

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI  
THURSDAY, JANUARY 27, 2022

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met by Zoom on Thursday, January 27, 2022. The meeting convened at 7:00 P.M.

ROLL CALL

Present:	William Weber	-Member
	Mark Naes	-Member
	Larry Smith	-Member
	John Hassis	-Member
	Joshua Arnold	-Member
	Lynn Sprick	-City Planner
	Jim Hetlage	-City Attorney
	Bryson Baker	-City Engineer

Absent:

**APPROVAL OF MINUTES**

Copies of the minutes of the December 30, 2021 Board of Adjustment meeting were distributed to the members for their review. Ms. Cape stated there were changes made to the way the exhibits for A-34-21 through A-48-21 were listed since the packets were distributed. Mr. Smith made a motion to approve the minutes, as amended. Mr. Hassis seconded the motion, and it was unanimously approved.

**NEW BUSINESS**

A-01-22      Petition for a Variance, submitted by Phil Hesse to vary the maximum size of a detached garage from 1,200 square feet to 1,872 square feet at 10401 East Watson Road (Appendix B, Section 4.4-4F).

Mr. Hetlage stated Appendix B should be submitted into the record for all matters. Exhibit one will be the application, exhibit two will be the staff report, exhibit three will be the petitioner information, exhibit four will be the plan documents, exhibit five will be the letters that were submitted in support of the project, exhibit six will be the letters submitted in opposition of the project, exhibit seven will be the hearing notice, and exhibit eight will be the written response by the applicant.

Ms. Sprick, Phil Hesse, and Christina Hesse were sworn in.

Ms. Sprick stated this request is for an increase in the size of a detached garage. In 2016, the petitioner applied for a detached garage that exceeded the allowable size and was denied. The petitioner then submitted plans that met the requirements, which were approved and the structure was built. Afterwards, two carports were added onto the garage. In 2019, the petitioner came back to request a variance for the carports, which was denied. They have reapplied. The garage meets all other zoning requirements.

Phil and Christina Hesse were present. Mr. Hesse stated the carports were built and then they found out they could not have them. They are using them for classic vehicles and for cover when they have parties and get-togethers. They assumed everything was okay since they were approved during inspection periods through St. Louis County and they are paying taxes on them already. It would destroy the concrete and parts of the garage, if they had to remove them.

Ms. Hesse stated they were told, by the City, to wait and see if changes would take place with the new Zoning Code adoption. They waited and then were notified, again. They were not trying to ignore the issue.

Mr. Hesse stated he advises people to always check with the City before construction, now.

Mr. Weber asked if the area was used for barbecues.

Mr. Hesse stated inside the garage is set up as a museum with memorabilia. People come over and these carports are used for coverage from the sun.

Mr. Smith asked Ms. Sprick if this petition has come before them twice and if there had been three different elevations submitted. He would like to see all three.

Ms. Sprick showed each elevation. The first was an 1,800 square foot garage. The permit that met requirements and was approved was shown. And then the elevation for the existing garage with the carports was shown.

Mr. Smith asked why they built the carports after it was denied.

Mr. Hesse stated they were already built before they came for the variance.

Mr. Smith asked if they built the carports without a permit.

Mr. Hesse stated yes.

Mr. Smith asked if they are requesting approval of something that has been rejected twice.

Mr. Hesse stated no.

Mr. Smith asked why they did not do something different once rejected.

Mr. Hesse stated staff told them to wait on the Zoning Code update.

Ms. Sprick stated at that point, they thought the update was close to being adopted.

Mr. Smith asked if it has been adopted, yet.

Ms. Sprick stated not yet, due to Covid-19. The structure would be allowed with the new ordinance.

Mr. Weber asked what the anticipated approval time for the new Code is.

Ms. Sprick stated at this point, it is unknown.

Mr. Smith stated the structure was built in anticipation of an ordinance that will allow it, but it could be a few years before the ordinance is passed.

Ms. Sprick stated that is correct.

Mr. Weber asked if it had been built and was used for a patio, if it would be approved.

Ms. Sprick stated yes.

Mr. Weber asked for clarification that it is only because it is used for cars that it is not okay.

Ms. Sprick stated if it was a gazebo or a patio cover, the permit would have been issued.

