



REPORT TO BOARD OF ADJUSTMENT

CITY OF ARNOLD

APPLICATION NUMBER: BA-2021-04

APPLICATION NAME: 1608 Lonedell Rd. (Setback Variance Request)

APPLICANT NAME: Kasondra Copeland
Patriot Sunrooms & Home Solutions
8115 Kirkwood Rd.
Kirkwood, MO 63010

PROPERTY OWNER NAME: Vicki and Ronald Mottaz
1608 Lonedell Rd.
Arnold, MO 63010

APPLICANT'S REQUEST: A request for relief from minimum Setback Requirements from Arterial and Collector Streets. [§ 405.050(C)(15)(a)]; Residential zoned property fronting on arterial or collector streets shall have a front building line thirty-five (35) feet from the right-of-way line, as provided in the Arnold Zoning Ordinance. To allow a porch cover to encroach, two (2) feet, into the required front yard of a residential dwelling within the "R-4" Residential District.

STREET ADDRESS: 1608 Lonedell Rd.

SITE LOCATION: The home is located at the southwest corner of Lonedell Rd. and Polly Dr.

ZONING DISTRICT: "R-4" Residential District

PARCEL ID: 01-4.0-19.0-3-004-001

TOTAL SITE AREA: 0.30 acres

MEETING DATE: December 8, 2021

REPORT DATE: November 30, 2021

CASE MANAGER: Christie Hull Bettale



REPORT TO BOARD OF ADJUSTMENT

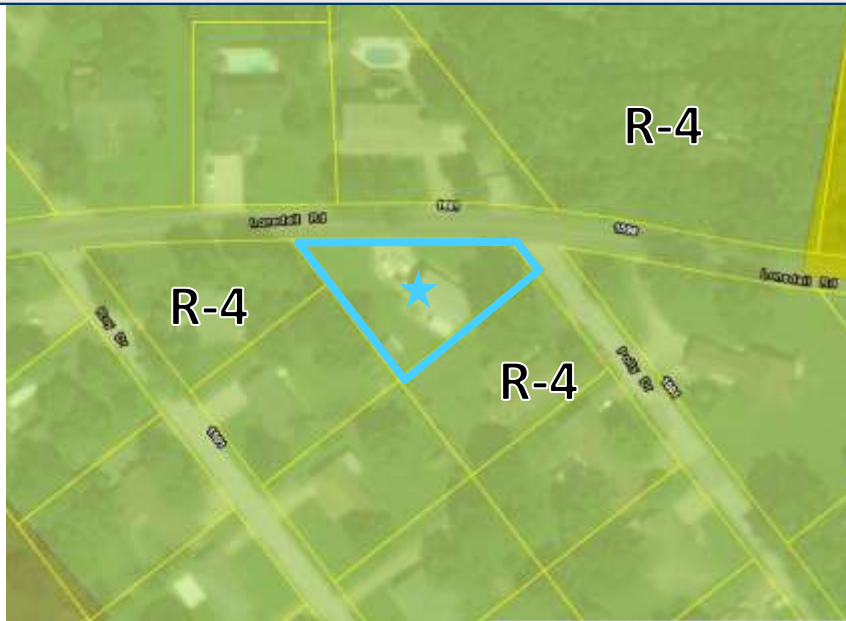
CITY OF ARNOLD

BACKGROUND

The property is described as Lonedell Acres Lot 27, platted in 1959. The single-family home was built 1971 according to Jefferson County records. When the City of Arnold’s Zoning Ordinance was created in 1977, this residential area was already established. The home addressed and fronting on Lonedell is a non-conforming residential structure, in that the home does not meet the 35-foot front yard setback for Lonedell.

The applicant, Kasondra Copeland of Patriot Sunrooms & Home Solutions, on behalf of the owners, Vicki and Ronald Mottaz, applied for a permit in September 2021 to construct a roof cover over the existing porch. Upon review of the construction plans, it was found that this request did not meet minimum setback regulations for structures fronting on arterial or collector streets. In October 2021, the subject variance request was submitted.

ZONING MAP



FUTURE LAND USE MAP / CITY PLANNER’S COMMENTS:



In the “R-4” Residential District this non-conforming single-family-dwelling is a permitted to continue. However, no such non-conforming structure may be enlarged or altered in a way which *increases* its non-conformity, but any structure or portion thereof may be altered to *decrease* its non-conformity.

