

**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, April 6, 2006**

The Board of Adjustment meeting was called to order at 7:00 p.m. on Thursday, by Mr. Leon Kravetz, 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
Mr. Alan Baudler
Mr. Leon Kravetz
Mr. Richard Morris
Mr. Rob Heggie, City Attorney, City of Chesterfield
Ms. Jane Durrell, City Council Liaison
Ms. Annissa G. McCaskill-Clay, Assistant Director of Planning, City of Chesterfield Department of Planning
Ms. Aimee Nassif, Project Planner, 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 November 3, 2005 Meeting Summary

The minutes will be presented for approval at the next regular meeting after amendments have been made.

III. Request for Affidavit of Publication

IV. Public Hearing Items:

A. B.A. 02-2006 Dennis Disch: A request for a variance from Section 1003.105 of the City of Chesterfield Zoning Ordinance to allow an existing residence in Arrowhead Estates Subdivision to maintain 15-foot side and rear yard setbacks in lieu of the 20 foot setback of the Zoning Ordinance and 50 foot setback established on the subdivision plat. (32 Arrowhead Estates Court/[17S330015](#))

Assistant Director of Planning Annissa McCaskill-Clay presented exhibits for the petition requesting a variance from the NU regulation to allow an existing residence to maintain a 15' side and rear yard setback. An application for a pool

deck, spa, and patio supported by a retaining wall was rejected due to subdivision plat and zoning district setback requirements.

Mrs. Marilyn Disch stated that she and her husband have lived at the residence for five years and have decided to make improvements due to the slope of the lot and the creek that runs behind. The prior setback issues were unknown to the owners. The best location for the pool is at the rear of the house due mostly to the shape of the lot, topographic issues, utility easement, creek, trees, and septic system. A landscape buffer will be constructed to conceal visibility from the road. They have obtained letters of approval from adjoining neighbors and subdivision Trustees.

There were no speakers present in favor of the petition.

There were no speakers present in opposition.

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

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

The motion passed by voice vote 4-1

B. B.A. 07-2005 Décor Interiors (Warren Sign Co.): a request for variance from the City of Chesterfield Sign Regulations for an electronic LED message board, located at 13476 Olive Boulevard (16Q330892).

Project Planner Aimee Nassif presented exhibits for the petition requesting an electronic message center. The zoning ordinance currently prohibits electronic message centers in the City of Chesterfield, and also states no signs, except those presently so lighted, shall be illuminated by intermittent light sources except for signs displaying time and temperature, and stock quotes. Parkway School District does have an electronic message center; however schools are in a separate tax-exempt entity. Concerns expressed by the Chesterfield Police Department mostly regarded potential requests for electronic message centers from neighboring developments.

David Warren, President of Warren Signs, spoke on behalf of the petition stated that the static reader board was in need of repair. After examination of the sign, it was determined that due to the age of the sign a complete refurbishment of the sign was necessary. It was after application was made that the Petitioner discovered the City of Chesterfield's ordinance regulations prohibiting the use of electronic messaging. The request is to remove the current changeable sign and replace with a new electronic changing sign. The new sign will not be a flashing sign nor will it create a driving hazard. No height changes will be effected, and the same number of lines (three) will remain the same. The building is situated

below public street grade. The Petitioner will not use any special effects in the electronic message center.

Councilmember Durrell asked if a restriction could be added to the approval making sure that the sign is passive and no flashing.

City Attorney Heggie stated that once the variance has been granted, the LED sign usage would apply to this location forever, no matter who the owner may be.

There were three speakers present in favor of this petition.
There were no speakers present in opposition.

**Marilyn Ainsworth made a motion to approve the variance.
Richard Morris seconded the motion**

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

The motion passed by voice vote 4-1

C. B.A. 01-2006 West County Christian Church : A request for a variance from Section 1003.168 C.2(1)(b) of the City of Chesterfield Zoning Ordinance to allow for a sign which exceeds the permissible height within the minimum front yard setback in an "NU" Non-Urban District. (17795 Wild Horse Creek Road/[18V140111](#))

Assistant Director of Planning Annissa McCaskill-Clay presented exhibits for the petition requesting a variance allowing a sign that is 2' over the permissible height requirement within the setback. The Petitioner is removing the existing electronic sign and replacing it with a sign not containing an electronic message.

There were two speakers present in favor of this petition.
There were no speaker(s) present in opposition.

**Laura Lueking made a motion to approve the variance.
Richard Morris seconded the motion.**

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

The motion passed by voice vote 5-0

VI. Adjournment

Meeting adjourned at 8:30 p.m.