

# SPECIAL ANNOUNCEMENT REGARDING BOARD OF ADJUSTMENT MEETINGS

Section 610.015 of the Missouri Sunshine Law provides that members of the Board of Adjustment who are not physically in the City Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes.

The U.S. and the world is in a state of emergency due to the Coronavirus – COVID-19. Therefore, members of the Board of Adjustment have elected to participate in this meeting electronically for the public health and safety of each other and the general public.

To follow along with the Board of Adjustment meeting, please see the instructions below. To make a comment during the public comment portion of the meeting, you will need to access via the Zoom application and click the hand icon to "raise your hand". Raised hands will be called on in the order received. Please note, if dialing in from a phone, you will "raise your hand" by dialing \*9.

#### Zoom webinar

When: April 12, 2021, 7:00 PM Central Time (US and Canada)

Please click the link below to join the webinar:

https://zoom.us/j/94528686905

Or iPhone one-tap:

US: +13126266799,,94528686905# or +16468769923,,94528686905#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592 or +1 669 900

6833 or +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968

Webinar ID: 945 2868 6905

International numbers available: https://zoom.us/u/adhrQ6WRCR

SEE THE FOLLOWING PAGE FOR THE AGENDA



### Board of Adjustment Agenda Monday, April 12, 2021, 7:00 p.m. Zoom Virtual Meeting

I. Approval of Journal – March 8, 2021

#### II. New Business

a. <u>Case No. 10-2021</u> Riggs Company, applicant's agent for 109 Dickson Street (R-3 Zoning District), requests a variance to construct a deck that does not conform to the side yard setback.

Such hearings may be adjourned from time to time until completed

By order of: Joe Roeser, Secretary – Board of Adjustment Kirkwood, Missouri, March 23, 2021

Staff Liaison: Amy Lowry; Phone: (314) 822-5815;

Email: lowryag@kirkwoodmo.org

**Board of Adjustment:** Chairman Mark McLean, Members Cindy Coronado, Joe Roeser, Paul Schaefer, Pat Jones, Paul Ward and Dan Stauder.

**Accommodation:** 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 a CD, by calling 314-822-5802.



## Board of Adjustment - Journal March 8, 2021, 7:00 p.m. Zoom Virtual Meeting

**Present:** Mark McLean, Chair; Joe Roeser; Paul Schaefer; Pat Jones, and Cindy Coronado.

City Attorney: Taylor Essner Court Reporter: Gwen Huffman

Staff Liaison: Amy Lowry

Chair McLean stated for the record that Section 610.015 of the Missouri Sunshine Law provides that members of the Board of Adjustment who are not physically in the City Hall can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes. So, let the minutes reflect that the U.S., and the World, is in a state of emergency due to the Coronavirus. The Missouri Governor and the County Executive directed all citizens to limit the number of attendees for meetings and gatherings to avoid the spread of the Coronavirus. Therefore, members of the Board of Adjustment have elected to participate in this meeting electronically so that we are compliant with such Orders and for the public health and safety of each other and the general public.

I. Approval of February 8, 2021 Journal – Unanimously Approved

#### II. New Business

- a. <u>Case No. 6-2021</u> Ryan Roe, applicant for 444 Alice Avenue (R-3 Zoning District), requests a variance to retain a new single-family residence that does not conform to the side yard setback. **Variance granted 4 to 1.**
- b. <u>Case No. 7-2021</u> Wei Liu, applicant for 420 New York Street (R-4 Zoning District), requests a variance to retain a new single-family residence that does not conform to Finished First Floor Height requirement. **Variance unanimously approved.**
- c. <u>Case No. 8-2021</u> Daniel Stauder, applicant's agent for 404 Frieda Avenue (R-3 Zoning District), requests a variance to construct an attached garage that will not conform to the side yard setback. **Variance unanimously approved.**
- d. <u>Case No. 9-2021</u> Adam Edelbrock, applicant for 15 Thorncliff Lane (R-3 Zoning District), requests a variance to construct an addition that will not conform to the front yard setback. **Variance unanimously approved.**

APPROVED		
	Mark McLean, Chair	

## **Case Summary**

Case Nui	mber	10-2021			
Zoning D	istrict	R-3			
Project A	Address	109 Dicksor	ı Street		
Applican	it Name	Riggs Company			
Property	Owner	Robert Grot	he		
Article	VI	Section	25-48	Sub- Section	25-48(b)(3) and Table 48-4
Variance	Request	West side ya	ard setback fo	or deck addit	cion
Required	d	10'			
Proposed	d	1.6'	S.		
Variance Requeste		8.4'			

History of address: Front yard setback of 67' (6.7' variance) from East Argonne for an addition was granted at January 10, 2011 Board of Adjustment meeting. Previous request for west side yard setback of 2' (8' variance) for an addition was denied at June 9, 2008 Board meeting.

Summary Approved by: AGL

Labels printed <u>3-22-202</u>|

Letter mailed on 3-31-2021

300 ft. notice mailed on 3-24-2021



Received by: \_\_A&L

## 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:	
<b>Variance of Zoning Code ★\$240</b> 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,	
$\Box$ \$50 fee for each additional variance request on the same application.	
<ul> <li>□ Variance of Fence Code- \$200 non-refundable filing fee (per Code §5-45(c))</li> <li>□ Appeal the decision of the Building Commissioner - \$240 non-refundable filing fee</li> </ul>	
□ Appeal the interpretation of the Zoning Code - \$500 non-refundable filing fee	
100 HICHCAN CTAIT	7
Project Address 109 DICKSON STREET	
Type of Work: □ New Construction Maddition □ Other	
Type of Structure: □ Single-family □ Multi-family □ Commercial □ Accessory □ Other □ Commercial □ Accessory	
Has a previous variance application been filed on these premises within the last three (3) years?  □ Yes Mo *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 RIGGS Company, Phone	
Address 333 LEFFINGWAY AVE. STE. 109	
City/State/Zip_KIRKWOOD, 163127 E-mail OFFICE OR 1995 COMPANY 572. C	Ø
1 1/1 1/ \	
Applicants Signature Date MANGETT 15, 2021	
Property Owner Information (if different from above):	
Name ROBERT GROTHE Phone 314-821-5591	
Address 169 DICKSON STREET	
City/State/Zip KIRKWOOD, 63122 E-mail BEEEGEE @YAHOO. COM	
Owner's Signature $\int \frac{1}{3} \frac{15}{2021}$	
City Use Only	
Meeting Date:	
Zoning District: $\mathbb{R}-3$	

**CITY'S EXHIBIT NO. 1** 



Variance letter for 109 Dickson, Kirkwood, MO 63122

"March 15, 2021

Corner lot owned by Bob and Jackie Grothe

The 2-story home is situated on a 50' wide by 212' deep 10,600 sq. ft. corner lot; zoned R3. The existing front door of the home faces East/Dickson Street.

The Grothe Family would like to add a north extension to their existing, non-conforming, permitted deck. However, due to the sub optimal corner lot configuration and the setbacks allowed, the existing deck structure is encroaching on the current side yard setback by 8.4 feet. Customarily, the Grothe Family considers the existing deck and patio to be in their "back yard".

As you will see, in addition to possibly expanding the existing deck, we are preparing plans for a new 2-car garage for the Grothe Family. We are anxious to submit the plans to Architectural Review Board for this part of the project once we have your decision. Additionally, we have been in touch with Amy Lowry, to make sure the proposed garage is well within the allowable building area and is meeting all of the City's updated building guidelines and codes.

With the existing size, shape, and orientation of the home on the lot, the most practical location for the extension of the deck is along the rear of the new garage. This deck expansion will not change the watershed, will not increase the current encroachment, and will maintain the architectural interest from Dickson.

One of the main goals of this project is enhancing the view from Dickson by removing the large side entry concrete driveway and creating accessible green space. To help achieve this goal, the deck extension will also take the place of an existing raised hardscape patio behind the garage.

This proposed deck extension would encroach upon the 10' west building line matching the existing 1.6' setback. We are therefore asking for a variance of 8.4', thus matching the existing total encroachment.

