

## Case Summary

Case Number	08-2022				
Zoning District	R-3				
Project Address	342 Greenleaf Dr.				
Applicant Name	Joseph F. Davidson - dadoworks				
Property Owner	Josh & Caroline Fogle				
Article	VI	Section	25-46 & 25-47	Sub- Section	25-46(k)(2)(ii)(c) & 25-47(d)(2)
Variance Request	Secondary front yard setback for an addition to a single family residence				
Required	27.46' existing non-conforming; (27.72' = 20% of lot width)				
Proposed	20.98'				
Variance Requested	6.48'				

History of address: N/A

Summary Approved by: CEV



# Board of Adjustment Variance Application

139 S. Kirkwood Rd. Kirkwood, MO 63122

**\*An appointment with staff is required** prior to the submittal of a variance application to assist in preparing your submittal information. Please contact Christie Voelker, Planner I at 314-822-5899 to schedule an appointment.

**Action Requested:**

**Variance of Zoning Code**

**\$240** non-refundable filing fee for additions/alterations to existing single-family structures and for accessory structures such as shed, garages, and swimming pools

**\$500** non-refundable filing fee for all others not listed above,

**\$50** fee for each additional variance request on the same application.

**Variance of Fence Code- \$200** non-refundable filing fee (per Code §5-45(c))

**Appeal the decision of the Building Commissioner - \$240** non-refundable filing fee

**Appeal the interpretation of the Zoning Code - \$500** non-refundable filing fee

**Project Address** 342 Greenleaf Drive

**Type of Work:**  New Construction  Addition  Other \_\_\_\_\_

**Type of Structure:**  Single-family  Multi-family  Commercial  Accessory  
 Other \_\_\_\_\_

Has a previous variance application been filed on these premises within the last three (3) years?  
 Yes  No \*If yes, provide available information that may affect this application.

**I hereby certify that all the information provided, including that contained in any supporting documents submitted, is true and accurate to the best of my knowledge and belief.**

**Applicant Information:**  Property Owner  Occupant  Contractor  Architect  Other \_\_\_\_\_

Name Joseph F. Davidson (dadoworks) Phone 314-623-5195

Address 3459 Arsenal Street

City/State/Zip Saint Louis, MO 63118 E-mail jddavidson@dadoworks.com

Applicants Signature [Signature] Date 3/10/2022

**Property Owner Information** (if different from above):

Name Josh & Caroline Fogle Phone 504-296-9767

Address 342 Greenleaf Drive

City/State/Zip Kirkwood, MO 63122 E-mail razorf15@gmail.com

Owner's Signature [Signature] Date 10 March 2022

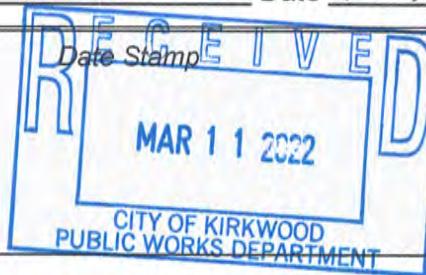
City Use Only

Meeting Date: April 11, 2022

Case #: 8-2022

Zoning District: R-3

Received by: AGL



CITY'S EXHIBIT NO. 1



3459 arsenal street | saint louis, mo 63118



**| Kirkwood Board of Adjustment - Variance Application Cover Letter |**  
**| 342 Greenleaf Drive, Kirkwood |**

To Whom it may concern:

On behalf of the homeowners Josh and Carrie Fogle, dadoworks is respectfully requesting a variance to the front yard setback on Longview Blvd, as required by the "R-3" Single Family Residential Zoning District. Due to the shape of the lot and the unique frontage on Greenleaf Dr and Longview Blvd, adhering to the setback requirement creates a hardship and practical difficulty, depriving the owner of reasonable use and modest expansion of their home and property.

**Project Description:**

The owner intends to demolish the existing 1.5-car attached garage and family room, and construct a new 2-car attached garage and enlarged family room.

The existing home is modest in size. The family room is small by today's standards, doesn't function well or meet the needs of the family's size and use. The proposed construction is reasonably sized and in keeping with the character of the neighborhood. We have pursued alternate designs to meet the architectural program that do not encroach on the Longview setback, but have found no viable solution.

**Setback Description & Variance Request:**

We are seeking a Variance from the 27.46' existing non-conforming front yard setback at Longview Blvd to allow for a 20.98' setback (6.48' Variance request).

We have worked closely with the City of Kirkwood Planning and Zoning Department to accurately determine the required setback and the variance request. Variance request is made from the "Existing non-conforming Setback", not from the "Required Setback".

Our Variance request is limited to the proposed addition footprint location and size. Architectural details (roof line and window location) may vary some as the design develops.

**Hardship and Practical Description:**

- Typical residential lots in this Zoning district are proportionally deeper front to back than side to side, and the setbacks placed on this district are generally well suited for a standard sized lot. While technically a corner lot with two front yards, the secondary frontage for 342 Greenleaf is at the rear of the house. Due to the shape of the lot and the unique frontage on Greenleaf Dr and Longview Blvd, we feel that an undue hardship exists.
- The variance request is not substantial. The proposed site coverage is significantly less than what is allowed by zoning code. The setbacks and the utility easement significantly constrain expansion and building on this lot.
- We have pursued alternate designs and site configurations to avoid requesting this variance, but have found no viable solution. Due to the site constraints, specifically the utility easement and the location of the existing home and driveway, the only logical place to expand the Family room is in its current location. Strict interpretation of the setback would deprive the homeowner of the right to expand their modest home, a right that is enjoyed by other property owners in the R-3 district.

- The essential character of neighborhood would not be substantially altered, and the adjoining properties would not suffer any foreseeable detriment as result of the variance.

We believe that the variance process is in place to allow flexibility for properties with a practical difficulty meeting the zoning code, due to a particular hardship or special condition of the property. We ask the Board to please consider the merits of this variance request, on behalf of an established and happy homeowner who wishes to expand their modest house to meet the spatial needs of their family.

Sincerely,

Joe Davidson, NCARB

**dadoworks, llc**

Missouri License # A-2017014080

Certificate of Authority # 2014005839



WHERE COMMUNITY AND SPIRIT MEET®

March 16, 2022

Joseph F. Davidson  
3459 Arsenal Street  
St. Louis, MO 63118

Sent via email to: [jdavidson@dadoworks.com](mailto:jdavidson@dadoworks.com)

RE: Variance Request  
Case No. 8-2022  
342 Greenleaf Drive  
Zoning District R-3

Dear Mr. Davidson:

Your variance request from the Kirkwood Board of Adjustment has been set for Public Hearing on April 11, 2022, at 7:00 p.m. **This meeting will be in person at Kirkwood City Hall.** The Board of Adjustment is a duly constituted body with certain powers to grant a variance, which will permit a deviation from fixed standards, when the applicant can demonstrate to the Board that the standards set forth below will result in a practical difficulty. These powers are set forth in Article II, Section 25-24 of the Zoning and Subdivision Code of the City of Kirkwood; please refer to that section for any further information as to the powers of the Board as they apply to your variance.

You or your representative shall, at the time and place above, present all evidence that may have a bearing upon this case and that you believe to be relevant. This may include oral testimony under oath as well as the introduction of any documents or other records that you believe to be related to the proceedings. The burden of proof lies with the applicant. All proceedings before the Board are formal in that all testimony is under oath and a court reporter will make a verbatim transcript of all matters that are presented before the Board.

Article VI, Section 25-46, Sub-section 25-46(k)(2)(ii)(c) of the Zoning and Subdivision Code requires a secondary front yard setback of 20% of the lot width in the R-3 district, or 27.72' in this instance. Article VI, Section 25-47, Sub-section 25-47(d)(2) further provides that for a structure that was legally constructed in a residential zoning district that contains a front yard setback that is not in conformance with the Zoning and Subdivision Code, the existing front yard setback shall be considered as the setback of the subject property for the purpose of additions, alterations, and expansions. Your existing non-conforming secondary front yard setback is 27.46'. You propose an addition to a single-family residence with a secondary front yard setback of 20.98'. This is 6.48' closer to the secondary front yard property line than the Zoning and Subdivision Code

allows.

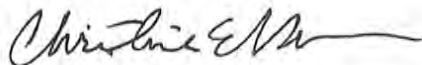
Article II, Section 25-24(c)(1) of the Zoning and Subdivision Code allows the Board of Adjustment to consider the following factors to determine whether a practical difficulty exists that would justify approval of an area or dimensional variance:

- (i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions;
- (ii) Whether the variance is not substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (iii) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (iv) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- (v) Whether the property owner's request can be obviated through some method other than a variance;
- (vi) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (vii) Whether a strict interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

I have attached the agenda for the meeting. Please contact me if you have any questions with regard to this matter before the public hearing.

Sincerely,

CITY OF KIRKWOOD



Christie Voelker  
Planner I

Encl. Meeting Agenda

# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Brandon Crail** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **March 23, 2022** edition and ending with the **March 23, 2022** edition, for a total of 1 publications:

03/23/2022

## NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

### CITY OF KIRKWOOD, MISSOURI

The Board of Adjustment of the City of Kirkwood will hold a Public Hearing in the City Hall Council Chambers, 139 S. Kirkwood Road, on April 11, 2022, at 7:00 P.M. to consider the following:

#### New Business

Case No. 8-2022 - 342 Greenleaf Dr. - front yard setback variance for addition to single-family residence.

Case No. 9-2022 - 433 E Essex Ave. - fence height variance.

Such hearing may be adjourned from time to time until completed.

Questions may be directed to Christie Voelker at 314-822-5899 or voelkece@kirkwoodmo.org.

BY ORDER OF: Joe Roeser, Secretary - Board of Adjustment Kirkwood, Missouri, March 23, 2022. The City of Kirkwood is interested in effective communication for all persons.

Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802. 12100962 County Mar. 23, 2022

Brandon Crail

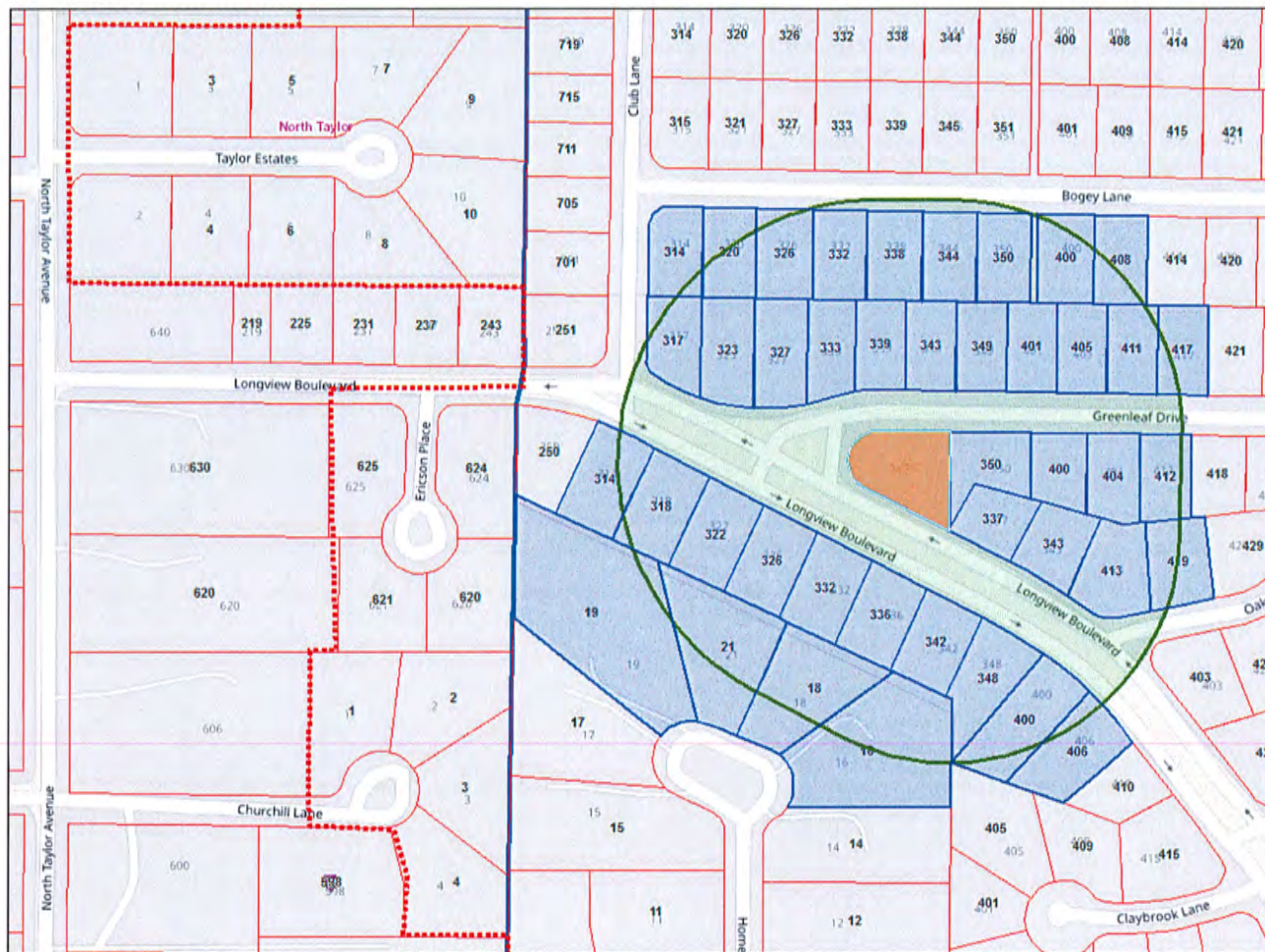
Subscribed & sworn before me this 23rd day of Mar, 2022  
(SEAL)

Notary Public

CHANEL JONES  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: August 08, 2022  
Commission Number: 14397721

CITY'S EXHIBIT NO. 4

### City of Kirkwood Basemap



3/23/2022 9:54:24 AM

- Parcels
- Local Register
- Landmarks
- Districts
- National Register

CITY'S EXHIBIT NO. 5



HOFFMAN ALAN B & JEAN A T/...  
406 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

KRONE RANDALL L CYNTHIA A  
419 OAKCRAFT DR  
SAINT LOUIS, MO 63122

PEPIN RAYMOND E ANN E H/...  
350 GREENLEAF DR  
SAINT LOUIS, MO 63122

CHILDRESS MARGARET W T...  
16 HOMEWOOD LN  
SAINT LOUIS, MO 63122

ASSESSOR INFORMATION WIT...  
326 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

FOGLE JOSH & CAROLINE T/E  
342 GREENLEAF DR  
SAINT LOUIS, MO 63122

DUNCAN ELLEN H  
400 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

LECHNER MATTHEW O & STEP...  
343 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

HARTMANN JOHN C & DEBORA...  
314 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

MCDOUGALL JOHN H  
18 HOMEWOOD LN  
SAINT LOUIS, MO 63122

JONES PATRICIA LENZ REVOC...  
19 HOMEWOOD DR  
SAINT LOUIS, MO 63122

GRIGG ANN S MARITAL TRUST ...  
417 GREENLEAF DR  
SAINT LOUIS, MO 63122

YOUNGMAN GAIL A  
348 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

FRANCOIS JOSEPH L & SARAH ...  
337 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

KRATOFIL ZACHARY P ETAL J/T  
411 GREENLEAF DR  
SAINT LOUIS, MO 63122

WESTABY CHRISTOPHER & MC...  
342 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

HENDRICKSON ADAM T & ELIZ...  
322 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

MCGOWN LUKE ET AL J/T  
405 GREENLEAF DR  
SAINT LOUIS, MO 63122

KUCHY ADAM & LAURIE E H/W  
336 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

LAVENTURE JOSEPH M  
318 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

HUGHES RICHARD P LAURA B ...  
401 GREENLEAF DR  
SAINT LOUIS, MO 63122

JONES JENNIFER T & FOX RIC...  
21 HOMEWOOD LN  
SAINT LOUIS, MO 63122

CLEMONS EDGAR DALE & MAR...  
412 GREENLEAF DR  
SAINT LOUIS, MO 63122

WEBER ANNE  
349 GREENLEAF DR  
SAINT LOUIS, MO 63122

MOORE MARY GRACE  
332 LONGVIEW BLVD  
SAINT LOUIS, MO 63122

DOHERTY MICHAEL J MAUREE...  
404 GREENLEAF DR  
SAINT LOUIS, MO 63122

SIMS THOMAS J & NANCY A H/...  
343 GREENLEAF DR  
SAINT LOUIS, MO 63122

SHAPIRO KYLE P ET AL  
413 OAKCRAFT DR  
SAINT LOUIS, MO 63122

HOLMES ELIZABETH B REVOC...  
1220 LAY RD  
SAINT LOUIS, MO 63124

WOTAWA JUSTIN ET AL J/T  
339 GREENLEAF DR  
SAINT LOUIS, MO 63122

RASTBERGER ROBERT M & FL...  
333 GREENLEAF DR  
SAINT LOUIS, MO 63122

GROSS MATTHEW C & ASHLEY ...  
326 BOGEY LN  
SAINT LOUIS, MO 63122

LOIDA DAVID W & MARY E H/W  
327 GREENLEAF DR  
SAINT LOUIS, MO 63122

HERZOG ALAN & ERIN T/E  
320 BOGEY LN  
SAINT LOUIS, MO 63122

BADER VICTORIA L  
827 MALLARD WOODS DR  
BALLWIN, MO 63021

FOX CHRIS & MELISSA H/W  
314 BOGEY LN  
SAINT LOUIS, MO 63122

FRIEDLAND MARK & GAMBLE G...  
420 S KIRKWOOD RD  
SAINT LOUIS, MO 63122

MALEC JOSEPH R SUZANNE F ...  
408 BOGEY LN  
SAINT LOUIS, MO 63122

OGARA JULIE  
400 BOGEY LN  
SAINT LOUIS, MO 63122

WICKERSHAM MARK L & RENE...  
350 BOGEY LN  
SAINT LOUIS, MO 63122

SMILEY MICHAEL & LINDSEY T/...  
344 BOGEY LN  
SAINT LOUIS, MO 63122

BRYAN WILLIAM H & BELL KIMB...  
338 BOGEY LN  
SAINT LOUIS, MO 63122

RENZ LIVING TRUST THE  
332 BOGEY LN  
SAINT LOUIS, MO 63122

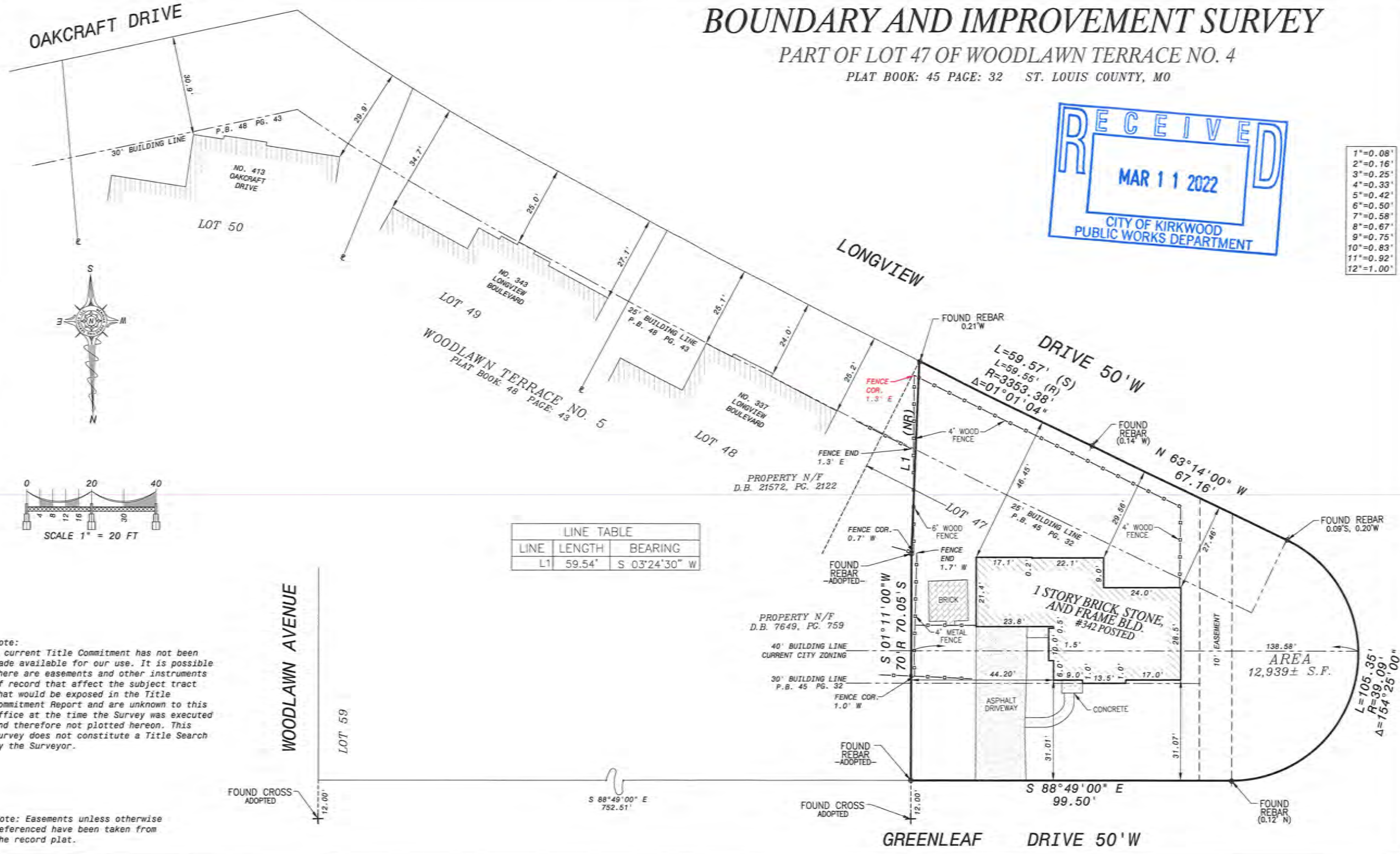
# BOUNDARY AND IMPROVEMENT SURVEY

PART OF LOT 47 OF WOODLAWN TERRACE NO. 4

PLAT BOOK: 45 PAGE: 32 ST. LOUIS COUNTY, MO



1"=0.08'
2"=0.16'
3"=0.25'
4"=0.33'
5"=0.42'
6"=0.50'
7"=0.58'
8"=0.67'
9"=0.75'
10"=0.83'
11"=0.92'
12"=1.00'



Note:  
A current Title Commitment has not been made available for our use. It is possible there are easements and other instruments of record that affect the subject tract that would be exposed in the Title Commitment Report and are unknown to this office at the time the Survey was executed and therefore not plotted hereon. This Survey does not constitute a Title Search by the Surveyor.

Note: Easements unless otherwise referenced have been taken from the record plat.

<b>SOURCE OF RECORD DESCRIPTION:</b> OLD REPUBLIC NATIONAL TITLE COMPANY, COMMITMENT NO.: 16-202894-DDP, EFFECTIVE DATE: 05/31/2016 AT 08:00 AM	<b>GENERAL NOTES:</b> I.P. = IRON PIPE I.R. = IRON ROD (R) = RECORD (S) = SURVEYED (NR) = NON-RADIAL
<b>BASIS OF BEARING OR ANGLES:</b> WOODLAWN TERRACE NO. 4 PLAT BOOK: 45 PAGE: 32	

**SURVEYOR'S STATEMENT:**  
 THIS IS TO CERTIFY TO JOSH & CAROLINE FOGLE, THAT AT YOUR REQUEST, MERIDIAN SURVEYING SERVICES LLC., HAS DURING THE MONTH OF JANUARY, 2022, EXECUTED A RESURVEY OF PART OF LOT 47 OF WOODLAWN TERRACE NO. 4, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGE 32 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, TOGETHER WITH THE LOCATION OF IMPROVEMENTS THEREON, IMPROVEMENT OWNERSHIP IS BASED OFF OF FIELD OBSERVATIONS THAT HAVE NOT BEEN VERIFIED WITH PROPERTY OWNER(S), THE FENCE OWNERSHIP IS NOT IDENTIFIED, FENCE HEIGHTS INDICATED ARE APPROXIMATE, UNLESS OTHERWISE INDICATED, FENCES INTERSECTING PROPERTY LINE(S) ARE CONNECTIVE IN NATURE, AND THAT THE RESULTS OF SAID RESURVEY ARE SHOWN ON THE ABOVE PLAT. THIS RESURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR AN URBAN CLASS PROPERTY. PRIOR TO ANY CONSTRUCTION, THE ZONING AUTHORITY SHOULD BE CONSULTED TO VERIFY CURRENT RESTRICTIONS. CERTIFICATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY AND THOSE NOTED ABOVE. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTES, AGENCIES, PARTIES, OR SUBSEQUENT OWNERS.

REV. DATE: 02/28/2022

Meridian Surveying Services LLC (agent)

(agent) Lee C. Ferrenbach III  
General Manager

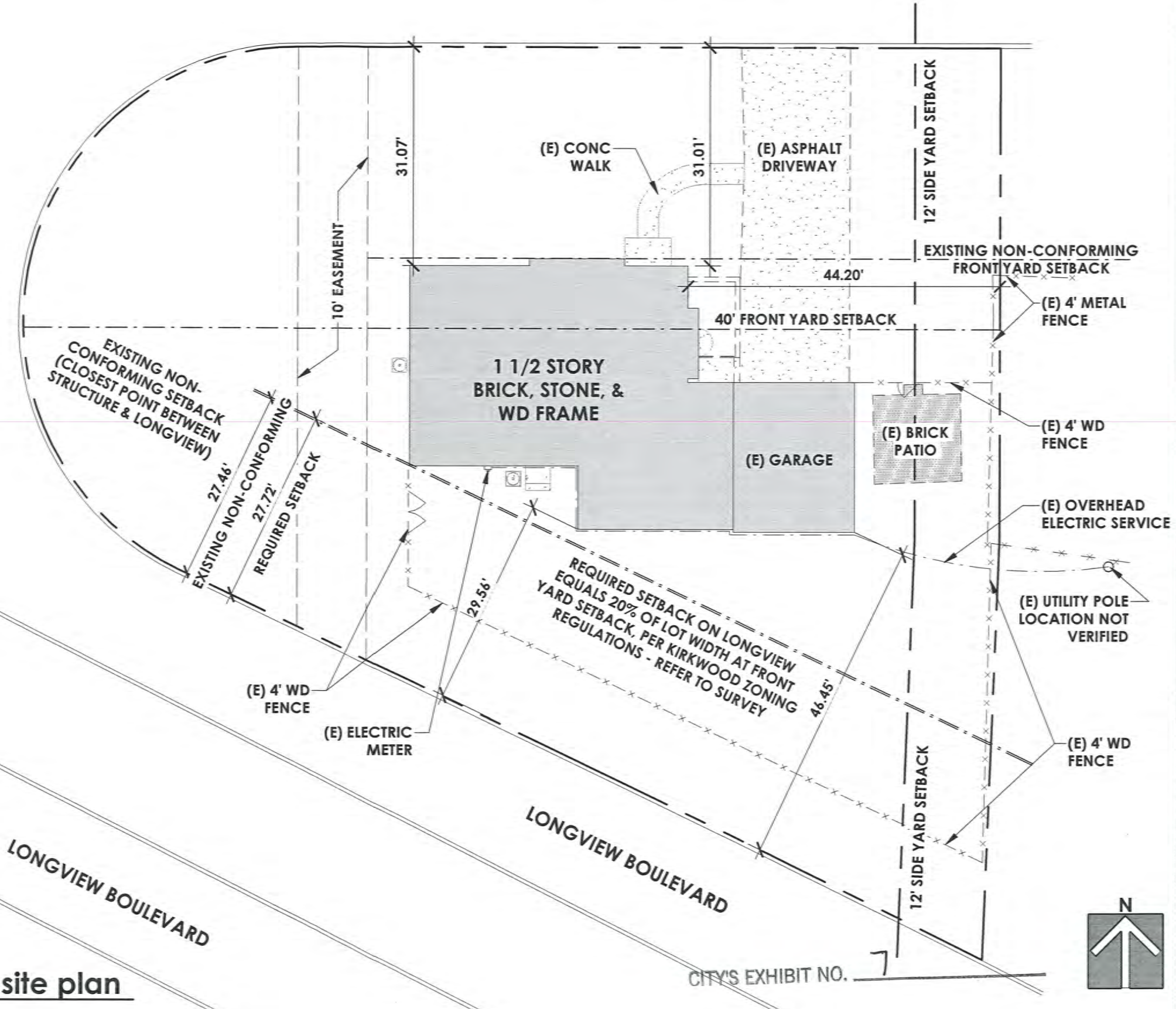
**MERIDIAN LAND SURVEYING**  
 21 POINT WEST BLVD, ST. CHARLES, MO 63301  
 PHONE: 636-939-2900  
 FAX: 636-946-9099  
 WWW.MERIDIANLANDSURVEYING.COM  
 © 2022 MERIDIAN SURVEYING SERVICES, LLC  
 CORPORATE LICENSE NO. 2010021844

DRAFTER: AJ	REVIEWER: LCF
FIELD CREW: MWH/AJS	DATE: 01/24/2022
DRAWING NO: 01	PROJECT NO: 58642R

SHEET  
1  
OF 1

**LOT SIZE: 12,939 SQ.FT.**  
**EXISTING IMPERVIOUS AREA:**  
1,794 SQ.FT. BUILDING  
+ 1,011 SQ.FT. HARDSCAPE  
= 2,805 SQ.FT.

GREENLEAF DRIVE



**dado works**  
design architecture development other

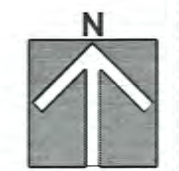
3459 arsenal street | saint louis mo, 63118  
314.776.7595 | fax: 314.776.6244  
www.dadoworks.com | studio@dadoworks.com  
dadoworks, llc | C.O.A. #2014005839  
stamp:



joseph f. davidson A-2017014080

**1 existing site plan**  
1/16" = 1'-0"

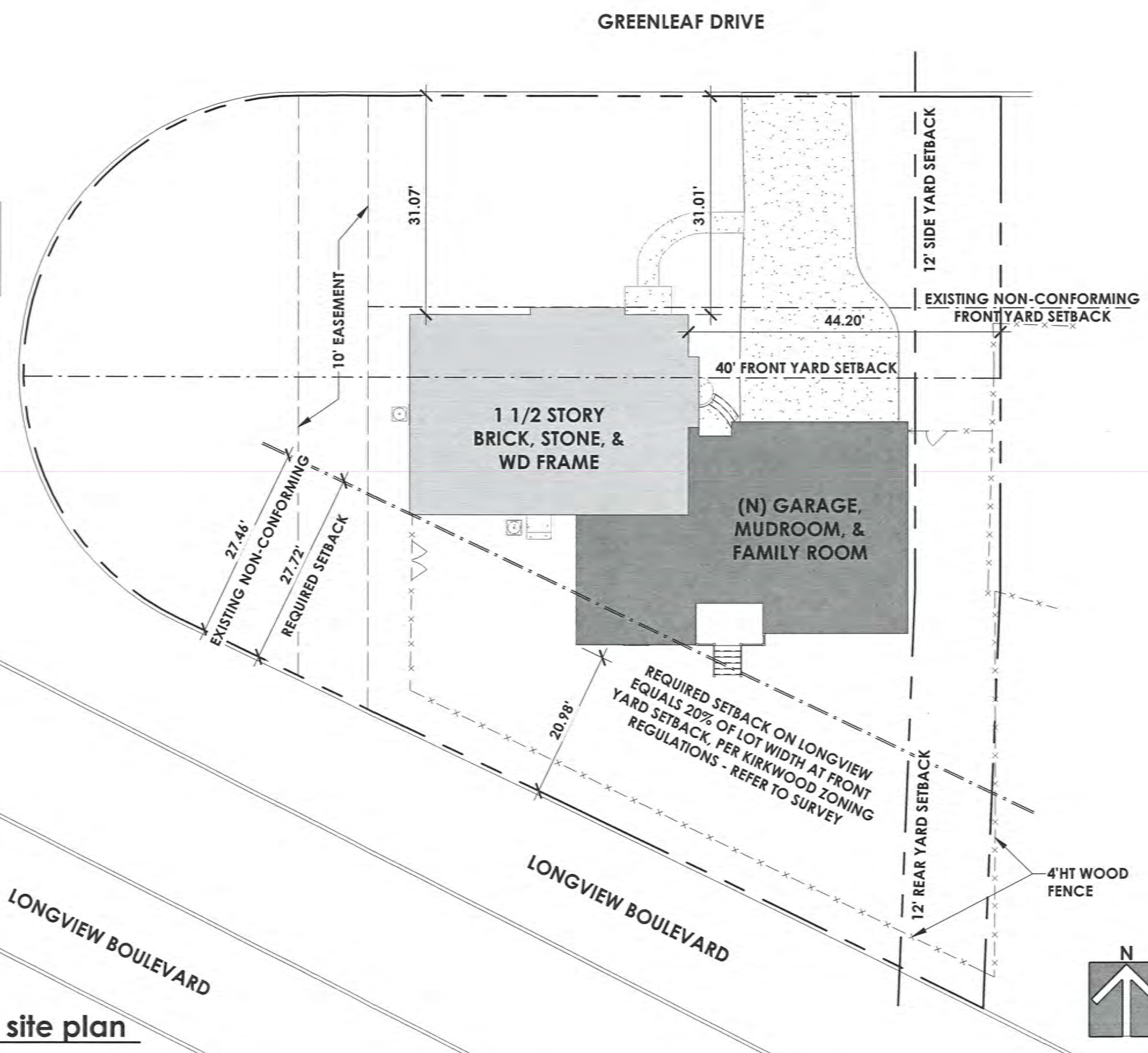
CITY'S EXHIBIT NO. 7



**LOT SIZE: 12,939 SQ.FT.**

**EXISTING IMPERVIOUS AREA:**  
1,794 SQ.FT. BUILDING  
+ 1,011 SQ.FT. HARDSCAPE  
= 2,805 SQ.FT.

**PROPOSED IMPERVIOUS AREA:**  
2,391 SQ.FT. BUILDING  
+ 955 SQ.FT. HARDSCAPE  
= 3,346 SQ.FT.  
(NET INCREASE OF 541 SQ.FT.)



