

Jefferson City Board of Adjustment

September 13, 2016

**Case No. B16004
Phoenix Healthcare Realty Holdings LLC
310 & 312 W. Elm Street**

- A. Lot width variance of 8 feet
- B. Street frontage variance to permit a lot to be platted with frontage on an alley

**STAFF REPORT
BOARD OF ADJUSTMENT – CITY OF JEFFERSON, MISSOURI
September 13, 2016**

Case No. B16004 – 310 and 312 West Elm Street; Lot Width and Street Frontage Variances.

Application filed by Phoenix Healthcare Realty Holdings LLC, property owner, for the following:

1. An 8 feet variance from the 60 feet minimum lot width of the RA-2 zoning district to permit a lot width of 52 feet (Section 35-50.A Lot Dimensional Standards).
2. A variance from requirement of a lot to have street frontage to permit a lot to be platted with frontage on an alley (Section 35-50.C.1 Street Access).

The purpose of the request is to permit the property, which is currently developed with two houses fronting on Elm Street and a commercial parking lot in the rear, to be divided into three lots (two residential lots fronting on Elm Street and one commercial parking lot with access from an alley). The property is located on the north side of West Elm Street 150 feet west of Broadway Street and is described as Inlot 686, Jefferson City, Missouri (Bartlett and West, Consultant).

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 single tract (one of the original Inlots of Jefferson City) with two houses, each of which has been converted into a two unit building, and a parking lot at the rear of the property. Of the two houses, both are vacant and one is in a state of severe dilapidation and in need of demolition. The property was recently acquired by Phoenix Healthcare, who have offices located a short distance away at 500 Broadway Street, and they are interested in the parking lot portion of the property only with no desire to retain ownership of the houses. After consultation with Planning Division Staff, they have submitted a plan that would divide the property into 3 lots (one lot for each house and one for the parking lot). In order to move forward with this property division plan, variances from lot width requirements and from the street frontage requirement (for the parking lot) would be required. If approved, the property owner would then proceed with submittal of a subdivision plat to divide the property into 3 lots and a rezoning application to realign the C-2/RA-2 zoning boundary along the new property line.

ZONING AND SURROUNDING LAND USE

The front portion of the subject property is zoned RA-2 High Density Residential.

The rear portion of the subject property is zoned C-2 General Commercial.

	Surrounding Zoning	Surrounding Uses
North	C-2	Hotel / Retail / Office
South	C-2 / RA-2	Multifamily Residential
East	RA-2	Residential
West	RA-2	Residential

STAFF ANALYSIS

The two houses located at the front of the property are constructed in a similar manner, in terms of setbacks and arrangement to the street, as other houses on the block and in the surrounding neighborhood. Although one house is in need of demolition, construction of a new house in its place would be a benefit to the area as it would be similar in scale and lot width as the other structures on the street.

The Elm Street frontage is quite steep, and not ideal for driveway access. In order to allow for vehicular access to the two residential lots, the owner is planning to place easements through the parking lot to access the rear of each lot.

While parking lots with sole access from an alley are ideal, especially in historic areas of the City, buildings that rely solely on alley access are not ideal. In order to prevent any future use of the rear tract as a building lot, staff recommend a condition placed on the approval of the street frontage variance that no permanent structure be permitted on the property.

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 resulting residential lots would be similar in scale to other lots in the area and would be platted around existing residential buildings.
Not substantially increase congestion in the public street.	X		Easements across the parking lot would allow all three future lots to have vehicular access from the alley.
Not increase the danger of fire or endanger the safety of the public.	X		Applicable setbacks for future structures would still apply.
Not be unduly injurious to the use and enjoyment of adjacent property.	X		The resulting lot width would not be out of character with the surrounding neighborhood. A parking lot with sole access from an alley is an ideal feature for the area.
Not substantially diminish property values in the neighborhood.	X		The parking lot is existing and the residential lots would be platted around existing residential structures.
Be in keeping with the general spirit and intent of the zoning code.	X		The requested variances would result in residential lots that are similar in scale to the existing residential neighborhood and allow for a parking lot with access from an alley, which is an ideal feature for the neighborhood.

