



Springfield Board of Adjustment

City Council Chambers (830 Boonville)

Date: January 8th, 2019

Time: 1:30 p.m.

MEMBERS: Matt Cologna, (Chair), Robert Sweere (Vice-Chair), Ed Alden, Derek Lee, Bryan Fisher, Shelby Lawhon, and Steve Jackson.

1. ROLL CALL:
2. Introduction Of Zoning Ordinance As Evidence:
3. Approval Of Minutes:
 - 3.I. December 4th, 2018

Documents:

[BOA MINUTES 12-4-2018.PDF](#)
4. Communications:
5. Unfinished Business:
6. Public Hearings:
7. Special Exception 1303
1640 South Charing Avenue, Scott Roberts
- Documents:

[SPECIAL EXCEPTION 1303 SR.PDF](#)
8. Other Business:
9. Adjourn:

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.

MINUTES OF THE BOARD OF ADJUSTMENT

DATE: December 4, 2018

TIME: 1:30 p.m.

The regular meeting and public hearing of the Board of Adjustment was held on the above date and time in City Council Chamber, Historic City Hall with the following members and personnel in attendance: Robert Sweere (Vice-Chair), Bryan Fisher, Ed Alden, Derek Lee, and Steven Jackson. Absent: Matt Cologna (Chair) and Shelby Lawhon. Staff: Daniel Neal, Senior Planner, Harlan Hill, Building and Development Director, Tom Rykowski, Assistant Attorney, Duke McDonald, Assistant Attorney, and Bob Hosmer, Principal Planner.

Roll call:

INTRODUCTION OF ZONING ORDINANCE AS EVIDENCE : Daniel Neal introduced the Zoning Ordinance.

APPROVAL OF MINUTES: The minutes of November 6, 2018 were approved.

COMMUNICATIONS: None

PUBLIC HEARING:

Special Exception 1303
1640 South Charing Avenue

Applicant: Scott Roberts

Daniel Neal stated that this case will need to be tabled until January 8, 2019 meeting.

Motion to **TABLE** Special Exception 1303 (1640 South Charing Avenue) to the January 8, 2019 meeting. The motion carried as follows: Ayes: Sweere, Lee, Alden, Fisher, and Jackson. Nays: None. Abstain: None. Absent: Cologna and Lawhon.

Variance 575

1930 East Kearney Street

Applicant: Glen-Kearney Development, LLC

Derek Lee recused himself.

Mr. Daniel Neal stated that this is a request for a variance from Section 36-422(5)(a) of the Zoning Ordinance to allow structures to exceed the 30-degree bulk plane/height requirements. The applicant, Glen-Kearney Development, LLC, is proposing to build a BigShots Golf driving range/eating and drinking establishment at 1930 & 1950 E. Kearney Street and 1903 & 1941 E. Turner Street which is currently zoned HC, Highway Commercial District. They are requesting a variance from Zoning Ordinance section 36-422(5)(a) Maximum structure height: None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF, Single-Family Residential or R-TH, Residential Townhouse districts. A structure is defined in the Zoning Ordinance as anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without... fences... or any similar item. The bulk plane defines the relationship of the height of the structure and the structures setback. This variance is not consistent with the Zoning Ordinance. The nearest pole and netting to the R-SF District boundary to the south is proposed to be 113 feet tall. The current 30-degree bulk plane would only allow this fence to be 65 feet tall.

There are 10, possibly 12 poles that would not meet the 30-degree bulk plane. There are poles at the end of the driving range that may also not meet the standard.

The bulk plane/height requirements have been in effect since the city revised its Zoning Ordinance in 1995.

Although, staff believes that this is a new concept to combine eating and drinking establishments and golf driving ranges; these uses independently are not unique to the City of Springfield. There are other similar businesses in the City of Springfield where golf driving ranges are near or adjacent to R-SF property. For example, the Horton Smith Golf Course at 2409 S. Scenic Avenue has an existing driving range with netting and poles that meet bulk plane/height requirements because they are located more than 1,000 feet away from another R-SF District. The Bill and Payne Stewart Golf Course and Hickory Hills Country Club have driving ranges without netting or poles because it is internal to the golf course. There was a golf driving range located a Cherry and US Highway 65 that closed in 2005 (Golfland) that had netting and poles and were over 300 feet from the nearest R-SF District (across from US Highway 65).

The Growth Management and Land Use Plan of the Comprehensive Plan states that protection of our existing residential neighborhoods is a prime concern. It is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. This objective does not mean that non-residential land uses are automatically inappropriate in residential areas; it means that design and location criteria must take into account the existing residential areas. Where commercial areas are concentrated they should be sited and designed to have a minimal effect on adjacent lower-intensity development, and the environment. The Growth Management and Land Use Plan of the Comprehensive Plan also states that new development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space. Landscaped transitions should be used between sharply differing types of land use. Encourage the effective use of location, design and landscaping of commercial uses to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses.

If the variance is approved; the proposed poles and netting that exceed the 30-degree bulk plane requirements will be permitted as shown on the proposed site plan. The board of adjustment may impose such conditions and restrictions upon the premises benefitted 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. Staff would encourage the Board to require additional plantings that, when mature, will buffer the proposed fences from the adjacent single family uses to the south.

If the variance is denied; the applicant must design the site to comply with all applicable Zoning Ordinance requirements which includes the 30-degree bulk plane requirements.

Mr. Alden asked about the approval of the landscaping for the bufferzone.

Mr. Hosmer stated that they can impose certain landscaping requirements.

Robert Sweere opened the public hearing.

