

**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 September 9, 2021, 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 July 8, 2021 Board of Zoning Adjustment Meeting

V. SWEARING IN OF WITNESSES

VI. INTRODUCTION OF EVIDENCE

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. BOA21006: 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 residence in a Single Family Residential (R-10) Zone District, 08-1.0-11.0-0-000-031, located at 2642 Seckman Road, Imperial, MO in Imperial Township and County Council District #4.
- B. BOA21007: 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 home addition in a Single Family Residential (R-10) Zone District, 12-2.0-04.0-3-001-016, located at 5794 N. Lakeshore Dr., Hillsboro, MO in Central Township and County Council District #7.
- C. BOA21008: 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 an accessory structure in a Large Lot Residential (LR-2) Zone District, 08-2.0-10.0-0-000-065.01 located at 3050 Frisco Hill Road, Imperial MO in Imperial Township and County Council District #4.

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: August 12, 2021

General Information:

Petition Number: BOA21006

Applicant Name: Joshua Dull/Michael Zougias
Street Address: 3906 S. Old Highway 94
City, State, ZIP: St. Charles, MO 63304

Owner Name: Stugots LCC
Street Address: PO Box 216
City, State, ZIP: Arnold, MO 63010

Location of Site: Site is located at the intersection of Seckman Rd. and Benck Rd.

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 “R10” zone district for a new residence from 25 feet to 10 feet.

Size of Tract: .53 acres (Assessor’s records), the property is proposed to be split into two lots, lot 1 is 10, 225 sq ft, lot 2 is 10, 900 square ft

Parcel Number: 08-1.0-11.0-0-000-031

Existing Zone District: R10

Council District: #4

Township: Rock

Prepared By: Josh Jump, Planner II

Date: August 2, 2021

Recommendation: Denial

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

Subject Property

The subject property is located on Seckman road just southeast of Seckman High School and the Seckman Springs Estates Subdivision. The property has direct road frontage on Seckman Rd and a private road (Benck Rd.). The property is .53 acres in size and appears to have a vacant home on it.

The property was successfully rezoned in the early part of 2021. The petitioner sought a rezoning from R40 to R10 and that petition was ultimately approved. The petitioner is seeking to subdivide the property and put two single-family homes on two separate lots on the site.

According to FEMA's Flood Rate Insurance Maps, no portion of the property lies within the floodway or floodplain, and there are no stream orders that traverse across the subject property.

Surrounding Area

The surrounding area consists of a variety of residential zoning. The surrounding area is as follows:

To the North:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	R10 & R40
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	R40
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential

Petitioner's Request

The petitioner is requesting relief from the required 25-foot front yard setback to be reduced to 10-foot for a new residence on lot 2. The proposed building line is shown being located 10 feet, requiring a 15-foot reduction in the setback requirement. The proposed lot 2 is fronted on both Benck and Seckman Rd.

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 25 feet from a front yard property line in the "R10" zone district. The request arises from the petitioner's desire to build a new home on a new lot. There are no irregularities in the shapes or sizes of the proposed lots. The property is on a corner, giving it two front yards. However, the lot has not been subdivided and there is no reason that a home cannot be located on

the lot as it presently exists in conformance with the setbacks. It is the desire to subdivide the lot coupled with the particular home design and size that is giving rise to the setback request.

- 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 creates exceptional difficulties for the property owner. The request arises from the petitioner's wish to build a new residence at the desired size and in the desired location. Denial of the variance would not deprive the owner of the residential use of the property. The property does not appear to have been subdivided and the structure along with the potential design of the minor subdivision can be modified in a manner that meet the setbacks.

- 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 have detrimental impacts to the surrounding area. The structures located on Benck Rd (the setback in conflict) except for 1 (a structure located at 5220 Benck) which appears to be setback approximately 22-23 feet, all the other structures appear to more than meet the 25' setback required by the UDO. The proposed reduction in the front setback appears to be out of place for the area.

- 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.

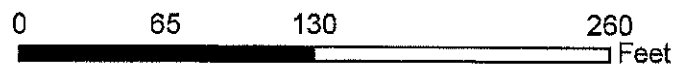
Staff Recommendation

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 10 feet along the northwestern property boundary line in the "R10" zone district.

