



Board of Adjustment

City Council Chambers, 830 Boonville Avenue via Teleconference (Zoom)

Date: November 3rd, 2020
Time: 1:30 p.m.

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

1. ROLL CALL:
2. Introduction Of Zoning Ordinance As Evidence:
3. Approval Of Minutes:
 - 3.1. July 7th, 2020
Documents:
[BOA MINUTES 7-7-2020.PDF](#)
4. Communications:
5. Unfinished Business:
6. Public Hearings:
7. Variance 580
3523 East Stan Musial Drive, R and K Property, LLC
Documents:
[VARIANCE 580 SR REVISED.PDF](#)
8. Other Business:
9. 2021 Board Of Adjustment Calendar
Citywide, City of Springfield
Documents:

[2021 BOARD OF ADJUSTMENT CALENDAR.PDF](#)

10. 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: July 7, 2020

TIME: 1:30 p.m.

The regular meeting and public hearing of the Board of Adjustment was held on the above date and time via Zoom with the following members and personnel in attendance: Robert Sweere (Vice-Chair), Derek Lee, Shelby Lawhorn, and Bryan Fisher. Absent: Steve Jackson. Staff: Daniel Neal, Senior Planner, Bob Hosmer, Planning Manager.

Roll call:

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

APPROVAL OF MINUTES: The minutes of February 4, 2020 were approved.

COMMUNICATIONS: None

PUBLIC HEARING:

Variance 578

6401 South Innovation Avenue

Applicant: One Eighty-Eight, LLC

Daniel Neal stated that this is a Request for a variance from the Section 36-454 Signs (7)(d) of the Zoning Ordinance to increase the allowed freestanding sign height from 25 feet to 40 feet along a local classified roadway. The applicant has submitted a request for a variance from the height of a freestanding sign per section 36-365 Variances (2)(a). The applicant is requesting a variance from Section 36-454 Signs (7)(d) of the Zoning Ordinance:

- (d) No part of a detached sign or sign structure shall exceed the height shown below as determined by the street classification from the grade of the highest paved portion of right-of-way adjacent to the property where the sign is installed or located. Where the natural grade of the sign structure location is more than 20 feet higher than the adjacent street grade, no part of the sign or sign structure shall exceed a height of 20 feet from natural grade.
- Local, collector and secondary arterial....25 feet
 - Primary arterial, expressway and freeway....40 feet

The applicant has a 36' tall building that is allowed to have a maximum of 330 square feet of wall signage. It appears from the approved sign permits that the applicant is only utilizing 216 square feet of wall signage.

The applicant is basing their hardship on future plans to vacate Innovation Avenue; this may or may not happen. Staff does not have a timeline when the Southwood Avenue or east/west local street connection will occur. It could be 5 years or 20 years. It will just depend on development demands in the area which is mainly owned/controlled by Mercy. The current GR COD No. 159 zoning has provisions for the extension of the streets but has no requirements if or when that is to be completed. There is no pending application to vacate Innovation Ave at this location. Staff does not believe the applicant has adequately shown that a hardship exists and does not meet all the standards for a variance per Section 36-365(3) which the requested variance must satisfy. The proposed sign is not a wayfinding sign as mentioned in the applicant's explanation and responses. A wayfinding sign uses directional symbols to lead customers to a location. This sign will not be able to be seen until you have already passed the Evans Road exit going south on U.S. 65. The proposed sign is merely an advertising sign for businesses onsite. The Community Physical Image and Character Element of the Comprehensive Plan states that most of the commercial corridors contain a wild profusion of commercial and public signs juxtaposed in various combinations. So many signs "shouting" so many messages result in visual pollution and message overload – a loss in the effectiveness of each sign. The sign system in the commercial corridors needs to be simplified, coordinated, and scaled back. Regulations should be revised to limit the messages on each sign, restrict the number and size of signs permitted, and combine multiple signs into fewer coordinated sign panels. The latest sign code changes have attempted to address these issues and staff

believes allows for a reasonable and consistent sign height and size for this location. On behalf of Innovative Dental and Plaza 188, Springfield Sign would like to respectfully submit a request for an exception to Section 36-454(7)(d) which states that a freestanding sign along a Local Street is allowed 25' in height at 250 sq. ft. in sign area. We are requesting approval for an additional 15' in height for our freestanding sign oriented along Highway 65 running North and South for an overall allowance of a 40' in height and 243 sq. ft. (under the allowance per code) in sign area. We are in the beginning stages of the new development and the City has requested that we meet all required setbacks for future development. We would like to prepare for future development governed by Highway 65 and other parallel access roads along Hwy 65 which would allow by code a 40' freestanding sign.

Staff does not believe this application meets all standards for a variance as outlined in Subsection 36-365 (3) of the Zoning Ordinance. The applicant is creating the hardship with development of their property. There are other alternatives for this property to have more signage. Staff believes that the applicant is not fully utilizing their wall signage which would allow them to advertise their business up to 36 feet high. It appears from the approved sign permits that the applicant is only utilizing 216 square feet of wall signage when they have the potential of up to 330 square feet of effective sign area. The request for a variance per Section 36-365 (8) 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. Staff does not believe the applicant has adequately shown that a hardship exists and does not meet all the standards for a variance per Section 36-365(3) which the requested variance must satisfy.

If the variance is approved, the property owner will be allowed to have one freestanding sign for a maximum of 40' in height measured from street grade while all other requirements of the sign code requirements shall be followed.

Mr. Sweere opened the public hearing.

Mr. Shelby Lawhon asked about Innovation Way on a local road versus freeway.

Mr. Daniel Neal said that the section was considered an outer road per MoDot and agreed with the City to make improvements and any zoning for general retail will be required to make upgrades.

Mr. Bob Hosmer noted that Innovation Way is a dead-end, but any future linkup, then it may be classified as higher usage, and no plans to vacate.

Mr. Bryan Fisher noted that signs on the east side of Hwy 65 can be larger and this being restricted on an outer road for the reason for the sign height.

Mr. Grant Olson, 3424 S. Culpepper Court, owner of the development and stated that surrounding property have larger signs and doesn't seem fair and noted that it wants their sign to have clean and clear lines.

Mr. Shelby asked about the difference of a 36' sign versus a 40' sign.

Mr. Olson said that they have plans to sell off unused property and believes a larger sign offers value to the property.

Mr. Mark Wessel, owner Springfield Sign commented that there are not a lot signs in the area and said that it meets all requirements except for the height requirements and believes it needs to have the height for visual elements and help direct traffic and noted the elevation where the proposed sign is to be placed.

Mr. Sweere closed the public hearing.

Mr. Bob Hosmer clarified the comprehensive plan regarding signage, and they could also put up a wall sign that would be seen from various points and had various discussion regarding the evaluation of the area.

Motion to **approve** Variance 578 (6401 South Innovation Avenue). The motion carried as follows: Ayes: Sweere, Lee, Alden, Lawhorn, and Fisher. Nays: None. Abstain: None. Absent: Jackson.

Variance Findings of Fact and Conclusions of Law:

Approved: 5/0 The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner, the applicant, or predecessors in title. **Innovation Avenue and the topography of the land.**

Approved: 5/0 The granting of the variance **will not** affect the rights of adjacent property owners or residents. **No one has objected.**

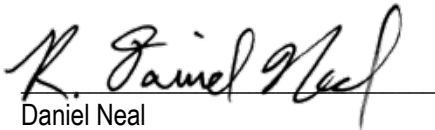
Approved: 5/0 The strict application of the provisions of the Land Development Code from which a variance is requested will constitute unnecessary hardship upon utilization of the property. **Because the property can't be used the same way as other properties in the area can be used.**

Approved: 5/0 The variance desired will not adversely affect the public health safety, morals, order, convenience, prosperity, or general welfare. **No Comment.**

Approved: 5/0 Grant the variance desired will not be opposed to the general spirit and intent of the Land Development Code. **No Comment.**

UNFINISHED BUSINESS: None

OTHER BUSINESS: None

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

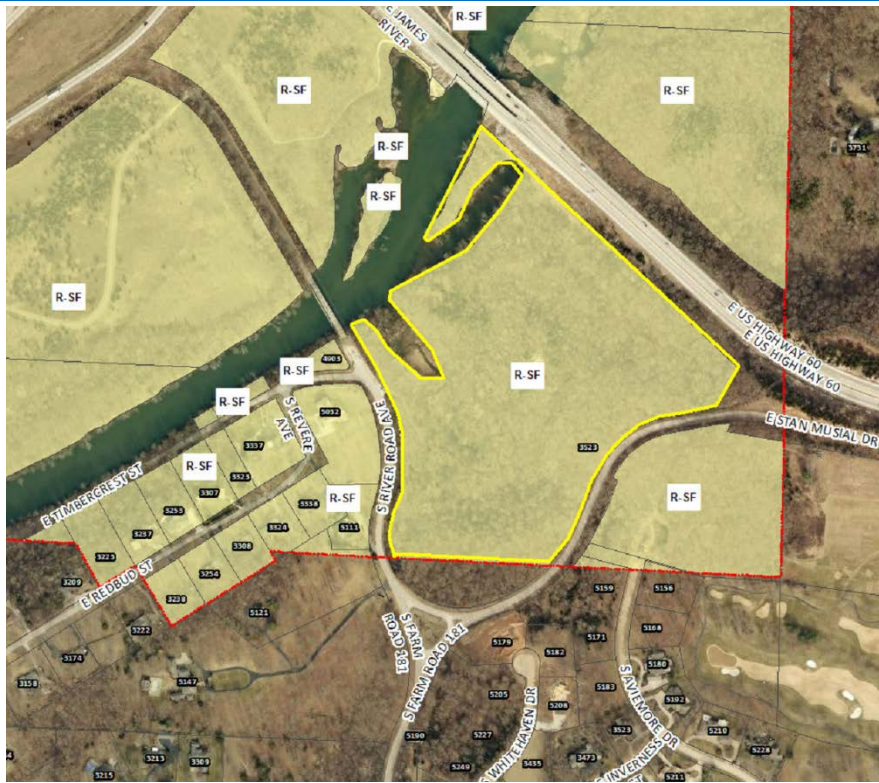
Daniel Neal
For Executive Secretary

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BOARD OF ADJUSTMENT PUBLIC HEARING:

NOVEMBER 3, 2020



CASE: Variance 580

ACRES: Approximately 27 acres

LOCATION: 3523 East Stan Musial Drive

EXISTING LAND USE: Vacant/undeveloped

APPLICANT: R and K Property, LLC

STAFF: Daniel Neal, Senior Planner
417-864-1036

SUMMARY OF ZONING VARIANCE:

Request to allow an accessory structure to be constructed and occupied on the subject property prior to the time of the construction of the principal structure as required by Section 36-450(4)(a) and to vary from the maximum structure height as required by Section 36-450(5)(a)2.a., for property generally located at 3523 East Stan Musial Drive

STAFF FINDINGS:

1. The applicant has submitted a variance to allow an accessory building to be constructed prior to the principal structure as authorized by Section 36-365 (2) (e), and a variance from the maximum height of an accessory building per Section 36-365 Variances (2) (a).
2. The Zoning Ordinance only allows accessory buildings to be constructed when there is a principal structure to which it is accessory to per Section 36-450(4)(a).
3. The Zoning Ordinance also has a maximum height for accessory structures of 16 feet for gabled roofs per Section 36-450(5)(a)2.a.
4. The applicant is requesting to construct a 31-foot-tall gable roofed accessory building (barn/garage/living quarters).
5. The applicant plans on building a principal structure in the future but would like to construct the accessory building prior to the principal structure.
6. Until the primary residential structure is constructed the gable roofed building (barn/garage/living quarters) will be considered the principal structure on the property.
7. The request for a variance per Section 36-365 (8) *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.
8. If the variances are approved, the property owner will be allowed to construct one accessory building (1) at a maximum of 31 feet in height measured from street grade, and (2) prior to the principal structure. The variances shall not be valid for a period of longer than one year from the date of such order unless the action that precipitated the request for the variance (subdivision of land, construction, change in use, etc.) is commenced within such period and pursued to completion without unnecessary delay on the part of the person holding the title or beneficial interest in the property for which the variance was granted.

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9. If the variances are denied, the applicant must construct a principal structure prior to the construction of the accessory structure and construct any accessory structures at or below the required height limits to comply with all applicable Zoning Ordinance requirements.

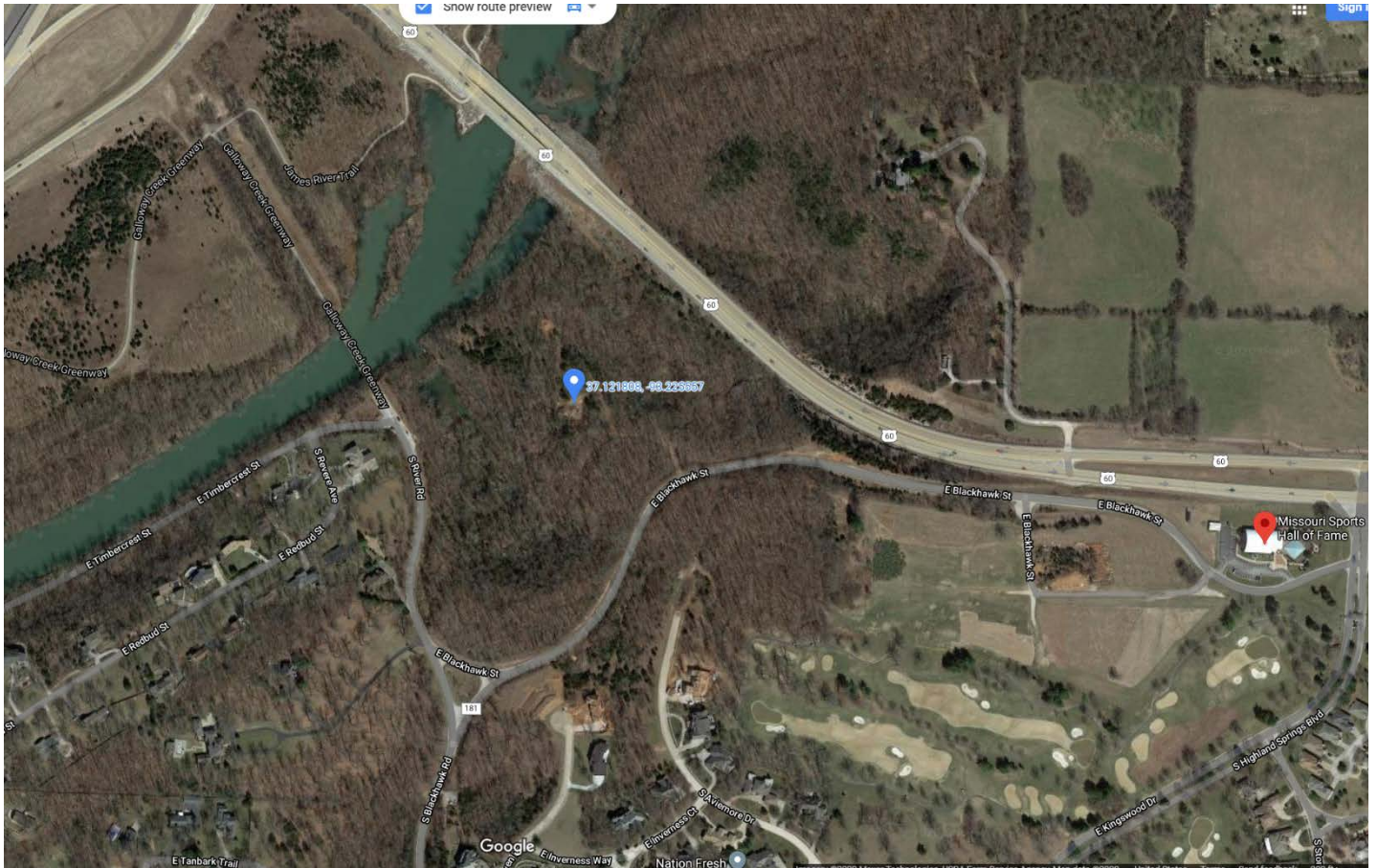
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-1	R-SF	R-SF
LAND USE	Greenway trail/City Utilities water	Vacant/undeveloped	Vacant/undeveloped	Single-family residences

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SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

