



IV.A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Board of Adjustment Staff Report

Variance Type: Area or Bulk

Meeting Date: January 5, 2012

From: Aimee Nassif, AICP
Planning and Development Services Director

Location: 14622 Harleston Village Dr.

Applicant: Kirti and Nalini Mehta

Description: **B.A. 05-2011 14622 Harleston Village Dr. (Kirti and Nalini Mehta)**: A request for a variance from St. Louis County Ordinance 7611 for Lot 280 of Chesterfield Hill First Addition to allow a front yard setback of 20 feet in lieu of the 25 foot requirement on a 15,618 square foot tract of land zoned R-1A PEU. (20R540284)

PROPOSAL SUMMARY

Kirti and Nalini Mehta are requesting a variance from the minimum front yard setback requirement required for the Chesterfield Hill First Addition subdivision. The subdivision is zoned R-1A PEU under St. Louis County Ordinance 7611. The purpose of this area variance request is to allow for the construction of a third car garage that would minimize tree removal and result in a design more compatible with the existing residential structures in the area.

An application submitted by the Petitioner is attached hereto which includes an explanation of the above referenced request and statement of unnecessary hardship. Also attached for your reference is a copy of the Application for Municipal Zoning Approval which was rejected by the Department of Planning and Public Works on November 14, 2011.

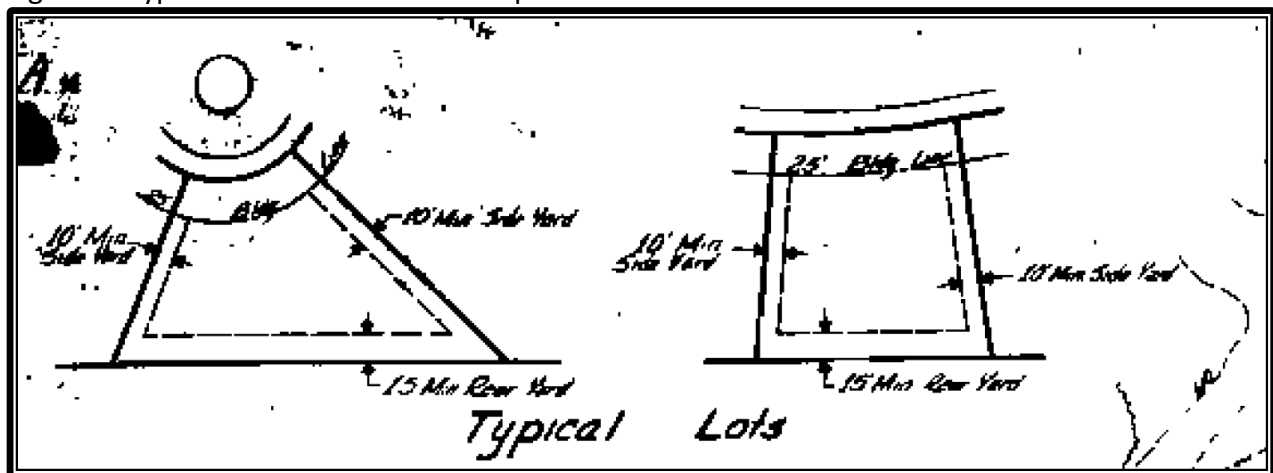
SITE HISTORY AND EXISTING CONDITIONS

St. Louis County Ordinance 7611 authorized the approval of a Planned Environment Unit (PEU) Development located in the "R-1A" 22,000 Sq. Ft. Residence District known as the Chesterfield Hill First Addition subdivision in 1975. According to the petition filed for the PEU request, the development sought to continue the trend of high quality housing developments in the western portion of St. Louis County.

The existing neighborhood is characterized by the mature tree-lined streets and homes predominately with side or rear entry garages. According to St. Louis County records, the current home on the subject site was constructed in 1977. The home includes an existing two car garage totaling 497 square feet accessed from the rear of the home.

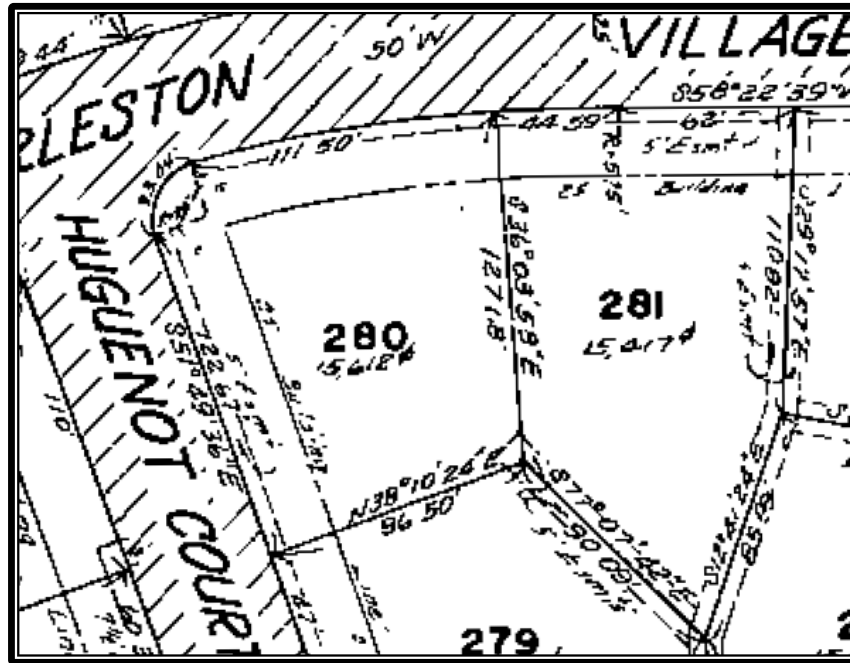
The subject site, Lot 280 of Chesterfield Hill First Addition, is located on the corner of Harleston Village Drive and Huguenot Court. At the time of the approval of St. Louis County Ordinance 7611, it was common for the ordinance to require setbacks to be shown and approved by the St. Louis County Planning Commission on the Final Development Plan. The image below is from the Final Development Plan for the Chesterfield Hill First Addition Final Development Plan recorded with St. Louis County in Plat Book 164, Page 88 on January 16, 1976.

Figure 1: Typical Lots from Final Development Plan



Lot 280 was created with the approval of Chesterfield Hill First Addition Plat Seven recorded with St. Louis County in Book 173, Pages 90 and 91 recorded on May 27, 1977. The record plat creating the subject site showed a required front yard setback along the frontage of both Harleston Village Drive and Huguenot Court consistent with the requirements of the County's Zoning Ordinance. **This requirement that corner lots provide a front yard along all frontages is still required in the City of Chesterfield Zoning and Subdivision Ordinances. This results in a minimum 25 foot setback along both Harleston Village Drive and Huguenot Court for Lot 280 of Chesterfield Hill First Addition.**

Figure 2: Lot 280 – Chesterfield Hill First Addition



On November 14, 2011 an Application was submitted to the Department of Planning and Public Works requesting approval of an addition to the garage along the western side of the property. The proposed addition showed a five foot encroachment into the required front yard setback along Huguenot Court. The rejected application and accompanying proposed plot plan are included with your packet. Figure 3 below shows an aerial image of the subject site and highlights the area proposed for the improvement.

Figure 3: Lot 280 – Aerial Image and Proposed Improvement Location



Area of proposed improvement

Images of the site are shown below. It should be noted that the Petitioner has submitted numerous photos of the subject site and surrounding area for the Board's consideration and review. These photographs are included in your packet.

Figure 4: Looking North at the Rear of the Subject Site

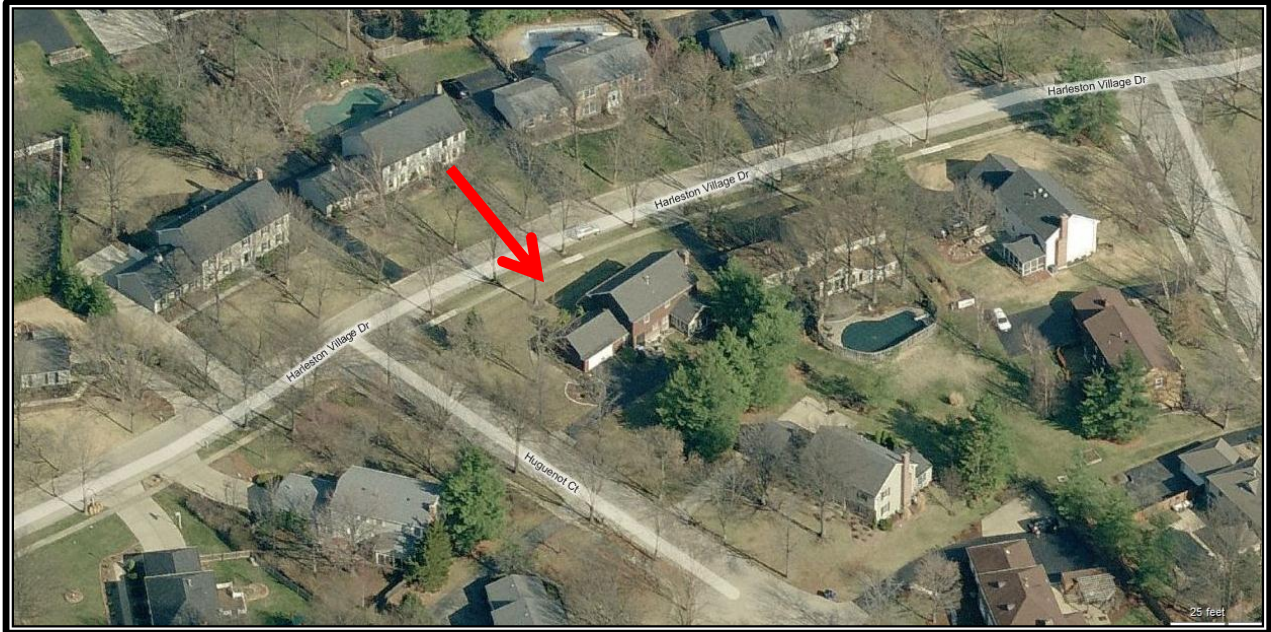
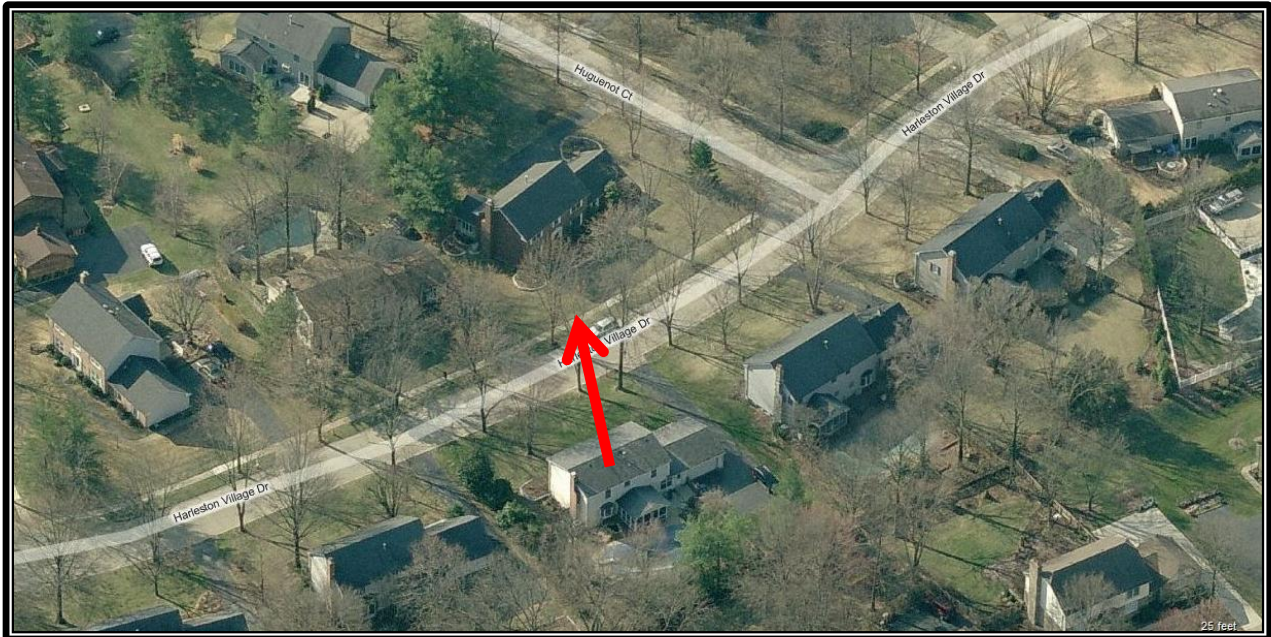