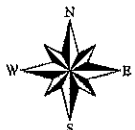
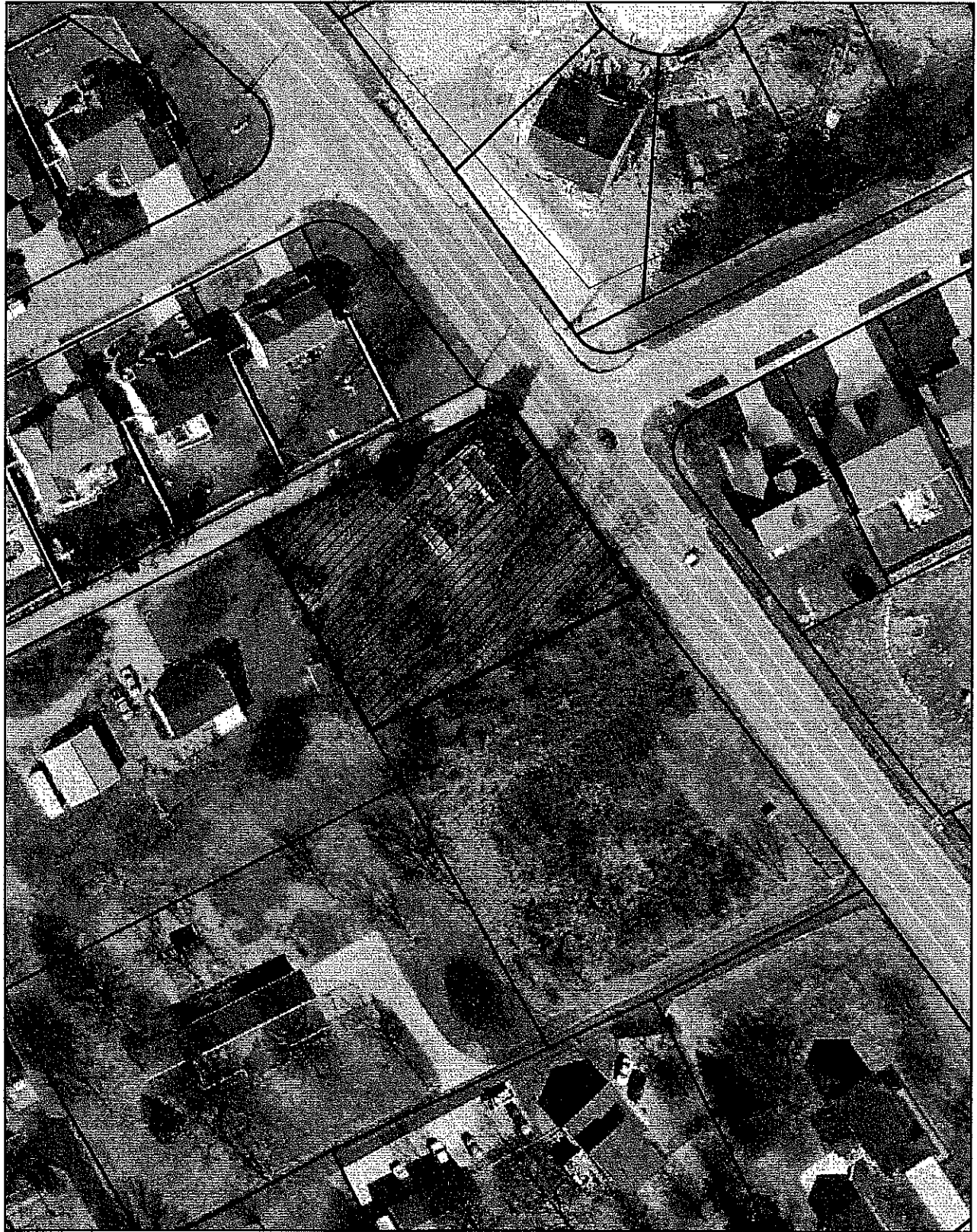
BOA21006 - Zouglas



