AGENDA

The City of Rolla
Board of Adjustment Meeting
Rolla City Council Chambers, 1st Floor
901 North Elm Street, Rolla, MO 65401
June 4th, 2020

Board Members: Chairperson Judy Jepsen, Mike Flowers, Dan James, Danny Maxey, Laura Stoll, Thomas Sutton

I. APPROVE MINUTES: Review of the Minutes from the Board of Adjustment Meeting held on Thursday, January 2nd, 2019

II. PUBLIC HEARING:

1. ZV2020-01, 1002 N Bishop, Torrey Woodcock: Variance to allow a reduction in the landscape buffer yard width and required landscaping.

III. REPORT FROM THE CHAIRPERSON, COMMITTEE, OR STAFF: NONE

NEXT MEETING: Thursday, July 2nd, 2020
Board of Adjustment Minutes  
January 2nd, 2020 5:30 P.M.  
Rolla City Hall

Presiding: Chairperson Judy Jepsen  
Members Present: Danny Maxey, Dan James, Thomas Sutton  
Alternates Present: Mike Flowers  
Members Not Present: Laura Stoll  
City Officials in Attendance: Tom Coots, City Planner and Madelyn Brown, Administrative Assistant  
Others in Attendance: Barbara Wilkins, Spring Properties LLC, Applicant

Request: Variance to allow a reduction in the minimum lot area to allow a duplex in the R-2, Two-Family District.

Chairperson Judy Jepsen called the meeting to order.

City Planner Tom Coots stepped forward to introduce case ZV2019-08 by applicant Barbara Wilkins of Spring Properties, LLC and presented information contained in the report.

Dan James asked if Coots had received any comments from the public or surrounding neighbors. Coots confirmed that he had not received any comments.

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

Barbara Wilkins, Spring Properties LLC, explained that she had purchased the lot a number of years ago with intentions to improve the existing building. Overtime, she realized that it was no longer feasible to repair the existing home, so the building was demolished. Wilkins has decided that it is time to develop the lot, so she is looking to build a duplex.

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 unanimously by a vote of 5 to 0 votes.

Coots explained that he plans on scheduling a training session involving the Board of Adjustment and Planning and Zoning Commissioners within the next few months.

Having no further business, the meeting was adjourned at 5:51 P.M.
Minutes prepared by Madelyn Brown

Next Meeting: February 6th, 2020
(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?

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(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?

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(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?

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(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?

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(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?

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(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?

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**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.
Meeting Date: January 2, 2019

Subject: Variance to allow a reduction or waiver of the landscape buffer yard width and required landscaping, per Section 42-230.

Applicant and Notice: Torrey Woodcock of Woodcock Investments, LLC

Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Rolla Daily News; signage posted on the property; information available on city website

Background: The subject property was recently purchased by the applicant with the intent to redevelop the property as a Jimmy John’s restaurant. The old building has already been demolished. The applicant has prepared preliminary redevelopment plans for the property. The plans do not provide for any landscaping and provides a buffer yard of between zero and 5 feet.

A portion of the subject property was recently rezoned from the R-3, Multi-family district to the C-2, General Retail district to prepare for the redevelopment.

The required buffer yard between a property in the C-2, General Retail district and a property in the R-3, Multi-family district is 20 feet, plus a number of trees and shrubs per 100 linear feet. The applicant seeks the variance to waive all landscaping and buffer yard requirements.

Property Details:
Current Zoning - C-2, General Retail
Current Use - Commercial (Restaurant – now demolished)

Code Reference:

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<tr>
<th>Buffer yard</th>
<th>Canopy tree(s)</th>
<th>Under-story trees</th>
<th>Evergreen trees</th>
<th>Shrubs</th>
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<td>Buffer yard A</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>10</td>
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<td>Buffer yard B</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>12</td>
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<td><strong>Buffer yard C</strong></td>
<td><strong>3</strong></td>
<td><strong>2</strong></td>
<td><strong>2</strong></td>
<td><strong>16</strong></td>
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<td>Buffer yard D</td>
<td>3</td>
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<td>4</td>
<td>20</td>
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<td>Buffer yard E</td>
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<td>Buffer yard F</td>
<td>4</td>
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<td>Buffer yard G</td>
<td>5</td>
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(b) Buffer-yards A and B shall have a minimum width of fifteen (15) feet.

**Buffer-yards C and D shall have a minimum width of twenty (20) feet.**

• Buffer-yards E and F shall have a minimum width of thirty (30) feet.

• Buffer-yard G shall have a minimum width of thirty-five (35) feet.

(c) The minimum buffer-yard width may be reduced by fifty (50) percent if the property owner elects to install a six (6) foot solid wood fence, a six (6) foot solid masonry/brick wall or a six (6) foot solid evergreen hedge.

**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.

7. (Use Variances Only) The use is consistent with the intent of the Comprehensive Plan.

**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
BOARD OF ADJUSTMENT APPLICATION

Contact Information:
Property Owner:
Torrey Woodcock
Name(s)
3545 Highway D
Mailing Address
Bourbon, MO 65441
City, State, Zip
573-528-4430
Phone
torreywoodcock@gmail.com
Email

Agent/Applicant (If Different Than Property Owner):
Name
Mailing Address
City, State, Zip
Phone
Email

Property/Request Information:
Request:
X Variance
_____ Special Exception
_____ Appeal

Code Section (Variance/Appeal Only)
421-159.4
130 BUFFERYARDS

Property Address/Location
1002 North Bishop Avenue

Property Zoning
C-2

Existing Restaurant / Proposed Restaurant
Proposed Development/Project

APPLICATION CHECKLIST:

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.

OFFICE USE ONLY:
Case No: ZV 2020-01
DRC Meeting Date: 5/19/20
Advertise By: 5/15/20
Submission Date: 5/5/20
BOA Hearing Date: 6/4/20
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):

[Signatures]

Applicant/Agent (If Different From Owner)

[Signatures]

[Signatures]
Project Information:
Case No: ZV2020-01
Location: 1002 N Bishop
Applicant: Torrey Woodcock
Request: Variance to allow a reduction landscape buffer yard width and required landscaping

Public Hearing:
Board of Adjustment
June 4th, 2020
5:30 PM
City Hall: 1st 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
The Board of Adjustment (BOA) is an appointed group of citizens from Rolla who are charged with hearing and deciding Variances, Appeals, and Special Exceptions.

A Variance is a request for relief from a particular provision in the zoning code. A Variance should only be granted if certain criteria are met. Variances are frequently sought to allow things such as reduced setback, lot size or increased height.

An Appeal is a request for an interpretation of the meaning of the zoning code from the Board of Adjustment. A Special Exception is a request to allow certain uses.

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 364-5333 if you have any questions.

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

Please contact the Community Development Office if you have any additional questions.