

**NOTICE OF PUBLIC HEARING
DO NOT REMOVE**

**BOARD OF ZONING ADJUSTMENT OF JEFFERSON COUNTY, MISSOURI,
NOTICE OF MEETING**

Notice is hereby given that the Board of Zoning Adjustment of Jefferson County, Missouri, will conduct a meeting at 4:00 p.m., Thursday February 10, 2022, in the Assembly Room of the Jefferson County Administration Center, 729 Maple Street, Hillsboro, Missouri.

The tentative agenda of this meeting includes:

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

Minutes of the December 16, 2021 Board of Zoning Adjustment Meeting

V. SWEARING IN OF WITNESSES

VI. INTRODUCTION OF EVIDENCE

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. BOA21014: Application for a variance to Chapter 400: Unified Development Order, Article V, Section 400.1670, of the Code of Ordinances of Jefferson County, for rear yard setback requirements for a residence and deck in a Single Family Residential (R-07) Zone District, 12-9.0-29.0-2-004-027, located at 6941 East Vista, Hillsboro MO in Central Township and County Council District #6.
- B. BOA21015: Application for a variance to Chapter 400: Unified Development Order, Article V, Section 400.1670, of the Code of Ordinances of Jefferson County, for rear yard setback requirements for a residence in a Large Lot Residential (LR-2) Zone District, 12-5.0-22.0-0-000-037, located at 106 Froelich Road, Hillsboro MO in Central Township and County Council District #7.

IX. REPORTS TO THE BOARD

X. ELECTION OF OFFICERS

XI. EXECUTION OF BOARD of ZONING ADJUSTMENT ORDERS

XII. CITIZENS TO BE HEARD

XIII. ADJOURNMENT

Representative of the media may obtain copies of this notice by contacting the Planning Division at 636-797-5580, Jefferson County Planning Division, PO Box 100, Hillsboro, Missouri, 63050.

Any person requiring special accommodation under the Americans with Disabilities Act should contact Human Resources, at 636-797-5071.

Please be Advised: Members of the County Council May Be in Attendance at this Meeting

Jefferson County, Missouri

PLANNING DIVISION

PO Box 100
HILLSBORO, MO 63050
(636) 797-5580

Staff Report to the Board of Zoning Adjustment

Meeting Date: February 10, 2022

General Information:

Petition Number: BOA21014

Applicant Name: Pablo and Joan Cejas
Street Address: 2408 Southwind Meadows Ct
City, State, ZIP: St. Louis, MO 63129

Owner Name: Same as above.
Street Address:
City, State, ZIP:

Location of Site: Site is located at 9641 East Vista.

Requested Action: Relief from Chapter 400, Article V, Section 400.1670 – Minimum Building Setbacks – for a reduction in the required rear yard setback in the “R07” zone district for a home from 30 feet to 27.4 feet.

Size of Tract: N/A
Parcel Number: 12-9.0-29.0-2-004-027
Existing Zone District: R07
Council District: #6
Township: Central

Prepared By: Rachel Krispin, Planner I
Date: December 28, 2021
Recommendation: Denial

Attachments:
1. Aerial Map
2. Zoning Map
3. Site Plan

Subject Property

The subject property is located at 9641 East Vista Dr. in Hillsboro, MO. The property is currently undeveloped. The parcel is zoned Single-Family Residential "R07".

According to FEMA's Flood Rate Insurance Map, a portion of the property lies within the floodway or floodplain, and no stream orders traverse the property.

Surrounding Areas

The zone districts and land uses surrounding the subject property include:

To the North:	<u>Zoning:</u>	R07
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	R07
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	R07
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	R07
	<u>Land Use:</u>	Developed Residential

Petitioner's Request

The petitioner is requesting relief from the required 30-foot rear yard setback for a detached residential home. The proposed building line is shown being located at 27.4 feet, requiring a 2.6-foot reduction in the setback requirement.

Analysis

Article 17, Section 400.5770, of the Code of Ordinances of Jefferson County, asserts the powers of the Board of Zoning Adjustment. The Revised Statutes of the State of Missouri and the Jefferson County Unified Development Order deem the following conditions necessary for granting a variance. Staff's comments (**in bold**) follow each condition.