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DESCRIPTION OF EXISTING SITE CONDITIONS

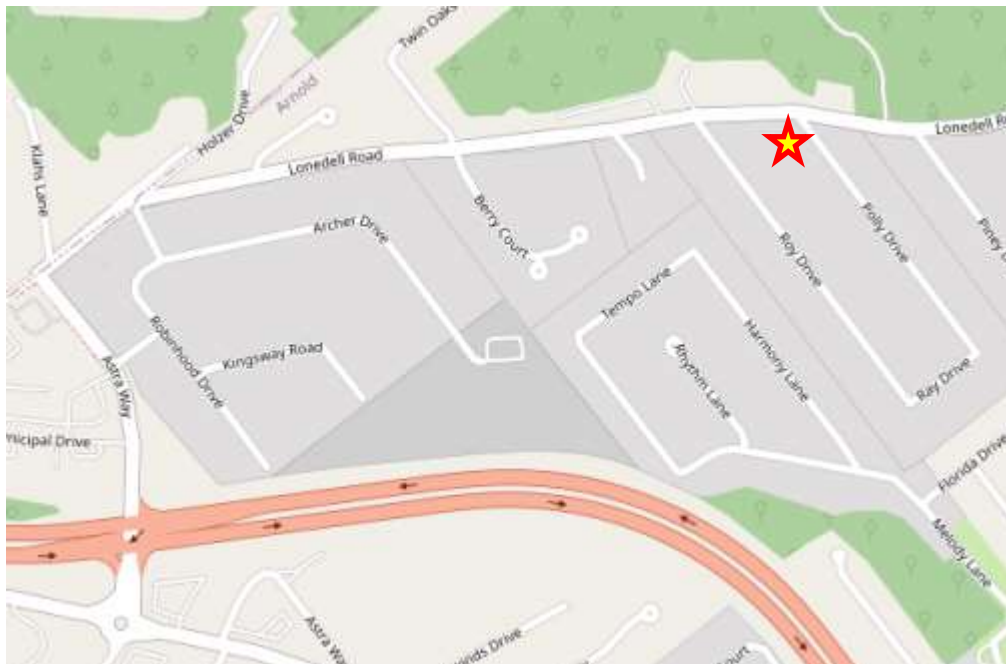
The approximately 0.30 acre, or 13,068 square foot, parcel is located along Lonedell Rd. at Polly Dr. This home is accessed via a driveway off Lonedell Rd that provides garage entrance, as well as a private walkway from the driveway to the front entrance stairs and porch. The parcel contains a single-family dwelling and associated off-street parking.

LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential	R-4	Single-family dwellings
East	Residential	R-4	Single-family dwellings
South	Residential	R-4	Single-family dwellings
West	Residential	R-4	Single-family dwellings

VARIANCE REQUEST

A request for relief from minimum Setback Requirements from Arterial and Collector Streets. [Section 405.050(C)(15)(a)]; Residential zoned property fronting on arterial or collector streets shall have a front building line thirty-five (35) feet from the right-of-way line, as provided in the Arnold Zoning Ordinance. Specifically approve the request, to allow a porch cover to encroach, two (2) feet, into the required front yard of a residential dwelling within the "R-4" Residential District.





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PLANNING AND ZONING ANALYSIS

Appeals or variances to Chapter 405, Zoning, of the Code of Ordinances, shall be made to and reviewed by the Board of Adjustment.

ANALYSIS OF APPLICABLE ZONING REGULATIONS

The Regulations, Section 405.050(C)(15)(a) reads as follows:

15. Setback Requirements From Arterial And Collector Streets.

- a) Residential zoned property fronting on arterial or collector streets shall have a front building line thirty-five (35) feet from the right-of-way line

The residential structure was constructed before the Zoning Ordinance’s adoption in 1977. The distance from Lonedell Rd. to the structure is 22 feet, and 33 feet for front porch. Neither is compliant with the “R-4” District, which requires 35-foot setback for collector streets such as Lonedell. Based on the above, it is a pre-existing non-conforming structure.

