

BOARD OF ADJUSTMENT AGENDA
Wednesday, June 24, 2020
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. PUBLIC HEARINGS:

- A. BOA2020-01: A Public Hearing to consider a Variance application appealing the City's denial of a Final Occupancy certificate for construction of a residential structure at 115 Winter Wheat Trail due to an error in the location of a sidewalk at the property. S J Contracting LLC, applicant**

- B. BOA2020-02: A Public Hearing to consider a Variance application requesting relief from the City's denial of a parking lot construction permit for property located at 720 W. Osage due to exceedance of the maximum 80 percent coverage requirement in the C-2 Zoning District. Mark Stehr, applicant.**

4. NEW BUSINESS:

5. OLD BUSINESS

6. ADJOURNMENT

This Meeting is Open To The Public

***DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY WHICH YOU ARE ABOUT TO GIVE IN THIS CASE WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.**

**CITY OF PACIFIC
RECORD OF PROCEEDINGS**

**REGULAR MEETING OF THE BOARD OF ADJUSTMENT COMMISSION
AT THE PACIFIC CITY HALL, 300 HOVEN DRIVE
OCTOBER 2, 2019**

The Board of Adjustment Commission Hearing was called to order by Chairman Pigg at 7:00 P.M. on October 2, 2019, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

PRESENT

Benton Kelley

Mike Pigg

Bryan Vatterott

Rita Duncan

ABSENT

Sarah Summers

Administrator Steve Roth and Rae Cowsert were also in attendance.

APPROVAL OF MINUTES

A motion was made by Commissioner Kelley and seconded by Commissioner Vatterott to approve the minutes from May 15, 2019. A voice vote was taken and the motion was approved 4-0.

PUBLIC HEARINGS:

- 1. BOA2019-03: A Public Hearing to consider a set-back Variance for property modification at 116 Janey Lane, Pacific, MO 63069. The applicant is proposing to construct an addition to their property. Bradley and Rhonda Reed are the applicants.**

The public hearing was opened by Chairman Pigg. Administrator Roth presented the Commission with the Staff report. Administrator Roth stated the staff recommends approval.

A motion was made by Commissioner Kelley and seconded by Commissioner Duncan to approve the variance request. A vote was taken with the following results: Ayes, Commissioner Vatterott, Commissioner Duncan, Commissioner Kelley, Chairman Pigg; Nays, none. The motion was approved 4-0.

OLD BUSINESS

Nothing

ADJOURNMENT

Chairman Pigg asked for a motion for adjournment. A motion was made by Commissioner Kelley and seconded by Chairman Pigg to adjourn. A voice vote was taken and the meeting was adjourned at 7:03 p.m.

Bryan Vatterott, Secretary

CITY OF PACIFIC-PUBLIC HEARING NOTICE

The City of Pacific Board of Adjustment Commission will hold a regular meeting at 7:00 pm on Wednesday, June 24, 2020 at the Pacific Government Center, 300 Hoven Drive, Pacific, Missouri 63069. A public hearing will be held to consider the following:

BOA 2020-01: A Public Hearing to consider an application from SJ Contracting LLC appealing the City's denial of a Final Occupancy certificate for construction of a residential structure at 115 Winter Wheat Trail due to an error in the location of a sidewalk at the property.

This meeting is open to the public. As provided in the Zoning Regulations of the City of Pacific, Missouri, the above item will be discussed and considered by the Board of Adjustment and all persons interested in said matter will have an opportunity to be heard.

City of Pacific Board of Adjustment

CITY OF PACIFIC-PUBLIC HEARING NOTICE

The City of Pacific Board of Adjustment Commission will hold a regular meeting at 7:00 pm on Wednesday, June 24, 2020 at the Pacific Government Center, 300 Hoven Drive, Pacific, Missouri 63069. A public hearing will be held to consider the following:

BOA 2020-02: A Public Hearing to consider a Variance application from Mark Stehr requesting relief from the City's denial of a parking lot construction permit for property located at 720 W. Osage due to exceedance of the maximum 80 percent coverage requirement in the C-2 Zoning district.

This meeting is open to the public. As provided in the Zoning Regulations of the City of Pacific, Missouri, the above item will be discussed and considered by the Board of Adjustment and all persons interested in said matter will have an opportunity to be heard.

