

Case Summary

Case Number		13-2022			
Zoning District		R-4			
Project Address		1231 Simmons Ave.			
Applicant Name		John Rutledge			
Property Owner		Same as above			
Article	VI	Section	25-48	Sub-Section	25-48(b)(2)(i)
Variance Request		Front yard setback			
Required		63.51'			
Proposed		39.08'			
Variance Requested		24.43'			
Article	VI	Section	25-47	Sub-Section	25-47(d)(7)
Variance Request		Front porch encroachment			
Required		53.51'			
Proposed		32.08'			
Variance Requested		21.43'			

History of address: A variance was granted on November 8, 2021 for a porch addition to encroach up to 44.09' from the front yard property line, a variance of 9.42' from the required 53.51' encroachment.

Summary Approved by: CEV



Board of Adjustment Variance Application

139 S. Kirkwood Rd. Kirkwood, MO 63122

***An appointment with staff is required** prior to the submittal of a variance application to assist in preparing your submittal information. Please contact Christie Voelker, Planner I at 314-822-5899 to schedule an appointment.

Action Requested:

Variance of Zoning Code

- \$240 non-refundable filing fee for additions/alterations to existing single-family structures and for accessory structures such as shed, garages, and swimming pools
- \$500 non-refundable filing fee for all others not listed above,
- \$50 fee for each additional variance request on the same application.

Variance of Fence Code- \$200 non-refundable filing fee (per Code §5-45(c))

Appeal the decision of the Building Commissioner - \$240 non-refundable filing fee

Appeal the interpretation of the Zoning Code - \$500 non-refundable filing fee

Project Address 1231 Simmons Ave

Type of Work: New Construction Addition Other _____

Type of Structure: Single-family Multi-family Commercial Accessory
 Other _____

Has a previous variance application been filed on these premises within the last three (3) years?
 Yes No *If yes, provide available information that may affect this application.

I hereby certify that all the information provided, including that contained in any supporting documents submitted, is true and accurate to the best of my knowledge and belief.

Applicant Information: Property Owner Occupant Contractor Architect Other _____

Name John Rutledge Phone 636 675 3057

Address 5736 Lansdowne Ave

City/State/Zip St Louis MO 63109 E-mail john.rutledge33@gmail.com

Applicants Signature [Signature] Date 10/16/22

Property Owner Information (if different from above):

Name _____ Phone _____

Address _____

City/State/Zip _____ E-mail _____

Owner's Signature _____ Date _____

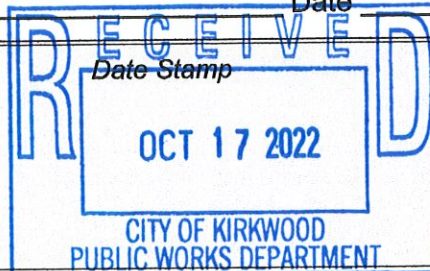
City Use Only

Meeting Date: 11-14-22

Case #: 13-2022

Zoning District: R-4

Received by: CEV



CITY'S EXHIBIT NO. 1

RE: 1231 Simmons Ave Variance Request
10/16/2022

To the Kirkwood Board of Adjustment,

My wife and I currently own the property at 1231 Simmons Avenue in Kirkwood. Our intention was to remodel the home for ourselves and move in once it is finished. Unfortunately, after receiving a variance late last year from the Variance board, we were informed that due to the back of the home being within 5 feet of the property line, we could not improve upon the existing structure.

We have spent a great deal of time and resources working with our architect to find an alternative way to save the existing structure. Unfortunately, we have determined that there is just no way to make the existing structure work. So at this time, we are asking for a variance to have the entire home demolished and a new home erected in its place.

We are now asking for several variances. First is to allow for us to have a front yard setback of 39.08' rather than the required 69.46' from the street. Second, to allow a porch to encroach from a setback established by variance of 7'. This would allow us to move away from the back property line and provide for a small backyard.

Please find attached all the requested documentation. We have also included pictures of a few other homes on the west side of Simmons that have previously received a similar variance.

We look forward to answering any questions you may have as well.

Sincerely,

John and Susan Rutledge



CITY'S EXHIBIT NO. 2



WHERE COMMUNITY AND SPIRIT MEET[®]

October 21, 2022

John Rutledge
5736 Lansdowne Ave
St. Louis, MO 63109

Sent via email to: john.rutledge33@gmail.com

RE: Variance Requests
Case No. 13-2022
1231 Simmons Ave.
Zoning District R-4

Dear Mr. Rutledge:

Your variance request from the Kirkwood Board of Adjustment has been set for Public Hearing on November 14, 2022, at 7:00 p.m. This meeting will be in person at Kirkwood City Hall. The Board of Adjustment is a duly constituted body with certain powers to grant a variance, which will permit a deviation from fixed standards, when the applicant can demonstrate to the Board that the standards set forth below will result in a practical difficulty. These powers are set forth in Article II, Section 25-24 of the Zoning and Subdivision Code of the City of Kirkwood; please refer to that section for any further information as to the powers of the Board as they apply to your variance.

You or your representative shall, at the time and place above, present all evidence that may have a bearing upon this case and that you believe to be relevant. This may include oral testimony under oath as well as the introduction of any documents or other records that you believe to be related to the proceedings. The burden of proof lies with the applicant. All proceedings before the Board are formal in that all testimony is under oath and a court reporter will make a verbatim transcript of all matters that are presented before the Board.

Article VI, Section 25-48, Sub-Section 25-48(b)(2)(i) of the Zoning Code requires a front yard setback of 63.51 feet in this particular instance. The new single-family residence you wish to construct will provide a front yard setback of 39.08 feet. This is 24.43 feet closer to the front yard property line than the Zoning Code allows.

Article VI, Section 25-47, Sub-Section 25-47(d)(7) of the Zoning Code permits unenclosed porches not more than one story in height to encroach up to 10 feet measured from the conforming setback line. In this instance, the conforming setback line is 63.51 feet, allowing a porch to encroach to 53.51 feet. The single-family residence you wish to construct has a 7-foot porch extending past the 39.08-foot setback established by the

requested variance, for a porch encroachment of 32.08 feet. This is 21.43 feet closer than the Zoning Code allows.