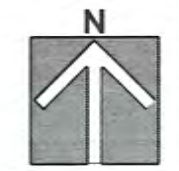
**dado works**  
design architecture development other

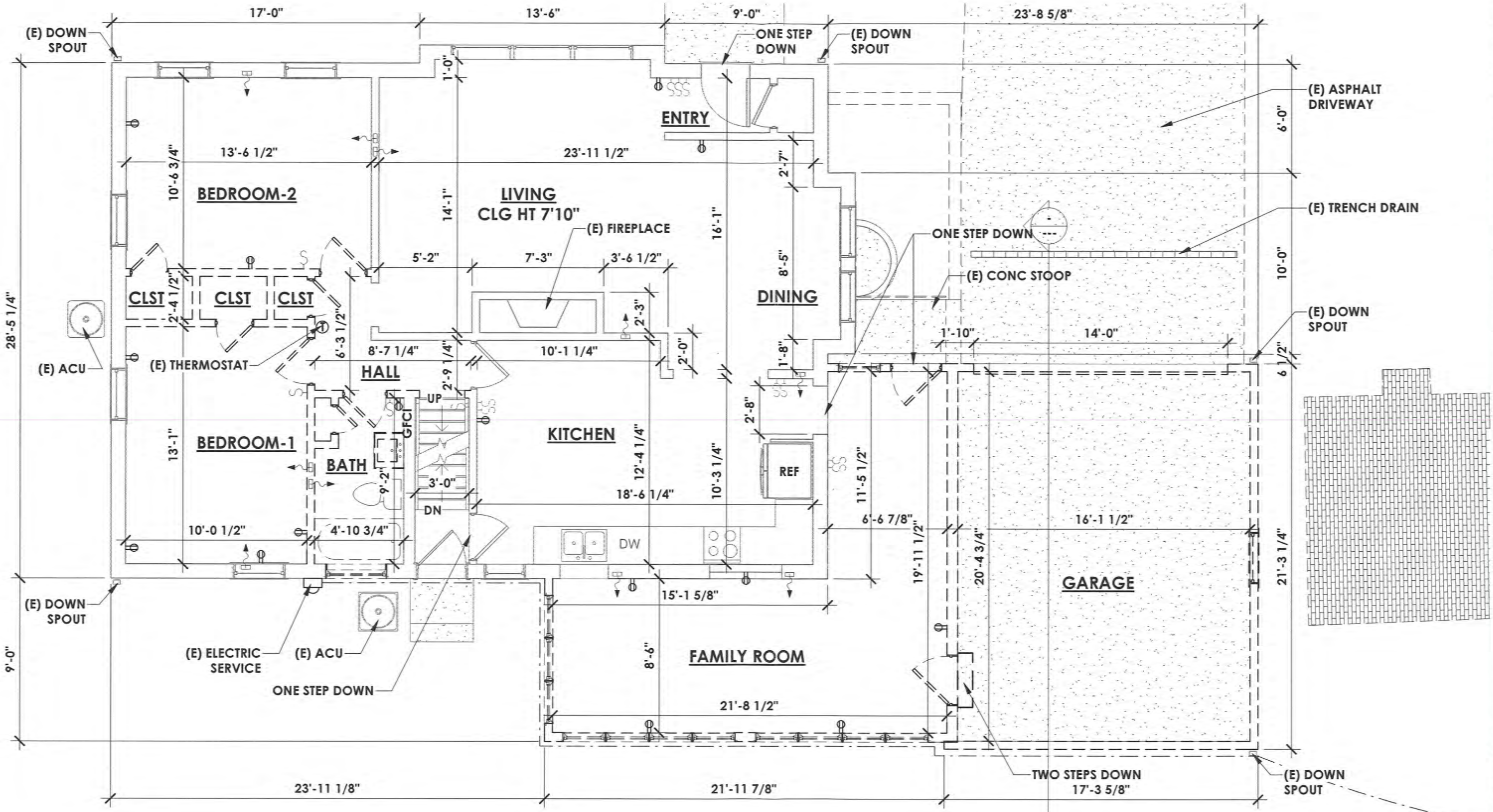
3459 arsenal street | saint louis mo, 63118  
314.776.7595 | fax: 314.776.6244  
www.dadoworks.com | studio@dadoworks.com  
dadoworks, llc | C.O.A. #2014005839  
stamp:



joseph f. davidson A-2017014080

**1 | proposed site plan**  
1/16" = 1'-0"

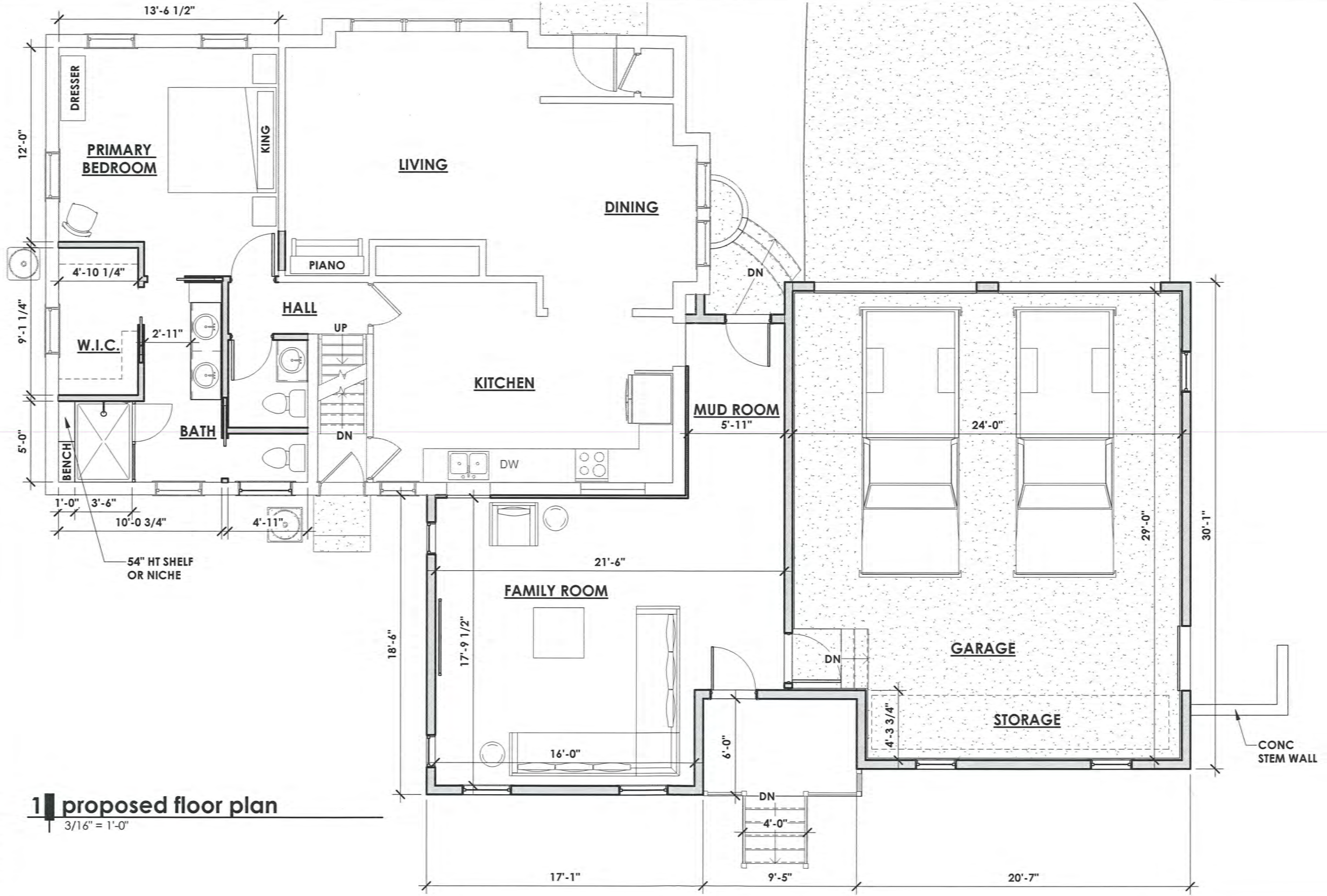




**1** e.c./demo floor plan

3/16" = 1'-0"

