RECORD OF PROCEEDING

15933 Clayton Road, Suite 300
Clarkson Valley, Missouri 63011

Board of Adjustment Meeting
July 29, 2025

Chair Ulrich called the meeting to order at 6:40 p.m. The Clarkson Valley Board of Adjustment, pursuant to notices posted on the City of Clarkson Valley website and the bulletin board, met to consider three applications.

Roll call for the meeting was taken, with the following members in attendance:

- Richard Ulrich, Chair
- Tom Berkeley
- Joe Mayberger
- David Grable (arrived at 6:47 pm; appeared remotely)
- Rick Vaduka (appeared remotely)

City Attorney Patrick Butler was in attendance remotely to respond to all legal matters. City Administrator/City Clerk Megan Eldridge was in attendance to record the meeting minutes, Building Commissioner Paul Mercurio, III was in attendance on behalf of the City, and Renee Stark with 360 Litigation Services was in attendance to serve as court reporter.

PUBLIC HEARING

Zach and Cara Brda, 2254 Valley Rd. - Requesting a variance from the Side Yard and Side Building Line requirements to allow a replacement of a screened porch to encroach into the side yard located at 2254 Valley Road.

Chair Ulrich explained to the Applicant that since one of the Board Members was unable to attend, this request must receive affirmative votes from all four members to be granted. Chair Ulrich asked the Applicant if they approved of four members hearing the request, to which Mr. Brda responded he did.

Ms. Stark swore in those that planned to speak during the hearing: Clancy Olsen, architect, Zach Brda, property owner and Paul Mercurio, III, City of Clarkson Valley Building Commissioner.

Ms. Eldridge read the statement of notice: The Clarkson Valley Board of Adjustment, in accordance with notices posted on the Clarkson Valley website and at City Hall, are meeting to review a variance request submitted by Zach and Cara Brda who are requesting a variance from the Side Yard and Side Building Line requirements to allow a replacement of a screened porch to encroach into the side yard located at 2254 Valley Road.

Mr. Olsen presented the Brdas' requested variance to the Board. The porch had deteriorated over time due to water damage. The room and deck encroached 20 inches into the side yard setback and would retain its existing size.

Chair Ulrich asked if the hardship faced by the applicant is that they could not fix the problem in their home. Mr. Olsen stated water was coming in from outside the home through the rotted wood on the

deck. The roof of the sun porch and the deck was built on top of each other, and they will have to fix the problem from the outside, take apart the structure and rebuild it in its existing location.

Mr. Mayberger asked if the home was currently within the 25-foot side yard setback line. Mr. Olsen stated most of the home is in the side yard setback line, except a small corner of the porch that sat about 20 inches over. Mr. Mayberger understood whoever built the structure originally did not obtain a variance. Mr. Olsen stated that was correct.

Mr. Brda stated they would just be replacing the existing structure, not adding anything additional, and they were trying to fix a hazard.

Chair Ulrich asked if any proponents wished to speak in favor of the application. There being none, Chair Ulrich asked if any opponents wished to speak against the application. There being none, Chair Ulrich closed the hearing.

Ms. Eldridge read the statement of notice a second time.

Ms. Eldridge asked the Board Members the Factual Determination questions, with the results as follows:

1. Are there practical difficulties or unnecessary hardships in the carrying out of the ordinance provisions due to the shape of the lot, topography, or similar conditions?
   Ulrich – Yes
   Berkeley – Yes
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes

2. Will the variance merely serve as a convenience to the applicant?
   Berkeley – No
   Mayberger – No
   Grable – No
   Vaduka – No
   Ulrich – No

3. Will the variance alleviate a demonstrable and unusual hardship to warrant a variation from the applicable ordinance?
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes
   Ulrich – Yes
   Berkeley – Yes

4. Will the variance seriously affect any adjoining property?
   Grable – No
   Vaduka – No
   Ulrich – No
   Berkeley – No
   Mayberger – No

5. Will the variance affect the general welfare of the community?
   Vaduka – No
   Ulrich – No
   Berkeley – No
   Mayberger – No
   Grable – No

6. Will the surrounding property be protected?
   Ulrich – Yes
   Berkeley – Yes
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes

Chair Ulrich called for a vote to approve the variance as requested. A vote was taken with the following results:
Yes: Ulrich, Berkley, Mayberger, Grable, and Vaduka.

