

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, JUNE 27, 2019

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, June 27, 2019. The meeting convened at 7:00 p.m.

ROLL CALL

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



APPROVAL OF MINUTES

Copies of the minutes of the March 28, 2019 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith made a motion to approve the minutes as submitted. Mr. Cox seconded the motion, and it was unanimously approved.



NEW BUSINESS

A-05-19 Notice of appeal, submitted by Stephen & Julie Stutko, to vary the rear setback from the required 30 feet to 19 feet for the construction of a room addition at 12415 Cinema Lane.

Mr. Baker stated the residence was constructed in 1954 before annexation into the City, making it legally non-conforming. The proposed room addition does not meet setback requirements.

Stephen Stutko, of 12415 Cinema Lane, was present and stated he would like a variance to build an addition 19 feet from the property line instead of the required 30

feet. Due to the unusual shape of the property, he is requesting a variance to build into the setback area, which will allow a proper sized room for their growing family.

Mr. Weber asked if the addition is the same size as the existing porch.

Mr. Stutko stated the addition is larger. The sunroom was built in an unusual spot on an existing concrete pad.

Mr. Weber asked about the adjacent neighbor, who provided a letter stating they were okay with the proposed addition.

Mr. Stutko stated yes, his neighbor approves of the addition.



Mr. Weber called for a vote on petition A-05-19 Notice of appeal, submitted by Stephen & Julie Stutko, to vary the rear setback from the required 30 feet to 19 feet for the construction of a room addition at 12415 Cinema Lane. There being 5 aye votes and 0 nay votes, the petition was unanimously approved.



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

- A-06-19 Notice of appeal, submitted by David Fultz, to vary the number of trees and shrubs required along the right of way from 31 trees and 124 shrubs to seven (7) trees and 27 shrubs at 12900 Maurer Industrial Drive.
- A-07-19 Notice of appeal, submitted by David Fultz, to vary the number of parking spaces allowed without the provision of a landscape planting area from fifteen (15) spaces to twenty (20) spaces. This applies to one (1) row of parking in the existing parking lot at 12900 Maurer Industrial Drive.
- A-08-19 Notice of appeal, submitted by David Fultz, to vary the setback of a parking lot from the required ten feet (10') from the right of way to two feet, seven inches (2' 7"). Also, to vary the setback of a parking lot from the required five feet (5') from the side property line to three feet, seven inches (3' 7") at 12900 Maurer Industrial Drive.

A-09-19 Notice of appeal, submitted by David Fultz, to vary the width of parking spaces with a 90° angle from the required 9 feet (9') to 8 feet 9 inches at 12900 Maurer Industrial Drive.

A-10-19 Notice of appeal, submitted by David Fultz, to vary the lighting standards in an existing parking lot at 12900 Maurer Industrial Drive from:

0.5 minimum foot-candles to 0 foot-candles;

1 average foot-candles to 1.9 foot-candles;

8 maximum foot-candles to 20.2 foot-candles



Mr. Baker stated this is an existing building that was constructed in 2002, as Vatterot College. The new office is working to move in immediately and would like to leave the structure the way it is. Being zoned as a Planned Development, any change in use must meet all current Code requirements. There are five items that need to be addressed. They would like to vary the number of required trees and shrubs to 31 trees and 124 shrubs. They would like to vary the number of parking spaces allowed in a row without a landscaping island from 15 spaces to 20. Currently, there are rows with 20 spaces in a row instead of the required 15. They would like to vary the parking lot setback requirements from the required 10 feet from the right of way to 2 feet. They would like to vary the width of parking spaces that have a 90 degree angle. Currently the spaces are 3 inches more narrow than what is required. Lighting standards would need a variance, as well.

Jay Reeves and David Fultz, with DriveCentric, were present. Mr. Reeves stated DriveCentric is closing on the building on July 10, 2019. They would like to move in July 14th and use the building, as is. They plan for big improvements to be made in the future, but have not yet designed the building and landscaping. In time, they will exceed the planting requirements.

Mr. Smith asked Mr. Jones if the variances are granted, will they have to come back for variances in the future.

Mr. Jones replied no.

Mr. Naes asked if a condition can be made that states landscaping has to be put in at a later date.

Mr. Jones stated when they ask for zoning approval, there will be another chance to require new landscaping.

Mr. Smith asked if the landscaping is rejected, what kind of affect it will have on DriveCentric's plans to move in right away.

Mr. Baker stated they can get a temporary occupancy until landscaping is placed.

Mr. Weber asked about the company and future expansions.

Mr. Reeves stated there are no plans to increase square footage due to capacity of the site. Interior and exterior improvements, such as patios, will be completed in the future.

Mr. Weber asked about the exterior, stating it would need to be cleaned.

Mr. Fultz stated the exterior of the building will be thoroughly cleaned within the following weeks.

Mr. Weber stated the parking lot needs to be re-sealed and re-stripped.

Mr. Fultz stated he does not want to invest money into things that will eventually be torn out in the re-design phase. They plan for future updates, but they do not have plans drawn yet.

