

AGENDA

The Rolla Board of Adjustment
Rolla City Council Chambers, 901 North Elm Street
Thursday, March 10, 2022 @ 5:30 PM

Board Members: Judy Jepsen, Matt Crowell, Laura Stoll
Jonathon Hines (Alternate)

- I. ELECTION:** Election of Chairperson and Vice-Chairperson
- II. APPROVE MINUTES:**
Review of the Minutes from the Board of Adjustment meeting held on December 9, 2021.
- 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.
 - 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.
 - 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.

NEXT MEETING DATE:

April 7, 2022

BOARD OF ADJUSTMENT MINUTES
December 9th, 2021
Rolla City Hall

<u>Presiding:</u>	Chairperson Thomas Sutton
<u>Members Present:</u>	Laura Stoll, Judy Jepsen, Matt Crowell
<u>Alternates Present:</u>	None
<u>Members Not Present:</u>	None
<u>City Officials in Attendance:</u>	Tom Coots, City Planner, Steve Flowers, Community Development Director, and Sarah West, Administrative Assistant
<u>Others in Attendance:</u>	Charles Arthur, Applicant, Stephen Moorkamp, Applicant, Jason Smith, Applicant, Jennifer Smith, Applicant

Note: The meeting location was changed to the 4th Floor Conference Room to allow for Thomas Sutton to attend via Zoom. The meeting started late due to technical difficulties.

Chairperson **Thomas Sutton** called the meeting to order at 5:45 P.M. He recognized the members who were present. **Sutton** swore in all present who intended to speak.

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

Introduction of new Board member, Matt Crowell.

II. APPROVE MINUTES:

Sutton approved the minutes from the August 5th, 2021 Board of Adjustment meeting as printed and distributed.

III. OLD BUSINESS: NONE

IV. PUBLIC HEARING:

1. **Request: 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 introduced the variance request ZV2021-04 for a property located at 425 Pine Tree Road and presented the information in the staff report.

Judy Jepsen commented on the sight line issue, as people would be looking for the sign if they had previously made a dentist appointment. **Matt Crowell** asked if the applicants were to place the sign where it would currently be allowed, what would tree removal entail. **Coots** states this would be something the applicant should be able to answer.

Sutton opens the public hearing.

Charles Arthur, located at 1328 Chelsea Lane, and **Stephen Moorkamp** are the applicants. They confirmed they were sworn in.

Arthur gives the dimensions of the proposed sign, as well as the proposed area. He mentions if the variance is granted, the sign would be 7 feet from the sidewalk, and 15 ½ feet from the road. He stated that customers have voiced concerns over the sudden stopping from both directions due to lack of visibility of the current sign.

Moorkamp states they want to keep the natural beauty of the area, and while it is possible to cut down trees on the southbound side, they would prefer not to. They cannot cut down trees on the northbound side.

Stoll commented that she could not see their building or their sign. **Jepsen** thought the building was very visible.

Jepsen asked if the sign would be lit. **Arthur** stated there would be subtle ground lighting, but no internal lighting. He states the base of the sign is only about 2 foot tall. **Moorkamp** states their sign would be similar to City park signs.

Sutton closes the public hearing and moves into Board deliberation.

Jepsen asks if the proposed sign was the only commercial sign on Pine Tree Road. **Arthur** states there are other signs along the roadway that are closer to the street than the proposed sign.

Stoll comments the sign would blend with the area. **Crowell** asks to what extent the board considers aesthetics as a factor. **Coots** states it likely could be in some of the criteria.

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

1st Criterion: **Crowell** expresses concern that the trees hindering visibility is not a unique circumstance to this lot. **Jepsen** asks if the applicant wishes to be one foot closer than the standard. **Coots** seven feet closer. **Sutton** commented the he thought the first criterion was met. **Crowell** stated if the safety problem was only due to trees on the northbound side hindering visibility, then this was not a unique issue. If the safety issue was caused due to the trees on the southbound side, which the applicant couldn't remove, then there would be an issue that would be unique to the property. **Coots** states that due to the trees, the visibility on the south side begins at 130 feet from the driveway. **Crowell** asks if it is possible to move the sign to the north to gain visibility. **Coots** states it is possible to move the sign, but moving farther from the driveway would work against providing added visibility to allow people to see the sign and turn to the driveway. **Crowell** is 130 feet not safe? **Coots** says it would be ideal for a 200-300 foot range at this speed of traffic.

All Board members agreed the 1st criterion was met.

