



# Springfield Board of Adjustment

City Council Chambers (830 N. Boonville)

Date: September 13th, 2022

Time: 1:30 p.m.

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**MEMBERS:** Derek Lee (Chair), **Bryan Fisher** (Vice-Chair), Shelby Lawhon, Steve Jackson, and Thomas Kondro

1. ROLL CALL:

2. Approval Of Minutes:

2.1. April 5, 2022

Documents:

[MINUTES 4-5-2022.PDF](#)

3. Unfinished Business:

4. Communications:

5. Introduction Of Zoning Ordinance As Evidence:

6. Hearings:

7. Special Exception 1305

1653 East Nora Street, Kenneth Madden

Documents:

[SPECIAL EXCEPTION 1305 SR FINAL.PDF](#)

8. Variance 588

2101 & 2107 North Main Avenue and 609 & 613 West Dale Street, Barrett Fisk Investments, LLC

Documents:

[VARIANCE 588 SR FINAL1.PDF](#)

9. Appeal 73

2207 North Grant Avenue, Bruce & Sherlyn Mullins

Documents:

[APPEAL 73 SR FINAL.PDF](#)

10. Closed Session:

The Board of Adjustment will hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and this meeting, record, and vote shall be closed and the Board of Adjustment will reconvene in open session at the end of closed session.

11. Reports:

12. New Business:

13. Adjournment:

**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:** April 5, 2022

**TIME:** 1:30 p.m.

The regular meeting and public hearing of the Board of Adjustment was held on the above date and time via Zoom with the following members and personnel in attendance: Derek Lee (Chair) Bryan Fisher (Vice Chair), Shelby Lawhon, and Thomas Kondro. Absent: Steve Jackson. Staff: Daniel Neal, Senior Planner, Jill Burris, Assistant City Attorney, Kyle Tolbert, Assistant City Attorney, Brock Rowe, Acting Director of Building and Development Services, 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 February 1, 2022, were approved.

**COMMUNICATIONS:** None

### **PUBLIC HEARING:**

Appeal 72

300-308 West Commercial Street

**Applicant:** 300 W. Commercial Partners, LLC  
c/o Titus Williams

Mr. Daniel Neal states that the applicant, 300 W Commercial, LLC, c/o Titus Williams, applied for the certificate of appropriateness and the Landmarks Board held a public hearing on February 9th where the applicant's proposed certificate of appropriateness was partially approved and partially denied.

### **Staff findings for all appeal items:**

The applicant is appealing each (3 total) of the denied certificate of appropriateness items. The Landmarks Board used its discretion to approve the certificate of appropriateness as to three of the proposed items and to deny the certificate of appropriateness as to three other proposed items. With regard to the three denied C of A items, the Landmarks Board determined that the proposal was in conflict with the Secretary of Interior's Standards for Rehabilitation and the Commercial Street Design Guidelines and thus was inappropriate. In particular, the Board found that the work was not consistent with the Guideline's recommendation to "not obscure façade details with signs, paint, cladding or other elements" and "not try to make the building look historic with non-original features because this creates a false sense of history." The Commercial Street Historic District is located in the 400 block of West Commercial Street to the 500 block of East Commercial Street, between Lyon Avenue and Washington Avenue. The Commercial Street Historic District is designated on both the National Registry and the Springfield Historic Register as a local historic district. The local designation makes the district subject to Landmarks Board review. City Council adopted the updated Commercial Street Historic District Design Guidelines on April 14, 2020. The Design Guidelines, along with the Secretary of Interior's Standards, provide the basis for decisions by the Landmarks Board regarding exterior alterations to historic properties located within the district. The guidelines serve to both preserve the historic significance and character of the district and to facilitate economic revitalization. The Purpose and Overview of the Commercial Street Design Guidelines state, "These guidelines are intended to provide the basis for decision making by the Landmarks Board. They are intended both to preserve the historic significance and character of the district and to facilitate economic revitalization. The federal government has promulgated 34 standards for the treatment of historic properties, including structures. They are divided into four categories - preservation, rehabilitation, restoration, and reconstruction. The vast majority of projects done in Springfield have fallen into the category of rehabilitation. Rehabilitation is defined by the federal government as "the

process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.” Persons undertaking rehabilitation projects should comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties ten standards.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Historic Preservation element of the Comprehensive Plan recommends the following:

Objective: Preserve and protect the character of historic structures, sites and districts by strengthening zoning codes that address building demolition, alteration, new construction standards. Properties designated as Historic Landmarks, Historic Districts, and Interior Landmarks may not be demolished or the exterior altered (interior if designated as an Interior Landmark) unless a Certificate of Appropriateness or Certificate of Economic Hardship is granted by the Landmarks Board.

Inappropriate Rehabilitations: Another major threat to the integrity of a historic structure or area is inappropriate rehabilitation. These alterations can range from those needed to meet code requirements (inappropriately placed exterior stairs or handicap ramps) to misguided attempts to modernize or make maintenance-free (artificial siding, replacement windows). In many cases, the alterations are unnecessary. The windows or siding could be repaired rather than replaced; a better location could be found for the stairs.

Design Guidelines: Continue to apply design guidelines (based on Secretary of the Interior standards) to local historic landmarks and districts.

#### Staff findings for mural on east evaluation:

In this appeal, the Board of Adjustment exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the section of the ordinance means and how the Ordinance applies to a factual situation. In this case, the Board of Adjustment must review the Landmarks Board’s denial, pursuant to 36-404 and the Secretary of Interior’s Standards for Rehabilitation and the Commercial Street Design Guidelines, of a certificate of appropriateness with regard to a proposed mural on the east elevation.



The Secretary of the Interior's Standards for the Treatment of Historic Properties standards #2 and #5 apply to the proposed mural work.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The Commercial Street Design Guidelines, Section 3.14 states "Different color schemes were popular at various times, toward the end of the 1800s, darker, richer shades were popular. Tastes changed again at the beginning of the 1900s to lighter, calmer colors palettes. The use of color on building facades can serve to strengthen visual coherence and establish an identity for the district. The color of neighboring buildings should be studied, as well as the building's exposure to sun, before deciding paint color. Furthermore, scraping the surface to be painted can reveal original paint layers. Building owners are encouraged to conduct forensic research of the building when deciding on paint color schemes."

- 3.14.1. Subordinate color schemes to the building composition.
- 3.14.2. Use of contrasting colors is desirable, to accent details.
- 3.14.3. Modest color schemes are preferred.
- 3.14.4. Paint scheme should tie the elements of the building together.

The Commercial Street Design Guidelines, Section 4.1. Rehabilitations states, "Rehabilitation and renovation work sometimes leave elements of the original façade out of the finished building. In order to preserve the fidelity of the original building and maintain the historic character of the district, it is important that a holistic plan for rehabilitation be established at the outset of the project. This includes understanding the building's period of significance; performing historical and forensic investigation; and using construction techniques that are appropriate to historic materials and techniques."

4.1.1. Guideline: Incorporate elements of the original façade into the rehabilitation scheme and do not remove historic elements of the façade. Ensure that rehabilitation work:

- i. Does not obscure the original façade or portions thereof with new materials;
- ii. Does not obscure original materials;
- iii. Does not obscure façade details with signs, paint, cladding, or other elements;
- iv. Does not alter the shape of original openings; and
- v. Repairs and/or replaces original building elements with faithful recreations.

