



Board of Adjustment Variance Application On-Line Portal Submittal Requirements

An appointment with staff is required prior to the submittal of a variance application to assist in preparing your submittal information. Please contact Amy Lowry, Planner II at 314-822-5815 or lowryag@kirkwoodmo.org to schedule an appointment.

[Click here to access the online portal.](#) You will need to register and create an account. [Click here for instructions.](#)

Before applying, please use this worksheet and information regarding submittal requirements, general meeting information, and variance criteria for your cover letter and application.

Project Address _____

Type of Work: New Construction Addition Other _____

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?
 Yes No *If yes, provide available information that may affect this application.

Action Requested:

- Variance of Zoning Code**
 - \$240** non-refundable filing fee for additions/alterations to existing single-family structures and for accessory structures such as shed, garages, and swimming pools
 - \$500** non-refundable filing fee for all others not listed above,
 - \$50** fee for each additional variance request on the same application.
- 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

Variance(s) Requested:

| Setback (front, side, rear) | Required | Requested | Variance Needed | Code Section |
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| Other: | Code Section: |
| Describe: | |
| | |

Board of Adjustment Variance Application

The following documents must be submitted with the online application.

- Sealed Missouri Minimum Standards Boundary Survey containing the following:
 1. Address of the project
 2. Identification of adjacent streets
 3. A North arrow and identification of drawing scale such as 1" = 20' (survey must be to scale)
 4. Property lines, dimensions and area
 5. Location, size and shape of any structures presently on the site
 6. Location, size and shape of any proposed structures
 7. Dimensions showing front, side and rear yard setbacks
 8. Dimensions showing distance of structures and proposed structures from property lines
 9. Location and dimensions of parking areas and/or driveways
 10. Front yard setbacks of the adjacent improved lots if you are requesting a front yard variance for an interior lot located between two (2) improved lots
 11. Front yard setbacks of every improved lot within a specified distance (as determined by the Zoning District) in the same block and on the same street frontage if you are requesting a front yard variance for a lot located (1) between an improved lot and a vacant lot, (2) between an improved lot and a street, or (3) between a vacant lot and a street
 12. The existing grade at the center of the foundation for the proposed structure and the adjacent improved lots (including within 200 ft. for a corner lot or a property next to a vacant lot), and the Finished First Floor Height (FFFH) for the proposed residence and adjacent improved lots (including within 200 ft. for a corner lot or a property next to a vacant lot) if you are requesting a FFFH variance
- Photographs that show the property requesting the variance
- Elevation plans for front, side, and rear yard setback variance requests
- Additional drawings that clearly present the facts relating to this request
- Cover letter containing the following:
 1. A description of the intended addition or improvement including location and distance from property lines.
 2. Written description of setbacks that will be violated, the variance requested, and the section from the Zoning, Fence or Building Code.
 3. Written description of the practical difficulties or unnecessary hardships that will occur if the strict letter of the Zoning, Fence or Building Code is applied, including a list of the applicable criteria that are met.

General Information

1. Board of Adjustment hearings are held on the second Monday of the month at 7:00 p.m., and at such other times as the Board may determine necessary.
2. All information must be submitted four (4) weeks prior to the hearing date (see schedule).
3. The Board members are volunteer citizens appointed by the Mayor and City Council.
4. The Board members will make site visits prior to the meeting date. Your street address should be visible on the front of the house.
5. All property owners within 300 feet of your property will be notified of your request and it will be advertised in the St Louis Countian and Webster-Kirkwood Times.
6. The agenda for the Board will only accommodate six (6) cases per hearing date. Cases over that number will be moved to the following month.
7. Variance requests are reviewed and determined at the scheduled hearing date. Applicants and their representatives are sworn in by a court reporter to present their cases and to answer questions from Board members.
8. The Board reserves the right to continue hearings pending submittal of additional information.
9. A quorum consists of four (4) out of five (5) members. The Board may approve, approve with modifications or supplementary conditions, or deny the application. In order for a variance to be granted, four (4) "yes" votes of the Board are required.
10. The variance is valid for one (1) year from its approval.
11. All decisions are final and CANNOT be re-heard.
12. Variances denied may be appealed to Circuit Court within 30 days of the Board's decision.

Board of Adjustment Variance Application

Criteria for Area or Dimensional Variance

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the Board of Adjustment to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions;
2. Whether the variance is not substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
5. Whether the property owner's request can be obviated through some method other than a variance;
6. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
7. Whether a strict interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

Criteria for Use Variance

In order to grant a use variance, the Board of Adjustment shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

1. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
2. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
3. The hardship condition is not created by actions of the owner not including the purchase or acquisition of the property;
4. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
5. If there is an existing building on the lot, that such building, due to its design, cannot be reasonably reused for a permitted use or special use in the district;
6. The granting of the variance will not adversely affect the public health, safety, convenience, or general welfare;
7. The proposed use to be authorized by the use variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area, and would not in any other respect impair the public health, safety, convenience, and general welfare of the City;
8. The variance will be consistent with the general spirit and intent of this code; and
9. The variance sought is the minimum that will afford relief to the applicant.

Criteria for Fence Variance

The Board of Adjustment may grant variances from this article where it is found that the applicant would be subject to an undue hardship because of the limitations on character, size, or dimensions of a fence; or the regulations controlling the erection or installation of a fence; or the fence is an historic restoration of the property; or due to the nature, shape, size or area of the lot, such as through lots or three-frontage lots, no reasonable area is available for the use and privacy of the resident. Undue hardship is not a mere loss of a possible advantage or convenience to the applicant. If it is determined that the applicant for a variance is subject to an undue hardship, then the Board of Adjustment shall also determine that the proposed fence:

1. Will not be inappropriate to the scale of the building to which it relates or to the aesthetic environment of the surrounding structures and land use;
2. Will not impair an adequate supply of light and air to the adjacent property;
3. Will not adversely affect the character of the neighborhood; and
4. Will not adversely affect the general health, safety and welfare of the community.