- The variance requested arises from a condition that is unique and peculiar to the property in question and is not created by an action or actions of the property owner or applicant.

As required by the Jefferson County UDO, homes are to be located 30 feet from a rear yard property line in the "R07" zone district. While there is limited buildable space on the property due to the rear property line configuration, the request arises from the petitioner's desire to construct a residential home at the location as presented on the site plan.

- Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property the strict application of the provisions of the regulations complained of will constitute peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property, as an unreasonable deprivation of use as distinguished from the mere grant of a privilege.

Neither the lot shape nor topography create exceptional difficulties for the property owner. However, the petitioner could have a hardship due to the Planning Division inaccurately approving a building permit, which was months prior to this request, for this site plan. Grading on the property has already begun. Although the building permit for this site plan was approved, the petitioner has applied for a variance since the southwest corner of the proposed home is located outside of the 30-foot rear yard setback. Denial of the variance would not deprive the owner of the residential use of the property.

- The variance requested will not cause substantial detriment to the public health, safety, morals and general welfare of the community.

The granting of the variance will not likely cause detriment to the public health, safety, morals, or general welfare of the community. The rear of the property adjoins the lake, which could minimize the effect to neighboring properties.

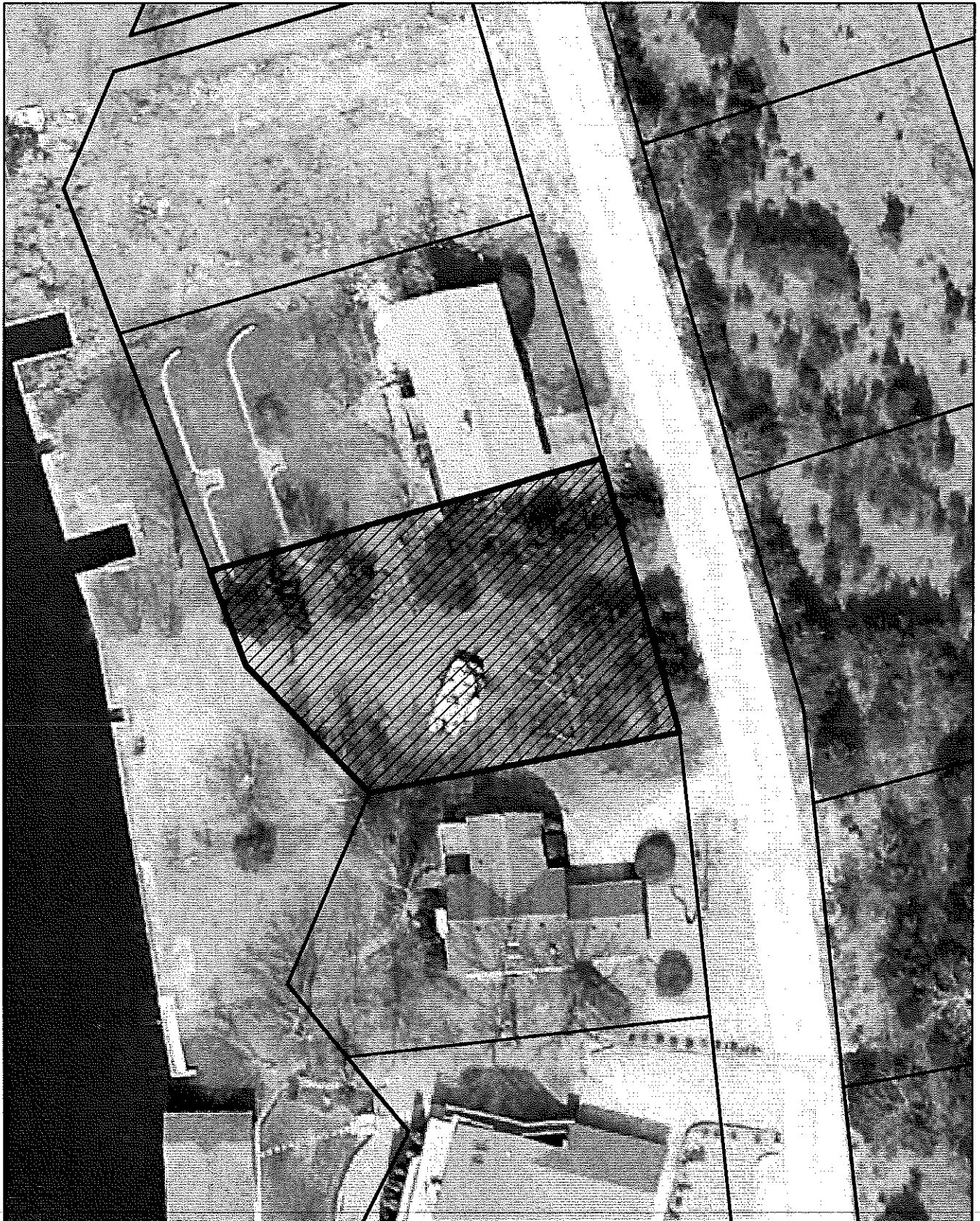
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

