

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, AUGUST 1, 2023, 4:00PM**

DOCKET 1391

1 LINDWORTH LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, August 1, 2023.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Jon Dalton
Mr. Lee Rottmann

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Mark Koester, Stormwater Engineer; and Lori Mullins, Deputy City Clerk.

Chairman Forshaw called the meeting to order at 4:01 P.M.

Approval and Adoption of the Agenda and Minutes

The agenda was adopted unanimously upon motion by Ms. Long and second by Ms. Panke.

The minutes of the July 11, 2023 meeting were approved unanimously upon motion by Ms. Panke and second by Ms. Long.

Docket 1391 Petition submitted by Michael Eby for the property located at 1 Lindworth Lane. The petitioner is requesting relief from the City Planner denying a proposed fence in the front yard along Litzsinger Road. Privacy fences are not allowed on Litzsinger Road per Ladue Zoning Ordinance #1175 Section IV-C-1.

Mr. Sukanek explained that the applicant is requesting a variance to erect a 6' privacy fence less than 5' from the property line adjacent to Litzsinger Road. The application was denied as it is not 40% open and is more than the permitted height.

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 May 23, 2023;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated June 19, 2023;
- Exhibit F – Entire file relating to the application

Mr. Michael Erby took the oath and presented information regarding the application to the Board. He stated that his family has lived in the home since 1995. Traffic has increased, and there is less privacy. The noise and air pollution have also increased. He believes the fence will increase safety for their children and pets and mitigate risks.

Ms. Lori Erby took the oath, sharing that there is a fence across the street that is identical to the proposed fence. She stated that traffic increased when Litzsinger became open all the way to Lindbergh Blvd., and additionally as sidewalks went in, when several trees were lost.

Ms. Sukanek said that the City has no record of a variance for the neighbor's fence.

Board discussion included the zoning code, the provisions on privacy fences reflecting the City Council's desire to maintain open vistas, the number of similar requests and problem of precedents.

After discussion, Ms. Panke moved approval of the variance, seconded by Mr. Rottmann. The vote was as follows:

Chairman Liza Forshaw	"deny"
Ms. Elizabeth Pankey	"deny"
Ms. Laura Long	"deny"
Mr. Jon Dalton	"deny"
Mr. Lee Rottmann	"deny"

With zero (0) votes in favor and five (5) against, the motion failed, and the decision of the City Planner stands.

Adjournment

The meeting was adjourned unanimously upon motion by Ms. Long and second by Mr. Rottmann at 5:53 p.m.

DOCKET 1391

DATE OF HEARING

August 1, 2023

NAME

Michael Erby

DESCRIPTION OF PROPERTY

1 Lindworth Lane

CAUSE FOR APPEAL

The petitioner is requesting relief from the City Planner denying a proposed fence in the front yard along Litzsinger Road. Privacy fences are not allowed on Litzsinger Road per Ladue Zoning Ordinance #1175 Section IV-C-1.

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board does not find practical difficulties. The decision of the City Planner is upheld.



Ms. Liza Forshaw, Chairman