

MINUTES

BOARD OF ADJUSTMENT
CITY OF CREVE COEUR, MISSOURI
NOVEMBER 20, 2014

A regular meeting of the Board of Adjustment of the City of Creve Coeur, Missouri was called to order by Chairman Earl Schenberg at the Creve Coeur Government Center, 300 North New Ballas Road, at 4:00 p.m. on Thursday, November 20, 2014. The roll was called: Chair Schenberg, Mr. Martin Satz, Mr. I. Schenberg, Mr. Roger Levy and Mr. Robert Mooney were in attendance. Also in attendance: Mr. Paul Langdon, Ms. Whitney Kelly, Mr. Carl Lumley and Deborah McLaughlin.

2. ADDITIONS TO-ACCEPTANCE OF THE AGENDA

No additions to the agenda.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

A. Spencer Murphy, property owner of 338 Townsend, has submitted an appeal for a variance to allow the structural modification of the existing front porch within the legally pre-existing, but non-conforming front yard setback of 16 feet where the required setback is 45 feet per Section 405.270, "C" Single Family Residential District. The home was originally built in 1950, prior to the current code regulations.

Applicant: Spencer Murphy
338 Townsend Street
Creve Coeur, MO 63141

Representative: Paula Arbuthnot

Ms. Arbuthnot indicated the family has made a concerted effort to make improvements to the property, but because of the size of the lot, are extremely limited in what we can do.

Currently, according to what we have been told by the Building Department of Creve Coeur, they can only approve to put back exactly what was taken down.

Ms. Arbuthnot indicated that when you look at the

site, it right now only has 5,000 square feet, and there is a 45-foot setback line.

The concrete front porch, which was just the sidewalk and this little bit of porch that you see in your pictures, is all that we were allowed to put back in place. Now we would like to try and put a covering over this concrete porch. The dimensions for the porch would be about 5 foot by 7 1/2 feet.

Mr. Satz inquired if the applicant was the sole owner of the house, and Ms. Arbuthnot indicated he was.

Chairman Schenberg inquired if the lot to the north of this property was vacant, and Ms. Arbuthnot indicated 2500 square foot lot, 25 feet wide, 100 feet long, is under contract right now. He's buying it from this owner, and we are going to do a lot consolidation, so that we will be able to increase the size of the lot to 7500 square feet. New garage that they would like to put up, and that's not until we get this taken care of, but those future plans, if we can get it all worked out. The idea is to then meet on the 45-foot setback line a 20 by 24 garage that is within the new footprint.

We want to do a 24 by 20 garage and then an 18 by approximately 45-foot driveway.

Right now, if we do this, that will be a 39 or 38 1/2 percent coverage over the 7500-foot lot. It will all be consolidated as Lot 30A of the Malcolm Terrace Subdivision.

Mr. Satz inquired of the representative if the lot to the north is currently under contract from the adjacent owner, and Ms. Arbuthnot indicated it was. The adjacent property owner is already straddling what is the equivalent of four lots. He has a large house, a breezeway, a three-car garage and a swimming pool. By today's standards, you wouldn't be able to build all that anymore. He then had this large lot right here, that's a 50-foot square lot, plus this 25-foot square lot is all empty. Since this 50-foot lot and this 25-foot lot were not consolidated into the house property, he was free to sell us the 25-foot wide lot without encumbering anything else on his property. Mr. Satz inquired if the end result would be that you wind up with a 7500-foot lot, and Ms. Arbuthnot indicated yes. Mr. Satz inquired further if that would then bring the existing structure in line with current zoning, and Ms. Arbuthnot indicated it would not, it would still be nonconforming.

Ms. Kelly indicated this is an unusual property for the area. The home was built in 1950 prior to the current zoning code, and, therefore, the house is preexisting nonconforming. Any structural modifications to the home requires a variance before the Board. As the applicant is

not increasing the degree of the variance, and is not moving any closer to the road, just adding the gable over the doorway, and then structurally modifying the roof structure to accommodate it. The home is very unique in that this is not a situation that was created by the current owner or the property owner, and, therefore, staff recommends approval.

There being no further questions, Mr. Lumley offered the following exhibits into the record of the public hearing: The application for the variance; staff's report dated November 20th, 2014; City's Code of Ordinances, the Charter, City's Comprehensive Plan, and the public file regarding the application.

Chairman Schenberg closed the public hearing and made the following motion: I move to approve a variance to allow the structural modification of the existing front porch with the legal preexisting, but nonconforming front yard setback of 16 feet where the required setback is 45 feet per Section 405.270(c), Single-Family Residential District, based upon the positive finding that one of the variance requested arises from a condition which is unique to the property in question, which is not ordinarily found elsewhere in the same zoning district; two, the variance requested is because of a unique hardship not created by the applicant nor the owner of the property; three, the granting of the variance will not adversely affect the adjacent property owners or residents; four, the strict application of the rear yard setback will cause severe practical difficulty and extreme hardship of the property owner represented in the application; five, the proposed addition will not adversely affect the public health, welfare, safety, order or convenience or general welfare of the community.

Granting the setback variance will not violate the general spirit of this chapter.

By reason of the lot shape within the D-Single Family Residential Zoning District, the strict application of the setback requirements actually created a hardship to the property in a manner dissimilar to other or similarly situated property in the zoning.

And granting the variance will not result in diverting additional storm water that will adversely affect the adjacent property.

Chairman Schenberg called for a second. Mr. Ivan Schenberg seconded the motion.

Chairman Schenberg called for a vote.

Mr. Mooney-aye Mr. Ivan Schenberg-aye
Mr. Levy-aye Mr. Satz-aye Chairman-aye.

Chairman Schenberg moved to direct the staff to execute findings of fact and conclusions of law regarding the variance requested for 338 Townsend Street based upon the testimony received and the deliberations of the Board and this application decided November 20th, 2014. The motion was seconded by Mr. Levy. Chairman Schenberg asked for all in favor, to which all responded aye.

5. **OTHER BUSINESS**

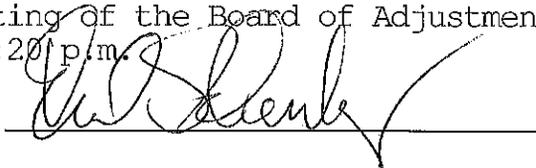
Mr. Langdon introduced Glen Wilen, the new Board of Adjustment member.

Mr. Roger Levy was named as the Assistant Chair.

A short discussion was had concerning holding future Board of Adjustment meetings at 4:00 p.m., and it was decided they will be decided on a case-by-case basis.

6. **ADJOURNMENT**

There being no further business to come before the Board, the meeting of the Board of Adjustment was adjourned at 4:20 p.m.



Earl Schenberg, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter