

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call of Members
4. Reading of Board Procedure

OPEN PUBLIC HEARING

5. BA2015-02, Mr. Melvin Richardson, Request variance to Zoning Code, Section 6, R-5, 15 foot rear yard setback at 760 Leolia
6. BA2015-03, Mr. Robert B. Jones, Request variance to the Zoning Code, Section 6, C-3 lot dimension for 3673 W. Outer Road

(Reminder: Applicant must present evidence supporting their request)

6. Adjourn and Close Public Hearing

REGULAR MEETING

1. Variance Requests
 - a) BA2015-02, Mr. Melvin Richardson, Request variance to Zoning Code, Section 6, R-5, 15 foot rear yard setback at 760 Leolia
 - b) BA2015-03, Mr. Robert B. Jones, Request variance to the Zoning Code, Section 6, C-3 lot dimension for 3673 W. Outer Road
2. Approval of minutes from the April 8, 2015 meetings
3. Other Business
 - A. Old Business:
 - B. New Business:
4. Adjournment

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: Jonathan Giallanzo, David McCreery, Dale Bast, Walter Bowers, Jeff Fitter. 5 members present.

Mary Holden, Community Development Director
Allison Sweeney, Acting City Attorney

Court Recorder: Charmaine Spradling

BA2014-04: OZARK HILLS MOBILE HOME PARK, VARIANCE REQUEST TO ZONING ORDINANCE, SECTION 5, 7. a. 1. NON-CONFORMING MOBILE HOME PARKS AND NON-CONFORMING MOBILE HOMES TO RE-OCCUPY PADS #1 AND #18, AND EXPAND PAD #2: Bianca Eden, Wegmann Law Firm, representing Mr. Rosenfeld explained that Ozark Mobile Home Park is a non-conforming mobile home park within a mobile home district. The variance they are requesting has to do with the interior setback. The pads were initially rather small; lying within the 10' interior setback. They are requesting the expansion be allowed to maintain them in their original setback which is about 6' as opposed to the 10'. They are attempting to bring in homes that are larger and more attractive.

Jon Giallanzo asked if there is a uniqueness or hardship.

Ms. Eden stated the uniqueness would be the way the pads were laid out originally. All the pads are currently occupied and it would not be feasible to move everyone out in order to rearrange pads to fit.

Dave McCreery stated he drove through the park and saw no evidence that there was any type of enhancement to the park only a long term situation of a continual deterioration of the overall property. He asked if they had received any notices from the City of Arnold regarding any maintenance issues.

Ms. Eden stated she was not aware of any notices but this is their attempt to start enhancing the park.

Jeff Fitter commented that the City Ordinance states when any structure or land or combination thereof, ceases for more than 60 days, it must comply with our current rules and regulations. This has been going on since November 2013 well beyond 60 days.

Allison Sweeney explained why the 60 day rule does not apply in this application referring to Section 5, 4. Non-conforming uses of structures, land or structures and lands in combination. She further explained that this request deals with the pad itself and the 10 foot setback.

Mary Holden referred to Section 5, 7. a) 1. and 4. a. of the non-conforming ordinance explaining that these are the regulations they have to follow.

BA2015-01: REQUEST RELIEF FROM SECTION 5 (4) OF THE ZONING ORDINANCE AND LOT DIMENSION, SETBACK, PARKING SPACE AND OPEN SPACE REGULATIONS FROM C-3 COMMERCIAL DISTRICT, 1447 JEFFCO BLVD.: Roger Pecha, Attorney with Jenkins & Kling, representing Scott Jerome of Sunshine Capital Group, explained the history of this property. He also explained that when they purchased the property, they were unaware that the property was in violation of multiple building code violations. They immediately sought to remedy the issue and hired an architect to draft design plans for the property and then submitted for a building permit. The permit was neither rejected nor approved during this time and as a result, no work has been done and the property has now been vacant for more than 60 days. They are requesting a variance to allow the property to be re-used and since the property lost is non-conforming status they are also requesting a variance of certain C-3 zoning requirements. Mr. Pecha went on to explain that granting these variances will not be detrimental to the public health and safety whereas leaving it as is would be. The conditions upon which the request for a variance is based are unique to the property and are not applicable generally to other property in the City of Arnold. Because of the physical surroundings, shape and topographical conditions of the property, a hardship would result if the variance from the C-3 regulations is not granted. It is physically impossible for the property to meet the lot dimension, setback, parking space and open space requirements. Mr. Pecha submitted the applicant's documents to be made a part of the official record.

Jeff Fitter asked the size of the current structure on the property. Mr. Pecha stated he would guess about 800 sq. ft.

David McCreery asked if they have a rendering of what this will look like after the renovations. Mr. Pecha stated they do have architectural drawings but does not have them with him tonight.

Scott Jerome commented that the building is probably sounder than buildings built today.

Jon Giallanzo asked if he himself was going to use this building or lease it out to someone else. Mr. Jerome stated he had thought about using it but would probably lease it out to an Insurance Company.

There being no further questions or comments, the public hearing adjourned at 7:35 p.m.

REGULAR MEETING

NO RECORDING OF REGULAR MEETING

The regular meeting convened at 7:35 p.m.

BA2014-04: Motion by Jon Giallanzo to approve BA2014-04, variance request to the Zoning Ordinance, Section 5, 7. a. 1 and 4. a. non-conforming mobile home parks and non-conforming mobile homes to expand and occupy pads #1 and 18 and expand #2. Second by Dale Bast. Roll call vote: Jon Giallanzo, no; Walter Bowers, no; Dale Bast, yes; Jeff Fitter, no; David McCreery, no. 1 yea, 4 nays – **Denied**.

