

# MINUTES

## BOARD OF ADJUSTMENT

### OF THE CITY OF SUNSET HILLS, MISSOURI

January 28, 2016

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills was held in the Robert C. Jones Chambers of City Hall, 3939 S. Lindbergh Boulevard, Thursday, January 28, 2016. The meeting convened at 7:00 p.m.

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



#### APPROVAL OF MINUTES OF THE OCTOBER 22, 2015 MEETING:

Copies of the Minutes of the October 22, 2015 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith made a motion to approve the minutes as submitted. MR. Weber seconded the motion and it was unanimously approved.

#### NEW BUSINESS:



**A-01-16 Notice of appeal submitted by Michael & Robin Atkins to vary Chapter 27-105(a) 1, Land Development Requirements from the required 50' buffer to a 12' buffer from the top of a stream bank for the purpose of constructing a detached garage at 17 Oleander Dr.**

Mr. Michael Atkins, homeowner, was present. Mr. Atkins stated he and his wife purchased the property two years ago. There is currently a small one car attached garage. The detached garage will be used for parking and the attached garage will be converted to an entrance/laundry room. Mr. Atkins stated the most water that has been in the creek is about 2 inches during a hard rain. In this instance with the creek bed, the water that sits in the creek does not cause erosion, run off or undercutting.

Mr. Jones asked if that is why no mitigation is necessary. There is nothing to do to shore up the creek bed for possibility of further erosion. Mr. Atkins replied that is correct.

Mr. Smith asked where the garage will be located. Mr. Atkins stated it will be backed up to the asphalt, as indicated on the site plan that was distributed and marked as Exhibit A.

Mr. Weber asked if it would be even with the fence. Mr. Atkins replied yes.

Mr. Groth asked if it will be on the existing driveway. Mr. Atkins replied yes.

Mr. Weber asked about water in the stream. Mr. Atkins stated they have had no issues with water.

Mr. Naes asked if the property is eroding behind the swimming pool. Mr. Atkins replied MSD originally came out and dug the area to install storm drains.

Mrs. Robin Atkins was present. She agreed with Mr. Atkins regarding the area that was disturbed by MSD for the purpose of installing storm drains.

Mr. Atkins stated there are manholes in the area and they have submitted to MSD for the use of their easement and are awaiting their response. The garage will encroach into the easement approximately 2' x 2'. If MSD does not allow the encroachment, the garage can be moved forward 2 feet.

Mr. Cox addressed a question to Mr. Jones regarding the setback % reduction. Mr. Jones replied that section of the code does not apply to the stream buffer ordinance.

Mr. Smith asked if any blacktop from the garage area will be removed, Mr. Atkins replied yes, asphalt will be removed on two sides of the garage and will become a sidewalk.

Mr. Weber asked if they have received comments from the neighbors regarding the project. Mr. Atkins stated said they are aware of the project and he has not heard of any concerns. Mr. Atkins stated the garage color and brick will match the house.

Mr. Groth stated he previously worked for the Corps of Engineers. He mentioned that any work inside the creek bank will require a permit from the Corps of Engineers.

Mr. Smith asked if the garage is moved further than 12' are they required to appear before the Board of Adjustment again. Mr. Jones replied No.

 Mr. Cox called for a vote on A-01-16, there being 5 Aye votes and 0 Nay votes, the motion passed.

#### **ADJOURNMENT:**

 Mr. Smith made a motion to adjourn the meeting at 7:13 p.m. Mr. Weber seconded the motion and it was unanimously approved.

Recording Secretary

Dede Hendricks