Mr. Tim O'Reilly, 4045 E. Sunshine Street, managing member. I feel that this is a very important development for the northside and BigShots is a big modern golf entertainment for mid-size cities and will include golf driving ranges, restaurant, golf academy, and outside activities for people. The netting is very transparent and for light usage and very little impact and meets 100% of the rezoning requirements except for the bulk plane requirements. The proposed will not impair an adequate supply of light and air to adjacent properties or increase traffic in the area. The adjacent restaurant (Royal

Grill) does have 5 more years on their lease, with rights to the tenant and does not want to move, so we cannot orient the facility in a different direction to address the bulkplane hardship and feel that that this development is critical for the northside of Springfield. This development will not add any traffic to the neighborhood to the east and will have an abundance of green space.

Mr. Fisher asked how tall the trees on the eastern side of the property are and if adding trees would be a problem.

Mr. O'Reilly stated that they are 50' to 80' tall and would not have a problem with adding additional trees.

Mr. Robert Sweere questioned the lighting and possible problems that may occur.

Mr. Gary Wilson, 2032 E. Kearney Street owns two properties within the 185'. Questioned setbacks, pole height and netting, noting that the current property being vacant (K-Mart) has problems with transients and crime and would like to see this project happen for its growth and improvements on the north side.

Mr. Stan Crowell, 1944 and 1948 E. Turner states that this area has a homeless problem and has light concerns and questions the height of the poles and believes that it should be in a different location. However, anything would be better than the homeless problem in that area.

Ms. Kelly Comstock, 2248 N. Link Avenue has concerns regarding the lighting, traffic (Loren Cook Company) and decreasing property values for the approximate 50 homes in the area. She also noted that she is an avid golfer and stated that two other driving ranges have went out of business within the last two years.

Mr. Gene Baker 545 W. Swan Street opposes the project due to traffic, lighting and decreasing property values.

Various conversations regarding light bleed (lumens) and Mr. O'Reilly conferred with the engineers noting that lighting can be contained in the driving range area only.

Robert Sweere closed the public hearing.

BOA member findings: Robert Sweere originally approved with a condition of 0 (zero) lumens of light extending past southern and eastern boundaries of property.

Bryan Fisher originally approved with a request that applicant plant trees in greenspace between the poles and the single-family residences.

After discussion with staff, the board members decided that their conditions were generally covered by existing regulations in the Zoning Ordinance and chose to approve without any conditions.

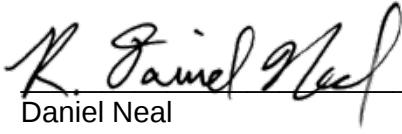
Motion to **approve** Variance 575 with No Conditions (1930 East Kearney Street). The motion carried as follows: Ayes: Sweere, Alden, Fisher, and Jackson. Nays: None. Abstain: None. Absent: Cologne and Lawhon. Derek Lee recused himself.

UNFINISHED BUSINESS: None

OTHER BUSINESS:

Election of Officers for 2019

Motion to **approve** Matt Cologna as Chair and Robert Sweere as Vice-Chair. The motion carried as follows: Ayes: Sweere, Alden, Fisher, and Jackson. Nays: None. Abstain: None. Absent: Cologna and Lawhon.

A handwritten signature in black ink, appearing to read "Daniel Neal", written over a horizontal line.

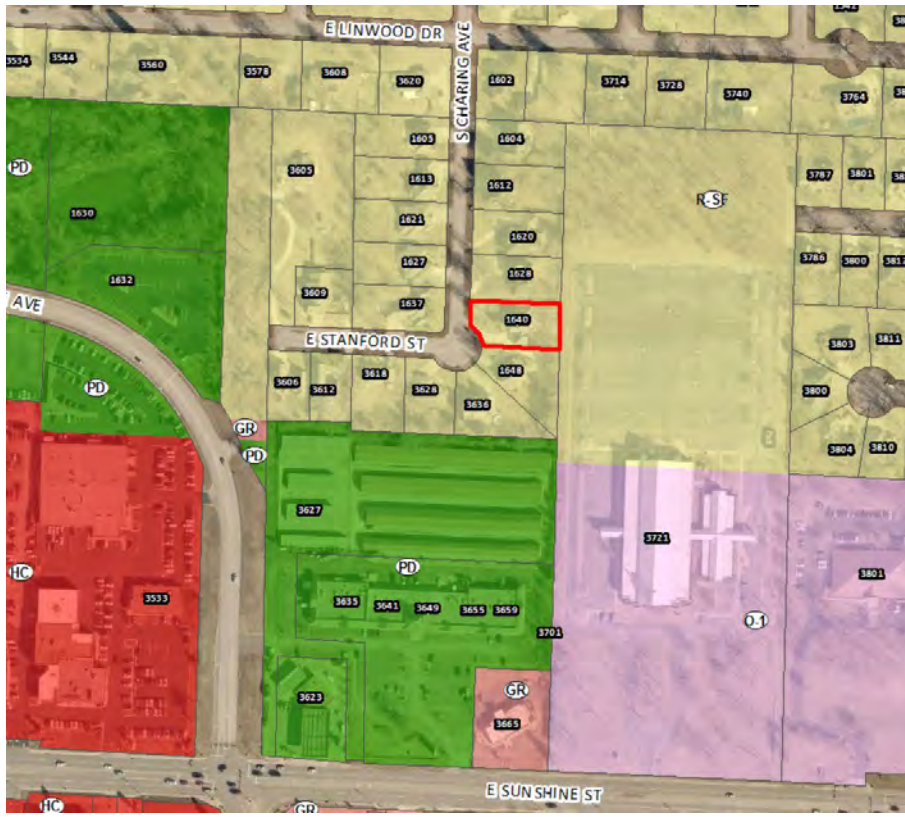
Daniel Neal
For Executive Secretary

Development Review Staff Report



BOARD OF ADJUSTMENT PUBLIC HEARING:

