

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, August 7, 2017

DOCKET 1233

9551 Litzsinger Road

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, August 7, 2017 at City Hall. The following members of the board were present:

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

Also present were: Anne Lamitola; Director of Public Works, Andrea Sukanek; City Planner, Ms. Erin Seele; City Attorney, Ms. Ashley Quinn; Administrative Assistant, and Mayor Nancy Spewak.

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 1233**

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 Missouri American Water for the property at 9551 Litzsinger Road. Requesting relief from the City Planner denying a permit for a Non-Stealth Communication Tower with equipment which is prohibited in District "C" per the Ladue Ordinance #1175 Section XIV.

The hearing will be held at 4:00 p.m. on Monday, August 7, 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 called for an approval of the agenda. All members voted "aye" and the agenda was approved as submitted.

Chairman Walch called for an approval of the minutes from the previous May, June and July meetings. All members voted "aye" and the minutes were approved as submitted.

Chairman Walch asked the City Planner for an explanation of the denial for a permit. Ms. Sukanek gave a brief overview of the application. The water metering pole does not meet one of the elements of a stealth tower since all antennae and equipment must be concealed from view. In addition, the proposed park location of the tower does not comply with the requirement in Section VII (5)(j) that a Stealth Tower in a residential area be located on a site of a church, school, private club, or a cemetery. This application was requesting two variances.

Chairman Walch 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; June 22, 2017
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated July 10, 2017
- Exhibit F – Entire file relating to the application

The court reporter administered the oath to Jeremy Linley and Matt Lueders from Missouri American Water. Mr. Lueders stated that the pole installed would be a standard 34-foot utility pole. It needs to be in an area to service the homes in that meter area. It reads the meters of homes in a radius and is charged by solar power. It will be shielded from view by a White Swamp Oak tree. A discussion ensued regarding the technology and why it could not be fully concealed.

A discussion ensued about the Special Use Permit (SUP). The application has received a recommendation from the Zoning and Planning Commission for the SUP. The Special Use Permit is conditional on the variances being granted. If they are granted the application will be forwarded to City Council for final approval.

Public Comment Closed

A discussion followed about the tower and its benefits to the Community.

A diagram of the pole's location and proposed screening trees was entered into the record as "Exhibit G".

After a presentation of facts, Ms. Long made a motion to overturn the ruling of the City Planner and grant the variances requested for the Non-Stealth Communication Tower with equipment at 9551 Litzsinger Road.

The motion was seconded by Ms. Forshaw.

The vote was as follows:

Chairman Stanley Walch	"Approve"
Ms. Liza Forshaw	"Approve"
Ms. Elizabeth Panke	"Approve"

Ms. Laura Long
Mr. Dan Welsh

"Approve"
"Approve"

With five (5) votes to approve and zero (0) votes to deny the motion passed and therefore the variances were granted.

A discussion about the next meeting date and the scheduling of a ZBA training session followed.

The next meeting would be on Tuesday, September 5th to adjust for the Labor Day Holiday.

Ms. Quinn would be sending an email to determine a date for the training based on the Board's availability in September.

Ms. Long made a motion to adjourn the meeting. Ms. Panke seconded the motion.

All present voted "aye" and the meeting was adjourned at 4:34pm.

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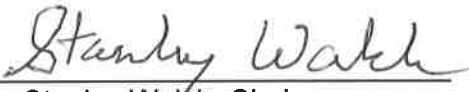
DATE OF HEARING Monday, August 7th, 2017

NAME Missouri American Water Company

DESCRIPTION OF PROPERTY 9551 Litzsinger Road

CAUSE FOR APPEAL Relief from the ruling of the City Planner denying a permit for a for a Non-Stealth Communication Tower with equipment which is prohibited in District "C" per the Ladue Ordinance #1175 Section XIV.

RULING OF THE BOARD After a discussion of the facts presented, the Board approved the variance for the communication tower to be located in a residential area.


Mr. Stanley Walch, Chairman