

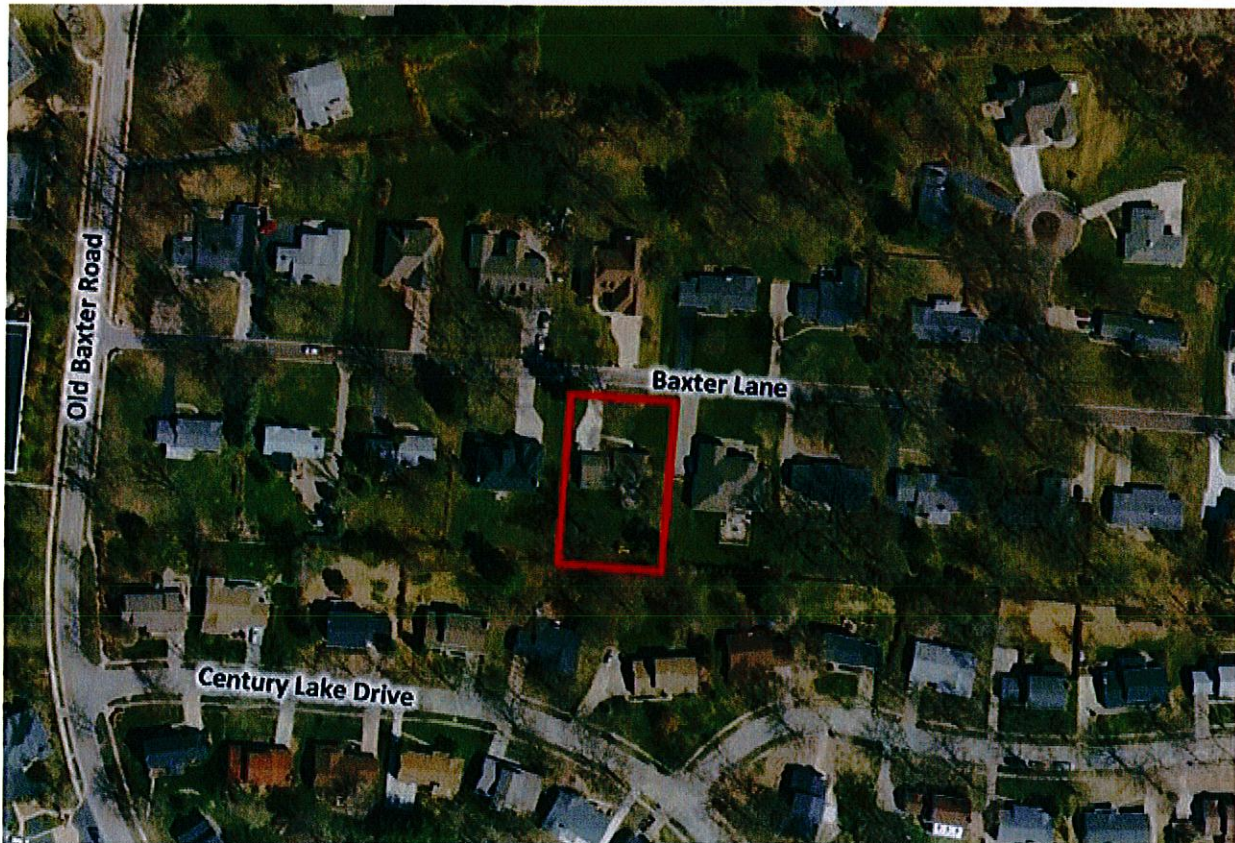
**Notice of Public Hearing
City of Chesterfield
Board of Adjustment**



NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, March 7, 2019 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. 02-2019 10 Baxter Lane (Jeff & Erika Kokal): A request for a variance from the City of Chesterfield "NU" Non-Urban District regulations for Lot 24 of the Baxter Lane subdivision to maintain a side yard setback of 9 feet two inches (9'2") in lieu of the 20-foot setback requirement. (19S510121)



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 Jessica Henry, Assistant City Planner by telephone at 636-537-4741 or by email at jhenry@chesterfield.mo.us.

City of Chesterfield

Jessica Henry, AICP
Assistant City Planner



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: March 7, 2019

From: Jessica Henry, AICP
Assistant City Planner

Location: 10 Baxter Lane

Applicant: Jeff and Erika Kokal

Description: **B.A. 02-2019 10 Baxter Lane (Jeff & Erika Kokal)**: A request for a variance from the City of Chesterfield "NU" Non-Urban District regulations for Lot 24 of the Baxter Lane subdivision to maintain a side yard setback of 9 feet two inches (9'2") in lieu of the 20-foot setback requirement. (19S510121)

PROPOSAL SUMMARY

Jeff and Erika Kokal are requesting a variance from the minimum side yard setback requirement required for their property, Lot 24 of the Baxter Lane subdivision. The property owners are requesting a 9-foot two-inch (9'2") side setback in lieu of the required 20-foot side setback along their western property line in order to construct an addition on to their existing home.

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 site layout and architectural drawings, a site survey, easement agreement, photographs, letters of support from the adjacent property owners, a copy of the rejected Municipal Zoning Approval application, the "NU" Non-Urban District regulations, and a partial copy of the Baxter Lane Subdivision Restrictions.

SITE HISTORY AND EXISTING CONDITIONS

The Baxter Lane subdivision was zoned "NU" Non-Urban District by St. Louis County prior to the incorporation of the City of Chesterfield.

The Record Plat for Baxter Lane was recorded in September of 1954. The Record Plat created 28 lots and the original homes were constructed in the 1950's. From 2008 to present, the Department of Planning and Development Services has approved six Municipal Zoning Approval applications for new homes to be constructed on lots where the original home had been demolished.

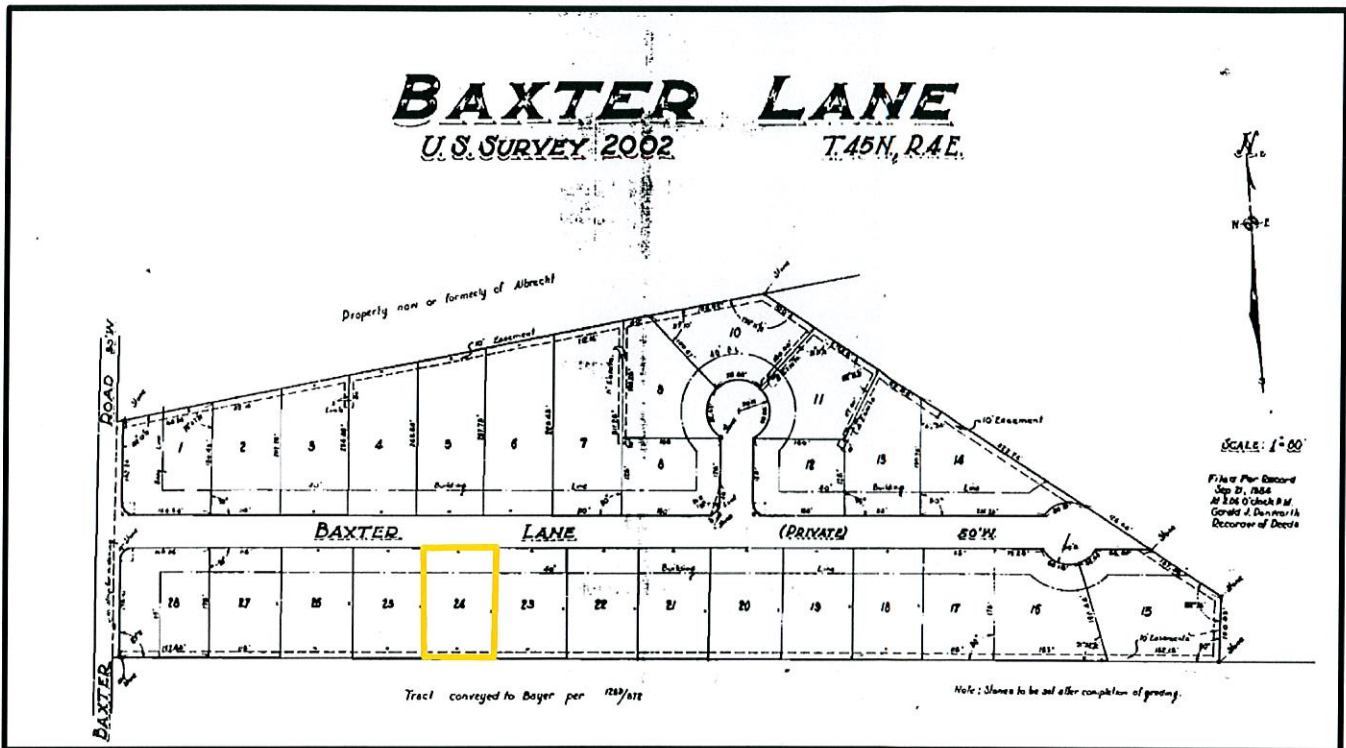


Figure 1: Excerpt from 1954 Record Plat

In January of 2019, a Municipal Zoning Approval Application was submitted to the Department of Planning and Development Services requesting to construct an addition on the subject site. The proposed construction showed an encroachment into the western side yard setback and the request was therefore denied.