JANUARY 8, 2019



CASE NUMBER:

Special Exception 1303

LOCATION:

1640 S. Charing Avenue

ACRES:

0.38 acre

EXISTING LAND USE:

Single-family residential uses

APPLICANT:

Scott Roberts

STAFF:

Daniel Neal, 864-1036

SUMMARY OF SPECIAL EXCEPTION:

Request to allow an accessory building to exceed the height requirements in the R-SF, Single-Family Residential District as prescribed in the Zoning Ordinance.

STAFF FINDINGS:

1. In this special exception, the Board of Adjustment has jurisdiction and authority to grant special exceptions from the terms of this article in certain instances. In this case, the Board of Adjustment must determine whether the height of the accessory building, which exceeds the requirements, meets the conditions to grant a special exception.
2. The applicant is requesting a special exception to allow a partially constructed garage to be finished with a 20-foot-high gabled roof. This would allow the partially constructed garage to exceed the height requirement of 16 feet by an additional 4 feet. The height of a gabled roof is measured to the mean height level between eaves and ridge. It would also allow a 12 x 12 gabled roof as designed. The applicant has provided photos of the partially constructed building.
3. The issue with the partially constructed accessory structure was discovered when an anonymous service request was filed on August 16, 2018 for a structure being constructed in the front yard without a building permit. A structure under 100 square feet does not require a building permit so that service request was closed; however, while visiting the property for the service request the building inspector noticed that an accessory structure was being constructed in the rear yard without a building permit. When the owner was notified of this violation, they proceeded to obtain permits and discovered the issues with the encroachment into the utility easement, lack of legal access to the accessory building/garage and accessory building height restrictions. The owner/applicant filed for a board of adjustment special exception on October 5, 2018 but failed to submit necessary paperwork for a complete application until December. The owner has since come to terms with the utility providers and cross access to the accessory building. The accessory building/garage building permit approval is based upon the decision by the Board of Adjustment regarding the special exception.
4. The partially constructed accessory building garage is 20 feet at its peak while the existing house is approximately 37 feet tall. The partially constructed accessory building is on a higher grade than the existing house/residence. The applicant approximates that it is approximately 4 feet higher than the existing grade of the house.

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5. Building Development Services has reviewed the application and is in substantial support of the application. The applicant has complied with encroachment requirements for the utility easement and provided cross-access to the partially constructed garage as required by BDS. It appears all requirements of Subsection 36-366(1)(e) have been met.
6. The applicant has submitted a site plan specific to the accessory building, existing site photos and neighborhood building character photos. They are attached as Exhibit 2.
7. If the special exception is approved; the partially constructed accessory building is allowed to be permitted with a roof that is no greater than feet in roof height.
8. If this special exception is denied; the applicant must comply with the ordinance and modify the partially constructed accessory structure to meet the height requirement of 16 feet.

APPLICANTS RESPONSES TO STANDARDS

36-366 (1) (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:	Applicant Response:
1. The proposed accessory structure shall not be within the front yard.	The partially constructed accessory building is not located in the front yard.
2. The proposed accessory structure shall be setback as required by subsection 36-450(5), unless a greater setback is required by subsection 36-482(11). The board of adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.	The partially constructed accessory building meets the setback requirements of 3 feet from a rear or side property line; however, it encroaches into the 9-foot utility easement.
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.	The physical surroundings of the property dictate that the pitch of the proposed roof match our home and the neighboring homes. Mere compliance to the sixteen (16) foot limit would result in a structure that will not match these homes. It makes more sense here to permit the height and pitch. The slope of the lot, location of the garage, tree line, and proximity to the bordering church parking lot make this application unique. This is not a situation in which a garage is being built on flat ground next to another home with no natural surrounding vegetation. We intend the structure be compatible with our own home and neighboring homes. This is not a structure that is merely built for the sake of speed and low cost, with little or no thought to the neighborhood. Also, the architecture for our home is Queen Anne Victorian. Vintage Queen Anne Victorian homes have many times had carriage houses as accessory structures. We have intended to build according to this style, that is, to have an accessory structure that matches our home.

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4. The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.	We intend that this accessory structure be compatible with existing residences. See attached photos of the neighborhood.
5. The proposed accessory structure otherwise conforms to all other applicable requirements of this article including section 36-450, accessory uses and structures.	The partially constructed accessory building appears to meet all other requirements of Section 36-450.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Single-family residential uses	Single-family residential uses	Church uses	Single-family residential uses

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SURROUNDING LAND USES (AERIAL VIEW):



STREET VIEW:



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BOARD OF ADJUSTMENT ORDINANCE AUTHORIZATION:

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

Sec. 36-366. - Special exceptions.

- (1) *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 subsection 36-450(5), unless a greater setback is required by subsection 36-482(11). 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 36-450, 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.

Sec. 36-351. - Board of adjustment.

In considering and deciding appeals and applications for variances and special exceptions, the board acts in a quasi-judicial capacity.

(4) Conduct of hearings by board of adjustment. Public hearings conducted by the board of adjustment on any matter over which it has jurisdiction shall be subject to the following rules.

