

**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, June 15, 2017 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. 01-2017 13 Chesterfield Lakes Rd (David and Rebecca Carpenter): A request for a variance from the City of Chesterfield Unified Development Code for Lot 7 of Chesterfield Lakes to maintain a front yard setback of 35 feet in lieu of the 50 foot setback requirement for a tract of land zoned "NU" Non-Urban district. (19T530085)



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, Senior Planner by telephone at 636-537-4741 or by email at jhenry@chesterfield.mo.us.

City of Chesterfield

Jessica Henry, AICP
Senior 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: June 15, 2017

From: Jessica Henry, AICP
Senior Planner

Location: 13 Chesterfield Lakes Road

Applicant: David and Rebecca Carpenter

Description: **B.A. 01-2017 13 Chesterfield Lakes Rd (David and Rebecca Carpenter)**: A request for a variance from the City of Chesterfield Unified Development Code for Lot 7 of Chesterfield Lakes to maintain a front yard setback of 35 feet in lieu of the 50 foot setback requirement for a tract of land zoned "NU" Non-Urban district. (19T530085)

PROPOSAL SUMMARY

Mr. and Mrs. Carpenter are requesting a variance from the minimum side yard setback requirement required for the Chesterfield Lakes subdivision. The Chesterfield Lakes subdivision is zoned "NU" Non-Urban District. The property owners are requesting a 35 foot front setback in lieu of the required 50 foot front setback in order to accommodate construction of a new home. The existing home on the site is in poor condition, as detailed in the applicant's statement, and the existing home also encroaches 35 feet into the front setback.

An application, along with photos of the site and letters from adjacent property owners, is attached hereto which includes an explanation of the above referenced request and statement of unnecessary hardship. Also attached for your reference is a copy of the Application for Municipal Zoning Approval which was rejected by the Department of Planning and Development Services.

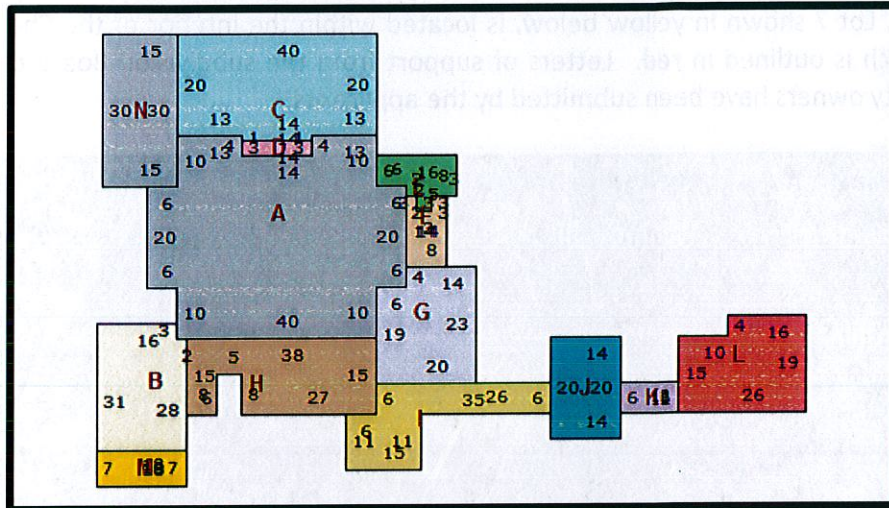


Figure 2: Property sketch from St. Louis County Records

In May of 2017, an Application was submitted to the Department of Planning and Development Services requesting to construct a new home on the subject site. The proposed construction showed an encroachment into the required front yard setback and the request was therefore denied.

It should be noted that the current home on the property encroaches approximately 35 feet into the front yard setback; it is assumed that St. Louis County approved this encroachment prior to the incorporation of the City of Chesterfield as the City records do not indicate that any permits for construction or alteration to the home have been approved since incorporation.

The proposed new home will reduce the current encroachment from 35 feet to 15 feet. This will result in a reduction of the encroachment from 1,292 square feet to 545 square feet. The existing large home on the property would be replaced by a smaller home that allows for the property to remain in use while preserving natural features and utilizing the existing site features, such as the retaining wall and driveway, which are in good condition.



Figure 3: Aerial indicating area of encroachment

The subject site, Lot 7 shown in yellow below, is located within the interior of the Chesterfield Lakes subdivision, which is outlined in red. Letters of support from the subdivision Board of Trustees and adjacent property owners have been submitted by the applicants.



Figure 4: Aerial image of Subject Site within Chesterfield Lakes & Surrounding Developments

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 stated that unique physical characteristics exist due to the lot’s topography, irregular shape, heavy tree coverage, and location of the lake within the lot. Please refer to the attached application for full statement from the Applicant. The variance is necessary in order for the lot to remain in use as a residential lot, as the existing home is in poor condition and has been vacant for five years. The Applicant has also submitted letters of support from adjoining property owners.

The Applicant is requesting a variance to maintain a 35 foot front yard setback in lieu of the 50 foot front yard setback requirement along the front of Chesterfield Lakes Road in order to accommodate the construction of a new home on the property. The new home will be smaller than the existing home and will reduce an existing front yard setback encroachment from 35 feet to 15 feet. Further, the area of the encroachment will be substantially reduced. The new home will be constructed within the existing flat, cleared area of the lot, permitting for preservation of the mature trees along the lake's edge which are seen as an asset of the subdivision.

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.

Under the "NU" Non-Urban District regulations, a minimum 50 foot front yard setback is required. The side and rear yard setbacks are 20 feet.

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 a house to encroach 15 feet into a 50 foot required yard setback.
2. The effect, if the variance is allowed, on available governmental facilities. Staff does not anticipate an effect on governmental facilities.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors. After reviewing the request submitted by the Applicant, Staff is of the opinion that granting a variance for the proposal would not result in a substantial change in the character of the neighborhood. Rather, the variance would preserve the character of the neighborhood by preserving the large, mature trees that border the lake and which are viewed as an asset by the neighborhood. Further, the variance would reduce the existing encroachment and a smaller, single family home will enhance the private, secluded, nature-oriented character of the neighborhood.
4. Whether the difficulty can be obviated by some feasible method other than the variance. Review of the plot plan by Staff indicates that the site topography, existing tree coverage, and location of the lake within the lot substantially limit the developable area of this lot. The variance would permit for the new home to be constructed in the most suitable area of the lot.

5. Whether the interest of justice will be served by allowing the variance. Staff has reviewed the documents related to this petition and has found that the interest of justice would be served by allowing the variance. If the property owner constructs the home closer to the lake, the disturbance and removal of trees will be a detriment both to the property owner and to the neighborhood.

DEPARTMENT RECOMMENDATION

Upon review of the Application submitted by the Applicant, Staff believes that the burden of proof for granting an area variance as required by State Statute has been met. Staff recommends approval of the area variance request submitted.

Respectfully submitted,



Jessica Henry, AICP
Senior Planner

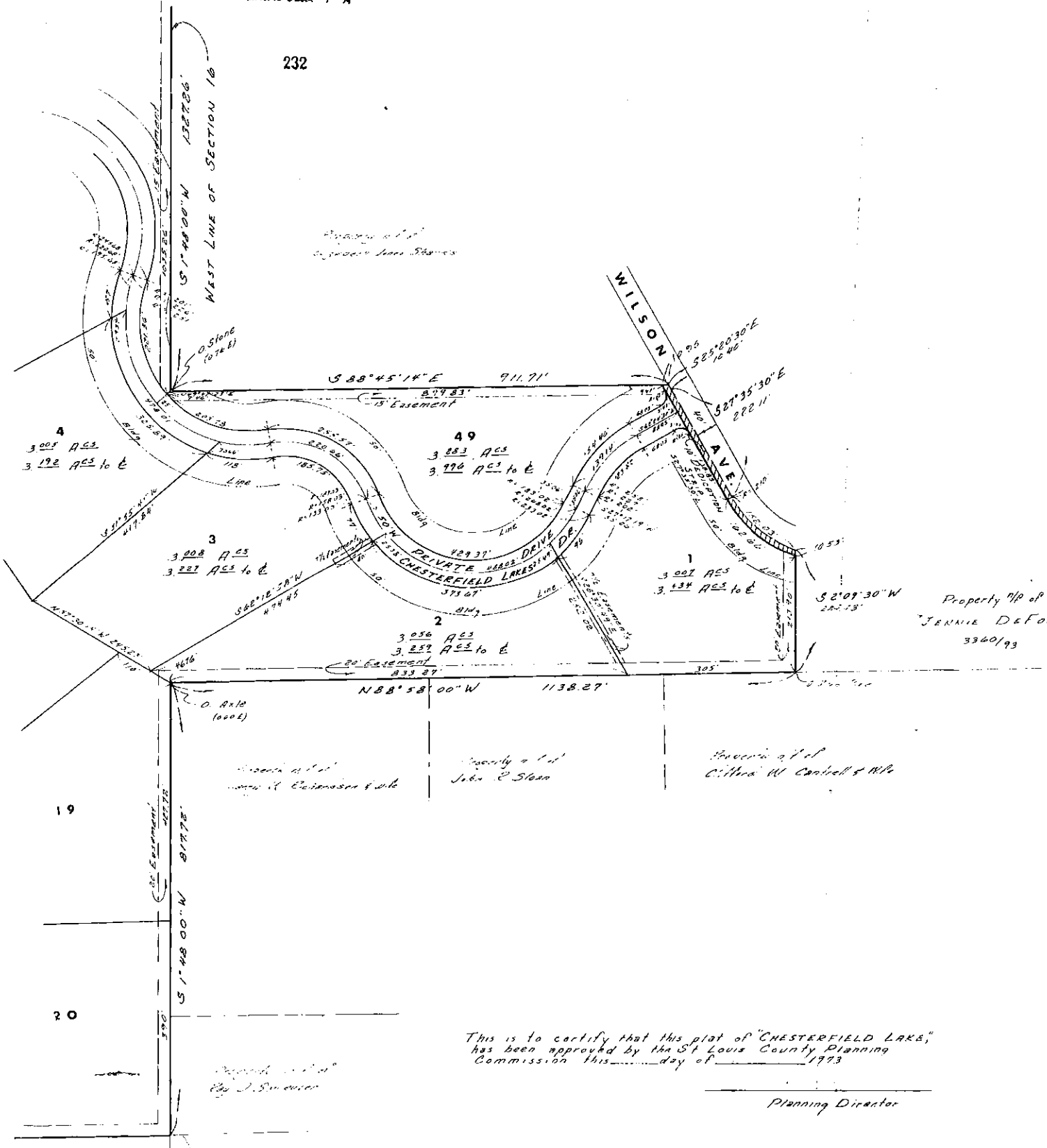
Exhibits

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 and surrounding area photographs
 - c. Letters of support
 - d. Rejected Application for Municipal Zoning Approval

BOOK 150 PAGES 787-790
 FILED FOR RECORD
 JUN 1 - 1973
 AT 12:45 O'clock P.M.

CHESTERFIELD LAKES

EXHIBIT
 5



Order No: 72-1346
 Volz Engineering And Surveying Inc.
 1567 Warson Road, St. Louis Mo, 63138

This is to certify, that we have during the month of April, 1973, by order of BURTON DUENKE CONSTRUCTION Co, made a survey and subdivision in a TRACT OF LAND IN FRACTIONAL SECTIONS 16 AND 17, T. 45 N. R. 24 E. ST. LOUIS COUNTY MISSOURI, and the results of said survey and subdivision are correctly represented on this plat.

In WITNESS WHEREOF, it has signed and sealed the foregoing this 29 day of May, 1973

Volz Engineering And Surveying Inc.

Robert N. Volz, Mo Reg. L.S. #761
 Richard N. Norvell, Mo Reg. L.S. #1437

The undersigned owners of the tract of land platted and described in the surveyor's certificate have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereafter be known as "CHESTERFIELD LAKES". Chesterfield Lakes Drive, 50 feet wide; Holly Lake Court 50 feet wide; Arbutus Lane 50 feet wide; Fitzgibbon Court 50 feet wide; Bickmeyer Court 50 feet wide, together with cul-de-sacs and roundings are private streets. The private streets and all easements shown on this plat are dedicated to Union Electric Company of Missouri, Southwestern Bell Telephone Company, Laclede Gas Company and St. Louis County Water Company, and to the first heirs of the subdivision, their successors or assigns, or their interests may appear for public utilities and ingress and egress. Easements are hereby created for tennis courts and two (2) lakes as shown by the shaded areas on this plat. Said easements are granted to all lot owners in Chesterfield Lakes, their families, heirs and assigns to provide access to said tennis courts and lakes for recreational purposes. Building lines as shown are hereby established. The 10' Dedic. along the west side of Wilson Ave shown hatched on this plat is hereby dedicated to public use forever and may be used for public utilities and sewer or drainage purposes. This subdivision is subject to conditions and restrictions to be filed.

In WITNESS WHEREOF, We have signed and sealed the foregoing this ... day of ... 1973.

BURTON DUENKE CONSTRUCTION COMPANY

Vice-President

State of Missouri }
 County of St. Louis }
 On this ... day of ... 1973, before me personally appeared G. W. MEFFERD, who being by me duly sworn did say that he is the Vice-President of BURTON DUENKE CONSTRUCTION COMPANY, a corporation duly organized and existing under the laws of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that the said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and the said G. W. MEFFERD declared said instrument to be the free act and deed of said corporation.

In WITNESS WHEREOF, I have signed and sealed the foregoing the day and year last above written.
 My Commission Expires ...
 Notary Public
 Helen Buronovic

The undersigned holder or legal owner of notes secured by deed recorded in Book ... Page ... of the St. Louis, County, Records hereby joins in and approves in every detail this subdivision of "CHESTERFIELD LAKES".

In WITNESS WHEREOF, it has signed and sealed the foregoing this ... day of ... 1973.

ST. LOUIS FEDERAL SAVINGS & LOAN ASSN.

Vice President

State of Missouri }
 County of St. Louis }
 On this ... day of ... 1973, before me personally appeared Gilbert C. Wolf, who being by me duly sworn did say that he is the Vice-President of ST. LOUIS FEDERAL SAVINGS & LOAN ASSN., a corporation duly organized and existing under the laws of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and the said Gilbert C. Wolf declared said instrument to be the free act and deed of said corporation.

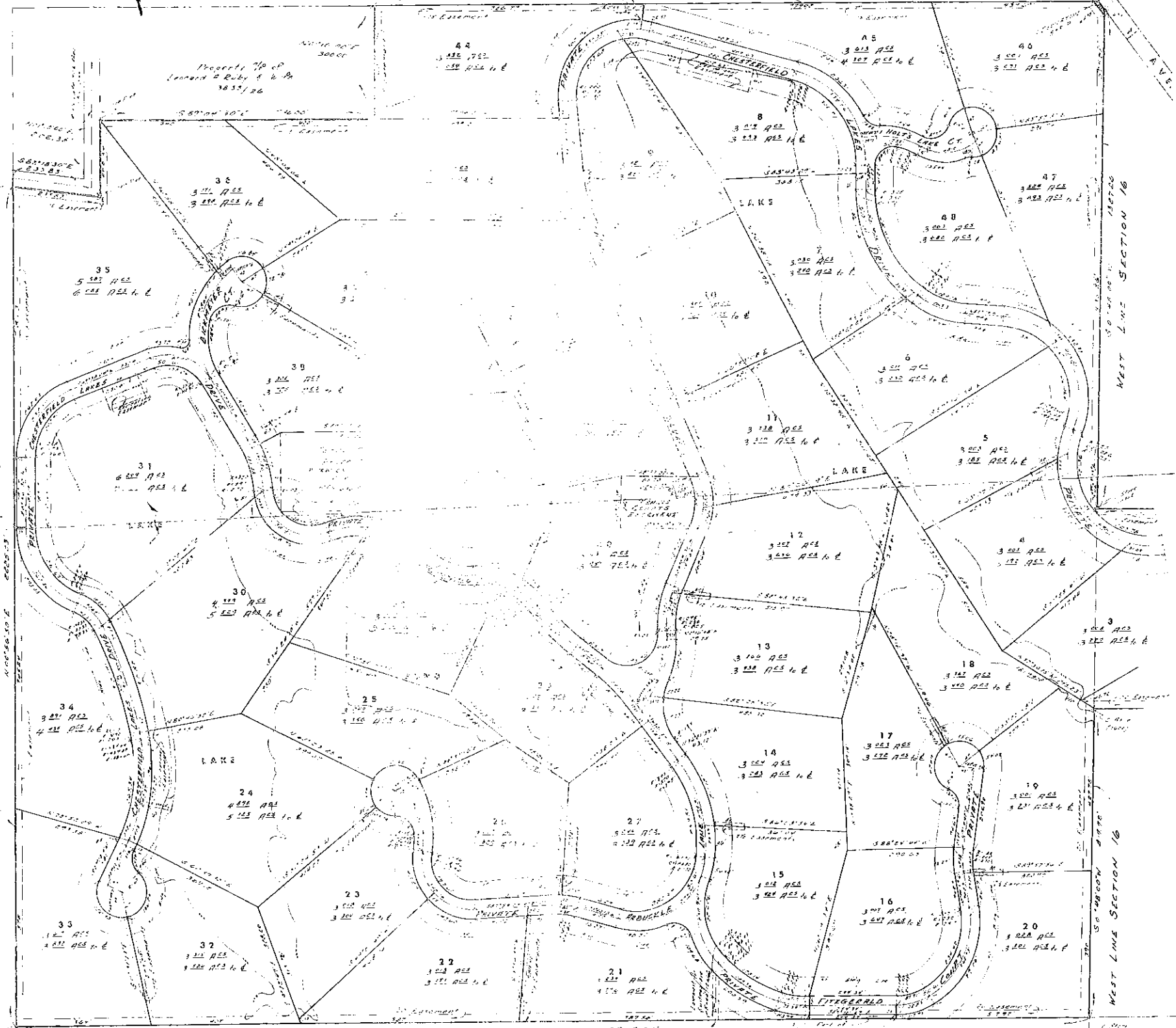
In WITNESS WHEREOF, I have signed and sealed the foregoing the day and year last above written.

My Commission Expires ...
 Notary Public
 Helen Buronovic
 CHESTERFIELD LAKES
 SHEET ... OF 2

This is to certify that this plat of "CHESTERFIELD LAKES" has been approved by the St. Louis County Planning Commission this ... day of ... 1973.
 Planning Director

U.S. SURVEY 2760

N 63° 15' E



EAST & WEST CORNER OF SECTION 17



City of Chesterfield

RECEIVED
MAY 19 2017
City of Chesterfield
Department of Public Services

PLANNING & DEVELOPMENT SERVICES DIVISION

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 a request for a change 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 Division of Planning & Development Services at 636-537-4746. For information about this and other projects under review by the Division, please visit "Active 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 Division of Planning & Development Services.

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: DAVID M. & REBECCA CARPENTER
 Address: 2281 KETTINGTON COURT
 City: CHESTERFIELD State: MO Zip: 63017
 Tel.: 1-516-567-0033 Fax: _____

Petitioner, if other than owner(s): DICK BUSCH, DICK BUSCH ARCHITECTS
 Address: 16678 OLD CHESTERFIELD ROAD
 City: CHESTERFIELD State: MO Zip: 63017
 Tel.: 636-530-7787 Fax: 636-530-0315

Legal Interest: ARCHITECT FOR PROJECT
 (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: 13 CHESTERFIELD LAKES ROAD, CHESTERFIELD, MO. 63005

Locator Number(s): 19T530085

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

Acreage: 3 AC. (To the nearest tenth of an acre)

Subdivision Name (If applicable): CHESTERFIELD LAKES

Current Zoning District: NU

Legal Description of Property:

LOT 7 OF CHESTERFIELD LAKES
PLAT BOOK: 150 PAGE(S): 78-80
ST. LOUIS COUNTY, MO.

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

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

SEE ATTACHED LETTER

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement:

SEE ATTACHED LETTER

Ordinance Number and section to which a variance is sought:

ARTICLE 3 OF THE UNIFIED DEVELOPMENT CODE

(Attach additional sheets as necessary)

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

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

SEE ATTACHED LETTER

(Attach additional sheets as necessary)

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

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

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

IV. COMPLIANCE

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

Yes No. If no, please explain:

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

Yes No. If no, please explain:

[THIS SPACE INTENTIONALLY LEFT BLANK]

V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to Dick Busch Architects (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)

DAVID M CARPENTER
(Name- type, stamp or print clearly)

(Name of Firm)

Note: Attach additional sheets as necessary.

[Handwritten Signature]
(Signature)

2281 Keltington Ct Chesterfield, Mo
(Address, City, State, Zip) 63017

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 15th day of May 20 17.

Signed Marilyn L. Vale Notary Public Print Name: Marilyn L. Vale

Seal/Stamp:

My Commission Expires: Jan. 1, 2021



MARILYN L. VALE
My Commission Expires
January 1, 2021
St. Louis County
Commission #12511050

VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

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

Project Name: 13 CHESTERFIELD LAKES RD **Submittal Date:** _____

STATEMENT OF COMPLETION AND ACCURACY

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

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

DAVID M CARPENTER
(Name- type, stamp or print clearly)

[Signature]
(Signature)

(Name of Firm)

2281 Kittington Ct Chesterfield, Mo. 63017
(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 15th day of May 20 17.

Signed Marilyn L. Vale Print Name: Marilyn L. Vale
Notary Public

Seal/Stamp:

My Commission Expires: Jan. 1, 2021



MARILYN L. VALE
My Commission Expires
January 1, 2021
St. Louis County
Commission #12511050

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

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

STATE OF MISSOURI, CITY OF CHESTERFIELD

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

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

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

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

Finance Director
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

STAFF / BOA USE ONLY

Intake Date: _____

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

Signed: _____

Chairman

[THIS PAGE FOR INTERNAL USE]

Friday, May 19, 2017

Dick Busch Architects
16678 Old Chesterfield Road
Chesterfield, MO 63017

Board of Adjustment
City of Chesterfield
Planning and Development Services Division
690 Chesterfield Parkway West
Chesterfield, MO 63017



Reference: Variance Request
David and Rebecca Carpenter Residence
13 Chesterfield Lakes Road

Dear Board Members:

A 15 foot variance in the front yard setback is requested for the subject property.

