

**BOARD OF ADJUSTMENT MINUTES**  
**February 16, 2023**  
**Rolla City Hall**

<b><u>Presiding:</u></b>	Chairperson Matt Crowell
<b><u>Members Present:</u></b>	John Meusch, Jacob Rohter, Judy Jepsen
<b><u>Alternates Present:</u></b>	Jonathan Hines
<b><u>Members Not Present:</u></b>	None
<b><u>City Officials in Attendance:</u></b>	Tom Coots, City Planner, and Sarah West, Executive Assistant

Chairperson **Matt Crowell** called the meeting to order at 5:30 P.M. He recognized the members who were present and swore in all present who intended to speak.

**I. APPROVE MINUTES:**

**Crowell** approved the minutes from the November 3, 2022 Board of Adjustment meeting as printed and distributed.

**II. OLD BUSINESS:** **NONE**

**III. PUBLIC HEARING:**

- 1. VAR2022-06:** Variance to Section 42-186.3 to allow a reduction of the minimum side yard setback in the C-1, Neighborhood Commercial district at 702 N Olive Street.

**Tom Coots** presents the staff report.

**Crowell** opened the public hearing.

**Kim Nisbett**, located at 26503 County Road 432 in St James, is the applicant. She is proposing a zero setback to have a garden area and consolidate all of the green space. More landscaping will need to be removed if the variance is not granted. **Nisbett** states there is plenty of visibility for cars, and the zero setback matches the consistency of the neighborhood.

**Crowell** closes the public hearing and moves into board deliberation.

1<sup>st</sup> Criterion: **Crowell** asks if the applicant will build regardless if the variance is granted. **Nisbett** yes. **Crowell** asks if there is any economic hardship by building to the code. **Nisbett** states it will go against their goals for green space. **Jonathan Hines** asks if this request is a special circumstance by trying to align with the other characteristics of existing buildings in that area. **Nisbett** confirms this. **Crowell** mentions that if the variance isn't granted, the applicant will

need additional tree removal. He asks if this is a substantial hardship. **Nisbett** states they will have to pay a company to come back out and remove the excess trees. **Crowell** asks if this extra tree removal is part of their budget. **Nisbett** no. All Board members agreed the first criterion was met.

2<sup>nd</sup> Criterion: All Board members agreed the second criterion was met.

3<sup>rd</sup> Criterion: All Board members agreed the third criterion was met.

4<sup>th</sup> Criterion: **Crowell** asks if any concerns were brought forth by the neighbors. **Coots** no. All Board members agreed the fourth criterion was met.

5<sup>th</sup> Criterion: All Board members agreed the fifth criterion was met.

6<sup>th</sup> Criterion: All Board members agreed the sixth criterion was met.

**A motion was made by Judy Jepsen, seconded by John Meusch, to approve the variance to allow a reduction of the minimum side yard setback. A roll call vote on the motion showed the following: Ayes: Crowell, Hines, Jepsen, Meusch, and Rohter. Nays: None. The motion passes unanimously.**

2. **VAR2022-07:** Variance to Section 42-231.7 to allow an additional sign larger than the maximum sign size in the Rolla Arts and Entertainment Overlay District at 701 N Cedar Street.

**Coots** presents the staff report.

**Crowell** asks how this request qualifies as a sign, and asks for a definition. **Coots** provides the definition of a sign from the code.

**Crowell** opens the public hearing.

**Cindy Beger**, PO Box K in Rolla, is the applicant. She states the goal is to be able to view the sign from 10<sup>th</sup> street. Under the regular C-1 zoning, the sign falls under the size requirement, but because the property is in the Arts and Entertainment Overlay District, the sign they are wanting is too large.

**Crowell** asks if there are other similar signs in that neighborhood. **Beger** mentions Russ and Rena's, Di Trapani's and Archer-Elgin all fall under that district. **John Meusch** asks if this will be a lit sign. **Beger** yes.

**Crowell** mentions the other signs within the district are similar to and larger than the proposed one.

**Beger** states many people are unaware where the building is, and she wants to make the location more easily visible. **Crowell** asks if there is any way to increase visibility without this sign.

**Beger** is unaware of anything else they could do to be seen from 10<sup>th</sup> street. **Hines** asks if they had an idea of how many people cannot find the building. **Beger** states they have been told people cannot locate them, but they do not have a stat. She mentions the number of people in the community that are unaware of the building location creates an economic hardship for them.

**Crowell** asks if the organization is for profit. **Beger** no, they are comprised of all volunteers.

**Crowell** closes the public hearing and moves into Board deliberation.

1<sup>st</sup> Criterion: **Crowell** states the applicant has indicated they cannot get notice to the community, and this will create an economic hardship if we deprive them of a sign. All Board members agreed the first criterion was met.

2<sup>nd</sup> Criterion: All Board members agreed the second criterion was met.

3<sup>rd</sup> Criterion: **Crowell** mentions this request is not solely based on increasing income. **Beger** comments that live theatre does not make budget. There are also free educational fine art opportunities provided. **Crowell** comments the applicant is wanting to increase visibility for their free programs as well as their paid shows. All Board members agreed the third criterion was met.

