

DOCKET 1162

DATE OF HEARING	August 4, 2014
NAME	Albert Watkins
DESCRIPTION OF PROPERTY	8970 Moydalgan Dr.
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a sport court which violates Section IV, A, 4, (c) and V, C, 1, (b) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board continued consideration to allow further time for the applicant to revise the design and review options with the Building Department.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, August 4, 2014

DOCKET 1162
8970 Moydalgan Drive

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

The following members of the board were present:

Mr. Stanley Walch, Chairman
Mr. David Schlafly
Ms. Liza Forshaw
Mr. John Shillington
Ms. Laura Long

Also present were: Mayor Nancy Spewak; Mr. Michael W. Wooldridge, Asst. to the Mayor / City Clerk; 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
(continued from August 4, 2014)**

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

The hearing will be held at 4:00 p.m. on Tuesday, September 2, 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.

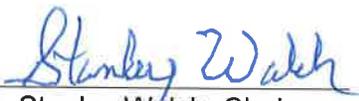
Stanley Walch, Chairman
Zoning Board of Adjustment

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 dated May 9, 2014,
and any letters of support;
Exhibit F – Entire file relating to the application.

(Transcript attached as part of the minutes)


Mr. Stanley Walch, Chairman

CERTIFIED COPY

ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:)

ALBERT WATKINS)

8970 MOYDALGAN DRIVE)

LADUE, MISSOURI 63124)

Monday, August 4, 2014

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BOBBIE LUBER, LLC

*Certified Court Reporters*

P.O. Box 31201 - 1015 Grupp Road - St. Louis, MO 63131

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ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:            )  
                                          )  
ALBERT WATKINS                )  
8970 MOYDALGAN DRIVE        )  
Ladue, Missouri 63124        )

BE IT REMEMBERED that on the 4th day of August, 2014, hearing was held before the Zoning Board of Adjustment of the City of Ladue, Missouri, at Ladue City Hall, 9345 Clayton Road, in the City of Ladue State of Missouri 63124, regarding the above-entitled matter before Bobbie L. Luber, Certified Court Reporter, Registered Professional Reporter, Certified Shorthand Reporter, a Notary Public within and for the State of Missouri, and the following proceedings were had.

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A P P E A R A N C E S:

BOARD MEMBERS:

Mr. Stanley Walch, Chairman

Ms. Liza Forshaw

Ms. Laura Long

Mr. David Schlafly

Mr. John Shillington

Also Present:

Mr. Michael Wooldridge, City Clerk

Mr. Michael W. Gartenberg, Building Official and  
Planning Consultant

Mayor Nancy Spewak

Mr. Loren Ettinger, Attorney

Court Reporter:  
Bobbie L. Luber  
Registered Professional Reporter #9209  
Missouri CCR #621  
Illinois CSR #084.004673  
Bobbie Luber, LLC  
P.O. Box 31201  
St. Louis, MO 63131  
(314) 993-0911  
bluber@lubercourtreporting.com

1                   (The Meeting of the Zoning Board of  
2 Adjustment of the City of Ladue was previously called  
3 to order at 4:00 p.m.)

4                   CHAIRMAN WALCH: Okay. The last item on  
5 the agenda today is Docket Number 1162, which is the  
6 appeal of Albert Watkins, 8970 Moydalgan. I'm not  
7 going to pronounce that correctly, M-O-Y-D-A-L-G-A-N,  
8 Drive. And it is requesting relief from the deputy  
9 building commissioner who declined to issue a permit  
10 for a swimming pool which violates Section V, C, 1,  
11 (a) and (b) of Zoning Ordinance 1175.

12                   First, will the building official  
13 explain -- Mr. Gartenberg, will you explain the reason  
14 or reasons the plans were disapproved so the audience  
15 and the members of the board will have a clear  
16 understanding of the issues in this case?

17                   MR. GARTENBERG: Yes, sir, I would. The  
18 board heard this matter at the June 2nd meeting, and  
19 as with the case of the previous hearing, there have  
20 been some revisions made, and to the extent they are  
21 nonconforming being proposed has been reduced.

22                   The issue here is still a matter of the  
23 swimming pool. The accessory structure being proposed  
24 is in the actual front yard of the property. It's not  
25 being proposed in the required front yard, but in the

1 actual front yard, which is a violation of Section V,  
2 C, 1, (a) and V, C, 1, (b).

3 And the same holds true with regards to the  
4 fence. The fence in the required front yard can be up  
5 to 42 inches in height, which is required for a  
6 swimming pool code is 48 inches. So there is an issue  
7 there as well.

