

## Case Summary

Case Number		13-2020			
Zoning District		R-4			
Project Address		401 Crest Ave			
Applicant Name		John-Micah Stowers			
Property Owner		Same as above			
Article	IV Fences	Section	5-41	Sub-Section	5-41(b)
Variance Request		Location for new fence			
Required		12'			
Proposed		6' 7"(on the property line)			
Variance Requested		5' 5"			

History of address: N/A

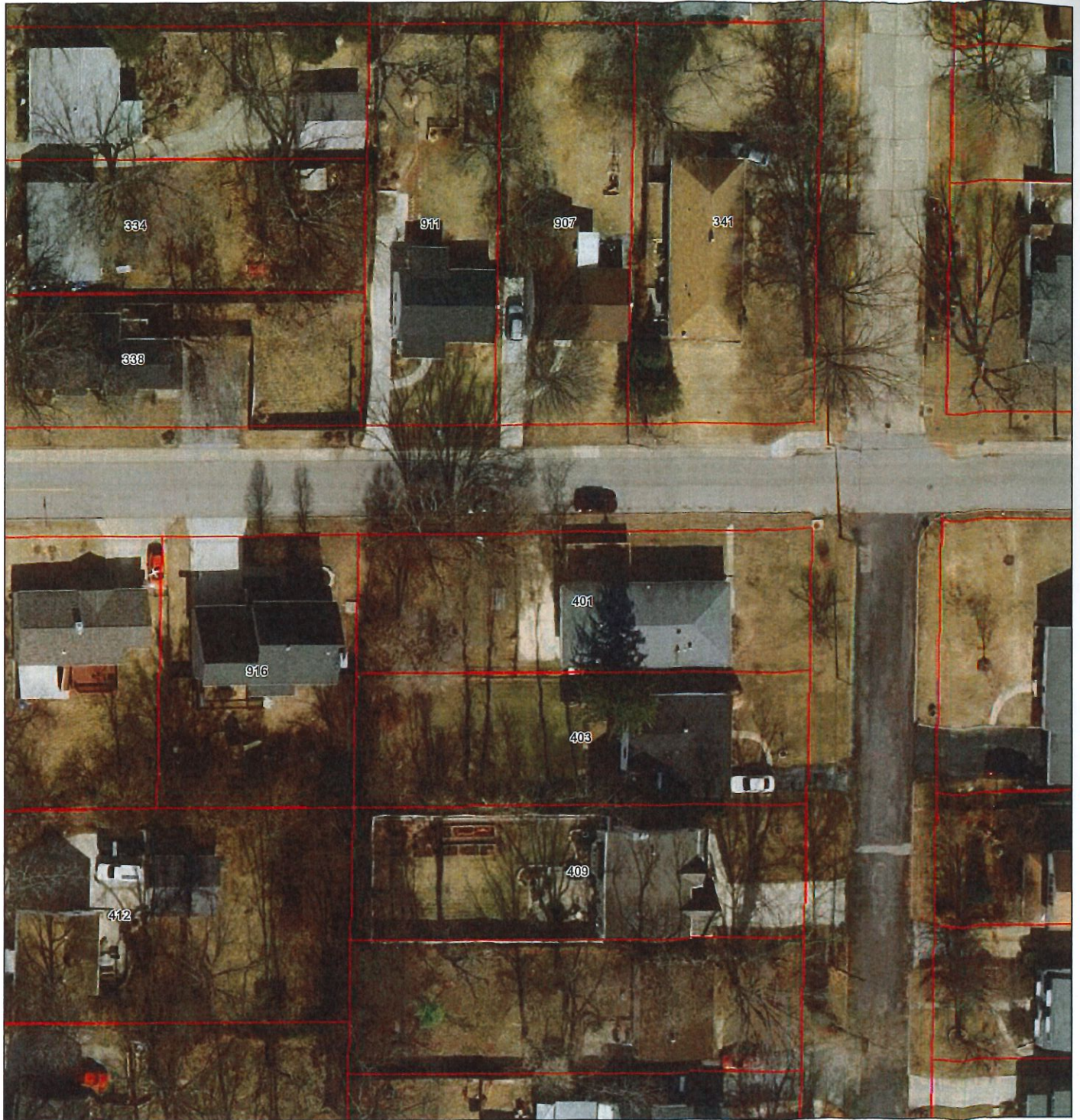
Summary Approved by: AGL

Labels printed ✓

Letter mailed on ✓

300 ft. notice mailed on ✓

# 401 Crest



3/16/2020, 2:50:51 PM

 Parcels

### Landmarks

 Landmarks

### Districts

 National Register

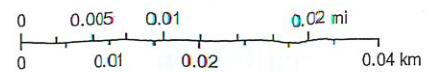
 Local Register

 Red: Band\_1

 Green: Band\_2

 Blue: Band\_3

1:564







# Board of Adjustment Variance Application

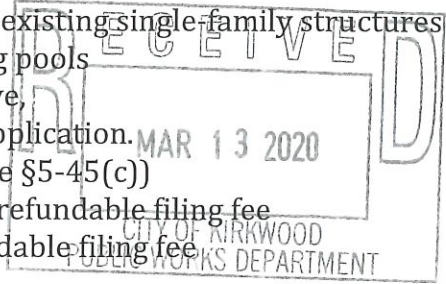
139 S. Kirkwood Rd. Kirkwood, MO 63122 (314) 822-5823 Fax (314) 822-5898

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

City Use Only Meeting Date April 13, 2020 Case# 13-2020 Zoning District R-4

### 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 401 crest Avenue

Type of Work:  New Construction  Addition  Other fence lot wooden

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 John-micah Stowers Phone 912.220.3232

Address 401 crest Avenue

City/State/Zip Kirkwood MO 63122 E-mail Alicia.jmicah.stowers@gmail.com

Applicants Signature Johnmicah Stowers Date 3-12-20

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

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

Address \_\_\_\_\_

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

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

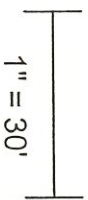
Received by: AGL

CITY'S EXHIBIT NO. 1

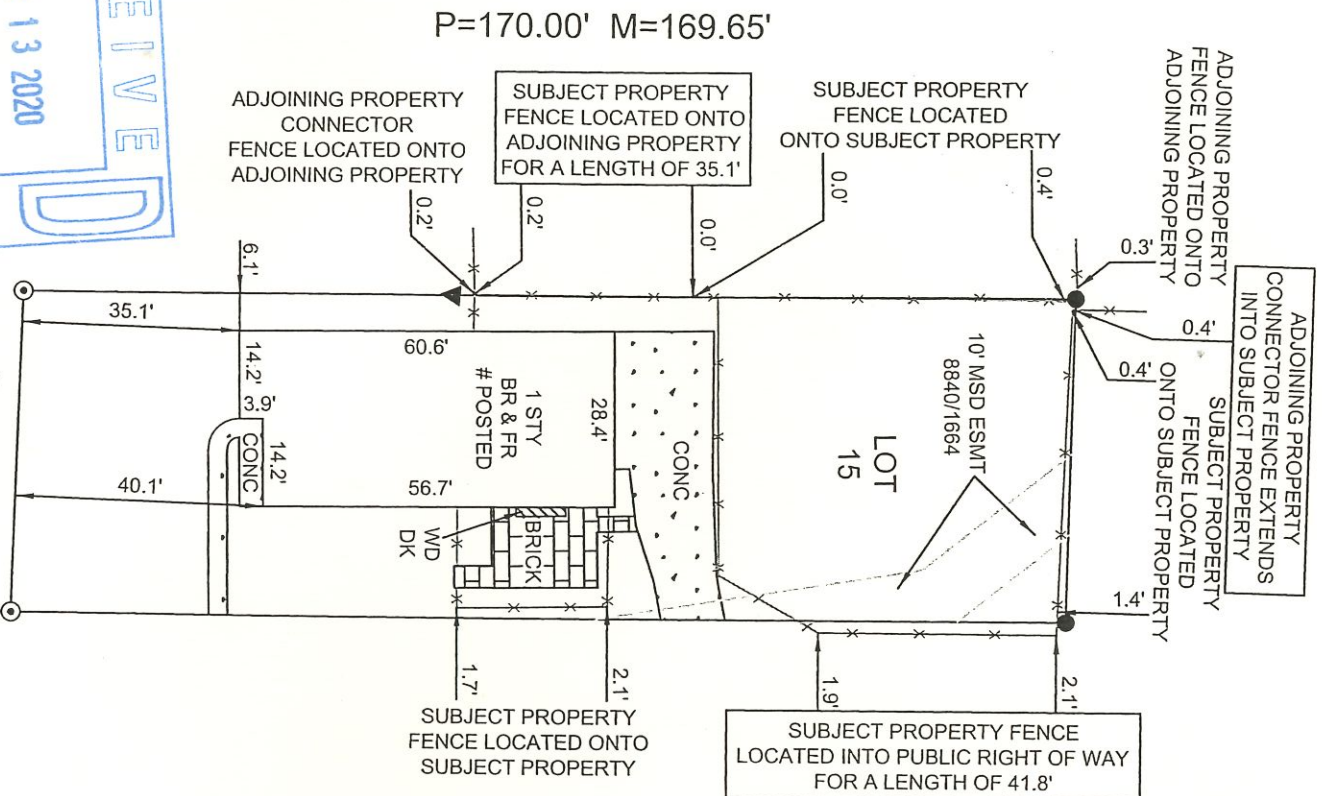
# BOUNDARY SURVEY

## LOT 15 OF BLOCK 4 OF DOERR PLACE PB 10 PG 5, ST LOUIS COUNTY, MO

- x— FENCE
- P PLATTED DISTANCE
- M MEASURED DISTANCE
- SET REBAR
- ▲ SET POINT ON LINE
- FOUND REBAR
- ⊙ FOUND IRON PIPE



