



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

April 21, 2022

4:00 PM

City Council Chamber

I. CALL TO ORDER

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

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

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. February 22, 2022 Board of Adjustment Draft Meeting Minutes

IV. NEW BUSINESS

1. Variance Request for the Property at 12334 Oak Hollow Drive to Allow for the Replacement of the Deck that Encroaches 15 Feet from the Rear-Yard Where the Required Rear Yard Setback is 30 Feet

Becky Johnson, property owner, has submitted an application for a new deck, to replace the existing deck that will be torn down at 12334 Oak Hollow Drive, to

encroach into the rear yard 15 feet from the rear property line. 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. 22-863: Variance Request for the Property at 863 Deaver Lane to Allow a New Single-Family Residence to Encroach 18 Feet into the Required 30 Foot Rear-Yard Setback

Apollo Carey, attorney, on behalf of David and Ahn Le, property owners, has submitted an application for a rear-setback variance request of 18 feet in order to build a new single-family residence at 863 Deaver Lane in the "C"-Single Family Residential Zoning District. The proposed new single-family residence would be built 18 feet into the required 30-foot rear yard setback, resulting in a 12-foot setback from the south property line. Section 405.270.E.4.e. of the Zoning Code requires a minimum 30-foot setback for all permitted uses in the "C" Single Family Residential District. Section 405.630.B. Yard Regulations defines the rear yard for a corner lot as the property line opposite to the front yard line with the lesser street frontage.

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

February 22, 2022

4:00 PM

City Council Chamber

I. CALL TO ORDER

Robert Mooney	Board Member
Martin Satz	Board Member
Glenn Wilen	Chair
James Kostelc	Board Member
Arnold Mayersohn	Board Member

The following staff were also present:

Carl Lumley, City Attorney
 Jason Jaggi, Director of Community Development
 Bethany Moore, City Planner
 Megan Waller, Administrative Supervisor/ Recording Secretary

II. ADDITIONS TO-ACCEPTANCE OF THE AGENDA

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

III. APPROVAL OF MINUTES

1. August 19, 2021 Board of Adjustment Draft Meeting Minutes

Mr. Kostelc made a motion to accept the minutes. Mr. Satz seconded. All in favor.

IV. NEW BUSINESS

1. Variance Request for the Property at 108 North Mosley Road to Construct an Accessory Structure at 13 Feet, 10 Inches in Height Rather Than the Required 12 Foot Height Allowance for All Accessory Structures

Jason and Jessica Erfling, homeowners, have submitted an application for a variance request of 1 foot, 10 inches in order to construct an accessory structure at 108 N. Mosley Road in the "A" Single-Family Residential District. The proposed accessory structure is a free-standing pool house with attached garage with a maximum height of 13 feet, 10 inches when measured from the average existing grade of the site to the midpoint of the roof. Section 405.460 C(5) limits the height of all accessory structures in any residential district to a maximum of 12 feet in height.

Those speaking to the request were sworn in.

Ms. Jessica Erfling stated her request. She thanked staff for their help in navigating the rules, to get to the point where only one variance was needed.

Ms. Erfling explained that the goal is to tear down the existing accessory structure and build a new mixed use pool house/garage. She showed sketches of what the proposed building will look like.

Mr. Wilen asked for the dimensions of the existing structure.

Ms. Erfling did not have the dimensions of the structure that is to be removed.

Attachment: 2022-02-22 Board of Adjustment - Full Minutes (February 17, 2022 Board of Adjustment Draft Meeting Minutes)

Mr. Wilen explained that the board would like to know the mass of the current structure compared to the new proposed structure.

Ms. Erling stated that the square footage of the new structure will be larger. She also explained that the slope of the yard in the back of the building is what causes the need for the variance. Ms. Erling stated that the front of the structure meets the code at 11ft 11inches. She explained that the slope of the yard will cause the rear of the building to be 13ft 10inches tall, which is above the 12ft code.

Ms. Bethany Moore, City Planner, clarified that the height is measured from the grade pre-construction to the midpoint of the roof.

Mr. Wilen questioned the height of the garage doors compared to the proposed structure. Mr. Erling responded nine feet.

Mr. Kostelc questioned the length of the garage structure.

Ms. Erling stated that the length of the building is within the allowable area for the size of the property.

Mr. Wilen questioned if the applicants considered other options that do meet the code, such as flattening the pitch of the roof.

Mr. and Mrs. Erling stated that they did work with their architect on other options, but that the other options available will not meet their needs.

Mr. Wilen asked if the pitch of the proposed structure compliments the pitch of the home.

Mr. Erling stated that the proposed roof pitch of the accessory structure would match the pitch of the roof on the home.

Ms. Erling stated that the materials of the proposed structure were selected to match the existing home.

Ms. Erling referred to letters of support from their neighbors to the north and showed a sketch of the proposed view from the neighbor's yard.

Ms. Moore, City Planner, spoke to the background of the home and how it relates to the code. She said that the property is on the corner of North Mosley Road and Ladue Road in the "A" zoning district, and that the proposed building will replace the existing structure in the same location.

Ms. Moore stated that the subject property is just under 1 acre, which is the required minimum lot size for properties zoned "A". She explained that the total site coverage in this zone is 25%, and that the proposed building would put this property at 24.99% coverage.

Ms. Moore stated that the proposed structure is 2,390 square feet.

Mr. Wilen asked for clarification on why the applicants cannot change the existing slope of the yard to meet the requirement.

Ms. Moore referenced ordinance section 405.120 and explained that the slope would still be measured from the existing grade.

Mr. Wilen asked if the only way for the structure to meet the ordinance is to flatten the roof.

Ms. Moore explained that several other options were suggested, such as separating the buildings, flattening the roof, and others. She stated that the applicants have chosen to move forward with the application as is.

Ms. Moore summarized that the conditions of this lot are not unique to this lot, and that neighboring lots have similar conditions. She stated that the slope was not created by the applicant. The applicants were given alternative suggestions to avoid the need for a variance. The location and height of the structure were the choice of the applicant.

Mr. Wilen asked to clarify that while other suggestions were given, the needs of the applicant may not be met.

Ms. Moore stated that whether or not the structure would have an adverse impact on the adjacent property owners is fairly debatable. She also explained that the downward slope of the lot toward the Northeast corner does visually allow the structure to appear to conform to the 12ft maximum from North Mosley Road; However, the height would be more pronounced to the adjacent neighbors to the North given the size and placement of the property lines.

Ms. Erfling added that the current structure as it stands only offers storage and is not a true pool house.

Mr. Kostelc asked for clarification on the garage door height, and where the applicant currently parks the truck.

Mr. Erfling stated that currently he has to park the truck in the garage.

Mr. Mayersohn asked why the alternate designs offered by the City did not appeal to the applicants.

Ms. Erfling stated that the idea of having two separate structures did not seem aesthetically pleasing.

Mr. Erfling stated that the alternate proposals would also bring the garage portion of the new structure approximately 30ft closer to Mosley Road to be even with the house.

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

Mr. Wilen made a motion to approve the structure as stated in the staff report. Mr. Satz seconded. Two in favor. Mr. Mooney, Mr. Kostelc, and Mr. Mayersohn against.

RESULT:	DISAPPROVED [2 TO 3]
MOVER:	Glenn Wilen, Chair
SECONDER:	Martin Satz, Board Member
AYES:	Satz, Wilen
NAYS:	Mooney, Kostelc, Mayersohn

V. OTHER BUSINESS

Mr. Glen Wilen as re-elected as Chair.

Mr. James Kostelc was elected as Vice Chair.

Mr. Wilen asked if all are in favor of the 2022 meeting scheduled. All in favor.

VI. ADJOURNMENT

Mr. Wilen made a motion to adjourn. Meeting adjourned at 5:01 PM.



city of

CREVE COEUR

4.1.a

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539
www.crevecoeurmo.gov

APPLICATION TO THE BOARD OF ADJUSTMENT
#22-12334 VARIANCE REQUEST FOR THE PROPERTY AT 12334 OAK
HOLLOW DRIVE TO ALLOW FOR THE REPLACEMENT OF THE DECK THAT
ENCROACHES 15 FEET FROM THE REAR-YARD WHERE THE REQUIRED
REAR YARD SETBACK IS 30 FEET

FOR THE MEETING OF: Thursday, April 21, 2022

SUBJECT PROPERTY LOCATION: 12334 Oak Hollow Drive, Zoned "B-RDD"
Single Family Residential District.

REQUEST: Becky Johnson, property owner, has submitted an application for a new deck, to replace the existing deck that will be torn down at 12334 Oak Hollow Drive, to encroach into the rear yard 15 feet from the rear property line. 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(D)(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). 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. Therefore, the variance request is for the remaining 10 feet of encroachment.

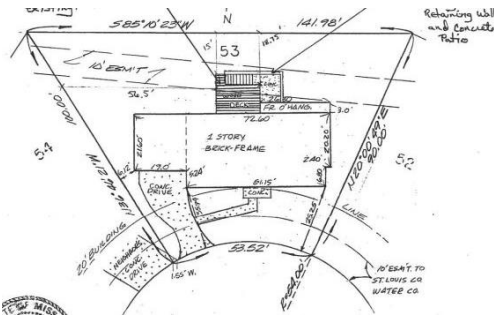
APPLICANT/ Becky J. Johnson
OWNER: 12334 Oak Hollow Drive
Creve Coeur, MO 63141

Key Issues:

- Impact to neighborhood
- Property versus owner hardship

Zoning Code References

- Section 405.260 "B" Single-Family Residential
- Section 405.450(D) Residential Designed Development Procedure.
- Section 405.630: Yard Regulations
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals



REPORT PREPARED BY: Bethany L. Moore, City Planner
DATE: 4/6/2022
ATTACHMENTS: Applicant's Materials submitted

Attachment: 12334 Oak Hollow Drive BOA Staff Report.4.21.22 (12334 Oak Hollow Variance Request)

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(D) 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 that means that the rear yard setback falls back to the requirements for the B District because the rear yard setback is not specified outside of the indentures, which the City does not enforce.

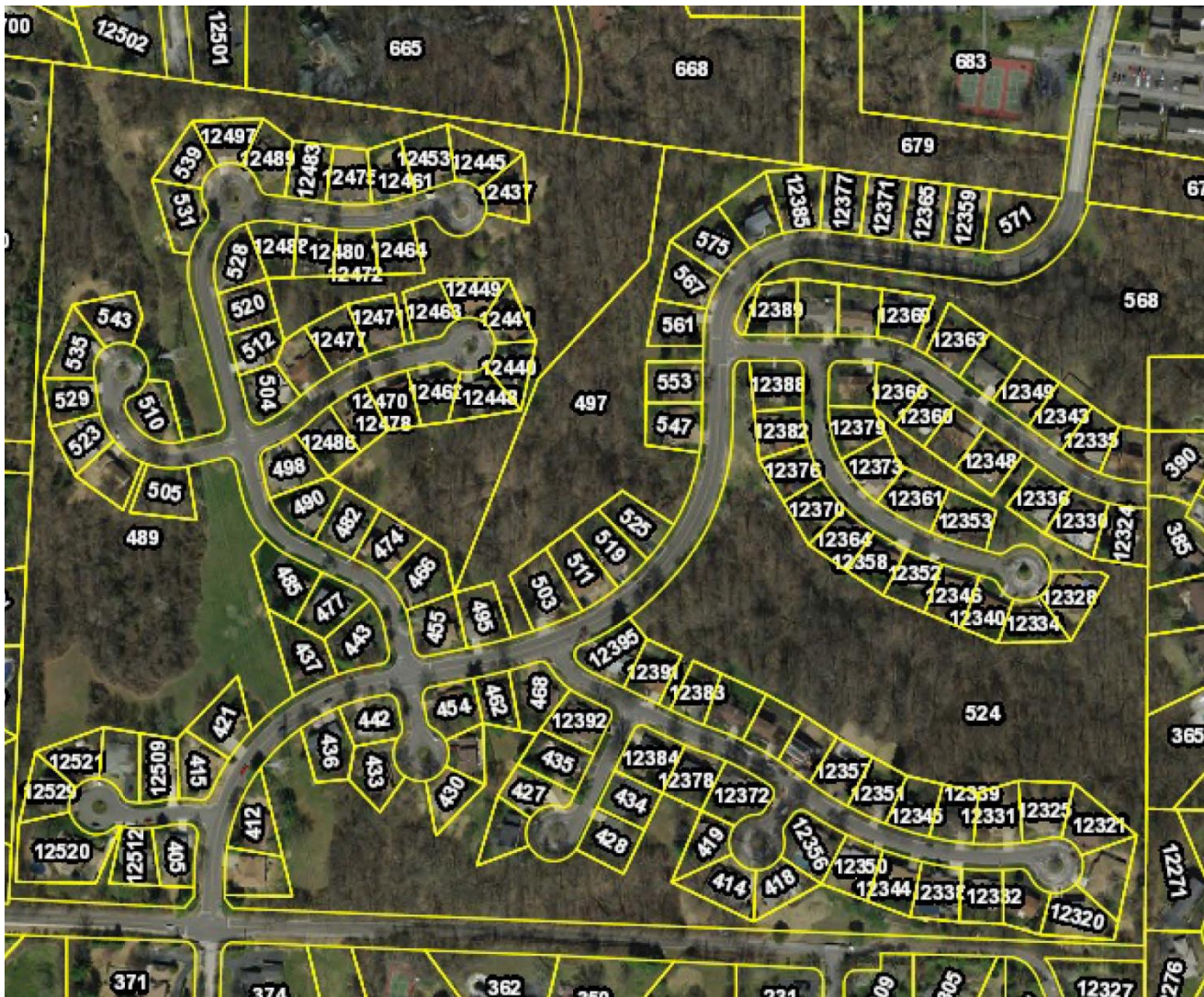


Figure 1: City's GIS Image of the Country Forest Subdivision



Figure 2: Close-up of the Country Forest Plat 1 Subdivision. The Subject property is Lot 53.



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 Subdivision Plat only shows a 20-foot front yard for this property. Common ground is located behind the property. 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 rear-yard regulations fall to the zoning district regulation. In this case, the B Zoning district rear yard setback is 30 feet. Due to the lack of documentation for the entire subdivision and inconsistencies with administering regulations in the area, building permits for such projects as the subject deck were issued in the past. The Applicant is seeking to tear down and replace with a new deck in the same configuration and footprint.

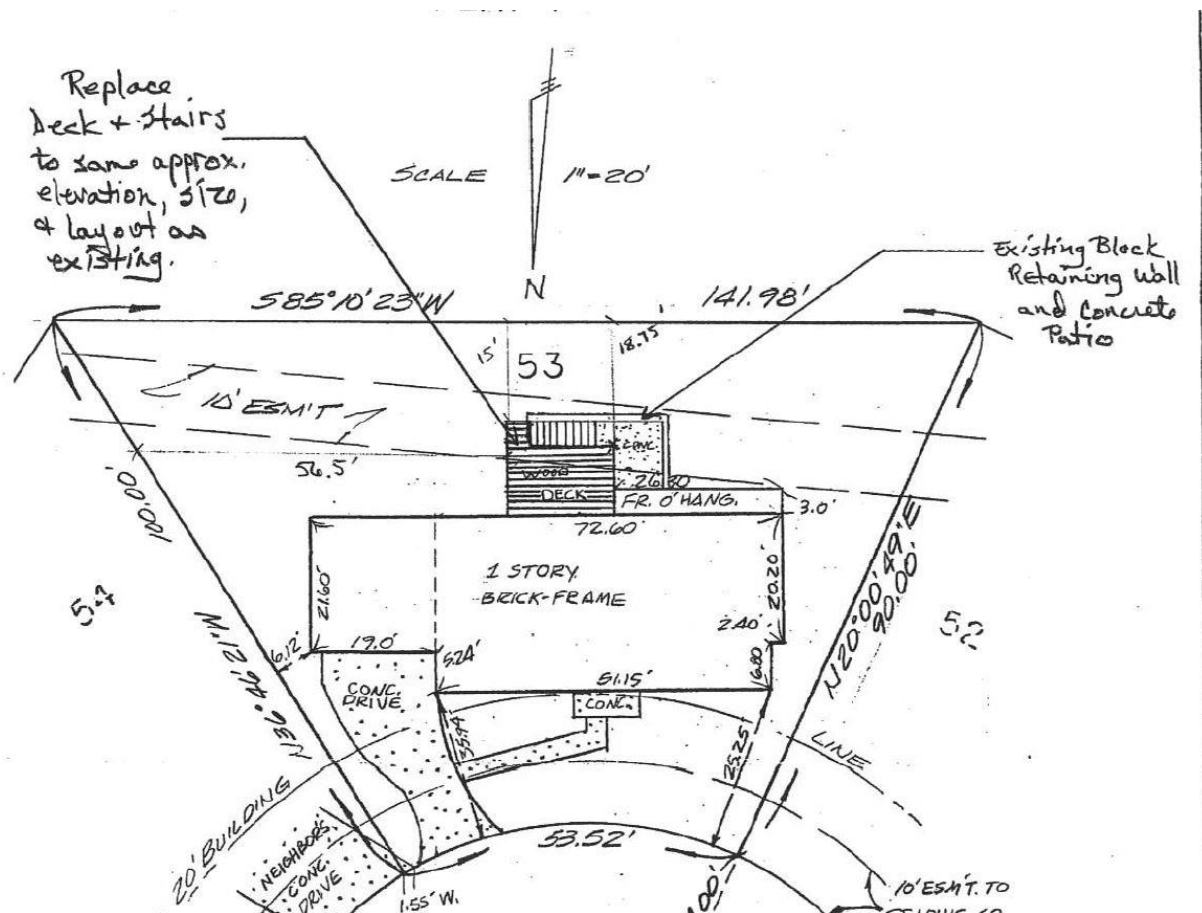


Figure 23: Close-up of the Applicants Site Plan showing the deck.

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. In the past, 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 of homeowners to seek out individual variances. Recent variances for decks in the subdivision include 433 Meadow Green in May 2021 and 12381 Country

The subject lot is approximately 8,210 square feet and the adjacent lots are similarly sized. The existing house was built in 1984. 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 approximately 26 feet from the rear yard at its closest point, with the deepest point of the deck being 14-foot-wide deck encroaching into the setback at 15 feet from the rear property line. To comply with the regulations for rear-yard setback the deck would need to be placed no closer 25- feet from the rear property line. However, the applicant is requesting approval for the replacement deck to be in the same location as existing, which has been in place for many years.

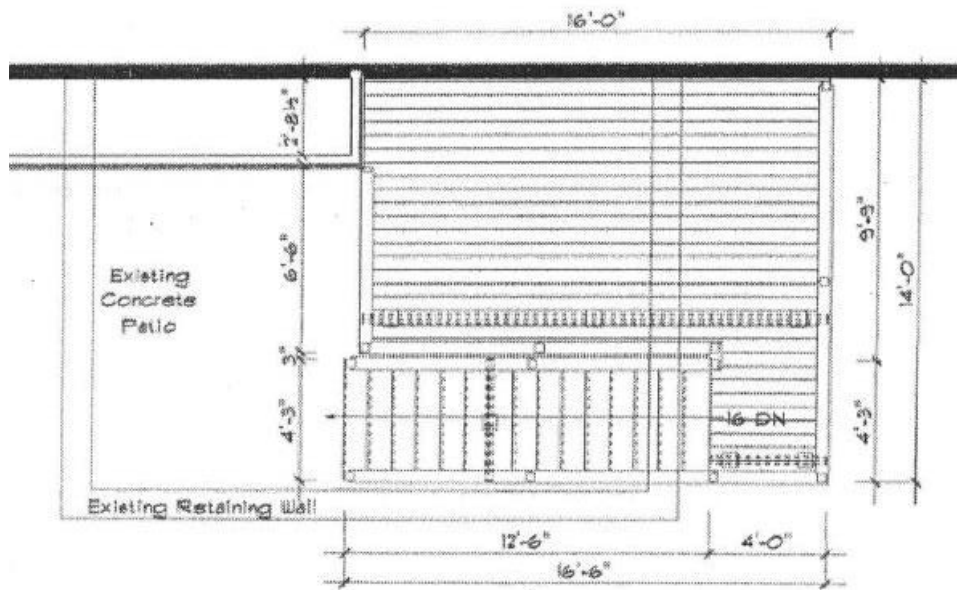


Figure 3: Close-up of the proposed overhead view of the deck.

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 rear yard setback with the same dimensions as the existing deck. This puts the deck 15 feet from the rear property line, where a deck may only project up to 5 feet into the 30 foot setback, thus the deck must be 25 feet from the rear property line. The variance request is for the remaining 10 feet of encroachment into the rear yard setback.

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	Oak Hollow Drive
South	Common Ground	B-RDD, B Single Family Residential, with Residential Designed Development Designation	N/A
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 as non-conforming, and where any structural alteration or reconstruction have required variances in recent years. This property is less than half the B District Standards at 8,210 square feet and the existing home was built at the standard for the subdivision. The lack of documentation for the rear yard setback in this subdivision causing the rear yard setback to revert back to the underlying B zoning district setback of 30 feet, causing any deck construction to require a variance, is not unique to this subdivision but is not ordinarily found in the B Zoning District outside of the Country Forest Subdivision. The Applicant is seeking to replace the existing deck with a new deck with the same dimensions that as existing.

- 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. It should be noted that the home itself almost encroaches into the rear yard setback making the construction of any deck either impossible or no deeper than 5 feet. 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 is too close to the public common ground compared to those around it due to the limited nature of the encroachment. The homeowner has enjoyed the construction of the deck in the same footprint for many years without any adverse effect to adjacent property owners or residents. Further, if the members of the Board believe that the aesthetic qualities of the deck are in keeping with the rest of the house, and the neighborhood in general, it is likely that allowing the deck 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;

The question before the Board, under this criterion, is whether or not the inability to update and replace a feature of one's house, without a variance, represents severe practical difficulty. The strict application of the required rear yard setback of 30 feet would almost completely eliminate the property owner's ability to have any deck, let alone replace the deck in the existing footprint, causing severe practical difficulty when the property owner needs to replace the aging deck members.

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.

In many prior applications, the root of the variance 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 this request. The home was built in 1984 as allowed by the City with the approval of the subdivision in 1972. However, with the approval, no documentation was provided 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 apply 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 according to setbacks other than those required of lots in the B zoning district in consideration of the Residential Designed Development, similar to many of the homes in the area, and as such are not easily improved without a variance since the rear yard and side yard setbacks are not recorded on the plat. Given the history of the subdivision, and lack of documented standards regarding the rear yard setback, this 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 rear-yard setback would be:

“I move to approve a variance allowing for a new elevated deck at 12334 Oak Hollow Drive to encroach into the rear yard 15 feet from the rear property line, where the required rear yard setback is 30 feet, and where a deck may project up to five (5) feet into the rear yard, 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 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 12334 Oak Hollow Drive based upon the testimony received and the deliberations of the Board on this application, as decided on April 21, 2022.”

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.

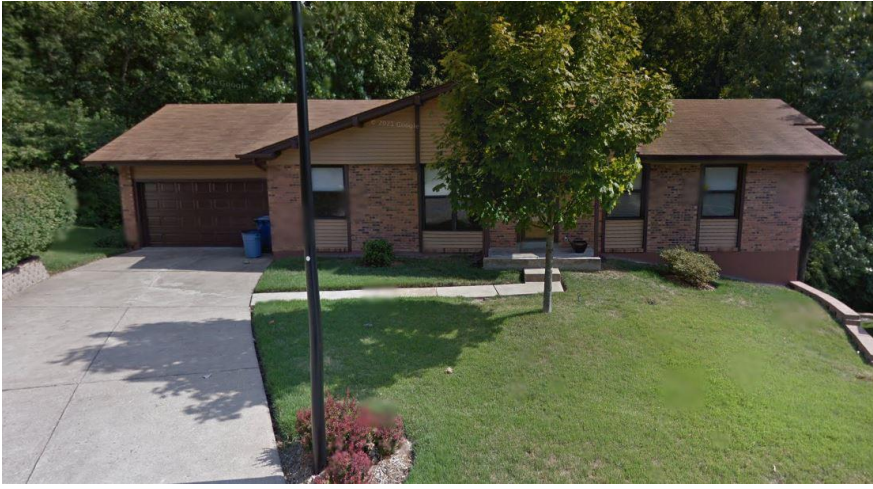
APPENDIX 3: AERIAL PHOTO



Attachment: 12334 Oak Hollow Drive BOA Staff Report.4.21.22 (12334 Oak Hollow Variance Request)

APPENDIX 4: SITE PHOTOGRAPHS

Photo Dates: 4/7/2022



Description: Front view of the house along Oak Hollow Drive.



Description: View of the rear yard and existing deck with common ground in the background as viewed from behind the house.

city
of

CREVE COEUR

COMMUNITY DEVELOPMENT DEPARTMENT

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

RECEIVED
MAR 16 2022
BUILDING DEPT.

22-12334

BOARD OF ADJUSTMENT APPLICATION NON-USE VARIANCE

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
Name <u>BECKY J. JOHNSON</u>	Name _____
Company (If Applicable) _____	Company (If Applicable) _____
Address <u>12334 OAK Hollow Dr</u>	Address _____
Address <u>Creve Coeur MO 63141</u>	Address _____
Telephone # <u>314 469 3699</u>	Telephone # _____
Fax # _____	Fax # _____
Email: <u>bjohnson 10110@yahoo.com</u>	Email: _____

Applicant's Status (Indicate one):

- ☒ Property Owner of Record
- ☐ Private Party (financial, contractual, or proprietary interest; consent of owner of record *must* be attached)
- ☐ Other Governmental Interest (Jurisdiction: _____)

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

Applicant's Signature

3/16/22

Date

Applicant's Representative's Signature

Date

Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

File # _____

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):

I want to replace wooden deck with composite materials. The design is the same as the existing structure. The deck will not be enlarged & will be same size as existing.

