



**IV.A.**

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

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## **Board of Adjustment Staff Report**

**Variance Type:** Area or Bulk

**Meeting Date:** July 7, 2011

**From:** Aimee Nassif, AICP  
Planning and Development Services Director

**Location:** 1500 Baxter Lane Court

**Applicant:** James and Marilyn Simpson

**Description:** **B.A. 01-2011 1500 Baxter Lane Ct (James & Marilyn Simpson):**  
A request for a variance from St. Louis County Ordinance Number 13939 for a residential lot in the Estates at Baxter Lane subdivision to maintain an eleven (11) foot rear yard setback in lieu of the fifteen (15) foot required setback. (19S531889)

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### ***PROPOSAL SUMMARY***

James and Marilyn Simpson are requesting an eleven (11) foot rear yard setback in lieu of the fifteen (15) foot required setback established in the site specific ordinance for this subdivision. The purpose for this area variance request is to accommodate construction of a deck in the rear of this residential structure.

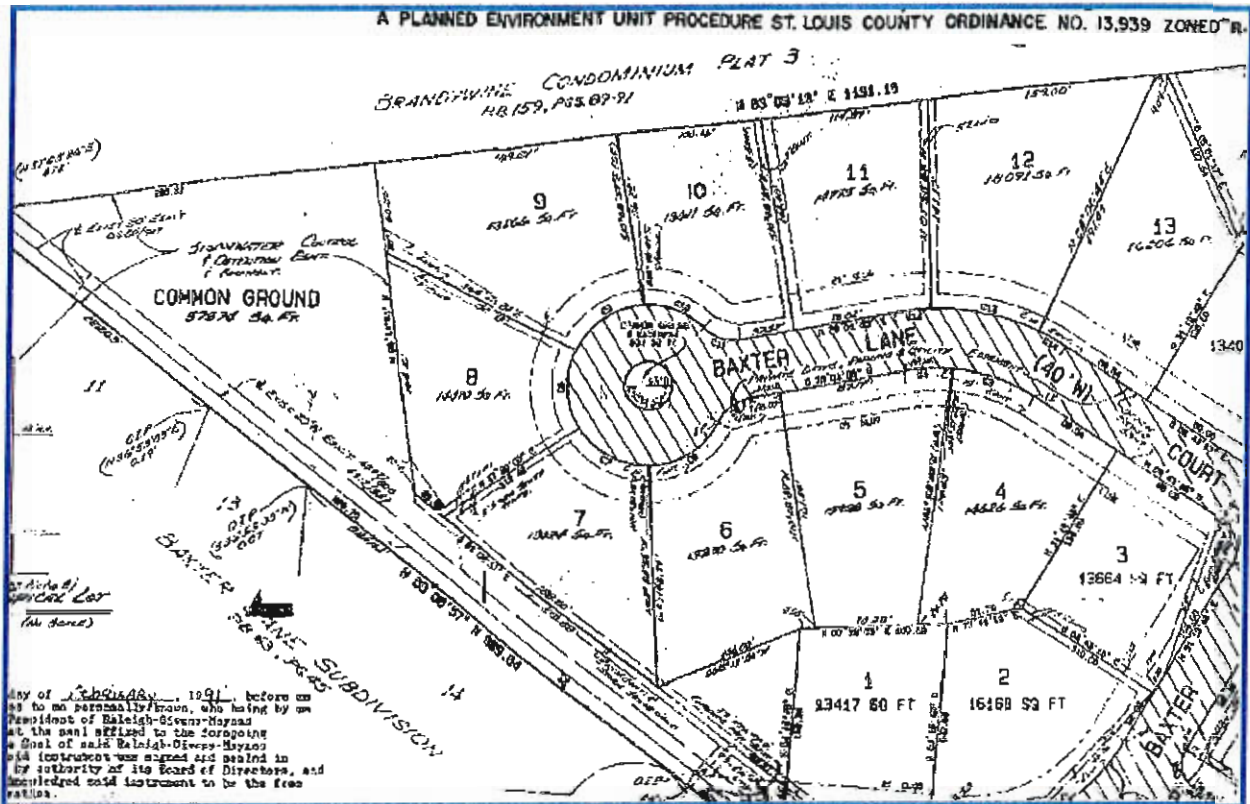
An application submitted by James and Marilyn Simpson is attached hereto which includes an explanation of the above referenced request, statement of unnecessary hardship, description of the effect or impact on neighboring properties. Also attached for your reference is a copy of the Municipal Zoning Application which was rejected by the Department on April 14, 2011.

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.”

### SITE HISTORY

The Estates at Baxter Lane Subdivision was originally zoned "R-2" Residence District with a Planned Environment Unit (PEU) by St. Louis County in 1988 just prior to the incorporation of the City of Chesterfield. This subdivision is approximately 13 acres in size and consists of 26 single family residential lots. 1500 Baxter Lane Court is an approximately 14,400 square foot lot and is depicted as lot 8 on the section of the record plat below.



The structure setbacks for interior lots in this development, as required in Ordinance 13,939 are:

1. Minimum front yard setback of 25 feet
2. Minimum side yard setback of 6 feet
3. **Minimum rear yard setback of 15 feet (variance being requested)**

You will note on the plat there is reference to an additional, more restrictive set of structure setbacks. These minimum yard setbacks were established by and enforced by the subdivision indentures. Subdivision indentures are a private matter amongst each residential subdivision. The City of Chesterfield does not create, draft, or enforce indentures. Therefore, the area variance being requested for your consideration from the rear yard setback requirement is from the Ordinance requirement only.



**EXISTING CONDITIONS**

The Estates at Baxter Lane Subdivision was platted in 1991 and the Simpson's home was built in 1992. As you can see from the photo below, the rear yard of the subject site abuts to common ground.





In April 2011 the Simpson's submitted a Municipal Zoning Application (or MZA) to the Department for construction of a new deck at the rear of the structure. The deck was shown to encroach in the rear yard setback by 4 feet and was therefore rejected. The purpose of the application was to construct a new deck which would replace an existing one. The proposed deck is larger in size from the existing deck; an exact size difference is unknown because the existing deck was built by the previous property owners without obtaining the necessary permits and approvals from the City of Chesterfield or St. Louis County.

*View of the Front of 1500 Baxter Lane Court*





*Views of the side yard for 1500 Baxter Lane Court*





***BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES***

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

***Chapter 2-216 of the Chesterfield City Code*** states that the Board can grant variances to yard requirements when practical difficulties or unnecessary hardships exist in carrying out the provision due to an irregular lot shape, lot size, topography or other related matter.

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 in the application that practical difficulties do exist because the lot is pie shaped. In addition, access to the deck from the home is located on the rear of the property, therefore the deck must be located in this area. In addition, the stairs to the deck must be located to the north due to the slope of the rear yard. Locating the stairs in another section of the deck would render the deck unusable for the Applicant due to outstanding medical issues. ***Please refer to the attached application for full statement from the Applicant and letters of support from adjacent property owners and subdivision trustees.***

### **DEPARTMENT REVIEW AND RECOMMENDATION**

**Upon review of this Application, Staff does not find that a practical difficulty or unnecessary hardship has been established by the Applicant.** First, the lot is approximately 14,400 square feet in size which is comparable in size and shape to all other residential lots in the subdivision. The existing lot size, lot shape, and topography are such that it is possible to construct a deck within all required yard setbacks. The existing deck, while permits were never pulled, does appear to meet the yard setback requirements. The Applicant has been advised that they would be permitted to replace the existing deck with a new one provided all yard requirements are met.

From the drawings submitted to the Department for review, it appears that the design of the deck itself is causing the issue with the rear yard setback. If the deck were to be reconfigured, it could maintain the same size and fit within all required yard setbacks. The location of the stairs and entrance to the deck do not impact the ability to meet the yard requirements because they are each located in the side yard, not rear yard. It is the half circle (or hexagon) bump out of the deck which causes the issue which is being proposed to accommodate a table and allow for the flow of traffic on the deck.

Because it is an issue with the deck design, it appears as though the Applicant is creating the situation and then claiming the need for a variance. As stated previously in this report, an Applicant cannot create a situation then claim the need for a variance because of it. *(from Wolfner vs City of Warson Woods on previous page)*

The other question which Staff reviews and the Board must consider when granting a variance is whether or not the granting of the variance will have a detrimental effect to the public, health, safety, or welfare of the general public. An analysis of this point becomes moot since it is our determination that a practical difficulty or unnecessary hardship has not been established. However, it can be noted that this property abuts to a large tract of common ground in the rear of the lot and the subdivision trustees and adjacent property owners have submitted letters of support for this variance request.

***Attached please find a copy of the Application along with all supporting documentation provided by the Applicant.***

***Staff has reviewed the request for B.A. 01-2011 and recommends denial of the request as submitted.***

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
  - a. Application to Board of Adjustment
  - b. Rejected Application
  - c. Photos of site from Applicants
  - d. Letters of support from neighbors and subdivision trustees
6. St. Louis County Ordinance Number 13,939



**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, July 7, 2011 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. 01-2011 1500 Baxter Lane Ct (James & Marilyn Simpson):** A request for a variance from St. Louis County Ordinance Number 13939 for a residential lot in the Estates at Baxter Lane subdivision to maintain an eleven (11) foot rear yard setback in lieu of the fifteen (15) foot required setback. (19S531889)



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

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

Aimee Nassif, AICP  
Planning and Development Services Director



# City of Chesterfield

EXHIBIT  
5a

## 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](http://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 )  
 )  
CITY OF CHESTERFIELD )  
Petition for Appeal from Zoning Regulations

BOA NUMBER \_\_\_\_\_  
HEARING DATE \_\_\_\_\_

### I. APPLICANT INFORMATION

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

Record: James D. and Marilyn M. Simpson

Address: 1500 Baxter Lane Ct.

City: Chesterfield State: MO Zip: 63017

Tel.: 636-532-0424 Fax: \_\_\_\_\_

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel.: \_\_\_\_\_ Fax: \_\_\_\_\_

Legal Interest: \_\_\_\_\_

(Provide date of contract and date of expiration of contract)

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

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**II. PROPERTY INFORMATION**

**Project Address:** 1500 Baxter Lane Ct.

**Locator Number(s):** Unk.

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

**Acreage:** .33 (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** Estates at Baxter Lane

**Current Zoning District:** Unk

**Legal Description of Property:** See attached.

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

**Unique physical characteristics of the lot (e.g., size, slope, etc.):** Gently downwards sloping pie-shaped lot. Home sits far to the back of the lot, less than 22 feet from the common ground to the back wall.

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:** Existing deck is aging. Steps are too steep for owner, as she has a medical condition, patellofemoral syndrome, and has been advised to minimize the use of stairs. Re-configuration of the deck reduces the number of stairs to six.

(Attach additional sheets as necessary)

**Ordinance Number and section to which a variance is sought:** 13939

(Attach additional sheets as necessary)

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

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

The small size and steep step configuration of the existing deck make it unusable. The existing deck is also showing signs of age and will soon need to be replaced.

The lot configuration and location of the existing residence creates practical difficulties in locating the replacement deck within the City's 15 foot set back. The lot is pie shaped opening to the rear of the property. The property abuts common ground and there are no abutting residences to the rear property. The homeowner maintains (mows, fertilizes, plants) the ground between the property line and the fenced common ground. The fence is located approximately 29 feet behind the home. The existing residence is located approximately 21 feet from the rear property line. The door opening to the deck is located on the rear (east) wall of the property, thereby requiring entry of the deck from that location. With the existing set back requirement, the deck at the entry point from the house would be insufficient to accommodate the flow of traffic. Further, the slope of the property lend itself to the stairs being located to the north.

The proposed design is for an L-shaped deck with steps on the northeast corner. This reduces the number of steps to six (6). Not only is this less expensive to construct, it is desirable to the homeowner who has knee issues (patellofemoral syndrome). The homeowner's physician has advised her to minimize or avoid stairs. The bump out on the deck will accommodate a table and allows for the free flow of traffic from the only entry point onto the deck from the residence to the stairs. The existing bay window on the residence in the breakfast room inhibits the traffic flow already. The proposed deck would be approximately 10 feet from the back wall on the property and leaves approximately 19 feet to the fenced common ground area.

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(Attach additional sheets as necessary)

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

None. Both adjoining neighbors and each of the Trustee's for the subdivision have provided letters of support for the proposed improvement. See attached. Further, the setback in question is to a common ground area. No residential property directly abuts the subject property.

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(Attach additional sheets as necessary)

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

**A. Setbacks/Height:**

	<b>The Petitioner(s) request the following setback(s):</b>	<b>City of Chesterfield Regulations require the following setback(s) for this site:</b>
<b>Front Yard:</b>	_____	_____
<b>Side Yard:</b>	_____	_____
<b>Rear Yard:</b>	11' _____	15' _____
<b>Height:</b>	_____	_____

**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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**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]**

**STATEMENT OF CONSENT**

**STATEMENT OF CONSENT**

I hereby give CONSENT to Elizabeth M. Chostner (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)

Marilyn Simpson + James D Simpson

(Name- type, stamp or print clearly)

Marilyn Simpson + James D. Simpson  
(Signature)

1500 Baxter Lane Ct.

(Address, City, State, Zip)

(Name of Firm)

Note: Attach additional sheets as necessary.

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF <sup>St Charles</sup> CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 20 11

16<sup>th</sup> day of June

Signed

Regina K Stonebraker  
Notary Public

Print Name: \_\_\_\_\_

Seal/Stamp:

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



REGINA K. STONEBRAKER  
My Commission Expires  
February 3, 2012  
St. Charles County  
Commission #08415211



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

Project Name: \_\_\_\_\_ Ward: \_\_\_\_\_  
Address: \_\_\_\_\_ Locator: \_\_\_\_\_

**STATE OF MISSOURI, CITY OF CHESTERFIELD**

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

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

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

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

\_\_\_\_\_  
Date

**[THIS PAGE FOR INTERNAL USE]**



**STAFF / BOA USE ONLY**

**Intake Date:** \_\_\_\_\_

**This petition is granted / denied (circle one) on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_**

**Signed:** \_\_\_\_\_

**Chairman**

**[THIS PAGE FOR INTERNAL USE]**

LEGAL DESCRIPTION

LOT 8 OF THE ESTATES AT BAXTER LANE, A SUBDIVISION IN ST. LOUIS COUNTY,  
MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 303,  
PAGE 73 OF THE ST. LOUIS COUNTY RECORDS

TRANSMISSION VERIFICATION REPORT

TIME : 04/19/2011 15:32  
NAME : FEDEXKINKOS  
FAX : 6365325750  
TEL : 6365325717  
SER.# : 000H7N171186

DATE, TIME 04/19 15:31  
FAX NO./NAME 3146157085  
DURATION 00:00:39  
PAGE(S) 02  
RESULT OK  
MODE STANDARD  
ECM

APR 19 2011  
JUN 1 2011



FedEx Kinko's is now FedEx Office

# Fax Cover Sheet

Date April 19

Number of pages 2 (including cover page)

To:

Name Research Request Personnel  
Company Dept of Public Works  
Telephone 314 615-2528  
Fax 314 615-7085

From:

Name Marilyn Simpson  
Company N/A  
Telephone 636 532 0424

Comments \_\_\_\_\_



Fax - Local Send



Fax - Domestic Send



Fax - International Send

fedex.com 1.800.GoFedEx 1.800.463.3339

St. Louis County Department of Public Works  
**REQUEST FOR PUBLIC INFORMATION**

Telephone: 314-615-2528 Fax: 314-615-7085

Please Print All Information

Date of Request: 4-19-11

Name: Marilyn Simpson Company: N/A

Address of Requestor of Information: 1500 Baxter Lane Ct (email is 2ndserve@att.net)  
Chesterfield, MO 63017

Daytime Phone: 636-532-0424 Alternate Phone: 314 602-2386

Address of Property to Research: 1500 Baxter Lane Ct.  
Chesterfield MO 63017

Permit Number: \_\_\_\_\_ Locator Number(s) [on Tax Bill]: 19S531889

Is the property Residential or Commercial? (circle one)

State specifically the information you are requesting, such as: permits on a specific address, building plans for a house, electrical plans, etc. Include approximate date of research requested.

Looking for permit for a deck built on this property prior to December 2000.  
We need to replace deck. (We purchased the house in June 2001)  
No record in Chesterfield OR in the automated system at county.  
was directed to this service by the person who checked your on-line system.

**RESEARCH/DUPLICATION FEES**

- Duplication Fees: \$25.19 per hour plus
- 10 cents a page, up to 11" x 17"
  - Plans larger than 11" x 17" start at \$2.50 per page, depending on plan size
  - \$1.05 per CD for Electronic Records
- Clerical Research: \$25.19 per hour

Special Computer Program Development: \$97.00 per hour (price may vary depending on our vendor contract)

Please be informed, permits issued more than 5 years ago and building plans older than 10 years, may not be available.

I, the undersigned and requestor of this information, understand the above research fee amounts and agree to proceed with this research request.

Marilyn M. Simpson  
Signature/Print Name

April 19, 2011  
Date

Responded April 20th - No permit issued Records checked back to 1987

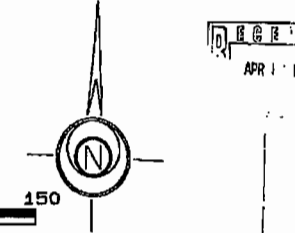




# THE ESTATES AT BAXTER LANE

A TRACT OF LAND IN U.S. SURVEY 2002  
TOWNSHIP 45 NORTH, RANGE 4 EAST  
CITY OF CHESTERFIELD,  
ST. LOUIS COUNTY, MISSOURI

A PLANNED ENVIRONMENT UNIT PROCEDURE ST. LOUIS COUNTY ORDINANCE NO. 13,939 ZONED R-2



Curve No.	Radius	Delta	Length	Tangents	Chord	Curve No.	Radius	Delta	Length	Tangents	Chord
1	130.00	02°00'00"	142.84	78.88	135.03	10	05.00	02°00'00"	5.40	3.00	5.40
2	20.00	02°00'00"	21.42	11.93	11.93	11	05.00	02°00'00"	5.40	3.00	5.40
3	130.00	02°00'00"	142.84	78.88	135.03	12	05.00	02°00'00"	5.40	3.00	5.40
4	130.00	02°00'00"	142.84	78.88	135.03	13	05.00	02°00'00"	5.40	3.00	5.40
5	30.00	02°00'00"	31.42	17.93	17.93	14	05.00	02°00'00"	5.40	3.00	5.40
6	30.00	02°00'00"	31.42	17.93	17.93	15	05.00	02°00'00"	5.40	3.00	5.40
7	30.00	02°00'00"	31.42	17.93	17.93	16	05.00	02°00'00"	5.40	3.00	5.40
8	30.00	02°00'00"	31.42	17.93	17.93	17	05.00	02°00'00"	5.40	3.00	5.40
9	30.00	02°00'00"	31.42	17.93	17.93	18	05.00	02°00'00"	5.40	3.00	5.40
10	30.00	02°00'00"	31.42	17.93	17.93	19	05.00	02°00'00"	5.40	3.00	5.40
11	30.00	02°00'00"	31.42	17.93	17.93	20	05.00	02°00'00"	5.40	3.00	5.40
12	30.00	02°00'00"	31.42	17.93	17.93	21	05.00	02°00'00"	5.40	3.00	5.40
13	30.00	02°00'00"	31.42	17.93	17.93	22	05.00	02°00'00"	5.40	3.00	5.40
14	30.00	02°00'00"	31.42	17.93	17.93	23	05.00	02°00'00"	5.40	3.00	5.40
15	30.00	02°00'00"	31.42	17.93	17.93	24	05.00	02°00'00"	5.40	3.00	5.40
16	30.00	02°00'00"	31.42	17.93	17.93	25	05.00	02°00'00"	5.40	3.00	5.40
17	30.00	02°00'00"	31.42	17.93	17.93	26	05.00	02°00'00"	5.40	3.00	5.40
18	30.00	02°00'00"	31.42	17.93	17.93	27	05.00	02°00'00"	5.40	3.00	5.40
19	30.00	02°00'00"	31.42	17.93	17.93	28	05.00	02°00'00"	5.40	3.00	5.40
20	30.00	02°00'00"	31.42	17.93	17.93	29	05.00	02°00'00"	5.40	3.00	5.40
21	30.00	02°00'00"	31.42	17.93	17.93	30	05.00	02°00'00"	5.40	3.00	5.40

OFFICE OF THE SURVEYING ENGINEERING & SURVEYING CO., INC.  
3460 HOLLYWOOD DRIVE, BRIDGTON, MISSOURI 63044

This is to certify that we have during the month of August, 1991 by order of RALPH-DIVENS-HAYNES DEVELOPMENT CO. made a survey and subdivision of a tract of land in U.S. Survey 2002, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri, and the results of said survey and subdivision are represented on this plat, and the location of monuments to be installed are correctly shown hereon. This survey meets Missouri Minimum Standards for Property Boundary Surveys.

*Richard R. Kimmel*  
Richard R. Kimmel, President  
No. Reg. 28,894

The undersigned, owner of the tract of land herein plotted and further described in the foregoing 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 "THE ESTATES AT BAXTER LANE".

The private drives shown hereon to be known as Baxter Lane, 40 feet wide, Baxter Lane Court, 40 feet wide, Baxter Lane Circle, 40 feet wide, together with all cul-de-sacs and roundings located at the street intersections and street lights on said drives, are hereby dedicated to the Trustee from time to time serving under the hereinafter described Restriction Agreement for the perpetual use and benefit of the present and future owners of lots in Baxter Lane Subdivision, a subdivision in St. Louis County, Missouri as per plat thereof recorded in Plat Book 13 Page 45 of the St. Louis County Records, and The Estates at Baxter Lane. The utility easements shown hereon are hereby dedicated to St. Louis County Water Company, Local 6 Gas Company, Union Electric Company, Southwestern Bell Telephone Company, Metropolitan St. Louis Sewer District, and to their successors and assigns as their interests may appear for the purpose of public utilities. Each of the respective utility companies is also granted ingress and egress over the private drives aforesaid for access, and may use adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair and replacement of said utilities, sewers and drainage facilities. The aforesaid private drives shall be maintained by the Trustee in accordance with the Restriction Agreement recorded in Book 1307 Page 282 of the St. Louis County Records, as amended by amendments recorded in Book 4897 Page 223, Book 4952 Page 1906 and Book 5570 Page 364 of the St. Louis County Records and by Amended Findings of Fact, Conclusions of Law and Judgment recorded in Book 6895 Page 254 of the St. Louis County Records.

The Stormwater Control Easement as shown on this plat is hereby dedicated to the Metropolitan St. Louis Sewer District, the City of Chesterfield, Missouri, and to their successors and assigns as their interests may appear for the purpose of constructing, maintaining and repairing stormwater drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of drainage facilities. The structures shall be constructed within the Stormwater Control Easement without submittal of construction plans and the written permission of the Metropolitan St. Louis Sewer District and the City of Chesterfield, Missouri. All other utility easements herein depicted as being within the stormwater easement are hereby made subject to and subordinate to this agreement as granted to the Metropolitan St. Louis Sewer District and the City of Chesterfield, Missouri.