Per Section 405.070, Non-Conformities, “It is the intent of this Chapter to permit these non-conformities to continue, except as delineated herein, until they are removed, cease operation, or are damaged beyond 50%, but not to encourage their survival.” Additionally, “No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.”

The proposed roof cover structure to be located on top of the existing porch is dimensioned 12-foot by 8-foot, and is marked in red by the applicant Figure 1 and Figure 2 on page 6. The front yard setback would be only 32-feet for the proposed porch cover; therefore it too, will encroach on the required setback as outlined in 405.050(C)(15)(a) by approximately 2-feet.

1608 Lonedell seems uniquely placed, looking at the other homes on this stretch of Lonedell, the other homes generally meet the required 35-foot setback (within a few feet). In comparison, the subject structure has a 10-foot encroachment. Also, paying particular attention to the corner lot homes where setback are being met for Lonedell street yards and secondary street yards. Approximate setbacks are represented by the orange lines below in the photo below.



1608 Lonedell Rd.

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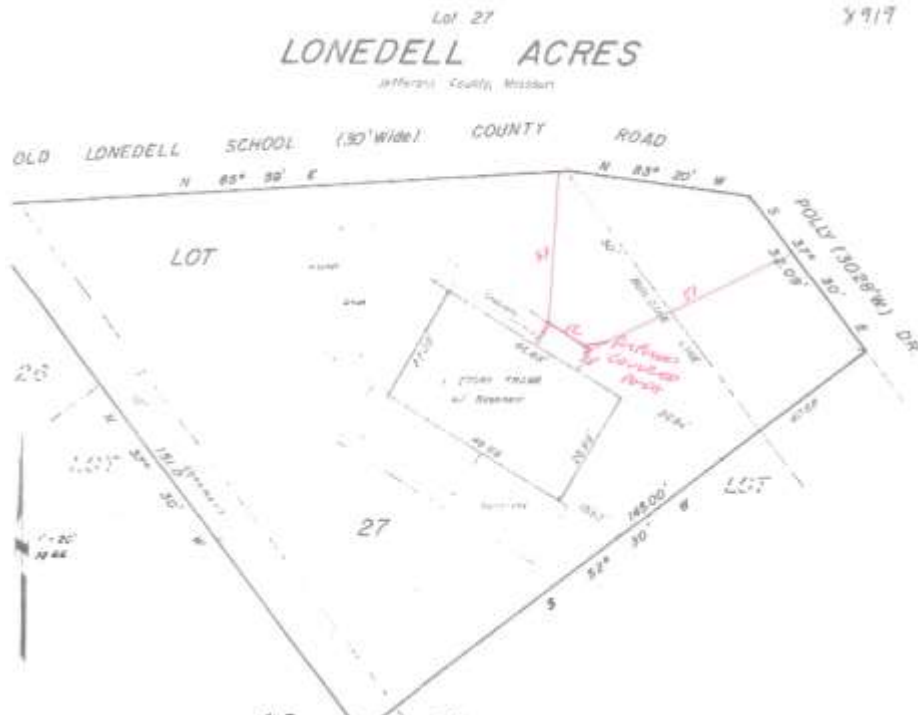


FIGURE 1: PROPOSED SITE PLAN BY APPLICANT (ABOVE)

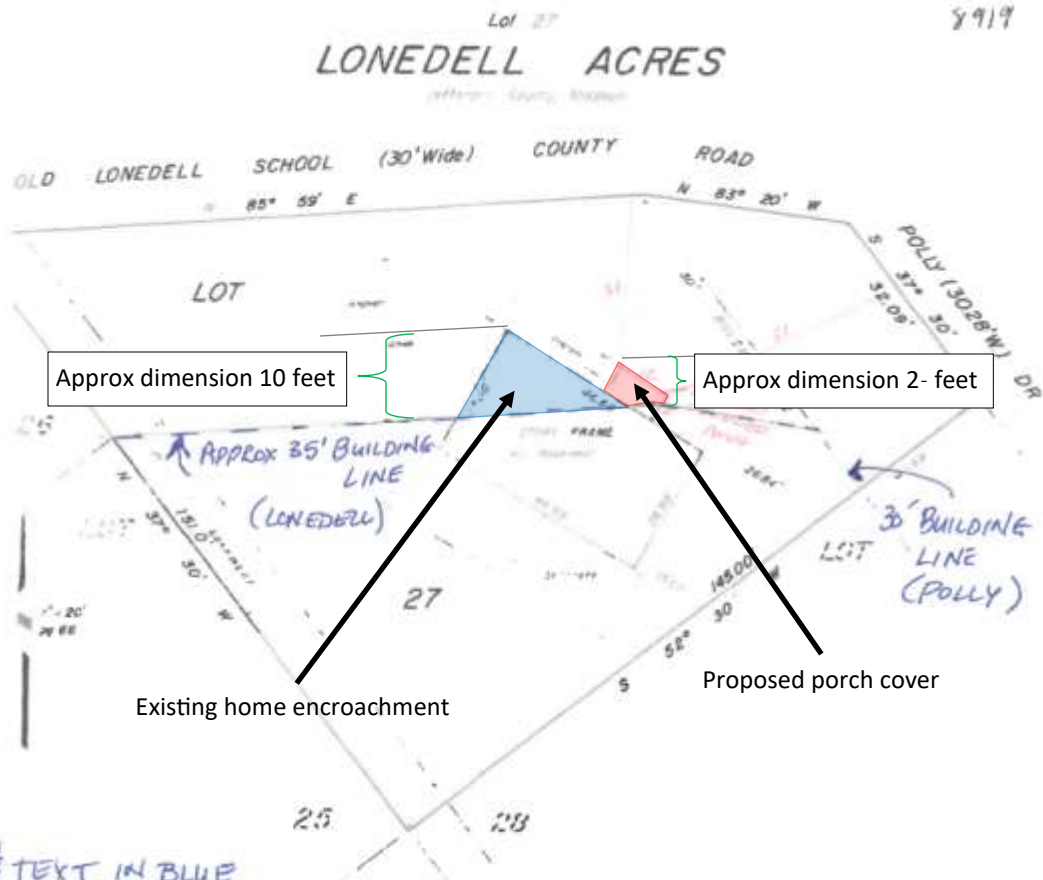


FIGURE 2: PROPOSED SITE PLAN BUILDING LINES IN BLUE BY STAFF (ABOVE)



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PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA

The applicant voiced concerns about safe, weather-protected entry and deliveries to the home. There are other options to consider for a weather cover: utilize different non-permanent types of cover, such as a non-post supported or retractable awning, or utilize the garage as a covered entrance to the home. An enclosed delivery box is also an option to protect deliveries from weather. Alternatively, the applicant has sought a variance from the minimum setback requirement to allow for the proposed porch cover.

REVIEW CRITERIA

During the application process, Staff provided guidance regarding the request and applicational process. Pre-application discussions included individual discussions with Mr. Mottaz and his contractor, Ms. Copeland with Patriot Sunrooms and Home Solutions.

The variance review criteria as provided in Section 405.240, Board of Adjustment, of the Zoning Ordinance are listed below in *italics*. Full statements from the applicant's narrative (Exhibit B) in response to how this request meets the criteria are quoted in **bold**.

The Board shall not grant variances unless it shall make finding based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Applicant Response: **"Granting of the proposed variance will not be a detrimental to the public safety, health or welfare or injurious to others. The original building line was 30' at the time of construction in 1984 1971 (staff corrected date per Jefferson County Records). The new restrictions "set backs" have been modified to 35'. The porch cover, as designed, would be at 33' or 2' over the 35' line."**

Staff Response: Staff received *"no-conflict"* comments from reviewing agencies and utilities regarding this proposal. The original platted building line for Polly Dr. is shown on the site plan. The sketch was completed onto an old plat for the lot. The Polly Dr set back is being met. Absent from the plat, the Zoning Code required setback for Lonedell Rd., which has been required since the 1977 Zoning Code adoption. Zoning setbacks are not always shown on a plat; however, they are still mandatory.

See Figure 1 and Figure 2, the corner of existing building is encroaching into the Lonedell setback by 10-feet. Also, see proposed porch cover encroaches over the building setback by 2– feet. This increases the total area of encroachment; but it does not bring the overall building closer to the street than already exists. The Board may interpret that the variance is not a detriment as the proposed porch cover is less of an encroachment than the main building.

