



Springfield Board of Adjustment

City Council Chambers (830 Boonville)

Date: November 22nd, 2021

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 October 5, 2021

Documents:

[MINUTES 10-5-2021.PDF](#)

4. Communications:

5. Unfinished Business:

6. Variance 584

1601 West Division Street, Theresa A. Chappell Trust POA J.J. Hill

Documents:

[VARIANCE 584 REVISED SR.PDF](#)

7. Variance 585

309 & 327 West Lakewood Street, Project Collective, LLC c/o Jason Finley

Documents:

[VARIANCE 585 SR REVISED.PDF](#)

8. Public Hearings:
9. Other Business:
10. Approval Of 2022 Board Of Adjustment Calendar

Documents:

[2022 BOARD OF ADJUSTMENT CALENDAR.PDF](#)

11. 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: October 5, 2021

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: Derek Lee (Vice Chair), Bryan Fisher, Ed Alden, and Steven Jackson. Absent: Robert Sweere (Chair) and Shelby Lawhon. Staff: Daniel Neal, Senior Planner, Kyle Tolbert, Assistant City Attorney, Duke McDonald, Assistant City Attorney, and Bob Hosmer, Planning Manager.

Roll call:

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

APPROVAL OF MINUTES: The minutes of June 8, 2021 were approved.

COMMUNICATIONS: None

PUBLIC HEARING:

Variance 583

3411 South Kansas Avenue

Applicant: Project Collective, c/o Jason Finley

Mr. Neal stated that this is a request to vary from Section 36-453(6)(a)2. to allow a 6-foot-tall open aluminum fence in the front yard along Kansas Avenue. The applicant has submitted a request to vary from the Vision Obstruction Requirements, 36-453(6)(a)2. The Zoning Ordinance requires any fence in a front yard to be open, not exceeding 50 percent screening and no taller than 4-feet in height above yard grade. If these restrictions are met, then the front yard fence shall not be deemed to obstruct the view. The front yard is an open space extending the full width of the lot between the nearest principal building and the front lot line and measured perpendicular to the front lot line. The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, unless specifically noted otherwise on the final plat, the narrowest side fronting on the street shall be considered to be the front of the lot. The narrowest side of the lot is along Kansas Avenue.

Sec. 36-453. Supplemental open space and yard regulations.

(6) Vision obstruction restrictions.

(a) Front yards.

1. No obstructions in front yards. On any lot on which a front yard is required by this article, no wall, fence, or other structure shall be erected and no hedge, tree, shrub, or other growth or object of any kind shall be maintained in such location within such required front yard so as to obstruct the view, except as permitted by this subsection.
2. Fences in front yards.
 - a. Open fences not exceeding 50 percent screening and four feet in height above yard grade shall not be deemed to obstruct the view.

The proposed fence is proposed along Kansas Avenue between the retaining wall and the street. The zoning restricts access to Kansas Avenue from the multi-family development, so vision obstruction is not an issue in this area. If the variance is approved, the property owner will be allowed to construct a new 6-foot-tall fence that is at least 50% open in the front yard of the subject property. The new fence will not be allowed to exceed 6 feet above yard grade in the front and must be in substantial conformance with the site plan and elevation. 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 fence. If the variance is denied, the applicant must construct the new fence meeting the front yard vision obstruction restrictions and to comply with all other applicable Zoning Ordinance requirements.

Mr. Lee asked if there any public comments and Mr. Neal noted that there were none.

Mr. Lee opened the public hearing.

Mr. Fisher asked if a fence permit was applied for and was denied.

Mr. Neal stated that he does not believe a fence permit was applied for and instead was flagged by Building Development Services during the building permit review process.

Mr. Fisher questioned why they applied for a variance due and just approve the permit due to lack of obstruction of the view based on portions of the code. Stating that the code does not prohibit fences if taller than 4 foot and greater 50 percent obstruction it just says not exceeding 50 percent screening or four feet in height shall not be deemed to obstruct the view. Could the permit just be approved due to not obstructing the view.

Mr. Hosmer stated that fence should not be more than 50 percent and 4-foot height, and this is what the Board of Adjustment (BOA) would need to rule.

Mr. Fisher noted that it doesn't say the opposite and they need a determination that they don't obstruct the view.

Mr. Hosmer and Mr. Fisher both went over what the ordinances state.

Mr. Hosmer again stated that anything over 4 feet would need the BOA to rule.

Mr. Fisher noted again that it does not obstruct the view and the City has the authority to note that it does not violate the code per City staff view and why a variance is need and a permit should be approved.

Mr. McDonald noted the standard to establish an obstructive view is 50 percent or higher than 4 feet and went over several examples of what does obstruct views.

Mr. McDonald and Mr. Fisher both said it is an interpretation issue.

Mr. Hosmer noted that historically the Building Development Services (BDS) has interpreted that anything 4 foot and under and 50 percent or less open does not constitute obstruction of vision and anything above this is deemed to be against code. Mr. Hosmer gave examples.

Mr. Fisher said that it does not say the opposite, i.e., anything over 4 feet and 50 percent screening obstructs the view and noted the language used by staff noting that the City states in their staff report that the fence does not obstruct the view.

Mr. Hosmer, Mr. Fisher, and Mr. McDonald went over various wording and section numbers of the ordinances in question and use of objective/subjective measures for interpretation.

Mr. Fisher again noted that he does not believe the applicant needed to apply for a variance or should have had a determination.

Mr. McDonald noted that it could be approached in that manner and Mr. Tolbert stated that a variance in the future that the applicant would want a variance instead of a determination and this would offer clarity in the future and would like to hear from the applicant and proceed that staff has made the determine that a variance would be required.

Mr. Lee opened the public hearing.

Mr. Brent Stevens, 503 South National, architect. The project is under construction and almost open and did not have the fence on the original submittals and added the fence on an addendum and BDS determined that it was not allowed and recommended going with a variance. The property is odd shaped, the front yard is in the side part of the property and no visual obstruction and biggest concern is safety and believes that a 4-foot fence is not adequate due to a transformer located at the fence with a large drop off if someone was to climb over.

Mr. Jason Finley, Republic, noted his biggest concern is liability/safety issues and stated the height of drop off if someone gets on the transformer then climbs the fence and falls off.

Mr. Derek Lee asked if anyone is opposed to the case and for any staff comments.

Mr. Fisher noted again that we should treat this as an appeal of a denial and decide that the fence does not obstruct the view, so a variance is not required. He also stated that this should address the issue for any future fence problems and voiced his concerns about how the board could reach a finding that the property cannot yield a reasonable return absent this fence and if the city is agreeable to the change.

Mr. Hosmer noted his concerns that it was advertised as a variance and could be delayed to next month if changed.

Mr. Tolbert noted that Mr. Hosmer was correct about the advertisement and possible delay.

Mr. Fisher noted that an appeal does not require public advertising if the permit is not granted then they can appeal it and it just comes forward to the BOA.

Mr. Hosmer gave information on public advertisements noting the 10-day requirement prior to the meeting.

Mr. Tolbert states he believes the notice requirements were met and if the applicant would like to change their type of application (appeal) then they can continue with the change at this time.

Mr. Jason Finley, Republic noted that he wants to open the building and would like to change from a variance to an appeal.

Mr. McDonald went over interpretations and what is in agreement and need to vote on the subjective questions.

Mr. Fisher stated that the staff report said the fence does not obstruct the view and they do not need a variance and an appeal should be granted.

Mr. Hosmer noted that the applicant has to show evidence that the appeal meets the intent of the code.

Mr. Lee closed the public hearing and if the city had any objections to changing the variance to an appeal. 33.19

Member Action:

Mr. Fisher motioned to **change** the variance to an appeal (stating that the fence does not obstruct the view at 3411 South Kansas Avenue). Mr. Jackson seconded the motion. Motion carried as follows: Ayes: Lee, Alden, Fisher, and Jackson. Nays: None. Absent: Sweere and Lawhon.

Member Action:

Mr. Fisher motioned to **approve** the appeal stating that the fence does not obstruct the view (3411 South Kansas Avenue). No second motion. Motion failed.

Mr. McDonald again spoke about interpretation and double negatives that were part of the vote/change for the appeal and obstruction of the fence and notes it makes this confusing.

Mr. Fisher noted his lack of agreement and went over what exceeds or what not exceeds the obstruction of the fence.

Mr. McDonald went over double negatives as interpretation for restrictions on use.

Mr. Fisher and Mr. McDonald went over comments regarding the obstruction of the fence and what the code says and what the staff report does not.

Mr. Alden noted his confusion on the legal comments and would like this proceeding to allow another motion to back track to the original application (variance).39.24

Mr. Tolbert agreed that Mr. Alden could make another motion.

Mr. Fisher and Mr. Alden discussed the findings of facts and if the property cannot reach a reasonable return.

Member Action:

Mr. Fisher I want to **renew my** motion (appeal) to determine the fence does not obstruct the view and does not require a permit but is permitted. No second motion. Motion failed.

Mr. Lee asked for a new motion.

Member Action:

Mr. Alden motioned that we no longer consider this as an appeal and should revert back to the original variance for **approval**. Mr. Jackson seconded the motion. Motion carried as follows: Ayes: Lee, Alden, Fisher, and Jackson. Nays: None. Absent: Sweere and Lawhon. 42.04

Variance Findings of Fact and Conclusions of Law

Approved: 4/0 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. That condition is as follows: *Front yard is in practically the side yard and meets requirements.*

Approved: 4/0 The granting of the variance will not adversely affect the rights of adjacent property owners or residents. *No comments/responses.*

Approved: 4/0 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. *No comments/responses.*

Approved: 4/0 The variance desired will not adversely affect the public health safety, morals, order, convenience, prosperity, or general welfare. *No comments/responses.*

Approved: 4/0 Granting the variance desired will not be opposed to the general spirit and intent of the Land Development Code. *No comments/responses*

Other Findings: *No Obstruction.*

Variance 584

1601 West Division Street

Applicant: Theresa A. Chappell Trust
POA JJ Hill

Mr. Neal stated that this is a request to vary from Section 36-453(5)(b) and Section 36-453(6)(a)2 to allow a 10-foot-tall chain-link fence in all yards. The applicant has submitted a request to vary from the Permitted Projections and Structures in Required Yards, 36-453(5)(b) and Vision Obstruction Requirements, 36-453(6)(a)2. The applicant has constructed the existing 10-foot chain-link fence in the front, side, and rear yards without a building permit. A customer service request was filed with the Public Information Office and sent to Building Development Services for enforcement. The existing fence does not meet Zoning Ordinance requirements in regarding height and so a building permit cannot be issued. The Zoning Ordinance permits a fence not exceeding 7 feet in height and which complies with the provisions of subsection (6) in any yard except a front yard. Any fence exceeding 7 feet in height requires engineered plans to be submitted and reviewed with the building permit. The Zoning Ordinance requires any fence in a front yard to be open, not exceeding 50 percent screening and no taller than four feet in height above yard grade. If these restrictions are met, then the front yard fence shall not be deemed to obstruct the view. The front yard is an open space extending the full width of the lot between the nearest principal building and the front lot line and measured perpendicular to the front lot line. The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, unless specifically noted otherwise on the final plat, the narrowest side fronting on the street shall be considered to be the front of the lot. The narrowest side of the lot is along Kansas alley.

Sec. 36-453. Supplemental open space and yard regulations.

(5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:

(b) In any yard except a front yard:

1. A child's playhouse or a storage building not exceeding 100 square feet in gross floor area and ten feet in height.
2. Recreational equipment and clotheslines.
3. Fences not exceeding seven feet in height and which comply with the provisions of subsection (6).

Sec. 36-453. Supplemental open space and yard regulations.

(6) Vision obstruction restrictions.

(a) Front yards.

1. No obstructions in front yards. On any lot on which a front yard is required by this article, no wall, fence, or other structure shall be erected and no hedge, tree, shrub, or other growth or object of any kind shall be maintained in such location within such required front yard so as to obstruct the view, except as permitted by this subsection.
2. Fences in front yards.
 - a. Open fences not exceeding 50 percent screening and four feet in height above yard grade shall not be deemed to obstruct the view.

The existing 10-foot-tall chain-link fence that begins on the southeast and ends on the southwest sides of the existing building. There are two gates. The main entrance is along Division Street. The applicant states this fence is necessary for security purposes because of the numerous stolen vehicles, catalytic converters, truck tailgates, etc. They argue that there are existing businesses along Division Street that use chain link fences in their front and side yards for security purposes.

If the variance is approved, the applicant will be allowed to retain the existing 10-foot-tall chain link fence in its current configuration as shown on the attached exhibit. Staff is proposing a condition that the fence must meet current building code requirements and have a design professional review and seal documents. It also needs to be evaluated by Public Works Traffic Division to determine that the placement of the fence does not obstruct any site

distance for vehicles or obstruct any walkway for pedestrians. 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 fence. If the variance is denied, the applicant must modify the existing chain link fence to meet the front yard setback requirements, any other yard setback requirements and to comply with all applicable Zoning Ordinance requirements.

Mr. Lee asked if they could consider this a unique hardship with the number of crimes the applicant has had against his property. Is crime a unique hardship?

Mr. Tolbert noted that it would be the applicant's burden.

Derek Lee opened the public meeting.

JJ. Hill, Springfield put the fence up 10 months ago due to breaking windows, catalytic converts, stolen automobiles, etc. and have a large homeless population that hangs out in the area and this is a safety issue, with the fence up there has not been any problems and if we have to take the fence down, we may have to close our business.

Mr. Fisher noted the location near the railroad and does the owner believe that this area has a lot of homeless and trash, needles, clothes, etc.

Mr. Hill noted the problems that are in the area and gave out examples, siting that they purchased the fence from the airport.

Mr. Lee asked if they understand that they will have to apply for a permit.

Mr. Hill noted that he will do whatever the city requires and noted that they decided to have the fence around the entire business due to all the crime and homelessness.

Mr. Lee closed the meeting.

Mr. Lee asked if anyone is opposed to the case and for any staff comments.

Mr. Alden noted that he feels for the owner and understands that crime is a huge problem but believes that the other fences that are currently up are part of the 1995 ordinance and asked if they are being cited as well.

Mr. Neal was not sure if the other businesses are being cited and noted that some have been there for a long time and went over what fences are in the area.

Mr. Alden asked if the fence would be legal if 7 feet except along the alley.

Mr. Neal stated that if have to be 4 feet tall and 50 percent open along the front and on the side (Division side) it would need to 6 feet in height.

Mr. Alden noted that he can only find four out of the nine criteria that can be utilized for this request and will be voting no.

Mr. Fisher asked Mr. Alden which criteria numbers he cannot find for.

Mr. Alden noted criteria E.

Mr. Fisher noted the hardship is the crime and they are asking if we can authorize the fence.

Mr. Alden noted that the hardship is the variance for the fence, not the crime.

Mr. Fisher noted that the hardship is created by application by the ordinance.

Mr. Alden then noted criteria A (geographical situation).

Mr. Fisher noted that the physical area is the railway and alley that attracts transient people, and this cannot yield a reasonable return.

Mr. Alden noted the reasonable return was one of the findings that he found.

Mr. Hosmer noted that crime is not part of the zoning code and is enforced by the police.

Mr. Fisher went over the code and noted the specific findings from criteria A (physical surroundings) and believes the testimony that the location/property is next to a railroad and alleyway and is imperiling this property to crime.

Mr. Hosmer noted that a lot of properties are located next to railroads and alleyways and have crime.

Mr. Alden noted that he did tour the location/property but cannot see it being unique to this property.

Mr. Fisher finds it unsettling that we cannot find that a lawsuit against this property could yield a reasonable return without the fence due to the transient people and will be voting to approve.

Mr. Lee noted that this is what he has been struggling with and finds that this is unique when the owners have the abundance of crime and very unique damage/situation to this property and will be voting to approve.

Mr. Hosmer said that it is based on the evidence from the applicant and noted that he has had crime in his home and building a fence around his home would not be justified.

Mr. Fisher asked if railways and alleyways are not subject to more crime and can the city substantiate or refute it.

Mr. Alden noted that there are only 4 members on the board today and suggests that the owner request this be tabled to the next meeting in hopes of getting more members that would approve this variance.

Mr. Fisher asked if the variance could be tabled.

Mr. Lee asked if they could table it without the applicant's request. Mr. Lee requested that the applicant come forward.

Mr. Hill noted that he is okay with tabling to November 3, 2021 and requests it be tabled.

Member Action:

Mr. Lee motioned to **table** Variance 583 (3411 South Kansas Avenue) to November 3, 2021. Mr. Alden seconded the motion. Motion carried as follows: Ayes: Lee, Alden, Fisher, and Jackson. Nays: None. Absent: Sweere and Lawhon.

Variance 585
309 & 327 West Lakewood Street
Applicant: Project Collective, c/o Jason Finley

Mr. Kyle Tolbert went over procedural issues on presentations.

Mr. Lee opened the public hearing.

Mr. Jared Davis, 3213 S. West Bypass and noted that they will combine both lots and want to have it rezoned to multi-family. Noted the proposed site plan where the property drops off 25 feet from the northeast to the southwest corner and will be required to build a detention basin and the parking lot would be in the low part of the property. There are issues with rock and stormwater if we do the original site plan as the city would prefer. He described stormwater and retaining wall issues if they are not allowed to have front yard parking.