2nd Criterion: **Sutton and Stoll** expressed that they thought the hardship was not created by the applicant. **Jepsen** objected, stating the applicant bought the site and planned the building there. **Crowell** asks if it would have been reasonable to place the driveway somewhere else? **Coots** says the building could not have shifted further north; the applicant will have to say if the building could have been placed elsewhere on the lot. The building was built at that location on this lot due to the beauty of the area. **Crowell** in reality the building could have been placed somewhere else, and the driveway could have been redirected. **Coots** states no zoning issues would have stopped that. **Arthur** states that the building was best placed in the current position due to the size of the building and uniqueness of the lot. In operatory rooms, north facing windows are best to keep the sun out of everyone's eyes. **Crowell** there is land to the east, is there a reason nothing was built there? **Moorkamp** there was a sewage issue. **Crowell** you couldn't have built in that area due to the current existing utilities? **Jepsen** there was an issue with the sewer connection? **Moorkamp** yes. **Crowell** when picking the site, was there consultation with the City or did you submit plans without consultation? **Arthur** yes, with Archer-Elgin, the City, and the architect. If any sign was moved north, you would lose visibility due to the slope of the roadway. **Steve Flowers** commented there were elevation problems with moving the building as they did not have the proper slope to get to the sewer.

Stoll, Crowell and Sutton agreed the 2nd criterion was met. **Jepsen** voted no.

All Board members agreed the 3rd criterion was met.

4th Criterion: **Sutton** have we heard from any neighbors? **Coots** no issues.

All Board members agreed the 4th criterion was met.

5th Criterion: **Coots** stated the applicant placed the sign as far from the sidewalk as they could. There could be alternatives to the applicant's sign placement and size. **Crowell** what would be the impact of moving the sign further from the road? Is this the minimum for safety purposes? **Arthur** stated they wanted their sign to fit in with the neighborhood. **Moorkamp** stated patients have complained about not being able to see their sign.

Stoll, Crowell and Sutton agreed the 5th criterion was met. **Jepsen** voted no.

All Board members agreed the 6th criterion was met.

Crowell asked the applicant their timeframe, and if it was a hardship to delay this issue. **Arthur** just more delay. **Crowell** due to disagreement, it would be beneficial to table the issue, possibly gaining another member's insight, as it does not appear that you will have enough votes for approval of the request.

(Note: A variance requires at least 4 votes for approval to approve the request. Since only 4 members are present, all 4 must vote to approve to be able to approve the request. A 5th Board member may be appointed prior to the next meeting)

Arthur commented that an alternative pole sign would not be beneficial as all their neighbors are two-story residential duplexes, so the sign would be in direct line of sight.

A motion was made by Laura Stoll, seconded by Matt Crowell, to table the issue to the next meeting scheduled for January 6th, 2022. A vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Sutton. Nays: None. The motion passes unanimously.

2. **Request: ZV2021-05:** Variance to Section 42-177.2 to allow a reduction in the side yard setback in the R-3, Multi-family district.

Tom Coots introduced the variance request ZV2021-05 for a property located at 1206 Bardsley Road and presented the information in the staff report.

Sutton opens the public hearing.

Jason Smith, located at 18500 Deep Woods Trail, is the applicant. He confirmed he was sworn in. He is proposing that the building would be built five feet from the property line with a five foot wooden deck up against the property line.

Sutton asked how long the applicant owned the property. **Smith** stated the property was purchased in 2019.

Jepsen asked if the property was surveyed prior to being purchased. **Smith** stated he paid for a survey after purchase. The purchase was through tax sale, which takes one year to gain ownership of the property.

Crowell asked if there was a way to shift the building south and west to avoid the issue. **Smith** not if we are going to meet the City Code for parking. In order to create the needed parking spots, the building can't be moved south. **Jepsen** commented about the requirement for green space as well.

Sutton asked if the apartment complex as a whole could be smaller. **Smith** stated a smaller complex could be built.

Mike Dees, located at 110 South Elm Street, owns the property adjacent to the subject property. He expressed concern with the property lines backing up against 405 East 12th street, and whether he would have access to his property. **Smith** confirms his property line goes across an alleyway, and he states he intends to improve and asphalt the alleyway and not restrict access.

Jennifer Smith, who partners in ownership of the subject building, states that the property lines do not impact Dees from getting to his property.

Jepsen is that a widely used alleyway? **Smith** yes, it is used for parking.

Susan Harmon, who owns 407 East 12th Street, also expressed concern about the alleyway access.

Sutton closes the public hearing and moves into Board deliberation.

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

All Board members agreed the 1st criterion was met.

All Board members agreed the 2nd criterion was met.

3rd Criterion: **Crowell** the applicant could build a smaller unit. **Stoll** states safety being an issue as a corner of the building will be very close to the roadway. She also asks for confirmation about the deck on the back of the house being covered under the Code. **Coots** states the code allows for uncovered decks to encroach into a front yard, but does not for a side or rear yard. **Flowers** stated the Code allows concrete to be poured right up to the property line.

All Board members agreed the 3rd criterion was met.

4th Criterion: **Crowell** commented about the setbacks being right up against the neighbors to the east. **Smith** commented that the neighbors on the eastern side have not said anything opposing the variance. He also stated it would not be beneficial to the citizens of Rolla to have a building five feet closer to a major thoroughfare. He pointed out the building itself would not be up against the property line, instead it would be the edge of the porch. **Stoll** asked if shortening the porch would be plausible. **Smith** stated it might not be useable. **Jepsen** stated that a small porch would be a safety issue.

Stoll, Jepsen, and Sutton agreed the 4th criterion was met. **Crowell** voted no.

