

**Webster Groves Plan Commission**  
**Meeting Minutes**  
November 4, 2019

**Members Present**

Jeff Smith	PLANNER
Steve Hunkins	Danny Jendusa
Annie Tierney	DIRECTOR OF PLANNING & DEVELOPMENT
Anne Tolan	Mara Perry
Scott Mueller	CITY ATTORNEY
	Neil Bruntrager
	COUNCIL LIAISON
	Pam Bliss

**Members not Present**

Adam Field  
Charles Sindel  
Brandon Harp  
Christopher Michael

**REGULAR SESSION**

1. Smith opened the meeting at 7:00 p.m.
2. **APPROVAL OF MINUTES:**  
Smith asked for a motion to approve the minutes from the September 9, 2019 meeting. Hunkins made a motion to approve. Tolan seconded the motion. The motion passed 5-0.
3. **APPROVAL OF MINUTES:**  
Smith asked for a motion to approve the minutes from the October 7, 2019 meeting. Mueller made a motion to approve. Tolan seconded the motion. The motion passed 5-0.
4. **PUBLIC COMMENT:**  
There were none.
5. **PUBLIC HEARING:**
  - a) **19-PC-15 Zoning Code Text Amendment – Parking Development Standards:** Proposed amendments include changes and additions to Sections 53.020, 53.047, 53.057, 53.067, 53.077, 53.117, 53.157, 53.180 through 53.189, 53.233, and 53.243 of the Zoning Ordinance in order to clarify and update regulations for parking development standards in residential, commercial, industrial, and multiple family residence districts. (*Public hearing carried forward from October 7, 2019 Plan Commission meeting.*)
  - b) **19-PC-16 Zoning Code Text Amendment – Commercial Kennels:** Proposed amendments include changes and additions to Sections 53.020, 53.117, 53.157 and 53.159 of the Zoning Ordinance and adding a new section 53.120 in order to add Kennels as a Use and

create development standards for Kennels in commercial and industrial districts. (*Public hearing carried forward from October 7, 2019 Plan Commission meeting.*)

- c) **19-PC-17 Zoning Code Text Amendment- Development Standards for Other Conditional and Accessory Residential Uses:** Proposed amendments include changes and additions to Sections 53.020, 53.047, 53.057, 53.067, 53.077, and 53.100 of the Zoning Ordinance in order to clarify and update Development Standards for other conditional and accessory uses in residential districts. (*Public hearing carried forward from October 7, 2019 Plan Commission meeting.*)

Staff recommended all three hearings should be held open until the December 2<sup>nd</sup> Plan Commission meeting date for a full contingent of Plan Commission members to be presents.

Tolan made a motion to hold all three public hearings open to the December 2<sup>nd</sup> meeting date. Mueller seconded the motion. The motion passed 5-0.

## 6. PLATS AND SITE PLANS

- a) **19-PC-18 Webster Park, Block E, Lots 5 and 6 and Part of Lot 7 Boundary Adjustment Plat:** An application by Daniel and Eileen O’Neal and Michael Patrick Taylor and Cara Murphy to boundary adjust 322 Orchard Ave., a 0.46 acre tract of land, and 336 Orchard Ave., a 0.95 acre tract of land, located in the “A1” Twenty Thousand Square Foot Residence District

Jendusa made a presentation on the facts of the request and provided staff’s analysis of the proposal. The subject properties are located in Webster Park Subdivision, Block E first recorded in Plat Book 3, Page 23 in 1892 and re-subdivided in Plan Book 1, Page 115 in 1893. The existing house at 336 Orchard Ave. was built in 1927. The existing house at 322 Orchard Ave. was built in 1925. In May 2017, a variance from the minimum required twelve (12)-ft side yard setback was granted to allow for the construction of a second story addition above the existing house which is located 8.5 feet from the north side property line. The subject properties are located in the “A1” Twenty Thousand Square Foot Residence District, and the surrounding properties are developed as single-family residential and are zoned "A1" Twenty Thousand Square Foot Residence District.

