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APPEAL TO THE BOARD OF ADJUSTMENT

APPLICANT: Paul and Kimberly Smelcer **DATE:** 3/10/2026
PROPERTY OWNER: Paul and Kimberly Smelcer **ZONING DISTRICT:** R2
ADDRESS of PROPERTY: 994 Kirham Avenue Glendale, MO 63122
TELEPHONE: Day (636) 236-8833 Home (636) 236-8833

Section 1: Basis for Granting Variances:

A variance can only be granted when the strict application of the zoning regulations of Chapter 400 of the Glendale Municipal Code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property by reason of at least one of the following:

- a. *Area Variances.* When, by reason of exceptional narrowness, shallowness or shape of a specific piece of property on April 24, 1963, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the neighborhood, the strict application of the area regulations of this Chapter would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulty or hardships.
- b. *Use Variances.* The Board of Adjustment is empowered to grant use variances only upon findings that all of the following five factors are established:
 1. The applicant will be deprived of all beneficial use of the property under any of the permitted uses in the zoning district in which the property is located, all beneficial use being lost only where the property is not suitable for any use permitted in the City's zoning ordinance for that zoning district; and
 2. The applicant has sufficiently demonstrated unnecessary hardship by expert testimony and/or documentation and not mere conclusionary or lay opinion that the property in question cannot yield a reasonable return if used only for a purpose or purposes permitted in the zoning district in which that property is located; and
 3. The plight of the owner is due to exceptional or unique circumstances and not due to general conditions in the neighborhood; and
 4. The use to be authorized by the variance would not alter the essential character of the neighborhood; and
 5. 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, comfort, morals and welfare of the City.

For details of the Board's authority to grant a variance, see Sections 400.910-400.970 of the Glendale Code.

Please note that the desire to use certain space, whether interior or exterior, in a particular manner is not a basis for the Board to grant a variance.

Addendum to Application to Appeal to the Board of Adjustment - Shed for 994 Kirkham Avenue

At the outset, we appreciate the Board's time and consideration for our application. We respectfully request a variance to allow us to build a shed in the far back right corner of our yard at a distance of approximately 18 inches from the back fence line, and 18 inches from the side fence line. The shed will be approximately 8 feet wide, and 10 feet deep. It is a high quality shed, and will generally match the color scheme of our house and be very aesthetically appealing. The shed will sit in locations where I have seen many others placing sheds, chicken coops, and trampolines along the stretch of houses on Kirkham that extends from Sappington to Idlewild.

Through close consultation with the shed supplier and builder, TuffShed, we have determined that the location proposed is our best and only option to fit a shed on our property without requiring us to cut down one of the large (and beautiful) oak canopy trees along our back fence line. Otherwise, if the shed is not set in the far back corner, there is a sprinkler system and sprinkler lines which would need to be dug up and moved, and we would also have to relocate a large swingset, and further break up our yard in a manner that would prevent our young kids from having space to place soccer and other sports.

The shed will allow us to keep a neat and tidy front yard and garage space, so that tools, equipment, and yard waste bins can be located out of sight, and so that we can continue being thoughtful and courteous neighbors with the appearance of our house along the popular walking path of Kirkham Avenue. It will also assist with safety for our 3 young kids, so that yard tools and equipment can be locked away safely.

As noted above, the variance is critical to avoid a need for destruction of canopy trees, and will enable beneficial use of our property to ensure there is space to play and that the existing sprinkler system does not need to be removed or reworked.

I would be happy to provide additional information or attend a meeting with the Board of Adjustment if that would be helpful and convenient in connection with the Board's consideration of this application.

Thank you again for your time,
Paul Smelcer

