BOARD OF ADJUSTMENT

OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, AUGUST 23, 2018

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, August 23, 2018. The meeting convened at 7:00 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

Copies of the minutes of the July 26, 2018 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith made a motion to approve the minutes, as submitted. Mr. Gau seconded the motion, and it was unanimously approved.

NEW BUSINESS

A-17-18 Notice of Appeal, submitted by Syberg's Family Restaurants, to vary the front and side setbacks from the required five (5) feet to zero (0) feet for an existing parking lot at 10150 Watson Road.

Mr. Baker stated the applicant was heard by the Board of Alderman and the

Planning and Zoning Commission regarding the Conditional Use Permit in March, proposing a larger building in the back, all on one parcel. Now, they are proposing a lot split. The rear lot will have a small building, but a Conditional Use Permit is still required because it is over 7,500 square feet. With a Conditional Use Permit, the applicant is required to start over in regards to meeting the City's zoning requirements. A five foot setback is required for the parking lot. Without the variance, they would be able to make reasonable use of the property. The hardship is peculiar to the property and not a result of the applicant's own actions. The variance will not be detrimental to public welfare. The Planning and Zoning Commission approved the proposal with a condition that the variance be granted. If the variance is not approved, the applicant will have to start the process over and re-design the parking lot to meet City standards.

Mark Doering, President of Doering Engineering, and Brett Syberg, of Syberg's Restaurants, were present.

Mr. Doering stated the existing parking extends to the property lines. They would like to split the property and propose a new building on the rear property. There is currently narrow parking and they will lose a significant amount of spaces if the variance is denied.

Mr. Syberg stated Executive Dining is the proposed tenant for the front building. They are currently located on Meramec Bottom Road, which floods often. Syberg's would like to move their corporate office to the rear lot.

Mr. Doering presented the new site plan. They would like to keep as much of the existing parking as possible. They are requesting zero feet of setback instead of five feet, including the new property line. The retaining wall on the west side of the property will remain.

Mr. Weber asked if there are plans to sell the front building.

Mr. Syberg replied yes.

Mr. Weber asked if it will be remodeled.

Mr. Syberg stated yes, it will look more like an office building.

Mr. Naes asked if the Board was only looking at the parking setback; not the parking spaces.

DRAFT

Mr. Jones replied that is correct.

Mr. Gau asked what is the rational of having a five foot setback.

Mr. Baker stated it serves as a buffer for surrounding properties. It is not as detrimental in Commercial areas, like this.

Mr. Naes asked if there are any complaints about water run off on the site.

Mr. Baker replied no. They are making the grass area in the rear of the property larger and Mr. Doering will have to make sure water requirements are met.

Mr. Gau asked if they have submitted plans for the second lot.

Mr. Baker stated the variance is for the entire parcel, which includes both lots.

Mr. Jones stated if the ordinance is passed by the Board of Alderman, the second building will be approved. The variance includes the front and side yard setbacks.

Mr. Smith asked if the applicant will have to come back to the Board for anything else, in regards to the office building on the front lot.

Mr. Baker stated no, as long as the tenant is a permitted use. An office building is permitted use.

Mr. Smith stated the plans show the building measuring 24 feet in height, which is large for a one story building.

Mr. Doering stated they listed the maximum height from the ordinance; not how tall the building will actually be.

Mr. Baker stated they are unsure of how tall the building will be, but it will be less than 24 feet in height.

Mr. Smith asked about the quality of the parking lot.

Mr. Baker stated once the development is constructed, the state of the parking lot will be reviewed.

DRAFT

Mr. Smith stated the parking lot is in bad shape.

Mr. Gau asked if the five foot setback can be paved or is it required to be grass area.

Mr. Baker stated as long as the green space requirements are met, they can keep it paved.

Mr. Gau stated if the five feet are not necessary, the Board should review the setback requirement.

Mr. Naes stated lot one would be harmed without a variance.

Mr. Doering stated a significant amount of parking would be lost.

Mr. Jones stated the ordinance states parking circulation aisles and parking, loading, and maneuvering areas may be located in a required front yard, side yard, or rear yard, where a minimum five foot setback is maintained between the paved area and the property line or right of way line. It is not required to be landscaped or buffered, but it does have to be five feet from the line.

Mr. Weber called for a vote on petition A-17-18 Notice of Appeal, submitted by Syberg's Family Restaurants, to vary the front and side setbacks from the required five (5) feet to zero (0) feet for an existing parking lot at 10150 Watson Road. With 4 aye votes and 1 nay vote, the motion passed.

It should be noted that A-18-18 and A-19-18 were presented simultaneously, but voted on separately.

A-18-18 Notice of Appeal, submitted by Ryan Patton (Innovia) to vary the lot width from the required 150 feet to 111.89 feet for a lot split at 10311 Kennerly Road.

