

Case Summary

Case Number		04-2023			
Zoning District		R-3			
Project Address		525 Dickson St.			
Applicant Name		Rex Pearl			
Property Owner		Rex Pearl			
Article	VI	Section	25-48	Sub-Section	25-48(b)(2)(ii)
Variance Request		Front yard setback for new single family residence			
Required		128.50'			
Proposed		50.00'			
Variance Requested		78.50'			

History of address: At the July 12, 2004 meeting, the Board of Adjustment denied a rear yard setback variance of 23' for an addition to a single family residence.

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 525 JACKSON ST. KIRKWOOD MO 63122

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 OWNER UNDER CONTRACT

Name REX TEARL Phone 314-220-9555

Address 58 Hill Dr.

City/State/Zip GLENDALE MO 63122 E-mail TEARL.CONSTRUCTION@SBCGLOBAL.NET

Applicants Signature [Signature] Date 4/6/23

Property Owner Information (if different from above):

Name _____ Phone _____

Address _____

City/State/Zip _____ E-mail _____

Owner's Signature _____ Date _____

City Use Only

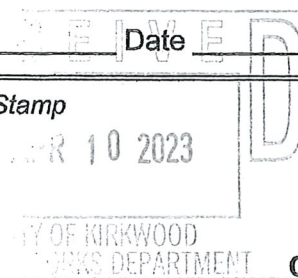
Date Stamp

Meeting Date: 5/8/2023

Case #: 04-2023

Zoning District: R-3

Received by: Jalana

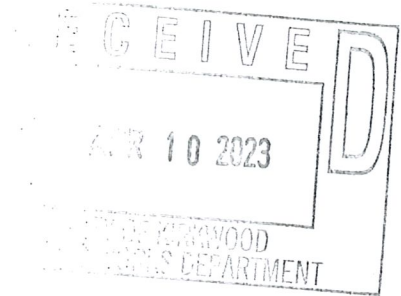


CITY'S EXHIBIT NO. 1

April 7, 2023

Kirkwood Board of Adjustment

RE: 525 Dickson St
Kirkwood MO 63122



To Whom it may concern,

We are requesting a front yard setback variance for the above address.

The existing single family residence will be demolished and a new single family residence will be built on this lot. Upon removal of the existing residence, per zoning code section 25-48 (b) (2) (ii) this lot will have no buildable area due to the large front yard setback of the existing house directly north of this lot at 535 Dickson St.

Due to this large set back of the adjacent property along with this lot being only 1 of 2 lots within this block of Dickson we are left with the hardship of NO Buildable area.

This lot is located within the R-3 zoning district which allows for a 40' Front yard setback. We are asking the Board of Adjustment to grant us a 50' front yard setback. This setback will more closely match the home located at 515 Dickson St located across Crescent Dr.

We are not asking for any other variances on this lot and will adhere to the side and rear setbacks within this zoning district.

Thank you,
Sincerely

Rex Pearl

CITY'S EXHIBIT NO. 2



WHERE COMMUNITY AND SPIRIT MEET®

April 17, 2023

Rex Pearl
58 Hill Dr.
Glendale, MO 63122

Sent via email to: pearlconstruction@sbcglobal.net

RE: Variance Request
Case No. 04-2023
525 Dickson St.
Zoning District R-3

Dear Mr. Pearl:

Your variance request from the Kirkwood Board of Adjustment has been set for Public Hearing on May 8, 2023, at 7:00 p.m. in the City Council Chambers. 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 25-48, Sub-Section 25-48(b)(2)(ii) of the Zoning Code establishes the front yard setback for an lot located between an improved lot and a street. In this instance, the required front yard setback is 128.50 feet. You are proposing a new single-family residence with a front yard setback of 50 feet. This is 78.50 feet closer to the front property line than the Zoning 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



Amy Gillis Lowry, AICP
Planner II

Encl. Meeting Agenda

The Countian (St Louis)
100 S. Highway Drive
Fenton, MO, 63099
Phone: 3144211880 Fax: 0

THE ST. LOUIS COUNTIAN

Affidavit of Publication

To: City of Kirkwood - Laurie Asche
139 S. Kirkwood Road
Kirkwood, MO,
Re: Legal Notice 2495910, BOARD OF ADJUSTMENT
State of MO }
} SS:
County of St. Louis }

I, Rose Bryant, being duly sworn, depose and say: that I am the Authorized Designee of The Countian (St Louis), a daily newspaper of general circulation in Fenton, County of St. Louis, State of MO; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Countian (St Louis) once each day for 1 consecutive days; and that the date of the publication were as follows: 04/20/2023.

Publishers fee: \$46.40

By:

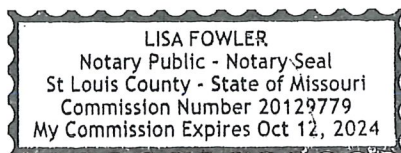
R Bryant
Rose Bryant

Sworn to me on this 21st day of
April 2023

By:

Lisa Fowler

Lisa Fowler
Notary Public, State of MO
No. 20129779
Qualified in St. Louis County
My commission expires on
October 12, 2024



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 May 8, 2023, at 7:00 P.M. to consider the following:

New Business

Case No. 04-2023 - 525 Dickson

St. - front yard setback variance for new single-family residence.

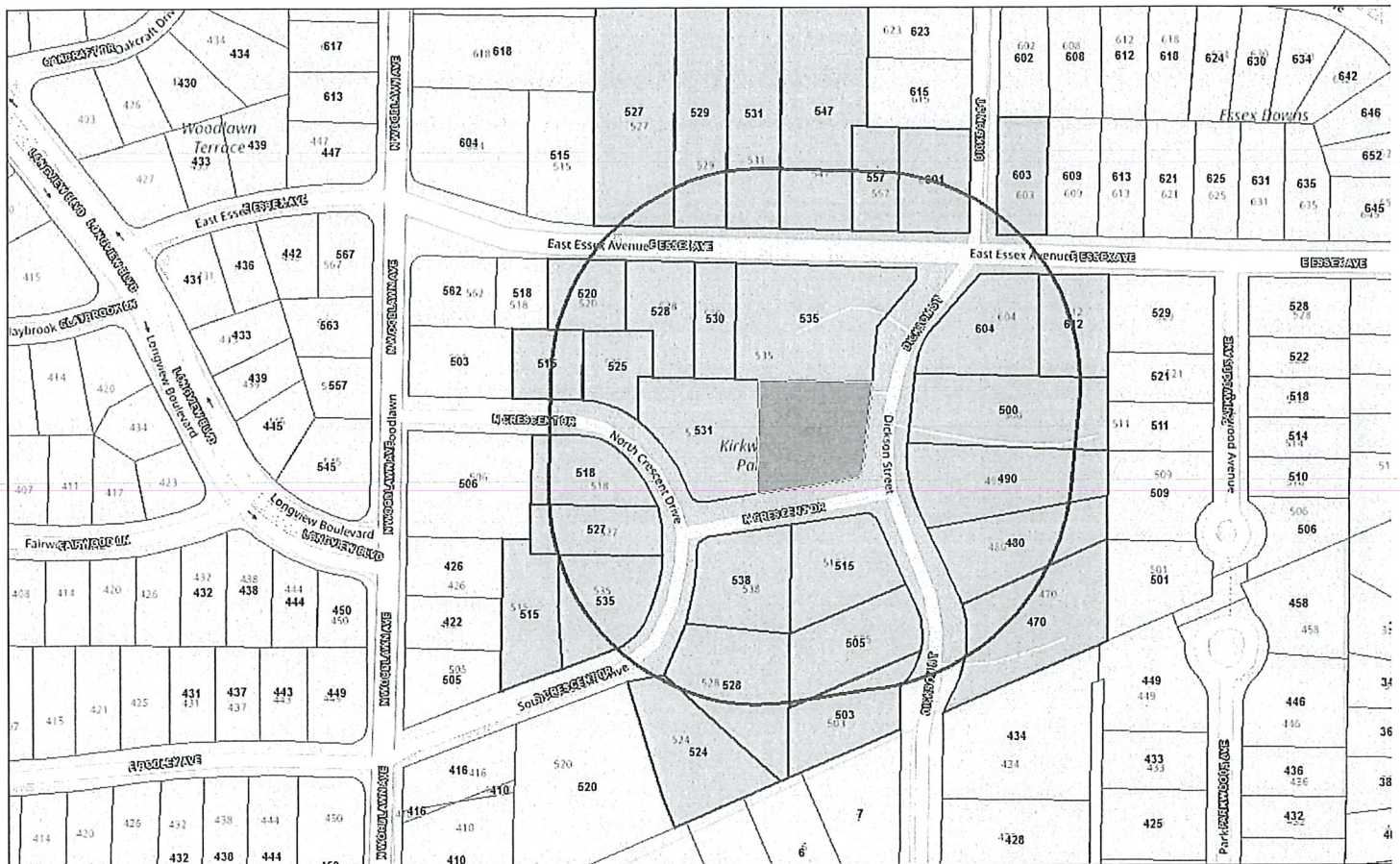
Such hearing may be adjourned from time to time until completed.

Questions may be directed to Amy Lowry at 314-822-5815 or lowryag@kirkwoodmo.org.

BY ORDER OF: Joe Roeser, Secretary - Board of Adjustment Kirkwood, Missouri, April 20, 2023. 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.
2495910 County Apr. 20, 2023

CITY'S EXHIBIT NO. 4

City of Kirkwood Basemap



4/19/2023, 10:16:54 AM

- ☐ Parcels ☐ Districts
☐ Street Centerline ☐ National Register
☐ Landmarks ☐ Local Register
☐ Landmarks

0
 1
 2
 Map data

CITY'S EXHIBIT NO. 5

FINLAY KEVIN & THERESA H/W
524 S CRESCENT DR
SAINT LOUIS, MO 63122

BEAN JASON & ANGELA T/E
490 DICKSON ST
SAINT LOUIS, MO 63122

FIKE ROY K & SARAH E REVOC...
530 E ESSEX AVE
SAINT LOUIS, MO 63122

MURPHY PATRICK & CAROL T/E
8 ALGONQUIN LN
SAINT LOUIS, MO 63119

HOFFMEYER NICHOLAS J & MA...
518 N CRESCENT DR
SAINT LOUIS, MO 63122

MCHUGH PATRICK N MARY C ...
528 E ESSEX AVE
SAINT LOUIS, MO 63122

OCONELL KEVIN T & ANN FR...
528 S CRESCENT DR
SAINT LOUIS, MO 63122

SANSONE GREGORY G REVOC...
28 SOMERSET DOWNS DR
SAINT LOUIS, MO 63124

MARTIN ZACKERY TYLER & LA...
520 E ESSEX AVE
SAINT LOUIS, MO 63122

SEATON SCOTT KAREN H/W
505 DICKSON ST
SAINT LOUIS, MO 63122

RICHMOND F DOUGLAS & BEV...
531 N CRESCENT DR
SAINT LOUIS, MO 63122

HART DENIS R & SUZANNE M R...
601 DICKSON ST
SAINT LOUIS, MO 63122

COOK GREGORY R TRUST
535 N CRESCENT DR
