

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, May 1, 2017

DOCKET 1225

10275 Clayton Rd.

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, May 1, 2017, at City Hall.

The following members of the board were present:

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

Also present were: Mr. William Penney, Building Official and Ms. Erin Seele, City Attorney. Councilman John Fox and Mayor Nancy Spewak were also in attendance.

Chairman Walch 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 1225**

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 SM Properties Ladue West LLC for the property at 10275 Clayton Road, requesting relief from the ruling of the Building Official denying a permit for a decorative fence that would be closer than 6' to the street right-of-way and located within 110 feet of the center line of Lindbergh Boulevard per the Ladue Zoning Ordinance #1175, Section IV-C(1)(a), Section V-C-2(g).

The hearing will be held at 4:00 p.m. on Monday, May 1, 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

Chairman Walch stated that due to a conflict of interest Mr. Dan Welsh would be recusing himself from voting on this item.

Chairman Walch asked Building Official Will Penney for an explanation of the denial for a permit to place a decorative fence at 10275 Clayton Rd.

Mr. Penney explained that the applicant submitted a permit for a three (3) feet tall decorative fence. They were requesting a variance from two ordinances. The fence was too close to the property line, ordinance states it must be at least six (6) inches from property line. It was also not far enough from the center line of Lindbergh Blvd. The City and MoDOT have an agreement that there will be no structures built within 110 feet of that center line.

Chairman Walch asked whose property the fence would be on. Mr. Penney stated that based on the survey submitted part of the fence would be on MoDOT property.

Chairman 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 January 25, 2017;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated March 9, 2017
- Exhibit F - Entire file relating to the application

The court reporter administered the oath to Mr. Brian Ivy of Idea Architects.

Mr. Ivy stated that the plaza would like the fencing to screen some of the parking lot so that it was not a continuous sight line of nothing but parked cars.

Ms. Panke asked if the fence line could be broken up with trees. Mr. Ivy stated that they cannot have plantings on Lindbergh Blvd. because of the utilities. Part of the agreement with MoDOT is that there are no invasive plantings along that section of road.

Ms. Long asked if there was any other reason for the fence besides aesthetics. Mr. Ivy stated that it was mostly for aesthetics but also to integrate the look of the site.

Ms. Forshaw asked what would the hardship be to allow the fence to be placed in a location outside the City's code.

Mr. Ivy stated the hardship was that they could not screen with plantings as they normally would at other sites. Because of their agreement with MoDOT that is not an option at this site.

The court reporter administered the oath to Mr. Franklin Sears, Vice President of Desco Group.

Mr. Sears stated that there were some topography issues with the site. There was a retaining wall along Clayton Rd. The building was already placed in the 120 feet setback area, and it was a very tight parking lot. They lost parking to the 64/40 lane changes.

Councilman Fox stated that the City was in favor of this development. MoDOT will not enter an agreement with a private company. The City of Ladue and Schnucks are in agreement and legislation was passed stating that Schnucks will maintain the fence once it is built. The City

feels it is in the best interest of Ladue for the fence application to go forward. City Council is in favor of the fence.

The public comment portion of the meeting was closed.

Commission discussion began.

Ms. Long made a motion to overturn the decision of the building official and to grant a variance for the requested fence.

Ms. Panke seconded the motion.

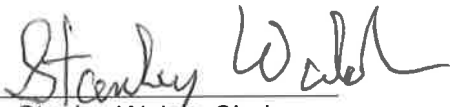
The vote was as follows:

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

There were five (5) votes to approve and therefore the variance was granted.

DOCKET 1225

DATE OF HEARING	May 1, 2017
NAME	SM Properties Ladue West LLC
DESCRIPTION OF PROPERTY	10275 Clayton Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for decorative fence that would be closer than 6' to the street right-of-way and located within 110 feet of the center line of Lindbergh Boulevard per the Ladue Zoning Ordinance #1175, Section IV-C(1)(a), Section V-C-2(g).
RULING OF THE BOARD	After a discussion of the facts presented, the Board approved the variance for the decorative fence located within the required setback and the decision of the Building Official was overturned.


Mr. Stanley Walsh, Chairman