Chairperson Matt Crowell called the meeting to order at 5:30 P.M. He recognized the members who were present and swore in all present who intended to speak.

I. APPROVE MINUTES:

Crowell approved the minutes from the November 3, 2022 Board of Adjustment meeting as printed and distributed.

II. OLD BUSINESS: NONE

III. PUBLIC HEARING:

1. VAR2022-06: Variance to Section 42-186.3 to allow a reduction of the minimum side yard setback in the C-1, Neighborhood Commercial district at 702 N Olive Street.

Tom Coots presents the staff report.

Crowell opened the public hearing.

Kim Nisbett, located at 26503 County Road 432 in St James, is the applicant. She is proposing a zero setback to have a garden area and consolidate all of the green space. More landscaping will need to be removed if the variance is not granted. Nisbett states there is plenty of visibility for cars, and the zero setback matches the consistency of the neighborhood.

Crowell closes the public hearing and moves into board deliberation.

1st Criterion: Crowell asks if the applicant will build regardless if the variance is granted. Nisbett says yes. Crowell asks if there is any economic hardship by building to the code. Nisbett states it will go against their goals for green space. Jonathan Hines asks if this request is a special circumstance by trying to align with the other characteristics of existing buildings in that area. Nisbett confirms this. Crowell mentions that if the variance isn’t granted, the applicant will
need additional tree removal. He asks if this is a substantial hardship. Nisbett states they will have to pay a company to come back out and remove the excess trees. Crowell asks if this extra tree removal is part of their budget. Nisbett no. All Board members agreed the first criterion was met.

2nd Criterion: All Board members agreed the second criterion was met.

3rd Criterion: All Board members agreed the third criterion was met.

4th Criterion: Crowell asks if any concerns were brought forth by the neighbors. Coots no. All Board members agreed the fourth criterion was met.

5th Criterion: All Board members agreed the fifth criterion was met.

6th Criterion: All Board members agreed the sixth criterion was met.

A motion was made by Judy Jepsen, seconded by John Meusch, to approve the variance to allow a reduction of the minimum side yard setback. A roll call vote on the motion showed the following: Ayes: Crowell, Hines, Jepsen, Meusch, and Rohter. Nays: None. The motion passes unanimously.

2. VAR2022-07: Variance to Section 42-231.7 to allow an additional sign larger than the maximum sign size in the Rolla Arts and Entertainment Overlay District at 701 N Cedar Street.

Coots presents the staff report.

Crowell asks how this request qualifies as a sign, and asks for a definition. Coots provides the definition of a sign from the code.

Crowell opens the public hearing.

Cindy Beger, PO Box K in Rolla, is the applicant. She states the goal is to be able to view the sign from 10th street. Under the regular C-1 zoning, the sign falls under the size requirement, but because the property is in the Arts and Entertainment Overlay District, the sign they are wanting is too large.

Crowell asks if there are other similar signs in that neighborhood. Beger mentions Russ and Rena’s, Di Trapani’s and Archer-Elgin all fall under that district. John Meusch asks if this will be a lit sign. Beger yes.
Crowell mentions the other signs within the district are similar to and larger than the proposed one.

Beger states many people are unaware where the building is, and she wants to make the location more easily visible. Crowell asks if there is any way to increase visibility without this sign. Beger is unaware of anything else they could do to be seen from 10th street. Hines asks if they had an idea of how many people cannot find the building. Beger states they have been told people cannot locate them, but they do not have a stat. She mentions the number of people in the community that are unaware of the building location creates an economic hardship for them.

Crowell asks if the organization is for profit. Beger no, they are comprised of all volunteers.

Crowell closes the public hearing and moves into Board deliberation.

1st Criterion: Crowell states the applicant has indicated they cannot get notice to the community, and this will create an economic hardship if we deprive them of a sign. All Board members agreed the first criterion was met.

2nd Criterion: All Board members agreed the second criterion was met.

3rd Criterion: Crowell mentions this request is not solely based on increasing income. Beger comments that live theatre does not make budget. There are also free educational fine art opportunities provided. Crowell comments the applicant is wanting to increase visibility for their free programs as well as their paid shows. All Board members agreed the third criterion was met.

4th Criterion: All Board members agreed the fourth criterion was met.

