

BOARD OF ADJUSTMENT AGENDA
Wednesday, July 29, 2020
7:00 p.m.

THIS MEETING WILL BE HELD BY ZOOM VIDEOCONFERENCING. THE PUBLIC MAY VIEW THE MEETING AND MAKE COMMENTS DURING THE PUBLIC HEARING AT THE FOLLOWING LINK:

<https://us02web.zoom.us/j/86596770454?pwd=RkpVNE5wQUZJS1NSVDJmM3hnWkc5Zz09>

1. CALL TO ORDER:

2. ROLL CALL:

3. PUBLIC HEARINGS:

- A. BOA2020-03: A Public Hearing to consider a Variance application requesting relief from the maximum lot coverage requirement (30 percent) in residential zones, and from the 14 feel height limit for accessory building and structures. John and Karen Painter, 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
JUNE 24, 2020**

The Board of Adjustment Commission Hearing was called to order by acting Chairman at 7:00 P.M. on June 24, 2020, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

PRESENT

Benton Kelley
Bryan Vatterott
Sarah Summers
Jill Pigg
Ed Gass

ABSENT

Administrator Steve Roth, Bryan Kopp and Rae Cowsert were also in attendance.

A motion was made to elect a new Chairman. Commissioner Gass nominated Commissioner Kelley. A voice vote was taken with Commissioner Kelley being elected to Chairman 5-0.

APPROVAL OF MINUTES

The minutes were not voted on but Commissioner Vatterott signed the minutes.

PUBLIC HEARINGS:

- 1. 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 Davis Contracting, applicant**

The public hearing was opened by Chairman Kelley. Chairman Kelley called on John Davis from S J Davis Contracting and asked him what he would like to do. Mr. Davis stated he would like to grant a

four foot easement to the City. He stated he owns both lots on either side of the property in question. Administrator Roth stated Bryan Kopp would give the Commission the staff report. Commissioner Pigg asked if there were rules in place for the placement of the sidewalk. Mr. Davis stated he misread the City's requirements. Administrator Roth stated for the City of accept the streets and sidewalks a Boundary Adjustment could be done. Mr. Davis stated there are some issues in Silver Lake Estates and Heritage Farms. Commissioner Pigg asked what expense the City would have to repair. Commissioner Gass asked if it was legal to grant a Variance after the fact. The City attorney stated Mr. Davis had a right to appeal the decision. Commissioner Pigg stated they would vote on the appeal. Commissioner Vatterott stated there could still be a conditional occupancy issued until a resolution was agreed upon. Administrator Roth stated the City attorney prepared the Findings of Fact. Chairman Kelley closed the public hearing.

A motion was made by Commissioner Gass and seconded by Commissioner Vatterott to deny the notice of appeal. A vote was taken with the following results: Ayes, Chairman Kelley, Commissioner Summers, Commissioner Gass, Commissioner Vatterott; Nays, Commissioner Pigg. The motion to deny was approved 4-1.

2. 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

Chairman Kelley opened the public hearing. Chairman Kelley asked if the applicant was present. Aaron Fronke stated he is the partner of the owner. Administrator Roth asked to give the staff report. He stated the applicant would exceed 80 percent of the property for construction of the lot. The construction was stopped when they did not have a permit. The applicant was told they would have to put curb and gutter on the lot. The notices sent were for the question in coverage of the lot. The applicant proved it would not exceed the lot coverage and was told he could proceed. The applicant then chose to ask for a Variance regarding the curb and gutter requirement. Commissioner Pigg stated the notice stated the hearing was for lot coverage therefore the hearing should not be heard until new notices were sent out. Administrator Roth stated the City attorney stated the applicant could move forward. Commissioner Pigg stated if the Board disagrees with that decision they could refuse to hold the hearing. A question was asked about the drainage issue. Commissioner Vatterott stated this would be addressed at the time the permit is applied for. The City requires vertical curb.

A motion was made by Commissioner Pigg and seconded by Commissioner Gass to refuse to hear the application. A vote was taken with the following results: Ayes, Commissioner Summers, Commissioner Pigg, Commissioner Gass, Commissioner Vatterott, Chairman Kelley. The motion to refuse the hearing was approved 5-0.