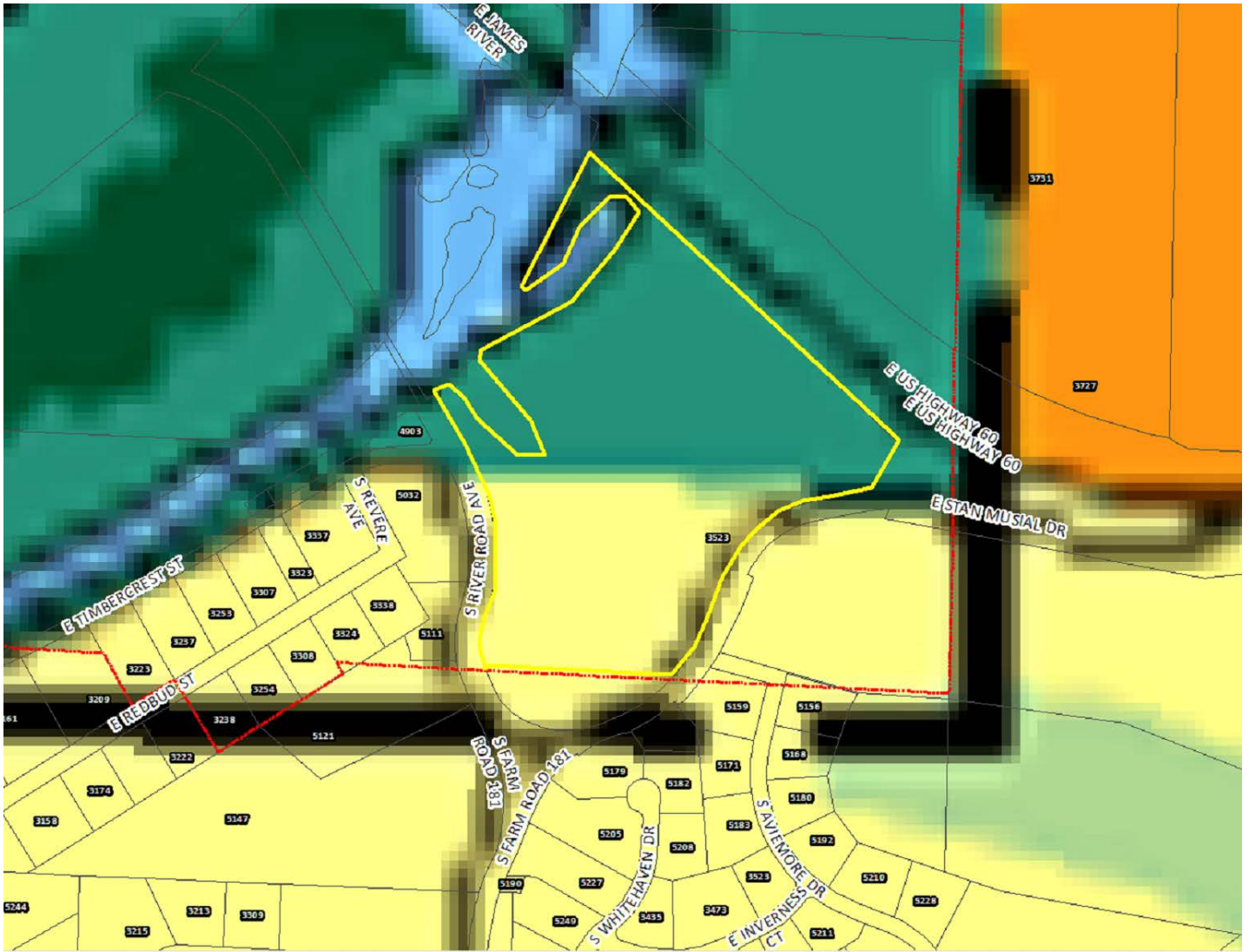


STREET VIEW:



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GROWTH MANAGEMENT AND LAND USE PLAN:



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PROPERTY HISTORY:

The subject property was annexed in 1969 and has been zoned R-SF, Single-Family Residential District since the citywide remapping in 1995.

BOARD OF ADJUSTMENT ORDINANCE AUTHORITY:

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

Sec. 36-365. - Variances.

- (1) *Jurisdiction and authority.* The board of adjustment shall exercise the jurisdiction and authority to vary the strict or literal terms of this article in accordance with the procedures, standards, and limitations contained in this section and section 36-351, board of adjustment. A variance is the remedy created by this power and is part of the board's appellate jurisdiction. It is a discretionary privilege which is granted because strict and literal enforcement of the provisions of this article would, due to special conditions peculiar to a particular property, result in unusual difficulty or hardship.
- (2) *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, 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.
 - (c) A variance of the applicable off-street parking and off-street loading requirements and ratios.
 - (d) A variance of the applicable spacing and open space requirements.
 - (e) A variance of the design requirements of this article.
 - (f) A variance of the buffer area requirements.
 - (g) A variance to permit the reconstruction of a nonconforming building which has been destroyed or damaged by fire or other casualty, or act of God or the public enemy, to the extent that the cost of restoration of the building to its condition prior to the destruction or damage does not exceed 75 percent of completely reconstructing the building.
- (5) *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).
- (8) *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.
- (9) *Conditions and restrictions.* 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. Failure to comply with any such conditions and restrictions shall constitute a violation of this article.
- (10) *Decision on variance.* Within 30 days after the public hearing on a request for a variance, the board of adjustment shall file its written decision on the requested variance, supported by findings of fact and conclusions and list of sections varied with respect to the standards in subsection (3), with the director of planning and development. The director of planning and development shall mail, by first-class mail, a copy of the decision to the applicant and upon each other person who requests in writing to be notified, and he shall also record the board's order in the land records of the county recorder of deeds.
- (11) *Duration of variance.*
 - (a) No order of the board of adjustment granting a variance shall be valid for a period of longer than one year from the date of such order unless the action that precipitated the request for the variance (subdivision of land, construction, change in use, etc.) is commenced within such period and pursued to completion without

unnecessary delay on the part of the person holding the title or beneficial interest in the property for which the variance was granted.

- (b) After conducting a public hearing with the notice required by section 36-368, publication and posting of notices, the board of adjustment may vacate a previous order of the board granting a variance to be null and void if the board finds the conditions that created the need for a variance cease to exist and any actions permitted by the granting of the variance have not commenced.

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;

- 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 ZONING VARIANCE:

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

- (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.
- (4) *Use limitations.* All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located and with the following additional use limitations:
 - (a) No accessory structure shall be constructed or occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
 - (b) No accessory use shall be permitted in any required front yard unless it is permitted by section 36-453, supplemental open space and yard regulations.
 - (c) An existing accessory structure may remain as a nonconforming structure following the destruction, or removal, of the principal structure provided it is not injurious, noxious, or offensive to the neighborhood and also provided it is not used for any illegal purpose.
 - (d) A subdivision which results in an existing accessory structure on a lot without a principal structure may be approved by the planning and zoning commission provided a principal structure is constructed on the same lot as the existing accessory structure within a period of 18 months from the date of commission's approval provided the accessory structure is not used for any purpose during this time period. The accessory structure shall be removed from the lot if a new principal structure is not constructed and issued a certificate of occupancy under section 36-333, certificate of occupancy, during this time.
- (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.
 - 3. Maximum floor area:
 - a. No more than four accessory structures are permitted on a lot, and
 - b. No single accessory structure may exceed two-thirds of the principal structure's footprint square footage.

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- c. None of the above shall result in authorization to exceed the permitted maximum impervious surface area allowed per lot.
- 4. If vehicular access is provided to the accessory structure, it shall be done in such a manner that will not result in any portion of the vehicle extending into or blocking a public way or having to access any neighboring property to enter the accessory building.
- (b) *All other districts.*
 - 1. Minimum yard requirements.
 - a. Rear and side: Same yards as is required for principal structures located on the lot.
 - 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 lot lines on the adjacent lots.
 - 2. Maximum structure height, except as permitted by subsection 36-366(1)(e):
 - a. In office and limited business districts: Fifteen feet.
 - b. In all other districts: The same height as allowed for principal structures.

COMPATIBILITY WITH 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.

