CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT
MEETING SUMMARY
Thursday, November 4, 2021

The Board of Adjustment meeting was called to order at 6:00 p.m. on Thursday, November 4, 2021 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
Ms. Barb Whitman

Mr. Mike Knight, Assistant City Planner, City of Chesterfield
Ms. Kathy Reiter, Recording Secretary, City of Chesterfield
Court Reporter, Alaris Litigation Services

II. Approval of February 6, 2020 Meeting Summary

Barb Whitman made a motion to approve the Meeting Summary. The motion was seconded by Melissa Heberle. Upon roll call, the vote was as follows:

Katherine Hipp	**Yes**
Melissa Heberle	**Yes**
Brendan Block	**Yes**
Jeannie Rader	**Yes**
Barb Whitman	**Yes**

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. 01-2021 1933 Mistflower Glen Ct. (Jeffrey and Duanne Galmiche): A request for a variance from Plat One for Lot 9 of the Forest Meadows subdivision to maintain a rear yard setback of 10 feet in lieu of the 15-foot setback requirement. (19T320183)

Staff Presentation:
Mr. Mike Knight, Assistant City Planner for the City of Chesterfield, was sworn in by the Court Reporter.

Mr. Knight stated the following:

- The petition is a request to maintain a 10 foot rear yard setback in lieu of the 15 ft. setback requirement to accommodate construction of a detached garage. The lot is .69 acres/30,056 square feet in size. The original request was submitted to the City in August of 2021. This request was rejected because it encroached into the rear yard setback.
- The subject property is located in Forest Meadows subdivision Plat One and was zoned "R-1" and "R-1A" with a Planned Environment Unit (PEU) in 1983. The Record Plat was approved in November of 1984 and the existing home was constructed in 1985 according to St. Louis County Accessor records.
- The request before this Board is to maintain a 10 ft. rear yard setback for the construction of a detached garage. The variance would permit the applicant to construct a detached garage in the rear of their property.
- 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.
- The applicants have submitted 3 letters of support with their petition and have provided a statement of hardship, that being the lot is very irregular, very wide but shallow. The house is located on a cul-de-sac with limited street parking for a pickup truck. A letter of opposition from a surrounding neighbor was received after the public notice was provided.

Discussion:

Ms. Hipp asked about the neighbor who was in opposition and where the house was located. Ms. Galmiche replied that the house is behind their property in a different subdivision off of Wilson Road. Ms. Hipp then inquired if the driveway in the photos was a two part driveway. Mr. Knight confirmed that it is, and that a new connecting driveway was put in the front of the lot.

Ms. Hipp then referenced Page 2 on Exhibit 4, Staff Report, asking about the other items mentioned besides the rear yard setback that are required to be addressed before MZA approval. Mr. Knight replied that the driveway width far exceeds the maximum width of 26 feet, but the applicants have assured him that they can still meet those requirements in a future submittal if this request is approved for the garage.

Petitioner's Presentation

Mr. Jeffrey Galmiche, 1933 Mistflower Glen Court, Chesterfield, MO 63005 was sworn in by the Court Reporter.

Mr. Galmiche stated that they are requesting a variance to allow a 10 ft. rear yard setback and then made the following points:

- They are asking for the variance because they cannot construct a garage on the property within the setbacks that would be deep enough to get a vehicle in properly.
- They would like to build a detached garage to accommodate his work truck. The lot is very irregular, very wide but shallow. The house is located on a cul-de-sac with limited street parking for a pickup truck.
- The only other space they could put the garage to be within the building lines is 50 ft. from their original garage and against a neighbor's driveway.
- When purchasing the lot, the Plot Plan showed the easements, which they mistook for the rear yard setbacks thinking they were 10 ft., not the required 15 ft.
- The neighbors and subdivision trustees have given approval for the detached garage.

Discussion:

Ms. Hipp inquired about the cul-de-sac size and whether they are the same throughout the City of Chesterfield. Mr. Knight responded that he was not aware of any unusual or different circumstances of the size of the cul-de-sac, noting that standard roads are 26 feet wide with 13 ft. lanes. This road was built before the City was incorporated.

Mr. Galmiche stated that the street is 20 ft. wide in front of his house from grass line to grass line and explained that the cul-de-sac opens up a little, but leaves him no place to park.

Mrs. Duanne Galmiche was sworn in by the Court Report.

Responding to questions from the Board, Mr. and Mrs. Galmiche provided the following information:

Plans are to keep the existing garage in order to house two other vehicles.

It would be difficult to expand the existing garage to meet their needs because it is a rear-entry garage with a very short driveway. The driveway has a sharp turn, which is hard to maneuver, especially for a full-size pick-up truck. In addition, the lot is long and narrow with not much depth making it difficult to get around back. Mr. Galmiche also explained that he did not believe the existing garage could be converted to a front-entry garage because of structural concerns.

A new garage would be situated to allow a front entry and would have a widened driveway. It was noted that the driveway would be under 26 feet wide.

In reviewing whether a hardship exists, discussion continued regarding the narrow cul-de-sac, the subdivision having many small children playing in the area, the trustee approvals, the applicants having family members over regularly, an oddly shaped lot and vehicular crimes in the area.

Speakers – In Favor:
Mr. Brad McDale, 16242 Forest Meadows, Chesterfield, MO 63005, was sworn in by the Court Reporter.

Mr. McDale, a trustee of Forest Meadows subdivision, stated that he could attest to how tight the cul-de-sac is and that he is in full support of constructing a detached garage.

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

CONCLUSION
Katherine Hipp made a motion to approve the variance request to maintain a rear yard setback of 10 feet in lieu of the 15 foot required setback. The motion was seconded by Melissa Heberle. Upon roll call, the vote was as follows:

Katherine Hipp	**Approve**
Melissa Heberle	**Approve**
Brendan Block	**Approve**
Jeannie Rader	**Approve**
Barb Whitman	**Abstain**

The motion passed 4 to 0 with 1 abstention. The application was approved.

V. Election of Officers
- **A.** Chair
- **B.** Vice Chair

Chair Hipp asked for nominations for the Chair of the Board of Adjustment. Jeannie Rader nominated Katherine Hipp. The motion was seconded by Melissa Heberle.

The motion to nominate Katherine Hipp as Chair of the Board of Adjustment passed by a voice vote of 5-0.

Katherine Hipp accepted the position as Chair of the Board of Adjustment.

Chair Hipp asked for nominations for Vice-Chair of the Board of Adjustment. Jeannie Rader nominated Melissa Heberle. The nomination was seconded by Chair Hipp.

The motion to nominate Melissa Heberle as Vice-Chair of the Board of Adjustment passed by a voice vote of 5-0.

Melissa Heberle accepted the position as Vice-Chair of the Board of Adjustment.

At this time the Board members discussed various items as they have not met in some time. Discussion items related to hardships, precedence, and parliamentary procedure.

VI. 2022 Proposed Meeting Schedule

Barb Whitman made a motion to accept the 2022 Meeting Schedule. The motion was seconded by Melissa Heberle and **passed by a voice vote of 5-0.**

VII. Adjournment

The meeting adjourned at 7:00 p.m.