

**CITY OF VALLEY PARK  
BOARD OF ADJUSTMENT MEETING  
AT 7:00 P.M. ON JUNE 17, 2021  
VALLEY PARK CITY HALL, 320 BENTON  
STREET, VALLEY PARK, MISSOURI 63088**

**\*\*\* AGENDA \*\*\***

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. PUBLIC HEARING – 303 Benton St. and 314, 316, and 318 St. Louis Ave.
4. VARIANCE REQUEST – 303 Benton St. and 314, 316, and 318 St. Louis Ave.

# Application for Property Maintenance Code Appeal



City of Valley Park  
320 Benton Street  
Valley Park, Missouri 63088

Date: 06-01-2021

Subject Property: 303 Benton St. and 314, 316, and 318 St. Louis Ave.

Owner: LDS, LLC (Attn: Mr. Dan Laughlin)


Mailing Address: 3425 Remington Heights Drive; Wildwood, MO

Phone #s: 314 581-6474 Email: DanL@OJLaughlin.com

Applicant (if different from property owner) : The Clayton Engineering Co. (Attn: JR Willhite)

Mailing Address: 2268 Welsch Industrial Court; St. Louis, MO

Phone #s: 314 692-8888 Email: JRWillhite@ClaytonEng.com

Owner's Authorization for applicant to represent:   
Signature

Date of Violation Notification: \_\_\_\_\_

Currently adopted Code to be appealed: \_\_\_\_\_

List each and every violation on the following pages with the applicable code section and indicate whether the appeal for that particular violation pertains to a claim that, a) the true intent of the code has been misinterpreted, b) the provisions of the code do not fully apply, or c) the requirements of the code are adequately satisfied by other means.

# Application for Property Maintenance Code Appeal

## Continued:

### Items of Appeal:

Violation: Outdoor storage or display of merchandise, materials, or equipment is prohibited.

Code Section: Section 405.160.D.9.a

Reason for Appeal based on: We believe that the provision of the code to keep merchandise, materials, and equipment out of sight is satisfied by the proposed landscaping buffer and 8' tall privacy fence.

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### Items of Appeal:

Violation: \_\_\_\_\_

Code Section: \_\_\_\_\_

Reason for Appeal based on: \_\_\_\_\_

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### Items of Appeal:

Violation: \_\_\_\_\_

Code Section: \_\_\_\_\_

Reason for Appeal based on: \_\_\_\_\_

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### Items of Appeal:

Violation: \_\_\_\_\_

Code Section: \_\_\_\_\_

Reason for Appeal based on: \_\_\_\_\_

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# Application for Property Maintenance Code Appeal

## Board Action

Date of Board of Appeals: \_\_\_\_\_

Subject Property: 303 Benton St. and 314, 316, and 318 St. Louis Ave.

Applicant: The Clayton Engineering Co. (Attn: JR Willhite)

