



**MINUTES  
BOARD OF ADJUSTMENT  
CITY OF CREVE COEUR  
JANUARY 27, 2011**

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, January 27, 2011.

Chair Schenberg announced the first order of business is to appoint a new chairman. Attorney Elizabeth Leppert called for nominations. Mr. Becker nominated Earl Schenberg, with a second from Mr. Levy. Hearing no other nominations, Ms. Leppert called for the vote on the motion, which unanimously carried.

Upon a request for Roll Call, the following members responded:

**Mr. Earl Schenberg, Chair  
Mr. Martin Jaffe  
Mr. John Becker  
Ms. Rhonda O'Brien  
Mr. Roger Levy**

Mr. Jaffe made a motion to approve the minutes of December 9, 2009. 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. He announced that he lives in this subdivision, but does not know the applicants and feels there is no reason for him to recuse himself because he has no personal interest in this particular issue. Mr. Langdon agreed.

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

**Affidavit of Publication**

1. *To consider a request by Tom and Tara Butler, owners of 239 Chamonix Court, to allow the structural modification of an existing porch where Section 405.610.D, Nonconformities within Setback Lines, of the City of Creve Coeur Zoning Ordinance, states that no such alterations are allowed. If granted, the variance will permit the renovation of a pre-existing front porch by increasing the non-conformity of the house in the Lac Du Bois Subdivision, north of Ladue Road and west of Falaise.*

The previous date to review and take action on this application was January 22, 2011, but due to inclement weather, the hearing was postponed until this evening.

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

Board of Adjustment Minutes  
January 27, 2011

Attorney Elizabeth M. Leppert offered the following exhibits into the record on behalf of the City:

1. Creve Coeur Charter
2. Creve Coeur Code of Ordinances
3. Creve Coeur Comprehensive Plan.
4. Creve Coeur Zoning Code.
5. Any presentations that may be presented by the City or on behalf of the applicants.

Ms. Whitney Kelly, City Planner, stated that the applicant is requesting the variance to allow for the pre-existing porch to be altered with a new design. The house currently sits back 54.9 feet from the right-of-way, with the existing front porch extending eight feet from the house into the 50 foot setback by 3.10 feet. The applicants are seeking to update the front of the home by changing the semicircular porch to a rectangular shaped design, which would increase the degree of the non-conformity. Ms. Kelly presented Staff's analysis in a six-part examination of the facts. She pointed out that this subdivision was developed in St. Louis County and annexed by the City in 1996. The original front porch was built with a 40 foot front yard setback, which has since changed to 50 feet.

Mr. Mike Thompson, Thompson Design Group, presented pictures of the existing front of the house and pointed out that the new design has the same width as the existing porch. The increase of the square footage in the setback is due to erecting gables. A brief discussion followed.

Ms. Leppert added two additional submissions:

1. The application for a variance submitted by Mr. & Mrs. Butler.
2. The report prepared by Whitney Kelly dated January 14, 2011, including all of its addendums.

Chair Schenberg made a motion that the Creve Coeur Board of Adjustment approve the application of Tom and Tara Butler for the property located at 239 Chamonix Court, for the variance requested, after having found from the evidence presented that the requested variance arises from all the following circumstances:

1. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district;
2. The variance requested is because of a unique hardship not created by the applicant or the owner of the property;
3. The granting of the variance shall not adversely affect adjacent property owners or residents;
4. The strict application of the provisions of the Zoning Ordinance, from which a variance is requested, will cause severe practical difficulty or extreme hardship for the property owner represented in the application;
5. The variance desired will not adversely affect the public health, safety, order, convenience, or general welfare of the community, and
6. Granting the variance desired will not violate the general spirit and intent of this Chapter.

*In addition, per Section 405.1110(F), an applicant for an area variance or other non-use variances must meet the following criteria:*

1. By reason of exceptional narrowness, shallowness or shape of the specific piece of property or whereby reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually create a hardship to the property in a manner dissimilar to that of other similarly situated property in the zoning district in which it is located,

