



**CITY OF VALLEY PARK
BOARD OF ADJUSTMENT MEETING
VIA ZOOM VIDEO CONFERENCING
824 9252 1684
AT 7:00 P.M. ON MARCH 18, 2021
VALLEY PARK CITY HALL, 320 BENTON
STREET, VALLEY PARK, MISSOURI 63088**

****** AGENDA ******

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. PUBLIC HEARING – 404 FOREST**
- 4. VARIANCE REQUEST – 404 FOREST**

3/18/21 7:00pm [Signature]

Posted on _____ at _____ by _____

NOTICE OF PUBLIC HEARING Notice is hereby given that a public hearing will be held by the **Board of Zoning Adjustment** of the City of Valley Park, Missouri at 7:00 p.m. on Thursday, March 18, 2021, via ZOOM (link to be found at www.valleyparkmo.org) to consider each of the following items:

An appeal Charles Wilken, owner and applicant, of 404 Forest Avenue for the following variances from the City of Valley Park's Land Use Regulations, Chapter 405 Zoning Regulations to allow for a lot split and creation of a new buildable lot:

An appeal Charles Wilken, owner and applicant, of 404 Forest Avenue for the following variances from the City of Valley Park's Land Use Regulations, Chapter 405 Zoning Regulations to allow for a lot split and creation of a new buildable lot:

1. Variance request applicable to Parcel A (existing house):
 - a. A 2-foot variance from the required side yard setback of 8 feet, Section 405.130.D.4.b.
2. Variance requests applicable to Parcel B (new lot):
 - a. A 2,800 square-foot variance from the minimum lot size of 10,000 square-feet, to allow for the creation of a 7,200 square-foot lot, Section 405.130.D.1.a and Section 405.130.D.2.
 - b. A 15-foot variance from the minimum lot width of 75 feet, to allow for the creation of a 60-foot wide lot, Section 405.130.D.2.

At said hearing interested parties and citizens shall have an opportunity to be heard. Any questions or inquiries should be directed to Dusty Hosna, City Administrator, at 636-861-1385 during regular office hours.

Application for Property Maintenance Code Appeal



City of Valley Park
320 Benton Street
Valley Park, Missouri 63088

Date: 9-2-20

Subject Property: 404 FOREST AVE. VALLEY PARK, MO 63088

Owner: CHARLES R WICKEN

Mailing Address: 38 FERNRIDGE, VALLEY PARK, MO 63088

Phone #s: 314 532-3102 Email: M WICKEN 60 @ YAHOO.COM

Applicant (if different from property owner): _____

Mailing Address: _____

Phone #s: _____ Email: _____

Owner's Authorization for applicant to represent: Charles R Wicken
Signature

Date of Violation Notification: NA

Currently adopted Code to be appealed: _____

150.00

List each and every violation on the following pages with the applicable code section and indicate whether the appeal for that particular violation pertains to a claim that, a) the true intent of the code has been misinterpreted, b) the provisions of the code do not fully apply, or c) the requirements of the code are adequately satisfied by other means.



Application for Property Maintenance Code Appeal

Board Action

Date of Board of Appeals: _____

Subject Property: _____

Applicant: _____

Number of Board Members Present: _____

Decision

UPHOLD DENY the decision of the inspector/Code Official

Number in agreement: _____ Number Opposed: _____

Appeal is: DENIED GRANTED

Conditions/Comments: _____

Application for Property Maintenance Code Appeal

Continued:

Items of Appeal:

Violation: VIOLANCE LOT SIZE

Code Section: _____

Reason for Appeal based on: SEVERAL YEARS AGO THE RESIDENT LOCATED ON THESE TWO LOTS WAS RAISED & REBUILT CREATING A ISSUE WITH THE CURRENT GARAGE BEING LOCATED PARTIALLY ON LOT 9 I AM REQUESTING YOU CONSIDER ALLOWING THE LOT TO BE SUB-DIVIDED GOING NORTH & SOUTH. IF THIS REQUEST IS

Items of Appeal: GRANTED THE ESTIMATED LOT SIZE WOULD BE ONE

Violation: HUNDRED TWENTY FEET RUNNING EAST & WEST AND

Code Section: SIXTY FEET RUNNING NORTH & SOUTH.