Allowing for a addition to a property which is already a non-conforming, may allow that non-conformity to continue to exist longer. Additionally, should an alteration for a porch cover be approved, it opens up the possibility for it to be enclosed in the future, subsequently continuing to expand the building's non-conformity. Alterations to properties with non-conformities may be

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PLANNING AND ZONING ANALYSIS —REVIEW CRITERIA, CONT.

considered detrimental to overall city planning. However, should the Board consider agreement to the request; approval should be conditioned that, the porch cannot be enclosed, so not to further the non-conformity in the future.

2. The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.

Applicant Response: **“The front of the residence is the primary entry for the homeowners, guests and parcel deliveries. The porch is uncovered and unprotected from the rain, snow and ice, which does cause a safety hazard for the homeowners who are senior citizens.”**

Staff Response: The unique conditions of the property must be for the property itself and not related to the current occupant; they are tied in with physical parcel and building. Virtually all homes have guests and parcel deliveries regardless of the condition of the porch/delivery area. The circumstances of an occupant (such as age, abilities, etc.) is temporary with the duration of the occupant and not a condition of the property that has historically been granted a variance.

The choice to propose a post and roof porch cover is not the only option for the home. There are other non-permanent possibilities as described on page 7, paragraph 1. Furthermore, an uncovered front porch is not unique to the property. Unique conditions have been interpreted that there must be a unique geography, topography, property line layout, frontage situation, etc. The Board could determine that the property has unique characteristics which is further discussed in item 3 of this analysis on the next page.

PICTOMETRY OF SUBJECT SITE, MARCH 2020





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PLANNING AND ZONING ANALYSIS —REVIEW CRITERIA, CONT.

3. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.*

Applicant Response: **“Due to the irregular lot shape, the home was build within code restrictions. (see plot plan). In addition, the home was built much higher than the roadway below. (Lonedell Rd. & Polly Dr.)”**

Staff Response: Unique conditions have been interpreted that there must be a unique geography, topography, property line layout, frontage situation, etc. This parcel is corner lot, meaning it faces two streets, and does appear irregular in the structure’s orientation. The structure was constructed on a diagonal, not directly facing the addressed frontage on Lonedell or the secondary frontage on Polly.

There is a height difference from main floor to the street elevation. This could be considered beneficial to the home to allow space for a lower level garage, and giving more main floor useable area. Also, the garage can fulfill the need for a covered entrance into the home.

It is up to the Board to determine if the irregular orientation of the structure is a unique condition of the property as described in the review criteria at the top of this page.

In speaking to inconvenience; to enter into the home via the garage might be a safe, weather protected option, but the Board perhaps may find that this route is a particular hardship to the owner, visitors and parcel as a whole.

APPROXIMATE LOT LINES, CITY OF ARNOLD GIS



1608 Lonedell Rd.

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RECOMMENDATION

The Board of Adjustment has been requested to review the subject application as pertains to:

A request for relief from minimum Setback Requirements from Arterial and Collector Streets. [§ 405.050(C)(15)(a)]; Residential zoned property fronting on arterial or collector streets shall have a front building line thirty-five (35) feet from the right-of-way line, as provided in the Arnold Zoning Ordinance. To allow a porch cover to encroach, two (2) feet, into the required front yard of a residential dwelling within the "R-4" Residential District.

The Board must keep the variance review criteria in mind when coming to a determination of whether to approve, approve with conditions, or deny this request:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
- b. The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.*
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.*

In granting a variance, the Board may require conditions that would assist in securing the objectives or requirements of the Zoning Ordinance.

Should the Board determine to approve this variance seeking relief Setback Requirements from Arterial and Collector Streets. [§ 405.050(C)(15)(a)]; Staff recommends including the following condition of approval:

- **This variance only grants relief for a covered porch to be setback a minimum of 33- feet from the northern property line, adjacent to Lonedell Rd.. All other structures must adhere to applicable regulations contained in the Zoning Ordinance.**
- **The porch and porch cover shall not be further expanded or enclosed.**

A handwritten signature in cursive script, reading "Christie R Hull Bettale".

