



AGENDA
CITY OF CREVE COEUR
BOARD OF ADJUSTMENT
CITY COUNCIL CHAMBER
JULY 18, 2024
4:00 PM

CALL TO ORDER

ROLL CALL

Mr. Glenn Wilen (Chair)
Mr. James Kostelc
Mr. Robert Mooney
Mr. Martin Satz
Mr. Arnold Mayersohn (Alternate)

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

APPROVAL OF MINUTES

- 1. June 20, 2024 Board of Adjustment Draft Meeting Minutes**

ACCEPTANCE OF THE AGENDA

UNFINISHED BUSINESS

NEW BUSINESS

- 2. #24-602: Variance Request For The Property At 602 Rue de Fleur for a Site Coverage Increase of 4% Over the Allowed 25% Site Coverage Maximum in order to Construct a New Rear Deck and Spa**

Summary: Samantha Sundhausen, of Poynter Landscaping, has submitted an application on behalf of the property owners for a 4% site coverage variance at 602 Rue de Fleur Drive in the "A" Single Family Residential Zoning District in order to build a new partially covered rear deck and spa on a single-family lot. The proposed structure would increase the existing site coverage to 29%, which is 4% over the allowed site coverage of 25% for lots zoned "A" Single Family Residential. Section 405.250 of the Zoning Code establishes the required site coverage for all permitted uses in the "A" district.

BUSINESS FROM STAFF

ADJOURNMENT



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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
CITY OF CREVE COEUR
BOARD OF ADJUSTMENT
CITY COUNCIL CHAMBER**

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4:00 PM

CALL TO ORDER

ROLL CALL

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

**Mr. Carl Lumley, City Attorney - present via Zoom
Mr. Jason Jaggi, AICP, Director of Community Development
Ms. Bethany L. Moore, City Planner
Ms. Claralyn Bollinger, Administrative Services Supervisor and Recording Secretary
Ms. Christine Schuermann, Administrative Services Associate**

APPROVAL OF MINUTES

Motion by Mr. Kostelc to approve the November 30, 2023 Minutes. Second by Mr. Mooney. All in favor. Approved.

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

ACCEPTANCE OF THE AGENDA

Motion to approve agenda by Mr. Mooney. Second by Ms. Connon. All in favor. Approved.

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

Item 2 was withdrawn by the applicant.



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**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**

Witnesses were sworn.

Contractor Zack Wayhart of STL Hardscape Solutions made a presentation for the applicant. He is owner of the company that has been contracted for this project. It is a covered patio that will encroach 14 feet 10 inches into 35 foot rear yard setback. Lot is narrower and more shallow than other properties in the neighborhood. Moving the porch to another part of the house is not feasible. He spoke about the impact of the proposed porch.

Architectural plans and elevations were presented. He stated there would be no impact to neighbors. This lot is significantly more shallow compared to neighbors. Lot is too narrow to build/personalize space. Project will add value to home/neighborhood. No other options to build on property other than encroaching building line in requested variance.

Mr. Wilen asked about when the owners bought the house?

Mr. Wayhart said he thinks they bought it within the past year.

Mr. Wilen said the owners are listed differently and speculated that the tax record has not been updated yet by St. Louis County.

Mr. Kostelc asked if the coverage is going over an existing patio?

Mr. Wayhart said that it is a new patio to be built.

Ms. Moore City Planner gave the City's presentation about 10701 Kingsbridge Estates. Common ground is a trail around some of the homes in this neighborhood.

Subdivision was platted in 1985 within the city of Creve Coeur. This is a corner property with two 50 foot front-yard setbacks, one along Spoede Road and the other along Kingsbridge Estates. Variance request was presented for the attached covered patio structure. There is no other place for the structure that would not need a variance. The proposed covered patio structure would be 21 feet x 22 feet, 10 feet tall and 462 square feet.



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The buildable area is narrower than other properties in the neighborhood due to shape of lot and multiple setbacks. It backs up to a road, not an adjacent property.

Ms. Moore reviewed the criteria for variances:

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; Corner lots are not unique, but this lot is different from the one across the street in the same RDD subdivision and has less buildable space.
2. The variance requested is because of a unique hardship not created by the applicant



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nor the owner of the property; The condition is the result of how the subdivision was created.

3. The granting of the variance shall not adversely affect adjacent property owners or residents; No adverse effects are anticipated.

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; There is no option for this type of attached structure that would avoid a need for variance.

5. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community; No adverse impacts are anticipated.

6. Granting the variance desired will not violate the general spirit and intent of this Chapter. A variance would not rise to the level of such a violation.

Additional Criteria for Area Variances:

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. The lot has limited building space.

2. Granting the variance would not result in the diversion of additional storm water that would adversely affect adjacent property. No storm water issues are anticipated.

Mr. Wilen asked if they were putting in a patio that is not covered, would it need a variance?

Ms. Moore said no because patios that are not covered (just hardscape) is not a structure.

Mr. Wilen asked what if they wanted to cover it somehow and not attach it to the house?

Ms. Moore said that would be an accessory structure.

Mr. Wilen said and we would not need a variance then?

Ms. Moore said correct as long as it is at least 10 feet from the house, accessory structures are considered accessories. If it's closer than 10 feet, it's part of a house. Accessory structures need to comply with the front yard and side yard setbacks, but they can go up to 5 feet from the rear property line.

Mr. Wilen asked have we heard from the neighbors?



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Ms. Moore said we have not.



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Mr. Wilen asked if there are any other questions?

Ms. Connon asked about who maintains the trees behind the house?

Ms. Moore does not know. The trees are off their property. They're in this easement over here.

Mr. Kostelc asked if there is a homeowners' association of those 6 houses that might oversee the trees?

Ms. Moore said it's possible they are part of the other development that's up here.

That's my understanding but I don't know that for sure.

Mr. Mooney asked about tree removal.

Ms. Moore said no I don't believe there is any tree removal requested.

Mr. Mooney said so if they didn't attach it to the house and it was moved 10 feet away from the house, they could build the structure but they wouldn't need a variance?

Ms. Moore said correct, if it was a detached structure and it was 10 feet from the house, they could build the structure but it wouldn't serve the same purpose. Covered patios are normally attached to the house so it would be a different structure.

Mr. Mooney said so we are trying to stay within restrictions of this setback.

Mr. Wilen said any other questions for the City? No public in attendance.

Mr. Wilen asked Mr. Wayhart would you like to respond to anything?

Mr. Wayhart said her presentation was much nicer than mine.

Mr. Wilen said we see the accessory structure. Is that peak the same height as the existing roofline?

Mr. Wayhart Not all the way. That ridge beam coming down the side of the house is in the middle of the elevation. No it is not. 11 feet 1 1/8 inch to the peak.

Mr. Wilen said oh is that all?

Mr. Kostelc asked a question to go along with that. Obviously you're going to try to match the roofing. How old is the roof on the existing houses?

Mr. Wayhart said I'm not exactly sure.

Mr. Kostelc said if it's more than 3 years old, it may be hard to get shingles to match.

Mr. Wayhart we would get something very close if it's not the exact same thing. If it's within 10 years we should be able to get it.

Mr. Wayhart said the reason for attaching it is if it's raining. If there's a storm and it's detached from the house, they cannot walk out there without getting soaked.

Mr. Wilen asked about the trees and root compaction.

Mr. Wayhart said that they will not be near the trees. They will be at least 20 feet away from the trees.

Mr. Kostelc asked is this going to be permeable patio where the drains go through?

Mr. Wayhart said it will be just like a regular patio where the water runs off. It's



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interlocking pavers with non-permeable polymeric sand between

Mr. Lumley entered the exhibits into the record.

Mr. Wilen closed the public hearing.

RESULT: not approved MOVER: Glenn Wilen SECONDER: James Kostelc AYES: Glenn Wilen, James Kostelc, Dana Connon NAYS: Robert Mooney
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Mr. Wilen made motion for staff to prepare written findings and conclusions for the -
chair to sign. Second by Mr. Kostelc. All voted in favor.

BUSINESS FROM STAFF

4. Election of Chair and Vice Chair

Mr. Kostelc nominated Mr. Wilen as Chair. All voted in favor.

Mr. Wilen nominated Mr. Kostelc as Vice Chair. All voted in favor.

ADJOURNMENT

Motion made to adjourn the meeting by Mr. Wilen at 4:38 p.m. Seconded by Mr. Mooney. All voted in favor.

Submitted by:

Recording Secretary

Chair



**APPLICATION TO THE BOARD OF ADJUSTMENT
#24-602: VARIANCE REQUEST FOR THE PROPERTY AT 602
RUE DE FLEUR FOR A SITE COVERAGE INCREASE OF 4% OVER
THE ALLOWED 25% SITE COVERAGE MAXIMUM IN ORDER TO
CONSTRUCT A NEW REAR DECK AND SPA**

FOR THE MEETING OF: Thursday, July 18, 2024

SUBJECT PROPERTY LOCATION: 602 Rue de Fleur Drive, Zoned “A” Single Family Residential District.

REQUEST: Samantha Sundhausen, of Poynter Landscaping, has submitted an application on behalf of the property owners for a 4% site coverage variance at 602 Rue de Fleur Drive in the "A" Single Family Residential Zoning District in order to build a new partially covered rear deck and spa on a single-family lot. The proposed structure would increase the existing site coverage to 29%, which is 4% over the allowed site coverage of 25% for lots zoned "A" Single Family Residential. Section 405.250 of the Zoning Code establishes the required site coverage for all permitted uses in the "A" district.

ADDITIONAL INFORMATION: The property was developed in 1969 as part of Maison Manor Subdivision Plat 1 as a “Planned Environment Unit Procedure” in unincorporated St. Louis County. The City of Creve Coeur incorporated the majority of the development as an “A-Residential Designed Development” Zoning District but the subject property and the property adjacent at 602 Rue de Fleur Drive were incorporated into the “A” Zoning District. 17 lots on the north end of the development on either side of Ambois Drive were zoned “D” Single-Family Residential.

Key Issues:

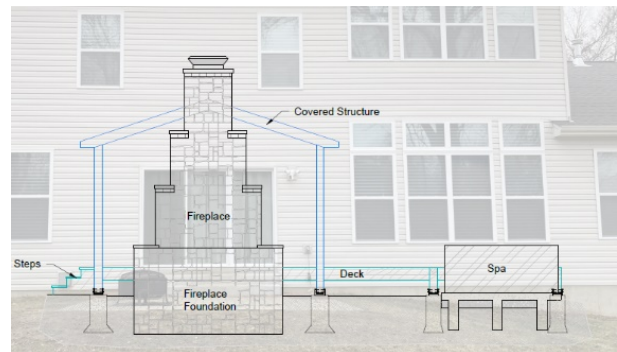
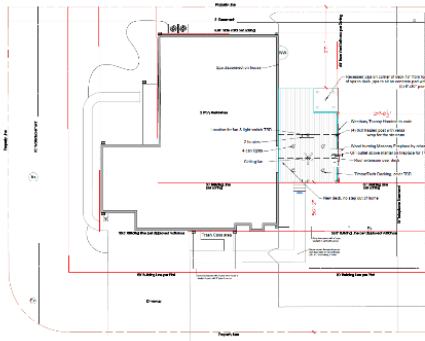
- Impact to neighborhood
- Property versus owner hardship

Zoning Code References

- Section 405.250: “A” Single-Family Residential
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals

**OWNER/
APPLICANT:** Lance and Patricia Howard
602 Rue de Fleur Drive
Creve Coeur, MO 63141

APPLICANT: Samantha Sundhausen
Poynter Landscaping
15815 Jedberg Lane
Ballwin, Mo 63021



REPORT PREPARED BY: Bethany L. Moore, AICP, City Planner

DATE: 7/9/2024

ATTACHMENTS: Applicant's Materials submitted 6/10/24

BASIS FOR APPEAL AND STATED HARDSHIP

The subject property is located on the corner of Rue De Fleur Drive and Mason Manor Road. The lot is approximately 15,134 square feet in size and zoned “A” Single-Family Residential. The subject property was previously granted a setback variance in 2022 in order to build the existing residence after the previous residence burned in a fire and the buildable area would not accommodate a structure even the same size as the previous residence. The site coverage maximum for “A” zoned properties is 25% of the lot. The applicant has submitted a request to exceed the allowed 25% site coverage maximum by 4% for an overall site coverage percentage of 29% in order to construct a partially covered rear deck structure. The new structure will not encroach into the setbacks. The existing house and hardscapes already put the subject property over the allowed site coverage for the “A” zoning district at 26% site coverage. The proposed structure would increase the existing site coverage by 3%. The variance request was advertised as a site coverage increase of 7% instead of 3%. Upon review of the approved plans for the single-family home, staff discovered that the driveway was constructed with a permeable paver system which counts for site coverage at 50% and that the existing patio was not part of the original permit. Patios do not require permits but still count towards site coverage. Before the proposed project addition, the existing lot is at 26% site coverage and the proposal would increase the site coverage by 3%, meaning that the request is actually for a 4% site coverage increase over the existing 25% site coverage maximum for lots in the “A” zoning district. A similar variance request was approved in 2023 for the adjacent property at 610 Rue De Fleur Drive for an additional 17% of site coverage.

The subject property was platted in St. Louis County as part of a Planned Environmental Unit Procedure for the Maison Manor subdivision in 1969. The approved plat, Maison Manor Plat 1, shows the subject property as Lot 59. When the subject property and surrounding properties were incorporated into the City of Creve Coeur in the 1990s the majority of the lots on the Maison Manor subdivision plat were incorporated into the “A” Residential Designed Development” zoning district. A lesser amount, 17 lots on the north end of the development, were assigned to the “D” Single Family Residential District, but only two lots from this subdivision development, including the subject property were zoned “A” Single Family Residential. The “RDD” procedure allows for permissive, voluntary and alternate zoning procedures 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 thereby 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. Creve Coeur’s “RDD” procedures are comparable to St. Louis County’s PEU procedures. Staff has not been able to determine why these two lots were not included in the “A-RDD” zoning district.

The subject property is zoned “A” Single-Family Residential which has minimum lot size of 43,560 square feet and a maximum site coverage percentage of 25%. The subject property has a lot size of roughly 15,134 square feet, just over 1/3 the minimum size for lots in “A”. The “D” Single-Family zoning district, Creve Coeur’s smallest single-family zoning district, has a minimum lot size of 10,000 square feet and a maximum site coverage percentage of 45%. Had the subject property been zoned “D” upon incorporation, similar to the properties in the northern portion of the development, this project would not require a variance as the proposal meets with the requirements for site coverage and setbacks for “D” lots at 42% site coverage. For lots in an “RDD” that do not have a site coverage maximum listed on the plat or in the enabling ordinance, the site coverage for the underlying zoning district is applied as is the case for the Maison Manor development. The applicant is claiming hardship of the property due to the size of the lot, the required site coverage maximum for the “A” zoning district and the resultant size of the buildable area restricted by the maximum site coverage area.

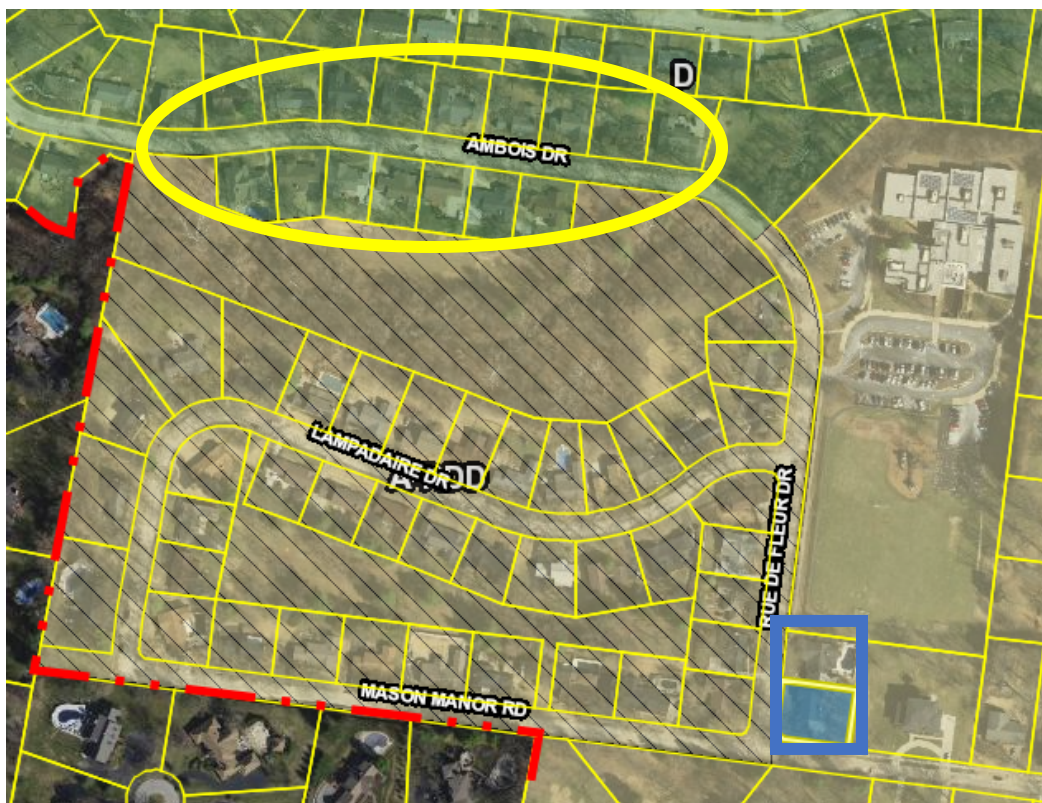


Figure 1: City's GIS Image of Maison Manor subdivision development "A" lots highlighted in blue and "D" zoned lots circled in yellow.

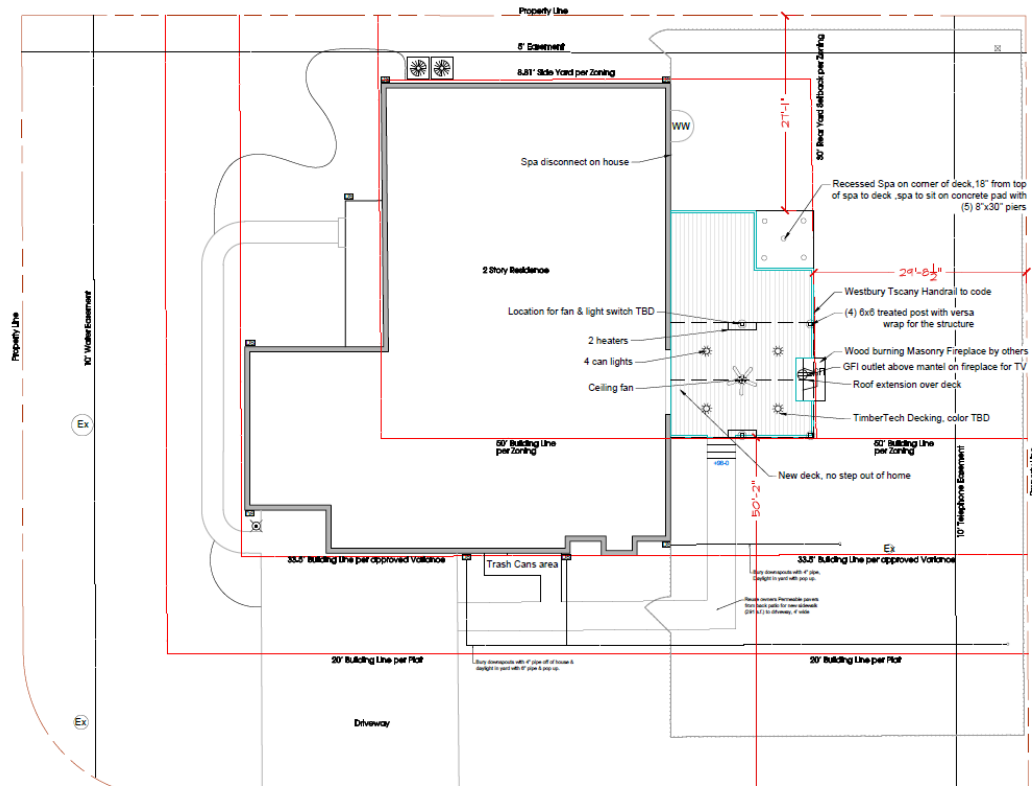


Figure 2: Proposed site plan showing deck structure.

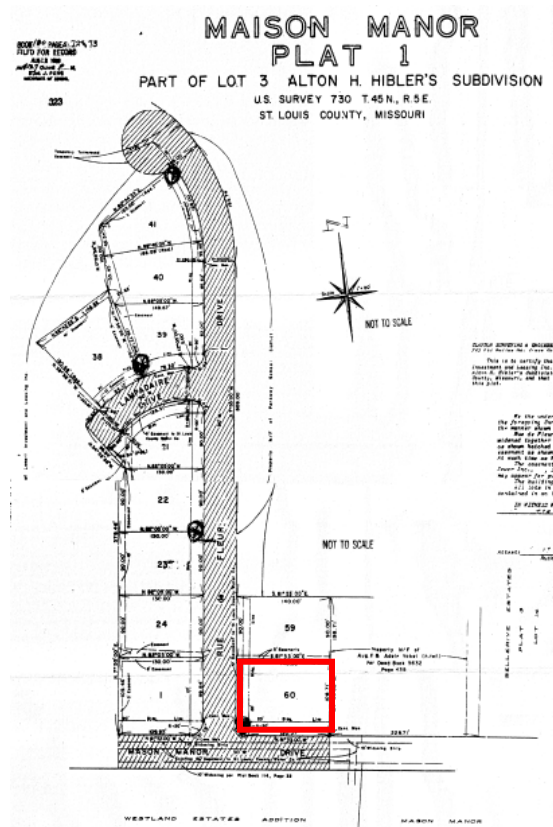


Figure 3: Plat 1 of the Maison Manor Planned Environmental Unit development. 602 Rue de Fleur Drive shown as Lot 60 outlined in red.

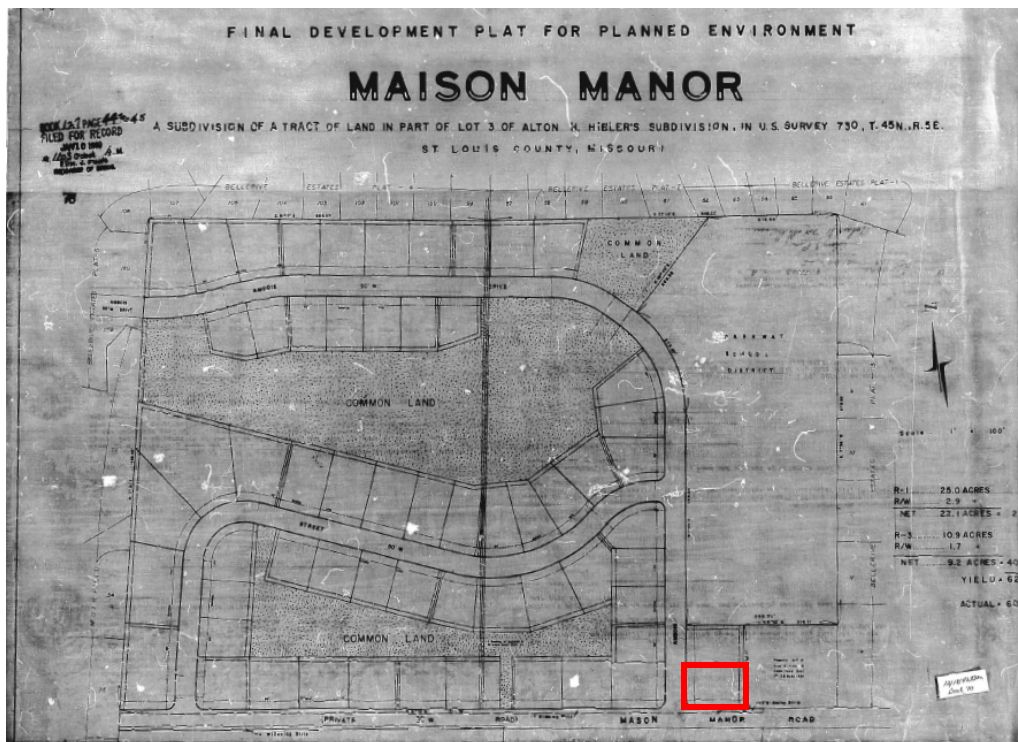


Figure 5: Final plat for the Maison Manor Planned Environmental Unit development. 602 Rue de Fleur Drive outlined in red.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single-Family Residence	A-Single Family Residential	N/A
South	Single-Family Residences	A-Single Family Residential	Mason Manor Road
East	Single-Family Residence	A-Single Family Residential	N/A
West	Single-Family Residence	A-Residential Designed Development	Rue de Fleur Drive

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;

The subject property was developed in St. Louis County according to the Planned Environmental Unit procedures when it was approved in 1969. The subject property was subsequently incorporated into the City of Creve Coeur in the 1990s and rezoned into one of the City's currently existing zoning districts, "A." The majority of the lots that were developed alongside the subject property were incorporated and rezoned to "A-RDD" as the development of the Maison Manor subdivision most closely matches the requirements for the City of Creve Coeur's Residential Designed Development. Several lots on the north end of the development were zoned "D" Single-Family Residential as the size of the lots is most similar to the requirements for "D" lots. The subject property is one of only two of the small lots in the Maison Manor subdivision plat that were zoned "A" instead of "A-RDD." The site coverage maximum for "A" lots is 25% but the minimum lot size for "A" is 43,560 square feet where the subject lot is 15,134 square feet. Similarly sized lots in the "D" zoning district have a site coverage maximum of 45%. The adjacent lot at 610 Rue De Fleur Drive was granted a site coverage variance for very similar reasons in 2023.

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

The owner had no say in the zoning of the subject property or the size of the lot. When the City of Creve Coeur incorporated the subject property and the surrounding lots of the Maison Manor subdivision it appears that Lot 60, 602 Rue de Fleur Drive, and Lot 59, 610 Rue de Fleur Drive, were left out of the "A-RDD" zoning district, for reasons unknown. The required site coverage minimum for the "A" zoning district on a lot just over 1/3 the size of the minimum lot size creates a buildable area that would not allow for any improvements to the property. The applicant is requesting the site coverage variance in order to build a new partially covered rear deck and spa structure inside the buildable area allowed per the setbacks but 4% over the allowed site coverage. This specific hardship would not be applicable to lots meeting the minimum size requirements for the "A" zoning district and applies only to one other lot in the Maison Manor development, 610 Rue De Fleur Drive, which received a site coverage variance in 2023 in order to build a similar structure with an additional 13% more site coverage than the proposed variance request.

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

Given that the request is for a variance to increase the site coverage to 29% on a lot the size of those normally found in the “C” or “D” zoning districts, which have a site coverage maximum of 40% and 45% respectively, under current “A” zoning requirements for lots roughly 3 times bigger than the subject property, and given that a previous request was approved in 2023 for the adjacent lot, staff does not foresee the granting of the variance adversely affecting adjacent property owners or residents. If the variance were to be approved, the applicant would not be granted more site coverage than is allowed for similar sized lots in an appropriate zoning district and definitely not more, square footage wise, than is allowed for lots in the current zoning district. The applicant is requesting the site coverage variance in order to build an accessory structure that is within the required setbacks for accessory structures for “A” and that meets with the other requirements for height and location of accessory structures.

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 question before the Board, under this criterion, is whether enforcing the requirements of the “A” zoning district on a lot just over 1/3 the size of the minimum lot, causes severe practical difficulty or extreme hardship to the property owner. The strict application of the required 25% site coverage maximum would eliminate the owner’s ability to improve their lot through any increase of impervious surfaces. Under the requirements of the “A” zoning district’s site coverage maximum, the owner would be limited to a buildable area that is much smaller than the typical buildable area for a property at the minimum lot size in the “A” zoning district. The maximum site coverage of 25% of the lot area for the subject property would be 3,783 square feet while the maximum site coverage of 25% of the lot area for a lot that met the minimum lot size for “A” lots would be 10,890 square feet. This figure is just under 3 times the site coverage allowed for the subject property and appears to be unnecessarily restrictive on such a small lot.

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 unfavorably 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 site coverage variance of 4%, to allow the owner to construct a partially covered rear deck structure on a lot that is just over 1/3 of the minimum size requirements for a lot in the “A” zoning district while being compliant with the site coverage requirements for similarly sized lots in the “D” zoning district, in which other similarly sized lots in the same development were zoned at the time of incorporation, does not appear to violate the general spirit and intent of the Zoning Code as the subject property appears to have been erroneously assigned to the “A” zoning district at the time of its incorporation into the City of Creve Coeur after it was developed. The purpose and intent of the Zoning Ordinance is to ensure that the zoning regulations protect a broad range of property interests and owners. Deviating from the Zoning Ordinance as it applies to lots less than the minimum size of lots in the “A” zoning district when the lots were designed as part of a development with smaller lots in consideration of open common ground would not appear to violate the larger purpose and intent of the Zoning Ordinance.

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.**

The subject property's 15,134 square footage is exceptionally smaller than the minimum lot size required for the "A" zoning district at 43,560 square feet. The subject property was developed as part of a planned subdivision under St. Louis County's Planned Environmental Unit procedure that allows these types of developments to have certain exceptions from the regulations of other zoning districts. Maison Manor was developed with smaller lots in observance of open common space. When the Maison Manor development was incorporated into the City of Creve Coeur, the city's zoning districts were applied to the existing developed lots. Lot 60 and Lot 59, according to Plat 1 of Maison Manor, were zoned "A" while the majority of the other lots were zoned "A-RDD" and 17 were zoned "D" single-family residential. The "A" zoning district does not take into account the smaller lot size with which the subject property was developed. The strict application of the site coverage maximum of 25% on the subject property given its size and development history would create a hardship of the property in a manner that is dissimilar to all other Maison Manor lots except one, which was granted a site coverage variance in 2023.

- 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 site coverage maximum would be:

"I move to approve a variance allowing for an additional 4% site coverage area for the property at 602 Rue de Fleur Drive above the allowed site coverage maximum of 25% for lots in the "A" Single-Family Residential Zoning District in order to allow for the construction of a partially covered rear deck and spa structure 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 site coverage maximum will cause severe practical difficulty and extreme hardship for the property owner represented in the application;

5. The proposed additional site coverage will not adversely affect the public health, safety, order, convenience, or general welfare of the community;
6. Granting the site coverage variance will not violate the general spirit and intent of this Chapter;
7. By reason of the lot size and development history of the subject property, the strict application of the site coverage 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 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 variance requested for 602 Rue de Fleur Drive based upon the testimony received and the deliberations of the Board on this application, as decided on July 18th, 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 residence
at 602 Rue De
Fleur Drive.



Description:
Existing residence
at 602 Rue De
Fleur Drive.

70-46

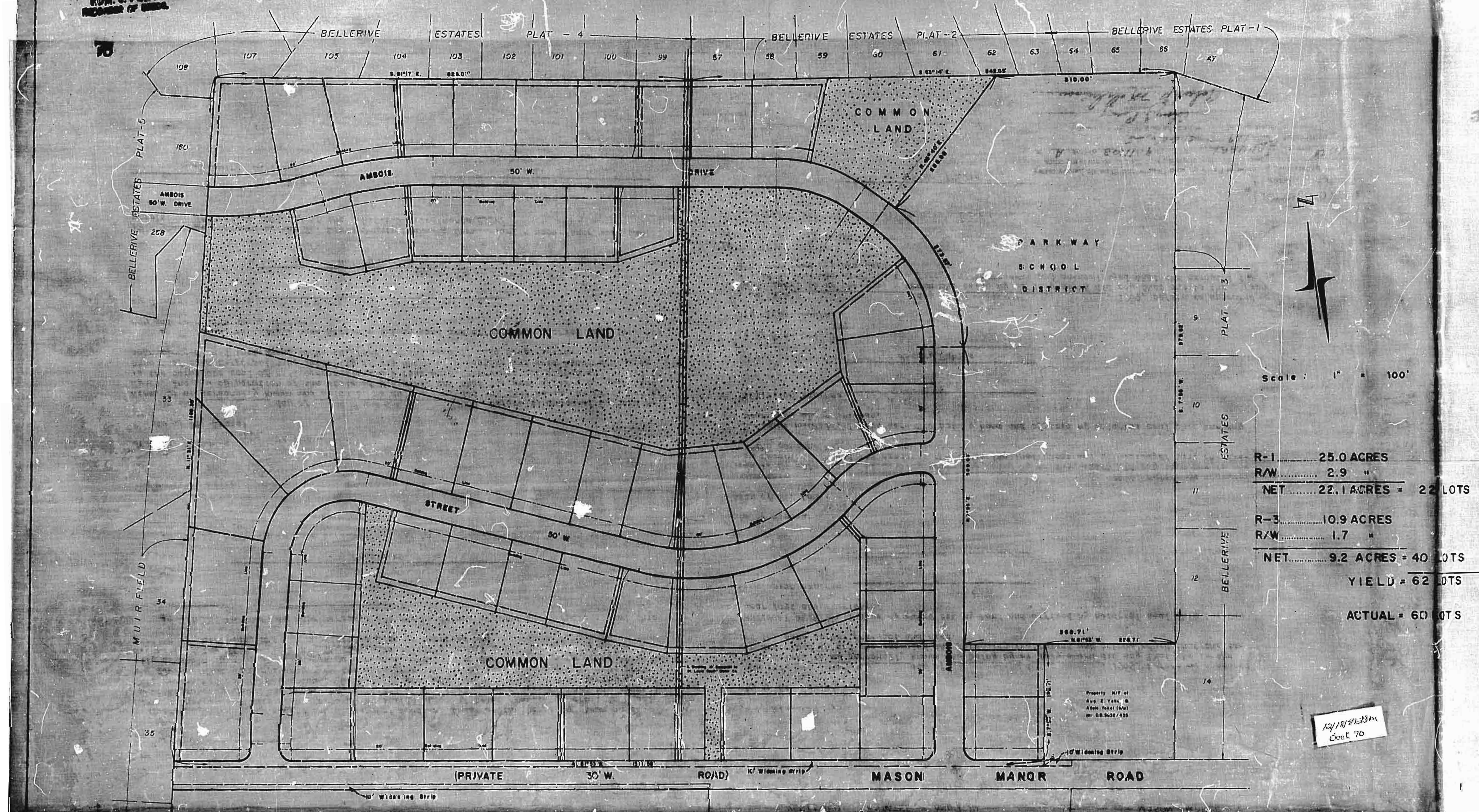
1/12/70
5/1/70

FINAL DEVELOPMENT PLAT FOR PLANNED ENVIRONMENT

MAISON MANOR

BOOK 12, PAGE 44-45
FILED FOR RECORD
JAN 10 1969
A. J. 103 Ord. A.M.
EDM. J. P. 1969
RECORDS OF MISSOURI

A SUBDIVISION OF A TRACT OF LAND IN PART OF LOT 3 OF ALTON H. HIBLER'S SUBDIVISION, IN U.S. SURVEY 730, T. 45N., R. 5E.
ST. LOUIS COUNTY, MISSOURI



Scale: 1" = 100'

R-1	25.0 ACRES
R/W	2.9 "
NET	22.1 ACRES = 22 LOTS
R-3	10.9 ACRES
R/W	1.7 "
NET	9.2 ACRES = 40 LOTS
YIELD	62 LOTS
ACTUAL	60 LOTS

12/18/70
Book 70

We the undersigned owners and holders of deeds of trust of the property shown on this Planned Environment Unit Plan, for and in consideration of being granted a permit to develop said property under the provisions of Section 1003.187 S.L.C.R.O., "Planned Environment Unit Procedure" of St. Louis County Ord. 3552, 1968 and by Ord. 4896 and do hereby agree and declare that said property from the date of recording of this plan shall be developed only as shown on this plan, unless said plan is amended, voided or vacated by Order or Ordinance of the St. Louis County Council. No building permit shall be granted for any portion of this plan, until a subdivision plat is approved and recorded.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed our Corporate Seal this day of January, 1969.

KYMOO, INC.

President

IN WITNESS WHEREOF, We have hereunto set our hands this NINTH day of JANUARY, 1969

Marie W. Meier Frieda I. Dauster Adele E. Yokel
Marie W. Meier Frieda I. Dauster Adele E. Yokel

State of Missouri)
County of St. Louis)

On this 24th day of January, 1969, before me appeared Leonard S. Kiem, to me personally known who being by me duly sworn, did say that he is the President of Kymoo, Inc., a corporation of the State of Missouri, and that the seal affixed to this plat is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said Leonard S. Kiem acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the day and year last above written.

my Commission expires August 8-1972

James R. Wells
Notary Public

This plan was approved by the St. Louis County Planning Commission in accordance with the provisions of Section 1003.187 of the S.L.C.R.O. (Ordinance 3552)

Planning Director

Jan 10, 1969
Date
Approved by P.C.
1/16/69

State of Missouri)
County of St. Louis)

On this NINTH day of JANUARY, 1969, before me appeared Marie W. Meier, to me personally known who being by me duly sworn did say that she is the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the day and year last above written.

my Commission expires JUNE 17, 1971

Notary Public

State of Missouri)
County of St. Louis)

On this NINTH day of JANUARY, 1969, before me appeared Frieda I. Dauster to me personally known who being by me duly sworn did say that she is the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the day and year last above written.

my Commission expires JUNE 17, 1971

Notary Public

State of Missouri)
County of St. Louis)

On this NINTH day of JANUARY, 1969, before me appeared Adele E. Yokel to me personally known who being by me duly sworn did say that she is the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the day and year last above written.

my Commission expires JUNE 17, 1971

Notary Public

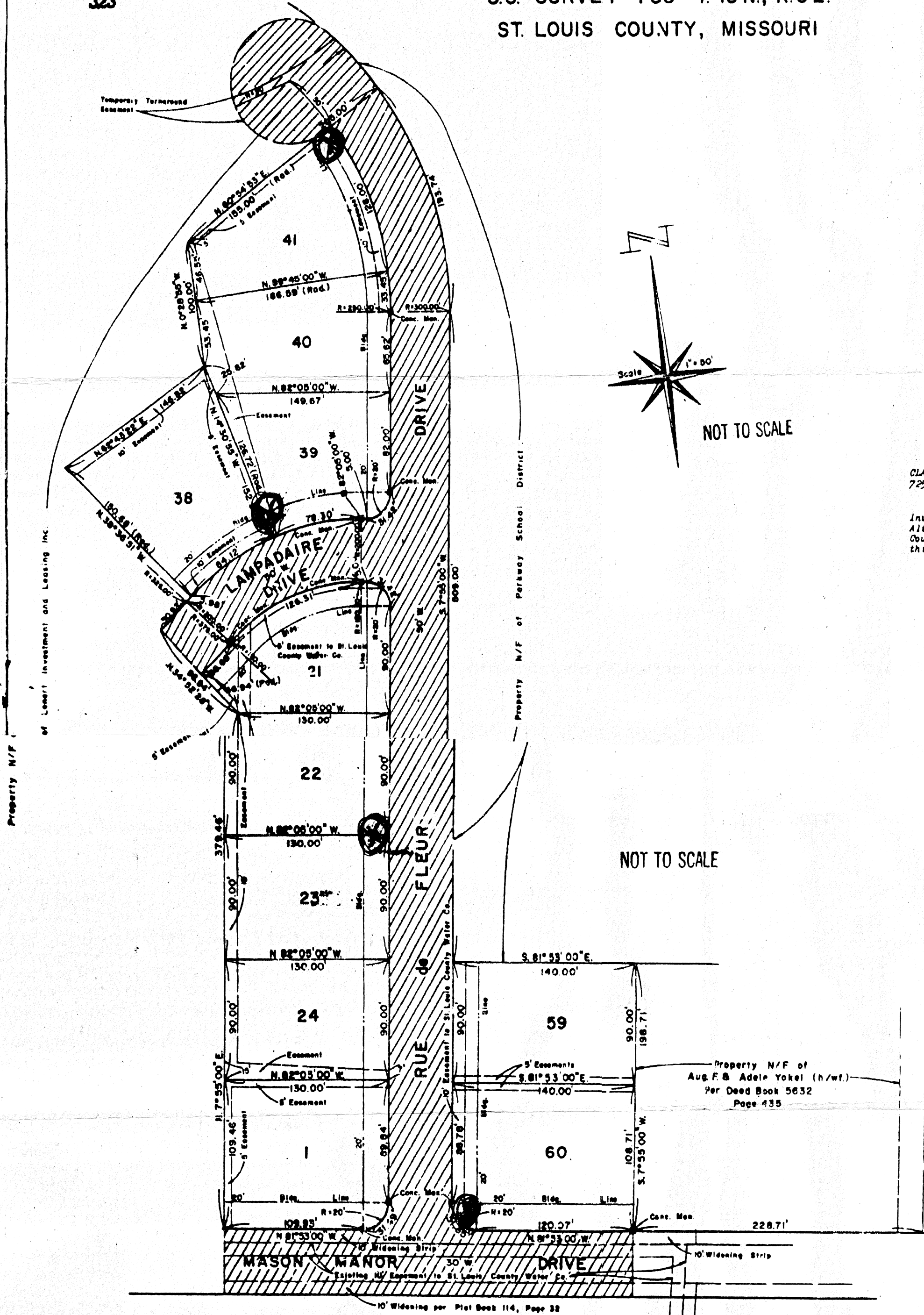
12/18/68
Book 70

BOOK 100 PAGES 72 & 73
FILED FOR RECORD
AUG 18 1967
ST. LOUIS COUNTY, MISSOURI

323

MAISON MANOR PLAT 1

PART OF LOT 3 ALTON H. HIBLER'S SUBDIVISION
U.S. SURVEY 730 T.45N., R.5E.
ST. LOUIS COUNTY, MISSOURI



CLAYTON SURVEYING & ENGINEERING CO.
725 Old Ballas Rd. Creve Coeur, Mo.

This is to certify that we have, during the month of November, 1967 by order of Lenart Investment and Leasing Inc., made a Survey and Subdivision of a Tract of Land in Part of Lot 3 Alton H. Hibler's Subdivision, U. S. Survey 730, Township 45 North, Range 5 East, St. Louis County, Missouri, and that the results of said Survey and Subdivision are correctly shown on this plat.

Clayton Surveying & Engineering Co.

By *Michael J. Lenart*

We the undersigned owners of the Tract of Land hereon plotted and further described in the foregoing Surveyor's Certificate, have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereafter be known as "Maison Manor Plat 1". This de Fleur Drive, 50 feet wide, Lamondaire Drive, 50 feet wide, Maison Manor Drive, 15 feet wide, together with the 10 foot strip for widening of Maison Manor Drive all as shown hatched on the above plat, are hereby dedicated to private use forever. The temporary turnaround easement as shown hatched on the above plat is hereby dedicated to private use for roadway purposes. At such time as this de Fleur Drive is continued said easement shall come to exist. The easements shown on this plat are hereby granted to St. Louis County, Fee Fee Truck Seven Inc., St. Louis County Water Co., Laclede Gas Co., and Union Electric Co., as their interests may appear for public utility, sewer and drainage purposes. The building lines as shown are hereby established.

All lots in this subdivision are hereby made subject to further restrictions and conditions contained in an instrument to be filed of even date in the St. Louis County Recorder's Office.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our Corporate Seal this 14th day of November, 1967.

Lenart Investment and Leasing Inc.

Attest: *Ruth Klem, Secretary*

Leonard Klem, President

SELLER'S ESTATES
PLAT 1
LOT 14

State of Missouri)
County of St. Louis)

On this 14th day of November, 1967, before me personally known, who being by me duly sworn, did say that he is the President of Lenart Investment and Leasing Inc., a Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and Leonard Klem further acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notary seal on the day and year last above written.

Notary Public

The undersigned legal owners and holders of notes secured by Deed of record in Deed Book 6310, Page 277 of the St. Louis County Records, do hereby join in and approve the foregoing Subdivision, all as shown on this plat.

IN WITNESS WHEREOF, we have hereunto set our hands this 16th day of November, 1967.

State of Missouri)
County of St. Louis)

On this 16th day of November, 1967, before me personally known, who being by me duly sworn, did say that she is the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal on the day and year last above written.

Notary Public

State of Missouri)
County of St. Louis)

On this 16th day of November, 1967, before me personally known, who being by me duly sworn, did say that she is the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal on the day and year last above written.

Notary Public

Approved by the St. Louis County Planning Commission this 11th day of November, 1967.

St. Louis County Planning Commission

State of Missouri)
County of St. Louis)
On this 16th day of November, 1967, before me personally known, who being by me duly sworn, did say that she is the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notary seal on the day and year last above written.

Notary Public



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>Samantha Sundhausen</u>	Name _____
Company (If Applicable) <u>Poynter Landscape</u>	Company (If Applicable) _____
Address <u>15815 Jedberg Ln.</u>	Address _____
Address <u>Ballwin, Mo. 63021</u>	Address _____
Telephone # <u>314-753-4200</u>	Telephone # _____
Fax # _____	Fax # _____
Email: <u>Samantha@poynterlandscape.com</u>	Email: _____

APPLICANT: Architect _____ Engineer _____ Contractor X 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, 7/18, 20 24

Samantha Sundhausen
Applicant's Signature

Applicant's Representative's Signature

6/26/24

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

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):
A deck & covered structure with masonry fireplace off the back of the residence. It concrete pad for spa on corner of deck.
2. In support of my request, I offer the following:
 - Unique physical characteristics of the property (creek, steep slope, lot shape, etc.):
None that I am aware of or noticed.
 - Unique non-physical characteristics of the property (location, access, history, etc.):
The history of this lot is where the need for a variance arises. This lot was developed in St. Louis County & incorporated into the city of Creve Coeur after development. When it was incorporated, the subject can be made without a variance
 - Any other differences between the Subject Property and other properties in the surrounding area which would warrant different treatment of the Subject Property:
602 Rue De Fleur dr., property in question has been zoned A when it has the square footage of a lot in Zone DD. Other properties within this subdivision are in Zone DD.
 - Current uses and structures on the property:

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

602 Rue De Fleur dr. has the lot size of one in Zone DD but is zoned A and is held to the zone A requirements.

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?

Given that this property has a site coverage limit of 25% and just the house and pavement alone exceed this, no improvements can be made without a variance.

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

None that I can foresee.

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 that I can foresee.

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 that I can foresee.

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

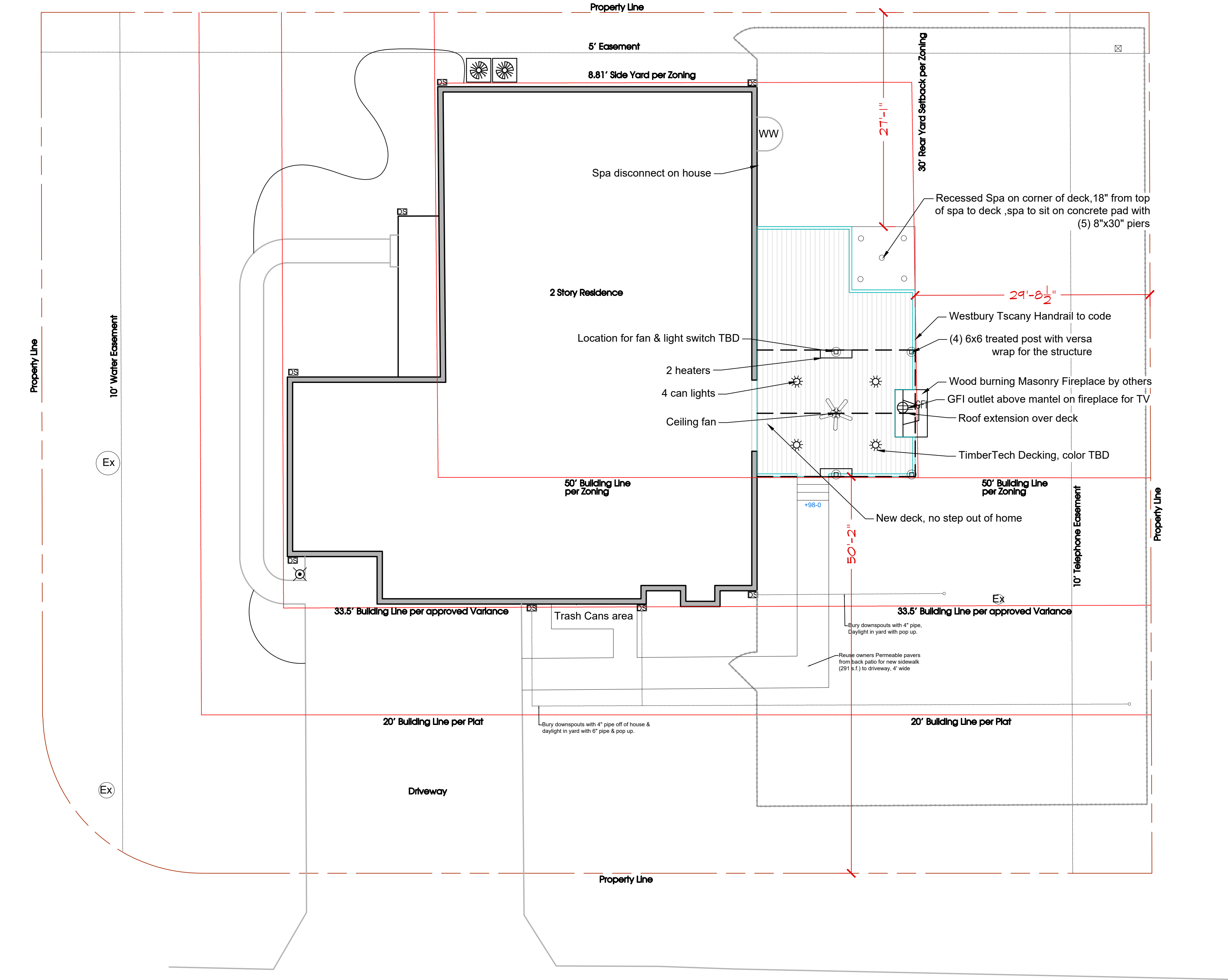
None that I can foresee

9. Zoning district in which the property is located: Zone A

10. Size of the lot (total square feet or acres): 15,134 sf.

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

The lot next door at 610 Rue De Fleur was granted an almost identical variance in 2023.



This plan is the sole property of Poynter Landscape Architecture & Construction. Any use of these designs in part or in whole without written permission will result in design charges.

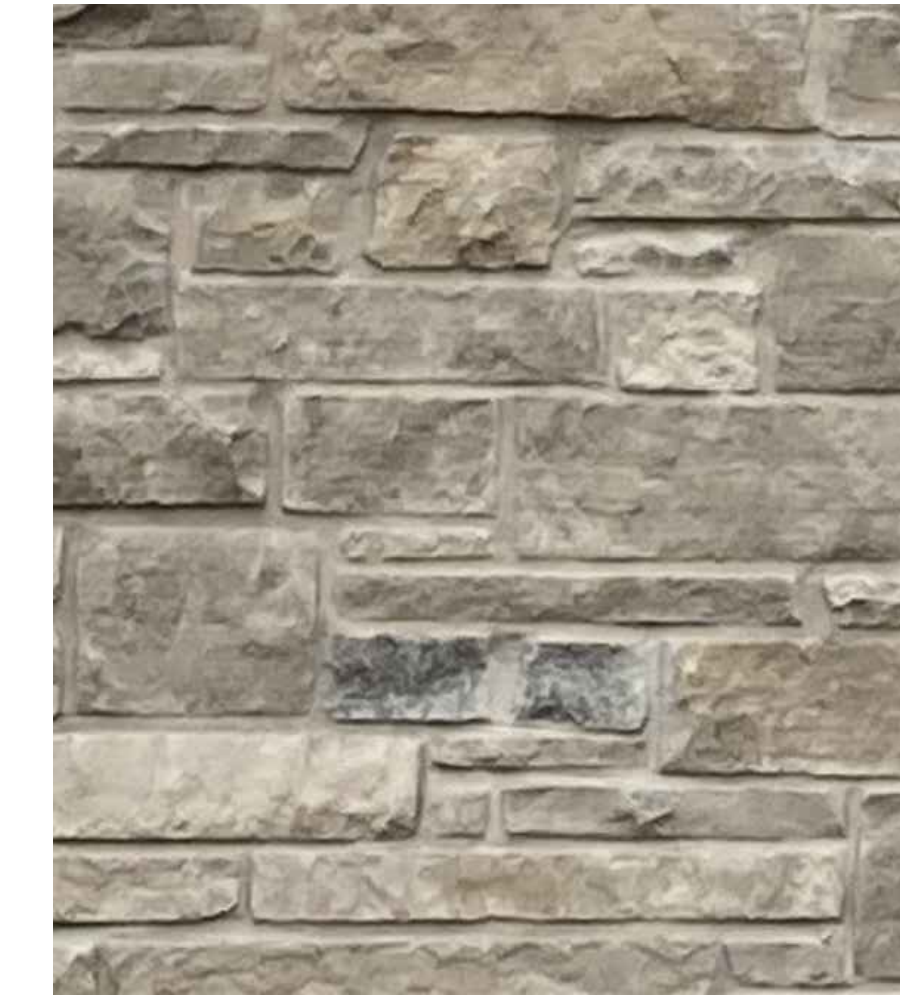
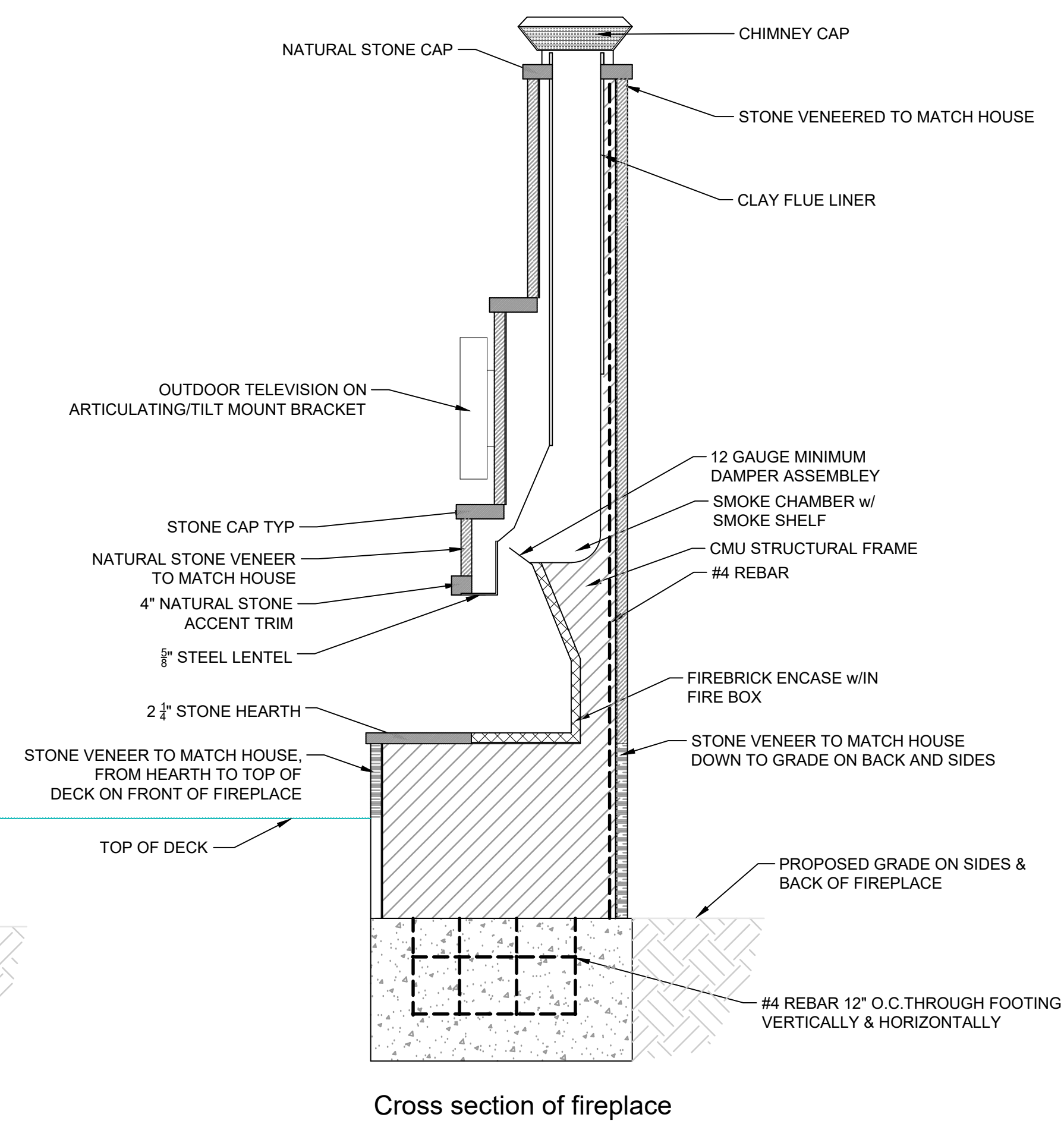
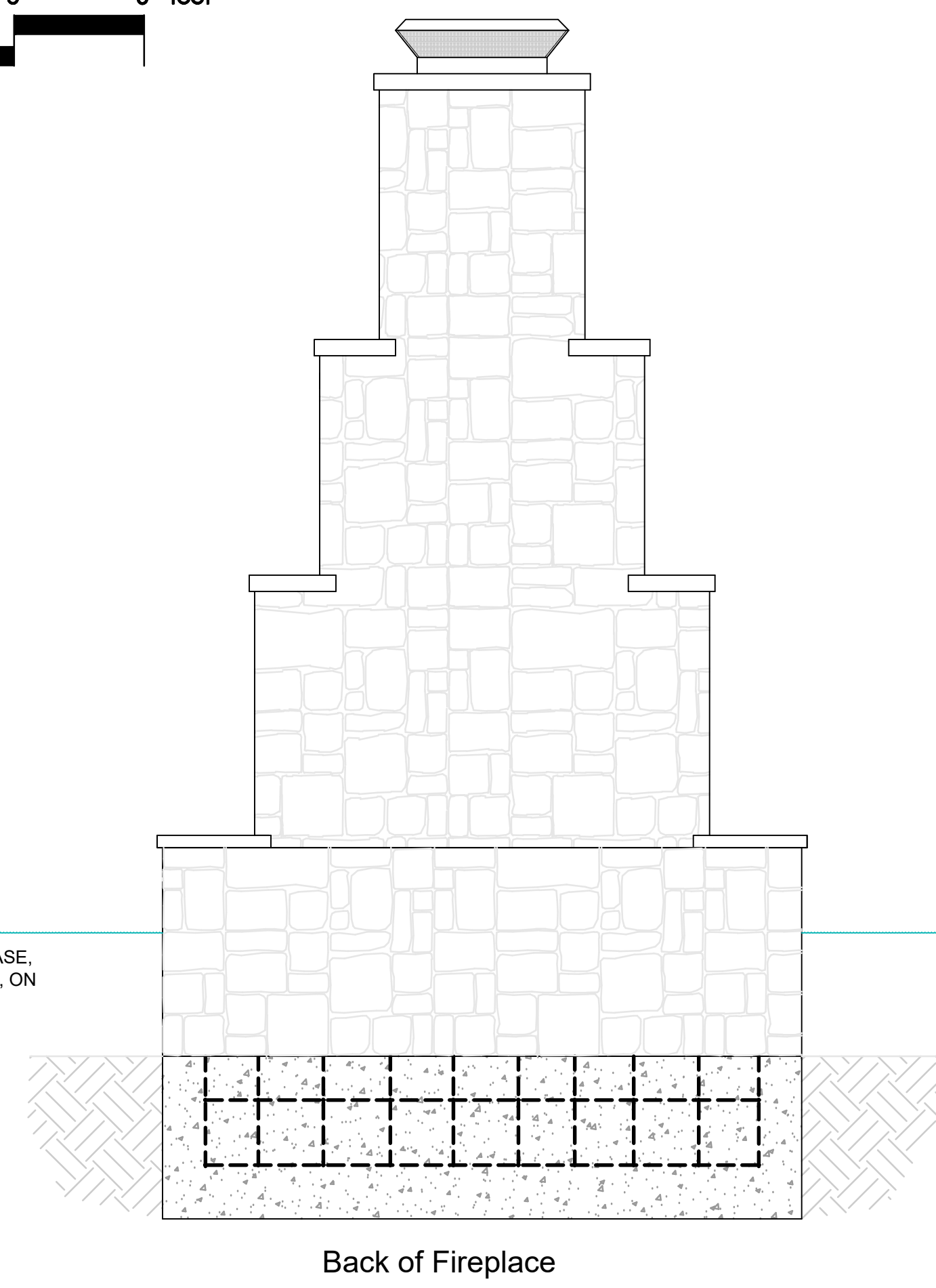
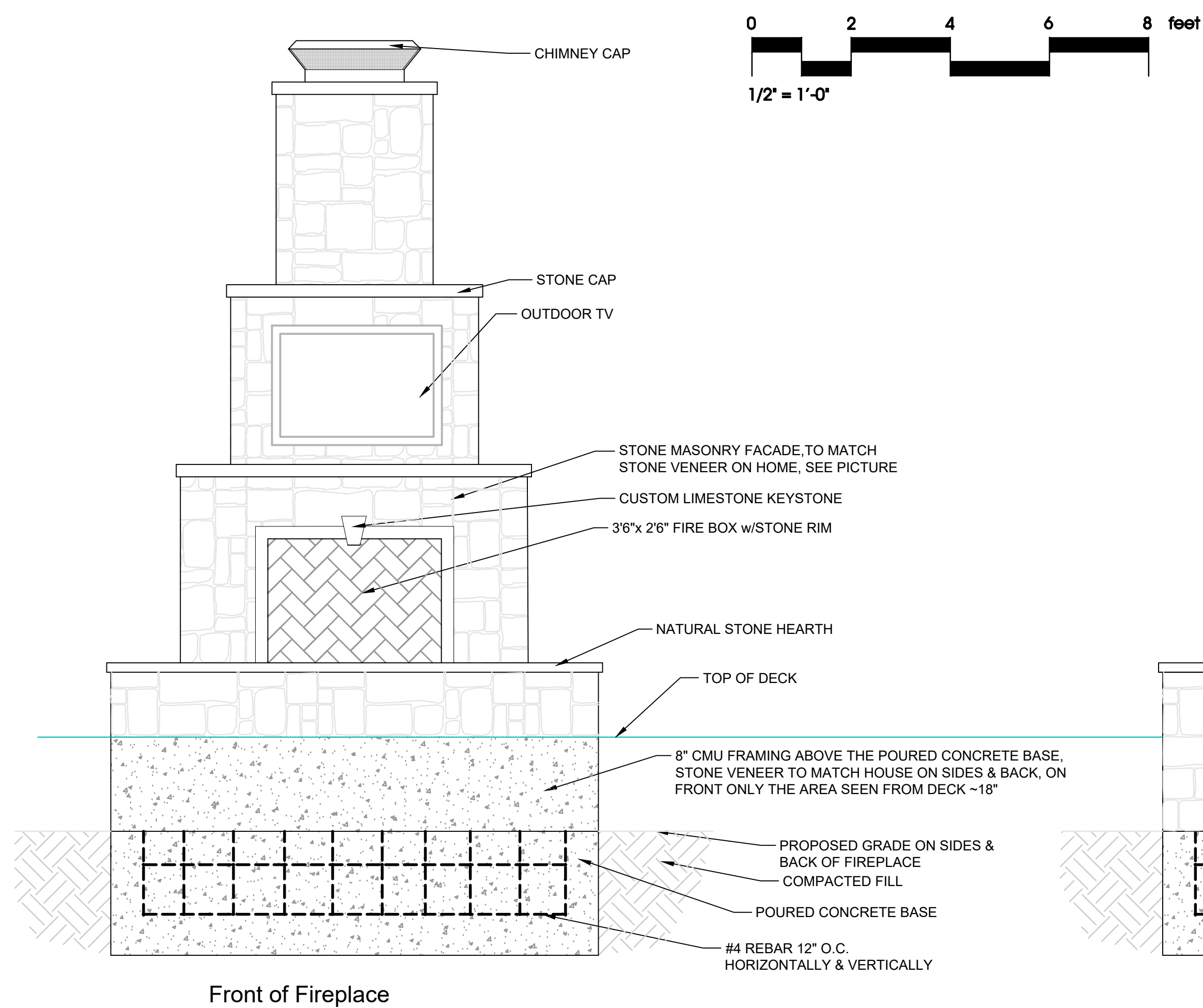
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GREEN SPACE CALCULATIONS -Existing	
TOTAL LOT AREA = 15,134 S.F.	
TOTAL IMPERVIOUS AREA = 4,399 S.F.	
GREEN SPACE = 10,735 S.F.	
GREEN SPACE PERCENTAGE = 71 %	

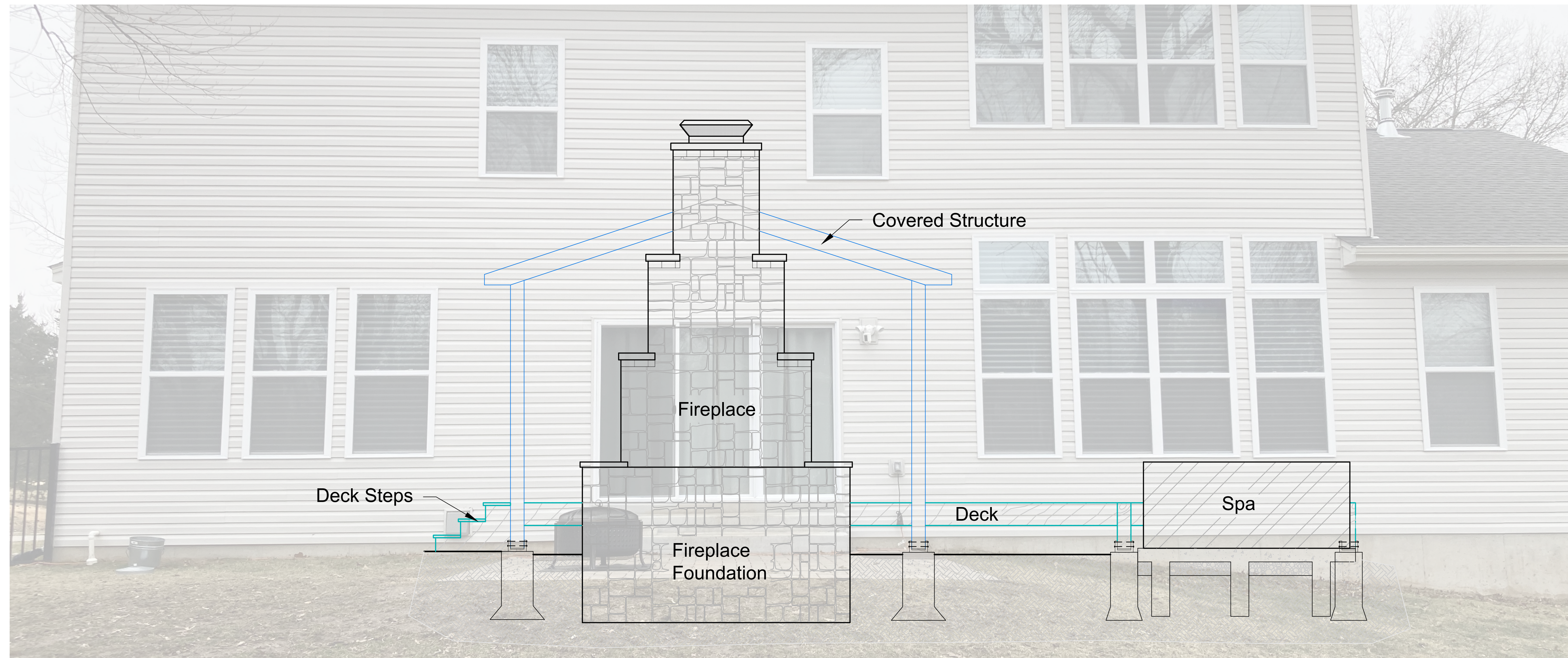
GREEN SPACE CALCULATIONS -Proposed	
TOTAL LOT AREA = 15,134 S.F.	
TOTAL IMPERVIOUS AREA = 4,819 S.F.	
GREEN SPACE = 10,315 S.F.	
GREEN SPACE PERCENTAGE = 68 %	

EXISTING CONDITIONS	
TOTAL LOT AREA = 15,134 S.F.	
IMPERVIOUS USE	
HOUSE	3,212 S.F.
DRIVEWAY	991 S.F.
BACK PATIO	196 S.F.
TOTAL IMPERVIOUS AREA	
IMPERVIOUS COVERAGE	
4,399 S.F.	
29 %	

PROPOSED CONDITIONS	
TOTAL LOT AREA = 15,134 S.F.	
IMPERVIOUS USE	
HOUSE	3,212 S.F.
DRIVEWAY	991 S.F.
NEW DECK	552 S.F.
SPA	64 S.F.
TOTAL IMPERVIOUS AREA	
IMPERVIOUS COVERAGE	
4,819 S.F.	
32 %	
NOTE: Covered Structure is over the deck & is factored into the deck s.f.	



Stone on front of home



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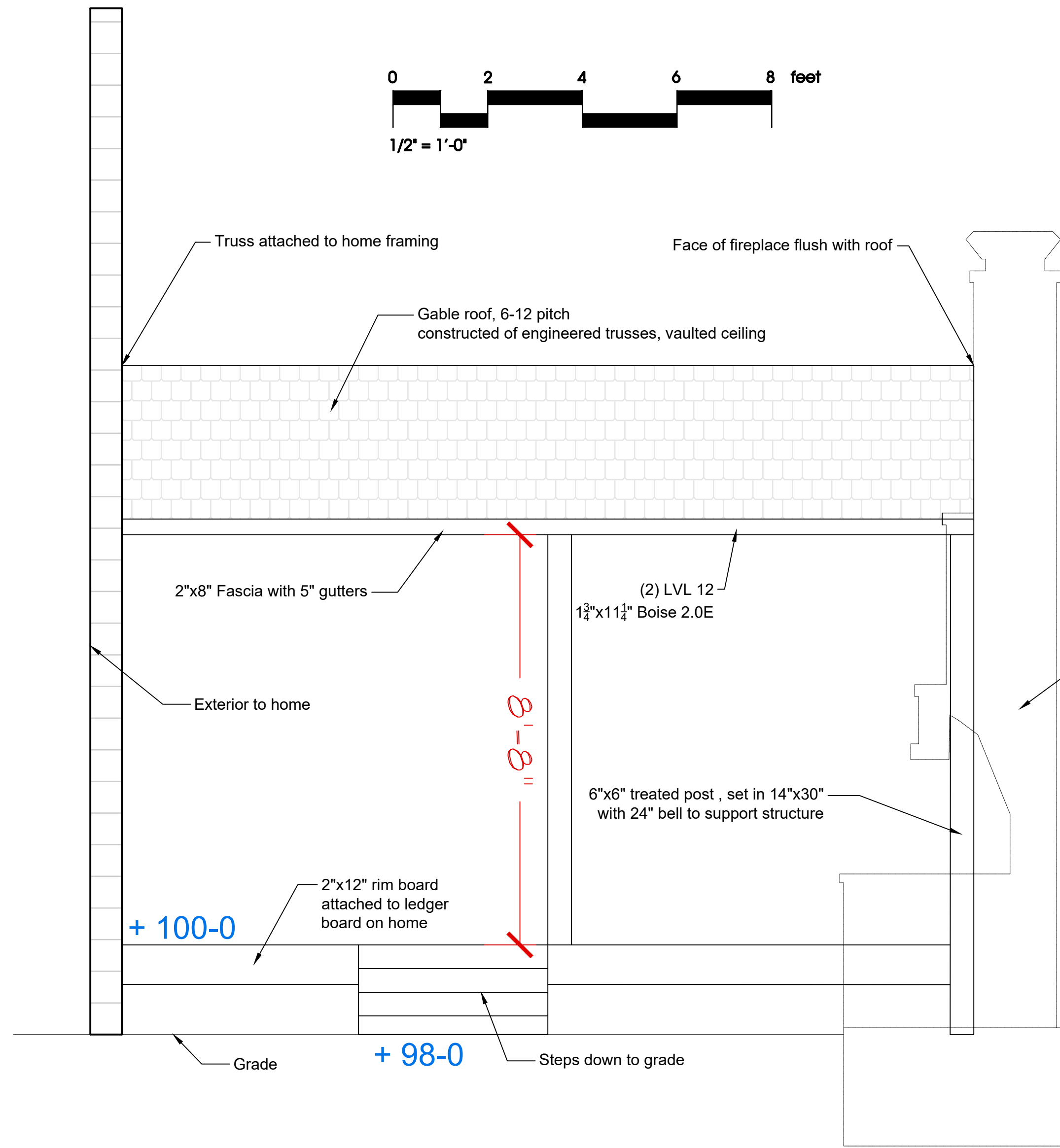
NOTES :

Howard Residence

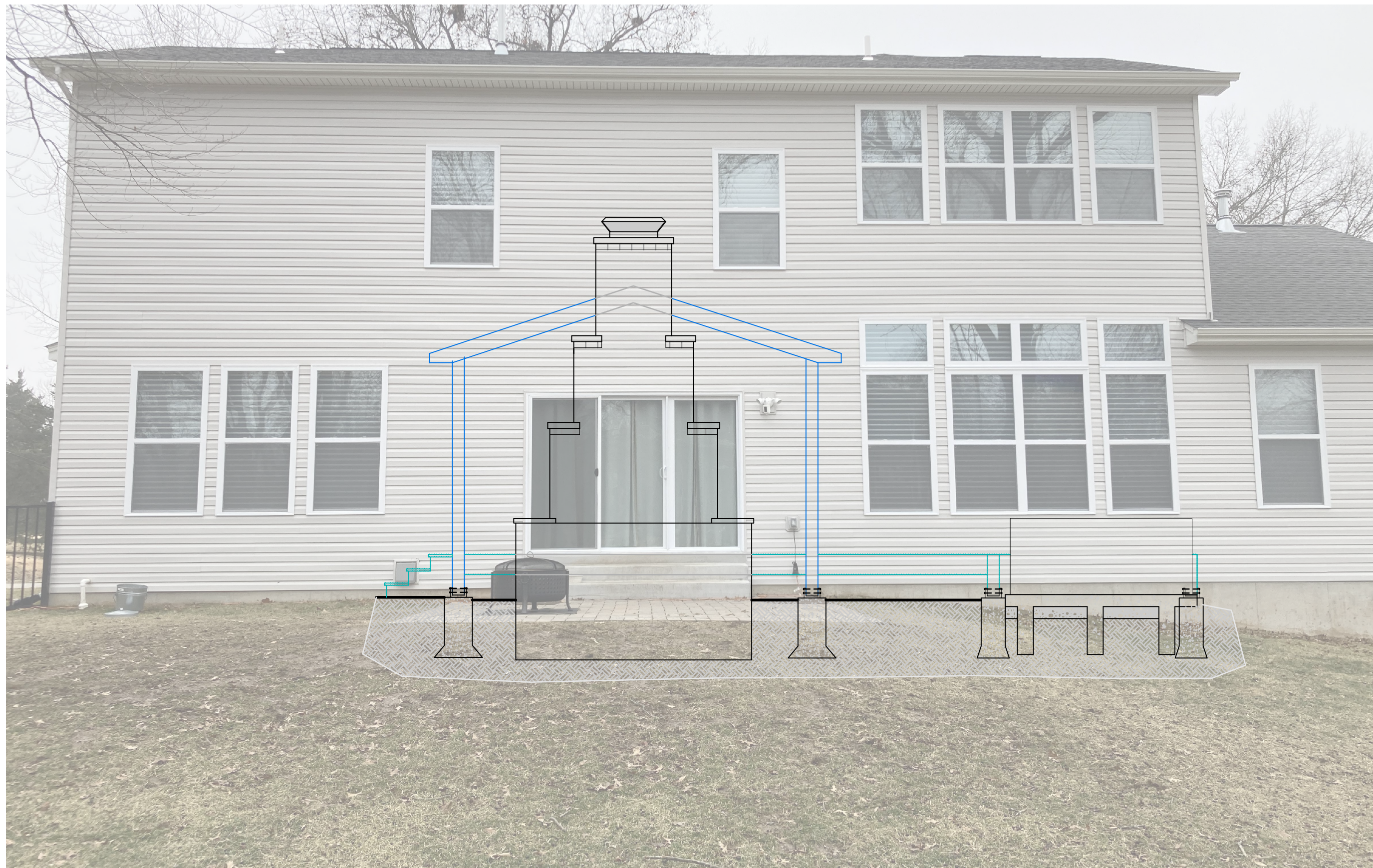
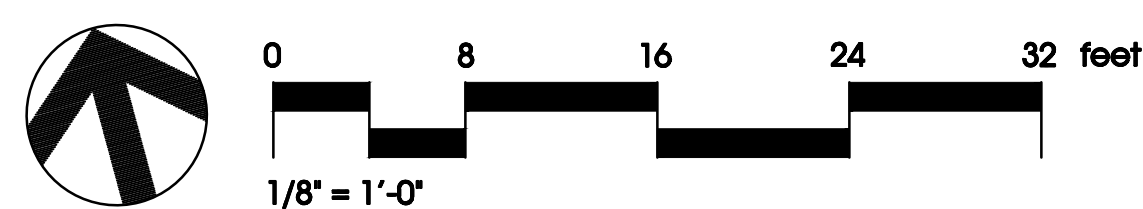
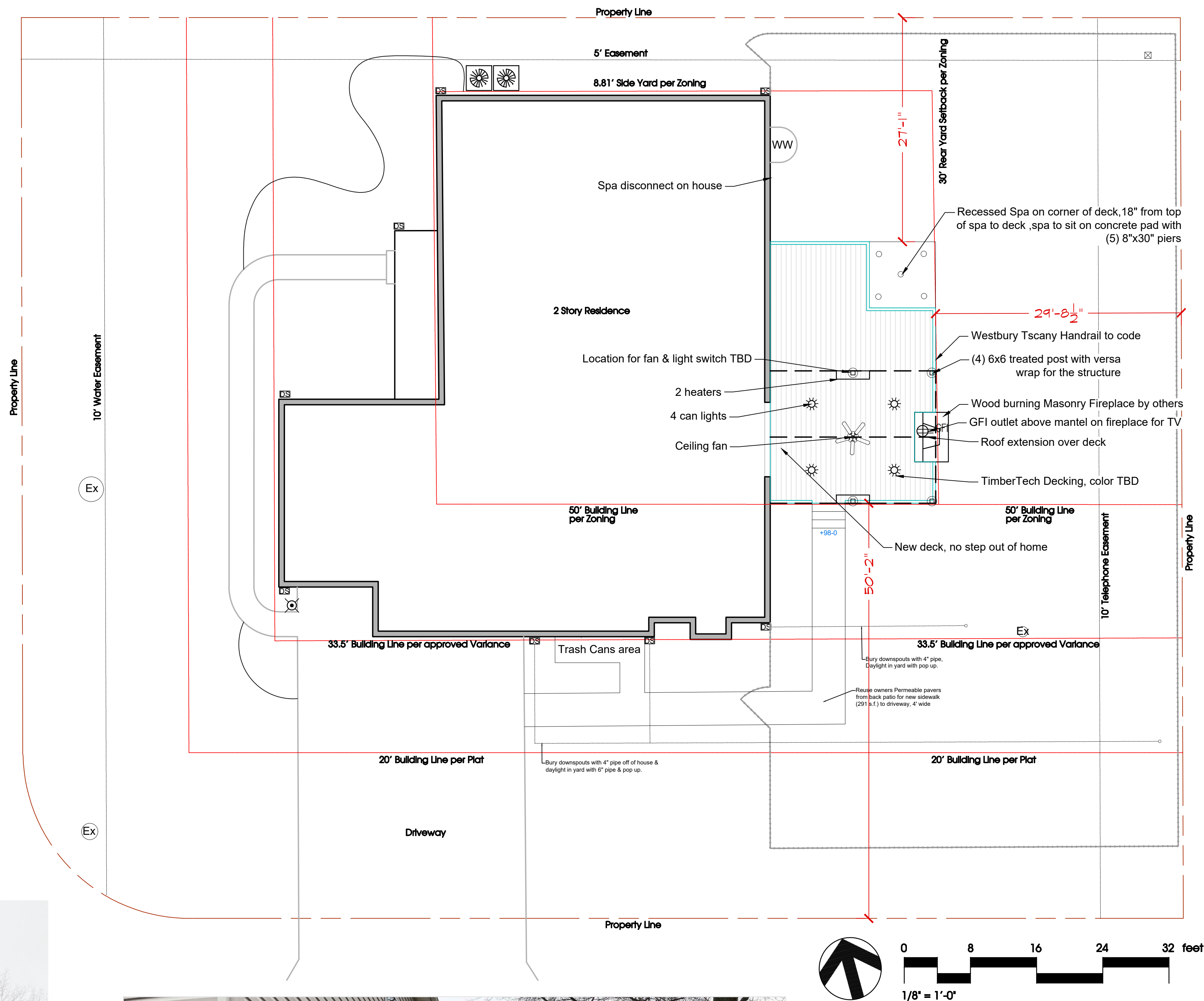
LA/D: BW
DRAWN BY: SS
REVIEWED BY: BW
DATE: 2-14-24

FIREPLACE PLAN

L1.03



Showing outline of wood burning fireplace for reference of placement relation to structure, installed by others



NOTES :

Howard Residence

602 Rue De Fleur Dr.
Creve Coeur, Mo. 63141

LA/D: BW
DRAWN BY: SS
REVIEWED BY: BW
DATE: 2-14-24
REVISIONS | DATE

STRUCTURE PLAN

This plan is the sole property of Poynter Landscape Architecture & Construction. Any use of these designs in part or in whole without written permission will result in design charges.
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L1.02



Bethany Moore <bmoore@crevecoeurmo.gov>

Property at 602 Rue de Fleur Dr.

2 messages

Susan Rosenthal <susan.rosenthal@ymail.com>
To: bmoore@crevecoeurmo.gov

Sat, Jul 6, 2024 at 8:25 PM

My husband and I think the addition of a rear deck & spa at 602 Rue de Fleur Dr. is a fabulous idea. No objection to 7% increase of site.

Susan & Bob Rosenthal
621 Rue de Fleur Dr.

Bethany Moore <bmoore@crevecoeurmo.gov>
To: Susan Rosenthal <susan.rosenthal@ymail.com>

Mon, Jul 8, 2024 at 1:22 PM

Thank you! We will be sure to include this in the packet.

[Quoted text hidden]

**Bethany L. Moore, AICP**

City Planner
City of Creve Coeur
300 North New Ballas Rd
Creve Coeur, MO 63141
314-442-2087

www.crevecoeurmo.gov



Bethany Moore <bmoore@crevecoeurmo.gov>

Letter in support of BOA case #24-602

2 messages

John Harbaugh <thelandposse@yahoo.com>

Mon, Jul 8, 2024 at 9:13 AM

To: "bmoore@crevecoeurmo.gov" <bmoore@crevecoeurmo.gov>

Hi Bethany-

I am writing this letter to offer my full support of the proposed variance for the property located at 602 Rue de Fleur Drive. I see no issues whatsoever by allowing them to proceed with their proposed project which wouldn't have been an issue had their property been zoned properly in the first place. Please let me know if you have any questions. Thanks!

John Harbaugh

610 Rue de Fleur Drive
Creve Coeur, MO 63141

Bethany Moore <bmoore@crevecoeurmo.gov>

Mon, Jul 8, 2024 at 1:23 PM

To: John Harbaugh <thelandposse@yahoo.com>

Thank you! I will be sure to include this in the packet.

[Quoted text hidden]

**Bethany L. Moore, AICP**

City Planner
City of Creve Coeur
300 North New Ballas Rd
Creve Coeur, MO 63141
314-442-2087

www.crevecoeurmo.gov