

## **AGENDA OF THE BOARD OF ADJUSTMENT**

City Council Chambers (830 Boonville)

**DATE:** March 3, 2015

**TIME:** 1:30 p.m.

**MEMBERS:** Matt Cologna, (Chair); Robert Sweere (Vice-Chair); Ed Alden, Larry Russell, Katy Baker. *Alternates: Jesse McCullick and King Coltrin.*

**ROLL CALL:**

**INTRODUCTION OF ZONING ORDINANCE AS EVIDENCE:**

**APPROVAL OF MINUTES:** February 3, 2015

**COMMUNICATIONS:**

**UNFINISHED BUSINESS:** None

### **Zoning Variance**

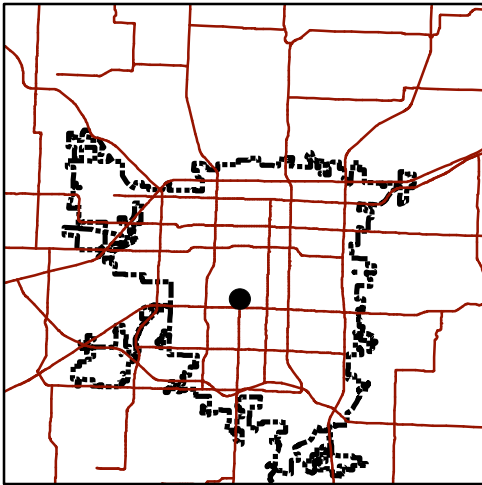
- |                                                           |                       |
|-----------------------------------------------------------|-----------------------|
| 1. Variance 565<br>(1560 S. Campbell & 311 West Portland) | Robert Crockett Trust |
| 2. Variance 566<br>(2835 N. Oak Grove Avenue)             | Rich Kramer           |

**OTHER BUSINESS:** None.

### **ADJORNMENT**

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You are welcome to speak to any item on this agenda. The Board of Adjustment Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. When you address the Board of Adjustment, please step to the microphone at the podium and state your name and address. All meetings are tape recorded. Please limit your remarks to five minutes unless the Board of Adjustment allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864-1443 at least three days prior to the scheduled meeting.



## EXHIBIT A

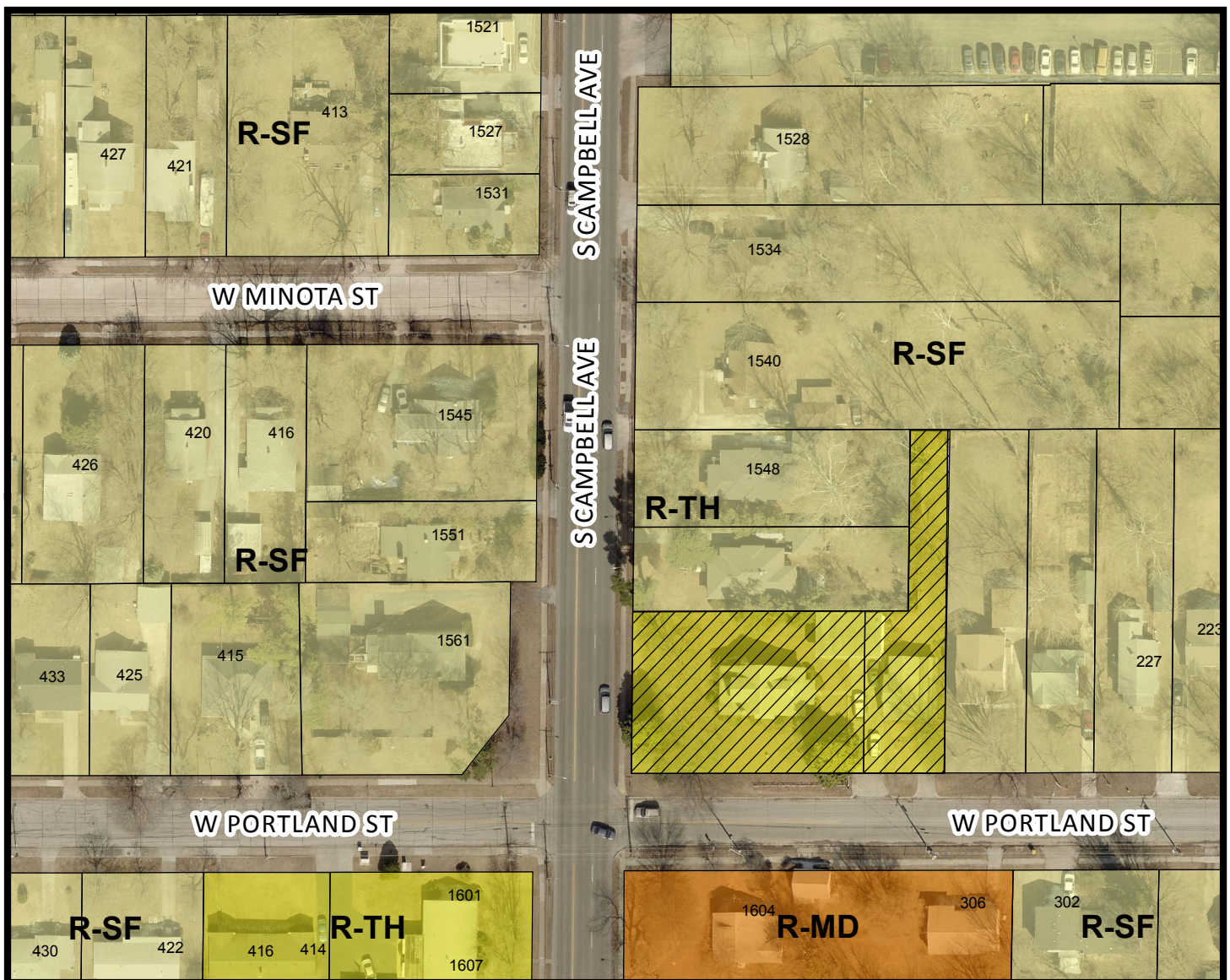
# Zoning & Subdivision Report

Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

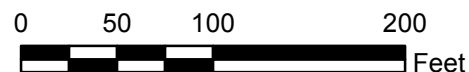
## Zoning Variance 565

LOCATION: 1560 South Campbell and 311 West Portland  
CURRENT ZONING: R-TH, Residential Townhouse District

### LOCATION SKETCH



- Area of Proposal



1 inch = 100 feet

Map



Parcel ID 881325306049  
 Sec/Twp/Rng 25-29-22  
 Property Address 311 W PORTLAND ST  
 SPRINGFIELD

Alternate ID n/a  
 Class R  
 Acreage 0.159

Owner Address CROCKETT, ROBERT R TR  
 311 W PORTLAND ST  
 SPRINGFIELD MO 65807

District 105  
 Brief Tax Description PORTLAND HGTS SUB E 50 FT W 187.4 FT S 100 FT LOT 29 & E 17.4 FT N 111.53 FT W 187.4 FT LOT 29  
 (Note: Not to be used on legal documents)

The sinkhole layer represents surface depressions from LiDAR imaging obtained in 2010 and 2011. Most of the sinkholes shown have not been field verified and are provided for informational purposes only. This layer should not be used as a substitute for a geological or geotechnical investigation. Questions regarding sinkholes should be directed to the Environmental Section of the Resource Management Department (417) 868-4147.

Last Data Upload: 1/26/2015 9:24:35 PM

— Proposed

edge of existing driveway  
 3' offset at garage

this leaves  $\approx 38'4"$  front  
 and a 26" side offset

*Zoning & Subdivision Report*

*Planning & Development Department ~ 417/864-1611*

*840 Boonville Avenue ~ Springfield, Missouri 65801*

**ZONING VARIANCE NUMBER V-565**

**EXHIBIT C**

DATE: February 24, 2015

PURPOSE: To allow a variance to Subsection 4-1105.B.1. which establishes the minimum lot width for single-family detached dwellings and Subsection 4-1106.2.b. which establishes the side yard setback for all uses other than a townhouse in an R-TH, Residential Townhouse District. Also to allow a variance from Subsection 5-1005.A.1.a. which requires a minimum rear yard setback of three (3) feet for accessory structures.

BACKGROUND:

LOCATION: 1560 South Campbell Avenue and 311 West Portland Street

APPLICANT: Robert R. Crockett Trust

BOARD'S AUTHORITY: Subsections 3-3502.A. and B.

RECOMMENDATION:

Planning and Zoning Staff recommends approval if the Board of Adjustment finds the standards for variance have been met.

FINDINGS:

1. Approval of this request will allow the applicant to adjust the common lot line between the two subject properties so that the existing accessory structure will be completely located on one lot.

STAFF CONTACT PERSON:

Alana D. Owen, AICP  
Senior Planner  
(417) 864-1831

ZONING VARIANCE NO. V-565  
EXHIBIT D

ORDINANCE AUTHORIZATION:

The following excerpt from the Zoning Ordinance lists the limits of the Board of Adjustment's authorization in this instance:

Subsection 3-3503. **Standards for Variances.** The Board of Adjustment shall not vary the regulations of this Article as authorized above unless and until it shall make written findings based upon the particular evidence presented to it in each specific case that:

- A. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and

APPLICANT'S RESPONSE:

*We are attempting to see both properties. The existing lot line does not encourage unfettered use of the building to either lot. By moving the lot line to the edge of the driveway and the edge of the building one lot will have unfettered use of the driveway and the building. The other lot has an existing driveway and carport on the opposite side of the lot for use.*

- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification; and

APPLICANT'S RESPONSE:

*I am not aware of another building in this area that is split by a lot line.*

- C. The purpose of the variance is not based exclusively upon a desire to enhance the value of the property, or increase the return or income therefrom; and

APPLICANT'S RESPONSE:

*Hopefully this will make better neighbors who are not required to cooperate on the use of a building.*

- D. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; and

APPLICANT'S RESPONSE:

*Undivided shared buildings have decreased values.*

- E. The alleged hardship has not been created by any person presently having an interest in the property; and

APPLICANT'S RESPONSE:

*The hardship was not created by any person presently having an interest in the property.*

- F. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof; and

APPLICANT'S RESPONSE:

*This lot line change will not change any building, driveway or landscaping. The request is to acknowledge what already exists.*

- G. The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety; and

APPLICANT'S RESPONSE:

*The existing driveways and building have been in place since before 1965, no problems in the past, would not anticipate any in the future.*

- H. The variance, if granted, will not alter the essential character of the neighborhood, and

APPLICANT'S RESPONSE:

*This is an attempt to acknowledge conditions that have existed since before 1965.*

- I. The variance requested is consistent with the purposes and intent of this Article and the *Springfield Comprehensive Plan*.

APPLICANT'S RESPONSE:

Yes.

EXHIBIT E  
BACKGROUND REPORT  
ZONING VARIANCE NO. V-565

APPLICANT'S PROPOSAL:

The applicant is requesting a variance to Subsection 4-1105.B.1. of the Zoning Ordinance that establishes a minimum lot width of forty-five (45) feet for single family detached dwellings and Subsection 4-1106.B.2.b. which establishes a minimum side yard setback of five (5) feet for all uses other than townhouses within the R-TH, Residential Townhouse District. In addition, the applicant is requesting a variance from Subsection 5-1005.A.1.a. of the Zoning Ordinance which requires a minimum rear yard setback of three (3) feet for accessory structures. With this application the applicant is proposing a lot width of approximately thirty-nine (39) feet and a side yard setback of approximately 2 feet on the west side for the property located at 311 West Portland Street. In addition, the applicant is proposing a zero (0) yard setback for the accessory building located at 1560 South Campbell Avenue.

ORDINANCE AUTHORIZATION:

The Board of Adjustment has the authority to approve variances only if it finds that the request meets each of the Standards for Variance listed in Subsection 3-3503 (shown in Exhibit D).

ZONING ORDINANCE:

**Section 2-1100. Definitions**

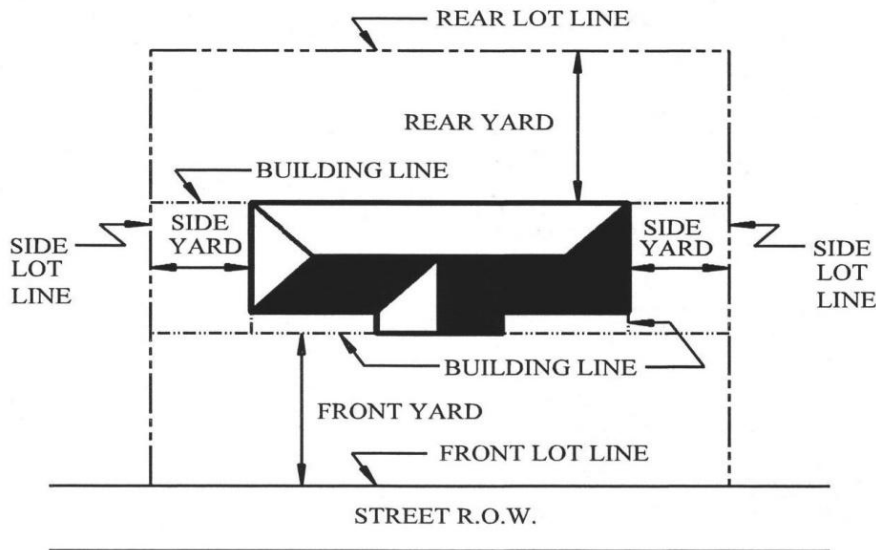
**Accessory Structure:** An accessory structure serves a principal structure or a principal use by contributing to the comfort, convenience or needs to the occupants, business, or industry of the principal structure or use and is located on the same lot as the principal structure or use served.

