

PUBLIC HEARING/REGULAR MEETING SEPTEMBER 2, 2015, 7:00 P.M.

AGENDA

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

OPEN PUBLIC HEARING

5. BA2015-06, Requested variance to the Zoning Code, Section 6, R-5 Residential, 4.m. 25 foot front yard setback at 1238 Surfside
6. BA2015-07, Requested variance to the Zoning Code, Section 5, Non-Conforming, 7.a.4.c, 15 foot separation for ramp made of combustible material at 2149 Lake Street (Jeffco Estates).

(Reminder: Applicant must present evidence supporting their request)

6. Adjourn and Close Public Hearing

REGULAR MEETING

1. Variance Requests
 - a) BA2015-06, Requested variance to the Zoning Code, Section 6, R-5 Residential, 4.m. 25 foot front yard setback at 1238 Surfside
 - b) BA2015-07, Requested variance to the Zoning Code, Section 5, Non-Conforming, 7.a.4.c, 15 foot separation for ramp made of combustible material at 2149 Lake Street (Jeffco Estates).
2. Approval of minutes from the July 29, 2015 meetings
3. Other Business
 - A. Old Business:
 - B. New Business:
4. Adjournment

MINUTES

PUBLIC HEARING

Jon 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: David McCreery, Paul Rodenroth, Walter Bowers, Jon Giallanzo. 4 members present.

Mary Holden, Community Development Director
Allison Sweeney, City Attorney

Court Recorder: Charmaine Spradling

BA2015-04: REQUESTED VARIANCE TO THE ZONING CODE, SECTION 6, R-5 RESIDENTIAL, 4.n) EIGHT (8) FOOT SIDE YARD SETBACK TO ENCROACH 3' - 5" AND HAVE THE CARPORT 4'- 7" FROM THE SIDE YARD: Michael Morrison, 6429 Michigan Ave., St. Louis, MO 63111, explained the needed variance. Mr. Morrison stated that by having the carport, it will enhance the neighborhood as well as its property value.

Jason Fulbright, 3443 Tenbrook Rd., Ward 1 Councilman, first thanked the Board Members for volunteering their time to sit on this Board. He then expressed that this carport will not create a nuisance or problem in the neighborhood. Mr. Fulbright referred to both of the applicants on the agenda stating that these homes were built back when there were no zoning regulations in place. The city is trying to encourage citizens to improve their property but it creates a hardship when they can't due to zoning regulations.

Jon Giallanzo asked the location of the carport.

Michael Morrison stated it will be approximately 4 to 5 feet behind the front corner of the house.

Paul Rodenroth questioned if the carport was attached to house or portable.

Michael Morrison stated it will be a wood carport attached to the house. The wall of the house will also be brought up to fire code.

Dave McCreery asked if the neighbor is okay with this.

Michael Morrison stated they have no objections. There will still be 14 to 16 feet between the carport and the neighbor's house. Mr. Morrison stated that he personally went to all property owners within 185 feet and none have any issues with the carport.

Allison Sweeney verified for the record that this variance would be based on the uniqueness in the shape of the lot requiring the carport to encroach on the setback.

BA2015-05: REQUESTED VARIANCE TO THE ZONING CODE, SECTION 5, NON-CONFORMING LOTS, 4.a) NON-CONFORMING USES OF STRUCTURES, LAND OR STRUCTURES AND LAND IN COMBINATION; 5) REPAIRS AND MAINTENANCE, TO BUILD A DECK AT 508 WREN: Martha Proffitt, 508 Wren Dr., presented her variance request based on the non-conforming use of the property for a structure and relief from the 50% loss of property rule. The uniqueness is the way the house is situated on the lot; it will not impact the setback.

William, 508 Wren Dr., commented that the deck will help in the value of the neighborhood.

David McCreery asked if the applicant contacted the neighbors.

Ms. Proffitt stated that she has spoke to the neighbors around her and they have no issues.

Nancy Crisler, 567 Robin Dr., Ward 1 Councilwoman, spoke on behalf of Ms. Proffitt.