All stormwater easements as dedicated to the Metropolitan St. Louis Sewer District per the above, shall not be in the possession or control of the District. No abutting plat or platlets be responsible for the maintenance, inspection, alteration, repair, operation, removal or rely on any stormwater drainage system until it accepts said easement for dedication.

All easements shown hereon as storm water easements are hereby dedicated to the City of Chesterfield, Missouri and to their successors and assigns for the purpose of public works and drainage facilities with the right to use adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair and replacement of said storm water and drainage facilities.

The Easement Easement as shown hereon is hereby dedicated to the Trustee of "THE ESTATES AT BAXTER LANE" for landscape maintenance.

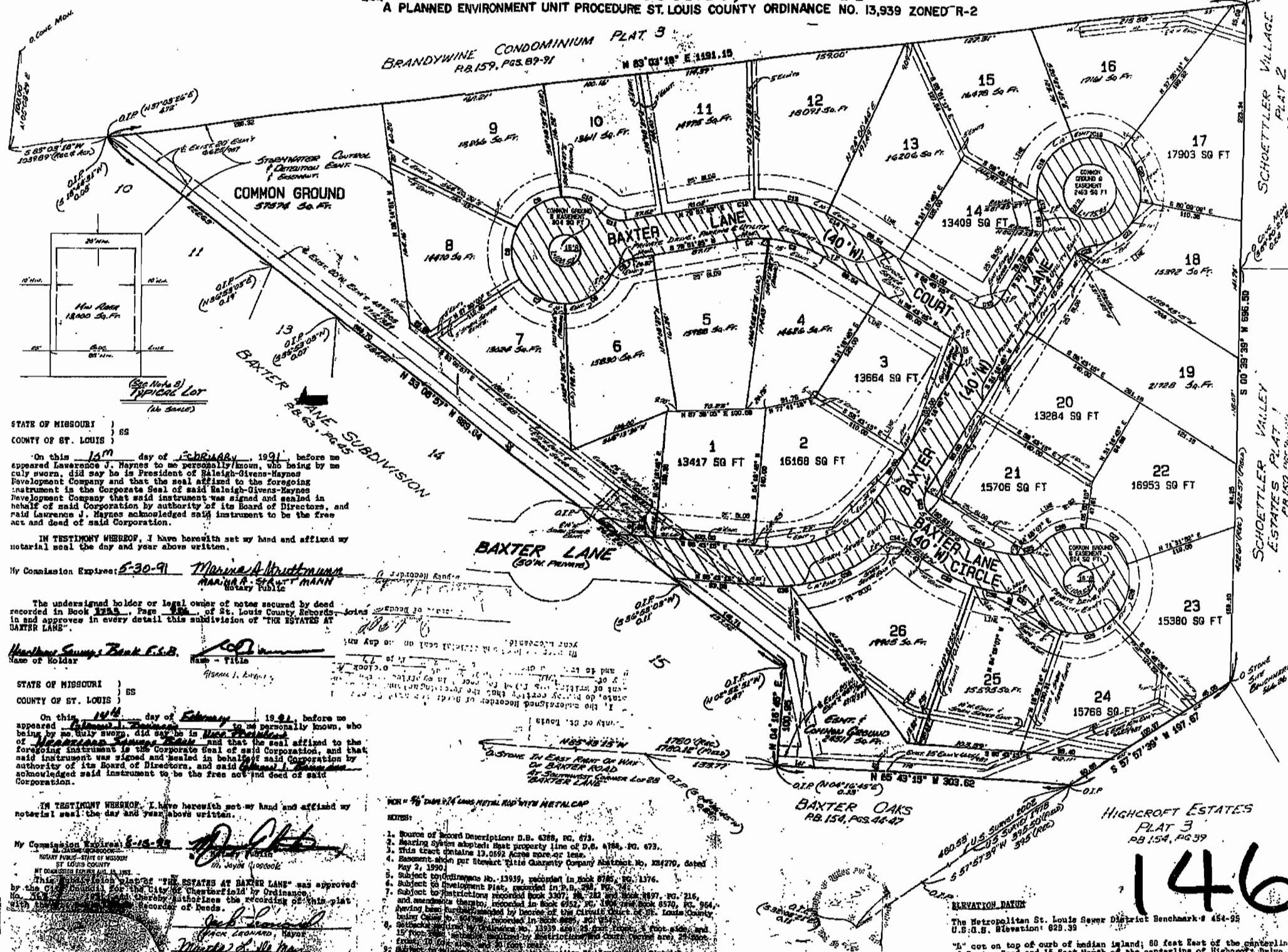
All common ground easements, such as cul-de-sac islands and divided street islands or median strips, are hereby dedicated to the Trustee of the aforesaid subdivision for landscape maintenance. However, no above ground structures, other than electric, light or other public utilities in accordance with the improvement plan may be constructed or installed within a cul-de-sac island, divided street island, or median strip, without authorization by the City of Chesterfield, Missouri, Department of Public Works through the issuance of a Special Use Permit.

Building lines as shown on this plat are hereby established. In addition to the aforesaid Restriction Agreement, as amended, this subdivision is subject to conditions and restrictions to be filed. It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of February, 1991.

RALPH-DIVENS-HAYNES DEVELOPMENT COMPANY

DRAWN BY: *Richard R. Kimmel*  
CHECKED BY: *Richard R. Kimmel*



STATE OF MISSOURI )  
COUNTY OF ST. LOUIS ) SS

On this 13th day of February, 1991, before me appeared Lawrence J. Hayes to me personally known, who being duly sworn, did say he is President of Ralph-Divens-Haynes Development Company and that the seal affixed to the foregoing instrument is the Corporate Seal of said Ralph-Divens-Haynes Development Company that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and said Lawrence J. Hayes acknowledged said instrument to be the free act and deed of said Corporation.

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

My Commission Expires: 6-30-91 *Marina A. Struttmann*  
MARINA A. STRUTTSMANN  
Notary Public

Heathman Savings Bank F.S.B.

STATE OF MISSOURI )  
COUNTY OF ST. LOUIS ) SS

On this 14th day of February, 1991, before me appeared *Heathman Savings Bank* to me personally known, who being duly sworn, did say he is President of said bank and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and said *Heathman Savings Bank* acknowledged said instrument to be the free act and deed of said Corporation.

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

My Commission Expires: 6-18-93 *Heathman Savings Bank*  
Heathman Savings Bank  
Notary Public

STATE OF MISSOURI )  
COUNTY OF ST. LOUIS ) SS

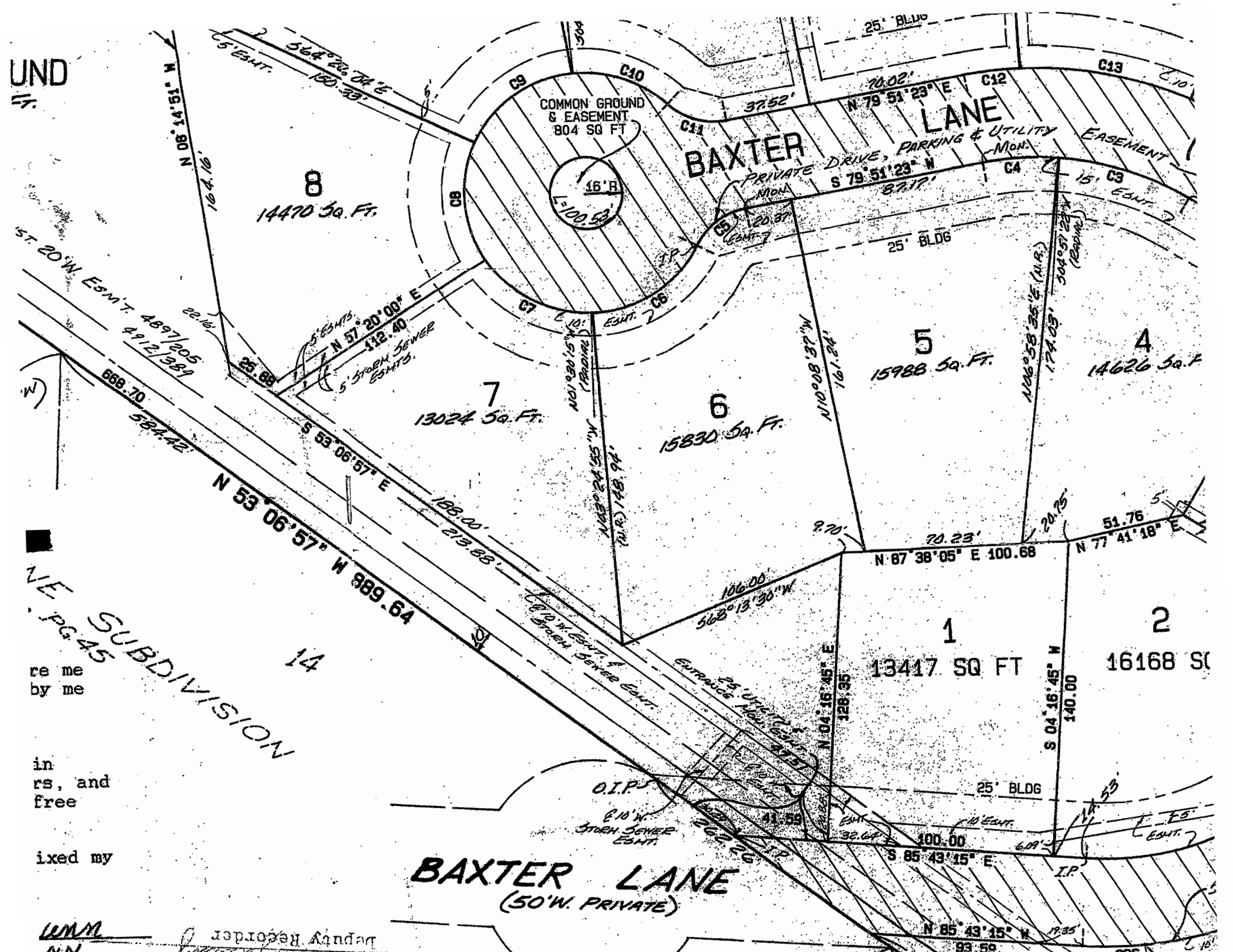
On this 14th day of February, 1991, before me appeared *Heathman Savings Bank* to me personally known, who being duly sworn, did say he is President of said bank and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and said *Heathman Savings Bank* acknowledged said instrument to be the free act and deed of said Corporation.

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

My Commission Expires: 6-18-93 *Heathman Savings Bank*  
Heathman Savings Bank  
Notary Public

- NOTICE TO THE PUBLIC
- RECORDS:
1. Source of Record Description: D.B. 6368, PG. 673.
  2. Bearing system adopted that property line of D.B. 6368, PG. 673.
  3. This tract contains 13.0592 Acres more or less.
  4. Easement shown per Stewart Title Guaranty Company Abstract No. 124270, dated May 2, 1990.
  5. Subject to Ordinance No. 13939, recorded in Book 6765, PG. 1376.
  6. Subject to Development Plat, recorded in P.B. 13, PG. 216.
  7. Subject to Restriction Agreement recorded in Book 1307, PG. 282 and Book 4952, PG. 216, and amendments thereon, recorded in Book 6552, PG. 100, Book 6895, PG. 254, and amendments thereon, recorded in Book 6895, PG. 254, St. Louis County, being caused by the Trustee of "THE ESTATES AT BAXTER LANE", as amended.
  8. Easements shown by location of the plat of the City of Chesterfield, Missouri, being caused by the Trustee of "THE ESTATES AT BAXTER LANE", as amended.
  9. Easements shown by location of the plat of the City of Chesterfield, Missouri, being caused by the Trustee of "THE ESTATES AT BAXTER LANE", as amended.
  10. Easements shown by location of the plat of the City of Chesterfield, Missouri, being caused by the Trustee of "THE ESTATES AT BAXTER LANE", as amended.

146



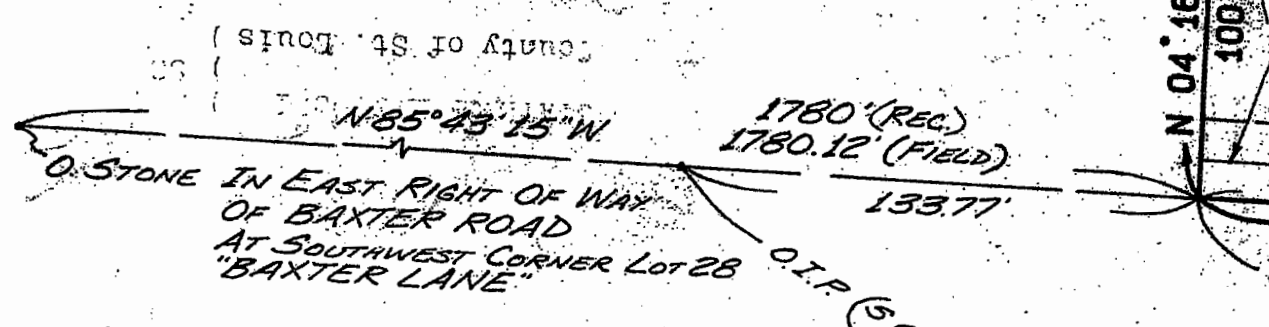
NE SUBDIVISION  
PG. 45

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Witness my hand and official seal on the day and  
Year aforesaid.  
I, the undersigned Recorder of Deeds for said County,  
do hereby certify that the foregoing and unaltered  
ment of writing was filed for record in my office at the  
day of \_\_\_\_\_ A.D. 19\_\_ at \_\_\_\_\_ o'clock  
P.M. and its true recording is here noted. Date 7/3

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MON = 5/8" DIAM \* 24" LONG METAL ROD WITH METAL CAP

NOTES:

1. Source of Record Description: D.B. 6388, PG. 673.
2. Bearing System adopted: East property line of D.B. 6388, PG. 673.
3. This tract contains 13.0692 Acres more or less.
4. Easement shown per Stewart Title Guaranty Company Abstract No. X84270, dated May 2, 1990.
5. Subject to Ordinance No. 13939, recorded in Book 8785, PG. 1376.
6. Subject to Development Plat, recorded in P.B. 298, PG. 74.
7. Subject to Restrictions recorded Book 3307, PG. 282 and Book 4897, PG. 216, and amendments thereto, recorded in Book 6952, PG. 1906 and Book 8570, PG. 964, having been further amended by Decree of the Circuit Court of St. Louis County being Cause No. 604708, recorded in Book 8885, PG. 254.
8. Setbacks required by Ordinance No. 13939 are: 25 foot front, 6 foot side, and 15 foot rear, setbacks required by Restrictions and Court Decree are: 25 foot front, 10 foot side, and 20 foot rear.
9. Subject to Maintenance Agreement, Metropolitan St. Louis Sewer District, recorded in Book 8839, PG. 10.

approved  
his plat

O.I.P.  
(S 32° 02' 21\"/>



ABLE TO APPROVE MZA

MZA# 11455

COMMERCIAL/OTHER  
RESIDENTIAL

DATE 7-14-11

ADDRESS 1500 Baker Lane

PROPERTY OWNER James & Marilyn Simpson

TENANT:

APPLICANT Cal Custom Deck

DESCRIPTION New deck

REASON FOR REJECTION: The proposed deck encroaches the 15'

rear yard setback





# Rejected

MZA\_111455

Date: 4/14/2011

Property Address	Subdivision	Lot
1500 BAXTER LANE CT	146 ESTATES AT BAXTER LANE	8

Locator #	Ward	Date Received	Flood Plain
19S531889	2	4 /13/2011	NO

Zoning Class	Type
R2	Porch/Patio/Deck

Property Owner	Tenant
James & Marilyn Simpson	Deck

Applicant
California Custom Decks

**Comments**  
 4/13/2011 - Complete - Kkelley - A copy of the Trustee email included with the application. Returned trustee email will receive mail notification.  
 Assigned to Kristian.  
 4/13/2011 - Cleared - BNiesen -  
 4/14/2011 - Rejected - kcorbin - Proposed deck encroaches into the rear yard structure setback of 15 feet. Must move deck out of setback.

Status	Rejected	4 /14/2011	by Kristian Corbin, Project Planner
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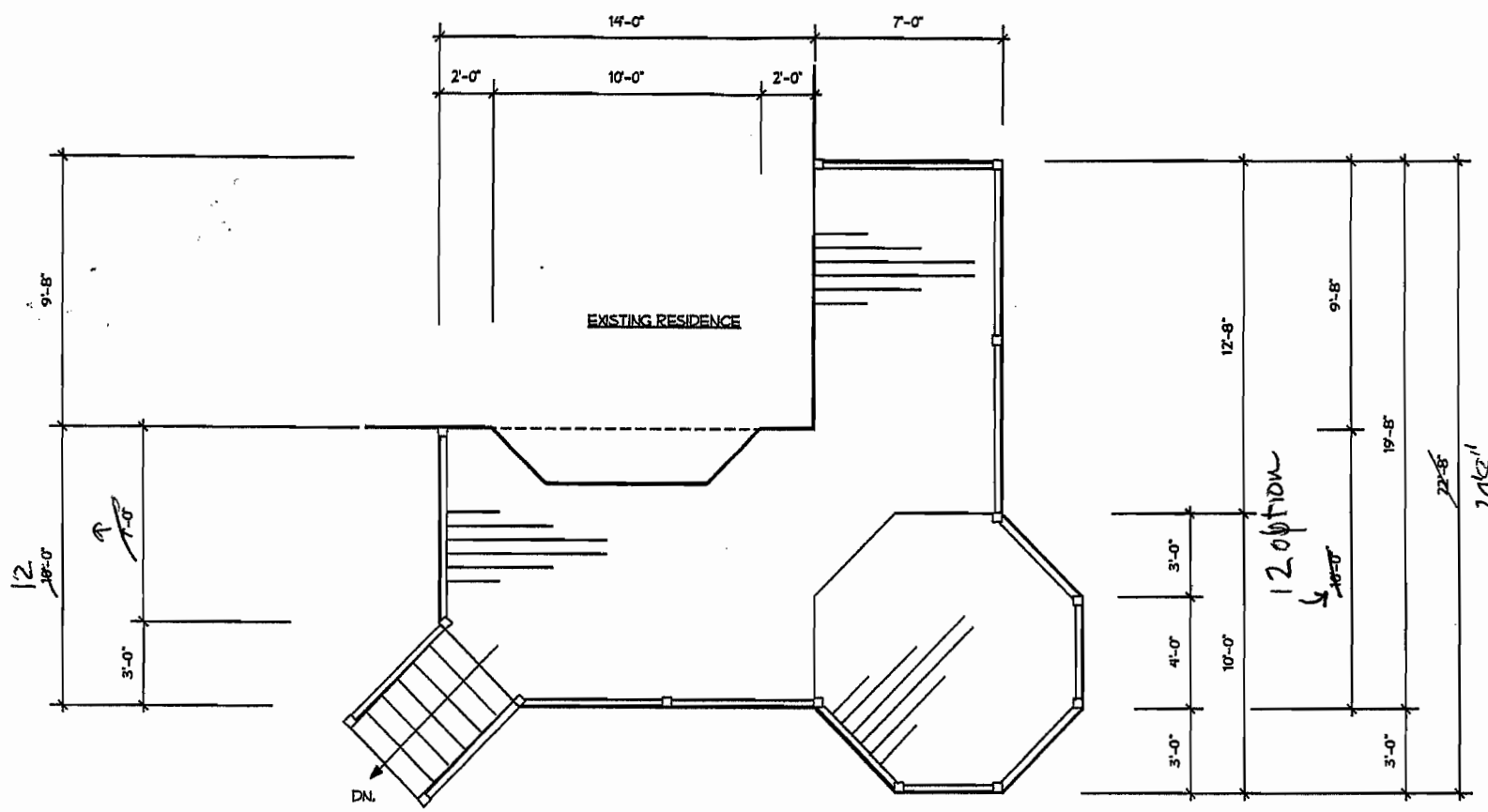
  
signature

**ADVISORY:**

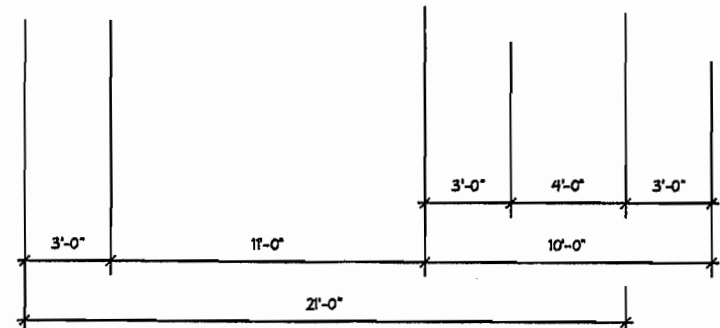
Applications for Municipal Zoning Approval that are not approved may be resubmitted once changes have been made. Please note that relief from some requirements, in the form of a variance, may be requested via application to the Board of Adjustment; please call the Department of Planning and Public Works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



Rear of Property



Garage



**DECK - PLAN VIEW**  
SCALE: 1/4" = 1' - 0"

STRUCTURAL SPECIFICATIONS: CALIFORNIA CUSTOM DECKS STRIVES TO DESIGN AND ENGINEER THE BEST DECK MONEY CAN BUY FROM THE GROUND UP USING POST AND BEAM CONSTRUCTION (BUILT TO 60# PER SQUARE FOOT LIVE LOAD CAPACITY).

- FOOTINGS TO BE POURED CONCRETE, A MINIMUM 30" DEEP IN VIRGIN SOIL.
- FRAMING TO BE PRESSURE TREATED SOUTHERN YELLOW PINE.
- SUPPORT COLUMNS TO BE 6 X 6 MEMBERS, NOTCHED TO ACCEPT SUPPORT BEAMS.
- SUPPORT BEAMS TO BE DOUBLED 2" X 10" TREATED LUMBER, BOLTED TO COLUMNS.
- JOISTS TO BE ATTACHED TO HOUSE BAND USING JOIST HANGERS.
- HOUSE BAND TO BE BOLTED TO HOUSE USING 1/2" LAG BOLTS EVERY 16" AND PROPERLY INSTALLED AND SEALED TO PREVENT WATER INFILTRATION.
- ALL HARDWARE TO BE HOT-DIPPED GALVANIZED OR EPOXY COATED FOR SUPERIOR WEATHER RESISTANCE.

**CALIFORNIA CUSTOM DECKS, INC.**

CUSTOMER:	SIMPSON	JOB NO.:	
DESCRIPTION:	DECK	DATE:	03/11/11

AERIAL VIEW OF STREET "A" IS RESIDENCE, 1500 BAXTER LANE COURT



THERE IS AN EXISTING 9'8" SQUARE DECK BUILT BY PREVIOUS OWNER  
2000 OR OLDER



HERE IS A VIEW FROM THE NORTH OF THE EXISTING DECK



PHOTO IS AT BASE OF STAIR CASE WHICH EXTENDS 14' BEYOND THE BACK WALL OF THE HOUSE





THIS IS THE VIEW FROM THE BACK OF THE RESIDENCE OVER THE CHAIN LINK FENCE INTO THE COMMON GROUND. (29 FEET FENCE TO HOUSE).