8 There have been some questions raised about  
9 accessory structures in the non-required portion of  
10 the front yard, and I do want to direct you all to any  
11 material that you have, if I can find it here. It is  
12 IV (a), IV (c), that says, no accessory structures may  
13 be erected in a front yard. Let me just read it:

14 No accessory building or structure may be  
15 erected in a front yard on a lot of single frontage or  
16 in either front yard on a corner lot except driveways,  
17 sidewalks, fences, permitted retaining walls, and  
18 waterways stabilization projects and additional  
19 parking. It goes on to say that within the front yard  
20 but not the required front yard accessory structures  
21 are permitted with the exception of swimming pools,  
22 tennis courts, play apparatus, and roof structures.

23 The reason I bring that up is there was  
24 some question about the accessory structures in this  
25 non-required portion of the front yard. The code

1 specifically speaks to that issue.

2 CHAIRMAN WALCH: Could you explain to us  
3 the difference between a required front yard and the  
4 actual front yard?

5 MR. GARTENBERG: Absolutely. This property  
6 has a required front yard of 50 feet from the property  
7 line, from the front property line or right-of-way  
8 line. In the event that the house was not built up to  
9 that line, it sets back further from the right-of-way  
10 on the property line, the front yard will be a little  
11 deeper, will be a little larger than that which is  
12 required.

13 So the actual front yard established by the  
14 placement of the house is determined by the closest  
15 point of the house to that -- excuse me, to that  
16 property line, to that front property line.

17 So you take a look at the plans for this  
18 particular project, it actually shows the 50-foot  
19 setback line, and you can see the house is set back a  
20 little bit further from that. I think that turns out  
21 to be about three or four feet.

22 MR. SCHLAFELY: If you take this edge from  
23 the building envelope of the house itself and draw a  
24 line out there, that is the -- that's the setback --  
25 what do you call it?

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MR. GARTENBERG: Required front yard.

A picture is worth a thousand words. Here is the right-of-way line, or front property line. And measured off of that, offset 50 feet is the building setback line. The house could be built up to that line, but it's not. It's actually at its closest point here. And this dimension is about three feet.

So the required front yard is 50 feet. The actual front yard is approximately 53 feet from Moydalgan. And if you extend that across, the code requires a swimming pool to be out of the required front yard and out of the non-required portion of the front yard. And that is out of the actual front yard.

MR. SCHLAFLY: Therefore it could be built inside that line without a variance, although you changed your position on that after reading this ordinance now?

MR. GARTENBERG: No. No. What that does is certain types of accessory structures can be built in that portion of the front yard, but it specifically states swimming pools cannot.

MR. SCHLAFLY: But it could remain there?

MR. GARTENBERG: As long as it is behind this line.

MR. SHILLINGTON: So it can be

1 reconfigured.

2 MR. SCHLAFLY: It could be built within  
3 this.

4 CHAIRMAN WALCH: And could it extend  
5 back -- let me -- could it extend back this way,  
6 Mr. Gartenberg?

7 MR. SCHLAFLY: This was brought up at the  
8 last meeting.

9 MR. GARTENBERG: Yes.

10 CHAIRMAN WALCH: Okay. Thank you.

11 Thank you, Mr. Gartenberg. Now, I have to  
12 go through the exhibits that will be part of the  
13 record in this case.

14 First is Exhibit B, which is the public  
15 notice of this hearing.

16 Exhibit C is Mr. Gartenberg's letter dated  
17 May 5, 2014, which denied the building permit.

18 Exhibit D is the list of residents to whom  
19 the public notice of this hearing was mailed.

20 Exhibit E is the appellant's letter  
21 requesting a variance dated May 9th, 2014. And any  
22 other letters in support or opposition for the request  
23 for a variance will also be marked as part of Exhibit  
24 E. I take it there are no other letters, is that  
25 correct, Mr. Wooldridge?

1 MR. WOOLDRIDGE: No, there are not.

2 CHAIRMAN WALCH: Thank you. Finally,  
3 Exhibit F will be the entire file pertaining to this  
4 application, including any memoranda from staff and  
5 consultants of the Zoning Board of Adjustment.

6 At this point I would like for the  
7 appellant and anyone on behalf of the appellant who  
8 wants to speak on behalf of the application to come  
9 forward and give your name to the court reporter and  
10 be sworn.

11 (At this time Loren Ettinger was sworn in  
12 by the court reporter.)

