



AGENDA
CITY OF CREVE COEUR
BOARD OF ADJUSTMENT
CITY COUNCIL CHAMBER
JUNE 20, 2024
4:00 PM

CALL TO ORDER

ROLL CALL

Mr. Glen Wilen (Chair)
Mr. James Kostelc
Mr. Robert Mooney
Mr. Martin Satz
Mr. Arnold Mayersohn (Alternate)
Ms. Dana Cannon (Alternate)

Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, AICP, Director of Community Development
Ms. Bethany L. Moore, City Planner
Ms. Christine Schuermann, Recording Secretary

APPROVAL OF MINUTES

- 1. November 30, 2023 Board of Adjustment Draft Meeting Minutes**

ACCEPTANCE OF THE AGENDA

UNFINISHED BUSINESS

NEW BUSINESS

- 2. Application #24-1: Variance Request To Allow For the Reduction of the Front Yard Setbacks to 30 Feet from the Required 50 feet for Corner Properties in the "A" Zoning District for the Property Addressed as 1 Allegro Lane**
Summary: The applicant has withdrawn this application.
- 3. Application #24-10701: Variance Request for the Property At 10701 Kingsbridge Estates Drive To Allow For a Rear Covered Patio Addition to Encroach 14 Feet, 10 Inches into the Required 35 Foot Rear Yard Setback**
Summary: Zachary Wayhart, of STL Hardscape Solutions, on behalf of the owners of 10701 Kingsbridge Estates Drive, within the "A-RDD" Single Family Residential Zoning District (RDD), has submitted an application for a variance request to encroach 14 feet, 10 inches, into the required rear yard setback of 35 feet as established by the Kingsbridge Drive Estates RDD in order to build a covered patio structure attached to the existing residence. The covered patio



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structure would include an outdoor kitchen with bar area and would be approximately 462 ft². Section 405.610(D)(1) states that no structure shall be constructed, reconstructed or structurally altered in such a manner as to project into the area prescribed as a setback from a public or approved private street or as established by this Chapter.

BUSINESS FROM STAFF

4. Election of Chair and Vice Chair

ADJOURNMENT

Pursuant to Section 610.022 RSMO, the Board of Adjustment could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or confidential or privileged communications with the City Attorney as provided under Section 610.021(1) RSMO or other matters as permitted by Chapter 610.

Posted by: _____

Date/Time posted: _____

If you need special accommodations to attend a meeting, services may be arranged by contacting the Office of the City Administrator in advance.



**DRAFT MINUTES
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CALL TO ORDER

The meeting was called to order at 4:00 PM.

ROLL CALL

**Mr. Glen Wilen (Chair)
Mr. James Kostelc
Mr. Robert Mooney
Mr. Martin Satz
Mr. Arnold Mayersohn (Alternate)
Ms. Dana Connon (Alternate)**

The following staff were also present:

**Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, AICP, Director of Community Development
Ms. Bethany L. Moore, City Planner
Ms. Megan Waller, Administrative Supervisor/Recording Secretary**

APPROVAL OF MINUTES

1. August 17, 2023 Board of Adjustment Draft Meeting Minutes

Mr. Mayersohn made a motion to accept the August 17, 2023 meeting minutes. Mr. Kostelc seconded. All in favor.

ACCEPTANCE OF THE AGENDA

Mr. Mayersohn made a motion to accept the agenda. Mr. Kostelc seconded. All in favor.

UNFINISHED BUSINESS

- 2. #23-07: Variance Requests For The Property At 7 Sherwyn Lane to Encroach 13 feet into the 50 Foot Front Yard Setback as Required by Section 405.250 and to Add 313 Square Feet of Additional Impervious Area into the Stream Bank Buffers as Regulated by Section 430.050 in Order to Expand the Footprint of the Existing House**



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Those speaking to the request were sworn in.

Mr. David Nafar, 7 Sherwyn Ln., Creve Coeur, MO 63141, thanked the Board for their time.

Mr. Nafar summarized the discussion from the previous meeting and noted the Board's previous concerns. He also stated that since the previous meeting, some modifications have been made to the plan. Mr. Wilen asked if granting of the variance will still require MSD approval. Mr. Nafar stated that the updated construction will not encroach on the MSD easement and that he has email confirmation from MSD stating that there are no concerns.

Mr. Nafar presented a recording of the previous meeting where staff addressed concerns regarding co-permittee status with MSD. Mr. Lumley stated that the co-permittee status is no longer an issue under the new proposal, and suggested the discussion refocus on the current plan.

Mr. Nafar presented a drawing of the variance that was approved in 2008 to build the addition for reference.

Mr. Nafar stated that the new plan has reduced the scope of the addition to minimize impacts to the MSD wall, neighbors, and the overall variance request.

Mr. Nafar stated that since the previous meeting, he has hired an engineer to perform a study on the impacts to the MSD wall. Mr. Willen asked if the City had received the study before the meeting. Ms. Moore stated that staff has not seen the report. Mr. Wilen noted that the report was dated October 24th and had concerns that Staff had not been given adequate time to review the report.

Mr. Nafar stated that MSD instructed him to get a permit for an inspection before and after construction and stated that MSD would vacate the maintenance agreement of the wall under the original plan. Mr. Nafar also stated that with the reduced scope of the addition, there will no longer be encroachment on the MSD easement and the maintenance agreement will no longer be vacated by MSD.

Mr. Nafar stated that the new request is for a 10ft front yard variance and stream buffer variance. Mr. Kostelc asked if these additions include basement space. Mr. Nafar confirmed that a basement will be included in the rear addition and the front addition will be on a slab.



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Mr. Nafar stated that he anticipates four trees in the front yard and one tree in the back yard will be removed during the construction. He stated that the trees removed will be replaced to meet the current City ordinance.

Mr. Nafar stated that the new plan reduces the total addition from 2,103 sqft to 1,463 sqft, the garage addition from 546 sqft to 320 sqft, and the front walkway will remain 132 sqft. He stated that the driveway and front walkway are to be replaced with pervious materials as a component of the new mitigation plan.

Mr. Nafar stated that the mitigation plan also includes a rain garden, and that, based on the City's calculation, 40 cubic feet of detention capacity is sufficient under the new construction plan.

Mr. Nafar reminded the Board that he believes there is a hardship to his lot due to the location of the existing creek.

Mr. Mayersohn asked if a consultant has stated that a second story is not feasible. Mr. Nafar stated that he consulted with a friend who is an engineer and was told that there is no way to know if a second story could be added.

Mr. Nafar stated that 37 homes were found within the 50ft setback within the City. He presented other homes in the City within the buffer zone and stated that these properties are not comparable with his property. He noted that 10688 Country View Dr was built in 2019 within the setbacks, and wondered why this was approved.

The Board took a five-minute recess.

Ms. Bethany Moore, City Planner, stated that the applicant is seeking two separate variance requests for the project, one from the zoning code, and one from the stream bank buffer protections. She stated that she will be reviewing the front yard setback variance request, and Civil Engineer, Dione Garson, will be reviewing the stream bank buffer variance request.

Ms. Moore stated that as the house sits currently, it is within the required setbacks. She explained that the request is to encroach 13ft into the 50ft front yard setback and add 312 sqft of impervious area into the buffers with 2,213 sqft of disturbance in the buffers.



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Mr. Mayersohn asked if the front porch is included in the setback. Ms. Moore stated that front porches are allowed to encroach 10ft into the front yard setback.

Ms. Moore reminded the Board that there was a previous approval for the project in 2008. She explained that there were different requirements at that time than what exist today.

Ms. Moore stated that several houses in the existing neighborhood have been demolished and rebuilt with no variances, as they meet the requirements of the codes. She also stated that no front yard setbacks have been granted for other homes in the neighborhood.

