

MINUTES

BOARD OF ADJUSTMENT
CITY OF CREVE COEUR, MISSOURI
JULY 16, 2015

A regular meeting of the Board of Adjustment of the City of Creve Coeur, Missouri was called to order by Chairman Roger Levy at the Creve Coeur Government Center, 300 North New Ballas Road, at 4:00 p.m. on Thursday, July 16, 2015. The roll was called: Chairman Roger Levy, Mr. Martin Satz, Ivan Schenberg and Mr. Glenn Wilen were in attendance. Also in attendance: Ms. Whitney Kelly, Mr. Carl Lumley, Ms. Jessica Stutte and Deborah McLaughlin.

2. **ADDITIONS TO-ACCEPTANCE OF THE AGENDA**

None.

3. **APPROVAL OF MINUTES**

Approval of May 21, 2015 minutes.

Mr. Ivan Schenberg moved to approve the minutes as amended.

Ms. Kelly has indicated that the amendment of the minutes is as follows:

On Page 2, where Whitney Kelly spoke, it needs to say that "Ms. Kelly indicated the applicant does not meet the standard that this is not unique in the subdivision and it is the applicant's decision to pursue the design to increase the coverage unique property outside of his 3-
aeres. Ms. Kelly indicated that the City is recommending denial." It should also be followed that discussion included the issue of the illegal non-conforming 29 percent site coverage and that it was done without the property owners' knowledge. Discussion also included amending the application for a variance of 29 percent.

Mr. Lumley asked for corrections on pages 3 and 4. It should be Helmut Starr, S-T-A-R-R, instead of Stutt.

Chairman Levy asked all those in favor to say aye. Amendment and corrections pass.

4. **NEW BUSINESS**

A. Election of Chair.

Chairman Levy asked for nominations for Chair. Mr. Glenn Wilen nominated Roger Levy. Mr. Ivan

Schenberg seconded the motion.

Mr. Roger Levy asked if there were any other nominations. Mr. Ivan Schenberg moved that it be by acclamation. Mr. Martin Satz seconded the motion.

Chairman Levy asked for all those in favor. Motion passed.

Mr. Roger Levy will serve as the Chair.

B. Variance request to allow for a 5 foot by 12 foot addition to the existing home with a legally pre-existing, but non-conforming front yard setback of 40 feet where the required setback is 45 feet in the B Single-Family Residential zone.

Applicant: Balbir Singh
17 Country Fair Lane
Creve Coeur, MO 63141

Mr. Balbir Singh indicated they want to change the entrance to the home.

Mr. Glenn Wilen inquired if the front door is going to rotate 90 degrees, so you would walk in through the 5-foot width section.

Ms. Kelly indicated where the existing door is, and where they would create a new entrance into the home and then a new foyer. The applicant is just requesting this addition. It would line up with the existing home at the 40-foot setback line, and create a consistent line with the existing home.

Mr. Glenn Wilen inquired about the facade.

Mr. Ivan Schenberg asked if any neighbors have expressed an opinion one way or the other. Mr. Wilen asked if the City had solicited the neighbors.

Ms. Whitney Kelly indicated they have not heard anything from the neighbors, and as far as the City knows, there are no objections from any neighbors.

Ms. Whitney Kelly indicated that, as stated, the applicant is seeking to maintain the existing non-conforming 40-foot setback to create a new foyer and entrance into the home.

The property is unusual in that the subdivision was platted prior to the current code requirements, and at the time, met the existing requirement of a 40-foot setback. It was only after the house started construction that the setback was moved from 40 to 45 feet, and, therefore, it limits the ability of the applicant to make a new entranceway improvement to the front of the home.

Staff doesn't have any issue in that they are increasing the degree of the non-conformity in that they're adding more house within the setback, but they're not moving the house any closer to the street, and keeping it in line with the existing structure and with similar

houses in the surrounding neighborhood, so we the City doesn't have any issues.

City Attorney, Mr. Carl Lumley, entered the following exhibits into the record of this hearing: The City's Charter, the City's Code of Ordinances, the City's Comprehensive Plan, the staff report and the application and the public file regarding the application.

Chairman Levy made a motion to approve a variance to the existing 45-foot minimum setback required in the B Single-Family Residential District to allow the construction of a new front entrance at 17 Country Fair Lane as proposed by the applicant based upon the positive finding that:

1. 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.
2. The variance requested is because of a unique hardship not created by the applicant nor the owner of the property.
3. Granting of the variance will not adversely affect adjacent property owners or residents.
4. Strict application of the front yard setback will cause a severe practical difficulty or extreme hardship for the property owner represented in the application.
5. The proposed addition will not adversely affect the public health, safety, order, convenience or general welfare of the community.
6. Granting the setback variance will not violate the general spirit and intent of the Chapter.
7. By reason of the change of setback after construction, strict application of the setback requirements actually creates a hardship to a property in a manner dissimilar to that of other similarly situated properties in the zoning district.
8. Granting the variance will not result in diversion of additional stormwater that would adversely affect adjacent property.

The motion was seconded by Mr. Ivan Schenberg.

Chairman Levy asked for all in favor, to which the response was aye.

5. **OTHER BUSINESS**

None.

6. **ADJOURNMENT**

There being no further business to come before the Board, Chairman Levy moved to adjourn. Mr. Ivan Schenberg seconded the motion. All voted in favor of adjourning the meeting. The Board of Adjustment meeting was adjourned at 4:11 p.m.

Roger Levy, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter,