



*city of* **CREVE COEUR**

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[www.crevecoeurmo.gov](http://www.crevecoeurmo.gov)

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**APPLICANT:** Apollo Carey, attorney on behalf of David and Ahn Le, Property Owners  
**SUBJECT PROPERTY:** 863 Deaver Lane, Creve Coeur, MO 63141  
**ZONING DISTRICT:** "C" Single Family Residential  
**APPEAL:** Rear Yard Setback, to wit,

**VARIANCE REQUEST FOR THE PROPERTY AT 863 DEAVER LANE TO ALLOW A NEW SINGLE-FAMILY RESIDENCE TO ENCROACH 18 FEET INTO THE REQUIRED 30 FOOT REAR-YARD SETBACK**

**HEARING DATE: APRIL 21, 2022**

**FINDINGS OF FACT**

1. The Applicant is the attorney for the property owners of 863 Deaver Lane. Bethany Moore, City Planner, and Jason Jaggi, Director of Community Development testified on behalf of the City.
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 Presentation 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 and the public comment.
  8. Proof of public notice
  9. Email correspondence between the City Planner, the owner, the Applicant, and the owner's Architect
3. The Applicant submitted a rear yard variance request of 18 feet in order build a new two-story single-family residence at the currently vacant 863 Deaver Lane in the "C"-Single Family Residential Zoning District. The residence would be built 18 feet into the required 30-foot rear yard setback, resulting in a 12-foot setback from the south property line. Section 405.270.E.4.e. of the Zoning Code requires a minimum 30-foot rear setback for all permitted uses in the "C" Single Family Residential District. The subject property is

a corner lot located where Deaver Lane meets Olive Boulevard. Per Section 405.630 (B), Any corner lot shall have front yard equivalent setbacks along all street frontages. The property line opposite to the front yard line with the greater street frontage shall be considered the side yard line and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard line. This will create a building placement that has a larger gap between residences than is common on Deaver Lane due to the setback requirements.

4. The variance requested arises due to the lot's configuration as a corner lot with two front yard setbacks, one of which has a lesser street frontage along Olive Boulevard causing the rear yard setback to fall to the property line shared with 861 Deaver Lane. This rear yard setback causes the buildable area to shift more towards Olive Boulevard than the house at 861 Deaver Lane.
5. The granting of the variance would not adversely affect adjacent property owners or residents.
6. Strict application of the provisions of the Zoning Ordinance would cause severe practical difficulty to the property owner because the required rear yard setback of 30 feet would not allow the property owner to build the proposed two-story single-family residence with the floorplan that is preferred by the owner.
7. Granting the 18-foot rear yard variance will not adversely affect the public health, safety, order, convenience, or general welfare of the community.
8. Granting the 18-foot rear yard setback variance would not violate the general spirit and intent of the Zoning Code and specifically Section 405.630 *Yard Regulations* as the general spirit is to regulate the location of a permitted use on the property and maintain uniform distances between permitted uses and surrounding property lines.
9. The variance requested arises from a unique condition that is not ordinarily found in the "C" district and a unique hardship not created by the owner.
10. Granting the variance will not result in the diversion of additional stormwater that would adversely affect adjacent property, given that the City's stormwater regulations, under Chapter 425, require on-site mitigation to capture any proposed increase in runoff be submitted during the permitting process.

#### **CONCLUSIONS OF LAW**

11. Pursuant to Section 89.090.1 R.S.Mo. and City Ordinance, the Board of Adjustment has jurisdiction to hear this appeal.
12. 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.
13. 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**

- 14. The variance application is approved.
- 15. The Board approves the 18-foot rear yard setback variance based on the evidence presented.
- 16. The ayes and nays cast on the motion to grant the variance were as follows:

  4   AYE                        0   NAY                        2   ABSENT

<u>Name:</u>	Mr. Glenn Wilen (Chair)	- Aye
	Mr. Robert Mooney	- Absent
	Mr. James Kostelc	- Aye
	Ms. Martin Satz	- Absent
	Mr. Arnold Mayersohn	- Aye
	Ms. Dana Connan	- Aye


ADOPTED AND APPROVED THIS 21st DAY OF APRIL, 2022.

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Glenn Wilen  
Chairman

Date of signature:

Attest:

  
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Bethany L. Moore  
City Planner

**Glenn  
Wilén**

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by Glenn Wilen  
Date:  
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