



**Board of Adjustment  
Agenda  
Monday, December 11, 2023, 7:00 p.m.  
Kirkwood City Hall  
139 S. Kirkwood Road  
Kirkwood, MO 63122**

- I. Approval of Journal – November 13, 2023
- II. New Business
  - a. **Case No. 12-2023** Michael Luzecky — applicant/homeowner of 403 Bach Ave (R-3 Zoning District) — requests a variance to construct a front porch on an existing single-family residence that will not conform to the required front yard encroachment setback.

Such hearings may be adjourned from time to time until completed. By order of: Joe Roeser, Secretary – Board of Adjustment Kirkwood, Missouri, November 22, 2023.

**Staff Liaison:** Lauren Hoerr;  
Phone: (314) 822-5899;  
Email: [hoerrla@kirkwoodmo.org](mailto:hoerrla@kirkwoodmo.org)

**Board of Adjustment:** Chairman Mark McLean, Members Cindy Coronado, Joe Roeser, Paul Schaefer, Pat Jones, Gil Kleinknecht and Paul Ward.

**Accommodation:** 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 a CD, by calling 314-822-5802.



**Board of Adjustment - Journal**  
**Monday, November 13,, 2023, 7:00 p.m.**  
**Kirkwood City Hall**  
**139 S. Kirkwood Road**  
**Kirkwood, MO 63122**

**Present:** Mark McLean, Chair; Joe Roeser, Secretary; Cindy Coronado; Pat Jones; and Paul Schaefer

**City Attorney:** Evan Jefferson  
**Staff Liaison:** Lauren Hoerr

**Court Reporter:** Renee Stark

- I. Approval of Journal – September 11, 2023. Unanimously approved.
- II. New Business
  - a. **Case No. 11-2023** Kaushal Andley — applicant on behalf of homeowners Ronak and Meredith Sheth, for 501 Taylor Young Dr (R-1 Zoning District) — requests three variances:
    - i. To build an in-ground pool that will encroach into the southern front yard, **Variance request was approved by a vote of 4-1.**
    - ii. To build the in-ground pool closer to the residence than allowed, **Variance request was unanimously denied.**
    - iii. To build a BBQ island that will be in the southern front yard as part of the pool deck area. **Variance request was approved by a vote of 4-1.**
- III. Commission/Staff Items
  - a. Rescinded Variances – no report provided.

APPROVED \_\_\_\_\_  
Mark McLean, Chair

## Case Summary

Case Number	12-2023				
Zoning District	R-3				
Project Address	403 Bach Ave				
Applicant Name	Michael Luzecky				
Property Owner	Michael Luzecky				
Article	VI	Section	25-47	Sub-Section	(d)(7)(ii)
Variance Request	Front porch encroachment into front yard setback				
Required	72.62' (82.62' is conforming average front yard setback, 10 foot front porch encroachment allowed)				
Proposed	25.67'				
Variance Requested	46.95' (9' in front of the existing non-conforming 34.67' front yard setback)				

Summary Approved by: LAH



# 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 Lauren Hoerr, 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 403 Bach Ave, Kirkwood, MO 63122

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.

Contractor - Terry Bernstein, 314-262-5580,  
Applicant Information:  Property Owner  Occupant  Contractor  Architect  Other \_\_\_\_\_

Name Michael Luzecky Phone 314-560-8820

Address 403 Bach Ave

City/State/Zip Kirkwood, MO 63122 E-mail mj.luzecky@gmail.com

Applicants Signature [Signature] Date 10-13-23

Property Owner Information (if different from above):  
Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_ E-mail \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

City Use Only	Date Stamp
Meeting Date: <u>12/11/23</u>	
Case #: <u>12-2023</u>	
Zoning District: <u>R-3</u>	
Received by: <u>[Signature]</u>	

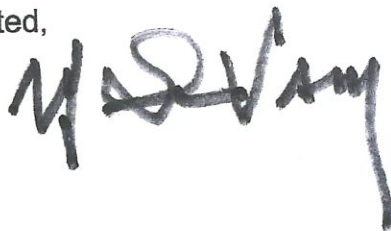
**Memo To:** Board of Adjustment  
**From:** (Owner) Michael & Kelly Luzecky  
**Subject:** Variance Request  
**Property:** 403 Bach Ave, Kirkwood. MO 63122

Please review the following items for consideration in approving the variance for the above referenced property. The variance requested is for a 9'-0" front porch into the building setback.

1. The property is bounded by a major railroad track on the north side, making the site somewhat unique for residential use. Frequent train cars and horns cause some noise disturbance.
2. As owners, we are train lovers. It is a major reason why we purchased this home. We have always envisioned a front porch at this property so that we can sit outside and enjoy the trains as they go by.
3. Although we do not plan on selling our home we believe the property will be more appealing to future buyers with a front porch.
4. The approval of the proposed front porch will not disrupt any neighboring views or change the character of the neighborhood. Thus, the adjoining properties would not suffer any substantial detriment as a result of this variance.
5. The spirit and intent behind the variance approval would be observed and substantial justice done by granting approval.
6. The variance will not adversely affect the delivery of government services such as mail, water, sewer, and trash services.

Respectfully submitted,

Michael Luzecky



CITY'S EXHIBIT NO. 2



WHERE COMMUNITY AND SPIRIT MEET®

November 20, 2023

Michael Luzecky  
403 Bach Ave  
Kirkwood, MO 63122

Sent via email to: [mj.luzecky@gmail.com](mailto:mj.luzecky@gmail.com)

RE: Variance Request  
Case No. 12-2023  
403 Bach Ave  
Zoning District R-3

Dear Mr. Luzecky:

Your variance request from the Kirkwood Board of Adjustment has been set for Public Hearing on December 11, 2023, at 7:00 p.m. in the City Council Chambers. **This meeting will be held 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 variances.

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 25-47, Sub-section (d)(7)(ii) of the Zoning and Subdivision Code requires that a front porch can be no closer than 72.62 feet to the front yard property line because a front porch can encroach no further than 10 feet into the conforming front yard setback of 82.62 feet in this particular instance. The front porch addition to the existing single-family residence you wish to construct will have a front yard setback of 25.67 feet. This is 46.95 feet closer to the front yard property line than allowed by the Zoning and Subdivision Code.

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:

CITY'S EXHIBIT NO. 3

- (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

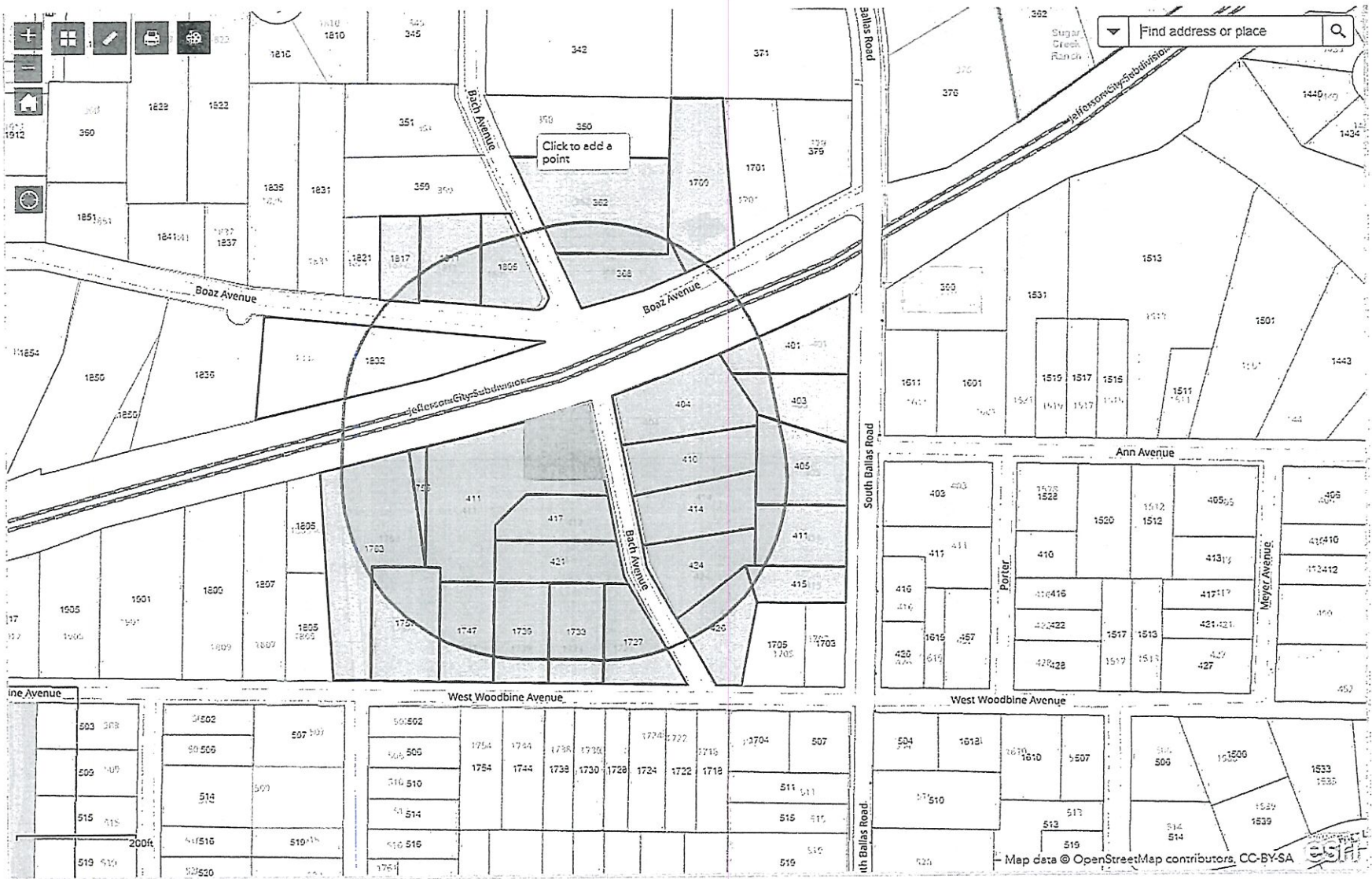


Lauren Hoerr  
Planner I

Encl. Meeting Agenda







403 BACH AVE - Board of Adjustment - 300 ft. radius

Exhibit #5

CITY'S EXHIBIT NO.

5

PHIFER BARBARA & SANDERS THOMAS  
H/H  
1733 W WOODBINE AVE  
SAINT LOUIS, MO 63122

HARROD DAWN M  
426 BACH AVE  
SAINT LOUIS, MO 63122

WAGNER-LILLMARS LIVING TRUST  
421 BACH AVE  
SAINT LOUIS, MO 63122

FRANKLIN VERONICA J TRUSTEE  
417 BACH AVE  
SAINT LOUIS, MO 63122

FRIEDMAN ANDREA S AND  
SANGUINETTE  
1763 W WOODBINE AVE  
SAINT LOUIS, MO 63122

KBH INVESTMENTS ONE LLC  
1809 THURSBY AVE  
SAINT LOUIS, MO 63122

STILES KEVIN S JILL R H/W  
404 BACH AVE  
SAINT LOUIS, MO 63122

HYMAN RANDALL SCOTT & SUSAN  
ZIMMERMAN  
368 BACH AVE  
SAINT LOUIS, MO 63122

BIRMINGHAM CHARLES S & JENNIFER L  
H/W  
1811 BOAZ AVE  
SAINT LOUIS, MO 63122

SHELTON PATRICK M & KATHLEEN A  
H/W  
1739 W WOODBINE AVE  
SAINT LOUIS, MO 63122

EDWARDS JEAN MARIE ETAL J/T  
12140 GEORGIAN TRL  
SAINT LOUIS, MO 63131

KOENIG ANITA M  
424 BACH AVE  
SAINT LOUIS, MO 63122

CLARK PHILLIP J & KATHLEEN J  
TRUSTEES  
414 BACH AVE  
SAINT LOUIS, MO 63122

KLUTE SCHOEFFEL LIVING TRUST  
410 BACH AVE  
SAINT LOUIS, MO 63122

LUZECKY MICHAEL J & KELLY H/W  
403 BACH AVE  
SAINT LOUIS, MO 63122

HOFFSTETTER JOHN & TIFFANY  