OLD BUSINESS

Nothing

ADJOURNMENT

Chairman Kelley asked for a motion for adjournment. A motion was made by Commissioner Pigg and seconded by Commissioner Vatterott to adjourn. A voice vote was taken and the meeting was adjourned at 7:42 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, July 29, 2020 at the Pacific Government Center, 300 Hoven Drive, Pacific, Missouri 63069. A public hearing will be held to consider the following:

BOA 2020-03: A Public Hearing to consider a Variance application from John and Karen Painter requesting relief from maximum lot coverage requirement (30 percent) in residentially used properties, and from the 14-ft height limit for accessory buildings and structures.

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
APPLICATION FOR A VARIANCE

ADDRESS FOR WHICH VARIANCE IS BEING SOUGHT: 240 W Union St.

APPLICATION FEE \$100.00 PAID. yes no

NAME OF APPLICANT: John + Karen Painter

ADDRESS: 240 W Union St.

ADDRESS: _____

PHONE - ^{cell}HOME: 314-422-0700 PHONE - WORK: Same

APPLICANT'S INTEREST IN THE PROPERTY: Owner

NAME OF LEGAL OWNER: Same

ADDRESS: _____

ADDRESS: _____

PHONE - HOME: _____ PHONE - WORK: _____

PAID
City of Pacific
JUN 29 2020
100
Building Safety/Planning
Code Enforcement
Animal Control

PRESENT ZONING DISTRICT: _____

PRESENT USE: _____

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

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

See ATTACHED

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

See ATTACHED

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: _____

See ATTACHED

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: _____

See ATTACHED

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

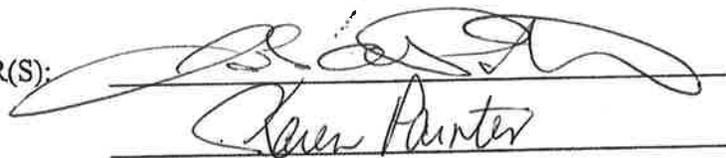
1. THE REQUIRED FILING FEE
2. A STATEMENT IN WRITING, FROM THE APPLICANT, JUSTIFYING THE VARIANCE REQUESTED.
3. TEN (10) COPIES OF A PLOT PLAN OR SKETCH DRAWN TO SCALE SHOWING THE PROPERTY DESCRIBED IN THIS APPLICATION. THIS DRAWING MUST INCLUDE THE FOLLOWING INFORMATION:
 - A. Any existing structures.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

SIGNATURE OF APPLICANT(S):



A handwritten signature in cursive script, appearing to read "Karen Painter", is written over a horizontal line. Below this line is another horizontal line, and below that is a third horizontal line.

SIGNATURE OF LEGAL OWNER(S):



A handwritten signature in cursive script, appearing to read "Karen Painter", is written over a horizontal line. Below this line is another horizontal line, and below that is a third horizontal line.

