

AGENDA

The Rolla Board of Adjustment
Rolla City Hall, 3rd Floor Conference Room, 901 North Elm Street
Thursday, May 8, 2025 @ 5:30 PM
SPECIAL CALL MEETING

Board Members: **Matt Crowell (Chairperson), VACANT (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 February 20, 2025.

II. OLD BUSINESS:

NONE

III. PUBLIC HEARING:

1. **ZV25-02:** Variance to allow a reduction of the rear yard setback in the C-2, General Commercial district at 111 Juliene Street

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

NONE

NEXT MEETING DATE: June 19, 2025 (May 22, 2025 meeting cancelled)

BOARD OF ADJUSTMENT MINUTES
February 20, 2025
Rolla City Hall

<u>Presiding:</u>	Chairperson Matt Crowell
<u>Members Present:</u>	Matt Miller (via zoom) and Jacob Rohter (via zoom)
<u>Alternates Present:</u>	Jonathan Hines
<u>Members Not Present:</u>	John Meusch
<u>City Officials in Attendance:</u>	Tom Coots, City Planner and Cindy Brown, Executive Assistant
<u>Others in Attendance:</u>	Caleb Homan, Archer Elgin

Chairperson **Matt Crowell** called the meeting to order at 5:39 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 January 23, 2025

A motion was made by Jonathan Hines, seconded by Jacob Rohter to approve the minutes from the January 23, 2025 Board of Adjustment meeting as printed and distributed.
Motion passed unanimously.

II. OLD BUSINESS:

NONE

III. PUBLIC HEARING:

- 1. VZ25-01:** 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.

Tom Coots presents the staff report.

Crowell opens the public hearing.

Caleb Homan, with Archer Elgin 310 East 6th Street, Rolla, Mo. Shares how the setback lines are set so that the structures will not encroach on the utility corridor and assigned right of way.

Crowell opens public hearing for citizen comments.

Crowell closes the public hearing with no citizen comments and moves into Board deliberation.

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

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

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

4th Criterion: **Crowell** asks if we have heard from any property owners in this area. **Coots** replies that he has not heard from anyone. **Hines** states that with no other development south of this property and only a catch basin there should not be an issue. All Board members agreed the 4th criterion was met.

5th Criterion: **Crowell** states this is clear from the request. **Hines** agrees, especially with Intercounty Electric also working to compromise with the easement. All Board members agreed the 5th criterion was met.

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

7th Criterion: All Board members agreed the 7th criterion was met.

A motion was made by Jonathan Hines, seconded by Matt Miller to approve the application as submitted. A roll call vote on the motion showed the following: Ayes: Crowell, Miller, Rohter and Hines. Nays: None. Absent: Meusch. The motion passes.

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

Having no further business, the meeting was adjourned at 5:55 P.M.
Minutes prepared by **Cindy Brown**.

NEXT MEETING:

Thursday April 24, 2025



Report to:

Board of Adjustment

Case No.: ZV25-02

Meeting Date: May 8, 2025

Subject: Variance to Section 42.222 (3)(d) to allow a reduction in the rear yard setback in the C-2, General Commercial district at 111 Juliene Street.

Background: The subject property was formerly a residential property, but has been vacant for several years. The applicant seeks to develop the property with a commercial building. The proposed layout would place the building to the rear of the property, with a parking lot in the front. The applicant seeks a variance to reduce the rear setback from 10 feet to 5 feet.

Application and Notice:

Applicant/Owner - Daniel Fuhrmann
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 - C-2, General Commercial
Current use - Vacant/undeveloped (commercial proposed)

Code Reference:

Section 42-222. C-2, General Commercial District.

3. The following minimum requirements for subdivision and building applies in the C-2, General Commercial District:
 - d. Minimum setback dimensions:
 - 1) Front yard: 10 feet
 - 2) Side yard: 0 feet; 20 feet when adjacent to a residential district
 - 3) Side yard — Corner lot: 10 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to a residential 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 properties behind (west) of the subject property are also zoned C-2, General Commercial. At this time, one adjacent property is developed as a parking lot; the other is undeveloped, although also used for temporary overflow parking. The requested variance is not intended for the ability to enlarge the building. Rather, the intent is to shift the building further west to allow for additional space in front of the building for more useability. The particular lot is fairly small, only about 6,800 SF, making development for commercial uses more difficult.