If the appeal is approved; the proposed mural on the east elevation may be painted as shown on Exhibit 6 and subject to the provisions in Section 36-454, Signs, of the Zoning Ordinance.

If the appeal is denied, the decision of the board of adjustment may be taken in the manner provided by State Statute.

Staff findings for window flower boxes and panels on north elevation:

In this appeal, the Board of Adjustment exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the section of the ordinance means and how the Ordinance applies to a factual situation. In this case, the Board of Adjustment must review the Landmarks Board's denial, pursuant to 36-404 and the Secretary of Interior's Standards for Rehabilitation and the Commercial Street Design Guidelines, of a certificate of appropriateness with regard to proposed eyebrow mural panels and flower boxes on the north elevation.

The Secretary of the Interior's Standards for the Treatment of Historic Properties standards #3, #4 and #9 apply to the proposed work:

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

The Commercial Street Design Guidelines, Section 3.13 states, "The quality and character of Commercial Street's streetscape and public realm is critical to the experience of visitors and the success of businesses. District vibrancy and street life benefits from a rich array of landscaping, trees, lighting, signage, street furniture, and other public realm amenities."

3.13.2. Privately provided planting urns, planting boxes, and street furniture, including waste receptacles and benches are encouraged. These elements should be of a design that is complementary to the district.

The Commercial Street Design Guidelines, Section 4.1. Rehabilitations states, "Rehabilitation and renovation work sometimes leave elements of the original façade out of the finished building. In order to preserve the fidelity of the original building and maintain the historic character of the district, it is important that a holistic plan for rehabilitation be established at the outset of the project. This includes understanding the building's period of significance; performing historical and forensic investigation; and using construction techniques that are appropriate to historic materials and techniques."

4.1.1. Guideline: Incorporate elements of the original façade into the rehabilitation scheme and do not remove historic elements of the façade. Ensure that rehabilitation work:

- i. Does not obscure the original façade or portions thereof with new materials;
- ii. Does not obscure original materials;
- iii. Does not obscure façade details with signs, paint, cladding, or other elements;
- iv. Does not alter the shape of original openings; and
- v. Repairs and/or replaces original building elements with faithful recreations.

If the appeal is approved; the installation of the "eyebrow mural panels and flower boxes" on hand painted, lightweight panel on north elevation is permitted as shown on Exhibit 6 and subject to the provisions of the Zoning Ordinance and anything placed on the structure (planters, balconies, awnings, signs, etc.) that overhangs into the right-of-way requires and encroachment agreement and permit from the City.

If the appeal is denied, the decision of the board of adjustment may be taken in the manner provided by State Statute.

Staff findings for paint of decorative brickwork on north elevation:

In this appeal, the Board of Adjustment exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the section of the ordinance means and how the Ordinance applies to a factual situation. In this case, the Board of Adjustment must review the Landmarks Board's denial, pursuant to 36-404 and the Secretary of Interior's Standards for Rehabilitation and the Commercial Street Design Guidelines, of a certificate of appropriateness with regard to color paint (other than red line wash/paint) of decorative brickwork along top of north elevations.

The Secretary of the Interior's Standards for the Treatment of Historic Properties standards #2 and #5 apply to the proposed mural work.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The Commercial Street Design Guidelines, Section 3.14 states “Different color schemes were popular at various times; toward the end of the 1800s, darker, richer shades were popular. Tastes changed again at the beginning of the 1900s to lighter, calmer colors palettes. The use of color on building facades can serve to strengthen visual coherence and establish an identity for the district. The color of neighboring buildings should be studied, as well as the building’s exposure to sun, before deciding paint color. Furthermore, scraping the surface to be painted can reveal original paint layers. Building owners are encouraged to conduct forensic research of the building when deciding on paint color schemes.”

- 3.14.1. Subordinate color schemes to the building composition.
- 3.14.2. Use of contrasting colors is desirable, to accent details.
- 3.14.3. Modest color schemes are preferred.
- 3.14.4. Paint scheme should tie the elements of the building together.
- 3.14.6. Darker shades may be used on the north side to reduce glare and reflection.

The Commercial Street Design Guidelines, Section 4.1. Rehabilitations states, “Rehabilitation and renovation work sometimes leave elements of the original façade out of the finished building. In order to preserve the fidelity of the original building and maintain the historic character of the district, it is important that a holistic plan for rehabilitation be established at the outset of the project. This includes understanding the building’s period of significance; performing historical and forensic investigation; and using construction techniques that are appropriate to historic materials and techniques.”

- 4.1.1. Guideline: Incorporate elements of the original façade into the rehabilitation scheme and do not remove historic elements of the façade. Ensure that rehabilitation work:
  - i. Does not obscure the original façade or portions thereof with new materials;
  - ii. Does not obscure original materials;
  - iii. Does not obscure façade details with signs, paint, cladding, or other elements;
  - iv. Does not alter the shape of original openings; and
  - v. Repairs and/or replaces original building elements with faithful recreations.

If the appeal is approved; the color painting (other than red lime wash/paint) of decorative brickwork along top of north elevation may be painted as shown on Exhibit 6 and subject to the provisions of the Commercial Street Design Standards and Zoning Ordinance.

If the appeal is denied, the decision of the board of adjustment may be taken in the manner provided by State Statute.

Extent of the Board’s appeal powers:

1. Affirm the Landmarks Board’s decision wholly or in part;
2. Reverse the Landmarks Board’s decision;
3. Modify the Landmarks Board’s decision, or;
4. Make such new decision, as the Board deems appropriate.

Mr. Lee asked about the 1<sup>st</sup> element (mural) and asks for clarification on location.

Mr. Neal showed the street with the alleyway on the east elevation.

Mr. Fisher noted that the regulations are for the front façade and what purpose does the Board have regarding regulations on the side of the building.

Mr. Fisher and Mr. Tolbert discussed the façade/mural and regulations regarding Guidelines 4.1.2 (Respect the original character and period of the façade; do not try to make the building look historic with non-original features because this creates a false sense of history. When restoration is called for, follow applicable standards and treatments) and Guidelines 4.1.3 (Preserve the original finish of masonry facades; by covering original finishes, the overall value of the building's nature is denied. However, caution is urged because remove of finishes applied long ago may have severe effects on the remaining life of façade materials).

Mr. Fisher asked what the Board's job on the appeal is.

Ms. Burris noted that the Boards job is to determine if the Landmarks Board was in error in the disapproval or approval on the appeal items.

Mr. Fisher then asked how the Landmarks Board reached their decisions stating that there are no significant findings in the minutes and/or staff report.

Mr. Sparlin (Landmarks Board staff member) noted that the content from the Landmarks meeting was focused on mural size and how only small portions of the mural would be seen from the alley and would be lost to view and also could obscure architectural detail of the building.

Mr. Lawhon went over some of the Secretary of Standards guidelines and Mr. Tolbert noted that the Board of Adjustment is constrained by the Secretary of the Interior Standards and needs to follow the guidelines.

More general discussion on the flower boxes and eyebrow panels as well as painting the front façade of the decorative brick.

Mr. Lee opened the public hearing.

Mr. Eric Albers, representing the owner and went over some of the discussion/specifics from the Landmarks Board decisions again noting the mural size and in the alley. He believes that the mural makes a statement and should not be part of the decision from the Landmarks Board and believes that Commercial Street owners should be able to their decide on some of their own decisions and this by making Commercial Street sustainable.

Mr. Lawhon asked about maintenance of the mural in the alley and can it be accessed.

Mr. Albers noted that it is accessible and will be maintained.

