

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
SEPTEMBER 29, 2020**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Tuesday, September 29, 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, Dr. Sam Hawatmeh, and alternate member Carolynne Huether 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 City Planner Ryan Spencer.

APPROVAL OF MINUTES – 08/25/20

Mr. Adam 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 expressed appreciation for the Board members, applicant, and other participants for adapting as needed to ensure business could move forward in the midst of the public health crisis. She requested that masks remain on and people stay socially distanced for the duration of the meeting for everyone's safety, and that any exhibits be handed directly to her for display.

She explained that Case No. 20-04 requests five separate variances that are not technically bound by one another, however, the underlying approvals were contingent upon all variances being granted. She noted that given the contingency, it would be appropriate to vote on all five variances together if there was no objection.

The City Clerk then deferred her remaining time to Vice Chairman Adam.

Special Recognition:

Vice Chairman Adam moved to approve the Special Resolution for Chairman Crowley as it had been written and previously distributed.

Mr. Meyer seconded the motion and a voice vote carried unanimously.

Vice Chairman Adam apologized to Chairman Crowley for the covert use of parliamentary procedure, but noted its necessity in allowing the Board to recognize his unmatched service to the community, particularly as a surprise. He called upon the City Clerk to read the Special Resolution aloud for the record. Said document is attached hereto in its entirety and made a part of these minutes.

A round of applause was held while Chairman Crowley was presented with the Special Resolution.

Vice Chairman Adam also took a moment to acknowledge Mrs. Donna Crowley for her 30+ years in support of Chairman Crowley's service and presented a bouquet of flowers

from the group in thanks.

Chairman Crowley noted his sincerest appreciation for the meaningful recognition, albeit a huge surprise.

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 the applicant or attendees have questions or need 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. 20-04

On the request of John Roberts, Head of School, on behalf of Covenant Presbyterian Church of St. Louis, owner, for variances from Section 405.450.B.4, 405.450.B.6, and 405.450.B.8 of the Zoning Regulations regarding the minimum side yard setback, minimum green space, and maximum accessory building height requirements. The variances are necessary in order to permit both a Boundary Adjustment and an Amended Final Site Development Plan for a school addition on the property, as shown on the submitted plans, located at 2143 North Ballas 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 August 24, 2020.
- B. Narrative for Appeal dated August 21, 2020, 2-pages.
- C. Accessory Building Heights Letter, sealed and dated September 1, 2020, 1-page.
- D. Letter from Ryan Spencer, City Planner, to Covenant Presbyterian Church, dated August 12, 2020, 2-pages.
- E. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated September 29, 2020, 3-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.
- G. Affidavit of Publication of notice of hearing published in The St. Louis Countian on September 11, 2020, 1-page.
- H. Ordinance Nos. 4373 and 4374 conditionally approving the Boundary Adjustment Plat and Amended Final Site Development Plan, approved August 10, 2020, 4-pages.
- I. Site Plan sealed and dated August 21, 2020, 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 described the application to be associated with a 14,500 sq. ft. Covenant Christian School addition on the property. The required variances were described as:

1. from Section 405.450.B.4 – a side yard setback variance of 20 ft. 6 in. from the 50ft. requirement for the “Manse” house
2. from Section 405.450.B.6 – a green space variance of 8% from the 75% requirement
3. from Section 405.450.B.8 – an accessory building height variance of 4 ft. 8 in. from the 15 ft. requirement for the “Barker” house
4. from Section 405.450.B.8 – an accessory building height variance of 11 ft. 1 in. from the 15 ft. requirement for the “Summers” house
5. from Section 405.450.B.8 – an accessory building height variance of 9 ft. from the 15 ft. requirement for the “Edwards” house.

He further explained that the houses referenced are preexisting homes that have become accessory structures on the lot by virtue of a Boundary Adjustment.

In response to Attorney Sluys, Mr. Spencer reported that the Boundary Adjustment Plat and associated Amended Final Site Development Plan for the project have been conditionally approved by both the Planning & Zoning Commission and the Board of Aldermen.

Finally, Mr. Spencer detailed the existing variances on the lot to include:

1. minimum lot area for church (5 acres) - variance of .13 acres approved
2. minimum street setback of 100 feet - variance of 22 feet approved
3. minimum greenspace of 75% - variance of 21% approved
4. minimum side setback of 50 feet - variance of 27 feet approved
5. minimum landscaping standards - variance approved
6. maximum floor area of 13% - variance of 3.76% approved
7. minimum side setback of 50 feet - variance of 10 feet approved.

In response to Chairman Crowley, Mr. Spencer testified that no known health or safety issues are associated with, or would result from, the request.

Mike Vorwek, owner’s representative, was sworn and testified on behalf of the request. He introduced John Roberts, Head of School, and Mike Keller, Project Manager, as also present and available for questions.

Mr. Vorwek explained that four of the five required variances are driven solely by existing conditions on the lot. He described the addition to be centrally located so as to have a negligible impact on neighbors. He also stated for the record that the project would not be detrimental to anyone’s health and/or welfare.

Chairman Crowley called for public comments. He noted that the meeting’s attendees were comprised solely of persons associated with the request, and that no members of the public were present.

The City Clerk noted for the record that public comments were solicited via the public notice and agenda for those not able, or willing, to attend the meeting in-person. She added that no comments were submitted to her office for inclusion in the proceedings.

Chairman Crowley declared Case No. 20-04 fully presented at 6:19 PM.

Mr. Spencer confirmed the requested variances for consideration included:

1. a side yard setback variance of 20 ft. 6 in. from the 50 ft. requirement in Section 405.450.B.4 for the "Manse" house
2. a green space variance of 8% from the 75% requirement in Section 405.450.B.6 for the lot
3. an accessory building height variance of 4 ft. 8 in. from the 15 ft. requirement in Section 405.450.B.8 for the "Barker" house
4. an accessory building height variance of 11 ft. 1 in. from the 15 ft. requirement in Section 405.450.B.8 for the "Summers" house
5. an accessory building height variance of 9 ft. from the 15 ft. requirement in Section 405.450.B.8 for the "Edwards" house.

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
Ms. Huether- AYE

A brief recess was held at 6:20 PM. The meeting reconvened at 6:22 PM with all members present.

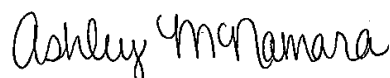
The decision of the Board of Adjustment to **approve** the requested variances is as contained in the **Decision and Resolution, Case No. 20-04**, filed with and made a part of these minutes.

Chairman Crowley requested that Mr. Spencer follow up with the applicants for the Ameren/Mercy substation project regarding its unfinished nature and provide an update to the Board at the next meeting.

ADJOURN

There being no further business, the meeting adjourned at 6:32 PM.

Respectfully submitted,


Ashley McNamara, City Clerk

DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 20-04

Appellant: John Roberts, Head of School, on behalf of
Covenant Presbyterian Church of St. Louis, owner

Subject Property: 2143 (2145) North Ballas Road

Zoning District: Suburban Estate (SE)

Proposal: Appellant request variances from Section 405.450.B.4, 405.450.B.6, and 405.450.B.8 of the Zoning Regulations, regarding minimum side yard setback, minimum green space, and minimum accessory building height requirements in order to construct a school addition on the property, and permit the related Boundary Adjustment and Amended Final Site Development Plan.

Hearing Date: September 29, 2020

Chairman Crowley called for unanimous consent in favor of granting the following variances which would allow for the construction of a school addition on the property, and permit the related Boundary Adjustment and Amended Final Site Development Plan.

1. Section 405.450.B.4 – a side yard setback variance of 20 ft. 6 in. from the 50ft. requirement for the “Manse” house
2. Section 405.450.B.6 – a green space variance of 8% from the 75% requirement
3. Section 405.450.B.8 – an accessory building height variance of 4 ft. 8 in. from the 15 ft. requirement for the “Barker” house
4. Section 405.450.B.8 – an accessory building height variance of 11 ft. 1 in. from the 15 ft. requirement for the “Summers” house
5. Section 405.450.B.8 – an accessory building height variance of 9 ft. from the 15 ft. requirement for the “Edwards” house

Hearing no objection, the vote was as follows:

Crowley	AYE
Adam	AYE
Meyer	AYE
Hawatmeh	AYE
Huether	AYE

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 20-04**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **2143 North Ballas Road** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, John Roberts, Head of School, representing **Covenant Presbyterian Church of St. Louis, owner**, (the "Appellant"), has submitted a request for five (5) variances total regarding minimum side yard setback, minimum green space, and minimum accessory building height requirements; and

WHEREAS, the current proposal is to construct a 14,500 sq. ft. school addition on the property; and

WHEREAS, the Board of Aldermen approved the related Boundary Adjustment Plat and Amended Final Site Development Plan for the Appellant on August 10, 2020, both contingent upon obtaining the required variances; and

WHEREAS, Section 405.450.B.4. of the Zoning Regulations requires that the minimum side yard setback for this use in the SE Zoning District is fifty (50) feet; and

