

Board of Adjustment Staff Report

Meeting Date: July 27, 2023
Location: 13190 Gravois Road
Applicant: Missouri American Water Company
Description: **13190 Gravois Road (MAWC):** A request for a variance from the City of Sunset Hills City Code, Appendix A, Section 4 to provide a drivable surface of gravel on a property zoned NU Non-Urban.

SUMMARY:

Missouri American Water, Inc. is the owner of property located at 13190 Gravois Road. The property is currently zoned NU-Non Urban. The NU zoning designation has a list of permitted and conditional uses outlined in the City of Sunset Hills' Unified Development Ordinance (UDO). Currently a raw water intake pump station, operated by Missouri American Water Company. (MAWC), exists on the property (Figure 1). A water intake pump station is classified under the "water system facility" use in accordance to the City's UDO. The use "water system facility" is permitted in the NU zoning district with a Conditional Use Permit (CUP).

Currently an application is under review for a CUP to remove the existing facility and build a new 2,500 square foot water systems facility directly to the north of the original location. The new facility is accessed by the existing gravel road. An extension of the gravel lot is depicted to support the new building. **This request is for a variance from the City of Sunset Hills City Code, Appendix A, Section 4 to provide a drivable surface of gravel on a property zoned NU Non-Urban.**



Figure 1: Existing Facility

SITE HISTORY:

This facility was constructed in 1956, when the property was in unincorporated St. Louis County. The property was annexed in 1996 and continued to operate as originally intended. In 2015 a CUP was approved to make structural improvements to the intake facility. The improvements were intended to reinforce the structural integrity of the facility.

COMPREHENSIVE PLAN:

The Land Use Plan is a component of the City of Sunset Hills Comprehensive Plan. This plan is a 2-dimensional map that depicts the desired development pattern of the City created by and utilized for the Sunset Hills' community. Each color of the plan demonstrates a land use designation to guide future development in the City. Understanding that the intake facility is a large structure providing a necessary utility, it is important to understand future development designations for this site and the surrounding properties. As we can see in Figure 2, the land use designation for the property is a utility and the surrounding land uses (light industrial, parks, open space, recreation) are compatible with the proposed facility. Although the municipal boundary is the Meramec River, the property across the river does not conflict with this use of land.

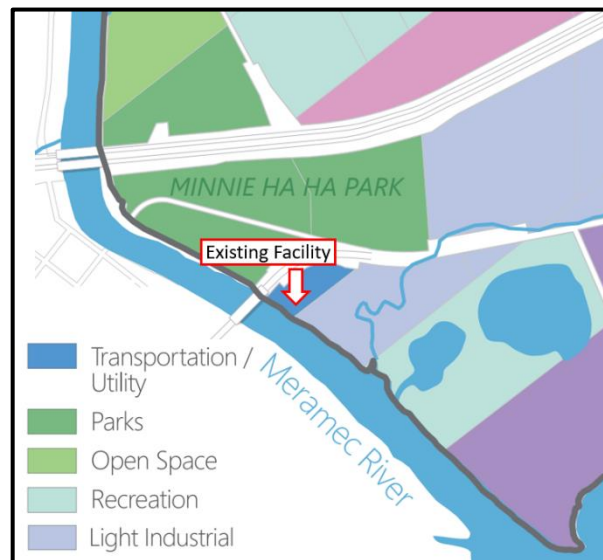


Figure 2: Land Use Plan

BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES:

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Sunset Hills code requirements. **Chapter 89 of the Missouri Revised Statutes states, "In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the**

application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done...” (emphasis added).

APPLICANT REQUEST:

The Applicant has provided a statement of hardship, practical difficulty, or other information warranting action by the Board for consideration which is included in the Board of Adjustment packet.

The applicant is requesting a variance to provide a drivable surface of gravel on a property zoned NU Non-Urban.

STAFF ANALYSIS:

Section 8 of the City of Sunset Hills UDO provides regulation for Conditional Use Permits. As previously stated, MAWC has submitted an application for a Conditional Use Permit to construct a water intake facility on property that currently operates an existing water intake facility. A goal of the project is to increase efficiency and safety by raising the elevation of critical equipment above base and record flood elevations.