City of Pacific Board of Adjustment

BOA2020-1

CITY OF PACIFIC
APPLICATION FOR A VARIANCE

ADDRESS FOR WHICH VARIANCE IS BEING SOUGHT: 115 Winter Wheat TRAIL

APPLICATION FEE \$100.00 PAID. yes no

NAME OF APPLICANT: SJ Davis Contracting LLC

ADDRESS: 2499 Nike Base Rd Catalina, MO 63015

ADDRESS: _____

PHONE - HOME: 636.234.8495 PHONE - WORK: _____

APPLICANT'S INTEREST IN THE PROPERTY: OWNER

NAME OF LEGAL OWNER: SHEA DAVIS

ADDRESS: 2499 Nike Base Rd Catalina MO 63015

ADDRESS: _____

PHONE - HOME: 636 234.8495 PHONE - WORK: 636.388.2476

PRESENT ZONING DISTRICT: _____

PRESENT USE: _____

PAID
City of Pacific
JUN 3 2020
Public Safety Training
Code Enforcement
Animal Control

NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN A 185 FOOT RADIUS OF THE PROPERTY FOR WHICH THE VARIANCE IS BEING SOUGHT: _____

SJ Davis Contracting LLC

PLEASE DESCRIBE IN DETAIL THE PARTICULAR REQUIREMENTS OF THE ZONING ORDINANCE THAT PREVENT THE PROPOSED USE OR CONSTRUCTION: _____

PLEASE DESCRIBE IN DETAIL THE CHARACTERISTICS OF THE SUBJECT PROPERTY THAT PREVENTS COMPLIANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE: SIDE WALK placed in wrong location

Behind the curb, THE SIDE WALK IS 90' long, 4' WIDE. THE SIDEWALK WAS placed at 10'

Behind the curb INSTEAD of 6'. THIS problem was discovered at final inspection. THE YARD HAS BEEN landscaped and Sod placed,

PLEASE DESCRIBE IN DETAIL THE PARTICULAR HARDSHIP THAT WOULD RESULT IF THE PARTICULAR REQUIREMENTS OF THE ZONING ORDINANCE WERE STRICTLY APPLIED TO THE SUBJECT PROPERTY: SJ DAVIS IS a brand new

small locally owned business that is trying to get established. TO EXCAVATE and replace all the materials that would be needed would cost thousands. THE concrete that boards these sidewalks is colored and stamped which would cause removal of the DRIVE WAY ALSO to keep the NEW HOUSE UNIFORM

PLEASE DESCRIBE IN DETAIL THE REDUCTION OF THE MINIMUM REQUIREMENTS OF THE ZONING ORDINANCE THAT WOULD BE NECESSARY TO PERMIT THE PROPOSED USE OR CONSTRUCTION: THE SIDEWALK would remain

10' behind the curb instead of 6'. SJ DAVIS Contracting OWNS both lots on EACH SIDE and would MAKE THE Proper ADJUSTMENTS NEEDED TO MAKE SURE 117, 113 winter wheat MEET THE ORDINANCE.

THIS APPLICATION SHALL NOT BE CONSIDERED COMPLETE UNLESS IT IS ACCOMPANIED BY THE FOLLOWING ITEMS:

1. THE REQUIRED FILING FEE
2. A STATEMENT IN WRITING, FROM THE APPLICANT, JUSTIFYING THE VARIANCE REQUESTED.
3. TEN (10) COPIES OF A PLOT PLAN OR SKETCH DRAWN TO SCALE SHOWING THE PROPERTY DESCRIBED IN THIS APPLICATION. THIS DRAWING MUST INCLUDE THE FOLLOWING INFORMATION:
 - A. Any existing structures.
 - B. Structure(s) contemplated necessitating the variance.
 - C. All setbacks and dimensions.

