



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

Request: Area Variance

Meeting Date: May 6, 2010

From: Aimee E. Nassif, AICP
Planning and Development Services Director

Location: 16145 Walden Pond

Applicant: Robert and Patricia Rice

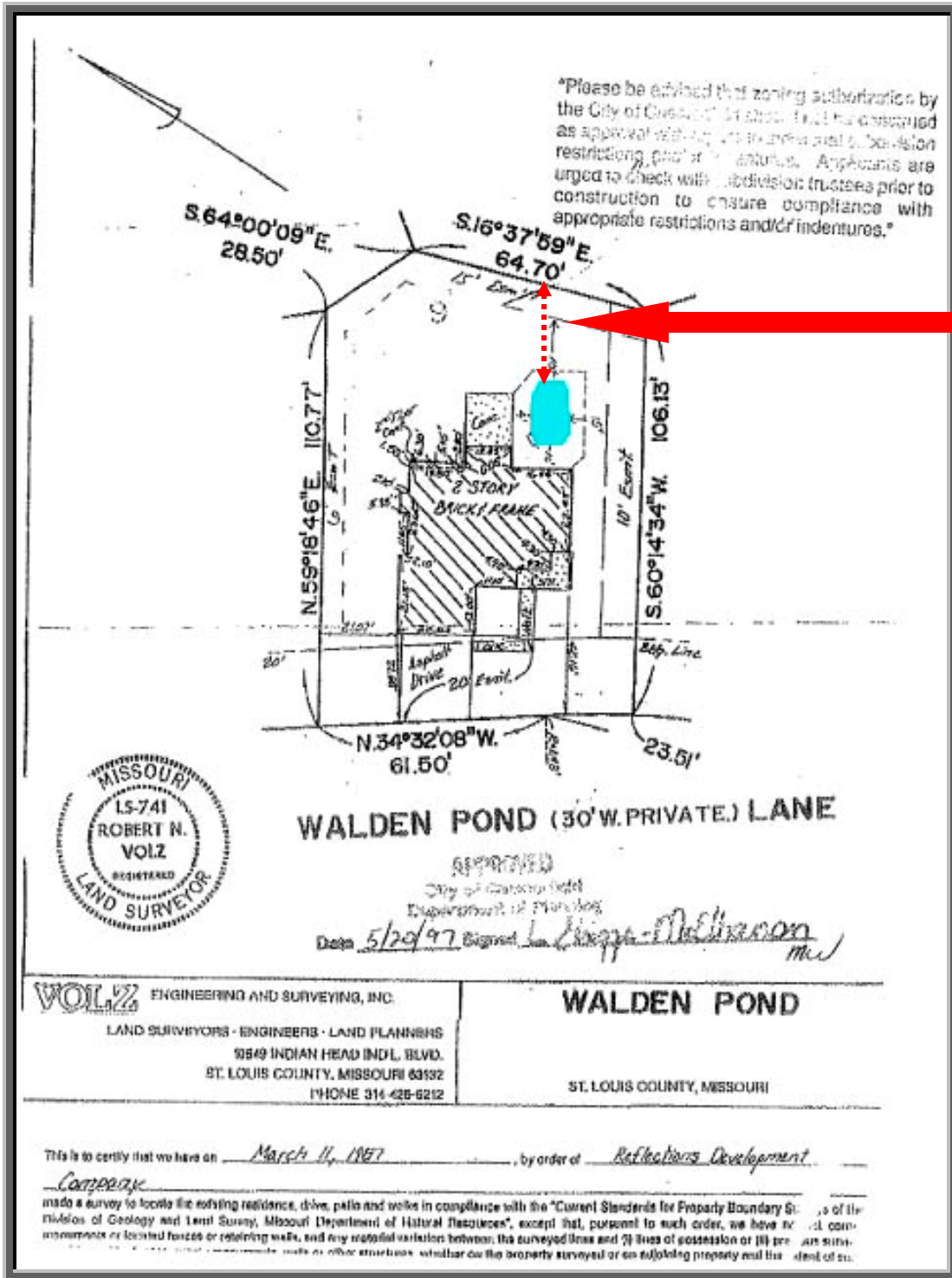
Petition: **B.A. 01-2010 16145 Walden Pond Lane (Robert and Patricia Rice):** A request for a variance from Section 3(d) of St. Louis County Ordinance 12,914 to permit an existing residence in Walden Pond Subdivision to maintain a three (3) foot rear yard setback in lieu of the required fifteen (15) foot rear yard setback requirement. (20T630929)



Background Information

Robert and Patricia Rice are the owners of a single family residence at 16145 Walden Pond Lane in the Walden Pond Subdivision. Walden Pond Subdivision was zoned "R1A" and "R2" by St. Louis County in 1985 under the terms and conditions of St. Louis County Ordinance 12,346. In 1986, St. Louis County amended Ordinance 12,346 and replaced its conditions for development with Ordinance 12,914. This Ordinance established a fifteen (15) foot yard rear setback requirement for all residential structures.

In 1997 the Rices submitted a municipal zoning application for the construction of a swimming pool. This application was approved based upon the plot plan, which showed the location of the proposed swimming pool to be approximately thirty (30) feet from the rear property line. The City of Chesterfield contracts with St. Louis County for the issuance of building permits. Therefore, after approval of the municipal zoning application was granted by the City, the Rice's contractor provided a copy of the approval to St. Louis County for a building permit and inspection. A copy of the plot plan, which was submitted in conjunction with the municipal zoning application and building permit, is provided on the next page.



30
Feet

Recently, the Rices purchased a portion of the common ground, which abuts the rear of their property. After said purchase, a boundary adjustment plat was submitted to the City. Upon review of the plat, it was discovered that the pool was not built in accordance with the approved municipal zoning application. After an inspection was conducted by the City, it was confirmed that the swimming pool is encroaching in the rear yard setback.

Petitioner's Request

The Rices are requesting an area variance to abate the current code violation regarding the location of the swimming pool. Specifically, the Rices are seeking to maintain a three (3) foot setback in lieu of the fifteen (15) foot requirement.

While the Rices are seeking to maintain a three (3) foot setback, it should be noted that they now own a 420 square foot area of common ground which directly abuts their residential lot.

If measurement is taken from the edge of water of the swimming pool to the property line of the former common ground now owned by the Rices, the swimming pool is fourteen (14) feet from the current property line.





Approval Criteria

1. In order to grant a variance, there must be proof that the applicant did not bring the burden upon himself through some action, but instead had the burden imposed on him.
2. 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).
3. The burden of proving the elements is on the applicant.
4. 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.
5. Section 2-216 of the City of Chesterfield Municipal code states that the Board of Adjustment shall have the following powers:

"To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical

difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided that such variance will not seriously affect any adjoining property or the general welfare of the public.”

Action

Staff requests action by the Board of Adjustment on the area variance request as submitted in B.A. 01-2010 16145 Walden Pond Lane.

Respectfully submitted,

Aimee E. Nassif, AICP
Planning and Development Services Director

Exhibits:

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Application
 - i. Application to Board of Adjustment
 - ii. Rejected Application
6. City of Chesterfield Zoning Ordinance Section 2003.105 (with .7(3)(a) highlighted)



NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD BOARD OF ADJUSTMENT

NOTICE IS HERBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, May 6, 2010 at 7:00 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. 01-2010 16145 Walden Pond Lane (Robert and Patricia Rice): A request for a variance from Section 3(d) of St. Louis County Ordinance 12,914 to permit an existing residence in Walden Pond Subdivision to maintain a three (3) foot rear yard setback in lieu of the required fifteen (15) foot rear yard setback requirement. (20T630929)



Information on this Public Hearing may be found on the City's website at <http://www.chesterfield.mo.us/public-notice.html> or by contacting Planning and Development Services Director Aimee Nassif 636-537-4749 or via e-mail at anassif@chesterfield.mo.us. All interested parties will be given an opportunity to be heard at the Public Hearing.



City of Chesterfield

DEPARTMENT OF PLANNING AND PUBLIC WORKS

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

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

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

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

STATE OF MISSOURI) **BOA NUMBER** _____
) **HEARING DATE** _____
 CITY OF CHESTERFIELD)

Petition for Appeal from Zoning Regulations

I. APPLICANT INFORMATION

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

Record: Robert D. and Patricia T. Rice
 Address: 16145 Walden Pond Lane
 City: Chesterfield State: MO Zip: 63005
 Tel.: 636-537-2596 Fax: _____
314-280-6121 cell

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.)

II. PROPERTY INFORMATION

Project Address: 16145 Walden Pond Lane, Chesterfield, MO 63005

Locator Number(s): 20T630929 (Lot 9)

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

Acreage: .228 (To the nearest tenth of an acre)

Subdivision Name (If applicable): Walden Pond

Current Zoning District: R1A, R2 (PEU)

Legal Description of Property: "Urban Property" 1) Legal Description - BK. 8092 PG. 474 2) Record Plat - BK 249 PG. 44

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.): Small relatively flat front yard with sloped side yards to back accommodates walk out basement. Sloped backyard with steeper grade at rear to common ground.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement: Bring in to compliance 15' pool set back of existing structure to current property line. Note lot owner purchased additional common ground resulting in a 53' short fall.

(Attach additional sheets as necessary)

Ordinance Number and section to which a variance is sought: 12914

12346 Section 2, Setbacks - Section 1003.117 "R-4" Section 1003.113 "R-2"

(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 [X] No

Note: This variance is for an existing structure

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

Conditions leading to the current situation are as follows:

- 1) Fence erected by Chesterfield Fence Company in 1992 was found in 2007 to be placed up to 17' beyond the current rear property boundary line.
- 2) The pool company, Wilson Pools applied for a St. Louis County building permit in 1997.
- 3) The pool contractor sketched on the existing plat the pool, its size and its location save for the pool was not to scale seemingly giving a sense that it would fit within the setback requirements.
- 4) Zoning approval for the permit application was granted in May of 1997 with final approval of the construction late in the summer of 1997.
- 5) In 2007 the trustees of Walden Pond questioned the actual location of the rear fence and subsequently the pool setback to the current rear property boundary line.
- 6) A survey was conducted in 2007 and the results revealed the fence encroached into the common ground by as much as 17'.
- 7) An appraisal of the encroached property was performed in the summer of 2008, a purchase price was negotiated and all 32 homeowners approved the sale of the common ground to the Rice Family in December 2008.
- 8) The trustees applied for the boundary adjustment through The City of Chesterfield in July, 2009.
- 9) The subject property was purchased by the Rice family and the Deed was recorded in St. Louis County in October 2009.
- 10) The City of Chesterfield identified a setback violation of the pool to the current rear property boundary line, when presented with the survey and subsequently issued a violation to the Rice Family in January 2010.
- 11) The Rice's sought out two bids to move the pool wall in approximately 6" to bring the setback violation into compliance. One contractor "no bid" the job and the second contractor quoted a price of \$14,700. 00 to bring the pool wall into compliance.
- 12) Negotiations with the trustees on purchasing additional common ground property proved unsuccessful as a subdivision owned park bench which was permanently moored in concrete just to the other side of the rear fence could be on the Rice revised property. Yet more importantly the additional fees (survey, appraisal, property transfer costs, notary, legal, recording, etc. and purchase) already incurred to purchase the current 17' would be levied once again totaling between 4 and 6 thousand dollars.

