

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI  
THURSDAY, JULY 28, 2016

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, July 28, 2016. The meeting convened at 7:00 p.m.

ROLL CALL

|          |                 |                    |
|----------|-----------------|--------------------|
| Present: | Jerome Cox      | -Member            |
|          | Mark Naes       | -Member            |
|          | William Weber   | -Member            |
|          | Larry Smith     | -Member            |
|          | William Groth   | -Member            |
|          | Bryson Baker    | -City Engineer     |
|          | Robert E. Jones | -City Attorney     |
|          | Lynn Sprick     | -Assistant Planner |

**APPROVAL OF MINUTES OF THE MARCH 24, 2016 MEETING**

Copies of the Minutes of the May 26, 2016 Board of Adjustment meeting were distributed to the members for their review. Mr. Weber stated on the last page, third paragraph Mr. Smith stated how unsafe Weber Hill Road is and that something needed to be done about it. Mr. Weber agreed with him. Mr. Weber made a motion to approve the minutes as amended and they were unanimously approved.

**NEW BUSINESS**

**A-07-16 Notice of appeal submitted by Jesse & Kelly Finney to vary Appendix B Section 5.12-2(A)1 to allow an accessory structure in the front yard for construction of a horse barn at 13240 West Watson Drive.**

Jesse and Kelly Finney were present. Mr. Finney stated horses and a barn are allowed in Sunset Hills, as long as the barn is located to the rear of the home. In their case the barn cannot go in back of the home because there are two, forty foot reveens. He requested to put the barn on the side instead of the back of the home.

Mr. Naes asked if the creek was shown in blue lines or if there were different levels of flood plain shown.

Mrs. Sprick stated the flood plain was shaded. The darkest color is the creek and the diagonal lines indicate the flood plain.

Mr. Baker stated there are other waterways, such as creeks pictured, as well.

Mrs. Sprick explains the lighter blue color is the one hundred year flood plain. The dark blue is the floodway, where most of the flow is. The light blue is not as dangerous as the dark blue.

Mr. Cox asked where West Watson was located on the map and where the barn would be located.

Mrs. Sprick thoroughly explained the map.

Mr. Weber asked what "proposed structure" was referring to on the map.

Mrs. Sprick replied it was a survey from when the home was built, so the proposed structure was the house.

Mr. Smith stated the corner of the building is shown in a flood plain.

Mrs. Sprick replied it is just a reference; not an actual blueprint.

Mr. Smith stated he wanted to see the barn with the accurate dimensions of the flood plain on it.

Mr. Baker stated there is an accurate drawing in the packet, the particular drawing with the flood plain was in the packet to give them an idea of the area for reference only.

Mr. Smith asked where the flood plain is shown on the accurate drawing and if it is not shown, how can they determine if it is in the flood plain or not.

Mr. Baker replied there is no flood plain indicated on the accurate drawing. The Finney's say the barn is being built outside of the flood plain and they are required to build outside of flood plain. It is not a requirement to show an accurate drawing with the flood plain on it.

Mr. Cox asked Mr. Finney if he could add anything because there is clearly a corner of the barn shown in the flood plain on the reference map.

Mr. Finney stated the barn cannot be built in a flood plain and the reference map is not completely accurate. The barn is placed the wrong way on the diagram and it is fifteen feet from the property line.

Mr. Weber stated the diagrams show that the barn will meet the setbacks, but they do not show that it will be outside of the flood plain.

Mr. Finney stated the barn cannot and will not be built in a flood plain.

Mr. Weber asked who checks to make sure the barn will not be built in a flood plain.

Mr. Jones replied St. Louis County checks to make sure it will not be in flood plain. The Finney's cannot get a permit if it is in flood plain.

