

BOARD OF ADJUSTMENT
February 9, 2016
6:30 pm

MINUTES

Attendance:

Lisa Evans, Chairman (BOA)	Present
Gary Grotegeers (Co-Chair, BOA)	Present
Fletcher Henderson (BOA)	Present
Thelma Wiley (BOA)	Present
Richard Schmitt (BOA)	Present
Ralph McDaniel (Council Representative)	Excused
Debra Irvin, Building Commissioner	Present
Chief James Linhardt, Fire Department	Excused
Tynia Mitchell (BOA Secretary)	Present

Guest: Theodore Hoskins, Mayor – City of Berkeley

Lisa Evans, Chairman: Called the meeting to order at 6:30 p.m. We will start with the Roll Call of the Board Members. Will the Board Secretary please call the roll?

Tynia Mitchell, Secretary called roll. Five members were present. Chair Evans welcomed and introduced Fletcher Henderson. Also present was Building Commissioner Debra Irvin, Code Enforcement Officer Tynia Mitchell will resume as Secretary to the Board of Adjustment in future meetings.

Lisa Evans, Chairman: Asked for approval of minutes: Minutes from October 13, 2014, BOA meeting with Quik Trip were unanimously approved by BOA Commission.

No new Appointments at this meeting.

Chair Evans: The purpose of this meeting is to address variance requests for the City of Berkeley to construct a new police station at 8340 Frost Avenue in Berkeley, Missouri.

Public Notices and radius letters have been distributed and all fees collected. In granting a variance the Board of Adjustment may obtain additional requirements and/or contingencies necessary to carry out the spirit and purpose of the public interest.

Chair Evans: I just ask that you please speak loudly and clearly for the recording. I will request the City's Presentation of Evidence first from the City's Building Commissioner Debra Irvin before we deliberate.

CITY'S PRESENTATION OF EVIDENCE AND TESTIMONY

Building Commissioner Debra Irvin: The City of Berkeley is building a state of the art police station at 8340 Frost Ave, C-1 zoning. This is a permitted use, however, certain site restrictions cause for variances. The City appears tonight for variances of the following sections of our Municipal codes:

- Section 400.130.E: Reduce the Minimum Parking Requirements
- Section 400.130.E.2.N: Reduction in Number of Accessible Parking Spaces
- Section 400.410.A.3: Location of Parking Spaces
- Section 400.130.G.3: Area Requirements
- Section 400.130.I.1: Site Design Requirements
- Section 400.130.I.3: Site Design Requirements
- Section 400.130.I.4: Site Design Requirements Planting and Landscaping
- Section 400.130.I.8: Site Design Requirements Fence Height
- Section 400.130.J: Fence Requirements Material and Height

The variances are needed to construct a new police station, carwash, aboveground fuel tanks, reduced parking, 8'ft fence, and, landscaping along rear property line. The square footage under roof is about 14,000 sq. ft. single story building at the corner of Midwood Avenue and Frost Ave. Commissioner Irvin presented the board members with a list of the needed variances, Exhibit A. Reduced parking is needed for additional parking of the police cars. The construction will not impact the residential district along Bitterroot, Midwood or Frost.

The rear yard will be reduced for landscaping and will not impact residents' enjoyment on Bitterroot. In the front yard, the planting strip will not impact the traffic view or triangle site distance at Midwood and Frost. A 6'ft fence will be placed around the perimeter of the entire site. No barb wire will be used.

Chair Evans: Concerned about the reduction in the front yard. Is it due to the shape of the lot or is the building too large, that the front yard will be reduced?

Commissioner Irvin: No, the lot is fine, the building will fit perfectly on the lot. The lot will house the police station, fueling and car wash. The reduction is to meet the parking, and landscaping. The landscaping will be low ground and low-maintenance, not to block traffic visibility, or children walking.

Chair Evans: What about the rear property, will there be any loading and unloading or delivery of parts?

Commissioner Irvin: Neighbors on Bitterroot will not be affected by loading and unloading. All parts for vehicle repair will remain at Central Garage. The sally port faces

Midwood, it is secured with an overhead door. Once the officer pulls in with a prisoner, secures his weapon, the overhead doors will close before the detainee/prisoner is taken from the vehicle. There will be no chance for prisoner escape and enter into a residential district.

Schmitt: Will there be any vehicle repair at this location?

Commissioner Irvin: No. All vehicle repairs will take place at Central Garage, 5910 No. Hanley. That function will remain the same.

Schmitt: What about pole lighting? Will the height of the fence block the lighting? Will bright light shine into the homes at the rear of the police station?

Commissioner Irvin: All of the pole lighting at the rear and front of the lot will shine into the lot. The height of the freestanding poles will not affect the neighbors on Bitterroot or shine into Frost Avenue affecting traffic flow.

Wiley: What will happen to the auto body shop at Bitterroot and Frost? They park their cars on the lot now.

Commissioner Irvin: The business will no longer be able to use the lot for parking customer vehicles or employee vehicles. The entire lot will be fenced in, for our fueling station, car wash and required greenspace and retention.

Chair Evans: What is the fence material? How will it look in the area?

Commissioner Irvin: The proposed fence will be black coated chain link. It is the exact same fence that we have at Fire Station #1, and the walkway at Washington near Jackson Park. It will be aesthetically pleasing to the surrounding area.

Chair Evans: What are the proposed curbs and water runoff?

Commissioner Irvin: We already have partial MSD approval. The lot you see now, is not the lot we will build on. The existing pavement will be removed and the lot raised meet MSD storm water runoff and retention.

Chair Evans: Are there were any further questions or comments. None. The Board deliberated.

DELIBERATION

Richard Schmitt motioned to grant the necessary variances in the front building line, rear building line, fence, lighting, plant strip, landscaping buffer, reduction of off street parking requirement, and reduction of handicap parking spaces.

Thelma Wiley second the motion.

Chair Evans requested a Roll Call Vote.

RECORD OF ROLL CALL VOTE—DATE February 9, 2016

Richard Schmitt	Yes
Gary Grotegeers	Yes
Fletcher Henderson (BOA)	Yes
Thelma Wiley	Yes
Lisa Evans	Yes

Chair Evans announced the vote on the above variances as approved.

Reappointment: Commissioner Irvin provided the board with the list of members and expiration date. Chair Evans will expire June 2016. Chair Evans spoke on her reappointment, she declined the reappointment. She will let her appointment expire. She stated she has been a part of the board since 2004. It's been a wonderful experience and has enjoyed her time on the board.

Schmidt: Not only do we lose the Chairperson, we lose a member.

Chair Evans: The next in line for Chair will be Mr. Grotegeers.

Update Members Email/Contact: Chair Evans: Is the information current. Members Wiley, Fletcher, and Schmidt prefer phone contact, no email.

Chair Evans: Are there any other business. Co-Chair Grotegeers came to the city for a meeting in December 2015 and found no one at city hall. Chair Evans reminded the board that the meetings are as needed. Future meetings shall be at 7:00pm

Schmidt motioned to close meeting. Motion seconded by **Co-Chair Grotegeers**.

Chair Evans adjourned at 7:05 p.m.

Respectfully submitted by
Tynia Mitchell

Minutes Approved:

Gary Grotegeers, Co-Chairman

April 11, 2016

Date



8425 Airport Road

Berkeley, Missouri 63134

314 524-3313

DECISION OF THE BOARD OF ADJUSTMENT

Applicant: **City of Berkeley**
Address of Subject Property: 8340 Frost Avenue
Zoning District: "C-1 Local Commercial District"
Building Use: Berkeley Police Station
Hearing Date: February 9, 2016

RESOLUTION OF DECISION

WHEREAS, the Board does find and determine that the property in question, 8340 Frost, is within the city limits of the City of Berkeley in zoning district C-1, pursuant to the City's zoning ordinance; and

WHEREAS, the Zoning Ordinance Section 400.140 G.1, 2 and 3 Area Requirements, 400.140 I.4, 5 and 6 Site Design Requirements and Section 400.655 Merchant Signs, and

WHEREAS, the Applicant desires to:

1. Encroach in the 25-foot building line the installation of underground storage tanks and to maintain the existing parking stalls at the intersection of North Hanley Spur and Frost Avenue.
2. Encroach 5 feet into the building line to install parking stalls, air station and trash enclosure.
3. Encroach in the 10-foot building line to install an access drive for the existing billboard onsite.
4. Encroach in the 20-foot planting strip.
5. Have 6 of those trees planted in the bio-retention basins required by MSD to fulfill their planting ratio.
6. Has no foundation plantings proposed; and
7. Desires to have 8 illuminated signs which exceeds 100 square feet in area.

