



**Board of Adjustment**  
**Meeting Agenda**  
**City of Creve Coeur Government Center**  
**300 North New Ballas Rd**

**August 19, 2021**

**4:00 PM**

**City Council Chamber**

**I. CALL TO ORDER**

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

Mr. Carl Lumley, City Attorney  
Mr. Jason Jaggi, AICP, Director of Community Development  
Ms. Jessica Stutte, Planning Assistant/Recording Secretary

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.

Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

***Special disabled service may be arranged by contacting the Office of the City Administrator in advance.***

**II. ADDITIONS TO-ACCEPTANCE OF THE AGENDA**

**III. APPROVAL OF MINUTES**

**1. May 20, 2021 Board of Adjustment Draft Meeting Minutes**

**IV. NEW BUSINESS**

**1. Variance Request for the Property at 404 Falaise Drive to Allow for a New Deck that Encroaches to 20 Feet from the Rear Yard Where the Required Rear Yard Setback is 30 Feet and to 7 Feet from the Side Yard Where the Required Side Yard Setback is 13.2 Feet**

Brett Millaway, homeowner, has submitted an application for a new elevated deck at 404 Falaise Drive to encroach into the rear yard to 20 feet from the rear property line and seven feet from the side yard. The subject property is within the Country Forest Subdivision, zoned B-RDD, where unless otherwise noted on the subdivision plat the standards fall back to the underlying B zoning district, per Section 405.450(C)(1)(c) of

the Residential Designed Development Procedure. The subdivision plat does not indicate a reduced rear yard and B Zoning District has a rear yard setback of thirty (30) feet, per Section 405.260(E)(4)(e) and a side yard setback of Fifteen (15) feet or fifteen percent (15%) of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot, per Section 405.260(E)(4)(c). Additionally, Section 405.630(A)(5) provides that a deck, whether elevated or at ground level, may project up to five (5) feet into a required rear yard. The property is 88 feet wide, and therefore has a 13.2 foot side yard. 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.

**2. Variance Request for the Property at 12381 Country Glen Lane to Allow for the Replacement of the Deck that Encroaches to 22 Feet from the Rear Yard Where the Required Rear Yard Setback is 30 Feet and to 7 Feet from the Side Yard Where the Required Side Yard Setback is 12 Feet**

C.J. Moss, of Chesterfield Fence and Deck, on behalf of the homeowners, James and Rachel Graham, has submitted an application for a new deck, to replace the existing deck that will be torn down at 12381 Country Glen Ln, to encroach into the rear yard to 22 feet from the rear property line and seven feet from the side yard. The subject property is within the Country Forest Subdivision, zoned B-RDD, where unless otherwise noted on the subdivision plat the standards fall back to the underlying B zoning district, per Section 405.450(C)(1)(c) of the Residential Designed Development Procedure. The subdivision plat does not indicate a reduced rear yard and B Zoning District has a rear yard setback of thirty (30) feet, per Section 405.260(E)(4)(e) and a side yard setback of Fifteen (15) feet or fifteen percent (15%) of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot, per Section 405.260(E)(4)(c). Additionally, Section 405.630(A)(5) provides that a deck, whether elevated or at ground level, may project up to five (5) feet into a required rear yard. The property is 80 feet wide, and therefore has a 12 foot side yard. 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.

**V. OTHER BUSINESS**

**VI. ADJOURNMENT**

Posted: \_\_\_\_\_  
Jason W. Jaggi  
Director of Community Development



**Board of Adjustment**  
**Meeting Draft Minutes**  
**City of Creve Coeur Government Center**  
**300 North New Ballas Rd**

**May 20, 2021**

**4:00 PM**

**City Council Chamber**

**I. CALL TO ORDER**

Robert Mooney Board Member (Remote)  
 Martin Satz Board Member (Remote)  
 Glenn Wilen Chair (Remote)  
 James Kostelc Board Member (Remote)  
 DP Villacis Vice-Chair (Remote)

**II. ADDITIONS TO-ACCEPTANCE OF THE AGENDA**

Mr. Kostelc made a motion to approve. Ms. Villacis seconded. All in favor.

**III. APPROVAL OF MINUTES**

**1. March 18, 2021 Board of Adjustment Draft Meeting Minutes**

Mr. Mooney made a motion to accept the minutes, Ms. Villacis seconded. All in favor.

**IV. NEW BUSINESS**

**1. VARIANCE REQUEST FOR THE PROPERTY AT 433 MEADOW GREEN PLACE TO ALLOW FOR ENCLOSING THE PRE-EXISTING, NON-CONFORMING DECK THAT ENCROACHES 14.38 FEET FROM THE REAR-YARD WHERE THE REQUIRED REAR YARD SETBACK IS 30 FEET AND A FRONT PATIO 3.5 FEET FROM THE SIDE YARD WHERE THE REQUIRED SIDE YARD IS 15 FEET**

Alison Curfman, homeowner of 433 Meadow Green Place, Creve Coeur, MO 63141, has submitted for a variance request to allow for enclosing the existing, non-conforming, deck that is within the rear yard setback at 14.38-feet from the rear property line and to construct a front porch and roof extension into the side setback at 3.5 feet from the side yard. Section 405.610(B)(2) Non-conformities states that any such structure described in Subsection (B)(1) may be maintained, repaired or remodeled; provided however, that no such maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structure.

Mr. Satz joined the meeting.

Those speaking to the request were sworn in.

Ms. Alison Curfman, homeowner, stated her request.

Ms. Taylor Huston, of Killeen Architects, showed the site plan. She said the deck was pre-existing non-conforming and their request was to enclose it.

She said in the front they wanted to add an extension to make the front more symmetrical. She said only a pier in the front would be in front of the setback. She said both the side and the adjoin common ground.

Attachment: BOA DRAFT 5.20.21 Minutes (May 20, 2021 Board of Adjustment Draft Meeting Minutes)

Ms. Curfman said her neighbors and trustees have approved the plans.

Mr. Wilen asked if any public comments had been received.

Ms. Kelly said they did not have any comments.

Mr. Mike Killeen, owner and architect for Killen Studio Architects, asked the Board to consider the variance request as the lot is an unusual shape.

Ms. Kelly, City Planner, spoke to the background of the home and how it relates to the code. She said the deck is pre-existing non-conforming. She said the city had no records of a permit being pulled for the deck.

She went through the criteria for variances. Ms. Kelly said it was unlikely this would have an adverse effect on the neighborhood. She said there is lack of documentation for the Country Forest Subdivision regarding RDD setbacks.

Mr. Kostelc asked if the home was built under St. Louis County.

Ms. Kelly said the subdivision and initial home build were approved by Creve Coeur.

Mr. Mooney asked if the roof structure over the deck would stay the same.

Ms. Taylor said they were going to see if any materials could be re-used, but largely will be new.

Ms. Villacis asked if they considered making the porch more narrow.

Mr. Mike Killeen said they did consider it, but they wanted it to be a true front porch. He said symmetry was driving the design of the porch.

Ms. Taylor showed the drawing for the porch.

Mr. Wilen asked how close the nearest neighbor was.

Ms. Huston said around 40ft because the common ground was there.

Ms. Curfman said when they bought their home, they did not realize the lot shape was unusual.

Mr. Roger Naney said they are categorized as B residential and do not meet the requirements for the B lot size.

Ms. Kelly said the subdivision is a B-RDD designation with specific regulations.

Mr. Lumley offered the exhibits into the record and the public hearing was closed.

Mr. Wilen made a motion to approve the deck as stated in the staff report. Mr. Satz seconded. All in favor.

Mr. Wilen made a motion to approve the front porch as stated in the staff report. Mr. Mooney seconded. All in favor.

Mr. Wilen made a motion to authorize the chair to sign written findings of fact and conclusions of law consistent with the record and vote. Mr. Mooney seconded. All in favor.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Glenn Wilen, Chair                     |
| <b>SECONDER:</b> | Robert Mooney, Board Member            |
| <b>AYES:</b>     | Mooney, Satz, Wilen, Kostelc, Villacis |

## V. OTHER BUSINESS

Ms. Kelly said as no application had been received for the June meeting that meeting would be canceled.

There was some discussion regarding applications coming before the board with previous un-permitted builds.

Mr. Jaggi addressed how staff was dealing with this moving forward.

## VI. ADJOURNMENT

Ms. Villacis made a motion to adjourn. Meeting adjourned at 5:03 PM.



300 North New Ballas Road • Creve Coeur, Missouri 63141  
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966  
www.creve-coeur.org

**APPLICATION TO THE BOARD OF ADJUSTMENT  
VARIANCE REQUEST FOR THE PROPERTY AT 404 FALAISE DRIVE  
TO ALLOW FOR A NEW DECK THAT ENCROACHES TO 20 FEET  
FROM THE REAR-YARD WHERE THE REQUIRED REAR YARD  
SETBACK IS 30 FEET AND TO 7 FEET FROM THE SIDE YARD  
WHERE THE REQUIRED SIDE YARD IS 13.2 FEET**

**FOR THE MEETING OF:** August 19, 2021

**SUBJECT PROPERTY LOCATION:** 404 Falaise Dr., Zoned B-RDD Single Family Residential, with Residential Designed Development Designation

**REQUEST:** Brett Millaway, homeowner, has submitted an application for a new elevated deck at 404 Falaise Drive to encroach into the rear yard to 20 feet from the rear property line and seven feet from the side yard. 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.

**ADDITIONAL INFORMATION:** The subject property is within the Country Forest Subdivision, zoned B-RDD, where unless otherwise noted on the subdivision plat the standards fall back to the underlying B zoning district, per Section 405.450(C)(1)(c) of the Residential Designed Development Procedure. The subdivision plat does not indicate a reduced rear yard and B Zoning District has a rear yard setback of thirty (30) feet, per Section 405.260(E)(4)(e) and a side yard setback of Fifteen (15) feet or fifteen percent (15%) of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot, per Section 405.260(E)(4)(c). Additionally, Section 405.630(A)(5) provides that a deck, whether elevated or at ground level, may project up to five (5) feet into a required rear yard. The property is 88 feet wide, and therefore has a 13.2 foot side yard.

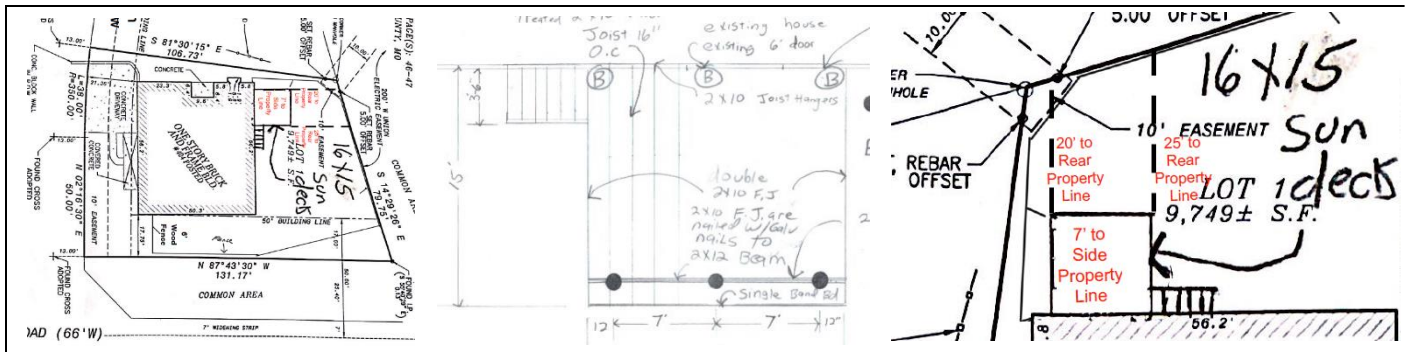
**Key Issues:**

- Degree of variance
- Impact to neighborhood
- Property versus owner hardship

**Zoning Code References**

- Section 405.260 B Single Family Residential
- Section 405.450(C) Residential Designed Development Procedure.
- 405.610 Non-conformities
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals

**APPLICANT:** Brett and Kelley Millaway  
404 Falaise Dr.  
Creve Coeur, MO 63141



**REPORT PREPARED BY:** Jason Jaggi, AICP, Director of Community Development  
**DATE:** 7/23/2021  
**ATTACHMENTS:** Applicant's Materials submitted

**BASIS FOR APPEAL AND STATED HARDSHIP**

The subject property is located in the Country Forest Subdivision which was established in 1972, and was zoned B Single Family Residential, with Residential Designed Development (RDD) Designation. Section 405.450(C) Residential Designed Development Procedure provides 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 of the Residential Designed Development 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 the B District.

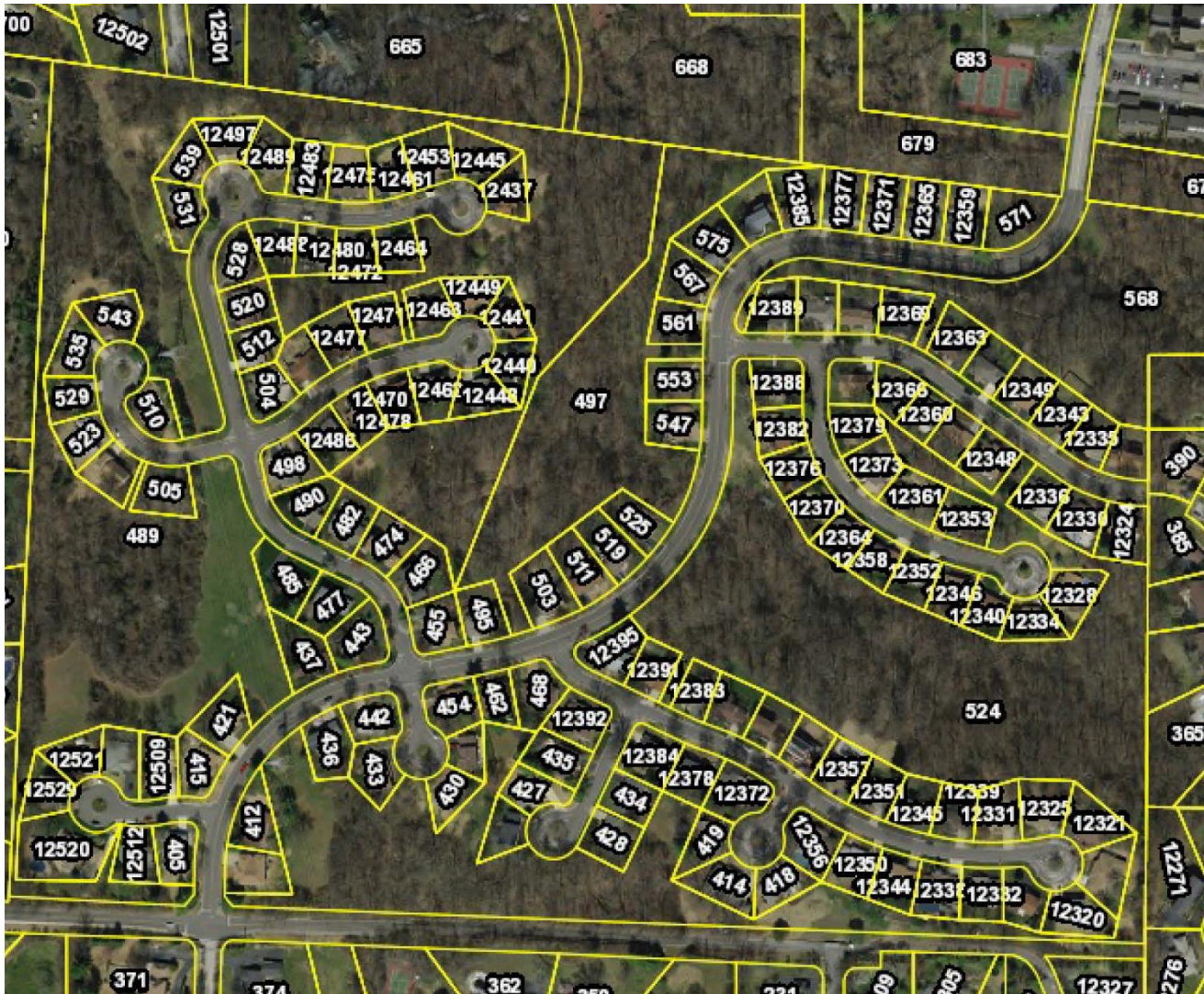


Figure 1: City's GIS Image of the Country Forest Subdivision

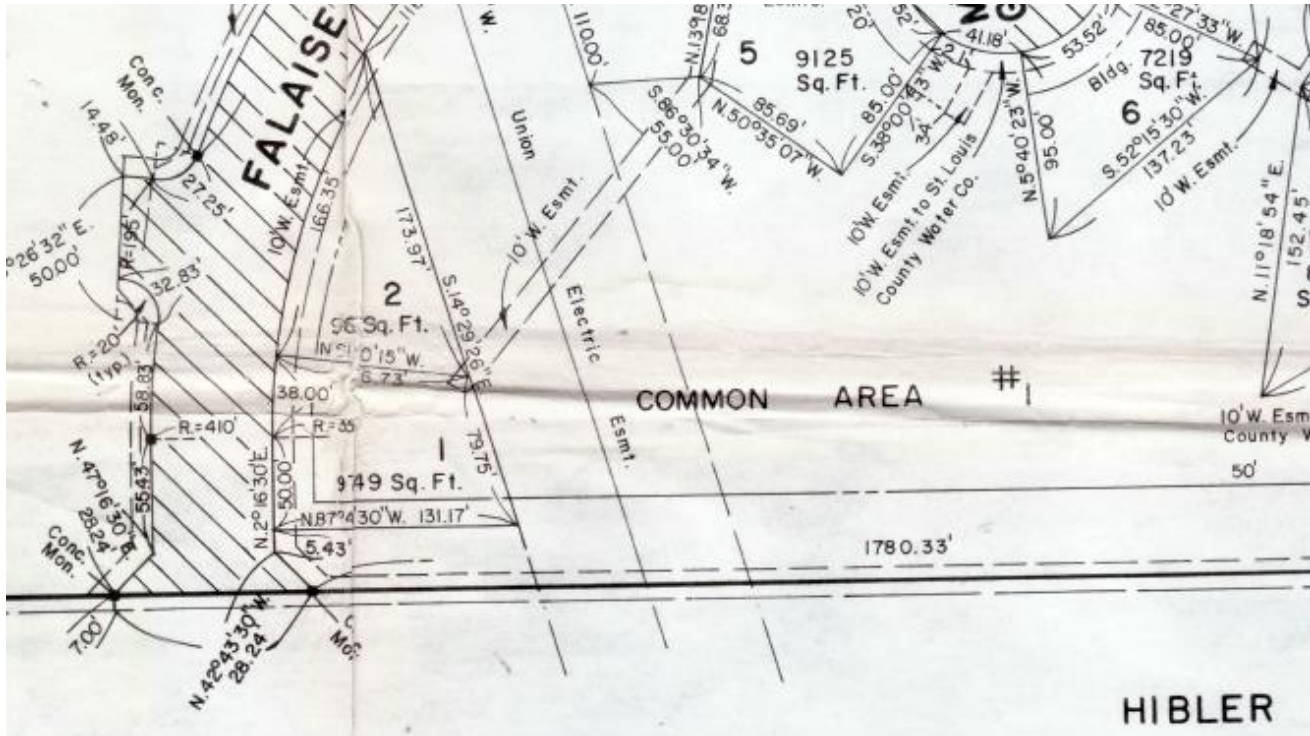
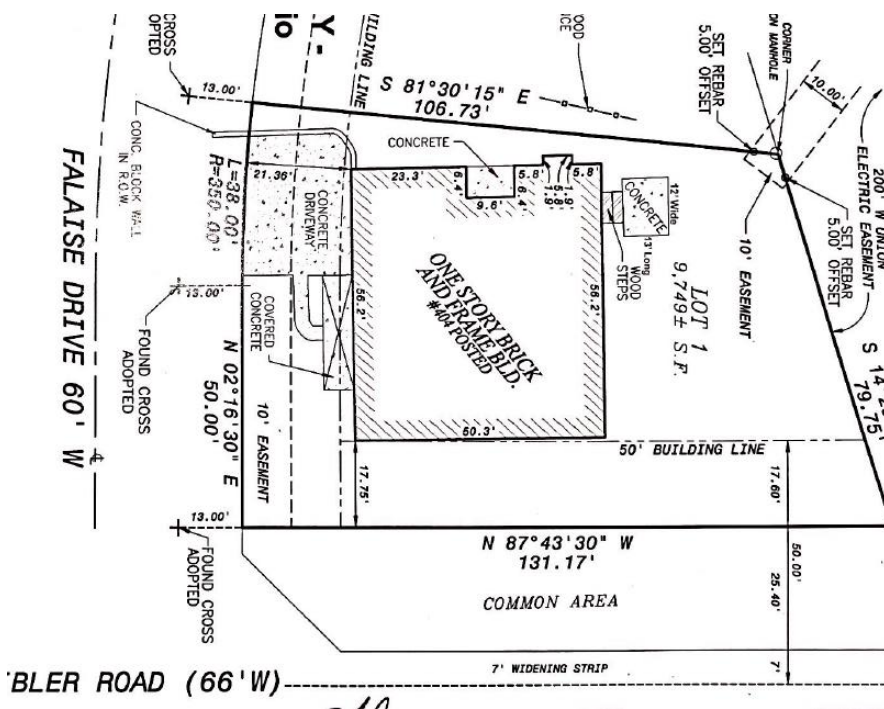


Figure 2: Close-up of the Country Forest Plat 1 Subdivision. The Subject property is Lot 1.

The B Zoning District has a 45 foot front yard, and a side yard of 15 feet or 15% of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot, per Section 405.260(E)(4)(c). and a rear yard of 30 feet, with lot size greater than twenty thousand (20,000) square feet and less than one (1) acre. The subject property for this request is 88 feet wide, and therefore has a 13.2 foot side yard.



