

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 1, 2020 4:00 P.M.**

DOCKET1307

9450 CLAYTON ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, September 1, 2020

**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. Kristen Holtman
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann

Also present were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; and Nancy Spewak, Mayor.

Chairman Forshaw called the meeting to order at 4:00 P.M.

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 August 4, 2020 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1307 Petition is submitted by Rev. Susan Andrews for the property located at 9450 Clayton Road. Petitioner is requesting relief from the City Planner denying banners hung between columns. This is prohibited by Ladue Zoning Ordinance 1175, Section XI-F (5)(b).

Ms. Sukanek stated Ladue Chapel is requesting a variance to hang two 98 square foot banners. The maximum size allowed by ordinance is 16 square feet. Temporary 4 square foot signs are allowed for 45 days for institutional properties such as churches and schools.

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 May 29, 2020;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated July 30, 2020;

Exhibit F – Entire file relating to the application

City Attorney Erin Seele presented the City’s position based on case law. She stated the City has a history of applying sign regulations to churches and the City’s position is supported by law. The law is clear that churches are subject to sign regulations established for the general welfare of the city and not merely for safety. The law looks at the use and not the message.

David Strubel stepped in as acting City Attorney, as Ms. Seele had a prior commitment.

Rev. Susan Andrews and Joy Dyroff took the oath and addressed the Board. Ms. Andrews asserted that the banners in question are not signs but symbols of faith. They are temporary but are part of the building and welcoming. The banners proclaim and invite. The church proposes to have banners for liturgical seasons spanning about half of the year.

Joy Dyroff, Attorney representing Ladue Chapel, respectfully disagreed with the City’s position and interpretation of the law. The church is requesting the variance, but their position is that the City does not have the authority to forbid the banners. She stated the church’s position that the City’s authority only pertains to safety issues.

Discussion ensued regarding the size, the number of banners and the duration of their display. Rev. Andrews stated her willingness to limit the time of display to Advent/Christmas and Lent/Easter seasons, for 45 days each.

Acting City Attorney David Strubel said the law is clear there are no special rules or exemptions for church signage. The law requires that every applicant be treated equally.

Ms. Dyroff cited cases that she believed limit city authority over church signs to matters of health and safety.

Board Discussion ensued. Chairman Forshaw had reviewed the cases cited and agreed with the City Attorney’s interpretation that churches are not exempt from city sign regulation, and safety is not the only consideration. The lack of a practical difficulty specific to this property justifying a variance, and the danger of setting a precedent were discussed. It was noted that Ladue currently has no other properties with large banners. The proposed banners fall under the definition of a sign and are far in excess of the size permitted by the sign ordinance. If this variance were granted, many other landowners could demand a similar variance to have large banners.

Ms. Panke moved that on the basis of the evidence presented the Board finds that practical difficulty exists, the decision of the Building Commissioner is reversed, and a variance is granted.

Ms. Long seconded the motion.

The vote was as follows:

Chairman Liza Forshaw	“disapprove”
Ms. Laura Long	“disapprove”
Ms. Elizabeth Panke	“disapprove”
Mr. Lee Rottmann	“disapprove”
Ms. Kristen Holton	“disapprove”

With zero (0) votes in favor and five (5) against, the motion failed, the ruling of the City Planner stands, and the Board denied a variance.

Adjournment

At 6:46 p.m. Mr. Rottmann made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1307

DATE OF HEARING September 1, 2020

NAME Rev. Susan Andrews

DESCRIPTION OF PROPERTY 9450 Clayton Road

CAUSE FOR APPEAL Petitioner is requesting relief from the City Planner denying banners hung between columns. This is prohibited by Ladue Zoning Ordinance 1175, Section XI-F (5)(b).

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds does not find practical difficulties exist. The decision of the City Planner is upheld, and no variance is granted.



Ms. Liza Forshaw, Chairman