

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, December 6, 2018 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. 04-2018 826 Wellesley Place Dr. (Chesterfield Fence and Deck)**: A request for a variance from City of Chesterfield Ordinance 616 for Lot 35 of the Wellesley Place subdivision to maintain a rear yard setback of 13 feet in lieu of the 15-foot setback requirement. (18S630712)



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](mailto:jhenry@chesterfield.mo.us).

City of Chesterfield

Jessica Henry, AICP  
Assistant City Planner



**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:** December 6, 2018

**From:** Jessica Henry, AICP  
Assistant City Planner

**Location:** 826 Wellesley Place Drive

**Applicant:** Chesterfield Fence and Deck on behalf of Gerald Nettler

**Description:** **B.A. 04-2018 826 Wellesley Place Dr. (Chesterfield Fence and Deck)**: A request for a variance from City of Chesterfield Ordinance 616 for Lot 35 of the Wellesley Place subdivision to maintain a rear yard setback of 13 feet in lieu of the 15-foot setback requirement. (18S630712)

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### PROPOSAL SUMMARY

Chesterfield Fence and Deck, on behalf of Gerald Nettler, is requesting a variance from the minimum rear yard setback requirement required for their property, Lot 35 of the Wellesley Place subdivision. The property owners are requesting a 13-foot rear setback in lieu of the required 15-foot rear setback in order to replace their existing deck steps. The existing deck was constructed at the same time as the home, and the footprint has not been altered since that time. While the deck itself does not encroach into the setback, the two steps down to grade do.

An application is attached to this report 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, that was rejected by the Department of Planning and Development Services.

### SITE HISTORY AND EXISTING CONDITIONS

The Wellesley Place subdivision was zoned "R-4" Residence District with a Planned Environment Unit in 1991 via City of Chesterfield Ordinance 616. The ordinance established the development regulations for the subdivision, including the required rear yard setback of fifteen (15) feet.

The Record Plat was subsequently approved in 1992. Lot 35 has a 15 foot rear setback as do the other lots within the Wellesley Place subdivision. A typical lot detail with setbacks is provided on the Record Plat.

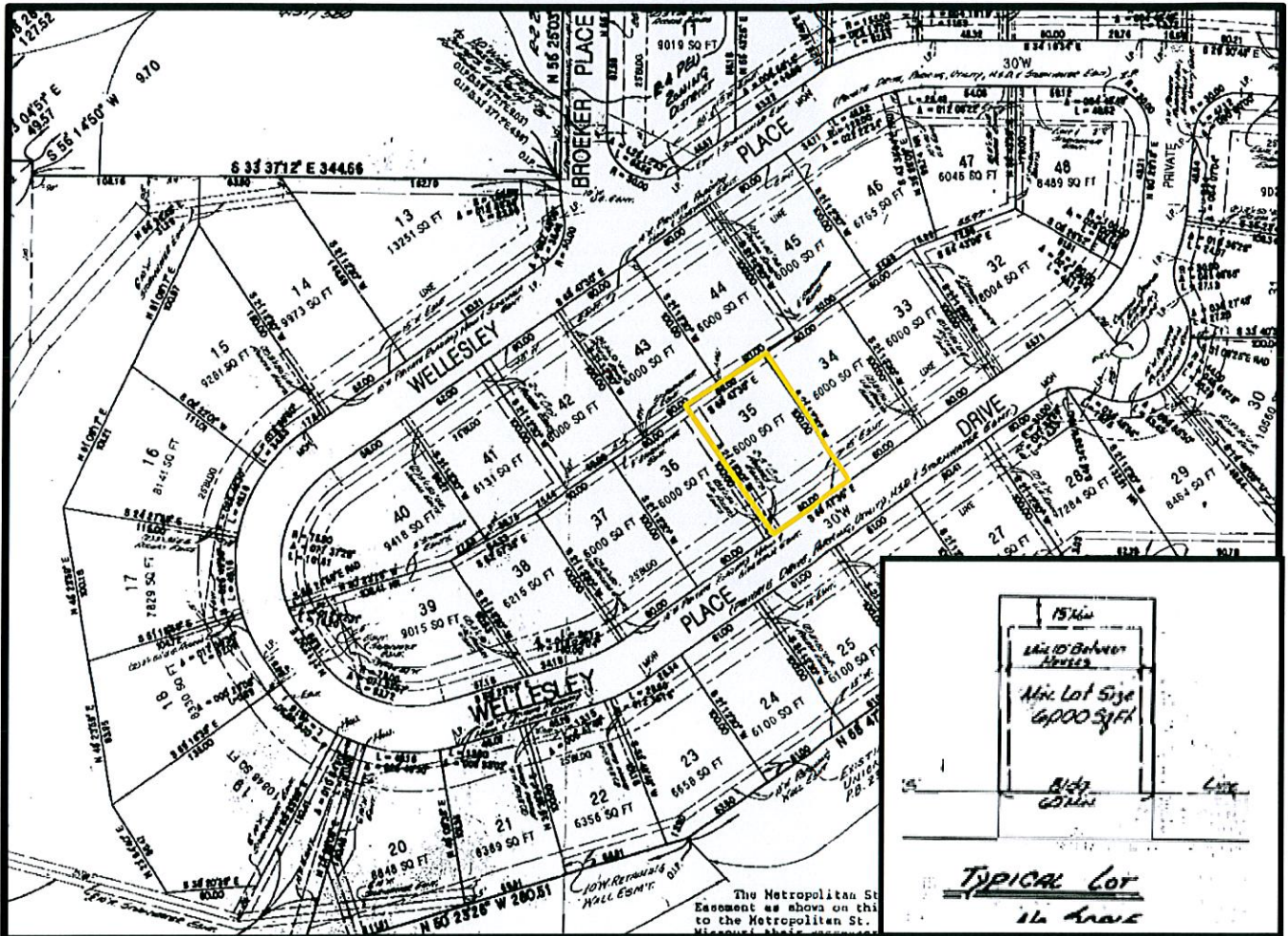


Figure 1: Excerpt from 1992 Record Plat

In September of 2018, a Municipal Zoning Approval Application was submitted to the Department of Planning and Development Services requesting to reconstruct the existing deck and steps on the subject site. The proposed construction showed an encroachment into the required rear yard setback and the request was therefore denied.

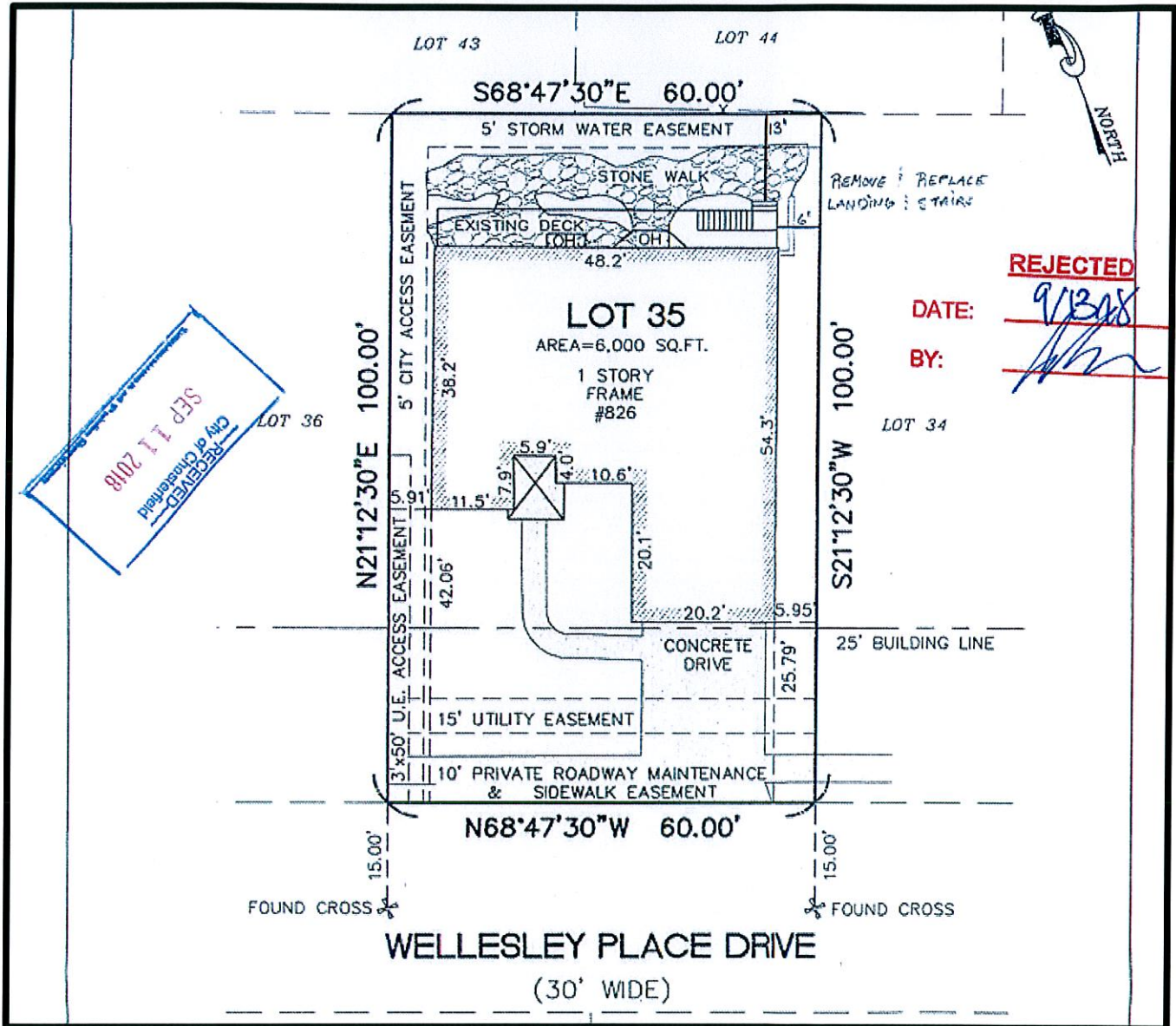


Figure 2: Property Survey indicating area of encroachment

As shown in the images on the following page, the layout of the homes located in the interior of the looped Wellesley Place Drive results in abutting rear yards. The rear yards are generally quite shallow, with many of the homes located approximately 20 feet from the rear yard line. This results in a small back yard with only a small amount of buildable area for accessory structures that must meet the 15-foot rear yard setback, such as decks. The applicant has provided photos of the existing deck, which meets the required structure setback, and deck steps that currently encroach in the setback. The applicant is requesting a variance that would maintain the current encroachment of the steps and allow a building permit to be issued for replacement and/or of the deck with the steps. No changes are proposed to the deck footprint, and the applicant has indicated that repair of the deck is necessary due to its age.



Figure 3: Google Earth images showing subject property

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

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

In determining if a practical difficulty or unnecessary hardship has been established by the Applicant, the Board must determine if relief is necessary due to an unusual or unique character of the property or lot. The burden of proving this is on the Applicant and an individual cannot create a situation and then claim he needs a variance. (Wolfner v. Board of Adjustment of City of Warson Woods, 114 S.W.3d 298 Mo.App.E.D, 2003).

### **APPLICANT REQUEST**

The Applicant has stated that unique physical characteristics exist for the following reason: "The problem with the existing zoning seems to be 2 steps at the bottom of the stairway. These steps are at a right angle from the body of the deck. We can't extend the steps straight in line with the deck due to a small retaining wall which is in place to direct the flow of water down the hill between houses. Even if the wall weren't there, steps would end in the hill." Please refer to the attached application for full statement from the Applicant. The Applicant has submitted position letters indicating support from adjoining property owners.

**The Applicant is requesting a variance to maintain a 13 foot rear yard setback in lieu of the 15 foot rear yard setback requirement in order to accommodate the reconstruction of the existing deck steps in conjunction with the deck replacement.**

### **REVIEW OF VARIANCE REQUEST**

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

As established in City of Chesterfield Ordinance 616 that governs the Wellesley Place subdivision, a minimum 15-foot rear yard setback is required. The front and side yard setbacks are 25 feet and 10 feet between residential structures, respectively.

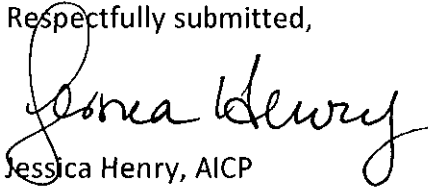
**Chapter 89 of the Missouri Revised Statutes states, "In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating 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 two deck steps to encroach 2 feet into a 15 foot required yard setback.
2. The effect, if the variance is allowed, on available governmental facilities. No impact to governmental facilities is anticipated.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors. Position letters indicating support from the adjoining property owners have been provided.
4. Whether the difficulty can be obviated by some feasible method other than the variance. Review of the plot plan by Staff indicates that there is room to accommodate a deck with modifications to its shape or size.

5. Whether the interest of justice will be served by allowing the variance. Staff has reviewed the documents related to this petition. The lot size and configuration have not been altered since being constructed at the same time as the existing home. The encroachment of the deck steps into the rear yard setback existed when the property owners purchased the property in 1991 and they were unaware of the encroachment.

Respectfully submitted,



Jessica Henry, AICP  
Assistant City 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. Copy of Ordinance 616
7. Petitioner's Application
  - a. Application to Board of Adjustment
  - b. Photographs of existing deck and steps
  - c. Rejected Application for Municipal Zoning Approval
8. Findings of Fact and Conclusions of Law—Denial
9. Findings of Fact and Conclusions of Law—Approval
10. Letters of Support from Adjacent Property Owners

This subdivision plat of WELLESLEY PLACE was approved by the City Council for the City of Chesterfield, by Ordinance No. 650 on February 2, 1992, and thereby authorizes the recording of this plat with the St. Louis County Recorder of Deeds.

# WELLESLEY PLACE

Parcel A of the Boundary Adjustment Plat of part of lots 4 and 5 of the subdivision of Hugo Essen Farm and U.S. Survey 154 in T.45N., R.4E., City of Chesterfield St. Louis County, Missouri

DOCUMENT # 592  
STATE USER # 70  
FAIR FUND # 30  
TOTAL # 592  
PROPERTY # 116  
RECORD # 1, C. & M.S.A.  
2/15/1992

Jack Leonard Mayor  
Martha De May, City Clerk



The undersigned holder or legal owner of notes secured by deed recorded in Book 2112, Page 1023 of St. Louis County Records, joins with the undersigned in every detail this subdivision of "WELLESLEY PLACE".

General Electric Capital Corp.  
Name - Title  
David T. Brown, Regional Mgr.

On this 13th day of February, 1992, before me appeared, David T. Brown, to me personally known, who being by me duly sworn, did say he is Regional Manager of General Electric Capital Corporation 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 Regional Manager acknowledged said instrument to be the free act and deed of said Corporation.

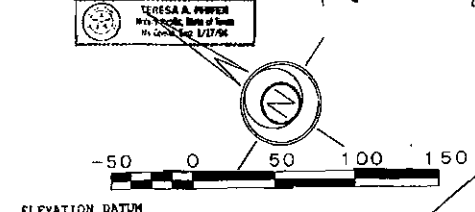
- NOTES:
- 1) Total tract contains 15.6453 Acres more or less.
  - 2) Source of record description and bearing reference is Deed Book 7652 Page 1319 and Missouri Title Insurance Company Policy No. A0212710, dated October 18, 1991.
  - 3) Easements reflected herein as noted in the aforementioned title policy.
  - 4) The portion of this tract zoned R-4 FEU is subject to covenants, conditions and restrictions per Deed Book 7559 Page 1976 (established for Willow Creek Apartment) to be superceded by trust indenture for WELLESLEY PLACE, to be filed.
  - 5) The portion of this tract zoned R-4 FEU is subject to provisions of development plan recorded in Plat Book 107 Page 82 and Ordinance No. 516.
  - 6) Building lines and easements per Plat Book 235 Page 5 are not shown, and are to be vacated, except easement to Unijon Electric as shown hereon.
  - 7) The 15 foot wide roadway and 3 foot wide utility easements established in Deed Book 4131 Page 580 have been released per Deed Book 9119 Page 1316.
  - 8) This tract is subject to an agreement by and between Premier Home Inc. and Arthur B. & Audrey M. Brooker, as recorded in Deed Book 9036 Page 943 (R-2 Zoning).

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

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

Teresa A. Pinner  
Notary Public

BOOK 310...PAGE 65...  
FILED FOR RECORD  
FEB 14 1992  
M. J. O'Rourke, R. M.  
RECORDER OF DEEDS  
ST. LOUIS COUNTY, MO.  
649



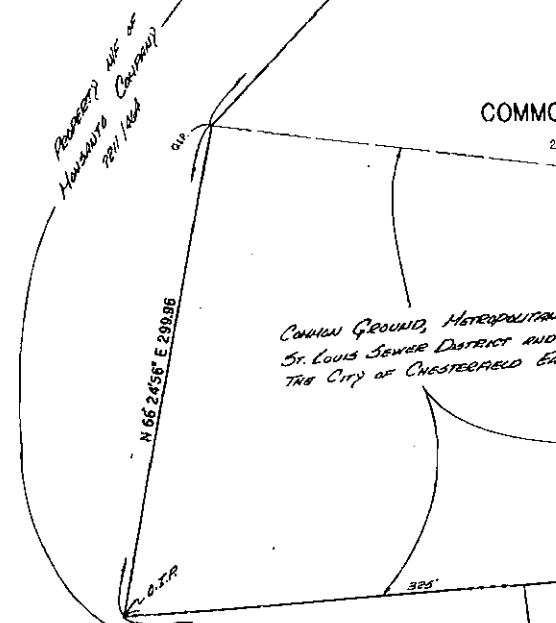
ELEVATION DATUM  
The Metropolitan St. Louis Sewer District Benchmark # 454-26 U.S.G.S. Elevation (6 GEU-1974): 629.56  
Marker 500' South of the south line of U.S. Highway 40; 58.5' East and 55' North of the Northbound lane of Olive Street and Service Road.  
SITE BENCHMARK #1: Elevation 645.65.  
Cut in concrete base of flag pole at Fire House at 15405 Olive Street Road.  
SITE BENCHMARK #2: Elevation 651.55.  
Cut in concrete base of flag pole at St. John Church opposite Job site.

MON: 5/8" Dia. x 24" Long Metal Rod with Metal Cap to be in accordance with Missouri Minimum Standards.

Dimensions as shown are in feet.

COMMON GROUND  
234,566 SQ. FT.

Common Ground, Metropolitan St. Louis Sewer District and The City of Chesterfield

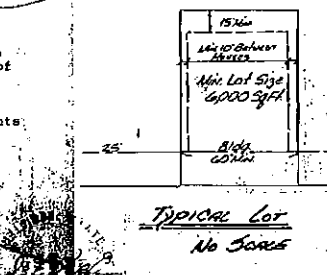


ORDER NUMBER: 91-01-026  
OFFICE OF THE STERLING ENGINEERING & SURVEYING CO., INC.  
3460 HOLLENBERG DRIVE, BRIDGETON, MISSOURI 63044

This is to certify that we have during the months of November and December, 1991, by order of Premier-Wellesley Place Corporation made a survey and subdivision of "Parcel A of the Boundary Adjustment Plat of part of Lots 4 and 5 of the Subdivision of Hugo Essen Farm and U.S. Survey 154 in 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 installed or to be installed are in accordance with the Missouri Minimum Standards. This survey meets Missouri Minimum Standards for Property Boundary Surveys.

IN WITNESS WHEREOF, I have signed and sealed the foregoing this \_\_\_\_\_ day of February, 1992.

THE STERLING ENGINEERING AND SURVEYING COMPANY, INC.  
Sidney V. Kaiton - East-Vice President  
No. Reg. L.S. #2243



We, the undersigned, owners of the tract of land herein platted 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 "WELLESLEY PLACE".

The private drives shown hereon to be known as Wellesley Place Drive, 30 feet wide, Brooker Place Drive, 30 feet wide, together with all cul-de-sacs and roundabouts located at the street intersections and the aforementioned subdivision of the Brooker Place Drive and the present and future owners of lots in WELLESLEY PLACE and shall remain private forever. The easements shown hereon, unless designated for other specific purposes, are hereby dedicated to St. Louis County Water Company, Leado Gas Company, Unijon Electric Company, Southern Bell Telephone Company, Metropolitan St. Louis Sewer District, United Video Cable, and to their successors and assigns as their interests may appear for the purpose of public utilities and sewer and drainage facilities. Each of the respective utility companies, the City of Chesterfield and Metropolitan St. Louis Sewer District is also granted ingress and egress over the private drives shown hereon for the purpose of installing, repairing, maintaining, and replacing of said utilities, sewers and drainage facilities. The foregoing private drives shall be maintained by the trustees of WELLESLEY PLACE according to the terms of the Restriction Agreements to be recorded.

The Metropolitan St. Louis Sewer District and City of Chesterfield Easement as shown on this plat in the Common Ground is hereby dedicated to the Metropolitan St. Louis Sewer District, City of Chesterfield, Missouri their successors and assigns 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. No structures shall be constructed within the easement without submittal of construction plans and the written permission of the Metropolitan St. Louis Sewer District and the City of Chesterfield. All other utility easements that may be created within the Metropolitan St. Louis Sewer District and City of Chesterfield Easement are hereby made subject to and subordinate to this easement as granted to the Metropolitan St. Louis Sewer District and the City of Chesterfield.

The stormwater easement as shown on this plat is hereby dedicated to the Metropolitan St. Louis Sewer District and to the City of Chesterfield, Missouri their successors and assigns for the purpose of constructing, maintaining and repairing storm sewer and 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 said storm sewer and drainage facilities.

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. The District shall be responsible for the maintenance, inspection, alteration, repair, operation, removal or relay on any stormwater drainage system until it accepts said easements for dedication, and then only to the extent funds are or become available for such purposes.

The entrance monument easement as shown hereon is hereby dedicated to the Trustees of the aforementioned subdivision for landscape maintenance. The entrance monument easements as shown hereon are hereby dedicated to the Trustees of the aforementioned subdivision for landscape maintenance.

The 10 foot wide Private roadway maintenance and sidewalk easements shown hereon are hereby dedicated to the Trustees of the aforementioned subdivision for maintenance.

The 10 foot wide retaining wall easement as shown along the rear of lots 22, 23, 24, 25, 26 and 27 is hereby dedicated to the owners of the aforementioned lots, with rights of cross access for maintenance of said retaining wall. See trust indentures for maintenance responsibilities.

Sidewalk easements abutting Missouri State Highway Department rights-of-way are hereby dedicated to City of Chesterfield, Missouri, for public use forever, and said sidewalks are to be maintained by the Property owner or Trustee.

All common ground, such as cul-de-sac islands and divided street islands or median strips, are hereby dedicated to the Trustees of the aforementioned subdivision for landscape maintenance only.