SAINT LOUIS, MO 63122

LAUBER THOMAS A SUSAN S ...
500 DICKSON ST
SAINT LOUIS, MO 63122

RYAN MARY IDA TRUSTEE ET A...
557 E ESSEX AVE
SAINT LOUIS, MO 63122

WAMBLE MICHAEL E NANCY D...
515 S CRESCENT DR
SAINT LOUIS, MO 63122

JOHNSON DUANE E JR & KATH...
525 N CRESCENT DR
SAINT LOUIS, MO 63122

WILKINS MATHEW R JR & NICO...
603 E ESSEX AVE
SAINT LOUIS, MO 63122

BLUMEYER KAREN BILLINGS T...
470 DICKSON ST
SAINT LOUIS, MO 63122

FULTON DANNY D & THERESE ...
515 N CRESCENT DR
SAINT LOUIS, MO 63122

WILLMANN SHARON E JOHN S...
527 E ESSEX AVE
SAINT LOUIS, MO 63122

OTT MATTHEW F & RACHEL M ...
538 S CRESCENT DR
SAINT LOUIS, MO 63122

KISTLER CLAYTON & LISA T/E
612 E ESSEX AVE
SAINT LOUIS, MO 63122

NIENAS JONATHAN & CHERYL ...
480 DICKSON ST
SAINT LOUIS, MO 63122

WRIGHT DAVID & JESSICA WA...
515 DICKSON ST
SAINT LOUIS, MO 63122

RIDLEY WILLIAM P & CHARLOT...
604 E ESSEX AVE
SAINT LOUIS, MO 63122

REILLY SHARON S TRUSTEE E...
529 E ESSEX AVE
SAINT LOUIS, MO 63122

GAGE KELLY D & ALLISON E T/...
527 N CRESCENT DR
SAINT LOUIS, MO 63122

KIRCHHOFF LAWRENCE A & N...
535 DICKSON ST
SAINT LOUIS, MO 63122

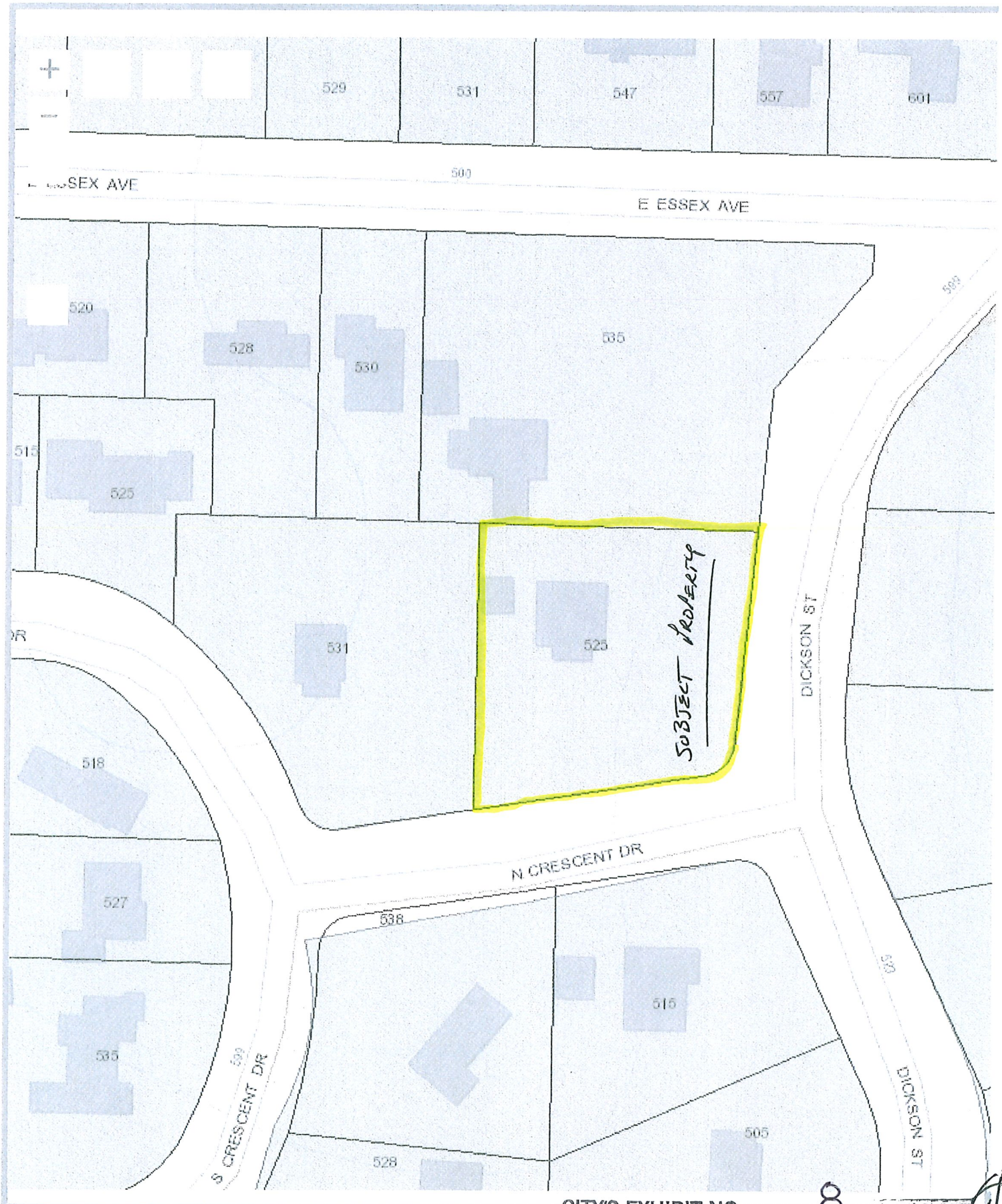
LUBER FAMILY TRUST
547 E ESSEX AVE
SAINT LOUIS, MO 63122

SMITH GRANT & KELLY T/E
531 E ESSEX AVE
SAINT LOUIS, MO 63122



Zoning

City of Kirkwood Zoning Codes



CITY'S EXHIBIT NO.

