



city of **CREVE COEUR**

300 North New Ballas Road • Creve Coeur, Missouri 63141  
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966  
[www.creve-coeur.org](http://www.creve-coeur.org)

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**APPLICANTS:** Jim Bulejski, Jim Bulejski Architects representing Tony Karakas, property owner  
**SUBJECT PROPERTY:** 66 Notre Dame Drive  
**ZONING DISTRICT:** A Single Family Residential  
**APPEAL:** Setback Variance, to wit,

**APPLICANT APPEALS TO THE BOARD OF ADJUSTMENT FOR A VARIANCE FOR THE PROPERTY AT 66 NOTRE DAME DRIVE TO ALLOW FOR A 40 FOOT BUILDING SETBACK RATHER THAN THE REQUIRED SETBACK OF 50 FEET FOR THE A SINGLE FAMILY DISTRICT**

**HEARING DATE:** May 17, 2018

**FINDINGS OF FACT**

1. The Applicant is the architect for Tony Karakas, Property owner, and was represented by the Charles F. (Skip) Dufour, Attorney.
2. The City submitted the following exhibits which were admitted into evidence:
  1. City of Creve Coeur Charter.
  2. Code of Ordinances of the City of Creve Coeur.
  3. The Creve Coeur Comprehensive Plan.
  4. Staff's report to the Board, with The Board of Adjustment application and all attachments thereto.
  5. A collective Exhibit of materials received from the Applicant.
  6. The public comments received.
  7. Proof of public notice
3. The Applicant requests a variance to allow for a new home to be built on the pre-existing, nonconforming lot at the platted building line of 40 feet rather than the minimum setback of 50 feet for the A Single Family District. Section 405.230(A)(1)(d) for Existing Lots of Record states that structures may be built on lots of record that have been made non-conforming by the Zoning Code as to size, area or width; provided, however, that such structures shall conform to setbacks and other regulations not involving area or width of lot.
4. The variance requested arises from the unique characteristics of the subdivision that is preexisting non-conforming and where the existing homes are built at the 40 foot setback, and where the lot is non-conforming in size.
5. Upholding the existing setback requirements would cause severe practical difficulty and extreme hardship for the Applicant represented in the application, to wit:

The lot is pre-existing non-conforming to the A Single Family District and configuration reduces the buildable area, and maintaining the platted front building line of 40 feet, is in keeping with the existing home within the subdivision.

6. The proposed variance will not adversely affect adjacent property owners or residents.
7. The proposed variance will not result in the diversion of additional stormwater that would adversely affect adjacent property.
8. The variance desired will not adversely affect the public health, safety, order, convenience, or general welfare of the community.
9. Granting the variance will not violate the general spirit and intent of the Zoning Code.

### **CONCLUSIONS OF LAW**

10. Pursuant to Section 89.090.1 R.S.Mo. and City Ordinance, the Board of Adjustment has jurisdiction to hear this appeal.
11. The Board of Adjustment is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the enforcement or interpretation of the Code, or where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinances.
12. Appropriate notices were authorized and published by the City Clerk and mailed to all the residents and property owners in compliance with the City Code and the documents supporting those are on file with the City Clerk's office.

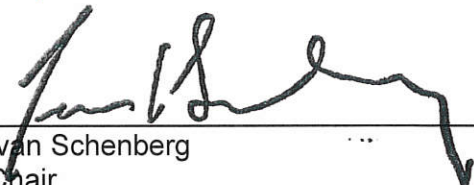
### **REPORT OF DECISION**

12. The variance application to allow for the new home at the 40 foot front yard setback on the non-conforming lot is granted.
13. Notwithstanding the provisions of Section 405.230(A)(1)(d) for Existing Lots of Record for permitted uses, the property owner may construct the home at the 40-foot front yard setback with the deck at 35 feet from the front yard line as shown on the site plan and other materials submitted with the application for the proposed addition, subject to all other applicable laws, ordinances and regulations.
14. The ayes and nays cast on the motion to grant the variance were as follows:

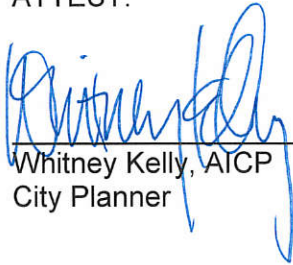
  4   AYE                        0   NAY                        0   ABSENT

Name:            Mr. Ivan Schenberg  
                      Mr. Glen Wilen  
                      Mr. Robert Mooney  
                      Mr. Todd Streiler

ADOPTED AND APPROVED THIS 24 DAY OF May, 2018.

  
Ivan Schenberg  
Chair

ATTEST:

  
Whitney Kelly, AICP  
City Planner