

DOCKET 1183

DATE OF HEARING November 2, 2015

NAME MICDS

DESCRIPTION OF PROPERTY 101 North Warson Road

CAUSE FOR APPEAL Relief from the decision of the Building Official denying a building permit for:

- 1) A proposed retaining wall of *ten (10) feet in height*, to be constructed in front of the proposed athletic complex bleachers, which violates Section IV, F, (3) which states retaining walls located in side and rear yards that meet or exceed the setback required for the principal building may be erected to heights *up to six feet*
- 2) A proposed vinyl chain link fence, to be constructed around the proposed athletic field, which violates Section IV, C, (11) which states that no chain link fence shall be maintained as a fence or part of a fence or wall.

RULING OF THE BOARD

After a discussion of the facts presented, the Board approved the variance for the ten foot retaining wall at the proposed O'Hara stadium and chain link fence enclosing the multi-sports field adjacent to the proposed O'Hara stadium due to the existence of practical difficulties and the decision of the Building Official is reversed.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, November 2, 2015

DOCKET 1183
101 North Warson Rd; MICDS

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, November 2, 2015, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Liza Forshaw
Mr. David Schlafly
Mr. John Shillington
Ms. Elizabeth Panke

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

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 1183**

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 MICDS, 101 North Warson, requesting relief from the ruling of the Building Official denying a building permit for:

- 1) A proposed retaining wall of *ten (10) feet in height*, to be constructed in front of the proposed athletic complex bleachers, which violates Section IV, F, (3) which states retaining walls located in side and rear yards that meet or exceed the setback required for the principal building may be erected to heights *up to six feet*
- 2) A proposed vinyl chain link fence, to be constructed around the proposed athletic field, which violates Section IV, C, (11) which states that no chain link fence shall be maintained as a fence or part of a fence or wall.

The hearing will be held at 4:00 p.m. on Monday, November 2, 2015, 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

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Permit denials dated May 6, 2015 & October 13, 2015;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the property owner requesting the variances date October 12, 2015 & October 13, 2015
- Exhibit F – Entire file relating to the application

(Transcript attached as part of the minutes)

The court reported administered the oath to Mr. Brandon Harp, principal at CEDC and civil engineer of record for the proposed MICDS project and to James Capps, principal at Hastings Chivetta and architect of record for the proposed MICDS project.

Mr. Harp provided an overview of the proposed sports stadium project and explained that MICDS is seeking a variance for the proposed ten foot retaining wall, in lieu of the six foot maximum allowable per the zoning ordinance, and for the installation of a chain link fence around O'Hara field. Mr. Harp stated that the language in the zoning code is somewhat ambiguous with regard to whether chain link fences are in fact permitted for school properties.

Ms. Panke asked if the wall can be lowered to the six foot maximum height allowed. Mr. Harp explained that the ten foot height is recommended for optimal viewing down on the field.

Mr. Ken Bush, 11 N. Tealbrook, stated that the proposed stadium improvements can be located elsewhere on the MICDS property.

Ms. Anne Parker, 9 S. Tealbrook, stated that the height of the structure is significant and that it should be lowered by four feet to comply with the retaining wall height restrictions.

Mr. Lawrence Mayer, 20 S. Tealbrook, stated that in addition to the ten foot height of the wall, there is a railing that adds to the height and appearance of the wall.

Mr. Carl Hogan, 14 S. Tealbrook, stated that the retaining wall should be lowered to six feet in height.

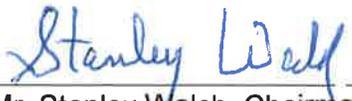
Mr. Nick Niknejadi, 18 S. Tealbrook, requested that the vote be postponed for further evaluation.

The Commissioners discussed the two variance requests and pondered what the impact to the project would be if the wall was lowered to the six foot height restriction. After lengthy discussion, Ms. Forshaw moved that based on the evidence presented, there are practical difficulties that exist and the decision of the Building Official will be reversed, and a variance should be granted to construct the improvements as proposed in accordance with the submitted site plan. Mr. Schlafly seconded the motion. Mr. Walch called for a vote and the vote thereupon was as follows:

Mr. Stanley Walch	"Aye"
Ms. Liza Forshaw	"Aye"
Mr. John Shillington	"Aye"

Mr. David Schlafly
Ms. Elizabeth Panke

"Aye"
"Nay"


Mr. Stanley Walch, Chairman