3/8/2022 1:53:34 PM

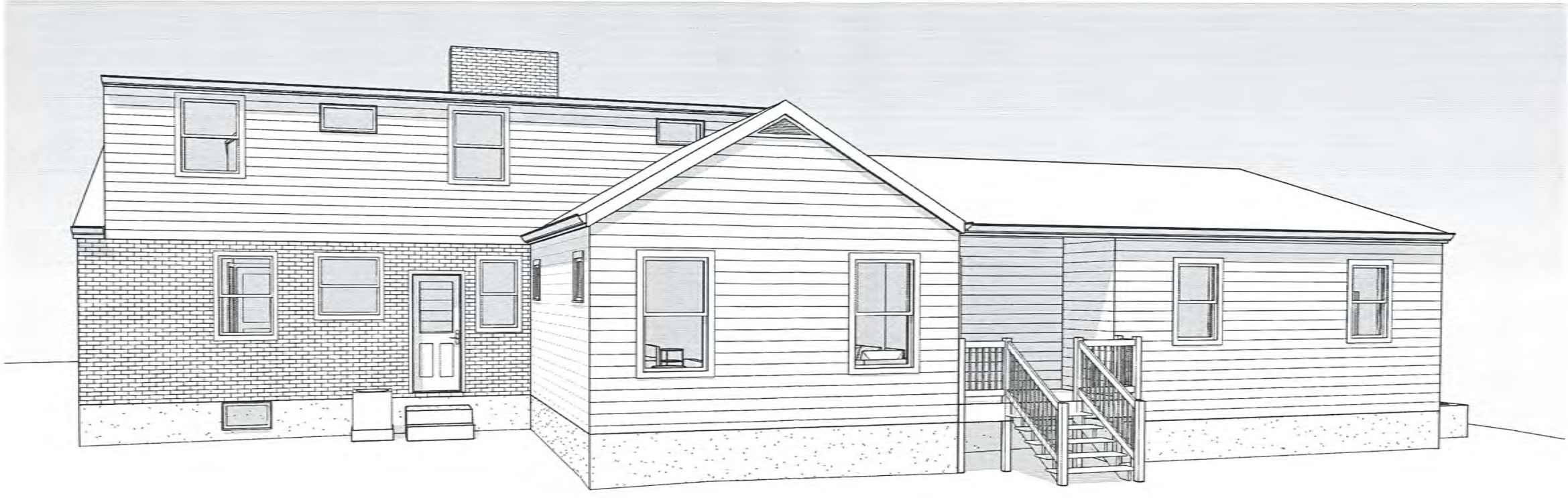


**1** proposed floor plan  
 3/16" = 1'-0"

3/8/2022 1:53:42 PM







**FOGLE RESIDENCE**  
342 GREENLEAF DR., KIRKWOOD, MO 63122  
03/08/2022 DW #2160

**dado works**  
design architecture development other



RECEIVED  
MAR 11 2022  
CITY OF KIRKWOOD  
PUBLIC WORKS DEPARTMENT

## Case Summary

Case Number	09-2022				
Zoning District	R-3				
Project Address	433 E Essex Ave				
Applicant Name	Steven Hromadka				
Property Owner	Steven Hromadka				
Article	IV Fence	Section	5-39	Sub-Section	5-39(b)
Variance Request	Fence Height				
Required	6'				
Proposed	7'				
Variance	1'				

History of address: N/A

Summary Approved by: CEV



# Board of Adjustment Variance Application

139 S. Kirkwood Rd. Kirkwood, MO 63122

**\*An appointment with staff is required** prior to the submittal of a variance application to assist in preparing your submittal information. Please contact Amy Lowry, Planner II at 314-822-5815 to schedule an appointment.

### Action Requested:

**Variance of Zoning Code**

- \$240 non-refundable filing fee for additions/alterations to existing single-family structures and for accessory structures such as shed, garages, and swimming pools
- \$500 non-refundable filing fee for all others not listed above,
- \$50 fee for each additional variance request on the same application.

**Variance of Fence Code- \$200** non-refundable filing fee (per Code §5-45(c))

- Appeal the decision of the Building Commissioner - \$240** non-refundable filing fee
- Appeal the interpretation of the Zoning Code - \$500** non-refundable filing fee

Project Address 433 S Essex Ave, St. Louis, MO 63122

Type of Work:  New Construction  Addition  Other Fence

Type of Structure:  Single-family  Multi-family  Commercial  Accessory  
 Other \_\_\_\_\_

Has a previous variance application been filed on these premises within the last three (3) years?  
 Yes  No \*If yes, provide available information that may affect this application.

**I hereby certify that all the information provided, including that contained in any supporting documents submitted, is true and accurate to the best of my knowledge and belief.**

Applicant Information:  Property Owner  Occupant  Contractor  Architect  Other \_\_\_\_\_

Name Steven Hromodka Phone 314.249.8038

Address 433 S Essex Ave

City/State/Zip St. Louis, MO 63122 E-mail shromodka31@yahoo.com

Applicants Signature [Signature] Date 3-14-22

**Property Owner Information (if different from above):**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_ E-mail \_\_\_\_\_

*City Use Only*

Meeting Date: April 11, 2022  
Case #: 9-2022  
Zoning District: R-3  
Received by: CEV



**CITY'S EXHIBIT NO. 1**

# Steven & Katherine Hromadka

433 E Essex Ave, St. Louis, MO 63122 | 314-249-8638 | shromadka32@yahoo.com



March 12, 2022

Board of Adjustments  
139 S Kirkwood Rd  
Kirkwood, MO 63122

Dear Board of Adjustments:

We are formally requesting a variance to the height requirement for our fence at our property at 433 E Essex Ave, St. Louis, MO 63122. We are replacing our existing 6' tall fence and we are requesting to install 3 panels of fence, 1 6' wide panel and 2 8' wide panels, that are 7' in height in the southwest corner of the backyard. The requested modification to the fence is located on the west side of our property set back 64.68' from the street where 2 panels meet to create the corner of our fence. The remainder of the fence would be installed as it is now at 6' in height.

The requested variance is in violation of Chapter 5, code 5-39 "Height Requirements". We are requesting this variance due to the raised grade of our backyard created by the retaining wall installed in the previously stated corner of our property. The existing fence is installed on the far side of the retaining wall and due to the raised grade of the yard, the existing fence is 3' tall when standing in this corner of our backyard. The requested 7' panels would make the fence in this corner 4-5' high when standing in our backyard.

We are requesting this variance due to the unique change in the grade of our backyard as a result of the retaining wall. This change in grade and resulting decrease in the height of the fence causes safety and liability concerns for people and animals when they are in our backyard.

We are requesting this variance as opposed to building the fence on top of the retaining wall or on the inside of the retaining wall. We have been advised that building the fence on top of the retaining wall could cause damage to the structural integrity of the wall. Building the fence on the inside of the retaining wall would cause loss of usable backyard square footage as the fence would need to be built in at least 3' from the wall. Furthermore, building a standard 6' privacy fence on top of the retaining wall would be taller than the proposed 7' tall fence we are proposing at the lower grade.

The 7' panels would be minimally visible as there is only 1 6' wide panel visible from the street. This specific panel is located parallel to our neighbor's garage, adjacent to their driveway, and behind large bushes and therefore, would not adversely impact the character of the neighborhood. The 7' panels would not impair the adequate supply of light and air to our neighbor's home as they are located next to their garage. We have also spoken with our neighbors who have all provided their acceptance of this modification. The 7' panels would help provide increased safety for the community as they would provide increased security and protection of those in our backyard.

Sincerely,



Katherine M. Hromadka

Steven & Katherine Hromadka



WHERE COMMUNITY AND SPIRIT MEET®

March 16, 2022

Steven Hromadka  
433 E Essex Ave  
Kirkwood, MO 63122

Sent via email to: [shromadka32@yahoo.com](mailto:shromadka32@yahoo.com)

RE: Request for Fence Variance  
Case No. 09-2022  
433 E Essex Ave  
Zoning District R-3

Dear Mr. Hromadka:

Your variance request from the Kirkwood Board of Adjustment has been set for Public Hearing on April 11, 2022, at 7:00 p.m. **This meeting will be in person at Kirkwood City Hall.** The Board of Adjustment is a duly constituted body with certain powers to grant a variance, which will permit a deviation from fixed standards, when the applicant can demonstrate to the Board that the standards set forth below will result in an undue hardship. These powers are set forth in Article IV, Section 5-45 on Fences of the Code of Ordinances of the City of Kirkwood; please refer to that section for any further information as to the powers of the Board as they apply to your variance.

You or your representative shall, at the time and place above, present all evidence that may have a bearing upon this case and that you believe to be relevant. This may include oral testimony under oath as well as the introduction of any documents or other records that you believe to be related to the proceedings. The burden of proof lies with the applicant. All proceedings before the Board are formal in that all testimony is under oath and a court reporter will make a verbatim transcript of all matters that are presented before the Board.

Chapter 5, Article IV, Section 5-39(b) of the Code of Ordinances stipulates that fences shall not exceed six feet in height. Your proposed fence is seven feet tall at the southwest corner of your backyard. This is one foot taller than allowed per the Code of Ordinances.

Chapter 5, Article IV, Section 5-45(b) of the Code of Ordinances, allows the Board of Adjustment to grant variances from the fence requirements when the applicant can prove to the Board that the applicant would be subject to an undue hardship because of:

1. The limitations on character, size, or dimensions of a fence; or
2. The regulations controlling the erection or installation of a fence; or

3. The fence is a historic restoration of the property; or
4. Due to the nature, shape, size, or area of the lot – such as through lots or three frontage lots – no reasonable area is available for the use and privacy of the resident, and the permittee would be subject to undue hardship.

Undue hardship is not a mere loss of a possible advantage or convenience to the applicant. If it is determined that the applicant for a variance is subject to an undue hardship, then the Board of Adjustment shall also determine that the proposed fence:

1. Will not be inappropriate to the scale of the building to which it relates or to the aesthetic environment of the surrounding structures and land use; and,
2. Will not impair an adequate supply of light and air to the adjacent property; and,
3. Will not adversely affect the character of the neighborhood; and
4. Will not adversely affect the general health, safety, and welfare of the community.

The Board's decision on an appeal shall be incorporated on the fence permit by reference to the decision number and date of decision. I have attached the agenda for the meeting. Please contact me if you have any questions with regard to this matter before the public hearing.

Sincerely,

CITY OF KIRKWOOD



Christie Voelker  
Planner I

Encl. Meeting Agenda



# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Brandon Crail** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **March 23, 2022** edition and ending with the **March 23, 2022** edition, for a total of 1 publications:

03/23/2022

## NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

### CITY OF KIRKWOOD, MISSOURI

The Board of Adjustment of the City of Kirkwood will hold a Public Hearing in the City Hall Council Chambers, 139 S. Kirkwood Road, on April 11, 2022, at 7:00 P.M. to consider the following:

#### New Business

**Case No. 8-2022** - 342 Greenleaf Dr. - front yard setback variance for addition to single-family residence.

**Case No. 9-2022** - 433 E Essex Ave. - fence height variance.

Such hearing may be adjourned from time to time until completed.

Questions may be directed to Christie Voelker at 314-822-5899 or voelkece@kirkwoodmo.org.

BY ORDER OF: Joe Roeser, Secretary - Board of Adjustment Kirkwood, Missouri, March 23, 2022. The City of Kirkwood is interested in effective communication for all persons.

Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802.

