



**BOARD OF ADJUSTMENT
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BLVD
Wednesday, June 8, 2022**

MEMBERS: Jonathan Giallanzo (Chair), Joseph Hendrickson, Robert Linsdley, David McCreery (Alternate), Joan Boyles (Alternate). **STAFF:** Allison Sweeney (City Attorney), David Bookless (Community Development Director), Sarah Turner (Planner), Christie Hull-Bettale (Engineer/Planner)

REGULAR SESSION

1. CALL TO ORDER
2. ROLL CALL
3. READING OF THE PROCEDURES
4. PUBLIC HEARING(S):
 - a. **BA 2022-02 1463 Fox Ridge Ct. (Setback Variance):** A request for relief from rear setback regulations [§405.110(E)(1)(d)(15)] to allow for the installation of a pool within the “R-5” Residence District, as provided in the Arnold Zoning Ordinance.
5. OTHER BUSINESS: *None*
6. ADJOURNMENT OF REGULAR SESSION

EXECUTIVE SESSION

7. NEW BUSINESS: (Note: *The Board of Adjustment may vote on these items tonight.*)
 - a. **BA 2022-02 1463 Fox Ridge Ct. (Setback Variance)**
8. APPROVAL OF MINUTES: *December 8, 2021*
9. ADJOURNMENT OF EXECUTIVE SESSION

The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner. Comments concerning items not on the agenda should be made during the Public Comment section of the agenda, near the beginning of the meeting. When you address the Planning Commission, please come forward and state your name and address into the microphone. Unless otherwise directed by the Chairperson, individuals may speak for three minutes, while those representing a group may speak for six minutes.

NOTE: You may also attend this meeting virtually via Zoom by following the link and instructions below:

- To join by computer, tablet, smartphone, etc. (video and/or audio): <https://zoom.us/join>
- To join by telephone (audio only): 1-312-626-6799

Meeting ID: 891 4606 8895

Passcode: 471672

Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100.



**BOARD OF ADJUSTMENT MEETING
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BLVD.
DECEMBER 8, 2021**

MINUTES

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Board of Adjustment was called to order by Chairman Jonathan Giallanzo at 7:10 p.m. The Board, Staff, and members of the public recited the Pledge of Allegiance.
2. **ROLL CALL OF BOARD MEMBERS:** Jonathan Giallanzo, Joseph Hendrickson, Robert Lindsley, David McCreery (Alternate). **STAFF PRESENT:** Robert Sweeney (City Attorney), Sarah Turner (Senior Planner), Christie Hull-Bettale (Engineer/Planner).
3. **READING OF THE PROCEDURES:** Giallanzo read the Board of Adjustment procedures.
4. **PUBLIC HEARING(S):**
 - a. **BA-2021-04 1608 Lonedell Dr. (Setback Variance):** Motion by Hendrickson to open the public hearing. Second by Lindsley. Ms. Hull-Bettale presented the Staff's report stating that the request is for relief from the minimum setback standards, to 33 feet instead of the required 35 feet, to allow for the construction of a porch cover structure on a residential dwelling within the "R-4" Residential District. Kassondra Copeland of Patriot Sunrooms (Edwardsville, Illinois) introduced herself and the homeowners, who have lived in the non-conforming structure for 30 years. James Hentz of Patriot Sunrooms (Edwardsville, Illinois) reiterated the irregularity of the lot and stated there is no intention to enclose the porch. Giallanzo asked what materials would be used and if the concrete pad would be extended. Mr. Hentz said the concrete would not be expanded and that the covering would be maintenance-free decorative posts with a roof. Ms. Hull-Bettale directed the Board to the Staff report, which contained pictures of the proposed cover. Hendrickson clarified that the foundation of the porch would not be expanded. McCreery asked what the applicant's hardship was. Mr. Hentz stated that the shape of the lot is irregular, that the porch cover will not go out further than where the concrete porch already sits, and that the age of the occupants is an additional factor. Patricia Spalt (1618 Ray Dr., Arnold) said it is very important to make homes better and safer. Ron Mottaz (1608 Lonedell Rd., Arnold), the homeowner, stated he needs the porch cover for safety and to improve his home, and said there is no intention to enclose the porch. After no further questions from the Board, Lindsley made a motion to close the public hearing. Second by Hendrickson. Mr. Sweeney reminded the applicant that with only four voting Board members present, approval would require a unanimous decision. The applicants acknowledged the reminder and preferred to move forward with the meeting.
5. **ADJOURNMENT OF REGULAR SESSION:** Adjourned by Giallanzo 7:39 p.m.

EXECUTIVE SESSION

6. **NEW BUSINESS:**
 - a. **BA-2021-04 1608 Lonedell Dr. (Setback Variance):** Lindsley felt that this request is not unreasonable. McCreery agreed and said this request eliminates a hardship on this residential use. Giallanzo

referred to a previous, similar variance request and stated he sees no issues with the proposed porch cover. Hendrickson agreed and stated the concrete porch is already there. After no further discussion, Giallanzo asked for a motion. Motion by McCreery to approve this variance request based on their findings with the conditions recommended by Staff: 1) that the variance only grants relief for the covered porch to be setback a minimum of 33 feet from the property line adjacent to Lonedell Rd. and that all other structures must adhere to the Zoning Ordinance, and 2) the porch and porch cover shall not be further expanded or enclosed. Second by Lindsley. Roll call vote: Giallanzo, Yes; Hendrickson, Yes; McCreery, Yes; Lindsley, Yes. 4 yeas, 0 nays. The request for variance is approved.

7. **APPROVAL OF MINUTES:** Motion by Giallanzo to approve the minutes from the August 25, 2021 meeting. Second by McCreery. *Voice vote:* Approved 4-0.
8. **ANNOUNCEMENTS:** Ms. Turner stated that there are no submitted applications and the next meeting of the Board of Adjustment will be set as needed. Ms. Turner announced the resignation of Paul Rodenroth, a regular Board member of the Board of Adjustment, and thanked him for his years of service to the City of Arnold.
9. **ADJOURNMENT:** Meeting adjourned at 7:43 p.m.

Respectfully submitted,

Sarah Turner
Acting Board Secretary



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

APPLICATION NUMBER: BA-2022-02

APPLICATION NAME: 1463 FOX RIDGE

APPLICANT NAME: Christy Herr
1463 Fox Ridge Ct
Arnold MO 63010

PROPERTY OWNER NAME: Christopher and Christy Herr
1463 Fox Ridge Ct
Arnold MO 63010

APPLICANT'S REQUEST: A request for relief from rear setback regulations [§405.110(E) (1)(d)(15)] to allow for the installation of a pool within the "R-5" Residence District, as provided in the Arnold Zoning Ordinance.