Building lines as shown on this plat are hereby established. This subdivision is subject to conditions and restrictions to be filed. It is hereby certified that all existing easements are shown on Sheet 2 of 2 of this plat as of the time and date of recording of this plat.

The 3 foot wide access easements are hereby granted to the Union Electric Company for ingress and egress to read meters, and shall not interfere with zero lot line easements shall terminate at the exterior surface of, and shall not underlie, any building improvements to be built.

The City access easements are hereby granted to the City of Chesterfield and to Metropolitan St. Louis Sewer District for the purpose of ingress and egress and shall not interfere with zero lot lines. Easements shall terminate at the face of any improvement.

IN WITNESS THEREOF, I have herewith set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

PREMIER-WELLESLEY PLACE CORP.  
Gerald W. Kerr - President

STATE OF MISSOURI ) SS  
COUNTY OF ST. LOUIS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me appeared Gerald W. Kerr to me personally known, who being by me duly sworn, did say he is President of Premier-Wellesley Place Corporation and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and said Gerald W. Kerr acknowledged said instrument to be the free act and deed of said Corporation.

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

My Commission Expires: 158 Notary Public

SHEET 1/1





BILL NO. 624

ORDINANCE NO. 616

AN ORDINANCE AMENDING THE CITY OF CHESTERFIELD ZONING ORDINANCE BY CHANGING THE BOUNDARIES OF AN "R-3" 10,000 SQUARE FOOT RESIDENCE DISTRICT AND AN "R-6" 2,000 SQUARE FOOT RESIDENCE DISTRICT TO AN "R-4" 7,500 SQUARE FOOT RESIDENCE DISTRICT AND FOR A PLANNED ENVIRONMENT UNIT (PEU) IN THE "R-4" 7,500 SQUARE FOOT RESIDENCE DISTRICT FOR A 15.77 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF OLIVE BOULEVARD SOUTH OF WEST DRIVE (PREMIER HOMES, INC. P.Z. 15 AND 16-91).

WHEREAS, the City of Chesterfield has received a petition from Premier Homes, Inc. requesting the rezoning and a Planned Environment Unit procedure for a 15.77 acre tract of land located on the west side of Olive Boulevard south of West Drive; and

WHEREAS, the Petitioner seeks rezoning and a special procedure to allow for the development of fifty two (52) detached single-family residences on said property; and

WHEREAS, these changes were considered by the Planning Commission of the City of Chesterfield and after consideration of the changes and recommendations of the staff of the City of Chesterfield Department of Planning and Economic Development, the Planning Commission recommends the adoption of the changes as set out in its report to the City Council.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are a part thereof, are hereby amended by transferring from the "R-3" 10,000 Square Foot Residence District and "R-6" 2,000 Square Foot Residence District to an "R-4" 7,500 Square Foot Residence District and for a Planned Environment Unit (PEU) procedure thereon in the "R-4" 7,500 Square Foot Residence District a 15.77 acre tract of land located on the west side of Olive Boulevard, south of West Drive, described as follows:

A tract of land being part of Willow Creek Apartments, a subdivision recorded in P.B. 235, Pg. 5 of the St. Louis County Records, being part of Lots 4 and 5 of the subdivision of HUGO ESSEN FARM and U.S. Survey 154 in Township 45 North-Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Commencing at the intersection of the Northeast line of property conveyed to CHESTERFIELD FIRE PROTECTION DISTRICT as described in the deed recorded in Book 6611, Page 585 of the St. Louis Records with the Northwest line of Olive Street Road, as widened, by Dedication Plat

recorded in Plat Book 188, Page 73 of the St. Louis County Records, thence Northwestwardly along the Northeast line of said CHESTERFIELD FIRE PROTECTION DISTRICT Property North 33°14'53" West 10.00 feet to the true point of beginning of the tract herein described; thence continuing along said Northeast line North 33°14'53" West 211.96 feet to a point; thence South 56°19'01" West 180.04 feet to a point; thence North 33°14'34" West 168.82 feet to a point; thence North 68°47'30" West 320.04 feet to a point; thence North 50°23'26" West 280.51 feet to a point; thence North 38°20'35" West 615.26 feet to a point on the South line of property conveyed to MONSANTO COMPANY as described in deed recorded in Book 7211, Page 460 of the St. Louis County Records; thence along the boundary line of said MONSANTO COMPANY the following courses and distances; thence North 66°24'56" East 299.96 feet to a point and South 80°25'10" East 543.80 feet to a point; thence leaving said South line South 68°28'50" West 127.52 feet to a point; thence South 33°04'51" East 49.57 feet to a point; thence South 56°14'50" West 9.70 feet to a point; thence South 33°37'47" - East 349.66 feet to a point; thence North 56°25'03" East 206.80 feet to a point on the West line of a 3 foot wide strip conveyed to BROEKER as described in the deed recorded in Book 4284, Page 64 of the St. Louis County Records; thence along said BROEKER PROPERTY line South 26°10'36" East 127.54 feet to a point and thence South 34°16'34" East 591.03 feet to a point; thence South 44°59'58" West 45.80 feet to a point; thence South 56°18'34" West 215.58 feet to the true point of beginning and containing 15.772 acres, more or less.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted subject to all of the ordinances, rules and regulations and the specific conditions as set out in the ordinances of the City of Chesterfield and the specific conditions as set out on Attachment "A" which is attached hereto and incorporated as if fully set out herein.

Section 3. The City Council, pursuant to the petition filed by Premier Homes, Inc. in P.Z. 15 and 16-91, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on July 8, 1991, does hereby adopt this ordinance pursuant to the power granted the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16<sup>TH</sup> day of SEPTEMBER, 1991.

Joel Leonard  
MAYOR

ATTEST:

Marta S. DeMay  
CITY CLERK

P.Z. 15 & 16-91 Premier Homes  
September 16, 1991  
PED

## ATTACHMENT A

### 1. PERMITTED USES

This Planned Environment Unit (PEU) authorizes the development of a maximum of fifty-two (52) single-family residences on individual lots, with a minimum lot size of 6,000 square feet. Dwelling units shall contain a minimum of 1,200 square feet of area, exclusive of garages and basements.

### 2. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to site preparation, the developer 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 in accordance with requirements of Section 1003.187 of the City of Chesterfield Zoning Ordinance.

### 3. GENERAL CRITERIA

The Site Development Plan shall include the following:

- a. Outboundary plat and legal description of the property.
- b. A general development plan, indicating the basic location, size and arrangement of lots and roadways on and adjacent to the property, setback lines and, if appropriate, a typical lot and minimum and maximum lot size.
- c. The location and size of all freestanding signs, lighting, fences, sidewalks and other above ground structures except retaining walls.
- d. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- e. A preliminary plan for storm and sanitary sewer facilities.

- f. Density calculations.
- g. A landscape plan including, but not limited to, the location, size and general type of all plant materials to be used.
- h. All other preliminary plat requirements.

4. **SITE DEVELOPMENT PLAN DESIGN CRITERIA**

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

Building and Structure Setbacks

- a. Front yard: Minimum setback shall be twenty-five (25) feet from road right-of-way.
- b. Side yard: Minimum of ten (10) feet between residences.
- c. Rear yard: Minimum setback shall be fifteen (15) feet.

Parking Requirements

- d. Minimum parking requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Access and Roadway Improvements, Including Sidewalks

- e. Internal streets shall consist of a maximum of twenty-six (26) feet of pavement within a thirty (30) foot right-of-way. Streets are to be constructed to City of Chesterfield specifications. Streets are to be private and remain private forever.
- f. Access from Olive Boulevard shall be as approved by the Missouri Highway and Transportation Department and the City of Chesterfield. Access to Olive Boulevard shall be revised to right-in and right-out only at such time as West Drive is relocated in conjunction with development approved via P.C. 9-89 Sullivan-Hayes.
- g. Provide a sidewalk for access to and adjacent to Olive Boulevard as directed by the City of Chesterfield.

- h. Provide alternate emergency access as required and approved by the City of Chesterfield.
- i. Installation of Landscaping and Ornamental Entrance Monument construction shall be reviewed by the City of Chesterfield for sight distance considerations, and approved prior to installation or construction.
- j. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contribution. 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.
- k. Provide street stub adjacent to properties in the northeasternmost portion of the site, as directed by the Department of Public Works and the Department of Planning/Economic Development.

Landscape Requirements

- l. All new deciduous trees shall be a minimum of two and one-half (2 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.
- m. Retention of existing tree masses and individual trees shall be provided for. Trees to be retained and all proposed landscaping shall be depicted on the site development plan. Prior to the preparation of the site for development and the approval of a site development plan, a landscape plan depicting all existing trees of at least three (3) inch caliper and those to be retained shall be submitted to the Planning Commission for review and approval.
- n. All landscape improvements shall be escrowed along with standard subdivision improvements.

Miscellaneous Conditions

- o. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.

- p. Required street lighting and sidewalks within the development, including any sidewalk to be constructed along Olive Boulevard as part of this development, shall be depicted on the site development plan, and escrows shall be established for these improvements, as necessary.
- q. Any signs shall be erected in accordance with the "R-4" Residence District.
- r. Exterior trash areas in common ground, if any, shall be surrounded by a six (6) foot high sight-proof fence.
- s. Architectural elevations, building materials, and colors of proposed new single-family residences shall be reviewed and approved by the Planning Commission, with the Site Development Plan.
- t. Sidewalks shall be provided on both sides of internal private streets.

**5. VERIFICATIONS PRIOR TO APPROVAL**

Prior to approval of the Site Development Plan, the developer shall provide the following:

Stormwater

- a. Submit to the Planning Commission a preliminary engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.
  - 1. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield 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 another acceptable alternative. The detention facilities shall be completed and in operation per the Department of Public Works. If development is to be phased, detention facilities shall be constructed in areas, as required and approved by the City of Chesterfield, prior to the issuance of permits, excluding permits for display units.

Roadway Improvements and Curb Cuts

- b. Provide verification of approval by the Missouri Highway and Transportation Department of the location of proposed curb cut on Olive Boulevard.

Geotechnical Report

- c. Provide a geotechnical report, as required by the Department of Public Works, to be prepared by a professional engineer licensed in the State of Missouri. Said report shall verify the adaptability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans.

Sanitary Sewers

- d. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.

**6. 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.

**7. VERIFICATION PRIOR TO BUILDING PERMITS**

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit, other than in accord with an approved Display Plat, the following requirements shall be met:

Development Phasing

- a. The developer shall furnish a bond or place into escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the developer shall provide the necessary funds, as above, for each plat or phase of development.

Notification of Department of Planning/Economic Development

- b. Prior to the issuance of foundation or building permits, all approvals from the St. Louis County Department of Highways and Traffic, St. Louis County Metropolitan St. Louis Sewer District, and the City Department of Public



Works, and Missouri Highway and Transportation Department must be received by the Department of Planning/Economic Development.

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 soil requirements and conditions contained in the report.

Trust Fund

- d. The developer shall contribute to the Chesterfield Village Traffic Generation Assessment Trust Fund. This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Single-Family Space	\$ 529.43/Parking Space

(Parking space as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic.

Credit for previous contributions to the Chesterfield Village Traffic Generation Assessment Trust Fund will be deducted from the above required contribution upon proof of ownership by Premier Homes, Inc.

As the development is located within a trust fund area established by St. Louis County any portion of the traffic generation assessment contribution which remains, following completion of road improvements required by the development shall remain in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 1992, shall be adjusted 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.

Miscellaneous

- e. The developer shall make provision with the Trust Indenture for and upon all dedication, plats, and deeds that streets within the development are private and to remain private forever.

**8. GENERAL DEVELOPMENT CONDITIONS**

- a. Within two (2) years of the date of approval of the Site Development Plan by the Planning Commission, construction shall commence. Said time may be extended one (1) additional year on approval by the Planning Commission.
- b. 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.
- 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, if adequate stormwater detention and erosion control have not been provided.
- d. 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.
- e. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas should 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.
- f. A copy of the most recently approved Site Development Plan for this PEU development shall at all times be prominently displayed in all display area sales offices within this development.
- g. Roadways are to be private, 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 require disclosure by the developer of responsibility for street maintenance in accord with the provision of Section 1003.265 of the City of Chesterfield Subdivision Ordinance.
- h. Maintenance of subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer, until such time as the streets are accepted for maintenance by the trustees.

- i. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- j. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plans approved by the Planning Commission and the Department of Planning/Economic Development.

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OCT 16 2018  
City of Chesterfield  
Department of Public Services

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OCT - 9 2018  
City of Chesterfield  
Department of Public Services

10-16-18 12:58 IN



# City of Chesterfield

## DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

EXHIBIT  
7a.

### BOARD OF ADJUSTMENT APPLICATION

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 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 & Development Services at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at [chesterfield.mo.us/active-developments.html](http://chesterfield.mo.us/active-developments.html)

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

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

Please note: Areas in gray will be completed by the Department of Planning & Development Services.

STATE OF MISSOURI

BOA NUMBER

B.A. 04-2018

HEARING DATE

12-06-2018

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

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

Record: Gerald Nettler

Address: 826 Wellesley Place Dr.

City: Chesterfield State: MO Zip: 63017

Tel.: 636-537-3749 Fax: \_\_\_\_\_

Petitioner, if other than owner(s): Chesterfield Fence & Deck Company

Address: 620 Spirit Valley East Dr.

City: Chesterfield State: MO Zip: 63005

Tel.: 636-532-4054 Fax: 636-532-8011

Legal Interest: Contractor

(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](http://www.chesterfield.mo.us)

**II. PROPERTY INFORMATION**

**Project Address:** 826 Wellesley Place Dr.

**Locator Number(s):** 18S630712

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

**Acreage:** 0.14 (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** Wellesley Place

**Current Zoning District:** \_\_\_\_\_

**Legal Description of Property:**

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

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

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:**

Reduce rear yard setback to allow for landing and stairs to be replaced same footprint. Existing deck not moving.

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

(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:**

[Empty box for statement of unnecessary hardship, practical difficulty or other information warranting action by the Board]

(Attach additional sheets as necessary)

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

No effects or impacts on neighboring properties.

(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>	13'-0"	15'-0"
<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. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

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Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

**For Sign Variance Requests, complete the following section:**

**B. Signage:**

	<b>The Petitioner(s) request the following :</b>	<b>City of Chesterfield Regulations allow the following for this site:</b>
<b>Number of attached business signs:</b>	_____	_____
<b>Size of attached business signs:</b>	_____	_____
<b>Number of freestanding business signs:</b>	_____	_____
<b>Size of freestanding business signs:</b>	_____	_____

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

**Provide the following:**

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing:
    - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
    - The location of proposed signs.
    - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
  - A detail sign plan indicating:
    - Dimension of signs with detail sign lettering layout.
    - Total square feet of signs. If attached, what percent of wall.
    - Light detail, if any.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

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Ph. (636)537-4746 Fax (636)537-4798 [www.chesterfield.mo.us](http://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 Chesterfield Fence & Deck Company (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 [checked] owner [ ] contract purchaser. (check (✓) one)
Gerald Nettler

(Name- type, stamp or print clearly)
Chesterfield Fence & Deck Company

(Name of Firm)

Note: Attach additional sheets as necessary.

[Handwritten Signature]

(Signature)
620 Spirit Valley East Dr.
Chesterfield, MO 63005

(Address, City, State, Zip)

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 16 day of Oct 20 18.

Signed [Handwritten Signature] Print Name: Deborah Meagan Shepherd
Notary Public

Seal/Stamp:

My Commission Expires: 12-7-20

DEBORAH MEAGAN SHEPHERD
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: December 07, 2020
Commission Number: 16390638

**VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY**

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

**Project Name:** Nettler

**Submittal Date:** 10/2/2018

**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.

Gerald Nettler

\_\_\_\_\_  
(Name- type, stamp or print clearly)  
Chesterfield Fence & Deck Company

*Gerald F. Nettler*  
(Signature)  
620 Spirit Valley East Dr.  
Chesterfield, MO 63005

(Name of Firm)

(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

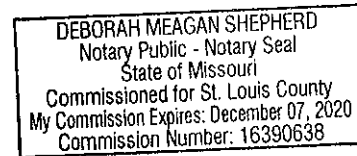
**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 16 day of Oct 20 18.

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

Seal/Stamp:

My Commission Expires: 12-7-20



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

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

**STATE OF MISSOURI, CITY OF CHESTERFIELD**

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

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

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

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

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

\_\_\_\_\_  
Date

**[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]**



# City of Chesterfield

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Department of Public Services

## DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

### 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 a 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 & Development Services at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at [chesterfield.mo.us/active-developments.html](http://chesterfield.mo.us/active-developments.html)

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

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

Please note: Areas in gray will be completed by the Department of Planning & Development Services.

STATE OF MISSOURI

BOA NUMBER  
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

Record: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Tel.: \_\_\_\_\_ 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.)

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

**II. PROPERTY INFORMATION**

**Project Address:** \_\_\_\_\_

**Locator Number(s):** \_\_\_\_\_

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

**Acreage:** \_\_\_\_\_ (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** \_\_\_\_\_

**Current Zoning District:** \_\_\_\_\_

**Legal Description of Property:**

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

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

*THE LOT IS SMALL (APPROX. 6,000 SQ FT). THE HOUSE HAS A WALK-OUT BASEMENT, THEREFORE, THE LOT SLOPES FRONT TO REAR ON BOTH SIDES OF THE HOUSE.*

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:**

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

(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:

OUR HOUSE WAS BUILT SEP-DEC 1992. THE DECK WAS BUILT AT THE SAME TIME. THERE WERE NO PROBLEMS WITH THE FINAL INSPECTIONS. IF THERE HAD BEEN ANY PROBLEMS WITH BUILDING LINES, THE BUILDER MUST HAVE RESOLVED THEM IN ORDER FOR HIM TO GET THE FINAL INSPECTION OK'D. HAVING FOUND NO ARCHIVAL EVIDENCE WITH THE CHESTERFIELD PLANNERS ABOUT THIS SITUATION, IT SHOULD BE CONSIDERED "GRANDFATHERED" AFTER 25 YEARS.

DURING THOSE 25 YEARS, WE HAVE RECEIVED NO COMPLAINTS FROM OUR NEIGHBORS CONCERNING THE PLACEMENT OR USE OF ANY PART OF THE DECK. AS YOU CAN SEE FROM THE PRESENT STATEMENTS FROM THE NEIGHBORS, THEY STILL HAVE NO CONCERNS REGARDING OUR INTENT TO REPAIR THE DECK. THERE ARE TREES AND SHRUBS SEPARATING OUR BACK YARD FROM THAT NEIGHBOR AND THAT NEIGHBOR ALSO HAS A FENCE.

THE PROBLEM WITH THE EXISTING ZONING SEEMS TO BE 2 STEPS AT THE BOTTOM OF THE STAIRWAY. THESE STEPS ARE AT A RIGHT ANGLE FROM THE BODY OF THE DECK. WE CAN'T EXTEND THE STEPS STRAIGHT IN LINE WITH THE DECK DUE TO A SMALL RETAINING WALL WHICH IS IN PLACE TO DIRECT THE FLOW OF WATER DOWN THE HILL BETWEEN THE HOUSES. EVEN IF THE WALL WEREN'T THERE, STEPS WOULD END IN THE HILL.

WE DO NOT PLAN ANY CHANGE IN THE FOOTPRINT OF THE DECK. WE ONLY WANT TO REPAIR/REPLACE ANY ROTTEN PARTS.

AFTER 25 YRS WITH NO COMPLAINTS OR PROBLEMS, A SPACE 2 FT X 3 FT-6 IN FOR 2 STEPS WILL NOT CHANGE THE APPEARANCE OR SERVICE OF THAT SPACE.

NO CHANGE TO THE PRESENT LAYOUT IS PLANNED.

(Attach additional sheets as necessary)



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

(Attach additional sheets as necessary)

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

**A. Setbacks/Height:**

**The Petitioner(s) request  
the following setback(s):**

**City of Chesterfield  
Regulations require the  
following setback(s) for this  
site:**

**Front Yard:** \_\_\_\_\_

**Side Yard:** \_\_\_\_\_

**Rear Yard:** \_\_\_\_\_

**Height:** \_\_\_\_\_

**Provide the following:**

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

**For Sign Variance Requests, complete the following section:**

**B. Signage:**

	<b>The Petitioner(s) request the following :</b>	<b>City of Chesterfield Regulations allow the following for this site:</b>
<b>Number of attached business signs:</b>	_____	_____
<b>Size of attached business signs:</b>	_____	_____
<b>Number of freestanding business signs:</b>	_____	_____
<b>Size of freestanding business signs:</b>	_____	_____

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

**Provide the following:**

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
  - A site plan showing:
    - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
    - The location of proposed signs.
    - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
  - A detail sign plan indicating:
    - Dimension of signs with detail sign lettering layout.
    - Total square feet of signs. If attached, what percent of wall.
    - Light detail, if any.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

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 \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

**OWNER/CONTRACT PURCHASER INFORMATION:**

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

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

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

Note: Attach additional sheets as necessary.

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

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

Signed \_\_\_\_\_ Print Name: \_\_\_\_\_  
Notary Public

Seal/Stamp:

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

**VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY**

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

**Project Name:** \_\_\_\_\_ **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.

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

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

Note: Attach additional sheets as necessary.

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

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

Signed \_\_\_\_\_ Print Name: \_\_\_\_\_  
Notary Public

Seal/Stamp:

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

**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**

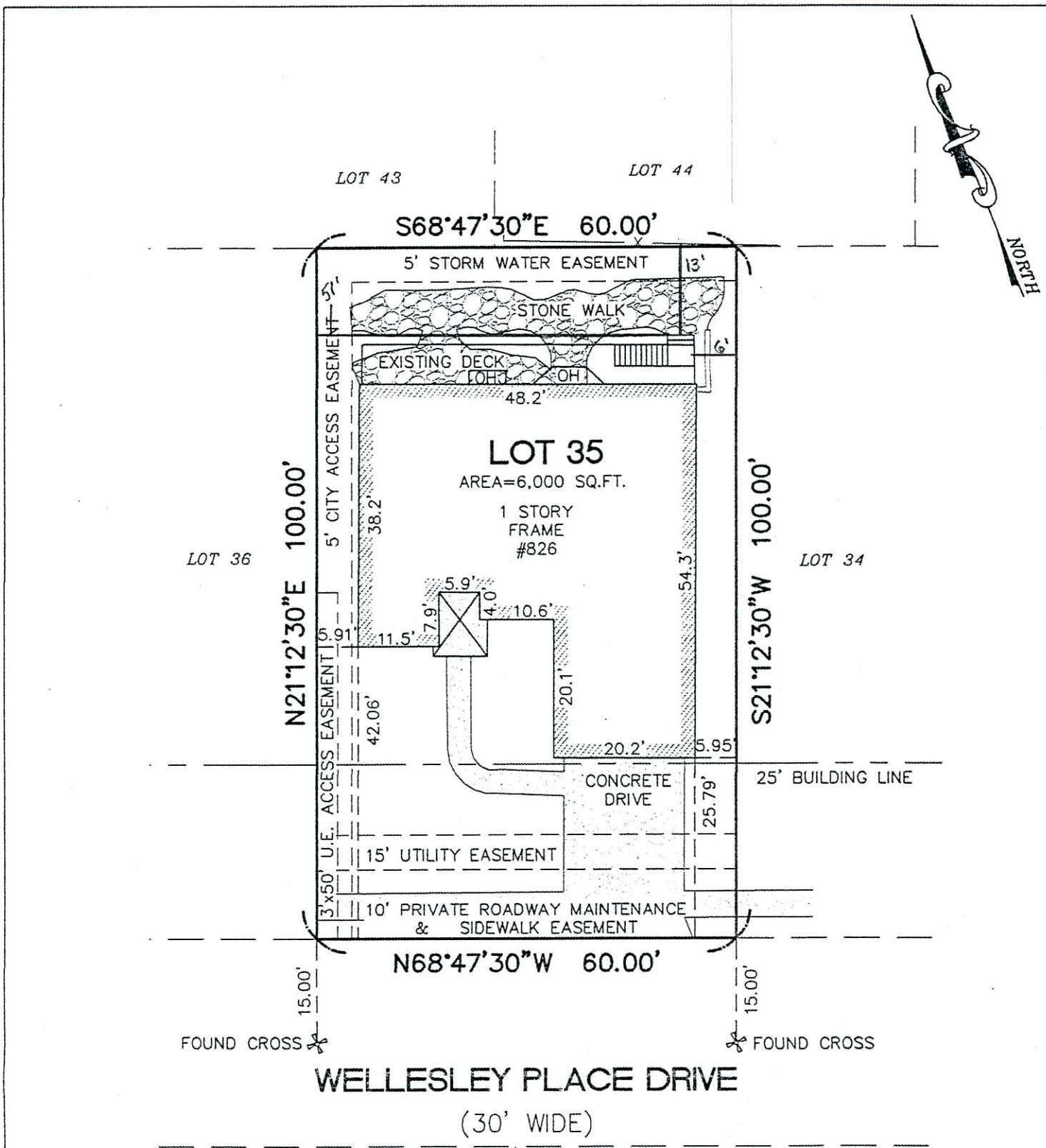
Intake Date: \_\_\_\_\_

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

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

Chairman

**[THIS PAGE FOR INTERNAL USE]**



THIS DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY

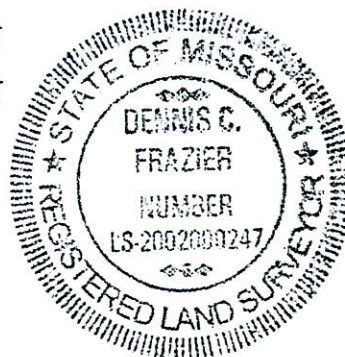
FRAZIER LAND SURVEYING SERVICES, INC.  
 116 E. PEARCE BLVD., P.O. BOX 65  
 WENTZVILLE, MO. 63385  
 PHONE: 636-332-0610  
 FAX: 636-332-0710  
 CORP. #2008003911  
 PROJECT NO. 18-5307  
 SEPTEMBER 06, 2018

A TRACT OF LAND BEING ALL OF LOT 35 OF  
 'WELLESLEY PLACE', P.B. 310, PGS. 65-66,  
 TOWNSHIP 45 NORTH, RANGE 4 EAST OF  
 THE FIFTH PRINCIPAL MERIDIAN,  
 ST. LOUIS COUNTY, MISSOURI

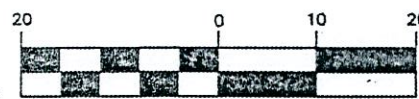
SCALE: 1"=20'

PLOT PLAN FOR DECK

THIS IS TO CERTIFY THAT AT THE REQUEST  
 OF GERALD NETTLER WE HAVE PREPARED  
 A PLOT PLAN AS SHOWN ABOVE AND THAT  
 THE RESULTS OF SAID PLOT PLAN ARE  
 CORRECTLY REPRESENTED HERON.



GRAPHIC SCALE



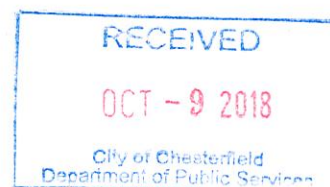
( IN FEET )

1 inch = 20 ft.

*Dennis C. Frazier*  
 DENNIS C. FRAZIER

MO. PROFESSIONAL LAND SURVEYOR. #2002000247

9/7/18  
 DATE





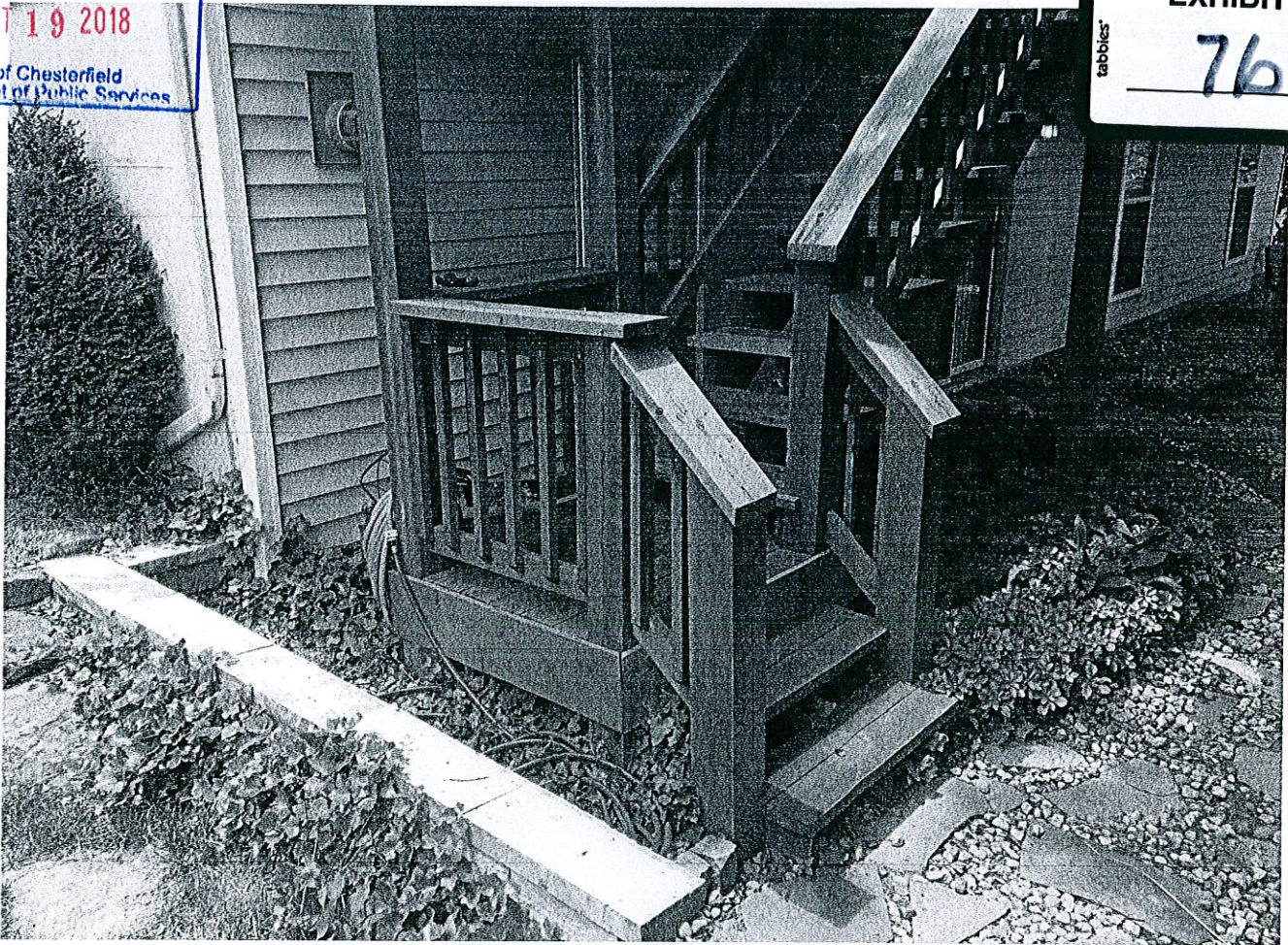
OCT 19 2018

City of Chesterfield  
Department of Public Services

EXHIBIT

tabbies

76



Add new posts to support Deck



New Stairs & Landing

09-11-18 P 2:44 11



# City of Chesterfield

MZA #: 0158-181024  
 Locator #: Lot 35 W1  
 Subdivision: R4 Wellesley Place

## II. MUNICIPAL ZONING APPROVAL APPLICATION (MZA)

RECEIVED  
 City of Chesterfield  
 SEP 11 2018  
 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 Department of Planning and Development Services.

EXHIBIT  
 7c

Project Address: 826 Wellesley Place Drive Zip: 63017  
 Property Owner Name(s): Gerald Nettler  
 Property Owner Address (if different than above): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 E-mail: nettswrk@att.net

RECEIVED  
 OCT 16 2018  
 City of Chesterfield  
 Department of Public Services

Tenant Name (if different than above): \_\_\_\_\_  
 Existing Tenant  Proposed Tenant

Applicant Name: Chesterfield Fence & Deck Attn: Michael Mueller  
 Applicant Address: 620 Spirit Valley East Dr.  
 City: Chesterfield State: MO Zip: 63005  
 Phone Number: 636-532-4054 Fax: 636-532-8011  
 E-mail: mmueller@chesterfieldfence.com

Description of Work:  
 Remove existing and install new deck

**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.  
Gerald F. Nettler  
 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: Gerald F. Nettler DATE: 7/10/18  
 APPLICANT SIGNATURE: [Signature] DATE: 9/10/18  
 (If other than Property Owner)



# Rejected

MZA\_181024

Date: 9/13/2018

Property Address	Subdivision	Lot
826 WELLESLEY PLACE DR	158 WELLESLEY PLACE	35

Locator #	Ward	Date Received	Flood Plain
18S630712	1	9 /11/2018	NO

Zoning Class	Type
R4	Porch/Patio/Deck

Property Owner	Tenant
Gerald Nettler	

Applicant
CF&Deck



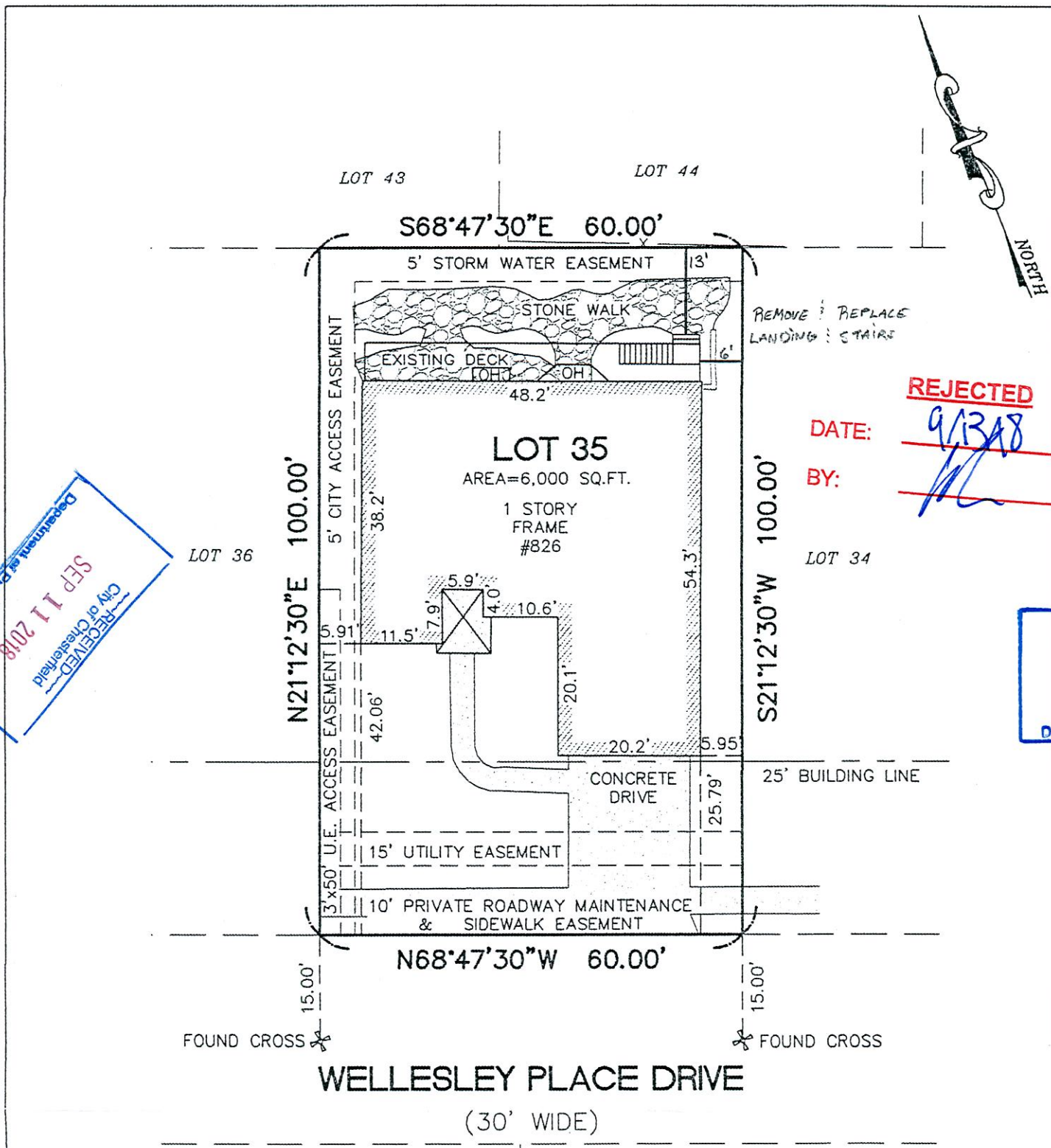
**Comments**  
 9/12/2018 - Complete - KKelley - a copy of the trustee email sent by staff is included with the application.  
 9/12/2018 - Resubmission Required - akumerow - Submitted plot plan doesn't conform to setback reqs. Emailed applicant for more info  
 9/13/2018 - Rejected - akumerow - Confirmed with Eric through phone & emails (see attached) that only the stairs are being removed and replaced. However, the stairs are still part of the structure and cannot be located within the setback. The plot plan indicates a distance of 13' to the rear property line, and the ordinance calls for 15'.

Status	Rejected	9 /13/2018	by Annisa Kumerow, Planning Technician
--------	----------	------------	--

*signature*

**ADVISORY:**

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



REMOVE & REPLACE  
LANDING & STAIRS

**REJECTED**

DATE: 9/13/18  
BY: [Signature]

Department of Public Services  
City of Chesterfield  
**RECEIVED**  
SEP 11 2018

**RECEIVED**  
OCT 16 2018  
City of Chesterfield  
Department of Public Services

THIS DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY

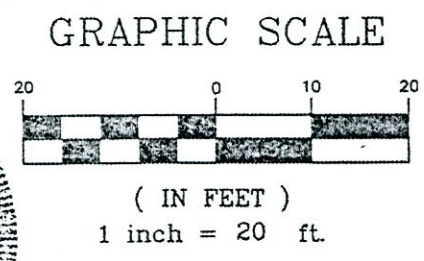
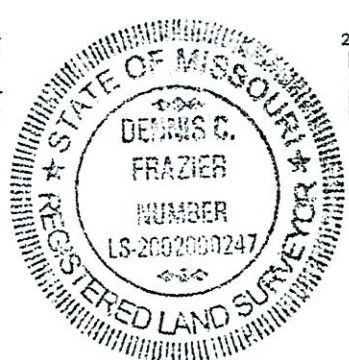
FRAZIER LAND SURVEYING SERVICES, INC.  
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WENTZVILLE, MO. 63385  
PHONE: 636-332-0610  
FAX: 636-332-0710  
CORP. #2008003911  
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SEPTEMBER 06, 2018

A TRACT OF LAND BEING ALL OF LOT 35 OF  
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TOWNSHIP 45 NORTH, RANGE 4 EAST OF  
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ST. LOUIS COUNTY, MISSOURI

SCALE: 1"=20'

PLOT PLAN FOR DECK

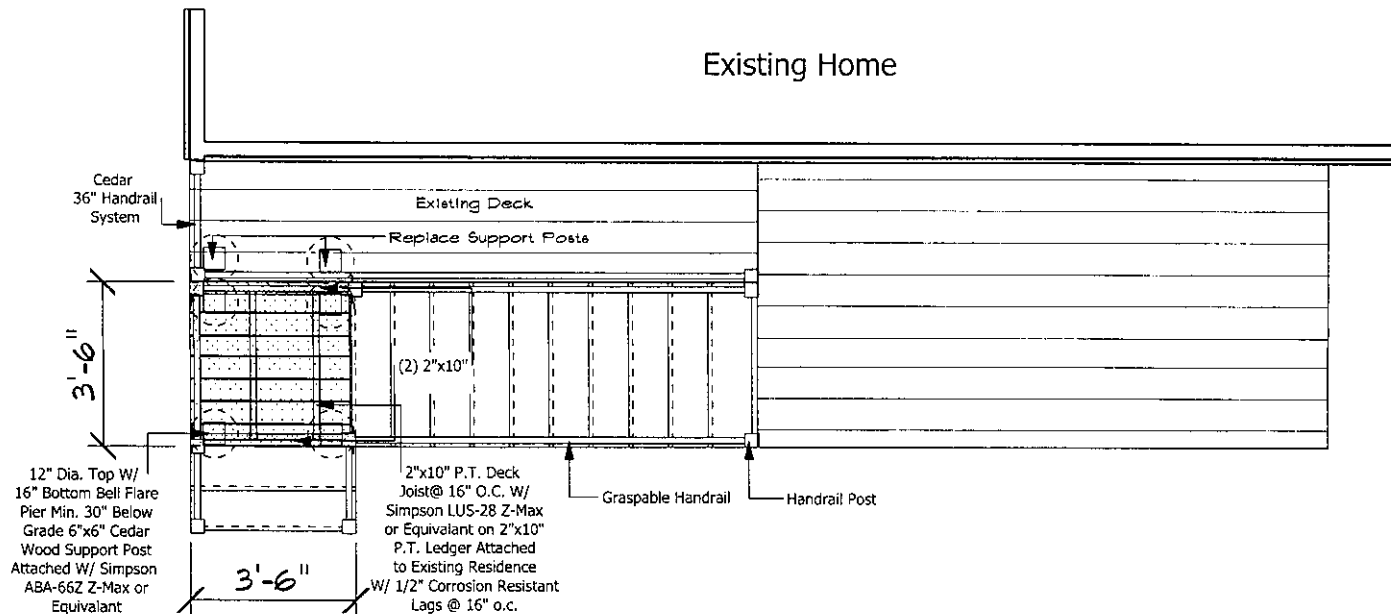
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THE RESULTS OF SAID PLOT PLAN ARE  
CORRECTLY REPRESENTED HERON.



Dennis C. Frazier  
DENNIS C. FRAZIER

MO. PROFESSIONAL LAND SURVEYOR. #2002000247

9/7/18  
DATE



MAIN FLOOR  
 SCALE: 1/4" = 1'-0"

Stair Height Approx. 9'-0"



PROJECT: 36333

Gerald Nettler  
 826 Wellesley Place Ct.  
 Chesterfield MO 63017  
 PHONE: 636-537-3749  
 nettswrk@att.net

**Chesterfield Fence & Deck**

620 Spirit Valley East Dr. PHONE: 636.532.4054  
 Chesterfield FAX: 636.532.8011  
 MO CELL: 636.891.4462  
 63005 Eric@chesterfieldfence.com

CONSULTANT: Trevor Pinkham

DRAWN BY: Eric Dauernheim

DATE: 8/14/2018

PAGE:

1/5

Deck Layout

<u>All Measurements Dimensions &amp; Elevations Are Approximate And Are Subject To Change Due To Field Verification Of Such.</u>		Job Specific Notes: ACQ No. 1 Lumber For Framing Stairs Will Be Adjusted On Site Haul away tearout & job debris	
Material:	Size:	Qty:	Color: Remarks
Concrete Piers:			
Bottom Belled	16"	Per Plan	With Post Base
Cylinder	12" Dia.	Per Plan	6" Above Grade / 30" Below Grade
Mid Span Stair Pier	12" Dia	Per Plan	6" Above Grade / 12" Below Grade No Bell
Concrete Stringer Pad	4'x5'	Per Plan	Tuck 1' Under Stringers
Treated Lumber Sub Deck			
Joist	2'x10"	Per Plan	P.T. @ 16" O.C.
Ledger Board	2"x10"	Per Plan	P.T. W/ 1/2" Lag Bolts @ 16" O.C.
Beams	(2) 2"x10"	Per Plan	P.T. W/ Hangers
Support post	6"x6"	As Needed	P.T.
Stair Stringer	2"x12"	AS Needed	P.T. @ 12" O.C.
Deck Material:			
Top Deck	2"x6"	Per Plan	Cedar Premium Cedar Top Deck (Parallel To Home)
Top Deck Fasteners		As Needed	Simpson Quick Drive DTHQ-212S #8 x 2 1/2" From Top
Fascia	1/2"x12"	Per Plan	Cedar Wrapped W/ Premium Cedar Band Board Only
Stair Treads	10" Min.	Per Plan	Cedar Premium Cedar
Covered Risers	Closed	Per Plan	Cedar Premium Cedar Risers Max Rise 7-3/4"
Handrail	36" High	Per Plan	Cedar Premium Cedar Handrail
Graspable Handrail		Per Plan	Black Vinyl Graspable Handrail
Handrail Post	4"x4"	Per Plan	Cedar Premium Cedar Inside Max Span @ 96" O.C.
Handrail Post Cap	4"x4"	Per Plan	Black Aluminum Post Caps
Balusters	2"x2"	As Needed	Cedar Square Pickets @ 4" O.C. Traditional Connectors



PROJECT: 36333

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MO CELL:636.891.4462  
63005 Eric@chesterfieldfence.com

