

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
FEBRUARY 23, 2016**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Tuesday, February 23, 2016 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 Matt Meyer, Dr. Sam Hawatmeh, David Adam and alternate member Chris Barclay to be present.

Pursuant to the Board's procedures, Carolynne Huether, having previously been appointed and sworn, was seated at the dais to audit the meeting.

Chairman James Crowley presided.

City Attorney Steve Garrett's represented the City.

Also present were City Clerk Ashley McNamara and City Planner Melanie Rippetoe.

APPROVAL OF MINUTES – 09/21/15

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.

OATH OF OFFICE

The City Clerk administered the Oath of Office to David Adam who was recently appointed as a regular member.

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.

PUBLIC HEARING

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

1. Case No. 16-01

On the request of Nat and Stacy Walsh, owners, for variances from Section 405.430.B.3. of the Zoning Regulations regarding minimum setback from street requirements as well as from Section 405.430.B.6. regarding minimum green space requirements. The variances are requested in order to construct a pool addition and related equipment in the rear of the property located at 2104 N. Ballas Road, in the Suburban Estates (SE) Zoning District.

Attorney Garrett entered the following exhibits into the record:

- A. Application for Appeal, received by the City of Town and Country on January 7,

2016.

- B. Narrative for Appeal and attachments, 8-pages.
- C. Letter from Melanie Rippetoe, City Planner, to Ryan Taylor with Baker Pool Construction, dated December 21, 2015, 2-pages.
- D. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated February 23, 2016, 3-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 February 5, 2016, 2-pages.
- G. Site Plan, sealed and dated 02/12/16, 4-sheets.

City Planner Melanie Rippetoe was sworn and testified on behalf of the City. Ms. Rippetoe stated that she is familiar with the property and it is located in the Suburban Estate (SE) Zoning District. She added that there is an existing front yard setback nonconformity however no variance allowing it could be found. Ms. Rippetoe stated that the variance request was related to a construction project for a new pool and related decking and equipment. She explained the applicant is requesting two variances from Section 405.430.B.3. of the Zoning Regulations regarding setback from street requirements, the first for 22 feet 6 inches for the pool and the second for 27 feet 5 inches for the associated equipment. Additionally, she added that the applicant requests a .8% variance from Section 405.430.B.6. for greenspace requirements on this lot.

Nathanial Walsh, owner, was sworn and testified on behalf of the request. Utilizing Exhibit G, he explained that a substantial addition was completed in 2002 and pointed out that a 50 ft. setback, as required by Code, would run through the existing home and addition. He stated that as Harflo Lane is private property and not maintained by the City, a variance was likely not required then and should not be necessary presently. Mr. Walsh described his hardship to be that the intent is to build the pool and related equipment in line with the current home as it would not fit elsewhere on the property. He added that, in reference to the green space request, homes on Ballas Road have a 125 ft. setback and thus require very long driveways that take up a lot of greenspace coverage. He concluded by stating that representatives from Baker Pool were engaged and reported that the pool is the appropriate size and depth for the lot.

In response to Chairman Crowley, both Ms. Rippetoe and Attorney Garrett confirmed that Harflo Lane is recognized as a street by both the City and the County.

Mr. Adam inquired about the number of homes serviced by Harflo Lane to which Mr. Walsh replied there are seven total.

Mr. Walsh restated his hardship to be the necessity of placing the pool in its proposed location because of the pool's size and the lot configuration.

Chairman Crowley called for public comments.

Hearing none, Chairman Crowley declared Case No. 16-01 fully presented at 6:21 PM.

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

A brief recess was held at 6:22 PM. The meeting reconvened at 6:23 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. 16-01**, filed with and made a part of these minutes.

2. Case No. 16-02

On the request of Fischer & Frichtel Custom Homes LLC, owner under contract, for variances from Section 405.520.B.1. of the Zoning Regulations regarding minimum lot area requirements. Additionally, a variance from Section 405.170.B.4. regarding the alteration, expansion or extension of existing single-family dwellings within Planned Residential Community (PRCS) in annexed areas within the "SL" or "SM" zoning districts is needed, as the submitted proposal would alter the record plat of Pinetree Subdivision. The variances are requested in order to subdivide an existing 2.1 acre lot into three separate lots on the property located at 13321 Pine Creek Drive, in the Suburban Low (SL) Zoning District.