5th Criterion: **Crowell** comments that he believes there are other reasonable uses of this land. **Jepsen** is that ours to determine? **Crowell** states the Board is there to determine if this variance is necessary. The applicant can build without the variance, and can also provide alternatives that does not violate the setback. He states that safety is not the only factor to consider. **Smith** comments that this is a special circumstance, and he believes his request to be reasonable. He states that he applied for the variance at the recommendation of Tom Coots.

Stoll, Jepsen, and Sutton agreed the 5th criterion was met. **Crowell** voted no.

6th Criterion: **Crowell** states this is not simply a safety issue; there are setbacks for a reason.

Stoll, Jepsen, and Sutton agreed the 6th criterion was met. **Crowell** voted no.

Stoll asked the applicant about the timeframe, and would delaying create a hardship. **Smith** stated yes, as waiting would result in losing contractors.

Crowell stated he was not opposed to a compromise. He expressed concern over no buffers between future owners of the properties.

Smith asks what the current Code says about how close each structure can be. **Flowers** states it depends on the zoning and what fire separation is required. Some lots allow for zero lot lines. In this case, there is a 5 foot setback required between both property lines, thus buildings can be no closer than 10 feet. **Smith** states there is currently at least a 15 foot separation between buildings.

Crowell how high off the ground is the planned deck? **Smith** about four feet. **Crowell** asked if a condition could be made for a fence. **Sutton** asks if there was room for a fence. **Flowers** a fence can be built right up against the property line, or attached to the deck if they wish. **Stoll** asks if the applicant can build a privacy fence on the deck instead of railing. **Flowers** confirms this to be true.

Crowell states there are competing interests. **Stoll** asks if the applicant would be willing to compromise. **Smith** yes. Would one foot off the property line be a reasonable compromise? **Crowell** states he would prefer two feet instead. He asks if adverse possession plays a role in decision making. **Coots** states that if the public is using the property, the public can maintain that use. **Crowell** states the setbacks would stay with the original property lines. **Jepsen** asks if the City replaced the sidewalk, could they move it back off the property line. **Coots** states they could replace it in the same spot.

Crowell proposes a two foot setback from the neighboring property. **Flowers** asked if a two foot area could be maintained. **Crowell** withdraws his objection and motion, and supports the application.

A motion was made by Matt Crowell, seconded by Laura Stoll, to approve the application as submitted. A roll call vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Sutton. Nays: None. The motion passes unanimously.

Having no further business, the meeting was adjourned at 7:57 P.M.

Minutes prepared by **Sarah West**

NEXT MEETING:

Thursday, January 6, 2022



Report to:

Board of Adjustment

Case No.: ZV2022-02

Meeting Date: March 10, 2022

Subject: Variance to Section 42-171.3 and 42-244.4 to allow a projecting sign above the eave line and in excess of the maximum structure height in the R-1, Single-family district.

Applicant and Notice:

Applicant/Owner- John D Cox of Immanuel Lutheran Church
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 to replace an existing “sign” on the church with a similar, but internally lit sign. The existing sign is mounted to the church tower and projects above the eave line of the tower. The tower and sign are currently taller than the maximum height allowed in the R-1, Single-family district. The codes state that a non-conforming sign cannot be replaced unless they are made to comply with the current requirements.

The “sign” in question is a Christian cross. The code defines a sign as (paraphrased) any structure that uses words, graphics, or symbols for communicating a message. The sign is intended to identify the use of the building, therefore, it is considered to be a sign.

The proposed sign would be mounted to a height of 63 feet above the ground on the 54 foot tall tower.

Property Details:

Current Zoning - R-1, Single-family
Current Use - Church

Code Reference:

DIVISION 3. "R-1" SINGLE FAMILY DISTRICT

Sec. 42-171.3. Area Requirements.

Maximum height of buildings - Three stories and fifty feet

Sec. 42-244.4. General Sign Provisions.

Roof Signs and Sign Placement. In no instance shall a wall sign or projecting sign project above the eave line or beyond a wall edge, except for roof signs in the C-3 and C-C zoning districts.

Sec. 42-244.9. Non-Conforming Signs.

Nonconforming signs are signs that do not conform to this Division, yet were legally established prior to the adoption of this Division. The burden of proof will be on the property owner to show that the sign was legally established. Nonconforming signs, including those existing pursuant to variances granted by the Board of Adjustment before June 1, 1999, may continue to exist after passage of this Division if they maintain their nonconforming status. Nonconforming signs will be removed and/or changed in accordance with the provisions of this Section.

1. Permanent signs and sign structures that are moved, **removed**, replaced, or structurally altered, as defined in the Definitions Section of this Article, **must be brought into conformance with the sign regulations**. However, nonconforming signs required to be moved because of public right-of-way improvements may be reestablished. Removable faces or sign panel inserts in a cabinet style sign may also be changed by right, and such change does not constitute a structural alteration nor trigger loss of nonconforming status.