8

4



525 Dickson St
525 Dickson St, Kirkwo...
38.59°N, 90.40°W



525 Dickson St

SUBJECT PROPERTY



Google Earth

30 m

Camera: 453 m 38°35'17"N 90°23'42"W 196 m

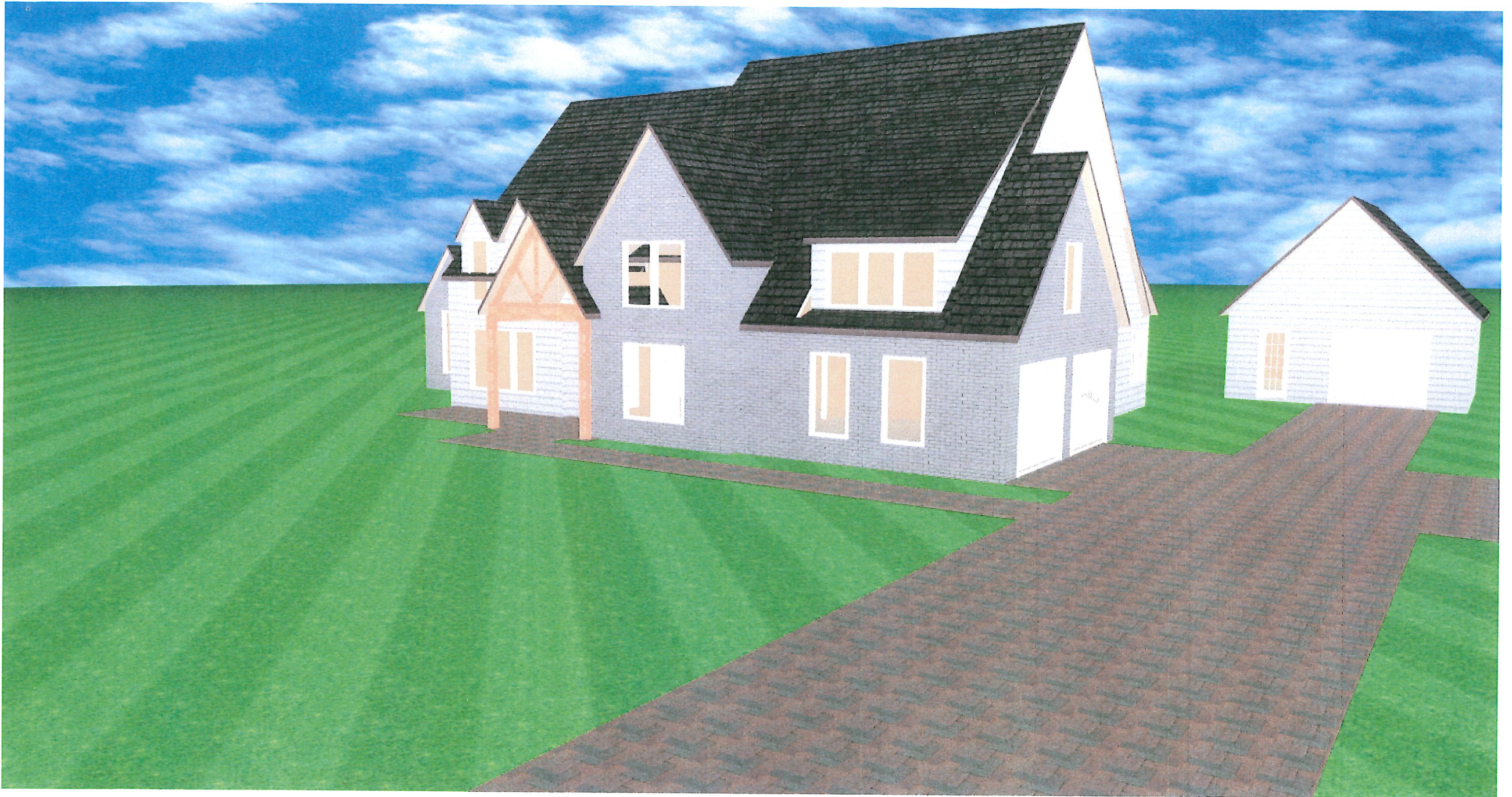
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Front View From Dickson



