Case Summary

Case Number		15-2020			
Zoning District		R-4			
Project Address		423 Central Place			
Applicant Name		Agape Construction			
Property Owner		Joshua & Sarah Kaplan			
Article	IV	Section	A-430	Sub- Section	430.7
Variance Request		Front yard encroachment for a covered porch			
Required		40.93' (existing non-conforming; 42.12' is the average front setback)			
Proposed		37.82'			
Variance Requested		3.11'			

Summary Approved	by: AGL	
Labels printed		
Letter mailed on		

300 ft. notice mailed on _____

History of address: N/A



City Use Only

Action Requested:

X Variance of Zoning Code

Board of Adjustment Variance Application

\$240 non-refundable filing fee for additions/alterations to existing single-family structures and

Meeting Date June 8, 2020 Case# 15-2020

for accessory structures such as shed, garages, and swimming pools

\$\textstyle \\$500 \text{ non-refundable filing fee for all others not listed above,}

 \square \$50 fee for each additional variance request on the same application.

139 S. Kirkwood Rd. Kirkwood, MO 63122 (314) 822-5823 Fax (314) 822-5898

*An appointment with staff is required prior to the submittal of a variance application. Your meeting with staff will assist you in preparing your submittal information. Please contact Amy Lowry, Assistant City Planner at 314-822-5815 to schedule an appointment.

Zoning District R-4

 □ 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 423 Central Alace Kinkwol, Mo 63122 Type of Work: New Construction - Addition - Other covered porch
Type of Work: New Construction Addition Other Overed P6764
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? \square Yes \square 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 Azabe Construction Phone (314) 909-9050
Address 435 E. Clinton Place
City/State/Zip Kirkwood, Mo 63122 E-mail track @buildagope, com
Address 435 E. Clinton Place City/State/Zip Kinkwood, Mo 63122 E-mail track Couldagope, con Applicants Signature Ryon Physip Date 5-11-2020
Property Owner Information (if different from above)
Name Joshua Estral Kaplan Phone (3/4) 304 - 2028
Address 423 Central Place
City/State/Zip Kinkwood, MO 63122 E-mail josh un Koplon Ochenter. net
Owner's Signature Date Date
Received by: AGL CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT

VARIANCE(S) REQUESTED:

VARIANCE(S) REQUESTED:				
Setback	Required	Requested	Variance	Code Section
(front, side, rear)		-	Needed	112 = (2)
see attached letter				430.7 (2)
Setback	Required	Requested	Variance	Code Section
(front, side, rear)		1104100000	Needed	
(access)				
Setback	Required	Requested	Variance	Code Section
(front, side, rear)	•		Needed	
	77			
Other:		Code Section:		
Describe:			8	
	*			

$BOARD\ OF\ ADJUSTMENT-SUBMITTAL\ SCHEDULE-\ 2020-Schedule\ is\ subject\ to\ change$

LAST DATE FOR SUBMITTAL*	BOARD OF ADJUSTMENT MEETING DATE**
December 16, 2019	January 13, 2020
January 13, 2020	February 10, 2020
February 10, 2020	March 9, 2020
March 16, 2020	April 13, 2020
April 13, 2020	May 11, 2020
May 11, 2020	June 8, 2020
June 15, 2020	July 13, 2020
July 13, 2020	August 10, 2020
August 17, 2020	September 14, 2020
September 14, 2020	October 12, 2020
October 12, 2020	November 9, 2020
November 16, 2020	December 14, 2020
December 14, 2020	January 11, 2021

MAY 1 1 2020

CITY OF KIRKWOOD
PUBLIC WORKS DEPARTMENT

Variance Letter for 423 Central Ave, Kirkwood, Mo 63122

The property at 423 Central Ave was built in 1984 according to county records and sets on a lot that is 60 foot wide and 159 feet deep. The house's set back is 40.93 feet from the front property line, behind the required 40 foot building line.

The house immediately to the east sets at 39.70 feet from the front property line.. The previous house to the west, which was torn down, had a set back of 39.73. This means that the subject house was a CONFORMING IMPROVED LOT until the new house was added.

The owners wish to build a ten foot deep front porch (in front of the portion set back at 47.82 feet), which would have been allowed under the previous interpretations of the code. Homes which are conforming are allowed to have a front porch protruding up to ten feet in front of the front set back. In this case the requested porch would only have protruded 2.07 feet in front of the 40 foot set back.

The homeowners had a vested interest in assuming they could build a front porch. However, the neighbor to the west sold the house and a developer built a new house. The NEW house sets 44.53 feet from the front property line.

The city is applying the following code to this situation.

Section 430.7 (2) addresses front yard set backs.

- (d) in blocks with more than 40% of the frontage developed the depth of the primary front yard set back, as defined above, shall be adjust in the following manner.
- (i) The front yard setback distance for and interior LOT located between two IMPROVED LOTS shall be determined by averaging the front yard set backs of the two IMPROVED LOTS as depicted in the figures.

What follows are several diagrams with EMPTY LOTS adjoined by IMPROVED LOTS.

Applying this to the subject at hand makes sense if it refers to a EMPTY LOT. In other places the code refers to an IMPROVED LOT, which would have a house on it. A LOT, would therefore be an unimproved, or vacant space. However, that is not the case regarding this property.

We would argue that the INTENT of this section is to control new homes being built on a developed street from being closer to the front property line than the existing homes on either side.

It was NOT the intent to <u>create non conforming houses</u>, from those who were conforming before a neighbor decided to build a house further back! Nor was it the intent to withdraw from those conforming houses, the benefits regarding front porches! In doing so, the city has taken away a vested interest of a home owner to

have what neighbors around them may build, and what they could have had before the new home was built.

The city is depriving the homeowner of what was accessible to them before the city allowed a new home to be built. The city has taken away a right of the homeowner!

The city has required the homeowner to submit for a variance in order to build the proposed garage based on these ordinances. A Variance requires a hardship basis for relief. However, in this case, the burden is on the city, not the homeowner, because the city created the hardship. It is therefore onerous to require the homeowner to produce evidence of a hardship. This situation must be remedied.

Four years ago, this house with the SAME footprint and the SAME set backs, was **conforming**, and could have built the desired porch.

Now, the city has deemed that it is NON CONFORMING!, through no fault or change by the owner.

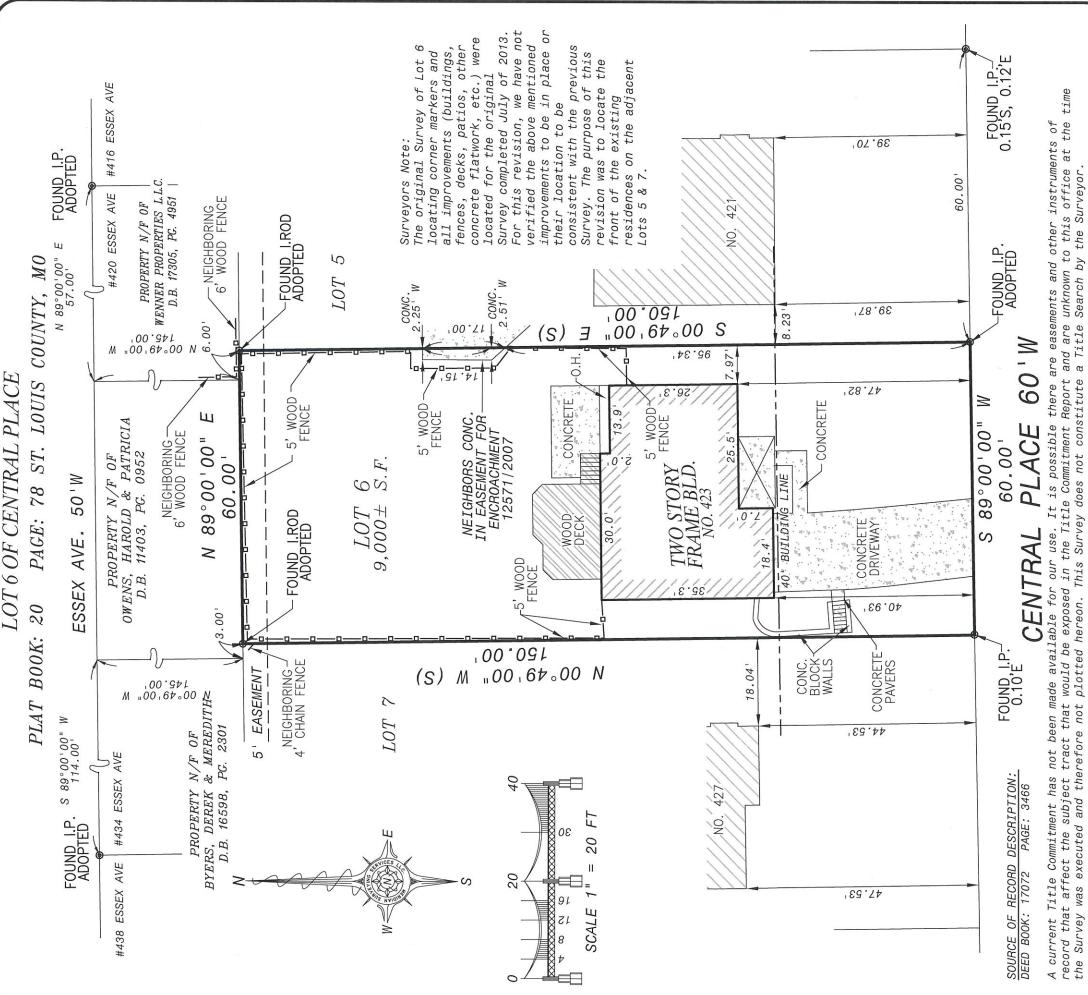
We respectfully request that relief be given to allow the homeowner to build a front porch that is **4'-3 7/8"** in front of the new "adjusted" front set back.

Respectfully submitted, Laurie G Smith Senior Architect, Agape Construction Co.

Attachments:

Survey of subject property
Site plan with proposed porch addition.
Survey showing set backs of adjoining properties
Letters of support from neighbors
Aerial Photograph of subject property on the street.

IMPROVEMEN



time

GENERAL NOTES:	BASIS OF BEARING OR ANGLES:	
$I.P. = IRON\ PIPE \qquad I.R. = IRON\ ROD $ $(R) = RECORD\ (S) = SURVEYED\ (NR) = NON-RADIAL$	LEFFINGWELLS FIRST ADDITION TO KIRKWOOD PLAT BOOK: 355 PAGE: 211	
SURVEYOR'S STATEMENT:		DATE: 02/13/2020

Meridian Surveying THIS IS TO DECLARE TO BRIAN CLAWSON, THAT AT HIS REQUEST, MERIDIAN SURVEYING SERVICES LLC., HAS MEDURING THE MONTH OF JULY, 2013, EXECUTED A RESURVEY OF LOT 6 OF CENTRAL PLACE, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 78 OF THE ST. LOUIS COUNTY 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 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 MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR AN URBAN CLASS PROPERTY. PRIOR TO ANY CONSTRUCTION, THE ORIGINAL PURCHASER OF THIS SURVEY. IT IS VERIFY CURRENT RESTRICTIONS. CERTIFICATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTES, AGENCIES, PARTIES, OR SUBSEQUENT OWNERS.

