City of Chesterfield

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

BOARD OF ADJUSTMENT

Attached please find the packet for the Board of Adjust on January 4, 2007. We have also included a copy of the 2007 Meeting Schedule.

Please contact Annissa G. McCaskill-Clay at amccaskill@chesterfield.mo.us or 636-537-4737 if you cannot attend.

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CHESTERFIELD BOARD OF ADJUSTMENT

2007 MEETING SCHEDULE

*Board of Adjustment Meetings begin at **7:00 p.m.***

January
Thursday, January 4

February
Thursday, February 1

March
Thursday, March 1

April
Thursday, April 5

May
Thursday, May 3

June
Thursday, June 7

July
Thursday, July 5

August
Thursday, August 2

September
Thursday, September 6

October
Thursday, October 4

November
Thursday, November 1

December
Thursday, December 6

City of Chesterfield
Board of Adjustment Meeting Agenda
Thursday, January 4, 2007
7:00 p.m.
City Council Chambers, 690 Chesterfield Parkway West

I. Introduction of the Board and City Staff

II. Approval of November 29, 2006 Meeting Summary

IV. Request for Affidavit of Publication

V. Public Hearing Items:

A. **B.A. 1-2007 Kenneth & Lucy Kreh:** A request for a variance from Section 4(a)(ii) of City of Chesterfield Ordinance 242 to allow an existing residence located at 2215 Barons Way Court in Stonebriar Subdivision to maintain a five-foot rear yard setback in lieu of the required fifteen (15)-foot rear yard setback. (2215 Barons Way Court/20T310351))

IV. Adjournment

CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Wednesday, November 29, 2006

The Board of Adjustment meeting was called to order at 7:00 p.m. on Wednesday, November 29, 2006 by Ms. Laura Lueking, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Marilyn Ainsworth
Ms. Laura Lueking
Ms. Dru Thomas
Mr. Alan Baudler
Mr. Richard Morris
Mr. Rob Heggie, City Attorney, City of Chesterfield
Ms. Annissa McCaskill-Clay, Assistant Director of Planning, City of Chesterfield Department of Planning
Ms. Joyce Collins-Catling, Executive Secretary, City of Chesterfield Department of Planning
Court Reporter, Midwest Litigation Services

II. Approval of October 5, 2006 Meeting Summary

Marilyn Ainsworth made a motion to approve the summary as amended.
Richard Morris seconded the motion.
The motion passed by voice vote 5-0

III. Request for Affidavit of Publication

IV. Public Hearing Items:

A. **<u>B.A. 8-2006 Plan Provision LLC:</u>** **RECONSIDERATION** of a request for a variance from Section 1003.107 of the City of Chesterfield Zoning Ordinance to permit a proposed child care center to maintain a structure setback of twenty (20) feet on the western boundary of an "E-One Acre" Estate District, in lieu of a seventy-five (75) foot setback. (18V510017/17661 Wildhorse Creek Road)

Alan Baudler made a motion to reconsider the petition for approval.
Richard Morris seconded the motion.

The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, yes; Dru Thomas, yes; Alan Baudler, yes; Richard Morris, yes.

The motion passed by voice vote 5-0

The Board previously took considerable testimony concerning this petition. Please note, the notice of publication was not published due to a Countian publication error.

There were no additional speakers present in favor of the petition.
There were no speakers present in opposition.

Dru Thomas made a motion to approve the variance.
Alan Baudler seconded the motion.

The voice vote was as follows: Marilyn Ainsworth, no; Laura Lueking, yes; Dru Thomas, yes; Alan Baudler, yes; Richard Morris, yes.

The motion passed by voice vote 4-1

VI. Adjournment

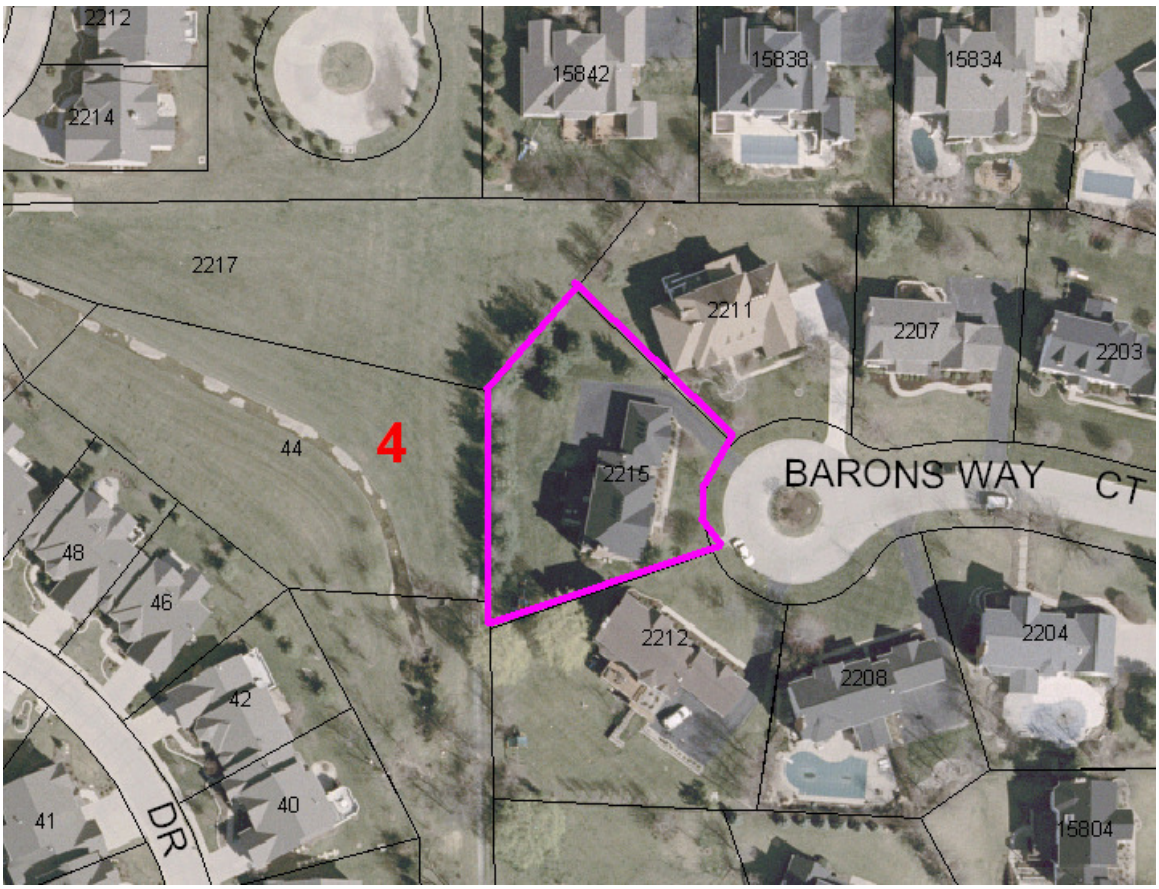
Meeting adjourned at 7:10 p.m.

NOTICE OF PUBLIC HEARING
CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, January 4, 2007 at 7:00 p.m., in the City Council Chambers at the City of Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, 63017

The Board will consider the following:

B.A. 1-2007 Kenneth & Lucy Kreh: A request for a variance from Section 4(a)(ii) of City of Chesterfield Ordinance 242 to allow an existing residence located at 2215 Barons Way Court in Stonebriar Subdivision to maintain a five-foot rear yard setback in lieu of the required fifteen (15)-foot rear yard setback. (2215 Barons Way Court/20T310351))



All interested parties are invited to appear and be heard at the hearing. Copies of the request are available for review at the City Government Center Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Annissa G. McCaskill-Clay, Assistant Director of Planning by telephone at 636-537-4737 or by email at amccaskill@chesterfield.mo.us.

