

**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 July 11th, 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 June 13th, 2024 Board of Zoning Adjustment Meeting

V. SWEARING IN OF WITNESSES

VI. INTRODUCTION OF EVIDENCE

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. BOA24005: 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 and rear yard setback requirements for detached garage in a Large Lot Residential (LR-2) Zone District, 13-1.0-02.0-0-000-015. located at 7627 Twin Ridge Dr., Cedar Hill MO in Big River Township and County Council District #7.
- B. BOA24006: 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 home addition in a Single Family Residential (R-07) Zone District, 24-5.0-15.0-3-002-012. located at 204 West Lakeshore Dr., DeSoto MO in Valle Township and County Council District #6.
- C. BOA24007: 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 covered deck in a Planned Residential (PR-1) Zone District, 02-2.0-03.0-1-001-087.41. located at 94 San Marino Parkway, Fenton MO in Rock Township and County Council District #2.
- D. BOA24008: 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 deck in a Planned Unit Development (PUD) Zone District, 02-5.0-15.0-3-002-037. located at 5000 Romaine Spring Dr., Fenton MO in Rock Township and County Council District #2.

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 11, 2024

General Information:

Petition Number: BOA24005

Applicant Name: Thomas Wecker & Andrea Moody
Street Address: 7627 Twin Ridge Dr
City, State, ZIP: Cedar Hill, MO 63016

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

Location of Site: The subject property is located at 7627 Twin Ridge Dr in Cedar Hill.

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 “LR2” zone district for a detached garage from 20 feet to 16 feet. In addition, requested reduction in the required rear yard setback from 50 feet to 5 feet.

Size of Tract: 0.89 acres (Per the Applicant)
Parcel Number: 13-1.0-02.0-0-000-015
Existing Zone District: LR2
Council District: 7
Township: Big River

Prepared By: Rachel Krispin
Date: July 1, 2024
Recommendation: Denial

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

Subject Property

The property is located at 7627 Twin Ridge Dr in Cedar Hill. The property is roughly 0.89 acres in size and is developed with a single-family residence and shed. The property is zoned Large-Lot Residential "LR2".

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>	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>	Undeveloped Residential
To the West:	<u>Zoning:</u>	LR2
	<u>Land Use:</u>	Developed Land (garage)

Petitioner's Request

The petitioner is requesting relief from the required 20-foot side yard setback and the required 50-foot setback for a detached garage. The proposed garage is shown being located 16 feet from the side property line and 5 feet from the rear property line - requiring a 4-foot reduction in the side setback and 45-foot reduction in the rear setback requirements.

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, detached garages such as the one proposed are required to be located 20 feet from the side property line, and 50 feet from the rear property line in the "LR2" zone district. While the lot is significantly smaller than the LR2 minimum size, there is ample room to construct the garage and comply with the side and rear setbacks. This is evidenced by the fact that the existing residence on the structure fully complies with both setbacks. The request arises from the petitioner's desire to construct a detached garage in their chosen location, a location that encroaches on the side and rear property line 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 is fairly normal in shape and size – it should be noted that the property is long and somewhat narrow. However, the requested relief from the rear property line is significant (from 50 feet to 5 feet). Denial of the variance will not deprive the owner of the residential use of the property as there is already a residence located on the property. As stated above, the residence complies with both the rear and side setbacks, and there is ample space to construct a garage that complies as well.

- 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; however, the requested relief from the rear setback from 50 feet to 5 feet is substantial and directly adjoins a residential property.

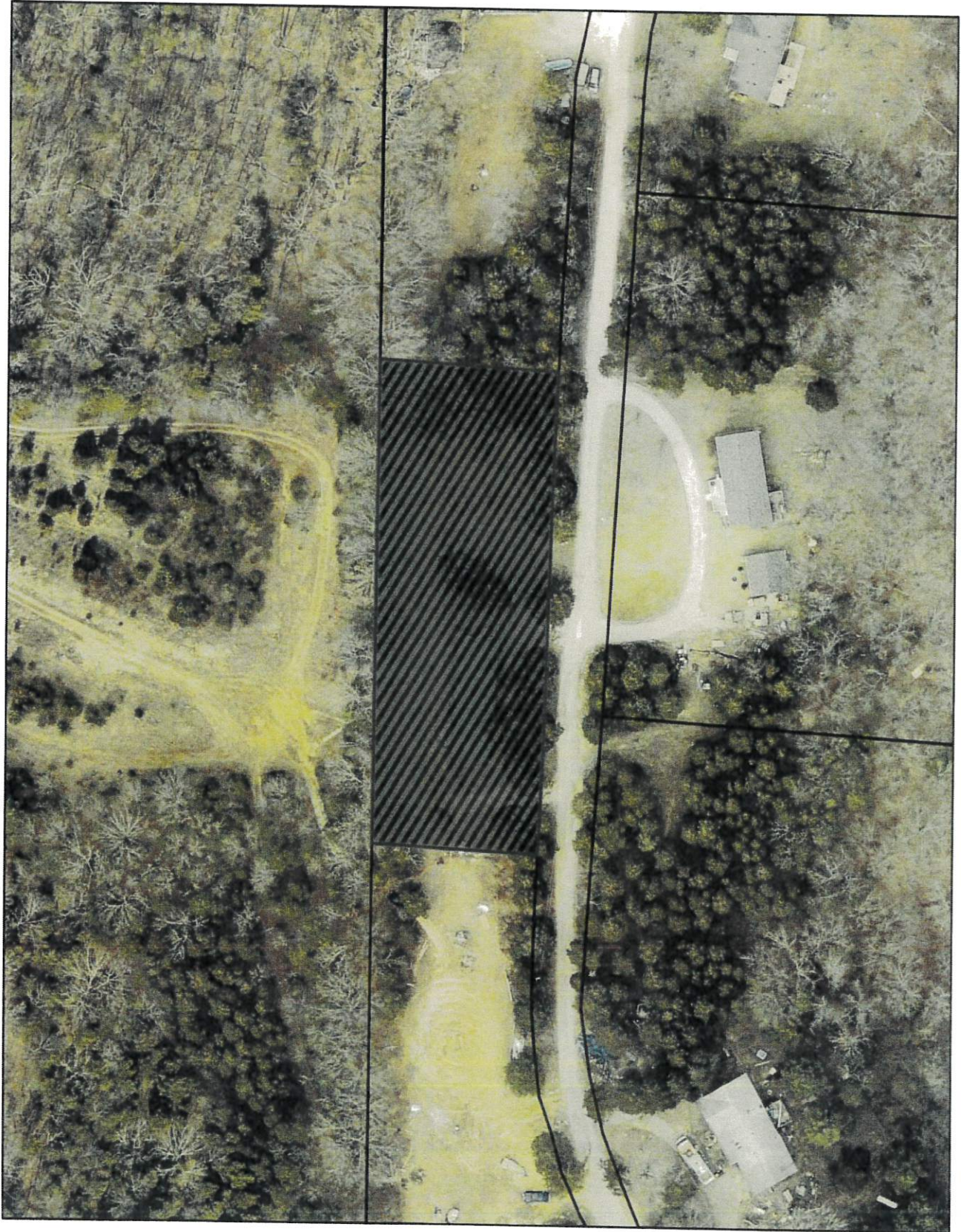
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

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.

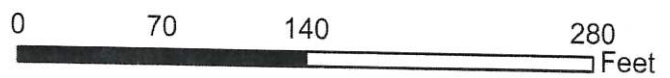
Staff Recommendation

Based on the analysis, staff recommends **Denial** of the requested variance for relief from the required 20-foot side yard setback to be reduced to 16 feet along the side property line (southern line) and relief from the required 50-foot rear yard setback to be reduced to 5 feet along the rear property line (western line) in the "LR2" zone district.

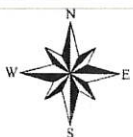
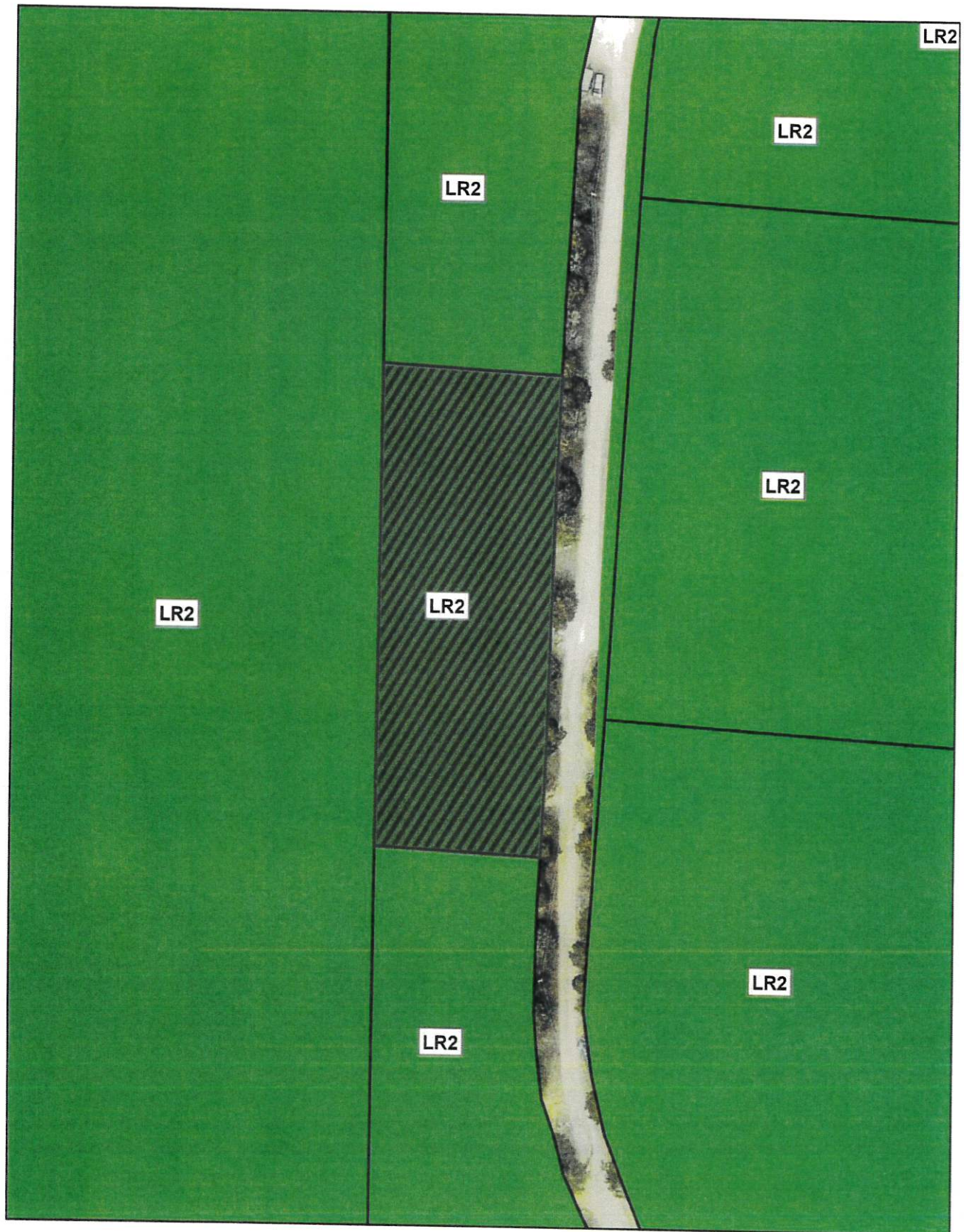
BOA24005 - Wecker