CONSULTANT: Trevor Pinkham

DRAWN BY: Eric Dauernheim

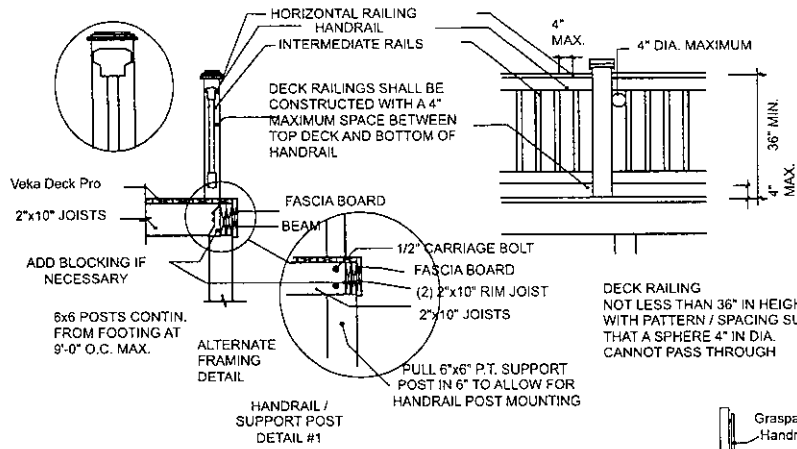
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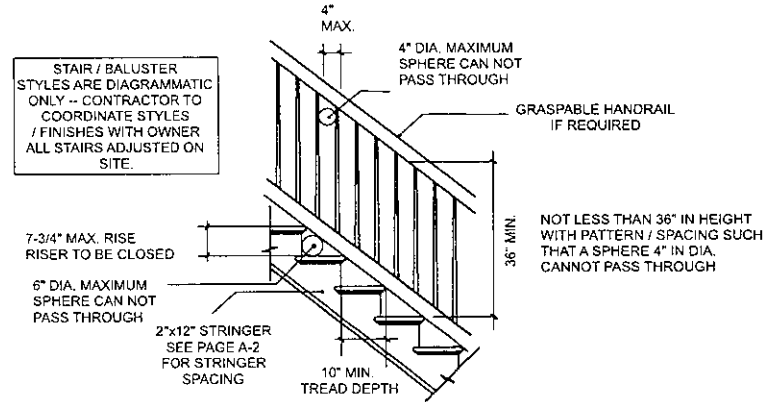
2/5

Spec Sheet

OFFSET 6"x6" FROM 4"x4"  
HANDRAIL POST

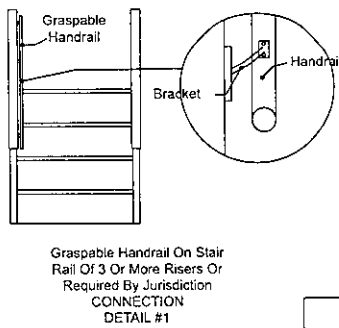
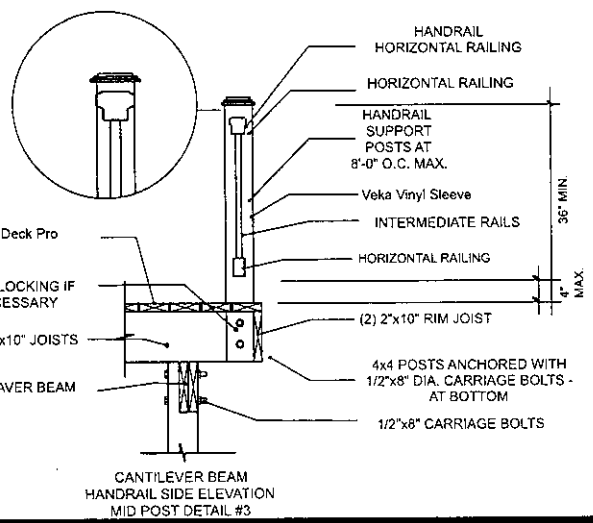


STAIR / BALUSTER  
STYLES ARE DIAGRAMMATIC  
ONLY -- CONTRACTOR TO  
COORDINATE STYLES  
/ FINISHES WITH OWNER  
ALL STAIRS ADJUSTED ON  
SITE.

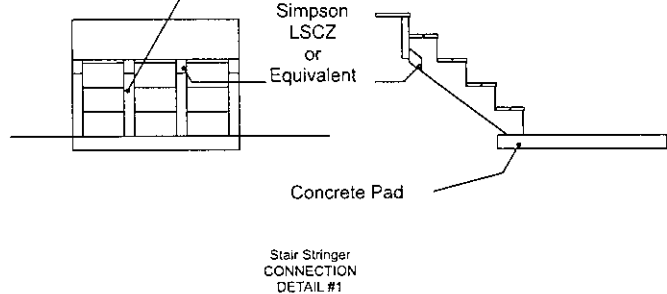


ALL HANDRAILS SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. HANDGRIP PORTION OF ALL HANDRAILS SHALL NOT BE LESS THAN 1-1/4" NOR MORE THAN 2" IN CROSS SECTIONAL DIMENSION, OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE

STAIR RAILING  
DETAIL #2



2"x12" Stringer @ 12" O.C.  
For Vinyl or Composite  
2"x12" Stringer @ 24" O.C.  
Cedar or P.T. Decks Only



PROJECT: 36333

Gerald Nettler

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Chesterfield MO 63017  
PHONE: 636-537-3749  
nettswrk@att.net

Chesterfield Fence & Deck

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Chesterfield  
MO  
63005

PHONE: 636.532.4054  
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Eric@chesterfieldfence.com

CONSULTANT: Trevor Pinkham

DRAWN BY: Eric Dauernheim

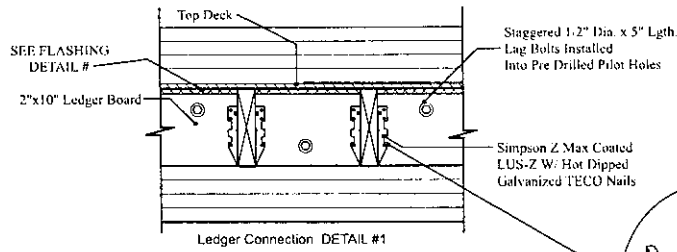
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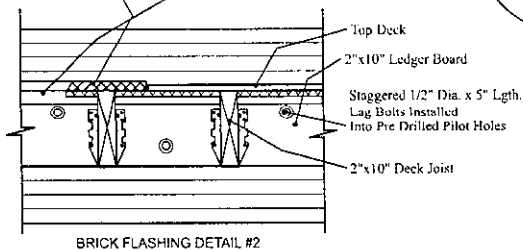
Rail Detail





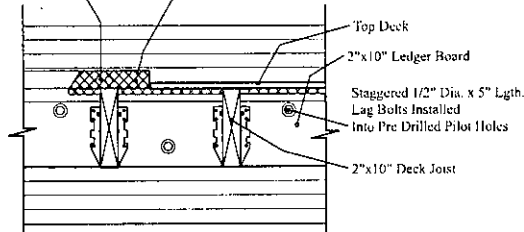
Vinyl Flashing Tucked Into Mortar Joint W/ Silicone Sealant Flashing To Extend Past Exposed Portion Of Bandboard Aprx. 1" W/ Drip Edge Bend

Vinyl Flashing Tucked Into Mortar Joint Folding Over Exposed Side Of Bandboard



Vinyl Flashing Tucked Behind House Wrap Or Bottom Piece Of Siding Extending Past Exposed Portion Of Bandboard Aprx. 1" W/ Drip Edge Bend

Vinyl Flashing Tucked Behind House Wrap Or Bottom Piece Of Siding Folding Over Exposed Side Of Bandboard



Vinyl Flashing Tucked Behind House Wrap Or Bottom Piece Of Siding Extending Past Exposed Portion Of Bandboard Aprx. 1" W/ Drip Edge Bend

Lateral Load Connection Simpson DTT2Z Hanger Brackets W/ Threaded Through Rod Installation Only Where Required By Municipality

Staggered 1-1/2" Dia. x 5" Lgh. Lag Bolts Installed Into Pre Drilled Pilot Holes

Vinyl Flashing Tucked Behind House Wrap Or Bottom Piece Of Siding Folding Over Exposed Side Of Bandboard

Drainage Gap

2"x10" Deck Joist

2"x10" Ledger Board

Simpson DTT2Z Install 2 Per Every DTT2Z Connector

Simpson Z Max Coated LUS-Z W/ Hot Dipped Galvanized TECO Nails

SIDE ELEVATION LEDGER CONNECTION DETAIL #2

(Additional Blocking Necessary For I-Truss Floor Joists) 5' Lgh. Of 2"x10" On Each Side Of Joist For Reinforcement W/ Top & Bottom Row Of Nails @ Aprox. 6" O.C.

Staggered 1/2" Dia. x 5" Lgh. Lag Bolts Installed Into Pre Drilled Pilot Holes

Simpson Z Max Coated LUS-Z W/ Hot Dipped Galvanized TECO Nails

Lateral Load Connection Simpson DTT2Z Hanger Brackets W/ Threaded Through Rod Installation Only Where Required By Municipality

Top Deck

2"x10" Deck Joist

2"x10" Ledger Board

LATERAL LOAD CONNECTION DETAIL #1

Home's With I-Joists Must Be Laterally Braced @ Each End Of Deck & @ 10' O.C.

Home's With Nominal Lumber Joist Shall Have A Minimum Of 2 Lateral Tension Devices

LATERAL BRACE CONNECTORS Simpson DTT12Z or DTT12Z

RACK BRACING (Method A)