**Lot Line:** A boundary line of a lot.

**Lot Width:** The horizontal distance between the side lot lines, measured at right angles to the lot depth along a line parallel to the front lot line at the minimum required setback line.

**Setback:** The required minimum horizontal distance between the lot line and the nearest front, side or rear line of the building, as the case may be.

**Yard, Side:** An open space extending from the front yard to the rear yard between the nearest principal building and the side lot line, and measured perpendicular from the side lot line. The minimum side yard required in each district of this Article shall be unoccupied and unobstructed from the ground upward except as otherwise provided herein.



#### 4-1105. Lot Size Requirements

##### B. Minimum lot width:

1. Single-family-detached and duplex dwellings and residential group homes: Forty-five (45) feet.

#### 4-1106. Bulk and Open Space Requirements

##### B. Minimum yard requirements (additional bufferyard may be required by Subsection 4-1109): (G.O. 5928, 4/18/11)(G.O. 6032, 01/28/13)

2. Side yards: (G.O. 5345, 01/26/04)

b. All other uses: Five (5) feet.

**5-1005. Bulk, Setback and Spacing Regulations.** All accessory structures shall comply with the following regulations: (G.O. 5127, 10/29/01) (G.O. 5425, 11/15/04) (G.O. 5533, 04/03/06)

##### A. Residential districts.

1. Minimum yard requirements, except clubhouses in Subsection 5-1005A.2.c.below:
  - a. Rear and side: Three (3) feet. An accessory structure may be located on the lot lines provided the abutting residential zoned property also has an accessory structure abutting the common lot line and provided both accessory structures abut one another for the entire length of their abutting walls.

Section 3-3500. Variances.

- 3-3502.** Authorized Variance. Variances from the regulations and restrictions contained in this Article may be granted by the Board of Adjustment in the following instances.
- A. A variance of the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, floor area ratio, required yard areas, and other required open space.
  - B. A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.
- 3-3505.** **Burden on Applicant.** The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in *Subsection 3-3503*.
- 3-3508.** **Extent of Variance Limited.** The Board in exercising its authority to grant variances from this article, shall be empowered to vary the provisions of this Article only to the extent necessary to relieve or alleviate the demonstrated hardship.
- 3-3509.** **Conditions and Restrictions.** The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set out in this Article to reduce, minimize, or mitigate the effect of such variance upon other property in the neighborhood, and better to carry out the general intent of the Article. Failure to comply with any such conditions and restrictions shall constitute a violation of this Article.

STAFF COMMENTS:

1. The subject property is comprised of two lots, however the existing common lot line between the two lots runs through the existing accessory structure. The property owner would like to sell the lots individually with the accessory structure located completely on the lot to the west (1560 South Campbell Avenue). The applicant has proposed an Administrative Subdivision to adjust the lot line between the two properties so that the existing accessory structure would be entirely located on one lot, however if the lot line is adjusted the resulting lot located at 311 West Portland Street will not meet the minimum lot width or side yard setback requirements for single family detached dwellings in the R-TH district. The applicant is requesting a variance from Subsection 4-1105.B.1. which requires a minimum lot width of forty-five (45) feet for single family detached dwellings in the R-TH district. If the lot line is adjusted as the applicant is proposing the resulting lot would be approximately thirty-nine (39) feet wide. The applicant is also seeking a variance from Subsection 4-1106.B.2. which requires a minimum side yard setback of five (5) feet for all uses except townhouses in the R-TH district. There would be a side yard setback of approximately two (2) feet on the west side of the structure located

at 311 West Portland Street and the common lot line if it is adjusted.

2. The Zoning Ordinance requires a minimum three (3) foot rear and side yard setbacks for accessory structures within residential districts. An accessory structure may be located on the lot lines provided the abutting residential zoned property also has an accessory structure abutting the common lot line and provided both accessory structures abut one another for the entire length of their abutting walls. The applicant is requesting a variance to allow the existing accessory structure to be located on the lot line even though there will not be an abutting accessory structure. The applicant could provide a perpetual maintenance easement on the property at 311 West Portland Street to provide for the continued maintenance of the side of the accessory structure located on the common lot line.

# EXHIBIT F

Case number

Date Filed

Received by

Application fee

Recording fee

## APPLICATION FOR BOARD OF ADJUSTMENT ZONING VARIANCE

### LAND DESCRIPTION

See attached Green County GIS Maps with description.

The property is located at 1560 S Campbell and 311 W Portland.

Section which should be varied:

Section 4-1005 Minimum lot width of 50 feet (311 W Portland)

Section 4-1006 Minimum side yard setback of 5 feet for a primary structure (311 W Portland)

Section 5-1005 Minimum rear yard setback of 3 feet for an accessory structure ( 1560 S Campbell)

A) List the specific provisions or requirements of the Zoning Ordinance which prevent the proposed construction or use of the property.

The existing buildings do not conform to the above zoning requirements. This is an attempt to change boundary lines to reflect actual existing locations.

B) List the existing zoning district classification of the properties.

The zoning is single family.

C) List the special conditions, circumstances or characteristics of the land, building or structure that prevent compliance with the above requirements.

The current property line divides an existing driveway into a small street front and passes into an existing building and divides it into two parts. The existing building was not built to be divided into parts. The current property line splits a garage door into two parts.

D) List the particular hardship which would result if the specified provisions or requirements were to be applied to this property.

The properties will be difficult to sell with neither property having legal rights to the divided building.

E) State the extent to which it would be necessary to vary the requirements of the Zoning Ordinance in order to permit the proposed use of the property.

Section 4-1005, allow a 39 foot lot width

Section 4-1006 allow a 1.5 foot side yard set back

Section 5-1005 allow a 0 foot rear yard setback with right of maintenance access or jog over 3 feet only the depth of the garage.

F) See attached response to standards for variances.