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. Mixed land uses, as well as mixed residential densities, will need to be accommodated in the future. These must be accommodated with sensitivity to existing residential neighborhoods. The plan encourages mixed use. However, 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. These practices will help ensure the integrity and function of the road system, reduce the length and frequency of auto trips, minimize impact on residential areas and contribute to the overall attractiveness of the community.

STAFF COMMENTS:

- 1. The applicant is proposing to construct an accessory structure (barn/garage/living quarters) on 27 acres prior to the time of the construction of the principal structure as required by Section 36-450(4)(a) and to vary from the maximum accessory structure height of 16 feet for a hip or gabled roofs as required by Section 36-450(5)(a)2.a.
- 2. The property owner, R and K Property, LLC, is a limited liability corporation that is managed by Robert and Kelli Strang.
- 3. The proposed accessory building will be constructed approximately 650 feet from the northern property line/right-of-way of U.S. Highway 60, approximately 720 feet from the east property line/right-of-way of U.S. Highway 60, approximately 600 feet from the west property line/right-of-way of S. River Road. The driveway for the proposed accessory structure would come from E. Stan Musial Drive and access would need to be approved by the Greene County Highway Department.

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4. The applicant has not given a timeline to when the principal structure will be constructed or it's approximate size or location.
5. The applicant has submitted a site plan and renderings of the proposed accessory structure (Exhibits 2 & 3).
6. If the variance is approved, the property owner will be allowed to construct one accessory building as shown on the attached exhibits prior to the principal structure at a maximum of 31 feet in height measured from street grade as shown on the proposed site plan (Exhibit 2) while all other requirements of the Zoning Ordinance shall be followed. The granting of a variance shall be valid for a period of not longer than one year from the date of such order unless a building permit is obtained for the principal structure.
7. If the variance is denied; the applicant must construct a principal structure prior to the construction of the accessory structure and construct any accessory structures at or below the required height limits to comply with all applicable Zoning Ordinance requirements.

RESPONSES TO STANDARDS FOR VARIANCES:

36-365 (3) 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:	Applicant Response:	Staff Response
(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	<i>This land, although always private, has been abused by trespassers, and those with little respect for personal or private property. There is a necessity of the height of the structure being 31' at the peak and the need to not only live in but also keep personal property in an enclosed & secure manner, while keeping overall footprint small as possible and as energy efficient as possible. While also overseeing the property from an ideal vantage point.</i>	There are very few properties over 20 acres within the City that are zoned R-SF, Single-Family Residential District. The property is uniquely surrounded by the James River to the north, U.S. Hwy 60 to the north and east, E. Stan Musial Drive to the south and River Road and the Greenway Trail to the west.
(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	<i>The location of the property is unique. It is situated primarily in the city, but does not connect to any other private property; the vast size of the property, it's location and surroundings show no particular evidence that would present a concern in regards to the height allowance of 31' at the peak of the gambrel roofline of this particular structure.</i>	There are very few properties over 20 acres within the City that are zoned R-SF, Single-Family Residential District. The property is uniquely surrounded by the James River to the north, U.S. Hwy 60 to the north and east, E. Stan Musial Drive to the south and River Road and the Greenway Trail to the west.
(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	<i>This structure has a combined purpose and function that would provide secure shelter for farm equipment, skid steer, feed for livestock, RV storage. In addition, a 1900 sf living area on the second floor. The height of the structure is necessary in that the garage door sizes needed for ease of passage of such equipment as well as the living space is dependent upon a gambrel roofline with the peak height of 31'.</i>	The property is currently vacant/undeveloped so any improvements would appear to increase the return or value of the property.
(d) The property in question cannot yield a reasonable return if permitted to be used only under the conditions	<i>It is our intent to utilize the land to its fullest and in such a way that we have a garden, chickens, and have plans for the future to harvest and sell water cress. We are</i>	This property could only be utilized for unique purposes due to its topography and

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allowed by the regulations in the district in which it is located; and	<i>members of the farm bureau and have every intention to improve, care for and watch over this property while creating an accessory structure and site that can also be utilized to house all of our needs. The location is ideal and the opportunity is rare and we ask the board to consider our request as this build is in keeping with the historical use of this property.</i>	proximity to the surrounding roadways.
(e) The alleged hardship has not been created by any person presently having an interest in the property; and	<i>As before mentioned, the land has been abused by trespassers, and those with little respect for personal or private property. This is a concern, and we have done what we can to remedy these issues, but they do persist. This issue has been a hardship for sure and has been taken into consideration with the design of the structure and the need to keep personal items close by and sheltered under one roof. Allowing 31' for the peak roof line of this structure would best accommodate both function and security for us as occupants as well as our personal property.</i>	This property has been uniquely created by the surrounding roadways, rivers and trails.
(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	<i>We have spent two years committed to improving this property. As the public may not be aware there was a lot of criminal activity conducted on and near this property prior to our ownership. We met with Greene County Park Rangers, City Police, Greene County Sheriff's Office and many more in order to improve this area. The property has no neighbors, is not in a neighborhood, and does not join or touch any other private property. Therefore, the location of the intended structure as well as its form, function and design does not and will not negatively impact anyone or anything.</i>	This property is surrounded by river or roadways. The proposed uses would not seem to be a detriment to the surrounding property or owners.
(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	<i>In addition, every attempt has been made to restore this property to its original splendor. We have on our own accord, contacted and utilized the expertise of various specialists including but not limited to our Greene County Geologist (Matt Forir) Resource Management Department Environmental Section. Missouri Department of Conservation-Private Land Manager - Matt Curry, Calvin Petrus with the Greene County Storm Water Environmental Division as well as Jim Gray and Eric Claussen with the City Right of Way Department.</i>	It does not appear that the proposed use would impair adjacent properties.
(h) The variance, if granted, will not alter the essential character of the neighborhood, and	<i>The property has no neighbors and does not join or touch any other private property. The intended structure would be constructed more than 550' in any direction from a public right of way and is heavily treed in all directions.</i>	The subject property is 27 acres and the adjacent properties are distant and larger lots. It does not appear this will have any negative effects on the character of the neighborhood.
(i) The variance requested is consistent with the purposes and intent of this Article and the Springfield Comprehensive Plan.	<i>We are therefore asking that the board of adjustment grant a special exception to allow this particular accessory structure to exceed the height requirements for accessory structures as set forth in the City Code 36-450 (5)(2)(a) & (b). Where</i>	As described above in the Compatibility with Comprehensive Plan section of the staff report, the proposed variance would be consistent with our plans.

Development Review Staff Report



	<i>permitted by City Code 36-366-(1)(e) Special Exceptions and Per the stipulations or guidelines stated in City Code 36-366 (e) 1-5 Height of Accessory Structures. #1. This structure would not be in the front yard. It would be positioned in a center most location of this 27+ acres of land and, #2. Therefore, far from visibility of others and would not impact other properties private or public. #3. The height and design will be in keeping with the theme of the primary structure. #4. The property has no neighbors and does not join or touch any other private property. The design and height of the structure does not negatively impact any surroundings. #5. This structure conforms to all other applicable requirements.</i>	
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PUBLIC NOTIFICATIONS:

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: 10

Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with proposed variance.

CITY UTILITIES COMMENTS:

No issues with proposed variance.

EMERGENCY 911 COMMENTS:

No comments.

ENVIRONMENTAL SERVICES CLEAN WATER COMMENTS:

No objection to variance. No impact on public sewer. Tract has access to public sewer however reaching it will require a private lift station unless an approved septic system is installed. Environmental Services does not review septic systems.

FIRE DEPARTMENT COMMENTS:

No issues with zoning variance.

GEOGRAPHIC INFORMATION SYSTEMS COMMENTS:

Address has been added.

GREENE COUNTY HIGHWAY DEPARTMENT COMMENTS:

Any new access or work performed on county right of way requires a permit from the Greene County Highway Dept.

