

**CITY OF CHESTERFIELD  
BOARD OF ADJUSTMENT  
MEETING SUMMARY  
Thursday, July 6, 2017**

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The Board of Adjustment meeting was called to order at 6:00 p.m. on Thursday, July 6, 2017 by Ms. Katherine Hipp, Chair of the Board of Adjustment.

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

The following individuals were in attendance:

Ms. Katherine Hipp, Chair  
Ms. Melissa Heberle, Vice Chair  
Mr. Leon Kravetz  
Ms. Jeannie Rader  
Ms. Barb Whitman

Ms. Jessica Henry, Senior Planner, City of Chesterfield  
Mr. Mike Knight, Project Planner, City of Chesterfield  
Ms. Kathy Reiter, Recording Secretary, City of Chesterfield  
Court Reporter, Midwest Litigation Services

**II. Approval of June 15, 2017 Meeting Summary**

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

<b>Katherine Hipp</b>	<b>Yes</b>
<b>Melissa Heberle</b>	<b>Yes</b>
<b>Leon Kravetz</b>	<b>Yes</b>
<b>Barb Whitman</b>	<b>Yes</b>
<b>Jeannie Rader</b>	<b>Yes</b>

The motion passed by a vote of 5-0.

**III. Request for Affidavit of Publication**

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

**IV. Public Hearing Items:**

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The Chair read the Opening Comments for the Public Hearing.

- A. **B.A. 02-2017 1391 Sandburg Court (Ron and Roberta Gipson):** A request for a variance from the Walden Pond Record Plat for Lot 15 of Walden Pond to maintain a rear yard setback of 42 feet in lieu of the 50 foot setback requirement. (19T310492)

**Staff Presentation:**

Ms. Jessica Henry, Senior Planner for the City of Chesterfield, was sworn in by the Court Reporter.

Ms. Henry stated the following:

- The petition tonight is a request to maintain a 42 ft. rear yard setback in lieu of the 50 ft. setback requirement to accommodate construction of a new deck within the same footprint of the existing deck, which encroaches in the rear setback. The original request was submitted to the City in May of 2017. This request was rejected because it encroached into the rear yard setback.
- The subject property is located in Walden Pond, which was zoned "R1A" and "R2" with a Planned Environment Unit (PEU) by St. Louis County in 1985. The Record Plat was approved and recorded in 1986 that established a 50 foot rear setback for Lot 15 and other lots located along the perimeter of the Walden Pond subdivision.
- The request before this Board is to maintain a 42 ft. rear yard setback for the construction of a new deck replacing the existing one. The current deck on the property encroaches into the rear yard setback; it is assumed that St. Louis County approved this encroachment prior to the incorporation of the City of Chesterfield as the City records do not indicate that any permits for construction or alteration to the deck have been approved since the City's corporation.
- When the Board is considering a variance request, they must find that a hardship exists with the property. A hardship cannot be created by the applicant and the hardship must be proven by the applicant.
- The applicants have submitted letters of support with their petition and states that the hardship is a shallow, angular back property line. The variance would permit the applicant to construct a new deck that meets current building codes within the same footprint as the existing deck.

**Petitioner's Presentation**

Mr. Ron Gipson and Mrs. Roberta Gipson, 1931 Sandburg Court, Chesterfield, MO 63005, the Petitioners were sworn in by the Court Reporter.

- Mr. Gipson, stated that they are requesting a variance to allow a 42 ft. rear yard setback and then made the following points.

- The house was bought by he and his wife in 1991. They would like to upgrade the deck due to the fact that the existing deck has reached the end of its usable (safe) life and to bring the deck up to the current City of Chesterfield building codes.
- The deck is the same as when they moved into the house in 1991 and had no desire to change the basic footprint. There is one little corner that encroaches, not the whole deck. They were not aware of the encroachment until they applied for the MZA.
- Because of the layout of the house and placement of the windows and doors on the back of the house, it is not possible to move the stairs to the other side of the deck. To build a much smaller deck would require them to destroy parts or do extensive remodeling of their paver stone patio.
- The neighbors have given approval for the deck and there is a tree line behind them so they are not right on their property. The new deck will be up to all current codes.

Mr. Gipson summarized that the request is for a 42 ft. variance. The hardship is the shallowness of Lot 15.

#### Discussion:

Ms. Hipp inquired about the significant shrubbery and patio asking them to describe the area. Ms. Gipson explained there were stone pavers on the patio below the deck shown in Exhibit 6b. Ms. Hipp asked about the difficulty of rearranging the pavers to which Ms. Gipson answered very difficult and a lot of work.

Ms. Hipp asked the Gipson's to describe their lot. Mr. Gipson answered that they are the last house on the right of the street which is an angled property. There are no neighbors to the right. The 50 foot building line is angled across their property.

Ms. Whitman questioned the remark Mr. Gipson made about "just one corner" of the deck encroaching the setback. Mrs. Gipson then showed the Board Exhibit 6b which showed the corner of the deck and the stairs that would encroach the setback.

Exhibit 6d then was shown explaining the rejected MZA was the only indication of their deck encroaching in the rear yard setback after living there 26 years. Ms. Gipson then stated that there was actually a recall on the decking material so that is why they wanted to construct a new deck.

Mr. Kravetz stated that the deck itself and the landscaping was beautiful and that St. Louis County originally approved the deck. In his opinion, they were just replacing lumber on an existing footprint for neighborhood value and safety sake.

Ms. Heberle inquired about the neighbor's approval and Ms. Gipson clarified that there were letters in the packet, Exhibit 6c., showing approval and letters also from the Walden Pond Trustees.

**Speakers – In Favor:**

Ms. Janice Basler, 16151 Walden Pond Lane, Chesterfield, MO 63005, was sworn in by the Court Reporter.

Ms. Basler stated she was a neighbor from across the street and was in full support of rebuilding the deck.

No Speakers were present to speak in opposition of the variance request.

**CONCLUSION**

Leon Kravetz made a motion to approve the variance request to maintain a rear yard setback of 42 feet in lieu of the 50 foot required setback. The motion was seconded by Melissa Heberle. Upon roll call, the vote was as follows:

<b>Katherine Hipp</b>	<b>Yes</b>
<b>Melissa Heberle</b>	<b>Yes</b>
<b>Leon Kravetz</b>	<b>Yes</b>
<b>Barbara Whitman</b>	<b>Yes</b>
<b>Jeannie Rader</b>	<b>Yes</b>

The motion passed 5 to 0. The application was approved.

Ms. Hipp at this time asked that Exhibits 1-8 be accepted into evidence. There was no objection to the request, so moved and accepted.

**V. Adjournment**

The meeting adjourned at 6:25 p.m.