

AGENDA

BOARD OF ADJUSTMENT

May 26, 2016

7:00 P.M.

A meeting of the Sunset Hills Board of Adjustment will be held in the Robert C. Jones Chambers of City Hall, 3939 S. Lindbergh Boulevard, Thursday, May 26, 2016 at 7:00 p.m.

Approval of Minutes of the April 28, 2016 meeting.

OLD BUSINESS:

A-04-16 Notice of appeal submitted by Mark Doering to vary the number of loading spaces from four (4) spaces to two (2) spaces as required in Appendix B, Zoning Regulations, Section 6.5-2 for a restaurant with drive through, attached retail space and an urgent care facility at 3751 South Lindbergh Boulevard.

This application has been withdrawn.

NEW BUSINESS:

A-06-16 Notice of appeal submitted by Vanderbilt Homes to vary the front setback from the required 50 feet to 32.5 feet from the east property line, for the construction of a single family residence at 12871 Weber Hill Road.

Should you be unable to attend, please notify City Hall offices at 314-849-3400 before 1:00 p.m. Thursday, May 26, 2016.

RECEIVED
APR 21 2016
CITY OF SUNSET HILLS



3939 S. Lindbergh Blvd.
314-849-3400

NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENT

Date 4/12/16

File No. A-06-16

Application is hereby made to the City of Sunset Hills Board of Adjustment for its consideration of a variance from the regulations and restrictions of the Zoning Ordinances of the City of Sunset Hills as they pertain to the land presently zoned R-1 and is located at 12871 Weber Hill Road
(Address of property)

Applicant's Name Vanderbilt Homes Phone 314-219-4164

Applicant's Address 2617 Wynncrest Ridge Drive, St. Louis, Missouri 63005
City State Zip

Owner's Name _____ Phone _____
(if different than applicant)

Owner's Address _____
City State Zip

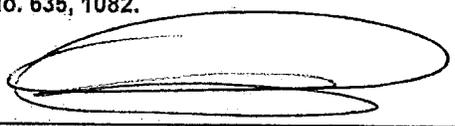
The Department of Public Works denied applicant's request for a permit to construct a single-family residence
I (Applicant) Scott Paul hereby requests a variance to allow an encroachment into
the 50' Front Building Setback. We are proposing a front setback of 32.5 feet.

Practical difficulties or unnecessary hardships for which the Board of Adjustment should grant the variance are: _____
The soil behind the proposed home location has been determined to be unsuitable
for construction. The proposed location has been determined by a Geotechnical
Engineer based on location of soils suitable for construction.

Legal Description of the property to be attached.

Fee: \$125.00

NOTE: The Board of adjustment may only grant variances to increase allowable ground coverage up to 50% and to decrease setback requirements by 35%. Ordinance No. 635, 1082.

Signature 

Jan 06

cell: 314-713-8716

Summary:

This application is to vary the front setback from the required 50 feet to 32.5 feet from the east property line, for the construction of a single-family residence. The property is located on Weber Hill Road, approximately 720 feet southeast of West Watson Road and is currently zoned R-1 Single Family Residential, 1-acre minimum lot size. All surrounding properties are also zoned R-1.

History:

- During the late 1990s, a substantial amount of fill was improperly placed on this property. The City prosecuted the property owner at that time. A settlement agreement was executed between the property owner and the City.
- In 2006, Weber Hill Road was improved and the City constructed a retaining wall in the right of way.
- In 2009, foreclosure occurred and the settlement was no longer considered valid.
- In 2010, the new property owner applied for a variance to vary the front setback from 50 feet to 37.5 feet in order to construct a new single-family residence. That variance was approved and the original residence was demolished in 2011. Appendix B, Section 9.3-5(C) states "Period of validity: No variation granted by the board of adjustment shall be valid for a period longer than six (6) months from the date on which it grants the variation, unless within such period:
 1. A building permit or other required permit is obtained and the construction, alteration, or moving of the structure is commenced.
 2. If a building or other permit is not required, the construction of the project for which the variation was required is commenced.No permit was issued and the variance expired on September 25, 2010.
- In 2014, the current owners purchased the property and applied for a building permit for a new single-family residence. After obtaining engineering reports, the current owners have decided it would be most desirable to construct the residence away from the fill area and apply for a variance.

Analysis:

The property owners wish to construct a single-family residence on this property. The property is zoned R-1, single family residential, and 1-acre minimum lot size. This lot consists of 0.7 acre. The lot predates the 1-acre requirement and is considered non-conforming or a buildable lot of record. The R-1 zoning district has the following setback requirements: Fifty (50) feet from the front property line, fifteen (15) feet from the side property line and thirty five (35) feet from the rear property line. This property is bordered by Weber Hill Road on all but one side, resulting in a front setback being required from all but one property line.

