

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI  
THURSDAY, SEPTEMBER 22, 2022

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, September 22, 2022. The meeting convened at 7:00 P.M.

ROLL CALL

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

Absent:

**APPROVAL OF MINUTES**

Copies of the minutes of the August 25, 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. Arnold seconded the motion, and they were unanimously approved.

**NEW BUSINESS**

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

A-31-22      Petition for a Variance, submitted by Balke Brown Transwestern, to vary the number of loading parking spaces from the required two (2) spaces to

zero (0) for two (2) buildings for an existing development at 3850 S Lindbergh Blvd.

A-32-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the requirement of a six to eight foot (6'-8') sight-proof fence to a six foot (6') chain link fence for an existing development at 3870 S Lindbergh Blvd.

A-33-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the following lighting requirements:

- 1) Maximum initial level at the exterior property line from the 0.2 to 0.5;
  - 2) Maximum initial level five feet (5') from the property line from 0.0 to 2.6 and;
  - 3) Average levels within the parking area from 1.0 to 2.28.
- for an existing development at 3850 & 3870 S Lindbergh Blvd.

A-34-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the number of trees and shrubs required along the frontage from fifteen(15) trees and fifty-seven (57) shrubs to seven (7) trees and zero (0) shrubs for an existing development at 3850 S Lindbergh Blvd.

A-35-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the number of parking spaces allowed without a landscape island from fifteen (15) to nineteen (19) spaces and twenty-two (22) spaces for an existing development at 3870 S Lindbergh Blvd.

A-36-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the size of landscape islands from the required 170 square feet to 141 square feet for an existing development at 3850 S Lindbergh Blvd.

A-37-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the size of landscape islands from the required 170 square feet to 144 and 169 square feet for an existing development at 3870 S Lindbergh Blvd.

**This Variance has been combined with A-36-22.**

Ms. Rodamaker stated exhibit one is the Appendix B of the Code of Ordinances of the City of Sunset Hills. Exhibit two is the application for A-31-22. Exhibit three is the staff report for A-31-22. Exhibit four is the Amended Development Plan for A-31-22 through A-37-22. Exhibit five is the hardship information for A-31-22 through A-37-22. Exhibit six is the public hearing for A-31-22 through A-37-22. Exhibit seven is the application for A-32-22. Exhibit eight is the staff report for A-32-22. Exhibit nine is the application for A-33-22. Exhibit ten is the staff report for A-33-22. Exhibit eleven is the lighting plan for A-33-22. Exhibit twelve is the application for A-34-22. Exhibit thirteen is the staff report for A-34-22. Exhibit fourteen is the application for A-35-22. Exhibit fifteen is the staff report for A-35-22. Exhibit sixteen is the application for A-36-22. Exhibit seventeen is the staff report for A-36-22.

Ms. Sprick was sworn in and stated the original three properties have property lines going through the middle of the buildings. The petitioner applied for a Boundary Adjustment to combine them. There will be one property line separating two properties. Boundary Adjustments require an Amended Development Plan. The site does not meet current requirements. No redevelopment or changes are being proposed, at this time. They are trying to get a clean title to finish the sale on the properties. The front property contains retail space. The two front buildings require loading spaces and do not have them. There is no sight proof fence along the east property line and it is adjacent to property that is zoned residential. The residentially zoned property is Heimos Greenhouses. The lighting requirements are not met on three instances. The trees and

shrubs along the property frontage do not meet requirements. There are 6 rows of parking with 19 spaces and 1 with 22 spaces, without a landscaping island.

George Stock, with Stock and Associates, was present, sworn in, and stated that Balke Brown Transwestern bought the property knowing the property lines needed a Boundary Adjustment. It is a well maintained property.

Mr. Smith stated the development is very nice and well maintained. The fence along the east side is in relatively bad shape. It is a six foot high fence, but it is two feet off the ground. The railroad ties are in bad shape. He requested the fence be maintained to match the rest of the property.

Mr. Weber asked if they could fix it.

Mr. Stock stated there is a lot of vegetation on it. If it needs maintenance, it will be done.

Ms. Sprick stated if a complaint is received about the fence, Ms. Cape will go out and look at it. If it is in bad shape, she will cite the property owner and require them to fix it. If an occupancy inspection is being performed, it would not pass the inspection. Ms. Cape would notify the property owner and give them plenty of notice to have the fence repaired. She would not stop a tenant from moving in, but she would make sure the owner was aware.

Mr. Smith stated the fence is not in failure and it is hard to see from the parking lot, due to the elevation and grade.

Mr. Weber called for a vote on petition A-31-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the number of loading parking spaces from the required two (2) spaces to zero (0) for two (2) buildings for an existing development at 3850 S Lindbergh Blvd. With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-32-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the requirement of a six to eight foot (6'-8') sight-

proof fence to a six foot (6') chain link fence for an existing development at 3870 S Lindbergh Blvd. With 5 aye votes and 0 nay votes, the petition was approved.

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Mr. Weber called for a vote on petition A-36-22 Petition for a Variance, submitted by Balke Brown Transwestern, to vary the size of landscape islands from the required 170 square feet to 141 square feet, 144 square feet, and 169 square feet for an existing development at 3850 S Lindbergh Blvd. With 5 aye votes and 0 nay votes, the petition was approved.

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

Mr. Weber asked about the status of the Bass Pro Shops development.

Ms. Sprick stated they are purchasing The Tile Shop space. They will have boat service bays in that space and they will need a Conditional Use Permit. They are working on getting a new sign package to present.

Mr. Weber asked if this would change any of the variances that were already granted.

Ms. Sprick stated none of the conditions would be closer to meeting requirements.

### **ADJOURNMENT**

Mr. Smith made a motion to adjourn the meeting at 7:24 P.M. Mr. Arnold seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape