

BOA 091814 Minutes
MINUTES

BOARD OF ADJUSTMENT MEETING

CITY OF CREVE COEUR

SEPTEMBER 18, 2014
7:00 P.M.

A regular meeting of the Board of Adjustment of the City of Creve Coeur, Missouri was called to order by Chair Earl Schenberg at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Schenberg, Mr. Ivan Schenberg, Mr. John Becker, Mr. Roger Levy and Ms. Alexandra Gada were in attendance.

Also in attendance: Ms. Whitney Kelly, City Planner
Mr. Edward J. Sluys, City Attorney
Ms. Deborah McLaughlin, Court Reporter

ADDITIONS TO-ACCEPTANCE OF THE AGENDA

None.

APPROVAL OF MINUTES

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Alexander Dintsin, property owner of 11 Wedgewood Lane, has requested variances to allow for a 1,753 square-foot garage addition that will project an additional 6 feet into the front yard (where the house is pre-existing at approximately 5.5 feet into the front yard setback), approximately 8.5 feet into the rear yard, and approximately 7.5 feet into the side yard setback. The subject property is located in the B Single Family Zoning District.

Applicant: Alexander Dintsin, 11 Wedgewood Lane, Creve Coeur, MO 63141.

(The speakers were sworn by the court reporter.)

Mr. Dintsin indicated that his lot has got a very small frontage and a very large rear line, and he has easements going through his property. The one he has the most issue with is the one that cuts right through his property to the left of his house, and no construction can take place to the left of the house because there's a public utility easement that serves the MSD and the water

7 company.

8 He lives on a half-acre lot, which means he pays
9 taxes on the land that he lives on, and utilization of
10 this land is being very limited based on the situation on
11 his lot and the rest of the easements.

12 The easement in question is the one that actually
13 cuts straight through his property, and does not allow him
14 to do any type of expansion or any type of alteration to
15 the dwelling. Mr. Dintsin indicated he thinks his house
16 is the smallest house.

17 Mr. Dintsin has lived in the house since 1999, and
18 this is a T-shell shaped cul-de-sac, which means there are
19 thirteen houses. His house is the last one on the right
20 portion of cul-de-sac, which means the only people who
21 ever come to the property or around the property,
22 driving-wise, are the people who are to his right and to
23 his left.

24 Mr. Dintsin is a heating and air-conditioning
25 contractor. He's been in business for twenty years. He
26 parks one of his trucks in the back of the property where
27 no one can see, and no one has ever complained.

28 He was ticketed for his truck. He took steps to
29 accommodate the City of Creve Coeur. He appeared in court
30 on two occasions, one of them this morning, to deliver the
31 compliance or some sort of a process recognition to the
32 City Prosecutor to let them know what's happening on his
33 property, because they were unhappy with the fact that his
34 service truck was parked there.

35 Mr. Dintsin indicated that this garage addition has
36 come up due to the problems with parking his truck at his
37 residence.

38 Mr. Dintsin indicated he cannot do any type of

39 construction to the left of his property, which limits
40 him. He cannot build a whole brand new house all at once
41 by knocking down the existing house, but that would allow
42 him much more freedom to work with setbacks. He only can
43 work with what he has.

44 Chairman Schenberg questioned the applicant about
45 utilities for the addition.

46 Mr. Levy inquired if there would be rooms above the
47 addition. The applicant indicated at a later time there
48 will be rooms above.

49 Mr. Becker asked about the height of the addition.
50 Ms. Kelly indicated it meets the requirement.

51 Mr. Ivan Schenberg inquired about a tree that's
52 currently on the site. Mr. Dintsin indicated the tree
53 would have to be taken down.

54 Chairman Schenberg inquired about amperage on the
55 addition.

56 Joan Taylor named the two trustees of the
57 subdivision. She indicated the addition would change the
58 character of the neighborhood and that the neighborhood
59 would become the type of neighborhood where people would

12 run businesses out of their homes. She indicated the
13 garage addition was going to be bigger than Mr. Dintsin's
14 home. She is concerned about fair market price of
15 Mr. Dintsin's home with this addition. Ms. Taylor spoke
16 of the house being in foreclosure recently.

17 Mr. Dintsin indicated he cannot take the house down
18 and rebuild. He indicated the fact his house was in
19 foreclosure was a partial misunderstanding with the
20 lender, and it has no relationship to this case.

21 Mr. Becker asked Ms. Kelly to speak to the service
22 truck being parked at Mr. Dintsin's house. Ms.
23 Kelly cited the ordinance for parking vehicles.

24 Discussion was had on trustees and the process.

25 Joan Coulter, 3 Wedgewood, indicated Mr. Dintsin
wants a variance for three sides of his home, and she
feels that is excessive. She indicated his truck is
parked in the back now, and it doesn't bother anyone.

Whitney Kelly indicated the applicant is looking for
a variance that would allow the addition to encroach
within the rear yard setback approximately eight and a
half feet, and to the side yard setback approximately
seven and a half feet, and into the front yard an
additional 6 feet.

The house was developed and the subdivision was
approved in 1958. At that time the front yard setback was
40 feet. The zoning district was later changed to the B

3
1 Zoning district of 45 feet. The variance requires
2 specific findings that is unique to this property and not
3 a personal hardship. And the Applicant has provided no
4 evidence that the property is so unique and out of the
5 district's standard that it would warrant such a variance,
6 being the property was developed according to Creve Coeur
7 regulations, and the property is zoned B Single-Family
8 Residential, which is a minimum of a half-acre lot.

6 Ms. Gada questioned what the actual lot size is.

7
8 Mr. Becker indicated the yard next door looks like a
9 jungle, and asked if there is a chance that does not meet
10 the Creve Coeur maintenance requirements.

11 Chairman Schenberg indicated he thought he read in
12 the literature there's not another property in the City
13 that has these same requirements as far as size. They're
14 all larger. They're half-acre lots. And when they're all
15 done, the site plan is just overwhelming.

16 Mr. Levy questioned the Applicant on if he needed a
17 three-car garage. There was discussion on the size of the
18 garage.

14 (A short break was taken.)

15 Ms. Gada and the Applicant discussed shrinking off
16 the garage size so it fits.

17 Ms. Kelly indicated she received an email from Julie

18 LaBont (phonetic), a resident, that is on the dais for the Board's review.

19 Mr. Sluys, City Attorney, offered the following
20 exhibits into the record: Exhibit 1 is the City of Creve
21 Coeur Charter; Exhibit 2 is the Code of Ordinances for the
22 City of Creve Coeur; Exhibit 3 is the Creve Coeur
23 Comprehensive Plan; Exhibit 4 is the staff report to the
24 Board with the Board of Adjustment application and all
25 attachments thereto; Exhibit 5 is a reflective exhibit of
materials received from the applicant; Exhibit 6 is a
collective exhibit with material by the opposition, and
Exhibit 7, all communications received by the City to this
point regarding the application.

25 A person in the audience questioned the Chair about
who the email was from.

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End of public hearing.

3

Chairman Schenberg moved to approve the variance
allowing for the allocation of the garage addition
approximately 34 feet from the front property line,
7.5 feet from the property line, and 3.5 feet from the
rear property line with a front yard setback is 45 feet,
side yard is 15 feet, the rear yard setback is 30 feet for
properties in B Single Family Residential, based upon the
positive findings that:

7

1. The variance requested arises from
conditions to which unique to the property in question and
which is not ordinarily found elsewhere in the same zoning
district;

9

The variance requested is because of a unique
hardship not created by applicant nor the owner of the
property;

10

Granting of the variance will not adversely
affect adjacent property owners or residents;

11

The strict application of a front, side and rear
yard setbacks will cause severe practical difficulty and
extreme hardship to the owner represented in the
application;

12

The proposed addition will not adversely affect
the public health, safety, order, convenience or general
welfare of the community;

14

Granting the setback variance will not violate
the general spirit and intent of this Chapter;

15

By reason of the lot shape within B Single
Family Residential zoning the strict application of the
setback requirements actually creates a hardship to the
property in a manner dissimilar to that of other similarly
situated properties in the zoning district;

17

And, the granting the variance will not result
in the diversion of additional storm water that could
adversely affect the adjacent property.