P&M=52.25"



P=170.00' M=169.65'

P&M=170.00'

NIRK AVE (40' W)

#401 CREST AVE (50' W)



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

JOB #1712102  
FB 456:14

FIELD WORK BY: PND/AJZ

DRAWN BY: WJB/AEC

REVIEWED BY:  
WILLIAM JACOB CLARK  
LS# 2002014101

THIS IS TO CERTIFY THAT ON

DECEMBER 8, 2017

A REQUEST BY

COMMUNITY TITLE SERVICES  
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.



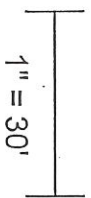
SHEET 1 OF 2



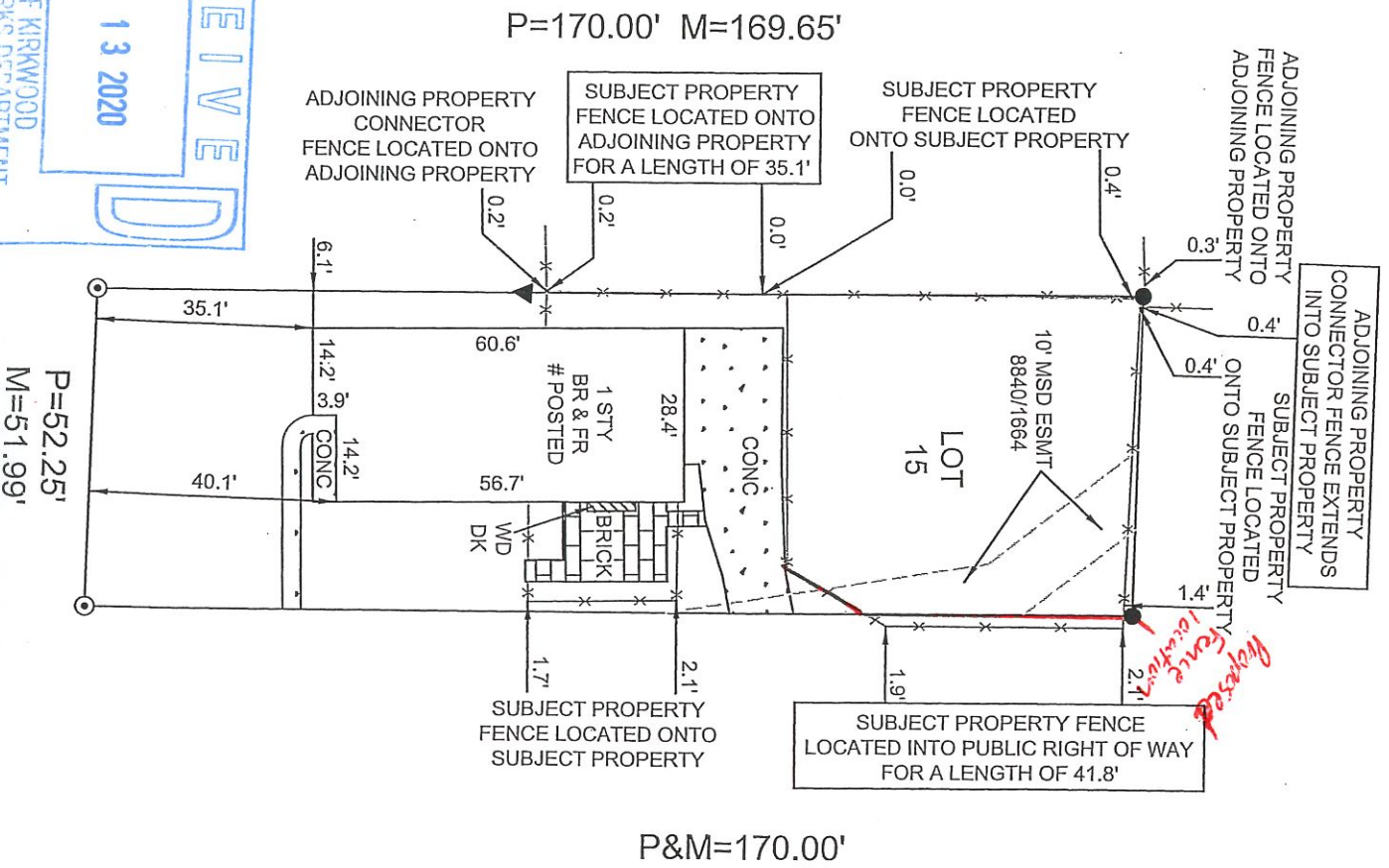
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#401 CREST AVE (50' W)