The request is made in order to:

- address hardships and potential safety hazards created by the lot's shape and steepness
- reduce the existing encroachment, and
- save trees.

An outline summary of the project background, existing conditions, proposed plan and variance request follows:

Background

- Mr. & Mrs. Carpenter purchased the home in August 2016.
- At the time of purchase, the home had been for sale and vacant for approximately 5 years.
- The Carpenters hired Dick Busch Architects to renovate the home and bring it up to current code.
- After several design schemes were explored, the Carpenters decided renovation was not feasible.
- They plan to demolish the existing house and replace it with a new home.

Existing Site/Topography

- The house is on a winding, hilly street with lots of varying sizes. Neighboring houses are positioned in varying locations on their respective lots.
- The subject lot is very steep and narrow. It drops- off quickly and drastically from the street down to the lake.
- The topography and irregular shape of the lot are unique. A large part of the property is in the lake.
- A small parking area is located at the top of the drive near the street, due to the steep driveway.
- The driveway leads downhill to a paved parking/ turnaround area.

- This parking/ turnaround area is supported by a two-tier, modular block retaining wall that is approximately 11 feet tall.
- Mature trees and landscaping buffer the view of the retaining wall from the lake.

Existing House

- The existing house was built in 1975.
- A large addition was constructed in 1980 that encroaches by 35.5 feet into the 50 front yard setback.
- The 1980 addition was built before the City of Chesterfield was incorporated.
- Previous owners report that variances were granted by St. Louis County for what was built.
- Approximately 1292 square feet of existing construction encroaches into the required front yard.
- Part of the encroaching structure is two stories tall.

Proposed Plan

- The existing, distressed house and garage will be demolished.
- A new home, *that is smaller than the existing house*, will be constructed.
- The new garage is designed and located in order to reuse the existing retaining walls and parking/ turnaround area.

Variance Requested / Impacts

- A variance is requested to allow the new garage to encroach by only 15 feet into the 50 front yard setback.
- This variance allows the existing parking area to be reused.
- Reusing the existing parking area allows the existing retaining walls to remain in place, along with the mature trees that provide a visual buffer of the walls.
- The new garage would *encroach less into the front yard setback than the existing garage*. (15 feet, instead of 35.5 feet).
- The new garage is *less visually intrusive than existing garage*, because it is one-story, rather two-stories.
- The *area of the encroachment is reduced* (from 1292 square feet to 545 square feet).
- The newly proposed encroachment is not visible, as the property slopes steeply down from the road.

Without the Variance

- The garage would need to be pushed farther down the hill; this means that the driveway would have to be relocated, causing large, mature trees to be removed. Also, more retaining walls would need to be built with steep drop-offs on the lake-side of the driveway.
- The existing, mature trees would need to be removed to allow for construction of new taller retaining walls to support a driveway turnaround area. New, taller, retaining walls would be clearly visible from the lake.

- Without an appropriately-sized driveway turnaround, cars would not be able to turn around at the bottom of the hill, and would have to back-up on a steep driveway with dangerous drop-offs.

Conclusion

The shape, size and topography of the lot create practical difficulties and hardships in safely accessing the new garage. The 15' front yard variance is requested to address these difficulties and hardships.

The variance enhances safety by avoiding construction of a new driveway and driveway turnaround with dangerously steep drop-offs.

It reduces the existing encroachment in distance, height and area, and it maintains/improves appearance by saving mature trees and by avoiding the need for new, larger retaining walls.

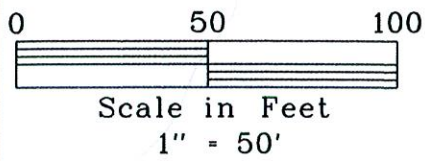
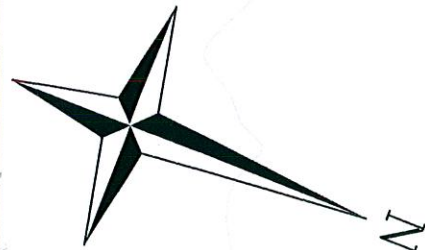
This variance will not adversely affect any adjoining property owners or the public welfare.

Therefore, we respectfully request that the variance request be granted.

Sincerely,



Richard C. Busch
Dick Busch Architects, PC



RECEIVED
MAY 30 2017
City of Chesterfield
Department of Public Services

VOLZ

10849 INDIAN HEAD INDL BLVD
ST. LOUIS, MISSOURI 63132
314.426.6212 main
314.890.1250 fax
www.volzinc.com

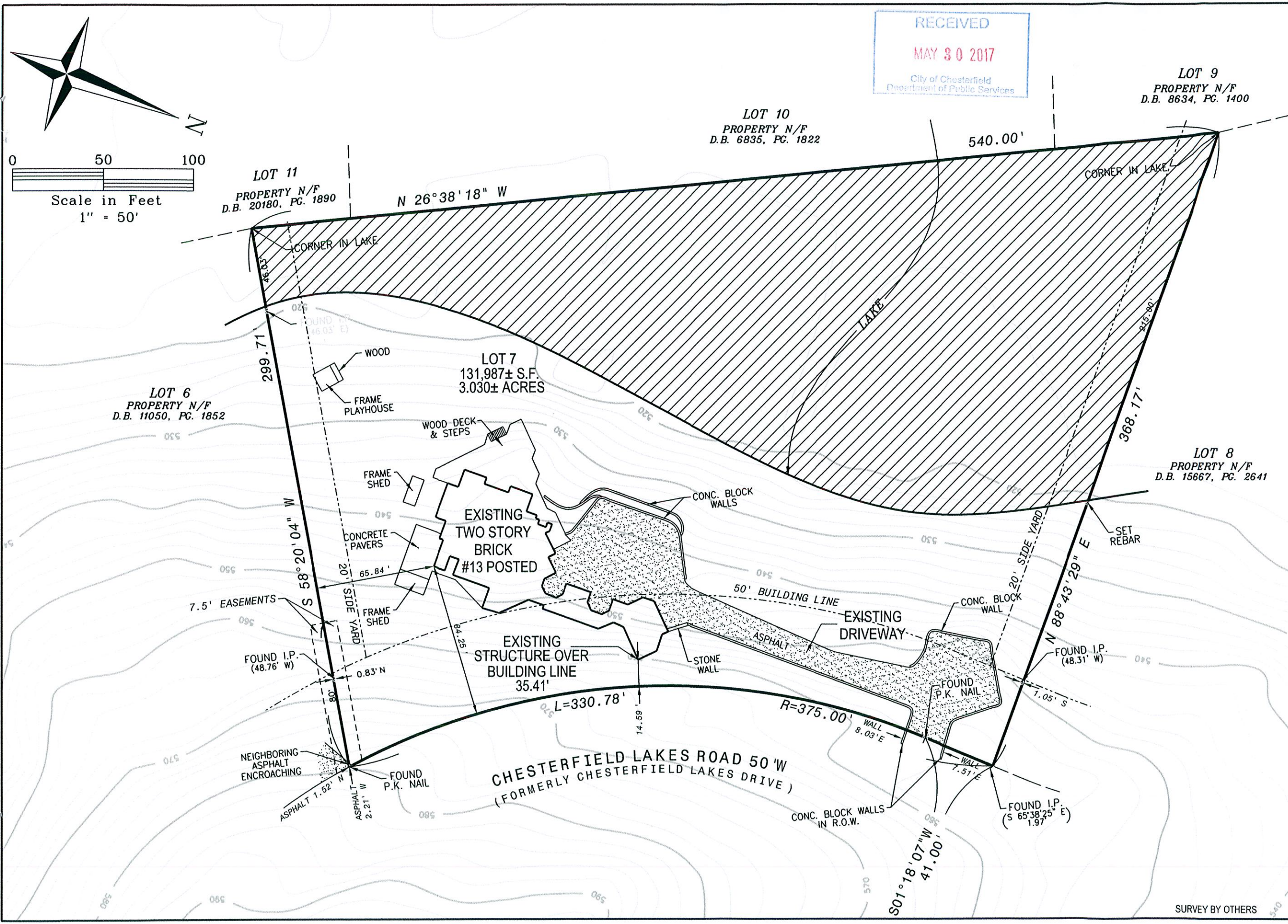
Dick Busch
ARCHITECTS

16678 Old Chesterfield Rd.
Chesterfield, MO 63017
636-530-7787
www.DickBuschArchitects.com
©Copyright

13 CHESTERFIELD LAKES ROAD EXISTING CONDITIONS

SITE PLAN

SHEET 1 OF 2 MAY 18, 2017
BOARD OF ADJUSTMENT EXHIBIT



SURVEY BY OTHERS



VIEW OF EXISTING HOUSE FROM LAKE
(HOUSE IS IN CENTER OF PHOTO)



CLOSER VIEW OF EXISTING HOUSE FROM LAKE



EXISTING HOUSE
TO BE DEMOLISHED



EXISTING ATTACHED GARAGE WITH UPPER LEVEL
TO BE DEMOLISHED; LANDSCAPING ALONG ROAD IS VISIBLE
IN UPPER LEFT CORNER OF PHOTO



VIEW FROM STREET LOOKING TOWARDS HOUSE



VIEW FROM DRIVEWAY LOOKING UPHILL



VIEW OF LAKE FROM EXISTING DRIVEWAY
TURNAROUND



VIEW OF RETAINING WALLS AT
EXISTING DRIVEWAY TURNAROUND

From: Dave Carpenter [mailto:redlucy49@gmail.com]
Sent: Wednesday, June 7, 2017 10:32 AM
To: Lauren Strutman <laurens@lsa-stl.com>
Cc: DMC <redlucy49@gmail.com>
Subject: Fwd: 13 chest lakes



This is from the President of the board of Trustees for Chesterfield Lakes
See positive comments below.



Dave Carpenter

Begin forwarded message:

From: Paul Lee <plee@deltaenergy.com>
Subject: RE: 13 chest lakes
Date: June 7, 2017 at 10:27:33 AM CDT
To: Dave Carpenter <redlucy49@gmail.com>
Cc: Geckeler <wgeckeler@sbcglobal.net>

Yes,

I just have everyone in agreement that you should go ahead and you do not need any input from us on the tree removal etc. Variance is approved.

Paul

From: Dave Carpenter [mailto:redlucy49@gmail.com]
Sent: Monday, June 5, 2017 1:56 PM
To: Lauren Strutman <lauren@lsa-stl.com>; dickb@dickbuscharchitects.com
Cc: DMC <redlucy49@gmail.com>
Subject: 13 chesterfield lakes Update letter



Below is the letter sent to neighbors:

Dear XXXX

My name is David Carpenter. Late last year, my wife and I purchased the house at 13 Chesterfield Lakes Drive (It was previously owned by Darcy Fox)
It is our desire to tear down and build a smaller but elegant home on this lot.

