

Notice of Meeting & Tentative Agenda



Jefferson City Board of Adjustment
Tuesday, May 17, 2016, 7:30 a.m.
John G. Christy Municipal Building, 320 East McCarty Street
Council Chambers

All interested parties will be given a chance to be heard.

TENTATIVE AGENDA

1. **Call to Order and Introduction of Members, Ex-Officio Members and Staff**
2. **Procedural Matters and Procedures Explained**
3. **Adoption of Agenda (as printed or reordered)**
4. **Approval of Minutes for the Regular Meeting of March 8, 2016**
5. **Communications Received**
6. **New Business Public Hearings**
Case No. B16002 – 415 Marshall Street; Side Setback Variances. Application filed by River City Habitat for Humanity, property owner, for the following:
 1. A variance of 8 feet from the 10 feet side setback requirement to allow a side setback of 2 feet on the south side of the property (Section 35-51).
 2. A variance of one foot from the driveway setback requirement of 2 feet to allow a driveway one foot from the north property line. (Section 35-58.6.b).The purpose of the request is to construct a single family home on the vacant lot with driveway beside the home. The property is located on the east side of Marshall Street 125 feet north of Miller Street and is described as lot 3 of Coxs Subdivision, Jefferson City, Missouri.
7. **Miscellaneous Reports**
8. **Other Business**
9. **Adjourn**

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request. Please call 573-634-6410 for information regarding agenda items.

MINUTES
JEFFERSON CITY BOARD OF ADJUSTMENT
March 8, 2016

BOARD MEMBERS PRESENT

Wilma Partee, Chairwoman
Stacey Young, Vice-Chairman
Andrew Hake
Robert Gammon, Alternate
Brad Schaefer, Alternate

ATTENDANCE RECORD

5 of 5
3 of 5
5 of 5
4 of 5
3 of 3

BOARD MEMBERS ABSENT

Paul Graham
Matt Rimiller
Katy Lacy, Alternate

3 of 5
3 of 5
3 of 5

COUNCIL LIAISON

Ken Hussey

STAFF PRESENT

Eric Barron, Senior Planner
Bryan Wolford, Associate City Counselor
Diane Cary, Administrative Technician

1. Call to Order and Introduction of Members, Ex-Officio Members and Staff

Chairwoman Partee called the meeting to order at 7:30 a.m. and introduced the Board members and staff. A quorum was present to hear the items on the agenda. The following members were designated to vote: Wilma Partee, Stacey Young, Andrew Hake, Robert Gammon, and Brad Schaefer. Those wishing to speak to the Board were sworn in.

2. Procedures Explained

Mr. Barron explained the procedures of the meeting and the following documents were entered as exhibits for all items under consideration at the meeting:

1. The City Code of the City of Jefferson, as amended
2. The Comprehensive Plan and Land Use Map
3. Copies of applications under consideration
4. A list of Property owners to whom notice of the hearing was sent
5. The affidavits of publication of notice of the public hearing
6. Copies of drawings and plans under consideration
7. Letters and memoranda from City staff
8. Staff reports and minutes of proceedings
9. Materials submitted by the public or the applicant

3. Adoption of Agenda

Ms. Young moved and Mr. Hake seconded to adopt the agenda as printed. The motion passed 5-0 with the following votes:

Aye: Partee, Young, Hake, Gammon, Schaefer

4. Approval of Minutes for the Regular Meeting of December 8, 2015

Ms. Young moved and Mr. Hake seconded to approve the minutes as written. The motion passed 5-0 with the following votes:

Aye: Partee, Young, Hake, Gammon, Schaefer

5. Communications Received

There was none.

6. New Business – Public Hearing

Case No. B16001 – 604 Jefferson Street; Signage Variance. Application filed by Jefferson City Coca-Cola Bottling Company, property owner, Jacob Vogel, authorized representative, for the following:

1. A variance from the prohibition of roof mounted signs (Section 3-5.A.11).
2. A variance from the maximum sign area to permit a building mounted sign size of 568 square feet (Section 3-4.A.1).

The purpose of the request is to permit the modification of an existing nonconforming roof mounted sign with an electronic message center. The property is located at the southwest corner of Jefferson Street and Highway 50/63 and is described as Inlots 804 and 805 and part of Inlots 803 and 806, Jefferson City, Missouri (Piros Signs, Consultant).

Mr. Barron explained that the subject property is zoned C-2 General Commercial and that there is a sign that is located on the property that has been maintained as a community informational billboard for many years. Mr. Barron explained that the existing sign is nonconforming because it is a roof mounted sign and the sign area exceeds the permitted area. Mr. Barron explained that to change the information on the sign causes a safety concern of having to climb on the roof to change the lettering, and the owner would like to change this sign into an electronic message center in order to avoid having to manually change the letters.

Mr. Barron explained that the size of the sign is approximately 568 sf, and the portion of the sign devoted to permanent Coca-Cola advertising is approximately 200 sf, which, except for the community information portion of the sign, is compatible with normal signage regulations. because the sign as a whole is nonconforming, the sign would require a variance in order to be eligible for the modification associated with the addition of an electronic message center.

Carl Vogel, 311 Constitution Dr, applicant, explained that the building that has the sign mounted on top of it was constructed in 1942 and the roof has been repaired and recently replaced because of wear and tear from people getting on the roof to change the messages on the sign or for fund raisers. Changing the sign into an electronic message center would help protect the roof and help save money in the long run.

Joe Philips, consultant with Piros Signs, 1818 Old State Road M, Barnhart, Missouri. Mr. Philips explained that the electronic reader board will be 8' x 16' on the existing structure. The new electronic board will reduce weight on the structure, reduce wear and tear on the roof, and will reduce liability of hazard because people will not have to get on the roof to change the messages. The sign will be designed to be bright during the day and then go 10% dim during the evening so it will not cause light distraction.

After all questions were answered testimony closed.

Mr. Barron stated that the required findings for the proposed signage variances appear to be met. The sign has been in place for many years and is primarily used for posting dates and information for community events. The location of the sign would have little effect on adjacent properties due to the significant separation distance between buildings and presence of the highway. The sign is located on the south side of Highway 50/63 and would not obstruct significant views or vistas of the Capitol or downtown Jefferson City and the location of the proposed sign would not obstruct the view of traffic.

Ms. Young combined the two motions and moved for approval of the variance of the prohibition on roof mounted signs and for approval of the variance of 368 square feet from the maximum sign size of 200 square feet to permit a sign size of 568 square feet. Seconded by Mr. Hake. After discussion, vote was taken.

The motion passed 5-0 with the following votes:

Aye: Partee, Young, Rimiller, Hake, Schaefer.

7. Miscellaneous Reports.

There were none.

8. Other Business.

There was none.

9. Adjournment

With no other business Chairwoman Partee adjourned the meeting at 8 a.m.

Respectfully submitted,

Diane Cary
Administrative Technician

Jefferson City Board of Adjustment

May 17, 2016

**Case No. B16002
River City Habitat for Humanity
415 Marshall Street**

Side Setback Variance

STAFF REPORT
BOARD OF ADJUSTMENT – CITY OF JEFFERSON, MISSOURI
May 17, 2016

Case No. B16002 – 415 Marshall Street; Side Setback Variances. Application filed by River City Habitat for Humanity, property owner, for the following:

1. A variance of 8 feet from the 10 feet side setback requirement to allow a side setback of 2 feet on the south side of the property (Section 35-51).
2. A variance of one foot from the driveway setback requirement of 2 feet to allow a driveway one foot from the north property line. (Section 35-58.6.b).

The purpose of the request is to construct a single family home on the vacant lot with driveway beside the home. The property is located on the east side of Marshall Street 125 feet north of Miller Street and is described as lot 3 of Coxs Subdivision, Jefferson City, Missouri.

PUBLIC NOTICE

By publication in the newspaper, letter to adjacent and affected property owners within 185 feet, and by property sign posting.

NATURE OF REQUEST

This property consists of a vacant lot in an RA-2 High Density Family Residential zoning district. A residential duplex that had existed on the property for many years was demolished in 2012. The lot is 40 feet wide. The side setback requirement for the RA-2 zoning district is 10 feet and the side setback for residential driveways is 2 feet. River City Habitat for Humanity has acquired the property and would like to construct a 28 feet wide house on the property with driveway beside the house.

ZONING AND SURROUNDING LAND USE

The subject property is zoned RA-2 High Density Residential.

	Surrounding Zoning	Surrounding Uses
North	RA-2	Single Family Residential
South	RA-2	Single Family Residential
East	RA-2	Drainage Structure/Greenway/SF Residential
West	RA-2	Middle School

STAFF ANALYSIS

The property is 40 feet wide, which is less than the standard minimum lot width of 60 feet for the RA-2 district. The rear of the property is rather steep, dropping approximately 20 feet over a distance of 60 feet.

The side setback for this property would be calculated as an average of the existing side setbacks along the street (rather than the standard 10 feet) setback, and has been calculated by the Planning Division staff as approximately 8 feet. The standard minimum side setback for a residential driveway is 2 feet.

In order to preserve the character of existing streetscapes, Planning Division staff encourage the construction of houses along existing build lines of streets and also with driveways to the side (rather than in front of) the house. In this case, the width of the lot makes it problematic to develop the property in this manner because of setback requirements. Construction of a house according to the setback requirements would result in a house with a maximum width of 24 feet with the driveway in front of the house, which would shift the house behind the existing build line along the street and result is a rather steep backyard.

In order to permit the construction of a standard size house floorplan used by Habitat for Humanity at the existing build line along the street, with driveway to the side of the house, Habitat is requesting setback variances for the house and driveway.

FINDINGS REQUIRED

Please refer to the handout provided for the required General Findings and Specific Findings. The applicant has provided responses to the required findings. In reviewing this case, the Board may wish to consider the following questions:

1. Are there any practical difficulties unique to this property which under strict and literal adherence to the provisions of the zoning regulations would cause the applicant an unnecessary hardship?
2. Would the appearance and value of surrounding properties be damaged if the variance is granted?