Mr. Alden asked what original plans were submitted to the city and noted the second plan is more cost effective and why they cannot go with the original plan approved by the city and do not use costs involved in the request of the variance.

Mr. Davis noted that it is mostly cost pertaining to the request for the variance.

Mr. Alden asked about the cost probability versus non-profitability.

Mr. Davis stated that this property would not have the required cash flow in the development, and they looked at both options and cannot make the math work without a change in the parking.

Mr. Alden noted that he does not see the cost (non-profitability) without the numbers present.

Mr. Davis went over current issues with the original plan.

Mr. Alden noted the other buildings next to the proposed location and how they worked to get the buildings situated with the same incline.

Mr. Davis noted that they located the buildings on the high side of the property, and it is worked with the site and noted that if on the lower side it is working against mother nature.

Mr. Lee asked for clarification if they are required to build the property to code and then there is no cashflow.

Mr. Davis agreed with the statement.

Mr. Fisher asked if there are any other reasons why they would go with the alternate site plan (deterioration, etc.).

Mr. Davis noted additional things that could pop up (mold, stormwater) and this would need to be constructed 100% issue free.

Mr. Fisher noted the board cannot vote for a variance on the basis of making it more profitable and asked for additional reasons/issues not related to money.

Mr. Jason Finley stated the reason for this site plan is they want to rezone it and does not understand why the city require parking in the back and this site is completely restrictive. If they have to build to the original site plan, then they will not build it and understand the limitations but why can't there be a variance based on the site plan. He went over some of the issues of the original site plan.

Mr. Alden stated that he understood the issues, but the property was purchased knowing the building issues/problems and then going through BOA for a variance.

Mr. Finley asked why this is a city ordinance since this location is next to county zoning and not downtown.

Mr. Alden said that it is not the purvey of the board.

Mr. Lee said the city has an application where the language can be changed, and the board is not tasked with changing the zoning ordinance.

Mr. Fisher noted that he has no issue of them going through BOA and gives City the credit that they did not give bad advice regarding applicant bringing their financial numbers, but the board needs more reasons other than money (safety, security).

Mr. Finley noted that they are concerned about safety, security, and possible stormwater issues due to water flowing towards the building and would like to table this to November 4, 2021 if we cannot get a favorable vote.

Mr. Lee asked about the height of the retaining wall and if a safety issue.

Mr. Finley noted that it would be at least 15 feet in the back of the building.

Mr. Fisher wanted clarification on the retaining wall.

Mr. Finley stated it would be a full wall on the north side and 3/4 of the way down the building on the east side going south.

Board members discussed general information about the retaining wall and drop off.

Other discussion not clear on tape/recording (either not talking into the microphone or not at a microphone).

Mr. Davis discussed the issues with working with the rock and the problems that could happen noting that the alternate site plan alleviates/addresses some of the concerns.

Mr. Lee closed the public hearing.

Mr. Neal stated that this is a request to vary from Section 36-455(7)(a) to allow off-street parking in the front yard of a R-MD, Medium Density Multi-Family Residential District. The applicant has submitted a request to vary from the Motor Vehicles and trailers on a Residential Lot, Section 36-455(7)(a). The Zoning Ordinance requires any new off-street parking in a residential zoning district to be located to the side or behind any residential structure per Section 36-455(7)(a). The Multi-Family Location and Design Guidelines which guides staff, Planning and Zoning Commission and City Council decisions on multi-family housing also recommends that buildings adjacent to the street shall not have parking lots located between the building and the street. The current Zoning Ordinance requirement has been in place since 1995 and the Multi-Family Design Guidelines were originally adopted in 2007.

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).

5.7 Multi-Family Design Guidelines

Design to Encourage Pedestrian Activity

3. Buildings adjacent to the street should be situated on the site to provide pedestrian access to the street. Additional interior lot buildings may be oriented toward parking lots or public/common open space. Buildings adjacent to the street shall not have parking lots located between the building and the street. Corner lots may have parking on one street face. Interior areas of parking and vehicular use areas shall contain planting islands every 20 contiguous parking spaces whether double staked or linear. The size of the planting island shall be the equivalent area of one parking space. This shall be used toward satisfying the 5% interior landscaping requirements.

The applicant recently rezoned the subject property for multi-family use on June 14, 2021 with a site plan that shows the off-street parking in compliance with Zoning Ordinance requirements. The applicant states that the Lakewood site falls from the north side of the parcel to the south. The entire fall across the property is roughly 25' from the NE corner to the SW corner. (1232'-1207'). By requiring parking in the rear, this means the building must be placed on the low side of the property which creates a problem for stormwater drainage for the proposed buildings. Staff states that there are many multi-family and commercial properties that are not constructed on the high point of the site. The site can be engineered to drain around the proposed multi-family building and still meet the Multi-Family Location and Design requirements and Zoning Ordinance similar other properties. The general location of the detention basin doesn't change between the two site plans.

The applicant has also submitted a proposed site plan if the variance was approved. It shows the multi-family structure on the northeast portion of the lot which is the highest point of the site. The applicant states the parcel to the west has parking located in front of the building. This parcel is also located within the City Limits of Springfield. The parcel to the east is existing apartment housing with parking along the street frontage. The proposed development will look very similar (in layout) to the neighboring apartment complex and will not be detrimental to the public welfare or injurious to other property or improvements.

If the variance is approved, the property owner will be allowed to construct off-street parking between the building and Lakewood Street only if City Council approves the revised site plan. 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 fence. If the variance is denied, the applicant must construct the off-street parking and site plan in conformance with the City Council approved Conditional Overlay District and all applicable Zoning Ordinance requirements.

Mr. Alden asked what is the process that comes together with staff and the applicant to discuss the project and if it has gone through it.

Mr. Hosmer noted that it is Pre-development Review.

Mr. Alden asked if the applicant did go through Predevelopment?

Mr. Neal stated that they did go through Pre-development with the original site plan and did get approval but did not get approval for the alternate site plan and they opted to go through the Board of Adjustment.

Mr. Davis noted the opposite lot configuration, and the original proposal would be hard to fit on this lot due to it postage stamp size and this was submitted to Predevelopment with the original site plan (setback and parking requirement).

Mr. Lee asked about if they get approval for the alternate site plan will there be a retaining wall on the north side.

Mr. Davis noted that there would be a retaining wall, but much smaller, probably 30 inches in height.

Mr. Lee asked staff about a retaining wall in the bulk plane.

Mr. Hosmer noted that retaining walls are exempt from bufferyards and setbacks.

Mr. Alden noted the 9 specific standards and said that the cost is a very big aspect, but requests this be tabled and maybe review the items A thru I for additional information (not monetary) that may assist the applicant.

Mr. Fisher believes we are applying inconsistent issues per other projects listen to today and believes that tabling would be best and cannot believe that the retaining wall cannot be a safety issue on this project.

Mr. Derek Lee agrees with the tabling.

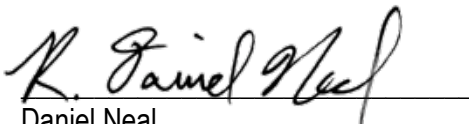
Mr. Hosmer notes that this project is not about the retaining wall.

Mr. Alden believes this could be open for appeal by the city if this is passed.

Mr. Jared Davis requests this be tabled to November 3, 2021.

Member Action:

Mr. Fisher motioned to **table** Variance 585 (309 & 327 West Lakewood Street) to November 3, 2021. Mr. Jackson seconded the motion. Motion carried as follows: Ayes: Lee, Alden, Fisher, and Jackson. Nays: None. Absent: Sweere and Lawhon.


Daniel Neal
For Executive Secretary

Development Review Staff Report



BOARD OF ADJUSTMENT PUBLIC HEARING:

NOVEMBER 2, 2021



CASE: Variance 584

ACRES: Approximately 0.34 acre

LOCATION: 1601 W. Division Street

EXISTING LAND USE: Used car sales

APPLICANT: Theresa A. Chappell Trust c/o JJ Hill

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

SUMMARY OF ZONING VARIANCE:

Request to vary from Section 36-423(5)(b), Section 36-453.(5)(b) and Section 36-453.(6)(a)2. to allow a 10-foot-tall chain-link fence in all yards.

STAFF FINDINGS:

1. The applicant, JJ Hill by power of attorney, is proposing to keep an existing 10-foot-tall chain link fence up in all yards.
2. The applicant is leasing the subject property and has recently purchased and setup a 10-foot chain link fence with gates to provide security to their used automotive sales business.
3. The applicant is requesting to retain a 10-foot-tall chain link fence that currently encompasses the used car display and parking lot along Kansas Expressway, Division Street and Kansas Alley Access as shown on the attached site plan.
4. A service request was filed in August and on August 17, 2021, the property was identified to be in violation of the Zoning Ordinance.
5. The Building Development Services inspector found violations to:
 - a. Section 36-453(6)(a)2.b. - Open fences in front yards cannot exceed 50% screening and four feet in height above grade.
 - b. Section 36-453(6)(a)2.d.- A building permit is required to construct a fence in any required front yard.
 - c. Section 36-453(6)(b)2. – Does not meet the sight triangle requirements.
 - d. Section 36-423(5)(b) – Fence placement does not meet required 50 foot setback from the right-of-way centerline of a primary arterial classified street (Division Street).
6. The Zoning Ordinance has vision obstruction restrictions that apply to all zoning districts and uses. These restrictions include requiring any fence in a front yard to be open, not exceeding 50 percent screening and no taller than four feet in height above yard grade. If these restrictions are met, then the front yard fence shall not be deemed to obstruct the view. Also, any yard except the front yard allows a fence not exceeding 7 feet in height; however no structure is allowed within 50 feet from centerline of a primary arterial street.
7. While the existing fence does not meet the sight triangle requirements of Section 36-453(6)(b)2. The Administrative Review Committee may, upon concurrence of the city traffic engineer, modify the sight triangle requirements if it can be demonstrated to the satisfaction of the administrative review committee that the modified sight triangle will provide clear sight and safety.
8. 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.

Development Review Staff Report



9. If the variance is approved, the applicant will be allowed to retain the existing 10-foot-tall chain link fence in its current configuration as shown on the attached exhibit. Staff is proposing a condition that the applicant must apply for a fence permit and meet current building code requirements which will require a design professional review and seal plans. It also needs to be evaluated by Public Works Traffic Division to determine that the placement of the fence does not obstruct any sight distance for vehicles or obstruct any walkway for pedestrians.
10. If the variance is denied, the applicant must either remove the fence entirely or apply for a fence permit and modify the existing chain link fence to meet the front yard setback requirements, any other yard setback requirements and to comply with all applicable Zoning Ordinance requirements.

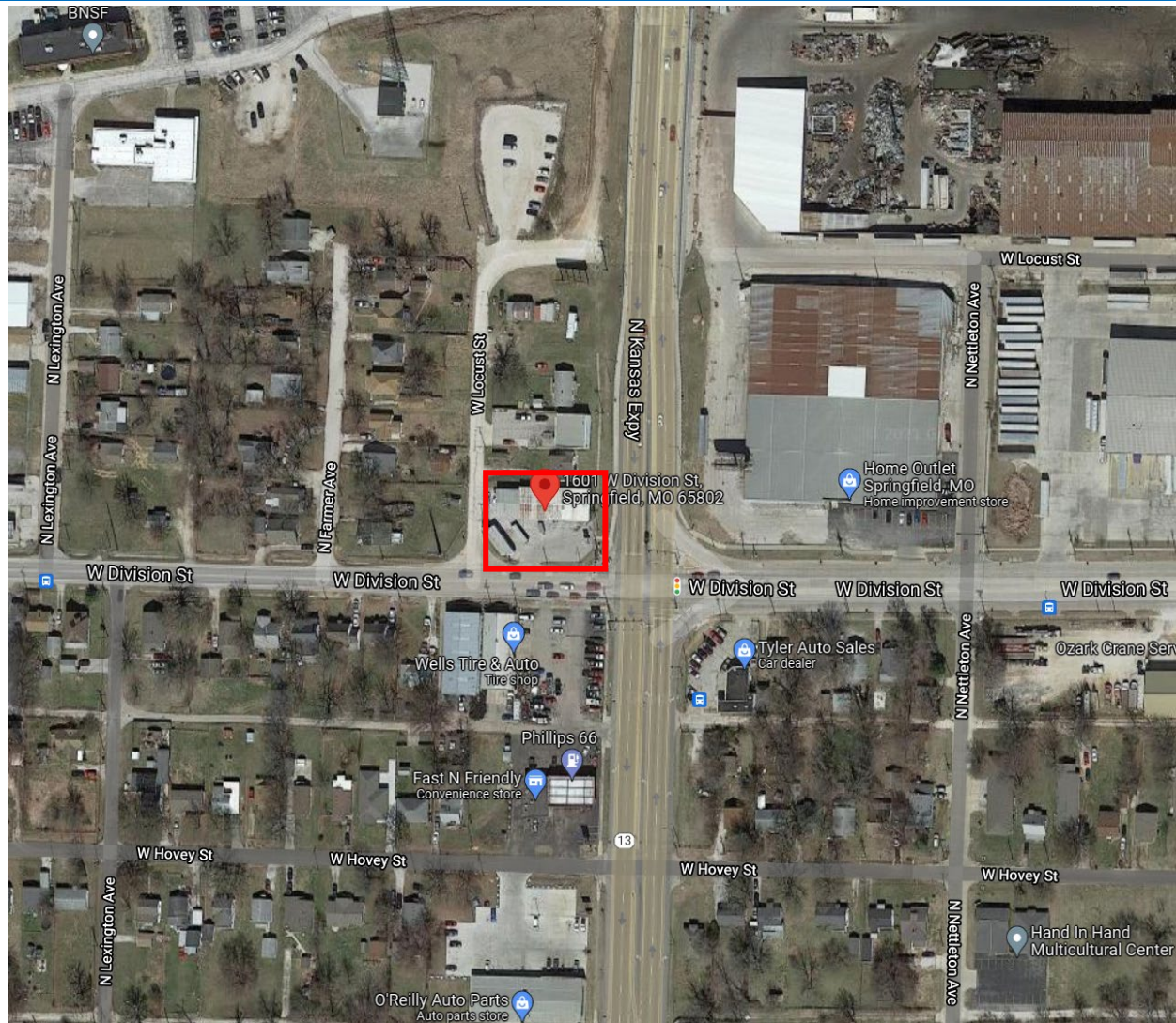
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	CS	HC	HM	CS
LAND USE	Commercial service uses	Automotive tire supply and repair	Home Improvement Warehouse	Single-family residence

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



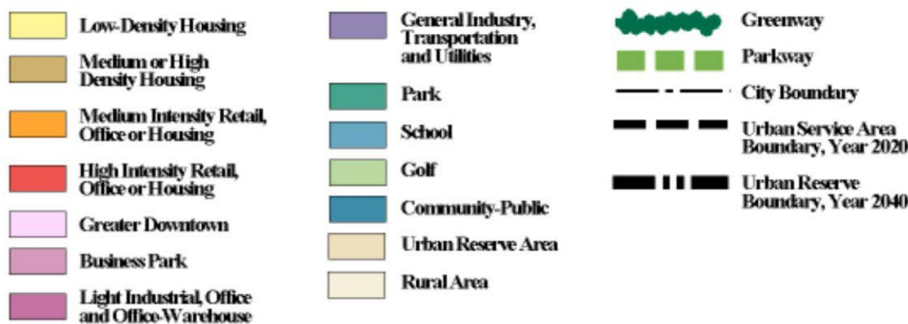
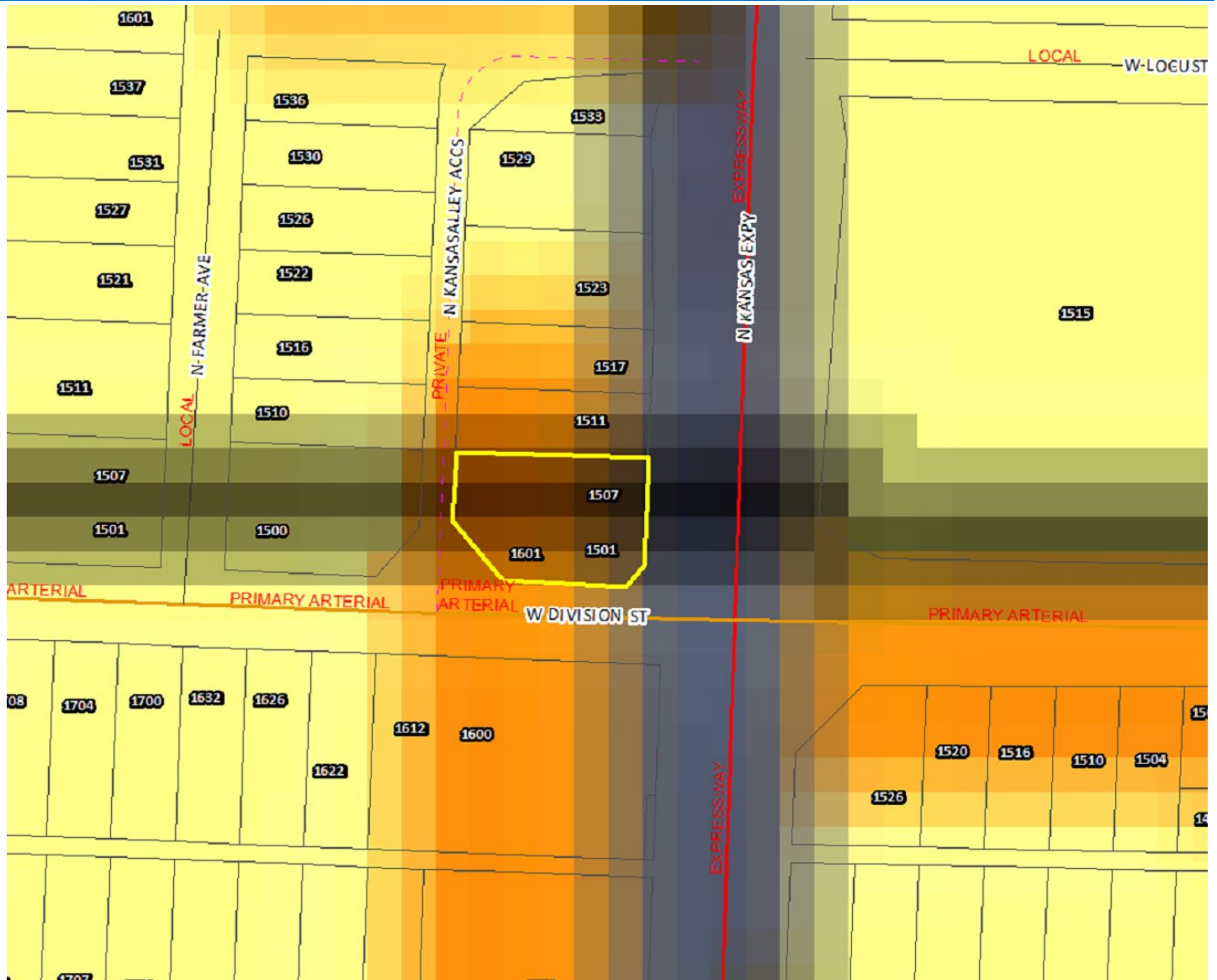
STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was annexed in 1926 and was originally zoned M-2 in 1956 with the adoption of the Zoning Map and Ordinance and translated to CS, Commercial Service District since the citywide remapping in 1995. The existing commercial building was constructed in 1973.

