

BOARD OF ADJUSTMENT AGENDA
Wednesday, January 16, 2019
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. OLD BUSINESS

- A. BOA2017-04: Continuance of a Variance request to attach a garage to The house located at 240 W. Union Street. John Painter, applicant.**

4. NEW BUSINESS:

- A. BOA2018-02: Notice of Appeal from Mark Boevingloh, property owner, to appeal the decision of the City Administrator regarding property located at the southeast corner of W. Park Street and N. Second Street, lots 11 and 12 T.M. Aults Addition; Franklin County Parcel ID 19-1-12.0-1-004-026.000. The City has determined the property in question cannot be built on because it does not meet the minimum dimensional requirements as provided for in the R-1A Zoning District and does not meet the front setback requirement. Mark Boevingloh, applicant**
- B. BOA2018-01: Notice of Appeal to appeal the decision of the City Administrator in denying occupancy permits to 307 South Second, 309 South Second Rear, 311 South Second Rear, 313 South Second, 315 South Second, 319 South Second, 211 West Congress and 213 West Congress all located within Pacific Manor Mobile Home Park. Also, to appeal the decision of the City Administrator to not grant occupancy permits to 303 South Second Street and 311 South Second Street, also within Pacific Manor Mobile Home Park. Marty Heck, applicant.**

5. ADJOURNMENT

This Meeting is Open To The Public

MEMORANDUM

Steve Roth
City Administrator

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

January 11, 2019

Dear Board of Adjustment members,

The following constitutes my staff report for the January 16 meeting. (Please note: Much of this is reprinted from my earlier staff report for the meeting of November 14, 2018, which was postponed.)

1. 240 W. Union; John Painter, applicant

This is a continuation of the hearing that was first held at the January 26, 2018 meeting. The Board at that meeting granted a variance to the height requirement for accessory buildings, but postponed action on the applicant's plan to connect the main building to the accessory building via a walkway or porch structure. At the January 26 meeting, the Board was given information that this proposed "attachment" was in violation of the Municipal Code and would require a variance. However, upon review with legal counsel as well as former Planning Director Shawn Seymour, it is our interpretation that a walkway connecting the two structures would not constitute an "attachment" under the code. Attached structures typically share a common wall, which would not be the case here. Therefore it is our recommendation that the walkway is not properly considered an attachment and that no variance would be required for this proposal.

2. Election of Chairman, Secretary. The Board by Code is to elect a Chairman and Secretary. Rae Cowsert has been handling the secretary duties and we recommend she continue in that role. The Board may need to elect a Secretary "in name only," who would then delegate his / her duties to Ms. Cowsert. The City Attorney can provide guidance on this.

3. Mark Boevingloh appeal, Lots 11-12 T. M. Aults Addition, W. Park Street and Second Street. Mr. Boevingloh owns two lots at this location. Both lots are 25' wide and 122' deep. The lots are located in the R-1A Zoning District, which requires minimum 80' frontage and 7,500 sf lot area. Even if the lots are consolidated, they do not meet this requirement. Mr. Boevingloh thus is requesting a variance to allow for construction of a single family home on the two lots, which are proposed to be consolidated. He further is requesting a variance from the corner requirement that a 25' setback be maintained on each lot frontage. The proposed consolidated lot would have frontage both on W. Park and Second Street I believe it is Mr. Boevingloh's intent to request a variance for the front setback requirement on the Second Street lot frontage.

The Standards for Variances are found in Section 407.060.C and are reprinted here as reference. The Board will be tasked with evaluating the applicant's request against these standards.

407.060.C.

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.

4. Pacific Mobile Manor mobile home park appeal

The property owner has appealed the decision of the City Administrator to not grant occupancy permits at this property, generally located at the southwest corner of Second Street and Orleans Street. I will generally reserve my comments for testimony at the hearing. However, a basic recounting of the facts should be helpful here:

- The property is located in an M-1 Light Industrial zone. Mobile Home parks are not a permitted use in this zone. The existing mobile homes in theory may continue as non-conforming uses; however their uses have generally lapsed and so cannot by code be allowed to continue. The City thus has refused to grant occupancy permits for this property at least since I was appointed in August, 2016.
- The property has been subject to flooding in the 2015 and 2017 events. Eight of the trailers have been given a Substantial Damage determination by the City's Floodplain Administrator. Structures that are substantially damaged must either be elevated per City requirements, or demolished. None of the structures have been elevated per City code requirements. Therefore occupancies cannot be granted.

This is a basic recounting of the central facts of the issue. Further information of course will be provided at the hearing.

I would note to the Board that a court reporter has been hired for this meeting and will produce a transcript of the hearing. The proceedings of the hearing are subject to parliamentary rules and procedures, which the City Attorney will provide guidance on to assist the Board.

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

Respectfully submitted,

Steve Roth
City Administrator

December 26, 2018

Public Hearing notice

Notice is hereby given than at 7 p.m. Wednesday, January 16, 2019, or shortly thereafter, at Pacific City Hall, 300 Hoven Drive, a public hearing will be held by the Board of Adjustment of the City of Pacific, to hear a Notice of Appeal from Mark Boevingloh, property owner, to appeal the decision of the City Administrator regarding property located at the southeast corner of W. Park Street and Second Street, Lots 11 and 12 T.M. Aults Addition; Franklin County Parcel ID 19-1-12.0-1-004-026.000.

