

**CITY OF LAKE SAINT LOUIS
BOARD OF ADJUSTMENT
MEETING AND PUBLIC HEARING
JANUARY 21, 2021
JOURNAL AND MINUTES**

The Board of Adjustment hearing for the City of Lake Saint Louis, Missouri was held by video and teleconference only, via Zoom, regular session and for a public hearing on Thursday, January 21, 2021, at 5:00 p.m.

ROLL CALL:

Mark Peterson, Chairman, presided over the meeting. The members present were: Benjamin Borengasser, Thomas Bach, Robert Carrothers, and Diane Mispagel. Also present were: Louis Clayton, Director of Community Development; Patricia B. Beckerle, Board Attorney; Brenda Cueller, Community Development Assistant; and Laura Lynn Murphy, Certified Court Reporter.

APPROVAL OF AGENDA: January 21, 2021

Thomas Bach made a motion to approve the Board of Adjustment agenda as submitted. The motion was seconded by Diane Mispagel and passed unanimously.

THE AGENDA FOR THE JANUARY 21, 2021 BOARD OF ADJUSTMENT HEARING STANDS APPROVED AS SUBMITTED.

MINUTES FROM: December 17, 2020 Board of Adjustment Hearing

Benjamin Borengasser made a motion to waive the reading of the minutes from the December 17, 2020 hearing and approve same as submitted. The motion was seconded by Thomas Bach and passed unanimously.

THE MINUTES FROM THE DECEMBER 17, 2020 BOARD OF ADJUSTMENT HEARING STAND APPROVED AS SUBMITTED.

PUBLIC HEARING:

- 1. 321 Villa Drive – Lot 3 Lake Saint Louis Villa Estates**
Consideration of an appeal submitted by Michael O'Donnell, applicant/property owner, for multiple variances from Section 410.270 of the Municipal Code, associated with the subdivision of the lot into three fee-simple lots.

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2. 330 Villa Drive – Lot 1 Lake Saint Louis Villa Estates

Consideration of an appeal submitted by Michael O'Donnell, applicant/property owner, for multiple variances from Section 410.270 of the Municipal Code, associated with the subdivision of the lot into two fee-simple lots.

Patricia Beckerle, Board Attorney, asked to clarify how to proceed with the hearing by addressing each application separately or consider both applications together.

The Board discussed how to move forward with the applications submitted by the same property owner and decide to consolidate the public hearings.

MOTION TO CONSOLIDATE PUBLIC HEARINGS:

Benjamin Borengasser made a motion to consolidate both public hearings submitted by the same parties for 321 Villa Drive and 330 Villa Drive. The motion was seconded by Robert Carrothers and approved.

MOTION TO CONSOLIDATE THE PUBLIC HEARINGS FOR 321 VILLA DRIVE AND 330 VILLA DRIVE IS HEREBY APPROVED AS NOTED ABOVE.

Patricia Beckerle, Board Attorney, presented the following items to be entered into the record. The items accepted, marked, and entered into evidence were:

- Exhibit 1 – Request for Variance to the Board of Adjustment application submitted by Michael O'Donnell, property owner and applicant for 321 Villa Drive.
- Exhibit 2 – Request for Variance to the Board of Adjustment application submitted by Michael O'Donnell, property owner and applicant for 330 Villa Drive.
- Exhibit 3 – Board of Adjustment Staff Report dated January 21, 2021 for 321 Villa Drive prepared by Louis Clayton, Director of Community Development.
- Exhibit 4 – Board of Adjustment Staff Report dated January 21, 2021 for 330 Villa Drive prepared by Louis Clayton, Director of Community Development.
- Exhibit 5 – General Warranty Deed for the property showing title to 321 Villa Drive in the Owner.
- Exhibit 6 – General Warranty Deed for the property showing title to 330 Villa Drive in the Owner.

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- Exhibit 7 – Variance Exhibit depicting the property lines of 321 Villa Drive and 330 Villa Drive, and the proposed subdivision of each lot.
- Exhibit 8 – Letter dated January 19, 2021 from Heather Malone, General Manager of the Lake Saint Louis Community Association.
- Exhibit 9 – Lake Saint Louis City Code.

Michael O'Donnell was sworn in and testified that he intended to subdivide both parcels to create three lakefront lots on 321 Villa Drive and two lakefront lots on 330 Villa Drive. Mr. O'Donnell testified that each dwelling unit on 321 Villa Drive and 330 Villa Drive would be subdivided with the interior property lines along the shared common walls between the units noting no new construction or changes to the properties would be made. He testified the subdivision of the properties was to sell each lot as lakefront creating four lots with 20 feet of lake frontage and one lot with 12 feet of lake frontage. Mr. O'Donnell testified that four boats or up to five boats can parallel park in the waterway without obstructing the waterway. He testified creating the five fee-simple lots would increase the property value and create additional tax dollars to the City. Mr. O'Donnell testified creating fee simple lots with townhome units subdivided has been done in the past.

Anthony Soukenik with Sandberg Phoenix on behalf of the Lake Saint Louis Community Association referenced the Lake Saint Louis Community Association letter asking the Board to consider the concerns regarding the lakefront properties being created which would have issues with boat mooring and congestion of the waterway. Mr. Soukenik testified that the property owner has requested and received a variance from Lake Saint Louis Community Association's Architectural Control Committee to revise an existing boardwalk at the lakefront property line for both 321 Villa Drive and 330 Villa Drive to allow for parallel boat mooring. He testified that Mr. O'Donnell should pursue LSLCA's Architectural Control Committee's approval for the subdivision of the properties before granting the variances.

The Board questioned Mr. O'Donnell regarding how a boat could be docked on the 12 feet of lakefront property and purchasers of these parcels expecting to have lakefront benefits which would include the right to dock on their lakefront.

Jaqueline Swartz was sworn in and testified she is a realtor and resident of this neighborhood. Ms. Swartz testified the ability to dock a boat on four lots would have plenty of room except for the 12 feet lake frontage which could launch a raft or kayak. She testified creating these five fee-simple lots will increase property value and increase tax dollars to the City. Ms. Swartz testified property owners are more responsive to maintaining their properties compared to rentals. She

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testified that in the past, plenty of boats have been crowded into the back of the cove.

The Board discussed control and management of boat docking when the property is under one ownership and the allowed percentage of a boat dock of the lake frontage of a lot.

Christine Falk, 201 Villa Drive, was sworn in and testified that she objected to the creation of five fee-simple lots regarding concerns with traffic and parking.

Bonnie Wade, 326 Villa Drive, was sworn in and testified that she opposed the creation of five fee-simple lots noting she is located between both 321 Villa Drive and 330 Villa Drive. Ms. Wade testified concerns over the numerous variances being requested to create the five fee-simple lots. She testified concerns that the size of the units is better suited as apartments not fee-simple homes, the proposed subdivision violates the Lake Saint Louis Community Association rules and Architectural Control Committee rules, and use of the dock maybe in use without proper authorization from the Lake Saint Louis Community Association.

The Board inquired as to the requirements of the "MR" Multi-Family Residential District and details of the variances with respect to unit size.

Louis Clayton, Director of Community Development, was sworn in and testified that standards are set for minimum lot, width, and unit size requirements which are based on land use itself. Mr. Clayton testified zoning districts provide different requirements for duplexes, townhomes on individual lots, townhomes on a single lot, and multi-family buildings. He explained the standards for 321 Villa Drive and different standards for 330 Villa Drive. Mr. Clayton testified subdividing the existing structures and new lots must comply with new requirements, which do not comply requiring the variances.

Mr. O'Donnell asked if the subdivision of 326 Villa Drive and 328 Villa Drive were granted variances.

Mr. Clayton testified to the history of certain parcels that were granted variances in the area.

Public hearing closed.

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NEW BUSINESS:

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Consideration of an appeal submitted by Michael O'Donnell, applicant/property owner, for multiple variances from Section 410.270 of the Municipal Code, associated with the subdivision of the lot into three fee-simple lots.

- 2. 330 Villa Drive – Lot 1 Lake Saint Louis Villa Estates**
Consideration of an appeal submitted by Michael O'Donnell, applicant/property owner, for multiple variances from Section 410.270 of the Municipal Code, associated with the subdivision of the lot into two fee-simple lots.

GENERAL DISCUSSION:

The Board discussed the testimony given for the multiple variances requested associated with the subdivision of the lot at 321 Villa Drive into three fee-simple lots and multiple variances requested associated with the subdivision of the lot at 330 Villa Drive into two fee-simple lots.

The Board reviewed the evidence and the requirements for granting the Variances under the Code.

MOTION TO APPROVE VARIANCE: (321 Villa Drive – Lot 3 Lake Saint Louis Estates and 330 Villa Drive – Lot 1 Lake Saint Louis Estates)

Robert Carrothers made a motion to grant the multiple variances requested associated with the subdivision of the lot at 321 Villa Drive into three fee-simple lots and multiple variances requested associated with the subdivision of the lot at 330 Villa Drive into two fee-simple lots. The motion was seconded by Benjamin Borengasser. The poll of the Board being ayes: none; nays: Benjamin Borengasser, Robert Carrothers, Diane Mispagel, Thomas Bach, and Mark Peterson. The vote was 0 to 5 against and the motion fails.

ADJOURNMENT:

There being no further business to come before the Board of Adjustment, the hearing was, on motion duly made, seconded, and unanimously voted on, adjourned.

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THE HEARING ADJOURNED.

The hearing adjourned at approximately 6:20 p.m.

Approved

Brenda Cueller, acting as recording secretary