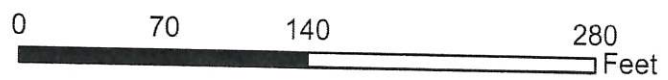
Subject Property



BOA24005 - Wecker

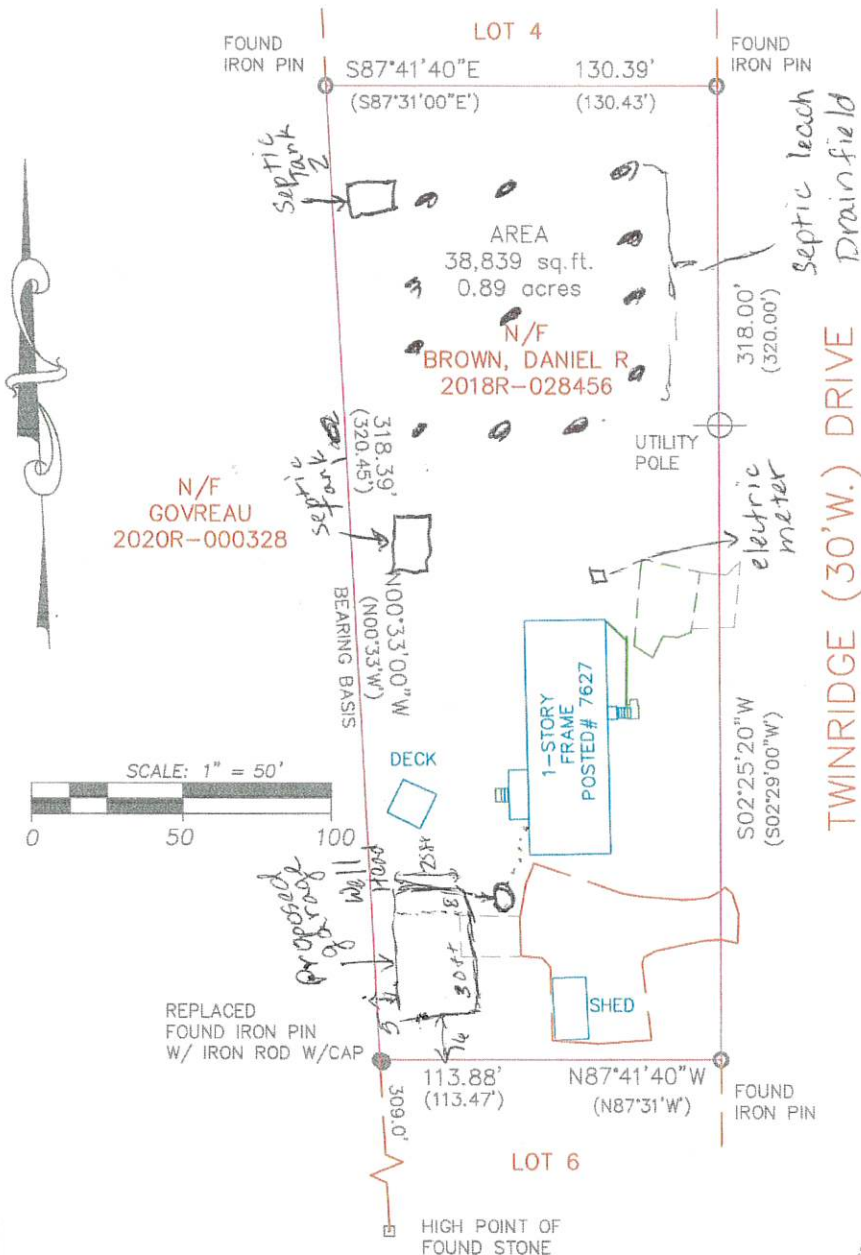


Subject Property



BLUEBIRD HILLS SUBDIVISION

LOT 5



NOTE:
NO TITLE COMMITMENT SUPPLIED.
SURVEY IS SUBJECT TO ALL EASEMENTS.

ALL DIMENSION SHOWN IN PARENTHESIS
ARE FROM RECORD INFORMATION.

WE, BURDINE AND ASSOCIATES, INC., HAVE ON NOV. 17, 2022 AT THE REQUEST OF:
WECKER, THOMAS & MOODY, ANDREA

PREPARED A BOUNDARY SURVEY PLAT ON A TRACT OF LAND BEING
LOT 5, BLUEBIRD HILLS SUBDIVISION (PB.35/PG.7) JEFFERSON COUNTY, MO

THAT THIS PLAT IS BASED ON A SURVEY COMPLETED ON THE GROUND BY BURDINE AND ASSOCIATES, INC.;
THAT THE RESULTS OF SAID SURVEY ARE SHOWN; AND THAT SAID SURVEY WAS EXECUTED IN ACCORDANCE
WITH THE MISSOURI STANDARDS FOR URBAN CLASS PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE
DEPARTMENT OF AGRICULTURE.

Daniel R. Zervas

DANIEL R. ZERVAS, PLS 2430
BURDINE AND ASSOCIATES, INC. L.S. 219-D

DATE

CERTIFICATE OF AUTHORITY 219-D

BURDINE AND ASSOCIATES, INC.
REGISTERED LAND SURVEYORS
1638 JEFFCO BLVD.

FIELDWORK BY:
DRAWN BY:

ZDZ
ZDZ

CHECKED BY:
DATE:

DRZ
12/14/22

PROJECT NO.:

22139



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 11, 2024

General Information:

Petition Number: BOA24006

Applicant Name: Jennifer Freiner
Street Address: 204 W Lakeshore Dr
City, State, ZIP: De Soto, MO 63020

Owner Name: Christopher and Jennifer Freiner
Street Address: Same as above
City, State, ZIP:

Location of Site: The subject property is located at 204 W Lakeshore Dr in De Soto.

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 "R7" zone district for a home addition from 30 feet to 28 feet.

Size of Tract: Roughly .47 acres (property where the variance is requested is roughly 0.23 acres)

Parcel Number: 24-5.0-15.0-3-002-012
Existing Zone District: R7
Council District: 6
Township: Valle

Prepared By: Rachel Krispin
Date: June 28, 2024
Recommendation: Denial

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

Subject Property

The property is located at 204 W Lakeshore Dr in De Soto. The property is roughly .23 acres in size and is developed with a single-family home. The property is zoned Single-Family Residential "R7".

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>	R7
	<u>Land Use:</u>	Developed Residential, Common Ground
To the East:	<u>Zoning:</u>	R7
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	R7
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	R7
	<u>Land Use:</u>	Developed Residential

Petitioner's Request

The petitioner is requesting relief from the required 30-foot rear yard setback for a home addition. The proposed addition is shown being located 28 feet from the rear 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, home additions such as the one proposed are required to be located 30 feet from the rear property line in the "R7" zone district. The request arises from the petitioner's desire to construct an addition to the existing residence that encroaches on the rear 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 normal in shape and size and is similar in shape and size to other lots within this development. It should be noted that the property directly backs up to common ground (which is a strip of land around the lake). The rear property line ends before reaching the lake. The request arises from the petitioner's wish to construct a home addition of 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 home addition, while it is encroaching, is on a lot that backs up directly to common ground and the lake.

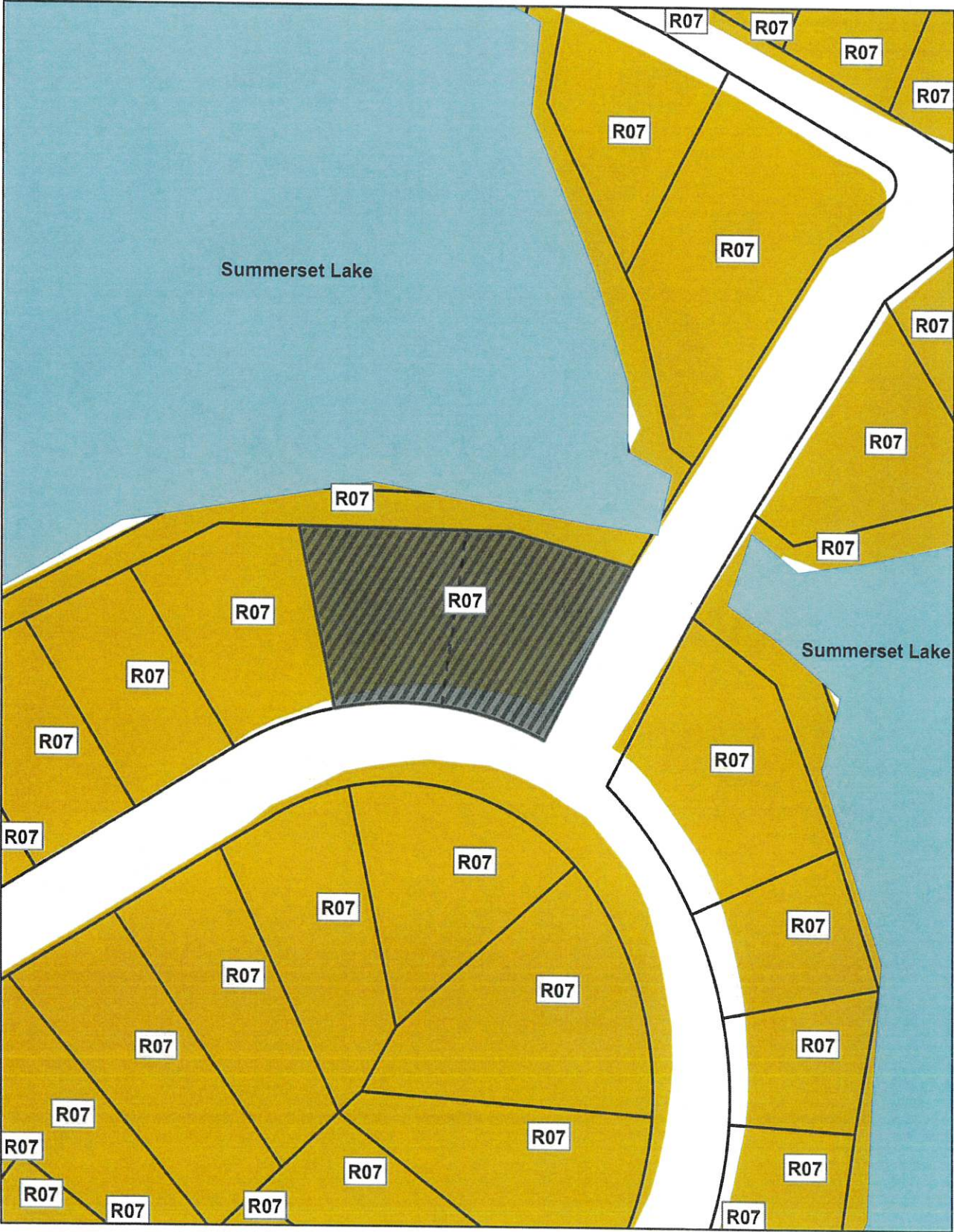
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