(a) Any person, or his agent, who has an interest in the subject matter of the hearing shall be afforded an opportunity to present evidence, exhibits and argument, and to question, through the chairman of the board of adjustment, witnesses on all relevant issues, subject to the chairman's imposition of reasonable limitations on the number of witnesses, and the nature and length of testimony and questioning.

(b) All testimony at the hearing shall be under oath, or by affirmation, administered by the chairman.

(c) The board of adjustment shall have a written record of each public hearing and the deliberations of the board kept.

(d) Members of the board of adjustment shall base their consideration of matters on which the board conducts a public hearing upon the following information and evidence:

1. Testimony, exhibits, and argument presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;

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2. Reports, memoranda and other materials prepared by the director of planning and development, director of building development services, director of public works, other employees of the City of Springfield or consultants in connection with the application and made a part of the record at the time of hearing; and

3. Inspections of the site when all interested parties or their representatives have the opportunity to be present, or when no such parties or their representatives are present.

(e) The board of adjustment shall adopt, and may from time to time amend, such additional procedural rules as it may deem necessary or desirable for the efficient and orderly conduct of its business. Copies of such rules shall be available in the office of the director of building development services.

(5) Required vote. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official of the city, or to decide in favor of the applicant on any matter upon which it is required to act under this article, such as granting a variance or allowing a special exception.

(6) Limitation on refiling. No appeal, request, or application to the board of adjustment shall be allowed with respect to the same parcel of land, building, or structure prior to the expiration of six months from the date of the ruling of the board unless a substantial change of circumstances or conditions can be demonstrated by the applicant.

(7) Recordation of orders of the board. Whenever the board of adjustment shall have acted upon an appeal, application for special exception, or variance the board shall cause its order granting or denying said appeal or application to be recorded in the land records of the county recorder of deeds, however, no order shall be recorded until the order has become final by the passage of 30 days from the date said order is filed in the department of planning and development without an action being filed in a court of competent jurisdiction challenging the issuance of said order or until a court of competent jurisdiction upholds said order if it is challenged within said 30-day period.

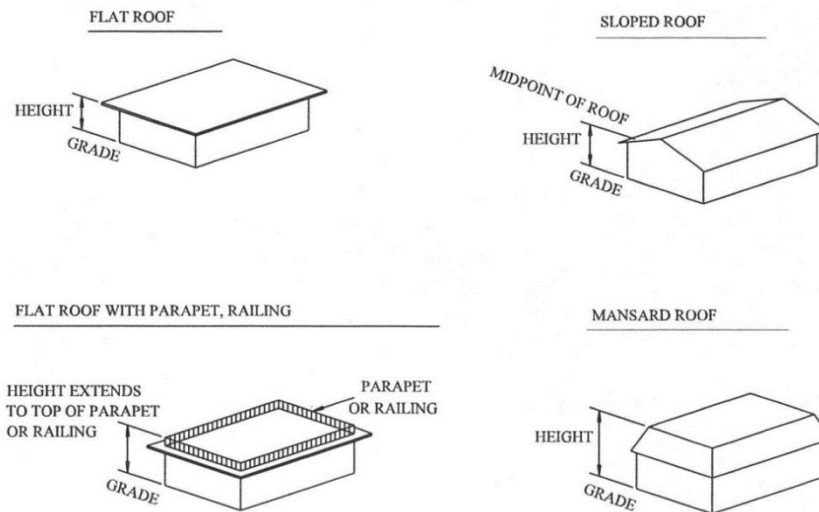
ZONING ORDINANCE SECTIONS SUBJECT TO THE SPECIAL EXCEPTION:

The following excerpts contain pertinent passages from the Zoning Ordinance:

Section 36-321. Definitions.

Height: The vertical distance of a structure measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, telecommunication towers, ornamental cupolas, domes, or spires, elevator bulk heads, penthouses, tanks, water towers, and parapet walls not exceeding four feet in height (Figure 2-5).

Figure 2-5



Height limit: The vertical distance measured from the average ground level at the base of a structure above which no part of any structure shall extend.

Sec. 36-450. - Accessory structures and uses.

- (1) *Purpose.* This section is designed to collect in one place the regulations with respect to accessory structures and uses and to list those common accessory structures and uses that are specifically allowed.
- (2) *Definition.* An accessory structure or use 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.
- (3) *Permitted accessory structures and uses.* Any structure or use that meets the definition in section 36-452 may be allowed as an accessory structure or use.
 - (a) Accessory structures include, but are not limited to, the following list of examples:
 1. Buildings or structures incidental to a principal structure, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
 2. Children's playhouses.
 3. Private swimming pools and bath houses.
 4. Guest houses or servant's quarters in any residential district or rooms for guests in an accessory structure provided such facilities:
 - a. Are used for the occasional housing of guests or servants of the occupants of the principal structure; and
 - b. Are not used as rental units or for permanent occupancy as housekeeping units; and
 - c. Are on a lot which exceeds 10,000 square feet in area.
 5. Greenhouses.
 6. Guard stations.
 7. Food lockers.

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(5) *Bulk, setback, and spacing regulations.* All accessory structures shall comply with the following regulations:

(a) *Residential districts.*

1. Minimum yard requirements, except clubhouses in subsection 36-450(5)(a)2.c. below:
 - a. *Rear and side:* Three 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.
 - b. *Front:* No accessory structure shall be permitted in any front yard unless it is permitted by section 36-453, supplemental open space and yard regulations.
 - c. On a corner lot, no accessory structure shall project beyond the front yard of adjacent lots to the rear of the corner lot.
2. Maximum structure height, except as permitted by subsection 36-366(1)(e):
 - a. The height limit for hip or gable roofs shall be 16 feet.
 - b. The height limit for flat, single slope or mansard roofs shall be 12 feet.
 - c. Clubhouses in a permitted multifamily development shall not exceed the height limit of any multi-family structure within the same development and also provided the clubhouse structure shall remain below a 45-degree bulk plane as measured from the boundary of any R-SF, single-family residential or R-TH, residential townhouse district.

