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690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

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## **BOARD OF ADJUSTMENT**

**Attached please find the packet for the Board of Adjustment on July 5, 2007. The regularly scheduled meeting of August 2, 2007 must be rescheduled due to conflicts. Please bring your calendars to the meeting to coordinate an alternative date for August.**

**Please contact Annissa G. McCaskill-Clay (636-537-4737) or Aimee Nassif (636-537-4745) if you have questions or cannot attend. Please note, the packet is also viewable in the “Agendas & Minutes” section of the City of Chesterfield website, [www.chesterfield.mo.us](http://www.chesterfield.mo.us).**

**Board of Adjustment Meeting Agenda**

**Thursday, July 5, 2007**

**7:00 p.m.**

**City Council Chambers, 690 Chesterfield Parkway West**

- I. Introduction of the Board and City Staff
- II. Approval of June 7, 2007 Meeting Summary
- III. Request for Affidavit of Publication
- IV. Public Hearing Item:
  - A. **B.A. 07-2007 12 Baxter Lane (Chad & Pam Baum)**: A request for variance from City of Chesterfield Zoning Ordinance Section 1003.105 "NU" Non-Urban District to allow a new residence at 12 Baxter Lane to maintain a 10 ft. side yard setback in lieu of the required 20 feet.
- V. Adjournment

**CITY OF CHESTERFIELD  
BOARD OF ADJUSTMENT MEETING SUMMARY  
Thursday, April 5, 2007**

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**The Board of Adjustment meeting was called to order at 7:30 p.m. on Thursday, April 5, 2007 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. Bruce DeGroot  
Mr. Richard Morris  
Mr. Rob Heggie, City Attorney, City of Chesterfield  
Councilmember Barry Flachsbart  
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 March 1, 2007 Meeting Summary**

**Marilyn Ainsworth made a motion to approve the meeting summary as amended.**

**Dru Thomas seconded the motion**

**Motion passes 5-0 by voice vote**

**The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, yes; Dru Thomas, yes; Bruce DeGroot, yes; Richard Morris, yes.**

**II. Request for Affidavit of Publication**

**IV. Public Hearing Items:**

- A. B.A. 04-2007 Karagiannis Investment Corporation (Spiros Restaurant West): A request for a variance from Section 3(a) of St. Louis County Ordinance 13,771 to permit an existing restaurant in a “C8” Planned Commercial District to maintain a fifteen (15) foot side yard setback on its southern boundary in lieu of the required the required twenty (20) feet. (1054 N. Woodsmill Road/16Q310186)**

Assistant Director of Planning Annissa McCaskill-Clay presented exhibits supporting the petition requesting a variance permitting the petitioner to maintain a 15’ setback in lieu of the required 20’ setback. Staff is recommending approval primarily due to substantial damage to the existing building resulting from a fire in February 2007. She further stated that St. Louis County switched to using the International Building Code, which is substantially more stringent than the code that was used when the building was originally built; therefore, former specifications are no longer in compliance. Due to the new codes, other interior updates have become necessary as well as purchasing a new freezer. The new freezer cannot be placed in the original location due to specification changes, making it necessary to relocate it in to another area near the restaurant’s kitchen. After Staff’s site visit, it was determined that there is no other suitable location for the freezer besides the petitioner’s requested location.

Timothy Karagiannis, owner, stated that he is asking for the variance in order to open the restaurant. He further stated that the best possible solution in meeting the new specifications is to move the new freezer outside the restaurant in a small bump out area near the kitchen. The entrance to the freezer area will be from the inside of the restaurant. The freezer is a free standing appliance that will be covered with a specifically made pre-fabricated cap. He further stated that renovations are underway as a result of the fire in February 2007, but they have been faced with numerous problems in meeting the new codes. The building was originally built in 1971. Mr. Karagiannis pointed out that the setback request has been reduced by 3’ as originally anticipated; therefore a smaller space will be necessary for the freezer area. He stated that neighboring property owners have no problems the request, and that this area will not be visible to the public nor any freezer noises heard. The mechanical units are on rooftop.

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

There were no speakers present in opposition.

**CONCLUSION:**

As a result of discussion and questions held by the Board members and Petitioner, it was determined that a variance permitting a 15’ sideyard setback be granted in lieu of

the required 20' setback to allow the petitioner to continue renovations in order to open the restaurant.

**Richard Morris made a motion to approve the variance request.**

**Bruce DeGroot seconded the motion.**

**Motion passes 5-0 by voice vote**

**The voice vote was as follows: Marilyn Ainworth, yes; Laura Lueking, yes; Dru Thomas, yes; Bruce DeGroot, yes; Richard Morris, yes.**