WHEREAS. This Board does further find and determine that to grant a variance for Quik Trip Store No. 612, located at 6805 N. Hanley Road:

Does not constitute a change in the district map,

Does not impair an adequate supply of light and air to adjacent property,

Does not increase the congestion in public streets,

Does not increase the public danger of fire and safety,

Does not diminish or impair established property values within the surrounding area, and

Does not in any other respect impair the public health, safety, comfort, morals and welfare of the City of Berkeley.

WHEREAS, the Board does further find and determine that Applicant has demonstrated sufficient practical difficulties or hardship due to topography of the land to support variances in the front building line, side building line, rear building line, the planting strip along with the flat ground planting and signage from such strict application of the Zoning Ordinances stated above. Variation from such strict application of the zoning ordinance is deemed in order so as to relieve such difficulty or hardship.

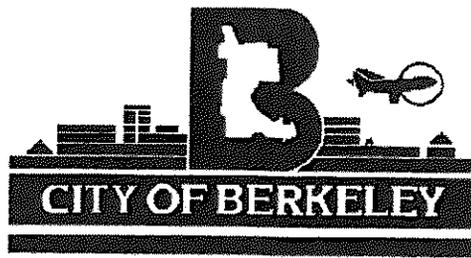
NOW, THEREFORE, BE IT RESOLVED, the requested variance for Quik Trip Store No. 612 is granted and the Building Commissioner is hereby directed to approve the variance request.

RECORD OF ROLL CALL VOTE—October 13, 2014

Lisa Evans	Yes
Gary Grotegeers	Yes
Thelma Wiley	Yes
Richard Schmitt	Yes

**Lisa Evans, Chairman
Board of Adjustment**

Date



BOARD OF ADJUSTMENT

April 11, 2016

7:00 pm

MINUTES

Attendance:

Lisa Evans, Chairman (BOA)	Absent
Gary Grotegeers (Co-Chair, BOA)	Present
Thelma Wiley (BOA)	Absent
Richard Schmitt (BOA)	Present
Ralph McDaniel (Council Representative)	Present
Debra Irvin, Building Commissioner	Present
Tynia Mitchell (BOA Secretary)	Present
Daniel Rose (BOA)	Present

Guest: Tom Rassieur, U City Sign – STL Airport Plaza LLC/Strip Mall

Gary Grotegeers, Co-Chairman: I call the meeting to order at 7:05 p.m. We will start with the Roll Call of the Board Member. Will the Board Secretary please call the roll?

1. **Tynia Mitchell, Secretary** called roll. Four members were present. Councilman-at-Large Ralph McDaniel, Building Commissioner Debra Irvin, and introduced our new Council Representative – Daniel Rose.

Gary Grotegeers: Tonight we had two proposals one for an application for building a freestanding signing the other one was for granting a variance as far as building a new fence with setbacks however I've been informed that party has declined. So we'll just be working on representatives here for the Airport Mall tonight and request a later date for deliberation. With that said, would you like to proceed?

Tom Rassieur: Yes sir we want to present the 10ft x 30ft new directory sign for the STL Airport Plaza with a LED board and is a combination sign with directory signs for six of the existing tenants. It will offer a substantial view point for people coming off the highway into Berkeley the city of the future. We have some people doing well on the corner we want help them do better. We feel that this is a perfect place for the sign, it has a raised concrete platform with existing power.

Gary Grotegeers: Does anybody on the board have any questions regarding the sign?

Daniel Rose: I have a couple question, the drawing here in the paper rendering 12ft x 23ft and you would like to go 10ft x 30ft?

Tom Rassieur: We want to bring the sing in just a little so that is would not be too wide then we also want to bring the sign up so that the cars don't block the signage.

Daniel Rose: I have another question at the base of the sign is there going to be any protection for that sign beside the curb seen in the picture. My concern was by it being so close to the road that it very easy to access the sign.

Tom Rassieur: The steel post holding up the sign or substantially strong, if a vehicle was to penetrate the sign it would only do small damage to the sign. However I am not against building a 1ft concrete base around the bottom of the sign post.

Daniel Rose: I have one final question, is the sign incase in that spot seen here in the photo.