In 1980, the existing home was built **35 feet** over the building line. We will be reducing that encroachment by 20 feet; to only **15 feet** past the building line.
We are seeking this variance to keep the residence secluded by mature trees. Without a variance, we would need to remove many trees and build a new retaining wall closer to the lake.

I have attached our site plan and variance letter to Chesterfield Board of Adjustments for your perusal.

If you could please reply to this email that you agree with our proposal, we will present this to the Chesterfield board
occurring JUNE 15th. An immediate response would be appreciated!

If you have further questions, you may reach me at my cell number below or at this email.

Thank you very much for helping us become your future neighbors!

Dave and Beck Carpenter

David M Carpenter
H Rudolph Co LLC
2281 Kettington Ct
Chesterfield,MO 63017

516 567 0033
redlucy49@gmail.com

The following 4 responses have been received from the neighbors to date:

Begin forwarded message:

From: Jitendra k Gupta <guptajs1103@gmail.com>
Subject: Re: 13 Chesterfield lakes update
Date: June 6, 2017 at 6:12:25 PM CDT
To: Dave Carpenter <redlucy49@gmail.com>

To, Dave Carpenter
From, Jitendra k Gupta
23 Chesterfield Lakes Rd
Subject: Changing encroachment at 13 Chesterfield Lakes Rd

I live directly across you on the opposite side of the lake. I think it is a great idea to reduce encroachment by 20 feet; to only 15 feet past the building line. That will preserve the beauty of the lake otherwise our view will be significantly affected.

Jitendra K.Gupta, MD, FACC, FCCP, FACP

(Home) 636-532-2349

(Cell) 314-941-2507

guptajs1103@gmail.com

Begin forwarded message (from 26 Chesterfield Lakes) :

From: Wendy Geckeler <wgeckeler@sbcglobal.net>
Subject: Re: 13 Chesterfield Lakes update
Date: June 6, 2017 at 6:33:26 PM CDT
To: Dave Carpenter <redlucy49@gmail.com>

Dave, thanks for sharing your plans with the neighbors. I am so thrilled that your plans are sensitive to preserving the large trees on your property and maintaining the green buffer around the lake. We will be fortunate to have you as a neighbor and hope the Board of Adjustment grants the variance to make this natural preservation possible. Best regards, Wendy Geckeler

Begin forwarded message:

From: William Zweig <zweigmd@yahoo.com>
Subject: Re: 13 Chesterfield Lakes update
Date: June 5, 2017 at 7:59:33 PM CDT
To: Dave Carpenter <redlucy49@gmail.com>

After reviewing your site plans, recognizing it will actually reduce the encroachment and provide a more usable and likely aesthetic structure, I am in agreement with your plan.

Welcome to the neighborhood.

Doug & Dee Zweig

#21 Chesterfield Lakes Rd

Response from Kraemer #10 Chesterfield Lakes:

Begin forwarded message:

From: Gerda Kraemer <gerdakraemer@yahoo.com>

Date: June 6, 2017 at 9:14:55 PM CDT

To: Dave Carpenter <redlucy49@gmail.com>

Hello Dave,

Welcome to the neighborhood!

Just received your Email.

I agree with your proposal

and wish you good luck

with building your home.

Hope to meet you soon.

Gerda Kraemer



EXHIBIT
6d.

City of Chesterfield
Municipal Zoning Application

Rejected

MZA_170566

Date: 6/8/2017

Property Address	Subdivision	Lot
13 CHESTERFIELD LAKES RD	9 CHESTERFIELD LAKES	7

Locator #	Ward	Date Received	Flood Plain
19T530085	4	6 /2 /2017	NO

Zoning Class	Type
NU	New Construction

Property Owner	Tenant
David and Rebecca Carpenter	

Applicant
Dick Busch

Comments
 6/2/2017 - Incomplete - KKelley - The application is missing both property owner signature areas, plans, escrow fee and form.
 6/2/2017 - Rejected - jhenry - Structure encroaches on front yard setback.

Status	Rejected	6 /8 /2017	by Jessica Henry, Senior Planner
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Jessica Henry
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.





City of Chesterfield

OFFICE USE ONLY	
MZA #:	0009-170566
Locator #:	19T530085
Subdivision:	Lot 7 W4 Chesterfield Lakes

II. MUNICIPAL ZONING APPROVAL APPLICATION (MZA)

RECEIVED
City of Chesterfield
JUN 2 2017
Department of Public Services

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
Planning and Development Services Division.

Project Address: 13 CHESTERFIELD LAKES RD. Zip: 63005
CHESTERFIELD, MO

Property Owner Name(s): DAVID M. & REBECCA CARPENTER

Property Owner Address (if different than above): 2281 KETTINGTON COURT

City: CHESTERFIELD State: MO Zip: 63017

E-mail: DMCARP@CHARTER.NET

Tenant Name (if different than above): N/A

Existing Tenant Proposed Tenant

Applicant Name: DICK BUSCH, DICK BUSCH ARCHITECTS Attn: _____

Applicant Address: 16678 OLD CHESTERFIELD ROAD

City: CHESTERFIELD State: MO Zip: 63017

Phone Number: 636-530-7787 Fax: 636-530-0315

E-mail: DICKB@DICKBUSCHARCHITECTS.COM

Description of Work:
NEW, SINGLE-FAMILY RESIDENCE

FOR EXTERIOR RESIDENTIAL WORK ONLY, PLEASE SIGN THE FOLLOWING:

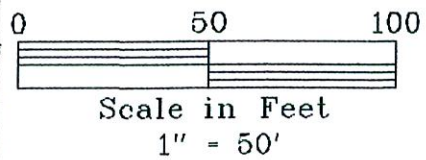
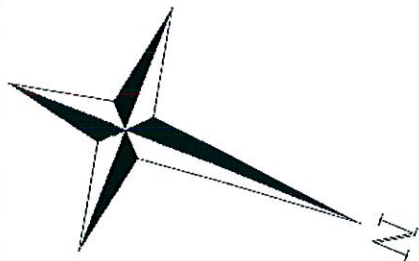
As the Property Owner of the above-referenced address, I have notified all subdivision trustees and adjacent property owners of said application.

Signature

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: _____ DATE: _____

APPLICANT SIGNATURE: [Signature] DATE: 5.19.17
(If other than Property Owner)



REJECTED
DATE: 09/02/2017
BY: [Signature]

VOLZ

10849 INDIAN HEAD INDL BLVD
ST. LOUIS, MISSOURI 63132
314.426.6212 main
314.890.1250 fax
www.volzinc.com

Dick Busch
ARCHITECTS

16478 Old Chesterfield Rd.
Chesterfield, MO 63017

636-530-7787

www.DickBuschArchitects.com
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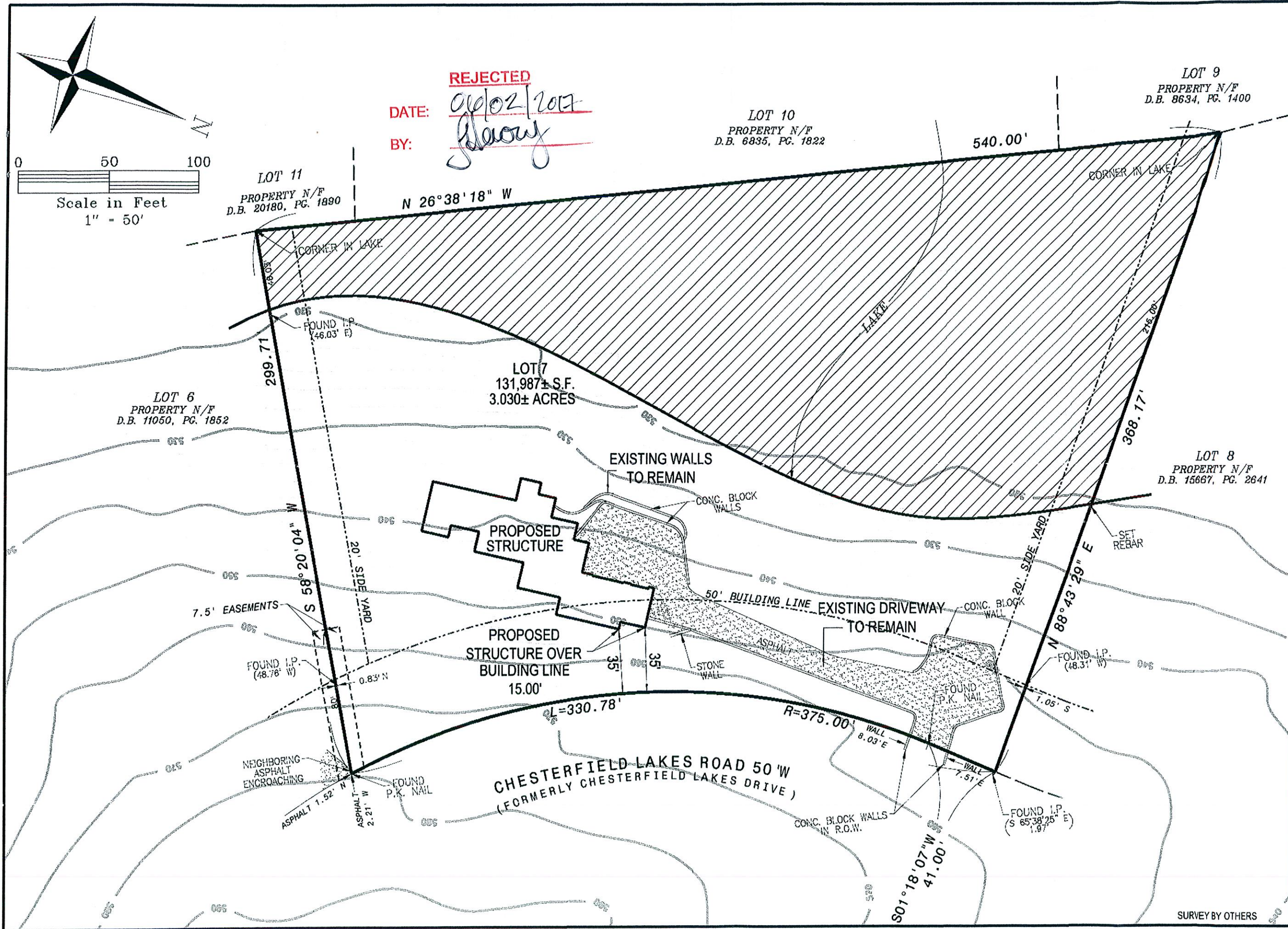
13 CHESTERFIELD LAKES ROAD

PROPOSED NEW HOMESITE

SITE PLAN

SHEET 2 OF 2 MAY 24, 2017

BOARD OF ADJUSTMENT EXHIBIT



SURVEY BY OTHERS