SW 10 PLAN	LEE C. FERRENBACH III	NUMBER NUMBER PLS-2310	ASS. CONTRACTOR OF THE PARTY OF		(agent) Lee C Ferrenbach IIV	Ganaral Managar
				7		

Services LLC (agent)

MERIDIAN LAND SURVEYING
4141 MEXICO ROAD
ST. PETERS, MO 63376
PHONE: 636-939-2900 FAX: 636-946-9099
WWW.MERIDIANLANDSURVEYING.COM

Y: FIELD CREW:	KAT/MRA	: PROJECT NO:	50356-R1	
REVIEWED BY:	TCF	DRAWING NO:	01	
DRAFTER:	AJ	DATE:	02/13/2020	

INDEX OF DRAWINGS

- EXISTING / DEMO & PROPOSED FIRST FLOOR PLANS / PROPOSED FOUNDATION PLAN
- EXISTING / DEMO & PROPOSED SOUTH & EAST ELEVATIONS EXISTING / DEMO & PROPOSED NORTH & WEST ELEVATIONS
- PROPOSED PORCH SECTION

SCOPE OF WORK:

ONSTRUCTION

REMOVE EXISTING FRONT PORCH ROOF AND COLUMNS. CONSTRUCT NEW COVERED FRONT PORCH. (165 SQ. FT.)

APPLICABLE BUILDING CODES:

STRUCTURAL DESIGN LOADS:

ROOF LOAD DESIGN: SNOW LOAD DESIGN: FLOOR LOAD DESIGN: DECK/BALCONY DESIGN: SEISMIC LOAD DESIGN:

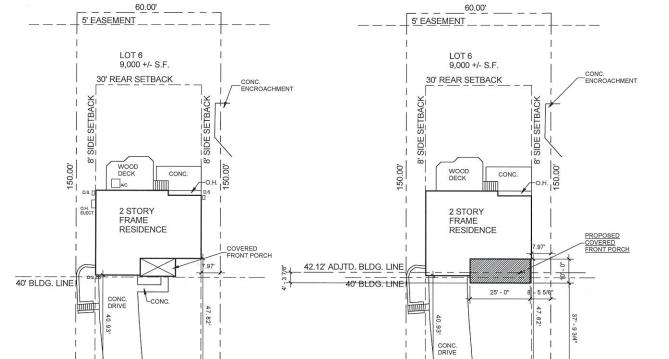
CENTRAL PLACE (60'W.)

40 PSF. 20 PSF. 50 PSF. 100 PSF.> 100 S.F.. CONCENTRATED SIDE LOAD OF 200 LBS





CENTRAL PLACE (60'W.) PROPOSED SITE PLAN
1" = 20'-0"



GENERAL NOTES:

CONCRETE

- CONCRETE MINIMUM COMPRESSIVE STRENGTH SHALL BE:
 A. 3000 PSI COMPRESSIVE STRENGTH MINI. AT 28 DAYS IN VERTICAL WALLS THAT ARE NOT EXPOSED TO WEATHER
 B. 3000 PSI COMPRESSIVE STRENGTH MINI. AT 28 DAYS IN VERTICAL SURFACES THAT ARE EXPOSED TO WEATHER
- ALL FOOTINGS SHALL REST ON VIRGIN SOIL OR APPROVED COMPACTED FILL (2000 PSI MIN. SOIL BEARING CAPACITY AND BE A MINIMUM 2'-0' INTO UNDISTURBED SOIL AND AT LEAST 2'-6' BELOW FINISHED GRADE.
- REQUIRED FOR ANCHORING OF SILL PLATES AROUND ENTIRE FOUNDATION WITH NUI 3 AND 1-1/2" WASHERS PROVIDED. MINIMUM 2 BOLTS PER SECTION OF PLATE REGARDLESS OF LENGTH. SILL PLATES TO BE GROUTED LEVEL. THERE SHALL BE AN ANCHOR BOLT LOCATED 4" TO 112" FROM BNO OF EACH SILL PLATE. "2"XZY31"S GUARE WASHERS SHALL BE USED IN LEU OF 1-1/2" ROUND WASHERS FOR ANCHOR BOLTS SECURING A PORTAL FRAME PANEL CONSTRUCTION.
- 5. ALL VOIDS UNDER PORCH CONCRETE SLABS SHALL BE FILLED WITH 4" MIN. GRANULAR FILL.
- 6. TEST SOIL FOR TERMITES ACCORDING TO FHA MINIMUM PROPERTY STANDARDS.
- PER R402.2 IRC 2015, CONCRETE SHALL BE AIR ENTRAINED, TOTAL AIR CONTENT (PERCENT BY VOLUME OF CONCRETE) SHALL NOT BE LESS THAN 5 PERCENT OR MORE THAN 7 PERCENT.

