

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
FEBRUARY 7, 2023, 4:00PM
DOCKET 1375
2105 S. WARSON ROAD**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

Chairman Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Ms. Kristen Holton

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Ms. Liza Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Approval of the Minutes from the January 3, 2023, meeting

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1375

Petition is submitted by Ladue Corner, LLC for the property located at 2105 S Warson Road. The petitioner is requesting relief from the City Planner denying a fence on Warson and Litzsinger Roads that exceeds 42" in the front yard which is in violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a).

Ms. Sukanek explained the reason for the denial.; The proposal was denied as the height exceeds the permissible 42" height by 18". The proposed brick pillars to be placed about every 55' are 6'10" which is more than the permissible 6" by which post height is allowed to exceed fence height.

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 – Letter of Denial dated December 9, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated December 15, 2022;

Exhibit F – Entire file relating to the application

Mr. Tony Ruebsam of Northstar Management was sworn in to address the Board. He asserted the following practical difficulties:

- Size of property 11.4 acres makes the height reasonably proportional
- Deep setback of 400' from Warson and 250' from Litzinger
- Road frontage of 1500'
- Aesthetics
- Security
- Visibility from the home

He offered to reduce the additional height of the posts from 10" to 6". He pointed out that the existing fence is taller than the ordinance allows (50-56"). The wrought-iron fence design includes a gate which has already been approved by the City.

Ms. Caroline Sant, 9720 Litzinger Road asked to see the proposed fence. She approached the Board to look at the plans. Ms. Sant voiced her opposition to the proposal.

Chairman Forshaw noted that the homeowner requested a variance for a taller fence in 2016, which the Board did not grant. Another Board member observed that the proposed fence design is beautiful.

After discussion of the facts presented, including the zoning code's standards for permitted fence height which allow fences in front yards to be higher than 42" only in narrowly defined circumstances, the frequent requests received by the Board for fence variances, the risk of setting a precedent, and the lack of established practical difficulties, Ms. Long moved to overturn the decision of the City Planner and grant the variance. Ms. Panke seconded the motion. The vote was as follows:

The vote was as follows:

Ms. Forshaw	"disapprove"
Ms. Laura Long	"disapprove"
Ms. Elizabeth Panke	"disapprove"
Mr. Lee Rottamnn	"disapprove"
Ms. Kristen Holton	"disapprove"

With zero (0) votes in favor and five (5) against, the motion failed, the ruling of the City Planner was upheld, and a variance was denied.

Adjournment

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1375

DATE OF HEARING February 7, 2023

NAME Ladue Corner, LLC

DESCRIPTION OF PROPERTY 2105 S. Warson Road

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a fence on Warson and Litzsinger Roads that exceeds 42" in the front yard which is in violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a).

RULING OF THE BOARD After discussion of evidence presented, the Board upholds the decision of the City Planner. A variance is not granted.



Ms. Liza Forshaw