

MINUTES
BOARD OF ADJUSTMENT
CITY OF CREVE COEUR
JUNE 19, 2008

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 19, 2008.

Upon a request for Roll Call, the following members responded:

Mr. Earl Schenberg, Chair
Mr. Ted Brown, Vice Chair
Mr. Roger Levy
Ms. Rhonda O'Brien
Mr. Ken Balk, alternate

Mr. Brown made a motion, seconded by Mr. Levy, to approve the minutes of a regular meeting of April 10, 2008. With no corrections being heard, the minutes were approved.

Chair Schenberg announced that there would be only one appeal heard this evening as the second appeal was withdrawn. He outlined the procedures of the Board of Adjustment, stating that four affirmative votes are required for the granting of a variance.

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

Affidavit of Publication

1. To consider the appeal of Clarence Steele for the following variance request in Ordinance No. 1903, The Zoning Code, for the property located at 715 North Spoede Road. Section 26-31.5(b)(5) *Maximum site coverage*. This section requires the amount of gross site area covered by impermeable surfaces for a parcel located within the "B" Single Family Residential District shall not exceed 35 percent. The applicant is requesting a variance to allow for a maximum of 38.9 percent site coverage.

Chair Schenberg requested all parties who wished to address the Board be sworn in. Whereupon, all parties to be heard were sworn in by Court Reporter Deborah McLaughlin.

Mr. Michael Hurlbert, City Planner and Economic Development Administrator, explained the request for a zoning variance at 715 North Spoede Road. The subject property is a .42 acre site situated on the west side of Spoede Road north of Colonial Hills Parkway and is zoned "B" Single Family Residential which requires a 20,000 square foot minimum lot. This property is approximately 18,000 square feet and was legally platted prior to the adoption of the current Zoning Code, making it a legal, nonconforming lot. The preexisting 1,300 square foot ranch-style structure has been demolished and a new 4,860 square foot two-story home is currently under construction.

During the plan review process, the City requested that the existing curbcut for the driveway entrance be relocated from its northern location on Spoede to a southern location that lined up better with the entrance to Spoede Woods Road on the opposite side of Spoede Road. The applicant is now requesting to regain his existing curbcut to allow for the completion of a circle driveway, which would put the site coverage above the 35 percent maximum coverage.

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The City submitted the following exhibits as being admitted into evidence:

1. City of Creve Coeur Charter.
2. Code of Ordinances of the City of Creve Coeur.
3. The Creve Coeur Comprehensive Plan.
4. The Board of Adjustment application and all attachments thereto.
5. Staff's report to the Board.
6. A collective exhibit and materials received from the applicant.
7. A collective exhibit of materials offered by the opposition, if any.
7. All communications and letters received by the City to this point.

Ms. O'Brien questioned the use of permeable stones on the driveway. Mr. Hurlbert responded by saying that the City does not have standards in place for alternative types of materials such as pavers or permeable concrete. He said the City would require spec information about materials during the building permit process and a determination would be made whether the materials would be counted in the site coverage. Mr. Hurlbert said the applicant was reluctant to use alternative materials for a driveway. The product is so new that staff has not seen it in any developments. Discussion followed.

Mr. Hurlbert responded to a question posed by Chair Schenberg by agreeing that the subject house is located in a "B" Zoning District on a "C" Zoning District size lot, which makes it unique to some degree. He explained that if the lot were zoned "C", the site coverage would be 40 percent. Mr. Hurlbert went on to say that there are assorted lots throughout the City that do not meet the lot size requirement for the district in which they are located.

Mr. Clarence H. Steele, an architect and owner of the subject site, stated that he and his wife became aware of this problem after a survey was made of their property. For safety reasons, they felt a circle drive would work well since it is impossible to turn around when there are two or more vehicles parked in the driveway, making it necessary to back out onto Spoeede Road. He spoke of alternatives that were also considered, followed by a brief question and answer period.

Hearing no further questions, Chair Schenberg made a motion that the Creve Coeur Board of Adjustment approve the application of Clarence Steele 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 a condition which is unique to the property in question and which is not ordinarily found 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 shall 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 or 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, and
- (f) Granting the variance desired will not violate the general spirit and intent of this Chapter.

In addition, per Section 26-118.5, an applicant for an area variance or other non-use variances must meet the following criteria:

- (a) By reason of exceptional narrowness, shallowness or shape of the specific piece of property or whereby 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

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property in a manner dissimilar to that of other similarly situated property in the zoning district in which it is located,

(b) Granting a variance would not result in the diversion of additional stormwater that would adversely affect adjacent property.

Mr. Brown seconded the motion, with the resultant vote as follow, to-wit:

Mr. Balk – nay		Ms. O’Brien - nay
Mr. Levy – aye	Chair - aye	Mr. Brown - aye

Chair Schenberg announced the variance is denied.

Chair Schenberg made a motion, seconded by Ms. O’Brien, that the Board instruct the Planning Staff to prepare Findings of Fact and Conclusion of Law consistent with the opinion of the Board in this matter for execution by the Chairman of this Board and further that this Board shall instruct the Staff to mail the findings to the Applicant and all interested parties immediately upon execution by the Chairman. The motion 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 7:38 p.m.

Attest

Earl Schenberg, *Chairman*

Pat Rosenblatt, Secretary