Properties within 185 of a boundary of 240 W Union

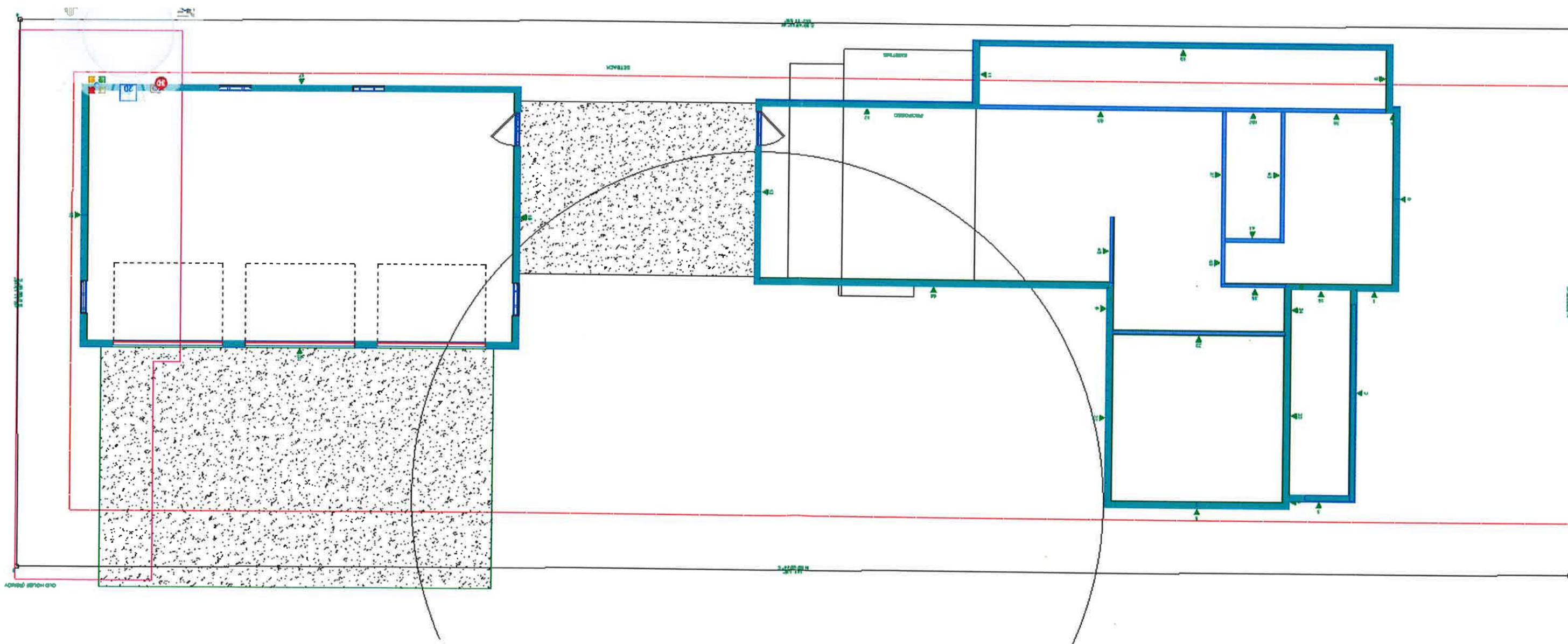
211 N Third Smith	223 W Union St St. Bridget of Kildare School
303 W Union Smith	
307 W Union Carrico	<p style="text-align: center;">W Union</p> 140 W Union St Painter 118 N Third Heitert 116 N Third Williams
308 W Union Unknown No Answer	
223 N Third Fantroy	
115 N Third Berg	<p style="text-align: center;">Third</p> 206 W Union St Columbian Club of Pacific Unknown formerly Bank of America 211 W St. Louis
301 N Third St Unknown formerly Bregard Flooring	

Second

St. Louis St

Application for Variance. Answers to questions. 240 W Union St.

1. Requirements preventing use:
 - a. 30% maximum lot coverage.
 - b. 14' accessory building height limit.
2. Characteristics preventing compliance.
 - a. Small size of lot (approximately 143x50 = 7150 sq. ft.) prevents any typical house, garage, driveway and patios/porches from fitting.
 - b. 14' limit does not allow separate garage to have usable attic space (for storage).
3. Hardship
 - a. The home is very old (approximately circa 1880s) and in need of rehabilitation both inside and out as well as rebuilding of one section added on later but not well designed. We intend to do these things both in our interest (we intend to continue living there) and well as that of the neighborhood improvement. However, I would be unable to get the property to fit my long-term requirements without sufficient garage space.
 - b. And storage space (attic of garage).
4. Requirements change requested (areas are approximated from last survey).
 - a. Allow coverage of up to 55%
 - i. Current/Removed coverage of the lot approx. 2777 or 38.8%
 1. Main Home 1432 sq ft
 2. Porches 215 sq ft
 3. Old second home 705 sq ft (while appearing to many to be an old garage or shack this was actual a second dilapidated and long unused residence on the property which I have already removed).
 4. Patio 425 sq ft
 5. Plus sidewalks to connect to public sidewalks (not included)
 - ii. Proposed coverage of the lot approx. 3781 or 52.8%
 1. Main Home 1614 sq ft (includes replacing addition and back porch and potentially including front porch into interior of home.
 2. Garage 960 sq ft
 3. Driveway 735 sq ft (plus approximately 2' over the boundary to connect to sidewalk and small area sidewalk to curb)
 4. New Porch on interior angle (not yet designed) not to exceed 120 sq ft.
 5. New patio between buildings 352 sq ft
 - b. Allow out building (garage) to exceed 14' by sufficient height for 10' ceilings and stand up attic approximately 18-24' above foundation (which will be +/- 1' of sidewalk level).



