

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, MARCH 22, 2018

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, March 22, 2018. The meeting convened at 7:00 p.m.

ROLL CALL

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

Absent:

**APPROVAL OF MINUTES**

Mr. Smith stated page 3, paragraph 3 in regards to the question “ Have submitted what is required according to City code.” The answer from Mr. Baker was “Yes they did” and then finish the rest of the sentence.

Copies of the minutes of the February 22, 2018 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith made a motion to approve the minutes as amended. Mr. Weber seconded the motion, and it was unanimously approved.

**A-02-18 Notice of appeal, submitted by Dave Volz, to vary requirements in the following Sections of Appendix B Zoning Regulations:**  
**Section 4.9-4 Commercial district density and dimensional regulations;**  
**Section 5.13-2 Landscaping and screening requirements between non-residential and residential zoning districts;**  
**Section 5.13-5 Landscaping of off-street parking areas;**  
**Section 6.3-4 Parking and loading area setback requirements;**

**Section 6.3-5 Dimensional standards for parking areas for an existing development at 3735 South Lindbergh Boulevard and Section 6.5-2 Schedule of off-street loading space requirements.**

Mr. Dave Volz with Volz Incorporated was present. Mr. Volz presented photos of the site. The building was built in 1968. He then discussed the variances that are being requested.

The first variance is to vary the side yard setback on the northern property line from 15 feet to 9.84 feet.

The second variance is to vary the rear yard setback between commercial and residential properties from the required 75 feet to 56 feet.

The third variance is to vary the landscaping buffer between commercial and residential properties. He stated, there is currently a sight proof fence between the two properties. There are no plans to provide additional buffering.

The fourth variance is to vary landscaping for parking lots having thirty or more parking spaces along the Lindbergh frontage. It has been like this for many years.

The fifth variance is to vary landscaping requirements for internal parking areas. There are no plans for internal landscaping.

The sixth variance is to vary landscaping requirements at the end of parking rows. The entire site is paved and there are no plans to provide landscaping at the end of parking rows or islands.

The seventh variance is for the parking setback from the front right-of-way from the required 10 feet to 0 feet.

The eighth variance is to vary the setback from the paved area to the property lines from the required 5 feet to 0 feet on the north and south property lines and from 5 feet to 2 feet on the west property line.

The ninth variance is to vary the drive aisles in the front parking lot from 18 feet to 15feet.

The tenth variance is to vary the parking bay length requirement in the rear lot on the south side from the required 19 feet to 16.3 feet.

The eleventh variance is to vary the drive aisle requirement on the south side of the building from 13 feet' to 9.84 feet.

The twelfth variance is to reduce the loading space requirements from 2 to 0.

Mr. Volz stated the property owner does not want to change anything with the property. He stated the building and parking was constructed in 1968 and would like to leave the property as it has been for many years. The staff recommended approval of three of the twelve variances. Staff report states that the applicant could make reasonable use of the property without all twelve variances. If current code requirements were met by the parking lot, 6 or 7 spaces could be installed in the front and 6 or 7 in the back. He considered different parking configurations and concluded there is not enough width to meet all of the requirements, leaving the lot dysfunctional. He feels the site should be considered as a whole and not individual issues.

Mr. Mike Borzillo, property owner, was present. He displayed renderings of the existing building and the proposed improvements. The improvements would provide a facelift and make the building more marketable. The existing cooler and air conditioning unit will be removed. The air conditioning unit will be replaced with roof top units.

Mr. Weber asked if there is a potential tenant.

Mr. Borzillo said the goal is to create a space for two tenants.

Mr. Cox asked who owns the fence and stated it is in bad shape.

Mr. Borzillo said it was constructed when the subdivision was built.

Mr. Naes said there is also a chain link fence adjacent to the privacy fence, which is in disrepair.

Mr. Smith said the proposed use requires less parking than the previous use.

Mr. Volz said fourteen spaces are required. The parking lot would not be efficient. Parking is typically in front of the building.

Mr. Borzillo said fifteen restaurants looked at the building and were not satisfied with the parking. Fourteen spaces seem borderline sufficient.

Mark Kornfeld with the Sansone Group was present. There is interest in leasing the space, however, fourteen spaces would not be enough for that structure.

Mr. Baker stated that staff recommendations are based on the code. The petitioner's argument is fourteen spaces would not be practical for this site.

Mr. Weber stated the spaces are too close to the highway and he feels it is a hazard.

Mr. Smith said there is no reason to not meet the buffer and lose some of the parking.

Mr. Cox said this seems pecuniary. No effort has been made to ease traffic flow or improve the parking situation or landscaping.

Mr. Smith said no provisions for service vehicles has been made.

Mr. Volz said parking spaces can be added behind the building. Two loading spaces would not be needed.

Mr. Cox said the non-conforming status does not carry over automatically and codes have to be addressed as various issues arise.

Mr. Volz said the building and parking lot cannot be separated.

Mr. Smith said it is an existing building, with a site that is somewhat peculiar. This committee realizes there are some things you cannot do anything about such as the building location, but the parking lot can be addressed.

Mr. Weber stated he wants landscaping at the road.

Mr. Volz replied that could be done.

Mr. Weber said they understand the limitations of the site. It is a small and old site. However, there are things that require upgrading.

Mr. Cox asked Mr. Jones if he has any guidance.

Mr. Jones stated each variance should be considered individually.

Mr. Naes asked if the bump out in the rear of the building is being removed.

Mr. Borzillo replied yes.

Mr. Cox called for a vote (Variance #1) to vary the side yard setback from the required 15 feet to 9.84 feet on the northern property line for an existing building. He said the building could not be used without the variance. There being 5 Aye votes and 0 Nay votes, the variance was approved.

Mr. Cox called for a vote (Variance #2) to vary the setback from abutting residentially zoned property from the required 75 feet to 56 feet for an existing building. Mr. Cox stated the bump out on the rear of the building will be eliminated and the variance will not be needed. Mr. Weber stated they should leave the request of 56 feet as it is. Mr. Cox asked the members if all agreed. There being 5 Aye votes and 0 Nay votes, the variance was approved.

Mr. Cox called for a vote (Variance #3) to vary the screening between non-residential and residential zoning districts from the required one canopy tree for every

thirty feet of common property line to zero trees. Mr. Naes commented on the sight proof fence or wall. Mr. Baker stated the motion can be amended to require a fence. Mr. Weber asked if the existing fence could be used. Mr. Baker stated staff will review and determine if the fence is in need of repair. Mr. Jones stated the fencing issue should not be addressed in this variance. Mr. Smith stated he feels there is room for landscaping. There being 3 Aye votes and 2 Nay votes, the variance was denied.

There was general discussion regarding variance 4, 5 & 6. Mr. Smith asked if fewer than thirty spaces would eliminate this requirement. Mr. Baker replied, yes.

Mr. Cox called for a vote (Variance #7) to vary the front setback of parking spaces from the required ten feet to zero feet. There being 0 Aye votes and 5 Nay votes, the variance was denied.

Mr. Weber stated that since variance #7 was denied, variance 4, 5 and 6 are no longer necessary.

Mr. Cox called for a vote (Variance #8) to vary the side and rear setback requirement for parking and maneuvering areas from the required five feet to zero feet. There being 5 Aye votes and 0 Nay votes, the variance was approved.

Mr. Cox called for a vote (Variance #9) to vary the drive aisle width for parking areas with parking spaces having a sixty degree angle from the required 18 feet to 15 feet and for parking areas with spaces having a ninety degree angle from the required 24 feet to 22 feet for an existing parking lot. Mr. Volz stated they may be able to meet the requirements in the back parking lot. There being 5 Aye votes and 0 Nay votes, the variance was approved.

Mr. Cox called for a vote (Variance #10) to vary the parking length dimensions for spaces having a sixty degree angle from the required 18.5 foot length to 16.3 feet and spaces having a ninety degree angle from the required 19 feet to 17.5 feet for an existing parking lot. There being 4 Aye votes and 1 Nay vote, the variance was approved.

Mr. Cox called for a vote (Variance #11) to vary the drive aisle adjacent to an existing building from the required 13 feet to 9.84 feet. There being 5 Aye votes and 0 Nay Votes, the variance was approved.

Mr. Cox called for a vote (Variance #12) to vary the number of loading spaces from the required two spaces to zero spaces. Mr. Weber stated the applicant has indicated they might be able to provide one space. Mr. Volz replied yes. Mr. Naes motioned to amend the variance from two spaces to one space. There being 5 Aye votes and 0 Nay votes, the amendment was approved.

Mr. Cox called for a vote (Variance #12 Amended) to vary the number of loading spaces from the required two spaces to one space. There being 5 Aye votes

and 0 Nay votes, the variance was approved.

Mr. Smith stated he is very strongly in favor of landscaping and advised the applicant to place landscaping anywhere they can.

Mr. Naes agrees, that is what makes the business district attractive and keeps the values up.

Mr. Cox asked Mr. Jones for confirmation as to which variances were withdrawn

Mr. Jones replied variance 4, 5 and 6 were withdrawn. Variance #3 and #7 were denied and variance #12 was amended.

Mr. Cox said it has been many years that he has served as chairman and would like to retire his position. He then nominated Mr. Bill Weber as chairman. Mr. Smith seconded the motion. There being 4 Aye votes and 0 Nay votes the motion passed.

## **ADJOURNMENT**

Mr. Smith made a motion to adjourn the meeting at 7:50 pm. Mr. Naes seconded the motion, and it was unanimously approved.

Recording Secretary

Trish Moore