



MINUTES
BOARD OF ADJUSTMENT
CITY OF CREVE COEUR
APRIL 19, 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, April 19, 2012. The roll was called; Mr. Davie, Mr. Jaffe, Mr. Becker, and Mr. Levy, were also in attendance.

Mr. Davie was in attendance for Ms. O'Brien who was absent.

Mr. Jaffe made a motion to approve the minutes of March 15, 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 754 Bellerive Manor Drive :

A request for a variance from the side-yard setback to allow for a room addition with a six-foot side setback where eight feet is the minimum required in "D" Single Family Residential Zoning District.

Applicant/Agent: Brad and Kelly Wetzler
754 Bellerive Manor Drive
Creve Coeur, MO 63141

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

Mr. Brad Wetzler, homeowner at 754 Bellerive Manor Drive, presented an overview of the proposed addition project. He stated that the setback conflict was not created by him, the adjacent property owners are fully informed of the proposed addition and have no objections. Proposed plan will not decrease the setback any further and the distance to adjacent property will still comply with the 16 feet requirement. After exploring the option of building addition that would comply with current setback requirements, Mr. Wetzler concluded that lost functionality and high cost will not make it a sensible home investment. He also expressed his belief that allowing him to build the proposed addition will greatly improve home's livability and value while minimally impacting adjacent property.

Mr. Levy inquired about the location of A/C units and where does the back door lead to. Mr. Wetzler responded that the units will be located on the side of the house and landscaped around. The back door leads into the garage.

Mr. Jaffe asked if the A/C units will be hung. Mr. Wetzler responded affirmatively.

No comments or questions came from the audience.

Ms. Kelly presented on behalf of the City. Ms. Kelly pointed out that the variance requested will maintain the pre-existing side yard setback and will not increase the non-conformity, but will increase the degree of the non-conformity. The City values and encourages home improvements as long as they do not further increase the non-conformity, and similar requests have been approved in the past.

Discussion followed.

No comments or questions came from the audience.

Assistant City Attorney Edward Sluys 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. The City of Creve Coeur's Zoning Regulations.
5. Staff's report to the Board, with The Board of Adjustment application and all attachments thereto.
6. A collective exhibit of materials received from the applicant.
7. A collective exhibit of materials offered by the opposition, if any (None).
8. All communications and letters received by the City to this point regarding the application.

End of public hearing.

Chair Schenberg moved to approve the application of Brad and Kelly Wetzler at 754 Bellerive Manor Drive for the variance requested, after having found from the evidence presented, that the requested variance arises from all the following circumstances:

- a. The variance requested arises from the pre-existing non-conforming side yard setback that resulted in a condition that is unique to the property in question and which is not ordinarily found elsewhere in the same zoning district;
- b. The variance requested is because of a unique hardship not created by the applicant or the owner of the property;
- c. The granting of the variance will not adversely affect adjacent property owners or residents;
- d. The strict application of the provisions of the Zoning ordinance, from which a variance is requested, will cause severe practical difficulty and extreme hardship for the property owner represented in the application;
- e. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community;
- f. Granting the variance will not violate the general spirit and intent of this Chapter;

In addition, by reason of exceptional narrowness, shallowness or shape of the specific piece of property, or where by 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.

Granting the variance will not result in the diversion of additional storm water that would adversely affect adjacent property.

The motion was duly seconded with the resultant vote as follows:

Mr. Jaffe... aye	Mr. Becker...aye	
Mr. Levy...aye	Chair....aye	Mr. Davie.....aye

Second motion was made by Chair Schenberg to approve the Findings of Fact and Conclusions of Law regarding the variance request for expansion and structural modification within the side yard setbacks at 754 Bellerive Manor Drive based upon the testimony received and the deliberations of the Board on this application, as decided on April 19, 2012.

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The motion was seconded by Mr. Jaffe and unanimously passed.

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:

Earl Schenberg, Chairman

Alexandra Gada, Recording Secretary