



**AGENDA**  
**BOARD OF ADJUSTMENT MEETING**  
Conference Room 101  
Thursday, March 6, 2025  
6:00 PM

**I. INTRODUCTION OF THE BOARD AND CITY STAFF**

**II. APPROVAL OF MEETING SUMMARY**

- A. Approval of October 5, 2023 Meeting Summary

**III. REQUEST FOR AFFIDAVIT OF PUBLICATION**

**IV. PUBLIC HEARING ITEMS**

- A. **B.A. 02-2024 Wild Horse Bluffs, Lot 4:** A request for a variance from the 200-foot western boundary setback of site-specific zoning ordinance 2394 to build an outdoor kitchen (18V630038).
- B. **B.A. 01-2025 Terraces at Woods Mill, Lot 19:** A request for a variance from section 4(b)(3) of ordinance 822 in order to construct a sunroom.
- C. **B.A. 01-2024 Sunny's Spa (13714 Olive Blvd, Suite A):** An appeal of the City Administrator's Findings of Fact, Conclusions of Law, and Order upholding the City's decision to deny an application to renew a business license for Sunny's Spa.

**V. ADJOURNMENT**

PERSONS REQUIRING AN ACCOMODATION TO ATTEND AND PARTICIPATE IN THE BOARD OF ADJUSTMENT MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716 AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE MEETING.

**CITY OF CHESTERFIELD  
BOARD OF ADJUSTMENT  
MEETING SUMMARY  
Thursday, October 5, 2023**

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The Board of Adjustment meeting was called to order at 6:00 p.m. on Thursday, October 5, 2023 by Ms. Katherine Hipp, Chair of the Board of Adjustment.

**I. Introduction of Board and City Staff**

The following individuals were in attendance:

Ms. Katherine Hipp, Chair  
Ms. Melissa Heberle, Vice Chair  
Mr. Brendan Block  
Ms. Jeannie Rader  
Dr. Barb Whitman

Ms. Mary Monachella, City Council Liaison  
Ms. Petree Powell, Assistant City Planner, City of Chesterfield  
Ms. Kathy Reiter, Recording Secretary, City of Chesterfield  
Court Reporter, Lexitas Legal Services

**II. Approval of August 3, 2023 Meeting Summary**

**Ms. Jeannie Rader made a motion to approve the Meeting Summary.** The motion was seconded by Ms. Melissa Heberle. Upon roll call, the vote was as follows:

<b>Katherine Hipp</b>	<b>Yes</b>
<b>Melissa Heberle</b>	<b>Yes</b>
<b>Brendan Block</b>	<b>Yes</b>
<b>Jeannie Rader</b>	<b>Yes</b>
<b>Barb Whitman</b>	<b>Yes</b>

**The motion passed by a vote of 5-0.**

**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. 02-2023 14429 Rue De Gascony Court (Richard Chole)**: A request for a variance from the fifteen (15) foot rear setback, fifteen (15) foot utility access easement and a 10 (ten) foot landscape buffer to build a rear deck.

**Staff Presentation:**

Ms. Petree Powell, Assistant City Planner for the City of Chesterfield, was sworn in by the Court Reporter.

Ms. Powell stated the following:

- The petition tonight is a request to maintain a zero (0) foot rear yard setback in lieu of the 15 ft. setback requirement to accommodate construction of a new rear deck. There is a 10 foot landscape buffer and also a utility easement within the 15 foot rear yard setback. Tonight, only the rear yard setback encroachment will be reviewed, not the utility easement. What typically happens in the planning process, is in order to get MZA approval, the applicant will get releases from any utility company within that easement, if there are any.
- The variance would allow the applicant to build a deck in this area approximately 15' by 24' to enable them to step directly onto it from the rear door instead of going down three steps to the now concrete patio. A staircase down to the natural grade is off to the side.
- The subject property is located in the Gascony subdivision, Plat One, Lot 3 and is zoned "R-3" with a Planned Environment Unit (PEU). The existing home was constructed in 2006 and is approximately 2446 square feet. The common property behind the subject site is part of the Planned Unit Development.
- Of the eight (8) properties along the northside of Rue De Gascony, seven (7) have structures that project into the rear yard setback or landscape buffer or both, each necessary because of the height of the rear door from the natural grade.
- The applicant has submitted 3 letters of support with the petition and has provided a statement of hardship, being that due to the slope of the land and the height of the rear door from the natural grade the proposed deck would provide a safer egress from the main level of the house, doing away with the concrete steps posing a hazard to the owners and their guests.
- When the Board is considering a variance request, they must find that a hardship exists with the property. A hardship cannot be created by the applicant and the hardship must be proven by the applicant.

Discussion:

Ms. Hipp asked about all the neighboring properties with decks encroaching in the setbacks and whether they applied for variance requests? Ms. Powell replied that they had not and that when trying to sell their homes, because of the encroachments, they may have property title issues.

Ms. Monachella then inquired to where the First Missionary Baptist Church Cemetery was located in the common ground behind his residence. Mr. Chole replied that it was not in the empty lot behind his property but was back in the wooded area to the west.

Ms. Heberle asked if the Schoettler subdivision trustees approved of the variance request. To which Ms. Powell responded that all surrounding neighborhood trustees were sent Public Hearing notifications and had the opportunity to speak but none approved or opposed.

### **Petitioner's Presentation**

Mr. Richard Chole, 14429 Rue De Gascony, Chesterfield, MO 63017, the Petitioner was sworn in by the Court Reporter.

- Mr. Chole, stated that they are requesting a variance to allow a 0 ft. rear yard setback and then made the following points.
- The reason they are asking for the variance is so they can construct a new deck which would provide safer egress from the main level of the house. Currently there are concrete steps leading directly out of the backdoor posing a safety hazard.
- There is a one (1) story duplex on the property. The grade level is approximately five feet below the threshold of the back door. The new deck would be straight out the back door, over the existing patio and retaining wall.
- The neighbors and the Trustees of Gascony have given approval for the deck and there is a large area of common ground behind the residence as a buffer between neighbors to the north.

### **Discussion:**

Ms. Hipp inquired as to why the petitioner needs to extend the deck the whole 15 feet, why the hardship necessitates 15 feet, rather than 12 feet which is right at the retaining wall?

Ms. Powell stated that the real hardship is the height of the threshold. She then explained that the Board has the ability to grant a variance of 12 feet if they would be satisfied with that decision. It doesn't have to be 15 feet or nothing.

There was then a lengthy discussion regarding the proposed tiered stairs and platforms coming off the deck. Mr. Chole explained they wanted the tiered steps because of the complicated grade of the property and for safety reasons. Mr. Chole also assured the Board members that the stairs would not obstruct the basement window egress.

### **Speakers – In Favor:**

Mr. Richard Neumann, 14430 Rue De Gascony Ct., Chesterfield, MO 63017, was sworn in by the Court Reporter.

Mr. Neumann stated he is in full support of constructing a new deck.

Ms. Bonnie Boyd, 14409 Rue De Gascony Ct., Chesterfield, MO 63017, was sworn in by the Court Reporter.

Ms. Boyd stated she is a trustee for the Gascony subdivision and in support of the variance request.

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

## **CONCLUSION**

**Chair Hipp entertained a motion to approve the amended variance request for a deck to extend from the house 12 to 13 feet into the 15 foot rear yard setback and 7 to 8 feet into the 10 foot landscape buffer, with pier supports abutting the existing retaining wall. Barb Whitman made the motion to approve. The motion was seconded by Melissa Heberle. Upon roll call, the vote was as follows:**

<b>Katherine Hipp</b>	<b>Yes</b>
<b>Melissa Heberle</b>	<b>Yes</b>
<b>Brendan Block</b>	<b>Yes</b>
<b>Jeannie Rader</b>	<b>Yes</b>
<b>Barb Whitman</b>	<b>Yes</b>

The motion **passed** 5 to 0. The amended request was approved.

## **VII. Adjournment**

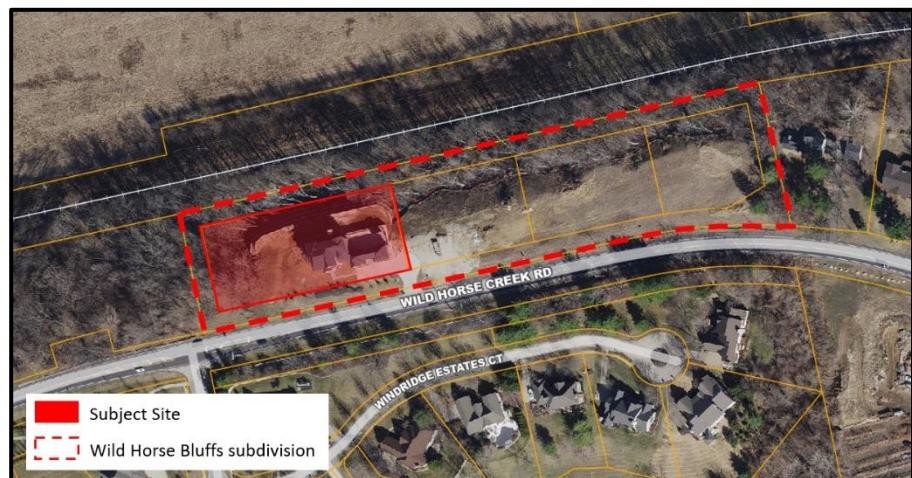
The meeting adjourned at 7:00 p.m.

## Board of Adjustment Staff Report

<b>Variance Type:</b>	Area Variance
<b>Meeting Date:</b>	March 6 <sup>th</sup> , 2025
<b>From:</b>	Alyssa Ahner, Senior Planner
<b>Location:</b>	17447 Wild Horse Creek Road
<b>Applicant:</b>	Ms. Stacey Adams
<b>Description:</b>	<b><u>B.A. 02-2034 Wild Horse Bluffs, Lot 4:</u></b> A request for a variance from the 200-foot western boundary setback of site-specific zoning ordinance 2394 to build an outdoor kitchen (18V630038).

### PROPOSAL SUMMARY

Ms. Stacey Adams, applicant and owner of 17447 Wild Horse Creek Road, is requesting a variance from the 200-foot western boundary structure setback established via Site-Specific Zoning [Ordinance 2394](#) which encompasses the entirety of the Wild Horse Bluffs subdivision. In lieu of the 200' western boundary setback, the applicant is requesting this be reduced to 170' in order to construct an outdoor kitchen. *Figure 1* depicts the subject site (Lot 4) and the boundaries of the Wild Horse Bluffs subdivision.



*Figure 1: Subject site and subdivision*

### **BACKGROUND FACTS**

Wild Horse Bluffs is zoned “E-1 Acre” Estate District with a “WH” Wild Horse Overlay which was established in 2006 via Site Specific Ordinance 2394. The ordinance provides structure setbacks for the boundaries of the “E-1 Acre” Estate District and an additional set of setbacks for the individual lots (see *Figure 2*). The structure setback outlined in 1(c) is the base of this variance request.

Staff researched the 200’ ft setback to better understand why the distance was originally chosen and any implications there may be from a potential reduction. Per [Section 405.03.050 Overlay Districts and Zoning Procedures](#), the setbacks for a Wild Horse Creek Overlay shall be established in the underlying zoning district. In this specific case, the underlying zoning district of Wild Horse Bluffs is “E-1 Acre” Estate District. Per Section 405.03.030 Zoning Districts and Regulations, the setbacks for the “E-1 Acre” Estate District are twenty-five (25) from the side yard and right-of-way and forty (40) feet between structures. Upon reviewing Code modifications between 2006 and 2025 and the documents from the review process for Ordinance 2394, it remains unclear as to why the structure setbacks for Wild Horse Bluffs subdivision differ from the underlying zoning district.

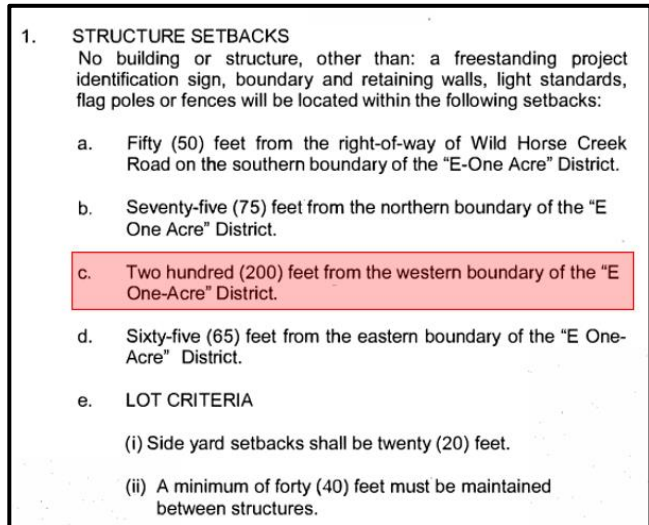


Figure 2: Ordinance 2394 setbacks

### **REQUEST**

The subject site has had interest from a few parties over the years but sat undeveloped until a Record Plat for four (4) lots was approved in 2022. Municipal Zoning Approvals have been pulled for all four (4) lots and the construction of single-family residential homes are underway.



Figure 3: 200’ vs 170’ distance comparison

As previously mentioned, the owner of Lot 4 is requesting a variance to reduce the 200’ setback to 170’ in order to construct an outdoor kitchen. *Figure 3* depicts a rough comparison between these two distances from the western subdivision boundary. The property immediately west of the subject site is 3.5 acres, zoned “NU” Non-Urban, and is currently undeveloped. “NU” Non-Urban has a side yard structure setback of twenty (20) feet i.e., the existing zoning of the two properties (17529 Wild Horse Creek Road and 17447 Wild Horse Creek Road) requires a minimum distance of 220’ between structures.

The Applicant provided a statement of hardship, practical difficulty, or other information warranting action by the Board for consideration. The entirety of the statement has been provided as an attachment to this report and highlights that the *“topography and layout of the lot present significant obstacles that make it extremely difficult to comply with the existing zoning regulations”*.

In response to the topography challenges, it should be noted that the all four (4) lots sit on a bluff i.e., the name of the subdivision Wild Horse Bluffs. The newly constructed homes sit at an elevation of about 540 and then drops to an elevation of 492 at the northern property line before dropping to an elevation of about 460 at the railroad just below.

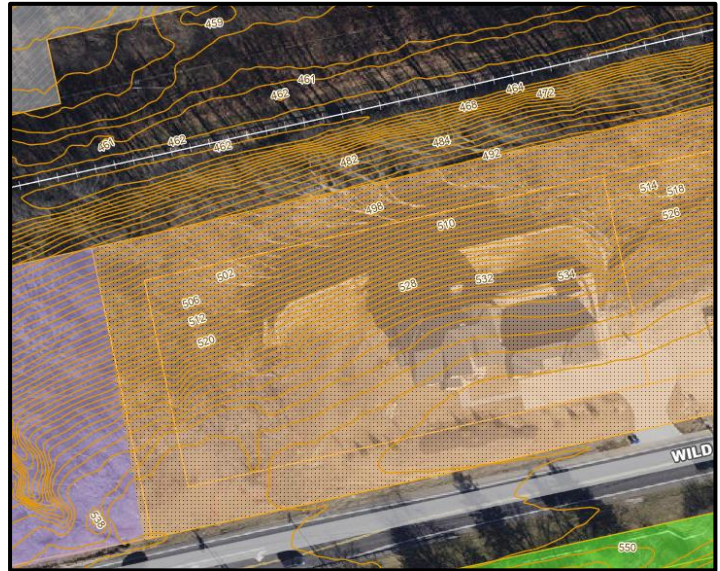


Figure 4: Subject site with contours

### **BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES**

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the Applicant has established:

“there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance” and “to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done”.

It should be noted, the practical difficulty relied on as a ground for a variance must be different from that suffered throughout the zone or the neighborhood. Hardships pertain to the nature of the property rather than the character of the owner. Thus, when granting a variance, the Board must consider the present and future effect of such variances on the property and neighboring property. Variances run with the land; they are not personal to the owner.

### **REVIEW OF VARIANCE REQUEST**

The Department of Planning has reviewed the request and submits the following information for the Board’s consideration during review.

**Chapter 89 of the Missouri Revised Statutes states, “In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to**

**vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done...” (emphasis added).**

In reviewing the statement of practical difficulty, several factors are to be considered by the Board:

1. How substantial the variation is in relationship to the requirement.
2. The effect, if the variance is allowed, on available governmental facilities.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors.
4. Whether the difficulty can be obviated by some feasible method other than the variance.
5. Whether the interest of justice will be served by allowing the variance.

A decision of the Board granting a variance that permits the erection of a structure shall be valid for a period of six (6) months, unless a building permit for such erection is obtained within this period and the erection is started and proceeds to completion in accordance with the terms of the decision.

#### **Exhibits**

1. Notice of Public Hearing
2. Affidavit of Publication
3. Staff Report
4. Ordinance 2394
5. Petitioner’s Application

**NOTICE OF PUBLIC HEARING  
CITY OF CHESTERFIELD  
BOARD OF ADJUSTMENT**

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on March 6th, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

**B.A. 02-2024 Wild Horse Bluffs, Lot 4:** A request for a variance from the 200-foot western boundary setback of site-specific zoning ordinance 2394 to build an outdoor kitchen (18V630038).



Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you need additional information about this project, please contact Alyssa Ahner, Senior Planner, by telephone at 636-537-4738 or by email at [aahner@chesterfield.mo.us](mailto:aahner@chesterfield.mo.us)

CITY OF CHESTERFIELD  
Alyssa Ahner  
Senior Planner

The Countian - St. Louis County  
1400 S. Highway Drive  
Fenton, MO, 63099  
Phone: 3144211880 Fax: 0

# THE ST. LOUIS COUNTIAN

## Affidavit of Publication

To: City of Chesterfield - Alyssa Ahner  
690 Chesterfield Parkway West  
Chesterfield, MO, 63017

Re: Legal Notice 4029190, CITY OF CHESTERFIELD BOARD OF  
ADJUSTMENT

State of MO

County of St. Louis County

Before the undersigned Notary Public personally appeared Mitt Patel on behalf of The Countian - St. Louis County, St. Louis County who, being duly sworn, attests that the said newspaper is qualified under the provisions of Missouri Law governing public notices to publish, and did so publish, the notice annexed hereto; starting with the 02/19/2025 edition and ending with the 02/19/2025 edition for a total of 1 publications, and that the date of publications were as follows: 02/19/2025.

Publishers fee: \$41.65

By: Mitt Patel  
Mitt Patel

Sworn to me on this 20<sup>th</sup> day of  
February 2025

By: Brandon M. Crail  
Brandon M. Crail  
Notary Public, State of MO  
No. 20297982  
Qualified in St. Louis County  
My commission expires on  
March 5, 2028

### NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on March 6th, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:  
} SS: B.A. 02-2024 Wild Horse Bluffs, Lot 4:  
} A request for a variance from the 200-foot western boundary setback of site-specific zoning ordinance 2394 to build an outdoor kitchen (18V630038).

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you need additional information about this project, please contact Alyssa Ahner, Senior Planner, by telephone at 636-537-4738 or by email at aahner@chesterfield.mo.us  
CITY OF CHESTERFIELD  
Alyssa Ahner  
Senior Planner  
4029190 County Feb. 19, 2025



**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "NU" NON-URBAN DISTRICT TO AN "E-ONE ACRE" ESTATE DISTRICT WITH A "WH" WILD HORSE CREEK ROAD OVERLAY FOR A 4.9 ACRE TRACT OF LAND LOCATED NORTH OF WILD HORSE CREEK ROAD AND WEST OF LONG ROAD (P.Z. 29-2006 Wildhorse Bluffs {Wildhorse Partners, LLC})**

**WHEREAS**, the petitioner, The Wildhorse Partners, LLC, has requested a change in zoning from a "NU" Non-Urban District to an "E-One Acre" Estate District with a "WH" Wild Horse Creek Road Overlay for a 4.9 acre tract of land located north of Wild Horse Creek Road and west of Long Road; and,

**WHEREAS**, the subject site is located in the Wild Horse Creek Road Sub Area, and;

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the rezoning request; and,

**WHEREAS**, the City Council, having considered said request made one amendment to the access/access management requirements voted to approve the rezoning request.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing an "E-One Acre" Estate District with a "WH" Wild Horse Creek Road Overlay for a 4.9 acre tract of land located north of Wild Horse Creek Road and west of Long Road and described as follows:

A tract of land in U.S. Survey 419 and being part of Lot 20 of the Subdivision of R.H. Stevens' Farm recorded in Plat Book 7 page 37 of the St. Louis County Missouri former City records and being more particularly described as follows:

Beginning at the intersection of the West line of U.S. Survey 419 with the North Line of Wild Horse Creek Road being 60 feet wide, said point also being the Southeastern corner of a tract of land conveyed by deed to Donald Bowers recorded in Deed Book 15303 page 2496 of the St. Louis County records; thence Northerly leaving said North line and along the West line of a tract of land conveyed by deed to Investment Consulting Group Inc. Recorded in Deed Book 14761 page 2492 of the St. Louis County Records, North 11 degrees 04 minutes 48 seconds West a distance of 205.90 feet to a point on the South line of a tract of land conveyed to St. Louis and Southwestern Rail Road (formerly Chicago, Rock Island and Pacific Railroad Company); thence Easterly along said South line, North 78 degrees 13 minutes 47 seconds East a distance of 1008.87 feet to a point on the Western line of a tract of land conveyed by deed to David M. Stroud recorded in Deed Book 16559 page 1017 of the St. Louis County Records; thence Southerly along said Western line, South 11 degrees 04 minutes 07 seconds

East a distance of 249.22 feet to a point on the Northern line of said Wild Horse Creek Road; thence Westerly along the Northern line of said Wild Horse Creek Road and being a curve to the left having a radius of 985.37 feet, an included angle of 15 degrees 51 minutes 06 seconds, an arc length of 272.62 feet to its point of tangency; thence continuing Westerly along the Northern line of said Wild Horse Creek Road, South 78 degrees 33 minutes 00 seconds West a distance of 739.43 feet to the point of beginning, containing 214,110 square feet or 4.92 acres more or less.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and, made a part of.

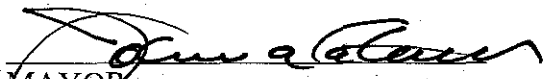
**Section 3.** The City Council, pursuant to the petition filed by The Wildhorse Partners, LLC, in P.Z. 29-2006, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 11th day of December, 2006, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

**Section 5.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 15th day of OCTOBER, 2007.



  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 10/1/2007

## **ATTACHMENT A**

**All provisions of the City of Chesterfield City Code, including both the Estate "E" Residence District and Wildhorse "WH" Overlay District requirements, shall apply to this development except as specifically modified herein.**

### **I. SPECIFIC CRITERIA**

#### **A. PERMITTED USES**

1. The uses allowed in this "E-One Acre" District with a "WH" Overlay shall be:
  - a. Four (4) detached single-family dwellings.

#### **B. SETBACKS**

##### **1. STRUCTURE SETBACKS**

No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Fifty (50) feet from the right-of-way of Wild Horse Creek Road on the southern boundary of the "E-One Acre" District.
- b. Seventy-five (75) feet from the northern boundary of the "E One Acre" District.
- c. Two hundred (200) feet from the western boundary of the "E One-Acre" District.
- d. Sixty-five (65) feet from the eastern boundary of the "E One-Acre" District.
- e. **LOT CRITERIA**
  - (i) Side yard setbacks shall be twenty (20) feet.
  - (ii) A minimum of forty (40) feet must be maintained between structures.

**C. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
  - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
  - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
  - c. No construction related parking shall be permitted within the Wild Horse Creek Road right of way.
3. Parking lots shall not be used as streets.

**D. LANDSCAPE AND TREE REQUIREMENTS**

The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

**E. SIGN REQUIREMENTS**

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the Missouri Department of Transportation for sight distance considerations prior to installation or construction.
2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

**F. LIGHT REQUIREMENTS**

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

**G. ARCHITECTURAL**

1. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or

direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.

2. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
3. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

#### **H. ACCESS/ACCESS MANAGEMENT**

1. Access to Wild Horse Creek Road shall be limited to no more than two (2) driveway approaches. The street approach shall be located to provide adequate sight distance as directed by the City of Chesterfield and the Missouri Department of Transportation.
2. Provide cross access easements as needed to provide the adjacent residential parcels access to the proposed driveway entrances at Wild Horse Creek Road.
3. The proposed driveway locations subject to meet MoDOT sight distance criteria with Access Management Guidelines.
4. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.
5. Provide cross access easements to the adjacent parcels to the east as directed by the City of Chesterfield.

#### **I. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. No gates shall be permitted in this development.
2. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Wild Horse Creek Road frontage of the site. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.

**J. TRAFFIC STUDY**

1. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Wild Horse Creek Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

**K. POWER OF REVIEW**

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.

**L. STORMWATER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system. Storm sewers discharging to the northwest along the long slope shall be extended to the toe of the slope unless; extraordinary measures are taken to protect the slope from erosion in the long term, as approved by the City of Chesterfield.
2. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in

non-residential development or issuance of building permits exceeding sixty (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.

3. The adequacy of the existing downstream conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield. Be advised, for this specific development, the downstream channels and structures must be analyzed using the MSD standard 100-year, 20 minute storm.
4. Grading and storm water systems shall be designed so as to collect all surface water from all disturbed areas along the north portion of the development, parallel and adjacent to the top of the slope draining to the north, and convey that surface water to an adequate discharge point where extraordinary measures will be employed to dissipate energy, attenuate flows, and protect slopes from degradation. No storm water shall be allowed to flow from an area which has been graded, to the undisturbed slope.
5. The developer shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.
6. All drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right of way line whichever is greater.

**M. SANITARY SEWER**

1. Stormwater should be controlled as required by the Chesterfield Valley Master Facility Plan.
2. Treatment may be required at this site for water quality and channel protection per MSD February 2006 (Chapter 4) guidelines.
3. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2750.00 per acre.

**N. GEOTECHNICAL REPORT.**

Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic

fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

**O. MISCELLANEOUS**

All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

**P. SPIRIT OF ST. LOUIS AIRPORT**

1. Prior to the approval of any site development plan, the developer shall provide, at the direction of the Spirit of St. Louis Airport, an avigation easement or other appropriate legal instrument or agreements to fully remise and release any right or cause of action which they, their successors and assigns may now have or which they may have in the future against the St. Louis County, its assessors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at or taking off from, or operating at or on Spirit of St. Louis Airport.
2. The developer shall provide the following notes on the Site Development Plan:
  - a. The avigation easement will be recorded along with the Site Development Plan. In addition, the avigation easement will be referenced on the record plat and individual plot plans.
  - b. The developer shall disclose to prospective home owners that this site is in close proximity to the Spirit of St. Louis Airport and is subject to occasional over flights. This note is intended to be a noise disclosure statement to any prospective home owners.

**II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS**

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.

- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

### **III. COMMENCEMENT OF CONSTRUCTION**

- A. Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one (1) additional year.

### **IV. GENERAL CRITERIA**

- A. Site Development Concept Plan, Site Development Section Plan, Site Development Plans.**
  - 1. Any site development plan shall show all information required on a sketch plan as required in the City of Chesterfield Code.
  - 2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
  - 3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
  - 4. Provide comments/approvals from the appropriate Fire District, the Missouri Department of Transportation, Monarch Chesterfield Levee District, Central Midland Railway, Spirit of St. Louis Airport and the Missouri Department of Transportation.

**V. TRUST FUND CONTRIBUTION**

- A. The developer will contribute to the Eatherton-Kehrs Mill Road Trust Fund. This contribution will not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Single Family	\$879.10/Parking Space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

Credits for roadway improvements will be as approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development will be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2007 will be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

**VI. RECORDING**

Within 60 days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

**VII. ENFORCEMENT**

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.

- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.



# City of Chesterfield

## DEPARTMENT OF PLANNING

### BOARD OF ADJUSTMENT APPLICATION

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. The Board hears requests for variances and appeals of administrative determinations. A variance is a deviation from the zoning ordinance requirements for a specific parcel. The types of variances heard before the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at [chesterfield.mo.us/active-developments.html](http://chesterfield.mo.us/active-developments.html)

Check (✓) the type of variance for which you are applying:

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

Please note: Areas in gray will be completed by the Department of Planning.

STATE OF MISSOURI

BOA NUMBER \_\_\_\_\_

HEARING DATE \_\_\_\_\_

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: Lot 4 Record Plat Wild Horse Bluffs

Address: 17447 Wildhorse Creek Road

City: Chesterfield State: MO Zip: 63005

Tel.: 314-599-0101 Fax: \_\_\_\_\_

Petitioner, if other than owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel.: \_\_\_\_\_ Fax: \_\_\_\_\_

Legal Interest: \_\_\_\_\_

(Provide date of contract and date of expiration of contract)

\*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

**II. PROPERTY INFORMATION**

**Project Address:** 17447 Wildhorse Creek Road

**Locator Number(s):** \_\_\_\_\_  
(List additional locator numbers on separate sheet and attach to petition)

**Acreage:** 1 (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** Wildhorse Bluffs

**Current Zoning District:** E1 AC/WH ESTATE DISTRICT OVERLAY DISTRICT

**Legal Description of Property:**

LOT 4 OF WILD HORSE BLUFFS A TRACT OF LAND BEING PART OF LOT 20 OF STEVENS FARM SUBDIVISION IN U.S. SURVEY 419, TOWNSHIP 45 NORTH, RANGE 3 EAST ST. LOUIS COUNTY, MISSOURI

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

**Unique physical characteristics of the lot (e.g., size, slope, etc.):**

The property has a substantial slope on the parcel owners are installing 4 retaining walls to provide a useable yard on the property. The parcel is very thin and with the size and slope they are requesting to allow for a frame covering over outdoor kitchen.

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:**

I am writing to request a variance for my single family home at 17447 Wildhorse Creek Road Chesterfield, Missouri 63005 to maximize the use of the parcel we are requesting to install a roof over an outdoor kitchen as illustrated in the attached photo. Current zoning rules say that any land improvements must be within zoning setback lines.

**Ordinance Number and section to which a variance is sought:**

E1 AC/WH ESTATE DISTRICT OVERLAY DISTRICT AMENDED ORDINANCE 2394 ORDINANCE ARTICLE 3 SEC 03-05 C

(Attach additional sheets as necessary)

**Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition?** Check (✓) one  Yes  No

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**Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:**

Dear Members of the Zoning Board,

I am writing to request a variance for my property located at 17447 Wildhorse Creek Road, Chesterfield, MO 63005, due to the unique and challenging conditions of the lot. Specifically, I am seeking permission to build a roof structure over the outdoor kitchen in a location that is currently restricted by setback requirements. Current zoning permits the installation of concrete in the setback area, and we are asking for a variance to permit placing a roof structure over a small portion of the zoning setback line.

The topography and layout of the lot present significant obstacles that make it extremely difficult to comply with the existing zoning regulations. The lot features steep slopes and irregular terrain that limit the usable space for construction. Additionally, the addition of bio retention basins on the yard area that is within setback lines further restricts the usability of the land.

Below are the specific hardships associated with this property:

**Unique Property Shape or Size:** The property has an unusual shape and size that make it difficult to comply with standard zoning requirements, such as setback or lot coverage rules.

**Topographical Challenges:** The property includes steep slopes and required bioretention basins within the usable zoning setback lines, making it even more complicated to develop in accordance with zoning regulations.

**Access Issues:** Limited access due to the property's location adds to the complexity of developing the lot according to zoning regulations. It backs to an airport, train, and woods, as well as fronts to a major street.

**Existing Non-Conforming Uses:** Prior to our development, this parcel was deemed undevelopable and sat unused for many years.

**Economic Hardship:** Strict compliance with current zoning regulations has already hindered the usability of this parcel and resulted in significant financial loss to make it usable for development. Current homes being developed in this neighborhood will yield significant tax revenue to the city and county.

Building the roof structure over the outdoor kitchen is essential for providing shelter and protection from the elements, ensuring the functionality and enjoyment of the outdoor living space. The proposed structure has been designed to blend seamlessly with the surrounding environment and maintain the aesthetic integrity of the neighborhood. Additionally, it will enhance safety by providing protection from outdoor elements.

Furthermore, we have received a letter from Spirit of St. Louis confirming that they have no objections to this variance. The neighboring property to the west is owned by Adams Trust for the common ground, and there are no objections from them either. We would also like to reference past zoning variance requests in Chesterfield, Missouri, that were approved under similar circumstances, demonstrating precedence for such considerations. For example, the City of Chesterfield Board of Adjustment approved a variance for a property located at 407 Stallion Hill Court. The owners, John and Megan Porporis, requested a reduction in the rear yard setback from 15 feet to 10 feet to accommodate the installation of an in-ground swimming pool. The Board granted the variance due to the narrow depth of the backyard and safety concerns related to the existing deck.

We have explored alternative solutions that would potentially comply with the current zoning requirements, but these alternatives are not feasible due to the challenging conditions of the lot. The requested variance is the minimal adjustment necessary to achieve the intended use and enjoyment of the property while mitigating the hardships imposed by the lot's unique characteristics.

We respectfully ask for your consideration of this variance request, as it will enable us to make reasonable use of the property and enhance its value and utility. Please feel free to contact me if you require any additional information or would like to schedule a site visit to better understand the constraints of the lot.

Thank you for your time and consideration.

(Attach additional sheets as necessary)

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**Description of the effect or impact on neighboring properties:**

This petition would not have any adverse effects to neighboring properties. This request for variance of an additional 30 feet would not be visible to neighbors nor would it have any hinderance to any of the neighboring parcels. There is currently a 200 foot district setback that then butts up against another 20' landscape buffer/common ground in place. We also have received support from the airport that our parcel backs to showing no objection of the request for variance. We also own the surrounding parcels on both sides of the parcel and do not have any objections to the design. There are not any restrictions in the HOA indentures.

(Attach additional sheets as necessary)

*For Area or Bulk Variance Requests, complete the following section:*

**A. Setbacks/Height:**

	<b>The Petitioner(s) request the following setback(s):</b>	<b>City of Chesterfield Regulations require the following setback(s) for this site:</b>
<b>Front Yard:</b>	50 _____	50 _____
<b>Side Yard:</b>	170 _____	200 _____
<b>Rear Yard:</b>	75 _____	75 _____
<b>Height:</b>	_____ _____	_____ _____

**Provide the following:**

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

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**For Sign Variance Requests, complete the following section:**

**B. Signage:**

**The Petitioner(s) request  
the following :**

**City of Chesterfield  
Regulations allow the  
following for this site:**

**Number of attached business  
signs:**

\_\_\_\_\_

\_\_\_\_\_

**Size of attached business  
signs:**

\_\_\_\_\_

\_\_\_\_\_

**Number of freestanding  
business signs:**

\_\_\_\_\_

\_\_\_\_\_

**Size of freestanding business  
signs:**

\_\_\_\_\_

\_\_\_\_\_

**Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.**

**Provide the following:**

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing:
    - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
    - The location of proposed signs.
    - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
  - A detail sign plan indicating:
    - Dimension of signs with detail sign lettering layout.
    - Total square feet of signs. If attached, what percent of wall.
    - Light detail, if any.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

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**IV. COMPLIANCE**

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes  No. If no, please explain:

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes  No. If no, please explain:

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

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V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to Stacey Adams (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the [checked] owner [ ] contract purchaser. (check (✓) one)

Stacey Adams

(Name- type, stamp or print clearly)

Stacey Adams

(Name of Firm)

Note: Attach additional sheets as necessary.

[Handwritten Signature]

(Signature)

17447 Wildhorse Creek Road Chesterfield Mo 63005

(Address, City, State, Zip)

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 7 day of December 20 24.

Signed [Handwritten Signature] Notary Public

Print Name: Amy Kempfer

Seal/Stamp:

My Commission Expires: 05/25/2024



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**VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY**

**INSTRUCTIONS:** To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

**Project Name:** Wildhorse Bluffs Lot 4

**Submittal Date:** 12/7/24

**STATEMENT OF COMPLETION AND ACCURACY**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

**Check (✓) one:**  I am the property owner.  I am the contract purchaser.  
 I am the duly appointed agent of the petitioner.

Stacey Adams

\_\_\_\_\_  
(Name- type, stamp or print clearly)  
Owner

Stacey Adams  
(Signature)  
17447 Wildhorse Creek Road Chesterfield MO 63005

\_\_\_\_\_  
(Name of Firm)

\_\_\_\_\_  
(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

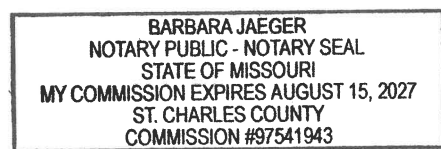
**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 2<sup>nd</sup> day of January 20 25.

Signed Barbara Jaeger Print Name: Barbara Jaeger  
Notary Public

Seal/Stamp:

My Commission Expires: 08/15/2027



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**VII. CITY OF CHESTERFIELD  
LIENS AND FINES CERTIFICATION**

**Project Name:** \_\_\_\_\_ **Ward:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Locator:** \_\_\_\_\_

**STATE OF MISSOURI, CITY OF CHESTERFIELD**

**I do hereby certify to the Council of the City of Chesterfield that:**

\_\_\_ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

\_\_\_ There are the following fines and/or liens owed to the City of Chesterfield:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

\_\_\_\_\_  
Finance Director  
City of Chesterfield

\_\_\_\_\_  
Date

**[THIS PAGE FOR INTERNAL USE]**

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**STAFF / BOA USE ONLY**

**Intake Date:** \_\_\_\_\_

**This petition is granted / denied (circle one) on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_**

**Signed:** \_\_\_\_\_

**Chairman**

**[THIS PAGE FOR INTERNAL USE]**

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

Zoning Board of Appeals City of Chesterfield 690 Chesterfield Parkway West Chesterfield, MO 63017

Dear Members of the Zoning Board of Appeals,

On behalf of the Wildhorse Bluffs Homeowners Association, I am writing to express our support for the variance request submitted by [Your Name] for their property located at 17447 Wildhorse Creek Road, Chesterfield, MO 63005. The request seeks permission to extend 30 feet into the side setback yard to construct a roof structure over an already planned concreted area.

After reviewing the proposed plans and considering the unique circumstances of the property, the Wildhorse Bluffs HOA has determined that the requested variance is reasonable and will not negatively impact the surrounding neighborhood. The addition of the roof structure aligns with the aesthetic and functional goals of our community and will provide necessary protection from the outdoor elements.

We have no objections to the proposed variance and fully support the homeowner's efforts to enhance their property while maintaining the overall integrity and value of our neighborhood.

Please feel free to contact us if you require any additional information or have further questions regarding our support for this variance request.

Thank you for your time and consideration.

Sincerely,

Zach Adams

HOA President

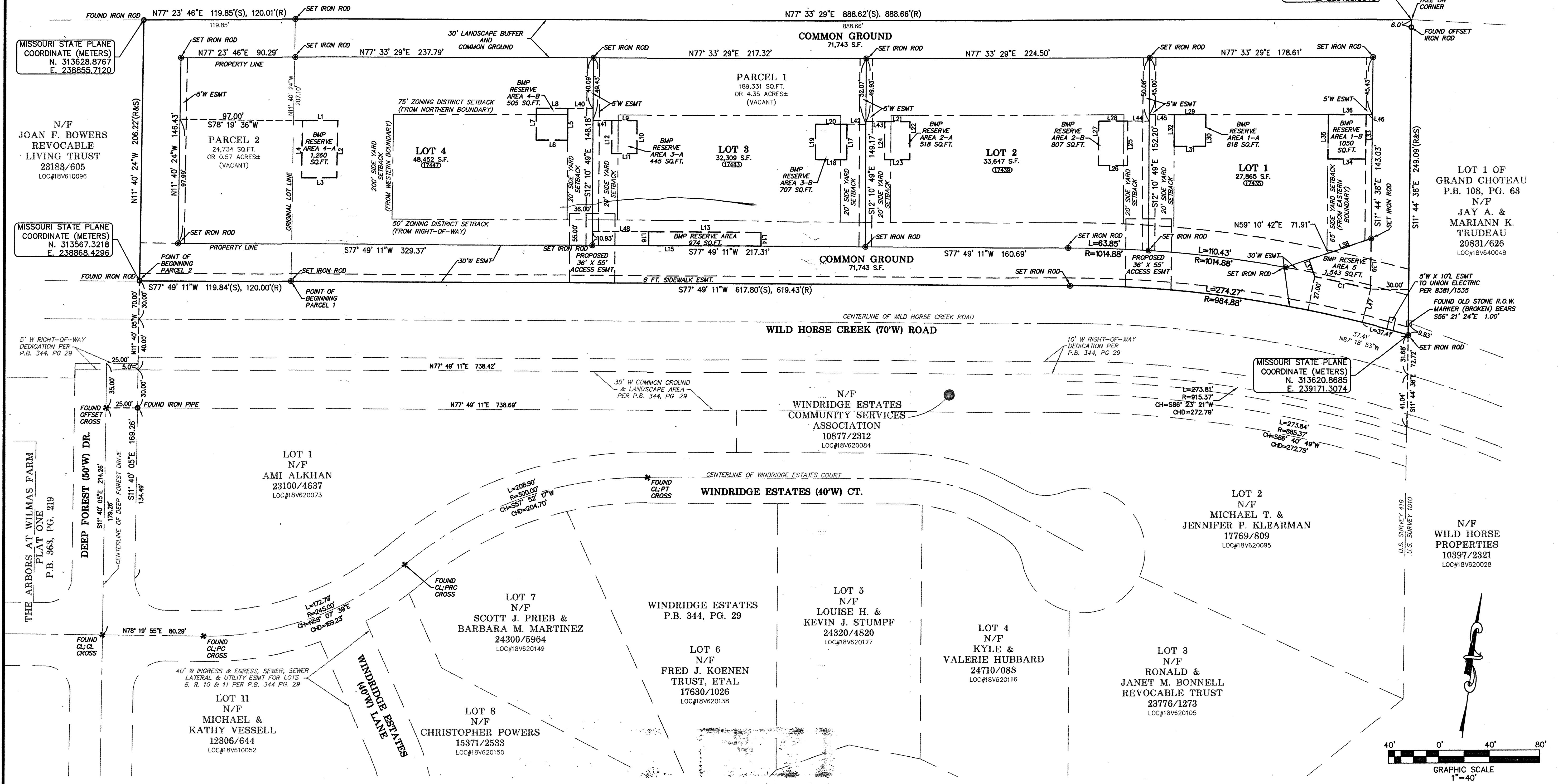
Wildhorse Bluffs Homeowners Association

494

RECEIVED  
NOV 18 2022  
City of Chefield-Department of Planning

Parcel Line Table			Parcel Line Table			Parcel Line Table			Parcel Line Table			Curve Table						
Line #	Direction	Length	Line #	Direction	Length	Line #	Direction	Length	Line #	Direction	Length	Curve #	Length	Radius	Delta	Chord Direction	Chord Length	
L1	N77° 33' 29"E	28.00'	L14	N12° 10' 49"W	10.93'	L27	S12° 10' 49"E	35.00'	L40	N77° 49' 11"E	19.93'	C1	45.44	1011.88	2.57	N89° 41' 22"W	45.44	
L2	N11° 40' 24"W	45.00'	L15	N77° 49' 11"E	89.15'	L28	S77° 33' 29"W	23.00'	L41	S77° 49' 11"W	15.00'							
L3	N77° 33' 29"E	28.00'	L16	N12° 10' 49"W	10.93'	L29	N77° 33' 29"E	25.00'	L42	N77° 49' 11"E	15.00'							
L4	N11° 40' 24"W	45.00'	L17	S12° 10' 49"E	28.00'	L30	S12° 10' 49"E	25.00'	L43	S77° 49' 11"W	15.00'							
L5	S12° 10' 49"E	25.00'	L18	N77° 33' 29"E	25.00'	L31	N77° 33' 29"E	25.00'	L44	N77° 49' 11"E	17.00'							
L6	N77° 33' 29"E	25.00'	L19	S12° 10' 49"E	28.00'	L32	S12° 10' 49"E	25.00'	L45	S77° 53' 08"W	20.11'							
L7	S12° 10' 49"E	25.00'	L20	N77° 33' 29"E	25.00'	L33	S11° 44' 38"E	35.00'	L46	N78° 15' 22"E	5.00'							
L8	N77° 33' 29"E	25.00'	L21	S77° 33' 29"W	20.00'	L34	N78° 15' 22"E	30.00'	L47	S1° 35' 50"W	27.00'							
L9	N77° 33' 29"E	20.00'	L22	S12° 10' 49"E	30.00'	L35	S11° 44' 38"E	35.00'	L48	S77° 49' 11"W	44.67'							
L10	S12° 10' 49"E	26.00'	L23	S77° 33' 29"W	20.00'	L36	N78° 15' 22"E	30.00'										
L11	N77° 33' 29"E	20.00'	L24	S12° 10' 49"E	30.00'	L37	N30° 49' 18"W	14.41'										
L12	S12° 10' 49"E	26.00'	L25	S12° 10' 49"E	35.00'	L38	N59° 10' 42"E	52.00'										
L13	S77° 49' 11"W	89.15'	L26	S77° 33' 29"W	23.00'	L39	S11° 44' 38"E	40.10'										

CHICAGO ROCK ISLAND & PACIFIC RAILROAD COMPANY R.O.W. (VARIABLE WIDTH)



**THD DESIGN GROUP, INC.**  
 "your solution for engineering and surveying"  
 148 CHESTERFIELD INDUSTRIAL BLVD, STE. E, CHESTERFIELD, MO 63085  
 TEL: 636-294-3027  
 FAX: 636-294-3027  
 WEB: THDDSGROUP.COM  
 Corporate Certificate of Authority #2011004412

A RECORD PLAT FOR  
**WILD HORSE BLUFFS**  
 TWO TRACTS OF LAND BEING PART OF LOT 20 OF THE SUB.  
 OF THE R.H. STEVENS FARM, P.B. 7, PG. 37  
 OF ST. LOUIS CITY (FORMER COUNTY),  
 & PART OF U.S. SURVEY 419,  
 TOWNSHIP 45 NORTH, RANGE 3 EAST,  
 ST. LOUIS COUNTY, MISSOURI

STATE OF MISSOURI  
 BRION J. FISCHER  
 LICENSE NO. LS-02584  
 PROFESSIONAL LAND SURVEYOR  
 Date: Aug 25, 2022  
 License No. LS-02584  
 Professional Land Surveyor  
 PROJECT NUMBER: 21-5064

DATE: 06/25/2022  
 DRAWN BY: BST

## Board of Adjustment Staff Report

**Variance Type:** Area Variance

**Meeting Date:** March 6<sup>th</sup>, 2025

**From:** Alyssa Ahner, Senior Planner

**Location:** 321 Woods Mill Terrace Lane

**Applicant:** Jack & Pamela Heaton

**Description:** **B.A. 01-2025 Terraces at Woods Mill Cove, Lot 19:** A request for a variance from section 4(b)(3) of ordinance 822 in order to construct a sunroom.

### PROPOSAL SUMMARY

Jack & Pamela Heaton, applicants and owners of 321 Woods Mill Terrace Lane, are requesting a variance from section 4(b)(3) of ordinance 822 in order to construct a sunroom at their attached townhome residence.

[Ordinance 822](#), governing ordinance for the Terraces at Woods Mill subdivision, states that there is a twenty (20) foot setback from the north and west property lines of the Planned Environment Unit but that *“the Planning Commission may allow outside decks within these setbacks as approved on the Site Development Plan”*.

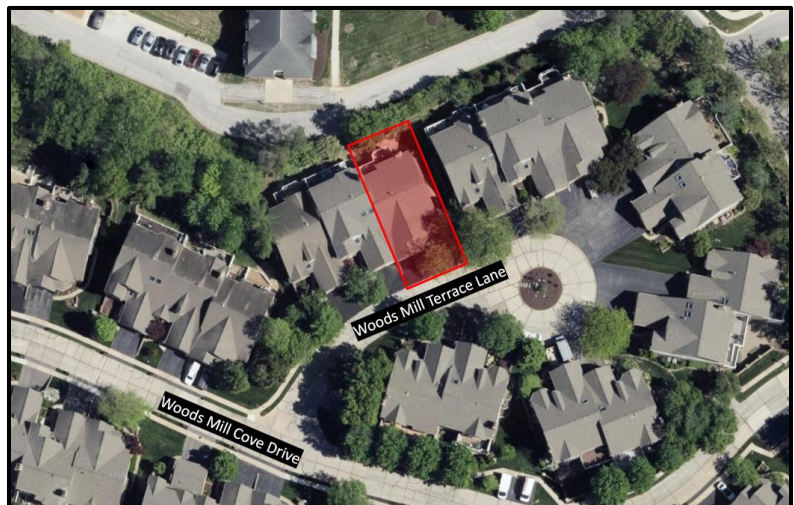


Figure 1: Subject Site

**BACKGROUND FACTS**

The existing residence, which was constructed in 1993, has a deck that encroaches into the twenty (20) foot setback. In January of 2025, the property owners submitted a Site Development Plan in order to replace a portion of the existing deck with a sunroom. However, per Ordinance 822, the only structure that is permitted within the setback with Planning Commission approval is an “outside deck”. Staff informed the property owners that a variance would need to be sought and approved in order to permit the sunroom. *Figure 2* depicts a portion the survey with the existing deck outlined in red. *Figure 3* depicts the Site Development Plan with the proposed sunroom in question. The existing deck is 12’7” from the property line. The proposed sunroom is 10’7” from the property line.

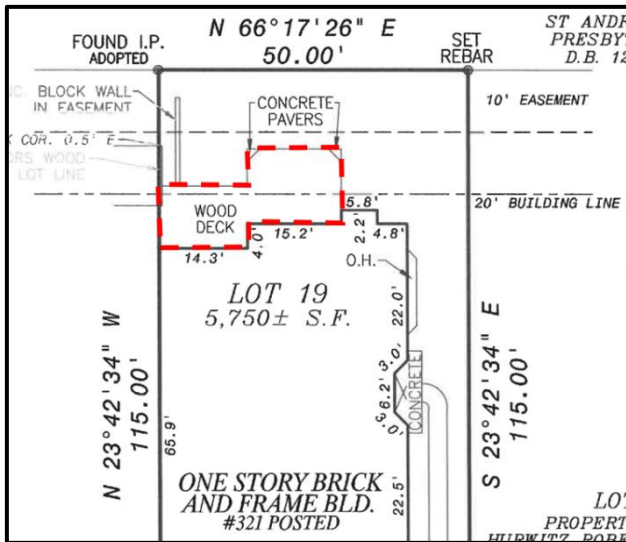


Figure 2: Property survey with existing deck outlined in red

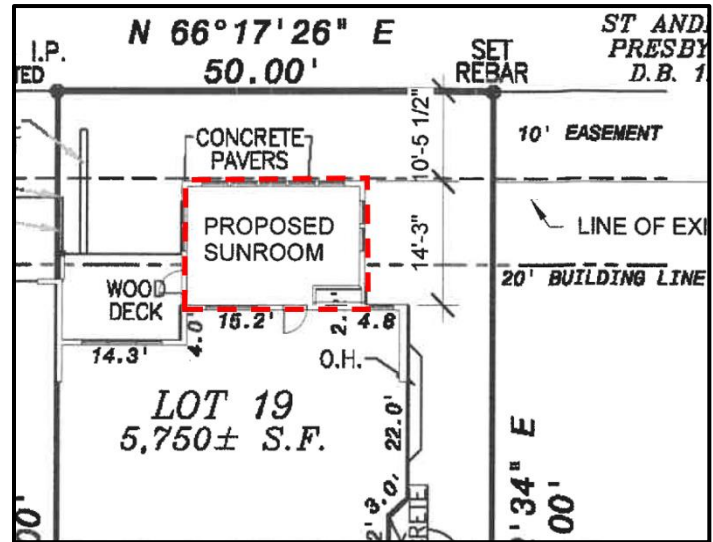


Figure 3: Site development plan with proposed sunroom

**REQUEST**

The applicant is ultimately seeking a variance to allow a “sunroom” within the setback rather than an “outside deck”. Should the Board of Adjustment approve the request, the applicant would then proceed with the second portion of the process which would be taking the Site Development Plan before the Planning Commission for final approval of the additional encroachment into the setback.

**BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES**

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the Applicant has established:

“there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance” and “to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done”.

It should be noted, the practical difficulty relied on as a ground for a variance must be different from that suffered throughout the zone or the neighborhood. Hardships pertain to the nature of the property

rather than the character of the owner. Thus, when granting a variance, the Board must consider the present and future effect of such variances on the property and neighboring property. Variances run with the land; they are not personal to the owner.

### **REVIEW OF VARIANCE REQUEST**

The Department of Planning has reviewed the request and submits the following information for the Board's consideration during review.

**Chapter 89 of the Missouri Revised Statutes states, "In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land *so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done...*" (emphasis added).**

In reviewing the statement of practical difficulty, several factors are to be considered by the Board:

1. *How substantial the variation is in relationship to the requirement.*
2. *The effect, if the variance is allowed, on available governmental facilities.*
3. *Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors.*
4. *Whether the difficulty can be obviated by some feasible method other than the variance.*
5. *Whether the interest of justice will be served by allowing the variance.*

A decision of the Board granting a variance that permits the erection of a structure shall be valid for a period of six (6) months, unless a building permit for such erection is obtained within this period and the erection is started and proceeds to completion in accordance with the terms of the decision.

### **Exhibits**

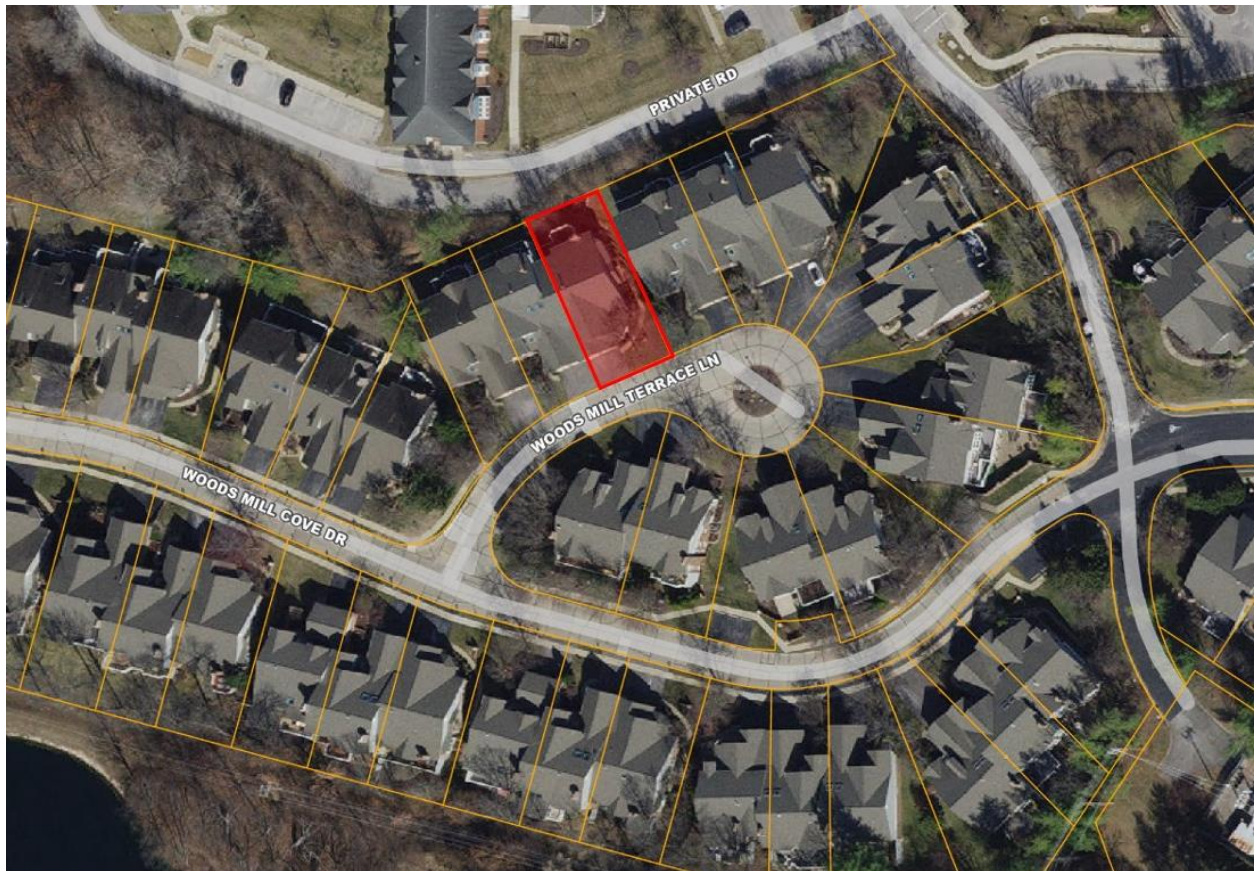
1. Notice of Public Hearing
2. Affidavit of Publication
3. Staff Report
4. Ordinance 822
5. Petitioner's Application

**NOTICE OF PUBLIC HEARING  
CITY OF CHESTERFIELD  
BOARD OF ADJUSTMENT**

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on March 6th, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

**B.A. 01-2025 Terraces at Woods Mill Cove, Lot 19:** A request for a variance from section 4(b)(3) of ordinance 822 in order to construct a sunroom.



Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you need additional information about this project, please contact Alyssa Ahner, Senior Planner, by telephone at 636-537-4738 or by email at [aahner@chesterfield.mo.us](mailto:aahner@chesterfield.mo.us)

CITY OF CHESTERFIELD  
Alyssa Ahner  
Senior Planner

The Countian - St. Louis County  
1400 S. Highway Drive  
Fenton, MO, 63099  
Phone: 3144211880 Fax: 0

# THE ST. LOUIS COUNTIAN

## Affidavit of Publication

To: City of Chesterfield - Alyssa Ahner  
690 Chesterfield Parkway West  
Chesterfield, MO, 63017

Re: Legal Notice 4029189, CITY OF CHESTERFIELD BOARD OF  
ADJUSTMENT

State of MO

County of St. Louis County

### NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on March 6th, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:  
} SS: **B.A. 01-2025 Terraces at Woods Mill Cove, Lot 19:** A request for a variance from section 4(b)(3) of ordinance 822 in order to construct a sunroom.

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you need additional information about this project, please contact Alyssa Ahner, Senior Planner, by telephone at 636-537-4738 or by email at aahner@chesterfield.mo.us  
CITY OF CHESTERFIELD  
Alyssa Ahner  
Senior Planner  
4029189 County Feb. 19, 2025

Before the undersigned Notary Public personally appeared Mitt Patel on behalf of The Countian - St. Louis County, St. Louis County who, being duly sworn, attests that the said newspaper is qualified under the provisions of Missouri Law governing public notices to publish, and did so publish, the notice annexed hereto; starting with the 02/19/2025 edition and ending with the 02/19/2025 edition for a total of 1 publications, and that the date of publications were as follows: 02/19/2025.

Publishers fee: \$40.46

By: Mitt Patel  
Mitt Patel

Sworn to me on this 20<sup>th</sup> day of  
February 2025

By: Brandon M. Crail  
Brandon M. Crail  
Notary Public, State of MO  
No. 20297982  
Qualified in St. Louis County  
My commission expires on  
March 5, 2028



**AN ORDINANCE AMENDING ST. LOUIS COUNTY ORDINANCE NUMBER 15,611 AMENDING A PLANNED ENVIRONMENT UNIT (PEU) IN A "R-3" 10,000 SQUARE FOOT RESIDENCE DISTRICT AND A "FPR-3" FLOOD PLAIN 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 26.1 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF OLD WOODS MILL ROAD, NORTH OF CONWAY ROAD (P.C. 13-88 GERIATRICS MANAGEMENT, INC. - TERRACES AT WOODSMILL COVE).**

**WHEREAS**, the City of Chesterfield has received correspondence from The Hayden Company requesting an amendment to Condition 4(c) of St. Louis County Ordinance Number 15,611 requesting a setback reduction between units on lot 21 and lot 22 from eighteen (18) feet to seventeen (17) feet; and,

**WHEREAS**, this revision was considered by the Planning Commission of the City of Chesterfield and after consideration of the revision and recommendations of the staff of the City of Chesterfield, Department of Planning, the Planning Commission recommends the adoption of changes as set out in their report to the City Council.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

Section 1. Ordinance Nos. 13,806, 14,085, 14,427 and 15,611 of St. Louis County established a PEU for a tract of land located on the west side of Old Woods Mill Road, north of Conway Road (Terraces at Woodsmill Cove) are hereby adopted by the City of Chesterfield in their entirety and the approved terms and conditions of Ordinance Nos. 13,806, 14,085, 14,427 and 15,611 shall be as amended and approved and set out on the new attachment "A" which is attached hereto and made a part hereof as if fully set out herein, and further are hereby amended by amending 4(c) to read as follows:

4(c) A minimum of eighteen (18) feet shall be maintained between residential structures except seventeen (17) feet shall be allowed between Units 21 and 22.

Said condition as amended is incorporated into a new Attachment "A" which is attached hereto and incorporated herein as if fully set out herein.

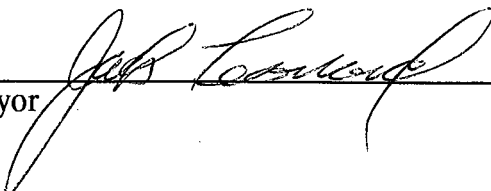
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance, is granted, subject to all of the ordinances, rules and regulations and the specific conditions as set out in the original approval as granted by St. Louis County which was set out in Ordinance No. 13,806 and subsequently amended by Ordinance Nos. 14,085, 14,427 and 15,611.

Section 3. The City Council, pursuant to the request filed by The Hayden Company regarding the Terraces at Woodsmill Cove (P.C. 13-88), requesting the amendment as approved herein and with the changes as embodied in this Ordinance and pursuant to the recommendations of the City of Chesterfield Planning Commission that said amendment be granted and after due consideration thereof, does hereby adopt this Ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. In all other respects, the original Ordinance that had been passed by St. Louis County as it relates to this development are to remain in full force.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16<sup>TH</sup> day of AUGUST, 1993.

\_\_\_\_\_  
Mayor 

**ATTEST:**

Marta S. DeMay  
City Clerk

**ATTACHMENT A**

**1. PERMITTED USES**

This Planned Environment Unit shall authorize the development of a maximum of ninety-six (96) two-family and multiple family townhouse units. A public utility facility is also authorized.

**2. BUILDING AND HEIGHT REQUIREMENTS**

- a. No building cluster shall contain more than six (6) townhouse units.
- b. No building shall be more than two (2) floor levels in height, excluding basements.
- c. Building elevations shall be as approved by the Planning Department in conjunction with the Site Development Plan.

**3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

Within eighteen (18) months of the date of approval of the preliminary development plan by the City Council and prior to any site preparation or construction, the petitioner shall submit to the Planning Commission for its review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission. Said Site Development Plan shall include, but not be limited to the following:

- a. A general development plan, including basic arrangement of building locations, common land areas, sidewalks, setback lines from all internal streets and along the perimeter of the subject tract, roadways on or adjacent to the property in question including roadway right-of-way dimensions, and a street lighting plan.
- b. A typical building configuration for each type of multiple family structure indicating size of buildings, number of units, and associated parking garages.
- c. The location and size of all outdoor parking areas, if any.
- d. Existing and proposed contours at two (2) foot intervals.

- e. The design, location, and size of all proposed freestanding signs, fences, and other above ground structures, except retaining walls.
- f. A landscape plan, including, but not limited to, the location, size, and general type of all plant and other materials to be used.
- g. The location of any public utility facilities.
- h. All other preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Parking Requirements

- a. Parking shall be provided at a ratio of not less than two (2) enclosed parking stalls per dwelling unit.

Setbacks

- b. Minimum setbacks for residential buildings and outdoor parking stalls shall be as follows:
  - (1) Seventy-five (75) feet from the proposed right-of-way of Old Woods Mill Road. This area shall be substantially landscaped as approved by the Planning Commission on the Site Development Plan.
  - (2) Twenty (20) feet from the south property line of this P.E.U. development.
  - (3) Twenty (20) feet from the north and west property lines of this P.E.U. development. However, the Planning Commission may allow outside decks within these setbacks as approved on the Site Development Plan.

- c. A minimum of eighteen (18) feet shall be maintained between residential structures except seventeen (17) feet shall be allowed between Units 21 and 22.
- d. Garage entrances shall be set back a minimum of twenty-five (25) feet from internal streets or as directed by the Department of Planning. Other portions of residential structures shall be set back a minimum of twenty (20) feet from internal drives.

Access

- e. Access to the development from Old Woods Mill Road shall be limited to the two (2) roadways permitted under Conditional Use Permit No. 557 (P.C. 38-87 Geriatrics Management, Inc. and Union Electric Co.). The southernmost roadway shall be designed to accommodate direct traffic movement to the P.E.U. portion of the tract and shall be thirty-nine (39) feet in width from Old Woods Mill Road westwardly to the connecting roadway serving P.C. 38-87 and C.U.P. 557. The Chesterfield Department of Public Works will recommend to the Chesterfield City Council legislation prohibiting parking along this portion of the roadway due to lane usage and turning movements at the Old Woods Mill Road intersection and the connecting roadway intersection.
- f. Access to the proposed Union Electric facility shall be from the internal drive serving the subject development as directed by the Chesterfield Department of Public Works.
- g. No private driveway access shall be permitted to Old Woods Mill Road as part of this development.
- h. Provide a cross access easement or other appropriate legal instrument guaranteeing permanent access to adjacent properties as approved by the Chesterfield Department of Planning and the Chesterfield Department of Public Works.

Road Improvements and Sidewalks

- i. Conform to the requirements of the Missouri Highway and Transportation Department regarding Woods Mill Road (Route 141) and the Route 141 Relocation in this area.

- j. Improve Old Woods Mill Road to an eight-two (82) foot right-of-way along the frontage of the site and a thirty-six (36) foot pavement, full-width, including reconstruction of stabilized shoulders and provide required storm drainage facilities from Conway Road northwardly to the north property line of the site with appropriate tapers as directed by the Missouri Highway and Transportation Department, the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works.
- k. Provide additional pavement widening for right turn lane facilities and appropriate transitions on Old Woods Mill Road at the driveway serving the subject development as directed by the Missouri Highway and Transportation Department, the Department of Highways and Traffic and the Chesterfield Department of Public Works.
- l. Provide a sidewalk adjacent to Old Woods Mill Road or provide the finish grading therefor and required cash escrow as directed by the Chesterfield Department of Public Works.
- m. Provide a sidewalk along both sides of the main internal street, as approved by the Planning Commission.
- n. As portions of the roadway improvements may require the acquisition of additional right-of-way and easements from abutting private property, the normal sequence of design, right-of-way acquisition, and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owner(s) involved, St. Louis County will acquire same through eminent domain proceedings. The cost of appraisals, negotiations, administration, court proceedings and all other associated costs incurred by County proceedings shall be paid by the developer.

#### Landscape Requirements

- o. Building and parking area setbacks and the area between the structures shall be adequately landscaped as approved by the Planning Commission on the Site Development Plan. Existing vegetation shall be retained along the limits of this P.E.U. to the maximum extent possible and supplemented with new landscaping as approved by the Planning Commission on the Site Development Plan.

- p. Any public utility facility shall be surrounded by a minimum six (6) foot high brick wall and dense landscaping as approved by the Planning Commission on the Site Development Plan.
- q. All new deciduous trees shall be a minimum of two (2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height and all shrubs shall have a minimum diameter of eighteen (18) inches.
- r. All landscaping improvements shall be escrowed along with the other standard subdivision improvements.

Miscellaneous Conditions

- s. The length and location of internal driveways and the location of street lights shall be as approved by the Planning Commission on the Site Development Plan.
- t. All exterior trash areas shall be surrounded by a six (6) foot high sight-proof fence.
- u. Except as herein noted, comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
- v. Architectural elevations shall be as approved by the Planning Commission in conjunction with the Site Development Plan.

5. TRAFFIC GENERATION ASSESSMENT

The petitioner shall contribute a traffic generation assessment established for this development based upon the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Two Family and multiple family units	\$221.18/Parking Space

(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

Right-of-way dedication requirements along State and County roads will not be credited towards the petitioner's traffic generation assessment contribution. The cost of allowable portions of the improvements required in Conditions 4.i., 4.j., 4.k., and 4.n., shall be credited towards the petitioner's traffic generation assessment contribution. Any remaining portion of the traffic generation assessment contribution will be applied to further widening of Woods Mill Road. The petitioner's total obligation for road improvements shall not exceed the traffic generation assessment contribution.

The petitioner is advised that utility companies have recently been requiring compensation from petitioners for relocation of their utility facilities within public road right-of-way. Legal proceedings may be in process by others to determine the legality of this requirement. Should the court rule in favor of the utility companies and require reimbursement by the petitioner, credit will not be given for these costs from the petitioner's traffic generation assessment contribution. Traffic generation assessment credit will be given where the utility is located on private easement, and payment is required of the petitioner to relocate or adjust said utility unless the relocation or adjustment is due solely to on-site development. The petitioner should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

The amount of this required contribution, if not submitted by January 1, 1994, shall be increased on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

#### 6. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the petitioner shall:

##### Stormwater

- a. Submit to the Chesterfield Department of Planning a preliminary engineering plan approved by the Chesterfield Department of Public Works showing that adequate handling of stormwater drainage is provided.
  - (1) The developer is required to provide adequate stormwater systems in accordance with the City of Chesterfield and MSD standards.

- (2) All stormwater shall be discharged at an adequate natural discharge point.
- (3) Detention of differential runoff of stormwater is required by providing permanent detention facilities, such as: dry reservoirs, ponds or other acceptable alternatives. The detention facilities shall be completed and in operation prior to issuance of building permits exceeding sixty percent (60%) of the approved dwelling units in the residential portion of the site or prior to paving of any driveways or parking areas serving the nursing home facility.

Roadway Improvements and Curb Cuts

- b. Provide verification of approval by the Missouri Highway and Transportation Department, the St. Louis County Department of Highways and Traffic and the Chesterfield Department of Public Works of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

Flood Plain Study

- c. Submit a flood plain study for review and approval by the City of Chesterfield Department of Public Works.

Geotechnical Report

- d. Submit a Geotechnical Report covering development and grading required by improvements involved with this site. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. The development plan and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.

7. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of Site Development Plan, and prior to issuance of any building permit the following requirements shall be met:

Development Phasing

- a. The petitioner shall furnish a bond or place into a City approved escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the petitioner shall provide the necessary funds as above for each plat or phase of development.

Traffic Generation Assessment

- b. Traffic generation assessment contributions and/or credits for roadway improvements shall be deposited with St. Louis County through standard escrow procedure prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution and/or credits for roadway improvements through standard escrow procedure prior to issuance of building permits for each phase of development. Any remaining portion of the traffic generation assessment contribution shall be deposited with St. Louis County in the form of a cash escrow.

Notification to the Department of Planning

- c. Prior to the issuance of foundation or building permits, all approvals from the Chesterfield Department of Public Works, the St. Louis County Department of Highways and Traffic, the Metropolitan St. Louis Sewer District and the Missouri Highway and Transportation Department must be received by the Chesterfield Department of Planning.

9. VERIFICATION PRIOR TO OCCUPANCY PERMITS

Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the Chesterfield Department of Public Works. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

10. GENERAL DEVELOPMENT CONDITIONS

- a. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.
- b. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- c. If any public roads are proposed within this development, they must be built above the 100-year flood elevation with proper freeboard, or protected from flood damage by an approved levee. Any roads and/or drives proposed below this elevation, not protected by an approved levee, are to be private and remain private forever.
- d. As the tract abuts a roadway under the jurisdiction of the Missouri Highway and Transportation Department, sidewalks along the tract must be placed in a public easement outside of the State right-of-way. Maintenance of sidewalks along State highways must be the responsibility of the property owners.
- e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion. Such areas shall be adequately maintained until construction occurs.
- f. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
- g. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.

The existence of private roadways within the development requires disclosure by the developer of responsibility for street maintenance in accordance with the provisions of Section 1005.265 of the City of Chesterfield Subdivision Ordinance.

**P.C. 13-88 GERIATRICS MANAGEMENT, INC.**

**Terraces at Woodsmill Cove**

**Attachment A**

**July 26, 1993**

**Page Ten**

- h. A copy of the most recently approved Site Development Plan for this P.E.U. development shall at all times be prominently displayed in all display area sales offices within this development.
- i. Failure to comply with any or all the conditions of this ordinance shall be adequate cause of revocation of permits by issuing City Departments or Commissions.
- j. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission.



# City of Chesterfield

RECEIVED FEB 10 2025

## DEPARTMENT OF PLANNING

### BOARD OF ADJUSTMENT APPLICATION

*The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. The Board hears requests for variances and appeals of administrative determinations. A variance is a deviation from the zoning ordinance requirements for a specific parcel. The types of variances heard before the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at [chesterfield.mo.us/active-developments.html](http://chesterfield.mo.us/active-developments.html)*

Check (✓) the type of variance for which you are applying:

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

*Please note: Areas in gray will be completed by the Department of Planning.*

STATE OF MISSOURI

BOA NUMBER \_\_\_\_\_

HEARING DATE \_\_\_\_\_

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: Jack & Pamela Heaton

Address: 321 Woods Mill Terrace Lane

City: Chesterfield State: MO Zip: 63017

Tel.: 919-649-7527 Fax: \_\_\_\_\_

Petitioner, if other than owner(s): Rhonda Loggia/Redesign Architecture & CO

Address: 205 Chesterfield Industrial Blvd.

City: Chesterfield State: MO Zip: 63005

Tel.: 636-448-8817 Fax: \_\_\_\_\_

Legal Interest: none

(Provide date of contract and date of expiration of contract)

**\*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)**

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

**II. PROPERTY INFORMATION**

**Project Address:** 321 Woods Mill Terrace Lane

**Locator Number(s):** 18Q120718

(List additional locator numbers on separate sheet and attach to petition)

**Acreage:** .13 (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** Terraces at Woods Mill Cove Plat Two

**Current Zoning District:** R3

**Legal Description of Property:**

[Empty box for legal description]

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

**Unique physical characteristics of the lot (e.g., size, slope, etc.):**

backs to The Willows at Brooking Park, an assisted living retirement community.

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:**

would like to enclose a portion of the deck space to be able to extend the usage of this area during summer and winter.

**Ordinance Number and section to which a variance is sought:**

[Empty box for ordinance number]

(Attach additional sheets as necessary)

**Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition?** Check (✓) one  Yes  No

**Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:**

Missouri summers, winters, bugs and pollen make this deck area unusable.

Existing deck is setback 12'-7" from the rear property line and was approved in 1993. Neighbors deck to the West appears to be even closer to the rear property line.

(Attach additional sheets as necessary)

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 [www.chesterfield.mo.us](http://www.chesterfield.mo.us)**

Rev 01/2023

**Page 3 of 10**

**Description of the effect or impact on neighboring properties:**

None. The building to the rear of the property is The Willows at Brooking Park, an assisted living retirement community.

Deck is already 12'-7" from the rear property line and was approved in 1993.

(Attach additional sheets as necessary)

**For Area or Bulk Variance Requests, complete the following section:**

**A. Setbacks/Height:**

	<b>The Petitioner(s) request the following setback(s):</b>	<b>City of Chesterfield Regulations require the following setback(s) for this site:</b>
<b>Front Yard:</b>	_____	_____
<b>Side Yard:</b>	_____	_____
<b>Rear Yard:</b>	10'-7"	20 feet
<b>Height:</b>	_____	_____

**Provide the following:**

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

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Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

**For Sign Variance Requests, complete the following section:**

**B. Signage:**

**The Petitioner(s) request  
the following :**

**City of Chesterfield  
Regulations allow the  
following for this site:**

**Number of attached business  
signs:**

\_\_\_\_\_

\_\_\_\_\_

**Size of attached business  
signs:**

\_\_\_\_\_

\_\_\_\_\_

**Number of freestanding  
business signs:**

\_\_\_\_\_

\_\_\_\_\_

**Size of freestanding business  
signs:**

\_\_\_\_\_

\_\_\_\_\_

**Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.**

**Provide the following:**

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing:
    - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
    - The location of proposed signs.
    - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
  - A detail sign plan indicating:
    - Dimension of signs with detail sign lettering layout.
    - Total square feet of signs. If attached, what percent of wall.
    - Light detail, if any.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

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Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

**IV. COMPLIANCE**

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes  No. If no, please explain:

Existing deck is setback 12'-7" in lieu of the 20' from the rear property line. Deck was approved in 1993.

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes  No. If no, please explain:

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

**V. STATEMENT OF CONSENT**

**STATEMENT OF CONSENT**

I hereby give CONSENT to ReDesign Architecture & CO / Rhonda Loggia (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

**OWNER/CONTRACT PURCHASER INFORMATION:**

I am the  owner  contract purchaser. (check (✓) one)

Jack Heaton

(Name- type, stamp or print clearly)

(Name of Firm)

Note: Attach additional sheets as necessary.




(Signature)

321 Woods Mill Terrace Chesterfield  
MO 63005

(Address, City, State, Zip)

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 4<sup>th</sup> day of February 20 25

Signed   
Notary Public

Print Name: Hunter Layne McKee

Seal/Stamp:

My Commission Expires: 12/14/2026

**HUNTER LAYNE MCKEE**  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St Louis County  
My Commission Expires: Dec. 14, 2026  
21796989

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**VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY**

**INSTRUCTIONS:** To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

**Project Name:** 4-seasons room **Submittal Date:** \_\_\_\_\_

**STATEMENT OF COMPLETION AND ACCURACY**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

**Check (✓) one:**  I am the property owner.  I am the contract purchaser.  
 I am the duly appointed agent of the petitioner.

Rhonda Loggia \_\_\_\_\_

*Rhonda Loggia* \_\_\_\_\_

(Name- type, stamp or print clearly)  
ReDesign Architecture & CO

(Signature)  
205 Chesterfield Industrial Blvd. Chesterfield MO 63005

(Name of Firm)

(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

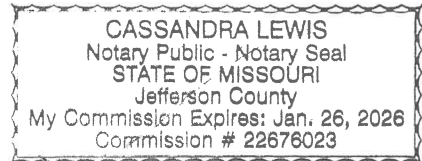
The foregoing instrument was subscribed and sworn to before me this 5 day of Feb 20 25.

Signed *Cassandra Lewis*  
Notary Public

Print Name: Cassandra Lewis

Seal/Stamp:

My Commission Expires: 01/26/2026



690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
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**VII. CITY OF CHESTERFIELD  
LIENS AND FINES CERTIFICATION**

**Project Name:** \_\_\_\_\_ **Ward:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Locator:** \_\_\_\_\_

**STATE OF MISSOURI, CITY OF CHESTERFIELD**

**I do hereby certify to the Council of the City of Chesterfield that:**

\_\_\_ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

\_\_\_ There are the following fines and/or liens owed to the City of Chesterfield:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

\_\_\_\_\_  
Finance Director  
City of Chesterfield

\_\_\_\_\_  
Date

**[THIS PAGE FOR INTERNAL USE]**

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
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**STAFF / BOA USE ONLY**

**Intake Date:** \_\_\_\_\_

**This petition is granted / denied (circle one) on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_**

**Signed:** \_\_\_\_\_

**Chairman**

**[THIS PAGE FOR INTERNAL USE]**

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

# BOUNDARY AND IMPROVEMENT SURVEY

## LOT 19 OF THE TERRACES AT WOODS MILL COVE PLAT TWO

BOUNDARY ADJUSTMENT PLAT OF ADJUSTED LOT 1 AND ADJUSTED LOT 2 OF THE BOUNDARY ADJUSTMENT PLAT OF LOTS 1 AND 2 OF "BROOKING PARK VILLAGE"  
 PLAT BOOK: 368 PAGES: 165-166 ADJUSTED LOT 1 N/F

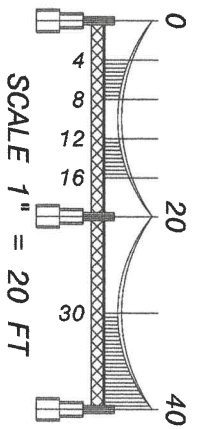
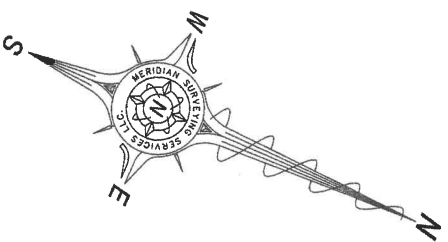
PLAT BOOK: 285 PAGE: 25  
 ST. LOUIS COUNTY, MO

FOUND I.P. ADOPTED

N 66° 17' 26" E 50.00'

SET REBAR

ST. ANDREW'S EPISCOPAL PRESBYTERIAN FOUNDATION  
 D.B. 12323, PG. 1366



PROPERTY N/F OF ASSESSOR INFORMATION WITHHELD  
 D.B. 23092, PG. 2716

LOT 20

N 23° 42' 34" W 115.00'

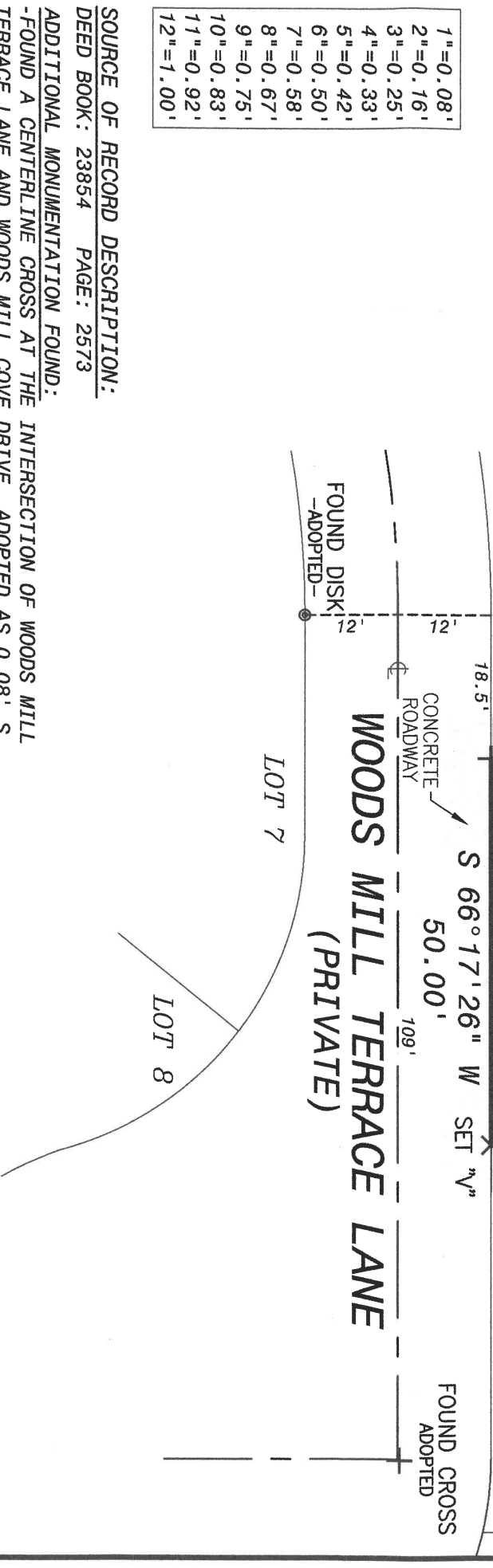
ONE STORY BRICK AND FRAME BLD. #321 POSTED

LOT 19  
 5,750± S.F.

S 23° 42' 34" E 115.00'

LOT 18  
 PROPERTY N/F OF HURWITZ ROBERTA L TRUSTEE  
 D.B. 14214, PG. 0959

## WOODS MILL TERRACE LANE (PRIVATE)



1" = 0.08'
2" = 0.16'
3" = 0.25'
4" = 0.33'
5" = 0.42'
6" = 0.50'
7" = 0.58'
8" = 0.67'
9" = 0.75'
10" = 0.83'
11" = 0.92'
12" = 1.00'

**SOURCE OF RECORD DESCRIPTION:**  
 DEED BOOK: 23854 PAGE: 2573

**ADDITIONAL MONUMENTATION FOUND:**  
 -FOUND A CENTERLINE CROSS AT THE INTERSECTION OF WOODS MILL TERRACE LANE AND WOODS MILL COVE DRIVE. ADOPTED AS 0.08' S

Note: A current Title Commitment has not been made available for our use. It is possible there are easements and other instruments of record that affect the subject tract that would be exposed in the Title Commitment Report and are unknown to this office at the time the Survey was executed and therefore not plotted hereon. This Survey does not constitute a Title Search by the Surveyor.  
 Note: Easements unless otherwise referenced have been taken from the record plat.

**GENERAL NOTES:**

I.P. = IRON PIPE I.R. = IRON ROD  
 (R) = RECORD (S) = SURVEYED (NR) = NON-RADIAL  
 SURVEYOR'S STATEMENT:

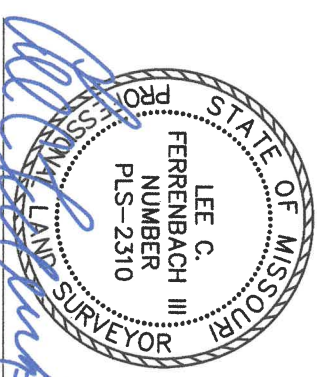
**BASIS OF BEARING OR ANGLES:**

THE TERRACES AT WOODS MILL COVE PLAT TWO  
 PLAT BOOK: 285 PAGE: 25

DATE: 11/26/2024

THIS IS TO CERTIFY TO JACK HEATON, THAT AT THEIR REQUEST, MERIDIAN SURVEYING SERVICES LLC., HAS DURING THE MONTH OF NOVEMBER, 2024, EXECUTED A RESURVEY OF LOT 19 OF THE TERRACES AT WOODS MILL COVE PLAT TWO, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 285, PAGE 25 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, TOGETHER WITH THE LOCATION OF IMPROVEMENTS THEREON, IMPROVEMENT OWNERSHIP IS BASED OFF OF FIELD OBSERVATIONS THAT HAVE NOT BEEN VERIFIED WITH PROPERTY OWNER(S), THE FENCE OWNERSHIP IS NOT IDENTIFIED, FENCE HEIGHTS INDICATED ARE APPROXIMATE, UNLESS OTHERWISE INDICATED, FENCES INTERSECTING PROPERTY LINE(S) ARE CONNECTIVE IN NATURE, AND THAT THE RESULTS OF SAID RESURVEY ARE SHOWN ON THE ABOVE PLAT. THIS RESURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR AN URBAN CLASS PROPERTY. PRIOR TO ANY CONSTRUCTION, THE ZONING AUTHORITY SHOULD BE CONSULTED TO VERIFY CURRENT RESTRICTIONS. CERTIFICATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY AND THOSE NOTED ABOVE. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTES, AGENCIES, PARTIES, OR SUBSEQUENT OWNERS.

Meridian Surveying Services LLC (agent)



(agent) Lee C Ferrenbach III  
 General Manager



**MERIDIAN LAND SURVEYING**  
 21 POINT WEST BLVD  
 ST. CHARLES, MO 63301  
 PHONE: 636-939-2900 FAX: 636-946-9099  
 WWW.MERIDIANLANDSURVEYING.COM  
 © 2024 MERIDIAN SURVEYING SERVICES, LLC  
 CORPORATE LICENSE NO. 2010021844

<b>DRAFTER:</b>	KMG	<b>REVIEWED BY:</b>	LCF	<b>FIELD CREW:</b>	KAT
<b>DATE:</b>	11/25/2024	<b>DRAWING NO.:</b>	01	<b>PROJECT NO.:</b>	78257

SHEET  
1  
 OF 1

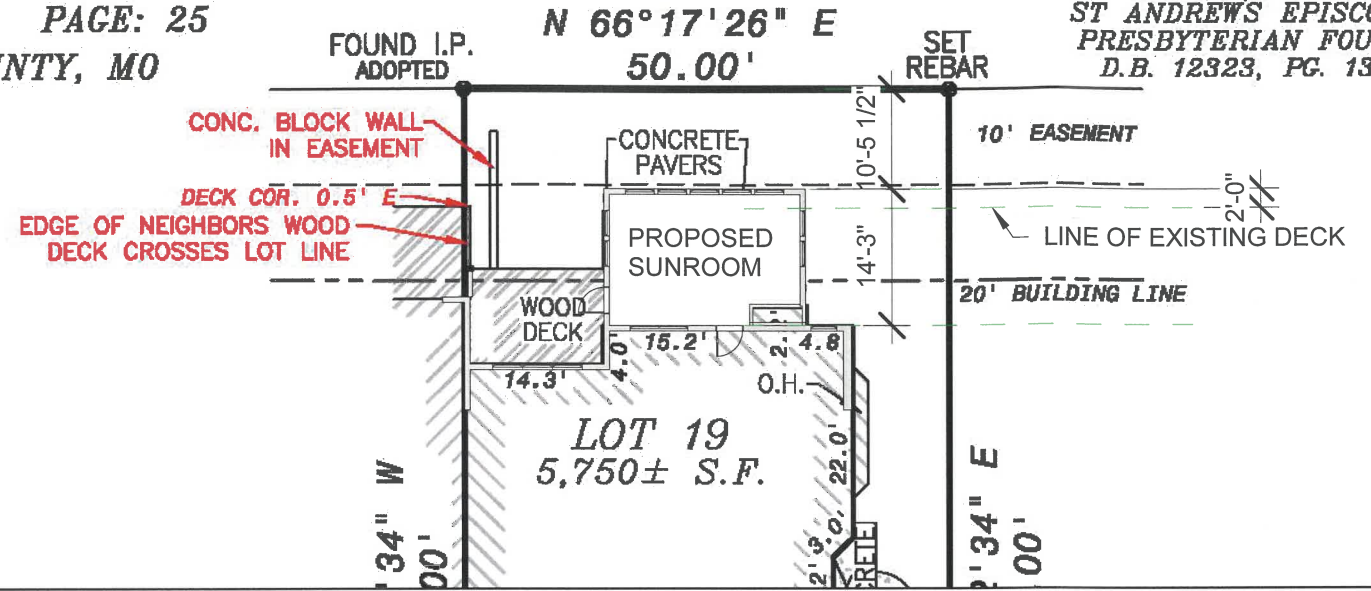
# LOT 19 OF THE TERRACES AT WOODS MILL COVE PLAT TWO

PLAT BOOK: 285 PAGE: 25  
ST. LOUIS COUNTY, MO

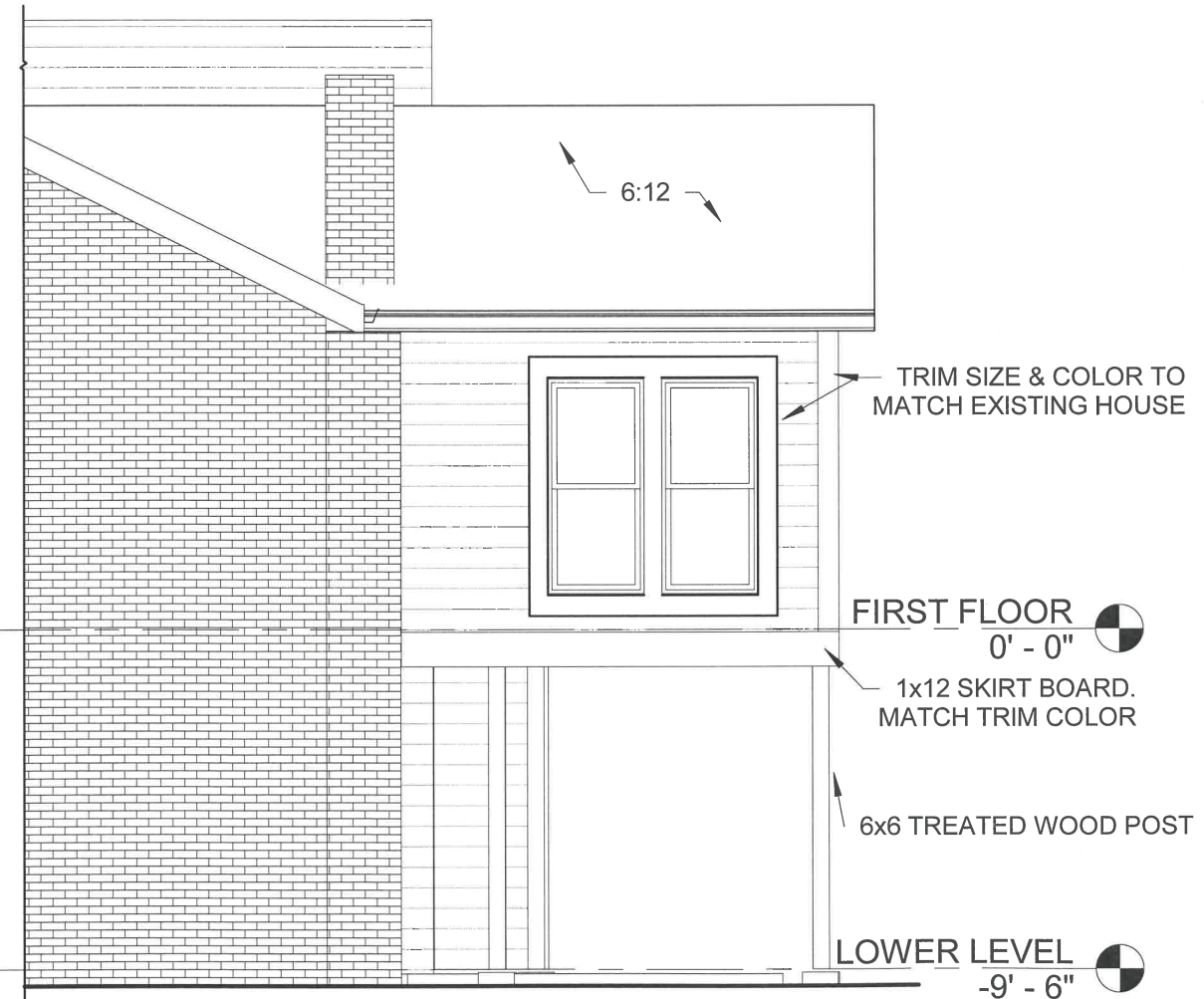
BOUNDARY ADJUSTMENT PLAT OF ADJUSTED LOT 1 AND ADJUSTED LOT 2 OF THE BOUNDARY ADJUSTMENT PLAT OF LOTS 1 AND 2 OF "BROOKING PARK VILLAGE"  
PLAT BOOK: 358 PAGES: 165-186 ADJUSTED LOT 1

N/F  
ST ANDREWS EPISCOPAL PRESBYTERIAN FOUNDATION  
D.B. 12323, PG. 1366

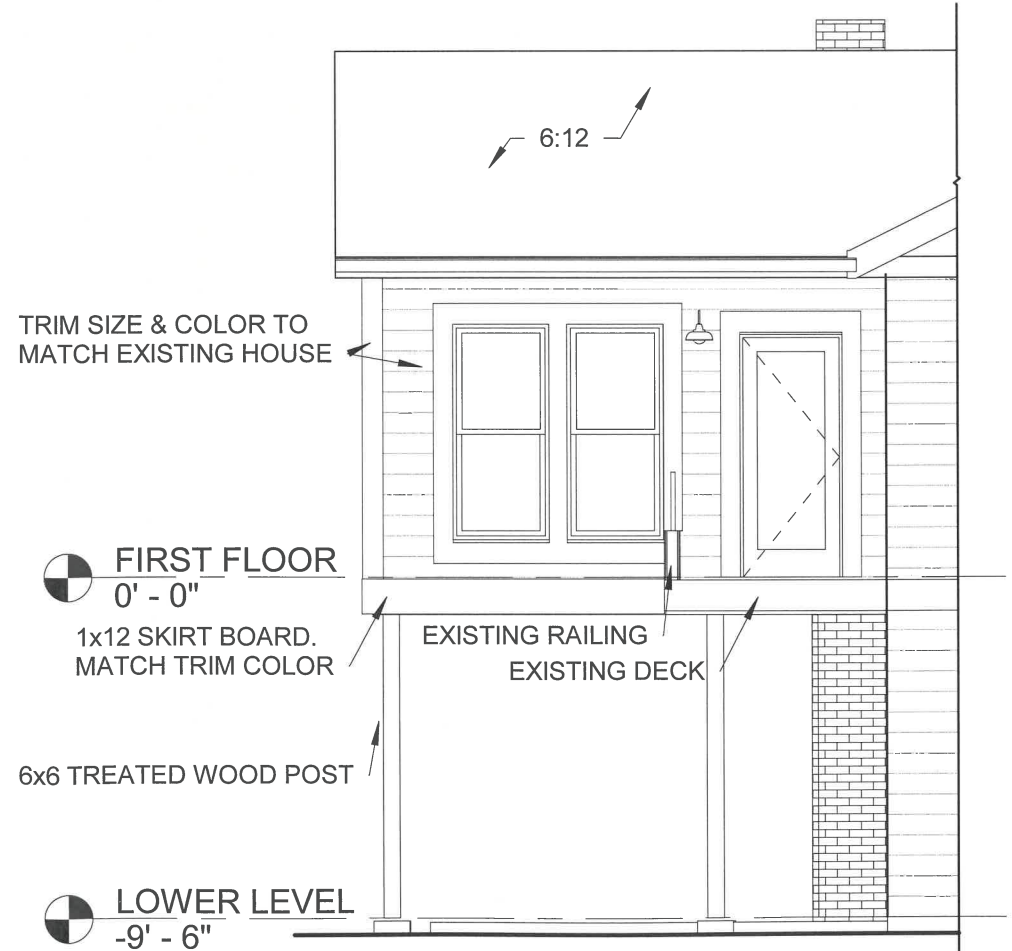
JACK & PAMELA HEATON  
REPLACE DECK W/ SUNROOM  
321 WOODS MILL TERRACE LN  
CHESTERFIELD, MO 63017



PROPOSED (PARTIAL) SITE PLAN



EAST ELEVATION



WEST ELEVATION

REVISIONS:

**REDESIGN**  
architecture & co

REDESIGN ARCHITECTURE & CO., P.C.  
205 CHESTERFIELD IND. BLVD.  
CHESTERFIELD, MO 63005  
636-448-9817  
RHONDA LOGGIA, ARCHITECT

JACK & PAMELA HEATON

REPLACE DECK WITH SUNROOM

321 WOODS MILL TERRACE LANE  
CHESTERFIELD, MO 63017

DATE:

DRAWN BY:

A0



NORTH ELEVATION

REVISIONS:

**REDESIGN**  
**architecture & co**

REDESIGN ARCHITECTURE & CO. P.C.  
 205 CHESTERFIELD IND. BLVD.  
 CHESTERFIELD, MO 63005  
 636-448-8817  
 RHONDA LOGGIA, ARCHITECT

FIRST FLOOR  
 0' - 0"

LOWER LEVEL  
 -9' - 6"

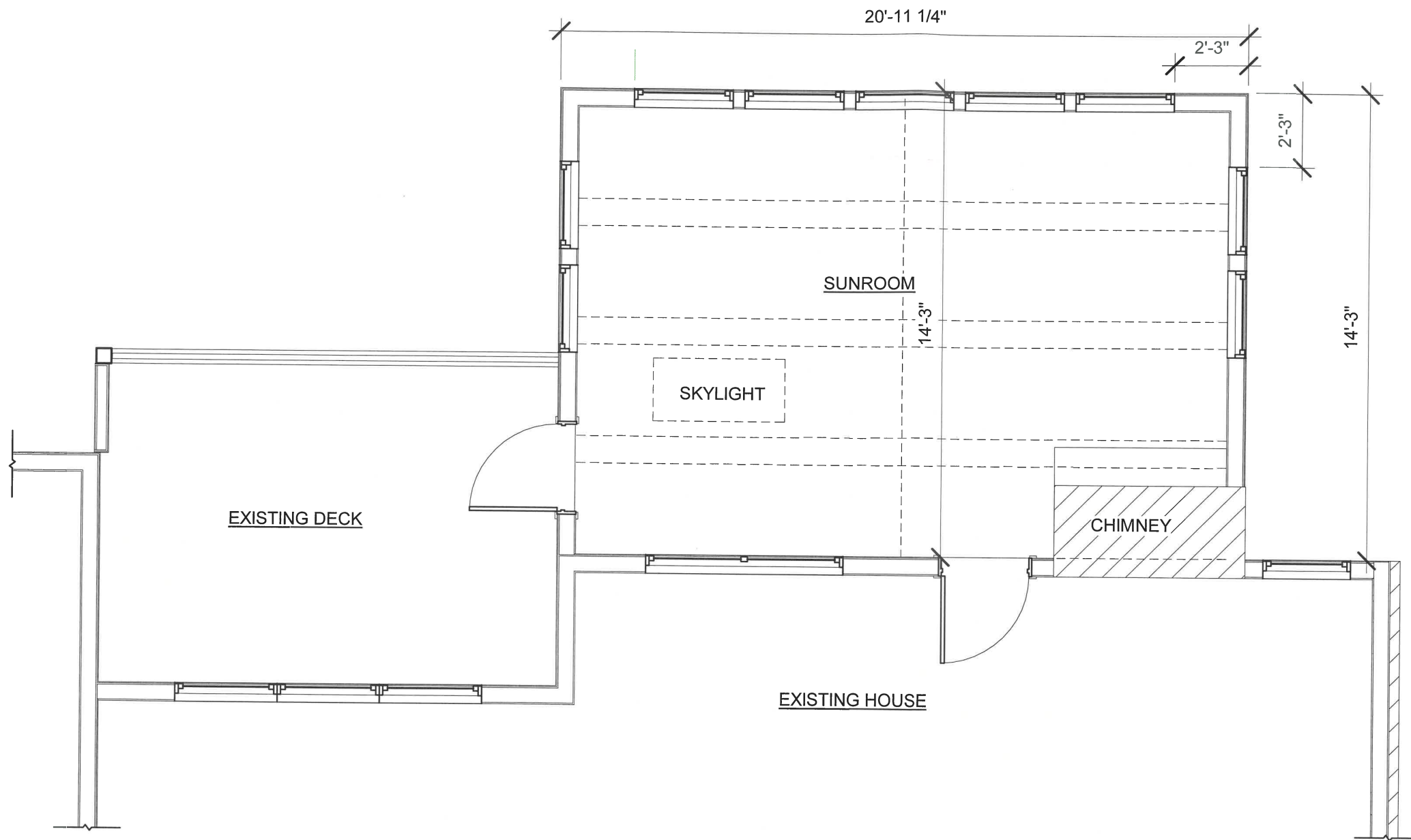
JACK & PAMELA HEATON

REPLACE DECK WITH SUNROOM  
 321 WOODS MILL TERRACE LANE  
 CHESTERFIELD, MO 63017

DATE:

DRAWN BY:

A0.1



① FIRST FLOOR  
1/4" = 1'-0"

REVISIONS:

**REDESIGN**  
**architecture & co**  
 REDESIGN ARCHITECTURE & CO., P.C.  
 205 CHESTERFIELD IND. BLVD.  
 CHESTERFIELD, MO 63005  
 636-448-8817  
 RHONDA LOGGIA, ARCHITECT

JACK & PAMELA HEATON  
 REPLACE DECK WITH SUNROOM  
 321 WOODS MILL TERRACE LANE  
 CHESTERFIELD, MO 63017

DATE:  
 DRAWN BY:

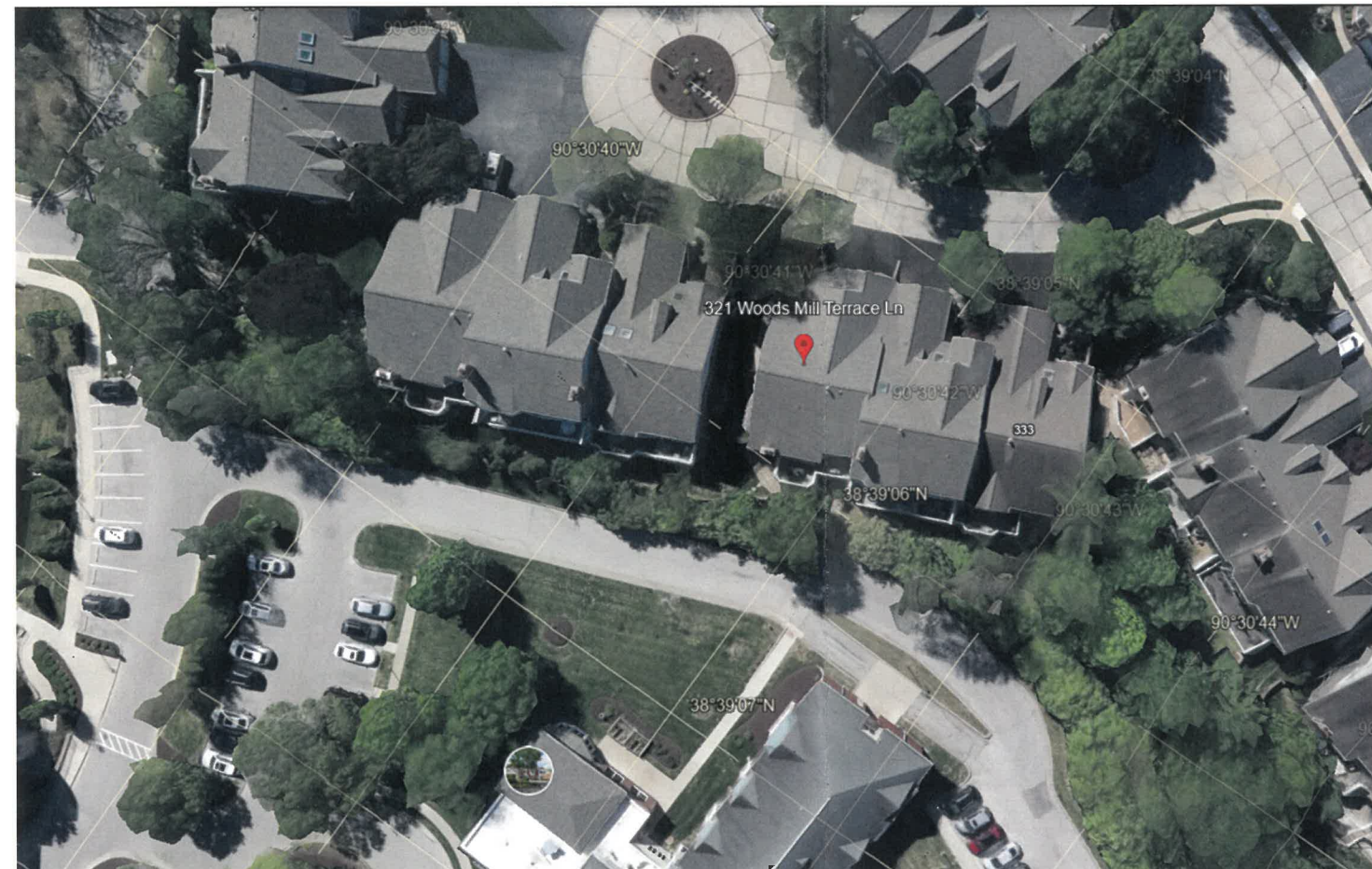
A0.2



SIDE HOUSE ELEVATION (SIDE ENTRY)



REAR HOUSE ELEVATIONS



GOOGLE EARTH SCREEN SHOT

2-5-2025

Board of Adjustments

City of Chesterfield, Missouri

Proposed sunroom addition at 321 Woods Mill Terrace Lane, Chesterfield 63017

We are seeking to gain a variance to the rear yard setback for the addition of a sunroom that would extend an additional 2'-0" into the rear yard setback beyond the existing deck. The current deck is 12'-7" from the lot line. The proposed sunroom at the existing deck location would be 10'-7" from the rear lot line.

Thank you for your consideration.

TO DEPARTMENT OF PLANNING  
BOARD OF ADJUSTMENT

My name is Donald Tabachnick and my wife and I are the owners of 327 Woods Mill Terraces Dr. We live next door to Jack Heaton's condo and have no objection to his proposed addition of a sun room to his property.

Donald Tabachnick



---

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

---

## Board of Adjustment Staff Report

**Variance Type:** Not a Variance Request (see proposal summary)

**Meeting Date:** March 6<sup>th</sup>, 2025

**From:** Justin Wyse, Director of Planning

**Location:** 13714 Olive Blvd, Suite A

**Applicant:** Sunny’s Spa (Jie Cao) – License Number 16Q230260

**Description:** **B.A. 01-2024 Sunny’s Spa (13714 Olive Blvd, Suite A)**: An appeal of the City Administrator’s Findings of Fact, Conclusions of Law, and Order upholding the City’s decision to deny an application to renew a business license for Sunny’s Spa.

---

### PROPOSAL SUMMARY

Sunny’s Spa LLC (d/b/a Sunny’s Spa) is appealing the City Administrator’s Findings of Fact, Conclusion of Law, and Order (the “Findings”) upholding the City’s decision to deny Sunny’s Spa’s application for a business license renewal pursuant to Section 605.250. A copy of the Findings is attached to this report.

In May of 2024, the City denied an application to renew a business license for Sunny’s Spa (the “Renewal Decision”). On or about June 24, 2024, Sunny’s Spa, by and through its owner Jie Cao (the “Owner”) and pursuant to Section 605.250, appealed the Renewal Decision to the City Administrator. Per the City’s Code, the City Administrator acted as the appeal officer and heard Sunny’s Spa’s appeal of the Renewal Decision at a hearing on August 26, 2024. Thereafter, on September 10, 2024, the City Administrator issued his Findings and denied Sunny’s Spa’s appeal of Renewal Decision “pursuant to Code Section 605.070(C), due to violations of the City Code occurring on the premises including, but not limited to, violations of Code Sections 605.070(C)(3) and 605.070(C)(6).” Findings, ¶ 32. Thereafter, pursuant to Section 605.250, Sunny’s Spa appealed the City Administrator’s Findings to this Board of Adjustment. A copy of Sunny’s Spa’s Board of Adjustment Application is attached to this report.

### SITE HISTORY

Not applicable to this appeal.

## **BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES**

In consideration of this appeal, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. Missouri Revised Statute Chapter 89.090(2) requires that a Board of Adjustment:

*“hear and decide all matters referred to it or upon which it is required to pass under such ordinance”.*

Section 605.250(A) provides that:

*“Any license or permit pursuant to Sections . . . 605.070 . . . that is denied by reason of the applicant or the premises to be licensed maintaining or being in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code may appeal such denial to the City Administrator as set forth below.”*

Section 605.250(C) goes on to state that:

*“The decision of the appeal officer may be appealed to the Board of Adjustment within ten (10) days of the appeal officer's decision is received.”*

Sunny's Spa was denied a business license, Section 605.070, has received a decision from the City Administrator, the appeal officer, and has now appealed the City Administrator's Findings. Therefore, according to Section 605.250, the Board of Adjustment must now consider Sunny's Spa's appeal.

## **APPLICANT REQUEST**

The Applicant, Sunny's Spa, wishes to “operate a legitimate massage business in Chesterfield” and has appealed the City Administrator's Findings so that this Board might reverse the City's decision to deny Sunny's Spa's application for a business license renewal.

## **REVIEW OF VARIANCE REQUEST**

The City Planner, as the liaison for the Board of Adjustment, has reviewed the request and submits the following information for the Board's consideration during review.

### **Exhibits**

1. City of Chesterfield Code Sections 605.250 and 605.070
2. Notice of Publication
3. Affidavit of Publication
4. City Administrator's Findings of Fact, Conclusions of Law, and Order
5. Petitioner's Application
  - a. Application to Board of Adjustment
  - b. Letter sent to Board of Adjustment
6. Business License Notifications

## Chapter 605. Licenses and Business Regulations

### Article I. In General

#### Section 605.070. License Applications — Issuance.

[CC 1990 § 17-7; Ord. No. 433 § 7, 4-2-1990; Ord. No. 828 § 1, 9-7-1993]

- A. Applications. Application for a license shall be made in writing on a form provided by the City and submitted to the Director of Finance. An application shall be made to renew any license at its expiration. All holders of licenses or permits shall be responsible for reporting changes in initial application data immediately as the same occur. The form of licenses shall be prescribed and furnished by the Director of Finance.
- B. Issuance. All licenses shall be granted and signed by the Director of Finance. Contracting businesses located in Chesterfield shall furnish proof of a certificate of insurance for workers' compensation coverage if said applicant for license is required to cover his/her liability under Chapter 287, RSMo., as amended.
- C. Denial. The City may refuse to grant or renew any license for any of the following reasons:
  - 1. Failure to have or to provide proof of workers' compensation coverage as required under Subsection **(B)** of this Section;
  - 2. Providing fraudulent information regarding workers' compensation coverage on an application for business license;
  - 3. The business or activity sought to be licensed is deemed to be one that would constitute a breach of the peace, a detriment, a menace to the health, safety or welfare of the public or a disturbance of the peace or comfort of the residents of the City if it were licensed;
  - 4. The business or activity sought to be licensed would be conducted in violation of any law of the United States or of the State or ordinance of the City;
  - 5. Any other basis for revocation as set out herein.
  - 6. No license shall be granted, or if already granted, renewed, where the premises to be licensed is in violation of Chapter **215** or Chapter **405** of the City of Chesterfield Municipal Code.  
[Ord. No. 3221, 1-17-2023]
- D. Liability. Nothing in this Section shall be construed to create or constitute a liability to or a cause of action against the City to the issuance of any license pursuant to this Section.

#### Section 605.250. Appeals.

[Ord. No. 3221, 1-17-2023]

- A. Any license or permit pursuant to Sections **600.085**, **605.070**, **605.470**, **605.610**, **605.770**, **605.1270**, **610.210**, **605.1040**, **210.680**, or **375.040** that is denied by reason of the applicant or the

premises to be licensed maintaining or being in violation of Chapter **215** or Chapter **405** of the City of Chesterfield Municipal Code may appeal such denial to the City Administrator as set forth below.

- B. Any such appeal made pursuant to this Section must be made within ten (10) days of the date of the decision to deny the license or permit is received.
- C. The City Administrator shall serve as the appeal officer and hear the appeal of the denial of the license or permit referenced in Subsection **(A)** above. The appeal officer shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The appeal officer shall prepare findings of fact, conclusions of law, and an order. The decision of the appeal officer may be appealed to the Board of Adjustment within ten (10) days of the appeal officer's decision is received.

## Chapter 605. Licenses and Business Regulations

### Article I. In General

#### Section 605.250. Appeals.

[Ord. No. 3221, 1-17-2023]

- A. Any license or permit pursuant to Sections **600.085, 605.070, 605.470, 605.610, 605.770, 605.1270, 610.210, 605.1040, 210.680, or 375.040** that is denied by reason of the applicant or the premises to be licensed maintaining or being in violation of Chapter **215** or Chapter **405** of the City of Chesterfield Municipal Code may appeal such denial to the City Administrator as set forth below.
- B. Any such appeal made pursuant to this Section must be made within ten (10) days of the date of the decision to deny the license or permit is received.
- C. The City Administrator shall serve as the appeal officer and hear the appeal of the denial of the license or permit referenced in Subsection **(A)** above. The appeal officer shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The appeal officer shall prepare findings of fact, conclusions of law, and an order. The decision of the appeal officer may be appealed to the Board of Adjustment within ten (10) days of the appeal officer's decision is received.

**NOTICE OF PUBLIC HEARING  
CITY OF CHESTERFIELD  
BOARD OF ADJUSTMENT**

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on March 6th, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

**B.A. 01-2024 Sunny's Spa (13714 Olive Blvd, Suite A)**: An appeal of the City Administrator's Findings of Fact, Conclusions of Law, and Order upholding the City's decision to deny an application to renew a business license for Sunny's Spa.



Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you need additional information about this project, please contact Justin Wyse, Director of Planning, by telephone at 636-537-4734 or by email at [jwyse@chesterfield.mo.us](mailto:jwyse@chesterfield.mo.us).

CITY OF CHESTERFIELD  
Justin Wyse  
Director of Planning

The Countian - St. Louis County  
1400 S. Highway Drive  
Fenton, MO, 63099  
Phone: 3144211880 Fax: 0

# THE ST. LOUIS COUNTIAN

## Affidavit of Publication

To: City of Chesterfield - Alyssa Ahner  
690 Chesterfield Parkway West  
Chesterfield, MO, 63017

Re: Legal Notice 4029187, CITY OF CHESTERFIELD BOARD OF  
ADJUSTMENT

State of MO

County of St. Louis County

Before the undersigned Notary Public personally appeared Mitt Patel on behalf of The Countian - St. Louis County, St. Louis County who, being duly sworn, attests that the said newspaper is qualified under the provisions of Missouri Law governing public notices to publish, and did so publish, the notice annexed hereto; starting with the 02/19/2025 edition and ending with the 02/19/2025 edition for a total of 1 publications, and that the date of publications were as follows: 02/19/2025.

Publishers fee: \$45.22

By: Mitt Patel  
Mitt Patel

Sworn to me on this 20<sup>th</sup> day of  
February 2025

By: Brandon M. Crail  
Brandon M. Crail  
Notary Public, State of MO  
No. 20297982  
Qualified in St. Louis County  
My commission expires on  
March 5, 2028

### NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on March 6th, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

} SS: B.A. 01-2024 Sunny's Spa (13714 Olive Blvd, Suite A); An appeal of the City Administrator's Findings of

Fact, Conclusions of Law, and Order upholding the City's decision to deny an application to renew a business license for Sunny's Spa.

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you need additional information about this project, please contact Justin Wyse, Director of Planning, by telephone at 636-537-4734 or by email at [jwyse@chesterfield.mo.us](mailto:jwyse@chesterfield.mo.us).

CITY OF CHESTERFIELD

Justin Wyse

Director of Planning

4029187 County Feb. 19, 2025



**BEFORE THE  
BUSINESS LICENSE HEARING OFFICER  
CITY OF CHESTERFIELD, MISSOURI**

**IN RE:** )  
 )  
**APPEAL OF THE CITY’S DENIAL OF A** )  
**BUSINESS LICENSE FOR SUNNY’S SPA** )  
**LOCATED AT 13714 OLIVE** )  
**BOULEVARD, SUITE A,** )  
**CHESTERFIELD, MISSOURI 63017** )

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**  
**REGARDING THE APPEAL OF THE CITY OF CHESTERFIELD’S DENIAL OF**  
**A BUSINESS LICENSE FOR SUNNY’S SPA LOCATED AT 13714 OLIVE**  
**BOULEVARD, SUITE A, CHESTERFIELD, MISSOURI 63017**

COMES NOW, hearing officer, Michael Geisel, (the “Hearing Officer”) of the City of Chesterfield, Missouri (the “City”), pursuant to Sections 605.070(C) and 605.250 of the City’s Code of Ordinances (the “Code”) having heard testimony at a hearing on August 26, 2024, hereby makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Sunny’s Spa (the “Business”) is located at 13714 Olive Boulevard, Suite A, Chesterfield, MO 63017, within the City of Chesterfield, Missouri.
2. The Business represents that it provides massage therapy services.
3. Jie Cao is the owner and operator of the Business (the “Owner”) and the individual who appealed the City’s decision to deny issuance of a business license to the Business, pursuant to Code Section 605.070(C), due to violations of the City of Chesterfield Municipal Code occurring on the premises.
4. Following complaints that the Business was providing sexual gratification services to patrons of the Business, on or about March 12, 2024, and again on April 25, 2024, the St. Louis County Police Department (the “County Police”) performed an undercover operation at the Business to uncover evidence of illegal activities occurring at the Business including, but not limited to, prostitution and human trafficking (the “Undercover Operations”).
5. During each of the Undercover Operations an agent of the County Police went into the Business posing as a patron seeking massage therapy services, but in each instance the County Police agent was sexually assaulted by an employee

of the Business due to the employees of the Business attempting to provide sexual gratification services to the County Police agent.

6. Each of the two Undercover Operations was undertaken by a different County Police agent and two different employees of the Business attempted to provide sexual gratification services across the two Undercover Operations.

7. In addition to the Undercover Operations, which revealed prostitution was occurring at the Business and was not isolated to a single employee or single incident, the County Police undertook an extensive surveillance effort to document the suspected human trafficking occurring at the Business.

8. During the County Police's time surveilling the Business, they observed instances where the employees of the Business did not leave the Business at the end of each workday and instead stayed overnight at the Business – a practice, according to County Police, known to be used human trafficking situations.

9. Finally, the County Police further engaged in online research of the Business and learned that the Business was listed on at least one website where individuals who are seeking sexual gratification services can exchange information and reviews regarding various businesses and employees who will provide these services.

10. Soon after the April 25, 2024 Undercover Operation, County Police executed a search warrant for the Business wherein County Police arrested the two employees of the Business referenced above, seized fourteen thousand dollars and records of the Business, performed an extensive search of the Business, and interviewed the Owner as well as each of the employees who were found at the Business that day.

11. On or about August 26, 2024, the Hearing Officer held a hearing on the City's decision to deny issuance of a business license to the Business, pursuant to Code Section 605.070(C), due to violations of the City of Chesterfield Municipal Code occurring on the premises (the "Hearing").

12. At the Hearing, the City presented testimony through Detective Brian Shanika ("Detective Shanika") that (1) violations of the City Code, including, but not limited to, sexual abuse (Code Section 210.1520), prostitution (Code Section 210.1360), and maintaining a building regularly used for any prostitution activity (Code Section 210.1390) had occurred at the Business, (2) the Business was not maintaining accurate client records as required by State law, and (3) that the Business was being investigated for potential human trafficking violations in addition to the prostitution violations.

13. At the Hearing, the Owner presented testimony that (1) she was not aware of the violations of the City Code occurring at the Business prior to the search

warrant being executed, (2) that upon learning of the violations, she terminated the employment of one of the two employees who had been arrested by the County Police, (3) that some clients refused to provide information required to maintain accurate client records as required by state law, (4) that the employees of the Business lived with the Owner, not at the Business, and (5) that she had taken remedial action to try and prevent future violations of law from occurring at the Business including, but not limited to, having her employees sign a code of conduct and placing signs within the Business indicating that the Business reserved the right to refuse service for any reason. The Owner offered copies of the code of conduct and signs as exhibits.

14. At the Hearing, the Hearing Officer accepted all of the exhibits offered by the Owner into evidence, without objections.

15. At the Hearing, the Hearing Officer had an opportunity to question Detective Shanika and the Owner regarding their testimony.

16. The Hearing Officer questioned the Owner regarding the fact that Detective Shanika had testified that two different employees of the Business had engaged in sexual assault of County Police agents and been arrested when the search warrant was executed, but only one employee of the Business was terminated following this incident. The Owner testified that she was not aware another employee who was still working at the Business was arrested by St. Louis County.

17. The Hearing Officer questioned the Owner regarding whether the employees of the Business were properly licensed by the State of Missouri to provide massage therapy services. The Owner admitted to employing an individual, the employee that was later terminated, who did not have a valid license to provide massage therapy services.

18. The Hearing Officer questioned whether the Business had all of the required client records as required by state law. The Owner indicated that she had this information, but that the police had not asked for these records when they executed the search warrant for the Business.

19. At the conclusion of the testimony and questioning, the Hearing Officer took the matter under advisement.

20. The Hearing Officer finds Detective Shanika's testimony that violations of the City Code, including, but not limited to, sexual abuse (Code Section 210.1520), prostitution (Code Section 210.1360), and maintaining a building regularly used for any prostitution activity (Code Section 210.1390) had occurred at the Business, to be competent and credible.

21. The Hearing Officer finds the Owner's testimony that she was not aware of the violations of the City Code occurring at the Business prior to the search warrant being executed, to not be competent and credible. However, the Hearing Officer finds the Owner's testimony that she terminated the employment of one of the two employees who had been arrested by the County Police and that she had taken remedial action to try and prevent future violations of law from occurring at the Business including, but not limited to, having her employees sign a code of conduct and placing signs within the Business indicating that the Business reserved the right to refuse service for any reason, to be competent and credible.

22. The Hearing Officer hereby finds that violations of the City Code, including, but not limited to, sexual abuse (Code Section 210.1520), prostitution (Code Section 210.1360), and maintaining a building regularly used for any prostitution activity (Code Section 210.1390) have occurred at the Business.

23. The Hearing Officer further finds that while the Owner has purported to take steps to remedy the violations of Code and prevent future incidents from occurring at the Business, at least one employee who engaged in sexual gratification services continues to be employed by the Business.

23. Based on the totality of the evidence the Hearing Officer finds that there are violations of the City Code which have occurred at the Business that support the City's decision to deny issuance of a business license to the Business pursuant to Code Section 605.070.

24. Based on the totality of the evidence the Hearing Officer finds that the Owner has failed to take sufficient remedial action to prevent future violations of the City Code from occurring at the Business so as to justify issuance of a business license despite the Owner admitting to violations of Code occurring at the Business.

### **CONCLUSIONS OF LAW**

25. All notices for the Hearing and the Hearing itself complied with the ordinances of the City and applicable Missouri law, including any procedural requirements.

26. Based upon the testimony, evidence and arguments, the Hearing Officer finds that there are violations of the City Code which have occurred at the Business that support the City's decision to deny issuance of a business license to the Business pursuant to Code Section 605.070. Specifically, the Hearing Officer finds that violations of the City Code occurred at the Business including, but not limited to, violations of Code Sections 605.070(C)(3) and 605.070(C)(6).

27. Based upon the testimony, evidence and arguments, the Hearing Officer finds that the Code does not require the City to grant a business license where remedial measures have been taken to address the violations of the City Code that supported the determination to deny issuance of a business license.

28. Based upon the testimony, evidence and arguments, the Hearing Officer finds that even if the Code did require the City to grant a business license where remedial measures have been taken to address the violations of the City Code that supported the determination to deny issuance of a business license, at least one employee who engaged in sexual gratification services continues to be employed by the Business and the Hearing Officer finds that the remedial measures undertaken by the Owner and the Business to be insufficient to prevent further violations of the City Code.

**ORDER**

29. The Hearing Officer, having considered the evidence and testimony presented, denies the Owner's appeal of the City's decision to deny issuance of a business license to the Business, pursuant to Code Section 605.070(C), due to violations of the City Code occurring on the premises including, but not limited to, violations of Code Sections 605.070(C)(3) and 605.070(C)(6).

30. The Hearing Officer, having considered the evidence and testimony presented, upholds the City's decision to deny issuance of a business license to the Business, pursuant to Code Section 605.070(C), due to violations of the City Code occurring on the premises.

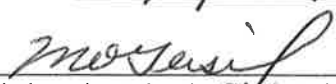
31. The City Clerk shall cause a copy of these Findings of Fact, Conclusions of Law, and Order to be sent via certified mail to the Owner, the Owner's legal counsel, and to the Business.

32. The City Attorney shall cause a copy of these cause a copy of these Findings of Fact, Conclusions of Law, and Order to be sent via email to the Owner's legal counsel.

These Findings of Fact, Conclusions of Law, and Order may, pursuant to City Code Section 605.250, be appealed by any affected party to the Board of Adjustment within ten (10) days of the Hearing Officer's decision.

**SO ORDERED.**

Dated 9/10/2024

  
\_\_\_\_\_  
Michael Geisel, City Administrator

City of Chesterfield Business License Hearing Officer



FRANKEL, RUBIN, KLEIN,  
PAYNE & PUDLOWSKI, P.C.

231 SOUTH BEMISTON AVENUE, SUITE 1111  
ST. LOUIS (CLAYTON), MISSOURI 63105-1914  
TELEPHONE: (314) 725-8000  
FACSIMILE: (314) 726-5837  
WWW.FRANKELRUBIN.COM

ATTORNEYS & COUNSELORS AT LAW

**MAYER S. KLEIN**  
mklein@frankelrubin.com

Of Counsel:  
Gamache & Myers, P.C.

September 20, 2024

Chris Graville  
City Attorney of the City of Chesterfield  
[chrisgraville@hgstl.com](mailto:chrisgraville@hgstl.com)

Katherine Hipp  
Chairperson of the Board of Adjustment of the City of Chesterfield  
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Vice-Chairperson of the Board of Adjustment of the City of Chesterfield  
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Justin Wyse  
Staff Liaison  
[jwyse@chesterfield.mo.us](mailto:jwyse@chesterfield.mo.us)  
City of Chesterfield  
690 Chesterfield Parkway West  
Chesterfield, Missouri 63017

**Re: *Sunny's Spa Appeal***  
**Our File Number: 2021-001**

Dear Sirs and Madams:

We are in receipt of the Chesterfield City Administrator's Findings of Fact, Conclusions of Law, and Order in the Sunny's Spa business license appeal matter. It is attached here, along with the Board of Adjustment Application, and the email confirming that we may submit via email. As counsel for Sunny's Spa, we respectfully request an appeal to the Chesterfield Board of Adjustment, pursuant to Ordinance 605.250. Please let us know what the procedures and processes for the same going forward.

Sincerely yours,

/s/ Mayer S. Klein  
MAYER S. KLEIN

FRANKEL, RUBIN, KLEIN, PAYNE & PUDLOWSKI, P.C.

Mr. Michael Miranda, Esq.  
March 27, 2023  
Page 2



# City of Chesterfield

## DEPARTMENT OF PLANNING

### BOARD OF ADJUSTMENT APPLICATION

*The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. The Board hears requests for variances and appeals of administrative determinations. A variance is a deviation from the zoning ordinance requirements for a specific parcel. The types of variances heard before the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at [chesterfield.mo.us/active-developments.html](http://chesterfield.mo.us/active-developments.html)*

Check (✓) the type of variance for which you are applying:

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

*Please note: Areas in gray will be completed by the Department of Planning.*

STATE OF MISSOURI

BOA NUMBER \_\_\_\_\_

HEARING DATE \_\_\_\_\_

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel.: \_\_\_\_\_ Fax: \_\_\_\_\_

Petitioner, if other than owner(s): Sunny's Spa (Jie Cao) license number 16Q230260

Address: 13714 Olive Blvd, Suite A

City: Chesterfield State: MO Zip: 63017

Tel.: 314 725 8000 (counsel) Fax: \_\_\_\_\_

Legal Interest: Tenant and business owner

(Provide date of contract and date of expiration of contract)

**\*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)**

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

**II. PROPERTY INFORMATION**

**Project Address:** No project

**Locator Number(s):** \_\_\_\_\_

(List additional locator numbers on separate sheet and attach to petition)

**Acreage:** \_\_\_\_\_ (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** \_\_\_\_\_

**Current Zoning District:** \_\_\_\_\_

**Legal Description of Property:**

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

**Unique physical characteristics of the lot (e.g., size, slope, etc.):**

NA

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:**

Petitioner seeks appeal to the decision not to renew the business license of Sunny's Spa.

**Ordinance Number and section to which a variance is sought:**

Petitioner seeks appeal to the decision not to renew the business license of Sunny's Spa. The relevant Ordinances are 605.070 and we appeal per 605.250.

(Attach additional sheets as necessary)

**Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition?**      Check (✓) one     Yes     No

**Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:**

Petitioner appeals the decision not to renew the business license of Sunny's Spa.

In 2010, Jie Cao moved to the United States and became a licensed massage therapist. In November 2019, she purchased Sunny's Spa from a prior owner. The Spa prominently displays its licenses and maintains intake forms as records of the clientele.

On or about April 25, 2024, St. Louis County police arrived at Sunny's Spa with a warrant. Ms. Cao, the owner of Sunny's Spa, provided all records to the police and cooperated completely. Ms. Cao went to the police station where she was interviewed, and the police explained that one of her massage therapists had been offering sexual services to clients. Ms. Cao immediately terminated that individual, who had only been in her employ since January 2024. Apparently, the police had also come on or about March 12, 2024, though Ms. Cao did not understand there to be a problem, because there were no arrests, and she was not told that there was a particular issue. In May 2024, the City of Chesterfield notified Ms. Cao that it would not be renewing the business license for Sunny's Spa. Ms. Cao promptly requested an appeal of that decision.

Immediately thereafter, Ms. Cao began to take remedial steps to avoid a similar issue in the future. Ms. Cao does not want anyone providing any unlawful services at the Spa. Her immediate steps to this end were to:

1. Create a bilingual (English/Chinese) contract which explains that only legal massages are permitted and that no sexual services are to be offered, or the therapist in question will be terminated. All employees have since signed this contract.
2. Place signs in every therapy room stating that service can be denied for inappropriate requests.
3. Remove all locks from the massage rooms.

On August 26, 2024, pursuant to Chesterfield ordinances, an informal appeal of the decision denying her business license was held. At that hearing, Ms. Cao explained that she had no idea that any of this was going on and put a stop to it immediately. When asked at the hearing for further detail about the incident at issue, Ms. Cao was advised by the St. Louis County Police Department that there was an ongoing investigation. Thus, the only information she was provided was that undercover officers were "sexually assaulted"

Further, Ms. Cao learned for the first time at the hearing that there had been not one, but two arrests of therapists on April 25, 2024. Since there was only one other therapist there that day, Ms. Cao knew who it must be, and has since terminated that person as well.

Sunny's Spa intends to operate a legitimate massage business in Chesterfield, and intends to comply with any reasonable remedial measures that the City requests. Ms. Cao has no desire to be involved with the sale of sexual services and will take any steps necessary to demonstrate the same.

Sunny's Spa therefore wishes to appeal the September 10, 2024 Order, included with this document, to the Chesterfield Board of Adjustment, pursuant to Ordinance 605.250.

(Attach additional sheets as necessary)

**Description of the effect or impact on neighboring properties:**

NA

(Attach additional sheets as necessary)

**For Area or Bulk Variance Requests, complete the following section:**

**A. Setbacks/Height:**

	<b>The Petitioner(s) request the following setback(s):</b>	<b>City of Chesterfield Regulations require the following setback(s) for this site:</b>
<b>Front Yard:</b>	NA _____	_____ _____
<b>Side Yard:</b>	_____ _____	_____ _____
<b>Rear Yard:</b>	_____ _____	_____ _____
<b>Height:</b>	_____ _____	_____ _____

**Provide the following:**

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

**For Sign Variance Requests, complete the following section:**

**B. Signage:**

	<b>The Petitioner(s) request the following :</b>	<b>City of Chesterfield Regulations allow the following for this site:</b>
<b>Number of attached business signs:</b>	NA _____	_____
<b>Size of attached business signs:</b>	_____	_____
<b>Number of freestanding business signs:</b>	_____	_____
<b>Size of freestanding business signs:</b>	_____	_____

**Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.**

**Provide the following:**

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing:
    - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
    - The location of proposed signs.
    - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
  - A detail sign plan indicating:
    - Dimension of signs with detail sign lettering layout.
    - Total square feet of signs. If attached, what percent of wall.
    - Light detail, if any.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

**IV. COMPLIANCE**

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes  No. If no, please explain:

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes  No. If no, please explain:

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

**V. STATEMENT OF CONSENT**

**STATEMENT OF CONSENT**

I hereby give CONSENT to Signed by attorney per Justin Wyse & City Attorney (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

**OWNER/CONTRACT PURCHASER INFORMATION:**

I am the  owner  contract purchaser. (check (✓) one)

\_\_\_\_\_  
(Name- type, stamp or print clearly)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name of Firm)

\_\_\_\_\_  
(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
20 \_\_\_\_\_ .

Signed \_\_\_\_\_ Print Name: \_\_\_\_\_  
Notary Public

Seal/Stamp:

My Commission Expires: \_\_\_\_\_

**VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY**

**INSTRUCTIONS:** To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

**Project Name:** Sunny's Spa **Submittal Date:** 9/20/2024

**STATEMENT OF COMPLETION AND ACCURACY**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

**Check (✓) one:**     I am the property owner.     I am the contract purchaser.  
                                  I am the duly appointed agent of the petitioner.

Jacob M. Glickfield

\_\_\_\_\_  
(Name- type, stamp or print clearly)  
Frankel Rubin Klein Payne & Pudlowski, PC

\_\_\_\_\_  
(Signature)  
231 S. Bemiston #1111 Clayton, MO 63105

(Name of Firm)

(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 20 day of September 2024.

Signed Jacob Eric Blackwelder Print Name: Jacob Eric Blackwelder  
Notary Public

Seal/Stamp:

My Commission Expires: 11-01-2026



690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

**VII. CITY OF CHESTERFIELD  
LIENS AND FINES CERTIFICATION**

**Project Name:** \_\_\_\_\_ **Ward:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Locator:** \_\_\_\_\_

**STATE OF MISSOURI, CITY OF CHESTERFIELD**

**I do hereby certify to the Council of the City of Chesterfield that:**

\_\_\_ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

\_\_\_ There are the following fines and/or liens owed to the City of Chesterfield:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

\_\_\_\_\_  
Finance Director  
City of Chesterfield

\_\_\_\_\_  
Date

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**STAFF / BOA USE ONLY**

**Intake Date:** \_\_\_\_\_

**This petition** is granted / denied (circle one) on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Chairman**

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