

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, November 6, 2017

DOCKET 1235

16 Lindworth Dr.

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, November 6, 2017 at City Hall. The following members of the board were present:

Vice Chairman Liza Forshaw
Mr. Dan Welsh
Ms. Laura Long
Ms. Elizabeth Panke
Mr. David Schlafly

Also present were Ms. Andrea Sukanek, City Planner; Ms. Erin Seele, City Attorney; Ms. Ashley Quinn, Administrative Assistant; Mayor, Nancy Spewak; and Councilman, John Fox.

Vice Chairman Liza Forshaw called the meeting to order at 4:00 PM. Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1235**

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 Andrew and Tiffany Dill for the property at 16 Lindworth Drive. Petitioner is requesting relief from the Building Official denying a permit for relocation of pool equipment due to 20' side setback requirement for the property which is in violation of Section V (B-2) of the Ladue Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Tuesday, November 6, 2017, at the Ladue 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

Vice Chairman Forshaw called for an approval of the agenda. Mr. Schlafly made a motion to approve. Ms. Long seconded the motion. All members voted "aye" and the agenda was approved.

Vice Chairman Forshaw called for an approval of the minutes from the October 2, 2017 meetings. Vice Chairman Forshaw stated that her vote was improperly noted in the minutes. Mr. Welsh stated that his name was misspelled and Councilman John Fox stated that his presence was omitted from the listing. With these changes, Mr. Schlafly made a motion to approve the minutes as amended. Ms. Long seconded the motion. The minutes were approved as amended.

Vice Chairman Forshaw asked Ms. Sukanek for an explanation of the denial for a permit. Ms. Sukanek gave a brief overview of the application and its continuance from the previous meeting. The applicants were requesting to place pool equipment in a required yard setback area.

Vice Chairman Forshaw introduced the following exhibits into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Permit denial dated; August 3, 2017
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated August 27, 2017
- Exhibit F – Entire file relating to the application

The court reporter administered the oath to Tiffany Dill, homeowner of 16 Lindworth Dr. and Jason Bailey, of Pool Specialists. Ms. Dill explained that the pool pump would not be visible from the road and there would be a retaining wall to shield it from view. Mr. Bailey showed photos of the home and the proposed location of the pool pump. He stated that the equipment would be approximately 3.5 feet high. It would have a retaining wall, landscaping and a fence in front of it when viewed from neighboring property.

A letter from David and Ann Von Allmen, in support of the variance, was entered into the record as "Exhibit G". Mr. and Mrs. Allmen are the neighbors at 14 Lindworth.

The court reporter administered the oath to Ken Debrecht, contractor for the work at 16 Lindworth.

Ms. Dill stated that the reason they were proposing the pool pump's location was so that a handicap ramp could be installed to the pool house, making the home accessible.

Mr. Debrecht added that they did not want to put the pump in a place that would block access into the pool house. Moving the location would not allow for the ramp.

A discussion followed about the interior use of space in the pool house, and the possibility of moving the equipment inside or in the front of the pool house. Based on the appellant's comments there was no way to move the equipment inside and make the building handicap accessible.

Councilman Fox asked if they were planning to put the access ramp in now.

Mr. Debrecht stated that they were putting one in to the main house now, but not to the pool house at this time.

Public Comment Closed

Ms. Long made a motion that based on the evidence presented the Board uphold the decision of the Building Official to deny a permit for the pool pump.

The vote was as follows:

Vice Chairman Liza Forshaw	"in favor"
Mr. Dan Welsh	"in favor"
Ms. Laura Long	"in favor"
Ms. Elizabeth Panke	"in favor"
Mr. David Schlafly	"in favor"

With five (5) votes in favor of upholding the decision of the Building Official and zero (0) votes to overturn the decision, the motion stays and the variance was not granted.

DOCKET 1235

DATE OF HEARING	Tuesday, November 6, 2017
NAME	Tiffany and Andrew Dill
DESCRIPTION OF PROPERTY	16 Lindworth Dr.
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a permit for relocation of pool equipment due to 20' side setback requirement for the property which is in violation of Section V (B-2) of the Ladue Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board denied a variance, and the ruling of the Building Official was upheld.



Ms. Liza Forshaw, Vice Chairman