STREET ADDRESS: 1463 Fox Ridge Ct.

SITE LOCATION: Within the Estates at Fox Pointe subdivision, approx. 1900 feet from Arnold Tenbrook Rd. on the north side of Fox Ridge Ct.

ZONING DISTRICT: "R-5" Residence

PARCEL ID: 01-9.0-29.0-3-001-060

TOTAL SITE AREA: 0.21 acres

MEETING DATE: June 8, 2022

REPORT DATE: June 1, 2022

CASE MANAGER: Sarah Turner



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

BACKGROUND

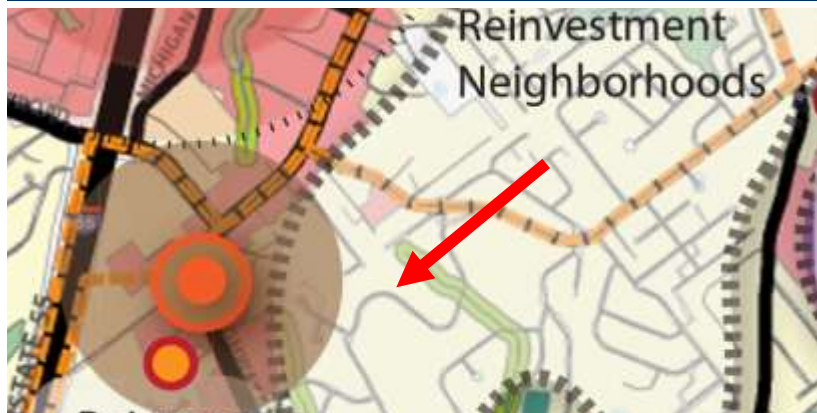
The property at 1463 Fox Ridge Ct is within the Estates at Fox Pointe, a mid-2000's subdivision development of single-family dwellings. This particular home was completed in 2004. The home has been under the same ownership since at least 2006.

The property owners and applicants, Christopher and Christy Herr, applied for a building permit in October 2021 to install a backyard swimming pool and associated fencing. The proposed pool element did not meet code. The applicants have since discussed options with Staff and the fencing/pool contractor. In April 2022, the Herr's applied for the subject variance request.

ZONING MAP



FUTURE LAND USE MAP / CITY PLANNER'S COMMENTS:



There is no proposed change to the use of the subject property as a single-family dwelling. The property is located in a "Reinvestment Neighborhoods" area on the Future Land Use Map.

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 0.21 acre, or 9,172 square foot, parcel is located along Fox Ridge Ct. This street is accessed from Arnold Tenbrook Rd. or Jeffco Blvd. via Fox Pointe Dr. The parcel contains a single-family dwelling, backyard deck, retaining wall, and associated off-street parking.

LAND USE AND ZONING CONTEXT MATRIX

Direction	Existing Land Use	Zoning District	COMMENTS
North	Vacant	R-5, R-3	POA common ground
East	Residential	R-5, R-3	Single-family dwellings
South	Residential	R-5	Single-family dwellings
West	Residential	R-5	Single-family dwellings

VARIANCE REQUEST

The applicant is requesting relief from minimum setback standards, 8 ft. 11 in. instead of the code-required 15 ft., to allow for the construction of a backyard in-ground pool at 1463 Fox Ridge Ct.





REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS—APPLICABLE REGULATIONS

Appeals or variances to Chapter 405, Zoning, of the Code of Ordinances, shall be made to and reviewed by the Board of Adjustment.

Analysis of Applicable Regulations

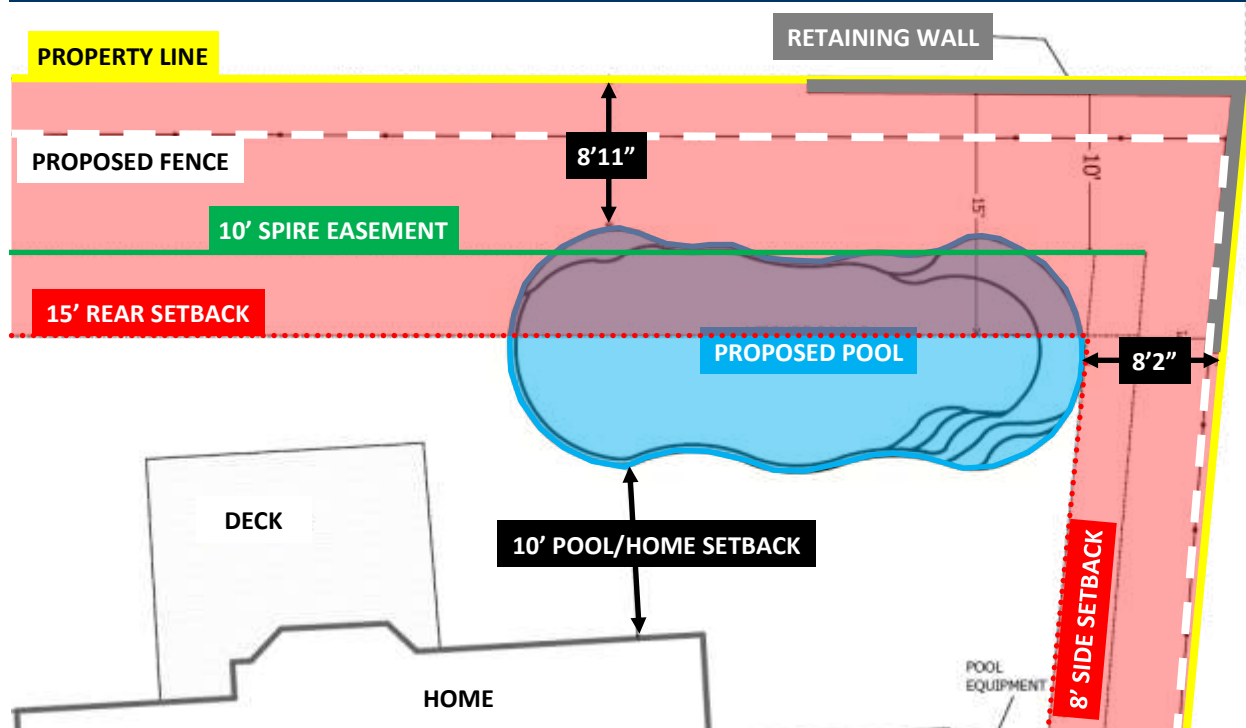
The subject property is within an “R-5” Residence District. The “R-5” District regulations, Section 405.110(E)(1)(d)(15), reads as follows:

No structure shall be erected within fifteen (15) feet of a rear property line; except that this requirement shall not apply to any boundary walls or fence less than six (6) feet in height.