Unfortunately, we relied heavily on two contractors to install structures (fence and pool) to the survey plat plan and all zoning requirements. We naively believed these contractors followed the processes that kept our structures in compliance and in fact we thought we were in compliance for over 15 years with the fence and 10 years with the pool. We were so inexperienced that we never reviewed the sketch to identify the scale discrepancy the pool contractor made on our lot plat plan that was evidently submitted with the Zoning Approval for Permit Application. The topography of the pool as it was drawn on the plat plan was clearly not to scale in relationship the balance of the structures depicted, yet it

could be seen that the pool size of 16' x 32' was clearly documented within the pool sketch. Nevertheless, in all probability it made difficult for the approving official to identify the not-so obvious contrasting scales.

As the homeowners of Lot 9 we have committed virtually \$12,000.00 to remedy the current boundary issue only to still find that we are short .53'. We have sought all options available to us to remediate the 15' setback issue by first working with the trustees only to agree the costs would be prohibitive thus we never actually could come to anything realistic to negotiate from. We sought after bids to move the pool wall and this too was not a cost effective alternative. Short of actually tearing out the pool, a radical option that even if chosen would also cost several thousand dollars, it became clear the only logical and appropriate way to resolve the setback issue is to apply for and be granted a variance. If approved this would allow for the pool structure to remain in place at its current location with the 2.98' setback to the current property boundary line and then make available for the board of boundary adjustments to be presented with the boundary adjustment application, which if approved would then leave the pool setback .53' short of the required 15' from the adjusted property boundary line.

Given the fact that with the additional common ground property that has already been purchased and recorded in the St. Louis County Recorder of Deeds, it can be said that the end state .53' shortfall setback condition, with all due respect of the city council after considering all that has transpired with this project, be a reasonable and thus acceptable condition to approve.

Description of the effect or impact on neighboring properties:

• NONE ON LOTS 8, 10 and 11.
• Current boundary setback condition of 2.98' from pool wall has been lengthened to 14.47' with the recent homeowners approval and purchase by Lot 9 owners of common ground.
No other effect or impact on common ground.

(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:	<u>N/A</u>	<u>20 feet of roadway line</u>
Side Yard:	<u>N/A</u>	<u>6 Feet of side property line</u>
Rear Yard:	<u>2.98' (END STATE 14.47')</u>	<u>15 feet of rear property line</u>
Height:	<u>N/A</u>	<u>6 Feet or less For Wall/Fence</u>

Provide the following:

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

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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. Twenty-five (25) copies of the following for inclusion in the packet:
 - A site plan showing:
 - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
 - The location of proposed signs.
 - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business)
 - A detail sign plan indicating:
 - Dimension of signs with detail sign lettering layout.
 - Total square feet of signs. If attached, what percent of wall.
 - Light detail, if any.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

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This Page Not Applicable

IV. COMPLIANCE

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

Yes No. If no, please explain: Please see statement on page 3 of 10. Otherwise property is in compliance with all previous conditions of approval of all applicable Ordinance requirements.

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

Yes No. If no, please explain: Please see statement on page 3 of 10. Otherwise property is in compliance with all Zoning, Subdivision, and Code requirements.

[THIS SPACE INTENTIONALLY LEFT BLANK]

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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)

(Name- type, stamp or print clearly) (Signature)

(Name of Firm) (Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

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

Signed _____ Print Name: _____
Notary Public

Seal/Stamp:

My Commission Expires: _____

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This Page NOT Applicable

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

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

STATE OF MISSOURI, CITY OF CHESTERFIELD

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

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

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

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

Director of Finance
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

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STAFF / BOA USE ONLY

Intake Date: _____

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

Signed: _____

Chairman

[THIS PAGE FOR INTERNAL USE]

Imperial Pools of St. Louis
4115 County Rd 1
Courtois MO 65565-8833
Robert & Cynthia Chase
1-800-766-5864

Fax 573.244.3132

www.800poolstogo.com/poolguys@misn.com

05 April 2010

Mr. & Mrs. Bob Rice
16145 Walden Pond Lane
Chesterfield MO 63005



Attention: The Rice Family, City of Chesterfield; Boundary Adjustment Committee

In ground pool located at the above address is shown by Robert J. Harrison, in a 2007 land survey, the adjusted property line & pool as being 6" too close in proximity to the owners property line. Upon inspection we found one "iron pipe" property marker, which was a wedge of wood and orange flag. The other property markers mentioned in the survey could not be located on the street or the back yard. That may lead a person trying to negotiate where the actual lines for the property to wonder exactly how much the property line can be moved to be in accordance with St. Louis County building codes which state being 15' off the back property line to the waters edge.

Imperial Pools did several measurements from the pool waters edge to adjusted property line; some measurements were 14'6" other places were 14'8" leaving a +/- 4" variance. Working with any type of exact measurements in the Rice's backyard would have been a difficult survey. Even though the survey was completed in July 2007 the landscaping would have been in full bloom, causing the survey team to move location markings a few inches here or there to come up with exact 0.23 acres including the extra property purchased by the Rice's to comply with the St. Louis County boundary ordinances. If the surveyor had been exact with the measurements, the Rice family would have purchased the extra 6" needed to be in compliance. As mentioned above, the +/- measurements can be evaluated as +/- 6".

The subdivision trustee lives in an area that if sitting on his deck visually exposes him to the Rice's backyard. With a granted variance, concrete & new liner, it will be an appealing backyard. The cost of rental equipment, construction debris, breaking up +/- 150 sq. ft. concrete, new coping, new liner, re-pouring Kool-Deck (surface additive and color to keep deck cool) & installation of new fence is a burden no one should have to incur over +/- 6". Imperial Pools of St. Louis believes that if everyone in the subdivision were to have a new survey done there would be something wrong with the original building sites. Since this subdivision was built before "building lines" inside the property lines came into effect many property owners in this subdivision may have built items that may be over the current "building lines" that have not been singled out to make drastic changes and expense that the Rice family has had to incur over the past 3 years. He purchased the required land to have the waters edge of the pool be 15' from the property line, the variance survey shows the waters edge +/- 14.47' from the fence, stopped the leak in the pool, moved the fence, done everything possible to bring the backyard into code. Concerning the prior pool leak, upon questioning Mr. Rice I found that the pool leaked approximately 1.5" to 2" per week. Sun, wind, playing in the pool will cause the pool to have 0.5" of natural water evaporation per week. The amount of water that Mr. Rice said that leaked from the pool would not cause an erosion problem. Remember this amount of water goes to the path of least resistant, this leak was filtered down by the versa-lock wall and slowly dripped for approximately one season. Not enough water to cause any erosion problem. Working with slopes, water, grading adjustments, in ground pools in general and how water flows, for 30 years, if there is an erosion problem in the Rice's backyard it has been over past two years of increase storms & increased amounts of rainfall. All the back yards gently slope to the pond. Some yards more than others may have had an erosion problem. One yard to the right of the Rice's home had erosion control done by the sub-division; installation of a gravel bar.

Imperial Pools of St. Louis
4115 County Rd 1
Courtois MO 65565-8833
Robert & Cynthia Chase
1-800-766-5864

Fax 573.244.3132

www.800poolstogo.com/poolguys@misn.com

05 April 2010



Mr. & Mrs. Bob Rice
16145 Walden Pond Lane
Chesterfield MO 63005

Attention: The Rice Family, City of Chesterfield; Boundary Adjustment Committee
page 2

To make the Rice family accrue another unnecessary expense, to shorten the pool by $\pm 6"$, to appease one person on unfounded reasoning of erosion of land into the pond, is a burden no one should have to endure. Please grant the $\pm 6"$ variance to the Rice family so we can precede with our work. If the variance is not granted the Rice's backyard will be under construction at least an extra two to three extra weeks creating debris, more dust, possible rain delays & noise for families in the subdivision. Also a gentle reminder, that this process impedes commerce which in everyone's current economic situation is not always a good decision.

Thank you for your time and cooperation in this matter. If you have questions, please do not hesitate to call.

A handwritten signature in black ink that reads "Cynthia A. Chase". The signature is written in a cursive, flowing style.

Cynthia A. Chase-Partner 1981

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Courtois MO 65565-8833
Robert & Cynthia Chase
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www.800pooltogo.com/poolguys@misn.com
05 April 2010



16 x 31'4" Pool Renovation

Change in ground Grecian pool to 31'4" in length. Original pool wall will be left in place and a concrete foundation wall will be poured monolithically to include the existing concrete collar. We will drill into the existing collar and place rebar to tie in the new wall. The Grecian corners will be changed to either 6" radius or 2' radius for easier installation. The old light fixture will be removed, leaving the nich in place and will be sealed off. The switch for the light will have a waterproof blank cover installed. Will include new Hydra liner, 20 mil, pattern of homeowners choice, change deep end floor to 6' depth, replace necessary bull nose coping, break up current necessary concrete decking at deep end only, remove and disposal of old liner, PoolKrete and decking, pour new floor of pool with PoolKrete per spec's, installation of two anti-vortex bottom drains, new plumbing for drains, pour new concrete decking with KoolDeck and approximate a color match with existing deck work, installation of new liner, gaskets, faceplates, rental of equipment, and finish work with in a diligent amount of time not to include weather delays and other work already in process or contracted to do during time of renovation. Difficult renovation because of the slope and inadequate access to pool area, every process must be delivered to back yard by Dingho (small excavator bucket), wheel barrel or by hand.

ESTIMATE

20 Mil Hydra Liner-Pattern of choice
Jackhammer rental 1-2 days
Rental of Dingho-1-2 weeks
Dump Truck and haul fee's
Gravel and haul fee's
PoolKrete for floor of pool
Main Drains

New Hydra Polymer wall panels
New Hydra Polymer 6" or 2' radius corner (2)
Foundation concrete collar
Rebar
Waterproof blank cover for switch for light

Plumbing
New KoolDeck finish Decking w/ approximate color match to existing KoolDeck-beige
Bull nose Coping

\$8700.00 Materials

\$6000.00 Labor

\$14,700.00 Labor and Materials



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Tuesday, January 19, 2010

Robert and Patricia Rice
16145 Walden Pond Ln
Chesterfield, MO 63005

RE: Swimming Pool Location at 16145 Walden Pond Ln. Chesterfield, MO 63130

Dear Mr. & Mrs. Rice,

The City of Chesterfield is in receipt of a boundary adjustment plat for the above referenced address. That plat shows that the swimming pool is located less than fifteen (15) feet from the current rear property line. Please be advised that the rear yard setback requirement is fifteen (15) feet for your subdivision. Failure to correct this problem will result in additional action by the City.