SIGNATURE OF APPLICANT(S):

Steve M. Davis, SJDavis Contracting LLC

SIGNATURE OF LEGAL OWNER(S):

Steve M. Davis, SJDavis Contracting LLC

CITY OF PACIFIC
APPLICATION FOR A VARIANCE

ADDRESS FOR WHICH VARIANCE
IS BEING SOUGHT: 720 West Osage

APPLICATION FEE \$100.00 PAID. yes no

NAME OF APPLICANT: MARK STEHR

ADDRESS: 3790 Harvester Rd Suite 3

ADDRESS: St Charles MO 63303

PHONE - HOME: 636-541-1362 PHONE - WORK: _____

APPLICANT'S INTEREST IN THE PROPERTY: OWNER

NAME OF LEGAL OWNER: Cutting Edge Properties LLC

ADDRESS: Same as above

ADDRESS: _____

PHONE - HOME: _____ PHONE - WORK: _____

PRESENT ZONING DISTRICT: L-2

PRESENT USE: STRIP MALL

NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN A 185 FOOT RADIUS
OF THE PROPERTY FOR WHICH THE VARIANCE IS BEING SOUGHT: _____

PAID
CITY OF PACIFIC
JUN 3 2020
Building Safety/Planning
Code Enforcement
Animal Control

PLEASE DESCRIBE IN DETAIL THE PARTICULAR REQUIREMENTS OF THE ZONING ORDINANCE THAT PREVENT THE PROPOSED USE OR CONSTRUCTION: _____

Asphalt Parking Lot Cannot Exceed 80% of lot area

PLEASE DESCRIBE IN DETAIL THE CHARACTERISTICS OF THE SUBJECT PROPERTY THAT PREVENTS COMPLIANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE: _____

This is the only allowable area on the lot to extend the parking lot to accommodate the customers for all the businesses there.

PLEASE DESCRIBE IN DETAIL THE PARTICULAR HARDSHIP THAT WOULD RESULT IF THE PARTICULAR REQUIREMENTS OF THE ZONING ORDINANCE WERE STRICTLY APPLIED TO THE SUBJECT PROPERTY: My current tenants are considering

leaving because their customers do not have any place to park when they come to their business. The DMU is one of our tenants & their customers take up all of the spaces not leaving any open spots for the remainder of the customers. We have designated parking for each spot already but DMU customers still park in them

PLEASE DESCRIBE IN DETAIL THE REDUCTION OF THE MINIMUM REQUIREMENTS OF THE ZONING ORDINANCE THAT WOULD BE NECESSARY TO PERMIT THE PROPOSED USE OR CONSTRUCTION: _____

Currently this code allows 80% but I would need approx 90%

THIS APPLICATION SHALL NOT BE CONSIDERED COMPLETE UNLESS IT IS ACCOMPANIED BY THE FOLLOWING ITEMS:

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 - A. Any existing structures.
 - B. Structure(s) contemplated necessitating the variance.
 - C. All setbacks and dimensions.

SIGNATURE OF APPLICANT(S):

SIGNATURE OF LEGAL OWNER(S):

M. J. D. J.

Map Google Street View

Click any parcel for parcel details.



Parcel Disclaimer

Ruler

Legend



20 ft

Map data ©2020



Board of Adjustment Staff Report

Meeting Date: June 24, 2020

From: Bryan Kopp
Director of Community Development

Description: Consideration of an application from SJ Contracting LLC appealing the City's denial of a Final Occupancy certificate for construction of a residential structure at 115 Winter Wheat Trail due to an error in the location of a sidewalk on the property.

Summary

Consideration of a variance to the City's location requirements for sidewalks in a new residential subdivision. Specifically in the Bend Ridge subdivision at 115 Winter Wheat Trail, Pacific MO, 63069. The applicant has installed sidewalks that are ten feet behind the curb, placing them on private property, out of the public right-of-way, and inconsistent with the approved civil plans for the subdivision development.

Location

Subject property is located at 115 Winter Wheat Trail, Pacific MO in the Bend Ridge subdivision.

Analysis

Sidewalks are required to be installed upon City right-of-way.

RIGHT-OF-WAY (ROW)

A dedication of land to be used generally for streets, alleys or other public uses wherein the owner gives up his/her rights of ownership to the property. "Right-of-way" is also a land measurement term meaning the distance between lot property lines which generally includes not only any street pavement but also any sidewalk, grass area and utilities.

