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BOARD OF ADJUSTMENT AGENDA  
May 5, 2025

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BOARD OF ADJUSTMENT:

Richard Alferman, Chair	Don Garrison Jr., Alternate
Latonya Grotegeers, Vice-Chair	Brian Andrzejewski, Alternate
Maureen Rogers-Bouxsein, Secretary	Bob Kneemiller, Alternate
Marita Malone	
John Morgan	

In accordance with Chapter 400 (Zoning Code) of the Code of Ordinances of the City of St. Charles, Missouri, notice is hereby given that the Board of Adjustment will conduct a public hearing on **Monday, May 5, 2025** at 6:00 p.m. on the fourth floor of City Hall in the City Council Chambers, 200 North Second Street in St. Charles, Missouri for the purpose of giving interested parties and citizens an opportunity to be heard on the following matters:

*Call to Order and Call the Roll*

*The Pledge of Allegiance*

*Approve the Minutes from the April 7, 2025 Meeting*

1. Case No. BOA-2025-05. Address: 3117 Yale Boulevard (Ross Sherman). A request to decrease the minimum setback for a six (6) foot tall fence on a corner lot, within a required front yard on the side of a property not used as a principal entrance, from ten (10) feet to eight (8) feet as regulated in Section 400.550(A)(2)(a)(2)(d) of the City of St. Charles Code of Ordinances. The property is zoned R-1E Single Family Residential District (Ward 10).

*Adjournment*

The next meeting of the Board of Adjustment is scheduled for Monday, June 2, 2025 on the fourth floor of City Hall in the City Council Chambers, 200 N. Second Street, St. Charles, MO 63301.

The City of St. Charles offers all interested citizens the opportunity to attend public meetings. If you wish to attend this public meeting and require an accommodation due to a disability, please contact the Office of the City Clerk to coordinate an accommodation at least two (2) business days in advance of the scheduled meeting at 636-949-3282 or 636-949-3289 (TTY – for the hearing impaired). The City of St. Charles, Missouri fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information or to obtain a Title VI Complaint Form, please call the City Clerk’s Office at 636-949-3282 or visit City Hall located at 200 North Second Street, St. Charles, Missouri, 63301.

All decisions and official actions of the Board of Adjustment are considered filed in the office of the Board upon the adjournment of the meeting in accordance to Section 89.080 RSMo.

**INCLEMENT WEATHER:** In case of inclement weather, please call 636-949-3222 after 4:00 p.m. on the day of the meeting to be informed of the status of the meeting.

**POSTED ON 4/30/2025 @ 11:40 pm by MPE**

CITY OF ST CHARLES

STATE OF MISSOURI

BOARD OF ADJUSTMENT MEETING

April 7, 2025

THE HONORABLE RICHARD ALFERMAN, CHAIRMAN PRESIDING

TIME: 6:00 p.m.

MINUTES

By Madelyn Eversman

City of St. Charles, Missouri

200 N Second Street

St. Charles, Missouri 63301

(636) 949-3222

## PROCEEDINGS

(WHEREUPON, at 6:00 p.m. o'clock, Monday April 7, 2025, at the Saint Charles City Hall Building, 200 North Second Street, Fourth Floor, Saint Charles, Missouri, and the following proceedings were held, to-wit: with the following persons being present.)

Richard Alferman, Chairman

Latonya Grotegeers

Marita Malone

John Morgan

Don Garrison, Alternate

John Boyer, Assistant Direct of Community Development

Madelyn Eversman, City Planner

Lara Berry, City Planner

AGENDA ITEM #1 – CLEMENT MANAGEMENT SERVICES

CASE NO. BOA-2025-04. ADDRESS: 3707 VETERANS MEMORIAL PARKWAY

MOTION WAS MADE BY LATONYA GROTEGEERS: I move to approve Three requests: 1) A request to decrease the minimum parking lot landscaping perimeter adjacent to a public right-of-way (to include plantings) from fifteen (15) feet to zero (0) feet as regulated in Section 400.700(J)(2)(a); 2.) A request to decrease the minimum parking lot landscaping perimeter not adjacent to a public right-of-way (to include plantings) from five (5) feet to zero (0) feet as regulated in Section 400.700(J)(3)(a); and 3.) A request to decrease the minimum front yard setback for parking in a required front yard from twenty-five (25) feet to six (6) feet as regulated in Section 400.220(D)(8)(a) of the City of St. Charles Code of Ordinances.

MOTION WAS SECONDED BY MARITA MALONE

ROLL-CALL VOTE 3 IN FAVOR 2 AGAINST: DENIED.

AGENDA ITEM #2

Administrative Item: Election of Chair, Vice-Chair, and Secretary for 2025

RICHARD ALFERMAN NOMINATED FOR CHAIRPERSON BY MARITA MALONE

NOMINATION WAS SECONDED BY: MARITA MALONE

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: GRANTED.