Figure 5: Looking South at the Rear of the Subject Site



As mentioned previously, the Chesterfield Hill First Addition subdivision is characterized by the single-family homes predominately including side or rear entry garages. As the subdivision was constructed over 30 years ago, the street trees and private trees have matured and now further define the area and provide a sense of place.

BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES

In consideration of a request for a variance, the Board of Adjustment is required to follow State Statute and City Code requirements. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the applicant has established the necessary “practical difficulties or unnecessary hardship” and when “the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done”.

In determining if a practical difficulty or unnecessary hardship has been established by the Applicant, the Board must determine if relief is necessary due to an unusual or unique character of the property or lot. The burden of proving this is on the applicant and an individual cannot create a situation and then claim he needs a variance. (Wolfner v. Board of Adjustment of City of Warson Woods, 114 S.W.3d 298 Mo.App.E.D, 2003).

APPLICANT REQUEST

The Petitioner has stated that unique physical characteristics exist due to the location of the existing trees on the site. Please refer to the attached application for full statement from the applicant. While a third car garage addition can be accommodated on the site without the need of a variance, the Petitioner claims that the proposed design fits into the existing development pattern best (maintaining existing garage alignment and driveway), has the least impact on adjacent properties, and maintains the most vegetation on the site.

The Petitioner is requesting a variance to maintain a 20 foot front yard setback in lieu of the 25 foot front yard setback requirement along Huguenot Ct. on the western side of the subject site to accommodate the construction of a third car garage addition.

DEPARTMENT REVIEW AND RECOMMENDATION

The Department of Planning and Public Works has reviewed the request and submits the following information for the Board’s consideration during review.

Under the “R-1A” Sq. Ft. Residence District with a PEU, a minimum 25 foot front yard setback is required. As the subject site is a corner lot, it is considered to have two frontages which are the northern and western property lines of the site. The side and rear yard setbacks are 10 and 15 feet respectively.

Chapter 89 of the Missouri Revised Statutes states, "In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land *so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done...*" (emphasis added).

In reviewing the statement of practical difficulty, several factors are to be considered.

1. *How substantial the variation is in relationship to the requirement.* The requested variance would permit an addition to encroach 5 feet into a 25 foot required yard.
2. *The effect, if the variance is allowed, on available governmental facilities.* Staff does not anticipate an effect on governmental facilities.
3. *Whether a substantial change will be produced in the character of the neighborhood.* After reviewing the request submitted by the Petitioner, Staff is of the opinion that granting a variance for the proposal would not result in a substantial change in the character of the neighborhood. Additionally, denial of the request for the variance would not directly impact the character of the neighborhood. It should be noted that the proposed design of the addition can be accommodated on the site without the issuance of a variance to the minimum setback requirement. However, the Petitioner's statement indicates the proposed encroachment will result in fewer mature trees being removed on the site and will allow the addition in a manner more consistent with the prevailing development pattern (i.e. rear entry garage).
4. *Whether a substantial detriment will be caused to adjoining properties.* As mentioned above, the Petitioner's request indicates the proposed design is more in accord with the character of the neighborhood.
5. *Whether the difficulty can be obviated by some feasible method other than the variance.* As previously mentioned, the proposed addition can be accommodated with different alignments of the proposed structure. The Petitioner has indicated a desire to pursue this request through appeal to the Board of Adjustment as the proposal would impact the fewest trees and not deviate from the character of the surrounding homes.
6. *Whether the interest of justice will be served by allowing the variance.* Staff has reviewed the statement of purpose for the R-1A District as well as the original request for a change in zoning for Chesterfield Hill First Addition. After this review, Staff is of the opinion that the proposed variance request is not inconsistent with either the original proposal or the purpose of the R-1A District.

B.A. 05-2011
January 5, 2012

14622 Harleston Village Dr.
(Kirti and Nalini Mehta)

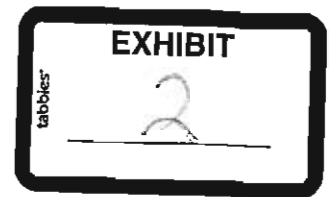
Upon review of this Application, Staff supports granting a variance to allow this property to maintain a 20 foot structure setback in lieu of the 25 foot structure setback requirement along Huguenot Ct. to allow construction of an addition that would support the character of the surrounding neighborhood.

Respectfully submitted,

Aimee E. Nassif, AICP
Planning and Development Services Director

Exhibits

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication
3. Affidavit of Publication (not in packet)
4. Staff Report
5. St. Louis County Ordinance 7611
6. Copy of Recorded Final Development Plan
7. Petitioner's Application
 - a. Application to Board of Adjustment
 - b. Site and surrounding area photographs
 - c. Rejected Application for Municipal Zoning Approval



**Notice of Public Hearing
City of Chesterfield
Board of Adjustment**

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, January 5, 2012 at 6:00 p.m. in the City Council Chambers at the City of Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

The Board will consider the following:

B.A. 05-2011 14622 Harleston Village Dr. (Kirti and Nalini Mehta): A request for a variance from St. Louis County Ordinance 7611 for Lot 280 of Chesterfield Hills First Addition to allow a front yard setback of 20 feet in lieu of the 25 foot requirement on a 15,618 square foot tract of land zoned R-1A PEU. (20R540284)

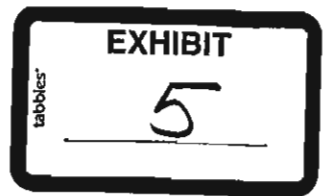


All interested parties are invited to appear and be heard at the hearing.

Copies of the request are available for review at City Hall Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Aimee Nassif, Planning and Development Services Director by telephone at 636-537-4749 or by email at anassif@chesterfield.mo.us.

City of Chesterfield

Aimee Nassif, AICP
Planning and Development Services Director



Substitute Bill No. 1 for
BILL NO. 241, 1975
ORDINANCE NO. 7611, 1975

Introduced by Councilman Stewart

AN ORDINANCE

AUTHORIZING AND GIVING PRELIMINARY APPROVAL TO A PLANNED ENVIRONMENT UNIT DEVELOPMENT OF A TRACT OF LAND LOCATED IN THE "R-1A" 22,000 SQ. FT. RESIDENCE DISTRICT SUBJECT TO CONDITIONS. (P.C. 32-75 Burton Duenke Construction Co.).

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Preliminary approval of a Planned Environment Unit Development of a tract of land located in the "R-1A" 22,000 Sq. Ft. Residence District in St. Louis County, Missouri, is granted, said tract being described as follows:

A tract of land being part of Lot 9 of the Samuel Smith Estate Subdivision and lying partly in U.S. Survey 412, in Fractional Section 13, Township 45 North - Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at the intersection of the Northeast line of U.S. Survey 412 with the South line of Fractional Section 13, Township 45 North - Range 4 East; said point being also a point in the Northeast line of property conveyed to Rayson Corporation and being described as Tract #1 in deed recorded in Book 6759 page 1290 of the St. Louis County records; thence Northwestwardly along said Northeast line of U.S. Survey 412, being also along said Northeast line of the Rayson Corporation property, North 32 degrees 20 minutes 49 seconds West 288.01 feet to the most Northern corner of said Rayson Corporation property; thence Southwestwardly along the Northwest line of said Rayson Corporation property South 57 degrees 27 minutes 33 seconds West 1763.51 feet to the most Eastern corner of property now or formerly of Fred M. Kertz and wife and being the property shown in Plat Book 116 page 23 of the St. Louis County records; thence Northwestwardly along the Northeast line of said property shown in Plat Book 116 Page 23 of the St. Louis County records North 32 degrees 24 minutes 53 seconds West 944.02 feet to the most Southern corner of Lot 6 of the Samuel Conway Estate partition; thence Northeastwardly along the Southeast line of said Lot 6 of the Samuel Conway Estate partition North 57 degrees 36 minutes 18 seconds East 793.92 feet to the most Eastern corner of said Lot 6; said point being also the Southwest corner of property conveyed to Burton Duenke Construction Co. by deed recorded in Book 6606 page 780 of the St. Louis County records; thence Eastwardly along the South line of said Burton Duenke Construction Co. property North 68