Ms. Moore stated that there have only been 3 front yard setback variances approved in the past 6 years, two of which were non-conforming lots and one to rebuild a previously non-conforming house.

Ms. Moore discussed the criteria for variances and stated that the location of the creek does create a limited buildable area that is unique to the lot.

Ms. Moore stated that this variance could be considered an adverse effect on the neighborhood, but that determination is up to the Board based on the information provided.

Ms. Moore stated that to date, the applicant has not proven that a second story could not be added to the existing structure to eliminate the need for a variance. She noted that the applicant has made staff aware that adding a second story is not desirable.

Ms. Dione Garson, Civil Engineer, stated that the request is to add 85 sqft of impervious surface and disturb 1,296 sqft in the no impervious stream buffer plus add 227 sqft of impervious area and disturb 916 sqft in the no disturbance stream buffer in order to add first floor living space to the existing home.

Mr. Wilen asked if Ms. Garson is familiar with the proposed new driveway material. She stated that the material works well with continued maintenance.



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Ms. Garson stated that staff checked into how many homes could potentially seek a stream buffer variance within the City and stated that staff found approximately 37 homes. She explained that this research was simply to give the Board a ballpark figure of how many comparable variances could be requested. She stated that the home built in 2019 at 10688 Country View Dr was missed by mistake, and staff is working to be sure this does not happen again.

Ms. Garson stated that the applicant has satisfied requirements of Chapter 425 for water quality.

Ms. Garson stated that Chapter 430 does not have any prescribed calculations to be met, and the Board should use their judgment to determine if the proposed mitigations are at least as protective of natural resources and the environment.

Ms. Garson stated that this plan does meet MSD's water quality calculations and best management practices, but that the Board should consider if the proposal is as good as the current state. She also stated that the Board should consider how this will impact future requests.

Ms. Garson summarized the questions before the Board for consideration.

Mr. Mayersohn asked about rain garden maintenance. Ms. Garson stated the typical maintenance. Mr. Mayersohn had concerns about the homeowner maintaining the garden.

Mr. Wilen had questions regarding maintenance of the existing MSD wall. Ms. Garson stated that there have been several conversations with MSD. She stated that once the original plan was reduced to no longer have impacts to their easement, MSD confirmed that their concerns have been satisfied.

Ms. Moore made a correction to her presentation and stated that criteria #2 should have referenced chapter 425, not chapter 430.

Those speaking on the request virtually were sworn in.

Mr. Paul Cohen, 5 Sherwyn Ln., Creve Coeur, MO 63141, spoke on behalf of his parents as the trustee of the property.



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Mr. Cohen had concerns that the applicant is unwilling to consider any alternative plans.

Mr. Cohen stated that the applicant knew about the existing creek and the location of the creek when he chose to purchase the home.

Mr. Cohen also had concerns that allowing the front yard setback will set a precedent for future requests.

Mr. Phil Christopherson, 3660 S Greyer Ste 320, St. Louis, MO 63127, stated that he does not understand the reasoning for consideration of adding a second story to the home given the goal of the applicant to expand the kitchen, living room, and dining room.

Mr. Wilen asked if the applicant purchasing the home knowing the location of the creek created a self-imposed hardship. Mr. Christopherson disagreed, stating that when Mr. Nafar bought the home, the stream buffer protection ordinance did not exist.

Mr. Wilen asked if the homeowner was compensated for the MSD easement. Mr. Nafar confirmed that he was compensated.

Mr. Christopherson stated that he disagrees that granting the front yard variance will set any precedent for future variance requests.

Mr. Lumley offered the exhibits to the record.

Mr. Wilen closed the public hearing.

Mr. Wilen made a motion to approve the front yard setback variance request. Mr. Kostelc seconded. Mr. Wilen, Mr. Kostelc, and Ms. Connon voted aye. Mr. Mayersohn and Mr. Mooney voted nay.

RESULT: Disapproved

MOVER: Wilen

SECONDER: Kostelc

AYES: Glenn Wilen, James Kostelc, Dana Connon

NAYS: Arnold Mayersohn, Robert Mooney



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Mr. Wilen made a motion to approve the variance request for the stream buffer. Mr. Mayersohn seconded. Mr. Wilen voted aye. Mr. Kostelc, Mr. Mayersohn, Mr. Mooney, and Ms. Connon voted nay.

RESULT: Disapproved

MOVER: Wilen

SECONDER: Mayersohn

AYES: Glenn Wilen

NAYS: Arnold Mayersohn, Robert Mooney, James Kostelc, Dana Connon

Mr. Wilen made a motion to direct staff to prepare and authorize the Finding of Fact and Conclusion of Law. Mr. Mayersohn seconded. All in favor.

NEW BUSINESS

3. 2024 Board of Adjustment Draft Meeting Schedule

Mr. Jaggi presented the proposed 2024 meeting schedule. Mr. Wilen made a motion to approve. Mr. Mayersohn seconded. All in favor.

BUSINESS FROM STAFF

None

ADJOURNMENT

Mr. Wilen made a motion to adjourn. Mr. Mayersohn seconded. All in favor.

The meeting adjourned at 5:52 PM.

Submitted by:

Recording Secretary

Chair



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141

(314) 432-6000 • Fax (314) 872-2539

APPLICATION TO THE BOARD OF ADJUSTMENT

#24-10701: VARIANCE REQUEST FOR THE PROPERTY AT 10701

KINGSBRIDGE ESTATES DRIVE TO ALLOW FOR A REAR COVERED PATIO ADDITION TO ENCROACH 14 FEET, 10 INCHES INTO THE REQUIRED 35 FOOT REAR YARD SETBACK

FOR THE MEETING OF: Thursday, June 20, 2024

SUBJECT PROPERTY LOCATION: 10701 Kingsbridge Estates Drive, Zoned “A-RDD” Single Family Residential District.

REQUEST: Zachary Wayhart, of STL Hardscape Solutions, on behalf of the owners of 10701 Kingsbridge Estates Drive, within the “A-RDD” Single Family Residential Zoning District (RDD), has submitted an application for a variance request to encroach 14 feet, 10 inches, into the required rear yard setback of 35 feet as established by the Kingsbridge Drive Estates RDD in order to build a covered patio structure attached to the existing residence.

ADDITIONAL INFORMATION: The covered patio structure would include an outdoor kitchen with bar area and would be approximately 462 ft². Section 405.610(D)(1) states that no structure shall be constructed, reconstructed or structurally altered in such a manner as to project into the area prescribed as a setback from a public or approved private street or as established by this Chapter.

Key Issues:

- Impact to neighborhood
- Property versus owner hardship

Zoning Code References

- Section 405.250: “A” Single-Family Residential
- Section 405.450(C): Residential Design Development Procedure
- Section 405.610: Non-conformities
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals

OWNER: Joseph G and Christina A Nassif
10701 Kingsbridge Estates Drive
Creve Coeur, MO 63141

APPLICANT:

Zachary Wayhart
STL Hardscape Solutions, LLC
2763 West Osage Street
Pacific, MO 63069



REPORT PREPARED BY: Bethany L. Moore, AICP, City Planner; Jason W. Jaggi, AICP,
Director of Community Development

DATE: 6/12/2024

ATTACHMENTS: Applicant's Materials submitted May 14, 2024

PROJECT BACKGROUND

The subject property is located at 10701 Kingsbridge Estates Drive in the Kingsbridge Estates Subdivision that received final plat approval in 1985 under Ordinance 1100. It is a 0.782-acre lot in the 6-lot Kingsbridge Estates "A-RDD" Single-Family Zoning District. The RDD-Residential Designed Development procedures are outlined in Section 405.450(D) *Residential Designed Development Procedure* which provide a permissive, voluntary and alternate zoning procedure in the "A", "B", "C" and "D" single-family residential and "AR" attached residential zoning districts in order to permit greater flexibility in the size and configuration of lots without altering the allowable residential density in these districts and to provide for desirable and proper common open space, tree cover, recreation areas, parks or scenic vistas and the preservation of the natural beauty of the City. Subsection (1)(c) *Yards* requires that the minimum front yard and side yard requirements for each lot, as set out in the regulations for the single-family residential zoning district where such site is located, may be reduced by the City Council and, if so reduced, shall be set out on the preliminary subdivision plan to be submitted in accordance with Chapter 410, Subdivision and Development of Land. Otherwise, any regulation falls back to the underlying zoning district. In this case that means that the side yard setback falls back to the requirements for the A District because the side yard setback is not specified on the plat.

