

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 1, 2020 4:00 P.M.**

DOCKET1304

21 DEERFIELD ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, September 1, 2020

**DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC
GATHERINGS DUE TO COVID-19, THE MEETING WAS CONDUCTED BY VIDEO
CONFERENCE VIA ZOOM**

The following members of the Board were present:

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

Also present were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; and Nancy Spewak, Mayor.

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

Approval and Adoption of the Agenda and Minutes

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

Ms. Long made a motion to adopt the Minutes of the August 4, 2020 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

4:00 pm **Docket 1304** Petition is submitted by Asa Baker for the property located at 21 Deerfield Road. Petitioner is requesting relief from the Building Commissioner denying a playset. The proposed playset is located in the front yard of property which is prohibited by Ladue Zoning Ordinance 1175, Section IV-A (4)(c).

Mr. Stewart stated the applicant requests a variance to allow a swing set to encroach into the 50-foot front yard setback in the C Zoning District which is prohibited. No accessory structure may be beyond the front edge of a house in a front yard. The house sits on a corner lot with 2 front yards and 50' setbacks for both.

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 June 8, 2020;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated July 6, 2020;
- Exhibit F – Entire file relating to the application

Mr. Baker took the oath and addressed the Board. In the spring when schools and playgrounds closed, his family purchased a 13.5' X 13.5' playset and a 13.5' X 11' A- frame with 3 swings from Dream Play. In April the company delivered and assembled it without mention of the need for a permit. In May the City issued a notice of violation for failure to procure a building permit. The issue had been brought to the attention of the City by a neighbor. A permit was approved for the playset but denied for the swing set, which is in a second front yard. The applicant explained that large trees, topography, setbacks and a plan for a pool limit options for placement of the swing set, hence the request for a variance for the swing set, which is a relatively temporary and movable A-frame. Trees screen the swing set from the street view. The Covid-19 pandemic has made home-based outdoor recreation for children even more desirable than usual. Five letters of neighbor support were included in the packets, including a letter from the neighbor who had brought the issue to the attention of the City.

Joanna Green, 25 Deerfield Road took the oath and stated her support for placement of the swing set.

Board discussion ensued. Topics included the definition of an accessory structure, the topography of the corner lot, the desirability of a limited time frame for a variance, and the question of responsibility in the event of a property ownership change.

Ms. Long moved that on the basis of the evidence presented, to the extent the applicant's swing set as distinguished from the approved playset on the property is considered an accessory use under the Ladue zoning code, the Board finds that practical difficulty exists, the decision of the Building Commissioner is reversed, and a variance is granted for a period of ten years from today's date.

After discussion, Ms. Long made an amended motion that on the basis of the evidence presented, to the extent the applicant's swing set as distinguished from the approved playset on the property is considered an accessory structure under the Ladue zoning code, the Board finds that practical difficulty exists, the decision of the Building Commissioner is reversed, and a variance is granted for a period of ten years from today's date. A condition to the variance is that it is the responsibility of the homeowner to notify any potential purchaser of this limitation. Ms. Panke seconded the motion.

The vote was as follows:

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

With five (5) votes in favor and zero (0) against, the motion carried, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 6:46 p.m. Mr. Rottmann made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1304

DATE OF HEARING September 1, 2020

NAME Asa Baker

DESCRIPTION OF PROPERTY 21 Deerfield Road

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a playset. The proposed playset is located in the front yard of property, which is prohibited by Ladue Zoning Ordinance 1175, Section IV-A (4)(c)

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds practical difficulties exist. The decision of the Building Commissioner is overturned, and a variance is granted for a period of 10 years from September 1, 2020, on condition that the homeowner is responsible to notify future purchasers of the property of this time limitation.



Ms. Liza Forshaw, Chairman