Mr. Jones stated there is a Code that allows restriction of variance for a specific duration. A variance can be granted for a certain amount of time, and they would have to come back or have met the requirements by that time.

Mr. Weber stated he is more inclined to go with a time limit on the variance.

Mr. Fultz stated there are some expectations that cannot be met on the grounds in regards to the frontage.

Mr. Smith stated the variance would have to be done in faith and staff would have to make them adhere to the Code. A temporary occupancy can be granted for the company to move in.

Mr. Cox stated the setback is a few feet, but looking at the distance between the parking spaces and the highway it is 20 feet.

Mr. Baker stated that is the right of way for Gravois Road, which is Missouri Department of Transportation's (MoDOT's) property.

Mr. Jones stated MoDOT has allowed plantings in their right of way in the past and this may be an option.

Mr. Reeves stated currently the plantings could not be met because they would have to take away parking spaces. They expect to have negotiations with MoDot in the future.



Mr. Naes asked if language would be added to make the variances time-bound for two years.

Mr. Smith responded he believes two years is too long and requests the duration be six months.

Mr. Weber responded that six months is too short.

Mr. Weber called for a vote on petition A-06-19 Notice of appeal, submitted by David Fultz, to vary the number of trees and shrubs required along the right of way from thirty one (31) trees and one hundred and twenty four (124) shrubs to seven (7) trees and twenty seven (27) shrubs at 12900 Maurer Industrial Drive with the condition that a time limit of one (1) year be placed on the motion. There being 5 aye votes and 0 nay votes, the motion was unanimously approved as amended.

Mr. Cox made a motion to amend the original motion to add a one year time limit, Mr. Smith seconded.

Mr. Reeves stated there is only 1 parking aisle bay with 20 spaces in a row.

Mr. Naes stated the new parking space widths may eliminate a few spaces and help them meet requirements.

Mr. Baker stated they will still be over the 15 required spaces.

Mr. Naes inquired if five spaces could be left unstriped.

Mr. Baker stated they have enough parking, so that is an option to be considered.

Mr. Reeves stated all parking will not be used in the short term, but in time, they plan on consuming all parking areas.

Mr. Smith stated there are 147 spots, currently, and they are only required to have 111 spots. He favors landscaping and is opposed to the request.



Mr. Weber called for a vote on petition A-07-19 Notice of appeal, submitted by David Fultz, to vary the number of parking spaces allowed without the provision of a

landscape planting area from fifteen (15) spaces to twenty (20) spaces. This applies to one (1) row of parking in the existing parking lot at 12900 Maurer Industrial Drive. There being 4 aye votes and 1 nay votes, the petition was approved.



Mr. Baker stated the parking lot setback would be extremely difficult to meet. They would have to update the parking lot, they will lose parking spaces, and it would impact driving lanes.

Mr. Weber called for a vote on petition A-08-19 Notice of appeal, submitted by David Fultz, to vary the setback of a parking lot from the required ten feet (10') from the right of way to two feet, seven inches (2' 7"). Also, to vary the setback of a parking lot from the required five feet (5') from the side property line to three feet, seven inches (3' 7") at 12900 Maurer Industrial Drive. There being 5 aye votes and 0 nay votes, the petition was unanimously approved.



Mr. Cox asked if they will meet the requirements when the parking lot is re-stripped.

Mr. Reeves replied yes.

Mr. Weber called for a vote on petition A-09-19 Notice of appeal, submitted by David Fultz, to vary the width of parking spaces with a 90° angle from the required 9 feet (9') to 8 feet 9 inches at 12900 Maurer Industrial Drive. Mr. Smith made a motion to add the condition that a time limit of one year be placed on the approval. Mr. Cox seconded the motion. There being 5 aye votes and 0 nay votes, the petition was approved as amended.



Mr. Cox asked if maximum lighting requirements are mainly for residential neighbors.

Mr. Baker replied yes, although in this case there are no residential areas nearby. He asked Mr. Reeves if they plan to do some lighting improvements.

Mr. Reeves replied yes.

Mr. Weber called for a vote on petition A-10-19 Notice of appeal, submitted by David Fultz, to vary the lighting standards in an existing parking lot at 12900 Maurer Industrial Drive from:

0.5 minimum foot-candles to 0 foot-candles;

- 1 average foot-candles to 1.9 foot-candles;
- 8 maximum foot-candles to 20.2 foot-candles

There being 5 aye votes and 0 nay votes, the petition was unanimously approved.

Mr. Reeves asked if the one year limit means the plans have to be submitted and approved within that time.

Mr. Jones stated the plans need to be submitted to staff for approval and if the requirements are met, they will not need to come back in front of the Board of Adjustment.



ANY OTHER MATTERS DEEMED APPROPRIATE

Mr. Weber stated a town hall meeting will take place for the new Zoning Code update on July 8th for residents to make comments. July 10th the Planning and Zoning Commission will meet to discuss resident feedback during a work session. The Commission will vote on the update July 17th, making a recommendation to Board of Alderman.



ADJOURNMENT

Mr. Weber made a motion to adjourn the meeting at 7:33 P.M. Mr. Smith seconded the motion, and it was unanimously approved.

Recording Secretary

Sarina Cape