

**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 November 16th, 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 August 10, 2023 Board of Zoning Adjustment Meeting
- V. SWEARING IN OF WITNESSES
- VI. INTRODUCTION OF EVIDENCE
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
 - A. BOA23010: Application for a variance to Chapter 400: Unified Development Order, Article V, Section 400.1670, of the Code of Ordinances of Jefferson County, for side yard setback requirements for a garage in a Single Family Residential (R-40) Zone District, 02-9.0-30.0-0-002-022. located at 3830 Rock Creek Terrace, High Ridge, MO in High Ridge Township and County Council District #7.
 - B. BOA23011: 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 garage in a Single Family Residential (R-10) Zone District, 12-3.0-05.0-3-001-023. located at 7732 Fairview Dr, Hillsboro MO in Central Township and County Council District #7.
- 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: November 16, 2023

General Information:

Petition Number: BOA23010

Applicant Name: David Brannan
Street Address: 3830 Rock Creek Terrace Dr
City, State, ZIP: High Ridge, MO 63049

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

Location of Site: The subject property is located at 3830 Rock Creek Terrace Dr in High Ridge.

Requested Action: Relief from Chapter 400, Article V, Section 400.1670 – Minimum Building Setbacks – for a reduction in the required side yard setback in the “R40” zone district for an attached garage from 10 feet to 8 feet.

Size of Tract: 0.83 acres
Parcel Number: 02-9.0-30.0-0-002-022
Existing Zone District: R40
Council District: #7
Township: Rock

Prepared By: Rachel Krispin
Date: October 31, 2023
Recommendation: Denial

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

Subject Property

The property is located at 3830 Rock Creek Terrace Dr in High Ridge. The property is roughly .83 acres in size and is developed with a single-family home. 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>	Undeveloped Residential
To the South:	<u>Zoning:</u>	R40
	<u>Land Use:</u>	Undeveloped 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 10-foot side yard setback for a garage that is proposed to be attached to the existing residence. The proposed attached garage is shown being located 8 feet from the side property line requiring a 2-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, garages such as the one proposed are required to be located 10 feet from the side property line in the "R40" zone district. The request arises from the petitioner's desire to construct an attached garage that encroaches on the side building setback.

- 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 located further from the road (Rock Creek Terrace Dr) than the other lots within the subdivision. Additionally, the residence is further back than the adjoining property, which could minimize the impact to the neighboring property as the structure is not directly situated next to another structure. However, the request arises from the petitioner's desire to construct an attached garage in 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 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.

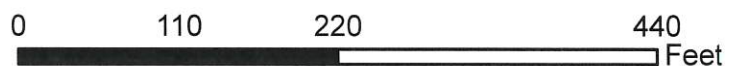
Staff Recommendation

Based on the analysis, staff recommends **Denial** of the requested variance for relief from the required 10-foot side yard setback to be reduced to 8 feet along the side property line in the "R40" zone district.

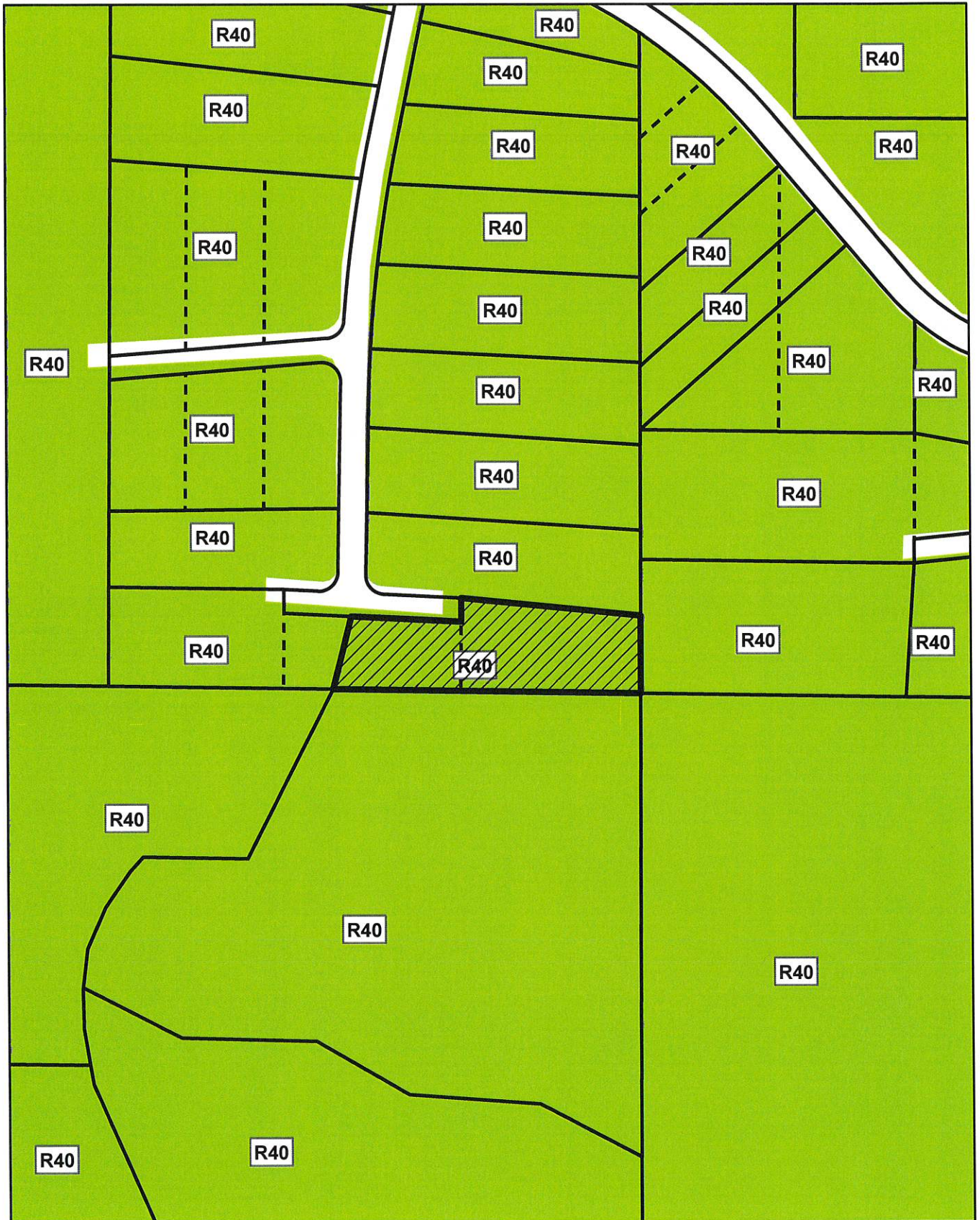
BOA23010 - Brannan



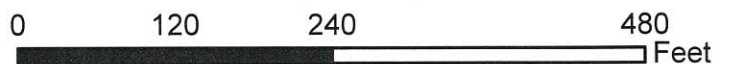
Subject Property



BOA23010 - Brannan



Subject Property



Jefferson County, Missouri

PLANNING DIVISION

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

Staff Report to the Board of Zoning Adjustment
Meeting Date: November 16, 2023

General Information:

Petition Number: BOA23011

Applicant Name: Richard Blaha
Street Address: 7732 Fairview
City, State, ZIP: Hillsboro, MO 63028

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

Location of Site: Site is located at 7732 Fairview.

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 attached garage from 25 feet to 12 feet.

Size of Tract: .31 acres (Assessor’s records)
Parcel Number: 12-3.0-05.0-3-001-023
Existing Zone District: R10
Council District: #7
Township: Central

Prepared By: Josh Jump, Planner II
Date: November 1, 2023
Recommendation: Denial

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

Subject Property

The subject property is located at 7732 Fairview in Hillsboro, MO. The property is developed with a single-family detached home. The parcel is .31 acres in size and zoned Single Family Residential "R10".

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>	R10
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential (Lake Side)
To the South:	<u>Zoning:</u>	R10
	<u>Land Use:</u>	Developed Residential
To the West:	<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 from Fairview Drive to be reduced to 12' for an attached garage.

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 Fairview Drive, in the "R10" zone district. The petitioner is proposing an attached garage to be located 12 feet from Fairview Drive. There is little space on the property to build any structures that wouldn't conflict with the UDO setbacks.

- 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 is narrow and long in shape in size. The rear property line does appear to be parallel with the lakefront, with the residence using up most of the lot. However, the request arises from the petitioner's wish to build an attached 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.

- 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 would not likely cause detriment to the public health, safety, morals, or general welfare of the community. Fairview Drive is a windy, low speed road with rather extreme elevation changes. However, the 12' setback is not in line with UDO standards for accessory structures or primary residences.

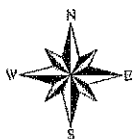
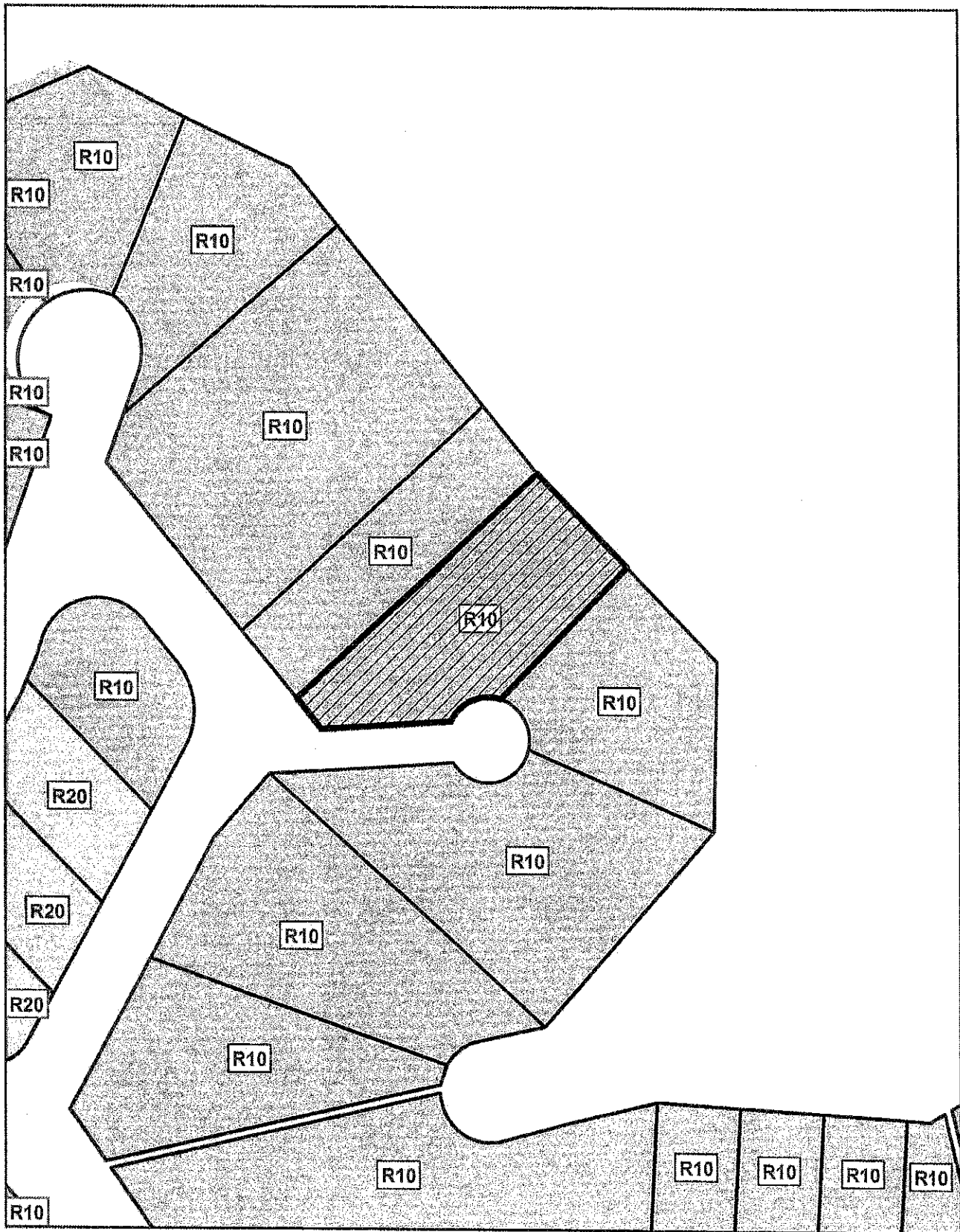
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

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.

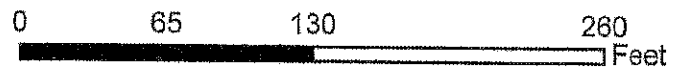
Staff Recommendation

Based on the analysis, staff recommends Denial of the requested variance for relief from the required 25-foot rear yard setback to be reduced to 12 feet on Fairview Drive in the "R10" zone district.

BOA23011 - Blaha



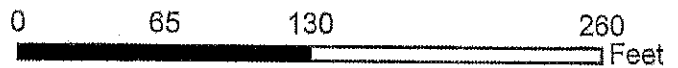
Subject Property



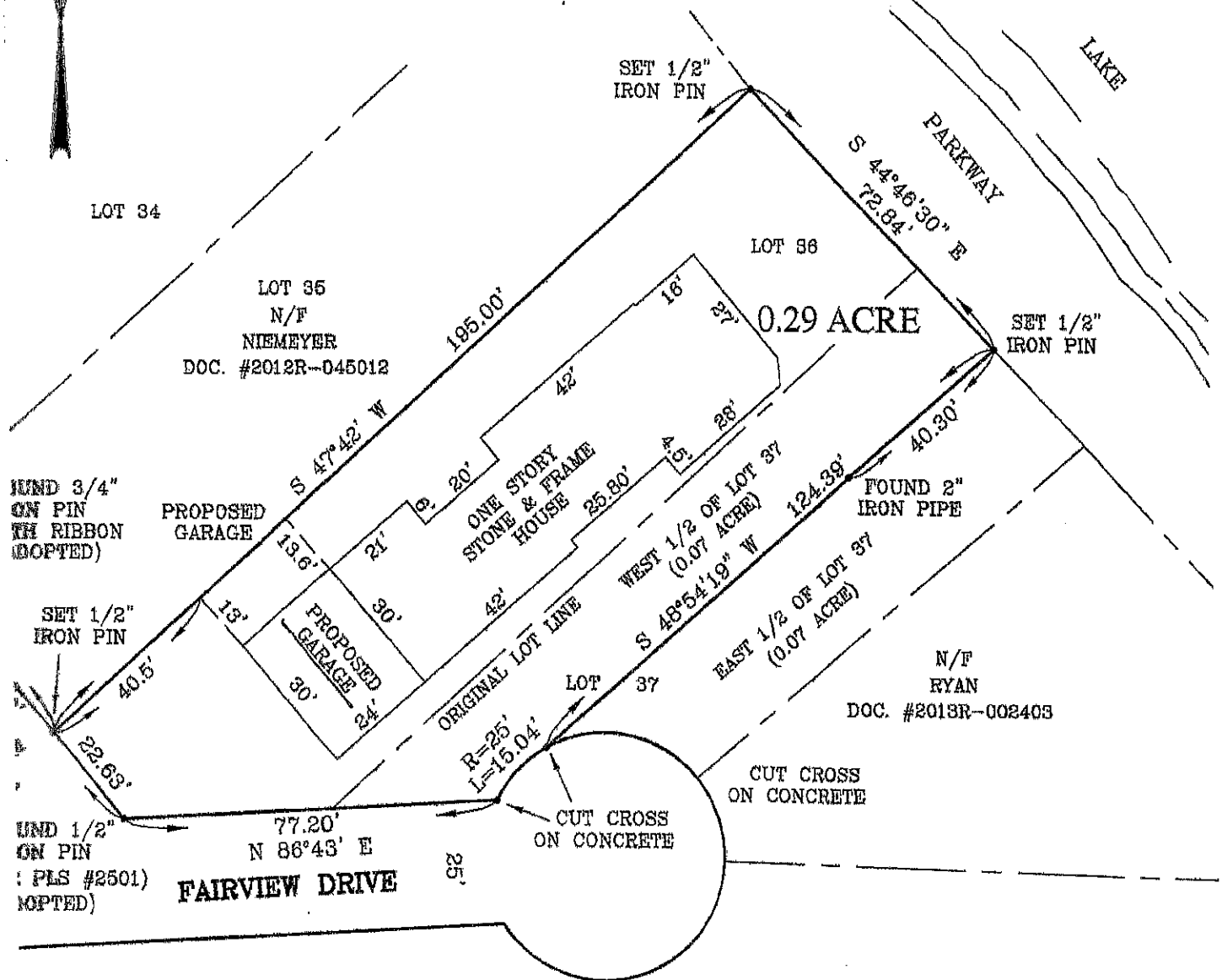
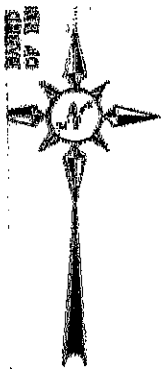
BOA23011 - Blaha



Subject Property



SCALE: ONE INCH = 30 FEET



HEREBY DECLARE That at the request of Steve Blaha, we have executed a Property Boundary Survey of a 0.29 acre tract of land, as shown upon this plat. Said 0.29 acre tract being all of Lot 36 and the east 1/2 of Lot 37 in Block "A" of Lake Tishomingo. Said Lake Tishomingo being a subdivision recorded in Book 9 at page 61 of the Jefferson County land records. Said 0.29 acre tract is located in part of U.S. Section 3027, Township 41 North, Range 4 East, in Jefferson County, Missouri. Said tract being subject to all easements, restrictions and conditions of record, pertaining to the same. This survey is classified as Rural Property according to the Missouri Standards for Property Boundary Surveys. The base bearing for this survey is South 39 degrees 49 minutes East, as shown hereon. Said survey was derived from the plat of Lake Tishomingo. I declare that under my direct supervision and to the best of my ability and professional judgment, the results shown hereon are correct and are made in accordance with the Missouri Standards for Property Boundary Surveys. WITNESS WHEREOF, We have hereunto set our firm name at our office in Hillsboro, Missouri, this 24th day of September, 2023.

THE ADDRESS OF THIS PROPERTY IS: 7732
FAIRVIEW DRIVE, HILLSBORO, MISSOURI 63050. THE
PHONE NUMBER FOR THIS PROPERTY IS:

JEFFCO SURVEYING, LLC
LS-2016000383 (Certificate of Authority)