General discussion on masonry being painted and was noted that the masonry on this building has been painted/whitewashed previously and how the flower boxes will be attached (anchoring/drilled) to the building as well as the decorative painting on the front brink façade (top of building). Board members also questioned if they could regulate the owner on their color choice and believes the decision should be the owners.

Mr. Fisher asked if a permit was even necessary to allow flower boxes and what triggers a required permit (Certificate of Appropriateness) and would like to have a copy of the ordinance to review as well as a timeframe for the building.

Mr. Sparlin stated that it is part of the city records/architectural survey that was done on Commercial Street where a more detail narrative is given.

Mr. Tolbert addressed each element with Mr. Albers.

Mr. Albers noted that he did review the Commercial Street Guidelines and is aware of the Secretary of Interior Standards and the importance of the Standards as well as the details of the Standards.

Mr. Titus Williams, owner and here to answer any questions.

Mr. Fisher asked if Mr. Williams if he knew the reason for denial with the Landmarks Board as there are no findings.

Mr. Williams stated that he was not sure other than hearsay and noted that the building had been painted many times before.

Mr. Paden Chambers, works on Commercial Street and voiced his concerns that are not supported by the Commercial Street Guidelines and gave a brief overview of the history of the building stating that the original characters needed to be respected and do not copy or create decorative elements to the building. His concerns were the mural, the eyebrow panels, as well as the flower boxes and asked that the Board of Adjustment not to support the requested appeal.

Ms. Mary Collette, lives and works on Commercial Street and wants the changes and believes it is best for Commercial Street and is happy to see the progress. She also noted that if there are too many obstacles it could cause problem and voiced her frustration on a simple issue and believes the Landmarks Board application was too detailed.

Mr. Lee stated that he would prefer to take each item individually on decisions/voting and getting into specific paint colors and would never limit someone to only one color and asked about the developer using a color palette for choices.

Mr. Kyle Tolbert noted that red-lime wash was presented to the developers. Mr. Sparlin said that the Landmarks Board does not dictate colors but the approved the red-lime wash as in keeping with the historical color of the brick.

Mr. Derek Lee closed the public hearing.

Board members voiced their comments, concerns, and agreements on their decisions.

#### **Member Action #1: Motion Failed**

Mr. Bryan Fisher motioned to approve the Mural for Appeal 72 (300-308 West Commercial Street). Mr. Shelby Lawhon seconded the motion. Motion carried as follows: Ayes: Lee, Fisher, and Lawhon. Nays: Kondro. Absent: Jackson

#### **Member Action #2: Motion Failed**

Mr. Shelby Lawhon motioned to approve the Panels for Appeal 72 (300-308 West Commercial Street). Mr. Derek Lee seconded the motion. Motion carried as follows: Ayes: Lee and Lawhon. Nays: Fisher and Kondro. Absent: Jackson

#### **Member Action #3: Motion Approved**

Mr. Bryan Fisher motioned to approve the Flower Boxes for Appeal 72 (300-308 West Commercial Street). Mr. Derek Lee seconded the motion. Motion carried as follows: Ayes: Lee, Lawhon, Fisher, and Kondro. Nays: None. Absent: Jackson

#### **Member Action #4: Motion Approved**

Mr. Bryan Fisher motioned to approve the Paint on Front Façade of the Decorative Brick for Appeal 72 (300-308 West Commercial Street). Mr. Shelby Lawhon seconded the motion. Motion carried as follows: Ayes: Lee, Lawhon, Fisher, and Kondro. Nays: None. Absent: Jackson

#### Appeal Findings of Fact and Conclusions of Law for Appeal 72 – Staff findings for Mural.

##### **Failed: 3/1**

✓ Reverse Wholly the administrative decision and make the following order:

*Mural was on the side of building and should have been approved as the wall would need to be painted. It would preserve the character of the Commercial Street District and enhance its aesthetics. The Board erred because the mural was not subject to review by the Board.*

✓ Other Findings:

*Mural would drastically alter appearance of façade and obscure façade details.*

#### Appeal Findings of Fact and Conclusions of Law for Appeal 72 – Staff findings for Flower Boxes and Panels.

##### **Approved: 4/0 – Flower Boxes      Failed: 2/2 - Panels**

✓ Affirm partly the administrative decision and make the following order:

*Allow the window boxes and deny the panels. There was no error in denying the panels because the panels allow architectural features of the subject building. Affirm as to panels. There was no error in denying the panels because the panels alter the architectural features of the subject building.*

✓ Reverse Wholly the administrative decision and make the following order:

*Reverse as to window flower boxes. The flower boxes denial was in error because the boxes were not subject to the Board and even if there were, they do alter any architectural features of the subject building. Encourage flower boxes.*

✓ Other Findings:

*Panels would have altered primary facades appearance and changed the window's profile.*

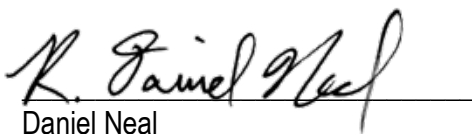
#### Appeal Findings of Fact and Conclusions of Law for Appeal 72 – Staff findings for Paint of Decorative Brickwork.

##### **Approved: 4/0**

✓ Reverse Wholly the administrative decision and make the following order:

*Board should not be able to pick paint colors. Approve the painting of the decorative brickwork because it would enhance the physical appearance while preserving the character of the building. The Board erred because the decorative brickwork accents arch features of the building as encouraged in the design guidelines.*