Finding	Yes	No	Comments
Not eliminate an adequate supply of light or air to adjacent property.	X		The neighboring house to the south is located 9 feet from the property line. The requested variance would result in an 11 feet separation between the two houses.
Not substantially increase congestion in the public street.	X		The requested variance would allow for parking of two vehicles in the driveway. The requested variance would not increase congestion on the street.
Not increase the danger of fire or endanger the safety of the public.	X		The requested variance would retain an 11 feet separation between structures on the south side and 13 feet separation on the north side.
Not be unduly injurious to the use and enjoyment of adjacent property.	X		The proposed location of the house and driveway on the property is more compatible with adjacent site designs than what would be permitted by existing setbacks.
Not substantially diminish property values in the neighborhood.	X		The variance would allow for driveway access on the side of the house and the arrangement of the house on the lot would be similar to other houses on Marshall Street, many of which have setbacks less than current Zoning Code requirements.
Be in keeping with the general spirit and intent of the zoning code.	X		The requested variance addresses the difficulty of locating an appropriately sized house with driveway on an undersized lot.

STAFF RECOMMENDATION

The required findings appear to be met. The setback variance is requested in order to address site design issues associated with existing lot width. The impact of a reduced setback for the house would have a minimal impact on surrounding property and would result in a site design similar in nature to the existing houses on Marshall Street.

FORM OF MOTION

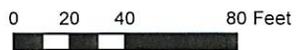
1. Motion for approval of the requested variance of 8 feet from the standard 10 feet side setback of the RA-2 district to permit a side setback of 2 feet on the south side of the lot.
2. Motion for approval of the requested variance of 1 feet from the standard 2 feet setback for residential driveways to permit a driveway setback of 1 feet on the north side of the lot.

City of Jefferson Board of Adjustment

LOCATION MAP

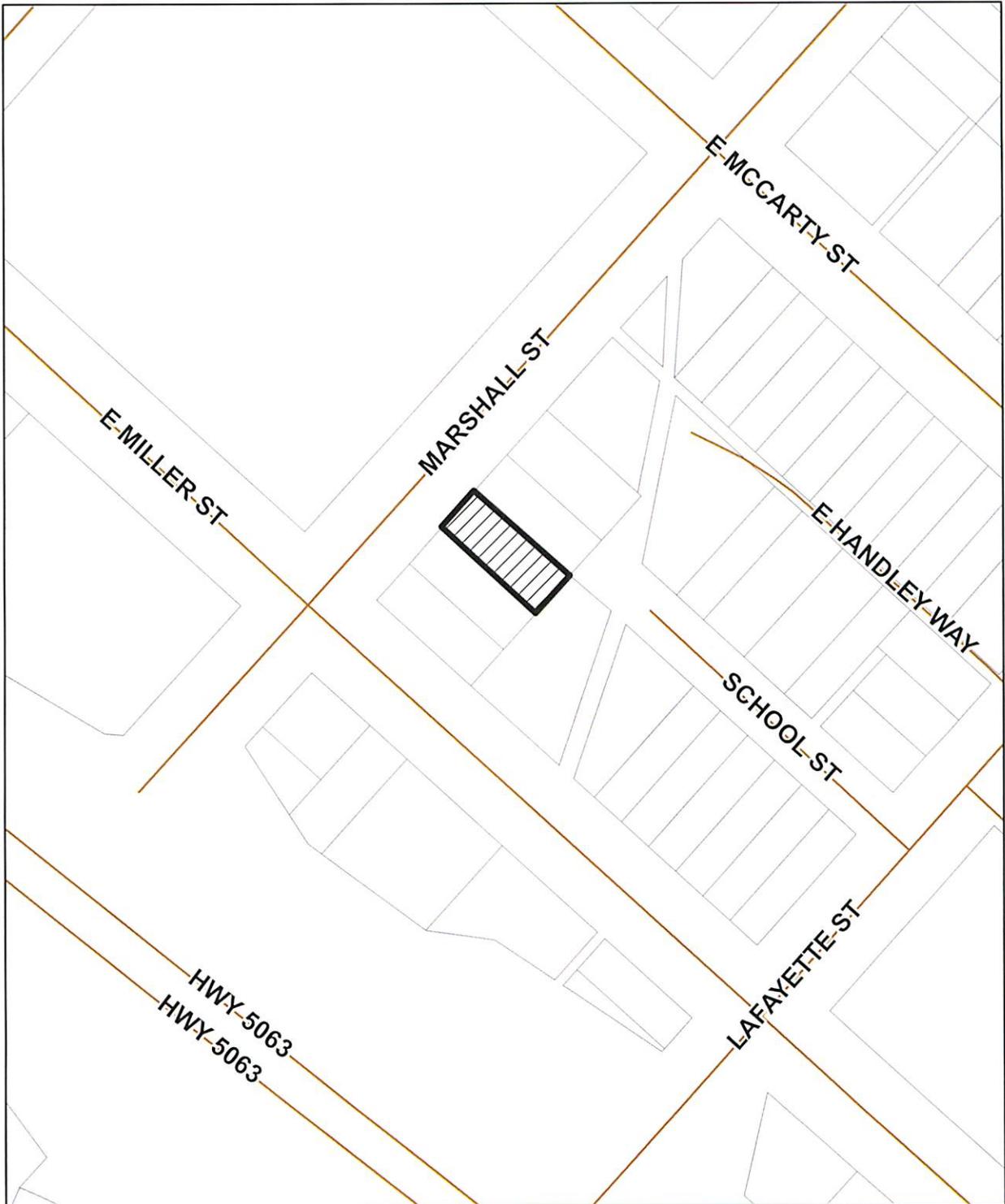


Case No. B16002
415 Marshall St
Side Setback Variances



City of Jefferson Board of Adjustment

VICINITY



Case No. B16002
415 Marshall St.
Side Setback Variances





City of Jefferson
Department of Planning & Protective Services
320 E. McCarty Street
Jefferson City, MO 65101
Phone: 573-634-6410
icplanning@jeffcitymo.org
www.jeffersoncitymo.gov

