

**CITY OF OLIVETTE
BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 8, 2019**

The City of Olivette Board of Adjustment met on August 8, 2019, at 7:00 PM in the City Council Chambers of the Olivette Government Center addressed as 1140 Dielman Road, Olivette, Missouri. Rob Jurgiel presiding as Acting Chairperson called the meeting to order. Commission Member Ted Cicero served as the secretary.

1. ROLL CALL:

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

Also in attendance were: Councilperson J. Gregory Carl, Recorder Cathi Boyd, and Planner/GIS Coordinator Jonathan Roper.

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

2. NEW BUSINESS:

A. Property Address:	9 Bon Price Lane
Property Owner:	9 Bon Price, LLC, John Saleeby, Manager
Petitioner:	Mike Buescher, MB Engineering, Inc.
Zoning:	SR Single Family Residential District
Variance Request One:	25-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.

Acting Chair Jurgiel called the Board into a Public Hearing.

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

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. City of Olivette Municipal Code, including Title IV Land Use, specifically Chapter 400 Zoning Regulations, Zoning Map, and Chapter 420 Stream Buffer Protection Regulations.
2. PCDC application submitted by Mike Buescher, MB Engineering on June 20, 2019.
3. Appeal petition for a variance received on June 27, 2019 with attachments.
4. Staff PCDC denial letter dated June 24, 2019.
5. Most current U.S.G.S. 7.5 Minute Series Maps for Missouri
6. Staff Report.
7. Public Hearing Notice, including posting and notification information published in the St. Louis Countian on July 17, 2019.
8. Power Point Presentation.

Mike Buescher, petitioner and engineer for the project, is sworn in by Court Recorder Boyd. John Saleeby, Manager of 9 Bon Price, LLC, is sworn in by Court Recorder Boyd. Mr. Buescher noted the pop-up overflow currently shown to dispersal directly into the channel can disperse 50-ft away from the sewer inlet that allows water to drain into the channel. He noted there is a vertical lip on the concrete channel that prevents stormwater from flowing over the channel wall. He noted the inlet to the southeast of the property allows stormwater to flow into the concrete channel. He noted the setback reducing the buildable area of the lot.

John Saleeby noted the condition of the existing home and the needed improvements to sell that home.

Board discussed variance consideration.

Dr. Lust motioned to grant a variance from the required stream buffer to permit the construction of a residential addition at 9 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 25-ft encroachment of the stormwater detention into the stream buffer as presented in the plans before the Board of Adjustment on August 8, 2019.

Motion seconded by Mr. Zobel.

POLL OF THE BOARD:

Member Jurgiel	Yea
Member Cicero	Yea
Member Lust	Yea
Member Zobel	Yea

Variance passed 4-0.

Dr. Lust motion to grant a variance from the required stream buffer setback to permit the construction of a residential addition 9 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 August 8, 2019.

Motion seconded by Mr. Cicero.

POLL OF THE BOARD:

Member Zobel	Yea
Member Lust	Yea
Member Jurgiel	Yea
Member Cicero	Yea

Variance passed 4-0.

2. OLD BUSINESS:

A. 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

Action on this item was deferred at the March 14, 2019, Board of Adjustment meeting.

Mr. Roper presented the appeal of interpretation which was a switch from the variance request on March 14, 2019. Mr. Roper noted that menu boards are not referenced in Article VII Permitted Signs in Commercial "COR" Zoning Districts of Chapter 415 Sign Regulations, however, menu boards are referenced in Article XII Special Permits of Chapter 400 Zoning Regulation. Mr. Roper noted that the point of the menu board is to communicate with a patron information for the transaction of a business. At the time of using a menu board, the patron would be aware of where they are and the intent is to conduct business, rather than the intent of a sign to identify a building/place or to make public aware that of a

business's presence. Mr. Roper noted location of the drive-thru and the drive thru menu boards were approved under the SPU. The size of the menu board is 29.4-square feet (roughly 22-23 square feet for the screen area). While the menu boards will continue to serve that purpose of customer transaction, the square footage of the area along with the location and visibility from roads, could be considered as a 'sign' as by function.

The interpretation is that a menu board to be considered solely a menu board needs to mitigate the visibility from roads. He noted to allow PCDC to review the visibility mitigation.

Board of Adjustment discussion on this item.

Mr. Roper enters the following items into the record:

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

Mr. Lust motioned to approve the staff interpretation of a menu board serving drive-thrus in the COR Commercial/Office/Retail District with limited view from the public as distinguished from a sign with public view if approved through Site Plan Review with the Planning and Community Design Commission to allow the property addressed as 9406 Olive Boulevard, McDonald's to have digital menu boards as so long as mitigation from the public view as illustrated in plans before the Board on August 8, 2019 with visibility mitigation as reviewed by the Planning and Community Design Commission.

Motion seconded by Mr. Cicero.

POLL OF THE BOARD:

Member Jurgiel	Yea
Member Lust	Yea
Member Zobel	Yea
Member Cicero	Yea

Appeal interpretation passed 4-0.

3. OTHER BUSINESS:

Mr. Zobel motioned to acknowledge the Board of Adjustment meeting minutes for March 14, 2019. Mr. Cicero seconded the motion. The meeting minutes for the Board of Adjustment meeting on March 14, 2019 were acknowledged by the Board 4-0.

4. REPORTS:

Mr. Roper and Councilman Carl provides the Board with updates of City and Council activities.

5. ADJOURNMENT:

The meeting of the Board of Adjustment adjourned at 9:02 PM.

Secretary Ted Cicero

Acting Chairman Rob Jurgiel

Adopted: 2019 xx-xx

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