The requested variance is not consistent with the intent, purpose, and integrity of the zone plan as embodied in the Jefferson County Unified Development Order.

Staff Recommendation

Based on the analysis, staff recommends **Denial** of the requested variance for relief from the required 30-foot rear yard setback to be reduced to 27.4 feet along the western property boundary line in the "R07" zone district.

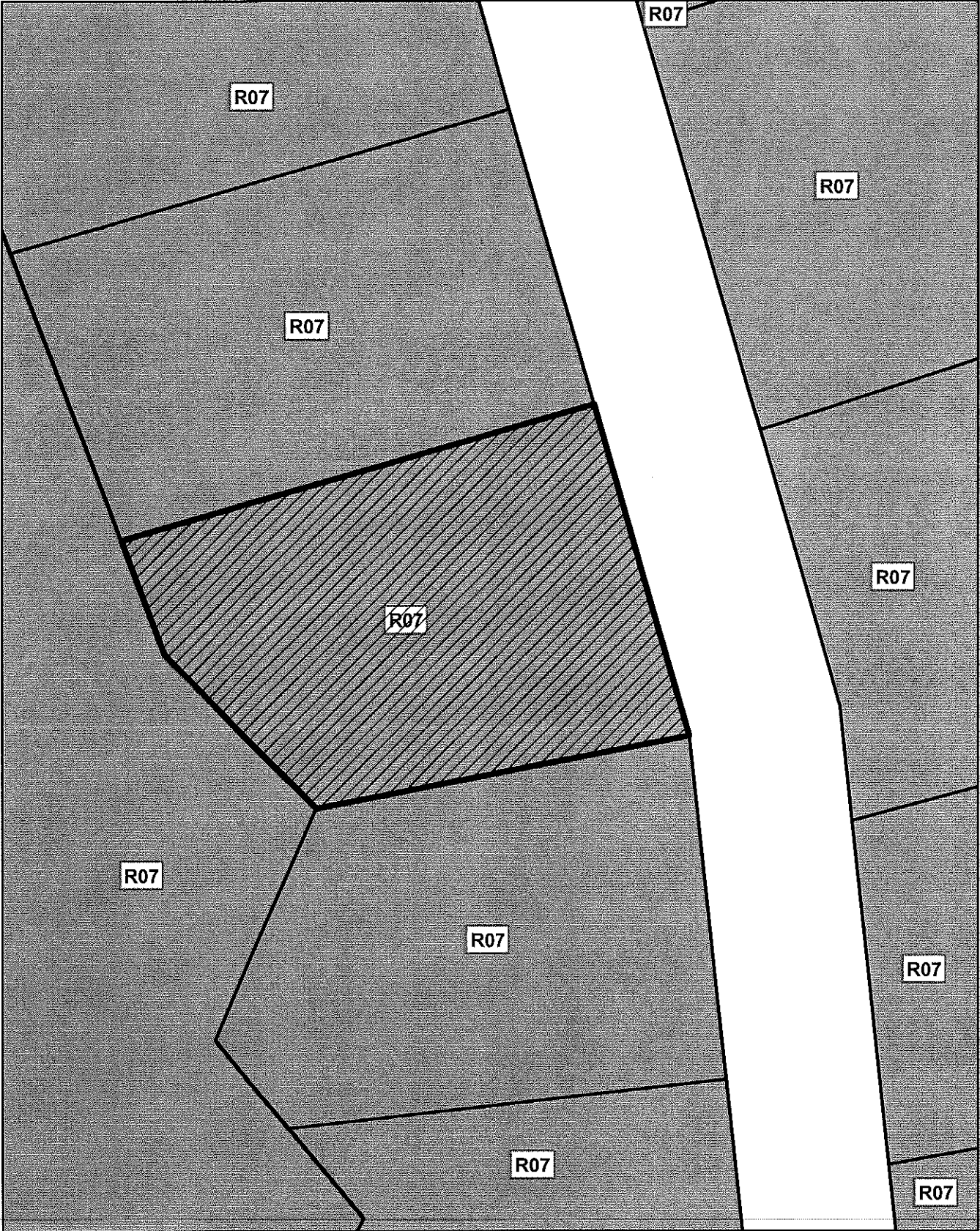
BOA21014 - Cejas



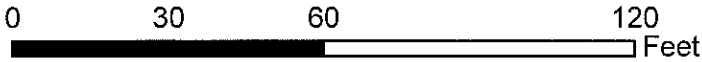
Subject Property

0 35 70 140 Feet

BOA21014 - Cejas



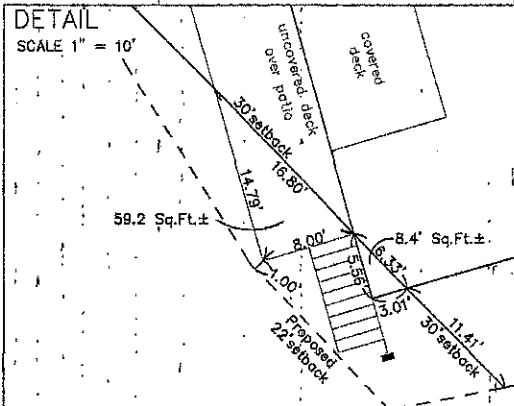
Subject Property



4 May 1971

—■ = Proposed 5' Offset Stake

LOT 42



DAVID WILEY SUMMERS
P.O. BOX 337
Hillsboro, Missouri 63056
(636) 797-228

Scale 1" = 20'

Associated Land
Surveyor's, Inc.
Certificate of Authority No. 000260
David Wiley P.L.S. 2812

34748

Server\Company\Survey Projects\Stk-PP\34748 Lot 11 Raintree Section Twelve.dwg--revised(05-04-2021 retaining wall and steps)(12-24-2021 Detail)

Jefferson County, Missouri

PLANNING DIVISION

PO Box 100
HILLSBORO, MO 63050
(636) 797-5580

Staff Report to the Board of Zoning Adjustment

Meeting Date: February 10, 2022

General Information:

Petition Number: BOA21015

Applicant Name: Darnell Horn
Street Address: 106 Froelich Rd.
City, State, ZIP: Hillsboro, MO 63150

Owner Name: Same as above.
Street Address:
City, State, ZIP:

Location of Site: Site is located at 106 Froelich, Hillsboro, MO.

Requested Action: Relief from Chapter 400, Article V, Section 400.1670 – Minimum Building Setbacks – for a reduction in the required rear yard setback in the “LR2” zone district for a home from 50 feet to 25 feet.

Size of Tract: 1.97
Parcel Number: 12-5.0-22.0-0-000-037
Existing Zone District: LR2
Council District: #7
Township: Central

Prepared By: Josh Jump, Planner II
Date: January 31, 2022
Recommendation: Denial

Attachments: 1. Aerial Map
2. Zoning Map
3. Site Plan

Subject Property

The subject property is located at 106 Froelich Rd., in Hillsboro, MO. The property is currently developed with a single-family home. The parcel is zoned Large Lot Residential "LR2".

According to FEMA's Flood Rate Insurance Map, a portion of the property lies within the floodway or floodplain, and no stream orders traverse the property.

Surrounding Areas

The zone districts and land uses surrounding the subject property include:

To the North:	<u>Zoning:</u>	LR2
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	LR2
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	LR2
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	LR2
	<u>Land Use:</u>	Developed Residential

Petitioner's Request

The petitioner is requesting relief from the required 50-foot rear yard setback for an accessory structure. The proposed building line is shown being located at 25 feet, requiring a 25-foot reduction in the setback requirement.

