

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, JANUARY 23, 2020

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, January 23, 2020. The meeting convened at 7:00 p.m.

ROLL CALL

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



APPROVAL OF MINUTES

Copies of the minutes of the December 5, 2019 Board of Adjustment meeting were distributed to the members for their review. Mr. Cox made a motion to approve the minutes, as submitted. Mr. Smith seconded the motion, and it was unanimously approved.



NEW BUSINESS

A-01-20 Notice of appeal, submitted by Kris & Kim Schmittgens, to vary the front setback from the required forty feet (40') to thirty-five feet (35') for the construction of a single family residence at 9832 Southgate Lane.

Ms. Sprick stated the property is located on the corner of Southgate Lane and Helta Court. There was an appeal to vary the setback on Southgate Lane from 40 feet to 30 feet, which was denied. They have provided a revised site plan and the new residence is proposed to be 10 feet from the side property line and 35 feet from the front property line, along Southgate Lane. Setback requirements in this zoning district are currently 40 feet from the front property line, 10 feet from the side property line, and 30 feet from the rear property line. Due to being a corner lot, this property has two fronts. One front is along Southgate Lane and the second along Helta Court.

Kris Schmittgens and Fred Reinhold, father in law of Mr. Schmittgens, were present and stated that they could not find where Southgate Lane was recorded as a street easement. All they could find was a 20 foot easement, and an eleven foot asphalt road which goes to a driveway. They thought it could only be a shared driveway because the 20 foot easement for the street does not meet any Sunset Hills street requirements. Additionally, there are no sewers within 127 feet of the site. Metropolitan Sewer District (MSD) requires approval which requires a 10 foot easement on the right side. There is also an 11 foot pavement along Southgate Lane which does not leave much for building. The site was purchased thinking it was a shared driveway.

Mr. Weber asked if they talked to City Staff before purchase.

Mr. Schmittgens stated no, he researched at St. Louis County and read City requirements.

Mr. Weber asked if he clarified setback requirements with City Staff before purchasing the lot.

Mr. Schmittgens stated he was not aware there was a street, so he was not aware that would be considered a front. He did not get the answer directly from City staff due to this and the need to purchase land quickly before losing it.

Mr. Reinhold stated the street does not meet City requirements.

Ms. Sprick stated it is a private street and it is recorded on the subdivision plat. After doing some research, some small streets allow the property owner to own the property to the middle of the road, but this is not the case.

Mr. Schmittgens stated he did not buy the lot and make the plans with the intention of asking for a variance.

Mr. Naes asked if the setback is the same for public or private streets and if the City has a definition listed for a shared driveway.

Ms. Sprick stated the setback is the same and the City does not have a definition listed for a shared driveway.

Mr. Weber asked what the width of Southgate Lane's right of way is.

Ms. Sprick stated it is 20 feet.

Mr. Smith asked where the road is located within the 20 foot easement.

Mr. Schmittgens stated it is in the center.



Mr. Weber called for a vote on petition A-01-20 Notice of appeal, submitted by Kris & Kim Schmittgens, to vary the front setback from the required forty feet (40') to thirty-five feet (35') for the construction of a single family residence at 9832 Southgate Lane. With 4 aye votes and 0 nay votes, the petition was approved.



A-02-20 Notice of appeal, submitted by Reverend William Kempf, to vary the setback of an electronic message sign from residentially zoned property

from the required one hundred feet (100') to seventy five feet (75) at 11910 Eddie & Park Road.

Ms. Sprick stated that in October, St Justin's Church on Eddie and Park Road, was granted a variance from 100 feet to 65 feet for an electronic message board. They changed their mind and would like to replace the existing monument sign.

Mr. Weber asked if they are withdrawing their previously approved variance

Ms. Sprick stated yes, this will replace the original request.



Mr. Weber called for a vote on petition A-02-20 Notice of appeal, submitted by Reverend William Kempf, to vary the setback of an electronic message sign from residentially zoned property from the required one hundred feet (100') to seventy five feet (75) at 11910 Eddie & Park Road, with the condition that the previous variance be withdrawn. With 4 aye votes and 0 nay votes, the petition was approved.



A-03-20 Notice of appeal, submitted by California Custom Decks, to vary the side setback from the required ten feet (10') to seven feet (7') for the construction of an attached, unenclosed deck at 9917 Grandview Forest Court.

Ms. Sprick stated City Staff was specific about detailing the deck as attached and unenclosed because it can encroach on the rear setback. It is requested to include the condition that it not be enclosed without coming before the Board for an additional variance.

Matthew and Tiffany Bohlen were present and Ms. Bohlen stated they currently have no deck. There is a door in place that has a 15 foot drop, with the intention for a deck to be built. The lot is pie shaped. Where the door is placed it leads to the edge of

the property. They have already cut part of the deck out to meet the requirement, but it still did not meet. They want a modest deck, similar to their neighbors. The uniquely shaped lot warrants recommendation for a variance.

Mr. Weber asked if they have spoken with their closest neighbors.

Ms. Bohen stated yes, and they have approved.

Mr. Naes asked if the deck is elevated.

Ms. Bohen stated it is approximately 10 feet from the ground.

Mr. Naes asked if the stairs are allowed to come out to the front.

Ms. Sprick stated only if they do not go beyond the front building line of the house.

Ms. Bohen stated it is not visible from the street.

Mr. Cox asked how wide the landing is above the stairs.

Ms. Bohen stated approximately six feet.

Mr. Baker stated a lot of these homes have unique shapes and sizes. There are a lot of problems that have come up in the area.



