

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, FEBRUARY 5, 2019, 4:00PM

DOCKET 1264

1705 N. Woodlawn Avenue

A meeting of the Zoning Board of Adjustment was held at 4:05 p.m. on Tuesday, February 5, 2019 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw
Ms. Laura Long
Mr. Dan Welsh
Mr. David Schlafly
Ms. Elizabeth Panke

Also present were: Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; and Councilman John Fox.

Chairman Forshaw called the meeting to order at 4:05 PM.

Approval and Adoption of the Agenda

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

Approval of the Minutes from the January 8, 2018 meeting

Mr. Welsh made a motion to approve the Minutes as submitted. Ms. Panke seconded the motion. All those present were in favor and the minutes were approved.

Docket 1264 Petition is submitted by Traci Dale Pupillo on behalf of David and Angela Porter for the property located at 1705 North Woodlawn Avenue. Petitioner is requesting relief from the City Planner denying an amendment to a special use permit due to the lot size being reduced. This is in direct violation of the SUP requirements for a residence that exceeds 15,000 square feet, Ladue Zoning Ordinance #1175, Section VII, F-3 (b).

Chairman Forshaw asked the City Planner for an explanation of the denial.

Ms. Sukanek stated the requested amendment to the special use permit. is in violation of a requirement in the Zoning Ordinance 1175, Section VII.F.3.b stating the proposed residence must be on one lot and the area of the lot shall not be reduced at any time after the construction of a residence that exceeds 15,000 square feet. Due to the conflict with the zoning code a variance is required. The Planning and Zoning Commission has recommended approval of the amended special use permit and subdivision plat, subject to the granting of a variance to permit

the lot size to be reduced. The amended special use permit is scheduled to go before the City Council for final 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 January 4, 2019;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated January 7, 2019;
- Exhibit F – Entire file relating to the application
- Exhibit G – Power Point Presentation

The appellant Traci Pupillo, attorney for David and Angela Porter, was sworn in and gave a presentation on the proposed amendment to the Special Use Permit for the property with a residential structure exceeding 15,000 square feet at 1705 N. Woodlawn.

The Porters are in the process of divorcing and wish to sell their 22.705 acre estate at 1705 N. Woodlawn, which is improved with a 29,000 square foot house and a 16,000 square foot barn/stable improvements with a riding arena. In addition, they own and wish to sell a 12,400 square foot house at 1751 N. Woodlawn. Because of the magnitude of the property, the Porters have been advised that it would be extremely difficult to find a buyer in the St. Louis market for 1705 N. Woodlawn in its current configuration. They have found two different buyers for all the property at both addresses, but one buyer wants only the 29,000 square foot house on 7.5 acres – without the barn/stable/arena improvements – and the other buyer wants the 12,400 square foot house with the excess acreage including the barn/stable/arena improvements. The Porters have entered into a contract for the sale of 1705 N. Woodlawn contingent on reducing this property to 7.5 acres. The remaining acreage, including the barn/stable/arena, would be consolidated with 1751 N. Woodlawn, resulting in a 17.2-acre lot. The Porters have also entered into a contract for the sale of the latter property, contingent on city approvals.

This subdivision of the properties and an amended special use permit have been unanimously recommended by the Zoning and Planning Commission. The reduced property still meets all the requirements for a special use permit in District A for this size home. The property is in the "A" residential zone, which requires a 3-acre minimum lot size, which is easily satisfied with 7.5 acres. The other requirements for a house exceeding 15,000 square feet relating to ratios of building size to lot size, setbacks and other issues are satisfied. The lot reduction is behind the 29,000 square foot house and would not be apparent from the street. The size and value of the property create a hardship in selling without dividing this property.

There was testimony from real estate agent Alexandra Thornhill that the current very large size and configuration of 1705 N Woodlawn make it impractical to sell the property to a single buyer. Attorney Craig Biesterfeld, attorney for one of the buyers, also testified that the impracticability of selling the property in its current configuration constitutes a hardship.

After a discussion of the facts presented, including the unique nature of this estate in Ladue, the challenges of marketing it in its current configuration, the extent of the acreage relative to the size of the improvements, the fact that the reduced lot would still meet eligibility

requirements for a special use permit for the 29,000 square foot house, and the invisibility of the proposed lot size reduction to the view from the street, the board determined that a hardship exists. Chairman Forshaw made a motion to overturn the ruling of the City Planner and grant a variance to reduce the lot size to 7.5 acres as shown on the site plan. Mr. Welsh seconded the motion. The vote was as follows:

Chairman Liza Forshaw	“approve”
Ms. Laura Long	“approve”
Mr. Dan Welsh	“approve”
Mr. David Schlafly	“approve”
Ms. Elizabeth Panke	“approve”

With five (5) votes in favor and zero (0) against, the variance was granted.

Adjournment

At 5:41 Ms. Long made a motion to Adjourn the meeting. Mr. Schlafly seconded the motion. A unanimous vote in favor was taken.

DOCKET 1264

DATE OF HEARING February 5, 2019

NAME Tracy Pupillo

DESCRIPTION OF PROPERTY 2220 S. Warson Road

CAUSE FOR APPEAL Petitioner is requesting relief from the City Planner denying an amendment to a special use permit due to the lot size being reduced. This is in direct violation of the SUP requirements for a residence that exceeds 15,000 square feet, Ladue Zoning Ordinance #1175, Section VII, F-3 (b).

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that a hardship exists and, therefore, that the decision of the City Planner is reversed and the request for a variance is granted.



Ms. Liza Forshaw, Chairman