Chair Ulrich declared the variance granted and stated if the project was not constructed as presented, the applicant would have to return to the Board of Adjustment for another variance.

Aaron and Jennifer Albritton, 277 Herworth Dr. - Requesting a variance from the Side Yard and Side Building Line requirements to allow an inground swimming pool, swimming pool fence enclosure, and retaining wall, to encroach into the side yard located at 277 Herworth Drive.

Ms. Stark swore in those that planned to speak during the hearing: Drew Bradshaw, contractor, Aaron Albritton, property owner and Paul Mercurio, III, City of Clarkson Valley Building Commissioner.

Ms. Eldridge read the statement of notice: The Clarkson Valley Board of Adjustment, in accordance with notices posted on the Clarkson Valley website and at City Hall, are meeting to review a variance request submitted by Aaron and Jennifer Albritton who are requesting a variance from the Side Yard and Side Building Line requirements to allow an inground swimming pool, swimming pool fence enclosure, and retaining wall, to encroach into the side yard located at 277 Herworth Drive.

Mr. Bradshaw presented the Albrittons' requested variance to the Board. The inground pool would include a hot tub, water feature, raised wall, jumping platform, and slide. A retaining wall was necessary due to the topography and to avoid runoff onto other properties. The pool would be 24 feet long and 16 feet wide. The encroachment would include the retaining wall, a corner of the hot tub, and a portion of the walkway that allows egress from the deep end of the pool. The setback being requested was 9 feet 7 inches. The primary reason for the location of the pool was to preserve a very large healthy tree in the backyard. Placing the pool in another location was not feasible due to the shape of the lot, topography, number of trees on the lot and adjacent lots, and other areas of the lot being used for play areas. The contractor would have protections in place during excavation. The hardship faced by the Applicant was the unusual shape of the lot and preserving the tree.

Chair Ulrich stated placing the pool on the west side would create a problem as more trees would have to be removed and the topography would create a grading problem. Mr. Bradshaw stated six or more trees would need to be removed.

Mr. Mayberger asked why the pool could not be placed further east and north. Mr. Bradshaw stated going further east presented a topographical challenge, requiring more retaining walls. They wanted to keep the pool closer to the house and not place it at the back of the property.

Mr. Albritton stated they discussed their plans with their neighbors, and both were supportive.

Mr. Mayberger asked if trees would be removed. Mr. Albritton stated no trees would be removed. Mr. Mayberger asked what material the fence would be. Mr. Albritton stated it would be gloss aluminum. Mr. Mayberger stated he was concerned the pool could be seen from the street. Mr. Albriton stated the pool should not be visible from the street due to the hill on the property. Mr. Bradshaw stated the fence would be a black wrought iron style and very typical with fences seen around swimming pools in Clarkson Valley.

Chair Ulrich asked if any proponents wished to speak in favor of the application. There being none, Chair Ulrich asked if any opponents wished to speak against the application. There being none, Chair Ulrich closed the hearing.

Mr. Mercurio stated the previous Building Commissioner provided a memo to the Board about this application, and he was available to answer any questions about the memo.

Chair Ulrich read Building Commissioner Brad Holmes' memo into the record.

Ms. Eldridge read the statement of notice a second time.

Ms. Eldridge asked the Board Members the Factual Determination questions, with the results as follows:

1. Are there practical difficulties or unnecessary hardships in the carrying out of the ordinance provisions due to the shape of the lot, topography, or similar conditions?
   Ulrich – Yes
   Berkeley – Yes
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes

2. Will the variance merely serve as a convenience to the applicant?
   Berkeley – No
   Mayberger – No
   Grable – No
   Vaduka – No
   Ulrich – No

3. Will the variance alleviate a demonstrable and unusual hardship to warrant a variation from the applicable ordinance?
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes
   Ulrich – Yes
   Berkeley – Yes
4. Will the variance seriously affect any adjoining property?