WHEREAS, plans show the existing "Manse" house on the property is located 29 ft. 6 in. from the side (south) property line; and

WHEREAS, Section 405.450.B.6. of the Zoning Regulations requires that the minimum green space per lot in the SE Zoning District is 75%; and

WHEREAS, plans show that after construction, the property's total green space will be reduced from 69% to approximately 67%; and

WHEREAS, Section 405.450.B.8. of the Zoning Regulations requires that the maximum height for an accessory building in the SE Zoning District is 15 ft.; and

WHEREAS, plans show that three (3) of the existing accessory buildings are taller than allowed by Code; and

WHEREAS, the following variances are required to allow for the addition to be constructed as shown on the plans, and allow for execution of the Boundary Adjustment Plat and Amended Final Site Development Plan by the City Clerk:

1. a side yard setback variance of 20 ft. 6 in. from the 50 ft. requirement in Section 405.450.B.4 for the "Manse" house, and
2. a green space variance of 8% from the 75% requirement in Section 405.450.B.6 for the lot, and
3. an accessory building height variance of 4 ft. 8 in. from the 15 ft. requirement in Section 405.450.B.8 for the "Barker" house, and

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 20-04**

4. an accessory building height variance of 11 ft. 1 in. from the 15 ft. requirement in Section 405.450.B.8 for the "Summers" house, and
5. an accessory building height variance of 9 ft. from the 15 ft. requirement in Section 405.450.B.8 for the "Edwards" house.

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 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.

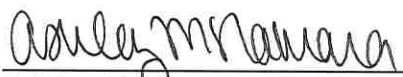
NOW, THEREFORE, BE IT RESOLVED, that the requested variances from the strict application of the Zoning Regulations of the City of Town and Country are hereby **approved**.

The following is the vote taken on the foregoing resolution:

Crowley	AYE
Adam	AYE
Meyer	AYE
Hawatmeh	AYE
Huether	AYE



James Crowley, Chairman



Ashley McNamara, City Clerk

**City of Town and Country
Board of Adjustment
Special Resolution**

Whereas, the Honorable James E. Crowley began his service to the Board of Adjustment of the City of Town and Country on May 22, 1989 when he was appointed as an alternate member; and

Whereas, on October 22, 1990, Mr. Crowley was appointed as a regular member, thus beginning an unparalleled, exemplary record of service within the City; and

Whereas, the Board of Adjustment members wisely nominated and confirmed Mr. Crowley as their Chairman on January 17, 1994, a position he has dutifully enjoyed being re-elected to each year by his colleagues on the Board; and

Whereas, since that time Mr. Crowley has not only served, but led the Board of Adjustment with his deliberate and calm demeanor, dedication, compassion, and wisdom; and

Whereas, Mr. Crowley has dedicated countless hours to the consideration of cases and remains known for his professionalism and sterling reputation as a gentleman to all he encounters; and

Whereas, well over 150 meetings have benefitted specifically from Mr. Crowley's position on the Board and/or at the helm, as he helped to usher near countless cases through the technical and sometimes adversarial appeal process that requires the utmost efficiency and care; and


Whereas, the contributions and service of Mr. Crowley to the Board of Adjustment, and this community, cannot be quantified but remain unabashedly recognized and appreciated by staff, residents, and elected officials alike; and

Whereas, this Board of Adjustment, through the powers granted to it by Missouri statute, allow for the Board to create its own rules, hereby creates the authority to recognize the exemplary service of its own Board of Adjustment Members; and

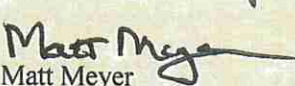
Whereas, on the motion of the Vice-Chairman and with the unanimous vote of approval at a properly convened meeting, the Board of Adjustment of the City of Town and Country, Missouri hereby formally bestows the highest honor on the Honorable James E. Crowley.

NOW, THEREFORE, BE IT KNOWN THAT THE MEMBERS OF THE BOARD OF ADJUSTMENT OF THE CITY OF TOWN & COUNTRY, do extend their deepest appreciation and respect for the dedication, leadership, vision, and counsel demonstrated by the Honorable James E. Crowley during his continued tenure as a Member of the Board of Adjustment.

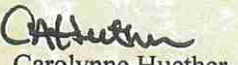
By Special Resolution of the Board of Adjustment, this 29th day of September, 2020.



David Adam
Vice Chairman


Sam Hawatmeh


Matt Meyer


Chris Barclay


Carolynne Huether


Steven Garrett
City Attorney


Attest: Ashley McNamara, City Clerk

