



DEPARTMENT OF PUBLIC SERVICES

One Detjen Drive | Crestwood, MO 63126

Zoning Variance Application

Application Fee \$530.00 (Cash or check due at time of application-non-refundable) Application Date: May 5th 2021

Applicant Name: Brian and Sarah Gordon phone: 618-559-0100 or 314-807-1830

Address of Appeal: 9230 Tea Rose Lane, Crestwood, MO 63126 email: brianandrewgordon@gmail.com

Application is hereby made to the City of Crestwood Board of Adjustment for its consideration of a variance from the regulations and restrictions of the Zoning Regulations of the City of Crestwood as they pertain to the land presently zoned residential (single family dwelling).

The exact legal description of the property is as follows (may be attached):

Lot 16 of The Estates at Sappington Pointe, according to the plat thereof recorded in Plat Book 351 page 185 of the St. Louis County Records.

APN #: 26L531181

The Department of Public Works denied applicant's request for zoning permit, or the applicant is appealing the requirement to construct a:

We are planning to construct a deck at the back of our house

The applicant hereby requests a variance to allow (include a plot plan drawn to scale and with existing conditions and proposed plans for the area in question):

The proposed stairs coming down from the deck extend over the build line by 2 feet at the maximum point

The applicant must clearly show the followings:

- 1. The applicant must show that this property was acquired in good faith and (1) where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or (2) where by reason or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the practical use of their property in the manner similar to that of other property in the zoning district where it is located. Section 26-364.(b)(1)

We are not the original builders of the house but acquired it in the Fall of 2018. The house is on a corner lot so that there is a build line at both the front of the house (Tea Rose Lane) as well as parallel to the house on the south side (Tea Rose Ct.). Tea Rose Ct. leads to a cul-de-sac. The shape of the cul-de-sac pushes the build line in a manner so that the build line is no longer strictly parallel to our house but cuts at a slight angle through our yard. A strict application of the zoning regulations would limit our ability to build a deck on the back of our house.

- 2. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant. Section 26-364.(b)(2)a.

Having the build line cut through our yard at an angle is unique to our lot within our subdivision (Sappington Pointe). This is a result of the layout of the subdivision and not any action of ourselves of the prior owners.

3. That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this article. Section 26-364.(b)(2)b.

The original owners put a sliding door off of the kitchen leading to the back yard, but no deck was ever added. We are asking for the variance in order to build a deck with stairs that would lead down from the height of the main floor to the yard below. We would like to have the stairs extend east from the southeast corner of the deck to maximize the usable portion of our yard. The deck is constrained by unusual construction of the house and this design is also consistent with the decks of the rest of the houses in the neighborhood.

4. That the special conditions and circumstances do not result from the action of the applicant. Section 26-364.(b)(2)c.

The main floor is constructed in such a way that the house has a popout (see survey) off of the south east corner of the house. This is the section with the already installed sliding glass door. As a result, the deck needs to be built off of this section of the house and there is less flexibility in positioning than would typically be encountered.

5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district. Section 26-364.(b)(2)d.

Granting the variance will allow us to build a deck in a similar manner to all of our neighbors and does not represent a special privilege.

6. The request for a variation is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property. Section 26-365.(2)

My wife grew up in Crestwood, her parents live only a few blocks away (9438 Banyon Tree Ct.), and my aunt lives a block from us (9323 Lawndale Dr.). We bought the house with the intention of growing into it and have since had a son (Jacob, 2 in June) and are expecting a daughter in July. We plan to stay in the house long term and have no intention of moving.

7. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which property is located. Section 26-365.(3)

The variance will allow us to build the deck in the most appropriate location off of the back of our house. It will have no impact on any surrounding lots as it is not near any structures or other lots.

8. The proposed variation will not impair an adequate supply of light to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood. Section 26-365.(4)

The variance will have no impact on any of these factors. If anything, it will increase the property values of the other residences in the neighborhood as we are the only house in the subdivision without a deck and this fact is regularly commented upon in a negative light.

Property Owner or Authorized Agent Signature: _____ Date: _____