NIRK AVE (40' W)

SHEET 1 OF 2



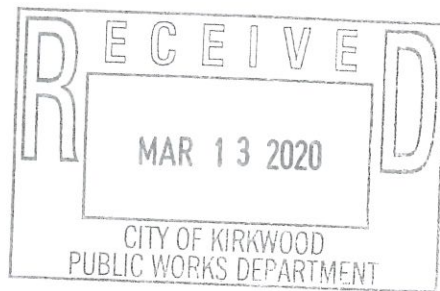
PO BOX 278  
COTTLEVILLE, MO 63338  
PHONE: 636.922.1001  
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NAMED TRACT AND THAT THE  
RESULTS ARE, TO THE BEST OF  
MY KNOWLEDGE, CORRECTLY  
REPRESENTED HEREON.



The improvement variance that I want to make to my property is the replacement of the rear and roadside backyard chain link fence, which was damaged by trees that were cut down on the property, with a wood panel 6 foot privacy fence that would be built on the property line. Currently, the chain link fence sits approximately 6 feet from the curb and exactly 5 feet from a manhole cover in my yard. The current placement of the fence is due to a current MSD easement that is in my backyard that requires the space for maintenance / service to the inlet and pipes under my yard. The current Kirkwood requirements according to Chapter 5 Article 4 in Municipal code 5-41 (b) Fences shall not be located within 12 feet of the curb line of a public street aligns the future fence directly in the MSD easement. This would put me in violation of the MSD easement creating an unnecessary hardship when constructing the new wood panel fence. The fence being constructed in the rear portion of the yard will contain an oversized gate that would allow MSD to service their inlet in their future maintenance schedule.



# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Kathy Travis** 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 **May 20, 2020** edition and ending with the **May 20, 2020** edition, for a total of 1 publications:

05/20/2020

## CITY OF KIRKWOOD NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

**CITY OF KIRKWOOD, MISSOURI**  
The Board of Adjustment of the City of Kirkwood will hold Public Hearings via Zoom webinar on June 8, 2020 at 7:00 P.M. to consider the following:

**New Business**

**Case No. 12-2020** 101 Handlan Ct., Rear yard variance for an addition

**Case No. 13-2020** 401 Crest Ave., Location variance for replacing a fence

**Case No. 14-2020** 444 Alice Ave., Infill residential finished first floor height variance for new single-family residence

**Case No. 15-2020** 423 Central Pl., Front yard encroachment variance for a porch addition

**Case No. 16-2020** 14 Heatherbrook Ln., Side yard variance for deck addition

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

BY ORDER OF: Joe Roeser, Secretary - Board of Adjustment Kirkwood, Missouri

May 20, 2020 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 314-822-5816. 11886951 County May 20, 2020

Kathy Travis

Subscribed & sworn before me this 20<sup>th</sup> day of May, 2020  
(SEAL)

