

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JANUARY 3, 2023, 4:00PM**

**DOCKET 1373
9633 LADUE ROAD**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, January 3, 2023.

The following members of the Board were present:

Vice-Chairman Mr. Dan Welsh
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. David Schlafly

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Vice-Chairman Mr. Dan Welsh called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda

The agenda was adopted unanimously upon motion by Ms. Panke and second by Ms. Long.

Approval of the Minutes from the October 4, 2022, meeting

The minutes were approved unanimously upon motion by Ms. Long and second by Mr. Rottmann.

Mr. Welsh declared that by ordinance board members are required to elect the Chairman and the Vice Chairman for 2023.

Ms. Forshaw was elected as Chairman, unanimously, upon motion by Mr. Schlafly and second by Ms. Panke.

Mr. Welsh was elected as the Vice-Chairman, unanimously, upon motion by Ms. Long and second by Mr. Rottmann.

Docket 1373

Petition is submitted by Steve and Kelly Mackin for the property located at 9633 Ladue Road. The petitioner is requesting relief from the City Planner denying a garage addition due to encroachment into the required front yard setback which is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and V-C-1.

Ms. Sukanek shared information on the applicant's request for a variance to modify a garage in the "C" district. Construction was denied due to encroachment into the required side yard setback in violation of Ladue Zoning Ordinance 1175, Section V-B-1 and V-C-1. The main residence was built in 1936, predating the 50' setback requirements in the "C" zoning district. The existing garage is about 3.5 feet inside of the setback line. The proposed expansion would encroach just over 6 feet into the setback. The total enlargement of the garage is 285 square feet.

Vice Chairman Welsh 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 December 2, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated December 6, 2022;
- Exhibit F – Entire file relating to the application

Architect, Tom Niemeier took the oath to address the Board, asserting that the existing garage is modest in size, with a hallway going through the center, and a tight fit for modern vehicles. While the proposal increases the length of the garage, there is no additional width. Brick walls that extend from the sides of the garage will be utilized in the project.

After discussion of the facts presented including the legal nonconforming status, challenges associated with a second front yard, the relevance of updating existing homes, preservation of the charm of the City, and approval of the A.R.B., the Board determined that practical difficulties exist. Ms. Long made the motion to overturn the decision of the City Planner and grant the variance for the garage. Mr. Rottmann seconded the motion. The vote was as follows:

Vice-Chairman Mr. Dan Welsh	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"
Mr. David Schlafly	"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 4:30 p.m. the meeting adjourned upon motion of Mr. Schlafly and second of Mr. Rottmann.

DOCKET 1373

DATE OF HEARING January 3, 2023

NAME Steve and Kelly Mackin

DESCRIPTION OF PROPERTY 9633 Ladue Road

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a garage addition due to encroachment into the required front yard setback which is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and V-C-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 City Planner is overturned, and the variance is granted.

Mr. Dan Welsh, Vice Chairman