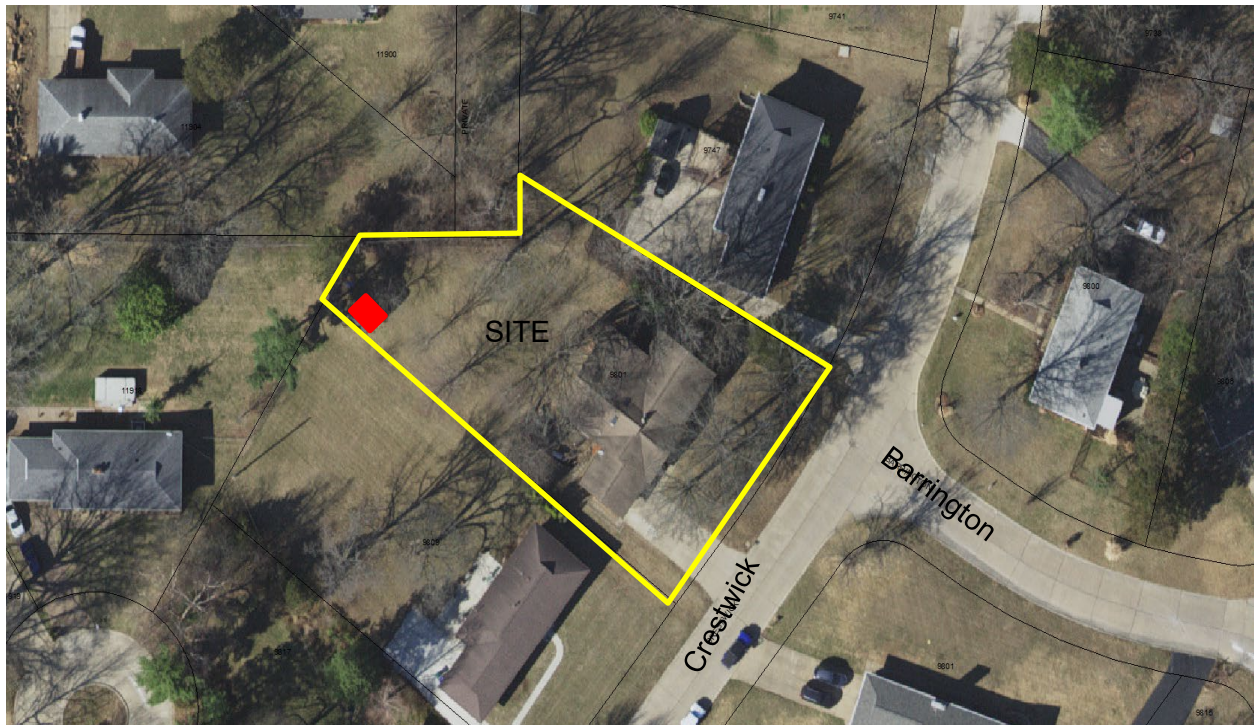


A-01-23

Title: Petition for a Variance, submitted by Philip & Debra Diekmann, to vary the side setback from the required ten feet (10') to three feet and seven inches (3'7") for an existing shed at 9801 Crestwick Drive (Appendix B, Section 4.5-4B1b).

Owners: Philip & Debra Diekmann
9801 Crestwick Drive
St Louis, Missouri 63128

Date: January 2023



* Maps are for informational use only. Not a representation of the project. ■ Approximate shed location

Summary:

This request is to vary the side setback from the required ten feet (10') to three feet and seven inches (3'7") for a storage shed at 9801 Crestwick Drive. The property is located on the west side of Crestwick Drive, approximately sixty-three feet (63') southwest of Barrington Oaks. The property is currently zoned R-3 Single Family Residential – 15,000 square foot minimum lot size. All surrounding properties are zoned R-3.

Project overview:

- Location: 9801 Crestwick Drive; Barrington Estates, Plat 2.
- Existing zoning: R-3 Single Family Residential – 15,000 square foot minimum lot size.
- Requirement from which variation is being sought: Appendix B, Section 4.5-4B1b.
- Requirement: Accessory structures are required to meet a side setback of at least ten feet (10') in the R-3 Zoning District.
- Requested setback: The existing shed is three feet and seven inches (3'7") from the side property line.

History & staff analysis:

The residence on this property was constructed in 1960. In January 2017, a zoning approval was granted for a 12-foot by 12-foot (12'x12') barn-style shed. The plans were taken to St. Louis County and a building permit was issued. It was brought to the City's attention that the final inspection was never completed. The shed was constructed closer to the property line and a different size than was originally permitted. The property changed hands in 2022 and the current owners are attempting to resolve the situation by obtaining a new building permit

Appendix B Zoning Regulations, Section 4.5-4B1b requires structures to meet a side setback of ten feet (10'). All other zoning requirements would be met by the project.

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 prior homeowner's own action. The petitioners were made aware of the violation prior to purchasing the property. The hardship 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 appeal should be approved. If this application is approved, a permit will be approved by the City and the Petitioner must obtain a building permit from St Louis County. If this application is denied, the Petitioner must either relocate the shed to meet current setback requirements or remove the shed.