Attorney Garrett entered the following exhibits into the record:

- A. Application for Appeal, received by the City of Town and Country January 15, 2016.
- B. Narrative for appeal, 10-pages.
- C. Letter of support signed by trustees, dated July 23, 2015, 1-page.
- D. Letter from Melanie Rippetoe, City Planner, to Chris DeGuentz with Fischer & Frichtel Custom Homes LLC, dated December 11, 2015, 3-pages.
- E. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated February 23, 2016, 4-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.
- G. Affidavit of Publication of notice of hearing published in The St. Louis Countian on February 5, 2016, 2-pages.
- H. Site Plan, sealed and dated 02/08/16, 1-sheet.

Ms. Rippetoe, having previously been sworn, testified on behalf of the City. She stated that she is familiar with the property and it is located in the Suburban Low (SL) Zoning District. She explained that there were variances granted in 2006 to allow the property to be subdivided into two lots. She added that the property is located in the Pinetree Estates Subdivision that was annexed as a "PRC" into the City. She stated that Section 405.520.B.1. requires minimum lot size to be 43,560 sq. ft. so each lot as submitted would need a variance from this Section. Specifically, Lot A needs a variance of 9,695 sq. ft, Lot B needs 14,673 sq. ft. and Lot C needs 13,725 sq. ft. to be subdivided as shown on the plans. She added that a variance from Section 405.170 was also required in order to allow for the alteration of the record plat of Pinetree Subdivision.

Attorney Garrett confirmed that the subdivision was developed under St. Louis County rules and later annexed into the City. Ms. Rippetoe added that none of the other existing lots in the subdivision meet the City's current 1-acre requirement.

Attorney Garrett clarified that if the current request is denied the applicant would not be able to subdivide the property with the previously granted variance.

Chris DeGuentz, Fisher & Frichtel Custom Homes, owner under contract, was sworn and testified on behalf of the request. He stated that the subdivision was designed to have smaller lot sizes and a large common ground area. He added that proposed three lots will be twice as large as the existing lots in the subdivision. He explained that this has been an ongoing process of finding the appropriate use of the lot with input from the neighbors.

Mr. DeGuentz stated the hardship to be that this was the most logical use of the property and did not have any effect on government services or require any easements, etc. He added that this option will cause the least impact on the neighbors as it does not adjoin any of their properties and also because the proposal allows for three smaller homes to be built that would be appropriately sized for the subdivision.

Bob Wilmering, 630 Pine Creek, was sworn and spoke in favor of the request. He stated that it was time for the property to be developed. He added that the majority of the residents in Pinetree Subdivision have worked with the applicant to decide what would be appropriate on the property.

Chairman Crowley called for public comments.

Hearing none, Chairman Crowley declared Case No. 16-02 fully presented at 6:43 PM.

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 |
| Dr. Hawatmeh- | AYE |
| Mr. Meyer- | AYE |
| Mr. Adam- | AYE |
| Mr. Barclay- | AYE |

Attorney Garrett confirmed that the variance is valid for a specific period of time which starts upon approval.

A brief recess was held at 6:48 PM. The meeting reconvened at 6:49 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. 16-02**, filed with and made a part of these minutes.

3. Case No. 16-03

On the request of BEX Construction Services, on behalf of Don Davidson, owner, for a variance from Section 405.170.B.2. of the Zoning Regulations regarding the alteration, expansion or extension of an existing nonconforming use. The variance is requested in order to construct an addition on a detached garage on the rear of the property located at 13398 Conway Road, in the Suburban Estate (SE) Zoning District.

Attorney Garrett entered the following exhibits into the record:

- A. Application for Appeal, received by the City of Town and Country on January 19, 2016.
- B. Narrative for Appeal, 1-page.
- C. Letter from Melanie Rippetoe, City Planner, to Randy Bueckendorf with BEX Construction Services, dated January 12, 2016, 2-pages.
- D. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated February 23, 2016, 3-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 February 5, 2016, 2-pages.
- G. Letter from Don Davidson, owner, authorizing representation by Randy Bueckendorf, 1-sheet
- H. Floor plan, labeled site plan and architectural renderings, 6-sheets
- I. Letters of support from various neighbors, 5-sheets
- J. Labeled aerial photo and various photos of existing conditions and materials, 4-sheets
- K. Site Plan, sealed and dated 01/13/16, 1-sheet.

Ms. Rippetoe, having previously been sworn, testified on behalf of the City. She stated that she is familiar with the property and it is located in the Suburban Estate (SE) Zoning District. She explained that there is an existing legal nonconformity because the detached garage, with front facing doors, was built prior to annexation. She reported that the project in question was to construct an addition onto the detached garage and that no variance would be required if the doors were not front facing.