Current Property owner

Robert R. Crockett Trust

3023 South Fort Suite A

Springfield Mo 65807

Trustee:

David A Crockett David A Crockett TTEE

R. Diane Tharp R Diane Tharp TTEE

Applicant's Name DAVID CROCKETT

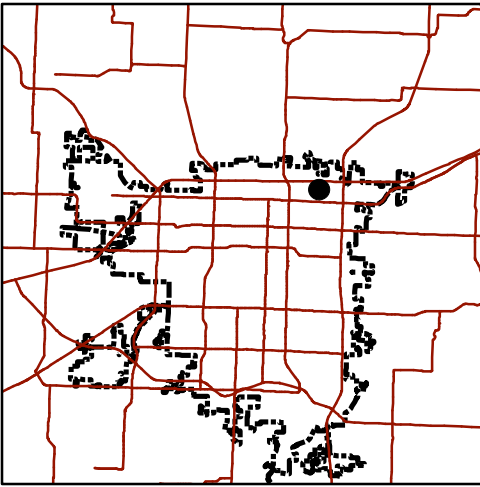
phone cell 417 621 8550

office 831 2670

EXHIBIT G  
Property Description

The south 100 feet of the west 137.4 feet of Lot 29 of Portland Heights Subdivision; and

The east 50 feet of the west 187.4 feet of the south 100 feet of Lot 29 and the east 17.4 feet of the north 111.53 feet of the west 187.4 feet of Lot 29 of Portland Heights Subdivision.



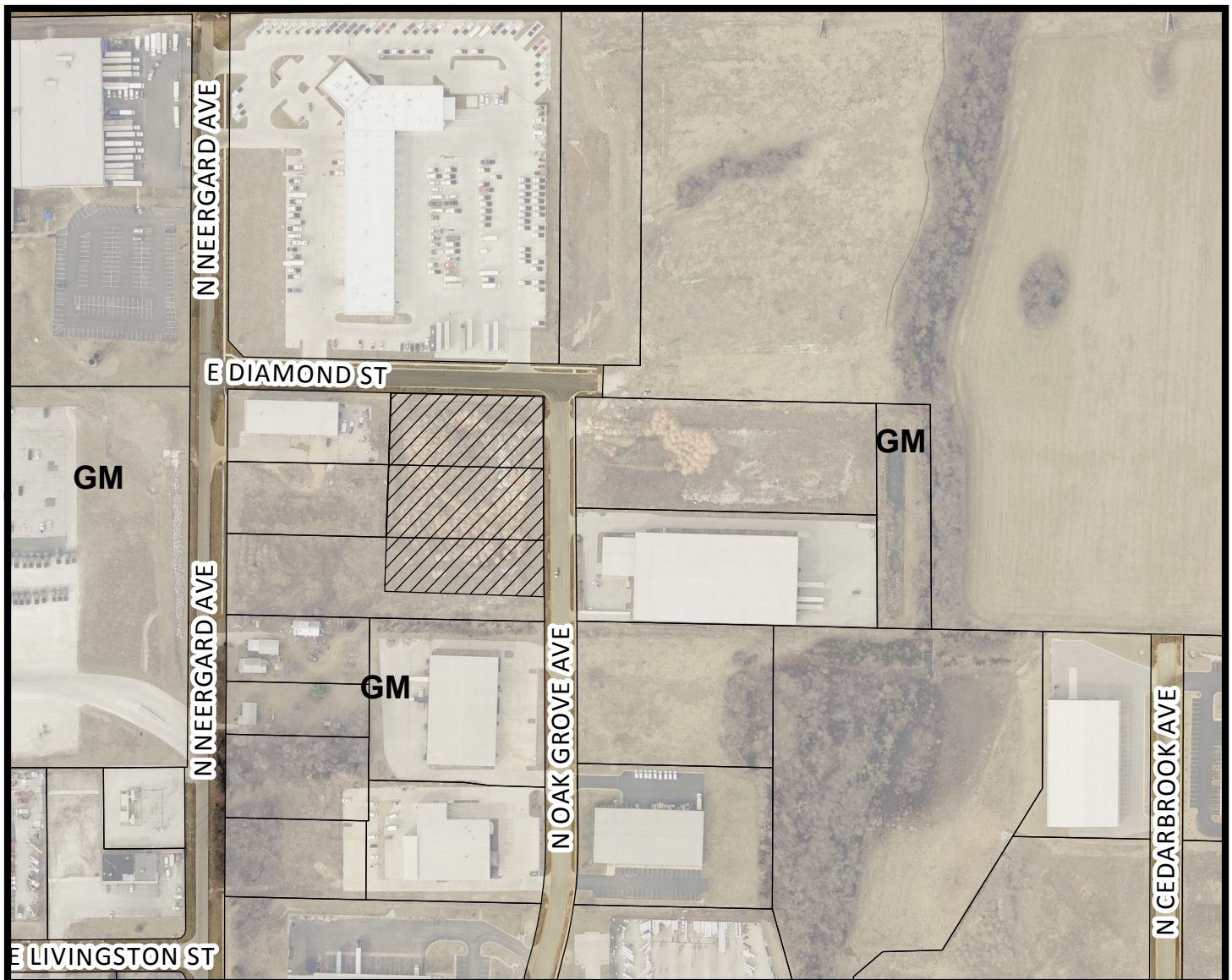
# Zoning & Subdivision Report

Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

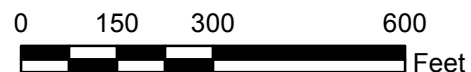
## **Zoning Variance 566**

LOCATION: 2835 North Oak Grove Avenue  
CURRENT ZONING: GM, General Manufacturing District