Mr. Baker stated the property is zoned R-1 with a minimum of one acre lot size and a minimum of 150 feet of frontage. The lot is currently 223 feet wide. The applicant is proposing to split the property into a 1.2 acre parcel and a 1.1 acre parcel, each being 111.89 feet wide. The applicant can make reasonable use of the property without the

variance because they could either build one large house on the current lot or they could put in a road with a cul-de-sac having one house toward the front and one toward the rear. The hardship is not peculiar to the property and it is a result of the applicant's own actions. Based on the information the City has received, the variance will not be detrimental to the welfare of neighboring properties.

Mr. Weber asked if the Planning and Zoning Commission has approved the proposal based on the Board of Adjustment's variance approval.

Mr. Baker stated yes. If the variance is denied, the applicant will have to start over. If it is approved, it will be heard in September at the Board of Alderman meeting.

Mark Doering, President of Doering Engineering, and Allan Knopf, Builder with Innovia Company, were present.

Mr. Doering stated they are requesting a variance for 111.89 feet of frontage instead of the required 150 feet. The existing house and garage will be removed and two houses will be constructed. Out of ten neighboring lots, eight do not meet the width requirement. One option for the property would be to build a road with a cul-de-sac and create 2 lots. With this option, the new homes and neighboring homes would lack privacy. They feel this is a more undesirable option due to less privacy, long term costs to the City for street maintenance, and long term cost to Metropolitan Sewer District (MSD) for maintenance.

Mr. Weber asked if the variance is approved, will they meet all required setbacks.

Mr. Knopf stated yes.

Mr. Gau asked where on the lots the homes will be placed.

Mr. Knopf stated the homes will be in line with other homes on the street.

Mr. Naes asked if they are proposed to be custom homes.

Mr. Knopf replied, yes.

Mr. Naes asked if the homes would only have a 50 foot wide building area.

Mr. Doering stated they would have a building area of 82 feet wide.

DRAFT

Mr. Naes asked if they would need any further variances.

Mr. Knopf replied no.

Mr. Weber asked if the City recommends this proposal rather than the proposal with the cul-de sac.

Mr. Baker stated this proposal would be more in the best interest of the neighbors and future homeowners.

Mr. Weber asked if the City would have to accept the street as public for maintenance.

Mr. Baker stated if the street meets the City's requirements, they would accept it. Maintenance costs would be minimal and the City is more concerned with the layout of the property.

Mr. Smith asked if anyone else on the street could do the same as the petitioner with a lot split.

Mr. Baker stated they would have to have 150 feet of frontage on Kennerly Road and room for a road to get to the rear lot.

Mr. Smith asked if the narrower street of a corner lot is considered the true front.

Mr. Baker replied yes.

Mr. Baker stated the rear home would have to meet a 50 foot setback from the cul-de-sac, but the house on Kennerly Road would have to meet two 50 foot front setbacks; one from Kennerly Road and one from the new road.

Mr. Gau stated the other option for this property is to build one large home.

Mr. Smith asked if the 150 foot frontage requirement for a corner lot is for the new street.

Mr. Baker stated the requirement has to be met on any street.

Mr. Smith asked why other homes on the street could not do the same lot split.

DRAFT

Mr. Baker stated the lot would have to have two acres plus the area for the road. Any parcel of that size could apply for a lot split.

Mr. Weber stated he is concerned about the size of the lots meeting the one acre requirement.

Mr. Smith asked how long the houses along Kennerly Road have been in Sunset Hills.

Mr. Baker stated he believes the lots were that size when the City annexed them.

Mr. Gau stated this is an opportunity to re-develop a property to meet existing standards. This application does not meet all four conditions for a variance. The owner can build a nice, custom home on the lot, as is.

Patty Faust, of 10305 Kennerly Road, stated she has no problem with the development and requested to see where the homes and driveways will be located on each lot. She asked if a fence will be required.

Mr. Doering stated it is the buyers' decision on fencing. The homes will sit in line with the other houses on the street. Each home will have its own driveway and will come straight out to Kennerly Road.

Mr. Knopf stated it is too early to make most decisions; the homeowner's requests have to be taken into consideration.

David Woods, of 10319 Kennerly Road, stated he prefers one house to be built, but he is in favor of the variance to split the lots down the middle.

Mr. Weber called for a vote on petition A-18-18 Notice of Appeal, submitted by Ryan Patton (Innovia) to vary the lot width from the required 150 feet to 111.89 feet for a lot split at 10311 Kennerly Road. With 4 aye votes and 1 nay, the motion passed.

A-19-18 Notice of Appeal, submitted by Ryan Patton (Innovia) to vary the lot width from the required 150 feet to 111.88 feet for a lot split at 10311 Kennerly Road.

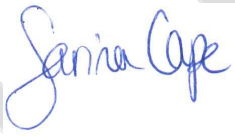
Mr. Weber called for a vote on petition A-19-18 Notice of Appeal, submitted by

Ryan Patton (Innovia) to vary the lot width from the required 150 feet to 111.89 feet for a lot split at 10311 Kennerly Road. With 4 aye votes and 1 nay, the motion passed.

ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 7:42 P.M. Mr. Gau seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape

DRAFT