Date filed:

APPLICATION TO THE BOARD OF ADJUSTMENT

1. The undersigned hereby request(s) the following:
 - Conditional Use Permit (Section 35-73A; Section 35-71, Site Plan)
 - Variance (Section 35-73B; Section 35-71, Site Plan)
 - Appeal of Administrative Decision (Section 35-73C)
 - Chapter 3, Advertising and Signs: Signage Variance or Conditional Use Sign Permit
 - Chapter 8, Article V, Flood Hazard Regulations; Variance to Flood Hazard Regulations
 - Other (including Interpretations; please describe in #2 below)
2. Describe exactly the type of project proposed or what is being requested and the purpose of the request. Cite affected Section numbers if known (or attach separate sheet).

Request a change in set backs to the following. Right side of house 2',

set back of 1' from property line to driveway and a 9' drive along the house.

3. The application is filed for the following described real estate: (the correct legal description of the property must be printed below or attached to this application).

A. *Street Address:* 415 Marshall

B. *Property Description:* See attached

4. A **site plan in accordance with Section 35-71** is required for conditional use permits and variance applications. A "sketch" site plan may be required for other applications such as conditional use sign applications.
5. **Filing fee:** A check payable to the "City of Jefferson" for the application filing fee must be attached to this application. The applicable filing fee is identified in Appendix Y.
6. **Response to Required Findings:** Applicant responses to required findings must be attached. The required findings vary based on type of application as follows:
 - a. Setback, lot area or dimension variance – Addendum A (Density and Dimensional)
 - b. Height variance – Addendum B
 - c. Fence height variance – Addendum C
 - d. Number of parking spaces variance – Addendum D
 - e. Location of off street parking variance – Addendum E
 - f. General Variance (variances not associated with other addendums) – Addendum F
 - g. Conditional use permit – Addendum G
 - h. Telecommunication facility conditional use permit – Addendum H
 - i. Signage:
 1. Signage variance – Addendum I
 2. Conditional use sign permit – Addendum J
 - j. Appeals of administrative decision – Addendum K

(continued on next sheet)

7. The undersigned certify to be all of the owner(s) of the above described property and that the submitted information (including all attachments to this application) is true and correct. (All owners of this property must sign and the signatures must be notarized).

Colleen Carl
Property Owner Signature

Colleen Carl Assistant Director
Printed Name/Title (type or print)

Property Owner Signature

Printed Name/Title (type or print)

Subscribed and sworn before me this 7 day of April, 2016.



TERESA J. STULL
My Commission Expires
February 4, 2018
Cole County
Commission #14575039

Teresa J. Stull
Notary Public

Applicant (if different from property owner):

Name	Kyle Kittrell
Mailing Address	1420 Creek Trail Drive, Jefferson City, MO 65109
Phone Number	573-353-3662

Specific information may be required depending upon type of application. Please refer to the appropriate Chapter. Other permits, including building permits and sign permits may be required in addition to Board actions. Please seek advice of City staff or your consultant, if applicable.

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.

**Jefferson City Board of Adjustment Application
Addendum A – Density and Dimensional Standards**

To be used for variance requests dealing with setbacks, lot width, or lot area.
(Section 35-73.B.4.b and c.(1))

Property Address 415 Marshall

Applicant Name River City Habitat for Humanity, Kyle Kittrell

Provide responses to the following required findings. State all reasons for your answer and use additional pages to complete your answer if necessary.

General Findings:

1. Would the proposed variance eliminate an adequate supply of light or air to the adjacent property?

No it will not. This property is located on a hill across from Siminson 9th Grade Center. Also there are not any lots behind the property. So the lot is open on the front and back side. This allows for a clear area in both the front and back for light and air.

2. Would the proposed variance substantially increase congestion on the public street?

No it will not. This street only has houses on the east side with low volumes of traffic. The family that will live there has one vehicle and will be able to use the driveway.

3. Would the proposed variance increase the danger of fire or endanger the safety of the public?

No it will not. Marshall has easy access for fire vehicles and driveway can be used for access to the back.

4. Would the proposed variance be unduly injurious to the use and enjoyment of the adjacent property?

No it will not. The variance will not result in any increased safety hazard. Based on the duplex structure we removed from the property, this single family home will be a significant improvement.

5. Would the proposed variance substantially diminish property values in the neighborhood?

No it will not. This house will appraise equal to or greater than the other houses along the street.