Tom Rassieur: We refresh the paint on the curb so that it can become more visible also we incorporate lights around the footing and add illuminating lights at the top of the sign to be more visible at night. I think landscaping and the installation landscaping lights would really brighten up the sign and also assist with safety.

Councilman-At-Large: I have a question just for clarity seeing that those footing or ground to be 6ft and the piers will be 6ft deep, I really don't think that by code it's strong enough to support the weight. Esthetically I don't think it's appealing personally.

Debra Irvin: Before we rule on this I like to give the city's presentation so that we can have it for the record. The applicant did apply to the billing department. In January, 2016 for the permit that was denied. The applicant did appear before city council who referred it to plan commission who found that the plan commission wanted to make sure that the sign was raised high enough. We want to get that on the record tonight as to how high is that sign but. Just hold that thought for just a second. Also we did. Advertise this on the city's website. And we also advertise it in the Missouri law media. To make sure that it did meet the requirements for notification to the general public. All notices were sent to the property owners within two hundred and fifty feet the code calls for \$185 one week seated that to make sure that everyone had a say in this hearing tonight. So going back to my statement regarding the planning commission. What was the highlight of the planning commission the clear height? From the ground. Up that the plan commission wanted to see.

Tom Rassieur: 6ft

Debra Irvin: One of the things we noted also. I'm looking at the drawing that was given to us is dated February 2017. The flat. Is indicating that airport is eighty feet wide and that you are not encroaching in sales counties right away because airport road is owned and maintained by the county. And you state that four of the the board here. But you're not encroaching into the counties right of way.

Tom Rassieur: We will not be encroaching the counties right of way.

Debra Irvin: One of the question from the plan commission for the board. Is what's the actual setbacks that you're asking is. Tonight we know that the sign is going to be 10 ft. x 30ft. But what is yours your set back from the sidewalk to the first pole.

DELIBERATION

Debra Irvin: If I could state the motion for the record. The motion tonight would be granting a variance to Michael Souza all of St. Louis Airport Plaza L.L.C strip mall. At eighty six hundred. Airport road for sixteen foot setback in the front yard. Right of way. Ten foot by. Sign thirty feet tall and six feet above ground that would be the motion.

Richard Schmitt second the motion.

Co-Chair Grotegeers requested a Roll Call Vote.

RECORD OF ROLL CALL VOTE—DATE April 11, 2016

Gary Grotegeers	Yes
Daniel Rose	Yes
Richard Schmitt	Yes
Fletcher Henderson	Yes

Co-Chair Gary Grotegeers announced the vote on the above variances as approved.

Minutes from February 9, 2016 BOA meeting with Debra Irvin in regards to new police department were unanimously approved by BOA Commission.

Co-Chair Grotegeers motioned to close meeting.

Debra Irvin: adjourned at 7:24p.m.

Respectfully submitted by
Tynia Mitchell



8425 Airport Road

Berkeley, Missouri 63134

314 524-3313

DECISION OF THE BOARD OF ADJUSTMENT

Applicant: **Michael Souza, St. Louis Airport Plaza L.L.C**
Address of Subject Property: 8600 Airport Rd
Zoning District: "C-2 Local Commercial District"
Building Use: Strip Mall – Freestanding Pole Sign
Hearing Date: April 11, 2016

RESOLUTION OF DECISION

WHEREAS, the Board does find and determine that the property in question, 8600 Airport Rd, is within the city limits of the City of Berkeley in zoning district C-2, pursuant to the City's zoning ordinance; and

WHEREAS, the Zoning Ordinance Section 400.140 C6, G1, and presents a hardship or difficulty for the owner, and

WHEREAS, the Applicant desires to:

1. Encroach in the twenty-five (25) feet minimum reducing the front yard to sixteen (16) feet

WHEREAS. This Board does further find and determine that to grant a variance for the construction of multi-tenant pole sign with LED lights at 8600 Airport Rd:

Does not constitute a change in the district map,
Does not impair an adequate supply of light and air to adjacent property,
Does not increase the congestion in public streets,
Does not increase the public danger of fire and safety,
Does not diminish or impair established property values within the surrounding area, and
Does not in any other respect impair the public health, safety, comfort, morals and welfare of the City of Berkeley.