Article II, Section 25-24(c)(1) of the Zoning and Subdivision Code allows the Board of Adjustment to consider the following factors to determine whether a practical difficulty exists that would justify approval of an area or dimensional variance:

- (i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions;
- (ii) Whether the variance is not substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (iii) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (iv) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- (v) Whether the property owner's request can be obviated through some method other than a variance;
- (vi) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (vii) Whether a strict interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

I have attached the agenda for the meeting. Please contact me if you have any questions with regard to this matter before the public hearing.

Sincerely,

CITY OF KIRKWOOD



Christie Voelker
Planner I

Encl. Meeting Agenda

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Jacob Beran** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **October 26, 2022** edition and ending with the **October 26, 2022** edition, for a total of 1 publications:

10/26/2022

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

CITY OF KIRKWOOD, MISSOURI

The Board of Adjustment of the City of Kirkwood will hold a Public Hearing in the City Hall Council Chambers, 139 S. Kirkwood Road, on November 14, 2022, at 7:00 P.M. to consider the following:

New Business

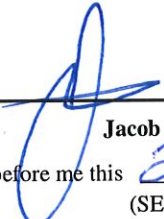
Case No. 13-2022 - 1231 Simmons Ave. - front yard setback and front porch encroachment variances for new single-family residence.

Such hearing may be adjourned from time to time until completed.


Questions may be directed to Christie Voelker at 314-822-5899 or voelkece@kirkwoodmo.org.

BY ORDER OF: Joe Roeser, Secretary - Board of Adjustment Kirkwood, Missouri, October 26, 2022. The City of Kirkwood is interested in effective communication for all persons.

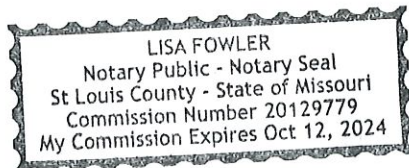
Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802. 12167309 County Oct. 26, 2022



Jacob Beran
Subscribed & sworn before me this 26TH day of Oct, 2022
(SEAL)

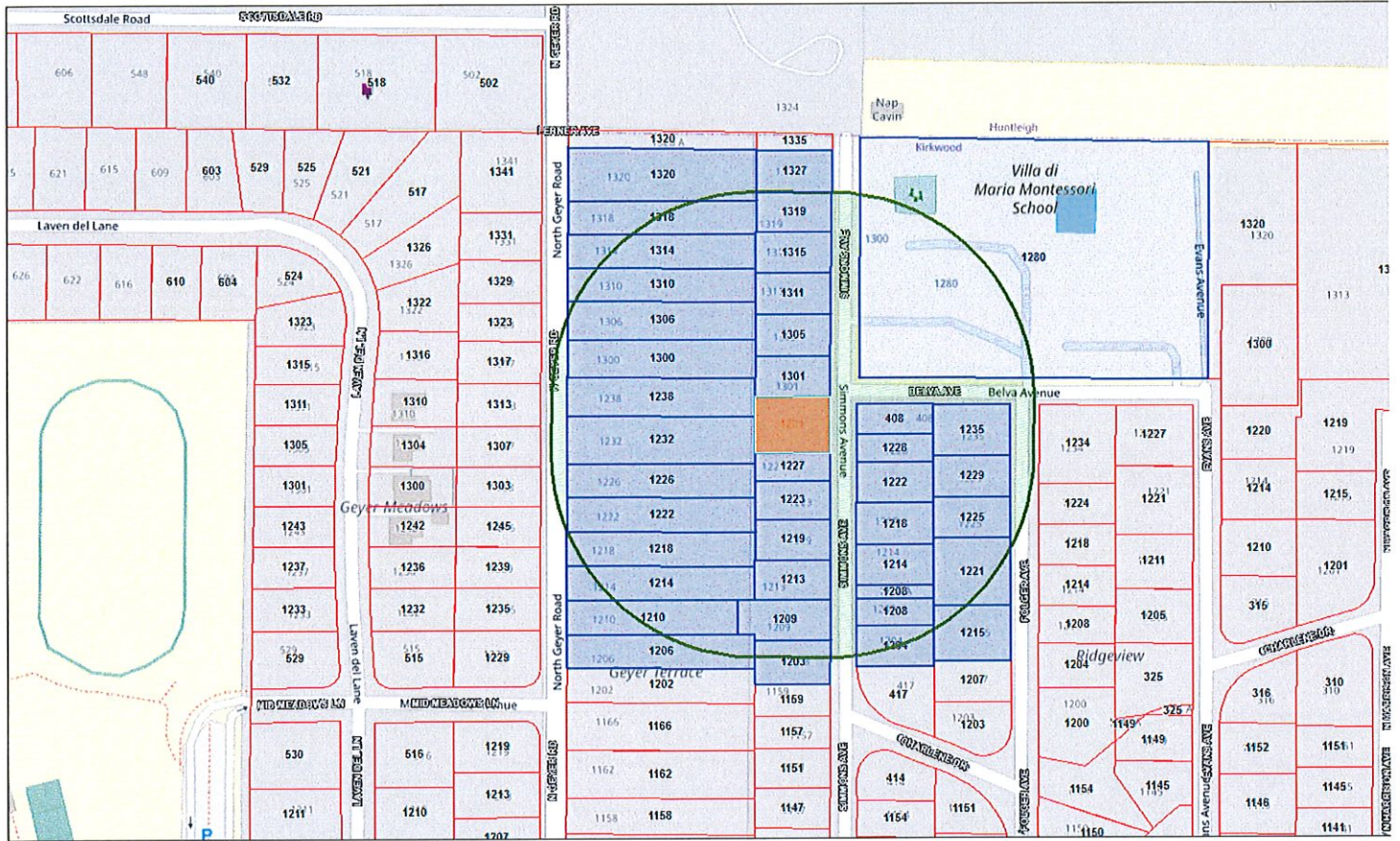


Notary Public



CITY'S EXHIBIT NO. 4

City of Kirkwood Basemap



10/21/2022, 2:03:38 PM

- Parcels
- Street Centerline
- Landmarks
- National Register
- Local Register



Map data © Op

CITY'S EXHIBIT NO. 5

VYN MICHAEL J & AMY D T/E
1204 SIMMONS AVE
SAINT LOUIS, MO 63122

SIEBEL JOHN M & JANE HELEN ...
5218 NOTTINGHAM AVE
SAINT LOUIS, MO 63109

JONI REALTY CO
928 N MCKNIGHT RD A
SAINT LOUIS, MO 63132

LENZ BRIAN A
1215 FOLGER AVE
SAINT LOUIS, MO 63122

CASE GARY & KIM H/W
1231 SIMMONS AVE
SAINT LOUIS, MO 63122

CLYDE THOMAS E MAUREEN A...
1238 N GEYER RD
SAINT LOUIS, MO 63122

MCL PROPERTIES LLC
530 WARREN AVE
SAINT LOUIS, MO 63130

GUARIGLIA NANCIE R & ARTHU...
1226 N GEYER RD
SAINT LOUIS, MO 63122

AMANDA SCHNABEL
1301 SIMMONS AVE
SAINT LOUIS, MO 63122

MCL PROPERTIES LLC
530 WARREN AVE
SAINT LOUIS, MO 63130

MUELLER FAMILY TRUST THE
1222 SIMMONS AVE
SAINT LOUIS, MO 63122

DESCHLER KRISTINE
1300 N GEYER RD
SAINT LOUIS, MO 63122

MCDOUGALL DOUGLAS & JEA...
1214 SIMMONS AVE
SAINT LOUIS, MO 63122

HANLEY THOMAS M & ELIZABE...
945 DES PERES RD
SAINT LOUIS, MO 63131

MACKLIN SHARON TRUSTEE
1305 SIMMONS AVE
SAINT LOUIS, MO 63122

JEEVANANDAN ASHWINI
1221 FOLGER AVE
SAINT LOUIS, MO 63122

HARMON SANDRA A
1227 SIMMONS AVE
SAINT LOUIS, MO 63122

LUSTER ANTHONY T & ASHLEY...
1323 LAVEN DEL LN
SAINT LOUIS, MO 63122

CHAMBERS ROOSEVELT
1142 WHITMOOR DR
SAINT CHARLES, MO 63304

KEEFE PATRICK & LARGURA M...
1228 SIMMONS AVE
SAINT LOUIS, MO 63122

DAVID RYAN RAZ BEN
1311 SIMMONS AVE
SAINT LOUIS, MO 63122

CHOI YOUNG JUN & LEE CHAE ...
1219 SIMMONS AVE
SAINT LOUIS, MO 63122

SCHROEDER RANDALL W TR
1232 N GEYER RD
SAINT LOUIS, MO 63122

FLORMAN RAYMOND E INGRID...
1310 N GEYER RD
SAINT LOUIS, MO 63122

GREENSTAR MANAGEMENT L L...
544 LINDEMAN RD
SAINT LOUIS, MO 63122

DAVID JAY T & DAWN R TRUST ...
1235 FOLGER AVE
SAINT LOUIS, MO 63122

MCBRIDE GEORGE M JANET S...
1314 N GEYER RD
SAINT LOUIS, MO 63122

JAMES JONATHAN D & CECILY ...
1225 FOLGER AVE
SAINT LOUIS, MO 63122

BEARFIELD CAROL
408 BELVA AVE
SAINT LOUIS, MO 63122

DAUB MARCELLA M
1315 SIMMONS AVE
SAINT LOUIS, MO 63122

MCBRIDE GEORGE M JANET S...
1314 N GEYER RD
SAINT LOUIS, MO 63122

VILLA DI MARIA MO CORP
1280 SIMMONS AVE
SAINT LOUIS, MO 63122

BERNSEN JULIE
1327 SIMMONS AVE
SAINT LOUIS, MO 63122

MRM MANLIN DEVELOPMENT ...
7729 CLAYTON RD
SAINT LOUIS, MO 63117

JONES JAMES D & KATHLEEN B...
1320 N GEYER RD
SAINT LOUIS, MO 63122

WAGSTAFF LEO & SUZANNE T/...
1214 N GEYER RD
SAINT LOUIS, MO 63122

MCFARLAND TIM & MEMMEN K...
1203 SIMMONS AVE
SAINT LOUIS, MO 63122

INGRAHAM MARIE ROBERT F ...
1206 N GEYER RD
SAINT LOUIS, MO 63122

PLATZ JOSEPH JOHN & TATSU...
1210 N GEYER RD
SAINT LOUIS, MO 63122