If you have any additional questions or concerns please call me at (636) 537-4739.

Sincerely,

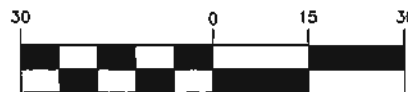
A handwritten signature in cursive script, appearing to read 'Derrick Redhead', is written over the printed name.

Derrick Redhead
Code Enforcement Inspector

CC: Mike Geisel, Director of Planning and Public Works
Aimce Nassif, Planning and Development Services Director
Matt Dooley, Compliance Supervisor
Charlie Campo, Project Planner

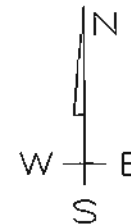
BOUNDARY SURVEY LOT 9, WALDEN POND, ST. LOUIS COUNTY, MISSOURI

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

NORTH PER RECORD PLAT



"URBAN PROPERTY"

REFERENCES:

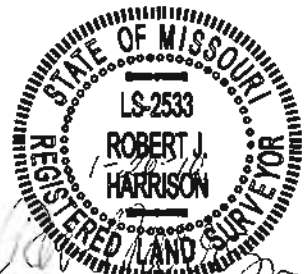
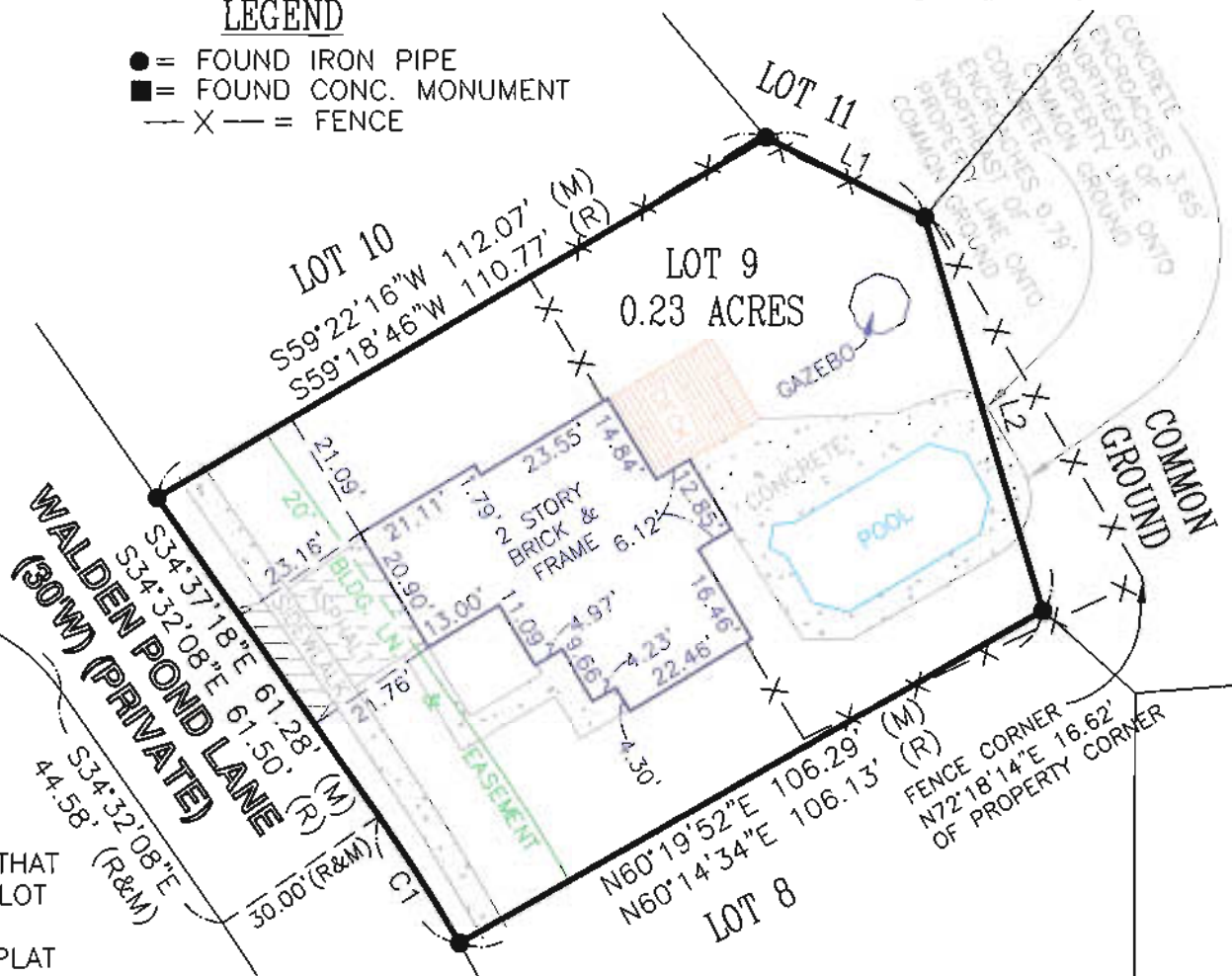
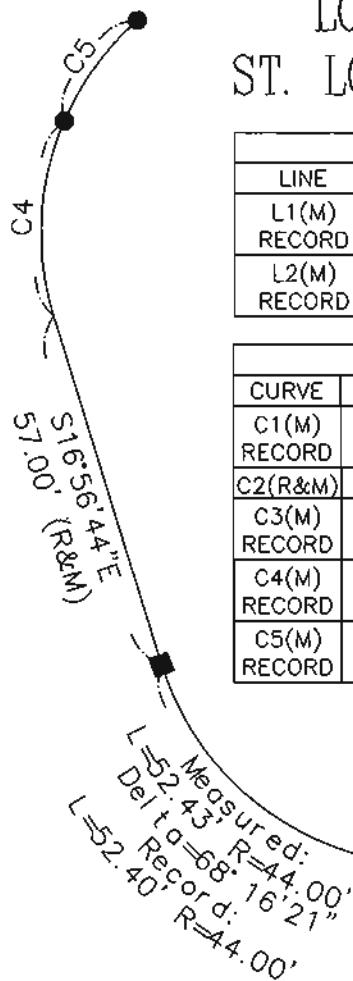
- 1) LEGAL DESCRIPTION
BK. 8092 PG. 474
- 2) RECORD PLAT
BK. 249 PG. 44

LEGEND

- = FOUND IRON PIPE
- = FOUND CONC. MONUMENT
- X — = FENCE

LINE TABLE		
LINE	LENGTH	BEARING
L1(M)	27.96'	N63°09'08"W
RECORD	28.50'	N64°00'09"W
L2(M)	65.09'	N16°30'19"W
RECORD	64.70'	N16°37'59"W

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1(M)	23.81'	248.00'	05°30'02"
RECORD	23.51'	248.00'	
C2(R&M)	40.29'	30.00'	76°56'54"
C3(M)	20.17'	55.00'	21°00'58"
RECORD	30.20'	55.00'	
C4(M)	31.26'	44.00'	40°42'41"
RECORD	31.01'	44.00'	
C5(M)	19.64'	44.00'	25°34'43"
RECORD	19.66'	44.00'	



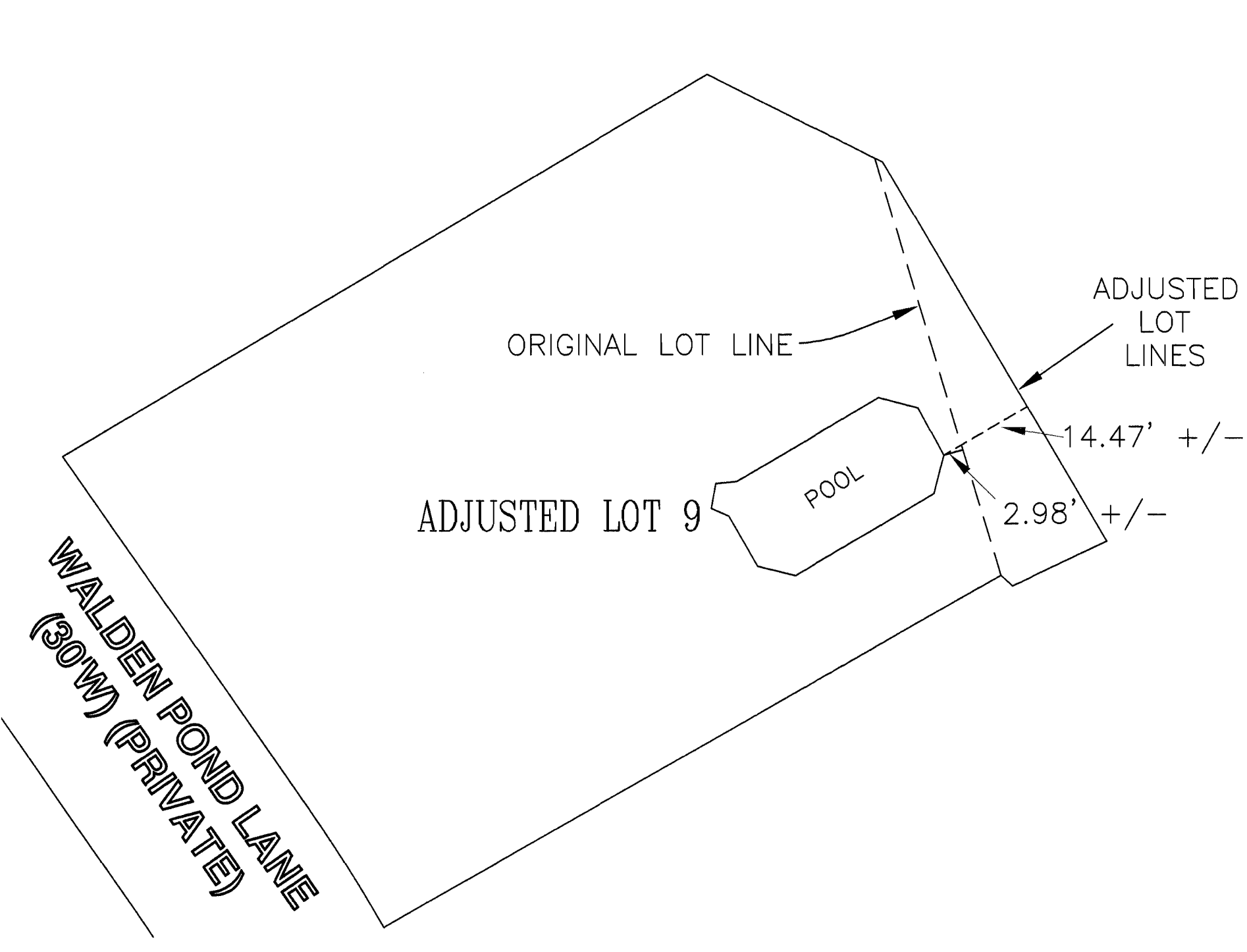
THIS IS TO CERTIFY THAT WE HAVE SURVEYED LOT 9 OF WALDEN POND, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 249 PAGE 44 OF THE ST. LOUIS COUNTY RECORDS.