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 does propose to replace an existing sign with a sign that is similar, except being internally illuminated. Churches are an allowed, but uncommon use in the R-1, Single-family district. However, the applicant may have other options. The replacement sign could be mounted below the roofline of the tower.

Staff Recommendation:

Staff recommends that the Board further review criteria 1, 2, 5, and 6 to ensure the criteria are met. Staff concedes that the criteria 3 and 4 may be met for this request.

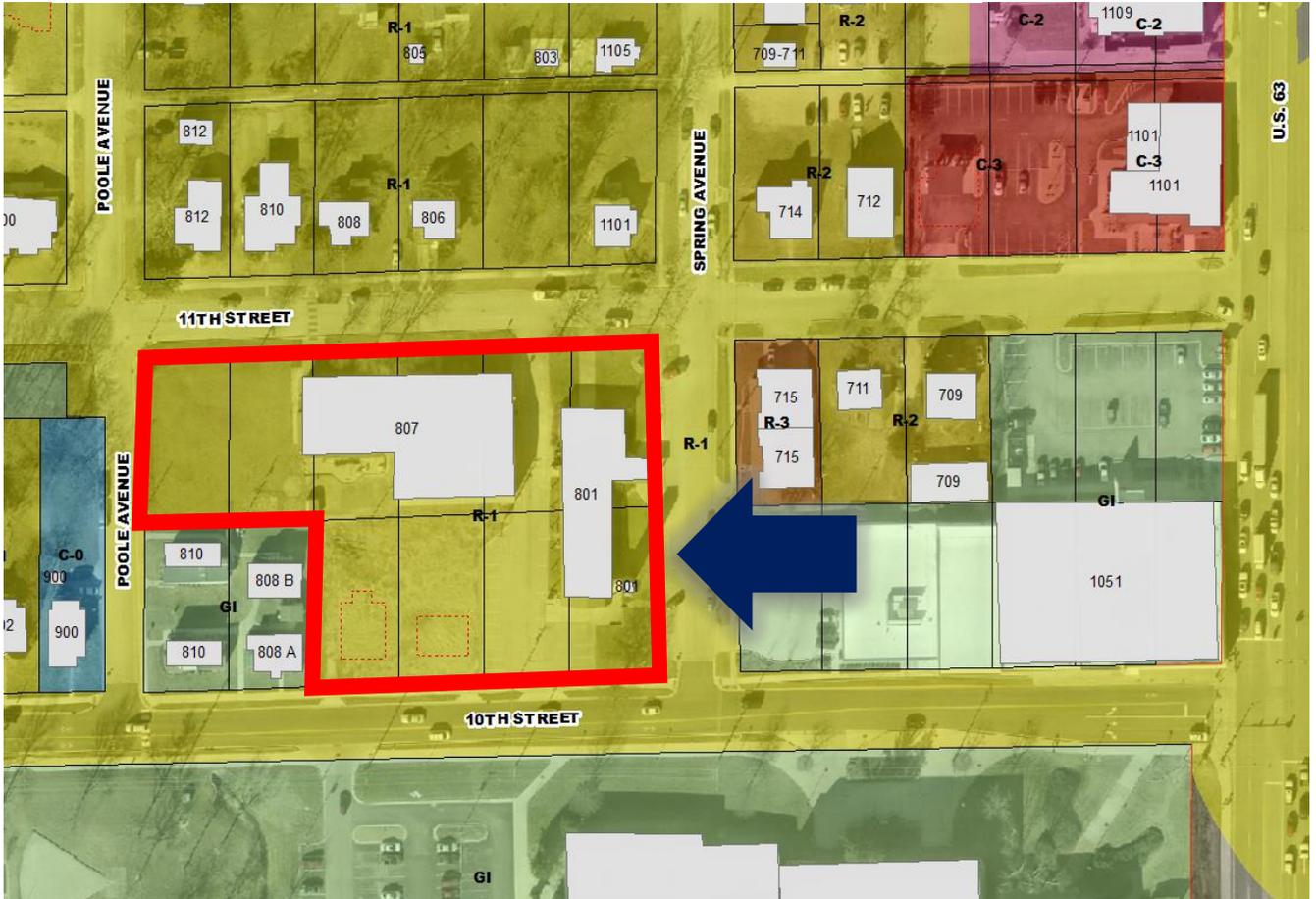
Alternatives:

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: ZV22-02
 Location: 801 W 11th Street
 Applicant: Immanuel Lutheran Church
 Request:
 Variance to allow a projecting sign above the eave line and in excess of the maximum structure height in the R-1 district



Public Hearing:

Board of Adjustment
March 10, 2022
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



Who and What is the Board of Adjustment?

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.

What is a Variance?

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.

What is an Appeal or Special Exception?

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.

How Will This Impact My Property?

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.

What if I Have Concerns About the Proposal?

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.

What if I Cannot Attend the Meeting?

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.

