



city of **CREVE COEUR**

300 North New Ballas Road • Creve Coeur, Missouri 63141

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BOARD OF ADJUSTMENT OF THE CITY OF CREVE COEUR

FINDINGS OF FACT AND CONCLUSIONS OF LAW

APPLICANT: Alex Bartlesmeyer of McKelvey Homes, LLC
SUBJECT PROPERTY : 602 Rue de Fleur, Creve Coeur, MO 63141
ZONING DISTRICT: "A" Single Family Residential
APPEAL: Front Yard Setbacks, to wit,

VARIANCE REQUEST FOR THE CORNER PROPERTY AT 602 RUE DE FLEUR DRIVE TO ALLOW A NEW SINGLE-FAMILY RESIDENCE TO ENCROACH 19 FEET, 7 INCHES INTO THE REQUIRED 50 FOOT FRONT YARD SETBACK ALONG RUE DE FLEUR DRIVE AND 16 FEET, 6 INCHES INTO THE REQUIRED 50 FOOT FRONT YARD SETBACK ALONG MASON MANOR ROAD

HEARING DATE: MAY 19, 2022

FINDINGS OF FACT

1. The Applicant is the representative for McKelvey Homes, LLC, the property owner of 602 Rue de Fleur Drive. Bethany Moore 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.
 8. Proof of public notice.
3. The Applicant submitted two front yard setback variance requests of 19 feet, 7 inches and 16 feet, 6 inches in order to construct a new single-family residence at 602 Rue de Fleur Drive to replace the existing home that was damaged by fire. The subject property is a corner lot within the Maison Manor Subdivision and is one of only two lots from that development zoned "A" Single-Family Residential. Maison Manor subdivision was developed in 1969 as part of St. Louis County's Planned Environmental Unit Procedure before being incorporated into the City of Creve Coeur in the 1990s and subsequently rezoned. The majority of the lots in the Maison Manor subdivision are zoned "A-RDD" while 7 are zoned "D." The "A" Zoning District has a front yard setback of fifty (50) feet, per Section 405.250. The variance request is for the new residence to be built within the 20-foot front yard setbacks recorded on the plat at time of development but encroaching

19 feet, 7 inches and 16 feet, 6 inches into the required 50-foot front yard setbacks for the "A" zoning district.

4. The variances requested arise due to a probable error in rezoning stemming from the incorporation of the area into the City of Creve Coeur in the 1990s. The setback requirements under the current "A" zoning district causes the buildable area for the lot to be significantly smaller than the existing residence or those around it from the same development. The subject property is roughly 1/3 of the required minimum lot size for the "A" district. This issue affects only one other lot from the Maison Manor subdivision and is not ordinarily found in the A Zoning District. The variance requested is not due to a hardship created by the owner of the property.
5. The granting of the variances would not adversely affect adjacent property owners or residents, as it would allow the new single-family residence to be built to the same standards that applied to the previous residence and the surrounding residences of the Maison Manor subdivision.
6. Strict application of the provisions of the Zoning Ordinance would cause severe practical difficulty to the property owner because the required front yard setbacks of 50 feet, while not eliminating the owner's ability to build any residence, would completely eliminate the owner's ability to build a new residence that is comparable to the existing residence or those around it in terms of size and setback. Under the requirements of the "A" zoning district front yard setbacks, the owner would be limited to a buildable area that is much smaller than the buildable area for a corner property with two front yard setbacks at the minimum lot size in the "A" zoning district.
7. Granting the front yard setback variances of 19 feet, 7 inches and 16 feet, 6 inches will not adversely affect the public health, safety, order, convenience, or general welfare of the community.
8. Granting the two front yard setback variances of 19 feet, 7 inches and 16 feet, 6 inches to allow the single-family residence to be built well within the buildable area for the lot as it was platted according to the 20-foot front yard setbacks would not violate the general spirit and intent of the Zoning Code as the subject property appears to have been erroneously assigned to the "A" zoning district at the time of its incorporation into the City of Creve Coeur after it was developed. The variances for a lot roughly 1/3 the minimum size of lots in the "A" zoning district when it was part of a development with smaller setbacks subject to different zoning would not appear to violate the larger purpose and intent of the Zoning Ordinance. Granting the variances requested would allow the single-family residence to be built to a similar size, scale and setback as the surrounding existing houses that were developed together under the same reduced setback procedures.
9. The lot and subdivision were developed with reduced size in consideration of maintenance of the large common ground areas before incorporation into the City of Creve Coeur. The subject property is 1/3 the size of the minimum lot size required by the "A" zoning district. The strict application of the front yard setbacks of 50 feet on the subject property given its size and development history would create a hardship as to the property in a manner that is dissimilar to the majority of the other lots developed as part of Maison Manor and dissimilar to other lots in the "A" district that were not developed in the same way.

10. Granting the variances will not result in the diversion of additional stormwater that would adversely affect adjacent property as the City's stormwater regulations under Chapter 425 are required to be met 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 two front yard setback variances of 19 feet, 7 inches and 16 feet, 6 inches due to evidence supporting hardship related to the strict application of the Zoning Code on the property.
16. The ayes and nays cast on the motion to grant the variance were as follows:

 5 AYE 0 NAY 0 ABSENT

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

ADOPTED AND APPROVED AS OF THIS 19th DAY OF MAY, 2022.

Glenn Wilen Digitally signed
by Glenn Wilen
Date: 2022.05.23
14:29:44 -05'00'

Glenn Wilen
Chairman

Date of signature:

Attest: Bethany L. Moore
Bethany L. Moore
City Planner