



**BOARD OF ADJUSTMENT
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BOULEVARD
TUESDAY, JANUARY 16, 2019**

MEMBERS: Jonathan Giallanzo (Chair), Joseph Hendrickson, Paul Rodenroth, Walter Bowers, Robert Lindsley, David McCreary (Alternate), Joan Boyles (Alternate). **Staff:** Allison Sweeney (City Attorney), David Bookless (Community Development Director), Christie Hull-Bettale (Community Development Engineer), Lloyd Montgomery (Building Commissioner).

1. CALL TO ORDER

2. ROLL CALL

3. READING OF THE PROCEDURES

4. PUBLIC HEARING(S):

- **BA2018-08: Variance Request to the Zoning Code, Chapter 405, R-5 Residential District, Section 405.280 A. 4. n., pertaining to the 8ft. side setback requirements at 1233 Los Olas, Arnold, MO. (Continuation from November 7, 2018).**
- **BA2018-09: Variance Request to the Sign Code, Chapter 415, Section 415.130 (A)(3), pertaining to signs allowed in Light Commercial District, for 1400 Jeffco Blvd., Arnold, MO.**

5. ADJOURNMENT

REGULAR MEETING

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. BA2018-08: Variance Request to the Zoning Code, Chapter 405, R-5 Residential District, Section 405.280 A. 4. n., pertaining to the 8ft. side setback requirements at 1233 Los Olas, Arnold, MO. (Continuation from November 7, 2018).

4. BA2018-09: Variance Request to the Sign Code, Chapter 415, Section 415.130 (A)(3), pertaining to signs allowed in Light Commercial District, for 1400 Jeffco Blvd., Arnold, MO.

5. APPROVAL OF MINUTES: November 7, 2018

6. OLD BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT

The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner during the Public Hearing section of the meeting. When you address the Board of Adjustment, please step to the podium and state your name and address into the microphone. Unless otherwise directed by the Chairperson, individuals may speak for three minutes, while those representing a group may speak for six minutes.

BOARD OF ADJUSTMENT

CITY HALL

PUBLIC HEARING/REGULAR MEETING

NOVEMBER 7, 2018 / 7:00 P.M.

MINUTES

PUBLIC HEARING

Jonathan Giallanzo called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited by those in attendance. Mr. Giallanzo outlined the duties and responsibilities of the Board.

ROLL CALL OF MEMBERS: Joseph Hendrickson, Paul Rodenroth, Jonathan Giallanzo, Walter Bowers and Bob Lindsley. 5 members present.

Lloyd Montgomery, Building Commissioner
Allison Sweeney, City Attorney

Court Recorder: Charmaine Spradling

BA2018-07: Variance Request to the Zoning Code, Chapter 405, C-3 Commercial District, Section 405.330 A. 5.e (2), pertaining to the 50ft. setback requirement at 1261 Water Tower Place, Arnold, MO: Joe Sneed with J.E. Foster Building Co., 108 Green Park Ind. Ct., St. Louis, MO 63123, representing MOD Pizza explained that due to the restrictions of the size of the old Payless Shoe Store, they require more seating. They are requesting a variance to install a patio with a canopy. Patio is 15ft. x 26ft. The low part of the awning is 8ft and then it slopes up from there. There will be removable canvas sides on it for the winter time. They are requesting a 5ft. variance into the 50ft requirement in order to put up the canopy. The canopy and patio will provide an enhancement to the building. Not having the extra seating would be a detriment to the sustainability of the business.

BA2018-08: Variance Request to the Zoning Code, Chapter 405, R-5 Residential District, Section 405.280 A. 4.n pertaining to the 8ft. setback requirement at 1233 Los Olas, Arnold, MO: Birke Hillis, 8 Kroeck Dr., Arnold, MO 63010 stated the property in question is rental property he bought for his daughter. He is now wanting to sell the property and is unable to due to the setback issue. When they bought the property it was brought to everyone's attention that there was an encroachment onto the neighbor's property. At that time, they did a deed easement and the adjacent property was paid \$7,000 and an occupancy was issued.

Jon Giallanzo asked if there had been a variance for this carport.

Allison Sweeney suggested this be tabled until some more research can be done. One question she has is if the deed was actually recorded.

Gary Montgomery, 2390 Fountain Dr., Barnhart, MO 63012, was the agent for the sellers. He explained that this carport was built in the late 90's without permits. The easement deed was recorded in 2007.

Jon Giallanzo commented that it sets a bad precedence if the Board doesn't have the right justification to approve this variance. If this is tabled, they need to come back and show uniqueness or hardship as to why this carport should stay other than monetary value. Need to research and find out why this didn't come up in 2007 when an occupancy was issued.

Gary Montgomery commented that back in 2007 when it was inspected, the fence was not there.

Allison Sweeney explained what an easement deed is.

Jon Giallanzo asked if the landowner had any power to take this easement away other than the demolition of the carport.

Allison Sweeney stated they did not.

Jon Giallanzo questioned if there was a new owner could they do away with it.

Allison Sweeney explained that the deed goes with the land not the owner.

Jon Giallanzo gave the applicant the option to either go forward tonight as is or table it and come back at a later date with a hardship and/or uniqueness to help the Board vote in favor of the variance.

There being no further questions or comments, the public hearing adjourned at 7:26 p.m.

REGULAR MEETING

The regular meeting convened at 7:26 p.m.

BA2018-07: Bob Lindsley concerned for possible site issues.

Motion by Jonathan Giallanzo to approve BA2018-07, variance request to the 50ft. setback requirement at 1261 Water Tower Place based on the uniqueness of the age of the building and the potential hardship to the viability of the building structure and to the occupant. Second by

Bob Lindsley. Roll call vote: Joseph Hendrickson, yes; Paul Rodenroth, yes; Walter Bowers, yes; Bob Lindsley, yes; Jon Giallanzo, yes. 5 yeas, 0 nays – **Variance Approved.**

BA2018-08: Variance request to side setback at 1233 Los Olas will be left open until a later date in order to gather more information.

APPROVAL OF MINUTES: Motion by Joe Hendrickson to approve the minutes from the May 16, 2018 meeting as presented. Second by Paul Rodenroth. Voice vote – **Unanimously Approved.**

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting adjourned at 7: p.m.

Respectfully Submitted,

Lloyd Montgomery
Acting Board Secretary