

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI

WEDNESDAY, NOVEMBER 16, 2016

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Wednesday, November 16, 2016. The meeting convened at 7:00 p.m.

ROLL CALL

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

**APPROVAL OF MINUTES OF THE JULY 28, 2016 MEETING**

Copies of the Minutes of the July 28, 2016 Board of Adjustment meeting were distributed to the members for their review. Mr. Weber stated on page one, three, and five in the last paragraph of each, the word ravine is misspelled. Mr. Weber made a motion to approve the minutes as amended. Mr. Smith seconded the motion and it was unanimously approved.

**NEW BUSINESS**

**A-09-16 Notice of appeal submitted by Phil and Christina Hesse to vary the maximum size of a detached garage from 1200 square feet to 1836 square feet for the purpose of constructing a new detached garage at 10401 East Watson Road.**

Phil Hesse, of 10401 East Watson, was present and stated he is requesting a variance for a detached garage from 1,200 square feet to 1,836 square feet. The property is 42,000 square feet. The Code of Ordinances states only 20% of the lot can be built on. His house is 3400 square feet. With the new garage the total percentage of

coverage would equal 12%. He stated the foliage around the property will make the garage unable to be seen from the street. The roof and siding will match the house. He would like stone on the bottom of the garage with carriage style doors.

Mr. Weber asked if the house being 3400 square feet includes the attached garage.

Mr. Hesse replied yes.

Mr. Naes asked if the 12% was with structures only; no driveway or pool included.

Mr. Hesse replied yes.

Mr. Naes asked what kind of driveway would be used.

Mr. Hesse replied he would be using asphalt to connect it to his existing driveway.

Mr. Smith asked if the existing rock drive will be asphalt.

Mr. Hesse replied yes.

Mr. Naes asked what kind of amenities will be used.

Mr. Hesse stated just electricity because it will be used to store classic cars.

Mr. Cox asked for more information about the cars.

Mr. Hesse stated he has a 1967 Chevelle, a 1967 Camaro, two 1969 Chevilles, and a 1955 Bel-air. He stated they are not project cars; they are used for parades. He will have two lifts in the garage and a small loft for storage.

Mr. Cox asked how many cars he will be storing.

Mr. Hesse replied five.

Mr. Weber asked if two will be above, using the lift.

Mr. Cox asked if it would be equivalent to a three car garage.

Mr. Hesse replied yes, and it would contain a loft, so there will not be rafters.

Mr. Weber stated the plans show a square footage of 1,692. He asked why he is asking for a difference between what is shown and 1,836 square feet. He stated a three

car garage would have ample space between the cars and the garage and asked why he needs it to be two and half times that size.

Mr. Hesse stated lifts require more width and they would need enough room to walk around.

Mr. Weber feels there would be enough room with a three car garage.

Mr. Hesse stated he stored three cars in his last garage, which was 1,200 square feet and there was not enough room.

Mr. Weber pointed out on the third sheet, which is the garage layout that it shows the square footage as 1,692 feet.

Mr. Baker stated the 1,692 square feet was a typographical error. If the length is multiplied by the width, it comes out to equal 1836 square feet.

Mr. Cox stated the difference is noted.

Mr. Jones asked Mr. Hesse if there is an unusual condition, unique to the property that requires a variance from the zoning code to allow for the additional space. He stated this is what the Board of Adjustment has to find in order to grant a variance.

Mr. Hesse replied it is just for vehicles.

Mr. Weber stated it is nothing other than desire for more space; there is no hardship.

Mr. Smith asked Mr. Jones if the petition was approved with a rider stating the garage is for personal storage only, no living space or commercial auto repair can occur, what is created when the house is sold.

Mr. Jones replied the condition would follow to the next owners.

Mr. Smith asked if this condition could get lost years down the line.

Mr. Jones stated the files are maintained by law. It is a residential district, so the neighbors would notify the City.

Mr. Hesse stated he has no intentions of leaving.

Mr. Smith stated different circumstances can occur; they just need to cover their end, in case someone decides to use the garage differently.

Mr. Naes asked if he would be doing repair and maintenance on the cars in the garage. He stated classic cars are performance vehicles, which can be loud.

Mr. Hesse stated the garage will be mostly for storage, but they may be washed, waxed, and tuned up inside.

Mr. Naes stated the next homeowner may not be so considerate and may build in the garage or over-step noise limitations.

Mr. Baker stated Sunset Hills follows St. Louis County's noise ordinances.

Mr. Naes asked how he would dispose of hazardous materials.

Mr. Hesse stated he owns Gateway Water-Proofing, downtown, and he would do all of the vehicle maintenance there.

James Woelick Jr., of 10244 Richview Dr. was present and stated his house backs up to Mr. Hesse's. He stated the noise is constant coming from Mr. Hesse's home and he is concerned about the noise coming from the cars. All of the dirt that was removed from the Storm Water Runoff Project was put into Mr. Hesse's backyard.

Robert Wilde, of 10250 Richview Drive, stated his house also backs up to Mr. Hesse's. The area already receives a substantial amount of water runoff when it rains. He is concerned the water runoff from the roof of the new garage will over-whelm the drainage for the vicinity.

Mr. Naes stated the runoff from the driveway should be considered, as well.

Valva Werner, of 10253 Richview Drive, was present and stated there is an outbuilding on the west side of the property that is not indicated on the map. Behind Mr. Hesse's house, between his house and the Wilde's, there is a drainage ditch with exposed drainage pipes coming from his property. She stated when it rains hard the culvert fills up. There has been no consideration given to water displacement and there is no dirt to accept the rainwater.

