

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
DECEMBER 1, 2020 4:00 P.M.**

DOCKET 1315

4 BRIDLE CREEK ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, December 1, 2020.

DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC GATHERINGS DUE TO COVID-19, THE MEETING WAS CONDUCTED BY VIDEOCONFERENCE VIA ZOOM

The following members of the Board were present:

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

Also present were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; John Fox, Councilman; and Nancy Spewak, Mayor.

Chairman Forshaw called the meeting to order at 4:05 P.M.

Approval and Adoption of the Agenda and Minutes

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

Ms. Elizabeth Panke made a motion to adopt the minutes of the November 3, 2020 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1315 Petition submitted by Jane Ann Forney for the property located at 4 Bridle Creek Road. Petitioner is requesting relief from the Building Commissioner denying a detached garage addition due to encroachment into the side yard setback approximately thirty-four feet (34'). This in violation of Ladue Zoning Ordinance 1175, Section V-B (2).

Mr. Stewart reported that the applicant is requesting an additional three-car garage in the A zoning district that extends into the required 50-foot setback by 34 feet.

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 October 28, 2020;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated October 30, 2020;

Exhibit F – Entire file relating to the application

Jane Ann Forney of Forneyplus Architecture was sworn in and addressed the Board. She stated that after purchasing their home on Bridle Creek, the Kileys discovered the existing garage was too shallow hold their large vehicles. The garage is 20'8" deep whereas garages built today are typically 24' deep. Placing the proposed new garage to the rear of the existing garage would put the doors and activity in direct view of neighbors at #2 Bridle Creek, require more driveway pavement, and block natural light into a second-floor bedroom. There are also a 4' retaining wall and a couple of tall trees to the rear of the existing garage. Building the garage on the right side would place it by the master suite and away from the service area. Placing it in the front would cause a major change in front elevation, impact the view of the house from the street and put the garage away from the service area. After consideration of these options, the proposed detached garage seemed the best choice. The lot is a parallelogram that narrows to the rear. The topography of the land also limits placement, as a creek runs through the lot.

Fiona and Richard Woods of #2 Bridle Creek Road, along with their attorney Gary Feder, took the oath. Mr. Feder stated objections to the proposal. He characterized the proposal of a 34' encroachment as a significant encroachment. The applicant purchased the home with a three-car garage and practical difficulty has not been shown. Ms. Woods addressed the board, stating that when she and her husband built their home they were respectful of zoning regulations and setbacks with the assumption that the neighbors would also respect them. A three-acre lot should afford them privacy. Placing the garage next to the east end of her home would impair that privacy. The applicant does not want the garage beside their own bedrooms, yet the proposal places the garage next to the bedrooms at #2 Bridle Creek.

Ms. Sally Lemkemeier, #3 Bridle Creek, took the oath, stating opposition to the proposal. There are 5 homes on the street, and they have all adhered to setback requirements to date. The plan does not have trustee approval. The trustees signed the plans as required but that does not signify approval.

Mr. Hal Burroughs, a city councilman, took the oath, stating opposition to the proposal and stressing the importance of respecting the zoning ordinance.

Ms. Kiely took the oath and thanked the board for their time. She explained that she and her husband purchased the home without measuring the garage, and they did not know it was inadequate. They have 4 children, three of whom will be driving within a few years. The existing 3-car garage has one double bay and one single bay for parking. Entry to the home is very difficult as the entry door to the home is through the single bay and it is an extremely tight fit to get through when vehicles are pulled in. The large creek going through the property, the master bedroom suite on the east side, and the laundry/mudroom entry on the west dictate placement of the proposed second garage.

Board discussion ensued. The Board members discussed the proposed placement with the footprint of a 2-story garage entirely in the side yard setback; the availability of alternative locations that would not require a variance; the large size of the proposed garage (to hold 3 cars, a golf training area and a second-floor home office); the fact that the house already has a 3-car garage which would remain; and precedential effect. The consensus of the Board was that no practical difficulty exists to justify a variance.

After discussion of the facts presented, Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	“deny”
Ms. Laura Long	“deny”
Ms. Elizabeth Panke	“deny”
Mr. Lee Rottmann	“deny”
Mr. Dan Welsh	“deny”

With zero (0) votes in favor and five (5) against, the motion fails, and the ruling of the Building Commissioner is upheld.

Adjournment

At 5:04 p.m. Ms. Long made a motion to adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1315

DATE OF HEARING December 1, 2020

NAME Jane Ann Forney

DESCRIPTION OF PROPERTY 4 Bridle Creek Road

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a detached garage addition due encroachment into the side yard setback approximately thirty-four feet (34'). This in violation of Ladue Zoning Ordinance 1175, Section V-B (2).

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board does not find practical difficulty. The decision of the Building Commissioner is upheld.

Ms. Liza Forshaw, Chairman