Mr. Hesse stated he did not know they would cause an issue. They received a letter from the City that they were not okay and they applied for a variance, which was denied. Covid-19 and the Zoning Code update delayed things and they just waited.

Mr. Naes stated they do not seem to be oversized or out of character with the building. He was not being malicious and it is not an unreasonable request.

Mr. Smith asked if there is any knowledge that the new Ordinance would allow this.

Ms. Sprick stated it would be in compliance with the new Ordinance.

Mr. Smith stated it is unbelievable that it has been rejected once and now they are requesting the same thing, again. When the hearing on this elevation was held, there was a discussion about a patio and they stated it was for the storage of vehicles.

Mr. Hassis asked if the new Code allows for an 1,800 square foot garage and what the reasoning is to increase that amount.

Ms. Sprick stated the Code is written the way it is now because there was one property owner with a large detached garage. The Board looked at it and said there were no regulations on size. In the proposed Ordinance, the location requirements are more restrictive. The limitation is still there, but not by square footage.

Mr. Hassis asked if other municipalities allow an 1,800 square foot garage.

Ms. Sprick stated there are some that do and some that do not. Sunset Hills has larger lot sizes with larger structures.

Mr. Hassis asked if staff would be in favor.

Ms. Sprick stated yes. It is not in practice yet, but if someone has a large lot, a large structure such as this would not look out of place. A 1,200 square foot garage with two carports does not look as bad as an 1,800 square foot garage.

Mr. Smith stated where it is located on the site is okay. He asked if there is a certain square footage requirement in the new Code.

Ms. Sprick stated no.

Mr. Smith asked if as long as the location is okay, they can have it as big as they want.

Ms. Sprick stated the accessory structure has to be accessory to the primary structure.

Mr. Baker stated the restrictions will be more for location and lot coverage. The larger the lot, the larger your accessory structure can be. Lot coverage will be taken up by the house, which will limit the size. He is unsure that the new Code should be factored into the conversation because it could change before it is approved.

Ms. Sprick stated letters were received after packets were sent to the Board. Valra Werner wrote that the issue was already addressed and rejected. There has been no change in the Zoning Code and it should not be addressed again. The elevation of the property was changed and raised the entire property four to five feet. The increase in concrete has increased water runoff. James Woelich, Jr. wrote that the variance was rejected and then the owner attached carports without permits. They have disregard for following the proper procedures. Water runoff has been added to the storm sewers. The Hesse's submitted a rebuttal to Ms. Nichols, stating the attached garage accommodates two vehicles. There are no golf carts, go karts, tractors, or workshop vehicles. There is only a personal truck; not any company trucks on site. They could not be considered soft commercial. They did not take two years of dirt dumping. This only took approximately one month. His company was sold two years ago and the only truck driven was the personal vehicle. They collect classic cars and they have to be protected.

Barbara Smith, of 10258 Richview Drive, was sworn in and stated her property backs up to the Hesse's property. A lot of dirt has been brought in to elevate it, which has caused a terrible drainage problem to her property. The run-off floods her back yard. She is pleased by the Board's compassion to the effects the construction has had on other residents. The petitioner is a nice person, but an 1,800 square foot garage is unnecessary. It is located approximately 10 feet from her property line. The petitioner planted trees on her property and then removed them when it was pointed out. When they clean or cut down branches, the contractors throw debris down her hillside. Mr. Hesse has a lot of workers in his yard all of the time. She asked how many people will be allowed to increase the structures on their property past what is allowed. It is already big enough to be another house. It stands approximately 10 feet above the roof of her house and the incline causes all of the rain to come down to her property. The discussion about what may come about in the future has nothing to do with this project.

Mr. Hesse stated the trees that were planted were before she moved in. There is no drainage from his yard to hers. It is all coming from the neighbor. He was in the waterproofing business and knows how to create swales to direct it where it needs to go. No debris has been thrown onto her property. Raising the ground was approved. This was done before she moved in and nothing was added since she moved in.

Mr. Weber called for a vote on petition A-01-22 for a Variance, submitted by Phil Hesse to vary the maximum size of a detached garage from 1,200 square feet to 1,872 square feet at 10401 East Watson Road (Appendix B, Section 4.4-4F).

