



Board of Adjustment

Date: Dec. 1, 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.I. Minutes November 3, 2020

Documents:

[BOA MINUTES 11-3-2020.PDF](#)

4. Communications:

5. Unfinished Business:

6. Public Hearings:

6.I. Variance 581

2009 West Kingsley Street, Housing Authority of Springfield c/o Katrena Wolfram

Documents:

[VARIANCE 581 SR.PDF](#)

7. Other Business:

8. 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: November 3, 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, Chair, Derek Lee, Vice-Chair, Shelby Lawhorn, and Bryan Fisher. Absent: Robert Sweere, Chair and 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 July 7, 2020 were approved.

COMMUNICATIONS: None

PUBLIC HEARING:

Variance 580

3523 East Stan Musial Drive

Applicant: R and K Property, LLC

Daniel Neal stated that this is a request for a variance from Section 36-450(5)(a)2.a. of the Zoning Ordinance to allow a new accessory building with a gabled roof over 16 feet in height. The applicant has submitted a request for a variance from the maximum height of an accessory building with a gabled roof.

36-450 (5) (a)

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.

The applicant also requested a variance from Section 36-450(4)(a); however, because of additional information provided, the applicant has requested to withdraw this section from the variance request. The Zoning Ordinance requires a maximum height of 16 feet for an accessory building with a gabled roof. The applicant is requesting a 31-foot-tall barn (accessory building) with living quarters. The applicant states in their responses to the 9 standards for the variance that the property will be used agriculturally, and the barn will be used to store equipment for the agricultural uses. The subject property is on 27 Acres. The Zoning Ordinance allows agricultural when property is over 20 acres in size.

Applicants response:

"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'."

"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."

The applicant will construct the barn in the middle of the 27-acre property in order to meet the agricultural zoning requirements that structures be at least 300 feet from a school, church or residentially zoned properties and used for residential purposes or platted for a residential subdivision.

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.

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 no-longer than one year from the date of such order unless a building permit is obtained for the accessory structure. 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.

Mr. Lee opened the public hearing.

Kelly Strang, 5147 S. Farm Road 181, owner of property and stated that the peak height would be 31' and the bottom floor will be utilized for equipment and will care for the land and animal while watching over the property. The setback is more than 500' and be suitable for a sitting member of the Missouri Farm Bureau and this also follows the Comprehensive Plan.

Robert Strang, 5147 S. Farm Road 181, stated that he did not have a lot to add and went over the history of the property as well as showing pictures of the old barn, etc., and noted that they have had trespasser's and voiced their concerns.

Chad Stain, County Sheriff, 1000 N. Boonville noted the criminal activity on the property and stated that they have had 154 calls for service in the last 2 years, i.e., drugs, abandoned vehicles and stolen and vandalized items.

Bryon Weber, 3170 E. Sunshine went over the plans for construction of the barn/garage/living quarters and asked for clarification on the height of the accessory building from the street grade.

Discussion about where the measurement of height is taken from, i.e., structure, highest adjacent grade, etc.

Mr. Lee 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 580 (3523 East Stan Musial Drive). The motion carried as follows: Ayes: Lee, Alden, Lawhorn, and Fisher. Nays: None. Abstain: None. Absent: Sweere and 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. **The condition is a 27 acre agriculture zone R-SF property/parcel.**

Approved: 5/0 The granting of the variance **will not** affect the rights of adjacent property owners or residents. **27 acre parcel.**

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. **Since it is a 27 acre parcel it would constitute a hardship if the same regulations were followed for a single-family residential lot.**

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.

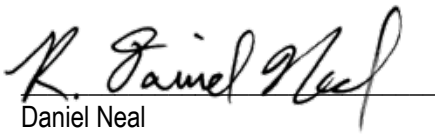
UNFINISHED BUSINESS:

2021 Board of Adjustment Calendar
Citywide

Applicant: City of Springfield

Motion to **approve** 2021 Board of Adjustment Calendar (Citywide). The motion carried as follows: Ayes: Lee, Alden, Lawhorn, and Fisher. Nays: None. Abstain: None. Absent: Sweere and Jackson.

OTHER BUSINESS: None

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

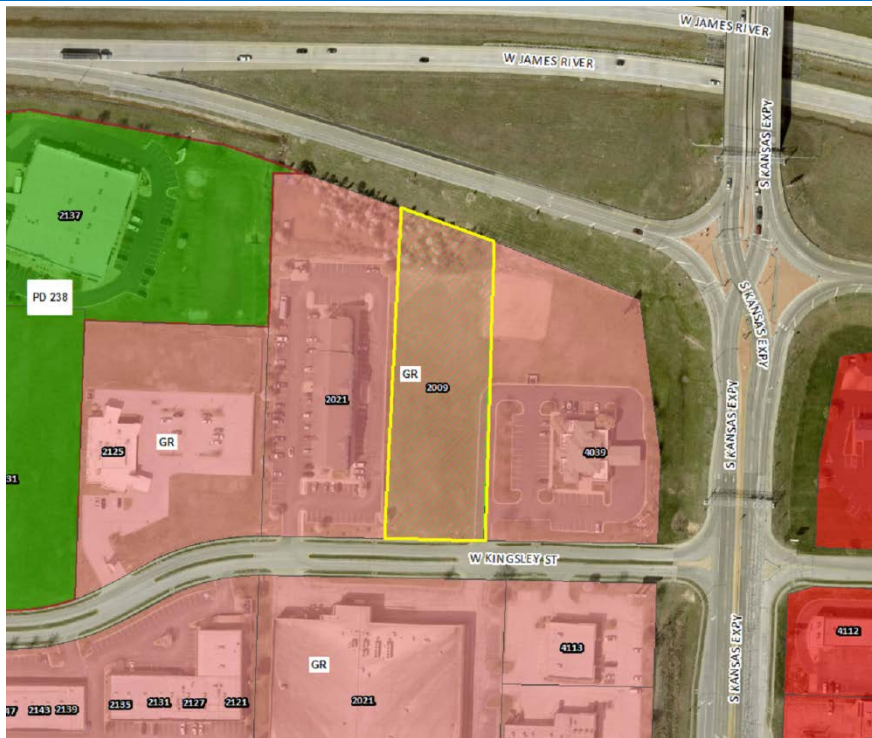
Daniel Neal
For Executive Secretary

Development Review Staff Report



BOARD OF ADJUSTMENT PUBLIC HEARING:

DECEMBER 1, 2020



CASE: Variance 581

ACRES: Approximately 1.62 acres

LOCATION: 2009 W. Kingsley Street

EXISTING LAND USE: Vacant/undeveloped

APPLICANT: Housing Authority of Springfield

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

SUMMARY OF ZONING VARIANCE:

Request to vary from the Off-Street Parking Requirements, Section 36-455(7)(a), which will allow front yard off-street parking for a new multi-family residential structure on property generally located at 2009 West Kingsley Street

STAFF FINDINGS:

1. The applicant, Housing Authority of Springfield, is proposing to construct a new four-story apartment building for homeless veterans with full ADA accessibility accommodations.
2. The applicant is applying to rezone the subject property, which is currently vacant, to a R-MD, Medium Density Multi-Family Residential District, to accommodate the new development.
3. The Zoning Ordinance only allows off-street parking to the side or rear of residential buildings per Section 36-455(7)(a).
4. This Section states that motor vehicles shall not be parked in that portion of a yard, on a lot or a tract of land in any residential district or a lot or tract of land used primarily for residential purposes in any other district.
5. The adjacent properties and properties across the street are zoned GR, General Retail District, and their primary uses (hotel and bank) are not residential so front yard parking is permitted.
6. 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.
7. If the variance is approved, the property owner will be allowed to construct a multi-family residential structure with front yard parking as shown on the attached exhibits.
8. If the variance is denied, the applicant must construct the proposed apartment building without any off-street parking in the front yard to comply with all applicable Zoning Ordinance requirements.

