

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
FEBRUARY 7, 2023, 4:00PM
DOCKET 1374
2 LADUE CREST LANE**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

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

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

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

Approval and Adoption of the Agenda

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Approval of the Minutes from the January 3, 2023, meeting

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1374

Petition is submitted by Justin and Roma Bordewick for the property located at 2 Ladue Crest Lane. The petitioner is requesting relief from the City Planner denying a retaining wall taller than the 6-foot allowed which is in violation of Ladue Zoning Ordinance #1175, Section IV-F-3.

Ms. Panke recused herself from Docket 1374; Ms. Forshaw advised that the remaining four board members must approve the petition for a variance to be granted. She gave the applicant the opportunity to defer the case. Mr. Dennis Mangus, contractor, chose to continue with the hearing.

Ms. Sukanek explained the reason for the denial. A wall identified as a retaining wall on the application exceeds the permissible 6 feet in height. The wall supporting the patio/deck was built 8 feet tall, which was not how it was designed on the building plans. Ms. Sukanek shared the definition of a retaining wall from Ord. 1752 as:

A wall of masonry, concrete, polymers or treated timber for holding in place a mass of earth and not used to support, provide a foundation for, or provide a wall for a building.

Ms. Sukanek stated that the wall does not meet the definition of a retaining wall; it is more of a foundation wall as it provides the foundation for the deck area, which is attached to the home.

Arguably this application should have been processed as a deck application and reviewed by the Architectural Review Board.

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 November 2, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated December 15, 2022;
- Exhibit F – Entire file relating to the application

Mr. Mangus took the oath to address the Board, maintaining that the wall provides support for the deck.

After discussion, which noted that the wall does not hold up dirt but instead is part of the structure of the patio/deck, Ms. Long moved that the decision of the City Planner be reversed. The City Planner’s denial was based on the wall being considered a retaining wall, but the wall should not be considered a retaining wall and therefore the retaining wall height limitation in the ordinance does not apply to this case. The motion passed unanimously upon second by Mr. Rottmann.

The vote was as follows:

Ms. Forshaw	“approve”
Ms. Laura Long	“approve”
Mr. Lee Rottmann	“approve”
Ms. Kristen Holton	“approve”
Ms. Elizabeth Panke	* recused

With four (4) votes in favor and zero (0) against, the motion passed, and the ruling of the City Planner was overturned. A variance was not needed. The applicant will need to apply for a deck permit and have approval of the A.R.B.

Adjournment

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1374

DATE OF HEARING February 7, 2023

NAME Justin and Roma Bordewick

DESCRIPTION OF PROPERTY 2 Ladue Crest Lane

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a retaining wall taller than the 6-foot allowed which is in violation of Ladue Zoning Ordinance #1175, Section IV-F-3.

RULING OF THE BOARD After discussion of evidence presented, the Board overturns the decision of the City Planner. A variance is not required.



Ms. Liza Forshaw