

**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 June 13th, 2024, 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 March 14, 2024 Board of Zoning Adjustment Meeting
- V. SWEARING IN OF WITNESSES
- VI. INTRODUCTION OF EVIDENCE
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
 - A. BOA24004: Application for a variance to Chapter 400: Unified Development Order, Article V, Section 400.1670, of the Code of Ordinances of Jefferson County, for front yard setback requirements for residence in a Single Family Residential (R-40) Zone District, 03-2.0-09.0-0-000-012.02. located at 7165 Whippoorwill Hill., High Ridge MO in High Ridge Township and County Council District #1.
- IX. REPORTS TO THE BOARD
- X. EXECUTION OF BOARD of ZONING ADJUSTMENT ORDERS
- XI. CITIZENS TO BE HEARD
- XII. 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 8, 2023

General Information:

Petition Number: BOA24004

Applicant Name: Lance Steinberg
Street Address: 16295 Twin Lakes Dr
City, State, ZIP: St. Louis, MO 63122

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

Location of Site: The subject property is located at 7165 Whippoorwill Hill Dr in High Ridge.

Requested Action: Relief from Chapter 400, Article V, Section 400.1670 – Minimum Building Setbacks – for a reduction in the required front yard setback in the "R40" zone district for a new residence from 25 feet to 13.9 feet.

Size of Tract: 6.17 acres
Parcel Number: 03-2.0-09.0-0-000-012.02
Existing Zone District: R40
Council District: #1
Township: High Ridge

Prepared By: Rachel Krispin
Date: May 29, 2024
Recommendation: Approval

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

Subject Property

The property is located at 7165 Whippoorwill Hill Dr in High Ridge. The property is roughly 6.17 acres in size and is undeveloped. The property is zoned Single-Family Residential "R40".

According to FEMA's Flood Rate Insurance Map, no portion of the property lies within the floodplain or floodway, 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>	R40
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	R40
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	R40
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	R40
	<u>Land Use:</u>	Developed Residential

Petitioner's Request

The petitioner is requesting relief from the required 25-foot front yard setback for a new residence. The proposed residence is shown being located 13.9 feet from the front property line requiring a 11.1-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, residences such as the one proposed are required to be located 25 feet from the front property line in the "R40" zone district. The request arises from the petitioner's desire to construct a residence that encroaches on the front building setback. However, as set forth below, the property does exhibit unique topographical conditions.

- 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.

The lot is fairly normal in shape and size; however, the site exhibits severe topographical challenges. From the front of the property to the rear, there is a 150-foot difference in elevation- with the property slopping downwards from Whippoorwill Hill Dr. Denial of the variance could deprive the owner of the residential use of the property. The property is zoned for single-family residential use, and it appears the applicant has proposed the residence in the only location on the property where the slope is somewhat stable.

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

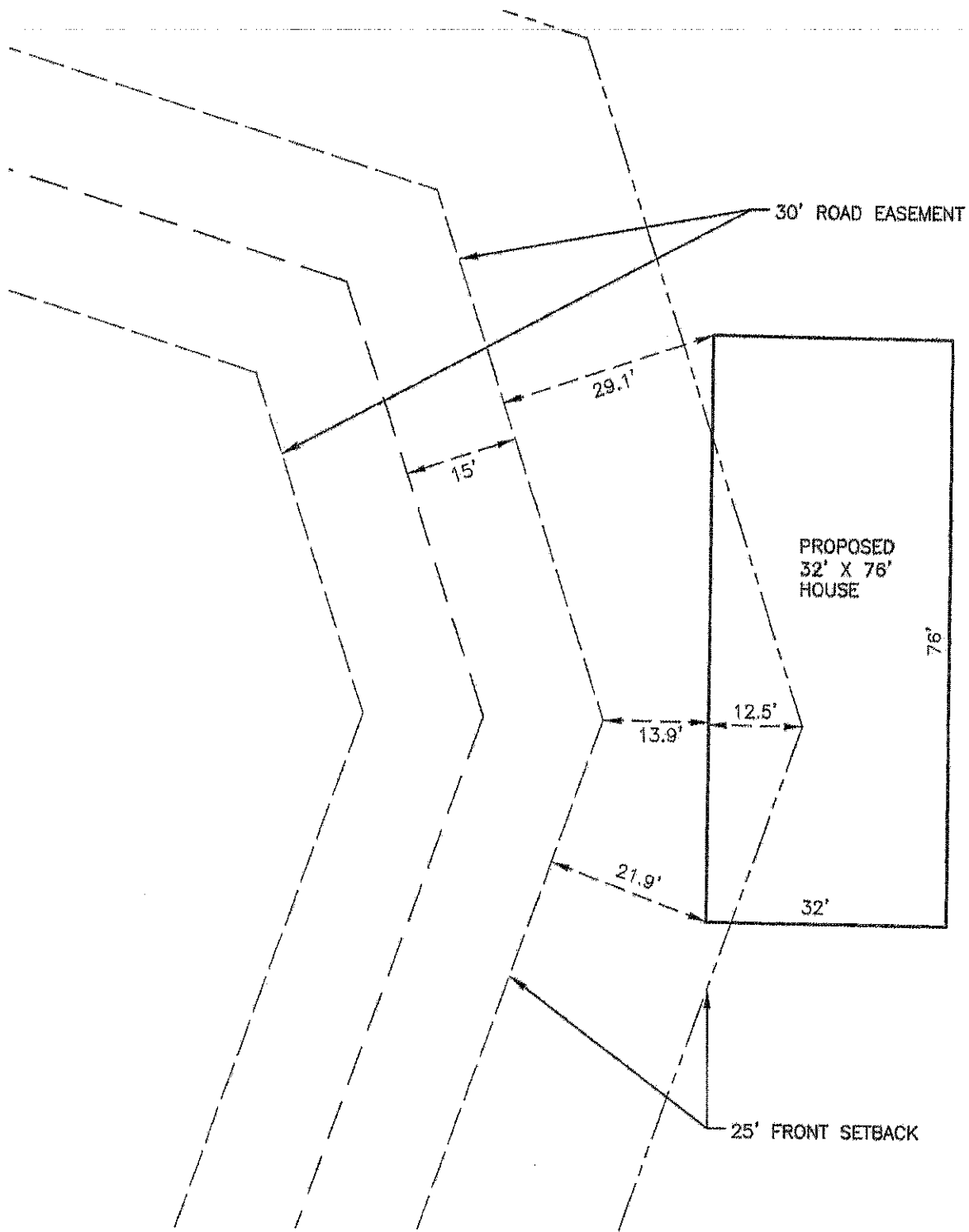
The granting of the variance will not likely cause detriment to the public health, safety, morals, or general welfare of the community. The reduction of the setback, while not in conformance with the UDO, would appear to be in line with other existing residences within the subdivision as the structures appear to be close to the road as well. (The subdivision is an established area that was likely developed long before current UDO standards.)

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

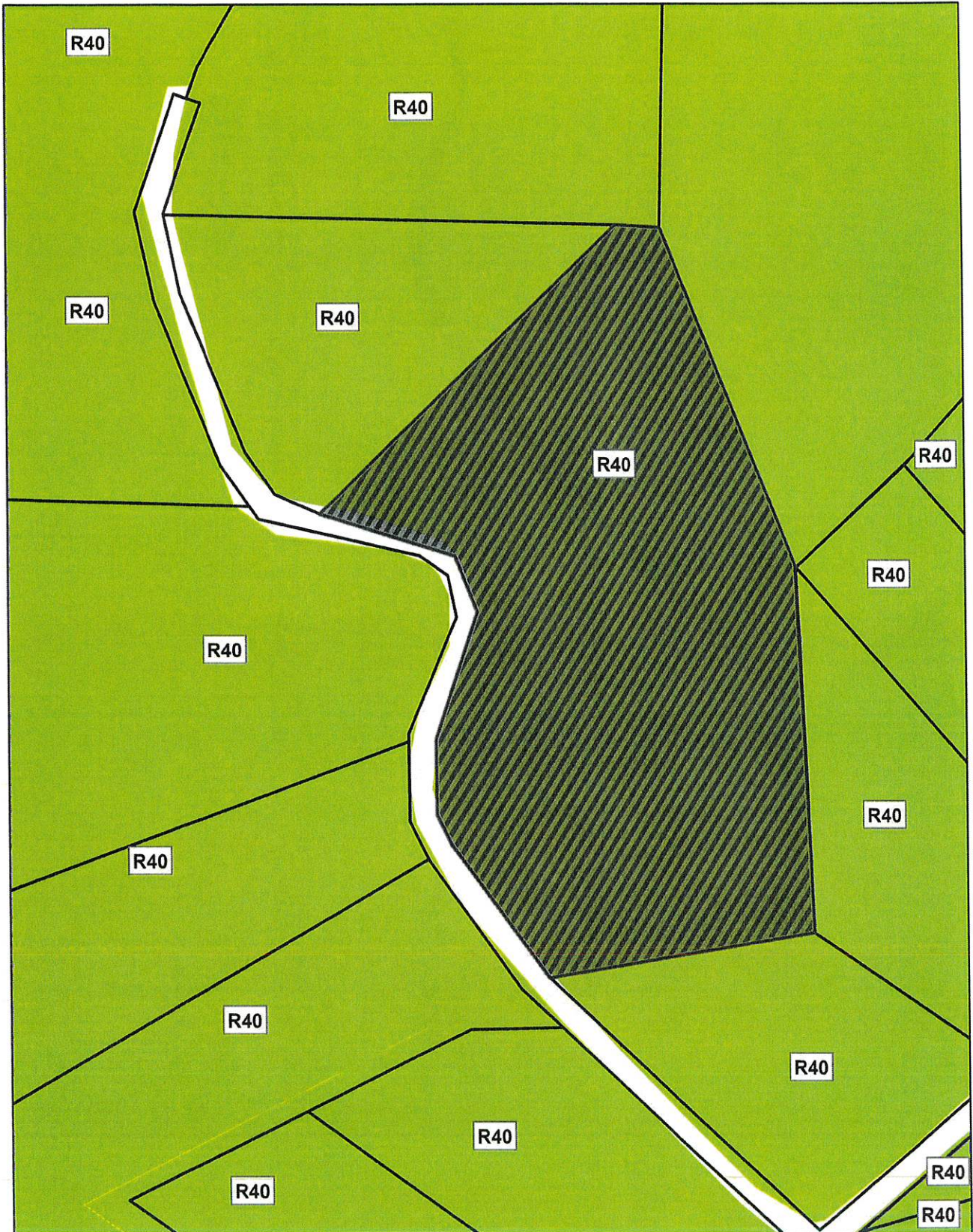
The requested variance is consistent with the intent, purpose, and integrity of the zone plan as embodied in the Jefferson County Unified Development Order.

Staff Recommendation

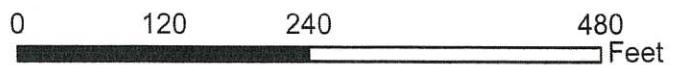
Based on the analysis, staff recommends Approval of the requested variance for relief from the required 25-foot front yard setback to be reduced to 13.9 feet along the front property line in the "R40" zone district.



BOA24004 - Steinberg



Subject Property



BOA24004 - Steinberg



Subject Property

0 120 240 480 Feet