

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
Monday, January 9, 2017**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, January 9, 2017 at Ladue City Hall.

The following members of the board were present:

Mr. Stanley Walch  
Ms. Liza Forshaw  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. David Schlafly

Also present were: Mr. William Penney, building Official; Ms. Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner and Ms. Margaret Eveker, representing Erin Seele, City Attorney. Mayor Nancy Spewak was also in attendance.

Mr. Walch called the meeting to order at 4:00 p.m.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, MISSOURI  
DOCKET NUMBER 1218**

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 David R. Huyette for the property at 1339 Litzsinger Woods Road, requesting relief from the ruling of the Building Official denying a permit for a swimming pool in a front yard in the D Zoning District, per the Ladue Zoning Ordinance #1175, Section IV-A(4)(c).

The hearing will be held at 4:00 p.m. on Monday, January 9th, 2016, 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

Mr. Walch asked Building Official Will Penney for an explanation with regard to the denial of the application. Mr. Penney stated that application was denied for a permit for a swimming pool in a front yard in the D Zoning District. He stated that it is a difficult lot to build on and the proposed pool would be in front yard facing Litzinger Road.

Mr. Walch 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 – Permit denial dated November 10, 2016
- Exhibit D – List of residents sent notice of the meeting
- Exhibit E – Letter from the resident requesting the variance dated November 16, 2016
- Exhibit F – Entire file related to the application

Mr. Walch asked if the pool were to be in a side yard, would it be conforming and Mr. Penney said it would be if the setbacks were adhered to. Ms. Lamitola added that the side yard setback would probably be 15 feet.

The court reporter administered the oath to Mr. Greg Miele, the contractor and owner of Scenic View Land and Pools. Mr. Miele explained that the owner purchased the property 11 months ago as a “forever home” for his family. He has plans to improve the property and wanted to build a pool for his children. The backyard is very shallow and the proposed location is ideal for a pool. Large boulders, trees, fence and additional landscaping will shield the pool from the road and no one will know that a pool exists. He asked for a variance to put the pool in the proposed location.

Ms. Forshaw verified that there is no setback violation and Mr. Walch confirmed. The contractor stated that the home owner’s association has approved the pool. Mr. Schafly asked for letter from the HOA and contractor confirmed it was submitted with the permit application. Ms. Long asked if home owners adjacent to the backyard had been notified and the contractor said he had not, but prior to beginning construction he plans to speak to all neighbors. Ms. Panke asked if the Public Notice was mailed to neighbors and Ms. Lamitola answered in the affirmative; that every property owner within 185 feet received a notice.

Mr. Walch questioned whether a hardship existed and said he had not heard of any practical difficulty. Mr. Miele said that that the property owner had purchased the home thinking that he could build a pool. Ms. Long stated that the hardship is that there is no backyard in which to build a pool.

The public comment period ended.

Ms. Forshaw commented that she normally did not favor pools in front yards, but no one will see this one with the planned grade, bushes, etc. She noted the commission granted a front yard pool a few years ago.

Mr. Schafly responded that the circumstances for that variance were different, it involved privacy issues on an irregularly shaped lot.

Ms. Panke noted that the pool did not extend over any setbacks and the lot is unusual in that it has three front yards and no backyard. There is no other place to put a pool for various reasons.

Ms. Long stated that in order for homeowner to build a pool, it will need to be located in a front yard.

Mr. Schafly cautioned that putting a pool facing Litzsinger could set a bad precedent and he would feel better knowing that there is no violation of setback. Ms. Lamitola confirmed that it is beyond the required front yard setback of 40 feet and Mr. Miele stated it will be located 60 feet from the property line along the Litzsinger frontage.

Ms. Forshaw wanted confirmation that the pool would not be visible from Litzsinger and the contractor submitted photos with permit application that illustrate the landscape screening.

Ms. Long moved that based on the evidence presented, a practical difficulty exists and the decision of the Building Official be reversed, and a variance granted to construct the proposed pool on the site plan provided on November 11, 2016, contingent that the contractor provide adequate and additional screening materials to shield the pool from view from Litzsinger and from property to the rear of the applicant's home. Ms. Long seconded the motion. Mr. Walch called for a vote with regard to this variance request and the vote thereupon was as follows:

Mr. Stanley Walch	"Deny"
Ms. Liza Forshaw	"Approve"
Ms. Laura Long	"Approve"
Ms. Elizabeth Panke	"Approve"
Mr. David Schafly	"Approve"

There were four (4) votes to approve and one (1) vote to deny and therefore the variance was granted.

DOCKET 1218

DATE OF HEARING January 9, 2017

DESCRIPTION OF PROPERTY 1339 Litzsinger Woods Lane

CAUSE FOR APPEAL Relief from the ruling of the Building Official denying a permit for a swimming pool in a front yard in the D Zoning District, per the Ladue Zoning Ordinance #1175, Section IV-A(4)(c).

RULING OF THE BOARD After a discussion of the facts presented, the board approved the variance for a swimming pool in a front yard in the D Zoning District, per the Ladue Zoning Ordinance #1175, Section IV-A(4)(c) and the decision of the Building Official was overturned.

  
Stanley Walch, Chairman.