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.

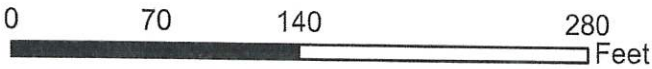
Staff Recommendation

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 28 feet along the rear property line in the "R7" zone district.

BOA24006 - Freiner



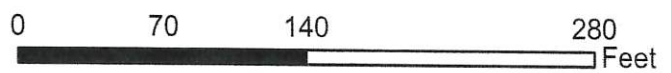
Subject Property



BOA24006 - Freiner



Subject Property





Parcel ID: 24-5.0-15.0...
(1 of 1)

0 10 20ft

-90.575148 38.096719 Degrees

Esri Community Maps Co...



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 11, 2024

General Information:

Petition Number: BOA24007

Applicant Name: Kenneth Boemer
Street Address: 94 San Marino
City, State, ZIP: Fenton, MO 63026

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

Location of Site: The subject property is located 94 San Marino Ct in Fenton.

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 "PR1" zone district for a covered deck from 20 feet to 10 feet.

Size of Tract: Roughly .14 acres
Parcel Number: 02-2.0-03.0-1-001-087.41
Existing Zone District: PR1
Council District: #2
Township: Rock

Prepared By: Josh Jump
Date: June 28, 2024
Recommendation: Denial

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

Subject Property

The property is located at 94 San Marino in Fenton. The property is roughly .14 acres in size and is developed with a single-family home. The property is zoned Planned Residential "PR1".

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>	PR1
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	PR1
	<u>Land Use:</u>	Undeveloped Residential
To the South:	<u>Zoning:</u>	PR1
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	PR1
	<u>Land Use:</u>	Developed and Residential (Common Ground)

Petitioner's Request

The petitioner is requesting relief from the required 20-foot rear yard setback for a covered deck. The proposed covered deck is shown being located 10 feet from the rear property line requiring a 10-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, covered decks such as the one proposed are required to be located 20 feet from the rear property line in the approved ordinance for the "PR1" district for San Marino. The request arises from the petitioner's desire to construct a covered deck that encroaches on the rear 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 completely normal in shape and size. The property exhibits fairly regular topography as the lot slopes slightly downward towards the

common ground. The request arises from the petitioner's wish to construct a covered deck of 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 as the rear of the property backs up directly to common ground.

- 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. These are planned lots that were specifically designed and approved by the Planning and Zoning Commission and County Council with these setbacks and building limits. Allowing structures to be built outside of these limits not only impairs the intent of the UDO, but thwarts the planning and design efforts established by the Commission and Council.

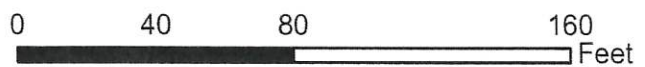
Staff Recommendation

Based on the analysis, staff recommends **Denial** of the requested variance for relief from the required 20-foot rear yard setback to be reduced to 10 feet along the rear property line in the "PR1" zone district.

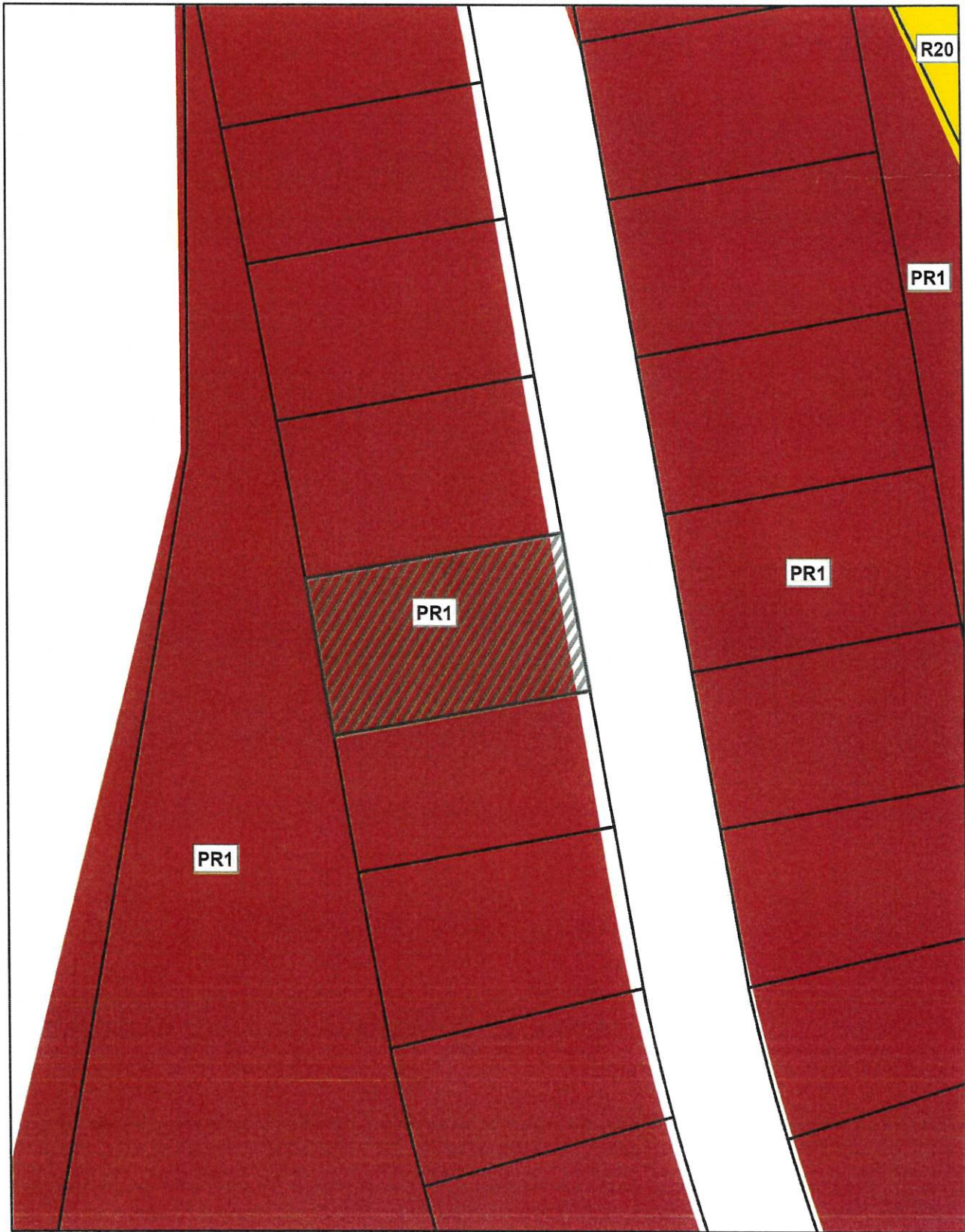
BOA24007 - Boemer



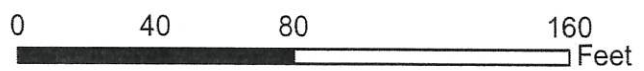
Subject Property



BOA24007 - Boemer



Subject Property



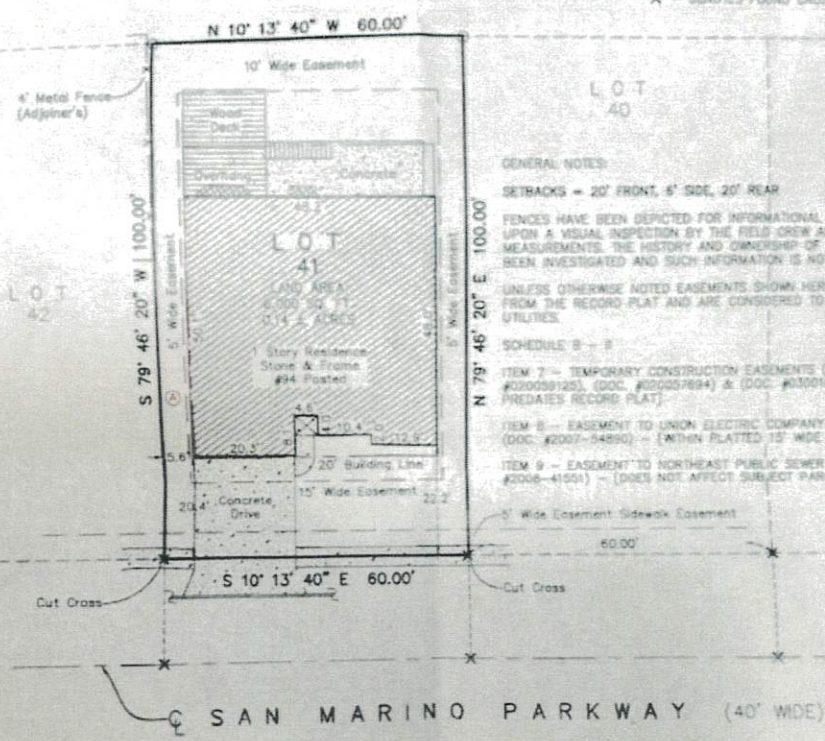
BOUNDARY RESURVEY AND LOCATION OF IMPROVEMENTS AND EASEMENTS SAN MARINO PLAT TWO JEFFERSON COUNTY, MISSOURI



SCALE:
1 inch = 20 ft.
BASIS OF BEARING:
P.B. 2015P, Pg. 68
SOURCE OF RECORD TITLE IS
DOCUMENT #2006-005443
O - DENOTES FOUND IRON ROD W/ CAP
X - DENOTES FOUND CROSS

① - SUBJECT'S BUILDING EXTENDS OVER THE SIDE, SETBACK AS SHOWN.