A roll call vote was taken.

William Weber	-Aye
Mark Naes	-Aye
Larry Smith	-Nay
John Hassis	-Nay
Joshua Arnold	-Aye

With three aye votes and two nay votes, the petition was denied.

A-02-22 The Petitioner has made changes to the site plan and this Application has been withdrawn.

~~Petition for a Variance, submitted by LC Restaurant, LLC, to vary the number of parking spaces without a landscape island from fifteen (15) to sixteen (16) for an existing development at 10765 Sunset Hills Plaza (Appendix B, Section 5.13-5B5).~~

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

A-03-22 Petition for a Variance, submitted by LC Restaurant, LLC, to vary dimensions of parking spaces from the required nine feet (9') by nineteen feet (19') to nine feet (9') by eighteen feet (18') for an existing development at 10765 Sunset Hills Plaza (Appendix B, Section 6.3-5A).

A-04-22 Petition for a Variance, submitted by LC Restaurant, LLC, to vary the following illumination standards for the existing development at 10765 Sunset Hills Plaza (Appendix B, Section 6.3-7B):

- 1) The required minimum initial level from 0.50, to 0.40;
- 2) The required average initial level from 1.00 to 4.20; and
- 3) The maximum initial level allowed from 8.00 to 21.60

Mr. Hetlage stated for A-03-22, exhibit one will be the application, exhibit two will be the staff report, exhibit three will be the site plan, and exhibit four will be the public hearing notice. For A-04-22, exhibit one will be the application, exhibit two will be the staff report, exhibit three will be the photometric plan, and exhibit four will be the public hearing notices for A-02-22 through A-04-22.

Ms. Sprick stated the Amended Development Plan is reviewed as a new submittal, so it is common for things to not meet current zoning regulations. The dumpster is currently located between the restaurant and the drive through. It has been relocated to the southwest corner of the parking lot. The variance for that row of parking spaces was no longer needed and was withdrawn. The dimensions of the parking spaces need a variance. They do not plan on doing any updates to the parking lot or lighting. Everything will remain the same besides adding a drive through lane.

John Schebaum, Civil Engineer with BFA Engineering, was present and sworn in. He stated they are trying to improve the building with a second drive through lane. A portion of the site meets the requirements for parking spaces, but some do not. The lighting is going to stay as is. The only modifications that may be made would be the upgrading to LED. A photometric plan has been submitted. It is standard to commercial layouts and consistent to what is normally approved.

Mr. Weber stated he sees no problem with the existing situation.

Mr. Hassis asked if the only parking spaces that do not meet the 19 foot requirement are the western spots and if they have been there for a long time.

Ms. Sprick replied yes, the current ordinance requires Amended Development Plans to be viewed as a brand new project.

Mr. Weber called for a vote on petition A-03-22 for a Variance, submitted by LC Restaurant, LLC, to vary dimensions of parking spaces from the required nine feet (9') by nineteen feet (19') to nine feet (9') by eighteen feet (18') for an existing development at 10765 Sunset Hills Plaza (Appendix B, Section 6.3-5A). With five aye votes and zero nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-04-22 Petition for a Variance, submitted by LC Restaurant, LLC, to vary the following illumination standards for the existing development at 10765 Sunset Hills Plaza (Appendix B, Section 6.3-7B): 1) The required minimum initial level from 0.50, to 0.40; 2) The required average initial level from 1.00 to 4.20; and 3) The maximum initial level allowed from 8.00 to 21.60. With five aye votes and zero nay votes, the petition was approved.

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

A-05-22      Petition for a Variance, submitted by Grant Mechlin for Sunset Hills Owner, LLC, to vary the maximum site coverage allowed from 70% to

86.14% for the redevelopment of property at 3600 South Lindbergh Boulevard (Appendix B, Section 4.10-11B3).

A-06-22 Petition for a Variance, submitted by Grant Mechlin for Sunset Hills Owner, LLC, to vary the number of parking spaces allowed without a landscape island for five (5) rows of parking spaces from fifteen (15) spaces, to thirty-six (36) spaces, twenty-five (25) spaces, sixteen (16) spaces, forty-eight (48) spaces and twenty-one (21) spaces for the redevelopment of the property at 3600 South Lindbergh Boulevard (Appendix B, Section 5.13-5B5).