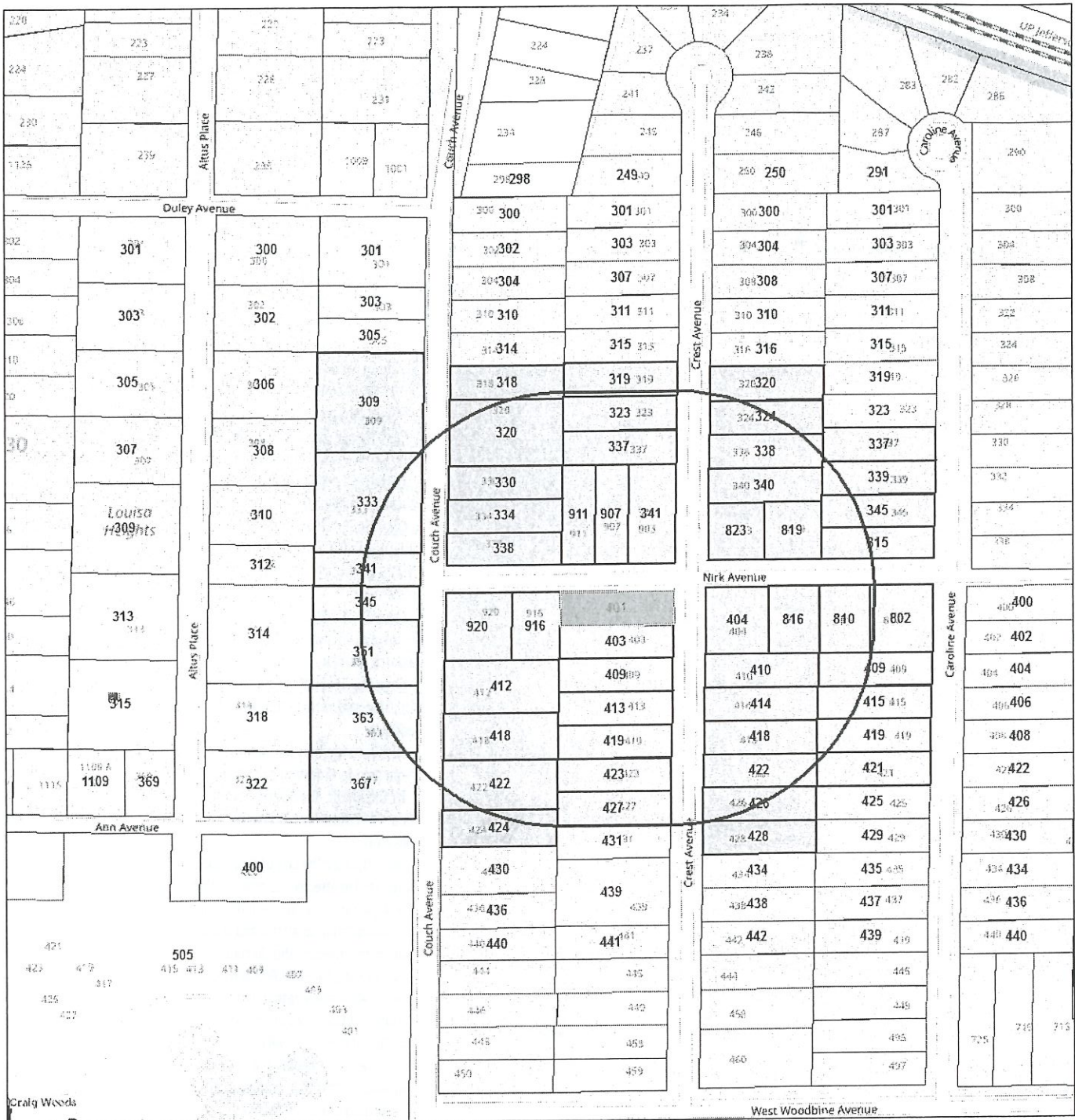
Notary Public

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. 3



# 401 Crest



3/16/2020, 2:46:01 PM

Parcels

Landmarks

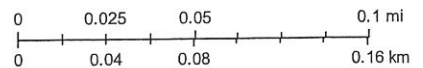
Landmarks

Districts

National Register

Local Register

1:2,257



Map data © OpenStreetMap contributors, CC-BY-SA



907 NIRK LLC LC0866875  
PO BOX 510281  
SAINT LOUIS, MO 63151

BAKER DIANE L  
823 NIRK AVE  
SAINT LOUIS, MO 63122

BROWN CHRISTOPHER  
337 CAROLINE AVE  
SAINT LOUIS, MO 63122

DUNCAN STEPHEN M  
345 COUCH AVE  
SAINT LOUIS, MO 63122

GATZKE KATIE  
815 NIRK AVE  
SAINT LOUIS, MO 63122

GREENE DAVID M & MARY ELIZABETH  
916 NIRK AVE  
SAINT LOUIS, MO 63122

HALLERS JAMES L & ARLENE  
8 ELKINS LK  
HUNTSVILLE, TX 77340

HOMER RONALD J & SANDRA S  
345 CAROLINE AVE  
SAINT LOUIS, MO 63122

LAMPITT & MONTGOMERY  
PROPERTIES LLC  
12048 BERKLEY MANOR DR  
SAINT LOUIS, MO 63131

MAHN CUSTOM HOMES &  
RENOVATIONS L L C  
135 CHESTER AVE  
SAINT LOUIS, MO 63122

AMACHER MARK DANIEL & ANNE  
MARI  
341 COUCH AVE  
SAINT LOUIS, MO 63122

BELL SCOTT D JENNIFER M  
419 CREST AVE  
SAINT LOUIS, MO 63122

CRAVEN ANNA MARIE & LORENZ  
DAVID G  
424 COUCH AVE  
SAINT LOUIS, MO 63122

DUNLAP ARLENE M TRUSTEE  
319 CREST AVE  
SAINT LOUIS, MO 63122

GINDER FRANK SANDI  
410 CREST AVE  
SAINT LOUIS, MO 63122

GREULICH THOMAS L & SINGHURSE  
LACEY V  
421 CAROLINE AVE  
SAINT LOUIS, MO 63122

HILDERBRAND JANET MARIE  
318 COUCH AVE  
SAINT LOUIS, MO 63122

IRVINE JAMES DUKE  
338 CREST AVE  
SAINT LOUIS, MO 63122

LOVING KEITH R LESLIE J  
414 CREST AVE  
SAINT LOUIS, MO 63122

MATHENY THOMAS D & HELEN M  
TRUSTEES  
11815 FOXBURY CT  
SAINT LOUIS, MO 63126

AVILA ELDER D REYES  
802 NIRK AVE  
SAINT LOUIS, MO 63122

BERKLEY ROBERT M III & AMY C  
3828 S LINDBERGH BLVD SUITE 115  
SAINT LOUIS, MO 63127

DAUBER NATHAN TRAVIS &  
SZYDLOWSKI BETH  
920 NIRK AVE  
SAINT LOUIS, MO 63122

ELKINS TAMMY  
409 CAROLINE AVE  
SAINT LOUIS, MO 63122

GORDON ANDREW J & KRISTIN M  
419 CAROLINE AVE  
SAINT LOUIS, MO 63122

HALF BAKED VISIONARY LLC  
501 CREST CT  
SAINT LOUIS, MO 63122

HOHN JANICE C WILLIAM H  
418 COUCH AVE  
SAINT LOUIS, MO 63122

KINGBRIDGE HOMES LLC  
8412 MANCHESTER RD  
SAINT LOUIS, MO 63144

LUND KRISTEN LEA  
367 COUCH AVE  
SAINT LOUIS, MO 63122

MENNERICK STEVEN J & HERSHEY  
TAMARA  
418 CREST AVE  
SAINT LOUIS, MO 63122

OSWALD JOHN A TRUSTEE  
427 CREST AVE  
SAINT LOUIS, MO 63122

POHL CAROL S ETAL J/T  
5660 GREENTON WAY  
SAINT LOUIS, MO 63128

R D GRIFFITH COMPANY LLC  
410 CENTRAL AVE  
SAINT LOUIS, MO 63122

SCHINDLER HOMES L L C  
PO BOX 517  
CHESTERFIELD, MO 63006

SHREVES FAMILY LIMITED  
