

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, OCTOBER 22, 2020

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met by Zoom meeting on Thursday, October 22, 2020. The meeting convened at 9:00 A.M.

ROLL CALL

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

**APPROVAL OF MINUTES**

Copies of the minutes of the September 24, 2020 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-45-20 Notice of Appeal, submitted by Eric & Lisa Gorham, to vary the side setback from the required fifteen feet (15') to eight feet (8') for an in ground swimming pool at 12774 Zachary's Ridge.

Ms. Sprick stated the property is a corner lot, so it has two front yards. The pool will be eight feet from the rear property line.

Eric Gorham, homeowner, was present and stated for the decking and everything included to fit, they are seeking a variance.

Mr. Weber stated he sees the issue with the trees and the placement of the home.

Mr. Weber called for a vote on petition A-45-20 Notice of Appeal, submitted by Eric & Lisa Gorham, to vary the side setback from the required fifteen feet (15') to eight feet (8') for an in ground swimming pool at 12774 Zachary's Ridge. With 4 aye votes and 0 nay votes, the petition was approved.

It should be noted that the following two petitions were heard simultaneously, but voted on separately.

A-46-20 Notice of Appeal, submitted by Jeff & Janna Sindelar, to vary the rear setback from the required thirty feet (30') to ten feet (10') for an in ground swimming pool at 12527 Grandview Forest Drive.

A-47-20 Notice of Appeal, submitted by Jeff & Janna Sindelar, to vary the distance of an accessory structure from a residence from the required ten feet (10') to five feet (5') for an in ground swimming pool at 12527 Grandview Forest Drive.

Ms. Sprick stated an existing covered deck is located five feet from the proposed pool. This structure is required to meet the same setback as the residence. An accessory structure has to meet the side setback requirement from each property line, as well. The petitioner is requesting A-47-20 be voted on first.

Mr. Weber asked if the distance being measured is from the wood deck to the pool.

Ms. Sprick replied yes.

Ryan Taylor, with Baker Pool Construction, was present and stated the constraints of the lot and the existing retaining wall made the placement of the pool difficult.

Mr. Weber asked if subdivision approval was required.

Mr. Taylor stated it was not required, but it could be provided. No comments in opposition have been received from the neighbors.

Mr. Weber called for a vote on petition A-47-20 Notice of Appeal, submitted by Jeff & Janna Sindelar, to vary the distance of an accessory structure from a residence from the required ten feet (10') to five feet (5') for an in ground swimming pool at 12527 Grandview Forest Drive. With 4 aye votes and 0 nay votes, the petition was approved.

Petition A-46-20 Notice of Appeal, submitted by Jeff & Janna Sindelar, to vary the rear setback from the required thirty feet (30') to ten feet (10') for an in ground swimming pool at 12527 Grandview Forest Drive was withdrawn by the applicant.

It should be noted that the following three petitions were heard simultaneously, but voted on separately.

A-48-20 vary Notice of Appeal, submitted by Brad Mayer (HMS Construction Inc.) to the square footage of an attached garage from fifty percent (50%) to sixty percent (60%) of the square footage of the residence for an attached garage addition at 41 Fox Meadows Lane.

A-49-20 Notice of Appeal, submitted by Brad Mayer (HMS Construction Inc.) to allow the height of an attached garage to exceed the height of the residence by one foot, six inches (1' 6") for an attached garage addition to an existing residence at 41 Fox Meadows Lane.

A-50-20 vary Notice of Appeal, submitted by Brad Mayer (HMS Construction Inc.) to the height of a garage door from nine feet (9') to fourteen feet (14') for an attached garage addition to an existing residence at 41 Fox Meadows Lane.

Ms. Sprick stated an addition of an attached garage with living space is being proposed. A garage cannot be larger than 50% of the square footage of the living space of the home and the roof cannot be taller than the house. The garage addition is larger than 50% of the living space and is taller than the home. They would like the garage door to be taller than the required 9 feet, due to a camper being stored. Staff is recommending two conditions. No commercial storage or activity is to take place and the addition must be built with similar materials to the residence.