COMPREHENSIVE PLAN:

The *Community Physical Image and Character Plan* element of the *Comprehensive Plan* developed goals to improve the visual appearance of the urban area and the *Growth Management and Land Use Plan* element encourages the protection of residential neighborhoods from adverse impacts of proposed development and inappropriate land use changes. New development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space.

PUBLIC NOTIFICATION:

The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 12 Returned: 0

DEPARTMENT COMMENTS

AT&T COMMENTS:

Approved with no comments.

BUILDING DEVELOPMENT SERVICES COMMENTS:

BDS in substantial support of Special Exception. Not sure that screening of parking area is readily applicable.

CITY UTILITIES:

Exception does not affect CU gas, water or electric facilities.

CLEAN WATER SERVICES COMMENTS:

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No impact on public sewer.

FIRE DEPARTMENT COMMENTS:

No issues with request.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed special exception.

STORMWATER COMMENTS:

Stormwater has no issues with proposed special exception.

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PROPERTY DESCRIPTION:

EXHIBIT 1
Special Exception 1303

All of Lot 8 of Eastwood Hills South, a subdivision in the City of Springfield, Greene County, Missouri



Application for Board of Adjustment Special Exception

E-PLANS INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

1. Pre-apply and, if needed, pay your processing fees online at this [LINK](#)
2. Wait for a "pre-screen complete" e-mail from the City of Springfield with instructions for e-plans review process.
3. Complete this application and upload a digital (pdf) copy through e-plans.

Office Use Only

Case No.	
Date Filed	
Received By	
Receipt No.	

Fee Amount Paid? \$ _____

*See Fee Schedule

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):

SEE ATTACHED DESCRIPTION

This property is located at: 1640 S. Charing Rd, Springfield MO 65809

This Special Exception is requested under the provisions of Section 36-366 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.

Property Owner's Information:

Name of current property owner: SCOTT A ROBERTS

If corporation: Corporate Official: _____

Mailing Address: 1640 S Charing Rd, SBF Zip Code: 65809

Telephone: 417-838-1717 Fax: _____ E-mail: sooner86mo@att.net

PROPERTY OWNER'S SIGNATURE: _____

(if corporation, need signature of one official)

Applicant's Information (if different than owner):

Name of Applicant: _____

If corporation: Corporate Official: _____

Mailing Address: _____ Zip Code: _____

Telephone: _____ Fax: _____ E-mail: _____

APPLICANT'S SIGNATURE: _____

(if corporation, need signature of one official)

***Fees are non-refundable**

CHECKLIST FOR BOARD OF ADJUSTMENT SPECIAL EXCEPTION

This checklist is designed to help you make sure that you submit everything that is required for a complete zoning special exception application and that you fill out the application form completely. Applications must be in the Development Review Office no later deadline day (see Processing Time Schedule). Applications received after the deadline will be processed for the following Board of Adjustment meeting. This application must be complete or it will be returned to the applicant and will not be placed on the agenda. Close attention to the checklist will help avoid a delay in your case being heard by the Board of Adjustment.

APPLICATION FORM:	
☒	Have you included the legal description of the land involved in the special exception? You may attach the description on a separate sheet.
☒	Have you listed the address of the property?
☒	Have you checked which type of special exception is being requested?
☒	Have you listed the name, address and telephone number of the applicant? If the applicant is not the owner of the property, please include evidence of the consent and authority to act for the owner.
☒	Has the applicant signed the application form? If the applicant is a corporation, have you put the corporate seal on the application?
APPLICATION FEE:	
☒	Have you determined your application fee from the Fee Schedule and entered it into the Fee Amount Paid box on page 1. (Fees are non-refundable) The application fee, recording fee, a mailing list fee can be paid when you submit the applicant on the City's Fee Payment site at this LINK .
SITE PLAN:	
☒	Include a copy of the site plan of the property? Attach a description of how this request will meet the requirements of Section 36-366 of the <i>Springfield Zoning Ordinance</i> .

ADDENDA TO THE APPLICATION FOR A BOARD OF ADJUSTMENT SPECIAL EXCEPTION (VARIANCE)

SUBMITTED ON BEHALF OF MR. AND MRS. SCOTT AND DEE TELTING

1640 SOUTH CHARING SPRINGFIELD, MISSOURI

LEGAL DESCRIPTION

Beginning at a point at the Southeast corner of Lot 8 of Eastwood Hills South subdivision, thence East 10 feet, thence running parallel along the east boundary line of Lot 8 to a point 10 feet East of the Northeast corner of Lot 8, thence West 10 feet to the Northeast corner of Lot 8, thence South to the Southeast corner of Lot 8 of Eastwood Hills South subdivision.

DESCRIPTION OF PROJECT

We reside at 1640 South Charing Springfield, Missouri. This residence is located in the Eastwood Hills South subdivision. This subdivision is east of U.S. Highway 65 and just north of East Sunshine Street. Most of the homes are located on South Charing. The subdivision turns to the west on East Stanford about one-half ($\frac{1}{2}$) block. There are fifteen (15) to twenty (20) homes located in the subdivision. Our home at 1640 is located on the east side of South Charing and where East Stanford connects with South Charing. The subdivision is about twenty-five (25) years old. The homeowners have over the years, almost without exception, kept their vegetation, particularly trees, in their yards.

Several lots in the subdivision have a slope. Our lot is one of those. Our lot is therefore highest at the back yard property line, which is the eastern boundary, and the lot slopes downhill to the street. The backyard is generally not visible to those who are not in the yard itself.

This eastern boundary line borders a parking lot owned and operated by the East Sunshine Church of Christ. There is a fairly thick stand of trees extending along the property line for all of the homes which are located on the east side of South Charing.

Our Application is limited to a request for a variance concerning the overall height of a garage accessory building. More specifically, it is limited to a request that the building stand at an additional four (4) feet, from the permitted sixteen (16) feet to twenty (20) feet. While the building will be used as a garage, it will resemble the style of a "carriage house" that historically accompanied Queen Anne Victorian houses. It will match the architecture of our home.

Permitting this variance will allow us to proceed with a roof that has a 12 x 12 pitch. This pitch will match the pitch of the roofs of our neighbors. Denial of the variance would mean that we would have to build the roof with a "barn-like" appearance and the roof would not match the neighborhood. Directly put, we intend to make this structure look nicer than a mere garage or barn.

Photos showing our backyard and project are attached to this Application and Addenda. The first three (3) photos depict our home looking "uphill" from South Charing. The next three photos depict the structure. These last three (3) photos were taken in our backyard. One can see the trees which border our backyard from the parking lot for the church.

We invite those interested in driving by our home and looking at the garage and back yard to personally see it. We also believe you would see that the backyards to almost all of the homes in our neighborhood are very private. There is little way to see into and out of them.

We offer this description so that you may apply it to the standards listed here. To the extent you deem it proper, please consider this description when applying these standards.

STANDARDS SET FORTH IN SUBSECTION 36-365 OF THE SPRINGFIELD ZONING ORDINANCE

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

The physical surroundings of the property dictate that the pitch of the proposed roof match our home and the neighboring homes. Mere compliance to the sixteen (16) foot limit would result in a structure that will not match these homes. It makes more sense here to permit the height and pitch. Please see our response to (B) also.

Also, the architecture for our home is Queen Anne Victorian. Vintage Queen Anne Victorian homes have many times had carriage houses as accessory structures. We have intended to build according to this style, that is, to have an accessory structure that matches our home. We intend that this accessory structure be compatible with existing residences.

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

The slope of the lot, location of the garage, tree line, and proximity to the bordering church parking lot make this application unique. This is not a situation in which a garage is being built on flat ground next to another home with no natural surrounding vegetation. We intend the structure be compatible with our own home and neighboring homes. This is not a structure that is merely built for the sake of speed and low cost, with little or no thought to the neighborhood.

- 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.**

We do not submit this Application for monetary reasons, either for the fair market value or an income stream from the property. We would like to have available storage a garage would provide so that our property is more useful for us. But, we want it to look nicer than a typical garage so it is respectful of the home we have.

- 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.**

Please see our response to (C) immediately above. Our property is strictly residential and this is not a situation in which we intend to use it for ongoing commercial activities.

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

We have not created the hardship in this 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.**

We intend to use this structure as a garage but think it best that it resemble a house by the pitch of the roof. We believe this is a “win-win” for both ourselves and our neighbors.

- 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.**

This variance would in no way change the available lighting and air to the lots. It would not increase traffic congestion. It would not increase the risk of fire in the neighborhood or endanger the public safety. It is being constructed next to our backyard property line and next to the line of trees. The garage is being constructed according to applicable fire and building codes.

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

The garage, if anything, will match the essential character of the neighborhood because it will resemble a house, not a garage.

SITE PLAN

The site plan is Dana Edwards is attached.

PHOTOGRAPHS

Six (6) photographs are also attached.