FLAME SPREA	AD RATING AND	SMUKE DEVEL	OPMENT
		F.S.R.	S.D.I.
TILE FLOORIN	G	0	0
DRYWALL		15	25
LATEX PAINT		5	20
CARPET		40	155
HARDWOOD F	LOORING	80-200	<450

WOOD AND PLASTICS

- 1. ALL LUMBER SHALL BE GRADE MARKED 1250 Fs UNLESS OTHERWISE NOTED.

- 5. ALL SOFFITS AND DROP CEILINGS SHALL BE FIRESTOPPED.
- TRUSS DESIGNED IN ACCORDANCE WITH 2015 INTERNATIONAL RESIDENTIAL CODE SECTIONS R502.11.1 AND R802.10.2 AND REFERENCED STANDARD ANSI/TPI 1.
- 7. ALL HEADERS ARE DBLE, 2X10 @ EXTERIOR AND LOAD BEARING WALLS UNLESS OTHERWISE NOTED.



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION

- LEAD FREE SOLDER IS REQUIRED ON ALL COPPER WATER SUPPLY PIPING
- MINIMUM CLEARANCE FIXTURES MUST MAINTAIN FROM ANY STORAGE SPACE (SHELF, ROD, ETC)
- 12" FROM SURFACE-MOUNTED INCANDESCENT AND LED FIXTURES WITH COMPLETELY ENCLOSED LIGHT.
- 6" FROM SURFACE-MOUNTED FLUORESCENT FIXTURES INSTALLED ON A CEILING OR ON THE WALL ABOVE THE DOOR.

- 6" FROM RECESSED FLUORESCENT FIXTURES INSTALLED IN THE WALL OR CEILING.

NO FOAM PLASTIC INSULATION

- 1. ALL REQUIRED UNDERLAYMENT TO BE A MINIMUM OF TYPE 1 PER ASTM D226
- INSULATION: EXTERIOR WALLS: R-13 BATT CELLING: R-38 BLOWN
- 4. PROVIDE CEMENT BOARD UNDERLAYMENT IN TILE AREAS, WATER RESISTANT GWB IN ALL HIGH MOISTURE AREAS.