degrees 44 minutes 30 seconds East 117.57 feet to a point; thence North 18 degrees 33 minutes 14 seconds East 270.27 feet to a point; thence North 71 degrees 26 minutes 46 seconds West 3.77 feet to a point; thence along a curve to the right whose radius point bears North 18 degrees 33 minutes 14 seconds East 85 feet from the last mentioned point, a distance of 74.46 feet to a point; thence North 21 degrees 15 minutes 30 seconds West 50 feet to a point; thence North 68 degrees 44 minutes 30 seconds East 193.71 feet to a point; thence South 9 degrees 56 minutes 54 seconds East 28.31 feet to a point; thence North 55 degrees 03 minutes 04 seconds East 196.28 feet to a point; thence along a curve to the left whose radius point bears North 55 degrees 03 minutes 04 seconds East 202.00 feet from the last mentioned point, a distance of 272.03 feet to a point; thence North 67 degrees 53 minutes 28 seconds East 114.90 feet to a point; thence along a curve to the right whose radius point bears South 22 degrees 06 minutes 32 seconds East 275 feet from the last mentioned point, a distance of 35.17 feet to a point; thence North 75 degrees 13 minutes 04 seconds East 109.55 feet to a point; thence South 14 degrees 46 minutes 56 seconds East 183.32 feet to a point in the aforementioned South line of property conveyed to Burton Duenke Construction Co.; thence Eastwardly along said South line North 68 degrees 44 minutes 30 seconds East 830.27 feet to the Southeast corner thereof; said point being a point in the North line of Lot 9 of the Samuel Smith Estate Subdivision; thence Eastwardly along said North line of Lot 9 South 89 degrees 22 minutes 24 seconds East 151.28 feet to a point in the West line of property conveyed to Carl G. Stifel Realty Co. by deed recorded in Book 2616 page 624 of the St. Louis County records; thence Southwardly along said West line of the Carl G. Stifel Realty Co. property South 6 degrees 26 minutes 36 seconds West 234.16 feet, South 18 degrees 40 minutes 24 seconds East 182.50 feet, and South 0 degrees 34 minutes 36 seconds West 806.06 feet to a point in the aforesaid South line of Fractional Section 13, Township 45 North - Range 4 East; thence Westwardly along said South line of Fractional Section 13 South 89 degrees 42 minutes 44 seconds West 478.17 feet to the point of beginning and containing 61.149 acres.

SECTION 2. The preliminary approval, pursuant to Section 1003.187 SLCRO 1964, as amended, is granted subject to all ordinances, rules and regulations, and to the conditions recommended by the Planning Commission in its report dated August 22, 1975, as follows:

1. This Planned Environment Unit development authorizes a maximum of 103 single family lots.

2. Within twelve (12) months from the date of approval of the preliminary development plan by the County Council, and prior to any site preparation the petitioner or developer shall submit to the Planning Commission for its

review and approval, a final development plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission. Said development plan shall include, but not be limited to the following:

- a. Indication of a typical lot with minimum boundary dimensions, range of lot size, driveways and required front, side, and rear building setbacks.
- b. The location and size of all existing tree masses.
- c. Existing and proposed contours.
- d. Location and size of all parking areas.
- e. Roadways on or adjacent to the property in question.
- f. The design, location, and size of all proposed free standing signs, lighting, fences, and any recreational facilities.
- g. A landscaped plan including, but not limited to, the location, size, and type of all plant and other materials to be used. Plan shall clearly indicate existing tree masses which are to be preserved.

3. The above final development plan shall adhere to the following specific design criteria:

- a. No single family lot shall contain less than 15,000 sq. ft. in lot area.
- b. All ground located within the Union Electric transmission line easement and ground east thereof to the east property line shall be common ground area.
- c. The proposed lake in the common ground area shall not be located on any portion of any single family lot.
- d. No source of illumination shall be so situated on individual lots in such a manner that light is cast directly on any public road right-of-way or adjoining property.

4. Prior to approval of the final development plan, the petitioner shall provide verification to the Department of Planning of a concept plan approved by the Department of Public Works, Division of Waste-water Control indicating adequate handling of differential runoff due to proposed impervious areas by use of dry reservoir or ponding.

5. The above final development plan shall on submission to the Planning Commission include a plan approved by the St. Louis County Department of Highways and Traffic showing the location of all roadways and curb cuts.

6. Subsequent to the approval of the final development plan, and prior to the issuance of any building permit except as provided under the display house plat procedure of the Subdivision Ordinance, the following requirements shall be met:

a. Submit to the Planning Commission for review and approval:

i. A plan approved by the St. Louis County Department of Public Works, Division of Wastewater Control and the Department of Highways and Traffic reflecting that adequate handling of storm water drainage shall be provided.

ii. A plan approved by the St. Louis County Department of Public Works, Division of Wastewater Control, reflecting that adequate handling of sanitary sewage shall be provided.

iii. A plan approved by the St. Louis County Department of Public Works, Division of Wastewater Control reflecting that proper fill and grading has taken place on the site.

b. With each plat the developer shall furnish a bond or place into a three (3) year County approved escrow the monies necessary to guarantee the installation, maintenance, and replacement of additional landscape materials as may be required. Said bond or escrow shall be determined by a plant nursery and in a manner approved by the County Counselor and the Department of Planning sufficient in amount to guarantee the installation and replacement of all new plant materials shown on the final development landscape plan. Said fund shall be included with the initial phase of subdivision and ordinance processing.

c. With each plat the developer shall furnish a bond or place into a three (3) year County approved escrow the monies necessary to guarantee the installation of all recreational facilities.

d. Comply with all applicable subdivision ordinances affecting the development of land except as otherwise specified by this ordinance.

7. Within twelve (12) months of the date of approval of the final development plan by the Planning Commission, construction shall commence, unless a time extension is granted by the Commission.

8. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion.

9. No outdoor incineration shall be permitted.

10. The petitioner shall be required to provide temporary off-street parking for construction employees. Parking on non-paved surfaces shall be prohibited.

11. Prior to the issuance of an occupancy permit, the petitioner shall:

a. Complete all required roadway, driveway, and on-site improvements necessary to the plat.

b. Complete all required sewer improvements necessary to each plat.

12. Any revision to the uses permitted herein or any conditions pertaining to the proposed structures as noted on the final development plan shall be preceded by the filing of a revised final development plan and shall be subject to approval by the Planning Commission.

13. Any transfer of ownership or lease of property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and included in the approved development plan for the property. A copy of the above conditions shall be furnished by the owner or petitioner to the operator(s), owner(s), or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Zoning Enforcement Officer an acknowledgment that he or she has read and understood these conditions and agrees to comply therewith.

14. The above conditions of this PEU Planned Environment Unit shall be enforced in compliance with the final development plan approved by the St. Louis County Planning Commission.

15. The Zoning Enforcement Officer of St. Louis County, Missouri shall be charged with the duty of enforcing the conditions of this PEU.

SECTION 3. The St. Louis County Council, pursuant to the petition of Burton Duenke Construction Co., c/o J. F. Davies, Box 12878, St. Louis, Missouri 63141, requesting the approval of a Planned Environment Unit Development and an amended Environment Unit Development of the tract of land described in Section 1 of this ordinance as an alternative zoning, and pursuant to the recommendation of the Planning Commission that said petition be granted after public hearing held by the said Commission on July 21, 1975, adopts this ordinance pursuant to the St. Louis County Charter authorizing the Council to exercise legislative power pertaining to planning and zoning and returns the application and plan to the St. Louis County Planning Commission for consideration of a final development plan,

pursuant to Section 1003.187 SLCRO 1964, as amended.

ADOPTED October 2, 1975

Carl M. Kreihan
CHAIRMAN, COUNTY COUNCIL

APPROVED October 3, 1975

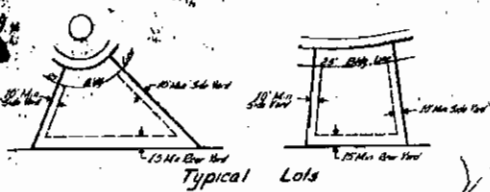
Gene Clary
COUNTY SUPERVISOR

ATTEST: Lela Hoperson
Deputy ADMINISTRATIVE DIRECTOR

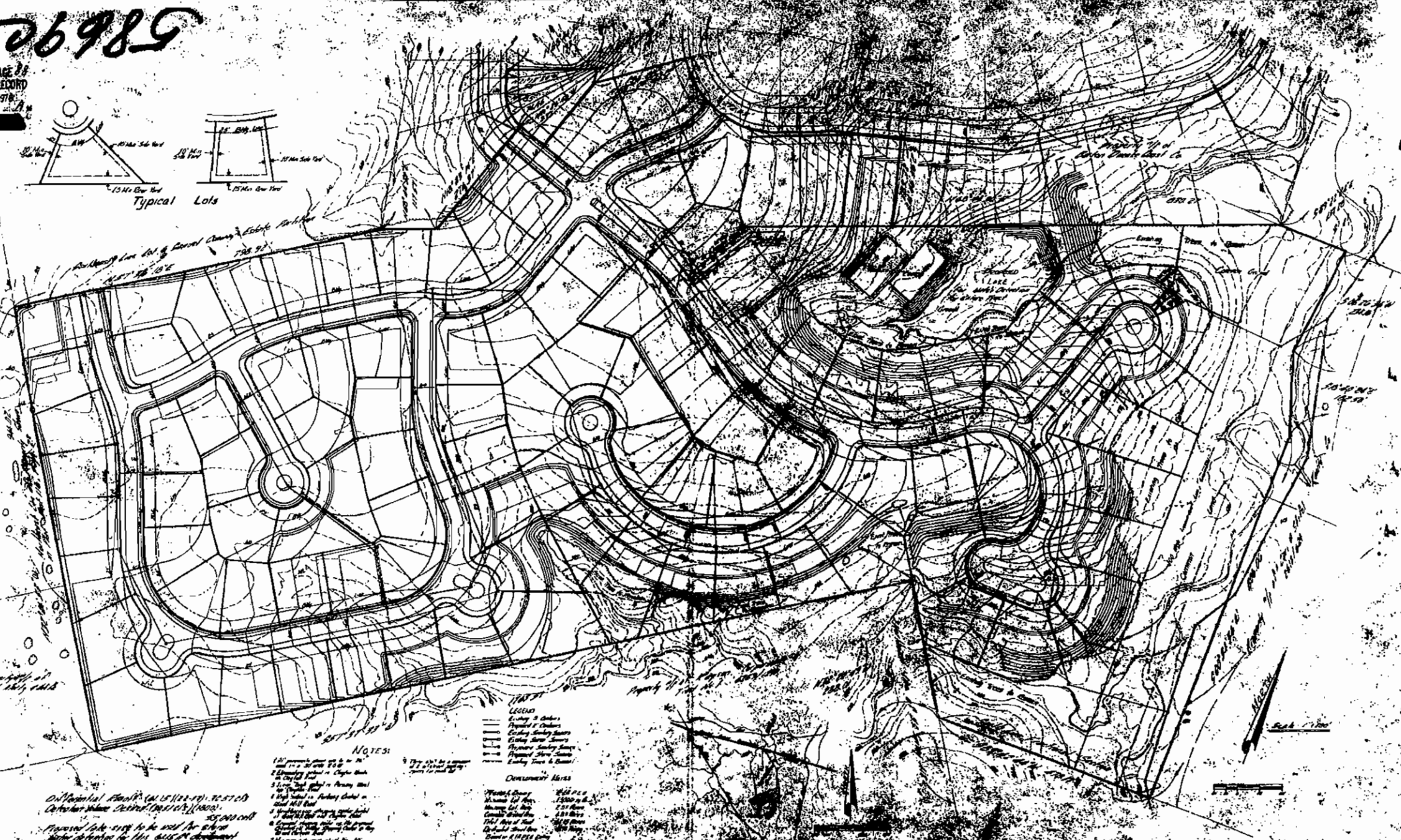
26985

BOOK 167 PAGE 28
FILED FOR RECORD
JAN 16 1976
AM 11:20 AM

119



Typical Lots



On Original Plan (as of 11/15/75) 10-57-00
On Original Plan (as of 11/15/75) 10-57-00
Proposed lots 5100 to be used for other
purpose of the city of Chesterfield

NOTES:
1. All lots shall be 1/4 acre or more.
2. All lots shall be 1/4 acre or more.
3. All lots shall be 1/4 acre or more.
4. All lots shall be 1/4 acre or more.
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7. All lots shall be 1/4 acre or more.
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9. All lots shall be 1/4 acre or more.
10. All lots shall be 1/4 acre or more.

Item	Quantity	Unit Price	Total
Survey	1	1000.00	1000.00
Engineering	1	1000.00	1000.00
Printing	1	1000.00	1000.00
Other	1	1000.00	1000.00
Total			4000.00

REYNOLD R. LOCKHEAD
I, the undersigned, do hereby certify that the above is a true and correct copy of the original plan as filed for record in the office of the Recorder of Deeds, City of Chesterfield, Missouri, on this 15th day of January, 1976.

NOV 15 1975

REYNOLD R. LOCKHEAD
HIS WIFE

This plan was approved by the City Council of Chesterfield, Missouri, on this 15th day of January, 1976, and the same was duly recorded in the office of the Recorder of Deeds, City of Chesterfield, Missouri, on this 15th day of January, 1976.

Jan 15 1976

Approved by the City Council of Chesterfield, Missouri, on this 15th day of January, 1976.

A FINAL DEVELOPMENT PLAN
FOR THE CITY OF CHESTERFIELD, MISSOURI, IN ACCORDANCE WITH THE ZONING ORDINANCE, SECTION 13, 1964, AS AMENDED.

CHESTERFIELD HILL FIRST ADDITION

220

EXHIBIT
6

POOR ORIGINAL

220 FDEV



City of Chesterfield

DEPARTMENT OF PLANNING AND PUBLIC WORKS

BOARD OF ADJUSTMENT APPLICATION

EXHIBIT
7a

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. The Board hears requests for variances and appeals of administrative determinations. A variance is deviation from the zoning ordinance requirements for a specific parcel. The types of variances heard before the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning and Public Works at 636-537-4746. For information about this and other projects under review by the Department of Planning and Public Works, please visit "Planning Projects" at www.Chesterfield.mo.us.

Check (✓) the type of variance for which you are applying:

Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.

Use variance: A request to allow deviation for the permissible uses of a zoning district.

Sign variance: A request to allow deviation from dimensional/quantity regulations

Appeal of Administrative Determination

Please note areas in gray will be completed by the Department of Planning and Public Works.

STATE OF MISSOURI) BOA NUMBER _____
) HEARING DATE _____
CITY OF CHESTERFIELD)
Petition for Appeal from Zoning Regulations

APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor's Record: Kirti and Nalini Mehta
Address: _____
City: Chesterfield State: MO Zip: 63017
Tel.: Res:636-537-0964, Cell: 636-484-0473 Fax: 636-537-0964 (Manual, Call before F/

Petitioner, if other than owner(s): Same
Address: _____
City: _____ State: _____ Zip: _____
Tel.: _____ Fax: _____

Legal Interest: _____
(Provide date of contract and date of expiration of contract)

* Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

II. PROPERTY INFORMATION

Project Address: 14622 Harleston Village Drive

Locator Number(s): Lot number 280, Chesterfield Hill Subdivision

(List additional locator numbers on separate sheet and attach to petition)

Acreage: 1/2 Acre (To the nearest tenth of an acre)

Subdivision Name (If applicable): Chesterfield Hill Subdivision

Current Zoning District: R-1A Residence District

Legal Description of Property: Chesterfield Hill First Addition, Plot 7 - Lot 280 as recorded, St. Louis County Plot Book 173, Page 90 & 91 on May 27, 1977.

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.): _____

Please see the attached sheet-1

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement: _____

Please see the attached sheet-1

(Attach additional sheets as necessary)

Ordinance Number and section to which a variance is sought: _____

Stl. County Ordinance 7611 R1A-PEU

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one Yes No

Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:

The proposed best alternative to build the 3rd car garage is to extend the existing two car garage on the south side keeping the rear entry garage. This is most viable alternative without chopping down any of the matured trees and without facing the garage opening to any of the neighbor's front. Also it will use the existing driveway layout which provides safe enter and exist with a full view. All other alternatives for the 3rd garage least attractive because it will require chopping down 2 to 4 matured trees plus it the garage door will face the neighbor's front (could be objectionable).

Some of the better of the worst alternatives:

- 1) Mirror imaging the 3rd car garage on the west side with entrance from the Harleston Village Drive will require chopping down 4 matured tress and 30 ft x 5 ft landscape garden. Also the garage door will face the front of the couple of neighbors on the west side of the Harleston.
- 2) Mirror imaging the 3rd car garage on the west side with entrance from the Huguenot Ct. will require chopping down 4 matured tress and 30 ft x 5 ft landscape garden. Also the garage door will face the front of the neighbors on the South of the Huguenot Ct.
- 3) Mirror imaging the 3rd car garage on the East side with entrance from the Huguenot Ct. will require chopping down 3 matured trees. Also the garage door will face the front of the neighbors on the South of the Huguenot Ct.

(Attach additional sheets as necessary)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

Description of the effect or impact on neighboring properties:

NONE

(Attach additional sheets as necessary)

For Area or Bulk Variance Requests, complete the following section:

A. Setbacks/Height:

	The Petitioner(s) request the following setback(s):	City of Chesterfield Regulations require the following setback(s) for this site:
Front Yard:	25	25
Side Yard:	20	25
Rear Yard:	15	15
Height:	N/A	N/A

Provide the following:

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Twenty-five (25) copies of the following for inclusion in the packet:
 - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

For Sign Variance Requests, complete the following section:

B. Signage:

	The Petitioner(s) request the following :	City of Chesterfield Regulations allow the following for this site:
Number of attached business signs:	N/A	N/A
Size of attached business signs:	N/A	N/A
Number of freestanding business signs:	N/A	N/A
Size of freestanding business signs:	N/A	N/A

Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.

N/A

Provide the following:

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Twenty-five (25) copies of the following for inclusion in the packet:
 - A site plan showing:
 - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
 - The location of proposed signs.
 - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business)
 - A detail sign plan indicating:
 - Dimension of signs with detail sign lettering layout.
 - Total square feet of signs. If attached, what percent of wall.
 - Light detail, if any.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

IV. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes No. If no, please explain: _____

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes No. If no, please explain: _____

[THIS SPACE INTENTIONALLY LEFT BLANK]

V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to N/A (type, stamp or print clearly full name of agent) to act on my behalf to submit, this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the ___ owner ___ contract purchaser. (check (✓) one)

(Name- type, stamp or print clearly)

(Signature)

N/A

(Name of Firm)

(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this _____ day of _____ 20 _____.

Signed _____ Print Name: _____
Notary Public

Seal/Stamp:

My Commission Expires: _____

VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name: 14622 Harleston Vill. Drive, Chesterfield, 63017 **Submittal Date:** _____

STATEMENT OF COMPLETION AND ACCURACY

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

Check (✓) one: I am the property owner. I am the contract purchaser.
 I am the duly appointed agent of the petitioner.

Kirti C. Mehta

Kirti C. Mehta

(Name- type, stamp or print clearly)

(Signature)

N/A

N/A

(Name of Firm)

(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 6th day of December 20 11.

Signed

Vickie J. Hass

Print Name:

Vickie J. Hass

Notary Public

Seal/Stamp:

My Commission Expires:

6/10/2013



690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

**VII. CITY OF CHESTERFIELD
LIENS AND FINES CERTIFICATION**

Project Name: _____ **Ward:** _____
Address: _____ **Locator:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

I do hereby certify to the Council of the City of Chesterfield that:

___ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

___ There are the following fines and/or liens owed to the City of Chesterfield:

1. _____
2. _____
3. _____
4. _____
5. _____

Director of Finance
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

STAFF / BOA USE ONLY

Intake Date: _____

This petition is granted / denied (circle one) on the _____ day of _____ 20 _____

Signed: _____
Chairman

[THIS PAGE FOR INTERNAL USE]

Unique physical characteristics of the lot:

We have a corner lot with two frontages one on the south side and one on the West side. Presently the house structure is over 40 feet inside from the edge of the Huguenot Ct. pavement (and 25 feet setback from the property line) on the south side, and over 60 feet inside from the edge of the Harleston Village Drive pavement on the west side. We have reviewed several alternatives for the 3rd car garage construction. The proposed alternative to extend the existing garage on the south side that requires your approval of variance to construct about 5 ft. in the setback zone is the only most viable alternative without chopping down any of the matured trees and creating the garage opening facing any of the neighbor's fronts. After the construction the house structure on the south side still will be over 30 ft. inside from the Huguenot Ct pavement (and 20 feet set back from the property line). On the east side the present separation distance of about 70 feet from the neighbor's structure will remain unchanged. On the west side the house will be still over 60 feet inside (unchanged) from the edge of the Harleston Village Drive pavement. No changes on the north side.

The entire subdivision has beautiful matured tree line streets and matured trees on each of the residential properties. The attached photographs of the vicinity show the tree line streets, distances from the neighbor's house etc.

All other alternatives for the 3rd car garage are least attractive because any one of them will require chopping down 3 to 4 matured trees plus create garage door facing the front of the neighbor's house.

Some of the better of the worst alternatives that were reviewed and rejected:

- 1) Mirror imaging the existing garage on the west side with a new dedicated driveway to the extension from the Harleston Village Drive will require chopping down 3 matured trees and 30 ft. x 5 ft. of the landscape garden. Also the garage door will face the front of the couple of neighbor's front on the west side of the Harleston. The existing garage will use the existing rear entry driveway (two separate driveways).
- 2) Addition of the 3rd car garage by extending the existing garage on the west side and changing the driveway layout to a side entry from the Huguenot Ct. will require chopping down 4 matured trees and 30 ft. x 5 ft. landscape garden. Also the garage door will face the front of the neighbor's front on the South of the Huguenot Ct.
- 3) Addition the 3rd car garage by extending the existing garage on the East side with the side entry entrance from the Huguenot Ct. will require chopping down 3 matured trees. Also the garage door will face the front of the neighbors front on the South of the Huguenot Ct.

Conclusion: All alternatives considered above to avoid this variance will cause chopping down matured trees and create unpleasant view for the neighbors. Therefore this request to approve variance should be approved to construct garage structure 5 feet in the setback zone of my property on the south side.

Description of the necessity of the proposed improvement: My wife and I have decided to stay in this house in our golden years (without becoming any burden to the state and the government). Therefore we are preparing and making necessary improvements to support our needs during those years when we will need assisted living. We would like to build THIS garage for his/her vehicle. We plan to build a bedroom over the existing garage with dedicated bathroom for the live in help. The existing 2 car garage would be converted and facilitated with a ramp for exist, entry and also for staging (if the need arises).

No Objections consensus of immediate Neighbors

Dear Neighbors:

We, Nalini and Kirti (Kim) Mehta, your neighbor, are planning to execute room addition and add a 3rd car garage project to our existing house. The 3rd car garage will be southward extension of the existing two car garage in the same line and it will use the existing rear entry driveway layout. The attached drawings will give you overview details about our entire project. The construction of this structure after it is completed will not devalue your property; encroach on your view and/or congest your current traffic pattern. After the construction it will maintain over 30 feet distance on the south side from the Huguenot pavement, on the west side the current distance of over 60 feet from the pavement of the Harleston Village Drive will remain unchanged and on the east side the present separation distance of over 70 feet from the neighbor's structure will remain unchanged. The project will execute seamless room addition. Please review it and support our plan with your "No Objection" signature. We will appreciate your cooperation.

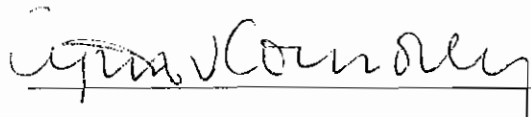
Thanks,

NO OBJECTION SUPPORT FROM THE NEIGHBORS

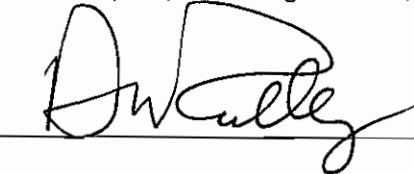
Signature and Date



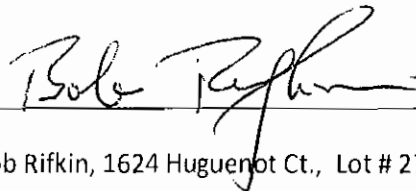
Steve Simpson, 1605 Huguenot Ct., Lot # 274



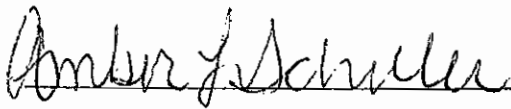
Cynthia Connolly, 1611 Huguenot Ct, Lot # 275



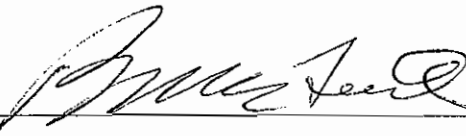
David Pulley; 1619 Huguenot Ct., Lot # 276,



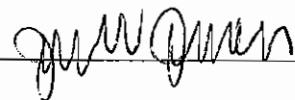
Bob Rifkin, 1624 Huguenot Ct., Lot # 277



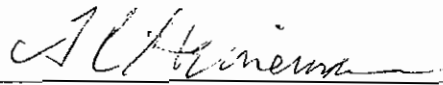
Matt Schuler, 1618 Huguenot Ct., Lot # 278



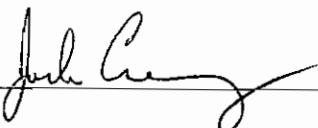
Bruce Friedman, 1610 Huguenot Ct., Lot # 279



John Jensen, 14625 Harleston Vill. Drive, Lot # 297



Tom Heineman, 14633 Harleston Vill. Drive, Lot # 296



Jack Conway, 14614 Harleston Vill. Drive, Lot # 281

CHESTERFIELD HILL FIRST ADD.

PLAT SEVEN

279

S. 38° 10' 24" W

96.50'



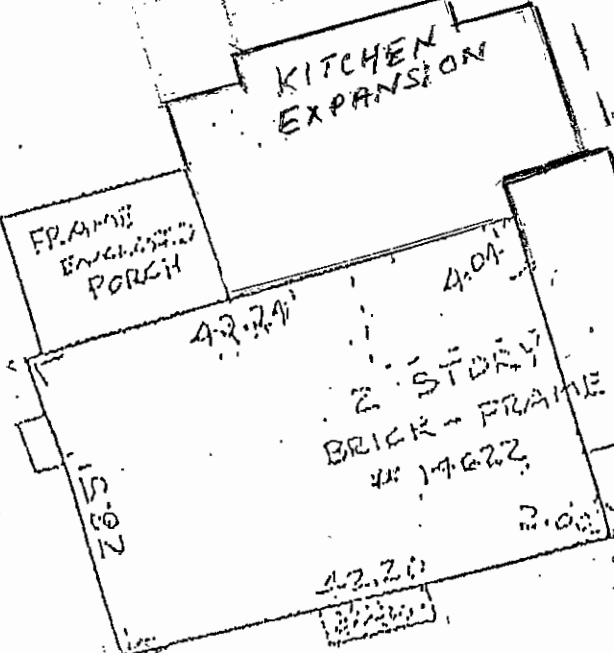
16 280

DRIVEWAY

DRIVEWAY

HUGUENOT CT.

S. 36° 03' 58" E. 127.68'



25' BLDG LINE

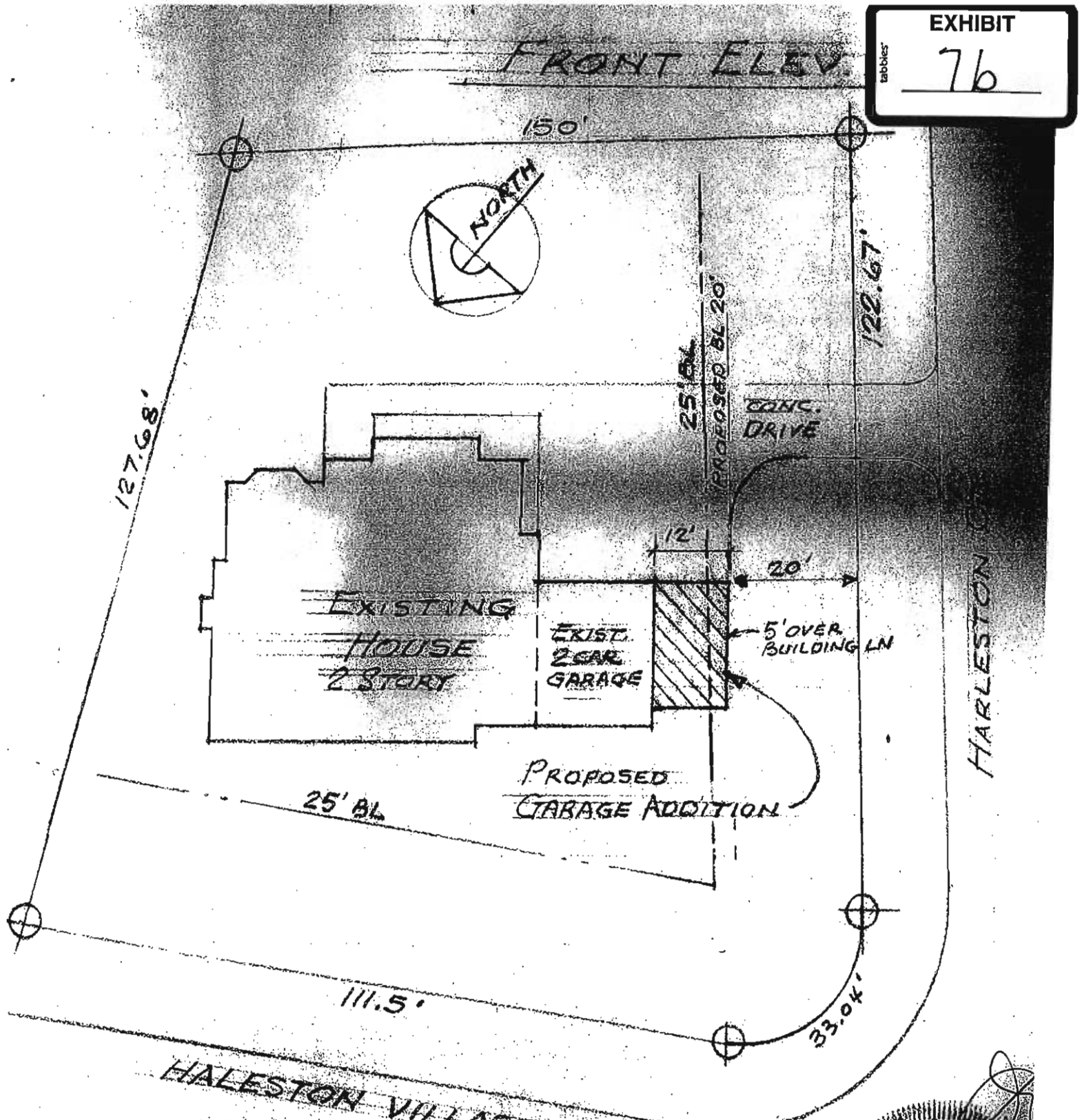
ESMT
ARC 111.50' SIDEWALK

GRASS

HARLESTON VILL. DRIVE

1" = 20'

FRONT ELEV.



