

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, MAY 2, 2023, 4:00PM**

DOCKET 1384

15 Deer Creek Woods Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, May 2, 2023.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Kristen Holton
Ms. Laura Long
Mr. David Schlafly
Mr. Dan Welsh

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Anne Lamitola, Director of Public Works; Mark Koester, Stormwater Engineer; and Lori Mullins, Deputy City Clerk.

Chairman Forshaw called the meeting to order at 4:01 P.M.

Approval and Adoption of the Agenda and Minutes

The agenda was adopted unanimously upon motion by Ms. Long and second by Mr. Welsh.

The minutes of the April 11, 2023, meeting were approved unanimously upon motion by Mr. Schlafly and second by Mr. Welsh.

Docket 1384 Petition submitted by Rick Hagedorn for the property located at 15 Deer Creek Woods Drive. The petitioner is requesting relief from the City Planner denying a retaining wall due to a rear and side setback encroachment. This is in violation of Ladue Zoning Ordinance #1175, Section IV-F-3.

Mr. Sukanek explained that the applicant is requesting a variance to erect a retaining wall on the 15,000 square foot property located in the "D" zoning district. The northeast corner of the lot contains an MSD storm drain and an MSD storm sewer along the east side of the lot in an easement.

The proposed wall is within 10 feet of the rear property line and crosses the side property line to abut an existing retaining wall to the west at 13 Deer Creek Woods.

Retaining walls are required to be set back from the property line at least half the distance of the required main building setback. In the "D" zoning district, the required rear setback is 30 feet and the side setback is 10 feet. This means that the setback for a retaining wall no higher than 3 feet must be 15 feet from the rear lot line and 5 feet from the side lot line. The proposed retaining wall does not comply with these setback requirements.

The property has had stormwater flooding issues; the proposed retaining wall project has been approved by the City's Storm Water Engineer, Mark Koester, and has been issued a grant through Ladue's Storm Water Grant Program.

Chairman 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 March 22, 2023;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated March 31, 2023;

Exhibit F – Entire file relating to the application

Rick Hagedorn, owner, took the oath and addressed the Board. He explained that the proposal is to defend his home from continued flooding stemming from storm water issues. The MSD storm sewer has severe undercapacity. The situation got worse after a neighbor installed a pool. Mr. Hagedorn said he had water on the first floor of his house last summer. Frontenac Engineering has designed the proposal to capture and redirect storm water away from the house and toward the swale which leads to the street storm drains. There is no other solution. His stated practical difficulty is property flooding during storms.

Mark Koester took the oath and stated he manages the storm water grant program. He confirmed his approval of the plan as the most feasible and effective solution, and the approval of the grant by the Storm Water Advisory Committee.

After discussion, which included the practical difficulty of the severe flooding, and the effective screening of the proposed retaining wall by an existing privacy fence, Ms. Panke moved approval of the variance, seconded by Ms. Long. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Kristen Holton	"approve"
Ms. Laura Long	"approve"
Mr. David Schlafly	"approve"
Mr. Dan Welsh	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, and the decision of the City Planner is reversed, and the variance granted.

Adjournment

The meeting was adjourned unanimously upon motion by Mr. Schlafly and second by Mr. Welsh at 6:25 p.m.

DOCKET 1384

DATE OF HEARING

MAY 2, 2023

NAME

Rick Hagedorn

DESCRIPTION OF PROPERTY

15 Deer Creek Woods Drive

CAUSE FOR APPEAL

The petitioner is requesting relief from the City Planner denying a retaining wall due to a rear and side setback encroachment. This is in violation of Ladue Zoning Ordinance #1175, Section IV-F-3.

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds practical difficulties exist. The decision of the City Planner is reversed, and the variance granted.

A handwritten signature in black ink, appearing to read "Liza Forshaw", is written over a horizontal line.

Ms. Liza Forshaw, Chairman