

AGENDA OF THE BOARD OF ADJUSTMENT

****Busch Building 2nd Floor West (840 Boonville)****

DATE: April 7, 2015

TIME: 1:30 p.m.

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

ROLL CALL:

INTRODUCTION OF ZONING ORDINANCE AS EVIDENCE:

APPROVAL OF MINUTES: March 3, 2015

COMMUNICATIONS:

UNFINISHED BUSINESS: None

SPECIAL EXCEPTIONS:

- | | |
|--|-----------------|
| 1. Special Exception 1299
(1223 W. Linwood) | R. Gerald Chism |
|--|-----------------|

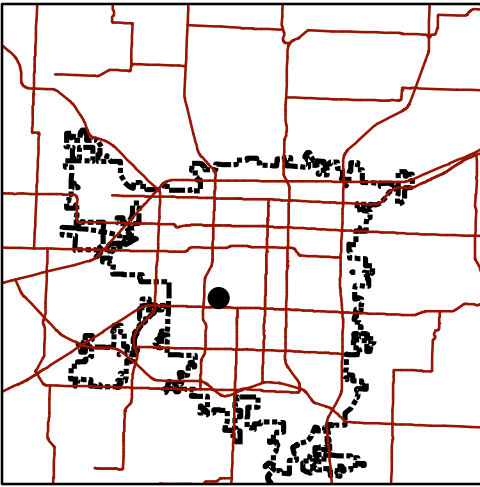
ZONING VARIANCE:

- | | |
|---|--|
| 2. Variance 567
(2737 E. Pythian Street) | Presbyterian Children's Homes & Services |
|---|--|

OTHER BUSINESS: None.

ADJORNMENT

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.



Zoning & Subdivision Report

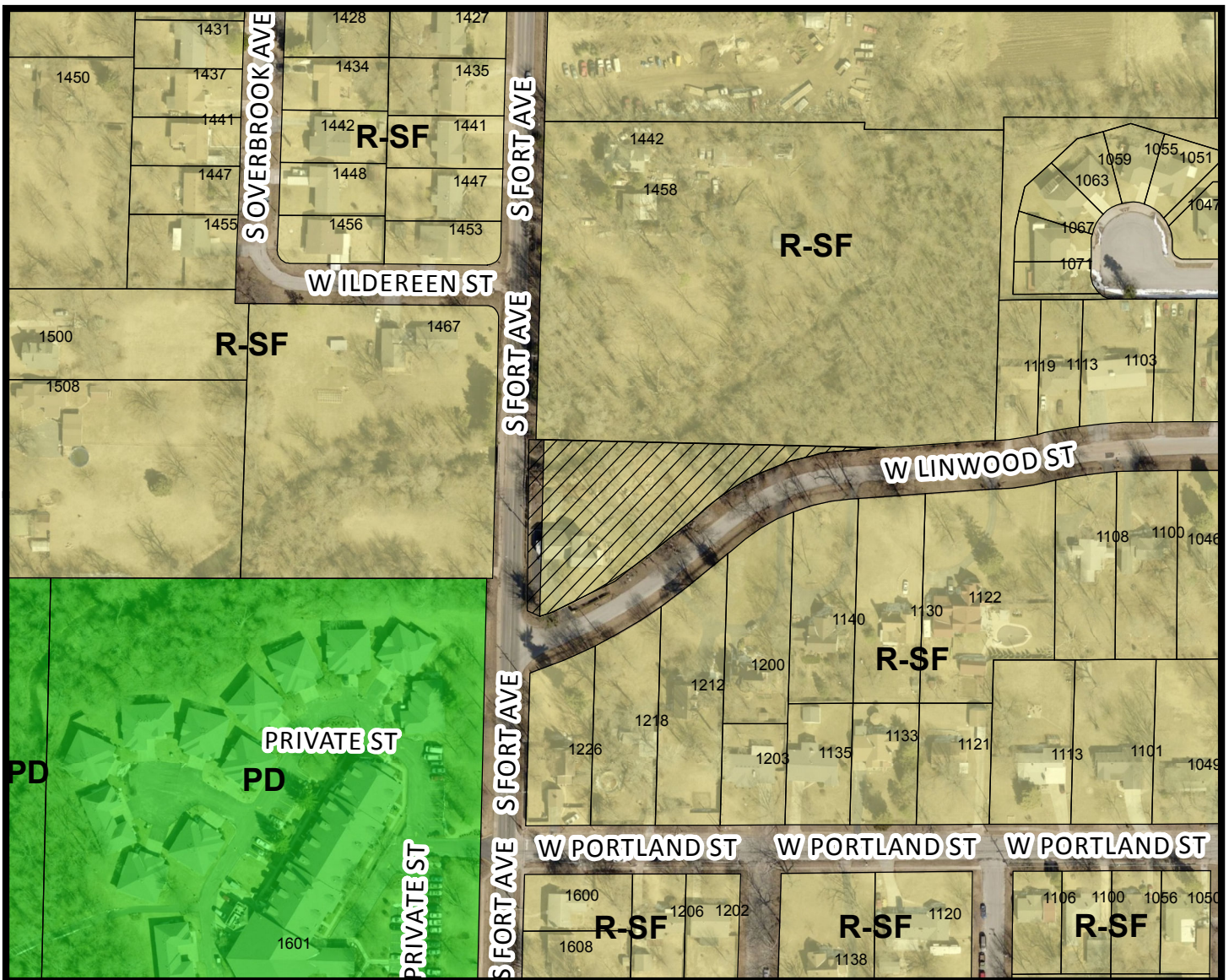
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Special Exception No. 1299

LOCATION: 1223 W Linwood Street

CURRENT ZONING: R-SF, Single Family Residential District

LOCATION SKETCH

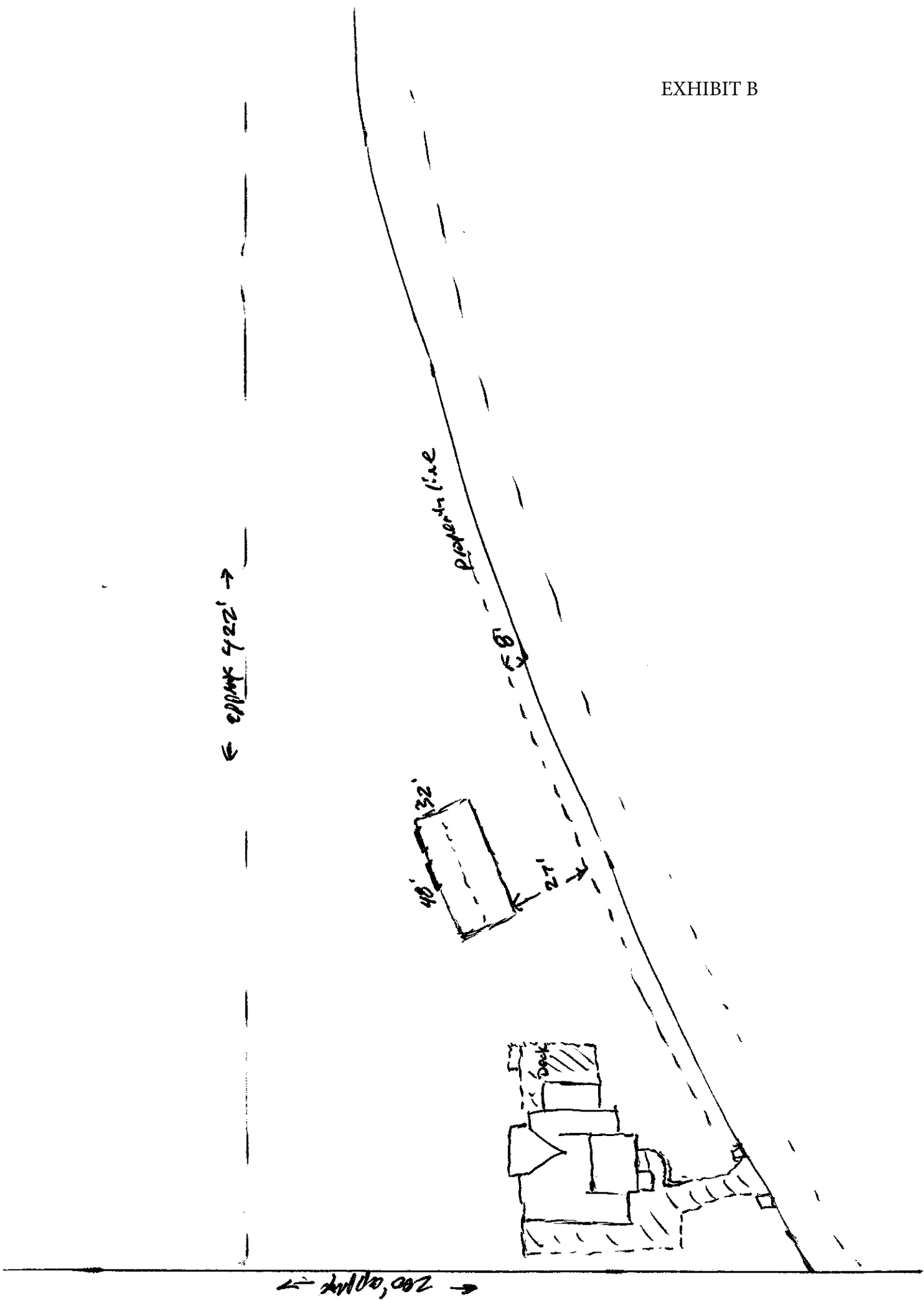


- Area of Proposal



1 inch = 200 feet

EXHIBIT B



R. Gerald Chism
1223 W. Lincoln
Springfield MO 65807

Zoning & Subdivision Report
Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

SPECIAL EXCEPTION NO. E-1299

DATE: January 27, 2015

PURPOSE: To permit an accessory structure to exceed the maximum height permitted within an R-SF, Single Family Residential District.

BACKGROUND:

LOCATION: 1223 W Linwood Street

APPLICANT: R. Gerald Chism

BOARD'S AUTHORITY: Subsection 3-3600

FINDINGS:

1. Approval will allow the construction of an accessory structure that is consistent with and complimentary to the principal structure on the lot and other structures in the area.
2. The application meets all criteria for approval.