City of Chesterfield

Annissa G. McCaskill-Clay
Assistant Director of Planning

EXHIBIT

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City of Chesterfield

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

V.A.

December 27, 2006

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: **B.A. 1-2007 Kenneth & Lucy Kreh:** A request for a variance from Section 4(a)(ii) of City of Chesterfield Ordinance 242 to allow an existing residence located at 2215 Barons Way Court in Stonebriar Subdivision to maintain a five-foot rear yard setback in lieu of the required fifteen (15)-foot rear yard setback. (2215 Barons Way Court/20T310351))

Dear Board Members:

Kenneth and Lucy Kreh, the owners of the above-referenced single family home, have submitted a request to the Board of Adjustment for the above-mentioned variance. In review of the petitioners' request, the Department of Planning submits the following report.

Background of site

1. The Kreh's home is located at 2215 Baron's Way Court in the Stonebriar Subdivision.
2. Stonebriar Subdivision was zoned "R2/R3" Residence District with a Planned Environment Unit Procedure by the City of Chesterfield via Ordinances 234, 235, 236, 237, 241. Ordinance 242 consolidated previous established zonings and planned environment unit requirements under one ordinance.
3. A Planned Environmental Unit (PEU) is an alternate zoning procedure for residential districts. According to the City of Chesterfield Zoning Ordinance the intent of a PEU is, "to permit flexibility in building types, encourage economic and energy efficient subdivision design, and to encourage the provision of supporting community facilities in the development of diverse, sound, urban developments under conditions of approved site and development plans."
4. In the development of Stonebriar Subdivision, a fifteen (15) foot rear yard setback was established.

EXHIBIT
4

5. On October 19, 2006, the City of Chesterfield rejected a municipal zoning approval for an in-ground swimming pool because it extended beyond the established rear yard setback.

Statement of practical difficulties and unnecessary hardships warranting action by the Board:

From Petitioner's Application, pg. 4: "*This position is preferred to keep the pool a safe distance from the deck to prevent the possibility of jumping into the pool from the deck. In addition this will keep the pool in view from the 1st floor of the house for increased safety of the children in the family.*"

Unique physical characteristics of the lot (e.g., size, slope, etc.):

From Petitioner's Application, pg. 2: *"Lot size is .43 acres. See plot plan for exact dimensions, slope toward back of lot behind garage and on right side of house. Home is not parallel to rear property line. "*

Description of the necessity of the proposed improvement

From Petitioner's Application, pg. 2: *"Pool is to be used for recreational and exercise purposes."*

Basis for appeal of the above action:

From Petitioner's Application, pg. 2: *"Goal is to align pool with orientation of home and keep pool directly behind house. Corner Lot with pie shape and house is off to one (1) side of lot."*

Approval Criteria

The Kreys are seeking a variance to allow for a five (5) foot rear yard setback in lieu of the fifteen (15) foot setback established by City of Chesterfield Ordinance 242:

1. In order to grant a variance, there must be proof that the applicant did not bring the burden upon himself through some action, but instead had the burden imposed on him.

2. An individual cannot create a situation and then claim he needs a variance. *Wolfner v. Board of Adjustment of City of Warson Woods*, 114 S.W.3d 298 (Mo.App.E.D.,2003).

3. The burden of proving the elements is on the applicant.

4. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the applicant has established the necessary "practical difficulties or unnecessary hardship" and when "the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done."

5. Section 2-216 of the City of Chesterfield Municipal Code states that the Board of Adjustment shall have the following powers:

   "To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided that such variance will not seriously affect any adjoining property or the general welfare of the public;"

Action is requested on B.A. 1-2007 Kenneth and Lucy Kreh.

Respectfully Submitted,

Annissa McCaskill-Clay

Annissa G. McCaskill-Clay, AICP
Assistant Director of Planning

Exhibits:

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication.
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Applications
   A. Application to Board of Adjustment
   B. Rejected Municipal Zoning Approval
6. Letter of support from Michael and Gail Schneider (2211 Barons Way Ct.)
7. Letter of support from Peggy Wachter (2212 Barons Way Ct.)
8. City of Chesterfield Ordinance 242

20T 31 0361

City of Chesterfield

DEPARTMENT OF PLANNING

RECEIVED DEC 4 2006 PLANNING DEPARTMENT

APPLICATION TO THE BOARD OF ADJUSTMENT FOR A VARIANCE

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. Its responsibility is to hear appeals from decisions of the City of Chesterfield Department of Planning and to consider requests for variances and exceptions. A variance is an approved departure from the provisions of the zoning requirements for a specific parcel, without changing the zoning ordinance underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district. For questions about this application, please contact the "Planner of the Day" at 636-537-4733. For information about this and other projects under review by the Department of Planning, please visit "Planning Projects" at www.Chesterfield.mo.us.

Check (✓) the type of variance for which you are applying:

[✓] **Area (bulk) variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.**

[ ] **Appeal of an Administrative determination**

Note: A $70 fee applies

Please note areas in gray will be completed by the Department of Planning.

STATE OF MISSOURI)
)
CITY OF CHESTERFIELD)
Petition for Appeal from Zoning Regulations

BOA NUMBER 1-2007
HEARING DATE January 4, 2007

I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor's Record: Kenneth & Lucy Koch

Address: 2215 Barnens Way Ct

City: Chesterfield **State:** MO **Zip:** 63017

Tel.: 636.530.6089 **Fax:** 314 256.5019

Petitioner, if other than owner(s):

Address:

City: **State:** **Zip:**

Tel.: **Fax:**

Legal Interest:

(Provide date of contract and date of expiration of contract)

***Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)**

EXHIBIT 5A

II. PROPERTY INFORMATION

Project Address: 2215 Barons Way Court, Chesterfield MO 63017

Locator Number(s): _____

(List additional locator numbers on separate sheet and attach to petition)

Acreage: _____ (To the nearest tenth of an acre)

Subdivision Name (If applicable): Stonebriar Plat One

Current Zoning District: St. Louis County Records.

Legal Description of Property: Lot / Parcel #: 119, Stonebriar Plat One, Plat Book: 291 page 2-3.

Single Family Home - 2 story

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.): Lot size .43 acres

See Plot Plan for exact dimensions, slopes toward back of lot behind garage and on right side of house. Home is not parallel to rear property lines.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement: Pool is to be used for recreational and exercise purposes.

(Attach additional sheets as necessary)

Ordinance Number and section to which a variance is sought: _____

Rear set back for inground pool

Master Plan # 805.95.01

(Attach additional sheets as necessary)

Basis for appeal of the above action: Goal is to align pool with orientation of home and to keep pool directly behind house.

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one [ ] Yes [✓] No

Specify the action to which the appeal is sought: – NA.

(Attach additional sheets as necessary)

Description of the effect or impact on neighboring properties: No impact to neighbors on either side of property. Rear of lot is backed by Subdivision common ground. Plans reviewed by Trustee see original application, 10/13/06

(Attach additional sheets as necessary)

Statement of any other hardship or information for this appeal: – NA.

(Attach additional sheets as necessary)

Please complete the sections below as applicable:

A. Setbacks/Height:

The Petitioner(s) request the following setback(s):

Front yard: –
Side yard: –
Rear yard: 5 Feet
Height: –

The City of Chesterfield Zoning Ordinance Regulations require the following setback(s) for this site:

Front yard: –
Side yard: –
Rear yard: 15 feet
Height: –

The following information correctly presents the true conditions and also describes the practical difficulties and unnecessary hardships warranting action by the Board.

This position is preferred to keep the pool a safe distance from the decks to prevent the possibility of jumping into the pool from the decks. In addition this will keep the pool in view from the 1st floor of the house for increased safety of the children in the family.

Include two (2) completed copies of this application with original signatures and two (2) copies of the following:

1. A site development plan showing:
   - The dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
   - Letters from abutting property owners stating their position.
2. A $70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
3. A copy of the City of Chesterfield rejection or denial.

