AGENDA

The City of Rolla
Board of Adjustment Meeting
Rolla City Council Chambers, 1st Floor
901 North Elm Street, Rolla, MO 65401
January 2nd, 2019

Board Members: Chairperson Judy Jepsen, Mike Flowers, Dan James, Danny Maxey, Laura Stoll, Thomas Sutton

I. APPROVE MINUTES:
   Review of the Minutes from the Board of Adjustment Meeting held on Thursday, December 5th, 2019.

II. PUBLIC HEARING:

   1. ZV2019-08, Spring Properties, LLC: Variance to allow a reduction in the minimum lot area to allow a duplex in the R-2, Two-Family District.

III. REPORT FROM THE CHAIRPERSON, COMMITTEE, OR STAFF: NONE

NEXT MEETING: Thursday, February 6th, 2019
Request: Applicant is requesting a variance to allow relief from Section 42.142 (b), which prohibits construction on lots which do not meet the minimum lot size or width, to allow a duplex to be constructed on a lot that does not contain the minimum lot size of 7,500 sq. ft. or 75 feet of frontage per Section 42.177.3, in the R-3, Multi-Family District.

Coots explains that to meet the requirements to build a duplex on this lot, the minimum lot size must be 7500 sq. ft. in area and a minimum of 75 ft. in width. The current lot is 5500 sq. ft. in area and 50 ft. in width. The previous single family house that was on the lot purchased by the applicant, has since been demolished. Coots prepared a sight plan for The Board showing the proposed duplex lot size and a ghost preview of the building that existed there beforehand. The previous building was larger in size than the applicant’s proposed project.

Laura Stoll asked what the minimum lot size requirement for a single-family dwelling is. Coots explained that it is 6,000 sq. ft. in an R-1 zoning area, and the minimum lot width is 60 ft. In an R-2 area, the minimum lot size would be 9,000 sq. ft. with a 75 ft. width requirement. Jepsen asked if the proposed building size was less than the home that had previously been on the lot. Coots said that the square footage of the proposed project appears to be smaller than the building that was demolished. Dan James asked how many parking spaces would be provided per unit. Coots confirmed that there would be two spaces per unit. Sutton highlighted that the original building on the lot also did not meet the requirements. He asked Coots if it was grandfathered in. Coots explained that in a situation like that, it would be grandfathered in. Stoll asked if other duplexes in the surrounding area had to get a variance in order to build. Coots was unsure of the details, but he assumes that many have since this is a reoccurring issue within the City. Jepsen asked if Coots had received any comments or feedback from the neighbors. Coots confirmed that he had not received any feedback.

Judy Jepsen asked for the applicant to step forward and be sworn in.

Jared Jordan, 11130 County Road 3050, Jordan highlights the hardship that the ordinance places on building in the City of Rolla. Jordan explains that the neighborhood consists of numerous aged and abandoned homes that have not been kept up with, and countless structural and cosmetic flaws
that are affecting the value of the neighborhood. He knows other citizens that are concerned about
the setting of the neighborhood and have mentioned that if he were to receive the variance that
they would also buy property in the area to remodel or build new homes to help save the quality
of the neighborhood. **Jordan** reminds the Board that his proposed plans meets every requirement
except for the lot size and width. He believes that passing the variance would be beneficial to the
neighborhood.

Since no others wished to speak, **Jepsen** closed the Public Hearing.

**Danny Maxey** asked **Jordan** what kind of siding the duplexes will have. **Jordan** said that it would
have vinyl siding. **Dan James** asked if the parking lot would be paved. **Coots** confirmed that it
would be. **Stoll** asked if **Coots** had proposed any alternative layouts to **Jordan’s** plan. **Coots**
confirmed that he had suggested moving the front of the duplex closer to the street, allowing the
parking spaces to move to the back. **Stoll** asked if this was for cosmetic purposes. **Coots** confirmed
that it was, and to add a more urban feel to the area instead of the street view of the new building
consisting of numerous vehicles. **Stoll** asked if the proposed plan could change following the
granted variance. **Coots** said technically, depending on the change it could since the plans are not
final drawings, but **Jordan** would still have to meet all of the requirements.

A roll call vote was taken by **Judy Jepsen**, and the six questions for the variance were approved
unanimously by a vote of 5 to 0 votes.

**Stoll** added that she thinks that it is excellent that more citizens are taking the initiative to buy and
flip houses in an area that has been an ongoing problem over time.

**Coots, Jepsen, and Stoll** had a brief discussion about the future of this area, and that brought up
that eventually, this issue will need to be addressed as citizens purchase more property to flip in
this area and face similar issues.

Having no further business, the meeting was adjourned at 5:57 P.M.
Minutes prepared by **Madelyn Brown**
Meeting Date: January 2, 2019

Subject: Variance to allow relief from Section 42.142 (b), which prohibits construction on lots which do not meet the minimum lot size or width, to allow a duplex to be constructed on a lot that does not contain the minimum lot size of 7,500 sq. ft. or 75 feet of frontage per Section 42.177.3, in the R-3, Multi-Family District.

