

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

DOCKET 1343

1311 BRYNNWOOD 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 1343 Petition is submitted by Devin and Brian Mueller for the property located at 1311 Brynnwood Drive. The petitioner is requesting relief from the Building Commissioner denying a front porch due to encroachment into the front yard building setback which is in violation of 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 front porch due to encroachment of 6.5 feet into the 50-foot front 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 13, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated July 21, 2021;

Exhibit F – Entire file relating to the application.

David Williams, contractor, took the oath and was sworn in. He stated that they are requesting to add a roof and supports to the front of the Muellers' home. Ms. Panke asked for clarification on the dimensions of the proposed addition to the front of home, which by her assessment, appeared to be an 8.5-foot encroachment into the front setback (not 6.5 feet as presented in the application). Ms. Sukanek agreed with Ms. Panke. Mr. Williams explained that they did not count the cantilevered second story of the house (which sticks out farther than the ground floor). Ms. Sukanek concluded that the true encroachment is 8.5 feet. Chairman Forshaw asked if the reason for the front porch addition was for aesthetics. Mr. Williams agreed that it was. Ms. Sukanek asked if the plans received Architectural Review Board approval. Mr. Williams said they did.

Betty Mueller, the property owner, took the oath and was sworn in. Ms. Mueller stated that the Architectural Review Board did give approval of the plans. She believes there are safety issues without a front porch. In addition, the sun makes the entrance hot. The subdivision trustees have approved the plans.

Board discussion ensued. Ms. Panke stated that there is a cantilever over the front porch that does offer some protection already. The proposed porch is deep so the applicants are asking for a sizable (8.5 feet) encroachment into the setback. Ms. Panke and Ms. Long said they could not perceive a practical difficulty. Chairman Forshaw asked Ms. Sukanek whether a porch with a cantilevered roof (without supporting columns) would still be subject to the setback requirement. Ms. Sukanek answered that anything covered must comply with setbacks. Chairman Forshaw expressed sympathy for the applicants' desire to improve a plain house façade but explained that the Board has often denied variances for front porches because there is usually no practical difficulty or limiting principle for when such variances are to be granted. Keeping primary front yards clear and open is an important goal of the city's zoning code. She expressed her view that an 8.5-foot encroachment into a primary front yard is significant.

After discussion of the facts presented, Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance based on practical difficulty. Ms. Panke seconded the motion. The vote was as follows:

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

With zero (0) votes in favor and five (5) against, the motion failed, the ruling of the Building Commissioner was upheld, and the variance was denied.

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 1343

DATE OF HEARING September 14, 2021

NAME Devin and Brian Mueller

DESCRIPTION OF PROPERTY 1311 Brynnwood Drive

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a front porch due to encroachment into the front yard building setback which is in violation of 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 do not exist. The decision of the Building Commissioner is upheld, and the variance is denied.



Ms. Liza Forshaw, Chairman