



MINUTES
BOARD OF ADJUSTMENT
CITY OF CREVE COEUR
NOVEMBER 15, 2012

A regular meeting of the Board of Adjustment of the City of Creve Coeur, Missouri was called to order by Chair Earl Schenberg at the Creve Coeur Government Center, 300 North New Ballas Road, at 7:00 p.m. on Thursday, November 15, 2012. The roll was called; Mr. E. Schenberg, Ms. O'Brien, Mr. Becker, Mr. I. Schenberg, and Mr. Levy were in attendance.

Ms. O'Brien made a motion to approve the minutes of April 19, 2012 meeting. Mr. Levy seconded the motion, which unanimously carried.

Chair Schenberg outlined the procedures of the Board of Adjustment, stating that four affirmative votes are required for the granting of a variance.

Unfinished Business

A. None

New Business

A. Regarding property at 12632 Villa Hill Lane: A request for a variance to allow for an addition to the existing home for a new garage, mud room and storage area that will have a side setback at 10 feet where the required setback is 12 feet in the "C" Single Family Residential zoning district.

A request for a variance to allow for an addition to the existing home for a new garage, mud room and storage area that will have a side setback at 10 feet where the required setback is 12 feet in the "C" Single Family Residential zoning district.

Applicant/Agent: Eric and Julie Nichols
12632 Villa Hill Lane
Creve Coeur, MO 63141

Reporter Deborah McLaughlin swore in all parties who wished to address the Board.

Mr. Eric Nichols, homeowner at 12632 Villa Hill Lane, presented an overview of the proposed addition project. Mr. Nichols explained the changes they want to make to their home. Mr. Nichols also explained they want to expand the house, where the garage is, to the west so they could have a "real" two-car garage. They would like the additional space also because they have a teenager who will be getting their own vehicle. Mr. Nichols described the problems they were having with the proposed expansion. They chose the proposed design because it aligns with the neighbor's house and driveway end and the architecture is consistent with the existing homes in the neighborhood. Mr. Nichols stated the neighbor most impacted is aware and does not take a stance one way or the other.

No comments or questions came from the audience.

Ms. Kelly presented on behalf of the City. Ms. Kelly stated the property is zoned "C" Single Family Residential and it meets all the minimum district requirements. Ms. Kelly stated there is nothing unusual about the lot that would qualify it for a variance. Ms. Kelly said the lot was zoned appropriately. Ms. Kelly showed alternatives the applicant could do, and these would not require any variances.

Board of Adjustment Minutes
November 15, 2012

Mr. J. Robert Greene, architect for the Nichols family, answered some questions from the Board.
Discussion followed.

No comments or questions came from the audience.

City Attorney Carl Lumley offered the following exhibits into the record on behalf of the City:

1. City of Creve Coeur Charter.
2. Code of Ordinances of the City of Creve Coeur.
3. The Creve Coeur Comprehensive Plan.
4. Staff's report to the Board, with The Board of Adjustment application and all attachments thereto.
5. A collective exhibit of materials received from the applicant.
6. A collective exhibit of materials offered by the opposition, if any (None).
7. All communications and letters received by the City to this point regarding the application.

End of public hearing.

Chair Schenberg moved to approve a variance allowing the expansion of the house to include garage and mudroom and thus decreasing the side-yard setback from twelve feet to ten feet, where such alterations are otherwise prohibited, based upon a positive finding that:

1. The variance requested arises from condition which is unique to the property in question and which is not ordinarily found elsewhere in the same zoning district;
2. The variance requested is because of a unique hardship not created by the applicant nor the owner of the property;
3. The granting of the variance will not adversely affect adjacent property owners or residents;
4. The strict application of the side-yard setbacks will cause severe practical difficulty and extreme hardship for the property owner represented in the application;
5. The proposed addition will not adversely affect the public health, safety, order, convenience or general welfare of the community;
6. Granting the side-yard setback variance will not violate the general spirit and intent of this Chapter;
7. By reason of the lot shape within the "C" Single-family Residential zoning district, the strict application of the side-yard setback requirements actually creates a hardship to the property in a manner dissimilar to that of other similarly situated property in the zoning district; and,
8. Granting the variance will not result in the diversion of additional stormwater that would adversely affect adjacent property.

The motion was seconded with the resultant vote as follows:

Mr. Levy – nay	Ms. O'Brien – nay	Mr. Becker – nay
Mr. I. Schenberg – aye	Chair - nay	

Second motion was made by Chair Schenberg to approve the Findings of Fact and Conclusions of Law prepared by staff regarding the variance request for 12632 Villa Hill Lane based upon the testimony received and the deliberations of the Board on this application, as decided on November 15, 2012.

The motion was seconded with the resultant vote as follows:

Mr. Levy – aye	Ms. O'Brien – aye	Mr. Becker – aye
Mr. I. Schenberg – aye	Chair – aye	

OTHER BUSINESS

City Attorney, Mr. Carl Lumley, made a presentation on the appropriate role and functioning of boards of adjustment and answered questions of the Board.

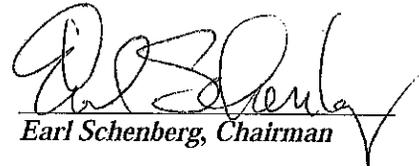
Board of Adjustment Minutes
November 15, 2012

ADJOURNMENT

There being no further business to come before the Board, upon motion being made and duly seconded, Chair Schenberg declared the meeting of the Board of Adjustment adjourned at 7:30 p.m.

Attest:


Julie Lowery, Recording Secretary


Earl Schenberg, Chairman