

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, DECEMBER 7, 2021, 4:00PM**

Docket 1347

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, December 7, 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 were David Streubel, acting City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Andrea Sukanek, City Planner; Lori Wrobel, Deputy City Clerk; and Mayor Nancy Spewak.

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

Approval and Adoption of the Agenda and Minutes

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

Ms. Panke made a motion to adopt the Minutes of the October 5, 2021 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1347

Petition submitted by Scott Meyer for the property located at 7 Dwyer Place. The petitioner is requesting relief from the Building Commissioner denying a fence due to color of material and finished side of the fence not facing out which is in violation of Ladue Zoning Ordinance #1175, Section IV-C-7(c)(iii) and Section IV-C-7(b) and Section IV-C-7.

Mr. Stewart explained that the request is for a variance to add additional solid white 72" vinyl fencing. The finished side of the fence is required to face outward, and vinyl fencing is only permitted in gray or brown material with a wood-like texture and must be at least 5% open.

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 October 12, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated October 20, 2021;

Exhibit F – Entire file relating to the application

Scott Meyer, homeowner, took the oath and addressed the Board. Mr. Meyer stated he had installed a permitted white vinyl fence on the south side of his property and would like to enclose the back yard with a matching fence. The existing fence was erected 7 years ago. Mr. Meyers assured the Board that the permitting process was followed. The zoning code was subsequently changed in regard to fence requirements. Both sides of the proposed fence are finished, eliminating the need for a finished side to face out. Patrons of Sportsman Park, and children walking to school create a lot of pedestrian traffic and cause his dog to bark. The stated practical difficulty is mismatched fencing. He plans to have gates to break up the solidity of the fencing.

Chairman Forshaw asked the applicant whether he knew that he would not need a variance for a white vinyl fence if it is at least 5% open. Alternatively, he could have a vinyl fence in a different color such as gray or brown without a variance. Mr. Meyer said he was not aware of these alternatives.

The Board members discussed the fact that the south side of the property abuts a commercial property (the Sportsman Park bar-restaurant), while the north side abuts residential property.

After discussion of the facts presented, including different considerations for the south side and the north side, it was determined that more than one motion was needed. Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance for the south side abutting commercial property. Ms. Panke seconded the motion. The vote was as follows:

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

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance is granted for the fence on the south side.

Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance for the north side abutting residential property. Ms. Panke seconded the motion. The vote was as follows:

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

With zero (0) votes in favor and five (5) against, the motion is denied, the ruling of the Building Commissioner stands with regard to the fence on the north side of the property.

Adjournment

At 5:48 p.m. Ms. Long made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1347

DATE OF HEARING December 7, 2021

NAME Scott Meyer

DESCRIPTION OF PROPERTY 7 Dwyer Place

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a fence due to color of material and finished side of the fence not facing out which is in violation of Ladue Zoning Ordinance #1175, Section IV-C-7(c)(iii) and Section IV-C-7(b) and Section IV-C-7.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist on the south side of the property. The decision of the Building Commissioner stands on the north side. A variance is granted for a fence on the south side of the property.



Ms. Liza Forshaw, Chairman