

DOCKET 1162

DATE OF HEARING	October 6, 2014
NAME	Watkins
DESCRIPTION OF PROPERTY	8970 Moydalgan Dr. St. Louis, MO 63124
CAUSE FOR APPEAL	Relief from the decision of the Building Official for an addition which violates Section IV, C, 1 (a) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the addition because of the existence of a practical difficulty and the decision of the Building Official is reversed.

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
MONDAY OCTOBER 6, 2014

DOCKET 1162  
8970 Moydalgan Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, October 6, 2014, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman  
Ms. Robbye Toft  
Ms. Liza Forshaw  
Mr. David Schlafly  
Ms. Laura Long

Also present were: Mayor Nancy Spewak; Mr. John Fox, City Council, Mr. James Schmieder, Director of Building & Zoning; and Mr. Michael Gartenberg, Building Official.

Mr. Walch called the meeting to order at 4:00 PM.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, MISSOURI  
DOCKET NUMBER 1162**

Notice is hereby given that the Zoning Board of Adjustment of the City of Ladue, St. Louis County, Missouri, will hold a public hearing on a petition submitted by Mr. Albert Watkins, 8970 Moydalgan Drive, Ladue, MO 63124, requesting relief from the ruling of the Building Official who declined to issue a permit for a pool fence which violates Section IV, C, 1, (a) of Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Monday, August October 6, 2014 at the City Hall, 9345 Clayton Road.

The hearing will be public and anyone interested in the proceedings will be given the opportunity to be heard.

Pursuant to Section 610.022 RSMo., the Zoning Board of Adjustment could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Stanley Walch, Chairman  
Zoning Board of Adjustment

Mr. Walch 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 – Permit denial dated May 5, 2014;  
Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance, and any letters of support;  
Exhibit F – Entire file relating to the application.

Mr. Albert Watkins presented the proposed application to the board. Mr. Watkins stated the swimming pool had been relocated beyond the residence to keep the structure out of the front yard. Mr. Watkins noted the proposed pool fence is in the required front yard and exceeds the maximum height allowed by zoning in order to comply with the swimming pool code. Mr. Watkins stated the proposed fence will be 48” in height and located behind a berm to make it less visible from Moydalgan.

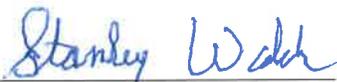
Ms. Toft asked if the fence was located further back if it would be more visible from the street. Mr. Watkins confirmed if the fence was further back it would be above the street and more visible from Moydalgan.

There being no one further wishing to speak, Mr. Walch closed the public comment portion of the public hearing.

Ms. Toft noted the 6 inch difference between what is allowed in the front yard compared to what has been proposed is required by the pool code. Ms. Toft stated the proposed fence is mitigated by the proposed landscaping and berm adjacent to the fence.

Ms. Long moved that based on the evidence presented a practical difficulty exists and the decision of the Building Official is reversed, and a variance granted based on the site plan dated September 12, 2014. Ms. Forshaw seconded the motion and the vote thereupon was as follows:

Mr. Stanley Walch, Chairman	“Aye”
Ms. Robbye Toft	“Aye”
Ms. Liza Forshaw	“Aye”
Mr. David Schlafly	“Aye”
Ms. Laura Long	“Aye”

  
Mr. Stanley Walch, Chairman