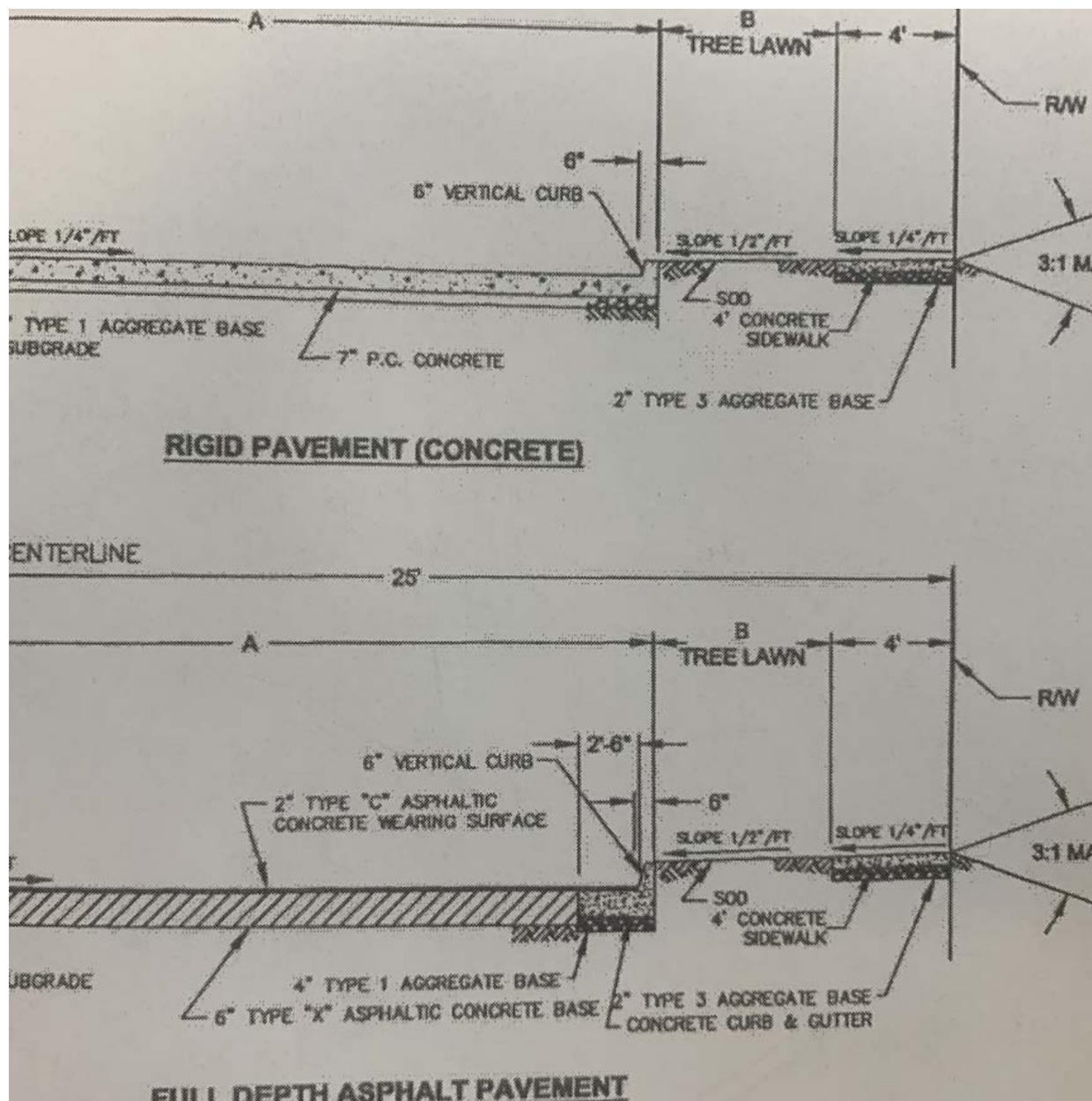
SIDEWALK

A concrete walkway located in the public right-of-way intended to provide safe and convenient pedestrian access.

06/13/2019

And per the approved civil plans for the Bend Ridge subdivision:





The City standard is for the sidewalks edge to begin at six feet behind the curb and to end at ten feet behind the curb, thus creating a four foot wide sidewalk within the right-of-way. The sidewalks for this one lot, including the section that passes through the driveway, have been installed with the edge beginning ten feet behind the curb and ended at fourteen feet behind the curb.

