The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Tuesday, January 14, 2020 at the Municipal Center, 1011 Municipal Center Drive, Town and Country, Missouri, 63131.

ROLL CALL

The 6:00 PM roll call indicated Chairman James Crowley and regular members David Adam, Matt Meyer and Dr. Sam Hawatmeh, and Chris Barclay to be present.

Chairman James Crowley presided.

City Attorney Steve Garrett represented the City.

Also present were City Clerk Ashley McNamara and City Planner Ryan Spencer.

APPROVAL OF MINUTES – 10/29/19

Dr. Hawatmeh moved for approval, seconded by Mr. Meyer.

Chairman Crowley called for any amendments or corrections.

Hearing none, the minutes were unanimously approved by voice vote.

CITY CLERK’S REPORT

The City Clerk announced that the deadline for the February meeting had not yet passed so it was unknown if the meeting would be cancelled.

She also publicly thanked the Board of Adjustment members and applicant Jan Bansch for their consideration in allowing the previously scheduled meeting to be cancelled for inclement weather.

SAFETY AND SECURITY

Chairman Crowley reminded everyone that for the security and safety of everyone in attendance, the Board of Adjustment has a zero tolerance policy when it comes to any outbursts, etc.

PROCEDURE REVIEW

Chairman Crowley reviewed the hearing procedure. He stated that if at any time an applicant has questions or needs further explanation, they are encouraged to interrupt for clarification.

PUBLIC HEARING

A court reporter with Alaris Litigation Services was present to record the public hearings.

1. Case No. 19-07
On the request of Jan Bansch, owner, for a variance from Section 405.430.B.4. of the Zoning Regulations regarding the minimum side yard setback requirement. The variance is necessary in order to construct pool equipment in the rear yard of the property, as shown on the submitted plans, located at 13407 Thornhill Drive in the Suburban Estate (SE) Zoning District.
Attorney Garrett entered the following exhibits:

A. Application for Appeal, received by the City of Town and Country on November 13, 2019.

B. Narrative for Appeal with related exhibit dated November 12, 2019, 2-pages.

C. Letter from Ryan Spencer, City Planner, to Jan and Catherine Bansch, dated November 4, 2019, 2-pages.

D. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated December 16, 2019, 2-pages.

E. Typewritten notice of hearing posted at the Municipal Center and on the subject property and mailed to property owners within 300 feet with a list of property owners attached, 2-pages.

F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on December 25, 2019, 1-page.

G. Site Plan, sealed and dated November 8, 2019, 1-page.

He also entered the following exhibit:
Public Exhibit #1: support email from Beth Nelson, forwarded by Lindsey Butler, dated 12/11/19, consisting of 1 page.

Ryan Spencer, City Planner, was sworn and testified. He stated that he was familiar with the subject property and it is zoned Suburban Estate. He noted that two setback variances were granted on May 20, 2019 to allow for the construction of a pool and related pool equipment. He explained that the applicant has requested to relocate the pool equipment closer to the property line at 15 ft. 6 in. which necessitates a variance of 26 ft. 6 in. from Section 405.430.B.4. of the Code.

Jan Bansch, owner, was sworn and testified. He explained that it was discovered that the pool equipment was too close to the actual pool in the originally approved plan. He added that the new location is closer to the wooded property line, more aesthetically pleasing, and will be beneficial to the neighbors as far as visual and noise impact.

In response to Mr. Adam, Mr. Bansch confirmed that the property line being encroached upon is wooded common ground.

Chairman Crowley called for public comments.

Hearing none, he confirmed with the City Clerk that the hearing notice was properly posted, published, and mailed.

Chairman Crowley declared Case No. 19-07 fully presented at 6:13 PM

Mr. Spencer confirmed that the requested variance is for a side yard setback variance of 26.6 ft. from Section 405.430.B.4. to allow the pool equipment to be located 15.6 ft. from the property line.

Chairman Crowley called for unanimous consent in favor of the requested variance as stated. Hearing no objection, the vote was as follows:
The decision of the Board of Adjustment to approve the requested variance is as contained in the Decision and Resolution, Case No. 19-07, filed with and made a part of these minutes.

2. Case No. 20-01
On the request of Riyadh Hindi, owner under contract, for a variance from Section 405.430.B.3. of the Zoning Regulations regarding the minimum setback from street (front yard) requirement. The variance is necessary in order to construct a new home on the property, as shown on the submitted plans, located at 12999 Pingry Place in the Suburban Estate (SE) Zoning District.

Attorney Garrett entered the following exhibits:

A. Application for Appeal, received by the City of Town and Country on December 13, 2019.

B. Narrative for Appeal dated December 13, 2019, 1-page.

C. Trustee Letters of Support, 2-pages.

D. Letter from Ryan Spencer, City Planner, to Riyadh Hindi, dated December 3, 2019, 1-page.

E. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated January 14, 2020, 2-pages.

F. Typewritten notice of hearing posted at the Municipal Center and on the subject property and mailed to property owners within 300 feet with a list of property owners attached, 2-pages.


