

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JUNE 1, 2021 4:00 P.M.**

DOCKET 1331

25 Randelay Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, June 1, 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. Elizabeth Panke
Mr. Lee Rottmann
Ms. Kristen Holton

Also present were Erin Seele, City Attorney; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; John Fox, Councilman; and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:01 P.M.

Approval and Adoption of the Agenda and Minutes

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

Mr. Rottmann made a motion to adopt the Minutes of the May 4, 2021 meeting. Ms. Panke seconded the motion. All those present were in favor.

Docket 1331 - Paul Fendler on behalf of Mark and Caroline Lavigne for the property located at 25 Randelay Drive. The petitioner is requesting relief from the Building Commissioner denying a new sport court due to an encroachment into the required side yard setback. This is in violation of Ordinance #1175, Section V-B-1.

Mr. Stewart informed the applicant that with only four board members present a variance will not be granted without a unanimous vote.

Mr. Stewart explained that the denial for the sport court is due to a 21' side yard encroachment into the 50' required setback in the "B" zoning district.
The plans have not been submitted to the Architecture Review Board for approval.

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 April 26, 2021;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated April 29, 2021;

Exhibit F – Entire file relating to the application

Caroline Lavigne took the oath and addressed the Board. The proposal for a sport court is to create a safe, multipurpose space away from the road for pickle ball, basketball, and various other sports. The 21' proposed encroachment is in line with the pool house and pool and preserves a nearby apple orchard. The proposed sport court is very low-key. It has no lights and no fence. The proposal has support of the neighbor to the rear.

Paul Fendler, architect, took the oath and explained that the applicant was granted a variance recently for the pool house adjacent to the existing nonconforming pool. The proposed side setback encroachment is less than that of the pool house. A dense line of evergreen trees and a berm would fulfill the function of a fence and create a visual buffer. The court floor would be green. Two 3-foot stone retaining walls, which do not require a variance, would allow the court to be flat and lower than grade, further minimizing the visual impact. The court would include a basketball hoop and a soccer net. It would be possible to move the sport court to the east, but that would be in the middle of the yard where it would be less convenient and more obtrusive and would interfere with the apple orchard. The impact on the neighbor to the west is negligible. Their house sits lower and is very far away.

Board discussion included placement, screening, the simplicity of the proposal without lights or fencing, the near-invisibility of the proposed sport court, and the support of the neighbors.

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

Chairman Liza Forshaw	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“approve”
Ms. Kristen Holton	“approve”

With four (4) 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 5:46 p.m. Ms. Panke made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1331


DATE OF HEARING June 1, 2021

NAME Paul Fendler

DESCRIPTION OF PROPERTY 25 Randelay Drive

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a new sport court due to an encroachment into the required side yard setback. This is in violation of 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 exist. The decision of the Building Commissioner is overturned, and the variance is granted.

A handwritten signature in black ink, appearing to read "Liza Forshaw", is positioned above a solid horizontal line.

Ms. Liza Forshaw, Chairman