

**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT
MEETING SUMMARY
Thursday, May 7, 2009**

The Board of Adjustment meeting was called to order at 7:22 p.m. on Thursday, May 7, 2009 by Ms. Laura Lueking, Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Laura Lueking, Chair
Ms. Marilyn Ainsworth
Mr. Leon Kravetz
Mr. Richard Morris
Mr. Bruce DeGroot, Alternate

Mr. Harry O'Rourke, representing City Attorney, City of Chesterfield
Ms. Annissa McCaskill-Clay, Lead Senior Planner, City of Chesterfield
Ms. Mary Ann Madden, Office Manager, City of Chesterfield
Court Reporter, Midwest Litigation Services

II. Approval of November 6, 2008 Meeting Summary

Leon Kravetz made a motion to approve the Meeting Summary. The motion was seconded by Richard Morris and **passed by a voice vote of 5 to 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:

The Chair read the Opening Comments for the Public Hearings.

- A. **B.A. 01-2009 15563 Parasol Drive (Nancy Nahlik)**: A request for a variance from St. Louis County Ordinance 5189 to permit an existing residence located at the referenced address in Meadowbrook Farm Subdivision to maintain a three (3) ft. side yard setback in lieu of the required eight (8) ft. side yard setback (20S130125)

Staff Presentation:

Ms. Anissa McCaskill-Clay, Lead Senior Planner for the City of Chesterfield, outlined the exhibits supporting the request for a variance to permit the existing residence at 15563 Parasol Drive to maintain a three-foot side yard setback in lieu of the required eight-foot side yard setback.

Dr. and Mrs. James Nahlik are the owners of a single family residence at 15563 Parasol Drive, which is zoned "R2" Residence District with a Planned Environment Unit (PEU) Procedure. The property was zoned prior to the incorporation of the City of Chesterfield and is governed by St. Louis County Ordinance 5189, which established the PEU. With a PEU procedure, properties are allowed to alter their development setbacks. For an "R2" Residence District with a PEU, the side yard setbacks for an "R3" Residence district would be applicable. In the development of Meadowbrook Farms, an eight (8) foot side yard setback was established vs. the typical ten (10) foot side yard setback for an "R-2" District.

There is an existing deck on the site that does not meet the setback. The homeowners believe the existing deck is original to the home but documentation has not been found showing approval of the deck. The homeowners are requesting that the existing deck be replaced with a smaller deck, but the proposed deck still does not meet the side yard setbacks.

Petitioners' Presentation:

Dr. James Nahlik and Mrs. Nancy Nahlik, 15563 Parasol Drive, Chesterfield, MO were sworn in by the Court Reporter.

Mrs. Nahlik stated that they are requesting approval of a variance for a deck. The subject property was built in 1978-79 by Kemp Homes. They attempted to obtain documentation from Kemp Homes about when the deck was constructed, but Kemp Homes no longer has any records on the homes from this period.

Dr. Nahlik then presented a letter from the original property owner, Robert Margolis, MD stating that the deck was part of the home when he bought the property in 1980. The letter was marked as "Exhibit 7". After Mr. Margolis moved into the home, a pool was added to the property. Dr. and Mrs. Nahlik purchased the home in 1997.

The existing cedar wood deck needs to be replaced at this time as it is considered unsafe. The Nahliks are concerned that if they abide by the existing requirements, the stairway from the deck will be too close to the pool causing a safety issue. It was noted that the proposed design of the deck would have the stairs about 15 feet from the pool – without a variance, the stairs would be about 10-12 feet from the pool.

Speakers – In Favor:

Mr. Donald Mason identified himself as the neighbor immediately behind the Nahliks and his property overlooks their back yard and pool. He stated that he has no reservations with the requested changes to the deck.

Speakers – In Opposition:

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

CONCLUSION

Leon Kravetz made a motion to approve the variance to permit an existing residence located at 15563 Parasol Drive in Meadowbrook Farm Subdivision to maintain a three (3) ft. side yard setback in lieu of the required eight (8) ft. side yard setback as requested under B.A. 01-2009 15563 Parasol Drive (Nancy Nahlik). The motion was seconded by Marilyn Ainsworth. Upon roll call, the vote was as follows:

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|--------------------------|------------|
| Marilyn Ainsworth | Yes |
| Bruce DeGroot | Yes |
| Leon Kravetz | Yes |
| Richard Morris | Yes |
| Laura Lueking | Yes |

The motion passed 5 to 0.

V. Adjournment

The meeting adjourned at 7:35 p.m.