

**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, July 27, 2006**

The Board of Adjustment meeting was called to order at 7:00 p.m. on Thursday, July 27, 2006 by Mr. Robert Tucker, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Marilyn Ainsworth
Ms. Laura Lueking
Ms. Dru Thomas
Mr. Alan Baudler
Mr. Richard Morris
Mr. Robert Tucker
Mr. Rob Heggie, City Attorney, City of Chesterfield
Ms. Aimee Nassif, Senior Planner, City of Chesterfield Department of Planning
Ms. Joyce Collins-Catling, Executive Secretary, City of Chesterfield Department of Planning
Court Reporter, Midwest Litigation Services

II. Approval of July 6, 2006 Meeting Summary

Laura Lueking made a motion to approve the summary as written.
Richard Morris seconded the motion.
The motion passed by voice vote 6-0

III. Request for Affidavit of Publication

IV. Public Hearing Items:

- A. **B.A. 5a-2006 Taylor Morley Land Development, L.L.C. (Manors at Schoettler Valley)**: A request for a variance from Section I(E)(2)(a) of City of Chesterfield Ordinance 2277 to permit a new residential subdivision to maintain a side yard setback of six (6) feet in lieu of an eight (8) foot side yard setback. (19R130021, 19S340027) Zoning of Property: "R2" Residence District with a Planned Environment Unit (PEU).

And

B.A. 5b-2006 Taylor Morley Land Development, L.L.C. (Manors at Schoettler Valley): A request for variance from Section I(E)(1)(b) of City of Chesterfield Ordinance 2277 to permit Lots 1 and 9 of a new residential subdivision to maintain a perimeter boundary of six (6) feet in lieu of fifteen (15) ft. as required by ordinance. (19R130021, 19S340027) Zoning of Property: "R2" Residence District with a Planned Environment Unit (PEU).

The Board decided to hold two separate votes for B.A 5a-2006 and B.A. 5b-2006. Disclosure of previous relationships between Board members and the Developer (Taylor-Morley) was provided; the Petitioner had no objection to this disclosure.

Senior Planner Aimee Nassif presented exhibits supporting the petitioner's requests for a 6' side yard setback and a variance permitting Lots 1 and 9 to maintain a perimeter boundary of 6'. Robert Epstein, representative for the Petitioner stated that a reduction in the side yard setback is necessary to allow side entry garages and not front entry garages. The driveways are not wide enough for sufficient vehicle turning resulting in a practical difficulty rather than a hardship. There is no expected growth in population, or substantial changes to land. The adjacent subdivision, Highland Forest, has similar zoning and Trustees have sent letters supporting the request. The Trustees have also met with Taylor-Morley.

The Petitioner's second request is for a reduction of perimeter boundary in Lots 1 and 9, which abut Highland Forest lots. There is a 20' strip of common ground, creating a sufficient amount for a buffer. The Highland Forest subdivision is in agreement and willing to work with Taylor-Morley on landscaping.

There were no additional speakers present in favor of the petition.
There were no speakers present in opposition.

B.A. 5a-2006

Richard Morris made a motion to grant the request.
Laura Lueking seconded the motion.

The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, yes; Dru Thomas, yes; Alan Baudler, yes; Richard Morris, yes; Robert Tucker, yes.

The motion passed by voice vote 6-0

B.A. 5b-2006

Marilyn Ainsworth made a motion to grant the request.
Laura Lueking seconded the motion.

The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, yes; Dru Thomas, yes; Alan Baudler, yes; Richard Morris, yes; Robert Tucker, yes.

The motion passed by voice vote 6-0

B. B.A. 6-2006 Bonhomme Presbyterian Church: A request for a variance from Section 1003.168 of the City of Chesterfield Zoning Ordinance to permit a ten foot tall electronic message center within the minimum front yard setback at 14820 Conway Road (18R120333).
Zoning of property: "NU" Non-Urban District.

Senior Planner Aimee Nassif presented exhibits supporting the Petitioner's request for (1) an electronic message center, and (2) a 10' high sign in front yard setback. The Petitioner provided a PowerPoint presentation. The Church has been a part of the Chesterfield community since the 1800's and at the current location since the 1950's. The sign is reasonably designed in overall size and is consistent with other signs in style and appearance. The Church will move the proposed sign 16' further away than the current sign. A variance is warranted under the current redesign of the highway and Church property. The site specific ordinance provides for additional height if sign is moved farther back; this provision has been accommodated.

The Petitioner also requests the incorporation of a non-flashing, non-scrolling digital message center into the sign. The proposed sign will be away from and above the roadway. Tom Pfizenmaier, Sr. Pastor, stated that a frustration exists that passersby do not see their current sign. The Church maintains a strong aesthetic sensitivity, but at the same time desire to be visible, since significant visibility has been lost due to increased commercial businesses. He pointed out

that a digital sign is more aesthetically pleasing, and the messages will only provide event and church service information. He stated that the message change frequency will worked out according to Board regulations. The message center's purpose is an attempt to reach new members.

Note: The City of Chesterfield does not allow electronic messaging centers.

There were no additional speakers present in favor of the petition.
There were no speakers present in opposition.

The Board made two separate votes concerning B.A. 6-2006 as follows:

Electronic Message Center

**Richard Morris made a motion to grant the request.
Marilyn Ainsworth seconded the motion.**

The voice vote was as follows: Marilyn Ainsworth, no; Laura Lueking, no; Dru Thomas, no; Alan Baudler, no; Richard Morris, no; Robert Tucker, no.

The motion failed by voice vote 0-6

6' Height Requirement and Location

**Richard Morris made a motion to grant the request.
Marilyn Ainsworth seconded the motion.**

The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, no; Dru Thomas, no; Alan Baudler, no; Richard Morris, no; Robert Tucker, yes.

The motion failed by voice vote 2-4

VI. Adjournment

Meeting adjourned at 8:05 p.m. There will be no meeting in August. At the September meeting, Elections will be held, and the BOA Manual will be distributed.