

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI  
THURSDAY, JUNE 28, 2018

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, June 28, 2018. The meeting convened at 7:00 p.m.

ROLL CALL

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

Absent:

**APPROVAL OF MINUTES**

Copies of the minutes of the May 24, 2018 Board of Adjustment meeting were distributed to the members for their review. Mr. Weber stated on the first page Mr. Smith made the motion to approve the minutes. On the last page, there are two places the word unanimously needs to be removed because there was opposition. Mr. Cox made a motion to approve the minutes as amended. Mr. Smith seconded, and it was unanimously approved.

**NEW BUSINESS**

A-07-18 Notice of Appeal, submitted by Neil & Debra Myrick, to vary the side setback from the required 10 feet to 7.9 feet for the construction of a sunroom addition at 11824 Eddie & Park Road.

Ms. Sprick stated currently there is a covered patio in the same location as the proposed sunroom. With the way the house is configured the back yard is small.

Without the variance the homeowners would be able to make use of the property. Difficulties and hardships could be considered unique to the property. The hardship is a result of the applicant's own action, but is not financial. The variance should not have a negative impact on the surrounding properties.

Matthew Nyberg, with Patriot Sunrooms, was present and stated the homeowners' association indentures show the original setback requirements for side yards is 8 feet. The neighbor that backs up to the Myrick's came up with an arrangement, which includes the installation of a privacy fence.

Nathan Windeknecht, the Myrick's neighbor, stated as long as a fence is installed, he is okay with the sunroom. He would like to see exact measurements of the sunroom with the builder, as well.

Mr. Smith recommended adding the fence requirement as a condition.

Mr. Jones suggested the Board move for approval with the stipulation that the fence be constructed. He stated the contract and subdivision indentures will be submitted as exhibits one and two.

Mr. Cox called for a vote on petition A-07-18 Notice of Appeal, submitted by Neil & Debra Myrick, to vary the side setback from the required 10 feet to 7.9 feet for the construction of a sunroom addition at 11824 Eddie & Park Road with the condition a privacy fence be constructed. There being 5 aye votes and 0 nay votes, the petition was unanimously approved.

A-08-18 Notice of Appeal, submitted by Jennifer & James Hnilo, to vary the side setback from the required 10 feet to 6.5 feet for the construction of an in ground swimming pool at 9516 Fringe Court.

Ms. Sprick stated the property has a large easement in the back yard, located where the boulder retaining wall is, which was created for the subdivision. The subdivision, neighbors, and utility companies have all submitted letters stating the project is okay to encroach on easements. The owner could still make use of the property, if the variance is denied. The hardship is unique to the property due to the retaining wall. The hardship is not financial, but is a result of the homeowner's own action because they knew the retaining wall was there when they purchased the property. It will not have a negative impact on surrounding property owners.

Jennifer Hnilo was present and stated she was told when buying the house that a pool could be constructed in the side lot.

Mr. Weber asked if the line of trees will remain to shield the area.

Mrs. Hnilo replied yes.

Mr. Weber asked if the immediate neighbors approve of the pool.

Mrs. Hnilo replied yes.

Ms. Sprick asked how close the pool deck will be to the property line.

Mrs. Hnilo stated the concrete pool deck will be 3 ½ feet from the property line.

Mr. Weber called for a vote on petition A-08-18 Notice of Appeal, submitted by Jennifer & James Hnilo, to vary the side setback from the required 10 feet to 6.5 feet for the construction of an in ground swimming pool at 9516 Fringe Court. There being 5 aye votes and 0 nay votes, the petition was unanimously approved.

A-09-18 Notice of Appeal, submitted by Peter & Tami Blasi, to vary the side setback from the required 10 feet to 8.2 feet for the construction of a covered porch addition at 9137 Parkhaven Lane.

Ms. Sprick stated the house was annexed to the City after it was built, so it is legally non-conforming. The addition will be even with the sidewall of the home and extended toward the backyard. They would be able to make use of the property without the variance. The difficulties and hardships could be considered unique to the property because the home was built prior to annexation and is non-conforming. The hardship is not a result of the applicant's own action, it is not financial, and will not have a negative impact on neighboring property owners.