PARTNERSHIP  
PO BOX 31081  
SAINT LOUIS, MO 63131

TAYLOR MICHAEL A & CAITLIN M  
911 NIRK AVE  
SAINT LOUIS, MO 63122

VAUGHN GERALD T CECILE E  
320 CREST AVE  
SAINT LOUIS, MO 63122

WEYERICH WILLIAM J CYNTHIA K  
323 CREST AVE  
SAINT LOUIS, MO 63122

PFEIFER FAMILY QUALIFIED SPOUSAL  
TRUST  
363 COUCH AVE  
SAINT LOUIS, MO 63122

POWERS JANETTE A & DANIEL  
426 CREST AVE  
SAINT LOUIS, MO 63122

REUSCH AMY & EMERY  
338 COUCH AVE  
SAINT LOUIS, MO 63122

SCHINDLER HOMES LLC  
303 WARDENBURG FARMS DR  
CHESTERFIELD, MO 63005

SMITH RANDALL C NANETTE H  
320 COUCH AVE  
SAINT LOUIS, MO 63122

THEISS RONALD D & ROBIN D  
333 COUCH AVE  
SAINT LOUIS, MO 63122

VERNON STEVEN J ANN L  
403 CREST AVE  
SAINT LOUIS, MO 63122

YODER MARIANNE TR  
330 COUCH AVE  
SAINT LOUIS, MO 63122

PFEIFER JOHN D  
363 COUCH AVE  
SAINT LOUIS, MO 63122

PUNTNEY KEVIN & MOLLY  
351 COUCH AVE  
SAINT LOUIS, MO 63122

RIGGS JOHN C III & JENNIFER JANE  
819 NIRK AVE  
SAINT LOUIS, MO 63122

SCOTT TAYLOR C & JANET P  
422 CREST AVE  
SAINT LOUIS, MO 63122

STOWERS JOHN MICAH & ALICIA  
401 CREST AVE  
SAINT LOUIS, MO 63122

TRETTER GARY S GINA G  
640 PAMELA LN  
SAINT LOUIS, MO 63122

WEIGAND JOINT REV TRUST  
409 CREST AVE  
SAINT LOUIS, MO 63122

ZIEGLER JOSEPH J RENEE A  
412 COUCH AVE  
SAINT LOUIS, MO 63122





WHERE COMMUNITY AND SPIRIT MEET®

May 26, 2020

John-Micah Stowers  
401 Crest Avenue  
Kirkwood, MO 63122

RE: Variance Request  
Case No. 13-2020  
401 Crest Avenue  
Zoning District R-4

Dear Sir:

Your variance request from the Kirkwood Board of Adjustment has been set for Public Hearing via Zoom webinar on June 8, 2020 at 7:00 p.m. 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 Chapter 5, Article IV, Section 5-45 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 5-41(b) of the Code of Ordinances requires fences shall not be located within twelve (12) feet of the curb line of a public street. The existing fence you wish to replace would be located on the north property line, 6' 7" from the curb line of the street. This is 5' 5" closer 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:

- A. The limitations on character, size, or dimensions of a fence; or
- B. The regulations controlling the erection or installation of a fence, or
- C. The fence is a historic restoration of the property; or

CITY'S EXHIBIT NO. 4

D. Due to the nature, shape, size or area of the lot such as through lots or three frontage lots, no unreasonable area is available for the use and privacy of the resident, the permittee would be subject to undue hardship. Undue hardship is not a mere loss of a possible advantage of convenience to the applicant.