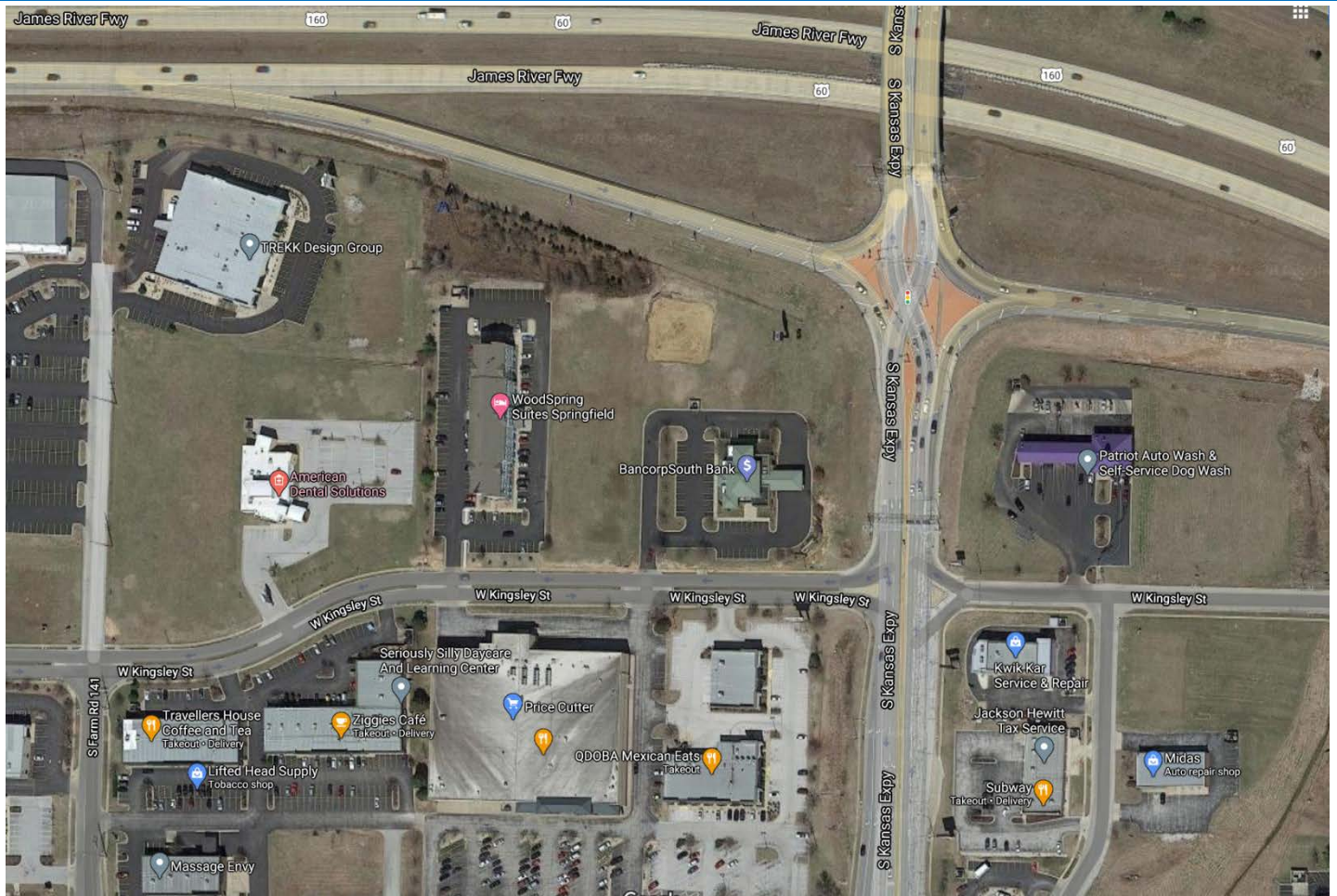
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	ROW	GR	GR	GR
LAND USE	James River Freeway right-of-way	Grocery store	Bank	Hotel

