

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, OCTOBER 28, 2021

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met by Zoom meeting on Thursday, October 28, 2021. The meeting convened at 7:00 P.M.

ROLL CALL

Present:	William Weber	-Member
	Mark Naes	-Member
	Joshua Arnold	-Member
	Larry Smith	-Member
	Kurt Krueger	-Alternate Member
	Lynn Sprick	-City Planner
	Bob Jones	-City Attorney
	Bryson Baker	-City Engineer

Absent:

APPROVAL OF MINUTES

Copies of the minutes of the July 22, 2021 Board of Adjustment meeting were distributed to the members for their review. Mr. Krueger made a motion to approve the minutes as submitted. Mr. Smith seconded the motion, and it was unanimously approved.

NEW BUSINESS

A-27-21 Notice of Appeal, submitted by Anthony & Stephanie Garavaglia, to allow the construction of an accessory structure in the side yard for an inground swimming pool at 13015 Sunset Stream Ct (per Appendix B, Section 5.12A2).

Ms. Sprick stated in 2013, the Board approved a three lot subdivision and the Board of Adjustment varied the rear setback for a school building. All other requirements will be met.

Stephanie Garavaglia, homeowner, was present and stated the site has unusual circumstances due to the cul-de-sac. Both neighbors are in favor of the pool; however they are requesting to see the plans. They will completely abide by all ordinances during construction. They have done historical restoration to the site and are increasing property values with the construction of the home from a school.

Mr. Weber asked if the pool will be inground.

Ms. Garavaglia stated technically it will be inground, but there will be a negative edge with a waterfall. There will be a small section that is above ground, with a retaining wall and landscaping. With the elevation, it should not be seen from the street. There will be a waterfall, trees, and landscaping. The majority of pool will be inground.

Mr. Smith asked if another structure was proposed later, such as a pool house, if they would have to come back for approval.

Mr. Jones stated it depends on where the structure is located. If it is in the side yard, they would have to come back for approval.

Mr. Smith asked what constitutes as front or side yard on the lot.

Ms. Sprick stated the way the building sits on the cul-de-sac, determined that the true front yard is along Rott Road. Along the cul-de-sac is a front yard, also. The ordinance states that accessory structures have to be in the rear yard. The pool does meet the side setback.

Mr. Smith asked for clarification.

Ms. Sprick showed, on the map, where the side yard and backyard start and end.

Mr. Weber asked about the site's topography.

Ms. Garavaglia stated the pool would be in front of a mound. The 30 foot setback area is where the hillside is. The land flattens out midway to the pool and goes down past it. That is the area that would be built up with a wall and the waterfall.

Mr. Weber asked if there would be a fence around the pool.

Ms. Garavaglia stated a fence is required around all pools.

Mr. Weber asked where the fence will be located.

Ms. Garavaglia stated the fence will meet all requirements.

Mr. Arnold asked if the fence has to go all the way around pool.

Mr. Jones replied yes.

Mr. Weber asked if she received approval from the neighbors.

Ms. Garavaglia asked if the submitted letter was received that was written by the neighbors.

Mr. Weber replied yes.

Ms. Garavaglia stated those neighbors have pools.

Mr. Weber stated the neighbors are not opposed to the pool, but they asked that the pool be inground and they would like to see the plans.

Ms. Garavaglia stated for them to request to see the pool first is harassment. The subdivision indentures are not based on these types of situations. These neighbors did not send out plans for their pools or their homes before they were built.

Mr. Smith asked if they will have to abide by all Sunset Hills and St. Louis County ordinances for the pool.

Ms. Sprick stated yes. There can be a condition placed that the pool be inground, although the topography makes it difficult in certain areas.

Mr. Krueger stated there are many types of pools that can be built inground. There is not enough information to visualize exactly what is being built. The Garavaglias have done a great job at preserving the historical building, but there was poor planning on the lot split. The Board needs more information on the elevations, waterfalls, and where they will be placed.

Ms. Garavaglia stated this is not a modular plastic structure. They want something that will match the home. Taking more steps on renderings gets costly. The progress made so far should show that they will make something presentable

Mr. Weber agreed with Mr. Krueger that more information is necessary.

