

MINUTES
BOARD OF ADJUSTMENT
CITY OF CREVE COEUR
OCTOBER 15, 2009

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 15, 2009.

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

Mr. Earl Schenberg, Chair
Mr. John Becker
Ms. Rhonda O'Brien
Mr. Roger Levy
Mr. Martin Jaffe

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. Jaffe made a motion to approve the minutes of May 21, 2009. Mrs. O'Brien seconded the motion, which unanimously carried.

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 Erick Koshner, regarding property at 11342 St. Paul Street, to allow structural alteration of a rear yard sunroom with a legally pre-existing, non-conforming rear yard setback of approximately 25 feet where the required setback is 30 feet per Section 26-32.5(c)(3), Minimum Rear Yard for Permitted Uses, and no such alteration is allowed per Section 26-70.4, Nonconformities within Setback Lines, of the City of Creve Coeur Zoning Ordinance. The applicant is requesting the variance to allow for the pre-existing sunroom to be renovated with new windows and a new roof structure but still meeting the same non-conforming setback.*

Mr. Doug Wells, Champion Window Company of St. Louis, Inc., presented pictures of the existing structure, and gave a brief description of the proposed renovation. He stated that they are adding additional piers to the existing deck, making the footprint 10 feet wider to the north. The variance is necessary due to the roofline, but would not have been required to just add the windows. Chair Schenberg pointed out that the additional 10-foot width does not change the encroachment into the rear yard setback. Mr. Wells stated that the roof would no longer be flat, but a gable-style roof and would not encroach any farther into the back. A brief discussion followed.

Attorney Elizabeth M. Leppert, on behalf of the City, offered the following exhibits into the record:

1. Exhibits presented by Mr. Wells
2. The Creve Coeur Design Guidelines

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2. *To consider the appeal of Caplaco Nine Inc. regarding the property at the northeast corner of Craig Road and Olive Boulevard, commonly known as West Oak Plaza, to allow a 15 percent reduction in the required number of parking spaces. Under a maximum occupancy scenario, this would result in a total parking requirement of 929 parking spaces where 1,092 would otherwise be required.*

Mr. Langdon, Director of Community Development, stated this request is very similar to one reviewed several years ago for the Bellerive Shopping Plaza. He referenced two commercial centers in town that were developed differently; namely, West Oak Square zoned Core Business and Bellerive Plaza zoned General Commercial. He explained the challenges faced regarding parking. Mr. Langdon alluded to St. Louis Bread Company who could not show sufficient parking existed in the Bellerive Plaza and, after a parking study was performed, it was discovered that there was always vacant parking available. Thus, a variance was approved to reduce their required parking. He pointed out that the same circumstances exist on the proposed site and explained the parking standards used by the City. Staff believes the variance is justified. A brief discussion followed.

Mr. Pat Cunningham, with Capitol Land Company, owners of the West Oak Square Shopping Center, a mixed use, retail development located at the northeast corner of the intersection of Olive Boulevard and Craig Road, currently consisting of 159,574 square feet gross floor area, with 928 parking spaces. The center is comprised of the following uses: Dierbergs Supermarket, general merchandise, restaurant, beauty shop, service and finance. He noted the parking breakdown for each of the uses. Mr. Cunningham pointed out that the center recently dedicated right-of-way to the Missouri Department of Transportation and to St. Louis County Highways and Traffic in an effort to support the Olive Boulevard Transportation Development District's public improvement program along Olive and Craig, in which the shopping center lost a few parking stalls in support of this effort. Mr. Cunningham stated the shopping center is adding and relocating a small number of parking stalls in accordance with Permit No. 21740, which is in response to the loss of the 48-inch Post Oak tree that had to be removed a year ago last spring. He explained that this project relocates under-utilized spaces in the southwest quadrant of the shopping center to the former location of the oak tree, while increasing greenspace along Olive Boulevard.

Mr. Cunningham introduced Dustin Riechmann, representative of Crawford Bunte Brammeier, and referred to a parking study prepared by CBB, identifying the center's use at approximately 55 percent of the available parking spaces during typical peak periods with the current tenant mix. The study further identified that the center could easily support an increased percentage of tenants with higher parking ratios without adding additional parking spaces by being granted a parking ratio reduction of up to 15 percent without impacting the capacity of the center. Discussion continued.

Attorney Elizabeth M. Leppert, on behalf of the City, offered the following exhibits into the record:

1. The Creve Coeur Zoning Code.
2. The Creve Coeur Design Guidelines
3. The Creve Coeur Comprehensive Plan.
4. All exhibits presented by the Applicant, including the CBB report.
5. Mr. Langdon's Staff report dated October 15, 2009 and any attachments.

Chair Schenberg made a motion, seconded by Mr. Becker, that the Creve Coeur Board of Adjustment approve the application of Caplaco Nine, Inc. for the variance requested after having found from the evidence presented that the requested variance arises from all of 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;

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- (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 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. Becker.....aye

Ms. O'Brien...aye

Mr. Levy....aye

Mr. Jaffe...aye

Chair....aye

Chair Schenberg announced the variance is granted.

Chair Schenberg made a motion, seconded by Mr. Jaffe, 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 7:55 p.m.

Attest

Earl Schenberg, Chairman

Pat Rosenblatt, Secretary