Swimming pools, defined in Chapter 405, Zoning, as “A pool constructed for swimming”, are treated as structures in both the application of Zoning Ordinance and Building Codes by the City of Arnold. The subject property has a 15-foot structure setback to the rear property line. According to the Arnold Building Commissioner, a 10-foot separation between a pool and a residential dwelling is required.

The proposed in-ground pool structure is 8 feet 11 inches from the rear property line, instead of the code-required 15 feet. The pool encroaches on the required setback as outlined in 405.110(E)(1)(d)(15) by 6 feet and 1 inch. The applicant’s options are to readjust their plans to preserve the 15-foot setback, which would involve reducing the size of the pool or removing the feature. Or, the applicant may seek a variance from the minimum setback requirement to allow for the proposed pool.

FIGURE 1: PROPOSED SITE PLAN WITH STAFF ANNOTATIONS



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA

Review Criteria

The variance review criteria as provided in Section 405.240, Board of Adjustment, of the Zoning Ordinance are listed below in *italics*. Full statements from the applicant's narrative (Exhibit B) in response to how this request meets the criteria are quoted in **bold**.

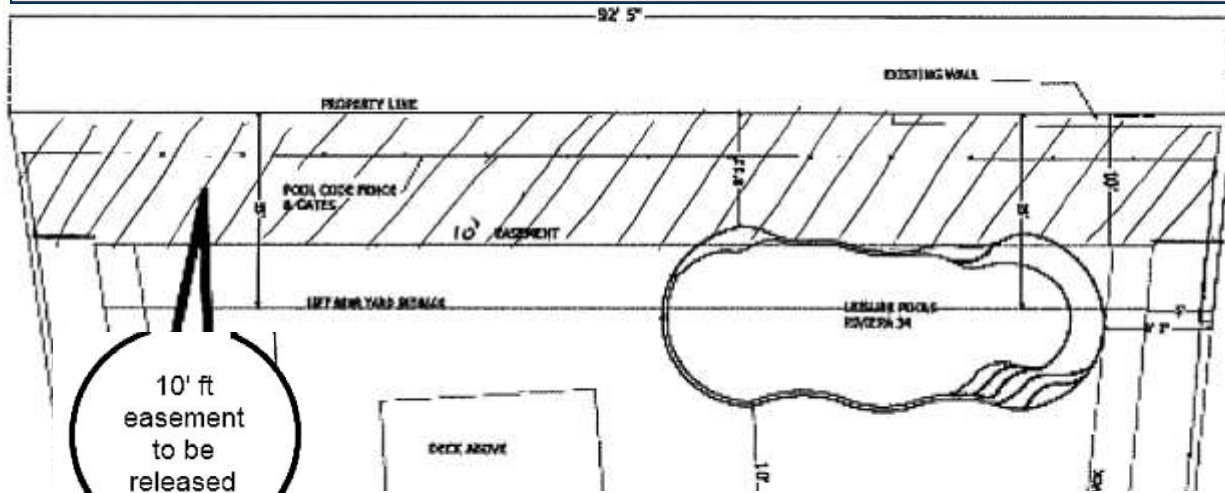
The Board shall not grant variances unless it shall make finding based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Applicant Response: **"The lots on either side of our property have written letters in our favor. The trustees of The Estates at Fox Pointe have also written a letter expressing they are not opposed to our request. [...] The use of our requested variance will be for private use only. It will improve the property value by creating a functional recreation and gathering space."**

Staff Response: Submitted materials for variances are provided to various utilities and reviewing agencies for comment. The Rock Community Fire District, Public Water District #1, City of Arnold Public Works, and AT&T all commented that they see no issue with the proposed variance. However, Spire Gas had comments regarding portions of the proposed pool is encroaching within a 10-foot natural gas utility easement to the rear. Spire stated (Exhibit C) that they "will need to release the platted utility easement for the property owner" and offered to coordinate. In subsequent emails between the applicant and Spire, Spire described the internal process to vacate the easement and stated that the request has been made. The applicant has informed Staff that this process should be completed by the second or third week in June. Should the Board approve the variance, Staff recommends a condition of approval that easements must be vacated prior to any structures being built within the area of said easement.

FIGURE 2: DRAFT EASEMENT VACATION PLAT SKETCH PROVIDED BY SPIRE



BA-2022-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA, CONT.

As for injury to other property or improvements to surrounding neighbors, it must be noted that the adjacent property to the rear is common ground owned by the Property Owner’s Association of The Estates at Fox Pointe. The trustees of the POA and the other two immediate neighbors of the subject property have provided letters of support for the variance (Exhibit D).

2. *The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.*

Applicant Response: **“Our lot #20 [has] a depth of 121 [feet]. In comparison to just our immediate neighbors: Lot #19—137 ft. Lot #21—133 ft. Lot #35—143.73 ft. Lot #34—140.14 ft.”**

Staff Response: 1463 Fox Ridge Ct is 121 feet at its deepest, and on the south façade is only 117.44 feet. Directly adjacent properties have at least 10 feet more depth, such as 133 feet for the northerly neighbor and 137 feet for the southerly neighbor. Figure 3 shows the distance between the house and rear property line for this block of Fox Ridge Ct. The requested variance would grant relief from the rear setback by an amount of 6 ft. 1 in. for a lot that is 10 feet shallower or more than surrounding properties.

FIGURE 3: DEPTH OF BACKYARD IN SURROUNDING AREA, SUBJECT PROPERTY IN RED



1463 Fox Ridge Ct

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS —REVIEW CRITERIA, CONT.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.