Mrs. Finney stated she wants to keep her children in the family business of raising horses. She rescued a horse from the race track and it is now a pet that is close with the family. Before they moved to Sunset Hills, she made sure they were allowed to have horses. There used to be a barn in the front of the home on the property before they owned it. They will allow the horses to graze four to five hours a day and then they will return to their stalls. The property is well manicured and they plan on keeping it that way. Total Organics Recycling is their manure management company and no composting or manure spreading will occur. The company will supply bins, pick the bins up on a weekly basis, dispose of the waste, and clean the bins before they're returned.

Mr. Cox asked Mrs. Finney to talk about the fences.

Mrs. Finney stated they will have a top of the line horse fence with thin coated wire. It has wood posts, will not be overly visible, and it is maintenance free. There is a 48 inch tall fence around the perimeter of the property.

Mr. Smith asked if there would be corrals.

Mrs. Finney replied no, they will have a fenced area attached to the barn, where they will be kept for the majority of the day.

Mr. Baker asked her to address the creek and if the horses would be near it.

Mrs. Finney stated the horses will not be allowed near the creek.

Mark Gregory at 12904 Weber Hill Road was present and stated his property meets the Finney's. He stated the flood plain is greater than shown on the map and the area will be flooded, so he wanted to know what they would do with the horses when the barn flooded. He suggested the Finney's bring dirt in to level out the reveens and keep the horses in the back of the house. He stated the smell would be three times closer to his house than the Finney's.

Robert and Pat Menzel at 13314 West Watson Road were present. Mr. Menzel stated horses can be a danger to children. He passed out packets on the environmental hazards horse manure can cause to stream beds and water-shed. According to the flood level from the past year, the horses would be under water and the manure would be washed down into the stream beds.

Mr. Jones stated one copy of the environmental hazard packet should be kept as an exhibit for the file.

Mr. Menzel stated manure should be prevented from going into bodies of water and kept away from run-off that may enter streams. The horses should be kept 200 feet away from surface water and private wells. And they must be kept fifty feet or more away from property lines in some states. He stated an average horse can produce forty to fifty pounds of manure a day. A 1000 pound horse needs twelve yards of storage space and nine cubic yards per horse. He was concerned about the hazardous waste reaching the waterway, releasing bacteria that can spread to other animals.

Mrs. Menzel asked where the horses would be ridden.

Mrs. Finney stated the nine cubic yards per horse is pertaining to compost piles, which they will not have. The plastic containers for manure will be sealed and in the barn. The manure in the field where the horses will graze for four or five hours a day will be taken care of every day or every other day and it will be disposed of properly.

Mr. Cox stated she needed to answer the specific question that Mrs. Menzel had asked.

Mrs. Finney replied they will be riding on their ten acre property. She stated riding horses on the road is allowed, but they do not plan on doing that. If they do ride on the road, the manure will be picked up.

Mr. Naes asked how many horses she was planning to keep on the property.

Mrs. Finney replied a mini pony and one horse.

Joseph Loyet at 13135 Gary Player Dr. was present and he asked if the horses would be grazing on the south side, north side, or both sides of the creek. He stated there is more room on the West Watson side than on the house side. If they will be grazing on both sides of the creek, he wanted to know if there would be a fence keeping them out of the creek. He also asked if the concrete bridge the Finney's put in was approved.

Mr. Baker replied yes, the bridge was approved.

Mr. Loyet stated the manure is a concern and he would like it to be monitored. He also asked if they would be allowed to board other horses.

Mr. Cox verified that Mr. Loyet's questions were if there would be fencing along the creek and if they would be boarding other horses.

Mrs. Finney replied there would be no boarding and there will always be a fence between the horses and the creek.

Mr. Naes asked if there would be a livestock guard across the bridge.

Mrs. Finney explained the bridge will be contained in a fence that the horses can't get into.

Mr. Smith asked where the fence on the north side of the creek to enclose the horses would be and how much area it would enclose.

Mrs. Finney stated the pasture closest to the house will be fenced and the riding area will only be accessed with a rider or a handler.

Mr. Smith asked how much will be fenced.

