

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
TUESDAY, SEPTEMBER 4, 2018, 4:00PM

DOCKET 1255

9929 Litzsinger Road

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

The following members of the board were present:

Chairman Liza Forshaw  
Ms. Laura Long  
Mr. Lee Rottmann  
Mr. David Schlafly  
Ms. Elizabeth Panke

Also present were: Roger Stewart, Building Commissioner; Erin Seele, City Attorney; Lori Wrobel, Administrative Assistant; Mayor Nancy Spewak; and Councilman John Fox.

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

**Approval and Adoption of the Agenda**

Mr. Schlafly made a motion to approve the agenda. Ms. Long seconded the motion. All those present were in favor and the agenda was adopted.

**Approval of the Minutes from the August 7, 2018 meeting.**

Mr. Schlafly made a motion to approve the Minutes as submitted. Ms. Panke seconded the motion. All those present were in favor and the minutes were approved.

**Docket 1255** Petition submitted by Grant Sharp of Duggan Contracting for the property located at 9929 Litzsinger Road. Petitioner is requesting relief from the Building Commissioner denying a gated entrance not directly accessed from Litzsinger as stated in Zoning Ordinance #1175, Section IV-G-1(d)(i).

Chairman Forshaw asked the Building Commissioner for an explanation of the denial. Mr. Stewart stated the appellant is requesting approval to build a monument and gate on the property located at 9929 Litzsinger, a 4.10-acre parcel. The house is a 1.5 story built in 2018. The gate is prohibited by Ordinance #1175, Section IV-G-A(d)(i) due to not being directly accessed from Litzsinger.

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 June 14, 2018;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated June 30, 2018;
- Exhibit F – Entire file relating to the application;
- Exhibit G – Email introduced at meeting

Grant Sharp of Duggan Contracting was sworn in and addressed the commission. The owners of the property located at 9929 Litzsinger Road would like to put a gate across the shared private driveway or roadway that leads from Litzsinger to two houses. It is not a named street, and the house address is on Litzsinger Road. There is an existing gate at the other house on the shared roadway (9931 Litzsinger Road) that may predate the Ordinance. The applicants believe their house is "directly accessed" from Litzsinger and therefore eligible to have a gate.

Chairman Forshaw asked about the record title to the shared roadway. Mr. Sharp had no evidence that the shared roadway is anything other than a private roadway easement. He was unaware of any legal documents evidencing the status of the road.

After a discussion of the facts presented, including the difficulty of distinguishing the long shared roadway in this case from a number of other situations in Ladue where a private road running off a main thoroughfare serves only two houses, and the intent of the gate ordinance in allowing a gate only in situations where the property is "directly accessed" from a main thoroughfare such as Litzsinger, Ms. Long made a motion to overturn the ruling of the Building Commissioner and grant a variance. Mr. Schlafly seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"disapprove"
Ms. Laura Long	"disapprove"
Mr. Lee Rottmann	"disapprove"
Mr. David Schlafly	"disapprove"
Ms. Elizabeth Panke	"disapprove"

With zero (0) votes in favor and five (5) against, the variance was denied.

At 5:00 P.M. Ms. Long made a motion to adjourn the meeting. Ms. Panke seconded the motion.

All those present were in favor; the meeting adjourned.

DOCKET 1255

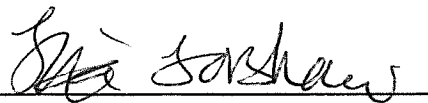
DATE OF HEARING September 04, 2018

NAME Grant Sharp

DESCRIPTION OF PROPERTY 9929 Litzsinger Road

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a gated entrance due to not being directly accessed from Litzsinger as stated in Zoning Ordinance #1175, Section IV-G-1(d)(i).

RULING OF THE BOARD After a discussion of the facts presented, the Board denied the variance.

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

Ms. Liza Forshaw, Chairman