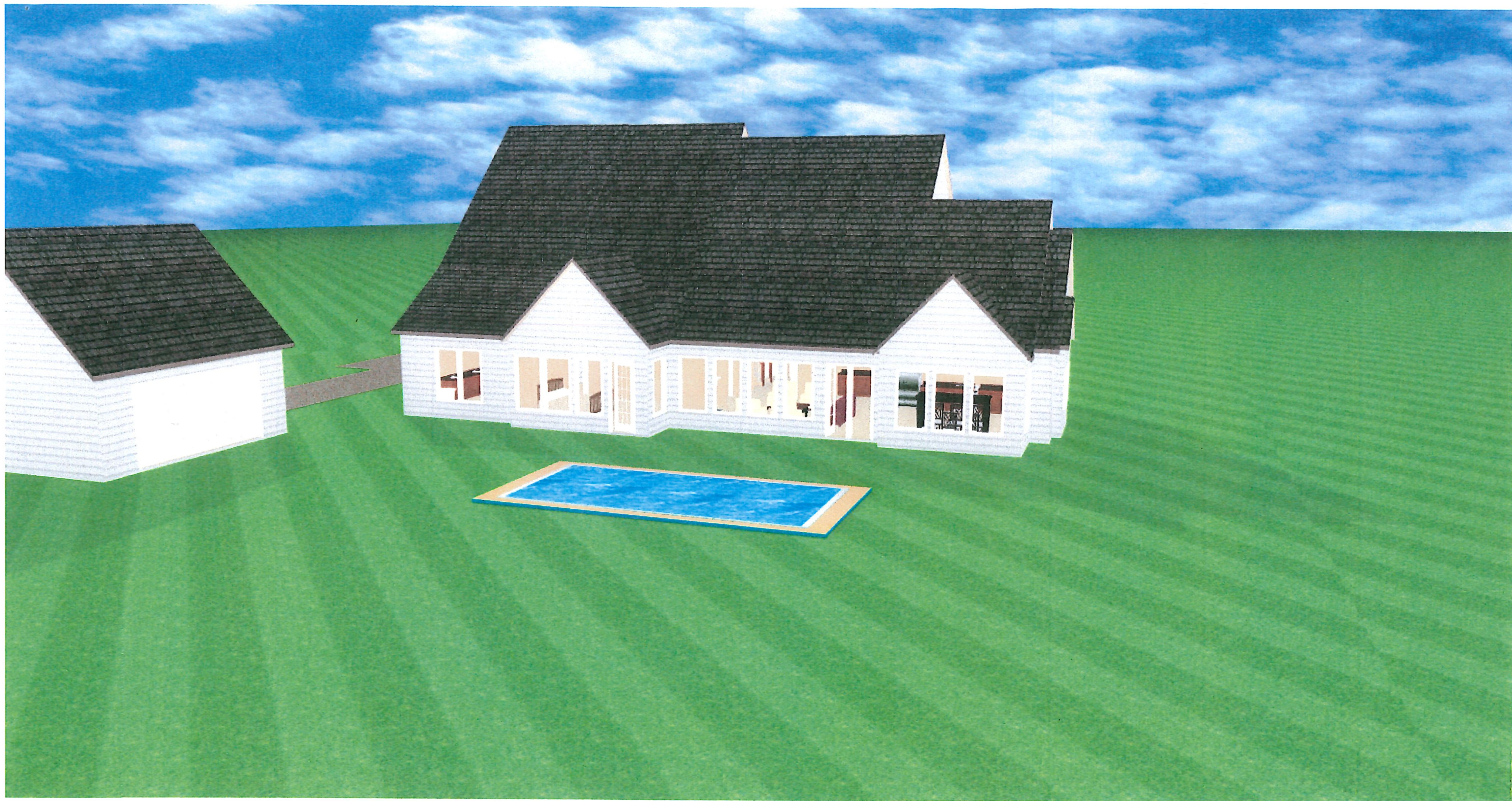
Side View from Essex



PROPOSED FRONT ELEVATION

