

DOCKET 1190

DATE OF HEARING	February 1, 2016
NAME	Mr. & Mrs. Mathew Hillebrand
DESCRIPTION OF PROPERTY	10122 Conway Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for a fence being constructed of wire mesh which is prohibited by Section IV, C, (2) of Zoning Ordinance #1175 which states no wire or steel mesh wire fencing or chain link fencing may be used in any manner as part of the fence in any front, side or rear
RULING OF THE BOARD	After a discussion of the facts presented, the Board did not approve the variance for the wire mesh fence and the decision of the Building Official was upheld.

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

DOCKET 1190
10122 Conway Lane

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

The following members of the board were present:

Ms. Liza Forshaw, Acting Chairman
Mr. David Schlafly
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Daniel Welsh

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Ms. Erin Seele, City Attorney, Ms. Andrea Sukanek, City Planning Consultant

Ms. Forshaw 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 1190**

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. & Mrs. Matthew Hillebrand, 10122 Conway Rd, requesting relief from the ruling of the Building Official denying a building permit for a fence being constructed of wire mesh which is prohibited by Section IV, C, (2) of Zoning Ordinance #1175 which states no wire or steel mesh wire fencing or chain link fencing may be used in any manner as part of the fence in any front, side or rear

The hearing will be held at 4:00 p.m. on Monday, February 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

Ms. 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 – Permit denial dated October 16, 2015;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated November 30, 2015
- Exhibit F - Entire file relating to the application

(Transcript attached as part of the minutes)

Mr. Penney explained that the constructed fence was installed without a permit and consists of welded wire mesh attached to cedar posts. Mr. Penney stated that the zoning code does not allow for wire mesh fence.

The court reported administered the oath to Mr. Hillebrand. He explained that he has lived in Ladue since October 2013 and did not know that wire mesh was prohibited because he has observed it on another property. He explained that the wire mesh fence is his preference due to its appearance and its use with containing his pets. He was told by his contractor that no permit was needed for the fence. He indicated that his neighbors support the fence and that he can add landscaping in front of the fence.

Ms. Panke asked about the fence configuration and Mr. Hillenbrand explained that there is a separate area for the garden and for the pets.

Ms. Forshaw asked Mr. Penney to discuss the types of fences that are permitted and Mr. Penney responded with the requested information.

Ms. Forshaw asked how long these types of fences have been prohibited and Ms. Lamitola responded that the fence ordinance has been modified within the last four years.

Mr. Schlafly expressed concern about setting a precedent by approving this fence.

Mr. Hillebrand reiterated his preference aesthetically for wire mesh fences.

Public Comments

No one from the public came forward to speak on this matter.

Ms. Panke noted that there was not a hardship present.

Mr. Welch stated there was no compelling evidence presented that would trigger an undue hardship.

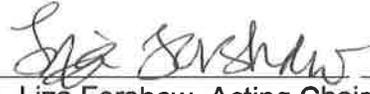
Ms. Forshaw stated that she understood the petitioner's preference, but did not want to be in conflict with the City Council on this issue. Ms. Forshaw called for a vote with regard to this variance request and the vote thereupon was as follows:

Ms. Liza Forshaw	"Deny"
Mr. David Schlafly	"Deny"

Ms. Laura Long
Ms. Elizabeth Panke
Mr. Daniel Welsh

"Deny"
"Deny"
"Deny"

The request for the variance to permit a wire mesh fence at 10122 Conway Road was denied.



Ms. Liza Forshaw, Acting Chairman