

ROLLA BOARD OF ADJUSTMENT MINUTES
September 5th, 2019 at 5:30 P.M.
City Hall

<u>Presiding:</u>	Chairperson Judy Jepsen
<u>Members Present:</u>	Laura Stoll, Jeffery Rohrer, Thomas Sutton
<u>Alternates Present:</u>	None
<u>Members Not Present:</u>	Daniel Jones, Mike Flowers
<u>City Officials in Attendance:</u>	Steve Flowers, Community Development Director, Tom Coots, City Planner, and Madelyn Brown, Administrative Assistant
<u>Others in Attendance:</u>	

Chairperson **Judy Jepsen** called the meeting to order at 5:30 P.M. She recognized the members who were present and those who were absent. All in attendance were sworn-in.

Rolla City Planner, **Tom Coots**, presented the variance request ZV2019-02 for property located at 1412 Heller Street. The applicant is **Joshua Patrick**. They have requested a variance for the following:

Request: Applicant is requesting a variance to allow an increase in the maximum number of occupants permitted in the R-3, Multi-Family District (8 Persons Per Section 42.177.2) to allow up to 16 occupants in a single-family structure.

Coots introduces the first case, which is a variance request by applicant **Joshua Patrick** and Life Changers Outreach to expand the maximum number of occupants allowed in one dwelling unit. **Coots** explains the applicant's intended use for the property and reviews the variance approval criteria that would need to be met by the applicant if the variance were approved. **Coots** presents information in the staff and answered questions from the Board to clarify details. Commissioner **Laura Stoll** asks if there were any questions or concerns expressed by citizens of the community. **Coots** confirms that he had received a few emails and phone calls, but no member of the city was directly against the case, just curious about the facility. Chairperson **Judy Jepsen** calls the applicant to the stand.

Joshua Patrick, 405 Bill Avenue, is sworn-in and highlights the details of the proposed project. In short, Life Changers Outreach recently purchased a building at 1412 Heller Street that was previously a daycare facility. Life Changers Outreach is a faith-based, non-profit, organization and residential center that houses and treats women struggling with substance abuse, along with homelessness, depression, and suicidal thoughts. This organization has operated in the Phelps's County Area for approximately three years, previously running a men's facility outside of Rolla City limits which has now moved to a larger facility in Vichy. **Patrick** explains the strict rules and expectations of the participants and vows to help the community without adding any disturbances to the citizen's day to day activities. Life Changers Outreach works closely with the courts and probation officers in Marias and Phelps County. They do not take in any participants with a substantial record. They work with the individuals in the program to teach them skills that will

better their lives and prepare them for getting back into the world. Life Changers Outreach also offers jobs and ministry school once the 12-month program has been completed.

Commissioner **Jeffery Rohrer** expresses concern over the building's ability to meet Building Codes and Fire Regulations. **Steve Flowers**, Community Development Director and Building Codes Administrator, takes the stand to address these concerns. He confirms that the applicant would be expected to meet all codes if the variance is approved. The applicant will have to comply with Building Codes as far as egress, and members in the facility. Regardless, a Building Permit will not be issued unless their plans meet code regulations. As far as fire safety concerns, the building is currently over and above the expectations for fire safety, as they have a sprinkler system set in place. **Flowers** explains the different options that will allow for the additional amount of occupants if the variance is approved.

Jepsen asked for comments from the audience.

Kathy Rust, 465 East Villa Ridge Road, is sworn-in. **Rust** is a landlord at a nearby residence. She is concerned that the complete change of use will not relate to the family environment. She believes that this is not a place for this operation, and it should exist in an industrial area. Rust would like to know how this facility would fit into the neighborhood.

Linda Ryan, 1401 Heller Street is sworn in. **Ryan** is concerned with the characteristics of this operation. She is afraid of how it will affect property values, as she plans to sell her home in the future.

Coots clarifies that the approval of the variance on this property will not affect the surrounding properties. The commissioners ask **Coots** to clarify what Multi-Family zoning entails. **Coots** explains that 8-unrelated people may live together in one dwelling. Applicant Joshua Patrick takes the stand to answer some floor plan related questions from the Commissioners.

A roll call vote was taken by **Judy Jepsen**. Criteria 1 failed with votes 3-1, criteria 2 failed with votes 1-3, criteria 3 failed with votes 3-1, criteria 4 passed unanimously, criteria 5 failed 2-2, and criteria 6 passed unanimously. Since the Board requires 4 votes affirmative to approve a request and item ZV2019-02 did not receive a minimum of 4 votes, the request for the variance was not approved.

Coots introduces the next case, ZV2019-03, for a property located at 1612 Heller Street. The applicant is **Rong Chen**, co-owner of J&R Property Services. They have requested a variance for the following:

Request: Applicant is requesting a variance to allow relief from Section 42.142 (B), which prohibits construction on lots which do not meet the minimum lot size, to allow a duplex to be constructed on a lot that does not contain the minimum lot size of 9,000 sq. ft. per Section 42.174.3.

On behalf of J & R Properties, LLC. **Tom Lin**, 300 Sooter Lane is sworn-in. **Coots** goes over the case and explains that J & R Properties recently purchased the lot located at 1612 Heller Street.

The location was previously abandoned and has been neglected for many years. The applicant intends to demolish the existing building and build a Duplex. The lot is currently zoned R-II, and the proposed project meets all of the requirements, except the lot size is off by 200 sq. ft. J & R Properties recently purchased another property in the neighborhood and planned to build on each to help redevelop the area.

Judy Jepsen asked for comments from the audience. Since there were none, **Jepsen** proceeded with the roll call vote.

A roll call vote was taken by **Jepsen**. The six criteria for the variance were approved unanimously by a majority of 4 to 0 votes.

Having no further business, the meeting was adjourned at 7:02 P.M.
Minutes prepared by **Madelyn Brown**.

CASE #: ZV2019-02

DATE: September 5, 2019

- (1) Has the applicant shown any conditions or circumstances that exist which are unique to the property that would deprive the applicant of the reasonable use of the property?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	X			
Dan James				X
Laura Stoll	X			
Judy Jepsen		X		
Thomas Sutton	X			
Mike Flowers				X

- (2) Has the applicant shown that the cause of the special conditions and circumstances was not created by any person having an interest in the property?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer		X		
Dan James				X
Laura Stoll	X			
Judy Jepsen		X		
Thomas Sutton		X		
Mike Flowers				

- (3) Has the applicant shown that the purpose of the variance is not based exclusively on a desire to enhance the value of the property or increase the return or income from the property?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	X			
Dan James				X
Laura Stoll	X			
Judy Jepsen		X		
Thomas Sutton	X			
Mike Flowers				X

Pronounced
Laura
"Stole"
→
"for my
information" ☺

- (4) Has the applicant shown that the granting of this variance will not be detrimental to public welfare or the general safety of neighborhood in which the property is located?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	x			
Dan James				x
Laura Stoll	x			
Judy Jepsen	x			
Thomas Sutton	x			
Mike Flowers				x

- (5) Has the applicant shown that the granting of this variance is necessary for the reasonable use of the property, and that the variance granted is the minimum variance needed to accomplish this purpose and, that by doing so will not alter the essential character of the neighborhood?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer		x		
Dan James				
Laura Stoll	x			
Judy Jepsen		x		
Thomas Sutton	x			
Mike Flowers				x

- (6) Has the applicant shown that the enforcement and strict application of the applicable Zoning Code will result in an unnecessary hardship, (not a mere inconvenience for the owner), and that the variance is not inconsistent with the general intent of the Zoning Code?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	x			
Dan James				x
Laura Stoll	x			
Judy Jepsen	x			
Thomas Sutton	x			
Mike Flowers				x

PLEASE NOTE: All the above standards MUST be found in the affirmative by a 4/5ths vote of the full Board prior to the granting of a Variance. The burden of proof is on the applicant to prove to the Board that the standards are met..

CASE #: ZV2019-03

RESULT: VARIANCE PASSES

DATE: September 5th, 2019

- (1) Has the applicant shown any conditions or circumstances that exist which are unique to the property that would deprive the applicant of the reasonable use of the property?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	✗			
Dan James				✗
Laura Stoll	✗			
Judy Jepsen	✗			
Thomas Sutton	✗			
Mike Flowers				✗

- (2) Has the applicant shown that the cause of the special conditions and circumstances was not created by any person having an interest in the property?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	✗			
Dan James				✗
Laura Stoll	✗			
Judy Jepsen	✗			
Thomas Sutton	✗			
Mike Flowers				✗

- (3) Has the applicant shown that the purpose of the variance is not based exclusively on a desire to enhance the value of the property or increase the return or income from the property?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	✗			
Dan James				✗
Laura Stoll	✗			
Judy Jepsen	✗			
Thomas Sutton	✗			
Mike Flowers				✗

(4) Has the applicant shown that the granting of this variance will not be detrimental to public welfare or the general safety of neighborhood in which the property is located?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	X			
Dan James				X
Laura Stoll	X			
Judy Jepsen	X			
Thomas Sutton	X			
Mike Flowers				X

(5) Has the applicant shown that the granting of this variance is necessary for the reasonable use of the property, and that the variance granted is the minimum variance needed to accomplish this purpose and, that by doing so will not alter the essential character of the neighborhood?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	X			
Dan James				X
Laura Stoll	X			
Judy Jepsen	X			
Thomas Sutton	X			
Mike Flowers				X

(6) Has the applicant shown that the enforcement and strict application of the applicable Zoning Code will result in an unnecessary hardship, (not a mere inconvenience for the owner), and that the variance is not inconsistent with the general intent of the Zoning Code?

	YES	NO	ABSTAIN	ABSENT
Jeffrey Rohrer	X			
Dan James				X
Laura Stoll	X			
Judy Jepsen	X			
Thomas Sutton	X			
Laura Stoll				
Mike Flowers				X

PLEASE NOTE: All the above standards MUST be found in the affirmative by a 4/5ths vote of the full Board prior to the granting of a Variance. The burden of proof is on the applicant to prove to the Board that the standards are met..