



**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT
MEETING SUMMARY
Thursday, January 5, 2012**

The Board of Adjustment meeting was called to order at 6:04 p.m. on Thursday, January 5, 2012, by Ms. Marilyn Ainsworth, Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Marilyn Ainsworth, Chair
Mr. Leon Kravetz, Vice-Chair
Mr. Richard Morris
Ms. Barb Whitman
Ms. Melissa Heberle-arrived at 6:25 p.m.

Mr. Matt Segal, City Council Liaison
Mr. Harry O'Rourke, Representing City Attorney, City of Chesterfield
Ms. Aimee Nassif, Planning and Development Services Director
Ms. Kathy Reiter, Administrative Secretary
Court Reporter, Midwest Litigation Services

II. Approval of October 6, 2011 Meeting Summary

Leon Kravetz made a motion to approve the Meeting Summary. The motion was seconded by Richard Morris.

The motion passed by a vote of 4 to 0.

III. Request for Affidavit of Publication

The Chair noted that the Affidavit of Publication and exhibits for the Petition had been placed on the dais.

IV. Public Hearing Items:

The Chair read the Opening Comments for the Public Hearing.

- A. B.A. 05-2011 14622 Harleston Village Drive (Kirti and Nalini Mehta):** A request for a variance from St. Louis County Ordinance 7611 to allow a side

yard setback of 20 feet in lieu of the 25 foot requirement on a 15,618 square foot tract of land zoned R-1A PEU. (20R540284)

Staff Presentation:

The petitioner was advised that four affirmative votes are needed for the variance request and agreed to starting the meeting with only four Board members present.

Ms. Aimee Nassif, Planning and Development Services Director for the City of Chesterfield, outlined the exhibits supporting the request to maintain a 20 foot setback in lieu of the 25 foot requirement to accommodate the construction of a three car garage.

Ms. Nassif stated the following:

- The petition tonight is a request for an area variance for 14622 Harleston Village Drive in the Chesterfield Hills Subdivision.
- The front yard setback requirement for the subdivision is 25 feet. The petitioner is requesting to maintain a 20 foot front yard setback in order to accommodate a three car garage.
- The three car garage could be constructed in another manner as to not require the variance request but to do so would dramatically change the grade and the look of the property. Such construction would require removal of four large trees, some of which are Monarch trees that line the street. The subdivision has had a pattern of tree-lined streets for 20-30 years. In addition, building the garage in this fashion would allow for a rear and side entry, which is similar to the pattern of the other homes in the subdivision.
- The project was submitted to the Department on November 14, 2011. Upon review it was rejected due to the setback concern. The lot is a corner lot and it is considered to have two frontages. It has a front yard on Harleston Village Drive and one on Huguenot Drive. So, in turn, it has to maintain the 25 foot setback on two sides of the property instead of just one side.
- The petitioner must demonstrate that a practical difficulty or an unnecessary hardship exists. The petitioner claims a hardship exists because of the unique physical characteristics due to the location of the existing mature trees on the site. In addition, the petitioner claims that the proposed alignment would maintain with the existing alignment and the driveway if the variance was approved.

During discussion, Ms. Nassif clarified the fact that most of the garages in this subdivision are two car garages, with some homes having three car garages-all garages have side or rear entries and were built between 1975-1978. The petitioner would have a three car rear entry garage that is consistent with the pattern of the subdivision. The proposed materials would be compatible with the existing garage and home.

Petitioner's Presentation

Kirti Mehta, 14622 Harleston Village Drive, Chesterfield, Missouri, 63017 was sworn in by the Court Reporter.

Mr. Kirti Mehta explained that he lives on a corner lot and wanted to avoid cutting down mature trees in order to add another garage. After considering several different options which included the removal of three to four trees or the addition of another driveway, which he felt would be an eyesore, he decided to ask for a variance.

DISCUSSION

It was clarified during discussion, with the help of Ms. Nassif showing pictures from the meeting packet, where the proposed extension would be. She showed that the Mehta's would be able to save the mature trees that line the street and utilize their existing driveway entrance. It was also clarified that the existing garage would remain and would share its entrance with the proposed garage.

After Mr. Mehta confirmed that they have lived there since 1989, Mr. Kravetz asked why they want to add the garage. Mr. Mehta stated that he is retired and they are thinking of their future plans as to where to settle down. He and his wife like their present home and would like to stay there but he feels they will eventually reach a stage where they will need some in-house help. They feel the proposed garage will be necessary for the vehicle of any future live-in help.

Randy Logan was present to speak **in favor** of the petition. Mr. Logan, 14597 Harleston Village Drive, Chesterfield, Missouri, was sworn in by the Court Reporter.

Mr. Logan stated he is a City Council member from Ward 3 and Mr. Mehta's neighbor. He confirmed from earlier questions, that most of the garages in the neighborhood are two car, with a handful of three car and one four car garage. Looking at the Mehta's home, it is consistent with the look of the neighborhood. If he were to turn his garage so that he was driving straight into it from the side on Huguenot and make it a three car garage within the variance boundaries, it would change the look of his house and the neighborhood. Typically the houses have either front or rear entrance garages. Mr. Mehta has an exception in that he has a rear entry garage with a side entrance. He feels the Mehta's want to make adjustments to their house in order to stay there as long as possible. Mr. Logan stated the variance they are asking for would not be a detriment to the neighborhood and will be a benefit to them and everyone in the long run.

No Speakers were present to speak **in opposition** of the petition.

CONCLUSION

Richard Morris made a motion to approve the request for a variance to allow a side yard setback of 20 feet in lieu of the 25 foot requirement. The motion was seconded by Barb Whitman.

DISCUSSION ON THE MOTION

Mr. Kravetz commented that he has never heard of a reason for a variance like the one presented, where the petitioner is planning for a parking area for potential live-in help. He feels that parking would be available on the street for such a vehicle.

Chair Ainsworth then noted that Melissa Heberle joined the meeting at 6:25 p.m. Ms. Nassif gave Ms. Heberle a quick overview of the Board meeting so far.

Ms. Heberle asked where the garage would go without the need for a variance Ms. Nassif responded that his driveway would be moved to almost the corner of Huguenot where there are no other driveways. It would also mean the removal of four trees and would then be a more visible side entry garage instead of a rear entry garage. Ms. Nassif again proceeded to show her the location on the pictures from the packet.

Upon roll call, the vote to approve the variance request was as follows:

Melissa Heberle	No
Richard Morris	Yes
Barb Whitman	Yes
Leon Kravetz	No
Marilyn Ainsworth	Yes

The motion did not carry by a vote of 3 to 2.

V. 2012 Proposed Meeting Schedule

Melissa Heberle made a motion to accept the 2012 Meeting Schedule. The motion was seconded by Richard Morris and **passed by a vote of 5-0.**

Upon roll call, the vote to approve the 2012 Meeting Schedule was as follows:

Melissa Heberle	Yes
Richard Morris	Yes
Barb Whitman	Yes
Leon Kravetz	Yes
Marilyn Ainsworth	Yes

The meeting adjourned at 6:30 p.m.