed and the proposed garage will be attached to the side of the house. The front corner of the garage will be 10 feet over the setback but the encroachment decreases toward the rear. The owner is 70 years old, wishes to age in place, and the basement garage is insufficiently accessible for an older person. There are no other options for placement of the new garage due to the pool and the location of the dining room.

Mr. Fendler stated that prior to applying for variance he met with Mr. and Mrs. Jones, who own the property to the south. They had no objections to the addition. There was a question about landscaping and the applicant is working on a plan with Ron Goedeker for landscaping to screen the garage and will share that final plan with the Joneses. Stormwater management is being reviewed by Cole and Associates and they will produce a plan to satisfy the city and the Joneses.

Ms. Panke observed that putting the garage on the south side of the property would be impractical because the garage would come off of the bedrooms. Chairman Forshaw asked about why a second story was added. Mr. Fendler stated that it will be a home office for now but may in the future be used for in-home care for Mr. Williams. In addition, a second story is important for architectural balance with the rest of the house, i.e. it is symmetrical with the other end of the house.

Board discussion ensued. Ms. Panke commented that the interior space is not excessive and the placement on the property is the best option. The existing garage is down on the lower level and is difficult to use. Mr. Rottmann commented that the new garage cannot be placed on the other side because of a dropoff of the property. Ms. Holton noted that there is not extra depth in the proposed garage that pushes the variance. Chairman Forshaw commented that the vegetation screen planned by the applicant, should be added as a condition to the variance. She observed that she would not normally be favorable to a variance to provide total garage space on site for 6 cars, but because of the orientation of the proposed new garage, the number of cars is not the reason for the encroachment, which is small on a large lot and tapers off toward the rear. Reducing the number of parking spaces in the new garage would not reduce the encroachment.

After discussion of the facts presented, Ms. Panke made the motion to overturn the decision of the Building Commissioner and grant the variance based on practical difficulty with the following condition: that the applicant provide a vegetation buffer to adequately screen the garage from the nearest neighbors in accordance with a City staff-approved landscape plan. Ms. Long seconded the motion. The vote was as follows:

Ms. Elizabeth Panke	"approve"
Ms. Laura Long	"approve"
Chairman Liza Forshaw	"approve"
Mr. Lee Rottmann	"approve"
Ms. Kristen Holton	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 5:57 p.m. Ms. Long made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1342

DATE OF HEARING September 14, 2021

NAME Paul Fendler

DESCRIPTION OF PROPERTY 40 Overhills Drive

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a garage addition due to encroachment into the side yard setback which is prohibited by Ladue Zoning Ordinance #1175, Section V-B-1.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted.



Ms. Liza Forshaw, Chairman