The applicants have proposed a boundary adjustment to transfer ownership of a three (3)-ft wide by sixty (60)-ft deep strip of land located on the existing shared boundary line between the properties. Adjusted Lot 322 will be 20,014 square feet in area. Adjusted Lot 336 will be 41,397 square feet in area. The existing and proposed lot at 336 Orchard Ave. meets the required width and area requirements of the “A1” Residential District. The existing lot at 322 Orchard Ave. does not meet the width and area requirements of the “A1” District and the proposed adjusted lot at 322 Orchard Ave would not meet the required width requirements of the “A1” Residential District. Staff has found the proposed plat to not be in compliance with the requirements of Chapters 50 and 53 of the City Code. Additionally, the existing improvements at 322 Orchard Ave. also do not meet existing zoning requirements of Chapter 53 for setbacks. The existing house is located 11.5’ from the south side lot line, when 12ft setback is required. The existing garage is located 4.9’ from the rear lot line when 5ft rear setback is required. Should the Plan Commission vote to recommend approval of the plat Staff recommends requiring all future development to

meet the existing zoning code requirements. Establishing this plat will preclude the owner from obtaining variances on the property in the future as they are creating their own hardship with the establishment of this lot, while the code reads such hardships must have been present on a lot established prior to the 1956 adoption of the zoning code. Jendusa asked if any questions or clarifications are needed.

Smith asked for clarification whether the property owner at 336 Orchard would also not be eligible for obtaining future variances after the approval of the plat.

Perry responded that the property owners have been notified of this fact.

Hunkins asked for clarification whether future modification of the detached garage at 322 Orchard would require them to move the garage if they're not able to get a variance and if the same would apply to the house.

Jendusa responded if they're structurally modifying the garage and unable to get a variance, then yes they would need to move or tear down the garage. This would only apply to structural modifications, not interior renovations or repairs. The house would only be affected if they are seeking to expand on the southside of the house. They could still build rear additions meeting the setbacks.

Mueller asked for clarification whether the plat will included conveyance deeds.

Perry responded yes, once the plat is recorded with new legal descriptions with St. Louis County.

Bruntrager asked the applicant, Mr. Daniel O'Neal, why he did not pursue an easement instead, because the implications of the proposed plat could be substantial.

Mr. O'Neal responded that he and his neighbor believed this would be easier, but that might have been incorrect. He asked for clarification whether any additions would be allowed on his house if the plat is approved.

Perry responded any future additions could be allowed but would have to meet the required setbacks and could not be expanded to the north or south.

Bruntrager stated that the nonconforming garage could not be modified, and would have to be torn down or moved if the garage had to be modified. That would not be the case if you obtained an easement instead, and you would still be eligible to obtain a variance to modify the garage. Going forward, this plat would change the restrictions upon the property significantly.

Tolan stated this limitation might add an encumbrance upon the property which could negatively impact the sale of the property in the future.

Mr. O'Neal asked for clarification whether anything could be done with the garage.

Bruntrager responded only maintenance of the existing garage structure would be allowed. Anything else would require a variance that would not be allowed after the plat would be approved. But an easement would just mean you'd be getting permission for access of the strip of driveway he would need to use, which could be written to last in perpetuity with transfer of the property.

Perry stated that the item could move forward with a vote of the Plan Commission tonight, but could be temporarily held or withdrawn before it moves to City Council.

Mr. O'neal said he will discuss this with his neighbor and make a decision about holding or withdrawing the request before it moves to City Council.

#### **7. ADJOURNMENT OF REGULAR SESSION**

Smith asked for a motion to close the regular session and move into Executive Session. Mueller made a motion. Tolan seconded the motion. All in favor the motion passed 5-0.

#### **EXECUTIVE SESSION:**

#### **8. VOTES:**

- a) **19-PC-18 Webster Park, Block E, Lots 5 and 6 and Part of Lot 7 Boundary Adjustment Plat:** An application by Daniel and Eileen O'Neal and Michael Patrick Taylor and Cara Murphy to boundary adjust 322 Orchard Ave., a 0.46 acre tract of land, and 336 Orchard Ave., a 0.95 acre tract of land, located in the "A1" Twenty Thousand Square Foot Residence District

Smith asked for a motion to approve with staff recommendations. Tolan made a motion to approve with staff's recommendations. Mueller seconded the motion. All in favor the motion passed 5-0.

#### **9. OTHER BUSINESS:**

Perry provided an update on existing development projects. Staff has been in discussion with requests for rezonings and other matters, but no applications have been submitted. Staff has also provided a draft of 2020 Plan Commission meeting dates and requested feedback.

#### **10. NEXT REGULAR MEETING: December 9, 2019.**

#### **11. ADJOURNMENT OF THE EXECUTIVE**

Smith asked for a motion to adjourn. Tolan made a motion. Mueller seconded the motion. All in favor motion passed 5-0. The meeting adjourned at 7:33.