12100962 County Mar. 23, 2022

Brandon Crail

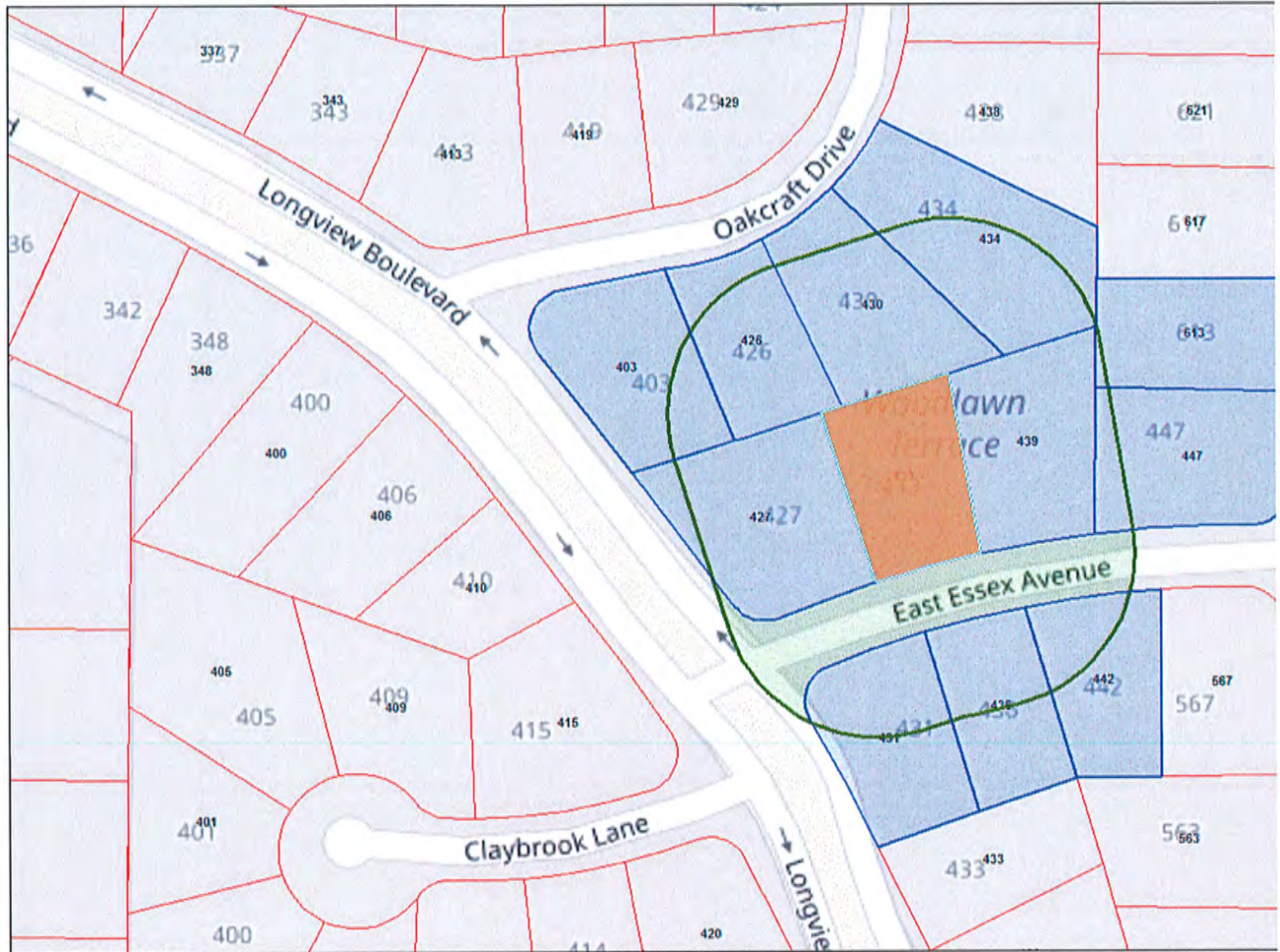
Subscribed & sworn before me this 23<sup>rd</sup> day of Mar, 2022  
(SEAL)

Notary Public

CHANEL JONES  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: August 08, 2022  
Commission Number: 14397721

CITY'S EXHIBIT NO. 4

### City of Kirkwood Basemap



- 3/23/2022 10:14:35 AM
- Parcels
  - Local Register
  - Landmarks
  - Districts
  - National Register

CITY'S EXHIBIT NO. 5

MONAHAN RYAN J & BETHANY ...  
 431 LONGVIEW BLVD  
 SAINT LOUIS, MO 63122

MITCHELL RANDALL M & ANN K...  
 430 OAKCRAFT DR  
 SAINT LOUIS, MO 63122

RAVENSCRAFT CLIFF O JACQ...  
 436 E ESSEX AVE  
 SAINT LOUIS, MO 63122

DESENBURG CARL R  
 434 OAKCRAFT DR  
 SAINT LOUIS, MO 63122

KRAJCOVIC DAVID P & ROLAN...  
 442 E ESSEX AVE  
 SAINT LOUIS, MO 63122

HAHN CHRISTOPHER G & KIM J...  
 427 E ESSEX AVE  
 SAINT LOUIS, MO 63122

BROWN E RAY & LILA C H/W  
 447 E ESSEX AVE  
 SAINT LOUIS, MO 63122

HROMADKA STEVEN ARTHUR ...  
 2205 MENARD ST  
 SAINT LOUIS, MO 63104

PFEFFER GREGORY J SUZAN...  
 439 E ESSEX AVE  
 SAINT LOUIS, MO 63122

MUNGER GARETH T THERESE...  
 613 N WOODLAWN AVE  
 SAINT LOUIS, MO 63122

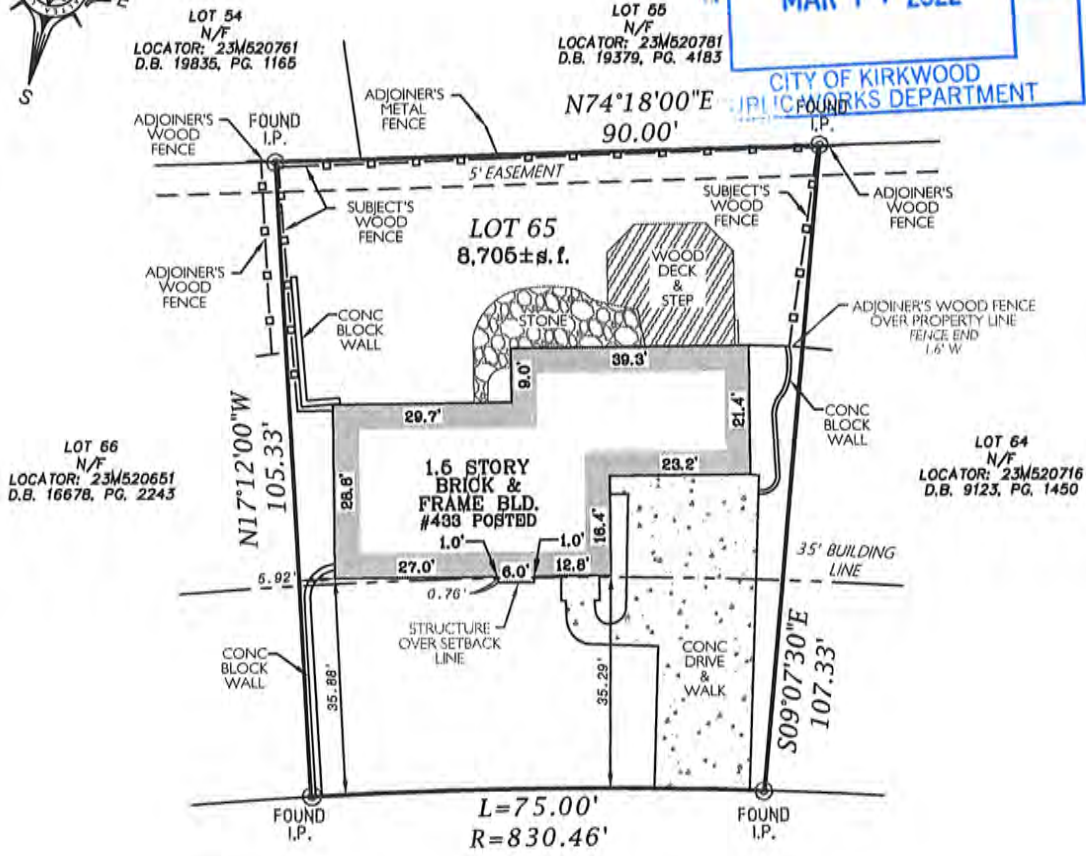
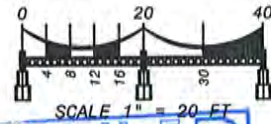
HENLEY JOHN L & LINDA K T/E  
 403 LONGVIEW BLVD  
 SAINT LOUIS, MO 63122

SCAVOTTO LIVING TRUST  
 426 OAKCRAFT DR  
 SAINT LOUIS, MO 63122

# BOUNDARY AND IMPROVEMENT SURVEY

## 433 EAST ESSEX AVENUE

LOT 65 OF WOODLAWN TERRACE NO 5  
PLAT BOOK: 48 PAGE: 43  
ST. LOUIS COUNTY, MO



**EAST ESSEX AVENUE (50' W)**  
**(FORMELY ESSEX AVENUE)**

**TITLE NOTES**  
THIS DRAWING HAS BEEN COMPILED WITHOUT THE BENEFIT OF A CURRENT CERTIFICATE OF TITLE EXAMINATION AND, THEREFORE, MAY NOT CONTAIN EASEMENTS, RESERVATIONS, EXCEPTIONS, RESTRICTIONS AND COVENANTS OF RECORD.

**BASIS OF BEARINGS**  
WOODLAWN TERRACE NO 5  
PLAT BOOK: 48 PAGE: 43

- CHAIN FENCE
- WOOD/METAL FENCE
- BOUNDARY LINE
- - - EASEMENT LINE
- SETBACK LINE
- BUILDING FOOTPRINT
- CENTERLINE
- PARCEL LINE

I.P. = IRON PIPE    I.R. = IRON ROD  
(R) = RECORD    (S) = SURVEYED  
D.B. = DEED BOOK    PG. = PAGE  
N/F = NOW OR FORMERLY    NR = NON-RADIAL

**SURVEYOR'S STATEMENT**

THIS IS TO DECLARE TO KATIE HROMADKA, THAT AT HER REQUEST, ALTEA, LLC, HAS DURING THE MONTH OF MARCH, 2022, EXECUTED A BOUNDARY RETRACEMENT SURVEY OF LOT 65 OF WOODLAWN TERRACE NO 5, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 48, PAGE 43 OF THE ST. LOUIS COUNTY, MISSOURI, RECORDS, TOGETHER WITH THE LOCATION OF OBSERVED IMPROVEMENTS THEREON, AND THAT THE RESULTS OF SAID SURVEY ARE IN MY PROFESSIONAL OPINION, CORRECTLY INDICATED ON THE ABOVE PLAT. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN CLASS PROPERTY. BUILDING SETBACK INFORMATION DEPICTED HEREON IS FROM THE RECORD PLAT OR CITY BLOCK MAP (IF APPLICABLE). PLANNING AND ZONING RESTRICTIONS WERE NOT OBTAINED OR ADDRESSED AS A PART OF THIS SURVEY. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY ONLY AND IS NOT TRANSFERABLE. UTILITY LOCATES WERE NOT REQUESTED AND NO UTILITIES OR SEWERS WERE LOCATED IN CONJUNCTION WITH THIS SURVEY. THE OPINION OF THE ORIGIN OF THE FENCES SHOWN HEREON IS FROM EVIDENCE OBSERVED DURING THE COURSE OF THIS SURVEY, AND MAY INCLUDE: FENCE CONSTRUCTION, OCCUPANT TESTIMONY, OR OTHER AVAILABLE INFORMATION. NO GUARANTEE IS MADE OR CERTAINTY GIVEN AS TO THE ORIGIN OR OWNERSHIP OF FENCES.