MEMORANDUM

Steve Roth
City Administrator

636-271-0500 ext. 213
sroth@pacificmissouri.com

July 24, 2020

Dear Board of Adjustment members,

The following constitutes my staff report for the July 29 meeting.

Please note that this meeting will be held by Zoom videoconferencing only. A unique link to the meeting will be sent to each Board member in advance of the meeting. The public will be able to participate via Zoom. I will assist the Board chair in helping conduct the public hearing.

1. BOA 2020-03: Variance application, 240 W. Union Street, John and Karen Painter, applicant.

The applicant is proposing to construct a detached three-car garage on the property which, together with the existing residential structure on the lot, would exceed the existing 30 percent maximum lot coverage in residential zones. The applicant specifically is requesting lot coverage up to 55 percent, which would accommodate future planned renovations and additions to the existing main residential structure in addition to the proposed detached garage. The applicant further is requesting a variance from the maximum height requirement (14 feet) for accessory structures in residential districts.

The property currently is zoned C-1, Downtown Commercial. Single family residential uses are allowed in the C-1 district. The existing lot size (7,150 square feet) is beneath the minimum 7,500 sf requirement in C-1 zones. However, the lot is considered a "Lot of Record" under our zoning code and new construction / renovation is permitted provided that the new construction falls within all current C-1 setback requirements. The applicant's plan thus is in conformance with the current setback requirements (10-ft front and 5-ft side and rear).

The Board should also be aware that the C-1 zoning regulations do not set a specific coverage requirement for residential uses (4001.120.D) However, the regulations do provide for maximum coverage for retail business or commercial uses (80 percent) and office / institutional uses (70 percent). Given the absence of a specific coverage requirement for residential uses in C-1, staff thus relied on the standard in R-1 zones (30 percent) in evaluating this request.

Finally, the Board should note that the applicant previously was granted a variance from the 14-ft maximum height requirement for accessory buildings in residential zones. The applicant's construction plans however have changed and we thus would request Board of Adjustment consideration of the 14-ft height requirement specific to the new plans at this hearing.

The applicant can further detail his construction plan at the hearing.

Review

Municipal Code Section 407.060.C contains the standards for variances, reprinted here as reference:

Standards For Variances. The Board of Adjustment shall not grant a variance unless it shall, in

each case, make specific written findings of fact directly based upon the particular evidence presented to it that support the following conclusions:

- 1.** The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;
- 2.** The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- 3.** The strict application of the provisions of this Title from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- 4.** The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community; and
- 5.** Granting the variance desired will not violate the general spirit and intent of this Title.

In staff's judgment, the 30 percent maximum coverage requirement in R-1 zones is too restrictive when viewed in the context of development in the downtown commercial district. The 2017 Comprehensive Plan recommended the City adopt a new Mixed-Use zoning district for the downtown area, which would better accommodate redevelopment of existing structures and "infill" (ie new development). However we have not instituted such a new district yet, so we must review development proposals according to the regulations currently in place. Staff does believe the 30 percent coverage requirement and 14-ft accessory building height requirement in this district is a disincentive on some level to redevelopment, and we would recommendation these regulations be made more flexible in any future rezoning of the downtown area.

Having said this the applicant's proposal would cover more than half of the existing 7,150 sf lot. Staff is not comfortable with recommending a coverage exceedance of that level at this time. Staff would not have any particular objection to a variance from the accessory building height requirement, given that such building heights are common in the downtown district. However we would request more information from the applicant to the specific plan and height variance requested before making any firm recommendation.

As always, we would recommend the Board take any public comment under consideration before making a final determination. We do believe the applicant's concept for redevelopment in general meets the five standards as noted above, subject to further review and refinement through the hearing process.

As always, if you have questions or need further information please contact me.

Respectfully submitted,



Steve Roth
City Administrator