CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT
MEETING SUMMARY
Thursday, November 1, 2018

The Board of Adjustment meeting was called to order at 6:00 p.m. on Thursday, November 1, 2018 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
Ms. Jeannie Rader
Mr. Gerald Schwalbe
Ms. Barb Whitman

Ms. Jessica Henry, Assistant City Planner, City of Chesterfield
Ms. Kathy Reiter, Recording Secretary, City of Chesterfield
Court Reporter, Alaris Litigation Services

Also in attendance was Councilmember Michelle Ohley, Ward IV.

II. Approval of October 4, 2018 Meeting Summary

Melissa Heberle made a motion to approve the Meeting Summary. The motion was seconded by Jeannie Rader and **passed** by a voice vote of 5 to 0.

III. Request for Affidavit of Publication

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

IV. Public Hearing Items:

The Chair read the Opening Comments for the Public Hearing.

A. **B.A. 02-2018 18047 Wild Horse Creek Road):** A request for a variance from Article 03-02 of the City of Chesterfield Unified Development Code for the property addressed as 18047 Wild Horse Creek Road to maintain a front yard setback of 40 feet 6 inches in lieu of the 50 foot setback requirement for a 3.9 acre tract of land zoned “NU” Non-Urban District (18W310014)

Staff Presentation:
Ms. Jessica Henry, Assistant City Planner for the City of Chesterfield, was sworn in by the Court Reporter.

Ms. Henry stated the following:

- The petition is a request to maintain a 40 ft. 6 in. front yard setback in lieu of the 50 ft. setback requirement to accommodate construction of an addition to the residence at 18047 Wild Horse Creek Road. The original request was submitted to the City in July of 2018. This request was rejected due to the setback encroachment. The existing residence is also within the front yard setback and is considered a legally non-conforming use. The application was therefore denied and the applicants were referred to the Board of Adjustment.
- The subject property was zoned "NU" Non-Urban District by St. Louis County prior to the incorporation of the City of Chesterfield. County tax records indicate the residence was constructed in 1931.
- The request before this Board is to maintain a 40 ft. 6 in. front yard setback for the construction of a new addition on the existing residence. The proposed addition maintains the line of the existing residence and does not project further into the setback than the non-conforming portion of the residence. The area of addition that is requested to maintain a 40'6" front yard setback is 91.4 square feet.

Petitioner's Presentation:
Mr. Corey Meyer, 18047 Wild Horse Creek Road, Chesterfield, MO 63005, the Petitioner, and Mr. Mike Killeen, Killeen Studio Architects, 3015 Salena Street, St. Louis, MO 63118 were sworn in by the Court Reporter.

- Mr. Meyer provided the following information regarding the request for a variance to allow a 40 ft. front yard setback: The house sits at a heavily trafficked bend on Wild Horse Creek Road across from Pine Bend Subdivision where there is a 45 mph speed limit. Because of safety concerns, the original front door has never been used. To address this issue, they have designed a new front façade which would give them a front door that could safely be used. It was pointed out that the design ties the bungalow style, old house in with the new addition . (At this time, Mr. Killeen entered photos taken today, November 1, 2018 as Exhibit 8, and then presented them to the Board members.)
- The footprint of the area requested for the variance is 91.4 square feet, which encroaches 9 feet 6 inches over the setback at the southeast corner of the house. This encroachment is needed to change the orientation of the front of the house from the south to the east façade. Because the home is already constructed over the setback line, the area of encroachment would be beyond the south setback line but in line with the current edge of the home, and would not extend farther over the setback than the current house.
- After exploring other possible designs with the architect, it was determined that this is the only feasible option. Any design that expands the house without relocating the front entrance would not address the core safety issue.

Discussion:

Mr. Schwalbe asked if the face of the front of the house is to the east and if the addition is to the east and along the whole back of the house. Mr. Meyer answered that they are.

Ms. Hipp questioned as to what the applicant had done to find other options for the addition. Mr. Meyer responded that they had been working on this for five years with two different architects. The home is a bungalow style home and very difficult to design. There were many designs attempted and then rejected feeling they just weren't good enough for themselves or the City of Chesterfield.

Ms. Hipp then asked for clarification about the proposed expansion. Mr. Meyer stated that the plans are to just basically rebuild the side porch.

Ms. Whitman noted that the plans show the mud room being removed and the whole side of the house being rebuilt. Mr. Killeen stated that they are not trying to misrepresent the fact that they are trying to save the 9 ft. 10 in. portion. The intent is to remove that area and put a full new east façade onto the building.

Mr. Schwalbe asked if the side yard setbacks were encroached upon. Ms. Henry answered that there is a 20 ft. side and rear yard setback and that the petitioner is not proposing to encroach any more than the existing encroachment. Any future permits for accessory structures will have to meet those setback requirements or another variance request will be needed.

Ms. Hipp then inquired as to why the addition could not be added to the back of the house. Mr. Killeen replied that the Meyers wanted the front of the building to be the east side. In order to add onto the bungalow without making it look "sort of ad-hoc", they realized they needed to build all the way to the corner. He explained that the hardship is the house's location presenting a challenge on how to address both the safety issue and the aesthetics in order to retain the property's value.

CONCLUSION

Gerald Schwalbe made a motion to approve the variance request to maintain a front yard setback of 40 feet 6 inches in lieu of the 50 foot required setback. The motion was seconded by Melissa Heberle. Upon roll call, the vote was as follows:

Katherine Hipp	**Yes**
Melissa Heberle	**Yes**
Gerald Schwalbe	**Yes**
Barbara Whitman	**No**
Jeannie Rader	**Yes**

The motion passed 4 to 1. The petition was approved.

V. Adjournment

The meeting adjourned at 6:25 p.m.