Mr. Krueger stated location and size is important. He is supportive, but he would like more information.

Ms. Sprick stated the City issues zoning approval and St. Louis County does plan review. Plans and an architect's time is more expensive. Applicants are told that a variance is necessary and they proceed to make sure it is possible before spending a

lot of money. The application can be tabled if more information is necessary for approval.

Mr. Krueger stated he would like to abstain or table the vote until more information is received.

Mr. Weber stated he would like to see more information. He is not opposed to the pool or the location. He just wants to make sure all information is available.

Mr. Naes asked if they can only table a petition for 30 days.

Mr. Smith stated their job is not to decide how it looks. The variance is to decide if it is allowed in the side yard or not.

Mr. Krueger stated he cannot and will not be held accountable if it turns out bad.

Mr. Smith stated the Board is not approving the pool; they are approving the ability to locate it where it is being proposed.

Mr. Krueger stated he will only make exceptions to the rules for something truly special. They have a lot of property and could probably make things fit to abide by the City's ordinances. The Board is being asked to relieve the City's restrictions.

Mr. Jones stated there is no limitation on time for a tabled petition without unreasonable delay. Style and pool material is beyond the purview of the Board.

Mike Morris, of 13012 Pagada Parkway, stated the pool will be outside their front door and pools are noisy. The distance is only 400 feet. They are the only people that will be directly affected. They oppose the placement because it will negatively affect their home and significantly reduce the home's retail value. Mr. Garavaglia has demonstrated a lack of respect to neighbors, in the past.

Renee and John Muller, of 13016 Sunset Stream Court, stated the pool will be in their front yard. The Garavaglias have a history of cutting corners. The trustees require the plans to be approved. The Garavaglias refuse to submit the plans or communicate. If a variance is granted, a condition should be placed that the plans be submitted to the trustees.

Mr. Weber asked if that condition can be made, legally.

Mr. Jones stated no, the City cannot require that. It is a private contract of subdivision indenture.

Mr. Weber stated more details need to be submitted. He recommends requesting a delay because if a vote is taken, it may not pass.

Ms. Garavaglia requested the petition to be tabled.

Mr. Smith motioned that petition A-27-21 Notice of Appeal, submitted by Anthony & Stephanie Garavaglia, to allow the construction of an accessory structure in the side yard for an inground swimming pool at 13015 Sunset Stream Ct (per Appendix B, Section 5.12A2) be tabled. Mr. Krueger seconded the motion. With five aye votes and zero nay votes, the petition was tabled.

A-28-21 Notice of Appeal, submitted by Meho Abdic, to vary the rear setback from the required thirty feet (30') to twenty-three feet (23') for the construction of a room addition at 11904 Lockhaven Place (per Appendix B, Section 4.5-4B1c).

Ms. Sprick stated the residence is 37 feet from the property line. The homeowners are proposing a two story addition onto the residence. The plans are conceptual, but the setback is set at 23 feet.

Sandra and Meho Abdic were present. Mrs. Abdic stated they were not aware of the setback requirement when the plans were drawn. They are trying to achieve a 3,500 square foot home. If granted, they would comply with all of Sunset Hills and St. Louis County restrictions.

Mr. Smith stated the plans show two kinds of crosshatching. One of the crosshatched areas is the existing home layout and one is what is being proposed. He asked if the drawing of the existing area is correct or if the existing footprint is shown as part of the proposed addition.

Mr. Abdic stated it is shown correctly. The addition will encroach in the back.

Mr. Smith stated there are several major trees and it appears those will be lost.

Mr. Abdic stated it is hard to walk through the yard because of the roots. The three trees will have to be taken down. The request is only for the setback encroachment. They would like to receive a variance before paying to continue with the plans.

Mr. Smith stated that the drawing of the existing residence and the land survey drawing do not match.

Ms. Sprick stated if dimensions along the back of the house are correct, it does come into the addition area on the drawing.

