BOARD OF ADJUSTMENT MINUTES
March 10, 2022, 5:30 P.M.
Rolla City Hall
1st Floor, Council Chambers

Presiding:	Chairperson Matt Crowell
Members Present:	Laura Stoll, Judy Jepsen
Alternates Present:	Jonathan Hines
Members Not Present:	None
City Officials in Attendance:	Tom Coots, *City Planner,* Steve Flowers, *Community Development Director*, Sarah West, *Administrative Assistant,* Louis J. Magdits IV*, Mayor,* John Butz, *City Administrator*

City Planner **Tom Coots** called the meeting to order at 5:30 PM.

I. ELECTION:

Coots called for nominations of Chairperson and Vice-Chairperson. **Judy Jepsen** makes a motion, seconded by **Laura Stoll** to nominate **Matt Crowell** as the Chairperson. A voice vote shows all in favor. **Judy Jepsen** volunteered to serve as Vice-Chairperson. **Crowell** swore in all present who intended to speak.

II. APPROVE MINUTES:

Crowell conducted a voice vote to approve the minutes from the December 9, 2021 Board of Adjustment meeting as printed and distributed.

III. OLD BUSINESS:

1. **ZV2021-04:** Variance to Section 42-244.4 (h) to allow a reduction in the front yard setback for a sign in the C-1, Neighborhood Commercial district. **TO BE POSTPONED TO APRIL 7, 2022 AT 5:30 AT REQUEST OF APPLICANT**

IV. PUBLIC HEARING:

1. **ZV2021-05:** Variance to Section 42-244.6 sub-section (3), to allow additional monument signs in the C-3, Highway Commercial district. **TO BE POSTPONED TO APRIL 7, 2022 AT 5:30 AT REQUEST OF APPLICANT**

2. **ZV2022-02:** Variances to Section 42-171.3 and Section 42-244.4, to allow a sign projecting above the eave line and in excess of the maximum structure height in the R-1, Single-family district at 801 W 11th Street.

Coots presents the staff report.

Stoll asks about responses from neighbors. **Coots** states he received no responses in opposition to the variance. **Stoll** stated she was a member of the church applying for the variance, but not on any legislative Board within the church.

Jay Cox, residing at 315 Pebblestone Lane, confirms he was sworn in. **Cox** is the applicant, and the president of the Immanuel Lutheran Church. He states the church is only replacing the cross as a matter of maintenance. If required to lower the cross below the eave line, visibility would be hindered, possibly causing the church to place more crosses to increase visibility on each side. **Stoll** states that many churches have a cross above the eave line. She asks if this is a code that churches must follow. **Cox** is not aware of any code. He states there are no structural changes, just replacing a wooden cross with metal internally illuminated one.

Crowell asks if the cross needs to be lit. **Cox** states this is only a preference. **Crowell** asks if the applicant knew the luminance. **Cox** states the luminance was unknown, but it would not be bright.

Crowell opens the public hearing.

Kyle Brown, **residing at 812 W 11th Street**, is sworn in. He expresses opposition to the variance, as well as voices concern about the metal lit cross being a hazard for certain weather conditions.

Crowell closes the public hearing.

Coots asks the board to go over the criteria for approval.

1st Criterion: **Crowell** asks what type of buildings surrounds the subject property. **Hines** states Missouri University of Science and Technology owns several properties in that area. Both **Hines** and **Crowell** comment that requiring the applicant to lower the cross below the eave line could possibly create a hardship due to the lowered visibility.

All Board members agreed the 1st criterion was met.

All Board members agreed the 2nd criterion was met.

3rd Criterion: **Crowell** comments about the similarity of the goal of increasing attendance and the goal to increase income, but the Board found that this meets the intent of the criteria.

All Board members agreed the 3rd criterion was met.

All Board members agreed the 4th criterion was met.

5th Criterion: **Crowell** comments the lit cross was not the minimum variance required. **Jepsen** asks if a spotlight would be allowed. **Coots** states yes, if the applicant retains the current cross. **Crowell** calls the applicant up again for more discussion. **Cox** states again a lit cross is not necessary, but would be preferred as members of the church contribute. **Hines** states a lit cross is a step above the minimum requirement for a variance. **Coots** states the focus is not on the proposed cross being lit, since the applicant could increase night visibility on the current cross, but the location of the proposed cross being over the eave line.

All Board members agreed the 5th criterion was met.

All Board members agreed the 6th criterion was met.

A motion was made by Laura Stoll, seconded by Judy Jepsen, to approve the variance to allow a sign projecting above the eave line and in excess of the maximum structure height in the R-1, Single-family district. A roll call vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Hines. Nays: None. The motion passes unanimously.

3. **ZV2022-03:** Use Variance to allow a Homeless Service use in the C-2, General Retail district at 1344 S Bishop Ave. **TO BE POSTPONED TO APRIL 7, 2022 AT 5:30 AT REQUEST OF APPLICANT**

V. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:

1. **ZV2019-06:** Consideration of extension of expiration of Special Exception to allow a church parking lot in the R-1, Single-family district.

   Coots presents the staff report.

   A motion is made by Jonathan Hines, seconded by Laura Stoll, to approve a one-year extension, expiring March 10, 2023, of the expiration of Special Exception to allow a temporary gravel church parking lot. A roll call vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Hines. Nays: None. The motion passes unanimously.

2. **Discussion regarding Use Variance application:** Discussion regarding Use Variance application and whether a Use Variance application, as defined in City Code, must be related to a unique physical characteristic of the property in order to be reviewed by the Board.

   Hines comments an applicant could go to the Board for a different interpretation of the Code, but not for an issue that has no Codes written. It could be insinuating that the Board of Adjustment could write the Code. He states this type of issue would be best seen by the Planning and Zoning Commission and City Council.

Crowell asks who makes the interpretation for items outside City Code. **Coots** states it would be the Director of Community Development. The Board could interpret Code if an applicant files for an appeal.

Jepsen asked for clarification of a PUD. **Coots** states a PUD rezones a property to allow for any use approved in the PUD.

Hines comments about the Board possibly not being able to see a case, if it is not related to a physical characteristic.

Having no further business, the meeting was adjourned at 6:33 P.M.

Minutes prepared by **Sarah West**

NEXT MEETING: **Thursday, April 7, 2022**