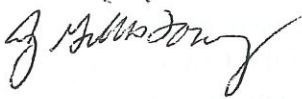
If it is determined that the applicant for a variance is subject to an undue hardship, then the Board of Adjustment shall also determine that the proposed fence:

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;
2. Will not impair an adequate supply of light and air to the adjacent property;
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've attached the agenda for the meeting with the Zoom webinar information. You will also be sent the link to the meeting via email. Please contact me if you have any questions with regard to this matter before the public hearing.

Sincerely,



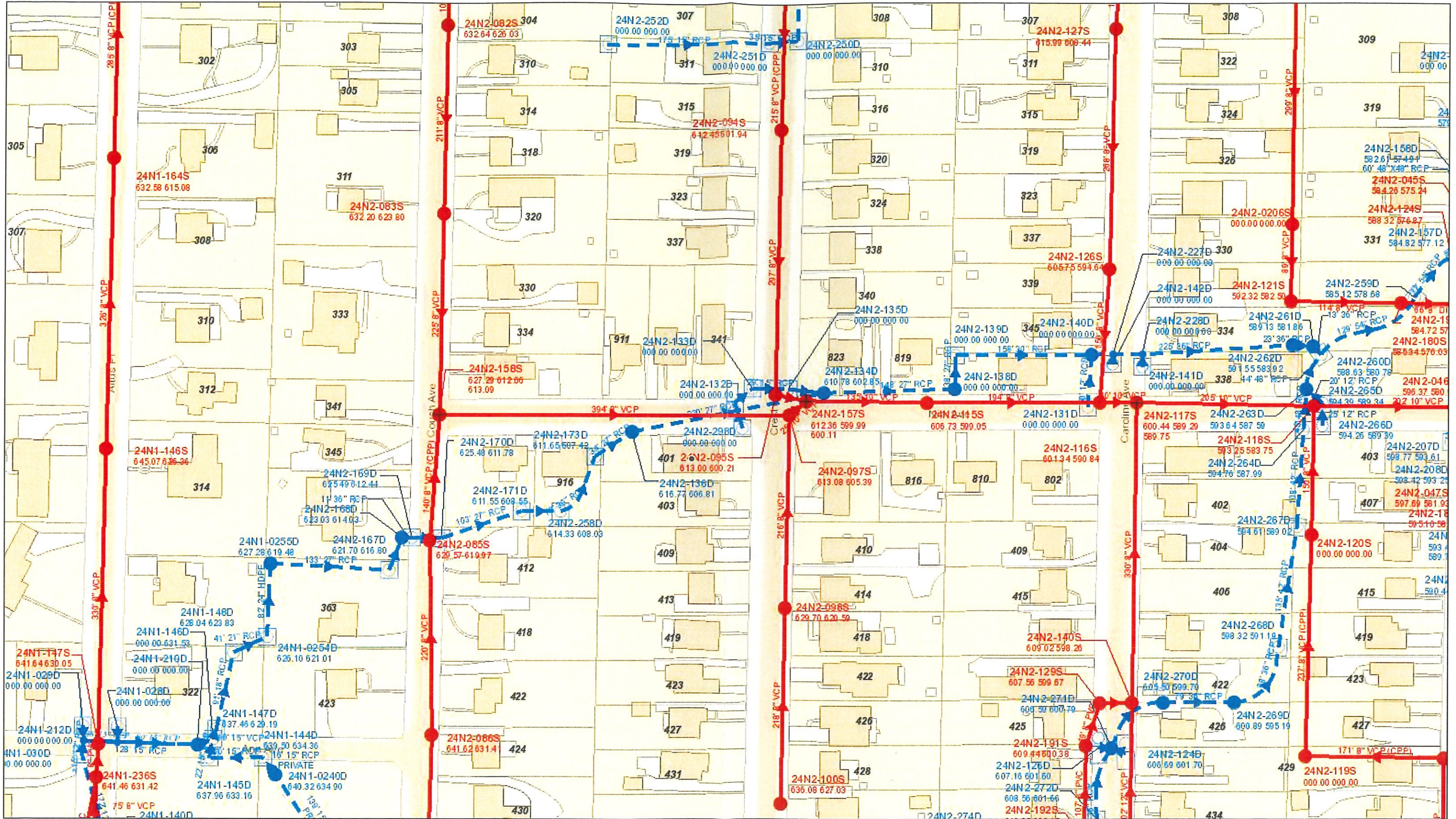
Amy Lowry  
City Planner II

tp

Encl. Meeting Agenda



# The Metropolitan St. Louis Sewer District



2/24/2020 9:23:45 AM  
RIVER 4.0



1 inch = 100 feet

Disclaimer: This map was prepared by MSD from available information and for its exclusive use. It is not intended to be used or relied upon by others. MSD makes no representation of either the accuracy or the completeness of its contents. Flood data source: Q3 (FEMA). Determination in regard to locations within or near the Special Flood Hazard Area must be confirmed by referencing the printed copy.







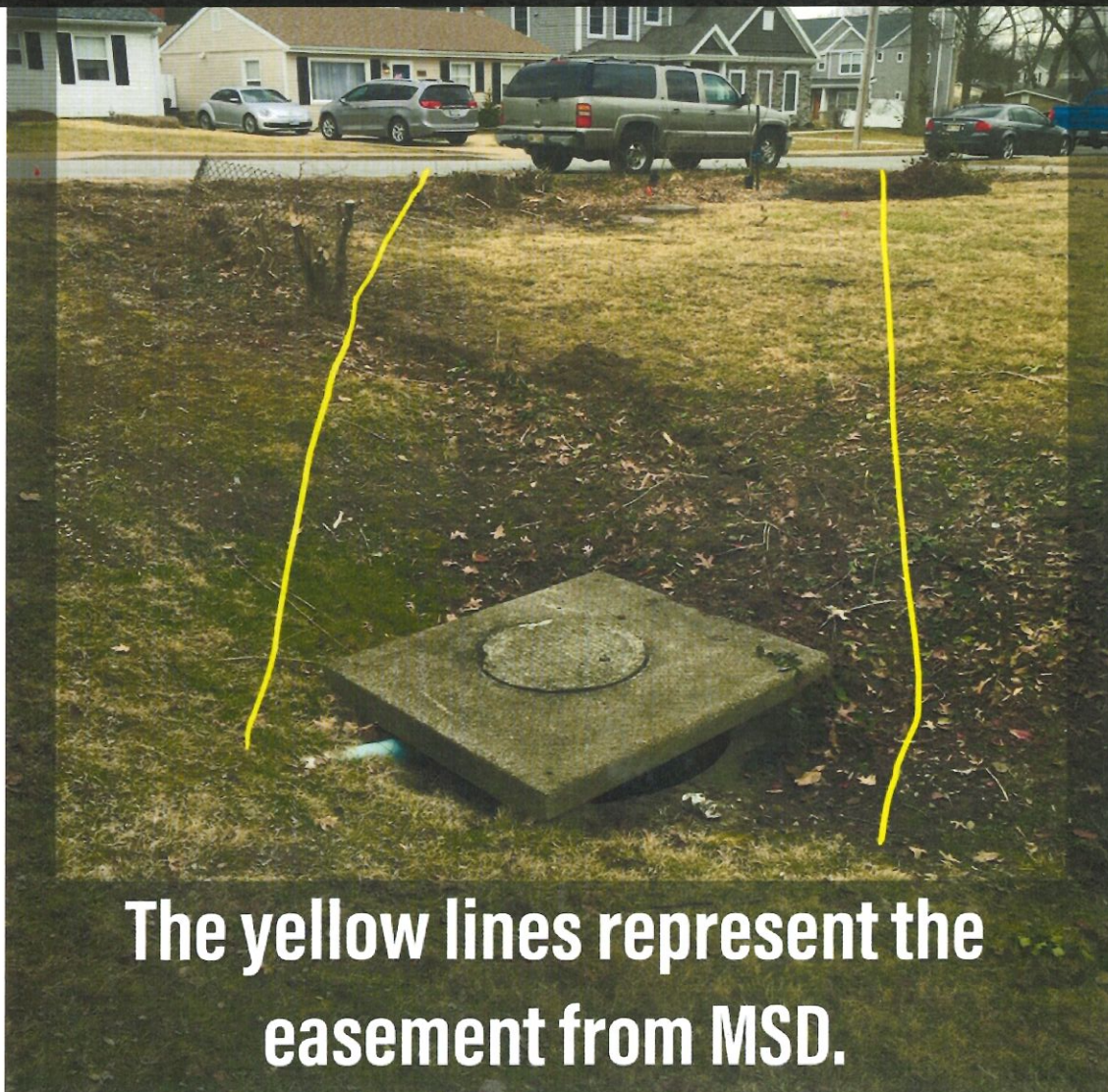
Manhole cover is between 2 lines. Lines are 5 feet from cover.







**Yellow line represents present location of Fence.**



**The yellow lines represent the easement from MSD.**



401 CREST AVE  
MEASUREMENT FROM SEWER MANHOLE COVER TO BACK OF CURB  
= 12' 5"





401 CREST AVE  
MEASUREMENT FROM PROPERTY CORNER MARK TO BACK OF CURB  
= 6' 7"