Subject Property



BOA21006 - Zouglas



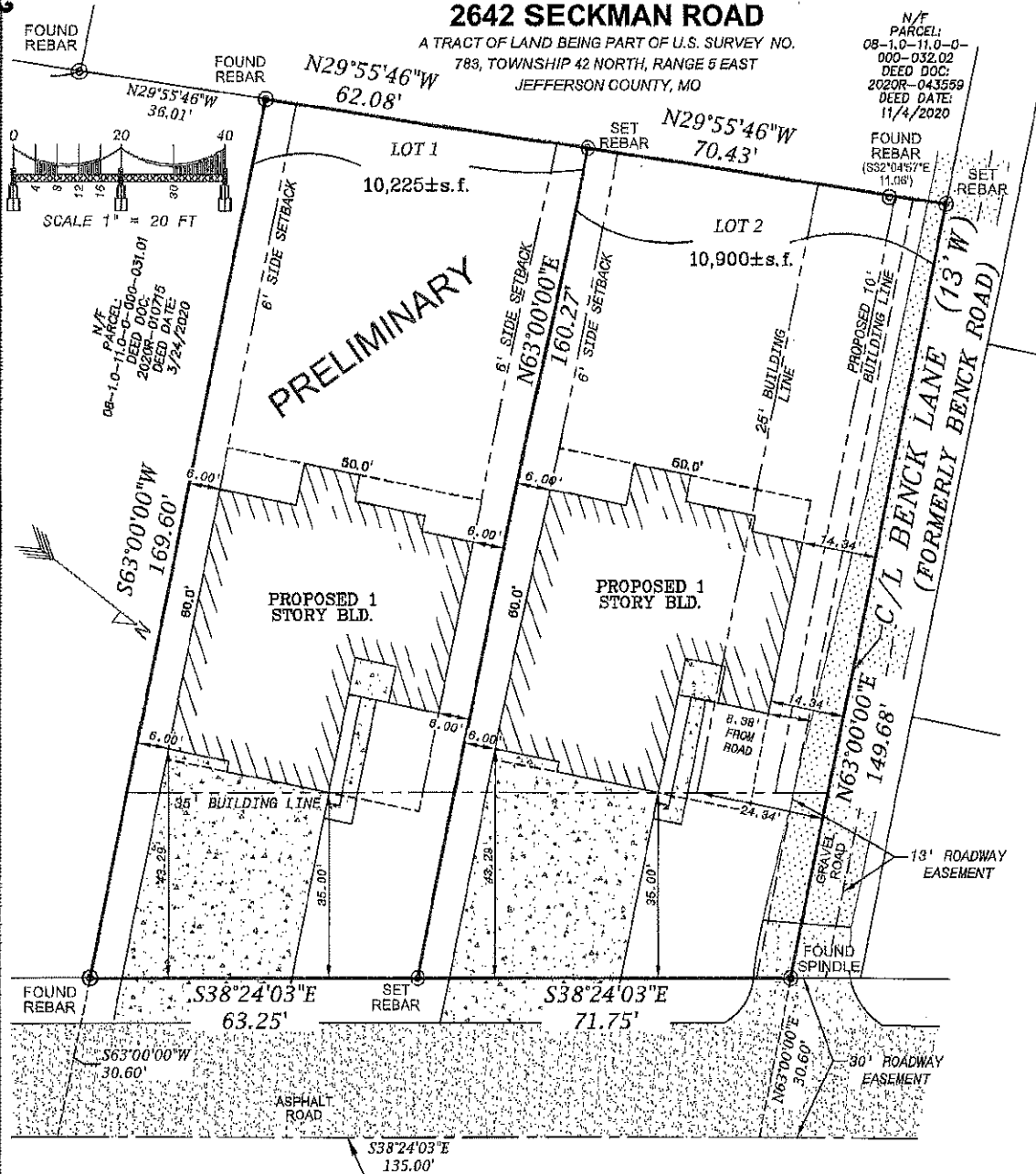
Subject Property

0 65 130 260 Feet

PROPOSED SITE PLAN

2642 SECKMAN ROAD

A TRACT OF LAND BEING PART OF U.S. SURVEY NO.
783, TOWNSHIP 42 NORTH, RANGE 5 EAST
JEFFERSON COUNTY, MO



NOTE:
THIS DRAWING HAS BEEN COMPILED WITHOUT THE BENEFIT OF
A CURRENT CERTIFICATE OF TITLE EXAMINATION AND
THEREFORE, MAY NOT CONTAIN EASEMENTS, RESERVATIONS,
EXCEPTIONS, RESTRICTIONS AND COVENANTS OF RECORD.

**C/L SECKMAN ROAD (60'W)
(AKA SECKMAN COUNTY ROAD)**

I.P. = IRON PIPE I.R. = IRON ROD
(R) = RECORD (S) = SURVEYED
D.B. = DEED BOOK PG. = PAGE
N/F = NOW OR FORMERLY NR = NON-RADIAL



ALTEA, LLC
Consulting Land Surveyors
3906 S. OLD HWY 94, SUITE 600
ST. CHARLES, MO 63304
PHONE: (636) 477-6000
FAX: (636) 696-0000
WWW.ALTEA.S.COM
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ALTEA, LLC
PROFESSIONAL LAND SURVEYING
CERTIFICATE OF AUTHORITY: 201302731

PROJECT NUMBER: **20-2531-SP-A**

SHEET	FIELD CREW:	IKF
1	DRAFTER:	SAA
OF 1	DRAFTED ON:	06/29/2021
	REVIEWER:	BLH
	REVIEWED ON:	07/14/2021

SURVEYOR'S STATEMENT

THIS IS TO DECLARE TO STEPHANIE HOGENMILLER, THAT AT HER REQUEST, ALTEA, LLC, HAS DURING THE MONTH OF JUNE, 2021, EXECUTED A SITE PLAN OF LOTS 1 AND 2 OF SECKMAN AND BENCK SUBDIVISION LOTS 1 AND 2 OF THE JEFFERSON COUNTY, MISSOURI, RECORDS, TOGETHER WITH THE LOCATION OF OBSERVED IMPROVEMENTS THEREON, AND THAT THE RESULTS OF SAID SURVEY ARE IN MY PROFESSIONAL OPINION, CORRECTLY INDICATED ON THE ABOVE PLAT. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN CLASS PROPERTY. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY ONLY AND IS NOT TRANSFERABLE. UTILITY LOCATES WERE NOT REQUESTED AND NO UTILITIES OR SEWERS WERE LOCATED IN CONJUNCTION WITH THIS SURVEY. THE OPINION OF THE ORIGIN OF THE FENCES SHOWN HEREON IS FROM EVIDENCE OBSERVED DURING THE COURSE OF THIS SURVEY, AND MAY INCLUDE: FENCE CONSTRUCTION, OCCUPANT TESTIMONY, OR OTHER AVAILABLE INFORMATION. NO GUARANTEE IS MADE OR CERTAINTY GIVEN AS TO THE ORIGIN OR OWNERSHIP OF FENCES, DUE TO EACH MUNICIPALITY HAVING DIFFERENT ZONING SETBACK REQUIREMENTS, OVERHANGS SHOWN ON THIS SURVEY MAY BE IN VIOLATIONS THAT THE SURVEYOR IS NOT AWARE OF AND MAKES NO WARRANTIES TO THIS AFFECT.