Geof Janovsky was present, speaking on behalf of his mother, who owns 10249 East Watson. His main concern is when the swale was built up, it caused an inadequate amount of water runoff onto his mother's property. He stated the added roof space and surface will add to the problem. A substantial amount of water buildup has come to his mother's property from the increased height of the Hesse's backyard. Everything that was dug out of the creek was placed in their backyard. He was not advised about this when he was told about the Storm Water Project. Now there is a wall of soil that wasn't there before that needs attention; it is very close to the property line. He asked if there was anything that could be done for the soil that was built up on the Hesse's property that can be made into storm water drainage to go directly to the creek. If soil is built up on his mother's property to match the Hesse's soil and 2 homes get built on it, it will negatively affect everyone behind the property because the neighbors are used to

seeing open green space. The top of their shed meets where the soil on Mr. Hesse's property is built up; it is about 15 feet tall.

Pat Joy, of 8829 Woodpark, was present and stated the postcard that was mailed to the residents confused her. She asked someone to explain to her if they were adding onto the existing attached garage or if the existing garage was detached and being added onto.

Mr. Baker stated there is an existing attached garage and a brand new, 1,836 square foot, three car, detached garage would be built.

Mr. Naes asked if there is truly a creek behind the house or is it a ditch that surface water runs into.

Mr. Baker stated it is an actual creek.

Mr. Naes asked if there was material relocated from the creek onto the Hesse's property.

Mr. Baker stated the City hired a contractor to perform the work. The resident had made an agreement with the contractor; outside of City's Storm Water Repair.

Mr. Naes asked if the City has no concern with the fill and if there are any other waste water facilities that follow the creek or if it is just storm water.

Mr. Baker stated there is no need for concern that he is aware of and only storm water flows through the creek.

Mr. Smith asked if the City had any involvement in the dumping of dirt onto Mr. Hesse's property.

Mr. Baker stated the contractor looks for somewhere close to dump the dirt and they had a private agreement.

Mr. Smith asked if the contractor worked with any adjacent property owners.

Mr. Baker replied he was unaware if the contractor worked with any other property owners.

Mr. Smith asked if the City had any knowledge on what was done with the dirt and how it would affect the adjacent properties.

Mr. Baker replied no.

Mr. Smith stated he understood that the grade cannot be changed between two pieces of property, if it will cause water to affect the neighboring property. He asked Mr. Baker if that was correct.

Mr. Baker stated they can change their grade, but they can be sued by their neighbor for damages that were directly caused by the change.

Mr. Smith asked if the contractor could have been sued if there were negative impacts on adjacent properties.

Mr. Baker stated no, the contractor gave the homeowner the dirt, what was done with the dirt is the homeowner's responsibility.

Mr. Naes asked what the reason for the project was that resulted in the dirt being put on the Hesse's property. He asked if there was a water run-off problem in the creek.

Mr. Baker stated there were water issues with the properties, so the creek needed to be re-defined and stabilized.

Mr. Naes asked if the water problem has been resolved.

Mr. Baker stated the water problem has been improved.

Mr. Weber stated the variance has to meet requirements and there is no hardship.

Mr. Cox stated there are four issues that had been brought up. The dirt and creek issue, the water runoff issue, the noise issue, and there being no hardship. He asked Mr. Jones which ones they are able to focus their attention on.

Mr. Jones stated they need to determine if the applicant has carried their burden to cause them to make findings. Not having a hardship that is unique to his property that requires a variance from the zoning ordinance is crucial. It causing detrimental effects on the neighboring properties is a secondary issue.

Mr. Smith asked if the owner can make use of the property without the variance being granted and if all property in the immediate area is under the same rules.

Mr. Jones stated that all of Sunset Hills is under the same rules, in regards to detached garages.

Mr. Naes asked Mr. Hesse if he took any consideration to retaining water running off the new structure.

Mr. Hesse stated when the house was built the backyard was high on one end and low on the other, which made it unusable. Now, all water swales towards the creek.

All of the runoff from the house used to run onto other properties. He put in six inch drains that lead to the creek. The garage downspouts will be dispersed to the creek, as well. Along with foliage planted; everything is stable and water is not an issue.

Mr. Smith asked if there is a limitation in the Code of Ordinances on the number of accessory buildings allowed on a property, if everything meets setbacks.

Mr. Jones replied only in lot coverage, which is 20%. The Hesses are only at 12%, if the variance was granted, plus the accessory building.

Mr. Naes asked if the existing shed would stay.

Mr. Hesse replied yes and it is 100 square feet.

Mr. Jones replied it would not exceed the 20% site coverage limitation.

Mr. Baker stated City Staff confirms this when the plans are submitted.

Mr. Cox called for a vote on A-09-16 submitted by Phil and Christina Hesse to vary the maximum size of a detached garage from 1200 square feet to 1836 square feet for the purpose of constructing a new detached garage at 10401 East Watson Road, only for personal storage; no living space allowed and no commercial automobile repair. With four nay votes the motion was denied.

#### **ANY OTHER MATTERS DEEMED NECESSARY**

The December meeting will be held on Wednesday, December 14, 2016 at 7:00 P.M.

#### **ADJOURNMENT**

Mr. Cox made a motion to adjourn the meeting at 7:45 P.M. Mr. Smith seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape