CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT
MEETING SUMMARY
Thursday, June 15, 2017

The Board of Adjustment meeting was called to order at 6:00 p.m. on Thursday, June 15, 2017 by Ms. Marilyn Ainsworth, Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Marilyn Ainsworth, Chair
Ms. Melissa Heberle
Mr. Leon Kravetz
Ms. Barb Whitman
Ms. Katherine Hipp, Alternate
Mr. Gerald Schwalbe, Alternate

Mr. Chris Graville, City Attorney, City of Chesterfield
Mr. Justin Wyse, Director of Planning and Development Services, City of Chesterfield
Ms. Jessica Henry, Senior Planner
Ms. Kathy Reiter, Recording Secretary
Court Reporter, Midwest Litigation Services

II. Approval of August 1, 2013 Meeting Summary

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

Melissa Heberle	Yes
Katherine Hipp	Yes
Leon Kravetz	Yes
Barb Whitman	Abstain
Marilyn Ainsworth	Yes
Gerald Schwalbe	Yes

The motion passed by a vote of 5 to 0, with 1 abstention.

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. 01-2017 13 Chesterfield Lakes Dr. (David and Rebecca Carpenter: A request for a variance from the City of Chesterfield Unified Development Code for Lot 7 of Chesterfield Lakes to maintain a front yard setback of 35 feet in lieu of the 50 foot setback requirement for a tract of land zoned "NU" Non-Urban District. (19T530085)

At this time Mr. Graville noted for the record that Mr. Schwalbe will be sitting on the dais but will not be participating since there is one extra Board member this evening.

Staff Presentation:

Ms. Jessica Henry, Senior Planner for the City of Chesterfield, outlined the exhibits supporting the request for a variance to permit a new residence to maintain a front yard setback of 35 feet in lieu of the required 50 foot setback.

Ms. Henry stated the following:

The petition tonight is a request to maintain a 35 foot front yard setback in lieu of the 50 foot setback requirement in order to accommodate construction of a new home. The original request was submitted to the City in May of 2017. An Application for a Municipal Zoning Approval was denied because the proposed construction showed an encroachment into the required front yard setback and the request was rejected.

The subject property, Lot 7 is located in the Chesterfield Lakes subdivision. It should be noted that the current home on the property encroaches approximately 35 feet into the front yard setback. It is assumed that St. Louis County approved the encroachment prior to the incorporation of the City of Chesterfield. The proposed new home will reduce the current encroachment from 35 feet to 15 feet. This will result in a reduction of the encroachment from 1,292 square feet to 545 square feet. The existing large home on the property would be replaced by a smaller home constructed within the existing flat, cleared area of the lot permitting for preservation of the mature trees along the lake's edge which are seen as an asset of the subdivision.

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 letters of support from the subdivision Board of Trustees and adjacent property owners with their petition. The applicants have stated that unique physical characteristics exist due to the lot's topography, irregular shape, heavy tree coverage and location of the lake within the lot. In reviewing this application and all the documents included, Staff believes the burden of proof for granting an area variance as

required by State Statute has been met. Staff recommends approval of the area variance request submitted.

Ms. Hipp questioned the amount of the variance requested in Exhibit 2. She inquired if it is a 15 foot or 35 foot request. Ms. Henry clarified that the present encroachment is 35 feet and that the petitioner is now requesting only a 15 foot encroachment, reducing the encroachment from 35 to 15 feet.

Petitioner's Presentation
Mr. Richard C. Busch, Dick Busch Architects, 16678 Old Chesterfield Road, Chesterfield, MO 63017, who is representing the Petitioner was sworn in by the Court Reporter.

Mr. Busch stated that they are requesting a variance to allow a 35 foot front yard setback and then through a Power Point presentation, made the following points:

The request is made in order to address hardships and potential safety hazards created by the lot's shape and steepness, to reduce the existing encroachment and to save trees.

Background
The home was purchased by the petitioner in August 2016. Dick Busch Architects were hired to renovate the home and bring it up to current city code. After several design schemes were explored, it was decided renovation was not feasible. Consequently, they planned to demolish and replace the existing home with a new smaller one, which would encroach less into the front yard setback.

Topography
The house is on a winding, hilly street with lots of varying sizes. The lot in question is very steep and narrow with a 35 foot drop down to the lake. A large part of the property is in the lake. There is a small parking area at the top of the drive due to the steep driveway, which leads to a paved turnaround area. The turnaround area is supported by a two-tier block retaining wall that is approximately 11 feet tall. Mature trees and landscaping buffer the view of the retaining wall from the lake.

Existing House
The existing home was built in 1975, and a large addition was added in 1980 before the City of Chesterfield was incorporated, which encroached by 35.5 feet into the 50 foot front yard setback. Previous owners report that variances were granted by St. Louis County for the addition that was built. Approximately 1,292 square feet of existing construction encroaches into the front yard. Part of that encroaching structure is two stories tall.

Proposed Plan
The existing house and garage will be demolished, and a new smaller home will be constructed. The new garage is designed in order to reuse the existing retaining wall and parking turnaround area. The design will also prevent any trees from being removed.

Variance Request/Conclusion
The variance request is to allow the new garage to encroach by 15 feet into the 50 foot required front yard setback so that the existing parking/turnaround area can be reused. The variance would also allow the existing retaining wall to remain in place along with the mature trees that provide a visual buffer of the walls. The new garage will be less intrusive because it will be one-story rather than two-stories and will reduce the encroachment area from 1,292 square feet to 545 square feet.

The petitioner has trustee approval and all surrounding neighbors approve.

The variance enhances safety by avoiding construction of a new driveway and turnaround with dangerously steep drop-offs. It reduces the existing encroachment in distance, height and area, and it improves appearance by saving mature trees and by avoiding the need for new larger retaining walls.

Discussion

Ms. Heberle inquired as to whether the garage was the only structure encroaching the setback. Mr. Busch confirmed that it was just the garage.

Ms. Hipp then inquired as to what other alternatives were considered as previously mentioned by Mr. Busch. Mr. Busch stated that the first plan was to remodel, but because of the poor condition of the house, the applicant felt it was not feasible. The second plan was to save the foundation, but after consulting many builders, it was realized that it was a safety hazard and would not work. Then, in an effort to rectify the encroachment violation, it was determined that the garage would be too close to the street. It was then decided the best plan would be to demolish and build something new.

Speakers – In Favor:
Ms. Wendy Geckler was sworn in by the Court Reporter.

Ms. Wendy Geckler, 26 Chesterfield Lakes Rd, Chesterfield, MO stated the following:

She has lived in Chesterfield Lakes since 1976. There is no common ground in the Chesterfield Lakes subdivision so most of the houses' property is half lake. The petitioner's house is particularly narrow and straight down the street from Ms. Geckeler's home. If a variance is not granted, the house will have to be pushed back quite close to the lake, which is very different than the other homes around the lakeshore. There are

mature trees that are in good condition and act as a buffer. The Grounds Committee supports the request as it would allow the trees to be preserved.

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

Mr. Graville at this time asked that Exhibits 1-5 and Exhibits 6a-6d be accepted into evidence by the Chair. There was no objection to the request.

CONCLUSION

Leon Kravetz made a motion to grant the variance request to maintain a front yard setback of 35 feet in lieu of the 50 foot required setback. The motion was seconded by Barb Whitman. Upon roll call, the vote was as follows:

Marilyn Ainsworth	**Yes**
Melissa Heberle	**Yes**
Katherine Hipp	**Yes**
Leon Kravetz	**Yes**
Barb Whitman	**Yes**

The motion passed 5 to 0.

Marilyn Ainsworth made a motion to authorize the Chair to sign the petition as granted. The motion was seconded by Barb Whitman.

Upon roll call, the vote was as follows:

Marilyn Ainsworth	**Yes**
Melissa Heberle	**Yes**
Katherine Hipp	**Yes**
Leon Kravetz	**Yes**
Barb Whitman	**Yes**

The motion passed 5-0.

VI. Election of Officers

A. Chair
B. Vice Chair

Chair Ainsworth asked for nominations for the Chair of the Board of Adjustment. Katherine Hipp volunteered for the position.

Leon Kravetz made a motion to nominate Katherine Hipp. The motion was seconded by Gerald Schwalbe and **passed by a voice vote of 5-0.**

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

Chair Ainsworth asked for nominations for Vice-Chair of the Board of Adjustment. Melissa Heberle volunteered for the position.

Leon Kravetz made a motion to nominate Melissa Heberle. The motion was seconded by Gerald Schwalbe and **passed by a voice vote of 5-0**.

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

VII. Adjournment

The meeting adjourned at 6:39 p.m.