The Subdivision Plat only shows a 20-foot front yard, and for this property there is a 50 foot building line along Hibler Road, adjacent to the common ground area. The subdivision indentures state: "a minimum six (6) foot of unobstructed side yard or a minimum of fifteen (15) feet of common ground or pedestrian easement. In the latter case there may be less than a six foot side yard line." The rear yard is not addressed in either case. Additionally, the City does not enforce subdivision indentures. Therefore, any side-yard regulations fall to the zoning district regulation.

Figure 2: Close-up of the Applicants Site Plan showing the existing at grade concrete patio

The subject lot is approximately 9,749 square feet and the adjacent lots are similarly sized, and the home was built in 1976. Due to the lack of documentation regarding the approval of the subdivision, many of the homes in the Country Forest have similar issues where the homes were built within the rear yard setback, and existing decks encroached even further. This home, however, appears to meet with the 30 foot rear-yard setback. The proposed deck is 16 by 15 feet, and would be 20 feet from the rear property line on the north edge and 25 feet at the south corner, and 7 feet from the side property line. To comply with the rear yard setbacks for decks, the depth of the deck would need to be reduced to 11-feet. However, it is likely that the side-yard setback of 7 feet where 13.2 feet is required would still be an issue and would require the deck to be placed further away from the side property line than the house itself.

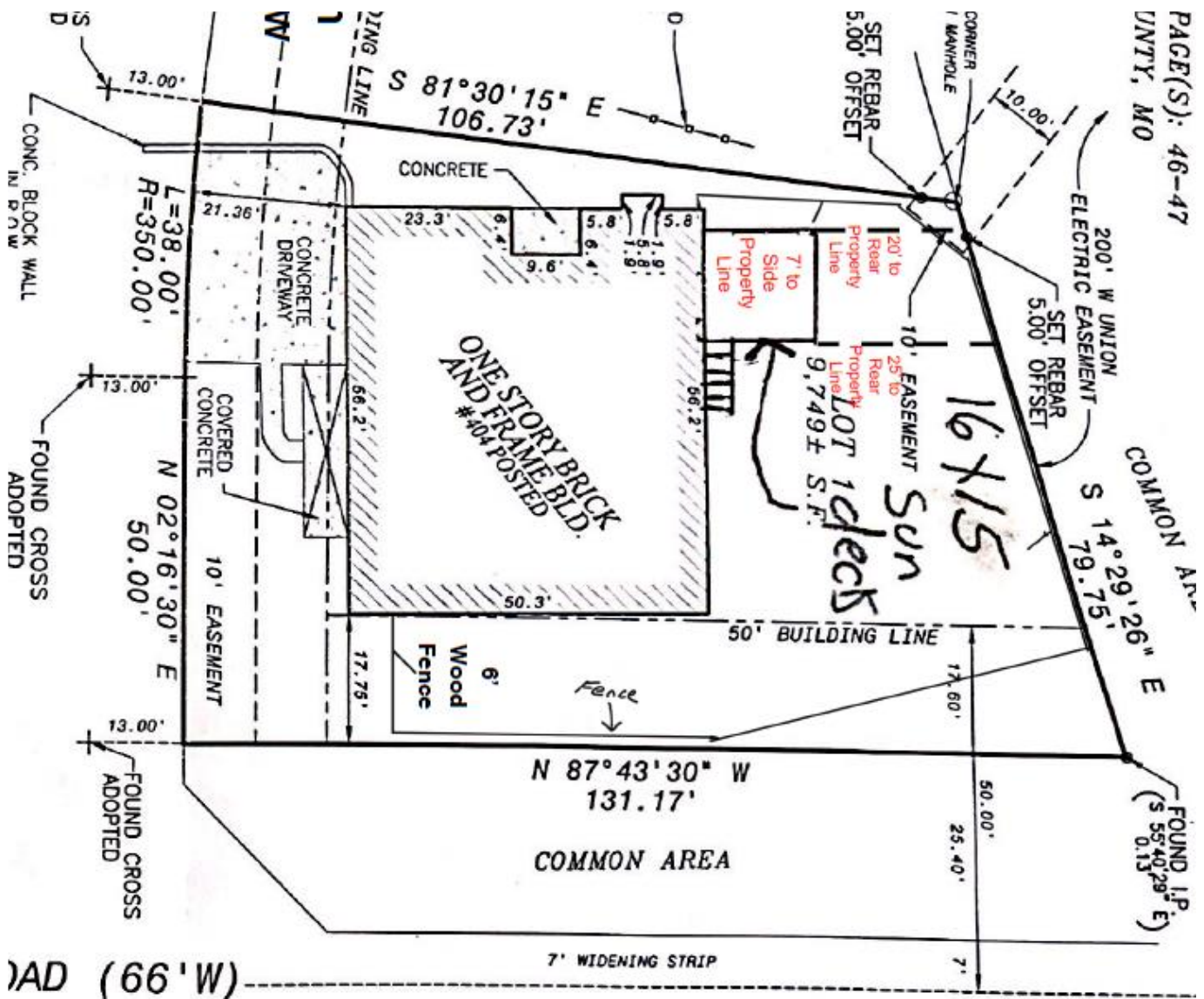


Figure 3: Close-up of the proposed site plan showing a 16x15' 'new elevated deck'

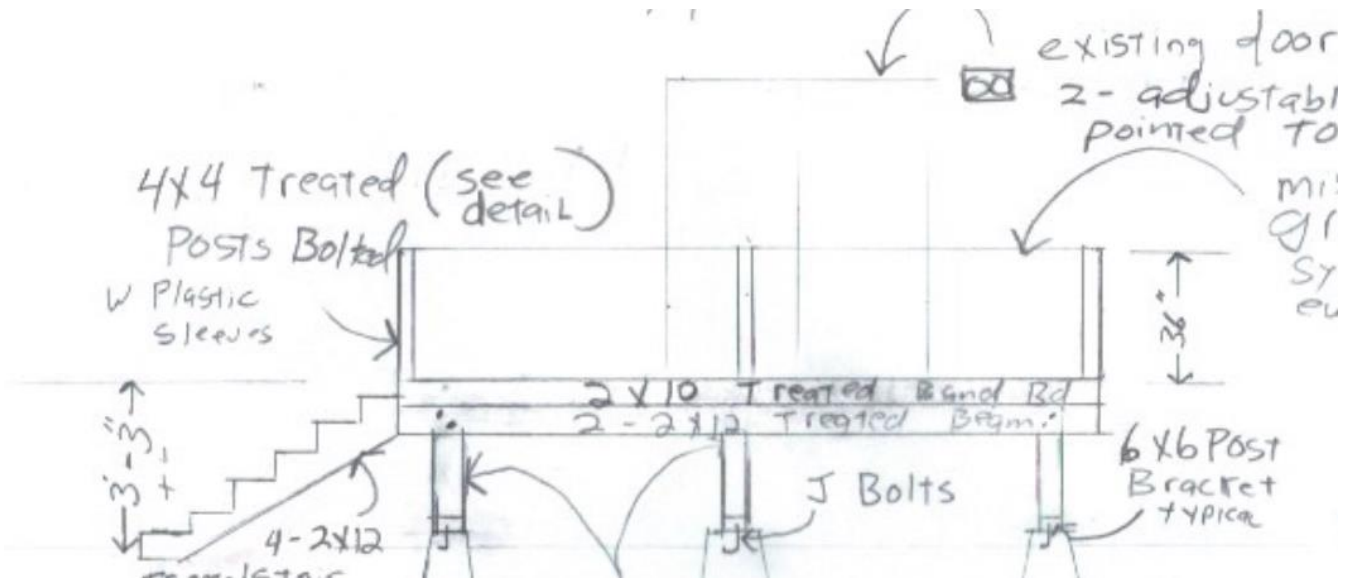


Figure 4: Close-up of the west elevation of the proposed deck.

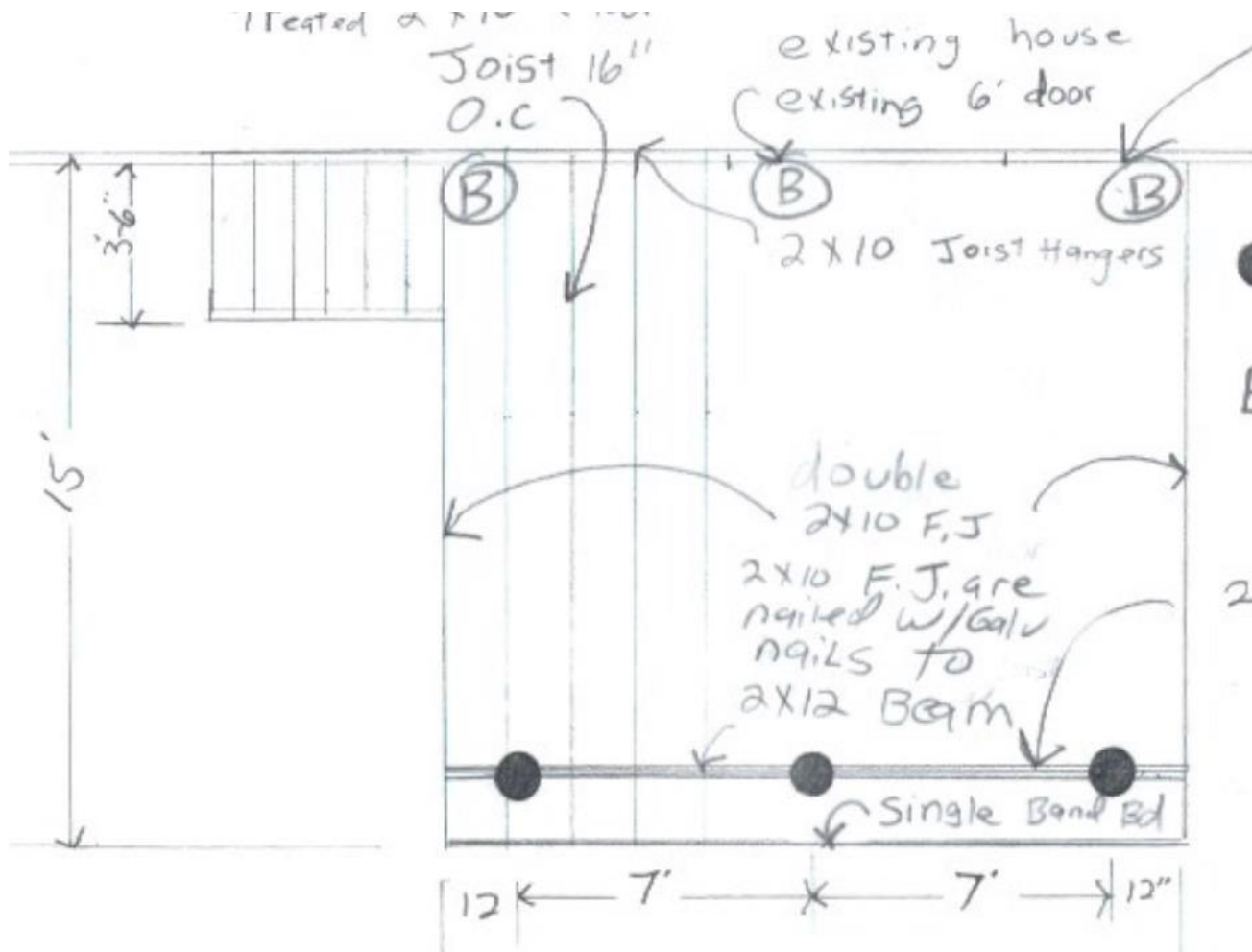


Figure 5: Close-up of the proposed overhead view of the deck.

Section 405.630(A)(5) of Yard Regulations provides that a deck, whether elevated or at ground level, may project up to five (5) feet into a required rear yard. Additionally, Section 405.610(E) Non-Conformities within Setback Lines states that:

*Section 405.610 Non-Conformities*

*D. Non-Conformities Within Setback Lines. In addition to the provisions of Section 405.240 regulating setbacks, the following regulations shall apply to those non-conformities located within prescribed setback lines from the rights-of-way of public or approved private streets and highways.*

- 1. Projection of existing structures into required setbacks. 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.*

The Applicant is seeking a variance to allow for a new deck within the setbacks as proposed that would be 20 feet from the rear yard setback and 7 feet from the side-yard along the north property line.

#### LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

| DIRECTION | USE                                                      | ZONED                                                                                 | SEPARATED BY       |
|-----------|----------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------|
| North     | Residence, Country Forest Subdivision                    | B-RDD, B Single Family Residential, with Residential Designed Development Designation | NA                 |
| South     | Common Ground                                            | B-RDD, B Single Family Residential, with Residential Designed Development Designation | NA                 |
| East      | Residence, Country Forest Subdivision                    | B-RDD, B Single Family Residential, with Residential Designed Development Designation | Meadow Green Place |
| West      | Residence, and Common Ground, Country Forest Subdivision | B-RDD, B Single Family Residential, with Residential Designed Development Designation | NA                 |

#### 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 discussed above, the house and lot in question are not unique in size or configuration for this subdivision, as many of the homes in the Country Forest Subdivision were built at the same time. However, the lack of documentation on the setbacks within the Country Forest Subdivision approval and the reliance on the subdivision indentures has resulted in a number of homes in the area that are non-conforming, and where many exterior alterations have required variances in recent years. This property is less than half the B District Standards at 9,749 square feet, where the existing home was built at the standard for the subdivision with regard to side-yard setback, and does meet with the district regulations for the rear yard.

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

The Applicant had no say in the placement of the home on the lot. However, it is the Applicant's decision to pursue a new deck that does not meet the setback requirements. The placement of the deck appears to be consistent with other similar structures in the Country Forest Subdivision, and as noted previously, the lack of

documentation for the subdivision has created a unique hardship for many in the area compared to homeowners in other subdivisions.

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

Given the common nature of decks on residentially zoned property and within the Country Forest Subdivision, it is unlikely that the average viewer will perceive a negative impact arising from a sense that the deck is too close to the public common ground compared to those around it due to the limited nature of the encroachment. Further, if the members of the Board believe that the aesthetic qualities of the additions are in keeping with the rest of the house, and the neighborhood in general, it is likely that allowing the alteration will not have an adverse effect on the adjacent properties, as many of the homes have decks that are so similarly situated as can be seen in the GIS image on the last page.

**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;**

It is fairly debatable if redesigning the deck to meet with the rear yard setback, or maintaining the existing patio area would represent severe practical difficulty or extreme hardship given that the Applicant had use of the property and home for many years. The question before the Board, under this criterion, is whether or not the inability to update a feature of one's house, without a variance, represents an extreme hardship. And given the unique condition of the subdivision, whether or not the allowance for a deck represents an extreme hardship for the property owner.

**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.**

Certainly, the City has enjoyed the benefits of significant private investments in the existing housing stock; much of it made possible by the large lots that afford most houses plenty of "room to grow." In many prior applications, the root of the problem is that the house does not have "room to grow" because either the lot is non-conforming for size and/or the house was built to a setback standard that does not conform to City zoning. In essence, the latter condition is the basis of the request. The home was built in 1976 as allowed by the City with the approval of the subdivision in 1972. However, with the approval, no documentation was provided regulating the placement of the structure or determining a rear yard setback. The side yard was provided within the subdivision indentures, but the City does not enforce such documents, as they are private agreements, and not approved by the City legislative body. The rules applied to the Residential Designed Development standards more clearly provide the requirements for such standards and where they must be placed on the subdivision plat. As with many homes in the Country Forest Subdivision, any meaningful improvement is likely to require a variance until the Subdivision Trustees are willing to seek to modify the ordinance for the subdivision and codify the side-yard and rear-yard setback.

**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 lot and subdivision were approved in 1972 with reduced size in consideration of maintenance of the large common ground areas. While the subject property meets with the rear-yard setback, the home was placed within the side yard, similar to many of the homes in the area, and as such are not easily improved without a variance. Given the history of the subdivision, and lack of documented standards regarding the rear yard setback, and the allowance of a reduced side yard setback where adjacent to common ground, could represent an “exceptional circumstance” for this property.

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

The proposed deck will increase the overall site coverage from 33.35% to 35.64%, where the allowed site coverage is 37.5% and will not result in the diversion of additional stormwater that would adversely affect adjacent property.

#### **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 front-yard setback would be:

“I move to approve a variance allowing for a new elevated deck at 404 Falaise Drive to encroach into the rear yard to 20 feet from the rear property line and to seven feet from the side yard, where the required rear yard setback is 30 feet, and the side yard of 13.2 feet for the B-RDD Single Family Residential, 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 rear-yard and the side-yard setback will cause severe practical difficulty and extreme hardship for the property owner represented in the application;
5. The proposed addition 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 the lot size within the B-RDD Single-Family Residential zoning district, the strict application of the setback 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 each 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 404 Falaise Drive based upon the testimony received and the deliberations of the Board on this application, as decided on August 19, 2021.”

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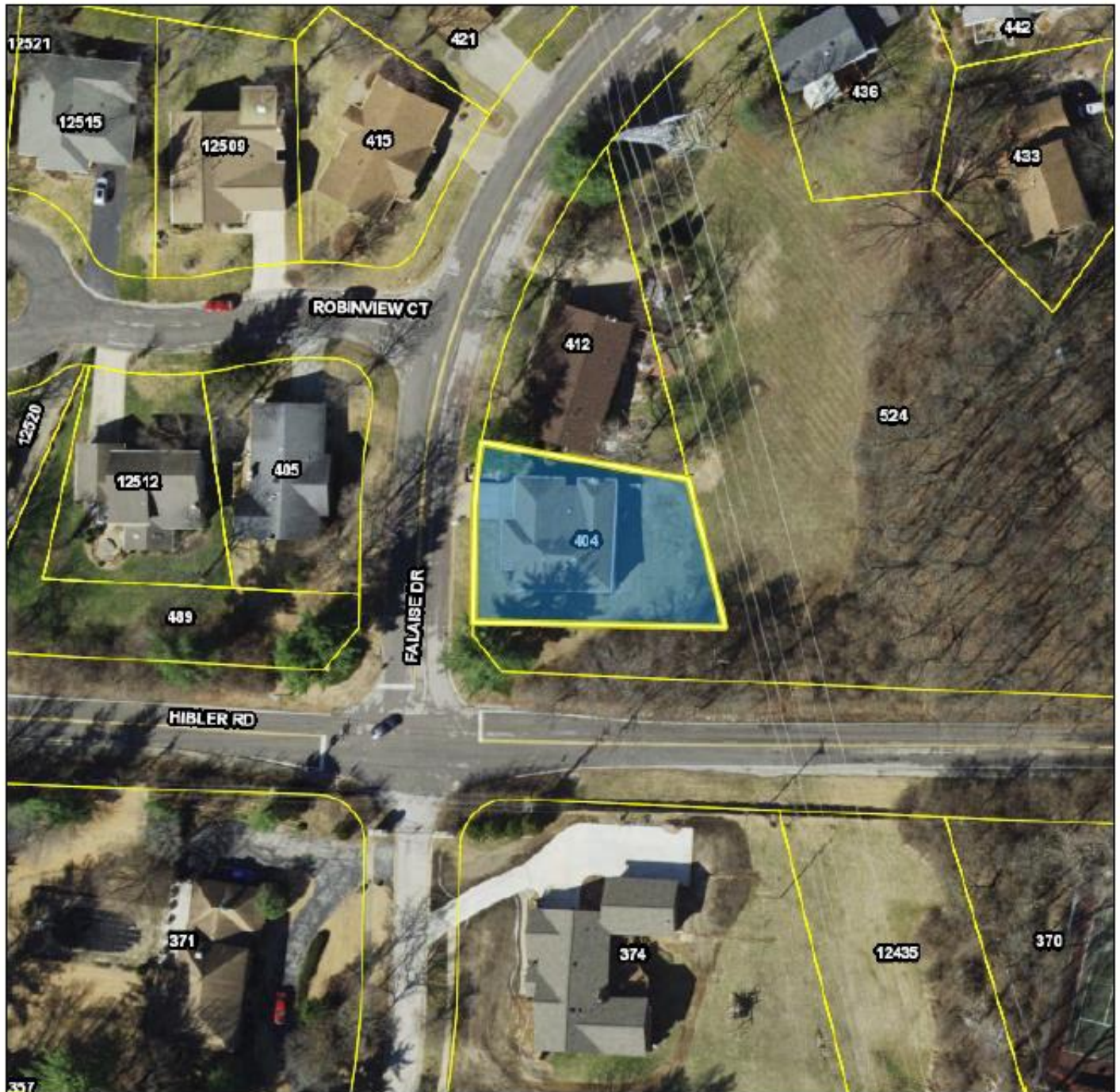
**APPENDIX 1: COMPREHENSIVE PLAN**

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



City Limits

Parcels

July 15, 2021



Prepared By

HORNER & SHIFRIN

**APPENDIX 4: SITE PHOTOGRAPHS**

Photo Dates: 8/13/2021



Description: View of the front of the existing home at the corner of Falaise and Hibler.



Description: View of the property and common ground along Hibler Drive. Rear yard is not visible due to heavy vegetation within the common ground and right-of-way.

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**

| <b>Applicant:</b>                                       | <b>Applicant's Representative (if applicable):</b> |
|---------------------------------------------------------|----------------------------------------------------|
| Name<br><u>Brett + Kelley Millaway</u>                  | Name<br>_____                                      |
| Company (If Applicable)<br><u>404 Falaise Dr. 63141</u> | Company (If Applicable)<br>_____                   |
| Address<br>_____                                        | Address<br>_____                                   |
| Address<br>_____                                        | Address<br>_____                                   |
| Telephone # <u>314-560-0298</u>                         | Telephone # _____                                  |
| Fax # _____                                             | Fax # _____                                        |
| Email: <u>brett.millaway@gmail.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, Aug. 19, 2021.