This proposed configuration is the only feasible footprint that seems to be reasonable and practical. We feel that the current building line requirements create a hardship due to the corner lot configuration; their existing, legal non-conforming, previously permitted deck; and the very short distance to the side building line, which based on the layout of their home is the rear and if treated as such would allow a 10' encroachment per code.

Respectfully,

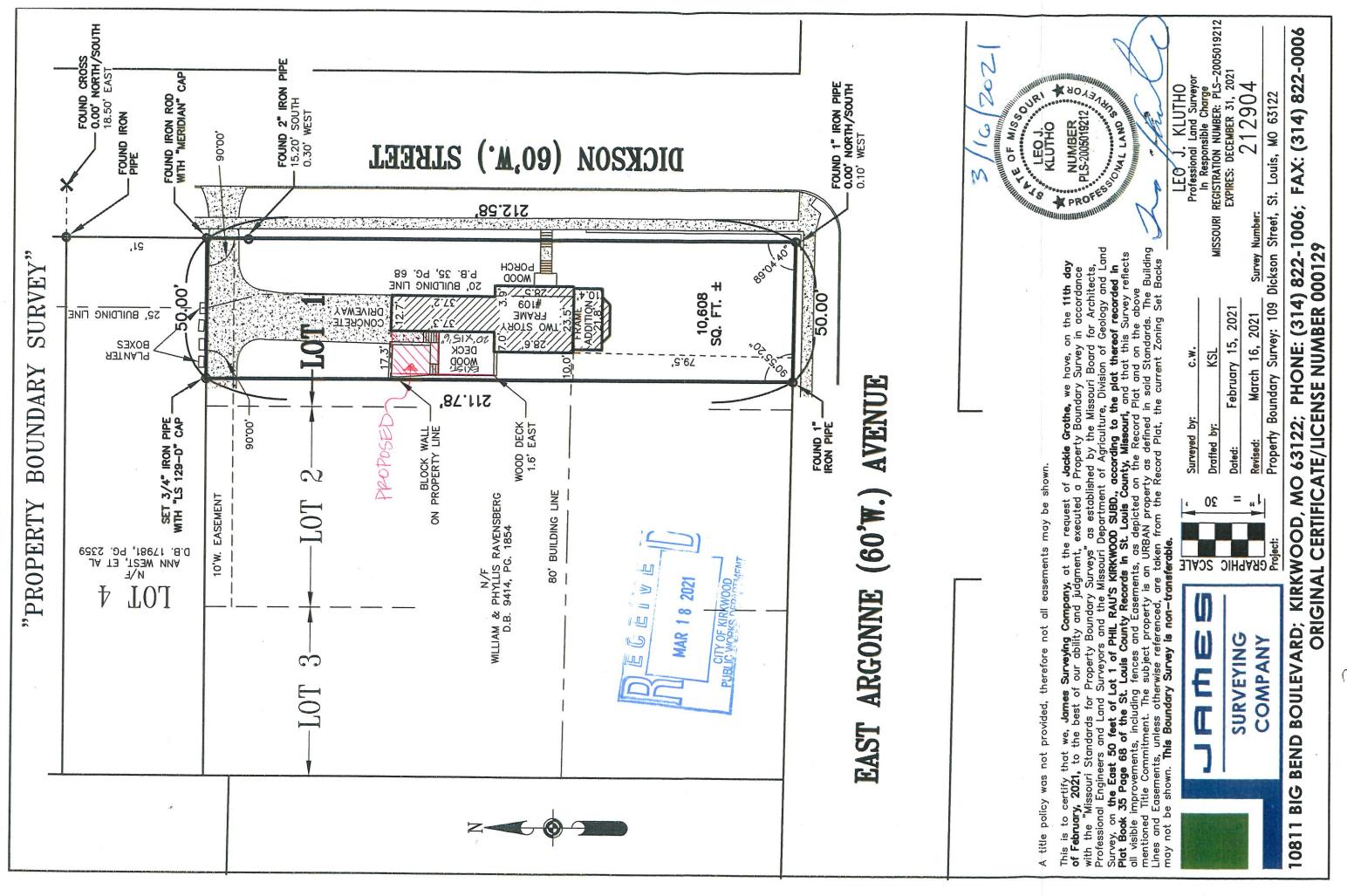
William T. Riggs, President

RIGGS Company

CITY'S EXHIBIT NO. .







### AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI

COUNTY OF ST. LOUIS

s.s

Before the undersigned Notary Public personally appeared Karie Clark 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 hererto, starting with the March 23, 2021 edition and ending with the March 23, 2021 edition, for a total of 1 publications:

03/23/2021

Karie Clark

Karie Clark

Subscribed & sworn before me this 234

day of Mar, 20

(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

Page 1 of 1

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 via Zoom webinar on April 12, 2021, at 7:00 P.M. to consider the following:

**New Business** Case No. 10-2021 - 109 Dickson St. - Side yard setback variance. 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, March 23, 2021. 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. 11982217 County Mar 23, 2021

CITY'S EXHIBIT NO.



March 31, 2021

Riggs Company 333 Leffingwell Avenue Suite 109 Kirkwood, MO 63122

RE:

Variance Request Case No. 10-2021 109 Dickson Street Zoning District R-3

Dear Sir:

Your variance request from the Kirkwood Board of Adjustment has been set for Public Hearing via Zoom webinar on April 12, 2021 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 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)(3) and Table 48-4 of the Zoning and Subdivision Code requires a side yard setback of 10 feet in this particular instance. The new deck you wish to construct will provide a west side yard setback of 1.6 feet. This is 8.4 feet closer to the west side yard property line than the 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 the 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've attached the agenda for the meeting with the Zoom webinar information. I have also attached building permit information from the 1985 building of the original deck which will be an additional exhibit to your case. You will also be sent the link to the meeting via email closer to the meeting date. Please contact me if you have any questions with regard to this matter before the public hearing.

Sincerely,

Amy Lowry, AICP

Planner II

Encl. Meeting Agenda

C: Robert Grothe



MAILED 39 POSTCARDS ON 3-24-2021

CITY'S EXHIBIT NO. 6

SLAVNEY DAVID H & SUSAN H 611 E MADISON AVE SAINT LOUIS, MO 63122	HANSER GREGORY W CAROLE M H/W TRUSTEES 114 CLARK AVE SAINT LOUIS, MO 63122	FRAILEY ANDREW & ALICIA T/E 4567 W PINE BLVD # 416 SAINT LOUIS, MO 63108
LINFORD STEVENJAMES & DIANA EVELYN 12615 KIMES RD DE SOTO, MO 63020	COE LINDA M TRUSTEE 600 E ARGONNE DR SAINT LOUIS, MO 63122	REC CH WDNS & VES GR CH KIRKWD A CORP 514 E ARGONNE DR SAINT LOUIS, MO 63122
LEWIS BRIAN C 101 HANDLAN CT SAINT LOUIS, MO 63122	REYNOLDS DOUGLAS W ANN W 102 DICKSON ST SAINT LOUIS, MO 63122	BAUER DAVID C 105 HANDLAN CT SAINT LOUIS, MO 63122
HOLLEY MATTHEW S & ALLISON 106 DICKSON ST SAINT LOUIS, MO 63122	FLAMANDS TRUST THE 109 HANDLAN CT SAINT LOUIS, MO 63122	PELLARIN JUNE DELORIS 110 DICKSON ST SAINT LOUIS, MO 63122
STANLEY DWAYNE & PATRICE 112 DICKSON ST SAINT LOUIS, MO 63122	GROTHE ROBERT T JR ETAL J/T 109 DICKSON ST SAINT LOUIS, MO 63122	WILLI TIMOTHY W & KIMBERLY / 533 E ARGONNE DR SAINT LOUIS, MO 63122
RAVENSBERG WILLIAM S PHYLLIS A H/W 549 E ARGONNE DR SAINT LOUIS, MO 63122	NIENKEMPER DANIEL R & LYNN 113 HANDLAN CT SAINT LOUIS, MO 63122	WHITEHEAD ROBERT E & JANET 116 DICKSON ST SAINT LOUIS, MO 63122
WEST ANN E ETAL J/T 119 DICKSON ST SAINT LOUIS, MO 63122	BURNSIDE DAVID W & JENNIFER A H/W TRS 120 DICKSON ST SAINT LOUIS, MO 63122	BURKE SHARON K 123 DICKSON ST SAINT LOUIS, MO 63122
NODDINGS JOHN 544 E JEFFERSON AVE SAINT LOUIS, MO 63122	BURNSIDE DAVID WAYNE & JENNIFER ANN H/W 120 DICKSON ST SAINT LOUIS, MO 63122	BROWN MICHAEL L & TRUDY J T/E 126 DICKSON ST SAINT LOUIS, MO 63122
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LUTTERMAN JEANETTE & MICHAEL H/W J/T 554 E JEFFERSON AVE SAINT LOUIS, MO 63122	DAVIS CARMEN R TR 548 E JEFFERSON AVE SAINT LOUIS, MO 63122	NODDINGS JOHN G & HERRING SHANNON M H/W 544 E JEFFERSON AVE SAINT LOUIS, MO 63122

