

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
TUESDAY, APRIL 06, 2021, 4:00 P.M.  
DOCKET 1324**

34 Somerset Downs

**DUE TO THE CURRENT RESTRICTIONS ORDERED BY ST. LOUIS COUNTY ON PUBLIC  
GATHERINGS DUE TO COVID-19, THE MEETING WAS CONDUCTED BY VIDEO  
CONFERENCE VIA ZOOM**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, April 06, 2021.

The following members of the board were present:

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

Also present: Erin Seele, City Attorney; Anne Lamitola, Public Works Director; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Councilman John Fox; and Lori Wrobel, Administrative Assistant.

Chairman Forshaw called the meeting to order at 4:00 PM.

**Approval and Adoption of the Agenda**

Ms. Long made a motion to approve the agenda. Ms. Panke seconded the motion. All those present were in favor.

**Approval of the Minutes from the March 2, 2021 meeting**

Mr. Rottmann made a motion to approve the Minutes as submitted. Ms. Panke seconded the motion. All those present were in favor.

**Docket 1324**            Petition submitted by Jane Adkins for the property located at 34 Somerset Downs. The petitioner is requesting relief from the Building Commissioner denying a fence and gates due to proposed fence exceeding maximum height allowed of 42 inches, and the gate is not on an allowable street listed in Ordinance #1175 Section IV-G (1)(d)(i) and is not being placed 25 feet from the Right of Way which does not comply with Ladue Zoning Ordinance #1175, Section IV-C (1), Section IV-C (2) and Section IV-G (1)(d)(iii).

Chairman Forshaw asked the Building Commissioner for an explanation of the denial.

Mr. Stewart stated that the proposed plan is for two gates across the driveway and a 54" fence in the front yard. The zoning ordinance prohibits fences over 42" in height in front yards. Gates are not permitted in front yards with the exception of the following roads: Clayton, Litzsinger, S. Warson, Ladue, S. Price, N. Woodlawn, and S. McKnight. Also, gates must be placed at least 25' from the right of way.

Chairman 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 January 25, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance received February 20,2021;
- Exhibit F – Entire file relating to the application

Clifford and Jane Adkins were sworn in and addressed the Board with a Power Point presentation. The stated practical difficulty is security. A neighbor was subjected to an armed burglary; this and other crimes have impelled the applicant to take these measures. The Ladue Police Department has increased patrols on the street. The neighborhood is employing armed security from 10 pm to 6 am nightly at a cost of \$130,000, which is not sustainable. Two homes on the street abut Warson and thus are allowed to have fencing. The applicants believe the crime on Somerset Downs is excessive. The proposal has the approval of subdivision trustees and neighbors.

Board discussion ensued. Topics included the City Council's desire to protect open vistas in the City, the ordinance restricting front-yard gates, the rationale for permitting gates along certain higher-traffic streets as opposed to other streets, the City's history of variance requests for gates, precedential impact, and the issue of crime. The view was expressed that to grant a variance to every applicant who is concerned about crime would vitiate the ordinance. The applicant inquired how to proceed with the City if this is a really legislative issue. Ms. Lamitola explained the process and suggested starting with speaking with the City Planner, Ms. Sukanek.

After a discussion of the facts presented, Ms. Panke made a motion to overturn the ruling of the Building Commissioner and grant a variance. Ms. Long seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"disapprove"
Ms. Laura Long	"disapprove"
Ms. Elizabeth Panke	"disapprove"
Mr. Lee Rottmann	"disapprove"
Mr. Dan Welsh	"disapprove"

With zero (0) votes in favor and five (5) against, the variance was denied.

Ms. Panke made a motion to adjourn. Ms. Long seconded the motion. The meeting adjourned at 5:37 p.m.

DOCKET 1324

DATE OF HEARING April 6, 2021

NAME Jane Adkins

DESCRIPTION OF PROPERTY 34 Somerset Downs

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying a fence and gates due to proposed fence exceeding maximum height allowed of 42 inches, and the gates not being on an allowable street listed in Ordinance #1175 Section IV-G (1)(d)(i) and not being placed 25 feet from the Right of Way which does not comply with Ladue Zoning Ordinance #1175, Section IV-C (1), Section IV-C (2) and Section IV-G (1)(d)(iii).

RULING OF THE BOARD After a discussion of the facts presented, the Board denied the variance.



Ms. Liza Forshaw, Chairman