

**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, February 6, 2020 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield Missouri 63017.

The Board will consider the following:

**B.A. 03-2019 541 Oak Creek Meadows Ct. (Arch City Group):** A request for a variance from the City of Chesterfield "R2" Residential District regulations to create a lot less than 15,000 square feet in area (16R220293).



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 Mike Knight, Assistant City Planner by telephone at 636-537-4736 or by email at [jknight@chesterfield.mo.us](mailto:jknight@chesterfield.mo.us).

City of Chesterfield  
Mike Knight  
Assistant City Planner



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:** February 06, 2020

**From:** Mike Knight, Assistant City Planner

**Location:** 541 Oak Creek Meadows Court

**Applicant:** Arch City Group, LLC

**Description:** **B.A. 03-2019 541 Oak Creek Meadows Ct. (Arch City Group, LLC)**: A request for a variance from the City of Chesterfield "R2" Residential District regulations to create a lot less than 15,000 square feet in area (16R220293).

### PROPOSAL SUMMARY

Arch City Group, LLC is requesting a variance from the City of Chesterfield "R2" Residential District regulations to create a lot less than 15,000 square feet in area. The property located at 541 Oak Creek Meadows Court is currently 28,389 square feet. The applicant would like to subdivide the subject property into one 15,000 square foot lot, and one 13,389 square foot lot.

An application is attached to this report which includes an explanation of the above referenced request and statement of unnecessary hardship. The attached information packet includes a site plan showing desired lot configuration, letters of support from adjacent property owners, a copy of the letter rejecting the sketch plan, and the "R2" Residential District regulations.

### SITE HISTORY AND EXISTING CONDITIONS

The area that consists of the Oak Creek Meadows subdivision was zoned "R2" Residence District by St. Louis County prior to the incorporation of the City of Chesterfield.

The Record Plat for Oak Creek Meadows was recorded in September of 1997. The record plat established 8 lots of record, dedication of 45' right of way, and a 5' permanent sidewalk, maintenance, sewer and utility easement. The City requires 50' in width with the establishment of a public roadway in one of the

three following combinations: (50 ft of right of way, 40 ft of right of way with two 5' easements on each side, or 45 ft of right of way with one 5' easement).

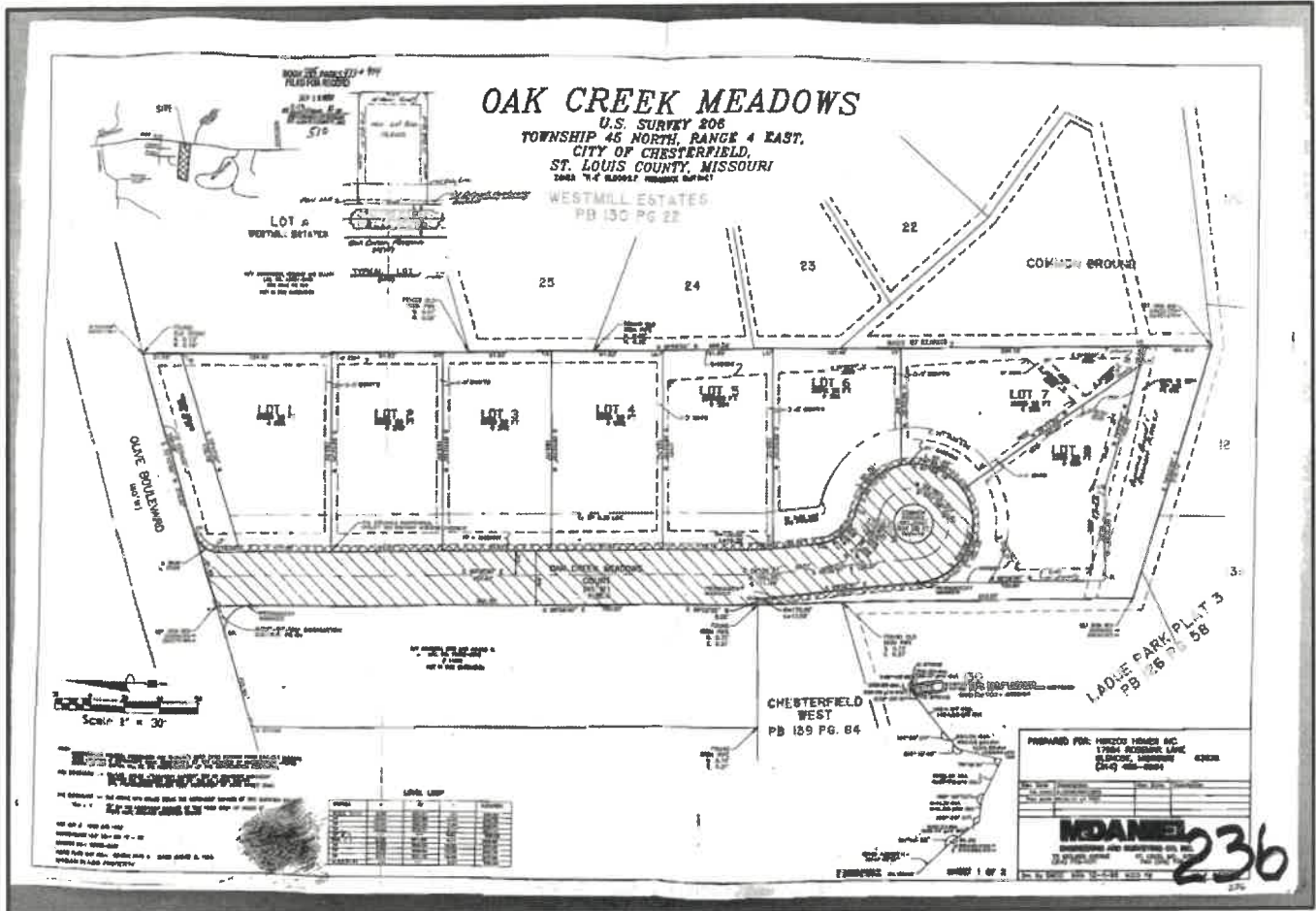


Figure 1: Oak Creek Meadows Record Plat

In accordance to St. Louis County Accessor records, all eight houses were built between the years of 1997-2000.

In 1999, a lot addition to Oak Creek Meadows Subdivision known as the Oak Creek Meadows Addition – Record Plat was recorded. This plat provided an addition of a 26,448 S.F. residential lot ("Lot 9") to the existing Oak Creek Meadows Subdivision. This is the largest of all the lots in the Oak Creek Meadows subdivision. A sidewalk was constructed outside of right of way in a 5 foot easement for all 9 lots along Oak Creek Meadows Court.

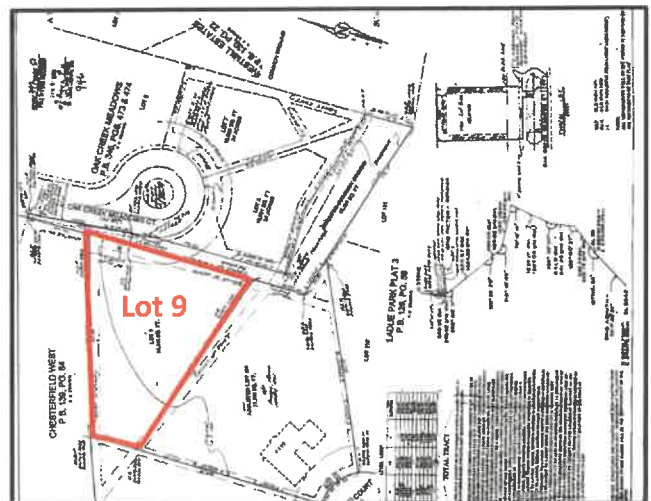


Figure 2: Lot 9 Addition

Figure 3 below is an image of the subject property in context, with the yards of neighboring properties abutting all sides. 541 Oak Creek Meadows Court (Subject Site), together with 549 Oak Creek Meadows Court (collectively Arch City Property), formerly constituted a single 43,389 square foot lot, upon which a single family residence was constructed. The intent of the applicant is to build 3 homes on the Arch City Property. The Oak Creek Meadows Subdivision and the Arch City Property have the same zoning district regulations as "R2" Residence District. The minimum lot size with an R2 zoning district is 15,000 square feet. Arch City Property is not large enough to create three lots of 15,000 square feet. The applicant has already subdivided 549 Oak Creek Meadows Court into a 15,000 square foot lot. The applicant would now like to subdivide the Subject Site into one 15,000 square foot lot and one 13,389 square foot lot (Variance Lot).



**Figure 3: Aerial: Parcel lines estimated from St. Louis County GIS**

**The Applicant is requesting a variance from the minimum R-2 lot size requirement of 15,000 square feet so that the applicant may subdivide the subject property into one 15,000 square foot lot and one 13,389 square foot lot.**

#### **REVIEW OF VARIANCE REQUEST**

The Department of Planning has reviewed the request and submits the following information for the Board's consideration during review of the variance.