PARKS DEBORAH L & DAWSON JEFFREY G W/H 538 E JEFFERSON AVE SAINT LOUIS, MO 63122

ASSESSOR INFORMATION WITHHELD 201 DICKSON ST SAINT LOUIS, MO 63122

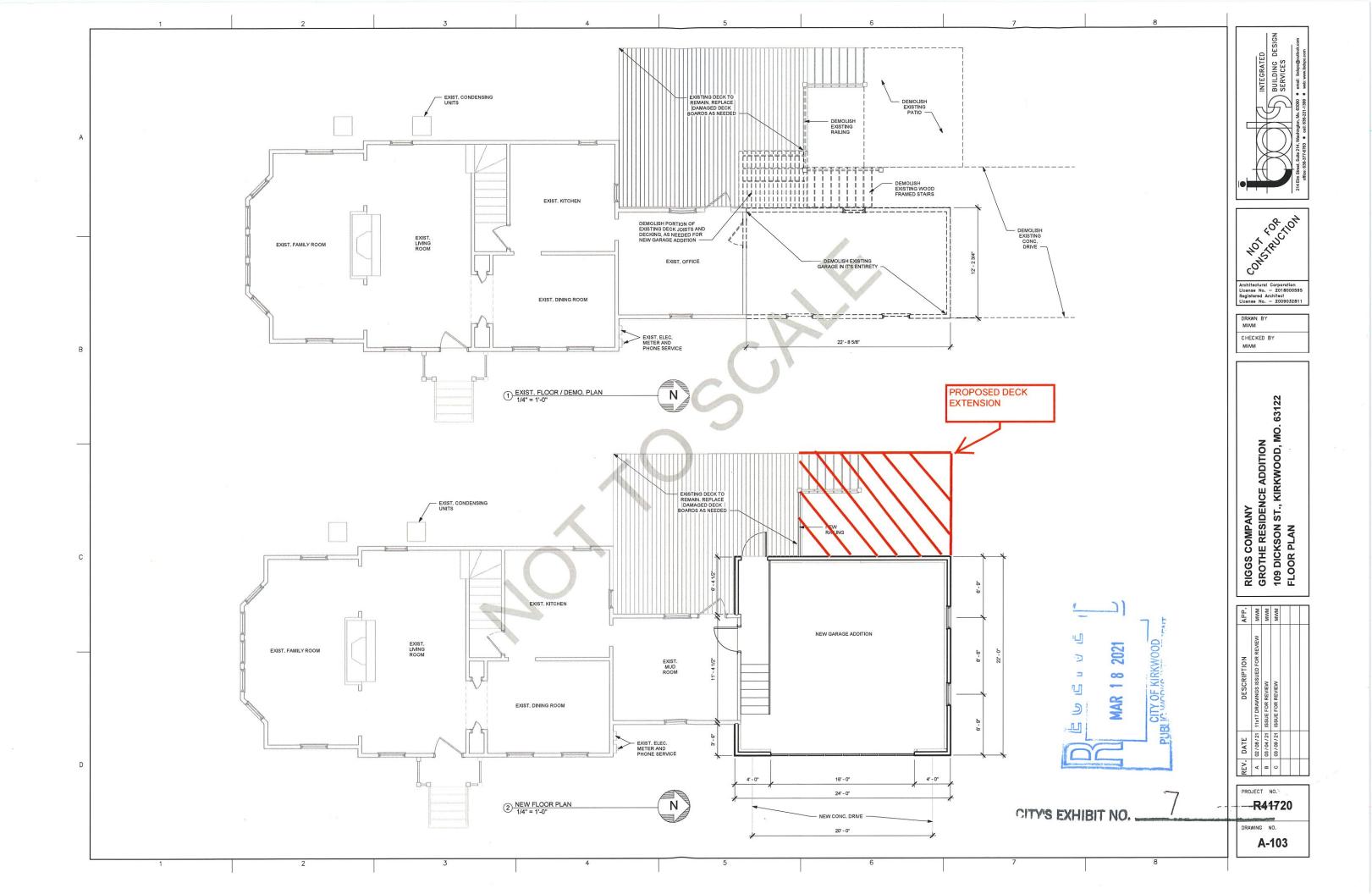
CASTEEL CARROLL KENT JR & SUSAN K T/E 623 E MADISON AVE SAINT LOUIS, MO 63122 BECKNER R RANDOLPH CHRISTINE G H/W 534 E JEFFERSON AVE SAINT LOUIS, MO 63122