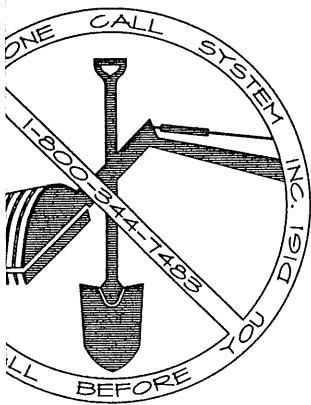
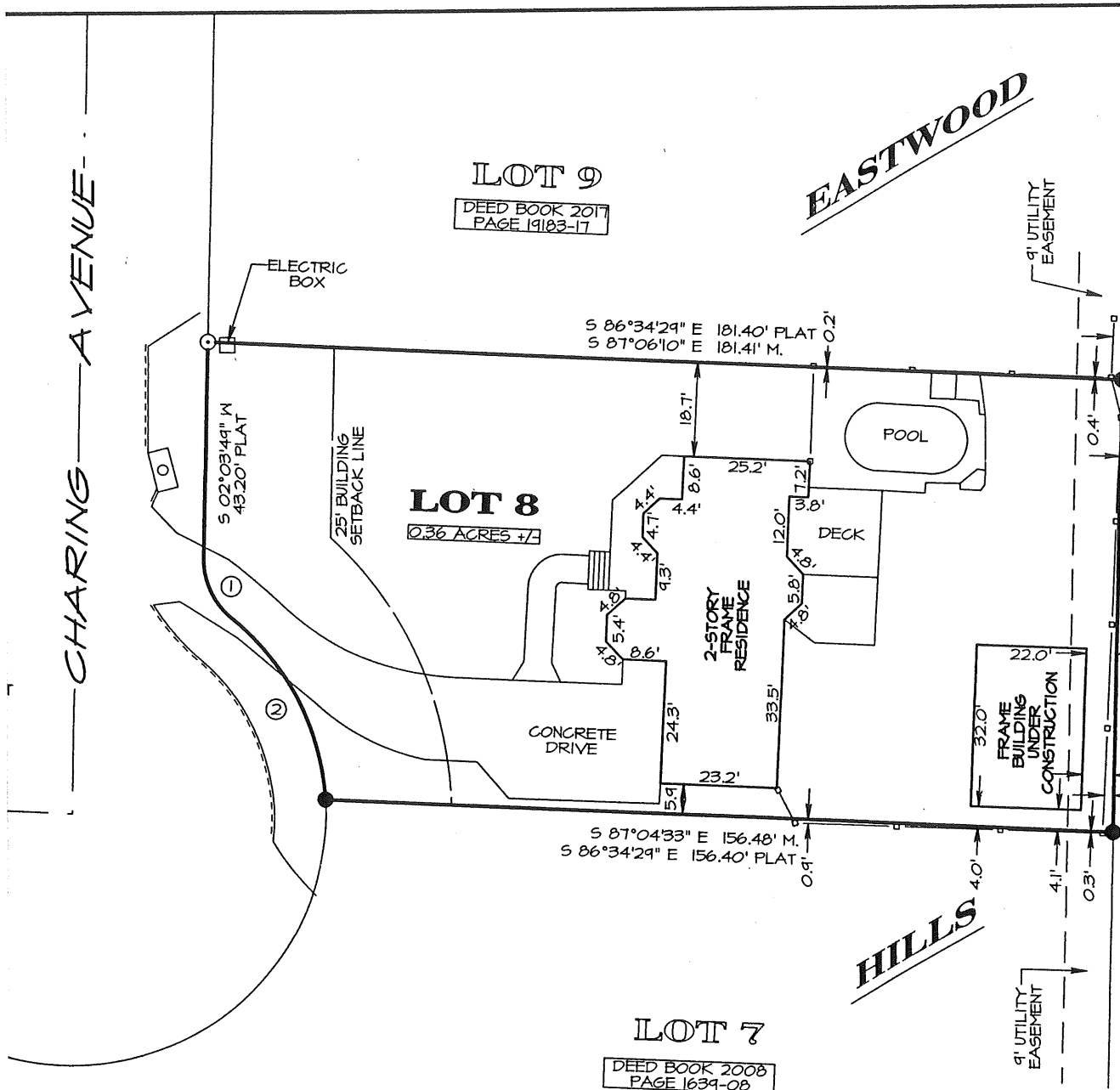
STATEMENT OF APPRECIATION

We appreciate the attention and cooperation of Mr. Harlan Hill and his staff for their assistance in the consideration and preparation of this Application.

CONCLUSION

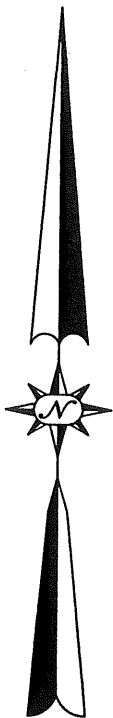
Although we are not sophisticated in zoning and building regulations, we are responsible homeowners who respect the character of our neighborhood and we have initiated this project with the best of intentions. We would greatly appreciate your attention and approval of this Application.

Site PLAN



ON

CONTRACTORS RESPONSIBILITY TO CONTACT THE UTILITIES OF THE CITY AND STATE TO MAKE ANY NECESSARY ARRANGEMENTS OF THEIR RESPECTIVE UTILITIES IN THE EXCAVATION IS TO BEGIN.



DESCRIPTION

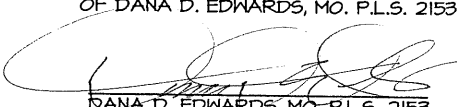
DEED BOOK 2378, PAGE 110
ALL OF LOT 8 OF EASTWOOD HILLS SOUTH
A SUBDIVISION IN THE CITY OF SPRINGFIELD,
GREENE COUNTY, MISSOURI

PLAT SOURCE: PLAT BOOK MM, PAGE 32
AS FILED FOR RECORD IN THE GREENE COUNTY,
MISSOURI RECORDERS OFFICE ON NOVEMBER 22, 1989.

DECLARATION

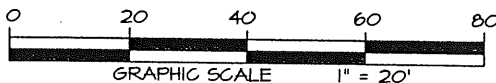
I DO HEREBY DECLARE TO SCOTT ROBERTS
THAT THIS PLAT AND THE SURVEY ON WHICH IT IS
BASED WERE MADE IN ACCORDANCE WITH THE
REQUIREMENTS FOR "URBAN" PROPERTY AS SET
FORTH IN THE CURRENT MISSOURI MINIMUM STANDARDS
FOR PROPERTY BOUNDARY SURVEYS.

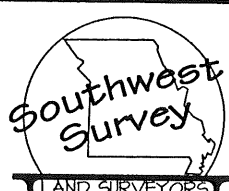
- A. APPARENT OWNERSHIPS AS SHOWN ARE BASED ON
INFORMATION PROVIDED BY OTHERS AND DOES NOT
REPRESENT AN OPINION AS TO TITLE.
- B. EASEMENTS SHOWN ARE THOSE WRITTEN, PROVIDED
OR DISCOVERED AND MAY NOT BE ALL INCLUSIVE.
- C. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE
USE OF THE PERSON(S) MENTIONED ABOVE AND IS
NULL AND VOID IF USED BY ANY OTHER PERSON(S)
WITHOUT THE EXPRESSED WRITTEN CONSENT OF
SOUTHWEST SURVEY.
- D. THIS SURVEY IS NULL AND VOID UNLESS IT
CONTAINS AN ORIGINAL SIGNATURE AND DATE IN
GREEN INK AND THE EMBOSSED SURVEY SEAL
OF DANA D. EDWARDS, MO. P.L.S. 2153.