Peter Blasi was present and stated the covered patio will be placed where the existing patio is. They would like the roof line and pitches to match so there are not several peaks. If the addition is not built where proposed, there would be a post in the middle of the existing doorway walk-out. The whole door and beam would have to be moved.

Mr. Cox asked if the wall treatment would be the same as the garage in front of it.

Mr. Blasi stated yes, nothing will change besides the interior.

Mr. Weber asked what the neighbors thought about the project.

Mr. Blasi stated they all approve.

Mr. Weber called for a vote on petition A-09-18 Notice of Appeal, submitted by Peter & Tami Blasi, to vary the side setback from the required 10 feet to 8.2 feet for the construction of a covered porch addition at 9137 Parkhaven Lane. There being 5 aye votes and 0 nay votes, the petition was unanimously approved.

A-10-18 Notice of Appeal, submitted by Dr. Abid Nisar, to vary requirements in the following Sections of Appendix B Zoning Regulations for an existing hotel parking lot at 1580 South Kirkwood Road:  
Vary the number of off street parking spaces required from 87 spaces to 82 spaces (Section 6.5-1).  
Vary the drive aisle width for two-way traffic with ninety 90 degree parking spaces from the required twenty-four) 24 feet to twenty-one (21) feet (Section 6.3-5).  
Vary the setback of parking spaces from the right of way from the required ten (10) feet to zero (0) feet (Section 6.3-4(A)1).  
Vary the setback of Parking circulation aisles and parking/loading maneuvering areas from the required five (5) feet to zero (0) feet (6.3-4(A)2).

Ms. Sprick stated the petition consists of 4 appeals. The first is to vary the number of parking spaces from 87 to 82. Currently, there are 87 parking spaces. There are five that are south of the longer part of the building. These are not counted as parking spaces because cars cannot pull through. They can pull in and parallel park, but they would have to back all the way out. On the north side of the property, the drive aisle is 21 feet wide. They are asking to vary the setback of the parking spaces from ten feet to zero feet on the north east corner. A dumpster enclosure used to be located there, but it was moved to another corner. This will now be a parking space. They would like to vary the setback of the circulation aisle and parking areas from five feet to zero feet. They have a cross access agreement with Denny's to provide 12 parking spaces. The circulation aisle has a zero foot setback because they go between the two properties. These are all existing conditions right now. They are re-branding the hotel and proposing a two story lobby addition along with exterior upgrades. Due to the application, the site had to be brought up to code. If the variances are not approved, the owner would be able to continue use of the property as is currently permitted, but they could not do the re-branding and upgrades. The hardships are unique to the property and the variances should not have a negative impact on surrounding properties.

Mr. Jones stated all requests can be presented at once, but there will need to be four separate votes.

Steve Rush, of Site Development Engineering, Inc., was present and stated the turns need to be widened at the entrance to Deane Court and they will be adding more landscaping.

Mr. Smith asked if the parking shown on the plans is existing parking.

Mr. Rush stated both existing and proposed are shown.

Mr. Smith asked if variance two was for all existing parking.

Mr. Rush replied yes.

Mr. Smith asked if variance three and four along Deane Court is existing.

Mr. Rush replied yes.

Mr. Smith asked if variance three and four, on the south side of the property, are existing.

Mr. Rush replied yes.

Mr. Smith asked if variance number one is granted, will they have to get rid of the five spots on the side of the building.

Ms. Sprick stated the City does not recognize them as spots, but people will park there.

Mr. Weber stated the spots are not recognized, but they are being used, so they have a total of 87.

Mr. Smith asked if the dumpster area adds a parking spot.

Ms. Sprick stated they placed the dumpster on another spot.

Mr. Weber asked if they will be adding rooms.

Ms. Sprick stated no additional rooms, a two story lobby, and some additional

exterior upgrades.

Mr. Smith stated they have placed a 12 foot by 25 foot loading space in front of the lobby. He asked if that is the required truck loading space.

Mr. Rush replied yes.