#### **OTHER BUSINESS:**

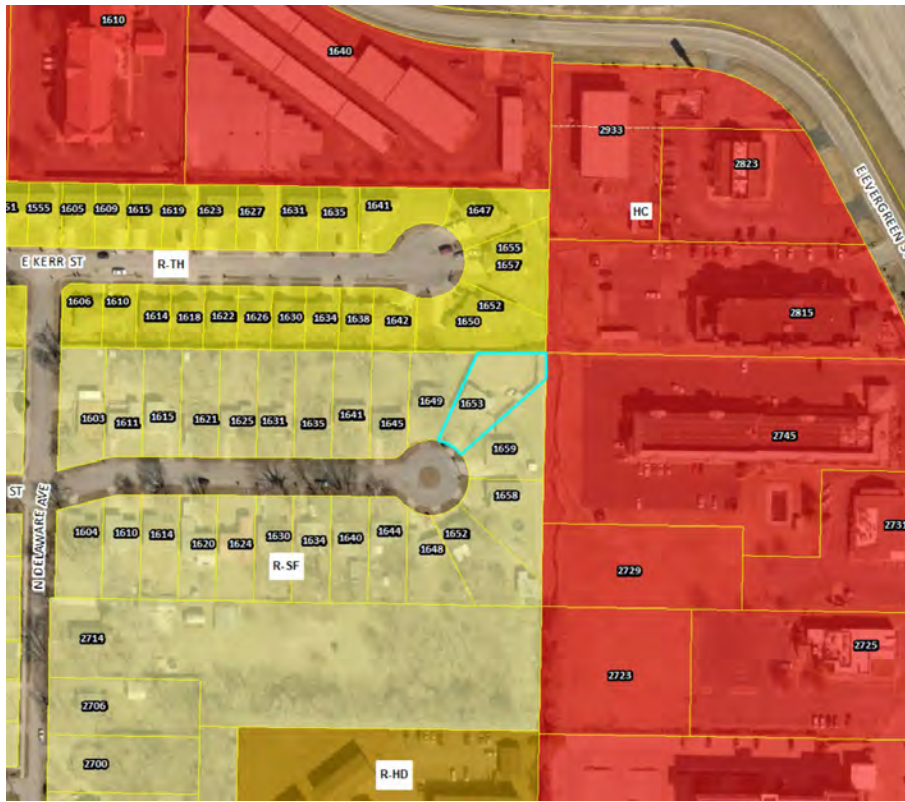


Daniel Neal  
For Executive Secretary

# Development Review Staff Report

## BOARD OF ADJUSTMENT PUBLIC HEARING:

SEPTEMBER 6, 2022



### CASE NUMBER:

Special Exception 1305

### LOCATION:

1653 E. Nora Street

### ACRES:

0.18 acre

### EXISTING LAND USE:

Single-family residential uses

### APPLICANT:

Kenneth Madden

### STAFF:

Daniel Neal, 864-1036

## SUMMARY OF SPECIAL EXCEPTION:

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

## STAFF FINDINGS:

1. In this special exception, the Board of Adjustment has jurisdiction and authority to grant special exceptions in certain instances. In this case, the Board of Adjustment must determine whether the height of the accessory building, which exceeds the requirements, meets the conditions to grant a special exception.
2. The applicant is requesting a special exception to allow a two-story storage shed in excess of the 16 feet height limit. The applicant has provided elevations of the proposed accessory building.
3. The applicant applied for a residential accessory building permit on June 13, 2022. Building Development Services reviewed the application and site plan and determined that it didn't meet the height requirements. The applicant was notified that it would require a Board of Adjustment special exception if he intended to proceed with the building permit.
4. The special exception section 36-366(e) 3. states, "*The height and design of the proposed accessory structure shall be consistent with the height and design of the primary structure on the lot*".
5. The proposed accessory building is 18 feet 2 ½ inches tall at its peak while the existing house is approximately 16 feet 2 inches tall. The existing house is on a higher grade than the proposed accessory building location. The applicant has stated that the house is approximately 2 foot higher than the proposed grade of the accessory structure.
6. The special exception section 36-366(e) 4. states, "*The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood*".

# Development Review Staff Report



7. The design of the two-story shed is an octagonal barn style shed. The Greene County Assessor office describes the existing residence as a ranch style home that was built in 1959.
8. The applicant is not proposing the placement of the accessory building on any platted easements or stream buffer areas to the east of the property. It appears all requirements of Subsection 36-366(1)(e) have been met.
9. The applicant has submitted a site plan specific to the accessory building, existing site photos and neighborhood building character photos. They are attached as Exhibit 2.
10. If the special exception is approved; the proposed accessory building is allowed to be permitted meeting the elevations and plans provided. The height of the accessory building is not to exceed 19 feet in height.
11. If this special exception is denied; the applicant must comply with the ordinance for any residential accessory building.

## APPLICANTS RESPONSES TO STANDARDS

| 36-366 (1) (e) Height of accessory structures. The board of adjustment may grant a special exception to allow an accessory structure in any district to exceed the height requirements for accessory structures provided all of the following conditions are met:         | Applicant Response:                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The proposed accessory structure shall not be within the front yard.                                                                                                                                                                                                   | The proposed accessory building will not be located in the front yard.                                                                                                      |
| 2. The proposed accessory structure shall be setback as required by subsection 36-450(5), unless a greater setback is required by subsection 36-482(11). The board of adjustment may establish a greater setback to reduce any potential impacts on adjoining properties. | The proposed accessory building meets the setback requirements of 3 feet from a rear or side property line and is located outside of any easements and stream buffer areas. |
| 3. The height and design of the proposed accessory structure shall be consistent with the height and design of the primary structure on the lot.                                                                                                                          | The existing single-family residence is one story and approximately 16 feet 2 inches tall.                                                                                  |
| 4. The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.                                                                                                                                                  | The applicant has provided photos to show that the proposed accessory building would be consistent with the character of the neighborhood.                                  |
| 5. The proposed accessory structure otherwise conforms to all other applicable requirements of this article including section 36-450, accessory uses and structures.                                                                                                      | The proposed accessory building appears to meet all other requirements of Section 36-450.                                                                                   |

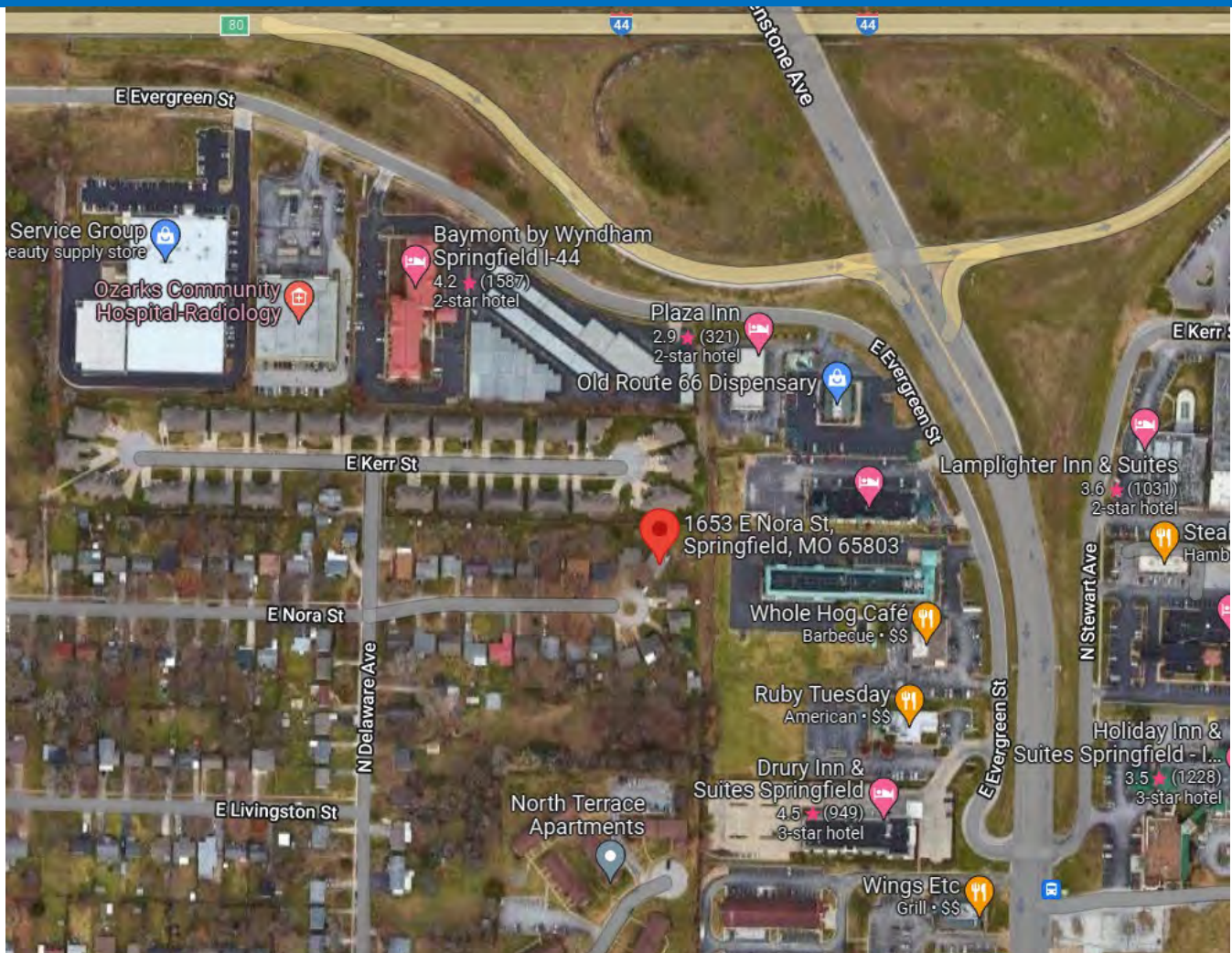
## SURROUNDING ZONING AND LAND USES:

|                 | NORTH  | SOUTH                          | EAST                                       | WEST                           |
|-----------------|--------|--------------------------------|--------------------------------------------|--------------------------------|
| <b>ZONING</b>   | R-TH   | R-SF                           | R-SF & HC                                  | R-SF                           |
| <b>LAND USE</b> | Duplex | Single-family residential uses | Single-family residential uses; Hotel uses | Single-family residential uses |



