

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JANUARY 5, 2021 4:00 P.M.**

DOCKET 1318

9841 OLD WARSON ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, January 5, 2021.

**DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC
GATHERINGS DUE TO COVID-19, THE MEETING WAS CONDUCTED BY VIDEO
CONFERENCE 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; Andrea Sukanek, City Planner; and Roger Stewart, Building Commissioner.

Chairman Forshaw called the meeting to order at 4:03 P.M.

Chairman Forshaw observed that the new year necessitates electing the Chairman and Vice-Chairman of the Board.

Ms. Panke made the motion to elect Ms. Forshaw as the Chairman; seconded by Ms. Long. All those present were in favor.

Ms. Long made the motion to elect Mr. Welsh as the Vice-Chairman; seconded by Ms. Panke. All those present were in favor.

Approval and Adoption of the Agenda and Minutes

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

Ms. Long made a motion to adopt the Minutes of the December 1, 2020 meeting. Ms. Panke seconded the motion. All those present were in favor.

Docket 1318

Docket 1318 Petition is submitted by Aiden Murphy for Old Warson Country Club located at 9841 Old Warson Road. The petitioner is requesting relief from the City Planner denying accessory structures (tennis and pickle ball courts) due to encroachment into the front yard setback. These are in violation of Ladue Zoning Ordinance #1175, Section V-C (1)(b).

Ms. Sukanek stated the applicant requests a variance to install pickleball and tennis courts in a front yard setback. The 144.34-acre property is located in the "B" residential zoning district. This

property received a Special Use Permit to operate a private club in 1953. There have been several amendments to the first Special Use Permit. One amended Special Use Permit was granted in 2002 for new and relocated tennis courts. An amended Special Use Permit was approved in 2011 to relocate and add additional sport courts in the setback. The improvements were not constructed, and the variance is no longer valid.

The requested Special Use Permit includes the relocation of three existing tennis courts and the replacement of one tennis court with a pickle ball court. Existing courts encroach 5 feet into the setback and would be moved 20 feet closer to the Old Warson Road right-of-way, so that they would be 25-26 feet from the Old Warson right-of-way. The planned 22-foot-tall, 1,420 square foot pavilion meets the setback requirements, although accessory structures are not allowed in a front yard. The fences are in compliance but due to placement in the setback will require a variance.

The Planning and Zoning Commission and the City Council have approved the club's requested Special Use Permit subject to obtaining the variance.

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 November 30, 2020;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated December 6, 2020;

Exhibit F – Entire file relating to the application

Club president Robert Lachky took the oath and described the request for a variance to encroach into the 50-foot front yard setback by 23 feet, in order to place the improvements about 27 feet from the property line. The current tennis courts and pavilion are located along Old Warson Road. They are in dire need of an upgrade. The club plans to improve these facilities by rebuilding the tennis courts with new materials and better drainage capabilities and to install pickleball courts. Two tennis courts located on the west end of this development will be removed for a future development. The rebuilt tennis courts will be lowered to address topography and drainage. The pickleball courts and an open-air pavilion will be installed at the far east end of the development. Immediately to the north of this area is the golf course's first hole. Out of a concern for safety from errant golf balls, the club is requesting a greater encroachment into the front yard set-back. These planned upgrades are needed to sustain and grow club membership. The topography and location right next to the golf course require the courts to be pushed into the 50-foot setback to ensure safety of the players.

There is minimal impact to Old Warson Road and the neighbors to the south. The club board has the support of the residents across the street. While the courts are moving closer to the road, they are being lowered to lessen the visual impact. Pickleball courts need to be in a north-south orientation to avoid blinding sunlight. Landscaping is planned along the street to screen and improve the development. The club board is very mindful of the need to present itself to the public in a first-class manner. Pickleball is the fastest-growing sport in the U.S. and appeals to all demographics, especially younger members. The club currently has no pickleball courts. The club wishes to consolidate all its racquet sport facilities into one place that can be supervised

more easily. The practical difficulty is that space is very tight along Old Warson Road, which is the only place to put these facilities.

Architect Paul Fendler took the oath stating the need for safety. The prior unused Special Use Permit was discussed.

Board discussion included:

an institution's need to stay current, upgrading to respond to changing times
similar granted variances
safety
neighbor support
elaborate screening and landscaping plans.

After discussion of the facts presented, Ms. Panke made the motion to overturn the decision of the City Planner and grant the variance. Ms. Long seconded the motion. The vote was as follows:

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

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 5:23 p.m. Ms. Panke made a motion to Adjourn the meeting. Ms. Long seconded the motion. A unanimous vote in favor was taken.

DOCKET 1318

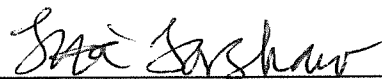
DATE OF HEARING January 5, 2021

NAME Aiden Murphy

DESCRIPTION OF PROPERTY 9841 Old Warson Road

CAUSE FOR APPEAL 1318 Petition is submitted by Aiden Murphy for Old Warson Country Club located at 9841 Old Warson Road. The petitioner is requesting relief from the City Planner denying accessory structures (tennis and pickle ball courts) due to encroachment into front yard setback. These are in violation of Ladue Zoning Ordinance #1175, Section V-C (1)(b).

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, Chairman