*is property*



1503 Baxter Lane Ct  
Chesterfield, MO 63017

April 16, 2011

City of Chesterfield Missouri  
Department of Planning and Public Works  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760

Dear Board of Adjustment Members:

I have met with my neighbor, Marilyn Simpson, and discussed the Simpson's plans to replace their current deck with a composite deck. The deck will permit them to exit through their home from their sliding glass door off their main level to their back yard. The builder's drawing shows that the deck will wrap around the northwest corner of their house and fits within their property lines.

We have very limited visibility of the back of their property from our backyard due to the lot layout on our cul-de-sac. Their plans have no adverse effect on us as a neighbor and we have no objection to their building request. Directly behind their yard is a fenced common ground, with a storm retention area.

Sincerely,

A handwritten signature in black ink, appearing to be "Jintai Huang or Fan Zhang".

Jintai Huang or Fan Zhang

1504 Baxter Lane Ct  
Chesterfield, MO 63017

April 19, 2011

City of Chesterfield Missouri  
Department of Planning and Public Works  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760

Board of Adjustment Members:

I have met with my neighbor, Marilyn Simpson, and discussed the Simpson's plans to replace their current deck with a composite deck. The deck will permit them to exit through their home from their sliding glass door off their main level to their back yard. The builder's drawing shows that the deck will wrap around the northwest corner of their house and fits within their property lines.

We have limited visibility of the back of their property from our backyard due to the lot layout on our cul-de-sac and landscaping in our yard. Their plans have no adverse effect on us as a neighbor and we have no objection to their building request. Directly behind their yard is a fenced common ground, with a storm retention area.

Sincerely,

A handwritten signature in black ink that reads "Toni Sharlow". The signature is written in a cursive style with a large initial 'T'.

Carlos or Toni Sharlow

33 Baxter Lane  
Chesterfield, MO 63017

May 5, 2011

City of Chesterfield Missouri  
Department of Planning and Public Works  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760

Board of Adjustment Members:

Marilyn Simpson, home owner of 1500 Baxter Lane Court, called me to discuss the Simpson's plan to replace their current deck and the need for a variance of the easement setback on the west side, rear of their building lot.

As a member of the Trustees of the Estates of Baxter Lane, I have been asked for my opinion of their plan. The deck they're proposing sits entirely within their property. Additionally, the property backs up to a fenced storm-sewer area. Their plan to extend the deck 10 feet to the rear of the house (on the bump out only), will allow approximately 19 feet to the fenced common area. The common ground abutting their property and not enclosed by the fence is maintained (mowed, fertilized, etc) by the Simpson's. I support their request for variance as it does not adversely affect any other homeowner.

The deck will permit them to exit through their home from their sliding glass door off their main level to their back yard.

Sincerely,



Rick Roberts  
Trustee

30 Baxter Lane  
Chesterfield, MO 63017

May 5, 2011

City of Chesterfield Missouri  
Department of Planning and Public Works  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760

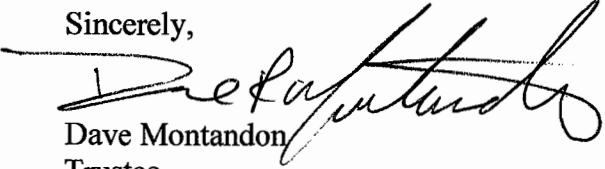
Board of Adjustment Members:

I am one of three trustees for the Baxter Lane Estates subdivision. Marilyn Simpson, home owner of 1500 Baxter Lane Court, called me to discuss the Simpson's plan to replace their current deck and the need for a variance of the easement setback on the rear of their building lot.

As a member of the Trustees of the Estates of Baxter Lane, I have been asked for my opinion of their plan. Their property backs to a storm retention area and their backyard is very isolated from other residences. The deck they're proposing sits entirely within their property. Their plan to extend the deck 10 feet to the rear of the house (on the bump out only), will allow approximately 19 feet to the fenced common area. The common ground abutting their property and not enclosed by the fence is maintained (mowed, fertilized, etc) by the Simpson's. I support their request for variance.

The deck will permit them to exit through their home from their sliding glass door off their main level to their back yard. The house is a look-out atrium ranch; the sliding glass door is approximately 6 feet off the ground.

Sincerely,

  
Dave Montandon  
Trustee



29 Baxter Lane  
Chesterfield, MO 63017

April 21, 2011

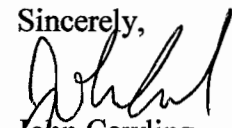
City of Chesterfield Missouri  
Department of Planning and Public Works  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760

Board of Adjustment Members:

Marilyn Simpson, home owner of 1500 Baxter Lane Court, and I discussed the Simpson's plan to replace their current deck and the need for a variance of the 15 foot easement on the west side, rear of their building lot. The deck will permit them to exit through their home from their sliding glass door off their main level to their back yard. The builder's drawing shows that the deck will wrap around the northwest corner of their house and fits within their property lines.

As a member of the Trustees of the Estates of Baxter Lane, I have been asked for my opinion of their plan and to provide any additional information that you may not have. First, their plans have no adverse effect on the neighborhood. The eastern segment of the fenced storm-sewer area sits approximately 29 feet from the back wall of the Simpson's home. Their plan to extend the deck 10 feet to the rear of the house (on the bump out only), will allow approximately 19 feet to the fenced common area. The common ground abutting their property and not enclosed by the fence is maintained (mowed, fertilized, etc) by the Simpson's. Incidentally, access to the common ground is on the south side of the common ground. I have reviewed their plan and support their request for variance.

Sincerely,



John Cowling  
Trustee

Planning - file

BILL NO. 253, 1988ORDINANCE NO. 13,939, 1988Introduced by Councilman Whitehall

## AN ORDINANCE

AUTHORIZING AND GIVING PRELIMINARY APPROVAL TO A  
 PLANNED ENVIRONMENT UNIT DEVELOPMENT OF A TRACT  
 OF LAND LOCATED IN THE "R-2" 15,000 SQ. FT.  
 RESIDENCE DISTRICT, SUBJECT TO CONDITIONS.  
 95-88 Borman Development Company).



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

SECTION 1. Preliminary approval of a Planned Environment  
 Unit Development of a tract of land located in the "R-2" 15,000 Sq.  
 Ft. Residence District in St. Louis County, Missouri, is granted,  
 said tract being described as follows:

Beginning at the Northeast corner of "Baxter Lane", a  
 subdivision according to the plat thereof recorded as  
 Daily No. 266 on September 21, 1954 in the St. Louis  
 County Records, said point being also in the South line of  
 "Brandywine Condominium Plat 3", a subdivision according  
 to the plat thereof recorded as Daily No. 52 on January  
 17, 1975 in the St. Louis County Records; thence  
 Eastwardly along the South line of said "Brandywine" North  
 82 degrees 54 minutes 00 seconds East 1,191.64 feet to the  
 Southeast corner thereof, said point being also in the  
 West line of "Schoettler Village Plat Two", a subdivision  
 according to the plat thereof recorded as Daily No. 34 on  
 April 7, 1977 in the St. Louis County Records, being also  
 in the East line of U.S. Survey 2002; thence Southwardly  
 along the West line of said "Schoettler Village Plat Two",  
 the East line of U.S. Survey 2002, and the West line of  
 "Schoettler Valley Estates Plat One", a subdivision  
 according to the plat thereof recorded as Daily No. 105 on  
 June 5, 1973 in the St. Louis County Records South 00  
 degrees 32 minutes 30 seconds West 696.58 feet to the most  
 Northern corner of "Highcroft Estates Plat Three", a  
 subdivision according to the plat thereof recorded as  
 Daily No. 130 on December 10, 1973 in the St. Louis County  
 Records; thence Southwestwardly along the Northwest line  
 of said "Highcroft Estates", being also the Northwest line  
 of U.S. Survey 1978, being also the Southeast line of U.S.  
 Survey 2002, South 57 degrees 46 minutes 57 seconds West  
 196.70 feet to the most Eastern corner of "Baxter Oaks", a  
 subdivision according to the plat thereof recorded as  
 Daily No. 28 on December 10, 1973 in the St. Louis County  
 Records; thence Eastwardly along the North line of said  
 "Baxter Oaks" North 85 degrees 52 minutes 33 seconds West  
 304.56 feet to the Southeast corner of said "Baxter Lane";  
 thence Northwardly and Northwestwardly along the East and  
 Northeast boundary lines of said "Baxter Lane" North 04  
 degrees 07 minutes 27 seconds East 100.99 feet and North  
 53 degrees 17 minutes 52 seconds West 889.30 feet to the  
 point of beginning and containing 13.066 acres.