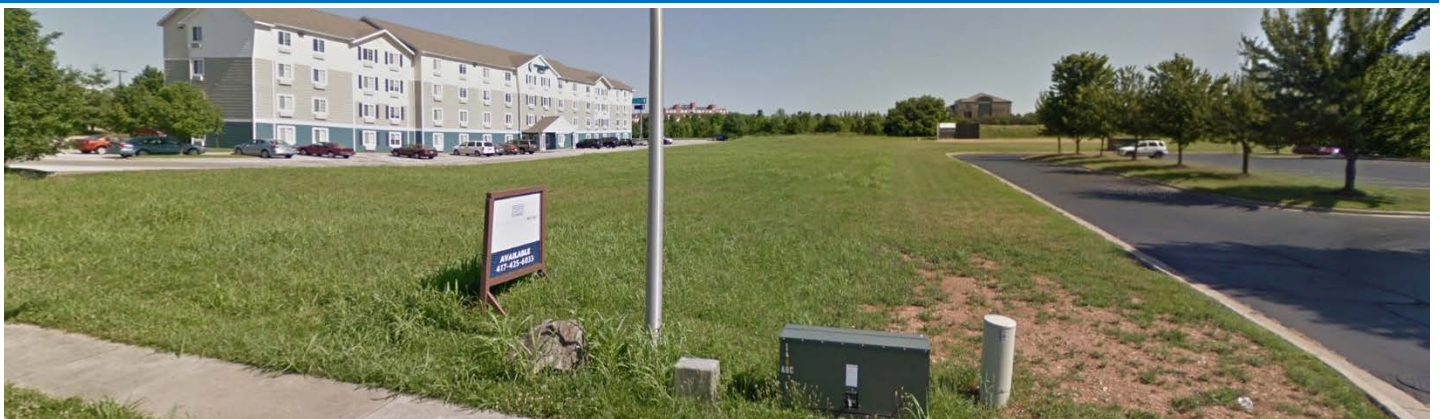
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SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