### LOCATION SKETCH

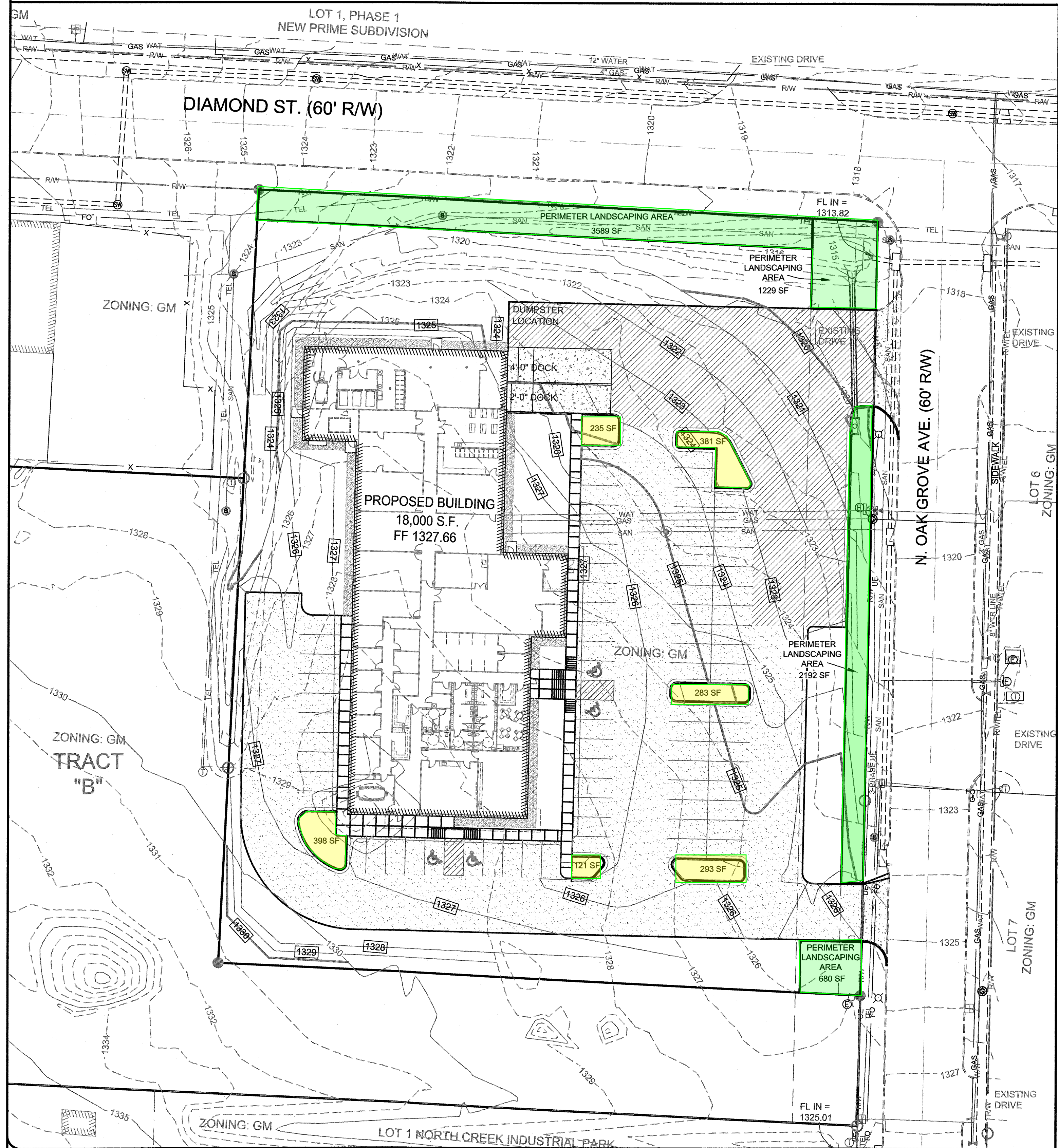


- Area of Proposal

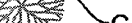


1 inch = 300 feet

EXHIBIT B



PERIMETER:

| NORTH<br>& EAST | 10' MIN.<br>PERIMETER<br>LANDSCAPING<br>(Diamond Street &<br>Oak Grove Ave) | <div><div><div>100'</div></div><div><div>10' MIN.</div></div></div> <div>AREA R'QMT = 10 SF PER 1 FT OF<br/>STREET FRONTAGE</div> | REQ'D PLANTINGS / 100 LF                                                                                                                                 | LENGTH | TOTAL<br>REQ'D | EXISTING<br>TREES | AREA<br>REQUIRED | PROPOSED | AREA<br>PROVIDED     |
|-----------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------|-------------------|------------------|----------|----------------------|
|                 |                                                                             |                                                                                                                                   | <div><div></div>CANOPY</div> = 1                                      |        |                |                   |                  | 0 *      | 3,589 SF             |
|                 |                                                                             |                                                                                                                                   | <div><div></div>UNDERSTORY,<br/>EVERGREEN or<br/>ORNAMENTAL</div> = 1 |        |                |                   |                  | 0 *      | 1,229 SF             |
|                 |                                                                             |                                                                                                                                   | <div><div></div>SHRUBS</div> = 4                                      |        |                |                   |                  | 0 *      | 2,192 SF             |
|                 |                                                                             |                                                                                                                                   |                                                                                                                                                          |        |                |                   |                  | 0 *      | + 680 SF<br>7,690 SF |
| SOUTH<br>& WEST | NA - NO ROW                                                                 | NONE REQUIRED                                                                                                                     | *NOTE: A VARIANCE REQUEST IS BEING MADE TO HAVE AN<br>EXEMPTION FROM PLANTING TREES AND SHRUBS ONSITE.                                                   |        |                |                   |                  |          |                      |

INTERIOR:

| REQ'D PLANTINGS / 30 PARKING SPACES                                                 |                                                                                     |                                                         |  |  |                  |               |                                                            |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------|--|--|------------------|---------------|------------------------------------------------------------|
|  | CANOPY<br>REQUIRES: 200 SF PER TREE                                                 | = 1 OR                                                  |  |  | PROPOSED         | AREA PROVIDED |                                                            |
|                                                                                     |  | UNDERSTORY or<br>EVERGREEN<br>REQUIRES: 100 SF PER TREE |  |  | = 2              | 0             | 235 SF<br>381 SF<br>283 SF<br>293 SF<br>121 SF<br>+ 398 SF |
| TOTAL = 0 *                                                                         |                                                                                     |                                                         |  |  | TOTAL = 1,711 SF |               |                                                            |

\*NOTE: A VARIANCE REQUEST IS BEING MADE TO HAVE AN EXEMPTION FROM PLANTING TREES AND SHRUBS ONSITE.

