

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
MAY 24, 2018**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Thursday, May 24, 2018 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, regular members, David Adam, Matt Meyer, Chris Barclay and Dr. Sam Hawatmeh to be present.

Chairman James Crowley presided.

In City Attorney Steve Garrett's absence, Attorney Ed Sluys represented the City.

Also present were City Clerk Ashley McNamara and Planning & Public Works Director Craig Wilde.

APPROVAL OF MINUTES – 04/24/18

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.

The City Clerk noted for the record that a scrivener's error listing Mr. Barclay as in attendance for a portion of the previous meeting would be corrected.

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.

Attorney Sluys noted for the record that Case No. 18-07 was withdrawn prior to the meeting and would not be heard or considered.

PUBLIC HEARING

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

1. Case No. 18-06

On the request of Robert Dewitt and Rebecca Holdredge, owners, 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 a porch addition, as shown on the submitted plans, for the property located at 347 Babler Road, in the Suburban Estate (SE) Zoning District.

Attorney Sluys entered the following exhibits:

- A. Application for Appeal, received by the City of Town and Country on April 6, 2018.
- B. Narrative for Appeal, dated May 17, 2018, 1-page.
- C. Letter from Ryan Spencer, City Planner, to Tracy Steinhauser, dated May 16, 2018, 2-pages.
- D. City of Town and Country Memorandum from Craig Wilde, Director of Planning & Public Works, dated May 24, 2018, 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.
- F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on May 9, 2018, 1-page.
- G. Site Plan, floor and roof plan, existing and proposed elevations, and renderings, sealed and dated May 17, 2018, 7-pages.

Public Exhibit #1: Opposition email from Mike Kaufman, 1-page.

Appellant's Exhibit #1: Existing condition photo

Craig Wilde, Planning & Public Works Director, was sworn and testified on behalf of the City. He stated that he is familiar with the subject property and that it is zoned Suburban Estate (SE). He noted that there are presently no variances on the property but there is an existing nonconformity because at the time of annexation, the home was located only 15 feet 2.5 inches from the property line. He added that the setback requirements today are more restrictive and require the property's setbacks to be 15% of the lot's width, or 20 feet 3 inches for this lot. Mr. Wilde reported that the associated project is for a porch addition that would increase the nonconformity, thus requiring a total variance of 9 feet 2.5 inches to bring the property into compliance.

Tracy Steinhauser, architect, was sworn and testified on behalf of the request. She explained that the intent of the porch addition was to enhance the curb appeal and better designate the main entryway to the home because the walkway extends across the entire length of the structure. She noted that the hardship is that the home is not built centered on the lot.

In response to Mr. Adam, Ms. Steinhauser stated that several options were considered but there were no viable configurations that would make the front door more prominent and be architecturally pleasing. She added that hardscape would be installed to help direct people to the front door but the addition was also needed to provide shelter for the porch.

Robert Dewitt, owner, was sworn and testified. He referred to Exhibit G to more fully describe the walkway that extends from the driveway across the front elevation to the front door.

Chairman Crowley called for public comments.

Michael Kaufman, north most adjacent neighbor, was sworn and testified. He provided five photos of various yard views. He noted that extending the porch would block his view of the roadway and infringe on his property.

Attorney Sluys labeled and entered Public Exhibits 2-7 "Existing Conditions Photos" into the record.

Cindy Kaufman, north most adjacent neighbor, was sworn and testified. She explained that the applicant's home is angled on the lot and the addition would further encroach on her property.

Chairman Crowley confirmed with the City Clerk that the hearing notice had been properly posted and mailed as required.

Ms. Steinhauser restated the hardship to be the way the home is angled on the property which prohibits construction of the porch addition in any other location.

Hearing no further comments, Chairman Crowley declared Case No. 18-06 fully presented at 6:30 PM.

Mr. Wilde restated the requested variance to be 9 feet 2.5 inches from the minimum side yard setback requirements.

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

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

A brief recess was held at 6:31 PM. The meeting reconvened at 6:32 PM with all members present.

The decision of the Board of Adjustment to **grant** the requested variance is as contained in the **Decision and Resolution, Case No. 18-06**, filed with and made a part of these minutes.

ELECTION OF CHAIRMAN

Mr. Meyer nominated James Crowley to serve as chairman, seconded by Dr. Hawatmeh. Hearing no additional nominations, the roll call vote was: AYE, Mr. Adam, Mr. Barclay, Dr. Hawatmeh and Mr. Meyer; NAY, none; ABSTAIN: Chairman Crowley.

The motion carried 4-0, with one abstention.

ELECTION OF VICE CHAIRMAN

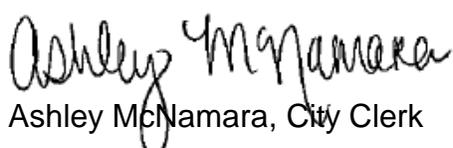
Mr. Meyer nominated David Adam to serve as vice chairman, seconded by Dr. Hawatmeh. Hearing no additional nominations, the roll call vote was: AYE, Chairman Crowley, Mr. Barclay, Dr. Hawatmeh and Mr. Meyer; NAY, none; ABSTAIN: Mr. Adam.

The motion carried 4-0, with one abstention.

ADJOURN

There being no further business, the meeting adjourned at 6:35 PM.

Respectfully submitted,


Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 18-06

Appellants: Robert Dewitt and Rebecca Holdredge, owners

Location: 347 Babler Road

Hearing Date: May 24, 2018

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

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DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 18-06

Appellants: Robert Dewitt and Rebecca Holdredge, owners

Subject Property: 347 Babler Road

Zoning District: Suburban Estate (SE)

Proposal: Appellants request a variance from Section 405.430.B.4. of the Zoning Regulations regarding the minimum side yard setback requirements to allow for the construction of a porch addition on an existing home on the property.

Hearing Date: May 24, 2018

1. Chairman Crowley called for unanimous consent in favor of granting a minimum side yard setback variance of 9 feet 2.5 inches from Section 405.430.B.4. of the Town and Country Zoning Regulations which would allow for the construction of a porch addition on an existing home on the property.

Hearing no objection, the vote was as follows:

Crowley	AYE
Adam	NAY
Hawatmeh	AYE
Meyer	AYE
Barclay	AYE

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 18-06**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **347 Babler Road** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, **Robert Dewitt and Rebecca Holdredge, owners**, (the "Appellants"), have submitted a request for a side yard setback variance to allow for the construction of a porch addition to their existing home; 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, the property as it exists today has a legal, nonconforming setback of 15 feet 2.5 inches due to its annexation into the City after being built; and

WHEREAS, the Code's current standard, made effective January 1, 2017, requires the property's side yard setback to be 20 feet 3.0 inches using the calculation noted in 405.430.B.4.a.; and

WHEREAS, plans show that the proposed porch addition will be located 11 feet, 0.5 inches at its closest point to the north property line; and

WHEREAS, a variance of 9 feet 2.5 inches from Section 405.430.B.4. is required to allow the porch addition to be constructed as shown on the plans; and

WHEREAS, the Appellants have 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

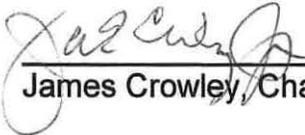
**BOARD OF ADJUSTMENT
CASE NO. 18-06**

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

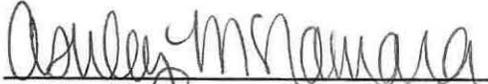
NOW, THEREFORE, BE IT RESOLVED, that the requested variance from the strict application of the Zoning Regulations of the City of Town and Country is hereby **approved**.

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