



**MINUTES**  
**BOARD OF ADJUSTMENT**  
**CITY OF CREVE COEUR**  
**JUNE 20, 2013**

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, June 20, 2013. The roll was called; Chair Schenberg, Ms. O'Brien, Mr. Becker, Mr. I. Schenberg and Mr. Levy, were in attendance.

Mr. Levy made a motion to accept the agenda, which unanimously carried.

Mr. Becker made a motion to approve the minutes of May 16, 2013 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. Approval of the Finding of Facts and Conclusion of Law regarding the property at 10360 Old Olive Street Road.

Chair Schenberg motioned to approve the Findings of Fact and Conclusions of Law regarding the variances requested for 10360 Old Olive Street Road based upon the testimony received and the deliberations of the Board on this application, as decided on May 16, 2013. Ms. O'Brien seconded the motion which carried unanimously.

**New Business**

- A. **Regarding property at 12550 Olive Boulevard:**

A request for variances to allow seven new parking spaces one foot from the rear property line at 12550 Olive Boulevard, in the "GC" General Commercial zoning district, where Section 405-360.E.4.d of the Zoning Ordinance requires a landscaped buffer yard of no less than 20 feet in width, and Section 405.540.F.12 of the Zoning Ordinance states that a perimeter landscaped buffer strip shall be provided and maintained at a width of not less than five (5) feet between a parking lot and the property line of abutting property.

Applicant/	Dr. Chris Moritz
Property Owner:	Creve Coeur Animal Hospital
	12550 Olive Boulevard
	Creve Coeur, MO 63141

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

Mr. Mike Vorwerk, Civil Engineering Design Consultants, explained the request was to allow for seven additional parking spaces to the site located at 12550 Olive Boulevard. Mr. Vorwerk explained where the site was located on Olive Boulevard, how large the site was, and that the site is zoned "GC" General Commercial. Mr. Vorwerk clarified the proposed parking stalls are 3 feet off the property line as opposed to the Staff Report findings stating 1 foot off the property line. Mr. Vorwerk also clarified that the percentage would be

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73% not 74%. Mr. Vorwerk explained that there was a "handshake agreement" with the neighbor to the east, with the understanding that Creve Coeur Animal Hospital employees were able to park in the Shoppes of Questover. Since then, the Shoppes at Questover has changed ownership and the new owner has sent notification that they do not want them using the parking any longer. Mr. Vorwerk said the hardship was not brought upon by his client. Mr. Vorwerk said he believes his client is not over reaching with the site and they think the site is the right size, if the cross-access easement were not granted and the cross-access was not provided, the site could be arranged to provide 30 parking stalls and still meet the 63% site coverage that is required in the "GC" zoning district. Mr. Levy asked for clarification. Mr. Vorwerk said when Dr. Moritz granted the cross-access it fixed his site (showed illustration). Mr. Vorwerk went on to explain the variances, which are site coverage, reduction in the landscape buffer in the rear, and the 5 foot parking setback across the rear of the property. Mr. Levy asked when the grant access was made, and Dr. Moritz replied 2004. Dr. Moritz explained the property history and how the easement was granted.

Chair Schenberg asked if an attorney advise against the "handshake agreement". Dr. Moritz replied Mr. Noles did not want a written agreement, so there was no other choice.

Ms. O'Brien asked if they have considered porous pavers, but Dr. Moritz said Staff said they were not allowed for commercial projects. Mr. Langdon clarified that they are allowed as parking material, but they do not help the site coverage calculation.

There was discussion about where the staff and patients are parking.

Mr. Vorwerk pointed out that before granting the cross-access, they had full access to Olive Boulevard, agreeing to access they lost that Olive Boulevard access. Dr. Moritz also stated that he was told he was going to have to grant the easement in order to obtain permits.

There was more discussion around the easement and Mr. Langdon explained that the easement is a multi-party agreement between the owners of Questover, the City, Altus Properties, Steve Noles, Steve Kamp and Dr. Moritz, and unless all parties agree the easement cannot be closed.

Mr. Langdon, Director of Community Development, presented staff analysis and used illustrations to point out what was being discussed.

City Attorney Ed 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. 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 to allow seven new parking spaces one foot from the rear property line, with site coverage of 74%, at 12550 Olive Boulevard, in the "GC" General Commercial zoning district where:

- Section 405.360.E.3.b of the Zoning Ordinance requires maximum site coverage of 63%. The Planning and Zoning Commission may, in its discretion, allow the permitted coverage to be increased as a bonus by an additional factor not to exceed 70% in consideration of special features as demonstrated by a site development plan. The property is currently at 70% site coverage.
- Section 405.360.E.4.d of the Zoning Ordinance requires a landscaped buffer yard of no less than 20 feet in width, and

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- Section 405.540.F.12 of the Zoning Ordinance states that a perimeter landscaped buffer strip shall be provided and maintained at a width of not less than five (5) feet between a parking lot and the property line of abutting property, based upon a positive finding that:
  1. The variance requested arises from conditions that are unique to the property in question and that are not ordinarily found elsewhere in the same zoning district;
  2. The variance is requested because of unique hardships not created by the applicant nor the owner of the property;
  3. The granting of the variance will not adversely affect adjacent property owners nor residents;
  4. The proposed development will not adversely affect the public health, safety, order, convenience or general welfare of the community;
  5. 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 "CB" Core Business District; and,
  6. Granting the variance will not result in the diversion of additional stormwater that would adversely affect adjacent property.

Mr. Becker seconded the motion, with the resultant vote as follows:

Mr. I. Schenberg – aye  
Mr. Levy – aye

Mr. Becker – aye  
Chair - aye

Ms. O'Brien – aye

**OTHER BUSINESS**

None

**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 7:46 p.m.

Attest:

  
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*Earl Schenberg, Chairman*

  
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*Julie Lowery, Recording Secretary*