

**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 August 10, 2023, 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 June 8, 2023 Board of Zoning Adjustment Meeting

V. SWEARING IN OF WITNESSES

VI. INTRODUCTION OF EVIDENCE

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. BOA23008: 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 a pool in a Single Family Residential (R-07) Zone District, 09-3.0-05.0-4-001-234. located at 1500 Peach Tree Lane, Arnold, MO in Windsor Township and County Council District #3.
- B. BOA23009: 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 a detached garage in a Large Lot Residential (LR-2) Zone District, 19-9.0-29.0-0-000-035. located at 2233 US Highway 61, Festus, MO in Platin Township and County Council District #5.

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: July 13, 2023

General Information:

Petition Number:	BOA23008
Applicant Name:	Tom Young (Just Pools)
Street Address:	3987 W Outer Rd
City, State, ZIP:	Arnold, MO 63010
Owner Name:	Roman & Leslie Harris
Street Address:	1500 Peach Tree Ln
City, State, ZIP:	Arnold, MO 63010
Location of Site:	Site is located at 1500 Peach Tree Ln in Arnold, MO.
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 "R07" zone district for a pool from 25 feet to 17 feet.
Size of Tract:	0.25 acres (Assessor's records)
Parcel Number:	09-3.0-05.0-4-001-234
Existing Zone District:	R07
Council District:	#3
Township:	Windsor
Prepared By:	Rachel Krispin, Planner II
Date:	June 30, 2023
Recommendation:	Denial
Attachments:	1. Aerial Map 2. Zoning Map 3. Site Plan

Subject Property

The subject property is located at 1500 Peach Tree Ln in Arnold, MO. The property is developed with a single-family detached home. The parcel is 0.25 acres in size and zoned Single-Family Residential "R07".

According to FEMA's Flood Rate Insurance Map, no 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 25-foot front yard setback for a pool. The proposed building line is shown being located at 17 feet, requiring a 8-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, including pools, are to be located 25 feet from a front yard property line in the "R07" zone district. The subject property is a corner lot within a subdivision, which is why the front yard setback is in question. (Corner lots have two [2] front yards and two [2] side yards). While the proposed pool is located behind the front building line of the primary structure, the request arises from the petitioner's desire to construct a pool in the desired orientation.

- 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 shape could create difficulties for the property owner as the subject property is a corner lot- having two (2) front yards and two (2) side yards. However, it should be noted that there appears to be ample room on the site plan as the pool is shown being 30 feet away from a 15-foot side yard setback. (Traditionally, side yard setbacks are 6 feet in this zone district. For pools, though, they must be setback 15 feet). Therefore, the petitioner does have the space to shift the pool to the west to meet the front yard setback, while still satisfying the 15-foot setback from the side property line. There do appear to be other pools constructed that are located on corner lots within the development; however, it is unknown if said pools required/obtained variances. 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 proposed pool, while it is encroaching, is located behind the building line of the residential structure located on the subject property.

- 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.

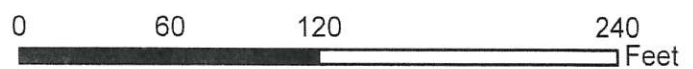
Staff Recommendation

Based on the analysis, staff recommends Denial of the requested variance for relief from the required 25-foot front yard setback to be reduced to 17 feet for a pool along the property boundary line that fronts on Apple Valley Drive in the "R07" zone district.