Mr. Weber called for a vote on petition A-03-20 Notice of appeal, submitted by California Custom Decks, to vary the side setback from the required ten feet (10') to seven feet (7') for the construction of an attached, unenclosed deck at 9917 Grandview Forest Court with the condition that the deck not be enclosed in the future without

coming back for another variance. With 4 aye votes and 0 nay votes, the petition was approved.



A-04-20 Notice of appeal, submitted by Nismark LLC, to appeal the denial of a building permit for the construction of a wall sign on the south side of the building at 1580 South Kirkwood Road.

Ms. Sprick stated that this is different than the typical variance. The petition is appealing the denial of a sign permit to be placed on the south side of the building. The Hilltop Hotel is proposed to become a La Quinta Inn. The south side of the building is adjacent to the Denny's building. Wall signs are required to be adjacent to a street and this is not. The Board of Adjustment has the authority to approve anything staff has denied.

Mr. Weber asked if this were to be approved, would they still have to meet size requirements.

Ms. Sprick stated they would have to meet all other sign requirements.

Mr. Baker stated there is still a total amount of signage allowed.

Mr. Smith asked if there was a sign on that side of the building previously.

Ms. Sprick stated once a non-conforming item goes away, the current requirements have to be met for anything new.

Mr. Naes asked if the ramp is not considered a street.

Ms. Sprick stated that while it is a ramp, it is not a right of way to South Kirkwood Road and is not a right of way of Watson Road.

John Miller, General Contractor and Abid Nasar, Owner, were present. Mr. Miller stated the property shares a parking lot with Denny's. The entire property is being remodeled. The traffic count on Watson Road is much greater than on Deane Court. They do not want a sign on the Deane Court side.

Dr. Nasar stated the sign has been there for 22 years. They have built an entire sidewalk and retaining wall, even though it is a common area easement.

Mr. Naes stated he is thankful they are improving the property and making the investments. He agreed with the request being made.

Mr. Cox agreed and stated the sign placement makes sense for Watson Road and Lindbergh Boulevard traffic.

Ms. Sprick stated currently there are currently sign permit applications for three wall signs.

Mr. Miller stated the Deane Court sign was an alternate and they only want two signs.

Mr. Weber stated they will withdraw the application for the sign on Deane Court, if the variance is approved.

Ms. Sprick stated if someone came years from now and wanted to put a sign on the Deane Court side, they would be able to unless a condition is placed on the variance.

Mr. Smith stated that if the third sign falls within the all size requirements, they should be able to place the sign.

Ms. Sprick stated it is up to the Board to decide and it needs to be made clear.

Mr. Naes stated it is a commercial property in a commercial district. It is a reasonable use for the building to have these signs.

Mr. Miller stated Deane Court is a residential street, so they would like to keep it that way.

Mr. Smith asked if a written agreement with Denny's would give them access to Watson Road.

Mr. Baker stated technically, yes.

Ms. Sprick stated an easement is not ownership. It gives them ability to use the parking, but not ownership.

Barb Moran, of 123 Deane Court, was present and stated the petitioner is planning on placing lights along Deane Court. Her husband has lived there for 50 years and she has been there for 30 years. They have dealt with numerous issues with the commercial buildings being built.

Mr. Weber stated that this appeal is only in regard to the sign. The Board does not speak on lighting.

Mr. Baker stated they are allowed to put a sign on the Deane Court side, but they want to remove the sign from Deane Court and put the sign on the Watson Road side.

Mr. Smith stated they will include a condition that there would not be a sign on Deane Court, but that is the only thing they can do for the situation.



Mr. Weber called for a vote on petition A-04-20 Notice of appeal, submitted by Nismark LLC, to appeal the denial of a building permit for the construction of a wall sign on the south side of the building at 1580 South Kirkwood Road with the condition that no sign be allowed on Deane Court. With 4 aye votes and 0 nay votes, the petition was approved.



It should be noted that the following petitions were heard at the same time, but voted on separately.

A-05-20 Notice of appeal, submitted by Jacob Crader, to allow the construction of an accessory structure (detached garage) in front of the primary structure at 12815 West Watson Road.

A-06-20 Notice of appeal, submitted by Jacob Crader, to vary the front setback from the required fifty feet (50') to twenty feet (20') for the construction of an accessory structure (detached garage) at 12815 West Watson Road.

Ms. Sprick stated the property is located at the end of West Watson Road, adjacent to I-270. The garage would be in front of the building line of the residence and it would be 20 feet from the front property line and 20 feet from the cul de sac. It would be required to meet all other requirements. There is a letter received from the property owner located across the street, approving of the garage, which is the only one that would see the garage.

Jacob Crader, of 12815 West Watson, was present and stated there has been two potential buyers interested in purchasing the home that would like to build a garage in this particular area. The lot is very steep and there is no way to build it behind the house.

Mr. Weber stated if he does not sell the property and he has received the

variance, a garage would not be able to be built larger.

Mr. Crader stated he is building a new home and would need to sell his current home. One potential buyer gave him the dimensions he would like and those dimensions were used for the plans provided.



Mr. Weber called for a vote on petition A-05-20 Notice of appeal, submitted by Jacob Crader, to allow the construction of an accessory structure (detached garage) in front of the primary structure at 12815 West Watson Road. With 4 aye votes and 0 nay votes, the motion was approved.



Mr. Weber called for a vote on petition A-06-20 Notice of appeal, submitted by Jacob Crader, to vary the front setback from the required fifty feet (50') to twenty feet (20') for the construction of an accessory structure (detached garage) at 12815 West Watson Road. With 4 aye votes and 0 nay votes, the petition was approved.



ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 7:52 P.M. Mr. Cox seconded the motion, and it was unanimously approved.

Recording Secretary

A handwritten signature in black ink, appearing to read 'Paige Gruber', written in a cursive style.

Paige Gruber