Reason for Appeal based on: EXHIBIT - A

Items of Appeal:

Violation: _____

Code Section: _____

Reason for Appeal based on: _____

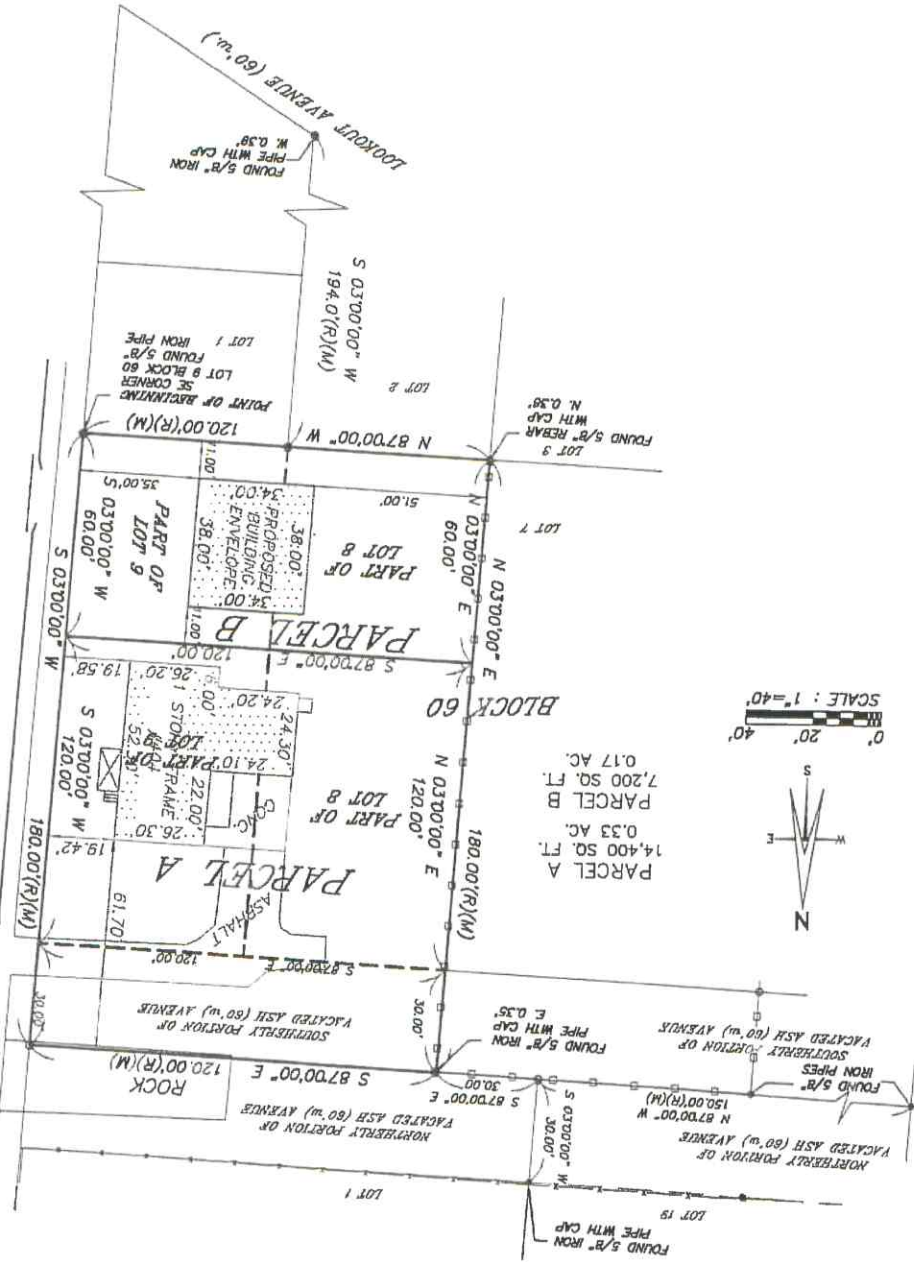
Items of Appeal:

