

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

DOCKET 1325

Tall Timbers Drive

**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 1325

Petition is submitted for the Tall Timbers Drive Subdivision by Matt Bukhshtaber for the properties affected on Tall Timbers Drive Right of Way. (2,4,6 and 8 Tall Timbers). The petitioner requests relief from the City Planner denying a new fence on the right-of-way of Tall Timbers Drive due to height and right of way restrictions. This is in violation of Ladue Zoning Ordinance #1175 Section IV-C (1)(a) and IV-C(1)(c).

Chairman Forshaw asked the City Planner for an explanation of the denial.

Ms. Sukanek stated that the proposed plan is for an 8' tall fence 6" into the Right-of-Way. Fences are limited to 42" height and must be 6' from the right of way. The proposed fence is 8' tall and will have vegetation planted between the fence and the paved roadway. The right of way of Tall Timbers is considerably wider than the paved roadway. The proposed fence would be roughly 35' from the paved roadway. The parking lot from the Racquet Club abuts the street. The ordinance allows an 8' high fence adjacent to interstate highways and allows an 8' high

fence to screen residential from non-residentially zoned land. Although the Racquet Club is zoned residential, it is a non-residential use (pursuant to a special use permit).

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 11, 2021;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance received February 17, 2021;
- Exhibit F – Entire file relating to the application;
- Exhibit G – Additional photographs

Kevin Nelson, MSD project manager, was sworn in and addressed the Board. MSD and Ameren have had to clear-cut the area between Tall Timbers and Highway 64. Removing the tall trees and vegetation eliminated the much-needed screening and sound buffer, creating safety, privacy and noise issues for the residents. The Tall Timber property owners are requesting the fence across the street from the homes. The I-64 sound wall stops short of these impacted homes. It may have been erected prior to the completion of the subdivision. The Missouri Department of Transportation is unwilling to fill the gap in the sound wall. A 42” tall fence would be inadequate to protect children and provide screening from the highway. The proposed fence would be installed by MSD following completion of its sewer project in the area.

Matt Bukhshtaber, a resident of Tall Timbers, took the oath and identified safety problems as a practical difficulty. There is currently no barrier between the subdivision and highway 64. The fence would prevent children from wondering into a dangerous area. He understands that MoDOT does not have funding to remedy the problem. The vegetative screening plan includes 30 trees to be planted along the fence, as designed by an arborist in compliance with Ameren’s requirements to stay clear of its electrical wires. The proposed fence is not nearly as high as the existing sound wall on each side of the gap and due to the slope, it would not be visible from the highway. The Racquet Club has been informed and has not objected.

Board discussion ensued. Board members noted that the actions of the utility companies were out of the control of the applicants. Board members expressed the views that the safety and sound problems constitute practical difficulties; the proposed variance appears to be within the spirit of the ordinance because the ordinance contemplates 8’ tall fences next to an interstate highway and next to non-residentially zoned land; the placement would be 35’ from the paved roadway even though technically within the right of way; and the fence would appear to have no adverse impact on any landowner.

After a discussion of the facts presented, Ms. Long made a motion to overturn the ruling of the City Planner and grant a variance. Mr. Welsh 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 variance was granted.

Adjournment

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

DOCKET 1325

DATE OF HEARING

April 6, 2021

NAME

Matt Bukhshtaber

DESCRIPTION OF PROPERTY

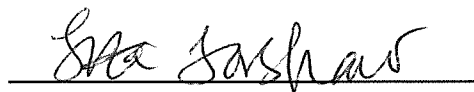
Tall Timbers Drive

CAUSE FOR APPEAL

Petitioner Matt Bukhshtaber for the properties affected on Tall Timbers Drive Right of Way. (2,4,6 and 8 Tall Timbers) requests relief from the City Planner denying a new fence on the right-of-way of Tall Timbers Drive due to height and right of way restrictions. This is in violation of Ladue Zoning Ordinance #1175 Section IV-C (1)(a) and IV-C(1)(c).

RULING OF THE BOARD

After a discussion of the facts presented, the Board finds that practical difficulties exist. The decision of the City Planner is overturned, and the variance is granted.

A handwritten signature in black ink, appearing to read "Liza Forshaw", is written over a horizontal line.

Ms. Liza Forshaw, Chairman