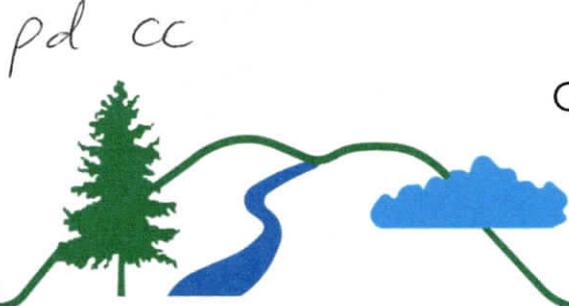
What if I Have More Questions?

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

LEGAL DESCRIPTION

Townsend Addition,
Block 8, Lots 1-6 and 9-
12, City of Rolla, Phelps
County, Missouri





BOARD OF ADJUSTMENT APPLICATION

Contact Information:

Property Owner:

Immanuel Lutheran Church

Name(s)

801 W. 11th St.

Mailing Address

Rolla MO 65401

City, State, Zip

(573) 364-4525

Phone

Email

Agent/Applicant (If Different Than Property Owner):

John D (JD) Cox

Name

315 Pebblestone Ln.

Mailing Address

Rolla, MO 65401

City, State, Zip

(573) 578-2882

Phone

johncox77@gmail.com

Email

Property/Request Information:

Request:



Variance



Special Exception



Appeal

43.244.4 / 42.171.3

Code Section (Variance/Appeal Only)

801 W. 11th St.

Property Address/Location

R1

Property Zoning

Replace the old cross on our

Proposed Development/Project

church tower with a new lit

cross.

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.

 b
 N/A
 Y
 N/A
 N/A

City Staff Verifies

OFFICE USE ONLY:

Case No: 2V22.02

DRC Meeting Date: 2.15.22?

Advertise By: 2.18.22

Submission Date: 2.8.22

BOA Hearing Date: 3.10.22

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.
7. (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)

Sign

Print

Sign

Print

Sign

Print

Sign

Print



Immanuel Lutheran Church

Rolla, Missouri 65401

Immanuel Lutheran Church
801 W 11th Street
(573) 364-4525
Email: ilc@rollanet.org
www.ilcrolla.org

Lutheran Student Center
807 W 11th Street

To: City of Rolla, Community Development Department

Regarding: Variance Request

Project description: Immanuel Lutheran Church requests the approval of a variance to replace the wooden cross, which has been displayed over 60 years, on the church's tower. The replacement cross will be approximately the same size, just 12" shorter, and placed in the same location as the existing cross.

The new cross will be white with a metal frame and be lit after dark. The light will be steady, not flashing or exceptionally bright. Just a simple lit cross.

The cross replacement will meet the following required variance criteria:

1. Though zoned as residential, the church with its tower is not a typical residential building in either size or height and has been in the neighborhood since 1958. The congregation as well as the local community are used to seeing a cross on the church's tower. The replacement of the cross would be welcomed by most and the removal of the cross would, for most, have a negative impact on the community and particularly the church's congregation.
2. As stated previously, the present cross has been there for quite some time and because of the many years of exposure to the weather needs to be replaced at some point, probably sooner than later.
3. The cross replacement falls under proper maintenance of the church and its properties and is in no way an attempt to enhance the value of the property or increase the return or income from the property.
4. The cross replacement will not be detrimental to public welfare or in any way substantially or permanently injurious to the property or improvements in zoning or in the neighborhood area.
5. The granting of the variance for the cross replacement is necessary for the continued reasonable maintenance and use of the church building and will not alter the building or the essential character of the neighborhood.
6. The literal and strict application and enforcement of the provisions of the Rolla Planning and zoning code would result in an unnecessary hardship to the church, its congregation, and the community and would cause an unnecessary inconvenience inconsistent with the general provisions and intent of the regulations. By granting the

The mission of Immanuel Lutheran Church is to preach Christ crucified and risen from the dead for the salvation of the world. We also reflect God's love by spreading the Good News of Jesus Christ through a caring ministry of reaching, teaching, and serving our congregation and the community.



Immanuel Lutheran Church

Rolla, Missouri 65401

Immanuel Lutheran Church
801 W 11th Street
(573) 364-4525
Email: ilc@rollanet.org
www.ilcrolla.org

