

**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, April 5, 2007**

The Board of Adjustment meeting was called to order at 7:30 p.m. on Thursday, April 5, 2007 by Ms. Laura Lueking, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Marilyn Ainsworth
Ms. Laura Lueking
Ms. Dru Thomas
Mr. Bruce DeGroot
Mr. Richard Morris
Mr. Rob Heggie, City Attorney, City of Chesterfield
Councilmember Barry Flachsbart
Ms. Annissa McCaskill-Clay, Assistant Director of Planning, City of Chesterfield
Department of Planning
Ms. Joyce Collins-Catling, Executive Secretary, City of Chesterfield Department
of Planning
Court Reporter, Midwest Litigation Services

II. Approval of March 1, 2007 Meeting Summary

Marilyn Ainsworth made a motion to approve the meeting summary as amended.

Dru Thomas seconded the motion

Motion passes 5-0 by voice vote

The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, yes; Dru Thomas, yes; Bruce DeGroot, yes; Richard Morris, yes.

II. Request for Affidavit of Publication

IV. Public Hearing Items:

- A. **B.A. 04-2007 Karagiannis Investment Corporation (Spiros Restaurant West)**: A request for a variance from Section 3(a) of St. Louis County Ordinance 13,771 to permit an existing restaurant in a “C8” Planned Commercial District to maintain a fifteen (15) foot side yard setback on its southern boundary in lieu of the required the required twenty (20) feet. (1054 N. Woodsmill Road/16Q310186)

Assistant Director of Planning Annissa McCaskill-Clay presented exhibits supporting the petition requesting a variance permitting the petitioner to maintain a 15’ setback in lieu of the required 20’ setback. Staff is recommending approval primarily due to substantial damage to the existing building resulting from a fire in February 2007. She further stated that St. Louis County switched to using the International Building Code, which is substantially more stringent than the code that was used when the building was originally built; therefore, former specifications are no longer in compliance. Due to the new codes, other interior updates have become necessary as well as purchasing a new freezer. The new freezer cannot be placed in the original location due to specification changes, making it necessary to relocate it in to another area near the restaurant’s kitchen. After Staff’s site visit, it was determined that there is no other suitable location for the freezer besides the petitioner’s requested location.

Timothy Karagiannis, owner, stated that he is asking for the variance in order to open the restaurant. He further stated that the best possible solution in meeting the new specifications is to move the new freezer outside the restaurant in a small bump out area near the kitchen. The entrance to the freezer area will be from the inside of the restaurant. The freezer is a free standing appliance that will be covered with a specifically made pre-fabricated cap. He further stated that renovations are underway as a result of the fire in February 2007, but they have been faced with numerous problems in meeting the new codes. The building was originally built in 1971. Mr. Karagiannis pointed out that the setback request has been reduced by 3’ as originally anticipated; therefore a smaller space will be necessary for the freezer area. He stated that neighboring property owners have no problems the request, and that this area will not be visible to the public nor any freezer noises heard. The mechanical units are on rooftop.

There were no additional speakers present in favor of the petition.

There were no speakers present in opposition.

CONCLUSION:

As a result of discussion and questions held by the Board members and Petitioner, it was determined that a variance permitting a 15’ sideyard setback be granted in lieu of

the required 20' setback to allow the petitioner to continue renovations in order to open the restaurant.

Richard Morris made a motion to approve the variance request.

Bruce DeGroot seconded the motion.

Motion passes 5-0 by voice vote

The voice vote was as follows: Marilyn Ainworth, yes; Laura Lueking, yes; Dru Thomas, yes; Bruce DeGroot, yes; Richard Morris, yes.

VI. Adjournment

Meeting adjourned at 7:20 p.m.