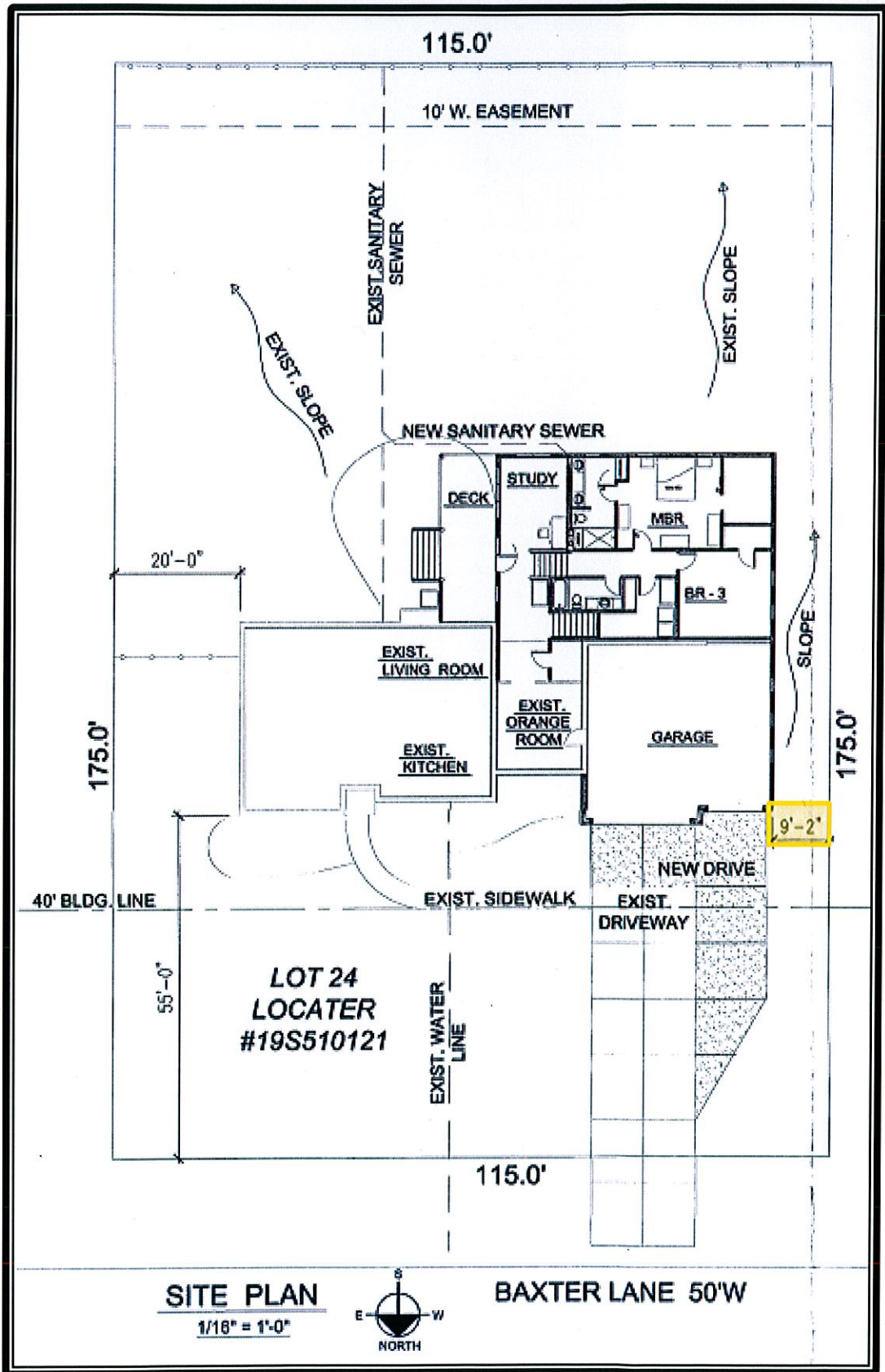


Figure 2: Rejected Site Plan indicating addition encroachment into 20' side yard setback

The following images show the subject property in context, with the yards of neighboring properties abutting the side and rear property lines of the subject site. The addition is proposed to be constructed onto the western portion of the existing home, so the variance request is for the western side yard setback only. The eastern side yard setback along with the front and rear setbacks will not be modified or impacted by the request.

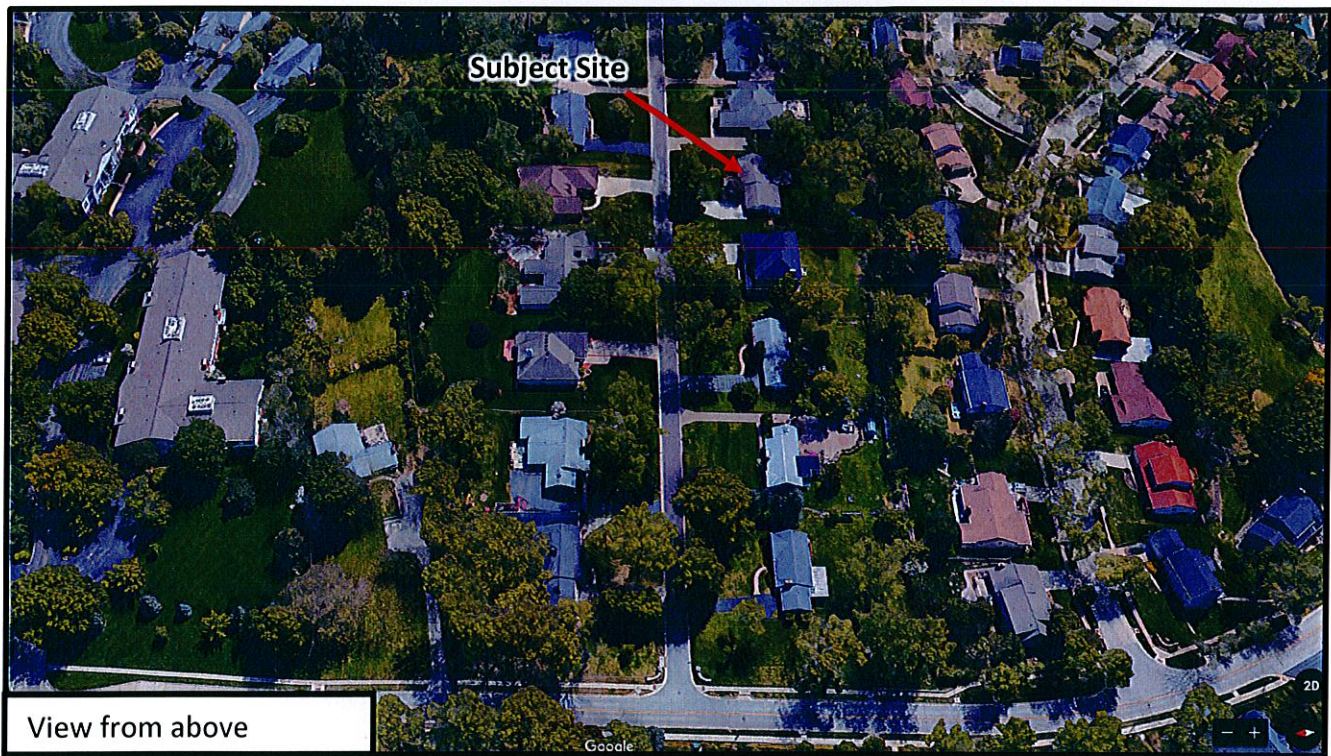


Figure 3: Google Earth image showing subject property

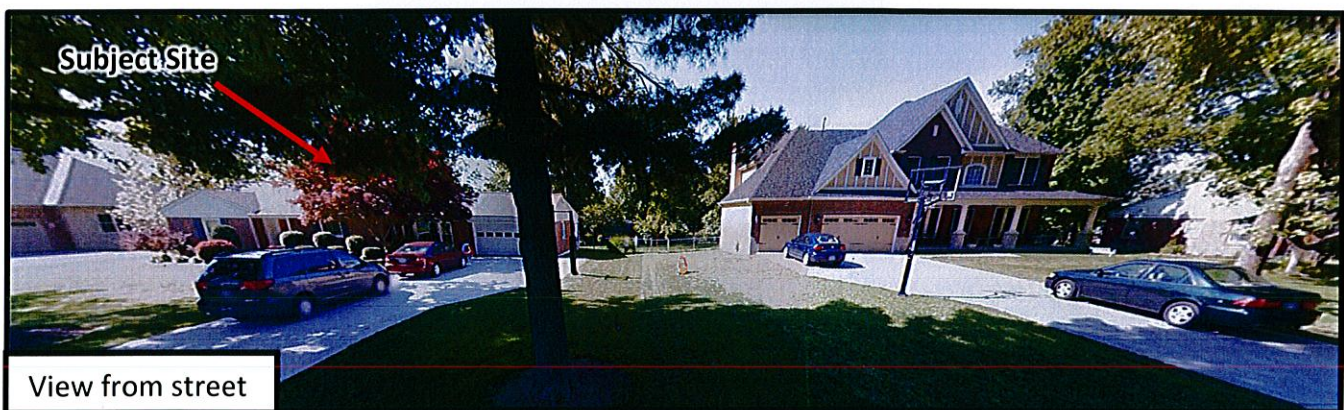


Figure 4: Google Earth image showing subject property

BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield 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 Applicant has provided a statement of hardship, practical difficulty, or other information warranting action by the Board for consideration. The Applicant has submitted position letters indicating support from adjoining property owners.

The Applicant is requesting a variance to maintain a 9-foot two-inch side western yard setback in lieu of the 20-foot side yard setback requirement in order to accommodate the construction of a new addition.

REVIEW OF VARIANCE REQUEST

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

As established in the “NU” Non-Urban District regulations, a minimum 20-foot side yard setback is required for the subject site.

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 requested variance would permit an addition to encroach 10’10” feet into a 20-foot required yard setback.
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 the adjoining property owners have been provided.

4. Whether the difficulty can be obviated by some feasible method other than the variance. Review of the plot plan by Staff indicates that there is room to accommodate an addition with modifications to its shape or size on the subject site.
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 Plat
6. Petitioner's Application
 - a. Application to Board of Adjustment
 - b. Site drawings for proposed addition
 - c. Property Survey
 - d. Easement Agreement
 - e. Photos of subject site
 - f. Letters of Support from Adjacent Property Owners
 - g. Rejected Application for Municipal Zoning Approval
 - h. "NU" Non-Urban District Regulations
 - i. Partial copy of Baxter Lane Subdivision Restrictions
7. Findings of Fact and Conclusions of Law—Denial
8. Findings of Fact and Conclusions of Law—Approval

EXHIBIT
5

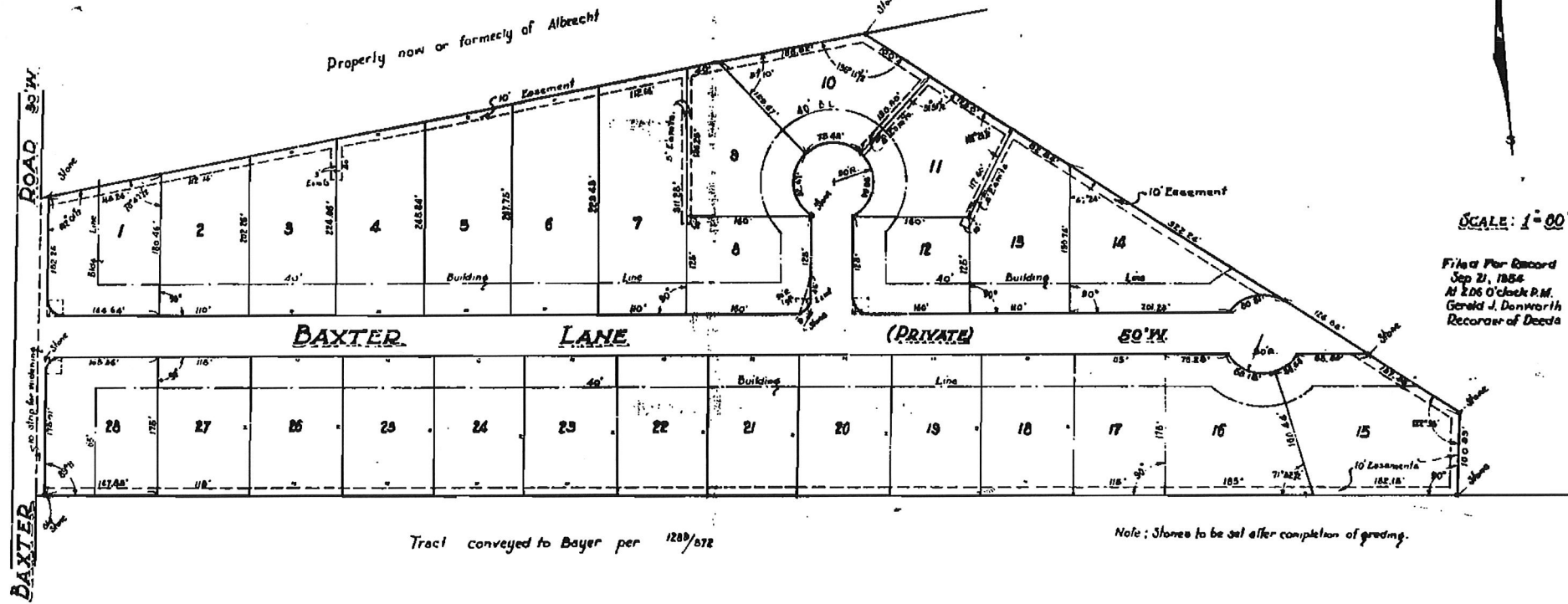
45

SWAJ STXAS

BAXTER LANE

U.S. SURVEY 2002

T.45N, R.4E.



SCALE: 1"=80'

Filed For Record
Sep 21, 1954
At 2:06 O'clock P.M.
Gerald J. Donworth
Recorder of Deeds

Note: Stones to be set after completion of grading.

Clayton Engineering & Surveying Co. 212 Central Clayton, Mo.
This is to certify that we have, during the month of June, 1954, by order of Mr. E. L. Maly, made a survey and subdivision of the tract of land in U.S. Survey 2002, Township 45 North, Range 4 East, St. Louis County, Missouri, and that the points of said survey and subdivision are correctly shown on the above plat.
Clayton Engineering & Surveying Co.
by Harry C. White

County of St. Louis, Mo. On this 28th day of July, 1954, before me personally appeared Dale W. Mearns, who is Dale W. Mearns and Stella J. Mearns, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that the contents of the same are their free and voluntary act and deed. I have compared the original with a true and correct copy of the same as shown to me by the said Dale W. Mearns and Stella J. Mearns, and have written my Commission Expires Jan. 2, 1957.
Ralph P. Schumacher, Notary Public.

"The undersigned owners of the tract of land hereon platted and further described in the foregoing surveyors certificate, have caused the same to be surveyed and subdivided in the manner as shown on this plat, which subdivision shall hereafter be known as Baxter Lane. The 10 foot strip adjoining Baxter Road to the east is hereby dedicated to public use forever. The 50 foot wide streets are to remain private and are for the exclusive use of owners of lots in this subdivision and owners of adjoining property to the east. An easement is hereby granted to the St. Louis County Water Company for installing and maintaining water mains and fire hydrants in said streets. The delineate shown on the above plat are hereby granted to the County of St. Louis for public utilities, sewer and drainage purposes. The utility lines as shown are hereby established. All lots in this subdivision are hereby made subject to the restrictions and conditions contained in an instrument filed of record in the St. Louis County Recorder's Office. In Witness Whereof we have hereunto set our hands this 28th day of July, 1954.
Dale W. Mearns
Stella J. Mearns

Approved by the St. Louis County Planning Commission this 28th day of August, 1954.
M. Eugene Stangor, Chairman
St. Louis County Planning Commission

See comment to Building Line Subdivision filed May 23, 1957 and 3771 Page 278

THIS PLAT IS TRULY COPIED FROM THE ORIGINAL

APPENDED AT THE RECORDS REFER TO INSTRUMENT DEED BOOK 627 PAGE 1706

140

POOR ORIGINAL



City of Chesterfield

RECEIVED
FEB - 1 2019
City of Chesterfield
Department of Public Services

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES BOARD OF ADJUSTMENT APPLICATION

EXHIBIT
6a

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. It hears requests for variances and appeals of administrative determinations. A variance is from the zoning ordinance requirements for a specific parcel. The types of variances heard by 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

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

B.A. 02-2019

HEARING DATE

3-7-2019

CITY OF CHESTERFIELD

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: KOKAL JEFF ERIKA H/W

Address: 10 Baxter Lane

City: Chesterfield State: MO Zip: 63017

Tel.: 314-504-1286 Fax: N/A

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

II. PROPERTY INFORMATION

Project Address: 10 Baxter Lane

Locator Number(s): 19S510121

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

Acreage: 0.5 (To the nearest tenth of an acre)

Subdivision Name (If applicable): BAXTER LANE

Current Zoning District: NU - Non Urban District

Legal Description of Property:

Lot 24 of Baxter Lane, according to the plat thereof recorded in Plat Book 63, Page 45 in the St. Louis County Records of Missouri.

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

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

See attachments. Lot is 115' wide x 175' deep with an existing brick home constructed in 1954. Front yard of lot is flat. Side yards and back yards gently slope towards the back of lot. Existing home is 75 feet wide +/- on a 115-foot wide lot. Existing NU zoning calls for 20-foot side yard setback.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement:

I am requesting a variance to allow a 9'-2" side yard setback along the western property line. Subdivision Indentures of Baxter Lane require a minimum 10'-0" side yard setback. See attached drawings and current subdivision regulations.

Ordinance Number and section to which a variance is sought:

City of Chesterfield Zoning Code (dated 1997) - 1003.105. 7.(3).(b)

(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:

Existing home is 60+ years old and functionally obsolete. The existing master bedroom addition located behind the existing garage was constructed in the 1970' and has a crawl space that is unable to be accessed. The construction of this existing addition is not suitable for rehabilitation. The flat nature of the existing roof consistently has problems leaking. The garage is not large enough to park even one car and hold lawn equipment, trash cans. etc.

We desire to remove the existing garage and 1970's addition. After removal, construct an addition consisting of two bedrooms, laundry room, study area, full walk-out basement, covered deck and 3-car garage (standard 16' wide double door and a 9' wide single door). See attached pictures showing existing 15' wide double door garage which indicate the need for a 16' wide double door to functionally use the garage. Pictures show a person is unable to exit the right vehicle (driver's side and passenger side) and that a person is unable to exit the left vehicle (passenger side).

The NU zoning on this property does not match that of all neighboring subdivisions in the area, which are all zoned R2, allowing a 10'-0" sideline setback. Our subdivision indentures (see attachment) allow the setback to be 10'-0". Additionally, several of the existing homes in the subdivision were built within the 20' setback and a variance has been given.

Reason for requesting a 9'-2" side yard setback in lieu of the 10'-0" setback along the western property line is based on the original core structure (house) remaining in place and needed dimensions to achieve a functional 3-car garage with 16' and 9' wide doors.

Several adjoining neighbors have stated in the attached letters they support the request.

The trustees of Baxter Lane have approved my project.

(Attach additional sheets as necessary)

Description of the effect or impact on neighboring properties:

Eastern Side - No Impacts; existing 20'-0" setback remains
Back Side - No Impacts
Western Side - No Impacts; 9'-2" allows accessibility to the rear yard without encroaching over the property line.

Over the past 15 years, the subdivision has had several homes either razed and rebuilt or owners have constructed additions onto the original structure. This has enhanced home values in the area. Our addition will do the same, further improving the street.

(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:	_____	_____
Side Yard:	9'-2" Pr West ; 20'-0" Ex East _____	20'-0" NU Zone; 10'-0" Subdivision _____
Rear Yard:	_____	_____
Height:	_____	_____

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

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:	_____	_____
Size of attached business signs:	_____	_____
Number of freestanding business signs:	_____	_____
Size of freestanding business signs:	_____	_____

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

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

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 _____ (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:

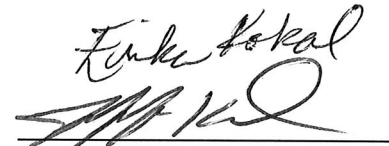
I am the owner contract purchaser. (check (✓) one)

Jeff and Erika Kokal

(Name- type, stamp or print clearly)

(Name of Firm)

Note: Attach additional sheets as necessary.



(Signature)
10 Baxter Lane
Chesterfield, MO 63017

(Address, City, State, Zip)

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 11 day of Feb 20 19.

Signed Deborah Meagan Shepherd Print Name: Deborah Meagan Shepherd
Notary Public

Seal/Stamp:

My Commission Expires: 12-7-20



VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

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

Project Name: #10 Baxter Lane Setback Variance **Submittal Date:** 1/25/19

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.

Jeff and Erika Kokal

(Name- type, stamp or print clearly)

Erika Kokal

(Signature)

10 Baxter Lane
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 11 day of Feb 20 19.

Signed Deborah Meagan Shepherd Print Name: Deborah Meagan Shepherd
Notary Public

Seal/Stamp:

My Commission Expires: 12-7-20



**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

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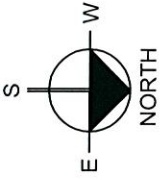
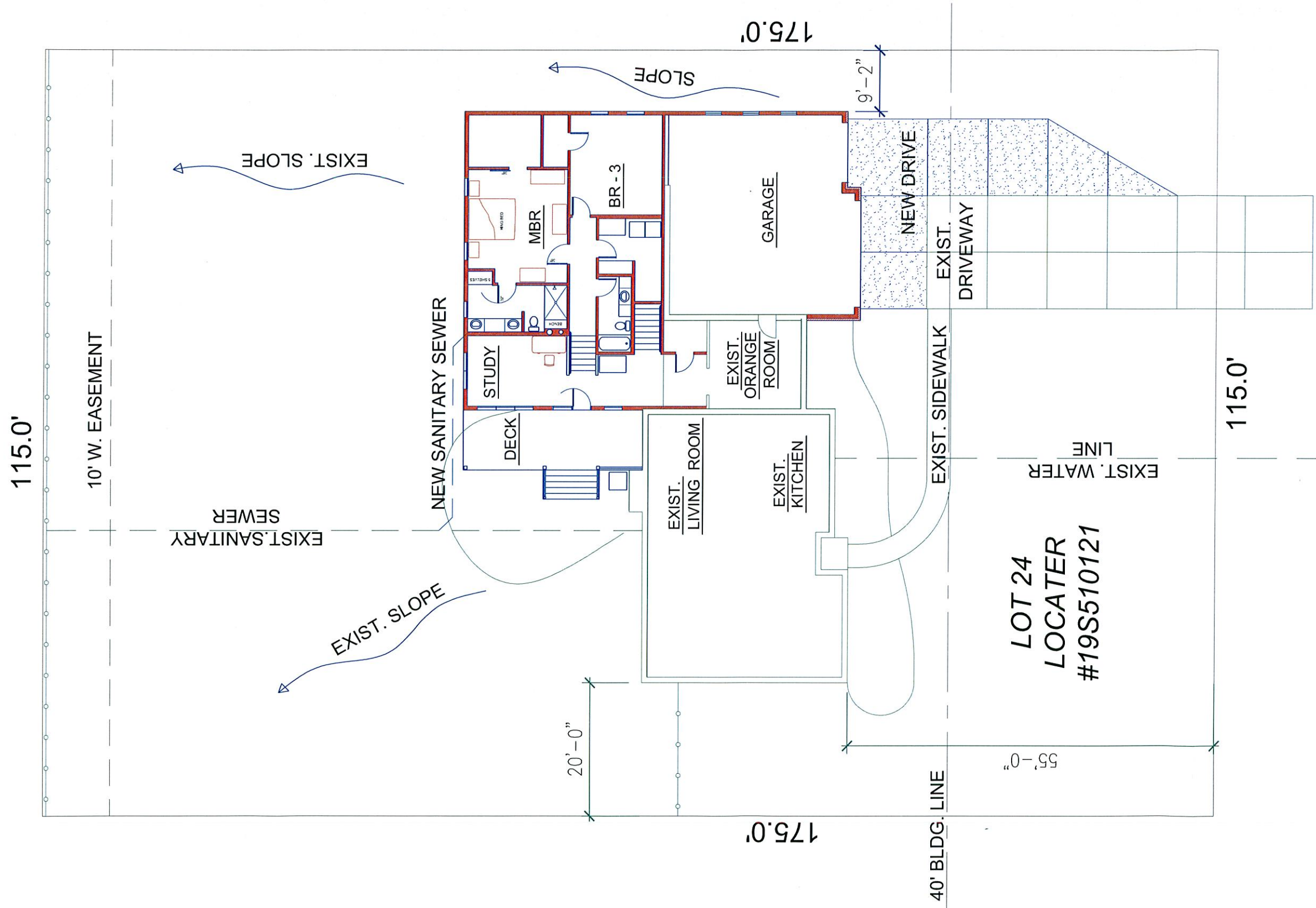
STAFF / BOA USE ONLY

Intake Date: February 1, 2019

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

Signed: _____
Chairman

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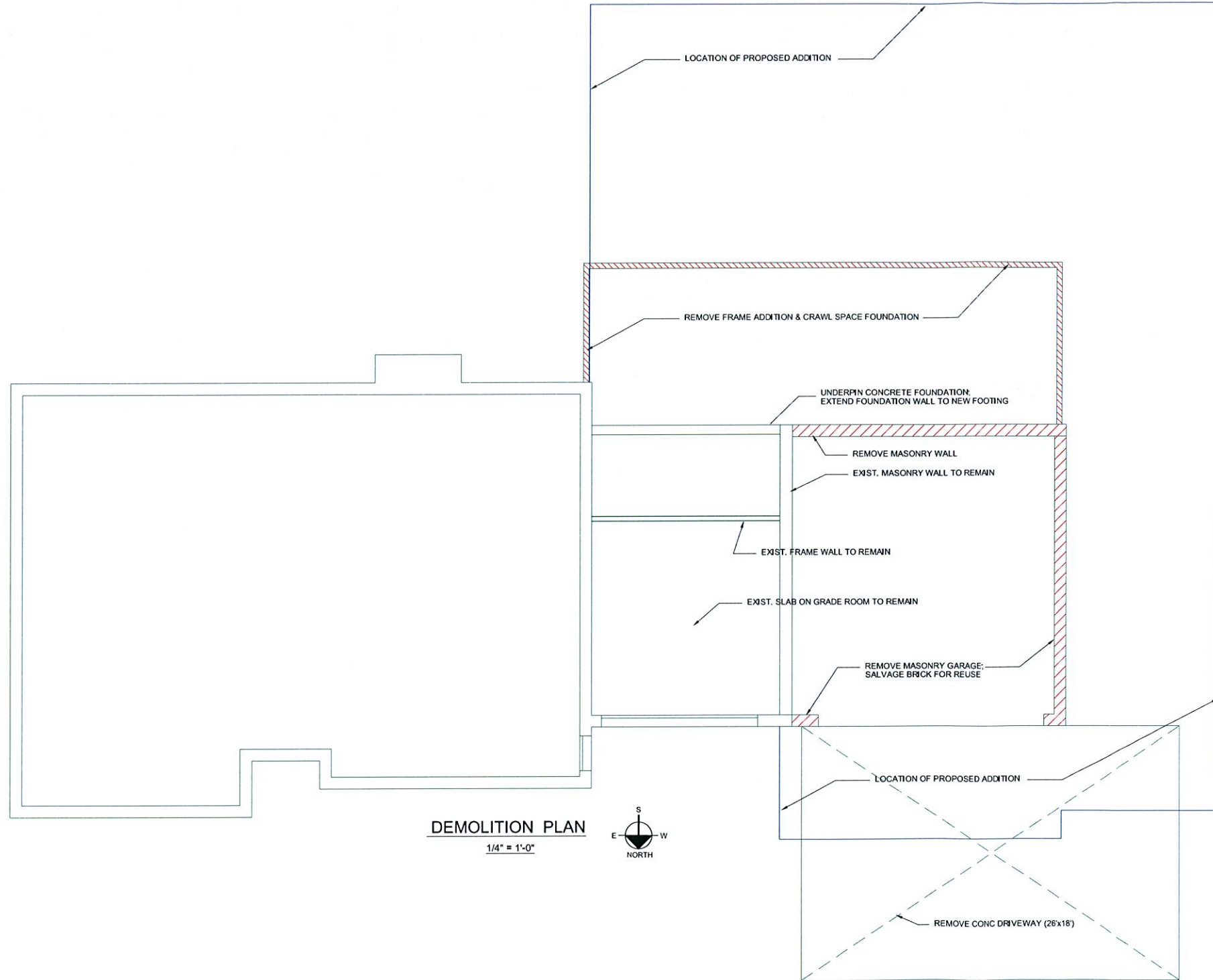


SITE PLAN
1/16" = 1'-0"

BAXTER LANE 50'W

LOT 24
LOCATER
#19S510121

RECEIVED
FEB - 1 2019
City of Chesterfield
Department of Public Services



DEMOLITION PLAN

1/4" = 1'-0"

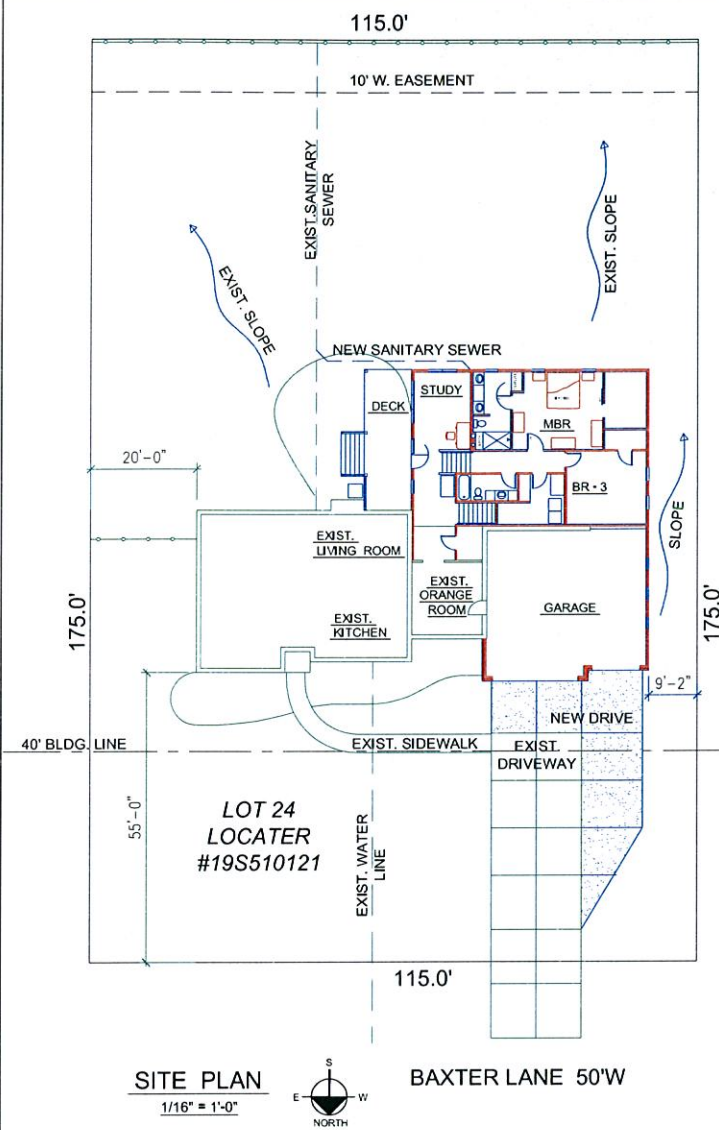


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 FEB - 1 2019
 City of Chesterfield
 Department of Public Services

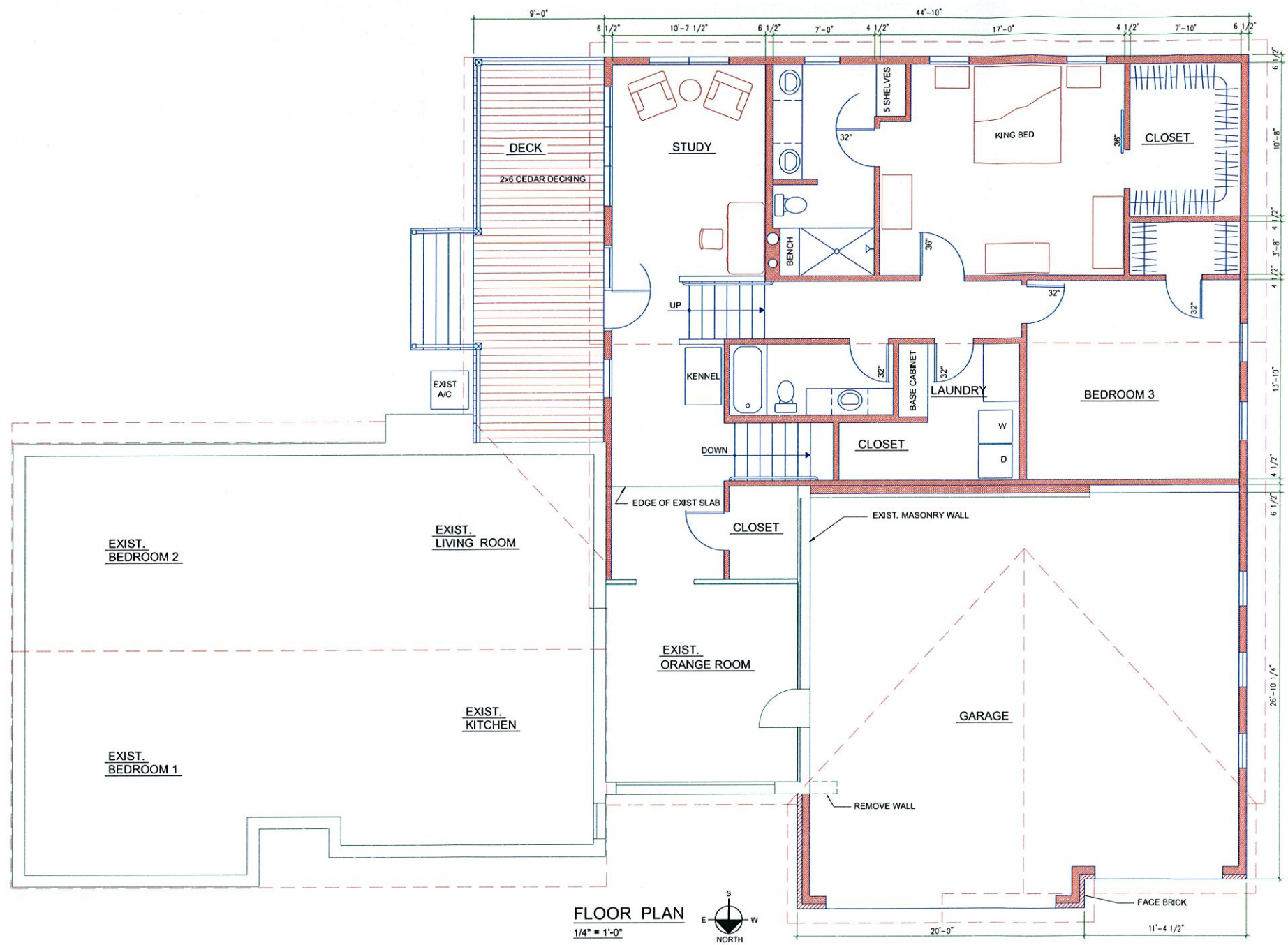
KOKAL RESIDENCE
 10 Baxter Lane
 Chesterfield, MO 63017

APRIL 4, 2016
 APRIL 25, 2016
 MAY 18, 2016
 JAN 15, 2019

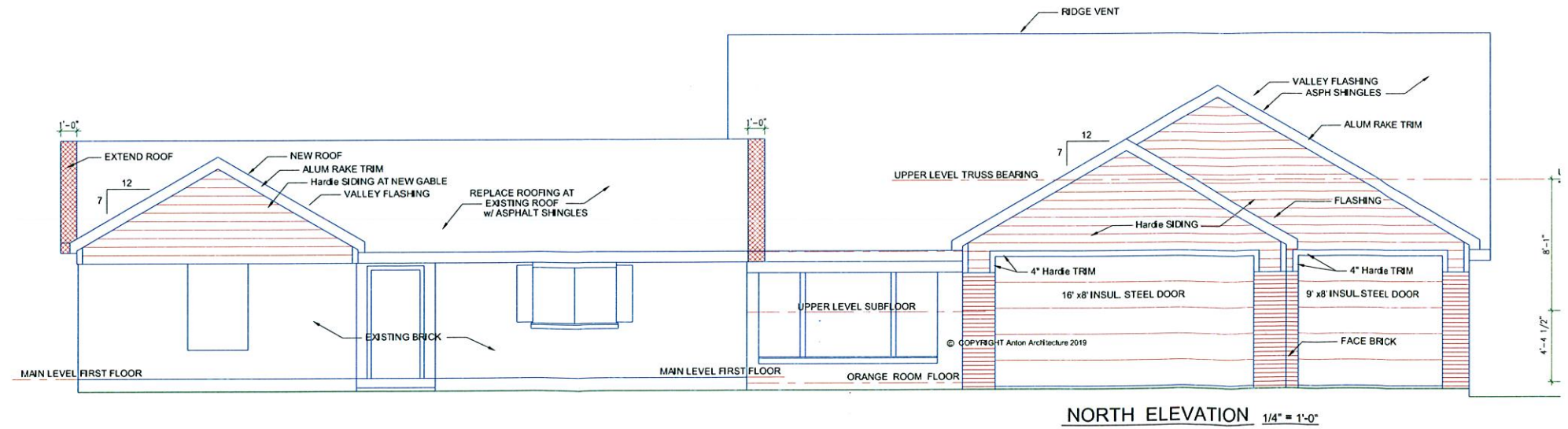
A-0



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



FLOOR PLAN
1/4" = 1'-0"

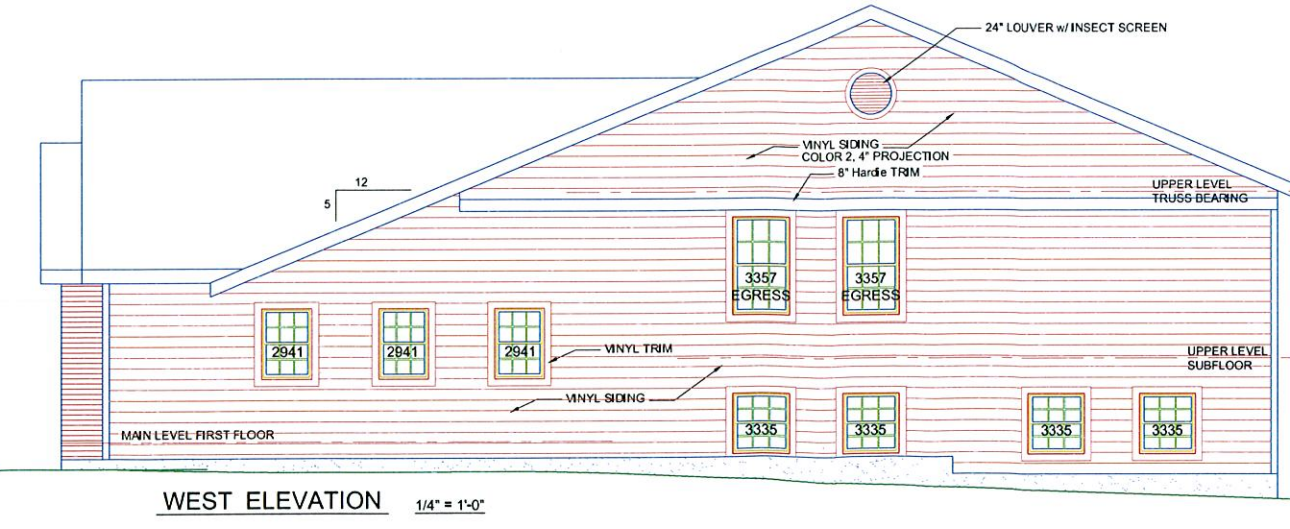
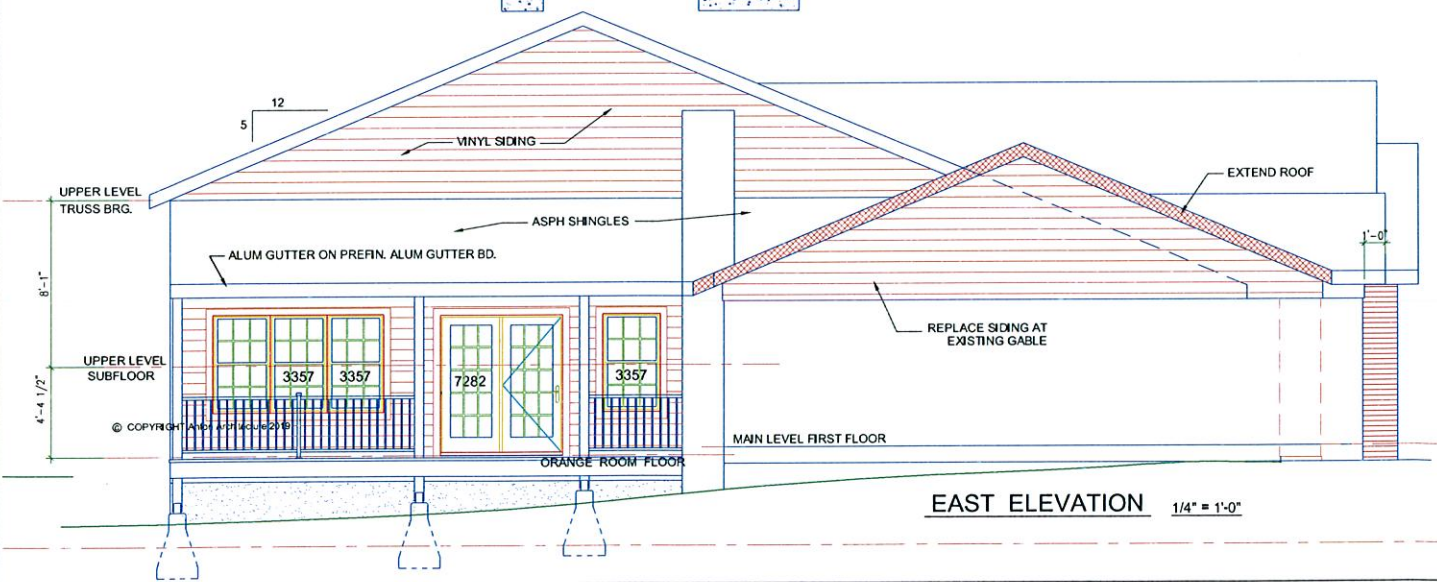
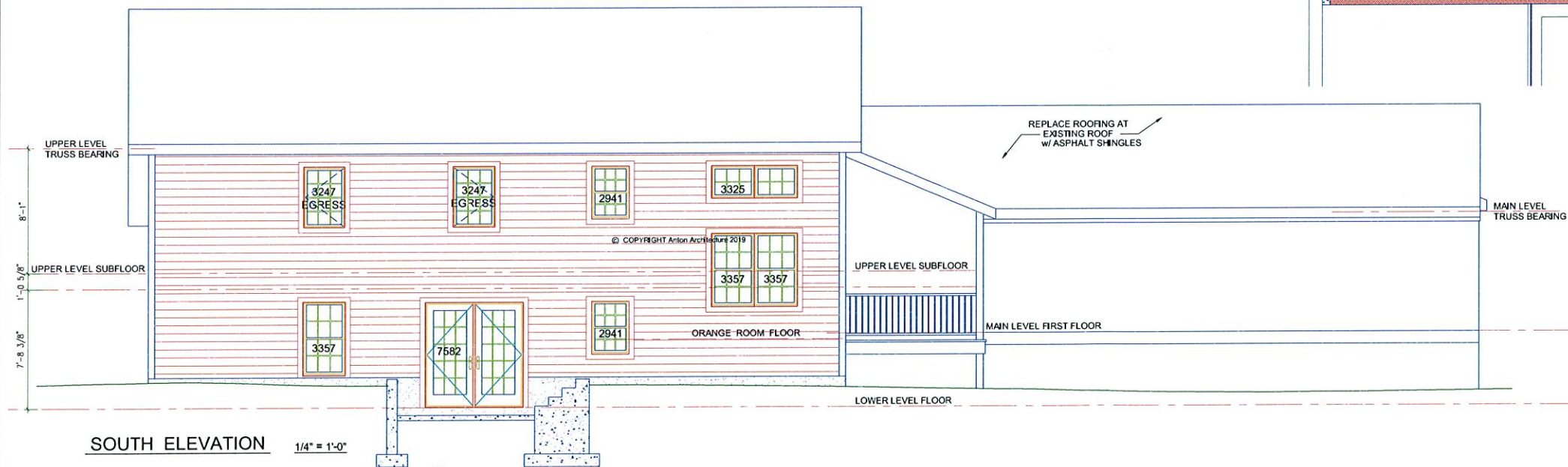
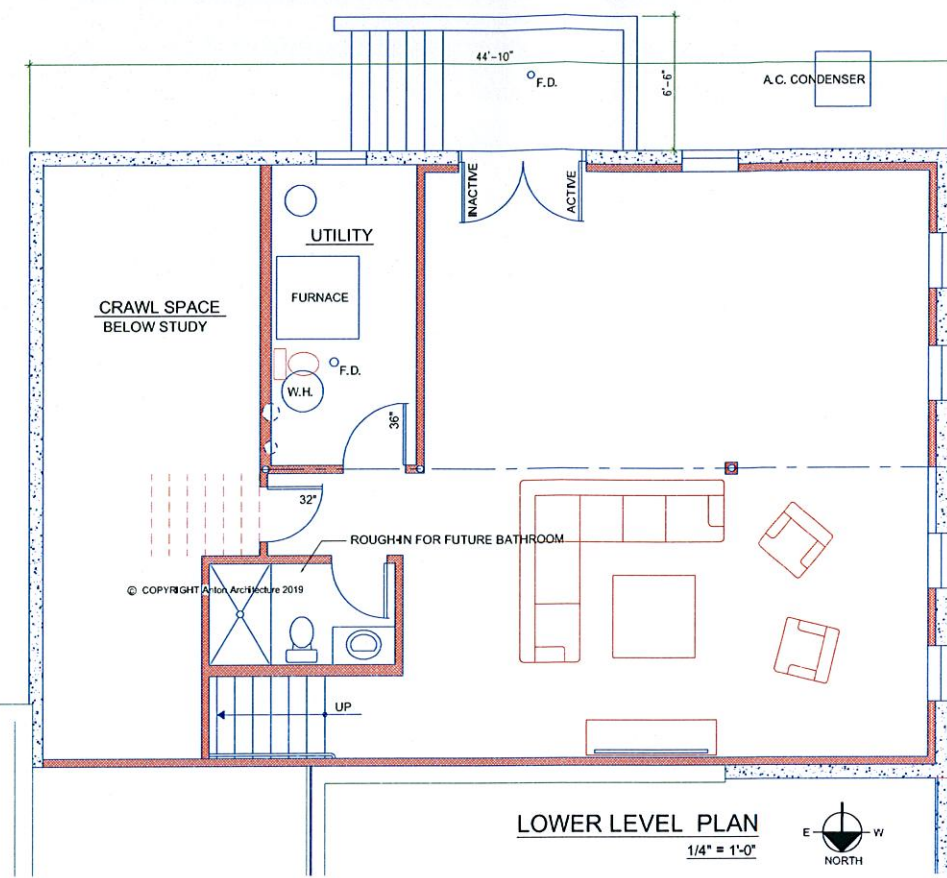


NORTH ELEVATION 1/4" = 1'-0"

KOKAL RESIDENCE
10 Baxter Lane
Chesterfield, MO 63017

APRIL 4, 2016
APRIL 25, 2016
MAY 18, 2016
DEC 20, 2018
JAN 15, 2019

A-1



KOKAL RESIDENCE
10 Baxter Lane
Chesterfield, MO 63017

APRIL 4, 2016
APRIL 25, 2016
MAY 18, 2016
JAN 15, 2019

A-2

SURVEYORS REAL PROPERTY REPORT (SRPR)

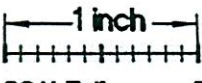
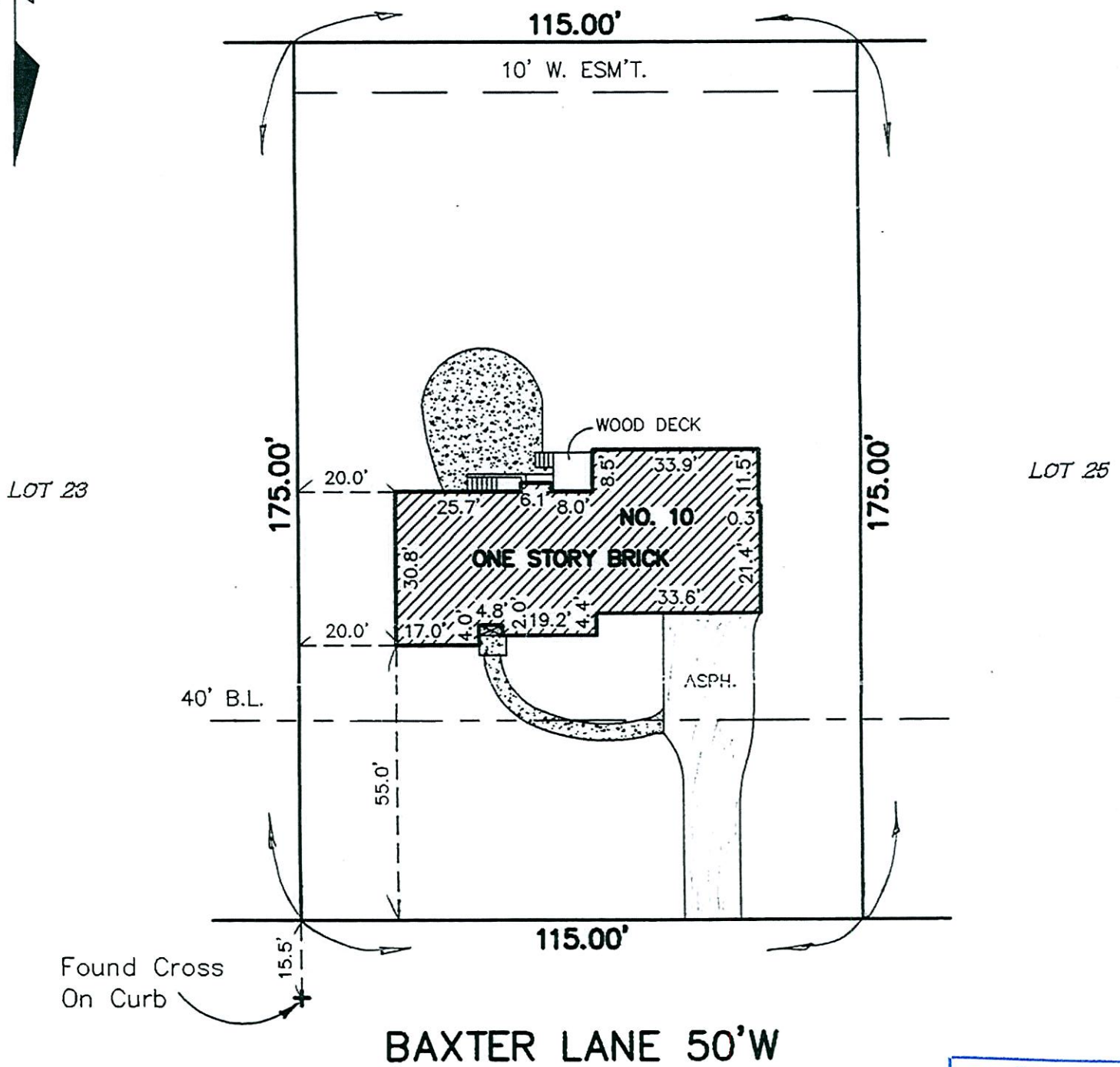
(THIS REPORT DOES NOT CONSTITUTE A BOUNDARY SURVEY)

EXHIBIT

6c

LOT 24

BAXTER LANE



SCALE: 1" = 30'
TOLERANCE OF "LOCATION" MEASUREMENTS = ± 0.5'

RECEIVED

FEB - 1 2019

City of Chesterfield
Department of Public Services

STATE OF MISSOURI

NICHOLAS C. PAPPAS

NUMBER LS-1416

REGISTERED LAND SURVEYOR

NICHOLAS C. PAPPAS R.L.S. 1416

THIS IS TO CERTIFY THAT AT THE REQUEST OF INVESTORS TITLE CO.
CLARKSON WE HAVE, ON THE
11TH DAY OF FEBRUARY, 1999 MADE A SURVEYORS REAL PROPERTY REPORT ON
LOT 24 OF BAXTER LANE AS RECORDED IN P.B. 63 PG. 45
IN ST. LOUIS COUNTY RECORDS, MISSOURI, AND THAT THE RESULTS OF SAID
SURVEYORS REAL PROPERTY REPORT ARE PRESENTED UPON THIS PLAT.

THIS SURVEYORS REAL PROPERTY REPORT WAS CONDUCTED BY THE LAND SURVEYOR OR UNDER HIS IMMEDIATE PERSONAL SUPERVISION. THE ACCOMPANYING DRAWING IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE REPORT AND THIS DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. NO PROPERTY MARKERS/CORNERS WERE SET, AND THE INFORMATION SHOWN ON THIS DRAWING SHALL NOT BE USED TO ESTABLISH ANY FENCE, STRUCTURE OR OTHER IMPROVEMENTS. THE LINEAR AND ANGULAR VALUES SHOWN ON THIS DRAWING ARE BASED ON RECORDED OR DEEDED INFORMATION AND HAVE NOT BEEN VERIFIED. THIS FIRM IS NOT EXTENDING A WARRANTY TO THE PRESENT OR FUTURE OWNERS OR OCCUPANTS.



190-A MO Rev. 12/01

Date: 8/30/09

EASEMENT

PAR Job #25-7-1940-0793
10 Baxter Ln., Chesterfield, MO 63017
U.S. Survey 2002, T45 N, R4 E
DB.12054, PG.1070
AmerenUE Division: Twin Rivers

KNOW ALL MEN BY THESE PRESENTS,

That ^{ERIK A} ~~Erica~~ Jeff Kokal and Erika Kokal, Husband and Wife, their heirs, successors and assigns whether one or more and whether an individual, individuals, a corporation, or other legal entity (hereinafter "Grantor"), for and in consideration of the sum of One and No/100ths Dollars (\$1.00) the receipt and sufficiency of which is hereby acknowledged, does grant unto UNION ELECTRIC COMPANY, d/b/a AmerenUE, a Missouri corporation, its successors and assigns (hereinafter "Grantee"), the perpetual right and easement to construct, reconstruct, use, operate, maintain, add to the number of and patrol an electric, telecommunication line or lines consisting of wires, cables, conduits, and other appurtenances thereto, across and under the following described land, to-wit:

This easement applies to uses for underground facilities only.

A ⁵ ~~10~~ foot wide Easement, Being the Westerly ⁵ ~~10~~ feet of Lot 24 of Baxter Lane Subdivision, according to the plat thereof recorded in Plat Book 63, Page 45 of the St. Louis County Records office, St. Louis County, Missouri.

Commonly Known As: 10 Baxter Lane, Chesterfield, MO 63017

Locator No. 19S510121

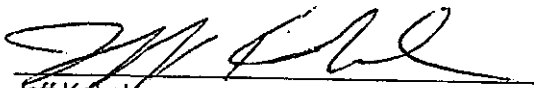
Along with all rights incidental to the exercise and enjoyment of said easement rights, including without limitation the right of ingress and egress to and over the above described easement area and premises of Grantor adjoining the same, for all purposes herein stated; together with the right at any time and from time to time, to trim and cut down any and all brush, saplings, trees and overhanging branches and remove same and/or any rocks or other obstructions upon, over, and under said easement area and the premises of Grantor adjoining the same, which, in Grantee's judgment, interfere with the exercise and enjoyment of Grantee's rights hereunder, or endanger the safety of said line or lines; and the right to license, permit or otherwise agree to the use or occupancy of said easement or any portion thereof or of said line or lines by

any other person, association or corporation for the purposes hereinabove set out; and with the further right at any time and from time to time, to remove any or all of the said line or lines, and appurtenances thereto located upon, over, across and under said land by virtue hereof.