JORDAN H/W  
1832 BOAZ AVE  
SAINT LOUIS, MO 63122

RYAN JOHN H & MARY ALICE H/W  
362 BACH AVE  
SAINT LOUIS, MO 63122

CRADDOCK HEIDI E & MICHAEL S T/E  
1805 BOAZ AVE  
SAINT LOUIS, MO 63122

ROBERTS BRITTANY M  
1747 W WOODBINE AVE  
SAINT LOUIS, MO 63122

PALAZZOLO LUNA MAE ET AL J/T  
1757 W WOODBINE AVE  
SAINT LOUIS, MO 63122

FOSTER DIANE M  
411 S BALLAS RD  
SAINT LOUIS, MO 63122

FRIEDMAN ANDREA S AND  
SANGUINETTE  
1763 W WOODBINE AVE  
SAINT LOUIS, MO 63122

BROWN ALAN NANCY H/W  
411 BACH AVE  
SAINT LOUIS, MO 63122

OEXEMAN MARIA CIGNO  
403 S BALLAS RD  
SAINT LOUIS, MO 63122

CRIDER JOHN D ELSIE L H/W TRUSTEES  
401 S BALLAS RD  
SAINT LOUIS, MO 63122

BAKER JOHN T & HUME SUSAN K  
TRUSTEES  
1709 BOAZ AVE  
SAINT LOUIS, MO 63122

LECHNER ROBERT J & HEATHER L T/E  
1817 BOAZ AVE  
SAINT LOUIS, MO 63122

Kirkwood, Missouri

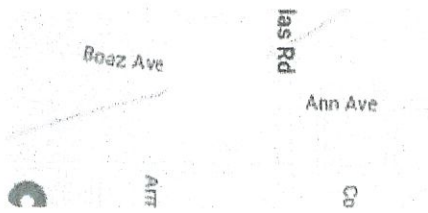
Google Street View

Apr 2022

See more dates

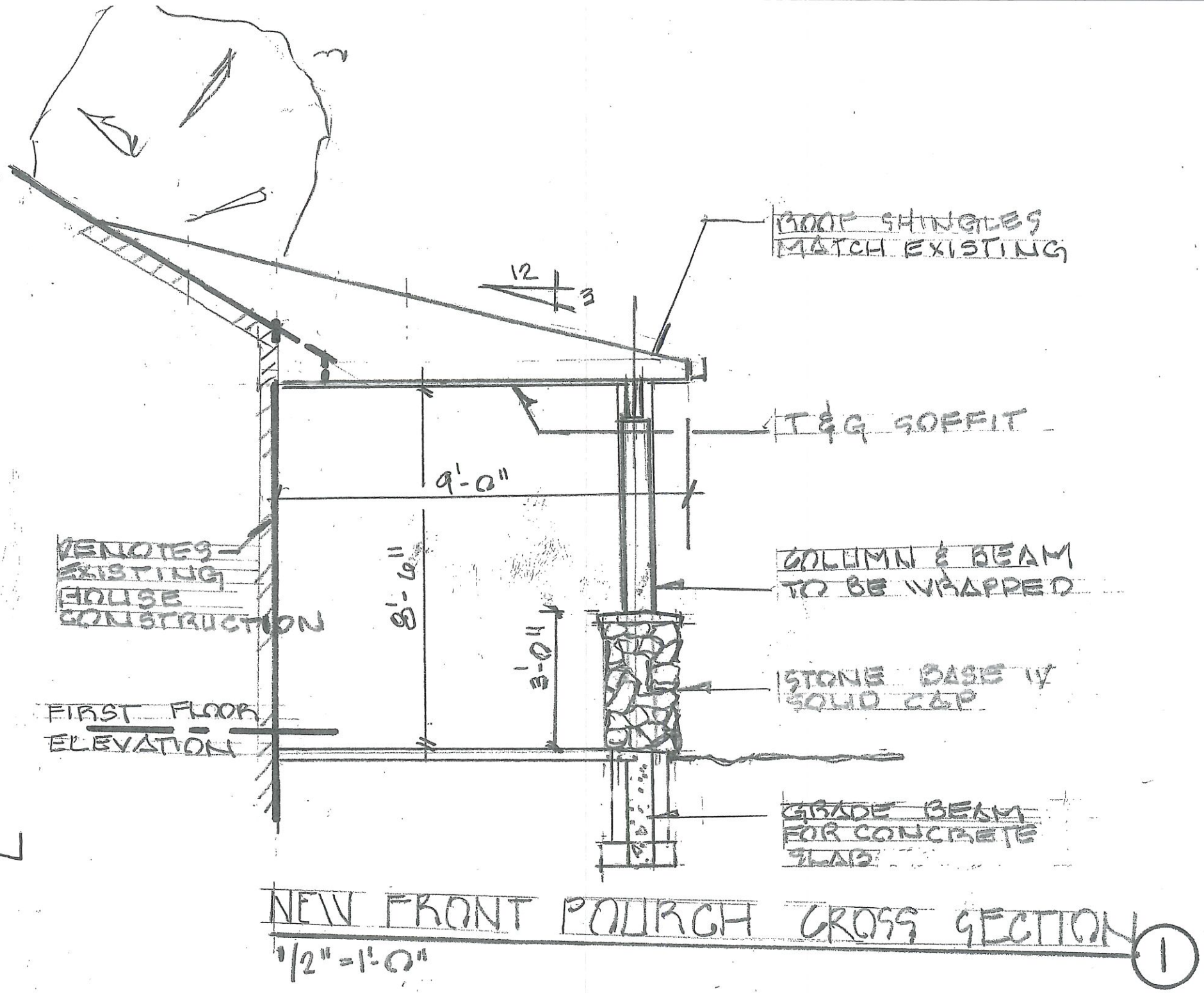


Image capture: Apr 2022 © 2023 Google



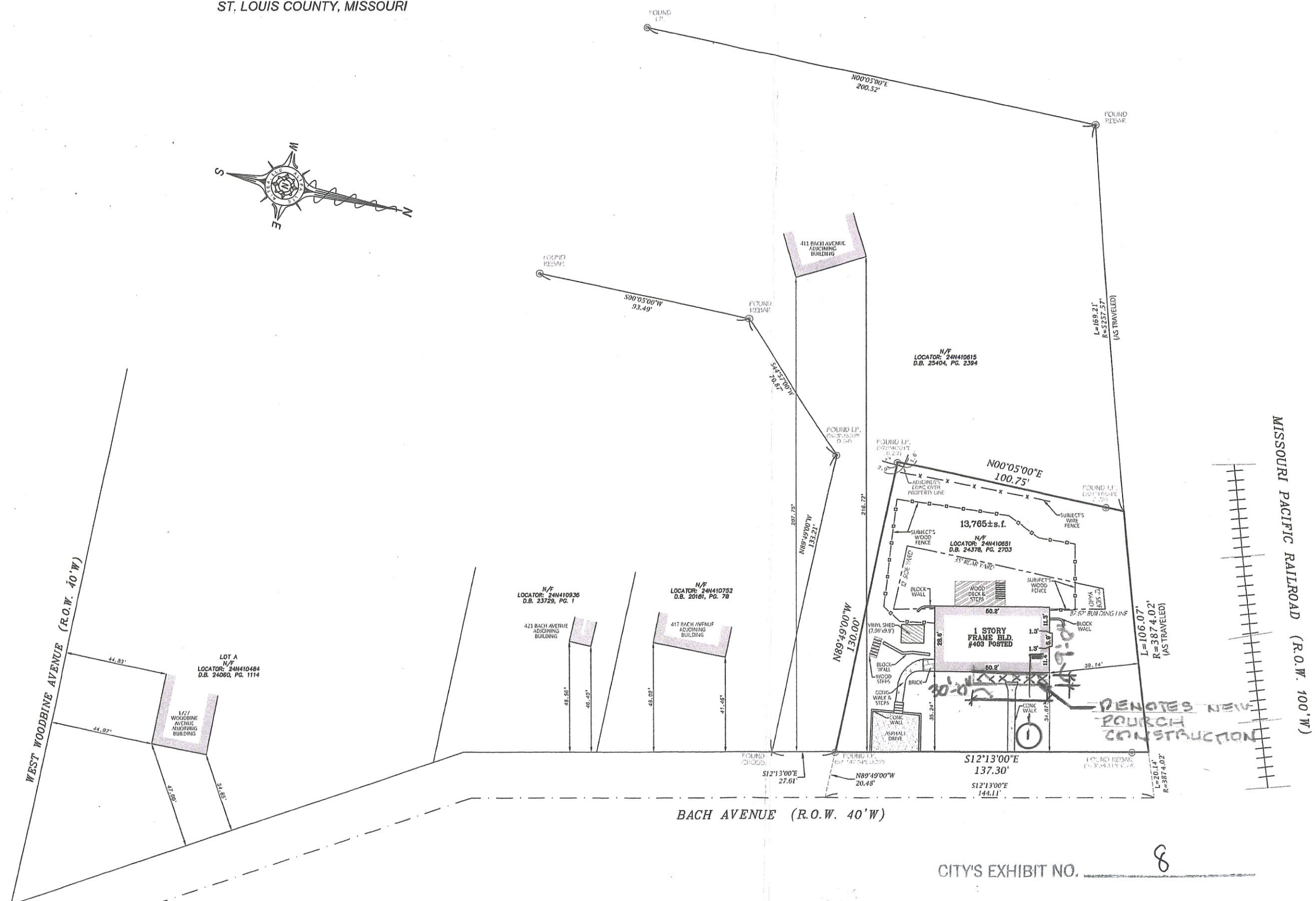
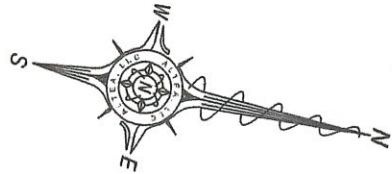
CITY'S EXHIBIT NO. 6e