Mr. Weber called for a vote on petition A-10-18 Notice of Appeal, submitted by Dr. Abid Nisar, to vary requirements in the following Sections of Appendix B Zoning Regulations for an existing hotel parking lot at 1580 South Kirkwood Road: Vary the number of off street parking spaces required from 87 spaces to 82 spaces (Section 6.5-1). There being 5 aye votes and 0 nay votes, the petition was unanimously approved. Vary the drive aisle width for two-way traffic with ninety 90 degree parking spaces from the required twenty-four) 24 feet to twenty-one (21) feet (Section 6.3-5). There being 5 aye votes and 0 nay votes, the petition was unanimously approved. Vary the setback of parking spaces from the right of way from the required ten (10) feet to zero (0) feet (Section 6.3-4(A)1). There being 5 aye votes and 0 nay votes, the petition was unanimously approved. Vary the setback of parking circulation aisles and parking/loading maneuvering areas from the required five (5) feet to zero (0) feet (6.3-4(A)2). There being aye 5 votes and 0 nay votes, the petition was unanimously approved.

A-11-18 Notice of Appeal, submitted by George Despotis, to vary the setback of parking circulation aisles and parking/loading and maneuvering areas from the required five (5) feet to zero (0) feet. Also, to vary the width of the parking bay from the required 62 feet to 59 feet for an existing parking lot at 3825 South Lindbergh Boulevard.

This petition has been removed from the agenda.

A-12-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the maximum amount that a variance may be granted for a setback from thirty-five (35) percent to seventy-five (75) percent for the construction of service islands (vacuum stations) at 3720 South Lindbergh Boulevard.

A-13-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required forty (40) feet to ten (10) feet for the construction of service islands (vacuum stations) at 3720 South Lindbergh Boulevard.

A-14-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required thirty (30) feet to ten (10) feet as required for motor vehicle oriented businesses for the construction of service islands (vacuum stations) at 3720 South Lindbergh Boulevard.

It should be noted that all three petitions were addressed at the same time and voted on separately.

Ms. Sprick stated the appeal is for one project, but it is addressed three different ways in the City's Code of Ordinances. The first petition is to vary the amount that a setback can be reduced from 35% to 75%. PD-LC(B) zoning district, requires a 40 foot setback. They are requesting the setback be varied to ten feet. The motor vehicle oriented business (MVOB) section of the City's Code requires a 30 foot setback. They are requesting this be set to ten feet. The project was presented to the Planning and Zoning Commission for an amended development plan and a conditional use permit. Two petitions were approved with conditions. The closest item to vacuum stations, listed in the Code, are service islands. If the Board chooses to approve the variances, the City staff asks that a condition be placed to treat them the same as ground mounted equipment. Exterior equipment may be located at ground level or depressed below ground level, so that the maximum height does not exceed eight feet. The equipment should not be visible between ground level and six feet above ground level from any street adjoining the property or from adjacent properties. Screening can be achieved with a wall that is consistent with and/or complimentary to the exterior material of the building or the fencing on the property. Landscaping is preferred by the City and the petitioner for screening. If the variances are not approved, they can make use of the property. The existing structure is proposed to be removed. A different or smaller arrangement of the structures might be necessary if the applicant would like to move forward and the variances are not approved. The hardships are not unique to the property, although it is long and narrow and is a result of the applicant's own action. The hardship is not financial, even though they are currently under contract. It is hard for the City staff to say if the development will have a negative impact on surrounding properties.

Brandon Harp, Principal with Civil Engineering Design Consultants, was present and stated all three variances are for the exact same item. The item is listed in three

different areas of the City's Code of Ordinances. A-12-18 is asking consideration to increase the allowable variance reduction from 35 feet to 75 feet. During a concept review with the Planning and Zoning Commission traffic was addressed. The site plan, traffic, on-site circulation, and uses were discussed thoroughly at the Planning and Zoning meeting, where the petition was recommended to the Board of Alderman for approval. The market will be 11,800 square feet. The ten foot parking setback is being maintained on East Watson and Lindbergh Boulevard. They have increased it to 30 feet along Lindbergh Boulevard for landscaping and buffering. They are proposing ten self-service vacuum stations in line with parking. The pole has a cantilevered, arched pole wand for the vacuum with a receptacle. The height is 11 feet to the top. The hose hangs from above, so that it does not have to be on the ground. The Code does not talk about uses for these structures or how to classify them. Ancillary uses to MVOB's are required to meet the building setbacks. There will be no canopy or cover over them. There will be no structure; just the pole. The five trees along the property frontage will try to be saved. The development does not affect the trees, but the implementation of the City sidewalk might. The client has agreed to construct and install the planned sidewalk. Thirty-three trees and shrubs were proposed in addition to the five existing trees. The staff report and the Planning and Zoning Commission recommended increasing landscaping along that stretch. A new landscape plan was created and are now proposing to have 62 trees and shrubs in the entire 10 foot corridor. Cars and vacuum posts will be hidden from through traffic due to the spaces being below street level and the evergreen hedge.