STAFF CONTACT PERSON:

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

SPECIAL EXCEPTION NO. E-1299
EXHIBIT D

ORDINANCE AUTHORIZATION:

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

3-3601. Jurisdiction and Authority. The Board of Adjustment shall have jurisdiction and authority to grant special exceptions from the terms of this Article in the following instances.

E. Height of Accessory Structures. The Board of Adjustment may grant a special exception to allow an accessory structure in any district to exceed the height requirements for accessory structures provided all of the following conditions are met.

1. The proposed accessory structure shall not be within the front yard.
2. The proposed accessory structure shall be setback as required by *Section 5-1005*, unless a greater setback is required by *Section 6-1211*. The Board of Adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.
3. The height and design of the proposed accessory structure shall be consistent with the height and design of the primary structure on the lot.
4. The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.
5. The proposed accessory structure otherwise conforms to all other applicable requirements of this article including *Section 5-1000*, *Accessory Uses and Structures*.

The Board of Adjustment may place conditions upon the granting of a special exception, and may require that a bufferyard be provided adjacent to any adjoining properties zoned residential.

EXHIBIT E
BACKGROUND REPORT
SPECIAL EXCEPTION NO. E-1299

APPLICANTS' PROPOSAL:

The applicant is proposing an accessory structure that exceeds the maximum height permitted for accessory structures within an R-SF, Single Family Residential District. The height limit for hip or gable roofs on an accessory structure is sixteen (16) feet. The applicant's proposed accessory structure will be twenty-three (23) feet tall.

ORDINANCE AUTHORIZATION:

The Board of Adjustment has the authority to approve Special Exceptions from the terms of the Zoning Ordinance in accordance with Section 3-3600.

ZONING ORDINANCE:

Section 5-1000. Accessory Structures and Uses.

Section 5-1005. Bulk, Setback, and Spacing Regulations.

A. Residential Districts

2. Maximum structure height, except as permitted by *Section 3-3601.E.*:
 - a. The height limit for hip or gable roofs shall be sixteen (16) feet.
 - b. The height limit for flat, single slope or mansard roofs shall be twelve (12) feet.

ADJACENT PROPERTY OWNER COMMENTS:

Eleven (11) property owners are within 185 feet of this site and have been notified of this action.

One property owner on the south side of the street expressed concern regarding the view.

STAFF COMMENTS:

1. City Council passed a Zoning Text Amendment on November 9, 2009 to revise the requirements for a Special Exception from the Board of Adjustment to allow an accessory structure to exceed the maximum height requirements within each district under certain conditions. The applicant is planning to construct a new accessory structure on his property and has applied for this Special Exception to increase the height of the proposed structure from a maximum height of sixteen (16) feet to twenty-three (23) feet.
2. This application meets the criteria for approval of the Special Exception. The proposed accessory structure is not located in the front yard and meets all the required setbacks for accessory structures within the R-SF, Single Family Residential District. The proposed accessory structure is consistent with the height and design of the primary structure on the lot by utilizing the same architectural style, color and materials.

3. The proposed accessory structure otherwise conforms to all other applicable requirements of the *Zoning Ordinance* including *Section 5-1000, Accessory Uses and Structures*.



EXHIBIT F

Case Number: PLN2015-00087
Date Filed: 3/4/15
Received By: SPRZLN
Application Fee: 1201*
Recording Fee: 33
35
1,289

APPLICATION FOR BOARD OF ADJUSTMENT SPECIAL EXCEPTION

The signers of this application request that the Board of Adjustment of the City of Springfield, Missouri, approve a special exception as allowed by the *Springfield Zoning Ordinance* on the following described property:

LAND DESCRIPTION (an attached sheet may be used):

This property is located at 1223 W. Linwood St. Spfld, Mo 65807

This Special Exception is requested under the provisions of Section 3-3600 of the *Springfield Zoning Ordinance*. The applicant requests the Special Exception in order to (check one):

- ☐ A. Reduce the minimum off-street parking requirements.
☐ B. Allow the use of property for off-street parking of passenger cars for a church.
☐ C. Permit a fence, wall or hedge in a required front yard in excess of the allowed height.
☐ D. Allow a nonconforming use to be changed to another nonconforming use.
☒ E. Allow an accessory building to exceed the height requirements.

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): R. Gerald Chism
(please print)

If corporation: Corporate official: _____
(please print)

Mailing Address: 1223 W. Linwood St. Spfld, Mo Zip Code 65807
Telephone Number: 417. 276. 9908 cell Fax: _____
E-mail: chismracing@gmail.com

PROPERTY OWNER'S SIGNATURE:

APPLICANT'S NAME (If different than owner):

Name of Applicant: R. Gerald Chism
(please print)

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

Mailing address: 1223 W. Linwood St. Spfld, Mo Zip Code 65807 (Corporate Seal)
Telephone number: 417. 276. 9908 Fax: _____
E-mail: chismracing@gmail.com

APPLICANT'S SIGNATURE:

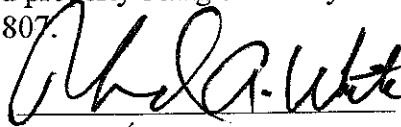
[Signature]
(if corporation, need signature of one official)

*Fees are non-refundable

Declaration of Agreement by West Linwood Property Owners within 185 feet of 1223 W. Linwood, Springfield, MO 65807~~65807~~.

I, as owner of the real estate property listed beside my name below, do willingly declare by my signature, that I have no objection to an accessory building, with the roof height exceeding sixteen (16') feet at the peak, being constructed on the property located at 1223 W. Linwood, Springfield, Missouri, 65807. The said property being owned by R. Gerald Chism, 1223 W. Linwood St., Springfield, Missouri 65807.

1226 W. Linwood
date 2-12-15 Richard White

 ph 917-343-2531

1223 W. Linwood
date 2-11-15 R. Gerald Chism

 ph 417-276-9908

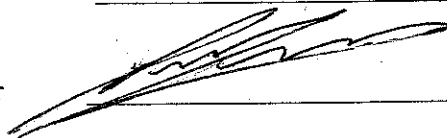
1218 W. Linwood
date _____ Robert Turan

ph _____

1212 W. Linwood
date _____ Linda Lanham

ph _____

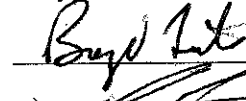
1200 W. Linwood
date 2/11/15 Nick Meyer

 ph 417-522-3551

1140 W. Linwood
date 2/12/15 Kimberly Tracy

 ph 417-839-5916

1130 W. Linwood
date 2/11/15 Angela ^{Field} ~~Sexton~~
(Byd Fld)

 ph 417-711-8123

1122 W. Linwood
date 2/12/2015 Kevin Bollinger

 ph 417-343-8085

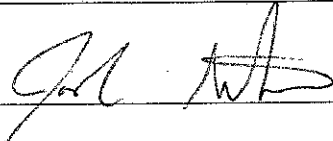
1119 W. Linwood
date _____ Jack Reeser

ph _____

S. Fort, 5Ac to North
date _____ Jim Swain

ph _____

1467 S. Fort
date 2-14 Josh Matthews

 ph 573-280-9616

1601 S. Fort
date _____ Vetter Health
Services

ph _____

Existing House, built 1939
Pitch of House: $7\frac{1}{2}/12$ on West gable

Proposed Accessory Building: (Built to match Home)

- 1) Pitch of roof $8/12$
- 2) Height of ridge pole - approx. 23'
- 3) Siding: Same as House
- 4) Ext. Doors: 2 @ on North/East of Building 10×10 @
- 5) 1 3'0" walk-in Door on NW corner













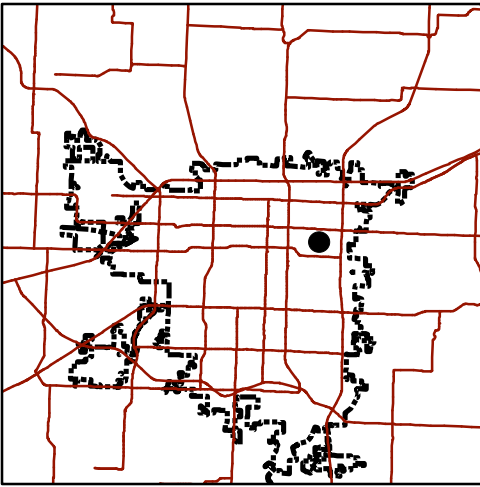




SPECIAL EXCEPTION NO. E-1299
EXHIBIT G

PROPERTY DESCRIPTION:

A tract lying North and West of Linwood Drive and East of Fort Avenue in the south 15 acres of the Northeast Quarter (NE ¼) of the Southwest Quarter ¼) thereof, all in Section 26, Township 29, Range 22, Springfield, Greene County, Missouri



