

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Tuesday, April 3, 2018

DOCKET 1243

800 Barnes Road

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, April 3rd, 2018 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw
Mr. David Schlafly
Ms. Elizabeth Panke
Ms. Laura Long
Mr. Dan Welsh

Also present were: Roger Stewart, Building Commissioner; Erin Seele, City Attorney; Ashley Quinn/Lori Wrobel, Administrative Assistants; Anne Lamitola, Public Works Director; Mayor Nancy Spewak; and Councilman John Fox.

Chairman Forshaw called the meeting to order at 4:00 PM. She stated that there would be two hearings taking place.

The first item of business was docket 1243. Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1243**

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 Annie Beattie for the property at 800 Barnes Road. Petitioner is requesting relief from the Building Official denying a fence due to exceeding the maximum height requirement of 42 inches as stated in Ordinance 1175 Section IV-C-(1)-(a).

The hearing will be held at 4:00 p.m. Tuesday, April 3rd, 2018, 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.

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

Mr. Stewart stated that 800 Barnes Rd. is a 2-acre parcel in zoning district "B". It is a through-lot with frontage on both Barnes Rd. and Kent Rd. They are required to have a pool barrier fence of 48 inches in height but because it is a through-lot the maximum fence height allowed in a front yard is 42 inches.

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 February 20, 2018;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated February 23, 2018;
- Exhibit F – Entire file relating to the application

The Court Reporter administered the oath to Mr. Ken Engelsmann, a resident of 800 Barnes Rd., and the project's contractor, Mr. Andrew Strong.

Mr. Engelsmann stated that the proposed fence would be 20-25 feet into the front yard of Kent Rd. with 5 feet of it into the wooded area. He stated that there was no road access from that Kent Rd. front yard and it does not look like a front yard. Moving the fence out of the front area cuts the usable yard space in half. A discussion ensued regarding the proposed location and usability of the area.

PUBLIC COMMENT

None - closed

After a discussion of the facts presented, including the feasibility of placing the pool fence closer to the pool without needing a variance, Mr. Schlafly made a motion to overturn the ruling of the Building Commissioner and grant the variance for a fence as showing in the site plan dated 1-06-2017. Ms. Panke seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"against"
Mr. David Schlafly	"in favor"
Ms. Elizabeth Panke	"against"
Ms. Laura Long	"against"
Mr. Dan Welsh	"against"

With one (1) vote in favor and four (4) against the motion fails, the variance was not granted and the ruling of the Building Commissioner was upheld.

DOCKET 1243

DATE OF HEARING	April 3, 2018
NAME	Annie Beattie
DESCRIPTION OF PROPERTY	800 Barnes Road
CAUSE FOR APPEAL	Requesting relief from the Building Commissioner denying a permit for a Fence due to Ordinance 1175Section IV-C-(1)(a).
RULING OF THE BOARD	After a discussion of the facts presented, the Board denied the request. The variance was not granted and the denial of the Building Commissioner was upheld.



Ms. Liza Forshaw, Chairman