Applicant and Notice: Applicant/Owner- Barbara Wilkins of Spring Properties, LLC
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Rolla Daily News; signage posted on the property; information available on city website

Background: The subject property was recently purchased by the applicant with the intent to redevelop the property with a duplex. The previous structure was removed when it was apparent that it was no longer cost effective to repair. The property is composed of portions of two platted lots totaling almost 5,400 sq. ft. in area. The lot has 50 feet of frontage on 6th Street.

The R-3, Multi-Family District requires a minimum lot size of 7,500 sq. ft. and a minimum lot width/frontage of 75 feet.

Property Details:
Current Zoning - R-2, Two-Family District
Current Use - Vacant/Undeveloped (Formerly Single-Family)

Code Reference:
Sec. 42-177.2 Area Requirements.

Minimum size of lot:
- Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of two (2) dwelling units.

Maximum Number of Bedrooms Permitted: 8 Bedrooms per unit.

Maximum Number of Occupants Per Dwelling Unit:
- Eight (8), except for incorporated fraternities, sororities, and clubs.

Lot frontage: 75 feet at front lot line.

Width: 75 feet at building line.
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.

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, Building Plans
BOARD OF ADJUSTMENT APPLICATION

Contact Information:
Property Owner:
_Spring Properties LLC__________________________
Name(s)
102 W 14th St________________________________
Mailing Address
_Rolla, MO 65401__________________________
City, State, Zip
573-465-4263________________________________
Phone
_barbwilkins@gmail.com________________________
Email

Agent/Applicant (If Different Than Property Owner):
 _Barbara Wilkins__________________________
Name
_102 W 14th St________________________________
Mailing Address
Rolla, MO 65401__________________________
City, State, Zip
_573-465-4263________________________________
Phone
_barbwilkins@gmail.com________________________
Email

Property/Request Information:
Request:
_X___ Variance
_____ Special Exception
_____ Appeal

_42-174.3 Area Requirements_____________________
Code Section (Variance/Appeal Only)

_1200 Missouri Ave, Rolla, MO 65401________________
Property Address/Location

_R-2____________________________________________
Property Zoning

_Duplex________________________________________
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:

Receipt No: 199095
Case No: ZV2019-08
Submission Date: 12/5/19
DRC Meeting Date: 12/17/19
BOA Hearing Date: 1/3/20
Advertise By: 12/13/19
INFORMATION:

Variances 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):

Sign

Print

Applicant/Agent (If Different From Owner)

Sign

Print

Sign

Print
11/25/2019

102 W 14th St
Rolla, MO 65401

Dear Committee:

Spring Properties LLC wishes to request a variance to build a duplex on currently undeveloped property at 1200 Missouri Avenue, with a legal description of Lots 13 and 14 in Block 10 of the Frisco Subdivision in Rolla. The original plat shows these lots as being 40ft along Martin and 110 ft along Missouri.

This property has been vacant for a number of years, as the previous structure was removed when it was apparent that it was no longer cost effective to repair it any further.

The property is currently zoned R2, however the double lot is only 8800 sq ft, which is 200 sq ft short of the 9000 sq ft required lot size needed to build a duplex on the lot. Under a strict application of the current code, the property may not be developed under the allowed zoning.

The property was platted many years ago, and predates the current zoning.

The purpose of the variance is to develop the property, allowing quality housing to be offered to the community.

The variance will not be detrimental to the public welfare or neighborhood, as we seek to build one duplex rather than two individual homes. The duplex structure allows for the home to face Missouri Avenue, rather than two very small homes facing Martin, and will allow the offering of garage parking, which would not be possible in the smaller footprint required by two separate homes.

The lot size variance is necessary for the reasonable use of the land, and this is the minimum variance that would accomplish this purpose. This proposed duplex will not alter the character of the neighborhood.

In granting this variance, the spirit of the regulations will be preserved, as the literal enforcement and strict application of the current required lot size in the Rolla Planning and Zoning Code provides an unnecessary hardship and prevents effective development of the currently vacant property.

The proposed duplex is consistent with the intent of the Comprehensive Plan.

I have enclosed a copy of the floor plan we wish to build as well as a site plan, allowing you to see how this development will provide quality housing in the neighborhood.

Regards,

Barbara Wilkins, Managing Member

Spring Properties LLC
Project Information:
Case No: ZV2019-08
Location: 1200 Missouri Ave
Applicant: Barbara Wilkins
Request: Variance to allow a reduction in the minimum lot area to allow a duplex in the R-2, Two-family District

Public Hearing:
Board of Adjustment
January 2nd, 2020
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

PUBLIC NOTICE
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<tr>
<th>FREQUENTLY ASKED QUESTIONS</th>
<th>LEGAL DESCRIPTION</th>
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### 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.

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**LEGAL DESCRIPTION**

Lots 13 and 14, Block 10, Frisco Addition to the City of Rolla, Phelps County, Missouri.