

## Board of Adjustment Staff Report

**Meeting Date:** August 24, 2023

**Location:** 3630 South Geyer Road

**Applicant:** Warren Sign Company

**Description:** **3630 South Geyer Road (Warren Sign Company)**: A request for a variance from Appendix D of the City of Sunset Hills' Code of Ordinances to install a ground sign 15 feet in height above ground level, 75 square feet in area and located 0 feet from right of way in lieu of the maximum 8 feet in height above ground level, 50 square feet in area and located a minimum of 5 feet from right of way.

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### SUMMARY:

Warren Sign Company on behalf of ISO Laumeier LLC is requesting a variance for a new ground sign to replace an existing ground sign at 3630 South Geyer Road. The proposed sign is in front of an existing 4 story office building that fronts Watson Road. Section 8 of Appendix D of the City of Sunset Hills Code of Ordinances provides regulations for ground signs.

- Section 8.a states: "No ground sign (as defined in the definitions in section 2) shall be at any point over eight **(8) feet above the ground level.**"
- Section 8.d states: "No ground sign shall **exceed fifty (50) square feet in area.** Not more than one (1) ground sign shall be erected on any one (1) lot or tract of land."
- Section 8.f states: "Ground sign must be located so that no part of the sign projects beyond a **five-foot setback line from the street or highway right-of-way.**"

Warren Sign Company provided an application for a sign that is 75 square feet in area, 15 feet in height and located 0 feet from the property line of 3630 South Geyer Road, thus staff is unable to approve the sign permit application based on the language of the above referenced code.

**SITE HISTORY:**

The proposed sign is located in front of an existing 4 story office building that fronts Watson Road. The building is directly east of another 4 story office building that also fronts Watson in similar appearance, size and shape. The applicant is also requesting a variance for a similar sign on the property to the west known as petition A-29-23. In January of 1995 the site received a variance for a non-conforming parking layout from the City of Sunset Hills' Board of Adjustment. The City has received and approved numerous interior tenant finishes for various occupants of both buildings over many years (1990's – 2020's). The City has received and approved numerous sign applications for both buildings in the same time period.

**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 install a ground sign that is taller than the maximum height permitted in City Code, that is larger than the maximum outline area permitted in City Code and does not meet the setback requirements of City Code.**

### 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 Appendix D (Sign Regulations) of the City of Sunset Hills Code of Ordinances; "No ground sign (as defined in the definitions in section 2) shall be at any point **over eight (8) feet** above the ground level." In addition Section 8.d states; "No ground sign shall **exceed fifty (50) square feet in area**. Not more than one (1) ground sign shall be erected on any one (1) lot or tract of land."

The proposed sign (Figure 1) is 15 feet in height with an outline area of 75 square feet for signage.

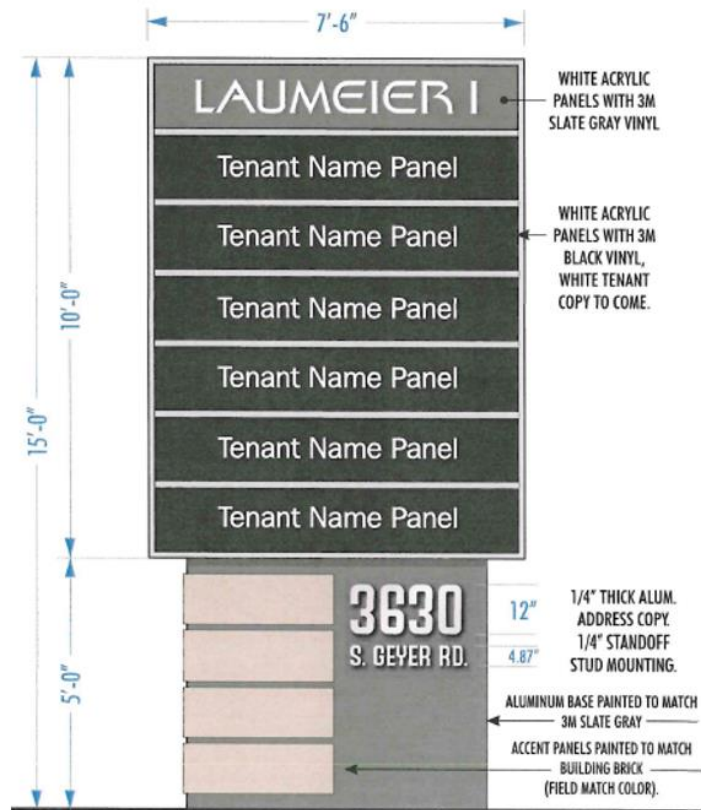


Figure 1: Proposed Sign

If approved, the proposed sign would replace an existing ground sign on the property. The existing sign represented as Figure 2 is an image from June 2023 and is in front of the building on Watson Road. The sign has been in the same location since at minimum 2011 (earliest date that staff could view utilizing Google Street View).