The property owner owns both undeveloped lots directly adjacent to the subject property.

Recommendation

Staff recommends DENIAL of the variance based upon City standards and sidewalk continuity.



Board of Adjustment Staff Report

Meeting Date: June 24, 2020

From: Bryan Kopp
Director of Community Development

Description: Consideration of a variance application from Mark Stehr requesting relief from the City's denial of a parking lot construction permit for property located at 720 W. Osage due to exceedance of the maximum 80 percent coverage requirement in the C-2 Zoning district.

*Since the date of application the applicant has provide by a Missouri registered land surveyor that the proposed work will be compliant with the municipal code and only covering 79% of the property. 80% lot coverage is allowed.

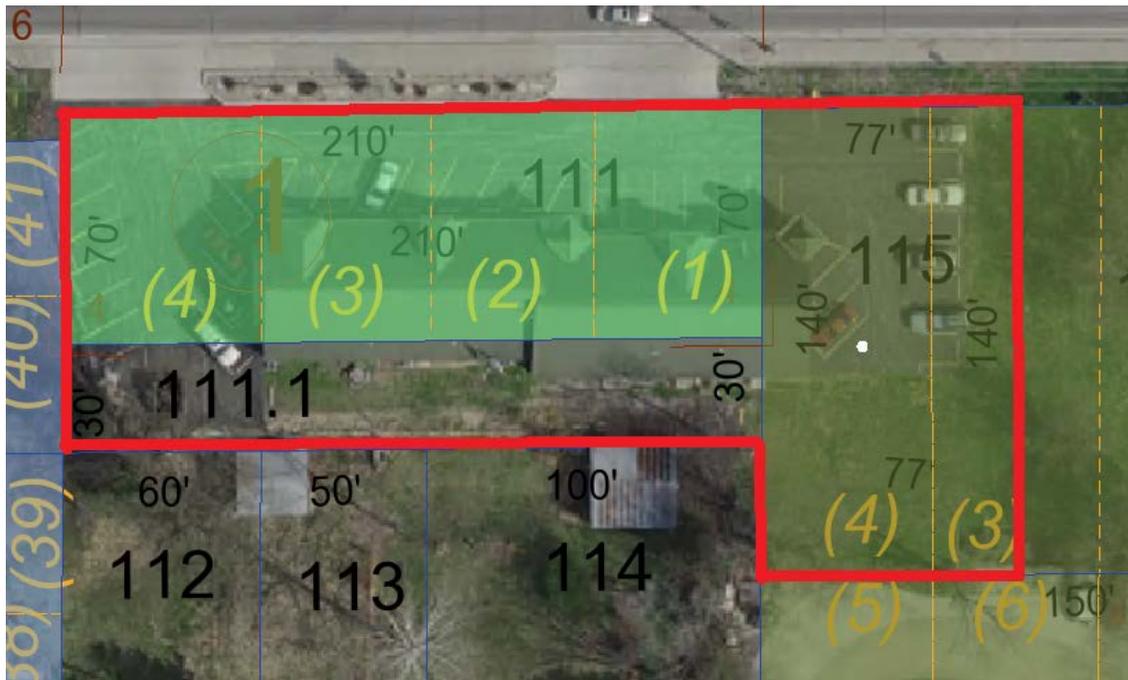
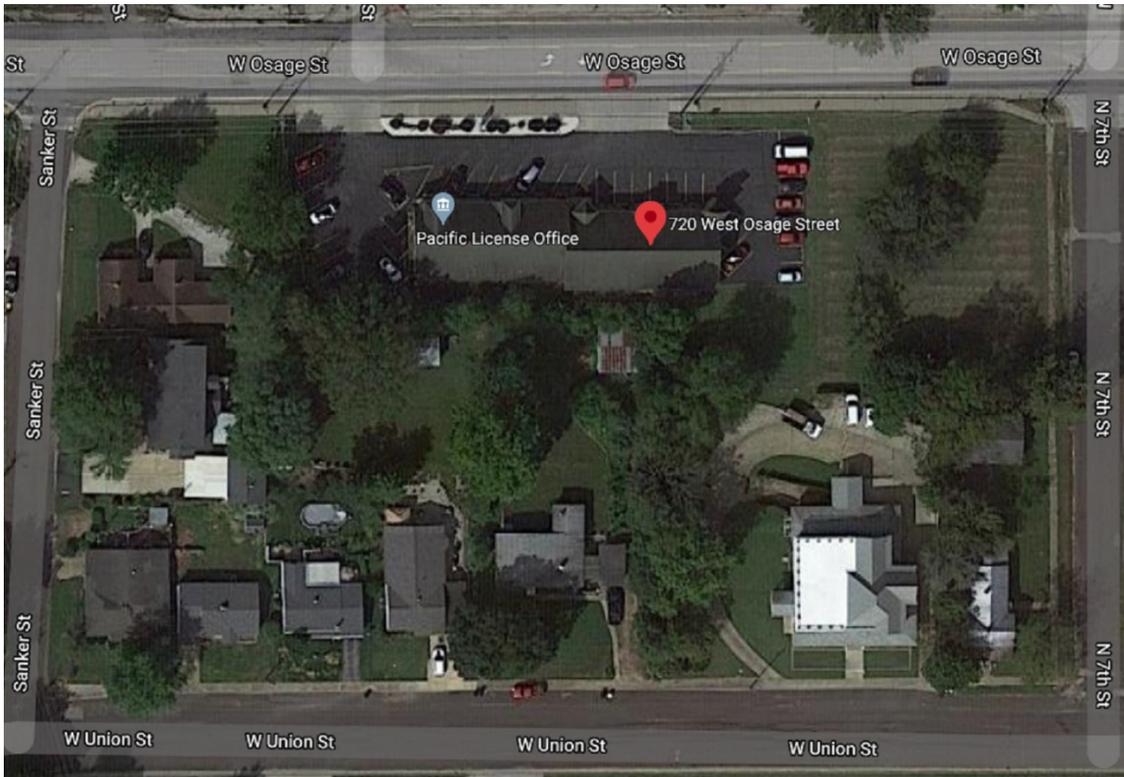
*The applicant has changed his variance request to the following:
Consideration of a variance application from Mark Stehr request relief from the City's denial of a parking lot construction permit for property located at 720 W. Osage due to the City's requirement for straight-back concrete curbs in new off-street parking construction. Section 400.235(5)(a)(3).

