

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, ST. LOUIS COUNTY  
THURSDAY JUNE 30<sup>TH</sup>, 2022, 4:00 PM**

**DOCKET 1364  
1009 LAY ROAD**

A meeting of the Zoning Board of Adjustment was held at 4:00 PM on Thursday, June 30<sup>th</sup>, 2022.  
The hybrid meeting was held in-person and via ZOOM.

The following members of the Board were present:

Chairman Liza Forshaw  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. Lee Rottmann  
Ms. Kristen Holten (*via Zoom*)

Also present were Mayor Nancy Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; and Stacey Mann, City Clerk.

Chairman Forshaw called the meeting to order at 4:04 PM.

**Approval and Adoption of the Agenda**

Ms. Long moved approval of the agenda, upon second by Ms. Panke the motion carried unanimously.

**Approval of Minutes**

Ms. Panke moved approval of the May 3, 2022, minutes, upon second by Mr. Rottmann the motion carried unanimously.

**Public Forum**

None.

**Items for Consideration**

*Docket 1364 (Continued from April 2022) Petition submitted by Brian and Amanda Anderson for the property located at 1009 Lay Road. The petitioner is requesting relief from the Building Commissioner denying a sport court addition which would result in the proposed sport court being in the front yard. This is in violation of Ordinance #1175, Section IV-A-4(c). The proposed retaining wall is taller than three foot which is in violation of Ordinance #1175, Section IV-F-2.*

Mr. Stewart reported that the applicant is requesting a variance to install a sport court, and a 6' retaining wall in the front yard of their home located at 1009 Lay Road, in the "C" zoning district.

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 26, 2022
- Exhibit D - List of Residents sent notice of meeting
- Exhibit E - Letter from resident requesting the variance dated June 6, 2022
- Exhibit F - Entire file relating to the application
- Exhibit G - Letter of support from Justin & Ali Rand, 1 Exmoor Drive, dated June 23, 2022

Building Commissioner Roger Stewart explained that the house was built in 2009. The proposed sport court would be located in a front yard (a second front yard, along Clayton Road) in violation of the zoning ordinance. Also, the ordinance limits the height of a retaining wall in a front yard to 3 feet. The proposed retaining wall is 6 feet at its highest point.

Brian and Amanda Anderson (homeowners), Austin Helpers (contractor), Justin Verbryck (landscape design manager), Dr. Donald Bassman (neighboring property owner), and Linda Stein (neighboring property owner) took the oath and were sworn in.

Ms. Anderson provided a brief history of the property, including the actions of a previous owner-developer who built the house on a flag lot, and a 2009 lot consolidation of 1003 and 1009 Lay Road recommended by the city and accomplished by the applicants, which resulted in one corner lot having two front yards and no back yard. The entire lot is surrounded by a wrought iron fence installed by the previous owner-developer. Ms. Anderson explained that the proposed sport court would not be visible from Clayton Road, and that she has received support from a number of adjacent property owners who provided letters. Ms. Anderson stated that she believed she has shown a practical difficulty, and that the construction of the sport court would provide a safe space for her 5 children to play.

Mr. Verbryck stated that the sport court would be level with the driveway and well below the grade of Clayton Road. A landscaping berm would be installed around the proposed 54' x 24' court, as well as a stepped retaining wall reaching a maximum height of 6' to help with grading issues. The sport court would comply with the lot's 50' setback from Clayton Road.

Ms. Anderson stated that she believed precedents had been set in docket cases 1281, 1304, 1318, 1184, 1198, 1340, 1173, 1291 and 1282 involving accessory structures such as pools on corner lots with two front yards. Ms. Anderson recognized that while pools and sports courts were different in nature, they were both more of a want than a need. Ms. Anderson stated that due to one of her children being colorblind, the sport court would be gray, white, and yellow in color. Chairman Forshaw said she did not think variances for pools are precedents for a variance for a sport court. Ms. Anderson confirmed that there would be no wall or fence for the sport court, other than the separate retaining wall. The court would have one basketball hoop and a retractable net. There would be 3 layers of vegetation screening from Clayton Road: along the fence, along the patio, and around the sport court.

Ms. Linda Stein, 1021 Lay Road, expressed a concern that a sport court could bring more traffic from teenage drivers.

Dr. Donald Bassman, 7 Exmoor, spoke in support of the project.

Board discussion included the very limited visibility of the sport court from Clayton Road, safety concerns, the lack of a back yard, the two front yards, and the unique situation that was created with the lot consolidation done at the request of the city.

After discussion of the facts presented and the site plan provided to the Board on June 30<sup>th</sup>, 2022, Ms. Long made the motion to overturn the decision of the Building Commission and grant the variances based on practical difficulty. 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 passed, the ruling of the Building Commissioner is overturned.

#### **Discussion of Proposed Amendments to the Rules and Regulations of the Zoning Board of Adjustment**

Ms. Sukanek presented to the Board a proposed amendment to the Zoning Board of Adjustment Rules and Regulations regarding extension of the expiration date of a variance. Ms. Sukanek stated that the current rules require that construction commence within six months of an approved variance. Ms. Sukanek stated that due to the ongoing difficulties with supply of materials, and labor shortages in the industry, staff is proposing that a one-time extension of up to six months may be granted by the Board Chair without the need for a Board meeting. Ms. Sukanek added that if additional time is required, a public hearing and decision of the full Board would be required.

Ms. Long moved to approve the amendment to the Zoning Board of Adjustment Rules and Regulations related to extensions. Upon second by Ms. Rottmann the motion carried unanimously.

#### **Adjournment**

The meeting was adjourned upon motion by Ms. Long, and second by Ms. Rottmann at 6:30PM.

DOCKET 1364

DATE OF HEARING

June 30, 2022

NAME

Brian and Amanda Anderson

DESCRIPTION OF PROPERTY


1009 Lay Road

CAUSE FOR APPEAL

The petitioner is requesting relief from the Building Commissioner denying a sport court addition which would result in the proposed sport court being in the front yard. This is in violation of Ordinance #1175, Section IV-A-4(c). The proposed retaining wall is taller than three foot which is in violation of Ordinance #1175, Section IV-F-2

RULING OF THE BOARD

After discussion of the facts presented and the site plan provided to the Board on June 30<sup>th</sup>, 2022, the decision of the Building Commissioner denying a sport court is overturned, and a variance granted. The decision of the Building Commissioner denying a 6' retaining wall in the front yard is overturned, and a variance granted.

  
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Ms. Liza Forshaw, Chairman