KEVIN O'BRIEN PROFESSIONAL ENGINEER 435 FAST CLINTON PLACE

FAX: 314.909.9309

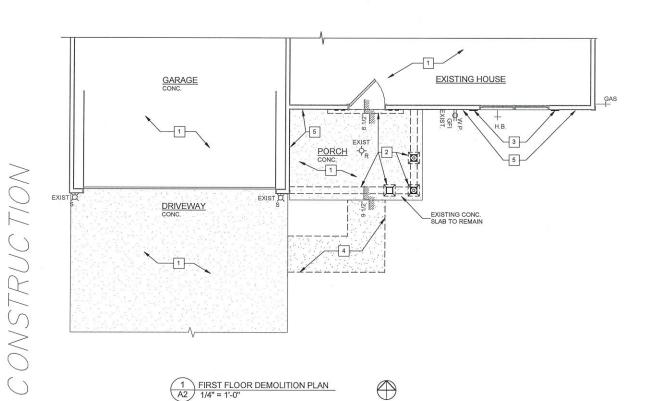
5

JOSH & SARAH KAPLAN 423 CENTRAL PLACE KIRKWOOD, MO. 63122

BOA Set 05.11.2020 Description

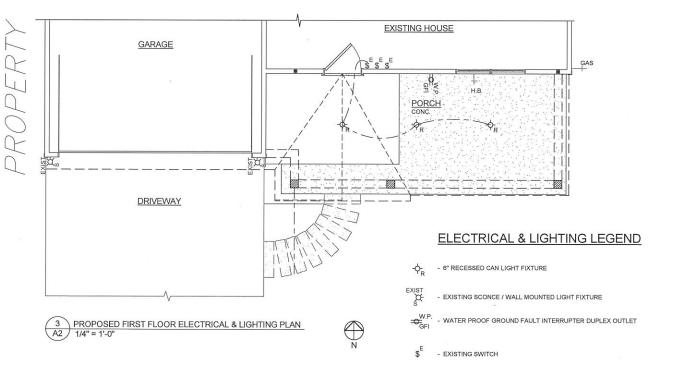
> SHEE COVER

CHECKED BY

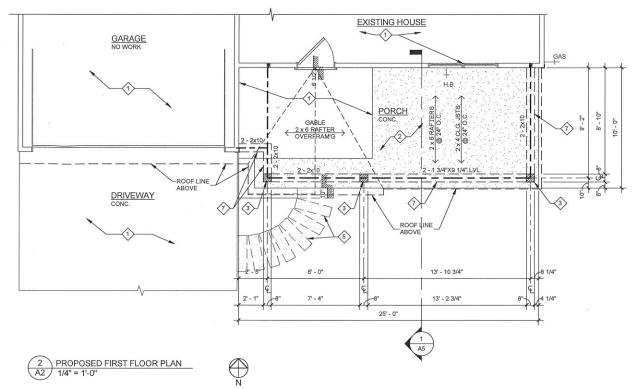


DEMO KEYED NOTES

- 1 EXISTING CONSTRUCTION TO REMAIN
- REMOVE EXISTING COLUMNS AND ROOF IN ITS ENTIRETY
- REMOVE EXISTING SHUTTERS
- REMOVE CONCRETE WALKWAY
- 5 REMOVE AFFECTED SIDING



HALF SIZE PRINT SCALE: 1/8"=1'-0"



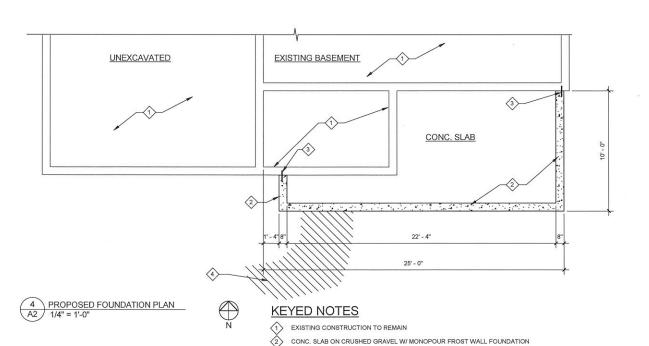
KEYED NOTES

- 1 EXISTING CONSTRUCTION TO REMAIN
- NEW CONCRETE PORCH W/ MONOPOUR FROST WALL FOUNDATION
- 8" SQUARE PERMACAST COLUMNS W / CURVED WOOD BRACKETS PAINTED
- 4 NOT USED
- 5 LANDSCAPE STONES -BY OWNER
- 6 NOT USED
 - NEW BOX BEAM W/ ALUM. WRAP

BID NOTES

2ND FLOOR HALLWAY

- REMOVE EXIST. ATTIC FAN
- INSTALL DRYWALL, TAPE & MUD
- VENT EXIST. EXHAUST FANS THROUGH ROOF (CURRENTLY IN ATTIC SPACE)



DOWEL NEW CONC. FROST WALL INTO EXIST. FOUNDATION

ADD FILL TO RAISE STEPS TO PORCH

BOA Set 05.11.2020

LAURIE SMITH REGISTERED ARCHITEC

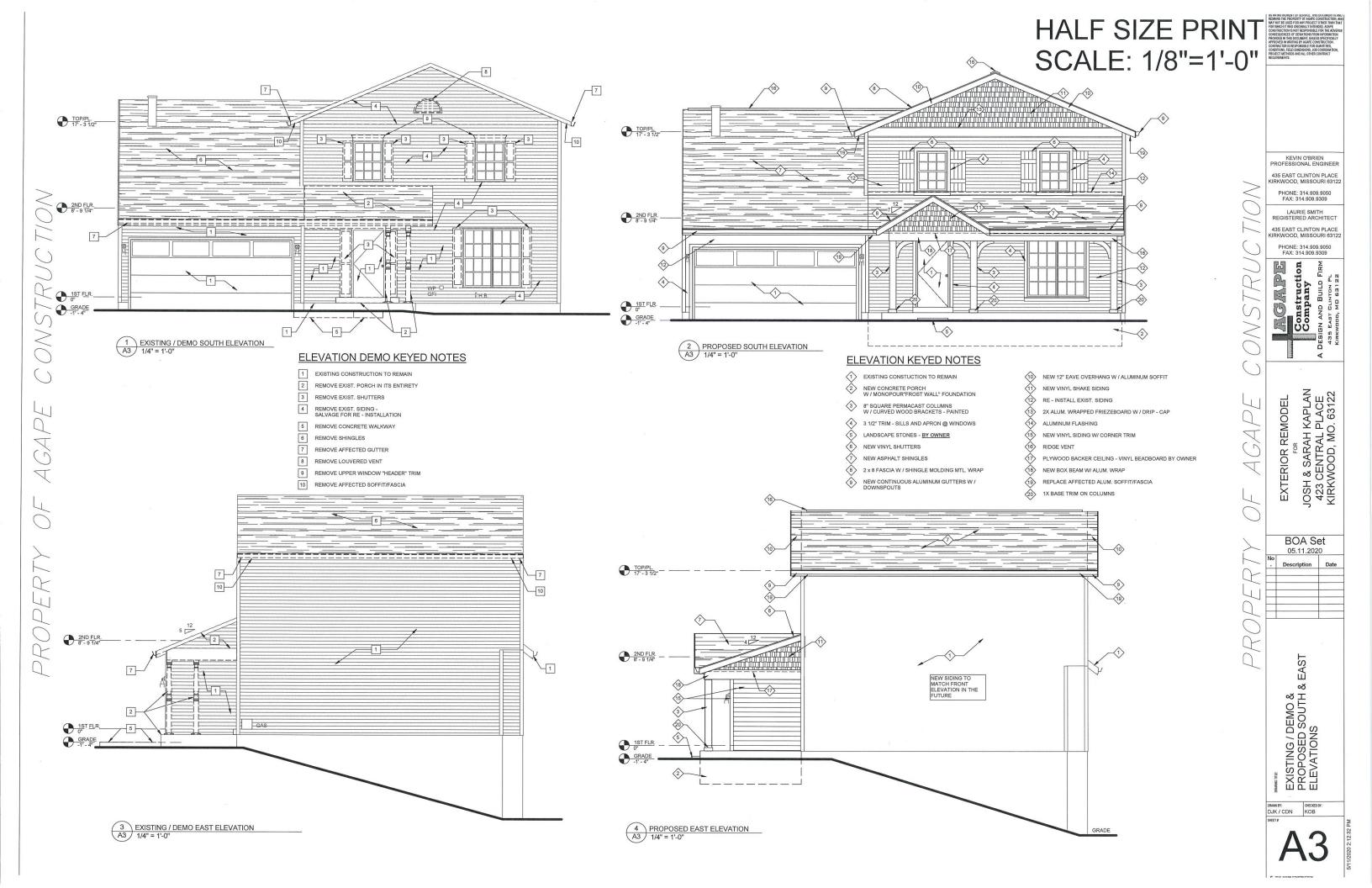
435 EAST CLINTON PLACE KIRKWOOD, MISSOURI 63122

