

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
FEBRUARY 7, 2023, 4:00PM
DOCKET 1377**

9810 SOUTH 40 DRIVE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

Chairman Ms. Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Ms. Liza Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Approval of the Minutes from the January 3, 2023, meeting

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1377

Petition is submitted by City of Ladue Public Works Department for the property located at 9810 South 40 Drive. The City of Ladue Public Works Department is requesting relief from the City Planner denying an 8 foot fence which is violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a) and Section IV-C-1(b).

Ms. Sukanek explained the proposed 8' fence is does not comply with the Zoning Code and was therefore denied.

Ms. Forshaw 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 – Letter of Denial dated December 29, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated January, 4, 2023;
- Exhibit F – Entire file relating to the application

Ms. Lamitola took the oath, and shared the history of the former mulch site and its progression into the Deer Creek Preserve. She stated that the property is zoned residentially and is adjacent to the right-of-way of the outer road of the interstate highway. Although zoned residentially, it does not have a residential use, and there are no residences nearby. An 8' fence will provide a visual barrier for the yard waste storage areas located on the property and deter trail users from entering sections of the site that are not safe and not open to the public. The purpose of the 8' fence is primarily safety. She pointed out that a similar variance was granted by the Board to separate the Tall Timbers subdivision from the outer road. An extensive project by the Metropolitan St. Louis Sewer District denuded the vegetation screening both sites, making a tall fence needed for safety in both cases.

Matt Bukhshtaber, 6 Tall Timbers, took the oath and spoke in support of the proposed fence. He observed that a screened walking trail will be nice for the neighborhood.

Discussion ensued. It was noted that the fence ordinance allows 8' tall fences in yards that abut interstate highways. The outer road (South 40 Drive) runs next to Interstate 40/64 and is under MoDOT jurisdiction, so an 8' tall fence seems within the spirit of the ordinance. In any event there are compelling safety reasons to screen the public using a park trail from the heavy dump trucks and yard debris of the yard waste storage areas.

Ms. Panke moved to overturn the decision of the City Planner and grant the variance. Ms. Long seconded the motion. The vote was as follows:

The vote was as follows:

Ms. Forshaw	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottamn	"approve"

With four (4) votes in favor and zero (0) against, the motion carries, the ruling of the City Planner was overturned, and a variance was granted.

Adjournment

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1377

DATE OF HEARING February 7, 2023

NAME Anne Lamitola

DESCRIPTION OF PROPERTY 9810 South 40 Drive

CAUSE FOR APPEAL The City of Ladue Public Works Department is requesting relief from the City Planner denying an 8 foot fence which is violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a) and Section IV-C-1(b).

RULING OF THE BOARD After discussion of evidence presented, the Board overturns the decision of the City Planner. A variance is granted.



Ms. Liza Forshaw