

## BOARD OF ADJUSTMENT MEETING 1 GOVERNMENT CTR, BALLWIN, MO 63011 WEDNESDAY, JULY 17, 2024 at 7:00 PM

## AGENDA

- 1. Call to Order
- 2. Agenda Items
  - a. 107 Birchwood Drive Petition 1BA24
- 3. Adjourn

**<u>NOTE</u>**: Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

<u>ADA NOTICE</u>: Residents of Ballwin are afforded an equal opportunity to participate in the programs and services of the City of Ballwin regardless of race, color, religion, sex, age, disability, familial status, national origin or political affiliation. If one requires an accommodation, please call (636) 227-8580 V or (636) 527-9200 TDD or 1-800-735-2466 (Relay Missouri) no later than 5:00 p.m. on the third business day preceding the hearing. Offices are open between 8:00 a.m. and 5:00 p.m. Monday through Friday.

#### **BOARD OF ADJUSTMENT REVIEW REPORT**

PETITION NUMBER: 1BA24 PETITIONER: Dwight E. Blain Jr. LOCATION: 107 Birchwood Drive TYPE OF PETITION: Building a carport REVIEWED BY/DATE: Seth Pecoraro, Building Commissioner reviewed 6/28/24



The residence on this property was constructed in 1954. A new garage was built without permit in violation of City Ordinance 7-81. Dwight Blain Jr. is attempting to correct this by obtaining a building permit.

The garage was constructed between the building line and the right of way in the secondary front yard along Applegate Lane which also violates two City zoning ordinances. (Art. IV sec. 9, and Art. XVI sec. 13) Mr. Blain Jr. cannot be issued a building permit unless the board approves a variance for this non-compliant element of the petition.

Seth Pecoraro

**Building Commissioner** 

#### ARTICLE IV. - R-1 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

#### Section 4. - Area regulations.

(1) *Front yard.* There shall be a front yard having a depth of not less than 40 feet, except for land lying along and adjacent to Manchester Road, which shall have a yard having a depth of not less than 60 feet. **This residence is a corner lot with two front yards** 

#### Section 9. - Fences and structures in dwelling districts.

No fence or structure shall be erected, constructed or maintained between the right-of-way line and the building line in one or two front yards of a corner lot or a lot which has a double frontage in a dwelling district, except by permit granted by the city. No fence or structure shall be erected, constructed or maintained within a front yard in a dwelling district except in the situation just described. The garage was erected between the right of way line and the secondary front yard building line, and a building permit cannot currently be issued because of this.

#### **ARTICLE XVI. – ADDITIONAL HEIGHT AND AREA REGULATIONS**

#### Section 13. - [Corner lots.]

On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street; provided, however, that the buildable width of such lot shall not be reduced to less than 30 feet in the R-1, R-2, and R-3 single-family dwelling districts nor to less than 25 feet in any other district. No accessory building shall project beyond the front yard line on either street. **The garage projects approximately 15' beyond the secondary front yard building line facing Applegate Lane, and a building permit cannot currently be issued because of this.** 

The board of adjustment shall have the following powers and it shall be its duty:

(1) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the building commissioner or city engineer in the enforcement of this article.

(2) To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of the ordinance from which this subsection is derived [July 11, 1966].

(3) To interpret the provisions of this article in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this article where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(4) To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or public such enemy, to the extent of less than 60 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

(5) To permit a variation in the yard requirements of any district where there are unusual practical difficulties or unnecessary hardships in the carrying out of these provisions due to irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare. The edge of the garage measured 35' from the street. The driveway orientation and access from Applegate Lane in place since 1954 is unique to this property. The staff does not believe a variation would seriously affect any adjoining property or the general welfare.

(6) To authorize upon appeal, whenever a property owner can show that a strict application of the terms of this article relating to the use, construction or alteration of buildings or structures or the use of the land will impose upon him unusual practical difficulties or particular hardship, such variations of the strict application of the terms of this article as are in harmony with its general purpose and intent but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by the city, and at the same time the surrounding property will be properly protected.

(7) To vary the parking regulations of the zoning ordinance whenever the character or use of a building is such as to make unnecessary the full provision for parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

#### Sec. 6-95. - Reversal of decisions.

(a) In exercising the above powers, the board may reverse or affirm wholly or partly; or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(b) Every variation granted or denied by the board shall be accompanied by a written finding of fact, based on sworn testimony and evidence and specifying the reason for granting or denying the variation.



# NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENT

CITY OF BALLWIN	}	DATE:	
COUNTY OF ST. LOUIS	}	NUMBER:	
STATE OF MISSOURI	}	FEE:	\$500.00

*NOTE:* Documentation of legal interest, a legal description of the property and a sealed plot plan or site plan must accompany this application.

1.	Property owner's name: Dwight F. Blain Jr.
2.	Property address: 107 Birchwood dr. BAllwin
3.	Zoning classification of the property: RESIDENTIAL R-1
4.	Present use of the property: Residence
5.	Intended use of the property: Build A garAge
6.	Type of petition or application which was submitted to the City and subsequently denied:
	Building CArport
7.	Reason for denial of the petition or application (to be completed by the City): THE Hord IS ON
	A CORNER LOT. THE NEW STRUCTURE PROJECTS APPROXIMATELY 5' BEYOND THE
	APPLEGATE LANE FRONT YARD BUILDING LINE IN VIOLATION OF CITY ORDINANCE
8.	Reason petitioner or applicant has been aggrieved by the denial of the application/petition:
	Driveways been there since new in 1954 When
	Grandmotherin-LAW bought. Was a carport for years when
	I moved up. Now no legal way! getting old Just want Carpord.
	- index of the set of
	PETITIONER: Dwight F. Blain Jr.
	AUTHORIZED SIGNATURE: Juight & Slin fr.
	ADDRESS: 107 Birchwood of Ballwin 23011
	PHONE NO: 314-282.1895

I hereby certify that I am the duly appointed agent of the petitioner and all information given herein is true and a statement of fact.

fEllin fr. Date: 5-6-24 Signature: used and sworn before me this \_\_\_\_\_ day of May NOTARY SEAL tary Public Jefferson

### PAYMENT DATE 05/06/2024 COLLECTION STATION CH RECEIVED FROM DWIGHT E. BLAIN JR.

### City of Ballwin #1 Government Center Ballwin, MO 63011

## BATCH NO.

202 REC 2024-00002858 CASHIER Stephanie Gavin

PAYMENT CODE		CEIPT DESCRIPTION	TRANSACTION AMOUNT
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CONTRACTOR: They're	installers		NTACT NAME:		
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Are you a transient employer? 🔀 No 🗌	Yes (If yes, please provid	de a valid tax clearan	ce from the Missouri Departm	ent of Revenue)	
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I hereby certify that the information con	tained in this application	on and accompany	ing drawings or plats is co	rect, and that I will	Ē
comply with all applicable laws of the City	/ of Ballwin.				
The undersigned warrants either (i) the	plans have been appr	oved by any appli	cable Board of Trustees, o	or other subdivision	
governing body; or (ii) that there is no rel					
OWNER/AGENT/CONTRACTOR:			DΔTF·		
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BASEMENT FINISH **D** ROOM ADDITION □ RETAINING WALL

D POOL/HOT TUB BARRIER REQ

FEB 2 9 2024

CITY OF BALLWIN

Date: \_\_\_



PLANS EXAMINER

Section 2, Item a.

3/13/24

Dwight Blain 107 Birchwood Drive Ballwin, MO 63011

Re: carport building application at 107 Birchwood

Mr. Dwight Blain,

Your building permit application has been rejected due to noncompliance with the following City of Ballwin building and zoning codes:

Article XVI section 17 -Accessory structure within 10' of the main structure.

Article XVI section 13 (corner lots) -Accessory structure projects beyond the building front yard line on Applegate

Your structure is enclosed on two sides, and anywhere from inches to within 2' of the house on a third side. At this point the structure would be considered a garage without a 1 hour rated separation from the main building. Per our phone conversation if a variance was given through the board of adjustment, in order to comply with the building code you would be required to provide an additional set of plans from a registered design professional showing the construction detail for a 1 hour separation between the house and the new garage. You may want to contact the manufacturer as they may already have something for this on file.

If the board did not grant a variance the structure would have to move or be removed to be in compliance with Ballwin ordinances. Please feel free to contact me at (636)227-2129 if you have any further questions regarding this application.

Thank you,

Seth Pecoraro

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CAROLINA CARPORTS INC. P.O. BOX 1263	DOBSON, NC 27017 TOLL FREE 1-800-670-4262 LOCAL 336-367-6400 FAX 336-367-6410	of Carolina Carports, Inc. Use ion of Carolina Carports is pri	•	ON PLANS AND DET/ R SPECIFICATIONS	DRTS, INC. Je Trail Julna 27017	THE OWNER IS RESPONSIBLE FOR OBTAINING A BUILDING PERMIT, IF NEEDED, AND FOR COMPLYING WITH ALL LOCAL BUILDING CODE REQUIREMENTS.	THIS IS TO CERTIFY THAT THE CALCULATIONS AND SPECFICATIONS HEREIN HAVE BEEN PREPARED BY THE UNDERSIGNED PROFESSIONAL ENONER, AND ARE IN ACCORDANCE MITH THE REUNREMENTS OF THE COIR INTERNATIONAL BUILDING CODE AND THE BULLDING CODE 2018 OF MISSOURI.	DESIGN LOADS MIN, DEVO LOAD 5 MIN, FLOOR LIVE LOAD 122 MIN, ROOF LIVE LOAD 20		EXPOSURE CATEGORY MAX. SEISMIC DESIGN CATEGORY	STATE OF MISCORE		ONAL ENG	06/13/2023 SHEET		
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CAROLINA CARPORTS INC. P.O. BOX 1263	DOBSON, NC 27017 TOLL FREE 1-800-670-4262 LOCAL 336-367-6400 FAX 336-367-6410	This document is the property of Carolina Carports, Inc. Use of these plans without the permission of Carolina Carports is prohibited	METAL CARPORT INSTALLATION PLANS AND DETAILS AND FRAMING AND FASTENER SPECIFICATIONS		THE OWNER IS RESPONSIBLE FOR OBTAINING A BUILDING PERMIT, IF NEEDED, AND FOR COMPLYING WITH ALL LOCAL BUILDING CODE REQUIREMENTS. THIS IS TO CERTEY THAT THE CALCULATIONS AND SPECIFICATIONS THERE AND ARE IN ACCORDANCE MITH THE REQUIREMENTS OF THE ENGINEER, AND ARE IN ACCORDANCE MITH THE REQUIREMENTS OF THE MISSOURI.		ID SPEED CATEGORY	A: See B	06/13/2023 SHEET
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STANDARD CARPORT	DETAILS 12 ft to 24 ft SPAN	LIGHT FRAME CONSTRUCTION NOTE: THESE PLANE WY BE USED FOR SPANE LESS THAN 12 FEET.	Note: Use $\bigcirc 2j^* \times 2j^*$ 14 Ga. $\bigcirc 2j^* \times 2j^*$ 12 Ga. Steel tube for all frame and base rail members unless otherwise sho	Note: These plans include standard details that can be used for a wide range of applications. If site specific plans are required, a separate set of plans will need to be prepared.				CONCRETE FOUNDATION DESIGN RECOMMENDATIONS: CONCRETE PROMARY AND DEFUSIS SHOW THE REST PARS ARE FOR PROMARY AND DEFUSIS SHOW THE REST PARS ARE FOR PROMARY FOR THE PROPOSIDI STRUCTURE AND COORDINATION ARE FOR DIMENSING CONC OFFICILES. AND FOR PROMONDA ARE FOR CONCRETE FREIGHT AND CONDUMINATION ARE FOR CONCRETE FREIGHT AND CONDUMINATION ARE FOR CONCRETE FREIGHT AND CONTRUMINATION ARE FOR CONCRETE STRUCTURE AND CONDUMINATION ARE FOR CONCRETE STRUCTURE AND CONDUMINATION ARE CONCRETE FOR AND FOR THE CONCRETENCE OFFICIENCE AND AND AND AND AND AND AND AND AND AND	RENFORCING STEEL: THE RENFORCING STEEL SWULL BE MANUAL GAUE 40. THE USE OF THE RENFORCING STEEL SWULL BE MANUAL GAUE MARE FABRIC (MMP) IS ACCEPTIABLE.
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TAI	12	L Note: T	Note: USE Steel Tubi Rail MeMbi	: THESE BE USED SPECIFIC LANS WIL		ISOMETRIC		E FOUND MFORMATION MFORMATION M ONLY TH M ONLY TH FOUND N FOUND N FOUN	6 STEEL: RECNIC STEE FORCED COI
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CING	ING IS OR IRTS		sac			х х		9	BOLTS
FASTENER SPACING	AVERAGE FASTENER SPACING ON-CENTERS ALONG RATTERS OR PURLINS, AND POSTS OR GIRTS (INCHES) METAL PANELS SPACING	œ	or 14 ners. roof slopes			MPONENTS C. ELECTRIC C. ELECTRICS. THERE CH EXERT CH EXERT RESPONSIBL	SYSTEN. A	seal Reformed Are Not Are Not Are Not Rent He	CREINS, BO
ASTENE	E FASTENE RS ALONG AND POST (INCHES) VELS		y to 12 seal wash ess and for other			WHERS), CC VINIBIN VISIBILITY OI VISIBILITY OI VID LOAD ( EREIN, MHI	resisting Ients. L or betti	4 CONTROL RMISE. ACH CORNI EEBAR) BET ACHORS D ANCHORS USE ITW F	HEADERS. EXPOSED NIZED.
PANEL F	AVERAGE FA DN-CENTERS A PURLINS, AND (IN METAL PANELS	29 Gauge	d directly control s feet or l ements f			System () Lumited to He Respon NG The De NG The De Dressed H	ind force Requirely KSI steel	ENERS WITH E PANELS. OTED OTHELS. HREADED F HREADED F HREADED F ASE RAUS. REDHEAD T	ALLS AND PED GALVA
AND	NG P P	Co.)	fastene without of 24 ig requir			RESISTING BUT NOT NIS ARE T NIS ARE T CALLY AD FICALLY AD FICALLY AD	he Man M E specific Mll be bo	26 GAUGE FAST 26 GAUGE AND RAML WITH RAML WITH ROAD AND ROAD AND R	FOR END V AND NOT 2. METAL F R HOT DIP
1 NCHOR TONS	MAXIMUM POST/RAFTER SPACING (FEET)	5.0 4.0 4.0 (12	al panels screws of height ). Spacir			ND FORCE INCLUDING REQUIRENE REQUIRENE RESK. CARO	ND/OR SI ND/OR SI PANELS SF	* SELF DRI ND 6* FOR OTHERWISE SIDE BASE SIDE BASE SIDE BASE HELICAL A HELICAL A HELIC	L EXCEPT ASTRUCTIO CLASS B-O CLASS B-O SS STEEL O
TABLE 1 GROUND ANCHOR SPECIFICATIONS	MAXIMUM GROUND SNOW LOAD (PSF)	35 40 50	uge metu f-drilling mean roo 12 pitch			NG MAIN W ISSUES, L L ZONING OVERENTS OWNER'S	NUM SPAC	112" x 7 PANELS A NG FASTEN NG FASTEN SS NOTED RS ALONG RS ALONG RS ALONG AB CONST AL AB CONST AL POST AL	CONNECTION
			o 29 ga mes. × 3" sel nily for 1 12 to 6: ly vary.			E, Includi Her design Ther loca Storage B Mds. Mpr The Appu The Appu	s the Max Cal Bulldi	Wing with 29 Guge 29 Guge 24 Ancho 24 Ancho 24 Ancho 25 Rall I NGRETE SL	N EXTERIO
END POST,	NOMINAL WIND SPEED (MPH)	82 TO 117	bow fra bow fra of #12 blicable c ses (1.5: opes mo			C STRUCTUR HORAGE OI CCKS, OR C CCKS, OR C CCKS, OR C CCKS, OR C CCKS, OR C CCKS, OR C CCKS, OR C	ne table o Meet Lo i Steel or	OF B" FOR OF B" FOR MI2 × 1" : FI2 × 1" : FI2 × 1" : FOR MI2 × 10 MI2 / OR C OF EAC 6" OF EAC	PERY POS FOR USE Accordance He yeathe
	ATE SPEED W H)	150	Specifications applicable to 29 gauge metal panels fastened directly to 12 or 14 gauge steel tube bow frames. Fasteners consist of $\#12 \times 3^m$ self-drilling screws without control seal washers. Specifications applicable only for mean roof height of 24 feet or less and roof of 7 to 27 degrees (1.5:12 to 6:12 pitch). Spacing requirements for other root heights and/or stopes may vary.			LY TO THE FALL ANCI TY SET-BA DESIGNED / ALUE OR FALUE	N THE ABO NEEDED T BE 55 KS	SPACING SPACING SPACING SPALL BI SPALL BI SPALL BI SPALL BI SPALL BI SPALL BI SPALL BI SPALL BI SPALL BI SPALL PAN SPAROVED	BRACE ON I
ter fr	ULTIMATE WIND SPEED (MPH)	105 TO	Specifica gauge sl Fastener: Specifica of 7 to heights c			DTES: PERTAIN OF AND BASE SS, PROPEI URES ARE UNES ARE ADS ON TH AL DAMAGE	INDICATED NG MAY BE BING SHALL	ROOF ANE WAERAGE WINECTIONS CONNECTIONS CONNECTION I SPACION I SPACING ONS WITHIN ONS WITHIN ONS WITHIN	BRACING: F HETAL AC LL BE GALN POSED DIRI
BOW/RAFTER FRAME,	WIND EXPOSURE CATEGORY	BorC	NOTES: 1. 2. 3.			General Notes: These plans perfavations: In the structure, including Main Mind Force resisting system (Miners), components these plans perfavations: the structure, including Main Mind Top Themedian, Electrocul Markess, property Stellands, or other local zomage billing top theres. Markess, property Stellands, or other local zomage billing top theres. These structures are descred as unit/Storade Buildings for structure and approximation for deal or file adomnome. Loods on the reculutes are concluding for supercourt adomnome. These structures are recorded and the recorded for the adomnome. Loods on the reculume super top the application of adomnome. Loods of the for structure address of filling to the application of adomnome. Loods of structure address of filling to the application of adomnome. Loods the response	The smanner indicated in the agore table is the WaxWurd Smanner for the Warn who force resisting system a closer spacing Way be needed to Weet Local Building Goog Andyor site specific requirevents. All steel tubing shall be 35 kis steel or better. All Weial panels shall be 80 kis steel or better.	WASHERS AT AN ANEARCE YOR MALLES TO FRAUMOR MIN 1/12: # TSUE DIRILING FASTERERS WITH CONTROL SEAL WASHERS AT AN ANEARCE SPACKO OF 61 FOR 29 GLOGE PARLES AND 61 FOR 26 GLOGE PARLES. ALL FELD CONNECTIONS SHALL BE 1/2 # TSUE DIRILING FASTENERS (SDF) UNLESS NOTED OTHERMASE. ALL WELLED CONNECTIONS SHALL BE 1/2 # TSUE DIRILING FASTENERS (SDF) UNLESS NOTED OTHERMASE. ALL WELLED CONNECTIONS SHALL BE 1/2 # TSUE DIRILING FASTENERS (SDF) UNLESS NOTED OTHERMASE. ALL WELLED CONNECTIONS SHALL BE 1/2 # TSUE PARLING FASTENERS (SDF) UNLESS NOTED OTHERMASE. GROUND ARCHORS SHALL BE 1/2 # TSUE PARLING FASTENERS (SDF) UNLESS NOTED OTHERMASE. ALL WELLED CONNECTIONS SHALL BE 1/2 # TSUE AND STORDED AND ARCHORS AND ARCHORS (AT READED REAUM) BETWEEN THE FALLAL ANCHORS FINAN 6" OF EXCH POST AND CONSTRUCTION. ANSTALL CONCRETE ANCHORS WITHIN 6" OF EXCH VERTICAL RECOMB ANCHORS AND CROUND ARCHORS AND REQUIRED OF AN AND STORME AND CONCRETE SUE AND CROUND ARCHORS AND CROUND ARCHORS AND REDURED OF AN AND STORME AND CONCRETE SUES AND CROUND ARCHORS AND CROUND ARCHORS AND REDURED OF AN AND STORME AND CONCRETE SUES AND CROUND ARCHORS AND CROUND ARCHORS AND REDURED OF AN AND STORME AND CONCRETE SUES AND CROUND ARCHORS AND CROUND ARCHORS AND REDURED OF AN AND STORME AND CONCRETE SUES AND CROUND ARCHORS AND CROUND ARCHORS AND REDURED OF AN AND STORME AND CONCRETE SUES AND CROUND ARCHORS AND CROUND ARCHORS AND REDURED OF AN AND STORME AND CONCRETE SUES AND CROUND ARCHORS AND ANEAD REDURED OF AND AND STORME AND CONCRETE SUES AND CROUND ARCHORS AND ANCHORS AND AND STERFLARMED FORME AND FORME AND CONCRETE SUES AND CROUND ARCHORS AND ANCHORS AND AND STERFLARMED FORME AND AND CONCRETE SUES AND CROUND ANCHORS AND	POST/PARTER BRACHIC: BRACE ON EVERY POST/PARTER CONNECTION, EXCEPT FOR END WALLS AND HEUDERS. BALWANIZATIONE WETH, ACCESSORIES FOR USE IN EXTERIOR MALL CONFERTION AND NOT DRFETT EXPOSED IN THE WEATHER SWALL BE CALVANZED IN ACCORDANCE WITH ASTA 1.55, CLUSS B-2, METH, PLATE CONNECTIORS, SCRENS, AND WALS EXPOSED DIRECTLY TO THE WEATHER SHALL BE STANLESS STEEL OF HOT DRFETD GALVANZED.
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