STAFF RECOMMENDATION

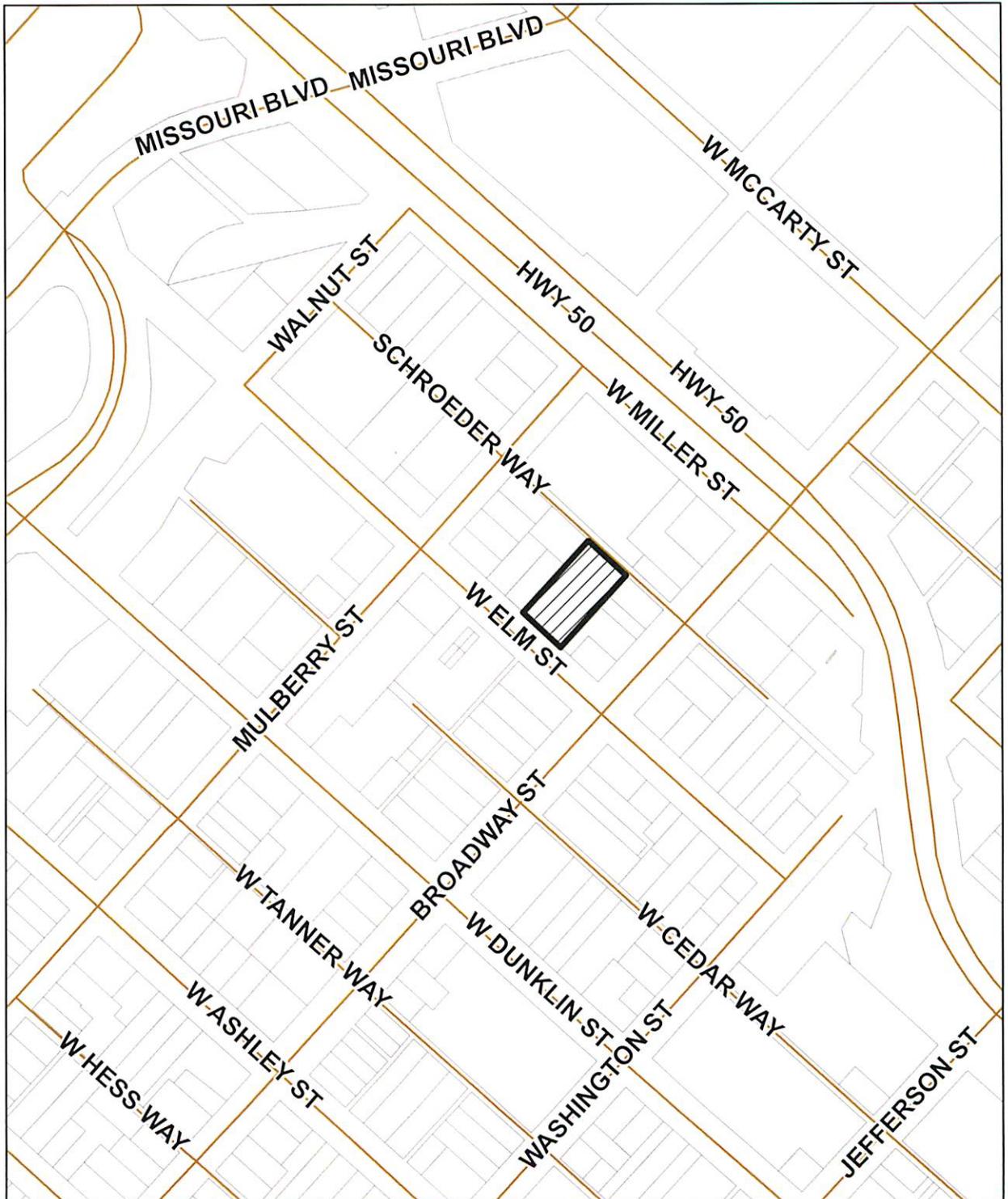
The required findings appear to be met. The lot width variances would allow for platting of lots around existing residential structures and would be similar in scale to the existing lots in the neighborhood. The creation of a parking lot with sole access to an alley is an ideal feature for the older historic areas of the City, as it allows for necessary parking while not impacting the street line or character of a street. Staff recommend a condition that no permanent structure be permitted on the parking lot tract.

