

AGENDA

The Rolla Board of Adjustment
Rolla City Hall, 3rd Floor Conference Room, 901 North Elm Street
Thursday, February 2, 2023 @ 5:30 PM

Board Members: Matt Crowell (Chairperson), Judy Jepsen (Vice-Chairperson), Jacob Rohter, John Meusch, Jonathan Hines (Alternate)

- I. APPROVE MINUTES:**
Review of the Minutes from the Board of Adjustment meeting held on November 3, 2022.
- II. OLD BUSINESS: NONE**
- III. PUBLIC HEARING:**
- VAR2022-06:** Variance to Section 42-186.3 to allow a reduction of the minimum side yard setback in the C-1, Neighborhood Commercial district at 702 N Olive Street.
 - VAR2022-07:** Variance to Section 42-231.7 to allow an additional sign larger than the maximum sign size in the Rolla Arts and Entertainment Overlay District at 701 N Cedar Street.
 - VAR2022-08:** Variance to Section 42-44.6 to allow a pole sign in excess of the maximum sign height in the C-2, General Retail district at 1600 Old Wire Outer Rd.
- IV. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF: NONE**

NEXT MEETING DATE: March 2, 2023

BOARD OF ADJUSTMENT MINUTES
November 3, 2022
Rolla City Hall

<u>Presiding:</u>	Chairperson Matt Crowell
<u>Members Present:</u>	John Meusch, Jacob Rohter
<u>Alternates Present:</u>	Jonathan Hines
<u>Members Not Present:</u>	Judy Jepsen
<u>City Officials in Attendance:</u>	Tom Coots, City Planner, and Sarah West, Executive Assistant
<u>Others in Attendance:</u>	Steven Moorkamp, and Charles Arthur

Chairperson **Matt Crowell** called the meeting to order at 5:30 P.M. He recognized the members who were present. **Crowell** swore in all present who intended to speak.

I. APPROVE MINUTES:

Crowell approved the minutes from the October 13, 2022 Board of Adjustment meeting as printed and distributed.

II. 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.

Tom Coots presents the staff report.

Steven Moorkamp, located at 817 Cambridge Drive in Rolla, and **Charles Arthur**, located at 489 Crescent Ridge in Rolla, are the applicants. They confirmed they were sworn in.

Pictures were presented to the Board showing two signs near the subject property that were close to the street. **Moorkamp** states one sign is 4 feet 11 inches from the sidewalk, and the other is 3 feet 10 inches. It was mentioned at the last meeting that there were no similar signs in the area, but the pictures show the neighbors do have signs closer to the road than the one proposed.

Arthur states there was concern at the last meeting about this sign being the first permanent sign and the precedent it would set. The pictures presented show there are other existing signs in the neighborhood and have been there for years.

Moorkamp states this is a safety issue, especially heading from the south to the north. Due to the unique layout of the lot and the location of the sewer, the building could not be placed anywhere else. He states the north side of the property line is at an angle, which determined where the sewer, building and parking lot had to be placed. The trees on the south side of the lot cannot be removed to increase visibility because that land is not owned by the applicants. He

mentions there are other signs in the neighborhood that have been there for two years. **Crowell** asks if those signs are in concrete. **Moorkamp** states he is unsure.

Arthur states the proposed sign will be 15 feet from the road and 7 feet from the sidewalk. It will match the character of the neighborhood and the new building, and be similar to City park signs. **Rohter** asks about potential safety issues pulling out of the driveway with the sign being close to the sidewalk. **Arthur** mentions the sign will be 15 feet from the sidewalk and mock ups have been made of the proposed sign with no concerns.

Crowell asks if there were any similar existing signs that had any issues. **Coots** mentions the Board has approved other similar sign variances with no known issues. **Crowell** asks if there is any cause for concern where the applicant is wanting to place the sign. **Coots** no.

Crowell moves into Board deliberation.

1st Criterion: **Crowell** due to the layout of the land, the road, and the trees, in order to make their sign visible in a safe manner, the applicants would have to make major changes. **Hines** mentions the building placement was dictated by the terrain and sewer. All Board members agreed the 1st criterion was met.

2nd Criterion: **Crowell** mentions the applicant didn't lay out this land. All Board members agreed the 2nd criterion was met.

3rd Criterion: **Crowell** states the placement of the sign has no relevance to increasing the income of the property. All Board members agreed the 3rd criterion was met.

4th Criterion: **Crowell** mentions there are other similarly placed signs in the neighborhood. **Hines** states the sign will be seven feet from the sidewalk and he cannot see any safety issues. All Board members agreed the 4th criterion was met.

5th Criterion: **Crowell** based upon visibility issues the variance is necessary so people have time to turn safely. **Hines** mentions people need plenty of time to process the sign and turn. **Crowell** asks the applicant if there have been complaints from customers about not being able to see the sign. **Arthur** yes. **Moorkamp** mentions some people miss the turn.

6th Criterion: **Crowell** agrees there is an unnecessary hardship. He states even if the applicants clear the trees on one side, it still does not solve the problem. **Hines** mentions the applicants cannot fix the south approach anyway because they do not own those trees. **Meusch** comments increased visibility makes it safer so drivers can control their speed. All Board members agreed the 6th criterion was met.

A motion was made by Jonathan Hines, seconded by John Meusch, to approve the variance to allow a reduction in the front yard setback for the subject sign. A roll call vote on the motion showed the following: Ayes: Crowell, Hines, Rohter, and Meusch. Nays: None. The motion passes unanimously.

III. PUBLIC HEARING: NONE

IV. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, BOARD, OR STAFF: NONE

Having no further business, the meeting was adjourned at 5:58 P.M.
Minutes prepared by **Sarah West**

NEXT MEETING: Thursday, December 1, 2022



Report to:

Board of Adjustment

Case No.: ZV2022-06

Meeting Date: February 2, 2023

Subject: Variance to Section 42-186.3 to allow a reduction of the minimum side yard setback in the C-1, Neighborhood Commercial district at 702 N Olive Street.

Applicant and Notice:

Applicant/Owner- Kim Nisbett of the Fine Linen Theatre
 Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

Background: The applicant requests a variance to reduce the setback along 7th Street from 5 feet to a zero setback for a proposed play rehearsal space and storage building. Fine Linen Theatre uses the adjacent building, Cedar Street Playhouse for the actual play performances. The Cedar Street Playhouse building is an existing building with a zero setback on 7th Street.

The property is within the Rolla Arts and Entertainment Overlay District. The overlay does not provide for any relief from setback requirements.

Property Details:

Current Zoning - C-1, Neighborhood Commercial
 Current Use - Vacant/former house used for storage

Code Reference:

DIVISION 8. "C-1" NEIGHBORHOOD BUSINESS DISTRICT

Sec. 42-186.3. Area Requirements.

Minimum size of lot:	
Area	6,000 square feet
Lot frontage	60 feet at front lot line
Width	60 feet at building line
Maximum percentage of lot that may be occupied by buildings:	
All buildings	40 percent

Maximum height of buildings	
Three stories and fifty feet	
Minimum setback dimensions	
Front yard	10 feet measured from front lot line
<u>Side yard</u>	<u>5 feet measured from side lot line</u>
Rear yard	10 feet measured from rear lot line

Variance Approval Criteria:

A variance must be reviewed to ensure that the following criteria are met:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood; and that said circumstances or conditions are such that the strict application of the provisions of the regulation creates an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building.
2. The alleged hardship has not been created by any person currently having interest in the property.
3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.
4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.
5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.
6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.

Discussion: The applicant has provided a letter to explain how the criteria for approval are met in the applicants' opinion. Staff recommends that the Board carefully review Criteria 1, 2, 5, and 6 to ensure that the criteria for approval are met. Criteria 3 and 4 do appear to be met, as presented by the applicant.

The variance does not seem to be intended to allow additional development, rather the request is to change the location of the planned building to shift the location of additional open space to a more useful location, and potentially help to preserve an existing tree. The zero setback would be consistent with the existing buildings in the area. The setback along Olive Street should keep the building from impacting traffic sight distance at the intersection.

