

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JUNE 2, 2020 4:00 P.M.**

DOCKET 1294

1038 WINWOOD DRIVE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, June 2, 2020
**DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC
GATHERINGS DUE TO COVID-19, THE MEETING WAS CONDUCTED BY VIDEO
CONFERENCE VIA ZOOM**

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. David Schlafly

Also present were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Andrea Sukanek, City Planner and John Fox, Councilman.

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

Approval and Adoption of the Agenda and Minutes

Mr. Rottmann made a motion to adopt the Agenda. Ms. Long seconded the motion. All those present were in favor.

Mr. Rottmann made a motion to adopt the Minutes of the May 5, 2020 meeting. Ms. Panke seconded the motion. All those present were in favor.

Docket 1294 Petition is submitted by Lori Koch for the property located at 1038 Winwood Drive. Petitioner is requesting relief from the City Planner denying an accessory structure. Animal enclosures are not listed as a permitted type of accessory structure and are, therefore, not allowed in Ladue. This is in violation of Ordinance #1175, Section IV-A (1).

Ms. Sukanek stated the primary enclosure was erected without a building permit, this type of structure is not an allowed type of accessory structure, and the applicant has been asked to remove it.

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 February 24, 2020;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated April 7, 2020;

Exhibit F – Entire file relating to the application

Exhibit G – Letters of opposition

Lori Koch, took the oath, and testified as the attorney for Texanne McBride, the resident at 1038 Winwood Drive. The accessory structure was not constructed, it is an assembled animal enclosure. Ms. McBride is permitted to have the monkeys at her home at 1038 Winwood Drive. She put up the cage so the monkeys could be outside in a contained environment in an attempt to have harmony with the neighbors.

Texanna McBride, took the oath. The size of the enclosure was discussed. It was deemed to be at least 12-feet tall, and at least 10'x10'. She took the word of her landlord and put up the enclosure assuming it was allowed without a permit.

Ms. Forshaw read the definition of an accessory structure or use in the Zoning Ordinance, which defines an accessory structure or use as a structure or use which is clearly incidental to, customarily found, in association with, and serves a principal use. In her opinion, this structure and this use are not customarily found in association with or serving the principal use of this residential property. She agrees with the City Planner's denial of the permit. The trustees and the neighbors oppose the structure.

Board discussion ensued. The neighborhood has states NO accessory structure in their indentures, connected structures are allowed not separate structures. This accessory structure goes against the indentures in the subdivision. Determining whether a caged structure that size is considered an accessory structure under the City's definition was deliberated.

Ms. Long made a motion that on the basis of the evidence presented, we find that the decision of the building official denying the animal enclosure as an accessory structure under the Code of Ordinances, the City of Ladue, should be affirmed.

Mr. Schlafly seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"affirm"
Ms. Laura Long	"affirm"
Ms. Elizabeth Panke	"affirm"
Mr. Lee Rottmann	"affirm"
Mr. David Schlafly	"affirm"

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

Adjournment

At 5:23 p.m. Mr. Schlafly made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1294

DATE OF HEARING June 5, 2020

NAME Lori Koch

DESCRIPTION OF PROPERTY 1038 WINWOOD DRIVE

CAUSE FOR APPEAL Petitioner is requesting relief from the City Planner denying an accessory structure. Animal enclosures are not listed as a permitted type of accessory structure and are, therefore, not allowed in Ladue. This is in violation of Ordinance #1175, Section IV-A (1).

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the decision of the building official denying the animal enclosure as an accessory structure under the Code of Ordinances, the City of Ladue, is affirmed.

Ms. Liza Forshaw, Chairman