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

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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. 36-423. CS - Commercial service district.

(5) *Bulk and intensity of use regulations.*

- (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 or R-TH districts.
- (b) *Minimum yard requirements:*
 - 1. *Front yard:* None.
 - 2. *Side yard:* None, except as required by the bufferyard requirements in subsection (8).
 - 3. *Rear yard:* None, except as required by the bufferyard requirements in subsection (8).

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

Sec. 36-453. Supplemental open space and yard regulations.

(5) *Permitted projections and structures in required yards.* The following shall not be considered to be obstructions when located in a required yard:

- (b) In any yard except a front yard:
 - 1. A child's playhouse or a storage building not exceeding 100 square feet in gross floor area and ten feet in height.
 - 2. Recreational equipment and clotheslines.
 - 3. Fences not exceeding seven feet in height and which comply with the provisions of subsection (6).

(6) *Vision obstruction restrictions.*

- (a) *Front yards.*
 - 1. *No obstructions in front yards.* On any lot on which a front yard is required by this article, no wall, fence or other structure shall be erected and no hedge, tree, shrub, or other growth or object of any kind shall be maintained in such location within such required front yard so as to obstruct the view, except as permitted by this subsection.

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2. Fences in front yards.

- a. Open fences not exceeding 50 percent screening and four feet in height above yard grade shall not be deemed to obstruct the view.
- b. The square footage of the open voids shall be measured by taking the total square footage of an area defined by the length of the fence and a height of four feet above yard grade, and subtracting the total square footage of screening within the fence. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by 100. The fence's framing (the vertical posts supporting the fence from the ground and no more than two horizontal cross bars between the posts) shall not be included in the calculation of the total square footage of screening, provided the framing posts and cross bars do not exceed a four-inch width and the posts are spaced at least eight feet apart. If the fencing is placed between brick or stone pillars, these pillars shall be included in the calculation of the total square footage of screening.
- c. Questions regarding the yard grade shall be resolved by the director of the department of building development services.
- d. A building permit, at no charge, shall be required to construct a fence in any required front yard.

3. Vegetation in front yards. Hedges, shrubbery, flowers, or other similar vegetation planted to form a continuous line of growth shall not exceed a height of four feet.

(b) Sight triangles.

1. **Street intersections.** Standards for street intersection sight triangles shall reflect the street classification as identified in the major thoroughfare plan. The conditions below indicate the minimum requirements for sight triangles as measured along the required right-of-way (Figure 5-5). The city traffic engineer may require additional triangle area for clear sight and safety as determined by a traffic study for special conditions. The administrative review committee may, upon concurrence of the city traffic engineer, modify the sight triangle requirements if it can be demonstrated to the satisfaction of the administrative review committee that the modified sight triangle will provide clear sight and safety.

Sight Triangle Requirements

Intersecting Street	Expressway	Primary Arterial	Secondary Arterial	Major Collector	Residential Collector	Commercial/Industrial Local	Residential Local	Low-Volume Residential Local
Expressway	A	A	A	B	B	B	B	B
Primary arterial	A	A	A	B	B	B	C	C
Secondary arterial	A	A	B	B	C	C	C	C
Collector	B	B	B	C	C	C	C	C
Commercial/ industrial local	B	B	C	C	C	C	C	-
Residential local	B	C	C	C	C	C	-	-
Low-volume residential local	B	C	C	C	-	-	-	-

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Key: A - 100' x 100' Sight Triangle
B - 30' x 30' Sight Triangle
C - 10' x 10' Sight Triangle

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 permitted projections of Section 36-453.(5)(b) and the Vision Obstruction requirements of Section 36-453(6)(a)2. to allow for a 10 foot tall fence in all yards at 1601 W. Division Street.
2. The Board of Adjustment has authority to grant variances that are based on design requirements of this article per Section 36-365(2)(e) of the Zoning Ordinance.
3. The property owner, Theresa Chappell Trust, has granted Power of Attorney to JJ Hill to represent this Board of Adjustment case.
4. The property line and fence are approximately 75 feet from the centerline of Kansas Expressway, 30 feet from the centerline of Division Street and varying feet from Kansas Alley (as close as approximately 10 feet) centerline.
5. The applicant has submitted a site plan, violation notice, police records, local news information and photo of the existing fence and fences in the area (Exhibit 2). The BDS inspector has provided photos of the existing fence (Exhibit 3).

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>Yes, it would put us out of business totally. There is no way to stay in business without the fence. It is totally for security. We have had 3 pick-up trucks stolen, worth \$30,000 and 7 catalytic converters, windshield wipers and tailgates from the back of the truck bed. Plus, homeless sleep, litter, break into our cars. Also, our front door was broken out.</i>	The physical surroundings, shape or topography of the site do not appear to create a hardship.
(b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other	Yes	There are other CS zoning districts with automobile sales and service that

Development Review Staff Report



property within the same zoning classification; and		do not have 10 foot chain link fences for business.
(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>Absolutely not, if we could of not had to put it up, we would of. The fence is not to enhance anything other than for security. Not to mention the cost and time it took us to put it up and the stress of being vandalized. If we claim on our insurance, then we will get canceled so we did not.</i>	This request does not appear to enhance the value of the property or increase the return or income.
(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>True, we will not be able to stay in business. We don't want to claim on our business insurance unless it's an act of mother nature or weather.</i>	The used car business on this property in question has been in operation at this location since September of 2020 and has recently put the fence up for security.
(e) The alleged hardship has not been created by any person presently having an interest in the property; and	<i>No, not all</i>	The applicant installed the fence a few months ago. They have been licensed for their business since 2020.
(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>No.</i>	It can be argued that a 10 foot tall chain link fence does not positively contribute to the neighborhood; however, there are other chain link fences along Division Street. Some of the existing chain link fences may have existed prior to the 1995 zoning ordinance.
(g) <i>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>	<i>No, also the fence is only in front of the building where our vehicle inventory is displayed. The other 3 sides of the building are not fenced.</i>	As long as the fence does not cross onto right-of-way, allows Fire and Police access or impede pedestrians, or create any access safety issues, then it does not appear to impair supply of light and air, increase the danger of fire or endanger the public safety.
(h) The variance, if granted, will not alter the essential character of the neighborhood, and	<i>No.</i>	There are other chain link fences along Division Street. Some of the existing chain link fences may have existed prior to the 1995 zoning ordinance
(i) The variance requested is consistent with the purposes and intent of this Article and the <i>Springfield Comprehensive Plan</i> .	<i>Not sure.</i>	As described above in the Compatibility with Comprehensive Plan section of the staff report, the proposed variance would appear to be inconsistent with existing 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 property owners within 185 feet.

Notices sent to property owners within 185 feet:

Mailed: 13

Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with proposed variance.

CITY UTILITIES COMMENTS:

No issues with fencing variance.

ENVIRONMENTAL SERVICES CLEAN WATER COMMENTS:

No impact on public sewer.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS STORMWATER COMMENTS:

No stormwater concerns with fencing variance.

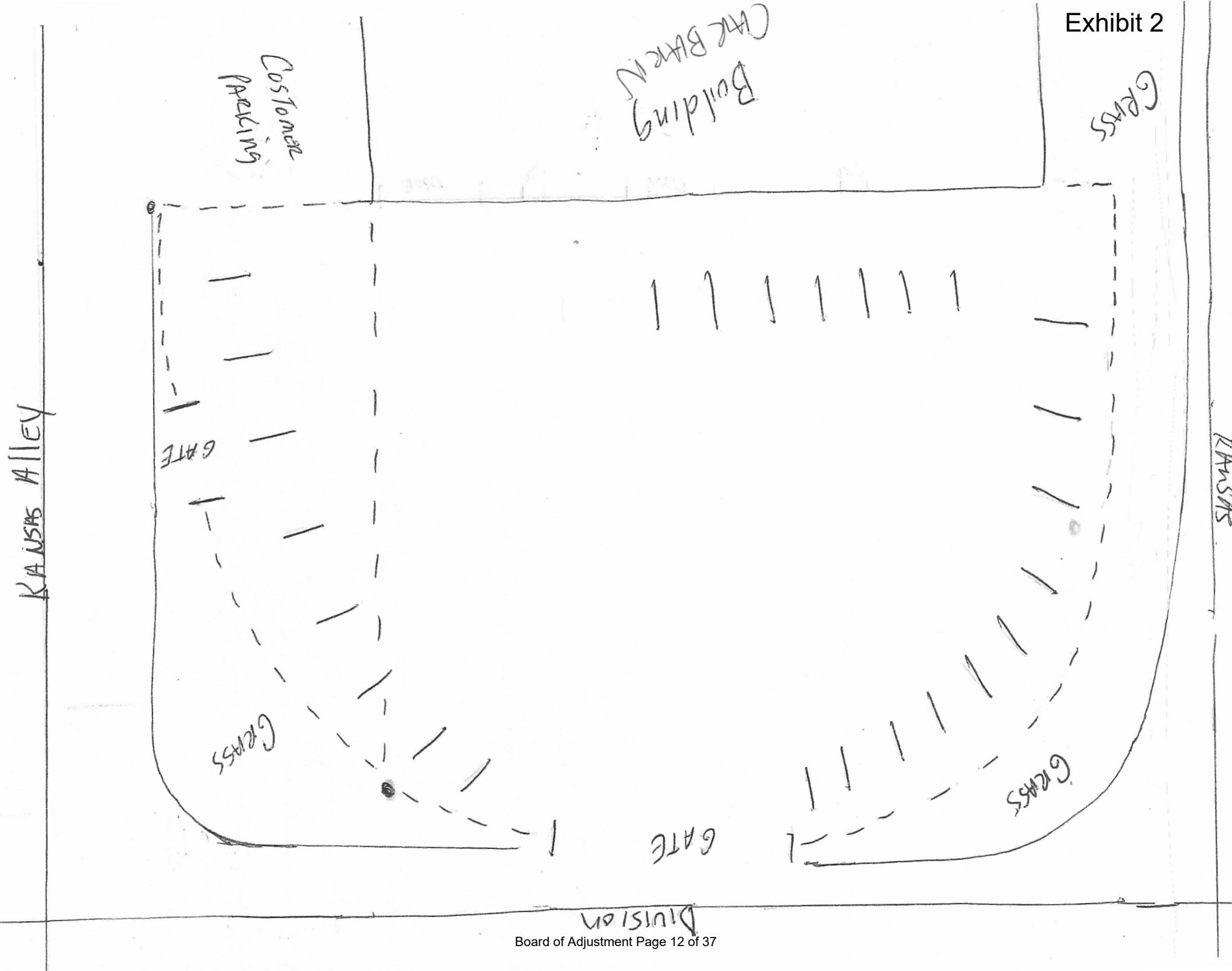
PUBLIC WORKS TRAFFIC COMMENTS:

Traffic has no issues with this variance as long as the placement of the fence does not obstruct any site distance for vehicles or obstruct any walkway for pedestrians.

LEGAL DESCRIPTION:

Exhibit 1

ALL OF LOTS 14 AND 15 BLOCK A OF DIVISION STREET ADDITION IN SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCEPT ANT PART THEREOF TAKEN, DEEDED OR USED FOR HIGHWAY PURPOSES.



To who it may concern
Response to 36-365

8-25-21

We ARE ASKING FOR VARIANCE FOR
Fence ON property AT 1601 W. Division
we ASK FOR security reasons. We HAVE
HAD 3 TRUCKS stolen, 2 TAILGATES, 7 catalytic
CONVERTERS, Broken windows, + Homeless people sleeping
on Lot and the House across the street was robbed
AT Gun Point where one person was SHOT. We
HAVE put up A CHAIN LINK Fence to protect our Business
and feel without fence we will Be forced to close
Down our Location due to High crime in this
Area. We HAVE Attached Evedence to Back
up our respose police reports and local Atticals
of violence in our Area (our street) Also pictures
of other Fences on our Corner with our
fence is much more cleaner and well kept.

contact info

The Car Barn → 1601 W. DIVISION Spfld MO
cell JJ Hill 417 763 9071
cell Donna Hill 417 763 9071
Office: 417 865 2886
Email: Donnaandjj @ GMAIL.COM



ZONING VIOLATION NOTICE

DATE: 08/17/2021

ADDRESS: 1601 W DIVISION ST

PARCEL #: 881310413013

CASE: ZON2021-00214

OWNER: THERESA A CHAPPELL TRUST

OCCUPANT: DONNA HILL OR CURRENT OCCUPANT

MISSOURI REGISTERED AGENT:

KEITH COKER

Residential Construction and Zoning Inspector
840 N Boonville Avenue
PO Box 8368
Springfield, MO 65801
kcoker@springfieldmo.gov
(417)864-1438

On 08/17/2021 the property identified above, by address, was found to be in violation of the Springfield Zoning Regulations as follows:

- | | |
|------------------|--|
| 08/17/2021 Other | Miscellaneous Violation
Comments: Section 36-453 (6)(a)2.b.: Open fences in front yards can not exceed 50% screening and four feet in height above yard grade. |
| 08/17/2021 Other | Miscellaneous Violation
Comments: Section 36-453 (6)(a)2.d.: A building permit is required to construct a fence in any required front yard. |
| 08/17/2021 Other | Miscellaneous Violation
Comments: Section 36-453 (6)(b)2.: Does not meet the sight triangle requirements. |
| 08/17/2021 Other | Miscellaneous Violation
Comments: Section 36-423 (5)(b): Fence placement does not meet the required 50 feet setback from the right-of-way center line of the primary arterial classified street. |

As the record-title owner of the property (according to Greene County records), you are responsible for correcting these violations.

You must correct each violation by 08/28/2021

You must contact me if you cannot meet the deadline date.

NOTICE: Failure to correct the violation by the date above will trigger the legal process. This process could immediately cost you approximately \$63.00 and the cost of the title search (approximately \$80.00). If the City corrects the violations, the City will pass total correction costs to you. Correction costs include, but are not limited to, mailing notices, collection and incidental costs, court costs, and abatement costs. The City may also revoke any permit you hold and your privilege of receiving utilities.