Summary

Consideration of a variance to construct asphaltic parking lot curbs instead of concrete curbs for 2,600 square foot extension of an asphaltic off-street parking lot at 720 West Osage Street, Pacific, MO 63069.

Location

720 West Osage Street, Pacific MO Also known as, Clock Tower Plaza



Analysis

Subject property is zoned C-1 and is a multi-tenant building those tenants include an office for the Department of Motor Vehicles (DMV). There are thirty-five existing parking spaces to serve the seven tenant spaces.

Currently no curbs border the existing parking lot.





Section 400.235(5)(e) of the municipal code requires a building permit for the construction of a new parking lot or expansion of an existing parking lot:

Permit required. No person, firm or corporation shall initiate construction of a new parking lot or expansion of an existing parking lot without first obtaining a permit for such development from the Building Commissioner. Application for a permit shall be made upon the form provided and shall be accompanied by such information, plans and specifications as may be required. A permit shall not be required for resurfacing an existing parking area, and a permit shall not be required for customary driveways for single-family and two-family residential dwellings.

06/24/2020

Section 400.235(5)(a)(3) of the municipal code requires straight-back concrete curbs: All off-street parking areas and all access drives in commercial and industrial zoning districts shall have a boundary constructed of straight-back concrete curbing or an integral concrete sidewalk and curb with a vertical face.

The applicant has proposed the construction of an asphaltic parking lot extension measuring 52' x 50' (2,600 square feet) in compliance with municipal code section 400.235(5)(a)(1).

However, the application is requesting a variance from the requirement for concrete curbs and is requesting to install asphaltic curbs.

The applicant has stated that curb-stops will be placed at each parking space.

Recommendation

Staff recommends DENIAL of the variance based upon the following:

- The City standard per-ordinance is for concrete curbing