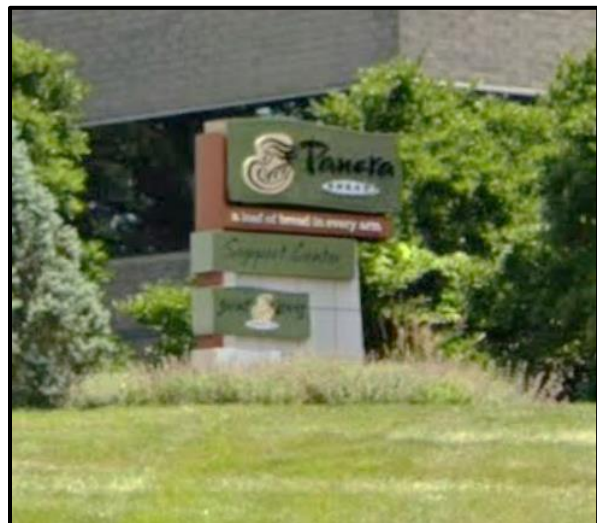


Figure 2: Existing Sign

As established Appendix D (Sign Regulations) of the City of Sunset Hills Code of Ordinances; *“Ground sign must be located so that no part of the sign projects **beyond a five-foot setback line** from the street or highway right-of-way.”*

The proposed sign location at 3630 South Geyer (Figure 3) is depicted 0 feet from the property boundary/right-of-way line. Staff is unable to determine the exact location (as it relates to the right of way) of the existing sign but appears to be relatively in the same location using aerial imagery as the proposed sign.

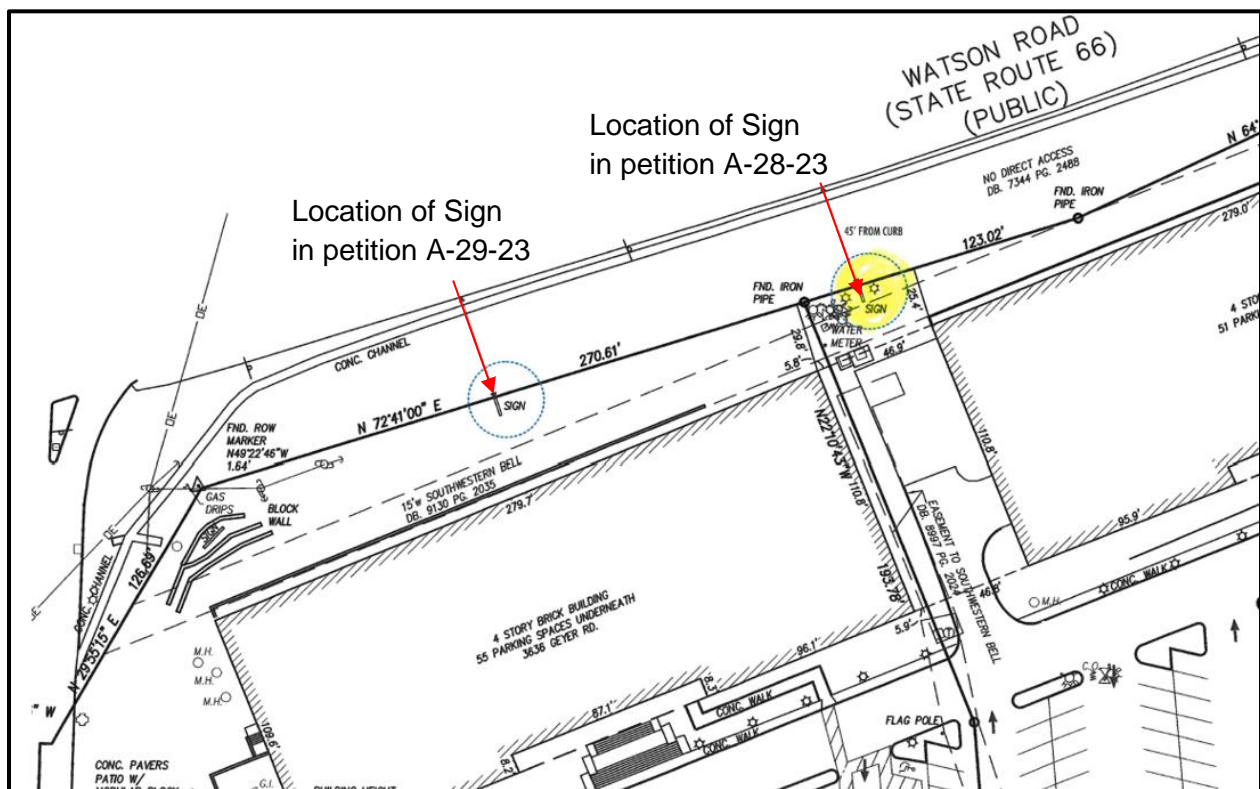


Figure 2: Proposed Sign Location

**APPLICANT STATEMENT OF HARDSHIP:**

The applicant provided a statement of hardship within the application and reads as follows:

*“We are requesting a height variance for this sign due to the changes in elevation. Low signs are not visible as evidenced by the current difficulty in seeing the existing signs (which will be removed). This sign has a setback of 45’ from the curb and over 100’ from westbound traffic – which requires a larger sign to be functional.”*

Before granting a variance, there must be a finding by the Board of Adjustment that **all** 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 provisions of this ordinance, they would be able to make use of the property as it currently exists.*

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 is a commercial property utilized as an office building along a major corridor which includes frontage and visibility from many locations. In accordance to St. Louis County Geographic Information Systems (GIS), the ground that serves the sign is approximately at 644' feet in elevation. Watson Road along the western frontage of the building begins at 636' in elevation and is 652' in elevation at the end of the building to the east along Watson Road.*

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 visibility along the Watson Corridor.*

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 August 24th meeting.

**EXHIBITS:**

- 1. Application to the Board of Adjustment including Narrative
- 2. Petitioner's Information
  - a. Sign Detail
- 3. Public Hearing Information
  - a. Public Notice
  - b. Notification Mailing List
  - c. Affidavit of Publication