

**Board of Adjustment**  
**January 29, 2018 Meeting Minutes**  
*Approved 3-19-18*

A Board of Adjustment meeting was held on Monday January 29, 2018 at the Heman Park Community Center located at 975 Pennsylvania Ave., University City, Missouri. The meeting commenced at 6:30 pm.

**Members Present**

Charles Marentette, Chairperson  
Roger McFarland, Vice-Chairperson  
Denise Anderson  
Gary Nelling  
John Owens

**Members Absent**

**Non-Voting Members Present Absent**

Rod Jennings, Council Liaison

**Staff Present**

Andrea Riganti, Director of Community Development  
Andrew Stanislav, Planner

**1. Approval of Minutes**

The minutes from the December 18, 2017 Board of Adjustment meeting were approved.

**2. Case # BOA 18-01 – 7806 Delmar Boulevard**

Mr. Marentette introduced the variance request to renovate the third floor of an existing two-family dwelling to add a third legal unit (one-bedroom) at 7806 Delmar Boulevard, maintaining 1) a minimum lot width of 50 feet in lieu of 60 feet and 2) a side yard parking lot setback of zero (0) feet in lieu of five (5) feet from the eastern property limit, as required by sections 400.1130.C.3.a and 400.2020.D of the Zoning Code for the residential lot in the “MR” – Medium Density Residential District.

Mr. Marentette read the standards for granting a variance as per Section 400.2950 of the Zoning Code into the record. He asked if there were exhibits to be entered into the record. Ms. Riganti entered the following exhibits: the zoning code as exhibit “A” and the variance application as exhibit “B.” Mr. Marentette swore into the record staff members Andrea Riganti and Andrew Stanislav, as well as applicant Benjamin Kindle.

Mr. Kindle, applicant, 447 Pine Hollow Court, Ballwin, MO 63021, requested a variance on behalf of Junyu Guo, property owner of 7806 Delmar Boulevard, to renovate the third floor of an existing two-family dwelling to add a third legal unit (one-bedroom) at 7806 Delmar Boulevard, maintaining 1) a minimum lot width of 50 feet in lieu of 60 feet and 2) a side yard parking lot setback of zero (0) feet in lieu of five (5) feet from the eastern property limit, as required by sections 400.1130.C.3.a and 400.2020.D of the Zoning Code for the residential lot in the “MR” – Medium Density Residential District.

Mr. Kindle explained the request and stated that he currently had the property under contract to purchase from Mr. Guo, who resides in California and permitted Mr. Kindle to pursue the request on his behalf. He further explained that the addition of the third floor

unit would reclassify the Zoning of the property from the existing two-family dwelling into a garden-type dwelling. Mr. Kindle noted that the property would need to comply with the Zoning Code regulations pertaining to garden-type dwellings, of which this variance request was a consequence. He stated that the increased revenue generated from the additional unit would be allocated to property maintenance and repairs. He also stated that he intends to live in the building as opposed to an absentee owner, which he has also received support from neighboring property owners. In regards to the density requirement of the lot width, Mr. Kindle explained to the Board a density analysis he performed of the nearest ten (10) two-family dwellings along Delmar Boulevard, recognizing that the additional third floor unit would better fit the prevailing pattern of density in the area on a per bedroom basis. He further explained the request for a reduction in the side yard parking lot setback to accommodate the existing access drive, which was based on the lack of a definition of “parking lot” in the Zoning Code and its components, while all required off-street parking spaces and other setback and buffer requirements pertaining to off-street parking would be in compliance with the Zoning Code.

### Public Comments

- Robert Kindle, father of applicant, 447 Pine Hollow Court, Ballwin, MO 63021, was sworn in by Mr. Marentette. Mr. Kindle assured the Board of Adjustment that his son will comply with all City requirements and supported his variance request.

Having no additional requests to speak, the public hearing portion of the case was closed.

Mr. Marentette asked the Zoning Administrator for the staff opinion. Mr. Stanislav reviewed the variance request for the Board members and stated that staff had no objection to the variance request.

Mr. Marentette, Ms. Anderson, and Mr. Nelling all visited the site but did not speak with anyone. Mr. Owens visited the site, toured the third floor, and spoke with the first floor tenant. Mr. McFarland drove by the property and did research online.

The Board members discussed the complexity of complying with the Building Code and noted that it was worth mentioning while it was not within the purview of the Board of Adjustment. Ms. Riganti also assured the Board that the applicant had been made aware of the Building Code requirements and must comply if the project is to proceed.

The Board members also discussed the present hardship and questioned whether it was based on financial gain. The Board noted that the existing illegal third floor unit cannot be brought into compliance with the Zoning Code without a modification or reduction in the requirements. The Board members agreed that the request for a variance was reasonable given the circumstances.

Mr. Marentette called for a roll call vote. The variance request was approved by a vote of five (5) to zero (0).

### **3. Adjournment**

The meeting adjourned at 7:11 p.m.