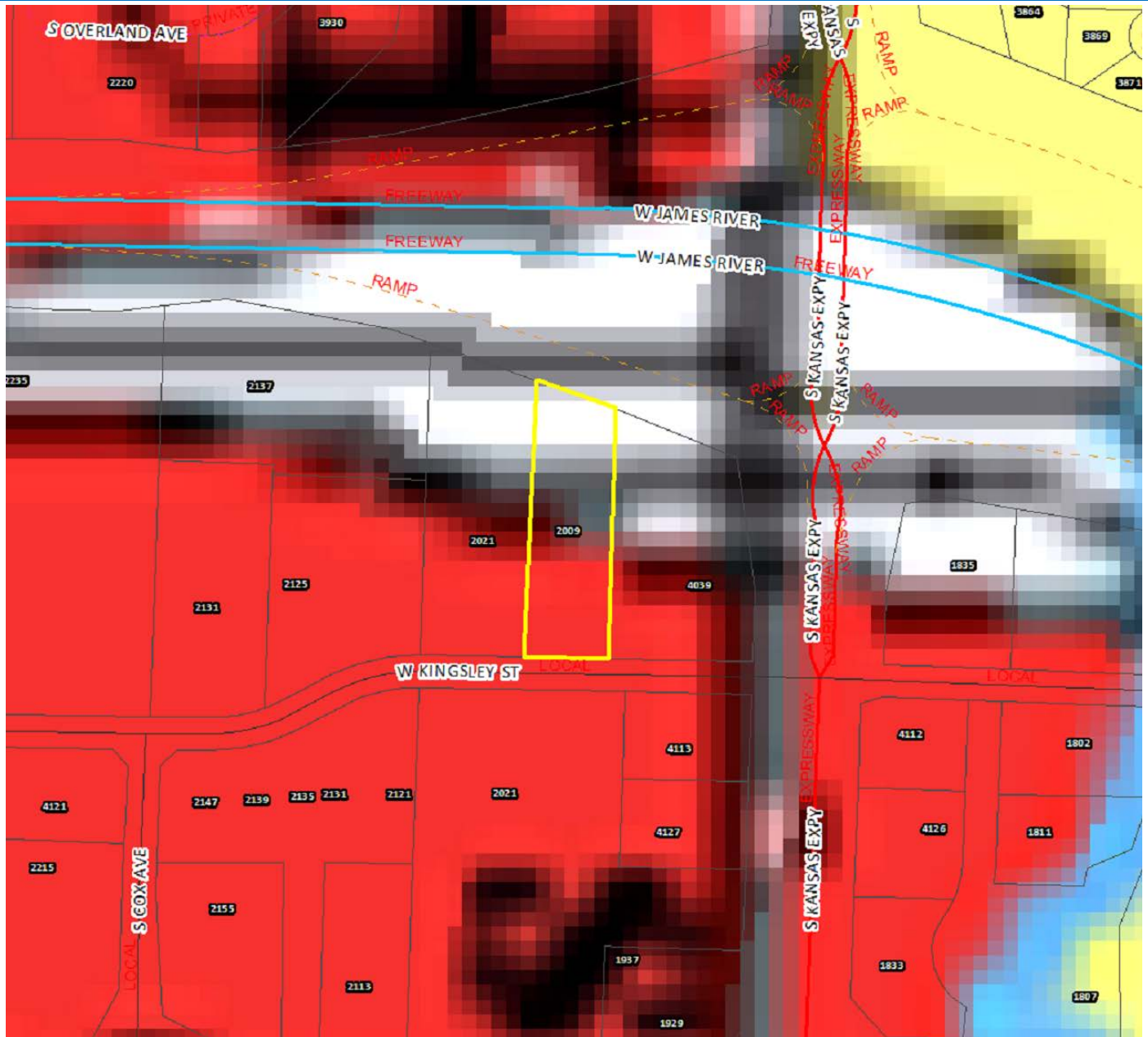
STREET VIEW:



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GROWTH MANAGEMENT AND LAND USE PLAN:



- | | | |
|---|--|--|
| Low-Density Housing | General Industry, Transportation and Utilities | Greenway |
| Medium or High Density Housing | Park | Parkway |
| Medium Intensity Retail, Office or Housing | School | City Boundary |
| High Intensity Retail, Office or Housing | Golf | Urban Service Area Boundary, Year 2020 |
| Greater Downtown | Community-Public | Urban Reserve Boundary, Year 2040 |
| Business Park | Urban Reserve Area | |
| Light Industrial, Office and Office-Warehouse | Rural Area | |

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PROPERTY HISTORY:

The subject property was annexed in 1976 and has been zoned GR, General Retail 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

Development Review Staff Report



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:

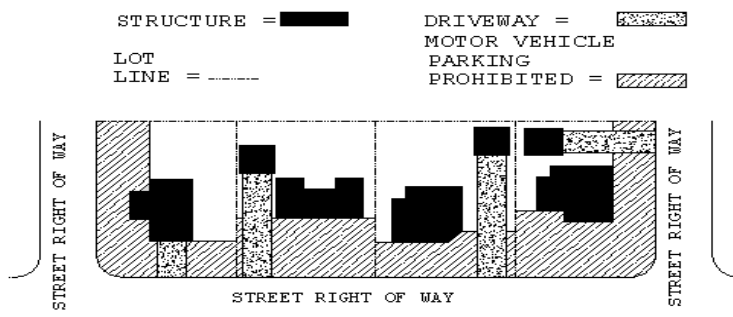
Sec. 36-455. - Off-street parking requirements.