B. Signage:

Number and size of allowable attached business signs by ordinance: _____

Number and size of allowable freestanding business signs by ordinance: _____

The petitioner further represents that the increased sign size or height would not be injurious to the neighborhood, or otherwise be detrimental to the public welfare for the following reasons: _____

Include two (2) completed copies of this application with original signatures and two (2) copies of the following:

1. A site plan showing:
   - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
   - The location of proposed signs.
   - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business)

2. A detail sign plan indicating:
   - Dimension of signs with detail sign lettering layout.
   - Total square feet of signs. If attached, what percent of wall.
   - Light detail, if any.

3. Letters from abutting property owners stating their position.

4. A $70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)

5. A copy of the City of Chesterfield rejection or denial.

III. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

[✓] **Yes** [ ] **No. If no, please explain:** _____

_____

_____

Is property in compliance with all Zoning, Subdivision, and Code requirements?

[✓] **Yes** [ ] **No. If no, please explain:** _____

_____

_____

[THIS SPACE INTENTIONALLY LEFT BLANK]

IX. LIENS AND FINES CERTIFICATION

Project Name: _____ **Ward:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

[I] [we], _____ (a duly licensed attorney or title insurance company
(print, type or stamp name of attorney or title company)

in the State of Missouri), do hereby certify to the Council of the City of Chesterfield that [I] [we] have examined the title to the herein described property; that [I] [we] find the title to the property is vested to _____ ; that there are no fines and/or liens of record on the property
(name of owner(s))

by or owed to the City of Chesterfield [or] that the following fines and/or liens are owed to the City of Chesterfield:

1. _____
2. _____
3.
4. _____

_____ _____
(Attorney-at-law licensed in Missouri) Date

Missouri Bar # _____

-or-

_____ _____
(Officer of title insurance company) Date

_____
Print, type or stamp name and title

[THIS SPACE INTENTIONALLY LEFT BLANK]

XI. STATEMENT OF CONSENT

Consent is required from the property owner(s) and contract purchaser, if applicable, to their agent if the property owner(s) or contract purchaser do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner/contract purchaser. Consent to a firm shall be deemed consent for the entire firm, unless otherwise specified. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded warranty deed for subject property.

STATEMENT OF CONSENT

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property I have an ownership interest in is the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the [ ] owner [ ] contract purchaser. (check (✓) one)

_____ _____

(Name- type, stamp or print clearly) (Signature)

_____

(Name of Firm) (Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this _____ day of _____ , 20 _____ .

Signed _____ Print Name: _____

Notary Public

Seal/Stamp:

My Commission Expires: _____

XII. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name: Swimming Pool **Submittal Date**: _____

STATEMENT OF COMPLETENESS AND ACCURACY

I hereby certify all property owners have full knowledge the property they own is the subject of this application. I hereby certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. I further represent and warrant that I have not made any arrangement to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

Check (✓) one: [✓] I am the property owner. [ ] I am the contract purchaser.

[ ] I am the duly appointed agent of the petitioner.

Lucy Karst Kreh
(Name- type, stamp or print clearly)

(Signature)

_____
(Name of Firm)

2215 Barons Way Ct., Chesterfield MO 63017
(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 4th day of Dec., 20 06.

Signed Judith A. Naggiar Print Name: Judith A. Naggiar
Notary Public

Seal/Stamp: JUDITH A. NAGGIAR MY COMMISSION EXPIRES 01-03-2008 NOTARY SEAL NOTARY PUBLIC COUNTY OF ST. LOUIS STATE OF MISSOURI

My Commission Expires: 01/03/08

STAFF / BOA USE ONLY

Intake Date: _____

This petition is granted / denied (circle one) **on the** _____ **day of** _____ **20** ____

Signed: _____

Chairman

[THIS SPACE INTENTIONALLY LEFT BLANK]

20T310351

OK
M. H
10/16/06

City of Chesterfield

DEPARTMENT OF PLANNING

APPLICATION FOR MUNICIPAL ZONING APPROVAL

TO: Department of Public Works
Division of Code Enforcement
St. Louis County Government
41 South Central
Clayton, Missouri 63105

FROM: City of Chesterfield

The City of Chesterfield contracts with the St. Louis County Department of Public Works to provide permitting and inspection services. Review of plans, collection of fees, and issuance of permits are handled by the County. However, before obtaining any permit, or beginning any construction project, a zoning approval must be obtained from the City of Chesterfield.

Zoning approval signifies that the property can be used as requested and that the location of a proposed structure is within the legal limits of the property lines as delineated by regulations contained within the City of Chesterfield Zoning Ordinance. Please be advised that some sites have regulations that are more restrictive as part of conditions of the ordinance governing a particular Planned Commercial District, Planned Industrial District, Estate District, Mixed Use Development District, Conditional Use Permit, Commercial-Industrial Designed Development Procedure, Planned Environmental Development Procedure, or Landmark Preservation Area.

Petitioners are strongly urged to visit the County web site at http://www.stlouisco.com/pubworks/ or contact the St. Louis County Department of Public Works at (314) 615-7155 for submittal requirements, permitting information and a detailed list of work that does not require a building permit and/or zoning approval

For questions about this application, please contact the "Planner of the Day" at 636-537-4733.

I. APPLICANT INSTRUCTIONS

1. Obtain City of Chesterfield approval;
2. Obtain *Fire District approval; An additional separate permit is required from the fire district.
3. Obtain St. Louis County approval.

***NOTE: It is the responsibility of the applicant to determine which Fire District covers the project property.**

- Monarch Fire Protection District: Tel. 314-514-0900, ext. 309
- Metro West Fire Protection District: Tel. 636-458-2100

II. PROJECT INFORMATION

Property Owner: Kenneth Kreh
Project Address: 2215 Barons Way Ct
City: Chesterfield **State:** MO **Zip:** 63017
Tenant Name (if different than above):
Owner/Tenant Authorization to Applicant:
(Signature of owner/tenant or duly authorized agent required)

EXHIBIT
5B

Applicant Name: Kenneth Kreh

Applicant Address: 2215 Barons Way Ct Chesterfield 63017

Phone Number: 636-530-6088 **Attn:**

If the property is located within a subdivision, the applicant is to notify Subdivision Trustees of the proposed work.

Subdivision Name: Stonebriar Subdivision

Subdivision Trustee Acknowledgement: H.R. Williams, Trustee
(Signature of trustee or duly authorized agent)

Were the Subdivision Trustees Notified? Check (✓) one [✓] Yes [ ] No

Description of Work: IN-GROUND SWIMMING POOL
MASTER PLAN # 805-95-01

upon Rejection of Permit
please call 618-910-1142 Bill Kowalski

Advisory: Applications for Municipal Zoning Approval which are rejected may be resubmitted once changes have been made. Please note that relief from some requirements, in the form of a variance, may be requested via application to the Board of Adjustment. For information about the Board of Adjusment, please contact the Department of Planning at 636-537-4746.

NOTE: PAGES *1, 2,* & *3* MUST BE RETURNED FOR APPROVAL

(FOR CITY OF CHESTERFIELD AND ST. LOUIS COUNTY STAFF USE ONLY)

Municipal Zoning Classification: R3

Is this project located within a Flood Plain: **(Check one)** **Yes** ____ **No** X

Status 1: **APPROVED** **REJECTED** (circle one)

Approved/Rejected by: [signature] **Date:** 10/19/06

Print Name and Title: Derrick Redhead - Planning Tech

Comments: Rear setback [redacted] is encroached.

Status 2: **APPROVED** **REJECTED** (circle one)

Approved/Rejected by: _____ **Date:** _____

Print Name and Title: _____

Comments: _____

EXTERIOR FIRE PROTECTION

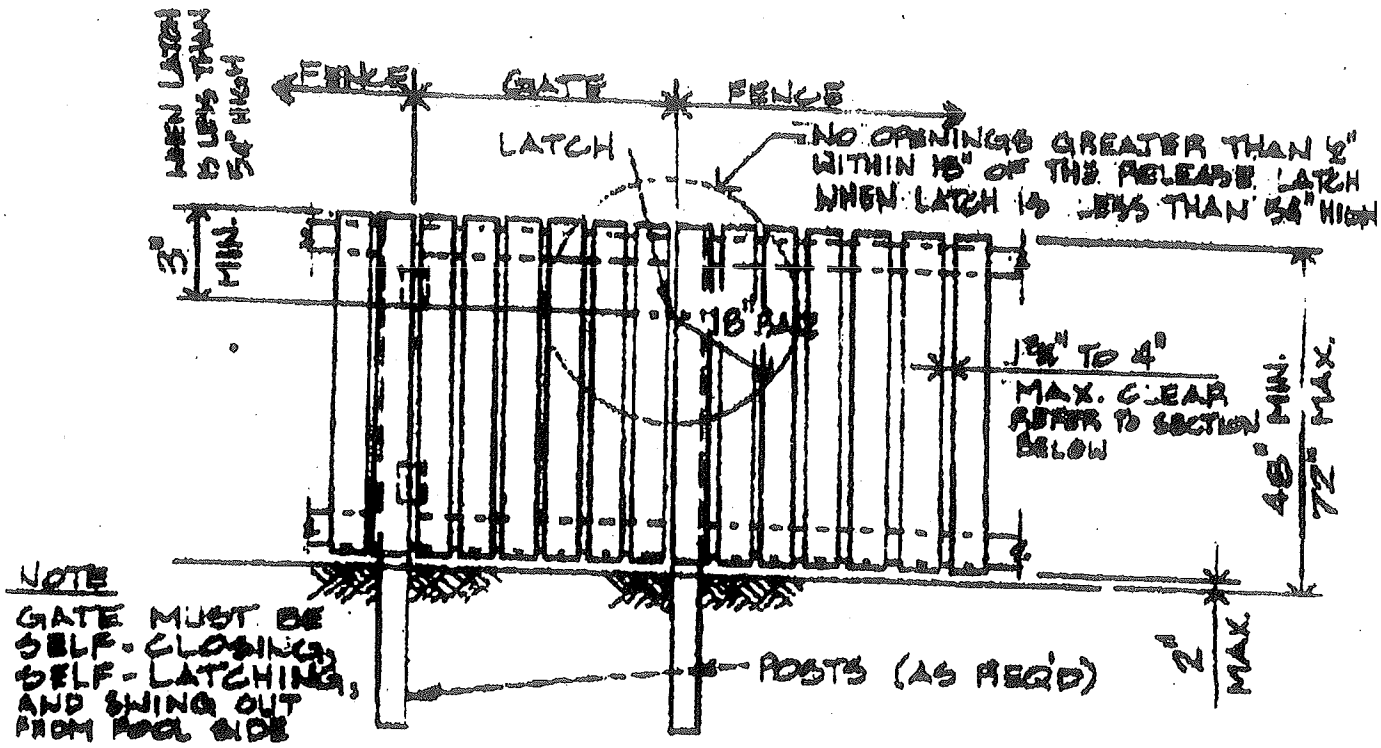
Approved by: _____ **Date:** _____

Print Name and Title: _____

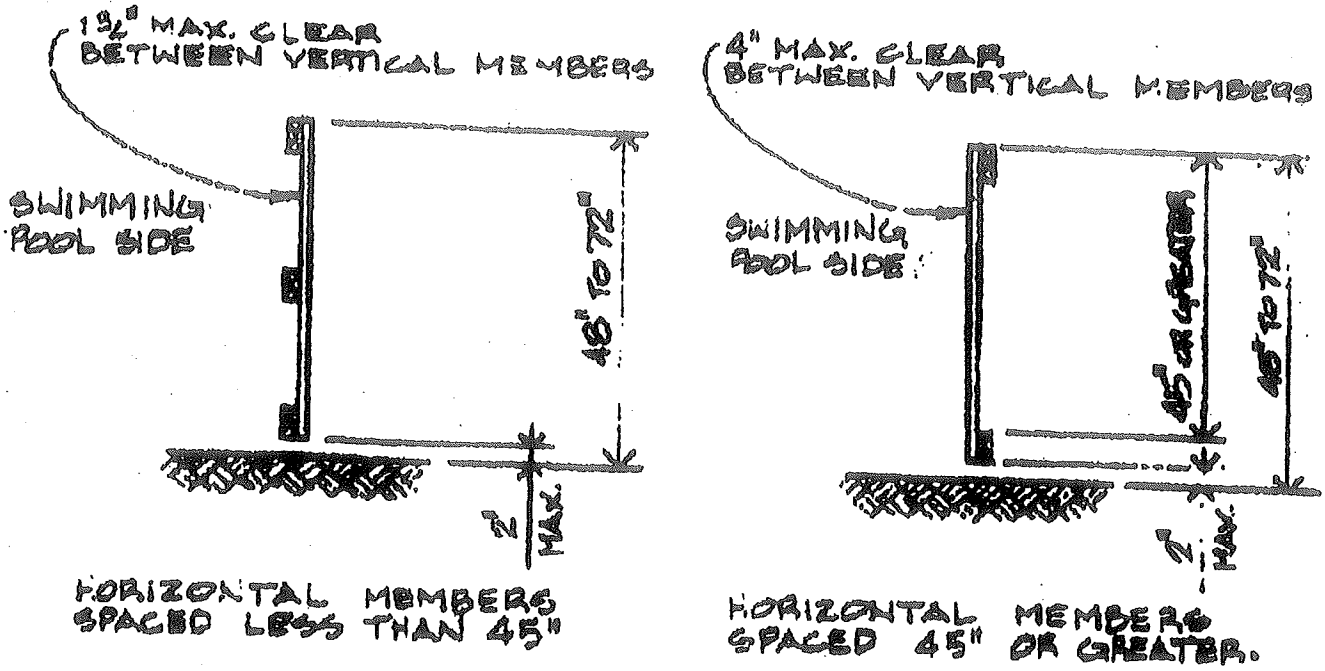
Fire Protection Provided By: _____

ST. LOUIS COUNTY PERMIT APPLICATION NUMBER: _____

Notes: _____

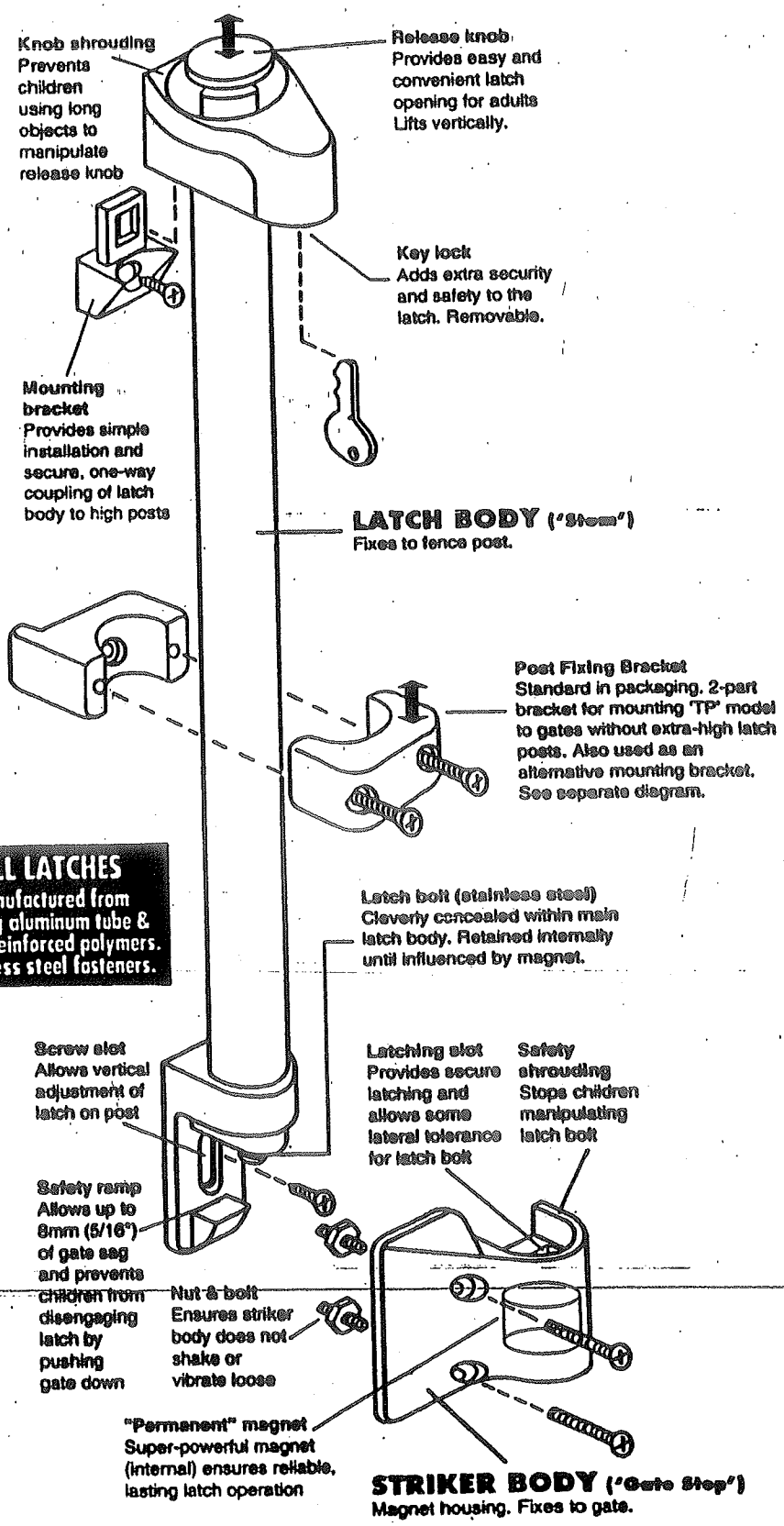


POOL GATE AND BARRIER ELEVATION



POOL BARRIER SECTIONS

MAGNA·LATCH®
TOP PULL MODEL



ALL LATCHES
manufactured from strong aluminum tube & glass-reinforced polymers. Stainless steel fasteners.

TRU·CLOSE® HINGES

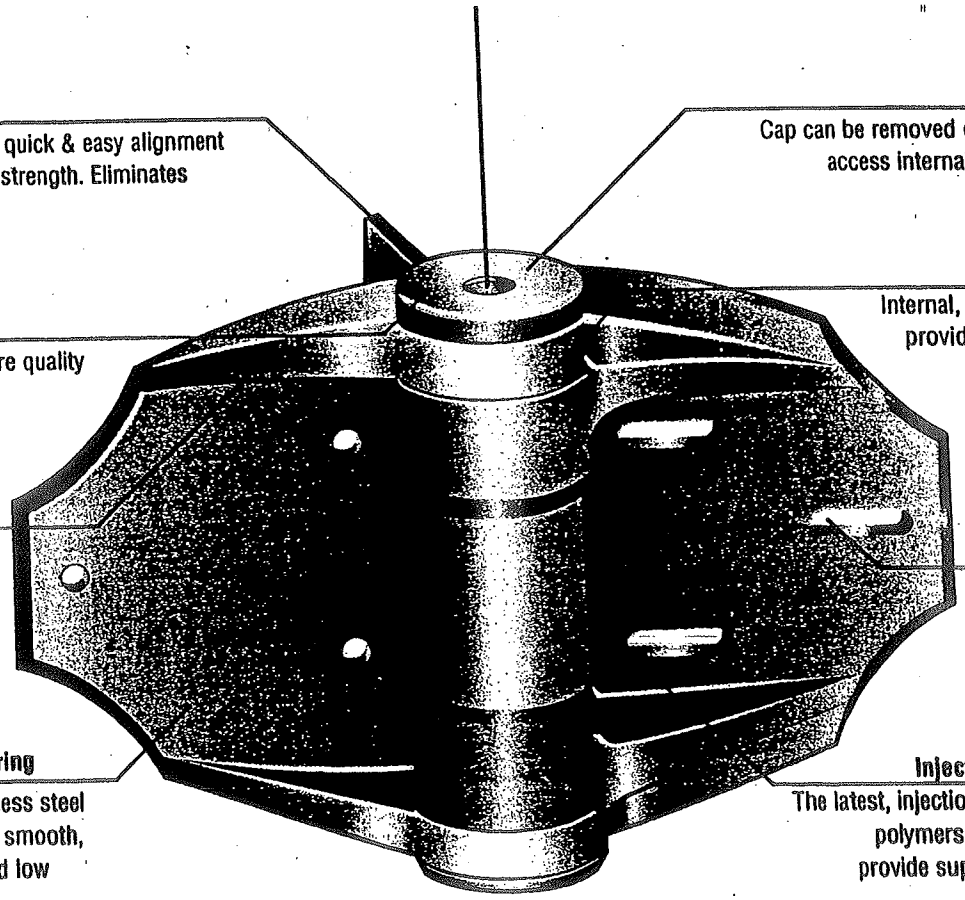
SELF-CLOSING GATE HINGES

Designed Exclusively for Bufftech

FULLY TENSION ADJUSTABLE!

100% RUST FREE FOR LIFE!

The stainless steel spring in each hinge is cleverly concealed and protected within the hinge barrel. The adjustor insert at the top of the spring is depressed (using screwdriver) and rotated to achieve the desired tension before the adjustor is then allowed to rise back into the hexagonal-shaped housing to hold the tension. Both hinges must be adjusted for self-closing tension quality.



Corner Mount Leg
Double face-fixing allows quick & easy alignment of hinges and adds extra strength. Eliminates through bolting.

Stainless Steel
All fixings within hinge are quality stainless steel or brass.

Strengthening Ribs
Molded ribs (webbing) provide torsional and lateral strength.

Heavy Duty Torsion Spring
Powerful, internal stainless steel torsion spring provides smooth, reliable gate closure and low stress operation.

Removable Cap
Cap can be removed quickly (one screw) to access internal adjustor mechanism.

Patented Adjustor
Internal, spring-loaded adjustor provides instant, incremental tension adjustment.

