

# A-14-23

**Title:** Appeal submitted by Seric Investment, Inc., to vary the rear setback from the required 30 feet to 19.6 feet for a new single-family residence at 10652 Roanna Lane.

**Owners:** Almir Seric  
5830 Five Oaks  
St. Louis, MO 63128

**Date:** April 2023



\*Map is for informational use only. It is not a representation of the project.

**Summary and History:**

This petition is to vary the requirement in Section 3.3, Dimensional Standards of the Unified Development Ordinance, which defines minimum building setbacks in the R-3 (Single Family Residential-15,000 square foot minimum lot size) zoning district. Those setbacks are 40 feet from the front property line, 10 feet from the side property lines and 30 feet from the rear property line.

The property is located on the south side of Roanna Lane, approximately 790 feet west of Sappington Road. The property is currently zoned R-3 Single Family Residential-15,000 square foot minimum lot size. The properties to the north, east and west are also zoned R-3. The property is bordered on the south by Interstate 270.

The original residence was constructed circa 1959, before the construction of Interstate 270. As various phases of right of way acquisition and interstate construction occurred, the properties were reduced in size and resulted in the residence having a non-conforming rear setback.

The original residence fell into severe disrepair and has been demolished. Using information provided by the previous applicant, along with mapping information found on St Louis County's website, it appears the original residence was approximately 9 feet from the rear property line. Once that structure was removed, the non-conforming status was eliminated. Any new construction is required to meet current, in this case, setback requirements.

In September 2017, the previous owner came before the Board of Adjustment and received approval on the same variance, but construction never occurred, and the variance has expired. The property has since changed owners and the applicant would like to use the previously approved plans to move forward with construction of the single-family residence.

**Analysis:**

This petitioner is requesting to construct a new single family residence. The current rear setback requirement is 30 feet. The proposed residence would be 19.6 feet from the front property line. The petitioner is also requesting a variance from the required 40-foot front setback. See petition A-13-23. The proposed residence would be 26 feet from the rear property line.

Per Section 10.3.2 Findings of the Unified Development Ordinance: 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 owners complied with the provisions of this ordinance, they would be able to make use of the property as it currently exists as a single family residential property. A different, much smaller dwelling could be constructed on the property. However, staff believes this would be unreasonable and the proposed dwelling is more consistent with others in the neighborhood.

(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. A portion of the property was acquired by the Missouri Department of Transportation for construction of Interstate 270.

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

The hardship is not the result of the applicant's own action. The City had started nuisance proceedings on the original residence. At that point, the current property owner purchased the property, met with the City and expressed the desire to demolish the original residence and construct the proposed residence. The hardship is not merely 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 we have, this variance should not be detrimental to the public welfare or health or injurious to other property.

Staff feels as though in this situation, strict application of the ordinance could be considered a hardship on the property owner. While use could be made of the property without this variance, it may not be considered "reasonable use". Additionally, the difficulties of the highway right of way acquisition along with the cul de sac right of way in front of the property resulting in a narrow lot prove a legitimate hardship.