**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).**

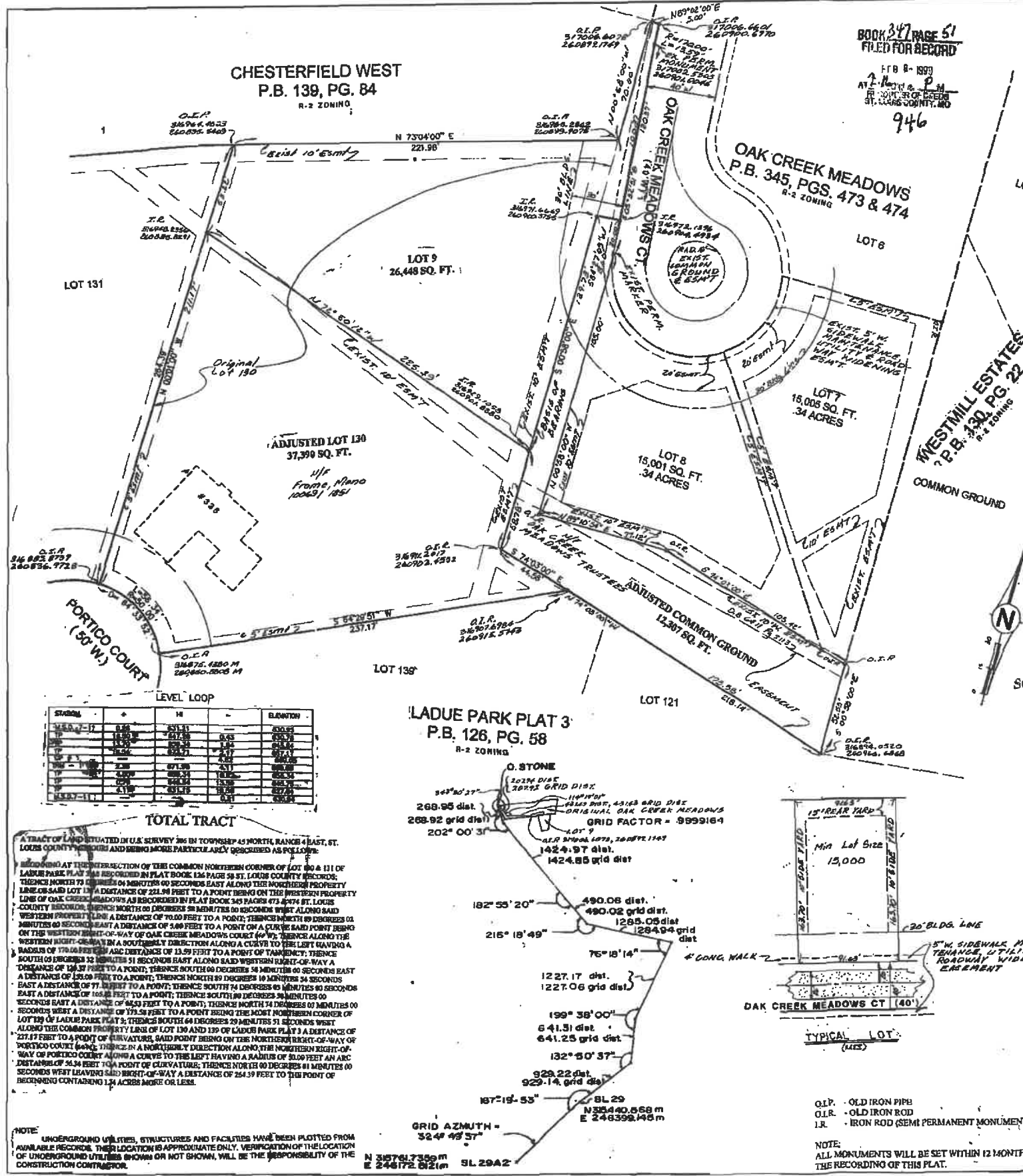
In reviewing the statement of practical difficulty, several factors are to be considered by the Board:

1. How substantial the variation is in relationship to the requirement. The variance lot would be 1,611 square feet smaller than the minimum lot size required in the R-2 zoning district.
2. The effect, if the variance is allowed, on available governmental facilities. No impact to governmental facilities is anticipated.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors. Position letters indicating support from Oak Creek Meadows Subdivision property owners have been provided. The applicant and the Oak Creek Meadows Homeowners' Association plan to work together to make all three of the new lots part of the Oak Creek Meadows subdivision.
4. Whether the difficulty can be obviated by some feasible method other than the variance. The applicant has stated that they are both unable to acquire land from adjacent land owners and also unable to obtain fee simple land through vacation of City right of way.
5. Whether the interest of justice will be served by allowing the variance. The applicant has provided a statement of hardship/practical difficulty for the Board's consideration.

#### **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. Copy of Recorded Record Plats
6. "R2" Residence District Regulations
7. Petitioner's Application
  - a. Application to Board of Adjustment
  - b. Letters of Support from Adjacent Property Owners

- c. Rejection Letter for Sketch Plan
- d. Site drawings for Proposed Lots
- 8. Findings of Fact and Conclusions of Law—Denial
- 9. Findings of Fact and Conclusions of Law—Approval



OAK CREEK MEADOWS ADDITION

A TRACT OF LAND BEING LOT 130 OF LADUE PARK PLAT 3 AND PART OF THE COMMON GROUND OF OAK CREEK MEADOWS TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI



THE UNDERSIGNED LEGAL OWNER AND HOLDER OF NOTES SECURED BY DEED OF TRUST RECORDED IN DEED BOOK 10063 PAGE 1753 OF THE ST. LOUIS COUNTY RECORDS, DO HEREBY JOIN IN AND APPROVE THE FOREGOING PLAT, PLATTED HEREBY.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND AFFIXED OUR CORPORATE SEAL THIS 10 DAY OF December 1998.

STATE OF MISSOURI )  
 ) ss  
 COUNTY OF ST. LOUIS )

ON THIS 10 DAY OF December 1998, BEFORE ME APPEARED Howard ... TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE ... OF ... A CORPORATION OF THE STATE OF MISSOURI AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION, BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID ... ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

JAMES W. LITTELL  
 Notary Public - Henry 9th St.  
 State of Missouri  
 Commission Expires June 12, 2000

STATE OF MISSOURI )  
 ) ss  
 County of St. Louis )

I, the undersigned, do hereby certify that the foregoing plat was prepared by me or under my supervision and that the same is a true and correct copy of the original plat as the same was filed in my office on the 10th day of December 1998.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL, THE DAY AND YEAR FIRST ABOVE WRITTEN.

MSD BENCHMARK: MSD CHAPTER 7-11, 600.25 - "1" ON THE SOUTHWEST CORNER OF THE STEP UP IN FRONT OF THE COMMERCIAL BUILDING, 50 FEET EAST OF HOG HOLLOW ROAD AND 34 FEET NORTH OF OLIVE STREET ROAD.

SITE BENCHMARK: "50" CUT ON NORTHWEST CORNER OF LOW STEP #1050 OLIVE STREET ROAD ELEV. = 663.60.

PERMANENT MONUMENT - ALUMINUM DRIVE IN MONUMENT W/ 2" CAP, 3" LONG.  
 SEMI-PERMANENT MONUMENT - 3" IRON ROD W/ CAP 2" LONG.

SOURCE OF TITLE: DEED BOOK 11076 PAGE 2091 ST. LOUIS CO. RECORDS  
 SOURCE OF RECORD: NO TITLE COMMITMENT PROVIDED  
 SOURCE OF BEARING: OAK CREEK MEADOWS PLAT BOOK 345 PGS. 473 & 474  
 L.R. - DENOTES PERMANENT MONUMENT  
 ST. LOUIS COUNTY LOCATOR NUMBER - 17863-0651 & 17834-0451

THE RECORD PLAT OF "OAK CREEK MEADOWS ADDITION" WAS APPROVED BY THE CITY COUNCIL FOR THE CITY OF CHESTERFIELD, MISSOURI, BY ORDINANCE NO. 1477 ON THIS 12 DAY OF November, 1998 AND HEREBY AUTHORIZES THE RECORDING OF THIS RECORD PLAT WITH THE ST. LOUIS COUNTY RECORDS OFFICE.

THIS IS TO CERTIFY THAT AT THE REQUEST OF HERZOG HOMES INC. THAT WE HAVE DURING THE MONTH OF JUNE, 1998 MADE A SURVEY AND SUBDIVISION OF A TRACT OF LAND IN U.S. SURVEY 205 TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI, AND THE RESULTS ARE SHOWN HEREON. THIS URBAN PROPERTY SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI PROFESSIONAL STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

MD AND SURVEYING AND SURVEYING CO., INC.  
 1100 N. ...  
 ST. LOUIS, MO. 63102  
 (314) 770-1171

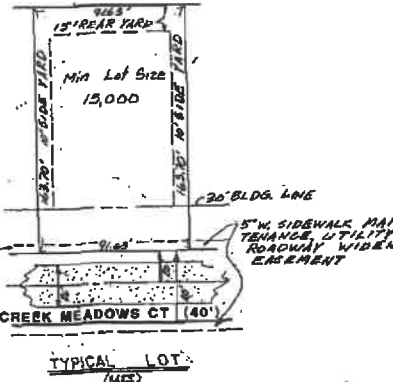
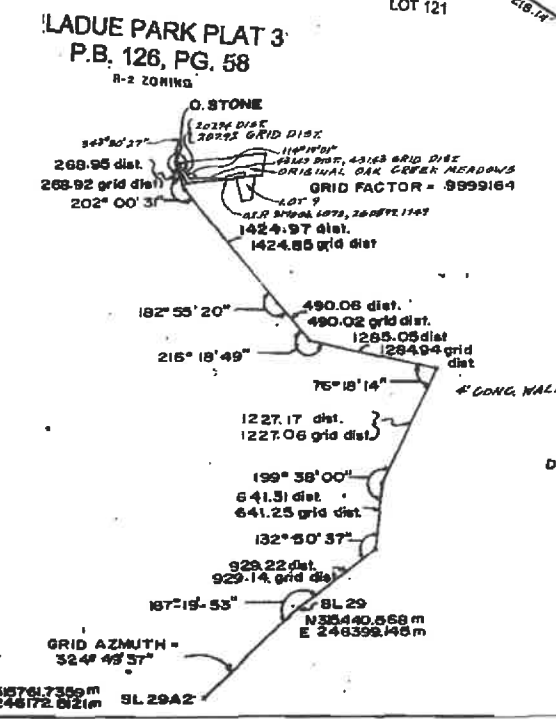
LEVEL LOOP

STATION	HI	EL. 1	EL. 2
1+00	251.51	251.51	251.51
1+10	251.51	251.51	251.51
1+20	251.51	251.51	251.51
1+30	251.51	251.51	251.51
1+40	251.51	251.51	251.51
1+50	251.51	251.51	251.51
1+60	251.51	251.51	251.51
1+70	251.51	251.51	251.51
1+80	251.51	251.51	251.51
1+90	251.51	251.51	251.51
2+00	251.51	251.51	251.51
2+10	251.51	251.51	251.51
2+20	251.51	251.51	251.51
2+30	251.51	251.51	251.51
2+40	251.51	251.51	251.51
2+50	251.51	251.51	251.51
2+60	251.51	251.51	251.51
2+70	251.51	251.51	251.51
2+80	251.51	251.51	251.51
2+90	251.51	251.51	251.51
3+00	251.51	251.51	251.51
3+10	251.51	251.51	251.51
3+20	251.51	251.51	251.51
3+30	251.51	251.51	251.51
3+40	251.51	251.51	251.51
3+50	251.51	251.51	251.51
3+60	251.51	251.51	251.51
3+70	251.51	251.51	251.51
3+80	251.51	251.51	251.51
3+90	251.51	251.51	251.51
4+00	251.51	251.51	251.51
4+10	251.51	251.51	251.51
4+20	251.51	251.51	251.51
4+30	251.51	251.51	251.51
4+40	251.51	251.51	251.51
4+50	251.51	251.51	251.51
4+60	251.51	251.51	251.51
4+70	251.51	251.51	251.51
4+80	251.51	251.51	251.51
4+90	251.51	251.51	251.51
5+00	251.51	251.51	251.51

