

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
TUESDAY, JANUARY 4, 2022, 4:00PM**

**Docket 1349**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, January 4, 2022.

The following members of the Board were present:

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

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Lori Mullins, Deputy City Clerk; and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:07 P.M. Ms. Forshaw stated one on the Board Members was expected shortly.

**Approval and Adoption of the Agenda and Minutes**

Ms. Panke moved approval of the agenda, and upon second by Mr. Rottmann the motion passed unanimously.

The minutes of the December 7, 2021 meeting were approved upon motion by Ms. Long and second by Mr. Rottmann.

**Docket 1349**

Petition is submitted by Diana Tucker for the property located at 25 Rio Vista Drive. The petitioner is requesting relief from the City Planner denying a solarium due to noncompliance with building setbacks. The residence does not meet the 40' required front setback for the D Zoning District along Delray Pass. The proposed project would reconstruct and expand an existing nonconforming greenhouse. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and V-C-1(a) and IV-D.

Ms. Sukanek reported the applicants were returning, having been granted a continuance at the last meeting. The applicants were presenting amended solarium plans providing for a 14'2" setback from Delray Pass, which is the same setback as the existing greenhouse. The 40' setback in question is for a second front yard. The entire existing house is nonconforming and encroaches into the 40' second front yard.

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 October 25, 2021;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated November 1, 2021;

Exhibit F – Entire file relating to the application

Exhibit G – Email presented by applicant

Steve Anton, architect, and Diana Tucker, homeowner, took the oath and addressed the Board. Ms. Tucker shared favorable emails from neighbors in proximity, one across Delray Pass and the other directly behind her, facing Delray Pass. Those emails were entered into the record as Exhibit G. The existing structure is beyond repair. The amended plan is reduced in size, and simply replaces the existing structure, with no change in the footprint. Contractor Daniel Head took the oath and stated the current structure cannot be repaired because of its age and the fact that parts are not available.

Scott Davis, 26 Rio Vista shared his and his wife Cheryl's support for the amended plans, and requested the Board's approval of the variance.

After discussion of the facts presented, including the existence of 2 front yards on this corner lot, the need to be able to replace aged, obsolete structures, and the impossibility of doing so without encroaching into the 40' second front yard setback, Ms. Panke made the motion to overturn the decision of the City Planner and grant the variance based on practical difficulty. Ms. Long seconded the motion. The vote was as follows:

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

With four (4) votes in favor and zero (0) against, the motion passed, the ruling of the City Planner was overturned, and the variance was granted.

#### **Adjournment**

The meeting was adjourned upon motion by Ms. Long and second by Mr. Rottmann at 5:30 P.M.

DOCKET 1349

DATE OF HEARING January 4, 2022

NAME Diana Tucker

DESCRIPTION OF PROPERTY 25 Rio Vista Drive

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a solarium due to noncompliance with building setbacks. The residence does not meet the 40' required front setback for the D Zoning District along Delray Pass. The proposed project would reconstruct and expand an existing nonconforming greenhouse. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and V-C-1(a) and IV-D.

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.



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Ms. Liza Forshaw, Chairman