13 MR. ETTINGER: First of all, thank you for  
14 letting me speak today. I'm Loren Ettinger. I'm an  
15 attorney at Kodner Watkins. I work with Albert. He  
16 is out of town. I head up our real estate  
17 transactional department, and so he asked me to speak  
18 in his absence today.

19 I do know the house. In fact, a couple of  
20 his kids are the same ages as my kids. I have been to  
21 the house a hundred times. I do remember when Albert  
22 bought the house. The way you have it laid out, the  
23 front door to around the back of the house, I'm  
24 familiar with that. And I know the pool that's in  
25 question just right now.

1           This came up as a backdrop. The house is a  
2 Burundi (phonetic) house. And Burundi is a famous  
3 English architect. You may have seen other houses  
4 designed by Burundi in Ladue and other places around  
5 St. Louis. He is a protege of Frank Lloyd Wright, and  
6 went to school here in St. Louis, et cetera,  
7 et cetera.

8           The house prior to the Watkins owning it  
9 was in somewhat disrepair. The pool was actually  
10 added on at some prior point in time, and it was not  
11 part of the Burundi house. It really had no  
12 functional architectural significance. It was really  
13 sort of an afterthought, and a very, very poor design.  
14 It's really not much of a pool. It's more like a hot  
15 tub for 20 people. It doesn't function well. In  
16 fact, it is in such disrepair that it will cost more  
17 to try to fix what they have than to try to put in a  
18 new pool.

19           So what they want to do is try to  
20 reinvigorate the whole house. They have spent a lot  
21 of time, money, and effort on the interior remodel of  
22 the house, and now they are working on the exterior of  
23 the house. I remember seeing it before they bought it  
24 until now, and it's even in my mind with what they  
25 have done to the house.

1           What they want to do is add to the pool --  
2 the pool. They would like to have it in the existing  
3 location. I heard the comment that you said about  
4 trying to reconfigure the pool. The problem is that  
5 the underground utility lines for electric and gas are  
6 in a position that would make it impossible. They  
7 would have to relocate the exterior portion and the  
8 interior connection to the utilities which makes it  
9 economically impossible to reconfigure the pool to fit  
10 within the boundaries of the utility lines in the  
11 permissible area that you want the pool to be in, even  
12 if they reconfigured the pool.

13           They are trying to do sort of a kidney  
14 shape pool that marries a little bit better with the  
15 architect of the house. It's entirely different than  
16 what is there now. It will look, feel, smell, and act  
17 like a real pool, not just sort of an enlarged hot  
18 tub. It's really going to be an improvement to the  
19 house and what we think will be an improvement to the  
20 whole neighborhood, the value of the house in and of  
21 itself and the value of the houses in the  
22 neighborhood.

23           My understanding is that all the residents  
24 around there like the new design of the pool versus  
25 the existing design. They don't like the existing,

1 they like the new one. Most of them around there  
2 prefer that it be in the existing location versus in  
3 the permissible location. And unfortunately there is  
4 no way to try to reconfigure the pool to fit it into a  
5 permissible location because of the utility lines. In  
6 fact, it will deaden the project entirely. There is  
7 no way to do it, economically feasible.

8 I know that Albert has checked on different  
9 modifications to the pool to try to accommodate the  
10 board. I think the biggest issue right now, they have  
11 the minor amount of encroachment they have over in  
12 that area, in our opinion, is really sort of small in  
13 comparison to the investment they are going to make to  
14 the house, which improves the value of the house, the  
15 taxes on the house, the values of the houses in the  
16 neighborhood, and really brings back to life what was  
17 at one point in time a very architecturally  
18 significant home which fell into disrepair. They are  
19 trying to revitalize it back to an architecturally  
20 significant home. So they really have spent a lot of  
21 time, money, and effort to go through this. That's  
22 really the kind of gist of it.

23 The other thing too, Moydalgan Lane that  
24 runs up the side of the property which creates the  
25 front yard, which is the subject matter of the issue

1 here; that house was built after other houses in the  
2 neighborhood were built, and that's why it's a  
3 flag-shaped lot. So the front yard that he has is  
4 where the pool is going to go, is really not the front  
5 of the house. It just happens to be the front yard,  
6 but Moydalgan Lane runs by the house. The front yard,  
7 when you drive by the house, when you pull up and you  
8 circle toward the left, that's where the front door  
9 is, and there is this long wooden walkway. That is  
10 actually where the pool sits. The pool actually sits  
11 in an area which is considered the front yard because  
12 they actually end up having two front yards because  
13 Moydalgan Road goes one way and Moydalgan Lane goes  
14 the other way. So because it V's, that creates two  
15 front yards.