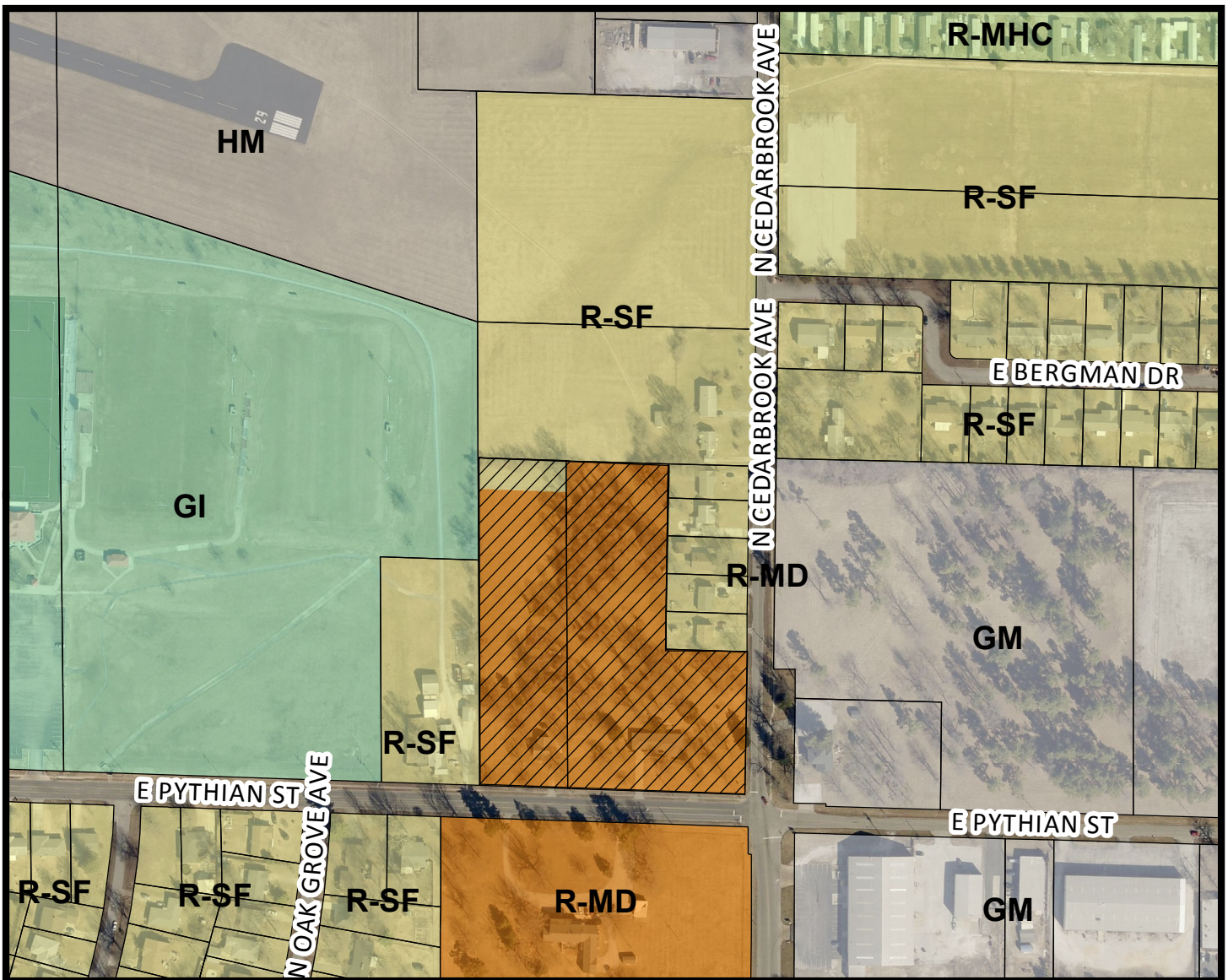
Zoning & Subdivision Report

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

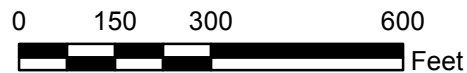
Zoning Variance No. 567

LOCATION: 2737 East Pythian Street
CURRENT ZONING: R-MD with COD #79

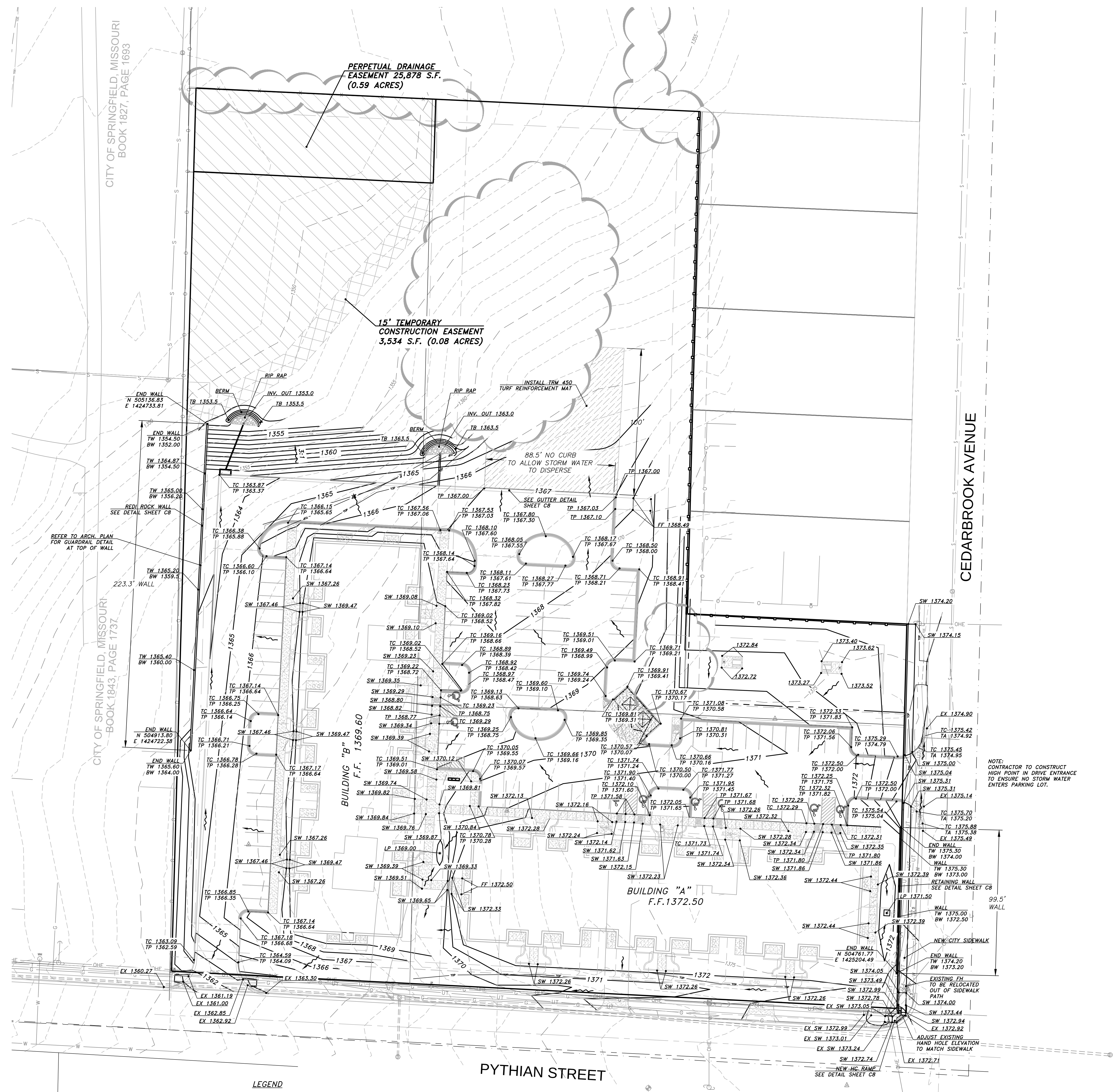
LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet



1736 E. Sunshine,
Suite 311
Springfield, Missouri
65804
Phone: (417) 883-2720
FAX: (417) 883-0161

MWM
MARSHALL WATERS WOODY
ARCHITECTURE • PLANNING

WOODFIELD PARK
A NEW APARTMENT COMPLEX BY
AFFORDABLE HOMES DEVELOPMENT, INC.
2737 EAST PYTHIAN
SPRINGFIELD, GREENE COUNTY, MISSOURI

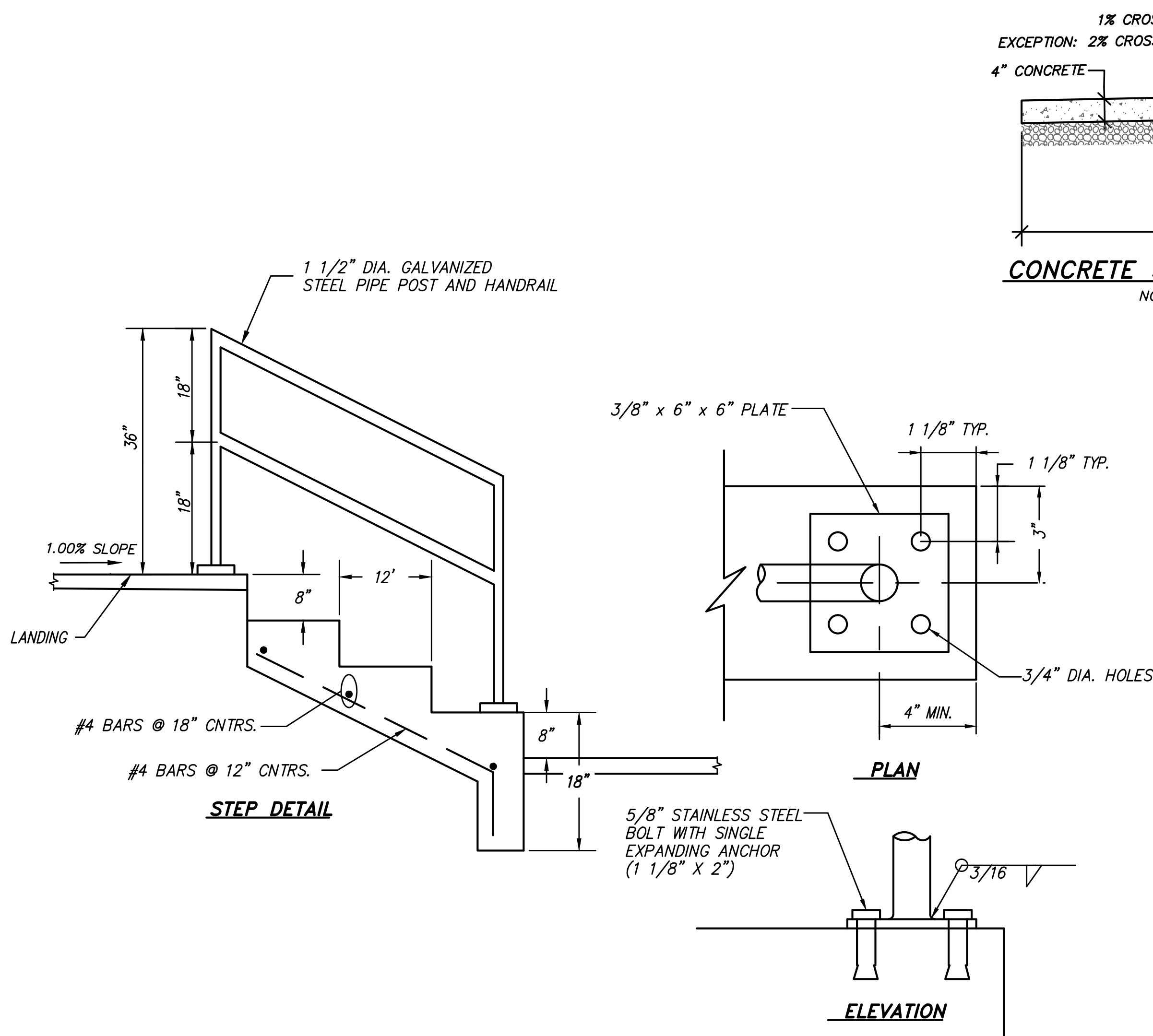
date
23 FEB 2015
revised

drawn
JWH
checked
DAL
comm.
no.

