

AGENDA

The Rolla Board of Adjustment
Rolla City Hall, 3rd Floor Conference Room, 901 North Elm Street
Thursday, February 20, 2025 @ 5:30 PM

**Board Members: Matt Crowell (Chairperson), Matt Miller (Vice-Chairperson),
Jacob Rohter, John Meusch, VACANT,
Jonathan Hines (Alternate)**

I. APPROVE MINUTES:

Review of the Minutes from the Board of Adjustment meeting held on January 23, 2025.

II. OLD BUSINESS: NONE

III. PUBLIC HEARING:

1. **ZV25-01:** Variance to allow a reduction of the front yard setback in the R-3, Multi-family residential district at 1527 and 1529 Saint Maria's Street

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

NEXT MEETING DATE: April 24, 2025 (March 20, 2025 cancelled)

BOARD OF ADJUSTMENT MINUTES
January 23, 2025
Rolla City Hall

Presiding: Chairperson Matt Crowell (via zoom)
Members Present: Matt Miller, John Meusch and Jacob Rohter
Alternates Present: Jonathan Hines
Members Not Present: None
City Officials in Attendance: Tom Coots, City Planner, Dawn Bell, Community Development Director and Cindy Brown, Executive Assistant
Others in Attendance: Doug Mugel and Aaron Windholz, McBride Homes (via zoom)

Chairperson **Matt Crowell** called the meeting to order at 5:32 P.M. He recognized the members who were present. **Crowell** swore in all present who intended to speak.

I. APPROVE MINUTES:

Review of the Minutes from the Board of Adjustment meeting held on November 2, 2023

A motion was made by Jonathan Hines, seconded by John Meusch to approve the minutes from the November 2, 2023 Board of Adjustment meeting as printed and distributed. Motion passed unanimously.

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

1. Election of Chairman.

A motion was made by Jonathan Hines to nominate Matt Crowell. Motion passed unanimously.

2. Election of Vice-Chairman.

A motion was made by Jonathan Hines to nominate Matt Miller. Motion passed unanimously.

III. OLD BUSINESS:

NONE

IV. PUBLIC HEARING:

1. **VZ24-02:** Special Exception to permit an alternative arrangement for signage and/or Variance to Section 42.344 to allow additional signage area for property in the R-1, Suburban Residence District with a Planned Unit Development zoning overlay.

Crowell opens the public hearing.

Tom Coots read an email from Rolla citizen Vicki Gibbons. The email stated that she is concerned the signage would block the view of vehicles trying to pull out onto Highway 72. She is requesting that Rolla keep their current standards for signage.

Tom Coots presents the staff report.

Aaron Windholz, 17415 North Outer 40 Road Chesterfield, MO 63005, representing McBride Homes. Shares a presentation of the size and locations that McBride plans to place the signage.

Crowell opens public hearing for citizen comments.

Doug Mugel residing at 1872 Longview Lane Rolla, MO shares that he is against the banners. States the banners are tacky and obnoxious and does not see a critical need for the banners on Osage Drive.

Tom Coots presents the criteria for a special exception.

A conversation was had regarding sign illumination, height of signs and time limit.

Crowell closes the public hearing and moves into Board deliberation.

1st Criterion: A conversation was had regarding the time limit of signage, need for signage and height of banners. All board members agreed the 1st criterion was met.

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

3rd Criterion: A conversation was had regarding general welfare, time limit of signage and height of banners. All Board members agreed the 3rd criterion was met.

A motion was made by Jonathan Hines, seconded by Matt Miller to approve the Special Exception application request with conditions.

1. **Signage fronting on Osage Drive is limited to 10 feet in height; signage fronting on Hwy 72 is limited to 12 feet in height.**
2. **All signs, including sign faces and the structure, must be removed within 30 days of the closing of the last house lot in the development; or 8 years from the date of approval, whichever is sooner.**
3. **A sign permit must be submitted for review and be approved prior to erecting the signs.**
4. **Signs may not be located in the rights-of-way of Osage Drive and Hwy 72.**

5. Signs must be located on areas of the property which are owned by the applicant or platted common lots.

A roll call vote on the motion showed the following: Ayes: Crowell, Miller, Meusch, Rohter and Hines. Nays: None. The motion passes unanimously.