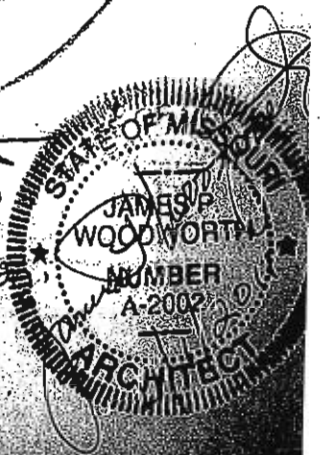
SITE PLAN

20' = 1"

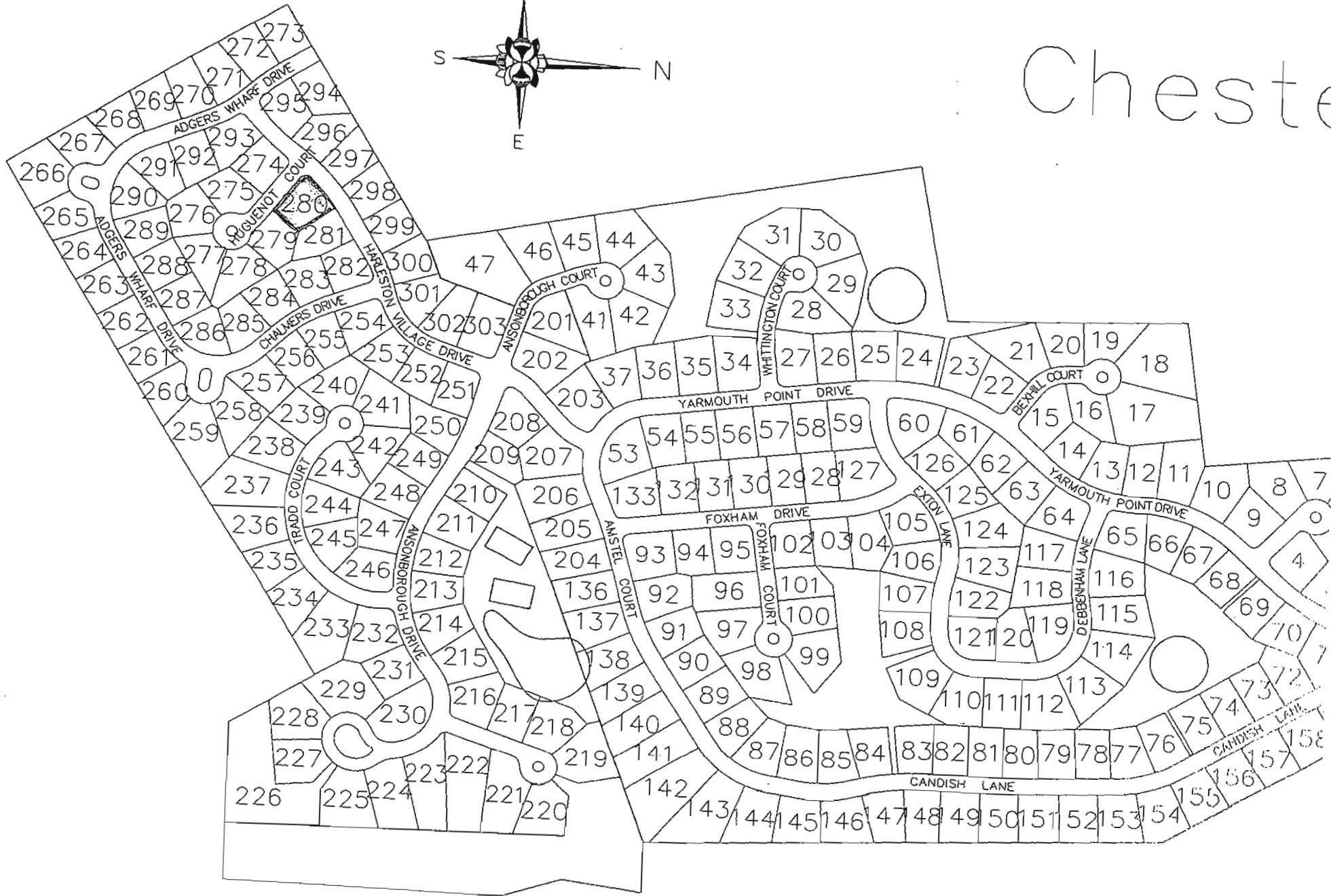
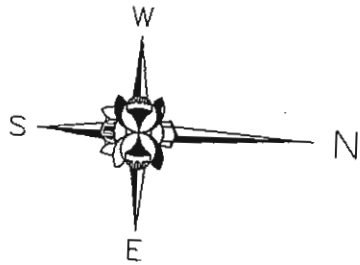
GARAGE ADDITION

NALINI & KIM MEHTA
 14622 HARLESTON VILLAGE DR.
 CHESTERFIELD, MO 63017

M. Smith
 Megan Smith
 Twiss
 Chesterfield
 Hill 187A



Cheste





Lot 280 My House- View from south looking north
Cutoff 4 trees if the garage is built on west or east side
with side entry driveway



Lot 280 - My house looking from west side to east side
Cutoff 4 trees if the 3rd car garage is built on west side
(mirror existing) with west side driveway

