

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
SEPTEMBER 16, 2019**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Monday, September 16, 2019 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 – 07/23/19

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 reminded the Board of the retirement of Chief Gary Hoelzer in April. She introduced Jim Cavins as the recently appointed Chief of Police and provided brief background information. Chairman Crowley welcomed Chief Cavins to the meeting.

She also noted for the record that Case No. 19-05 requests multiple variances that are not mutually bound and as such, the Board may decide whether to consider them together or separately.

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. 19-05

On the request of Gloria Bellinger, owner's representative, on behalf of The Moog Center for Deaf Education, owner, for variances from Section 405.445.A.6. of the Zoning Regulations regarding the minimum green space requirement and Section 405.445.A.9. regarding the maximum floor area per lot (FAP) requirement. The variances are necessary in order to construct an addition to the existing building, as shown on the submitted plans, on the property located at 12300 South Outer Forty

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 August 2, 2019.
- B. Narrative for Appeal dated August 1, 2019, 2-pages.
- C. Letter from Ryan Spencer, City Planner, to Frederic Dombar, Gray Design Group, dated July 25, 2019, 2-pages.
- D. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated September 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 August 29, 2019, 1-page.
- G. Site Plan sealed and dated July 29, 2019, 1-page.

Appellant's Exhibit Nos. 1-5: floor plans, existing conditions, and elevation drawings.

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 previously approved variances exist to include a 0.58% green space variance granted in 2012 and a 2.7% green space variance granted in 2015. The current project was described as a one-story addition for classroom, lab space, and increased use efficiencies. He stated that the request includes a 3.63% total green space variance from the 75% requirement to allow the greenspace to be reduced to 71.37%, as well as a floor area per lot variance of 0.44% to allow an overage on the 13% maximum.

Larry Milles, architect, was sworn and testified on behalf of the request. He described the contents of Appellant's Exhibit Nos. 1-5 with respect to the new addition to include an aerial view, existing conditions, and various renderings.

In response to Mr. Adam, Mr. Spencer noted that pavers are not included in greenspace calculations, though they are better for stormwater purposes.

Upon inquiry of Mr. Meyer, Mr. Milles explained that some existing trees will be removed so new landscaping will be added to supplement the property's buffer. Mr. Spencer added that no mature woodlands will be disturbed and that a landscaping plan will be considered as part of the Amended Final Site Development process that is forthcoming.

Betsy Moog, Executive Director, was sworn and testified on behalf of the request. She provided information about the school's history, mission, and operations. She noted that the current design and available space is inconvenient and hinders teaching time. She stated the hardship to be that the facility is not ideally suited for younger children with respect to bathrooms and layout and while it is state-of-the-art, it requires expansion. She added that the quality of education is diminished because of the time wasted in transit.

Mr. Adam inquired about the school's master plan, particularly with respect to expansion and the need for future variances. In response, Ms. Brooks explained that future expansion is not anticipated and that enrollment trends have stabilized. She noted that

newborns were not screened for hearing loss until about 2003 so a major enrollment increase was seen in the years that followed, but has since leveled out. She added that no change in parking or increase in traffic would be associated with this addition.

In response to Chairman Crowley, Ms. Brooks stated that a shortage of teaching staff is the only reason that a waiting list would be utilized. She also noted the few similar schools in the region and that none are particularly nearby.

Chairman Crowley called for public comments.

James Gray, 860 Revere Drive, was sworn and spoke in general about the request. He noted that he is located directly behind the school and insisted that serious consideration be given to existing and potential stormwater issues. He displayed a photo on his mobile device showing stormwater retention between the two properties but did not provide it for the record.

Mr. Spencer clarified that regulations are in place that require additional stormwater detention when buildings are expanded or new developments are proposed and the related review will be completed as part of the Amended Final Site Development process. He added that any existing problems can be assessed by staff and offered contact information for the City's Project Manager to Mr. Gray.

Chairman Crowley confirmed with the City Clerk that the hearing was properly posted and advertised.

Hearing no further comments, Chairman Crowley declared Case No. 19-05 fully presented at 6:30 PM

Mr. Spencer confirmed that the two variances requested were 1) a green space variance of 3.63% from the 75% requirement in Section 405.445.A.6 and 2) a floor area per lot variance of 0.44% over the 13% maximum allowed in Section 405.445.A.9. of the Municipal Code.

Chairman Crowley called for unanimous consent in favor of the requested variances 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 variances were unanimously approved.

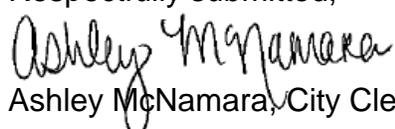
The decision of the Board of Adjustment to **approve** the requested variances is as contained in the **Decision and Resolution, Case No. 19-05**, filed with and made a part of these minutes.

Chairman Crowley noted the death of Alva Moog for the record and expressed appreciation for all his and his family's efforts on behalf of the community at-large.

ADJOURN

There being no further business, the meeting adjourned at 6:34 PM.

Respectfully submitted,



Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 19-05

Appellant: Gloria Bellinger, owner's representative,
on behalf of The Moog Center for Deaf Education, owner

Location: 12300 South Forty Drive

Hearing Date: September 16, 2019

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. 19-05

Appellant: Gloria Bellinger, owner's representative,
on behalf of The Moog Center for Deaf Education, owner

Subject Property: 12300 South Forty Drive

Zoning District: Suburban Estate (SE)

Proposal: Appellant requests variances from Section 405.445.A.6. of the Zoning Regulations regarding minimum green space requirements and Section 405.445.A.9. regarding the maximum floor area per lot (FAP) requirement, to allow for an addition to the existing building on the property.

Hearing Date: September 16, 2019

1-2. Chairman Crowley called for unanimous consent in favor of granting a green space variance of 3.63% from Section 405.445.A.6. and a maximum floor area per lot variance of 0.44% from Section 405.445.A.9. of the Town and Country Zoning Regulations which would allow for the construction of an addition to the existing building on the property.

Hearing no objection, the vote was as follows:

Crowley	AYE
Adam	AYE
Hawatmeh	AYE
Meyer	AYE
Barclay	AYE

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 19-05**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **12300 South Forty Drive** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, **Gloria Bellinger**, owner's representative, on behalf of **The Moog Center for Deaf Education**, owner, (the "Appellant"), has submitted a request for a greenspace variance and a floor area per lot variance to allow for the construction of an addition to the existing building on the property; and

WHEREAS, Section 405.445.A.6. of the Zoning Regulations requires that the minimum greenspace percentage per lot for non-residential uses in the Suburban Estate (SE) Zoning District is 75%; and

WHEREAS, a green space variance of .58% was granted on January 17, 2012 in conjunction with a previous addition to the building which allowed the site's total green space to be 74.42%; and

WHEREAS, a green space variance of 2.7% was granted on February 10, 2015 in conjunction with a parking lot addition on the property which allowed the site's total green space to be 72.3%; and

WHEREAS, plans for the current proposal show that construction of the new addition would result in an overall greenspace percentage of 71.37% for the property; and

WHEREAS, a variance of 3.63% from Section 405.445.A.6. is required to allow the addition to be constructed as shown on the plans; and

WHEREAS, Section 405.445.A.9. of the Zoning Regulations requires that the maximum floor area per lot in the Suburban Estate (SE) Zoning District is 13%; and

WHEREAS, plans show that construction of the new addition would result in a floor area per lot percentage of 13.44%; and

WHEREAS, a variance of 0.44% from Section 405.455.A.9. is required to allow the addition to be constructed 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

**BOARD OF ADJUSTMENT
CASE NO. 19-05**

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

- 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