

**BOARD OF ADJUSTMENT  
CITY OF TOWN AND COUNTRY, MO  
JUNE 20, 2016**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Monday, June 20, 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 Carolynne Huether to be present.

Chairman James Crowley presided.

City Attorney Steve Garrett represented the City.

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

**APPROVAL OF MINUTES – 04/19/16**

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.

**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. 16-06**

**On the request of Amanda Ringhofer, owner, for a variance from Section 405.430.B.3. of the Zoning Regulations regarding minimum setback from street requirements. The variance is necessary in order to construct a new home as shown on the submitted plans on the .97 acre property located at 13607 Peacockfarm 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 April 25, 2016.
- B. Narrative for Appeal dated April 25, 2016, 2-pages.
- C. Neighbor Approval Form, 1-page.
- D. Restated Restrictive Agreement of Mason Valley Estates, 7-pages.

- E. Letter from Melanie Rippetoe, City Planner, to Dave and Amanda Ringhofer, dated April 22, 2016, 2-pages.
- F. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated June 20, 2016, 2-pages.
- G. 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, 4-pages.
- H. Affidavit of Publication of notice of hearing published in The St. Louis Countian on June 1, 2016, 2-pages.
- I. Site Plan sealed and dated 04/13/16, Subdivision Plat, elevations and floor plans, 11-pages.

Melanie Rippetoe, City Planner, was sworn and testified. She stated that she is familiar with the property and that it is zoned Suburban Estate. She explained that the Architectural Review Board had reviewed the application for a new home and it was approved contingent upon a variance being granted. She described the variance requested to be from Section 405.430.B.3. which states that the minimum setback from street must be 50 feet. She explained that as the proposed home would only be 35 feet from the street, a 15 ft. variance would be required. In response to Attorney Garrett, she confirmed that the home was built under St. Louis County ordinances and subsequently annexed into the City.

Lauren Strutman, Lauren Strutman Architects, was sworn and testified on behalf of the applicant. Utilizing Exhibit I she described the location of the new home and pointed out that the footprint could not be pushed back without compromising the existing pool. She stated the hardship to be that the proposed home cannot be relocated without having to demolish the swimming pool. Ms. Strutman added that the rest of the neighborhood is similarly situated on their respective lots.

Amanda Ringhofer and Dave Ringhofer, owners, were sworn and testified. Mr. Ringhofer stated that the home was purchased from a developer along with a proposed remodel design, however, an engineering study was performed that proved his plan structurally impossible. Mrs. Ringhofer restated their hardship to be their desire to keep the existing pool. Mr. Ringhofer added that the lot's topography is another component of their hardship.

Chairman Crowley called for public comments.

Robert Tuckett, 1584 Foxleigh Court, was sworn and spoke in support of the request. He stated that he was authorized to speak on behalf of the subdivision trustees. He explained that they were supportive of the Ringhofer's plan to maintain a similar setback as the other homes on the street and keep with the character of the neighborhood.

Hearing no further, Chairman Crowley declared Case No. 16-06 fully presented at 6:17 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  
Mrs. Huether- AYE

A brief recess was held at 6:19 PM. The meeting reconvened at 6:20 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. 16-06**, filed with and made a part of these minutes.

## 2. Case No. 16-07

**On the request of Lathrop & Gage, representing Dayspring Baptist Church, owner, for variances from Sections 405.390.C., 405.395, and 405.400 of the Zoning Regulations regarding minimum landscaping requirements. The variances are necessary in order to construct an addition as shown on the submitted plans on the 9.9 acre property located at 1001 Municipal Center Drive, in the Suburban Estate (SE) Zoning District.**

Before proceeding, Attorney Garrett explained that if the Board found the upcoming applicant to be a church, the law provides that the City's zoning regulations could not be imposed except to the extent that they deal with health and safety.

Attorney Garrett entered the following exhibits into the record:

- A. Application for Appeal, received by the City of Town and Country on May 19, 2016.
- B. Narrative for Appeal dated May 19, 2016, 1-page.
- C. Letter from Melanie Rippetoe, City Planner, to Dayspring Baptist Church, dated May 9, 2016, 2-pages.
- D. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated June 20, 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, 2-pages.
- F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on June 1, 2016, 2-pages.
- G. Site Plan, sealed and dated 05/13/16, 4-pages.

City Planner Rippetoe, having previously been sworn, stated that she is familiar with the property and described previous variances granted for landscaping in 1997. She explained that a building permit application had been submitted for an addition that necessitated variances from Section 405.390.C for bufferyard landscaping, 405.395 for on-lot landscaping and 405.400 for landscaping within the parking lot area. She confirmed that the project had been approved by the Planning & Zoning Commission contingent upon the variances being granted.

John King and Paul Boyer were sworn and testified on behalf of the applicant. Mr. King utilized a PowerPoint presentation that was labeled as Appellant's Exhibit 1 and entered into the record. Mr. King pointed out the existing, 2,100 sq. ft. home, that was in bad repair and would be demolished, on an aerial photo. He explained that the applicant would be replacing said residence with a 2,100 sq. ft. addition that would serve the same office space purpose. Mr. King explained that the hardship was that if landscaping was planted according to the amount required by ordinance, it would not live on the property. He also stated that the applicant is a church and landscaping regulations do not impact health or safety.

Mr. Boyer stated that the proposed development actually increases greenspace and

they would be installing a fair amount of landscaping to protect those passing by on the street.

Chairman Crowley called for public comments.

Hearing none, Chairman Crowley declared Case No. 16-07 fully presented at 6:33 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
Mrs. Huether-	AYE

A brief recess was held at 6:34 PM. The meeting reconvened at 6:35 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. 16-07**, filed with and made a part of these minutes.

### 3. Case No. 16-08

**On the request of Nathaniel and Stacy Walsh, owners, for a variance from Section 405.430.B.3. of the Zoning Regulations regarding minimum setback from street requirements. The variance is necessary in order to construct an open patio roof as shown on the submitted plans on the 1.0 acre property located at 2104 N. Ballas 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 May 23, 2016.
- B. Narrative for Appeal, 1-page.
- C. Letter from Melanie Rippetoe, City Planner, to Mr. and Mrs. Walsh, dated February 16, 2016, 2-pages.
- D. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated June 20, 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, 2-pages.
- F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on June 1, 2016, 2-pages.
- G. Site Plan sealed and dated 06/03/16, roof plan and elevations, 3-pages.

City Planner Rippetoe, having previously been sworn, stated that she is familiar with the property and it is zoned Suburban Estate. She reported that there is currently a preexisting nonconformity with regards to an addition that was built within the setback lines along Harflo Lane. She stated that variances for green space and setback from street requirements were granted in February of 2016 in order to construct a pool and related equipment. She explained that an application was submitted to construct a roof over an existing patio within the 50 ft. setback line which necessitates a variance of 23

ft. 6 in. from the minimum setback from street requirements. She added that the plans show a 656 sq. ft. section of concrete to be removed which keeps the plan compliant with greenspace requirements.

Nathaniel Walsh, owner, was sworn and testified. With reference to Exhibit G, Mr. Walsh pointed out the structure extension and noted that the existing roofline would be continued. He added that the project would not diminish any greenspace. He stated his hardship to be that Harflo Lane was not previously deemed to be a street when the home and condition were constructed. He added that because Harflo Lane is considered a street now, nothing can be added or changed without infringing upon the 50 ft. setback from street requirements.

In response to Mr. Adam, Mr. Walsh stated that Harflo Lane has been determined to meet the definition of street according to City ordinances. He added that there are seven homes who use Harflo Lane for access.

Chairman Crowley called for public comments.

Hearing none, Chairman Crowley declared Case No. 16-08 fully presented at 6:47 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
Mrs. Huether-	AYE

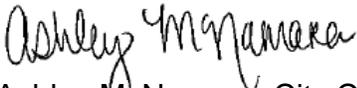
A brief recess was held at 6:48 PM. The meeting reconvened at 6:48 PM with all members present.

The decision of the Board of Adjustment to **grant** the requested variance is as contained in the **Decision and Resolution, Case No. 16-08**, filed with and made a part of these minutes.

### **ADJOURN**

There being no further business, the meeting adjourned at 6:51 PM.

Respectfully submitted,

  
Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT  
CITY'S EXHIBITS**

**Case No.:** 16-06  
**Appellant:** Amanda Ringhofer, owner  
**Location:** 13607 Peacockfarm Road  
**Hearing Date:** June 20, 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 April 25, 2016.
- B. Narrative for Appeal dated April 25, 2016, 2-pages.
- C. Neighbor Approval Form, 1-page.
- D. Restated Restrictive Agreement of Mason Valley Estates, 7-pages.
- E. Letter from Melanie Rippetoe, City Planner, to Dave and Amanda Ringhofer, dated April 22, 2016, 2-pages.
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- H. Affidavit of Publication of notice of hearing published in The St. Louis Countian on June 1, 2016, 2-pages.
- I. Site Plan sealed and dated 04/13/16, Subdivision Plat, elevations and floor plans, 11-pages.

**DECISION OF THE BOARD OF ADJUSTMENT**  
**CITY OF TOWN AND COUNTRY, MO**  
**CASE NO. 16-06**

**Appellant:** Amanda Ringhofer, owner

**Subject Property:** 13607 Peacockfarm Road

**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:** June 20, 2016

1. Chairman Crowley called for unanimous consent in favor of granting a minimum setback from street variance of 15 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
Huether	AYE

**CITY OF TOWN AND COUNTRY RESOLUTION  
BOARD OF ADJUSTMENT  
CASE NO. 16-06**

**WHEREAS**, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **13607 Peacockfarm Road** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

**WHEREAS**, **Amanda Ringhofer, owner**, (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 is fifty (50) feet; and

**WHEREAS**, plans show the proposed home to be thirty-five (35) feet from the property line; and

**WHEREAS**, a variance of fifteen (15) 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

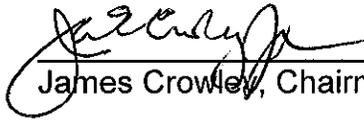
**WHEREAS**, this Board does further find and determine that practical difficulties and unnecessary hardships **have** been demonstrated.

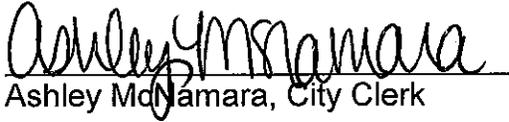
**NOW, THEREFORE, BE IT RESOLVED**, that the requested variance from the strict application of the Zoning Regulations of the City of Town and Country is hereby **approved**.

**CITY OF TOWN AND COUNTRY RESOLUTION  
BOARD OF ADJUSTMENT  
CASE NO. 16-06**

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

**BOARD OF ADJUSTMENT  
CITY'S EXHIBITS**

**Case No.:** 16-07

**Appellant:** Dayspring Baptist Church, owner  
Represented by Lathrop and Gage LLP

**Location:** 1001 Municipal Center Drive

**Hearing Date:** June 20, 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 May 19, 2016.
- B. Narrative for Appeal dated May 19, 2016, 1-page.
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- D. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated June 20, 2016, 3-pages.
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- F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on June 1, 2016, 2-pages.
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**DECISION OF THE BOARD OF ADJUSTMENT**  
**CITY OF TOWN AND COUNTRY, MO**  
**CASE NO. 16-07**

**Appellant:** Dayspring Baptist Church, owner  
 Represented by Lathrop and Gage LLP

**Subject Property:** 1001 Municipal Center Drive

**Zoning District:** Suburban Estate (SE)

**Proposal:** Appellant requests variances from Sections 405.390.C, 405.395 and 405.400 of the Zoning Regulations, regarding landscaping requirements, in order to construct a building addition on the property.

**Hearing Date:** June 20, 2016

1. Chairman Crowley called for unanimous consent in favor of granting variances from Sections 405.390C, 405.395 and 405.400 for 78 canopy trees, 75 evergreen trees, 104 understory trees and 269 shrubs in total, in order to construct a building addition on the property. The breakdown per Section is as follows:

	Section 405.390.C	Section 405.395	Section 405.400	TOTAL VARIANCES
Canopy Trees	21	57	-	78 canopy
Evergreen Trees	19	56	-	75 evergreen
Understory Trees	26	76	2	104 understory
Shrubs	190	-	79	269 shrubs

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. 16-07**

**WHEREAS**, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **1001 Municipal Center Drive** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

**WHEREAS**, Lathrop & Gage, owner's representative, on behalf of **Dayspring Baptist Church, owner**, (the "Appellant") fka Delmar Baptist Church, has submitted a request for a minimum setback from street variance; and

**WHEREAS**, the current proposal is to construct a 4,200 sq. ft. building addition on the property; and

**WHEREAS**, Section 405.390.C. of the Zoning Regulations regarding "bufferyard standards" requires that the minimum standards of bufferyard "D" apply for this property; and

**WHEREAS**, plans show the property will be deficient in the bufferyard requirements and will require a variance from Section 405.390.C. for 21 canopy trees, 19 evergreen trees, 26 understory trees and 190 shrubs in order to construct the addition as shown on the plans; and

**WHEREAS**, Section 405.395 of the Zoning Regulations regarding "on lot landscaping" requires 15 plant units per acre of non-wooded landscaped surface in areas not designated as parking areas or bufferyards, as well as 1 plant unit per each 100 ft. of non-residential building perimeter; and

**WHEREAS**, plans show the property will be deficient in the on lot landscaping requirements and will require a variance from Section 405.395 for 57 canopy trees, 56 evergreen trees and 76 understory trees in order to build the addition as shown on the plans; and

**WHEREAS**, Section 405.400 of the Zoning Regulations regarding "landscaping standards for parking lots" requires 3 plant units for every 24 parking spaces in landscaped areas aggregating 972 sq. ft., as well as 3 plant units for every 8,000 sq. ft. of drive or road area in landscaped areas aggregating 972 sq. ft. for adjoining entrance and circulation drives; and

**WHEREAS**, plans show the property will be deficient in the landscaping standards for parking lots requirement and will require a variance from Section 405.400 for 2 understory trees and 79 shrubs in order to build the addition as shown on the plans; and

**CITY OF TOWN AND COUNTRY RESOLUTION  
BOARD OF ADJUSTMENT  
CASE NO. 16-07**

**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

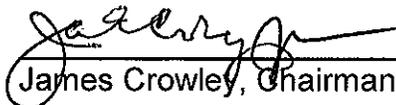
- **would** be in harmony with the general purpose and intent of the Zoning Ordinance.
- **would not** be detrimental to the public welfare
- **would not** constitute a change in the district map
- **would not** impair an adequate supply of light and air to adjacent property
- **would not** increase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

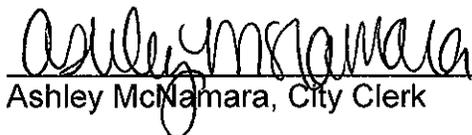
**WHEREAS**, this Board does further find and determine that practical difficulties and unnecessary hardships **have** been demonstrated.

**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

**BOARD OF ADJUSTMENT  
CITY'S EXHIBITS**

**Case No.:** 16-08  
**Appellant:** Nathaniel and Stacy Walsh, owners  
**Location:** 2104 N. Ballas Road  
**Hearing Date:** June 20, 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**

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- F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on June 1, 2016, 2-pages.
- G. Site Plan sealed and dated 06/03/16, roof plan and elevations, 3-pages.

**DECISION OF THE BOARD OF ADJUSTMENT**  
**CITY OF TOWN AND COUNTRY, MO**  
**CASE NO. 16-08**

**Appellant:** Nathaniel and Stacy Walsh

**Subject Property:** 2104 N. Ballas Road

**Zoning District:** Suburban Estate (SE)

**Proposal:** Appellants request a variance from Section 405.430.B.3. of the Zoning Regulations, regarding minimum setback from street requirements in order to construct a roof over an existing patio.

**Hearing Date:** June 20, 2016

1. Chairman Crowley called for unanimous consent in favor of granting a minimum setback from street variance of 23 feet 6 inches from Section 405.430.B.3. of the Town and Country Zoning Regulations which would allow for the construction of a roof over an existing patio on the property.

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. 16-08**

**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**, **Nathaniel and Stacy Walsh, owners**, (the "Appellants"), have submitted a request for a minimum setback from street variance; and

**WHEREAS**, the current proposal is to construct of a roof over an existing patio on 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 roof to be 26 feet 6 inches from the property line; and

**WHEREAS**, a variance of 23 feet 6 inches is required from Section 405.430.B.3. to allow 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 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. 16-08**

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