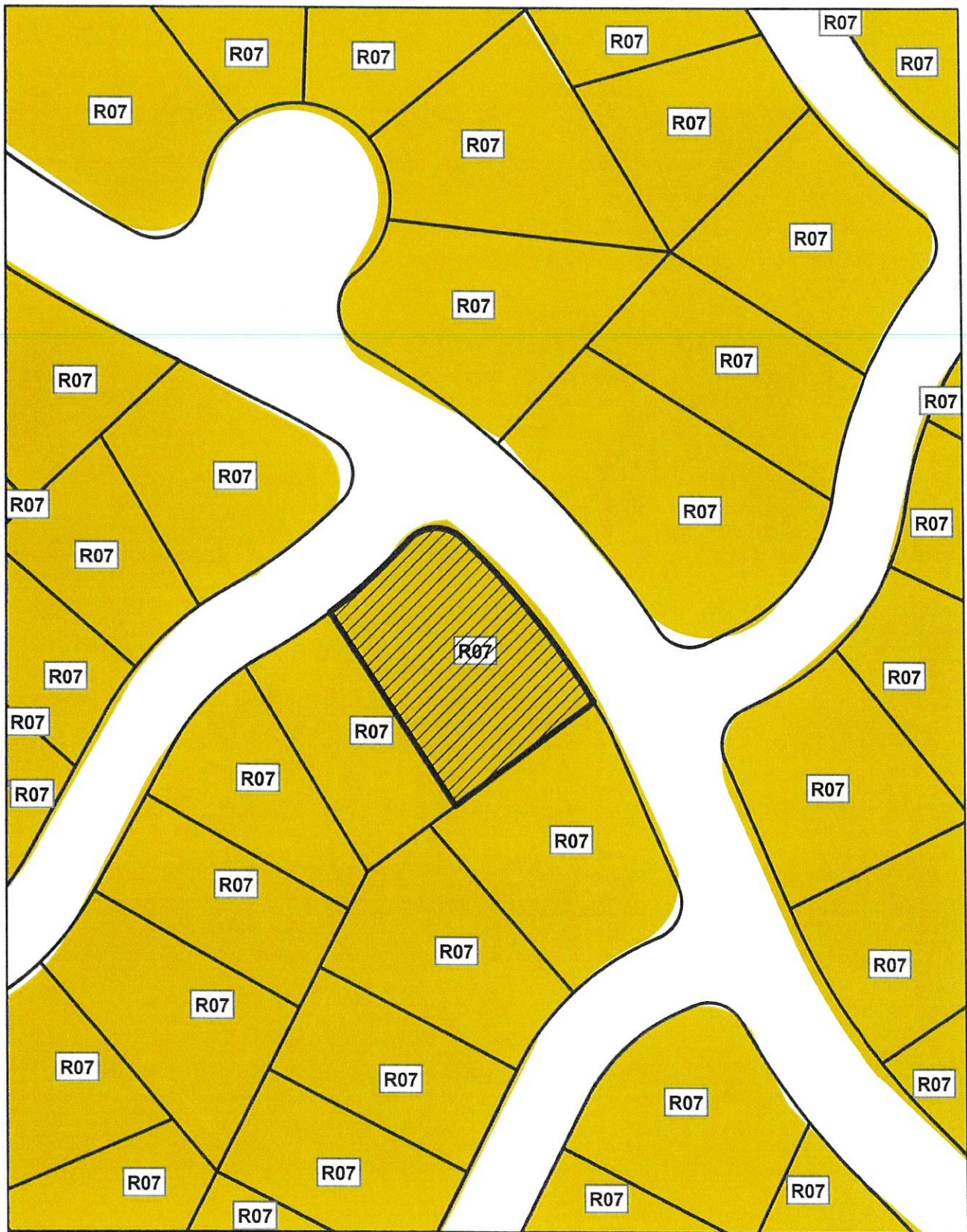
BOA23008 - Young



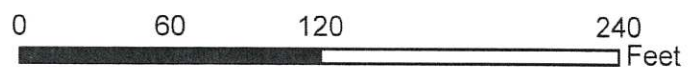
Subject Property



BOA23008 - Young



Subject Property



BOUNDARY RETRACEMENT

APPLE VA

JEFFER

1" = 20ft

Top of Pool is
12" Below top of
foundation

Existing
Pool
Code
Fence

Pool Code
Door
Alum

Existing
Single
Gate
TO
Pool
Code

Apple Valley Dr. (50' W.)

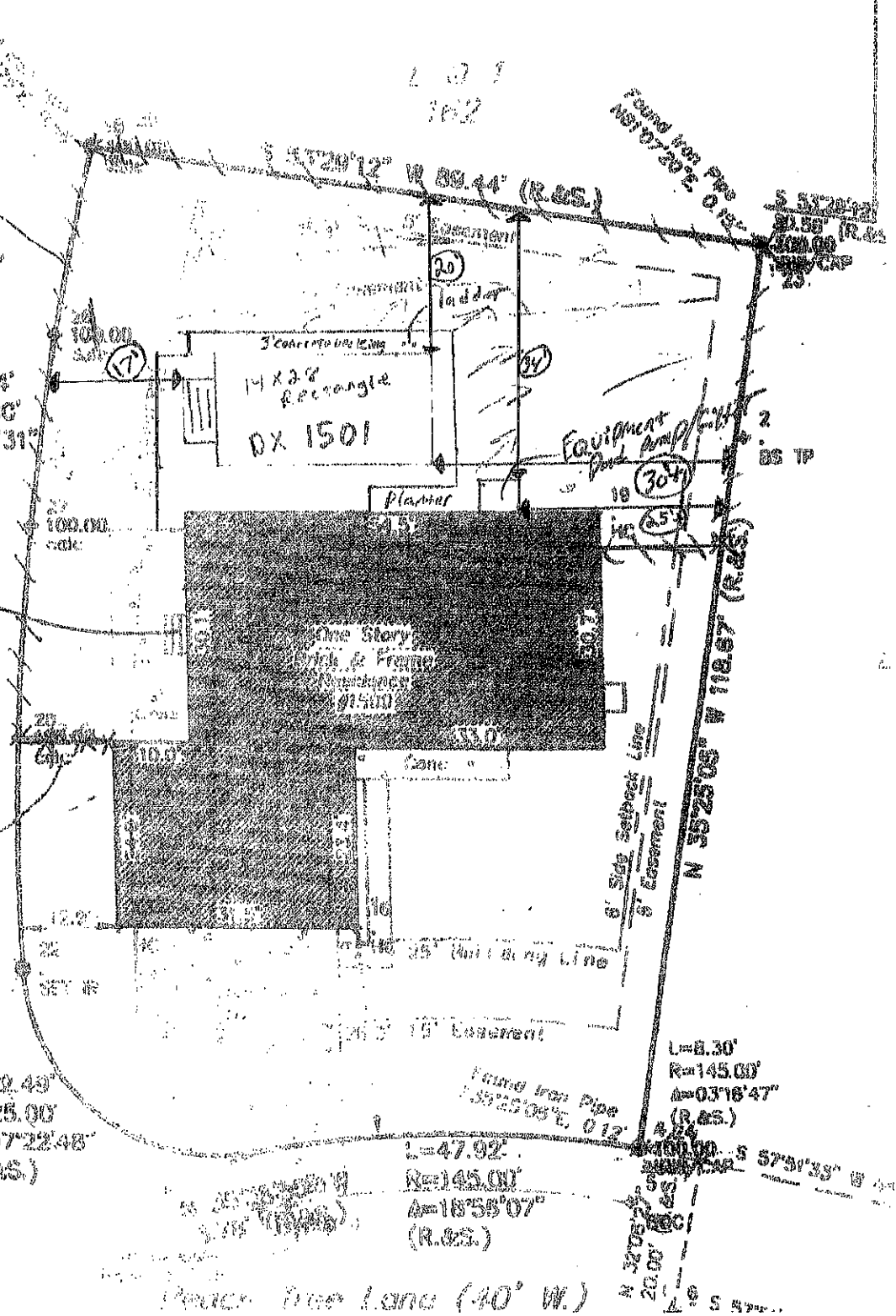
L=107.94'
R=375.00'
A=16°29'31"
(R.A.S.)

L=42.49'
R=25.00'
A=97°22'48"
(R.A.S.)

L=47.92'
R=145.00'
A=18°55'07"
(R.A.S.)

L=8.30'
R=145.00'
A=03°16'47"
(R.A.S.)

Peace River Lane (40' W.)



Jefferson County, Missouri

PLANNING DIVISION

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

Staff Report to the Board of Zoning Adjustment

Meeting Date: August 10, 2023

General Information:

Petition Number: BOA23009

Applicant Name: Brian Scherrer
Street Address: 2233 US Highway 61
City, State, ZIP: Festus, MO 63028

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

Location of Site: Site is located at 2233 US Highway 61.

