

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, August 1, 2016

DOCKET 1208

9841 Old Warson Road

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, August 1, 2016, at City Hall.

The following members of the board were present:

Mr. Stanley Walch
Ms. Liza Forshaw
Mr. David Schlafly
Ms. Elizabeth Panke
Ms. Laura Long

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; and Ms. Erin Seele, City Attorney. Mayor Nancy Spewak were also in attendance.

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 1208**

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 Old Warson Country Club, 9841 Old Warson Road, requesting relief from the ruling of the Building Official denying a building permit for proposed structure which would result in the proposed fence (net) exceeds height allowance which is prohibited by section IV-C-(1)-(a) of Zoning Ordinance #1175

The hearing will be held at 4:00 p.m. on Monday, August 1, 2016, 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 asked Building Official Will Penney for an explanation with regard to the denial of the netting system and Mr. Penney stated that the proposed netting violates maximum height requirements for fences and netting systems which is prohibited by section IV-C-(1)-(a) of Zoning Ordinance #1175. The proposed mesh fence is 25 feet wide and 300 feet long. The ordinance does not include specific requirements for this type of netting system.

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 June 17, 2016;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated June 24, 2016
- Exhibit F - Entire file relating to the application

The court reporter administered the oath to Mr. Aidan Murphy, General Manager of Old Warson County Club who explained the proposed netting project. Tim Rohrbock, Old Warson Country Club Superintendent, was also sworn in. He stated that the proposed netting system is to address safety issues to deter golf balls from hitting vehicles on the adjacent roadways. The surrounding trees are taller than the net so the netting system will be properly screened and the main purpose is that Old Warson Country Club does not want golf balls hitting vehicles. Technology advancements in recent years have allowed golf balls to be hit further and caused the 300-yard driving range that was constructed in 2001 to become somewhat obsolete with regard to its length.

Mr. Rohrbock noted that St. Louis Country Club has a net that is 30 feet in height. He also stated that additional Spruce trees will be installed at Old Warson Country Club to enhance the screening.

Ms. Forshaw confirmed that the proposed height is 25 feet and Mr. Rohrbock confirmed that is the case.

Mr. Walch asked how tall the surrounding trees are and Mr. Rohrbock stated the surrounding trees are 30 – 35 feet in height.

Ms. Forshaw asked how many golf balls are hit beyond the 300-yard distance and Mr. Rohrbock stated that he picks up approximately 50 golf balls daily from the roadway.

Ms. Forshaw stated the posts are substantial in nature with regard to diameter and height and she asked how many posts are present. Mr. Rohrbock stated that there are seven posts and that the posts are sized for the wind loads.

Mr. Murphy stated that he contacted the two nearest property owners; the Shannahan family and the Vitale family, and both are supportive. There are only two families that will be impacted by the project.

Mr. Rohrbock stated that this is a netting system, not a fence.

Mr. Schlafly asked if this is a nationwide issue and Mr. Rohrbock stated that it is and that in the future golf balls need to be regulated.

Mr. Mike Orlando, 1725 Warson Estates, lives across Old Warson Road from the project. He asked if future expansion would be permitted without a variance and Chairman Walch stated another variance would be required.

Mr. John Lochhead, 85 Trent Drive, stated that he is in support of the netting project. He stated that his wife's vehicle was struck by a golf ball on Friday July 29, 2016. He is concerned about the safety of the driving motorists in that area.

The public comment portion of the meeting was closed.

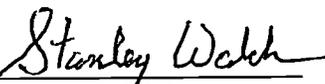
Mr. Walch stated that the problem exists at other clubs in the area. Mr. Schlafly agreed that the problem exists at St. Louis Country Club.

Ms. Forshaw commented that there is a safety problem, but that the posts are very tall.

Mr. Schlafly moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official be reserved, and a variance granted to construct the proposed netting system as shown on the plans dated June 24, 2016 contingent that evergreen trees be maintained as a screening. Ms. Forshaw seconded the motion. Mr. Walch called for a vote with regard to this variance request and the vote thereupon was as follows:

Mr. Stanley Walch	"Approve"
Ms. Liza Forshaw	"Approve"
Mr. David Schlafly	"Approve"
Ms. Elizabeth Panke	"Approve"
Ms. Laura Long	"Approve"

There were five (5) votes to approve and zero (0) votes to deny and therefore the variance was granted.


Mr. Stanley Walch, Chairman

DOCKET 1208

DATE OF HEARING	August 1, 2016
NAME	Old Warson Country Club
DESCRIPTION OF PROPERTY	9841 Old Warson Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for proposed structure which would result in the proposed fence (net) exceeds height allowance which is prohibited by 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 a building permit for the proposed netting system which will result in the net exceeding the allowable height per Section IV-C-(1)-(a) of the Zoning Ordinance #1175 and the decision of the Building Official was overturned.