The subject property is located at the corner of Kingsbridge Estates Drive and Spoede Road and has two front yard setbacks of 50 feet, and one rear yard setback of 35 feet per approved plat. It also has one side yard setback of 15 feet or 15% of the lot width, whichever is less provided that a minimum side yard of seven and a half feet must be provided for any non-conforming lot per the requirements for the underlying "A" zoning district. The applicant is seeking a variance to encroach 14 feet, 10 inches, into the required rear yard setback of 35 feet in order to build a 21' x 22' and approximately 10-foot-tall, covered patio structure attached to the existing residence. The covered patio structure would include an outdoor kitchen with bar area and would be approximately 462 ft². Since the proposed structure is attached to the house it is considered part of the primary structure, like an addition and not an accessory structure, and therefore must comply with the setbacks that create the buildable area for primary structures on a lot. Section 405.630(A) *Yard Encroachments* states, "every part of a required yard shall be open and unobstructed from the ground to the sky, except as herein provided or as otherwise permitted in this Chapter." This section goes on to describe exceptions that are given a 5-foot buffer to extend into a required yard, none of which the applicant's request meets the criteria for.

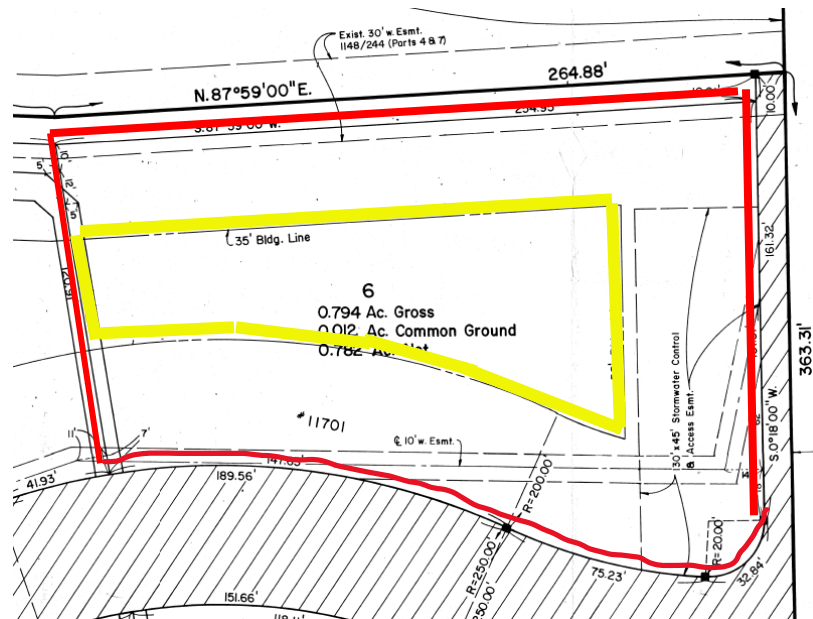


Figure 1: Detail view of the plat for Kingsbridge Estates showing property lines in red and setbacks in yellow.

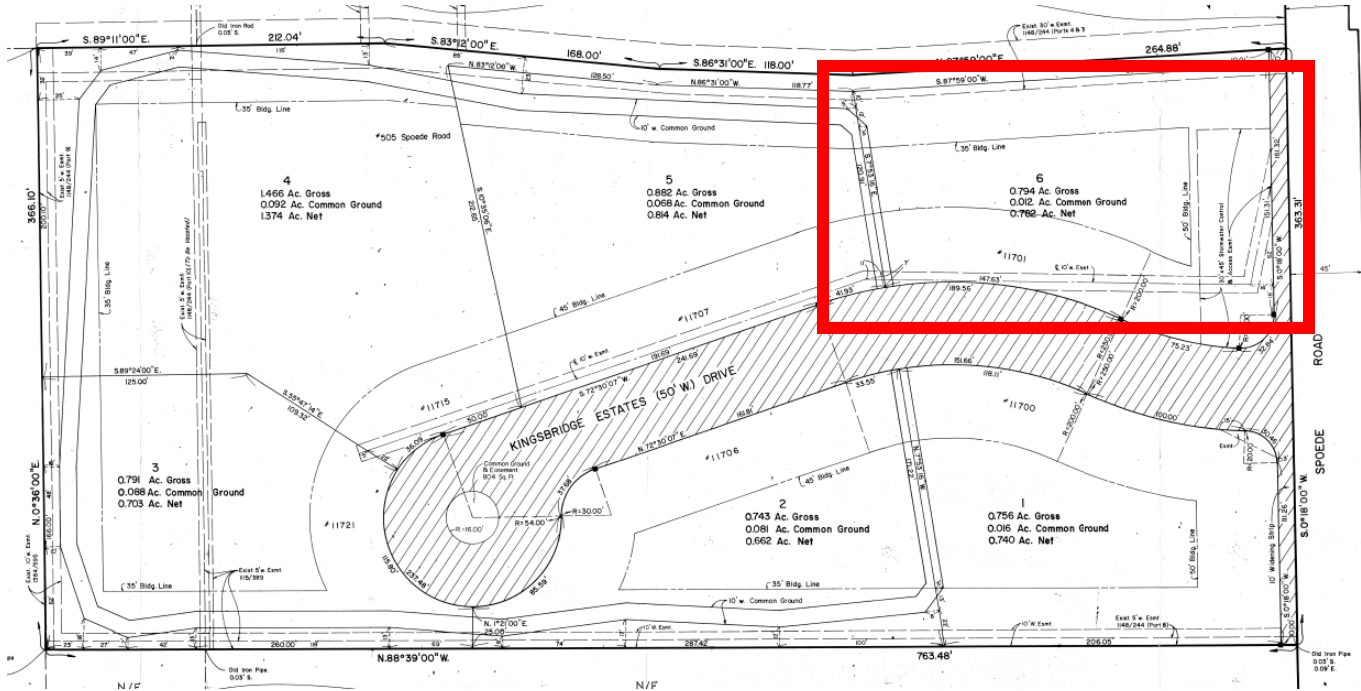


Figure 2: Kingsbridge Estates Plat, subject property is lot 6 in red.

