

MINUTES OF MEETING ZONING BOARD OF ADJUSTMENT
OCTOBER 3, 2023, 4:00PM
DOCKET 1395
849 KENT ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, October 3, 2023. The following members of the Board were present:

Chairman Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. David Schlafly
Mr. Dan Welsh

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

The meeting was called to order at 4:00 P.M.

Approval and Adoption of the Agenda

The agenda was amended and adopted unanimously upon motion by Ms. Long and second by Mr. Welsh.

Approval of the Minutes from the September 5, 2023 meeting

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

Docket 1395

Petition submitted by Thomas and Carolyn Vandiver for the property at 849 Kent Road. Petitioners are requesting relief from the City Planner denying the placement of a generator within the 50-foot side yard setback in the B residential district. Proposed generator is in violation of Sections IV.J.(1) and V.B.(1) of the Ladue Zoning Ordinance (#1175).

Ms. Sukanek described the applicant's request to install a generator in the side yard of a 2-acre lot in the "B" zoning district. The application 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 proposal places the generator with the existing sunken pool equipment and increases the slight encroachment of the pool equipment area into the 50' required setback by 5'-7', leaving between 43' and 45' between the generator and the property line. The height of the generator is about 45". The proposed placement is in a non-primary front yard and the generator would be screened from Barnes Road. It does meet the height and screening requirements.

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 - Letter of Denial dated August 30, 2023;
- Exhibit D - List of Residents sent notice of meeting;
- Exhibit E - Letter requesting the variance dated September 5, 2023;
- Exhibit F - Entire file relating to the application
- Exhibit G - Letters/Emails of support, with trustee

attachments Ms. Forshaw entered the additional emails into the record as exhibit G.

Mr. Thomas Vandiver, homeowner, was sworn in and addressed the board. He stated because the home sits on a heavily wooded lot, power outages are a common occurrence during storms. The home was built in the 1880s. The Vandivers moved in in 1985 and have gone through 3 renovations. The request is to put the generator below grade, with the pool equipment, adjacent to a tennis court fence. The existing tennis court fence has been on the Kent Road lot line since the 1960s. The lot was subdivided, and property lines were reconfigured in the 1960s resulting in the odd property lines and a small building envelope. The proposed location is the most logical place for the generator. Any other location would destroy sight lines and be obtrusive to the neighbors. The project has the approval of the neighbors, trustees, and the Architecture Review Board. The proposal will be properly screened and will not be visible or audible to the neighbors. The generator will be 100' from Barnes Road, separated from Barnes Road by a heavily wooded area.

After discussion of the facts presented, the placement in a sunken location next to pool equipment and a tennis court fence, the lot configuration, the modest size of the encroachment, the substantial screening, and the support of the neighbors, it was determined that practical difficulties exist. Ms. Long moved to overturn the decision of the Building Commissioner and grant the variance for the window modification. Mr. Welsh seconded the motion. The vote was as follows:

- Chairman Liza Forshaw "in favor"
- Ms. Laura Long "not in favor"
- Ms. Elizabeth Panke "in favor"
- Mr. David Schlafly "in favor"
- Mr. Dan Welsh "in favor"

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

Adjournment

At 5:27 p.m. the meeting adjourned upon motion of Mr. Welsh and second of Ms. Long.

DOCKET 1395

DATE OF HEARING

October 3, 2023

NAME

Thomas and Carolyn Vandiver

DESCRIPTION OF PROPERTY


849 Kent Road

CAUSE FOR APPEAL

Petitioners are requesting relief from the City Planner denying the placement of a generator within the 50-foot side yard setback in the B residential district. Proposed generator is in violation of Sections IV.J.(l) and V.B.(1) of the Ladue Zoning Ordinance (#1175).

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.


Ms. Liza Forshaw