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 "LR2" zone district for a detached pole barn from 100' feet to 51' feet on US Highway 61, as well as a reduction from 25' to 10' along Country Club Rd.

Size of Tract: 1 acre (Assessor's records)
Parcel Number: 19-9.0-29.0-0-000-035
Existing Zone District: LR2
Council District: #5
Township: Plattin

Prepared By: Josh Jump, Planner II
Date: July 26, 2023
Recommendation: Denial

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

Subject Property

The subject property is located at 2233 US Highway 61 in Festus, MO. The property is developed with a single-family detached home. The parcel is 1 acre in size and zoned Large Lot Residential "LR2".

According to FEMA's Flood Rate Insurance Map, no 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>	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>	LR2
	<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 100-foot front yard setback from US Highway 61 to 51', and a reduction in the required 25' setback on Glass Workers Country Club rd. to 10' for a detached pole barn.

Background

The property previously went through a board of zoning adjustment for a residential addition in 2020. This required a reduction in the front yard setback from US Highway 61 from 100' to 48', it did not require any additional requests and was only pertinent to that proposal. That petition was approved by the board.

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 100 feet from US Highway 61 and 25' from Glass Workers Country Club Rd., in the "LR2" zone district. The petitioner is proposed pole barn to be located at 51' feet from US Highway 61 and 10' from Glass Workers Country Club Rd. There is ample space on the property to build that wouldn't conflict with the 25' setback from Glass Workers Country Club Rd., the shape of the

property does not impact this proposal in the same way that it did the previous request regarding the residential structure.

- 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.

Both the size and shape of the parcel seem to create exceptional difficulties for the property owner. The 100' setback is designed for the LR2 zone district which designates a minimum lot size of two acres. The one-acre subject property fits more closely with the 40,000 sf minimum lot size of an R40 property. It appears that even if the property were rezoned to R40, it would be extremely difficult to construct a pole barn that would fully meet the required setbacks. The request is for an accessory building that is not the primary use for the property, so while the lot is irregular the request is for an additional accessory building not a primary residence. The petitioner has not been deprived, nor would denial of this request deprive the petitioner of residential use of the property. That may have been the case for the previous petition, but it is not so here. Furthermore, it appears that the property has taken on a non-residential character since the previous request was approved.

- 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 could potentially cause detriment to the public health, safety, morals, or general welfare of the community. The 10' setback from Glass Workers County Club Rd. is not in line with any front setbacks dictated by the UDO. Even though Glass Workers Country Club Rd. is a low-speed gravel road, staff feels the setback reduction is excessive. The requested setback off the state highway is less than the previously approved request and staff has no knowledge of issues that has created. However, the previous request involved a residence in a residential zone district. This request involves a large, accessory, non-residential building.