CITY'S EXHIBIT NO. 7



# BOUNDARY RETRACEMENT AND IMPROVEMENT SURVEY

**403 BACH AVENUE**  
 A PART OF LOT 3 OF STROHM-PLACE  
 PLAT BOOK: 10 PAGE(S): 35  
 ST. LOUIS COUNTY, MISSOURI



**ABBREVIATIONS**

IP=IRON PIPE LR=IRON ROD (B)=SURVEYED (R)=RECORD  
 NR=NON-RADIAL PB=PLAT BOOK PG=PAGE DB=DEED BOOK NP=NOW  
 OR FORMERLY CL=CENTERLINE S.F.=SQUARE FEET CONC=CONCRETE  
 R.O.W.=RIGHT-OF-WAY BM=BENCHMARK ESBT=EASEMENT  
 ELE=ELEVATION BLD=BUILDING FF=FINISHED FLOOR ELE. FL=FLOWLINE

**SURVEY MARKERS**

⊙	FOUND SET SEMI-PERMANENT MONUMENT	⊥	FOUND SET NOTCH
⊕	FOUND SET PERMANENT MONUMENT	∨	FOUND SET ARROW
+	FOUND SET CROSS	□	SET STAKE
⊚	FOUND SET ANCHOR	⊕	SITE BENCHMARK

**LINE TYPES**

—	BOUNDARY LINE	—	CHAIN FENCE
- - -	EASEMENT LINE	- - -	WOOD/VINYL
- · - · -	SETBACK LINE	- · - · -	METAL FENCE
· - - · -	PARCEL LINE	X - X - X	WIRE FENCE
· - - · -	SETBACK LINE		FOOTPRINT CENTERLINE
	RAILROAD		

**NOTE:**  
 THIS DRAWING HAS BEEN COMPILED WITHOUT THE BENEFIT OF A CURRENT CERTIFICATE OF TITLE EXAMINATION AND, THEREFORE, MAY NOT CONTAIN EASEMENTS, RESERVATIONS, EXCEPTIONS, RESTRICTIONS AND COVENANTS OF RECORD.

**SURVEYOR'S NOTES**

1. BASIS OF BEARINGS: STROHM-PLACE PLAT BOOK: 10 PAGE(S): 35
2. THE SUBJECT TRACT CONTAINS 0.32 ACRES MORE OR LESS (13,785 SQUARE FEET MORE OR LESS)

**NOTE:**  
 PER THE CITY OF KIRKWOOD, THE PROPERTY SHOWN HEREON IS ZONED "R-3" RESIDENTIAL AND IS SUBJECT TO THE FOLLOWING RESTRICTIONS:  
 FRONT SETBACK - 15.00 FT (AVERAGE)  
 REAR SETBACK - 35 FT  
 SIDE SETBACK - 12 FT

**NOTE:**  
 SETBACK LINES PER MUNICIPALITY  
 THIS DATE: 10/26/2023.  
 NO VIOLATION IS IN EFFECT. STRUCTURE WAS CONSTRUCTED PRIOR TO SETBACK LINES.

**SURVEYOR'S STATEMENT**

THIS IS TO DECLARE TO MICHAEL LUZECKY, THAT AT HIS REQUEST, ALTEA, LLC, HAS DURING THE MONTH OF OCTOBER, 2023, EXECUTED A BOUNDARY RETRACEMENT SURVEY OF A PART OF LOT 3 OF STROHM-PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE(S) 35 OF THE ST. LOUIS COUNTY, MISSOURI, RECORDS, TOGETHER WITH THE LOCATION OF OBSERVED IMPROVEMENTS THEREON, AND THAT THE RESULTS OF SAID SURVEY ARE IN MY PROFESSIONAL OPINION, CORRECTLY INDICATED ON THE ABOVE PLAT. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN CLASS PROPERTY, INCLUDING SETBACK INFORMATION DEPICTED HEREON IS FROM THE RECORD PLAT OR CITY BLOCK MAP (IF APPLICABLE), PLANNING AND ZONING RESTRICTIONS WERE NOT OBTAINED OR ADDRESSED AS A PART OF THIS SURVEY. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY ONLY AND IS NOT TRANSFERABLE. UTILITY LOCATES WERE NOT REQUESTED AND NO UTILITIES OR SEWERS WERE LOCATED IN CONJUNCTION WITH THIS SURVEY. THE ORIGIN OF THE ORIGIN OF THE FENCES SHOWN HEREON IS FROM EVIDENCE OBSERVED DURING THE COURSE OF THIS SURVEY, AND MAY INCLUDE: FENCE CONSTRUCTION, OCCUPANT TESTIMONY, OR OTHER AVAILABLE INFORMATION. NO GUARANTEE IS MADE OR CERTAINTY GIVEN AS TO THE ORIGIN OR OWNERSHIP OF FENCES.

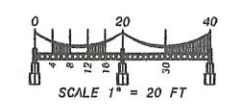
AS AGENT OF ALTEA, LLC  
 DATE: 10-30-23

STATE OF MISSOURI  
 DAVID J. MORTON  
 LS-2278  
 REGISTERED LAND SURVEYOR

**ALTEA, LLC**  
 Consulting Land Surveyors  
 3908 S. OLD HWY 64, SUITE 600  
 ST. CHARLES, MO 63304  
 PHONE: (636) 477-0000  
 FAX: (636) 698-0350  
 WWW.ALTEALS.COM © 2023 ALTEA, LLC

ALTEA, LLC  
 PROFESSIONAL LAND SURVEYING  
 CERTIFICATE OF AUTHORITY: 2010023731

CITY'S EXHIBIT NO. 8



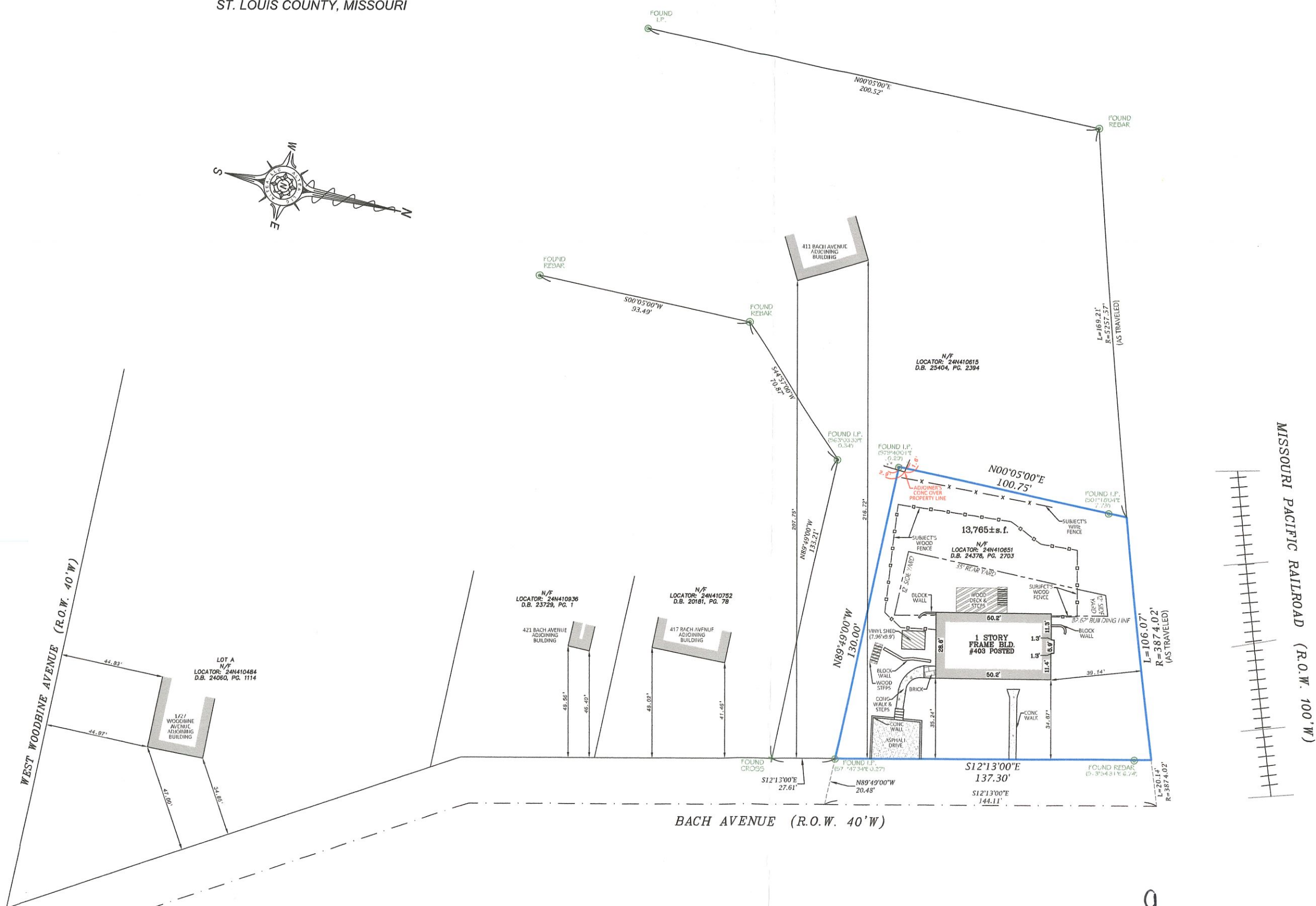
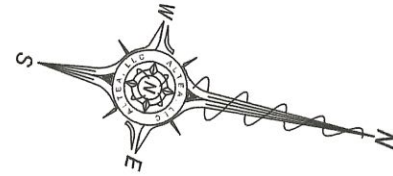
**SHEET IDENTIFICATION**