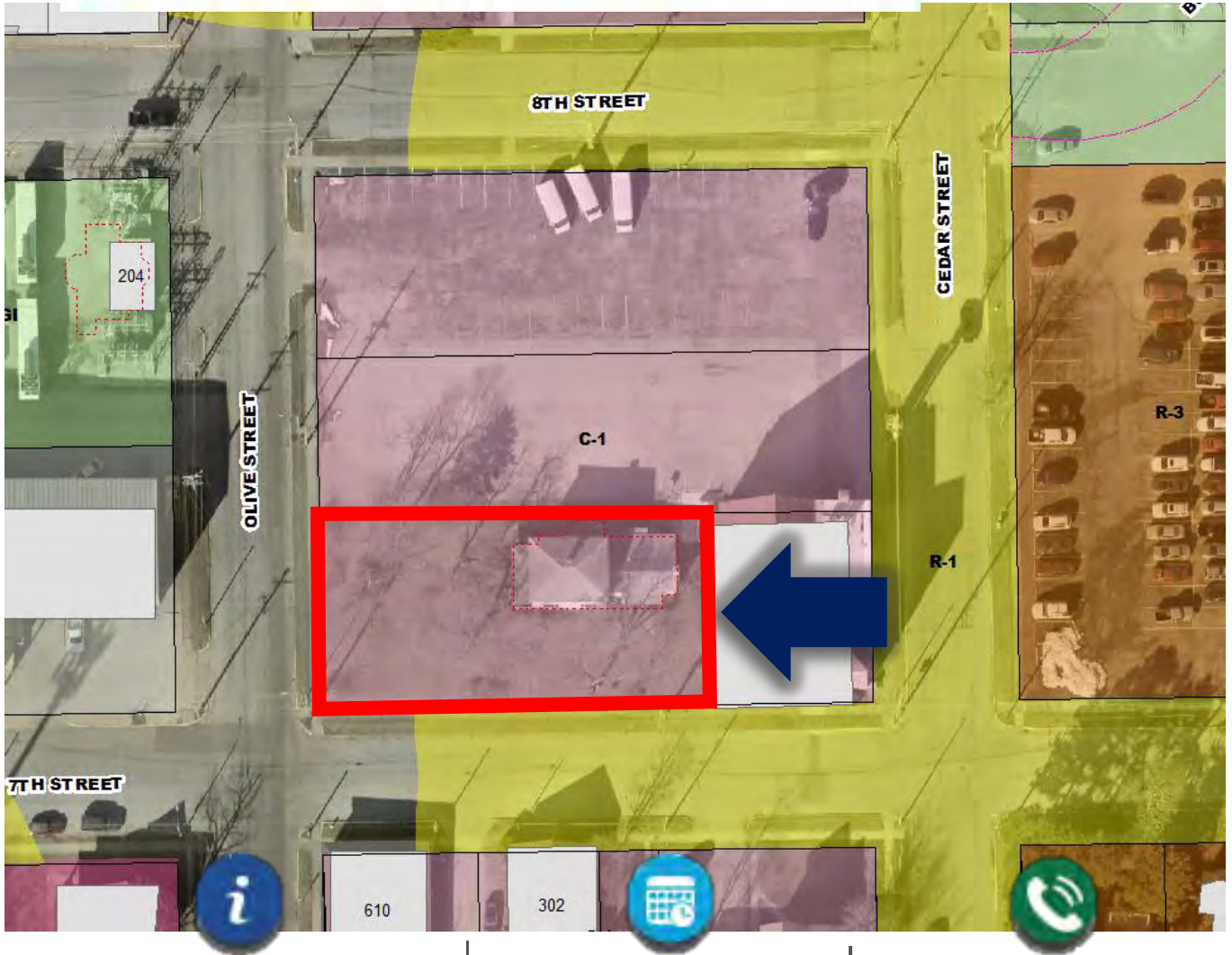
Alternatives:

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the variance(s) are met and explain how each criteria is met for the record.
2. Find that the criteria for approval of the variance could be met through the imposition of conditions or limitations to ensure that the criteria are met. The Board will explain how each criteria is met and grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Application, Letter of Request, Site Plan



Project Information:

Case No: ZV22-06
 Location: 702 N Olive
 Applicant: Kim Nesbit of Fine Linen Theatre
 Request:
 Variance from Section 42-186.3 to allow reduced setbacks for a theater/assembly hall building

Public Hearing:

Board of Adjustment
 February 2, 2022
 5:30 PM
 City Hall: 3rd Floor

For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org
 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

BOARD OF ADJUSTMENT APPLICATION

Contact Information:

Property Owner:

Fine Linen Theatre

Name(s)

26503 Co Rd. 432

Mailing Address

Saint James, MO 65559

City, State, Zip

573-261-0244

Phone

kim@finelinetheatre.com

Email

Agent/Applicant (If Different Than Property Owner):

Name

Mailing Address

City, State, Zip

Phone

Email

Property/Request Information:

Request: Variance
 Special Exception
 Appeal

SEC 42-186.3 SETBACKS

Code Section (Variance/Appeal Only)

702 N. Olive St. (also sometimes listed as 303 E 7th)

Property Address/Location

C-1

Property Zoning

Fine Linen Theatre's "Assembly Hall"
Permanent Home

Proposed Development/Project

APPLICATION CHECKLIST:

Applicant Checks Boxes

Completed Application Form

Agent Letter (If Applicable)

Filing Fee - \$350

Legal Description (Unplatted and Irregular Lots Only)

Site Plan/Survey (If Applicable)

Letter of Request:

Please include description of project, request, how criteria for approval are met, and any other pertinent information.

City Staff Verifies

OFFICE USE ONLY:

Case No: ZV 22-06

DRC Meeting Date: 1.3.23

Advertise By: 1.12.22

Submission Date: 12.20.22

BOA Hearing Date: 2.2.23

I N F O R M A T I O N :

Variations are *required* to meet the following criteria:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood; and that said circumstances or conditions are such that the strict application of the provisions of the regulation creates an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building.
2. The alleged hardship was not created by any person currently having an interest in the property.
3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.
4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.
5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.
6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.

X (Use Variations Only) The use is consistent with the intent of the Comprehensive Plan.

Appeals are *required* to meet the following criteria:

1. The Appeal was filed within 15 days or after the administrative officer has rendered a decision.
 2. The interpretation of the code as made by the administrative officer was incorrect or unclear.
-

Special Exceptions are *required* to meet the following criteria:


1. The request is consistent with the general spirit and intent of the regulations.
 2. The request is consistent with the general and specific rules for the Special Exception.
 3. The request serves the general welfare and preserves the community interest.
-

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Board of Adjustment hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)

 Kim Nisbett

Sign

Print

Sign

Print

Sign

Print

Sign

Print



Dear City of Rolla,

Fine Linen Theatre would like to build a new rehearsal space and permanent home on the lot at 303 N Olive Street adjacent to the Cedar Street Playhouse. This will serve as a community space and will have a community garden between the Cedar Street Playhouse and the Fine Linen Building. We would like to ask for several variances for this project:

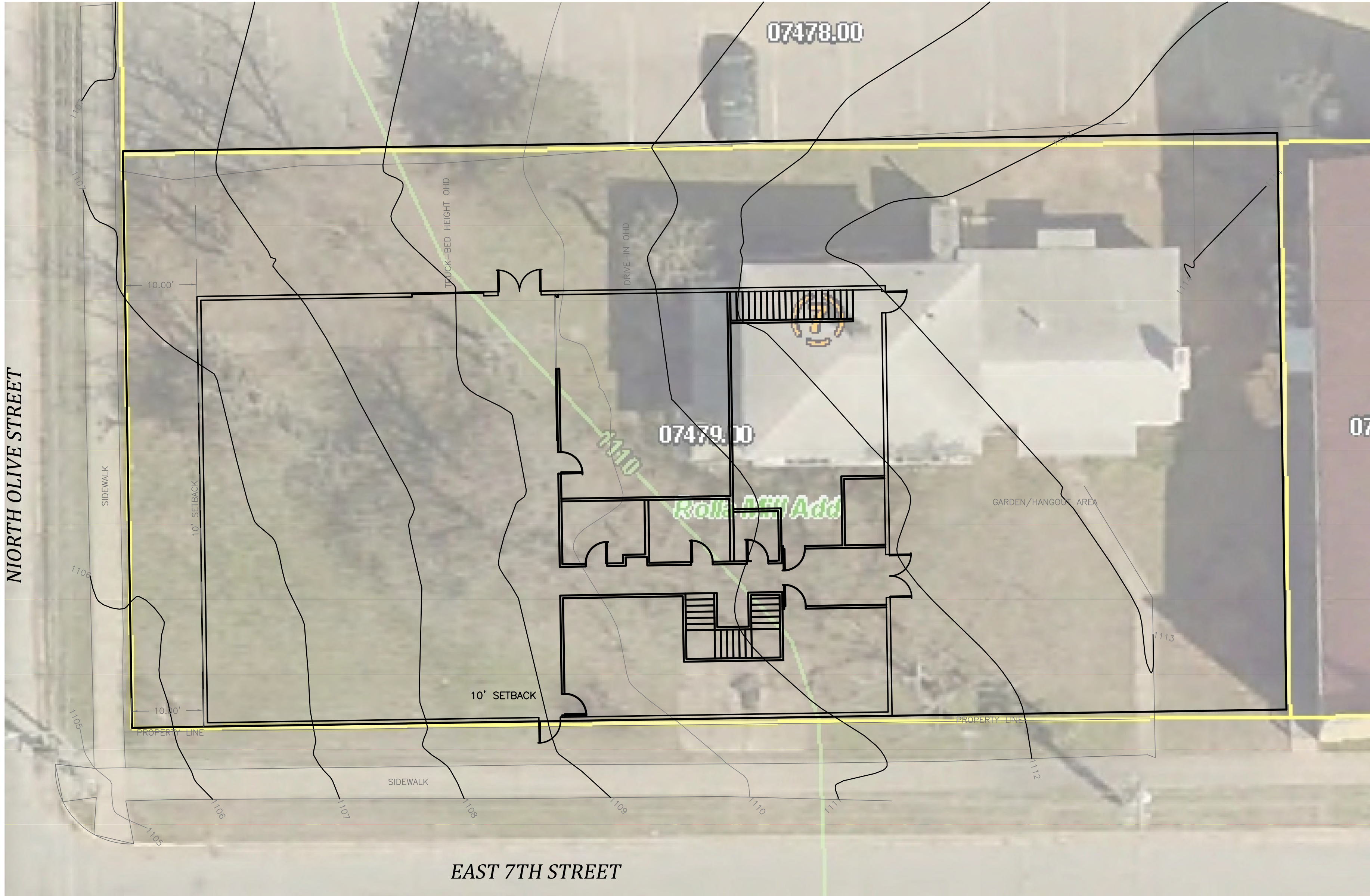
- A.) We would like to have a 0 ft set back along 7th street, which would be in line with the Playhouse on the same block. We would have a 10 ft set back along Olive, which would give adequate line of site for the stop sign along 7th Street.
- B.) We would like to ask for a slight increase in square footage vs lot size percentage as our building as planned is possibly slightly more than the expected revised zoning changes.
- C.) While we don't individually have parking space, we have an agreement with the Baptist Church to use their space along 8th street, and there is additional space at the High School and in the City Lot.

Addressing the variance criteria:

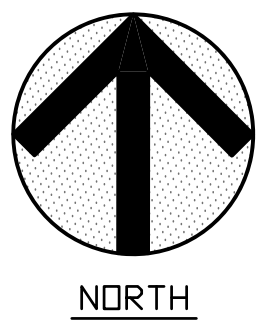
- 1.) Moving the building to the far south end of the lot is consistent with other buildings on the block and in the area, and will consolidate the green spaces and area along the north and east parts of the lot making them more useable and accessible. The community patio garden and green spaces will be used by both the Cedar Street Playhouse and the Fine Linen community space building. Outdoor events and gathering will be held in these spaces and moving the building to the south greatly increases the benefit of the public green space. Additionally, the slight increase in building square footage vs lot size benefits the community, and would create a hardship for the organization and would little to no actual change from the zoning point of view.
- 2.) No individual benefits from these changes, and the property is owned by a non-profit 501c3 organization.
- 3.) This change will not enhance the value of the property but will instead benefit and enhance the use of the property for the benefit of the community.
- 4.) This change will provide sufficient line of site for public safety at the stop signs and will not be injurious to the other properties in the area.
- 5.) This variance will still leave a 5 ft set back from the sidewalk to the south side of the building and is consistent with the both the Cedar Street Playhouse on the same block and Meeks on the opposite block. It is the minimum variance that would accomplish the purpose of consolidating the green spaces.
- 6.) The literal application of the zoning to this project would lessen the spirit of what the regulations intend, in that green space usage would be lessened, nothing would be gained as the surrounding buildings have the set-back we are requesting, safety would be enforced by this variance and the spirit of the zoning would be maintained.

Thank you so very much,


Kim Nisbett



1 SITE PLAN
 C1.1 SCALE: 1" = 10'



Paul W. Frisbee, Mech. PE-2011015736



PE Corp No: 2020016898

FINE LINEN THEATRE
 REHEARSAL HALL
 303 EAST 7TH STREET
 ROLLA, MISSOURI 65401

Date: 12/27/22
 Drawn By: PWF
 Reviewed By: PF

Drawing Information

SITE PLAN

Sheet Title

C-1

Sheet Number



Report to:

Board of Adjustment

Case No.: ZV2022-07

Meeting Date: February 2, 2023

Subject: Variance to Section 42-231.7 to allow an additional sign larger than the maximum sign size in the Rolla Arts and Entertainment Overlay District at 701 N Cedar Street.

Applicant and Notice:

Applicant/Owner- Daniel Goff of the Ozark Actors Theater
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

Background: The applicant requests a variance to allow an additional wall sign to be placed on the building. The sign would also be larger than the allowed maximum sign size. Although the sign is permitted by the underlying commercial zoning, the Rolla Arts and Entertainment Overlay District imposes additional, more stringent signage requirements that limit the number of signs and the sign size.

The building already has a small wall sign facing Cedar Street (facing east). The applicant seeks to add a sign on the north wall of the building to be visible for patrons coming to the building from 10th Street. The proposed sign is at least 62 square feet in size. The overlay district only allows a sign up to 25 square feet in size.

Property Details:

Current Zoning - C-1, Neighborhood Commercial
Current Use - Cedar Street Playhouse (theater)

Code Reference:

Sec. 42-231 ... Rolla Arts & Entertainment Overlay District.

Sec. 42-231.7. Sign Standards.

1. Only on-premise signs are permitted. Signs may be internally illuminated, but shall not use blinking, flashing, animated, or other illuminating devices which alters light intensity. No beacons or strobe lights shall be permitted.
2. One (1) detached sign may be used by each premise containing a multi-family use with three (3) or more housing units, an artist's live/work space, or a permitted non-residential use. No detached sign shall exceed thirty five (35) square feet in effective area or be located five (5) feet above the ground area upon which the sign is located.
3. **One (1) attached flush mounted wall sign may be used on each building. The sign shall not exceed twenty five (25) square feet in effective sign area.**

Variance Approval Criteria:

A variance must be reviewed to ensure that the following criteria are met:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood; and that said circumstances or conditions are such that the strict application of the provisions of the regulation creates an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building.
2. The alleged hardship has not been created by any person currently having interest in the property.
3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.
4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.
5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.
6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.

Discussion: The applicant has provided a letter to explain how the criteria for approval are met in the applicants' opinion. Staff recommends that the Board carefully review Criteria 1, 2, 3, 5, and 6 to ensure that the criteria for approval are met. Criteria 4 does appear to be met, as presented by the applicant.

The property is located within the Rolla Arts and Entertainment Overlay District. The overlay was created specifically to assist existing uses in the area and attract more similar uses to the area. The applicant is one of only a handful of arts and entertainment uses in the overlay area. The stringent signage regulations were intended to help preserve the character of the area and prevent overly commercial uses. However, the theater does have different needs than other uses, attracting larger numbers of people at a time and possibly tourists who are not familiar with the area.

It should also be noted that the Rolla Arts and Entertainment Overlay District is currently proposed to be removed from the zoning codes when the zoning codes are re-adopted. If approved as proposed, the applicant would not need the requested variance. The process is ongoing and is likely to take until April or later for the final decisions to be made. The applicant is seeking to be able to go ahead with the sign project to be ready for the spring/summer theater season.

Alternatives:

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the variance(s) are met and explain how each criteria is met for the record.
2. Find that the criteria for approval of the variance could be met through the imposition of conditions or limitations to ensure that the criteria are met. The Board will explain how each criteria is met and grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Application, Letter of Request, Sign Plans



Project Information:

Case No: ZV22-07
 Location: 701 N Cedar
 Applicant: Ozark Actors Theater
 Request:
 Variance from Section 42-231.7 to allow additional signage and larger signage than permitted in the Rolla Arts and Entertainment Overlay district

Public Hearing:

Board of Adjustment
 February 2, 2022
 5:30 PM
 City Hall: 3rd Floor
 Conference Room

For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

pd cr #222908

City of ROLLA



COMMUNITY DEVELOPMENT DEPARTMENT
901 North Elm St
Rolla, MO 65401
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

BOARD OF ADJUSTMENT APPLICATION

Contact Information:

Property Owner:

Ozark Actors Theatre

Name(s) P O Box K

Mailing Address Rolla, MO 65402

City, State, Zip 573-364-9523

Phone Cindy.beger@Ozarkactorstheatre.org

Email

Agent/Applicant (If Different Than Property Owner):

Name

Mailing Address

City, State, Zip

Phone

Email

Property/Request Information:

Request: Variance
 Special Exception
 Appeal

Sec 42-231.7
Code Section (Variance/Appeal Only)

701 N Cedar St, Rolla, MO 65401
Property Address/Location

C-1
Property Zoning

Exterior Sign
Proposed Development/Project

APPLICATION CHECKLIST:

Applicant Checks Boxes

Completed Application Form

Agent Letter (If Applicable)

Filing Fee - \$350

Legal Description (Unplatted and Irregular Lots Only)

Site Plan/Survey (If Applicable)

Letter of Request:

Please include description of project, request, how criteria for approval are met, and any other pertinent information.

 N/A WILCOX N/A

City Staff Verifies

OFFICE USE ONLY:

Case No: ZV 2022-07

DRC Meeting Date: 1.3.23

Advertise By: 1.10.23

Submission Date: 12.29.22

BOA Hearing Date: 2.2.23

INFORMATION:

Variances are required to meet the following criteria:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood; and that said circumstances or conditions are such that the strict application of the provisions of the regulation creates an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building.
2. The alleged hardship was not created by any person currently having an interest in the property.
3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.
4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.
5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.
6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.
7. (Use Variances Only) The use is consistent with the intent of the Comprehensive Plan.

Appeals are required to meet the following criteria:

1. The Appeal was filed within 15 days or after the administrative officer has rendered a decision.
2. The interpretation of the code as made by the administrative officer was incorrect or unclear.

Special Exceptions are required to meet the following criteria:

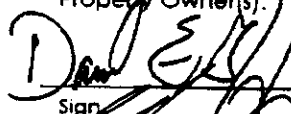

1. The request is consistent with the general spirit and intent of the regulations.
2. The request is consistent with the general and specific rules for the Special Exception.
3. The request serves the general welfare and preserves the community interest.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Board of Adjustment hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)

<p> Sign</p> <p> Sign</p>	<p><u>Daniel E. Goff</u> Print President, OAT Board</p> <p><u>Michael Collins</u> Print Vice President, OAT Board</p>
	<p>_____ Sign</p> <p>_____ Sign</p>
	<p>_____ Print</p> <p>_____ Print</p>

December 27, 2022

Board of Adjustment, City of Rolla, MO
901 North Elm Street
Rolla, MO 65401

RE: Variance Request to Signage Restriction of Entertainment District Overlay

To Whom It May Concern:

The Ozark Actors Theatre petitions to be allowed to use standard C-1 signage requirements in the installation of a sign on the north side of the building at 701 N Cedar Street, Rolla, MO.

Information:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood . . .

Response: Ozark Actors Theatre is a tourism destination for the City of Rolla routinely bringing hundreds of visitors to the community for our summer professional or local community theatre seasons. Our performance space at 701 North Cedar Street brought in more than 8,000 visitors in 2022 with nearly half of those coming from outside of the Rolla area. Our mission and function as a tourism destination is unique to other businesses and properties in the area. Our variance request will enable us to place signage on Cedar Street Playhouse that would make the property more locatable to both out of town and local community patrons. Sign size restriction imposed by the current Entertainment District overlay prohibits us from being visible from the main traffic corridor on 10th Street.

2. The alleged hardship was not created by any person currently having an interest in the property.

Response: Our variance request is based solely on a need to make the property more locatable to both out of town and local community patrons in support of our purpose as a tourism destination. The property in question is solely owned by the Board of Trustees for Ozark Actors Theatre. The issue we are addressing was not created by any person currently having an interest in the property.

3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.

Response: The variance request is solely intended to make the property more locatable to both out of town and local community patrons. The size of the sign we would like to install does fall within the C-1 code requirements without the Entertainment District overlay.

4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.

Response: No property or business in the area will be detrimentally affected by approval of the sign variance request.

5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.

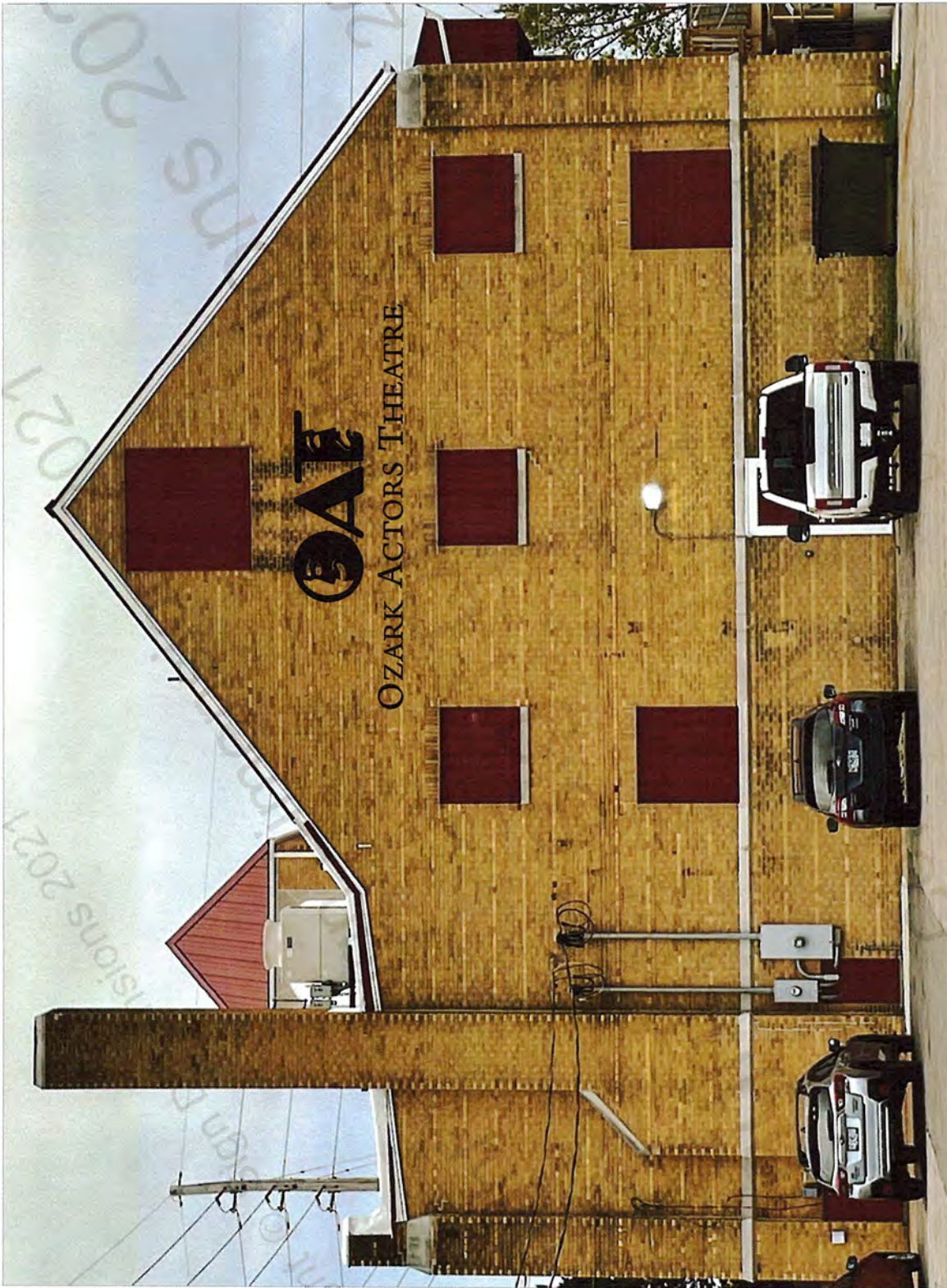
Response: Ozark Actors Theatre has operated out of Cedar Street Playhouse, 701 N Cedar Street, for over 35 years. Approval of the variance request will not alter or change our mission and purpose as a tourism destination and will have no impact on the essential character of the neighborhood. The intent behind the request is to install signage on the property to make it more visible from the 10th Street main traffic corridor thus making it more locatable to local and out of town patrons.