Grable – No
Vaduka – No
Ulrich – No
Berkeley – No
Mayberger – No

5. Will the variance affect the general welfare of the community?
   Vaduka – No
   Ulrich – No
   Berkeley – No
   Mayberger – No
   Grable – No

6. Will the surrounding property be protected?
   Ulrich – Yes
   Berkeley – Yes
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes

Chair Ulrich called for a vote to approve the variance as requested. A vote was taken with the following results:
Yes: Ulrich, Berkley, Mayberger, Grable, and Vaduka.

Chair Ulrich declared the variance granted and stated if the project was not constructed as presented, the applicant would have to return to the Board of Adjustment for another variance.

Andrew and Angela Low, 16843 Kehrsdale Dr. - Requesting a variance from the Rear Yard and Rear Building Line requirements to allow a retaining wall to encroach into the rear yard located at 16843 Kehrsdale Drive.

Ms. Stark swore in those that planned to speak during the hearing: Andrew Low, property owner and Paul Mercurio, III, City of Clarkson Valley Building Commissioner.

Ms. Eldridge read the statement of notice: The Clarkson Valley Board of Adjustment, in accordance with notices posted on the Clarkson Valley website and at City Hall, are meeting to review a variance request submitted by Andrew and Angela Low who are requesting a variance from the Rear Yard and Rear Building Line requirements to allow a retaining wall to encroach into the rear yard located at 16843 Kehrsdale Drive.

Mr. Low presented his requested variance to the Board. His backyard has experienced significant erosion close to the property line. Due to the topography of the property, a lot of runoff goes to his yard and the neighbor's yard. The proposed retaining wall, with a grate and drain, would alleviate the runoff and erosion. His neighbors have experienced issues with runoff as well. His neighbor and homeowners' association are in support of his request. The proposed retaining wall will go over a Metropolitan St. Louis Sewer District easement, and they have granted permission for him to build over their easement.

Chair Ulrich asked if any proponents wished to speak in favor of the application. There being none, Chair Ulrich asked if any opponents wished to speak against the application. There being none, Chair Ulrich closed the hearing.

Chair Ulrich read Building Commissioner Brad Holmes' memo into the record.

Ms. Eldridge read the statement of notice a second time.

Ms. Eldridge asked the Board Members the Factual Determination questions, with the results as follows:

1. Are there practical difficulties or unnecessary hardships in the carrying out of the ordinance provisions due to the shape of the lot, topography, or similar conditions?
   Ulrich – Yes
   Berkeley – Yes
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes

2. Will the variance merely serve as a convenience to the applicant?
   Berkeley – No
   Mayberger – No
   Grable – No
   Vaduka – No
   Ulrich – No

3. Will the variance alleviate a demonstrable and unusual hardship to warrant a variation from the applicable ordinance?
   Mayberger – Yes
   Grable – Yes
   Vaduka – Yes
   Ulrich – Yes
   Berkeley – Yes

4. Will the variance seriously affect any adjoining property?
   Grable – No
   Vaduka – No
   Ulrich – No
   Berkeley – No
   Mayberger – No

5. Will the variance affect the general welfare of the community?
   Vaduka – No
   Ulrich – No
   Berkeley – No
   Mayberger – No
   Grable – No

6. Will the surrounding property be protected?

Ulrich – Yes
Berkeley – Yes
Mayberger – Yes
Grable – Yes
Vaduka – Yes

Chair Ulrich called for a vote to approve the variance as requested. A vote was taken with the following results:
Yes: Ulrich, Berkley, Mayberger, Grable, and Vaduka.

Chair Ulrich declared the variance granted and stated if the project was not constructed as presented, the applicant would have to return to the Board of Adjustment for another variance.

APPROVAL OF FEBRUARY 12, 2025 AND JUNE 2, 2025 MEETING MINUTES
This item was continued to the next Board of Adjustment meeting.

ADJOURN
Mr. Mayberger made a motion to adjourn the meeting. Mr. Berkeley seconded the motion. A voice vote was taken, which resulted in a unanimous affirmative result. Chair Ulrich declared the motion passed. The meeting was adjourned at 7:22 p.m.

_____
Richard Ulrich, Chair

_____
ATTEST: Megan Eldridge, City Administrator/City Clerk