

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
OCTOBER 5, 2021 4:00 P.M.**

DOCKET 1341

10075 LITZSINGER ROAD

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, October 5, 2021.

The following members of the Board were present:

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

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Anne Lamitola, Director of Public Works, Lori Wrobel, Administrative Assistant; John Fox, Councilman; and Mayor Nancy Spewak.

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

Approval and Adoption of the Agenda and Minutes

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

Mr. Welsh made a motion to adopt the Minutes of the September 14, 2021 meeting. Ms. Long seconded the motion. All those present were in favor.

Docket 1341 - Petition submitted by Daniel Schmitt for the property located at 10075 Litzsinger Road. The petitioner is requesting relief from Building Commissioner denying a pickle ball court addition due to encroachment into the side yard setback which is prohibited by Ladue Zoning Ordinance #1175, Section V-B-2. **(Continued from 9-14-21 hearing date)**

Chairman Forshaw asked the City Planner to explain the reasons for denial. Ms. Sukanek reported the applicant is proposing a pickleball court that would encroach into the side yard setback approximately 10 feet. This application was continued to allow the City stormwater engineer to review the application for compliance with stormwater stipulations. The proposal was found to comply with the stormwater requirements.

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 July 6, 2021;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter requesting the variance received July 12, 2021;

Exhibit F – Entire file relating to the application;

Exhibit H - Letter of opposition from Margaret Augustin, 12 Babler Lane, trustee

Exhibit I - Letter of opposition from George Schoedinger, 6 Babler Lane, an adjacent property owner and a former trustee of Babler Lane

Mr. George Muehlmann, subdivision trustee, took the oath and was sworn in. Mr. Muehlmann read letters of opposition from neighbors and trustees. The main concern stated was noise . Mr. Muehlmann also raised issues concerning the sinkhole. Mr. Welsh observed that the variance concerns only the setback, not the sinkhole. Mr. Muehlmann summarized that all the trustees are strongly opposed to granting the variance.

Board discussion included the strong neighbor opposition, the non-essential nature of a pickleball court for the enjoyment of a residence, and the lack of a persuasive case for a practical difficulty.

After discussion of the facts presented, Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance based on practical difficulty. Mr. Rottmann seconded the motion. The vote was as follows:

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

With zero (0) votes in favor and five (5) against, the motion failed, and the ruling of the Building Commissioner stands.

Adjournment

At 4:31 p.m. the meeting was adjourned upon motion by Mr. Welsh and second by Mr. Rottmann.

DOCKET 1341

DATE OF HEARING October 5, 2021

NAME Daniel Schmitt

DESCRIPTION OF PROPERTY 10075 Litzsinger Road

CAUSE FOR APPEAL The petitioner is requesting relief from Building Commissioner denying a pickle ball court addition due to encroachment into the side yard setback which is prohibited by Ladue Zoning Ordinance #1175, Section V-B-2. (Continued from 9-14-21 hearing date)

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds no practical difficulty. The decision of the Building Commissioner is upheld and the variance is denied.



Ms. Liza Forshaw, Chairman