HARTMAN JASON & EMILY T/E
1209 SIMMONS AVE
SAINT LOUIS, MO 63122

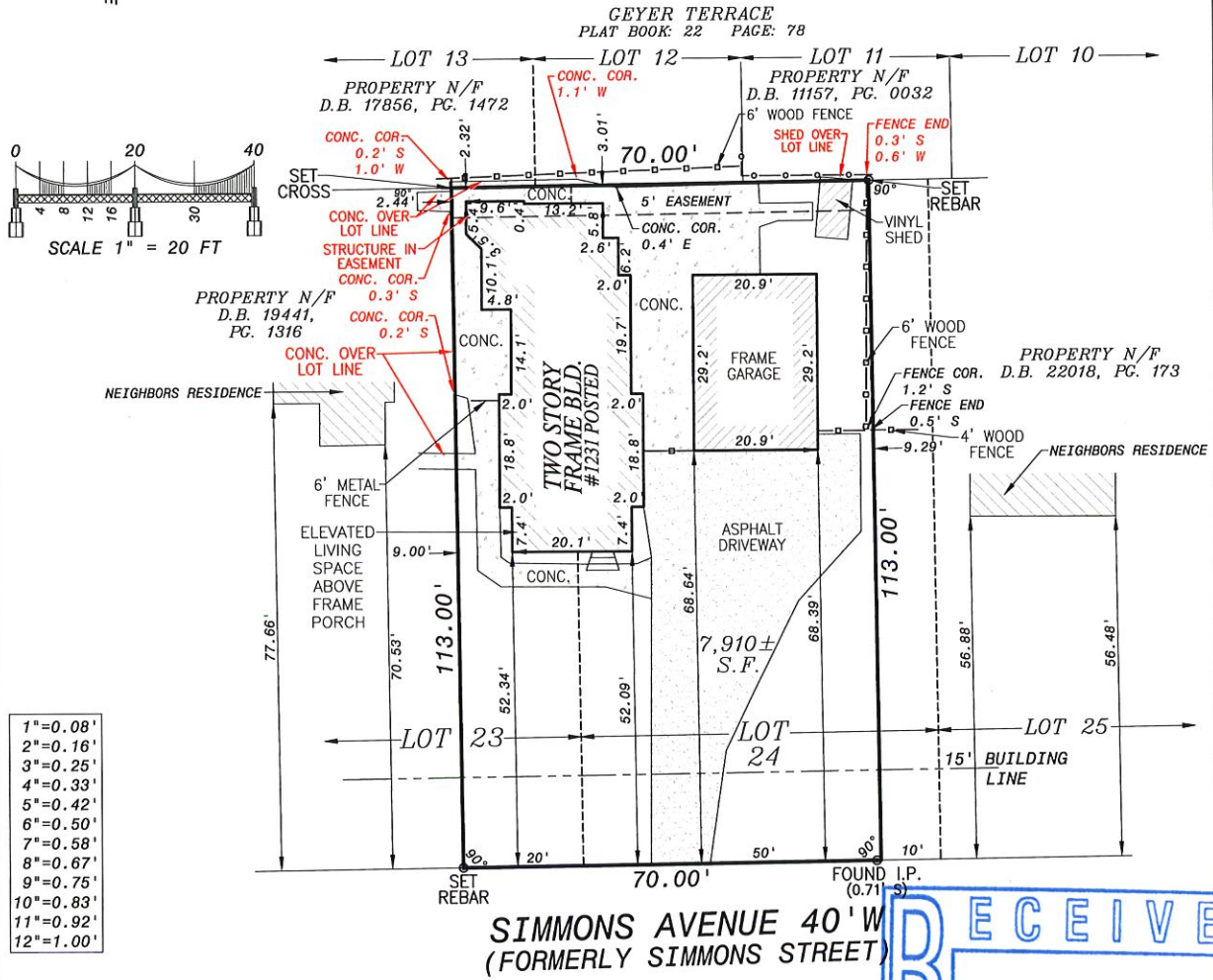
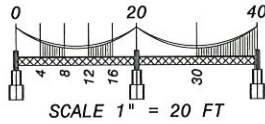
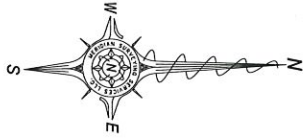
SCHINZING PROPERTIES 1213 ...
654 N KIRKWOOD RD
SAINT LOUIS, MO 63122

VILLA DI MARIA MO CORP
1280 SIMMONS AVE
SAINT LOUIS, MO 63122

BOUNDARY AND IMPROVEMENT SURVEY

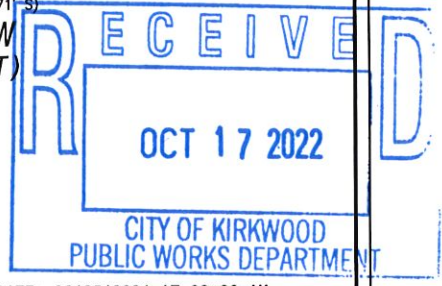
THE NORTH 20 FEET OF LOT 23 & THE SOUTH 50 FEET OF LOT 24
IN BLOCK 5 OF RIDGEVIEW SCHOLLMMEYER'S
RESUBDIVISION OF MANCHESTER ADDITION

PLAT BOOK: 21 PAGE: 44



- 1"=0.08'
- 2"=0.16'
- 3"=0.25'
- 4"=0.33'
- 5"=0.42'
- 6"=0.50'
- 7"=0.58'
- 8"=0.67'
- 9"=0.75'
- 10"=0.83'
- 11"=0.92'
- 12"=1.00'

SIMMONS AVENUE 40' W
(FORMERLY SIMMONS STREET)



SCHEDULE B SECTION II SPECIAL EXCEPTIONS:
NONE.

ADDITIONAL MONUMENTATION FOUND:

- Found an Iron Pipe at the Northeast corner of Lot 15. Adopted as 0.16' W
- Found a Rebar at the Northeast corner of Lot 18. Adopted as 0.18' W
- Adopted an Iron Pipe at the Northeast corner of Lot 20.

SOURCE OF RECORD DESCRIPTION:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO.: 21-293117-MK, COMMITMENT DATE: 06/25/2021 AT 08:00 AM

GENERAL NOTES:

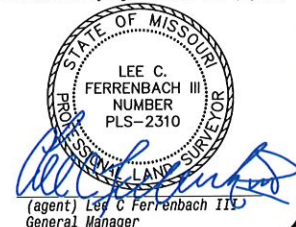
I.P. = IRON PIPE I.R. = IRON ROD
(R) = RECORD (S) = SURVEYED (NR) = NON-RADIAL
SURVEYOR'S STATEMENT:

BASIS OF BEARING OR ANGLES:

RIDGEVIEW SCHOLLMMEYER'S RESUBDIVISION OF MANCHESTER ADDITION
PLAT BOOK: 21 PAGE: 44
REVISED DATE: 09/28/2021
REVISED DATE: 01/03/2022

THIS IS TO CERTIFY TO JONI REALTY COMPANY, LINDELL BANK, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND TITLE PARTNERS AGENCY THAT AT THEIR REQUEST, MERIDIAN SURVEYING SERVICES LLC., HAS DURING THE MONTH OF AUGUST, 2021, EXECUTED A RESURVEY OF PART OF LOT 23 & 24 IN BLOCK 5 OF RIDGEVIEW SCHOLLMMEYER'S RESUBDIVISION OF MANCHESTER ADDITION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 44 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, TOGETHER WITH THE LOCATION OF IMPROVEMENTS THEREON, IMPROVEMENT OWNERSHIP IS BASED OFF OF FIELD OBSERVATIONS THAT HAVE NOT BEEN VERIFIED WITH PROPERTY OWNER(S), THE FENCE OWNERSHIP IS NOT IDENTIFIED, FENCE HEIGHTS INDICATED ARE APPROXIMATE, UNLESS OTHERWISE INDICATED, FENCES INTERSECTING PROPERTY LINE(S) ARE CONNECTIVE IN NATURE, AND THAT THE RESULTS OF SAID RESURVEY ARE SHOWN ON THE ABOVE PLAT. THIS RESURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR AN URBAN CLASS PROPERTY. PRIOR TO ANY CONSTRUCTION, THE ZONING AUTHORITY SHOULD BE CONSULTED TO VERIFY CURRENT RESTRICTIONS. CERTIFICATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY AND THOSE NOTED ABOVE. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTES, AGENCIES, PARTIES, OR SUBSEQUENT OWNERS.

Meridian Surveying Services LLC (agent)

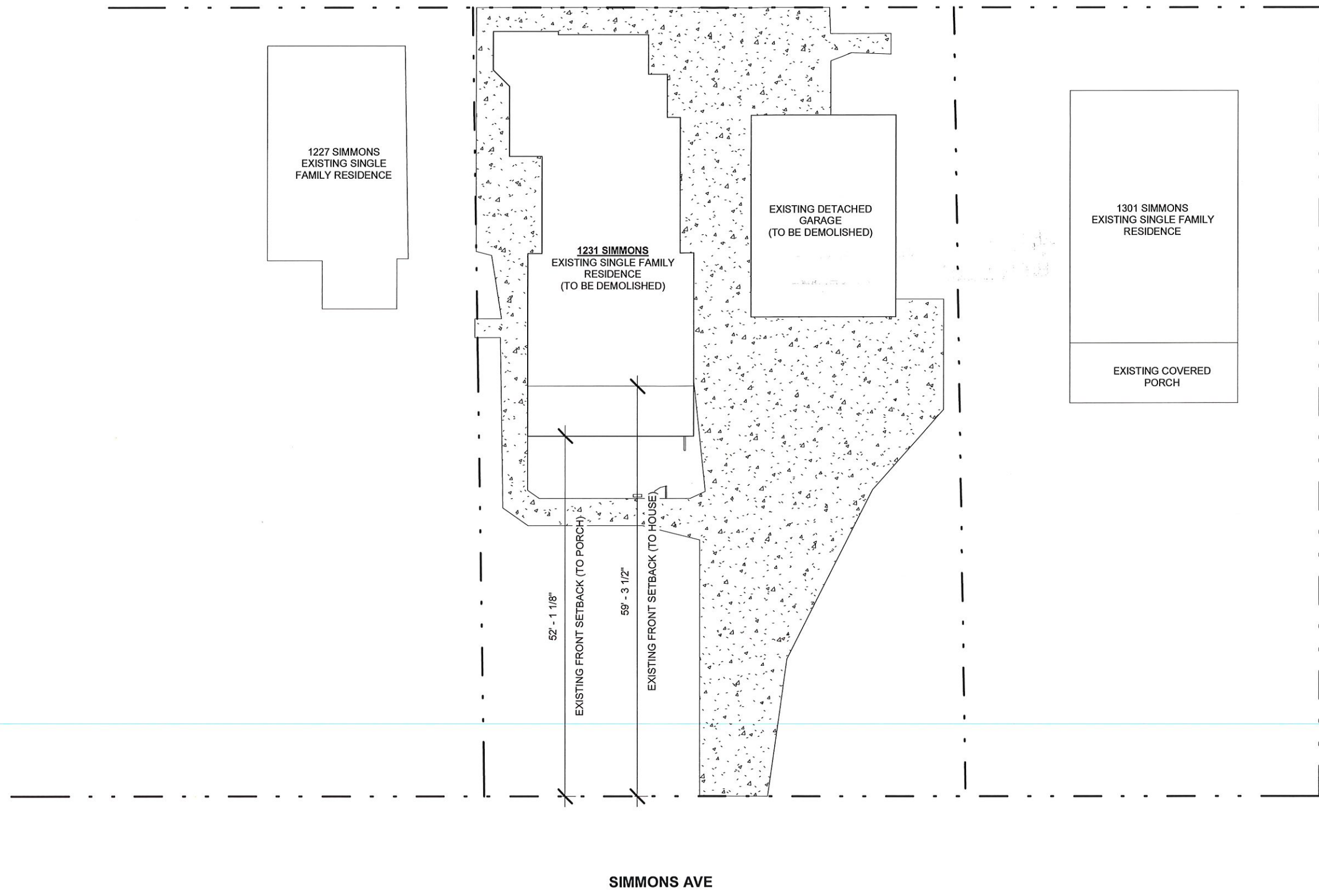


MERIDIAN LAND SURVEYING
21 POINT WEST BLVD
ST. CHARLES, MO 63301
PHONE: 636-939-2900 FAX: 636-946-9099
WWW.MERIDIANLANDSURVEYING.COM
© 2021 MERIDIAN SURVEYING SERVICES, LLC
CORPORATE LICENSE NO. 2010021844

DRAFTER:	REVIEWED BY:	FIELD CREW:
DKL	LCF	KAT/ALK/KTC
DATE:	DRAWING NO:	PROJECT NO:
01/03/2022	01	72000R2

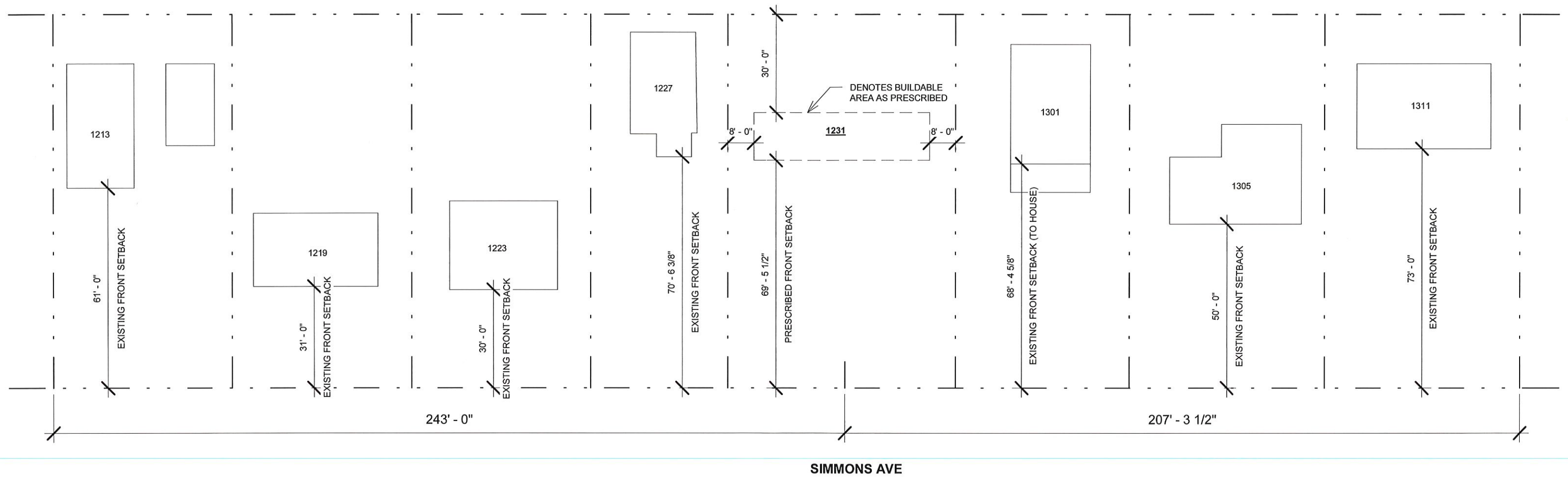
SHEET
1
OF 1

CITY'S EXHIBIT NO. 6



RECEIVED
OCT 17 2022
CITY OF KIRKWOOD
PUBLIC WORKS DEPARTMENT

CITY'S EXHIBIT NO. 7

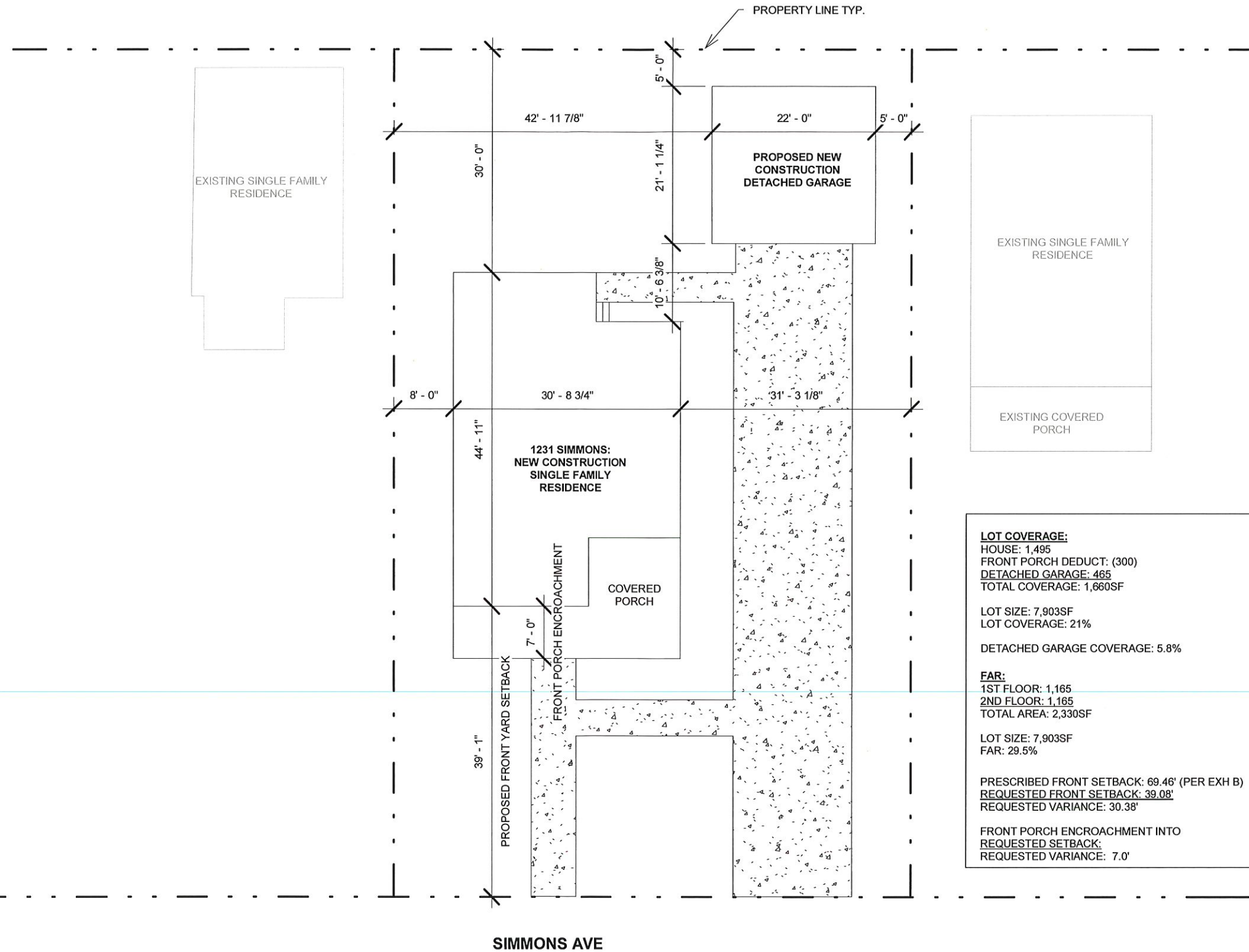


SIMMONS AVE SETBACK ANALYSIS:
 1311 SIMMONS: 73'
 1305 SIMMONS: 50'
 1301 SIMMONS: 68.39'

