



city of **CREVE COEUR**

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

**BOARD OF ADJUSTMENT OF
THE CITY OF CREVE COEUR**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

APPLICANT: Alison Curfman, Homeowner
SUBJECT PROPERTY: 433 Meadow Green Place, Creve Coeur, MO 63141, within the Country Forest Subdivision
ZONING DISTRICT: B-RDD, B Single Family Residential, with Residential Designed Development Designation
APPEAL: Setback Variance, to wit,

VARIANCE REQUEST FOR THE PROPERTY AT 433 MEADOW GREEN PLACE TO ALLOW FOR ENCLOSING THE PRE-EXISTING, NON-CONFORMING DECK THAT ENCROACHES 14.38 FEET FROM THE REAR-YARD WHERE THE REQUIRED REAR YARD SETBACK IS 30 FEET AND A FRONT PATIO 3.5 FEET FROM THE SIDE YARD WHERE THE REQUIRED SIDE YARD IS 15 FEET

HEARING DATE: May 20, 2021

FINDINGS OF FACT

1. The Applicant is the property owner of 433 Meadow Green Place and was also represented by Taylor Huston, of Killeen Studio and Mike Killeen of Killeen Studio. Jason Jaggi and Whitney Kelly testified on behalf of the City. Roger Naney, Subdivision Trustee, spoke in support of the request.
2. The City submitted the following exhibits which were admitted into evidence:
 1. City of Creve Coeur Charter.
 2. Code of Ordinances of the City of Creve Coeur.
 3. The Creve Coeur Comprehensive Plan.
 4. The PowerPoint Presentations by Staff regarding the Request
 5. Applicant's Presentation
 6. Staff's report to the Board, with The Board of Adjustment application and all attachments thereto.
 7. A collective Exhibit of materials received from the Applicant.
 8. Proof of public notice
3. The Applicants requested variances to allow for enclosing the existing, non-conforming, deck that is within the rear yard setback at 14.38-feet from the rear property line and to construct a front porch and roof extension into the side setback at 3.5 feet from the side yard, where Section 405.260(E)(4)(e) requires a minimum thirty (30) foot rear yard and a side yard setback of Fifteen (15) feet or fifteen percent (15%) of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot, per Section 405.260(E)(4)(c).

4. The variance is needed because of a unique hardship not created by the applicant, but due to the unique character of the original subdivision development, the lack of documentation regarding the subdivision setbacks under RDD, and the placement of the home on the property.
5. The granting of the variance will not adversely affect adjacent property owners or residents, due the pre-existing nature of the non-conforming deck.
6. The strict application of the provisions of the Zoning Ordinance from which a variance is requested, will cause severe practical difficulty for the property owner.
7. Granting the site coverage variance will not adversely affect the public health, safety, order, convenience, or general welfare of the community.
8. Granting the variance will not result in the diversion of additional stormwater that would adversely affect adjacent property, given the limited scope of the requested variance.

CONCLUSIONS OF LAW

9. Pursuant to Section 89.090.1 R.S.Mo. and City Ordinance, the Board of Adjustment has jurisdiction to hear this appeal.
10. The Board of Adjustment is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made in the enforcement or interpretation of the Code, or where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinances.
11. Appropriate notices were authorized and published by the City Clerk and mailed to residents and property owners in compliance with the City Code and the documents supporting those actions are on file with the City Clerk's office.

REPORT OF DECISION

12. Notwithstanding the provisions of Section 405.260(E)(4)(e) which requires a minimum thirty (30) foot rear yard and Section 405.260(E)(4)(c) which requires a side yard setback of Fifteen (15) feet or fifteen percent (15%) of the lot width, whichever is less, provided that a minimum side yard of seven and one-half (7 1/2) feet must be provided for any non-conforming lot of the B Single Family Residential Zoning District, the Applicant may enclose the rear deck and construct the front porch as shown on the site plan and other materials submitted with the application for the request subject to all other applicable laws, ordinances and regulations and the condition of approval set forth herein.
14. The ayes and nays cast on the motion to grant the variance were as follows:

 5 AYE 0 NAY 0 ABSENT

Name: Mr. Glenn Wilen (Chair) - Aye
 Mr. Robert Mooney - Aye

Mr. Martin Satz - Aye
Ms. DP Villacis - Aye
Mr. James Kostelc - Aye

ADOPTED AND APPROVED AS OF THIS 20th DAY OF May, 2021.

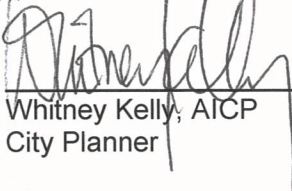
**Glenn
Wilén**

Digitally signed
by Glenn Wilén
Date: 2021.05.24
08:30:40 -05'00'

Glenn Wilén
Chairman

Date of signature: _____

Attest:



Whitney Kelly, AICP
City Planner