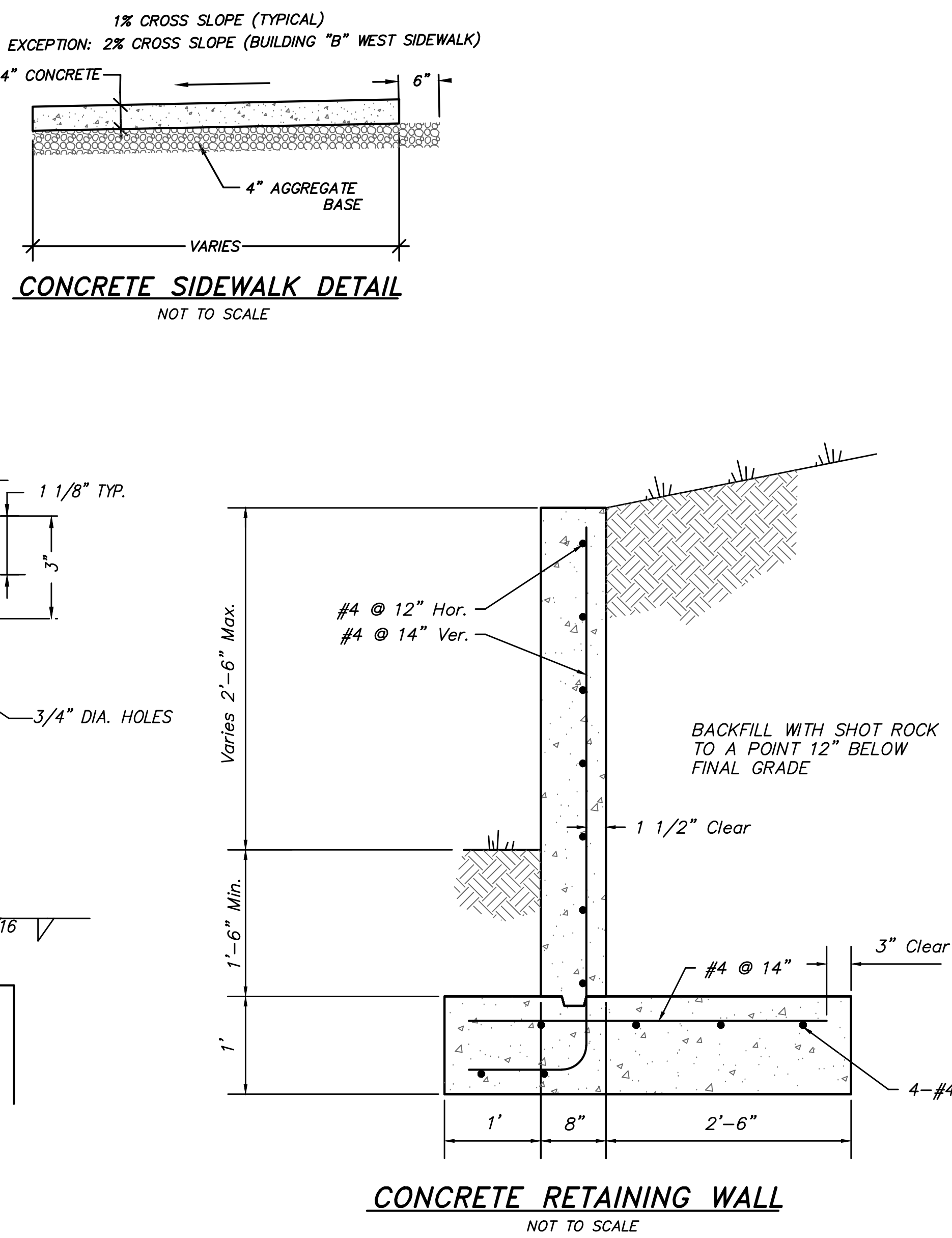
64.20

sheet

C3 of 8



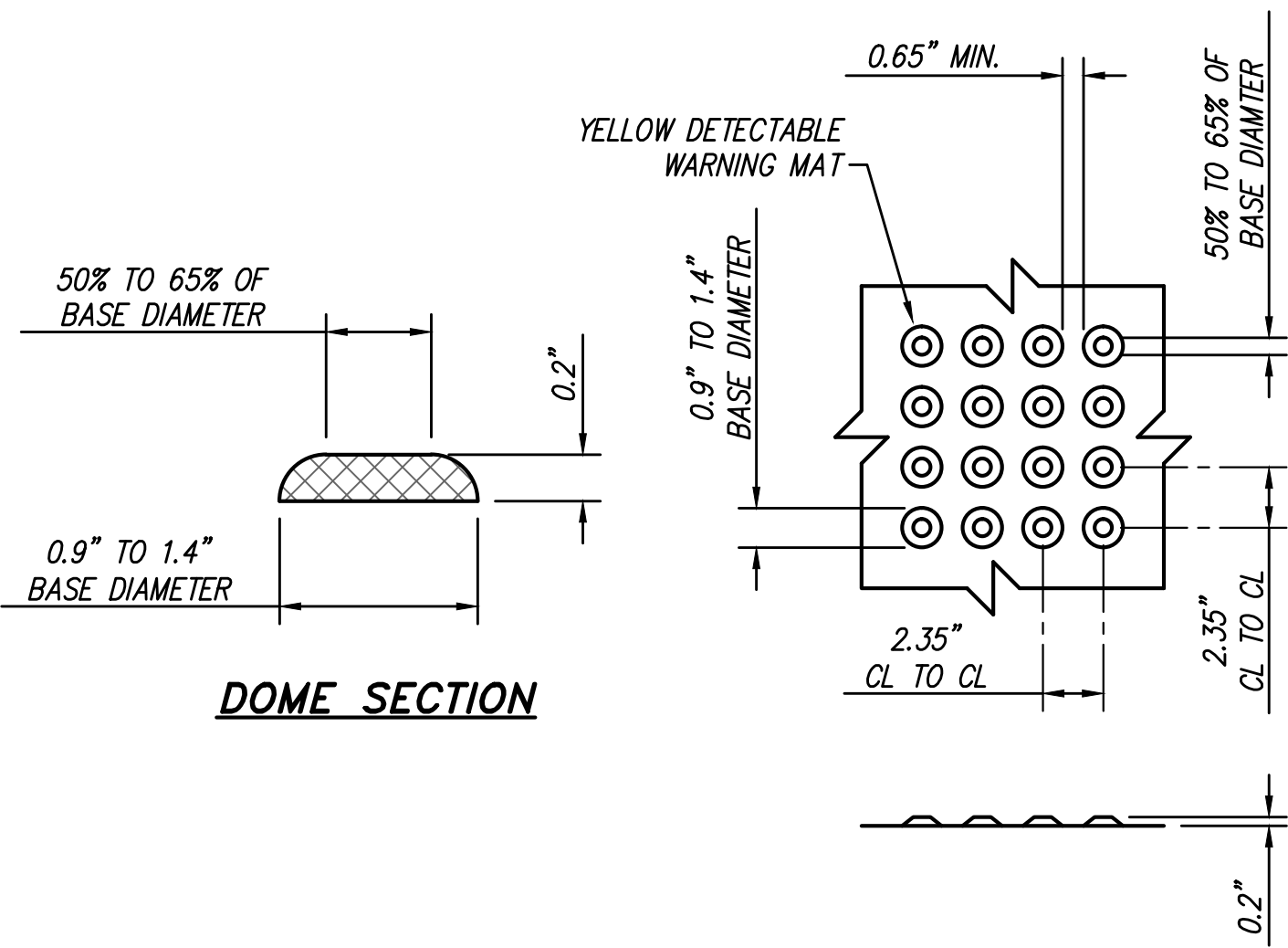
CONCRETE STEPS AND HANDRAIL DETAILS
NOT TO SCALE



CONCRETE RETAINING WALL
NOT TO SCALE

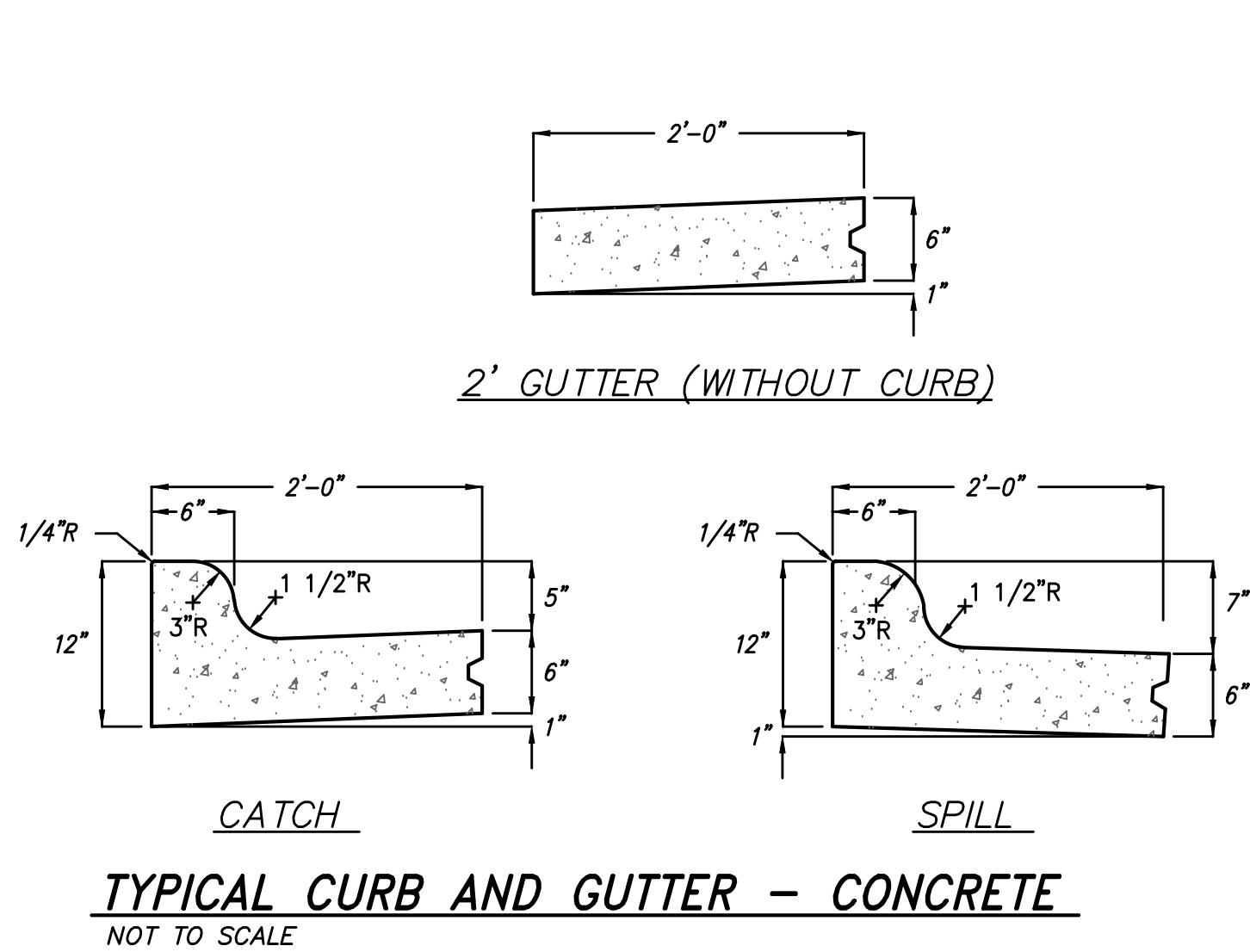


FIRE LANE PAVEMENT LETTERING
NOT TO SCALE

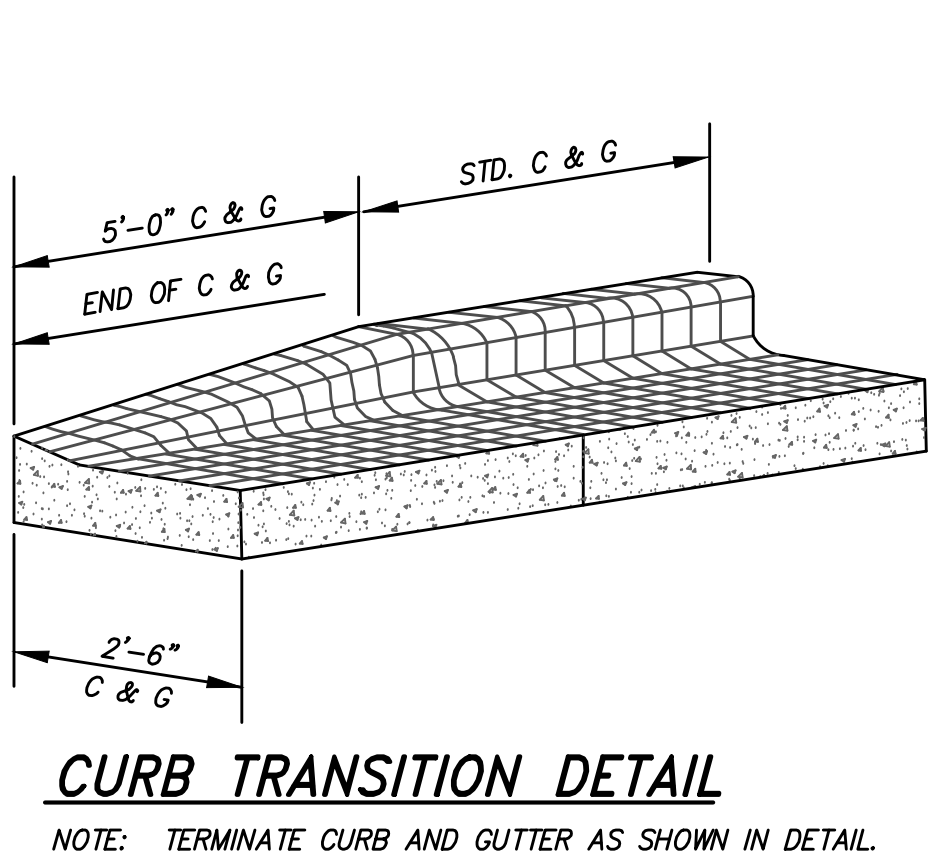


- NOTES**
1. DOMES SHALL BE ALIGNED ON A SQUARE GRID IN THE PREDOMINANT DIRECTION OF TRAVEL TO PERMIT WHEELS TO ROLL BETWEEN DOMES.
 2. DETECTABLE WARNING MAT SHALL BE ADA COMPLIANT AND SHALL CONSIST OF MATS WITH ADHESIVE ATTACHMENT, YELLOW IN COLOR, AND SHALL BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS.
 3. DETECTABLE WARNING DOMES SHALL BE ORIENTED PERPENDICULAR TO THE DIRECTION OF TRAVEL.

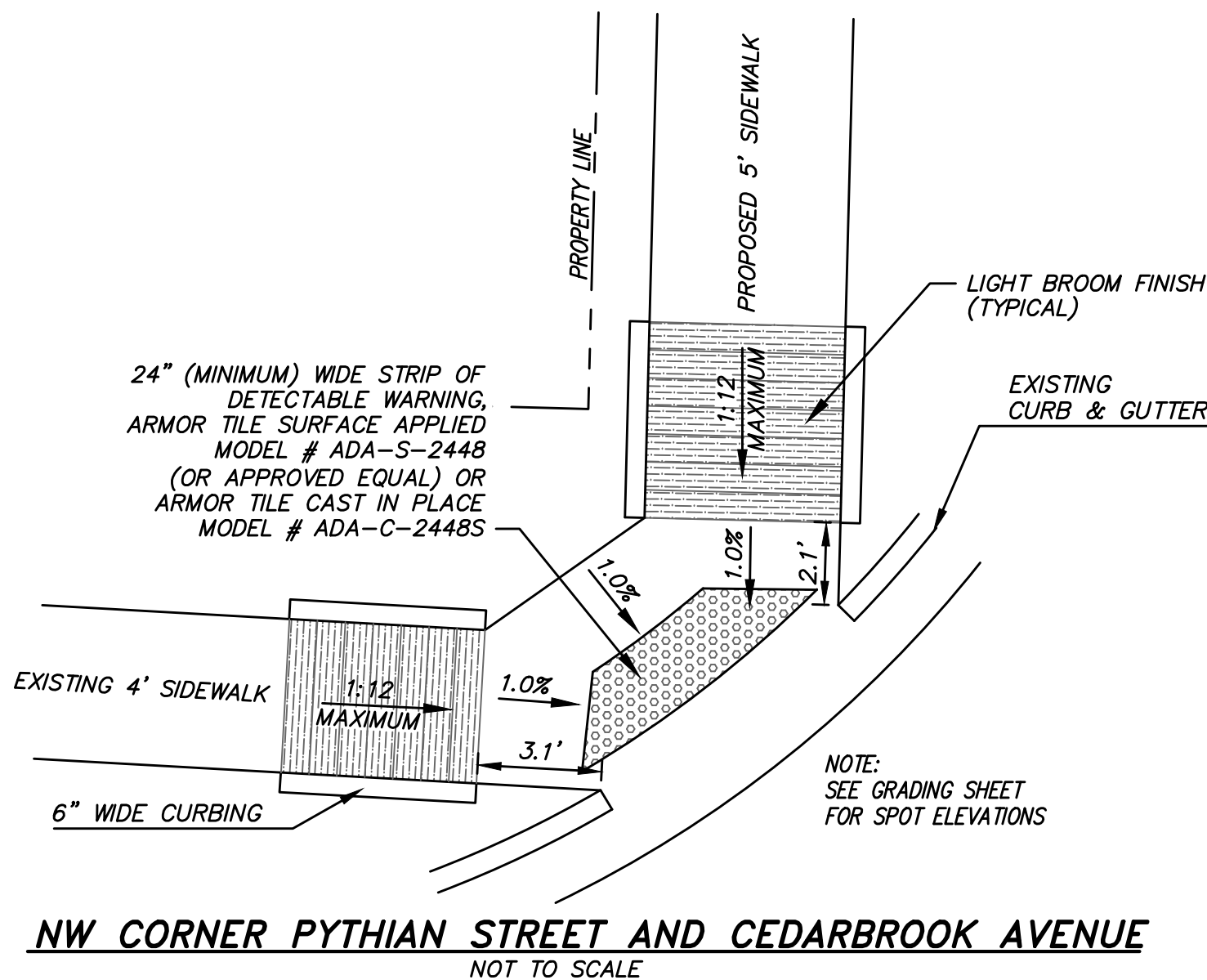
TRUNCATED DOME SIZE AND SPACING
NO SCALE



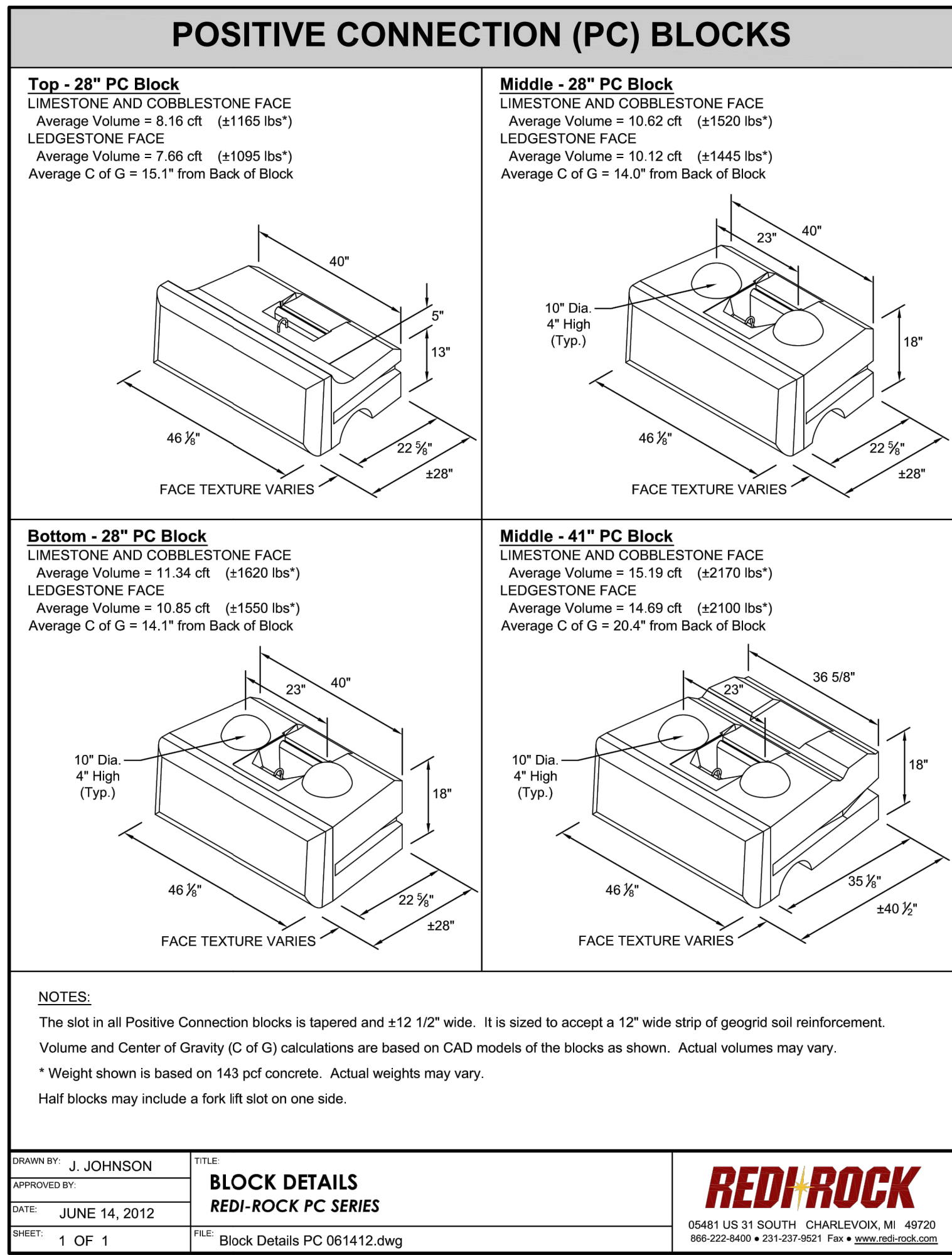
TYPICAL CURB AND GUTTER - CONCRETE
NOT TO SCALE



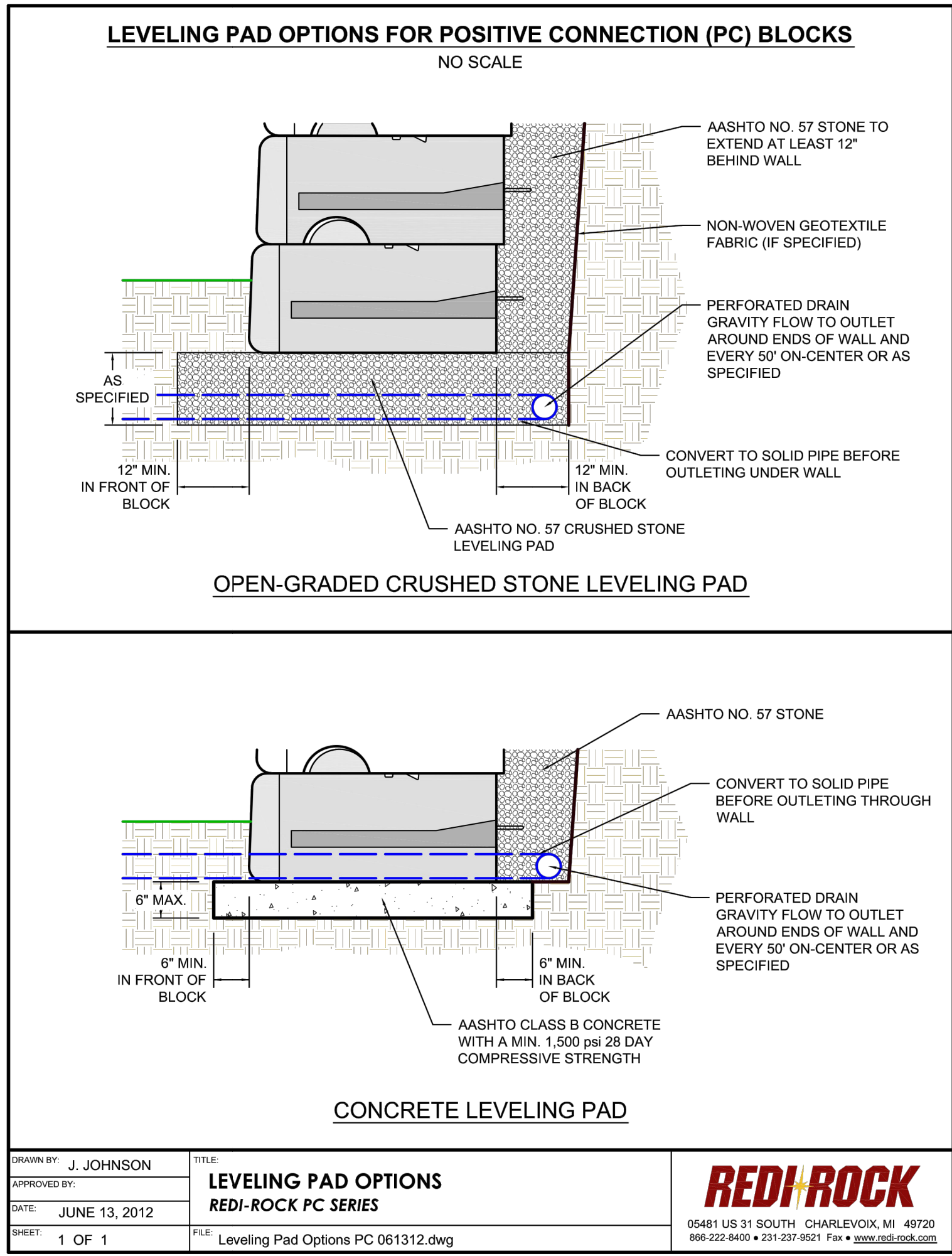
CURB TRANSITION DETAIL
NOTE: TERMINATE CURB AND GUTTER AS SHOWN IN DETAIL.



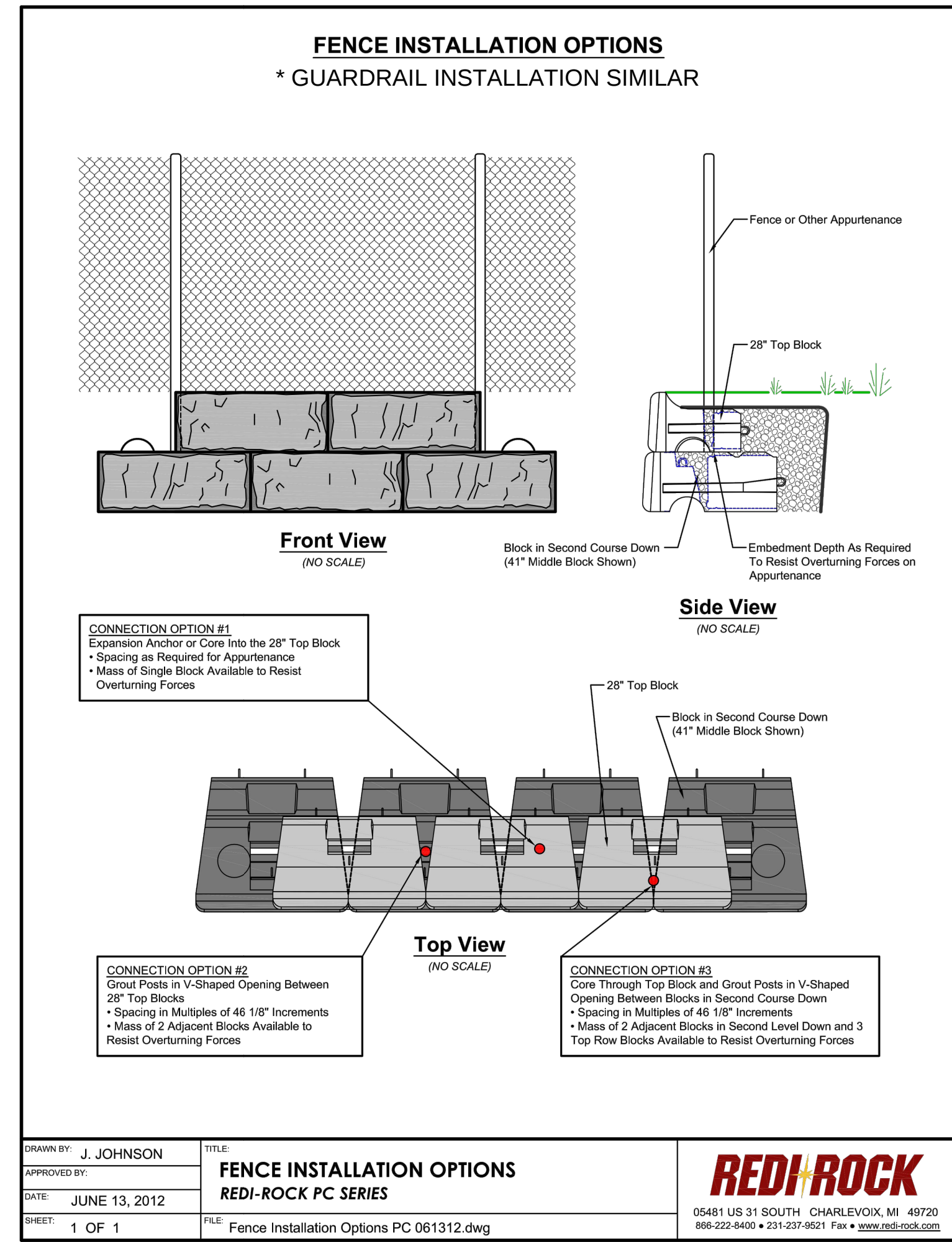
NW CORNER PYTHIAN STREET AND CEDARBROOK AVENUE
NOT TO SCALE



