

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI  
THURSDAY, FEBRUARY 23, 2017

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, February 23, 2017. 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 NOVEMBER 16, 2016 MEETING**

Copies of the Minutes of the November 16, 2016 Board of Adjustment meeting were distributed to the members for their review. Mr. Cox stated in the last paragraph, on page four, inadequate should be replaced with excessive. Mr. Weber made a motion to approve the minutes as amended. Mr. Smith seconded the motion and it was unanimously approved.

**NEW BUSINESS**

**A-01-17 Notice of appeal submitted by Laurie Smith, to vary the maximum size of an attached garage from 50% of the square footage of the footprint of the living space of the residence to 79% of the square footage of the footprint of the living space of the residence for a garage addition at 10060 Hilltop Drive.**

Laurie Smith, senior architect with Agape Construction, and Cathy Viehman, homeowner, were present. Mrs. Smith stated they were seeking approval to attach two,

two car bays onto the existing garage. The center section will be used for storage only. The issue is the size of the garage bays in relation to the house. Mrs. Viehman's father built the house and she would like it to be her forever home, but she needs more space. She only wanted to add enough space for what was needed onto the home. They do not want the home any bigger than what is planned. Since they do not have enough square footage on the house, they need a variance to make the garage the size that they would like it to be. They need two, 24 foot by 24 foot garages and they would like to add those onto either side of the existing garage. The middle section, which will only be used for storage, causes them to exceed the allowable ratio. Their plans include several alternatives for detached garages because they are allowed to have a four car attached and a four car detached garage for a total of eight bays. The house and existing garage are situated so that the front is not facing the street. There is a long driveway due to the way the house is situated. The detached garage would be required to be beyond the front face of the house. The neighbors would rather see two attached garages constructed, than a four car detached garage. If the middle section is not counted as a garage and no parking is allowed in it, they would need 155 square feet for the two new garages, the variance would be for 77 square feet, which is less than what is presently being asked for.

Mr. Jones stated the entire structure will be considered a garage, but no more than four vehicles can be parked inside. They need a variance because it is 79% of the living space, including additions to the living space, which will be done at the same time.

Mrs. Smith stated the 50% ratio wouldn't be an issue if they had built a house bigger than what is needed. Mrs. Viehman does not want a bigger house. They are asking for additional square footage for the attached garage space. Two usable garages will be added to the storage area. There is no hardship for the land use. They can build a four car detached garage along the backside, but it will impede on the way the green space looks.

Mr. Weber stated the drawings show three different locations for the detached garage. Two of them would not be allowed because of the setback line.

Mrs. Sprick stated an accessory structure's setback can be equal to the side setback requirement, which is ten feet, in this case.

Mr. Naes asked why they could not expand the existing garage space into a two car garage, build another two car garage attached to that, and then build an accessory structure for storage.

Mrs. Smith stated the existing garage is a full masonry built garage and would have to be demolished, if they attempted to do it that way.

Mr. Naes suggested making it tandem.

Mrs. Smith stated because of where the house sits, the turnaround at the back would be tight due to the location of the smokehouse.

Mr. Weber stated an over-sized garage is 20 foot by 24 foot.

Mrs. Smith stated they could make it those dimensions, but it would still be tight.

Mr. Smith stated a detached structure can be up to 1,200 square feet. The existing garage is 550 square feet. This would make a total of 1,750 square feet. He asked if they are still asking for 79%, even if they go with a detached garage.

Mrs. Smith stated if they go with a detached garage, that is in addition to what they are allowed to add to the existing garage. They are allowed 1,200 square feet attached and 1,078 square feet detached. They could have approximately 2,200 square feet of garage space.

Mr. Jones stated there are separate restrictions in regards to attached and detached garages. They could have both, if they wanted to build out the lot to the maximum amount.

Mrs. Smith stated they are asking for less than what is allowed and they are protecting the green space.

Mr. Weber stated a detached garage could cause problems for the neighbors.

Mr. Cox asked Mrs. Smith to confirm that the appearance of the garage will be consistent with the rest of the house.

Mrs. Smith stated a brick wall runs along front of the house and returns on the side of about three feet and there is stone detail similar to what is on the house.

Mr. Weber stated no pictures were included in the plans.

Mr. Naes asked if the addition and the garage will be done in phases or if they will be done simultaneously.