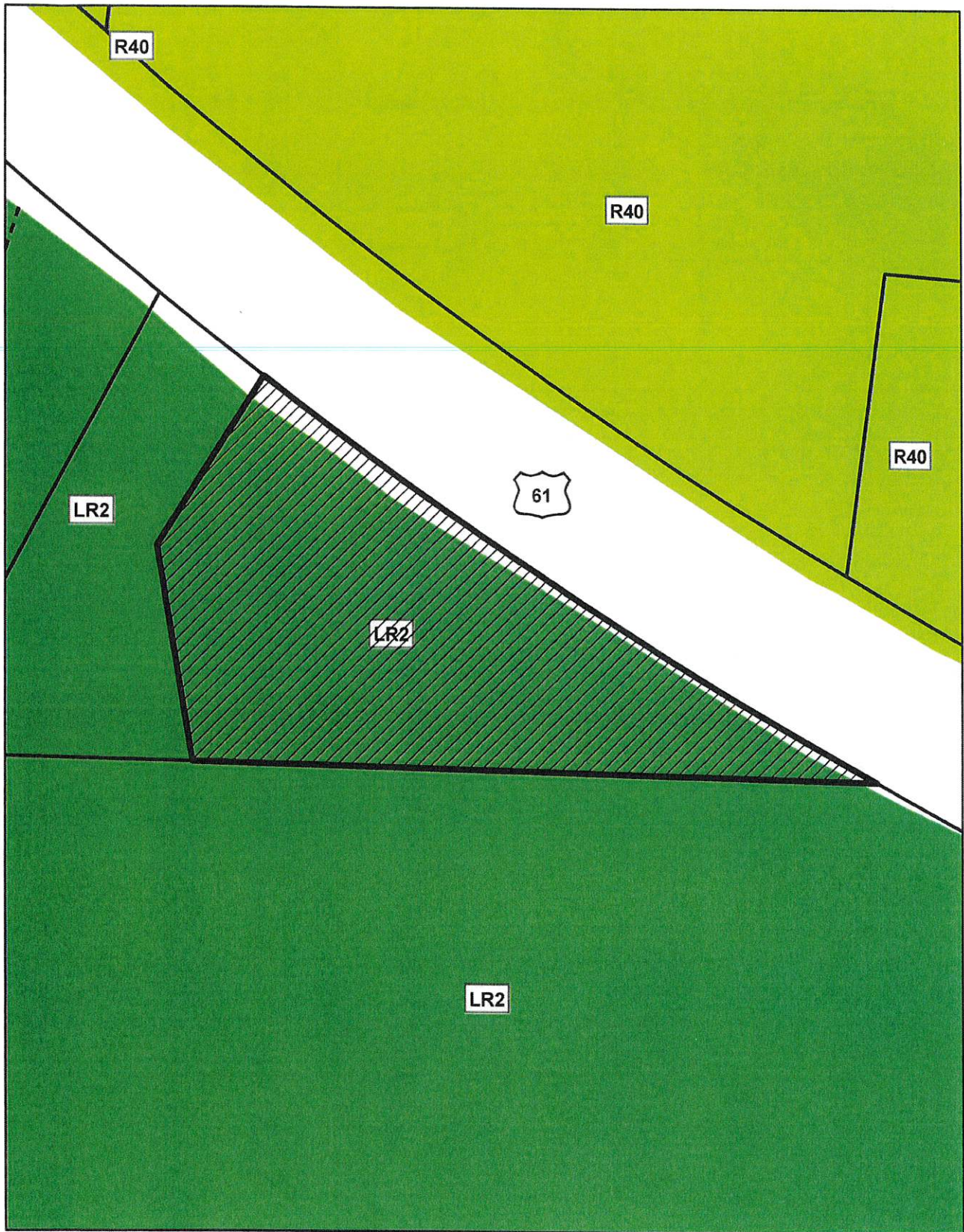
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

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.

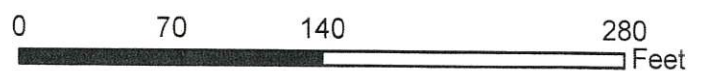
Staff Recommendation

Based on the analysis, staff recommends **Denial** of the requested variance for relief from the required 100-foot rear yard setback to be reduced to 51 feet on US Highway 61 and the 25-foot front yard setback on Glass Workers Country Club Rd. to 10', in the "LR2" zone district.