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

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

Attached please find the plot map and contractor's proposal.

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

None. This is an RBD so setbacks limit ability to replace deck in its existing location, or any deck at all. My deck would not encroach on any neighboring properties & it backs up to common ground.

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

None. This is a common condition throughout the neighborhood where variances are needed to build new decks or replace existing decks in the rear yard.

- Current uses and structures on the property:

Deck attached to one family dwelling

Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

File # _____

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

MSD has an easement on my property

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 if variance is approved

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

None The deck is not visible to adjacent neighbors & backs up to common ground,

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

File # _____

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: B-RDD

10. Size of the lot (total square feet or acres): _____

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

12. Attach the following:

- Two (2) checks, \$50.00 filing fee and \$250.00 deposit, payable to "City of Creve Coeur."
- Ten (10) sets of scaled, legible plans (folded to a size no larger than 11"x14") of the improvements requiring a variance.
- Electronic copies of all submitted documents, malware-free on CD, DVD, or USB flash drive.

Office Use Only

☒ Attachments/Plans
☒ Fees Paid
☒ Written Justification

Received By:

Megan Waller

Date: 3/16/2022

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

Revised: 09/15



city of CREVE COEUR

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

NOTICE OF PUBLIC HEARING

APPLICATION TO THE BOARD OF ADJUSTMENT

#22-12334 VARIANCE REQUEST FOR THE PROPERTY AT 12334 OAK HOLLOW DRIVE TO RECONSTRUCT AN EXISTING REAR DECK ENCROACHING 15 FEET INTO THE REQUIRED REAR YARD SETBACK OF 30 FEET

FOR THE BOARD OF ADJUSTMENT MEETING OF: Thursday, April 21, 2022, 4:00 PM

SUBJECT PROPERTY LOCATION: 12334 Oak Hollow Drive, Zoned "B-RDD" Single Family Residential District.

REQUEST: Becky Johnson, property owner, has submitted an application for a rear yard setback variance request of 10 feet in order to reconstruct an existing rear deck at 12334 Oak Hollow Drive in the "B-RDD"-Single Family Residential Zoning District. The proposed rear deck would encroach 15 feet into the required 30-foot rear yard setback. Per Section 405.630.A.5 Yard Regulations, decks are permitted to project 5 feet into the rear yard setback. Therefore, the variance request is for the remaining 10 feet of encroachment.

ADDITIONAL INFORMATION: The Board of Adjustment is scheduled to review and take action on this request at its meeting on Thursday, April 21, 2022 at 4:00 p.m. All meetings are held in person in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road.

You can submit written or e-mailed comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2501 or e-mail blmoore@crevecoeurmo.gov.

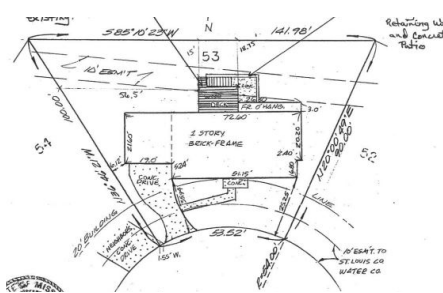
APPLICANTS/ Becky J. Johnson
OWNERS: 12334 Oak Hollow Drive
Creve Coeur, MO 63141

Key Issues:

- Impact to neighborhood
- Property versus owner hardship

Zoning Code References

- Section 405.260: "B" Single-Family Residential
- Section 405.450(C): Residential Design Development Procedure
- Section 405.630: Yard Regulations
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals



STAFF CONTACT: Bethany Moore, City Planner
CC: David Hoffman and Alice Benner, Ward III

Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

AERIAL PHOTO:



Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

OUTDOOR LIVING INC.
Decks • Fences • Material Supply

MAR 16 2022

THIS CONTRACT made and effective on the 6 day of October, 2021, in the County of St. Louis and the State of Missouri by and between Becky Johnson **BUILDING DEPT.**
whose contact information is: 12334 Oak Hollow Dr. ("PURCHASER"),
314-469-3699 (phone number) Creve Coeur, MO 63141 (city/state/zip)
and Outdoor Living Enterprises, Inc. ("BUILDER"), for work to be performed at Same (e-mail)
(the "PREMISES") in accordance with the written terms and specifications of this CONTRACT (the "WORK"). THE WORK shall include the following:

☒ Deck ☐ Screened Porch ☐ Sunroom ☐ Gazebo ☐ Pergola ☐ Other
 Project includes complete removal & disposal of existing. Project to be replaced to same approx. elevation, size & lay out and existing with modify by slight widening of stairs, reducing deck area. Deck is approx 14' x 16', 3 stairs approx 15" tread. Treated Framing, Trex Select decking & fascia w/ Westbury Tuscan Rail & Brak Cap.

1. BUILDER shall furnish the services and material for performance of the WORK on the PREMISES described on the Design Proposal(s) numbered Joh0921 and as specified on the Work Specification Sheet, each attached to and made a part of this CONTRACT, for and in consideration of the payment to BUILDER by the PURCHASER of

\$ 27,247.00 for the WORK, and

\$ _____ for other (describe) _____

\$ _____ together with any amounts set forth in any addenda hereto ("TOTAL CONTRACT SUM").

2. The TOTAL CONTRACT SUM shall be paid to BUILDER as follows:
Down Payment (due at signing this CONTRACT)

Down Payment (due at signing this CONTRACT)

\$ 9,082.00 + 1345.81 = 10,427.81 Addendum #1 \$1345.81

and with the following Progress Payments:

\$ 9,082.00 due on start

\$ _____ due on _____

\$ / due on _____

\$ / due on _____

\$ / due on _____

\$ 9,083.00 due on substantial completion of the WORK.

Down Payment by _____ Cash _____ Check _____ Other _____

3. OTHER TERMS:

4. The Down Payment may be used to purchase material necessary for performance of the WORK. BUILDER shall be entitled to final payment upon substantial completion of the WORK. The WORK is substantially complete when all items described in this CONTRACT have been constructed or installed and only punchlist type items and/or seasonal work (ie. seeding, etc) remain to be completed. Substantial completion shall not include adjustment, repair, replacement or cleaning of any item so constructed or installed or final inspection by code official. PURCHASER shall be entitled to one punchlist prior to final payment. Requests for adjustment, repair, replacement or cleaning of any constructed or installed item shall not be cause for delay of final payment, but rather shall be considered warranty items. After five business days from substantial completion, the unpaid balance of the TOTAL CONTRACT SUM shall be subject to interest charges at the lesser of twelve percent (12%) per annum or the highest rate allowed by applicable state law. PURCHASER acknowledges and agrees that this CONTRACT shall serve as the invoice for the TOTAL CONTRACT SUM and that no additional invoice will be provided to PURCHASER for any part thereof.

5. Modification to the WORK or CONTRACT will be made only when a written change order describing such modification has been signed by both PURCHASER and BUILDER. There may be an additional charge for any changes.

6. The WORK will be warranted by BUILDER as follows: BUILDER guarantees its labor and workmanship for a period of two (2) years from the date of substantial completion of the Work and guarantees the structural portions of the Work for a period of ten (10) years following the date of substantial completion of the WORK. All warranties for materials incorporated into the WORK are subject to the manufacturers warranties, which shall be deemed furnished and assigned to PURCHASER without further action by BUILDER upon final payment by the PURCHASER as required under this Contract and BUILDER shall assist PURCHASER with the enforcement of same. The foregoing warranty excludes remedy for damage or defect caused by abuse, modifications not made by the BUILDER, improper or insufficient maintenance, improper operation, negligence or normal wear and tear and usage. Existing structures to which the WORK may be affixed or interconnected are not part of the WORK and will not be covered under the Warranty. This Warranty is issued to and only applicable to the PURCHASER after payment in full of the TOTAL CONTRACT SUM.

THE BUILDER HEREBY DISCLAIMS ANY AND ALL EXPRESS OR IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION, ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, EXCEPT AS EXPRESSLY WARRANTED HEREIN.

7. The WORK will meet or exceed the live load bearing capacity required by all applicable local codes, *provided however*, that installation of overweight deck accessories (such as, but not limited to, screened porches or spas) that are not disclosed as set forth below (I) may exceed the load bearing capacity of the WORK, (2) may lead to damage, and (3) will void the Warranty given above. When overweight deck accessories are specifically identified in the CONTRACT (Disclosed Accessories), the WORK will be designed to accommodate Disclosed Accessories and the Warranty shall be in force as to the WORK bearing such Disclosed Accessories, provided the use of the Disclosed Accessories corresponds to the part of the WORK that is designed to accommodate them.

PURCHASER and BUILDER hereby specifically acknowledge the foregoing Warranty limitations by the execution and delivery of this CONTRACT.

8. PURCHASER and BUILDER shall each have the right to

Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

Contract # 109021

OUTDOOR LIVING INC.

Need

Survey/Plot Plan: ☒

4.1.b

Permitting: ☒

Decks • Fences • Material Supply

Date: 10/6/21

Customer: Becky Johnson
Email Address: bjohnson10110@icloud.com

Home Phone #: _____ Setbacks: Side: _____

Cell Phone #: 314-469-3699 Rear: _____

Outdoor Living Inc. Specification Sheet

☒ New Construction☐ Resurface Only☐ Porch☒ DemolitionHouse Wall: ☒ Frame☐ Brick☐ Concrete☐ _____Framing Material: ☒ Pressure Treated SYPSupport Column: ☒ 6"x6" Pressure Treated SYP set in concreteJoist Size: ☐ 2"x8" ☒ 2"x10"Joist Spacing: ☒ 12" oc ☐ 16" oc ☐ _____

Decking

Deck Material: Trex Select Color: Saddle (Brown)

Decking Pattern: ☐ Diagonal ☒ Straight ☐ Herringbone ☐ Parting Board ☐ Border: 1 Board 2 BoardDecking Fastener: ☒ Screws ☒ Hidden ☒ Specify Color Matched Screws on Fascia & StairsStairs: ☐ None ☒ Estimated # of Treads 15 ☒ Closed Riser to Match Deck TrimStairs to land on: ☐ New Concrete Pad ☒ Existing Surface Exposed: Yes ☒ No ☐ _____Deck Trim: ☒ Match DeckStair Trim: ☒ Match Deck ☐ Other _____Support Beam Trim: ☐ NA Support Post Trim: ☐ NASkirting: ☐ NA

Railing

☐ No Railing☐ OtherRail Height: ☒ 36" ☐ 42"

Rail Material: Westbury Tuscan Style w/ Brink Rail Cap & Matching Decking

Posts: Size 2"x2" Color Black Textured Caps: Westbury ☒ Post Skirts: Westbury

Rails: Style Westbury Tuscan 2-Rail Color: Black Fine Textured

Balusters: Style Westbury 3/4" x 3/4" Square Color: Black Fine Textured

Mount Posts: ☒ Inset ☐ Set to Outside ☐ Existing Deck ☐ Concrete ☐ Other _____

Important Information

Buried Private Utilities ☐ Irrigation System Dog Fence Electric Gas Lines Septic System☒ I understand that public utilities will be marked on my property. I agree that the proposed placement of my project may interfere with the utility lines. I, hereby, agree that I am responsible for any damage and/or repairs to those utility lines by placement of my fence or deck in the agreed location. Outdoor Living Inc. shall not be liable for any damage to public or private utilities on this project.☒ Outdoor Living Inc. may place job sign☒ Client acknowledges Trustee approval may be required for this work and agrees to provide this if necessary.☒ Electric outlet location? Will need use of electric + water: Rear of house☒ Dirt to be spread where? (Additional charges apply to removing dirt from site.) Spread in woods on common ground in back☒ Lumber drop location? Will need to deliver on driveway.☒ Outdoor Living Inc. may use photos of your project for advertising purposes.

Special Notes - Haul off Broken up Concrete.

Quote includes filling in void of siding using LM Material. Trex Decking/Fascia
- Does Not include any rail if country/ce request on Part of Patio.

Client Signature

Outdoor Living Inc. Representative Signature

OUTDOOR LIVING INC.

Decks • Fences • Material Supply

Date: 9-23-2021

Name Becky Johnson
 Address 12334 Oak Hollow Drive
 City, State Creve Coeur, MO 63141
 Cell Phone 314-469-3699
 Email _____

Contract # Joh09

Date @ _____

Signature: _____

(X) _____

Deck Size 176
 Stair Treads 15 Other 4.25
 Stair Width 4.25 Other 4
 Re-deck No

Decking Trex Select - Choice of Color

Railing Westbury Alum Rail C10 (Standard Square) - Tuscan Style between

Approximate Project Installation Cost	Approximate Demolition Cost	Total Project Cost
\$ <u>26,239.06</u>	\$ <u>1,008.00</u>	\$ <u>27,247.06</u>

2" x 2" Rail Post

Optional 4" x 4" Westbury Posts: ADD \$ 1,345.81

Notes: Quote includes removal and disposal of existing deck and stairs. Includes Labor & Material to install all new deck and stairs to its existing elevation, size, with slight modification of existing layout. Main deck area is approximately 176 SF. Stair will need to be slightly wider, thus, will slightly narrow the main deck area. Includes replacing stair landing where existing Landing to be approximately 4.25' out x 4' wide. Stairs to be approximately 15 treads x 4.25' wide, & include a "T-Brace" support for greater stiffness. Includes standard 36" tall rail along all outer sides and both sides of stairs. Quote includes Drink Rail Cap on all flat surfaces.

To include Trex Top Cap.

Options -----

Includes topping of existing piers just below grade and filling in with existing dirt. Further includes breaking up and removing the concrete slab at base of existing stairs. Work does not include wrapping of the deck support columns, beams, enclosing underside, any type of underdeck drain system, or electric work.

Quote includes removal/disposal, material, labor, taxes, permit, and inspections. Lien Waivers provided upon completion & final payment. See page two for Specifications.

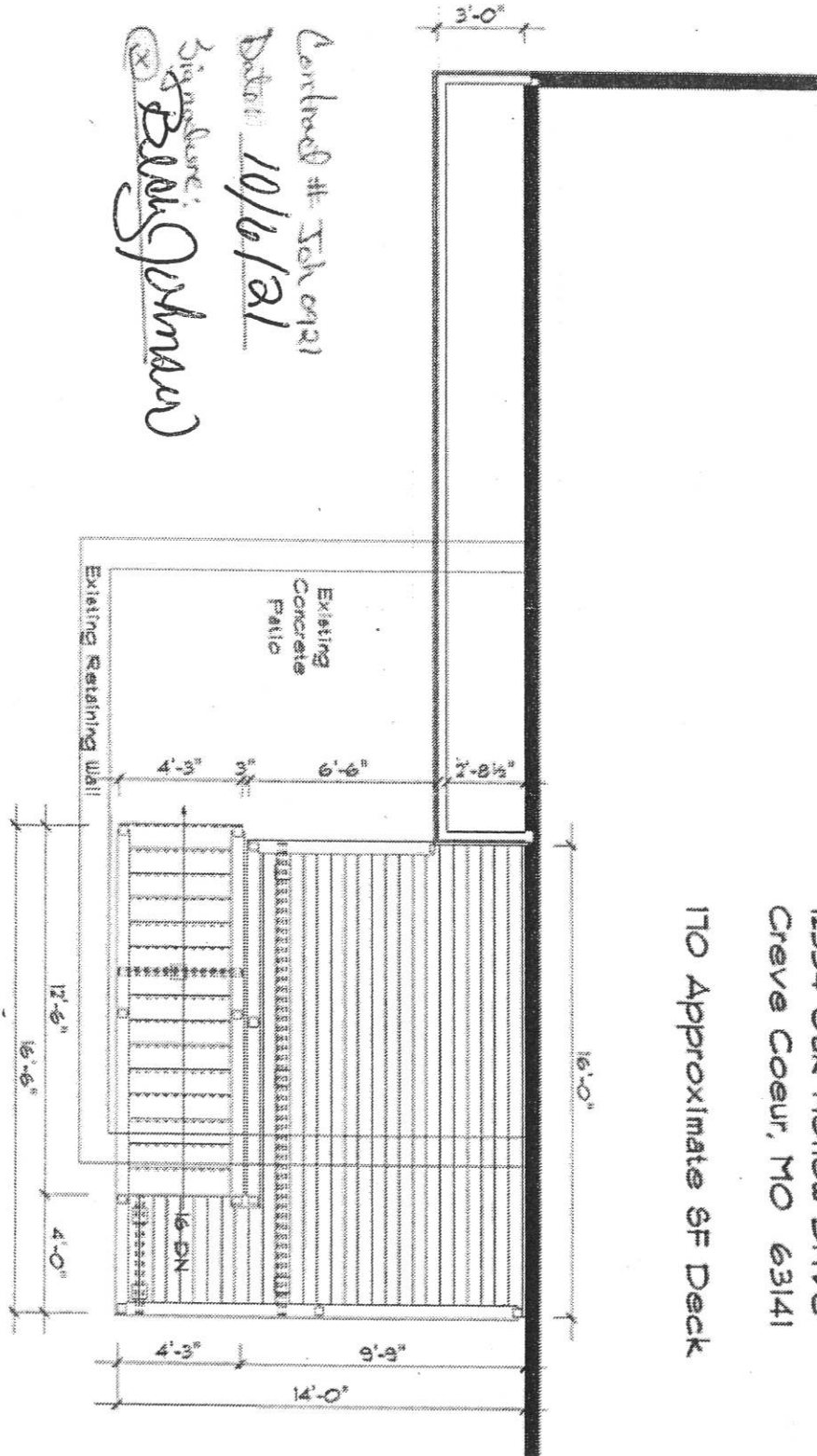
Proposal Valid for 30 days. All Dimensions are Approximate.

Dave Wibbenmeyer: Dave Wibbenmeyer

Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

Becky Johnson
12334 Oak Hollow Drive
Creve Coeur, MO 63141

170 Approximate SF Deck



Contract # 10k 0921
Date 10/6/21
Signature: *Becky Johnson*
(X)

OUTDOOR LIVING INC.

Decks • Fences • Material Supply

DECK PROPOSAL FOR:

Pg. 2 of 2

Becky Johnson
12334 Oak Hollow Drive
Creve Coeur, MO 63141



Finish Specifications:

- ✓ • Decking to be 1" x 6" in choice of Limited Maintenance, on page 1, or (2" x 6" Treated / Cedar)
- Decking attached parallel to house as shown and using hidden clip and/or screw system, specific to manufacturer. Stairs treads, risers, and edge band trim will match the decking choice and will be fastened with exposed and color matched screws.
- Railing to be 36" tall MVP white vinyl, aluminum, or composite from choices above. Graspable ADA railing included for the stair railing as required.

Structural Specifications: (NEW CONSTRUCTION)

- ✓ • All framing lumber to be arsenic free pressure treated Southern Yellow Pine, rated for ground contact, and with lifetime warranty. Includes all support posts, beams, floor joists, and stair stringers. Tops of all Treated Joist framing and beams to be covered in DeckWrap Materials.
- Footings to be minimum 30" deep, minimum 12" diameter, & individually sized for strength.
- ✓ • Deck support columns to be 6" x 6" #2 pressure treated columns set on metal post base on concrete piers. Wrapping/covering the support posts is not included.
- Support beams to be minimum structurally unified double 2" x 10", through bolted to columns.
- House connection bolted every 10" o/c with 1/2" anchor bolts. All hardware will be hot-dipped galvanized.
- Joists will be #1 grade 2" x 10" spaced approximately 12" apart & attached with 'ACQ rated' joist hangers.
- All joist spans of 8' or more will have solid bridge blocking at the mid-span from the house.
- Stairs include closed risers and will land on a new or existing concrete pad below.

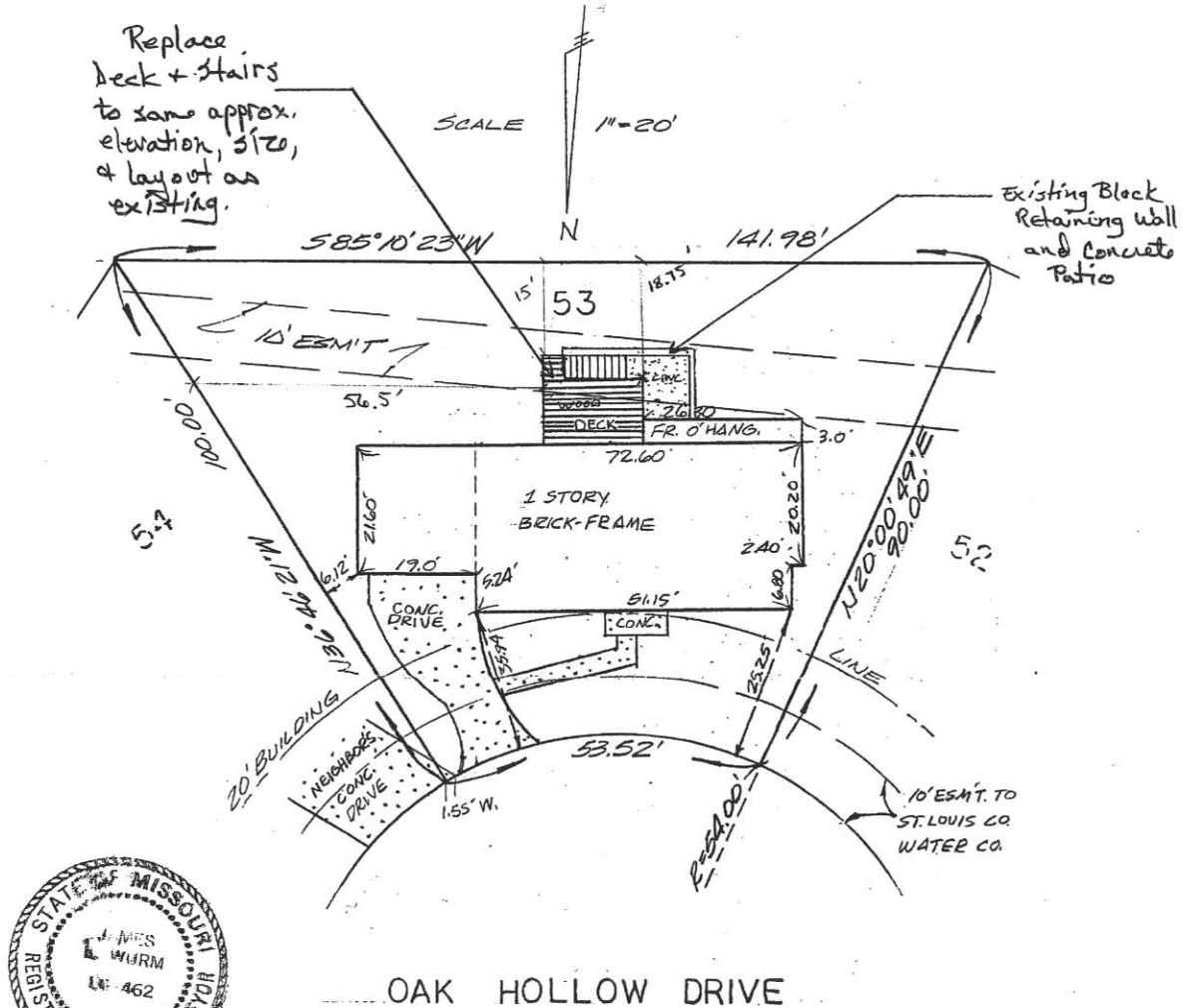
General Specifications: (NEW CONSTRUCTION)

- ✓ • Applicable building permits included. Does not include subdivision approvals or Architect/Engineer stamps/seals if required by governing authority. Construction to meet or exceed all applicable building codes.
- Engineered construction. All designs go through our drafting department for construction plans.
- Workers compensation and \$2 million general liability insurance provided. Lien waiver provided after job completion and final payment.
- WRITTEN WARRANTY: Five years - Structural defects. Five years - Workmanship; Lifetime - Pressure treated lumber, Twenty Five Years - Trex Steel Framing. Lifetime - MVP vinyl railings, aluminum railings, and Azek (50 year against Fade and Stain) cellular PVC decking. 30 years - Timbertech decking. 25 years - Trex, Armadillo, and Deckorators decking. If you ever have a warranty claim, call our office and we will be happy to help you. A copy of our warranty is provided with your contract.

Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

Becky Johnson
12334 Oak Hollow Ar.
Creve Coeur, MO 63141

COUNTRY FOREST PLAT I



OFFICE OF
James Engineering and Surveying Company, Inc. Registered Land Surveyor

7811 Carondelet Ave. • Suite 101 • Clayton, Mo. 63105 • Office 727-4008

This is to certify that at the request of Community Title
we have, on the 5th day of May, 1986, made a survey on Lot 53 of Country Forest Plat I as
recorded in Plat Book 144 Page 46
in St. Louis County, Missouri, and that the result of said survey is represented upon
this plat.

Survey By J. Jamboretz
Survey No. 47699

JAMES ENGINEERING & SURVEYING COMPANY, INC.
By James L. Wurm
James L. Wurm, L.S. 462, President

An agreement has been made by James Engineering & Surveying Company, Inc. and Community Title
to exclude this survey work from the following requirements of the current Missouri Minimum
Standards for Property Boundary Surveys: (1) The surveyor will not monument any corners of the parcel; (2) The plat
may not show the legal description of the parcel; (3) The survey will not be referenced to corners of the original
subdivision or the government surveys; (4) No fence lines will be shown; (5) The dimensions of the parcel and other
features will be insufficient to establish property lines.

Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)

OUTDOOR LIVING INC.

Decks • Fences • Material Supply

RECEIVED

MAR 16 2022

BUILDING DEPT.

