



Department of Planning and Development
2348 S Brentwood Blvd.
Brentwood, Missouri 63144
(314) 962-4800
www.brentwoodmo.org

STAFF REPORT

REQUESTED ACTION: Variance from Section 400.1330.D.3.a of the Brentwood Code of Ordinances

LOCATION OF SITE: 8500 Genevieve Ave.

LOCATOR NUMBER: 21K610961

SIZE OF TRACT: 7,500 square feet

ZONING DISTRICT: "B" Single Family Residential District

PETITIONER NAME: Nicholas and Kathleen Clark
2448 Helen Ave.
Brentwood, MO 63144

EXHIBITS

- A. Code of Ordinances for the City of Brentwood and the City's Comprehensive Plan
- B. Appeal to the Board of Adjustment, including application
- C. Application materials submitted by Petitioner
- D. Photographs of the subject property taken by staff on 8-18-2020
- E. Staff Report from the Director of Planning and Development dated for meeting 10/22/2020
- F. Communication from Aimee Quevreaux Drew Nangle and Paul and Linda Stuart.

REQUEST

The petitioners are seeking a variance from Section 400.1330.D.3.a of the Brentwood Code of Ordinances for the property located at 8500 Genevieve Avenue which is zoned as "B-Single Family Residential." The residence located on this parcel was demolished in November 2019, and the lot is undeveloped. The subject property is a corner lot; 50' wide along Genevieve Avenue and 150' deep on the Helen Avenue side. The petitioners are proposing to construct a detached, two-story brick residence on the lot fronting Genevieve Avenue. The proposed residence is 32' feet wide.

The required setbacks are a 25' front yard setback from Genevieve and a 25' front (ROW) setback from Helen, a 5' side yard setback from the west property line and a 20' rear yard

setback from the south property line. The corner lot must also abide by Section 400.1860.C requiring at all street intersections no obstruction to vision other than an existing building, post, column, tree or shrubbery shall be erected in area defined by the following formula: The triangular area formed by connecting two (2) points, each forty (40) feet from the street intersection and located on the front lot line.

The site plan for the proposed residence depicts a 13' front (ROW) setback along Helen Avenue. The petitioners are requesting a 12' variance from the required 25' front (ROW) yard setback. Section 400.1870.B, Yard Requirements, requires any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining fronting on the side street. In any event, the minimum side yard setback of a corner lot shall be no less than ten (10) feet.

A previous variance was requested for this parcel in 2019. A 10' variance was granted for the front (ROW) setback along Helen Avenue with the following conditions: The variance allowed the front (ROW) yard setback to be encroached upon by 10 ft allowing a 400 sq. ft. (10'wide x '40) section of the new home to be located within the required front (ROW) yard setback of 25', and secondly, a front (ROW) setback of 15' will exist on the east property line for the principal structure only and for a distance not to exceed 40' linear feet and the variance expires if the new residence is removed or destroyed by any means to an extent greater than fifty (50) percent of the residence's then current fair market value. This residence was not built, and the variance expired.

The petitioners appeared before the Board of Adjustment on August 27, 2020 requesting a 12' variance from the required 25' front (ROW) yard setback. The Board voted 3-ay and 1-aye, and the variance was denied. The petitioners are seeking approval of a 12' variance from the required 25' setback along Helen Avenue, which is identical to the variance previously sought. Petitioners' position is that they have new information to present to the Board of Adjustment.

NOTIFICATION

Property owners within 300' of the subject property were notified by a letter sent via U.S. Mail. Notice of the public hearing was published in *The Countian*. The City received three (3) letters of support to grant the variance as requested by the petitioners. The letters of support were submitted by Aimee Quevreaux Drew Nangle and Paul and Linda Stuart.

STANDARDS FOR VARIANCE – SECTION 400.810

Section 400.810 of the Brentwood Code of Ordinances provides that the Board of Adjustment shall not grant a variation as authorized in this Article unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to that support all of the following conclusions:

1. The variation requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action of actions of the property owner or the applicant.

2. The granting of the variation shall not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the provisions of this Chapter from which a variation is requested will cause severe practical difficulty or extreme hardship from the property owners represented in the application.
4. The variation desired will not adversely affect the public health, safety, order, convenience or general welfare of the community.
5. Granting the variation desired will not violate the general spirit and intent of this Chapter.

REVIEW CONSIDERATIONS FOR VARIANCE – SECTION 400.820

In determining whether the evidence presented by the petitioner supports all of the conclusions required by Section 400.810, the Board of Adjustment shall consider the extent to which the evidence demonstrates that:

1. The particular physical surroundings, shape or topographical conditions of the property involved would result in a severe practical difficulty or extreme hardship upon or for the owner, lessee, or occupant, if the provisions of this Chapter were literally enforced.
2. 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.
3. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located.
4. 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.

REVIEW CONSIDERATIONS AND CONCLUSIONS

In determining whether the evidence presented by the petitioner supports all of the conclusions required by Missouri Courts and Sections 400.810-400.820, the Board of Adjustment shall consider the extent to which the evidence demonstrates that: *(Staff's responses to the review consideration is italicized.)*

1. The particular physical surroundings, shape or topographical conditions of the property involved would result in a severe practical difficulty or extreme hardship upon or for the owner, lessee, or occupant, if the provisions of this Chapter were literally enforced.

The subject property does not have unique physical surroundings, shape or topographical conditions of the property that result in a severe practical difficulty or extreme hardship upon the owners. The hardship presented is that the subject property is a corner lot and the current "B" Single-Family Residential Zoning District

requires a front (ROW) setback of 25' from both Helen Avenue and Genevieve Avenue. This requirement would be applied to all corner lots (or through lots) in Brentwood and zoned "B" Single-Family Residential.

The petitioner has presented information to the Board indicating there are 218 corner lots in Brentwood. Based on this information of the 218 corner lots in Brentwood, 41 lots are 50' in width, 41 lots are less than 50' in width, and the remaining 136 corner lots are greater than 50' in width. The average width of the 218 properties, according to the petitioner, is sixty-two (62) feet. Utilizing the data from all 218 corner lots does not seem to fairly portray the particular characteristics of the subject property. Furthermore, of these 218 lots, a majority of the lots are zoned "B" Single-Family Residential, but some are zoned "A" Single-Family Residential and have a greater side yard setback requirement.

In summary, from the information submitted by the petitioner, 82 of the corner lots, or 35% of all corner lots have a lot width of 50' or less and may either include older legal non-conforming structures or may potentially have difficulty in meeting current zoning requirements which were adopted since the subdivisions were platted.

The owners are requesting the variance to accommodate new construction. The Board is to determine if the construction of a new residence may be constructed without requiring a setback variance if the footprint of the new residence was designed with a lesser building width to conform to the zoning requirements, or as to what is the reduction of the minimum requirements of this Chapter which would be necessary to permit the proposed construction. If no variance is granted the building line width would be 20 feet wide to conform to the 25' front (ROW) setback from Helen Avenue and a 5' side yard setback along the west property line.

2. 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.

Based upon the evidence provided by the petitioners, the Board is to determine if the owners would be deprived of all beneficial use of the property if they cannot make the improvements as proposed, nor that they cannot yield a reasonable return from constructing a smaller residence with a building width that would conform to current "B" Single-Family Residential zoning requirements or the least reduction of the minimum requirements of this Chapter which would be necessary to permit the proposed construction.

3. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located.

The properties located to the east, west, north and south of the subject property are also zoned "B" Single-Family Residential and all corner lots are subject to the same front (ROW) yard setback requirement. Evidence provided by the petitioner

documents existing house widths and front (ROW) setbacks on corner lots along Helen Avenue from Litzsinger Road to Manchester Road. The existing house widths range from 25' to 31' in width. The seven (7) existing homes located within this section of Helen Avenue, all front intersecting streets with Helen, have an **average house width of 27.7 feet.**

The setbacks for the existing seven (7) homes located along Helen Avenue range from 8' to 20' and the **average setback is 15.85 feet in width.** The existing residence located on the corner lot at 8502 Florence Avenue created only an 8' front (ROW) setback but the lot is only 40' in width.

The Board is to determine if the petitioner's request of a 12' variance **creating a 13' setback from Helen Avenue to accommodate a 32' house width** is materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located.

4. 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 400.1840, Setback and Building Lines, states the purpose of setback lines provided for in this Chapter are to establish safe and clear right-of-way and to provide adequate light, air and open space in conformity with buildings now in existence. This requirement should be adhered to for new construction to ensure public safety. Based upon existing house widths and setbacks on corner lots along Helen Avenue, the proposed new construction of a residence 32' in width is more excessive than the existing residences in the neighborhood.

The petitioners have provided evidence that there is extra green space in the public ROW approximately 12' in width beyond the east property line (Helen Avenue) and 18' in width beyond the north property line (Genevieve Avenue) that provides for extra open space and improves site distance at the intersection.

STAFF RECOMMENDATION

Staff recommends denying the setback variance of 12' requested by the petitioners based upon the findings of fact noted above. If the Board determines from the findings above that a front (ROW) yard setback variance for the subject property should be approved, staff recommends the Board consider decreasing the footage of the variance request from 12 feet to 8 feet establishing a 17' setback which is the average setback along Helen Avenue from Litzsinger Road to Manchester Road. This variance would permit a 28' house width which is the average house width along Helen Avenue from Litzinger Road to Manchester Road.

Respectfully submitted,



Lisa Koerkenmeier, AICP
Director of Planning and Development



8500 Genevieve



8500 Genevieve along Helen

Lisa Koerkenmeier

From: Aimee Quevreaux <aquevreaux@yahoo.com>
Sent: Saturday, October 10, 2020 1:39 PM
To: Lisa Koerkenmeier
Subject: Home at 8500 Genevieve

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Addressing the home (requesting to be built) on the corner of Genevieve and Helen. We have seen the site plans and feel it would be a lovely addition to the neighborhood. Nick and Katie Clark have been great neighbors for the last 8 years. Her father and step mother moved next door to us 6 years ago on Litzinger Rd. We have lived in Brentwood for 35 plus years and have seen the neighborhood grow and flourish. This addition to the neighborhood would certainly be another great asset. Thank you, The Wagners

Sent from Yahoo Mail on Android

Lisa Koerkenmeier

From: Drew Nangle <Andrew.Nangle@EnvolveHealth.com>
Sent: Wednesday, October 14, 2020 9:22 AM
To: Lisa Koerkenmeier
Subject: House At 8500 Genevieve Ave

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Lisa,

I am a Brentwood resident who lives at 8609 Litzsinger Rd. I am writing you to express my support in the building variance for the home at 8500 Genevieve Ave. It is my hope the City will allow the new owners to build the house they desire, which will require the City of Brentwood to approved a building variance. Please do all that you can to see to it the building variance gets approved, thanks!

Sencerly,

Drew Nangle, MBA
drewnangle@gmail.com
8609 Litzsinger Rd.
Brentwood, MO 63144
314-623-5213

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Lisa Koerkenmeier

From: Paul Stuart <pstuart49@gmail.com>
Sent: Tuesday, October 13, 2020 11:11 AM
To: Lisa Koerkenmeier
Subject: Home at 8500 Genevieve Ave

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear. Ms. Koerkenmeier:

My wife and I totally support the building of the new two-story home of the Clark family at Helen and Genevieve.

We sit on our front porch everyday and look directly at the empty lot at Helen and Genevieve. We'd like the look of the front elevation of the proposed home and think it is attractive and would add to the overall look of the neighborhood.

I graduated from Brentwood High School in 1967. Sure I like seeing some of the old familiar places, but we also enjoy a lot of the newer and bigger establishments in the Brentwood area. We walk an average of 4 miles a day, up and down the streets of Brentwood on both the east and west side of Brentwood Blvd. There are a lot of homes that were there when I was 16, that make me smile that they are still standing and look like a home for "Leave It To Beaver." But we also like the newer and bigger home being built that means the area is still vibrant and still growing. We love seeing younger families move-in that have young children. We don't want the neighborhood to become a senior citizens community in a plethora of "Aging-in-Place" tiny homes. We like the mix.

Being senior citizens ourselves, although I don't like the increase in my real estate taxes, that is more than offset by the love for the increase in our property value.

Respectfully,

Paul and Linda Stuart