**SPRINGFIELD MISSOURI POLICE DEPARTMENT
VICTIM / WITNESS REFERRAL INFORMATION**

Report #: 19-41572 (19-41752)
Date & Time of Incident: 10/22/19 0943

- ☐ Crimes Against Persons 864-1755
- ☐ Crimes Against Property 864-1755
- ☐ Greene County Prosecutor 868-4061
- ☐ City Prosecutor 864-1892
- ☐ Hit & Run Investigator 864-1447
- ☒ Telcom (7:00 a.m. - 11:00 p.m.) 864-1810*
- ☐ Other: _____



*Call to add information to your original report
Accident Reports are available online at: <http://www.springfieldmo.gov/spd>
Officer: PSL DSN: 133

01/31/2014 Victim Witness Referral Information Card.dotx 94-OP-0110

Broken Windows



Springfield Police Department

Incident: SPD191017041003



Incident details:

Incident Type: Auto Theft, Stolen Vehicle
Incident time: 10/16/2019 18:00 - 10/17/2019 11:30
Reported time: 10/17/2019 11:44
Incident location: SPRINGFIELD, GREENE MO USA 65803 (RD: 134, Beat: SP23)
Incident status: Unassigned
Summary: Auto theft, past

Involved Persons:

Name:	CAR BARN	Gender:	
Classification:	Vehicle owner; Victim		
Name:	HILL, WILFORD	Gender:	Male
Classification:	Vehicle owner; Victim		
Name:	WENDLE, DALE L	Gender:	Male
Classification:	Other		
Name:	WENDLE, RONALD L	Gender:	Male
Classification:	Vehicle owner		
Name:	OZARK DEVELOPMENT SERVICES	Gender:	
Classification:	Other		
Name:	HILL, SUMMER A	Gender:	Female
Classification:	Complainant		

Involved Vehicles:

- Stolen / Ford F250 2004 VIN:1FTNW21S34ED16775 / [Truck, van: Pickup] MO Value:10,000.00 Colors: Red / Red
- Stolen / Ford F350 2006 VIN:1FTWW31P96EA66581 / [Truck, van: Pickup] MO Reg #9YBA82 Value:10,000.00 Colors: Gold / Gold

Involved Officers:

- Reporting officer / 9 / DUDLEY, M. / #1768 / SPD / Non sworn / RECORDS FIRST SHIFT / #1594
- ROBINSON, M. / 10/17/2019 / 20191017



MISSOURI DEPARTMENT OF REVENUE
MOTOR VEHICLE BUREAU
CENTRAL BRANCH
P.O. BOX 3325
JEFFERSON CITY MO 65105
(573) 526-3669

FORM 4055 (Rev 06-90)	Date 02/09/21 100 101 222 558
Re:	2005 CHEV
Vin No.	1GCEC14X85Z135904
Ref. No.	04107729-01 20210209

THE CAR BARN
1601 W DIVISION ST
SPRINGFIELD MO 65802-1518



TITLE TRANSACTION IS BEING STOPPED TO PREVENT THE ISSUANCE OF A TITLE.
TITLE WILL NOT ISSUE UNTIL VERIFICATION IS RECEIVED THAT THE DR#/VIN
REPLACEMENT HAS BEEN ATTACHED TO THE VEHICLE. CONTACT SALVAGE TITLE DESK
FOR MORE INFORMATION.

Springfield PD.

Report NO

2033675

10-7-2020



MISSOURI DEPARTMENT OF REVENUE
MOTOR VEHICLE BUREAU
**APPLICATION FOR VEHICLE/TRAILER IDENTIFICATION
NUMBER PLATE OR VERIFICATION**

Form 5062 (Revised 08-2019)	CONTROL NO.
--	-------------

SEE INSTRUCTIONS ON REVERSE

INSTRUCTIONS:

- Step 1:** Applicant must complete and sign Section A.
- Step 2:** If a replacement vehicle identification number (VIN) is required, Section B must be notarized by a notary public.
- Step 3:** Submit your motor vehicle/trailer and this form to authorized law enforcement as designated on the reverse side of this form.
- Step 4:** Submit the completed form to the Department of Revenue as noted on the reverse side of this form.

VALIDATION ONLY

Office Use Only — New ID:

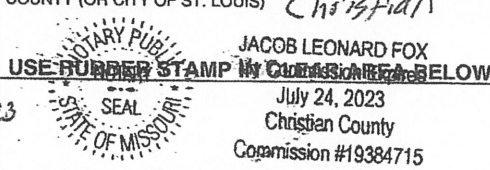
SECTION A — APPLICANT

PURPOSE OF INSPECTION: (Select one):		☐ TITLE CORRECTION OR VEHICLE VIN VERIFICATION	☐ NEW IDENTIFICATION NUMBER PLATE
		☐ REPLACEMENT IDENTIFICATION NUMBER PLATE	☐ TRAILER WITH A SALVAGE TITLE
UNIT: (Select one): ☒ MOTOR VEHICLE ☐ MANUFACTURED TRAILER ☐ HOMEMADE TRAILER ☐ MANUFACTURED HOME BUILT PRIOR TO 1976 (REQUIRES INSPECTION FROM PUBLIC SERVICE COMMISSION)			
REGISTERED OWNER (LAST, FIRST, MIDDLE) <i>The Car Barn</i>		DEALER NUMBER <i>D2477</i>	COUNTY <i>Greene</i>
STREET, RR, OR P.O. BOX NUMBER <i>1601 W. DIVISION</i>		CITY <i>Springfield</i>	DAYTIME TELEPHONE NUMBER <i>417, 865-2886</i>
MOTOR VEHICLE/TRAILER/MANUFACTURED HOME		STATE <i>MO</i>	ZIP CODE <i>65802</i>
YEAR <i>05</i>	MAKE <i>Chevy</i>	VEHICLE IDENTIFICATION NUMBER <i>1GCEC14X85Z135904</i>	MISSOURI TITLE NUMBER <i>TDM24608</i>
BODY STYLE <i>Pickup</i>	MODEL <i>Silverado</i>	COLOR <i>Gold</i>	CYLINDERS <i>6</i>
		H.P.	MILEAGE

COMPLETE THE INFORMATION BELOW IF APPLYING FOR A REPLACEMENT VIN — APPLICATION MUST ALSO BE NOTARIZED

LOSS OF VIN. PLATE REPORTED TO:	DATE ____/____/____	REASON REQUIRED ☐ LOST ☒ STOLEN ☐ MUTILATED ☐ DESTROYED
I certify that the statements above are true and that I am the registered owner of the above described unit(s).		APPLICANT'S SIGNATURE <i>Donna The Car Barn</i>

SECTION B — NOTARY PUBLIC

NOTARY PUBLIC EMBOSSE OR BLACK INK RUBBER STAMP SEAL	STATE <i>Missouri</i>	COUNTY (OR CITY OF ST. LOUIS) <i>Christian</i>
SUBSCRIBED AND SWORN BEFORE ME, THIS <i>12</i> DAY OF <i>January</i> YEAR <i>2021</i>	NOTARY PUBLIC SIGNATURE <i>Jacob Leonard Fox</i>	
NOTARY PUBLIC NAME (TYPED OR PRINTED) <i>Jacob Leonard Fox</i>	MY COMMISSION EXPIRES <i>July 24th, 2023</i>	
		

SECTION C — FOR AUTHORIZED LAW ENFORCEMENT AGENCY USE ONLY — DO NOT WRITE BELOW THIS LINE

I certify that on ____/____/____ I physically inspected the above described vehicle/trailer after the applicant provided satisfactory proof of ownership and found the identification number(s) as recorded below.		CONDITION: ☐ DAMAGED ☐ RUNNING ☐ REBUILT ☐ MOTOR CHANGE ☐ OTHER
MOTOR VEHICLES AND TRAILERS ONLY. NOT TO BE USED FOR MANUFACTURED HOMES.		
YEAR <i>2005</i>	MAKE <i>Chevrolet</i>	BODY STYLE <i>Pick up</i>
MILEAGE <i>211,912</i>		CYLINDERS <i>6</i>
PUBLIC VIN <i>1M1S1S11N1G1</i>		☐ The VIN plate listed below must be surrendered at the time a new replacement number is issued.
POLICE VIN <i>1C15Z113151910141</i>		
VIN TO BE REPLACED <i>1GCEC14X85Z11359041</i>		
☒ REPLACEMENT VIN REQUIRED ☐ NEW VIN REQUIRED — IF A TRAILER: UNIT IS: ☐ HOMEMADE TRAILER ☐ MANUFACTURED TRAILER ☐ NO NEW/REPLACEMENT VIN REQUIRED TYPE OF TRAILER _____ NO OF AXLES _____ LENGTH _____		

REMARKS AND DISCREPANCIES NOTED

Recovered stolen, VIN plate missing

M.D. Title # <i>TDM24608</i>			
LAW ENFORCEMENT AGENCY <i>M J H P</i>	FILE NUMBER <i>D-H Q</i>	EXAMINING OFFICER'S SIGNATURE <i>T. J. H.</i>	TELEPHONE NUMBER <i>(417) 895-6868</i>
BADGE NO. <i>M146</i>			

TO BE COMPLETED BY AUTHORIZED LAW ENFORCEMENT WHEN A DR NUMBER OR REPLACEMENT VIN PLATE IS AFFIXED.

I certify that on ____/____/____ I did affix the new/replacement VIN plate, control number _____ issued by the Department of Revenue to the above vehicle.	
☐ The outstanding VIN plate listed above has been surrendered and forwarded to the Missouri State Highway Patrol, Motor Vehicle Inspection Division.	
LAW ENFORCEMENT AGENCY	LAW ENFORCEMENT OFFICER'S SIGNATURE
	BADGE NO.

CAR BARN
1601 W. DIVISION



Wells Tire Across the street



Tyler's Auto Sales Across the Street



Posted on: February 1, 2019

Springfield Police Investigate W. Division St. Homicide



FOR IMMEDIATE RELEASE

February 1, 2019

Springfield Police Investigate W. Division St. Homicide

On Feb. 1, 2019 at 4:20 a.m., Springfield Police were dispatched to 1123 W. Division after a 911 caller said a person was injured at the home. When officers arrived, they found a deceased male inside the home who appeared to have been stabbed. Investigators are currently working the scene as a homicide.

The victim was identified as David J. Edwards, a 45-year-old male from Springfield. Next of kin notifications have been made for the victim. A suspect has not been identified at this time.

Detectives continue to investigate and are asking anyone who has information about this incident to contact the Springfield Police Department at 417-864-1810 or make an anonymous tip to Crime Stoppers at 417-869-TIPS (8477).

###

Case number: 19-4059

Media Contact: PAO Jasmine Bailey
417-864-1786

JnBailey@Springfieldmo.gov

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Shooting in Springfield leaves one man in critical condition

Police are looking for two other men



Shooting at a house on West Division (KYTV)

By KY3 Staff

Published: Aug. 11, 2020 at 4:44 AM CDT



SPRINGFIELD, Mo. (KY3) -

Police are looking for two men after a shooting that left another man in critical condition. Police say a fight inside a house in the 1000 block of West Division spilled into the backyard.

Officers found the victim with a gunshot wound around 12:30 Tuesday morning. Police say other people, including children were inside the house. They don't believe there is a threat to the public.

"They got into a disturbance, whatever the argument was, not sure at this time. But we do know they knew each other and it involved just them," said Lt. Curt Ringgold with the police department.

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Driver shot near Glenn and Division in Springfield, in critical condition



(KY3)

By KY3 Staff

Published: Apr. 2, 2020 at 2:56 PM CDT





A driver was shot Thursday afternoon near North Glenn Avenue and West Division Street in Springfield.

The victim was sent to the hospital and is currently in critical condition. Police say a driver was shot in the back, while another passenger in the car was not hurt.

Several Springfield police officers responded to the scene around 2:30 p.m.

The suspect is at large and believed wandering in the area. Police say the suspect and victim knew each other.

ADVERTISEMENT

Details are limited, but the public is encouraged to avoid the area. Police do not believe there is a threat to public safety.

DEVELOPING... CHECK BACK FOR MORE DETAILS...

Ozarks Life: Lora Hopper leads York Elementary into a new era

Around The Web





Springfield Police Department



Incident: SPD201007033675

Incident details:

Incident Type: Auto Theft, Stolen Vehicle
Incident time: 10/06/2020 17:30 - 10/07/2020 09:00
Reported time: 10/07/2020 09:33
Incident location: 1501 W DIVISION ST, SPRINGFIELD, GREENE MO USA 65802 (RD: 204, Beat: SP24) 65802
Incident status: Unassigned
Summary: Vehicle stolen from car lot.

Involved Persons:

Name:
Classification: Suspect
DL:
Address:
Telephone:

Gender:
DOB:

Name: CAR BARN
Classification: Victim
DL:
Address:
Telephone: (Landline) (660) 829-2886 [Business]

Gender:
DOB:

Name: HILL, DARRYN HARLEN
Classification: Witness
DL: S021199008 MO
Address: 1918 S KIMBROUGH AVE, SPRINGFIELD, GREENE MO USA 65807 (RD: 521, Beat: SP12)
Telephone: (Cell phone) (816) 447-1071 [Residence]
(Cell phone) (816) 447-1079 [Residence]

Gender: Male
DOB: 10/16/1990

Name: OBANION, MATTHEW
Classification: Witness
DL:
Address: 1601 W DIVISION ST, SPRINGFIELD, GREENE MO USA 65802 (RD: 184, Beat: SP21)

Gender: Male
DOB: 08/16/1994

MISSOURI GENERAL POWER OF ATTORNEY OF

I, Charlie Chappell, the principal, of 1601 W. Division
[street address], State of Missouri, hereby designate JJ. Hill
[attorney-in-fact's name], of 1601 W. Division [street address], State
of Missouri, my attorney-in-fact (hereinafter my "attorney-in-fact"), to act as
set forth below, in my name, in my stead and for my benefit, hereby revoking any and all
powers of attorney I may have executed in the past.

I. POWERS

I confer upon my attorney-in-fact the power to act on my behalf and in my stead, as if I
were present, and to exercise or perform the acts or powers I have designated with my
initials as set forth below.

My attorney-in-fact, shall NOT have the power to act on my behalf if I have not so
designated with my initials

1. Power to Make Payments or Collect Monies Owed. My attorney-in-fact
has the power to make any payments on any accounts I may owe and to hold,
collect and request any sums that may be due, owing or payable to me or in which I
may hereinafter acquire an interest, in whatever form, whether liquidated or un-
liquidated, to have, use, and take all lawful means in my name for the collection and
recovery thereof, and to adjust, sell, compromise, and agree for the same and to
execute and deliver for me, on my behalf, and in my name, all endorsements,
releases, receipts, or other sufficient discharges for the same;

2. Power to Acquire, Lease and Sell Personal Property. To acquire,
purchase, exchange, lease, grant options to sell, and sell and convey personal
property, or any interests therein, on such terms and conditions, including credit
arrangements, as my attorney-in-fact shall deem proper; to execute, acknowledge
and deliver, under seal or otherwise, any and all assignments, transfers, titles,
papers, documents or instruments which my attorney-in-fact shall deem necessary
in connection therewith; to purchase, sell or otherwise dispose of, assign, transfer
and convey shares of stock, bonds, securities and other personal property now or
hereafter belonging to me, whether standing in my name or otherwise, and wherever
situated;

3. Power to Acquire, Lease and Sell Real Property. To acquire, purchase,
exchange, lease, grant options to sell, and sell and convey real property, or any
interests therein, on such terms and conditions, including credit arrangements, as
my attorney-in-fact shall deem proper; to execute, acknowledge and deliver, under
seal or otherwise, any and all assignments, transfers, deeds, papers, documents or
instruments which my attorney-in-fact shall deem necessary in connection therewith;

4. Management Powers. To maintain, repair, improve, invest, manage,
insure, rent, lease, encumber, and in any manner deal with any real or personal
property, tangible or intangible, or any interests therein, that I now own or may

hereafter acquire, in my name and for my benefit, upon such terms and conditions as my attorney-in-fact shall deem proper;

____ 5. **Banking Powers.** To open and close accounts, make, receive, and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations, and other institutions, execute or release such deeds of trust or other security agreements as may be necessary or proper in the exercise of the rights and powers herein granted;

____ 6. **Motor Vehicles.** To apply for a Certificate of Title upon, and endorse and transfer title thereto, for any automobile, truck, pickup truck, van, motorcycle, or other motor vehicle, and to represent in such transfer or assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer or assignment;

____ 7. **Tax Powers.** To act without limitation on my behalf with regard to federal income taxes (Forms 1040, 1040EZ, 1040X, etc.), state and local income taxes, estate, gift (Form 709) and other tax returns of all sorts, whether federal or state and local, including where appropriate joint returns, FICA returns, payroll tax returns, claims for refunds, requests for extensions of time to file returns or pay taxes, extensions and waivers of applicable periods of limitation, protests and petitions to administrative agencies or courts, including the tax court, regarding tax matters, and any and all other tax related documents, including but not limited to consents and agreements under Section 2032A of the Internal Revenue Code or any successor section thereto and consents to split gifts and closing agreements, for all tax periods from 1980 through 2050, and for all jurisdictions; to complete Internal Revenue Service Form 2848, Power of Attorney and Declaration of Representative (or other prescribed form) on my behalf as well as to perform all other functions contemplated by that form whether they are required or merely permissible; to consent to any gift and to utilize any gift-splitting provisions or other tax election; and to prepare, sign, and file any claims for refund of any tax; to post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service or any state or local taxing authority; to exercise any and all elections that I may have under federal, state or local tax laws including without limitation the allocation of any generation-skipping tax exemption to which I may be entitled; to the extent that I may have omitted some power or discretion, some tax period, some form or some jurisdiction, I hereby grant to my attorney-in-fact the power to amend the Internal Revenue Service form power of attorney (presently Form 2848 or Form 2848-D) in my name;

____ 8. **Safe-Deposit Boxes.** To have access at any time or times to any safe-deposit box rented by me or to which I may have access, where so ever located, including drilling, if necessary, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe-deposit box; and any institution in which any such safe-deposit box may be located shall not incur any liability to me or my estate as a result of permitting my attorney-in-fact to exercise this power;

____ 9. **Gift Making Powers.** To make gifts, grants, or other transfers (including the forgiveness of indebtedness and the completion of any charitable pledges I may have made) without consideration, either outright or in trust to such person(s) (including my attorney-in-fact hereunder) or organizations as my attorney-in-fact shall select, including, without limitation, the following actions: (a) transfer by gift in advancement of a bequest or devise to beneficiaries under my will or in the absence of a will to my spouse and descendants in whatever degree; and (b) release of any life interest, or waiver, renunciation, disclaimer, or declination of any gift to me by will, deed, or trust;

_____ 10. **Lending and Borrowing.** To make loans in my name; to borrow money in my name, individually or jointly with others; to give promissory notes or other obligations therefor; and to deposit or mortgage as collateral or for security for the payment thereof any or all of my securities, real estate, personal property, or other property of whatever nature and wherever situated, held by me personally or in trust for my benefit;

_____ 11. **Contracts.** To enter into contracts of whatever nature or kind in my name;

_____ 12. **Health Care.** To take any and all steps necessary to arrange for my admission to any type of health care facility, including, without limitation, a hospital, rehabilitation facility, skilled nursing facility, or hospice, and to authorize the release of my medical records in the discretion of my attorney-in-fact;

_____ 13. **HIPAA.** To have the power and authority as my personal representative for all purposes of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191);

_____ 14. **Power to Hire and Pay for Services.** To retain such accountants, attorneys, social workers, consultants, clerks, employees, workers, or other persons as my agent shall deem appropriate in connection with the management of my property and affairs and to make payments from my assets for the fees of such persons so employed;

_____ 15. **Reimbursement of Attorney-in-Fact.** To reimburse my attorney-in-fact for any reasonable expenses incurred in connection with such services; and

_____ 16. **Power to Sue Third Parties Who Fail to Act Pursuant to Power of Attorney.** If any third party (including stock transfer agents, title insurance companies, banks, credit unions, and savings and loan associations) with whom my attorney-in-fact seeks to transact refuses to recognize my attorney-in-fact's authority to act on my behalf pursuant to this Power of Attorney, I authorize my attorney-in-fact to sue and recover from such third party all resulting damages, costs, expenses, and attorney's fees incurred because of such failure to act. The costs, expenses, and attorney's fees incurred in bringing such action shall be charged against my general assets, to the extent that they are not recovered from said third party.

_____ 17. **Other** – Power to conduct the following _____

Application for Board of adjustment Zoning
Variance

II. INTERPRETATION AND GOVERNING LAW

This instrument is to be construed and interpreted as a general non-durable power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my attorney-in-fact. For a third party to construe otherwise would be contrary to my intent. This instrument is executed and delivered in the State of Missouri and the laws of such state shall govern all questions as to the validity of this power and the construction of its provisions. Nevertheless, I intend that this instrument be given full force and effect in any state or country in which I

may find myself or in which I may own property, whether real or personal. I direct that my attorney-in-fact not be required to give bond and, if any bond is required, that no sureties be required. I direct that photocopies of this instrument shall have the same power and effect as the original.

III. EFFECTIVE DATE AND TERMINATION

To indicate when this document shall become effective, initial one of the following:

OK - Upon the date of this document with my authorization.

cc - The following date August 24, 2021.

To indicate when this document shall become terminated, initial all of the following that apply (termination is effective at which of the following occurs first):

cc - On the following date _____, 20____. *→ When Decision is made regarding the Fence.*

_____ - When I have made a written revocation.

_____ - When and if I become incapacitated and unable to make decisions as determined by a physician.

IV. THIRD PARTY RELIANCE

Any party dealing with my attorney-in-fact hereunder may rely absolutely on the authority granted herein and need not look to the application of any proceeds nor the authority of my attorney-in-fact as to any action taken hereunder. In this regard, no person who may in good faith act in reliance upon the representations of my attorney-in-fact or the authority granted hereunder shall incur any liability to me or my estate as a result of such act. I hereby ratify and confirm whatever my attorney-in-fact shall lawfully do under this instrument. Any gift of property made by my attorney-in-fact in the proper exercise of the gift-making powers specifically granted in section I (9) herein shall be a full and complete delivery of title upon which third-party purchasers for value may rely. My attorney-in-fact is authorized as he or she deems necessary to bring an action in court so that this instrument shall be given the full power and effect that I intend on by executing it.

IN WITNESS WHEREOF, I have on this 24th day of August, 2021, executed this General Non-Durable Power of Attorney.

Principal's Signature

Charlie Chappell

Principal's Printed Name

Charlie Chappell

ACCEPTANCE OF APPOINTMENT

I, J.J. Hill, the attorney-in-fact named above, hereby accept appointment as attorney-in-fact in accordance with the foregoing instrument.

Attorney-in-Fact's Signature

[Signature]

Attorney-in-Fact's Printed Name

JJ Hill

ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF MISSOURI

Cecene County, ss.

On this 24th day of August, 2021, before me appeared Charlie Chappell, as Principal of this Power of Attorney who proved to me through government issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that he executed the same as his free act and deed.



[Signature]
Notary Public

My commission expires: April 13, 2025







CAR
BARN
817-465-4070

MASSIVE
SALE

Kansas Express

WALK
THROUGH

WALK
THROUGH

**PARKING
IN BACK
OF BUILDING**

**HUGE
SALE**

KANSAS EXPWY



**PARKING
IN BACK
OF BUILDING**

**THE GAP
BAR**
Financial Services
417-865-4100
BARNES & NOBLE

417-865-AUTO
(2834)

OPEN

GUARANTEED
CREDIT

417-865-AUTO
(2834)

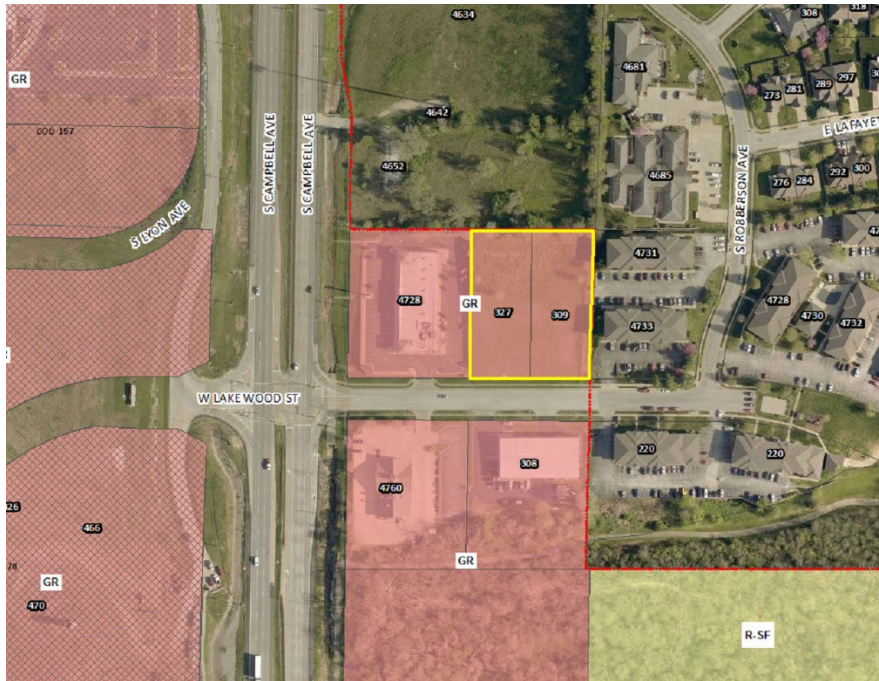
2007

Development Review Staff Report



BOARD OF ADJUSTMENT PUBLIC HEARING:

NOVEMBER 2, 2021



CASE: Variance 585

ACRES: Approximately 1.5 acres

LOCATION: 309 & 327 W. Lakewood Street

EXISTING LAND USE: Vacant/undeveloped

APPLICANT: Project Collective, LLC

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

SUMMARY OF ZONING VARIANCE:

Request to vary from Section 36-455.(7)(a) to allow off-street parking in the front yard of a R-MD, Medium Density Multi-Family Residential District.

STAFF FINDINGS:

1. The applicant, Project Collective, LLC, is proposing to allow off-street parking in the front yard of their proposed multi-family development.
2. The applicant recently rezoned the subject property for multi-family use on June 14, 2021 with a site plan that shows the off-street parking in compliance with Zoning Ordinance requirements.
3. The Zoning Ordinance requires any new off-street parking in a residential zoning district to be located to the side or behind any residential structure per Section 36-455(7)(a).
4. The Multi-Family Location and Design Guidelines which guides staff, Planning and Zoning Commission and City Council decisions on multi-family housing also recommends that buildings adjacent to the street shall not have parking lots located between the building and the street.
5. The applicant has submitted site plans (Exhibit 2) of the proposed multi-family development as currently approved by City Council and with the front yard variance.
6. Per Section 36-365 (3) (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).
7. The applicant has submitted written responses to the standards per section 36-365 (3). They have also provided additional evidence (Exhibit 3).
8. Staff has submitted responses to the applicant's written findings per Section 36-365 (3) (a) through (i) (see page 9)
9. If the variance is approved, the property owner will be allowed to construct off-street parking between the building and Lakewood Street only if City Council approves the revised site plan.
10. If the variance is denied, the applicant must construct the off-street parking and site plan in conformance with the City Council approved Conditional Overlay District and all applicable Zoning Ordinance requirements.

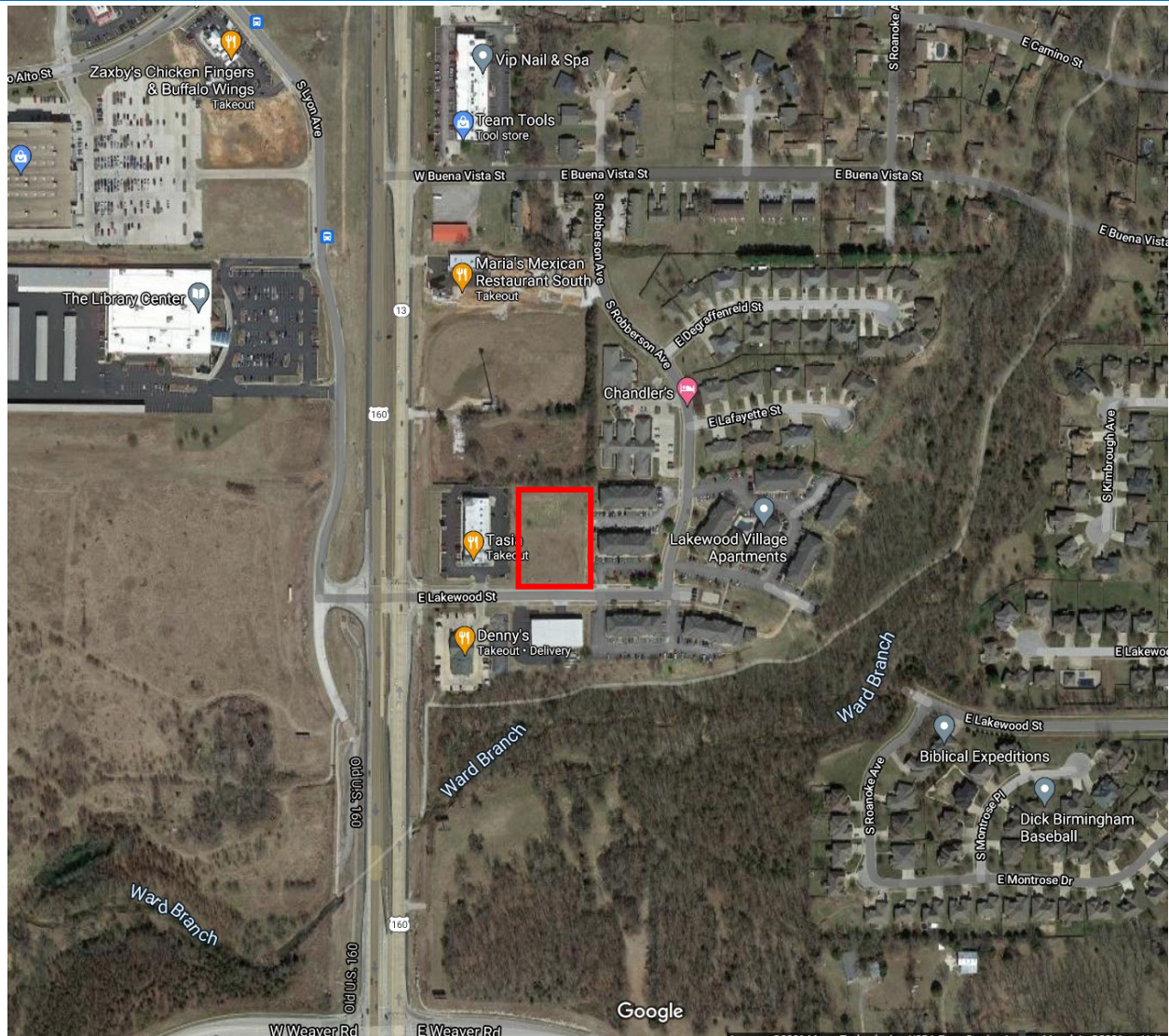
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County C-2	GR	County PAD	GR
LAND USE	Vacant/undeveloped	Retail/warehouse	Multi-family residential uses	Retail shopping center

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



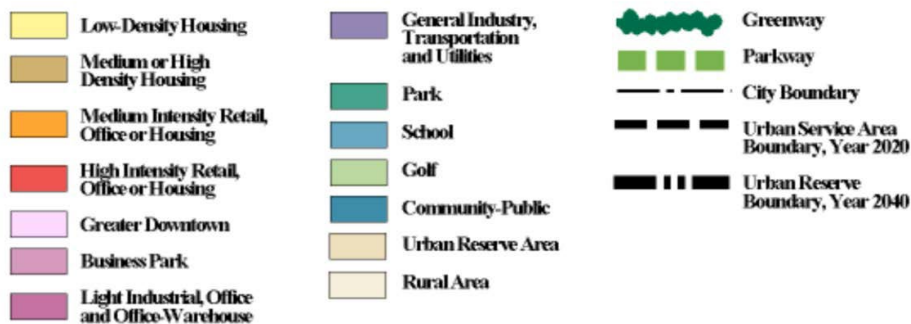
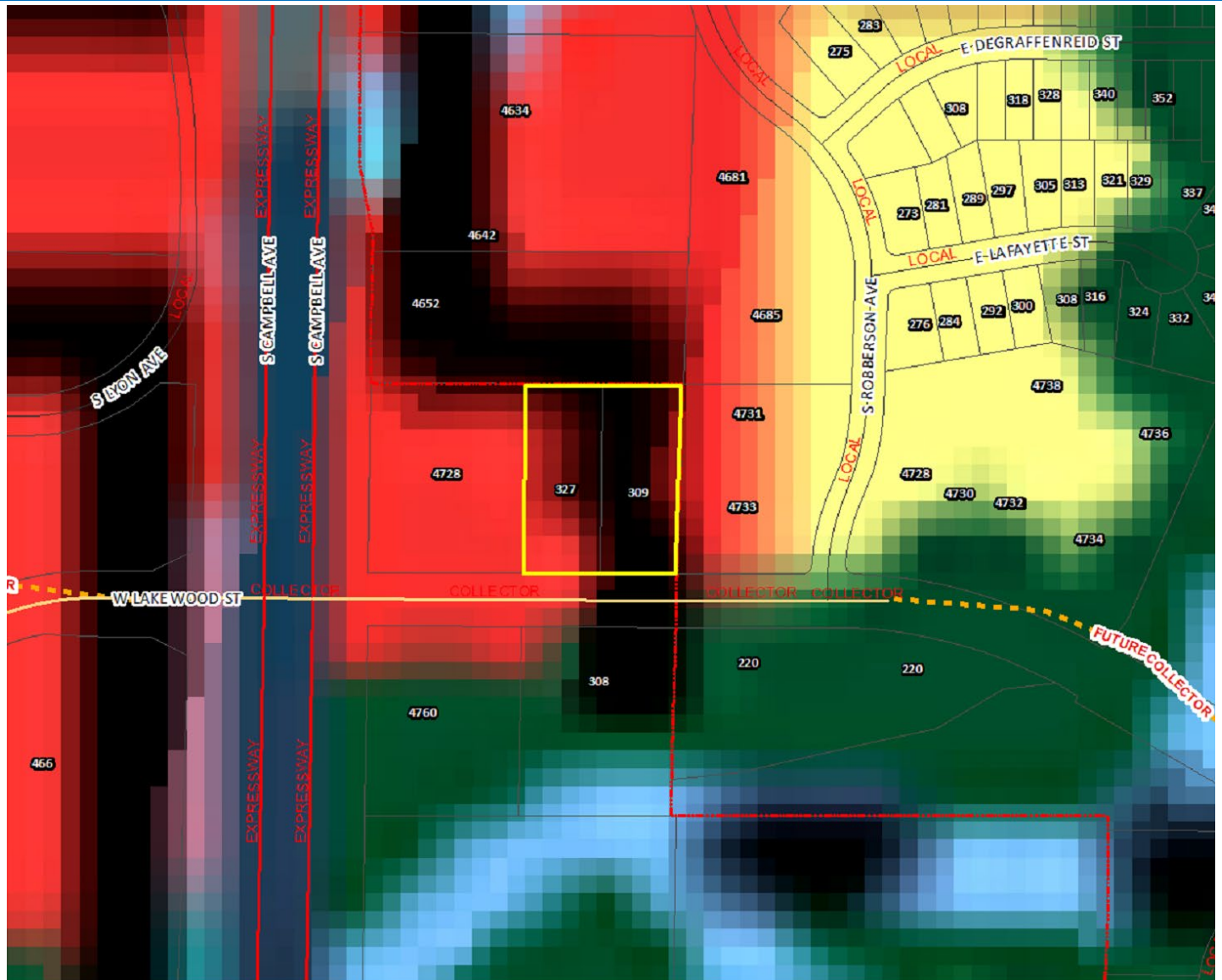
STREET VIEW:



Development Review Staff Report



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject property was annexed in 1998 and the zoning was translated to GR, General Retail. The property was recently rezoned to R-MD, Medium Density Multi-Family Residential District with Conditional Overlay District No. 199 in June of 2021.