# Development Review Staff Report

## SURROUNDING LAND USES (AERIAL VIEW):



## STREET VIEW:



## 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. 36-366. - Special exceptions.**

- (1) *Jurisdiction and authority.* The board of adjustment shall have jurisdiction and authority to grant special exceptions from the terms of this article in the following instances:
  - (e) *Height of accessory structures.* The board of adjustment may grant a special exception to allow an accessory structure in any district to exceed the height requirements for accessory structures provided all of the following conditions are met:
    1. The proposed accessory structure shall not be within the front yard.
    2. The proposed accessory structure shall be setback as required by subsection 36-450(5), unless a greater setback is required by subsection 36-482(11). The board of adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.
    3. The height and design of the proposed accessory structure shall be consistent with the height and design of the primary structure on the lot.
    4. The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.
    5. The proposed accessory structure otherwise conforms to all other applicable requirements of this article including section 36-450, accessory uses and structures.

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

### **Sec. 36-351. - Board of adjustment.**

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

- (4) Conduct of hearings by board of adjustment. Public hearings conducted by the board of adjustment on any matter over which it has jurisdiction shall be subject to the following rules.
  - (a) Any person, or his agent, who has an interest in the subject matter of the hearing shall be afforded an opportunity to present evidence, exhibits and argument, and to question, through the chairman of the board of adjustment, witnesses on all relevant issues, subject to the chairman's imposition of reasonable limitations on the number of witnesses, and the nature and length of testimony and questioning.
  - (b) All testimony at the hearing shall be under oath, or by affirmation, administered by the chairman.
  - (c) The board of adjustment shall have a written record of each public hearing and the deliberations of the board kept.
  - (d) Members of the board of adjustment shall base their consideration of matters on which the board conducts a public hearing upon the following information and evidence:
    1. Testimony, exhibits, and argument presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;



# Development Review Staff Report



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

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

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

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

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

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

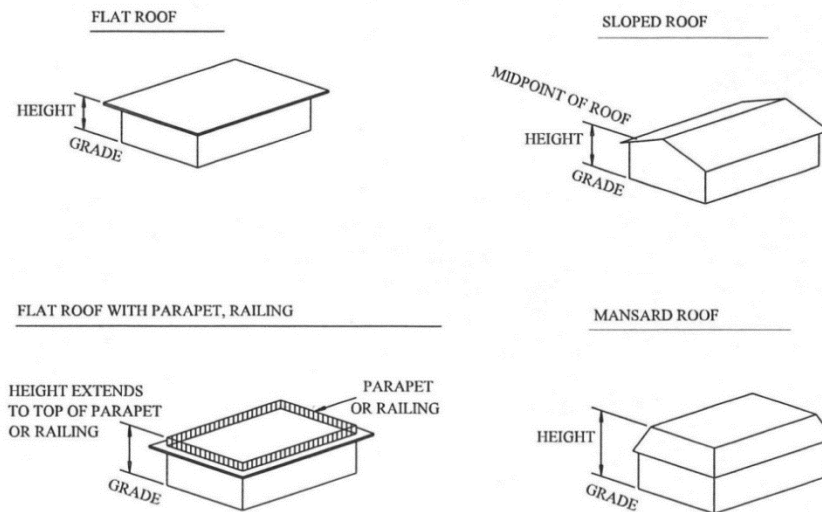
## ZONING ORDINANCE SECTIONS SUBJECT TO THE SPECIAL EXCEPTION:

The following excerpts contain pertinent passages from the Zoning Ordinance:

### Section 36-321. Definitions.

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

**Figure 2-5**



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

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

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

# Development Review Staff Report



- (5) *Bulk, setback, and spacing regulations.* All accessory structures shall comply with the following regulations:
- (a) *Residential districts.*
1. Minimum yard requirements, except clubhouses in subsection 36-450(5)(a)2.c. below:
    - a. *Rear and side:* Three feet. An accessory structure may be located on the lot lines provided the abutting residential zoned property also has an accessory structure abutting the common lot line and provided both accessory structures abut one another for the entire length of their abutting walls.
    - b. *Front:* No accessory structure shall be permitted in any front yard unless it is permitted by section 36-453, supplemental open space and yard regulations.
    - c. On a corner lot, no accessory structure shall project beyond the front yard of adjacent lots to the rear of the corner lot.
  2. Maximum structure height, except as permitted by subsection 36-366(1)(e):
    - a. The height limit for hip or gable roofs shall be 16 feet.
    - b. The height limit for flat, single slope or mansard roofs shall be 12 feet.
    - c. Clubhouses in a permitted multifamily development shall not exceed the height limit of any multi-family structure within the same development and also provided the clubhouse structure shall remain below a 45-degree bulk plane as measured from the boundary of any R-SF, single-family residential or R-TH, residential townhouse district.

## COMPREHENSIVE PLAN:

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

## PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:      Mailed: 16      Returned: 0

## DEPARTMENT COMMENTS

### BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

### CITY UTILITIES:

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

### CLEAN WATER SERVICES COMMENTS:

No impact on public sewer.

### FIRE DEPARTMENT COMMENTS:

# Development Review Staff Report



No comments.

## PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed special exception.

## STORMWATER COMMENTS:

1. PW-Stormwater has no concerns with Special Exception for the exceeding of height requirements.
2. The property does contain a Stream Buffer for Pea Ridge Creek. The Stream Buffer is on the property's Northeast corner and parallels the fence line. No structures are allowed within the stream buffer. For further Reference see the City's Flood Control and Water Quality Protection Manual Chapter 8. a. Attached to Reviewer Uploads is a ArcGIS overlay of the 1653 E Nora St property showing the Stream Buffer in Shaded Purple. The proposed site plan for the structure does not interfere with the Stream Buffer. b. The current fence does intrude into the stream buffer but no corrections to the fence are needed at this time.
3. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works. a. The proposed structure is less than 500 sq. ft. of new impervious surface area. No detention or fee in lieu of detention application is needed at this time.