Analysis

Article 17, Section 400.5770, of the Code of Ordinances of Jefferson County, asserts the powers of the Board of Zoning Adjustment. The Revised Statutes of the State of Missouri and the Jefferson County Unified Development Order deem the following conditions necessary for granting a variance. Staff's comments (**in bold**) follow each condition.

- The variance requested arises from a condition that is unique and peculiar to the property in question and is not created by an action or actions of the property owner or applicant.

As required by the Jefferson County UDO, structures are to be located 50 feet from a rear yard property line in the "LR2" zone district, the lot does seem to have sufficient space on the property for the structure, the request arises from the petitioner's desire to construct a structure at the location as presented on the site plan.

- Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property the strict application of the provisions of the regulations complained of will constitute peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property, as an unreasonable deprivation of use as distinguished from the mere grant of a privilege.

Neither the lot shape nor topography create exceptional difficulties for the property owner. The location of the septic system and well could prove some difficulty in the location of an accessory structure. The existing home is lawfully non-conforming at 15' from the rear property line. This proposed structure would not exceed that and in fact would encroach less than the existing house. Denial of the variance would not deprive the owner of the residential use of the property.

- The variance requested will not cause substantial detriment to the public health, safety, morals and general welfare of the community.

The granting of the variance will not likely cause detriment to the public health, safety, morals, or general welfare of the community. The existing house is located 15' from the rear property making the proposed structure encroach less than the one that has been there for some time.

- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

The requested variance is not consistent with the intent, purpose, and integrity of the zone plan as embodied in the Jefferson County Unified Development Order.

Staff Recommendation

Based on the analysis, staff recommends Denial of the requested variance for relief from the required 50-foot rear yard setback to be reduced to 25 feet along the eastern property boundary line in the "LR2" zone district.

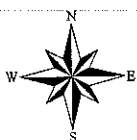
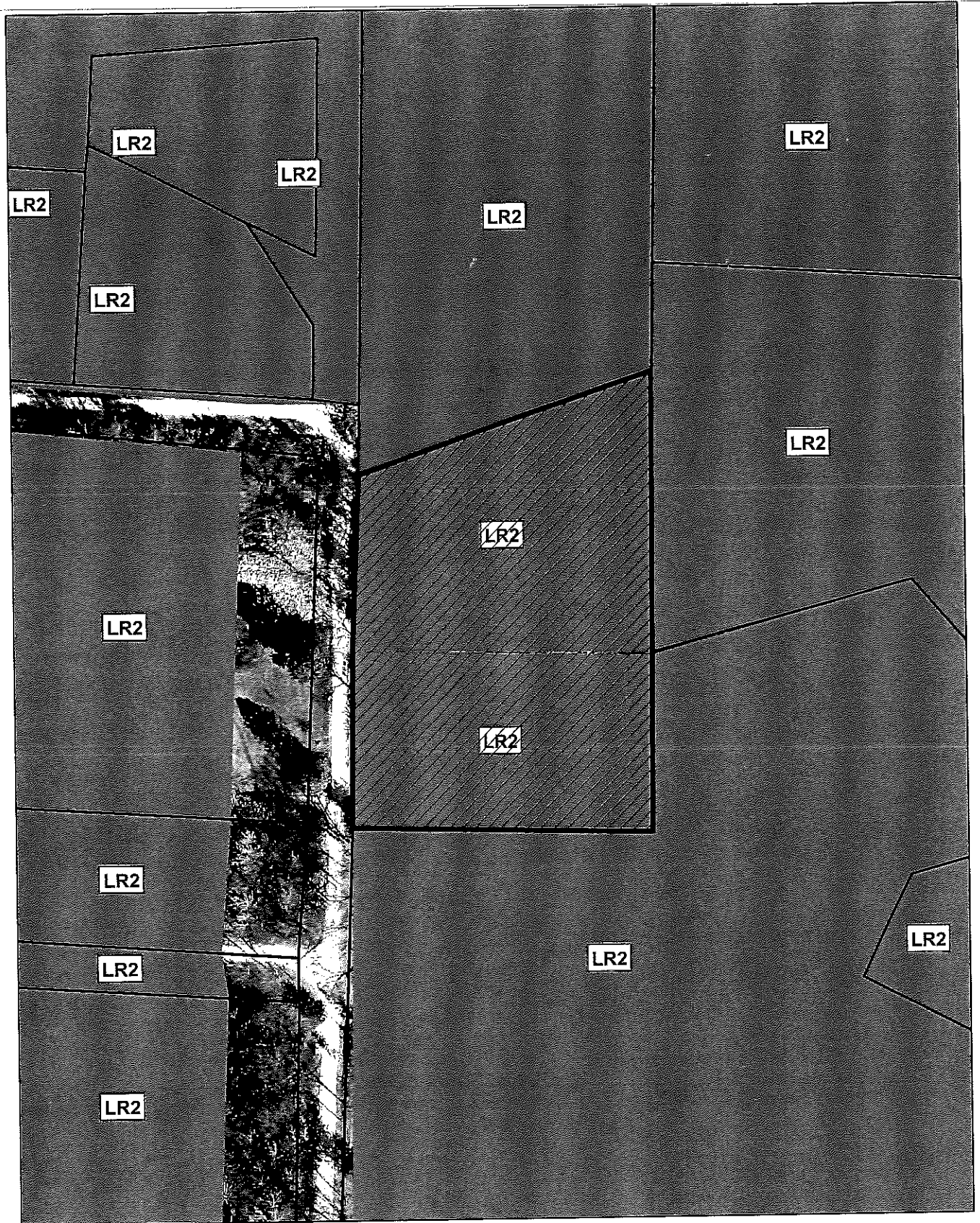
BOA21015- Horn