Violation: _____

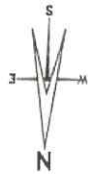
Code Section: _____

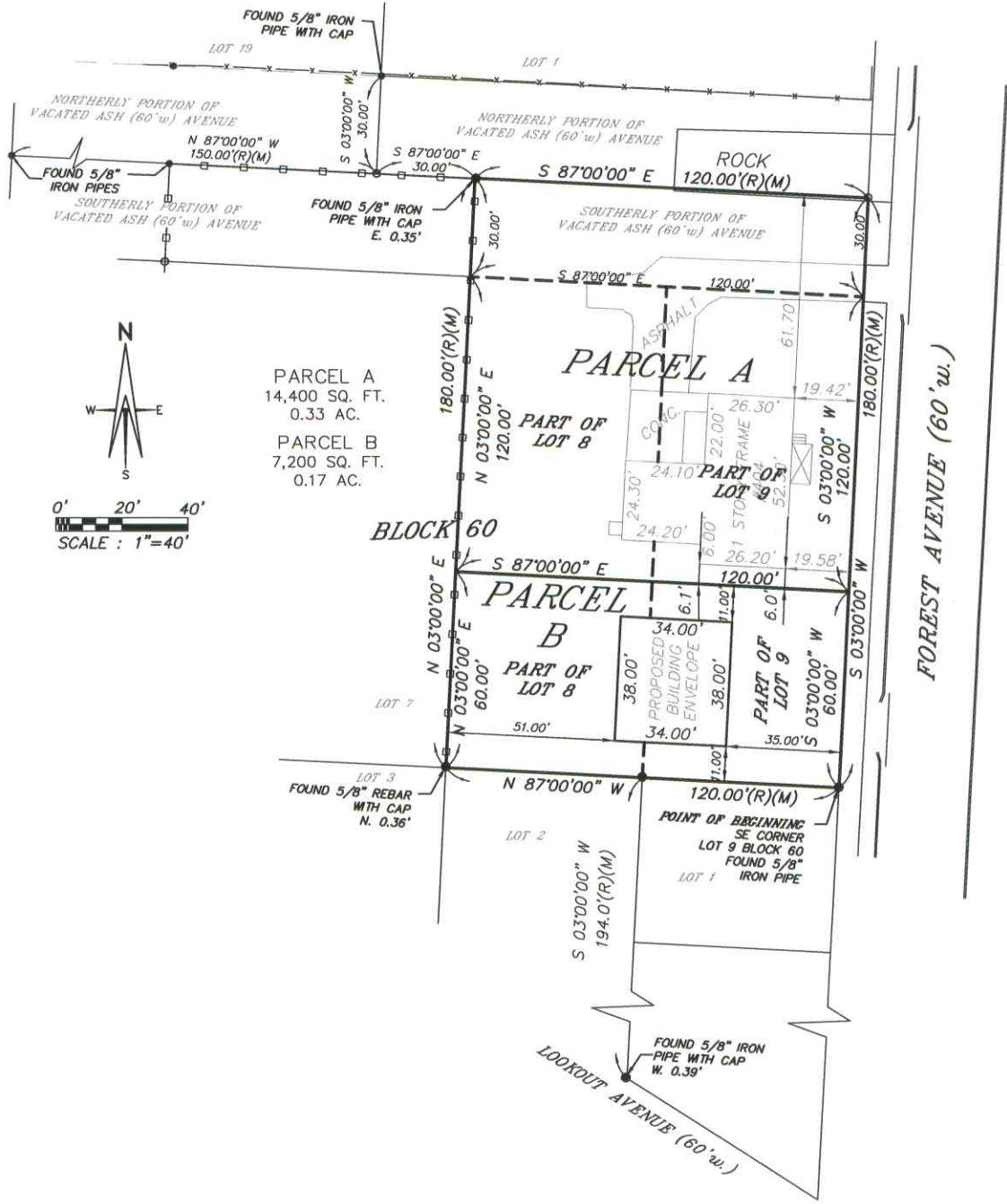
Reason for Appeal based on: _____

FOREST AVENUE (60' w.)



SCALE : 1"=40'





0' 20' 40'
 SCALE : 1"=40'

MEMORANDUM

Re: Review of an appeal to the Board of Adjustment for multiple variances
Date: 03/12/2021

To: Dusty Hosna
From: Anna Krane, AICP

Applicant/Owner: Charles Wilken

Requested Action: Parcel A: a two (2) foot variance from the required south side yard setback of eight (8) feet (Section 405.130.D.2)
Parcel B: a 2,800 square foot variance from the minimum lot size of 10,000 square feet (Section 405.130.D.1.a and Section 405.130.D.2) and a fifteen (15) foot variance from the minimum lot width of seventy-five (75) feet (Section 405.130.D.2)

Location of Site: 404 Forest Avenue

Size of Property: 21,600 square feet

Zoning District: R-1 Single-Family Residential District

Petition Date: March 18, 2021



Anna Krane, AICP, Contracted Planner

- Exhibits:
- A. Code of Ordinances for the City of Valley Park
 - B. Appeal to the Board of Adjustment
 - C. Survey, provided by owner
 - D. Staff Report