Grantor, for themselves, their heirs, successors and assigns, does hereby warrant and covenant unto Grantee (1) that Grantor is the owner of the above described land and has full right and authority validly to grant this easement, (2) that Grantee may quietly enjoy the premises for the purposes herein stated, and (3) that Grantor will not create or permit any obstruction of any kind or character that will interfere with the exercise and enjoyment of the easement rights hereinabove conveyed.

By acceptance hereof Grantee covenants that if, in the exercise of its easement rights Grantee disturbs the surface of the ground, Grantee shall restore the surface to a condition reasonably comparable to its prior condition.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal this 30 day of August, 2009.



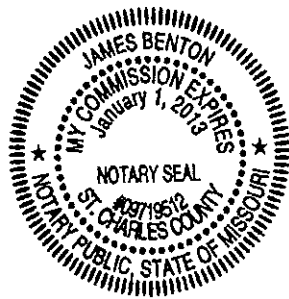
Jeff Kokal




Erika Kokal
ERIKA

STATE OF MISSOURI }
COUNTY OF ST. LOUIS } SS

On this 30 day of ^{ERIKA} August, 2009, before me personally appeared Jeff Kokal and Erika Kokal, to me known to be the persons described herein and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.





Notary Public

EXHIBIT
6e



Picture 1 - 2-Vehicles Inside a 15-foot Garage

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FEB -1 2019
City of Chesterfield
Department of Public Services

Picture 2 – No Room Between Vehicles

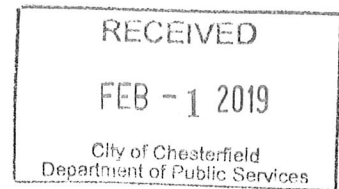


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City of Chesterfield
Department of Public Services



Picture 3 – No Room Next to Vehicle

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City of Chesterfield
Department of Public Services



Thursday, January 31, 2019

City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017



Re: *Jeff & Erika Kokal*
#10 Baxter Lane
Chesterfield, MO 63017

Greetings:

We are advised that Mr. & Mrs. Kokal have an application pending for a variance from the side yard setback requirement applicable to their home at the referenced address. We are also advised that the current zoning applicable to the Baxter Lane Subdivision provides for a twenty foot side yard setback and that the indenture for our subdivision provides for a ten foot side yard setback. We are the adjoining property owners to the west and are the neighbors most directly impacted by their request.

Mr. & Mrs. Kokal have shared with us their plans dated January 15, 2019, and prepared by Anton Architecture, Inc., to enlarge their current residence and their reasons for requesting a variance from the side yard setback to allow them to construct the proposed addition to within nine feet two inches of their western property line.

Please be advised that we are satisfied with Mr. & Mrs. Kokal's reasons for requesting the variance and do not oppose their request.

If you have any questions or comments, please advise.

Yours very truly,

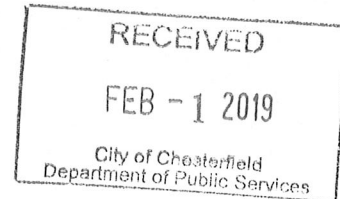
John & Bridget Nations

#8 Baxter Lane

Chesterfield, MO 63017

314-974-9300 (John Mobile)

January 26, 2019



Re: Variance, #10 Baxter Lane

To Whom It May Concern

As a neighbor of Jeff and Erika Kokal (#10 Baxter Lane), I have no problem with and support their request for a 9'-2" side yard setback variance to the western property line of their lot. This variance references the Baxter Lane Subdivision Restrictions dated March 1992, Part II, Item 5 – *"no building shall be erected nearer than ten (10) feet to side lines of any lot"*.

I don't believe it will have an adverse effect on my property or the neighborhood.

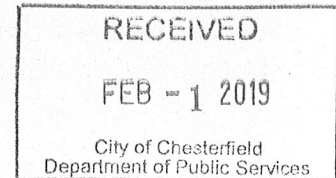
Sincerely,

A handwritten signature in black ink, appearing to read "TK" followed by a flourish.

Tom and Sheri Kaiman

#7 Baxter Lane

January 25, 2019



Re: Variance, #10 Baxter Lane

To Whom It May Concern

As a neighbor of Jeff and Erika Kokal (#10 Baxter Lane), I have no problem with and support their request for a 9'-2" side yard setback variance to the western property line of their lot. This variance references the Baxter Lane Subdivision Restrictions dated March 1992, Part II, Item 5 – *"no building shall be erected nearer than ten (10) feet to side lines of any lot"*.

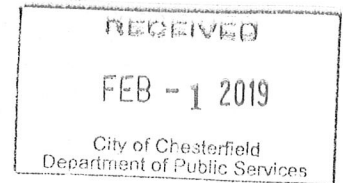
I don't believe it will have an adverse effect on my property or the neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Schlicht".

Sandra Schlicht
#9 Baxter Lane

January 24, 2019



Re: Variance, #10 Baxter Lane

To Whom It May Concern

As a neighbor of Jeff and Erika Kokal (#10 Baxter Lane), I have no problem with and support their request for a 9'-2" side yard setback variance to the western property line of their lot. This variance references the Baxter Lane Subdivision Restrictions dated March 1992, Part II, Item 5 – *"no building shall be erected nearer than ten (10) feet to side lines of any lot"*.

I don't believe it will have an adverse effect on my property or the neighborhood.

Sincerely,

A handwritten signature consisting of two large, overlapping loops followed by a long horizontal stroke.

Chad and Pam Baum
#12 Baxter Lane

1-24-19



City of Chesterfield

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01-23-19 13:13 IN
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OFFICE USE ONLY	
MZA #:	0140-190080
Locator #:	Lot 24 W2
Subdivision:	Baxter Lane

EXHIBIT
tabbles
6g

II. MUNICIPAL ZONING APPROVAL APPLICATION (MZA)

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 Development

RECEIVED
JAN 25 2019
City of Chesterfield
Department of Public Services

Project Address: 10 Baxter Lane **Zip:** 63017

Property Owner Name(s): Jeff and Erika Kokal

Property Owner Address (if different than above): _____

City: Chesterfield **State:** MO **Zip:** 63017

E-mail: jeff.kokal@jacobs.com

Tenant Name (if different than above): _____

Existing Tenant Proposed Tenant

Applicant Name: Jeff and Erika Kokal **Attn:** _____

Applicant Address: 10 Baxter Lane

City: Chesterfield **State:** MO **Zip:** _____

Phone Number: 314-504-1286 **Fax:** _____

E-mail: jeff.kokal@jacobs.com

Description of Work:
Remove original 2-car garage and existing master bedroom addition over crawlspace. Construct new 3-car garage and 2-bedroom addition with full-basement

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.

[Signature] 1/22/19
Signature

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. (Note: Applicant or Tenant applying for Municipal Zoning Approval cannot sign on behalf of the Property Owner.)

PROPERTY OWNER SIGNATURE: [Signature] **DATE:** 1/22/19

APPLICANT SIGNATURE: _____ **DATE:** _____
(If other than Property Owner)



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 FEB - 1 2019
 City of Chesterfield
 Department of Public Services

City of Chesterfield
Municipal Zoning Application

Rejected

MZA_190080

Date: 1/28/2019

Property Address	Subdivision	Lot
10 BAXTER LN	140 BAXTER LANE	24

Locator #	Ward	Date Received	Flood Plain
19S510121	2	1/28/2019	NO

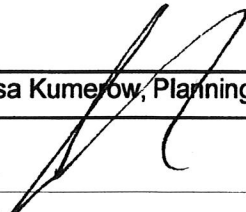
Zoning Class	Type
NU	Addition

Property Owner	Tenant
Jeff & Erika Kokal	

Applicant
Jeff & Erika Kokal

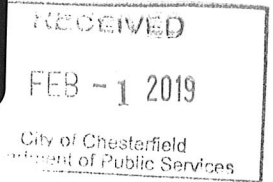
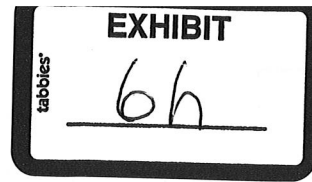
Comments
 1/28/2019 - Complete - KKelley - a copy of the trustee email sent by staff is included with the application. Additional trustee to receive mail notification.
 Note: Property owner, Erika Kokal is also a trustee so notification is not necessary.
 1/28/2019 - Rejected - akumerow -

Status	Rejected	Date	1/28/2019	By	by Annisa Kumerow, Planning Technician
--------	----------	------	-----------	----	--

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, Public Works and Parks at (636) 537-4746.



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1003.105. "NU" Non-Urban District regulations.

1. *Scope of provisions.* This section contains the district regulations of the "NU" Non-Urban District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this appendix which are incorporated as part of this section by reference. The "NU" Non-Urban District of the City of Chesterfield encompasses areas within which rough natural topography, geological conditions, or location in relation to urbanized areas creates practical difficulties in providing and maintaining public roads, and public or private utility services and facilities. The "NU" Non-Urban District also encompasses areas where specific potential development patterns have not been identified or where significant non-urban uses have been established.
2. *Permitted land uses and developments.* The following land uses and developments are permitted in this district:
 - (1) Churches.
 - (2) Commercial vegetable and flower gardening, as well as plant nurseries and greenhouses, but not including any structure used as a salesroom.
 - (3) Dairy farming.
 - (4) Dwelling, single-family.
 - (5) Dwelling, single-family earth sheltered.
 - (6) Farming, including the cultivation and sale of any plant crops and domestic animals.
 - (7) Forests, wildlife reservations, as well as conservation projects.
 - (8) Golf courses, including practice driving tees on the same premises. Miniature golf courses and independent practice driving tees are excluded.
 - (9) Home occupations.
 - (10) Hunting and fishing as well as propagation of wildlife of any kind.
 - (11) Libraries, public or private not-for-profit.
 - (12) Local public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be:
 - (a) Adequately screened with landscaping, fencing, or walls, or any combination thereof;
or

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- (b) Placed underground; or
- (c) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

(13) Mausoleums or crematoriums in an existing cemetery, any other provision of the law notwithstanding, but no such structure shall be situated closer than one hundred (100) feet to any cemetery property line.

(14) Parks, parkways, and playgrounds, public or private not-for-profit.

(15) Schools, public or private kindergarten, elementary, secondary, and collegiate.