19

Mr. Levy seconded the motion. There being no further
discussion, the resultant vote is as follows:

20

Mr. Becker - nay Ms. Gada - nay Mr. Ivan Schenberg - nay
Mr. Levy - nay Chair - nay

21

Ms. Gada asked if it was possible to make an

23 alternative motion, to which Chairman Schenberg indicated
no.

24 Chairman Schenberg moved to direct the staff to
prepare and authorize the Chair of the Board of Adjustment
25 execute Findings of Fact and Conclusions of Law regarding
the variance requested for 11 Wedgewood Lane based on the

1 testimony received, the deliberations of the Board on this
application, as decided on September 18th, 2014.

2 Mr. Becker seconded the motion. Chairman Schenberg asked
3 all in favor to signify by saying "aye", to which the
Board responded "aye".

4

5 B. Joe Phillips of Piros Signs, Inc., on behalf of Ryan
Vardeman of State Farm, located within the tenant space
6 addressed as 12287 Olive Boulevard, has requested
variances for a 32.16 square foot wall sign, and up to 28
7 percent window graphics, including signage on the door.
The Applicant's tenant space is 20 feet in width, thus the
8 maximum sign area allowed is 20 square feet. Window
signage is limited to 20 percent of the window space.

9
10 Applicant's Representative: Joe Phillips, Piros Signs,
Inc., 1818 Old State Road M, Barnhart, MO 63012.
11 Applicant: Ryan Vardeman, State Farm, 12287 Olive
Boulevard, Creve Coeur, MO 63141

12 Mr. Phillips indicated they are here asking for a
variance for additional square footage to the front wall
sign for this site.

13 Mr. Vardeman currently has a sign that is,
14 essentially, grandfathered at the moment. It's larger
than what would be allowed by the current code.

15 The only reason the sign is being changed at the
moment is a corporate identity change, which is mandated
16 by State Farm corporate.

17 So, essentially, he's being told by corporate that he
has to change his sign. It has to be updated. Not really
18 something he's asked for, but it's something State Farm is
mandating throughout the entire region.

19 When the original sign was put up, it was put up
under the old sign code, which was the 67 percent rule on
20 channel letters. That rule has, essentially, been
changed, within the last probably two years, roughly, but
21 now takes away that portion of the sign code.

22 Mr. Phillips indicated that they are here to ask for
the additional square footage to keep his new proposed
23 sign near the same size as what the old sign was as far as
the letter height. His current sign does not have the
24 logo. Once again, that's something that State Farm
mandates. Has to be put on the walls now as far as the
25 identifier.

1 Mr. Phillips indicated there are now quite a few
2 street trees that do block visibility. You do have
visibility to the site once you are right in front of it.

3 Getting to that point, up until that point, you really
4 have no visibility of that site. Really no site within
5 this plaza itself.

6 Mr. Vardeman is being, essentially, forced by
7 corporate to change out, to go this route.

8 We're trying to reduce the negative effects that we
9 already have based on the site and the way the site lays
10 with this building. Where he's at is probably 12, 15 feet
11 below the street level right there.

12 You just really don't get a good view of his site as
13 it is until you're right there next to it.

14 Mr. Vardeman indicated State Farm changed the image
15 of logo and the lettering. They have until next year to
16 get that accomplished. He has to either have all old
17 signage down and no signage at all or has to go with the
18 new signage, or, he pointed out, he would not even be
19 seeking this.

20 As you can see from the pictures that are included in
21 the packet, the current signage just has the words "State
22 Farm". Does not have the logo on building. As part of
23 the new branding that State Farm corporate has decided on,
24 you cannot have just the words alone, you must have the
25 logo there as well and in the same spacing. You cannot
26 change it around, make it closer together, it's by their
27 design and their trademark that we either use it their way
28 or we don't use it at all. We're simply trying to
29 maintain a very similar size signage that is there.

