

1005.380 Variances.

1. Grounds - The Director of Planning may modify or authorize a variance to all provisions of this Chapter, when the following circumstances apply:
 - a) The tract to be subdivided is of such unusual size or shape, or is surrounded by such development, or contains such topographic conditions or characteristics, or is intended for the construction of improvements of such unusual design or arrangement, that the strict application of requirements in this Chapter would impose practical difficulties or particular hardship.
 - b) Criteria for variances established elsewhere in this Chapter for a specific requirement have been met.
 - c) The granting of a variance will not be detrimental to the public interest.
 - d) In granting variances the Director may require such conditions which in his judgment secure the objectives of this Chapter.
 - e) An applicant may obtain a variance to develop within a stream buffer area provided the applicant is able to demonstrate that the water quality and stream morphology will not be adversely affected or adequate mitigation is provided to offset such adverse affects. (O. No. 23553 - Adopted 3/31/08)
2. Application for Variance - Shall be made in writing and state fully and clearly all facts necessary to support the request. All requests shall be accompanied by the processing fee established in 1005.370. The application shall be accompanied by maps, plans, or additional data which may aid in the complete analysis of the request.
3. The Director shall make a decision regarding the variance request or request additional information within twenty (20) working days of receipt of the request. The petitioner shall be notified in writing of the decision of the Director.
4. Low Cost Housing - It is the intent of this Chapter to permit and facilitate housing for low and moderate income families and individuals of St. Louis County. It is also the intent of this Chapter to facilitate such housing without lowering the requirements contained in this Chapter. However, the use of varied designs, new design techniques, and other similar alternatives are encouraged as an alternate to reducing the minimum requirements listed herein. Therefore, there is hereby established provision for variances in lot size requirements, flexibility in building types, varied relationships between buildings, alternate improvement standards, and other alternate approaches when such accompany or are a part of a Planned Environment Unit procedure under the Zoning Ordinance. Such a development must have adequate provisions for minimum supporting recreational facilities and provide for the development of a diverse and interesting urban environment. Nothing in this Chapter shall prohibit the sale of an apartment, townhouse, duplex, or other type of dwelling unit as individual units or on individual lots under the Condominium Law of the State of Missouri. Utilization of this law in order to attain a high degree of private ownership in such housing developments for low and moderate income families and individuals is encouraged.

Under the provisions of this Section, variances may be received, considered and acted upon by the Commission as a part of and under the Planned Environment Unit procedure, subject to payment, if approved, of one-half the appropriate fee for such variances. Under this procedure, such special variances will be considered only when there is adequate assurance that the development actually will be utilized for low and moderate income families. (O. No. 12035 - Adopted 4/25/85)

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