Subject Property

0 95 190 380 Feet

BOA21015- Horn



Subject Property

0 95 190 380 Feet

LOT 1
ALOYSUIS MANOR ESTATES
Plat Book 232 Page 6B
n/f
Scott Perry
Doc. No 2020R-045550
12-5.0-22.0-0-000-036
112 Froelich Road

Found Capped Pin

269.43'

N71°05'00"E
6' Tall Board Fence
20' setback

t Capped Pin

5.00'

FROELICH ROAD (Variable Width)

293.55'

LOT 2
ALOYSUIS MANOR ESTATES
Plat Book 232 Page 6B
n/f
Justin Horn
Doc. No. 2019R-014946
12-5.0-22.0-0-000-036.01
110 Froelich Road

LOT 1
CLARKLAND PLAT 2
Plat Document 2014P-000061
n/f

Marie Jennewein
Doc. No. 2015R-006384
12-5.0-22.0-0-000-035
8987 Hillsboro-House Springs Road

approximate
gravel driveway

LOT 1A

1.97 Acres

well

Found 1/2" Pipe

original lot line

Found 1/2" Pin

Tri-Level Frame
Residence on
Concrete Foundation

LOT 1
CAR-MAR SUBDIVISION
Plat Book 51 Page 7B
n/f
Justin Horn & Stacey Moore
Doc. No. 2021R-021783
12-5.0-22.0-0-000-037
106 Froelich Road

gravel driveway

16.3'x12.3' Frame Shed
on Concrete Block Foundation

20' setback

Set Capped Pin

chain link fence

N88°59'28"W

253.37'

Found 1/2" Pin

LOT 2A
BOUNDARY LINE ADJUSTMENT LOTS 2
AND 3 OF CAR-MAR SUBDIVISION &
PART OF THE SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 41 NORTH,
RANGE 4 EAST

Plat Book 208 Page 17A

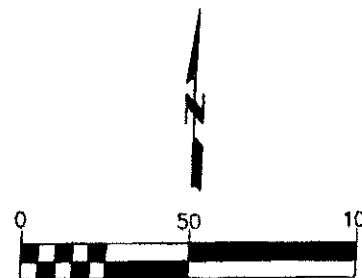
n/f

Joseph Kuchar & Sherry Kuchar
12-5.0-22.0-0-000-038
9005 Hillsboro-House Springs Road

To Hillsboro-House Springs County Road

18' scale
not to scale
967.36'

Found 3/8" Pin
is 0.15' West



SCALE 1" = 50'
FB 712 PG 28-30

Basis of Bearings from
Plat Book 208 Page 17A