A TRACT OF LAND SITUATED IN U.S. SURVEY 205 IN TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THAT INTERSECTION OF THE COMMON NORTHERN CORNER OF LOT 80 & 131 OF LADUE PARK PLAT 3 AS RECORDED IN PLAT BOOK 126 PAGE 58 ST. LOUIS COUNTY RECORDS, THENCE NORTH 75 DEGREES 04 MINUTES 00 SECONDS EAST ALONG THE NORTHERN PROPERTY LINE OF SAID LOT 131 A DISTANCE OF 221.94 FEET TO A POINT BEING ON THE WESTERN PROPERTY LINE OF OAK CREEK MEADOWS AS RECORDED IN PLAT BOOK 345 PAGES 473 & 474 ST. LOUIS COUNTY RECORDS, THENCE NORTH 00 DEGREES 50 MINUTES 00 SECONDS WEST ALONG SAID WESTERN PROPERTY LINE A DISTANCE OF 70.00 FEET TO A POINT, THENCE NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 5.00 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 179.50 FEET AND A CENTRAL ANGLE OF 13.50 DEGREES TO THE POINT OF TANGENCY, THENCE SOUTH 05 DEGREES 32 MINUTES 51 SECONDS EAST ALONG SAID WESTERN PROPERTY LINE A DISTANCE OF 126.37 FEET TO A POINT, THENCE SOUTH 00 DEGREES 50 MINUTES 00 SECONDS EAST A DISTANCE OF 15.00 FEET TO A POINT, THENCE NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 77.00 FEET TO A POINT, THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 104.80 FEET TO A POINT, THENCE SOUTH 10 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 142.45 FEET TO A POINT, THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 179.50 FEET TO A POINT BEING THE MOST NORTHERN CORNER OF LOT 78 OF LADUE PARK PLAT 3, THENCE SOUTH 64 DEGREES 25 MINUTES 51 SECONDS WEST ALONG THE COMMON PROPERTY LINE OF LOT 130 OF LADUE PARK PLAT 3 A DISTANCE OF 227.17 FEET TO A POINT OF CURVATURE, SAID POINT BEING ON THE NORTHERN RIGHT-OF-WAY OF PORTICO COURT (50' W.), THENCE IN A NORTHERLY DIRECTION ALONG THE NORTHERN RIGHT-OF-WAY OF PORTICO COURT ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET AN ARC DISTANCE OF 54.34 FEET TO A POINT OF CLEVATURE, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST LEAVING SAID RIGHT-OF-WAY A DISTANCE OF 254.39 FEET TO THE POINT OF BEGINNING CONTAINING 1.34 ACRES MORE OR LESS.

NOTE: UNDEGROUND UTILITIES, STRUCTURES AND FACILITIES HAVE BEEN PLOTTED FROM AVAILABLE RECORDS. THEIR LOCATION IS APPROXIMATE ONLY. VERIFICATION OF THE LOCATION OF UNDEGROUND UTILITIES SHOWN OR NOT SHOWN, WILL BE THE RESPONSIBILITY OF THE CONSTRUCTION CONTRACTOR.



NOTE: ALL MONUMENTS WILL BE SET WITHIN 12 MONTHS OF THE RECORDING OF THIS PLAT.

THE UNDERSIGNED OWNER OF THE TRACT OF LAND HEREIN PLATTED AND FURTHER DESCRIBED IN THE FOREGOING SURVEYORS CERTIFICATE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON, WHICH SUBDIVISION SHALL HEREAFTER BE KNOWN AS:

"OAK CREEK MEADOWS ADDITION"

ALL EASEMENTS SHOWN ON THIS PLAT, UNLESS DESIGNATED FOR OTHER SPECIFIC PURPOSES ARE HEREBY DEDICATED TO THE CITY OF CHESTERFIELD, MISSOURI, ST. LOUIS COUNTY WATER CO., LACLEDE GAS COMPANY, UNION ELECTRIC CO., SOUTHWESTERN BELL TELEPHONE CO. CHARTER COMMUNICATIONS, METROPOLITAN ST. LOUIS SEWER DISTRICT THEIR SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND REPAIRING OF PUBLIC UTILITIES, SEWER AND DRAINAGE FACILITIES WITH THE RIGHT OF TEMPORARY USE OF ADJACENT GROUND NOT OCCUPIED BY IMPROVEMENTS FOR THE EXCAVATION AND STORAGE OF MATERIALS DURING INSTALLATION, REPAIR OR REPLACEMENT OF SAID UTILITIES, SEWERS AND DRAINAGE FACILITIES. NO BUILDING OR STRUCTURE SHALL BE ERRECTED ON ANY EASEMENT, AND THE GRADE OVER ANY EASEMENT SHALL NOT BE CHANGED AFTER INSTALLATION OF ANY UTILITY.

THIS SUBDIVISION IS SUBJECT TO CONDITIONS AND RESTRICTIONS RECORDED IN, AND INDENTURE FILED THE DAY OF FEB 9, 1998 AS DAILY # 947 IN THE ST. LOUIS COUNTY RECORDS.

IT IS HEREBY CERTIFIED THAT ALL EXISTING EASEMENTS ARE SHOWN ON THIS PLAT AS OF THE TIME AND DATE OF RECORDING OF THIS PLAT.

BUILDING LINES AS SHOWN ARE HEREBY ESTABLISHED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 15 DAY OF December 1998.

STATE OF MISSOURI )  
 ) ss  
 COUNTY OF ST. LOUIS )

ON THIS 15 DAY OF December 1998, BEFORE ME PERSONALLY APPEARED ... TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE/SHE/THEY EXECUTED THE SAME AS HIS/HER/THEIR FREE ACT AND DEED.

IN TEST. IMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL, THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES: 8-10-2000

NOTARY PUBLIC

ON THE 15 DAY OF December 1998, BEFORE ME PERSONALLY APPEARED ... TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE/SHE/THEY EXECUTED THE SAME AS HIS/HER/THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL, THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES: 4-21-02

NOTARY PUBLIC

HERZOG HOMES INC.  
 17942 ROSEMAR LANE  
 GLENCOE, MISSOURI 63038  
 (314) 458-8064

Rev. Date	Description	Rev. Date	Description
1-31-98	REV. PER CITY		
9-30-98	REV. PER CITY		
10-28-98	REV. PER CITY		

**MDANIEL**  
 ENGINEERING AND SURVEYING CO., INC.  
 75 MIDLAND AVENUE ST. LOUIS, MO. 63043  
 (314) 770-1171 FAX (314) 770-0887

Dr. By 113 Date 6-25-98 M.S.D. Pg Job # 12672

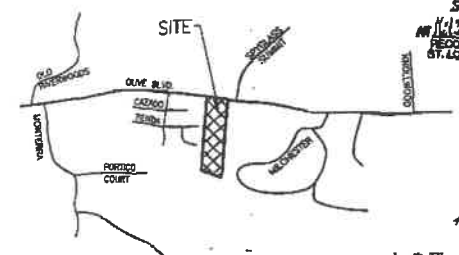
BOOK 345 PAGES 473 + 474  
FILED FOR RECORD

SEP 1 8 1997  
RECORDED BY  
ST. LOUIS COUNTY, MO  
510

# OAK CREEK MEADOWS

U.S. SURVEY 206  
TOWNSHIP 45 NORTH, RANGE 4 EAST,  
CITY OF CHESTERFIELD,  
ST. LOUIS COUNTY, MISSOURI  
ZONED: "R-2" 15,000 S.F. RESIDENCE DISTRICT

WESTMILL ESTATES  
PB 130 PG 22



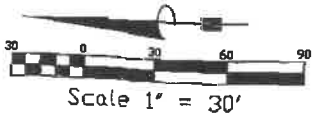
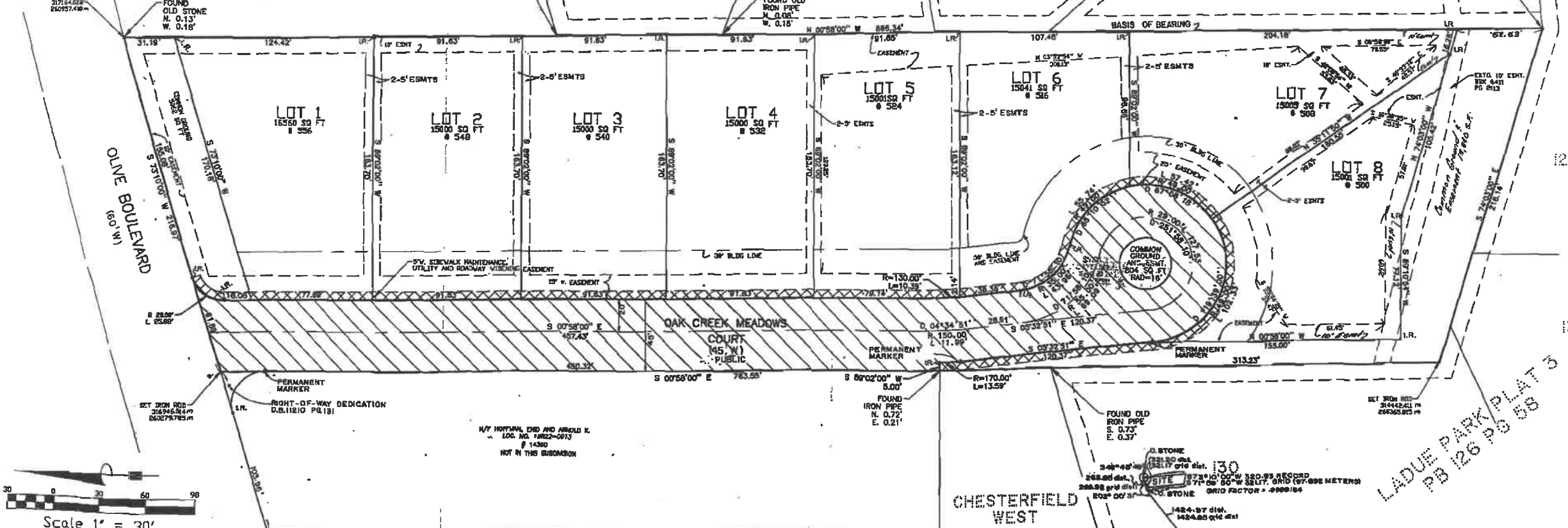
LOT A  
WESTMILL ESTATES

TYPICAL LOT  
(125' x 125')

M/P ZIMMERMANN, HENBERT AND LILLION  
LOC. NO. 1821-0258  
DN 2843 PG 528  
NOT IN THIS SUBDIVISION

FOUND OLD  
IRON PIPE  
S. 0.01'  
W. 0.02'

FOUND OLD  
IRON PIPE  
N. 0.02'  
W. 0.18'



NOTE: UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES HAVE BEEN PLOTTED FROM AVAILABLE RECORDS. THESE LOCATIONS IS APPROXIMATE ONLY. RESPONSIBILITY OF THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS SURVEY WILL BE THE RESPONSIBILITY OF THE CONSTRUCTION CONTRACTOR.