H. Aerial views, photos of existing conditions, architectural renderings, and MSD maps, 7-pages.

I. Site Plan sealed and dated 12/02/19, 1-page.

Ryan Spencer, City Planner, having been previously sworn, testified. He stated that he was familiar with the subject property and it is zoned Suburban Estate. He noted that no variances exist for the property. Mr. Spencer explained that the applicant proposes to construct a new home 7 ft. from the street which necessitates a 43 ft. setback variance from the 50 ft. requirement in Section 405.430.B.3. of the Code. He further noted that the property is situated on a cul-de-sac that is longer in use, as the street now continues further to the west.

In response to Mr. Adam, Mr. Spencer confirmed that the existing home, as it is currently configured, is a pre-existing nonconforming use given its proximity to the street. He added that the lot is also nonconforming in size.
Riyadh Hindi, owner under contract, was sworn and testified. He stated that the home that exists on the lot today is also located 7 ft. from the property line and is severely deteriorated. He added that an engineer deemed the lot unbuildable except for in the limited footprint at the front portion of the property.

Mr. Hindi noted that both trustees, one of which is the adjacent neighbor, support the project.

In response to Mr. Adam, Mr. Hindi stated that after the property is purchased, he will be exploring the option of securing right-of-way within the cul-de-sac, and other potential ways to utilize the area.

Chairman Crowley inquired about the topography of the lot. Mr. Hindi described the 70 ft. drop in elevation that occurs from the front to the rear of the property. He added that the property is heavily wooded and features a creek at the lowest point in the rear corner of the lot.

Chairman Crowley called for public comments.

Hearing none, he confirmed with the City Clerk that the hearing notice was properly posted, published, and mailed.

Chairman Crowley declared Case No. 20-01 fully presented at 6:26 PM

Mr. Spencer confirmed that the requested variance was for a 43 ft. setback from street variance from Section 405.430.B.3. to allow the new home to be constructed at 7 ft. from the front property line.

Chairman Crowley called for unanimous consent in favor of the requested variance as stated. Hearing no objection, the vote was as follows:

Chairman Crowley- AYE
Mr. Adam- AYE
Dr. Hawatmeh- AYE
Mr. Meyer- AYE
Mr. Barclay- AYE

The decision of the Board of Adjustment to approve the requested variance is as contained in the Decision and Resolution, Case No. 20-01, filed with and made a part of these minutes.

ADJOURN
There being no further business, the meeting adjourned at 6:28 PM.

Respectfully submitted,

Ashley McNamara,
City Clerk
Section 405.300 of the Municipal Code provides that the Municipal Code, including the Zoning Code, the Comprehensive Plan and land use map shall be part of each hearing before the Board of Adjustment to the extent applicable, without being specifically introduced at the hearing.

CITY EXHIBITS

A. Application for Appeal, received by the City of Town and Country on November 13, 2019.

B. Narrative for Appeal with related exhibit dated November 12, 2019, 2-pages.

C. Letter from Ryan Spencer, City Planner, to Jan and Catherine Bansch, dated November 4, 2019, 2-pages.

D. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated December 16, 2019, 2-pages.

E. Typewritten notice of hearing posted at the Municipal Center and on the subject property and mailed to property owners within 300 feet with a list of property owners attached, 2-pages.

F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on December 25, 2019, 1-page.

G. Site Plan, sealed and dated November 8, 2019, 1-page.
Appellant: Jan Bansch, owner

Subject Property: 13407 Thornhill Drive

Zoning District: Suburban Estate (SE)

Proposal: Appellant requests a variance from Section 405.430.B.4. of the Zoning Regulations, regarding minimum side yard setback requirements, to allow for the construction of pool equipment in the rear yard of the property.

Hearing Date: January 14, 2020

1. Chairman Crowley called for unanimous consent in favor of granting a minimum side yard setback variance of 26 feet 6 inches from Section 405.430.B.4. of the Town and Country Zoning Regulations, which would allow for the construction of pool equipment in the rear yard of the property.

Hearing no objection, the vote was as follows:

Crowley AYE
Adam AYE
Hawatmeh AYE
Meyer AYE
Barclay AYE
WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **13407 Thornhill Drive** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE) Zoning District**; and

WHEREAS, Jan Bansch, owner, (the "Appellant"), has submitted a request for a side yard setback variance to allow for the construction of pool equipment in the rear yard of the property; and

WHEREAS, on May 20, 2019, via Decision D19-03, the Board of Adjustment granted two side yard setback variances, one for 31 feet 1 inch from the west property line for construction of a pool, and one for 15 feet 5 inches from the north property line for the related equipment; and

WHEREAS, a revised plan has been submitted showing the pool equipment in a new location that encroaches upon the north property line more than is allowed by the above noted variance; and

WHEREAS, Section 405.430.B.4. of the Zoning Regulations requires that residential lots in the Suburban Estate (SE) Zoning District have a minimum side yard setback that is the most restrictive of the following calculations:

a. Fifty (50) feet from each side lot line, or fifteen percent (15%) of the width of the lot from each side lot line, whichever is the lesser.

