



*CITY OF CREVE COEUR
BOARD OF ADJUSTMENT
MEETING MINUTES
THURSDAY, SEPTEMBER 15, 2016
4:00 PM*

A regular meeting of the Board of Adjustment of the City of Creve Coeur, Missouri was called to order by Chair Roger Levy at the Creve Coeur Government Center, 300 North New Ballas Road, at 4:00 p.m. on Thursday, September 15, 2016. The roll was called; Mr. Ivan Schenberg, Mr. Glenn Wilen, Mr. Martin Satz, and Mr. John Becker were in attendance.

Also present were Mr. Helmut Starr, City Attorney; Mr. Jason Jaggi, Director of Community Development; Ms. Whitney Kelly, City Planner; and Jessica Stutte, Recording Secretary.

Mr. Satz made a motion to approve the minutes of February 18, 2016. Mr. Schenberg seconded the motion, which unanimously carried.

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

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

The Affidavit of Publication was read by Chair Levy and marked as an exhibit.

NEW BUSINESS

A. Variance Request to Allow for a New Front-Porch Addition to Project Up to Approximately Five Feet into the Front Yard Setback and Increase the Width to 40.34 Feet for the Home at 353 Conway Lake Drive

Applicant/Agent: Sam Piwowarczyk
Banner Construction Co.
1177 N. Price
St. Louis, MO 63132

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

Randy Johnson of Banner Construction gave a summary of what they would like to do regarding the covering of the porch on the front of the house. He presented his case and pointed out the property across the street has something similar. He said adding a porch would improve it visually and increase the value of the home.

Mr. Wilen asked if the peak out be the highest part of the house.

Mr. Johnson said it should be about the same height.

Ms. Hogan said she purchased the lot next door and they are simply wanting to extend the width of the porch.

Ms. Kelly said the house was built in 1971 and at the time, the ordinance allowed porches to extend into the setback. That was changed in 1997 and limited the width to 12 feet. She said they are not encroaching any further into the setback.

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Mr. Levy asked the homeowner about neighbors' thoughts.

Ms. Hogan said she had not heard anything from the neighbors.

Mr. Becker asked Ms. Kelly about the porches in the neighborhood that vary.

Ms. Kelly said they would have been pre-existing. She directed the board to the staff report pg 9 to an example of one house that was similar to their request but is pre-existing.

Mr. Schenberg asked Ms. Hogan about the confusion of the main entrance.

Ms. Hogan said the confusion is because there is a second door and a long sidewalk that leads to it. She said she, is not confused.

Mr. Wilen asked that they are taking a non-conforming condition and make it even more non-conforming.

Mr. Starr said that each case is taken as an individual case. They are factually distinguishable since all real properties are unique.

Mr. Becker asked the purpose of the width requirement.

Ms. Kelly said she wasn't sure but thought it was to limit the amount of structure in the setback.

City Attorney Helmut Starr offered the following exhibits into the record on behalf of the City:

1. Documentation in possession of the City Clerk that reflects the published and posted notices
2. Staff's report to the Board, with the Board of Adjustment application and all attachments thereto.
3. The City Charter
4. The Code of Ordinances of the City of Creve Coeur
5. All communications and letters received by the City to this point regarding the application.

End of Public Hearing

Chair moved to approve a variance for the home at 353 Conway Lake Dr. approve a variance allowing for the structural modification to the existing nonconforming front porch with the support structures encroaching approximately 5 feet, with a width of 40.34, into the front yard setback for the home at 353 Conway Lake Drive, where 45 feet is the minimum required setback for the Conway Lake Subdivision, zoned A Single Family Residential, with Residential Designed Development (A-RDD) 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 front-yard setbacks will cause severe practical difficulty and extreme hardship for the property owner represented in the application;

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5. The proposed addition will not adversely affect the public health, safety, order, convenience or general welfare of the community;
6. Granting the setback variances will not violate the general spirit and intent of this Chapter;
7. By reason of the lot shape within the A-RDD Single-Family Residential zoning district, the strict application of the setback requirements actually creates a hardship to the property in a manner dissimilar to that of other similarly situated properties in the zoning district; and,
8. Granting the variance will not result in the diversion of additional storm water that would adversely affect adjacent property.

The motion was seconded by Mr. Satz with the resultant vote as follows:

Mr. Satz-aye Mr. Wilen-aye Mr. Becker-aye Mr. Schenberg-aye Mr. Levy-aye

Second Motion was made by Chair Levy to approve the Findings of Fact and Conclusions of Law prepared by staff regarding the variance request for 353 Conway Lake Dr. based on the testimony received and the deliberations of the Board on this application, as decided on April 21, 2016.

OTHER BUSINESS

Mr. Jaggi gave Board Members a copy of the proposed meeting schedule for 2017

Mr. Jaggi went over the BOA training that was being offered to Board members.

Mr. Wilen asked what it would entail.

Ms. Kelly replied that it would help prepare them for the meeting.

Mr. Jaggi said it would lean more towards the legalities, but it would be beneficial for members to attend.

ADJOURNMENT

There being no further business to come before the Board of Adjustment, upon motion being made and duly seconded, the meeting was adjourned at 4:22 P.M.

Roger Levy, Chair

Jessica Stutte, Recording Secretary