125' x 125' - PROPERTY MARKERS - TOP OF CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF THE ST. LOUIS COUNTY ONE PREPARATION CENTER 1000' NORTHWEST OF OLIVE STREET ROAD.

SIZE BENCHMARK - OLD STONE WITH CROSS BEING THE HIGHEST CORNER OF SITE ELEVATION 683.12

BM - 1 - 12" ON THE NORTHWEST CORNER OF THE FIRST STEP OF HOUSE AT 1420' OLIVE BULLEVD ELEVATION 683.12

LEVEL LOOP

STATION	+	H	-	ELEVATION
U.S.S. 7-11	0.28	631.31		631.59
TP	1.80	627.38	0.43	627.91
TP	1.32	629.24	1.94	627.30
TP	1.54	628.72	1.42	627.30
BM - 1	2.30	627.99	4.11	623.88
TP	4.00	628.34	14.88	613.46
TP	0.79	628.34	13.39	614.95
TP	5.11	631.18	18.39	612.79
U.S.S. 7-11			0.51	630.54

PREPARED FOR: HERZOG HOMES INC.  
17924 ROSEMAR LANE 63038  
GLENCOE, MISSOURI  
(314) 458-8084

Rev.	Date	Description	Rev.	Date	Description
1	02/08/98	AS/MS/AS/MS			
2	02/16/97	AS/MS			

**MDANEL**  
ENGINEERING AND SURVEYING CO., INC.  
75 MIDLAND AVENUE ST. LOUIS, MO. 63105  
(314) 770-1171 FAX (314) 770-1172

Drn. By SMCD Date 12-1-98 M.S.D. P#

236



THE UNDERSIGNED OWNER OF THE TRACT OF LAND HEREIN PLATED AND FURTHER DESCRIBED IN THE FOREGOING SURVEYORS CERTIFICATE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON, WHICH SUBDIVISION SHALL HEREINAFTER BE KNOWN AS:

**"OAK CREEK MEADOWS"**

OAK CREEK MEADOWS COURT (45' WIDE) TOGETHER WITH ALL CURB-DE-SACS AND ROUNDING LOCATED AT THE STREET INTERSECTIONS, WHICH FOR BETTER IDENTIFICATION IS SHOWN HATCHURED (//) ON THIS PLAN, IS HEREBY DEDICATED TO THE CITY OF CHESTERFIELD FOR PUBLIC USE FOREVER.

THE PERMANENT SIDEWALK, MAINTENANCE, SEWER AND UTILITY EASEMENT SHOWN CROSS-HATCHED (XXXXXX) IS HEREBY DEDICATED TO THE CITY OF CHESTERFIELD, THEIR SUCCESSORS AND ASSIGNS TO IMPROVE, CONSTRUCT, REPAIR AND MAINTAIN SIDEWALKS, SEWERS AND UTILITIES IN AND UPON THE AFORESAID SUBDIVISION.

ALL EASEMENTS SHOWN ON THIS PLAN, UNLESS DESIGNATED FOR OTHER SPECIFIC PURPOSES ARE HEREBY DEDICATED TO THE CITY OF CHESTERFIELD, MISSOURI, ST. LOUIS COUNTY WATER CO., LACLEDE GAS COMPANY, UNION ELECTRIC CO., SOUTHWESTERN BELL TELEPHONE CO., CHARTER CO. METROPOLITAN ST. LOUIS SEWER DISTRICT AND THEIR SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND REPAIRING OF PUBLIC UTILITIES, SEWER AND DRAINAGE FACILITIES WITH THE RIGHT OF TEMPORARY USE OF ADJACENT GROUNDS NOT OCCUPIED BY IMPROVEMENTS FOR THE EXCAVATION AND STORAGE OF MATERIALS DURING INSTALLATION, REPAIR OR REPLACEMENT OF SAID UTILITIES, SEWERS AND DRAINAGE FACILITIES. NO BUILDING OR STRUCTURE SHALL BE ERRECTED ON ANY EASEMENT, AND THE GRADE OVER ANY EASEMENT SHALL NOT BE CHANGED AFTER INSTALLATION OF ANY UTILITY.

ALL COMMON GROUND EASEMENTS, SUCH AS CURB-DE-SAC ISLANDS ARE HEREBY DEDICATED TO THE TRUSTEES OF THE AFORESAID SUBDIVISION FOR LANDSCAPE MAINTENANCE. HOWEVER, NO ABOVE GROUND STRUCTURE, OTHER THAN REQUIRED STREET LIGHTS OR OTHER PUBLIC UTILITIES IN ACCORDANCE WITH THE APPROVED IMPROVEMENT PLANS MAY BE CONSTRUCTED OR INSTALLED WITHIN A CURB-DE-SAC ISLAND, WITHOUT AUTHORIZATION BY THE CITY OF CHESTERFIELD, MISSOURI.

IT IS HEREBY CERTIFIED THAT ALL EXISTING EASEMENTS ARE SHOWN ON THIS PLAN AS OF THE TIME AND DATE OF RECORDING OF THIS PLAN.

THIS SUBDIVISION IS SUBJECT TO CONDITIONS AND RESTRICTIONS RECORDED IN AND REFERRED TO BY THE DAY OF September 19, 1997, AS DAILY # 17843-0333 IN THE ST. LOUIS COUNTY RECORDS.

IT IS HEREBY CERTIFIED THAT ALL EXISTING EASEMENTS ARE SHOWN ON THIS PLAN AS OF THE TIME AND DATE OF RECORDING OF THIS PLAN.

BUILDING LINES AS SHOWN ARE HEREBY ESTABLISHED.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS 11th DAY OF SEPTEMBER, 1997.

HERZOG HOMES INC.

Robert G. Herzog  
Robert G. Herzog, President

STATE OF MISSOURI }  
COUNTY OF ST. LOUIS }

ON THIS 11th DAY OF SEPTEMBER, 1997, BEFORE ME APPEARED Robert G. Herzog TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE President OF HERZOG HOMES INC. A CORPORATION OF THE STATE OF MISSOURI AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION, BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID Robert G. Herzog ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

John Cochran  
NOTARY PUBLIC  
MY TERM EXPIRES: December 31, 2000

Permanent Monument - Aluminum Drive in Monument w/ 2 1/2" Cap, 10" long.  
Small Permanent Monument - 3/4" iron rod w/ cap 2 1/2" long.  
TWO PERMANENT MONUMENTS FOR EACH BLOCK CREATED (INDICATED AS A) AND SMALL PERMANENT MONUMENT AT ALL LOT CORNERS (INDICATED AS B) WILL BE SET, WITH THE EXCEPTION THAT THE FRONT LOT CORNERS MAY BE MARKED BY NOTCHES OR CROSSES CUT IN CONCRETE PAVING ON THE PROLONGATION OF THE LOT LINE, WITHIN TWELVE (12) MONTHS AFTER THE RECORDING OF THIS SUBDIVISION PLAN, IN ACCORDANCE WITH 16 CSR 362.200 OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND 4 CSR 36-14.600 OF THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT. IN ADDITION, OTHER SURVEY MONUMENTS INDICATED ON THIS SUBDIVISION PLAN, REQUIRED BY THE SUBDIVISION ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI WILL BE SET.

THE UNDERSIGNED LEGAL OWNER AND HOLDER OF NOTES SECURED BY DEED OF TRUST RECORDED IN DEED BOOK 11076, PAGE 2000 OF THE ST. LOUIS COUNTY RECORDS, DO HEREBY JOIN IN AND APPROVE THE FOREGOING PLAN, PLATED HEREON.

IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS AND AFFIXED OUR CORPORATE SEAL THIS 11th DAY OF SEPTEMBER, 1997.

John G. Barkly  
John G. Barkly, Secretary

STATE OF MISSOURI }  
COUNTY OF ST. LOUIS }

ON THIS 11th DAY OF SEPTEMBER, 1997, BEFORE ME APPEARED John G. Barkly TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE Secretary OF HERZOG HOMES INC. A CORPORATION OF THE STATE OF MISSOURI AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION, BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID John G. Barkly ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

Robert G. Herzog  
NOTARY PUBLIC  
COUNTY OF ST. LOUIS

MY TERM EXPIRES: 12-31-2000  
THE RECORD PLAT OF "OAK CREEK MEADOWS" WAS APPROVED BY THE CITY COUNCIL FOR THE CITY OF CHESTERFIELD, MISSOURI BY ORDINANCE NO. 17843 ON THIS 18th DAY OF SEPTEMBER, 1997 AND THEREBY AUTHORIZES THE RECORDING OF THIS RECORD PLAT WITH THE ST. LOUIS COUNTY RECORDERS OFFICE.

