

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI  
MONDAY, MARCH 7, 2022

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met by Zoom on Monday, March 7, 2022. The meeting convened at 7:28 P.M.

ROLL CALL

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

Absent:

**APPROVAL OF MINUTES**

Copies of the minutes of the January 27, 2022 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith made a motion to approve the minutes, as submitted. Mr. Naes seconded the motion, and it was unanimously approved.

**OLD BUSINESS**

A-27-21      Notice of Appeal, submitted by Anthony & Stephanie Garavaglia, to allow the construction of an accessory structure in the side yard for an in ground swimming pool at 13015 Sunset Stream Ct (per Appendix B, Section 5.12A2).

Mr. Malone stated Appendix B, Zoning Regulations, needed to be submitted into the record. For A-27-21, exhibit one is the application, exhibit two is the staff report,

exhibit three is the petitioner information, exhibit four are the letters of opposition, and exhibit five is the public hearing notice.

Ms. Sprick was sworn in and stated in October, the petition was postponed by the petitioner due to not enough information being submitted. More information has been submitted, including the site plan and renderings. All other requirements will be met.

Stephanie Garavaglia was present and sworn in. She stated the home is situated on a cul de sac, so the side yard is considered a front yard.

Mr. Weber asked if the location of the pool will change during construction.

Mrs. Garavaglia stated the pool may rotate approximately 30 degrees, depending on the contractors.

Mr. Weber stated the location has still not been determined.

Mrs. Garavaglia stated they have not met with contractors. They are waiting to receive the variance first because they do not want to commit financially. The dimensions and specific location have been provided. The only thing that may vary is that it may rotate, slightly.

Mr. Weber asked what type of fencing and landscaping will be used.

Mrs. Garavaglia stated they will match the current look of the property, but no specifics have been planned, yet.

Mr. Weber stated the Commission needs more specifics.

Mrs. Garavaglia stated things will move forward when they are going through the permit process.

Mr. Weber stated it is hard to approve the variance without the full information.

Mrs. Garavaglia stated the in-ground pool will be appealing to the eye.

Mr. Baker asked Mr. Malone if the petition needs to be removed from the table.

Mr. Malone stated it could be removed from the table, but it is not necessary.

Mr. Naes stated he is concerned with the lack of detail. The Board was clear that they wanted a real display of what is being built.

Mrs. Garavaglia stated the rendering is conceptual for what they are wanting. Mr. Garavaglia believes a variance is necessary before they can move forward. They do not

want to pay a company, if they are not going to be able to build it. They have fixed the property up and will follow through with the pool.

Mr. Weber stated he was expecting more detail to be provided.

Mr. Arnold asked if the pool could be pushed back more or if it has to be located where it is shown.

Mrs. Garavaglia stated this is where they would like to put it based on setbacks and the elevation of the property. There is no room behind the home or on the other side of it.

Mr. Naes stated there has been minimal detail submitted.

Mr. Weber stated it is difficult to support the petition with minimal detail.

Mr. Hassis suggested tabling the petition, again. He cannot support the variance without more information.

Mr. Weber stated tabling is up to the petitioner.

Mrs. Garavaglia stated the point is to grant a variance for the location and not worry about specifics, such as materials and fencing.

Ms. Sprick stated the next meeting is at the end of April.

Mr. Smith asked if the petition is approved, would the pool be able to be moved anywhere closer to the rear or side property lines.

Ms. Sprick stated the only thing that may change could be a 30 degree counterclockwise rotation.

Mr. Smith asked if it will be rectangle and if it could be any closer to the property lines once rotated.

Mrs. Garavaglia stated this is the location and size they are planning and it will be rectangle.

Mr. Smith asked if the landscaping on the rendering is being voted on or just the pool location. He asked what the requirements for permitting the landscaping and boulders would be. The dimensions of these things are not shown.

Ms. Sprick stated landscaping does not require a permit or have to meet setback requirements. If the boulder wall is part of the pool structure, it will have to meet setback requirements. The vote should assume that the boulders will be present in the side yard.

Mr. Smith asked if it will be rectangle or free form. The documents are contradicting.

Mr. Naes asked if the rectangle includes the deck and boulder wall too.

Ms. Garavaglia stated there will be no decking, other than pathways.

Mr. Naes asked where the pool equipment will be located.

Ms. Sprick stated the pool equipment is required to be screened from adjacent properties and the street.

John Muller, of 13016 Sunset Stream Court, was sworn in. He stated the pool will be located directly in front of his front yard. The plans are similar to what was already submitted and the Garavaglias have not submitted plans to the subdivision trustees. A hardship cannot be the result of the applicant's own actions. They subdivided two lots and they had the opportunity to ask for the pool and variance before the lot was divided. A hardship cannot be detrimental to public welfare, but the neighbors will have to live with it for a long time. He is not comfortable without having more detail. Pool companies will supply this information without charging anything. He is against the location. The pool will be built into a hill, so the front facing side could end up being a concrete wall.