Applicant Response: **“Our current lot size does not allow for this without approval for the variance. [...] The location of the proposed swimming pool will be in the rear yard directly behind the footprint of the house. Noise and light would be non-obtrusive and the concentration of people would be non-visible to Fox Ridge Ct.”**

Staff Response: Based on the discussion of criteria #2 on page 7, Staff has found that the subject property’s depth does limit it from having similar backyard buildable area when compared to surrounding properties. As an example, Figure 4 shows two backyard pools near the subject property, one being directly adjacent at 1459 Fox Ridge. Permit documents indicate that this neighbor’s pool easily maintains the 15-foot rear setback. However, the Board must consider whether this situation is distinguished from mere inconvenience.

Options that would allow the pool project to move forward without a variance is to either 1) reduce the size of the pool or 2) extend the lot by purchasing land from the POA common ground to the rear. The applicant initially requested a building permit in October 2021 and came back to the City in March 2022 to further pursue a variance. During those 5 months, the applicant was communicating with the Property Owner’s Association of The Estates at Fox Pointe to look into Option 1, extending the subject property. However, those talks did not

FIGURE 4: PICTOMETRY OF SUBJECT SITE, FACING SOUTH (MAR. 2022)





REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS —REVIEW CRITERIA, CONT.

result in additional property for the applicant and 1463 Fox Ridge Ct is stuck at its current depth.

Option 2 to reduce the size of the pool is the only other Code-compliant option available to the applicant that would result in a backyard pool. A pool that would meet the 15-foot setback to the property line and the 10-foot distance requirement from the home would be a maximum of 8 ft 5 in wide (area shown in yellow in Figure 5 below), which is slightly wider than a competitive swimming lane at approximately 8 ft 3 in. The applicant states in their narrative that the proposed pool is 14 ft 6 in wide and 34 ft 1 in long. Based on the documents submitted in the original permit, the pool size has not been reduced. The proposed pool, a Leisure Pools Riviera, has various options for size—although even the smallest of this model of pool would not meet code. Common shapes and sizes of pools provided by local contractors shows the narrowest non-lap pool as being 12 feet. As mentioned previously, the Code-compliant buildable area would allow for a lap pool or some other custom design of a pool with a width not exceeding 8 ft 5 in.

In summary, the applicant’s claim is essentially: because of the unique condition of the subject property’s lack of depth, a hardship arises in that the homeowner cannot install a conventional backyard pool. The requested variance would grant relief from the rear setback by an amount of 6 ft. 1 in. for a lot that is at least 10 feet shallower than surrounding properties to allow for the installation of a swimming pool. Based on the above, it is up to the Board to determine whether the hardship presented meets the City’s standards and is distinguished from a mere inconvenience.

FIGURE 5: PICTOMETRY OF SUBJECT SITE, FACING WEST (MAR. 2022)



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



RECOMMENDATION

The Board of Adjustment has been requested to review the subject application as pertains to:

A request for relief from minimum setback standards, from 15 feet to 8 feet 11 inches, to allow for the construction of a backyard in-ground pool at 1463 Fox Ridge Ct.

The Board must keep the variance review criteria in mind when coming to a determination of whether to approve, approve with conditions, or deny this request:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
- b. The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.*
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.*

In granting a variance, the Board may require conditions that would assist in securing the objectives or requirements of the Zoning Ordinance. Should the Board determine to approve this variance seeking relief from the minimum setback requirements in the "R-5" Residence District as found in Section 405.110(E)(1)(d)(15), Staff recommends including the following two (2) conditions of approval:

- 1. This variance only grants relief for an in-ground swimming pool to be setback a minimum of eight (8) feet and eleven (11) inches from the northern property line. All other structures must adhere to applicable regulations contained in the Zoning Ordinance.**
- 2. Easements encroached upon by the swimming pool structure as shown in Exhibit A, including the Spire Gas easement, shall be vacated prior to the approval of a building permit to construct the subject pool.**

A handwritten signature in black ink, appearing to read "Sarah Turner", written over a horizontal line.

Sarah Turner
Community Development Planner



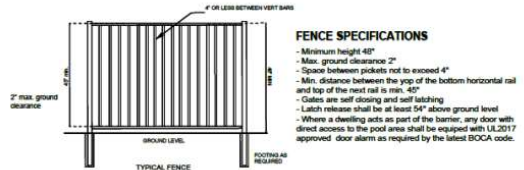
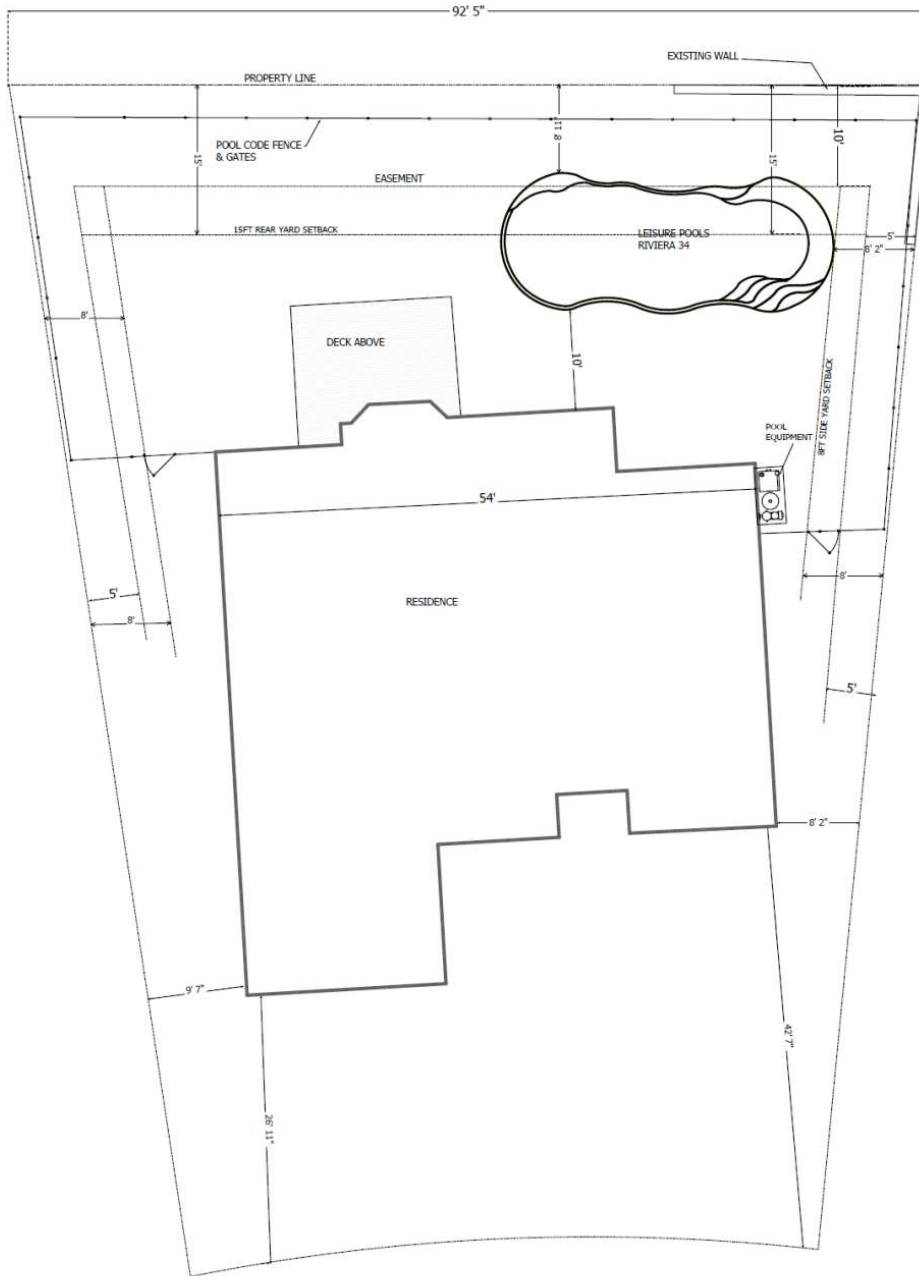
REPORT TO BOARD OF ADJUSTMENT
CITY OF ARNOLD