AS AGENT OF ALTEA, LLC

DATE **XX-XX-21**

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 12, 2021

General Information:

Petition Number: BOA21007

Applicant Name: John Purcelli
Street Address: 5794 N. Lakeshore
City, State, ZIP: Hillsboro, MO 63050

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

Location of Site: Site is located at 5794 N. Lakeshore Dr., Hillsboro, 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 "R10" zone district for an addition from 25 feet to 11'9".

Size of Tract: 8,123 sq ft (Assessor's Records)
Parcel Number: 12-2.0-04.0-3-001-016
Existing Zone District: R10
Council District: #7
Township: Central

Prepared By: Josh Jump, Planner II
Date: August 2, 2021
Recommendation: Denial

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

Subject Property

The subject property is located at 5794 N. Lakeshore in Hillsboro. The property is currently developed, and the petitioner is seeking to do an addition onto the existing home. The lot is an odd triangle shape due to the lake behind the property.

According to FEMA's Flood Rate Insurance Maps, no portion of the property lies within the floodway or floodplain, and there are no stream orders that traverse across the subject property.

Surrounding Area

The surrounding area consists of R10 residential zoning. The surrounding area is as follows:

To the North:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential/Lake
To the East:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential

Petitioner's Request

The petitioner is requesting relief from the required 25-foot front yard setback to be reduced to 11'9" for an addition to the existing home. The proposed building line is shown being located 11'9", requiring a 13'3" reduction in the front 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 25 feet from a front yard property line in the "R10" zone district. The request arises from the petitioner's desire to build an addition to the existing home. The shape of the lot is fairly irregular as it starts to taper very quickly on the western side of the property.

- 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 does prevent additional structures from being built. However, the request arises from the petitioner's wish to build an addition at the desired size and in the desired location. Denial of the variance would not deprive the owner of the residential use of the property as a home currently exists on 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 variances will not likely cause detriment to the public health, safety, morals, or general welfare of the community. The building addition, while it is encroaching, is located on a low speed, low traveled, privately maintained road.

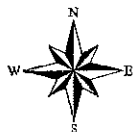
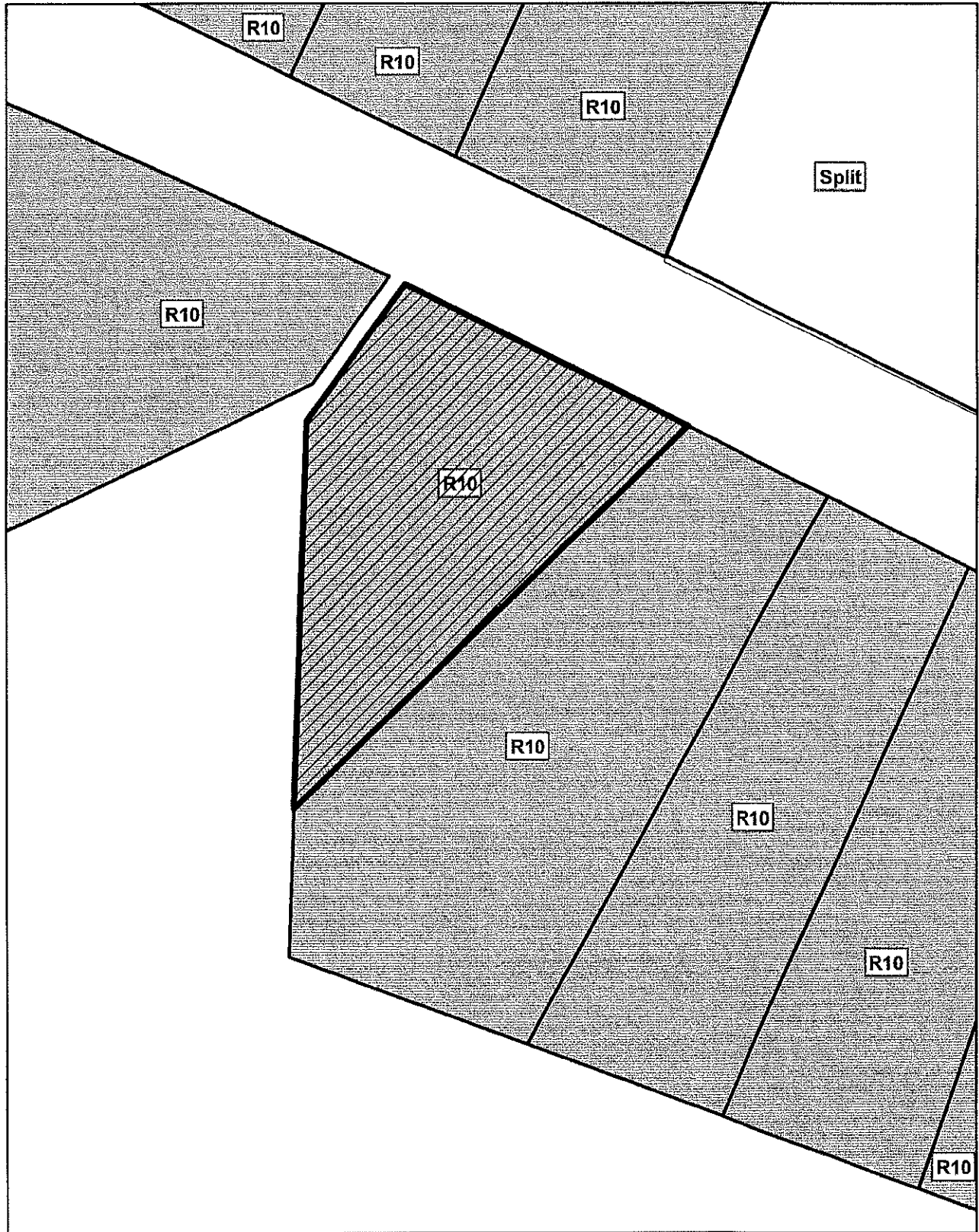
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