AS AGENT OF ALTEA, LLC  
DATE 3-8-22

**ALTEA, LLC**  
Consulting Land Surveyors  
3906 S. OLD HWY 94, SUITE 600  
ST. CHARLES, MO 63304  
PHONE: (636) 477-6000  
FAX: (636) 898-0950  
WWW.ALTEA.LLC.COM  
© 2022 ALTEA, LLC

ALTEA, LLC  
PROFESSIONAL LAND SURVEYING  
CERTIFICATE OF AUTHORITY: 2013023731



PROJECT NUMBER: **22-0453-0**

SHEET	FIELD CREW:	PTM/SJL
<b>1</b> OF 1	DRAFTER:	LD/SS
	DRAFTED ON:	03/05/2022
	REVIEWER:	BLH
	REVIEWED ON:	03/07/2022

CITY'S EXHIBIT NO. 6

**Chesterfield Fence & Deck Company, Inc.**  
**Chesterfield Sunrooms**  
 620 Spirit Valley East Drive  
 Chesterfield, MO 63005  
 Phone: 636-532-4054  
 Fax: 636-532-8011  
 Email: info@chesterfieldfence.com



**AGREEMENT**

Date: 2/1/2022  
 Consultant: SAM VATRES  
 Recd.:

Chesterfield Fence & Deck Co. (hereinafter called "Seller") agrees to furnish all necessary materials, labor, and workmanship to deliver/install and/or construct, and replace the improvements according to the following specifications, terms and conditions on the premises below described:

Purchaser Name: KATHERINE HROMADKA Residence # 0 Name: \_\_\_\_\_  
 Co-Purchaser: 0  Cell  Bus. 314-403-3197 0  
 Email Address: KMCOLOMBO@GMAIL.COM  Cell  Bus. 0 0  
 Billing Address: 433 E ESSEX AVE KIRKWOOD MO 63122  
 City State Zip  
 Jobsite Address: Same City State Zip

**SPECIFICATIONS OF GOODS TO BE SUPPLIED**

Material Only  Installed  
 Type of Material:  Eastern Cedar  Alumi-Guard Aluminum  Prestige Aluminum  Veka Deck / Rail  
 Color:  Western Cedar  Veka Vinyl  Ameristar Montage  Horizons Deck / Rail  
 ERC:  Ozark Timber  Other: \_\_\_\_\_  Western Cedar Deck  Sunroom / Screen R.

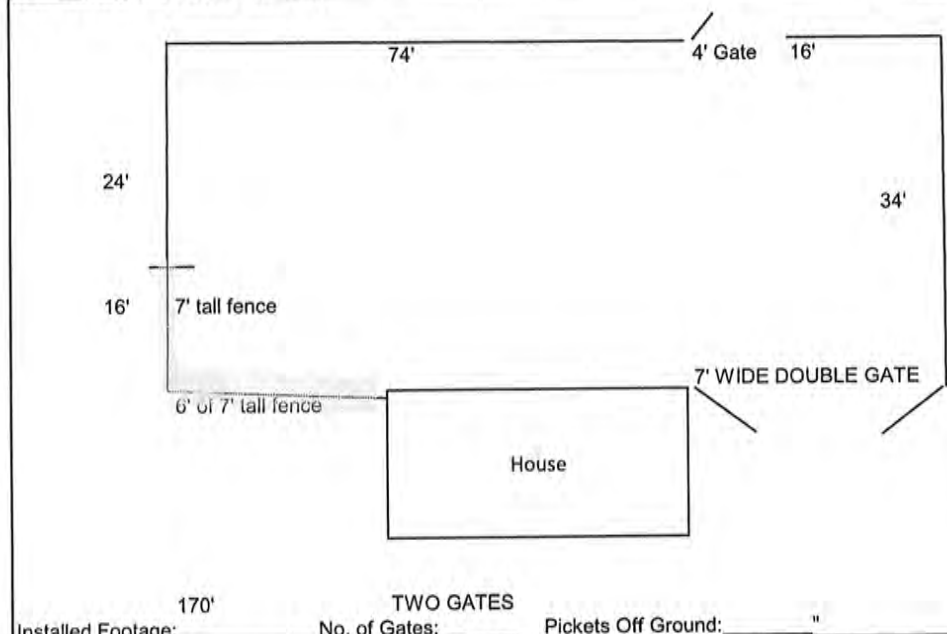
WOOD, VINYL, ORNAMENTAL			Pickets	Rails		Posts		
Ft. / Gts.	Wth/Ht.	Style	Size / Mat'l / Top Style / Spacing	No. / Size	Mat'l	Size	Top Style	Mat'l
148'	6'	SHADOWBOX	6" / ERC / DE / 3"	3	ERC	4X4	FLAT	ERC
7'	6'	DOUBLE GATE	SAME	SAME	SAME	SAME	SAME	SAME
4'	6'	GATE	SAME	SAME	SAME	SAME	SAME	SAME
22'	7'	SHADOWBOX	SAME	SAME	SAME	SAME	SAME	SAME
0	0	0	0	0	0	0	0	0

Tearout/footage/Ht. 177' Temp Fence Feet: 0 Fence must meet pool code  Yes  No  
 Property Stakes Present?  Yes  No Latch Type: PRIVACY  Hinge: strap/T HINGE  
 Fence to be Stepped  Fence to be Level at Top, Regardless of Grade/Terrain of Land  Fence to Follow Grade/Terrain of Land

CHAIN LINK		Wire	Toprail	Line Posts	Terminals
Ft.	Ht.	Ga. / Fabric / Mesh	O.D. / W.Th. / Mat'l	O.D./W.Th./Mat'l	No / Type / O.D. / W.Th./ Mat'l
0	0	0	0	0	0
0	0	0	0	0	0

T-cable  Std.Bwire

JOB DETAIL / DRAWING (below) Start Date \_\_\_\_\_ Completion Date \_\_\_\_\_ Installer(s) \_\_\_\_\_



Clearing:  Y  N  
 sf  lf  
 Core D.  Y  N  
 J. Hmr.  Y  N  
 Water  Y  N  
 Electric  Y  N  
 Driveway  Y  N

Directions: \_\_\_\_\_ Map #: \_\_\_\_\_  
 Attached

Bing Attached



Additional Comments:  
 \*REMOVE/HAUL AWAY 177' OF EXISTING WOOD PRIVACY FENCE ON SIGHT.  
 \*INSTALL 148' OF EASTERN CEDAR SHADOW BOX STYLE FENCE 6' TALL TO FOLLOW GRADE.  
 \*INSTALL ONE 7' WIDE DOUBLE GATE 6' YALL.  
 \*INSTALL ONE 4' WIDE GATE 6' TALL.  
 \*INSTALL 22' OF SHADOWBOX STYLE 7' TALL FENCE TO BE LEVELED AT THE TOP FOR MAXIMUM HEIGHT.

Distance to Jobsite: \_\_\_\_\_ Miles  
 Enter: \_\_\_\_\_  
 Cross Street: \_\_\_\_\_ Property is: \_\_\_\_\_  Feet  Miles  
 County: \_\_\_\_\_ From Cross Street, \_\_\_\_\_  
 Municipality: \_\_\_\_\_ Going N,E,S,W Property is on the: N,E,S,W Side of Street: \_\_\_\_\_

*Kwifm*



---

## Fence Proposal

1 message

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**Sam Vatres** <svatres@chesterfieldfence.com>  
To: Katherine Colombo <kmcolombo@gmail.com>

Fri, Feb 18, 2022 at 1:26 PM

Hi Katherine

Since we didn't build the retaining wall and we really have no idea how it was built the fence installation can potentially damage the structural integrity of the wall and overtime the fence can start to lean due to erosion of gravel between the wall and dirt. Here is a description below that you might be able to use.

If the retaining wall is already built it may be too late to add a fence, or at the very least you may have to give up valuable space behind the wall in order to build it. It is important to know how the retaining wall was built before you proceed with fence construction, so the fence installer doesn't damage the structural integrity of the wall. If geogrid (mesh reinforcement) was used in the construction of the wall the fence install could tear the grid during construction of the fence which could cause the wall to fail, and if the wall was constructed using No-Fines Concrete the fence installer will not be able to install a fence behind the wall once it has been built.

Basically since we don't know how this wall was built a new fence could cause failure of the wall and overtime of the fence. We could still install the fence but we will need to make some space between the wall and the fence approximately 3ft.

[Quoted text hidden]

