

BOARD OF ADJUSTMENT MINUTES
November 2, 2023
Rolla City Hall

<u>Presiding:</u>	Chairperson Matt Crowell
<u>Members Present:</u>	Matt Miller, John Meusch
<u>Alternates Present:</u>	Jonathan Hines
<u>Members Not Present:</u>	Jacob Rohter
<u>City Officials in Attendance:</u>	Tom Coots, City Planner, and Cindy Brown, Acct. Clerk
<u>Others in Attendance:</u>	James Colby, Archer Elgin

Chairperson **Matt Crowell** called the meeting to order at 5:48 P.M. He recognized the members who were present. **Crowell** swore in all present who intended to speak.

I. APPROVE MINUTES:

Crowell approved the minutes from the July 27, 2023 Board of Adjustment meeting as printed and distributed.

II. OLD BUSINESS:

NONE

III. PUBLIC HEARING:

- 1. VAR2023-03:** Variance from Section 42.325 (9) to allow a fence with barbed wire in the R-4, Urban Multi-family district with a PUD, Planned Unit Development overlay at 1000 N Oak Street.

Tom Coots presents the staff report.

Crowell opens the public hearing.

James Colby on behalf of the Christian Campus Ministries, works for Archer Elgin Engineering. The campus has had issues with homeless persons along the railroad tracks coming onto the property. He presents a drawing of what the proposed fence would look like.

Crowell closes the public hearing and moves into Board deliberation.

1st Criterion: Due to the fact that the property is exposed to the train tracks and the nature of the use, all board members agreed the 1st criterion was met.

2nd Criterion: **Hines** states that due to the safety issue in the back grassed area the barbed wire is needed. **Miller** states that this is the most economical way to secure the area without causing unnecessary hardship. **Meusch** states if the yard is not safe it can't be used for reasonable use. All board members agreed the 2nd criterion was met.

3rd Criterion: **Crowell** states this is an extra expense for the property owners and they did not create the safety issue. **Muesch** agreed. All Board members agreed the 3rd criterion was met.

4th Criterion: **Crowell** states this increases the safety of the neighborhood. **Coots** states the fire department should not need access from the railroad tracks so they have no issues with the fence. **Hines** states the zoning code is written for fences where people are walking and traveling, this is not an area where people should be walking. **Crowell** states this may help to discourage people from walking on the railroad tracks. All Board members agreed the 4th criterion was met.

5th Criterion: **Crowell** states they are not asking for 2 strands or razor wire and it won't be an eye sore. All Board members agreed the 5th criterion was met.

6th Criterion: All Board members agreed the 6th criterion was met.

7th Criterion: **Miller** states a rezone would not fix the problem. **Hines** agrees. **Crowell** states it would be a substantial injustice to make them go back through the whole PUD process and waste the City Councils time. **Miller** this seems like a reaction to an unforeseen issue. All Board members agreed the 7th criterion was met.

A motion was made by Jonathan Hines, seconded by John Meusch to approve the application as submitted. A vote on the motion showed the following: Ayes: Crowell, Miller, Meusch and Hines. Nays: None. The motion passes unanimously.

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

1. Election of vice-chairperson *Tabled from July 27, 2023 meeting:*

A motion was made by Jonathan Hines to nominate Matt Miller, seconded by John Meusch. Motion passed unanimously.

Having no further business, the meeting was adjourned at 6:14 P.M.
Minutes prepared by **Cindy Brown**.

NEXT MEETING:

Thursday December 7, 2023