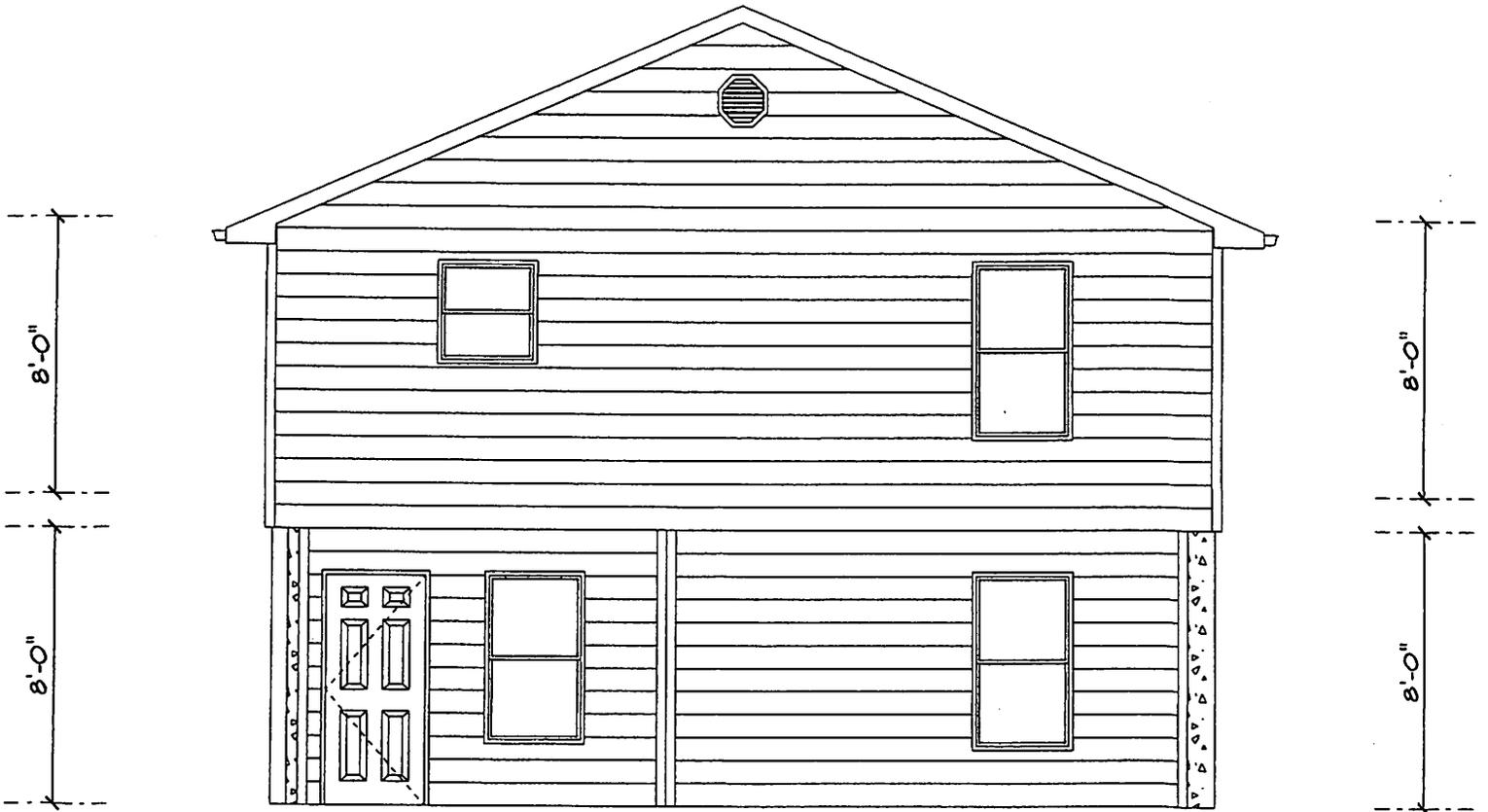
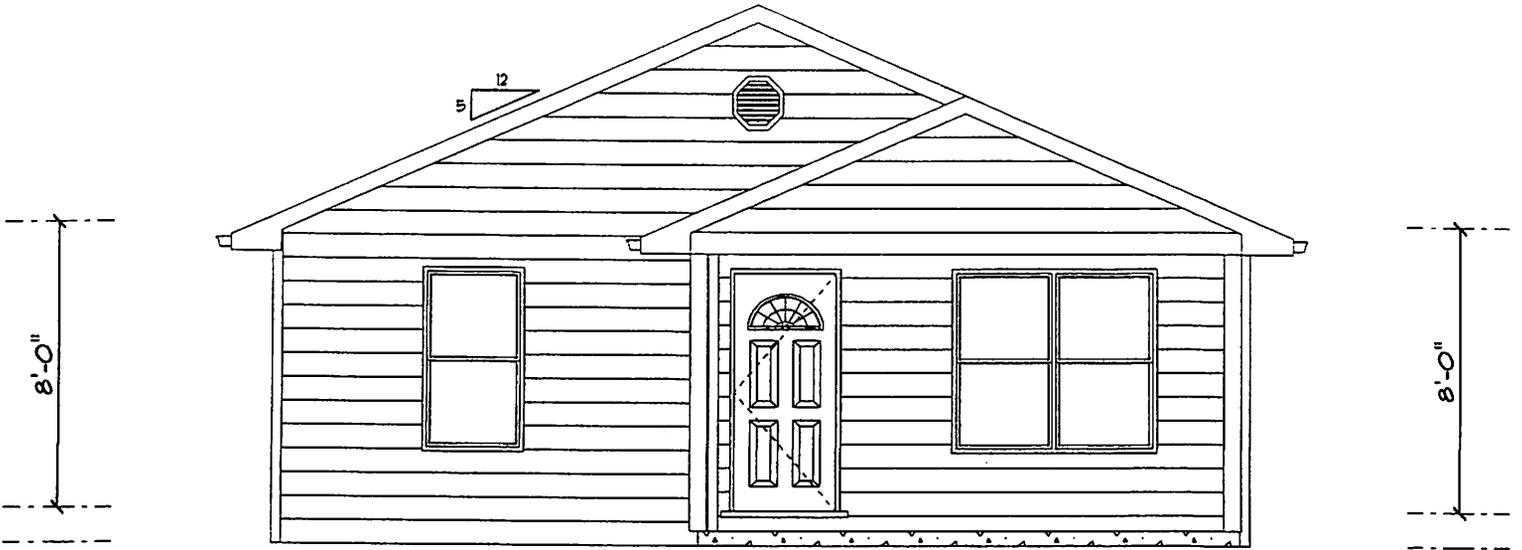
6. Would the proposed variance be in keeping with the general spirit and intent of the Zoning Code?

