

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
APRIL 18, 2022**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Monday, April 18, 2022 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 David Adam, Dr. Sam Hawatmeh, Matt Meyer, and Carolynne Huether to be present. Alternate member Skip DuFour was present in the audience but did not participate.

Chairman James Crowley presided.

City Attorney Ed Sluys represented the City.

Also present were City Clerk Ashley McNamara and City Planner Ryan Spencer.

APPROVAL OF MINUTES – 03/07/2022

Dr. Hawatmeh moved for approval, seconded by Mr. Adam.

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 stated that Case No. 22-03 contains a request for two individual variances and those variances are not mutually bound in a technical sense; therefore, the Board may use its collective discretion to vote on the variances together or separately.

Mr. Meyer moved to consider the two variance requests together under one vote, seconded by Dr. Hawatmeh. The roll call vote was as follows: AYE, Members Crowley, Adam, Hawatmeh, Meyer, and Huether; NAY, none. The motion carried unanimously.

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(S)

A court reporter with Catlett Reporting was present to record the public hearing.

1. Case No. 22-03

On the request of Kenny and Kathleen Lemay, owners, for variances from Section 405.430.B.4. of the Zoning Regulations regarding the minimum side yard setback requirement. The variances are necessary in order to construct a home addition and cigar patio, as shown on the submitted plans, at 955 Revere Drive, located 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 March 23, 2022.
- B. Narrative for Appeal dated March 18, 2022, 1-page.
- C. Letters in support from adjacent neighbors, 2-pages.
- D. Letter from Ryan Spencer, City Planner, to Kenneth and Kathleen LeMay, dated November 15, 2021, 1-page.
- E. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated April 18, 2022, 2-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 April 1, 2022, 1-page.
- H. Site Plan, including elevations and floor plan, sealed and dated December 29, 2021, 4-pages.

Ryan Spencer, City Planner, was sworn and testified. He stated that he was familiar with the subject property and it is zoned Suburban Estate. Mr. Spencer described the associated project to be for a home addition and new patio. He noted that pursuant to Section 405.430.B.4., the required side yard setback calculation for this property is 15% percent of the width of the lot, or 22.6 feet. Mr. Spencer added that both structures are encroaching on the south property line and will require variances. He stated that while there are no existing variances, the front lot line is unusual and requires a longer calculated width than is buildable given its shape.

In response to Ms. Huether, Mr. Spencer noted that letters of support were received from both adjacent neighbors at 951 and 959 Revere.

Kenny Lemay, owner, was sworn and testified on behalf of the application. He described the property as narrow in shape with an elongated front building line that is the result of the lot's location on a cul-de-sac. He described his hardship to be the original platting of the lot. He added that his family has outgrown the home and the addition is necessary in order to accommodate additional rooms.

In response to Mr. Adam, Mr. Lemay stated that the subdivision consists of three homes, the other two being his adjacent neighbors and fellow trustees of the homeowner's association.

Chairman Crowley inquired as to the defining nature of a "cigar patio" as noted on the plans. Mr. Lemay explained that the architect placed the structure on the plans as a placeholder. It was generally agreed upon by Mr. Lemay and the Board of Adjustment that the term "cigar" would be removed from the decision documents.

Chairman Crowley called for public comments. Hearing none, he confirmed with the City Clerk that the hearing was properly noticed and the public had been informed of their opportunity to be heard.

Chairman Crowley declared Case No. 22-03 fully presented at 6:13 PM.

Mr. Spencer restated that the requested variances were from Section 405.430.B.4. of the Code which requires a calculated side yard setback of 22.6 ft for this property. He noted that the addition is proposed to be located at 17.92 ft. from the south lot line necessitating a 4.68 ft. variance, and the patio is proposed at 17.60 ft. necessitating a 5 ft. variance.

Chairman Crowley called for unanimous consent in favor of the requested variances for 4.68 ft. (addition) and 5 ft. (patio) 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 6:14 PM. The meeting reconvened at 6:15 PM with all members present.

Chairman Crowley read the Resolution findings aloud and called for unanimous consent to approve it as written.

Chairman Crowley- AYE
Mr. Adam- AYE
Dr. Hawatmeh- AYE
Mr. Meyer- AYE
Ms. Huether- AYE

The Resolution was adopted.

The decision of the Board of Adjustment to **approve** the requested variances is as contained in the **Decision and Resolution, Case No. 22-03**, filed with and made a part of these minutes.

OTHER

Chairman Crowley thanked the Board for their review of the Special Resolution recognizing former member Chris Barclay's service. He noted that all regular members, the City Attorney, and the City Clerk had signed the Special Resolution and it would be presented to Mr. Barclay at a later time. Said Special Resolution is attached hereto and made a part of these minutes.

ADJOURN

There being no further business, the meeting adjourned at 6:18 PM.

Respectfully submitted,


Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 22-03

Appellant: Kenny LeMay, owner

Location: 955 Revere Drive

Hearing Date: April 18, 2022

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 March 23, 2022.
- B. Narrative for Appeal dated March 18, 2022, 1-page.
- C. Letters in support from adjacent neighbors, 2-pages.
- D. Letter from Ryan Spencer, City Planner, to Kenneth and Kathleen LeMay, dated November 15, 2021, 1-page.
- E. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated April 18, 2022, 2-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 April 1, 2022, 1-page.
- H. Site Plan, including elevations and floor plan, sealed and dated December 29, 2021, 4-pages.

DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 22-03

Appellants: Kenny LeMay, owner

Subject Property: 955 Revere Drive

Zoning District: Suburban Estate (SE)

Proposal: Appellants request variances from Section 405.430.B.4. of the Zoning Regulations regarding side yard setback requirements, in order to construct a home addition and patio on the property.

Hearing Date: April 18, 2022

1. Chairman Crowley called for unanimous consent in favor of granting a side yard setback variance of 4.68 feet (addition) and a side yard setback variance of 5 feet (patio) from Section 405.430.B.4. of the Town and Country Zoning Regulations, which would allow for the construction of a home addition and patio, as shown on the plans.

Hearing no objection, the vote was as follows:

Crowley-	AYE
Adam-	AYE
Hawatmeh-	AYE
Meyer-	AYE
Huether-	AYE

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 22-03**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **955 Revere Drive** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, Kenny and Kathleen LeMay, owners, (the "Appellants"), have submitted a request for two side yard setback variances in order to construct a home addition and patio on the property; and

WHEREAS, Section 405.430.B.4. of the Zoning Regulations requires that residential lots in the Suburban Estate (SE) Zoning District have a minimum side yard setback that is the most restrictive of the following calculations:

- a. Fifty (50) feet from each side lot line, or fifteen percent (15%) of the width of the lot from each side lot line, whichever is the lesser.
- b. Equal to the height of the tallest adjacent exterior building face measured from the elevation of the natural adjacent grade to the elevation of the top of the inhabitable space, excepting for any portion of the exterior wall that encloses uninhabitable attic space.
- c. The floor area divided by two hundred (200) feet; and

WHEREAS, based on the above parameters, the calculated side yard setback requirement for this property is 22.60 feet; and

WHEREAS, plans show that the proposed home addition will be located 17.92 feet at the closest point from the south property line; and

WHEREAS, a variance of 4.68 feet is required from Section 405.430.B.4. to allow for construction of the home addition as shown on the plans; and

WHEREAS, plans show that the proposed patio will be located 17.60 feet at the closest point from the south property line; and

WHEREAS, a variance of 5 feet is required from Section 405.430.B.4. to allow for construction of the patio 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

**BOARD OF ADJUSTMENT
CASE NO. 22-03**

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
Hawatmeh-	AYE
Meyer-	AYE
Huether-	AYE



Ashley McNamara, City Clerk



James Crowley, Chairman