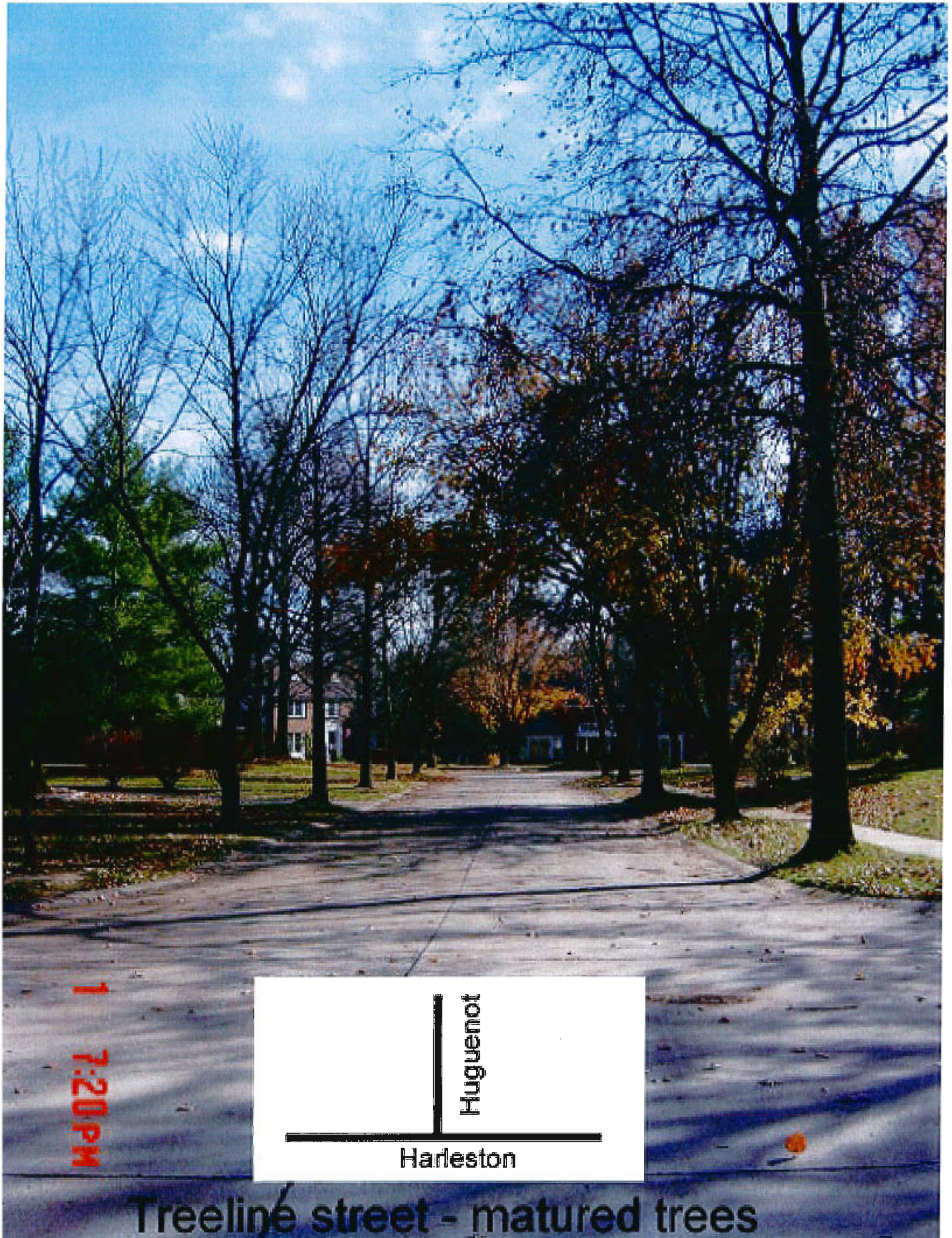
1 5:13PM



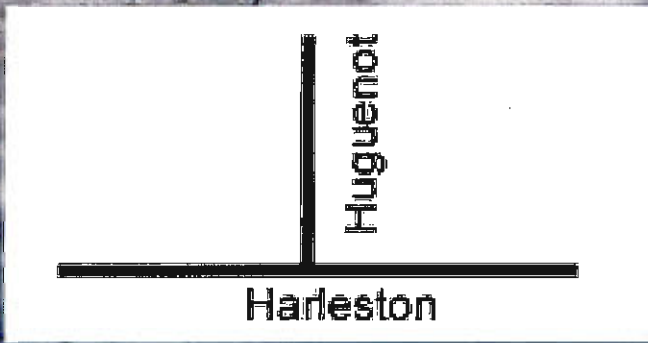
Harleston

Huguenot

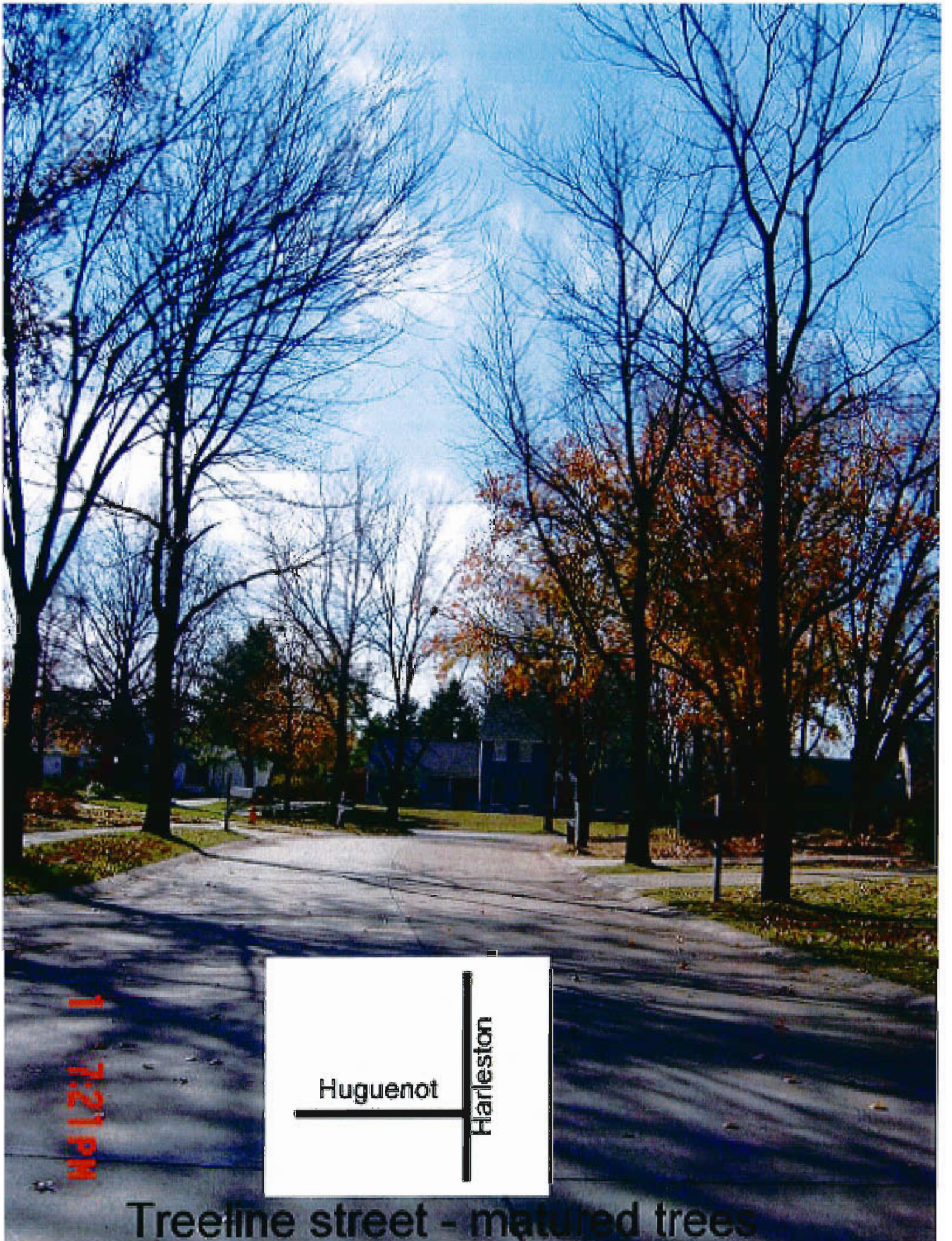
Treelined streets - matured trees



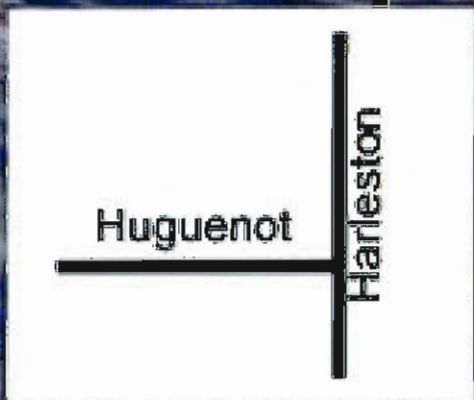
1
7:20 PM



Treeline street - matured trees



1
7:21 PM



Tree line street - matured trees



Lot No. 274 - View 4

1 7:24 PM




Lot No. 275 - Viewing from my garage

1 7:24 PM



Lot No. 276 - Viewing from my garage



Lot No.
278

Lot No.
277

1 7:20 PM



Lot 279 - Viewing from my garage

1 7:27 PM



Lot No. 297 - Viewing from my garage



Lot No. 296.- Viewing from my garage

Charterfield Hill Sub.

UNABLE TO APPROVE
MUNICIPAL ZONING APPROVAL

EXHIBIT
7c

MZA# 112135

DATE: 11-14-11

PROJECT ADDRESS: 14622 Harleston Village Dr.

TENANT: _____

APPLICANT: Kirti and Nabini Mehta

DESCRIPTION:

- ADDITION
- BASEMENT
- BATH
- DECK
- FIRE RESTORATION
- GARAGE
- KITCHEN

- MONUMENT SIGN
- NEW CONSTRUCTION
- PORCH
- PATIO
- PARKING LOT
- RETAINING WALL
- SUNROOM

- SWIMMING POOL
- TEMPORARY SIGN
- TENANT ALTERATION
- WALL SIGN
- OTHER:

REASON FOR REJECTION: Need to go before BOA

Addition is over the set back,

email @ 10:04 am

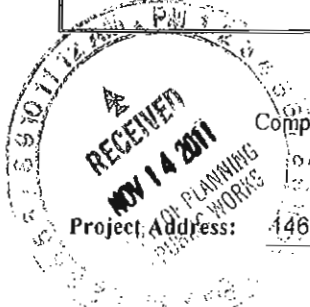
0220-MZA-112135



City of Chesterfield

MZA #: 112135
 Locator #: 20R540284
 Subdivision: Plat 7 Lot 280, W3 R1A
Chesterfield Hills First Addition

II. MUNICIPAL ZONING APPROVAL APPLICATION



Please type or print legibly in ink, complete all parts, and sign and date application.
 Completed application and all other requirements must be submitted to the City of Chesterfield
 Department of Planning and Public Works.

Project Address: 14622 Harleston Village Drive, Chesterfield, MO Zip: 63017

Property Owner Name(s): Kirti (Kim) and Nalini Mehta

Property Owner Address (if different than above): 14622 Harleston village Drive

City: Chesterfield State: MO Zip: 63017

Tenant Name (if different than above): _____

Existing Tenant Proposed Tenant

Applicant Name: Kirti and Nalini Mehta, Attn: _____

Applicant Address: 14622 Harleston Village Drive

City: Chesterfield State: MO Zip: 63017

Phone Number: Res: 636-537-0964, Coll: 636-484-0473 Fax: 636-5337-0964 (Manual, Call before FAXing)

E-mail: kimronn@charter.net

Description of Work: 3rd car garage addition to the existing attached 2 car garage.

FOR EXTERIOR RESIDENTIAL WORK ONLY, PLEASE SIGN THE FOLLOWING:
 As the Property Owner of the above-referenced address, I have notified all subdivision trustees and adjacent property owners of said application.
Kirti C. Mehta 11/14/2011
 Signature

FOR RESIDENTIAL AND COMMERCIAL USE

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ACCOMPANYING PLANS IS TRUE AND CORRECT, AND THAT I WILL CONFORM TO ALL APPLICABLE LAWS OF THE CITY OF CHESTERFIELD AND ST. LOUIS COUNTY.

PROPERTY OWNER SIGNATURE: Kirti C. Mehta DATE: 11/14/2011
 APPLICANT SIGNATURE: _____ DATE: _____
 (If other than Property Owner)

0220 MZA-112135



Rejected

MZA_112135

Date: 11/15/2011

Property Address	Subdivision	Lot
14622 HARLESTON VILLAGE DR	220 CHESTERFIELD HILLS FIRST ADDITI	280

Locator #	Ward	Date Received	Flood Plain
20R540284	3	11/14/2011	NO

Zoning Class	Type
R1A	Garage

Property Owner	Tenant
Kirti (Kim) and Nalini Mehta	Garage addition

Applicant
Kirti (Kim) and Nalini Mehta

Comments
11/14/2011 - Complete - Kkelley - A copy of the trustee email is included with the application. Assigned to Mara. 11/15/2011 - Rejected - Mperry - Garage addition is over the setback.

Status	Rejected	Date	11/15/2011	By	Mara Perry, Senior Planner
--------	----------	------	------------	----	----------------------------

Mara Perry
signature

ADVISORY:

Applications for Municipal Zoning Approval that are not approved may be resubmitted once changes have been made. Please note that relief from some requirements, in the form of a variance, may be requested via application to the Board of Adjustment; please call the Department of Planning and Public Works at (636) 537-4746.

Kristine Kelley

From: Kristine Kelley
Sent: Tuesday, November 15, 2011 10:05 AM
To: 'kimronn@charter.net'
Subject: RE: Municipal Zoning Application MZA_112135

Project Location: 14622 HARLESTON VILLAGE DR
Work: Garage
Application Status: Rejected

Your application cannot be approved based on:

The Garage addition of over the set back.

If you have any questions, please contact me at City Hall:
690 Chesterfield Parkway W
Chesterfield, MO 63017
(636)537-4748

Kristine Kelley

From: Kristine Kelley
Sent: Monday, November 14, 2011 1:10 PM
To: 'jreh@charter.net'; 'mhs408@charter.net'
Subject: RE: Municipal Zoning Application MZA_112135

This is a courtesy message from the City of Chesterfield to inform you of the following:

Kirti & Nalini Mehta has applied for Municipal Zoning approval of a Garage Addition.