LATONYA GROTEGEERS NOMINATED FOR VICE CHAIR BY MARITA MALONE

NOMINATION WAS SECONDED BY: RICHARD ALFERMAN

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: GRANTED.

MAUREEN ROGERS-BOUXSEIN NOMINATED FOR SECRETARY BY RICHARD ALFERMAN

NOMINATION WAS SECONDED BY: JOHN MORGAN

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: GRANTED.

Meeting adjourned at 6:35 p.m.



**AGENDA ITEM #1**

**STAFF REPORT  
BOARD OF ADJUSTMENT  
CASE NO. BOA-2025-05  
3117 YALE BOULEVARD**

**MAY 5, 2025  
BY MADELYN EVERS MAN**

**GENERAL INFORMATION**

***Owner/Applicant:*** Ross Sherman  
3117 Yale Boulevard  
St. Charles, Missouri 63301

***Location:*** 3117 Yale Boulevard  
Ward 10

***Request:*** A request to decrease the minimum setback for a six (6) foot tall fence on a corner lot, within a required front yard on the side of a property not used as a principal entrance, from ten (10) feet to eight (8) feet as regulated in Section 400.550(A)(2)(a)(2)(d) of the City of St. Charles Code of Ordinances.

***Zoning:*** R-1E Single-Family Residential District

***Adjacent Zoning  
& Land Use:***

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	R-1E	Single-Family Dwellings
South	R-1E	Single-Family Dwellings
East	R-1E	Single-Family Dwellings
West	R-1E	Single-Family Dwellings

**ANALYSIS**

The subject property is approximately 12,500 square feet and is zoned R-1E Single-Family Residential District located at the southeast corner of the intersection of Yale Street and Huntington Forest Drive. The applicant is requesting a decrease in the minimum setback within a required front yard for a (6) foot tall fence on a corner lot, within a required front yard on the side of a property not used as a principal entrance, from ten (10) feet to eight (8) feet.

***Criteria for Granting a Variance:***

A variance is intended to provide relief to property owners who, due to their unique circumstances, would face practical difficulties or unnecessary hardship from the strict application of the zoning ordinance. However, while a variance can provide relief to a property owner and still protect the zoning ordinance from invalidation, variances are typically granted because of conditions or circumstances existing that are peculiar to the property or lot of record and not the result of the actions of the applicant.

Pursuant to §400.1080, the power to hear and decide variance cases regarding the requirements of Chapter 400 (Zoning Code) lies with the Board of Adjustment. The Board's decision is considered a quasi-judicial act; thus, the board shall consider the evidence submitted by staff, as well as the evidence presented by the applicant and make a finding with regard to the request for a variance. The decision of the Board is subject to appeal to the Circuit Court of St. Charles County.

In addition to the criteria established §400.1090(E & F), G of the same section provides additional policies that should be considered before a ruling on a variance. Therein, it establishes that (1) financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning; (2) the Board does not possess the power to grant a zoning variance permitting the use of land or buildings that is not included as a use in the district involved; (3) in granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of the chapter; and (4) the Board shall study the effects of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare.

According to §400.1090 (F), the following factors are relevant to determining whether strict application of the regulation would result in practical difficulties or unnecessary hardship:

- (1) ***Size of the variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five foot variance is substantial if the required setback is seven feet; it is not as substantial if the required setback is 100 feet.***

The request to decrease the minimum setback can be considered not substantial. The applicant is requesting a variance to decrease the required setback from ten (10) feet to eight (8) feet. This is a 20% decrease, which is considered not substantial as it is less than 25%.

- (2) ***Effect on government services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.***

No negative effects on government services have been documented via staff review.

- (3) ***Effect on neighbors or neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.***

Approval of the variance should not have negative impacts on adjacent properties. Fences of this nature on corner lots are fairly common and provide backyard privacy for the property owners. The proposed fence location is compliant with the thirty (30) foot sight distance triangle and should not block views from the intersection of Yale Street and Huntington Forest Drive. There is also a stop sign located at this intersection, further reducing the potential for any negative impact on the neighborhood.

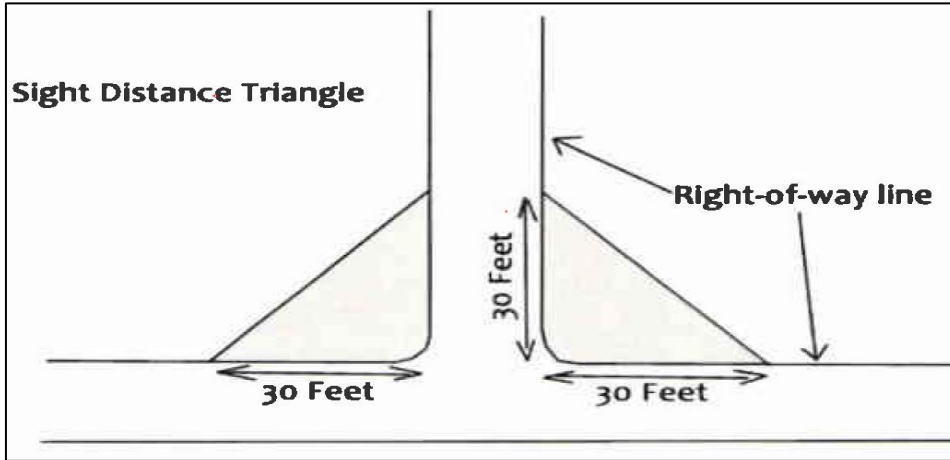


Figure 1: Sight Triangle.