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 11'9" along the western property boundary line in the "R10" zone district.

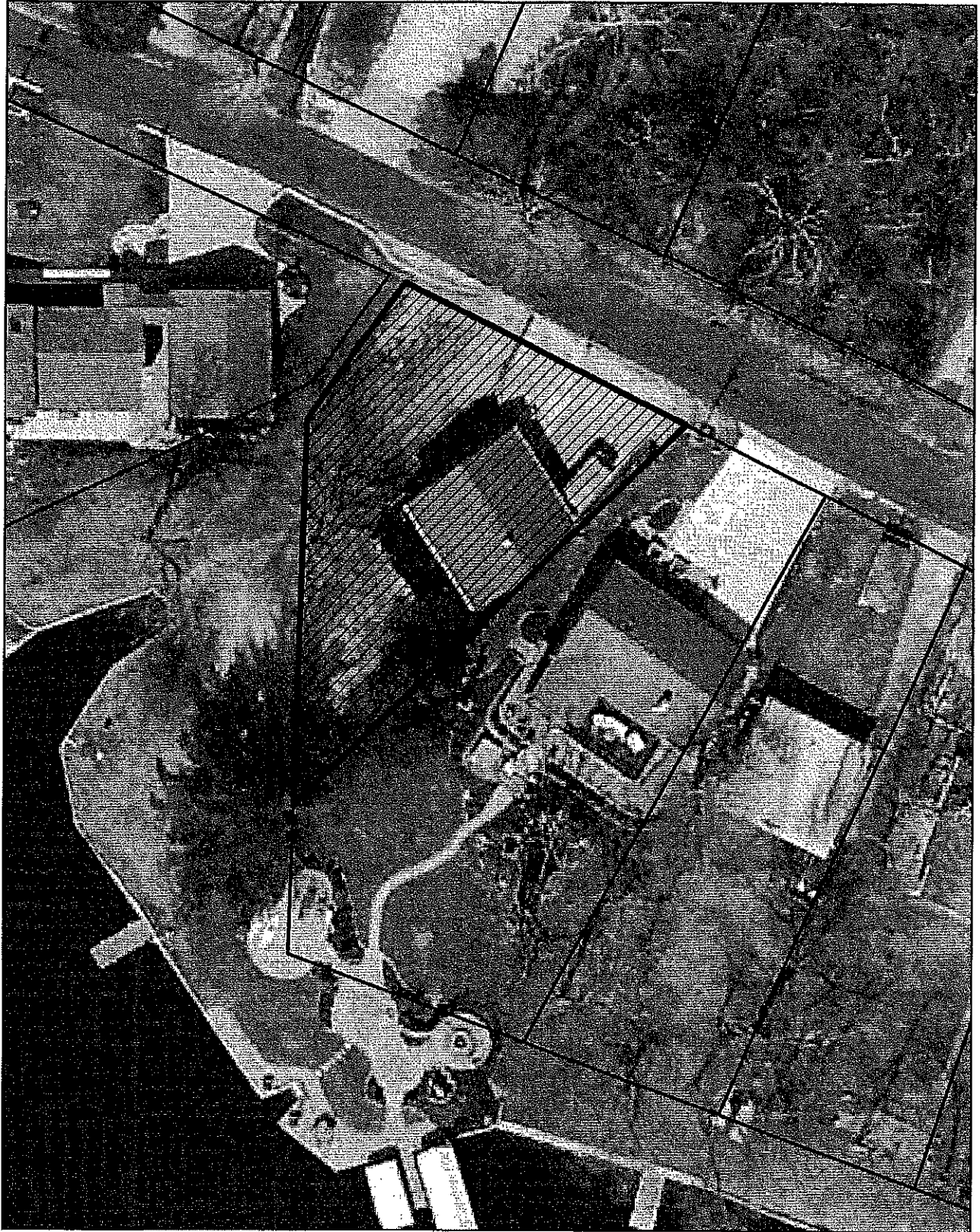
BOA21007 - Purcelli



Subject Property

0 30 60 120 Feet

BOA21007 - Purcelli



Subject Property

0 30 60 120 Feet

AS-BUILT SURVEY (This does not cons

**LOT
LAKE
Jefferson
Curren**

LOT 28, BLOCK 0
LAKE TISHOMINGO
PB 9 PC 61
n/f
Kevin & April Hawk
Doc.No.2011R-020259
12-2.0-04.0-3-001-015.
5798 North Lakeshore Drive

LOT 26A
LAKE TISHOMINGO LOT 26A,
BLOCK "N"
PLAT DOC.2016P-000088
n/f
Richard & Sharon Kordell
Doc.No.030039865
12-2.0-04.0-3-002-035.
5800 North Lakeshore Drive

existing
residence

**NORTH LAKESHORE DRIVE
(40' WIDE)**

Found 3,

LAKE

Found 1/2" Pin

CURRENT OWNER INFORMATION

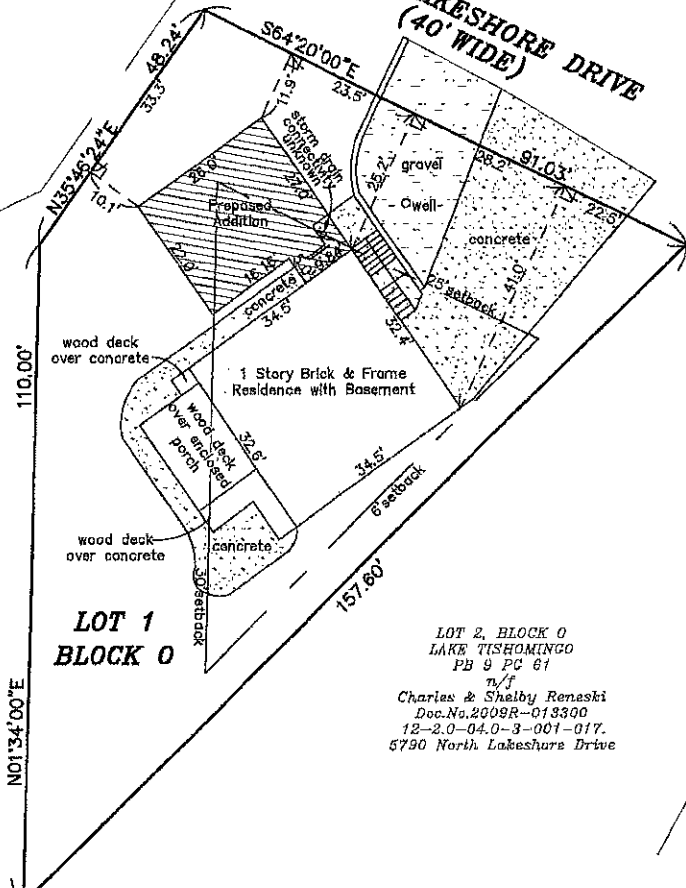
LOT 1, BLOCK 0
LAKE TISHOMINGO
PLAT BOOK 9 PAGE 61
n/f
John Puricelli ETAL
Doc.No.2009R-044895
12-2.0-04.0-3-001-016.
5794 North Lakeshore Drive

**LOT 1
BLOCK 0**

LOT 2, BLOCK 0
LAKE TISHOMINGO
PB 9 PC 61
n/f
Charles & Shelby Renaski
Doc.No.2009R-013300
12-2.0-04.0-3-001-017.
5790 North Lakeshore Drive

LOT 3, BLOCK 0
LAKE TISHOMINGO
PB 9 PC 6
n/f
Kevin & Lori Kohr
Doc.No.2013R-0
12-2.0-04.0-3-0
5785 North Lakeshore

LAKE



Jefferson County, Missouri

PLANNING DIVISION

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

Staff Report to the Board of Zoning Adjustment

Meeting Date: September 9, 2021

General Information:

Petition Number: BOA21008

Applicant Name: Carl Van Alstine
Street Address: 3050 Frisco Hill Rd
City, State, ZIP: Imperial, MO 63052

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

Location of Site: Site is located at 3050 Frisco Hill in Imperial, 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 “LR2” zone district for a pole barn from 65 feet to 32.5 feet.