A Site Plan has been submitted to the City for the intake facility. The location is directly north and west of the existing facility. The new facility is accessed by the existing gravel road. An extension of the gravel lot is depicted to support the new building. An extension of chain link fence will continue from the original location to the new location. As noted on the Site Plan, the fence will meet the City Code requirements. The applicant states that this is an unmanned facility that only requires periodic visits to ensure proper operation and maintenance of equipment. A few statements were supplied by the applicant as they relate to practical difficulty or unnecessary hardship. The applicant states the gravel surface allows for easier access to piping and other equipment compared to pavement during emergency repairs. Also given the proximity to the

river, paved or impervious surface could create additional issues with stormwater management. The image to the right (Figure 3) depicts a site plan identifying both the existing and proposed gravel lot. It should be noted that Section 4.1.3 of the City's Unified Development Ordinance (UDO) states that

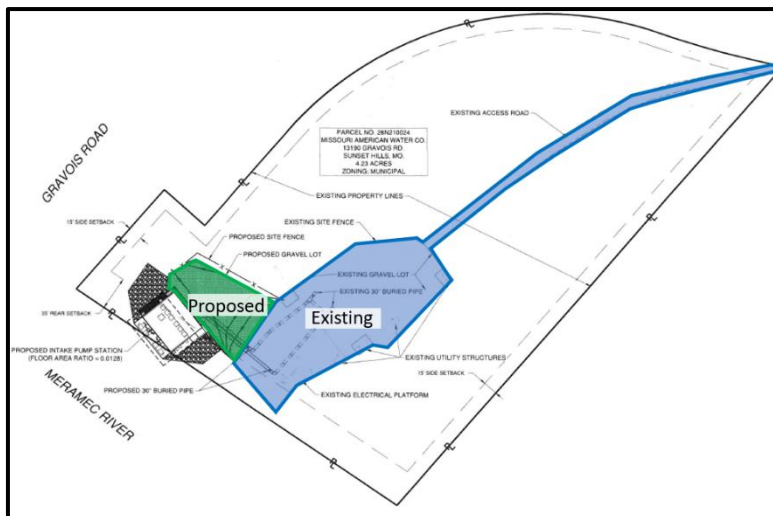


Figure 3: Site Plan

existing gravel parking lots on properties with NU zoning designations may continue to be maintained as currently constructed, thus the existing gravel area does not require a variance.

REVIEW OF VARIANCE REQUEST:

The Public Works Department has reviewed the request and submits the following information for the Board's consideration during review.

As established in the Unified Development Ordinance (UDO), all open off-street parking areas and driveways shall be graded and paved with a durable dust-free and hard material, such as bituminous hot mix or portland cement concrete, or approved comparable material over a compacted gravel base of not less than four inches (4") thick. The applicant is proposing the extension of a gravel lot in lieu of the requirement. The burden of hardship is on the Applicant to demonstrate why the application meets the standards for variance and the Board must only act to carry out the spirit of the ordinance and may not grant a variance without competent and substantial evidence.

Section 10.3.2 of the City of Sunset Hills' UDO states: 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. Before granting a variance, there must be a finding by the Board of Adjustment that **all** of the following conditions exist:

1. 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.

Staff Comment: If the owner complied with the pavement requirement, they would be able to make use of the property, but from how it is explained by the applicant, the gravel drive would allow for efficient access to critical equipment in case of an emergency and assist in storm water management next to the river.

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

Staff Comment: The subject site has frontage along the Meramec River and the specific utility operates on property neighboring the water supply.

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

Staff Comment: There is no known evidence that the hardship was put on the Applicant but instead a desire by the Applicant to increase efficiency in case of an emergency and assist in storm water management.

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

Staff Comment: There is no known evidence that the issuance of the variance would be detrimental to the public welfare or health or injurious to other property.

DECISIONS ON VARIANCE APPLICATIONS:

No variation granted by the Board of Adjustment shall be valid for a period longer than six months from the date on which it grants the variation, unless within such period:

- a) A building permit or other required permit is obtained and the construction, alteration, or moving of the structure is commenced.
- b) If a building or other permit is not required, the construction of the project for which the variation was required is commenced.

DEPARTMENT INPUT

City Staff has reviewed the submittal and found the application to be in conformance with the procedures outlined in the City of Sunset Hills Unified Development Ordinance. Staff recommends action by the Board of Adjustment at the July 27th meeting.

EXHIBITS:

1. Application to the Board of Adjustment
2. Petitioner's Information
 - a. Applicant's Narrative
 - b. Site Plan
3. Public Hearing Information
 - a. Public Notice
 - b. Notification Mailing List