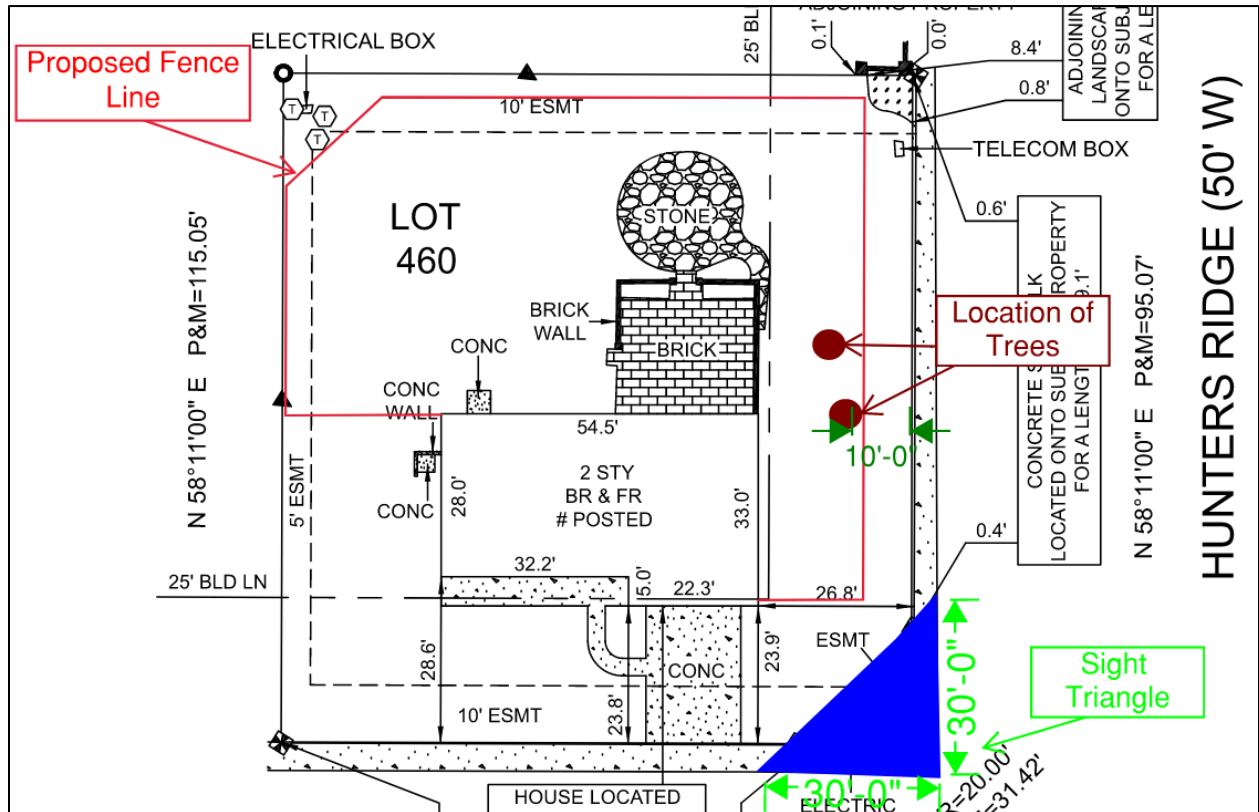


Figure 2: Sight triangle with proposed fence and location of existing trees.

**(4) *Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.***

City Code allows fences to be located within this area of a front yard as long as the spacing between the fence pickets are equal to or greater than the width of the pickets. The 10 foot setback is required in this instance because this fence is a privacy fence and does not have large enough spacing between the pickets.

Staff notes there are other options available to the applicant; 1) there is space on the property to move the fence to at least 10 feet off of the frontage as required by code or 2) change the style of fence to a non-privacy fence (change in picket spacing).