# Development Review Staff Report



## PROPERTY DESCRIPTION:

### EXHIBIT 1 LEGAL DESCRIPTION

All of Lot 11 of Clover Leaf Heights Addition, a subdivision in the City of Springfield, Greene County, Missouri



# BUILDING PERMIT

Permit #: **BLDR2022-00410**

Project #:

## Inspection Requests:

Scan QR Code below

OR [ecity.springfieldmo.gov](http://ecity.springfieldmo.gov)

OR call 417-864-1066

## Check Permit Status:

[ecity.springfieldmo.gov](http://ecity.springfieldmo.gov)

Site Address: **1653 E NORA ST**

Project Name: **Accessory Structure - 1653 E Nora**

Project Description: **16x16 garage with a concrete foundation**

Created by: **landen.justice**

Issued by: **LIUSTICE**

Issued date: **06/13/2022**

Expiration date: **12/13/2022**

Plan reviewer:

Type of Use: **Res**

Type of Work: **MISC**

Code Edition: **IRC2018**

Zoning: **R-SF**

### Property Owner

Kenneth Madden

1653 E Nora

Springfield, MO 65803

(417)569-5761

Scan to request  
an Inspection



### Required Setbacks:

### Building Information:

### Building Height:

Front:

Bathrooms:

Water Heaters:

Electrical Service Size:

AMPS

Back:

Bedrooms:

Gas openings:

Right:

Sinks:

Gas logs/fireplaces:

Left:

Furnaces:

| Fee Description          | Payment Method | Check / Confirmation Number | Payment Status | Amount          |
|--------------------------|----------------|-----------------------------|----------------|-----------------|
| Miscellaneous Permit Fee | CREDIT         |                             | PAID           | 117.00          |
|                          |                |                             | <b>Total:</b>  | <b>\$117.00</b> |

### POST THIS BUILDING PERMIT TO BE VISIBLE FROM THE STREET

Approved construction documents must be retained on job and this card kept posted until final inspection has been made. Where a certificate of occupancy is required, such building shall not be occupied until final inspection is made and approved. Work shall not proceed until the inspector has approved the various stages of construction.

Any interior demolitions and/or renovations, the undersigned acknowledges responsibility pursuant to regulations in **EPA 61.145** and in **Missouri 10 CSR 10-6.241**, using trained asbestos professionals in the assessment, abatement, and proper disposal thereof. Please visit the Asbestos webpage for more information at

<http://www.epa.gov/asbestos/>

I hereby certify that I am the authorized agent of the permittee and affirm that the above statements as true and correct and agree to comply with the provisions in the Building Code of the City of Springfield, Building Development Services and any other applicable ordinances, regulations and laws.

I also certify that the proposed work is authorized by the Owner of Record and that I am the owner, or have been authorized by the owner as his authorized agent, to apply for this permit.

PRINT NAME

SIGNATURE

Building Development Services, 840 N. Boonville, Springfield Missouri 65802  
(417) 864-1059





## APPLICATION FOR RESIDENTIAL ACCESSORY STRUCTURE

Please refer to the current Springfield Zoning Ordinance, Section 36-450, for more information and requirements.

**A Site Plan must be submitted with this application.**

SITE ADDRESS: 1603 E Nora Date: 6/13/22

**Owner:**

Name Kenneth Madden  
Address 1603 E Nora  
City/Zip Springfield 65803  
Phone Number 417-569-5761  
Email Address SPuddy417@gmail.com

**Contractor:**

Current Bus Lic # \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/Zip \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Email Address \_\_\_\_\_

- An accessory structure that exceeds 100 sq. ft., but is less than 400 sq. ft. does not require piers or a foundation, but does require a Building Permit. The structure must be anchored to the ground to prevent wind uplift (i.e: mobile home screw anchors). Blocks are normally set on the ground and are used to level the structure only. Any structure that is 400 sq. ft. or greater requires piers or footings/foundation – the required frost line is 24 inches deep.
  - The maximum structure height to the peak for hip or gable roofs is 16 ft; for flat, single slope or mansard roofs the maximum height is 12 ft.
  - If there is more than one accessory structure on the lot they must be placed at least 2 ft. from each other.
- A maximum of four accessory structures, regardless of size, are allowed per lot. In Residential Districts the minimum yard requirements are 3 ft. from the rear and side property lines. Number and Size of any **existing accessory structures:**  
Size \_\_\_\_\_ Size \_\_\_\_\_ Size \_\_\_\_\_ (must be shown on site plan, maximum four accessory structures on any lot)

**REQUIRED INFORMATION:**

Portable Drop/Pre-Mfg \_\_\_\_\_ Conventional Construction \_\_\_\_\_ \*Other Type Construction \_\_\_\_\_  
(Stick Frame) (\*Requires Engineered Drawing)

Height to the peak of this accessory structure \_\_\_\_\_ ft. (Must fill in and be printed on permit)

Dimensions of this accessory structure: (w) 20 X (l) 20 = 400 sq. ft.

1. Lot dimensions: (w) 57 X (l) 136 = 7866 total lot sq. ft.
  2. Lot sq. ft. 7866 X 70% = 5506 Maximum total building coverage
  3. Max building coverage 5506 X 25% = 1376 Maximum sq. ft. all accessory coverage\*
  4. Sq. ft. of building footprint 936 X .66 = 617 Maximum sq. ft. any single accessory structure\*
- (\*Must use the smaller of #3 or #4 calculations)

**\*\*I acknowledge that the occupancy of this structure shall comply with the requirements of Article I, Chapter 36, Springfield City Code otherwise known as the Zoning Ordinance, Sections 36-303(16) and 36-450.\*\***

Applicant: Kenneth Madden / Kenneth Madden  
Signature Print Name

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
(BDS Official) (Approved Engineered Drawings if Required \_\_\_\_\_)

**This permit is approved for issuance based on the information provided above by the applicant.**

Amount Due: \$ \_\_\_\_\_ Method of payment: Cash \_\_\_\_\_ Credit \_\_\_\_\_ Check# \_\_\_\_\_