16           So the pool is actually going to be -- what  
17 they would like to do, replacing it in the existing  
18 location, which is actually not the front yard of the  
19 house. And it's the only feasible location to do the  
20 pool.

21           And like I said, it really will improve the  
22 house. They have made a lot of improvements to this  
23 house over the last couple of years. It's sort of an  
24 anomaly. It's not a corner lot, and it's not your  
25 normal standard family home. It's sort of an

1 afterthought with Moydalgan Lane being a pie-shaped  
2 lot on the side of it. Which is sort of creating the  
3 double front lot -- double front yard that is creating  
4 the issue here.

5 As far as the, you know, like the height of  
6 the fence is concerned, you know, they need to be able  
7 to put the pool where the existing pool is, it will  
8 encroach over in that area a few feet, and I'm not  
9 trying to belittle it, but in the overall scheme of  
10 what they have done to the house is a substantial  
11 improvement from where it was. And they want to be  
12 able to build, I believe -- Mr. Gartenberg just walked  
13 out, but I believe the fence was 46 inches.

14 CHAIRMAN WALCH: 42.

15 MR. ETTINGER: Albert had told me 46  
16 inches, and if I'm mistaken about something, but I'm  
17 pretty sure, I think that's what it was.

18 CHAIRMAN WALCH: I think it's 48.

19 MS. FORSHAW: It's supposed to be 48 for a  
20 pool, as I understand it.

21 MR. ETTINGER: Okay. He had given me the  
22 number of 46. I apologize. I wasn't here at the last  
23 meeting.

24 They are trying to basically put the pool  
25 in where the existing pool is. It's because of the

1 anomaly of the way the lot lays out it's creating a  
2 double front yard.

3 As far as setting any precedent. Given the  
4 design of the pool and the oddity of the lot and the  
5 way it's laid out, I really don't believe this is  
6 really going to set any precedent for someone in the  
7 future.

8 I have been in the commercial real estate  
9 end for a long time. Went to a lot of Planning and  
10 Zoning meetings and presentations. I have seen a lot  
11 of arguments of precedence before, but the reality is  
12 it is a bit of an anomaly of a house, an anomaly of  
13 the adjacent house, and an improvement.

14 That's about it. I'm happy to answer any  
15 questions that you have.

16 MS. FORSHAW: Can you explain one more time  
17 why you think it's not practical to modify the design,  
18 either to put the pool within the required setback, or  
19 to move the pool to a different portion of the lot?

20 MR. ETTINGER: The electric and the gas  
21 utility lines that run along there, my understanding  
22 is that they are not in a position to make it feasible  
23 to move the pool to the other side, and so they have  
24 to keep it where it is. And where it is, where the  
25 lines are run, they can't move the pool within the

1 permissible area because it actually encroaches to  
2 where the lines are. They have to be able to sort of  
3 kidney-shape this pool in the fashion that it was laid  
4 out so that they are out of the way of the electric  
5 and gas lines.

6 MR. SHILLINGTON: Are they going to take  
7 the pool -- replace the pool? It would seem the  
8 electrical and gas or whatever could be moved at the  
9 same time.

10 MR. ETTINGER: By the time they remove the  
11 lines, the pool would be too expensive. In order to  
12 do that they would have to trench up, move the lines,  
13 work with the utility companies, replace the existing  
14 lines and the connection in the house. It would make  
15 the project so economically unfeasible that they  
16 wouldn't do it.

17 MR. SHILLINGTON: Where are the lines  
18 going, alongside the pool, going into the pool?

19 MR. ETTINGER: Honestly, I'm not exactly  
20 sure. If I may approach you. I don't see the  
21 easement area on here and utility lines drawn.

22 MR. SHILLINGTON: Sewer, but not the  
23 others.

24 MR. ETTINGER: You know, I had a  
25 conversation with Al, and he had indicated to me that

1 the -- and he has had this already laid out by, I  
2 guess the architect that is working with the pool  
3 company. The utility lines run in a fashion that if  
4 they had to shorten the pool it would encroach upon  
5 the area where the electric and gas lines are, and so  
6 they have to be able to shape it the way they did.  
7 But the only way they can do that is to encroach over  
8 the area that is the impermissible area that you are  
9 looking at.