## **VI. Adjournment**

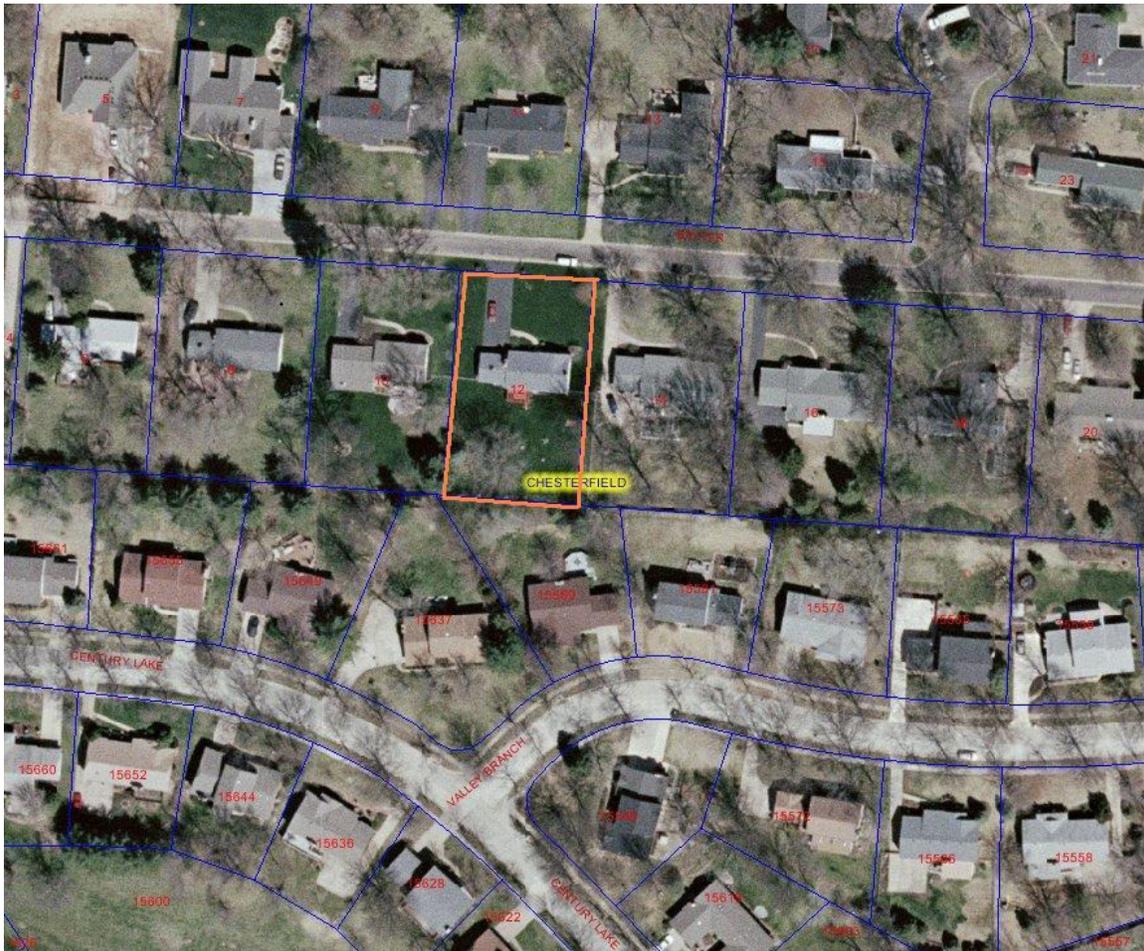
Meeting adjourned at 7:20 p.m.

**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, July 5, 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. 07-2007 12 Baxter Lane (Chad & Pam Baum)**: A request for variance from City of Chesterfield Zoning Ordinance Section 1003.105 "NU" Non-Urban District to allow a new residence at 12 Baxter Lane to maintain a 10 ft. side yard setback in lieu of the required 20 feet.





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June 28, 2007

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

Re: **B.A. 07-2007 12 Baxter Lane (Chad & Pam Baum)**: A request for variance from City of Chesterfield Zoning Ordinance Section 1003.105 "NU" Non-Urban District to allow a new residence at 12 Baxter Lane to maintain a 10 ft. side yard setback in lieu of the required 20 feet.

Dear Board Members:

Chad and Pam Baum, the owners of the above-referenced property, have submitted a request to the Board of Adjustment a request for the above-mentioned variance. In review of the petitioner's request, the Department of Planning submits the following report:

**Background of the site**

1. The Baums are seeking to build a new residence to replace the existing structure located at 12 Baxter Lane.
2. The existing home on the site was built in 1955 in Baxter Lane subdivision prior to the incorporation of the City of Chesterfield.
3. In 1965, after the development of Baxter Lane Subdivision, St. Louis County established new zoning districts and development criteria.
4. Baxter Lane was zoned "NU" Non-Urban, which requires a 20-ft. side yard setback.
5. However, the established indentures require only a 10 ft. side-yard setback.
6. In August, 2004, the Board granted a request for the same variance of side-yard setbacks at 7 Baxter Lane.
7. On May 29, 2007, the City of Chesterfield rejected an application for municipal zoning approval for construction of a new single family residence on this property because it could not meet the required side yard setback of 20 ft.

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

From Petitioner's Application (Attachment, Item 9): *"The existing house is functionally obsolete and based on the condition of the foundation is cost prohibitive to repair and update the existing structure. We desire to build a new house on this lot."*

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

From Petitioner's Application (Attachment, Item 1): *"Existing home is 70 feet wide on a 115-foot wide lot. The existing zoning calls for 20-foot sideline setbacks which will no (sic) allow for proposed house to fit on the lot."*

**Description of the necessity of the proposed improvement**

From Petitioner's Application (Attachment, Item 2): *"I am requesting a variance to allow a 10-foot sideline setback per the indentures of Baxter Lane Subdivision (see page 3) of attached indentures) as well as the zoning in all other surrounding subdivisions (see attachment)."*

**Basis for appeal of the above-action:**

From Petitioner's Application (Attachment, Item 4): *"Existing home is 50 years old and functionally obsolete. The existing foundation has a horizontal crack around the entire development. The garage is not large enough to park even one car and hold lawn equipment, trash cans, etc. The zoning on this property does not match that of all neighboring subdivisions in the area, including Estates at Baxter Lane, Baxter Oaks, Highcroft, and Schoettler Valley, which are all zoned R2, allowing a 10-foot sideline setback. Our subdivision indentures (see attachment) also state that the setback is 10 feet. Additionally, several of the existing homes in the subdivision were built within the 20' setback and a variance has been given to another property owner on the street."*

**Approval Criteria**

The Baums are seeking a variance to allow for a 10 ft. side yard setback in lieu of the fifteen foot setback established by Section 1003.105 of the City of Chesterfield Zoning Ordinance.

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. 07-2007 12 Baxter Lane (Chad and Pam Baum).

Respectfully Submitted,



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. City of Chesterfield Zoning Ordinance Section 1003.105



# City of Chesterfield

## DEPARTMENT OF PLANNING



### 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](http://www.Chesterfield.mo.us).

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

06-05-07 P03:42 1N

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 )

BOA NUMBER

07-2007

)

HEARING DATE

7.5.2007

CITY OF CHESTERFIELD )

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor's

Record: Chad Baum & Pam Baum

Address: 12 Baxter Lane

City: Chesterfield State: MO Zip: 63017

Tel.: 314 458 5415 Fax: \_\_\_\_\_

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.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
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**II. PROPERTY INFORMATION**

Project Address: 12 Baxter Lane

Locator Number(s): 195510110

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

Acreage: .5 (To the nearest tenth of an acre)

Subdivision Name (If applicable): Baxter Lane

✓ Current Zoning District: NU (Non URBAN)

✓ Legal Description of Property: Lot 23 of Baxter Lane, according to the plat thereof Recorded in plat Book 63 page 45 of the St Louis County records.