BUFFERYARD:

| ADJACENT PROPERTY | BUFFERYARD |               |
|-------------------|------------|---------------|
| NORTH             | ZONED GM   | NONE REQUIRED |
| EAST              | ZONED GM   | NONE REQUIRED |
| SOUTH             | ZONED GM   | NONE REQUIRED |
| WEST              | ZONED GM   | NONE REQUIRED |

PLANTING LEGEND

|       |                                                                                                  |
|-------|--------------------------------------------------------------------------------------------------|
| GRASS | INTERIOR LANDSCAPING:<br>Parking Area = 34,106 sf<br>Required = x 5% min.<br>Proposed = 1,711 SF |
|-------|--------------------------------------------------------------------------------------------------|

LANDSCAPE NOTES:

- TOPSOIL STRIPPED AND STOCKPILED FROM BUILDING AND PARKING LOT AREAS MAY BE USED ONSITE FOR FINAL TOP DRESSING. COORDINATE WITH PROPERTY OWNER TO DISPOSE OF EXCESS TOPSOIL, VEGETATION, AND OTHER DELETERIOUS MATERIAL.
- TREES TO BE ARRANGED AND PLANTED AS SHOWN ON LANDSCAPE PLAN
- PLANTINGS TO BE LOCATED TO AVOID DAMAGE TO PLANTINGS FROM OPENING CAR DOORS.
- TREES AND SHRUBS MAY BE CLUSTERED TO ALLOW FOR THE MOST EFFECTIVE USE OF LANDSCAPING. ALL OTHER AREAS SHALL BE LANDSCAPED WITH GRASS, GROUND COVER OR OTHER APPROPRIATE LANDSCAPE TREATMENT.

SEED / MULCH NOTES:

- A MINIMUM DEPTH OF 4" OF TOPSOIL (PRIOR TO COMPACTING) SHALL BE SPREAD ON AREAS TO BE SEEDED.
- AFTER TOPSOIL IS SPREAD, LINE SHALL BE SPREAD AT THE RATE OF 800-900 POUNDS, EFFECTIVE NEUTRALIZING MATERIAL (ENM) PER ACRE.
- FERTILIZER SHALL BE SPREAD AT THE RATE OF 400-500 POUNDS PER ACRE, AND SHALL BE 13-13-13 NITROGEN, PHOSPHORUS, AND POTASSIUM.
- SEED MIX SHALL CONSIST OF 60-80 % KENTUCKY 31 TALL FESCUE AND 20-40 % ANNUAL RYEGRASS (GERMINATION SHALL BE AT LEAST 85 %). SEED MIX SHALL BE SPREAD AT THE RATE OF 400-500 POUNDS PER ACRE.
- ALL AREAS TO BE SEEDED HAVING SLOPES LESS THAN 4:1 SHALL BE MULCHED WITH CEREAL GRAIN MULCH THE RATE OF 100 POUNDS PER 1000 SQUARE FEET (4500 POUNDS PER ACRE). CEREAL GRAIN MULCH SHALL MEET THE REQUIREMENTS OF SECTION 802 OF THE STATE SPECIFICATIONS FOR TYPE 1 MULCH. MULCH MAY BE APPLIED BY HAND, HOWEVER, IT MUST BE EVENLY SPREAD. TYPE 1 MULCH SHALL BE THOROUGHLY WETTED IMMEDIATELY AFTER APPLICATION.
- WHERE SLOPES ARE 4:1 OR GREATER TYPE 3 MULCH ("HYDROMULCH") MEETING THE REQUIREMENTS OF SECTION 802 OF THE STATE SPECIFICATIONS SHALL BE USED. TYPE 3 MULCH SHALL BE APPLIED AT THE RATE OF 2000 POUNDS PER ACRE.
- PERMANENT SEEDING SEASON RUNS FROM MARCH 1ST TO JUNE 1ST AND AUGUST 15TH TO NOVEMBER 1ST. SEEDING AND MULCHING MUST BE DONE WHENEVER WORK IS COMPLETE REGARDLESS OF THE SEASON. WHENEVER SEEDING AND MULCH IS INSTALLED OUTSIDE OF THE PERMANENT SEEDING SEASON THE CONTRACTOR WILL BE RESPONSIBLE FOR REPLANTING AND MULCHING ANY AREAS WHERE GROWTH HAS NOT BECOME ESTABLISHED DURING THE NEXT PERMANENT SEEDING SEASON.
- ALL AREAS MUST BE MAINTAINED BY THE CONTRACTOR UNTIL VEGETATION IS FIRMLY ESTABLISHED. VEGETATION WILL BE CONSIDERED FIRMLY ESTABLISHED WHEN IT HAS SURVIVED FROM THE PERMANENT SEEDING SEASON IN WHICH IT IS PLACED, TO THE NEXT PERMANENT SEEDING SEASON, AND GROWTH HAS BEEN ESTABLISHED ON ALL ERODED AREAS WHICH HAVE BEEN NOTED FOR REPAIR. TEMPORARY SEEDING SHALL BE AT THE SAME RATES FOR SEED, MULCH AND FERTILIZER SPECIFIED ABOVE. TOPSOIL SPREADING IS NOT REQUIRED IN AREAS DESIGNATED TO RECEIVE TEMPORARY SEEDING ONLY.

535 W. Battleground St.  
Springfield, MO 65807  
(417) 887-3238  
FAX (417) 887-1940  
http://www.heitweb.com  
HEI@heitweb.com

**HEI**

Heithaus Engineering & Assoc., Inc.  
MO COA #2010021970 (E), #2010018087 (LS)

RICHARD G. KRAMER

**CHESTNUT FOOD LAB**

**2835 N. OAK GROVE AVE.**

CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

LANDSCAPING PLAN

Design: TAD  
Drawn: ANB  
Checked: TAD  
Date: 1/29/2015  
Job No. 214028  
Dwg# 214028  
Scale: 1" = 30'

**SHEET C.7**

OF 7 SHEETS

FILE #: PROJ2014-00113

*Zoning & Subdivision Report*

*Planning & Development Department ~ 417/864-1611*

*840 Boonville Avenue ~ Springfield, Missouri 65801*

**ZONING VARIANCE NUMBER V-566**

**EXHIBIT C**

DATE: February 20, 2015

PURPOSE: To allow a variance to Subsections 6-1209.A.3. and B.2. which requires perimeter and interior landscaping for off-street parking lots and vehicular use areas.

**BACKGROUND:**

LOCATION: 2835 North Oak Grove Avenue

APPLICANT: Rich Kramer

BOARD'S AUTHORITY: Subsection 3-3502

**FINDINGS:**

1. The application does not meet several of the standards for variances as outlined in Subsection 3-3503 of the *Springfield Zoning Ordinance*.
2. The perimeter and interior landscape requirements for off-street parking and vehicular use areas apply to all uses and in all zoning districts with some exceptions for the CC, Center City District.
3. The perimeter landscaping requirements could be reduced or eliminated with a revised site design.