Mary Greenwood  
MAYOR

Martha DeMay  
CITY CLERK

THIS IS TO CERTIFY THAT AT THE REQUEST OF HERZOG HOMES INC. THAT WE HAVE DURING THE MONTH OF MARCH, 1997 MADE A SURVEY AND SUBDIVISION OF A TRACT OF LAND IN U.S. SURVEY 206 TOWNSHIP 45 NORTH RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI, AND THE RESULTS ARE SHOWN HEREON THIS URBAN PROPERTY SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

McDANIEL ENGINEERING AND SURVEYING CO. INC.

Hilton D. McDaniel  
HILTON D. McDANIEL, L.S. 276

SOURCE OF TITLE: DEED BOOK 8016 PAGE 1673 ST. LOUIS CO. RECORDS  
SOURCE OF RECORD: STUART TITLE, COMMITMENT NO. V130753  
SOURCE OF BEARING: WESTMILL ESTATES PLAT BOOK 130 PAGE 22

ST. LOUIS COUNTY LOCATOR NUMBER --- 17843-0333

MSD BENCHMARK: MSD CHAPTER 7-11 830.05 - "U" ON THE SOUTHWEST CORNER OF THE STEP UP IN FRONT OF THE COMMERCIAL BUILDING, 90 FEET EAST OF 1400 HOLLOW ROAD AND 50 FEET NORTH OF OLIVE STREET ROAD.  
SITE BENCHMARK: "SQ" CUT ON NORTHWEST CORNER OF LOW STEM #14280 OLIVE STREET ROAD ELEV. = 669.80.

**LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN U.S. SURVEY 206 IN TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE IN THE SOUTH LINE OF OLIVE STREET ROAD AT ITS INTERSECTION WITH THE EAST LINE OF TRACT DESCRIBED IN DEED RECORDED IN BOOK 152 PAGE 823 OF THE ST. LOUIS COUNTY RECORDS AND BEING ALSO IN THE WEST LINE OF A TRACT NOW OR FORMERLY OF W.W. BAWERS, THENCE ALONG THE SOUTH LINE OF OLIVE STREET ROAD, SOUTH 73 DEGREES 10 MINUTES WEST, A DISTANCE OF 218.97 FEET TO A STONE, THENCE LEAVING SAID ROAD LINE AND BEARING SOUTH 0 DEGREES 58 MINUTES EAST A DISTANCE OF 783.58 FEET TO AN IRON ROD IN CREEK, THENCE ALONG SAID CREEK SOUTH 74 DEGREES 03 MINUTES EAST A DISTANCE OF 218.14 FEET TO AN IRON ROD IN THE WEST LINE OF WESTMILL ESTATES AS RECORDED IN PLAT BOOK 130 PAGE 22 OF THE ST. LOUIS COUNTY RECORDERS OFFICE, THENCE ALONG SAID EAST LINE OF WESTMILL ESTATES, NORTH 0 DEGREES 58 MINUTES WEST A DISTANCE OF 888.34 FEET TO THE PLACE OF BEGINNING, CONTAINING 3.65 ACRES MORE OR LESS.

STATE OF MISSOURI }  
County of St. Louis }

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the foregoing and attached instrument of writing was filed for record in my office on the 11th day of September, A.D. 1997 in Book 11076, at Page 2000 and is truly recorded in Plat Book 130, Page 22.

Witness my hand and official seal on the day and year foregoing.

Robert G. Herzog  
Recorder of Deeds



R-2 Residential District.

1. *Purpose.* The R-2 District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
2. *Scope of provisions.* This Section contains the regulations of the R-2 District which are supplemented and qualified by additional general regulations appearing elsewhere in the UDC.
3. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the R-2 District:
  - (a) *Uses.* Permitted and conditional uses for the R-2 District are found in Section 31-03-06 of this UDC. In addition:
    - (1) Individual sewage treatment facilities shall not exceed a flow of five thousand (5,000) gallons per day.
    - (2) Public utility facilities over sixty (60) feet in height require a CUP.
    - (3) Mortuary and cemetery uses require two hundred (200) feet of frontage and shall be adjacent to an existing commercial district.
    - (4) Private stables shall maintain a minimum setback of one hundred (100) feet from all property lines, and pasture areas shall be fenced.

- (b) *Lot area.*  
 [Ord. No. 2814 § 2, 9-15-2014]

<b>Use</b>	<b>Minimum Lot Area</b>
Cemetery or mortuary	3 acres
Churches and other places of worship	3 acres
Day-care center	30,000 square feet
Dwelling, single-family	15,000 square feet
Group home	15,000 square feet
Group residential facility	3 acres
Library	1 acre
<b>Educational facilities</b>	
Nursery school	15,000 square feet
Kindergarten	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres
Public utility facility	10,000 square feet
All other nonresidential uses	5 acres

- (1) Any lot or tract of record on the effective date of this UDC which contains less than fifteen thousand (15,000) square feet may be used as a site for one (1) single-family dwelling, together with accessory structures and uses.
- (2) Clubs or community centers, as approved with a CUP, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 15,000 square feet.

- (3) Police and fire stations as approved with a CUP may be established on tracts of less than five (5) acres, where the related parking needs, outdoor facilities, and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.
- (4) No new lots shall be created of less than fifteen thousand (15,000) square feet in area except for police stations and public utility facilities. Lots of less than fifteen thousand (15,000) square feet, created for the above uses, shall not be used for any other use and, in the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than fifteen thousand (15,000) square feet, a deed or other legal instrument which guarantees the required transfer of the property in the event the permitted use is terminated must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, with a copy to be filed with the City of Chesterfield.

(c) Height.

- (1) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
- (2) All other structures, other than a public utility tower authorized by a CUP, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 31-04-06 of this UDC pertaining to air navigation space regulations.
- (3) Any nonresidential structure, other than a public utility tower authorized by a CUP, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

(d) Minimum structure setbacks.

Use	Setback (feet)			
	Front (from property line)	Side (from property line)	Rear (from property line)	Right-of-way (from front yard)
Residential and nonresidential uses	—	10	15	25

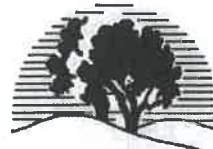
- (1) In the event that more than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet to any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (e) Lighting. Light standards for streetlighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department. Light standards for parking lot lighting are allowed no closer than ten (10) feet from any side or rear yard line which adjoins property in the NU Non-Urban, PS Park and Scenic, or any residential district.
- (f) Development standards for nursing homes.

- (1) Densities of self-care units shall not exceed fifteen (15) units per acre.
- (2) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

- (4) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber- and beauty shop, food store or drugstore, laundry or drycleaning pickup, and newspaper stand and card shop.
- (g) Development standards for group residential facility use, specifically residential substance abuse treatment centers.
  - (1) Densities shall not exceed eight (8) resident patients and two (2) houseparents or support staff per facility for lots less than five (5) acres.
  - (2) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
  - (3) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
  - (4) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.
4. The procedure for zoning to the R-2 District and site plan approval is established in Article 02 of this UDC.

EXHIBIT  
7a



# City of Chesterfield

RECEIVED  
DEC - 9 2019  
City of Chesterfield  
Department of Public Services

## DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

### BOARD OF ADJUSTMENT APPLICATION

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 a 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 & Development Services at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at [chesterfield.mo.us/active-developments.html](http://chesterfield.mo.us/active-developments.html)

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 & Development Services.

STATE OF MISSOURI

BOA NUMBER BA-03-2019

CITY OF CHESTERFIELD

HEARING DATE 1/2/2020

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: Arch City Group, LLC

Address: 305 Avanti Court

City: O'Fallon State: MO Zip: 63368

Tel: 314-520-6844 Fax: \_\_\_\_\_

Petitioner, if other than owner(s): \_\_\_\_\_

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](http://www.chesterfield.mo.us)

**II. PROPERTY INFORMATION**

**Project Address:** 541 Oak Creek Meadows Court, Chesterfield, MO 63017

**Locator Number(s):** 16R220293

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

**Acreage:** 0.6 (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** 14390 Olive Lot Split

**Current Zoning District:** R2

**Legal Description of Property:**

See attached.

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

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

See attached.

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:**

The improvements are necessary to complete the Oak Creek Meadows subdivision.

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

Section 31-03-03.H.3(b) -- 15,000 sq. ft. minimum lot area for single family dwellings in R-2 zoning districts.

(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:**

See attached.

(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](http://www.chesterfield.mo.us)**

**Description of the effect or impact on neighboring properties:**

The additional lots will become part of the Oak Creek Meadows subdivision and the owners of the lots will pay a portion of HOA assessments that correspond with the lots' use of the subdivision's common elements. The subdivision supports the variance request.

(Attach additional sheets as necessary)

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

**A. Setbacks/Height:**

	<b>The Petitioner(s) request the following setback(s):</b>	<b>City of Chesterfield Regulations require the following setback(s) for this site:</b>
<b>Front Yard:</b>	25 feet _____	25 feet _____
<b>Side Yard:</b>	10 feet _____	10 feet _____
<b>Rear Yard:</b>	15 feet _____	15 feet _____
<b>Height:</b>	No more than 3 stories or 45 feet _____	No more than 3 stories or 45 feet _____

**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. Seventeen (17) 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:**

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

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

NA

**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. Seventeen (17) 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

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

**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 Michael J. Doster (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)

Kumara Vadivelu

(Name- type, stamp or print clearly)  
Arch City Group

(Name of Firm)

Note: Attach additional sheets as necessary.



(Signature)  
305 Avanti Court, O'Fallon, MO 63366

(Address, City, State, Zip)

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 9<sup>th</sup> day of December 20 19.

Signed Kathy M. Larkin Print Name: Kathy M. Larkin  
Notary Public

Seal/Stamp:

My Commission Expires: 11/19/2022



**VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY**

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

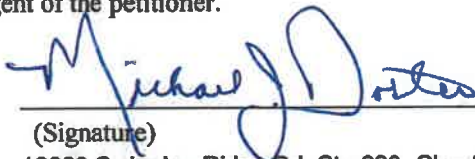
**Project Name:** 541 Oak Creek Meadows Ct Variance Request **Submittal Date:** \_\_\_\_\_

**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.

Michael J. Doster



(Name- type, stamp or print clearly)  
Doster Ullom & Boyle, LLC

(Signature)  
16090 Swingley Ridge Rd, Ste 620, Chesterfield, MO  
63017

(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 9<sup>th</sup> day of December 20 19.