Custom Adjustability Slots and Plate (Plate Not Shown)
Allows for adjustment of gate due to misalignment or sag.

Injection-Molded Hinge Body
The latest, injection-molded (UV-stabilized) polymers with glass reinforcement provide superior strength, durability, low wear and no rust.

Bufftech

2525 Walden Avenue • Buffalo, New York 14225 • Phone: 800-333-0569 • Fax: 716-685-1172 • http://www.bufftech.com

poolguard™ IPICO INDUSTRIES, INC.

MEMBER NATIONAL SAFETY INSTITUTE

RE: POOLGUARD 'DAPT' DOOR ALARM

The POOLGUARD 'DAPT' DOOR ALARM meets the requirements of the language in the door alarm description in the BOCA, CABO, ICBO, SBCCI, and UBC CODES. The POOLGUARD 'DAPT' DOOR ALARM was designed specifically to meet the needs of the new barrier code requirements. The 'DAPT' DOOR ALARM features are listed below:

1. The POOLGUARD 'DAPT' DOOR ALARM is UL listed, UL#2017.
2. If a child opens the door the alarm sounds in 7 seconds and will continue to sound until someone comes to the door.
3. Alarm sounds if a child goes through the door even if he closes the door behind him.
4. There is no on/off switch.
5. Alarm is always on and always automatically resets under all conditions.
6. The horn is 98 dB at 10 feet.
7. Alarm has a delay switch for adults to exit and enter <u>without</u> the alarm sounding.
8. The horn sound is different than other in house alarms.
9. The DOOR ALARM is designed to fit any type door or window and comes with all the necessary hardware for easy installation.
10. The DOOR ALARM has a low battery indicator.
11. The DOOR ALARM can be adapted to alarm the door and the screen door if present.
12. The DOOR ALARM uses one 9-VOLT battery; battery life is approximately one year.
13. The color of the alarm is almond white to match any household decor.