Jason Fulbright, 3443 Tenbrook Rd., Ward 1 Councilman, also spoke on behalf of Ms. Proffitt.

Discussion on the 50% rule not having anything to do with building the deck.

Allison Sweeney commented that this property is unique because infrastructure caused the non-conformance.

There being no further questions or comments, the public hearing adjourned at 7:29 p.m.

REGULAR MEETING

The regular meeting convened at 7:30 p.m.

BA2015-04: Dave McCreery has no problem with the carport as long as in the future it's not turned into a garage.

Motion by Jon Giallanzo to approve BA2015-04, variance request to the Zoning Code, Section 6, R-5 Residential, 4.n) eight (8) foot side yard setback to encroach 3'-5" and have the carport 4'-7" from the side yard based on the following findings and one (1) condition:

Findings:

1. The granting of this does not appear to be detrimental to the public safety, health or welfare or injurious to surrounding properties.
2. The shape of the lot and layout of the improvements on the lot result in necessitating a portion of the carport in the side yard setback.
3. The property is unique in lot configuration and layout of the improvements that pre-date the incorporation of the City of Arnold.

Condition:

1. Structure remains a car port.

Second by Paul Rodenroth. Roll call vote: Walter Bowers, yes; Paul Rodenroth, yes; David McCreery, yes; Jonathan Giallanzo, yes. 4 yeas, 0 nays – **Variance Approved.**

BA2015-05: Jon Giallanzo asked Allison Sweeney if the 50% rule is approved, is that saying the city was wrong.

Allison Sweeney stated this situation is different because this house was permitted through Jefferson County not the city.

Mary Holden commented that this non-conforming single-family house is not one the city would want to see cease in existence.

Motion by Walter Bower to approve BA2015-05, variance request to the Zoning Code, Section 5, non-conforming lots, 4.a) non-conforming uses of structures, land or structures and land in combination, to build a **deck** at 508 Wren Dr. based on the following findings:

1. The granting of the variance will not be detrimental to public safety, health or welfare and will be beneficial to the property and surrounding properties by allowing the improvements.
2. The particular physical limitations (corner lot and two front yard setbacks) and configuration of the house on the lot created the non-conformity and strictly adhering to non-conforming section of the Zoning Code would be a hardship on the owner.
3. The conditions of this property (house placement, corner lot, street improvements) are not a common occurrence in the City.

Second by Dave McCreery. Roll call vote: Walter Bowers, yes; Paul Rodenroth, yes; David McCreery, yes; Jonathan Giallanzo, yes. 4 yeas, 0 nays – **Motion Approved.**

Motion by Jonathan Giallanzo to approve BA2015-05, the variance to the **50%** repairs and maintenance rule based on the following findings:

1. The granting of the variance will not be detrimental to public safety, health or welfare and will be beneficial to the property and surrounding properties by allowing the improvements.
2. The particular physical limitations (corner lot and two front yard setbacks) and configuration of the house on the lot created the non-conformity and strictly adhering to non-conforming section of the Zoning Code would be a hardship on the owner.
3. The conditions of this property (house placement, corner lot, street improvements) are not a common occurrence in the City.

Second by Walter Bower. Roll call vote: Walter Bowers, yes; Paul Rodenroth, no; David McCreery, yes; Jonathan Giallanzo, no. 2 yeas, 2 nays – **Motion Denied.**

APPROVAL OF MINUTES: Motion by Dave McCreery to approve the minutes from May 27, 2015 as presented. Second by Walter Bowers. Voice Vote – 3 yeas, 1 abstention - **Motion Approved.**

OLD BUSINESS: None

NEW BUSINESS: **Next meeting date will be September 2, 2015.**

Dave McCreery questioned why the application fees were waived.

ADJOURNMENT: The meeting adjourned at 7:47 p.m.

Respectfully Submitted,

Mary P. Holden
Board Secretary

CITY OF ARNOLD, BOARD OF ADJUSTMENT, SEPTEMBER 2, 2015 MEETING

TO: BOARD OF ADJUSTMENT
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: BOA2015-07, REQUESTED VARIANCE TO THE ZONING CODE, SECTION 5, NON-CONFORMING, 7.A.4.C, 15 FOOT SEPARATION FOR RAMP MADE OF COMBUSTIBLE MATERIAL AT 2149 LAKE STREET (JEFFCO ESTATES).
DATE: AUGUST 26, 2015
CC:

REQUEST

Dennis Murphy of Hammers for Hope has applied for a variance request, on behalf of Barbara Cooley, to install a wood ADA accessible ramp at 2149 Lake and be 12 feet from the adjacent mobile home. Attached is the application, written responses to the criteria, plan of the area and aerial of the area.

ANALYSIS

First, Staff would like to commend the work of Hammers for Hope and all the good they do for residents of this City and County.

Jeffco Estates (formerly Coach mobile home) is an existing, non-conforming mobile home park in a mobile home district (MHD). As such it is governed by a set of regulations spelled out in Section 5, Non-Conforming provisions of our Zoning Code. Specifically at issue with this request is the below:

Section 5 Non-Conforming . . .

7. Nonconforming Mobile Home Parks and Nonconforming Mobile Homes.

a) Nonconforming Mobile Home Parks within MHD Mobile Home Districts.

4) Notwithstanding other provisions of the MHD Mobile Home District regulations to the contrary, mobile home parks that are located within MHD Mobile Home Districts that existed at the time of adoption of this ordinance shall meet the following minimum requirements:

(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')

The proposed wood ramp will be located approximately 12 feet from the neighboring mobile home. Even though the adjacent mobile home is boarded up there is still a mobile home there, the pad can be used by another mobile home and this ramp is wood.

While Staff has compassion for the needs of the applicant and recipient of the ramp, we are concerned about the use of combustible material not meeting the 15 foot separation in relation to the adjacent and other mobile homes and scenario involving fire. The ramp location would be suitable if it were made of non-combustible material such as aluminum, concrete, metal, etc.

Below is the criteria is used to review variances requests.

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. Locating a ramp made of combustible material 12 feet away another mobile home could lead to a dangerous scenario in the event of a fire.

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. If the ramp were made of non-combustible material, it could be built in this exact location.

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 do not appear to be any unique features to this property to warrant the request. If the ramp were made of non-combustible material it would not be an issue.

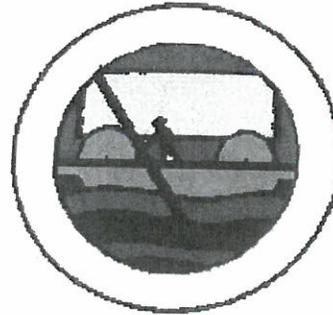
RECOMMENDATION

Staff cannot conclude that there are no other suitable materials to build the ramp in this location and are not recommending approval based on the below findings:

Findings:

1. Locating a ramp made of combustible material 12 feet away another mobile home could lead to a dangerous scenario in the event of a fire.
2. If the ramp were made of non-combustible material, it could be built in this exact location.
3. There do not appear to be any unique features to this property to warrant the request. If the ramp were made of non-combustible material it would not be an issue.

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



BOARD OF ADJUSTMENT
VARIANCE APPLICATION

File Number BA2015-07

\$400.00 Fee Paid FEE WAIVED

APPLICANT/CONTRACT PURCHASER

Dennis Murphy
Name

3875 Plass Rd Bldg A Festus MO 63028
Address, City, State, Zip

636-465-0983 x106
Telephone Number

636-465-0987
Facsimile Number

2149 Lake Arnold, MO
Property Address (or nearest intersection)

OWNER:

Barbara Cooley
Name

2149 Lake Arnold
Address, City, State, Zip

Telephone Number

Facsimile Number

Zoning of property

Adjacent Zoning/Uses

North _____ South _____ East _____ West _____

Requested Variance/Section of Code: We are a non profit program called Hammers of Hope. We build handicapped ramps for people at no cost. To be ADA compliant Mrs. Cooley needs a 35' ramp. This will leave 13' of clearance from next trailer instead of required 15'. We are asking a variance for the 2'

7-25-15
Date of application

Meeting date targeting

Dennis Murphy
Signature of applicant/owner



3875 Plass Rd Bldg A Festus, MO 63028

Phone: 636-465-0983 x112 or x106

Website: www.hammersofhope.org

July 24, 2015

To the Arnold Board of Adjustment

Reference: Need for Variance to Construct Accessibility Ramp

Dear Members of the Board,

I am writing on behalf Barbara Cooley a disabled Arnold resident who lives in a mobile home at 2149 Lake St in Arnold. Barbara's condition has deteriorated to the point that she can no longer walk without assistance and so a accessibility ramp is crucial for her to safely continue to live in her home. In order to provide an ADA compliant ramp with the proper slope it requires a 35 foot "double back" ramp. The problem comes with the portion that comes back toward the street. The present designs leaves just 13 feet of clearance between the ramp and the trailer next store (which is currently abandoned and condemned) instead of the required 15 feet. AS you can see we are only talking a different of two feet.

I do not believe that this will create a detrimental hazard to public safety, health, welfare or be injurious to the neighborhood in which the property is located. We have written permission from the mobile home park management. These conditions are based solely upon the property where Mrs. Cooley's ramp would be constructed at no cost to her. If this variance is not granted there is no way to put him an ADA compliant ramp which would be a severe hardship to Mrs. Cooley and as her condition gets worse she could end up having to go to a nursing home without a proper means of accessibility. The ramp would also be a great asset to first responders who have a difficult time getting people in and out of their homes without adequate accessibility.

Your consideration in this matter would be deeply appreciated.

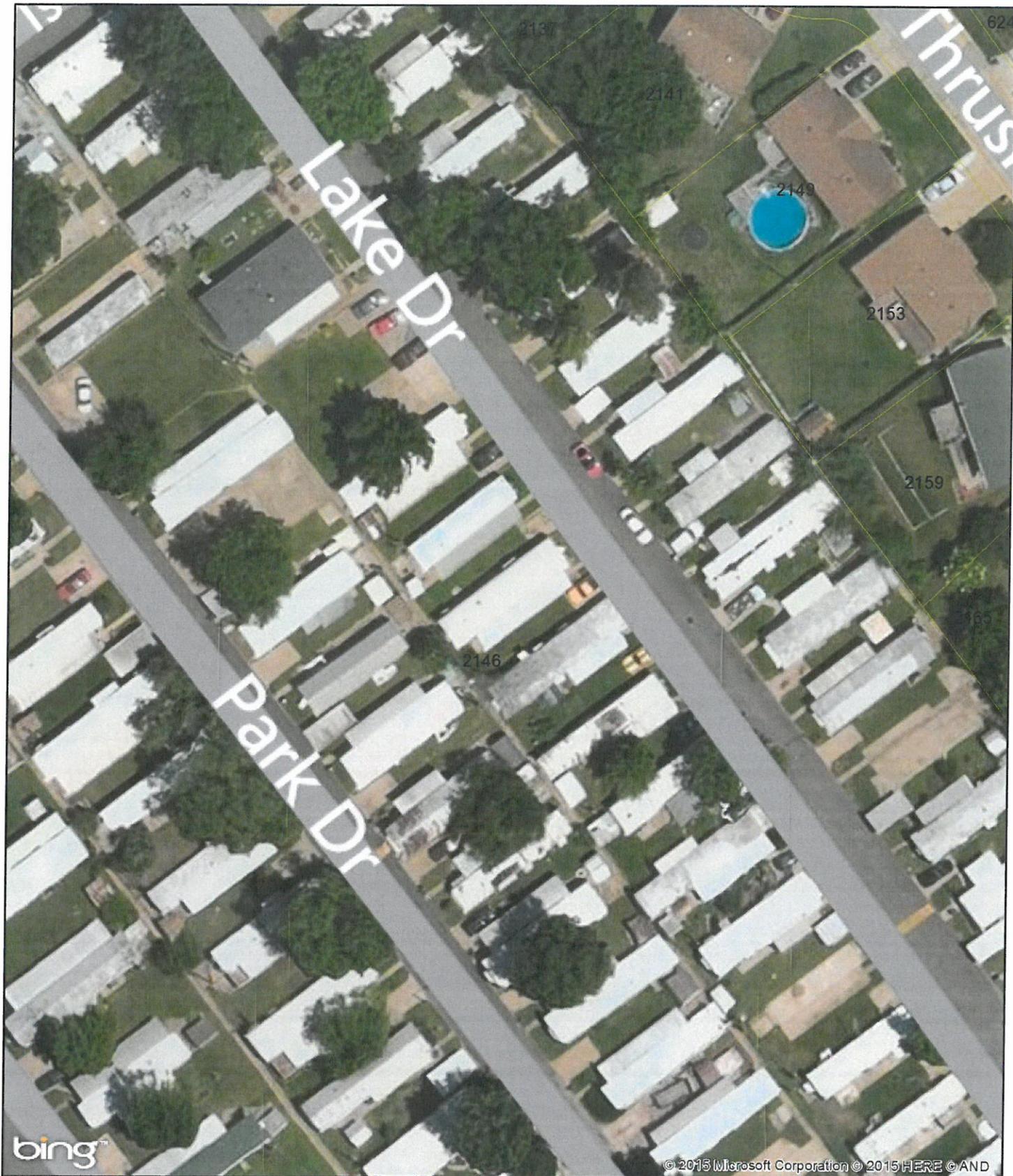
Respectfully yours,

A handwritten signature in black ink that reads "Dennis Murphy".

Dennis Murphy
Hammers of Hope Project Manager
E-Mail: hammersofhope@jccp.org
Web site: www.hammersofhope.org

Hammers of Hope is a service provided by
Jefferson County Community Partnership





70 35 0 70 Feet



Legend

 Arnold_Parcels

CITY OF ARNOLD, BOARD OF ADJUSTMENT, SEPTEMBER 2, 2015 MEETING

TO: BOARD OF ADJUSTMENT
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: BOA2015-06, REQUESTED VARIANCE TO THE ZONING CODE, SECTION 6, R-5 RESIDENTIAL, 4.M. 25 FOOT FRONT YARD SETBACK AT 1238 SURFSIDE
DATE: AUGUST 26, 2015
CC:

REQUEST

Arthur Vargas, owner of 1238 Surfside, is requesting a variance to the 25 foot front yard setback to re-construct a front porch roof 8 feet into the front yard setback. Attached is the application, written response to the criteria, aerial of the site and a site plan.

ANALYSIS

Mr. Vargas purchased the property with the porch roof already constructed. Due to safety concerns and sub-standard construction, the porch roof was removed and work started to replace the front porch roof at which time Mr. Vargas was informed a building permit was needed. Upon review of the plans, it was determined the porch encroached into the front yard setback. As a result this variance is before the Board tonight.

This lot, along with others in Bayshore subdivision front on a 50 foot right-of-way and the standard for the City of Arnold is a 40 foot right-of-way. Bayshore is unique in providing the larger right-of-ways since pre-City of Arnold incorporation subdivisions typically has less right-of-way or no right-of-way and just road easements.

Staff has no concerns granting the variance based on the criteria used to review the request and discussed below.

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. The granting of the variance to allow the eight foot encroachment will not be detrimental to public safety, health or welfare and will be beneficial to the property and surrounding properties by allowing improvements to the property in a safe manner.

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 50 foot right-of-way places a burden on the property involved.

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 50 foot right-of-way is unique to the lot and the Bayshore subdivision and not typically found elsewhere in the City of Arnold.

RECOMMENDATION

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

Findings:

1. The granting of the variance to allow the eight foot encroachment will not be detrimental to public safety, health or welfare and will be beneficial to the property and surrounding properties by allowing improvements to the property in a safe manner.
2. The 50 foot right-of-way places a burden on the property involved.
3. The 50 foot right-of-way is unique to the lot and the Bayshore subdivision and not typically found elsewhere in the City of Arnold.

July 23, 2015

Board of Adjustment

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. The granting of the variance will improve the appearance of the neighborhood. No one's safety, health or welfare will be affected in a negative way.

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 front porch was built by the previous owner, without permit. The concrete foundation for the porch is in good condition, but the roof that covered the porch was faulty construction. The street right away for Bayshore subdivision is 50 feet. Today's standard is 40' for street right away in Arnold, commonly in 1960s, when the home was constructed the common street right away was 35'. Because of the 50' street right away the porch is over the 25' boundary of the front property line.

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 roof is damaged from a hail storm, during the inspection by a family member of the roof; it was found that the front porch roof was separating from the house. The family member, who works in construction daily, suggested tearing the porch roof down to prevent from any injuries to children that play on the porch daily. The porch was poorly constructed using landscape timbers as support posts for roof. The porch roof was connected to the home's gutter board, which was rotted. The landscape timbers that were used for support post were bowing. Everything was hidden by soffit, no one knew of the poor condition of the porch's roof until the hail damaged roof was beginning to be repaired. Without your permission to proceed with the repair of the porch's roof, the bare concrete slab foundation will be an eye sore for the subdivision.

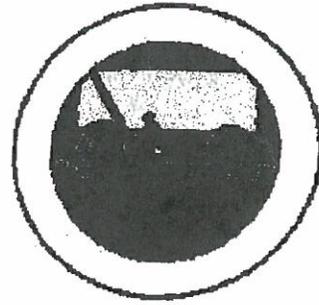
We hope you will find it in yourself to help me out, and consider the hardship case I have brought before you. Thank you for your time and consideration on this matter.

Sincerely



Arthur Vargas
Arnold resident
1238 Surfside Drive
Arnold MO 63010

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



BOARD OF ADJUSTMENT
VARIANCE APPLICATION

File Number BA2015-06

\$400.00 Fee Paid Fee Waived per BF

APPLICANT/CONTRACT PURCHASER

Arthur Vargas II
Name

1238 Surfside Arnold MO 63010
Address, City, State, Zip

(314) 952-7945
Telephone Number

Facsimile Number

1238 Surfside Arnold MO 63010
Property Address (or nearest intersection)

Adjacent Zoning/Uses

R-5
North

R-5
South

R-5
East

R-5
West

Requested Variance/Section of Code: _____

OWNER:

Applicant is owner
Name

Address, City, State, Zip

Telephone Number

Facsimile Number

Residential R-5
Zoning of property

Date of application _____
Arthur Vargas II
Signature of applicant/owner

Meeting date targeting _____



75 37.5 0 75 Feet

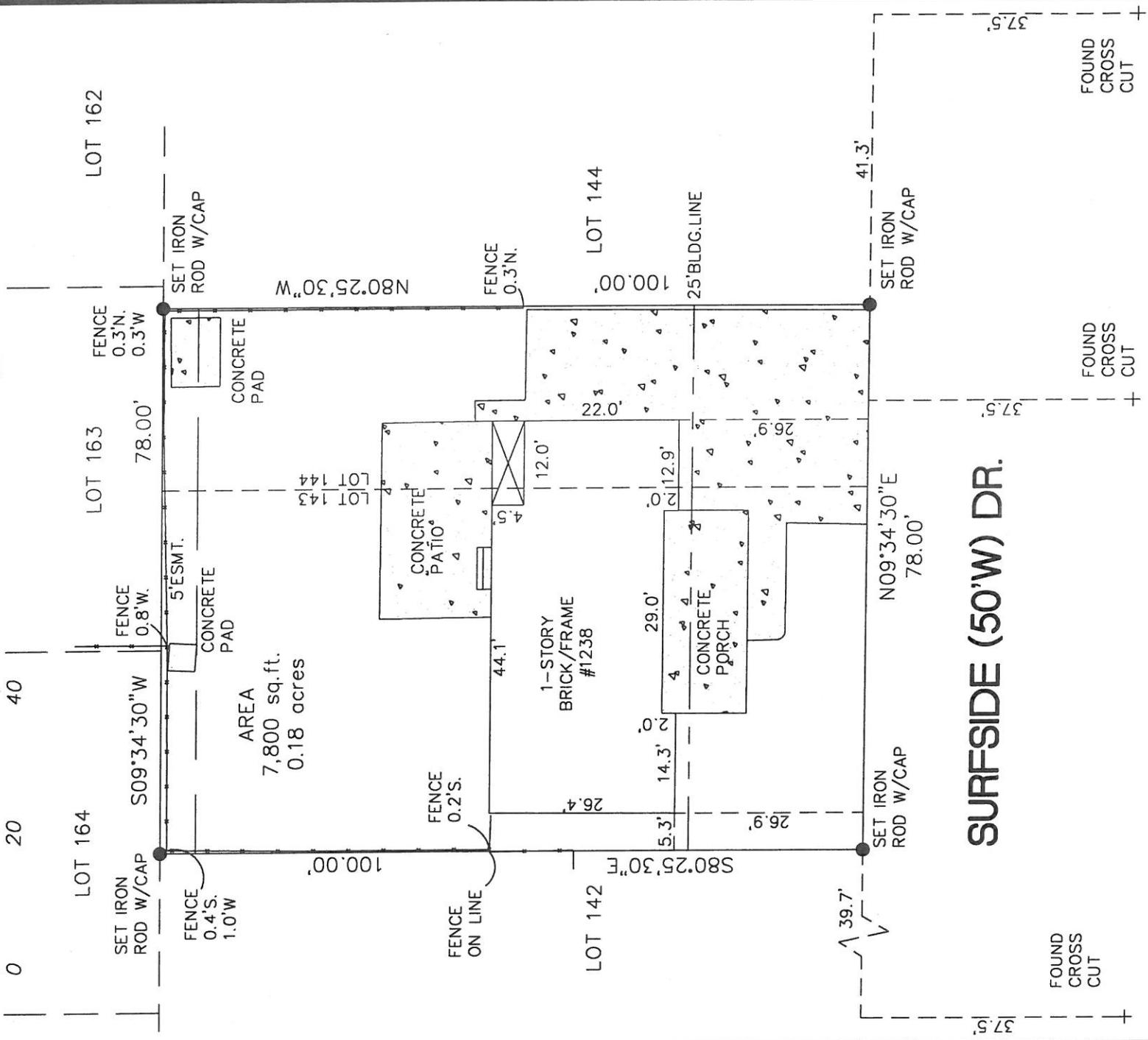


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BAYSHORE

LOT 143 & PART LOT 144



SURFSIDE (50'W) DR.

NOTES:

- 1.) SURVEY IS SUBJECT TO ALL EASEMENTS.
- 2.) ALL TIES TO FOUNDATION ARE ± 0.2 FEET.

WE, BURDINE AND ASSOCIATES, INC., HAVE ON JULY 13, 2015 AT THE REQUEST OF: ARTHUR JAMES VARGAS

PREPARED A BOUNDARY SURVEY AND LOCATED THE IMPROVEMENTS ON A TRACT OF LAND BEING LOT 143 AND THE NORTH HALF OF LOT 144, BAYSHORE, PB 28, PG. 27, JEFFERSON COUNTY, MO. THIS SURVEY MEETS THE CURRENT MINIMUM STANDARDS FOR URBAN CLASS BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOSURVEY AND LAND SURVEY.

Daniel R. Zervas
 DANIEL R. ZERVAS, L.S. 2430
 BURDINE AND ASSOCIATES, INC. L.S. 219-D

7/14/2015
 DATE



BURDINE AND ASSOCIATES, INC.
 REGISTERED LAND SURVEYORS
 (636) 282-1600
 1638 JEFFCO BLVD.
 ARNOLD, MISSOURI 63010

FIELDWORK BY: D.D.B.
 DRAWN BY: D.R.Z.
 CHECKED BY: D.D.B.
 DATE: 7-13-15

PROJECT NO.:

15047

SHEET NO.: 1 OF 1