6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.

Response: The size of the sign we would like to install falls within the C-1 code requirements without the Entertainment District overlay. The addition of the Entertainment District overlay creates an unnecessary hardship.

Thank you very much for your consideration in this matter.

The Ozark Actors Theatre Board of Directors



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FURTHER REVISIONS REQUIRED

I VERIFY THAT THIS IS EXACTLY HOW I WOULD LIKE IT TO BE PRODUCED

SIGNATURE: _____ **DATE:** ____/____/____ **REVISION #:** _____ **Quote #:** _____

Sign DIMENSIONS
www.signdimensions.net

11820 CR 3080
Rolla, MO
(P) 573-368-3600
(F) 573-368-3800

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Halo Lit Channel Letters



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Report to:

Board of Adjustment

Case No.: ZV2022-08

Meeting Date: February 2, 2023

Subject: Variance to Section 42-44.6 to allow a pole sign in excess of the maximum sign height in the C-2, General Retail district at 1600 Old Wire Outer Rd.

Applicant and Notice:

Applicant/Owner- Curtis Jared of 1600 Old Outer Wire Rd Rolla, LLC
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

Background: The applicant has submitted plans to construct a Longhorn Steakhouse restaurant on the subject property. The applicant requests a variance to allow a pole sign to be built which would be 60 feet tall. The C-2 district allows a pole sign to be up to 40 feet tall.

The property is located on the outer road of I-44. The property is impacted by elevation changes in relation to I-44. The property is located about 15 feet lower than the interstate. Advertising along the interstate is more complicated than in other locations. The vehicle speeds require more visible signage to have an impact without reducing safety.

Property Details:

Current Zoning - C-2, General Retail
Current Use - Vacant (future restaurant)

Code Reference:

Sec. 42-244.6. Sign Regulations for Non-Residential Zoning Districts.

3. Sign standards properties located in C-2, C-3, CC, M-1, M-2, or GI Zoning Districts and, unless otherwise restricted by a final development plan, any PUDs with commercial, industrial, or civic uses:
 1. Type. Same as Subsection 42-244.6(b)(1), except that mechanical movement and revolving signs are also permitted. In addition, roof signs are only permitted in C-3 and C-C zoning districts and such signs will be considered wall signs in the calculation of maximum sign area. If a mechanical movement or revolving sign is attached to a building it will be considered a projecting sign and if such signs are not connected to a building, they will be considered a permanent freestanding sign (i.e. ground signs and pole signs).
 2. Number. Same as Subsection 42-244.6(b)(2).
 3. Sign Area. Maximum wall sign area shall be determined by multiplying the lineal feet of building frontage facing a street by four square feet. Projecting signs shall not exceed 20 square feet in area, regardless of the amount of other signage on the premises. Each Pole or ground sign shall be limited to 400 square feet each.

4. Height and Clearance. **Ground and pole signs shall be limited to a maximum height of 40 feet.** Roof signs shall not exceed the building height limit of the zoning district in which the sign is located. Projecting signs shall have a clearance of seven feet.

Variance Approval Criteria:

A variance must be reviewed to ensure that the following criteria are met:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood; and that said circumstances or conditions are such that the strict application of the provisions of the regulation creates an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building.
2. The alleged hardship has not been created by any person currently having interest in the property.
3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.
4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.
5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.
6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.

Discussion: The applicant has provided a letter to explain how the criteria for approval are met in the applicants' opinion. Staff recommends that the Board carefully review Criteria 5 to ensure that the criteria for approval are met. Criteria 1, 2, 3, 4, and 6 do appear to be met, as presented by the applicant.

The Board may consider granting partial relief for the variance. The property appears to be located about 15 feet lower than the adjacent interstate highway, yet the applicant is seeking an additional 20 feet in height. If the Board feels a 15 foot variance would allow for adequate visibility, the 15 foot increase in height may be the minimum variance needed.

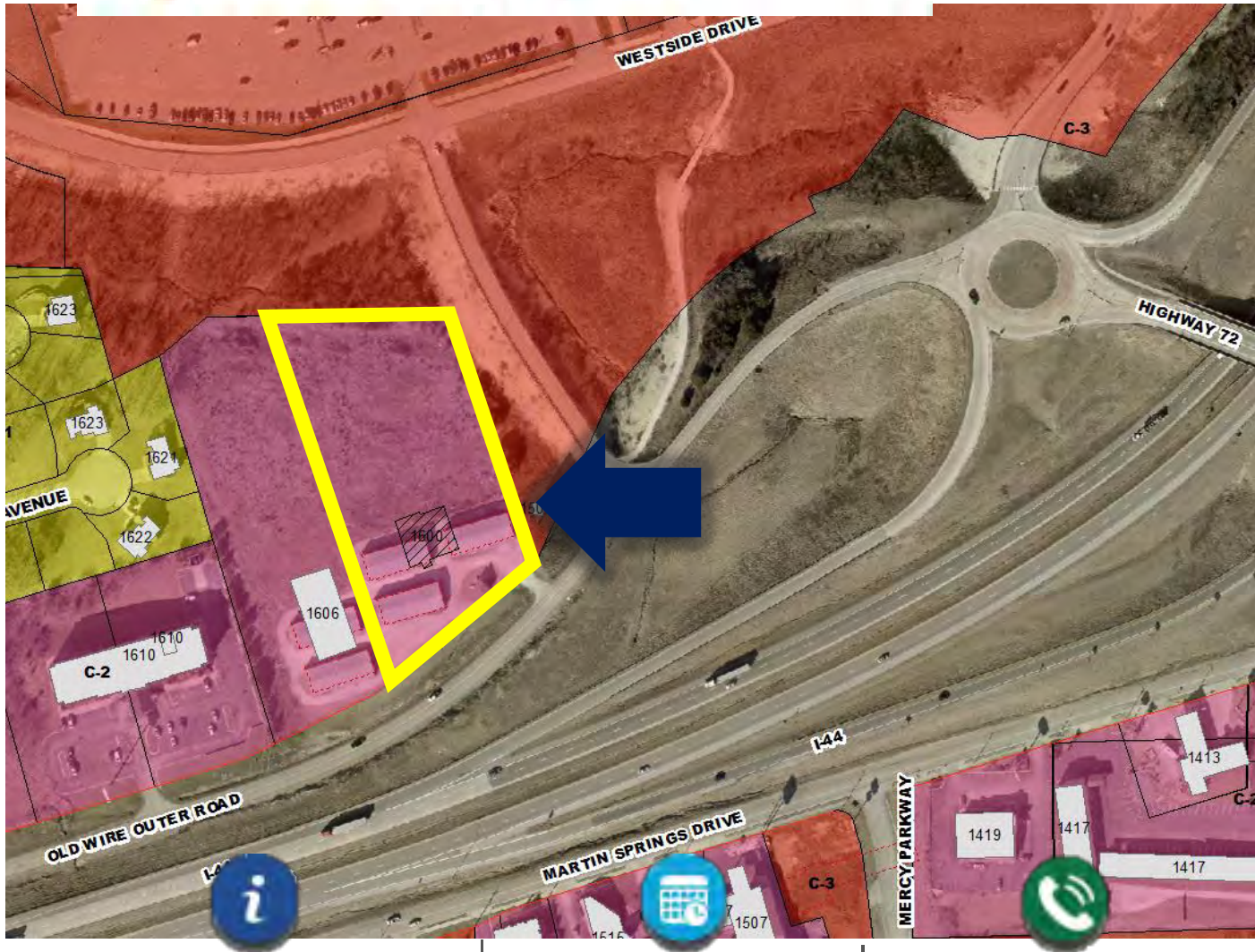
Alternatives:

