

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, MARCH 25, 2021

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met by Zoom meeting on Thursday, March 25, 2021. The meeting convened at 10:00 A.M.

ROLL CALL

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

Absent:

**APPROVAL OF MINUTES**

Copies of the minutes of the January 28, 2021 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.

**NEW BUSINESS**

A-03-21 Notice of Appeal, submitted by Freda Bridges, to vary the maximum height of a privacy fence from six feet (6') to eight feet (8') along the rear property line at 421 Spears Street. Appendix B Zoning Regulations, Section 5.14-2A1.

Ms. Sprick stated the property is close to highway 44 and there are no homes between this property and the highway. A sound wall type of fence is being proposed. There has been no feedback from neighboring property owners.

Mr. Smith asked if the height is the only thing being voted on; not the building materials.

Ms. Sprick replied yes.

Mr. Weber stated he has no objection due to the location and highway noise.

Mr. Smith and Mr. Cox agree.

Mr. Weber called for a vote on petition A-03-21 Notice of Appeal, submitted by Freda Bridges, to vary the maximum height of a privacy fence from six feet (6') to eight feet (8') along the rear property line at 421 Spears Street. With 5 aye votes and 0 nay votes, the petition was approved.

A-04-21 Notice of Appeal, submitted by Joe Figge, to vary the rear setback from the required seventy-five feet (75') to thirteen feet (13') for the construction of a commercial structure at 3825 South Lindbergh Boulevard. Appendix B Zoning Regulations, Section 4.9-4B2a.

Ms. Sprick stated the petitioner would like to use the existing concrete pad and two adjoining parking areas. A structure cannot be built on the property without a variance due to the size and location. All other zoning requirements will be met. A fence and landscaping will be placed along the residential property line.

Mr. Jones stated the agenda states the structure will be 12 feet from the property line, but all other documents state 13 feet. The agenda is wrong and 13 feet is being requested.

Mr. Weber asked what type of structure and business is being proposed.

Joe Figge, was present and stated the business will be a farmers' market in a 30 foot by 60 foot metal building. There will be four garage doors on the front side and one on the back side. All doors will be open in the summer time as an open air farmers' market.

Mr. Cox asked how the back garage door will be accessed or if it is just for air flow.

Mr. Figge replied it will only be for air flow.

Mr. Naes asked if the City has any restrictions on the type of building.

Ms. Sprick stated the City does not have an architectural review board, so there are no restrictions.

Mr. Naes asked about the hours of operation and delivery times.

Mr. Figge stated the market will be open from 8:00 A.M. to 7:00 P.M. and deliveries will be done in the morning around 10:00 A.M.

Mr. Naes asked what type of sanitation or waste management will be used to reduce the chance of attracting vermin.

Mr. Figge stated a dumpster will be on site and all requirements will be met.

Mr. Jones asked if he anticipates any outdoor display of merchandise.

Mr. Figge stated the produce will be located inside. Flowers, pumpkins, and Christmas trees will be placed outside seasonally.

Mr. Jones stated the City does not permit outdoor display of merchandise.

Mr. Figge replied okay.

Mr. Cox asked about the lot to the west.

Ms. Sprick stated it is zoned residential, but it is vacant.

Mr. Smith asked if there was a building on the site that got variances to be built, but destroyed by a tornado.

Ms. Sprick replied yes.

Mr. Smith asked if a variance could be given to display outdoor merchandise.

Ms. Sprick stated there is an ordinance that allows this in a Planned Development district. The outdoor storage can only take up 44 spaces or be placed on the sidewalk, but the facility has to be 1,000 square feet. If the petitioner wanted to attempt a text amendment to allow outdoor storage, a conditional use permit would be required.

Mr. Smith asked how the City allows Christmas tree lots.

Ms. Sprick stated the City does not allow them.

Mr. Weber called for a vote on petition A-04-21 Notice of Appeal, submitted by Joe Figge, to vary the rear setback from the required seventy-five feet (75') to thirteen

feet (13') for the construction of a commercial structure at 3825 South Lindbergh Boulevard. With 5 aye votes and 0 nay votes, the petition was approved.

