

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

DOCKET 1265

1751 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 1265** Petition is submitted by Traci Dale Pupillo on behalf of David and Angela Porter for the property located at 1751 North Woodlawn Avenue. Petitioner is requesting relief from the City Planner denying an adjustment of lot lines due to accessory structures on the property exceeding square footage of main structure, which is in violation of Zoning Ordinance #1175, Section IV, A-1 (f).

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

Ms. Sukanek stated the request includes adjusting lot lines such that 1751 North Woodlawn would encompass the 12,400 square foot existing house as well as the existing barn, stable and arena structures currently part of 1705 North Woodlawn. According to Section IV.A(1)(f) the total area of all accessory buildings shall not exceed the floor area of the main structure in a residence district. The accessory structures on that property are 16,000 square feet in size,

exceeding the size of the main structure. This conflicts with the zoning code and requires a variance.

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 requesting the variance dated January 7, 2019;
- Exhibit F – Entire file relating to the application including letter from John Ryan
- Exhibit G – Power Point Presentation

The appellant Traci Pupillo, as attorney for David and Angela Porter, explained that 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 that property to 7.5 acres. A second buyer has entered into a contract to purchase 1751 N. Woodlawn including the remaining acreage not wanted by the buyer of 1705 N. Woodlawn, including the barn/stable/arena, for a total of 17.2 acres.

This adjustment of the lots has been unanimously recommended by the Zoning and Planning Commission, subject to obtaining a variance for the square footage of the accessory structures exceeding the square footage of the residence on the adjusted lot at 1751 N. Woodlawn. Ms. Pupillo stated that the buyer of 1751 N. Woodlawn is agreeable to adhering to requirements regarding the barn/stable use substantially similar to those contained in the current special use permit for 1705 N. Woodlawn.

Ms. Pupillo also indicated that the buyer of 1751 N. Woodlawn is interested in building a guest house on the property, in addition to the existing accessory structures. Chairman Forshaw stated that if the board grants the variance requested at this meeting, it would not cover any new accessory structures but would be limited to existing accessory structures.

There was testimony from real estate agent Alexandra Thornhill and attorney Craig Biesterfeld that the current very large size and configuration of 1705 N Woodlawn make it impractical to sell the property to a single buyer. Only by shifting land and equestrian improvements to 1751 N. Woodlawn could the Porters' whole estate be sold as a practical matter.

John Ryan, 10 Denny Lane, and Chris Blanton, 8 Denny Lane, raised an issue regarding access to the barn through Denny Lane. Chairman Forshaw said that this issue may be relevant to the subdivision plat approval, but is not relevant to the variance before the board. The subdivision plat will be presented to the City Council for approval at a later date.

After a discussion of the facts presented, including the unique nature of the Porters' estate in Ladue, the extent of the acreage relative to the improvements, and the invisibility of the barn/stable/arena from the street, it was determined that a hardship exists. Chairman Forshaw made a motion to overturn the ruling of the City Planner and grant a variance to allow the floor area of the existing accessory structures to exceed the floor area of the main residence, conditioned on compliance with the following:

1. Stable/barn structure must be limited to 17 horses.
2. Stable/barn property is intended for the enjoyment of the resident and shall not be used for commercial purposes or organized events unless a Special Use Permit is first obtained from the City of Ladue for such activities.
3. Stables shall not be made available for rent or lease for the boarding of horses, except that the current owners, the Porters, may be allowed to continue use of the barn/stable for three years, in accordance with the agreement negotiated between the Porters and the buyers of 1751 Woodlawn.
4. Management of animal waste shall be consistent with the manure management plan in place for this property or follow another plan as determined by the property owners. If a new manure management plan is devised, this plan must be submitted to the City for approval. All waste management and composting must comply with all state and local laws.

Mr. Schlafly 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 1265

DATE OF HEARING February 5, 2019

NAME Tracy Pupillo

DESCRIPTION OF PROPERTY 1751 N. Woodlawn Avenue

CAUSE FOR APPEAL Petitioner is requesting relief from the City Planner denying an adjustment of lot lines due to accessory structures on the property exceeding square footage of main structure, which is in violation of Zoning Ordinance #1175, Section IV, A-1(f).

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 Building Commissioner is reversed and the request for a variance is granted, subject to certain conditions.



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Ms. Liza Forshaw, Chairman