

**CITY OF CHESTERFIELD  
BOARD OF ADJUSTMENT  
MEETING SUMMARY  
Thursday, August 4, 2011**

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The Board of Adjustment meeting was called to order at 7:00 p.m. on Thursday, August 4, 2011, by Ms. Ainsworth, Chair of the Board of Adjustment.

**I. Introduction of Board and City Staff**

The following individuals were in attendance:

Ms. Marilyn Ainsworth, Chair  
Mr. Leon Kravetz, Vice-Chair  
Ms. Melissa Heberle  
Ms. Barb Whitman  
Mr. Gerald Schwalbe, Alternate

Mr. Matt Segal, Council Liaison  
Mr. Harry O'Rourke, Representing City Attorney, City of Chesterfield  
Ms. Aimee Nassif, Planning and Development Services Director  
Ms. Kathy Reiter, Administrative Secretary  
Court Reporter, Midwest Litigation Services

**II. Approval of July 7, 2011 Meeting Summary**

**Gerald Schwalbe made a motion to approve the Meeting Summary.** The motion was seconded by Melissa Heberle. Upon roll call, the vote was as follows:

<b>Melissa Heberle</b>	<b>Yes</b>
<b>Leon Kravetz</b>	<b>Yes</b>
<b>Gerald Schwalbe</b>	<b>Yes</b>
<b>Barb Whitman</b>	<b>Abstain</b>
<b>Marilyn Ainsworth</b>	<b>Yes</b>

The motion passed 4 to 0, with one abstention.

**III. Request for Affidavit of Publication**

The Chair noted that the Affidavit of Publication and exhibits for the Petition had been placed on the dais.

#### IV. Public Hearing Items:

The Chair read the Opening Comments for the Public Hearing.

- A. B.A. 03-2011 14329 Gatwick Court (Cecilia Pearce):** A request for a variance from City of Chesterfield Ordinance Number 2101 to permit a residential lot in the Paddington Hill Subdivision to maintain a two hundred and forty three (243) foot yard setback in lieu of the required two hundred fifty (250) foot yard setback. (16R311230)

#### **Staff Presentation:**

Ms. Aimee Nassif, Planning and Development Services Director for the City of Chesterfield, outlined the exhibits supporting the request for a variance to permit a residential lot to maintain a 243 foot yard setback in lieu of the required 250 foot yard setback.

Ms. Nassif referred the Board to page 2 of the Staff report which shows an illustration of the existing plat that was approved for the Paddington Hill subdivision noting that the Petitioner's lot is Lot #11. Ms. Nassif then stated the following:

- All of the lots in the Paddington Hill subdivision have a required 15-foot rear yard setback. The 15-foot setback is established from the City of Chesterfield Code. All residential properties in residential subdivisions have a rear yard setback that they must maintain. The applicants are not requesting a variance to this 15-foot setback for their proposed deck.
- There is also a 250-foot property development setback line for those properties that back up to the common ground and detention basin, which was established by the first developer, who is no longer the subdivision developer. It is believed that the setback was established to prevent structures from being built in the common ground.
- Once the lots were established, it was noted that this 250-foot setback was creating a hardship for several of the properties including Lot 11. This setback does not exist in the City of Chesterfield Code but is an additional setback put on by the developer.
- The applicant is requesting a variance to this 250-foot setback in order to construct a deck, which would give them access off the back of their property which they currently do not have.
- In November 2010, a separate group from the Paddington Hill subdivision requested a variance from the 15 foot rear yard setback, not from the additional 250 foot setback that the petitioner is requesting.
- Staff reviews whether granting the variance would have a detrimental effect on the public's health, safety or welfare, and Staff does not believe it would do so. If this variance were approved, the property owner would still have to meet all the other requirements including maintaining the lot setback that all other properties would as well.

## **Petitioner's Presentation**

James Greenwood was sworn in by the Court Reporter.

Mr. Jim Greenwood, 13478 Ladue Farm Road in Chesterfield, stated he was available to answer any questions and that he, along with his wife and mother-in-law, Ms. Pearce, tried to comply with any restrictions there are, except for the variance they are now seeking.

There were no questions from the Board.

No Speakers were present to speak in favor of the petition.

No Speakers were present to speak in opposition of the petition.

## **DISCUSSION**

During discussion, Mr. Schwalbe inquired as to whether Staff had ever figured out what the 250-foot setback was for. Ms. Nassif stated that there is a different builder now and that she was not able to contact the initial developer. However, by researching previous meeting minutes, it appears the developer wanted this setback to protect the common ground. She explained that during the zoning process, the preliminary plan is submitted but the individual lots are not drawn on it so the City didn't know where the lots were in relationship to this setback. In Mr. Greenwood's case, since his deck would still be within the 15 foot lot requirement, there would be no structure within the common ground.

## **CONCLUSION**

Leon Kravetz made a motion to approve the variance to permit 14329 Gatwick Court in the Paddington Hill Subdivision to maintain a two hundred and forty three (243) foot yard setback in lieu of the required two hundred fifty (250) foot yard setback. The motion was seconded by Barb Whitman.

Upon roll call, the vote was as follows:

<b>Melissa Heberle</b>	<b>Yes</b>
<b>Leon Kravetz</b>	<b>Yes</b>
<b>Gerald Schwalbe</b>	<b>Yes</b>
<b>Barb Whitman</b>	<b>Yes</b>
<b>Marilyn Ainsworth</b>	<b>Yes</b>

The motion passed 5 to 0.

**V. Election of Officers**

- A. Chair**
- B. Vice Chair**

Chair Ainsworth asked for nominations for the Chair of the Board of Adjustment. Leon Kravetz nominated Marilyn Ainsworth. The motion was seconded by Gerald Schwalbe.

**The vote on the nomination of Marilyn Ainsworth as Chair of the Board of Adjustment passed by a voice vote of 5-0.**

Marilyn Ainsworth accepted the position as Chair of the Board of Adjustment.

Chair Ainsworth asked for nominations for Vice-Chair of the Board of Adjustment. Marilyn Ainsworth nominated Leon Kravetz. The nomination was seconded by Gerald Schwalbe.

**The vote on the nomination of Leon Kravetz as Vice-Chair of the Board of Adjustment passed by a voice vote of 5-0.**

Leon Kravetz accepted the position as Vice-Chair of the Board of Adjustment.

**VI. Proposed Board of Adjustment Meeting Time Change.**

After discussion, Leon Kravetz made a motion to meet at 6:00 p.m. beginning with the September meeting. The motion was seconded by Melissa Heberle. Upon roll call, the vote **to approve the time change from 7:00 p.m. to 6:00 p.m.** was as follows:

<b>Melissa Heberle</b>	<b>Yes</b>
<b>Leon Kravetz</b>	<b>Yes</b>
<b>Gerald Schwalbe</b>	<b>Yes</b>
<b>Barb Whitman</b>	<b>Yes</b>
<b>Marilyn Ainsworth</b>	<b>Yes</b>

**The motion passed 5 to 0.**

**VII. Adjournment**

The meeting adjourned at 7:18 p.m.