PUBLIC WORKS STORMWATER COMMENTS:

Stormwater has no issues with zoning variance but has the following comments at the time of development:

1. Show the existing and proposed amount of impervious surfacing. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
2. Since this site is adjacent to the floodplain a fee in lieu of constructing detention would be allowed. The application would need to be filled out and signed and stamped by a licensed architect or engineer. The fee would need to be paid prior to release of the building permit.
3. If you disturb more than one acre water quality will be required.
4. If water quality is required it must be built, inspected, and approved prior to release of the certificate of occupancy.
5. An as-built certification is required for all stormwater control measures used to meet detention and water quality. See Chapter 10. The as-builts must be submitted and approved prior to release of the certificate of occupancy.
6. An operation & maintenance plan and agreement are required for water quality and must be submitted in the Reports folder for review prior to signatures. Please see the instructions and templates at <https://www.springfieldmo.gov/2120/Resources>

PUBLIC WORKS TRAFFIC COMMENTS:

No issues.

Development Review Staff Report



LEGAL DESCRIPTION:

Exhibit 1

ALL OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION FIFTEEN (15) LYING SOUTH AND EAST OF JAMES RIVER AND SOUTH AND WEST OF U.S. HIGHWAY 60; AND TEN (10) ACRES, MORE OR LESS, IN THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION SIXTEEN (16), DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION SIXTEEN (16); THENCE WEST WITH THE SECTION LINE TO THE POINT WHERE IT STRIKES THE LEFT BANK OF THE JAMES FORK OF WHITE RIVER; THENCE UP SAID RIVER TO THE POINT WHERE IT IS CROSSED BY THE LINE DIVIDING SECTION FIFTEEN (15) AND SIXTEEN (16); THENCE SOUTH TO THE BEGINNING; AND FOUR (4) ACRES IN THE NORTHWEST CORNER OF SECTION TWENTY-TWO (22) DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION TWENTY-TWO (22); THENCE TWENTY (20) RODS; THENCE EAST THIRTY-TWO (32) RODS; THENCE NORTH TWENTY (20) RODS; THENCE WEST THIRTY-TWO (32) RODS TO THE BEGINNING; AND ALL THAT PART OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-ONE (21) LYING NORTH AND EAST OF OLD U.S. HIGHWAYS 60 & 65 AND ALL THAT PART OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION TWENTY-TWO (22) LYING NORTH AND WEST OF OLD U.S. HIGHWAY 60 CONVEYED BY MYRTLE Y. SCHWEITZER AND LAURA Y. SCHWEITZER TO FRED C. SCHWEITZER AND MABELLE L. SCHWEITZER BY WARRANTY DEED DATED AUGUST 6, 1951 AND RECORDED IN BOOK 913 AT PAGE 52, IN THE RECORDER'S OFFICE IN GREENE COUNTY, MISSOURI, ALL IN TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-ONE (21) IN GREENE COUNTY, MISSOURI, PART THEREOF BEING IN THE CITY OF SPRINGFIELD, AND PART IN THE COUNTY OF GREENE, STATE OF MISSOURI.

Exhibit 2





▼ Measurements

Measurement Result

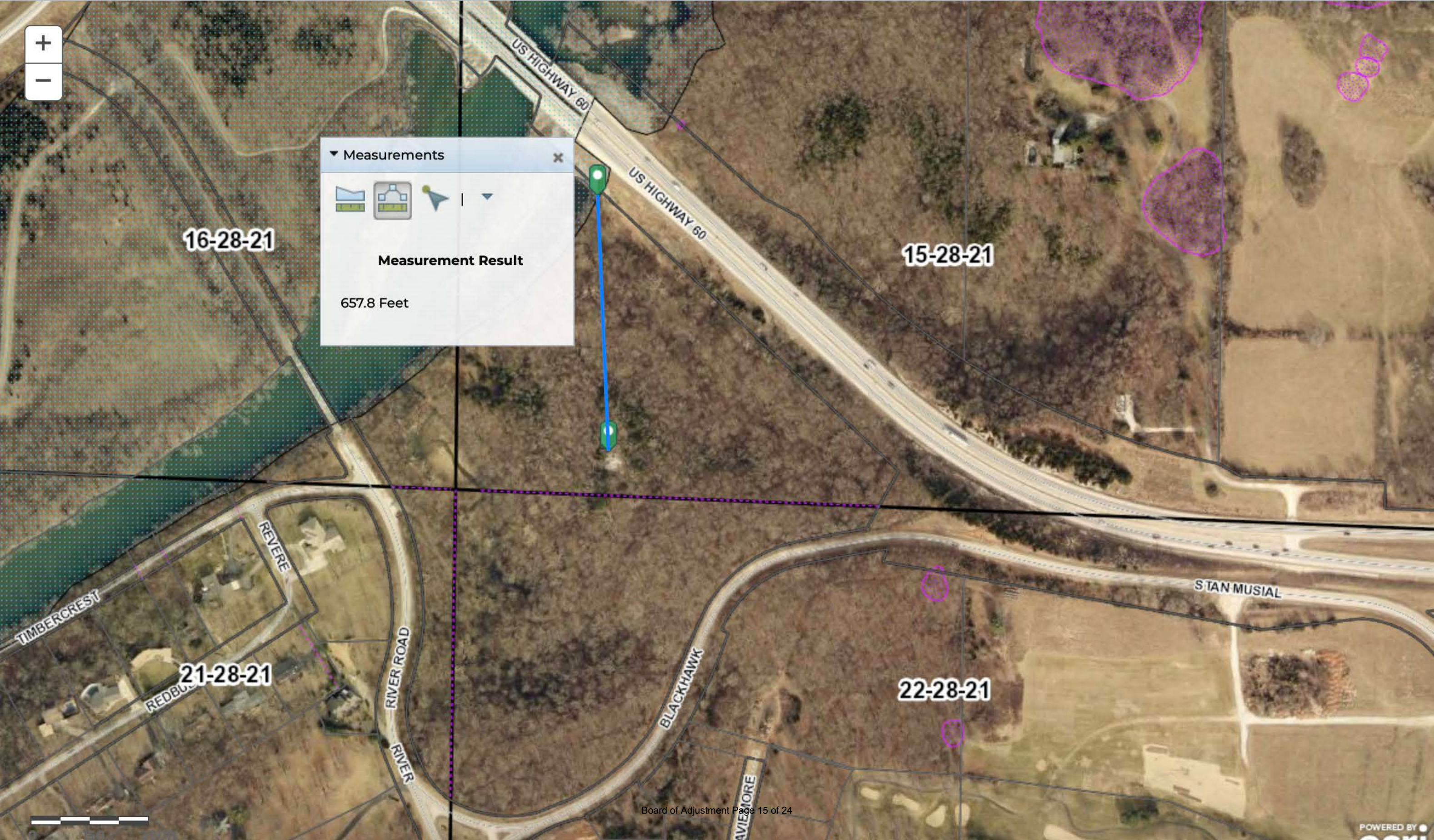
657.8 Feet

16-28-21

15-28-21

21-28-21

22-28-21





16-28-21

15-28-21

▼ Measurements



Measurement Result

723.3 Feet

TIMBERCREST

REVERE

REDBUD

21-28-21

RIVER ROAD

RIVER

FARM ROAD 181

BLACKHAWK

AVIEMORE

22-28-21

STAN MUSIAL

US HIGHWAY 60





16-28-21

15-28-21

▼ Measurements



|



Measurement Result

798.3 Feet

21-28-21

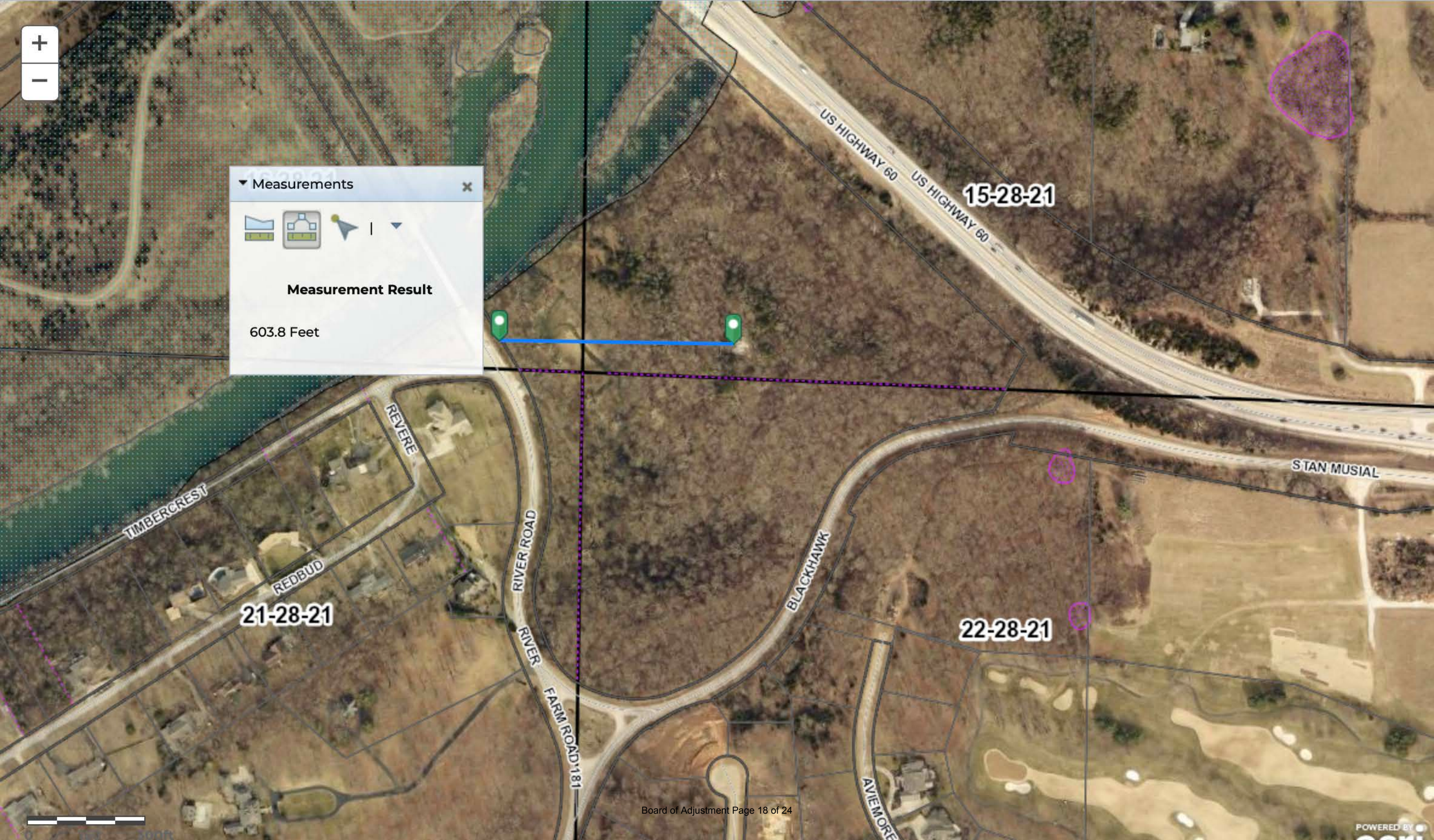
22-28-21



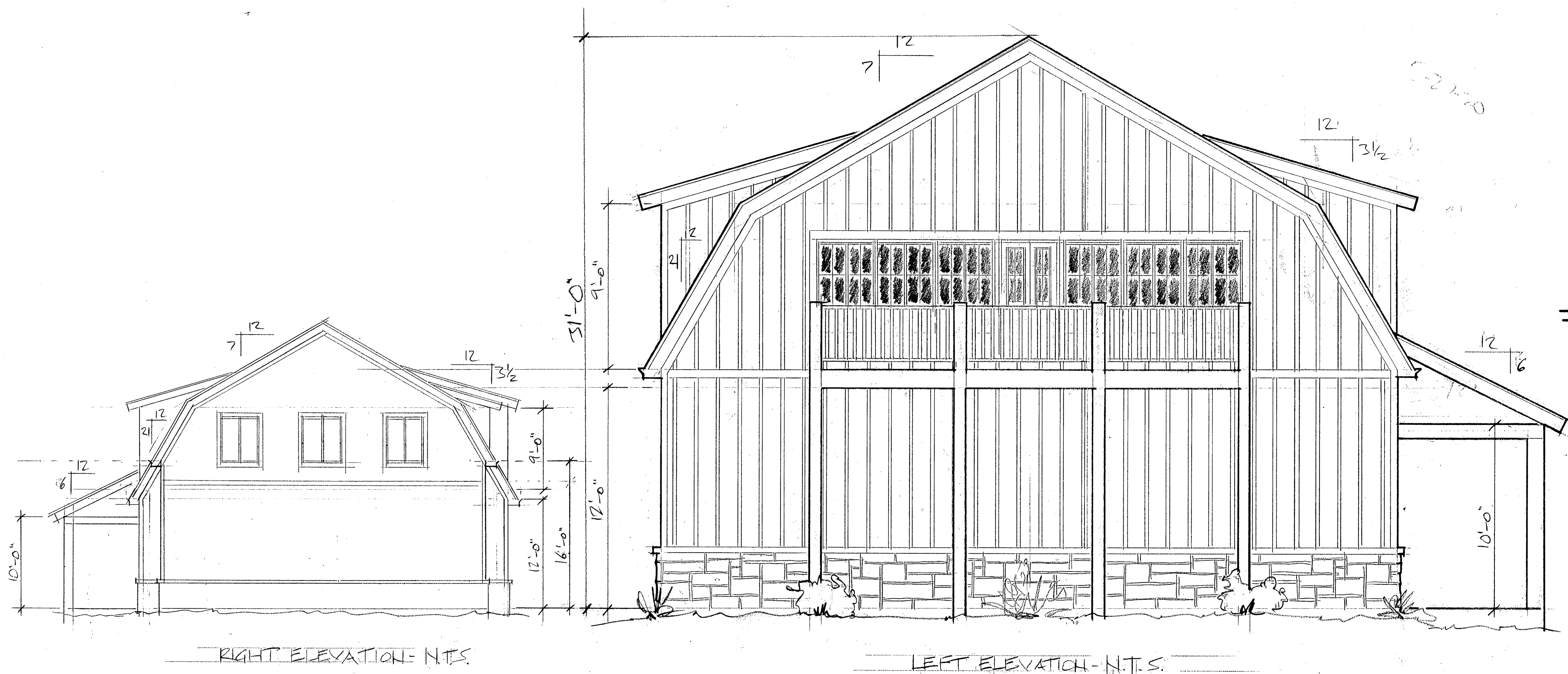
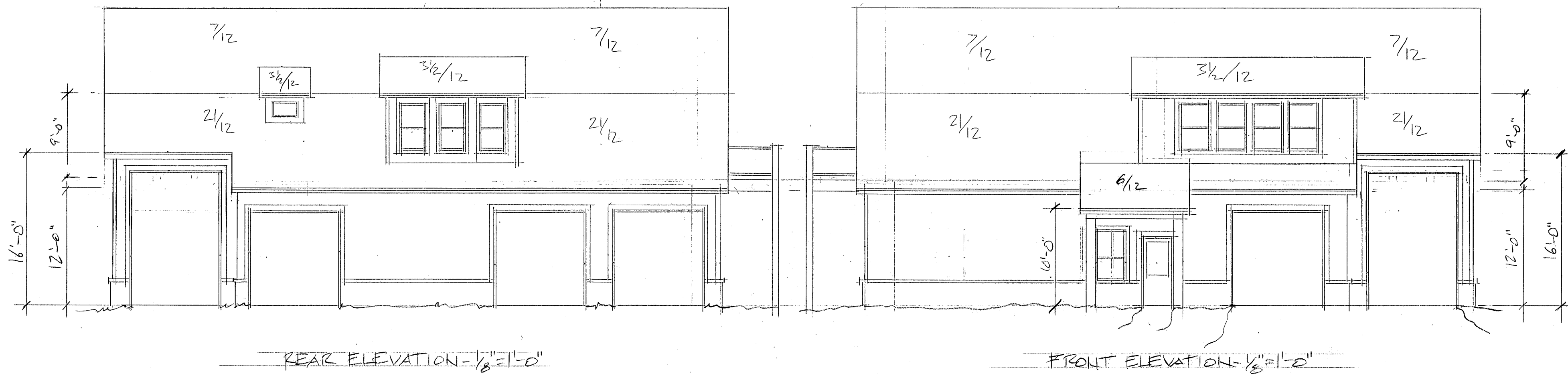
Measurements

Measurement Result

603.8 Feet



These drawings and notes constitute what is referred to in the industry as a "Builder's Set." They have been produced with limited construction detail on the assumption that the Builder, as a trained professional, possesses the expertise required to complete the work in a workmanlike manner; including the design and construction of the mechanical, plumbing and electrical systems. If the builder is unclear or unfamiliar with the structural connections or any other process chosen to construct this building, consult with the appropriate registered Engineer immediately. General Contractor to check and verify all dimensions, window sizes, and other conditions at the job site prior to start of construction. Construction to conform to all local regulations and restrictions.