Having no further business, the meeting was adjourned at 6:31 P.M.
Minutes prepared by **Cindy Brown.**

NEXT MEETING:

Thursday February 20, 2025



Report to:

Board of Adjustment

Case No.: ZV25-01

Meeting Date: February 20, 2025

Subject: Variance to Section 42.214 (3)(g) to allow a reduction in the front yard setback in the R-3, Multi-family residential district at 1527 and 1529 Saint Maria's Street.

Background: The Saint Maria's Tatandra development was platted in 2019 and the development has been under construction since that time. Other than a few variances and exceptions granted with the original approval, no variances have previously been needed for the development.

The applicant is seeking approval of a variance for two of the lots to allow a reduction of the front yard setbacks from 25 feet to 20 feet. As the rear section of the development started to be built, it was discovered that Intercounty Electric power lines were located on the property in an unrecorded easement. Intercounty Electric has a policy of not recording easement documents, although they often have signed documents on file that are ready to record, if needed. All lots except the two subject lots are deep enough that the easement does not impact the lots.

However, the two subject lots are not as deep as the other lots. Intercounty Electric has agreed to a narrower than usual setback to the power lines, however, the planned 4-plex buildings cannot fit on the property without a reduction of the front yard setback. Most lots in the Saint Maria's Tatandra development use a standard building plan, which is proposed for the two subject lots.

Application and Notice:

Applicant/Owner - Mike Woessner of Saint Maria's LLC
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>

Property Details:

Current zoning - R-3, Multi-family residential
Current use - Multi-family (proposed)

Code Reference:

Section 42-214. R-3, Multi-Family Residential District.

3. The following minimum requirements for subdivision and building applies in the R-3, Multi-Family Residential District:
 - g. Minimum setback dimensions:
 - 1) Front yard: 25 feet**
 - 2) Side yard: 5 feet; 10 feet when adjacent to any other district
 - 3) Side yard — Corner lot: 15 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to any other district

Variance Approval Criteria:

A variance must be reviewed to ensure that the following criteria are met:

1. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought, which are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and;
2. That said circumstances or conditions are such that the strict application of the provisions of this Chapter create an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building, and;
3. That the alleged hardship has not been created by any person presently having an interest in the property, or based exclusively on a desire to enhance the rate of return from or value of the property, and;
4. That the granting of such variance will not be detrimental to the public safety or public welfare, in such zoning district or neighborhood areas in which the property is located, and;
5. That the variance as granted by the Board is the minimum variance that will accomplish this purpose, and;
6. That relief from the literal enforcement and strict application of the provisions of this Chapter is consistent with the intent and spirit of the Chapter, and;
7. That substantial justice is achieved by relief from the ordinance which cannot be achieved in any other means.

Discussion: The recently discovered impact of the Intercounty Electric power lines is the source of the requested variance. If the easement had been known at the time the development was designed, it could have been accounted for. Allowing 20 feet of setback is not likely to be noticeable to others, especially since neither buildings would have any buildings adjacent to them, as there are detention basins on both sides. 20 feet should be adequate space for parking in front of the buildings, and is consistent with the setbacks in other residential districts.

Staff Recommendation:

Staff recommends that the Board review the criteria for the variance, however, the letter of request submitted by the applicant does appear to adequately describe how each criteria are met.