10 MS. LONG: I'm not asking if you can move  
11 it to some other entire place on the lot, but could it  
12 be squeezed in, could the kidney be squeezed by three  
13 feet?

14 MR. ETTINGER: They can't. They said it's  
15 absolutely impossible just because of what the layout  
16 of the utility lines are. And they would have to move  
17 the utility lines in order to do that. It's cost  
18 prohibitive.

19 CHAIRMAN WALCH: Why would they need to  
20 move it if it's smaller than three feet?

21 MR. ETTINGER: I don't know the exact  
22 location of the utility lines on the survey that you  
23 are looking at, so I can't point it out to you  
24 specifically. But Al indicated in no uncertain terms  
25 the utility lines are laid out in a fashion that if

1 they tried to squeeze the pool in there, that it would  
2 encroach upon the electric and the gas, and they would  
3 have to redo the electric and gas lines, and to be  
4 able to do that it's cost prohibitive. They would  
5 have to rerun the utility lines if they squeeze the  
6 pool in.

7 MS. FORSHAW: We can take that on face  
8 value honestly.

9 MR. ETTINGER: Would it help if you had a  
10 drawing of the pool showing the utility lines?

11 MR. SHILLINGTON: I think it would be very  
12 helpful. I have had a quote on burying telephone line  
13 and electrical from pole to pole and it was only  
14 \$3,000.

15 MR. ETTINGER: There are sometimes cost to  
16 restring lines that are feasible, and sometimes there  
17 are feeder lines that are far too expensive to do. It  
18 just depends on what you are doing. I do understand  
19 what you are saying.

20 And that might help. And I'm happy to  
21 discuss it with Al. But I apologize, I don't have  
22 that drawing that actually shows the utility lines on  
23 it in relation to the shape of the pool.

24 CHAIRMAN WALCH: I can't hardly believe  
25 that making the pool three feet smaller, whether you

1 want to or not that's beside the point, would  
2 interfere in any way with the utility lines. Three  
3 feet larger I could understand, but I don't understand  
4 smaller.

5 MR. ETTINGER: Somehow the way it's laid  
6 out that makes it impossible to do it. I think it  
7 also may even make the pool that much smaller, sort of  
8 from where it is today. Like I said, it's not much  
9 more than a big hot tub. So they are really trying to  
10 do it as an improvement. Relocating on the other side  
11 of the house would be absolutely impossible.

12 Like I said, the other issue too is there  
13 is sort of an odd layout of the house itself because  
14 of Moydalgan Road and Moydalgan Lane, which is sort of  
15 an unfortunate issue of having two front yards. So  
16 now they are stuck in a position where they are  
17 putting a pool in, which really isn't their front  
18 yard.

19 CHAIRMAN WALCH: Unfortunately our  
20 precedents have been that we have not considered a  
21 swimming pool as a necessity, or a hardship not having  
22 a swimming pool. And that is compounded in this case  
23 by the fact that there are very few specific  
24 directions in this ordinance, but one of them is no  
25 swimming pool will be put in either a required or an

1 actual front yard. And that specifically is in the  
2 ordinance. I didn't write the ordinance. I'm not  
3 even sure I agree with it, but that doesn't make any  
4 difference here or there.

5 MR. ETTINGER: That means you will vote in  
6 my favor.

7 CHAIRMAN WALCH: Not necessarily.

8 MR. ETTINGER: Let me ask you this. Would  
9 it help to have a different survey of the property  
10 which shows the pool in relation to the utility lines,  
11 and maybe even a marking as to what arguably is on the  
12 second front yard to try to give you a little better  
13 perspective? And if that's so, how would this be  
14 reset? Could I put it on the next meeting to do that?

15 MS. FORSHAW: You can request a  
16 continuance.

17 CHAIRMAN WALCH: You can request a  
18 continuance if you want to request it. However, I  
19 would say that the continuance, just to show where the  
20 lines are, at least in my opinion, are enough. I  
21 think you have to -- Mr. Shillington was talking about  
22 and showed there really is a big hardship to have to  
23 move those lines, because normally when you have new  
24 construction you end up doing something with the  
25 electric lines.

1           I have friends that built a master bedroom  
2 suite on the house. Fortunately I bought a square lot  
3 which is a good size and I had plenty of room to do  
4 whatever I wanted to. But the -- one of the things I  
5 did was run the electric to increase the load of the  
6 house, make it underground from the UE right-of-way  
7 back through my yards, and that was probably a good 60  
8 or 75 feet. And it was about the cheapest thing I did  
9 the whole time was get those electric lines.