Number of Board Members Present: \_\_\_\_\_

## Decision

UPHOLD

DENY  the decision of the inspector/Code Official

Number in agreement: \_\_\_\_\_ Number Opposed: \_\_\_\_\_

Appeal is: DENIED

GRANTED

Conditions/Comments: \_\_\_\_\_

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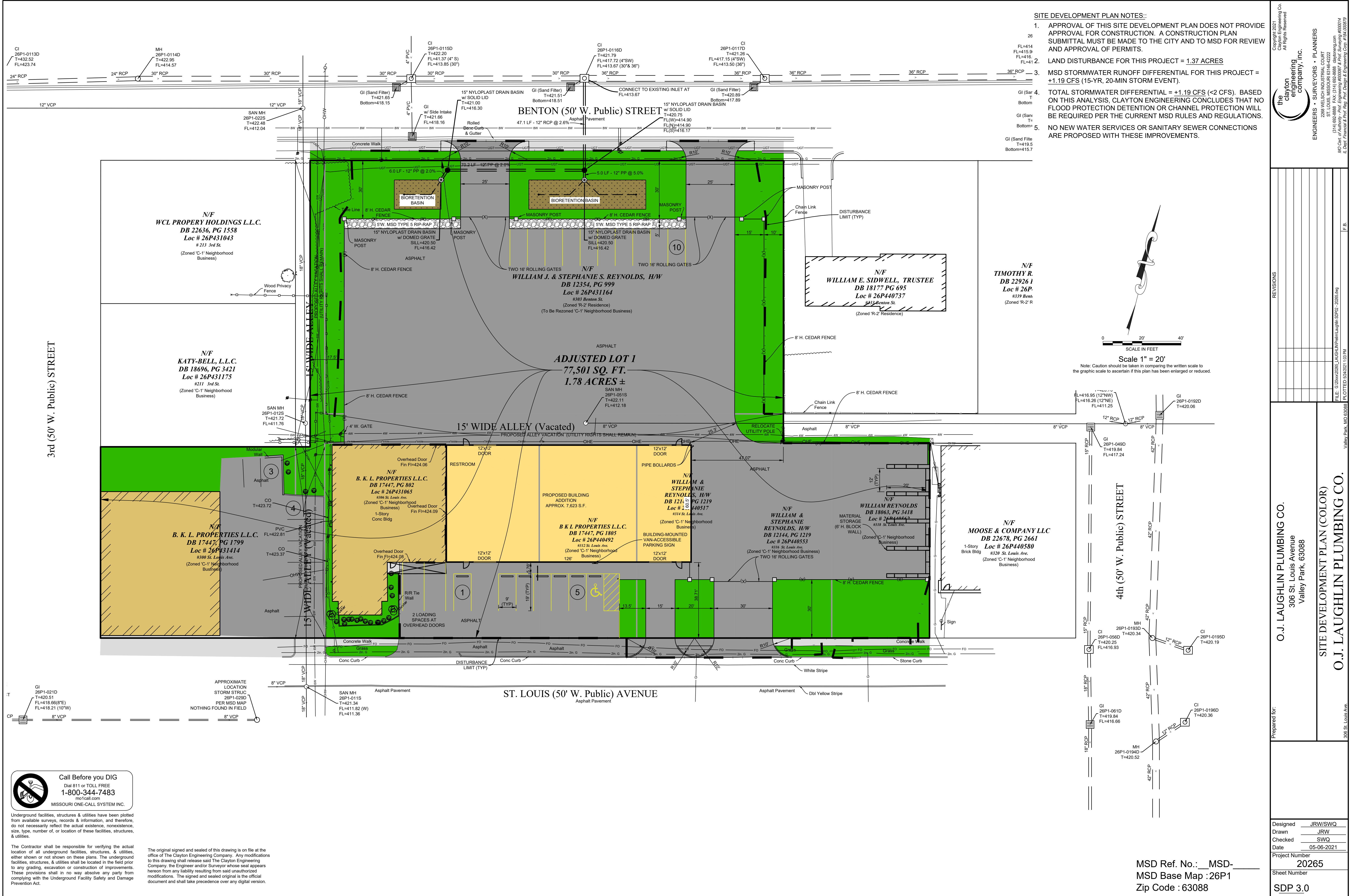
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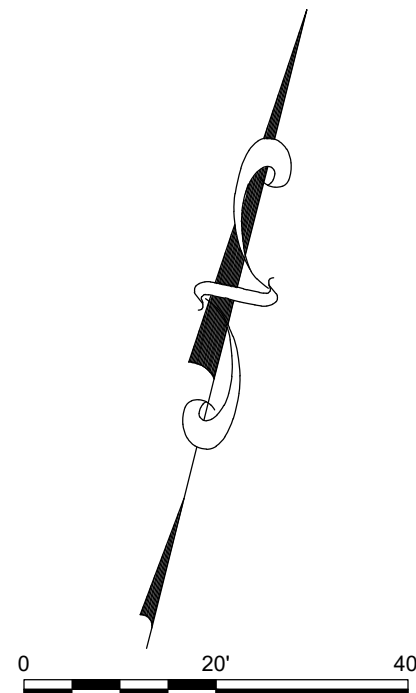
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- SITE DEVELOPMENT PLAN NOTES:**
1. APPROVAL OF THIS SITE DEVELOPMENT PLAN DOES NOT PROVIDE APPROVAL FOR CONSTRUCTION. A CONSTRUCTION PLAN SUBMITTAL MUST BE MADE TO THE CITY AND TO MSD FOR REVIEW AND APPROVAL OF PERMITS.
  2. LAND DISTURBANCE FOR THIS PROJECT = 1.37 ACRES
  3. MSD STORMWATER RUNOFF DIFFERENTIAL FOR THIS PROJECT = +1.19 CFS (15-YR, 20-MIN STORM EVENT).
  4. TOTAL STORMWATER DIFFERENTIAL = +1.19 CFS (<2 CFS). BASED ON THIS ANALYSIS, CLAYTON ENGINEERING CONCLUDES THAT NO FLOOD PROTECTION DETENTION OR CHANNEL PROTECTION WILL BE REQUIRED PER THE CURRENT MSD RULES AND REGULATIONS.
  5. NO NEW WATER SERVICES OR SANITARY SEWER CONNECTIONS ARE PROPOSED WITH THESE IMPROVEMENTS.



Scale 1" = 20'  
 Note: Caution should be taken in comparing the written scale to the graphic scale to ascertain if this plan has been enlarged or reduced.

NO.	REVISIONS

Prepared for: **O.J. LAUGHLIN PLUMBING CO.**  
 306 St. Louis Avenue  
 Valley Park, MO 63088

**SITE DEVELOPMENT PLAN (COLOR)**  
**O.J. LAUGHLIN PLUMBING CO.**

Valley Park, MO 63088  
 F.L.B.

Designed	JRW/SWQ
Drawn	JRW
Checked	SWQ
Date	05-06-2021
Project Number	20265
Sheet Number	SDP 3.0

**Call Before you DIG**  
 Dial 811 or TOLL FREE  
**1-800-344-7483**  
 notcall.com  
 MISSOURI ONE-CALL SYSTEM INC.

Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, nonexistence, size, type, number of, or location of these facilities, structures, & utilities.

The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act.

The original signed and sealed of this drawing is on file at the office of The Clayton Engineering Company. Any modifications to this drawing shall release said The Clayton Engineering Company, the Engineer and/or Surveyor whose seal appears hereon from any liability resulting from said unauthorized modifications. The signed and sealed original is the official document and shall take precedence over any digital version.

MSD Ref. No.: MSD-  
 MSD Base Map : 26P1  
 Zip Code : 63088

# MEMORANDUM

Re: Review of an appeal to the Board of Adjustment for an area variance  
Date: 06/14/2021

To: Dusty Hosna  
From: Anna Krane, AICP

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Applicant/Owner: Dan Laughlin (*owner/agent of 300, 306, and 312 St. Louis Avenue; owner under contract of 314, 316, and 318 St. Louis Avenue and 303 Benton Street*)

Requested Action: A variance to allow for outdoor storage of materials and equipment (Section 405.160.D.9.a)

Location of Site: 300, 306, 312, 314, 316, and 318 St. Louis Avenue and 303 Benton Street

Size of Property: 77,501 square feet

Zoning District: C-1 Commercial District, R-2 Single-Family Residential District

Petition Date: June 17, 2021



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Anna Krane, AICP, Contracted Planner

- Exhibits:
- A. Code of Ordinances for the City of Valley Park
  - B. Appeal to the Board of Adjustment
  - C. Survey and site plan, provided by applicant
  - D. Staff Report



# MEMORANDUM

## Existing Conditions

The +/- 77,501 square foot site is located on the north side of St. Louis Avenue between 3<sup>rd</sup> Street and 4<sup>th</sup> Street. The site is comprised of seven parcels, three of which are currently occupied by OJ Laughlin Plumbing and four of which are under contract for expansion of the business and currently improved with residential structures. The six parcels fronting St. Louis Avenue have a zoning designation of C-1 Neighborhood Commercial District. The parcel fronting Benton Street has a zoning designation of R-2 Single-Family Residential District. The site is highlighted in red on the map below:



# MEMORANDUM

## Project Description and Variance Request

The owner/applicant is proposing to combine the seven lots and expand the existing OJ Laughlin Plumbing business. The existing residential structures along with the commercial structure at 312 St. Louis Avenue would be demolished, allowing for the construction of an addition to the structure at 306 St. Louis Avenue and a parking and storage area. The proposed project requires multiple approvals. On May 24, 2021, the Planning and Zoning Commission made the following decisions:

1. Recommended approval of the rezoning request for 303 Benton Street from R-2 Single-Family Residential to C-1 Commercial District to the Board of Aldermen;
2. Recommended approval of the Conditional Use Permit request to the Board of Aldermen;
3. Recommended approval of the Lot Consolidation Plat to the Board of Aldermen;
4. Recommended approval of the alley vacation request to the Board of Aldermen; and
5. Approved the proposed Site Plan.

As part of the proposed site plan, the applicant referenced a desired to store materials and equipment outside of the structure, on the paved area. The applicant was notified that the C-1 Zoning District Regulations do not allow for outdoor storage. In April of 2021, the owner/applicant provided the City with the required information for an appeal to the Board of Zoning Adjustment. The owner/applicant is requesting the following variances:

1. A variance from Section 405.160.D.9.a of the R-2 Local Business District to allow for the outdoor storage of materials and equipment.

## Analysis

Staff's analysis is based on an assessment of elements of the applicable ordinances, information contained in the file, documents and observations made of the site and its environs. Section 405.1020.A.3.a states "The applicant must show that this property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where by reason or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the practical use of his/her property in the manner similar to that of other property in the zoning district where it is located."

*Section 405.1020.A.3.b A request for a variance may be granted upon a finding of the Board of Adjustment that all of the following conditions have been met. The Board of Adjustment shall make a determination on each condition, and the finding shall be entered in the record.*



## MEMORANDUM

- 1) *The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.*
- 2) *Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.*
- 3) *The special conditions and circumstances do not result from the actions of the applicant.*
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, structures, or buildings in the same district.*
- 5) *In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.*

Section 405.1030 outlines considerations for the Board of Adjustment when determining if the applicant has provided evidence to support the criteria listed in the section above.

1. The particular physical surroundings, shape or topographical conditions of the property involved would result in a severe practical difficulty or extreme hardship upon or for the owner, lessee, or occupant, if the provisions of this Chapter were literally enforced;
  - » STAFF OBSERVATION: The subject site is similar to other C-1 properties in topography and size. It is our determination that the requested variance does not result from a condition unique to the property in question.
  - » STAFF OBSERVATION: The proposed use and development of the site is allowed by the City's regulations, with the exception of the outdoor storage. Surrounding properties are located in the R-2 Single-Family Residential District and the I-1 Light Industrial District. The proposed outdoor storage is requested because some of the materials are difficult to store and access inside of structures such as rock and gravel piles. While literal interpretation of the City's regulations does not prevent the subject property from being uses as intended, the proposed storage would likely result in a better functioning property. The proposed storage would be in specified areas and would not be allowed to show above the screened fence. No storage is proposed in a front yard setback area or any area visible at grade from the public right-of-way or adjacent property. The applicant has stated that a significantly taller building than other buildings in the area would be required if the storage of materials was inside of a structure. Additional ceiling height would be needed to allow for equipment to access the material piles.

## MEMORANDUM

2. The request for a variation is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property;
  - » STAFF OBSERVATION: Based on information provided to the City, the variance request is not based exclusively upon the desire of the owner to secure a greater financial return. The outdoor storage of materials is not for display of goods for sale, rather to support operations of the business on the property.
3. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located; and
  - » STAFF OBSERVATION: The variance requested is not likely to be materially detrimental or injurious to other property.
4. The proposed variation will not impair an adequate supply of light to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
  - » STAFF OBSERVATION: The requested variance would allow for the storage of materials outdoors. The approval of the site plan and Conditional Use Permit, as recommended by the Planning and Zoning Commission would limit the height of material storage to below the screen fence. The request is not likely to impair an adequate supply of light to adjacent property or cause other safety concerns.