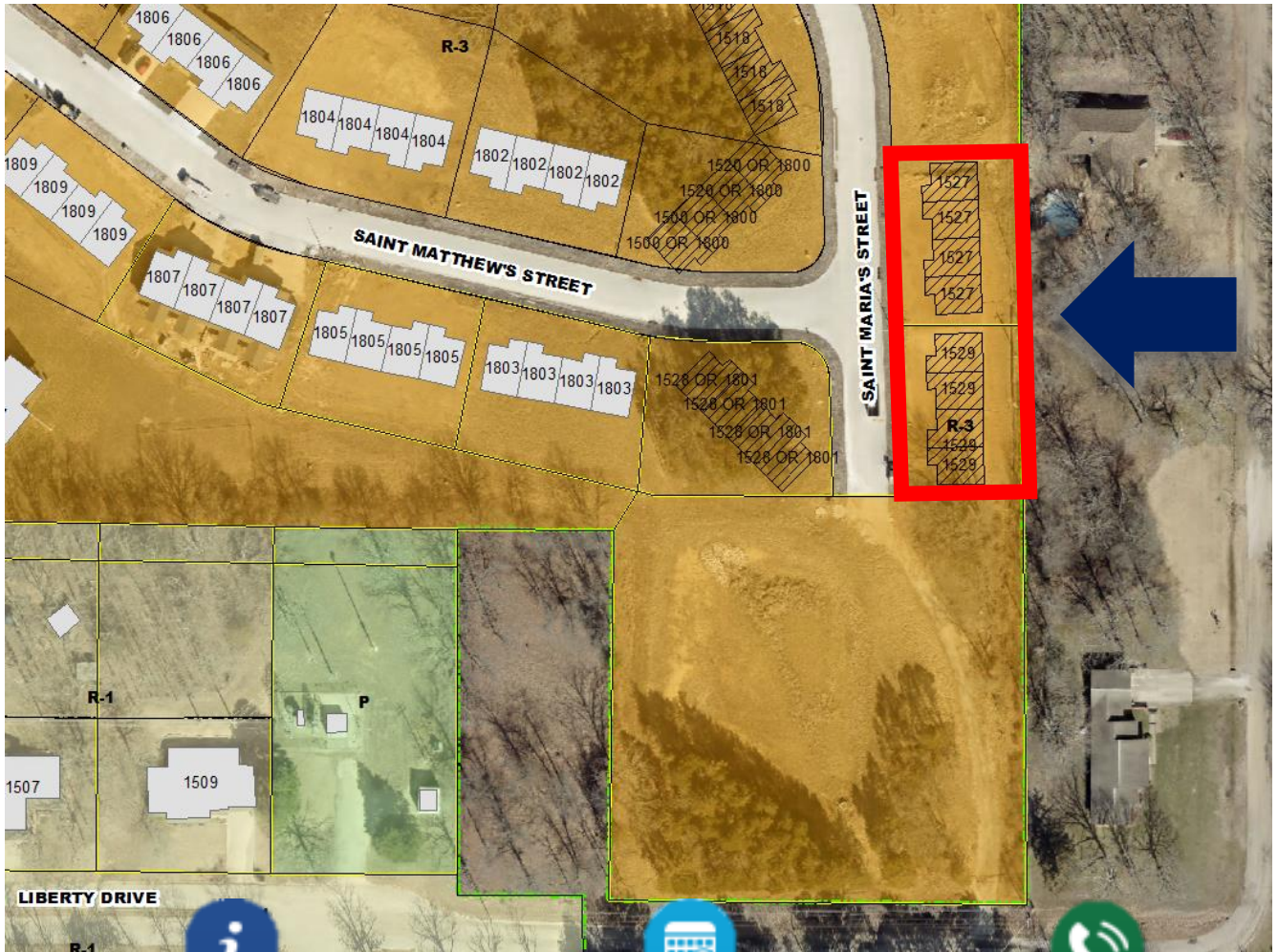
Alternatives:

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



Project Information:

Case No: ZV25-01
 Location: 1527 and 1529 Saint Maria's Street
 Applicant: St. Maria's LLC
 Request: Variance to allow a reduction in the front yard setback in the R-3, Multi-family district

Public Hearing:

Board of Adjustment
February 20, 2025
5:30 PM
 City Hall: 3rd 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?

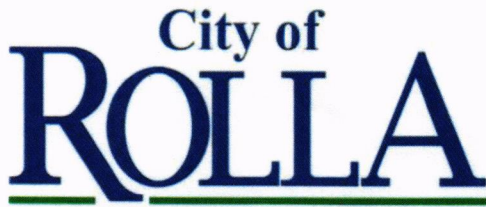
Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

Lots 23 and 24, St. Maria's Tatandra, Rolla, Phelps County, MO



R: 240744



COMMUNITY DEVELOPMENT

901 North Elm St
P.O. Box 979
Rolla, MO 65402
Fax: 573-426-6978

573-364-5333

www.rollacity.org/comdev

BOARD OF ADJUSTMENT APPLICATION

Contact Information:

Property Owner:

ST. MARIAS LLC MIKE WOESSNER

Name(s)

1703 N. BISHOP AVE.

Mailing Address

ROLLA, MO. 65401

City, State, Zip

573-578-4050

Phone

MIKE@INV-REL.COM

Email

Agent/Applicant (If Different Than Property Owner):

SAME

Name

Mailing Address

City, State, Zip

Phone

Email

Property/Request Information:

Request:

- Variance
- Special Exception
- Appeal

Code Section (Variance/Appeal Only)

LOT 23 & 24 ST. MARIAS

Property Address/Location

R 3

Property Zoning

REQUESTING 20FT SETBACK & REDEFINE

Proposed Development/Project

STORM DRAIN EASEMENT ON NORTH SIDE OF LOT 23
LOT 23.

APPLICATION CHECKLIST:

City Staff Verifies

Completed Application Form

N/A

Agent Letter (If Applicable)

Filing Fee - \$375

N/A

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: 2V 25.01

DRC Meeting Date: 1.21.25

BOA Hearing Date: 2.20.25

Submission Date: 1.3.25

Advertise By: 1.23.25

I N F O R M A T I O N :

Variances are *required* to meet the following criteria:

1. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought, which are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and;
2. That said circumstances or conditions are such that the strict application of the provisions of this chapter create an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building, and;
3. That the alleged hardship has not been created by any person presently having an interest in the property, or based exclusively on a desire to enhance the rate of return from or value of the property, and;
4. That the granting of such variance will not be detrimental to the public safety or public welfare, in such zoning district or neighborhood areas in which the property is located, and;
5. That the variance as granted by the Board is the minimum variance that will accomplish this purpose, and;
6. That relief from the literal enforcement and strict application of the provisions of this chapter is consistent with the intent and spirit of the chapter, and;
7. That substantial justice is achieved by relief from the ordinance which cannot be achieved in any other means.

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 a full refund may be issued if the request is withdrawn within three (3) business days after the application; a partial refund may be considered if the request is withdrawn prior to the hearing.

Property Owner(s):

Applicant/Agent (If Different From Owner)


