AGENDA

The Rolla Board of Adjustment
Rolla City Council Chambers, 901 North Elm Street
Thursday, May 12, 2022 @ 5:30 PM

Board Members:  Matt Crowell (Chairperson), Judy Jepsen (Vice-Chairperson), Laura Stoll, Jonathan Hines (Alternate)

I. APPROVE MINUTES:
Review of the Minutes from the Board of Adjustment meeting held on March 10, 2022.

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. TO BE POSTPONED TO JUNE 2, 2022 AT 5:30 AT REQUEST OF APPLICANT

III. PUBLIC HEARING:
   1. ZV2021-06: Variance to Section 42-244.6 sub-section (3), to allow additional monument signs in the C-3, Highway Commercial district.

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

NEXT MEETING DATE: June 2, 2022
City Planner Tom Coots called the meeting to order at 5:30 PM.

I. ELECTION:

Coots called for nominations of Chairperson and Vice-Chairperson. Judy Jepsen makes a motion, seconded by Laura Stoll to nominate Matt Crowell as the Chairperson. A voice vote shows all in favor. Judy Jepsen volunteered to serve as Vice-Chairperson. Crowell swore in all present who intended to speak.

II. APPROVE MINUTES:

Crowell conducted a voice vote to approve the minutes from the December 9, 2021 Board of Adjustment meeting as printed and distributed.

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.
Coots presents the staff report.

Stoll asks about responses from neighbors. Coots states he received no responses in opposition to the variance. Stoll stated she was a member of the church applying for the variance, but not on any legislative Board within the church.

Jay Cox, residing at 315 Pebblestone Lane, confirms he was sworn in. Cox is the applicant, and the president of the Immanuel Lutheran Church. He states the church is only replacing the cross as a matter of maintenance. If required to lower the cross below the eave line, visibility would be hindered, possibly causing the church to place more crosses to increase visibility on each side. Stoll states that many churches have a cross above the eave line. She asks if this is a code that churches must follow. Cox is not aware of any code. He states there are no structural changes, just replacing a wooden cross with metal internally illuminated one.

Crowell asks if the cross needs to be lit. Cox states this is only a preference. Crowell asks if the applicant knew the luminance. Cox states the luminance was unknown, but it would not be bright.

Crowell opens the public hearing.

Kyle Brown, residing at 812 W 11th Street, is sworn in. He expresses opposition to the variance, as well as voices concern about the metal lit cross being a hazard for certain weather conditions.

Crowell closes the public hearing.

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

1st Criterion: Crowell asks what type of buildings surrounds the subject property. Hines states Missouri University of Science and Technology owns several properties in that area. Both Hines and Crowell comment that requiring the applicant to lower the cross below the eave line could possibly create a hardship due to the lowered visibility.

All Board members agreed the 1st criterion was met.

All Board members agreed the 2nd criterion was met.

3rd Criterion: Crowell comments about the similarity of the goal of increasing attendance and the goal to increase income, but the Board found that this meets the intent of the criteria.

All Board members agreed the 3rd criterion was met.

All Board members agreed the 4th criterion was met.
5th Criterion: Crowell comments the lit cross was not the minimum variance required. Jepsen asks if a spotlight would be allowed. Coots states yes, if the applicant retains the current cross. Crowell calls the applicant up again for more discussion. Cox states again a lit cross is not necessary, but would be preferred as members of the church contribute. Hines states a lit cross is a step above the minimum requirement for a variance. Coots states the focus is not on the proposed cross being lit, since the applicant could increase night visibility on the current cross, but the location of the proposed cross being over the eave line.

All Board members agreed the 5th criterion was met.

All Board members agreed the 6th criterion was met.

A motion was made by Laura Stoll, seconded by Judy Jepsen, to approve the variance to allow a sign projecting above the eave line and in excess of the maximum structure height in the R-1, Single-family district. A roll call vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Hines. Nays: None. The motion passes unanimously.

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.

Coots presents the staff report.

A motion is made by Jonathan Hines, seconded by Laura Stoll, to approve a one-year extension, expiring March 10, 2023, of the expiration of Special Exception to allow a temporary gravel church parking lot. A roll call vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Hines. Nays: None. The motion passes unanimously.

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.

Hines comments an applicant could go to the Board for a different interpretation of the Code, but not for an issue that has no Codes written. It could be insinuating that the Board of Adjustment could write the Code. He states this type of issue would be best seen by the Planning and Zoning Commission and City Council.
Crowell asks who makes the interpretation for items outside City Code. Coots states it would be the Director of Community Development. The Board could interpret Code if an applicant files for an appeal.

Jepsen asked for clarification of a PUD. Coots states a PUD rezones a property to allow for any use approved in the PUD.

Hines comments about the Board possibly not being able to see a case, if it is not related to a physical characteristic.

Having no further business, the meeting was adjourned at 6:33 P.M.

Minutes prepared by Sarah West

NEXT MEETING: Thursday, April 7, 2022
Meeting Date: May 12, 2022

Subject: Variance to Section 42-244.6 sub-section (3), to allow additional monument signs in the C-3, Highway Commercial district.

Background: The QuikTrip property is currently being developed for a large fueling station. The Board of Adjustment approved a variance to allow a taller pole sign than the code allows for last year. In reviewing the permit package for the site signage, staff identified two proposed signs which were not in compliance with the sign requirements.

The variance request is to allow two additional monument style signs. These signs act more as a directional sign than for advertising. The sign regulations does allow for directional signage, however, the proposed signs are in excess of the maximum height and size requirements for a directional sign which would be exempt from needing to be permitted. The proposed signs are 5 feet in height and about 5 sq. ft. in sign face area. One sign is proposed at a driveway entry; the other is proposed near the property corner to direct traffic to turn onto the outer road.

An exempt directional sign is allowed to be a maximum of 4 feet; 4 sq. ft. in area; and only located at a driveway entry. A property is only allowed a total of two permanent freestanding signs. A permanent freestanding sign is also subject to a front setback of 10 feet. The proposed signage is proposed to be located at the property line.

If the signs are considered to be directional signs, they require a variance for their height and size. If the signs are considered to be permanent freestanding signs, they require a variance for the additional signs and setbacks.

Application and Notice:
Applicant/Owner - QuikTrip Corporation
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](https://www.rollacity.org/agenda.shtml)

Property Details:
Current zoning - C-3, Highway Commercial
Current use - Vacant/undeveloped
Sec. 42-244.2. Exempt Signs.
The following signs are exempt from the provisions of this Division, unless otherwise noted, but must conform to all other federal, state, and local codes/rules, including building codes.

5. In nonresidential districts, if the signs are four square feet or less in area and four feet or less in height, one pole sign at each exit and each entrance of any property.

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).
      (NOTE: Section 42-244.6 (b)(2): Number. Each premises is permitted an unlimited amount of wall signs and is permitted one projecting sign for each tenant space. In addition, all premises are permitted two permanent freestanding signs (i.e. ground signs and pole signs) if there is a distance of 500 feet or more between the two signs. Corner lots and parcels shall be permitted one permanent freestanding sign per street frontage, up to two signs, if each sign is located along a different street, regardless of distance between the two signs. Otherwise, there must be 500 feet of separation between the signs in order for two signs to be permitted on such premises.)
   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.

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

Discussion: The signs are relatively small and intended to direct truck traffic to the appropriate portion of the property for services. The sign locations are at the driveway where the trucks should turn and at the corner of the property to be visible to the street intersection where trucks should turn. The sign at the intersection is also located about 110 feet from the road. The proposed copy and size make the signs unlikely to be for advertisement purposes. The signs are similar in size and scope to signs which are located at the Love’s gas station property, across the street. The Love’s was approved for variances for their signage in 2005.

However, the applicant has the option of making the signage slightly smaller and meet the code requirements.

Staff Recommendation: Staff recommends that the Board review the criteria for each sign separately. The sign at the driveway may meet criteria 3, 4, and 5. The sign at the intersection may meet criteria 1, 2, 3, 4, and 5. The Board should closely review the remaining criteria and affirm all criteria are met to approve the variance. The Board should also consider if the variance is for the sign as an exempt sign or as a permanent ground sign.

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 Rendering, Sign Plan
Project Information:
Case No: ZV21-06
Location: 3551 Hy Point Industrial Park Drive
Applicant: QuikTrip Corporation
Request: Variance to allow two additional monument signs in the C-3, Highway Commercial district

Public Hearing:
Board of Adjustment
April 7, 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.
Contact Information:

Property Owner:
QuikTrip Corporation - Gwen Keen, Real Estate Project Manager
Name(s)
2255 Bluestone
Mailing Address
St. Charles, MO 63303
City, State, Zip
(636) 827-0003; (314) 795-4803
Phone
gkeen@quiktrip.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

Division 18, Sec 42-244.6
Code Section (Variance/Appeal Only)
3531 Hy Point Industrial Park
Property Address/Location
C-3
Property Zoning
QuikTrip Store #667 - convenience store with auto & diesel canopies
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: 2021-06
DRC Meeting Date: 12.30.21
Submission Date: 1.14.21
Advertise By: 12.15.21
BOA Hearing Date: 1.6.22
Variance 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):

Gwen Keen
Real Estate Project Manager
QuikTrip Corporation

Applicant/Agent (If Different From Owner)

Sign
Print

Sign
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Sign
Print

Sign
Print
To: City of Rolla  
Board of Adjustment

FROM: QuikTrip Corporation

RE: QuikTrip Store #667 – Variance Request

Description of Project: QuikTrip is looking to build a convenience store with an auto fuel canopy and a diesel canopy for tractor trailers at I-44 Outer road and Hypoint Industrial Drive.

Request: QuikTrip is requesting a variance for the directional signs which are 5 feet tall and 25 square feet. This will put the signage at a more comparable size to the directional signs as the competitor across the road. The directional signs at the competitor are over 6 feet tall and approximately the same square footage.

Below are our responses to the Criteria for Approval. We have submitted a site plan, legal description, and elevation in support of our request.

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: QUIKTRIP IS REQUESTING TWO DIRECTIONAL SIGNS FOR TRAVELERS AT THE INTERSECTION TO SEE THE DESIRED ENTRANCE FOR TRUCKS AND TO MAKE A LEFT TURN AT THE INTERSECTION TO ENTER THE QUIKTRIP SAFELY. WE ARE REQUESTING A COMPARABLE SIGNAGE SO QUIKTRIP WOULD NOT BE PUT AT A COMPETITIVE DISADVANTAGE TO THE OTHER TRAVEL CENTER LOCATED ACROSS THE STREET.
2. The alleged hardship was not created by any person currently having an interest in the property – CORRECT.
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 – CORRECT.
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 – CORRECT.
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 – CORRECT.
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 is granting such variance the spirit of the regulations will be preserved and substantial justice done – CORRECT.
Directional Update

- Fabricated aluminum sign cabinet, reveal and base
- Double sided, internally illuminated via LED modules
- Faces to be, 177° clear impact modified acrylic with 2nd surface applied vinyl graphics
- Single post installation

Front View - Directional Sign
Scale: 1" = 1'-0"

Side View
Scale: 1" = 1'-0"

Color Specifications
All Paint Finishes to be Akzo Nobel

3M 3033-121 Silver
3M Diffuser White 3M 3835-36
3M Day/Night Vinyl #9305-0171
Matte White Interior of Sign
Match 3M Cardinal Red #0832-53
Black Low Gloss

Regarding Fabrication Fit & Finish of All QT Signs:
- Visible fabrication seams and worked joints are to be sanded smooth, filed and finished to QT specifications.
- Any visible fasteners are to be countersunk and have painted heads.
- Face retainers must fit flush and have even, minimal seams.
- Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.

Client Review Status
- Approved

Declaration
Copyright © 2020 Allen Industries, Inc.
This is a final approved drawing. It is provided to Allen Industries, Inc. per the project bidding plan for your business/organization. This drawing is intended for your exclusive use and incorporates all the specifications and requirements set forth by Allen Industries, Inc. and is not to be copied or distributed in any fashion whatsoever. Any copying or distribution in any fashion whatsoever is not permitted. This drawing is intended for your exclusive use and incorporates all the specifications and requirements set forth by Allen Industries, Inc. and is not to be copied or distributed in any fashion whatsoever. Any copying or distribution in any fashion whatsoever is not permitted. This drawing is intended for your exclusive use and incorporates all the specifications and requirements set forth by Allen Industries, Inc. and is not to be copied or distributed in any fashion whatsoever. Any copying or distribution in any fashion whatsoever is not permitted. This drawing is intended for your exclusive use and incorporates all the specifications and requirements set forth by Allen Industries, Inc. and is not to be copied or distributed in any fashion whatsoever. Any copying or distribution in any fashion whatsoever is not permitted.
Directional Update
- Fabricated aluminum sign cabinet, reveal and base
- Double sided, internally illuminated via LED modules
- Faces to be 1.77" clear impact modified acrylic with 2nd surface applied vinyl graphics
- Single post installation

**Front View - Directional Sign**

- Base to be fabricated 1" x 1" aluminum angle with .060" aluminum cladding
- 1" wide face rotator with removable ends
- 4" sq. steel post set in concrete footing as required

**Side View**

- Scales: 1" = 1'-0"

**FOOTING OPTIONS**

- DIRECT BURIAL (option for signs located in landscaping / grass)
- ATTACHMENT PLATE (option for signs located in sidewalks / driveways)

**Color Specifications**

- All Paint Finishes to be Akzo Nobel
- Silver Vinyl
- Black Vinyl
- Matte White (Interior of Sign)
- Match 3M Cardinal Red #1832-53
- Match PMS 349C

Regarding Fabrication Fit & Finish of All QT Signs:
- Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications.
- Any visible fasteners are to be counter sunk and have painted heads.
- Face rotators must be flush and have even, minimal seams.
- Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.