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

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

See ATTACHMENT

(Attach additional sheets as necessary)

(2) ✓ Description of the necessity of the proposed improvement: \_\_\_\_\_

SEE ATTACHMENT

(Attach additional sheets as necessary)

(3) ✓ Ordinance Number and section to which a variance is sought: 1003.105

of the city of Chesterfield Zoning ordinance.

SEE ATTACHMENT

(Attach additional sheets as necessary)

(4) ✓ Basis for appeal of the above action: SEE ATTACHMENT

(Attach additional sheets as necessary)

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

(6) ✓ Specify the action to which the appeal is sought: SEE ATTACHMENT

(Attach additional sheets as necessary)

(7) ✓ Description of the effect or impact on neighboring properties: S/A

(Attach additional sheets as necessary)

(8) ✓ Statement of any other hardship or information for this appeal: S/A

(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: 10 feet on East Side  
Rear yard: \_\_\_\_\_  
Height: \_\_\_\_\_

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

Front yard: \_\_\_\_\_  
Side yard: 20 feet  
Rear yard: \_\_\_\_\_  
Height: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

S/A

✓ 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: \_\_\_\_\_

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

**XII. AFFIDAVIT OF COMPLETENESS AND ACCURACY**

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

**Project Name:** 12 Baxter Lane **Submittal Date:** 6-5-07

**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.

Chad Baum  
(Name- type, stamp or print clearly)

[Signature]  
(Signature)

(Name of Firm)

(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

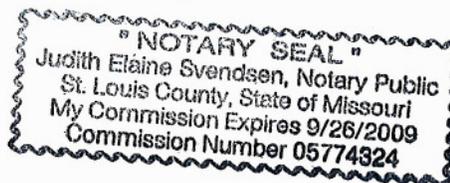
**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 4<sup>th</sup> day of June, 20 07.

Signed [Signature] Print Name: Judith Elaine Svendsen  
Notary Public

My Commission Expires: 9/26/09

Seal/Stamp:



**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]**

## Attachment to Questions

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

Existing home is 70 feet wide on a 115-foot wide lot. The existing zoning calls for 20-foot sideline setbacks which will not allow for proposed house to fit on the lot.

**2) Description of the necessity of the proposed improvement**

I am requesting a variance to allow a 10-foot sideline setback per the indentures of Baxter Lane Subdivision (see page (3) of attached indentures) as well as the zoning in all other surrounding subdivisions (see attachment).

**3) Ordinance Number and Section to which variance is sought:** 1003.105 of the city of chesterfield zoning ordinance

**4) Basis for Appeal of the above action:**

Existing home is 50 years old and functional obsolete. The existing foundation has a horizontal crack around the entire foundation. The garage is not large enough to park even one car and hold lawn equipment, trash cans. Etc. The zoning on this property does not match that of all neighboring subdivisions in the area including Estates at Baxter Lane, Baxter Oaks, Highcroft, and Schoettler Valley, which are all zoned R2, allowing a 10-foot sideline setback. Our subdivision indentures (see attachment) also state that the setback is 10 feet. Additionally, several of the existing homes in the subdivision were built within the 20' setback and a variance has been given to another property owner on the street.

**5) Do Deed Restrictions or subdivision trust indentures for the property prohibit the use or construction, which is requested by this petition?** No, as stated above, the indentures for Baxter Lane only require a 10-foot sideline setback.

**6) Specify action to which the appeal is sought.**

Side yard variance to allow a 10-foot building setback.

**7) Description of the effect or impact on neighboring properties:**

Several adjoining neighbors have stated in the attached letters that they support the request. As stated above, all adjoining subdivisions are zoned R2, allowing a 10-foot setback.

**8) Statement of any other hardship or information for this appeal.**

The trustees of Baxter Lane have approved my project and it is in full compliance with the subdivision indentures.

**9) The following information correctly represents the true conditions and also describes the practical difficulties and unnecessary hardships warranting action by the board.**

The existing house is functionally obsolete and based on the condition of the foundation is cost prohibitive to repair and update the existing structure. We desire to build a new house on this lot.

June 1, 2007



Re: Variance, #12 Baxter Lane

To Whom It May Concern:

As a neighbor of Chad Baum (#12 Baxter Lane) I have no problem with and support his request for a ten foot setback variance to the sideline of his property. I don't believe that it will have an adverse effect on my property or the neighborhood.