Sign

Print

MIKE WOLSEWEN

HENRY WEIMANN

Sign

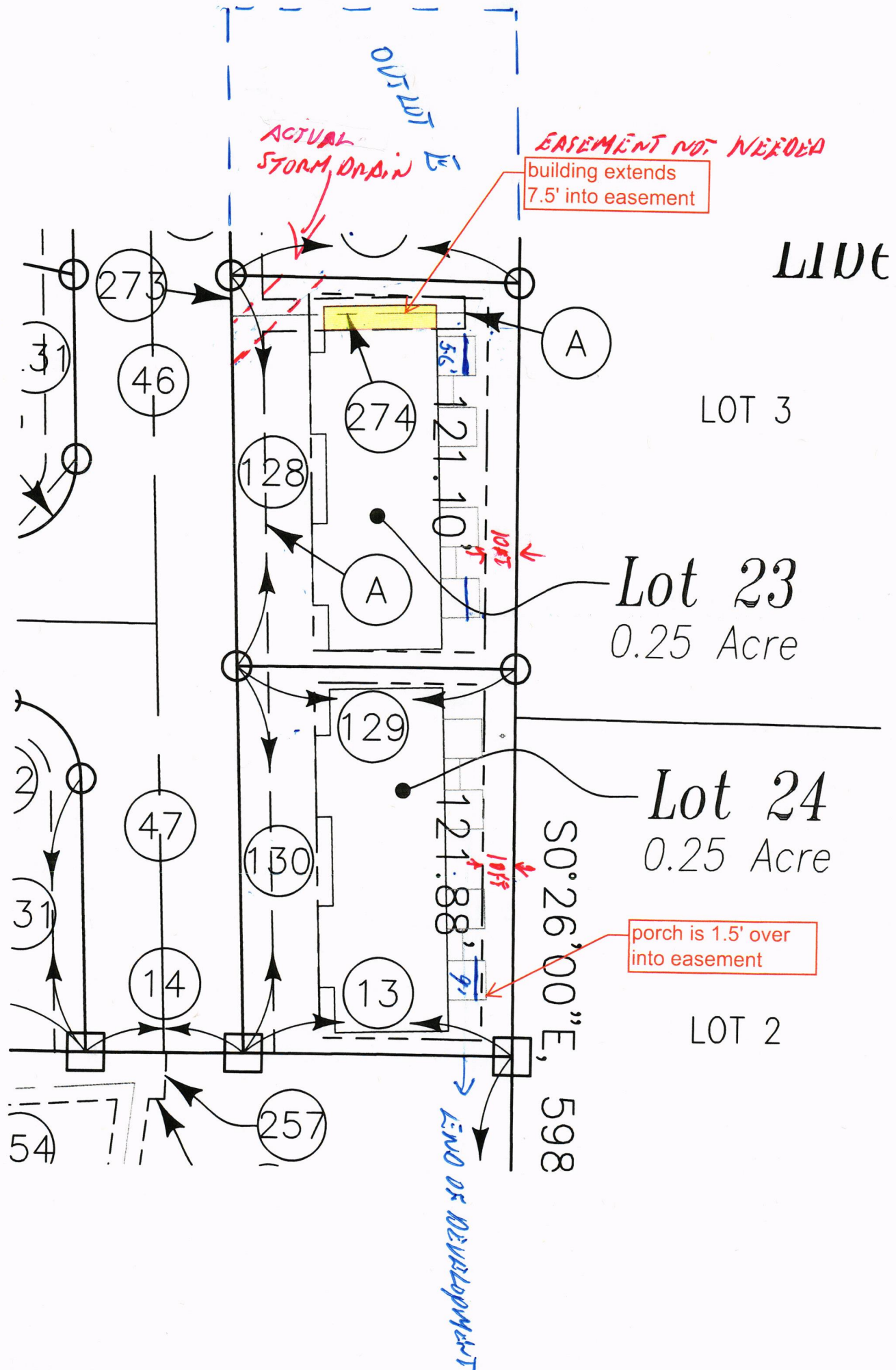
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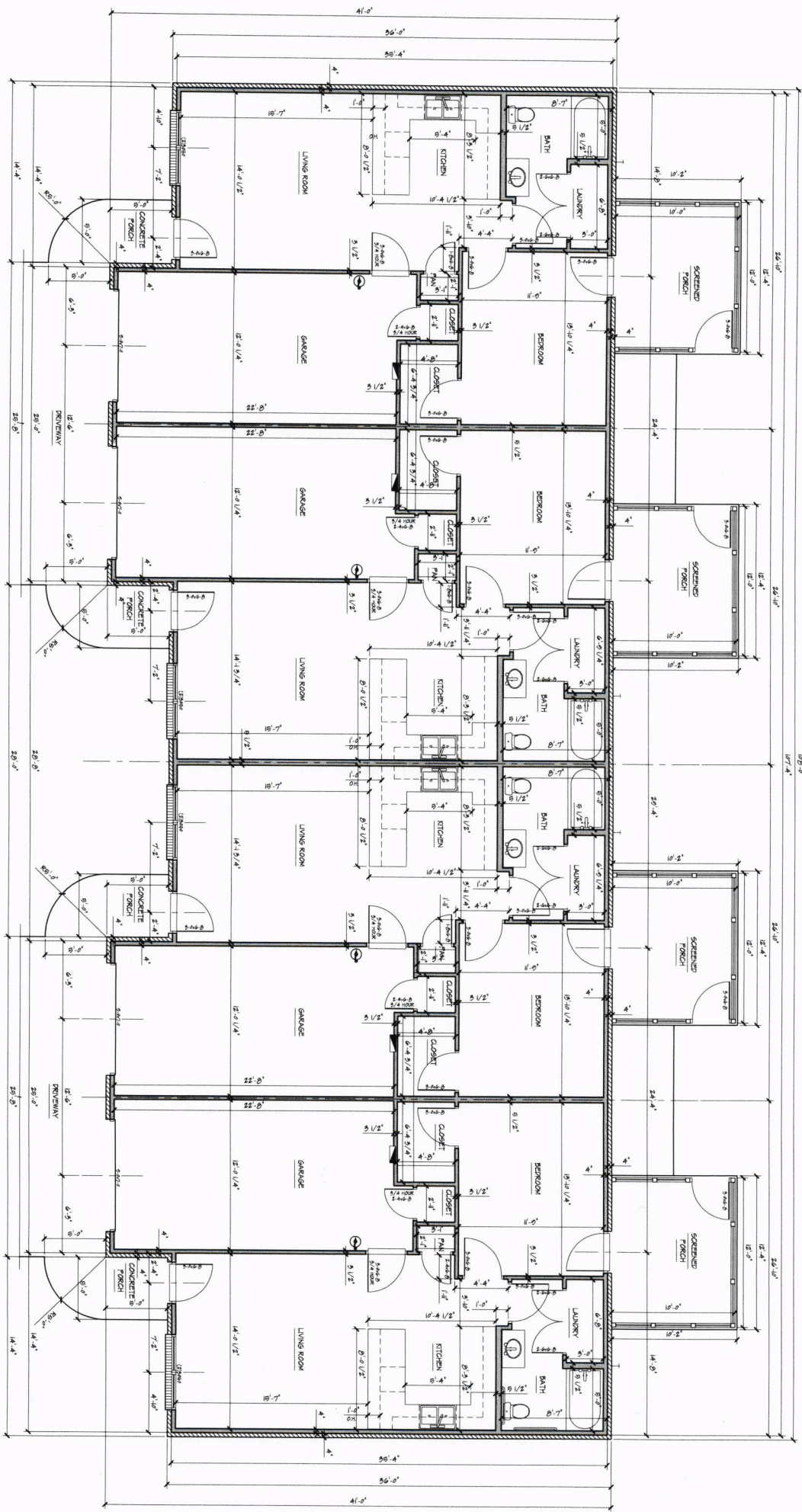
Sign

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Sign

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FLOOR PLAN
1/4" = 1'-0"

<p>OF 12 SHEETS</p> <p>A2</p>	<p>DRAWN BY j. rogers</p> <p>CHECKED BY j. rogers</p> <p>SCALE 1/4" = 1'-0"</p> <p>DATE 10.10.2024</p>	<p>j. rogers architecture, inc. . 125 w. springfield st. . p.o. box 403 . st. james, mo 65559 . 573-265-6576</p> <p>NEW 1-BEDROOM 4-PLEX HOUSING for ST. MARIA'S TATANDRA SUBDIVISION 1529 ST. MARIA'S ST., ROLLA, MISSOURI 65401 PHELPS COUNTY</p>	<p>REVISION</p>	<p>© 2024 j. rogers architecture, inc.</p>
	<p>FLOOR PLAN</p>		<p>REVISION</p>	<p>© 2024 j. rogers architecture, inc.</p>

St. Maria's Variance

From Mike Woessner <mike@inv-rel.com>

Date Fri 1/3/2025 2:55 PM

To Tom Coots <tcoots@rollacity.org>

To the Board of Adjustment:

I am requesting a 20 ft setback on Lot 23 & 24 of St. Maria's due to the fact Intercounty Electric is now requiring a 20ft easement on the rear of these lots instead of the 10ft easement that was originally platted.

Below I will try and address the 7 points of the Variance request listed on the application.

1. The extra Easement creates a problem in locating the 1 Bedroom 4 plex on these lots.
2. I did not find out about the extra easement until we asked Archer Elgin to spot the building on the lots for construction. I had already paid to design my plans and was preparing to get a building permit.
3. This hardship was created by Intercounty Electric.
4. The setback poses no detrimental effect to public safety or public welfare.
5. Intercounty Electric has agreed to reduce their easement to 15ft if I can get the addition 5ft from the setback .
6. This relief is within the intent of the Chapter in my opinion.
7. There are no others means to gain relief without redesigning the entire 1 Bedroom 4 plex building.

I hope these answers are sufficient for your vote of confidence in this matter.

I apologize I am out of town the week of the hearing, or I would have been present to answer any additional questions.

Respectfully submitted,

Mike



MIKE WOESSNER
President | Broker/Owner

Cell: 573-578-4050
Direct: 573-458-6510
website: www.inv-rel.com



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