DANA D. EDWARDS, MO. P.L.S. 2153

2018/09/12

BEARINGS ARE BASED
ON GRID NORTH
MISSOURI CENTAL ZONE
GRS MONUMENTS UTILIZED:
GR-44



	PREPARED FOR SCOTT ROBERTS 1640 S. CHARING AVENUE SPRINGFIELD, MISSOURI	
	1402 S. DEVON SPRINGFIELD, MISSOURI 65809	
Surveying Southwest Missouri For Over 32 years Board of Adjustment Page 17 of 36		
DRAWN BY: DDF DATE: SEP 19 2018		







South View of Backyard Showing Garage and House



View of Roberts
House (on left)
and neighbors (on
right) to the North





View of garage from church parking east.



Close up view of garage from church parking





View of backyard from east to west thru back gate.



View of front of building from west

View of backyard from north
to south.



**View from nieghbors
yard to the south**





**View of neighborhood from Stanf
to the west.**



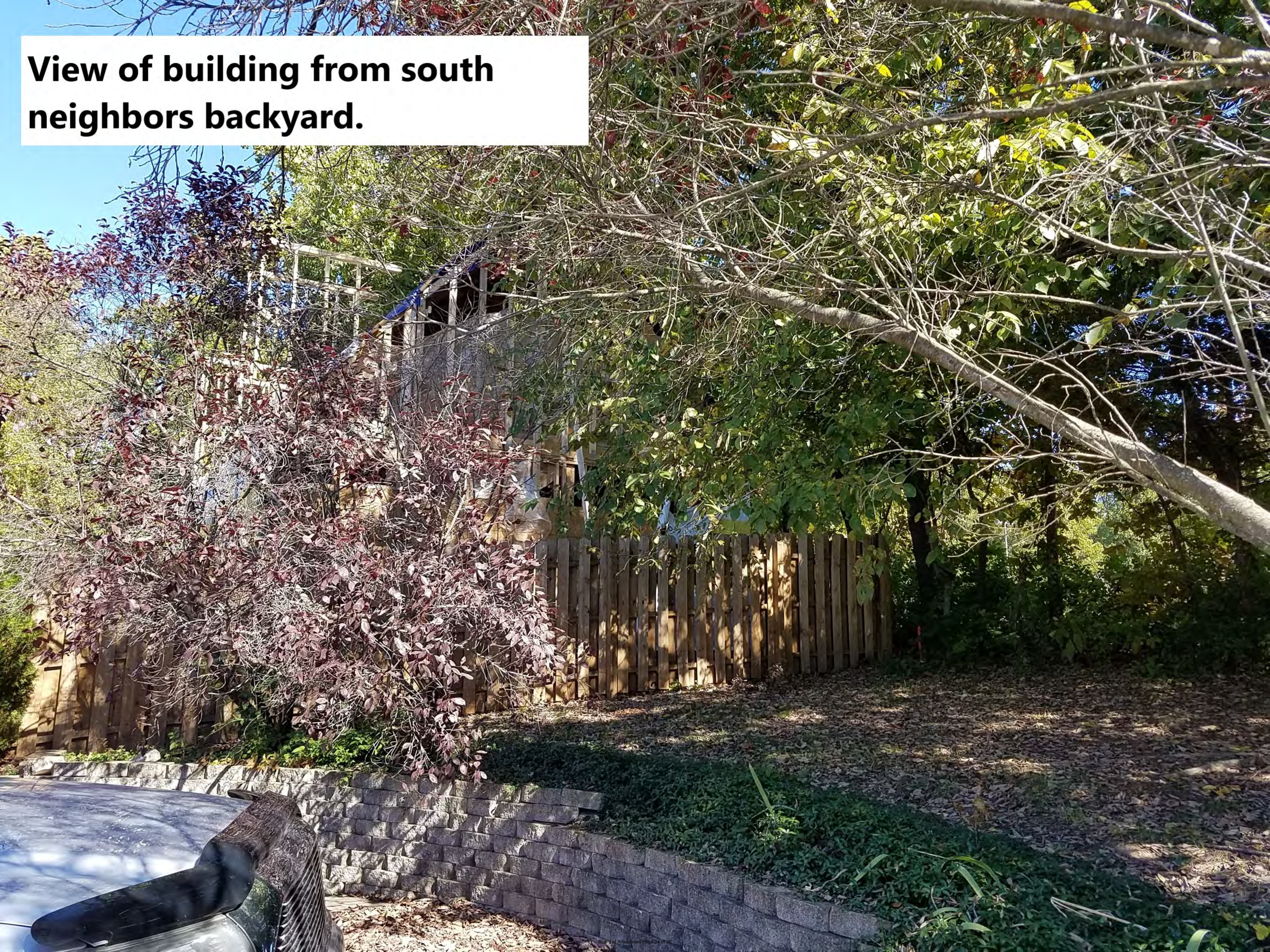
View of 1640 S Charing, Charing Stanford Cul-De-Sac and surroun homes.



View of 1640 S Charing from Stanford to west



**View of building from south
neighbors backyard.**



View of 1640 S Charing from Stanford to west



View of 1640 S Charing, Charing Stanford Cul-De-Sac and surroun homes.

