



**BOARD OF ADJUSTMENT
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BLVD
WEDNESDAY, NOVEMBER 8, 2023**

MEMBERS: Jonathan Giallanzo (Chair), Joseph Hendrickson, Robert Lindsley, David McCreery (Alternate), Joan Boyles (Alternate), Jennifer Kammien (Alternate). **STAFF:** Allison Sweeney (City Attorney), David Bookless (Community Development Director), Sarah Turner (Senior Planner)

REGULAR SESSION

1. CALL TO ORDER
2. ROLL CALL
3. READING OF THE PROCEDURES
4. PUBLIC HEARING(S):
 - a. **BA-2023-02 Above and Below Fence (Setback Variance):** A request for relief from fence setback regulations [Section 405.050(C)(19)(c)(2)(b)(ii)] to allow for the installation of a fence within the front yard setback at a new development at the corner of Arnold Tenbrook Rd and Cliff Dr., within the “M-2” Industrial District, as provided in the Arnold Zoning Ordinance.
5. OTHER BUSINESS: *None*
6. ADJOURNMENT OF REGULAR SESSION

EXECUTIVE SESSION

7. NEW BUSINESS: (Note: *The Board of Adjustment may vote on these items tonight.*)
 - a. **BA 2023-02 Above and Below Fence (Setback Variance)**
8. APPROVAL OF MINUTES: *January 11, 2023*
9. ADJOURNMENT OF EXECUTIVE SESSION

The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner. Comments concerning items not on the agenda should be made during the Public Comment section of the agenda, near the beginning of the meeting. When you address the Board of Adjustment, please come forward 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.

NOTE: You may also attend this meeting virtually via Zoom by following the link and instructions below:

- To join by computer, tablet, smartphone, etc. (video and/or audio): <https://zoom.us/join>
- To join by telephone (audio only): **1-312-626-6799**

Meeting ID: 879 8158 3857

Passcode: 677475

Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100.



**BOARD OF ADJUSTMENT MEETING
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BLVD.
JANUARY 11, 2023**

MINUTES

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Board of Adjustment was called to order by Chairman Jonathan Giallanzo at 7:00 p.m. The Board, Staff, and members of the public recited the Pledge of Allegiance.
2. **ROLL CALL OF BOARD MEMBERS:** Jonathan Giallanzo, Joseph Hendrickson, Robert Lindsley, David McCreery (Alternate), Joan Boyles (Alternate, Excused), Jennifer Kammien (Alternate). **STAFF PRESENT:** Allison Sweeney (City Attorney), Sarah Turner (Senior Planner).
3. **READING OF THE PROCEDURES:** Giallanzo read the Board of Adjustment procedures.
4. **PUBLIC HEARING(S):**
 - a. **BA-2023-01 Ameren Tenbrook Substation (Setback Variance):** Motion by McCreery to open the public hearing. Second by Lindsley. Ms. Turner presented the Staff's report on the applicant's request for relief from rear yard requirements to allow for the remodel of an existing electrical substation, from 15 feet to 13 feet. Garret Conklin spoke on behalf of the applicant, Ameren Missouri, reiterating the claims and explaining the 2-step construction process required to keep power. Giallanzo asked about returning to the Board with future replacements and the risk posed by the existing infrastructure. Staff clarified that there would be no need to return if the setback is not further encroached upon. Mr. Conklin explained that the new substation equipment is modern and is safer than the existing aged substation equipment. Kammerer asked what the construction time is. Mr. Conklin said about 6 months. Lindsley asked about the approximate service area of the substation. Mr. Conklin was not sure but offered to look into it for the Board. There were members of the public present. Jod Fedak (679 Berrywine Ln) shared concerns about fire risk and safety. Mr. Conklin explained that the new substation equipment has significantly decreased risk of failure. The Board did not have further questions for the applicant.
5. **ADJOURNMENT OF REGULAR SESSION:** Adjourned by Giallanzo 7:29 p.m.

EXECUTIVE SESSION

6. **NEW BUSINESS:**
 - a. **BA-2023-01 Ameren Tenbrook Substation (Setback Variance):** McCreery spoke in support of the request. There was no further discussion. Giallanzo made a motion in the affirmative for the variance request with the findings and recommendations of Staff. Second by Lindsley. *Roll call vote:* Giallanzo, Yes; Hendrickson, Yes; Lindsley, Yes; McCreery, Yes; Kammien, Yes. 5 yeas, 0 nays. Variance approved.
7. **APPROVAL OF MINUTES:** Motion by McCreery to approve the minutes from the August 24, 2022 meeting. Second by Lindsley. *Voice vote:* Approved 5-0.

8. **ANNOUNCEMENTS:** Ms. Turner stated that there are no submitted applications at the time of the hearing and the next meeting of the Board of Adjustment will be set as needed. There were no other announcements.
9. **ADJOURNMENT:** Motion by Lindsley to adjourn. Second by Giallanzo. Meeting adjourned at 7:37 p.m.

Respectfully submitted,

Sarah Turner
Acting Board Secretary

DRAFT



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

APPLICATION NUMBER: BA-2023-02

APPLICATION NAME: ABOVE AND BELOW FENCE

APPLICANT NAME: Greg Currington
Above and Below Contracting LLC
2836 Plattin View Dr
Festus MO 63028

PROPERTY OWNER NAME: Above and Below Contracting LLC
2836 Plattin View Dr
Festus MO 63028

APPLICANT'S REQUEST: A request for relief from fence setback regulations [Section 405.050(C)(19)(c)(2)(b)(ii)] to allow for the installation of a fence within the front yard setback at a new development.

STREET ADDRESS: N/A

SITE LOCATION: South corner of Arnold Tenbrook Rd and Cliff Dr, at the curve of Arnold Tenbrook approx. 800 ft. south of railroad crossing

ZONING DISTRICT: "M-2" Industrial

PARCEL ID: 01-8.0-28.0-4-002-008.03

TOTAL SITE AREA: 4.66 acres

MEETING DATE: November 8, 2023

REPORT DATE: November 1, 2023

CASE MANAGER: Sarah Turner, Senior Planner

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

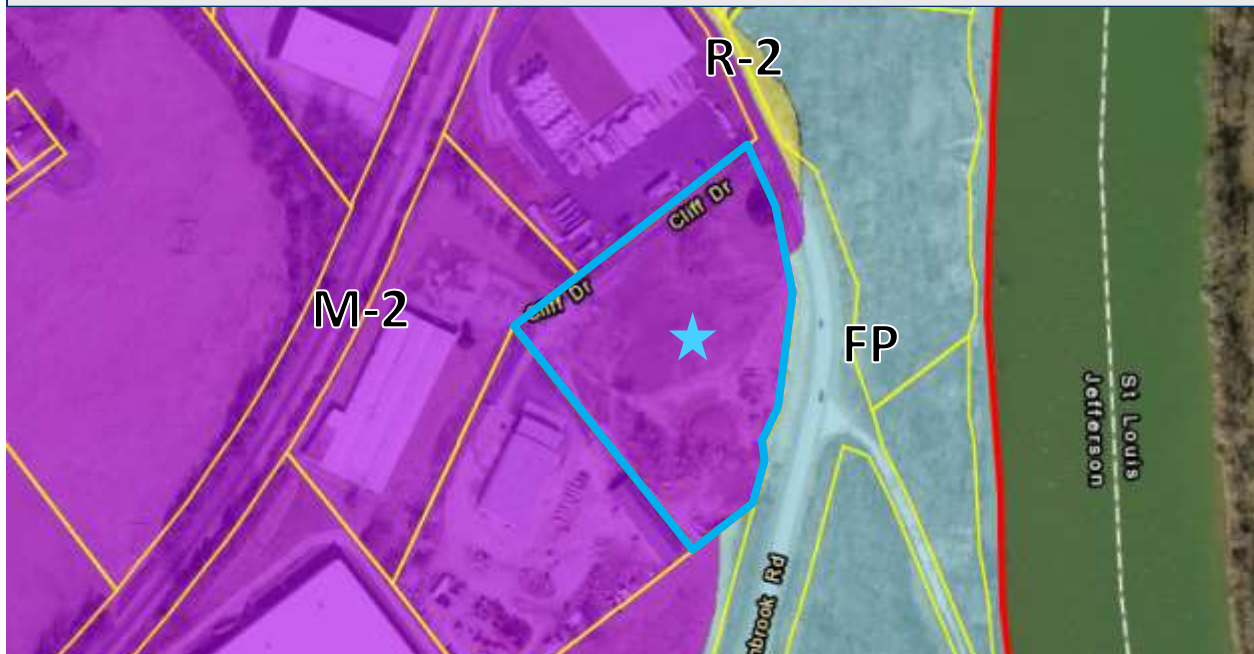


REQUEST SUMMARY

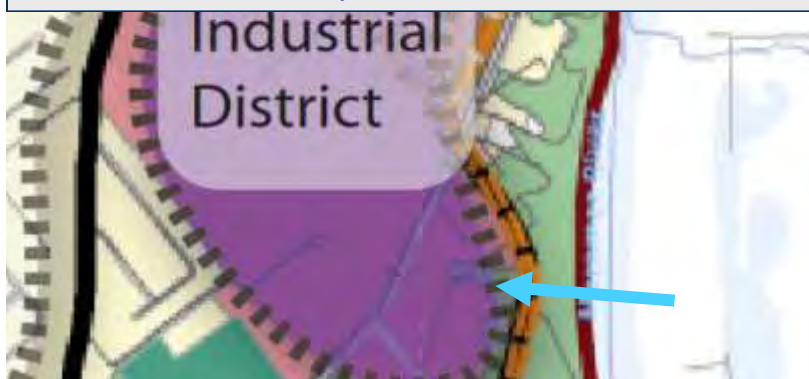
The property owners and applicant, Above and Below Contracting LLC, approached Staff in early summer 2023 regarding a proposed utility contractor's office with a private on-site fueling station and a screened outdoor storage laydown yard. At its October 10th meeting, the Planning Commission approved the proposed site plan. At its October 19th meeting, City Council approved the Conditional Use Permit (CUP) for the private filling station. However, the proposed fence for the outdoor storage yard is encroaching on the required front/street yard setback along Arnold Tenbrook Rd. The approved CUP included a condition of approval that fencing must meet Arnold's standards unless a variance is granted.

In September 2023, Above and Below put in an application to request relief from minimum setback standards, 30 ft. instead of the code-required 50 ft., to allow for the proposed 6-foot chain link fence with fabric screening. If this request is denied, the applicant will be required to revise site plan documents to accommodate the code.

ZONING MAP



FUTURE LAND USE MAP / CITY PLANNER'S COMMENTS:



The property is shown as commercial within an Industrial District node. It is consistent with the FLUM to locate a contractor's office with an enclosed storage yard and private fueling station in such a site.



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

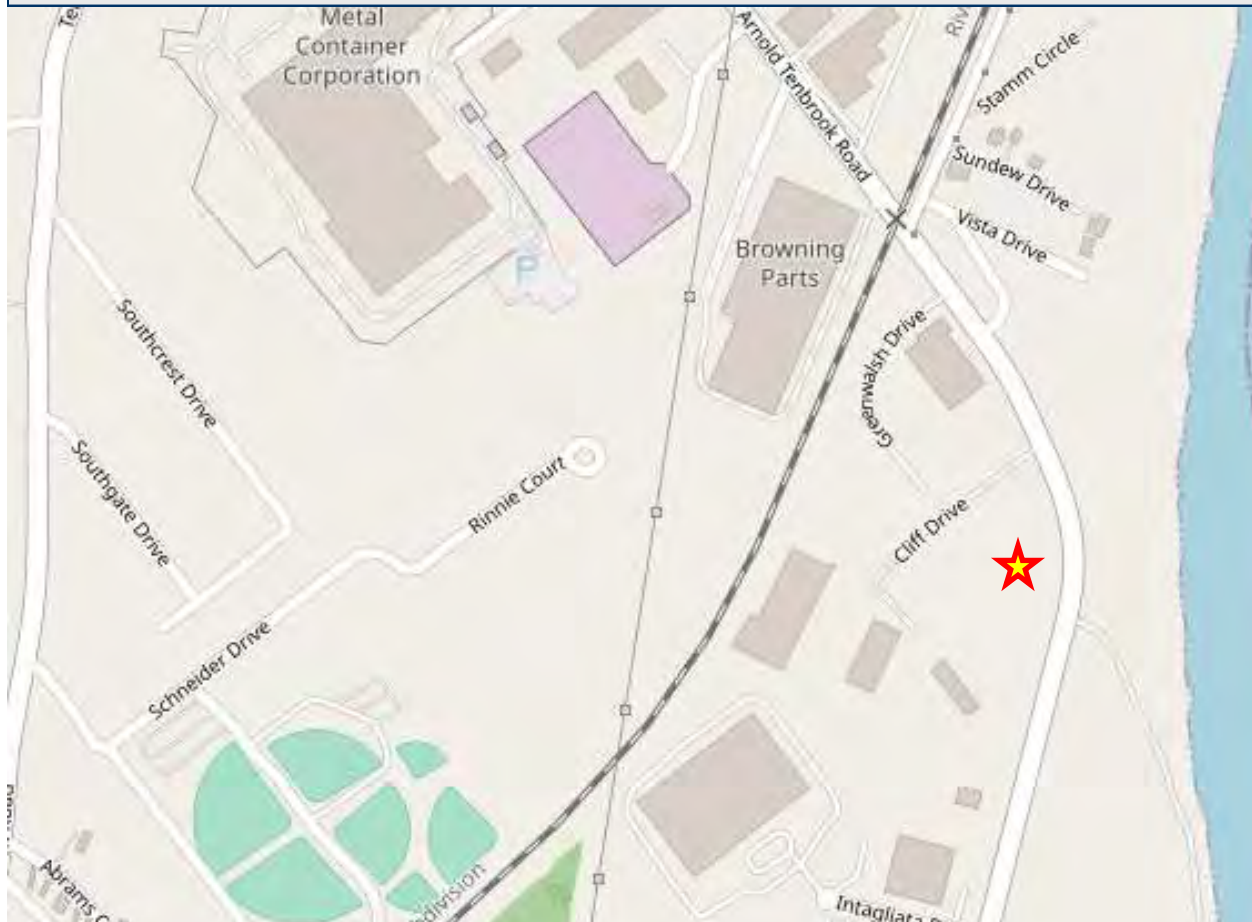
DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 4.66 acre parcel is located at the corner Arnold Tenbrook Rd and Cliff Dr, at the curve of Arnold Tenbrook approx. 800 ft. south of railroad crossing. It is undeveloped and currently accessible from Cliff Dr.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Industrial; Undeveloped	M-2; R-2, FP	Superior Oil; Vacant floodplain properties
East	Undeveloped	FP	Vacant floodplain properties
South	Industrial; Undeveloped	M-2; FP	Timberline, Fogarty; Vacant floodplain properties
West	Industrial	M-2	Unico, SCI Manufacturing

OPEN STREET MAP OF SITE



Above and Below Fence

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS—APPLICABLE REGULATIONS

Appeals or variances to Chapter 405, Zoning, of the Code of Ordinances, shall be made to and reviewed by the Board of Adjustment.

Analysis of Applicable Regulations

The subject property is within an “M-2” Industrial District. The location regulations for fences in non-residential districts, including the “M-2” District, Section 405.050(C)(19)(c)(2)(b)(ii), reads as follows:

Fences are prohibited in the required front yard setback except that on lots with more than one (1) street frontage, fences may project up to ten (10) feet into required street yards other than the required front yard.

Setback Requirements From Arterial And Collector Streets, General Provisions, Section 405.050(C)(15)(a), reads as follows:

Industrial zoned property fronting on arterial or collector streets shall have a front building line fifty (50) feet from the right-of-way line.

Lot Area, Open Area And Yard Requirements of the “M-2” Industrial District regulations, Section 405.130(B)(6)(c), reads as follows:

No structure [...] higher than six (6) feet in height, shall be erected within thirty (30) feet of any roadway right-of-way.

In summary, the required front/street yard setback area adjacent to these streets are as follows: Arnold Tenbrook (primary front/street yard) is 50 feet, Cliff (secondary front/street yard) is 20 feet (30 feet minus 10 foot projection allowance for multi-frontage parcel).

The applicant is proposing a 6-foot chain link fence with privacy fabric screening surrounding the extent of the outdoor storage and laydown yard area to improve the public viewshed and provide security. Along Arnold Tenbrook, the proposed fence is 30 feet from the front/street property line, instead of the code-required 50 feet. The fence encroaches on the required setback as outlined above by 20 feet. The applicant’s options are to readjust their plans to preserve the 50-foot setback or the applicant may seek a variance from the minimum setback requirement to allow for the fence as proposed.

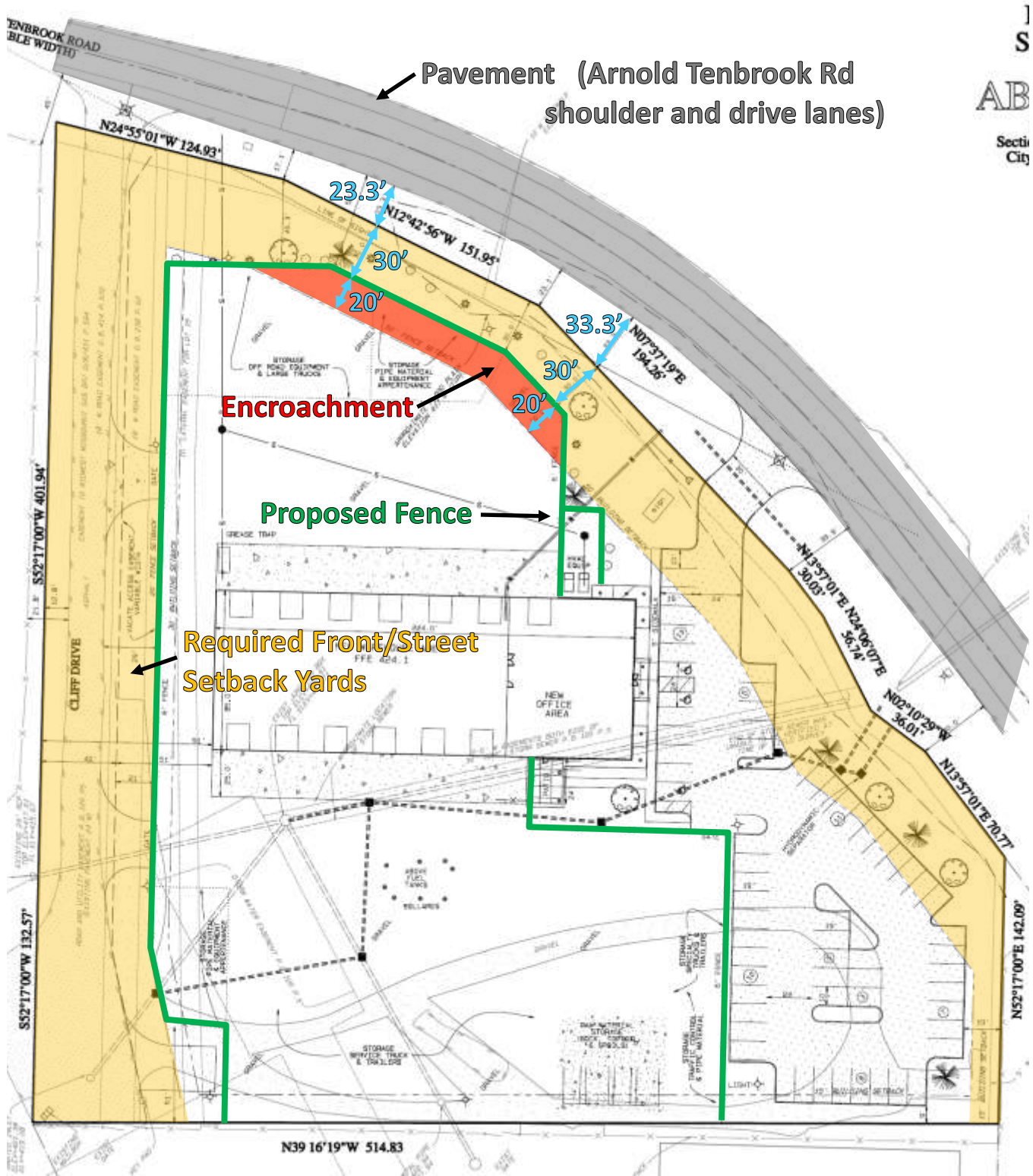
This section is intentionally empty.



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

FIGURE 1: SITE PLAN (WITH STAFF NOTATIONS)



J
S
AB
Secti
City

Above and Below Fence

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA

Review Criteria

The variance review criteria as provided in Section 405.240, Board of Adjustment, of the Zoning Ordinance are listed below in *italics*. Full statements from the applicant's narrative (Exhibit B) in response to how this request meets the criteria are quoted in **bold**.

The Board shall not grant variances unless it shall make finding based upon the evidence presented to it in each specific case that:

1. *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.*
 - i. *In addition to the general requirement to ensure that the variance will not be detrimental to the public safety health or welfare the determining the foregoing, the Board shall consider whether, and to what extent, the proposed variation will impair an adequate supply of light and air to adjacent property, or increase the danger of fire, or diminish or impair property values within the neighborhood*

Applicant Response: **"The granting of the variance will not harm the travelling public, the adjacent property owners, utilities, or the neighborhood. The granting of the variance will allow the existing streets and utilities to remain in place. The proposed fence material is chain link style, which provides security while not impairing light or the movement of air. The fence material is consistent with adjacent properties. The proposed development will be consistent with the physical surroundings of the area as the adjacent properties have existing fences with similar distances from the traveled roadways."**

Staff Response: Submitted materials for variances are provided to various utilities and reviewing agencies for comment. The Rock Community Fire District, Public Water District #1, City of Arnold Public Works, Spire Gas, and AT&T all commented that they see no issue with the proposed variance.

Other adjacent properties are industrial and not concerned with nuisances from a contractor and storage yard, which is a common use in the area. The proposed material, chain link with privacy fabric, can be found on many surrounding industrial properties.

The safety of the traveling public was considered by the applicant prior to seeking this variance. Attached to this report is an access memo prepared by CBB Transportation Engineers + Planners, a firm that frequently prepares traffic studies and other related reports for municipalities and developers in the St Louis metro area. CBB found that the sight distance exceeds minimum requirements but to carefully consider the height of signage, fencing, and landscaping. CBB recommended keeping such improvements 3.5 ft or shorter within 20 ft of the pavement edge. The proposed fence and other landscaping or improvements is 30 feet from the property line and over 50 feet from the pavement edge, well outside of the recommended clear area (See Figure 2 on next page). Other City Staff, including City Engineer Judy Wagner and Staff Engineer Christie Hull-Bettale, have reviewed the memorandum and proposal regarding safety for the new entrance on Arnold Tenbrook as well as proposed fence structures and found the plan to be satisfactory.



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS —REVIEW CRITERIA, CONT.

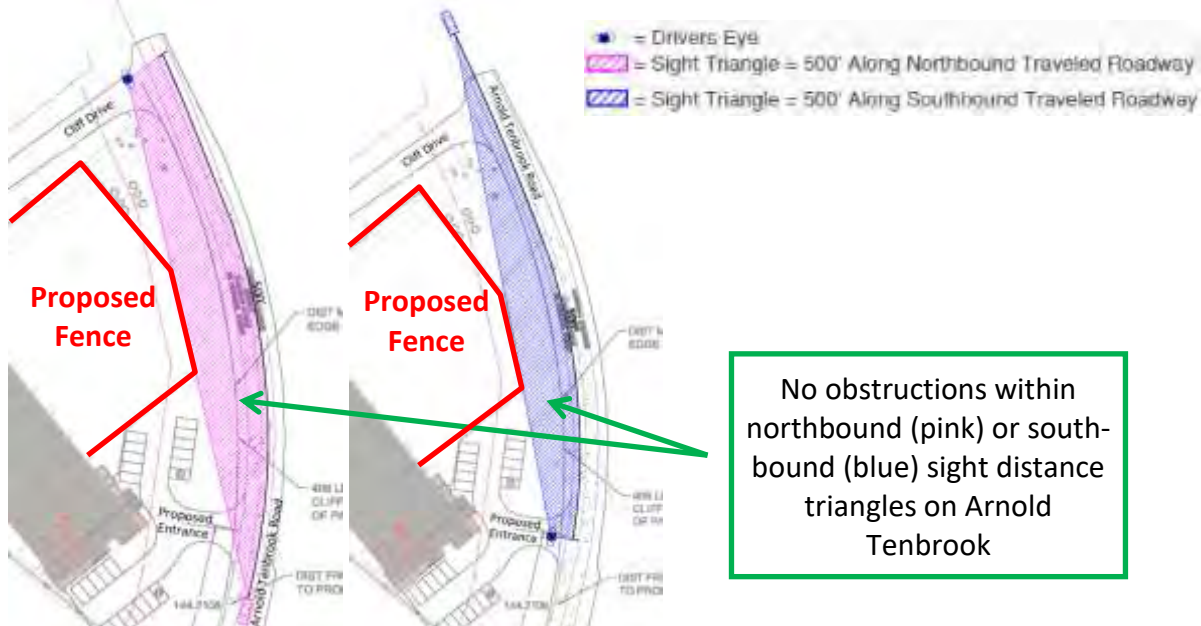
2. The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.

Applicant Response: **“The property is a unique corner lot nearly triangular in shape. The perimeter of the site is 1855 linear feet, and 1,198 linear feet (65%) of the perimeter fronts Cliff Drive and Arnold Tenbrook. This amount of street frontage is unusual.**

The ROW width for Arnold Tenbrook in this area is unique as it is not parallel to the edge of the road. The section of Arnold Tenbrook adjacent to this site was built/improved in the late 1990’s per review of Google Earth Imagery. It is unknown when property rights for improving this road were acquired. Plat Book 187, Pg 11 recorded on July 24, 2001 shows the property boundary along the alignment for current Arnold Tenbrook Road as established from drawings provided by the City of Arnold. A reference to Old Arnold Tenbrook Road is also shown on this plan. It is possible the right-of-way for Arnold Tenbrook is wider in this location due to the construction of the new road being adjacent to the old road and/or stormwater runoff/grading requirements. The image of the old and new road is observed on Google Earth history date of March 3, 1999. [Figure 3 on next page] **The Right-of-Way width as measured on Jefferson County Assessor website appears to be approximately 40 feet for the section of Arnold Tenbrook Road to the north of the site. “**

Staff Response: Corner lots are common in Arnold. However, there are some uncommon circumstances of the subject parcel regarding Arnold Tenbrook. This roadway was widened and improved, with the extent of work trailing off along the curve of the subject parcel. At the north side of the property, the right-of-way width is 60 feet before immediately narrowing to 40 feet at the next property. To the south, the right-of-way is 130 feet wide. Staff recognizes that the varying width of Arnold Tenbrook right-of-way combined with this particular corner

FIGURE 2: SIGHT DISTANCE DIAGRAM FROM CBB ACCESS MEMO



Above and Below Fence

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



FIGURE 3: MARCH 14, 1999 SATELLITE IMAGERY REFERENCED IN APPLICANT'S NARRATIVE





REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA, CONT.

lot being on a curve of an industrial arterial roadway presents unique circumstances for the subject parcel. Staff finds that the conditions of the site are unique and not generally applicable to other properties.

3. 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.

Applicant Response: “The shape of the lot and road easement establishes building setbacks that encumbers 37%, or 1.72 acres of the 4.66-acre site. This unusual condition creates a disproportionate obstacle that is not shared with adjacent properties in the same zoning district. Without the fence to secure materials, equipment, and tools, hardships will occur when these items are stolen. The hardships can generate significant difficulty when replacement of lost items disrupts the operation of the business. Having a fence provides additional security that cannot be obtained with cameras or increased police presence. When proper storage areas are provided, the possibility of injuries and accidents from poorly handled and stored items will decrease.”

Staff Response: In summary, the applicant’s claim is as follows: because of the unique condition of the subject property’s location along a roadway curve and the varying width of said roadway, a hardship arises in that Above and Below cannot adequately fence off the full extent of their needed storage yard and still meet structure and fence setbacks. Based on the unique qualities of the parcel, Staff has found that the subject property’s situation may limit it from having similar buildable area when compared to surrounding properties.

FIGURE 4: PICTOMETRY OF SITE AND AREA, FACING SOUTH (MAR. 2022)



Above and Below Fence

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA, CONT.

4. *The inability to obviate the difficulty or hardship by some method, feasible for the applicants to pursue, other than the variance.*

Applicant Response: **“There is no other way to acquire additional space onsite for the storage of tools, equipment, and materials to support the business.”**

Staff Response: The surrounding properties along the same side of Arnold Tenbrook are already developed, leaving no additional space that Above and Below could acquire to expand the subject parcel.

5. *The variance requested is the minimum necessary to overcome the difficulty or hardship which was the basis for the requested variance.*

Applicant Response: **“The requested fence location is suitable for safe maneuvering equipment, trailers and large trucks needed to support the business. The length of the variance request applies to approximately 210 feet of the 664.7 feet of Arnold Tenbrook ROW. Approximately 0.08 acres of the fenced area lies within the 50 foot setback. A minimum 30’ distance between the fence and the right-of-way is provided for landscaping and stormwater drainage.”**

Staff Response: The applicant has expressed to Staff that the particular materials being stored at this proposed utility contractor’s office require a large amount of space (including but not limited to rock/soil materials, larger pipe materials, traffic control signage, service trucks, dump trucks, boom trucks, box trucks, utility trailers, bore machines, excavators, earth moving equipment, trench shoring equipment, etc.). At the time of this report, there is not a requirement that outdoor storage be shielded from public view, although screening is preferred and encouraged. The applicant could utilize an unenclosed yard if not for the security concerns of openly storing expensive and difficult-to-replace equipment and materials.

The requested variance, if approved, would grant relief from the front/street setback by an amount of 20 feet. The proposed fence would be 30 feet from the front/street property line instead of the code-required 50 feet. The distance between the proposed fence and the edge of pavement would be at least 52 feet and approx. 62 feet from the driving lane.

FIGURE 5: EXAMPLE OF PROPOSED FENCE STYLE AND MATERIAL





REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA, CONT.

6. *That the alleged difficulty or hardship has not been created by any person having an interest in the property at any time.*

Applicant Response: **“The boundary adjustment plat completed for a Tract of Land being Lot 2 and Part of Lot 1 of W.K. Industrial Park and recorded in PB 187, PG 11 on June 24, 2001 provides information on the property. The plat references property acquired for improving Arnold Tenbrook Road.”**

Staff Response: As a reminder: because of the unique condition of the subject property’s location along a roadway curve and the varying width of said roadway, the applicant’s hardship claim is that Above and Below cannot adequately fence off the full extent of their needed storage yard and still meet structure setbacks for the fence. Improvements made to Arnold Tenbrook Rd in the late 1990s is the cause of the varying ROW widths. Property owners at the time were compensated for the loss of their property to accommodate improvements. The location of the subject parcel on the curve was not created by any person having an interest in the property at any time.

7. *The variance can be granted without substantial impairment to the intent, purpose and integrity of the comprehensive plan or any master plan, neighborhood plan, or transportation plan affecting the subject property.*

Applicant Response: **“The City of Arnold Public Works Department was contacted regarding improvements to Arnold Tenbrook Road. The City indicated sight distance from the new entrance must be maintained and the excess right-of-way may be used for a shared use path. The line of site for the entrance is shown on the plans and does not conflict with the requested fence location.”**

Staff Response: City Engineer Judy Wagner has indicated to Planning Staff that there are currently no plans to improve, further widen, or otherwise alter Arnold Tenbrook Rd adjacent to the subject parcel. The proposed variance would not impair any future transportation plans.

Similarly, the proposed utility contractor, on-site fueling, and screened storage yard would not cause substantial impairment to the intent, purpose, and integrity of the Comprehensive Plan or any other plans. The fence in its proposed location will allow a local Arnold business to fully utilize one of the final remaining vacant sites in this industrial park.

FIGURE 6: FACING WEST AT SUBJECT SITE (SEPTEMBER 2023)



Above and Below Fence

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



FINDINGS

The Board of Adjustment has been requested to review the subject application as pertains to:

A request for relief from fence setback regulations to allow for the installation of a fence within the front yard setback at a new development at the corner of Arnold Tenbrook Rd and Cliff Dr.

The Board must keep the variance review criteria in mind when coming to a determination of whether to approve, approve with conditions, or deny this request:

- a. *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.*
 - i. *In addition to the general requirement to ensure that the variance will not be detrimental to the public safety health or welfare the determining the foregoing, the Board shall consider whether, and to what extent, the proposed variation will impair an adequate supply of light and air to adjacent property, or increase the danger of fire, or diminish or impair property values within the neighborhood*
- b. *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.*
- c. *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.*
- d. *The inability to obviate the difficulty or hardship by some method, feasible for the applicants to pursue, other than the variance.*
- e. *The variance requested is the minimum necessary to overcome the difficulty or hardship which was the basis for the requested variance.*
- f. *That the alleged difficulty or hardship has not been created by any person having an interest in the property at any time.*
- g. *The variance can be granted without substantial impairment to the intent, purpose and integrity of the comprehensive plan or any master plan, neighborhood plan, or transportation plan affecting the subject property.*

This space is intentionally empty.



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

RECOMMENDATION

In granting a variance, the Board may require conditions that would assist in securing the objectives or requirements of the Zoning Ordinance. Should the Board determine to approve this variance seeking relief from the minimum setback requirements outlined in General Provisions and the "M-2" Industrial District as found in Sections 405.050(C)(19)(c)(2)(b)(ii), 405.050(C)(15)(a), 405.130(B)(6)(c), Staff recommends including the following condition of approval:

1. **This variance grants relief for a 6-foot chain link fence with privacy fabric screening to be setback a minimum of thirty (30) feet from the front/street property line adjacent to Arnold Tenbrook. All other structures must adhere to applicable regulations contained in the Zoning Ordinance.**

A handwritten signature in black ink, appearing to read "Sarah Turner", written over a horizontal line.

Sarah Turner
Senior Planner

This space is intentionally empty.



ATTACHMENTS

Exhibit A: Site Plan*

Exhibit B: Applicant Narrative

Exhibit C: CBB Access Memo

Photos of Site

* The site plan sheets provided in this report are a selection of the submitted site plan.
Contact the project manager if you would like to view the additional sheets.

BA-2023-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

1
S

AB

Secti
City

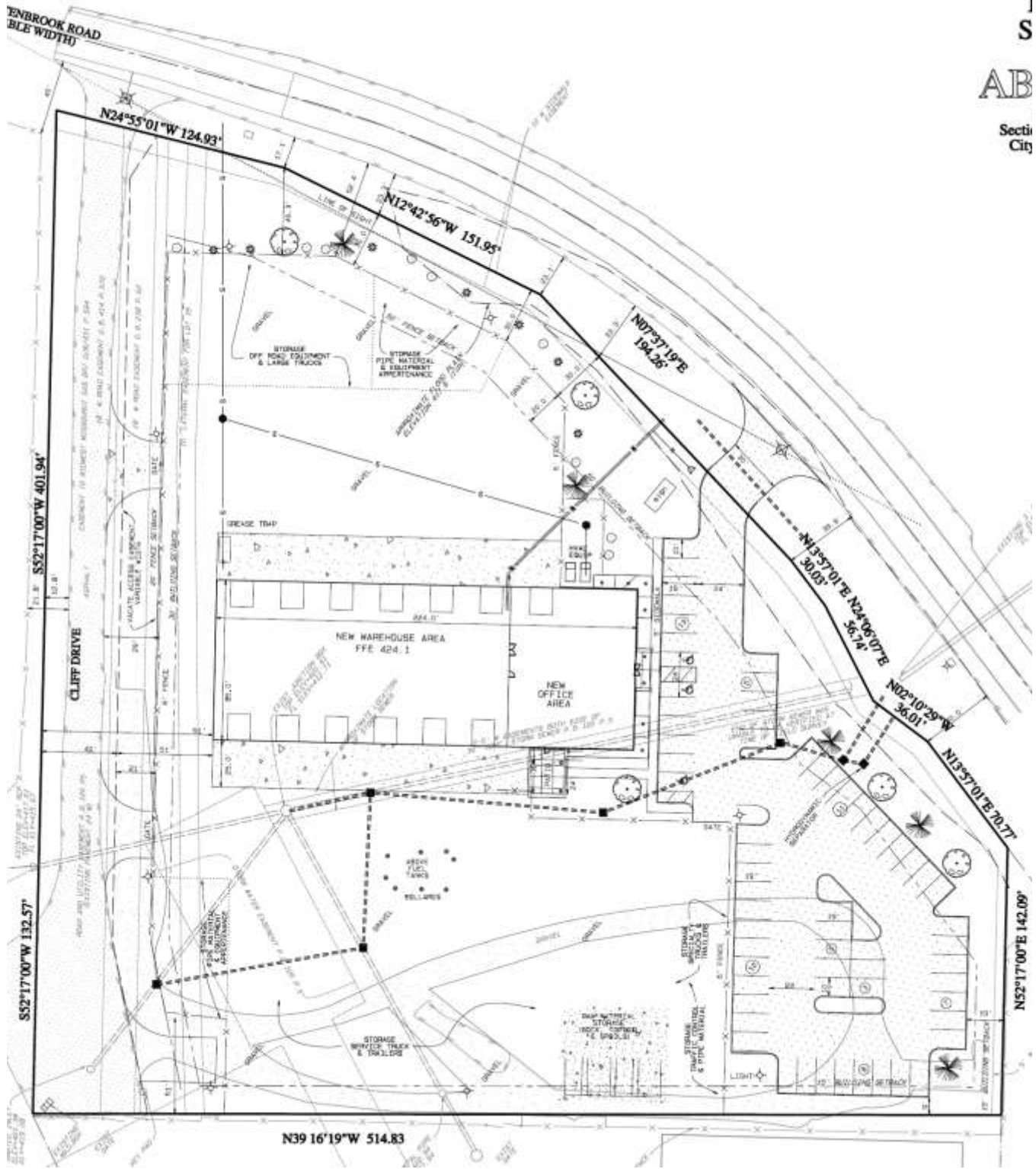


EXHIBIT A: SITE PLAN

Above and Below Fence

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



GOVERO Land Services

SURVEYING * ENGINEERING
5929 Old State Road
Imperial, MO 63052
(636) 464-9380

TO: City of Arnold

FROM: Govero Land Services

SUBJECT: Above & Below
Board of Adjustment Variance Application

DATE: July 11, 2023
Revised September 13, 2023

This memo is to support the Board of Adjustment Variance Application for Above & Below located at the corner of Cliff Drive and Arnold Tenbrook Road. Item 3 of the application requests written petition stating the basis for such appeal, the specific relief sought, and response to general criteria listed below in *italics*.

The proposed site plan provides a fence a minimum fence setback of 30 feet Arnold Tenbrook Road.

General Criteria per Application

- a) *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.*
 - i. *In addition to the general requirement to ensure that the variance will not be detrimental to the public safety health or welfare the determining the foregoing, the Board shall consider whether, and to what extent, the proposed variation will impair an adequate supply of light and air to adjacent property, or increase the danger of fire, or diminish or impair property values within the neighborhood*

The granting of the variance will not harm the travelling public, the adjacent property owners, utilities, or the neighborhood. The granting of the variance will allow the existing streets and utilities to remain in place. The proposed fence material is chainlink style, which provides security while not impairing light or the movement of air. The fence material is consistent with adjacent properties. The proposed development will be consistent with the physical surroundings of the area as the adjacent properties have existing fences with similar distances from the traveled roadways.

EXHIBIT B: APPLICANT NARRATIVE, PG. 1

BA-2023-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

- b) *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.*

The property is a unique corner lot nearly triangular in shape. The perimeter of the site is 1855 linear feet, and 1,198 linear feet (65%) of the perimeter fronts Cliff Drive and Arnold Tenbrook. This amount of street frontage is unusual.

The ROW width for Arnold Tenbrook in this area is unique as it is not parallel to the edge of the road. The section of Arnold Tenbrook adjacent to this site was built/improved in the late 1990's per review of Google Earth Imagery. It is unknown when property rights for improving this road were acquired. Plat Book 187, Pg 11 recorded on July 24, 2001 shows the property boundary along the alignment for current Arnold Tenbrook Road as established from drawings provided by the City of Arnold. A reference to Old Arnold Tenbrook Road is also shown on this plan. It is possible the right-of-way for Arnold Tenbrook is wider in this location due to the construction of the new road being adjacent to the old road and/or stormwater runoff/grading requirements. The image of the old and new road is observed on Google Earth history date of March 3, 1999. The Right-of-Way width as measured on Jefferson County Assessor website appears to be approximately 40 feet for the section of Arnold Tenbrook Road to the north of the site.

- c) *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 shape of the lot and road easement establishes building setbacks that encumbers 37%, or 1.72 acres of the 4.66-acre site. This unusual condition creates a disproportionate obstacle that is not shared with adjacent properties in the same zoning district. Without the fence to secure materials, equipment, and tools, hardships will occur when these items are stolen. The hardships can generate significant difficulty when replacement of lost items disrupts the operation of the business. Having a fence provides additional security that cannot be obtained with cameras or increased police presence. When proper storage areas are provided, the possibility of injuries and accidents from poorly handled and stored items will decrease.

- d. *The inability to obviate the difficulty or hardship by some method, feasible for the applicants to pursue, other than the variance.*

There is no other way to acquire additional space onsite for the storage of tools, equipment, and materials to support the business.

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



e. The variance requested is the minimum necessary to overcome the difficulty or hardship which was the basis for the requested variance.

The requested fence location is suitable for safe maneuvering equipment, trailers and large trucks needed to support the business. The length of the variance request applies to approximately 210 feet of the 664.7 feet of Arnold Tenbrook ROW. Approximately 0.08 acres of the fenced area lies within the 50 foot setback. A minimum 30' distance between the fence and the right-of-way is provided for landscaping and stormwater drainage.

f. That the alleged difficulty or hardship has not been created by any person having an interest in the property at any time.

The boundary adjustment plat completed for a Tract of Land being Lot 2 and Part of Lot 1 of W.K. Industrial Park and recorded in PB 187, PG 11 on June 24, 2001 provides information on the property. The plat references property acquired for improving Arnold Tenbrook Road.

g. The variance can be granted without substantial impairment to the intent, purpose and integrity of the comprehensive plan or any master plan, neighborhood plan, or transportation plan affecting the subject property.

The City of Arnold Public Works Department was contacted regarding improvements to Arnold Tenbrook Road. The City indicated sight distance from the new entrance must be maintained and the excess right-of-way may be used for a shared use path. The line of site for the entrance is shown on the plans and does not conflict with the requested fence location.



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

ACCESS MEMORANDUM

Date: March 29, 2023

To: Mr. Dan Govero, P.E. – Govero Land Services
Mr. Greg Currington, P.E. – Above and Below Contracting LLC

From: Ms. Shawn White, P.E., PTOE

CBB Job Number: 032-23

Project: Access Memo
Arnold Tenbrook Road and Cliff Drive
Arnold, Missouri

As requested, CBB has prepared the following review of the proposed access for a new facility in Arnold, Missouri. Above and Below Contracting LLC proposes to build a new facility in the southwest quadrant of the Arnold Tenbrook Road and Cliff Drive intersection. The location of the site in relation to the surrounding road system is depicted in **Figure 1**.



Figure 1: Project Location Map

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



It is our understanding the owner desires to gain access to the site via a new driveway onto Arnold Tenbrook Road. The access drive on Arnold Tenbrook Road would be used solely for the office with limited use. The field employees and work trucks would have access via a drive off Cliff Drive. Based on information provided by the owner, the office staff would consist of 8 to 10 employees initially with the potential for up to 15 employees. The owner indicated they do not get visitors often- maybe one or two a day.

Based on initial conversations with the City, it was agreed that a sight distance evaluation be the first step in the review process.

Existing Sight Distance: The sight distance for the proposed site drive on Arnold Tenbrook Road was reviewed in the field with respect to the guidelines published in *A Policy on Geometric Design of Highways and Streets* published by the American Association of State Highway and Transportation Officials (AASHTO), commonly referred to as the *Green Book*. Adequate sight distance is necessary at intersections to allow drivers to perceive potentially conflicting vehicles and allow those motorists sufficient time to adjust their speed to avoid a collision or make a choice of when to cross or enter the mainline traffic flow. All drivers approaching or stopped at the intersection should have an unobstructed view of the entire intersection so that potential collisions can be avoided.

The *Green Book* method incorporates the design speed of the major road and the required gap time for a minor road vehicle to enter or cross the major road to define the minimum safe distance for entrance visibility. The design speed is generally assumed to be the posted speed limit plus five mph, unless detailed speed study data is available. Based on the *Green Book* method, the intersection sight distance (ISD) is computed according to the following formula:

$$ISD = 1.47 * Design Speed (mph) * Design Gap (sec)$$

According to the *Green Book*, the intersection sight distance requirement along Arnold Tenbrook Road (using a posted speed of 40 mph and a design speed of 45 mph) would be 500 feet. Note that the speed limit changes to 30 mph about 100 feet north of the proposed site drive so presumably vehicles approaching from the north would be traveling less than 45 mph (an operating speed of 35 mph would require 390 feet of sight distance). Nonetheless, the higher operating speed of 45 mph was used for this review.

Based on field measurements, the sight distance looking to the north at the proposed site drive is 560 feet which exceeds the recommended minimum of 500 feet. Based on visual observations, the sight distance looking to the south at the proposed site drive is over 600 feet which also exceeds the recommended minimum of 500 feet. Photos of the sight distance looking both north and south from the proposed site drive on Arnold Tenbrook Road are shown in **Figure 2**.



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



Looking North

Looking South

Figure 2: Sight Distance for Proposed Site Drive on Arnold Tenbrook Road

Careful consideration should be given to sight distance obstructions when planning future aesthetics enhancements, such as signs, berms, fencing and landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the intersection of all drives with the public roadways. It is generally recommended that all improvements higher than 3 ½ feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway. Note that the trees in the southwest quadrant of Arnold Tenbrook Road and Cliff Drive may need to be trimmed/maintained to ensure sight distance.

Exhibit 1 depicts the sight distance triangles from the proposed site drive looking north and from Cliff Drive looking south to depict the area on the site that needs to remain free of landscaping, fences, large signs, parking etc.

We trust this information is useful in evaluating the proposed access on Arnold Tenbrook Road for the new facility in Arnold, Missouri. If additional information is desired, please feel free to contact me at 314-449-9572 or swhite@cbbtraffic.com.

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



Arnold, Missouri

Sight Distance Diagram



Legend	
	= Drivers Eye
	= Sight Triangle = 500' Along Northbound Traveled Roadway
	= Sight Triangle = 500' Along Southbound Traveled Roadway



Exhibit 1: Arnold Tenbrook Sight Distance Triangles

Job# 032-23
03/28/2023





REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



PICTOMETRY, MARCH 2022

Above and Below Fence

REPORT TO BOARD OF ADJUSTMENT
CITY OF ARNOLD



STREETVIEW OF SUBJECT SITE, JUNE 2021

BA-2023-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



SATELLITE WITH PARCEL LINES

Above and Below Fence