Mrs. Finney replied two acres in the small field and the whole property perimeter is also fenced, which is ten acres.

Mr. Smith asked if the two acres was just for grazing.

Mr. Weber asked if the two acres is the only fenced area for horses.

Mrs. Finney stated there are six acres outside of the riding area that is already fenced in.

Mr. Smith asked if they would police the fenced area and remove all horse manure.

Greg Schoenberg at 13300 West Watson was present and stated most of his questions had been answered, but he is content with the family and how they have improved the property.

Mr. Cox asked Mr. Jones what number of issues that have been raised are the Board of Adjustment Members obliged to consider.

Mr. Jones stated the Board of Adjustment members need to decide if there is a hardship or peculiar difficulty to the property itself. He stated the topography with the deep ravens could be justified as a hardship for locating the barn behind the residence. If they feel the applicant has shown that and the hardship is not just because of money, then the variance could be granted. He stated the City does have an ordinance about odors and noises. They would receive a ten day notice of any

complaint and if the problem is not taken care, it can result in fines or imprisonment. The City would monitor this on a complaint-driven structure.

Mr. Cox asked if the odors were in their purview.

Mr. Jones replied no and stated they need to assume the applicant is being truthful, so they need to look at whether or not the hardship or difficulty is unique to the property.

Mr. Weber asked if the structure would be built outside of the flood plain, since the flood plain map shows the structure in the flood plain.

Mr. Baker explained the flood plain map is shown with the 100 year flood plain. No one is allowed to build any structure in this flood plain. The last flood is not in this flood plain; it was the worst flood the City has ever seen. The ordinances are based on the calculated 100 year flood plain. The Finney's are not building in the flood plain.

Mr. Cox stated recently a couple floods have exceeded the 100 year flood plain.

Mr. Baker stated each year there is a one percent chance of the water reaching the level that is indicated on the 100 year flood plain; it does not mean that it reaches that level every 100 years. Per code the Finney's cannot build in the 100 year flood plain. The City has to allow people to build in the areas that were flooded in the last flood, because it is legal.

Mr. Cox asked if the issue with building in the flood plain will be handled by St. Louis County.

Mr. Baker replied the City will review it based on our flood maps, but St. Louis County will not approve the plans if the structure is in a flood plain.

Mr. Smith asked how often the flood plain maps are updated.

Mr. Baker replied FEMA updates them approximately every 10 years. It is a large undertaking to re-do the flood maps because it is done country-wide.

Mr. Groth asked Mr. Jones if they can make a condition to prevent the barn from being used for motorized vehicles.

Mr. Jones stated if it was going to be a garage, it would have a different set of ordinances.

Mr. Groth asked what would happen if one day they get rid of the horses and want to use it as garage.

Mr. Jones stated if the variance is granted, it must be used for horses. If they believe the barn will be detrimental to public welfare or damaging to other people's property, they can deny the variance.

Mr. Weber asked if they sold the property and someone wanted to use the barn as a garage, could they do so.

Mr. Jones asked Mr. Baker if the barn is too large for a garage.

Mr. Baker replied it does not qualify as a garage. If it is used as a garage, they could be cited.

Mr. Smith asked how many horses they could own on their property, according to the ordinance.

Mr. Jones replied they have to provide two acres per horse, so they can have five

Mr. Smith asked if they could modify the barn and have more than the 2 horses.

Mr. Jones replied yes, but if the barn footprint is altered, they must come back to the Board of Adjustment.

Mr. Cox called for a vote on A-07-16 submitted by Jesse & Kelly Finney to vary Appendix B Section 5.12-2(A)1 to allow an accessory structure in the front yard for the construction of a horse barn at 13240 West Watson Drive. With four aye votes and one nay vote the variance was passed.

## **ADJOURNMENT**

Mr. Cox made a motion to adjourn the meeting at 7: 47 p.m. Mr. Naes seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape

Unapproved