**BOUNDARY SURVEY**

PROJECT NUMBER	23-2457	
FIELD CREW:	SJL	SHEET
SURVEYED:	10/23/2023	<b>1</b> OF 1
DRAFTER:	SAA	
DRAFTED:	10/25/2023	
REVIEWER:	BLH	

# BOUNDARY RETRACEMENT AND IMPROVEMENT SURVEY

**403 BACH AVENUE**  
 A PART OF LOT 3 OF STROHM-PLACE  
 PLAT BOOK: 10 PAGE(S): 35  
 ST. LOUIS COUNTY, MISSOURI



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I.P.=IRON PIPE I.R.=IRON ROD (S)=SURVEYED (R)=RECORD  
 N.P.=NORTH-RADIAL P.B.=PLAT BOOK P.G.=PAGE D.B.=DEED BOOK N/P=NOW  
 OR FORMERLY C.L.=CENTERLINE S.F.=SQUARE FEET CONC=CONCRETE  
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⊕ FOUND/SET PERMANENT MONUMENT	↘ FOUND/SET ARROW
⊕ FOUND/SET CROSS	□ SET STAKE
⊕ FOUND/SET ANCHOR	⊕ SITE BENCHMARK

**LINE TYPES**

— BOUNDARY LINE	○ CHAIN FENCE
- - - EASEMENT LINE	▭ WOOD/VINYL/METAL FENCE
- - - SETBACK LINE	× WIRE FENCE
- - - PARCEL LINE	▭ BUILDING FOOTPRINT
- - - U.S. SURVEY SECTION LINE	— CENTERLINE
	RAILROAD

**NOTE:**  
 THIS DRAWING HAS BEEN COMPILED WITHOUT THE BENEFIT OF A CURRENT CERTIFICATE OF TITLE EXAMINATION AND, THEREFORE, MAY NOT CONTAIN EASEMENTS, RESERVATIONS, EXCEPTIONS, RESTRICTIONS AND COVENANTS OF RECORD.

**SURVEYOR'S NOTES**

- BASIS OF BEARINGS: STROHM-PLACE PLAT BOOK: 10 PAGE(S): 35
- THE SUBJECT TRACT CONTAINS 0.32 ACRES MORE OR LESS (13,765 SQUARE FEET MORE OR LESS)

**NOTE:**  
 PER THE CITY OF KIRKWOOD, THE PROPERTY SHOWN HEREON IS ZONED "R-3" RESIDENTIAL AND IS SUBJECT TO THE FOLLOWING RESTRICTIONS:  
 FRONT SETBACK - 82.62 FT (AVERAGE)  
 REAR SETBACK - 35 FT  
 SIDE SETBACK - 12 FT

**NOTE:**  
 SETBACK LINES PER MUNICIPALITY  
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AS AGENT OF ALTEA, LLC  
 DATE 10-30-23



**ALTEA, LLC**  
 Consulting Land Surveyors  
 3993 S. OLD HWY 94, SUITE 600  
 ST. CHARLES, MO 63304  
 PHONE: (636) 477-6000  
 FAX: (636) 808-0000  
 WWW.ALTEALS.COM © 2023 ALTEA, LLC

ALTEA, LLC  
 PROFESSIONAL LAND SURVEYING  
 CERTIFICATE OF AUTHORITY 1-2013023731

**SHEET IDENTIFICATION**

**BOUNDARY SURVEY**

PROJECT NUMBER: 23-2457

FIELD CREW:	SJL	SHEET
SURVEYED:	10/23/2023	<b>1</b> OF 1
DRAFTER:	SAA	
DRAFTED:	10/25/2023	
REVIEWER:	BLH	

CITY'S EXHIBIT NO. **9**