Mr. Smith stated that is what he was pointing out and that answers part of the problem. Three separate drawings were received. There are no other two story residences within the area. It does not match the character of the neighborhood.

Mr. Weber agreed. He asked if they are adding a second floor onto the home.

Mr. Abdic stated if he is going to add to the home, he might as well build it as if they are going to stay there. They need a larger garage.

Mr. Weber asked if they would be running a business out of the garage.

Mr. Abdic replied no.

Mr. Weber asked if they have received any feedback from the neighbors.

Mr. Abdic stated the neighbor behind them and the neighbor across the street did not have any problem. They would like the house to be fixed up to look nice.

Mr. Weber asked if the finish on the addition will be brick.

Mr. Abdic stated the front will be brick, but he would like to have the variance approved before plans progress.

Ms. Sprick asked if they considered going out the east side of the house with the addition.

Mr. Abdic stated yes, but the land goes downhill and would be too high. It would take some of their yard and they would like to have that area for their kids to play in.

Mr. Jones stated it is a uniquely shaped lot. They have made their case for a hardship.

Ms. Sprick stated there was a comment in the chat about the finish of the home. She asked if it would be appropriate to propose a condition for a certain percentage to be brick.

Mr. Weber stated page three shows no brick.

Mr. Abdic stated the program he used to make renderings had no option to show brick. The process was stopped when they found out a variance was necessary, until the variance is approved. He is okay with the front being brick.

Mrs. Abdic stated they want brick, but cannot say, at this point, if the full front will be brick.

Ms. Sprick asked if they will keep the original finish on the portion of home that is staying.

Mr. Abdic stated he was planning on taking it down to foundation and rebuilding.

Mr. Weber stated that would create a problem. If the home is being demolished and rebuilt, it is considered to be a clean slate.

Mr. Abdic stated they are not tearing down the basement. They are just replacing the first floor walls and building up.

Mr. Weber stated if they are taking the house down to foundation, something can be designed to fit the requirements.

Mrs. Abdic stated they are trying to create their forever home. With the money being put into it, it would not be worth doing so many changes to have that square footage. Having a nice yard for the kids is important.

Mr. Weber called for a vote on petition A-28-21 Notice of Appeal, submitted by Meho Abdic, to vary the rear setback from the required thirty feet (30') to twenty-three feet (23') for the construction of a room addition at 11904 Lockhaven Place (per Appendix B, Section 4.5-4B1c). A roll call vote was taken.

Mark Naes- Aye
William Weber- Nay
Larry Smith- Aye
Josh Arnold- Nay
Kurt Krueger- Nay

With two aye votes and three nay votes, the petition was denied.

ANY OTHER MATTERS DEEMED APPROPRIATE

Ms. Sprick stated the next meeting is scheduled for Thanksgiving Day. December 2, 2021 would be the following week and would be a better date.

All members agreed.

Ms. Sprick stated the December meeting is scheduled for December 23, 2021. She asked if December 22, 2021 would be okay.

Mr. Weber and Mr. Smith asked if that would be too close to the last meeting to have another.

Mr. Weber stated he would prefer it, but it may depend on how many people apply.

Mr. Baker stated staff will notify the Board of any applicants, but plan on not having a second meeting in December.

All members agreed December 30, 2021 would be better, if necessary.

Mr. Smith asked if the meeting will be held via Zoom.

Ms. Sprick stated they will be following the Board of Aldermen's decision. They have gone back to Zoom meetings.

Mr. Smith stated he prefers Zoom meetings.

Mayor Fribis stated the problem with in person meetings is that all Board of Aldermen members will not wear masks and some have not been vaccinated, so according to Centers for Disease Control and Prevention (CDC) regulations, they are having their meetings via Zoom.

Mr. Weber asked if they can have the meetings in person.

Mayor stated masks would be required.

All members agreed to wearing masks.

Mayor stated she is okay with in person, if all members and guests wear masks.

Ms. Sprick stated the December 2, 2021 meeting will be held in person with masks worn.

ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 8:15 P.M. Mr. Arnold seconded the motion, and it was unanimously approved.

Recording Secretary


Sarina Cape