IF YOU HAVE ANY QUESTIONS PLEASE CALL POOLGUARD AT:
1-800-242-7163

P.O. Box 658 • North Vernon, IN 47265 • (812) 346-2648

DOOR ALARM

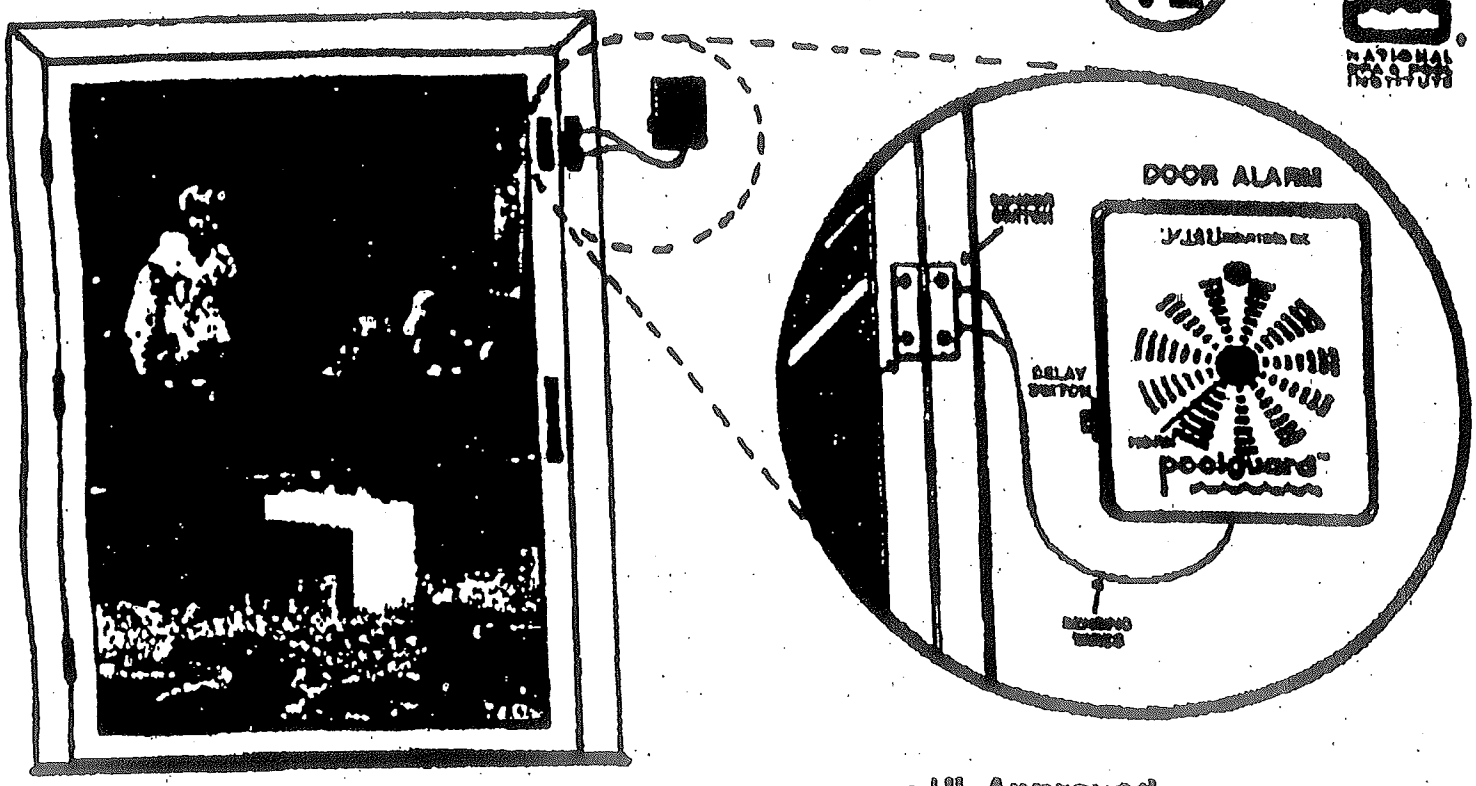
MADE IN THE USA

poolguard®

PBM INDUSTRIES, INC.

MODEL DAPT

MEMBER NATIONAL SPA & POOL INSTITUTE



POOLGUARD DOOR ALARM

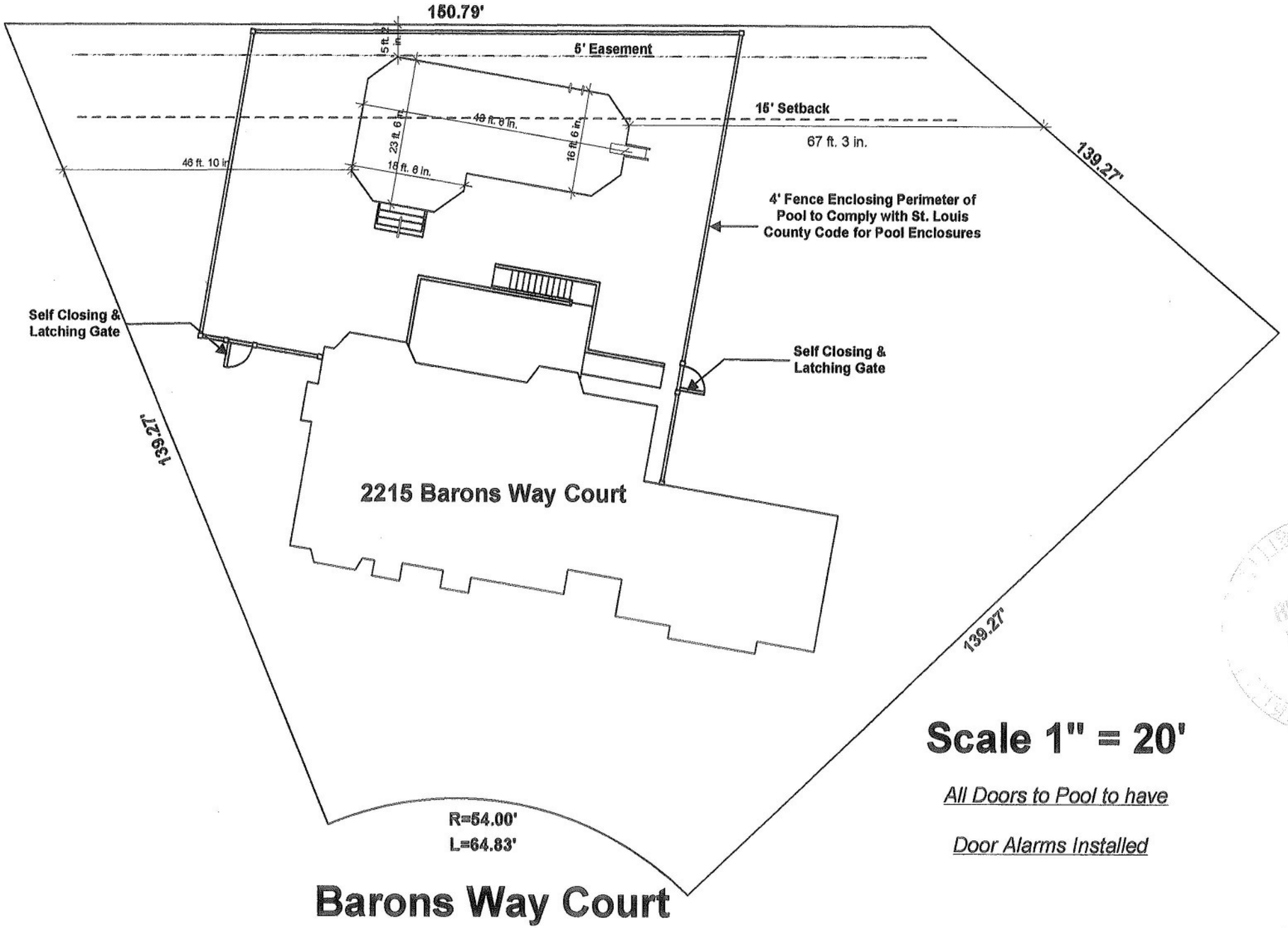
Poolguard Door Alarm mounts next to any door which gives easy access to your swimming pool. Any door which allows young children easy and quick access to a pool area is dangerous and should have a door alarm. The Poolguard Door Alarm comes with two magnetic switches, hookup wire, and operates on one 9-volt battery. The door alarm has a delay switch which allows an adult to pass through the door without the alarm sounding. When a child opens the door, the alarm will sound in seven seconds and continue to sound; the alarm will sound in seven seconds even if the child should go out the door and close the door. If for any reason the door is accidentally left open, the alarm will sound. For further information, contact your local Poolguard distributor or call PBM Industries toll free. When you think of pool safety/security, think of Poolguard.