**STAFF CONTACT PERSON:**

Alana D. Owen, AICP  
Senior Planner  
(417) 864-1831

ZONING VARIANCE NO. V-566  
EXHIBIT D

ORDINANCE AUTHORIZATION:

The following excerpt from the Zoning Ordinance lists the limits of the Board of Adjustment's authorization in this instance:

Subsection 3-3503. **Standards for Variances.** The Board of Adjustment shall not vary the regulations of this Article as authorized above unless and until it shall make written findings based upon the particular evidence presented to it in each specific case that:

- A. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and

APPLICANT'S RESPONSE:

*The particular physical surroundings would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out in that the planting of trees and shrubs provide a location for birds to perch or nest and would increase potential for accidental contamination of food samples from foot traffic in contact with bird droppings/fecal matter.*

- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification; and

APPLICANT'S RESPONSE:

*The conditions are specific to the food lab testing services that will be provided by the building occupant and would not be applicable, generally, to other property within the same zoning classification.*

- C. The purpose of the variance is not based exclusively upon a desire to enhance the value of the property, or increase the return or income therefrom; and

APPLICANT'S RESPONSE:

*The purpose of the variance is based on the precise nature of the food testing services that will be provided by the building occupant and is not based exclusively on a desire to enhance the value of the property or increase the return or income therefrom.*

- D. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; and

APPLICANT'S RESPONSE:

*The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.*

- E. The alleged hardship has not been created by any person presently having an interest in the property; and

APPLICANT'S RESPONSE:

*The alleged hardship has not been created by any person presently having an interest in the property.*

- F. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof; and

APPLICANT'S RESPONSE:

*The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof as the landscape and buffer areas will still be provided, but without the required tree and shrub plantings.*

- G. The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety; and

APPLICANT'S RESPONSE:

*The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety.*

- H. The variance, if granted, will not alter the essential character of the neighborhood, and

APPLICANT'S RESPONSE:

*The variance, if granted, will not alter the essential character of the neighborhood.*

- I. The variance requested is consistent with the purposes and intent of this Article and the *Springfield Comprehensive Plan*.

APPLICANT'S RESPONSE:

*The variance requested is consistent with the purposes and intent of this Article and the Springfield Comprehensive Plan.*

EXHIBIT E  
BACKGROUND REPORT  
ZONING VARIANCE NO. V-566

APPLICANT'S PROPOSAL:

The applicant is requesting a variance to Subsections 6-1209.A.3. and B.2. of the Zoning Ordinance that establishes the perimeter and landscaping requirements for off-street parking and vehicular use areas. The applicant is requesting to exclude the tree and shrub plantings from the required landscape areas.

ORDINANCE AUTHORIZATION:

The Board of Adjustment has the authority to approve variances only if it finds that the request meets each of the Standards for Variance listed in Subsection 3-3503 (shown in Exhibit D).

ZONING ORDINANCE:

**6-1209. Minimum Requirements for Off-Street Parking and Vehicular Use Areas.** The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards. These standards shall only apply to parking lots and vehicular use areas constructed after the effective date of this Article. (G.O. 5127, 10/29/01)

A. **Interior Landscaping.** In all districts except the CC, Center City District, sites containing parking and vehicular use areas totaling thirty (30) or more parking spaces or the gross area is twelve thousand (12,000) or more square feet shall provide interior landscaping. In the CC District, interior landscaping shall be required if the site contains fifty (50) or more parking spaces or if the gross area is twenty thousand (20,000) or more square feet. A minimum of five (5) percent of the parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. The following additional criteria shall apply to the interior of parking and vehicular use areas:

1. A landscaped area must abut paved areas on at least three (3) sides or more than seventy-five (75) percent of the landscaped area perimeter to qualify as an interior landscaped area.
2. Interior landscaping areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
3. There shall be a minimum of two (2) understory trees or one (1) canopy tree planted for each thirty (30) parking spaces or twelve-

thousand (12,000) square feet of parking or vehicular use area, or fraction thereof.

4. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expanse of paving. Interior planting areas shall be a minimum of one-hundred (100) square feet for each understory tree and two-hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.

B. Perimeter Landscaping. (G.O. 5127, 10/29/01)

1. Perimeter landscaping shall be provided where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building. Perimeter landscaping areas shall be protected from vehicle encroachment or overhang through appropriate wheel stops or curbs.
2. In all districts except CC, Center City District, perimeter landscape areas shall contain one (1) canopy tree, one (1) understory, ornamental, or evergreen tree and four (4) shrubs per hundred (100) linear feet. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer would not allow canopy trees, each required canopy tree may be replaced by two (2) understory, ornamental or evergreen trees. Where a perimeter landscape area is less than fifty (50) linear feet only one (1) canopy tree or two (2) understory, ornamental, or evergreen trees are required in addition to four (4) shrubs. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. The remaining area shall be landscaped with grass or other ground cover.
  - a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least ten (10) feet in width shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.

Section 3-3500. Variances.

**3-3502.** Authorized Variance. Variances from the regulations and restrictions contained in this Article may be granted by the Board of Adjustment in the following instances.

- D. A variance of the applicable spacing and open space requirements.
- F. A variance of the buffer area requirements.

**3-3505. Burden on Applicant.** The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in *Subsection 3-3503*.

**3-3508.      Extent of Variance Limited.** The Board in exercising its authority to grant variances from this article, shall be empowered to vary the provisions of this Article only to the extent necessary to relieve or alleviate the demonstrated hardship.

**3-3509.      Conditions and Restrictions.** The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set out in this Article to reduce, minimize, or mitigate the effect of such variance upon other property in the neighborhood, and better to carry out the general intent of the Article. Failure to comply with any such conditions and restrictions shall constitute a violation of this Article.

STAFF COMMENTS:

1. The applicant is requesting two variances with this application. The applicant is requesting a variance from Subsection 6-1209.A.3. which requires that there be a minimum of two (2) understory trees or one (1) canopy tree planted for each thirty (30) parking spaces or twelve-thousand (12,000) square feet of parking or vehicular use area, or fraction thereof. The applicant is also requesting a variance from Subsection 6-1209.B.2. which requires that perimeter landscape areas contain one (1) canopy tree, one (1) understory, ornamental or evergreen tree and four (4) shrubs per hundred (100) linear feet. The applicant is requesting a variance to exclude the tree and shrub plantings from the landscape areas. The proposed building on the subject property will house Chestnut Labs which provides microbiological and proximate analytical chemistry testing for the food industry. The application states the reason for the request is the potential for erroneous tests due to accidental contamination of food samples from foot traffic in contact with bird droppings/fecal matter. The applicant indicates the planting of trees and shrubs provide a location for birds to perch or nest.
2. The Board of Adjustment shall not vary the regulations of the *Zoning Ordinance* unless it finds that the application meets the standards for variances as outlined in Subsection 3-3503. Staff does not support this requested variance because the application does not meet several of the standards for variances including the following standards:
  - A. The particular physical surroundings, shape, or topographical condition for the specific property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out;
  - B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification;
  - D. The property in question cannot yield a reasonable return if permitted to

be used only under the conditions allowed by the regulations in the district in which it is located;

- E. The alleged hardship has not been created by any person presently having an interest in the property.

The provision of the required plantings within the landscape areas is required by the Zoning Ordinance for all uses and in all zoning districts within the city with some exceptions for properties zoned CC, Center City District. The site design could be changed to move the building up to the street with the parking located west of the building to reduce or eliminate the requirement for perimeter landscaping. The interior landscaping would still be required based on the amount of parking provided.

# EXHIBIT F



Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Application Fee: \* \_\_\_\_\_  
Recording Fee: \_\_\_\_\_

## APPLICATION FOR BOARD OF ADJUSTMENT ZONING VARIANCE

The signers of this application request that the Board of Adjustment of the City of Springfield, Missouri, approve a variance from the strict application of the terms of the *Springfield Zoning Ordinance* on the following described property:

LAND DESCRIPTION (an attached sheet may be used):

Tract "A" of Administrative Subdivision AS# 7023 in the City of Springfield  
as recorded in Book 2014 at Page 041954-14 in the Greene County  
Missouri Recorder's Office.

This property is located at 2835 N. Oak Grove Ave.

It is requested that a hearing be held in this matter, in which the applicant may appear in person or by agent or by attorney, and present to the Board sufficient evidence upon which the Board may make the findings required by such *Zoning Ordinance* in the granting of such Variance. The applicant requests that the Board vary the provisions of the following Section(s) of the *Springfield Zoning Ordinance* because strict and literal enforcement of its provisions would result in unusual difficulty or hardship:

Section(s) which should be varied: 6-1200: Landscaping & Bufferyards

Answer the following in writing (attached sheets may be used):

- A. List the specific provisions or requirements of the Zoning Ordinance which prevent the proposed construction on, or use of the property: Planting of trees and shrubs which provide a location for birds to perch or nest
- B. List the existing zoning district classification of the property: GM
- C. List the special conditions, circumstances or characteristics of this land, building or structure that prevent compliance with the above requirements of the Zoning Ordinance: The proposed building will house Chestnut Labs which provides microbiological and proximate analytical chemistry testing services for the food industry.
- D. List the particular hardship which would result if the specified provisions or requirements were to be applied to this property: Potential for erroneous tests due to accidental contamination of food samples from foot traffic in contact with bird droppings / fecal matter.
- E. State the extent to which it would be necessary to vary the requirements of the Zoning Ordinance in order to permit the proposed construction on, or use of the property: Exclude tree and shrub plantings from the required landscape and bufferyard areas.
- F. Explain how the requested variance conforms to each of the standards set out in Subsection 3-3503 of the *Springfield Zoning Ordinance* (attached). A written response to these standards must be attached to this application.

(Continued on reverse side)

We, the undersigned, do attest to the truth and correctness of all facts and information presented with this application.

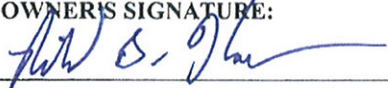
**CURRENT PROPERTY OWNER'S NAME(S):**

Name of current property owner(s) Rich Kramer  
(please print)

If corporation: Corporate official: \_\_\_\_\_  
(please print)

Mailing Address: 789 N. Miller Road, Springfield, MO 65802  
Telephone Number: 417-865-5959 Fax number: \_\_\_\_\_  
E-mail: RichKramer@RichKramer.com

**PROPERTY OWNER'S SIGNATURE:**

  
\_\_\_\_\_

**APPLICANT'S NAME (If different than owner):**

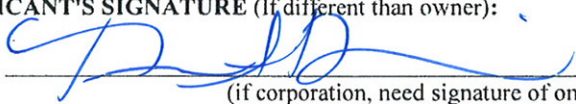
Name of Applicant: Teresa A. Davison, P.E., Heithaus Engineering & Associates, LLC  
(please print)

If corporation: Corporate Official: \_\_\_\_\_  
(please print name and title)

(Corporate Seal)

Mailing address: 535 W. Battlefield St., Springfield, MO Zip code: 65807  
Telephone number: 417-887-3238 Fax number: 417-887-1940  
E-mail: teresa@heiweb.com

**APPLICANT'S SIGNATURE (If different than owner):**

  
\_\_\_\_\_ (if corporation, need signature of one official)

\*Fees are non-refundable

Development Review Office  
Planning and Development Department  
840 Boonville, P O Box 8368  
Springfield, MO 65801  
(417) 864-1031 Fax (417) 864-1882

ZVARAPP DOC

7/1/2012

EXHIBIT G  
Property Description

A PARCEL OF LAND LYING IN LOT 1 OF THE FRACTIONAL NORTHWEST  $\frac{1}{4}$  OF SECTION 4, TOWNSHIP 29 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI,  
BEING PART OF LOT 1 AND ALL OF LOTS 4 & 5 OF NORTHVIEW INDUSTRIAL PARK AS RECORDED IN BOOK 2007 PAGE 012936 OF SAID GREENE COUNTY RECORDER'S OFFICE MORE PARTICULARLY DESCRIBED AS:  
BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 4 OF SAID NORTHVIEW INDUSTRIAL PARK SAID POINT ALSO LYING ON THE SOUTHERLY RIGHT-OF-WAY OF DIAMOND STREET AS IT NOW EXISTS;  
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY S87°09'47" E A DISTANCE OF 286.18' TO NORTHEASTERLY CORNER OF SAID LOT 4, SAID POINT ALSO LYING ON THE WESTERLY RIGHT-OF-WAY OF NORTH OAK GROVE AVENUE AS IT NOW EXISTS;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY S 01°08'15" W A DISTANCE OF 357.20' ;  
THENCE LEAVING LAST SAID RIGHT-OF-WAY N 87°09'30" W A DISTANCE OF 296.92' PARALLEL TO THE SOUTH LINE OF SAID LOT 1 TO THE SOUTHERLY PROJECTION OF THE WESTERLY LINE OF SAID LOT 5;  
THENCE ALONG SAID PROJECTION AND THE WESTERLY LINE OF SAID LOTS 4 AND 5 N 02°51'38" E A DISTANCE OF 357.02' TO SAID POINT OF BEGINNING, HAVING AN AREA OF 104,093.8 SQUARE FEET, 2.39 ACRES MORE OR LESS, AND SUBJECT TO ALL EASEMENTS AND / OR RIGHTS-OF-WAY.