Exhibit 3

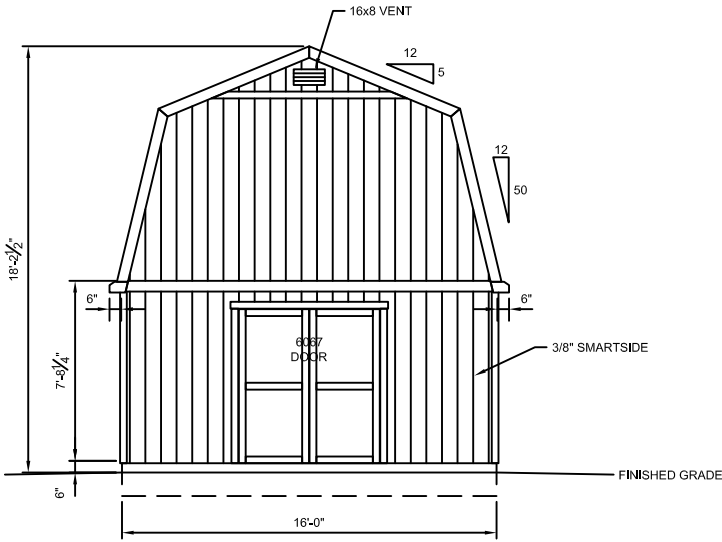




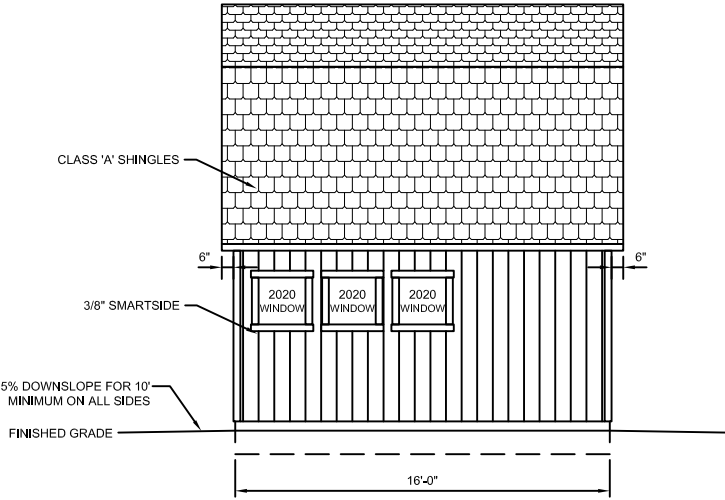


City of Springfield, Missouri GIS

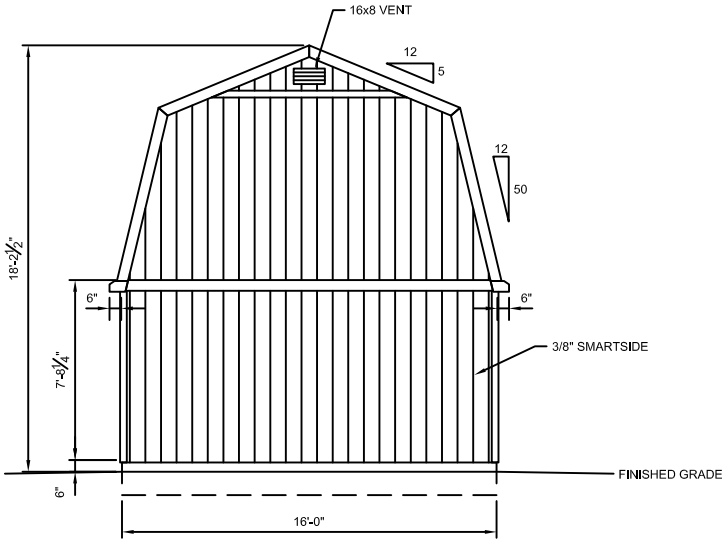




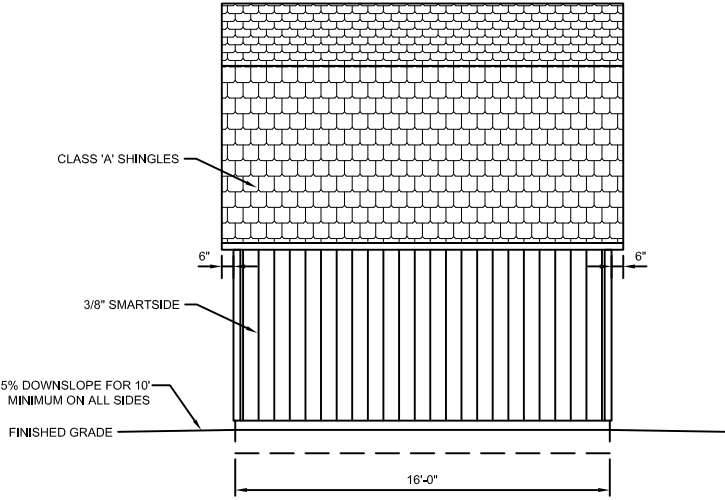
WALL A ELEVATION



WALL B ELEVATION



WALL C ELEVATION



WALL D ELEVATION

PROJECT NOTES

- DESIGN REQUIREMENTS  
GOVERNING CODES: 2015 IBC  
OCCUPANCY GROUP: GROUP U  
CONSTRUCTION TYPE: V-S
- DESIGN SCHEDULE  
A. BUILDING SIZE  
WIDTH: 16'-0"  
LENGTH: 16'-0"  
SIDE WALL HEIGHT: 7'-8 1/4"  
TOTAL HEIGHT: 18'-2 1/2"  
B. BUILDING LOADS  
ROOF LIVE LOAD: 20 PSF  
ROOF DEAD LOAD: 10 PSF  
C. DESIGN WIND  
3 SECOND GUST,  $V_{ult}$ : 107 MPH  
WIND EXPOSURE: C  
D. SEISMIC DESIGN CATEGORY: C  
E. SITE CLASS: D  
F. ROOF PITCH: 5/12:50/12
- ROOFING SCHEDULE  
A. ROOF SHEATHING SHALL BE APA RATED 7/16" THICK OSB WITH FOIL BACKING, 24/16 RATED MIN., UNBLOCKED DIAPHRAGM. STAGGER LAYOUT PER APA CONDITION 1.  
B. SHEATHING NAILING SHALL BE PER NAILING SCHEDULE.  
C. 25 YEAR ASPHALT SHINGLES (U.N.O.).  
D. GAF FELTBUSTER.  
E. TYPE 'D' METAL DRIP EDGE FLASHING REQUIRED ALL SIDES.  
F. TRUSSES SHALL BE SPACED @ 24" OC.  
G. SEE SEPARATE TRUSS SHEETS FOR TRUSS FRAMING AND MATERIALS.  
H. TRUSSES MUST BE BRACED ACCORDING TO THE LATEST EDITION OF THE BUILDING COMPONENT SAFETY INFORMATION "GUIDE TO GOOD PRACTICE OF METAL PLATE CONNECTED WOOD TRUSSES" (BCSI)  
I. TRUSS CONNECTION PLATES 'EAGLE METAL PLATES'.  
J. THE TRUSS PLATE INSTITUTE (TPI) (NER QA 430) IS THE INSPECTION AGENCY RESPONSIBLE FOR IN-PLANT INSPECTIONS.  
K. TRUSS MANUFACTURER: TUFF SHED, INC.
- WOOD FRAMING  
A. ALL HEADERS ARE SPRUCE-PINE-FIR (SPF) #2 (U.N.O.).  
B. ALL WALL FRAMING MEMBERS SHALL BE SPRUCE-PINE-FIR (SPF) STUD GRADE OR BETTER.  
C. STUDS SHALL BE SPACED @ 16" OC.  
D. FASTEN EXTERIOR WALL SHEATHING TO FRAMING PER NAILING SCHEDULE.  
E. PROVIDE SOLID BLOCKING AT ALL HORIZONTAL JOINTS OCCURRING IN BRACED WALL PANELS.  
F. SHEAR WALL MATERIAL AND NAILING SHALL BE AS SPECIFIED IN SHEAR WALL SCHEDULE.  
G. LAMINATED VENEER LUMBER (LVL) SHALL BE LVL 2.0E-2600  $F_b$  WITH THE FOLLOWING MIN. DESIGN VALUES:  $F_b$  = 2600 PSI,  $F_v$  = 1655 PSI,  $F_v$  = 285 PSI,  $F_{c90}$  = 2510 PSI,  $F_{cL}$  = 750 PSI,  $E$  =  $2.0 \times 10^6$  PSI,  $SG$  = 0.50
- SOIL  
A. MIN. REQUIRED SOIL TYPE SHALL BE CLAY, SANDY CLAY, SILTY CLAY, OR CLAYEY SILT (CL, ML, MH & CH). PRESCRIPTIVE ALLOWABLE SOIL BEARING PRESSURE USED IN DESIGN IS 1500 PSF AT 12" DEEP. VALUES ARE PER TABLE 1806.2.  
B. IN THE EVENT OF THE DISCOVERY OF EXPANSIVE SOILS, THE SERVICES OF A SOILS ENGINEER MAY BE REQUIRED.  
C. ALL FOOTINGS SHALL BE FOUNDED ON UNDISTURBED NATURAL SOIL.  
D. IN THE EVENT EXCAVATIONS REVEAL UNFAVORABLE CONDITIONS, THE SERVICES OF A SOILS ENGINEER MAY BE REQUIRED.
- PERMIT  
A. PERMIT APPLICATIONS, WHERE NO PERMIT IS ISSUED, SHALL EXPIRE PER LIMITATIONS SET BY LOCAL CODES. SECTION 105.5.  
B. JOB CARD REQUIRED TO BE AVAILABLE FOR SIGNATURE AT JOB SITE.
- GENERAL NOTES  
A. INSTALLATION PROCEDURES SHALL CONFORM TO OSHA STANDARDS. BUILDER SHALL PROTECT ALL ADJACENT PROPERTY, STRUCTURES, TREES, UTILITIES, ETC.  
B. BUILDER IS RESPONSIBLE FOR SAFETY OF BUILDING DURING CONSTRUCTION. PROVIDE ALL SHORING OR BRACING AS REQUIRED AND PER GOVERNING REGULATIONS.  
C. ALL WOOD CONSTRUCTION CONNECTORS REFERENCED IN THIS DRAWING SHALL BE SIMPSON 'STRONG-TIE' OR EQUIVALENT INSTALLED PER MANUFACTURER'S SPECIFICATIONS.  
D. GREEN VINYL SINKER NAILS DO NOT MEET THE NAILING REQUIREMENTS OF COMMON NAILS.
- MATERIAL EVALUATION REPORT IDENTIFICATION  
A. TRUSS CONNECTION PLATES BY EAGLE METAL PLATES PER ICC-ES REPORT #ESR-1082.  
B. SMARTSIDE SIDING BY LP CORPORATION PER ICC-ES REPORT #ESR-1301.  
C. HARDIE PANEL SIDING BY JAMES HARDIE BUILDING PRODUCTS PER ICC-ES REPORT #ESR-1844.  
D. HARDIE PLANK LAP SIDING BY JAMES HARDIE BUILDING PRODUCTS PER ICC-ES REPORT #ESR-2290.  
E. LAMINATED VENEER LUMBER (LVL) BY WEYERHAEUSER PER ICC-ES REPORT #ESR-1387.  
F. ASPHALT SHINGLES BY GAF PER ICC-ES REPORT #ESR-1475.  
G. HDU PRE-DEFLECTED HOLD-DOWNS BY SIMPSON STRONG-TIE PER ICC-ES REPORT #ESR-2330.  
H. SSTB ANCHOR BOLTS BY SIMPSON STRONG-TIE PER ICC-ES REPORT #ESR-2611.