1227 SIMMONS: 70.53'
 1223 SIMMONS: 30'
 1219 SIMMONS: 31'
 1213 SIMMONS: 61'

1231 SIMMONS: 69.46' PRESCRIBED
 (AVG. OF 1227 and 1301)

1 Exhibit B- Street Setback Analysis
 1" = 30'-0"



LOT COVERAGE:
HOUSE: 1,495
FRONT PORCH DEDUCT: (300)
DETACHED GARAGE: 465
TOTAL COVERAGE: 1,660SF

LOT SIZE: 7,903SF
LOT COVERAGE: 21%

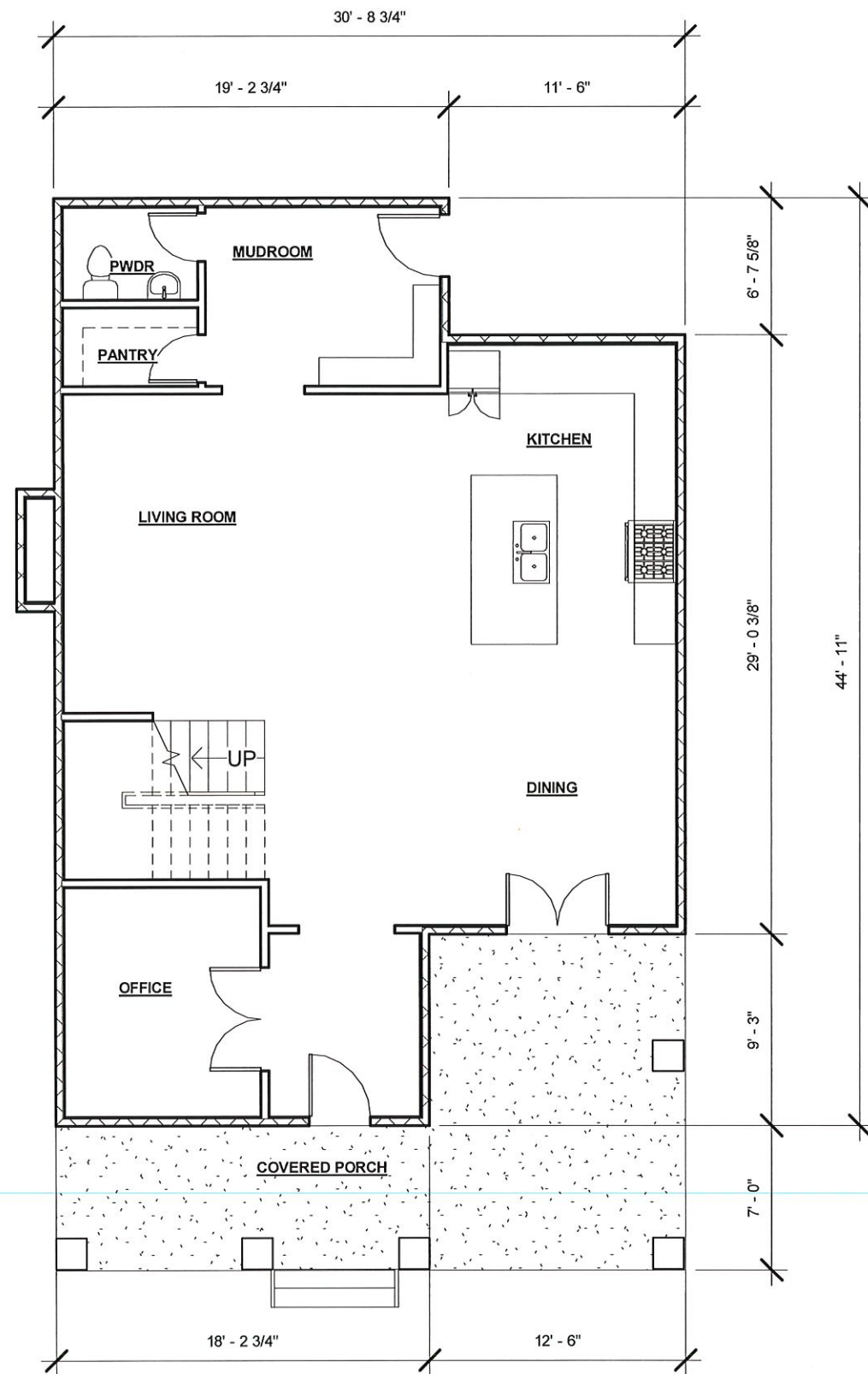
DETACHED GARAGE COVERAGE: 5.8%

FAR:
1ST FLOOR: 1,165
2ND FLOOR: 1,165
TOTAL AREA: 2,330SF

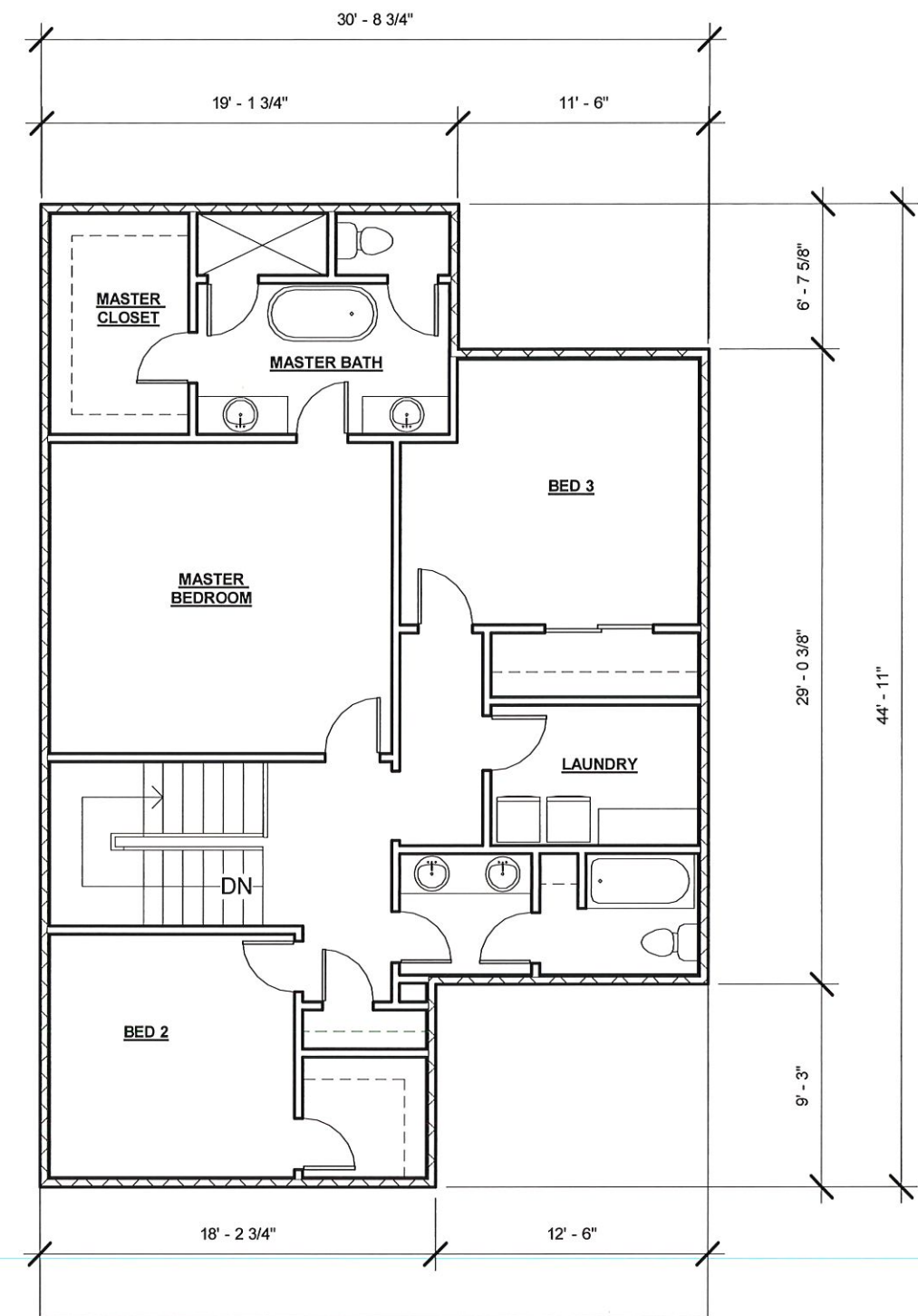
LOT SIZE: 7,903SF
FAR: 29.5%

PRESCRIBED FRONT SETBACK: 69.46' (PER EXH B)
REQUESTED FRONT SETBACK: 39.08'
REQUESTED VARIANCE: 30.38'

FRONT PORCH ENCROACHMENT INTO
REQUESTED SETBACK:
REQUESTED VARIANCE: 7.0'



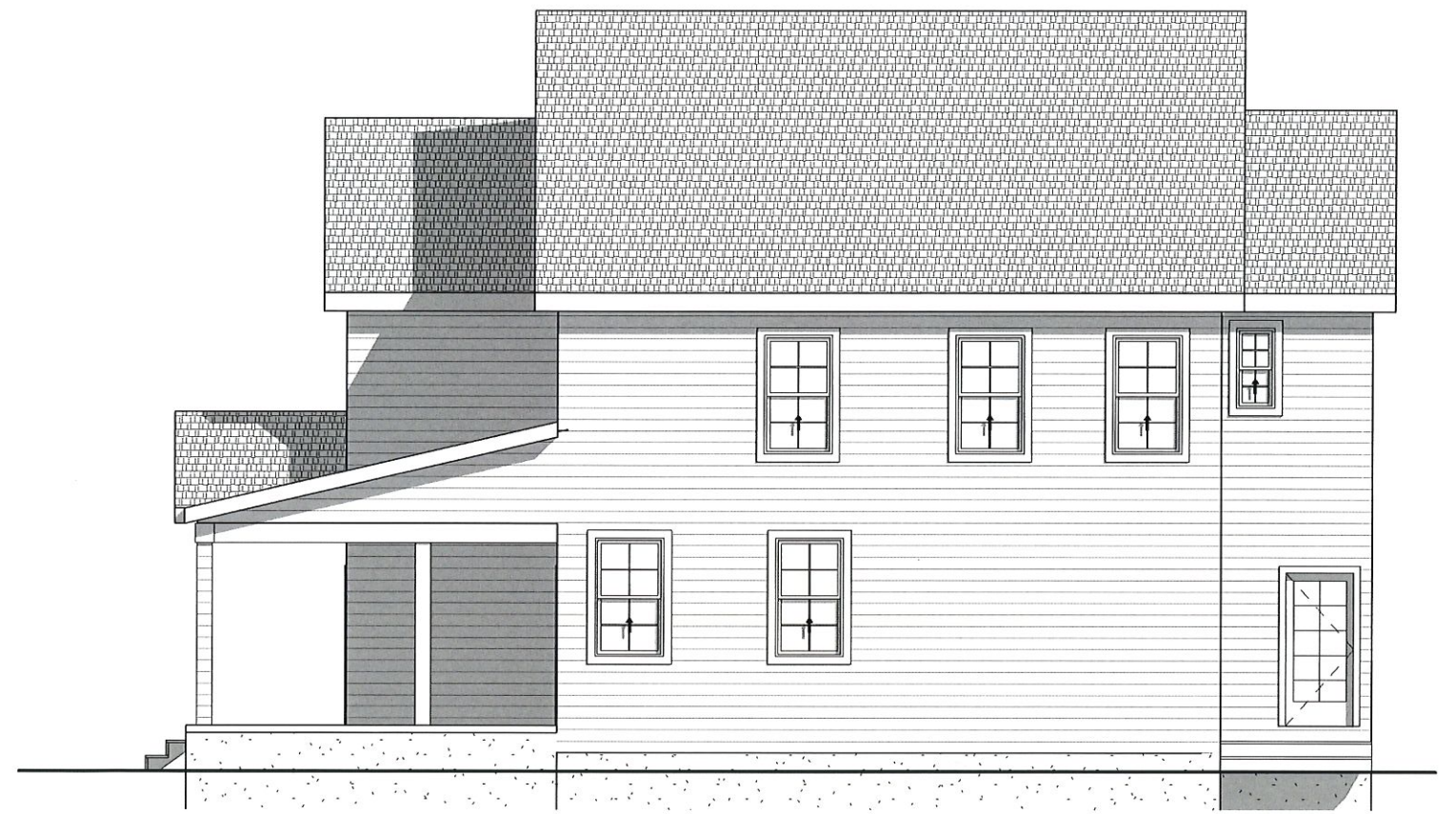
① Proposed 1st Floor Plan
1/8" = 1'-0"



② Proposed 2nd Floor Plan
1/8" = 1'-0"



① Front Elevation
1/8" = 1'-0"



② Right Elevation
1/8" = 1'-0"



③ Left Elevation
1/8" = 1'-0"



④ Rear Elevation
1/8" = 1'-0"

RECEIVED
OCT 17 2022
CITY OF KIRKWOOD
PUBLIC WORKS DEPARTMENT

CITYS EXHIBIT NO. 8





1231



john rutledge <john.rutledge33@gmail.com>

1231 Simmons Architectural Review Board application

Christine E. Voelker <voelkece@kirkwoodmo.org>

Mon, Jan 3, 2022 at 11:51 AM

To: "john.rutledge33@gmail.com" <john.rutledge33@gmail.com>

Hello John,

I confirmed with my colleague that if the rear portion of the house was taken down, it could not be built back to the existing setbacks. Would you and your architect like to come in for a meeting with City staff to review your plans?

Best,

Christie

[Quoted text hidden]



CITY'S EXHIBIT NO. 9