RECORD OF PROCEEDING

15933 Clayton Road, Suite 300
Clarkson Valley, Missouri 63011

Board of Adjustment Meeting
November 13, 2025

Chair Ulrich called the meeting to order at 6:36 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
- Rick Vaduka

Also in attendance:

- City Attorney Patrick Butler
- City Administrator/City Clerk Megan Eldridge
- Building Commissioner Paul Mercurio
- Renee Stark, Court Reporter with 360 Litigation Services

PUBLIC HEARING

Hailee Lilly, 2203 Devonsbrook Dr. - Requesting a variance from the Side Yard and Side Building Line requirements to allow a replacement of a retaining wall to encroach into the side yard located at 2203 Devonsbrook Drive.

Ms. Eldridge read the notice of hearing.

Ms. Stark swore in those that planned to speak during the hearing: Christopher Rhodes and Matthew Daniels, contractors.

Mr. Rhodes presented the requested variance to the Board. The wall was already installed, and they did not understand that they needed a variance. The Building Commissioner viewed the property and informed them they needed a survey to show where the wall would be located. They replaced a wall that was old and in disrepair. The replacement was like the previous wall and was built on the same footprint. He stated the homeowner's association approved the project.

Chair Ulrich asked if what was constructed was a wall or just some blocks. Mr. Rhodes replied it was a wall that mimicked rocks but they were heavy-duty blocks. The Board asked for photos of the wall prior to construction which Mr. Rhodes and Mr. Daniels provided.

Mr. Rhodes stated the previous wall was a small, lower wall. The customer wanted a garden, so the contractors broke the wall into three tiers instead of two. Mr. Daniels stated everything was below permit height and under three feet.

Mr. Mercurio asked if there were any questions about the memo he submitted. He visited the site after a report was received of work being done without a permit. He saw contractors working and spoke with Mr. Rhodes who indicated he did not need a permit. He observed a potential encroachment into the building lot line and informed Mr. Rhodes that until the City received information or they applied for a permit, they needed to be hesitant about continuing the work. He informed Mr. Rhodes the Board of Adjustment would have to approve building into the setback. Mr. Rhodes informed him he would get the information as soon as possible but the information was not received until several months later and the project was completed.

Mr. Rhodes stated he was not present when Mr. Mercurio visited the site, and the very last blocks were being installed the day of the site visit. He explained the delay was due to him wanting to speak with the City because he did not think they needed a building permit because of the height of the wall, and he did not understand there was a setback issue. It took weeks to receive the survey and they applied for a permit after they received the survey.

Mr. Mercurio stated he took photos during his site visit and the project was not almost complete.

Chair Ulrich asked if the Board had any questions.

Mr. Butler reviewed the factors to be considered when determining whether to grant a variance.

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

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

3. Will the variance alleviate a demonstrable and unusual hardship to warrant a variation from the applicable ordinance?
   Mayberger – No
   Grable – No
   Vaduka – No
   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: Mayberger and Grable
No: Vaduka, Ulrich, and Berkley

Chair Ulrich declared the variance request denied.

Joe and Michelle Thomason, 16480 Walnut Rail Rd. - Requesting a variance from the Front Yard and Front Building Line requirements to allow a garage and retaining wall to encroach into the front yard located at 16480 Walnut Rail Road.

Ms. Eldridge read the notice of hearing.

Ms. Stark swore in those that planned to speak during the hearing: Lauren Strutman, architect and Jeff Bogard, builder.

Ms. Strutman presented the Thomasons' requested variances to the Board. The home was purchased in July 2025 with the intent of renovating it and adding a garage. The current residence does not have a garage which violates the City Code. The lack of a garage, the steep grade of the property, and the lake at the rear of the property presented a hardship and unique circumstances. The real estate listing said permit-ready plans were available to add a garage to the home, and based on that the Thomasons purchased the home. In 2008 the Board of Adjustment granted a variance for a front-entry four-car garage, but the variance did not include building into the 50-foot setback. The applicant was proposing a side-entry three-car garage. Another hardship presented in 2008 was the septic tank field would have to be rebuilt, however the Thomasons were willing to put in a new code-compliant septic tank and field. Due

to the steep slope and drop-off on the property, they would build a retaining wall to hold up the garage turnaround. The retaining wall would be poured concrete with a stone veneer finish to match the house, and the homeowner's association approved their variance.

Chair Ulrich asked if the Board had any questions.

Mr. Mercurio stated he provided a memo to the Board about this application and reiterated that the applicant was trying to comply with the City Code's requirement of a two-car garage.

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

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: Berkley, Mayberger, Vaduka, Grable, and Ulrich.

Chair Ulrich declared the variances were 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.

Max and Carol Schwartz, 2334 Richborough Rd. - Requesting a variance from the Front Yard and Front Building Line requirements to allow a front porch to encroach into the front yard located at 2334 Richborough Road.

Ms. Stark swore in those that planned to speak during the hearing: Mike Schilling and Kevin Schilling, contractors.

Mr. Mike Schilling presented the Schwartzes' request to the Board. The existing porch was built with the house. The replacement would stay in the existing footprint. The concrete pad would remain, and posts would be replaced where the existing ones were.

Mr. Kevin Schilling stated the existing porch was rotting and the homeowners' wanted to take the opportunity to upgrade it.

Mr. Vaduka asked if the boundaries of the porch would remain the same. Mr. Schilling stated it would.

Mr. Mercurio stated there was a hardship because when the home was built the contractor possibly did not do an accurate site survey. There were many houses in the subdivision with the same porch. It seems that the location may have been off by four or five feet because the porch was placed in the wrong spot. Mr. Mercurio stated he did not see how the porch could be replaced and comply with the setback requirements, as there would not be much of an overhang over the front porch.

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

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

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

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

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

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.

Zach Brda, 2254 Valley Rd. – An appeal of a decision of the Architectural Review Board's to deny a permit application for a roof-mounted solar system located at 2254 Valley Road.

Ms. Eldridge read the notice of hearing.

Ms. Stark swore in those that planned to speak during the hearing: Zach Brda, homeowner.

Mr. Brda presented his request to the Board. He is proposing 12 solar panels be placed on the front roof. The panels would be all black and unintrusive, and his roof is a dark color. He stated his application was denied because of the front-facing solar panels. He stated that Missouri state statute discourages prohibiting solar systems being placed on certain portions of the roof. If he was not able to put the 12 panels on the front roof, he would lose 20% energy offset which would severely affect the system. There was no additional location on the roof to place the panels. His home was 100 feet from the road and only one neighbor would be able to see the panels.

Mr. Mercurio stated he provided a memo to the Board about this request. Mr. Brda submitted a building permit application that met all the City Code requirements. To get a permit, the Architectural Review Board had to review the application, and there was not a unanimous decision for approval. Mr. Brda was appealing the decision of the Architectural Review Board. The City asked if Mr. Brda would consider reducing the number of panels on the front roof or relocating some panels as a ground-mounted system, and he said no. One member of the Architectural Review Board felt the proposal did not match surrounding properties and did not know of any homes in Clarkson Valley or surrounding the property where solar panels were located on all four peaks of the roof.

Mr. Butler stated the existing City Code does not dictate where panels can or cannot be placed but did require a certain distance from the roof peak. If the Board of Adjustment granted the appeal, the application still had to follow the special use permit process.

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

Andrew Low, Ward 1 Alderman, was sworn in by Ms. Stark. He spoke in support of Mr. Brda's appeal and proposed solar system. He stated this was an appeal, not a hardship determination. He urged the City to approve or deny applications in a timely manner. He stated that aesthetics and other subjective criteria shouldn't be grounds for denial.

Chair Ulrich asked Mr. Low why aesthetics shouldn't be considered. Mr. Low replied that the Architectural Review Board should consider aesthetics, but the City Code did not specify that aesthetics should be considered.

Mr. Butler understood Mr. Low was indicating that the City Code regarding solar panels had no indication of aesthetics, but that the Architectural Review Board had some discretion regarding aesthetics, although there were no guidelines on what to follow. Mr. Low stated that was correct.

There being no additional speakers, Chair Ulrich closed the hearing.

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

1. Will the appeal seriously affect any adjoining property?
   Ulrich – Yes
   Berkeley – No
   Mayberger – No
   Grable – No
   Vaduka – No

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

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

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

APPROVAL OF FEBRUARY 2, 2025, JUNE 2, 2025, AND JULY 29, 2025 MEETING MINUTES

Chair Ulrich called for a vote to approve the minutes. A vote was taken, which resulted in a unanimous affirmative result.

ADJOURN

Chair Ulrich adjourned the meeting at 7:30 p.m.

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Richard Ulrich, Chair

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ATTEST: Megan Eldridge, City Administrator/City Clerk