30 Mr. Becker asked if State Farm has the overall
31 dimensions regardless of what building it's put on, and is
32 there a possibility of just shrinking this to be same
33 dimension or fit Creve Coeur size wise.

34 Mr. Vardeman indicated he is trying to keep the
35 letters the same size as they are now. As the letters are
36 now, they're all capitalized and that hasn't been an
37 issue. Right now just the S and F are going to be
38 capitalized. What he believes has created an issue is
39 having the logo.

40 Mr. Vardeman indicated he's afraid that if they're
41 having to put this money into it, and their site is below

42 grade; that there are trees in front of their space. He
43 indicated they are trying to maintain the similar letter
44 height as they are now.

45 He said he could understand not approving something
46 if it was a bright flashing sign that was going to be
47 distracting to people or in some other way making it a
48 nuisance, but this is just simply channel-lock letters
49 that are going to be red.

50 Chairman Schenberg indicated all these offices aren't
51 the same, they're all different.

52 Mr. Vardeman indicated that he thinks Mr. Schenberg

8 is probably better versed in speaking about their
9 variances, but I know there are smaller signs that are
10 available. Much like anybody who approaches this Board,
11 the reason I'm asking for a variance is because, in my
12 mind, if I'm having to have the money out-layed.
13 Mr. Vardeman asked why would I want to have to go to a
14 smaller sign than what I've even got now? He indicated he
15 wasn't a fan of going to the new sign. He likes his big
16 bold letters that he's got now, but he doesn't have a
17 choice. And so that's why he's trying to keep the same
18 letter height. It's just the logo being there, in his
19 opinion, that is creating the additional amount of square
20 footage.

21 Mr. Becker asked Mr. Vardeman what if his office was
22 the door and one glass panel, then how would he put a sign
23 above that, in other words, would be the size of a glass
24 panel smaller. Mr. Vardeman responded I probably wouldn't
25 because it's his opinion, if he's trying to look at it
from the street, there's not going to be a reason to put
up a sign to just fit in that amount of space because it's
not going to be visible, especially in his location.

Mr. Ivan Schenberg indicated he drives by hundreds of
times a week, and has never had a problem seeing the sign.

Ms. Gada asked, talking about two different sizes
possibility, if you were to compare the one that meets the
regulations with the same size next door, would your
letters be larger or smaller of the property next to you?

Mr. Phillips responded that the step-down that we
have on this site that is one of the smallest, I guess,
standard visuals still takes us over by 2 square feet. So
even if I was to say let's go down to the next size, the
next standard size, puts us at 22 square feet at that
juncture as well versus 32.

After that they go into a straight custom set of

1 letters, and we'll probably end up near the same size as
2 what they have next door, which is quite a bit smaller
3 than what he has.

4 Ms. Gada asked, so there is a possibility where it
5 could be a smaller sign and will still not meet
6 regulations, but be much less, which Mr. Phillips
7 indicated that was correct.

8 Mr. Becker asked if Creve Coeur's requirement, they
9 would have to have a sign that was two square feet less.
10 Mr. Phillips indicated that would be a custom, as far as
11 custom set of letters. It wouldn't be something you
12 could, essentially, go to State Farm and buy off the
13 shelf, for lack of better term, their off-the-shelf sign.
He also indicated that Creve Coeur calculates square
footage, would be 22 square feet. If it was St. Louis
County, it would be a lot less based on the way they
calculate square footage. He indicated that he would get
a larger sign in St. Louis County. They give him a
discount for the dead air space.

Ms. Kelly indicated the maximum sign area allowed for
this tenant is 20 square feet, and he's asking for a 32.16
square foot wall sign. His current sign, under a prior
code, was approximately 25 square feet.

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14 The sign code was adjusted in 2011 to provide a more
15 equitable and easier sign code, and the sign area was
16 based upon a single rectangular to the sign measured the
height by the width.