The City has determined that the property in question cannot be built on because it does not meet the minimum dimensional requirements (lot frontage and lot area) as provided for in the R-1A zoning district. The City further has determined that the property has frontage on two streets and as such the R-1A front setback requirement shall apply to each facing corner.

Anyone interested in the proceedings will be given an opportunity to be heard. Further information on this proposal is available from Pacific City Hall, 300 Hoven Drive, or by calling 636-271-0500 ext 213.

Board of Adjustment
City of Pacific, MO

CITY OF PACIFIC-PUBLIC HEARING NOTICE

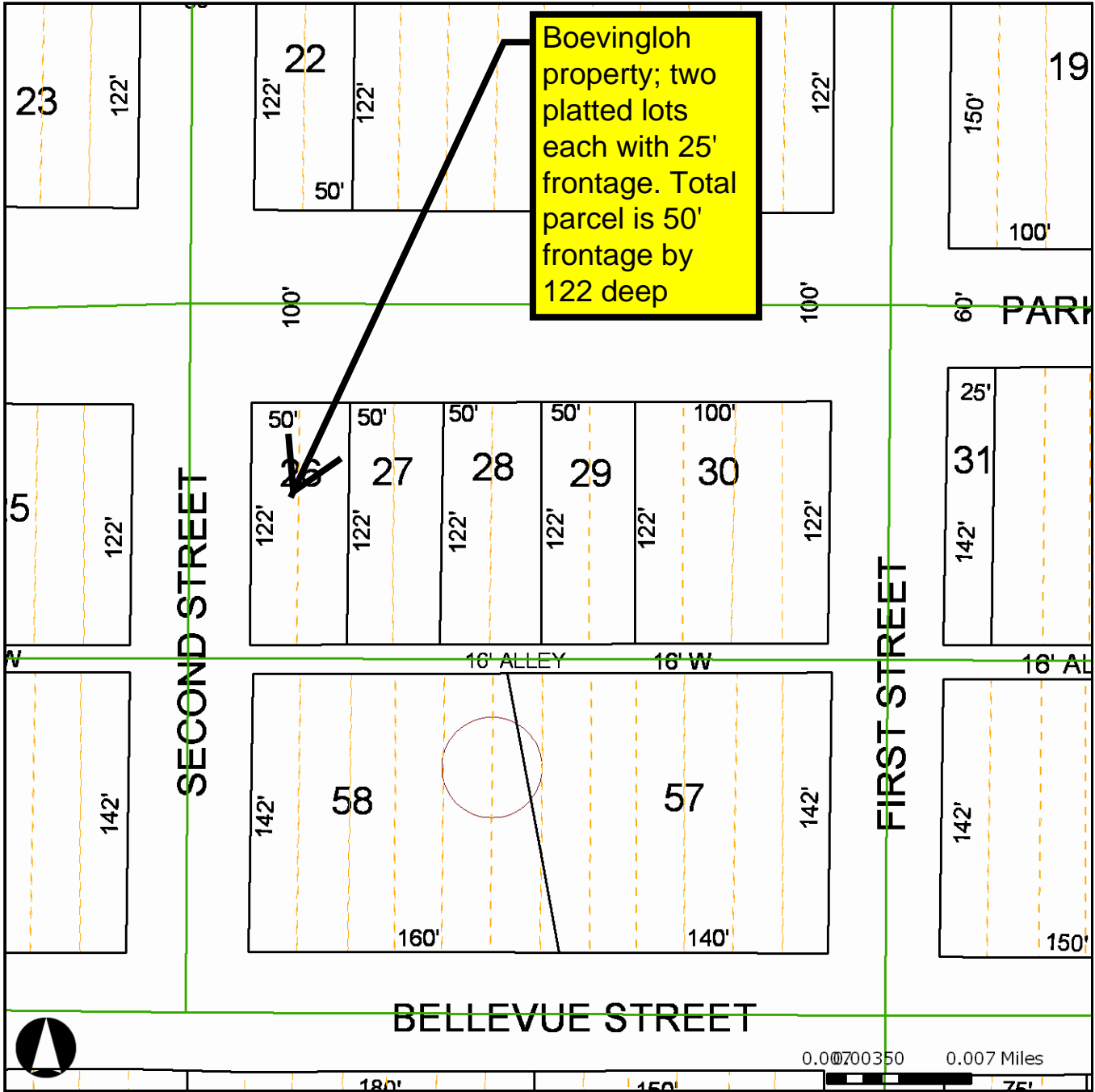
The City of Pacific Board of Adjustment Commission will hold a regular meeting at 7:00 pm on Wednesday, January 16, 2019 at the Pacific Government Center, 300 Hoven Drive, Pacific, Missouri 63069. A public hearing will be held to consider the following:

BOA 2018-01: A Public Hearing to consider a Notice of Appeal to appeal the decision of the City Administrator in denying occupancy permits to 307 South Second, 309 South Second Rear, 311 South Second Rear, 313 South Second, 315 South Second, 319 South Second, 211 West Congress and 213 West Congress all located within Pacific Manor Mobile Home Park. Also to appeal the decision of the City Administrator to not grant occupancy permits to 303 South Second Street and 311 South Second Street, also within Pacific Manor Mobile Home Park. Marty Heck, applicant

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

Rae Cowsert, City of Pacific Building Dept.

Boevingloh



Boevingloh property; two platted lots each with 25' frontage. Total parcel is 50' frontage by 122 deep



Pacific Mobile Manor



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