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:

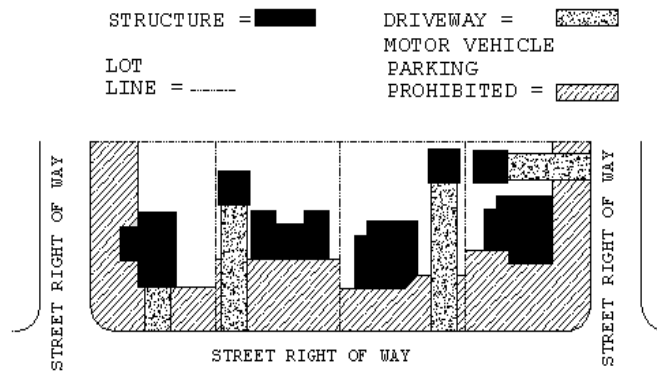
Sec. 36-455. Off-street parking requirements.

(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



Sec. 36-407. - CO - Conditional overlay district.

- (1) Purpose. The conditional overlay district is intended to allow a floating zone to be established as an overlay to a base zoning district, which limits the particular uses to be established in accordance with specific standards and conditions. There are circumstances in which a base zoning district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations and the comprehensive plan. (2) Application. The applicant may apply for an amendment to the base zoning classification and jointly apply for conditional overlay district. Property may be rezoned to a conditional overlay district only in response to and consistent with a petition submitted by the owners of all of the property to be included in the district. A petition for a conditional overlay district must specify the use or uses of the base zoning district that are intended for the property and any conditions that, in addition to all general zoning ordinance requirements, will govern the development and use of the property. A conditional overlay district can only reduce the uses of the base zoning district and not allow any uses not permitted in the base zoning district. If additional uses are desired that are not permitted in the base zoning district, a rezoning to a different base zoning district or a planned development is required. A conditional overlay district may also be used to set density in accordance with the multifamily

development location and design guidelines for R-LD, R-MD and R-HD districts and for planned developments, when multi-family uses are requested.

5.7 Design Guidelines

Intent

This section of the matrix is designed to give points to developers who: design developments that encourage walking and cycling, that provide good circulation systems, and that respect the natural environment. Good design increases the livability of denser developments. Good design also softens the impacts of denser developments on the surrounding developments, particularly surrounding residential uses. Good design also improves livability, quality of life, and the potential for economic development within the overall community. When the ambient environment is designed to increase the safety of pedestrian and bicyclists, more individuals will walk or ride bicycles, thereby reducing auto trips and decreasing congestion on streets and roads. When good design makes the experience of walking more pleasant, more individuals will walk, improving their physical health. When good design protects the natural environment, air and water quality improve and residents enjoy the natural beauty of the area. When a development provides functional recreation elements children and adults profit from exercise and time out of doors, both of which lower stress and improve health and increase the enjoyment of life.

Design to Encourage Pedestrian Activity

1. Provide pedestrian amenities such as pedestrian scale lighting and non right-of-way street furniture to enhance the pedestrian environment. Lighting sources or luminaries that do not have a cutoff and are used in parking lots and pedestrian ways shall not exceed a maximum of 15 feet in height. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum 30 feet in height. Parking lot lighting and pedestrian lighting should be appropriate to create adequate visibility at night and evenly distributed to increase security. All lighting should be glare-free and shielded from the sky and adjacent residential properties and structures, either through exterior shields or through optics within the fixture. Street furniture may include but is not limited to benches; shelters; and decorative trash bins. There shall be one (1) street/park bench provided within each multi-family development, thereafter, one (1) park/street bench for every 50 dwelling units.

2. Blend the building scale and set back with existing developments that are consistent with these guidelines. Street facing walls that are greater than 50 feet in length must be articulated at least each 25 feet with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building of at least 18 inches or more.

3. Buildings adjacent to the street should be situated on the site to provide pedestrian access to the street. Additional interior lot buildings may be oriented toward parking lots or public/common open space. Buildings adjacent to the street shall not have parking lots located between the building and the street. Corner lots may have parking on one street face. Interior areas of parking and vehicular use areas shall contain planting islands every 20 contiguous parking spaces whether double staked or linear. The size of the planting island shall be the equivalent area of one parking space. This shall be used toward satisfying the 5% interior landscaping requirements.

4. Avoid blank walls along pedestrian circulation areas. Facades that face streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features; windows, entrances, arcades, arbors, awnings (over windows or doors), distributed along the façade at least once every 25 feet.

Development Review Staff Report



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.

The *Neighborhoods* element of the *Comprehensive Plans* states an acceptable Alternative to Detached Housing is Attached housing which should be created as an attractive, essential and acceptable alternative to conventional detached housing. In these developments, encourage the use of a single-family design “vocabulary” in multifamily and attached buildings. This means that multi-family housing should have elements commonly found in single-family housing such as pitched roofs, articulated facades, entrances visible from the public street, porches or balconies, and a maximum height of three to four stories. When garages cannot be located to the rear or on the interior of the block, they should be set back similar to the requirements for single-family housing. Attached housing should be built in groupings so that it fits into the overall residential context rather than being sequestered into large project sites. Attached housing should be located at high-amenity locations along the Parkways and the Greenways, and overlooking parks.

A Variety of Housing Types encourage a range of densities, housing types and building configurations; discourage large housing projects that consist of a single building type.

Streets and Parking Areas. Provide street connections between attached and detached housing developments to allow social interaction. Reduce the adverse visual effect of the parking area through careful location and landscaping. On large sites, extend the network of surrounding streets through the site to improve circulation, visibility, security and integration into the surrounding neighborhood. Encourage resident parking near each home, with a direct paved path to front or back door, while locating visitor parking near public spaces and public paths. Promote the use of parking spaces that are visible from within the resident's home and provide sufficient lighting. In most cases, parking lots should be located to the rear of homes. If they must be located on the street frontage, they should be screened by a low hedge, fence, gate or similar visual buffer.

STAFF COMMENTS:

1. The applicant is requesting to vary from Section 36-455.(7)(a) to allow off-street parking in the front yard of a new multi-family residential development at 309 & 327 W. Lakewood Street.
2. The Board of Adjustment has authority to grant variances that are based on of the applicable design requirements of this Article per Section 36-365(2)(e) of the Zoning Ordinance.
3. The property owner, Project Collective, LLC, is a limited liability corporation that is managed by Jason Finley.
4. The applicant has submitted site plans of the proposed multi-family development as currently approved by City Council and with the front yard variance (Exhibit 2).

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>The Lakewood site falls from the north side of the parcel to the south. The entire fall across the property is roughly 25' from the NE corner to the SW corner. (1232'-1207'). By requiring parking in the rear, this means the building must be placed on the low side of the property which creates a problem for stormwater drainage for the proposed buildings. Water intrusion into the building and its foundation will be a continual maintenance issue for the life of the project. There will also need to be a 15'+ high retaining wall located near the north property line due to the severe grade difference across the property. This will create an unsafe environment for neighbors and any kids that may feel like "having some fun" on the property.</i>	The current multi-family site plan that was approved by City Council with a Conditional Overlay District on June 14, 2021 can be constructed without a hardship based on the physical surroundings, shape or topography of the properties. There are other multi-family developments with the same topographical conditions that have been able to reasonably develop.
(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>Extreme fall across the property is the reason for the request and only applies to the property in question. The size of the lot also doesn't lend itself to allowing for creativity in the layout of the lot. The neighboring property is "wide" enough to allow for two rows of apartments with some fall in between but due to the size of the property in question, the fire land for the project isn't practical to go around/in between separate buildings and would leave the lot with only a couple units to be developed. The code will also require excessive excavation on the property which could interrupt the foundations of neighboring properties.</i>	There are many multi-family and commercial properties that are not constructed on the high point of the site. The site can be engineered to drain around the proposed multi-family building and still meet the Multi-Family Location and Design requirements and Zoning Ordinance similar other properties. The location of the detention basin is located on the southwest portion of the property on both site plans which is the lowest part of the site.
(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 desire is to grant the variance in order for the developer to provide a safer development for the public and reduce excessive retaining walls, cut/fill, and/or stormwater piping throughout the development. A building, in general, shouldn't be located at the bottom of a hill. Water intrusion into the building and its foundation will be a continual maintenance issue for the life of the project. There will also need to be a 15'+ high retaining wall located near the north property line due to the severe grade difference across the property. This will create an unsafe environment for neighbors and any kids that may feel like "having some fun" on the property. This retaining wall and excessive excavation could also affect the neighboring properties/buildings.</i>	The applicant is requesting this variance to reduce the cost of construction. The site can be designed to not have a large retaining wall if safety is an issue.
(d) The property in question cannot yield a reasonable return if permitted to be used only under the conditions	<i>Correct. If the parking is required to be in the rear of the site. The building will be located on the downstream end of the</i>	The current multi-family site plan can be constructed meeting the Zoning Ordinance

Development Review Staff Report



allowed by the regulations in the district in which it is located; and	<i>property. This will create the need for excessive retaining walls, stormwater piping, and excess cut for the intended use. Safety to the surrounding properties will also be a concern due to excessive retaining wall height. With the excessive earthwork on the property, also comes excessive rock excavation. The site has rock at depths of around 3' from the surface.</i>	requirements. The site can be designed to not have a large retaining wall if safety is an issue.
(e) The alleged hardship has not been created by any person presently having an interest in the property; and	<i>The parcel in question has always had a steep slope across the property, and shallow rock and any intended use would have trouble developing this parcel without some significant costs as mentioned previously. 25' of fall across a parcel will create hardships on ANY development in this zoning class, and others. It only makes sense to develop this parcel with a building on the "upper" end of the site.</i>	The current property owner purchased these properties in 2018 and has recently rezoned these properties from GR to R-MD with a City Council approved site plan. The owner was aware of the issues with the property prior to rezoning and chose to move forward with the request that meet's the Zoning Ordinance, Multi-Family Location and Design Guidelines and all other City design standards.
(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>The parcel to the west has parking located in front of the building. This parcel is also located within the City Limits of Springfield. The parcel to the east is existing apartment housing with parking along the street frontage. The proposed development will look very similar (in layout) to the neighboring apartment complex and will not be detrimental to the public welfare or injurious to other property or improvements. Coryell Commons is an apartment complex located due north of this property and they have parking located in the front yard of the site, also due to site constraints.</i>	While this request does not appear to be detrimental, the reason for the having buildings at the street and parking behind is to provide additional eyes on the street which improves safety to pedestrians along the sidewalk and automobiles and bicycles on the street.
(g) <i>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>	<i>No, the proposed variance will not have any impact on the 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 endangered public safety.</i>	This request does not appear to 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; however, as mentioned above, it has been shown that pedestrian safety is increased when there are more eyes on the sidewalk/street so the closer housing can be located to it, the better.
(h) The variance, if granted, will not alter the essential character of the neighborhood, and	<i>The neighboring apartment complex has parking located along the street frontage. The general public will probably not have any idea that a variance was needed to construct the proposed building.</i>	Any kind of redevelopment in this area will be inconsistent because the Multi-Family Design Guidelines only apply to properties in the City limits and were adopted in 2009 so any new developments will be required to meet the same requirements. The City Council

Development Review Staff Report



		established the Multi-Family Location and Design Guidelines in 2009 to address concerns that high-density construction impacts the City.
(i) The variance requested is consistent with the purposes and intent of this Article and the <i>Springfield Comprehensive Plan</i> .	<i>The proposed variance meets the intent of this Article and the Springfield Comprehensive Plan lists the proposed land use for this area as High Intensity Retail, Office or Housing or Low-Density Housing. The City of Springfield just recently started enforcing the code for parking behind the building even though the language has been in the ordinance for quite some time. Examples attached.</i>	This request is inconsistent with the Zoning Ordinance, Comprehensive Plan, Zoning Ordinance and Multi-Family Location and Design Guidelines which were adopted by City Council in 2009.

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 property owners within 185 feet.

Notices sent to property owners within 185 feet:

Mailed: 6

Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No issues with proposed variance for site plan.

ENVIRONMENTAL SERVICES CLEAN WATER COMMENTS:

No impact on public sewer.

FIRE DEPARTMENT COMMENTS:

For rescue & firefighting operations, because the building roof eave/parapet is greater than 30 feet above grade, the fire lane width shall be 26 feet (not closer than 15 feet nor further than 30 feet from the building) for a parallel apparatus position along the entire length of the long side of the structure. (2018 IFC 2018 Appendix D) ----- Show on site plan the minimum Fire Department apparatus access requirements (including road width, proximity to structures, 28 ft. inside turning radii, required fire lane marking, 8% or less grade, fire apparatus turn around if >150 feet in length with a dead end, & supports 75,000 lb. fire apparatus-imposed load. (2018 IFC Section 503 & Appendix D).

PUBLIC WORKS STORMWATER COMMENTS:

No stormwater concerns with variance.

PUBLIC WORKS TRAFFIC COMMENTS:

Traffic has no issues with this variance request.

LEGAL DESCRIPTION:

Exhibit 1

All of Lots 3 & 4 of the Final Plat of Twin Oaks Center, Springfield, Greene County, Missouri, According to the Recorded Plat Thereof. Book 2866 Page 2134.



1A OVERALL SITE PLAN
C1.1 scale: 1" = 20'-0"

UNIT / PARKING TABULATION

UNIT MIX	PARKING REQUIREMENTS
1 BEDROOM UNITS ____ 16	16 x 1.5 ____ 24 SPACES
2 BEDROOM UNITS ____ 8	8 x 2 ____ 16 SPACES
3 BEDROOM UNITS ____ 16	16 x 2 ____ 32 SPACES
TOTAL ____ 40 UNITS	SUB-TOTAL ____ 72 SPACES
10% PARKING REDUCTION FOR BICYCLES ____ -7 SPACES	
TOTAL PARKING SPACES REQUIRED ____ 65 SPACES	
TOTAL PARKING SPACES PROVIDED ____ 68 SPACES	

ZONING DATA

ZONING OF PROPERTY ____ R-MD: PROPOSED REZONING
AREA OF SITE ____ 1.53 ACRES
PERMITTED USE ____ MULTI-FAMILY DWELLINGS
MAX. STRUCTURE HEIGHT ____ 4 STORIES
MIN. OPEN SPACE ____ 20 PERCENT
MAX. IMPERVIOUS SURFACE ____ 80 PERCENT
MAX. DENSITY ____ 27 UNITS PER ACRE OR 40 UNITS MAX
FRONT YARD SETBACK ____ 25 FEET
REAR YARD SETBACK ____ 20 FEET
SIDE YARD SETBACK ____ 6 FEET

BUILDING CODE CALCS

BUILDING USE GROUP ____ R2- MUTLI-FAMILY
CONSTRUCTION TYPE ____ 5A
SPRINKLED BUILDING ____ YES NFPA 13R

MULTI-FAMILY DEV MATRIX

PLEASE NOTE THAT THE POINTS INCLUDED IN THE INFORMATION BELOW WERE PROVIDED BY CITY STAFF FOR SECTIONS 5.4, 5.5, AND 5.6. SECTIONS 5.7 AND 5.8 ARE DEPENDANT UPON THE SITE DESIGN LAYOUT AS HEREBY PROVIDED. WE HAVE INDICATED THE ANTICIPATED POINTS THAT WOULD BE AWARDED TO COMPLY WITH THE DENSITY PROPOSED.