Yes it does. It is difficult to build in the City on these small 40ft wide lots without some variances. This house will be built to the same standard as other Habitat for Humanity homes. To accomplish this the variances are needed.

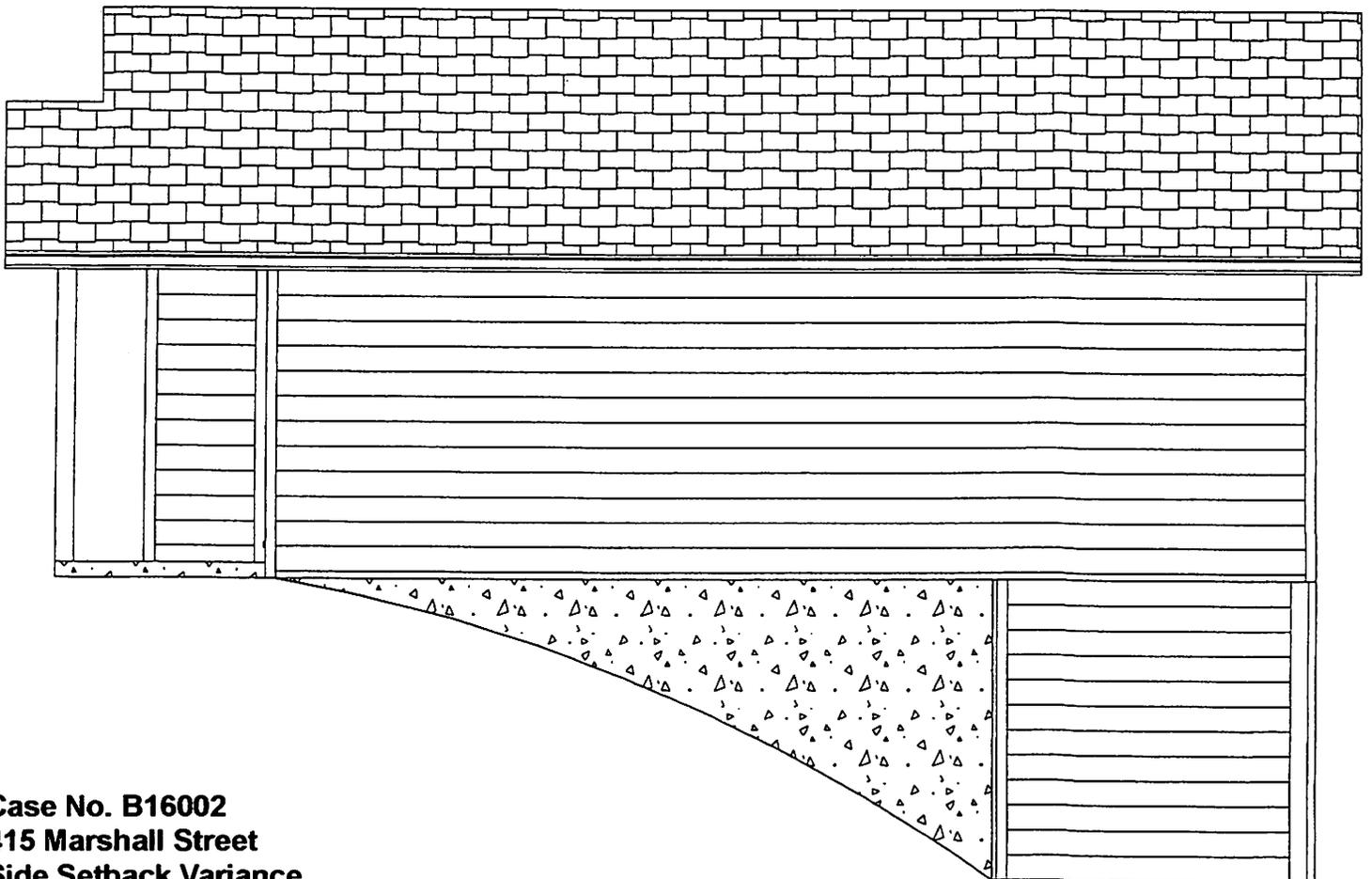
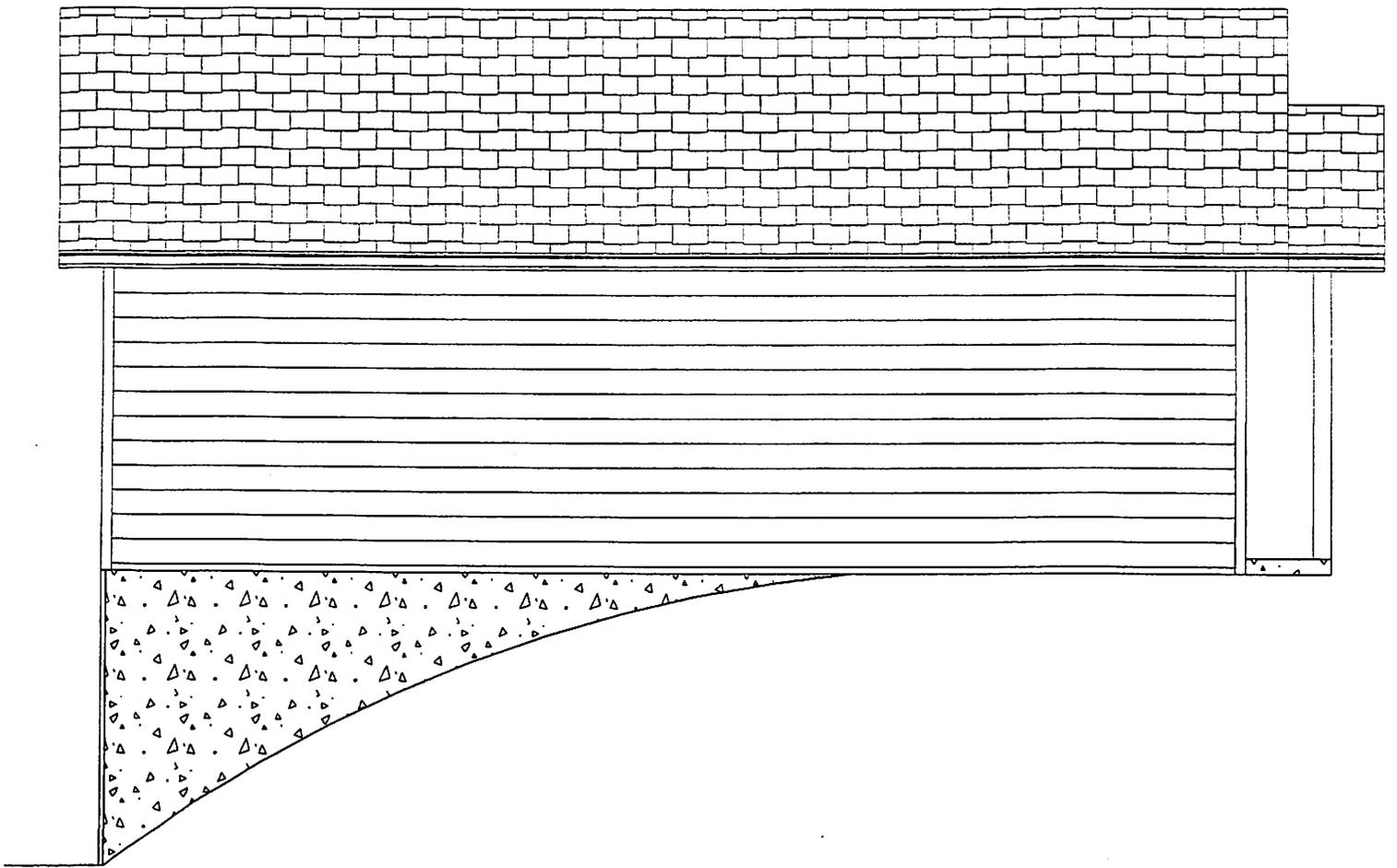
Specific Findings:

1. Are there practical difficulties associated with the premises which under strict and literal adherence to the provisions of this chapter would cause an unnecessary hardship?

Without these variances a home can not be built on this site.



Case No. B16002
415 Marshall Street
Side Setback Variance



Case No. B16002
415 Marshall Street
Side Setback Variance

City of Jefferson

Department of Planning & Protective Services
320 E. McCarty St.
Jefferson City, MO 65101



Carrie Tergin, Mayor

Janice McMillan, AICP, Director
Phone: 573-634-6410
Fax: 573-634-6562

May 3, 2016

Dear Property Owner:

This letter is to notify you that the Jefferson City Board of Adjustment will meet at 7:30 a.m. on the morning of Tuesday, May 17, 2016 in the Council Chambers of the John G. Christy Municipal Building, 320 E. McCarty Street, to consider the following item of business:

Case No. B16002 – 415 Marshall Street; Side Setback Variances. Application filed by River City Habitat for Humanity, property owner, for the following:

1. A variance of 8 feet from the 10 feet side setback requirement to allow a side setback of 2 feet on the south side of the property (Section 35-51).
2. A variance of one foot from the driveway setback requirement of 2 feet to allow a driveway one foot from the north property line. (Section 35-58.6.b).

