

1 MINUTES

2 BOARD OF ADJUSTMENT  
3 CITY OF CREVE COEUR, MISSOURI  
4 DECEMBER 17, 2015

5 A regular meeting of the Board of Adjustment of the  
6 City of Creve Coeur, Missouri was called to order by  
7 Chairman Roger Levy at the Creve Coeur Government Center,  
8 300 North New Ballas Road, at 4:00 p.m. on Thursday,  
9 December 17, 2015. The roll was called: Chairman Roger  
10 Levy, Mr. Martin Satz, Mr. Ivan Schenberg, Mr. Glenn Wilen  
11 and Mr. Robert Mooney were in attendance.

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

13 None.

14 3. **APPROVAL OF MINUTES**

15 July 16, 2015 Draft Minutes.

16 Chairman Levy asked for a motion to approve the  
17 minutes of July 16th, 2015. Mr. Schenberg so moved.  
18 Mr. Mooney seconded the motion.

19 Chairman Levy asked if there were any additions or  
20 corrections. There being none, Chairman Levy indicated  
21 the minutes stand approved as written.

22 4. **NEW BUSINESS**

23 1. Variance Request to Allow for a New Second Floor  
24 Addition to Project into the Front-Yard Setback at the  
25 Property Addressed as 18 Chaminade Drive.

Laurie Smith, Agape Construction Company, indicated to  
the Board that the owners of this home have purchased it.  
It is and was in quite a bit of disarray. If you saw it  
online, you know that it was this close from being a  
tear-down. Mold, more mice than I wanted to see. The  
kitchen was totally ripped out. The rear room has issues  
with the flooring. And Brian and Kendra bought the home  
knowing that there was going to be some money put into  
making just the structure work, as well as trying to add  
to it what they needed.

Our commission was to try to develop a kitchen on the  
first floor where there was none in that area on the first  
floor, and to develop a master and bedroom and bath and  
closet upstairs.

This house has some odd structure to it. If you've

1 looked at this. The rear addition that was added by a  
2 previous owner has insufficient structure to even hold up  
3 that addition, and so we're making those changes, add some  
4 beams in addition to doing what we're doing. And cost  
5 prohibited us from tearing that section down, so we had to  
6 kind of work within the footprint that we had.

7 You'll see that this section bears on one side of the  
8 garage and the other side of the main structure of the  
9 house. I think there used to be a breezeway in that area.  
10 But we're going to be adding a pier to the front right  
11 corner of the house to be able to carry that structure and  
12 make sure we're okay. We've examined the footings for the  
13 rear and feel like those are substantial enough that we  
14 will be able to bear from that back left corner and then  
15 over to the rear corner of the house.

16 To some degree, the issue of this setback, as you  
17 know, is the platting that was done in 1940. The house  
18 was built in 1948. And so we are asking to have the front  
19 of the house in line with our new addition.

20 As part of this we're going to re-side the house, so  
21 there'll be a consistent look all the way around it. We  
22 are having to place the windows in the new additions  
23 slightly lower, because the plate height of the front is  
24 different than the plate height of the back. We have an  
25 8-foot ceiling in the back and about a 7-foot 6 in the  
front. And so we're going to vault the ceiling of the new  
master bedroom in order to kind of gain a little bit of  
space to give them the maximum that we can, but we're  
working with some oddities in the existing house. Doing  
the best we can with those things.

We feel like it would have been very difficult to  
push this addition back those 3 foot 3. One, for how it  
would look. I think at that point that breezeway, instead  
of being what we call a negative space, we're creating  
that side door that has kind of a covered entry. It would  
have been another flat face going up totally. And so we  
think, to some degree, pulling it forward creates that  
entrance that is happening on the side.

And then probably more significantly from the  
structure standpoint, given the prior structure directly  
behind it, there was no other place to bear, to get a room  
that was big enough for the master bedroom.

The other option that we did look at was to place it  
behind the living room off the existing master, and to try  
to create something off of that. But the rear is a  
three-story elevation, in other words, we have a walkout  
on the lower level, and to have space added to the top but  
not underneath, we thought would create some odd massing  
for that space.

So those were really the only two options that we

1 considered, other than a brief look at trying to build it  
2 above the garage, and seeing how that space really, I  
3 think, would have been even odder to see. It kind of  
4 carried out over that linear fashion.

5 So we decided to go ahead and try to see if you will  
6 allow us to build in line with the front face, given that  
7 we'll be siding that whole second story, changing the  
8 windows in the front, so there's some continuity with  
9 that. And we feel like that's probably the best  
10 alternative for us. We'll be no closer to the street.

11 For the most part, I think the neighbors will notice  
12 it's a better-looking house than it was before. And I  
13 think that the general massing of the house will actually  
14 be a little more appealing, if we keep it there.

15 We're thankful that we're rescuing it from the  
16 tear-down, but there's some obvious variances that need to  
17 happen.

18 Whitney Kelly, City Planner, indicated  
19 ,as the applicant has indicated, they are seeking approval  
20 of a variance front yard setback. The original home was  
21 built in 1948 and the City didn't incorporate until 1949,  
22 thus, the current A-Zoning District made the property  
23 legally pre-existing and nonconforming, and the setback  
24 was established after the construction of the home.

25 Short of tearing down the entire structure, a  
variance would be needed. They are not projecting any  
further into the right-of-way. They're maintaining the  
existing setback of the home. And, therefore, we would  
recommend approval.

Regarding public notification, a sign is placed on  
the property and a mailing inviting the residents to this  
meeting is sent out to every property within 300 feet.

We did get a phonecall from one of the trustees.  
They have not officially been submitted for trustee  
approval, but that is asked as part of the building  
permit, however, that does not prohibit us from issuing  
permits, based upon whether or not they receive trustee  
approval, as long as it meets all of our requirements, a  
building permit can be issued.

Mr. Lumley offered the following exhibits into the  
record of this hearing: Documentation in possession of  
the City Clerk reflecting the public notice provided, the  
staff's report, the City's Code of Ordinances and Charter,  
the City's Comprehensive Plan and the public file  
regarding this application.

Chairman Levy moved to approve a variance to the  
existing 45 feet minimum setback required in a Single  
A-Family Residential District to allow the construction of  
a new second floor addition at 18 Chaminade as proposed by  
the applicant based on the positive finding, that, first,

1 the variance requested arises from a condition which is  
2 unique to the property in question, and which is not  
3 ordinarily found elsewhere in the same zoning district;  
4 second, the variance requested is because of a unique  
5 hardship not created by the applicant nor owner of the  
6 property; third, the granting of the variance will not  
7 adversely affect adjacent property owners or residents;  
8 fourth, that strict application of the front yard setback  
9 will not cause difficulty and extreme hardship to the  
10 property owner represented in the application; the  
11 proposed addition will not adversely affect the public  
12 health, safety, order, convenience or general welfare of  
13 the community; and, sixth, granting the setback variance  
14 will not violate the general spirit and intent of this  
15 chapter; seven, by reason of the change of setback after  
16 construction, the strict application of the setback  
17 requirements actually creates a hardship to the property  
18 in a manner dissimilar to that of other similarly situated  
19 properties in the zoning district; finally, granting the  
20 variance will not result in aversion of additional  
21 stormwater that would adversely affect adjacent property.

Mr. Lumley indicated that there was one typographical  
error in the draft motion, an existing 50 foot instead of  
45-foot setback. Just accept that correction without  
having to state it. Chairman Levy indicated that should  
be corrected.

Mr. Schenberg seconded the motion.

Chairman Levy asked all those in favor to signify by  
saying aye. All responded aye.

## 16 5. OTHER BUSINESS

17 Ms. Kelly indicated there is an application for the  
18 January 21st meeting, so we'll send out an email regarding  
19 that, if you are able to attend. Also on the dais before  
20 you is the meeting schedule for 2016. Again, we won't  
officially have a meeting until we get an application, but  
I thought I'd give you the dates to make you aware of.

## 21 6. ADJOURNMENT

22 There being no further business to come before the  
23 Board, Chairman Levy adjourned the meeting at 4:20 p.m.

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24 Roger Levy, Chairman

25 Produced by: Deborah K. McLaughlin, Court Reporter