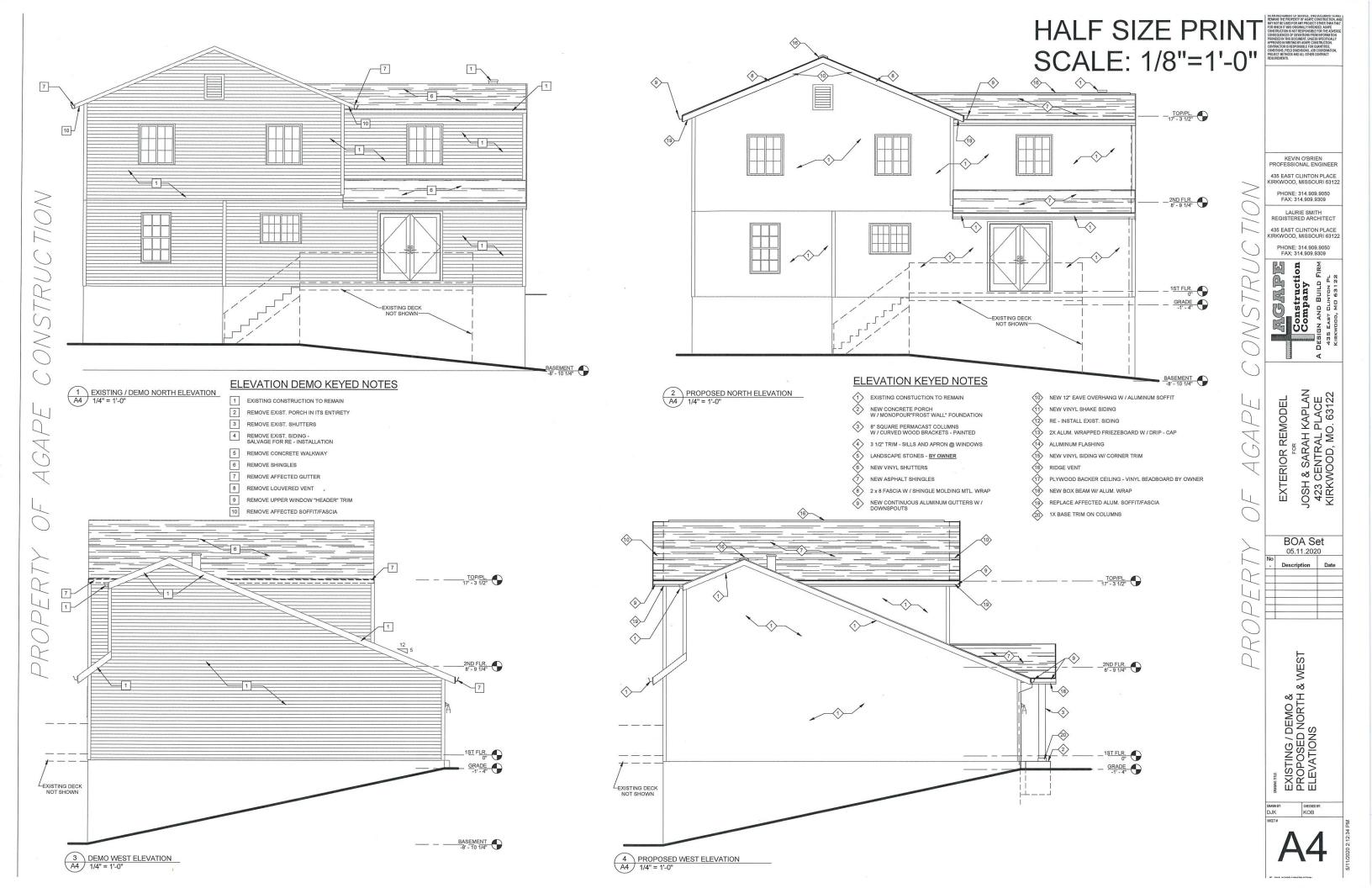
PHONE: 314.909.9050 FAX: 314.909.9309

JOSH & SARAH KAPLAN 423 CENTRAL PLACE KIRKWOOD, MO. 63122

EXTERIOR REMODEL

EXISTING / DEMO & PROPOSED FIRST FLC PLANS / PROPOSED FOUNDATION PLAN







EXISTING SOUTH ELEVATION



EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION



ARB Set 1.13.20 **REVISIONS**

DRAWING TITLE:
PHOTOS