5.4: LAND USE ACCESSIBILITY ____	3 POINTS
5.5: CONNECTIVITY ANALYSIS ____	3 POINTS
5.6: ROAD NETWORK EVALUATION ____	1 POINT
5.7: DESIGN GUIDELINES ____	6 POINTS

- A. DESIGN TO ENCOURAGE PEDESTRIAN ACTIVITY
- 1. PEDESTRIAN AMENITIES
PEDESTRIAN SCALE LIGHTING & NON ROW STREET FURNITURE ____ PROVIDED
 - 2. BLEND BUILDING SCALE ____ PROVIDED
STREET FACING WALLS THAT ARE GREATER THAN 50 FEET SHALL BE ARTICULATED AT LEAST EVERY 25 FEET WITH BAYS, PROJECTIONS, OR RECESSES. ARTICULATION MEANS A DIFFERENCE IN THE VERTICAL PLANE OF THE BUILDING OF AT LEAST 18 INCHES OR MORE.
 - 3. BUILDING ORIENTATION & INT. LANDSCAPING ____ PROVIDED
 - 4. AVOID BLANK WALLS ____ PROVIDED
FACADES THAT FACE STREETS OR CONNECTING PEDESTRIAN FRONTAGE THAT ARE GREATER THAN 25 FEET IN LENGTH SHALL BE SUBDIVIDED AND PROPORTIONED USING AT LEAST ONE OR MORE OF THE FOLLOWING FEATURES: WINDOWS, ENTRANCES, ARCADES, ARBORS, AWNINGS DISTRIBUTED ALONG THE FACADE AT LEAST ONCE EVERY 25 FEET.
 - 5. AVOID TEARING DOWN BUILDINGS ____ NOT APP.
 - 6. ON-STREET PARKING ____ NOT APP.
- B. PROVIDE A GOOD CIRCULATION SYSTEM
- 1. EXTERNAL CONNECTIVITY ____ PROVIDED
 - 2. INTERNAL CONNECTIVITY ____ PROVIDED
 - 3. PEDESTRIAN & BICYCLE CONNECTIONS ____ PROVIDED
 - 4. SHARED DRIVEWAYS ____ NOT APP.
 - 5. DRIVE ALIGNMENT ____ PROVIDED
 - 6. INTERNAL STREETS ____ NOT APP.
- C. RESPECT THE NATURAL ENVIRONMENT
- 1. USEABLE RECREATIONAL AREA/FACILITY ____ PROVIDED
 - 2. AMENITIES (1 REQUIRED) ____ PROVIDED
 - 3. PRESERVATION OF TREES ____ PROVIDED

TOTAL OF POINTS ____ 13 POINTS

13 POINTS THROUGH BASE CALCULATIONS ALLOWS 28 UNITS PER ACRE. 1.53 ACRES X 28 UNITS PER ACRE EQUALS 42 UNITS. DEVELOPMENT PLAN PROPOSES 40 UNITS.



5039 S National Avenue | Springfield, MO 65810 | 417.887.6561

OWNER
OWNER NAME

PROJECT TEAM
CIVIL ENGINEERING:
ANDERSON ENGINEERING
3213 S. WEST BYPASS
SPRINGFIELD, MO 65807
417.886.2741

PROFESSIONAL SEAL
Brent M. Stevens, AIA - Architect
MOR A-2000151419

PRELIMINARY:
NOT FOR
CONSTRUCTION

REVISIONS

NO.	DESCRIPTION	DATE

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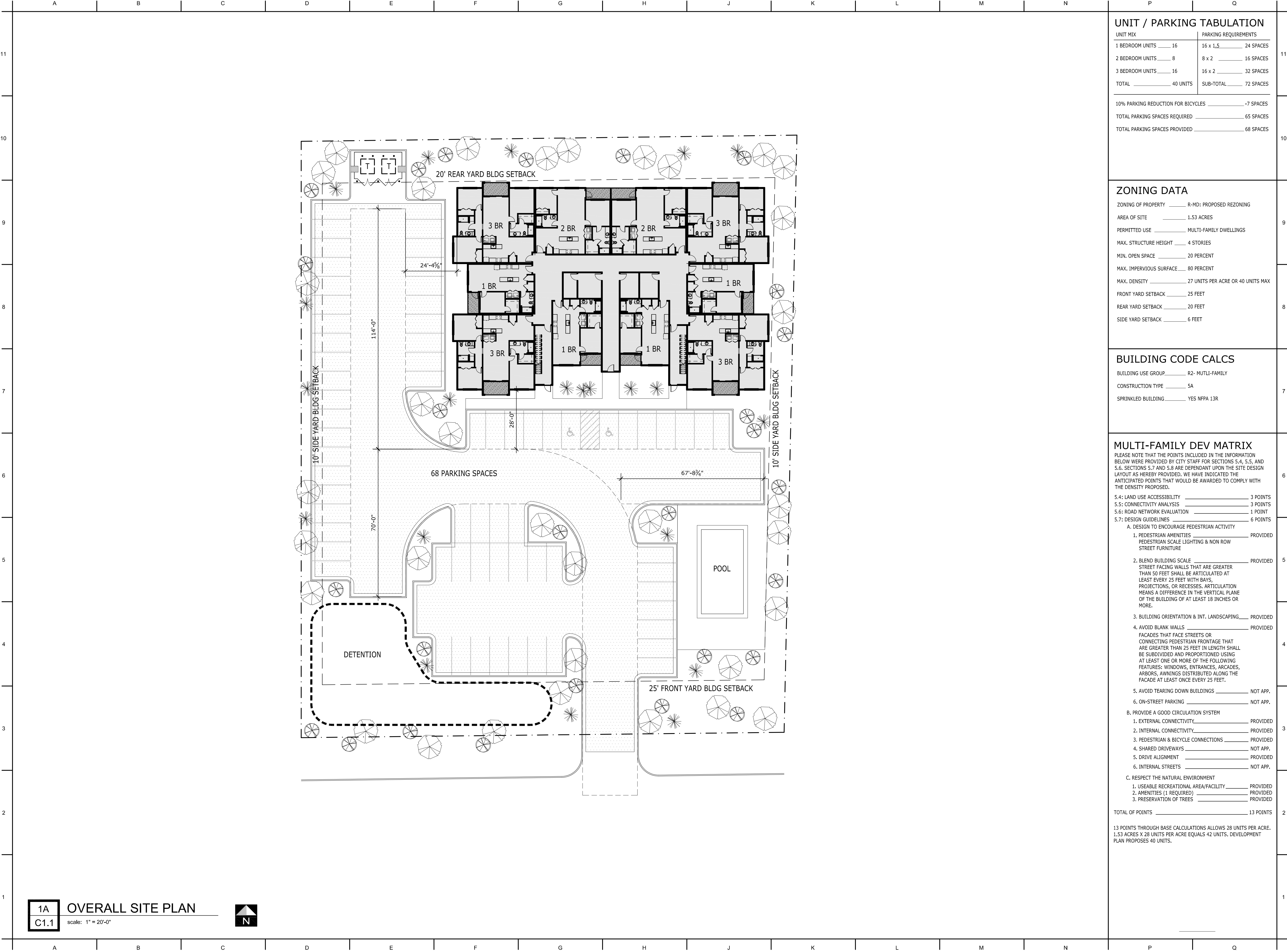
PROJECT TITLE:
MULTI-FAMILY DEVELOPMENT

PROJECT ADDRESS:
309 & 327 W LAKEWOOD STREET
SPRINGFIELD, MISSOURI 65810

PREDEVELOPMENT SITE PLAN EXHIBIT

PROJECT NO.: 21-009
DRAWN BY: Author
REVIEWED BY: Checker
DATE: 04.22.2021

SHEET
C1.1



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CONSTRUCTION TYPE ____ 5A	
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MULTI-FAMILY DEV MATRIX

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3. BUILDING ORIENTATION & INT. LANDSCAPING ____ PROVIDED

4. AVOID BLANK WALLS ____ PROVIDED
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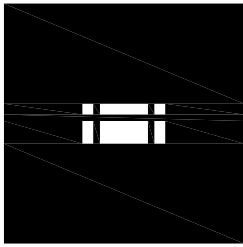
5. AVOID TEARING DOWN BUILDINGS ____ NOT APP.
6. ON-STREET PARKING ____ NOT APP.

B. PROVIDE A GOOD CIRCULATION SYSTEM
1. EXTERNAL CONNECTIVITY ____ PROVIDED
2. INTERNAL CONNECTIVITY ____ PROVIDED
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4. SHARED DRIVEWAYS ____ NOT APP.
5. DRIVE ALIGNMENT ____ PROVIDED
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hdesigngroup
architecture + design

5039 S National Avenue | Springfield, MO 65810 | 417.887.6591

OWNER
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PROFESSIONAL SEAL

Brent M. Stevens, AIA - Architect
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PROJECT TITLE:

MULTI-FAMILY DEVELOPMENT

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309 & 327 W LAKEWOOD STREET
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PREDEVELOPMENT SITE PLAN EXHIBIT

PROJECT NO.: 00-000
DRAWN BY: Author
REVIEWED BY: Checker
DATE: 01.07.2019

SHEET
C1.1

Exhibit 3

Lakewood Variance Notes

- 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.

Response: The Lakewood site falls from the north side of the parcel to the south. The entire fall across the property is roughly 25' from the NE corner to the SW corner. (1232'-1207'). By requiring parking in the rear, this means the building must be placed on the low side of the property which creates a problem for stormwater drainage for the proposed buildings. Water intrusion into the building and its foundation will be a continual maintenance issue for the life of the project. There will also need to be a 15'+ high retaining wall located near the north property line due to the severe grade difference across the property. This will create an unsafe environment for neighbors and any kids that may feel like "having some fun" on the property.

- 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.

Response: Extreme fall across the property is the reason for the request and only applies to the property in question. The size of the lot also doesn't lend itself to allowing for creativity in the layout of the lot. The neighboring property is "wide" enough to allow for two rows of apartments with some fall in between but due to the size of the property in question, the fire land for the project isn't practical to go around/in between separate buildings and would leave the lot with only a couple units to be developed. The code will also require excessive excavation on the property which could interrupt the foundations of neighboring 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.

Response: The desire is to grant the variance in order for the developer to provide a safer development for the public and reduce excessive retaining walls, cut/fill, and/or stormwater piping throughout the development. A building, in general, shouldn't be located at the bottom of a hill. Water intrusion into the building and its foundation will be a continual maintenance issue for the life of the project. There will also need to be a 15'+ high retaining wall located near the north property line due to the severe grade difference across the property. This will create an unsafe environment for neighbors and any kids that may feel like "having some fun" on the property. This retaining wall and excessive excavation could also affect the neighboring properties/buildings.

- D. The property is questions 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.

Response: Correct. If the parking is required to be in the rear of the site. The building will be located on the downstream end of the property. This will create the need for excessive retaining walls, stormwater piping, and excess cut for the intended use. Safety to the surrounding properties will also be a concern due to excessive retaining wall height. With the excessive earthwork on the property, also comes excessive rock excavation. The site has rock at depths of around 3' from the surface.

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

Response: The parcel in question has always had a steep slope across the property, and shallow rock and any intended use would have trouble developing this parcel without some significant costs as mentioned previously. 25' of fall across a parcel will create hardships on ANY development in this zoning class, and others. It only makes sense to develop this parcel with a building on the "upper" end of the site.

- 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.

Response: The parcel to the west has parking located in front of the building. This parcel is also located within the City Limits of Springfield. The parcel to the east is existing apartment housing with parking along the street frontage. The proposed development will look very similar (in layout) to the neighboring apartment complex and will not be detrimental to the public welfare or injurious to other property or improvements. Coryell Commons is an apartment complex located due north of this property and they have parking located in the front yard of the site, also due to site constraints.

- 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 endangered public safety.

Response: No, the proposed variance will not have any impact on the 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 endangered public safety.

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

Response: The neighboring apartment complex has parking located along the street frontage. The general public will probably not have any idea that a variance was needed to construct the proposed building.

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

Response: The proposed variance meets the intent of this Article and the Springfield Comprehensive Plan lists the proposed land use for this area as High Intensity Retail, Office or Housing or Low-Density Housing. The City of Springfield just recently started enforcing the code for parking behind the building even though the language has been in the ordinance for quite some time. Examples attached.

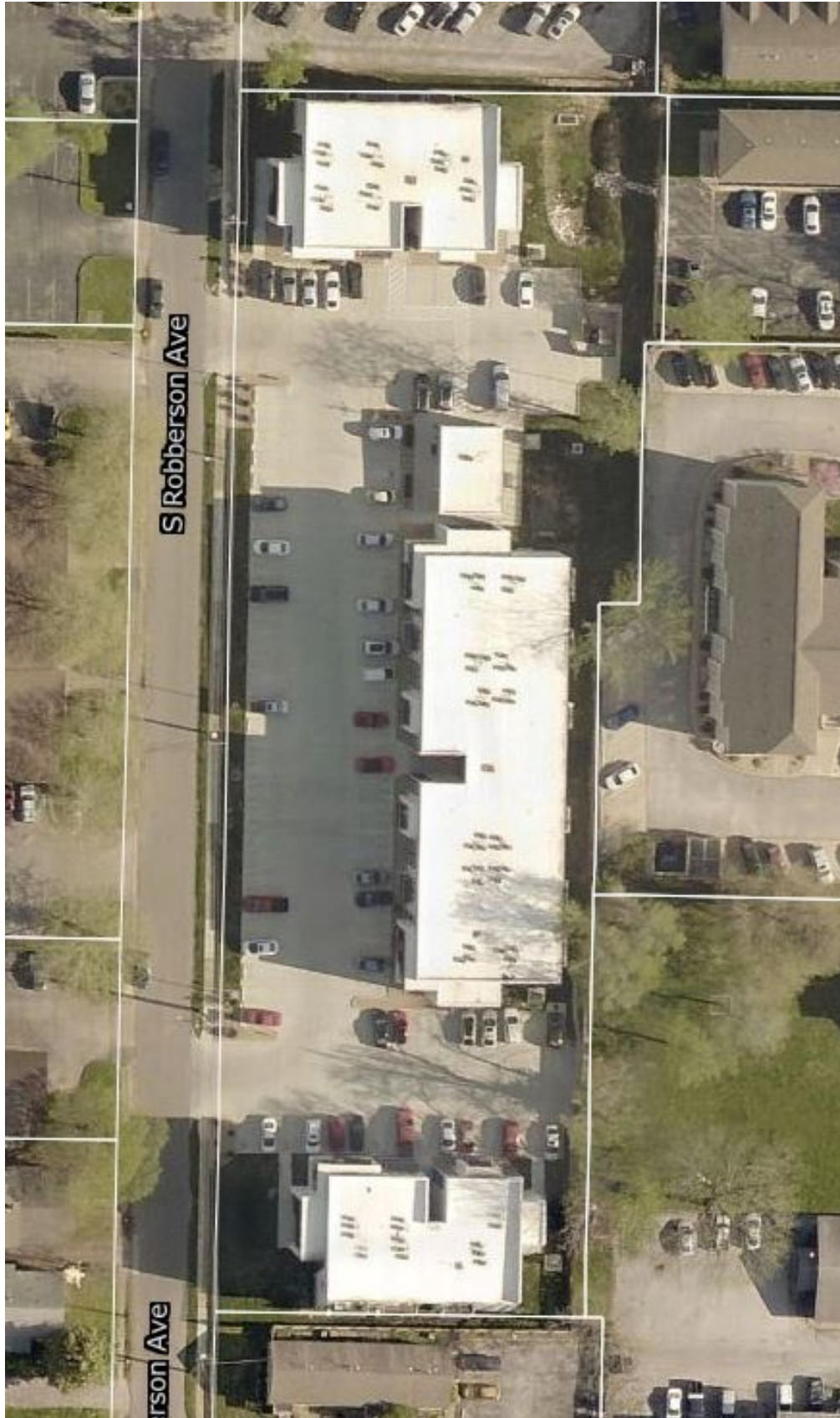


Figure 1 - 800 South Apartments (Built in 2018)



Figure 2 Battlefield Park (Built in 2004-2005)

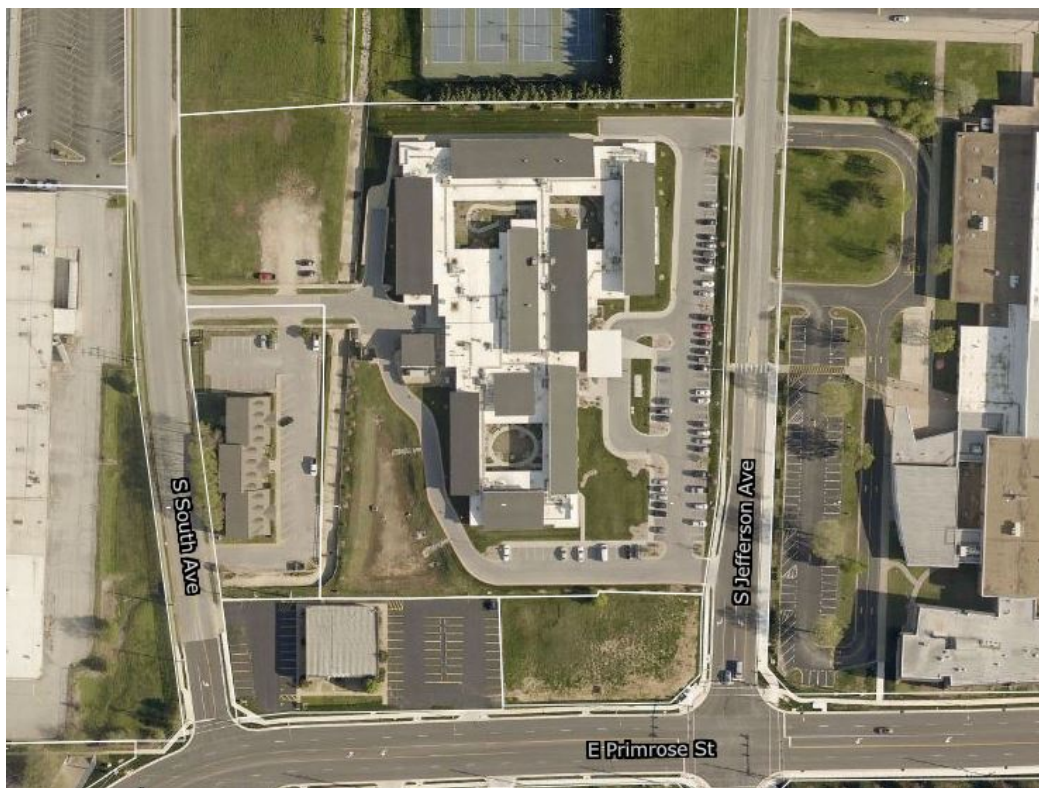


Figure 3- Birch Point Health and Rehab Nursing Home (Built in 2017)