Mrs. Smith replied it will all be done at one time. They need the extra square footage of the house in order to help them gain the square footage that is needed for the garage.

Mrs. Sprick confirmed the building permit has already been submitted for both.

Mr. Smith stated there will be three garages and asked if they are getting rid of the garage doors in the center.

Mrs. Smith replied no.

Mr. Smith asked Mr. Jones what would happen if they tried to park five or six cars in the garage.

Mr. Jones stated if they park more than four cars in the garage it will be considered a code violation and they could be subject to prosecution in Municipal Court. He suggested the Commission may want to add the recommendations that were listed in the staff report.

Mrs. Smith stated they would like the conditions for approval to be worded as four cars instead of motor driven vehicles. That way if they have a jet ski, snowmobile, or any other motorized equipment, they could park it in the garage and it would not violate any codes.

Mr. Naes asked what the existing garage space's dimensions are.

Mrs. Smith replied 21 feet by 24 feet.

Mr. Naes stated there would be some structure left behind if they took out the masonry wall and built two 24 foot by 24 foot bays using the existing structure. They could have a detached building for storage, as well.

Mrs. Smith stated presently they are cutting just passageways through on those walls. They would have to demolish one wall and the wall with the garage door, leaving just the wall that adjoins one of the garage doors and the house. The floors would have to be demolished, as well because it would be torn up. At that point, they would be pretty much, building a whole new garage. It would be easier to tear it down, at that point and they are trying to be cost effective, with their plans. The neighbors would rather see this additional garage space than a storage shed or a detached garage.

Mr. Weber asked if the smokehouse will stay.

Mrs. Smith stated being a family tradition, it will stay.

Josh Amato, of 10048 Hilltop Drive, the home directly behind the Viehman's, stated he would rather not look at three buildings than the one. A shed and two more garages, along with the existing smokehouse, will make the neighborhood feel more like a complex. The way it looks from the renderings doesn't bother him. He likes the big tree in their back yard and does not want to see it go. The addition goes out approximately 18 feet. He does not feel that it will encroach on what he is looking at.

Mr. Cox asked Mr. Jones if there is anything in the City Ordinances ruling against such a large percentage of variance.

Mr. Jones replied there is not on this particular site coverage.

Mr. Cox stated the questionable issue is the hardship only being that the homeowner wants to keep a smaller house.

Mrs. Viehman stated she grew up in the home and would like to retire in it. She owns antique, show cars and would like them properly kept within one intent location. Her neighbors appreciate the park-like view of her property and she would like to maintain it and keep as much green space as possible. She worked with the builders to achieve a desirable look that will compliment the community. She does not need a larger home, but she would like her vehicles and yard equipment secured and attached to her home.

Mr. Cox asked if she has any other vehicles stored elsewhere or if all of the vehicles will be stored in the new structure.

Mrs. Viehlen stated she would like to keep them all at her home.

Mr. Smith asked if the plan is denied, could they build the other garages that were shown on the drawings without any problems.

Mr. Jones stated they could build up to 1200 square feet as a detached garage and an addition to the existing garage without a variance, as long as it stays under 50% or less than the living space.

Mr. Weber made a motion to approve the petition with the conditions specified on page four of the staff report. The garage is to be used for personal storage only and no commercial automobile repair is allowed. No more than four automobiles, suvs, or trucks can be parked in the garage.

Mr. Groth seconded the motion.

Mr. Cox called for a vote on petition A-01-17 Notice of appeal submitted by Laurie Smith, to vary the maximum size of an attached garage from 50% of the square footage of the footprint of the living space of the residence to 79% of the square footage of the footprint of the living space of the residence for a garage addition at 10060 Hilltop Drive with the addition of the conditions that the garage is to be used for personal storage only. No commercial automobile repair or storage is to be allowed and no more than four automobiles, suvs, or trucks can be stored in the structure. With 4 aye votes and 1 nay the motion was approved.

## **ADJOURNMENT**

Mr. Cox made a motion to adjourn the meeting at 7:39 P.M. Mr. Smith seconded the motion, and it was unanimously approved.

Recording Secretary

A handwritten signature in blue ink that reads "Sarina Cape". The signature is written in a cursive style with a large initial 'S'.

Sarina Cape