17 It was adjusted to be one square foot per linear foot
of frontage for the tenant space.

18 As the applicant is a representative of State Farm,
19 therefore, State Farm is a co-applicant in this
20 application, and their decision to re-brand and modify the
21 sign is a personal decision directed by the corporate
branding, and does not rise to the requirements of the
variance.

22 The Creve Coeur sign regulations require that a
23 variance from this article may be granted for any
permitted form of signage where it is found because of
24 limitations on character, size, number and dimensions of
sign, or the regulations controlling erection or
25 installation of the sign, the applicant would be subject
to practical difficulties or unnecessary hardship.

Unnecessary hardship is not considered the loss of
9 possible advantage, economic loss or gain, or mere
1 inconvenience to the applicant.

2 Therefore, whether the sign is a custom fit or not is
3 not a viable recommendation for a variance.

4 Furthermore, granting a variance at such a larger
5 size would also be giving the applicant an unfair
6 advantage over everyone else that is also required to meet
the same standards, even within the same shopping center
where they have done so.

7 Therefore the City recommends denial.

8 Ms. Kelly further indicated the code provides for an
9 equitable allowance for all signs, and there's nothing
10 unique about this property, nor about the tenant space
within the property itself that would warrant a larger
sign.

11 Mr. Beck indicated they are setting a precedent.

12 Mr. Vardeman indicated that Ms. Kelly was talking
about the dead space between the logo and the lettering.
13 It's trademark signage. Mr. Vardeman said they can't
adjust to take up the dead space between there, and even
14 if they could shrink it down a foot or two, if they're
talking about either one of the two options, that's not an
15 option to do, because it's trademark signage and can't
adjust that.

16 Ms. Kelly clarified that they have asked for the
17 variance for the window graphics where the code requires a
maximum of percentage of window graphics be 20 percent of
18 the window space and they're asking for up to 28 percent
as well.

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19 Mr. Phillips indicated the hope would be to get what
20 the standard State Farm layout would be. If that doesn't
21 happen, if the Board does not see that that's justifiable,
22 at that point, Mr. Vardeman would have to go back to State
23 Farm and check out their criteria and reduce it if they're
24 to change out the current graphics that he currently has
right now. Asking for the ideal package, the ideal
corporate package. If that's not allowed, then they will
have to go back to the drawing board on that portion. The
main focus is on the identification sign.

Mr. Sluys offered the following exhibits: Exhibit 1
is the City of Creve Coeur Charter; Exhibit 2 is the Code
of Ordinances for the City of Creve Coeur; Exhibit 3 is

10
1 the Creve Coeur Comprehensive Plan; Exhibit 4 is the staff
report for the Board of Adjustment application; Exhibit 5
2 is a collective exhibit, materials received from the
applicant; Exhibit 6 is a collective exhibit of materials
3 offered by the opposition, and Exhibit 7, all
communications and letters received by the City at this
4 point regarding the application.

5 End of public hearing.

6 Chairman Schenberg moved to approve the following
7 variances for the commercial tenant space located at 1237
Olive Boulevard in the Woodcrest Shopping Center, a 32.16
8 square foot wall sign where the Section 4.5 sign
regulations of the Zoning Ordinance require each
9 individual use located on the ground floor with its own
entrance at street level may have one attached sign
10 affixed or painted on the wall, canopy or awning with a
total gross area of 1 square foot per linear foot of the
user's front facade or 20 square feet.

11 Mr. Ivan Schenberg indicated that prior to taking a
12 vote on that, he would like the Board to consider
something, and that's adding a condition of approval of
13 modifying the application to read that a sign that would
be in conformance with State Farm that would be less than
14 the existing sign that's up there, that the Board could
approve that. In other words, if you go down that 22
15 square feet, which would not be within the ordinance
today, but would be less than what you have that was
16 previously approved, that we could agree on a variance in
that way. Ms. Gada agreed.

17 Mr. Sluys indicated that one way to accomplish that
18 would be to make the motion, have it seconded, and then if
someone wants to amend the motion on the floor while it's
19 seconded, you can have a motion to amend it without being
discussed. Second it. Then you vote on the amendment,
20 and if the amendment passes, then you vote on the amended
motion.