It was explained to the petitioner they will need permits to put new homes in. Also, tree and buffer requirements have to be made if any additional changes are made to the park.

In order to proceed with pad expansions of #1, 2 and 18 the below requirements must be met:

(a) Mobile homes shall not be located closer than ten feet from any street right-of-way, road easement, or street that is located within the boundaries of the mobile home park. No mobile home shall be located closer than twenty feet from any street right-of-way or road easement that is located outside the boundaries of the mobile home park.

(b) Mobile home pads may be expanded and larger mobile homes may be placed in the mobile home park provided that such mobile homes are not located closer than ten feet from any property line of an adjoining property and further provided that either a privacy fence, six feet in height, is erected and maintained or an evergreen plant buffer, that shall provide a visual screen at least six feet in height, is established and maintained along such property line.

(c) Mobile homes shall be located so that there is a clear space of not less than fifteen feet (15') between it and any other mobile home, building, or structure of any kind, except storage sheds not exceeding ten feet (10') by ten feet (10') in dimension or any required fencing. Any deck, carport, patio cover, or other appurtenance that is constructed of combustible material shall be considered to be a part of the mobile home and shall not be located closer than fifteen feet (15') from any other mobile home, building, or structure of any kind.

(d) For the purposes of this ordinance, the above setback provisions shall be applied without regard to any internal side or rear property lines for lots that are platted within the mobile home park.

Bianca Eden requested that her exhibits be made part of the record – Board accepted.

BA2015-01: Discussion on the seller not informing the buyer about the 60 day requirement eliminating it's grandfathered status. Also discussed making this null and void after one year if the work is not completed.

Motion by Jeff Fitter to approve BA2015-01, relief from Section 5 (4) of the Zoning Ordinance and lot dimension, setback, parking space and open space regulations from C-3 Commercial District for 1447 Jeff Blvd. with the conditions in Attachment A. Second by David McCreery.

David McCreery asked that the motion be amended to include the one year time frame.

Jeff Fitter amended his first; David McCreery amended his second.

Jon Giallanzo, yes; Walter Bowers, yes; Dale Bast, yes; Jeff Fitter, yes; David McCreery, yes. 5 yeas, 0 nays – **Approved.**

Roger Pecha requested that his exhibits be made part of the record – Board accepted.

APPROVAL OF MINUTES: Motion by Walter Bowers to approve the minutes from March 4, 2015 as amended. Second by Dale Bast. Voice Vote – ***Unanimously Approved.***

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Mary P. Holden
Board Secretary

CITY OF ARNOLD, BOARD OF ADJUSTMENT, MAY 27, 2015 MEETING

TO: BOARD OF ADJUSTMENT
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: BA2015-03, MR. ROBERT B. JONES, REQUEST VARIANCE TO THE ZONING CODE, SECTION 6, C-3 LOT DIMENSION FOR 3673 W. OUTER ROAD
DATE: MAY 20, 2015
CC:

REQUEST

Mr. Robert B. Jones, with the owner's permission, is requesting a variance to the Zoning Code, Section 5, C-3 Commercial lot dimensions that require no less than 50 feet of frontage and this lot contains 35 feet needing a 15 foot variance. Attached is the application, written correspondence, site plan and aerial of the site.

ANALYSIS

The Planning Commission reviewed and forwarded a recommendation of approval at their May 12, 2015 meeting with one condition being approval of the variance by Board of Adjustment. The Council will act on the application at their May 21, 2015 meeting and Staff will provide a verbal update at the Board meeting.

Lot 2 of Ozark Plaza is a legal lot of record and an existing non-conforming lot zoned C-3 Commercial. Staff cannot offer insight into how it was approved. We believe it was subdivided some time ago, possibly prior to the incorporation of the City since we do not have the record plat in our files. That being said, Staff takes no issue with the variance requested based on the criteria below and since the lot has sat vacant for quite some time. The use of the property will insure continued maintenance and upkeep.

In considering the request, the below criteria must be considered and findings made based on the below criteria:

The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located. Granting of the variance will not be detrimental to the public safety, health, and welfare or injurious to other property/improvements since it will allow a vacant lot to be used with a commercial activity, just as adjacent properties.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.

The narrow shape of the lot was approved at some point in time and today, prevents the property from being used. The shape of the lot is a hardship and not a mere inconvenience.

The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property. This particular configuration is unique to this property and not generally found elsewhere in the City.

RECOMMENDATION

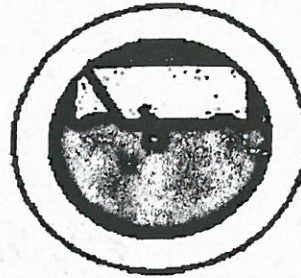
Staff recommends the Board of Adjustment approve this request based on the following findings:

Findings:

1. Granting of the variance will not be detrimental to the public safety, health, and welfare or injurious to other property/improvements since it will allow a vacant lot to be used with a commercial activity, just as adjacent properties.
2. The narrow shape of the lot was approved at some point in time and today, prevents the property from being used. The shape of the lot is a hardship and not a mere inconvenience.
3. This particular configuration is unique to this property and not generally found elsewhere in the City.

Community Development Department
City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010
636-282-2378
636-282-6677 Fax

5/27/15
mtg.



BOARD OF ADJUSTMENT
VARIANCE APPLICATION

File Number BA 2015-03

\$400.00 Fee Paid _____

APPLICANT/CONTRACT PURCHASER

ROBERT B. JONES
Name
2316 SECKMAN SPRING CT.
IMPERIAL, MD 63052
Address, City, State, Zip
(512) 785-3564
Telephone Number

Facsimile Number

OSARK PLAZA LOT 2,
3673 W. OUTER Rd.
ARNOLD MD 63010
Property Address (or nearest intersection)

OWNER:

SUSAN MCKINLEY
Name
6570 DALLAS DR.
BAZEMART, MD 63012
Address, City, State, Zip
(314) 605-1427
Telephone Number

Facsimile Number

C-3
Zoning of property

Adjacent Zoning/Uses

C-3 C-3 I-55 N/A
North South East West

Requested Variance/Section of Code: C-3 ZONING SECTION - PARAGRAPH 4
REQUEST FOR VARIANCE DUE TO SIZE OF LOT FRONTAGE.

4/24/2015
Date of application

Meeting date targeting

[Signature]
Signature of applicant/owner

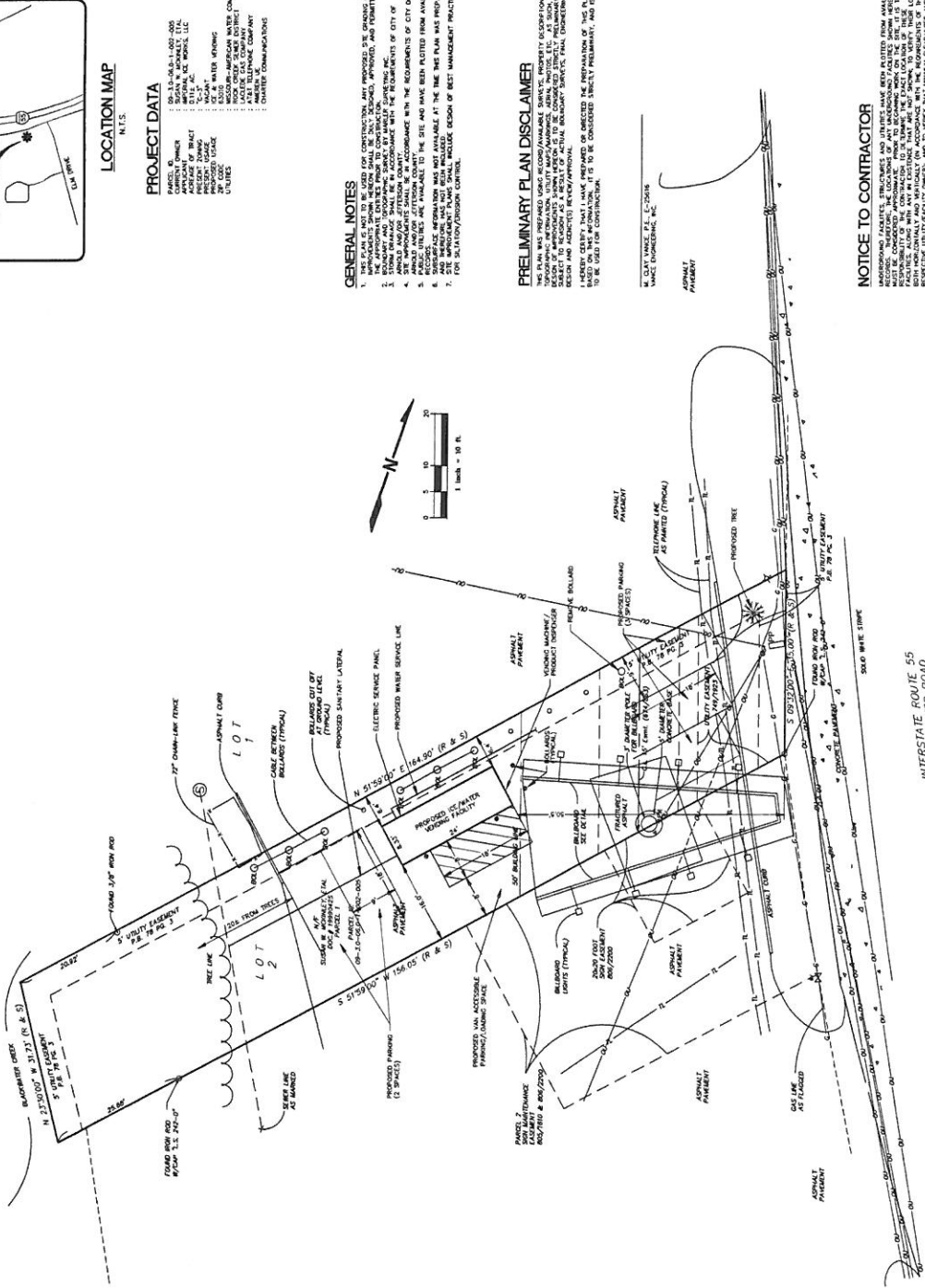
Robert B. Jones

PROPOSED ICE HOUSE

A TRACT OF LAND BEING LOT 2 OF OZARK PLAZA, A SUBDIVISION RECORDED IN P.B. 78 PG. 3 OF THE JEFFERSON COUNTY LAND RECORDS, CITY OF ARNOLD, MISSOURI

DESCRIPTION	SYMBOL
EXISTING MAJOR CONTOUR	—000—
EXISTING MINOR CONTOUR	—500—
PROPOSED MAJOR CONTOUR	—50A—
PROPOSED MINOR CONTOUR	—50B—
PROPOSED SPOT ELEVATION	X 100.00
EXISTING SANITARY SEWER	—S—
EXISTING STORM SEWER	—T—
PROPOSED SANITARY SEWER	—S—
PROPOSED STORM SEWER	—T—
EXISTING WATERLINE	—W—
EXISTING FIRE HYDRANT	—FH—
EXISTING GAS LINE	—G—
EXISTING OVERHEAD UTILITY	—OU—
USE IN PLACE	(U.I.P.)
ADJUST TO GRADE	(A.T.G.)
TO BE REMOVED	(T.B.R.)
TO BE REMOVED AND REPLACED	(T.B.R.&R.)
TO BE REMOVED AND RELOCATED	(T.B.R.&R.L.)

PHASE 1



THIS PLAN IS FOR THE USE OF CONSTRUCTION AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Imperial Ice Works, LLC
 2316 Seckman Spring Court
 Imperial, MO 63052

Vance Engineering, Inc.
 10779 Page Ave.
 St. Louis, MO 63132
 F: 314.427.1801

PROPOSED ICE HOUSE

WEST OUTER ROAD, ARNOLD, MO 63005

SITE PLAN

15035
 04/13/15
 1/1/1

GENERAL NOTES

- THE PLAN IS NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS APPROVED BY THE CITY OF ARNOLD.
- THE APPROVAL OF THIS PLAN IS SUBJECT TO THE CITY OF ARNOLD'S REVIEW AND APPROVAL.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PRELIMINARY PLAN DISCLAIMER

THIS PLAN WAS PREPARED USING RECORD DRAWINGS AND FIELD SURVEY DATA. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

M. CLAY VANCE, P.E., L.C. 2008
 VANCE ENGINEERING, INC.
 APPROPRIATE
 APPROPRIATE

NOTICE TO CONTRACTOR

UNDEVELOPED LOTS, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE RECORDS. CONTRACTORS SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

NO
 1-800-445-4245
 MISSOURI ONE CALL SYSTEM, INC.

Lot Dimensions.

- a) Every lot or tract of land shall have a width, measured along a straight line as nearly parallel as possible to the centerline of the frontage road and averaging sixty (60) feet distance therefrom, of not less than fifty (50) feet.

It is requested that the Board of Adjustments grant a variance to this code for the property referenced above. (Ozark Plaza lot 2 - 3673 W. Outer Rd. Arnold, MO 63010). Originally, the lot was part of a larger parcel that extended to Elm Road and owned by the McKinley family. The larger lot was subdivided and subsequently sold to 7-Eleven, and Tiara Properties; leaving the remaining thirty-five feet of frontage property in the original owner's possession at some time before the District Regulations were adopted by the City of Arnold. The lot is vacant and is near 70% paved with asphalt. It contains only a large, highway-visible billboard which has a perpetual 20' easement for sign maintenance.

Secondly, the conditional use permit submitted on April 14, 2015 by Robert B. Jones of Imperial Ice Works, LLC, for the emplacement of an Ice House vending machine is dependent upon the approval of this requested variance.

Describe how the granting of this variance is not detrimental in preserving and promoting public health, safety or general welfare or injurious to other property improvements in the neighborhood in which the property is located:

Traditional Ice distribution vendors handle its ice four or more times before it gets to the bin. There are usually small holes in the bag from frequent handling and stacking. Convenience stores have other small ice producing machines, which require hand bagging as well. This system of hand-bagging ice is often unsanitary. In June 2005, CNN did a news report testing various cities in the US on the quality of hand-bagged ice. Although no scientific study has been done on how many times people get sick from ingesting contaminated ice, CNN found contaminants such as E. coli, Salmonella, and other harmful bacteria during their study.

The products sold by this Ice House are produced directly on site, within the machine. The machine draws city water and is filtered by a .35-micron sediment and de-chlorinator filter and is softened with a water softener which ensures the utmost quality of the ice and water. Further, we expose the vended water to an ultra violet light, neutralizing any further contaminants. The filtered water is then frozen within 10 seconds, using our patented flash freezing process and stored in a restaurant quality, 100% food grade stainless steel bin. A customer can choose bulk ice to be dumped into their cooler, or a 16lb bag. Upon choosing, within 8 seconds, a customer has their choice of ice and no human hands have touched it; making it the cleanest, safest ice on the market today.

Unique conditions for this request:

This 35'x 165' lot is the perfect size to emplace an Ice House which requires only 8'x 24'. The 8' side of the Ice House will be displayed within 35' towards the frontage at the 50' required set back. There seems to be no better use for the property currently. Other permitted developments will benefit from

the increased flow of traffic to the Ice House. The news of the incredibly low price for filtered high quality Ice and water will bring more customers to the area and increase exposure to the businesses in close vicinity. Most other lots within Arnold fit within the adopted District Regulations standards for lot width. The size of this lot stems from pre-existing transactions.

How does enforcing the letter of the regulation place the owner at particular hardship?

The shape of the lot puts the owner at a particular hardship without this variance because nothing can be done on this lot other than to enhance parking areas for each of the neighboring businesses. Additionally, it is not an attractive parcel for purchase to anyone resulting in no benefit to the owner as a vacant lot. Awarding variance to the C-3 zoning standards for this lot would be beneficial to the owner, the vendor, and the city to enable activities allowable within the C-3 zoning standards to occur. Thank you for your time and consideration.

Imperial Ice Works, LLC

A Missouri Veteran Owned Small Business

Robert B. Jones, President
2316 Seckman Spring Ct.
Imperial, MO 63052
(512) 785-3564

Conditional Use Permit Requirements
3673 W. Outer Rd. Arnold, MO 63010

Property Owners within 185ft:

Jeff Undersal – Car Wash
12 Meadow Lake Dr.
St. Louis Mo 63146
(314)769-7646

Skip Johnson – Tiara Properties
3685 W. Outer Rd Unit 1
Arnold, MO 63010
(314)503-6203

Kelly Drummond – Corporate Manager- 7-Eleven
3695 W. Outer Rd
Arnold, MO 63010
(636)296-9391

Preliminary Commercial Site Plan:

Attached as **Appendix A**

Name proposed for Project:

Imperial Ice Works, LLC – Ice House Vending Machine

Record Owner:

Susan McKinley
6570 Dallas Dr.
Barnhart, MO 63012
(314)805-1427

Surveyor:

Marler Surveying Inc.; attached as **Appendix B**

Improvement Engineers:

Vance Engineering

North Arrow:

On Survey

Building Setbacks:

50ft

Existing Easements:

Shown on attached Survey; Drury Sign Company, 20 foot easement for sign maintenance attached as **Appendix C**.

Size of Lot:

35' x 164'; Ice House will cover 8'x24' (200sf). The lot is paved approximately to the 100' line

Building Structure:

Pre-constructed Ice House Machine – truck delivered and secured to the lot. Brochure and Architecture/Engineered Documents attached as **Appendix D & E**

Parking for layout:

Room for 2 9'x16' parking spots for customers in queue on the East side of the structure will exist, and room for 1 9'x16' parking spot directly on the South side of the machine.

Parking Space Deficiency:

None

Parking Space Dimensions:

9'x16'

Dumpster Location:

Not Applicable

Landscape Plant Material Location:

None; the lot backs up to the black water creek. Natural trees and foliage exist beyond 100' of the lot.

Light Standard Location:

The Ice House has lights on the front and sides of the machine. The two adjacent lots have parking lot lighting on telephone poles.

Fire Lanes:

The lot has 50' of setback space in front of the proposed Ice House location and is paved with asphalt. Emergency vehicles will have plenty of room to maneuver.

Sign Location and Height:

The awning on the front and side of the Ice House provides space for nylon signage.

Access Lanes and Dimensions:

There is 50' of open space in front of the proposed location.

Ingress and Egress:

Ingress and Egress will be permitted by way of Easement to the lot from either adjacent lot owner.

Ingress and Egress across Right of Way:

There are no businesses on the opposite side of the outer road. I-55 exists there.

Adjacent Properties:

Car Wash – Zoned C3

Tiara Properties – Zoned C3

Storm Water Control and Sanitation:

Not Applicable – The lot is vacant currently; storm water run-off flows to the rear of the lot, into the grass and into the black water creek.

Scaled Elevation Drawings:

See Attached Product Brochure – Appendix D

Materials - Prefabricated Refrigerator Insulated Steel construction with exterior paint finish. Exterior can be altered to meet zoning criteria if necessary.

Color – White Exterior Paint – Can be painted or textured to meet zoning standards, or to match surrounding business décor.

Windows - None

Doors – One door- right side of Machine with heavy duty lock.

Signage – Side of Machine is labeled with the trademark Ice House America “Twice the Ice” images and large letters indicating price on the door.

Mechanical Equipment Location – The Ice Makers rest on the top-rear of the machine and will be shielded by an awning.

Exterior Lights – Under the weather awning and on the side by the parking areas.



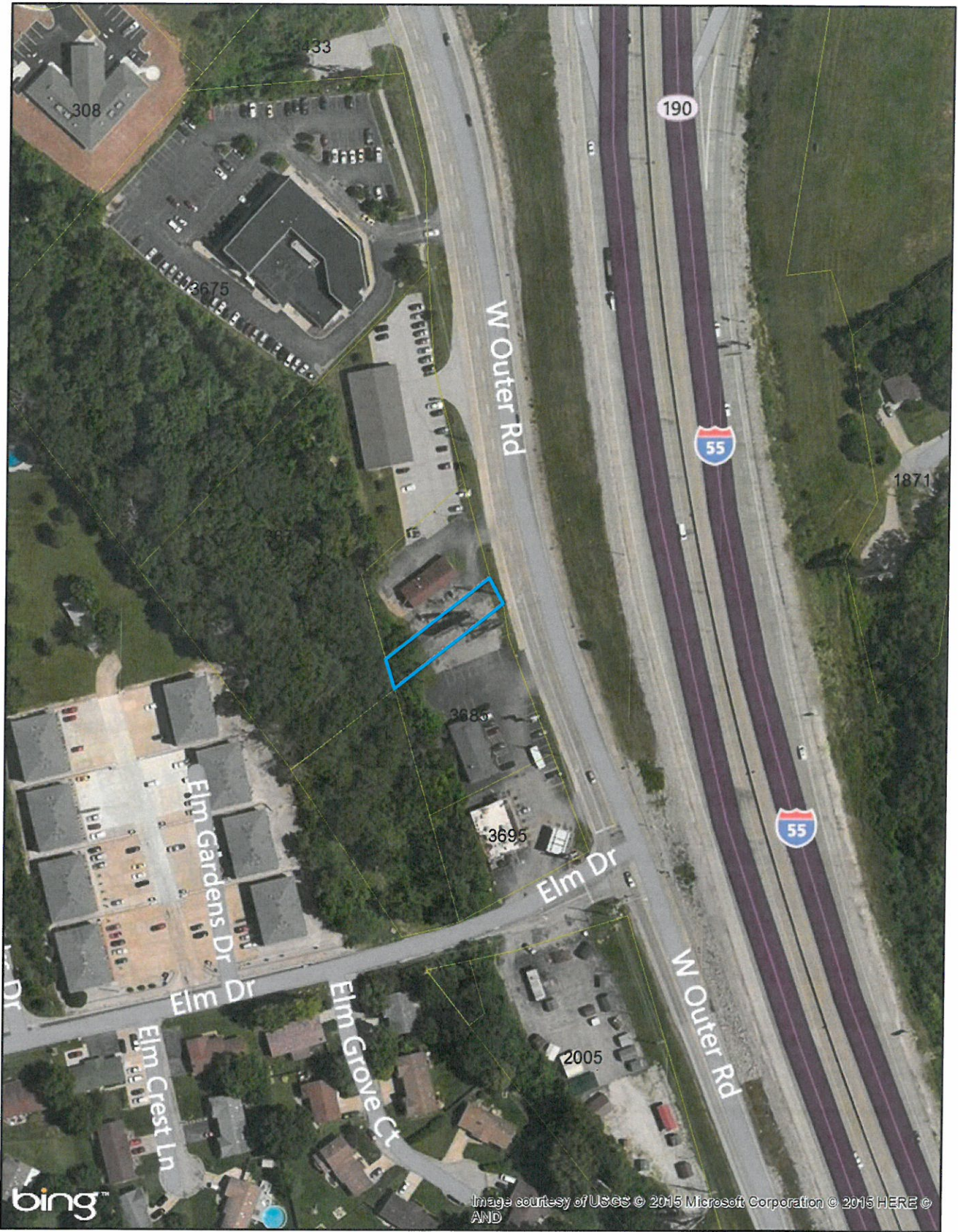


Image courtesy of USGS © 2015 Microsoft Corporation © 2015 HERE © AND



200 100 0 200 Feet



CITY OF ARNOLD, BOARD OF ADJUSTMENT, MAY 27, 2015 MEETING

TO: BOARD OF ADJUSTMENT
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: BA2015-02, MR. MELVIN RICHARDSON, REQUEST VARIANCE TO ZONING CODE, SECTION 6, R-5 15-FOOT REAR YARD SETBACK
DATE: MAY 20, 2015
CC:

REQUEST

Mr. Melvin Richardson, owner of 760 Leolia, is requesting a variance to the Zoning Code, Section 6, R-5 15-foot rear yard setback to encroach 2 feet, 8 inches into the rear yard setback with his pool leaving 12 feet, 4 inches as a rear yard setback. Attached is the application, written correspondence, plans and aerials of the site.

ANALYSIS

Mr. Richardson submitted written correspondence addressing his need for the variance. As stated in the correspondence, the pool is held 10 feet from the back of their house for future deck construction. Any future deck needs to be at least five feet from the house leaving only five feet for a deck. The pool would meet the required 15 foot setback if the deck were shifted closer to the side of the pool allowing the pool to be placed outside of the 15 foot setback.

Staff offers the alternative since there is no real hardship and the adjacent neighbor has expressed concerns about the pool being closer to the property line. To note, all pools must drain to a sanitary drain and is not allowed to directly discharge into the yard or storm sewers.

In considering the request, the below criteria must be considered and findings made based on the below criteria:

The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located. Granting of the variance could potentially be injurious to the adjacent properties since the pool will be located closer than the required 15 feet.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out. There are no particular physical surroundings, shape or topographic conditions that create a hardship thereby necessitating the variance.

The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property. There are no conditions unique to the property that warrants a variance.

RECOMMENDATION

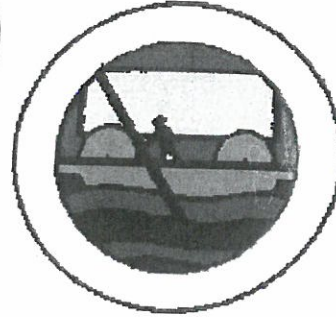
Staff recommends the Board of Adjustment deny this request based on the following findings:

Findings:

1. Granting of the variance could potentially be injurious to the adjacent properties since the pool will be located closer than the required 15 feet.
2. There are no particular physical surroundings, shape or topographic conditions that create a hardship thereby necessitating the variance.
3. There are no conditions unique to the property that warrants a variance.

Community Development Department
City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010
636-282-2378
636-282-6677 Fax

5/27/15
Mtg



BOARD OF ADJUSTMENT
VARIANCE APPLICATION

File Number BA 2015-02

\$400.00 Fee Paid 4/13/15

APPLICANT/CONTRACT PURCHASER

MELVIN RICHARDSON
Name

220 S. JEFFERSON ST.
Address, City, State, Zip

FLOISSANT MO. 63031
Telephone Number

314-566-2121
Facsimile Number

760 WHEOKIA
Property Address (or nearest intersection)

OWNER:

MELVIN RICHARDSON
Name

Address, City, State, Zip

Telephone Number

Facsimile Number

RESIDENTIAL R-5
Zoning of property

Adjacent Zoning/Uses

North South East West

Requested Variance/Section of Code: Rear Setback - R-5 Res., Section 40.

4/13/2015
Date of application

Meeting date targeting

Melvin Richardson
Signature of applicant/owner

Please consider our hardship requested for putting in our 27' round above ground pool. We moved to this location and brought our recently purchased above ground pool to our new home. The pool will not be a permanent fixture and will most likely be taken down after 3-4 yrs. In planning to have this pool put into our yard we did not realize that it needed to be 15 feet from the back fence. We measured 10 foot from the back of our house so that a deck could be put in at sometime in the future . I purchased a new liner for the pool and had scheduled a professional to come level and re-install the pool so that it is done properly. We just took measurements in order to lay the plans out on paper and discovered that once the pool is positioned and placed it will be 12 feet 4 inches from the back fence. The fence around our yard is 48 inches tall and will have self locking gates, but I am prepared to have a privacy fence put up along the back fence if that will help insure that we can have our pool installed.

Thank you for your consideration.

Melvin Richardson

40' BUILDING LINE

100

LEOLIA

100

140'

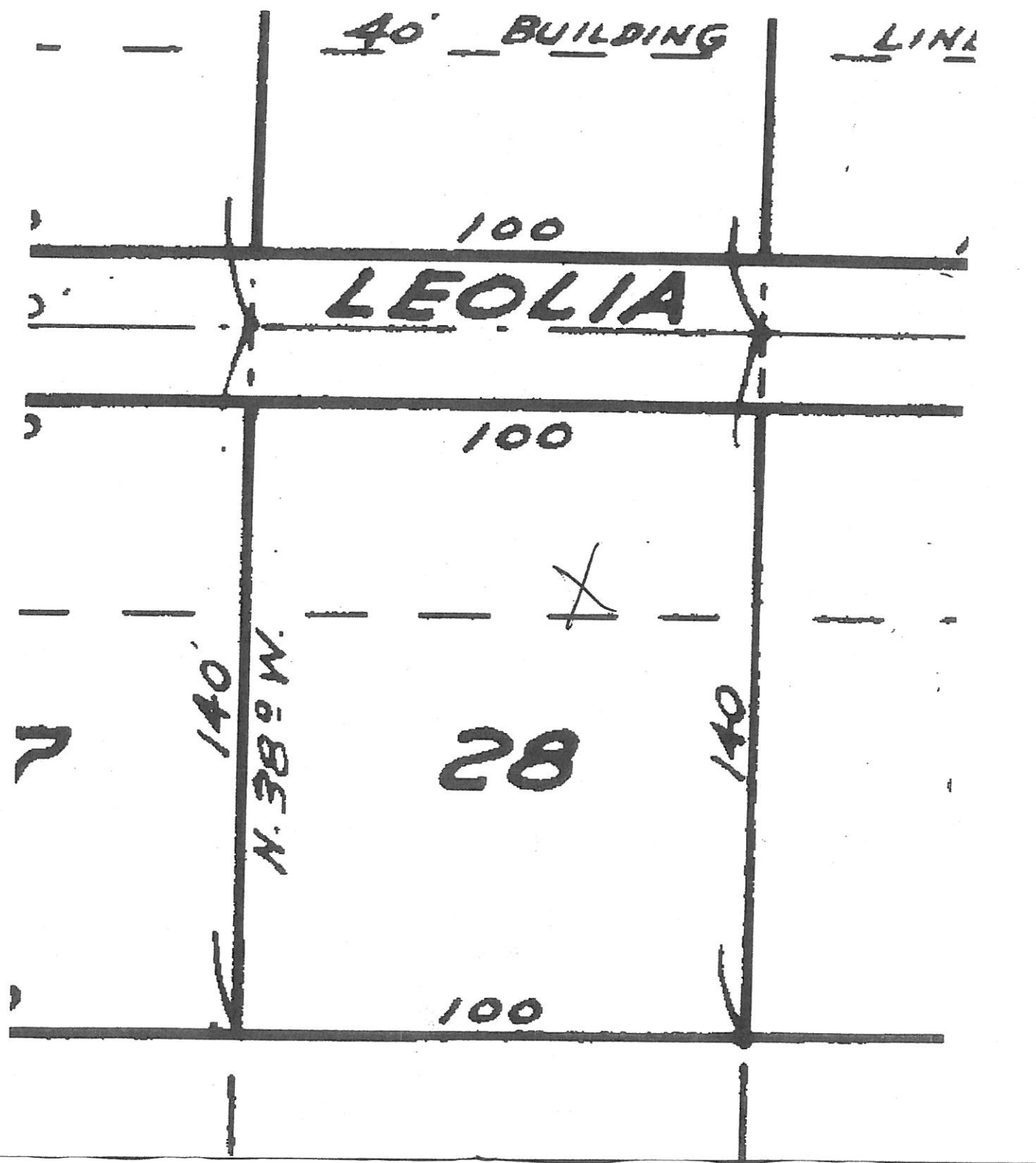
N. 38° W.

28

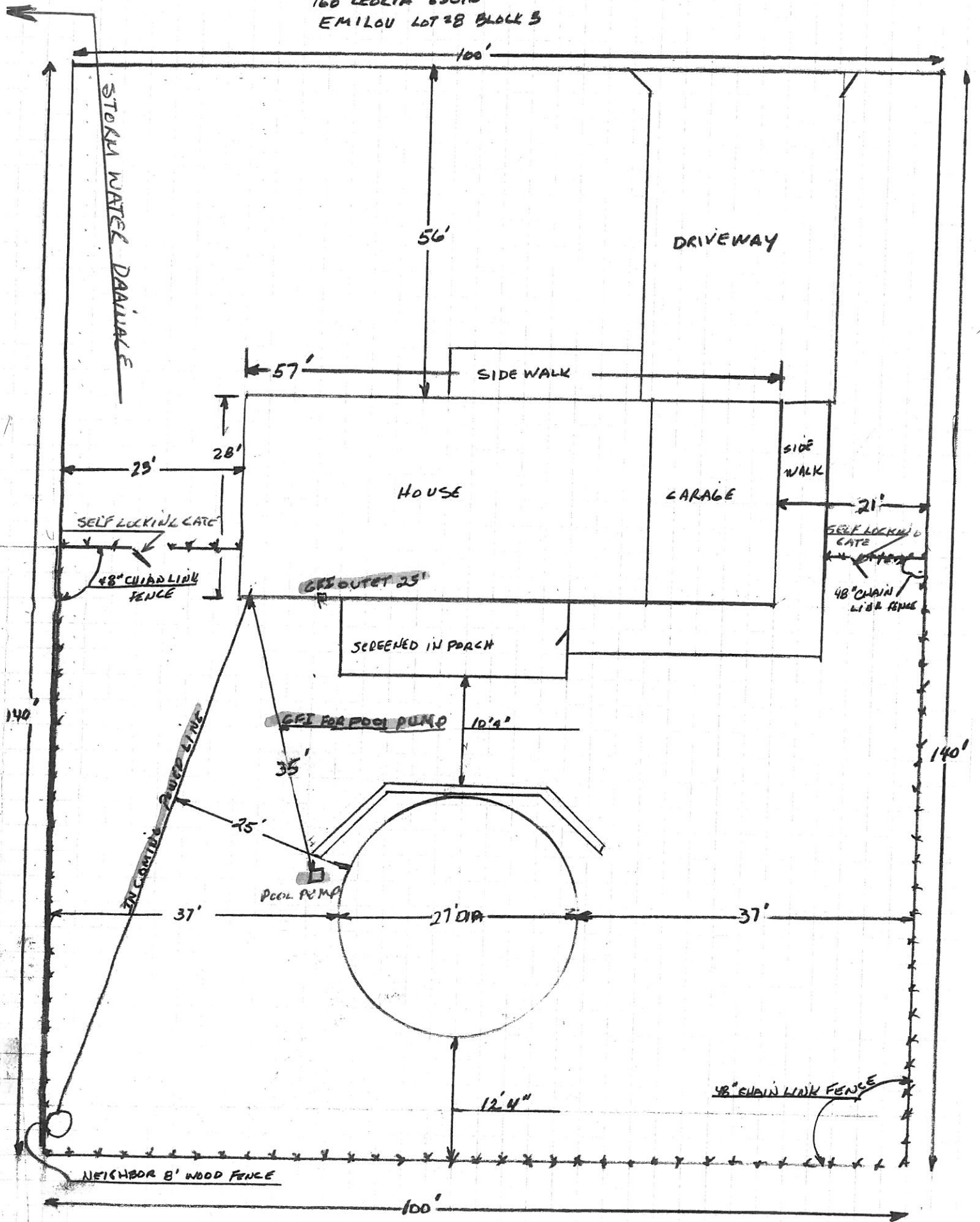
140

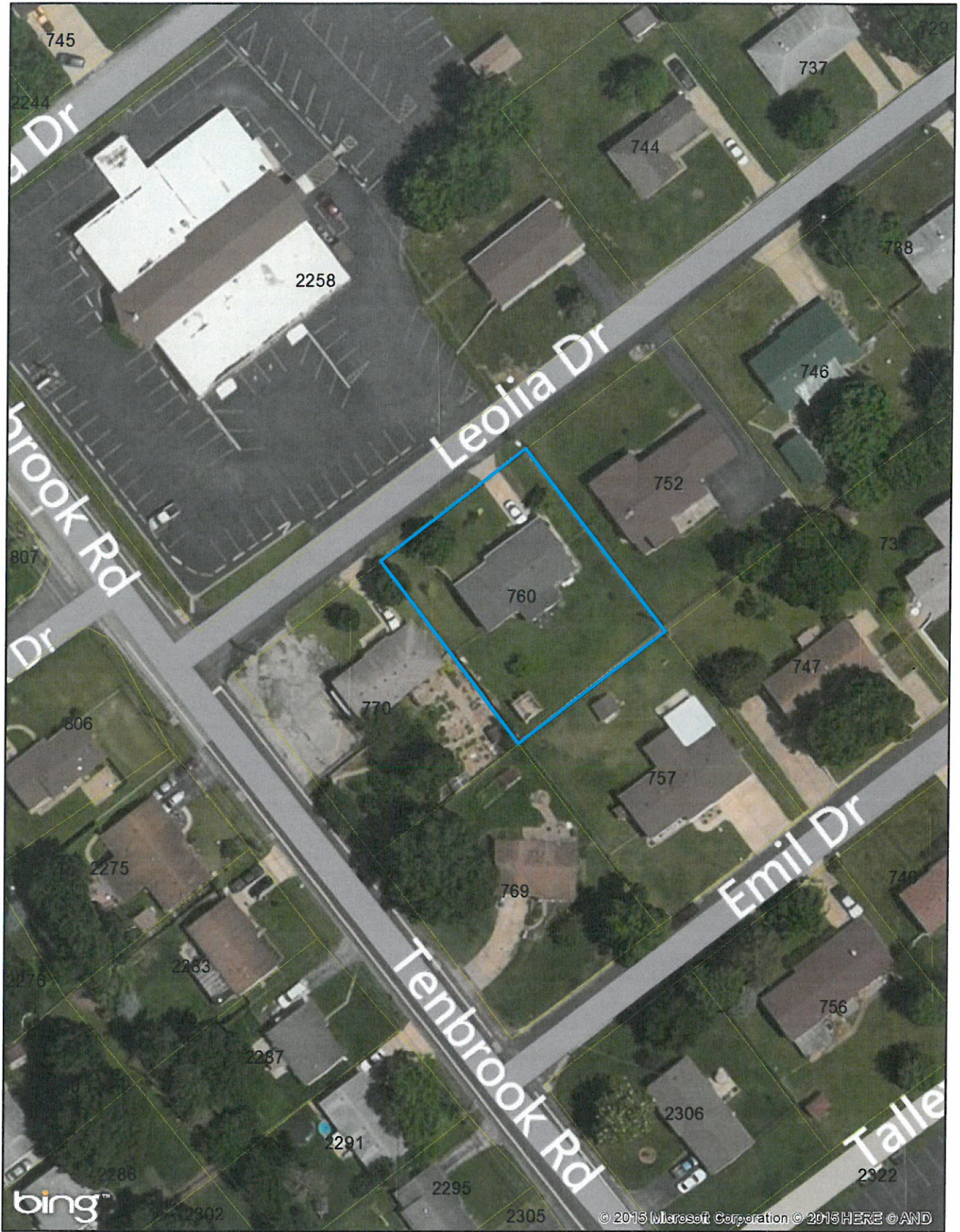
100

N



MELVIN RICHARDSON
760 LEOPIA 63010
EMILOU LOT 28 BLOCK 5





100 50 0 100 Feet





Google earth