COMMON GROUND



GENERAL NOTES:

- SETBACKS = 20' FRONT, 5' SIDE, 20' REAR
- FENCES HAVE BEEN DEPICTED FOR INFORMATIONAL PURPOSES BASED UPON A VISUAL INSPECTION BY THE FIELD CREW AND FIELD MEASUREMENTS. THE HISTORY AND OWNERSHIP OF FENCES HAS NOT BEEN INVESTIGATED AND SUCH INFORMATION IS NOT WARRANTED.
- UNLESS OTHERWISE NOTED EASEMENTS SHOWN HEREON ARE PLOTTED FROM THE RECORD PLAT AND ARE CONSIDERED TO BE FOR PUBLIC UTILITIES.
- SCHEDULE B - B
- ITEM 7 - TEMPORARY CONSTRUCTION EASEMENTS (DOC. #200008125), (DOC. #200037694) & (DOC. #200015402) - PREDAIES RECORD PLAT
- ITEM 8 - EASEMENT TO UNION ELECTRIC COMPANY DBA AMERENUE (DOC. #2007-34890) - [WITHIN PLATTED 15' WIDE EASEMENT]
- ITEM 9 - EASEMENT TO NORTHEAST PUBLIC SEWER DISTRICT (DOC. #2006-41604) - [DOES NOT AFFECT SUBJECT PARCEL]

SURVEYOR'S STATEMENT

THIS IS TO CERTIFY AT THE REQUEST OF U.S. TITLE GUARANTY COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, KENNETH M. BOEMER AND MARY J. BOEMER, WE HAVE DURING THE MONTH OF OCTOBER 2020, PERFORMED A BOUNDARY RESURVEY AND LOCATION OF IMPROVEMENTS AND EASEMENTS ON LOT 41 OF SAN MARINO PLAT TWO, A SUBDIVISION RECORDED IN PLAT BOOK 2015P PAGE 68 IN THE JEFFERSON COUNTY LAND RECORDS OFFICE IN HILLSBORO, MISSOURI, AND THE RESULTS OF SAID SURVEY ACCURATELY REFLECTS ALL IMPROVEMENTS, INCLUDING FENCES AND EASEMENTS, BOTH RECORDED AND VISIBLE UNRECORDED ONES.

THAT THE SAID SURVEY WAS EXECUTED IN COMPLIANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS SET FORTH BY THE MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION (20 CSR 2030-16.040) AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS (20 CSR 2030-16.070), AND THE LOCATION OF IMPROVEMENTS AND EASEMENTS (20 CSR 2030-16.110), EFFECTIVE 12/30/94, AND LAST REVISED MAY OF 2017. (URBAN CLASS PROPERTY)

IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THE FOREGOING THIS 29th DAY OF OCTOBER 2020.

TITLE COMMITMENT PROVIDED BY:
U.S. TITLE GUARANTY COMPANY/OLD REPUBLIC
NATIONAL TITLE INSURANCE COMPANY
FILE NO.: 2006020-15144



MARLER SURVEYING COMPANY INC.
MISSOURI CORP. NO. L.S. 347-0

By: [Signature]
MARTY L. MARLER
MISSOURI P.E.S. 2601

follow us:
facebook.com/marler-surveying-company-inc
copyright 2020 by Marler Surveying Company, Inc.

MARLER
SURVEYING COMPANY, INC.

JOB NO. 2010-145

DRAWN BY: D.J.N./D.L.E.

11402 GRAYSON RD., STE. 200, ST. LOUIS, MO 63126 (314) 729-1001 PH. (314) 729-1044 FAX
402 EAST SPRINGFIELD ROAD, SULLIVAN, MO (573) 468-4684 PH. (573) 860-8606 FAX
email: marler@marlersurveying.net

DEPUTY: S.N.

CHK'D BY: M.L.M.

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 11, 2024

General Information:

Petition Number: BOA24008

Applicant Name: Mark Goelz
Street Address: 5000 Romaine Spring Dr.
City, State, ZIP: Fenton, MO 63026

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

Location of Site: The subject property is located at 5000 Romaine Spring in Fenton.

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 “PUD” zone district for a deck from 25 feet to 15 feet.

Size of Tract: Roughly .21 acres
Parcel Number: 02-5.0-15.0-3-002-037
Existing Zone District: PUD
Council District: #2
Township: Rock

Prepared By: Josh Jump
Date: June 28, 2024
Recommendation: Denial

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

Subject Property

The property is located at 5000 Romaine Spring in Fenton. The property is roughly .21 acres in size and is developed with a single-family home. The property is zoned Planned Unit Development "PUD".

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>	PUD
	<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>	PUD
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	PUD
	<u>Land Use:</u>	Developed and Residential (Common Ground)

Petitioner's Request

The petitioner is requesting relief from the required 25-foot front yard setback (Konert View) for a deck. The proposed deck is shown being located 15 feet from a front property line requiring a 10-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, decks such as the one proposed are required to be located 25 feet from the rear property line in the approved ordinance for the "PUD" district for Romaine Springs. The request arises from the petitioner's desire to construct a deck that encroaches on a front setback building setback. The lot is surrounded on three sides by a road frontage. The road frontage that is in conflict is that of a private neighborhood drive (Konert View).

- 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 completely normal in shape and size. The property exhibits fairly regular topography as the lot slopes slightly downward towards Konert Road. The request arises from the petitioner's wish to construct a deck of the desired size and in the desired location. Denial of the variance would not deprive the owner of the residential use of the property. Although the lot is surrounded on three sides by streets, there is ample space to construct a deck and still meet the required setbacks (as evidenced by the fact that there is an existing deck on the residence). Granting of the variance would constitute the granting of a privilege to this property owner to build a deck of a size and orientation that he desires as opposed to a deck that conforms to County regulations.

- 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. There appears to be a deck already constructed that appears to meet the front setbacks. The petitioner is seeking to expand the deck size as he desires.

- 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. These are planned lots that were specifically designed and approved by the Planning and Zoning Commission and County Council with these setbacks and building limits. Allowing structures to be built outside of these limits not only impairs the intent of the UDO but thwarts the planning and design efforts established by the Commission and Council.

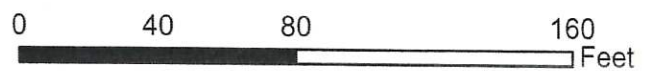
Staff Recommendation

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 15 feet along the front property line in the "PUD" zone district.

BOA24008 - Goelz



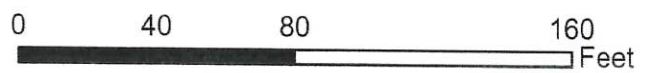
Subject Property

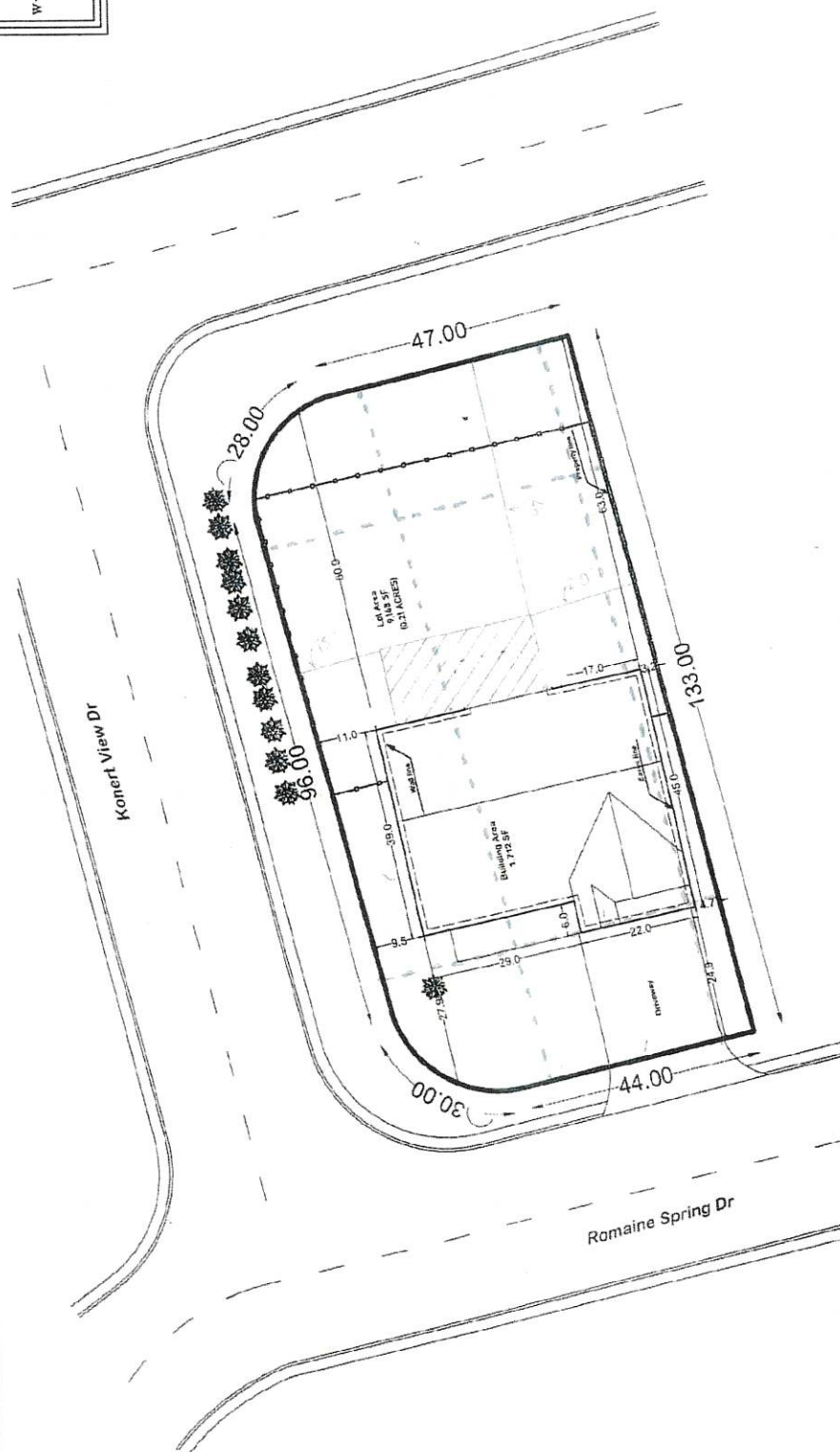


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Subject Property





THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE. This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.

Owner: GOELZ, MARK E & GOELZ, MARJORIE A
Legal Information: ROMAINE SPRING ESTS 1
BDRY ADJ ADJUSTED LOT 207
Zoning (Assessor): -
Land Use Cat: RESIDENTIAL

Parcel#: 02-5.0-15.0-3-002-037.
Address : 5000 Romaine Spring Dr
City, State, ZIP: Fenton, MD 63026
Purpose of site plan: Add new deck