CITY'S EXHIBIT NO. 8

RECEIVED  
MAR 14 2022  
CITY OF KIRKWOOD  
PUBLIC WORKS DEPARTMENT

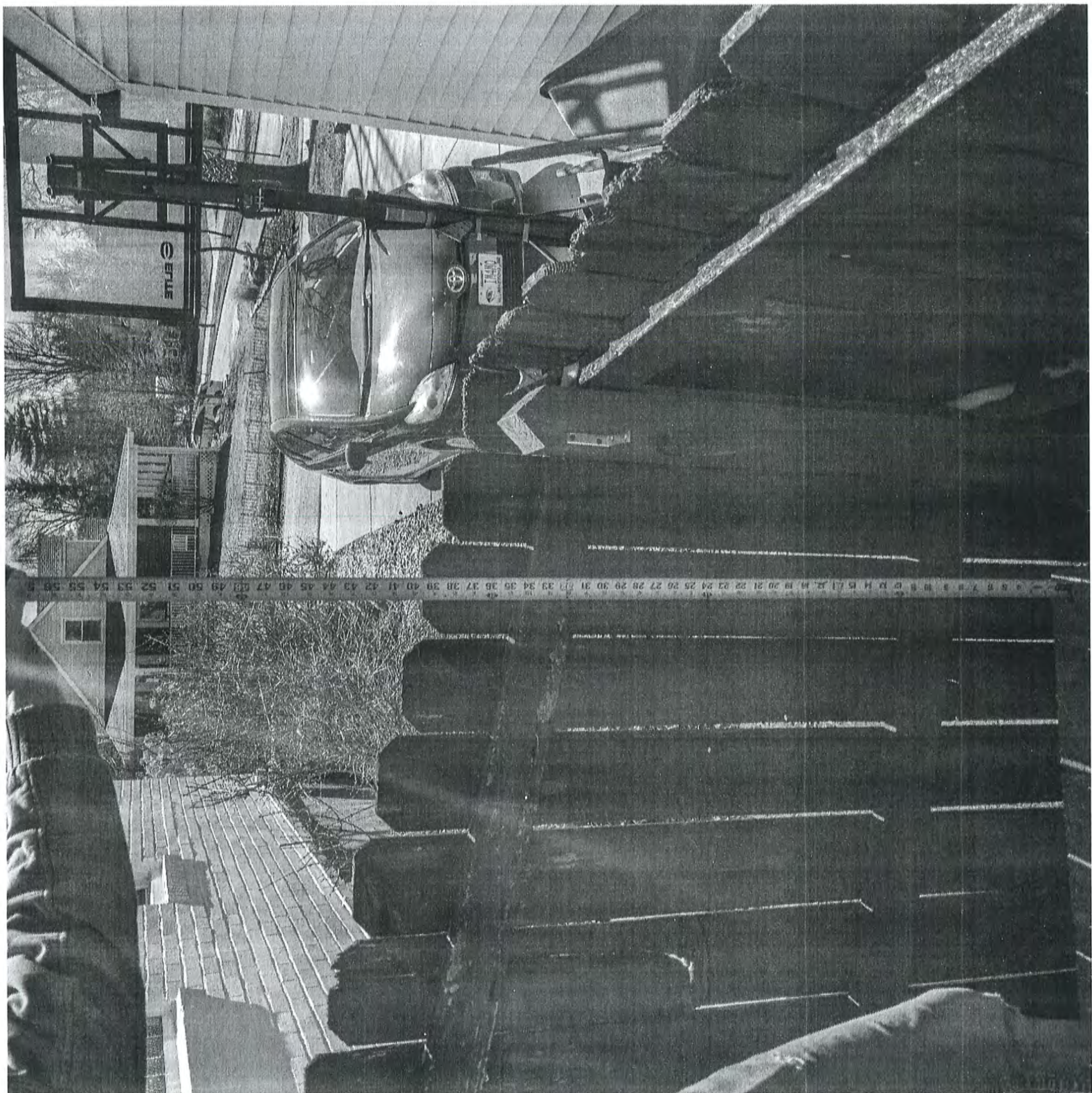
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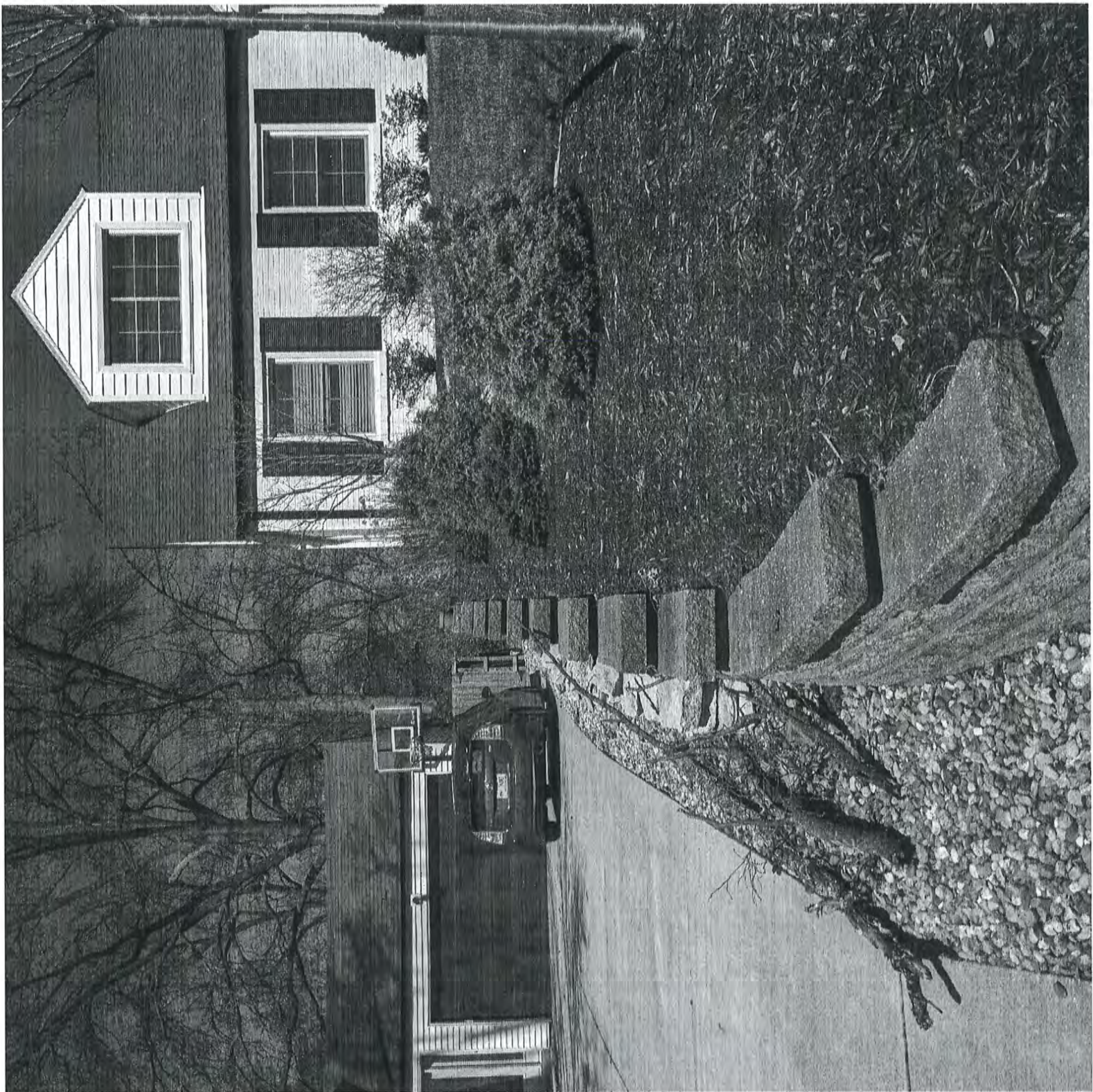
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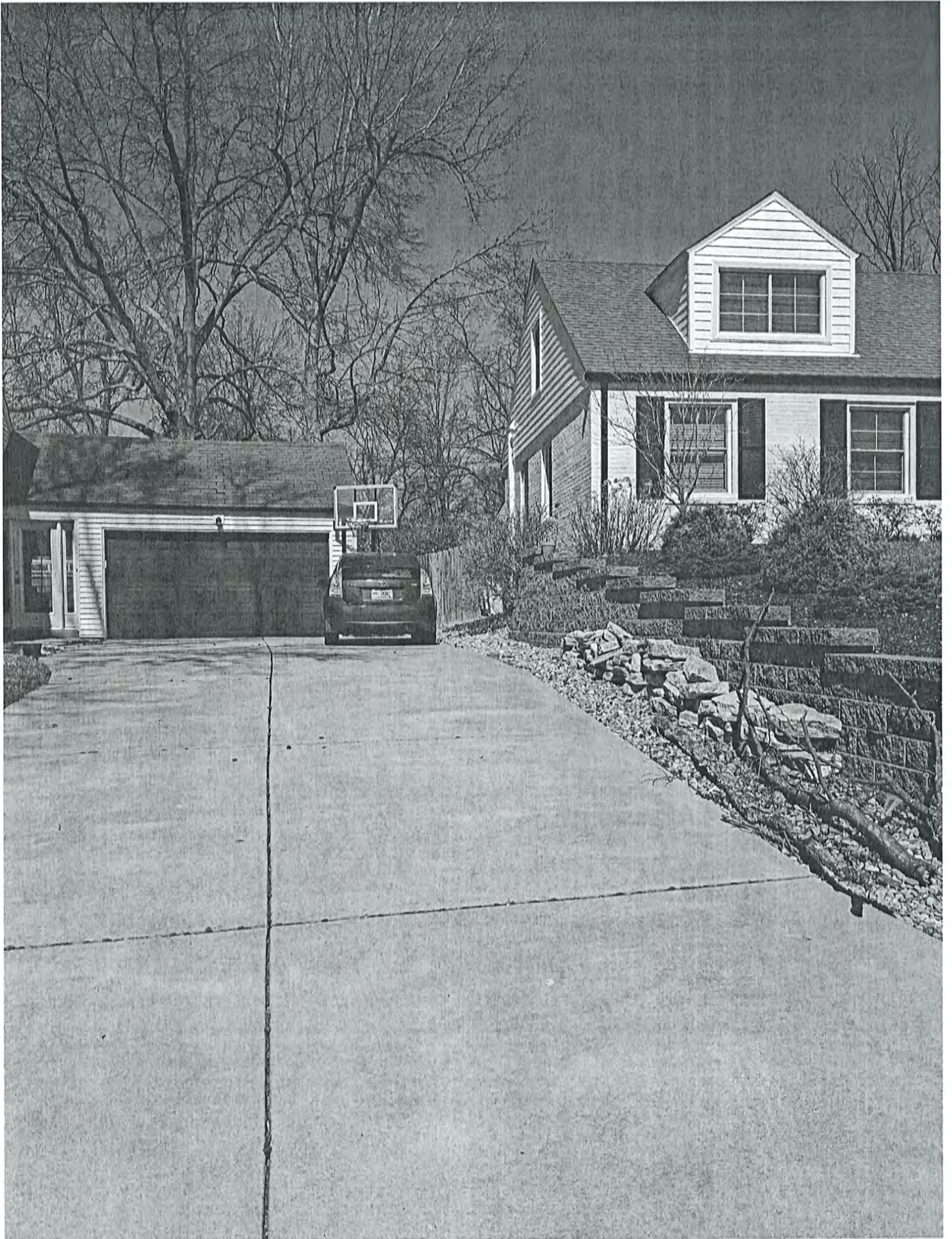












**Christine E. Voelker**

---

**From:** Kim Hahn <kjhahn@me.com>  
**Sent:** Sunday, April 10, 2022 10:23 AM  
**To:** Christine E. Voelker  
**Subject:** Variance - 433 East Essex

Caution! This message was sent from outside your organization.

Good morning,

My name is Kim Hahn and I live at 427 East Essex Avenue. It is my understanding that my neighbors, Steve and Katie Hromadka (433 East Essex) have requested a variance in order to have a taller section of fencing installed in their backyard.

As their immediate neighbor whose property adjoins the area in question, I wanted to let the city of Kirkwood know that we are **fully in favor of this variance being allowed**. We are thankful that Steve and Katie have been proactive and dedicated to following the city regulations but we also understand and appreciate the individual situation making this variance a worthwhile option. The slope of the grading/retaining wall in their backyard creates a situation where a six foot fence doesn't provide enough protection for their dog and could also potentially create an unsafe working environment for contractors working in this area.

Since moving onto East Essex, Steve and Katie have a wonderful track record of upgrading the outward appearance of their home and yard. They maintain their property well and we know that the taller fencing they will pursue will be attractive and will achieve their goal of safety in that awkwardly sloped area of their yard.

We believe in the spirit of upholding city regulations and know they protect our community. However, every lot and property in Kirkwood has its unique situations and sometimes the regulations need to be varied to accommodate the safety and daily life needs of the residents. We ask that you please consider approving this variance at 433 East Essex.

Have a great day,  
Kim and Chris Hahn  
427 East Essex Avenue

Sent from my iPhone

CITY'S EXHIBIT NO. 10

## Christine E. Voelker

---

**From:** RM & AK Mitchell <mitchrmak@icloud.com>  
**Sent:** Sunday, April 10, 2022 11:54 AM  
**To:** Christine E. Voelker  
**Subject:** April 11 Board of Adjustment meeting - Case 9-2022

Caution! This message was sent from outside your organization.

Hi Christie,

Our yard adjoins the Hromadka's yard in the back. We support the approval of the variance. The new fence is a nice improvement to the neighborhood, and the fence height variance is a good solution to give the Hromadka's the functionality they need.

Thanks,  
Ann & Randy Mitchell  
430 Oakcraft  
636-485-8437