Mrs. Sprick stated a letter was received by Mike and Cindy Morris, of 13012 Pagada Parkway, asking the Board to deny the petition. They live behind the Garavaglias and they oppose the placement. It will be visible from their front door and their bedroom window. The noise will also be disturbing.

Mrs. Garavaglia stated when the property was purchased; it was vacant for ten years. The pool cannot be located in any other location due to water drainage issues from the Tapawingo subdivision. The filtration system will be located behind a brick wall on the side of the building or inside the house.

Ann Marie Hawkins, of 13010 Sunset Stream Court, was sworn in. She stated her property gets a lot of water runoff. Pools have to be drained and there is nowhere else for the water to go besides down to her property. She would like a more clear idea of where it will be located. The Garavaglias have a large front yard and the other side of the house backs up to other back yards. It should go in one of those places.

Mr. Weber stated he disagrees with the drainage coming onto her property and a pool will not go into a front yard.

Mr. Weber called for a vote on petition A-27-21 Notice of Appeal, submitted by Anthony & Stephanie Garavaglia, to allow the construction of an accessory structure in

the side yard for an in ground swimming pool at 13015 Sunset Stream Ct (per Appendix B, Section 5.12A2). With 0 aye votes and 5 nay votes, the petition was denied.

## **NEW BUSINESS**

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

A-08-22      Petition for a Variance, submitted by Alan Orr, to vary the side setback from the required fifteen feet (15') to five feet (5') for an attached garage addition at 12638 Bradford Woods Drive (Appendix B, Section 4.3-4B1b).

A-09-22      Petition for a Variance, submitted by Alan Orr, to vary the maximum building coverage from fifteen percent (15%) to twenty-one percent (21%) for an addition at 12638 Bradford Woods Drive (Appendix B, Section 4.3-4D).

Mr. Malone stated Appendix B, Zoning Regulations, need to be submitted into the record. For A-08-22, exhibit one is the application, exhibit two is the staff report, exhibit three is the petitioner information, exhibit four is the trustee approval, exhibit five is the subdivision indentures, and exhibit six is the public hearing notice. For A-09-22, exhibit one is the application, exhibit two is the staff report, exhibit three is the petitioner information, exhibit four is the trustee approval, exhibit five is the subdivision indentures, and exhibit six is the public hearing notice.

Ms. Sprick stated this project is a room addition and an attached garage. The garage would line up with the existing driveway and it would be located five feet from the existing property line. The building coverage requirement is 13% and it will be 19.7% with the addition and garage. Currently, the lot is zoned R-1, but it does not meet the minimum lot size requirement. It aligns with the R-2 zoning district, with a minimum lot size of 20,000 square feet and coverage up to 20%. All other requirements will be met.

Alan Orr was present and stated they would like a three car garage attached to the home for their teenagers' cars. The trustees and neighbors have approved the project.

Mr. Weber asked if the pool is already there.

Mr. Orr replied yes.

Mr. Weber asked if an enclosed patio and a garage are being proposed.

Mr. Orr stated yes, and the garage has no living space.

Mr. Weber asked if this additional garage space brings them up to having enough space for five cars.

Mr. Orr replied yes.

Mr. Hassis asked what the side setback for the R-2 zoning district is.

Ms. Sprick stated it is ten feet.

Mr. Naes asked if the enclosed patio is attached to the new garage.

Tracy Collins, architect with Architectural Design Group, was sworn in. She stated this is the best placement for navigating in and out of the garage. The enclosed patio has double doors entering the home, which they did not want to alter.

Mr. Weber asked if the direct neighbors and the neighbors behind them approve.

Mr. Orr stated yes.

Mr. Weber called for a vote on petition A-08-22 Petition for a Variance, submitted by Alan Orr, to vary the side setback from the required fifteen feet (15') to five feet (5') for an attached garage addition at 12638 Bradford Woods Drive (Appendix B, Section 4.3-4B1b). With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-09-22 Petition for a Variance, submitted by Alan Orr, to vary the maximum building coverage from fifteen percent (15%) to twenty-one percent (21%) for an addition at 12638 Bradford Woods Drive (Appendix B, Section 4.3-4D). With 5 aye votes and 0 nay votes, the petition was approved.

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

Ms. Sprick stated there will be no meeting on March 24, 2022. The next meeting is April 28, 2022.

Mr. Weber asked if the next meeting will be in person.

Ms. Sprick stated the Board of Aldermen is still waiting for new technology that will allow some to join from home.

Mr. Baker stated he will keep them posted on the status of the upgrades.

Mr. Weber stated the Board could spread out and there usually are not many other people at the meetings. He would like to have the meeting in person.

Mr. Baker stated the chairman usually gets to make that call. More clarification will be made at the Board meeting.

Mr. Smith agreed on in person meetings.

## **ADJOURNMENT**

Mr. Smith made a motion to adjourn the meeting at 8:34 P.M. Mr. Arnold seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape