



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

April 21, 2016

4:00 PM

City Council Chamber

I. CALL TO ORDER AND ROLL CALL

Mr. Roger Levy (Chair)
Mr. Martin Satz
Mr. Ivan Schenberg
Mr. Glenn Wilen
Mr. John Becker
Ms. Alexandra Gada (Alternate)
Mr. Robert Mooney (Alternate)

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

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

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

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

II. ADDITIONS TO-ACCEPTANCE OF THE AGENDA

III. APPROVAL OF MINUTES

1. February 18, 2016 Draft Meeting Minutes

IV. NEW BUSINESS

1. Variance Request to Allow for a New Front-Porch to Project Up to Approximately Three Additional Feet into the Front Yard Setback for the Home at 9820 Sundown Square

Shawn Gwaltney, of GP Homes LLC, has submitted an appeal for a variance to allow the structural modification of the existing home within the legally pre-existing, but non-conforming front yard setback of 40.09 feet where the required setback is 45 feet per

Section 405.260, B Single Family Residential District. The applicant is requesting the variance to allow for a new 5 feet by 8.5 feet front porch that will encroach an additional 3 feet into the front yard setback.

V. OTHER BUSINESS

VI. ADJOURNMENT

Posted: _____
Jessica Stutte
Recording Secretary

MINUTES

BOARD OF ADJUSTMENT
CITY OF CREVE COEUR, MISSOURI
FEBRUARY 18, 2016

A regular meeting of the Board of Adjustment of the City of Creve Coeur, Missouri was called to order by Chairman Roger Levy at the Creve Coeur Government Center, 300 North New Ballas Road, at 4:00 p.m. on Thursday, February 18, 2016. The roll was called: Chairman Roger Levy, Mr. Ivan Schenberg, Mr. Glenn Wilen and Mr. Robert Mooney were in attendance. Also in attendance: Mr. Jason Jaggi, Ms. Whitney Kelly, Mr. Carl Lumley, Ms. Jessica Stutte and Deborah McLaughlin.

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

Accepted.

3. **APPROVAL OF MINUTES**

Approval of December 17, 2016 minutes.

Mr. Mooney moved to approve the minutes.

Mr. Schenberg seconded the motion.

All voted aye to accept the minutes.

4. **NEW BUSINESS**

1. Variance Request to Allow for Two Wall Signs with a Combined Total of 71.53 Square Feet for Total Access Urgent Care in the Tenant Space Addressed as 10923 Olive Boulevard.

Mr. John King indicated he is representing Dr. Matthew Bruckel. Mr. King indicated they are here this evening to ask for an additional sign, and we think that it is very important to the Petitioner that this sign be granted on the east side of the building for westbound traffic. This is an emergency care center. Many people, which I did not know and recently learned, are brought to the clinic, not only by their relatives, friends, for an emergency situation, but ambulance, also emergency vehicles, also stop at this location.

The speed limit on Olive Street Road is 40 miles an hour at this location, and we think it's a matter of public safety, because of the speed on the Olive Street Road, and because of the fact that there is no sign or nothing when you're headed west on the east side of the building that you can locate to be able to stop at the Total Access

building.

Dr. Matthew Bruckel gave the Board some background information on himself and his company. Dr. Bruckel talked to the Board about his desires for signage.

Matt Hrdlicka, Excel Signs & Design, talked about the proposed signage.

Ashley Williams, Director of Communication for Total Access Urgent Care, gave the Board some information about the company and talked about the need for the signage they are proposing.

Whitney Kelly, City Planner, indicated to the Board that any variance requires unique circumstances. It has to be something so unique to the property that you can't make the same standards that everyone else is allowed. The applicant's use is permitted within the City, therefore, the use is not in question, and the Zoning Code and the Sign Ordinance cannot distinguish between individual uses. In fact, we have received several phonecalls for the location of up to two to three more urgent facilities along Olive Boulevard within the City.

By granting this applicant a variance, you would, therefore, be granting him an advantage that any other applicant would not be able to receive under the code. Their distinction that the sign is so small that it is invisible from Olive Boulevard is not accurate in that the property owner has received approval of a sign that would actually increase the sign area to increase it to go up to 8 feet tall over its current 6 feet in height.

The applicant has not provided any information that they're so harmed or there's something so unique about the property that any other person along Olive Boulevard would be allowed the same.

The location of utility poles is a common element throughout Olive Boulevard, and that is not a reason for a variance.

Therefore, we recommend denial.

Dr. Bruckel indicated a few clarifications. He clarified that Whitney indicated that the new monument sign, which is not yet built, is 8 feet tall. The usable functional square footage for our business actually doesn't change at all. The sign itself is 5 feet tall and our portion of the sign is 21 inches tall and our letters are allowed to be 12 inches tall.

Ms. Kelly clarified that the City is under Supreme Court requirement. The City is not allowed to regulate content, so whether you allow this tenant square footage, it can say whatever they wish to say.

Chairman Levy stated: I move to approve the variance for

the commercial tenant space at 10923 Olive Boulevard within the Shops at Westchase Shopping Center to allow for a second sign area of the 24.3 square foot wall sign on the south elevation, in addition to the 50 square foot wall sign allowed under Section 405.950.B.1 of the City's Sign Regulations, based on the following findings of facts:

The variance requested arise from conditions that are unique to the tenant space and property in question and that are not ordinarily found elsewhere in the same zoning district;

The variances requested are not [sic] because of unique hardships not created by the applicant nor the owner of the property;

Granting the variance will not adversely affect adjacent property owners nor residents.

4. The strict application of the Sign Regulations will cause severe practical difficulty and extreme hardship for the property owner represented in the application;

5. The proposed sign will not adversely affect public health;

6. Granting the variance will not violate the general spirit and intent of this chapter;

7. By reason of the exceptional narrowness, shallowness or shape of the specific piece of property, or reason for exceptional topographical conditions or extraordinary or exceptional circumstances that the strict application of the terms of the Sign Regulations will create a hardship to the tenant space and property in a manner dissimilar to that of other similarly situated property in the City; and,

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

Chairman Levy inquired if anybody on the Board wished to amend or modify the application at this point in time.

The Chairman was asked to restate No. 2.

Chairman Levy restated: The variance requested are because of unique hardships not created by the applicant nor the owner of the property.

Chairman Levy asked for a second. Mr. Satz seconded the motion.

Chairman Levy called for a vote.

Mr. Satz-nay Mr. Schenberg-nay Mr. Wilen-nay

Mr. Mooney-nay Chairman Levy-nay

Chairman Levy moved to direct the 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 at 10923 Olive Boulevard based upon the

testimony received and the deliberations of the Board on this application, as decided on February 18, 2016. Mr. Satz seconded the motion. All indicated aye.

2. Variance Request to Allow for a Forty-Five Feet Front-Yard Setback Along Mosley Hill Drive for the Property Addressed as 210 Mosley Road.

Lauren Strutman of Lauren Strutman Architects indicated to the Board that she is the architect hired by Mark Mehlman to design a home for this very unique lot. This lot has an extremely unique shape, 100-foot wide along Mosley Road and about 441 feet long. Additionally, there's a considerable slope on the lot, about 34 feet of fall going from west to east on the property. If we designed the home with the front door facing Mosley Road, due to the slope on the lot, we would end up with a long, skinny house, not in keeping with the area, and the garage doors would dominate the front facade facing west towards Mosley Road. We decided to design the home with the front door facing Mosley Hill, and the driveway entry off Mosley Road, which is a much quieter street and a more desirable location for the driveway than on the corner of Mosley and Mosley Hills coming off Mosley Road. We designed a home that was only 35 feet from front to rear, so we're not asking for a variance to create a bigger house. We're asking for a variance just to have a little bit more backyard, five more feet of backyard, so it would be a total of 20 feet.

Ms. Strutman indicated the homes in the area have very large backyards. We have looked at the County tax records, and I put on the application the average house in Mosley Hills has 134 feet in the backyard. We're asking for 20. I think it's based on the unusual lot shape and two front yards. That's our hardship. And I would call this a special situation, as the Chairman mentioned at the beginning of the meeting.

Mark Mehlman, the applicant, gave some of his history and background. Mr. Mehlman indicated we're trying to be flexible, and we're asking you all to, again, be as flexible. I don't think this sets any precedent whatsoever. I think the uniqueness of this lot stands alone. You look at all the other homes over there, it's unique to this zoning district. It is something that you have the right at any time that anybody would come before you again to say no. This is a very, very, very unique

situation, and I hope that you can see that.

Mr. Mehlman indicated when we came back and we met a second time with Whitney and Jason, the first comment was, I think this is great, I think you really made some strides to make some changes, and let's hope that we can get it through. Then all of a sudden we're still hoping we can get it through, but in reading the report, they said we could still build it the way it was. We're asking for 5 feet. We're asking for flexibility on your all's part. I don't think it's asking very much to be building such a gorgeous home, and I do think it's unique to this lot, and it doesn't have to set a precedent. So with that being said, I want to thank you all very much.

Mr. Schenberg inquired if Mr. Mehlman talked to the trustees in the subdivision. Mr. Mehlman indicated not only did he talk to the trustees of the subdivision, he sent a letter out to the trustee, who in turn circulated it throughout the whole neighborhood. We also talked to the home immediately to the south, and there's a flat lot immediately behind the home just to the south. So we went and presented everything to them. Asked them if they had any questions, to please call me. There's been no calls, no questions whatsoever, we're welcomed. The trustee is Barry Scherer (phonetic), who has circulated around to every resident over there, not only has he not heard anything, we've been asked to join their subdivision, and we think it's appropriate, and we look very much forward to being a part of Mosley Hills. So, again, we hope that you can find, again, some flexibility and consider our variance request.

Whitney Kelly, City Planner, indicated that as you're aware any variance request requires unique circumstances, and while the lot is unusually narrow, it is the applicant's design decisions that are the basis of the request. And simply placing the house 5 feet back, it would not require a variance or a redesign of the home to better utilize the rear area back here would provide them with a rear yard that they are seeking, and, therefore, we don't recommend approval.

Mr. Satz inquired of Ms. Kelly that when you refer to the front yard setback, that refers to the front yard setback of the existing structure, the old structure, from Mosley? Ms. Kelly indicated that, no, the front yard setback is that area which is along any street of right-of-way, so it's the front yard setback along Mosley Road of 50 feet and along Mosley Hill Drive of 50 feet.

Chairman Levy inquired if there are any modifications that could make to the house that would still allow to have backyard setback. Mr. Mehlman indicated there's no modifications. We can't make the home any skinnier in the

middle. So with that being said, again, I just want to re-emphasize that when we met the first time and the second time, we all sat down, all of us together, we said let's come up with something that's going to work here, and we looked at some other districts, and these other districts were B and C District. And when we came back, the comment was, gosh, that doesn't seem that's being very fair. I didn't want to ask for 35-foot front yard setback, but give me a 30-foot rear yard setback, which would have been that much better, I thought I was really trying to be fair and only asking for 5 feet. And, again, thinking that this is such a unique situation, I can't believe that by granting us a variance it's going to throw up people coming in all the time. You still will have that right to turn someone down. This is a unique lot, and it stands on its on, and getting 5 feet would be very, very helpful to the sale of this home.

Chairman Levy moved to approve a variance to allow for a 45-foot front yard setback for the property addressed 210 North Mosley Road, where the required in the A Single-Family Residential District is 50 feet, based upon a positive fact that;

1. The variance requested arises from a condition which is unique to the property in question, 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 front 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 the Chapter;

7. By reason of the change of setbacks after construction, the strict application of the setback requirements actually creates a hardship for 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.

Chairman Levy inquired if anybody wished to modify any of the motion. There being no modifications, Chairman Levy

asked for a second for the motion. Mr. Schenberg seconded the motion. Chairman Levy called for a vote.

Mr. Satz-aye Mr. Schenberg-aye Mr. Wilen-no

Mr. Mooney-no Chairman Levy-aye.

Chairman Levy moved to direct the Staff to prepare and authorize the Chairman of the Board of Adjustment to execute Findings of Fact and Conclusions of Law regarding the variance requested for 210 Mosley Road based upon the testimony received and the deliberations of the Board on this application, as decided February 18th, 2016. In the event of a negative vote, it would be helpful to identify the factor or factors which prompted such a vote, which I think we've already done.

3. Variance Request to Allow for a New Front Porch to Project Up to Approximately Five Feet into the Front Yard Setback for the Home at 10672 Country View Drive.

Mr. Lumley indicated that he has previously done legal work for the Scheipeter Corporation. It's been at least two or three years, and he does not have a present conflict of interest.

Jeff Hyatt with Trio Creative indicated that Trio Creative is the architect of record on the project.

Mr. Hyatt indicated the variance that's being requested is for the front porch. In this particular subdivision, a quick drive-through, there are 19 homes between the front street past the park back to the main cul-de-sac. In those 19 homes, four of those homes are newer homes, not built at the same time as the rest of the subdivision; three of those have a porch of a similar size, constructed to zoning code that allows them to have the porch of that size. The fourth of the newer design does not include a covered front porch, but it would appear that the house has the ability to have it, based on the projections on the front elevation that they could have a similar porch. The remaining 14, 15 homes, there are only three or four that do not have a porch of significant cover. There are two others of, essentially, the same floor plan, very similar front elevation, that do not have a front porch. No way to know without doing surveys whether or not they have the ability to do a porch like what's being proposed or not.

So our columns that are being proposed, and actually the notes say 3 foot 11, but it would actually be about 3 foot 5 because that building line is 6 feet off of the front of the house. So where those columns would be would actually be just under 3.5 feet versus closer to 4. So, again, the porch, the slab on its own, would meet the

zoning requirements. The overhead structure, on its own, would meet the zoning requirements. The issue is how do we support it.

Ms. Kelly indicated, as the applicant has indicated, the home is existing, and it's at the setback. The need for a covered entryway is what is prompting a variance request, and since the porch is not creating additional living space into the setback, and it's consistent with that that is allowed for the structural overhang, an unenclosed porch, per the yard regulations, staff recommends approval.

Chairman Levy moved to approve a variance allowing for the front porch addition with the porch structure approximately 4 feet into the front yard setback for the home at 10672 Country View Drive. 50 feet is the minimum required in the A Single-Family Residential District, based upon a positive finding: That,

1. The variance requested arises from a 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. Granting the variance will not adversely affect adjacent property owners or residents;

4. Strict application of the front yard setback will cause severe practical difficulty and extreme hardship for the property owner represented in the application.

5. 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 shape within the B 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 in other similarly situated property in the zoning district; and,

8. Granting the variance will not result in diversion of additional stormwater which adversely affect additional property.

Mr. Schenberg seconded the motion. All indicated aye. Chairman Levy moved to direct the Staff to direct and authorize the Chairman of the Board of Adjustment to execute Findings of Fact and Conclusions of Law regarding

the variance requested for 10672 Country View Drive based upon the testimony received and the deliberations of the Board in this application, as decided on February 18th, 2016.

5. **OTHER BUSINESS**

None.

A person approached and indicated that I'm with Total Access Urgent Care. I'm Jake. I just wanted to thank you for your time. I know things got a little passionate for a second. I know we are all really busy and have other things to do. We're really glad to be coming to Creve Coeur. It's, obvious, Creve Coeur takes its standards very seriously. We take our standards very seriously. We work really hard and we care a lot. And we look forward to coming to this great city.

6. **ADJOURNMENT**

There being no further business to come before the Board, Chairman Levy moved to adjourn. Mr. Satz seconded the motion. All voted in favor of adjourning the meeting. The Board of Adjustment meeting was adjourned at 5:40 p.m.

Roger Levy, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter.



city of

CREVE COEUR

4.1.a

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**APPLICATION TO THE BOARD OF ADJUSTMENT
VARIANCE REQUEST TO ALLOW FOR A NEW FRONT-PORCH TO
PROJECT UP TO APPROXIMATELY THREE ADDITIONAL FEET INTO THE
FRONT YARD SETBACK FOR THE HOME AT 9820 SUNDOWN SQUARE
FOR THE MEETING OF: Thursday, April 21, 2016**

SUBJECT PROPERTY LOCATION: 9820 Sundown Square, zoned B Single Family Residential

REQUEST: Shawn Gwaltney, of GP Homes LLC, has submitted an appeal for a variance to allow the structural modification of the existing home within the legally pre-existing, but non-conforming front yard setback of 40.09 feet where the required setback is 45 feet per Section 405.260, B Single Family Residential District. The applicant is requesting the variance to allow for a new 5 feet by 8.5 feet front porch that will encroach an additional 3 feet into the front yard setback.

Section 405.610.D, Nonconformities within Setback Lines, of the City of Creve Coeur Zoning Ordinance 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: Warson Square Subdivision was originally platted in 1957, with a front yard setback of 40 feet that was legally conforming to the zoning regulations at the time. The home was built in 1959, where a portion of the home is at the 40 foot build line, with an unroofed 5 by 8 front patio. The Applicant is seeking to build a gabled roof over the existing front patio, with columns at the outside corners.

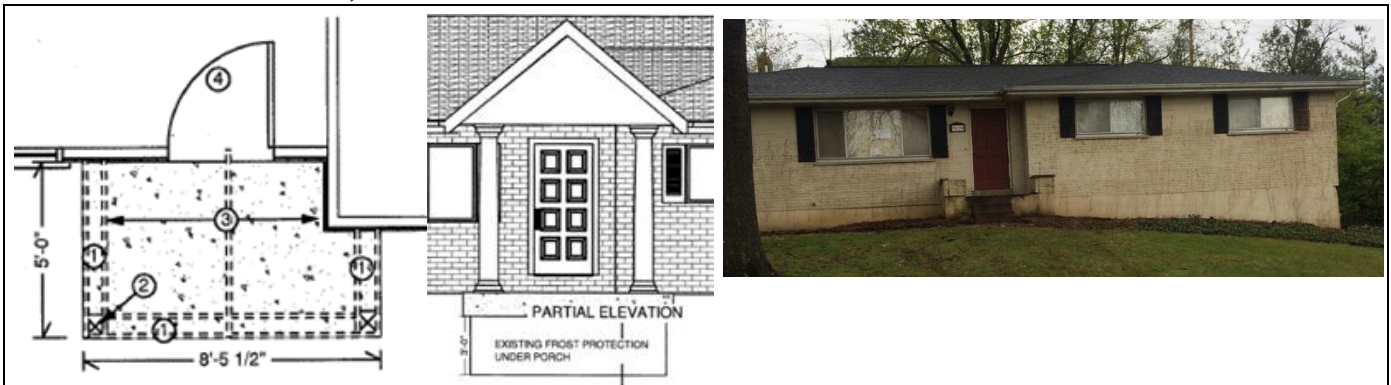
APPLICANT: Shawn Gwaltney
GP Homes LLC
18111 Edison Ave
Chesterfield, MO 63005

Key Issues:

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

Zoning Code References

- Section 405.260 B Single Family Residential
- Section 405.610.D, Nonconformities within Setback Lines
- Section 405.1040: Board of Adjustment



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner

DATE: 4-12-2016

ATTACHMENTS: Applicant's Materials submitted

Attachment: 9820 Sundown Sq BOA Staff Report.4-21-2016 (1879 : 9820 Sundown Sq. Front-Yard Variance Request)

BASIS FOR APPEAL AND STATED HARDSHIP

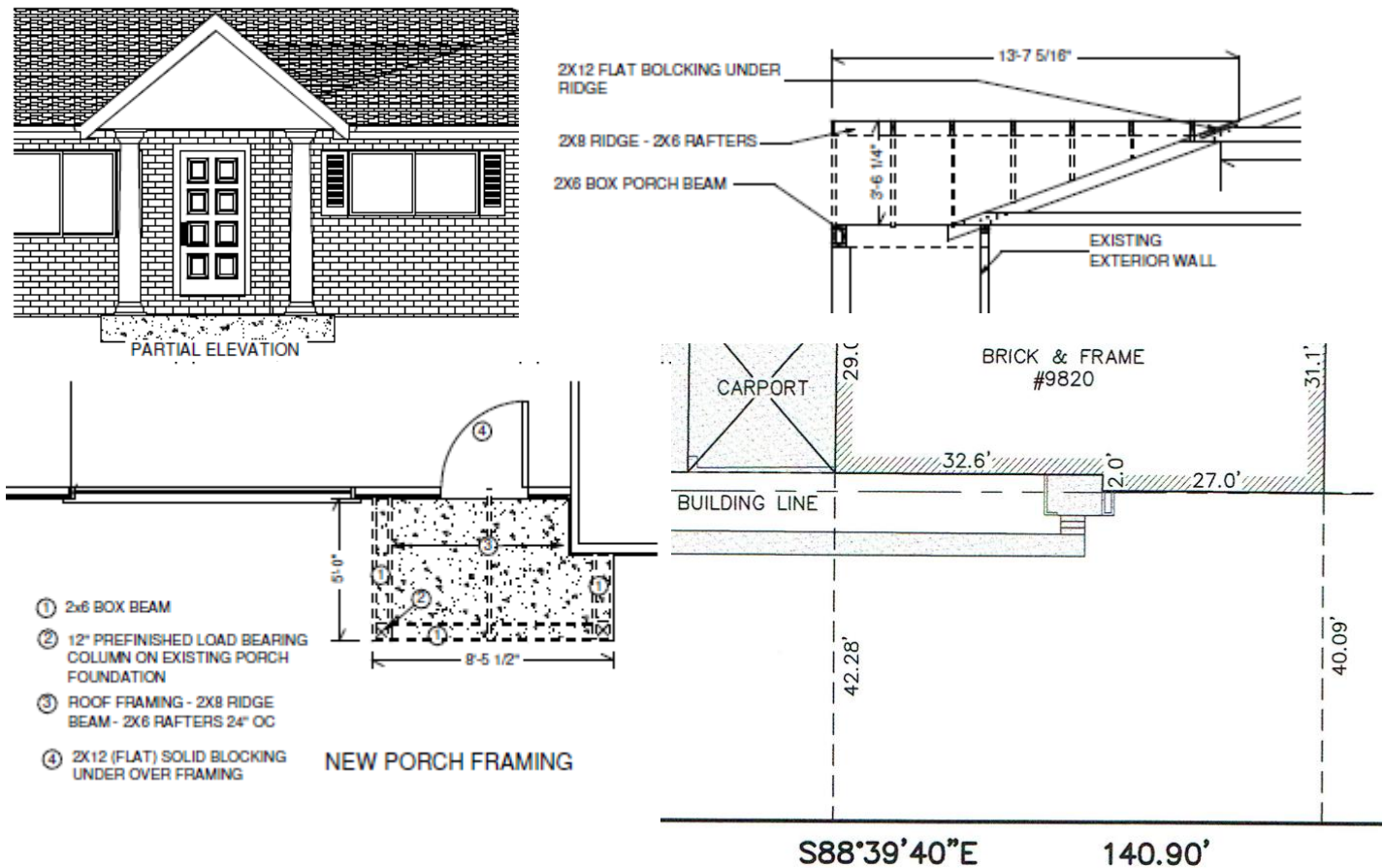
As stated in the attached application materials, the applicant's basis for requesting the variance is a desire to update the existing house with a new porch gable over the front entrance. Any structural modification to non-conforming structures requires a variance, per Section 405.610B.2 *Repair, alterations. Any such structure described in Subsection (B)(1) above may be maintained, repaired or remodeled; provided however, that no such maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structure.*

Further, Section 405.610. D. *Non-Conformities Within Setback Lines*, states that:

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.*

Below is a close-up of the Site plan showing the existing setback of the property and the proposed new roof gable over the porch:



LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single Family Residence	B Single Family Residence	Sundown Sq.
South	Single Family Residence	B Single Family Residence	NA
East	Single Family Residence	B Single Family Residence	NA
West	Single Family Residence	B-RDD Single Family Residence, Residential Designed Development	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;

The house and lot in question are not unique in size or configuration for this subdivision or for the older subdivisions in the same zoning district. This property is unusual in having a setback line imposed after construction.

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

The non-conformity on this property resulted from the actions of the City of Creve Coeur and was in no way created by the applicant. As indicated above the subdivision was originally platted in 1957, where the B Single Family District regulations had a front yard setback of 40 feet. In 1959 the zoning regulations were revised from 40 feet to 45 feet, except for when adjoining properties have observed a different setback: "There shall be a front yard having a depth of not less than forty-five (45) feet unless forty (40) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than six (6) feet, in which case no building shall project beyond the average front yard so established." This was later simplified in 1983 to the current regulations of 45 feet. The Applicant had no say in the zoning regulations of the property, and therefore had no influence on the placement of the house in relationship to the setback. It is, however, their decision to modify the house.

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

The applicant is not enclosing the area, nor creating additional livable space within the setback, rather the effort is being made to meet the needs of today's market that provides standard protections from the weather over the front entrance. Given that the requested variance of approximately three feet is less than 10% of the required setback, it is unlikely that the average viewer will perceive a negative impact arising from a sense that the house is too close to the street compared to those around it. Further, if the members of the Board believe that the aesthetic qualities of the addition are in keeping with the rest of the house, and the neighborhood in general, it is likely that allowing the alteration will not have an adverse effect on the adjacent properties.

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

It is fairly debatable if maintaining the existing structure without a covered porch would represent severe practical difficulty or extreme hardship given that they would still have the utility of the existing porch. The question before the Board, under this criterion, is whether or not the inability to fully execute the design of the remodeled house represents an extreme hardship.

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

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

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

Certainly, the City has enjoyed the benefits of significant private investments in the existing housing stock; much of it made possible by the large lots that afford most houses plenty of “room to grow.” In fact, it is probable that the particular section of the ordinance under scrutiny here (Section 405.610) was created to force the eventual remediation or removal of structures that do not have this room to grow. On the other hand, it is not in the City’s best interest to impose restrictions that ultimately lead to unattractive or inefficient building design as this diminishes the attractiveness of the neighborhoods to the real estate market. In other words, if a complete replacement of the house is not foreseeable, then the next closest action to the spirit and intent of the Zoning Code is to allow changes that improve the house, even if they do not improve a non-conforming site condition (front setback in this case).

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 entire front of the house exceeds the front setback which limits the ability of the owners to fully improve the structure as proposed. Whether or not this limitation is, in fact, a hardship is fairly debatable, as the front porch could be redesigned to maintain the existing non-conformity setback instead of increasing the degree of non-conformity.

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

The lot was originally and appropriately graded to accommodate the house at this same position and the proposed renovations would not alter the water flow patterns off the site.

ACTION

Following its deliberation, the Board of Adjustment may vote to approve or deny 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 would be:

“I move to approve a variance for the home at 9820 Sundown Square to allow the structural modification of the existing front porch within the legally pre-existing, but non-conforming front yard setback of 40 feet where the required setback is 45 feet per Section 405.260, B Single Family Residential District, by allowing an encroachment of an additional three feet 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 front-yard setbacks 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 shape within the B 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.

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 variances requested for 9820 Sundown Square based upon the testimony received and the deliberations of the Board on this application, as decided on April 21, 2016.”

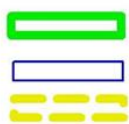
APPENDIX 1: COMPREHENSIVE PLAN

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.

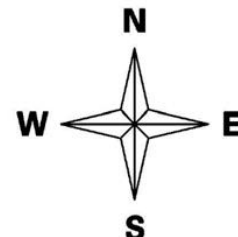
APPENDIX 3: AERIAL PHOTO



Creve Coeur Municipal Boundary

Property Lines

9820 Sundown Square



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 4/13/2016



Description: View of the existing home looking south from Sundown Square.



Description: View of the neighboring home looking southwest from Sundown Square.



Description: View of the existing home across the street from the subject property looking north from Sundown Square.



city of **CREVE COEUR**
COMMUNITY DEVELOPMENT DEPARTMENT

16-982

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

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
Name <u>Shawn Gwa Hney</u>	Name _____
Company (If Applicable) <u>GP HOMES LLC</u>	Company (If Applicable) _____
Address <u>18111 Edison Ave</u>	Address _____
Address <u>Chicsterfield Mo 63005</u>	Address _____
Telephone # <u>314 486 2714</u>	Telephone # _____
Fax # <u>636 537-1844</u>	Fax # _____
Email: <u>ShawnG@GPHomesLLC.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____.

member
Applicant's Signature

Applicant's Representative's Signature

3-15-16
Date

Date

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9820 Sundown

File # 16-9820

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):

Gable over existing porch for rain shelter
and improvements

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

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

Survey and design drawings by engineer

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

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

Some have Gables in the area already

- Current uses and structures on the property:

Single family residence

Attachment: 9820 Sundown Variance Request (1879 : 9820 Sundown Sq. Front-Yard Variance Request)

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File # 6-9820

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

The setback is pre-existing our Gable doesn't
change the setback to the existing structure.

See Attached

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?

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

This will be a great benefit to the entire street
by improving the overall appeal for the new owners and
neighbors.

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

None

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

Attachment: 9820 Sundown Variance Request (1879 : 9820 Sundown Sq. Front-Yard Variance Request)

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File # 16-9820

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: 82B

10. Size of the lot (total square feet or acres): 20,004

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

Roof Gable will only be covering the existing original porch on the home.

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

Received By:

Fees Paid

Written Justification

Date:

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

Revised: 09/15

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Attachment: 9820 Sundown Variance Request (1879 : 9820 Sundown Sq. Front-Yard Variance Request)

Re: 9820 Sundown Square 63141

Explanation of Burden:

The existing and original setback of the property is just over 40' 9" which is less than the new minimum setback. Our interest is to add a gable to provide rain shelter and improve the aesthetics of the existing home as an update to improve the property.

It would be an unfair burden to tear down and move the existing home to the new 45' setback to conform to the revised section 405.610.

The Gable addition covering the existing porch will in no way create any new encroachments beyond the existing original structure of the home. It will simply cover the existing porch structure.

The gable coverage for the existing porch will add a modern convenience and curb appeal that will benefit the entire area as a needed improvement of the home. This addition of the gable covering the existing porch will in no way modify or change the water runoff, nor have any adverse effect to the existing property or adjoining properties in the surrounding area.

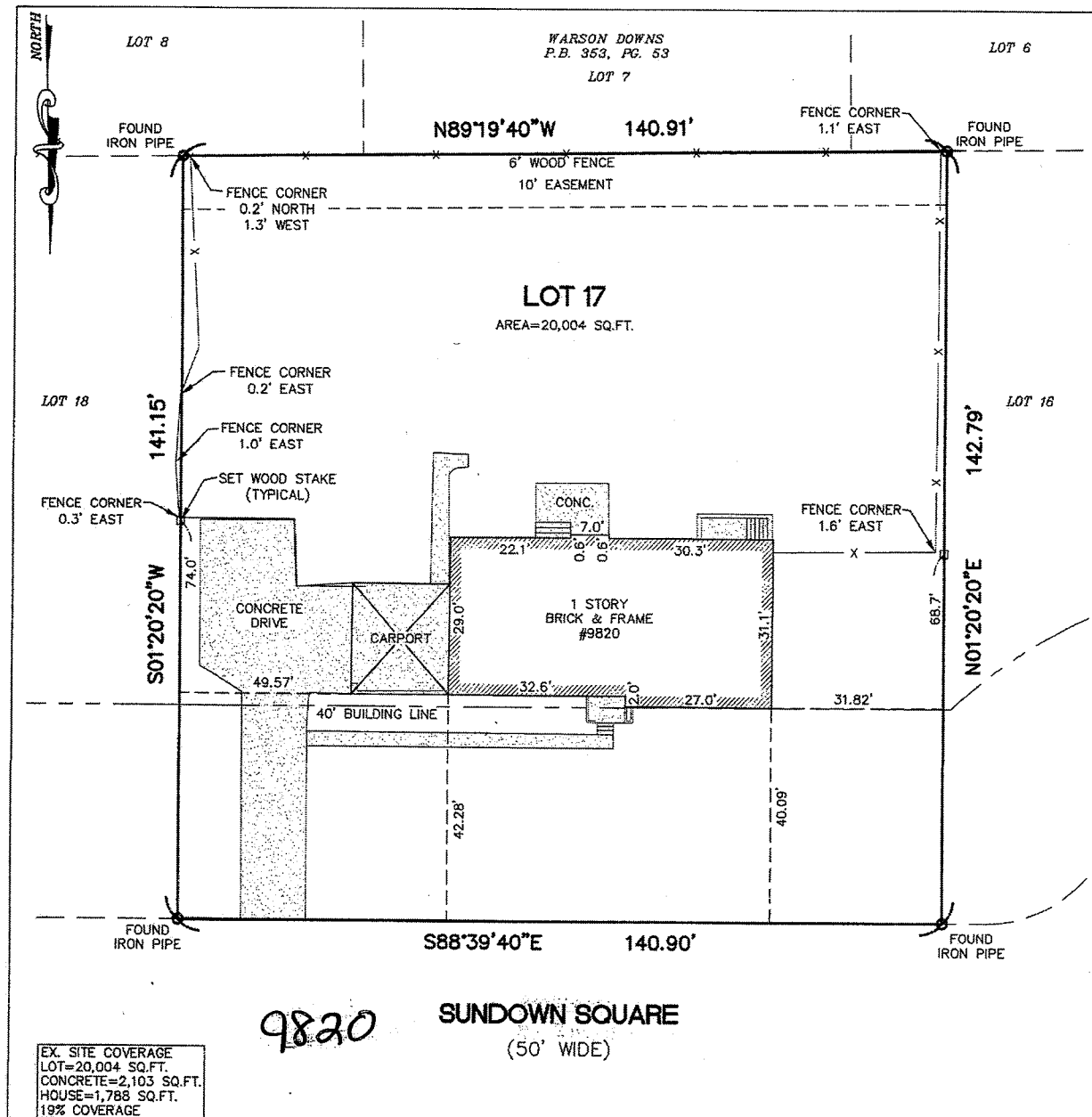
Sincerely,

Shawn Gwaltney

GP Homes

314.486.2714

Attachment: 9820 Sundown Variance Request (1879 : 9820 Sundown Sq. Front-Yard Variance Request)



FRAZIER LAND SURVEYING SERVICES, INC.
116 E. PEARCE BLVD., P.O. 65
WENTZVILLE, MO. 63385
PHONE: 636-332-0610
FAX: 636-332-0710
CORP. #2008003911
PROJECT NO. 16-3432 JAN 21, 2016

SCALE: 1"=20'

**A TRACT OF LAND BEING ALL OF LOT 17 OF
"WARSON SQUARE PLAT NO. 1",
P.B. 80, PG. 20, TOWNSHIP 45 NORTH,
RANGE 5 EAST OF THE FIFTH PRINCIPAL
MERIDIAN, ST. LOUIS COUNTY, MISSOURI**

PROPERTY BOUNDARY SURVEY WITH LOCATION OF IMPROVEMENTS

SURVEYOR'S CERTIFICATE

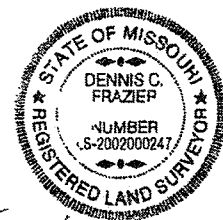
THIS IS TO CERTIFY THAT WE HAVE, DURING THE MONTH OF JANUARY 2016, BY THE ORDER OF GP HOMES, EXECUTED A PROPERTY BOUNDARY SURVEY WITH LOCATION OF IMPROVEMENTS ON A TRACT OF LAND BEING ALL OF LOT 17, OF "WARSON SQUARE PLAT NO. 1", A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 80, PAGE 20 OF THE ST. LOUIS COUNTY RECORDS, TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MISSOURI. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN PROPERTY.

GENERAL NOTES:

THIS SURVEY IS SUBJECT TO, EASEMENTS OR CLAIMS OF EASEMENTS NOT REVEALED IN THE PUBLIC RECORDS, RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORD, IF ANY AND DEFECTS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY AND COVENANTS AND RESTRICTIONS.

BUILDING LINES AND EASEMENTS AS SHOWN IN PLAT BOOK 80, PAGE 20.
BASIS OF BEARINGS PLAT BOOK 80, PAGE 20.

Dennis C. Frazier 1/26/16
DENNIS C. FRAZIER
FRAZIER LAND SURVEYING SERVICES, INC.
MISSOURI PROFESSIONAL LAND SURVEYOR #2002000247

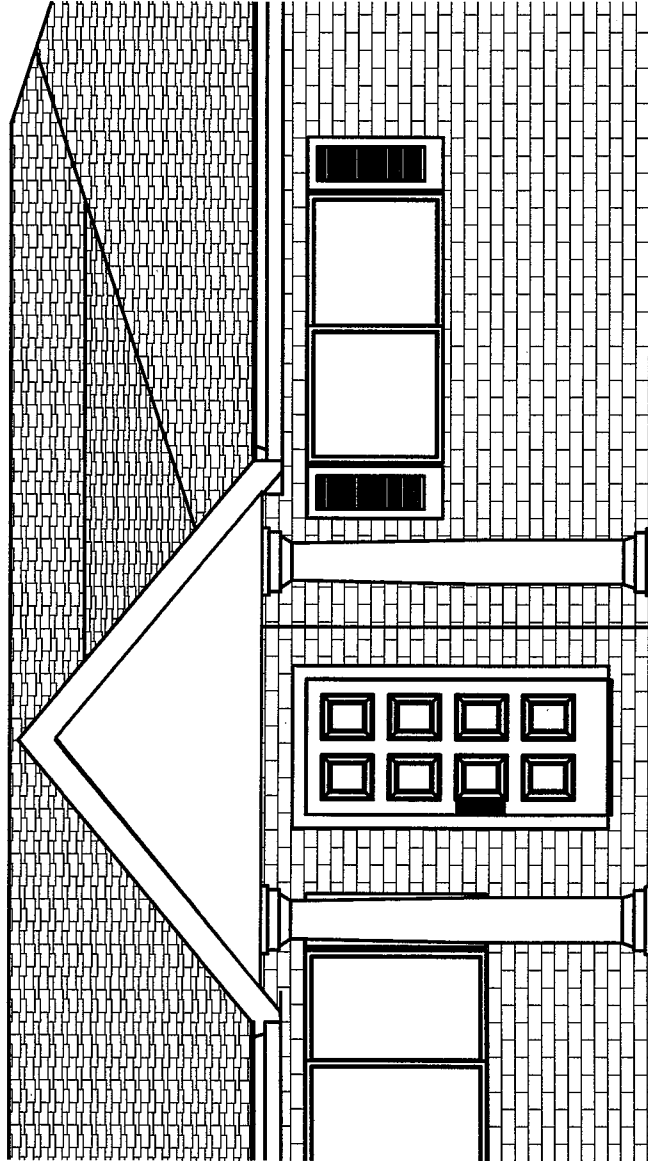


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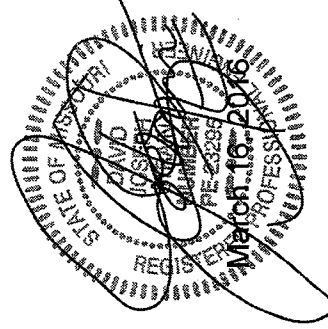
Attachment: 9820 Sundown Variance Request (1879 : 9820 Sundown Sq. Front-Yard Variance Request)

PI



PARTIAL ELEVATION

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6

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9820 Sundown Square
Addendum 2

ALL FRAMING MATERIAL IS
#2 SPF UNO

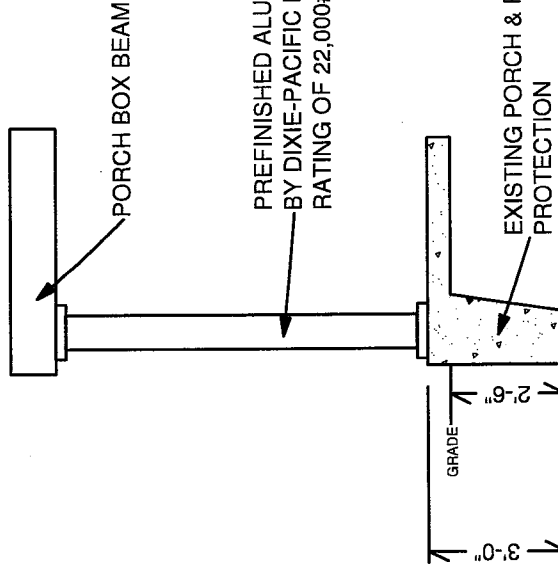
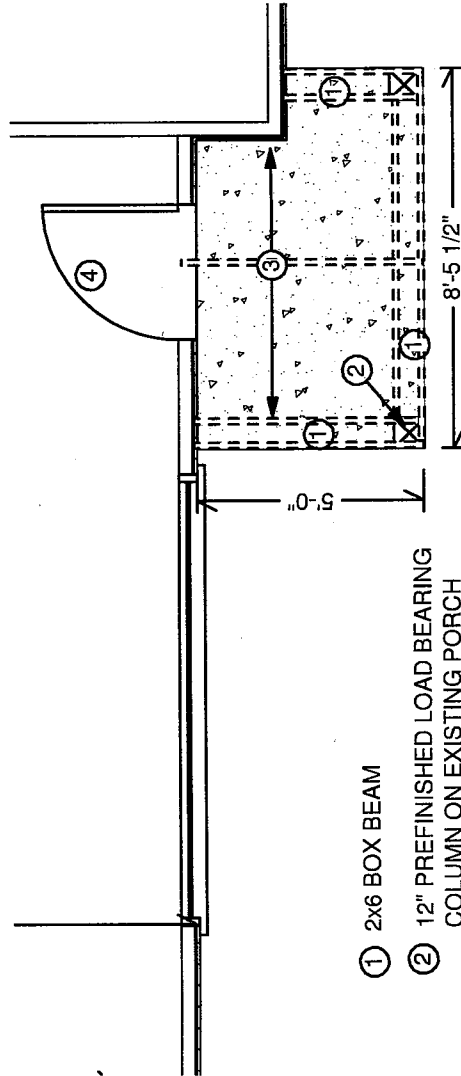
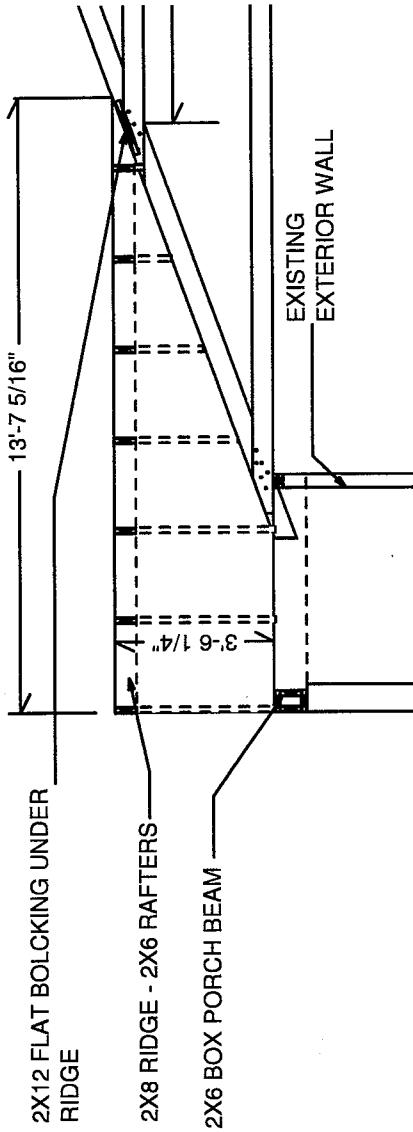
STRUCTURAL AND ARCHITECTURAL ENGINEERING
COMMERCIAL AND RESIDENTIAL INSPECTIONS

STRAIN
ENGINEERING

JOE STRAIN, P.E.
12 ROLAND LANE, SAINT PETERS, MISSOURI 63376 - PHONE: 636-679-9459

14 March 2016

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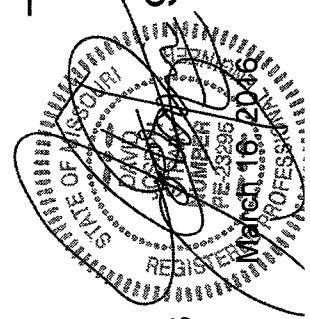
NEW PORCH FRAMING

4

GP Homes

9820 Sundown Square

Addendum 2



ALL FRAMING MATERIAL IS
#2 SPF UNO

STRUCTURAL AND ARCHITECTURAL ENGINEERING
COMMERCIAL AND RESIDENTIAL INSPECTIONS

STRAIN
ENGINEERING

JOE STRAIN, P.E.

4.1.b

14 March 2016

Attachment: 9820 Sundown Variance Request (1879 : 9820 Sundown Sq. Front-Yard Variance Request)



3	1,765	20,163	\$270,100
MLS Beds	MLS Sq Ft	Lot Sq Ft	MLS Sale Price
2	1959	SFR	12/08/2015
MLS Baths	Yr Built	Type	MLS Sale Date

Owner Information

Owner Name:	Gwaltney Property LLC	Tax Billing Zip:	63005
Tax Billing Address:	18111 Edison Ave	Tax Billing Zip+4:	3709
Tax Billing City & State:	Chesterfield, MO	Owner Occupied:	No

Location Information

School District:	Ladue	Zoning:	82B
Municipality :	Creve Coeur	Neighborhood Code:	17042020-Fd5
Subdivision:	Warson Square 1	Traffic:	Curb&Gut
Zip Code:	63141	Topography:	Flat/Level
Carrier Route:	C014	New Map :	17M
Census Tract:	2155.00	Old Map :	24-S17

Tax Information

Tax ID:	17M-22-0167	Tax Appraisal Area:	117MM
% Improved:	35%	Lot # :	17
Tax Area:	MM		
Legal Description:	WARSON SQUARE PLAT 1 LOT 17		

Assessment & Tax

Assessment Year	2015	2014	2013
Assessed Value - Total	\$59,720	\$49,740	\$49,740
Assessed Value - Land	\$38,610	\$19,000	\$19,000
Assessed Value - Improved	\$21,110	\$30,740	\$30,740
Market Value - Total	\$314,300	\$261,800	\$261,800
Market Value - Land	\$203,200	\$100,000	\$100,000
Market Value - Improved	\$111,100	\$161,800	\$161,800
Total Tax	Tax Year	Change (\$)	Change (%)
\$3,686	2013		
\$3,899	2014	\$213	5.78%
\$4,529	2015	\$630	16.16%

Characteristics

Lot Acres:	0.4629	Other Rooms:	Rec Room, Family Room
Lot Sq Ft:	20,163	Total Building Sq Ft:	1,765
Lot Frontage:	141	Total Living Area:	1,765
Lot Depth:	143	Above Gnd Sq Ft:	1,765
Land Use - Universal :	SFR	Ground Floor Area:	1,765
Land Use - County:	Single Family	Basement Type:	Full
Style:	Ranch	Fireplaces:	1
# of Buildings:	1	Garage Type:	Carport
Res/Comm Units:	1	Parking Type:	Carport
Stories:	1	Heat Type:	Warm Air
Year Built:	1959	Cooling Type:	Central
Total Rooms:	7	Exterior:	Brick

Courtesy of Shawn Gwaltney, Mid America Regional Info Systems

The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

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Bedrooms:	3	Patio Type:	Terrace	4.1.b
MLS Total Baths:	2	Heat Fuel Type:	Gas	
Total Baths:	2	Water:	Public	
Full Baths:	2	Condition:	Average	
Bath Fixtures:	8	Quality:	Average	
Family Rooms:	1			

Features

Building Description	Building Size
Main Dwelling	1,765
Masonry Stoop Or Terr	40
Wood Deck	192
Carport	360

Estimated Value

RealAVM™ (1):	\$325,317	Confidence Score (2):	74
RealAVM™ Range:	\$276,519 - \$374,115	Forecast Standard Deviation (3):	15
Value As Of:	03/04/2016		

- (1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.
- (2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversit data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.
- (3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation FSD can be used to create confidence that the true value has a statistical degree of certainty.

Listing Information

MLS Listing Number:	15060459	MLS Pending Date:	11/10/2015
MLS Area:	LADUE	Closing Date:	12/08/2015
MLS Status:	Sold	Closing Price:	\$270,100
MLS Status Change Date:	12/09/2015	MLS Listing Agent:	Edawrigh-David Wright
MLS Listing Date:	10/21/2015	MLS Listing Broker:	LAWYERS REALTY CO. LLC
MLS Current List Price:	\$270,000	MLS Selling Agent:	Derek Grier
MLS Orig. List Price:	\$270,000	MLS Selling Broker:	DUKE HOMES, LLC
MLS Listing #	319874		
MLS Status	Sold		
MLS Listing Price	\$285,000		
MLS Orig Listing Price	\$285,000		
MLS Close Date	07/21/2003		
MLS Listing Close Price	\$273,500		

Last Market Sale & Sales History

Recording Date:	12/10/2015		Deed Type:	Warranty Deed	
Settle Date:	12/08/2015		Owner Name:	Gwaltney Property LLC	
Document Number:	21798-1775		Seller:	Duke Homes LLC	
Recording Date	12/10/2015	12/10/2015	12/10/2015	08/20/2003	06/03/1991
Sale Price				\$273,500	\$126,000
Buyer Name	Gwaltney Property LLC	Duke Homes LLC	Mcdonnell Myles E	Kay David C & A M	Marion Nancy & Lo Mark
Seller Name	Duke Homes LLC	Kay David C	Kay Maxine	Lowe Mark	
Document Number	21798-1775	21798-1772	21798-1769	15212-1337	9002-1835
Document Type	Warranty Deed	Personal Representative's Deed	Affidavit	Warranty Deed	Warranty Deed
Recording Date					
Sale Price					
Buyer Name	Blinder Max & Carol Ann				
Seller Name					
Document Number	6640-2114				
Document Type	Deed (Reg)				

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Courtesy of Shawn Gwaltney, Mid America Regional Info Systems

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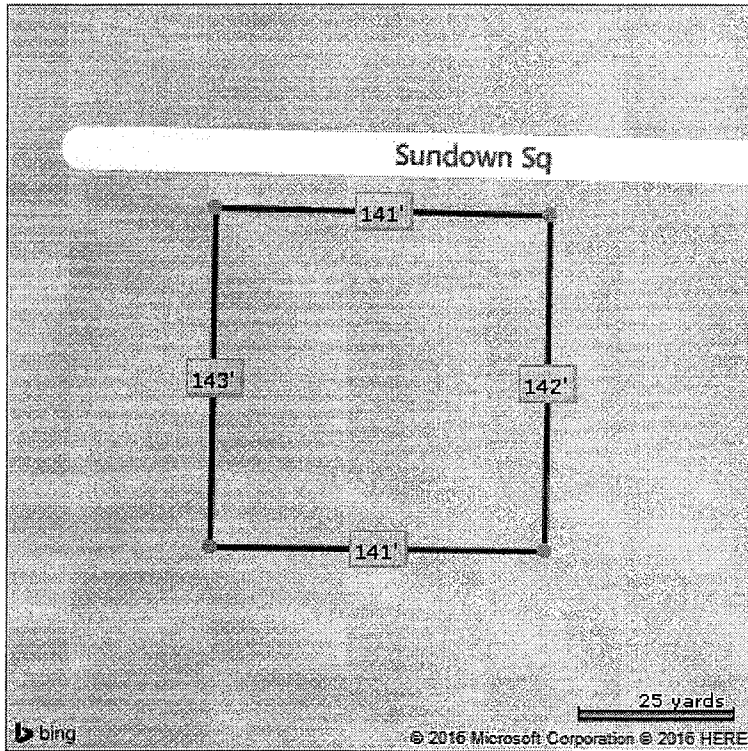
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Mortgage History

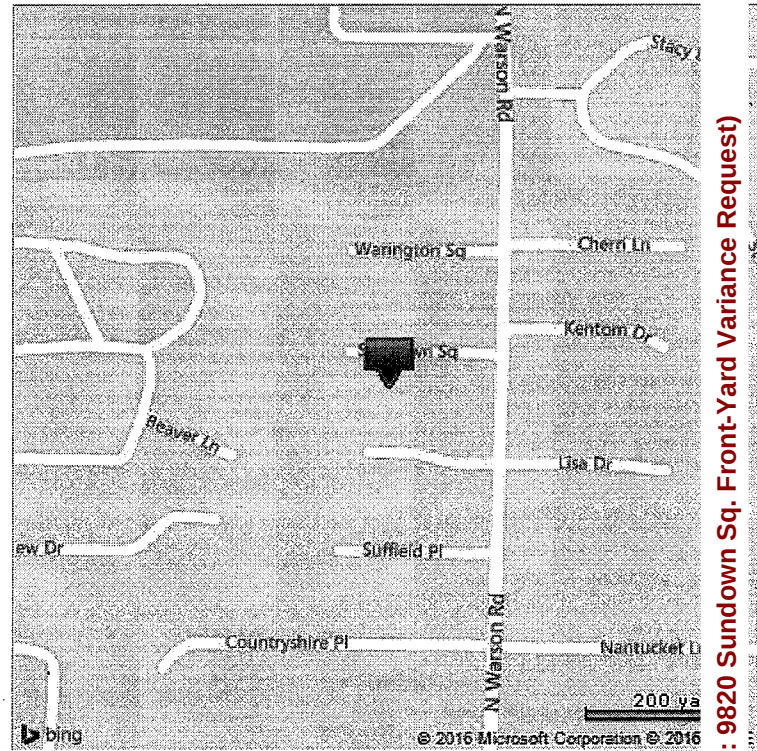
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Mortgage Date	12/10/2015	04/26/2013	08/20/2003	06/03/1991
Mortgage Amount	\$223,200	\$104,600	\$123,500	
Mortgage Lender	Midwest Bankcentre	Suntrust Mtg Inc	Missouri St Bk&Tr Co	Delmar Fin'l Co
Mortgage Type	Resale	Refi	Resale	Resale

Property Map



*Lot Dimensions are Estimated



Attachment: 9820 Sundown Variance Request (1879 : 9820 Sundown Sq. Front-Yard Variance Request)

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