Staff Recommendation:

Staff recommends that the Board review the criteria 1 and 2 for the variance. Criteria 3, 4, 5, 6, and 7 are likely met based on the applicant's letter of request if the Board finds criteria 1 and 2 are met.

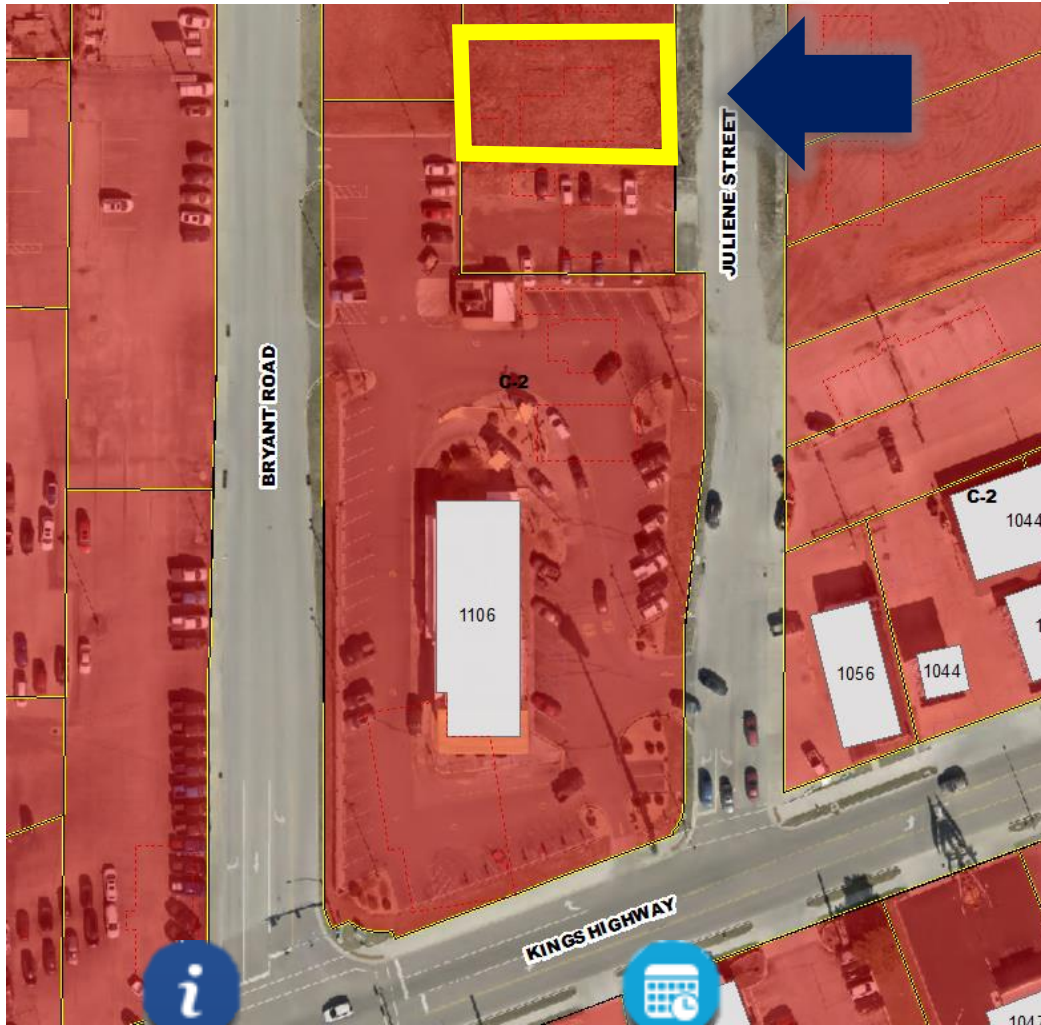
Alternatives:

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, Letter of Request, Site Plan