WARREN MATTHEW & KELLY H/W 529 E JEFFERSON AVE SAINT LOUIS, MO 63122

BLUMEYER KYLENE & PETER T/E 632 E ARGONNE DR SAINT LOUIS, MO 63122 GENTRY WILLIAM H REVOCABLE TRUST ETAL 526 E JEFFERSON AVE SAINT LOUIS, MO 63122

PEARL CONSTRUCTION LLC 58 HILL DR SAINT LOUIS, MO 63122

DAVIES JOSEPH P & TASHA T/E 618 E ARGONNE DR SAINT LOUIS, MO 63122





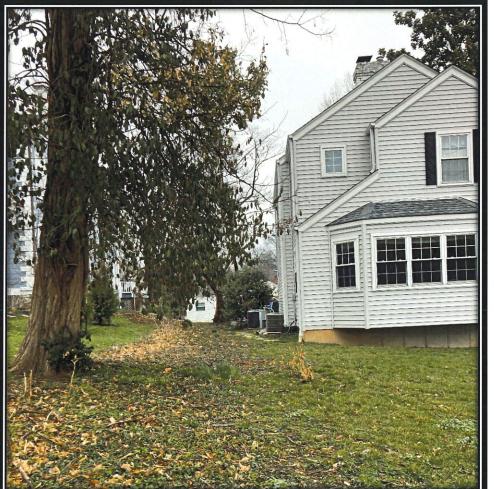














June 10,

Mr. and Mrs. Anthony Hauck 109 N. Dickson St. Kirkwood, MO 63122

Ordinance No. 7245 Section III.) requires that no building or structure be constructed without a building permit. have no record of a building permit having been issued for the deck at your home.

I hereby order that all work stop immediately, not to be resumed unless and until a building permit is issued. In order to obtain a permit please provide two copies of the following plans:

- 1. Site plan
  2. Pier details
  3. Floor plan
  4. Framing details
  5. Elevation

Code Inforcement ingineer



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March 17, 2021

To the City of Kirkwood Board of Adjustment:

I am contacting you about a planned construction project at the residential property that borders our home on the south.

Along with a potential garage addition, the Grothe family, of 109 Dickson, is interested in replacing an existing deck and patio structure with a new deck.

I understand the new enlarged deck would remain within the existing footprint, covering both the deck and patio, but nonetheless requires a variance.

Our home at 549 East Argonne Dr. is uniquely positioned to have the closest and most direct visibility to this next-door property. We have no concerns about this project and believe a new deck will be a welcome enhancement to the property.

Please know we are fully supportive of this project and appreciate your consideration for a variance.

Phyllis and Bill Ravensberg 314-630-9292

