

A-22-21

Title: Appeal, submitted by McBride Weber Hill, LLC, to vary both side setbacks from the required fifteen feet (15') to ten feet (10') for the construction of a single family residence at 12826 Weber Hill Road (per Appendix B, Section 4.3-4B1b).

Owner: Daniel Gregory
5539 Pine Wood Forest
St Louis, Missouri 63128

Date: July 2021



* Maps are for informational use only. Not a representation of the project.

Summary:

This Appeal is to vary both side setbacks from the required fifteen feet (15') to ten feet (10') for the construction of a new single family residence at 12826 Weber Hill Road. The property is located on the south side of Weber Hill Road, approximately 460 feet west of Kimker Lane. The property is currently zoned R-1 Single Family Residential – 1 acre minimum lot size. All surrounding properties are also zoned R-1.

Staff analysis:

There is an existing residence on this lot, which was constructed circa 1934. The property is 74.30 feet wide and consists of 18,433 square feet. Currently, the R-1 zoning district requires lot width of at least 150 feet and lot size of at least one (1) acre. This property predates those current requirements and is therefore, considered legally non-conforming or “grandfathered”.

However, all proposed structures are required to meet current setback requirements. For the R-1 Zoning District, those requirements are fifty feet (50') from the front property line, thirty-five feet (35') from the rear property line and fifteen feet (15') from the side property lines. As the petitioner will further explain, they propose to demolish the existing residence and construct a new single family residence on the property. This Appeal is to vary both side setbacks from fifteen feet (15') to ten feet (10').

Two (2) other variances are being requested for this property. A-21-21 is an Appeal to vary the front setback from fifty feet (50') to thirty feet (30'). A-23-21 is an Appeal to vary the building coverage from fifteen percent (15%) to twenty-six (26%).

Per Appendix B Zoning Regulations, Section 9.3-2 Findings: The Board of Adjustment may grant variances from the strict application of this Ordinance when by reason of the strict application of this Ordinance or Amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such variance can be granted without substantial impairment of the intent, purpose and integrity of this ordinance. It is further provided that this provision shall not permit the board of adjustment to permit a use of land not authorized by the provisions of this

ordinance for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this ordinance for any particular zoning district.

Before granting a variance, there must be a finding by the Board of Adjustment that all of the following conditions exist:

- (A) That if the owner complied with the provisions of this ordinance, the owner would not be able to make any reasonable use of the property which is permitted in the district in which the property is located.

If the owner complied with the provisions of this ordinance, they would be able to make use of the property as it currently exists.

- (B) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district.

The difficulties and hardships could be considered peculiar to this property. The lot width and size are far below what is currently required in the R-1 Zoning District.

- (C) That the hardship was not the result of the applicant's own action and is not merely financial or pecuniary.

The hardship is the result of the applicant's own action.

- (D) That the issuance of a variance will not be detrimental to the public welfare or health or injurious to other property.

Based on the information provided by the Petitioner, this variance should not be detrimental to the public welfare or health or injurious to other property.

If the Board believes that application of this Ordinance would result in unusual difficulty or unreasonable hardship upon the owner of said property, this appeal should be approved.