5th Criterion: Crowell asks how the applicant determined the size of the sign. Beger states their goal is to be visible from 10th street, and there was limited space on the building. Crowell asks if the sign will be lit all the time. Beger is unsure, but considering their budget, she would assume on a timer. Crowell asks how the sign will be lit. Beger states it will be halo lit channel letters with no spotlights. All Board members agreed the fifth criterion was met.

6th Criterion: All Board members agreed the sixth criterion was met.

A motion was made by Jonathan Hines, seconded by John Meusch, to approve the variance to allow an additional sign larger than the maximum sign size. A roll call vote on the motion showed the following: Ayes: Crowell, Hines, Jepsen, Meusch, and Rohter. Nays: None. The motion passes unanimously.

3. VAR2022-08: Variance to Section 42-44.6 to allow a pole sign in excess of the maximum sign height in the C-2, General Retail district at 1600 Old Wire Outer Rd.
Coots presents the staff report.

David Mikel and Charley Schalliol, from Site Enhancement Services, 6001 Nimtz Parkway, South Bend, IN are the applicants. They present pictures to the Board of the sign renderings and photos taken from the nearby interstate going both eastbound and westbound at the requested 60 feet. They placed the sign rendering at different heights to find the minimum height required to get best visibility to the highway.

Muesch asks since the property is below grade, if the sign is measured from the grade or the ground where the sign will be placed. Coots mentions that the code states it will be measured from the grade of the street. He estimates the sign location is roughly 15 feet below the grade of the interstate highway where they intend to advertise. Because of this, the code could allow a 55 foot tall sign, if measured from the interstate and not the adjacent road. A variance would still be needed for the extra five feet.

Crowell asks if the applicants are fine with 55 feet. Schalliol mentions the 60 feet is important because it places the sign above the guard rail to make sure it is fully visible. Muesch asks if the 60 feet is necessary. Mikel states that they determined the grade change is about 15 to 17 feet and having the sign placed at 60 feet is the best height after their research.

Mikel comments that, after their due diligence, their sign is the minimum relief required. The proposed sign would keep the characteristics of the area. Schalliol mentions based upon the guard rail and surrounding properties, 60 feet is what they need. The proposed sign would be well under the square footage requirement imposed by the code. Mikel states the code allows for a 400 square foot sign and the proposed sign is only 250.

Crowell asks how this sign placement is not based solely upon increasing the rate of income for the property. Mikel states the intention of the sign is a wayfinding element to ensure motorists can see the sign with enough time to safely maneuver to the building location. He mentions that Longhorn has roughly 65% of their customer base that is not local, so the sign placement needs to be above the guard rail so drivers can safely maneuver to the off ramp as customers may not be familiar with the area.

Crowell comments that the guardrail mentioned that would block the sign is past the off ramp going westbound. He asks how this would make a difference in terms of locating the steakhouse. Schalliol mentions that the sign height and location gives the best view to hit motorists before the off ramp eastbound. The proposed height would be in line with all the other signs.

Crowell opens the public hearing.
Jenny Riegel is located at 1623 Yale Avenue in Rolla. She expresses concern about the height of the sign as it can be seen from her house. She worries the area will become overrun with tall signs.

Crowell closes the public hearing and moves into Board deliberation.

1st Criterion: All Board members agreed the first criterion was met.

2nd Criterion: All Board members agreed the second criterion was met.

3rd Criterion: All Board members agreed the third criterion was met.

4th Criterion: Crowell mentions there are some properties might be impacted. He asks if any other citizens have come forward. Coots no. All Board members agreed the fourth criterion was met.

5th Criterion: Crowell mentions the sign would be visible coming eastbound but not westbound until after people have passed the off ramp. He believes 55 feet would be sufficient. Hines, Jepsen, Meusch, and Rohter agreed the fifth criterion was met. Crowell voted no.

6th Criterion: Crowell comments that the applicant will not have an unnecessary hardship if we deny the variance. The sign will still be visible and people will still locate the restaurant. Hines, Jepsen, Meusch, and Rohter agreed the sixth criterion was met. Crowell voted no.

A motion was made by Jonathan Hines, seconded by Judy Jepsen, to approve the variance to allow a pole sign in excess of the maximum sign height. A roll call vote on the motion showed the following: Ayes: Hines, Jepsen, Meusch, and Rohter. Nays: Crowell. The motion passes.

IV. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, BOARD, OR STAFF:

NONE

Having no further business, the meeting was adjourned at 6:38 P.M.
Minutes prepared by Sarah West

NEXT MEETING: Thursday, April 6, 2023