CALL TOLL FREE: 1-800-342-7169

- UL Approved
- Important Safety Feature
- Complies with Building Codes
- Simple to Operate
- Automatic Reset
- Battery Powered
- Easy to Install
- Affordable Price
- Pass Through Feature for Adults
- Low Battery Indicator

P.O. Box 658 • North Vernon, Indiana 47265 • www.poolspa.com/poolguard

INCREASES POOL SAFETY



RECEIVED DEC 4 2006 PLANNING DEPARTMENT

Scale 1" = 20'

All Doors to Pool to have

Door Alarms Installed

EXHIBIT

$5B_1$

RECEIVED
4 2006
PLANNING
DEPARTMENT

I support the request for variance submitted by the Kreh's.

2211 Barons Way ct

Michael H Schneider

Gail Schneider

EXHIBIT

6

RECEIVED
DEC 4 2006
PLANNING
DEPARTMENT

I support the request for variance submitted by the Kreh's.

Margaret R Wachter

Peggy Wachter
2212 Barons Way Ct
636-728-1010

EXHIBIT

7

BILL NO. 244 ORDINANCE NO. 242

AN ORDINANCE AMENDING ORDINANCE NUMBER 237 RELATING TO P.C. 17 & 19 MICELI DEVELOPMENT COMPANY BY INCLUDING WITHIN THE APPROVED R-2 AND R-3 RESIDENTIAL DISTRICT THAT REAL ESTATE INCLUDED IN P.C. 25-88 STONEBRIAR DEVELOPMENT CORPORATION CREATING ONE PLANNED ENVIRONMENTAL UNIT DEVELOPED ON SAID TRACT OF LAND SUBJECT TO CONDITIONS (P.C. 17 & 19 MICELI DEVELOPMENT COMPANY AND P.C. 25-88 STONEBRIAR DEVELOPMENT COMPANY).

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Preliminary approval of a Planned Environment Unit Development of a tract of land located in the R-2 and R-3 Residence Districts, in the City of Chesterfield, is granted, said tract being described as follows:

A tract of land in Section 21, Township 45 North - Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of "Clarkson Woods South Plat 1", a subdivision according to the plat thereof recorded in Plat Book 166 page 94 and 95 in the St. Louis County records, with the East line of Clarkson Road, 60 feet wide; thence South 89 degrees 22 minutes 30 seconds East 1313.88 feet along said South line of "Clarkson Woods South Plat 1", to the southeast corner thereof, said point being on the West line of "Clarkson Woods Plat No. 2", a subdivision according to the plat thereof recorded in Plat Book 172 pages 70 and 71 in the St. Louis County records; thence South 1 degree 19 minutes 30 seconds West 212.00 feet along said West line of "Clarkson Woods Plat No. 2" to the Southwest corner thereof; thence North 84 degrees 14 minutes 00 seconds East 1331.19 feet along the South line of said "Clarkson Woods Plat No. 2" to the Southeast corner thereof, said point being on the West line of "Meadowbrook Farm Plat 11", a subdivision according to the plat thereof recorded in Plat Book 202 pages 72 through 74 in the St. Louis County records; thence South 1 degree 14 minutes 00 seconds West 1060.40 feet along said West line of "Meadowbrook Farm Plat 11" in a Southward prolongation thereof, to the Northeast corner of "Kehrs Mill Farm Plat Two", a subdivision according to the plat thereof recorded in Plat Book 152 pages 20 and 21 in the St. Louis County records; thence North 88 degrees 46 minutes 00 seconds West 1030.11 feet along the North line of said "Kehrs Mill Farm Plat Two" and the North line of "Kehrs Mil Farm Plat Four", a subdivision

according to the plat thereof recorded in Plat Book 162 pages 46 and 47 in the St. Louis County records, to the Northwest corner thereof; thence South 1 degree 14 minutes 00 seconds West 360.85 feet and South 12 degrees 23 minutes 00 seconds West 8.94 feet along the West line of "Kehrs Mill Farm Plat Four" to the Northeast corner of property conveyed to Rockwood R-6 School District as Daily No. 427 on May 11, 1988 in the St. Louis County records; thence North 77 degrees 37 minutes 00 seconds West 702.04 feet along the North line of said Rockwood R-6 School District property to the Northwest corner thereof; thence South 3 degrees 19 minutes 41 seconds East 745.45 feet along the West line of said Rockwood R-6 School District property to the southwest corner thereof, said point being also in the North line of Kehrs Mill Road, 40 feet wide; thence North 75 degrees 24 minutes 00 seconds West 321.08 feet along said North line of Kehrs Mill Road to a point; thence North 43 degrees 24 minutes 00 seconds West 811.44 feet and North 48 degrees 57 minutes 00 seconds West 55.75 feet along the Northeast line of Kehrs Mill Road to a point; thence leaving said Northeast line of Kehrs Mill Road North 58 degrees 46 minutes 04 seconds East 763.46 feet to a point; thence North 0 degrees 37 minutes 21 seconds West 543.42 feet to a point; thence North 77 degrees 15 minutes 38 seconds West 704.22 feet to a point; thence North 1 degree 17 minutes 00 seconds East 205.43 feet to said East line of Clarkson Road; thence along a curve to the left, whose radius point bears North 77 degrees 05 minutes 20 seconds West 1462.69 feet from the last mentioned point, a distance of 88.30 feet along said East line of Clarkson Road, to the point of beginning and containing 69.3 acres according to calculations by Volz Engineering & Surveying, Inc. dated January 12, 1989.

Section 2. This preliminary approval pursuant to the City of Chesterfield Zoning Ordinance 1003.187 is granted subject to all Ordinances, rules and regulations and to the conditions recommended by the Planning commission in its recommendation to the city Council, as follows:

1. PERMITTED USES

This Planned Environment Unit shall authorize the development of a maximum of one hundred seventy-seven (177) single family residences on individual lots.