10           MR. ETTINGER: A nice finish to the house.  
11 I have been in the development business. I have had  
12 to move all sorts of lines. I have moved a lot of  
13 stuff out of the way. And I understand what you are  
14 talking about.

15           My visual perception of this trying to  
16 explain it may not marry to what you are perceiving it  
17 to be, and I think it might be worth it to request a  
18 continuance. Let me lay it out on paper better so you  
19 can understand it, see it on paper. Like the  
20 commissioner said, a picture is worth a thousand  
21 words. Maybe it would help to just look at it in that  
22 fashion too.

23           CHAIRMAN WALCH: I'm going to grant you --  
24 if you are requesting a continuance, I'm going to  
25 grant you a request for continuance with the condition

1 that this is the last continuance of this case. We  
2 are going to make a decision next time if it comes  
3 back.

4 The September meeting is going to be on  
5 September 2nd, because Monday is Labor Day. And I  
6 would like a very brief presentation at that time just  
7 to limit it to this issue of the utility lines.

8 MR. ETTINGER: If I may also add to that.  
9 The second front yard issue also, so I can lay out the  
10 pool in perspective to that also. Because that was  
11 brought up before by the commissioner, that there is a  
12 permissible building area in the front yard, and I  
13 think that flag-shaped lot is causing some of the  
14 second front yard issues in relation to the pool.

15 CHAIRMAN WALCH: I think as the building  
16 commissioner explained, didn't he mark this?

17 MS. FORSHAW: The front yards are already  
18 marked, and then the required front yards are marked,  
19 and then he sort of drew a line here to show us.

20 CHAIRMAN WALCH: You just have a very  
21 little encroachment here and here.

22 MR. ETTINGER: That's what's goofy about  
23 this house. If you drove up to the house you think  
24 this is the front yard, but because of Moydalgan Lane,  
25 that's the front yard.

1                   CHAIRMAN WALCH:  Would you believe that  
2 probably 30 percent of the houses in Ladue have two or  
3 three front yards?

4                   MR. SCHLAFLY:  We face this all the time.

5                   CHAIRMAN WALCH:  We face this all the time.

6                   MR. ETTINGER:  There you have it.  We have  
7 a whole other set of issues.

8                   MR. SHILLINGTON:  You might want to address  
9 that fence issue.  One part says it has to be 48  
10 around the swimming pool, and the other says it can't  
11 be more than 42.

12                   MR. ETTINGER:  Okay.  So I will address the  
13 utilities.

14                   CHAIRMAN WALCH:  And the fence, yes.  
15 That's a good point, John.  I appreciate that.

16                   MR. ETTINGER:  And just for giggles, I'm  
17 happy to show you, although I know you have the lines  
18 on there, maybe to put on the drawing next time to  
19 show it.

20                   MR. WOOLDRIDGE:  Mr. Chairman, if I may.  
21 We have already got one, and I think two cases,  
22 already submitted for September.  So the applicant  
23 needs to be advised to get this as soon as possible  
24 before somebody jumps in line in front of him.  
25 Otherwise we will be into three cases in September and

1 he will have to wait until November.

2 CHAIRMAN WALCH: That's a good point,  
3 Mr. Wooldridge. Thank you.

4 We do have a policy of only hearing no more  
5 than three cases, as we did today. If you want to be  
6 on the September docket you need to get it in right  
7 away.

8 MR. ETTINGER: Is there a submission  
9 deadline?

10 CHAIRMAN WALCH: There will be an October  
11 docket. You are out of the swimming season.

12 MR. ETTINGER: Be a little chilly.

13 I appreciate the opportunity to speak to  
14 you today. Thank you.

15 MR. WOOLDRIDGE: The deadline is due two  
16 weeks from today. But I wouldn't take the two full  
17 weeks. Because like I said, somebody can get in front  
18 of you.

19 MR. ETTINGER: Thank you very much. And  
20 the same time on September 2nd?

21 MR. WOOLDRIDGE: It will be Tuesday.

22 MS. LONG: Are we adjourned?

23 CHAIRMAN WALCH: Yes. We are adjourned.  
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CERTIFICATE OF REPORTER

I, Bobbie L. Luber, Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Bobbie L. Luber, RPR, CCR #621

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| <p><b>BOBBIE L. LUBER</b><br/>Notary Public - Notary Seal<br/>State of Missouri<br/>St. Louis County<br/>My Commission Expires: July 19, 2016<br/>Commission #12478045</p> |
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