K. Millaway

[Signature]

Applicant's Signature

Applicant's Representative's Signature

7-8-21

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

Jason Jaggi, AICP, Director of Community Development  
 Whitney Kelly, AICP, City Planner  
 Jessica Stutte, Administrative Assistant (872-2501)

Updated 12/2020

**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):

16 x 15 DECK

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

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

The subdivision constructed 148 homes on 78.6 acres. Country Forest has a current R.O.D zoning designation of "B" for lots of 20,000 sq. ft. or larger. Our lot is 9,749 sq. ft. with surrounding common ground.

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

The original legal plan approved in 1972 set requirements for side yards but said nothing about the rear set back. The building plans for this deck comply with the Country Forest indentures.

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

All lots in Country Forest are small and the common ground has no standard application.

- Current uses and structures on the property:

The only current structure, other than the residence, is a patio. According to the Country Forest HRA, it was poured when the home was originally built in 1971. The patio is small and offers no meaningful use.

The stairs leading to the patio are immediately outside the back door, which is dangerous, esp. during winter weather.

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

The designation of B-RDP without consideration of common ground does not fit our subdivision. It is also unfair to apply zoning laws retroactively to property / homes that are developed + built before the zoning laws were actually passed. It is also unfair to apply these standards when the ~~neighborhood~~ neighbors' plans comply with the ~~neighborhood~~ neighborly standards.

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?

yes - Adding a deck will improve the market value because of more useable space.

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

none - the deck will be within our fenced-in yard

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

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 - deck is going to be at the rear of the house

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

none

9. Zoning district in which the property is located: country Forest subdivision

ward 3 - creve coeur

10. Size of the lot (total square feet or acres): 9,749 sq. ft.

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

see attached:

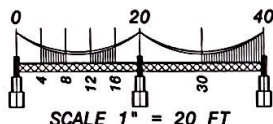
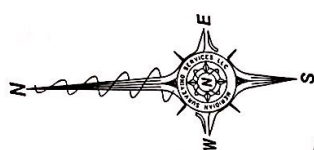
- letter from trustees approving the plans
- proposed change drawn on original survey
- plat plan shown adjacent lots & common ground

# BOUNDARY AND IMPROVEMENT SURVEY

4.1.c

## LOT 1 OF COUNTRY FOREST PLAT 1

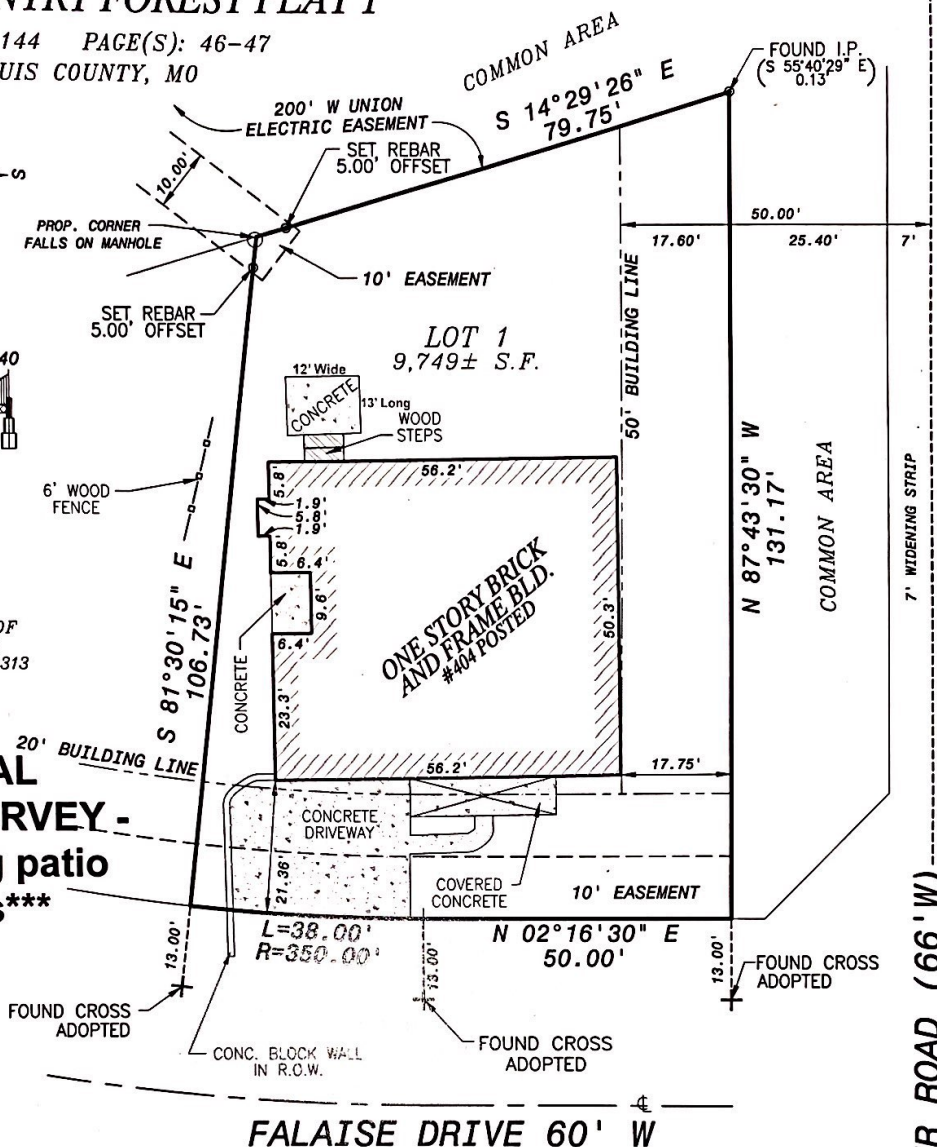
PLAT BOOK: 144 PAGE(S): 46-47  
ST. LOUIS COUNTY, MO



LOT 2  
PROPERTY N/F OF  
LODOLZ, RITA  
D.B. 09395, PG. 2313

**\*\*\*ORIGINAL  
BOUNDARY SURVEY -  
added existing patio  
dimensions\*\*\***

|           |
|-----------|
| 1"=0.08'  |
| 2"=0.16'  |
| 3"=0.25'  |
| 4"=0.33'  |
| 5"=0.42'  |
| 6"=0.50'  |
| 7"=0.58'  |
| 8"=0.67'  |
| 9"=0.75'  |
| 10"=0.83' |
| 11"=0.92' |
| 12"=1.00' |



### SCHEDULE B SECTION II SPECIAL EXCEPTIONS:

8) - UNION ELECTRIC EASEMENT (6633/1660); DOES NOT APPLY.

### ADDITIONAL MONUMENTATION FOUND:

-Adopted a iron pipe at the northern-most corner of Lot 98 of Country Forest plat 2 (pb. 155 pg(s). 72-73).  
-Adopted a rebar at the eastern-most corner of Lot 102 of Country Forest plat 2 (pb. 155 pg(s). 72-73).

### SOURCE OF RECORD DESCRIPTION:

WESTCOR LAND TITLE INSURANCE COMPANY, FILE NO.: 682230, EFFECTIVE DATE: 09/21/2020 AT 9:00 AM

### GENERAL NOTES:

I.P. = IRON PIPE I.R. = IRON ROD  
(R) = RECORD (S) = SURVEYED (NR) = NON-RADIAL  
SURVEYOR'S STATEMENT:

### BASIS OF BEARING OR ANGLES:

COUNTRY FOREST PLAT 1  
PLAT BOOK: 144 PAGE(S): 46-47

DATE: 10/14/2020

Meridian Surveying Services LLC (agent)

THIS IS TO CERTIFY TO BRETT & KELLEY MILLAWAY AND INVESTORS TITLE COMPANY, THAT AT THEIR REQUEST, MERIDIAN SURVEYING SERVICES LLC., HAS DURING THE MONTH OF OCTOBER, 2020, EXECUTED A RESURVEY OF LOT 1 OF COUNTRY FOREST PLAT 1, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 144, PAGE(S) 46-47 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, TOGETHER WITH THE LOCATION OF IMPROVEMENTS THEREON, IMPROVEMENT OWNERSHIP IS BASED OFF OF FIELD OBSERVATIONS THAT HAVE NOT BEEN VERIFIED WITH PROPERTY OWNER(S), THE FENCE OWNERSHIP IS NOT IDENTIFIED, FENCE HEIGHTS INDICATED ARE APPROXIMATE, UNLESS OTHERWISE INDICATED, FENCES INTERSECTING PROPERTY LINE(S) ARE CONNECTIVE IN NATURE, AND THAT THE RESULTS OF SAID RESURVEY ARE SHOWN ON THE ABOVE PLAT. THIS RESURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR AN URBAN CLASS PROPERTY. PRIOR TO ANY CONSTRUCTION, THE ZONING AUTHORITY SHOULD BE CONSULTED TO VERIFY CURRENT RESTRICTIONS. CERTIFICATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY AND THOSE NOTED ABOVE. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTES, AGENCIES, PARTIES, OR SUBSEQUENT OWNERS.



(agent) Lee C. Ferrenbach III  
General Manager



MERIDIAN LAND SURVEYING  
21 POINT WEST BLVD.  
ST. CHARLES, MO 63301  
PHONE: 636-939-2900 FAX: 636-946-9099  
WWW.MERIDIANLANDSURVEYING.COM  
© 2020 MERIDIAN SURVEYING SERVICES, LLC  
CORPORATE LICENSE NO. 2010021844

|            |              |             |
|------------|--------------|-------------|
| DRAFTER:   | REVIEWED BY: | FIELD CREW: |
| MSC        | LCF          | KAT/KTC     |
| DATE:      | DRAWING NO:  | PROJECT NO: |
| 10/12/2020 | 01           | 70104       |

SHEET  
**1**  
OF 1

Trustees J.C. Gronbeck, Jr. 7/8/21  
ROGER L. NANEY 7/8/21

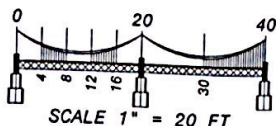
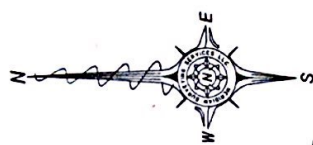
Attachment: Deck Plans (21-404 404 Falaise)

# BOUNDARY AND IMPROVEMENT SURVEY

4.1.c

## LOT 1 OF COUNTRY FOREST PLAT 1

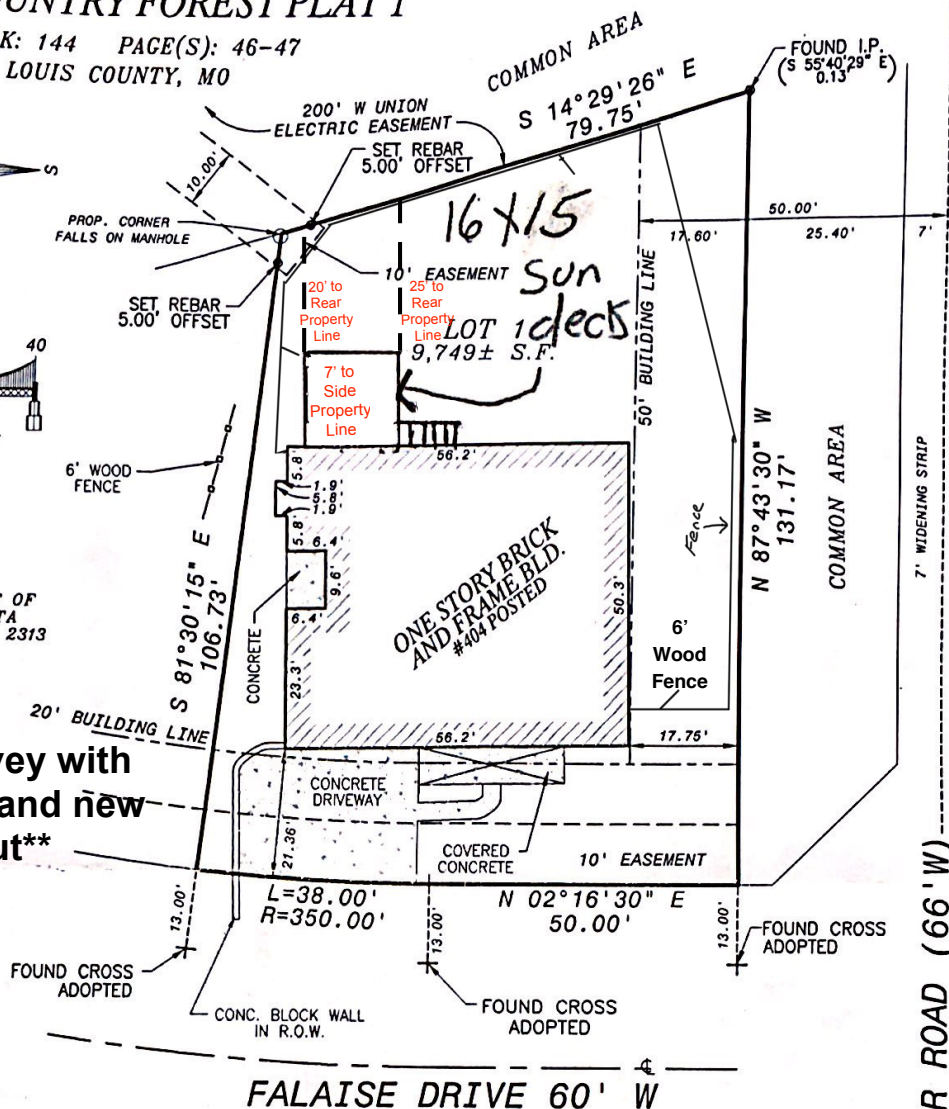
PLAT BOOK: 144 PAGE(S): 46-47  
ST. LOUIS COUNTY, MO



LOT 2  
PROPERTY N/F OF  
LODHOLZ, RITA  
D.B. 09395, PG. 2313

**\*\*Updated survey with  
fence included and new  
deck layout\*\***

|           |
|-----------|
| 1"=0.08'  |
| 2"=0.16'  |
| 3"=0.25'  |
| 4"=0.33'  |
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(agent) Lee C. Ferrenbach III  
General Manager



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|            |              |             |
|------------|--------------|-------------|
| DRAFTER:   | REVIEWED BY: | FIELD CREW: |
| MSC        | LCF          | KAT/KTC     |
| DATE:      | DRAWING NO:  | PROJECT NO: |
| 10/12/2020 | 01           | 70104       |

SHEET  
1  
OF 1

Attachment: Deck Plans (21-404 404 Falaize)

**AERIAL PHOTO:**



### City Limits

## Parcels

**404 Falaise Dr. - See common ground  
to rear of property line.**

May 3, 2021



Prepared By

HORN &amp; SHIPMAN

**Attachment: Deck Plans (21-404 404 Falaise)**

**A** page 2  
 INDENTURE AND DECLARATION OF COVENANTS, CONDITIONS AND  
 RESTRICTIONS OF COUNTRY FOREST  
 '72 Jun 29"  
 WHEREAS, grantor has recorded the plat of Country Forest, Plat 1, on this 29<sup>th</sup>  
 day of June, 1972, as Daily No. 122 in the St. Louis Country Recorder's Office,  
 which is a subdivision of a portion of the above described property, and Grantor  
 contemplates that the remainder of the aforesaid 78.68 acres of the above  
 described land will also be subdivided and that a plat or plats thereof will be  
 recorded in the St. Louis county Recorder's Office pursuant to and in conformity  
 with the aforesaid Ordinance; and ...

**B** page 6 of  
 INDENTURE AND DECLARATION OF COVENANTS, CONDITIONS AND  
 RESTRICTIONS OF COUNTRY FOREST  
 '72 Jun 29"  
 III  
TRUSTEES' DUTIES AND POWERS  
 Grantor hereby invests Trustees and their successors with the following  
 rights, powers and authorities:  
 1) To acquire and hold the common land hereinabove described and  
 conveyed to Trustees by separate instrument on even date herewith, which said  
 common land in set forth and shown on the plat of Country Forest, all in  
 accordance with the pursuant to the ordinances of the City of Creve Coeur and in  
 accordance with and subject to the provisions of this instrument, and to deal  
 with any common lands so acquired under the provisions hereinafter set forth.  
 .  
 .  
 .  
 3) To exercise control over the common land shown on said plats; pay real  
 estate taxes and assessments on said common land out of the general assessment  
 herein provided; to maintain and improve same with shrubbery, vegetation,  
 decorations, buildings, recreational facilities of any kind or description, other  
 structures and any and all other types of facilities in the interest of health,  
 welfare, safety, morals, recreation, entertainment, education and general use of  
 the owners of lots in Country Forest Subdivision, all in conformity with  
 applicable laws; to prescribe by reasonable rules and regulations the terms and  
 conditions of the use of common land, all for the benefit and use of the owners of  
 the lots in Country Forest Subdivision and according to the discretion of the  
 Trustees.

**Country Forest Indentures regarding "Side Set Back" of 6ft -  
Country Forest Indentures approved by Creve Coeur in 1972.**

5, 11) To establish and fix minimum standards and sizes of structures and improvements which may be erected on said lot as the Trustees deem necessary and desirable in order to maintain an appropriate and high character of the buildings, structures and improvements to be erected on said lots.

Six (6) foot side yard lines shall be allowed for side yard purposes.

- 9 -

BOOK 6595 PAGE 1989

On the side opposite the six foot side yard line, there must be either a minimum of six (6) feet of unobstructed side yard or a minimum of fifteen (15) feet of common ground or pedestrian easement. In the latter case there may be less than a six foot side yard line.

Attachment: Deck Plans (21-404 404 Falaise)



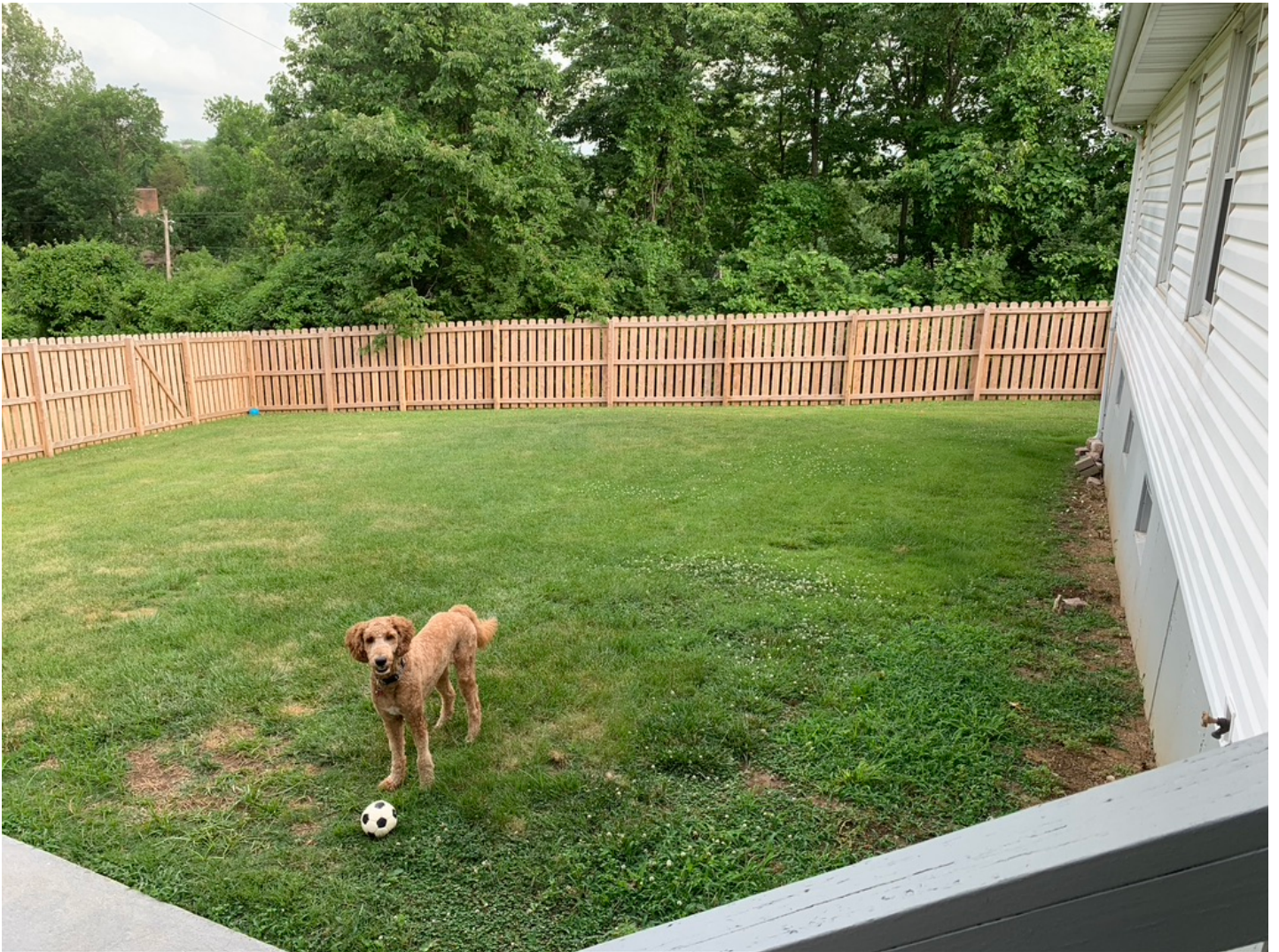
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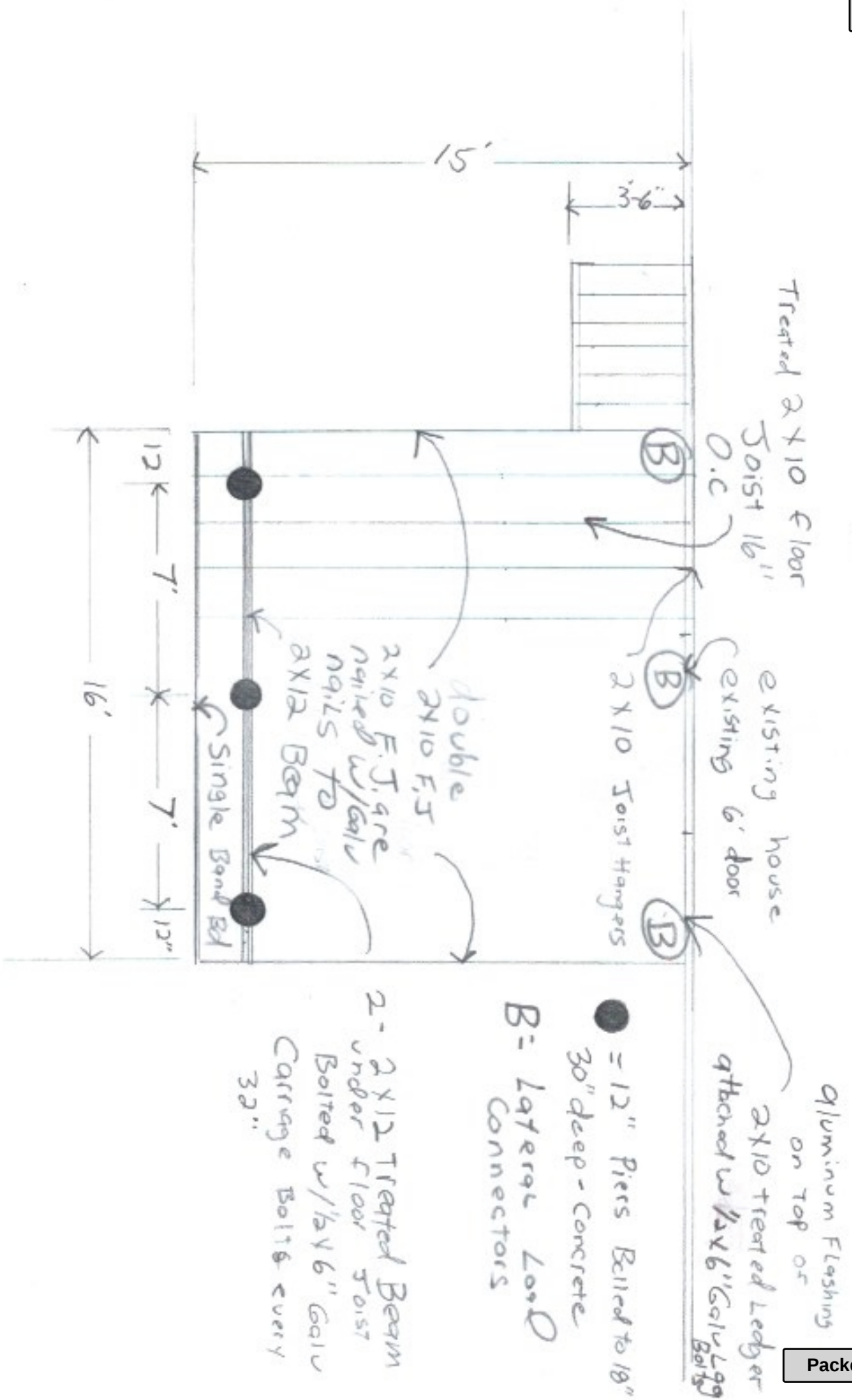
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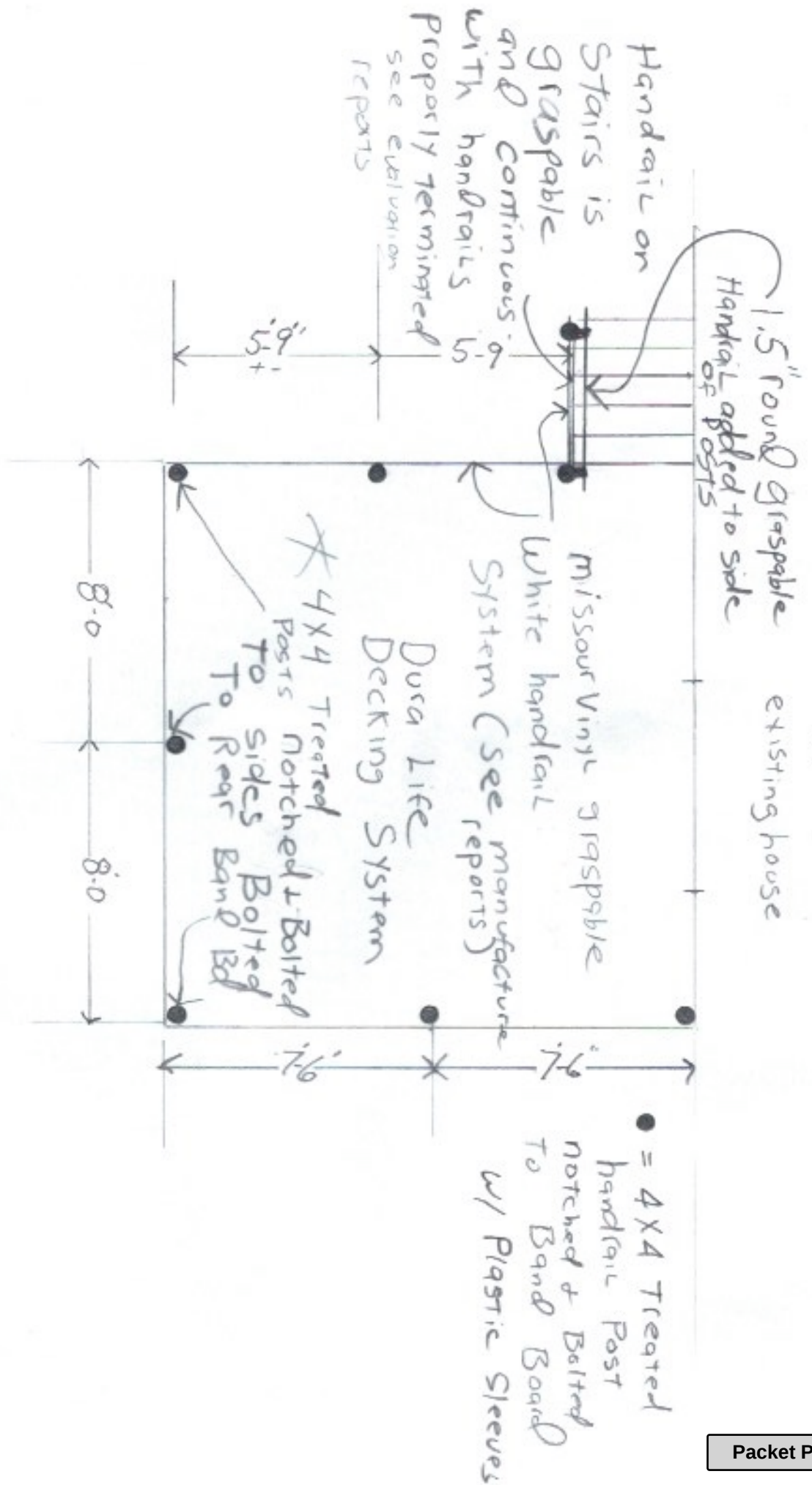


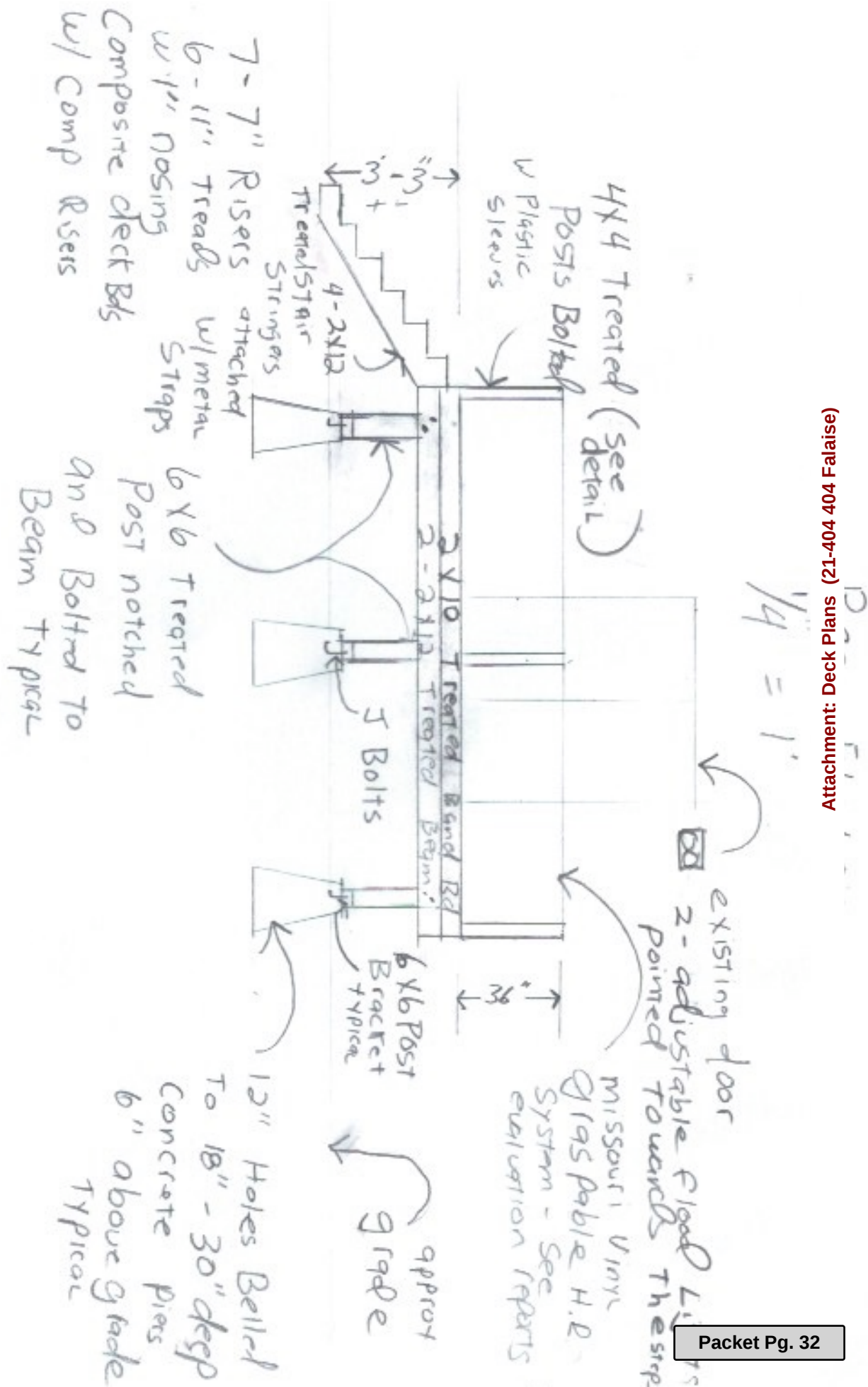
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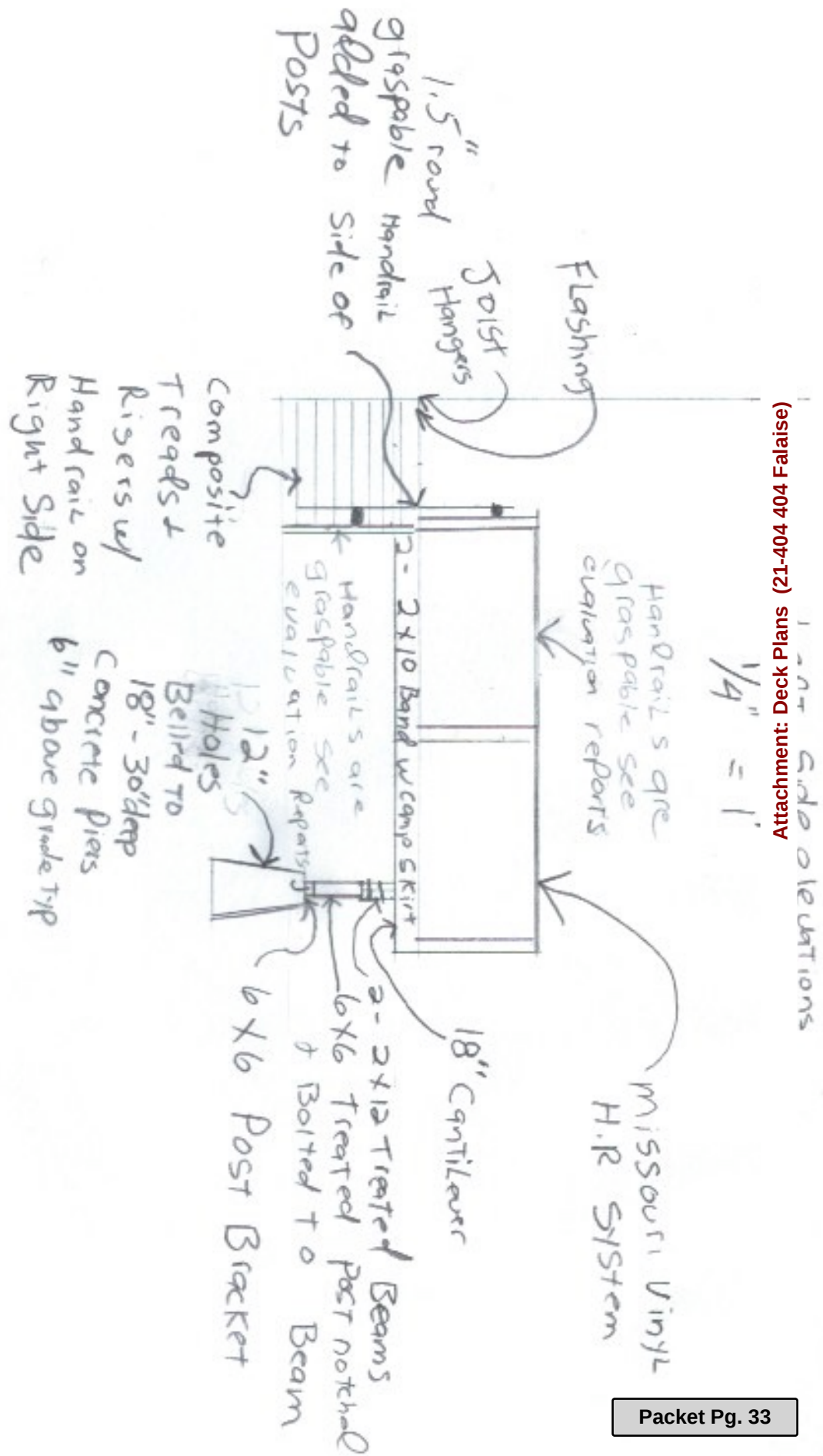


Attachment: Deck Plans (21-404 404 Falaise)





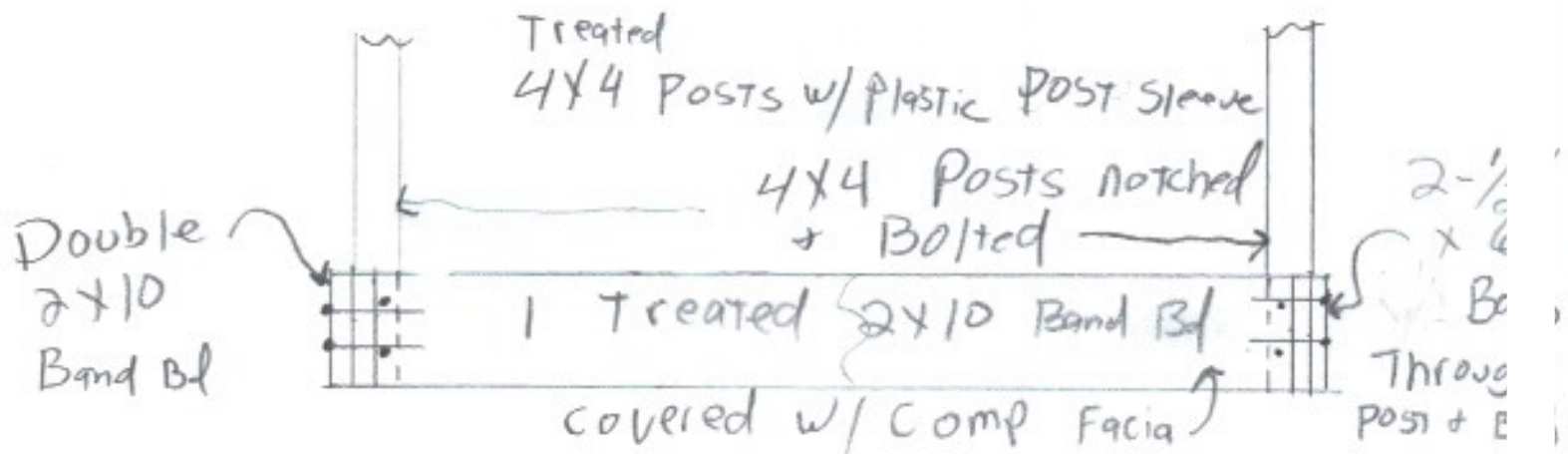
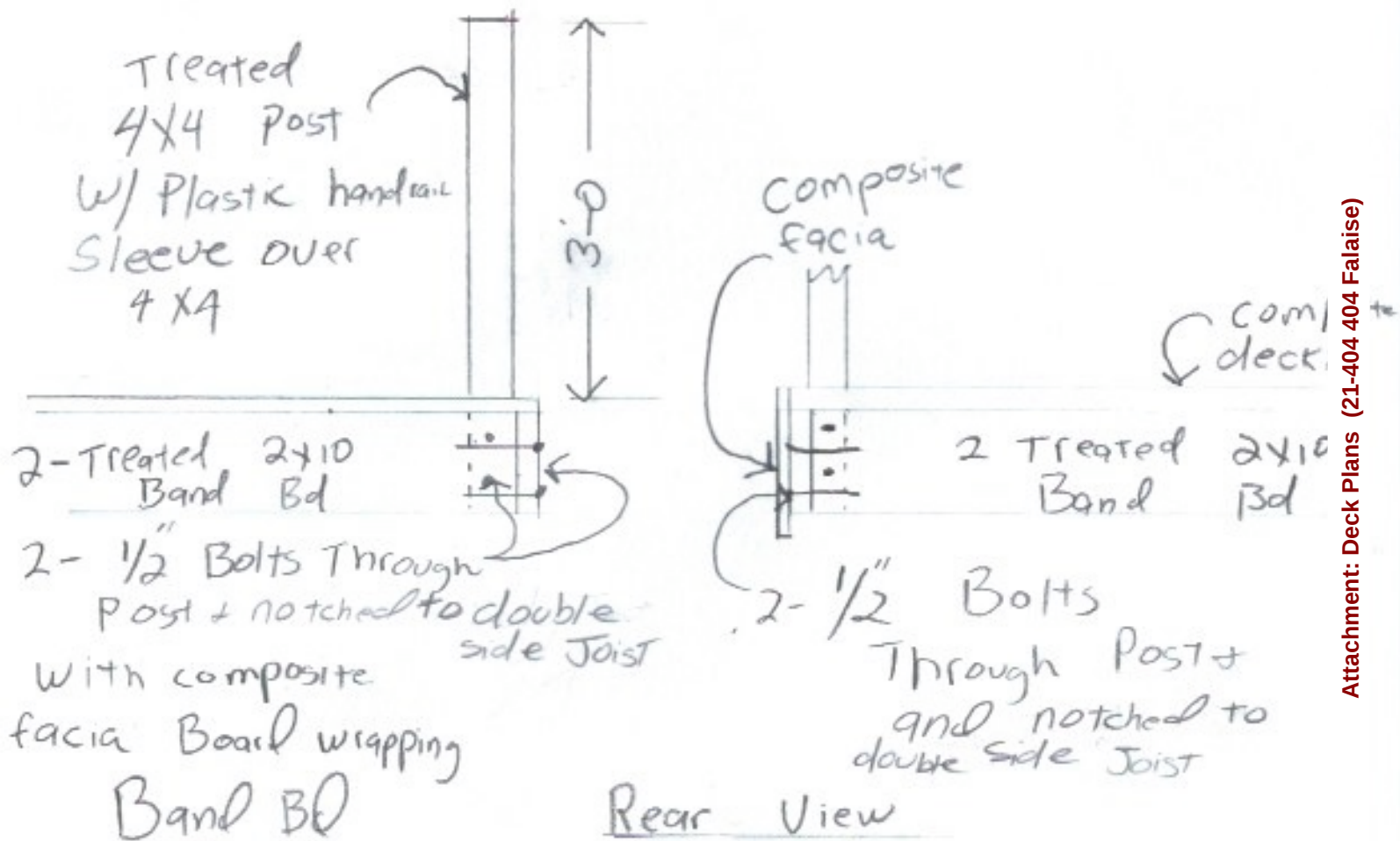


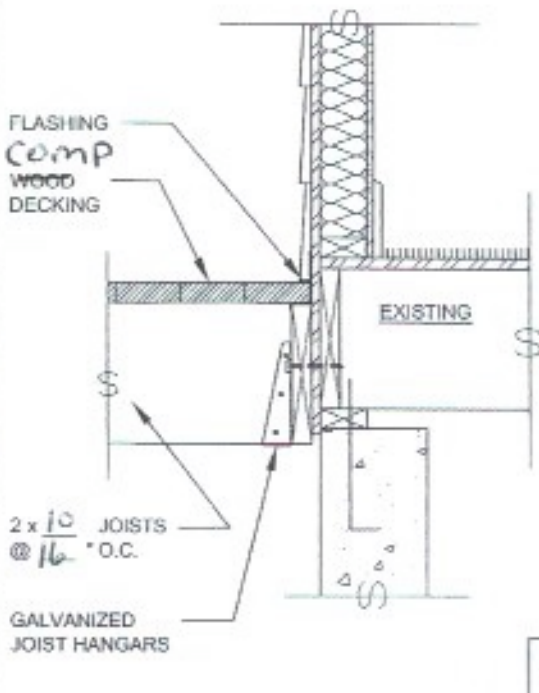
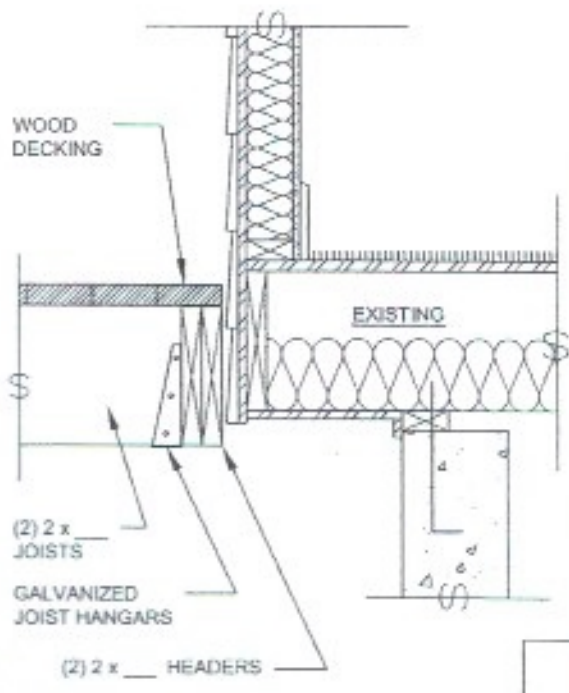


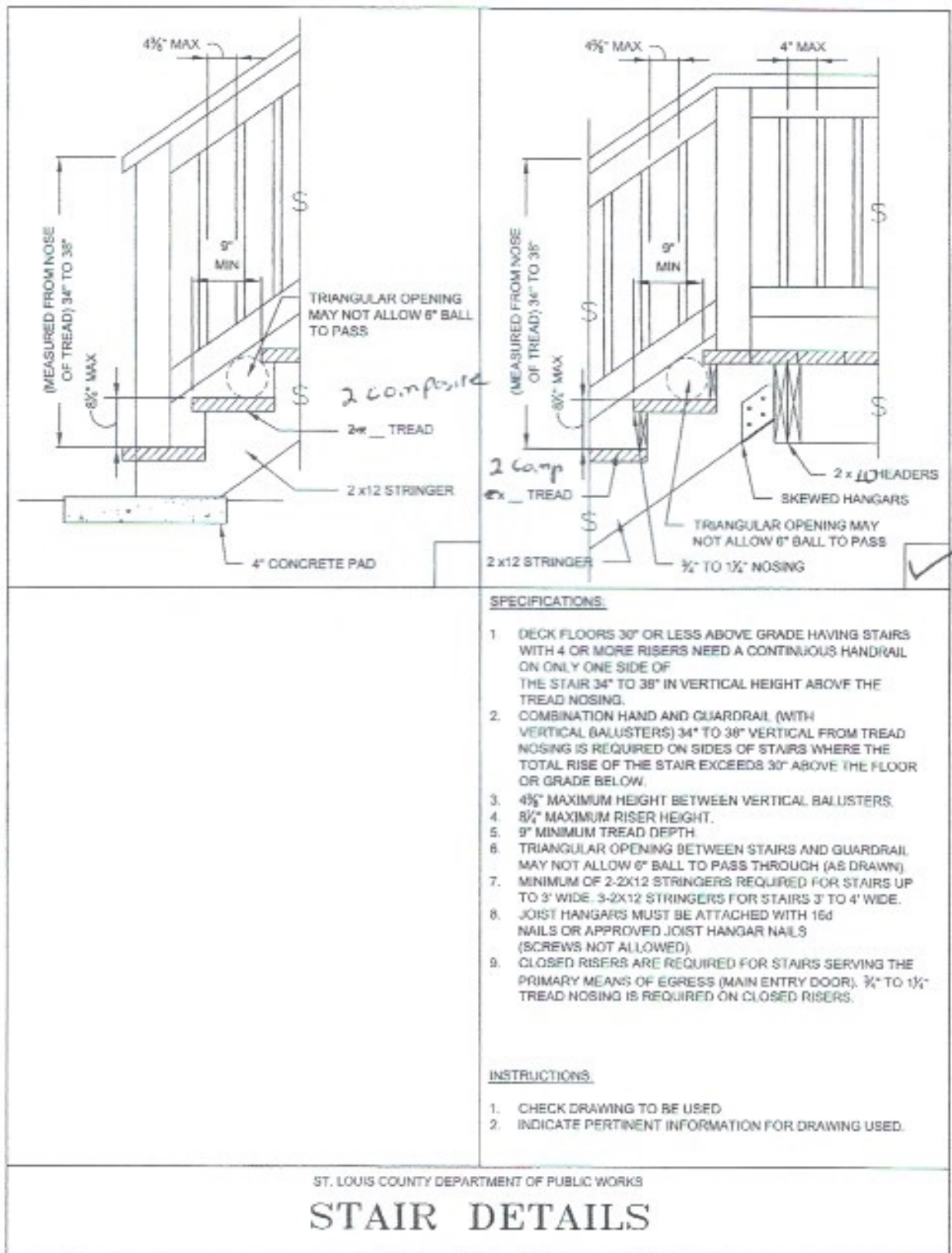
# #6 Detail of how 4x4 guard rail

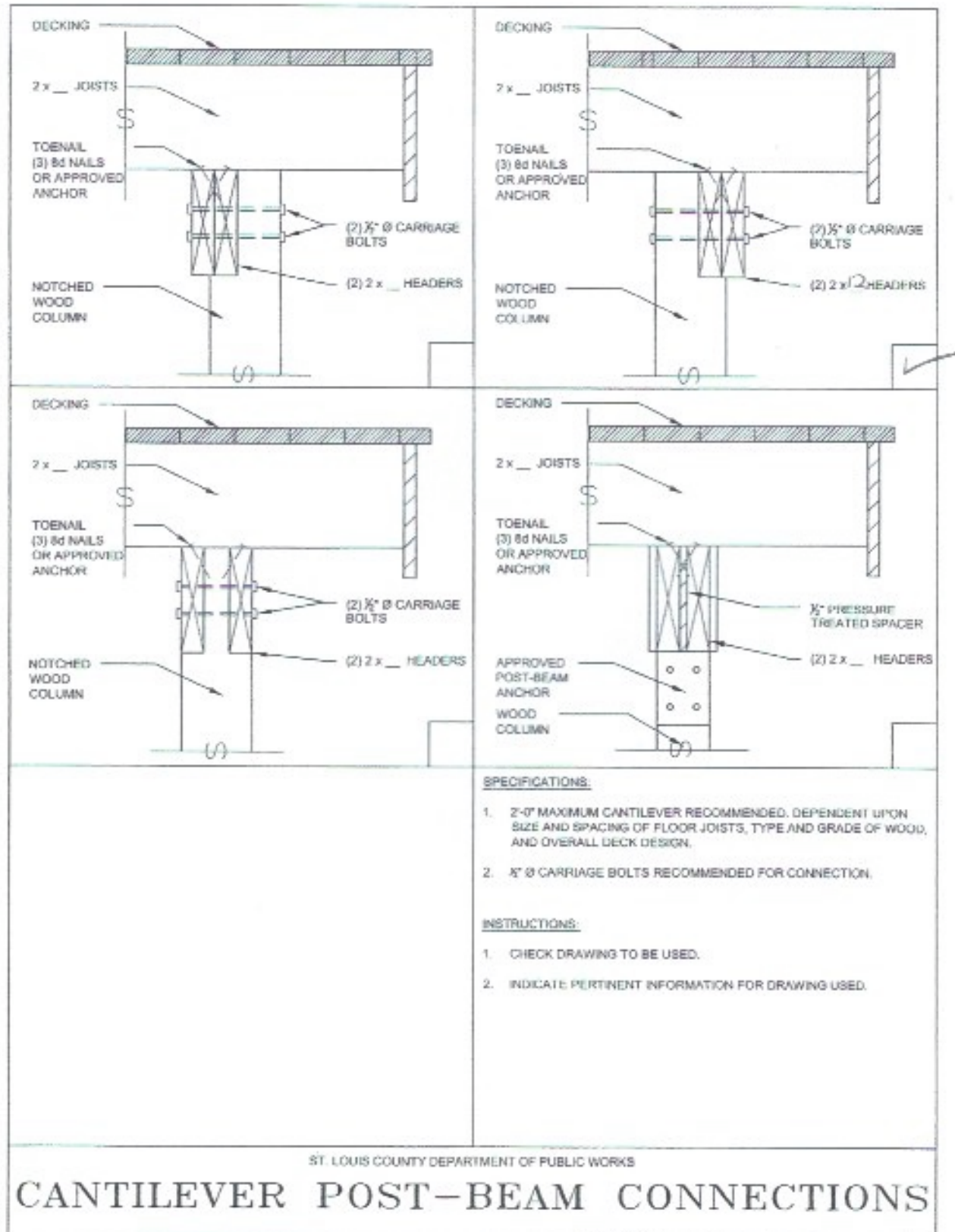
Posts are attached to deck  
 $3/4" = 1"$

Side view



|                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p>FLASHING<br/>WOOD<br/>DECKING</p> <p>EXISTING</p> <p>2 x 10 JOISTS<br/>@ 16" O.C.</p> <p>GALVANIZED<br/>JOIST HANGARS</p> <p>✓</p> |  <p>WOOD<br/>DECKING</p> <p>EXISTING</p> <p>(2) 2 x JOISTS</p> <p>GALVANIZED<br/>JOIST HANGARS</p> <p>(2) 2 x HEADERS</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                                                                                                                                         | <p><u>SPECIFICATIONS:</u></p> <ol style="list-style-type: none"> <li>1. MUST FRAME AROUND ANY EXISTING OVERHANGS (I.E. BAY WINDOWS). NOTE: SOME DESIGNS REQUIRE ADDITIONAL POST/PIER SUPPORTS.</li> <li>2. TOP OF WOOD DECKING SHOULD BE 1" BELOW FINISH FLOOR LEVEL.</li> <li>3. FLASHING IS REQUIRED.</li> <li>4. INDICATE TYPE, SIZE, AND SPACING OF FLOOR JOISTS ON FOUNDATION/ FRAMING PLAN.</li> <li>5. JOIST HANGARS MUST BE ATTACHED WITH 16d NAILS OR APPROVED JOIST HANGAR NAILS (SCREWS NOT ALLOWED).</li> <li>6. IF LEDGER IS TO BE ATTACHED TO CONCRETE OR MASONRY, PROVIDE DETAIL OF ATTACHMENT.</li> </ol> <p><u>INSTRUCTIONS:</u></p> <ol style="list-style-type: none"> <li>1. CHECK DRAWING TO BE USED.</li> <li>2. INDICATE PERTINENT INFORMATION OF DRAWING USED.</li> </ol> |
| <p>ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS</p> <h2 style="text-align: center;">DECK-HOUSE CONNECTIONS</h2>                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |







300 North New Ballas Road • Creve Coeur, Missouri 63141  
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966  
www.creve-coeur.org

**APPLICATION TO THE BOARD OF ADJUSTMENT  
VARIANCE REQUEST FOR THE PROPERTY AT 12381 COUNTRY GLEN  
LANE TO ALLOW FOR THE REPLACEMENT OF THE DECK THAT  
ENCROACHES TO 22 FEET FROM THE REAR-YARD WHERE THE  
REQUIRED REAR YARD SETBACK IS 30 FEET AND TO 7 FEET FROM THE  
SIDE YARD**

**WHERE THE REQUIRED SIDE YARD IS 12 FEET**

**FOR THE MEETING OF:** August 19, 2021

**SUBJECT PROPERTY LOCATION:** 12381 Country Glen Lane., Zoned B-RDD  
Single Family Residential, with Residential Designed Development Designation

**REQUEST:** C.J. Moss, of Chesterfield Fence and Deck, on behalf of the homeowners, James and Rachel Graham, has submitted an application for a new deck, to replace the existing deck that will be torn down at 12381 Country Glen Ln, to encroach into the rear yard to 22 feet from the rear property line and seven feet from the side yard. The property is 80 feet wide, and therefore has a 12 foot side yard. 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.

**ADDITIONAL INFORMATION:** The subject property is within the Country Forest Subdivision, zoned B-RDD, where unless otherwise noted on the subdivision plat the standards fall back to the underlying B zoning district, per Section 405.450(C)(1)(c) of the Residential Designed Development Procedure. The subdivision plat does not indicate a reduced rear yard and B Zoning District has a rear yard setback of thirty (30) feet, per Section 405.260(E)(4)(e) and a side yard setback of Fifteen (15) feet or fifteen percent (15%) of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot, per Section 405.260(E)(4)(c). Additionally, Section 405.630(A)(5) provides that a deck, whether elevated or at ground level, may project up to five (5) feet into a required rear yard.

**Key Issues:**

- Degree of variance
- Impact to neighborhood
- Property versus owner hardship

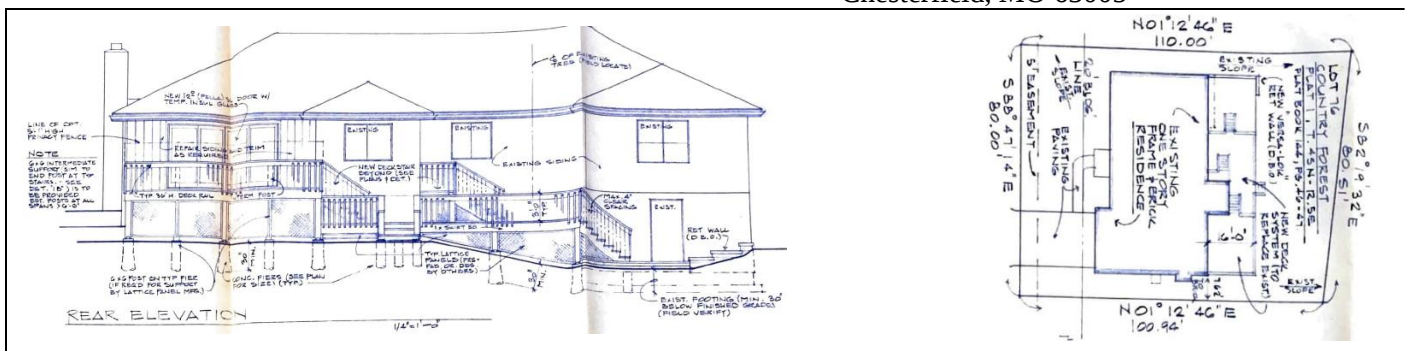
**Zoning Code References**

- Section 405.260 B Single Family Residential
- Section 405.450(C) Residential Designed Development Procedure.
- 405.610 Non-conformities
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals

**APPLICANT:** James and Rachel Graham  
12381 Country Glen Lane  
Creve Coeur, MO 63141

**APPLICANTS  
REPRESENTATIVE:**

C. J. Moss  
Chesterfield Fence and Deck  
620 Spirit Valley East Dr.  
Chesterfield, MO 63005



**REPORT PREPARED BY:** Jason Jaggi, AICP, Director of Community Development

**DATE:** 8/13/2021

**ATTACHMENTS:** Applicant's Materials submitted

**BASIS FOR APPEAL AND STATED HARDSHIP**

The subject property is located in the Country Forest Subdivision which was established in 1972, and was zoned B Single Family Residential, with Residential Designed Development (RDD) Designation. Section 405.450(C) Residential Designed Development Procedure provides 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 of the Residential Designed Development 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 the B District.

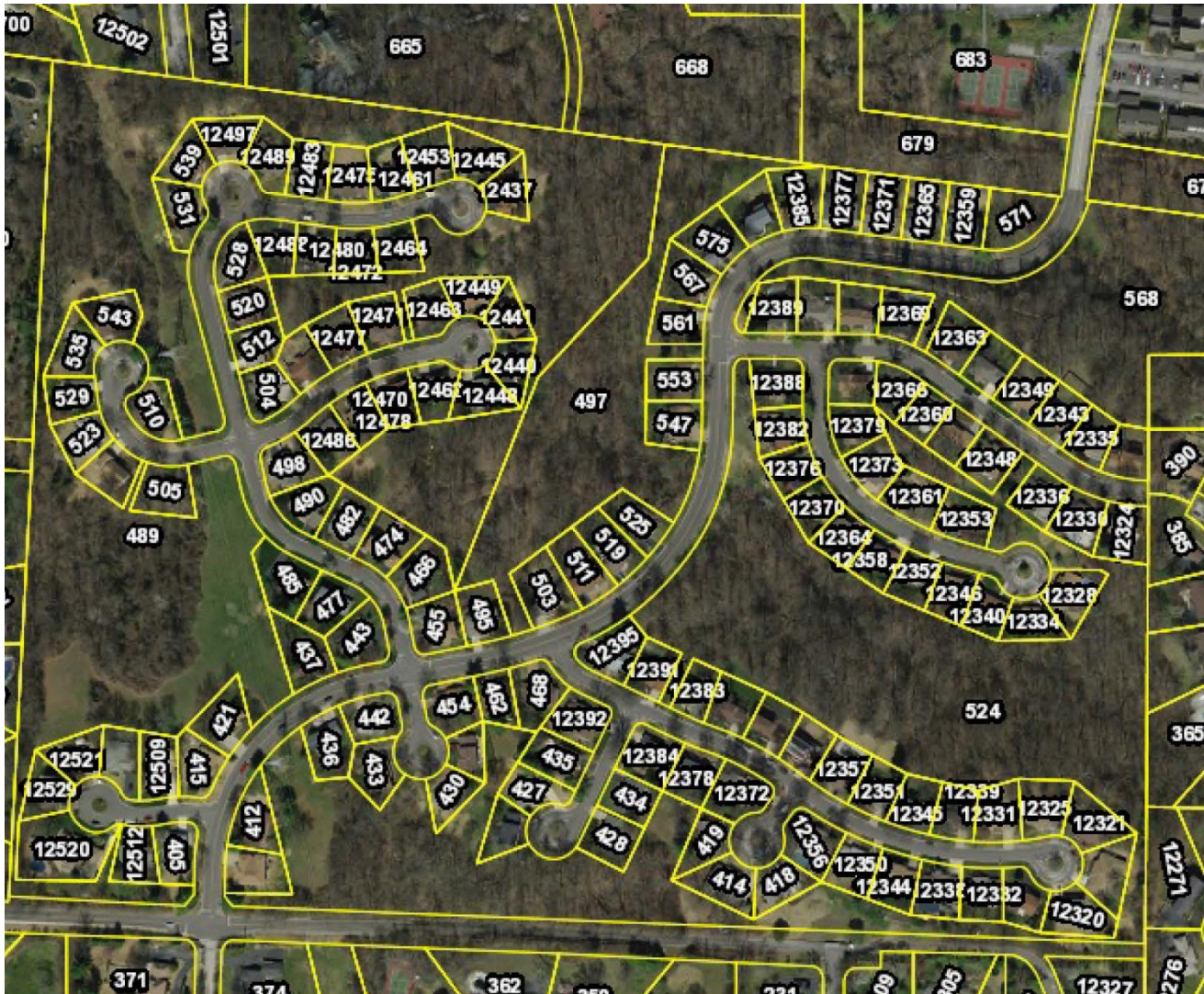


Figure 1: City's GIS Image of the Country Forest Subdivision

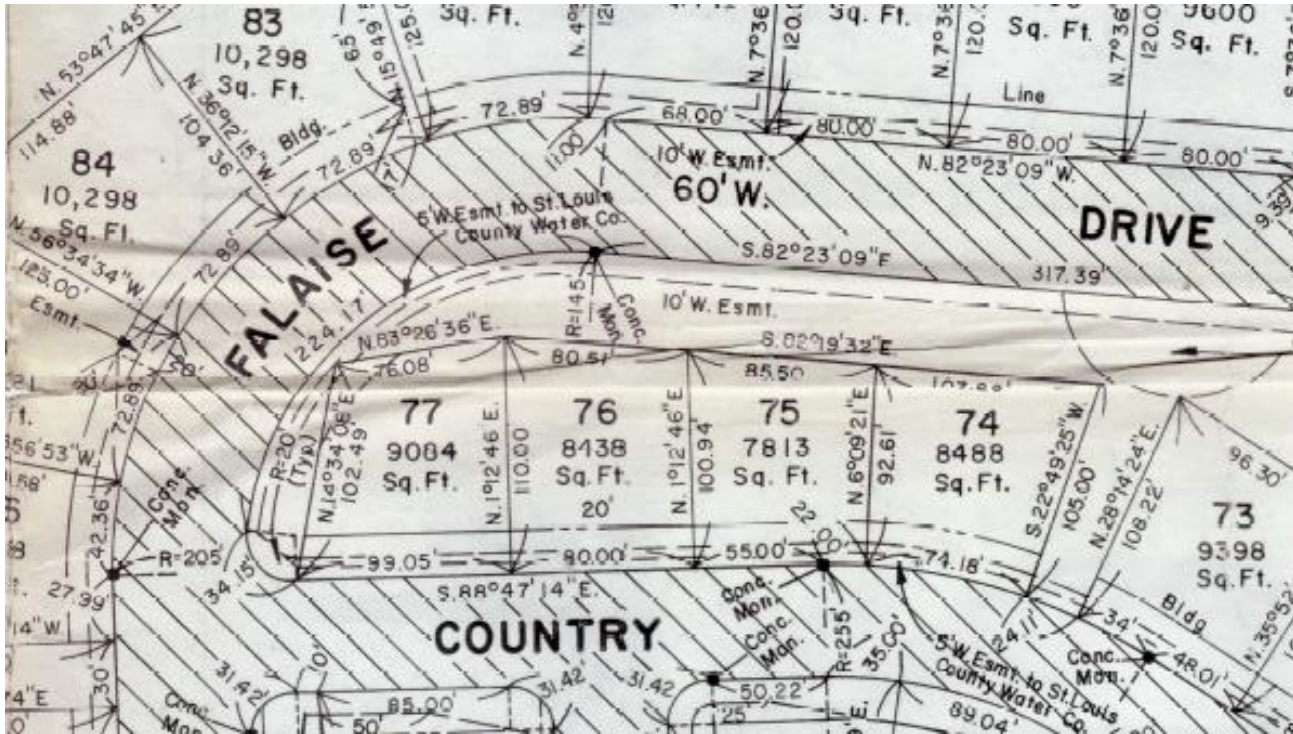


Figure 2: Close-up of the Country Forest Plat 1 Subdivision. The Subject property is Lot 76.



Figure 3: GIS Image of the property

The B Zoning District has a 45 foot front yard, and a side yard of 15 feet or 15% of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot, per Section 405.260(E)(4)(c). and a rear yard of 30 feet, with lot size greater than twenty thousand (20,000) square feet and less than one (1) acre. The subject property for this request is 80 feet wide, and therefore has a 12 foot side yard.

The Subdivision Plat only shows a 20-foot front yard for this property. Common ground is located behind the property adjacent to Falaise Drive. The subdivision indentures state: "a minimum six (6) foot of unobstructed side yard or a minimum of fifteen (15) feet of common ground or pedestrian easement. In the latter case there may be less than a six foot side yard line." The rear yard is not addressed in either case. Additionally, the City does not enforce subdivision indentures. Therefore, any side-yard regulations fall to the zoning district regulation. Due to the lack of documentation for the entire subdivision and inconsistencies with administering regulations in the area, building permits were issued for the existing deck, and the Applicant is seeking to tear down and replace with a new deck within the same footprint.

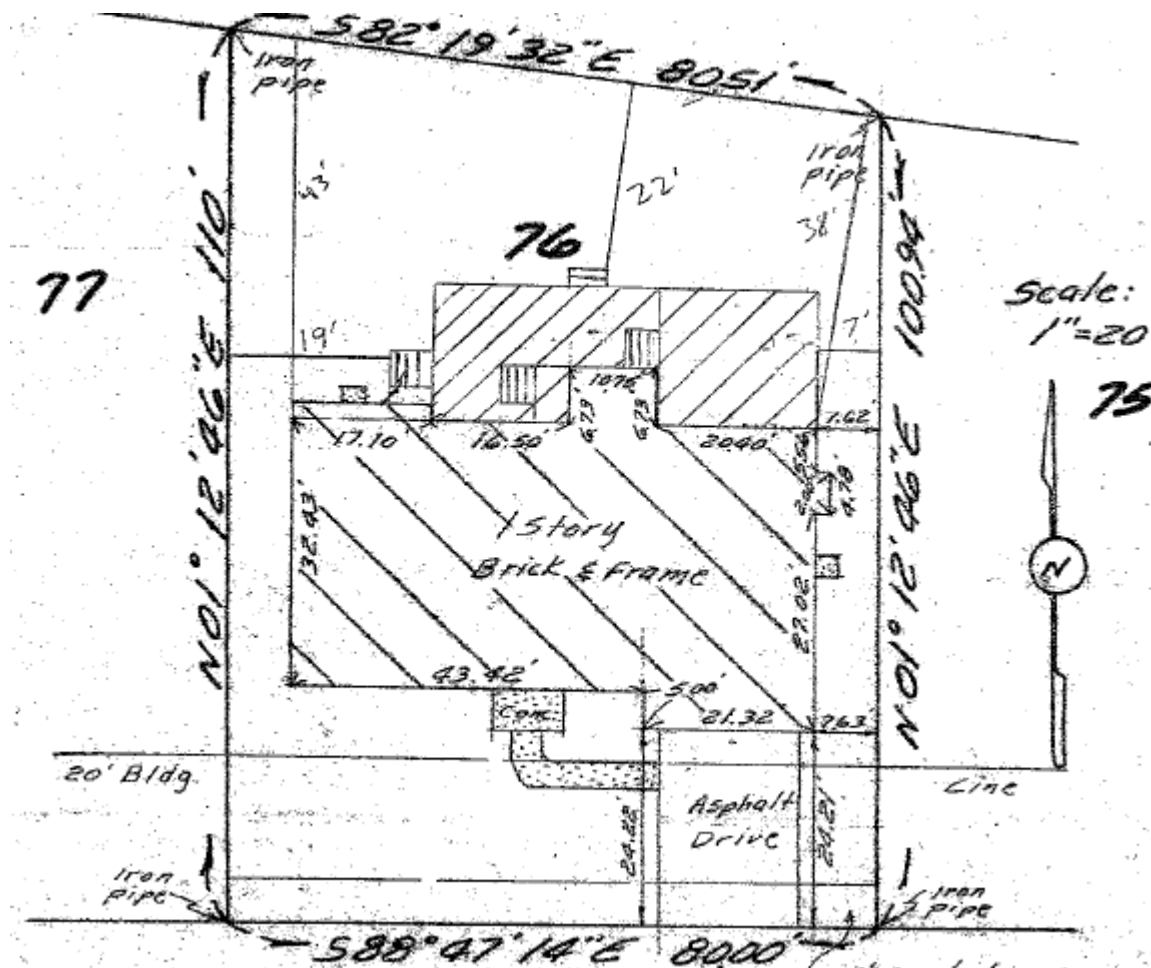


Figure 2: Close-up of the Applicant's Site Plan showing the

Due to the prevailing condition throughout the neighborhood, a long-range effort to amend the ordinance for the subdivision to provide modified setback for all properties could be considered. Staff has encouraged the Trustees to petition the City to modify the original ordinance to address the setback and site coverage issues throughout the subdivision, instead of relying on homeowners to seek out individual variances. Recent variances for decks in the subdivision include 430 Meadow Green in 2018 and at 433 Meadow Green in May 2021. This Application and that of 404 Falaise Drive will be the third and fourth requests in 3 years, which suggests the setback requirements are a common issue for many properties within the Subdivision.

The subject lot is approximately 8,438 square feet and the adjacent lots are similarly sized. The existing house was built in 1974. Due to the lack of documentation regarding the approval of the subdivision, many of the homes in Country Forest have similar issues where the existing decks encroach into the rear yard setback. This home sits 38 feet from the rear yard at its closest point, with the 47.5 foot wide deck encroaching into the setback at 22 feet from the rear property line and 7 feet from the side property line. To comply with the regulations for both the rear and side-yard setbacks the deck would need to be designed to be placed no closer than 12 feet from the side property line and be placed no closer than 25- feet from the rear property line. However, the applicants are requesting approval for the replacement deck to be in the same location as existing, which has been in place for many years.

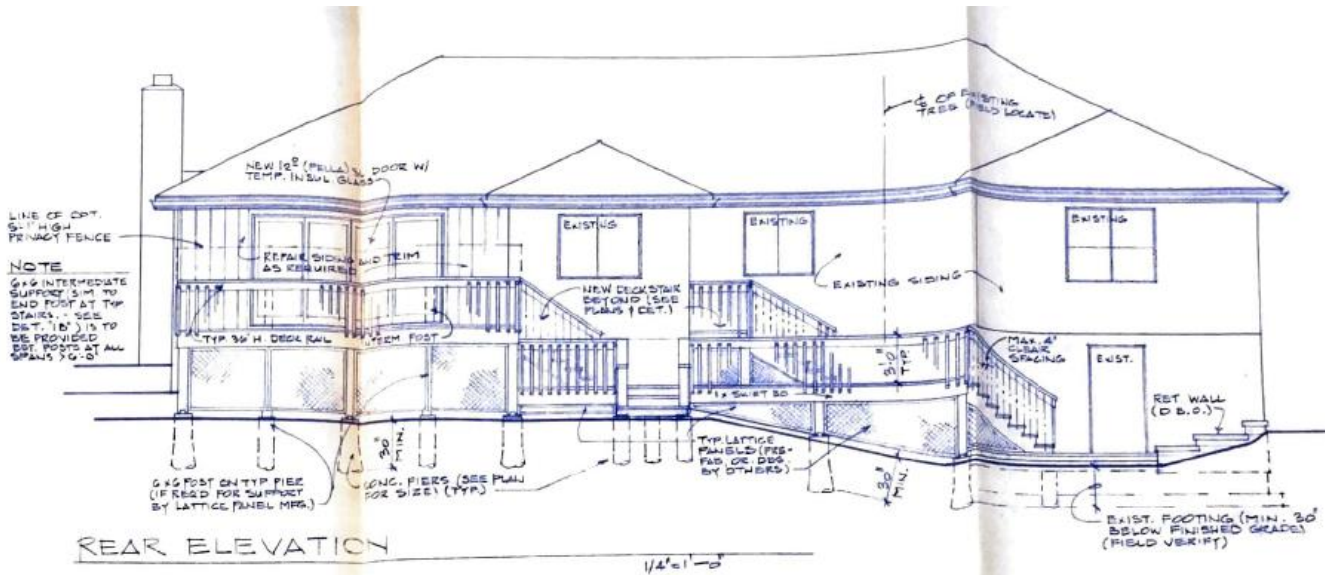


Figure 3: Close-up of the prior approved west elevation of the existing deck that the Applicants are seeking to replace.

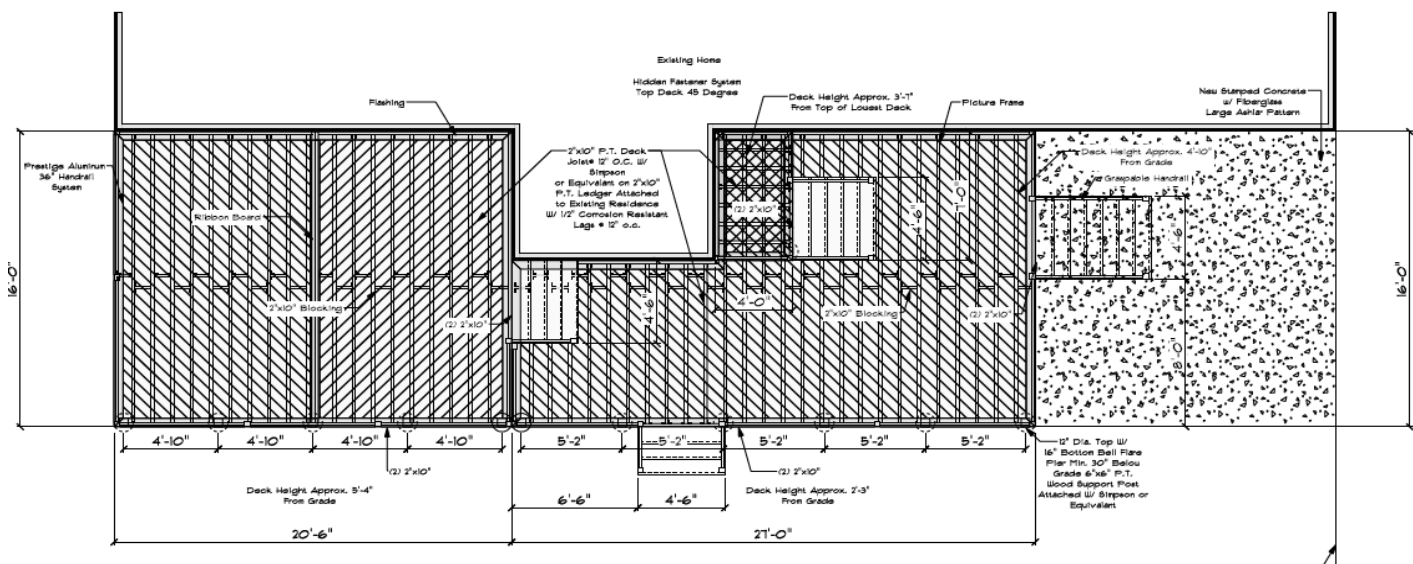


Figure 3: Close-up of the proposed overhead view of the deck.

Section 405.630(A)(5) of Yard Regulations provides that a deck, whether elevated or at ground level, may project up to five (5) feet into a required rear yard. Additionally, Section 405.610(E) Non-Conformities within Setback Lines states that:

*Section 405.610 Non-Conformities*

*D. Non-Conformities Within Setback Lines. In addition to the provisions of Section 405.240 regulating setbacks, the following regulations shall apply to those non-conformities located within prescribed setback lines from the rights-of-way of public or approved private streets and highways.*

- 1. Projection of existing structures into required setbacks. 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.*

The Applicant is seeking a variance to allow for a new deck within the setbacks within the same dimensions as the existing deck, that would be 22 feet from the rear property line, where an unenclosed deck may only project up to 5 feet into the 30 foot setback, thus 25 feet from the rear property line, and 7 feet from the side property line on the east where the required setback is 12 feet.

#### LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

| DIRECTION | USE                                   | ZONED                                                                                 | SEPARATED BY                           |
|-----------|---------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------|
| North     | Common Ground                         | B-RDD, B Single Family Residential, with Residential Designed Development Designation | NA                                     |
| South     | Residence, Country Forest Subdivision | B-RDD, B Single Family Residential, with Residential Designed Development Designation | Country Glen Lane and Oak Hollow Drive |
| East      | Residence, Country Forest Subdivision | B-RDD, B Single Family Residential, with Residential Designed Development Designation | NA                                     |
| West      | Residence, Country Forest Subdivision | B-RDD, B Single Family Residential, with Residential Designed Development Designation | NA                                     |

#### 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 discussed above, the house and lot in question are not unique in size or configuration for this subdivision, as many of the homes in the Country Forest Subdivision were built at the same time. However, the lack of documentation on the setbacks within the Country Forest Subdivision approval and the reliance on the subdivision indentures has resulted in a number of homes in the area with existing decks that are non-conforming, and where any structural alterations have required variances in recent years. This property is less than half the B District Standards at 8,438 square feet, where the existing home was built at the standard for the subdivision with regard to side-yard setbacks, but does appear to meet with the district regulations for the rear yard. The Applicants are seeking to replace the existing deck with a new deck with the same dimensions that the City has allowed in the past.

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

The Applicant had no say in the placement of the home on the lot. However it is the Applicant's decision to pursue a new deck that does not meet the setback requirements. The placement of the deck appears to be

consistent with other similar structures in the Country Forest Subdivision, and as noted previously, the lack of documentation for the subdivision has created a unique hardship for many in the area compared to homeowners in other subdivisions.

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

Given that the request does not extend the existing rear deck, it is unlikely that the average viewer will perceive a negative impact arising from a sense that the deck and/or the front porch is too close to the public common ground compared to those around it due to the limited nature of the encroachment. Further, if the members of the Board believe that the aesthetic qualities of the additions are in keeping with the rest of the house, and the neighborhood in general, it is likely that allowing the alteration will not have an adverse effect on the adjacent properties, as many of the homes have decks that are so similarly situated as can be seen in the GIS image as shown on the last page of this report.

**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;**

It is fairly debatable if redesigning the deck to meet with the rear yard setback, or maintaining the existing patio area would represent severe practical difficulty or extreme hardship given that the Applicant had use of the property and home for many years. The question before the Board, under this criterion, is whether or not the inability to update a feature of one's house, without a variance, 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.**

Certainly, the City has enjoyed the benefits of significant private investments in the existing housing stock; much of it made possible by the large lots that afford most houses plenty of "room to grow." In many prior applications, the root of the problem is that the house does not have "room to grow" because either the lot is non-conforming for size and/or the house was built to a setback standard that does not conform to City zoning. In essence, the latter condition is the basis of the request. The home was built in 1974 as allowed by the City with the approval of the subdivision in 1972. However, with the approval, no documentation was provided regulating the placement of the structure or determining a rear yard setback. The side yard was provided within the subdivision indentures, but the City does not enforce such documents, as they are private agreements, and not approved by the City's legislative body. The rules applied to the Residential Designed Development standards more clearly provide the requirements for such standards and where they must be placed on the subdivision plat. As with many homes in the Country Forest Subdivision, any meaningful improvement is likely to require a variance until the Subdivision Trustees are willing to seek to modify the ordinance for the subdivision and codify the side-yard and rear-yard setback.

**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 lot and subdivision were approved in 1972 with reduced size in consideration of maintenance of the large common ground areas. While the house meets with the rear-yard setback, the home was placed within the side yard, similar to many of the homes in the area, and as such are not easily improved without a variance. Given the history of the subdivision, and lack of documented standards regarding the rear yard setback, and the allowance of a reduced side yard setback where adjacent to common ground, could represent an “exceptional circumstance” for this property.

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

The proposed deck is remaining within the same footprint as the existing deck and therefore will not result in the diversion of additional stormwater that would adversely affect adjacent property.

**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 front-yard setback would be:

“I move to approve a variance allowing for a new elevated deck at 12381 Country Glen Lane to encroach into the rear yard to 22 feet from the rear property line and to seven (7) feet from the side yard, where the required rear yard setback is 30 feet, and where a deck may project up to five (5) feet into the rear yard, and the side yard of 12 feet for the B-RDD Single Family Residential, 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 rear-yard and the side-yard setback will cause severe practical difficulty and extreme hardship for the property owner represented in the application;
5. The proposed addition 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 the lot size within the B-RDD Single-Family Residential zoning district, the strict application of the setback 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 each 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 12381 Country Glen

Lane based upon the testimony received and the deliberations of the Board on this application, as decided on August 19, 2021.”

---

**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



City Limits

Parcels

July 15, 2021



Prepared By

HORNER SHIFRIN

Attachment: 12381 Country Glen Ln BOA Staff Report-August 19 (21-12381 12381 Country Glen Variance)

**APPENDIX 4: SITE PHOTOGRAPHS**

Photo Dates: 8/13/2021



Description: Front view of the existing house along Country Glen Lane.



Description: View of the rear yard and common ground as viewed from Falaise Drive showing the existing deck in the background.

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**

| <b>Applicant:</b>                                         | <b>Applicant's Representative (if applicable):</b>            |
|-----------------------------------------------------------|---------------------------------------------------------------|
| <b>Name</b><br>James and Rachel Graham                    | <b>Name</b><br>C. J. Moss                                     |
| <b>Company (If Applicable)</b><br>12381 Country Glen Lane | <b>Company (If Applicable)</b><br>Chesterfield Fence and Deck |
| <b>Address</b><br>Address                                 | <b>Address</b><br>620 Spirit Valley East Dr.                  |
| <b>Address</b><br>Address                                 | <b>Address</b><br>Address                                     |
| <b>Telephone #</b> 314-878-9815                           | <b>Telephone #</b> 636-532-4054                               |
| <b>Fax #</b>                                              | <b>Fax #</b>                                                  |
| <b>Email:</b> jcgrah@charter.net                          | <b>Email:</b> cjmoss@chesterfieldfence.com                    |

**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, 8/19, 2021.

|                                |                                                              |
|--------------------------------|--------------------------------------------------------------|
| _____<br>Applicant's Signature | _____<br>C.J. Moss<br>Applicant's Representative's Signature |
| _____<br>Date                  | _____<br>7/14/2021<br>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

Jason Jaggi, AICP, Director of Community Development  
 Whitney Kelly, AICP, City Planner  
 Jessica Stutte, Administrative Assistant (872-2501)

Updated 12/2020

**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):

Deck replacement

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

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

NA

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

NA

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

NA

- Current uses and structures on the property:

The current deck is being removed and replaced with a new deck that is in the same size and location

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

The setback line essentially cuts in half the usable area shown on the survey. The existing deck has been there since at least the late 90's, so the line cuts this deck in half.

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?

No, but it does limit the usable area of the property a little bit.

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

The existing deck has been on the property for 25+ years. The new deck will be in the same location and the same size. Nothing is really changing except there will be a new deck and it will be in nicer condition.

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.

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.

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

None.

9. Zoning district in which the property is located: NH

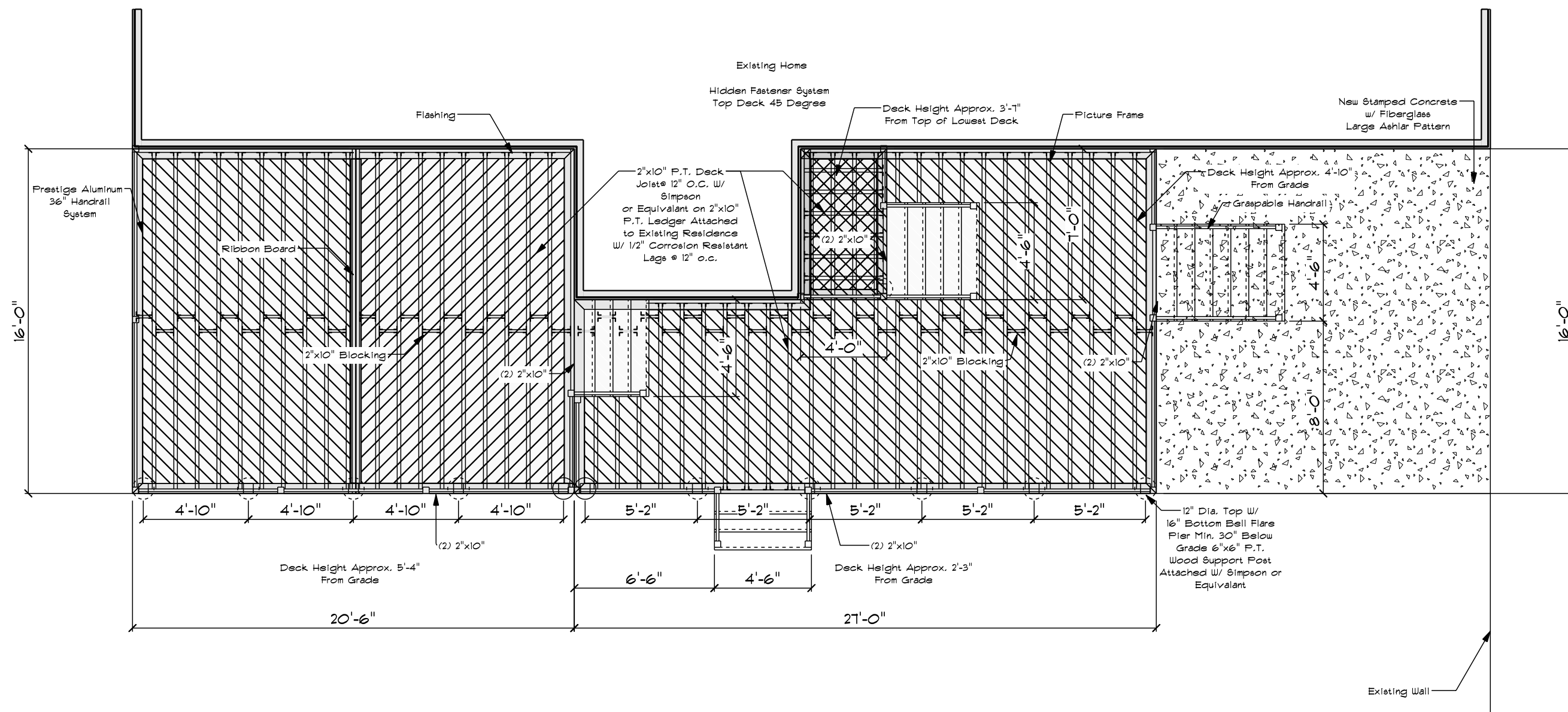
10. Size of the lot (total square feet or acres): Approx. 8437.6 sq. ft.

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

Blueprints for the current deck that is being replaced are included.



## Deck Layout



**CHESTERFIELD**  
FENCE & DECK  
"The Sign You Have The Very Best!"

**CHESTERFIELD**  
SUNROOMS  
by Chesterfield Fence & Deck

PAGE: 1/5  
Deck Layout

## Chesterfield Fence & Deck

620 Spirit Valley East Dr.  
Chesterfield MO 63005  
PHONE: 636-532-4054  
FAX: 636-532-8011  
CELL: 636-591-5488  
cjmoss@chesterfieldence.com

**James & Rachel Graham**  
12381 Country Glen Ln.  
Creve Coeur MO 63141  
PHONE: 314-878-9815  
jcgraham@charter.net

CONSULTANT: Keith Uhrig

---

DRAWN BY: C.J. Moss

---

DATE: 7/14/2021

Plans Not Designed  
by a Licensed Architect

| <u>All Measurements Dimensions &amp; Elevations<br/>Are Approximate And Are Subject To<br/>Change Due To Field Verification Of Such</u> |            | Job Specific Notes:<br>MCA # 1 P.T. KDAT Lumber For Framing<br>Stairs Will Be Adjusted On Site<br>Haul away tearout & job debris |              |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------|
| Material:                                                                                                                               | Size:      | Qty:                                                                                                                             | Color:       | Remarks                                                     |
| Concrete Piers:                                                                                                                         |            |                                                                                                                                  |              |                                                             |
| Bottom Belled                                                                                                                           | See Plan   | Per Plan                                                                                                                         |              | 30" Below Grade                                             |
| Cylindar                                                                                                                                | 12" Dia.   | Per Plan                                                                                                                         |              | Min. 6" Above Grade                                         |
| Treated Lumber Sub Deck                                                                                                                 |            |                                                                                                                                  |              |                                                             |
| Joist                                                                                                                                   | 2"x10"     | Per Plan                                                                                                                         |              | #1 P.T. KDAT @ 16" O.C. Att. W/ Simpson or Equivalent       |
| Ledger Board                                                                                                                            | 2"x10"     | Per Plan                                                                                                                         |              | P.T. W/ 1/2" Lag Screws or Equivalent @ 15" O.C.            |
| Beams                                                                                                                                   | (2) 2"x10" | Per Plan                                                                                                                         |              | P.T. W/ Simpson Hangers or Equivalent                       |
| Support post                                                                                                                            | 6"x6"      | As Needed                                                                                                                        |              | P.T. W/ Simpson Post Base or Equivalent                     |
| Stair Stringer                                                                                                                          | 2"x12"     | AS Needed                                                                                                                        |              | P.T. @ 12" O.C. Attached W/ Simpson Or Equivalent           |
| Deck Material:                                                                                                                          |            |                                                                                                                                  |              |                                                             |
| Top Deck                                                                                                                                | 1"x6"      | Per Plan                                                                                                                         | Espresso     | Veka Top Deck (CCRR-0137 Pg. 1 Sec. 5.0) Parallel to Home   |
| Picture Frame                                                                                                                           | 1"x6"      | Per Plan                                                                                                                         | Espresso     | Picture Frame Deck Border                                   |
| Top Deck Fasteners                                                                                                                      |            | As Needed                                                                                                                        |              | Hidden Fastener System                                      |
| Fascia                                                                                                                                  | 1/2"x12"   | Per Plan                                                                                                                         | Espresso     | Wrapped W/ Veka Band Board Only, 1" Space, Extend to Ground |
| Stair Treads                                                                                                                            | 10" Min.   | Per Plan                                                                                                                         | Espresso     | Veka Treads                                                 |
| Covered Risers                                                                                                                          | Closed     | Per Plan                                                                                                                         | Espresso     | Veka Risers Max Rise 7-3/4"                                 |
| Handrail                                                                                                                                | 36" High   | Per Plan                                                                                                                         | Cocoa Bronze | Prestige Aluminum                                           |
| Graspable Handrail                                                                                                                      |            | Per Plan                                                                                                                         | Cocoa Bronze | Prestige Aluminum                                           |
| Handrail Post                                                                                                                           | 4"x4"      | Per Plan                                                                                                                         | Cocoa Bronze | Prestige Aluminum                                           |
| Handrail Post Cap                                                                                                                       | 4"x4"      | Per Plan                                                                                                                         | Cocoa Bronze | Prestige Aluminum, Flat                                     |
| Balusters                                                                                                                               | 3/4"       | As Needed                                                                                                                        | Cocoa Bronze | Prestige Aluminum, Square                                   |

PROJECT: 52447

Chesterfield Fence & Deck

620 Spirit Valley East Dr.  
Chesterfield MO 63005  
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cjmoss@chesterfieldfence.com



PAGE: 2/5

Veka Spec Sheet

CONSULTANT: Keith Uhrig

DRAWN BY: C.J. Moss

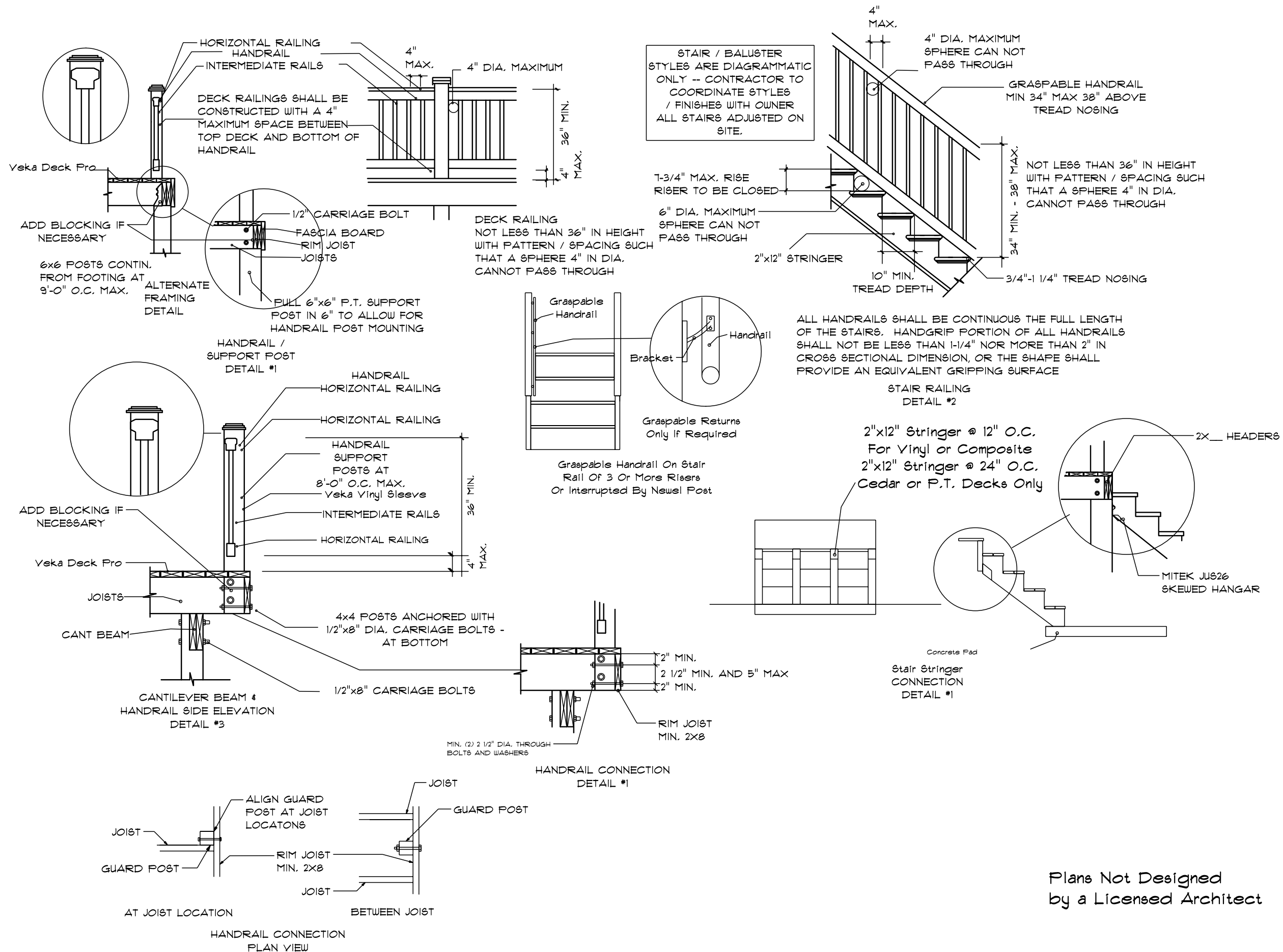
DATE: 7/14/2021

James & Rachel Graham

12381 Country Glen Ln.  
Creve Coeur MO 63141  
PHONE: 314-878-9815  
jograh@charter.net

Attachment: Applicant Materials Combined (21-12381 12381 Country Glen Variance)

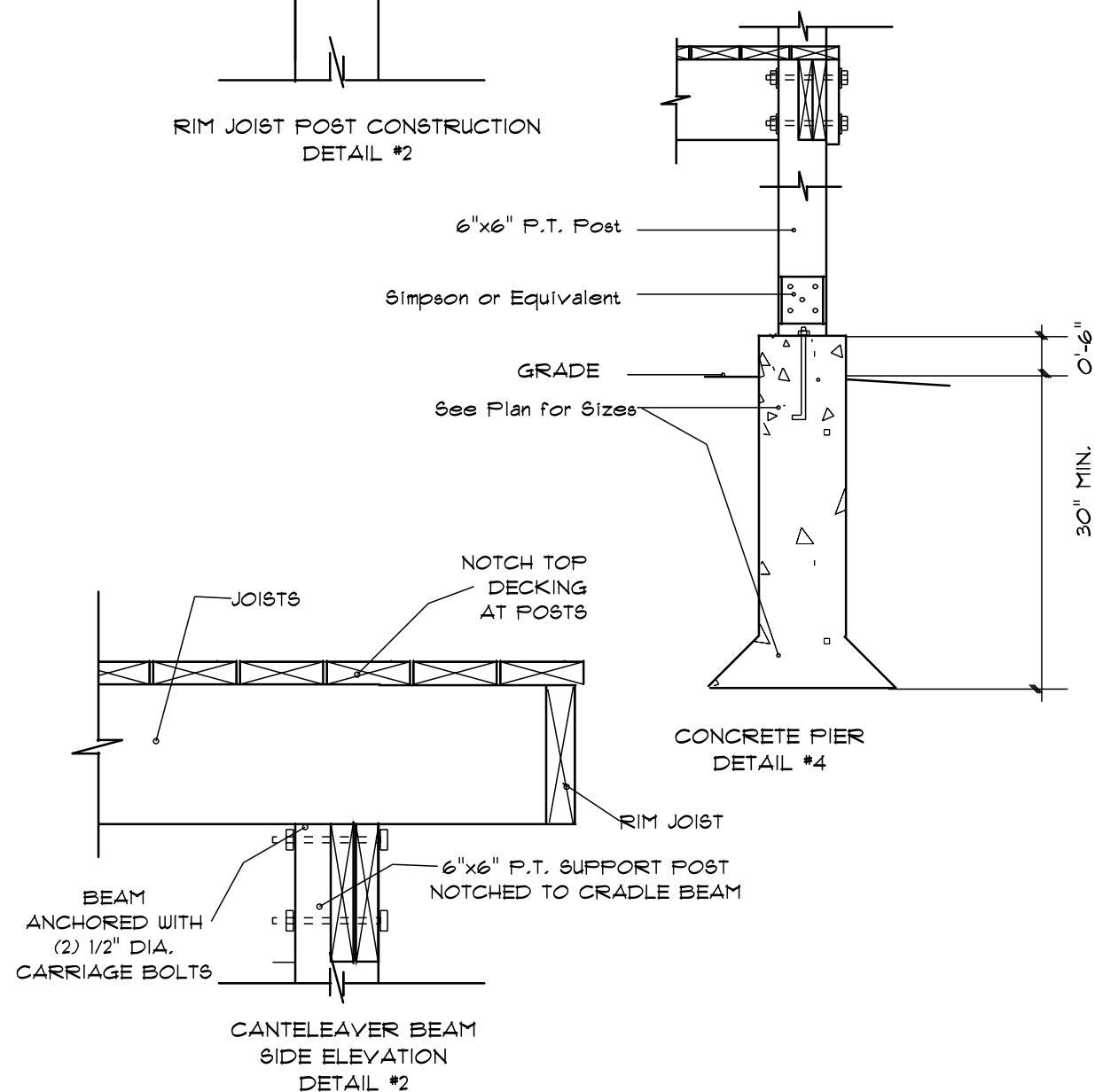
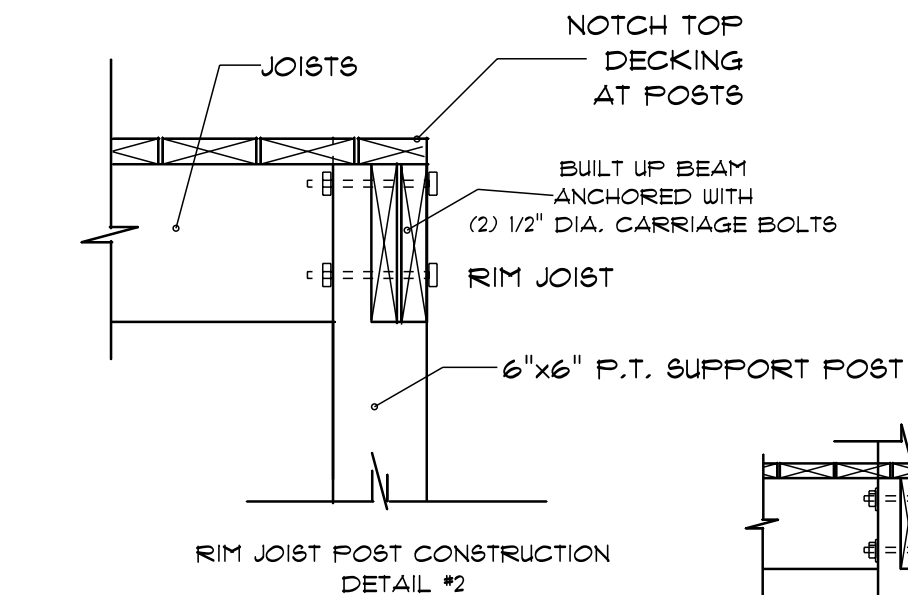
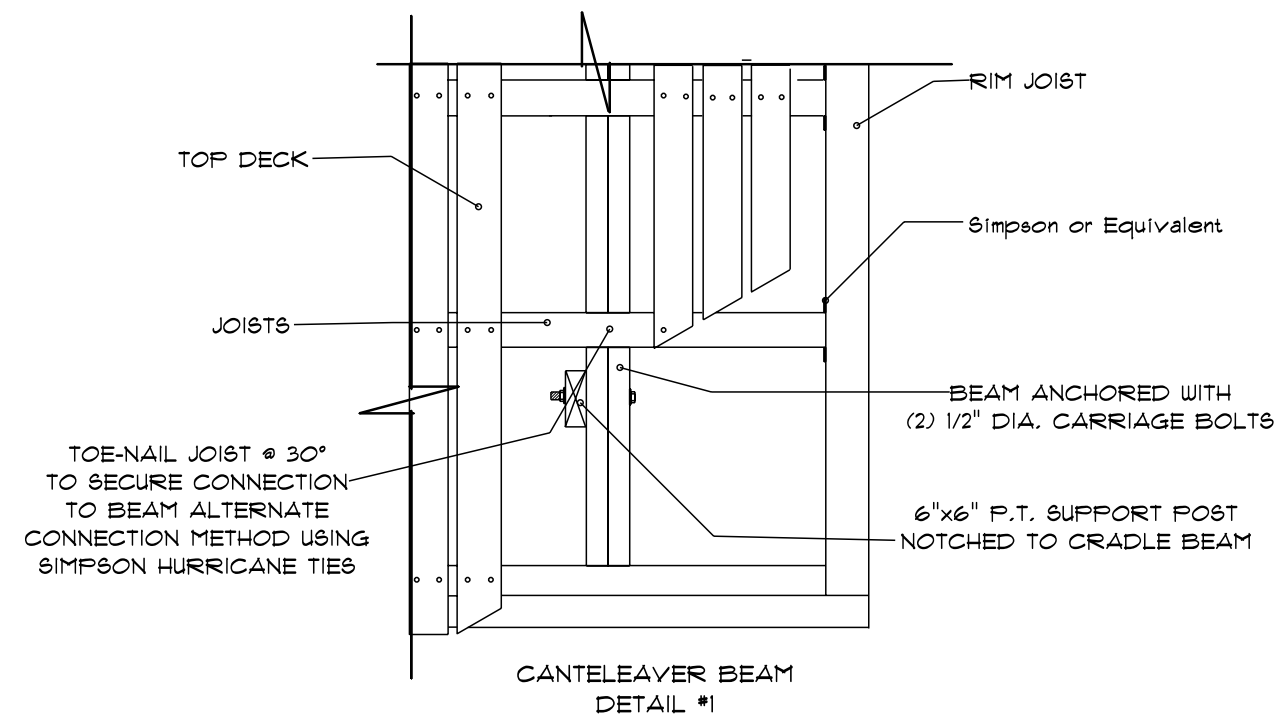
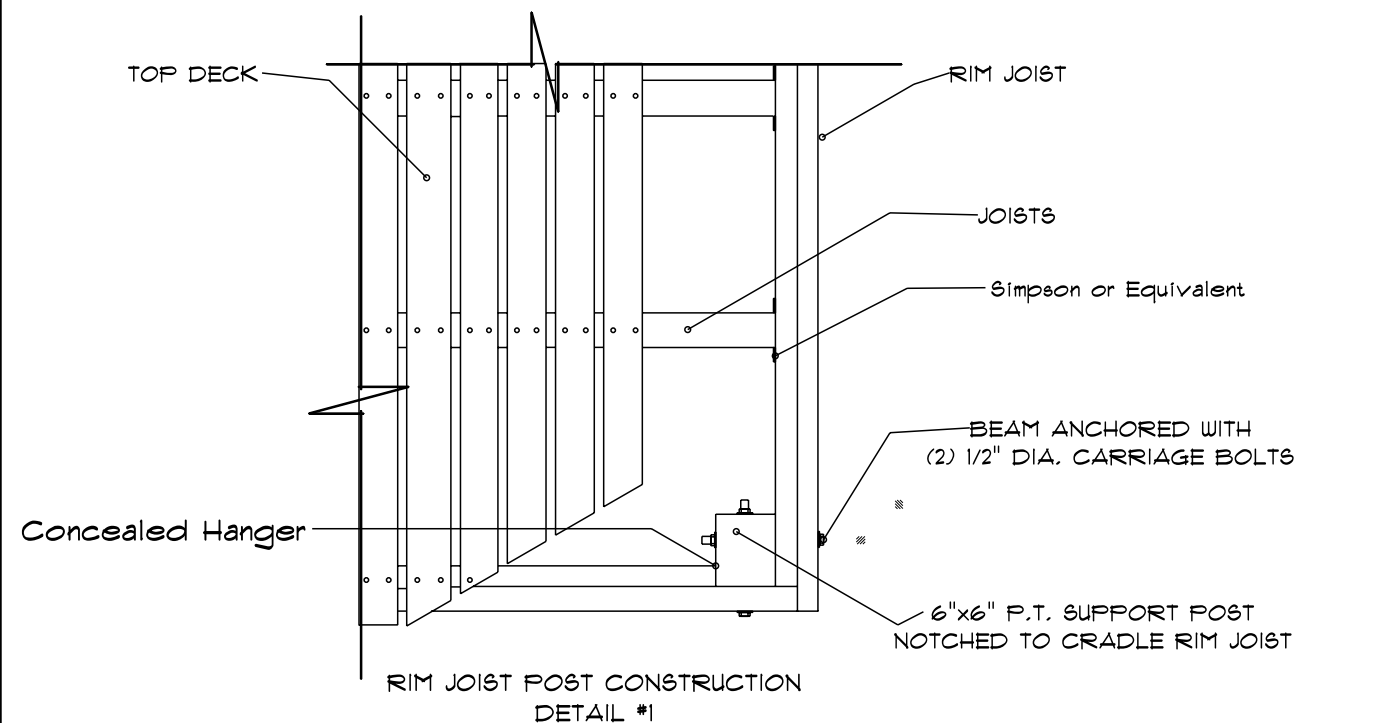
Packet Pg. 55



Plans Not Designed  
by a Licensed Architect

|                                                                                                                                                                                                                       |                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>CHESTERFIELD</b><br>FENCE & DECK<br>"The Sign You Have The Very Best"                                                                                                                                              | <b>PAGE:</b> 3/5<br>Veka Rail Detail                                                                                         |
|                                                                                                                                                                                                                       | <b>James &amp; Rachel Graham</b><br>12381 Country Glen Ln.<br>Creve Coeur MO 63141<br>PHONE: 314-878-9815<br>jcg@charter.net |
| <b>CHESTERFIELD</b><br>FENCE & DECK<br>"The Sign You Have The Very Best"                                                                                                                                              | <b>CONSULTANT:</b> Keith Uhrig<br><b>DRAWN BY:</b> C.J. Moss<br><b>DATE:</b> 7/14/2021                                       |
| <b>PROJECT:</b> 52447<br><b>Chesterfield Fence &amp; Deck</b><br>620 Spirit Valley East Dr.<br>Chesterfield MO 63005<br>PHONE: 636-532-4054<br>FAX: 636-532-8011<br>CELL: 636-591-5488<br>cjmos@chesterfieldfence.com |                                                                                                                              |

Plans Not Designed  
by a Licensed Architect



PAGE: 4/5



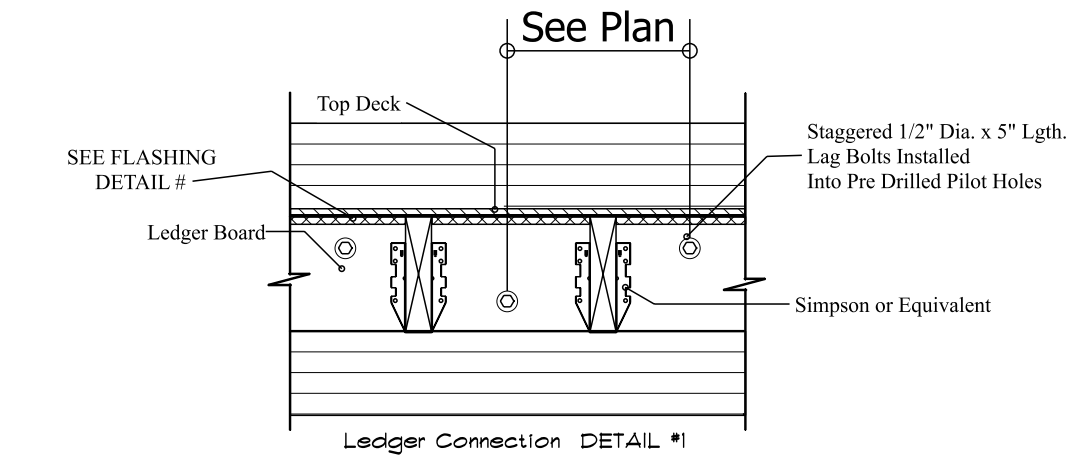
PROJECT: 52447

## Chesterfield Fence & Deck

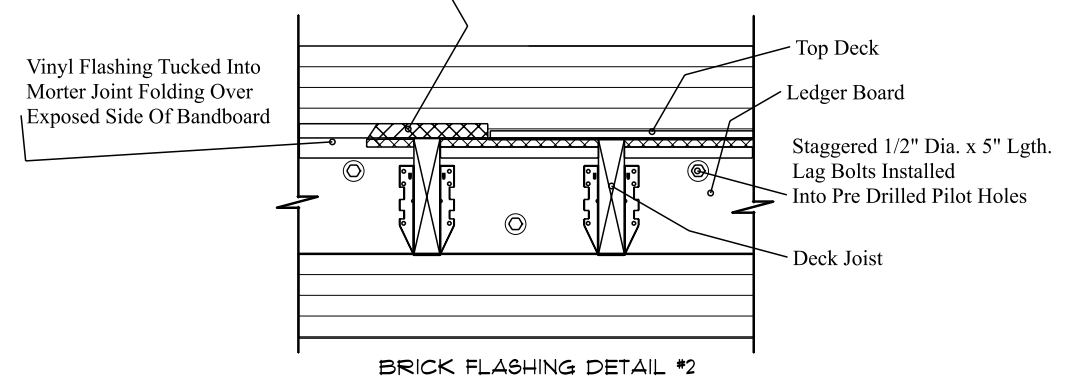
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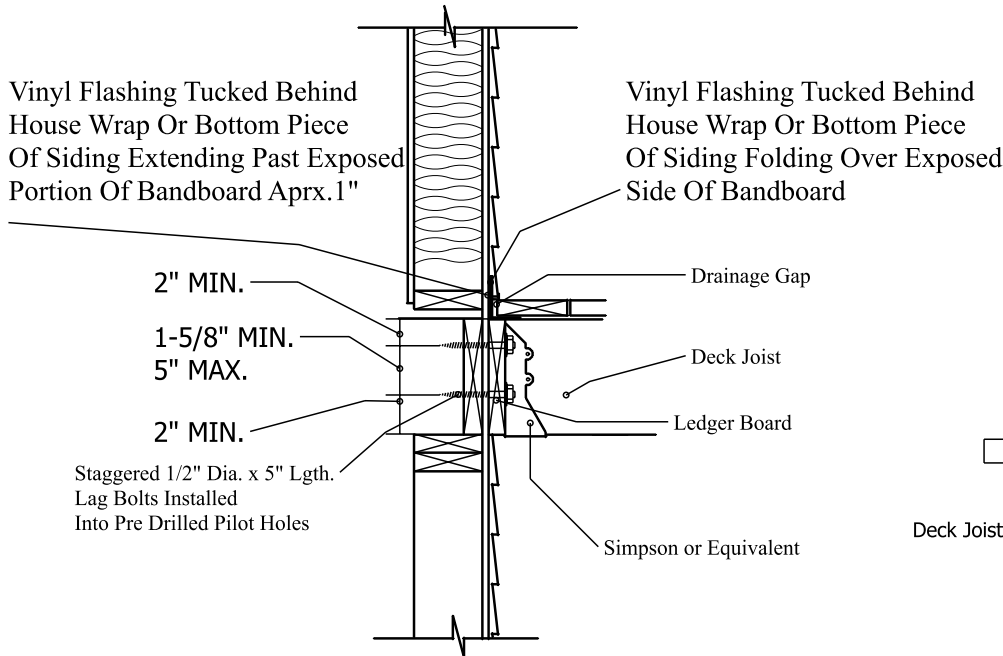
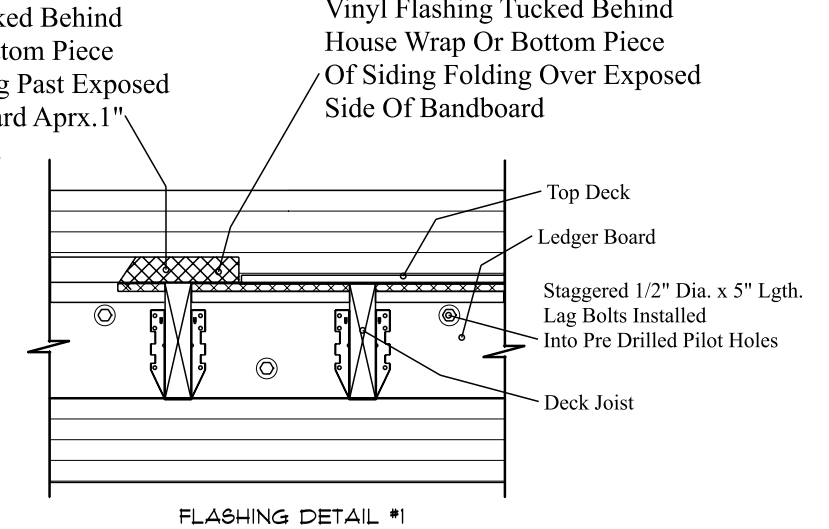
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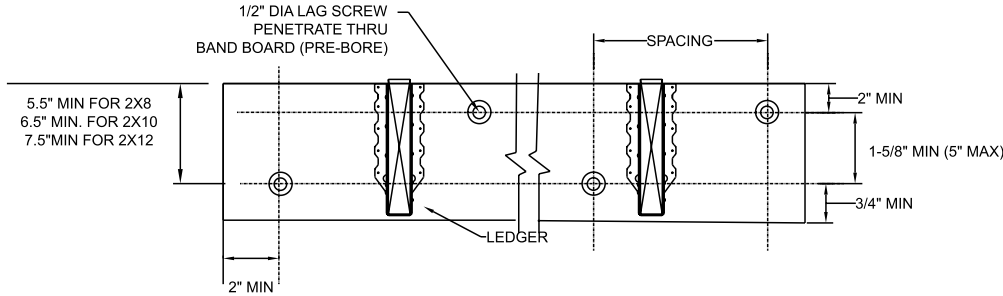
Vinyl Flashing Tucked Into  
Mortar Joint W/ Silicone Bead  
Flashing To Extend Past Exposed  
Portion Of Bandboard Aprx.  
1" W/ Drip Edge Bend



Vinyl Flashing Tucked Behind  
House Wrap Or Bottom Piece  
Of Siding Extending Past Exposed  
Portion Of Bandboard Aprx. 1"  
W/ Drip Edge Bend

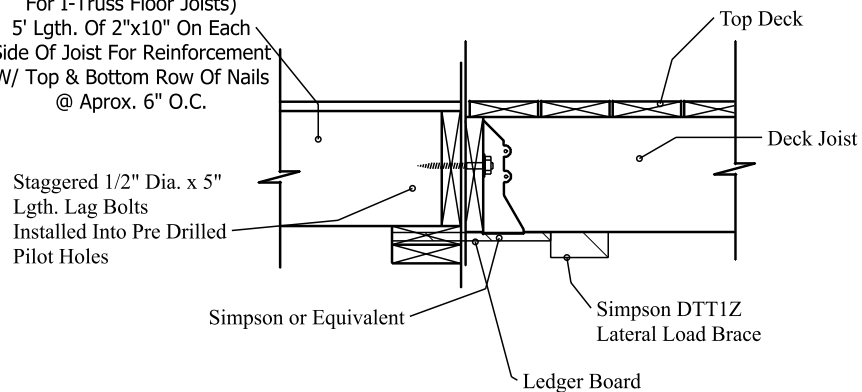


SIDE ELEVATION LEDGER CONNECTION DETAIL #2

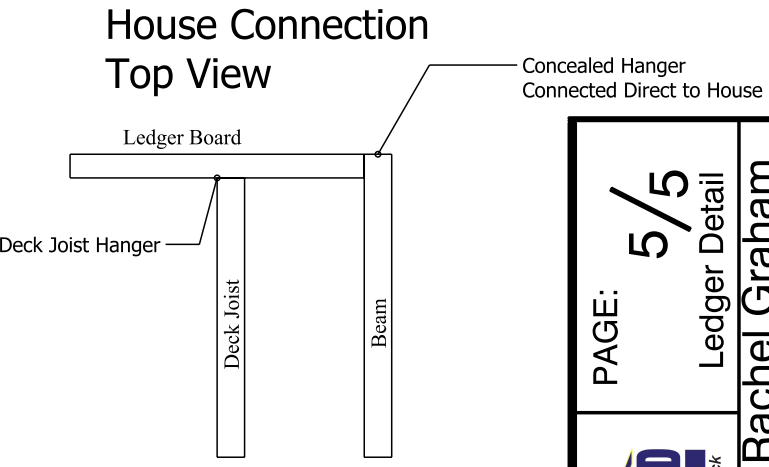


LEDGER LAG SCREW ATTACHMENT DETAIL  
Scale: 1-1/2" = 1'-0"

(Additional Blocking Necessary  
For I-Truss Floor Joists)  
5' Lgth. Of 2"x10" On Each  
Side Of Joist For Reinforcement  
W/ Top & Bottom Row Of Nails  
@ Aprox. 6" O.C.



LATERAL LOAD CONNECTION DETAIL #1



Home's With I-Joists Must Be  
Laterally Braced @ Each End  
Of Deck & @ 10' O.C.

Home's With Nominal Lumber Joist

Shall Have A Minumum Of 2 Lateral  
Tension Devices

LATERAL BRACE CONNECTORS  
Simpson or Equivalent

PAGE: 5/5  
Ledger Detail



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CONSULTANT: Keith Uhrig  
DRAWN BY: C.J. Moss  
DATE: 7/14/2021

PROJECT: 52447

**Chesterfield Fence & Deck**  
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$$3/4 = \frac{1}{2}$$


143-1-01



DATE AUGUST  
REVISIONSGIBSON ARCHITECTS  
18 CRYSTAL LAKE DRIVE

- Division 1 - General Requirements**
- All work shall be in accordance with the 1983 BOCA Building Code. Compliance with these notes and drawings does not necessarily cover all requirements. The contractor shall be fully responsible to complete all work in accordance with all applicable local, state, and federal codes, ordinances, and in accordance with industry standards.
  - Prior to beginning the work, the contractor shall notify the architect of any discrepancies or errors discovered in these documents. Do not make changes. Follow written dimensions only. Only written representations or documented changes from the architect are binding. The architect will not be responsible for oral instructions.
  - General Contractor shall visit the site and be familiar with all pertinent conditions.

- Division 2 - Structure**
- General contractor to confirm minimum 2000 PSF soil bearing capacity and notify architect in writing if less than 2000 PSF capacity is encountered. (Prior to beginning foundation work.)

- Division 3 - Concrete**
- Compressive strength of concrete at 28 days shall be minimum:
    - 3000 psi - Foundation and basement walls, footings, and piers
    - 3500 psi - Porches, walks, patios and slabs
  - All concrete shall be air-entrained in accordance with section 1906.6.3 1963 BOCA, Table 1907.1.1, and with ASTM C260-86.
  - Concrete admixtures used must conform with section 1906.6 1963 BOCA.
  - Concrete piers to extend minimum 24" into solid, undisturbed soil. All footings and piers to project minimum 30" below grade.
  - Concrete patio slabs which are supported directly on the ground shall be minimum 4" thick, and be placed over minimum 4" base course of gravel or crushed stone, well compacted fill, or virgin soil.

- Division 4 - Framing**
- Framing to be in accordance with the "National Forest Products Manual for Wood Frame Construction".
  - All framing members (ie: floor joists and headers) to be grade-marked minimum 675 B (2x12) or 1000 B (2x10) and 45° angle member use, unless noted otherwise. (Exposed to exterior - Volcanized Pressure Treated)
  - 2x4 "toppings" joists to be above-grade, unless noted otherwise. (2x2s to be interpreted as 2x4s at top of structure below.)
  - Bearing partitions and doors shall be unbroken (run continuous) from bearing to structure below.
  - All exposed exterior materials to be BOCA approved, exterior grade. Exterior metal connectors shall be galvanized.
  - Roofing to be in accordance with table 2305.2 1963 BOCA.
  - Security hurricane "dead" doors and deck doors shall be built and approved. (Screening and/or deslashing is not adequate. A hurricane must be provided.)
  - Cutting, nailing, and/or boring holes in wood beams, joists, rafters or studs, shall not exceed the limitations noted in sections 2305.3.1, 2305.3.2, and 2305.3.3 of the 1963 BOCA Building Code.
  - Handrails shall not project more than 3 1/2" into required stairway walls. Handrails shall not run parallel to stairs. Allowable diameter of stairways handrails to be between 1 1/2" and 2".
  - 2" diameter circular cross section, or maximum 2 1/4" horizontal width, with 4"-6 1/4" maximum grate/pole perimeter.
  - Handrails at open ended stairs to comply with the following grading requirements:
    - Guard rails along open ended stairs shall be minimum 34" in height above the leading edge of the tread and minimum 30" high at all stair landings.
    - Minimum 30" high guards shall be installed along the edge of all balconies and along all drop-off areas with more than 12" between floor levels.
    - Open railings shall have intermediate balusters spaced so that a maximum of 4" clear opening is provided.
  - See stair section for all additional information.

- Division 5 - Thermal and Moisture Protection**
- Flashing System
    - Provide corrosion-resistant metal flashing at all intersections of exterior walls and decks.
  - All exterior joints around windows and door frames, between walls and roofs, at utility service penetrations through walls, floors and roofs and all other openings in the exterior envelope shall be sealed in an approved manner. Weather stripping is required on all exterior windows and doors. Corrosion-resistant flashing is required at the top and sides of all exterior doors.

- Division 6 - Windows and Doors**
- Tempered Glassing
    - Glassing in all doors to be fully tempered.
    - Any glazing material adjacent to a door (if the nearest vertical edge of the glazing material is within a 24" arc of either vertical edge of the door, and the bottom edge of the glazing panel is less than 60" above the floor) shall be fully tempered glass.
  - Door locks with thumb turn on the inside are permitted, but any operation is permitted only if the key can not be removed from the lock when locked from the inside.

- Division 7 - Finishes**
- Drywall installation must be in accordance with the Gypsum Association recommended practices for thickness, fastening and taping. Drywall to be fastened in accordance with schedule 2503.3 1963 BOCA.
  - Interior finish materials: Max. flame spread rating to be 200.

- Division 8 - Mechanical**
- Plumbing
    - Work shall consist of all services typically known as "Plumbing" and shall include the furnishing of construction documents, as required, materials, labor, equipment and tools required to relocate the existing hose bibbs.
    - Lead-free solder is required on all water supply piping.
    - All water supply piping to be copper.
    - Hose bibbs are to be freeze-proof or shall include a main shut-off valve (with drain) in the basement space.

- Division 9 - Electrical**
- Work shall consist of all services typically known as "Electrical" and shall include the furnishing of all construction documents required, materials, labor, equipment and tools to provide a complete and operable system of electric, power and lighting.
  - All work to be installed in accordance with the "National Electrical Code", and with all local codes, rules and ordinances.
  - All materials used shall be UL Approved. (Underwriters Laboratories)
  - All wiring shall be copper.

## DEMOLITION NOTES

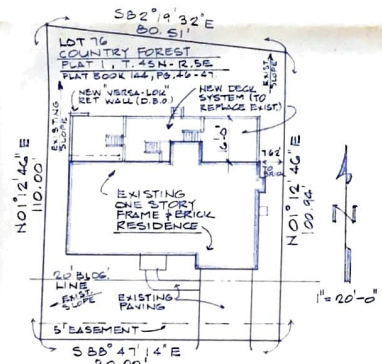
- General Contractor to fully review plans and all site conditions and all local codes and ordinances before proceeding with work. General Contractor to notify architect of any discrepancies before proceeding with work.
- Contractor to take all necessary precautions to insure Owner's privacy and security during construction. Owner will occupy home during construction.
- Demolition:
  - Proper demolition performed in excess of that required.
  - Remove debris, rubble and other materials resulting from the building site. Transport and legally dispose of materials off site. If hazardous materials are encountered during demolition, comply with all applicable laws, regulations, and ordinances concerning removal, handling, and disposal.
  - The Architect shall have no responsibility for the discovery, prevention, handling, removal or disposal of, or exposure of persons to hazardous materials in any form at the project site, including but not limited to asbestos, asbestos products, polychlorinated biphenyl (PCB) or any other toxic substances.
- And/or work security in place, properly located by measured line and level, organized for best possible uniformity, visual effect, durability, and operational efficiency. Isolate non-compatible materials from contact, sufficiently to prevent deterioration.
- Provide soil treatment for termite control. Do not apply solution until all excavating, filling and grading operations are completed. Furnish written warranty for a period of five (5) years from date of treatment, signed by Applicator and Contractor. Treatment to be emulsifiable concentrate formulated for dilution with water. Chlordane and Heptachlor solutions are not permitted.

LINE OF OPT.  
2" HIGH  
PRIVACY FENCE

NOTE  
6" x 6" INTERMEDIATE  
SURFACE 5" MIN TO  
END POST AT TOP  
STAIRS - SEE  
DET. 10" IS TO  
BE PROVIDED  
BY OTHERS

## REAR ELEVATION

1/4" = 1'-0"



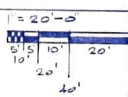
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## COUNTRY GLEN LANE (50' W.)

## NOTE

SITE INFORMATION IS BASED ON AN  
OUTBOUNDARY SURVEY DATED  
FEB. 10, 1982 BY ERNEST F. TURNER,  
MD. REG. LAND SURVEYOR & LSIGIO.

## SITE PLAN

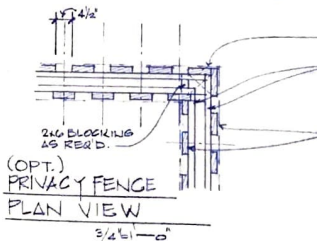


## PARTIAL RIGHT SIDE ELEV.

1/4" = 1'-0"

## PARTIAL LEFT SIDE ELEVATION

1/4" = 1'-0"

(OPT.)  
PRIVACY FENCE  
PLAN VIEW

3/4" = 1'-0"