2. LOT REQUIREMENTS

a. All lots within the "R-2" Residence District shall be a minimum of 10,000 square feet in area.

b. All lots within the "R-3" Residence District shall be a minimum of 8,000 square feet in area.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months of the date of approval of the preliminary development plan by the City Council and prior to any site preparation or construction, the petitioner shall submit to the Planning Commission for its review and approval a Site Development Plan. Where due cause is shown by developer, this time interval may be extended through appeal to and approval by the Planning Commission. Said Site Development Plan shall include, but not be limited to, the following:

a. A general development plan, including basic arrangement of lot locations, common land areas, sidewalks, setback lines from all internal streets and along the perimeter of the subject tract, roadways on or adjacent to the property in question including roadway right of way dimensions, and a street lighting plan.
b. The location and size of all outdoor parking areas, if any.
c. Existing and proposed contours at two (2) foot intervals.
d. The design, location, and size of all proposed freestanding signs, fences, and other above ground structures, except retaining walls.
e. A landscape plan, including, but not limited to, the location, size, and general type of all plant and other materials to be used.
f. The location of any public utility facilities.
g. All other preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Structure Setbacks

a. Structure setbacks shall be as follows, except yards abutting the perimeter of the P.E.U. shall comply with setbacks of the underlying district.

i. Front: Twenty (20) feet from roadway right-of-way.
ii. Rear: Fifteen (15) feet
iii. Side: Six (6) foot minimum with a minimum of sixteen (16) feet between structures in the "R-2" and "R-3" Districts

Parking Requirements

b. Minimum parking requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Access

c. Access to the P.E.U. shall be limited to one (1) street intersecting Kehrs Mill Road across from Westpar Drive as approved by the St. Louis County Department of Highway Traffic. The median for the subdivision entrance shall be similar in width to the median on Westpar Drive. The pavement width shall be twenty-six (26) feet wide on each side of the median to provide for two (2) inbound and two (2) outbound lanes for a distance of 150 feet north of Kehrs Mill Road. A 20:1 taper should be provided to connect with the thirty-two (32) feet of pavement north of this wider section.

d. No private driveway access to Kehrs Mill Road shall be permitted.

e. Provide a reserve strip to abutting undeveloped property as directed by the Department of Planning and Public Works adjacent to the east. Provide a minimum of two (2) stub streets to the abutting property to the west as directed by the Department of Planning and Department of Public Works.

Road Improvements and Sidewalks

f. Provide temporary improvements at the <u>existing</u> intersection of Clarkson Road and Kehrs Mill Road as follows:

   i. Widen Kehrs Mill Road east of Clarkson to provide for a separate westbound right turn lane 150 feet in length with a 10:1 inbound taper.
   ii. Widen Kehrs Mill Road west of Clarkson Road to provide for a separate eastbound right turn lane 150 feet in length with a 10:1 inbound taper.
   iii. Widen Clarkson Road to lengthen the 125 foot long southbound left turn lane at Kehrs Mill Road with an additional 175 feet with a 40:1 taper
   iv. Modify the existing traffic signal at Clarkson Road and Kehrs Mill Road as required by the above noted improvements.

These improvements which are to be made at the existing intersection of Clarkson Road and Kehrs Mill Road will be

eliminated when the Missouri Highway and Transportation Department improves he intersection of these two roadways.

g. Improve Kehrs Mill Road to provide for the following:

i. Improve the vertical and horizontal alignment of Kehrs Mill Road adjacent to the subdivision frontage as directed by the St. Louis County Department of Highways and Traffic.

ii. Widen Kehrs Mill Road about the centerline to provide for a twelve foot wide two-way left turn lane between approximately 500 feet east of Clarkson Road and the east property line of the site. Taper of 35:1 shall be used on the east end of this widening.

iii. Widen the north side of Kehrs Mill Road to 1/2 of sixty-three (63) feet of pavement from the center of right-of-way to provide for a second westbound lane between approximately 500 feet east of Clarkson Road and the east property line of the site. Taper of 20:1 shall be used on the east end of this widening.

iv. Provide sidewalks and handicap ramps along Kehrs Mill Road as directed by the St. Louis Department of Highways and Traffic.

h. The main access street shall have a minimum pavement width of thirty-two (32) feet from Kehrs Mill Road to its terminus with the eastern most loop street, except as noted in Condition 4.b. Parking shall be restricted along the side of the access street adjacent to the water line easement.

i. Maintenance of subdivision streets, including but not limited to snow removal, shall be the responsibility of the developer until such time as the streets are accepted for maintenance by the City of Chesterfield.

j. In no event shall the cost of roadway improvements for Clarkson Road and Kehrs Mill Road exceed a total amount based upon $525.80 required parking space. This amount shall be increased after January 1, 1989 based in accord with construction cost index as calculated by the St. Louis County Department of Highways and Traffic if improvements are not approved and commenced prior to that date.

k. As portions of these roadway improvements may require the acquisition of additional right-of-way and easements from private property, the normal sequence of design, right-of-way acquisition and construction shall commence immediately upon approval of the requested rezoning. If

the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, St. Louis County will acquire same through eminent domain proceedings. The cost of appraisals, negotiations, administration, court proceedings, and all associated costs incurred by Court proceedings shall be paid by the developer.

Landscape Requirements

l. All new deciduous trees shall be a minimum of one and one-half (1-1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height and all shrubs shall have a minimum diameter of eighteen (18) inches.

m. All landscaping improvements shall be escrowed along with the other standard subdivision improvements.

Signs

n. Any signs shall be erected in accord with the "R-2" Residence District.

Lighting

o. Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.

Miscellaneous Design Criteria

p. Exterior trash areas in common ground (if any) shall be surrounded by six foot high sightproof fencing.

q. Except as herein noted, comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

5. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the petitioner shall:

Stormwater

a. Submit to the Department of Planning a preliminary engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage is provided.

(1) The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield Standards.
(2) All stormwater shall be discharged at an adequate natural discharge point.
(3) Detention of differential runoff of stormwater is required by providing permanent detention facilities, such as: dry reservoirs, ponds or other acceptable alternatives. Detention shall be provided in each watershed. The detention facilities shall be completed and in operation prior to issuance of building permits exceeding sixty percent (60%) of the approved dwelling units.

Roadway Improvements and Access

b. Provide verification of approval by the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication and roadway improvements.

Geotechnical Report

c. Submit, as deemed necessary by the City Engineer, a geotechnical report prepared by a professional engineer licensed in the State of Missouri for review and approval by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans.

6. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

7. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan, and prior to issuance of any building permit the following requirements shall be met:

Notification to the Department of Public Works

a. Prior to the issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Public Works, the Department of Highways and Traffic, the Metropolitan St. Louis Sewer District

and the Missouri Highway and Transportation Department must be received by the City of Chesterfield.

Road Improvements

b. Improvement to Kehrs Mill Road must be completed prior to the issuance of building permits in excess of fifty percent (50%) of the total. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development prior to issuance of building permits in excess of fifty percent (50%) of the total in any one phase. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion or road improvements.

Certification of Plans

c. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.

8. GENERAL DEVELOPMENT CONDITIONS

a. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.

b. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

c. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion. Such areas shall be adequately maintained until construction occurs.

d. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is

tracked onto the pavement causing hazardous roadway and driving conditions.

e. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be responsibility of the property owner(s) or trustees forever.

The existence of private roadways within the development requires disclosure by the developer of responsibility for street maintenance in accordance with the provisions of Section 1005.265 of the city of Chesterfield Subdivision Ordinance.

f. A copy of the most recently approved Site Development Plan for this P.E.U. development shall at all times be prominently displayed in all display area sales offices within this development.

g. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.

h. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission.

Section 3. The City Council, pursuant to the petition of Miceli Development Company, requesting the approval of a Planned Environmental Unit Development for the tract of land described in Section 1 of the Ordinance and pursuant to the recommendation of the Planning Commission that said petition be granted after public hearing held by the said Commission on September 26, 1988, adopts this Ordinance pursuant to the statutory authority authorizing the City Council to exercise legislative power pertaining to planning and zoning and returns the application and plan to the City of Chesterfield Planning Commission for consideration of the final development plans pursuant to City Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 6th day of February, 1989.

MAYOR

ATTEST:

Michael B. Fleming

CITY CLERK