

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
MARCH 2, 2021 4:00 P.M.**

DOCKET 1323

9701 LADUE ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, March 2, 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
Ms. Kristen Holton

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 4:05 P.M.

Approval and Adoption of the Agenda and Minutes

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

Ms. Panke made a motion to adopt the Minutes of the February 2, 2021 meeting. Ms. Long seconded the motion. All those present were in favor.

Docket 1323 Petition is submitted by Dr. Julia Phillips and Charles Phillips for the property located at 9701 Ladue Road. The petitioner is requesting relief from the Building Commissioner denying a shed due to encroachment into the side yard setback. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-2.

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 January 13, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance received February 1, 2021;
- Exhibit F – Entire file relating to the application

Building Commission, Roger Stewart explained that the shed was denied due to an encroachment of 10 feet into the 20-foot side yard setback.

Mr. Phillips, Dr. Phillips and Mr. Milne took the oath and addressed the Board. The applicant requests a variance to place a utility shed in the side yard. Mr. Phillips stated that the pool, slope, creek and setback result in limited options for placement of the shed, and the proposed location is the best one. The shed would not be visible from the road and its location at the low point between the neighboring lots would be the least visible to the neighbors.

Mr. Milne, the abutting neighbor, spoke in favor of the variance and affirmed that the proposed shed would not be visible from his back yard.

Board discussion ensued. Topics included the practical difficulty of challenging topography with a dramatic drop and the creek. The strong endorsement of the nearest neighbor was noted.

After discussion of the facts presented it was determined that practical difficulties exist. Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance. Ms. Panke seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"
Ms. Kristen Holton	"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 5:50 p.m. Ms. Long made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1323

DATE OF HEARING MARCH 2, 2021

NAME DR. JULIA PHILLIPS AND CHARLES PHILLIPS

DESCRIPTION OF PROPERTY 9701 LADUE ROAD

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a shed due to encroachment into the side yard setback. This is 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 finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted.

Ms. Liza Forshaw, Chairman