Signed Kathy M. Larkin Print Name: Kathy M. Larkin  
Notary Public

Seal/Stamp:

My Commission Expires: 11/19/2022



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. \_\_\_\_\_

\_\_\_\_\_  
Finance Director  
City of Chesterfield

\_\_\_\_\_  
Date

**[THIS PAGE FOR INTERNAL USE]**

**STAFF / BOA USE ONLY**

Intake Date:

December 9, 2019

This petition

is **granted** / denied (circle one)

on the

day of

20

Signed:

Chairman

**[THIS PAGE FOR INTERNAL USE]**

## LEGAL DESCRIPTION

A tract of land being in U.S. Survey 206, Township 45 North, Range 4 East, St. Louis County, Missouri, and being more particularly described as follows:

Commencing at a point on the South line of Olive Boulevard (variable width), and being the Northwest corner of property now or formerly of Arnold and Enid Hoffmann, Trustees as recorded in Book 11881 Page 1598 of the St. Louis County Records and also being the Northeast corner of property now or formerly of David Kingsley as recorded in Book 18021 Page 3836 of the said County Records; thence leaving said corner along the Eastern line of said Kingsley property and the Western line of said Hoffmann property, South 01°01'43" East, 151.68 feet to the Point of Beginning of the herein described tract of land; thence leaving the Eastern line of said Kingsley property through said Hoffmann property, North 73°05'00" East, 103.83 feet to a point on the Western line of Oak Creek Meadows Court (45' wide); thence along said Western line, South 00°58'00" East, 298.05 feet to the Southeast corner of said Hoffmann property; thence along the Southern line of said Hoffmann property and being a Northern line of Chesterfield West as recorded in Plat Book 139 Page 84 of the said County Records, South 89°02'01" West, 99.54 feet to the Southwest corner of said Hoffmann property and being an angle point in said Chesterfield West subdivision; thence leaving said point along the Western line of said Hoffmann property and an Eastern line of said Chesterfield West subdivision and the Eastern line of the aforementioned Kingsley property, North 01°01'43" West, 269.63 feet back to the Point of Beginning and containing 29,298 square feet or 0.65 acres more or less.





## ADDENDUM TO BOARD OF ADJUSTMENT APPLICATION

### Unique Physical Characteristics of the Lot

541 Oak Creek Meadows Court (the “Subject Property”), together with the 549 Oak Creek Meadows Court (collectively, the “Arch City Property”), formerly constituted a single 43,389 square foot lot, upon which a single family residence was constructed. The Oak Creek Meadows subdivision was developed around the Arch City Property. The intent of the Applicant and the Oak Creek Meadows Homeowners’ Association is to work together to build 3 homes on the Arch City Property to finish the subdivision, with a subdivision monument sign to be built on 549 Oak Creek Meadows Drive property. However, the Arch City Property is not large enough to create three lots of 15,000 square feet, the minimum lot size required by the zoning district applicable to the subdivision. No additional property can be acquired to create three 15,000 square foot lots because the Arch City Property is surrounded by the Chesterfield Place apartments property, the Olive Boulevard right-of-way, and the 45’ Oak Creek Meadows Court right-of-way. Oak Creek Meadows Court is dedicated to the City of Chesterfield, and is five feet wider than required by City Code. While the Applicant and the City discussed the City vacating five feet of the Oak Creek Meadows Court right-of-way so that three 15,000 square foot lots could be created, the land underlying the right-of-way is still owned by Herzog Homes, the original developer of Oak Creek Meadows. Herzog Homes dissolved in 2008 and the former owners and directors of Herzog Homes cannot be located by applicant or applicant’s attorneys. As such, that land cannot be acquired. Applicant has already subdivided 549 Oak Creek Meadows Court into a 15,000 square foot lot. Applicant would now like to subdivide the Subject Property into one 15,000 square foot lot and one 13,389 square foot lot (the “Variance Lot”).

### Statement of Practical Difficulty

Applicant is requesting a variance from the minimum R-2 lot size requirement of 15,000 square feet so that Applicant may subdivide the Subject Property into one 15,000 square foot lot and one 13,389 square foot lot. This request is a request for an “area” or “bulk” variance. The Board of Adjustment reviews a request for an “area” or “bulk” variance by determining whether a “practical difficulty” exists in complying with the requirement from which the Applicant is seeking a variance. The factors to be considered when evaluating practical difficulty<sup>1</sup>, and the applicability of those factors to Applicant’s request, are as follows:

1. **How substantial the variation is in relation to the requirement.** The Variance Lot would be 1,611 square feet smaller than the minimum lot size required in R-2 zoning districts, or about a 10% decrease. For reference, the lot would be 3,389 square feet larger than the 10,000 square foot minimum permitted in an R-3 zoning district, the next densest zoning district under the City Code. The Subject Property would remain zoned R-2 and all other R-2 regulations would apply to the Variance Lot.
2. **The effect that granting the variance will have on available public facilities.** Granting the variance will allow for the construction of one additional single family dwelling, which will not meaningfully increase the population density or negatively impact the provision of public services.

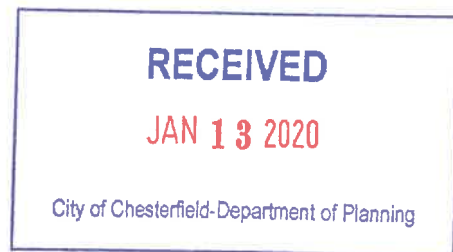
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<sup>1</sup> See *Slate v. Boone County Bd. of Adjustment*, 810 S.W.2d 361, 364 (Mo. Ct. App. 1991).



3. **Whether granting the variance will cause a substantial change in the character of the neighborhood or create a substantial detriment to the adjoining properties.** Granting the variance will not produce a substantial change in the character of the neighborhood or cause a substantial detriment to the adjoining properties. The subdivision and adjoining property owners support the granting of the variance. The Applicant and the Oak Creek Meadows Homeowners' Association plan to work together to make all three of the new lots a part of the Oak Creek Meadows subdivision. Single family homes of the same style and character as the existing homes will be built on the Subject Property, and the Arch City Property will be subject to the Oak Creek Meadows Subdivision Indenture of Trust and Restrictions.
4. **Whether there is an alternative feasible option to address the difficulty other than a variance.** There is no alternative feasible option to address the difficulty other than a variance. Applicant is unable to acquire additional adjacent property. Applicant and the City had discussed the City vacating five feet of the Oak Creek Meadows Court right-of-way so that Applicant could acquire fee simple title to the underlying land and incorporate that land into the Subject Property. However, a title search revealed that the underlying land is still owned by Herzog Homes, the original developer of Oak Creek Meadows. Herzog Homes was dissolved in 2008 and Robert Herzog, the former director and owner of Herzog Homes, moved out of his St. Louis County home in 2010. Phone numbers that Applicant was able to procure for Robert Herzog are no longer active. As such, Applicant is unable to acquire the additional five feet.
5. **Whether the interests of justice will be served by allowing the variance.** The interests of justice would be served by granting the variance. The subdivision and adjoining property owners support the granting of the variance. Granting the variance would not negatively impact the provision of public services, or otherwise negatively impact any third party. Granting the variance would also allow for a landlocked in-fill property to be put to its most productive use. Granting the variance will permit the Oak Creek Meadows Subdivision to install a subdivision monument sign at a visible location along Olive Boulevard, which benefits the subdivision and citizens traveling down Olive Boulevard. Finally, Applicant has made substantial effort to remedy the difficulty before requesting this variance. Despite these efforts, other avenues that might address the difficulty are unfortunately not available.

10 January 2020



Board of Adjustment  
City of Chesterfield, Missouri  
690 Chesterfield Parkway West  
Chesterfield, Missouri 63017

Re: Arch City Group, LLC Variance Request

To Whom it May Concern:

As undersigned I am the President of the Oak Creek Meadows Homeowner's Association ("HOA") in Chesterfield, Missouri. The attached letter was submitted to all owners of the HOA for their consideration of R – 2 Zoning variance to allow a third home to be built in addition to the two news ones recently constructed. Eight of nine members responded that they would support the variance and the ninth was not able to be contacted by the time of this letter.

This support is aligned with discussions with the Builder that the three additional homes (including the one for variance) will be included in the HOA and that the builder will install at the entrance a monument marking Oak Creek Meadows Court.

A copy of this letter will be provided to each owner/HOA member.

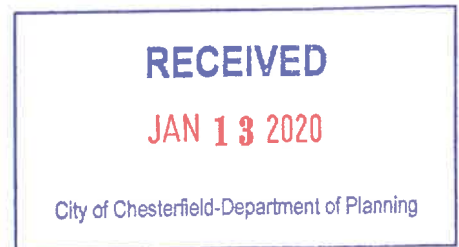
Sincerely,

A handwritten signature in black ink, appearing to read "M. Kelly Westerfield".

M. Kelly Westerfield  
President, Oak Creek Meadows Homeowners Association

Attachment: 03 January Letter Sent to Members Regarding Support for Variance

03 January 2020



Trustee Memo to Members of Oak Creek Homeowners Association:

Dear Members:

Mr. Vadivelu whom is the builder of the two homes on our street is seeking a Chesterfield zoning variance to build a 3<sup>rd</sup> house on Oak Creek. Variance is needed because the lot size is below R-2 zoning for 15,000 sq. ft. which is zoning applied to our neighborhood.

The Builder has asked for Neighborhood endorsement such that it can be used in discussions with the Zoning Commission.

This letter is a poll of members; with a unanimous endorsement I will then sign a document stating the Neighborhood Association is in support. Note that the variance decision is with Zoning Commission and not our Association and that you as individuals can also participate in any public concerns.

Mr. Vadivelu has offered to build an entrance monument on his property and offered that the three houses would then join our association.

Attached is a page that shows the proposed location of the house. The design would be of the same design and size of other two new houses.

If you would please drop me an email or call with your input which I will keep your input anonymous. Upon gathering the input I will then feedback the counts of support/non-support.

The builder has also offered to make him available for any discussion you may want to have directly and can be reached at Kumara Vadivelu [ky.azackconstruction@yahoo.com](mailto:ky.azackconstruction@yahoo.com) or visit him at the new houses.

Undersigned:

A handwritten signature in black ink, appearing to read "Kelly Westerfield".

