

**BOARD OF FIRE APPEALS**  
**TUESDAY, SEPTEMBER 3, 2019, 4:00P.M.**  
**BFA DOCKET 2019-1**  
**10183 Winding Ridge**

A meeting of the Fire Appeals Board was held at 5:15 p.m. on Tuesday, September 3, 2019 at City Hall.

The following members of the board were present:

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

Also present were: Erin Seele, City Attorney; David Streubel, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Fire Chief Steven Lynn; Assistant Fire Chief Jeff Johnson; Councilmember Kamps; Mayor Spewak; and Lori Wrobel, Administrative Assistant.

Chairman Forshaw called the meeting to order at 5:15 P.M.

**Approval and Adoption of the Agenda**

Ms. Panke made a motion to adopt the agenda. Mr. Rottmann seconded the motion. All those present were in favor.

**BFA 2019-01 Petition submitted by Ryan M. Prisock of Summers Compton Wells on behalf of The Cynthia Dunne Revocable Trust for the property located at 10183 Winding Ridge Road, Ladue, Missouri 63124, requesting relief from the Building Commissioner denying a New Residence due to noncompliance with the City of Ladue Municipal Code Chapter 34, Article II, Fire Prevention Code, Section 34-21(a), Appendix B: Fire-Flow requirements for Buildings as the City's Fire Code Official has determined that the property does not have the required water flow for the proposed building plans. The application is, therefore, rejected for failure to meet the City's laws and ordinances including specifically the Fire Code as required by City's Code including Section R105.3.1 and Section R102.8 of the City of Ladue Municipal Code, Chapter 120.1 International Residential Code.**

Chairman Forshaw introduced the following exhibits to be entered into the record:

Exhibit A – The Fire Prevention Code of the City of Ladue, Ordinance 2191, as amended;

Exhibit B – Denial letter dated July 18, 2019;

Exhibit C – List of Residents sent notice of meeting;

Exhibit D – Letters of support or opposition to the request;

Exhibit E – The entire file pertaining to the application including all memoranda from staff and consultants to the Ladue Board of Fire Appeals and the City of Ladue;

The code of ordinances of the City of Ladue which will not be marked as an exhibit but which is here available for review and is hereby incorporated into the record by reference; and

Exhibit F – Missouri American Water documents provided by City Attorney Erin Seele

Mr. Stewart stated that the property is located at 10183 Winding Ridge, and that the Fire Chief was in attendance to speak to the application denial.

Fire Chief Lynn was sworn in and addressed the Board. The denial of a building permit for a proposed approximately 7,700 square foot new home is based on the adopted code IFC 2015 appendix B. Chief Lynn testified that plan review requires checking for the water needed for the proposed project. Here, the closest hydrant on Winding Ridge was tested privately and showed a fire flow of 650 gallons per minute. The proposed 7,700 sq. ft. building requires 2,500 gallons per minute to comply with the current fire code. The water main on Winding Ridge is very long and narrow and is considered a dead-end main, which allows only one hydrant to be easily utilized for the subject property. Homes closer to Warson are fairly well protected. One solution is to loop the system ideally to Lindbergh, to significantly improve the fire flow. Chief Lynn explained that this is an issue for Missouri American Water, which owns the water main and hydrants. Allowing the proposed residence would create a fire safety hazard.

Ladue officials and the appellant's representatives met with Missouri American Water representatives to discuss the problem, but Missouri American Water (and the Missouri Public Service Commission) considers the developer (the appellant in this case) responsible for upgrading the water main. The City Council has declined to spend City funds to improve Missouri American Water's infrastructure.

Jill Remeusch, of Summers Compton Wells, was sworn in and addressed the Board representing Cynthia Dunne. She reviewed the history of the City's approvals and actions for Winding Ridge properties over the last 20 years and presented her view of the Missouri American Water's and the City's responsibility in the situation.

Ms. Remeusch testified that Ms. Dunne purchased a 4,400 square foot home in September 2017 for a million dollars. Ms. Dunne had plans to demolish the home and build a new 7,700 square foot home. The plans were approved by the Architectural Review Board (which reviews the outward appearance of proposed improvements) in June 2018. She obtained a demolition permit in August 2018 and the home was torn down. On September 4, 2018, Ms. Dunne received notice that the fire-flow from the relevant hydrant was insufficient to build the proposed house. Ms. Remeusch explained in 2001, with reported fire-flow rates between 300 and 600 gallons per minute, a 5,400 square foot house and a 12,000 square foot house were built, and in 2004 a 5,000 square foot house was built. Ms. Remeusch questioned why the flow rates are now inadequate but have been adequate for others building on the same road for the past twenty years. Ms. Dunne does not plan to build a house on the lot until the water flow problem is solved, due to safety and insurance issues.

Chief Lynn distinguished the houses cited by Ms. Remeusch as having been approved by the City on Winding Ridge since 2000. Chief Lynn testified that several were constructed prior to the

City's adoption of the 2006 International Fire Code in 2010, at a time when no fire flow requirements applied. A 2010 permit was for an accessory structure to which the 2006 IFC did not apply.

Chief Lynn testified that the fire code would allow the appellant to build a 3,600 square foot single family dwelling with an approved automatic sprinkler system. Chief Lynn further explained that, under the fire code, there are many factors that apply when determining the required fire-flow for a proposed home including the type of materials, whether a sprinkler is installed, or whether fire walls are installed, and that additional actions can be taken to increase fire-flow including extending the main to make a looped system, replacing the current main, or installation of a pump on the subject property.

Harvey Novack, 10167 Winding Ridge, was sworn in and addressed the Board. He expressed concern for property values, fire hydrant water pressure and the dilemma of Ms. Dunne.

Roger Johnson, Johnson Development, was sworn in and addressed the Board. After recently purchasing 10166 Winding Ridge, he secured a client who would like to tear down the existing house and rebuild a 6,000 square foot home. When purchasing a lot for redevelopment, he checks codes and indentures but never thought water flow could be an issue. He met with Missouri American Water and the City of Ladue, both of which believe that the cost of bringing adequate water flow to the site would be the responsibility of the developer. He does not believe one or two individuals should have to put in water mains for the City or the water company.

Mr. Andy Dielmann was sworn in and addressed the Board. He is a real estate agent selling a house on Winding Ridge, assumed to be a teardown. He had buyers for it, and now finds it can't be a teardown. So now they are selling it as a rehab. He asked if pool houses would be approved. Chief Lynn informed him that cannot be answered on the spot; submitted plans would have to be reviewed.

Mr. Vitale was sworn in and addressed the Board. He lives at 19198 Winding Ridge, at the end of the road. He inquired about a hydrant directly behind his home on Lindbergh being within 1,300 feet of the home. He believes there is an infrastructure problem in the area and there is a need for a published study to advise the public of the water problems and risks. He requests honest communication between the utility and public leadership. He asked if swimming pools in the area can be a resource for emergency water. He is concerned about the effect on property values if smaller homes are built on the street.

Chairman Forshaw stated that educating Ladue residents and developers about the water flow issue is a good idea for City officials, but this meeting of the Board of Fire Appeals concerns a specific case. Fire safety rules have gotten stricter over the years and the fire codes tend to use widely accepted standards. In reviewing applications for building permits, the City has a right and a duty to follow its current fire code and not issue a building permit for a new house that would create a fire safety hazard. Issuing a demolition permit is not the same as issuing a building permit.

A Board member asked whether the Winding Ridge landowners have considered banding together to solve the water flow problem, since it affects more properties along the lane than just the appellant's.

City Attorney David Streubel pointed out that the applicant must make a showing of good and sufficient cause based on evidence for appeal. He cited the decision criteria.

After discussion of the facts and the required criteria for an appeal, Ms. Long moved that on the basis of the evidence presented the applicant has not made a showing of good and sufficient cause based on competent and substantial evidence for this appeal; the fire code has been correctly interpreted and the provisions of the fire code do apply to the situation at hand; the decision of the fire code official is affirmed, and the appeal is denied. Mr. Rottmann seconded the motion.

The vote was as follows:

Chairman Liza Forshaw	“approve”
Mr. Lee Rottmann	“approve”
Ms. Laura Long	“approve”
Mr. David Schlafly	“approve”
Ms. Elizabeth Panke	“approve”

With five (5) votes in favor of a denial and zero (0) against, the motion passed, the appeal was denied, and the ruling of the Building Commissioner was upheld.

#### **Adjournment**

At 6:20pm Ms. Long made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