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the variance(s) are met and explain how each criteria is met for the record.
2. Find that the criteria for approval of the variance could be met through the imposition of conditions or limitations to ensure that the criteria are met. The Board will explain how each criteria is met and grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by: Tom Coats, City Planner

Attachments: Public Notice Letter, Application, Letter of Request, Sign Plans



Project Information:

Case No: ZV22-08
 Location: 1600 Old Wire Outer Rd
 Applicant: 1600 Old Wire Outer Rd,
 LLC (Longhorn Steakhouse)
 Request:
 Variance from Section 42-244.6 to
 allow a pole which exceeds the
 maximum sign height in the C-2,
 General Retail district.

Public Hearing:

Board of Adjustment
 February 2, 2022
 5:30 PM
 City Hall: 3rd Floor
 Conference Room

For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org

(573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

pd ck # 222887

City of ROLLA



COMMUNITY DEVELOPMENT DEPARTMENT

901 North Elm St
Rolla, MO 65401
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

BOARD OF ADJUSTMENT APPLICATION

Contact Information:

Property Owner:

1600 Old Wire Outer Rd Rolla, MO
Name(s)

2870 - A South Ingram Mill Rd
Mailing Address

Springfield MO 65804
City, State, Zip

417-877-7900
Phone

krovig@jaredmanagement.com
Email

Agent/Applicant (If Different Than Property Owner):

David Mikel
Name

6001 Nimitz Parkway
Mailing Address

South Bend, IN 46628
City, State, Zip

574-232-4678
Phone

dtm@sesbranding.com
Email

Property/Request Information:

Request: Variance
 Special Exception
 Appeal

Sec. 42-244.6.c.4 - Height and Clearance

Code Section (Variance/Appeal Only)

1600 Old Wire Outer Road, Rolla, MO 65401
Property Address/Location

General Retail (C-2)
Property Zoning

Longhorn Steakhouse
Proposed Development/Project

APPLICATION CHECKLIST:

Applicant Checks Boxes

-
-
-
-
-
-

- Completed Application Form
- Agent Letter (If Applicable)
- Filing Fee - \$350
- Legal Description (Unplatted and Irregular Lots Only)
- Site Plan/Survey (If Applicable)
- Letter of Request:
Please include description of project, request, how criteria for approval are met, and any other pertinent information.

-
-
-
-
-
-

City Staff Verifies

OFFICE USE ONLY:

Case No: 2022-08

DRC Meeting Date: 1.9.23

Advertise By: 1.22.23

Submission Date: 12.28.22

BOA Hearing Date: 2.2.23

INFORMATION:

Variances are required to meet the following criteria:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood; and that said circumstances or conditions are such that the strict application of the provisions of the regulation creates an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building.
2. The alleged hardship was not created by any person currently having an interest in the property.
3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.
4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.
5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.
6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.
7. (Use Variances Only) The use is consistent with the intent of the Comprehensive Plan.

Appeals are required to meet the following criteria:

1. The Appeal was filed within 15 days or after the administrative officer has rendered a decision.
2. The interpretation of the code as made by the administrative officer was incorrect or unclear.

Special Exceptions are required to meet the following criteria:

1. The request is consistent with the general spirit and intent of the regulations.
2. The request is consistent with the general and specific rules for the Special Exception.
3. The request serves the general welfare and preserves the community interest.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Board of Adjustment hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)

Curtis A Jared, Manager

David Mikel

Sign

Print

Sign

Print

Sign

Print

Sign

Print



December 22, 2022

Justification of Request

Longhorn Steakhouse is respectfully requesting a variance for additional freestanding sign height for the property allowed pylon sign.

By code, the freestanding sign at the property in question is allowed to be 40' tall and 400 square-feet in area. While this allotment of sign height and sign area would typically be sufficient, this property along Old Wire Outer Road is situated in a manner adjacent to the Highway that necessitates additional sign height. The sign that we are seeking in this application would have a total height of 60', 20' over the code allowed, and would only be 250 sqft in area, 150 square-feet UNDER what is allowed by code.

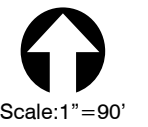
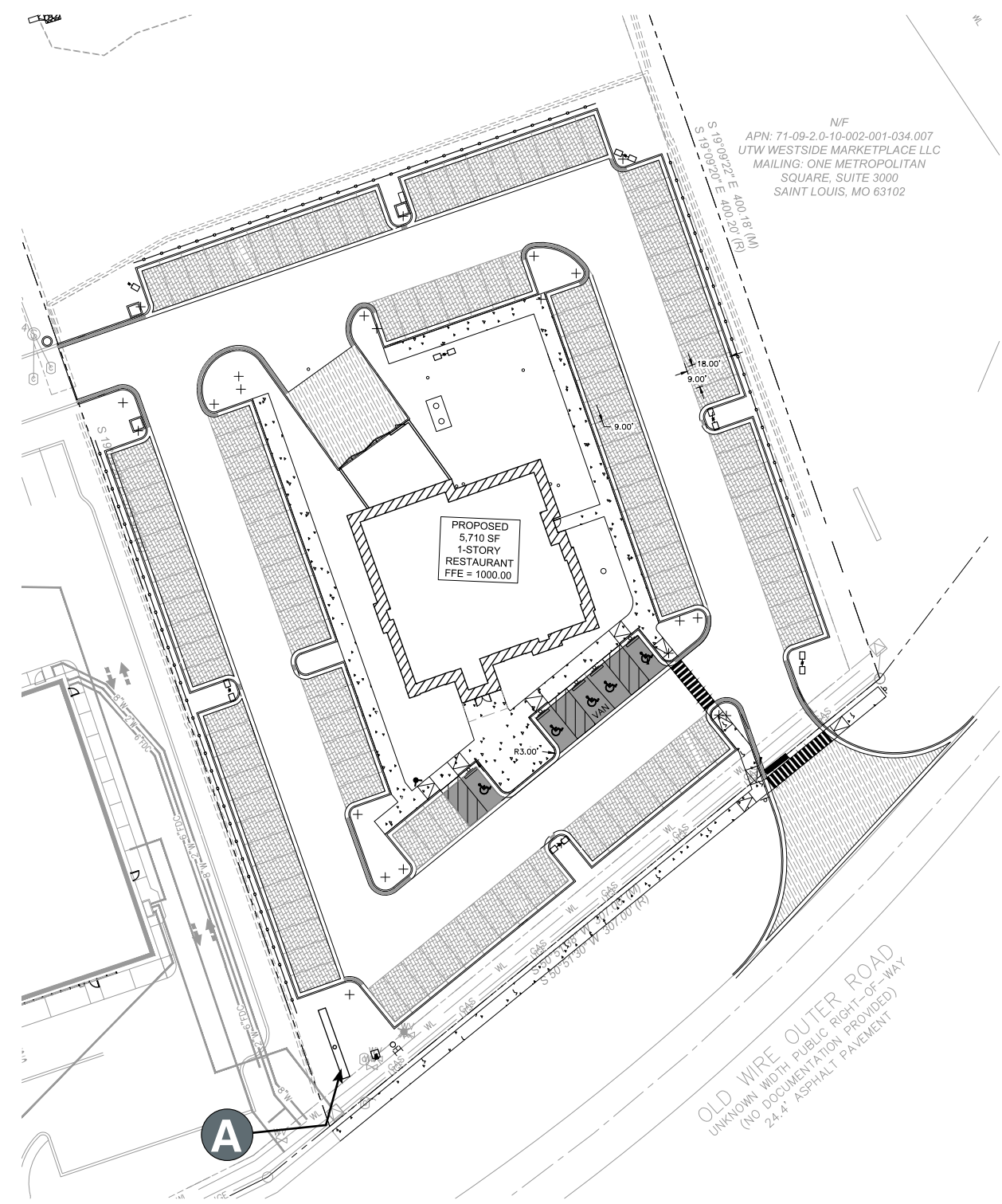
The additional sign height that we are requesting would allow Longhorn Steakhouse a sign that would be visible to the highway travelers that are adjacent to the property on the elevated highway surface. The highway, in this section, sits at an advanced grade to the subject property which places a code allowed sign at a reduced height to the intended vehicular traffic, which is a detriment to the business and those seeking to locate this property. The proposed sign height would alleviate the hardship that this property faces by allowing a sign for the Longhorn Steakhouse that is visible to the highway traffic and comparable to the height of other freestanding signs in the immediate area.

