

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
AUGUST 16, 2021**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Monday, August 16, 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, and Dr. Sam Hawatmeh 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 – 07/27/21

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.

CITY CLERK'S REPORT

The City Clerk noted that the appellant was informed in advance of the meeting that because only four members were present at the meeting, unanimous approval of the variance request would be required. She explained that the email from the appellant acknowledging the circumstances and requesting the hearing proceed as scheduled would be attached to the minutes.

She also reported that the Board would receive their annual zoning update following the regular agenda items. She added that Mr. Spencer's memo regarding the zoning code changes would be attached to the minutes.

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.

Srivatsan Echembadi, owner, was sworn and confirmed his understanding that with only four members present, a unanimous vote would be required for variance approval.

PUBLIC HEARING(S)

A court reporter with Alaris Litigation Services was present to record the public hearing.

1. Case No. 21-10

On the request of Kumara Vadivelu, owner's representative, on behalf of Srivatsan Thirumalai Echembadi, owner, for a variance from Section 405.440.A.7. of the Zoning Regulations regarding the minimum setback from street requirement. The variance is necessary in order to construct a new home, as shown on the submitted plans, located at 1036 Weidman Road 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 July 23, 2021.
- B. Narrative for Appeal dated July 15, 2021, 1-page.
- C. Letter from Ryan Spencer, City Planner, to Kumara Vadivelu, dated July 15, 2021, 1-page.
- D. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated August 16, 2021, 2-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 July 30, 2021, 1-page.
- G. Site Plan, sealed and dated July 15, 2021, 1-page.

Appellant's Exhibit #1: aerial view of Weidman Road parcels, 1-page.

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 added that while there are no existing variances, the lot's width is nonconforming at 130 feet instead of the 150 feet required. Mr. Spencer also noted that the lot's topography drops off to a very steep slope in the rear. He described the project to be a new home that would be located 60 ft. from the Weidman Road, necessitating a 10 ft. variance from the 70 ft. requirement in Section 405.440.A.7 of the Code.

Kumara Vadivelu, owner's representative, was sworn and testified. He explained that an existing sewer line in the rear of the property makes moving the home farther back on the property impossible. He added that the steep topography of the lot also makes building on the slope infeasible.

Mr. Meyer inquired about the alignment of the adjacent homes. In response, Mr. Vadivelu referenced Appellant's Exhibit #1 and noted that most adjacent homes are set back between 50-60 feet from Weidman.

Chairman Crowley called for public comments and confirmed with the City Clerk that the hearing was properly noticed. He asked Mr. Vadivelu to confirm for the record that it was understood that unanimous approval was required because only four members were present. Mr. Vadivelu confirmed his understanding.

Chairman Crowley declared Case No. 21-10 fully presented at 6:13 PM.

Mr. Spencer confirmed that the request was for a minimum setback from street variance of 10 ft. from the required 70 ft. requirement in Section 405.440.A.7. of the Code.

Chairman Crowley called for unanimous consent in favor of the requested variance as stated. Hearing no objection, the vote was as follows:

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

The variance was unanimously approved.

A brief recess was held at 6:14 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. 21-10**, filed with and made a part of these minutes.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Mr. Meyer nominated James Crowley to serve as chairman, seconded by Mr. Adam. Dr. Hawatmeh moved to nominate David Adam to serve as Vice Chairman, seconded by Mr. Meyer. Hearing no additional nominations, the Board decided to consider the motions together as one vote. The roll call was as follows: AYE, Chairman Crowley, Mr. Adam, Dr. Hawatmeh, and Mr. Meyer; NAY, none; ABSTAIN: none.

The motion carried 4-0. Chairman Crowley and Vice Chairman Adam were reappointed to a new term.

STAFF UPDATE

City Planner Ryan Spencer briefed the Board on various major Zoning Code amendments that have been made over the past year including those regarding planned developments, the sign code, exterior lighting, and invasive species. Mr. Spencer's memo to the Board regarding the updates is attached hereto and made a part of these minutes.

ADJOURN

There being no further business, the meeting adjourned at 6:31 PM.

Respectfully submitted,


Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 21-10

Appellant: Kumara Vadivelu, owner's representative
on behalf of Srivatsan Thirumalai Echembadi, owner

Location: 1036 Weidman Road

Hearing Date: August 16, 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. 21-10

Appellant: Kumara Vadivelu, owner's representative
on behalf of Srivatsan Thirumalai Echembadi, owner

Subject Property: 1036 Weidman Road

Zoning District: Suburban Estate (SE)

Proposal: Appellant requests a variance from Section 405.440.A.7. of the Zoning Regulations, regarding maximum setback from street requirements to allow for the construction of a new home.

Hearing Date: August 16, 2021

1. Chairman Crowley called for unanimous consent in favor of granting a minimum setback from street variance of 10 feet from Section 405.440.A.7. of the Town and Country Zoning Regulations which would allow for the construction of a new home.

Hearing no objection, the vote was as follows:

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

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 21-10**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **1036 Weidman Road** is within the city limits of the City of Town and Country, and is in the **Suburban Estate (SE)** Zoning District; and

WHEREAS, **Kumara Vadivelu, owner's representative**, on behalf of **Srivatsan Thirumalai Echembadi, owner**, (the "Appellant"), has submitted a request for a setback from street variance to allow for the construction of a new home; and

WHEREAS, the current proposal is to construct a new home on a 1.04 acre lot that abuts the east side of Weidman Road; and

WHEREAS, Section 405.440.A.7. of the Zoning Regulations requires that the minimum setback for lots abutting the east and west side of Weidman Road shall be seventy (70) feet from the street; and

WHEREAS, plans show the new home is located 60 ft. from the street lot line of Weidman Road; and

WHEREAS, a variance of 10 feet from Section 405.440.A.7. is required to allow the home to be constructed 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. 21-10**

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**.

The following is the vote taken on the foregoing resolution:

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


James Crowley, Chairman


Ashley McNamara, City Clerk