ATTACHMENTS

- **Exhibit A: Site Plan**
- **Exhibit B: Applicant Narrative**
- **Exhibit C: Spire Correspondence**
- **Exhibit D: Letters of Support**
- **Photos of Site**

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



- FENCE SPECIFICATIONS**
- Minimum height 48"
 - Max. ground clearance 2"
 - Space between pickets not to exceed 4"
 - Min. distance between the top of the bottom horizontal rail and top of the next rail is min. 40"
 - Gates are self closing and self latching
 - Latch release shall be at least 54" above ground level
 - Where a dwelling acts as part of the barrier, any door with direct access to the pool area shall be equipped with UL2017 approved door alarm as required by the latest BOCA code.

<p>PLOT PLAN</p> <p>SCALE: 1"=10'</p>	<p>NAME: HERR FRESIDENCE</p> <p>ADDRESS: 1463 FOX RIDGE CT</p> <p>CITY: ARNOLD STATE: MO</p> <p>PHONE: ZIP: 63010</p> <p>WORK: _____</p> <p>CELL: _____</p> <p>JOB#: _____</p>	<p>SEAL</p>
	<p>119 Brown Road St. Peters, MO 63376 Office: 636-875-9693 Direct: 573-826-8103</p>	

EXHIBIT A: SITE PLAN

BA-2022-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

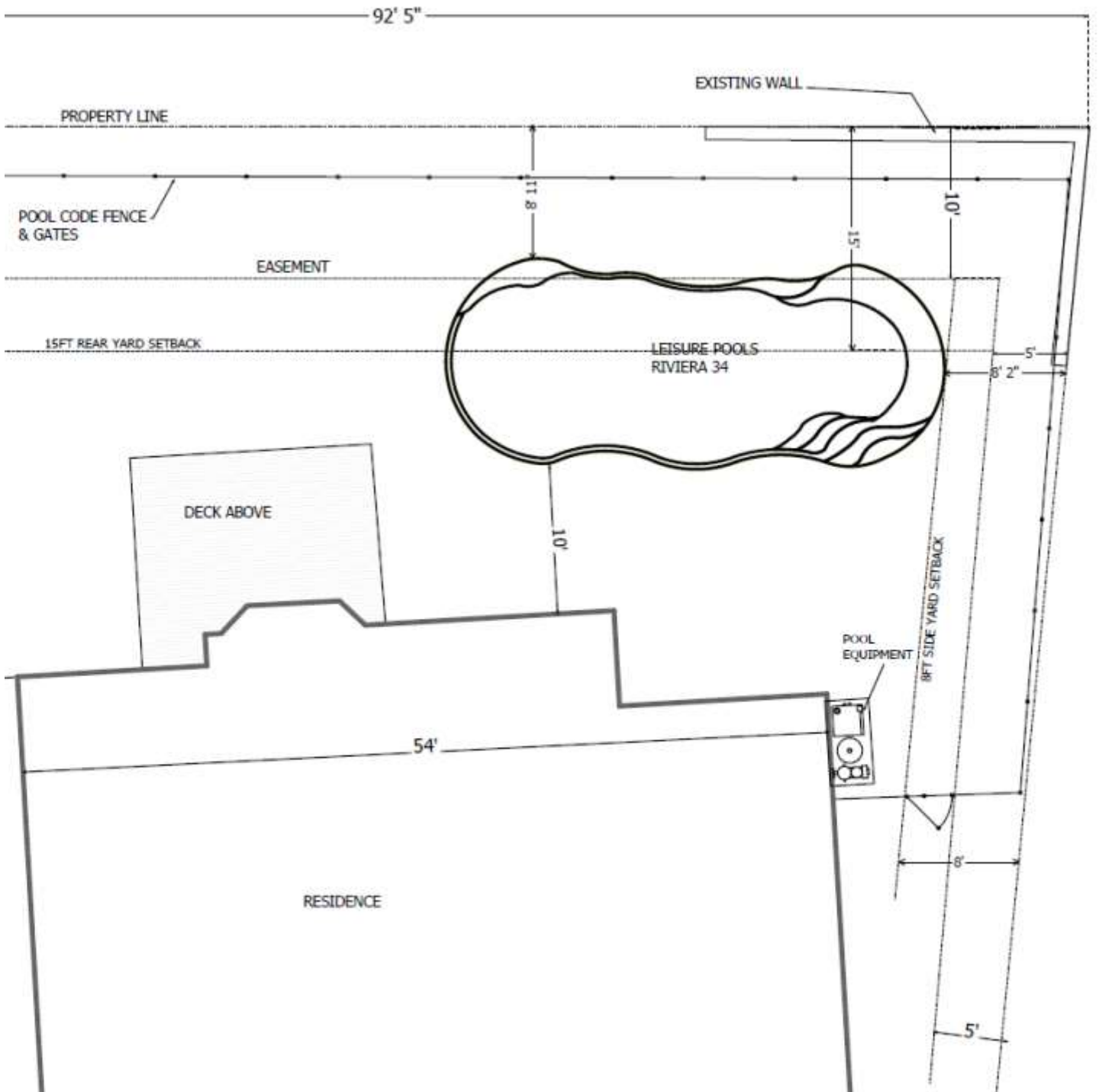


EXHIBIT A: SITE PLAN (CLOSE UP)

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

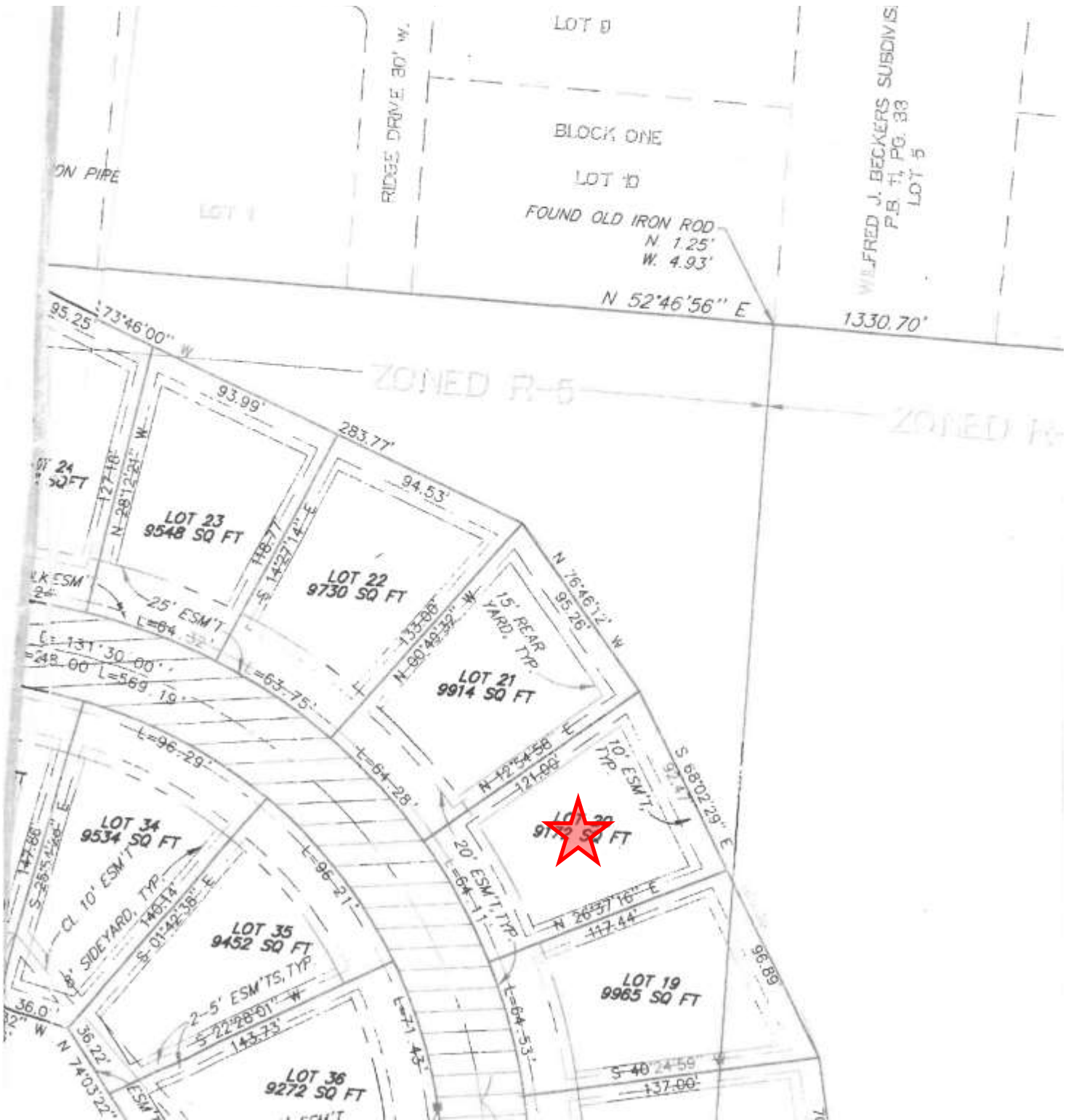


EXHIBIT A: PLAT OF SUBJECT PROPERTY AND SURROUNDING AREA

BA-2022-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

April 18, 2022

Dear City of Arnold,

We are writing this letter to request approval for a Set-Back Variance at our home at 1463 Fox Ridge Ct. Arnold, MO 63010. The variance request is to allow us to have an inground pool installed. Our proposed plans are with a fiberglass pool shell from Leisure Pools. The pool dimensions are 34'1 long and 14'6' wide. Our current lot size does not allow for this without approval for the variance. Below are justifications for the Set Back approval.

The location of the proposed swimming pool will be in the rear yard directly behind the footprint of the house. Noise and light would be non-obstructive, and the concentration of people would be non-visible to Fox Ridge Ct. The lots on either side of our property have written letters in our favor. The trustees of The Estates of Fox Pointe have also written a letter expressing they are not opposed to our request.

The subject property is a result of the following conditions:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to the other property or improvements to the neighborhood in which the property is located.
- The use of our requested variance will be for private use only. It will improve the property value by creating a functional recreation and gathering space.
2. The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable to generally other property.
- Our lot #20 the depth is 121.00 with a square footage of 9172. In comparison to just our immediate neighbors:
 - Lot 19 – 137.00 deep with a square footage of 9965.
 - Lot 21 – 133.00 deep with a square footage of 9914.
 - Lot 35 – 143.73 deep with a square footage of 9452.
 - Lot 34 – 140.14 deep with a square footage of 9534.