**(5) *Justice. The granting of a variance is a just action. The cause of the difficulty or the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty.***

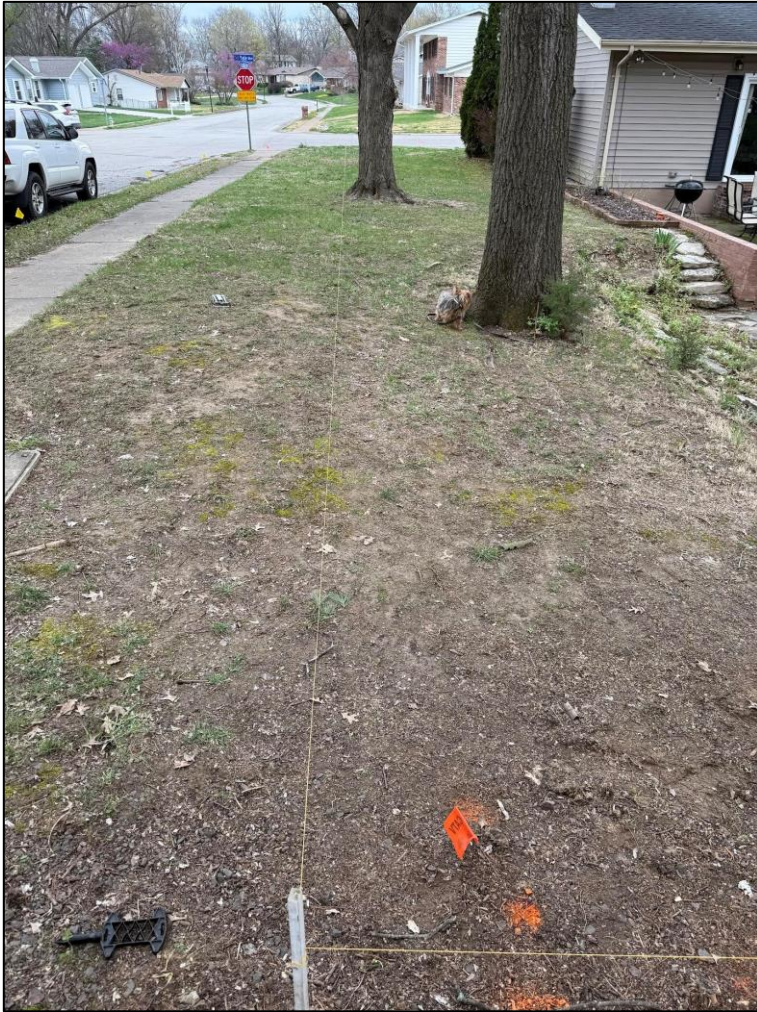
The fence is proposed within the front yard of a corner lot on the side that is not the principal entrance/frontage. While there is space on the property to move the fence inward off of the frontage and/or the applicant could change the style of fence to allow for additional picket spacing, reducing the fence setback as requested would not provide much of an impact.

The topography of the lot presents a hardship for the applicant. Two large trees are located along the 10-foot setback line. Staff conducted a site visit and confirmed that the setback line runs directly through the trees, leaving no space to place a fence between them. Adhering to the setback requirement would result in setting the fence back significantly farther, eliminating the applicant's ability to utilize an enclosed side yard. Additionally, the property line is located inside the sidewalk. If the variance is granted, the spirit and intent of the setback would still be maintained, as the fence would remain more than 10 feet from the right-of-way. Given this, Staff believes the approval of this request could be considered a just action.

**STAFF RECOMMENDATION**

After review of the request and all pertinent information, the Department of Community Development recommends that the request be **APPROVED** as submitted.





*Figure 4: Street view of proposed fence location.*



*Figure 5: Street view of proposed fence location.*

CASE # (assigned by Staff): \_\_\_\_\_



## DEPARTMENT OF COMMUNITY DEVELOPMENT

200 North Second Street, Suite 303  
Saint Charles, MO 63301  
636-949-3227  
FAX 636-949-3557

### APPLICATION FOR FILING AN APPEAL TO THE BOARD OF ADJUSTMENT

ADDRESS OF SUBJECT PROPERTY: 3117 Yale Blvd, Saint Charles MO 63301

**APPLICANT:**

Ross Sherman

(Name)

3117 Yale Blvd, Saint Charles MO 63301

(Address)

815-383-2095 ross.sherman.08@gmail.com

(Phone & Email Address)

**PROPERTY OWNER:**

Ross Sherman and Amanda Logan

(Name)

3117 Yale Blvd, Saint Charles MO 63301

(Address)

815-383-2095 ross.sherman.08@gmail.com / 314-766-2306 aelogann@gmail.com

(Phone & Email Address)

**REQUEST INFORMATION:**

**A LEGAL DESCRIPTION OF THE PROPERTY MUST BE ATTACHED (Digital Format Preferred)**

Existing Zoning & Use: Residential Property- single family home

Proposal: Requesting a reduction in setback from the side front yard of a corner lot. The code calls for a 10 ft setback. We are requesting for it to be adjusted to 8 ft.

Ordinance or Section number from which the variance is being requested: [Ord. No. 17-220, 10-17-2017]

The following are the criteria that the Board of Adjustment must consider when hearing an appeal to the zoning ordinance. Please address the following criteria in relation to your request:

1. Size of the Variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five-foot variance is substantial if the required setback is seven feet, it is not as substantial if the required setback is 100 feet.

Requesting a 2 ft variance.

The ordinance calls for a 10 ft setback. I am requesting an 8 ft setback.

2. Effect on Government Services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.

This will have no effect on government facilities.

3. Effect on the Neighbors or Neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.

This will have no affect on the neighbors and neighborhood.

4. Alternatives to a variance. The existence of a feasible alternative to the applicant=s proposal or other means of alleviating the hardship.

To adhere to the 10 ft setback, we would be required to remove a very large Hard Maple

Tree, aprox. 3ft diameter.

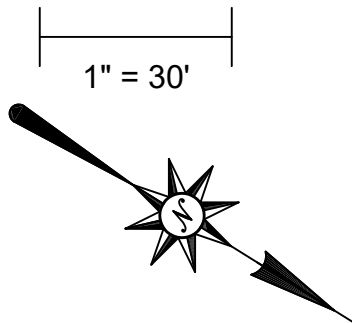
5. Justice. The granting of the variance is a just action. The cause of the difficulty - the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty:

With the 2 ft. variance, construction of the fence would be on level ground and unempeded  
by mature trees and the extreme slope of the property.

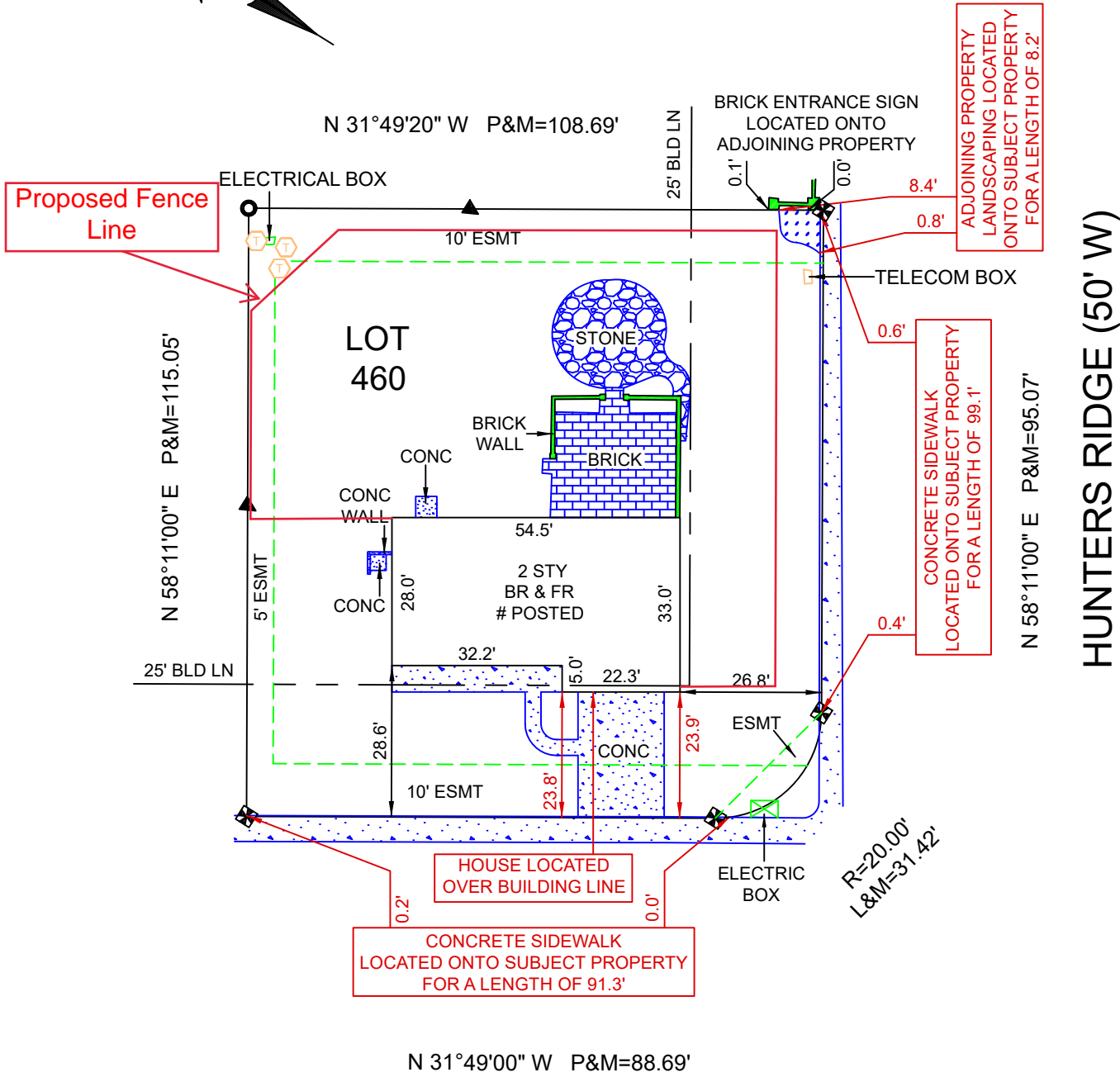


# BOUNDARY SURVEY

## LOT 460 OF HUNTMOOR ESTATES PLAT 4 PB 18 PG 7, ST CHARLES COUNTY, MO



- R RADIUS
- L PLATTED LENGTH
- P PLATTED DISTANCE
- M MEASURED DISTANCE
- ▲ SET POINT ON LINE
- ⊠ SET CROSS
- FOUND REBAR
- ⊕ TELECOM PEDESTAL