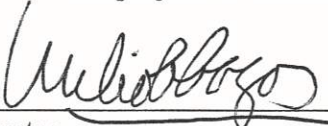
TRUSTEE APPROVAL

Becky Johnson
12334 Oak Hollow Dr.
Creve Coeur, MO 63141

Your municipality requires subdivision trustee approval for your project before they will approve a design for zoning and permitting. The subdivision trustees will need to review the enclosed drawing.

Please have your trustees sign below and return this letter to our office.

“ The project for the above address has received subdivision trustee approval.”


Trustee


Trustee

If not applicable, please sign below and return to us.

“ The project for the above address does not require subdivision trustee approval.”

Purchaser

Purchaser

Thank you for your prompt attention to this matter.

RECEIVED

MAR 16 2022

BUILDING DEPT.

4.1.b



Attachment: Applicant's Materials (12334 Oak Hollow Variance Request)



















city of

CREVE COEUR

4.2.a

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539
www.crevecoeurmo.gov

APPLICATION TO THE BOARD OF ADJUSTMENT
#22-863: VARIANCE REQUEST FOR THE PROPERTY AT 863 DEAVER
LANE TO ALLOW A NEW SINGLE-FAMILY RESIDENCE TO ENCROACH 18
FEET INTO THE REQUIRED 30 FOOT REAR-YARD SETBACK

FOR THE MEETING OF: Thursday, April 21, 2022

SUBJECT PROPERTY LOCATION: 863 Deaver Lane, Zoned "C" Single Family Residential District.

REQUEST: Apollo Carey, attorney, on behalf of David and Ahn Le, property owners, has submitted an application for a rear-setback variance request of 18 feet in order to build a new two-story single-family residence at the currently vacant 863 Deaver Lane in the "C"-Single Family Residential Zoning District. The proposed new single-family residence would be built 18 feet into the required 30-foot rear yard setback, resulting in a 12-foot setback from the south property line. Section 405.270.E.4.e. of the Zoning Code requires a minimum 30-foot setback for all permitted uses in the "C" Single Family Residential District.

ADDITIONAL INFORMATION: The subject property is a corner lot located where Deaver Lane meets Olive Boulevard. Per Section 405.630 (B), any corner lot shall have front yard equivalent setbacks along all street frontages. The property line opposite to the front yard line with the greater street frontage shall be considered the side yard line and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard line.

Key Issues:

- Impact to neighborhood
- Property versus owner hardship

Comprehensive Plan References:

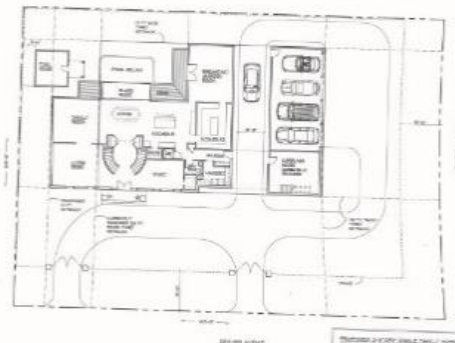
- Commercial and Mixed-Use Districts Frontage Plan (p.61)
- Estate Neighborhood 1 (p. 68)
- East Olive Corridor (p.88)

Zoning Code References

- Section 405.270: "C" Single-Family Residential
- Section 405.630: Yard Regulations
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals

APPLICANT/ OWNER: David and Ahn Le
Anh Le, CPA
12400 Olive Blvd, Suite 320
Creve Coeur, MO 63141

APPLICANTS' REPRESENTATIVE: Apollo Carey
Lewis Rice, LLC
600 Washington Ave, Suite 2500
St. Louis, MO 63101



REPORT PREPARED BY: Bethany L. Moore, City Planner
DATE: 4/8/2022
ATTACHMENTS: Applicant's Materials submitted

BASIS FOR APPEAL AND STATED HARDSHIP

The subject property is a vacant corner lot located where Deaver Lane meets Olive Boulevard, shown in Figure 1. Per Section 405.630 (B), any corner lot shall have front yard equivalent setbacks along all street frontages. The property line opposite to the front yard line with the greater street frontage shall be considered the side yard line and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard line. In the case of 863 Deaver Lane, this means the property line shared with 851 Deaver Lane would have the required rear yard setback and the property line shared with 10910 Olive Boulevard would have the required side yard setback. Per Section 405.270 (E)(4) "C" Single Family Residential Zoning District, the minimum front yard setback for permitted uses is 45 feet, the minimum side yard setback for permitted uses on this lot is 12 feet, and the minimum rear yard setback for permitted uses is 30 feet. This definition for rear and side yard setbacks of corner lots would mean that any single-family residence would have to be built at a greater distance from the adjacent residence at 861 Deaver Lane than the average spacing between residences along Deaver Lane due to the configuration of the rear and side yard setbacks.

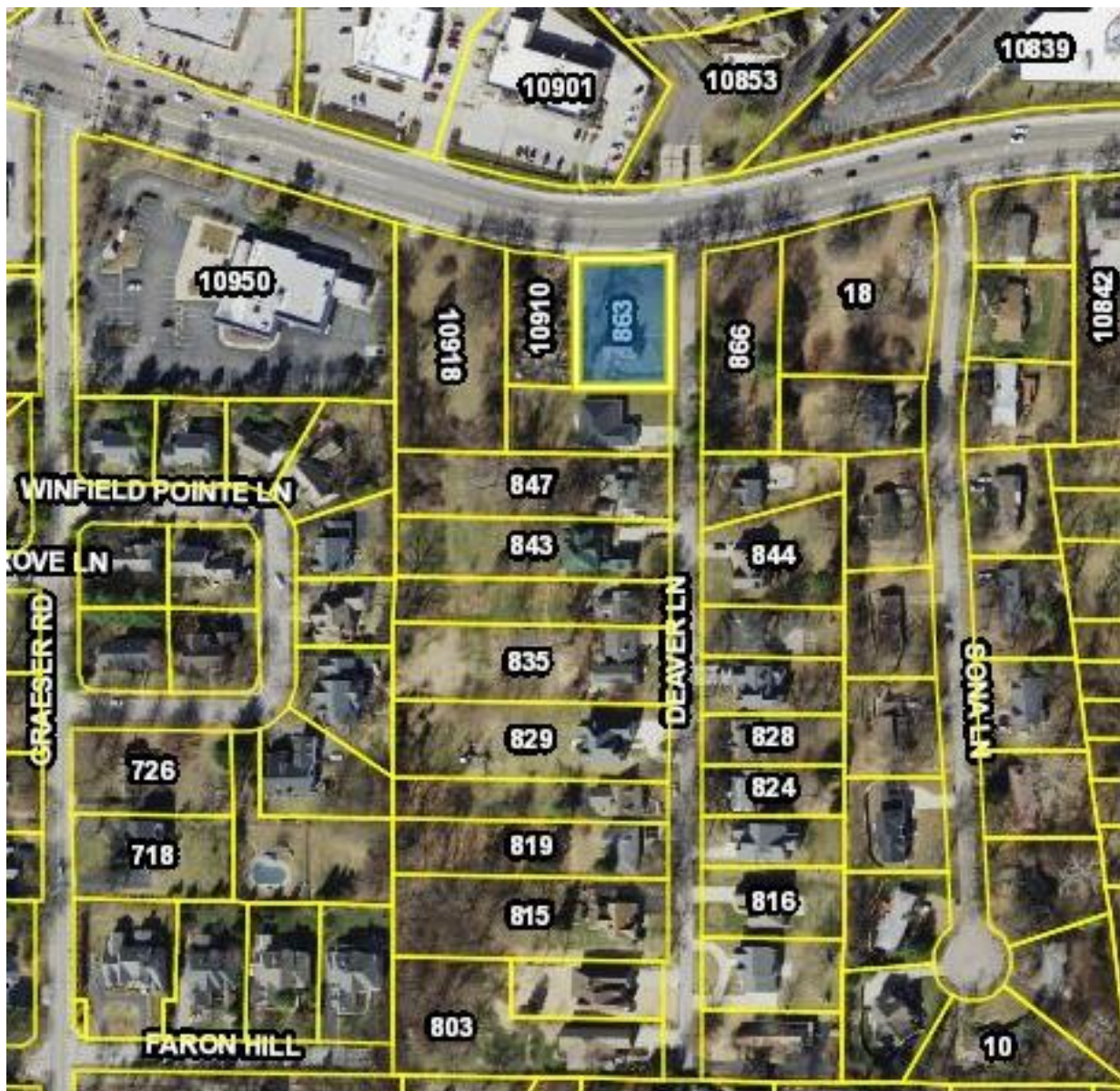


Figure 1: City's GIS Image of Deaver Lane

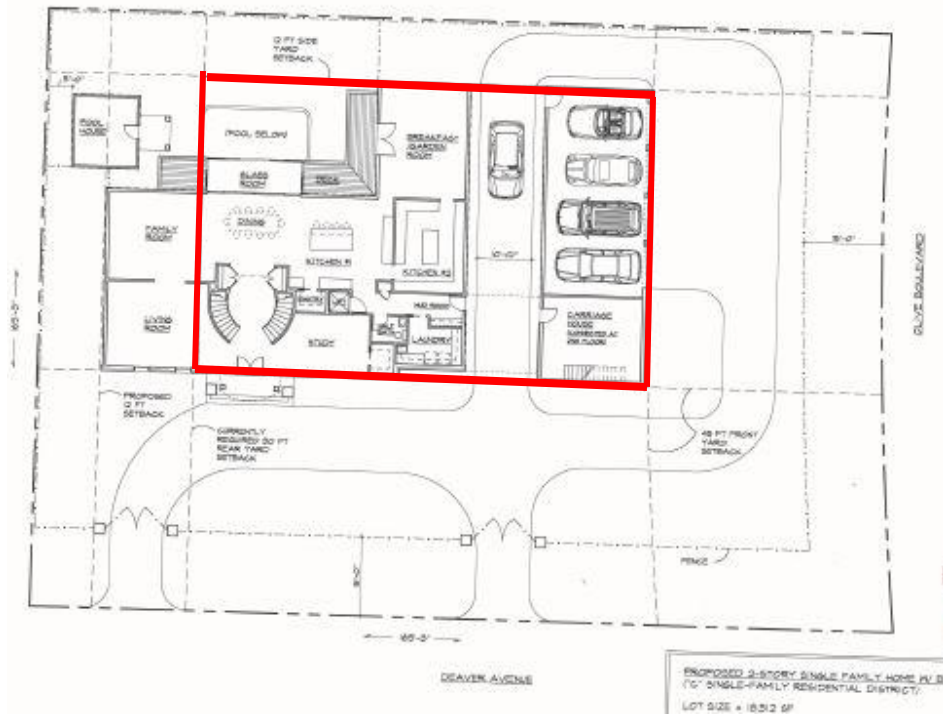


Figure 2: Close-up of the proposed site plan. Buildable area in red.

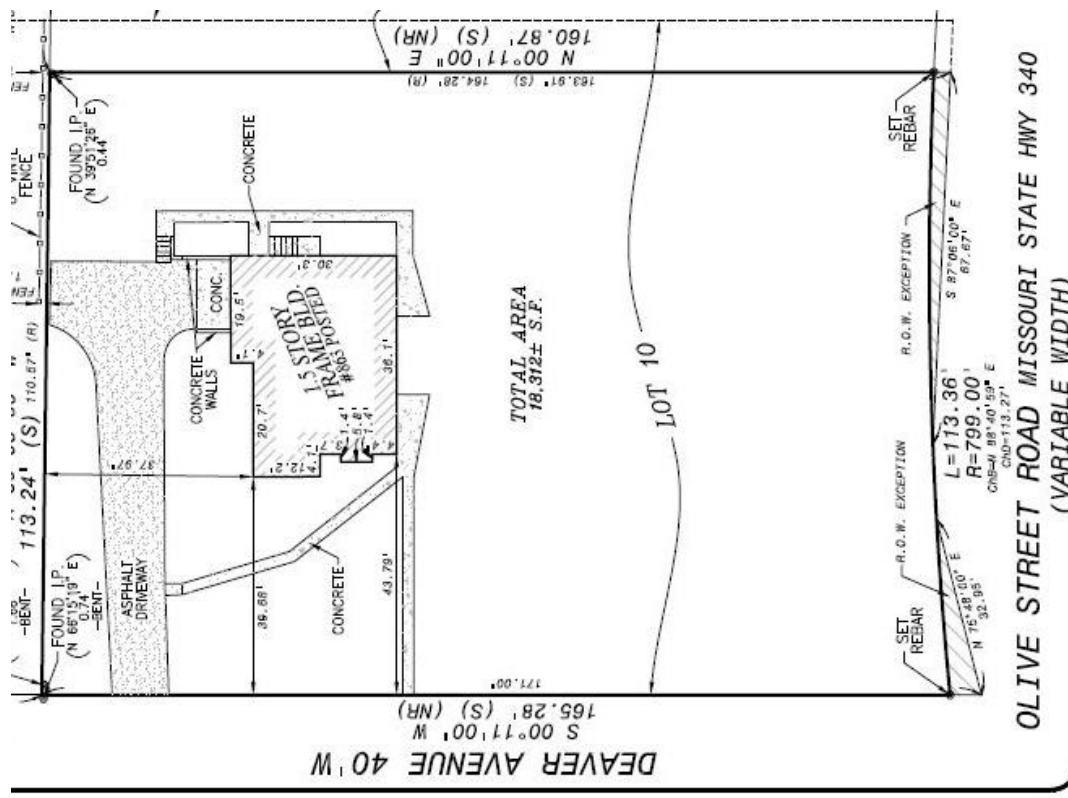


Figure 3: Close-up of the survey showing the previous structure.

The subject lot is approximately 18,312 square feet where the minimum lot area in the “C” Single-Family Residential District is 15,000 square feet. While the majority of the lots on the same side of Deaver Lane as the subject property are deeper, narrower, and encompass more square footage, the majority of the lots on the opposite side of Deaver Lane, while also narrower, and slightly deeper, encompass several thousand less square feet than 863 Deaver Lane. Due to this variety in lot size, the square footage of 863 Deaver Lane is close to the median of lot sizes along Deaver Lane.

In the *Creve Coeur 2030 Comprehensive Plan*, the subject property is part of the East Olive Corridor. The vision for East Olive is to create a walkable corridor of destination retail boutiques, neighborhood service businesses, small-scale restaurants, attached townhomes, and low-density multi-family homes and single-family homes. The district is designed to provide a transition between more intense commercial districts to the east and west. Existing properties in this district are ideal for many types of smaller, specialty retail, service, and office businesses, providing both easy automobile access and a walkable, pedestrian environment. The Neighborhood Commercial District provides for lot-by-lot, incremental revitalization and redevelopment that builds toward a coherent corridor identity. For the residentially-zoned properties fronting the south side of Olive Boulevard between Graeser Road and North Spoede Road, within the ER-1 place type, continued review should be undertaken to ensure progress towards redevelopment or improvement to existing properties are being met. The current zoning, “C” Single-Family Residential, does not allow for the type of development envisioned by the Comprehensive Plan but each project in the East Olive Corridor should be evaluated against the future proposal for this area.

The applicant is seeking a variance to allow for a new two-story single-family residence to encroach 18 feet within the required 30-foot rear yard setback. This puts the residence 12 feet from the rear property line per Figure 2. Per Section 405.630 (A), every part of a required yard shall be open and unobstructed from the ground to the sky. The variance would eliminate a rear yard for the subject property and essentially allow the rear yard to function as an additional side yard. This would give the property two front yard setbacks, two side yard setbacks and no rear yard setback. The applicant maintains that the shape of the lot as well as its location on a corner creates a hardship for the property owner when proposing to build a two-story single-family residence according to the required setbacks.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Commercial	CB-Core Business	Olive Boulevard
South	Single-Family Residence	C-Single Family Residential	N/A
East	Single-Family Residence	C-Single Family Residential	Deaver Lane
West	Vacant Lot	C-Single Family Residential	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 property in question is a vacant corner lot along Olive Boulevard in the “C” Zoning District. There are five additional lots between Graeser Road and North Spoede Road that have a similar configuration making this lot configuration not unusual in this district. The majority of the five additional corner lots along Olive Boulevard in the same zoning district are larger than the subject property. The size of the lot at 863 Deaver Lane is 18,312 square feet, roughly 3,000 square feet larger than the minimum lot size of 15,000 square feet and appears to be of average size when compared to the surrounding lots in the Olive Crest Subdivision. Due to the shape of the lot, the rear yard setback falls to the property line separating 863 Deaver Lane from 861 Deaver Lane. This will create a building placement that has a larger gap between residences than is common on Deaver Lane due to the side yard setback requirements, but this is not an uncommon condition to the five additional similarly configured corner lots along Olive Boulevard.

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

The owner had no say in the location or dimension of the lot. However, it is the owner’s decision to purchase this lot and pursue a new two-story single-family residence that does not meet the setback requirements. The design for the residence has not been finalized and the only material in terms of plans that the applicant submitted is a site plan outlining the floor plan for the first floor of the proposed residence, Figure 2. Staff reviewed the submitted materials and suggested changes to the floor plan that would allow the residence to be built within the required setbacks without the need for a rear-yard setback variance. These suggestions were explored by the owner and architect but ultimately rejected because they did not meet the desires of the property owner. The materials submitted by the property owner do not seem to present a unique hardship not created by the owner of the property so that the property cannot be used for a single-family residence without the need for a rear yard setback variance. Although the chosen residence design by the owner may not comply with the required setbacks for the subject property, no evidence has been submitted to prove hardship of the property or that there are no reasonable alternative residential designs could be built on the property due to the required setbacks.

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

Given that the request is for a variance to encroach 18 feet into a required 30-foot rear yard setback that is required of all other properties in the same district, it is the decision of the Board to determine if granting such a request would be a fair application of the Zoning Code requirements for Section 405.270 that is imposed on all surrounding property owners and whether the subject property’s lack of a rear yard that meets the minimum setback requirements poses an adverse effect to adjacent property owners.

4. **The strict application of the provisions of the Zoning Ordinance from which a variance is requested, will cause severe practical difficulty or extreme hardship for the property owner represented in the application;**

The question before the Board, under this criterion, is whether or not the inability to build a specific two-story, single family residential design when other design options not requiring a variance are available, represents severe practical difficulty. The strict application of the required rear yard setback of 30 feet would not eliminate the owner's ability to build any type of residence; it would only eliminate the owner's ability to build the specific design chosen.

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

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

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

Granting the 18-foot rear yard setback encroachment variance to allow the two-story single-family residence to be built as designed at 12 feet from the rear property line instead of the required minimum of 30 feet for permitted uses in the "C" residential zoning district would appear to violate the general spirit and intent of Section 405.630 *Yard Regulations* because this provision is imposed on all other permitted uses in all districts and there are alternatives to the proposed design that would still allow for a two-story single family residence to be built on the lot. The applicant has not submitted documentation to support their lot's existing conditions preclude the construction of a single-family residence comparable to others in the neighborhood that would comply with the Zoning Code.

The purpose and intent of the Zoning Ordinance is to ensure that the zoning regulations protect a broad range of property interests and owners. Altering the Zoning Ordinance as it applies to design preferences of the current homeowner rather than the physical conditions of the site would appear to be contrary to the larger purpose and intent of the Zoning Ordinance. The general spirit and intent of Section 405.630 is to regulate the location of permitted uses on the property and maintain uniform distances between permitted uses and surrounding property lines.

Additional Criteria for Non-Use Variances

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

1. **By reason of exceptional narrowness, shallowness or shape of the specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually create a hardship to the property in a manner dissimilar to that of other similarly situated property in the zoning district in which it is located.**

The subject property is not exceptionally narrow, shallow, uniquely shaped, and does not possess exceptional topographical conditions or other extraordinary or exceptional circumstances such that the strict application of the terms of the zoning regulations actually would create a hardship to the property in a manner dissimilar to that of other similarly situated property in the zoning district in which it is located. The desire to have open yards along the street is a positive goal of the City and serves as the basis for establishing setback regulations within the zoning ordinance. The subject property's location on a corner means it has two required front yard setbacks. This requirement is applied to all corner lots and

specifically effects 5 additional lots along Olive Boulevard in the “C” zoning district. The owner has presented no evidence of hardship of the property.

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

The City’s stormwater regulations, under Chapter 425, require on-site mitigation to capture any proposed increase in runoff. The permitting process requires the submittal of a stormwater management plan to be reviewed in greater detail as part of the construction permit process to ensure the effects on neighboring properties are minimized.

ACTION

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

“I move to approve a variance allowing for a new single-family residence at 863 Deaver Lane to encroach into the rear yard 18 feet from the rear property line, where the required rear yard setback is 30 feet for the C Single Family Residential Zoning District, 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 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. Neither extraordinary nor exceptional circumstances present on the lot prevent the strict application of the 30-foot rear-yard setback requirements or create a hardship to the property in a manner dissimilar to that of other similarly situated properties in the zoning district; and,
8. Granting the variance will not result in the diversion of additional stormwater that would adversely affect adjacent property.”

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

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

“I move to direct Staff to prepare and authorize the Chair of the Board of Adjustment to execute Findings of Fact and Conclusions of Law regarding the variance requested for 863 Deaver Lane based upon the testimony received and the deliberations of the Board on this application, as decided on April 21, 2022.”

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



Attachment: 863 Deaver Ln BOA Staff Report.4.21.22 (863 Deaver Lane Variance)

APPENDIX 4: SITE PHOTOGRAPHS

Photo Dates: 4/7/2022



Description: View looking South along Deaver Lane at neighboring property.



Description: View of existing lot conditions at 863 Deaver Lane.



city of CREVE COEUR

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

NOTICE OF PUBLIC HEARING

APPLICATION TO THE BOARD OF ADJUSTMENT

#22-863: VARIANCE REQUEST FOR THE PROPERTY AT 863 DEAVER LANE TO ALLOW A NEW SINGLE-FAMILY RESIDENCE TO ENCROACH 18 FEET INTO THE REQUIRED 30 FOOT REAR-YARD SETBACK

FOR THE BOARD OF ADJUSTMENT MEETING OF: Thursday, April 21, 2022, 4:00 PM

SUBJECT PROPERTY LOCATION: 863 Deaver Lane, Zoned "C" Single Family Residential District.

REQUEST: Apollo Carey, attorney, on behalf of David and Ahn Le, property owners, has submitted an application for a rear-setback variance request of 18 feet in order to build a new single-family residence at 863 Deaver Lane in the "C"-Single Family Residential Zoning District. The proposed new single-family residence would be built 18 feet into the required 30-foot rear yard setback, resulting in a 12-foot setback from the south property line. Section 405.270.E.4.e. of the Zoning Code requires a minimum 30-foot setback for all permitted uses in the "C" Single Family Residential District. Section 405.630.B. Yard Regulations defines the rear yard as the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard line.

ADDITIONAL INFORMATION: The Board of Adjustment is scheduled to review and take action on this request at its meeting on Thursday, April 21, 2022 at 4:00 p.m. All meetings are held in person in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road.

You can submit written or e-mailed comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2501 or e-mail blmoore@crevecoeurmo.gov.

Key Issues:

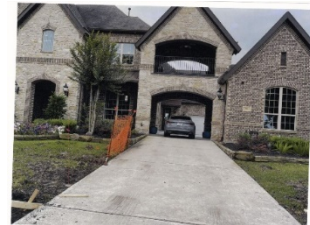
- Impact to neighborhood
- Property versus owner hardship

Zoning Code References

- Section 405.270: "C" Single-Family Residential
- Section 405.630: Yard Regulations
- Section 405.1040: Board of Adjustment
- Section 405.1110 Variances and Appeals

APPLICANTS/ OWNERS: David and Ahn Le
Anh Le, CPA
12400 Olive Blvd, Suite 320
Creve Coeur, MO 63141

APPLICANTS' REPRESENTATIVE: Apollo Carey
Lewis Rice, LLC
600 Washington Ave, Suite 2500
St. Louis, MO 63101



STAFF CONTACT: Bethany Moore, City Planner
CC: Heather Silverman and Mark Manlin, Ward I

Attachment: Applicant's Materials (863 Deaver Lane Variance)

AERIAL PHOTO:



Attachment: Applicant's Materials (863 Deaver Lane Variance)

city
of

CREVE COEUR

File # 22-863

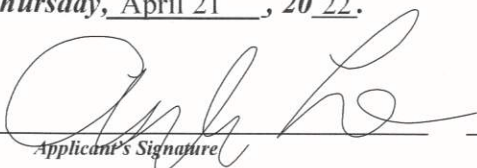
300 North New Ballas Road • Creve Coeur, Missouri 63141
 (314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966
 www.creve-coeur.org

BOARD OF ADJUSTMENT APPLICATION NON-USE VARIANCE

Applicant:	Applicant's Representative (if applicable):
David and Ahn Le, Tenants in Common <i>Name</i>	Apollo Carey <i>Name</i>
Anh Le CPA <i>Company (If Applicable)</i>	Lewis Rice LLC <i>Company (If Applicable)</i>
12400 Olive Blvd., Suite 320 <i>Address</i>	600 Washington Avenue, Suite 2500 <i>Address</i>
Creve Coeur, MO 63141 <i>Address</i>	St. Louis, MO 63101 <i>Address</i>
Telephone # 314-624-0350	Telephone # 314-444-7788
Fax #	Fax #
Email: anhlecpa@gmail.com	Email: acarey@lewisrice.com

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

The undersigned hereby requests to be placed on the Agenda for the Board of Adjustment meeting at 4:00 P.M. on Thursday, April 21, 2022.


 Applicant's Signature


 Applicant's Representative's Signature

March 15, 2022
 Date

3/15/2022
 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

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 MAR 24 2022
 PLANNING DEPT.

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):

See attached plans.

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

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

See attached Supplement to Variance Application.

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

See attached Supplement to Variance Application.

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

See attached Supplement to Variance Application.

- Current uses and structures on the property:

See attached Supplement to Variance Application.

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

See attached Supplement to Variance Application.

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?

See attached Supplement to Variance Application.

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

See attached Supplement to Variance Application.

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?

See attached Supplement to Variance Application.

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:

See attached Supplement to Variance Application.

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

See attached Supplement to Variance Application.

9. Zoning district in which the property is located: See attached Supplement to Variance Application.

10. Size of the lot (total square feet or acres): See attached Supplement to Variance Application.

11. Please provide any other information in support of this request (on a separate sheet if needed):
See attached Supplement to Variance Application.

Supplement to Variance Application

- 1) A two-story residential structure, consistent with the current zoning regulations and consistent with the types of homes already existing on Deaver Ln. Please see attached drawings for consideration.
- 2) In support of this application, we offer the following:
 - a. UNIQUE PHYSICAL CHARACTERISTICS of 863 Deaver Ln:
 - i. The lot is shaped in a unique way, inconsistent with the other lots on Deaver Ln. The lot is wide and shallow, with very little space for an actual backyard if a residential structure is oriented to face Deaver Ln. Most, if not all, of the other lots on Deaver Ln are long and narrow and have sizable back yards.
 - ii. According to public information on the assessor's website the subject lot is .38 of an acre or approx. 16,539 square feet. The average lot on the same side of Deaver Ln is approximately 30k square feet which is .68 of an acre, almost double the size.
 - b. UNIQUE NON-PHYSICAL CHARACTERISTICS OF 863 Deaver Ln:
 - i. The lot is also unique in that it is one (1) of only eight (8) lots in Creve Coeur that is a corner lot, zoned residential, along the Olive Blvd. corridor. We counted over 1800 residentially zoned parcels in the City of Creve Coeur.
 - ii. As a corner lot, the property is bordered on two sides by public streets.
 - c. ANY OTHER DIFFERENCES BETWEEN THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES THAT WARRANT DIFFERENT TREATMENT:
 - i. The subject property is the closest residential property (with a Deaver Ln address) to the Olive Blvd commercial corridor. It, therefore, serves as the "buffer" property between the Olive commercial corridor and the residents on Deaver Ln.
 - ii. Just to the west of the subject property is a residentially zoned lot with an Olive address (10910 Olive Blvd) AND Olive ingress/egress. That lot will likely never contain a residential structure, despite its zoning, because no one would build a new residential structure facing Olive Blvd.
 - iii. The lot was purchased in 2019 for \$160,000, land only purchase.
 - iv. Lot is zoned "C" Single Family Residential, which has minimum lot size of 15,000 and lot size of 20,000. All lots on the same side of Deaver Ln contain more than 20,000 while the subject property barely meets the minimum required lot size.
 - d. CURRENT USES AND STRUCTURES ON THE PROPERTY—The property is currently vacant
- 3) Explain why the zoning laws unfairly burden the subject property: Application of 405.270 and 405.630 creates the legal fiction of a "backyard" that causes unusual and unnecessary distance between the proposed structure on the subject property and the existing structure on the abutting lot on Deaver Ln (851 Deaver Ln). This throws off the symmetry of the street and is visually displeasing. It puts the "rear" yard where an actual "side" yard should be. Application of these zoning laws does not allow the property owner to build a structure that is consistent with the size/shape of the lot.
- 4) Do you believe that the problems described above hurt the market value of the property and why: Yes, we believe the market value of the property would be severely damaged if the variance was not granted. In fact, we believe that the application of 405.270 and 405.630 make it such that the property owner is almost forced to orient the proposed residential structure

Supplement to Variance Application

towards Olive, which simply is not feasible. There is zero market for a residence (facing Olive) along the Olive Blvd. commercial corridor, which is why the property was purchased as "land only" in 2019. The property just across Deaver is also vacant and zoned "C" Residential, and it has been on the market since 1989. Without the variance, the applicant would be forced to build a home that is smaller than most homes in the subdivision, that does not have the same amenities, and that has an actual "side" yard of 30 ft, putting an inordinate amount of distance between the home and its neighboring structure, separating it from the rest of the subdivision. For the property to appear like it is consistent with and part of the neighborhood, it should have the same distance between it (and the next home) as do the other homes on the street.

- 5) Assuming the variance is approved, describe the potential impact on the neighborhood: If the variance is approved, the neighboring properties will be appreciative because the applicant will have built a residential structure which fits very well within the neighborhood and which will have a positive impact on the property value of all homes on Deaver (because the home will be physically considered part of that neighborhood). Also, they will have a "buffer" property that will help absorb some of the traffic noise emanating from Olive Blvd. The neighborhood will also be pleased that the land is no longer vacant.
- 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. The property already has public water and sewer. It is easily accessible for any emergency services that need to get to it and it already has a Deaver Ln address. No additional burden on government.
- 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. The variance will not affect traffic.
- 8) Assuming the variance is approved, describe any additional street access or parking that will be needed: None. The variance will actually allow for easier ingress/egress from Deaver Ln, which is safer than Olive. The variance will also allow the property to have similar parking area to the other homes in the subdivision.
- 9) Zoning district in which the property is located: "C" Single Family Residential
- 10) Size of the lot (total square feet or acres): approx. 16,539 or .38 acres
- 11) Please provide any other information in support of this request (on a separate sheet if needed):
The applicant has a spouse that suffers from cancer and it is necessary for the applicant to build a home that has sufficient square footage to allow for an elevator and wheelchair access throughout the property. Without the variance, the applicant would have to severely reduce the foot print of the home which not only poses all the market-related hardships raised above, but will also not allow for enough space to make the home ADA compliant for the needs of the applicant's wife. The applicant purchased this lot with the intent to build his dream home and eventually pass it down to his children because it is in the Ladue school district, which is seen as a huge benefit by the market. Please also see attachments to the variance application and presentation from the applicant's representatives which will be made during the public hearing.

BOUNDARY AND IMPROVEMENT SURVEY

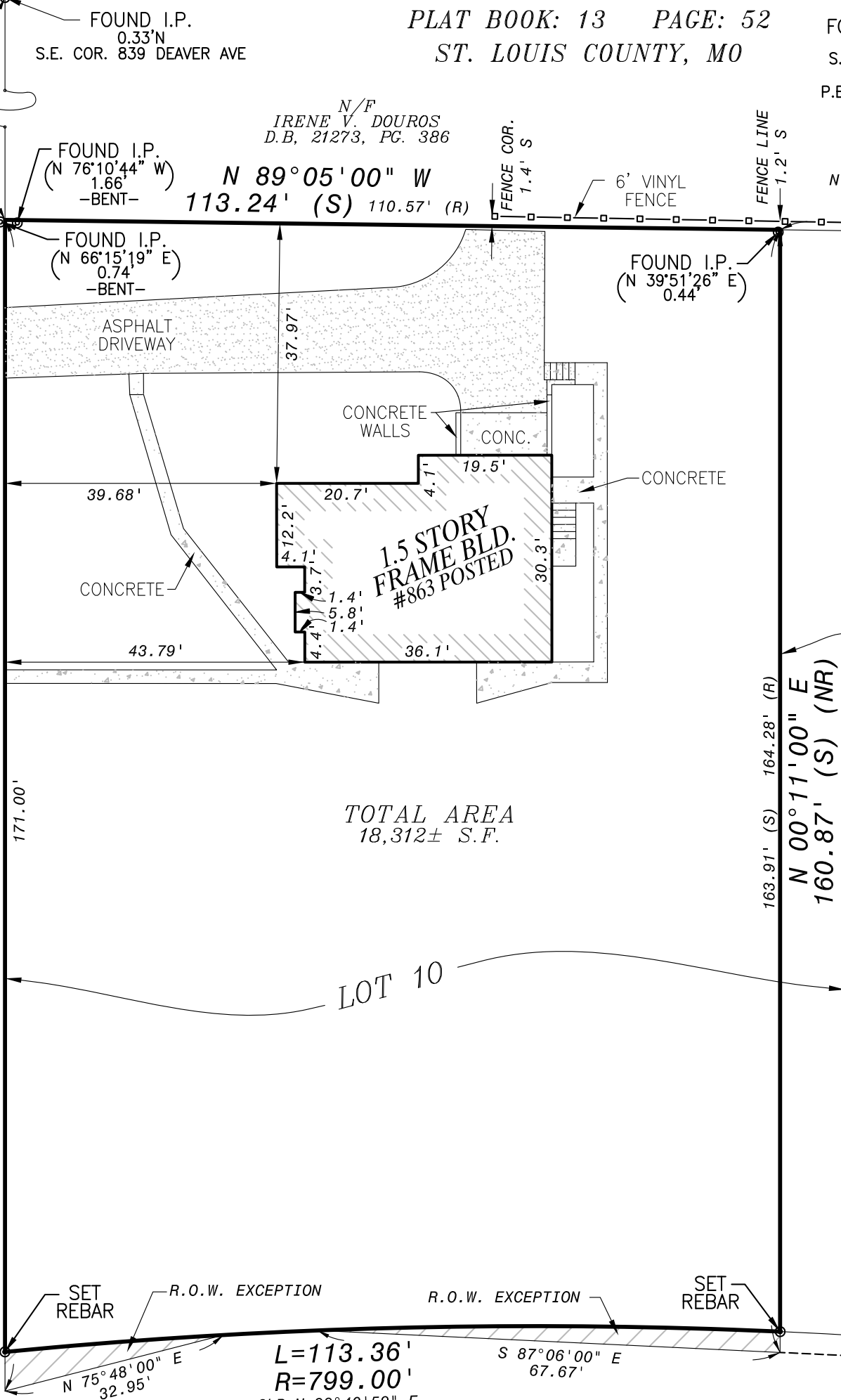
4.2.b

PART OF LOT 10 OF OLIVE CREST 1ST ADDITION

PLAT BOOK: 13 PAGE: 52
ST. LOUIS COUNTY, MO

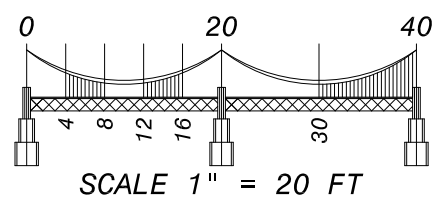
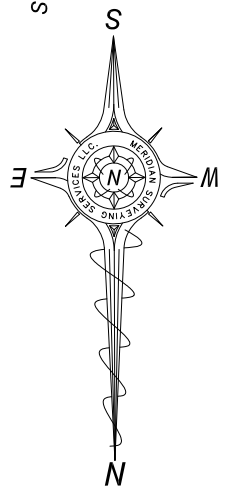
DEAVER AVENUE 40' W

S 00°11'00" W
307.21' W
S 00°11'00" W
165.28' (S) (NR)



TOTAL AREA
18,312± S.F.

OLIVE STREET ROAD MISSOURI STATE HWY 340
(VARIABLE WIDTH)



SCALE 1" = 20 FT

NORMA J. KLOPSTEIN
D.B. 12494, PG. 2397

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'

SOURCE OF RECORD DESCRIPTION:
GENERAL WARRANTY DEED RECORDED IN DEED BOOK 23754, PAGE 4012 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS.

A CURRENT TITLE COMMITMENT HAS NOT BEEN MADE AVAILABLE FOR OUR USE. IT IS POSSIBLE THERE ARE EASEMENTS AND OTHER INSTRUMENTS OF RECORD THAT AFFECT THE SUBJECT TRACT THAT WOULD BE EXPOSED IN THE TITLE COMMITMENT REPORT AND ARE UNKNOWN TO THIS OFFICE AT THE TIME THE SURVEY WAS EXECUTED AND THEREFORE NOT PLOTTED HEREON. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR.

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:

OLIVE CREST 1ST ADDITION
PLAT BOOK: 13 PAGE: 52

DATE: 07/27/2020

THIS IS TO CERTIFY TO DAVID LE, THAT AT HIS REQUEST, MERIDIAN SURVEYING SERVICES LLC., HAS DURING THE MONTH OF JULY, 2020, EXECUTED A RESURVEY OF PART OF LOT 10 OF OLIVE CREST 1ST ADDITION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGE 52 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.

Meridian Surveying Services LLC (agent,



(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:
MC	LCF	MWH/AJS
DATE:	DRAWING NO:	PROJECT NO:
07/27/2020	01	69560

SHEET
1

Packet Pg. 57

Attachment: Applicant's Materials (863 Deaver Lane Variance)



PHILIP A. GOMEZ
ARCHITECT #A-6:
21 EAGLES LANDING D
ST. PETERS, MO 6333

© 2022 Philip Gomez, Architect
These drawings, including all associated
referenced electronic data, are the sole property
of the architect, and may not be altered in any way
except by specific direction of the architect.

Client: **Anh Le CPA**
951 Northwestern Ave.
Fairview Heights, IL 62208
636-706-6276, anhlecpa@gmail.com

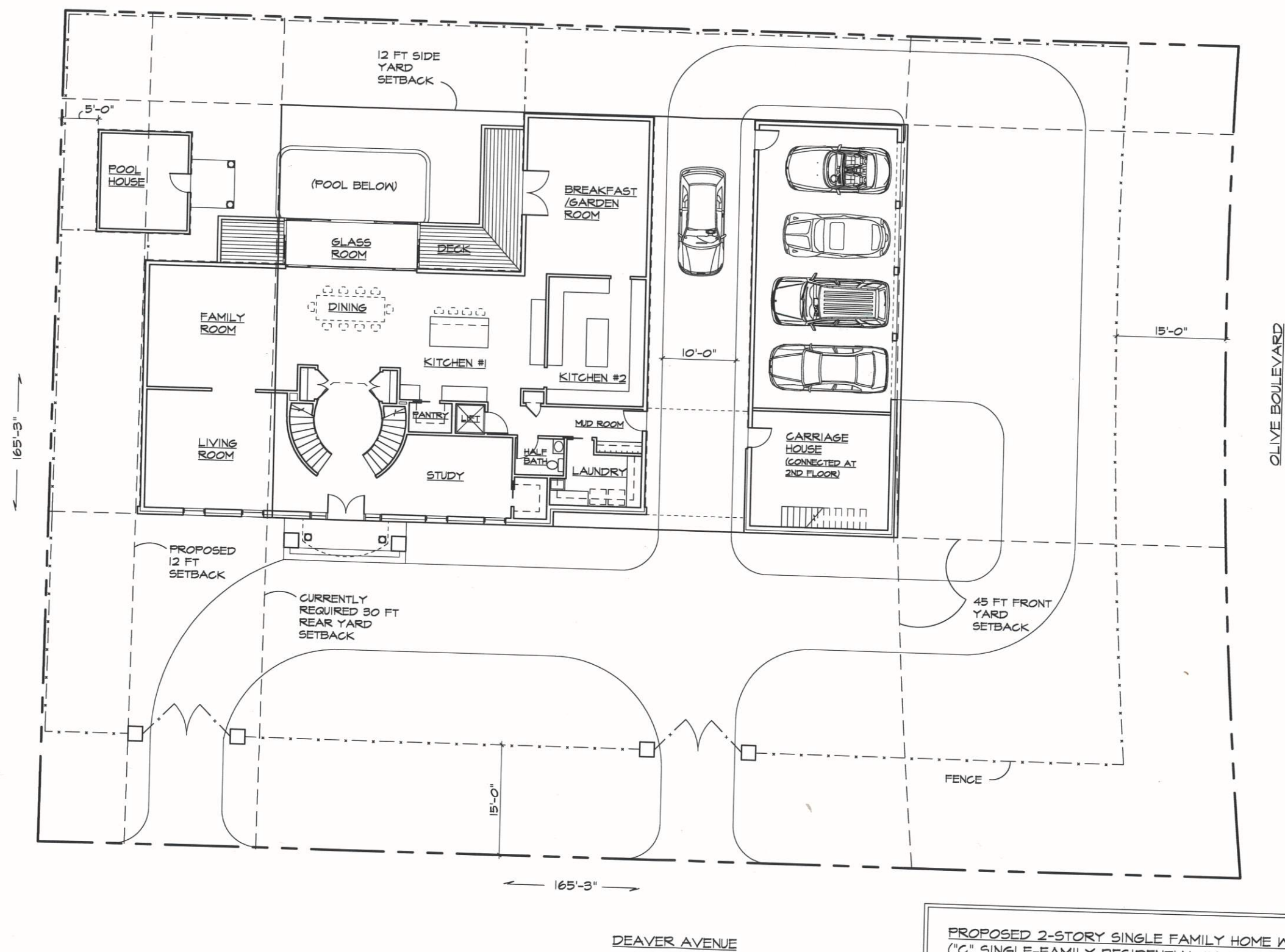
Project: **New Single Family Residence**
863 Deaver Ave.
Creve Coeur MO 63141

Date: **4-1-22**

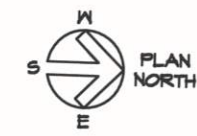
Sheet Contents:
Site Plan

Sheet No:

C-1



SITE PLAN
1/16" = 1'-0"



PROPOSED 2-STORY SINGLE FAMILY HOME W/ BASEMENT
(“C” SINGLE-FAMILY RESIDENTIAL DISTRICT)

LOT SIZE = 18,312 SF

PROPOSED HOUSE FOOTPRINT = 2740 SF
PROPOSED GARAGE FOOTPRINT = 1142 SF
PROPOSED POOLHOUSE = 175 SF

TOTAL PROPOSED BUILDING AREA = 4057 SF

BUILDING AREA AS PERCENTAGE OF LOT SIZE = 22%

ALLOWABLE SITE COVERAGE PER ZONING ORDINANCE = 40%

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APR 01 2022
BUILDING DEPT.

Attachment: Applicant's Materials (863 Deaver Lane Variance)

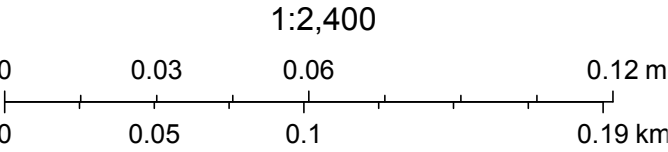


3/7/2022, 8:11:12 AM

Image

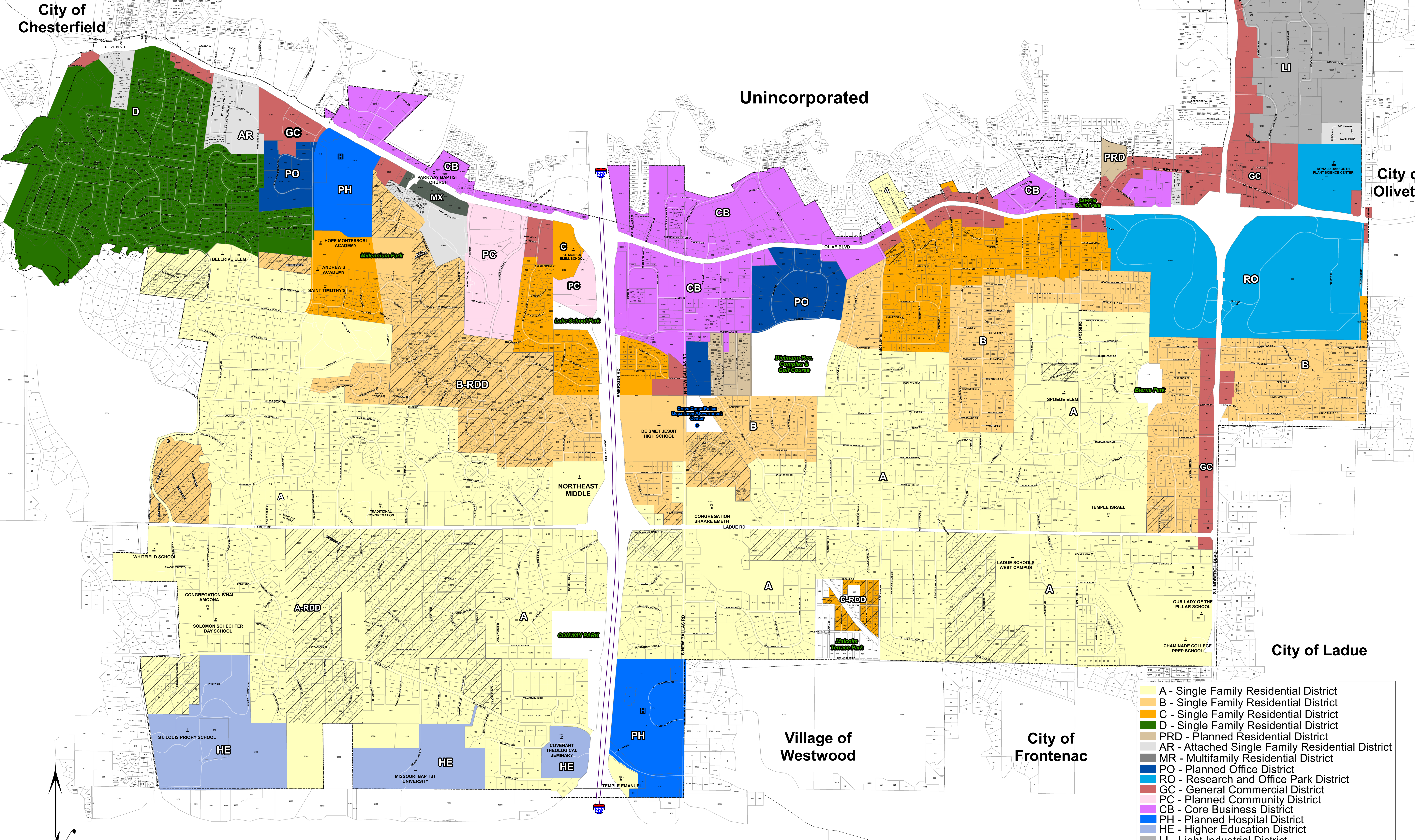
- Red: Band_1
- Green: Band_2
- Blue: Band_3

- Sales (Last 2 Years)
- Other Flood Areas (0.2% Annual Chance)
- Special Flood Hazard Areas (1% Annual Chance)



St. Louis County GIS Service Center

City of Creve Coeur, Missouri Zoning Map



City of Chesterfield

Unincorporated

City of Olivette

City of Ladue

City of Frontenac

Village of Westwood

City of Town and Country

City of Creve Coeur, MO 1949

Prepared By:
HORNER SHIFFRIN
Date: 9/20/2019

Adopted by the City Council as the official zoning map of the City of Creve Coeur, Missouri
Ordinance No. 5658 Date September 9, 2019

0 750 1,500 2,250 3,000
Feet

SCALE: 1" = 500'

A - Single Family Residential District
B - Single Family Residential District
C - Single Family Residential District
D - Single Family Residential District
PRD - Planned Residential District
AR - Attached Single Family Residential District
MR - Multifamily Residential District
PO - Planned Office District
RO - Research and Office Park District
GC - General Commercial District
PC - Planned Community District
CB - Core Business District
PH - Planned Hospital District
HE - Higher Education District
LI - Light Industrial District
MX - Mixed Use District
A-RDD - Single Family Residential Design Development Procedure
B-RDD - Single Family Residential Design Development Procedure
C-RDD - Single Family Residential Design Development Procedure

Attachment: Adjacent's Materials (MS) Street Lane Materials



Attachment: Applicant's Materials (863 Deaver Lane Variance)



Attachment: Applicant's Materials (863 Deaver Lane Variance)

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MAR 25 2022

BUILDING DEPT.



Bethany Moore <blmoore@crevecoeurmo.gov>

863 Deaver Lane

2 messages

Aisha Bangert <missish22@yahoo.com>

Mon, Apr 11, 2022 at 1:02 PM

To: blmoore@crevecoeurmo.gov, "1stedolivecresttrustees@gmail.com" <1stedolivecresttrustees@gmail.com>

Good afternoon. I was just made aware of the application to adjust the rear-yard setback for 863 Deaver Lane. I would like to comment that I approve this request, as one of the trustees of Olive Crest. For the use of a single family home needing to encroach 18 of the 30 foot setback of the rear (south) yard.

In addition, i would like to make you aware that your records may be out of date, since the trustees you contacted are no longer seated. If you could correct your info so that those of us who have replaced them as trustee could get this type of information directly.

Thank you for your time,

Aisha Bangert
832 Deaver Lane
314-707-9499

Bethany Moore <blmoore@crevecoeurmo.gov>

Mon, Apr 11, 2022 at 1:14 PM

To: Aisha Bangert <missish22@yahoo.com>

Cc: "1stedolivecresttrustees@gmail.com" <1stedolivecresttrustees@gmail.com>

Aisha,

Thank you for the information! I will add your comment to our file for the Board. I will also update our information. Can you give me the information for the other trustees so I can update our records? Thank you!

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Bethany L. Moore

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

www.crevecoeurmo.gov

Attachment: Public Comment (863 Deaver Lane Variance)



Bethany Moore <blmoore@crevecoeurmo.gov>

863 Deaver Lane

Khan, Fatima <FKhan@thompsoncoburn.com>
To: Bethany Moore <blmoore@crevecoeurmo.gov>

Tue, Apr 12, 2022 at 2:01 PM

Hi Bethany,

I have reviewed the application and I also approve the request to adjust the rear-yard setback for [863 Deaver Lane](#). We look forward to adding another single family home to our neighborhood, especially at this front lot location which has sat vacant for a long time.

Thanks,

Fatima Khan ([808 Deaver Lane](#) and Trustee)**Fatima G. Khan**fkhan@thompsoncoburn.com

P: 314 552 6267

F: 314 552 7000

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

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