EXHIBIT B: APPLICANT NARRATIVE, PG. 1

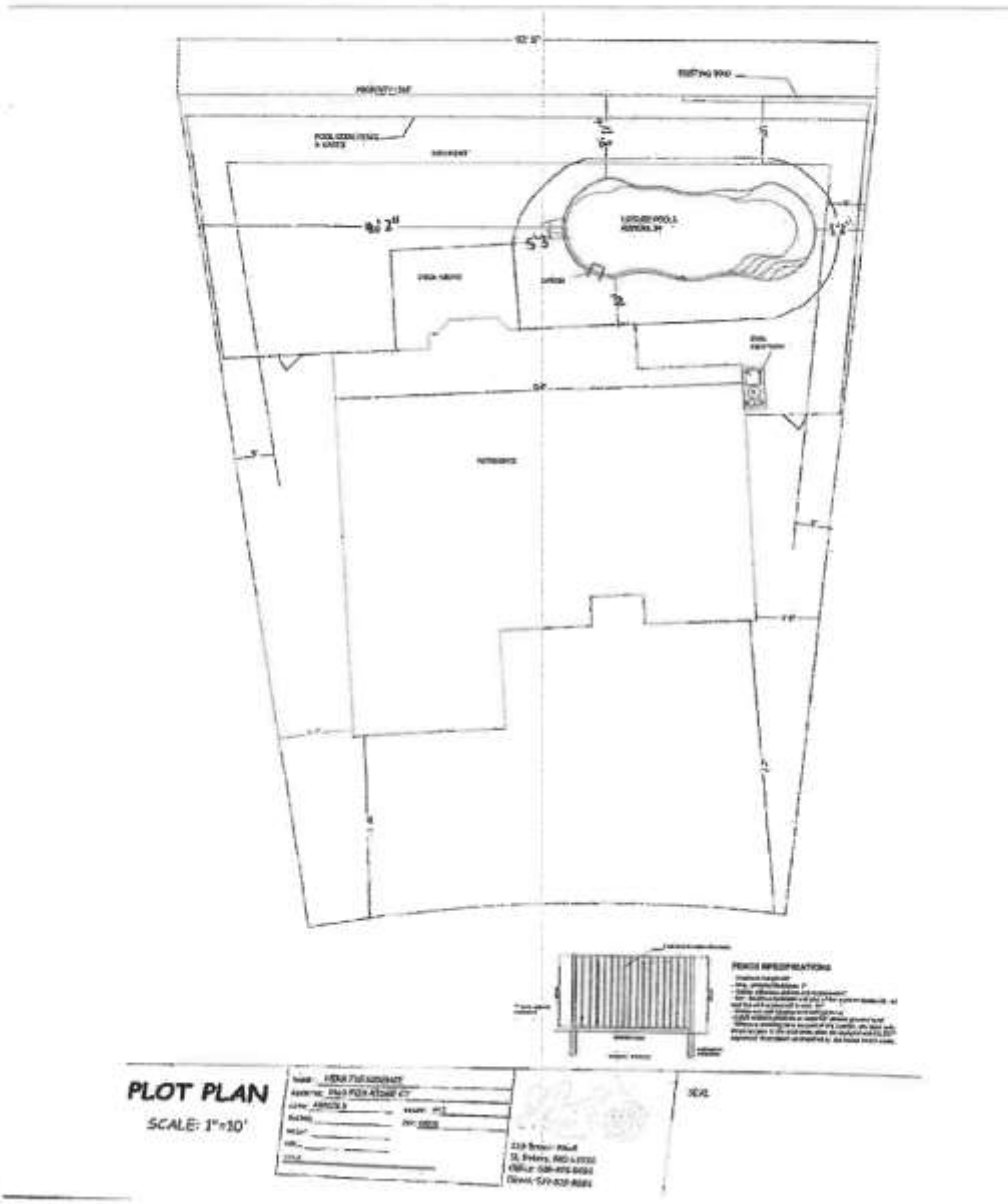
1463 Fox Ridge Ct

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



Here is the plan with hand adjusted numbers. Jeff says this will work. We will add his drawing to the file when he completes it





REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

From: Lair, John <John.Lair@spireenergy.com>
Sent: Monday, May 23, 2022 10:35 AM
To: Sarah Turner
Cc: Langenbacher, Brian
Subject: FW: Comment Request - City of Arnold
Attachments: HerrRIVIERA34R2PlotPlan.pdf

Good morning Sarah -

As it relates to the setback variance request due to new pool installation, Spire will need to release the platted utility easement for the property owner as along rear property line as the pool encroaches on the easement.

I can coordinate the Lindy's Pool & Spa, please just let me know how you would like me to proceed?

Thank you,

John Lair, RWA
Right of Way Representative

700 Market St.
St. Louis MO 63101

314.574.4351 Mobile
john.lair@spireenergy.com

From: christyherr <christyherr@sbcglobal.net>
Sent: Tuesday, May 24, 2022 7:08 AM
To: Lair, John <John.Lair@spireenergy.com>
Subject: Set back variance request

Good morning John,

My name is Christy Herr my husband Chris & I are the property owners of 1463 Fox Ridge Ct. Arnold, 63019. We are going in front of the board of Arnold on June 8th to request a set back variance to install a inground pool. Sarah from Arnold told me to reach out to you to see if I can get the release of the platted utility easement. This ia all new to us. I just want to make sure we have everything we need prior to June 1st when everything is turned over to the board.

My contractor is Jim Dunman his cell phone is 636-236-4626 if you would need to speak to him.

If you could please get back to me and let me know how this works I would greatly appreciate it.

Thank you,

Christy Herr

EXHIBIT C: SPIRE CORRESPONDENCE, PG. 1

1463 Fox Ridge Ct

REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



From: "Lair, John" <John.Lair@spireenergy.com>

Date: 5/24/22 9:09 AM (GMT-06:00)

To: christyherr <christyherr@sbcglobal.net>

Subject: RE: Set back variance request

Good morning Mrs. Herr –

The attached Plot Plan drawing was forwarded to me for review regarding the installation of the pool at your property. The drawing shows that the pool I will very slightly encroach upon the 10' platted utility easement along the rear property line (Lot 20 – Estates at Fox Pointe). In situations such as this, it is not out of the norm for the municipality to require approvals from all utilities for the proposed construction.

For Spire, I will request internal Spire reviewers approve the release of easement, Spire will no longer have rights to this area. Please refer to Easement Vacation Plat attachment. I added a few details to the Plot Plan drawing, depicting the 10' wide easement to be released. Once all approvals on my side are obtained, I will issue a request to the County to record the document. Will keep you posted as we move along the process.

Any questions arise in the interim, please feel free to contact me.