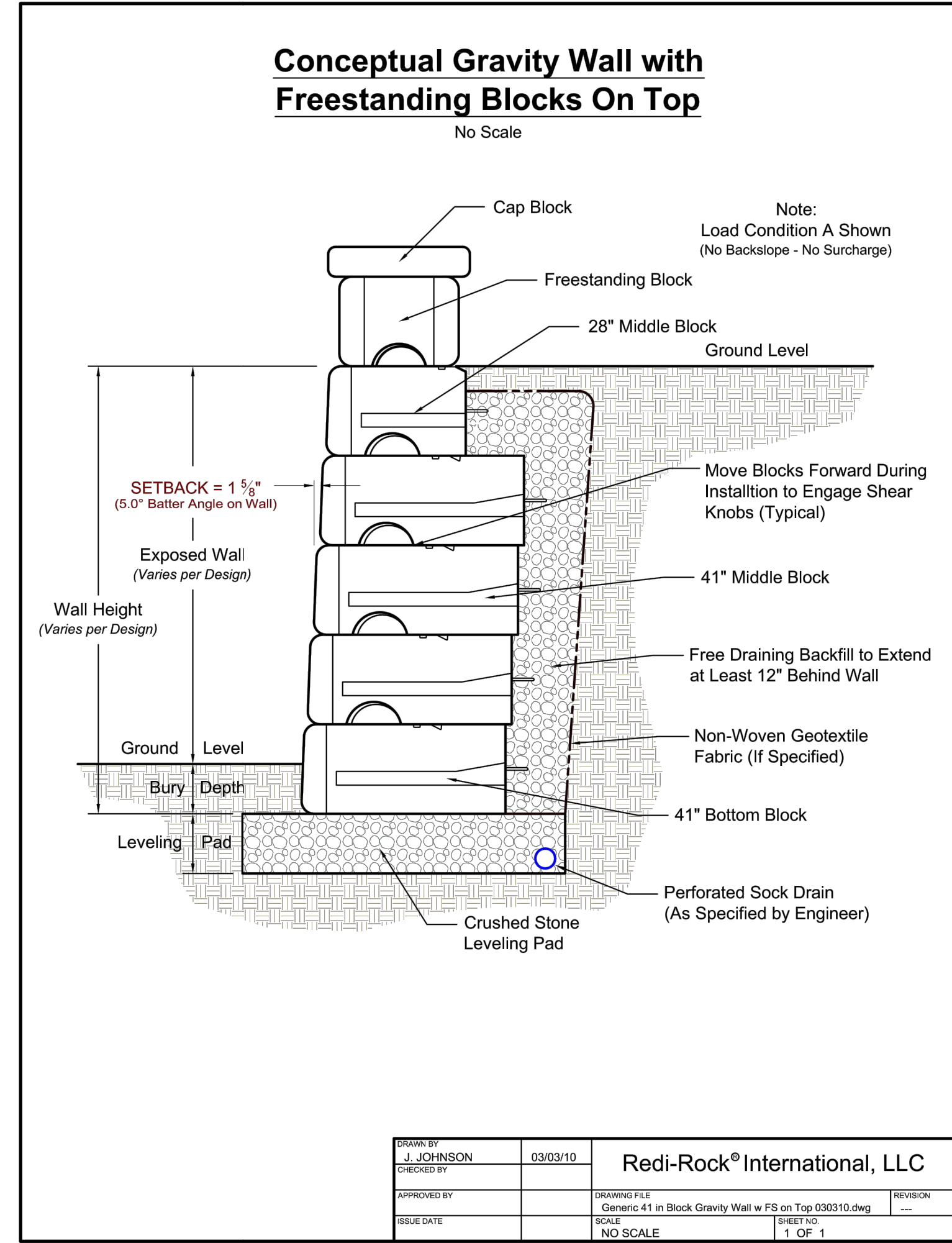
POSITIVE CONNECTION (PC) BLOCKS
BLOCK DETAILS
REDI-ROCK PC SERIES
061412.dwg



LEVELING PAD OPTIONS
REDI-ROCK PC SERIES
061312.dwg



FENCE INSTALLATION OPTIONS
REDI-ROCK PC SERIES
061312.dwg



CONCEPTUAL GRAVITY WALL WITH FREESTANDING BLOCKS ON TOP
REDI-ROCK® INTERNATIONAL, LLC
060310.dwg

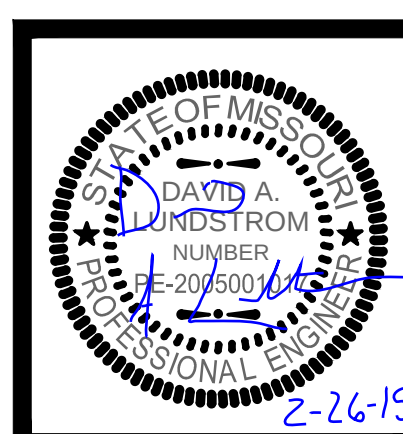
1736 E. Sunshine,
Suite 311
Springfield, Missouri
65804
Phone: (417) 883-2720
FAX: (417) 883-0161
MISSOURI STATE CERTIFICATE OF AUTHORIZATION NO. 000728

WOODFIELD PARK
A NEW APARTMENT COMPLEX BY
AFFORDABLE HOMES DEVELOPMENT, INC.
2737 EAST PYTHIAN
SPRINGFIELD, GREENE COUNTY, MISSOURI

date
23 FEB 2015
revised

drawn
JWH
checked
DAL
comm.
no.

sheet
C8 of 8



Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611

840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING VARIANCE NUMBER V-567

EXHIBIT C

DATE: March 26, 2015

PURPOSE: To allow a retaining wall in the required rear yard to exceed the maximum height limitation of two-and-one-half (2 ½) feet within an R-MD, Medium Density Multi-Family Residential District.

BACKGROUND:

LOCATION: 2737 East Pythian Street

APPLICANT: Presbyterian Children's Home and Services

BOARD'S AUTHORITY: Subsection 3-3500

FINDINGS:

1. Subsection 5-1305.A of the Zoning Ordinance restricts the height of retaining walls or solid masonry walls to a maximum of two-and-one-half (2 ½) feet in any required yard.
2. The proposed retaining wall is needed because of the topography of the lot. The proposed wall is not expected to negatively impact surrounding properties or the safety on the adjacent roadway.

STAFF CONTACT PERSON:

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

ZONING VARIANCE NO. V-567
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
- 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
- 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
- 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
- E. The alleged hardship has not been created by any person presently having an interest in the property; and
- 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
- 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
- H. The variance, if granted, will not alter the essential character of the neighborhood, and
- I. The variance requested is consistent with the purposes and intent of this Article and the *Springfield Comprehensive Plan*.

Applicant's Response to Standards:

The primary purpose of this proposed variance is to maintain ADA accessibility between the proposed buildings to be located on the site. A portion of the units will be inhabited by those with physical handicaps which require ADA accessibility between the buildings.

Due to the existing topography along the west side of the property, and more significantly heading north along the west property line, the existing grades fall away significantly from what is needed to provide full ADA accessibility between the two proposed buildings on the site.

The adjacent property to the west, while currently zoned R-SF, Single Family Residential, is actually owned and maintained by the Springfield Parks Department. The variance would not be detrimental to the adjoining property.

If this variance is granted, the retaining wall will provide either a fence or railing near the top of the wall to provide a level of safety as fall protection.

EXHIBIT E
BACKGROUND REPORT
ZONING VARIANCE NO. V-567

APPLICANT'S PROPOSAL:

The applicant is requesting a variance to Subsection 5-1305.A of the Zoning Ordinance that sets out the maximum height for a retaining wall in a required yard. If granted, the variance would allow a retaining wall to exceed the maximum height permitted within the required rear yard. The retaining wall will range in height from one-and-one-half (1½) feet to a little over ten (10) feet within the required rear yard along the west property line.

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:

5-1305. A. In all yards.

5. Any retaining wall or solid masonry wall up to two-and-one-half (2-1/2) feet high shall be permitted in any required yard.

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.

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.

ADJACENT PROPERTY OWNER COMMENTS:

Seven (7) property owners are within 185 feet of this site and have been notified of this request. Staff has not received any comments or questions regarding this application.

