

**BOARD OF ADJUSTMENT MINUTES**  
**June 4th, 2020 5:30 P.M.**  
**Rolla City Hall**

<b><u>Presiding:</u></b>	Chairperson Judy Jepsen
<b><u>Members Present:</u></b>	Danny Maxey, Dan James, Thomas Sutton, Laura Stoll
<b><u>Alternates Present:</u></b>	None
<b><u>Members Not Present:</u></b>	Mike Flowers
<b><u>City Officials in Attendance:</u></b>	Tom Coots, City Planner and Madelyn Brown, Administrative Assistant
<b><u>Others in Attendance:</u></b>	Torrey Woodcock, Applicant

Chairperson **Judy Jepsen** called the meeting to order at 5:30 P.M. She recognized the members who were present.

**Request:** Applicant is requesting a variance to allow for the reduction in the landscape buffer yard width and required landscaping.

**Tom Coots** introduced the variance request ZV2020-01 for a property located at 1002 N. Bishop Avenue and presented the information in the staff report.

In order to comply with the code requirements, a bufferyard of 20 feet and landscaping consisting of 13 trees and 29 shrubs along the East and part of the South property lines would be required. The bufferyard can be reduced to 10 feet with a 6 foot solid fence.

**Laura Stoll** asked to clarify that the landscaping and bufferyards is required between the parking lots. **Dan James** asked if there were any additional requirements due to the parking lot on the South end being University property. **Coots** explained that there are no requirement due to the university property being zoned GI, government institutional. **Danny Maxey** asked if the former use of the property was residential. **Coots** explained that it was formerly the Kyoto Japanese Restaurant and used for commercial purposes. **Maxey** asked what kind of landscaping existed on this lot before. **Coots** explained that the landscaping was very minimal and included some shrubbery and the owners before did not meet landscaping requirements due to the site being developed before there were requirements. **Stoll** asked if other similar buffer yard exceptions have been made for other property owners in the area. Coots said that he was unsure and would have to look at past cases to answer that question. **Thomas Sutton** asked if the applicant proposed any buffer in the plans. **Coots** said that was between zero and up to 5 feet of buffer. **Stoll** asked if there was an elevation difference between the two parking lots. **Coots** confirmed, yes. **James** asked if the applicant intended to meet the parking lot requirements. Coots confirmed that the applicant exceeds the parking lot expectations.

**Judy Jepsen** asked for the applicant to step forward and be sworn in.

**Torrey Woodcock**, 3545 Highway D of Bourbon, MO, explained that the proposed project will result in a Jimmy John's restaurant with a drive-thru. The current buffer yard requirements will

deprive his establishment of parking area. He believes that his project is a good asset to the community and that his request is reasonable and does not pose any harm of the welfare of the areas surrounding this property. He plans to put up a 5 ft chain link fence along the backside. He stated that believes the request meets all criteria for approval of a variance and read his letter of request.

**Stoll** is pleased with the decision to put up a fence. **Woodcock** agreed that the fence could help safely direct student traffic from the university properties. **Stoll** explained that the existing Jimmy John's restaurant, is dangerous to university students because they have to cross heavy traffic to get to it. She is happy that the new location will exist on the opposite side. **James** asked why he needed so many parking spaces if the establishment will have a drive-thru. **Woodcock** explained that during their peak hours, they have about 8 delivery drivers that take up parking space. There is a good number of customers that come in and out of the existing restaurant and the current parking situation at that location is not enough to accommodate the high volume of customer traffic along with spaces for his staff. He is expanding the size of the restaurant in this new project, and expects the amount of traffic in and out of the restaurant to increase due to the expansion. **James** asked the applicant if there will be any landscaping done to the front of the building. **Woodcock** explained that there will be minimal landscaping at the front of the property because there is not a lot of green space to work with. There are some scattered trees around the property that he intends to clean up, and he plans to plant a few maples. **James** asked **Coots** if any citizens called to oppose this case. **Coots** only received one call with general questions. **Maxey** asked if the property line is located at the edge of the concrete. **Coots** said no.

Since no others wished to speak, **Jepsen** closed the Public Hearing.

A roll call vote was taken by **Judy Jepsen**, and the six questions for the variance were approved.

Having no further business, the meeting was adjourned at 6:07 P.M.  
Minutes prepared by **Madelyn Brown**

**NEXT MEETING:**

**JULY 2<sup>ND</sup>, 2020**

CASE #: ZV2020 - 01

DATE: June 4, 2020

### VARIANCE PASSES

- (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
Danny Maxey	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
Danny Maxey	x			
Dan James	x			
Laura Stoll	x			
Judy Jepsen	x			
Thomas Sutton	x			
Mike Flowers				x

- (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
Danny Maxey	x			
Dan James		x		
Laura Stoll	x			
Judy Jepsen	x			
Thomas Sutton	x			
Mike Flowers				x

- (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
Danny Maxey	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
Danny Maxey	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
Danny Maxey	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..