b. Equal to the height of the tallest adjacent exterior building face measured from the elevation of the natural adjacent grade to the elevation of the top of the inhabitable space, excepting for any portion of the exterior wall that encloses uninhabitable attic space.

c. The floor area divided by two hundred (200) feet; and

WHEREAS, based on the above parameters, the calculated side yard setback requirement for this property is 42 feet; and

WHEREAS, plans show that the related pool equipment will be located in a new position that is 15 feet 6 inches from the north property line, requiring a variance of 26 feet 6 inches to allow the equipment to be constructed as shown on the revised plans; and

WHEREAS, the Appellant has requested that the Board of Adjustment find that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Zoning Regulations; and

WHEREAS, the Board of Adjustment does find that to grant the requested variance
BOARD OF ADJUSTMENT
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- would be in harmony with the general purpose and intent of the Zoning Ordinance
- would not be detrimental to the public welfare
- would not constitute a change in the district map
- would not impair an adequate supply of light and air to adjacent property
- would not increase congestion in public streets
- would not increase the danger of fire; and

WHEREAS, this Board does further find and determine that practical difficulties and unnecessary hardships have been demonstrated.

NOW, THEREFORE, BE IT RESOLVED, that the requested variances from the strict application of the Zoning Regulations of the City of Town and Country is hereby approved.

The following is the vote taken on the foregoing resolution:

Crowley     AYE
Adam        AYE
Hawatmeh    AYE
Meyer       AYE
Barclay     AYE

James Crowley, Chairman

Ashley McNamara, City Clerk
Case No.: 20-01
Appellant: Riyadh Hindi, owner under contract
Location: 12999 Pingry Place
Hearing Date: January 14, 2020

Section 405.300 of the Municipal Code provides that the Municipal Code, including the Zoning Code, the Comprehensive Plan and land use map shall be part of each hearing before the Board of Adjustment to the extent applicable, without being specifically introduced at the hearing.

CITY EXHIBITS

A. Application for Appeal, received by the City of Town and Country on December 13, 2019.
B. Narrative for Appeal dated December 13, 2019, 1-page.
C. Trustee Letters of Support, 2-pages.
D. Letter from Ryan Spencer, City Planner, to Riyadh Hindi, dated December 3, 2019, 1-page.
E. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated January 14, 2020, 2-pages.
F. Typewritten notice of hearing posted at the Municipal Center and on the subject property and mailed to property owners within 300 feet with a list of property owners attached, 2-pages.
H. Aerial views, photos of existing conditions, architectural renderings, and MSD maps, 7-pages.
I. Site Plan sealed and dated 12/02/19, 1-page.
Appellant: Riyadh Hindi, owner under contract

Subject Property: 12999 Pingry Place

Zoning District: Suburban Estate (SE)

Proposal: Appellant requests a variance from Section 405.430.B.3. of the Zoning Regulations, regarding minimum setback from street requirements in order to construct a new home on the property.

Hearing Date: January 14, 2020

1. Chairman Crowley called for unanimous consent in favor of granting a minimum setback from street variance of 43 feet from Section 405.430.B.3. of the Town and Country Zoning Regulations which would allow for the construction of a new home on the property.

Hearing no objection, the vote was as follows:

Crowley AYE
Adam AYE
Meyer AYE
Hawatmeh AYE
Barclay AYE
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WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at 12999 Pingry Place is within the city limits of the City of Town and Country, and is in the Suburban Estate (SE) Zoning District; and

WHEREAS, Riyadh Hindi, owner under contract, (the "Appellant"), has submitted a request for minimum setback from street variance; and

WHEREAS, the current proposal is to construct a new home on the property; and

WHEREAS, Section 405.430.B.3. of the Zoning Regulations requires that the minimum setback from street at this location is fifty (50) feet; and

WHEREAS, plans show the proposed home to be seven (7) feet from the property line; and

WHEREAS, a variance of forty three (43) feet is required from Section 405.430.B.3. to allow for construction as shown on the plans; and

WHEREAS, the Appellant has requested that the Board of Adjustment find that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Zoning Regulations; and

WHEREAS, the Board of Adjustment does find that to grant the requested variance

- would be in harmony with the general purpose and intent of the Zoning Ordinance.
- would not be detrimental to the public welfare
- would not constitute a change in the district map
- would not impair an adequate supply of light and air to adjacent property
- would not increase congestion in public streets
- would not increase the danger of fire; and

WHEREAS, this Board does further find and determine that practical difficulties and unnecessary hardships have been demonstrated.

NOW, THEREFORE, BE IT RESOLVED, that the requested variance from the strict application of the Zoning Regulations of the City of Town and Country is hereby approved.
CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 20-01

The following is the vote taken on the foregoing resolution:

Crowley   AYE
Adam      AYE
Meyer     AYE
Hawatmeh  AYE
Barclay   AYE

James Crowley, Chairman

Ashley McDonamara, City Clerk