Figure 4 - Coryell Commons (Built in 2019)

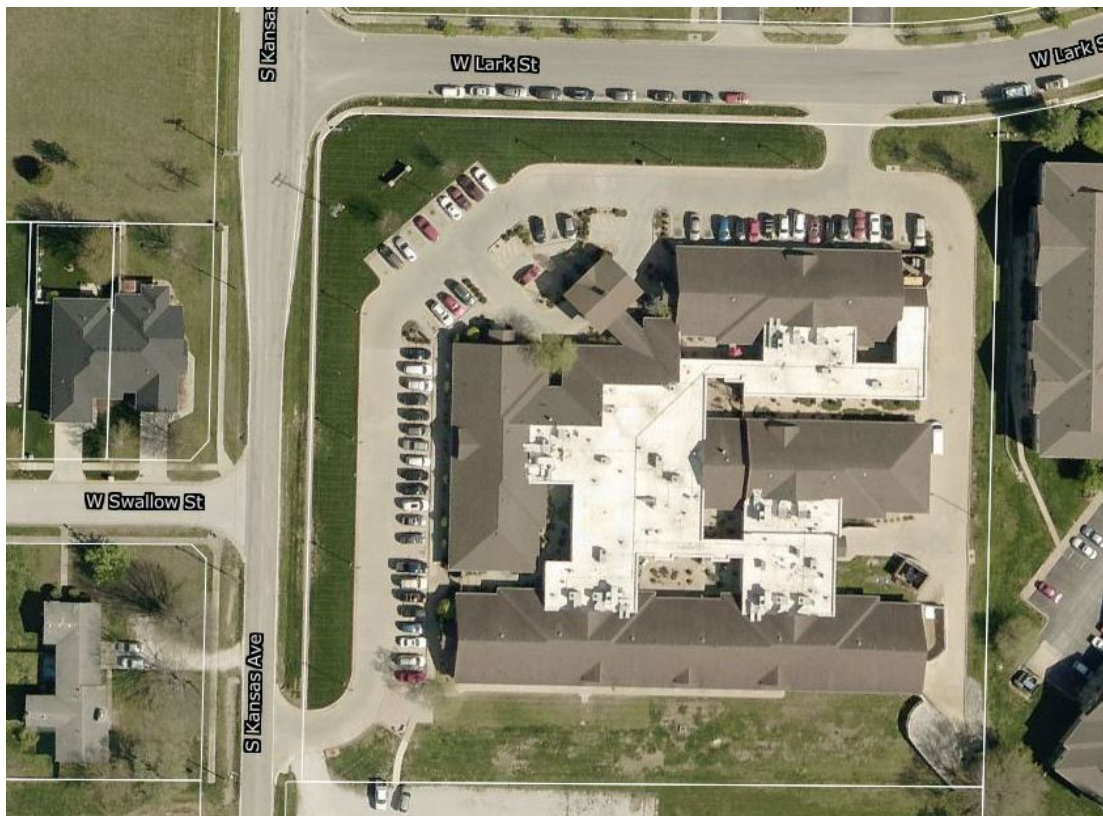


Figure 5 – The Neighborhoods at Quail Creek Skilled Nursing (Built in 2005)

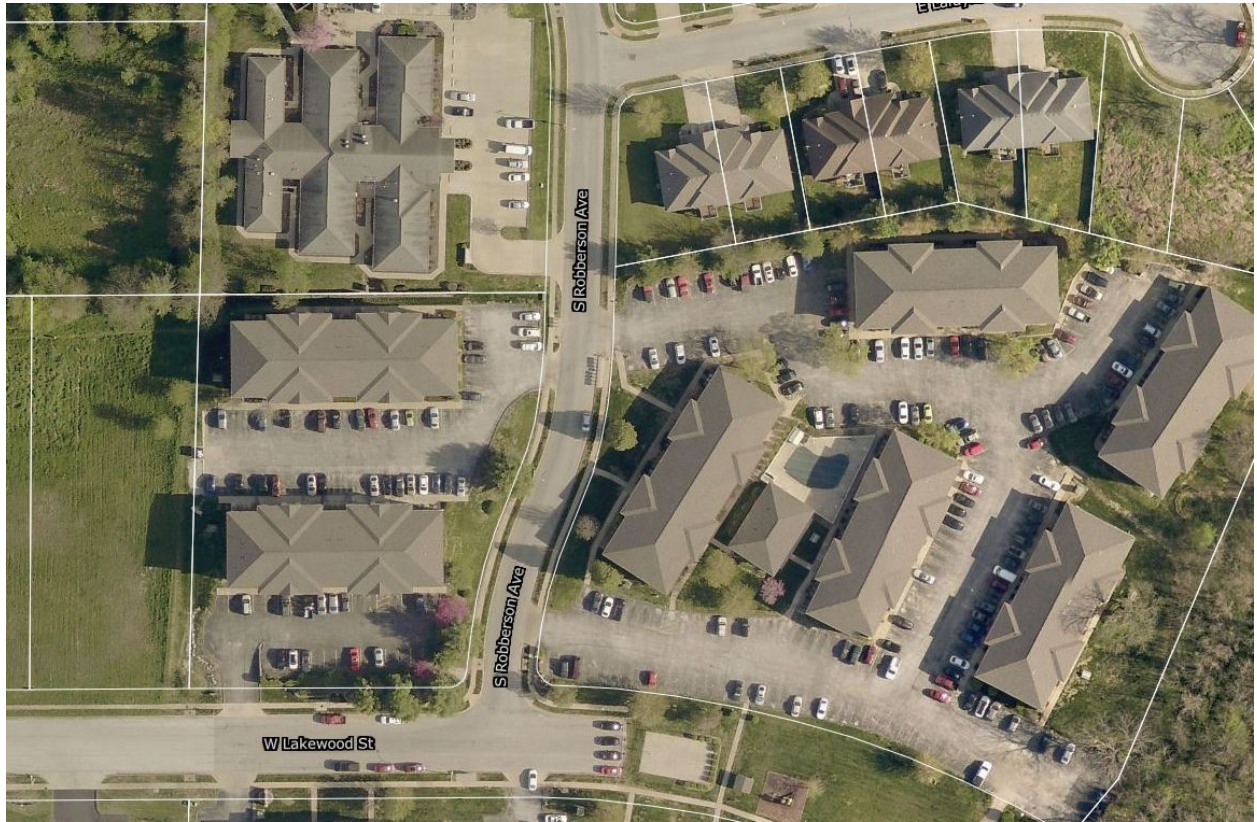


Figure 6 – Greene County Neighboring Lakewood Village Apartments

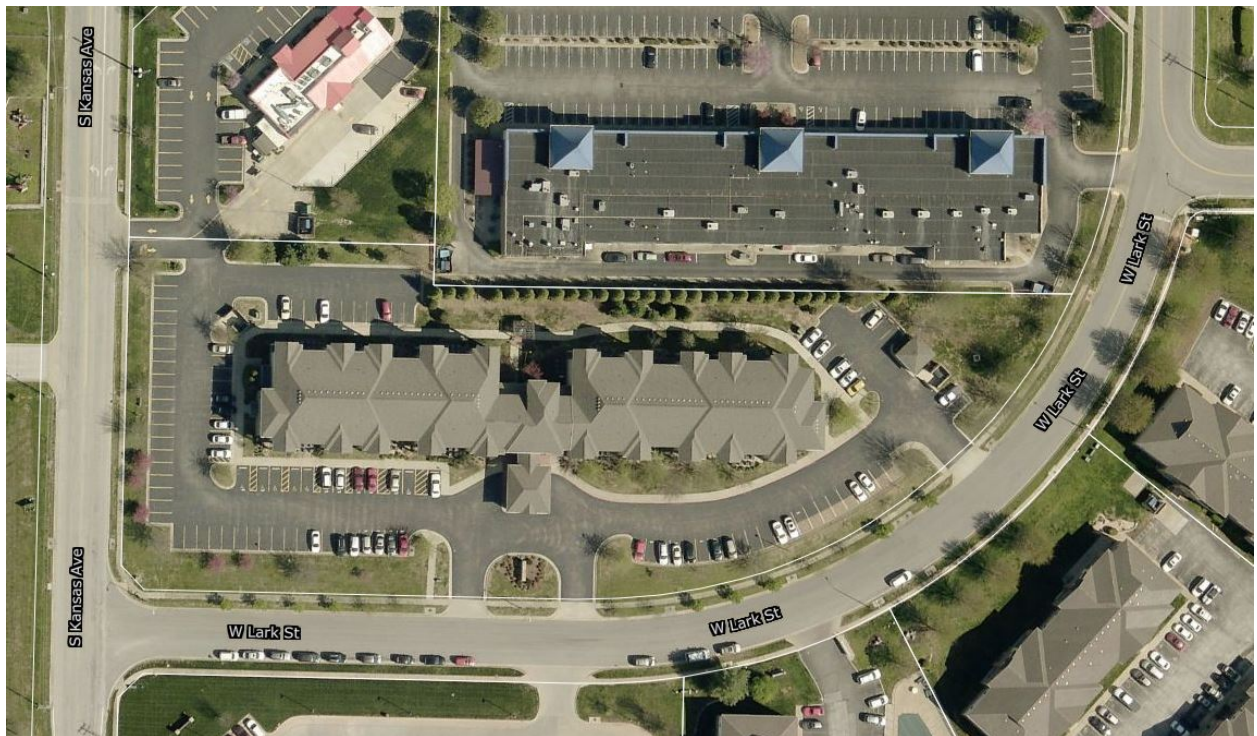


Figure 7 – Villas at Quail Creek (Built in 2012)

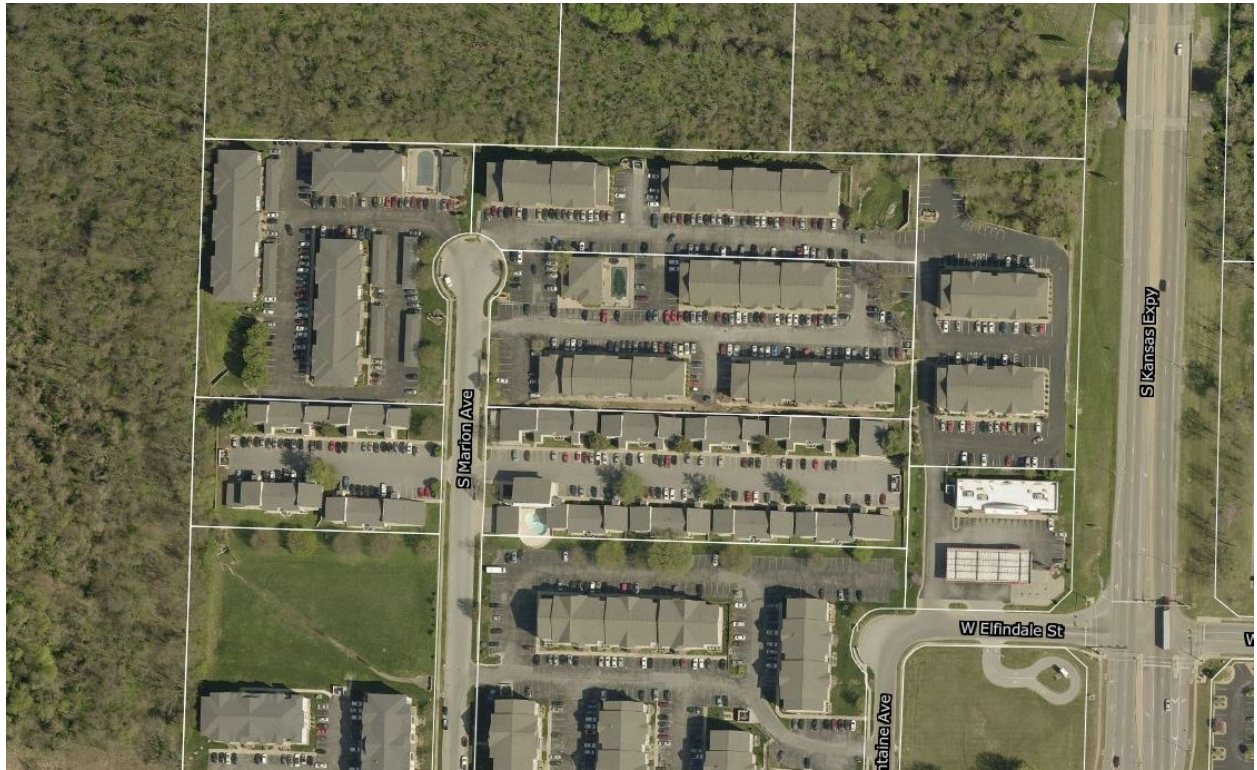


Figure 8 - Sherwood Village Apartments

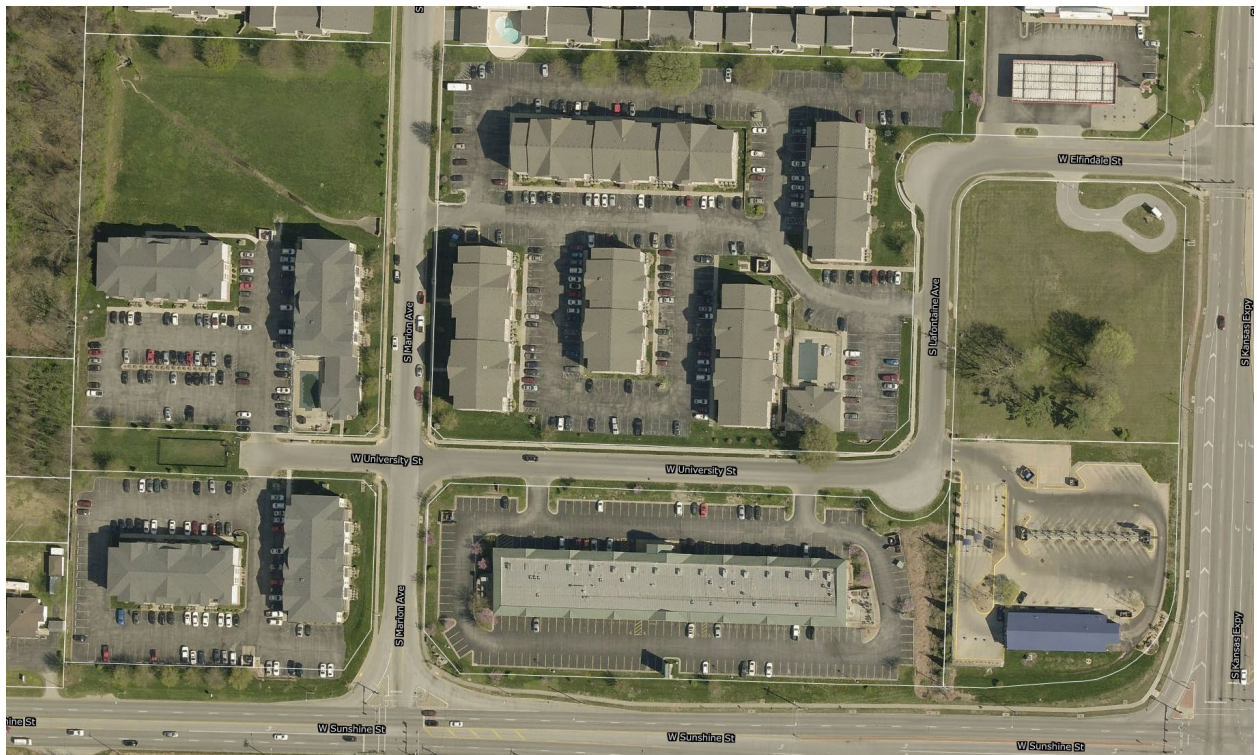


Figure 9 – Marion Park Apartments (Built in 2007)



Figure 10 - Trails Bend



**OFFICIAL NOTICE
BOARD OF ADJUSTMENT
2022 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 2022. Meetings are scheduled for 1:30pm in the City Council Chambers, third floor of City Hall or via Zoom.

APPLICATION DEADLINE	MEETING
December 3, 2021	January 4, 2022
December 31, 2021	February 1, 2022
January 28, 2022	March 1, 2022
March 4, 2022	April 5, 2022
April 1, 2022	May 3, 2022
May 6, 2022	June 7, 2022
June 3, 2022	July 5, 2022
July 8, 2022	August 9, 2022
August 5, 2022	September 6, 2022
September 2, 2022	October 4, 2022
September 30, 2022	November 1, 2022
November 4, 2022	December 6, 2022

A handwritten signature in blue ink, reading 'Brendan Griesemer'.

Brendan Griesemer, Executive Secretary
Board of Adjustment
City of Springfield