A-07-22 Petition for a Variance, submitted by Grant Mechlin for Sunset Hills Owner, LLC, to vary the front setback for a parking lot from the required ten feet (10') to 1.8 feet and the side setback from the required five feet (5') to zero feet (0') for the redevelopment of property at 3600 South Lindbergh Boulevard (Appendix B, Section 6.3-4A).

Mr. Heltage stated for A-05-22, exhibit one will be the application, exhibit two will be the staff report, exhibit three will be the site plan, and exhibit four will be the hearing notice for A-05-22 thru A-07-22. For A-06-22, exhibit one will be the application, exhibit two will be the staff report, exhibit three will be the site plan, and exhibit four will be the hearing notice. For A-07-22, exhibit one will be the application, exhibit two will be the staff report, exhibit three will be the site plan, and exhibit four will be the hearing notices for A-05-22 through A-07-22.

Ms. Sprick stated for A-05-22, the section number that is referred to is correct, but the number in the staff report was incorrect. There is an Amended Development Plan to redevelop the site for Bass Pro Shop. It has been reviewed as if it were a new development. There are existing and new conditions that do not meet requirements. There has been an increase in site coverage on an already nonconforming situation. They are working on a recommendation made by the Planning and Zoning Commission to straighten out the entrance that could result in additional green space or additional site coverage. They are asking for the worst case scenario. There are five existing rows of parking without a landscape island that do not meet the requirements. They are asking for variances from front and side setback requirements for a parking lot expansion. She showed the expansion on the north edge. All other requirements will be met.

Grant Mechlin, with Sansone Group, was present and sworn in. He stated a lot of the conditions are existing. Overall, landscaping and tree applications are significant. The Bass Pro Shop site development calls for additional green space that is spread throughout development. It will be very unique and beautiful. The variances are warranted. When the project is complete there will be plenty of green space.

Mr. Smith stated the Commission recommendation requested the variances be approved. He asked about the access onto Watson Road.

Ms. Sprick stated he is continuing to work with Missouri Department of Transportation (MoDOT) on the access to Watson Road.

Mr. Mechlin stated they are continuing to work on the recommendations and making progress.

Mr. Hassis asked what the required number of parking spaces is that the ordinance requires.

Ms. Sprick stated they exceed the amount. Developments like these try to add as much parking as possible while meeting Codes.

Mr. Hassis asked if they are adding green space to the Longhorn Steakhouse site.

Ms. Sprick stated yes, they have a cross access parking agreement between the two properties.

Mr. Weber stated he has no opposition. The five foot to zero foot variance is close to Midas. He asked if there will be any issues with parking there.

Ms. Sprick replied no.

Mr. Weber called for a vote on petition A-05-22 Petition for a Variance, submitted by Grant Mechlin for Sunset Hills Owner, LLC, to vary the maximum site coverage allowed from 70% to 86.14% for the redevelopment of property at 3600 South Lindbergh Boulevard (Appendix B, Section 4.10-11B3). With five aye votes and zero nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-06-22 Petition for a Variance, submitted by Grant Mechlin for Sunset Hills Owner, LLC, to vary the number of parking spaces allowed without a landscape island for five (5) rows of parking spaces from fifteen (15) spaces, to thirty-six (36) spaces, twenty-five (25) spaces, sixteen (16) spaces, forty-eight (48) spaces and twenty-one (21) spaces for the redevelopment of the property at 3600 South Lindbergh Boulevard (Appendix B, Section 5.13-5B5). With five aye votes and zero nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-07-22 Petition for a Variance, submitted by Grant Mechlin for Sunset Hills Owner, LLC, to vary the front setback for a parking lot from the required ten feet (10') to 1.8 feet and the side setback from the required five feet (5') to zero feet (0') for the redevelopment of property at 3600 South Lindbergh Boulevard (Appendix B, Section 6.3-4A). With five aye votes and zero nay votes, the petition was approved.

**ANY OTHER MATTERS DEEMED APPROPRIATE**

**ADJOURNMENT**

Mr. Smith made a motion to adjourn the meeting at 8:22 P.M. Mr. Naes seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape