

AGENDA

The Rolla Board of Adjustment
Rolla City Hall, 3rd Floor Conference Room, 901 North Elm Street
Thursday, April 6, 2023 @ 5:30 PM

**Board Members: Matt Crowell (Chairperson), Jacob Rohter, John Meusch,
Matt Miller, Jonathan Hines (Alternate)**

I. APPROVE MINUTES:

Review of the Minutes from the Board of Adjustment meeting held on February 16, 2023.

II. OLD BUSINESS:

NONE

III. PUBLIC HEARING:

1. **VAR2023-01:** Special Exception to allow a church parking lot in the R-1, Single-family district.

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

1. Election of vice-chairperson

NEXT MEETING DATE: May 4, 2023

BOARD OF ADJUSTMENT MINUTES
February 16, 2023
Rolla City Hall

<u>Presiding:</u>	Chairperson Matt Crowell
<u>Members Present:</u>	John Meusch, Jacob Rohter, Judy Jepsen
<u>Alternates Present:</u>	Jonathan Hines
<u>Members Not Present:</u>	None
<u>City Officials in Attendance:</u>	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.

1st 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.

2nd Criterion: All Board members agreed the second criterion was met.

3rd Criterion: All Board members agreed the third criterion was met.

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

5th Criterion: All Board members agreed the fifth criterion was met.

6th 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 10th 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 10th 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.

1st 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.

2nd Criterion: All Board members agreed the second criterion was met.

3rd 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.

4th Criterion: All Board members agreed the fourth criterion was met.

5th Criterion: **Crowell** asks how the applicant determined the size of the sign. **Beger** states their goal is to be visible from 10th 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.

6th 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.

1st Criterion: All Board members agreed the first criterion was met.

2nd Criterion: All Board members agreed the second criterion was met.

3rd Criterion: All Board members agreed the third criterion was met.

4th 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.

5th 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.

6th 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



Report to:

Board of Adjustment

Case No.: ZV23-01

Meeting Date: April 6, 2023

Subject: Special Exception to allow a church parking lot in the R-1, Single-family district

Background: The Ridgeview Christian Church has previously been approved for a temporary gravel parking area to use while plans for more permanent parking were developed. The temporary parking was approved in 2019. The approval was to allow two years until a permanent parking lot plan was developed. An extension was granted to allow additional time in 2022 to expire at the end of March, 2023.

The church has undergone extension revisions for their campus plans, and have elected to scale back the plans. At this time, they are ready to pursue the paving of the gravel area. The project would also include grading for on-site stormwater control.

Application and Notice:

Applicant/Owner - Ridgeview Christian Church (Craig Stevens)
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

Property Details:

Current zoning - R-1, Single-family
Current use - gravel parking lot

Code Reference:

Sec. 42-255.4. Special Exceptions.

The prospective occupant or owner of the property shall make application for special exceptions according to the terms of this Article and follow the application procedures outlined in Section 42-255.1 of this Division. Subject to the conditions and safeguards herein contained, after public notice and hearing, the Board of Adjustment may authorize special exceptions to this Article as follows:

1. The Board of Adjustment may grant a special exception to allow a legal nonconforming use to be changed to any other use permitted in the zoning district in which the non-conforming use is allowed, provided the proposed use is not more intense than the existing use in terms of traffic generation and other impacts on surrounding property.
2. Permit the extension of an existing legal non-conforming use in a building upon a lot currently occupied as a legal non-conforming use.
3. Permit the use of property in the "R-1 " and "R-2" Districts adjacent to the "R-3", "C" or "M" Districts, even if separated therefrom by an alley or by a street, for parking of passenger cars under such safeguards and conditions of the setback requirements of the more restricted property, and further provided that such parking area shall not extend a greater distance than five hundred (500) feet from the "R-3," "C" or "M" Districts and other conditions as needed to promote public safety.

4. **Permit the use of property owned by a church for the parking of passenger cars in any district under such safeguards and conditions as are necessary to protect adjacent property.**

Special Exception Approval Criteria:

A Special Exception must be reviewed to ensure that the following criteria are met:

1. Such use serves the general welfare of the city.
2. Such use preserves the community interest.
3. Any criteria specifically referenced in Section 42-255.4.

Discussion: The applicant did not provide any argument for how the request meets the criteria for approval. The request does seem to meet criteria 1 and 2, due to the location of the parking area being immediately adjacent to the church and existing parking areas. However, there may be a need to discuss screening to the neighboring properties. There is an existing privacy fence on the neighboring properties adjacent to the area where the parking lot is proposed. It may be more appropriate for the church to erect their own fence unless written preference to not have a fence or an agreed upon amount of landscaping in place of a fence is received from the adjacent property owners.

Alternatives:

The Board of Adjustment has the following alternatives of action:

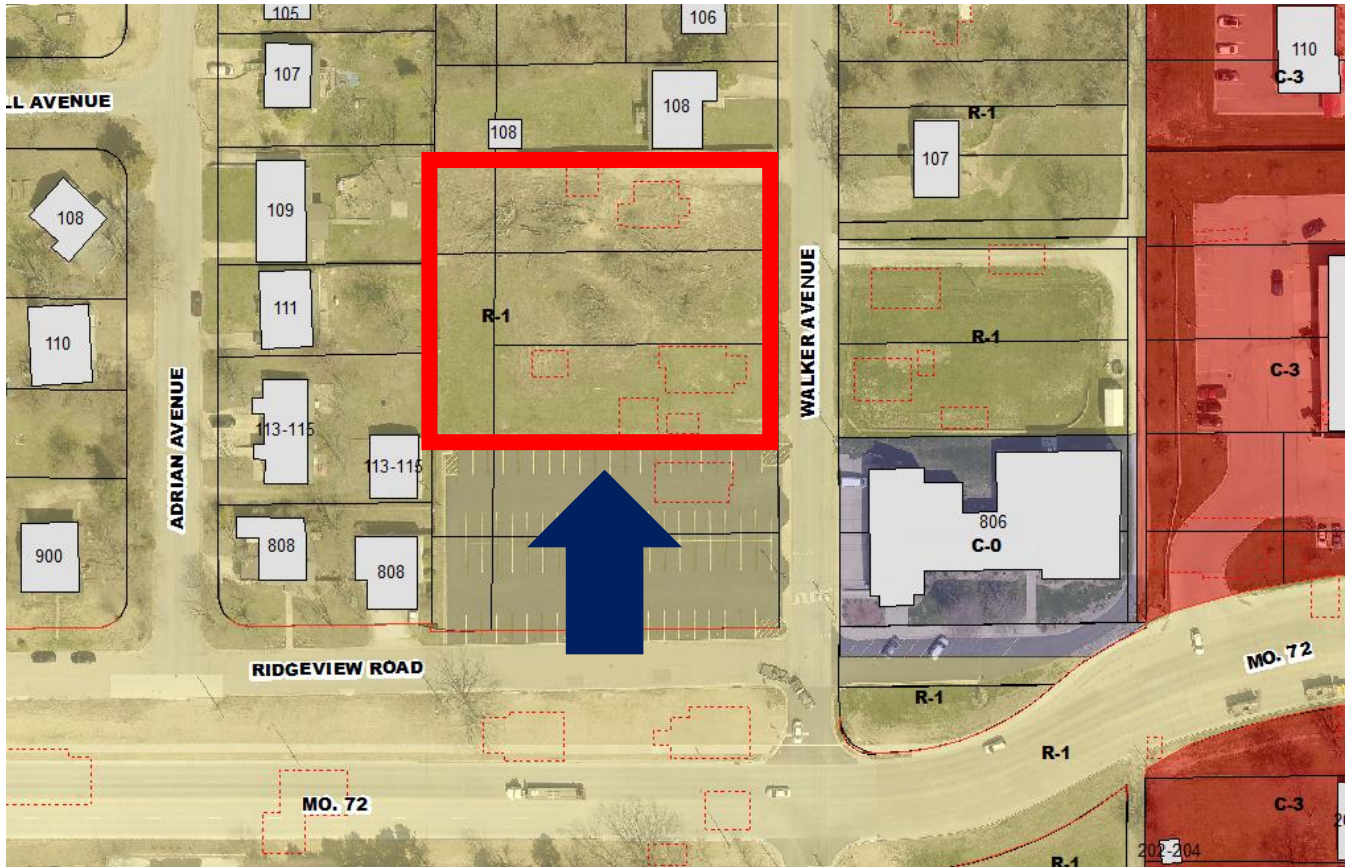
1. Find that each of the criteria for approval of the special exception are met and explain how each criteria is met for the record.
2. Find that the criteria for approval of the special exception could be met through the imposition of conditions or limitations to ensure that the criteria are met. The Board will explain how each criteria is met and grant partial, conditional, or modified approval of the variance(s).

A condition of approval is recommended requiring a six foot tall privacy fence be provided along the entire north and west property lines adjacent to the existing and proposed parking area and detention basin unless written preference to not have a fence or an agreed upon amount of landscaping/screening in place of a fence is submitted.

3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Application, Letter of Request, Site Plan



Project Information:

Case No: ZV23-01
 Location: 806 Ridgeview Rd
 Applicant: Ridgeview Christian Church
 Request:
 Special Exception for a church parking lot



Public Hearing:

Board of Adjustment
April, 6 2023
5:30 PM
 City Hall: 1st Floor



For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org
 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Board of Adjustment?

The Board of Adjustment (BOA) is an appointed group of citizens from Rolla who are charged with hearing and deciding Variances, Appeals, and Special Exceptions.

What is a Variance?

A Variance is a request for relief from a particular provision in the zoning code. A Variance should only be granted if certain criteria are met. Variances are frequently sought to allow things such as reduced setback, lot size or increased height.

What is an Appeal or Special Exception?

An Appeal is a request for an interpretation of the meaning of the zoning code from the Board of Adjustment. A Special Exception is a request to allow certain uses.

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 364-5333 if you have any questions.

What if I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

What if I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What if I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

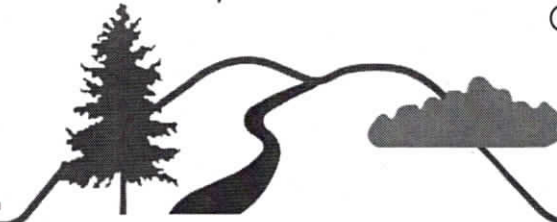
LEGAL DESCRIPTION

Lots 6, 7 and 8, Block 10, Cowan's Addition to City of Rolla, Phelps County, MO



pd ck # 223770

City of ROLLA



COMMUNITY DEVELOPMENT DEPARTMENT
901 North Elm St
Rolla, MO 65401
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

BOARD OF ADJUSTMENT APPLICATION

Contact Information:

Property Owner:

Ridgeview Christian Church

Name(s)

POB 338

Mailing Address

Rolla MO 65402

City, State, Zip

573 364 1841

Phone

cvaig@stevens3.com

Email

Agent/Applicant (If Different Than Property Owner):

Name

Mailing Address

City, State, Zip

Phone

Email

Property/Request Information:

Request:

Variance
 Special Exception
 Appeal

SEC 42-255.4(D)

Code Section (Variance/Appeal Only)

806 RIDGEVIEW RD

Property Address/Location

R-1

Property Zoning

PARKING LOT

Proposed Development/Project

APPLICATION CHECKLIST:

Applicant Checks Boxes

Completed Application Form

Agent Letter (If Applicable)

Filing Fee - \$350

Legal Description (Unplatted and Irregular Lots Only)

Site Plan/Survey (If Applicable)

Letter of Request:

Please include description of project, request, how criteria for approval are met, and any other pertinent information.

City Staff Verifies

OFFICE USE ONLY:

Case No: ZV23-01

DRC Meeting Date: 3.7.23

Advertise By: 3.16.23

Submission Date: 2.8.23

BOA Hearing Date: 4.6.23

I N F O R M A T I O N :

Variations are *required* to meet the following criteria:

1. The applicant must demonstrate that special circumstances or conditions applying to the land or buildings for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood; and that said circumstances or conditions are such that the strict application of the provisions of the regulation creates an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building.
2. The alleged hardship was not created by any person currently having an interest in the property.
3. The purpose of the variance is not based exclusively on the desire to enhance the value of the property, or increase the return or income from the property.
4. The granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.
5. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that would accomplish this purpose, and will not alter the essential character of the neighborhood.
6. The literal enforcement and strict application of the provisions of the Rolla Planning and Zoning Code will result in an unnecessary hardship inconsistent with the general provisions and intent of the regulations and that in granting such variance the spirit of the regulations will be preserved and substantial justice done.
7. (Use Variations Only) The use is consistent with the intent of the Comprehensive Plan.

Appeals are *required* to meet the following criteria:

1. The Appeal was filed within 15 days or after the administrative officer has rendered a decision.
2. The interpretation of the code as made by the administrative officer was incorrect or unclear.

Special Exceptions are *required* to meet the following criteria:


1. The request is consistent with the general spirit and intent of the regulations.
2. The request is consistent with the general and specific rules for the Special Exception.
3. The request serves the general welfare and preserves the community interest.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Board of Adjustment hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)



Sign

Print

Sign

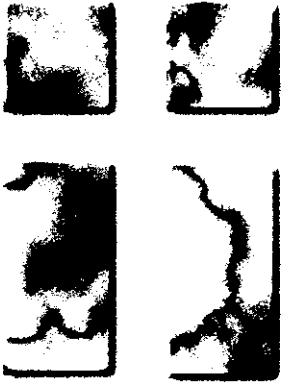
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RIDGEVIEW

CHRISTIAN CHURCH

Rolla Community Development

901 North Elm Street

PO Box 979

Rolla, MO 65401

Mr. Coots,

Ridgeview Christian Church would like to request a Special Exception to construct additional parking spaces at 118 South Walker Avenue. Please find our application attached along with our filing fee.

Thank you,

Craig Stevens, chairman of the elders

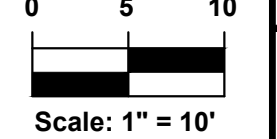
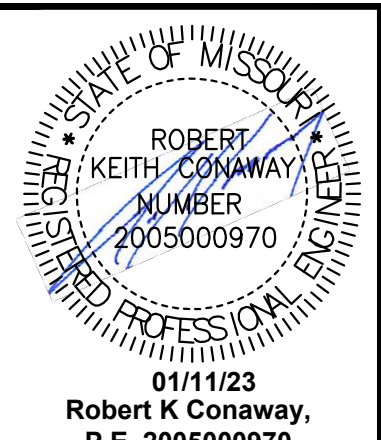
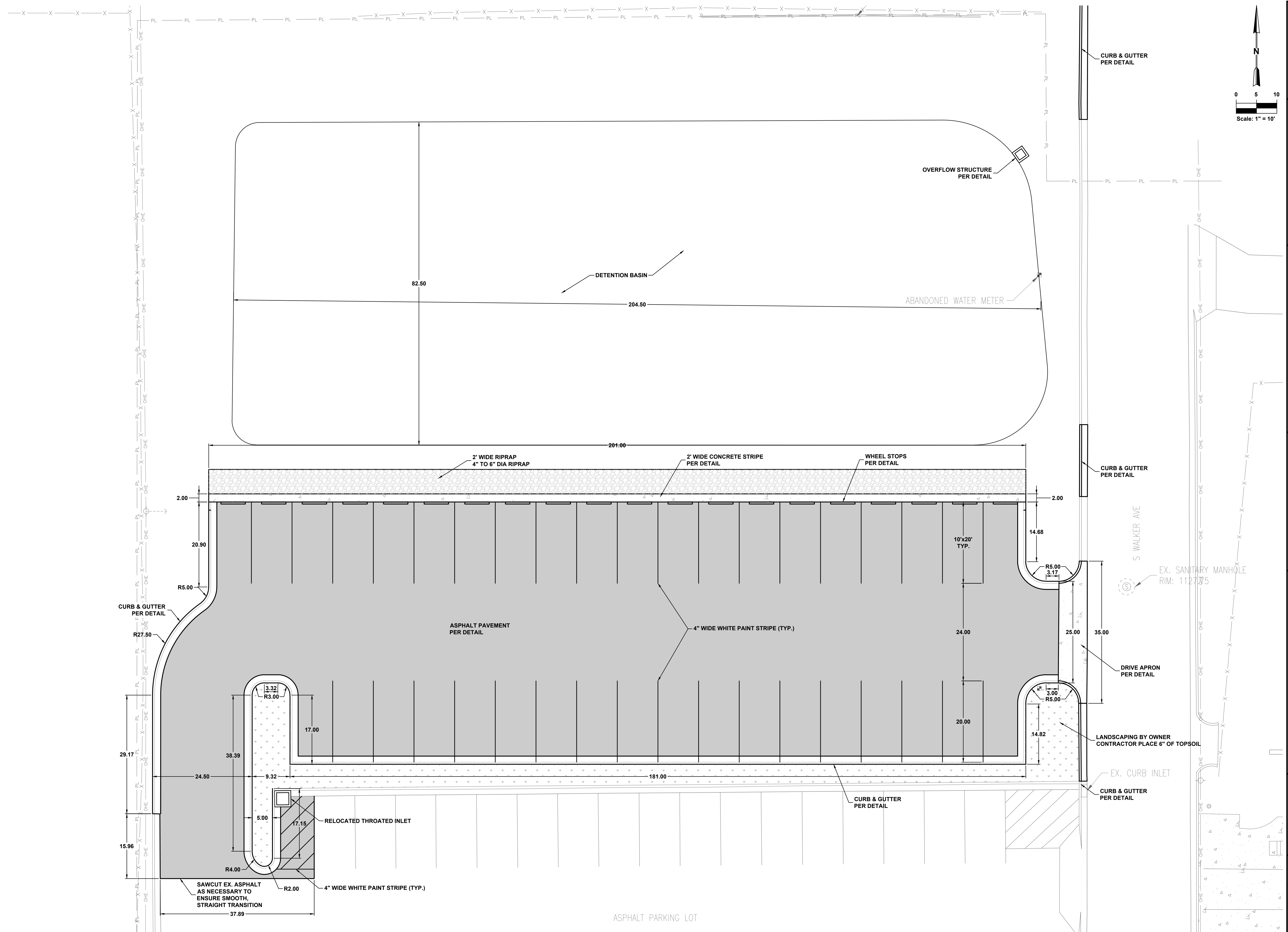
Ridgeview Christian Church

PO Box 338

Rolla, MO 65402

"Praise be to the God and Father of our Lord Jesus Christ, who has blessed us in the heavenly realms with every spiritual blessing in Christ." — Ephesians 1:3

806 Ridgeview Road • PO Box 338 • Rolla, Missouri 65402
Church: 573-364-1841 • Fax: 573-364-8953
www.ridgecc.com • Email: office@ridgecc.com



REVISIONS

NO.	DATE	DESCRIPTION

CONAWAY CIVIL CONSULTING
 14151 County Road 8120
 Rolla, MO 65401
 573-308-5936

NEW FACILITY
 LEBANON, MISSOURI

SITE PLAN

DRAWN BY	RKC
CHECKED BY	RKC
SCALE	AS NOTED
DATE	01/11/23