

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
APRIL 20, 2021**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Tuesday, April 20, 2021 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.

City Attorney Steve Garrett represented the City.

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

APPROVAL OF MINUTES – 03/15/21

Mr. Meyer 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 requested that all attendees remain masked for the duration of the meeting for everyone's safety, and that any exhibits be handed directly to her for display.

She also reported that Case No. 21-06 was formally withdrawn and would not be heard. She added that the email notification from the applicant would be entered into the record and attached to the minutes. Finally, she noted that she would remain in the meeting room following adjournment to inform members of the public of the withdrawal should anyone arrive around the intended 6:30 PM start time.

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. 21-05

On the request of Lori Fomagalli, owner's representative, on behalf of Don and Cathy Sanders, owners, for a variance from Section 405.430.B.5. of the Zoning Regulations regarding the minimum rear yard setback requirement. The variance is necessary in order to construct a covered outdoor living area, as shown on the submitted plans, located at 2700 Covington Place Estates in the Suburban Estate (SE) Zoning District.

Attorney Garrett entered the following exhibits:

- A. Application for Appeal, received by the City of Town and Country on February 23, 2021.
- B. Narrative for Appeal dated February 23, 2021, 1-page.
- C. Letters of support from trustees and adjacent neighbor, dated March 31, 2021, 2-pages.
- D. Letter from Ryan Spencer, City Planner, to Donald and Catherine Sanders, dated February 19, 2021, 1-page.
- E. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated April 20, 2021, 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 2, 2021, 2-pages.
- H. Site Plan, including floor plan and renderings, sealed and dated February 23, 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. He noted that the property has no existing variances or legal non-conformities, though the lot's configuration is a very pronounced pie-shape. He described the project to be for a new patio to be installed over the existing patio's footprint that was built when the setback requirement was only 20 ft. Mr. Spencer reported that Section 405.430.B.5 of the Municipal Code presently requires the rear yard setback to be 30 ft., thus necessitating a 10 ft. variance to construct the patio as shown on the plans.

Donald Sanders, owner, was sworn and testified. He explained that the lot is wide and narrow, with very shallow dimensions. He noted that the covered patio is desired to allow for shade and protection from the sun while utilizing the backyard. He stated that his hardship is the irregular shape of the lot which is also prohibitive of alternative placement.

Mr. Adam referred to Exhibit H and inquired about the view of the proposed structure from the neighbors to the rear of the property. In response, Mr. Sanders explained that there is a significant landscaping buffer that exists between the properties.

Chairman Crowley called for public comments.

The City Clerk noted for the record that no public comments were submitted to her office for inclusion in the proceedings, though they were solicited via the notices and agenda.

Chairman Crowley declared Case No. 21-05 fully presented at 6:14 PM.

Mr. Spencer confirmed that the request was for a rear yard setback variance of 10 ft. from the 30 ft. requirement in Section 405.430.B.5. of the Code.

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

The variance was unanimously approved.

A brief recess was held at 6:13 PM. The meeting reconvened at 6:14 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. 21-05**, filed with and made a part of these minutes.

The City Clerk again noted for the record that the below-referenced case had been withdrawn by the applicant and would no longer be considered by the Board of Adjustment, unless a new application was submitted.

~~2. Case No. 21-06~~

~~On the request of Michael Chase, owner's representative, on behalf of Golf Club Investment Company C/O Bellerive Country Club, owner, for a variance from the application of Section 1003.107.7(3)a of St. Louis County's Non-Urban Zoning Regulations, which is applicable to the subject property under City Ordinance No. 1597, as it pertains to the setback of structures from roadway right-of-way requirements. The variance is necessary in order to construct a maintenance building, as shown on the submitted plans, located at 12925 Ladue Road in the Non-Urban (NU) Zoning District.~~

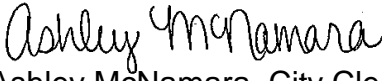
OTHER

Chairman Crowley inquired with Mr. Spencer about an update regarding the Mercy project on Ballas Road. Mr. Spencer noted that George Stock was able to speak with MoDOT and have the exposed rebar removed from the active construction site.

ADJOURN

There being no further business, the meeting adjourned at 6:16 PM.

Respectfully submitted,


Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 21-05

Appellants: Lori Fumagalli, owner's representative
Don and Cathy Sanders, owners

Location: 2700 Covington Place Estates

Hearing Date: April 20, 2021

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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DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 21-05

Appellants: Lori Fumagalli, owner's representative
Don and Cathy Sanders, owners

Subject Property: 2700 Covington Place Estates

Zoning District: Suburban Estate (SE)

Proposal: Appellants request a variance from Section 405.430.B.5. of the Zoning Regulations regarding rear yard setback requirements, in order to construct a covered outdoor living space on the property.

Hearing Date: April 20, 2021

1. Chairman Crowley called for unanimous consent in favor of granting a rear yard setback variance of 10 feet from Section 405.430.B.5. of the Town and Country Zoning Regulations which would allow for the construction of a covered outdoor living space, as shown on the plans.

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. 21-05**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **2700 Covington Place Estates** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, **Lori Foumagalli**, owner's representative on behalf of **Don and Cathy Sanders, owners**, (the "Appellants"), has submitted a request for a rear yard setback variance in order to construct a covered outdoor living space on the property; and

WHEREAS, Section 405.430.B.5. of the Zoning Regulations requires that the minimum rear yard setback for this property is 30 feet; and

WHEREAS, plans show that the proposed outdoor living space will be located 20 feet, at the closest point, from the rear property line; and

WHEREAS, a variance of 10 feet is required from Section 405.430.B.5. to allow for construction of the covered outdoor living space 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 are hereby **approved**.

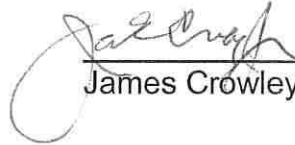
**BOARD OF ADJUSTMENT
CASE NO. 21-05**

The following is the vote taken on the foregoing resolution:

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



Ashley McNamara, City Clerk



James Crowley, Chairman

McNamara, Ashley

From: Michael Chase <mchase@bellerive.net>
Sent: Tuesday, April 20, 2021 12:42 PM
To: McNamara, Ashley
Cc: Jim Whisler; Carlos Arraya
Subject: Re: [QUAR] Bellerive 20' Area Variance

Good Afternoon Ashley,

Thank you again for your time and assistance. Please let this email serve as our notice to withdraw our request/application for this evening.

We will resubmit as appropriate in the future.

Please confirm receipt

Thanks
MC

Michael Chase, CCM
Sent from my iPhone