This application represents the minimum request possible to alleviate the hardship that a business located on the property faces as it relates to the exposure to the highway traffic. The 20' additional feet of sign height will allow the freestanding sign to be in the highway travelers cone-of-vision and will allow the motorists ease in locating this important wayfinding device. The additional feet in sign height will allow the Longhorn Steakhouse sign to be in the same visual plane as the other signs in the area which will create a level of expectancy for motorists of the signs in the area and will allow the motorists to gain information, make decisions easily, and focus their primary attention to controlling their vehicle. A sign that is too small or too short that a motorist has to search for in the visual environment, forces time, effort, and attention of the motorist away from very important driving functions. These breakdowns in driver attention and focus is what often times leads to driver frustration and traffic accidents.

SITE PLAN

Store #21L0003
Old Wire Outer Rd., Rolla, MO 65401

A 250 SF Pylon at 60' OAH

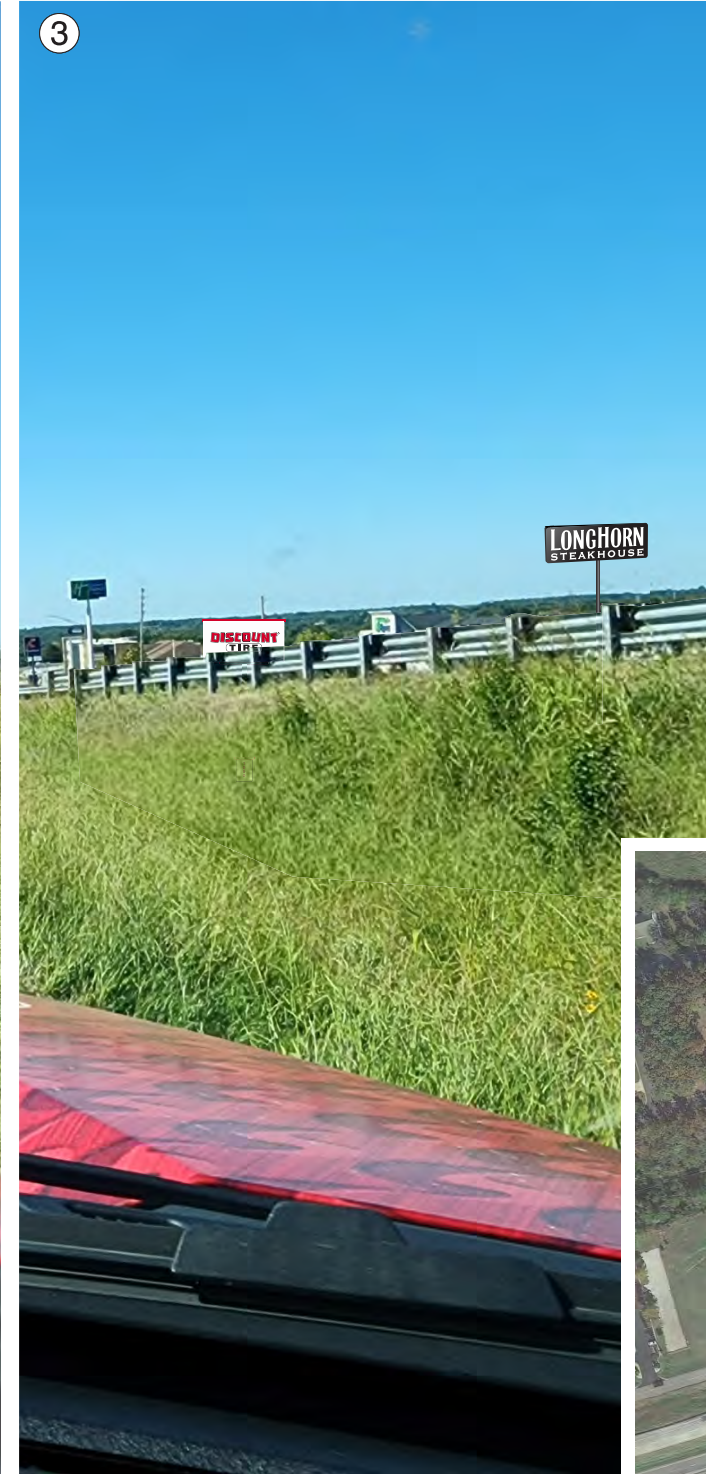
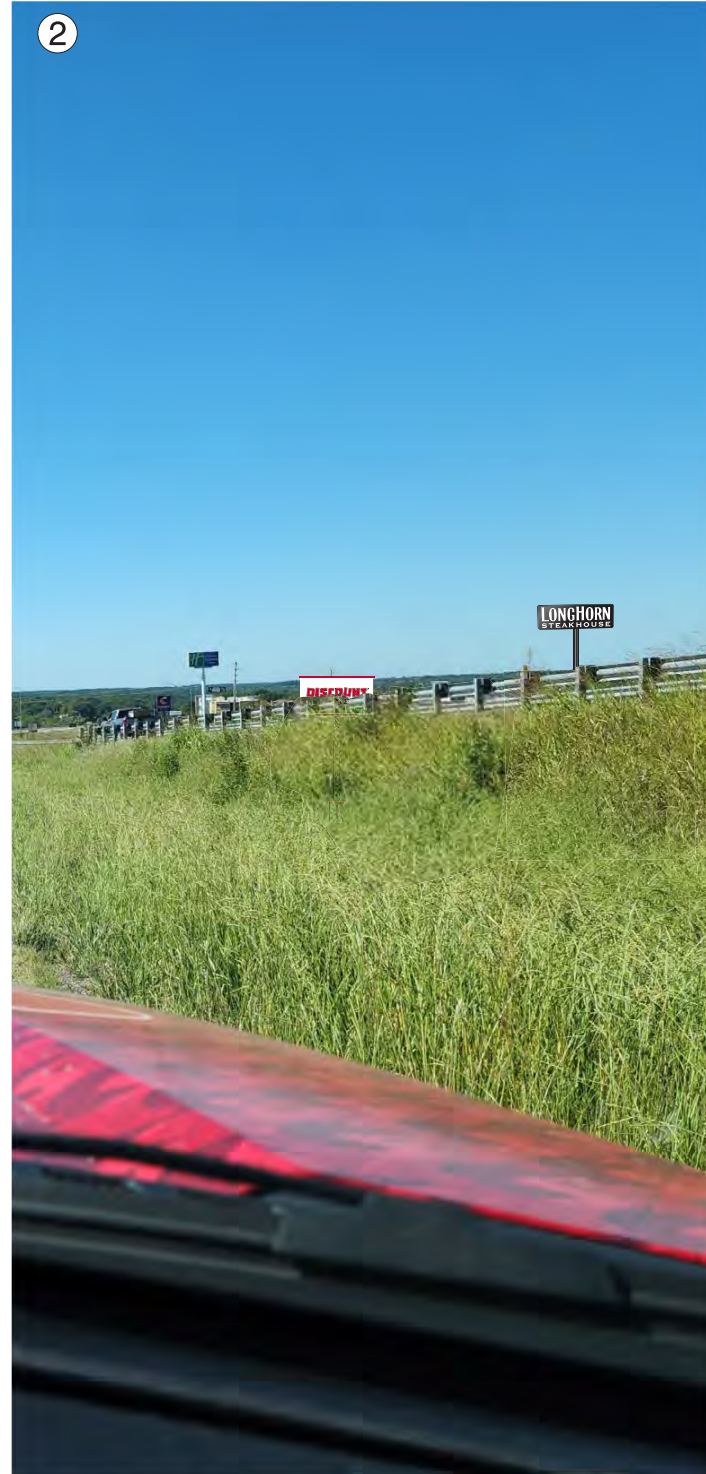


Scale: 1" = 90'

WESTBOUND ON 1-44

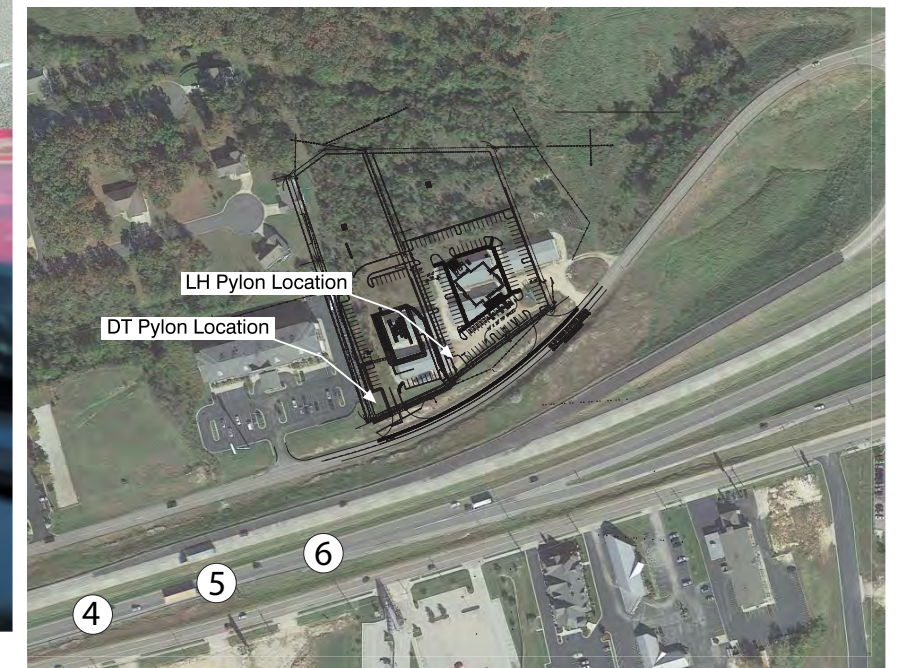
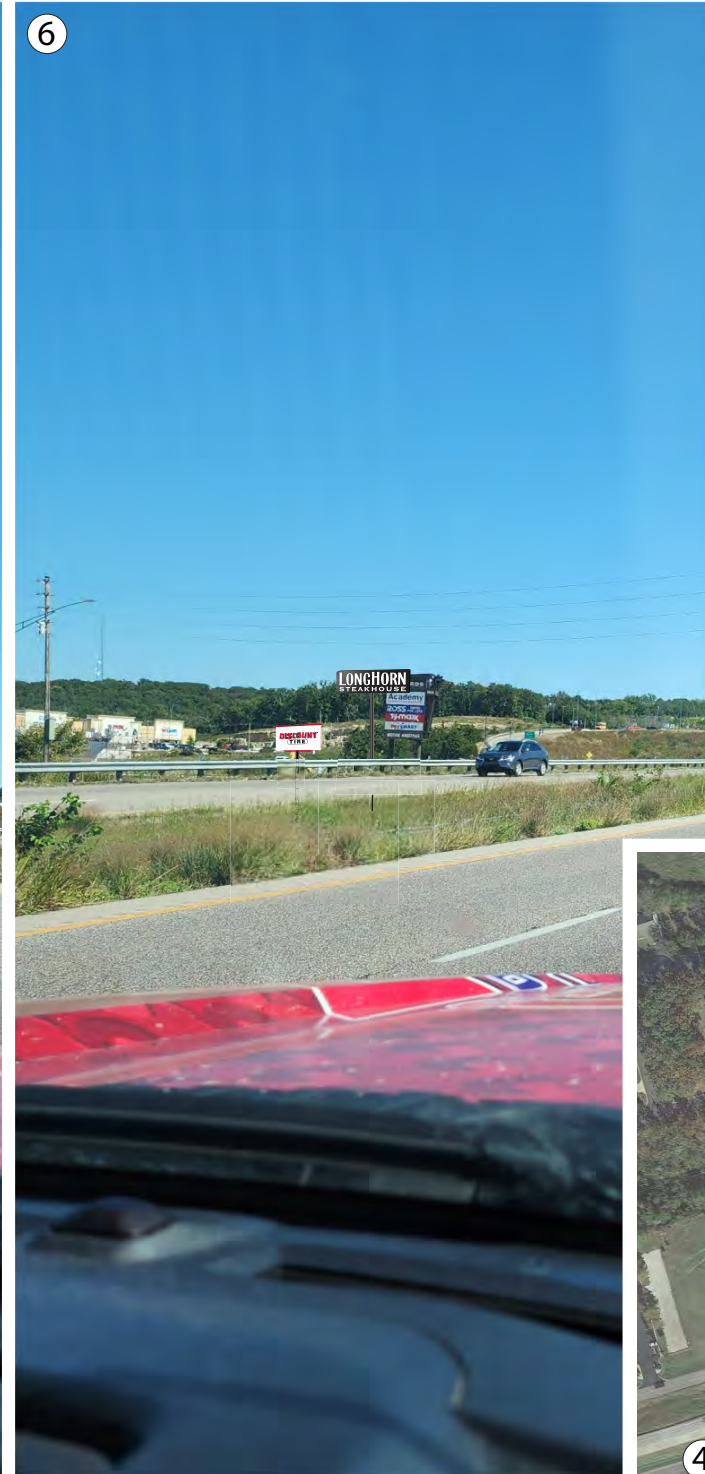
Store #21L0003
Old Wire Outer Rd., Rolla, MO 65401

Grade at Discount Tire is 933. Grade at Longhorn is 996.



○ Image Location

Grade at Discount Tire is 933. Grade at Longhorn is 996.



○ Image Location



SIGN TYPE: LH-P250 / INTERNALLY ILLUMINATED PYLON SIGN / 249.7 SQ.FT.

SCALE : 1/8" = 1'-0"

CABINET: CONVENTIONAL STEEL ANGLE & ALUMINUM SKIN PAINTED SATIN BLACK ON ALL EXTERIOR SURFACES.

"LONGHORN": INTERNALLY ILLUMINATED CHANNEL LETTERS.

FACES: (.187) #2283 RED ACRYLIC W/ 3M#3635-210 WHITE PERFORATED VINYL APPLIED 1ST SURFACE. (LETTERS TO APPEAR WHITE DURING DAY & RED AT NIGHT).

RETURNS: 5" DEEP, .040 PRE-FINISHED MATTE BLACK ALUMINUM W/ BLACK TRIMCAP.

NOTE: INTERIOR OF LETTERS TO BE PAINTED W/ WHITE LIGHT ENHANCEMENT PAINT.






ILLUMINATION: RED 24V GE LED MODULES & POWER SUPPLIES

"STEAKHOUSE": COPY TO BE ROUTED OUT OF ALUMINUM FACE & BACKED UP W/ (.187) #7328 WHITE ACRYLIC

ILLUMINATION: WHITE 24V GE LED MODULES & POWER SUPPLIES

®: 2100-02 WHITE OPAQUE VINYL.

SUPPORT PIPE: SIZE AS PER ENGINEERING / PAINT SATIN BLACK.

MATERIAL FINISH COLORS				
Cabinet	Returns	Faces	Faces	Trimcap
				
Paint RAL 9005 Black Satin Finish	Pre-finished Matte Black Aluminum	7328 White Acrylic	2283 Red Acrylic w/ White 3M# 3635-210 Perforated Vinyl	Black

ELECTRICAL REQUIREMENTS

Total: ___ Amps

120V 20A Circuit Required.

ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL NOT BE SHARED WITH OTHER LOADS.