A-05-21 Notice of Appeal, submitted by Louis Henry (Space & Form Architects) to vary the maximum size of a detached garage from 1,200 square feet to 1,800 square feet for an existing detached garage at 9255 Robyn Road. Appendix B Zoning Regulations, Section 4.4-4F.

Ms. Sprick stated this is an existing structure. Before the property was included in a minor subdivision last year, it was nonconforming. A condition was placed on the lot, that a variance must be approved for the structure. The City suggests two conditions and no feedback has been received from neighboring property owners.

Louis Henry, with Space & Form Architects, was present and stated that Mr. Vogel was interested in the property because of the garage. He would like to house his car collection in the structure. The new residence will have an attached, two car garage. This variance requirement was not disclosed until after the property was purchased. The structure is metal, but will be upgraded with materials to match the new home. He has already invested money into the structure to enhance it.

Joe Vogel, homeowner, was present and stated the structure is not metal; it has siding. A lot of renovations have been done to it and it is the reason he bought the property. The house will be in front of the garage and it will not be seen from the street, for the most part.

Mr. Cox stated he is okay with this.

Mr. Smith asked about the exterior requirements matching the house. Since there is no house on the site, he asked if a condition can be made that the house exterior matches the garage.

Ms. Sprick stated this is a condition.

Mr. Vogel stated it will match the new house.

Mr. Smith asked if the lot had not been subdivided, if it would have been able to remain, as is.

Ms. Sprick stated yes.

Mr. Jones stated the conditions will need to be added into the vote and the second condition will need to be re-worded so that it states, the garage must be remodeled to match the exterior of the home.

Mr. Sprick called for a vote on petition A-05-21 Notice of Appeal, submitted by Louis Henry (Space & Form Architects) to vary the maximum size of a detached garage from 1,200 square feet to 1,800 square feet for an existing detached garage at 9255 Robyn Road. Appendix B Zoning Regulations, Section 4.4-4F. With 5 aye votes and 0 nay votes, the petition was approved with the conditions that the structure must not be used for any business activity and it must be remodeled in a style compatible to and of similar material as the proposed residence.

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

A-06-21 Notice of Appeal, submitted by Deanna Violette, to vary the front setback from the required thirty feet (30) to twenty-six feet (26') for an attached garage addition at 9436 Oakwood Manor Lane. Appendix B Zoning Regulations, Section 4.6-4B1a.

A-07-21 Notice of Appeal, submitted by Deanna Violette, to allow the use of grass pavers as an alternative to durable dust-free and hard material for the construction of a driveway at 9436 Oakwood Manor Lane. Appendix B Zoning Regulations, Section 6.3-1A1.

Ms. Sprick stated the residence on the property is about 50 feet from the front property line. The existing garage will be converted to add additional living space. All other requirements will be met. Driveways are required to be graded, paved, and properly drained. The grass pavers will be used as an alternative for better drainage.

Deanna Violette, homeowner, and Matt Schaeber, architect, were present. Mr. Schaeber stated the existing garage and the new addition will be used as additional living space. Various options were looked at for the garage addition placement, but the back yard drops off eight feet. They would like to be as resourceful as possible and use what is already there. Retaining the existing deck was also important. The cul de sac causes the lot to have an irregular shape. Just the corner of the new garage is encroaching. The grass pavers are used to reduce water runoff. The client was interested in a sustainable option. The product is dust free, durable, and it allows water to drain back into the ground, rather than running off into the sewers. The driveway will look like a lawn with a gravel base, which is compacted. Plastic grids are placed and filled with an engineered soil medium and sod is placed on top. It is rated for commercial use and vehicular traffic.

Ms. Violette stated the houses nearby have the garage out front, like this, so it will fit in aesthetically. The home is in a valley and receives a lot of water runoff, so the grass pavers will help. A French drain and sewer drain have been placed on site to help with this, as well.

Mr. Weber asked about the condition stating that if the grass pavers are in failure, they be replaced with a normal driveway that meets City requirements.

Ms. Sprick stated that is a staff recommendation. If the grass pavers are in failure and they are not maintained, they will have to be removed and replaced with a traditional driveway.