Diagonal Bracing Underneath Deck From One Corner Of The To The Other

(Method B) Install Decking @ A 45°

(Method C) Install X Or K Bracing @ Each Post



PROJECT: 36333

Gerald Nettler

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Chesterfield MO 63017

PHONE: 636-537-3749

nettswrk@att.net

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CONSULTANT: Trevor Pinkham

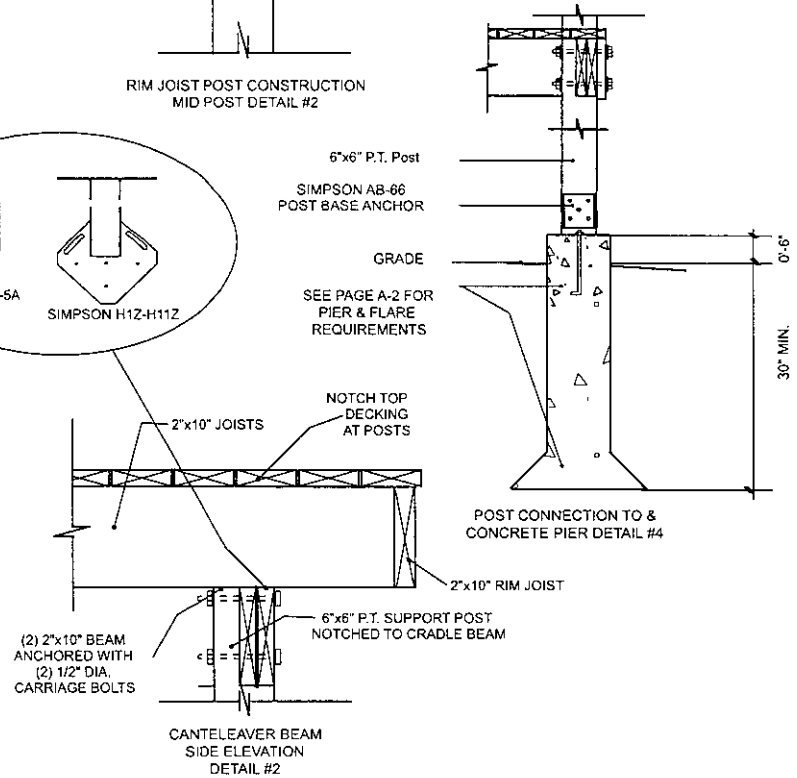
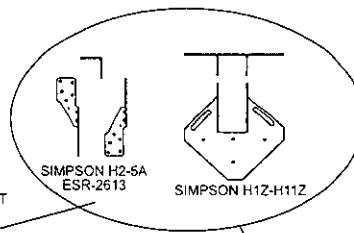
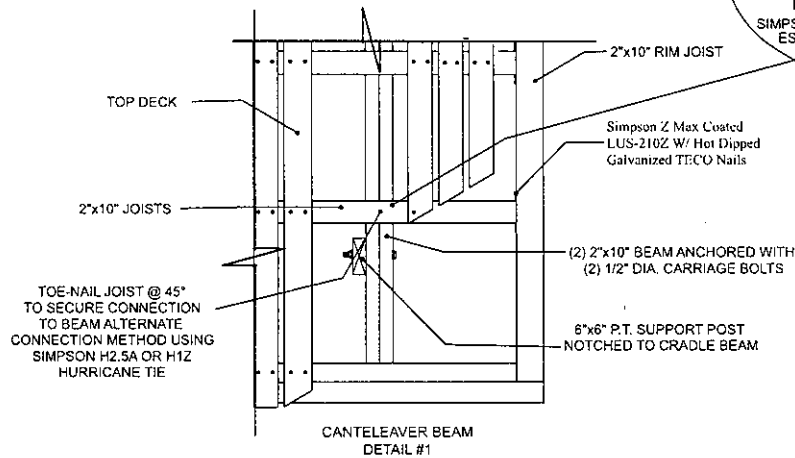
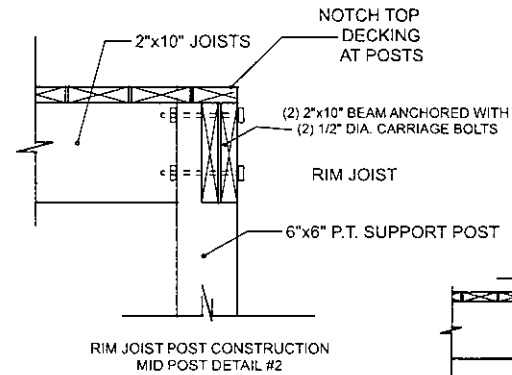
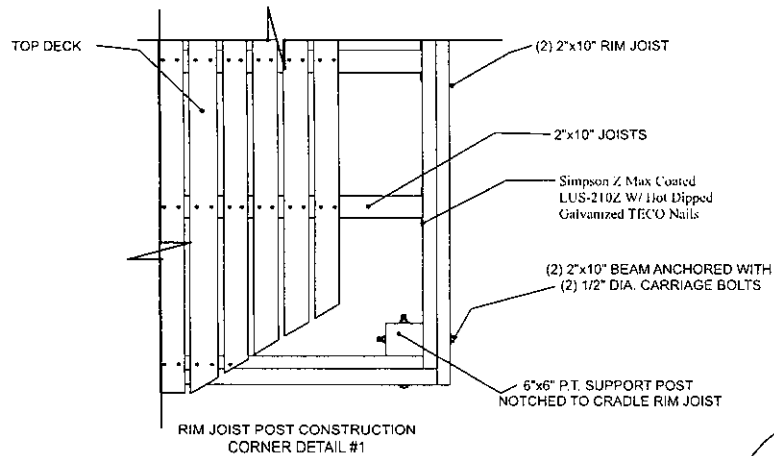
DRAWN BY: Eric Dauernheim

DATE: 8/14/2018

PAGE:

4/5

Ledger Detail



PROJECT: 36333

Gerald Nettler

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 Chesterfield MO 63017  
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Chesterfield Fence & Deck

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 63005 Eric@chesterfieldfence.com

CONSULTANT: Trevor Pinkham

DRAWN BY: Eric Dauernheim

DATE: 8/14/2018

PAGE:

5/5

Beam & Pier Detail



Board of Adjustment  
City of Chesterfield, Missouri

)  
)  
In Re: )  
Gerald Nettler )  
826 Wellesley Place Dr. )  
Chesterfield, MO 63017 )  
)  
)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 04-2018)**  
**FOR THE PROPERTY LOCATED AT 826 WELLESLEY PLACE DR.**

COMES NOW, the Board of Adjustment (the "Board") of the City of Chesterfield, Missouri, (the "City") and hereby issues the following Findings of Fact and Conclusions of Law approving the Variance request (B.A. 04-2018) submitted on behalf of Gerald Nettler:

**FINDINGS OF FACT**

1. That on October 9, 2018, Chesterfield Fence and Deck on behalf of Gerald Nettler (the "Applicants"), submitted a request for Variance (B.A. 04-2018) approval that would allow the steps of a deck to be reconstructed within the required fifteen foot (15') rear set back area, per the Wellesley Place governing Ordinance 616, on their property within the R-4 Residence Zoning District with a Planned Environment Unit (PEU), located at 826 Wellesley Place Drive, Chesterfield, MO. Additional application materials were submitted on October 16 and 19, 2018. Said Variance request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on October 9, 2018, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
3. That on November 30, 2018 a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City of Chesterfield at 6:00 p.m., December 6, 2018, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to a request by the applicant to allow the steps of a proposed deck to be within the required 15' rear setback area per the Wellesley Place governing Ordinance 616, on their property located within the R-4 Residence Zoning District with a Planned

Environment Unit (PEU), located at 826 Wellesley Place Dr., Chesterfield, MO.

4. That on November 28, 2018 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 826 Wellesley Place Dr., informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.
5. That on November 28, 2018 a notification was mailed by certified U.S. Mail to all subdivision trustees of the Wellesley Place subdivision, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.
6. That on November 30, 2018 the Public Hearing Notice for the December 6, 2018 Board of Adjustment meeting to be held at 6:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall.
7. That on December 6, 2018 a Public Hearing was held by the Board of Adjustment to consider Applicant's request for a variance. At that time the Applicants were present at the Public Hearing to present their request for Variance approval to the Board of Adjustment.
8. That on December 6, 2018 the Board of Adjustment voted \_\_\_ to \_\_\_ to approve the Applicant's request for a variance. The motion failed to receive the required statutory majority to approve the variance, pursuant 89.090 RSMo.

### **CONCLUSIONS OF LAW**

WHEREFORE, the Board of Adjustment of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That Applicant filed a request for a variance pursuant to §2-211—§2-220.3 of the Municipal Code of the City and §89.100 RSMo.
2. That at the Public Hearing held on December 6, 2018 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has not shown that special conditions or circumstances exist which are peculiar to the land, structure or building

involved and that the conditions or circumstances of the Applicant are applicable to other lands, structures or buildings; and,

4. That literal interpretations of the provisions of the applicable chapter of City Code would not deprive the Applicant of rights commonly enjoyed by other properties; and,
5. That the special conditions of the Applicant are a direct result of the actions of the Applicant; and,
6. That granting the variance requested by the Applicant would confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.
7. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this variance.
8. That Applicant has failed to show practical difficulties or unnecessary hardship related to the Applicant's request for a variance.
9. That Applicant's request for a variance is hereby **DENIED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

---

Chairman, Board of Adjustment

ATTEST:

---

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



Board of Adjustment  
City of Chesterfield, Missouri

In Re: )  
Gerald Nettler )  
826 Wellesley Place Dr. )  
Chesterfield, MO 63017 )  
)  
)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 04-2018)**  
**FOR THE PROPERTY LOCATED AT 826 WELLESLEY PLACE DR.**

COMES NOW, the Board of Adjustment (the "Board") of the City of Chesterfield, Missouri, (the "City") and hereby issues the following Findings of Fact and Conclusions of Law approving the Variance request (B.A. 04-2018) submitted on behalf of Gerald Nettler:

**FINDINGS OF FACT**

1. That on October 9, 2018, Chesterfield Fence and Deck on behalf of Gerald Nettler (the "Applicants"), submitted a request for Variance (B.A. 04-2018) approval that would allow the steps of a deck to be reconstructed within the required fifteen foot (15') rear set back area, per the Wellesley Place governing Ordinance 616, on their property within the R-4 Residence Zoning District with a Planned Environment Unit (PEU), located at 826 Wellesley Place Drive, Chesterfield, MO. Additional application materials were submitted on October 16 and 19, 2018. Said Variance request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on October 9, 2018, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
3. That on November 30, 2018 a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City of Chesterfield at 6:00 p.m., December 6, 2018, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to a request by the applicant to allow the steps of a proposed deck to be within the required 15' rear setback area per the Wellesley Place governing Ordinance 616, on their property located within the R-4 Residence Zoning District with a Planned

Environment Unit (PEU), located at 826 Wellesley Place Dr., Chesterfield, MO.

4. That on November 28, 2018 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 826 Wellesley Place Dr., informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.
5. That on November 28, 2018 a notification was mailed by certified U.S. Mail to all subdivision trustees of the Wellesley Place subdivision, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.
6. That on November 30, 2018 the Public Hearing Notice for the December 6, 2018 Board of Adjustment meeting to be held at 6:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall.
7. That on December 6, 2018 a Public Hearing was held by the Board of Adjustment to consider Applicant's request for a variance. At that time the Applicants were present at the Public Hearing to present their request for Variance approval to the Board of Adjustment.
8. That on December 6, 2018 the Board of Adjustment voted \_\_\_ to \_\_\_ to approve the Applicant's request for a variance. The motion received the required statutory majority to approve the variance, pursuant 89.090 RSMo.

### **CONCLUSIONS OF LAW**

WHEREFORE, the Board of Adjustment of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That Applicant filed a request for a variance pursuant to §2-211—§2-220.3 of the Municipal Code of the City and §89.100 RSMo.
2. That at the Public Hearing held on December 6, 2018 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has shown that special conditions or circumstances exist which are peculiar to the land, structure or building involved and

that the conditions or circumstances of the Applicant are not applicable to other lands, structures or buildings; and,

4. That literal interpretations of the provisions of the applicable chapter of City Code would deprive the Applicant of rights commonly enjoyed by other properties; and,
5. That the special conditions of the Applicant are not a direct result of the actions of the Applicant; and,
6. That granting the variance requested by the Applicant would not confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.
7. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this variance.
8. That Applicant has shown practical difficulties or unnecessary hardship related to the Applicant's request for a variance.
9. That Applicant's request for a variance is hereby **APPROVED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

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Chairman, Board of Adjustment

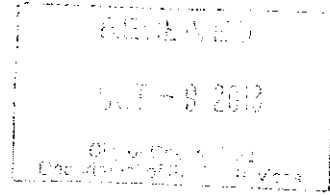
ATTEST:

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



10-4-18



To Whom It May Concern:

We are aware that some repairs to the deck at 826 Wellesley Pl are scheduled to take place.

We have no concerns about this work.

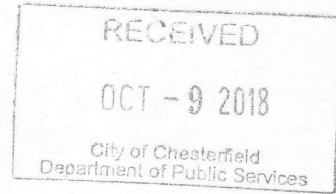
*Cathie A McCredie*

Catherine A. McCredie

830 Wellesley Pl  
Chesterfield, MO 63017

314-223-9669

10-4-18



To Whom It May Concern:

We are aware that some repairs to the deck at 826 Wellesley Pl are scheduled to take place.

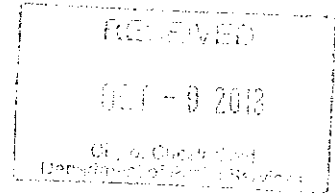
We have no concerns about this work.

*Siane H. Kottlieb*

Wellesley Pl  
Chesterfield, MO 63017

*882 Wellesley Place Dr.*

10-4-18



To Whom It May Concern:

We are aware that some repairs to the deck at 826 Wellesley Pl are scheduled to take place.

We have no concerns about this work.

*Charlene Kieper*

822 Wellesley Pl  
Chesterfield, MO 63017