Christie R Hull Bettale, EIT
Community Development Engineer



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CITY OF ARNOLD

ATTACHMENTS

EXHIBIT A: APPLICANT NARRATIVE

EXHIBIT B: PORCH-COVER DETAILS

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811 S. Kirkwood Rd.	4118 N. Service Rd.
St. Louis, MO 63122	St. Peters, MO 63376
314.822.3232	636.922.3232
FAX 314.822.9813	FAX 636.685.0249

October 21, 2021

City of Arnold Board of Adjustments
Re: 1608 Londell (Mottaz residence)

In response to written petition for variance request:

- Granting of the proposed variance will not be a detrimental to the public safety, health or welfare or injurious to others.
- The original building line was 30' at the time of construction in 1984. The new restriction "set backs" have been modified to 35'
- The porch cover, as designed, would be at 33', or 2' over the 35' line.
- Due to the irregular lot shape, the home was built within code restrictions. (see plot plan)
- In addition, the home was built much higher than the roadway below. (Lonedell Rd. & Polly Dr.)
- The front of the residence is the primary entry for the homeowners, guests and parcel deliveries. The porch is uncovered and unprotected from rain, snow and ice, which does cause a safety hazard for the homeowners who are senior citizens.

We appreciate your consideration regarding the variance request. Please feel free to contact me personally as questions arise. I look forward to hearing from the board regarding the variance meeting.

Kasondra Copeland
314-822-3232

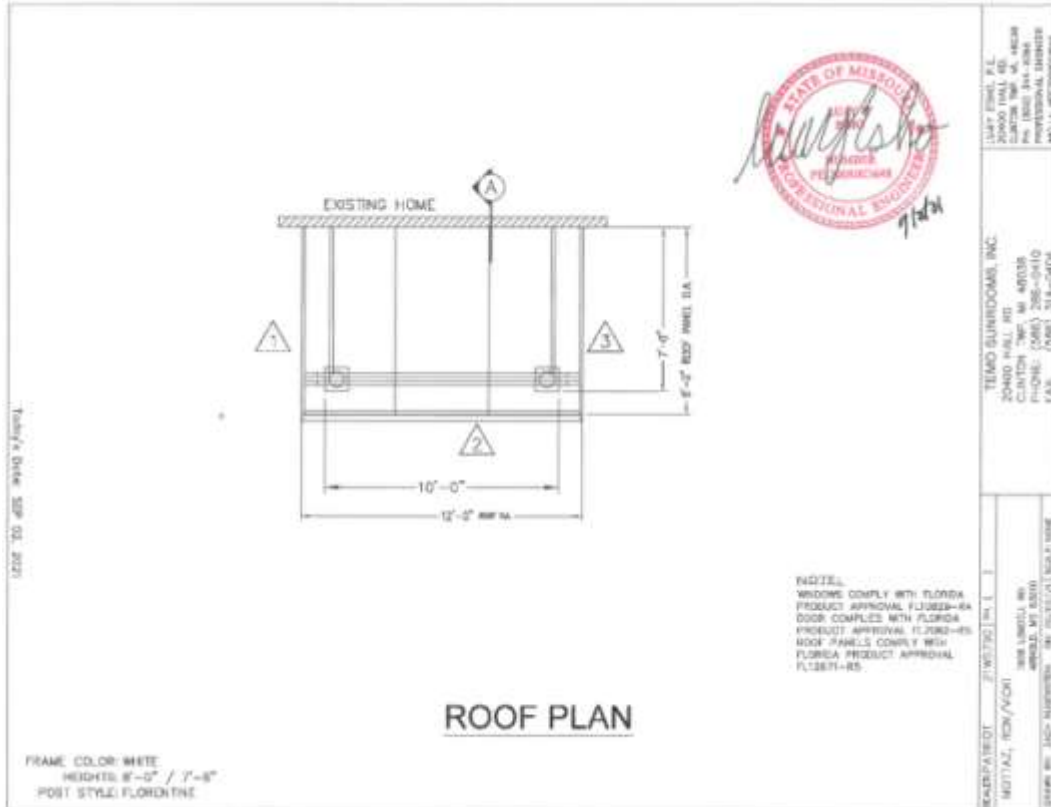
A handwritten signature in cursive script that reads "Kasondra Copeland".

EXHIBIT A: APPLICANT NARRATIVE

BA 2021-04 SETBACK VARIANCE



REPORT TO BOARD OF ADJUSTMENT CITY OF ARNOLD



ELEVATIONS AND TOP VIEW OF PROPOSED PORCH ROOF COVER

1608 Lonedell Rd.