- (7) *Motor vehicles and trailers on a residential lot.* As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. For purposes of determining the prohibited yard area, a line shall be established for each side of the structure fronting a street.

- (a) *Portions of a yard where motor vehicles and trailers are prohibited.* Motor vehicles shall not be parked in that portion of a yard, on a lot or a tract of land in any residential district or a lot or tract of land used primarily for residential purposes in any other district, in the open space between the street right-of-way and a line, as established in this section, extending from one side of the lot to the opposite side of the lot.

As viewed from the street, the line shall start at a point on the left lot line, and shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line (Figure 5-8).

Figure 5-8



- (b) *Portions of a yard where motor vehicles and trailers are permitted.* Notwithstanding the provisions in this subsection, motor vehicles or trailers in any residential district or a lot or tract of land used primarily for residential purposes in any other district may be located in all portions of a yard where not otherwise prohibited and if accessed in a manner that does not result in the creation of dust, mud, silt or standing water within those areas described in subsection 36-455(7)(a).
- (c) *Other portions of a residential lot where motor vehicles and trailers are permitted.* Motor vehicles and trailers may be located in any portion of a residential lot, including those areas otherwise prohibited by subsection 36-455(7)(a), if said motor vehicles and trailers are on one of the following:
1. An area excluding the front yard visually screened from adjacent streets by a solid fence or wall, not less than six feet in height and meeting the requirements of subsection 36-453(6), and if accessed in a manner that does not result in the creation of dust, mud, silt or standing water within those areas described in subsection 36-455(7)(a).
 2. An off-street parking area for residential uses meeting the requirements of subsection 36-483(2).
- (d) *Legal nonconforming parking in the yard.* Parking or storage use for motor vehicles and trailers that are previously established in a residential district or a lot or tract of land used primarily for residential purposes in any other district, and made nonconforming by the adoption of the provisions in subsections (7)(a) and (b), may be permitted to continue under one of the following circumstances:
1. The off-street parking space, and driveway leading thereto, does not meet the provisions of subsections 36-455(7)(a)—(c) but adheres to the surfacing requirement in subsection 36-483(1)(f).
 2. The off-street parking space, and driveway leading thereto, meets the locational provisions of subsections 36-455(7)(a)—(c) but does not adhere to the surfacing requirement in subsection 36-483(1)(f).

Development Review Staff Report



- (e) *Abatement of violation.* No person shall allow a motor vehicle or trailer to remain on property in violation of this section.

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* 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 requesting to vary from the Off-Street Parking Requirements, Section 36-455(7)(a), which will allow front yard off-street parking for a new multi-family residential structure on property generally located at 2009 West Kingsley.
2. The Board of Adjustment has authority to grant variances that are based on applicable off-street parking and off-street loading requirements and ratios per Section 36-365(2)(c) of the Zoning Ordinance.
3. The applicant states that they are seeking this variance to allow parking on the front yard of the property that is to be developed for Homeless Veterans and in order to meet the required parking we would need to utilize the front yard as additional parking for the tenants.
4. The property owner, Housing Authority of Springfield (HAS), is a not-for-profit public corporation that is managed by Executive Director, Katrena Wolfram.
5. The proposed multi-family residential building will be constructed approximately 99 feet from the existing right-of-way of Kingsley Street. It would be possible to move the proposed building closer to the street and provide additional off-street parking to the rear of the building. There is a detention basin on the northside of the property that limits how far north that off-street parking can be moved unless the detention basin is relocated.
6. The adjacent properties and properties across the street are zoned GR, General Retail District, and their primary uses (hotel and bank) are not residential so front yard parking is permitted.
7. The applicant has submitted a site plan and renderings of the proposed multi-family structure (Exhibits 2 & 3).
8. If the variance is approved, the property owner will be allowed to construct a multi-family residential structure with front yard parking as shown on the attached exhibits.
9. If the variance is denied, the applicant must construct the proposed apartment building without any off-street parking in the front yard to comply with all applicable Zoning Ordinance requirements.

