

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
Monday, November 7, 2016

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, November 7, 2016, at Ladue City Hall.

The following members of the board were present:

Ms. Liza Forshaw  
Mr. David Schlafly  
Ms. Laura Long  
Mr. Lee Rottmann  
Ms. Elizabeth Panke

Also present were: Mr. William Penney, Building Official; Ms. Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Mayor Nancy Spewak and Councilman John Fox were also in attendance.

Ms. Forshaw called the meeting to order at 4:03 p.m.

**DOCKET NUMBER 1213 - Ladue Corners, LLC, 2105 S. Warson-Fence**

Notice of Public Hearing as follows:

**NOTICE OF PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, MISSOURI  
DOCKET NUMBER 1213**

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 Ladue Corners, LLC, 2105 South Warson Road, requesting relief from the ruling of the City Planner denying a building permit for a fence which would exceed 42 inches in height which is prohibited for fences that abut a street as outlined in Section IV-C-(1)(a) of Zoning Ordinance #1175

The hearing will be held at 4:00 p.m. on Monday, November 7, 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

Ms. Forshaw asked Building Official Will Penney for an explanation with regard to the denial of the application. Mr. Penney deferred to Ms. Andrea Sukanek, City of Ladue Planner. Ms. Sukanek explained that the proposed fence exceeds the existing maximum fence height requirement of 42 inches in a front yard. The pillars of the fence are proposed at a height of 6 feet (72 inches) for a variance of 30 inches. The wrought iron fencing in between the pillars is approximately 5'8" in height. There would be approximately 32' of wrought iron fencing between the pillars. The property does not face a private road, which is one criterion for a variance. The proposed fence would face both Warson and Litzsinger Roads.

There was no need to ask applicant and architect to retake oath as they were sworn in for Docket 1212. Ms. Forshaw asked, and it was answered in the affirmative, whether the stone pillars are along the property line. Mr. Schlafly asked if a six-foot fence was okay along a side yard and Ms. Sukanek answered in the affirmative. Mr. Schlafly asked if the fence can be six feet if it is installed beyond the required set back and Mr. Penney said it may or may not be possible, but Mr. Hall stated that the fence would actually appear to be higher if the fence were to be placed further from the street due to the topography of the property. He also stated that since the city of Ladue requires shrubbery, the fence will be practically hidden from view.

Ms. Long said she could not see a hardship issue with the request for variance. Mr. Hall stated that the property is an attractive nuisance and since there are two ponds on the property that are visible from the street, he suggested that people will be tempted to climb over a shorter fence to access the ponds, putting the property owner at risk.

Mr. Schlafly asked to see what was being proposed on the plans, but Mr. Hall stated he did not have updated plans, but what is now being proposed eliminates the low brick wall and the wrought iron fencing extends to the ground. Public comments were closed.

The committee discussion included comments that having the fence along Litzsinger was out of character with that road as it is a small road where vistas of the surrounding landscape are enjoyed. Many requests for fencing along this road are denied. Ms. Panke stated she did not see a hardship issue and Mr. Rottmann expressed concern about the fence giving the illusion of an enormous compound. If the variance is granted, other requests will come in.

It was explained to the applicant that the request for a fence variance could be continued to a future meeting. If the commission were to vote and that the variance be denied, the applicant could not return to the ZBA for six months. The applicant was offered the opportunity to redesign the fence and resubmit for approval. The applicant, Mr. Steward, asked whether, since a six-foot fence will be denied, the City of Ladue will share in the liability should a trespasser be injured on his property. The city attorney, Erin Seele said the city would not be liable in such circumstances. The applicant wanted the record to show that the neighbors do not object to the fence and also said he considered Litzsinger to be a major street. On a final note, Ms. Forshaw concluded by saying the fence ordinance is intended to keep an open feel to the city and that the height of the fence is the real issue.

  
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Liza Forshaw, Vice-Chair

Docket 1213

DATE OF HEARING	November 7, 2016
NAME	David Steward
DESCRIPTION OF PROPERTY	2105 S. Warson Road
CAUSE FOR APPEAL	Relief from the ruling of the Building Official denying a building permit for a fence exceeding the maximum height allowance of 42 inches, which is prohibited by Section IV-C-(1)(a) of Zoning Ordinance #1175
RULING OF THE BOARD	Variance request was continued to a future meeting when the applicant may submit new plans