Sincerely,

Jeff and Erika Kokal  
#10 Baxter Lane

June 1, 2007



Re: Variance, #12 Baxter Lane

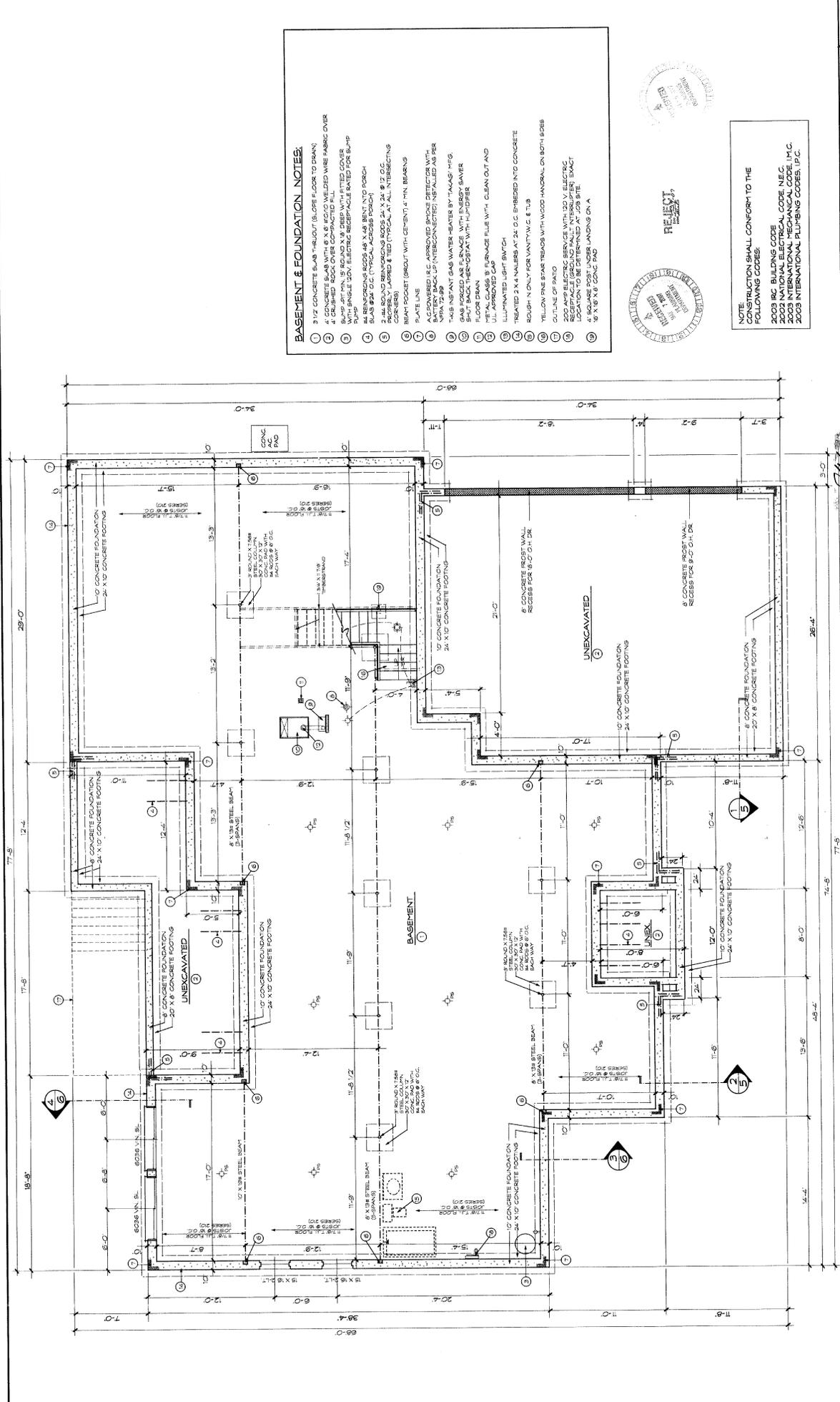
To Whom It May Concern:

As a neighbor of Chad Baum (#12 Baxter Lane) I have no problem with and support his request for a ten foot setback variance to the sideline of his property. I don't believe that it will have an adverse effect on my property or the neighborhood.

Sincerely,

*Nancy K. Flynn*  
Brian and Nancy Flynn  
#14 Baxter Lane





- BASEMENT & FOUNDATION NOTES:**
- 3/12 CONCRETE SLAB THROUGH (SLOPE FLOOR TO DRAIN)
  - CONCRETE SLAB WITH 8" X 8" #10 GRID WELDED WIRE FABRIC OVER
  - CONCRETE SLAB WITH 8" X 8" #10 GRID WELDED WIRE FABRIC OVER WITH FINISH 1/2" ELECTRIC RECEPTACLE RATED FOR BUMP
  - REINFORCING RODS 48" X 18" BENT INTO PORCH
  - SLAB 8" X 8" #10 (TYPICAL ACCESS PORCH)
  - 2 #6 ROUND REINFORCING RODS 24" X 24" @ 7" O.C.
  - APPROX. 4" #10 (TYPICAL) IN INTERSECTIONS
  - BEAM SOCKET (ROUT WITH GROUT) 4" MIN BEARING
  - PLATE LINE
  - AC POWERED I.E.C. APPROVED SMOKE DETECTOR WITH 1" MIN. CLEARANCE TO CEILING (N.B. 1" MIN. CLEARANCE TO CEILING AS PER NFPA 72-99)
  - TANK INSTANT GAS WATER HEATER BY TANKASAP #175
  - GAS PIPING TO GAS WATER HEATER
  - FLOOR DRAIN
  - METAL CANS 8" BURNAGE BLUE WITH CLEAN OUT AND ILLUMINATED LIGHT SWITCH
  - ROUTED 2" X 4" DIMENSIONS AT 24" O.C. EMBEDDED INTO CONCRETE
  - ROUGH IN ONLY FOR VANITY, W.C. & TUB
  - YELLOW PINE STAIR TREADS WITH WOOD HANDRAIL ON BOTH SIDES
  - OUTLINE OF PATIO
  - 200 AMP ELECTRIC SERVICE WITH 100 V. ELECTRIC LOCATION TO BE DETERMINED AT JOB SITE.
  - 4" SQUARE POST UNDER LANDING OR A 6" X 6" X 8" CONC. PAD

NOTE: CONSTRUCTION SHALL CONFORM TO THE FOLLOWING CODES:  
 2003 IBC BUILDING CODE  
 2003 NATIONAL ELECTRICAL CODE N.E.C.  
 2003 INTERNATIONAL MECHANICAL AND PLUMBING CODES I.M.P.C.  
 2003 INTERNATIONAL PLUMBING CODES I.P.C.



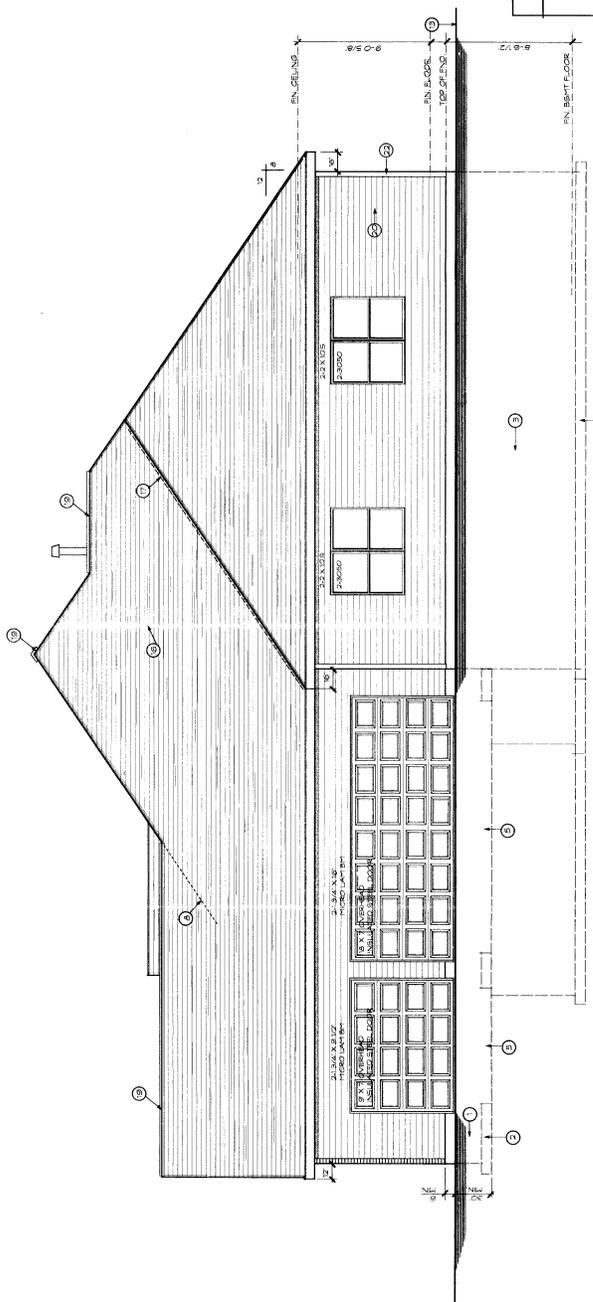
SHEET NO. **1**  
 OF 8  
 PROJECT NO. 27-325  
 DATE: 02/27/07

PROPOSED RESIDENCE FOR:  
**CHAD & PAM BAUM**  
 LOT# 23  
 BAXTER LANE  
 ST. LOUIS, MO.

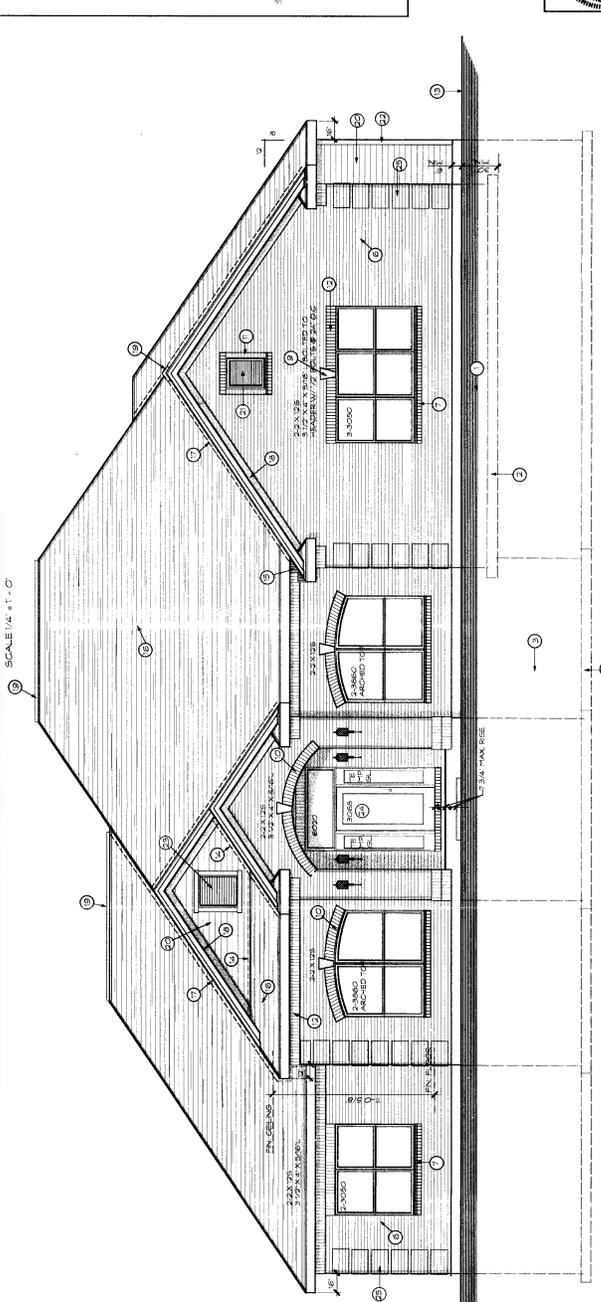


BASEMENT & FOUNDATION PLAN

SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION  
SCALE 1/4" = 1'-0"



FRONT ELEVATION  
SCALE 1/2" = 1'-0"

- FRONT & RIGHT SIDE ELEVATION**
- 1 CONCRETE FOUNDATION
  - 2 20" X 8" CONCRETE FOOTING
  - 3 12" CONCRETE FOOTING
  - 4 24" X 10" CONCRETE FOOTING
  - 5 CONCRETE ROOF WALL
  - 6 BRICK VENTNER
  - 7 BRICK SILL
  - 8 1/2" X 1/2" BRICK WEATHERING WITHIN 2'-0" OF BOTTOM CHORD OF RAFTERS
  - 9 STONE KEYPSTONE
  - 10 BRICK ARCH
  - 11 BRICK ROWLOCK
  - 12 BRICK GROUNDWORK
  - 13 BRICK GROUNDWORK
  - 14 BRICK GROUNDWORK 10'-0" FOR A FIN
  - 15 BRICK GROUNDWORK 10'-0" TO SILL
  - 16 METAL FLASHING (CORROSION RESISTANT)
  - 17 COPPER FLASHING
  - 18 30 YEAR ARCHITECTURAL GRADE FIBERGLASS SHINGLES WITH SEAL DOWN TABS
  - 19 INTERLACE SHINGLES OVER 30 LB FEL UNDERLAYMENT
  - 20 1 X 8 AZEK TRIM
  - 21 SINGLE VENT II RIDGE VENT (BY AIR VENT INC.)
  - 22 PREPARED VINYL SIDING (BY VENT)
  - 23 PIPON LOUISER NO. LV2430 (CLOSED)
  - 24 PREFINISHED CORNER TRIM
  - 25 PIPON LOUISER NO. LV2430WF (CLOSED)
  - 26 INSULATED STEEL FRENCH DOOR WITH TEMPERED INSULATED GLASS
  - 27 BRICK GLAZING

PROPOSED RESIDENCE FOR:  
**CHAD & PAM BAUM**  
 10723 BAXTER LANE  
 ST. LOUIS, MO.