Kelly Westerfield (500 Oak Creek Meadows Court);

Board of Trustees

Kelly Westerfield, President at 500 Oak Creek Meadows Court ([mwesterf2@gmail.com](mailto:mwesterf2@gmail.com))

Steve Krause, Treasurer at 516 Oak Creek Meadows Court ([skrause516@hotmail.com](mailto:skrause516@hotmail.com))

Michael Hollingsworth at 508 Oak Creek Meadows Court ([mhollingsworth@cdmsoftware.com](mailto:mhollingsworth@cdmsoftware.com))



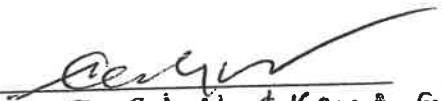
Board of Adjustment  
City of Chesterfield, Missouri  
690 Chesterfield Parkway West  
Chesterfield, Missouri 63017

Re: Arch City Group, LLC Variance Request

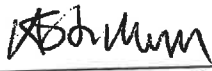
To Whom It May Concern:

The undersigned are the residents of the Oak Creek Meadows subdivision in Chesterfield, Missouri. We hereby submit this letter of support for Arch City Group's ("Applicant") application for a variance from the lot size requirements of the R-2 zoning ordinance. We look forward to welcoming new neighbors to our subdivision.

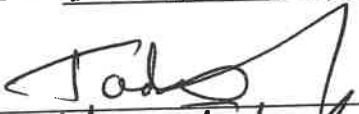
Sincerely,

  
Name: Subodh & Kamel Ghildyal  
Address: 510 Oak Creek Meadows Court

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

  
Name: Charles & Anna Marie Shilwell  
Address: 532 Oak Creek Meadows Ct.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

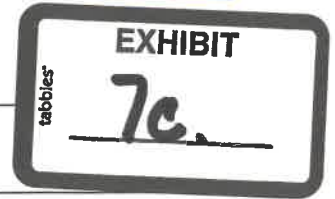
  
Name: Harry Tachet  
Address: 548 Oak Creek Meadows

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

December 4, 2019

Kumara S. Vadivelu  
11607 Francetta Lane  
St. Louis, Missouri 63138

SENT VIA ELECTRONIC MAIL TO: [kv.azackconstruction@yahoo.com](mailto:kv.azackconstruction@yahoo.com)

RE: **Oak Creek Meadows Plat 2—Sketch Plan**

Dear Mr. Vadivelu,

The City of Chesterfield has received your submission for the above-referenced project. Per Unified Development Code [§ 31-03-03H.3.\(b\)\(4\)](#), no new lots shall be created of less than fifteen thousand (15,000) square feet in area except for police stations and public utility facilities. Lot 3 does not comply with this code requirement. Therefore, review will not be completed and your application cannot be approved at this time.

If you have any questions or concerns, please do not hesitate to contact me.

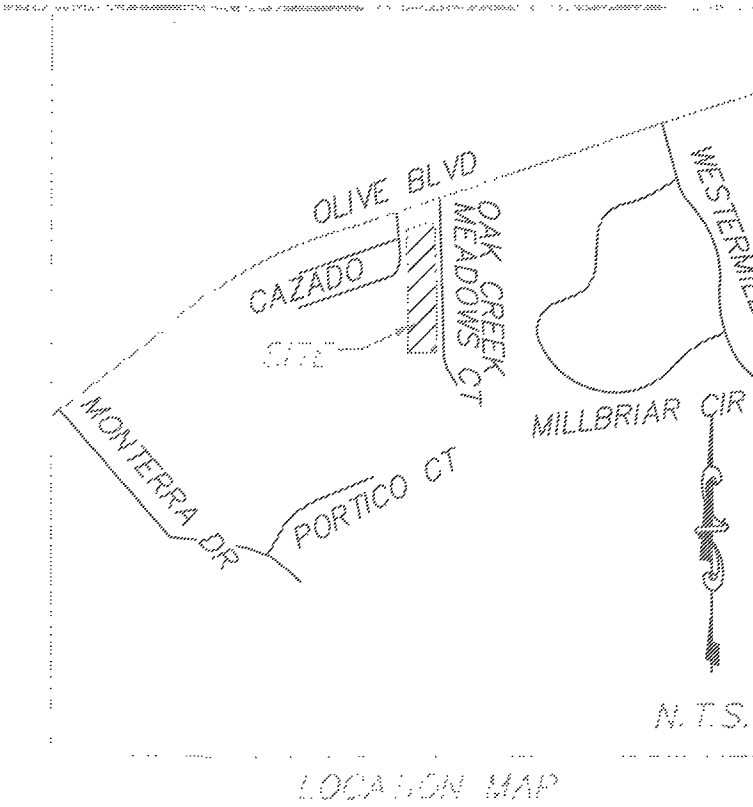
Sincerely,

Annisa Kumerow  
Planner

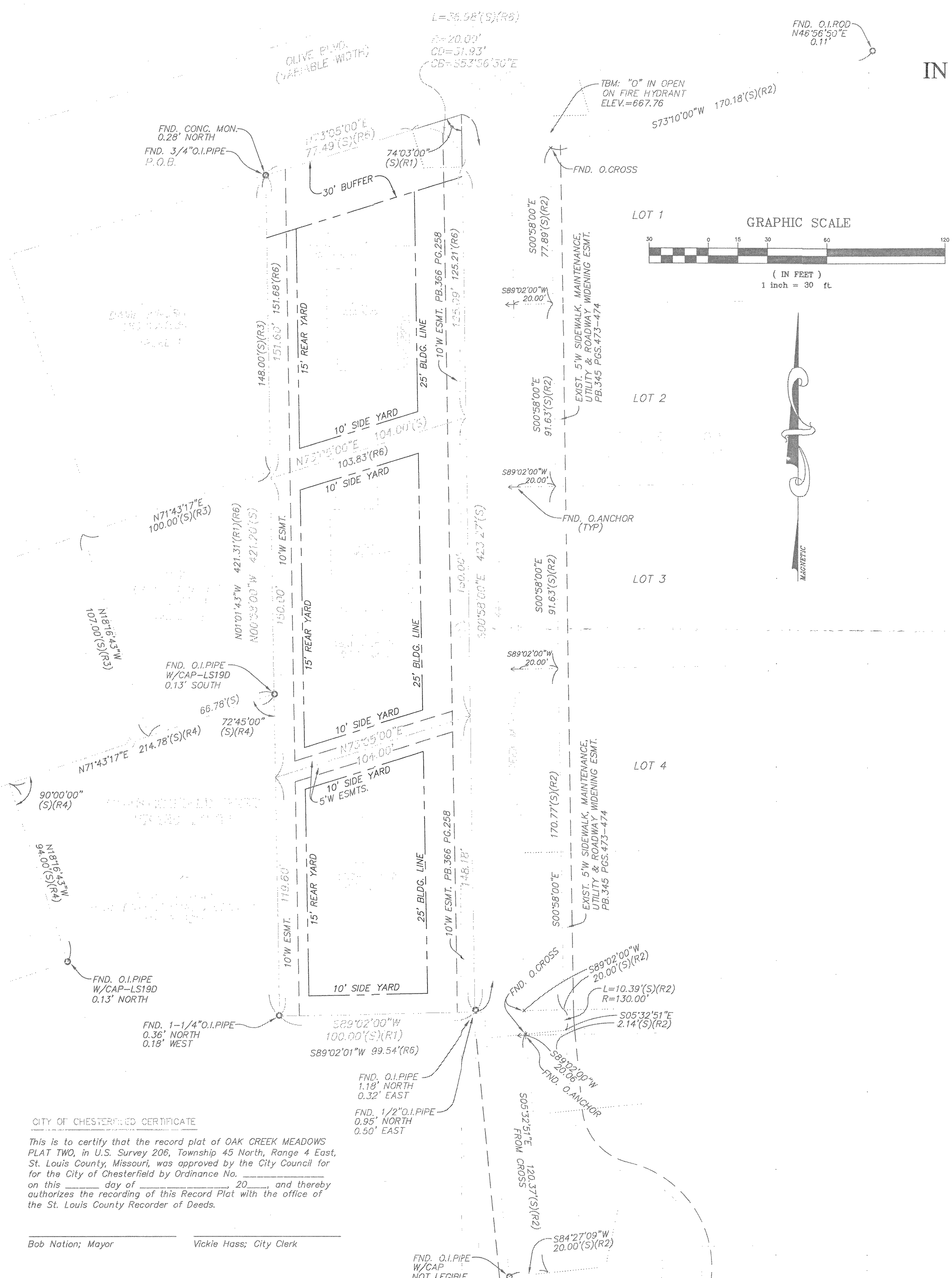
cc: Michael Doster, [mdoster@dubllc.com](mailto:mdoster@dubllc.com)  
Dan Manning, [dmanning@dubllc.com](mailto:dmanning@dubllc.com)  
Justin Wyse, Director of Planning and Development Services  
Mike Knight, Assistant City Planner

# OAK CREEK MEADOWS PLAT TWO

## A TRACT OF LAND BEING PARCELS A & B OF 14390 OLIVE BLVD LOT SPLIT, PB.366 PG.258 IN U.S. SURVEY 206, TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI



**St. Louis County Surveying & Engineering, Inc.**  
CIVIL ENGINEERING  
LAND SURVEYING



**CITY REPRESENTATIVE**

The undersigned owner of the tract of land herein platted and further described in the foregoing legal description have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereinafter be known as "OAK CREEK MEADOWS PLAT TWO".

All easements shown hereon, unless designated for other specific purposes, are hereby dedicated to The City of Chesterfield, Missouri, Missouri American Water Company, Laclede Gas Company, AmerenUE, Southwestern Bell Telephone, the relevant Cable Television Company and to the Metropolitan St. Louis Sewer District, and their successors and assigns, as their interests may appear for the purpose of constructing, maintaining and repairing of public utilities, sewers and drainage facilities with the right of temporary use of adjacent ground not occupied by improvements for the excavation of and storage of materials during installation, repair, or replacement of said utilities, sewers, and drainage facilities.

The building lines shown hereon are hereby established.

All taxes due and payable against this property have been paid in full.

IN WITNESS WHEREOF, we have signed and sealed this foregoing instrument on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ARCH CITY GROUP, LLC

By: \_\_\_\_\_  
Sridhar Madala

NOTARY PUBLIC

STATE OF MISSOURI )  
COUNTY OF \_\_\_\_\_ ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared Sridhar Madala to me personally known, who being by me duly sworn, did say that he is a Member of Arch City Group, LLC, a Missouri Limited Liability Corporation, and acknowledged that said instrument to be the free act and deed of said Corporation.

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

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

NOTARIAL PUBLIC

The undersigned holder or legal owner of a note, secured by Deed recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ of St. Louis County Records, joins in and approves in every detail this subdivision plat.

IN WITNESS WHEREOF, we have signed and sealed this foregoing instrument on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Print Name and Position: \_\_\_\_\_

Sign Name: \_\_\_\_\_

STATE OF MISSOURI )  
COUNTY OF \_\_\_\_\_ ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_ to me personally known, who being by me duly sworn, did say that he is the \_\_\_\_\_ of \_\_\_\_\_ and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors, and said \_\_\_\_\_ acknowledged that said instrument to be the free act and deed of said Corporation.

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

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**TOTAL TRACT DESCRIPTION:**

A tract of land being all of Parcels A & B of 14390 Olive Blvd Lot Split Plat as recorded in Plat Book 366 Page 258 of the St. Louis County Records, and part of Oak Creek Meadows Court as vacated, in U.S. Survey 206, Township 45 North, Range 4 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at a point on the South line of Olive Boulevard (variable width), said point being the Northwest corner of said Parcel A, and also being the Northeast corner of property now or formerly of David Kingsley as recorded in Book 18021 Page 3836 of the said County Records; thence leaving said corner along the South line of Olive Boulevard, North 73°05'00" East, 27.49 feet to a point of curvature on the South line of property now or formerly of City of Chesterfield as recorded in Book 11210 Page 131 of the said County Records; thence along said South line along a curve to the right having a radius of 20.00 feet, an arc distance of 36.98 feet, a chord of which bears South 53°56'30" East, a chord distance of 31.93 feet to a point of tangency on the Western line of Oak Creek Meadows Court (45' wide); thence along said Western line, South 00°58'00" East, 423.27 feet to the Southeast corner of said Parcel B, and being a point on the Northern line of Chesterfield West Subdivision as recorded in Plat Book 139 Page 84 of the said County Records; thence along said Northern line, South 89°02'00" West, 100.00 feet to the Southwest corner of said Parcel B, and being an angle point in said Chesterfield West Subdivision; thence leaving said corner along the Western line of said Parcels A & B and the Eastern line of said Chesterfield West Subdivision and the Eastern line of the aforementioned Kingsley property, North 00°58'00" West, 421.20 feet back to the Point of Beginning and containing 43,389 square feet or 1.00 acres more or less.

**GENERAL NOTES**

- The easements shown on this survey were plotted from items furnished St. Louis County Surveying & Engineering by St. Louis Title, LLC, agent for Old Republic National Title Insurance Company per Schedule B of File No. 106605TL, Commitment date March 13, 2018, Revision date April 18, 2018.
- Class of property - Urban.
- (S) Survey distance  
(R1) Record information per Deed Book 11881 Page 1598.  
(R2) Record information per Plat Book 345 Pages 473 & 474.  
(R3) Record distance per Deed Book 18021 Page 3836.  
(R4) Record distance per Plat Book 139 Page 84.  
(R5) Record distance per Deed Book 11210 Page 131.  
(R6) Record distance per Plat Book 366 Page 258.
- Basis of bearing for this survey is the Western line of Oak Creek Meadows Court as recorded in Plat Book 366 Page 258.
- Permanent or semi-permanent monuments, as required to be set at all corners will be set within (12) months after the recording of this Lot Split Plat, in accordance with 20 CSR 2030-16 of the Department of Insurance, Financial Institution and Professional Registration, in addition, other survey monuments indicated on this subdivision plat, required by the Subdivision Ordinance of the City of Chesterfield, Missouri, will be set.

**BENCH MARKS**

BM: #7016 "U" on the back of curb of east bound Olive Blvd. on the centerline produced of Eagle Manor Lane.  
NAVD88  
ELEVATION = 629.98  
TBM: "O" in open on fire hydrant on the East side of Oak Creek Meadows Court near the Northeast corner of this site.  
ELEVATION = 667.76

We, St. Louis County Surveying & Engineering, Inc, have, April, 2018, executed a property boundary survey and during the month of October, 2019 prepared this subdivision on the tract of land shown and described hereon and this survey has been executed in accordance with the Current Missouri Standards for Property Boundary Surveys, and the results are shown hereon.

ST. LOUIS COUNTY SURVEYING & ENGINEERING, INC  
CORPORATE REGISTRATION NO. LS-1688

DAVID J. MORTON  
P.L.S. #2276  
STATE OF MISSOURI

**CITY OF CHESTERFIELD CERTIFICATE**

This is to certify that the record plat of OAK CREEK MEADOWS PLAT TWO, in U.S. Survey 206, Township 45 North, Range 4 East, St. Louis County, Missouri, was approved by the City Council for for the City of Chesterfield by Ordinance No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and thereby authorizes the recording of this Record Plat with the office of the St. Louis County Recorder of Deeds.

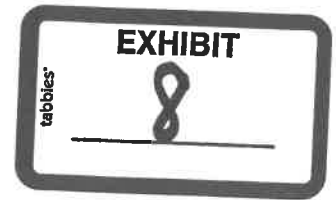
Bob Naton, Mayor  
Vickie Hass, City Clerk

**OAK CREEK MEADOWS PLAT TWO**  
**PART OF U.S. SURVEY 206,**  
**TOWNSHIP 45 NORTH, RANGE 4 EAST,**  
**ST. LOUIS COUNTY, MISSOURI**

Prepared For:  
ARCH CITY GROUP, LLC  
305 AVANTI COURT  
OFALLON, MO. 63368

EXHIBIT  
7d.

RECEIVED  
DEC - 9 2019  
City of Chesterfield  
Department of Public Services



Board of Adjustment  
City of Chesterfield, Missouri

In Re: )  
Arch City Group, LLC )  
305 Avanti Court )  
O'Fallon, MO 63368 )  
)  
)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 03-2019)**  
**FOR THE PROPERTY LOCATED AT 541 OAK CREEK MEADOWS COURT.**

COMES NOW, the Board of Adjustment (the "Board") of the City of Chesterfield, Missouri, (the "City") and hereby issues the following Findings of Fact and Conclusions of Law approving the Variance request (B.A. 03-2019) submitted on behalf of Arch City Group, LLC:

**FINDINGS OF FACT**

1. That on February 6, 2020, Arch City Group, LLC (the "Applicants"), submitted a request for Variance (B.A. 03-2019) approval to create a lot less than 15,000 square feet in area in the City of Chesterfield "R2" Residential District. Said Variance request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on December 9, 2019, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
3. That on January 31, 2020, a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City of Chesterfield at 6:00 p.m., February 6, 2020, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to a request by the applicant to allow a lot less than 15,000 square feet in area in the City of Chesterfield "R2" Residential District located at 541 Oak Creek Meadows Court, Chesterfield, MO.
4. That on January 31, 2020, a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 541 Oak Creek Meadows Court informing them that the Board of Adjustment of

the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on February 6, 2020 to consider Applicant's request for a variance.

5. That on January 31, 2020, the Public Hearing Notice for the February 6, 2020 Board of Adjustment meeting to be held at 6:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall.
6. That on February 6, 2020, a Public Hearing was held by the Board of Adjustment to consider Applicant's request for a variance. At that time the Applicants were present at the Public Hearing to present their request for Variance approval to the Board of Adjustment.
7. That on February 6, 2020, the Board of Adjustment voted \_\_\_ to \_\_\_ to approve the Applicant's request for a variance. The motion failed to receive the required statutory majority to approve the variance, pursuant to 89.090 RSMo.

#### **CONCLUSIONS OF LAW**

WHEREFORE, the Board of Adjustment of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That Applicant filed a request for a variance pursuant to §2-211—§2-220.3 of the Municipal Code of the City and §89.100 RSMo.
2. That at the Public Hearing held on February 6, 2020 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has not shown that special conditions or circumstances exist which are peculiar to the land, structure or building involved and that the conditions or circumstances of the Applicant are applicable to other lands, structures or buildings; and,
4. That literal interpretations of the provisions of the applicable chapter of City Code would not deprive the Applicant of rights commonly enjoyed by other properties; and,
5. That the special conditions of the Applicant are a direct result of the actions of the Applicant; and,
6. That granting the variance requested by the Applicant would confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.



7. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this variance.
8. That Applicant has failed to show practical difficulties or unnecessary hardship related to the Applicant's request for a variance.
9. That Applicant's request for a variance is hereby **DENIED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

---

Chairman, Board of Adjustment

ATTEST:

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Kathy Reiter  
Executive Assistant to the Director of Planning



Board of Adjustment  
City of Chesterfield, Missouri

In Re: )  
Arch City Group, LLC )  
305 Avanti Court )  
O’Fallon, MO 63368 )  
)  
)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 03-2019)**  
**FOR THE PROPERTY LOCATED AT 541 OAK CREEK MEADOWS COURT.**

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**FINDINGS OF FACT**

1. That on February 6, 2020, Arch City Group, LLC (the "Applicants"), submitted a request for Variance (B.A. 03-2019) approval to create a lot less than 15,000 square feet in area in the City of Chesterfield “R2” Residential District. Said Variance request was an appeal of the City’s Zoning Code and application by the City’s Zoning Officer.
2. That on December 9, 2019, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
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2. That at the Public Hearing held on February 6, 2020 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has shown that special conditions or circumstances exist which are peculiar to the land, structure or building involved and that the conditions or circumstances of the Applicant are not applicable to other lands, structures or buildings; and,
4. That literal interpretations of the provisions of the applicable chapter of City Code would deprive the Applicant of rights commonly enjoyed by other properties; and,
5. That the special conditions of the Applicant are not a direct result of the actions of the Applicant; and,
6. That granting the variance requested by the Applicant would not confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.

7. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this variance.
8. That Applicant has shown practical difficulties or unnecessary hardship related to the Applicant's request for a variance.
9. That Applicant's request for a variance is hereby **APPROVED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

---

Chairman, Board of Adjustment

ATTEST:

---

Kathy Reiter  
Executive Assistant to the Director of Planning