

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
APRIL 4, 2022 4:00 P.M.**

DOCKET 1364

1009 LAY ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, April 4, 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
Mr. David Schlafly

Also present were Mayor Nancy Spewak; John Fox, Councilman; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; and Lori Mullins, Deputy City Clerk.

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

Approval and Adoption of the Agenda and Minutes

Ms. Forshaw reported that Docket 1360 has been postponed at the request of the applicant and will not be considered until the May meeting. The agenda was amended and adopted unanimously upon motion by Ms. Long and second by Mr. Rottmann.

The minutes of the March 1, 2022, Board meeting were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1364 Petition is submitted by Brian and Amanda Anderson for property located at 1009 Lay Road. The petitioner is requesting relief from the Building Commissioner denying a sport court in a front yard. This is in violation of Ladue Zoning Ordinance #1175, Section IV-A-4-(c).

Mr. Stewart reported the applicant is requesting a variance to install a sport court in a front yard 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 February 25, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated March 7, 2022;

Exhibit F – Entire file relating to the application

Brian and Amanda Anderson and Austin Helfers, contractor, took the oath and were sworn in. Ms. Anderson gave a brief history of the property which was previously 9100 and 9102 Clayton Road. In 2004 the lots were purchased by a builder. In 2005 the city approved a boundary adjustment, and the addresses became 1003 and 1009 Lay Road. The existing home known as 1009 Lay Road was built in the back with the builder's intent to build another house directly in front of the home with the 1003 Lay Road address. However, the builder subsequently surrounded both lots with an unpermitted fence.

The 1009 property was foreclosed and acquired by the bank. The driveway was never completed; the property stood vacant, neglected and had multiple code violations.

The applicants became interested in buying the house and discovered the fence encompassed two lots, one of which still belonged to the builder.

After overcoming many obstacles, the applicants were able to purchase both lots, bring both lots into compliance and work with the City to consolidate both lots as 1009 Lay Road. The applicants have installed landscaped berms along Clayton and Lay Roads.

The proposal is to build a 54' X 30' sport court near the northwest corner of the property. The proposed court would be level and adjacent to the driveway, 8' below the grade of Clayton Road. The proposal is for a concrete pad, covered in high impact polymer. In the event that a 6' retaining wall is necessary on the north and east sides of the court, the permitting process will be followed. The berms and landscaping will screen the court from view on both major roads. The court will be enclosed with retractable nets on at least 3 sides. These will require footings, which were not included in the submitted plan. There would be a basketball hoop. The applicant has not decided on the color of surface of the court.

The applicants asserted practical difficulties including a corner lot (i.e. a second front yard), the placement of the house in the rear of the large yard, and the lack of a functional back yard. The applicant has the support of the neighbors on Exmoor Drive.

Board discussion ensued. Board members concluded that the applicant has not presented sufficient information for the members to make a ruling. After discussion, the option of continuing the case and returning with complete plans for the Board's consideration was given.

The applicant elected to return for another meeting with completed plans. Chairman Forshaw granted the continuance.

Adjournment

The meeting was adjourned upon motion by Mr. Schlafly and second by Mr. Rottmann at 5:33 p.m.



Ms. Liza Forshaw, Chairman