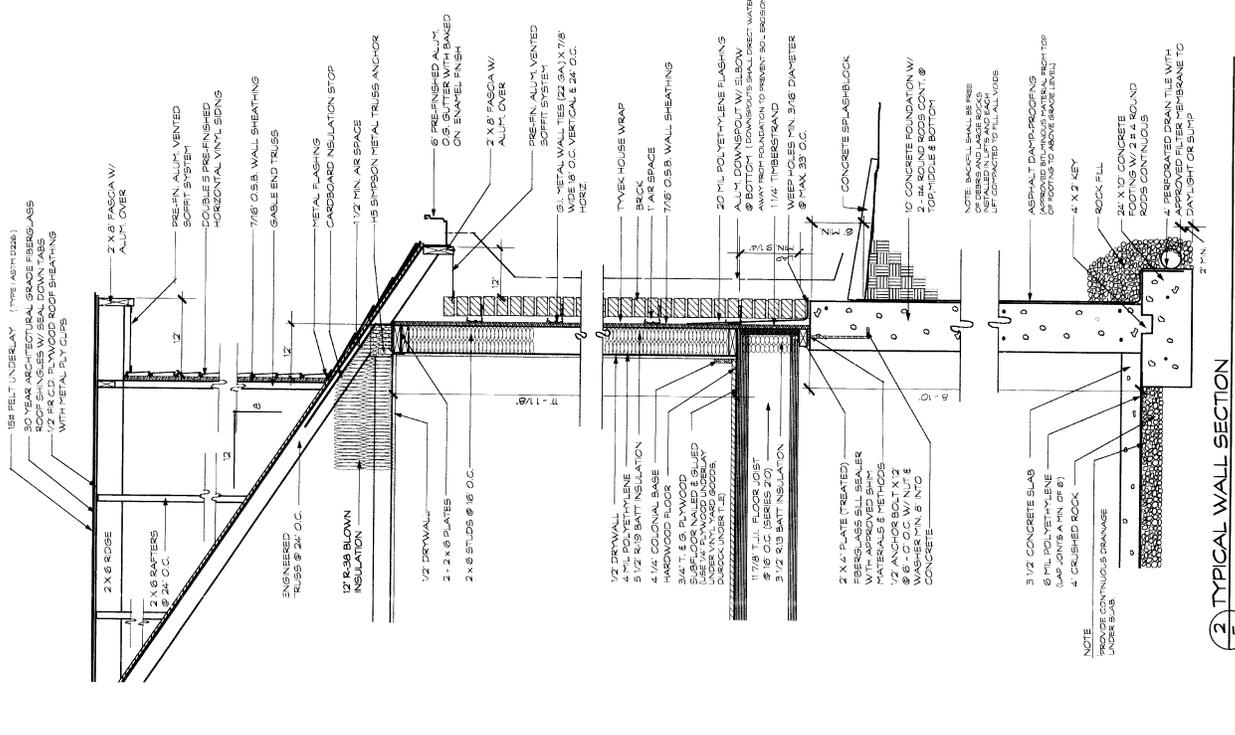
**new trend Design**  
 10723 BAXTER LANE  
 ST. LOUIS, MO. 63143  
 Phone: 636-946-7216  
 Copyright 2007, New Trend Design, Inc.

Drawn By: M.E. Checked By: P.T. & D.V.

SHEET NO. **3** OF 8  
 PLAN NO. 2-1-232  
 DATE: 02/27/07



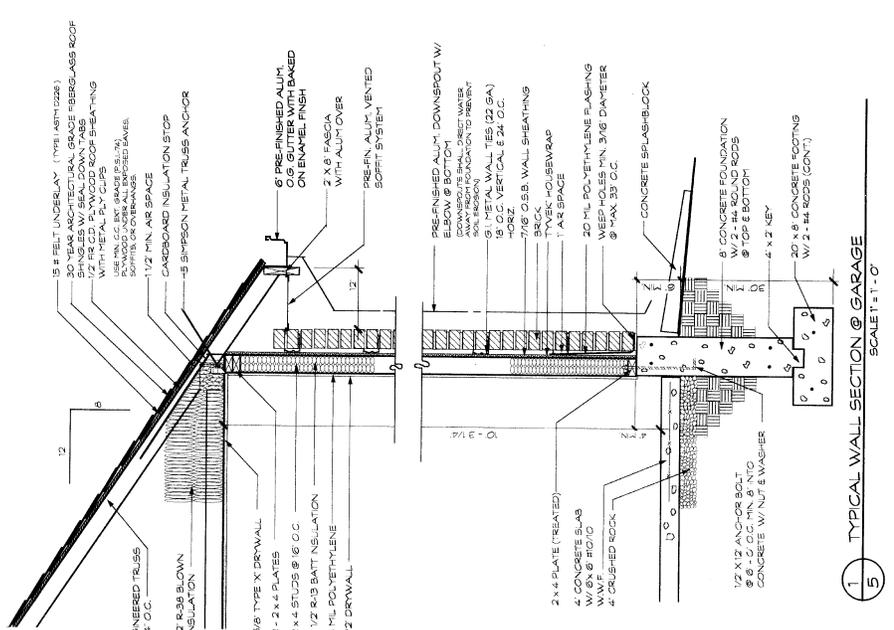
15# FELT UNDERLAY (TYPE A87H-1226)  
 30 YEAR ARCHITECTURAL GRADE FIBERGLASS  
 ROOF SHINGLES W/ SEAL DOWN TABS  
 1/2" R.C.D. FLYWOOD ROOF SHEATHING  
 W/ METAL FASTENERS



1 TYPICAL WALL SECTION @ GARAGE  
 SCALE 1" = 1'-0"

2 TYPICAL WALL SECTION  
 SCALE 1" = 1'-0"

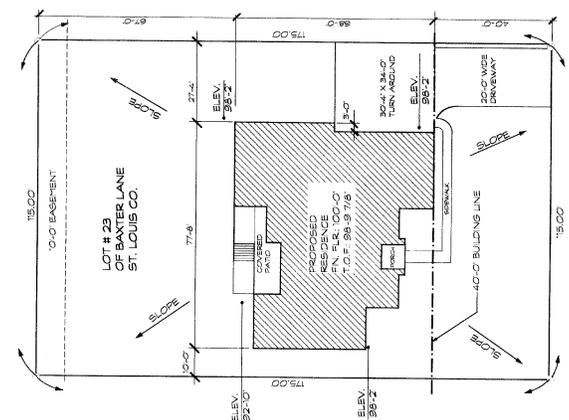
3 TYPICAL WALL SECTION @ GARAGE  
 SCALE 1" = 1'-0"



1 TYPICAL WALL SECTION @ GARAGE  
 SCALE 1" = 1'-0"

2 TYPICAL WALL SECTION  
 SCALE 1" = 1'-0"

3 TYPICAL WALL SECTION @ GARAGE  
 SCALE 1" = 1'-0"



SITE PLAN  
 SCALE 1" = 30'-0"

NOTE:  
 ALL GRACES TO BE A MIN. 8" FOOT GRACE TO  
 BRICK OR BLOCK. ALL GRACES TO BE  
 FALL TO EVERY 1'-0" FOR A MIN. DISTANCE OF 8'-0"  
 OR TO AS MALE. ALL GRACES TO FALL TO LOWEST  
 POINT'S FOOT-COURSE FOR BEST WATER DRAINAGE

MUST MAINTAIN EXISTING DRAINAGE  
 DIRECTION AND PATTERNS

SHEET NO. 5  
 OF 8  
 PLAN NO. 37-2355  
 DATE: 6/27/07

**new ir-ond Design**  
 St. Charles, Mo. 63091  
 Phone 636-466-7216  
 Copyright 2007, New Iron Design, Inc.  
 Drawn By: M.L. Checked By: P.T. G.V.

PROPOSED RESIDENCE FOR:  
**CHAD & PAM BAUM**  
 LOT # 23  
 BAXTER LANE  
 ST. LOUIS, MO.



INSULATION & SHEATHING MATERIALS  
 TO BE PROVIDED BY CONTRACTOR & RESPONSIBLE FOR  
 BEING APPROVED INTO ADJACENT PROPERTIES.

- iv) Steep slopes - 70% of all areas exceeding a 30% slope shall be protected and remain without development
- v) Woodlands - per the regulations in the tree protection ordinance

**1003.105. "NU" Non-Urban District regulations.**

1. *Scope of provisions.* This section contains the district regulations of the "NU" Non-Urban District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this appendix which are incorporated as part of this section by reference. The "NU" Non-Urban District of the City of Chesterfield encompasses areas within which rough natural topography, geological conditions, or location in relation to urbanized areas creates practical difficulties in providing and maintaining public roads, and public or private utility services and facilities. The "NU" Non-Urban District also encompasses areas where specific potential development patterns have not been identified or where significant non-urban uses have been established.

2. *Permitted land uses and developments.* The following land uses and developments are permitted in this district:

- (1) Churches.
- (2) Commercial vegetable and flower gardening, as well as plant nurseries and greenhouses, but not including any structure used as a salesroom.
- (3) Dairy farming.
- (4) Dwelling, single-family.
- (5) Dwelling, single-family earth sheltered.
- (6) Farming, including the cultivation and sale of any plant crops and domestic animals.
- (7) Forests, wildlife reservations, as well as conservation projects.
- (8) Golf courses, including practice driving tees on the same premises. Miniature golf courses and independent practice driving tees are excluded.
- (9) Home occupations.
- (10) Hunting and fishing as well as propagation of wildlife of any kind.
- (11) Libraries, public or private not-for-profit.

- (12) Local public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be:
  - (a) Adequately screened with landscaping, fencing, or walls, or any combination thereof; or
  - (b) Placed underground; or
  - (c) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- (13) Mausoleums or crematoriums in an existing cemetery, any other provision of the law notwithstanding, but no such structure shall be situated closer than one hundred (100) feet to any cemetery property line.
- (14) Parks, parkways, and playgrounds, public or private not-for-profit.
- (15) Schools, public or private kindergarten, elementary, secondary, and collegiate.

3. *Conditional land use and development permits issued by the Commission.* The following land uses and developments may be permitted under conditions and requirements specified in Section 1003.181, "Conditional Use Permits":

- (1) Administrative offices and educational facilities for religious purposes.
- (2) Child care centers, nursery schools, and day nurseries, daycare homes.
- (3) Clubs, private not-for-profit.
- (4) Dormitory or group living facilities for religious, educational, or charitable purposes.
- (5) Fairgrounds.
- (6) Feed or grain storage, commercial or cooperative.
- (7) Foster homes for handicapped children.
- (8) Practice driving tees, no lights.

- (9) Group homes for the developmentally disabled, to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility.
- (10) Group living facilities providing a permanent residence for not more than nine (9) individuals, all over eighteen (18) years of age and who are ordained or hold a designated religious position with the same religious institution.
- (11) Hospitals and hospices.
- (12) Local public utility facilities over sixty (60) feet in height, and public utilities facilities.
- (13) Mortuaries, cemeteries and mausoleums, including mortuaries operated in conjunction with the cemetery or mausoleum.
- (14) Mulching plants for trees, wood, or wood waste, but not including any assembly or manufacture of a product.
- (15) Nursing homes and group homes for the elderly, but not including self-care units.
- (16) Police and fire stations.
- (17) Private not-for-profit recreational land uses and community centers.
- (18) Radio, television, and communication transmitting, receiving, or relay towers and facilities.
- (19) Residential substance abuse treatment facilities.
- (20) Retreats owned and operated by religious, educational, or other not-for-profit establishments and religious convents.
- (21) Riding stables, kennels, and veterinary clinics.
- (22) Salesrooms, when established as an accessory use to commercial gardens, plant nurseries, and greenhouses, for the sale of nursery products and related items for use in preserving the life and health of such products, hand tools, and plant containers. The preceding items shall not include power-driven equipment, lawn and garden furniture nor decorative accessories and fencing; however, bulk sale of sand, gravel, mulch, railroad ties or similar materials may be permitted. The salesroom may occupy all or a portion of a building.

- (23) Satellite dishes (additional to provisions of Section 1003.167, 17.).
- (24) Sewage treatment facilities, other than facilities permitted as an accessory use.
- (25) Specialized private schools.
- (26) Stadiums and sports arenas.

4. *Accessory land uses and developments.* Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

- (1) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
- (2) Individual sewage treatment facilities serving an individual dwelling, farm, or nonresidential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
- (3) Private stables.
- (4) Permitted signs (see Section 1003.168 'Sign Regulations').

5. *Performance standards.* All uses in the "NU" Non-Urban District shall operate in conformity with the appropriate performance standards contained in Section 1003.163, "Zoning Performance Standard Regulations."

6. *Height limitations for structures.* The total height of any structure shall not exceed that permitted in Section 1003.161, "Air Navigation Space Regulations."

7. *Lot area and yard requirements.* The minimum lot area and yard requirements for land uses and developments in the "NU" Non-Urban District shall be as set out below:

- (1) *Minimum lot area requirements:*
  - (a) The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

<i>Use</i>	<i>Minimum Area</i>
Administrative offices and educational facilities- religious	4 acres
Child care center	3 acres
Church	3 acres
Dormitory and group living facilities	3 acres
Dwelling, single-family	3 acres
Dwelling, single-family, earth sheltered	3 acres
Group homes for the developmentally disabled	3 acres
Group living facilities for religious purposes	3 acres
Local public utility facilities	10,000 sq. ft.
Mechanical sewage treatment facility	3 acres
Mortuary	Minimum area 3 acres (minimum of 200 feet on a state (MoDOT) roadway, and adjacent to existing commercial zoning district).
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients).
Schools	
Nursery or day nursery	1 acre
Kindergarten (separate)	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

- (b) Any lot or tract of record on the effective date of this ordinance, which contains less than three (3) acres, may be used as a site for one single-family dwelling together with customary accessory structures and uses.
- (c) Specialized private schools shall be located on a tract of land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in paragraph 7.(1)(a).
- (d) Mechanical sewage treatment facilities may be located on tracts of land less than three (3) acres in area where the facility is located on platted common land within a subdivision. The minimum lot area, however, shall in no case be less than ten thousand (10,000) square feet.

- (e) Police and fire stations as approved by the Planning Commission via a conditional use permit may be established on tracts of less than five (5) acres where the related parking needs, outdoor facilities, and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.
  - (f) All other permitted or conditional land uses in this district shall be situated or conducted on tracts of land at least five (5) acres in area.
- (2) *Creation of new lots.* No new lots shall be created of less than three (3) acres in area except for fire stations, police stations, nurseries or day nurseries, and local public utility facilities. Lots of less than three (3) acres in area, created for the above uses, shall not be used for any other use. In the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than three (3) acres, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated with a copy to be filed with the City of Chesterfield.
- (3) *Minimum yard requirements; general.*
- (a) Front yard. No structure shall be allowed within fifty (50) feet of any roadway right-of-way line.
  - (b) Side and rear yard. No structure shall be allowed within twenty (20) feet of any property line other than a roadway right-of-way line.
- (4) *Specific yard requirements and exceptions.*
- (a) Notwithstanding any other provisions of this appendix, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
  - (b) Boundary walls or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
  - (c) Permitted information signs, six (6) feet or less in heights are allowed within the minimum front yard setback.
  - (d) Permitted directional signs, three (3) feet or less in height, are allowed within the minimum front yard setback or sight distance triangle.

- (e) A permitted freestanding sign may be located no closer than twenty-five (25) feet from any roadway right-of-way line.
  - (f) Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.
  - (g) In the event that greater than fifty (50) percent of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than seventy-five (75) feet be required.
  - (h) If a lot of record existing on the effective date of this ordinance has a width of one hundred (100) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
  - (i) Any nonresidential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one additional foot for every foot of height above thirty (30) feet.
  - (j) No private stable shall be allowed within one hundred (100) feet of any property line. Affiliated pasture areas shall be fenced.
- (5) *Maximum height and minimum yard requirements for nursing homes.*
- (a) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
  - (b) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

- (c) Limited service and retail commercial uses, not to exceed five (5) percent of the total gross floor area of the self-care building, or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior, that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry-cleaning pick-up, and a newspaper stand and card shop.
- (6) *Maximum density, maximum height and minimum yard area for residential substance abuse treatment facilities.*
- (a) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
  - (b) No building within a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
  - (c) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
  - (d) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

8. *Off-street parking and loading requirements.* Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165, "Off-Street Parking and Loading Requirements."

9. *Sign regulations.* Sign regulations are set forth in Section 1003.168, "Sign Regulations."

### **1003.106 "LLR" Large Lot Residential District**

1. *Intent and Purpose.* The purpose of the "LLR" Large Lot Residential District is to provide for residential uses and activities, and other compatible uses in areas where the normal provision of community infrastructure is not desirable or not feasible. Single-family residential development in this district is intended to conform to standards set forth in Section 1005.135 of the City's Subdivision Regulations (Large lot subdivision). The Large lot subdivision standards, generally, do not require minimum pavement widths, sidewalks, streetlights and other improvements applicable to residential subdivisions containing lots of less than three acres.