

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
OCTOBER 6, 2020 4:00 P.M.**

DOCKET 1311

4 BERKLEY LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, October 6, 2020.

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

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 were Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; and Nancy Spewak, Mayor.

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

Approval and Adoption of the Agenda and Minutes

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

Ms. Panke made a motion to adopt the Minutes of the September 1, 2020 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1311 Petition is submitted by Elliot Dole for the property located at 4 Berkley Lane. Petitioner is requesting relief from the City Planner denying a 6' privacy fence in the front yard which is adjacent to Ladue Road. This is in violation of Ladue Zoning Ordinance 1175, Section IV-C (1)(e) and Chapter 102 of the Ladue Code of Ordinances.

Ms. Sukanek stated the applicant requests a variance to install a solid, six-foot tall privacy fence on top of a roughly five-foot retaining wall in a second front yard along Ladue Road at Berkley Lane. Fences are prohibited by ordinance from the top of retaining walls in required front yards. The zoning ordinance also requires 30 feet of clearance on all corners of an intersection. She suggested that a 42" open fence would be more appropriate (though it would still require a variance), because it would be consistent with what is permitted for a side or rear yard where a retaining wall is present.

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 August 28, 2020;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated August 31, 2020;
- Exhibit F – Entire file relating to the application
- Exhibit G – Emails of support

Elliot Dole took the oath and addressed the Board, sharing information regarding improvements he has made to the lot including removing a thicket of invasive honeysuckle that provided screening along Ladue Road. The lot sits above Ladue Road with a five-foot retaining wall in the city right of way which abuts the property line. Without a fence, the retaining wall currently presents a hazard to small children and pets because of its steep drop to busy Ladue Road. The addition of the proposed fence would enhance the Lane and the lot, providing a safety measure and privacy. The subdivision trustees support the proposed fence.

Maggie Holtman took the oath and spoke in support of the fence, stating that Berkley Lane has brick walls on either side that require care when exiting the Lane.

Board discussion included appreciation for the removal of the honeysuckle and the unusually high visual obstruction that would result from a 5-foot retaining wall with a 6-foot fence on top of it. Placement of the fence and safety considerations were discussed. Board members determined that to avoid visual blight along Ladue Road, a shorter, open fence would be preferable to the solid 6-foot fence desired by the applicant. There was a difference of opinion as to how high a fence should be permitted.

After discussion of the facts presented, including safety issues, setback requirements and screening, it was determined that practical difficulties exist. Ms. Long made the motion to overturn the decision of the City Planner and grant the variance with the following condition: that the fence be 40% open and limited to a height of 48". Ms. Panke seconded the motion. The vote was as follows:

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| Chairman Liza Forshaw | "oppose" |
| Ms. Laura Long | "approve" |
| Ms. Elizabeth Panke | "approve" |
| Mr. Lee Rottmann | "approve" |
| Mr. Dan Welsh | "approve" |

With four (4) votes in favor and one (1) against, the motion passed, the ruling of the City Planner was overturned, and the variance was granted with conditions.

Adjournment

At 6:48 p.m. Ms. Long made a motion to Adjourn the meeting. Mr. Welsh seconded the motion. A unanimous vote in favor was taken.

