

A-04-22

Title: Application for Variance, submitted by LC Restaurant, LLC, to vary the illumination standards from 0.5 to 0.4 minimum, 1.0 to 4.2 average and 8.0 to 21.6 maximum footcandles at 10765 Sunset Hills Plaza (Appendix B, Section 6.3-7B).

Owner: Sunset Hills Owner LLC c/o Sansone Group
120 South Central Avenue, Suite 500
St Louis, Missouri 63105

Date: January 2022



*Maps are for informational use only. Not a representation of the project.

Summary:

This Application is to vary the illumination standards at 10765 Sunset Hills Plaza. The property is located on the south side of Watson Road, approximately 460 feet east of Sunset Hills Plaza. The property is currently zoned PD-BC Planned Development – Business Commercial. All surrounding properties are also zoned PD-BC.

History:

A Conditional Use Permit (P-24-96) was approved in 1996 and the existing 3,535 square foot restaurant was constructed in 1997.

The Petitioner has applied for an Amended Development Plan to add a second drive thru lane and patio to the existing restaurant. At the January 5, 2022 Meeting, the Planning & Zoning Commission recommended approval of the Amended Development Plan to the Board of Aldermen with the following conditions:

1. All necessary variances from the requirements of Appendix B approved by the Board of Adjustment;
2. The development plan is approved by Mehlville Fire District.

Staff analysis:

This Application is to vary the requirements in Appendix B Zoning Regulations, Section 6.3-7B, which requires the following illumination standards (in footcandles):

1. Minimum initial level at any point on the parking area or drive: 0.50
2. Average initial level: 1.00
3. Maximum initial level, five (5) feet from the base of a light standard: 8.00

Readings for the existing lighting are:

1. Minimum initial level at any point on the parking area or drive: 0.4
2. Average initial level: 4.2
3. Maximum initial level, five (5) feet from the base of a light standard: 21.6

The Petitioner is not proposing any changes to this part of the development and is requesting a Variance from this requirement.

Per Appendix B Zoning Regulations, Section 9.3-2 Findings: The Board of Adjustment may grant variances from the strict application of this Ordinance when by reason of the strict

application of this Ordinance or Amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such variance can be granted without substantial impairment of the intent, purpose and integrity of this ordinance. It is further provided that this provision shall not permit the board of adjustment to permit a use of land not authorized by the provisions of this ordinance for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this ordinance for any particular zoning district. Before granting a variance, there must be a finding by the Board of Adjustment that all of the following conditions exist:

(A) That if the owner complied with the provisions of this ordinance, the owner would not be able to make any reasonable use of the property which is permitted in the district in which the property is located.

If the owner complied with the provisions of this ordinance, they would be able to make use of the property as it currently exists.

(B) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district.

The difficulties and hardships could be considered peculiar to this property. This is an existing condition.

(C) That the hardship was not the result of the applicant's own action and is not merely financial or pecuniary.

The hardship is not the result of the applicant's own action. The petitioner proposes to occupy the site with existing conditions. The hardship is not financial or pecuniary.

(D) That the issuance of a variance will not be detrimental to the public welfare or health or injurious to other property.

Based on the information provided by the petitioner, this variance should not be detrimental to the public welfare or health or injurious to other property.

If the Board believes that application of this Ordinance would result in unusual difficulty or unreasonable hardship upon the owner of said property, this Variance should be approved.