21 Ivan Schenberg asked the applicant if that would be
22 approved, would that satisfy him.

23 Mr. Vardeman indicated that, as with anybody who
comes before this Board and is asking for a variance, I
24 would love to have the larger sign approved. I would ask

that you would approve the larger sign.

25

If you're not going to, I could live with the smaller

11

1 sign that is still above code, although I wouldn't
2 necessarily like it. I would ask that you would approve
the larger sign though.

3 Chairman Schenberg indicated that it seems if we're
4 making amendment to it, and we vote on this one as is, if
he wants to come back and do it a second time, that's his
5 business. I mean either we approve this or we don't
approve it.

6 Ms. Kelly indicated there would have to be
7 substantial new information. She suggested either amend
to the application and vote on the amendment, otherwise it
8 has to wait a year.

9 Chairman Schenberg indicated that he doesn't
understand how the Board can possibly approve something
10 that doesn't fit what we're trying to do here on a guess.
Mr. Ivan Schenberg inquired why it would be a guess.
11 Chairman Schenberg indicated it's still going to be out of
code. Mr. Ivan Schenberg responded that it's less than
12 what's existing here, and that's why we're here, to grant
a variance if we see fit to do that. Chairman Schenberg
13 suggested they take a vote to see whether they see fit to
do or not.

14 Ms. Kelly suggested a motion be made to amend the
15 request for a wall sign that's 22 square feet and vote on
that motion. If that motion passes, the motion would then
16 be for the square footage of the sign whether or not it
got turned up or down. Ms. Kelly said he just submitted
17 the drawing that it was 22.4 square feet, so depending on
the outcome of the amendment, the motion would incorporate
that change and would need to vote on it altogether.

18 Mr. Levy moved to introduce an amendment to allow a
22.4 square foot sign as opposed to the sign that we have.
19 Ms. Gada seconded. Chairman Schenberg asked all in favor.
All stated aye. No nays.

20

21 Mr. Levy stated a motion has been made and approved
that we allow a 22.4 sign as opposed to the 32 foot sign.
That's passed.

22 Chairman Schenberg asked all in favor. All stated
aye. No nays.

23 Ms. Kelly indicated that they did not read all the
requirements for the variance that is the motion.

24 Chairman Schenberg indicated that:

25 Based upon the following Findings of Facts, the
variance requested arise from the conditions that are

12

1 unique to tenant space and property in question and they
2 are not ordinarily found elsewhere in the same zoning
district;

3 The variance requested are because of unique
hardship not created by the applicant nor the owner of the
property;

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4 The granting of the variance will not adversely
affect adjacent property owners or residents;

5 And strict application of the sign regulation
will cause severe practical difficulties and extreme
6 hardships for the property owner and representatives in
the application;

7 The proposed signs will not adversely affect the
public health, safety, order, convenience or general
8 welfare of the community;

9 Granting the variance will not violate the
general spirit and intent of the Chapter;

10 By reason of the exceptional narrowness or
shallowness or shape of the specific piece of property, or
11 by reason exceptional topographical conditions or other
extraordinary or exceptional circumstances, the strict
12 application of the terms of the sign actually creates a
hardship to the tenant space and property in a manner
13 dissimilar to other similarly situated properties in the
City.

14 Granting the variance will not result in the
diversion of additional storm water that would adversely
affect adjacent property.

15 Mr. Becker second the motion. There being no
further discussion, Chairman Schenberg asked all in favor.
16 Members responded aye.

17 Chairman Schenberg indicated he only heard two ayes.

18 Chairman Schenberg asked Ms. Kelly now where do we
go. Ms. Kelly responded the window signage at 28 percent
19 of window space. Ms. Kelly indicated the motion is a
variance for a window graphics of up to 28 percent of
20 window space based upon the Findings of Fact 1 through 8.