Mr. Weber asked if the green space is wider than what is there currently.

Mr. Harp replied yes.

Mr. Weber asked how much wider it will be.

Mr. Harp stated approximately 3 ½ feet.

Mr. Weber asked what it is now.

Mr. Harp stated it is currently 5 ½ feet and it will be going to 10 feet. There will be double the number of plantings and the evergreens will create a visual barrier. Being a corner lot, there are technically two front yard setbacks that have to be met. Forty feet on each side creates more restrictions. There is a commercial property to the east, but immediately after that is residential. They have created a buffer to accommodate the residential properties.

Mr. Weber asked what is to the left of the building.

Mr. Harp stated the area to the left of the building is designated for a full service carwash area. After an employee takes the car through the tunnel they will bring it out,

vacuum it, dry it, and do a quick detail at that location. It is located outside of the setback and is in compliance. The luxury full service and the self-service will operate at different times of the day.

Mr. Weber asked if the City has agreed that sidewalks need to completely surround the building.

Mr. Harp replied yes and the client agreed to install them.

Mr. Smith asked according to the landscape plan, if the trees will be planted at specimen size.

Mr. Harp stated the City has minimum size requirements. The trees will be 2 ½ inches wide and 10 feet tall going in. Evergreens will be a minimum of six feet high. The shrubs will be five gallons. The mayberries will start out as 30 inch high shrubs.

Mr. Smith asked if the location of the vacuum stations could be moved away from the road.

Mr. Harp stated if they were moved, they still would not meet setback requirements. The gas canopy meets the setbacks. They have to meet the fire marshall and City minimum standards for drive aisles.

Mr. Smith asked if they could be placed in a different location on the site.

Mr. Harp stated a few could be placed on the right side, but that is closer to the residential area. Where they are located takes them further away. Cars make ambient noise on the road, so they would mask some noise of the vacuum. It made sense to have them placed adjacent to the entrance of the carwash. The fixed entries are all mandated by Missouri Department of Transportation (MODOT). They are required to be located a minimum distance from the intersection. Parking around the perimeter and locations for delivery trucks leave little room for moving the vacuum stations while maintaining on site circulation.

Mr. Smith stated the adjacent property is commercial; not residential.

Mr. Harp stated it is a narrow commercial property and immediately past that is residential. This is why they proposed dense landscaping and having the vacuums adjacent to the roadway in the farther spots. They purposely created a buffer and compressed the site to the west to get away from the residential properties. The proposed location is better for parking, as well. They will be adding an art sculpture and the 11 foot wands will not work with the sculpture.

Mr. Cox asked if the variance is necessary only because of the 11 foot wands. He also asked what the ordinance states in this matter.

Mr. Harp stated according to the MVOB section of the Code, any ancillary structures must meet the building setbacks. The ordinance does not specifically mention the vacuums like it does the gas canopy. They are vacuums on a small post. Regular parking spaces would be compliant.

Mr. Weber asked if the traffic study showed there would be any impact.

Mr. Harp stated the traffic engineer believes the increase in traffic will be mitigated once traffic study recommendations are implemented into the site plan. The access onto Lindbergh Boulevard will be right in and right out only. They will be adjusting signal timing to the intersection, so left turns will be protected with a left arrow. They are proposing to re-stripe East Watson. Currently, only five cars can be stacked on the through and left turn lanes. Only one car can be stacked on the right turn lane. With the new proposal, there can be up to 14 cars in each lane and six in the right turn lane. If there is a back up for cars turning left, others will not have to wait for left turns to go north.

Kathryn Heese, of 8811 Ryegate Court, does not believe that the proposed plan is the only option for the property. She stated there has been numerous requests for purchase of the property that are not high traffic uses. She stated what was once a Lindbergh Boulevard property is now an East Watson project. Cars will pause as they turn into the parking lot, which will cause back up onto Lindbergh Boulevard. Traffic was backed up from Smuggalas when they were located at the corner. East Watson is currently a two lane residential road. She would prefer the building to face Lindbergh Boulevard. She is unhappy with the location of the trash enclosure, as well. There is no way to control the types of people visiting in the middle of the night. She suggested shutting the services down in the evening.