BOA23009 - Scherrer



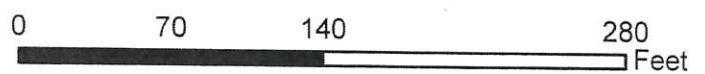
Subject Property

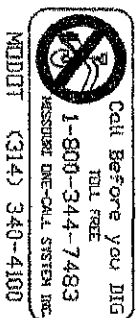
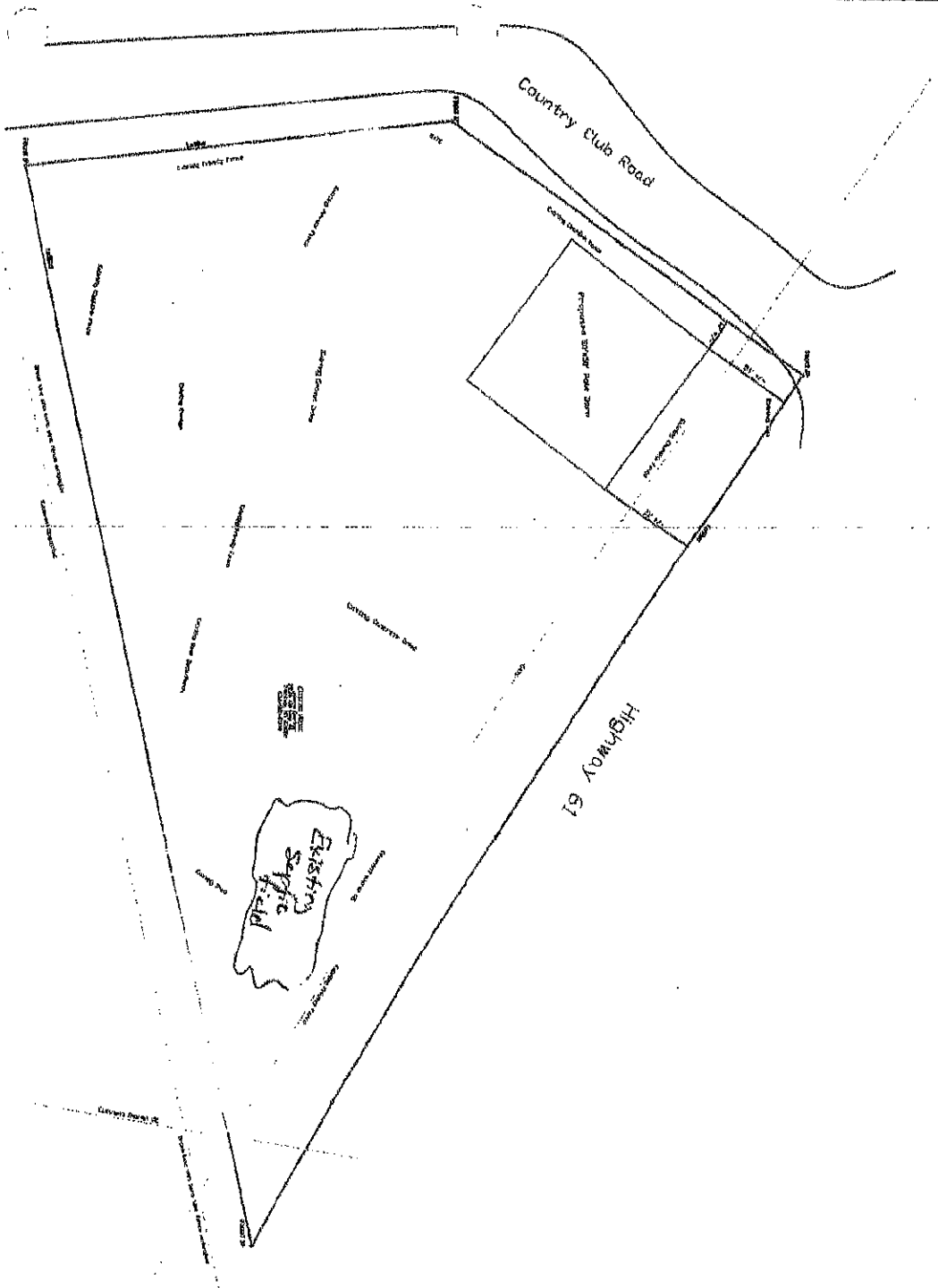


BOA23009 - Scherrer



Subject Property





STEPHAN
BRIAN-SCHERRER

SCHERRER
2233 US HWY 61
Festus, MO 63028
636-288-0969

SCHERRER
RESIDENCE

Site Survey Evaluation Plan
RPM 00479 Rev. 12
Festus, MO 63028
636-288-0969 or 636-356-6177
636-288-0969

DATE	TIME	LOCATION	STATUS
11/6/30	11:30	11630	1
			4

Country Club Road

Found IP
GATE

Existing Chainlink Fence

Proposed 50'x50' Pole Barn

10' +/-

54' +/-

Found IP

Existing Sign

Existing Chainlink Fence

5' +/-

Lotline