STAFF COMMENTS:

1. The applicant is requesting a variance to permit a retaining wall in the required rear yard along the west property line that exceeds the maximum height permitted. Section 5-1305.A. of the *Zoning Ordinance* states that the maximum height for a retaining wall in any required yard is two-and-one-half (2 ½) feet. The northwest corner of the site falls off sharply into what will become a regional detention basin for the City. The slope works well for the detention; however it poses a problem when trying to provide handicapped accessibility throughout the site. The primary purpose of the variance is to maintain ADA accessibility between the proposed buildings to be located on the site. A portion of the units will be inhabited by those with physical handicaps which require ADA accessibility between the buildings. The proposed retaining wall begin approximately one-hundred-fifty (150) feet north of Pythian Street and will run approximately two-hundred-twenty-three (223) feet north and will range in height from one-and one-half (1 ½) feet to a little over ten (10) feet at the tallest point and then taper back down to one-and-one-half (1 ½) feet at the north end. The wall will be a block wall with handrails or fencing along the top for safety.
2. At the south end of the wall the face of the wall is setback approximately eight (8) feet from the property line and at the north end of the wall the face of the wall is setback approximately thirteen-and-one-half (13 ½) feet from the property line. At its tallest point the retaining wall is setback approximately eleven-and-one-half (11 ½) feet. The retaining wall is not expected to have any impact on sight or safety along the adjacent roadway or visually with adjacent properties.
3. The adjacent property to the west is owned by the Springfield Park Board and the property immediately west of the proposed retaining wall is used for maintenance equipment. The Parks Department does not have any objections to the requested variance (Exhibit H). Staff believes this application meets the Standards for Variances.



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):

Attached - Exhibit A

This property is located at 2737 E Pythian St

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: _____

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: Attached - Exhibit B
- B. List the existing zoning district classification of the property: Attached - Exhibit B
- 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: Attached - Exhibit B
- D. List the particular hardship which would result if the specified provisions or requirements were to be applied to this property: Attached - Exhibit B
- 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: Attached - Exhibit B
- 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) Robert Giegling

(please print)

If corporation: Corporate official: Presbyterian Children's Home + Series

(please print)

Mailing Address: 1220 N Lindbergh

Telephone Number: 314-989-9727 Fax number: 314-989-9709

E-mail: robert.giegling@pchh.org

PROPERTY OWNER'S SIGNATURE:.

Robert Giegling

APPLICANT'S NAME (If different than owner):

Name of Applicant: _____

(please print)

If corporation: Corporate Official: _____

(please print name and title)

(Corporate Seal)

Mailing address: _____ Zip code: _____

Telephone number: _____ Fax number: _____

E-mail: _____

APPLICANT'S SIGNATURE (If different than owner):

Eric D. Amelunson

(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

7/11/2012

- 
- A. Zoning Ordinance limits the height of a retaining wall to 30" if located within the setback adjacent to a single family zoning area. It is important to note that the adjacent property, although zoned single family, is owned by the park board and is used for the maintenance equipment. Miles Park, Assistant Director of Parks, has indicated in the attached email (Exhibit C) that the Parks Department has no objections to this wall.
 - B. R-MD: Medium Density Multi-Family Residential
 - C. The northwest corner of the site falls off sharply in to the city's proposed regional detention basin. (We have agreed to give the city and easement to this area for that purpose) Although the sharp slope works well for the cities detention, it poses a problem for our need to provide handicapped accessibility throughout the site.

The Arc of the Ozarks, a local agency that serves handicapped individuals in our community, will be making referrals to this development. Building a retaining wall that culminates in a height of about 10 feet at the northwest corner, allows us to fill in that portion of the site so we can adjust the grades to meet our accessibility requirements.

- D. By building a retaining wall along the west boundary of the site, we can add enough fill in the northwest corner of building pad "B" to raise the grade enough to meet our accessibility requirements. If we do not fill in the lower part of the site, we cannot maintain accessibility throughout the site.
- E. Because the land drops off sharply at the Northwest corner, it is necessary for us to build the land up in the Northwest quadrant and to do that we will need to construct a retaining wall. Within the setback area, the planned wall will begin approximately 150 feet from Pythian Street right-a-way and extend 223. It will gradually increase in height as it runs north. The highest point will be at about the 190 foot point along the wall, where we expect the wall to be about 10 feet tall before it begins to taper down to existing grade and ends at the 223 foot point.
- F. The primary purpose of this proposed variance is to maintain ADA accessibility between the proposed buildings to be located on the site. A portion of the units will be inhabited by those with physical handicaps which require ADA accessibility between the buildings.

Due to the existing topography along the west side of the property, and more significantly heading north along the west property line, the existing grades fall away significantly from what is needed to provide full ADA accessibility between the two proposed buildings on the site.

The adjacent property to the west, while currently zoned R-SF (Single Family Residential), is actually owned and maintained by the Springfield Parks Department. This variance would not be detrimental to the adjoining property.

If this variance is granted, the retaining wall will provide either a fence or railing near the top of the wall to provide a level of safety as fall protection.

EXHIBIT G
Property Description

Parcel 1:

All of Lot Six (6) in SHADY DELL HILLS, a subdivision in the City of Springfield, Greene County, Missouri. ALSO: Beginning at a point 995 feet East and 30 feet North of the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Sixteen (16), Township Twenty-nine (29) North, Range Twenty-one (21) West, said point being on the North line of Pythian Street; thence East along the North line of Pythian Street, a distance of 273 feet to the West line of Cedar Brook Avenue; thence North along the West line of Cedar Brook Avenue, a distance of 202 feet, thence West a distance of 273 feet; thence South a distance of 202 feet to the point of beginning, being a part of tract shown as "For Future Platting" in SHADY DELL HILLS, a subdivision in the City of Springfield, Greene County, Missouri.

Parcel 2:

ALSO: Beginning at a point 935 feet East and 30 feet North of the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter of Section Sixteen (16), Township Twenty-nine (29) North, Range Twenty-one (21) West, said point being on the North line of Pythian Street, thence East along the North line of Pythian Street, a distance of 60 feet, thence North a distance of 202 feet; thence West a distance of 60 feet thence South a distance of 202 feet to the point of beginning, being a part of tract shown as "For Future Platting" in SHADY DELL HILLS, a subdivision in the City of Springfield, Greene County, Missouri.

Parcel 3:

ALSO: Beginning at a point 935 feet East and 232 feet North of the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Sixteen (16), Township Twenty-nine (29) North, Range Twenty-one (21) West; thence East and parallel to the North line of Pythian Street, a distance of 183 feet to the Southwest corner of Lot Six (6) in SHADY DELL HILLS; thence North a distance of 412.94 feet to the Northwest corner of Lot One (1) in SHADY DELL HILLS; thence West a distance of 183 feet to a point of 412.19 feet North of the point of beginning; thence South 412.19 feet to the point of beginning, being a part of tract shown as "For Future Platting" in SHADY DELL HILLS, a subdivision in the City of Springfield, Greene County, Missouri.

Tract 1:

ALL BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION SIXTEEN (16), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), IN GREENE COUNTY, MISSOURI; THENCE EAST ALONG SAID QUARTER SECTION LINE, 772 FEET FOR A NEW BEGINNING POINT; THENCE EAST 163 FEET; THENCE NORTH 588 FEET; THENCE WEST 163 FEET; THENCE SOUTH 588 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART DEEDED, TAKEN, OR USED FOR ROAD, STREET, OR HIGHWAY PURPOSES.

Marie Carmichael

From: Marie Carmichael <mjc@carmichaelneal.com>
Sent: Monday, March 16, 2015 3:48 PM
To: 'Park, Miles'; dlundstrom@greatriv.com
Subject: RE: Retaining wall

Miles,

Thanks so much for your prompt and positive reply. I am forwarding this email chain to our engineer to address your surface water concerns. David, would you please respond to Miles concerns and make any alterations in the plan that are necessary.

Thanks again,
Marie Carmichael

From: Park, Miles [<mailto:MPark@springfieldmo.gov>]
Sent: Monday, March 16, 2015 2:41 PM
To: 'mjc@carmichaelneal.com'
Cc: Belote, Bob; Smith, Mary Lilly; Wagner, Todd
Subject: FW: Retaining wall

Marie,

Thank you for forwarding the site plans of the proposed housing development. We have no objections to the construction of a retaining wall along the west side of your project site. Given the existing topography of your project site, we understand the need for such a wall in order to provide accessibility throughout the housing development. However, I would request that the retaining wall be extended to the south of our maintenance building, or address the proposed grading in this particular area as to avoid sheeting surface water towards the maintenance building.

Director of Parks, Bob Belote, and I are both familiar with the proposed development and have been working with our colleagues in Planning and Stormwater to develop a plan to increase storm water detention capacity within the Cooper Park site which would function to partially mitigate flooding issues that our immediate neighbors to the south of Pythian experience from time to time. Although the proposed stormwater improvements within Cooper Park site will help to address flooding issues, still, our neighbors are somewhat averse to change. It would therefore be of advantage to address the minimum setback requirements via a variance rather than pursuing rezoning the Cooper Park site. Parks is supportive of addressing the minimum setback requirement via a variance rather than pursuing rezoning the Cooper Park site.

Please feel free to call me at my direct line 864-1326 if you have any questions.

Thank you,
Miles Park

From: Marie Carmichael [<mailto:mjc@carmichaelneal.com>]
Sent: Monday, March 16, 2015 11:36 AM
To: Park, Miles
Subject: Retaining wall

Miles,

Thanks for taking the time to discuss with me the need for a retaining wall within the setback of our property that is located immediately to the East of and adjacent to Park Board property on Pythian. As we discussed, we are developing

the land into a multi-family affordable housing development. As I mentioned, our land falls off sharply as it runs north from Pythian along the boundary with the Park Department property. Since we will have a number of handicapped residents living at this property, it is necessary for us to maintain accessibility throughout the development. Because the land drops off sharply at the Northwest corner, to maintain accessibility it is necessary for us to build the land up in the Northwest quadrant. To do that, we will need to construct a retaining wall within the setback area. The planned wall will begin approximately 150 feet from the Pythian street right-a-way and extend north for 223 feet. It will gradually increase in height as it runs North. The highest point will be at about the 190 foot point along the wall, where we expect the wall to be about 10 feet tall before it begins to taper down to existing grade and ends at the 223 foot point. Please see the attached drawings provided by our architect. Because the City ordinance does not allow for the wall within the setback, we are requesting a variance from the City's Board of Adjustments.

Please let me know if the Park Department has any objections to the wall. I can be reached at 8865-3321 if you would like to discuss this further. Thanks so much for your consideration.

Sincerely,
Marie Carmichael
Affordable Homes Development, Inc.