Mr. Weber stated this petition does not judge what goes on with the property. The vacuum stations are the only item being discussed. Building size and location are not being considered.

Jim Watson, of 8810 Ryegate Court, asked if the plan could be done with less vacuum stations.

Mr. Weber stated the number of vacuum stations is not Board of Adjustment's decision.

Mr. Watson asked about the green space along East Watson. There is not much along the eastern border. He is concerned and wants clarification. He stated the trash enclosure does not need to be located on East Watson.

Tina Watson, of 8810 Ryegate Court, was concerned about the noise the vacuums would produce.

Pat Gioia, of Woodpark, stated she is concerned her property value will decrease due to this development.

Barbara Smith, of 10258 Richview Drive, is concerned about the traffic on East Watson. Her grandkids cross East Watson to get to her house. She feels the degree of traffic will tremendously increase. East Watson is the only access to many subdivisions and 14 car stacking will block the neighborhood. She stated the lot is too small for the large business. A 24 hour business invites loitering and drug deals. She is concerned about the unsightliness of looking at the dumpster. She feels the development will decrease her property value, as well.

Mr. Weber stated most of the comments being made need to be addressed to the Board of Alderman.

Mr. Harp stated the comments will be benefited at the Board of Alderman meeting. Most of the issues were thoroughly discussed at the Planning and Zoning Commission meeting. The vacuums are not available for 24 hour use; they will be shut off at 10 P.M. With the type of vacuums being installed, the machine is inside of the building. The noise at the outside space is just the suction. The number of vacuum stations have already been reduced from the original plan. Originally, there were vacuums located on the right side, along with where they are now. The vacuums along the right side were taken out when the location was discussed with the Planning and Zoning Commission.

Mr. Smith asked if the vacuums were only five or six feet tall, if they would require a variance.

Ms. Sprick stated the variance is not due to the height, but the location. They are not addressed in the City Code. Service islands were the closest item to vacuums.

Mr. Weber asked what was said about them being six feet tall.

Ms. Sprick stated they have to be screened to a level of six feet. They are allowed to be eight feet above grade. They will be higher than eight feet, but they are depressed down so the grade will be higher than the vacuum stations. They have to be screened to a level of six feet above the grade. Only the top two feet will be seen.

Mr. Smith stated it seems like most of the landscaping is along the South property line, where most people with concerns live to the east.

Ms. Sprick stated the property owner of Autotire, which is to the south, along with Mr. Jones suggested that screening and landscaping should be planted along the mechanical room, southern wall, and around the edge of the parking lot. She stated because the property adjoins another commercial property to the east, no landscaping is required.

Mr. Smith stated the property is close to residential even though there is a commercial property in between. There has been no consideration to the neighbors to the east for any noise being created. There should be some consideration of landscaping in that area.

Ms. Sprick asked Mr. Jones if that can be addressed at the Board of Alderman level.

Mr. Jones replied yes.

Mr. Cox asked if there is a noise ordinance.

Mr. Jones stated Sunset Hills follows the St. Louis County set decibel levels. The police have a decibel meter and the ordinance is followed.

Mr. Weber called for a vote on petition A-12-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the maximum amount that a variance may be granted for a setback from thirty-five (35) percent to seventy-five (75) percent for the construction of service islands (vacuum stations) at 3720 South Lindbergh Boulevard. There being 4 aye votes and 1 nay vote, the petition was approved.

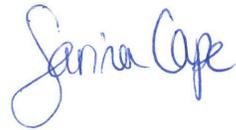
Mr. Weber called for a vote on petition A-13-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required forty (40) feet to ten (10) feet for the construction of service islands (vacuum stations) at 3720 South Lindbergh Boulevard. There being 3 aye votes and 2 nay votes, the petition was denied.

Mr. Weber called for a vote on A-14-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required thirty (30) feet to ten (10) feet as required for motor vehicle oriented businesses for the construction of service islands (vacuum stations) at 3720 South Lindbergh Boulevard. There being 3 aye votes and 2 nay votes, the petition was denied.

## ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 8:36 P.M. Mr. Cox 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