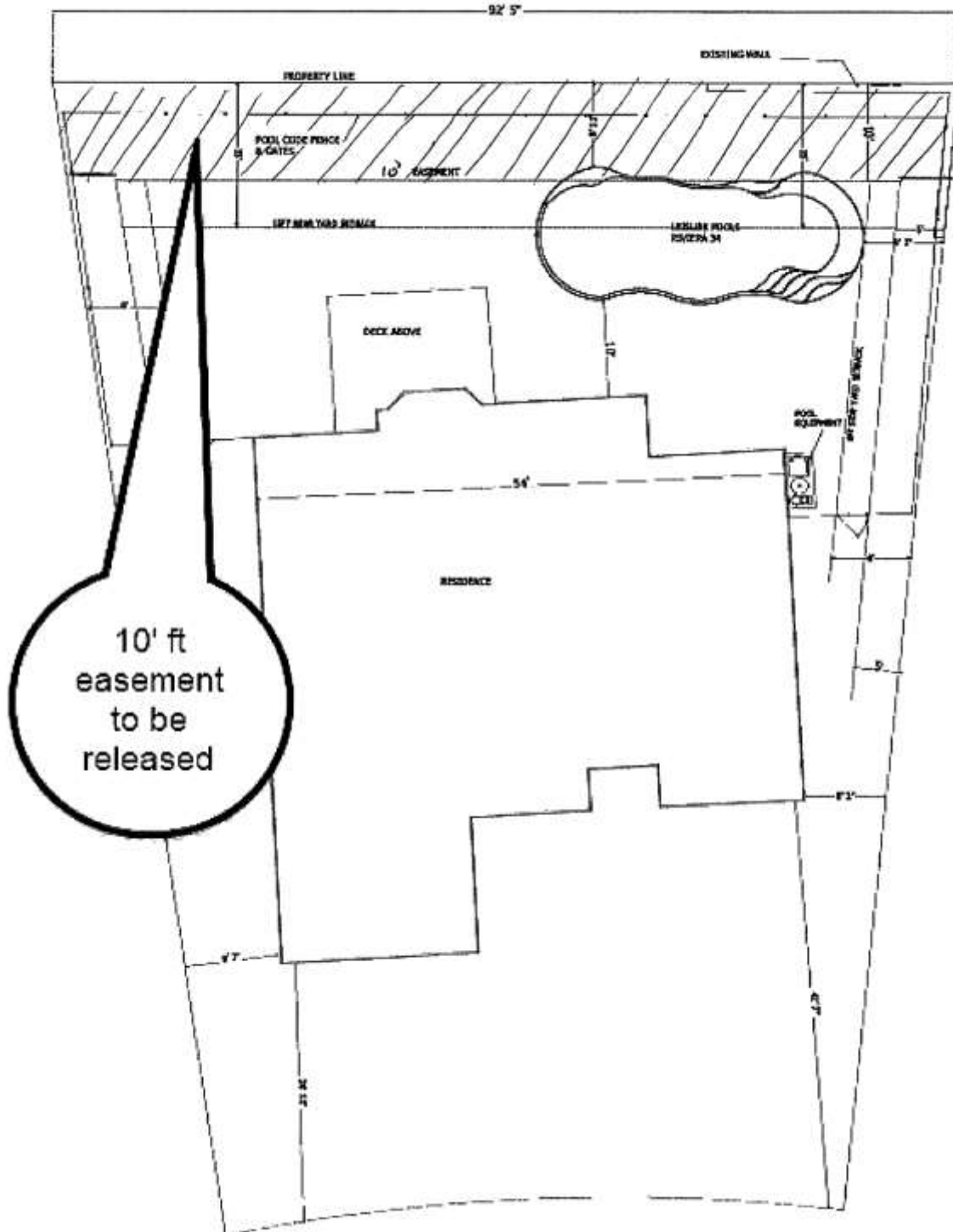
Thank you,

John Lair, RWA



REPORT TO BOARD OF ADJUSTMENT CITY OF ARNOLD

EASEMENT VACATION PLAT



EASEMENT VACATION PLAT



FENCE SPECIFICATIONS

EXHIBIT C: SPIRE CORRESPONDENCE, DRAFT EASEMENT VACATION PLAT PROVIDED BY SPIRE

REPORT TO BOARD OF ADJUSTMENT
CITY OF ARNOLD



The Trustees for
The Estates at Fox Pointe
Fox Ridge Court
Arnold, MO 63010



April 12, 2022

City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010

To Whom It May Concern

Let this letter serve as proof that the Trustees for The Estates at Fox Pointe have agreed to allow homeowners Chris & Christy Herr at 1463 Fox Ridge Court to construct a pool/deck within the 15 foot setback from the common ground for the subdivision. *Also as a reminder to the homeowner, please be sure to follow Sec. 4.01 of the trust agreement and indentures for the subdivision before any actual construction begins.*

Thank you,

The Trustees for The Estates at Fox Pointe


Gary Baldrige - Trustee *04-13-2022*


Denise Appel - Trustee


Ken Landrum - Trustee

EXHIBIT D: LETTER OF SUPPORT, POA TRUSTEES

BA-2022-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT CITY OF ARNOLD

To Whom It May Concern,

Chris and Christy Herr are applying for variance at 1463 Fox Ridge Ct, within the established setback from a neighbor's property line. I am an affected neighbor as my property line is immediately adjacent with the stated property. This letter is in full support of approval of Chris and Christy Herr's variance within the counties established setback. Please use this letter as my official support of approval, and please reach out if you have questions at all.

Name Sasa Marovic

Address 1459 Fox Ridge Ct

Phone Number 314-322-6191

Signature [Handwritten Signature]

Date 4/16/22

EXHIBIT D: LETTER OF SUPPORT, NEIGHBOR A (1459 FOX RIDGE CT)

1463 Fox Ridge Ct

REPORT TO BOARD OF ADJUSTMENT
CITY OF ARNOLD



To The City of Arnold,

4-12-2022

I am an immediate neighbor of Chris and Christy Herr which address is 1463 Fox Ridge Court Arnold, Mo. We do not oppose of the Herr's receiving a variance for their back yard. We reside at 1467 Fox Ridge Ct. Arnold, Mo.

Thank You
Linda Frigger



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD



PHOTOS OF SITE: STREETVIEW OF SUBJECT PROPERTY, MAY 2021

1463 Fox Ridge Ct

REPORT TO BOARD OF ADJUSTMENT
CITY OF ARNOLD



PHOTOS OF SITE: AERIAL PICTOMETRY, MARCH 2022

BA-2022-02 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT
CITY OF ARNOLD



PHOTOS OF SITE: SATELLITE WITH PARCEL LINES

1463 Fox Ridge Ct