Brad Mayer, with HMS Construction, was present and stated the garage doors cannot be seen from the street and they need to exceed the limit to store the camper. No commercial work will be done in the residence. The architect made the roof line taller to make it look similar to the existing roof line of the home.

Mr. Smith asked if the living space included is 60% against the original house or the house, plus the addition.

Ms. Sprick stated it does include the proposed living space. It is calculated as the total of the footprint of the house and the additional living space, as opposed to the existing garage area and the new garage area.

Mr. Weber asked if the subdivision has approved of the project.

Mr. Mayer replied yes.

Jim Junker, member of the subdivision Board of Trustees, was present and stated the plans were in great detail. He received some objections for the garage door facing the front of the house. There are no rules against it, but that is the only opposition he has received.

Mr. Mayer stated they would be happy to make the front facing garage door look more presentable.

Mr. Weber stated the exterior appearance needs to match the existing home.

Mr. Mayer stated it will match all characteristics.

Mr. Smith asked if the roofline is lower than the cupola.

Ms. Sprick stated it appears to be, but the ordinance says it has to be lower than the roofline. She asked if the front facing garage door is a 9 foot or a 14 foot door.

Mr. Mayer replied that it would be a 9 foot door.

Mr. Cox called for a vote on petition A-48-20 Notice of Appeal, submitted by Brad Mayer (HMS Construction Inc.) to vary the square footage of an attached garage from fifty percent (50%) to sixty percent (60%) of the square footage of the residence for an attached garage addition at 41 Fox Meadows Lane with the conditions that no commercial use or storage is allowed in the structure and it must be of similar architectural style and materials as the residence. Mr. Smith made a motion to add the conditions. Mr. Cox seconded the motion, and it was unanimously approved.

Mr. Weber called for a vote on petition A-49-20 Notice of Appeal, submitted by Brad Mayer (HMS Construction Inc.) to allow the height of an attached garage to exceed the height of the residence by one foot, six inches (1' 6") for an attached garage addition to an existing residence at 41 Fox Meadows Lane. With 4 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-50-20 Notice of Appeal, submitted by Brad Mayer (HMS Construction Inc.) to vary the height of a garage door from nine feet (9') to fourteen feet (14') for an attached garage addition to an existing residence at 41 Fox Meadows Lane. With 4 aye votes and 0 nay votes, the petition was approved.

It should be noted that the following three petitions were heard simultaneously, but voted on separately.

A-51-20 Notice of Appeal, submitted by Piros Signs, to vary the number of wall signs allowed on a single tenant building from one (1) to three (3) at 10100 Watson Road.

A-52-20 Notice of Appeal, submitted by Piros Signs, to vary the size of a ground sign from 50 square feet to 55.78 square feet at 10100 Watson Road.

A-53-20 Notice of Appeal, submitted by Piros Signs, to vary the maximum amount signage allowed from 100 square feet to 175.84 square feet at 10100 Watson Road.

Ms. Sprick stated in October 2019, the Lot Consolidation and Conditional Use Permit were approved for the development. In November, several variances were approved. The sign package has now been submitted. Three wall signs are being proposed, one being a Sunset Hills logo. The two smaller signs pictured are directional and are not included in wall signage. Staff recommends that as long as ownership stays the same, the Sunset Hills logo is required to remain on the building. The monument sign meets all requirements except for square footage. The total square footage of signage is exceeding the limit, as well.

Joe Phillips, with Piros Signs, was present and stated branding standards require the three wall signs. The dealership wanted a pole sign, but this is no longer allowed. The rounded portion of the side of the monument sign is what is setting the square footage over.

Mr. Weber asked what the options are for the ground sign.

Mr. Phillips stated the next size down would be 21 square feet smaller than what is being proposed.

Mr. Weber asked what the square footage of the blue portion of the ground sign was.

Mr. Phillips said it is just over 50 square feet.

Mr. Weber asked how he feels about the condition requiring the Sunset Hills logo to remain.

Mr. Phillips stated the Sunset Hills name is the legal corporation name and there is no issue in that regard. If the dealership is sold, this may become an issue.

Mr. Jones stated the condition is only until the dealership is sold to a new dealer.