SHEET 1 OF 2

**Cardinal**  
Surveying & Mapping

PO BOX 278  
COTTLEVILLE, MO 63338  
PHONE: 636.922.1001  
Corp # 2005000229  
www.CardinalSurveying.com  
inbox@cardinalsurveying.com

JOB #2502053  
FB 777:4

FIELD WORK BY: ZSN/RSD

DRAWN BY: VAS/AMT

3117 YALE BLVD  
ST CHARLES, MO 63301

REVIEWED BY:  
WILLIAM JACOB CLARK  
LS# 2002014101

THIS IS TO CERTIFY THAT ON FEB 10, 2025 A REQUEST BY ROSS SHERMAN WAS MADE FOR A BOUNDARY SURVEY AND TO LOCATE THE IMPROVEMENTS ON THE ABOVE NAMED TRACT AND THAT THE RESULTS ARE, TO THE BEST OF MY KNOWLEDGE, CORRECTLY REPRESENTED HEREON.

STATE OF MISSOURI  
WILLIAM JACOB CLARK  
CLARK  
NUMBER  
PLS-2002014101  
2/24/2025  
PROFESSIONAL LAND SURVEYOR

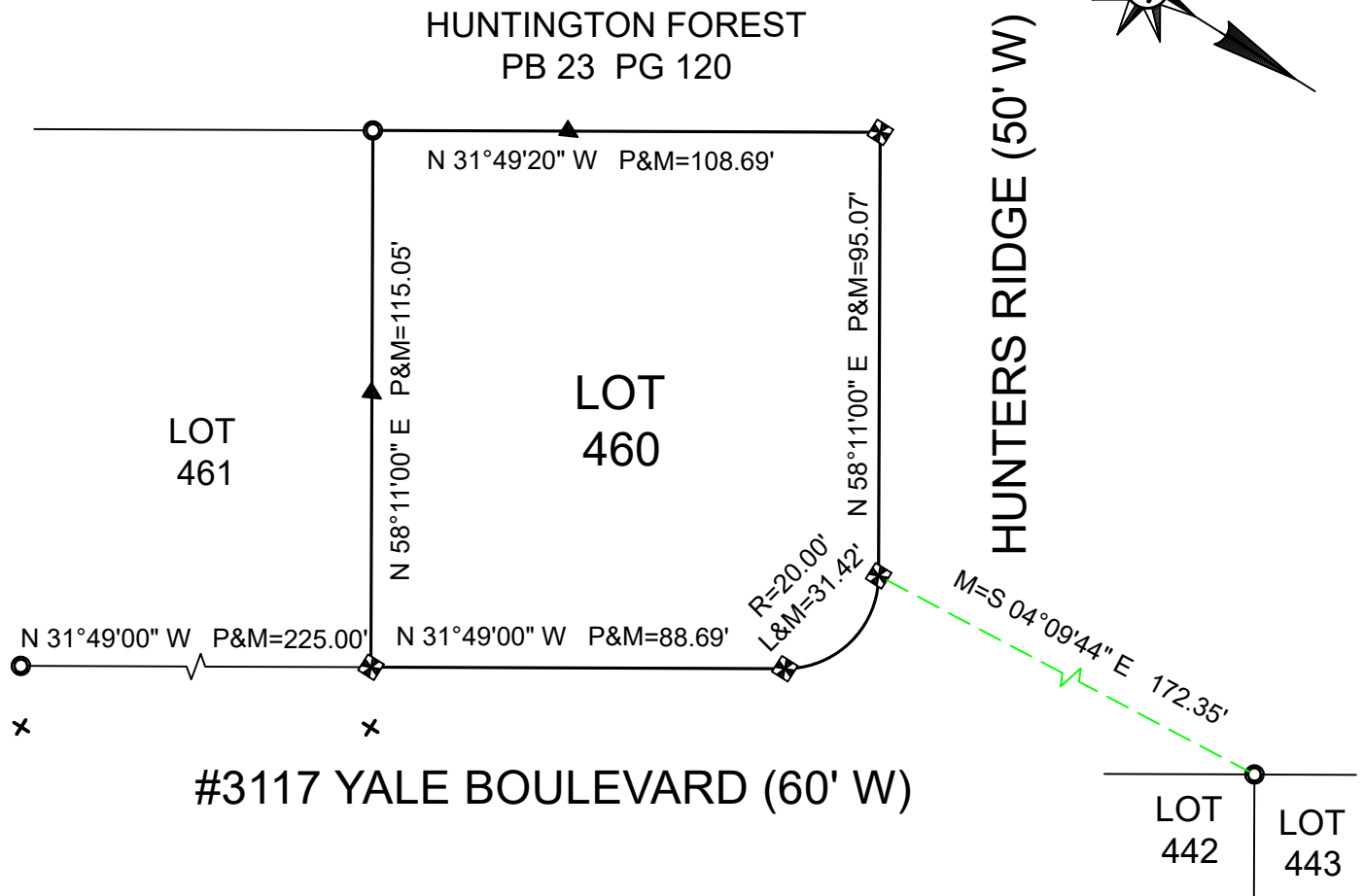
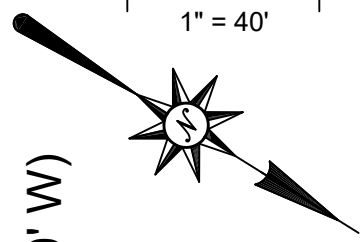
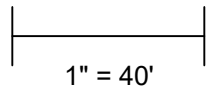
# BOUNDARY SURVEY

