

BOARD OF ADJUSTMENT MEETING

FEBRUARY 25, 2021

Via Zoom Videoconference

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APPEARANCES

Mr. Keith Slusser, Chairman

Mr. Jared Balint

Mr. Ryan Marshall

Ms. Kristen McDaniels

Mr. Adam Sommer

Ms. Lisa Koerkenmeier
Director of Planning and Development

ON BEHALF OF THE CITY:

CURTIS, HEINZ, GARRETT & O'KEEFE
Stephanie Karr, Esq.
130 S. Bemiston Avenue #200
St. Louis, MO 63105

Rocky Ridge CAM, LLC
By: Mr. Roger Bettlach

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MEETING CONVENED AT 7:01 P.M.

CHAIRMAN SLUSSER: Well, it looks like we have everyone that's supposed to be here so we'll go ahead and get the meeting started.

Welcome to the February 25th, 2021, meeting of the Brentwood Board of Adjustment. The Board of Adjustment meets on call to hear requests for variances from provisions of the City Code, and to decide those matters.

The Board is formed under the provisions of Division 3 of Chapter 400, Article 2, of the Brentwood City Code, and is guided in their deliberations by the standards set forth in Division 7 of Chapter 400.

I will start with roll call. Keith Slusser? Present. Jared?

MR. BALINT: Present.

CHAIRMAN SLUSSER: Ryan?

MR. MARSHALL: Present.

CHAIRMAN SLUSSER: Adam?

MR. SOMMER: Present.

CHAIRMAN SLUSSER: Kristen?

MS. McDANIELS: Present.

CHAIRMAN SLUSSER: All right. We have a quorum. All testimony that is given by the applicant and his or her representatives must be given under oath and

1 sworn by a court reporter. There's going to be a
2 presentation from the applicant, presentation from the
3 Director of Planning and Development, questions from the
4 Board, questions or comments from the audience.

5 So the purpose of tonight's meeting is the
6 appeal of Rocky Ridge CAM, LLC, from Section 400.1330
7 D.3.a of the Brentwood Code of Ordinances pertaining to
8 the required front yard setback in a "B" single-family
9 residential district for a principal structure for the
10 property located at 8500 Genevieve Avenue.

11 At this time I would ask the applicant or
12 his representatives to state their name and address for
13 the record, and you will be sworn in by the court
14 reporter. I think you're on mute.

15 MR. BETTLACH: Can you hear me now?

16 CHAIRMAN SLUSSER: Yes.

17 MR. BETTLACH: I'm Roger Bettlach from
18 Rocky Ridge Capital Asset Management, and I am a resident
19 also here in Brentwood. I live at 2517 Louis Avenue.

20 **ROGER BETTLACH**

21 of lawful age, being first duly sworn to tell the truth,
22 the whole truth and nothing but the truth, says as
23 follows:

24 CHAIRMAN SLUSSER: Roger, if you want to
25 present now, anything you want to tell the Board about

1 what you're planning on doing or why you're requesting
2 the variance, this would be the -- this would be the time
3 to do it. And then we may ask questions then.

4 MR. BETTLACH: Yes. We are proposing --
5 we've got a single-family home and, of course, as you
6 know, with the doubles front yard, there's a side setback
7 that's greater than what would normally be built in that
8 neighborhood, and so we're proposing, and we've got a
9 30-foot-wide house, and so that's what would be
10 compatible with the neighborhood and it wouldn't be -- I
11 think what would be available to build on the lot as it
12 sits now with the ordinances as they read, would be
13 something akin to like a 20-foot wide, you know, sort of
14 like a row house you might see in St. Louis city
15 somewhere.

16 So this is a hardship that will help us allow
17 to build a family home for a long-term resident with
18 kids, right close to the school, give the proper flow
19 within the house for their, you know, lifestyle that, you
20 know, folks are looking for right now when they are
21 buying a house in Brentwood. And, you know, it will also
22 give stability to the neighborhood because it wouldn't be
23 a narrow shotgun-type house. It would be a family
24 suitable home for long-term ownership.

25 And Rocky Ridge has built previously -- I

1 believe it must have been about seven years ago, and it
2 was a similar situation. It was 8502 Florence, a couple
3 blocks away, on the corner of Helen and Florence. And we
4 had a same similar situation. That was a 40-foot wide
5 lot. So I think we've built about six or seven different
6 houses here over the years.

7 CHAIRMAN SLUSSER: All right. At this time
8 I will ask if the Director of Planning and Development
9 would like to enter her report into the record.

10 MS. KOERKENMEIER: Thank you.

11 LISA KOERKENMEIER

12 of lawful age, being first duly sworn to tell the truth,
13 the whole truth and nothing but the truth, says as
14 follows:

15 MS. KOERKENMEIER: Lisa Koerkenmeier,
16 Director of Planning and Development for the City of
17 Brentwood.

18 So first I'd like to go ahead and enter into
19 the record several exhibits for this evening's hearing.
20 Exhibit A is the Code of Ordinances for the City of
21 Brentwood and the city's comprehensive plan.

22 Exhibit B is appeal to the Board of Adjustment
23 including the application submitted by the petitioner.

24 Exhibit C are the application materials
25 submitted by the petitioner.

1 Exhibit D is photographs of the subject
2 property that were taken by staff on actually
3 August 18th, 2020.

4 And then Exhibit E, the staff report from the
5 Director of Planning and Development dated for this
6 evening's meeting.

7 So to cover a few things maybe that the
8 petitioner hasn't covered, just to go over some of the
9 details, the property at 8500 Genevieve Avenue is zoned
10 "B" single-family residential, and as the petitioner
11 stated he is proposing to construct a new detached
12 single-family residence 30 feet in width that would face
13 along Genevieve Avenue, and then also according -- in
14 according with the site plan that was submitted with the
15 application there is also a detached garage measuring
16 20-foot in width that would face along Helen Avenue.

17 And the required setbacks in the "B"
18 single-family residential district would be 25 feet from
19 the front yard setback from Genevieve Avenue, and that
20 since this is a corner lot, then there is a second front
21 right-of-way setback that's imposed upon Helen Avenue,
22 which is also then 25 feet. And the other setback would
23 be a 5 foot side yard from the west property line and
24 then a 25 -- or a 20, I'm sorry -- 20-foot rear setback
25 from the south property line.

1 So the site plan for the proposed
2 residence, as I mentioned, it would -- I'm sorry, the
3 site plan for the proposed residence depicts a 15-foot
4 front right-of-way setback along Helen Avenue, so that
5 would be to accommodate both the building line for the
6 single-family residential unit and then also for the
7 detached garage. So the variance tonight before you is
8 requesting a 10-foot variance from Helen Avenue, then
9 that would leave a 15-foot setback, and I think really
10 the -- you know, the petitioner, as he stated, the
11 hardship that he has included is that, again, trying to
12 build a house that would only have a 20 foot building
13 width is not very practical, or I believe what he has in
14 his application does not provide a functional floor plan
15 for today's family buyers.

16 So I think, again, that the -- what the Board
17 has to decide tonight is if the setback -- if, again, a
18 house plan cannot be constructed with just a 20-foot
19 building line, what would be the less amount of variance
20 that could possibly be granted in order to have some type
21 of functionality and to allow some kind of construction
22 on this lot.

23 So with that for now I can just close my
24 comments and we can go to questions.

25 CHAIRMAN SLUSSER: Does anyone -- any board

1 members have any questions for the petitioner or for the
2 city?

3 MS. McDANIELS: This is Kristen. I just
4 wondered how -- about how many square feet is the house,
5 like, total -- the proposed house?

6 MR. BETTLACH: The square footage of the
7 house would be -- the square footage of the house -- were
8 you all able to hear me?

9 CHAIRMAN SLUSSER: No. You're jumping in
10 and out.

11 MS. McDANIELS: Sorry. I didn't hear.

12 MR. BETTLACH: It would be -- the square
13 footage of the house would be approximately 2400 square
14 feet.

15 MS. McDANIELS: Did anyone hear what he
16 said?

17 COURT REPORTER: Did you say 2400?

18 CHAIRMAN SLUSSER: 2400.

19 MS. McDANIELS: Oh, 2400.

20 MR. BETTLACH: Can you hear me?

21 MS. McDANIELS: Thank you.

22 MR. BETTLACH: Yes, ma'am.

23 MS. KOERKENMEIER: They have a floor plan
24 of about 1200 square feet, and it is a two-story home.

25 CHAIRMAN SLUSSER: Any other questions for

1 the city or the petitioner?

2 MR. BALINT: Lisa, do any of the other
3 corner lots that are on Helen -- do any of those have a
4 frontage that faces Helen, or are they all facing
5 frontages on the side streets?

6 MS. KOERKENMEIER: In part of your
7 materials submitted in the staff report, there was an
8 exhibit, and so the only -- from Litzinger down to
9 Manchester Road, it looks like there is only two houses
10 that actually front Helen, and those are closer towards
11 Manchester Road, but then the exhibit shows seven other
12 structures where the orientations of the house would be
13 the intersecting street with Helen.

14 MR. BALINT: Are those -- the ones that are
15 orientating towards the intersection street, are those
16 all original homes or are any of them rebuilds?

17 MS. KOERKENMEIER: I don't know -- I don't
18 know for sure. Most of them, though, would be existing
19 homes. But I believe, and maybe Roger can confirm this,
20 but I thought he said that he might have been the builder
21 to the house at 8502 Florence. So that would be a newer
22 construction, but I'd probably have to ask Roger to
23 verify for sure.

24 MR. BETTLACH: That is correct. At 8502
25 Florence. It is on the corner of Helen and Florence. It

1 faces towards Florence and it's facing -- I guess the
2 front of that house faces north also.

3 CHAIRMAN SLUSSER: Any other questions?
4 Okay. Does anyone -- seems like there's two attendees.
5 Do either of the attendees have a question they would
6 like asked? If so, hit the raise hand option and I will
7 muddle my way through bringing you in.

8 Okay. Seeing as there is none, does the City
9 have anything else they would like to add?

10 MS. KOERKENMEIER: Not at this time.

11 CHAIRMAN SLUSSER: Okay. So I will now
12 state the standards by which the variance is to be
13 judged. Section 400.810. The variance requested arises
14 from a condition which is unique to the property in
15 question, and which is not ordinarily found in the same
16 zoning district, and is not created by an action or
17 actions of the property owner or the applicant.

18 The granting of the variance shall not
19 adversely affect the rights of adjacent property owners
20 or residents.

21 The strict application of the provisions of
22 this chapter from which a variation is requested will
23 cause severe practical difficulty or extreme hardship for
24 the property owner represented in the application.

25 The variation desired will not adversely

1 affect the public health, safety, order, convenience, or
2 general welfare of the community.

3 Granting the variation desired will not
4 violate the general spirit and intent of the chapter.

5 At this time I would like to request a motion
6 from a board member to approve the petition. Please note
7 at this time I would request you add conditions to the
8 motion, and that by making a motion, you are also not
9 voting yes, you are just making a motion for us to move
10 forward and vote on it.

11 MR. BALINT: Move that the board vote to
12 approve the variance of 10 feet on the structure facing
13 Genevieve with the two conditions that the dimensions of
14 the residence and garage as finally constructed shall not
15 exceed the building footprint as shown in Exhibit A. And
16 that the variance expires one year from the date on which
17 it is granted if a building permit for any residence is
18 not obtained and construction of the structure is
19 commenced and pursued diligently toward completion in
20 accordance with Section 400.850 of Brentwood Code of
21 Ordinances.

22 CHAIRMAN SLUSSER: Do I have a second? Oh,
23 go ahead. Lisa?

24 MS. KOERKENMEIER: I believe it was stated
25 Genevieve Avenue and it would be Helen Avenue, would be

1 the variance.

2 CHAIRMAN SLUSSER: Okay.

3 MS. KARR: And also I think that the motion
4 referred to a variance for the primary structure with
5 those two conditions, and it really should be a variance
6 for both the detached garage and the primary residential
7 structure, with those two conditions.

8 CHAIRMAN SLUSSER: Jared, I assume you're
9 okay with the -- with --

10 MR. BALINT: Yeah. If I need to restate, I
11 will, but I'm on board with those corrections.

12 CHAIRMAN SLUSSER: Okay. Do I have a
13 second?

14 MR. MARSHALL: Second.

15 CHAIRMAN SLUSSER: Okay. All right. I
16 will conduct a roll call. It takes four concurrent votes
17 of the Board of Adjustment members to approve a variance.
18 Kristen?

19 MS. McDANIELS: Sorry, I had to unmute.
20 Yes.

21 CHAIRMAN SLUSSER: Adam?

22 MR. SOMMER: Yes.

23 CHAIRMAN SLUSSER: Ryan?

24 MR. MARSHALL: Yes.

25 CHAIRMAN SLUSSER: Jared?

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MR. BALINT: Yes.

CHAIRMAN SLUSSER: Keith? Yes. By five-zero the variance has been granted. And we have no other issues to take up at this time, so I would say the meeting is adjourned. Everyone have a good evening.

MR. BETTLACH: Thank you very much.

HEARING ADJOURNED AT 7:17 p.m.

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C E R T I F I C A T E

I, Debra M. Musielak, Registered Diplomate Reporter, Certified Shorthand Reporter within and for the States of Missouri and Illinois, DO HEREBY CERTIFY that I was present on the date and at the place aforementioned and that the aforesaid proceedings were had as appears herein, and that this is a true and accurate record of said proceedings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 4th day of March, 2021.



Debra M. Musielak
MO CCR #681
IL CSR #084-001684