

BOARD OF ADJUSTMENT  
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, DECEMBER 2, 2021

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met by Zoom meeting on Thursday, December 2, 2021. The meeting convened at 7:00 P.M.

ROLL CALL

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

Absent:

Mr. Hetlage introduced himself and stated the Board of Adjustment is a judicial board that makes decisions. There is certain evidence that has to be made as a record, in case an appeal goes to the Circuit Court. The court reviews those appeals upon review of the record. As long as there is a record showing a basis for a decision and the right issues were focused on, then the correct procedures were followed. It is important to admit certain things into evidence. At the start of meeting, the zoning or sign code will be introduced as an exhibit. The information from the packets will be marked as exhibits, as well. Those that will testify on a matter will have to be sworn in by a notary republic.

**APPROVAL OF MINUTES**

Copies of the minutes of the October 28, 2021 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith stated on the last page where it says that he prefers zoom meetings, should state that he does not prefer zoom meetings. Mr. Smith made a motion to approve the minutes, as amended. Mr. Arnold seconded the motion, and it was unanimously approved.

Mr. Hetlage stated Appendix D will need to be admitted into the record.

### **NEW BUSINESS**

A-29-21 Notice of Appeal, submitted by Cindy Smith, to allow a wall sign on the southern, non-street facing wall at 10315 Watson Road (Appendix D Sign Regulations, Section 5a2).

Mr. Hetlage stated exhibit one is the application, exhibit two is the staff report, exhibit three is the petitioner's information, and exhibit four is the public hearing notice. These shall be admitted into the record.

Ms. Sprick and Cindy Smith were sworn in.

Ms. Sprick stated they are proposing a wall sign on the front and on the west sides of the building. The City cannot control the content of a sign, but it can control the location. Wall signage can only be placed on a street facing wall. Both signs would meet all other requirements.

Mr. Weber asked if there are any other signs on the property.

Ms. Sprick stated none have been submitted.

Cindy Smith, owner, was present and stated she would like the additional non-illuminated sign, so that when people are coming eastbound from Watson Road, they can see the business. It will be easier for traffic if they see the sign coming from the highway.

Mr. Weber asked if there are any other signs proposed for the property, such as a ground sign.

Ms. Smith stated there are no ground signs proposed and no other signage.

Mr. Smith stated there is a turn lane in the middle, and the front facing sign is visible, coming down Watson Road. He is not in favor because it is not necessary. No other businesses have a sign on the side of their building.

Ms. Smith stated her DBA is named Models and Actors.

Mr. Weber stated the items for a hardship and stated none apply. The property is elevated from Watson Road and the sign on the front is apparent.

Ms. Smith stated Goodwill has a non-street facing sign.

Mr. Smith asked if the building will be lit.

Ms. Smith stated there will be security cameras with lights for motion detection.

Mr. Smith stated he was wondering if there will be lights shining on the sign because it will not be able to be seen after dark.

Ms. Smith stated there is lighting under the awnings that cover the sidewalk, but the business will only be open during the day.

Mr. Hetlage stated any decision made by the Board should be based on the four factors of a hardship and not the content of the sign.

Ms. Sprick asked if the business occupies the entire building.

Ms. Smith stated yes, the entrance would be right under the sign.

Ms. Sprick stated the Board could add a condition that no ground sign is to be permitted and if the business leaves, the variance no longer applies.

Mr. Weber stated the petitioner has not met any of the requirements for a hardship. The sign on the front should be adequate and meet the needs of the petitioner.

Mr. Hassis stated this goes against the code, which is written clearly. He is opposed to the sign.

Mr. Weber stated each petition is looked at individually. Sometimes what has been approved in the past is taken into consideration, but mostly each case is determined individually.

Mr. Weber called for a vote on petition A-29-21 Notice of Appeal, submitted by Cindy Smith, to allow a wall sign on the southern, non-street facing wall at 10315 Watson Road (Appendix D Sign Regulations, Section 5a2) with the conditions that no ground sign is to be permitted and if the business leaves, the variance no longer applies. With 0 aye votes and 5 nay votes, the petition was denied.

A-30-21 Notice of Appeal, submitted by Ed & Debra Hammerschmidt, to vary the side setback from the required ten feet (10') to five feet (5') for the construction of a detached garage at 10817 Leebur Drive (Appendix B Zoning Regulations, Section 4.5-4B1b).

Mr. Hetlage stated exhibit one is the application, exhibit two is the staff report, exhibit three is the hardship letter, exhibit four is the additional petitioner information, and exhibit five is the public hearing notice.

Ms. Sprick and the Hammerschmidts were sworn in.

Ms. Sprick stated the garage would be behind the residence and all other requirements will be met.

Ed & Debra Hammerschmidt were present and Mr. Hammerschmidt stated he needs additional garage space. There is a large beech tree that prevents placing the garage at the rear of the property. They would like to line up the garage with the driveway, so that it is not difficult to pull in and out of.

Mr. Weber stated the only hardship is the access into the garage due to a curve.

Mr. Hammerschmidt stated yes, and to save the beech tree.

Mr. Weber asked if the neighbor has been spoken to.

Mr. Hammerschmidt stated the neighbor sent a letter of approval.

Mr. Smith stated he agrees with saving the tree, but the site plan does not indicate where the tree is located.

Mr. Hammerschmidt showed where the tree is located on the site plan.

Mr. Smith stated the edge of the overhead door is 7 feet 6 inches from the edge of the garage. He asked why the garage was not shifted five feet away and the driveway ran even with the garage doors. The driveway can be widened.

Mr. Hammerschmidt stated the door goes behind the house roughly four feet. He is trying to line it up with the driveway and the street.

Mr. Weber stated if the driveway is taken straight back, there would be space and it would stay within the setback.

Mr. Hassis stated it looks like the tree is on the property line. It may be better for the tree to move the garage within the setback.

Mr. Weber called for a vote on petition A-30-21 Notice of Appeal, submitted by Ed & Debra Hammerschmidt, to vary the side setback from the required ten feet (10') to five feet (5') for the construction of a detached garage at 10817 Leebur Drive (Appendix B Zoning Regulations, Section 4.5-4B1b). With 2 aye votes and 3 nay votes, the petition was denied.

**ANY OTHER MATTERS DEEMED APPROPRIATE**

Ms. Sprick introduced Mr. Hassis and stated there is a new alternate named Ron Hack.

Mr. Hassis introduced himself.

Mr. Weber asked if there would be a meeting at the end of the month.

Ms. Sprick stated there are two petitions that would like to be heard. They are going through the Planning and Zoning Commission and the Board of Aldermen processes. It would be good for their appeals to be heard before the final Board meeting. December 30<sup>th</sup> was a date that would work for everyone.

Mr. Weber stated he preferred to have in person meetings.

Mr. Smith agreed. As long as there could be five members, even with alternates.

Mr. Hassis stated he abstained from the vote on approval of the minutes since he was not in attendance.

## **ADJOURNMENT**

Mr. Smith made a motion to adjourn the meeting at 7:45 P.M. Mr. Hassis seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape