

MINUTES
BOARD OF ADJUSTMENT
CITY OF CREVE COEUR
OCTOBER 16, 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, October 16, 2008.

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

Mr. Earl Schenberg, Chair
Mr. Robert Sax, Alternate
Mr. Ted Brown, Vice Chair
Mr. Roger Levy
Ms. Rhonda O'Brien

Mr. Brown made a motion, seconded by Ms. O'Brien, to approve the minutes of a regular meeting of September 18, 2008. With no corrections being heard, the minutes were approved.

Chair Schenberg 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 Robert Fry to allow a twenty-seven (27) foot rear yard setback where thirty (30) feet is the minimum required at 11947 Rocky Drive, located in the "C" Single-Family Residential Zoning district per Section 26-32.5(c)(5) *Yard and Setback Requirements*, of the City of Creve Coeur Zoning Ordinance. The applicant is requesting the variance to allow for the expansion of the house along a line even with a legally pre-existing, but non-conforming, kitchen area that encroaches into the required rear yard setback.

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.

The City submitted the following exhibits into the record:

1. The Creve Coeur Comprehensive Plan.
2. The Creve Coeur Zoning Code.
3. The Board of Adjustment application and all attachments thereto.
4. Staff's report to the Board.

Mr. Paul Langdon, Planning Director, identified the subject property as a corner lot located in the Balmoral Subdivision. He said the house was built with one corner at the setback line and if the house were parallel to the rear property line, the entire house would be along that setback. According to the surveyor, it is not quite square with the rear property line, with the corner of the garage closer to the rear property line. He said any expansion in that area would become a nonconformity with the Zoning Code and pointed out that the Zoning Code is set up to ideally provide all properties with the opportunity to expand. Mr. Langdon did not believe there is a significant impact to the property on the north side; there is no objection from that property

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Chair Schenberg made a motion, seconded by Mr. Levy, 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 7:30 p.m.

Attest

Earl Schenberg, Chairman

Pat Rosenblatt, Secretary