

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
MARCH 1, 2022 4:00 P.M.**

DOCKET 1357

17 FAIR OAKS DRIVE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, March 1, 2022.

The following members of the Board were present:

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

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Councilman John Fox; Mayor Spewak and Lori Mullins, Deputy City Clerk. Present via ZOOM, Anne Lamitola, Director of Public Works.

Chairman Forshaw called the meeting to order at 4:03 P.M.

Approval and Adoption of the Agenda and Minutes

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

The minutes of the January 4, 2022 Board meeting were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1357 Petition is submitted by Paul Fendler on behalf of Jim and Ruth Halpern for the property located at 17 Fair Oaks Drive. The petitioner is requesting relief from the Building Commissioner denying a retaining wall due to not meeting setback and height requirements. This is in violation of Ladue Zoning Ordinance #1175, Section IV-F-1, Section IV-F-2, and Section IV-F-3.

Mr. Stewart stated the proposed improvement did not meet the side yard setback or height requirements for retaining walls in the "C" residential zoning district. Retaining walls may be erected to heights of 36 inches provided they are set back at least six feet from all property lines.

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 January 31, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated February 7, 2022;

Exhibit F – Entire file relating to the application

Mr. Paul Fendler, architect, took the oath and addressed the Board, stating that the existing nonconforming retaining wall in is grave disrepair. 10 to 15 feet of the wall are nonconforming. The 4'-5' grade change, the narrow driveway and the proximity to the property line create practical difficulties. Trustee and neighbor approvals have been granted. Part of the proposed retaining wall would be something like 1 foot higher than the 3 feet allowed by the ordinance and would be located closer to the side property line to allow a wider driveway. The narrow driveway is currently squeezed between the retaining wall and the house, and it is only 9 feet wide - not wide enough to comfortably accommodate modern vehicles.

Chairman Forshaw asked Mr. Fendler whether a variance is requested to replace the significantly taller wall/monument as well. He said that was his intent but acknowledged that instead of obtaining a variance for the monument as part of the retaining wall, he could pursue approval for it under the ordinance dealing with entry monuments, which requires Architectural Review Board approval.

Board discussion included provision for the existing monument, tree replacement, the steep grade, the deterioration of the existing wall, and the practical difficulty of the narrow driveway next to the retaining wall. It was agreed with the applicant that the monument will be taken up with the Architectural Review Board and omitted from the variance request.

After discussion of the facts presented, including the dilapidated condition of the retaining wall and the need to widen the driveway for safe passage of vehicles, the Board determined that practical difficulties exist. Ms. Panke made the motion to overturn the decision of the Building Commissioner and grant the variance for the proposed retaining wall (but not the taller monument section) with the condition that trees to be removed will be suitably replaced. Ms. Long seconded the motion. The vote was as follows:

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

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 7:05 p.m. Ms. Panke made a motion to Adjourn the meeting. Ms. Long seconded the motion. A unanimous vote in favor was taken.

DOCKET 1357

DATE OF HEARING

March 1, 2022

NAME

Jim and Ruth Halpern

DESCRIPTION OF PROPERTY

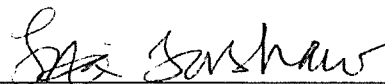
17 Fair Oaks Drive

CAUSE FOR APPEAL

Petition is submitted by Paul Fendler on behalf of Jim and Ruth Halpern for the property located at 17 Fair Oaks Drive. The petitioner is requesting relief from the Building Commissioner denying a retaining wall due to not meeting setback and height requirements. This is in violation of Ladue Zoning Ordinance #1175, Section IV-F-1, Section IV-F-2, and Section IV-F-3.

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted, conditioned on replacing trees to be removed.



Ms. Liza Forshaw, Chairman