RESPONSES TO STANDARDS FOR VARIANCES:

Development Review Staff Report



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>Our request for front yard parking is based on the need to provide additional parking for occupants in meeting the required parking for the project. This request will not create unnecessary hardship to the neighboring properties as they are already utilizing their front yards for parking. Moreover, the denial of this request will make it difficult or impossible to provide adequate parking for the occupants and to develop the property as intended for a 'Handicap Accessible Homeless Veterans Facility.'</i>	While the property is slightly narrow and there is an existing detention basin to the north, the physical surroundings or topography do not appear to prevent the site from being developed.
(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>No, the conditions upon which the petition for a variance is based would not be applicable to other properties within the same zoning classification because all neighboring properties near this property are already using the front yard as parking. Therefore, this request if granted will be consistent with the surrounding properties.</i>	Any property used residentially must follow the same zoning requirements; however, this location will be completely surrounded by GR, General Retail uses.
(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>The variance is requested strictly to provide the necessary parking for the development and to allow some of the parking to be located in the front yard. This development is for Homeless Veterans and ALL the Units are designed for ADA and UFAS Accessibility which requires more parking spaces and aisles than the traditional apartment unit complexes. It is not based on the desire to enhance the value of the property or increase the return or income therefrom.</i>	The property is currently vacant/undeveloped so any improvements would 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 allowed by the regulations in the district in which it is located; and	<i>If it could provide the necessary additional parking in the front yard to supplement its intended use since the development is designed for 100% ADA accessibility and all Units in the development, including all public spaces are designed for handicap accessibility.</i>	This site could be developed as other uses that would allow front yard parking.
(e) The alleged hardship has not been created by any person presently having an interest in the property; and	<i>This hardship has not been created by any person with interest in this property except the desire to provide adequate parking for the occupants.</i>	The issue is that the proposed use creates the prohibition for front yard parking.
(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>There are no detriments to the general public's welfare nor injurious to other property or improvements to the development in which the property is located, nor will it impair the values of the property or its surrounding. The surrounding properties are presently using the front yard for parking, therefor, the granting of this Variance would be consistent with the surrounding properties.</i>	It does not appear that this residential would be detrimental or injurious to other property in the neighborhood.
(g) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or	<i>The granting of this requested variance will not impair an adequate supply of light or air to adjacent property, or cause or</i>	The proposed variance does not appear to impair the adjacent properties.

Development Review Staff Report



<i>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>	<i>substantially increase congestion in the public streets, or increase any danger of fire or the spread of fire, or otherwise endanger the public safety.</i>	
(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 proposed development would appear to be consistent with the character of the surrounding neighborhood.
(i) The variance requested is consistent with the purposes and intent of this Article and the <i>Springfield Comprehensive Plan</i> .	<i>This variance, if granted will promote, preserve, and protect the health, safety, and general welfare and provide convenience to the public/patron, as well as preserve and protect the aesthetic quality as stated in the City's Strategic and Comprehensive Plan.</i>	As described above in the Compatibility with Comprehensive Plan section of the staff report, the proposed variance would be consistent with our plans.

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: 5

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.

ENVIRONMENTAL SERVICES CLEAN WATER COMMENTS:

Variance is for parking in front of the building. No impact on public sewer.

FIRE DEPARTMENT COMMENTS:

Pending compliance with 2018 IFC.

PUBLIC WORKS STORMWATER COMMENTS:

There is no issues with stormwater with proposed variance.

PUBLIC WORKS TRAFFIC COMMENTS:

Traffic has no issues with this variance request.

LEGAL DESCRIPTION:

Exhibit 1

All of the East 143.60 Feet of Lot Six (6), Final Plat in Republic Plaza, a subdivision in Greene County, Missouri. (Warranty Deed by Limited Liability Company - Book 2018, Page 044331-18).



VASH BUILDING

Oke-Thomas Architects



OKE-THOMAS + ASSOCIATES, INC.

October 30th, 2020

City of Springfield
Board of Adjustments
840 Boonville Avenue
Springfield, MO 65801

RE: Request for Variance – 2009 West Kingsley Street

On behalf of Housing Authority of Springfield, we hereby request exception to Section 36-455. (7) which regulates front yard off-street parking on the property. We are seeking this Variance to allow parking on the front yard of the property that is to be developed for Homeless Veterans and in order to meet the required parking we would need to utilize the front yard as additional parking for the tenants.

The reason this property was selected was due to it's proximity to the new VA Clinic on Republic Road, and the hope is that the Veterans that will be housed in this facility will have a short distance to travel to the Clinic. However, due to the number of parking spaces required for this development, we will need to utilize the front yard for additional parking.

The proposed development for this property is designed for full ADA accessibility accommodation, thereby necessitating the excess parking needed for the development.

Please see attached for the Site Plan that denotes the expected land use and Building Development.

In addition, see attached aerial view of surrounding building developments that showed parking in the front yard of the properties bordering this site. By allowing this exception the front yard parking will be consistent with the developments on both sides of this property:

- 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

Our request for front yard parking is based on the need to provide additional parking for occupants in meeting the required parking for the project. This request will not create unnecessary hardship to the neighboring properties as they are already utilizing their front yards for parking. Moreover, the denial of this request will make it difficult or impossible to provide adequate parking for the occupants and to develop the property as intended for a 'Handicap Accessible Homeless Veterans Facility.'

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

No, the conditions upon which the petition for a variance is based would not be applicable to other properties within the same zoning classification because all neighboring properties near this property are already using the front yard as parking. Therefore, this request if granted will be consistent with the surrounding properties.

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

The variance is requested strictly to provide the necessary parking for the development and to allow some of the parking to be located in the front yard. This development is for Homeless Veterans and ALL the Units are designed for ADA and UFAS Accessibility which requires more parking spaces and aisles than the traditional apartment unit complexes. It is not based on the desire to enhance the value of the property or increase the return or income therefrom.

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

if it could provide the necessary additional parking in the front yard to supplement its intended use since the development is designed for 100% ADA accessibility and all Units in the development, including all public spaces are designed for handicap accessibility.

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

this hardship has not been created by any person with interest in this property except the desire to provide adequate parking for the occupants.

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

There are no detriments to the general public's welfare nor injurious to other property or improvements to the development in which the property is located, nor will it impair the values of the property or its surrounding. The surrounding properties are presently using the front yard for parking, therefor, the granting of this Variance would be consistent with the surrounding properties.

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.

The granting of this requested variance will not impair an adequate supply of light or air to adjacent property, or cause or substantially increase congestion in the public streets, or increase any danger of fire or the spread of fire, or otherwise endanger the public safety.

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

The variance, if granted, will not alter the essential character of the neighborhood and/or development. The granting of the parking in the front yard will actually make it consistent with the neighbors and surrounding properties.

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

This variance, if granted will promote, preserve, and protect the health, safety, and general welfare and provide convenience to the public/patron, as well as preserve and protect the aesthetic quality as stated in the City's Strategic and Comprehensive Plan.

I hereby request that you review and approve this Variance on behalf of our client.

Please let me know if you have any questions.

Sincerely,

OKE-THOMAS + ASSOCIATES, INC.

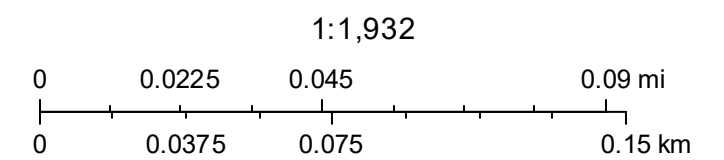
A handwritten signature in black ink, appearing to read "John Oke-Thomas", with a stylized flourish at the end.

**John Oke-Thomas, AIA RIBA
President/CEO**

Exhibit 5



October 29, 2020



City of Springfield GIS