FORM OF MOTION

1. Motion for approval of the requested variance of 8 feet from the 60 feet minimum lot width of the RA-2 zoning district to permit two lots with a width of 52 feet each.
2. Motion for approval of the requested variance from the requirement of a lot to have street frontage to permit a lot to be platted with frontage on an alley, with the following condition:
 - a. No permanent structure shall be permitted on the resulting lot.

City of Jefferson Board of Adjustment

VICINITY



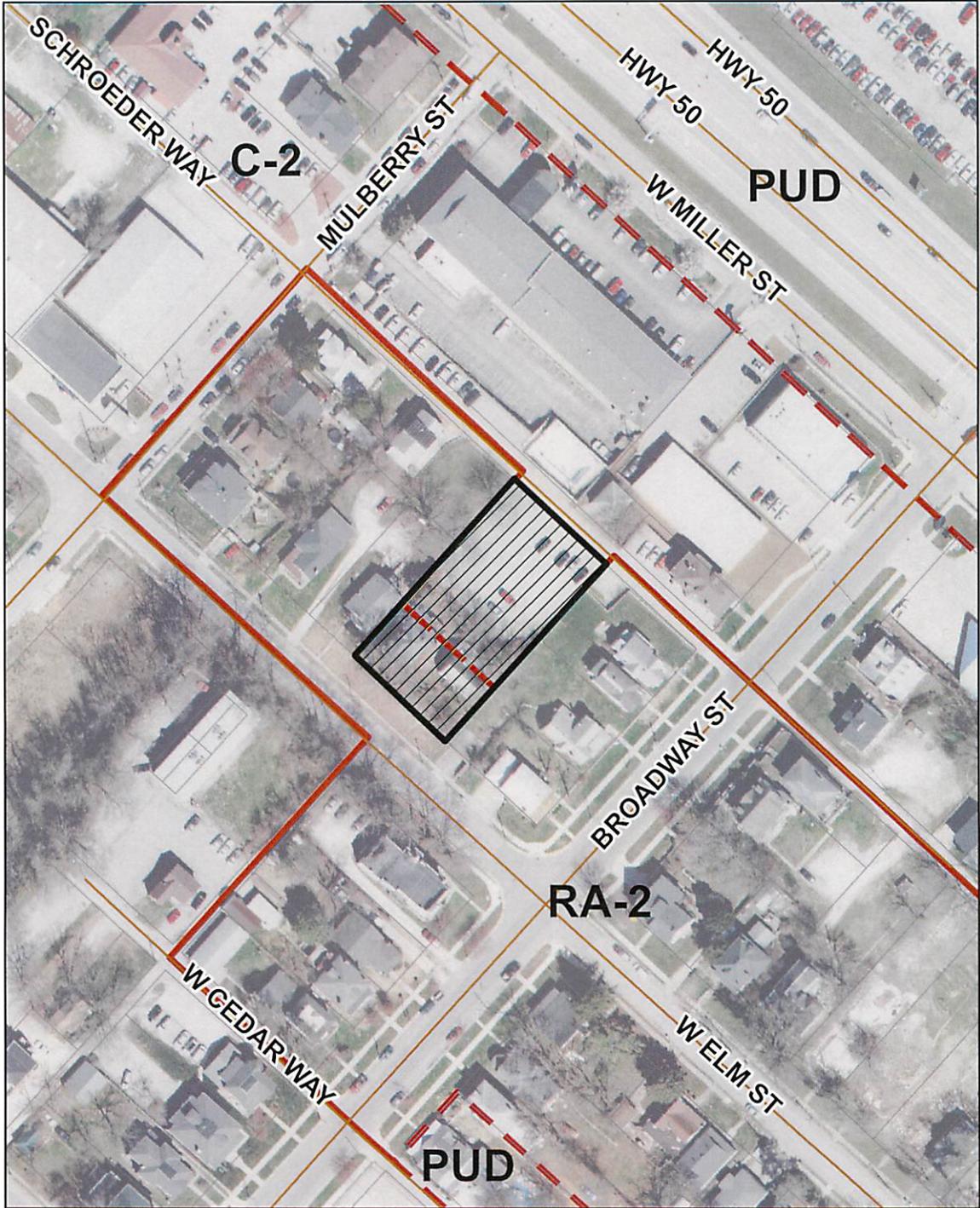
Case No. B16004
310 & 312 W. Elm St
Lot Width and Street
Frontage Variances