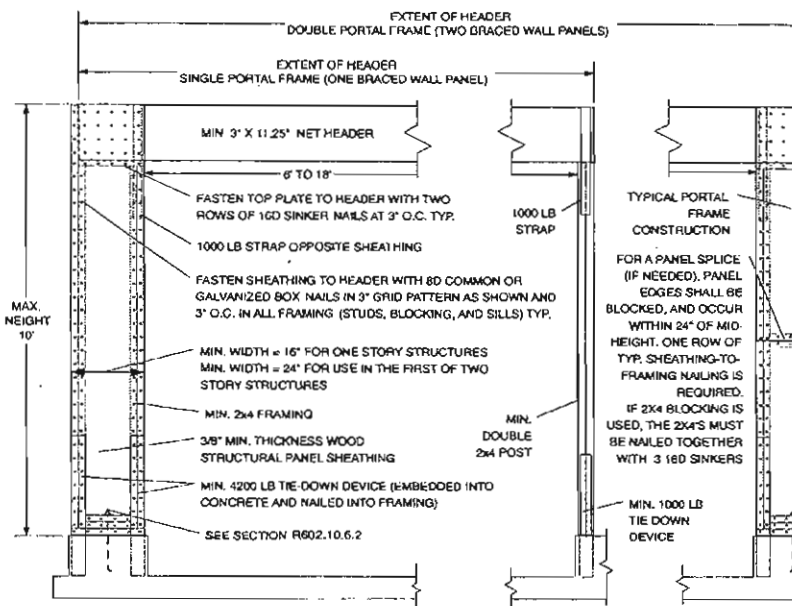
Project Location: 14622 HARLESTON VILLAGE DR
Work: Garage
Application Status: Under Review "Garage Addition"

Please be advised that the City of Chesterfield only grants zoning approvals. Building Permits are to be issued by St. Louis County.

If you have any questions or need additional information, please contact Kristine Kelley at (636)537-4748.



JIM WOODWORTH
architect
 1055 Woodfield Estates Dr
 Town & Country, MO 63017
 (314) 576-2707
 FAX 576-3503



or SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound = 0.454 kg.

FIGURE R602.10.6.2
 ALTERNATE BRACED WALL PANEL ADJACENT TO A DOOR OR WINDOW OPENING

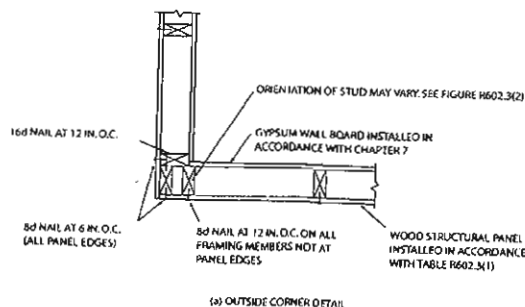
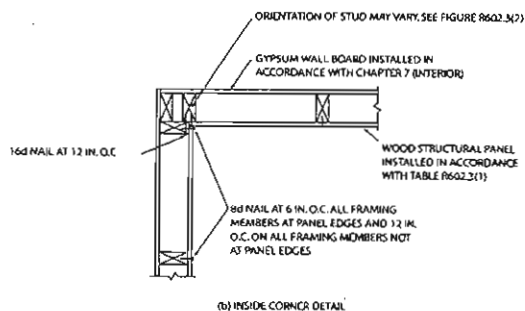
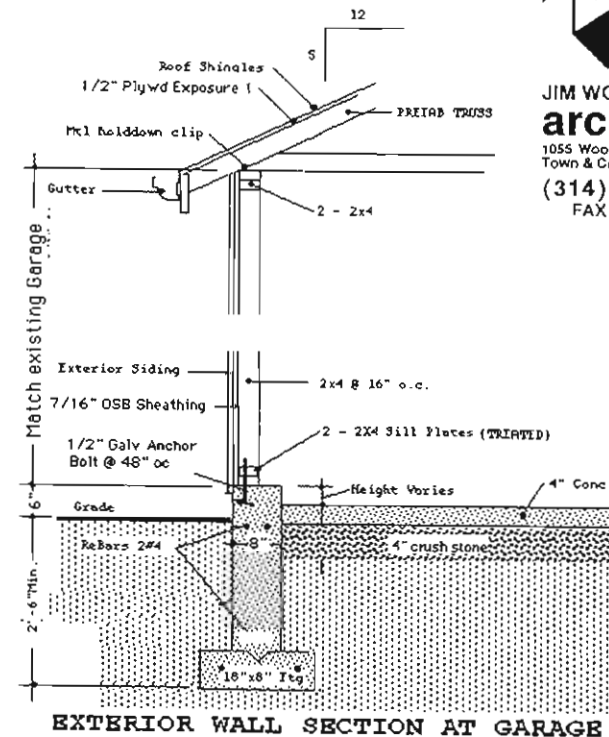


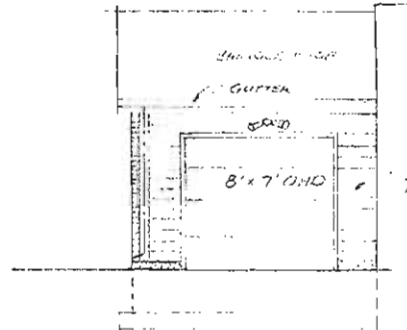
FIGURE R602.10.5
 TYPICAL EXTERIOR CORNER FRAMING FOR CONTINUOUS STRUCTURAL PANEL SHEATHING, SHOWING REQUIRED STUD-TO-STUD NAILING

Garage Addition to the Residence of
NALINI & KIM MEHTA
 14622 Harleston Village Drive
 Chesterfield, MO 63017

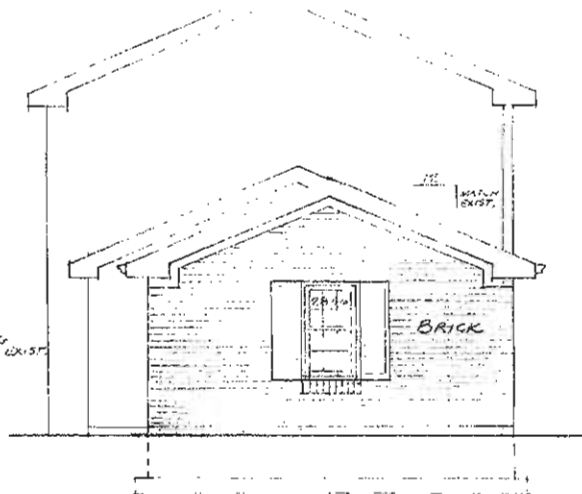


November 1, 2011

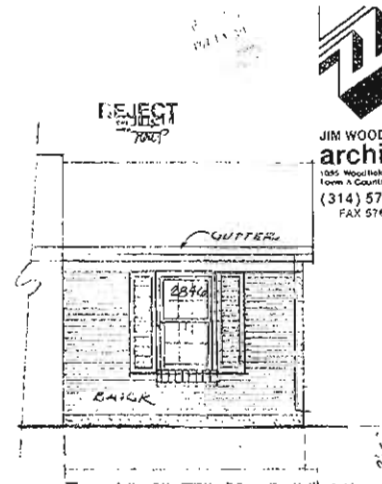
NOV 14 2011



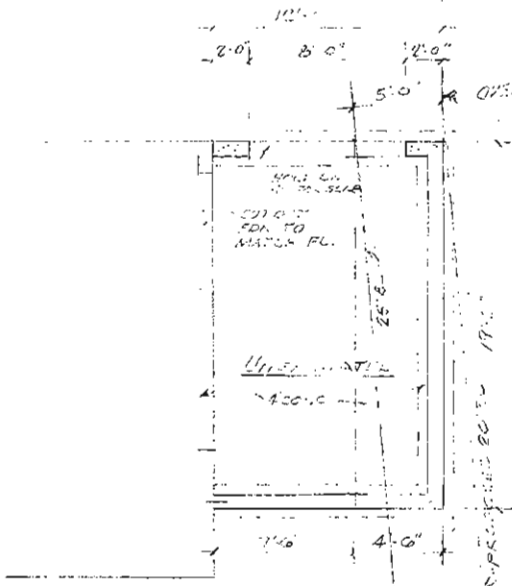
REAR ELEV.



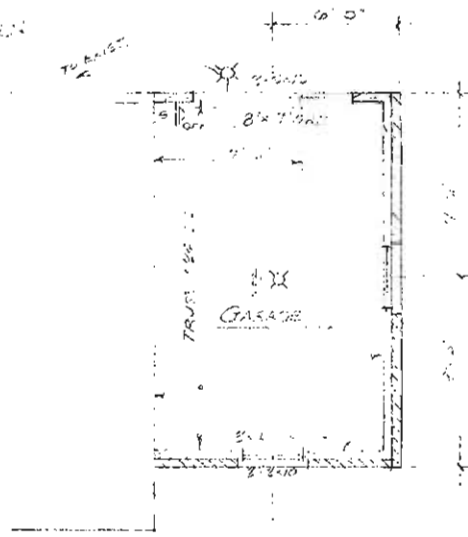
RIGHT ELEV.



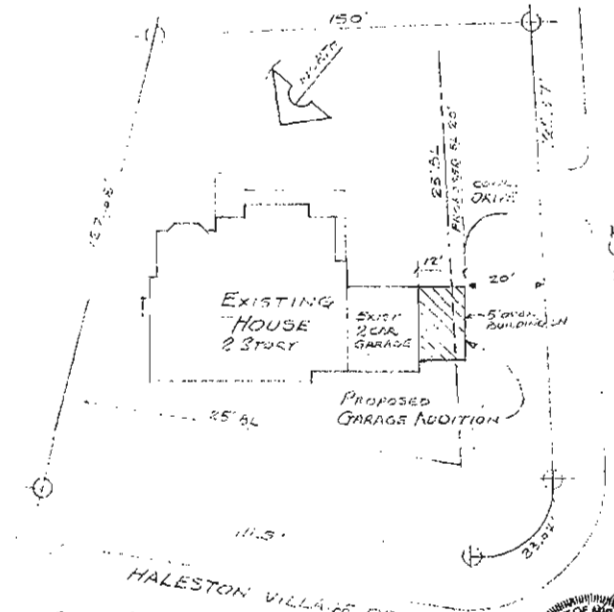
FRONT ELEV.



FOUNDATION



FLOOR PLAN



SITE PLAN

20'-1" GARAGE ADDITION
Jill Smith
Megan H. Smith
TISHKA
NALINI & KIM MENTA
1115 HALESTON VILLAGE DR.



JIM WOODWORTH
architect
1005 Woodbine Estate Dr.
Towson, MD 21287
(314) 576-2707
FAX 576-3503

