



*CITY OF CREVE COEUR
BOARD OF ADJUSTMENT
MEETING MINUTES
THURSDAY, APRIL 21, 2016
4:00 PM*

A regular meeting of the Board of Adjustment of the City of Creve Coeur, Missouri was called to order by Vice-Chair Ivan Schenberg at the Creve Coeur Government Center, 300 North New Ballas Road, at 4:00 p.m. on Thursday, April 21, 2016. The roll was called; Mr. Glenn Wilen, Mr. Martin Satz, Mr. Robert Mooney, and Mr. John Becker were in attendance.

Also present were Mr. Carl Lumley, City Attorney; Mr. Jason Jaggi, Director of Community Development; Ms. Whitney Kelly, City Planner; and Jessica Stutte, Recording Secretary.

Mr. Satz made a motion to approve the minutes of February 18, 2016. Mr. Wilen seconded the motion, which unanimously carried.

Vice-Chair Schenberg outlined the procedures of the Board of Adjustment, stating that four affirmative votes are required for the granting of a variance.

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

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

NEW BUSINESS

A. Variance Request to Allow for a New Front-Porch to Project Up to Approximately Three Additional Feet into the Front Yard Setback for the Home at 9820 Sundown Square.

Applicant/Agent: Shawn Gwaltney
GP Homes LLC
18111 Edison Ave
Chesterfield MO 63005

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

Mr. Shawn Gwaltney 18111 Chesterfield 63005 with GP Homes gave a summary of what they would like to do regarding the covering of the porch on the front of the house. He presented his case and pointed out the property to the right has something similar. He said adding a porch would improve it visually and increase the value of the home.

Ms. Kelly, on behalf of the city, responded the home was in regulation at the time the home was built and later the setbacks were moved back. She said staff recommends approval as it is simple to cover the porch with a variance instead of moving the house back. Neighbors received a notice and no complaints or concerns were submitted.

Mr. Becker asked about future requests if it were approved. He wanted to know if it set a precedent.

Mr. Lumley responded each case is evaluated on its own merits. No cases have gone before court and until they do, we don't know.

*Board of Adjustment
April 21, 2016*

Ms. Kelly responded that similar cases have come before the Board.

City Attorney Carl Lumley offered the following exhibits into the record on behalf of the City:

1. Documentation of possession of the City Clerk that reflects the published and posted notice
2. Staff's report to the Board, with the Board of Adjustment application and all attachments thereto.
3. The City Charter
4. The Code of Ordinances of the City of Creve Coeur
5. All communications and letters received by the City to this point regarding the application.

End of Public Hearing

Vice-Chair moved to approve a variance for the home at 9820 Sundown Square to allow the structural modification of the existing front porch within the legally pre-existing, but non-conforming front yard setback of 40 feet where the required setback is 45 feet per Section 405.260, B Single Family Residential District, based upon a positive finding that:

1. The variance requested arises from condition which is unique to the property in question and 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. The granting of the variance will not adversely affect adjacent property owners or residents;
4. The strict application of the front-yard setbacks will cause severe practical difficulty and 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 this Chapter;
7. By reason of the lot shape within the B Single-family Residential zoning district, the strict application of the setback requirements actually creates a hardship to the property in a manner dissimilar to that of other similarly situated property in the zoning district; and,
8. Granting the variance will not result in the diversion of additional storm water that would adversely affect adjacent property.

The motion was seconded by Mr. Satz with the resultant vote as follows:

Mr. Satz-aye Mr. Wilen-aye Mr. Mooney-aye Mr. Becker-aye Mr. Schenberg-aye

Second Motion was made by Vice Chair Schenberg to approve the Findings of Fact and Conclusions of Law prepared by staff regarding the variance request for 9820 Sundown based on the testimony received and the deliberations of the Board on this application, as decided on April 21, 2016.

OTHER BUSINESS

Mr. Jason Jaggi requested the Board consider moving away from paper packets in an effort to comply with the City's desire to go green and to reduce the use of time spent on preparation and delivery. The Board discussed the request and were supportive of eliminating the paper packets. Mr. Jaggi state that a few hard copies of large plans will be available for pick up at the Government Center.

*Board of Adjustment
April 21, 2016*

ADJOURNMENT

There being no further business to come before the Board of Adjustment, upon motion being made and duly seconded, the meeting was adjourned at 4:22 P.M.

Ivan Schenberg, Vice-Chair

Jessica Stutte, Recording Secretary