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DALE PEER - HOME DESIGN, INC.
1200 E. WOODHURST, K-100 SPRINGFIELD, MO 65804
PHONE: 417-889-3545 dalepeerhd@sbcglobal.net

JULY 17, 2020

RESIDENCE for
KELLY and ROBERT STRANG

1



VIEW OF BARN

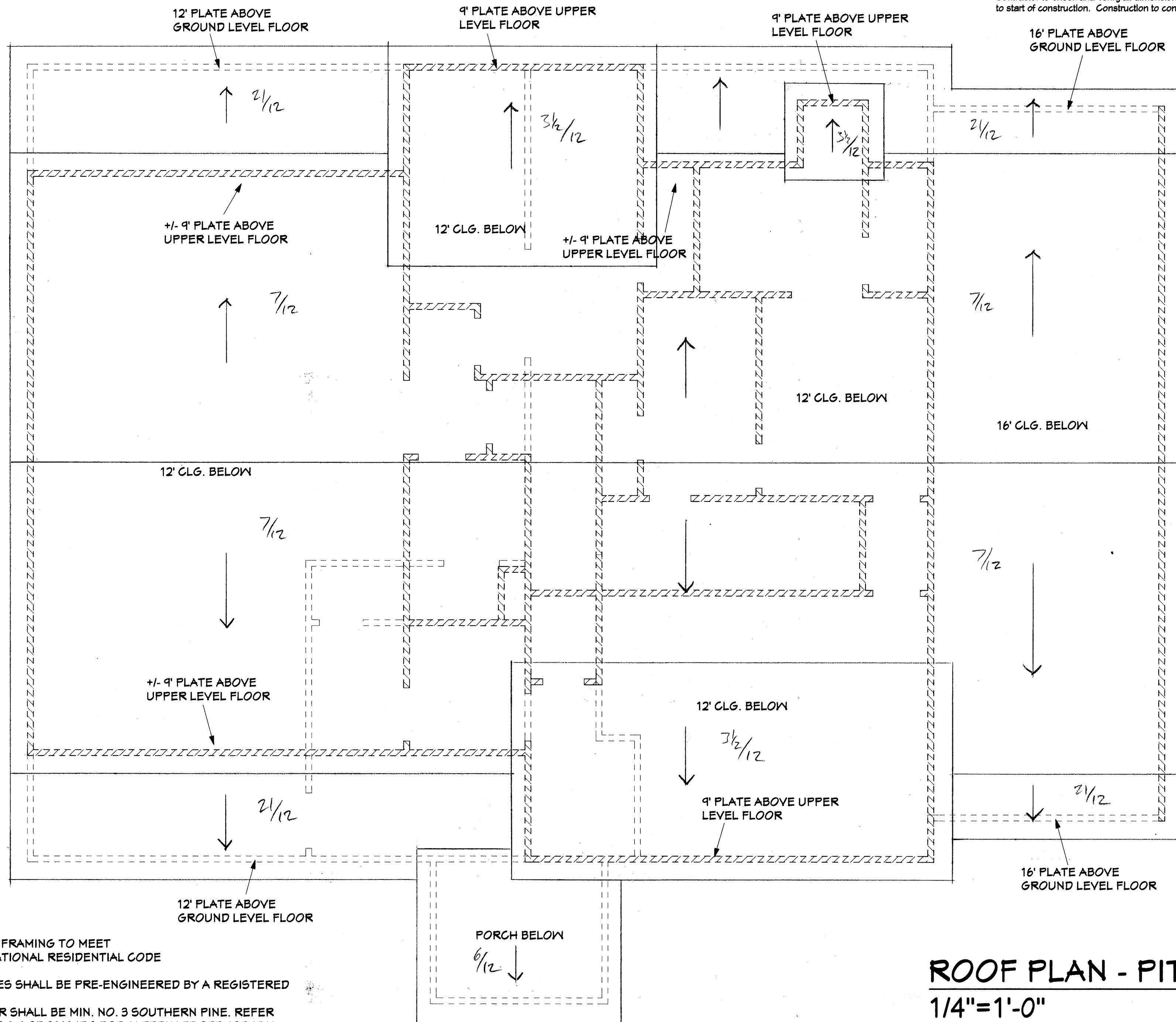
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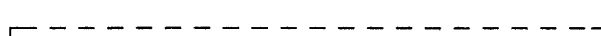
RESIDENCE for
KELLI and ROBERT STRANG

2



NOTES: ROOF FRAMING TO MEET
2018 INTERNATIONAL RESIDENTIAL CODE

1. ALL TRUSSES SHALL BE PRE-ENGINEERED BY A REGISTERED ENGINEER.
2. ALL LUMBER SHALL BE MIN. NO. 3 SOUTHERN PINE. REFER TO CHAPTERS 8, 9 OF 2018 IRC FOR ALTERNATE STRUCTURAL LUMBER
3. ROOF DESIGN LOADS:
LIVE LOAD = 20psi
DEAD LOAD = 10psi
4. ALL EXTERIOR DOOR AND WINDOW HEADERS SHALL MEET 2018 INTERNATIONAL RESIDENTIAL CODE
5. ICE SHIELD UNDERLAYMENT REQUIRED WHERE ROOF SLOPE IS LESS THAN OR EQUAL TO 4:12

UPPER LEVEL WALLS 
GROUND LEVEL WALLS BELOW 

ROOF PLAN - PITCH AS NOTED
1/4" = 1'-0"

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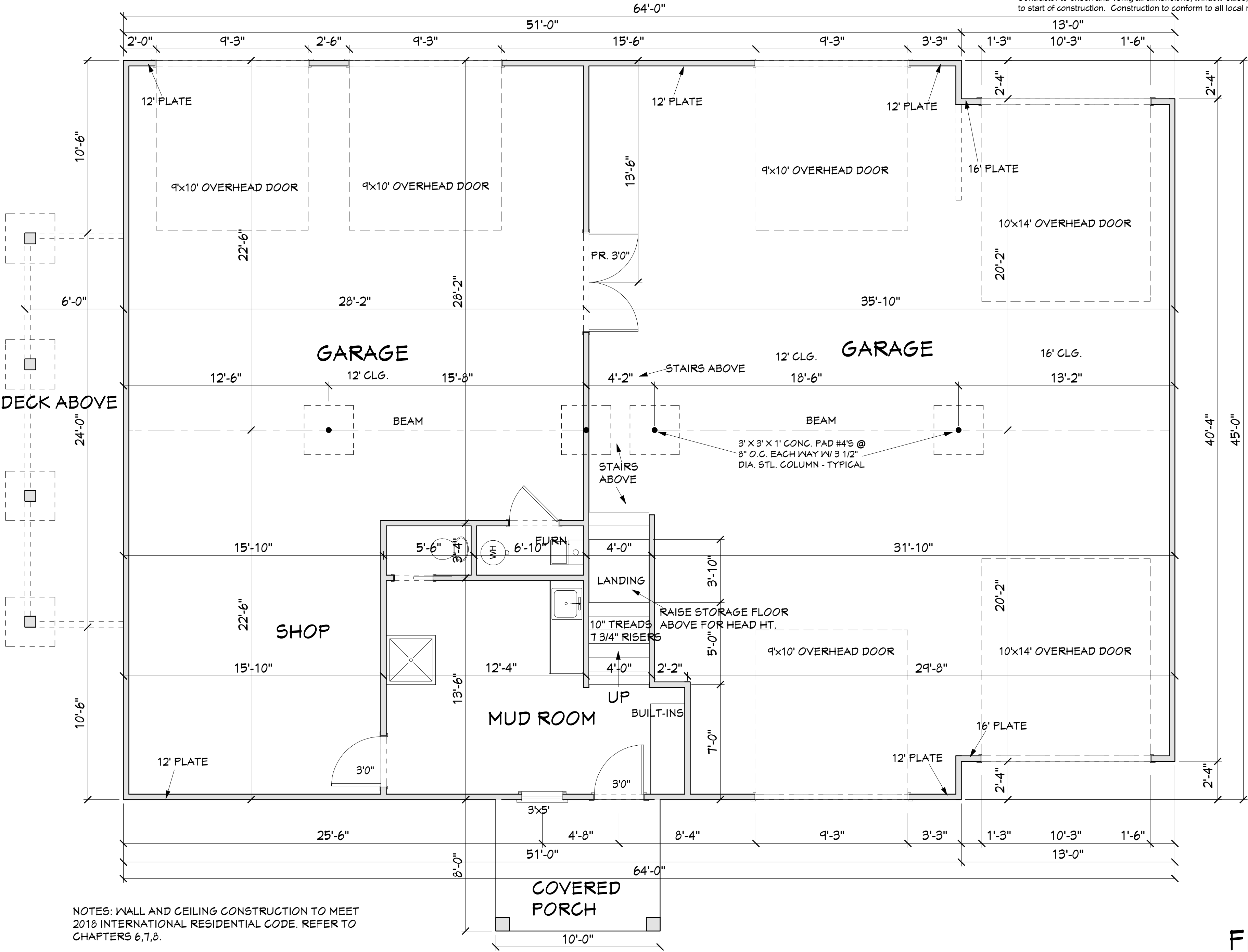
1. CONCRETE SHALL BE 3,000 PSI @ 28 DAYS
2. PROVIDE GCA TREATED LUMBER FOR EXTERIOR DECKS AND RAILS, AND SILL PLATES @ FND. WALLS
3. 8" REINFORCED CONC. STEM WALL ON 8"x20" REINFORCED CONC. FTG.
REFER TO CHAPTER 4 2018 IRC.
4. (2) MINIMUM #4 REBAR HORIZONTAL AND CONTINUOUS.
5. 24" #4 VERTICAL DOWELS SPACED 48" O.C. MAX.
6. DIMENSIONS DO NOT INCLUDE BRICK OR STONE LEDGE

