

**Board of Adjustment  
February 1, 2024 Meeting Minutes**

A Board of Adjustment meeting was held on Thursday, February 1, 2024, via Zoom Videoconference. The meeting commenced at 6:00 pm.

**Members Present**

Michael Honigfort  
Joseph Mosby  
Sandy Jacobson  
Henry Slay  
John Owens

**Members Absent**

**Non-Voting Members Present**

Bwayne Smotherson

**Staff Present**

John Wagner, Planning Director

**1. Approval of Minutes**

N/A

**2. New Business:**

**Variance Request - BOA-23-01**

**Applicant:** Michael Felton and Rhae Yancey

**Request:** Variance to maintain a front yard setback of seven (7) feet in lieu of four (4) feet for overhanging eaves and gutters.

**Address:** 7452 University Drive

*Vote Required*

Dr. Wagner introduced the item, and Mr. Felton explained the unique nature of the property and situation. The property does not directly face the front of any other residence, the hardship is financial, no effects to other properties are expected. Letters of support from neighbors were included and staff is supportive of the addition.

Questions were raised about the necessity of the covered porch, and Mr. Felton explained that the covered nature is integral to the usability of the porch in all seasons and the residents aging in place.

Motion to approve the variance was made and seconded, the vote passed unanimously 5-0.

**Variance Request – BOA-24-01**

**Applicant:** Shaun Dodson, on behalf of MAA Properties

**Request:** Variance to maintain a building and parking side-yard setback of two (2) feet in lieu of five (5) feet, as required by §400.1130(C)(6)(f), and to maintain an offstreet parking side-yard setback of three (3) feet in lieu of five (5) feet, as required by §400.2020(D) of the University City Zoning Code.

**Address:** 6282 Cates Avenue

*Vote Required*

Dr. Wagner introduced the item. The property is zoned High Density Residential, a zone that anticipates 50 foot lots, but the lot only has a width of 40 feet. Mr. Dodson introduced the specifics including renderings and plans. The reduced setbacks will allow for adequate parking and

landscaping on site while still providing 5 apartment units. Commissioners generally agreed that the lot's unique dimensions constituted a hardship for development and parking requirements. There was some concern over the lack of existing elevations, but Dr. Wagner ensured that there would be adequate architectural review later for this development.

A motion to approve and second was made, the vote passed unanimously 5-0.

#### **Variance Request – BOA-24-02**

**Applicant:** Max Sassouni, on behalf of Stone and Alter Real Estate Company

**Request:** Variance to §400.560 of the University City Zoning Code prohibiting dwelling units on the ground floor in the Core Commercial "CC" District.

**Address:** 608 Kingsland Avenue

*Vote Required*

Dr. Wagner introduced the item, explaining that the renovated apartments in this building need to meet ADA requirements, but that is not possible due to the old and very narrow elevator in the 100-year-old building. Bringing the elevator up to compliance would require extensive structural changes that are not possible in this case.

While it would be acceptable by the code to build ADA accessible units above the ground floor, there would be no accessible pathway to those units, and a variance is necessary to provide those accessible units on the ground floor where they will be accessible. Dr. Wagner explained that there are some other ground floor residential properties approved nearby on Delmar, though not technically in the Commercial Core district.

Questions were raised about possible other uses for the space, how to treat the large first floor windows, and other problems with the elevator.

A motion to approve and second was made, the vote passed unanimously 5-0.

### **3. Old Business**

#### **Variance Request - BOA-22-02**

**Applicant:** William Berthold, on behalf of Laurent and Elizabeth Torno

**Request:** Variance to maintain a minimum lot width of thirty-seven and a half feet (37.5') in lieu of forty (40) feet and to maintain a side yard setback of one and a half feet (1.5) feet in lieu of five (5) feet.

**Address:** 7111 Waterman Avenue

*Vote Required*

Dr. Wagner introduced the item, explaining the location and dimensions of the lot. The applicant explained the history of the lot, including how the currently empty half of the lot was originally intended to be developed, and the existence of other lots on this street with equivalent width.

Applicant explained that if this variance was granted, there would be five lots in a row of less than 40 feet. Applicant believes that the lot was intended to be developed since it was originally platted, and that the strict application of the current zoning code constitutes a unique hardship.

A motion to approve and a second was made, the vote passed 4-1, dissenting vote by Commissioner Jacobson.

### **4. Adjournment**

The meeting adjourned at 7:55 pm.