SECTION 2. The preliminary approval, pursuant to Section  
 1003.187 SLCRO 1974, as amended, is granted subject to all  
 ordinances, rules and regulations and to the conditions recommended

by the Planning Commission in its report dated May 10, 1988, as follows:

1. PERMITTED USES

This Planned Environment Unit shall authorize the development of a maximum of twenty-six (26) single family residences on individual lots.

2. LOT REQUIREMENTS

a. All lots shall be a minimum of 13,000 square feet.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months of the date of approval of the preliminary development plan by the County Council and prior to any site preparation or construction, the petitioner shall submit to the Planning Commission for its review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission. Said Site Development Plan shall include, but not be limited to, the following:

- a. A general development plan, including basic arrangement of lot locations, common land areas, sidewalks, setback lines from all internal streets and along the perimeter of the subject tract, roadways on or adjacent to the property in question including roadway right-of-way dimensions, and a street lighting plan.
- b. The location and size of all outdoor parking areas, if any.
- c. Existing and proposed contours at two (2) foot intervals.
- d. The design, location, and size of all proposed freestanding signs, fences, and other above ground structures, except retaining walls.
- e. A landscape plan, including, but not limited to, the location, size, and general type of all plant and other materials to be used.
- f. The location of any public utility facilities.
- g. All other preliminary plat requirements of the St. Louis County Subdivision Ordinance.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Structure Setbacks

- a. Structure setbacks shall be as established in the "R-4" Residence District, except front yards shall be a minimum of twenty-five (25) feet and yards abutting the perimeter of this development shall comply with setbacks of the "R-2" District.

Parking Requirements

- b. Minimum parking requirements shall be as required by Section 1003.165 of the St. Louis County Zoning Ordinance.

Access

- a. Access to this development shall be limited to one (1) street approach as approved by the Planning Commission on the Site Development Plan.

Road Improvements and Sidewalks

- d. If access is proposed via an extension of Baxter Lane, provide a maintenance agreement or other appropriate legal instrument verifying the developer's agreement with the trustees of Baxter Lane Subdivision to share in the maintenance of Baxter Lane from which access to this development is derived. Provide a trust indenture or statement on the record plat establishing the method for providing the developer's share in the perpetual maintenance of Baxter Lane necessary to serve the subject development. Maintenance of this street shall be the sole responsibility of the property owners or trustees of these subdivisions forever.
- e. Conform to the St. Louis County Subdivision Ordinance regarding right-of-way, pavement widening, turnaround, etc.

Landscape Requirements

- f. All new deciduous trees shall be a minimum of one and one-half (1-1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height and all shrubs shall have a minimum diameter of eighteen (18) inches.
- g. All landscaping improvements shall be escrowed along with the other standard subdivision improvements.

Signs

- h. Signs shall be erected in accord with the "R-2" Residence District.

Lighting

- i. Lighting shall be required in compliance with the St. Louis County Subdivision Ordinance.

Miscellaneous Design Criteria

- j. Exterior trash areas in common ground (if any) shall be surrounded by six foot high sightproof fencing.
- k. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of S.L.C.R.O. 1974, as amended.
- l. Except as herein noted, comply with all preliminary plat requirements of the St. Louis County Subdivision Ordinance.
- m. A common ground buffer shall be established along the western property line as approved by the Planning Commission on the Site Development Plan.

5. TRAFFIC GENERATION ASSESSMENT

The developer shall contribute to the Chesterfield Village Road Trust Fund, which contribution shall be used solely for improvements to arterial roads within the area, based upon the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Single Family Residential	\$525.80/Parking Space

(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

The developer is advised that utility companies have recently been requiring compensation from developers for relocation of

their utility facilities within public road right-of-way. Legal proceedings may be in process by others to determine the legality of this requirement. Should the court rule in favor of the utility companies and require reimbursement by the developer, credit will not be given for these costs from the developer's trust fund contribution. Trust fund credit will be given where the utility is located on private easement, and payment is required of the developer to relocate or adjust said utility unless the relocation or adjustment is due solely to on-site development. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

The amount of this required contribution, if not submitted by January 1, 1989, shall be increased on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

6. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the petitioner shall:

Stormwater

- a. Submit to the Department of Planning a preliminary engineering plan approved by the Department of Highways and Traffic showing that adequate handling of stormwater drainage is provided.
  - (1) The developer is required to provide adequate stormwater systems in accordance with St. Louis County Standards.
  - (2) All stormwater shall be discharged at an adequate natural discharge point.
  - (3) Detention of differential runoff of stormwater is required by providing permanent detention facilities, such as: dry reservoirs, ponds or other acceptable alternatives. The detention facilities shall be completed and in operation prior to issuance of building permits exceeding sixty percent (60%) of the approved dwelling units.

Roadway Improvements and Curb Cuts

- b. Provide verification of approval by the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

Geotechnical Report

- c. Submit a geotechnical report prepared by a professional engineer licensed in the State of Missouri for review and approval by the Department of Highways and Traffic. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans.

7. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission the approved plan shall be recorded with the St. Louis County Recorder of Deeds.



8. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of Site Development Plan, and prior to issuance of any building permit the following requirements shall be met:

Trust Fund Contribution

- a. Trust fund contributions and/or credits for roadway improvements shall be deposited with St. Louis County through standard escrow procedure prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution and/or credits for roadway improvements through standard escrow procedure prior to issuance of building permits for each phase of development. Any remaining portion of the traffic generation assessment contribution shall be deposited with St. Louis County in the form of a cash escrow.

Notification to the Department of Public Works

- b. Prior to the issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Highways and Traffic, and the Metropolitan St. Louis Sewer District must be received by the Department of Public Works.

Certification of Plans

- c. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.

On-Site Conditions

- d. The existing pond located on the site will be dewatered at a rate not to exceed a 15 year design storm to protect against erosion and siltation damage to adjacent properties and roads.

9. GENERAL DEVELOPMENT CONDITIONS

- a. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.
- b. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- c. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion. Such areas shall be adequately maintained until construction occurs.
- d. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

- e. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.

The existence of private roadways within the development requires disclosure by the developer of responsibility for street maintenance in accordance with the provisions of Section 1005.265 of St. Louis County's Subdivision Ordinance.

- f. A copy of the most recently approved Site Development Plan for this P.E.U. development shall at all times be prominently displayed in all display area sales offices within this development.
- g. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing County Departments or Commissions.
- h. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission.

SECTION 3. The St. Louis County Council, pursuant to petition of Borman Development Company, requesting the approval of a Planned Environment Unit Development for the tract of land described in Section 1 of this ordinance as an alternative zoning, and pursuant to the recommendation of the Planning Commission that said petition be granted after public hearing held by the said Commission on April 18, 1988, adopts this ordinance pursuant to the St. Louis County Charter authorizing the Council to exercise legislative power pertaining to planning and zoning, and returns the application and plan to the St. Louis County Planning Commission for consideration of final development plans pursuant to Section 1003.187 SLCRO 1974, as amended.

ADOPTED: May 26, 1988

APPROVED: May 27, 1988

ATTEST: LELA APPERSON  
DEPUTY ADMINISTRATIVE DIRECTOR

CARL W. BREIHAN  
CHAIRMAN, COUNTY COUNCIL  
GENE McNARY  
COUNTY EXECUTIVE