21 Chairman Schenberg stated:

22 Based upon the following Findings of Fact.

23 The variance requested arise from condition that
are unique to the tenant space and property in question
24 and that are not ordinarily found elsewhere in the same
zoning district;

25 The variance requested are because of unique
hardships not created by the applicant nor the owner of

1 the property;

2 The granting of the variance will not adversely
affect the adjacent property owners nor residents;

3 Strict application of the provisions of the
Zoning Ordinance will cause practical difficulty or
4 extreme hardship for the property owner represented in the
application proposed.

5 Sign will not adversely affect the public,
health, safety, order, convenience or general welfare of
the community.

6 Granting the variance desired will not violate
the general spirit and intent of this Chapter;

7 By reason of exceptional narrowness, shallowness
or shape of the specific piece of property, or where by
8 reason of exceptional topographical conditions or other
extraordinary or exceptional circumstances that the strict
9 application actually creates a hardship to intent, space

10 and property in a manner dissimilar to that of other
11 similarly situated properties in the City.

12 Granting the variance will not result in
13 diversion of additional storm water that would adversely
14 affect adjacent property.

15 Ms. Gada second the motion.

16 Ms. Kelly indicated that the Chair should go through
17 the roll call for voting.

18 Mr. Sluys indicated to clarify for the record with
19 the first variance with the identity sign if we could just
20 clarify roll call vote on that. The resultant vote was as
21 follows:

22 Mr. Becker-nay Ms. Gada-aye Mr. Ivan Schenberg-aye

23 Mr. Levy-aye Chairman Schenberg-nay

24 Mr. Vardeman asked to approach, and indicated that he
25 thought on the vote above the sign that when they did the
26 vote a while ago there were five ayes. Chairman Schenberg
27 indicated that, no, there weren't. There were five nays.
28 Mr. Levy indicated we're only voting on the amendment.
29 Mr. Becker indicated we were voting to change the request
30 from the original request to the one that now exceeds it
31 by fewer feet. Chairman Schenberg indicated that we
32 agreed that was acceptable. Mr. Becker indicated, we were
33 voting to whether we should change that request. We
34 weren't voting on whether we approved it or not. That's

35 how I understood it. Mr. Levy asked if we're voting on
14 whether to approve that. Ms. Kelly indicated that the
15 first vote was actually to amend the application. There
16 was another vote to actually approve that change. Mr.
17 Sluys indicated that his understanding was there was one
18 vote on whether to amend the application from 32 to 22 and
19 that passed five to nothing, and now they need the roll
20 call for the vote where actually approving or denying the
21 22.4 sign, and that's what he wanted to clarify for the
22 record, that was the accurate vote. Chairman Schenberg
23 indicated that they rejected that vote. There were two
24 nays. Mr. Ivan Schenberg indicated there's three ayes.
25 Ms. Kelly indicated it requires a maximum of four votes
26 for the affirmative. Chairman Schenberg asked if he lost
27 the appeal, and Ms. Kelly indicated that was correct. Mr.
28 Levy asked if four votes were needed to approve it, to
29 which Ms. Kelly indicated that was correct; they only had
30 three.

31 Chairman Schenberg moved to direct the staff to
32 prepare and authorize the Chair of the Board of Adjustment
33 to execute Findings of Fact and Conclusions of Law
34 regarding the variance requested at 12287 Olive, based
35 upon the testimony received, deliberations of the Board on
this application as decided on September 18th, 2014.

36 Mr. Becker second the motion. No further discussion,
37 Chairman Schenberg asked all in favor to which Members
38 responded "aye". There were no nays.

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15

16 OTHER BUSINESS

17 None

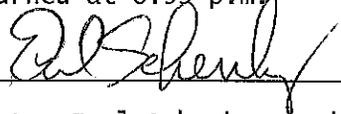
18

19 ADJOURNMENT

20 There being no further business to come before the Board,
21 upon motion being made and duly seconded, Chairman
22 Schenberg declared the meeting of the Board of Adjustment
23 adjourned at 8:39 p.m.

22

23



24 Attest: Earl Schenberg, Chairman

25 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR
Recording Secretary

15