## LOT 460 OF HUNTMOOR ESTATES PLAT 4 PB 18 PG 7, ST CHARLES COUNTY, MO

**SURVEYORS NOTES:**

1. BASIS OF BEARING PER RECORD PLAT FOR THE SUBJECT PROPERTY.
2. SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
3. NO RESEARCH PERTAINING TO EASEMENTS WAS COMPLETED BY CARDINAL SURVEYING & MAPPING AND THE PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS. ITEMS LOCATED INTO EASEMENT AREAS MAY OR MAY NOT BE AT RISK. SEEK LEGAL ADVICE IF YOU HAVE QUESTIONS. THE EASEMENTS SHOWN ON THIS DRAWING ARE THOSE THAT ARE SHOWN GRAPHICALLY ON THE RECORD PLAT.
4. BUILDING LINES SHOWN ON THIS DRAWING ARE THOSE THAT ARE SHOWN GRAPHICALLY ON THE RECORD PLAT. SETBACK AND SIDEYARD REQUIREMENTS MAY EXIST ACCORDING TO CURRENT ORDINANCE AND ZONING STANDARDS AND ARE NOT SHOWN ON THIS DRAWING.
5. SURVEY COMPLETED TO URBAN PROPERTY BOUNDARY ACCURACY STANDARDS PER 20 CSR 2030-16.040 OF THE MISSOURI STATE STATUTES AND ACCURATELY REFLECTS ALL VISIBLE IMPROVEMENTS, INCLUDING FENCES, RECORDED EASEMENTS PER ABOVE REFERENCED TITLE COMMITMENT, AND EVIDENCE OF VISIBLE EASEMENTS LOCATED AT THE TIME OF SURVEY. AN ALTA WAS NOT PERFORMED AND UTILITY LOCATION HAS NOT BEEN DETERMINED.
6. OWNERSHIP OF THE IMPROVEMENTS AS SHOWN ON THIS DRAWING ARE THE OPINION OF THE SURVEYOR AT THE TIME THE SURVEY WAS EXECUTED AND HAS NOT BEEN VERIFIED TO ANY EXTENT, NOR IMPLIES ANY EXCLUSIVE OWNERSHIP.

- R RADIUS
- L PLATTED LENGTH
- P PLATTED DISTANCE
- M MEASURED DISTANCE
- ▲ SET POINT ON LINE
- ⊠ SET CROSS
- FOUND REBAR
- + FOUND CROSS 13'± OFFSET



SHEET 2 OF 2

**Cardinal**  
Surveying & Mapping

PO BOX 278  
COTTLEVILLE, MO 63338  
PHONE: 636.922.1001  
Corp # 2005000229  
www.CardinalSurveying.com  
inbox@cardinalsurveying.com

JOB #2502053  
FB 777:4

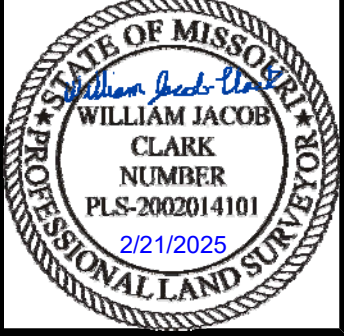
FIELD WORK BY: ZSN/RSD

DRAWN BY: VAS

3117 YALE BLVD  
ST CHARLES, MO 63301

REVIEWED BY:  
WILLIAM JACOB CLARK  
LS# 2002014101

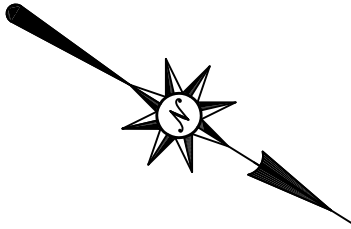
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FEB 10, 2025 A REQUEST BY ROSS  
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BOUNDARY SURVEY AND TO  
LOCATE THE IMPROVEMENTS ON  
THE ABOVE NAMED TRACT AND  
THAT THE RESULTS ARE, TO THE  
BEST OF MY KNOWLEDGE,  
CORRECTLY REPRESENTED  
HEREON.



