

MINUTES OF THE BOARD OF ADJUSTMENT

DATE: November 3, 2020

TIME: 1:30 p.m.

The regular meeting and public hearing of the Board of Adjustment was held on the above date and time via Zoom with the following members and personnel in attendance: Robert Sweere, Chair, Derek Lee, Vice-Chair, Shelby Lawhorn, and Bryan Fisher. Absent: Robert Sweere, Chair and Steve Jackson. Staff: Daniel Neal, Senior Planner, Bob Hosmer, Planning Manager.

Roll call:

INTRODUCTION OF ZONING ORDINANCE AS EVIDENCE: Daniel Neal introduced the Zoning Ordinance.

APPROVAL OF MINUTES: The minutes of July 7, 2020 were approved.

COMMUNICATIONS: None

PUBLIC HEARING:

Variance 580

3523 East Stan Musial Drive

Applicant: R and K Property, LLC

Daniel Neal stated that this is a request for a variance from Section 36-450(5)(a)2.a. of the Zoning Ordinance to allow a new accessory building with a gabled roof over 16 feet in height. The applicant has submitted a request for a variance from the maximum height of an accessory building with a gabled roof.

36-450 (5) (a)

2. Maximum structure height, except as permitted by subsection 36-366(1)(e):

a. The height limit for hip or gable roofs shall be 16 feet.

The applicant also requested a variance from Section 36-450(4)(a); however, because of additional information provided, the applicant has requested to withdraw this section from the variance request. The Zoning Ordinance requires a maximum height of 16 feet for an accessory building with a gabled roof. The applicant is requesting a 31-foot-tall barn (accessory building) with living quarters. The applicant states in their responses to the 9 standards for the variance that the property will be used agriculturally, and the barn will be used to store equipment for the agricultural uses. The subject property is on 27 Acres. The Zoning Ordinance allows agricultural when property is over 20 acres in size.

Applicants response:

“This structure has a combined purpose and function that would provide secure shelter for farm equipment, skid steer, feed for livestock, RV storage. In addition, a 1900 sf living area on the second floor. The height of the structure is necessary in that the garage door sizes needed for ease of passage of such equipment as well as the living space is dependent upon a gambrel roofline with the peak height of 31’.”

“It is our intent to utilize the land to its fullest and in such a way that we have a garden, chickens, and have plans for the future to harvest and sell water cress.”

The applicant will construct the barn in the middle of the 27-acre property in order to meet the agricultural zoning requirements that structures be at least 300 feet from a school, church or residentially zoned properties and used for residential purposes or platted for a residential subdivision.

The Community Physical Image and Character Plan element of the Comprehensive Plan developed goals to improve the visual appearance of the urban area and the Growth Management and Land Use Plan element encourages the protection of residential neighborhoods from adverse impacts of proposed development and inappropriate land use changes. New development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space.

If the variance is approved, the property owner will be allowed to construct one accessory building as shown on the attached exhibits prior to the principal structure at a maximum of 31 feet in height measured from street grade as shown on the proposed site plan (Exhibit 2) while all other requirements of the Zoning Ordinance shall be followed. The granting of a variance shall be valid for a period of no-longer than one year from the date of such order unless a building permit is obtained for the accessory structure. If the variance is denied; the applicant must construct a principal structure prior to the construction of the accessory structure and construct any accessory structures at or below the required height limits to comply with all applicable Zoning Ordinance requirements.

Mr. Lee opened the public hearing.

Kelly Strang, 5147 S. Farm Road 181, owner of property and stated that the peak height would be 31' and the bottom floor will be utilized for equipment and will care for the land and animal while watching over the property. The setback is more than 500' and be suitable for a sitting member of the Missouri Farm Bureau and this also follows the Comprehensive Plan.

Robert Strang, 5147 S. Farm Road 181, stated that he did not have a lot to add and went over the history of the property as well as showing pictures of the old barn, etc., and noted that they have had trespasser's and voiced their concerns.

Chad Stain, County Sheriff, 1000 N. Boonville noted the criminal activity on the property and stated that they have had 154 calls for service in the last 2 years, i.e., drugs, abandoned vehicles and stolen and vandalized items.

Bryon Weber, 3170 E. Sunshine went over the plans for construction of the barn/garage/living quarters and asked for clarification on the height of the accessory building from the street grade.

Discussion about where the measurement of height is taken from, i.e., structure, highest adjacent grade, etc.

Mr. Lee closed the public hearing.

Mr. Bob Hosmer clarified the comprehensive plan regarding signage, and they could also put up a wall sign that would be seen from various points and had various discussion regarding the evaluation of the area.

Motion to **approve** Variance 580 (3523 East Stan Musial Drive). The motion carried as follows: Ayes: Lee, Alden, Lawhorn, and Fisher. Nays: None. Abstain: None. Absent: Sweere and Jackson.

Variance Findings of Fact and Conclusions of Law:

Approved: 5/0 The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner, the applicant, or predecessors in title. **The condition is a 27 acre agriculture zone R-SF property/parcel.**

Approved: 5/0 The granting of the variance **will not** affect the rights of adjacent property owners or residents. **27 acre parcel.**

Approved: 5/0 The strict application of the provisions of the Land Development Code from which a variance is requested will constitute unnecessary hardship upon utilization of the property. **Since it is a 27 acre parcel it would constitute a hardship if the same regulations were followed for a single-family residential lot.**

Approved: 5/0 The variance desired will not adversely affect the public health safety, morals, order, convenience, prosperity, or general welfare. **No Comment.**

Approved: 5/0 Grant the variance desired will not be opposed to the general spirit and intent of the Land Development Code.
No Comment.

UNFINISHED BUSINESS:

2021 Board of Adjustment Calendar

Citywide

Applicant: City of Springfield

Motion to **approve** 2021 Board of Adjustment Calendar (Citywide). The motion carried as follows: Ayes: Lee, Alden, Lawhorn, and Fisher. Nays: None. Abstain: None. Absent: Sweere and Jackson.

OTHER BUSINESS: None

A handwritten signature in black ink, appearing to read "Daniel Neal", written over a horizontal line.

Daniel Neal

For Executive Secretary