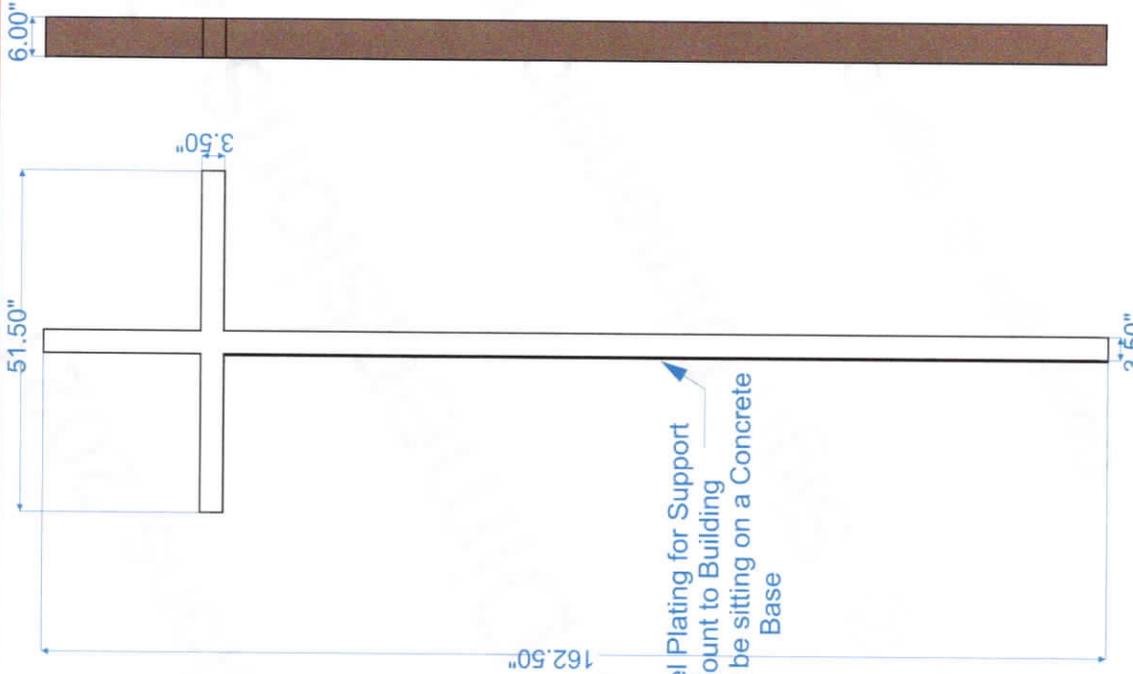
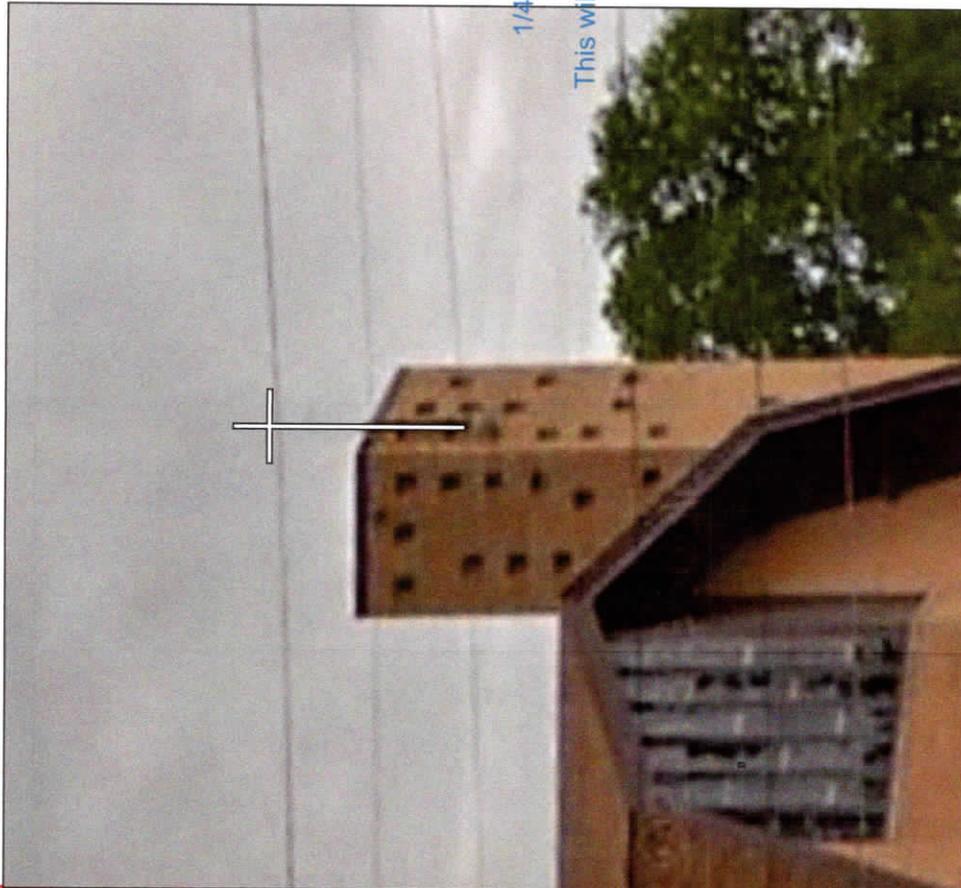
Lutheran Student Center
807 W 11th Street

variance the spirit of the regulations would be preserved and substantial justice done to the church and the community.

NOTE: Based upon architectural drawings dated January of 1987 and drawn at a scale of 1/8" = 1', the tower is 54' from the ground on the North side of the tower to its top. The existing cross is 14'- 6" tall and extends above the tower 9' for an overall height of 63'. The replacement cross is a foot shorter than the existing cross and anchored on the same base so it will extend above the tower 8' for an overall height of 62'.

The mission of Immanuel Lutheran Church is to preach Christ crucified and risen from the dead for the salvation of the world. We also reflect God's love by spreading the Good News of Jesus Christ through a caring ministry of reaching, teaching, and serving our congregation and the community.

Double Sided Lit Cross with Remote Power Supply,
Duranotic Bronze Trimcap and Return, and White Faces



1/4" Steel Plating for Support
to Mount to Building
This will also be sitting on a Concrete
Base

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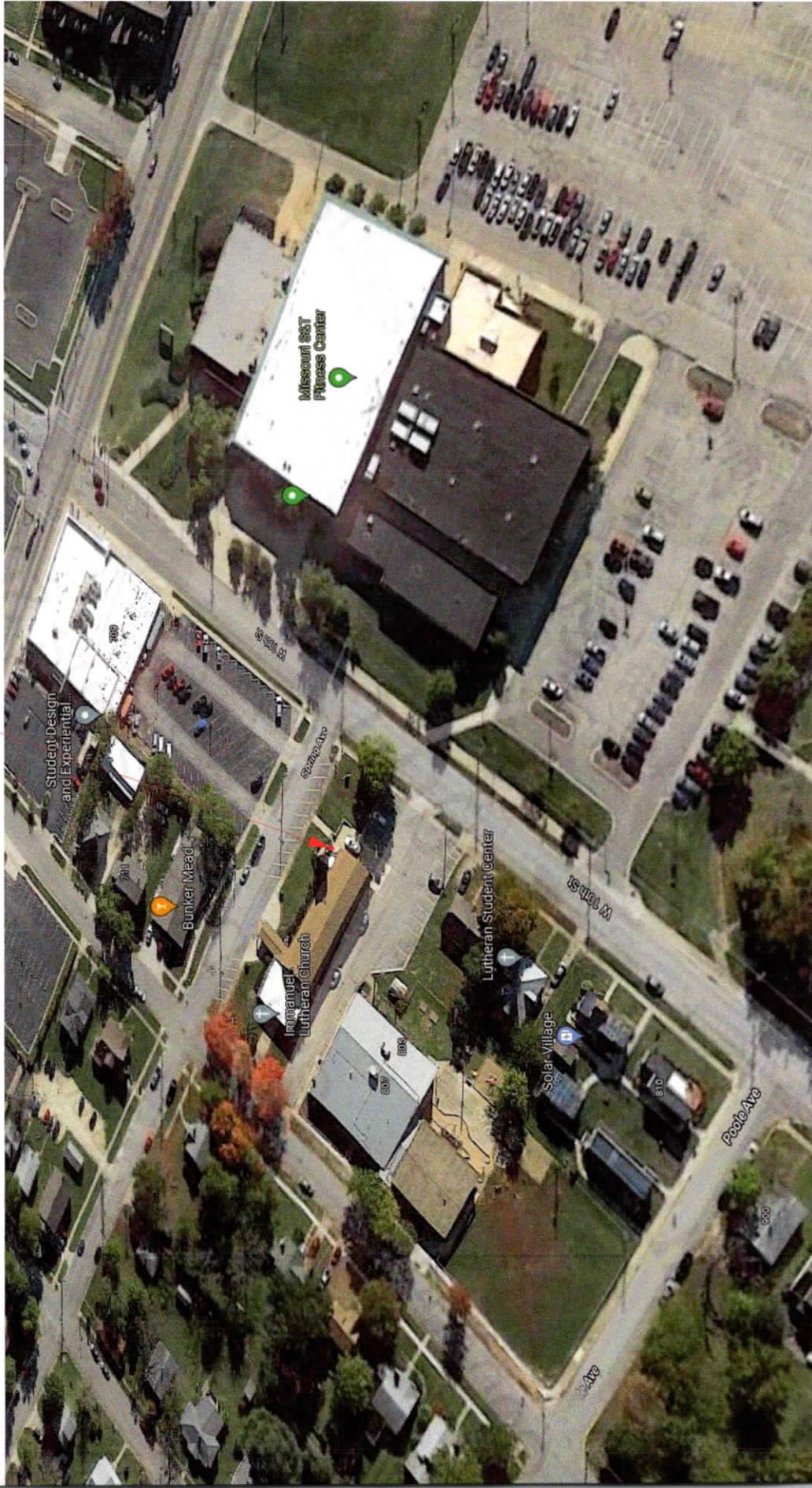
11820 CR 3080

Rolla, MO

(P) 573-368-3600

(F) 573-368-3800

Sign Placement



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Report to:

Board of Adjustment

Case No.: ZV2019-06

Meeting Date: March 10, 2022

Subject: Special Exception to allow a church parking lot in the R-1, Single-family district

Background: In November, 2019, the Board approved a Special Exception to allow the Ridgeview Christian Church to construct a temporary gravel parking lot on a lot across from the church on Walker Rd. The request was to allow for additional parking while final plans for the development of their property were still being prepared. The approval allowed the parking area until December 31, 2021.

Ridgeview Christian Church has submitted a request to vacate Walker Rd adjacent to their properties. The request is still pending. If approved, the church would finalize their development plans and intend to construct paved parking areas and remove the gravel lot. The church does request that the Special Exception approval be extended for one year to allow for the pending requests to be decided and final development plans be completed.

Discussion: The applicant did state that it may take until the end of 2022 to resolve all the issues at the 2019 meeting. In addition, the Covid-19 Pandemic began shortly afterwards and may have had an impact on their ability to make progress. The applicant is actively working to make progress on the project. Extension for one year seems reasonable. Without the extension, the applicant will need to discontinue use of the gravel parking area.

Staff Recommendation:

Staff recommends that the Board approve an extension for one year, to March 10, 2023.

Alternatives:

The Board of Adjustment has the following alternatives of action:

1. Find that extension is warranted and extend Special Exception approval to March 10, 2023.
2. Find that extension is not warranted and find that the approval has expired. The applicant will be required to discontinue use of the gravel parking area.

Prepared by: Tom Coots, City Planner

Attachments: Letter of Request, Notification of Decision - November 7, 2019

Craig Stevens, Chairman of the elders
Ridgeview Christian Church
806 Ridgeview Road
PO Box 338
Rolla, MO 65402
573-364-1841 – church
573-458-5308 - desk
craig@stevens3.com

December 30, 2021

Tom Coots, AICP
City of Rolla, City Planner
Office: (573) 426-6974

Mr. Coots,

Ridgeview Christian Church respectfully requests a one-year extension until December 31, 2022, for the gravel parking lot variance at 118 South Walker Avenue. We are actively pursuing a long-term solution for this and the surrounding properties that are owned by the church.

Sincerely,



Craig Stevens



573-364-5333



www.rollacity.org/comdev

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

NOTIFICATION OF DECISION BOARD OF ADJUSTMENT

November 7, 2019

Case #: ZV2019-06
Applicant: Ridgeview Christian Church
Request: Special Exception to allow a church parking lot in the R-1, Single-family district

The City of Rolla Board of Adjustment conducted a public hearing and received testimony from the interested parties present. Upon the conclusion of the public testimony, the Board did duly discuss the request to consider all relevant information presented and the criteria for approval of such request. Following the discussion, the Board did vote on the request.

The City of Rolla Board of Adjustment hereby votes to:

Deny the request. The reasons for denial of the request are to be reflected in the official minutes.

Board of Adjustment Chairperson

Approve the request with conditions. The Board found that the request could meet all applicable criteria with the imposition of conditions of approval. Said conditions are to be reflected in the official minutes and summarized below:

APPROVAL EXPIRES DEC 31, 2021
MUST USE DUSTLESS GRAVEL

[Handwritten signature]
Board of Adjustment Chairperson

Approve the request. The Board found that the request met all applicable criteria, as reflected in the official minutes.

Board of Adjustment Chairperson



Report to:
Board of Adjustment

Meeting Date: March 10, 2022

Subject: 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.

Background: An application for a Use Variance has been received. The applicant has requested that that requested that the application be postponed to the April 7, 2022 meeting, in order to complete the required site plan. However, there is a question generically if the type of application received is reviewable by the Board of Adjustment.

Code Reference:

Sec. 42-255.7. Use Variances.

The Board of Adjustment may grant use variances where the strict enforcement of this Article may cause an unnecessary hardship **resulting from the unique physical characteristics** of a site for a proposed use.

The Board of Adjustment shall also make a determination that granting the use variance is consistent with the intent of the Comprehensive Plan and that granting the variance will result in the achievement of substantial justice.

Applications for a use variance shall follow the provisions prescribed in Division 17, Section 42-234.1. (Conditional Use Permits) pertaining to Site Plans.

Discussion: The zoning code does permit the Board to approve a “Use Variance”. However, the code limits review to issues rising from “unique physical characteristics of a property”. The pending application does not seem to relate to the property itself, but rather is based on the lack of a permitted zoning district for the proposed use. This is an unusual application, in that Rolla has not been a “Use Variance” applied for in Rolla in at least 25 years. Most uses can be classified in the zoning code, however, a few uses are not. When a use is not explicitly classified in the zoning code, an interpretation is required that best addresses the use.

The Missouri Supreme Court clarified that Use Variances are something that can be approved by the Board of Adjustment. Court decisions are based on particular instances. The case that the court decided did pertain to existing buildings on a property.

The Missouri Supreme Court did make reference to State Statutes regarding what a Board of Adjustment can review. The statute states:

The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in

the enforcement of sections 89.010 to 89.140 or of any ordinance adopted pursuant to such sections;

2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures **or the use of land** so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Staff Recommendation:

Staff asks that the Board consider 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. The clarification may assist in determining how to address the pending application.

Alternatives:

The Board of Adjustment has the following alternatives of action:

1. Find that a Use Variance application must be related to a unique physical characteristic of the subject property in order to be reviewed.
2. Find that a Use Variance application does not need to be related to a unique physical characteristic of the subject property in order to be reviewed.
3. Table the discussion for an independent legal determination of the application of a Use Variance in this case.

Prepared by: Tom Coots, City Planner