MEMORANDUM

Existing Conditions

The +/- 21,600 square foot property is located just north of the intersection between Forest Avenue and Lookout Avenue. The property has a zoning designation of R-1 Single-Family Residential District. The property is currently developed with a single-family house. The property is highlighted in red on the map below:



Project Description and Variance Request

The owner/applicant is proposing to split the lot with the existing house to remain on one lot (Parcel A) and a new house to be constructed on the new lot (Parcel B). The proposed lot split would result in one non-conforming lot and render the existing structure non-conforming. The minimum lot area for the R-1 District is 10,000 square-feet and the minimum lot width is 75 feet. Proposed Parcel A would conform to the minimum standards, measuring 14,400 square feet with a width of 120 feet. Proposed Parcel B would not conform to the minimum standards, measuring 7,200 square feet with a width of 60 feet. The side yard setback in for the R-1 District is a minimum of 8 feet. The existing house located on Parcel A would not meet the minimum side yard setback, located only 6 feet from the new property line.

MEMORANDUM

In January of 2021, the owner/applicant provided the City with the required information for an appeal to the Board of Zoning Adjustment. The owner/applicant is requesting the following variances:

1. For Parcel B, a 2,800 square foot variance from the minimum lot size of 10,000 square feet per Section 405.130.D.1.a and Section 405.130.D.2 of the R-1 Single-Family Residential District to allow for the creation of a 7,200 square-foot lot.
2. For Parcel B, a fifteen (15) foot variance from the minimum lot width of seventy-five (75) feet per Section 405.130.D.2 of the R-1 Single-Family Residential District to allow for the creation of a 60-foot wide lot.
3. For Parcel A, a two (2) foot variance from the required south side yard setback of eight (8) feet per Section 405.130.D.2 of the R-1 Single-Family Residential District to allow for a 6-foot side yard setback.

Analysis

Staff's analysis is based on an assessment of elements of the applicable ordinances, information contained in the file, documents and observations made of the site and its environs. Section 405.1020.A.3.a states "The applicant must show that this property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where by reason or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the practical use of his/her property in the manner similar to that of other property in the zoning district where it is located."

Section 405.1020.A.3.b A request for a variance may be granted upon a finding of the Board of Adjustment that all of the following conditions have been met. The Board of Adjustment shall make a determination on each condition, and the finding shall be entered in the record.

- 1) *The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.*
- 2) *Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.*
- 3) *The special conditions and circumstances do not result from the actions of the applicant.*
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, structures, or buildings in the same district.*
- 5) *In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.*

MEMORANDUM

Section 405.1030 outlines considerations for the Board of Adjustment when determining if the applicant has provided evidence to support the criteria listed in the section above.

1. The particular physical surroundings, shape or topographical conditions of the property involved would result in a severe practical difficulty or extreme hardship upon or for the owner, lessee, or occupant, if the provisions of this Chapter were literally enforced;
 - » STAFF OBSERVATION: The applicant would like to create a lot for the construction of a new house without having to demolish the existing house. The existing lot is over 20,000 square-feet and 180 feet wide, therefore, the existing lot could be split into two conforming lots if the existing structure was removed. The lots in the immediate area include a variety of sizes and widths, likely resulting from right-of-way vacations and lot consolidations of similar situations to the creation of the subject property. It is our determination that the requested variance does not result from a condition unique to the property in question.
 - » STAFF OBSERVATION: The property is currently improved with a single-family dwelling as allowed by the City's regulations. Surrounding properties are also located in the R-1 Single-Family Residential District and improved with single-family dwellings. Literal interpretation of the City's regulations does not prevent the subject property from being uses as intended and would not result in a severe practical difficulty or extreme hardship for the owner.
2. The request for a variation is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property;
 - » STAFF OBSERVATION: Based on information provided to the City, the variance request is due to a desire to construct a second single-family dwelling on the property.
3. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located; and
 - » STAFF OBSERVATION: The variances requested are not likely to be materially detrimental or injurious to other property.
4. The proposed variation will not impair an adequate supply of light to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - » STAFF OBSERVATION: The requested variance would result in one lot being larger than the minimum standards and one lot being smaller than the minimum standards. The request is not likely to impair an adequate supply of light to adjacent property or cause other safety concerns.