- 3. *[Reserved.]*
- 4. *Accessory land uses and developments.* Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:
 - (1) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (2) Individual sewage treatment facilities serving an individual dwelling, farm, or nonresidential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
 - (3) Private stables.
 - (4) Permitted signs (see Section 1003.168 "Sign Regulations").
- 5. *Performance standards.* All uses in the "NU" Non-Urban District shall operate in conformity with the appropriate performance standards contained in Section 1003.163, "Zoning Performance Standard Regulations."
- 6. *Height limitations for structures.* The total height of any structure shall not exceed that permitted in Section 1003.161, "Air Navigation Space Regulations."
- 7. *Lot area and yard requirements.* The minimum lot area and yard requirements for land uses

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 and developments in the "NU" Non-Urban District shall be as set out below:

(1) *Minimum lot area requirements:*

- (a) The following permitted land uses shall be situated on tracts of land providing not less than the following areas:

TABLE INSET:

Use	Minimum Area
Church	3 acres
Dwelling, single-family	3 acres
Dwelling, single-family, earth sheltered	3 acres
Local public utility facilities	10,000 sq. ft.
Mechanical sewage treatment facility	3 acres
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients).

Schools	Minimum area
Nursery or day nursery	1 acre
Kindergarten (separate)	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

- (b) Any lot or tract of record on the effective date of this ordinance, which contains less than three (3) acres, may be used as a site for one (1) single-family dwelling together with customary accessory structures and uses.
- (c) Specialized private schools shall be located on a tract of land containing one (1) acre

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for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in paragraph 7.(1)(a).

- (d) Mechanical sewage treatment facilities may be located on tracts of land less than three (3) acres in area where the facility is located on platted common land within a subdivision. The minimum lot area, however, shall in no case be less than ten thousand (10,000) square feet.
 - (e) *[Reserved.]*
 - (f) All other permitted land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.
- (2) *Creation of new lots.* No new lots shall be created of less than three (3) acres in area except for local public utility facilities. Lots of less than three (3) acres in area, created for the above uses, shall not be used for any other use. 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 three (3) acres, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated with a copy to be filed with the City of Chesterfield.
- (3) *Minimum yard requirements; general.*
- (a) Front yard. No structure shall be allowed within fifty (50) feet of any roadway right-of-way line.
 - (b) Side and rear yard. No structure shall be allowed within twenty (20) feet of any property line other than a roadway right-of-way line.
- (4) *Specific yard requirements and exceptions.*
- (a) Notwithstanding any other provisions of this appendix, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
 - (b) Boundary walls or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
 - (c) Permitted information signs, six (6) feet or less in heights are allowed within the minimum front yard setback.
 - (d) Permitted directional signs, three (3) feet or less in height, are allowed within the

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minimum front yard setback or sight distance triangle.

- (e) A permitted freestanding sign may be located no closer than twenty-five (25) feet from any roadway right-of-way line.
 - (f) Light standards for street lighting 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 of Planning. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non Urban, "PS" Park and Scenic, "AG" Agricultural, or any residential district.
 - (g) In the event that greater than fifty (50) percent 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 from any roadway right-of-way line, nor shall a setback of greater than seventy-five (75) feet be required.
 - (h) If a lot of record existing on the effective date of this ordinance has a width of one hundred (100) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
 - (i) Any nonresidential structure, other than a public utility tower authorized by a conditional use permit, 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.
 - (j) No private stable shall be allowed within one hundred (100) feet of any property line. Affiliated pasture areas shall be fenced.
8. *Off-street parking and loading requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165, "Off-Street Parking and Loading Requirements."
9. Sign regulations. Sign regulations are set forth in Section 1003.168, "Sign Regulations."
- (Ord. No. 520, § 1, 11-19-90; Ord. No. 521, § 1, 11-19-90; Ord. No. 538, § 1, 12-17-90; Ord. No. 574, § 1, 4-15-91; Ord. No. 899, § 1(2), 4-18-94; Ord. No. 1269, § 1, 5-19-97; Ord. No. 1350, §§ 6, 7, 11-17-97; Ord. No. 1524, § 1, 6-21-99)

*Survey 91
w/H = 84*

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of Chesterfield
of Public Services

EXHIBIT
tabbles
6i

**BAXTER LANE
SUBDIVISION
RESTRICTIONS**

Do NOT throw away!!

JMS '92

*** KEEP THIS DOCUMENT IN A SAFE, BUT CONVENIENT PLACE! ***

This is a revised (retyped) copy of the official Baxter Lane subdivision restrictions. These restrictions were updated in June 1989 from the original restrictions of 1954. In November 1990, the Circuit Court of the County of St. Louis affirmed the validity of these restrictions with the following exceptions:

Article II Section 6
Article IV Section 1
Article V Sections 1, 2, 3

In order to eliminate any possible confusion when referring to the original document, we have kept the original numbering system and marked the invalid restrictions "VOID."

In addition, City of Chesterfield ordinances override those of Baxter Lane sub division, so Article IV, Section 8 must comply to a twelve (12) hour time limit on trash curb placement.

This document ends with a compilation of the 3/4 majority of Baxter Lane subdivision homeowners who signed this agreement. If you wish to see the original document, with the actual signatures and the official county seal, please contact one of the Trustees.

This document was retyped from the original by Janet M. Schlag, Trustee of Baxter Lane (Secretary).

March 1992

Saint Louis County Records in the manner and to the extent hereinafter set forth.

NOW THEREFORE, in consideration of the premises and the mutual benefits to be derived by all present and future owners of lots in said Baxter Lane Subdivision and being the owners of more than three-fourths of the lots, tracts and parcels of said Baxter Lane Subdivision the First Parties do hereby modify and amend the Restriction Agreement recorded in Book 3307, Page 282, and previous Amendment to said Amendment recorded in Book 4897, Page 223, and Amendment to said Restriction Agreement recorded in Book 6952, Page 1906 of the Saint Louis County Records as follows:

II. LOT AND HOUSE

1. No lot shall be used except for private single family, owner occupied residence, except with approval by the Board of Trustees.
2. No building shall be erected or placed on any lot other than one single family residence not to exceed two (2) stories in height at the front elevation but may be three (3) stories at the rear elevation. Only two (2) stories are to be visible from the street. Construction is to be of brick or stone and frame, with the front of the building predominantly brick or stone.
3. No residence shall have a heated living area of less than 1500 square feet, exclusive of basement and garage.

4. Must have attached garage for not more than three (3) cars.

5. No building shall be erected nearer than ten (10) feet to side lines of any lot, twenty (20) feet to the rear line, and twenty-five (25) feet from the front street easement line. (Right of way)

6. VOID

7. All plans for buildings to be erected in the subdivision must be approved and endorsed by the Trustees.

III.

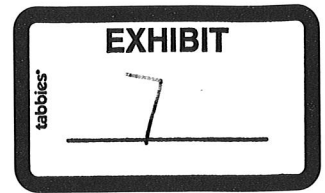
TRUSTEES AND ASSESSMENTS

1. There shall be three (3) Trustees. One Trustee is to be elected every year by a majority of all lot owners. Each Trustee will serve a term of three (3) years, but no more than two (2) consecutive three (3) year terms.

2. An annual meeting of all lot owners shall be held during the month of June.

3. The Trustees shall be empowered:

To levy a regular annual assessment in an amount not to exceed \$200.00 per lot for expenses associated with maintenance and repair of streets and curbs, front entrance brick work, shrubs, lights, liability insurance for Baxter Lane Property Owners, and any other expenses deemed necessary by the Second Parties (Trustees) which are for the benefit of Baxter Lane Property Owners. The



Board of Adjustment
City of Chesterfield, Missouri

In Re:)
Jeff and Erika Kokal)
10 Baxter Lane)
Chesterfield, MO 63017)
)
)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 02-2019)
FOR THE PROPERTY LOCATED AT 10 BAXTER LANE.

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. 02-2019) submitted on behalf of Jeff and Erika Kokal:

FINDINGS OF FACT

1. That on February 1, 2019, Jeff and Erika Kokal (the "Applicants"), submitted a request for Variance (B.A. 02-2019) approval that would allow an addition to their existing residence to be constructed within the required twenty foot (20') side set back area from their western property line, per the "NU" Non-Urban District regulations, on their property within the "NU" Non-Urban District located at 10 Baxter Lane, Chesterfield, MO. Said Variance request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on February 1, 2019, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
3. That on March 1, 2019 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., March 7, 2019, 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 the construction of a residential addition to be within the required 20' western side setback area per the "NU" Non-Urban District regulations, on their property located within the "NU" Non-Urban District located at 10 Baxter Lane, Chesterfield, MO.

4. That on March 1, 2019 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 10 Baxter Lane informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on March 7, 2019 to consider Applicant's request for a variance.
5. That on March 1, 2019 a notification was mailed by certified U.S. Mail to all subdivision trustees of the Baxter Lane and Baxter Oaks subdivisions, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on March 7, 2019 to consider Applicant's request for a variance.
6. That on March 1, 2019 the Public Hearing Notice for the March 7, 2019 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.
7. That on March 7, 2019 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.
8. That on March 7, 2019 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 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 March 7, 2019 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,

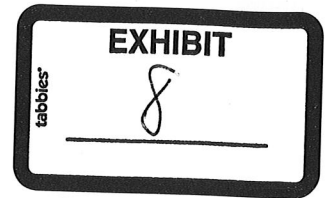
4. That literal interpretations of the provisions of the applicable chapter of City Code would not deprive the Applicant of rights commonly enjoyed by other properties; and,
5. That the special conditions of the Applicant are a direct result of the actions of the Applicant; and,
6. That granting the 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:

Kathy Reiter
Executive Assistant to the Director of Planning and Development Services



Board of Adjustment
City of Chesterfield, Missouri

In Re:)
Jeff and Erika Kokal)
10 Baxter Lane)
Chesterfield, MO 63017)
)
)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 02-2019)
FOR THE PROPERTY LOCATED AT 10 BAXTER LANE.

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. 02-2019) submitted on behalf of Jeff and Erika Kokal:

FINDINGS OF FACT

1. That on February 1, 2019, Jeff and Erika Kokal (the "Applicants"), submitted a request for Variance (B.A. 02-2019) approval that would allow an addition to their existing residence to be constructed within the required twenty foot (20') side set back area from their western property line, per the "NU" Non-Urban District regulations, on their property within the "NU" Non-Urban District located at 10 Baxter Lane, Chesterfield, MO. Said Variance request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on February 1, 2019, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
3. That on March 1, 2019 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., March 7, 2019, 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 the construction of a residential addition to be within the required 20' western side setback area per the "NU" Non-Urban District regulations, on their property located within the "NU" Non-Urban District located at 10 Baxter Lane, Chesterfield, MO.

4. That on March 1, 2019 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 10 Baxter Lane informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on March 7, 2019 to consider Applicant's request for a variance.
5. That on March 1, 2019 a notification was mailed by certified U.S. Mail to all subdivision trustees of the Baxter Lane and Baxter Oaks subdivisions, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on March 7, 2019 to consider Applicant's request for a variance.
6. That on March 1, 2019 the Public Hearing Notice for the March 7, 2019 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.
7. That on March 7, 2019 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.
8. That on March 7, 2019 the Board of Adjustment voted __ to __ to approve the Applicant's request for a variance. The motion received the required statutory majority to approve the variance, pursuant 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 March 7, 2019 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 and Development Services