0 112.5 225 450 Feet



City of Jefferson Board of Adjustment

LOCATION MAP



Case No. B16004
310 & 312 W. Elm St
Lot Width and Street
Frontage 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).

SUBDIVIDE 1 LOT INTO 3 LOTS, SEE ATTACHED
SITE PLAN - Lot width and street frontage Variances ^{EB.}

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: 312 W. ELM STREET

B. Property Description: ~~SEE ATTACHED DEED~~ Inlot 686 ^{EB.}

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

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).

Jeff W. Burke
Property Owner Signature

Jeff Burke Authorized Signer
Printed Name/Title (type or print) Phoenix Health Care Realty Holdings.

Property Owner Signature

Printed Name/Title (type or print)

Subscribed and sworn before me this 19th day of August, 2016.

CYNTHIA D. METTE
Notary Public - Notary Seal
STATE OF MISSOURI
County of Callaway
My Commission Expires 7/22/2020
Commission # 12416117

Cynthia D. Mette
Notary Public

Applicant (if different from property owner):

Name	
Mailing Address	
Phone Number	

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 312 W. ELM STREET

Applicant Name JEFFREY BOKER

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?

SEE Attachment "A"

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

SEE Attachment "A"

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

SEE Attachment "A"

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

SEE Attachment "A"

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

SEE Attachment "A"

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

SEE Attachment "A"

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?

SEE Attachment "A"

Attachment "A"

Addendum A -Density and Dimensional Standards

1. The proposed variance would not eliminate an adequate supply of light or air to any of the adjacent properties. We are requesting a variance for the minimum lot width for the purpose of subdividing 1 tract into 3 lots. Proposed Lot 1 has an existing structure in place that would be remodeled. Proposed Lot 2 has an existing structure on it that would need to be removed. A new structure could be built on the vacant lot in the future, or be sold to the owner of Proposed Lot 1. Proposed Lot 3 is an existing parking lot that would be used for additional parking for our employees located at 500 Broadway Street and the future owners of Proposed Lot 1 and Lot 2.
2. The proposed variance would not substantially increase congestion on the public street. Proposed Lot 1 and Lot 2 would have 2 parking stalls include with the lots on the north side of the lots and these parking stalls would have access by a proposed ingress/egress easement from Schroeder Way.
3. The proposed variance would not increase the danger of fire or endanger the safety of the public. The number of buildings located at this location would remain the same. If a new building would be proposed on Lot 2, it would be built to current building codes as enforced by the City of Jefferson.
4. The proposed variance would not cause harm to the use and enjoyment of the adjacent property. The current buildings are unoccupied and are currently on the abandoned building list. With this variance it would allow us to rehabilitate the house on proposed Lot 1, and have a buildable lot on proposed Lot 2.
5. The proposed variance would not diminish property values in the neighborhood. The variance would allow us to seek a buyer to rehabilitate the house on proposed Lot 1, and proposed Lot 2 could be sold in conjunction with the existing house or sold as a buildable lot. With this variance the property values would increase for this neighborhood.
6. The proposed variance would be keeping with the general spirit and intent of the Zoning Code. In reviewing the parcels adjacent to this tract, are proposed lots would meet or exceed the amount of road frontage for this neighborhood.

Specific Findings:

1. None.

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

August 30, 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, September 13, 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. B16004 – 310 and 312 West Elm Street; Lot Width and Street Frontage Variances.

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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, September 12, 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,

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.

HOTEL DEVILLE L L C
827 VALLEY CREEK DR
FARMINGTON, MO 63640-1974
319 W MILLER ST

REED, DANIEL
608 BROADWAY
JEFFERSON CITY, MO 65101
608 BROADWAY

STEWART, TIMOTHY T
509 MULBERRY ST
JEFFERSON CITY, MO 65101
509 MULBERRY ST

SILVEY, EDWARD R
1922 SUN MEADOW LN
JEFFERSON CITY, MO 65109
610 BROADWAY

GREEN INDUSTRIES INC
PO BOX 104656
JEFFERSON CITY, MO 65110
511 MULBERRY ST
509 BROADWAY
601 BROADWAY
607 BROADWAY

GREEN INDUSTRIES INC
3108 HUNT RIDGE RD
JEFFERSON CITY, MO 65109
612 BROADWAY

BARFIELD, BILLIE JEAN
513 MULBERRY ST
JEFFERSON CITY, MO 65101
513 MULBERRY ST

CAPITAL CITY PROPERTIES L L C
5502 WARDSVILLE RD
JEFFERSON CITY, MO 65101
306 W CEDAR WAY
307 W ELM ST
307 W ELM ST
307 W ELM ST
307 W ELM ST

CROOK, KANDY, TRUSTEE
515 MULBERRY ST
JEFFERSON CITY, MO 65101
515 MULBERRY ST

CITY OF JEFFERSON
320 E MCCARTY ST
JEFFERSON CITY, MO 65101
605 MULBERRY ST
601 MULBERRY ST

PRENGER, MICHAEL W & JANICE I, TRUSTEES
902 TANYA LYNN DR
JEFFERSON CITY, MO 65109
315 W SCHROEDER WAY
318 W ELM ST
314 W ELM ST
512 BROADWAY
514 BROADWAY
516 BROADWAY

PHOENIX HEALTHCARE REALTY HOLDINGS L L C
3033 S KANSAS EXPWY
SPRINGFIELD, MO 65087
500 BROADWAY
312 W ELM ST (*Subject Property*)

H & H GLOBAL INVESTMENTS L L C
58 LARAND DR
HOLTS SUMMIT, MO 65043
301 W ELM ST

NORTHWAY, TOMMY LEE & AMY ROSE
1336 BONITA PASEO
JEFFERSON CITY, MO 65109
508 BROADWAY

BROWN, RON
510 BROADWAY
JEFFERSON CITY, MO 65101
510 BROADWAY

DUNKMANN, JAMES K & JAYNE A
12624 NORTHVIEW DR
HOLTS SUMMIT, MO 65043
518 BROADWAY

R R R E HOLDINGS L L C
501 BROADWAY
JEFFERSON CITY, MO 65101
501 BROADWAY

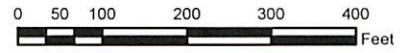
GREEN, DANNY J & KATHLEEN A
PO BOX 104656
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511 BROADWAY
609 BROADWAY

GREEN, DANNY J & KATHLEEN A
3108 HUNT RIDGE RD
JEFFERSON CITY, MO 65109
513 BROADWAY

SCHROEDER, JULIANNA M
FERBER, SUSAN K
224 W ELM ST
JEFFERSON CITY, MO 65101
224 W ELM ST

LONG, ROSEMARY J
613 BROADWAY
JEFFERSON CITY, MO 65101
613 BROADWAY

Case No. B16004
310 & 312 W. Elm St
Lot Width and Street
Frontage Variances



185 ft. Notification Buffer