Per Appendix B, Zoning Regulations, Section 5.11-2, Principal building setback exceptions: Upon approval of the board of adjustment, pursuant to the procedures and requirements of Section 9 of this ordinance, a variance may be granted to decrease the principal building setback requirements by thirty-five (35) percent.

Brucker Engineering has performed tests on the property and recommended, "the new home be sited as close as possible to the northeast corner of the property." The proposed building site is 32.5 feet from the east property line, which is a 35% reduction in the required setback.

Per Appendix B Zoning Regulations, Section 9.3-2 Findings: The board of adjustment may grant variances from the strict application of this ordinance when by reason of the strict application of this ordinance or amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such variance can be granted without substantial impairment of the intent, purpose and integrity of this ordinance. It is further provided that this provision shall not permit the board of adjustment to permit a use of land not authorized by the provisions of this ordinance for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this ordinance for any particular zoning district. Before granting a variance, there must be a finding by the board of adjustment that all of the following conditions exist:

- (A) That if the owner complied with the provisions of this ordinance, the owner would not be able to make any reasonable use of the property which is permitted in the district in which the property is located.

It is unclear whether the owners would be able to make use of the property as it currently exists if they complied with the provisions of this ordinance. The buildable area on the lot is already reduced due to the setback requirements and non-conforming lot size.

- (B) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district.

The difficulties and hardships could be considered peculiar to this property. A large amount of fill was improperly placed on the property, further reducing the buildable area.

- (C) That the hardship was not the result of the applicant's own action and is not merely financial or pecuniary.

The hardship is not the result of the applicant's own action. A previous owner placed the fill on the property.

- (D) That the issuance of a variance will not be detrimental to the public welfare or health or injurious to other property.

Based on the information we have, this variance should not be detrimental to the public welfare or health or injurious to other property.

A-06-16



Geotechnical & Environmental Engineering
Soils, Concrete & Asphalt Testing

April 29, 2016

Vanderbilt Homes
Mr. Scott Paul
2617 Wynncrest Ridge Drive
St. Louis, MO 63005

RE: 12871 Weber Hill Road
Sunset Hills, Missouri

Gentlemen:

At your request we have reviewed the attached proposed site plan for a new house at the above referenced site in reference to its location and zoning considerations. We understand the proposed location would require a zoning variance.

We have explored the subsurface conditions on this site. The western portion of the site was previously filled and the ground surface along the western side of the property slopes steeply down to the west. To minimize the affects of the old fill and slope on the structure of the home we recommend the new home be sited as close as possible to the northeast corner of the property, as is shown on the attached site plat.

Without the variance it would not be feasible to build the house due to adverse subsurface conditions located at the western side of the property.

Our services are based upon complying with generally accepted industry standards in effect at the time of the work. No other warranty, expressed or implied is made.

We are happy to be of service to you on this matter. If you have any questions, please contact us.

Respectfully submitted,
BRUCKER ENGINEERING COMPANY

J. Leo Turek, P.E.
Owner



4/29/2016

This seal refers to only our geotechnical services as documented in this report and to no other plans, document or services pertaining to this project.

JLT:FD:geo/Weber Hill Road 12871, Sunset Hills MO variance letter

P U B L I C H E A R I N G N O T I C E

NOTICE IS HEREBY GIVEN THAT AT 7:00 P.M. ON THURSDAY, MAY 26, 2016, A PUBLIC HEARING WILL BE HELD BY THE BOARD OF ADJUSTMENT IN THE ROBERT C. JONES CHAMBERS OF CITY HALL, 3939 S. LINDBERGH BOULEVARD, SUNSET HILLS, MISSOURI. THE BOARD WILL CONSIDER A NOTICE OF APPEAL SUBMITTED BY VANDERBILT HOMES TO VARY THE FRONT SETBACK FROM THE REQUIRED 50 FEET TO 32.5 FEET FROM THE EAST PROPERTY LINE, FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT 12871 WEBER HILL ROAD. ANYONE INTERESTED IN THE PROCEEDINGS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. FURTHER INFORMATION ON THIS PROPOSAL IS AVAILABLE AT CITY HALL, 3939 S. LINDBERGH BLVD. IN THE PUBLIC WORKS DEPARTMENT OR BY CALLING 314-849-3400.

**BOARD OF ADJUSTMENT
CITY OF SUNSET HILLS, MO**

A-06-16