Mr. Baker stated the only way there will be any issues, is if it is not being maintained.

Mr. Cox asked if the neighbor that opposes the driveway knows about the condition being placed.

Mr. Naes stated the person was working during the meeting and could not join.

Mr. Smith asked if a concrete system has been considered.

Ms. Violette stated it is eco-friendly and durable. They were looking for the most porous solution.

Mr. Naes asked what the life of the material is.

Ms. Violette stated approximately 15 years when used commercially. She anticipates a longer use than that.

Mr. Naes mentioned UV exposure and asked if the sod will be over the plastic.

Ms. Violette stated yes.

Mr. Cox asked if it will look like a lawn.

Ms. Violette said yes and it will be decorative with landscape.

Mr. Sprick called for a vote on petition A-06-21 Notice of Appeal, submitted by Deanna Violette, to vary the front setback from the required thirty feet (30) to twenty-six feet (26') for an attached garage addition at 9436 Oakwood Manor Lane. Appendix B Zoning Regulations, Section 4.6-4B1a. With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Sprick called for a vote on petition A-07-21 Notice of Appeal, submitted by Deanna Violette, to allow the use of grass pavers as an alternative to durable dust-free

and hard material for the construction of a driveway at 9436 Oakwood Manor Lane. Appendix B Zoning Regulations, Section 6.3-1A1. With 5 aye votes and 0 nay votes, the petition was approved with the condition that if the grass paver system is found to be in failure, the property owner must replace it with materials required in Appendix B Section 6.3-1A1.

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

A-08-21 Notice of Appeal, submitted by Jubilee Church, to allow a wall sign on the southern, non-street facing wall at 10801 Sunset Office Drive. Appendix D Sign Regulations, Section 5a2.

A-09-21 Notice of Appeal, submitted by Jubilee Church, to allow a wall sign on the eastern, non-street facing wall at 10801 Sunset Office Drive. Appendix D Sign Regulations, Section 5a2.

Ms. Sprick stated both signs are on non-street facing walls and this is not allowed. The building is located on a corner and allowed to have two wall signs. One is proposed to be seen from Watson Road and one from the parking lot. The trustees of the neighborhood have sent their approval.

Mr. Jones asked that the approval be marked as exhibit A and kept in the record.

John Hassis, of Jubilee Church, was present and stated an MSD sewer main forced the building to be constructed closer to the street and the front of the building faces east. When entering from Watson Road, the building is not as visible. The access from Lindbergh Boulevard makes it to where the sign on the parking lot side would be more visible.

Mr. Weber has no issue with the request.

Mr. Smith asked if the total square footage of the signs comply with requirements.

Mr. Naes asked if there will be other signage, like a monument sign.

Mr. Sprick stated one monument sign is being proposed on the north side of the property, by the entrance and no variance is required for it.

Mr. Sprick called for a vote on petition A-08-21 Notice of Appeal, submitted by Jubilee Church, to allow a wall sign on the southern, non-street facing wall at 10801

Sunset Office Drive. Appendix D Sign Regulations, Section 5a2. With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Sprick called for a vote on petition A-09-21 Notice of Appeal, submitted by Jubilee Church, to allow a wall sign on the eastern, non-street facing wall at 10801 Sunset Office Drive. Appendix D Sign Regulations, Section 5a2. With 5 aye votes and 0 nay votes, the petition was approved.

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

Mr. Weber stated that Mr. Cox has decided to retire from the Board of Adjustment, after over 20 years.

Mr. Cox stated he was on the police board, as well.

Mr. Weber stated his service and input is appreciated and asked if there is anything on the agenda for April.

Ms. Sprick stated yes, on April 22<sup>nd</sup> there will be a variance requested for the setback of a pool.

Mr. Weber stated in person meetings will wait until the Board of Aldermen goes back to them, as well.

### **ADJOURNMENT**

Mr. Cox made a motion to adjourn the meeting at 11:01 A.M. Mr. Smith seconded the motion, and it was unanimously approved.

Recording Secretary

  
Sarina Cape