WHEREAS, the Board does further find and determine that the Applicant has demonstrated sufficient practical difficulties or hardship due to topography of the land to support the required variance in the front building line, of the Zoning Ordinances stated above. Variation from such strict application of the zoning ordinance is deemed in order so as to relieve such difficulty or hardship.

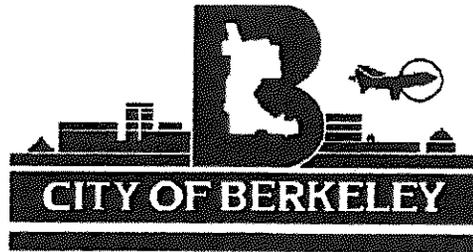
NOW, THEREFORE, BE IT RESOLVED, the requested variance for Michael Souza, owner of St. Louis Airport Plaza L.L.C strip mall. At 8600 Airport Road for a sixteen foot setback in the front yard right of way to erect 10-foot, x 30 ft. sign with a six feet clearance above ground is granted, and the Building Commissioner is hereby directed to approve the variance request.

RECORD OF ROLL CALL VOTE—April 11, 2016

Richard Schmitt	Yes
Gary Grotegeers	Yes
Fletcher Henderson	Yes
Daniel Rose	Yes
Thelma Wiley	Absent
Lisa Evans	Absent

**Gary Grotegeers, Co-Chairman
Board of Adjustment**

Date



BOARD OF ADJUSTMENT
August 8, 2016
7:00 pm

MINUTES

Attendance:

Lisa Evans, Chairman (BOA)	Present
Gary Grotegeers (Co-Chair, BOA)	Present
Thelma Wiley (BOA)	Present
Richard Schmitt (BOA)	Present
Fletcher Henderson (BOA)	Present
Daniel Rose (BOA)	Present
Ralph McDaniel (Council Representative)	Absent
Debra Irvin, Building Commissioner	Present
Tynia Mitchell (BOA Secretary)	Present

Guest: None

Lisa Evans, Chairman: I call the meeting to order at 7:06 p.m. We will start with the Roll Call of the Board Member. Will the Board Secretary please call the roll?

Tynia Mitchell, Secretary called roll. Five members were present, as was the Building Commissioner Debra Irvin. Councilman-at-Large Ralph McDaniel was absent.

Minutes from April 11, 2016 BOA meeting in regards to a sign variance at 8600 Airport Rd were unanimously approved by BOA Commission.

Chair Evans: The purpose of this meeting is to address a variance request for Mr. Sabas Pintor, 4101 Eminence Avenue in Berkeley, Missouri.

Public Notices and radius letters have been distributed and all fees collected. In granting a variance the Board of Adjustment may obtain additional requirements and/or contingencies necessary to carry out the spirit and purpose of the public interest.

We have a quorum tonight; to obtain a variance four members must vote affirmative in order to pass the variance. You do have the option to present your evidence and testimony to us here tonight and request a later date for deliberation. With that said, we move to proceed with the meeting.

Open Issues: None

Chair Evans: Mr. Pintor is not present tonight. Mrs. Irvin was he notified?

Commissioner Irvin: Yes. Through regular mail, house posted and an email to his attorney. Mr. Pintor will need an interpreter.

Chair Evans: I need a motion to table the matter before us until September meeting.

Member Wiley: Motioned to table the matter until September meeting

Member Grotegeers: Seconded

Roll Call:

Lisa Evans, Chairman (BOA)	Yes
Fletcher Henderson (BOA)	Yes
Gary Grotegeers (Co-Chair, BOA)	Yes
Thelma Wiley (BOA)	Yes
Richard Schmitt (BOA)	Yes
Daniel Rose (BOA)	Yes

Appointments and Reappointments:

Member Grotegeers made a motion to nominate himself as the new chair of the Board. Richard Schmitt, Second. Clerk called the roll call, members voted unanimous, motion carried. Mr. Gary Grotegeers is the new Chairman of the Board of Adjustment until August 2019.

Member Wiley nominated Richard Schmitt; Chair asked for other nominations. Seeing none. Clerk called the roll, members voted unanimous, motion carried. Richard Schmitt is the new Co-Chairman of the Board of Adjustment until August 2018.

With no other business, Chair motioned to adjourn the meeting.

Co-Chair Grotegeers seconded.

Meeting Adjourned at 7:16 p.m.

Respectfully submitted by
Tynia Mitchell