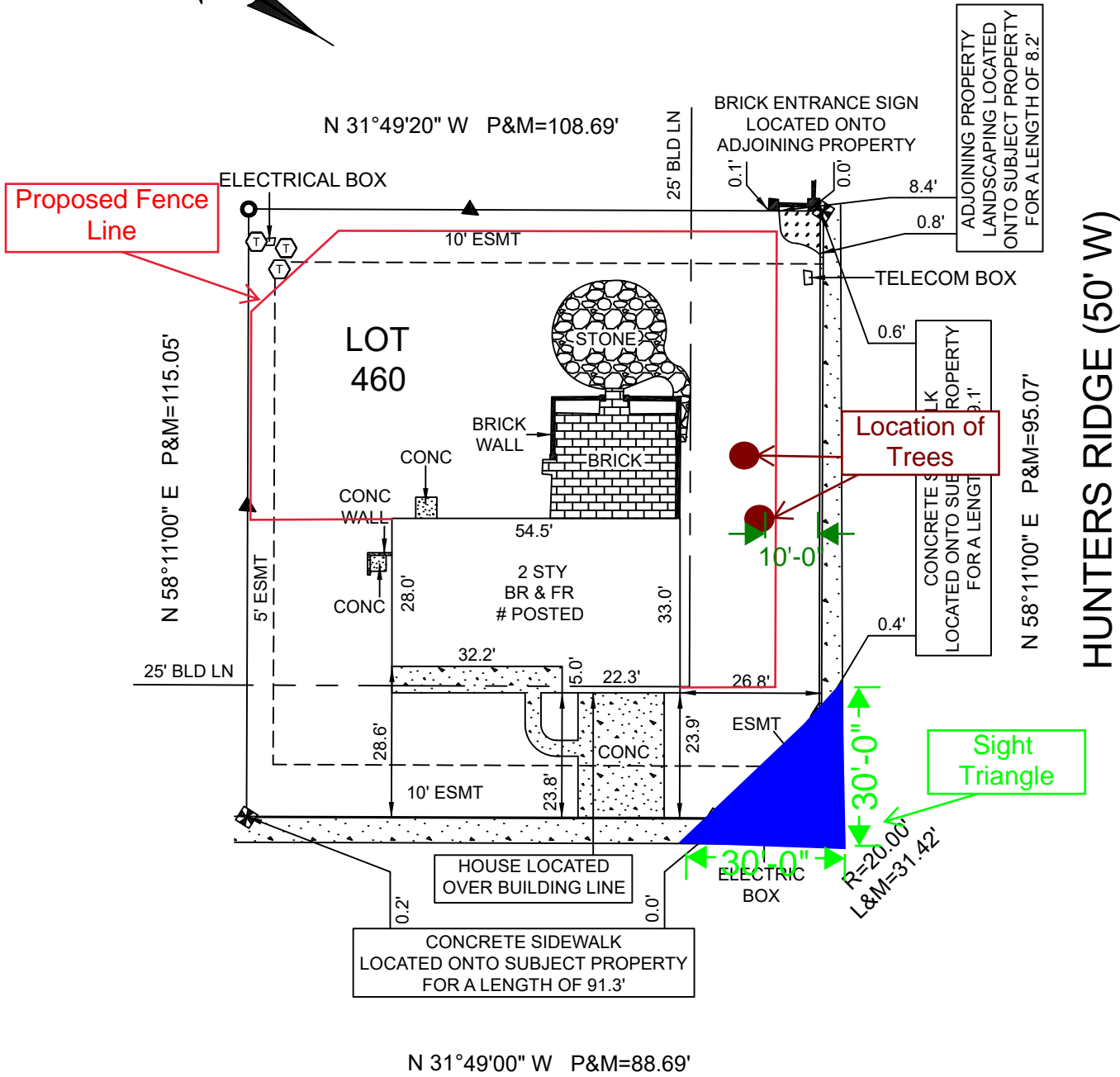
# BOUNDARY SURVEY

## LOT 460 OF HUNTMOOR ESTATES PLAT 4 PB 18 PG 7, ST CHARLES COUNTY, MO

1" = 30'



- R RADIUS
- L PLATTED LENGTH
- P PLATTED DISTANCE
- M MEASURED DISTANCE
- ▲ SET POINT ON LINE
- ⊠ SET CROSS
- FOUND REBAR
- Ⓣ TELECOM PEDESTAL



#3117 YALE BOULEVARD (60' W)