ROBERT J. HARRISON - RLS 2533

THIS PROPERTY HAS BEEN SURVEYED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS ADOPTED BY THE MISSOURI BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS.

REV BY: RJH
DRAWN BY: KRJ
DWG: WALDENP2

HARRISON & ASSOCIATES, P.C. 20A WOODMERE POINT COURT ST. CHARLES, MO 63303 TEL: (636) 939 - 4600 FAX: (636) 442 - 4842	SURVEY FOR: WALDEN POND TRUSTEES 16145 WALDEN POND LN CHESTERFIELD, MO 63005 JULY 27, 2007
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ORIGINAL LOT LINE

ADJUSTED
LOT
LINES

14.47' +/-

ADJUSTED LOT 9

POOL

2.98' +/-

WALDEN POND LANE
(30'W) (PRIVATE)

MUNICIPAL ZONING APPROVAL FOR PERMIT APPLICATION

TO: DEPARTMENT OF PUBLIC WORKS SUBDIVISION Walden Pond
DIVISION OF CODE ENFORCEMENT
ST. LOUIS COUNTY GOVERNMENT CENTER
41 SOUTH CENTRAL
CLAYTON, MISSOURI 63105

FROM: CITY OF CHESTERFIELD

PROJECT ADDRESS: 16145 Walden Pond Lane Lot 9

TENANT NAME: Bob Rice

DESCRIPTION OF WORK: Inground Pool

OWNER NAME & ADDRESS: Bob Rice / 16145 Walden Pond Ln / Chesterfield, MO

APPLICANT NAME & ADDRESS: Wilson's Pools Plus, Inc.
102 S. Vine / O'Fallon, IL 62269

PHONE NUMBER: 421-1301 ATTN: DOUG LARGEN

(NOTE: APPLICANT FILL OUT ABOVE.)

ZONING APPROVAL

MUNICIPAL ZONING CLASSIFICATION: RIA/R2 (PEU)

APPROVED BY: Laura Siggis McElhann DATE: 5/19/97

TITLE: Assistant Director of Planning

EXTERIOR FIRE PROTECTION

APPROVED BY: _____ DATE: _____

TITLE: _____

FIRE PROTECTION PROVIDED BY: _____

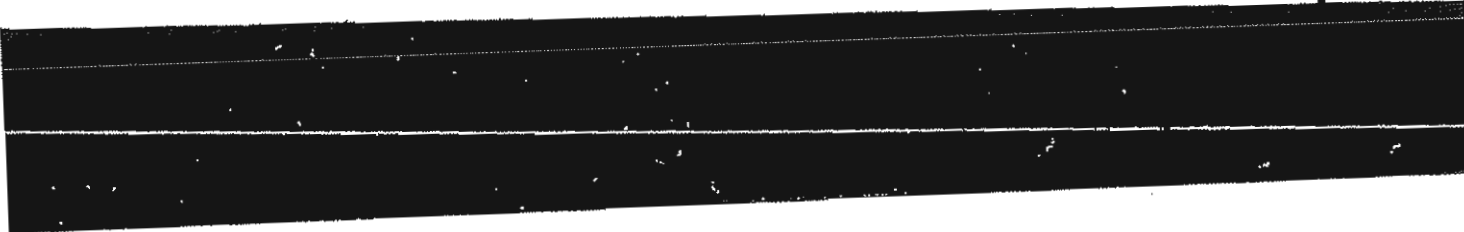
NOTE: APPLICANTS FOR BUILDING PERMITS MUST SUBMIT THIS FORM WITH A COPY OF THE SITE PLAN APPROVED, SIGNED AND DATED BY THE MUNICIPAL OFFICIAL AT THE TIME THE BUILDING PERMIT APPLICATION IS SUBMITTED TO ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS.

ST. LOUIS COUNTY PERMIT APPLICATION NUMBER: _____

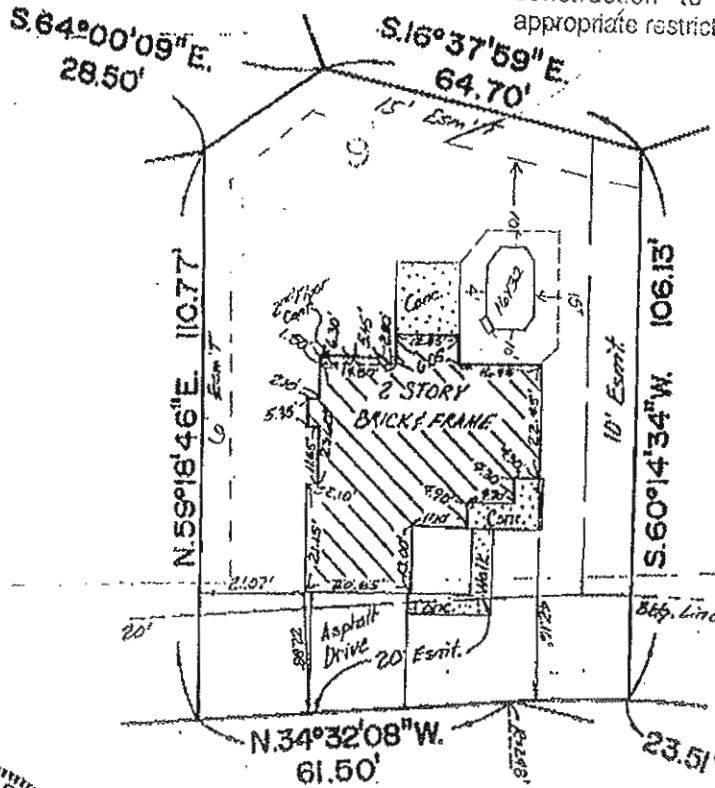
ST. LOUIS COUNTY GOVERNMENT CENTER

VO

This is a made a digital image



"Please be advised that zoning authorization by the City of Creve Coeur, Missouri, shall be construed as approval with no individual subdivision restrictions and/or covenants. Applicants are urged to check with subdivision trustees prior to construction to ensure compliance with appropriate restrictions and/or indentures."



WALDEN POND (30' W. PRIVATE) LANE

APPROVED
 City of Creve Coeur
 Department of Planning

Date 5/20/97 Signed L. Higgins-McMahon

VOILZ ENGINEERING AND SURVEYING, INC.
 LAND SURVEYORS · ENGINEERS · LAND PLANNERS
 10849 INDIAN HEAD IND'L. BLVD.
 ST. LOUIS COUNTY, MISSOURI 63132
 PHONE 314-428-6212

WALDEN POND
 ST. LOUIS COUNTY, MISSOURI

This is to certify that we have on March 11, 1987, by order of Reflections Development Company

made a survey to locate the existing residence, drive, patio and walks in compliance with the "Current Standards for Property Boundary Surveys of the Division of Geology and Land Survey, Missouri Department of Natural Resources", except that, pursuant to such order, we have not set corner monuments or located fences or retaining walls, and any material variation between the surveyed lines and (1) lines of possession or (2) previous surveys shall be noted on the plat and shall not constitute a warranty or other structure, whether on the property surveyed or on adjoining property and the extent of such

March 28, 2010

RE: City of Chesterfield Pool to Boundary Setback Issue – Letter Dated January 19, 2010

Enclosure: City of Chesterfield Setback Letter dated January 19, 2010, 16145 Walden Pond Lane (Lot. 9)
current condition Survey & Adjusted Lot 9 Plot Plan

Dear City of Chesterfield Officials,

I am writing you today to share my awareness of the Rice Family efforts to utilize the City of Chesterfield variance procedures to resolve their pool to boundary setback issue with the city. While it is my understanding that the Rice Family has worked with the trustees and homeowners of Walden Pond Subdivision to resolve the fence encroachment of the common ground and I have agreed with this settlement, I understand there is a setback issue that has arisen which should be resolved by means of the City of Chesterfield Variance Application process. This resolution process does not include the relinquishment of additional common ground or any other Walden Pond lot owner property as it simply provides a variance approval granted from the city to allow the pool edge closest to the boundary to be less than the required 15 feet setback. I understand once this approval is given by the city the adjusted boundary will then be approved and recorded with the closest point to the adjusted boundary being less than 1 foot from the required 15 feet setback requirement. While it is my understanding that my fellow trustees are opposed to providing the Rice family a similar acknowledgement letter that provides their OK to the Rice Family efforts to resolve their pool to boundary setback issue via the City of Chesterfield Variance Application process, I hereby state that I agree with the Rice Family approach to resolve this issue by means of the City of Chesterfield Variance Application process.

Sincerely,



Marty Girsburg

Trustee Walden Pond Subdivision

2033 Whitman Court

Chesterfield, MO 63005

March 28, 2010

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Enclosure: City of Chesterfield Setback Letter dated January 19, 2010, 16145 Walden Pond Lane (Lot. 9)
current condition Survey & Adjusted Lot 9 Plot Plan

Dear City of Chesterfield Officials,

As a Walden Pond Subdivision property lot owner adjoining the Rice Family owned property lot, we are writing you today to share our awareness of the Rice Family efforts to utilize the City of Chesterfield variance procedures to resolve their pool to boundary setback issue with the city. While it is our understanding that the Rice Family has worked with the trustees and homeowners of Walden Pond Subdivision to resolve the fence encroachment of the common ground and we have agreed with this settlement, we understand there is a setback issue that has arisen which should be resolved by means of the City of Chesterfield Variance Application process. This resolution process does not include the relinquishment of additional common ground or any other Walden Pond lot owner property as it simply provides a variance approval granted from the city to allow the pool edge closest to the boundary to be less than the required 15 feet setback. We understand once this approval is given by the city the adjusted boundary will then be approved and recorded with the closest point to the adjusted boundary being less than 1 foot from the required 15 feet setback requirement. Therefore, we agree with the Rice Family approach to resolve this issue by means of the City of Chesterfield Variance Application process.



Sincerely,

Young and Bok Song

Walden Pond Subdivision

16317 Walden Pond Lane

Chesterfield, MO 63005

March 28, 2010

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Sincerely,

Xiao Han and Jing Zhang

Walden Pond Subdivision

1924 Sandburg Court

Chesterfield, MO 63005







