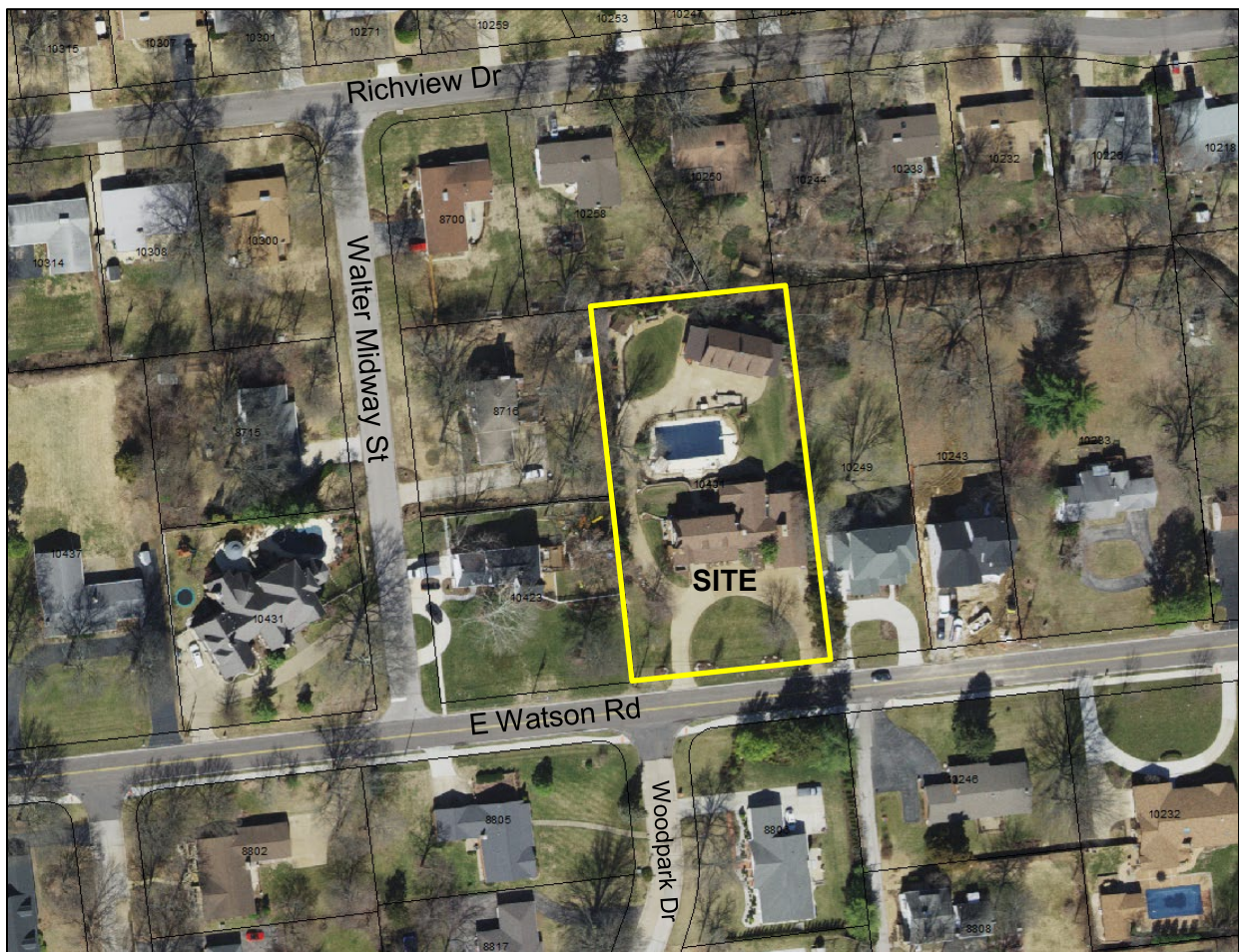


A-01-22

Title: Application for Variance, submitted by Phil and Christina Hesse, to vary the maximum size of a detached garage with attached carports from 1,200 square feet to 1,807 square feet at 10401 East Watson Road (Appendix B, Section 4.4-4F.

Owners: Phil & Christina Hesse
10401 East Watson Road
Sunset Hills, Missouri 63127

Date: January 2022



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

Summary:

This Application is to vary the maximum size of an existing detached garage with two (2) attached carports. The property is located on the north side of East Watson Road, approximately 270 feet east of Walter Midway Street. The property is currently zoned R-2 Single Family Residential-20,000 square foot minimum lot size. The properties to the north are zoned R-4 Single Family Residential-10,000 square foot minimum lot size. The properties to the east, south and west are all zoned R-2.

History & Staff Analysis:

In 2016, the petitioner applied for a Variance to construct a 1,836 square foot garage. Per Appendix B Zoning Regulations, Section 4.4-4(F):

For any one family or two family dwelling there shall be permitted one detached garage or covered carport. The detached garage or carport space shall not exceed two hundred fifty (250) square feet for each three thousand (3,000) square feet of lot area; provided, that in no event shall such area exceed a total of one thousand two hundred (1,200) square feet or fifty (50) percent of the square footage of the footprint of the residence plus attached garage whichever is smaller. An attached garage, detached garage or carport shall be subject to the same required setbacks as the main structure. Detached garage roof line cannot exceed the height of the residence or twenty-four (24) feet whichever is less.

That Application was denied; the petitioner amended their plans and received a permit to construct a 1,196 square foot garage, which met the City's current zoning requirements.

After construction of the 1,196 square foot garage, two (2) carports (338 square feet and 273 square feet) were added to the ends of the garage without required permits. The total square footage of the structure is now 1,807 square feet, which exceeds the 1,200 square foot total allowed under the section above by 607 square feet.

In 2019, the Petitioners applied for a Variance, to vary the maximum size of a detached garage with carports from 1,200 square feet to 1,807 square feet. That Application was denied.

Per Appendix B Zoning Regulations, Section 9.3-5E: Re-submittal of variation request: In the event that a variation is denied, no request for the same variation shall be accepted by the city for a period of one (1) year from the time the Board of Adjustment denied the original request.

More than the required amount of time for this Variance to be eligible for re-application has elapsed and the Petitioners has once again applied for a Variance to vary the maximum size of a detached garage with carports from 1,200 square feet to 1,807 square feet. If this Application is approved, the structure could remain on site, as it exists. If this Application is denied, the Petitioners would be required to bring the structure into compliance or be cited and sent to court. Alternatively, they could appeal the Board's decision to St Louis County Court within 30 days.

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 are not peculiar to this property.

(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. It is not financial or pecuniary.

(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 Variance should be approved.