

**CITY OF FENTON, MISSOURI  
625 NEW SMIZER MILL ROAD  
FENTON, MISSOURI 63026**

**BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
JANUARY 15, 2019 - 7:00 p.m.**

**BOARD MEMBERS:**

Carl Brandt, Chairperson (May 2022)  
Gary Wiseman, Vice Chairperson (May 2022)  
Wayne Berry (May 2019)  
Gary Siebert (May 2023)

**ALTERNATE BOARD MEMBERS:**

Bruce Rogers (May 2022)  
Susan Phillips-Pigg (May 2023)  
Ken Karpowicz (May 2020)

**CALL TO ORDER:**

Chairperson Brandt called the Board of Adjustment meeting of the City of Fenton, St. Louis County, Missouri, to order on Tuesday, January 15, 2019, at 7:00 p.m. The meeting was held in City Hall.

**PLEDGE OF ALLEGIANCE:**

All attendees recited the Pledge of Allegiance.

**ROLL CALL:**

|                               |         |
|-------------------------------|---------|
| Chairperson Brandt            | Present |
| Vice-Chairperson Wiseman      | Present |
| Member Siebert                | Present |
| Member Berry                  | Present |
| Alternate Member Bruce Rogers | Present |

**OTHERS PRESENT:**

Nikki Finkbiner, Community Development Director  
Erin Seele, City Attorney  
Amy Starck, Community Development Department  
Charmaine Spradling, Court Reporter

**PLAQUE OF APPRECIATION**

On behalf of Mayor Voyles, the Board of Aldermen, and the Board of Adjustment, Chairperson Brandt presented a plaque of appreciation to retiring Member Leuchtefeld.

**CHAIRPERSON’S STATEMENTS:**

Chairperson Brandt briefly explained how the proceedings for the night’s case would be conducted, reminded the petitioner of its burden, explained the purpose and ground rules for recording the proceedings, and announced that the City’s Code of Ordinances, the Petitioner’s applicable request for the variance, the notice of tonight’s public hearing, and the applicable staff report were available for review and made a part of the official record.

**OATHS FOR TESTIMONY:** (Administered by Chairperson) Persons wishing to address the Board at this Public Hearing regarding a petition were asked to attest to the truth of their testimony before each case. Persons taking the Oath were Director Finkbiner, Michael Weber, Scott Jacob, Terry Henson, and Max Breitmayer.

**OLD VARIANCE PETITIONS:** None

**NEW VARIANCE PETITIONS:**

**CASE 2019-V-01: A Petition by Tonny Jun, on behalf of Jacob Sunroom, Exteriors & Baths, for Variances from the following Sections of the Zoning Code: 1) Section 475.050(H)(3) and (4), as amended by Ordinance 3861, to encroach the required 15-foot side setback and buffer areas with a parking lot and building; and 2) Section 475.050(H)(7) to utilize prefinished exterior building materials on a new building. The property is addressed 1707 Gilsinn Lane and is zoned “HP-1” Hospitality Park – Hotel, Restaurant, Entertainment Business District.**

Chairperson Brandt asked Director Finkbiner if all was in order to proceed. The Director stated that the Planning & Zoning Commission has forwarded changes to the Zoning Code to the Board of Aldermen for approval at the January 24, 2019 Meeting. These changes would include allowing the Planning & Zoning Commission to review and approve alternative building material in conjunction with Site Plan Review. Director Finkbiner stated that this may be a better avenue to pursue with regard to the second part of this Variance request as the Petitioner would not have to prove a hardship.

Michael Weber of MW Architects approached. Mr. Weber addressed the request to encroach the side setback and buffer area by stating that the client, Jacob Sunrooms, requested a certain square footage for a new building to operate his business at this location. The property would not accommodate the required parking and proposed building size without encroaching the setbacks. The Board questioned whether the building can be moved in any way that would not encroach the setback. Mr. Weber stated that the building will include a sunroom on the north elevation to showcase the products that the business sells, so the building would not be able to be moved. The petitioner additionally stated that the client does not anticipate needing as many spaces as indicated on the site plan.

Discussion ensued about the request to utilize prefinished exterior building materials on the new building. The Petitioner stated that the proposed material is durable, high quality and low maintenance. It is also a material that the client represents and sells. Scott Jacob, owner of Jacob Sunrooms approached. Mr. Jacob stated that the requested material is safer, better ranked and looks the same as allowable building materials. Director

Finkbiner clarified that this building will still require Site Plan Review through the Planning & Zoning Commission, and that based on the proposed changes to the Code, the building material may be reviewed at that time. After further discussion, the Board suggested continuing the request for alternative building material until after the Board of Aldermen Meeting on January 24.

Chairperson Brandt asked if the City had received any communication from the public on this matter. Director Finkbiner stated that she had not.

Chairperson Brandt asked if there were anyone in the audience that wanted to speak on this matter. No one came forward. Chairperson Brandt closed the public comment portion of the meeting.

**Vice Chairperson Wiseman made a motion to APPROVE, WITH CONDITIONS, the requested Variance from the Section 475.050(H)(3) and (4). Member Berry seconded the motion.**

**Conditions of Approval:**

1. This approval is solely for a Variance from Section 475.050(H)(3) and (4), as amended by Ordinance 3861, to allow for a 10-foot side setback/buffer area along the north and south property line in lieu of the required 15-foot side setback/buffer area, as indicated on the site plan submitted with the application dated December 14, 2018.
2. Site Plan Review by the Planning and Zoning Commission and the Board of Aldermen will be required for the proposed development approval before construction will be permitted.
3. Compliance with all other applicable City Codes and Ordinances.

Roll Call:

|                          |     |
|--------------------------|-----|
| Chairperson Brandt       | Aye |
| Vice-Chairperson Wiseman | Aye |
| Member Berry             | Aye |
| Member Siebert           | Aye |
| Alternate Member Rogers  | Aye |

**5 Ayes; 0 Nays; Motion APPROVED.**

**Vice Chairperson Wiseman made a motion to CONTINUE to the next meeting the requested Variance from Section 475.050(H)(7) to utilize prefinished exterior building materials on a new building.**

Roll Call:

|                          |     |
|--------------------------|-----|
| Chairperson Brandt       | Aye |
| Vice-Chairperson Wiseman | Aye |
| Member Berry             | Aye |
| Member Siebert           | Aye |
| Alternate Member Rogers  | Aye |

**5 Ayes; 0 Nays; Motion APPROVED.**

**CASE 2019-V-02: A Petition by Fenton Land Investors, LLC, for a Variance from Section 415.030(A)(4) of the Zoning Code to allow for two (2) main buildings on one (1) lot. The property is addressed as 2300 Hitzert Court and is zoned “IP-1” Industrial Park – Light, Medium, Distribution, Assembly Warehousing District.**

Chairperson Brandt asked Director Finkbiner if all was in order to proceed. The Director responded that the Planning & Zoning Commission is revising the Zoning Code and has forwarded for approval by the Board of Aldermen, changes to allow more than one building per lot, provided all other building requirements are met. She further stated that should the changes be approved by the Board of Aldermen next week, this variance request would be unnecessary.

Max Breitmayer of Fenton Land Investors, LLC, approached. Mr. Breitmayer explained that the reason for the variance request is because an existing MSD pump station already exists on the lot. The variance would be required to construct a second building for a ready-mix cement plant on the lot. An additional building for an athletic facility is also proposed on this parcel. Director Finkbiner clarified that a boundary adjustment or subdivision would be required in order to create an additional lot for the athletic facility. Additionally, the proposed use of a cement plant is not currently allowed. The Petitioner would need to apply for a Text Amendment and Special Use Permit for the plant, and Site Plan Review is needed for both proposed buildings.

Chairperson Brandt asked if the City had received any communication from the public on this matter. Director Finkbiner stated that she had not.

Chairperson Brandt asked if there were anyone in the audience that wanted to speak on this matter. No one came forward. Chairperson Brandt closed the public comment portion of the meeting.

**Member Berry made a motion to APPROVE, WITH CONDITIONS, CASE 2019-V-02. Member Rogers seconded the motion.**

**Conditions of Approval:**

1. This approval is solely for a Variance from Section 415.030(A)(4) of the Zoning Code to allow for two (2) main buildings on one (1) lot at 2300 Hitzert Court (“Proposed Lot B”) as indicated in the Site Plan dated January 4, 2019 and marked Exhibit A.
2. Site Plan Review by the Planning and Zoning Commission and the Board of Aldermen will be required for the proposed development approval before construction will be permitted.
3. Compliance with all other applicable City Codes and Ordinances.

Roll Call:

|                          |     |
|--------------------------|-----|
| Chairperson Brandt       | Aye |
| Vice-Chairperson Wiseman | Aye |
| Member Berry             | Aye |
| Member Siebert           | Aye |
| Alternate Member Rogers  | Aye |

**5 Ayes; 0 Nays; Motion APPROVED.**

The Court Reporter was dismissed at 7:45 pm.

**APPROVAL OF MINUTES: *December 18, 2018***

**Member Berry made a motion to approve the December 18, 2018 meeting minutes as presented. Member Siebert seconded the motion. The motion was approved by roll call vote as follows:**

|                          |     |
|--------------------------|-----|
| Roll Call:               |     |
| Chairperson Brandt       | Aye |
| Vice-Chairperson Wiseman | Aye |
| Member Berry             | Aye |
| Member Siebert           | Aye |
| Alternate Member Rogers  | Aye |

**5 Ayes; 0 Nays; Motion APPROVED.**

**OTHER BUSINESS: None**

Director Finkbinder informed the Board that no applications have been received for the February meeting; however, the deadline is not for a few more days.

**ADJOURNMENT:**

**A motion to adjourn was made by Vice Chairperson Wiseman and seconded by Member Rogers. The motion was approved by roll call vote as follows:**

|                          |     |
|--------------------------|-----|
| Roll Call:               |     |
| Chairperson Brandt       | Aye |
| Vice-Chairperson Wiseman | Aye |
| Member Berry             | Aye |
| Member Siebert           | Aye |
| Alternate Member Rogers  | Aye |

**5 Ayes; 0 Nays; Motion APPROVED.**

The meeting was adjourned at 7:47 pm.

Respectfully submitted,

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Amy Starck  
Community Development Department  
City of Fenton, Missouri

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Carl Brandt  
Chairperson  
Board of Adjustment