4<sup>th</sup> Criterion: All Board members agreed the fourth criterion was met.

5<sup>th</sup> Criterion: **Crowell** asks how the applicant determined the size of the sign. **Beger** states their goal is to be visible from 10<sup>th</sup> street, and there was limited space on the building. **Crowell** asks if the sign will be lit all the time. **Beger** is unsure, but considering their budget, she would assume on a timer. **Crowell** asks how the sign will be lit. **Beger** states it will be halo lit channel letters with no spotlights. All Board members agreed the fifth criterion was met.

6<sup>th</sup> Criterion: All Board members agreed the sixth criterion was met.

**A motion was made by Jonathan Hines, seconded by John Meusch, to approve the variance to allow an additional sign larger than the maximum sign size. A roll call vote on the motion showed the following: Ayes: Crowell, Hines, Jepsen, Meusch, and Rohter. Nays: None. The motion passes unanimously.**

3. **VAR2022-08:** Variance to Section 42-44.6 to allow a pole sign in excess of the maximum sign height in the C-2, General Retail district at 1600 Old Wire Outer Rd.

**Coots** presents the staff report.

**David Mikel** and **Charley Schalliol**, from Site Enhancement Services, 6001 Nimitz Parkway, South Bend, IN are the applicants. They present pictures to the Board of the sign renderings and photos taken from the nearby interstate going both eastbound and westbound at the requested 60 feet. They placed the sign rendering at different heights to find the minimum height required to get best visibility to the highway.

**Muesch** asks since the property is below grade, if the sign is measured from the grade or the ground where the sign will be placed. **Coots** mentions that the code states it will be measured from the grade of the street. He estimates the sign location is roughly 15 feet below the grade of the interstate highway where they intend to advertise. Because of this, the code could allow a 55 foot tall sign, if measured from the interstate and not the adjacent road. A variance would still be needed for the extra five feet.

**Crowell** asks if the applicants are fine with 55 feet. **Schalliol** mentions the 60 feet is important because it places the sign above the guard rail to make sure it is fully visible. **Meusch** asks if the 60 feet is necessary. **Mikel** states that they determined the grade change is about 15 to 17 feet and having the sign placed at 60 feet is the best height after their research.

**Mikel** comments that, after their due diligence, their sign is the minimum relief required. The proposed sign would keep the characteristics of the area. **Schalliol** mentions based upon the guard rail and surrounding properties, 60 feet is what they need. The proposed sign would be well under the square footage requirement imposed by the code. **Mikel** states the code allows for a 400 square foot sign and the proposed sign is only 250.

**Crowell** asks how this sign placement is not based solely upon increasing the rate of income for the property. **Mikel** states the intention of the sign is a wayfinding element to ensure motorists can see the sign with enough time to safely maneuver to the building location. He mentions that Longhorn has roughly 65% of their customer base that is not local, so the sign placement needs to be above the guard rail so drivers can safely maneuver to the off ramp as customers may not be familiar with the area.

**Crowell** comments that the guardrail mentioned that would block the sign is past the off ramp going westbound. He asks how this would make a difference in terms of locating the steakhouse. **Schalliol** mentions that the sign height and location gives the best view to hit motorists before the off ramp eastbound. The proposed height would be in line with all the other signs.

**Crowell** opens the public hearing.

**Jenny Riegel** is located at 1623 Yale Avenue in Rolla. She expresses concern about the height of the sign as it can be seen from her house. She worries the area will become overrun with tall signs.

**Crowell** closes the public hearing and moves into Board deliberation.

1<sup>st</sup> Criterion: All Board members agreed the first criterion was met.

2<sup>nd</sup> Criterion: All Board members agreed the second criterion was met.

3<sup>rd</sup> Criterion: All Board members agreed the third criterion was met.

4<sup>th</sup> Criterion: **Crowell** mentions there are some properties might be impacted. He asks if any other citizens have come forward. **Coots** no. All Board members agreed the fourth criterion was met.

5<sup>th</sup> Criterion: **Crowell** mentions the sign would be visible coming eastbound but not westbound until after people have passed the off ramp. He believes 55 feet would be sufficient. **Hines, Jepsen, Meusch, and Rohter** agreed the fifth criterion was met. **Crowell** voted no.

6<sup>th</sup> Criterion: **Crowell** comments that the applicant will not have an unnecessary hardship if we deny the variance. The sign will still be visible and people will still locate the restaurant. **Hines, Jepsen, Meusch, and Rohter** agreed the sixth criterion was met. **Crowell** voted no.

**A motion was made by Jonathan Hines, seconded by Judy Jepsen, to approve the variance to allow a pole sign in excess of the maximum sign height. A roll call vote on the motion showed the following: Ayes: Hines, Jepsen, Meusch, and Rohter. Nays: Crowell. The motion passes.**

**IV. OTHER BUSINESS/REPORTS FROM THE  
CHAIRPERSON, BOARD, OR STAFF:**

**NONE**

Having no further business, the meeting was adjourned at 6:38 P.M.  
Minutes prepared by **Sarah West**

**NEXT MEETING:**

**Thursday, April 6, 2023**