Chairman Crowley confirmed with the City Clerk that a notice was sent to all those required via mail.

Randy Bueckendorf, BEX Construction, was sworn and testified on behalf of the applicant. He described the addition project and explained that this request is based on a technicality. He stated the hardship to be that neither the addition, nor the garage doors, will be visible from the street or by the neighbors as it is in the rear of a six acre lot.

Mr. Bueckendorf reiterated that the garage was built prior to being annexed into Town and Country.

In response to Chairman Crowley, Ms. Rippetoe confirmed that the garage was in fact a pre-existing, legal nonconforming use.

Chairman Crowley called for public comments.

Hearing none, Chairman Crowley declared Case No. 16-03 fully presented at 6:57 PM.

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

The decision of the Board of Adjustment to **grant** the requested variance is as contained in the **Decision and Resolution, Case No. 16-03**, filed with and made a part of these minutes.

Chairman Crowley officially welcomed Ms. Huether and stated that she has met the requirements to be a voting member of the Board for future meetings.

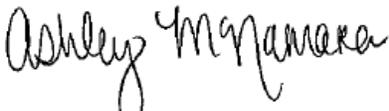
He also offered congratulations to Mr. Adam for being sworn in as a regular member.

Finally, he expressed appreciation with regards to former member Tim Walsh for his service to the Board of Adjustment and asked that the signed Resolution stating such be added to the record.

ADJOURN

There being no further business, the meeting adjourned at 7:16 PM.

Respectfully submitted,



Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 16-01
Appellant: Nat and Stacy Walsh, owners
Location: 2104 N. Ballas Road
Hearing Date: February 23, 2016

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 January 7, 2016.
- B. Narrative for Appeal and attachments, 8-pages.
- C. Letter from Melanie Rippetoe, City Planner, to Ryan Taylor with Baker Pool Construction, dated December 21, 2015, 2-pages.
- D. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated February 23, 2016, 3-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 February 5, 2016, 2-pages.
- G. Site Plan, sealed and dated 02/12/16, 4-sheets.

DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 16-01

Appellant: Nat and Stacy Walsh, owners

Subject Property: 2104 N. Ballas Road

Zoning District: Suburban Estate (SE)

Proposal: Appellant requests variances from Section 405.430.B.3. and 405.430.B.6. of the Zoning Regulations, regarding minimum setback from street and minimum greenspace requirements to allow for the construction a pool and related equipment.

Hearing Date: February 23, 2016

1. Chairman Crowley called for unanimous consent in favor of granting a minimum setback from street variance of 22 feet 6 inches for the proposed pool and 27 feet 5 inches for the related equipment from Section 405.430.B.3. and a green space variance of .8% from Section 405.430.B.6. of the Town and Country Zoning Regulations which would allow for the construction of a pool and related equipment in the rear yard of the property.

Hearing no objection, the vote was as follows:

| | |
|----------|-----|
| Crowley | AYE |
| Meyer | AYE |
| Hawatmeh | AYE |
| Adam | AYE |
| Barclay | AYE |

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 16-01**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **2104 N. 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, **Nat and Stacy Walsh, owners**, (the "Appellants"), have submitted a request for minimum setback from street and green space variances; and

WHEREAS, the current proposal is to construct a pool, related equipment and associated hardscape in the rear yard of the property; and

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

WHEREAS, plans show the proposed pool to be 27 feet 6 inches from the property line and the related equipment 22 feet 7 inches from the property line; and

WHEREAS, a variance of 22 feet 6 inches for the pool and 27 feet 5 inches for the related equipment is required from Section 405.430.B.3. to allow for construction as shown and located on the plans; and

WHEREAS, Section 405.430.B.6. of the Zoning Regulations requires that the minimum green space for residential use lots in the Suburban Estate Zoning District is seventy-five percent (75%); and

WHEREAS, plans show that after construction of the pool, related equipment and associated hardscape, the overall greenspace will be 74.2%; and

WHEREAS, a variance of .8% from Section 405.430.B.6. is required to allow the for construction 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 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

**BOARD OF ADJUSTMENT
CASE NO. 16-01**

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

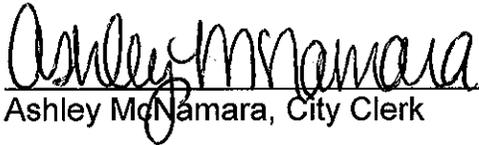
NOW, THEREFORE, BE IT RESOLVED, that the requested variances from the strict application of the Zoning Regulations of the City of Town and Country are hereby **approved**.

The following is the vote taken on the foregoing resolution:

| | |
|----------|-----|
| Crowley | AYE |
| Meyer | AYE |
| Hawatmeh | AYE |
| Adam | AYE |
| Barclay | AYE |



James Crowley, Chairman



Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 16-02

Appellant: Fischer & Frichtel Custom Homes LLC, owner under contract

Location: 13321 Pine Creek Drive (Lot 10, Pinetree Subdivision)

Hearing Date: February 23, 2016

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 January 15, 2016.
- B. Narrative for appeal, 10-pages.
- C. Letter of support signed by trustees, dated July 23, 2015, 1-page.
- D. Letter from Melanie Rippetoe, City Planner, to Chris DeGuent with Fischer & Frichtel Custom Homes LLC, dated December 11, 2015, 3-pages.
- E. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated February 23, 2016, 4-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.
- G. Affidavit of Publication of notice of hearing published in The St. Louis Countian on February 5, 2016, 2-pages.
- H. Site Plan, sealed and dated 02/08/16, 1-sheet.

**DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 16-02**

Appellant: Fischer & Frichtel Custom Homes LLC, owner under contract

Subject Property: 13321 Pine Creek Drive (Lot 10, Pinetree Subdivision)

Zoning District: Suburban Low (SL)

Proposal: Appellant requests variances from Section 405.520.B.1. and Section 405.170.B.4. of the Zoning Regulations regarding both minimum lot area requirements and the alteration of a previously annexed property in order to divide a 2.1 acre lot into three separate lots.

Hearing Date: February 23, 2016

1. Chairman Crowley called for unanimous consent in favor of granting a variance from Section 405.170.B.4. regarding the alteration of existing single-family dwellings in annexed subdivisions as well as variances of 9,695 sq. ft. for **Lot A**, 14,673 sq. ft. for **Lot B** and 13,725 sq. ft. for **Lot C** from Section 405.520.B.1., to allow for the subdivision of a 2.1 acre lot into three separate lots.

Hearing no objection, the vote was as follows:

| | |
|----------|-----|
| Crowley | AYE |
| Meyer | AYE |
| Hawatmeh | AYE |
| Adam | AYE |
| Barclay | AYE |

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 16-02**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **13321 Pine Creek Drive, Lot 10 Pinetree Subdivision**, is within the city limits of the City of Town and Country, and is in the **Suburban Low (SL)** Zoning District; and

WHEREAS, Fischer & Frichtel Custom Homes LLC, owner under contract, (the "Appellants") have submitted a request for a variance to deviate from the Code regarding the alteration of existing single-family dwellings in annexed subdivision, as well three additional variances for minimum lot area required; and

WHEREAS, the current proposal is to subdivide an existing 2.1 acre lot into three lots consisting of .78 acres, .66 acres and .68 acres; and

WHEREAS, Section 405.170.B.4. of the City of Town and Country Zoning Regulations permits communities like Pinetree, that were legal conforming uses pursuant to plans and ordinances adopted by St. Louis County before annexation by the City of Town and Country, to be deemed permitted uses in the City; and

WHEREAS, Section 405.170.B.4.b. addresses alteration, expansion or extension of existing single-family dwellings in certain annexed subdivisions, but does not authorize creation of additional lots and construction of additional dwellings in annexed subdivisions that would cause the overall subdivision to deviate from the subdivision plan as it was approved and recorded prior to annexation; and

WHEREAS, Pinetree Subdivision was approved and recorded with 23 lots and although the proposed Pinetree Subdivision by itself complies with City zoning standards, the addition of two lots changes the approved, recorded Pinetree Subdivision Record Plat; and

WHEREAS, the proposed resubdivision cannot be approved without a variance from Section 405.170.B.4 to allow the alteration; and

WHEREAS, Section 405.520.B.1. of the City of Town and Country Zoning Regulations requires that minimum lot area is forty-three thousand five hundred sixty (43,560) square feet; and

WHEREAS, plans show that the existing lot will be subdivided into three (3) separate lots, all of which are proposed to be less than 43,560 sq. ft. The proposed lots are listed below with lot area sizes and necessary variances:

Lot A: 33,865 sq. ft. needs a variance of 9,695 sq. ft.

Lot B: 28,887 sq. ft. needs a variance of 14,673 sq. ft.

Lot C: 29,835 sq. ft. need a variance of 13,725 sq. ft.

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 16-02**

WHEREAS, the existing lot cannot be subdivided as shown on the plans without the three additional variances from Section 405.520.B.1. previously listed; and

WHEREAS, the Appellants have requested that the Board of Adjustment finds 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

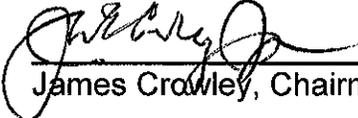
- **would** be in harmony with the general purpose and intent of the Zoning Ordinance.
- **would not** be detrimental to the public welfare
- **would not** constitute a change in the district map
- **would not** impair an adequate supply of light and air to adjacent property
- **would not** increase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

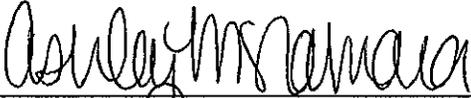
NOW, THEREFORE, BE IT RESOLVED, that the requested variances from the strict application of the Zoning Regulations of the City of Town and Country are hereby **approved**.

The following is the vote taken on the foregoing resolution:

| | |
|----------|------------------|
| Crowley | AYE |
| Meyer | AYE |
| Hawatmeh | AYE <i>gm AM</i> |
| Adam | AYE |
| Barclay | AYE |



James Crowley, Chairman



Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 16-03

Appellant: Don Davidson, owner
represented by BEX Construction Services

Location: 13398 Conway Road

Hearing Date: February 23, 2016

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 January 19, 2016.
- B. Narrative for Appeal, 1-page.
- C. Letter from Melanie Rippetoe, City Planner, to Randy Bueckendorf with BEX Construction Services, dated January 12, 201~~5~~^{6 AM}, 2-pages.
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- 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 February 5, 2016, 2-pages.
- G. Letter from Don Davidson, owner, authorizing representation by Randy Bueckendorf, 1-sheet
- H. Floor plan, labeled site plan and architectural renderings, 6-sheets
- I. Letters of support from various neighbors, 5-sheets
- J. Labeled aerial photo and various photos of existing conditions and materials, 4-sheets
- K. Site Plan, sealed and dated 01/13/16, 1-sheet.

DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 16-03

Appellant: Don Davidson, owner
represented by BEX Construction Services

Subject Property: 13398 Conway Road

Zoning District: Suburban Estate (SE)

Proposal: Appellant requests variances from Section 405.170.B. of the Zoning Regulations regarding the alteration of an existing non-conforming use, which would allow for the construction of an addition on an existing detached garage in the rear yard of the property.

Hearing Date: February 23, 2016

1. Chairman Crowley called for unanimous consent in favor of granting a variance from Section 405.170.B. of the Town and Country Zoning Regulations regarding the alteration, expansion or extension of an existing non-conforming use, which would allow for the construction of an addition on an existing detached garage in the rear yard.

Hearing no objection, the vote was as follows:

| | |
|----------|-----|
| Crowley | AYE |
| Meyer | AYE |
| Hawatmeh | AYE |
| Adam | AYE |
| Barclay | AYE |

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 16-03**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **13398 Conway Road** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, BEX Construction Services, on behalf of Don Davison, owner, (the "Appellant"), has submitted a request for a variance to deviate from the Code regarding the alteration of an existing non-conforming use; and

WHEREAS, the current proposal is to construct a 1,485 sq. ft. addition onto the existing detached garage in the rear yard of the property; and

WHEREAS, Section 405.170.B.2. of the Zoning Regulations states that no extensions, alterations, expansions, enlargements or other structural alterations of a building, structure or other portion of a non-conforming lot shall not be permitted except under certain circumstances that are not applicable to this request; and

WHEREAS, plans show the proposed addition will be constructed on an existing detached garage. Said detached garage had front facing garage doors when the property was annexed into the City. Front facing garage doors are not allowed per R309.7 of Section 500.160 of the Residential Code and thus the detached garage is deemed an existing non-conforming use; and

WHEREAS, a variance from Section 405.170.B.2 is required to allow for the construction of the addition on the detached garage 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.

**BOARD OF ADJUSTMENT
CASE NO. 16-03**

NOW, THEREFORE, BE IT RESOLVED, that the requested variance 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 |
| Meyer | AYE |
| Hawatmeh | AYE |
| Adam | AYE |
| Barclay | AYE |



James Crowley, Chairman



Ashley McNamara, City Clerk