Project Information:

Case No: ZV25-02
 Location: 111 Juliene Street
 Applicant: Daniel Fuhrmann
 Request:
 Variance to allow a reduction in
 the rear yard setback in the C-2,
 General Commercial district

Public Hearing:

Board of Adjustment
May 8, 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

Lot 3, Kelly Addition to the City of Rolla, Phelps County, MO



Daniel J Fuhrmann
509 W 5th St.
Rolla, MO 65401
(573)-368-3001
route66bikes@gmail.com

March 13, 2025

Board of Adjustment
Community Development
901 North Elm St.
Rolla, MO 65401

To whom it may concern:

I'm writing today to request a variance in setback distance for my property at 111 Juliene St. so that I might get moving with my construction of my dream bike shop building. Mainly the concern is the 10ft. Setback at the 'rear' of the property. This is completely wasted space for me, that could be much better used as extra parking or 'buffer' space between the building and parking area. My goal is to get at least a 2500 ft² footprint on the 62x110' lot. With that limited space I have to make the absolute most out of what's there. With the site plan submitted, I can easily get 10-12 parking spots which is double what I have right now, so I feel like it will be more than sufficient and also will meet the code for parking spots per 200 ft² of customer area.

What I'm proposing is just a five foot setback on the 'rear' which allows me to shift the whole footprint five feet to the west, then go with a really small setback on the north side, with a fire rated wall (no windows) and nearly a full five feet on the south side, allowing for a full width sidewalk around that side of the building, which will be one of the 'fancier' sides of the building along with the east wall.

I do believe both adjacent property owners on the west property line are highly unlikely to add any buildings of their own but of course I cannot say for sure. Even then, we are still keeping a five foot setback so my building should not stop the neighbors from doing their own construction should they ever go that route.

So to address the 7 criteria as best I can:

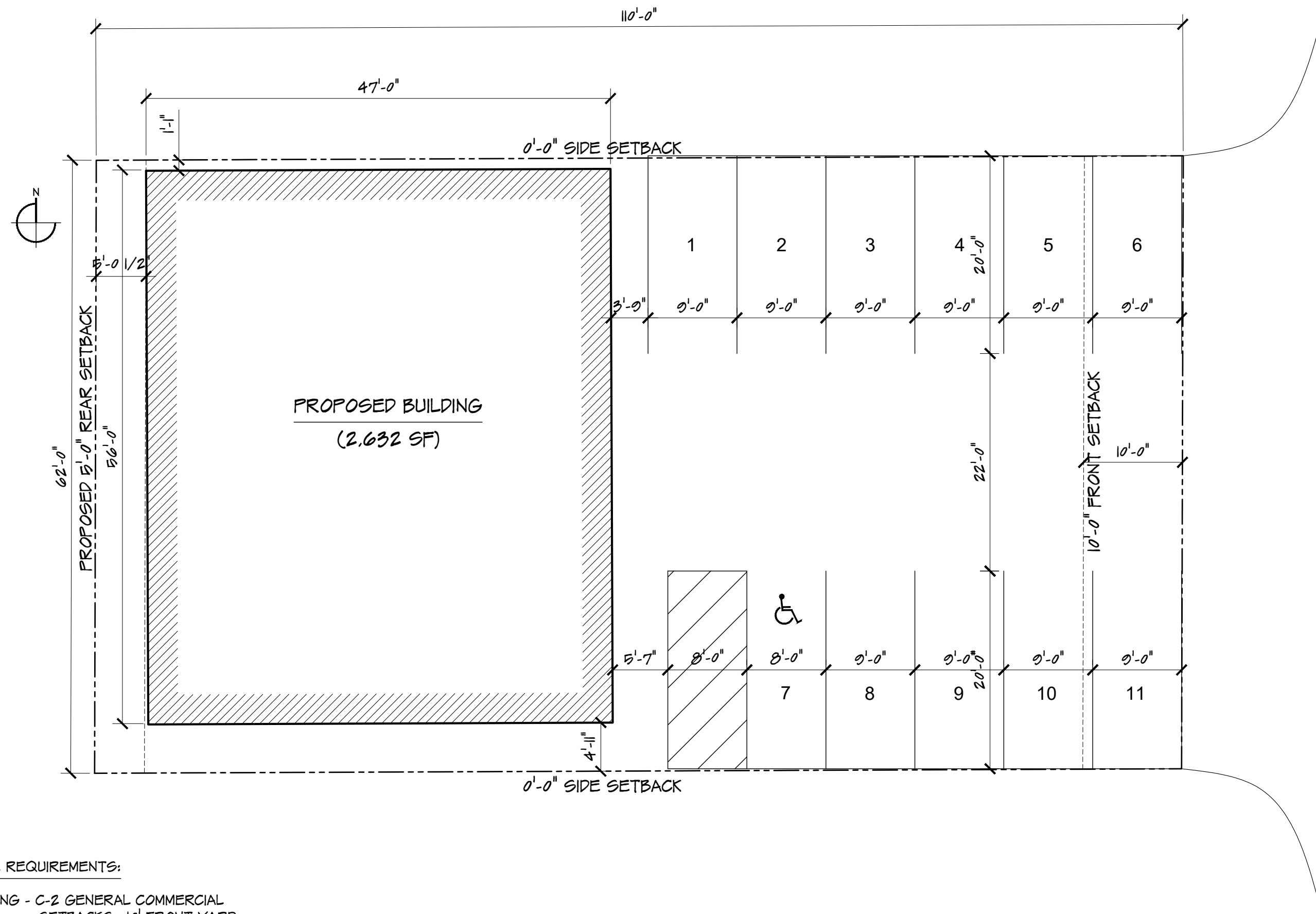
1. I think this refers to my lot basically being bordered on the west side by two other landowners with little or no interest in building on those portions of their lots.
2. This is kind of my argument..the ten foot setback makes sense in normal building situations but not this one. It just wastes space that could otherwise be utilized much more efficiently.
3. It only increases the value to myself as the sole owner, and I am not building to sell, but to give myself a new space to operate my shop.
4. I can't imagine allowing five feet setback to the west property line causing any safety issues for adjacent owners.

5. I think five feet setback on the rear just brings the building in line with the 'side' setbacks.
6. It does seem like the setbacks on this particular lot are somewhat arbitrary so commonizing them at five feet makes the most sense.
7. I've been working on this site plan with an architect for a couple years now and I believe the variance is the last hurdle we need to clear before we can button up the design and go to the construction phase. Every other option we've considered either shrinks the building footprint, takes away parking spaces, or requires additional fire ratings on the walls. As submitted, the proposed site plan would call for fire rating on just the north wall and not any of the others, which seems an acceptable compromise to me.

I appreciate your time and attention to this matter.

Warmest regards,

Daniel J Fuhrmann, Owner Route 66 Bicycles LLC



SITE REQUIREMENTS:
 ZONING - C-2 GENERAL COMMERCIAL
 SETBACKS: 10' FRONT YARD
 0' SIDE YARD
 10' REAR YARD
 AREA OF LOT = 62' x 110' = 6820 SF
 MAX. AREA OF BUILDING - 2,720 SF
 PARKING REQUIREMENTS - 1400 SF PUBLIC AREA / 200 SF = 7 SPACES

SITE LAYOUT
 1"=10'-0"

REVIEW COPY: 14 FEB 2025 NOT FOR CONSTRUCTION

C1
 OF | SHEETS

DRAWN BY:
 J. ROGERS
 CHECKED BY:
 J. ROGERS
 SCALE:
 AS NOTED
 DATE:
 02/14/2025

j. rogers architecture, inc. 125 W. SPRINGFIELD ST., P.O. BOX 403, ST. JAMES, MO 65557, 573-265-6576
 NEW RETAIL BUILDING
 ROUTE 66 BIKES
 LOT 3, JULIENE ST., ROLLA MO, 65401, PHELPS CO

REVISION:

© 2024 J. ROGERS ARCHITECTURE, INC.
 J. ROGERS ARCHITECTURE, INC. ARCHITECT
 CORPORATION MO 2201001850