

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
AUGUST 15, 2016**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Monday, August 15, 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, and alternate members Chris Barclay and Carolynne Huether to be present.

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

Chairman James Crowley presided.

In City Attorney Steve Garrett's absence, Attorney Stephanie Karr represented the City.

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

APPROVAL OF MINUTES – 06/20/16

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. 16-09

On the request of Pat and Jane Tracy, owners, for a variance from Section 405.365.B.2. of the Zoning Regulations regarding the location of a pool house in relation to the lot line. The variance is necessary in order to construct a pool house addition, as shown on the submitted plans, on the property located at 5 Roclare Lane, in the Suburban Estate (SE) Zoning District.

Attorney Stephanie Karr entered the following exhibits:

- A. Application for Appeal, received by the City of Town and Country on July 15, 2016.
- B. Narrative for Appeal, 2-pages.
- C. Photo and renderings of existing condition and proposed pool house, 5-pages.

- D. Letters of support from neighbors, 3-pages.
- E. Landscaping plan and photo examples, 6-pages.
- F. Letter from Melanie Rippetoe, City Planner, to Jane Tracy, dated July 12, 2016, 2-pages.
- G. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated August 15, 2016, 2-pages.
- H. 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.
- I. Affidavit of Publication of notice of hearing published in The St. Louis Countian on July 29, 2016, 2-pages.
- J. Site Plan and aerial view, sealed and dated July 29, 2016, 2-pages.
- K. Letter of support from additional neighboring property received via the City's website on August 13, 2016, 1-page.

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 a permit application was submitted but could not be approved without a variance from Section 405.365.B.2. which states that pool house are permitted if located at least 30 ft. from the property line. She stated that as the proposed pool house was shown to be located approximately 21 ft. from the lot line, a 9 ft. variance was required.

Jane Tracy, owner, was sworn and testified on behalf of the request. She referred to Exhibit C to describe both the existing conditions and the proposed pool house. She explained that, due to a misunderstanding, it was thought that the entire property had a 20 ft. setback and only recently discovered that pool houses require the additional 10 ft. from the property line. She described her hardship to be the lot dimensions, as it is very wide and has easements close to the home, leaving limited locations available. She referred to Exhibit E and pointed out the landscape plan which would provide shade and screen the pool house from the neighbors.

In response to Mr. Meyer, Mrs. Tracy stated that the neighbors, including those directly behind the proposed pool house, have submitted letters in support of the project. She further stated that the pool house would not be totally enclosed but would have counter-height walls to hide pool equipment.

Chairman Crowley called for public comments.

Skip Mange, 20 Roclare Lane, spoke in support of the request. He stated that the lot in question is very wide and not very deep leaving little options for the pool house location. He added that the setback for the pool itself is only 20 ft. but the associated structure requires 30 ft. and that was not realized until recently.

Mrs. Tracy confirmed her hardship to be the configuration of the lot which leaves limited space for use of the pool or placement of the pool house itself.

Hearing no further comments, Chairman Crowley declared Case No. 16-09 fully presented at 6:20 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. Barclay- AYE
Mrs. Huether- AYE

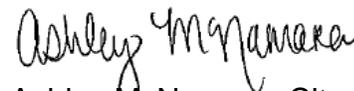
A brief recess was held at 6:21 PM. The meeting reconvened at 6:22 PM with all members present.

The decision of the Board of Adjustment to **grant** the requested variance is as contained in the **Decision and Resolution, Case No. 16-09**, filed with and made a part of these minutes.

ADJOURN

There being no further business, the meeting adjourned at 6:23 PM.

Respectfully submitted,


Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 16-09
Appellant: Pat & Jane Tracy, owners
Location: 5 Roclare Lane
Hearing Date: August 15, 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 July 15, 2016.
- B. Narrative for Appeal, 2-pages.
- C. Photo and renderings of existing condition and proposed pool house, 5-pages.
- D. Letters of support from neighbors, 3-pages.
- E. Landscaping plan and photo examples, 6-pages.
- F. Letter from Melanie Rippetoe, City Planner, to Jane Tracy, dated July 12, 2016, 2-pages.
- G. City of Town and Country Memorandum from Melanie Rippetoe, City Planner, dated August 15, 2016, 2-pages.
- H. 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.
- I. Affidavit of Publication of notice of hearing published in The St. Louis Countian on July 29, 2016, 2-pages.
- J. Site Plan and aerial view, sealed and dated July 29, 2016, 2-pages.
- K. Letter of support from additional neighboring property received via the City's website on August 13, 2016, 1-page.

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

Appellant: Pat & Jane Tracy

Subject Property: 5 Roclare Lane

Zoning District: Suburban Estate (SE)

Proposal: Appellants request a variance from Section 405.365.B.2. of the Zoning Regulations, regarding the location of a pool house in relation to the property's rear lot line.

Hearing Date: June 20, 2016

1. Chairman Crowley called for unanimous consent in favor of granting a variance of 9 feet from Section 405.365.B.2. of the Town and Country Zoning Regulations regarding the location of a pool house in relation to any lot line, which would allow for the construction of a pool house in the rear yard of the property.

Hearing no objection, the vote was as follows:

| | |
|----------|-----|
| Crowley | AYE |
| Meyer | AYE |
| Hawatmeh | AYE |
| Barclay | AYE |
| Huether | AYE |

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 16-09**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **5 Roclare Lane** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, **Pat & Jane Tracy, owners**, (the "Appellants"), have submitted a request for a variance for the location of a pool house in relation to the rear lot line; and

WHEREAS, the current proposal is to construct a pool house in the rear yard of the property; and

WHEREAS, Section 405.365.B.2. of the Zoning Regulations requires that a pool house is a permitted use provided it is not located within 30 feet of any lot line; and

WHEREAS, plans show the proposed pool house to be located approximately 21 feet from the rear property line; and

WHEREAS, a variance of 9 feet is required from Section 405.365.B.2. 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. 16-09**

The following is the vote taken on the foregoing resolution:

| | |
|----------|-----|
| Crowley | AYE |
| Meyer | AYE |
| Hawatmeh | AYE |
| Barclay | AYE |
| Huether | AYE |


James Crowley, Chairman


Ashley McNamara, City Clerk