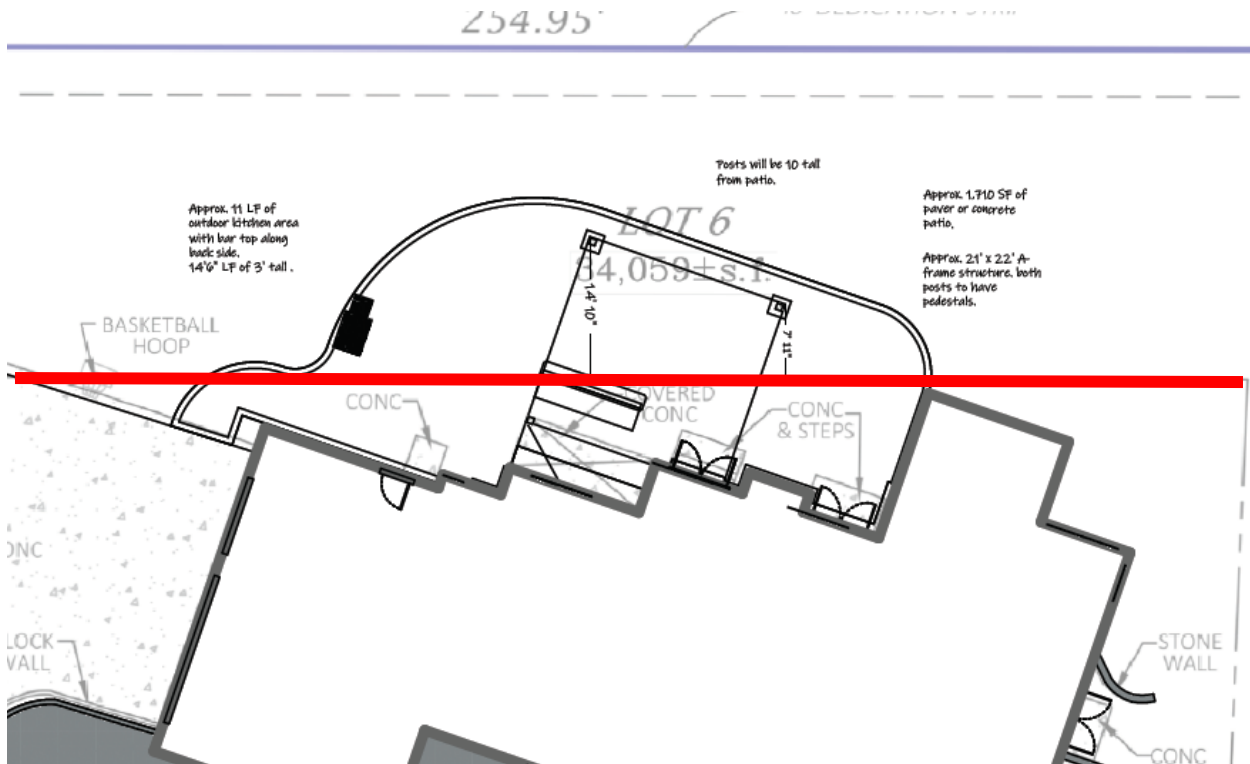


Figure 3: Detail of proposed project site plan with property line in purple and rear yard setback in red.



Figure 4: Proposed covered patio structure.

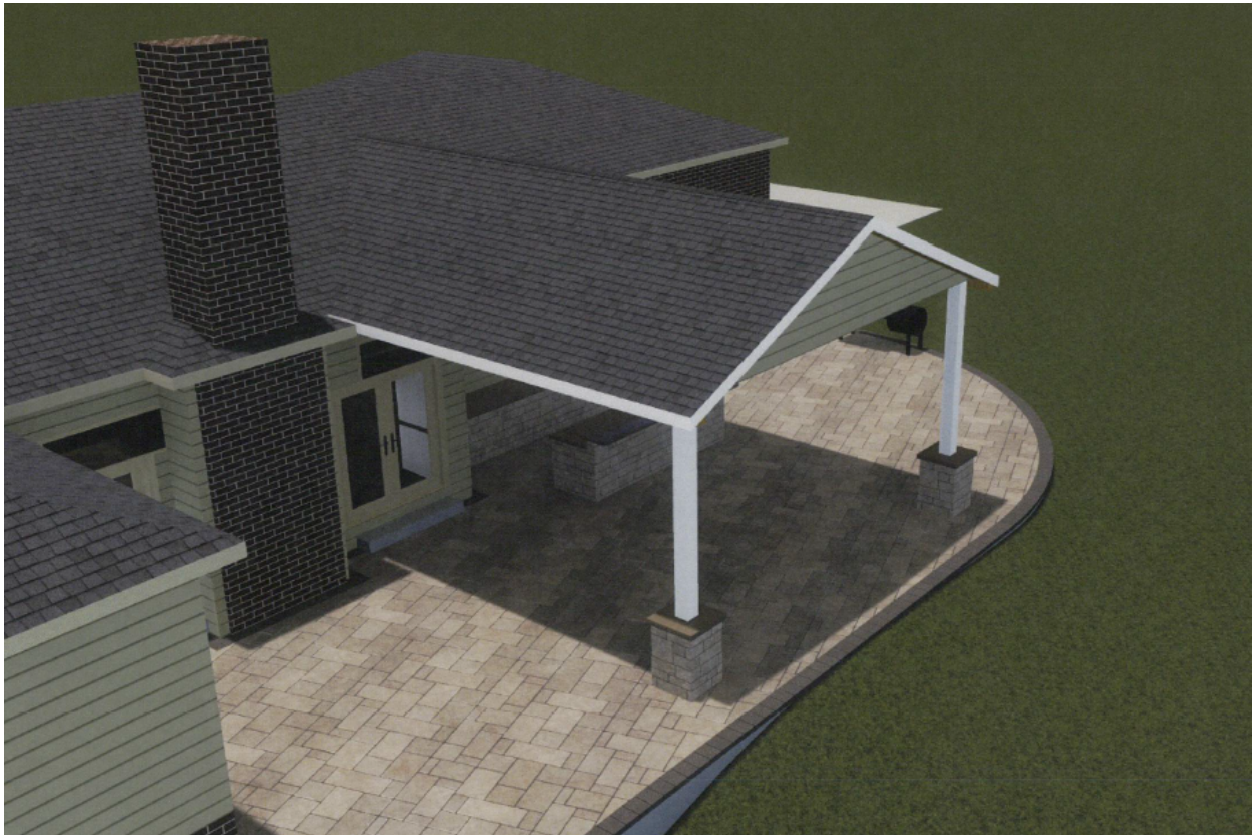


Figure 5: Proposed covered patio structure.

BASIS FOR APPEAL AND STATED HARDSHIP

The applicant's stated basis for requesting the variance is a desire to have a covered patio structure that is attached to the house and continues the existing roof structure. It is a very common configuration to attach a covered patio structure to the back of the existing house in order to use part of the existing structure for the new structure and to continue the indoor living space seamlessly to the outdoors. The applicant has stated in the application that the reason for the variance request is due to the reduced size and narrowness of the buildable area. The subject property has the narrowest buildable area in the 6 lot Kingsbridge Estates RDD and is also a corner lot with two front yard setbacks which further reduce the buildable area of the lot. The applicant has stated that there is no other location on the lot that the covered patio could be built and be within the buildable area.

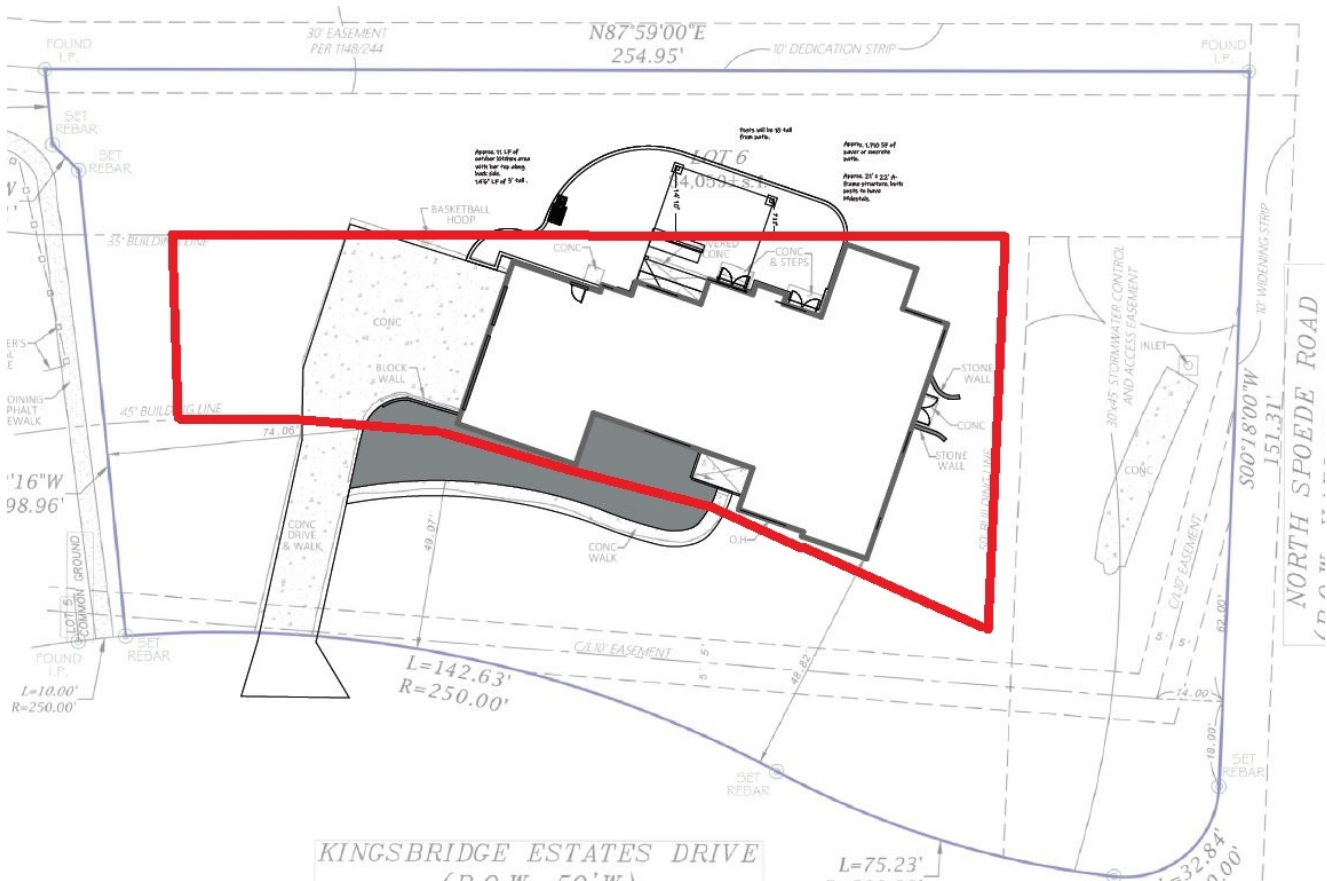


Figure 6: Site Plan of subject property with existing house and proposed covered patio shown. Buildable area in red.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

he adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Residence, Windsor Hill Subdivision	A-Single-Family Residential	Windsor Terrace
South	Residence, Kingsbridge Estates Subdivision	A-RDD Single-Family Residential	Kingsbridge Estates Drive
East	Residence, Country View Estates Subdivision	A-Single-Family Residential	North Spoele Road
West	Residence, Kingsbridge Estates Subdivision	A-RDD Single-Family Residential	N/A

STAFF ANALYSIS

Performing an analysis of a variance appeal primarily requires a six-part examination of the facts, as required by *Section 405.1100, Criteria for Variances, Generally*, of the Zoning Ordinance. To wit:

1. 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;

As is the nature of the RDD development process, the subject property was developed to have less area than the minimum requirement for lots in the underlying “A” zoning district of 1 acre which is 43,560 square feet, giving it a smaller buildable area as well. The subject property is roughly 0.782 acres or 34,064 square feet. It is also a corner property with two front yard setbacks. While the condition of the two front yard setbacks reduces the buildable area more than a traditional, non-corner lot, corner lots are common in every zoning district throughout the City of Creve Coeur. The same conditions exist on the lot across Kingsbridge Estates Drive addressed as 10700 Kingsbridge Estates Drive, except that due to the location of Kingsbridge Estates Drive, 10700 Kingsbridge Estates Drive has a wider buildable area even though it is a smaller lot than the subject property at 10701 Kingsbridge Estates Drive.

2. The variance requested is because of a unique hardship not created by the applicant nor the owner of the property;

The existing conditions have existed since the subject property was platted and approved by the City of Creve Coeur as the Kingsbridge Estates RDD in 1985. The current property owner did not build the existing house on the lot, but it is the desire of the current property owner to build a covered patio structure attached to the existing house that does not comply with the rear yard setback for the lot. There does not appear to be another location on the lot to build an attached covered patio structure that would be within the buildable area of the lot.

3. The granting of the variance shall not adversely affect adjacent property owners or residents;

Given that the variance request is to encroach 14 feet, 10 inches into the required 35 foot rear yard setback for a property that backs up to a street, Windsor Terrace, not another residential property, and given that detached accessory structures would be allowed to be placed on this property up to 5 feet from the rear property line up to a maximum height of 15-feet, where the proposed structure will be 20 feet, 2 inches from the rear property line, granting the variances for the proposal does not appear to adversely affect adjacent property owners or residents. There is a continuous row of mature pine trees that provides screening from this property as viewed from the Windsor Terrace Subdivision which also reduces the impact that this proposal may have on adjacent property owners.

4. 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;

The strict application of the Zoning Code would mean that the applicant could not build an attached covered patio addition to their house. Although the applicant could detach the covered patio structure, move it at least 10 feet from the house and then be able to place it up to 5 feet from the rear property line without needing a variance per the requirements for accessory structures subject to Section 405.460 *Accessory Uses and Structures*, it would appear to be a practical difficulty for this type of structure and use which is typically attached to the house. It does not appear that being unable to build an attached covered patio structure would constitute an extreme hardship for the property owner as they would still have the ability to construct an uncovered patio or detached structure for outdoor uses. A gazebo would be an example of an alternative detached structure that would offer a similar amenity to the homeowners. The question before the Board, under this criterion, is whether or not the inability to make any modification to one's house, without one or more variances, represents an extreme hardship.

5. The variance desired will not adversely affect the public health, safety, order, convenience, or general welfare of the community, and

Nothing in the request will affect the public health, safety, order, convenience, or general welfare of the community.

6. Granting the variance desired will not violate the general spirit and intent of this Chapter.

Granting the variance desired will not violate the general spirit and intent of this chapter because it will not negatively impact any of the purposes for which the Zoning Code was adopted per Section 405.020 *Purpose and Intent*. Granting the variance request would appear to have minimal impacts on adjacent properties because the request is to encroach into the rear yard where the rear yard abuts a street and not another residential lot where a detached structure would be allowed to be placed up to 5 feet from the rear property line. The applicant is desiring to improve their property value through the construction of a new structure to enjoy their outdoor space on a lot that was platted and approved to be smaller than other surrounding lots in the "A" zoning district due to its RDD development history. The applicant has presented evidence of the narrow building area created by the location of the lot on the corner, the reduced size of the lot and the curve of Kingsbridge Estates Drive. It is, however, the purview of the Board of Adjustment to determine if the inability to construct an attached covered patio without a variance satisfies the criteria for the granting of a variance.

Additional Criteria for Non-Use Variances

In addition to the above, Section 405.1110.E. *Criteria for Area Variances*, states that an applicant for an area variance must meet the following criteria:

- 1. By reason of exceptional narrowness, shallowness or shape of the specific piece of property, or where by 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.**

As established above, the location of the lot on a corner, the location of the curve of Kingsbridge Estates Drive and the area of the lot create a narrow and shallow buildable area when the strict application of the terms of the zoning code are enforced. The lot across from the subject property at 10700 Kingsbridge Estates is subject to the same corner lot conditions and a smaller lot area than the subject property but the location of the curve in Kingsbridge Estates Drive creates a larger and less narrow buildable area for 10700 Kingsbridge Estates Drive while creating a uniquely narrow buildable area for the subject property compared to other properties within the Kingsbridge Estates RDD .

- 2. Granting the variance would not result in the diversion of additional stormwater that would adversely affect adjacent property.**

No, granting the variance would not result in the diversion of additional stormwater that would adversely affect adjacent property. Additional runoff calculations and possible mitigation strategies for the new structure would have to be submitted and shown to meet the City's requirements before a building permit would be approved.

ACTION

Following its deliberation, the Board of Adjustment may vote in favor or against a motion to approve the request. Pursuant to Section 405.1110 of the Zoning Code, approval of a variance requires written findings of fact supporting the specified variance criteria. In order to make the vote on the application clear, an affirmative motion should be made, and members can vote to approve or disapprove that motion. An example motion for the requested variance to the rear yard setback would be:

"I move to approve a variance allowing the reduction of the rear yard setback to 20 feet where 35 feet is the minimum required for the Kingsbridge Estates "A-RDD" Single Family Residential zoning district for 10701 Kingsbridge Estates Drive based upon a positive finding that:

1. The variance requested arises from conditions which are unique to the property in question, and which are not ordinarily found elsewhere in the same zoning district;
2. The variance requested is because of a unique hardship not created by the Applicant or 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 rear yard setback will cause severe practical difficulty and extreme hardship for the property owner represented in the application;
5. The proposed variance 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 exceptional narrowness, shallowness or shape of the specific piece of property or where by 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; and,
8. Granting the variance will not result in the diversion of additional stormwater that would adversely affect adjacent property.”

If the Board wishes to modify the application or add specific conditions of approval, they should do so by separate motion, prior to voting on the overall approval for the variance.

After the Board reaches a final decision regarding the request, a follow-up motion directing Staff to prepare and authorizing the Chair to execute the Findings of Fact and Conclusions of Law should be made. An example of such motion is:

“I move to direct Staff to prepare and authorize the Chair of the Board of Adjustment to execute Findings of Fact and Conclusions of Law regarding the rear yard setback variance requested for 10701 Kingsbridge Estates Drive based upon the testimony received and the deliberations of the Board on this application, as decided on June 20, 2024.”

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS



Description:
Existing house
from Kingsbridge
Estates Drive.



Description:
Corner of N.
Spoede Road and
Windsor Terrace
Lane looking
toward rear of
subject property.



Description: Rear
of subject property
looking towards
proposed attached
covered patio.



city

of CREVE COEUR

File # _____

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966
www.creve-coeur.org

BOARD OF ADJUSTMENT APPLICATION NON-USE VARIANCE

Applicant:	Applicant's Representative (if applicable):
Name <u>Zachary Wayhart</u>	Name _____
Company (If Applicable) <u>STL Hardscape Solutions</u>	Company (If Applicable) _____
Address <u>2763 W. Osage St.</u>	Address <u>10701 Kingbridge estate Dr</u>
Address <u>Pacific, MO, 63069</u>	Address <u>Creve Coeur, Mo, 63141.</u>
Telephone # <u>314 562 5881</u>	Telephone # _____
Fax # _____	Fax # _____
Email: <u>Zack@STLHardscapeSolutions.com</u>	Email: _____

APPLICANT: Architect _____ Engineer _____ Contractor ☒ Agent _____ Owner _____

The undersigned hereby requests to be placed on the Agenda for the Board of Adjustment meeting at 4:00 P.M. on Thursday, 6/20, 2024.

[Signature]
Applicant's Signature

Applicant's Representative's Signature

5-12-24

Date

Date

Submittal Checklist

- Two (2) checks, \$50.00 filing fee & \$250.00 non-refundable escrow
- Four (4) sets of signed and sealed plans (Folded to a size no larger than 11"x14") for the improvements necessary for the proposed use
- Written Justification
- Electronic copy of all submitted documents

Updated 10/2022

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INSTRUCTIONS: Complete all of the following sections to the best of your ability. Provide additional materials as needed such as supplemental pages, diagrams, plans, or photographs. Please consult with Planning Division staff (314-872-2501) if you have any questions.

1. I request a variance so that the following may be built or installed on the property (attach building plans, landscape plans, surveys, etc. showing before and after conditions on the property):

Installation of a covered patio structure attached to the house. We are asking to encroach 14' into the set back.

2. In support of my request, I offer the following:

- Unique physical characteristics of the property (creek, steep slope, lot shape, etc.):

The shape of the lot's building line makes it impossible to build our proposal plan anywhere on the property. The narrowness of the building lines makes any accessory structure impossible even though our plans fall within the allotted lot coverage percentage.

- Unique non-physical characteristics of the property (location, access, history, etc.):

The lot is located on the corner which makes suitable building space limited compared to other lots on the street. This lot is by far the smallest and most narrow.

- Any other differences between the Subject Property and other properties in the surrounding area which would warrant different treatment of the Subject Property:

Yes, this lot has the smallest amount of building space in the subdivision. (See Neighborhood map.)

- Current uses and structures on the property:

There are none. Nor is there even a patio. All grass currently. More than likely because of the confines of the building line.

3. Explain why the zoning laws unfairly burden the property compared to the other properties around it:

Because it is too narrow. Other houses on the street have further distances between house and build lines.

4. Do you believe the problems described above hurt the market value of the property compared to similar properties in the area and, if so, what can you offer as evidence that this is true?

The house was sold under market value in one of the most inflated real estate markets to date. The house across the street with ledger building lines sold on 4/30/24 for 300K more. See picture for covered patio detail. 10700 smaller lot .75ac vs .79 bigger building bridge

5. Assuming the variance is approved, describe the potential effects or impacts on neighboring properties:

This project would add significant value to this house which in turn makes the value of the surrounding homes worth more. Not to mention the trees through the easement make this project area unseen by the neighbors.

6. Assuming the variance is approved, describe any utilities or City and emergency services that will have to be added to or upgraded as a result?

None will need to be "added".

The electrical schematic would only pull from existing utilities. Would not require any upgraded service.

7. Assuming the variance is approved, describe how much additional traffic will be created on the property and in the surrounding area as a result:

None. This structure is to protect the homeowners and their family from damaging effects of sun exposure while enjoying their yard and community.

8. Assuming the variance is approved, describe any additional street access or parking that will be needed:

None. This is a win/win!

9. Zoning district in which the property is located: Residential Cove Local

10. Size of the lot (total square feet or acres): 34,130 sqft / Green Space
26,414

11. Please provide any other information in support of this request (on a separate sheet if needed):

I believe everything has been noted. We are not asking to increase lot coverage. Just to use the space we have as our neighbors have more and the imposed build lines on this property don't match the neighbors on the same street.

Zach Wayhart
Owner
STL Hardscape Solutions LLC
04/02/2023

City of Creve Coeur Planning Department
300 North New Ballas Rd.
Creve Coeur, Mo 63141

Dear City Administrator,

I am writing to request a variance from the established building code guidelines for our upcoming construction project at 10701 Kingsbridge Estates Drive. Our team has encountered an unforeseen challenge that requires deviation from the city guidelines. Specifically, we have discovered that the new structure will extend past the current building line from the rear of the property. Therefore, we are requesting to encroach 14' 10" into the rear building line. This being said, the hardship of the property being too shallow corner lot is limiting our ability to be in compliance with the build line. We would still be in compliance of the 10' easement as labeled on the site plan.

Our commitment to compliance with local building codes and regulations is unwavering and in light of this discovery, we respectfully request your consideration for a variance from the code guidelines to accommodate the necessary alterations. We believe that the nature of this situation warrants an exception, as the client has little to no yard to work with when abiding by existing build line.

We are committed to working closely with your department to ensure that any adjustments we make to the project design will not compromise the integrity of any utility infrastructure or pose any risks to public health and safety.

We understand the importance of adhering to established guidelines and regulations, and we are committed to working diligently and transparently with your department to achieve a resolution that benefits both our construction project and the community. We kindly request an opportunity to discuss this matter further and explore the best approach for proceeding with the variance process.

Your understanding and cooperation in this matter are greatly appreciated. We look forward to your response and hope to schedule a meeting to address this situation promptly.

Thank you for your attention to this important issue.

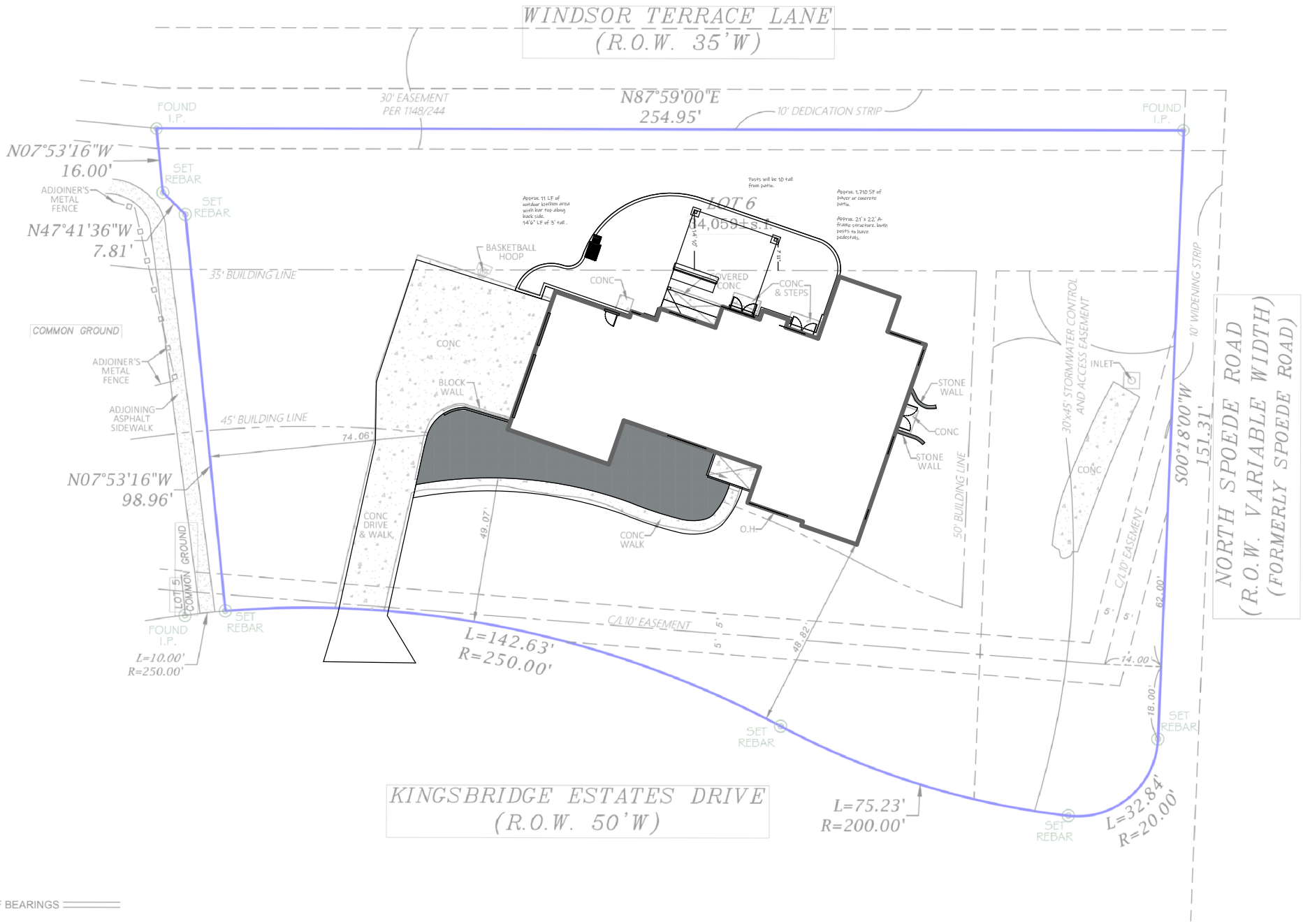
Zach Wayhart
STL Hardscape Solutions
314-562-5881
Zack@stlhardscapesolutions.com

BOUNDARY RETRACEMENT AND IMPROVEMENT SURVEY

10701 KINGSBRIDGE ESTATES DRIVE

LOT 6, EXCEPTING THEREFROM THAT PART SHOWN AS COMMON GROUND
ON PLAT OF KINGSBRIDGE ESTATES
PLAT BOOK: 237, PAGE(S): 77-78
ST. LOUIS COUNTY, MISSOURI

NOTE:
THIS DRAWING HAS BEEN COMPILED WITHOUT THE BENEFIT OF A CURRENT CERTIFICATE OF TITLE
EXAMINATION AND, THEREFORE, MAY NOT CONTAIN EASEMENTS, RESERVATIONS, EXCEPTIONS,
RESTRICTIONS AND COVENANTS OF RECORD.



1"=0.08'
2"=0.17'
3"=0.25'
4"=0.33'
5"=0.42'
6"=0.5'
7"=0.58'
8"=0.67'
9"=0.75'
10"=0.83'
11"=0.92'

CONTROLLING CORNERS USED:
REBAR - NORTHEAST CORNER LOT 2
REBAR - SOUTHWEST CORNER LOT 4
I.P. - SOUTHEAST CORNER LOT 4

LINE TYPES	
CHAIN FENCE	BOUNDARY LINE
EASEMENT	WOOD/VINYL/
LINE	METAL FENCE
SETBACK LINE	WIRE FENCE
PARCEL LINE	BUILDING
U.S. SURVEY/	FOOTPRINT
SECTION LINE	CENTERLINE

ABBREVIATIONS	
I.P.=IRON PIPE	I.R.=IRON ROD (S)=SURVEYED (R)=RECORD
NR=NON-RADIAL	P.B.=PLAT BOOK PG.=PAGE D.B.=DEED BOOK
NF=NOW OR FORMERLY	C/L=CENTERLINE S.F.=SQUARE FEET
CONC=CONCRETE	R.O.W.=RIGHT-OF-WAY B.M.=BENCHMARK
ESMT.=EASEMENT	ELE.=ELEVATION BLD.=BUILDING
FFE=FINISHED FLOOR ELE.	FL=FLOWLINE TFF=TOP OF FINISHED FLOOR

ALTEA, LLC
Consulting Land Surveyors
3906 S. OLD HWY 94, SUITE 600
ST. CHARLES, MO 63304
PHONE: (636) 477-6000
FAX: (636) 898-0950
WWW.ALTEALS.COM
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———— BASIS OF BEARINGS ————
KINGSBRIDGE ESTATES
PLAT BOOK: 237, PAGE(S): 77-78

SHEET IDENTIFICATION
BOUNDARY SURVEY
PROJECT NUMBER **24-0569-O**

SHEET 1 OF 1	FIELD CREW:	CKL
	SURVEYED:	03/26/2024
	DRAFTER:	LD/CV
	DRAFTED:	03/27/2024
	REVIEWER:	BLH
	REVIEWED:	03/27/2024

SURVEYOR'S STATEMENT
AT THE REQUEST OF ANATOLI LATARIA, ALTEA, LLC, HAS DURING THE MONTH OF MARCH, 2024, EXECUTED A BOUNDARY RETRACEMENT SURVEY OF LOT 6, EXCEPTING THEREFROM THAT PART SHOWN AS COMMON GROUND ON PLAT OF KINGSBRIDGE ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 237, PAGE(S) 77-78 OF THE ST. LOUIS COUNTY, MISSOURI, RECORDS, TOGETHER WITH THE LOCATION OF OBSERVED IMPROVEMENTS THEREON, AND THAT THE RESULTS OF SAID SURVEY ARE IN MY PROFESSIONAL OPINION, CORRECTLY INDICATED ON THE ABOVE PLAT. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN CLASS PROPERTY. BUILDING SETBACK INFORMATION DEPICTED HEREON IS FROM THE RECORD PLAT OR CITY BLOCK MAP (IF APPLICABLE). PLANNING AND ZONING RESTRICTIONS WERE NOT OBTAINED OR ADDRESSED AS A PART OF THIS SURVEY. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY ONLY AND IS NOT TRANSFERABLE. UTILITY LOCATES WERE NOT REQUESTED AND NO UTILITIES OR SEWERS WERE LOCATED IN CONJUNCTION WITH THIS SURVEY. THE OPINION OF THE ORIGIN OF THE FENCES SHOWN HEREON IS FROM EVIDENCE OBSERVED DURING THE COURSE OF THIS SURVEY, AND MAY INCLUDE: FENCE CONSTRUCTION, OCCUPANT TESTIMONY, OR OTHER AVAILABLE INFORMATION. NO GUARANTEE IS MADE OR CERTAINTY GIVEN AS TO THE ORIGIN OR OWNERSHIP OF FENCES. THIS BOUNDARY SURVEY IS NON-TRANSFERABLE. DUE TO EACH MUNICIPALITY HAVING DIFFERENT ZONING SETBACK REQUIREMENTS, OVERHANGS SHOWN ON THIS SURVEY MAY BE IN VIOLATIONS THAT THE SURVEYOR IS NOT AWARE OF AND MAKES NO WARRANTIES TO THIS AFFECT.

AS AGENT OF ALTEA, LLC
DATE 3-29-2024

ALTEA, LLC
PROFESSIONAL LAND SURVEYING
CERTIFICATE OF AUTHORITY: 2013023731



SURVEY MARKERS	
FOUND/ SET SEMI-PERMANENT MONUMENT	FOUND/ SET PERMANENT MONUMENT
FOUND/ SET CROSS	FOUND/ SET ANCHOR
FOUND/ SET NOTCH	FOUND/ SET ARROW
SET STAKE	SITE BENCHMARK

Lataria Residence
10701 Kingbridge Estates Dr.
St. Louis, MO

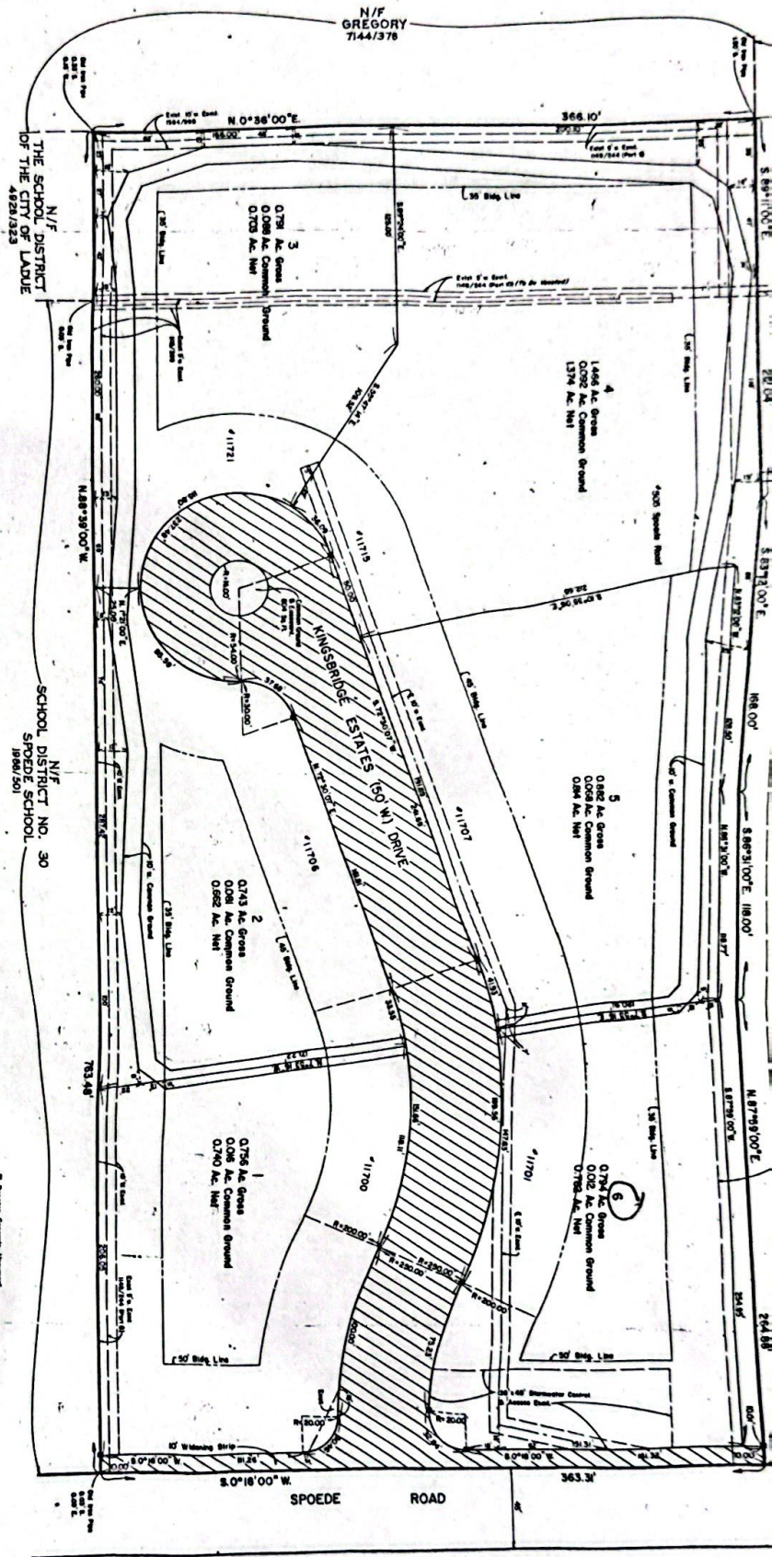
DATE:
3.14.24
4.1.24
4.5.24
5.14.24



314.562.5881
2763 West Osage St
Pacific, MO 63069

LANDSCAPE PLAN
L1.1
For review
Page 28 of 34

Scale: 3/100" = 1 ft



THE School of N. 1. 60 N. 1. 60 N.E. is located on the Southeast corner of Section at East End of Spode Road, bearing S 89° 30' 00" E, 118.00' to the Northwest corner of Section at the Northwest corner of Spode Road and Lader Road, bearing S 89° 30' 00" E, 118.00'.

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RECEIVED
JUN 17 1965
CITY OF CHICAGO





