

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JULY 6, 2021 4:00 P.M.**

DOCKET 1334

9703 Conway Rd

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, July 6, 2021.

The following members of the Board were present:

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

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Anne Lamitola, Public Works Director; Ashley Quinn, Administrative Assistant; Stacy Kamps, Councilwoman; and Mayor Nancy Spewak.

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

Approval and Adoption of the Agenda and Minutes

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

Mr. Panke made a motion to adopt the Minutes of the June 1, 2021 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1334 - Petition submitted by Ladue School District for the Ladue Middle School located at 9703 Conway Road. The petitioner is requesting relief from the City Planner denying additional site work due to increased impervious coverage not in compliance with the variance approved in October 2020. This is in violation of Ordinance #1175, Section V-G (1). Also, relief is requested for retaining walls not in compliance with the variance granted in October of 2020, in violation of Ordinance #1175, Section IV.F.

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

Ms. Sukanek stated that this project had received a variance in November 2020 for noncompliance with the green space requirement and for the height of proposed retaining walls. The minimum required green space for zoning district "B" is 75%. The applicant is requesting to decrease the green space from the percentage allowed by the November 2020 variance (64.5%) to 63.8%. Additionally, the applicant is asking to increase the allowable height of two retaining walls for which a height variance was granted in November 2020. On the west side of the property a retaining wall with a maximum height of 11.75 feet was approved for a variance in November 2020 and the applicant is requesting to increase the height to up to 13 feet. This request also

asks that a variance be granted for an additional retaining wall near the bioretention basin to be increased to a height of up to 6.5 feet.

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 5, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated June 7, 2021;
- Exhibit F – Entire file relating to the application

Mr. Rick Keisker, Ittner Architects, took the oath and was sworn in. The requested small decrease in green space is the result of several factors including improved egress and safety features as well as a request by the Planning & Zoning Commission that the district address concerns of neighboring residents regarding the parking and driveway configuration. The applicant is also requesting small increases in the permitted height of two retaining walls to allow for construction adjustments in the field. One retaining wall, essentially located between two buildings and not visible from other areas, needs to be up to 13 feet tall. The other retaining wall, near the bioretention, needs to be allowed a height up to 6 feet 6 inches.

There were no comments from the public.

Board discussion ensued on the topics of the small changes from the November 2020 variances, the limited visibility of the retaining wall between campus buildings, a portion of the green space decrease being at the request of Zoning and Planning, the lack of adverse impact on residential property, and the limited City zoning power over a school district.

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

| | |
|-----------------------|-----------|
| Chairman Liza Forshaw | “approve” |
| Ms. Elizabeth Panke | “approve” |
| Mr. Lee Rottmann | “approve” |
| Ms. Laura Long | “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 5:09 p.m. Ms. Panke made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1334

DATE OF HEARING

July 7, 2021

NAME

Ladue Middle School

DESCRIPTION OF PROPERTY

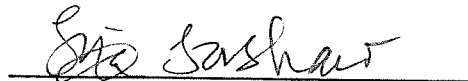
9703 Conway Rd

CAUSE FOR APPEAL

The petitioner is requesting relief from the City Planner denying additional site work due to increased impervious coverage not in compliance with the variance approved in October 2020. This is in violation of Ordinance #1175, Section V-G (1). Also, relief is requested for retaining walls not in compliance with the variance granted in October of 2020, in violation of Ordinance #1175, Section IV.F.

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the City Planner is overturned, and the variance is granted.

A handwritten signature in cursive script, appearing to read "Liza Forshaw", is written over a horizontal line.

Ms. Liza Forshaw, Chairman