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RESIDENCE for
KELLI and ROBERT STRANG

3

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NOTES: WALL AND CEILING CONSTRUCTION TO MEET 2018 INTERNATIONAL RESIDENTIAL CODE. REFER TO CHAPTERS 6,7,8.

1. INSTALL PRE-ENGINEERED FLR. JOISTS PER MANUFACTURES INSTRUCTIONS

2. STRUCTURAL LUMBER SHALL BE NO. 3 SOUTHERN PINE MINIMUM. REFER TO CHAPTERS 5,6 OF 2018 IRC FOR ALTERNATE STRUCTURAL LUMBER.

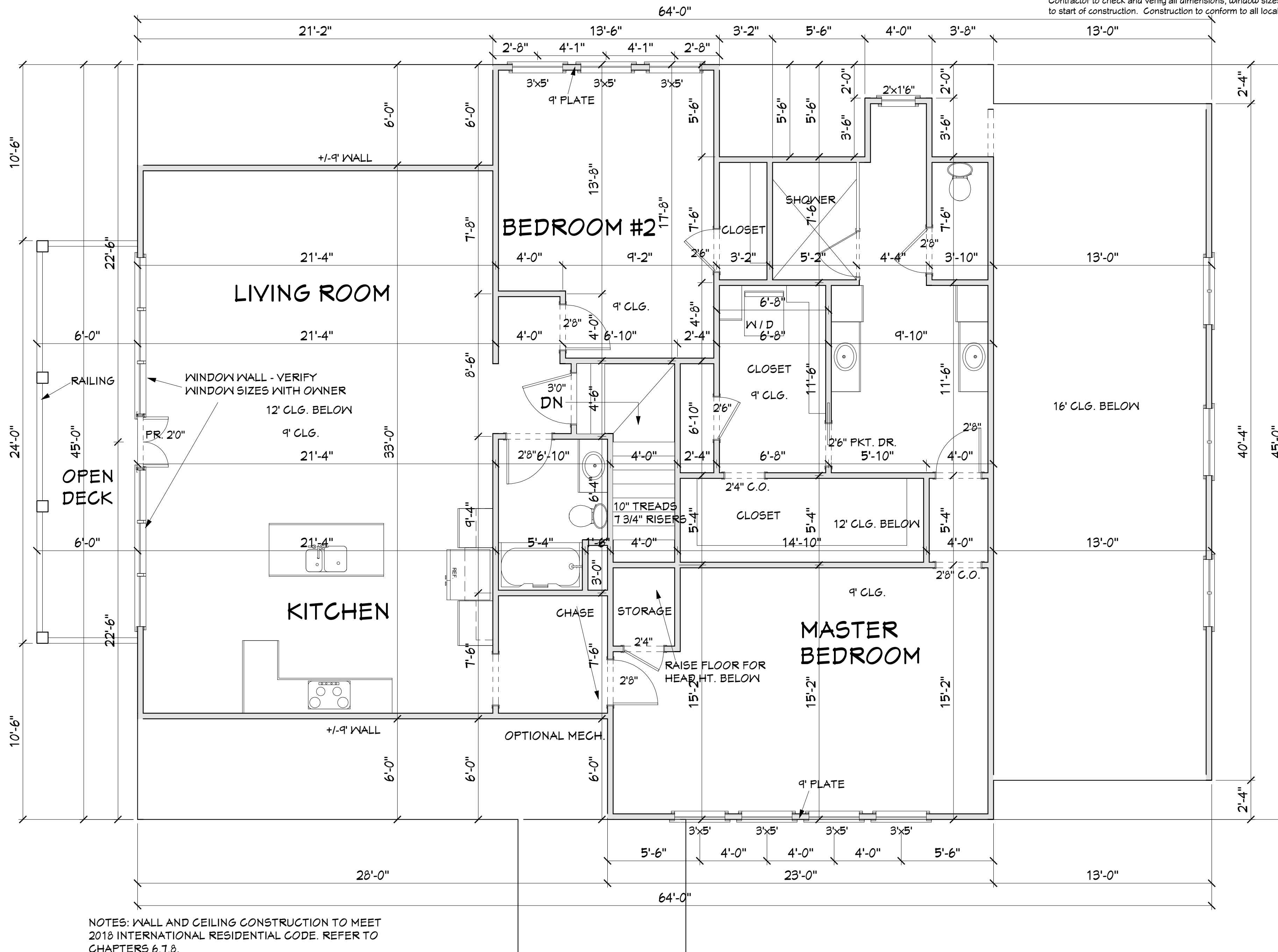
3. PROVIDE CCA TREATED LUMBER FOR EXTERIOR DECKS AND RAILS, AND SILL PLATES @ FND. WALLS

NOTE: DASHED LINES INDICATE WALLS ABOVE

FINISHED
MAIN LEVEL 232 S.F.
1/4"=1'-0"

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3. PROVIDE CCA TREATED LUMBER FOR EXTERIOR DECKS AND RAILS, AND SILL PLATES @ FND. WALLS

UPPER LEVEL 1,900 S.F.
1/4"=1'-0"

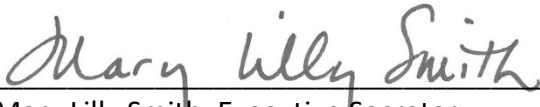
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**OFFICIAL NOTICE
BOARD OF ADJUSTMENT
2021 SCHEDULE**

NOTICE is hereby given to all citizens and interested parties that the Board of Adjustment of the City of Springfield, Missouri, has scheduled the following regular meeting dates for the year 2021. Meetings are scheduled for 1:30pm in the City Council Chambers, third floor of City Hall or via Zoom.

APPLICATION DEADLINE	MEETING
December 4, 2020	January 5, 2021
December 31, 2021	February 2, 2021
January 26, 2021	March 2, 2021
March 5, 2021	April 6, 2021
April 2, 2021	May 4, 2021
May 7, 2021	June 8, 2021
June 4, 2021	July 6, 2021
July 2, 2021	August 3, 2021
August 6, 2021	September 7, 2021
September 3, 2021	October 5, 2021
October 1, 2021	November 2, 2021
November 5, 2021	December 7, 2021



Mary Lilly Smith, Executive Secretary
Board of Adjustment
City of Springfield