The purpose of the request is to construct a single family home on the vacant lot with driveway beside the home. The property is located on the east side of Marshall Street 125 feet north of Miller Street and is described as lot 3 of Coxs Subdivision, Jefferson City, Missouri.

As an adjoining landowner and/or neighbor, you have the privilege of attending this hearing. Unfortunately, we are unable to record comments received by telephone, but written comments will be made part of the official record. Written comments may be directed to the Board of Adjustment in one of the following ways:

e-mail: jcplanning@jeffcitymo.org

fax: Department of Planning & Protective Services, Planning Division, 573-634-6457

mail: Department of Planning & Protective Services / Planning Division

John G. Christy Municipal Building, 320 E. McCarty Street, Jefferson City, MO 65101

Written comments must be received before 5:00 p.m. Monday, May 16, 2016 and will be copied and distributed to Board members at the meeting. Correspondence and other items received at the time of the meeting will be included in the official record, but may be delivered to the Chairman only; there is no guarantee that copies will be made for distribution to all Board members. Interested parties who are unable to provide written comment in advance are invited to deliver their comments to the Board Chairman at the time of the meeting.

Information regarding this case may be viewed on the Board of Adjustment webpage at:
<http://www.jeffersoncitymo.gov/pps/planning/boardofadjustment.html>

If you have any questions concerning this matter, please feel free to contact me at 573-634-6475.

Sincerely,

A handwritten signature in blue ink that reads "Eric Barron".

Eric Barron, AICP
Senior Planner

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.

JEFFERSON CITY SCHOOL DISTRICT
315 E DUNKLIN ST
JEFFERSON CITY, MO 65101
506 MARSHALL ST
501 E MILLER ST

WALDON, TAHTIANA &
LANE, CHRISTOPHER M
419 MARSHALL ST
JEFFERSON CITY, MO 65101
419 MARSHALL ST

SIEBENECK, MARY JANE
610 E MCCARTY ST
JEFFERSON CITY, MO 65101
610 E MCCARTY ST

NEW VISIONS INVESTMENTS L L C
PO BOX 104656
JEFFERSON CITY, MO 65110-4656
421 MARSHALL ST

GORMAN, MICHAEL J & CYNTHIA A
1829 RABBIT RUN CT
HOLTS SUMMIT, MO 65043
608 E MCCARTY ST

CASTILLO, LISA
GALBREATH, DONALD J
3249 FROG HOLLOW RD
JEFFERSON CITY, MO 65109
615 SCHOOL ST
617 SCHOOL ST

CITY OF JEFFERSON
320 E MCCARTY ST
JEFFERSON CITY, MO 65101
606 E MCCARTY ST
600 E MCCARTY ST

DOWNS, JIMMY D & E JANE
PO BOX 1995
LAKE OZARK, MO 65049
621 SCHOOL ST

CAPITAL CITY PROPERTIES L L C
5502 WARDSVILLE RD
JEFFERSON CITY, MO 65101
602 E MCCARTY ST

RAINS, LARRY
1883 NW 255
KINGSVILLE, MO 64061
623 SCHOOL ST

ROMAN, JAY A
409 MARSHALL ST
JEFFERSON CITY, MO 65101
409 MARSHALL ST

CITY OF JEFFERSON
PARKS & RECREATION COMMISSION
320 E MCCARTY ST
JEFFERSON CITY, MO 65101
SCHOOL ST
620 E MILLER ST REAR

LOVE, JOAN
232 BOONVILLE RD
JEFFERSON CITY, MO 65109
411 MARSHALL ST

SMITH, LELAND G & HALLIE W (D/C)
620 SCHOOL ST
JEFFERSON CITY, MO 65101
620 SCHOOL ST

DEGRACE, THOMAS
900 MONTANA ST
JEFFERSON CITY, MO 65109
413 MARSHALL ST

E P B ENTERPRISES L L C
206 E FRANKLIN ST
JEFFERSON CITY, MO 65101
622 SCHOOL ST

RIVER CITY HABITAT FOR HUMANITY
1420 CREEK TRAIL DR
JEFFERSON CITY, MO 65109
415 MARSHALL ST *(Subject Property)*

Jefferson City Board of Adjustment
Property Owner List
Case No. B16002

415 Marshall Street

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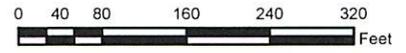
May 17, 2016

MACK, YVONNE
612 E MILLER ST
JEFFERSON CITY, MO 65101
612 E MILLER ST

LOGAN, HELEN
608 E MILLER ST
JEFFERSON CITY, MO 65101
608 E MILLER ST

NEW VISIONS INVESTMENTS L L C
PO BOX 104656
JEFFERSON CITY, MO 65110-4656
501 MARSHALL ST

Case No. B16002
415 Marshall St
Side Setback Variances



185 ft. Notification Buffer