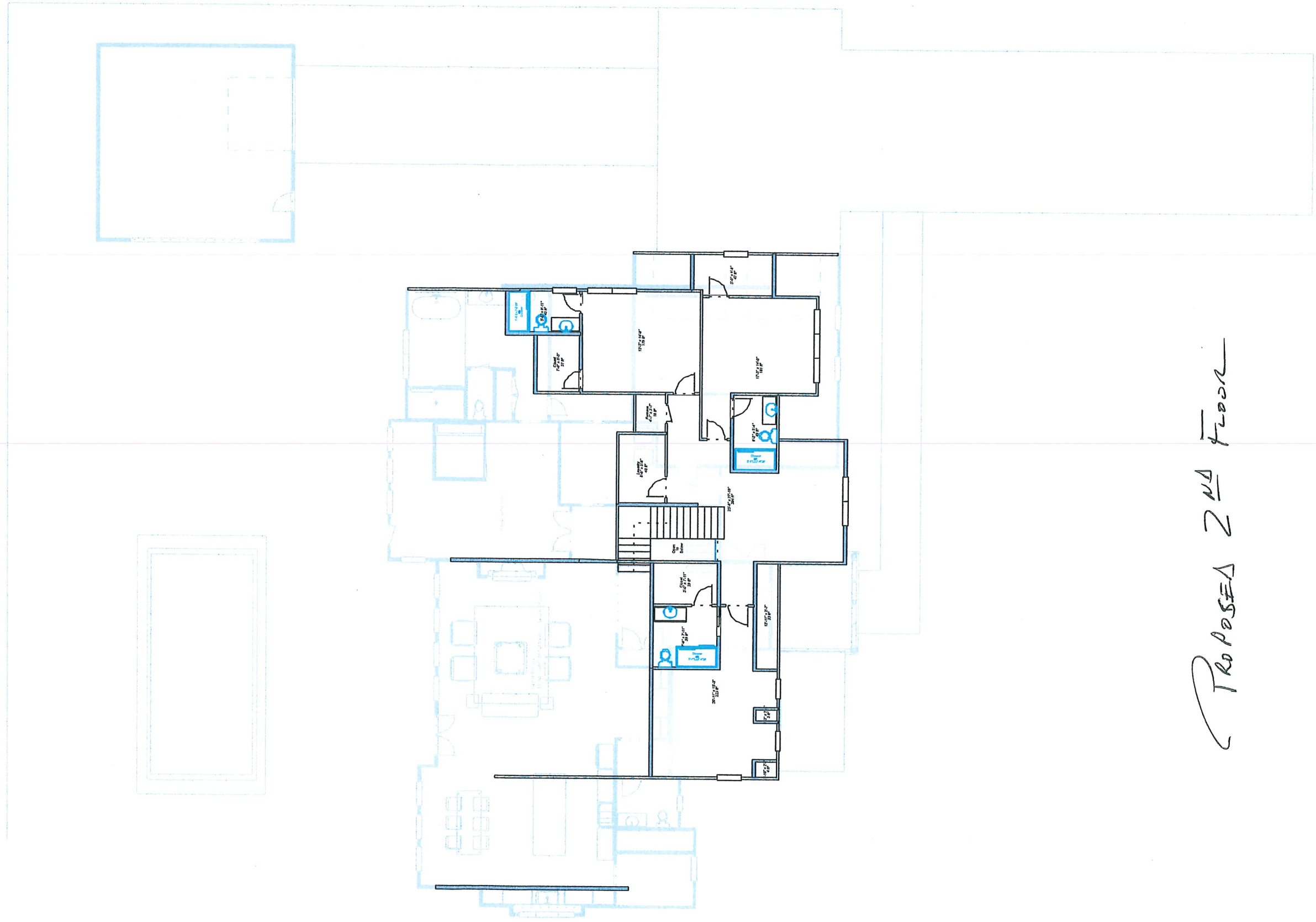


PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION





PROPOSED 2ND FLOOR