Size of Tract: 2.00 acres (Assessor's records)
Parcel Number: 08-2.0-10.0-0-000-065.01
Existing Zone District: LR2
Council District: #4
Township: Imperial

Prepared By: Rachel Krispin, Planner I
Date: August 27, 2021
Recommendation: Denial

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

Subject Property

The property is located at 3050 Frisco Hill Rd. in Imperial, MO. The property is developed with a lawfully non-conforming mobile home (with regard to setbacks) and small shed. The parcel is 2 acres 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>	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>	Lawfully Non-conforming
To the West:	<u>Zoning:</u>	LR2
	<u>Land Use:</u>	Undeveloped Residential

Petitioner's Request

The petitioner is requesting relief from the required 65-foot front yard setback for a 30'X30' pole barn. The proposed building line is shown being located 32.5 feet, requiring a 32.5-foot reduction in the setback requirement. The property fronts on Frisco Hill Rd., which is a county-maintained road.

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 65 feet from a front yard property line in the "LR2" zone district. The request arises from the petitioner's desire to build a pole barn in the northeastern portion of the property.

- 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 topography of the lot could make it difficult to build within the subject property. A large portion of the rear property is developed with dense woods. The request, however, arises from the petitioner's wish to build a pole barn at the desired size and in the desired location. 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 pole barn, while encroaching on the front yard setback, would be located behind the building line of the lawfully non-conforming existing mobile home.

- 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 65-foot front yard setback to be reduced to 32.5 feet in the "LR2" zone district.

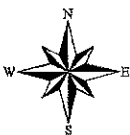
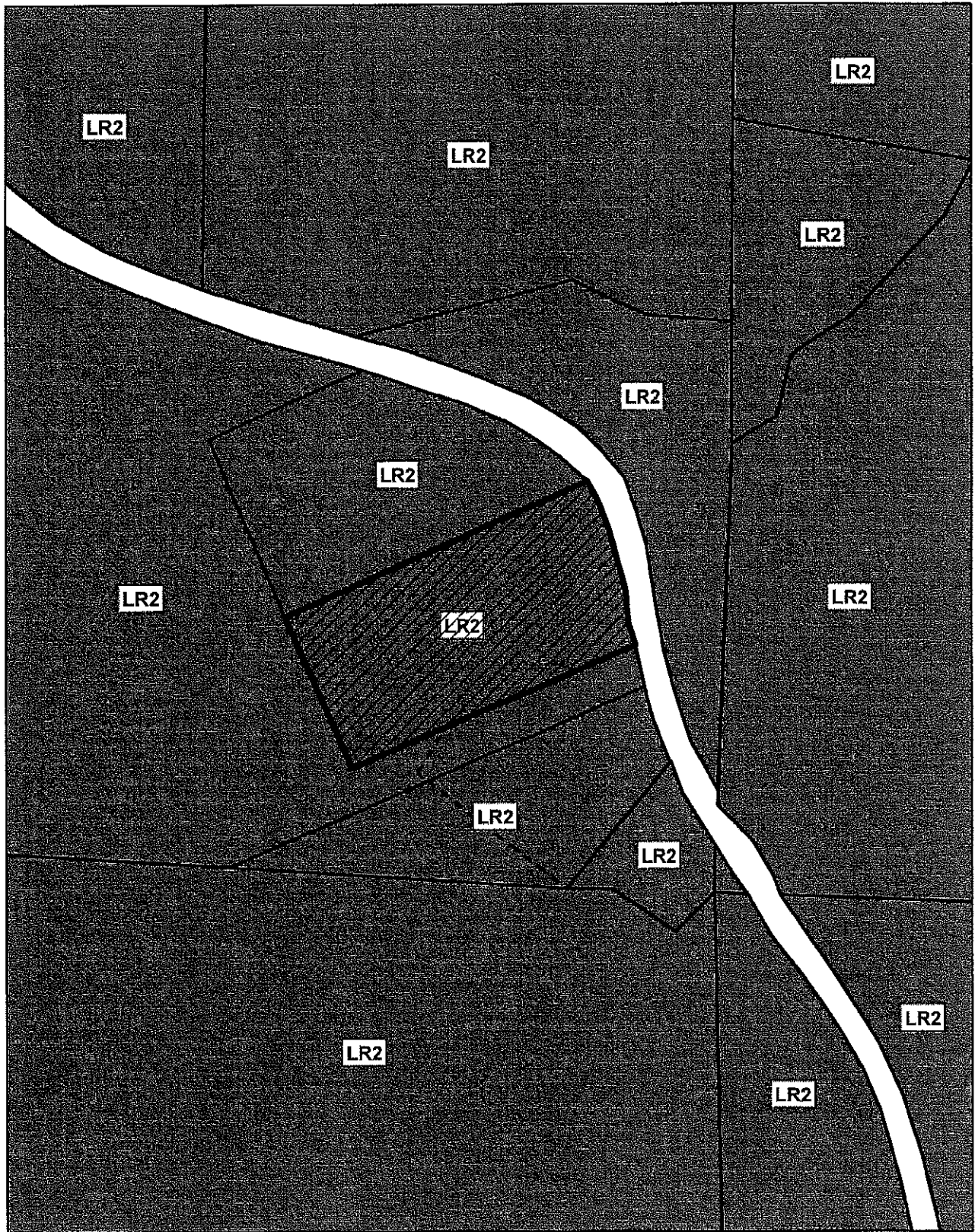
BOA21008 - Van Alstine



Subject Property

0 140 280 560 Feet

BOA21008 - Van Alstine



Subject Property

0 140 280 560 Feet

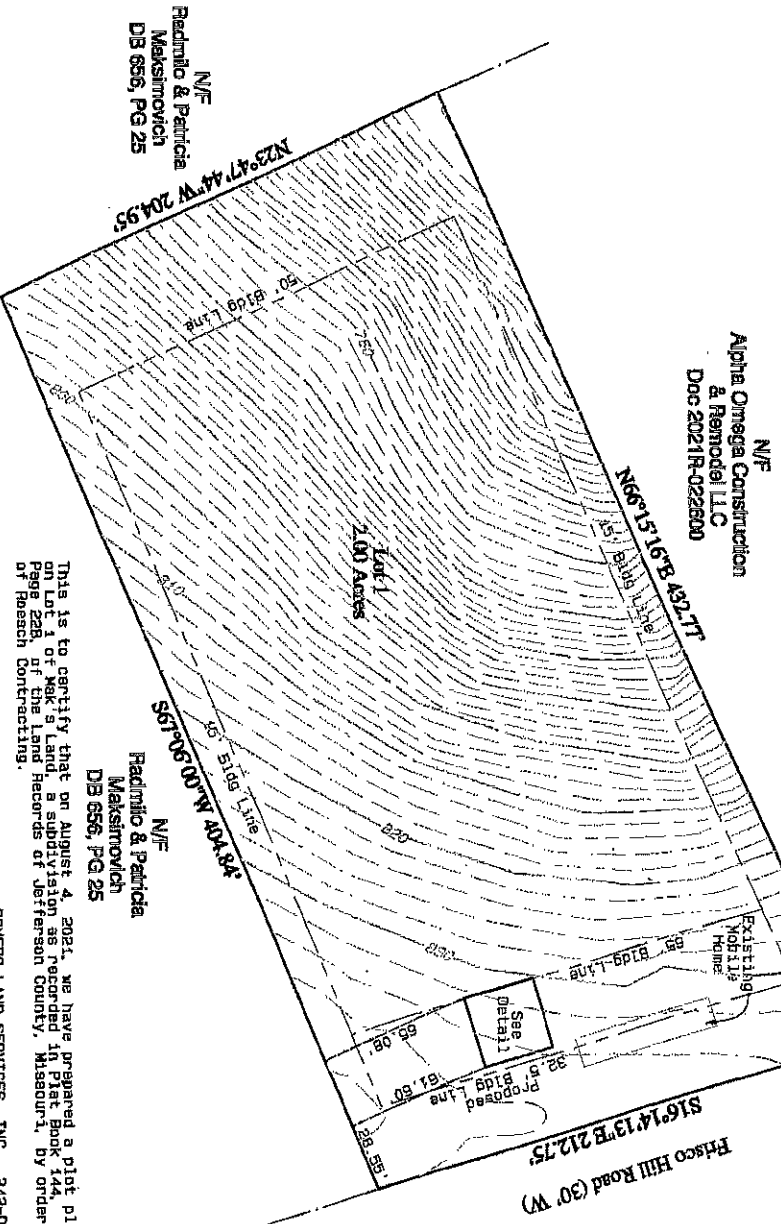
Mak's Land Plat Book 144, Page 22B



Base of Bearing
per Pg 144, Pg 22A



30.00'
Proposed
Building
Detail Scale
1"=20'
30.00'



N/E
Radinio & Patricia
Maksimovich
DB 656, PG 25

N/E
Alpha Omega Construction
& Remodel LLC
Doc 2021R-022600

This is to certify that on August 4, 2021, we have prepared a plat plan on Lot 1 of Mak's Land, a subdivision as recorded in Plat Book 144, Page 22B, of the Land Records of Jefferson County, Missouri, by order of Ribsch Contracting.

N/E
Radinio & Patricia
Maksimovich
DB 656, PG 25

GOVERO LAND SERVICES, INC. 242-D
BY DANIEL L. GOVERO LS#1778
PROFESSIONAL LAND SURVEYOR

GOVERO		5829 OLD STATE ROAD IMPERIAL MO. 63062		SITE ADDRESS: 3050 FRISCO HILL ROAD		NAME: D. GOVERO	
LAND SERVICES, INC.		PH: (636) 464-9800 FAX: (636) 464-9826 gland@goverolandservices.net		CITY/COUNTY: IMPERIAL, MO		DISCIPLINE: PLS	
SURVEYING & ENGINEERING		DATE PREPARED: 08/04/2021		DRAWN BY: SKG/ggs		LICENSE #: 1778	
(CERTIFICATE OF AUTHORITY NO.: L.S. 242-D)		CHECKED BY: D. GOVERO		JOB #: 21055			