Ms. Sprick stated this is right, but the Board can vote to have the condition be written however they would like.

Mr. Baker stated staff is recommending the approval only because it says Sunset Hills. If the property is sold, they can have three wall signs as long as the Sunset Hills logo remains.

Mr. Smith asked if the ground sign is two sided.

Mr. Phillips replied yes.

Mr. Smith asked if the square footage is doubled for two sided signs.

Ms. Sprick replied no.

Mr. Smith asked if the Subaru wall sign is on the curved portion of the building.

Mr. Phillips stated he believes so.

Ms. Sprick asked if the area between the bottom of the monument sign is enclosed.

Mr. Phillips stated it is all enclosed.

Ms. Sprick asked if they would be willing to landscape around the bottom of the ground sign.

Mr. Phillips replied yes.

Ms. Sprick stated this should be added as a condition.

Mr. Weber called for a vote on petition A-51-20 Notice of Appeal, submitted by Piros Signs, to vary the number of wall signs allowed on a single tenant building from one (1) to three (3) at 10100 Watson Road with the condition that the Sunset Hills wall

sign must stay in perpetuity. If the property is sold the variance will terminate and only two wall signs will be allowed. Mr. Smith made a motion to add the condition. Mr. Naes seconded the motion. With 4 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-52-20 Notice of Appeal, submitted by Piros Signs, to vary the size of a ground sign from 50 square feet to 55.78 square feet at 10100 Watson Road with the condition that landscaping is placed along the bottom of the sign. Mr. Smith made a motion to add the condition. Mr. Naes seconded the motion. With 4 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-53-20 Notice of Appeal, submitted by Piros Signs, to vary the maximum amount signage allowed from 100 square feet to 175.84 square feet at 10100 Watson Road. With 4 aye votes and 0 nay votes, the petition was approved.

A-54-20 Notice of Appeal, submitted by Mike Thies (Broadway Restaurant Group) to vary the illumination standards from the required average initial level of 1.00 to 6.96 foot candles and the maximum initial level, five feet (5') from the base of a light standard from 8.00 to 28.6 foot candles at 10734 Sunset Hills Plaza.

Ms. Sprick stated in October, the Planning and Zoning Commission recommended approval for the demolition and reconstruction of the restaurant with conditions that this variance is approved.

Mike Thies, with Broadway Restaurant Group, and John Scheebaum, with BFA, were present. Mr. Thies stated standard lighting is being used. They use typical photometric design on all of their buildings.

Mr. Cox stated it seems a similar situation to this has occurred recently.

Ms. Sprick stated yes, the Subaru dealership was similar.

Mr. Cox stated it was not an issue at the time.

Ms. Sprick stated car dealerships have a standard for lighting that they are required to follow. Usually the brightest lighting and newest cars are at the front of the property. Lighting decreased and met requirements at the rear of the property.

Mr. Scheebaum stated in contrast to the dealership, not one area is lit super bright. There is more consistent lighting across the parking lot for the safety of customers and employees.

Mr. Cox asked about the neighbors to the rear.

Mr. Scheebaum stated the lights project toward the parking area and the values diminish behind the light heads. They read 7 to 20 foot candles at the south parking area and diminish significantly toward the neighboring properties. The lighting is focused toward the Burger King lot.

Ms. Sprick stated the building is surrounded by other commercial developments.

Mr. Smith asked how the businesses to the south compare to this development.

Ms. Sprick stated she has not seen their photometric plans.

Mr. Weber called for a vote on petition A-54-20 Notice of Appeal, submitted by Mike Thies (Broadway Restaurant Group) to vary the illumination standards from the required average initial level of 1.00 to 6.96 foot candles and the maximum initial level, five feet (5') from the base of a light standard from 8.00 to 28.6 foot candles at 10734 Sunset Hills Plaza. With 4 aye votes and 0 nay votes, the petition was approved.

#### **OTHER MATTERS DEEMED APPROPRIATE**

Ms. Sprick stated the next meeting is scheduled for November 19, 2020.

#### **ADJOURNMENT**

Mr. Smith made a motion to adjourn the meeting at 9:51 A.M. Mr. Cox seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape