

**CITY OF OLIVETTE
BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 14, 2019**

The City of Olivette Board of Adjustment met on March 14, 2019, at 7:00 PM in the City Council Chambers of the Olivette Government Center addressed as 1140 Dielman Road, Olivette, Missouri. Larry Gerstein presiding as Chairperson called the meeting to order. Commission Member Rob Jurgiel served as the secretary.

1. ROLL CALL:

On roll call, the following members were present: Ted Cicero, Larry Gerstein, Rob Jurgiel, Christopher Lust, and David Zobel.

Also in attendance were: Councilperson J. Gregory Carl, Recorder Karen Russo, Director of Planning and Community Development Carlos Trejo, and Planner/GIS Coordinator Jonathan Roper.

A quorum being present, Mr. Gerstein declared the meeting in session for the transaction of business.

2. NEW BUSINESS:

Jonathan Roper was sworn in by Court Reporter Karen Russo and read the procedures of the Board of Adjustment.

A. Property Address: 9471 La Jolla Drive

Property Owner: Mark Locheed & Emily Haas

Petitioner: Mark Locheed

Zoning: SR Single Family Residential District

Variance Request: 9-foot variance from the required 15-foot Side Yard Setback along the east side property line.

Code Section: Section 400.260.B Minimum Side Yard Setback, being part of Article IV "SR" Single-Family Residential District, Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code

Chairman Gerstein called the Board into a Public Hearing.

Mr. Roper presented the review process. He noted pertinent zoning codes, ordinances, the affidavit of the meeting's public posting, the notification to the neighbors within 300-feet of the property, and the finding of facts.

Mr. Roper enters the following items into the record:

1. Appeal petition for a variance received on February 5, 2019 with attachments.
2. PCDC application with plans received November 27, 2018.
3. Staff PCDC review and denial letter dated December 4, 2018.
4. Public Hearing Notice, including posting and notification information published in the St. Louis Countian on February 26, 2019.
5. Staff Report dated March 14, 2019.
6. Power Point Presentation.
7. City of Olivette Conceptual Parks Master Plan
8. City of Olivette Code of Ordinances, including Chapter 400 Zoning Regulations, and the Zoning Map of the City of Olivette.

Mark Locheed, homeowner and petitioner, is sworn in by Court Recorder Russo. Mr. Locheed noted reasons why the rear building line would pose issues and therefore requested relief from the strict application. Noted thief and future park entrance behind property. Noted many drivers in home that need space.

Emily Haas, homeowner, is sworn in by Court Recorder Russo, spoke in favor of granting the variance.

Eric Childrey, neighbor, is sworn in by Court Recorder Russo, spoke in favor of granting the variance.

Allen Thorpe, neighbor, is sworn in by Court Recorder Russo, spoke in favor of granting the variance.

Board discussed variance consideration.

Mr. Jurgiel to grant a variance from the required 15-foot Side Yard Setback on the east property line as required under Section 400.260.B Side Yard Setback, being part of Article IV. "SR" Single-Family Residential District, Chapter 400 Zoning Regulations of Title IV. Land Use of the Olivette Municipal Code to allow a 9-foot encroachment as illustrated in the plans before the Board on March 14, 2019.

Motion seconded by Mr. Zobel.

POLL OF THE BOARD:

Member Cicero	Yea
Member Lust	Nay
Member Zobel	Yea
Member Jurgiel	Yea
Chair Gerstein	Yea

Variance passed 4-1.

B. Property Address: 9010 Bayhill Lane

Property Owner: Michael & Kristin Fox

Petitioner: Pamela Scott, The Associates

Zoning: SR Single Family Residential District

Variance Request: Replace a non-conforming structure to continue to allow a 10-ft setback from the required 29.1-foot Rear Yard Setback along the west rear property line.

Code Section: Section 400.1300 Limitations on Non-Conforming Use, being part of Article XIII Non-conforming uses, Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code

Mr. Roper presented the review process. He noted pertinent zoning codes, ordinances, the affidavit of the meeting's public posting, the notification to the neighbors within 300-feet of the property, and the finding of facts. Mr. Roper noted the observed conditions of the deck with pictures presented to the Board within the staff report and power point presentation.

Mr. Roper enters the following items into the record:

1. Appeal petition for a variance received on January 24, 2019 with attachments.
2. Building permit application with plans received January 14, 2019.
3. Staff Zoning denial letter for building permit dated January 23, 2019.
4. Public Hearing Notice, including posting and notification information published in the St. Louis Countian on February 26, 2019.
5. Building Permit application pictures 1989
6. Staff Report dated March 14, 2019.
7. Power Point Presentation.
8. City of Olivette Code of Ordinances, including Chapter 400 Zoning Regulations, and the Zoning Map of the City of Olivette.

Pamela Scott, petitioner, is sworn in by Court Recorder Russo.

Michael Fox, homeowner, is sworn in by Court Recorder Russo, spoke in favor of granting the variance.

Mr. Lust motioned to grant a variance from the required 29.1-foot Rear Yard Setback on the west property line as required under Section 400.260.C Rear Yard Setback, being part of Article IV. "SR" Single-Family Residential District, Chapter 400 Zoning Regulations of Title IV. Land Use of the Olivette Municipal Code to replace a non-conforming structure to continue to allow a 10-ft setback from the west lot line as illustrated in the plans before the Board on March 14, 2019. Motion seconded by Mr. Jurgiel.

POLL OF THE BOARD:

Member Cicero	Yea
Member Lust	Nay
Member Zobel	Yea
Member Jurgiel	Yea
Chair Gerstein	Yea

Amendment passed 5-0.

C. Property Address: 9406 Olive Boulevard

Property Owner: Marian E. Sandbothe, Trustee of the Revoc Living Trust & Keeven Family Partnership, L.P.
Petitioner: Robert Polk
Zoning: COR Commercial/Office/Retail District
Variance Request: To allow a digital menu board in the COR Commercial/Office/Retail District.
Code Section: Section 415.260.A Prohibitions, Section 5, being part of Article III General Rules, Regulations, and Prohibitions, Chapter 415 Sign Regulations of Title IV Land Use of the Olivette Municipal Code

Mr. Roper presented the review process. He noted pertinent zoning codes, ordinances, the affidavit of the meeting's public posting, the notification to the neighbors within 300-feet of the property, and the finding of facts. Mr. Roper noted at the November 15, 2018, Planning and Community Design Commission, the Commission forwarded a motion to lend support for a variance to allow digital message boards for drive-thru menu boards.

Mr. Roper enters the following items into the record:

- City of Olivette Municipal Code, including Title IV Land Use, specifically Chapter 400 Zoning Regulations, Zoning Map, and Chapter 415 Sign Regulations.
- Petition application as submitted by Farnsworth Group.
- Staff Report.
- Public Hearing Notice, including posting and notification information published in the St. Louis Countian on February 26, 2019.
- Power Point Presentation.

Bob Polk, petitioner, is sworn in by Court Recorder Russo. He discusses the petition and reasoning being the variance and sign.

Mr. Lust motioned to defer acting on the petition. Motion seconded by Mr. Zobel. Motion to defer passed 5-0.

D. Property Address: 11 Bon Price Lane

Property Owner: Robert Berkley & Son Development
Petitioner: Robert Berkley
Zoning: SR Single Family Residential District
Variance Request One: 23-foot variance from the required 25-foot stream buffer of Section 420.060.A.1
Variance Request Two: 25-foot variance from the required 25-foot buffer of Section 420.060.A.2
Code Section: Section 420.060.A. Buffer And Setback Requirements, being part of Article IV Land Development Requirements, Chapter 420 Stream Buffer Protection Regulations of Title IV Land Use of the Olivette Municipal Code.

Mr. Roper presented the review process. He noted pertinent zoning codes, ordinances, the affidavit of the meeting's public posting, the notification to the neighbors within 300-feet of the property, and the finding of facts.

Mr. Bob Berkley sworn in to speak regarding the public hearing for 11 Bon Price Lane.

Discussion of the Board regarding if the stream buffer and setback should be applied to this property as the wall is vertical and stormwater enters the concrete channel via a stormwater inlet.

Mr. Jurgiel motioned to grant a variance from the required stream buffer to permit the construction of a home at 11 Bon Price Lane, which authorizes a variance from the required 25-ft undisturbed natural vegetative buffer as required under Section 420.060.A.1, being part of Article IV Land Development Requirements, Chapter 420 Stream Buffer Protection Regulations of Title IV Land Use of the Olivette Municipal Code to allow a 23-ft encroachment into the stream buffer as presented in the plans before the Board of Adjustment on March 14, 2019.

Motion seconded by Mr. Cicero.

POLL OF THE BOARD:

Member Cicero	Yea
Member Zobel	Yea
Member Lust	Yea
Member Jurgiel	Yea
Chair Gerstein	Yea

Amendment passed 5-0.

Mr. Jurgiel motion to grant a variance from the required stream buffer setback to permit the construction of a home at 11 Bon Price Lane, which authorizes a variance from the required 25-ft additional setback prohibiting impervious coverage as required under Section 420.060.A.2, being part of Article IV Land Development Requirements, Chapter 420 Stream Buffer Protection Regulations of Title IV Land Use of the Olivette Municipal Code to allow a 25-ft encroachment into the stream buffer setback as presented in the plans before the Board of Adjustment on March 14, 2019.

Motion seconded by Mr. Cicero.

POLL OF THE BOARD:

Member Cicero	Yea
Member Zobel	Yea
Member Lust	Yea
Member Jurgiel	Yea
Chair Gerstein	Yea

Amendment passed 5-0.

3. OTHER BUSINESS:

No meeting minutes were prepared for any prior meetings.

4. REPORTS:

Carlos Trejo and Councilman Carl provides the Board with updates of City and Council activities.

5. ADJOURNMENT:

The meeting of the Board of Adjustment adjourned at 9:53PM.

Secretary Rob Jurgiel

Chairman Gerstein

Adopted: 2019 xx-xx