STRUCTURAL DRAWINGS BY:

TUFF SHED

IN HOUSE DRAFTING  
DEPARTMENT  
1777 S. HARRISON STREET  
DENVER, COLORADO 80210  
(303) 753-TUFF

SO #: 1837963 EP #: 11989

Customer: AMBR JAMES

Description:

ACCESSORY BUILDING

16' X 16' = 256 SQ FT

Site Address:

2581 S. SKYLINE DRIVE

SPRINGFIELD, MO 65804

THESE DRAWINGS AND THE

DESIGN ARE THE PROPERTY OF

TUFF SHED, INC. THESE

DRAWINGS ARE FOR A

BUILDING TO BE SUPPLIED AND

BUILT BY TUFF SHED. ANY

OTHER USE IS FORBIDDEN BY

TUFF SHED INC.

TUFF SHED

Storage Buildings & Garages

TUFF SHED, INC.

8811 LENOVA DRIVE

OVERLAND PARK, KS 66214

(913) 541-4833

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PROPRIETARY. ALL RIGHTS RESERVED

STORE 230

Drawn By: JS

Date: 07/20/2022

Checked By:

Date:

Revised:

Revised:

Title:

PROJECT NOTES  
ELEVATIONS

Scale: 1/4" = 1'-0"

Sheet:

S1

Sheet 1 of 3

WHEN PERFORATED SHEAR WALL DESIGN IS DESIGNATED, AREAS ABOVE AND BELOW OPENINGS ARE USED IN SHEAR CALCULATIONS. REFER TO ANSI/AWC SDPWS.

STRUCTURAL DRAWINGS BY: \_\_\_\_\_

TUFF SHED  
IN HOUSE DRAFTING  
DEPARTMENT  
1777 S. HARRISON STREET  
DENVER, COLORADO 80210  
(303) 753-TUFF

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|                                               |
|-----------------------------------------------|
| Drawn By: JS                                  |
| Date: 07/20/2022                              |
| Checked By:                                   |
| Date:                                         |
| Revised:                                      |
| Revised:                                      |
| Title:                                        |
| PLANS<br>SHEAR WALL SCHED<br>NAILING SCHEDULE |
| Scale: 1/4" = 1'-0"                           |

Sheet:

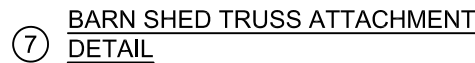
**S2**

Sheet 2 of 3

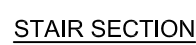




⑤ NOT TO SCALE



③ FOUNDATION DETAIL



**TUFF SHED**  
Storage Buildings & Garages  
**TUFF SHED, INC.**  
8811 LEXENA DRIVE  
OVERLAND PARK, KS 66214  
(913) 541-8833

**1. Introduction**

Sheet 3 of 3

IN HOUSE DRAFTING  
DEPARTMENT  
1777 S. HARRISON STREET  
DENVER, COLORADO 80210  
(303) 753-TUFF

**Description:**  
ACCESSORY BUILDING  
16' X 16' = 256 SQ FT

**Site Address:**  
2581 S. SKYLINE DRIVE  
SPRINGFIELD, MO 65804















PATRIOT  
DISPOSAL  
417-888-8100

NO  
TRESPASSING









































RUBY  
TUESDAY

DRURY

16



# Board of Adjustment

## Special Exception Findings of Fact and Conclusions of Law

Applicant Kenneth Madden Case No. Special Exception 1305

The undersigned, as a member of the Board of Adjustment, has taken into account, among other things, the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity of such property, and makes the following findings in regard to the granting or refusal of the requested Special Exception:

### CHECK ONE

| <u>Approved</u>          | <u>Disapproved</u>       |                                                                                                                                                                                    |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | The granting of the exception <b>(will or will not)</b> be injurious or otherwise detrimental to the public health, safety, morals, and general welfare of the general public.     |
| <input type="checkbox"/> | <input type="checkbox"/> | The granting of the exception <b>(will or will not)</b> be detrimental or injurious to the property or improvements in such zone or neighborhood in which the property is located. |
| <input type="checkbox"/> | <input type="checkbox"/> | The granting of the exception <b>(will or will not)</b> be in harmony with the general purpose and intent of the Zoning Ordinance.                                                 |

OTHER FINDINGS: \_\_\_\_\_

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BOARD MEMBER:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature



# Development Review Staff Report



## BOARD OF ADJUSTMENT PUBLIC HEARING:

September 6, 2022



**CASE:** Variance 588

**ACRES:** Approximately 0.4 acre

**LOCATION:** 2101 & 2107 N. Main Avenue and 609 & 613 W. Dale Street

**EXISTING LAND USE:** Single-family residential uses

**APPLICANT:** Barrett Fisk Investments, LLC

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

## SUMMARY OF ZONING VARIANCE:

Request to vary from Sections 36-380(5)(a) and (6)(b)1.b of the Zoning Ordinance to allow lots in a residential replat below the minimum lot size requirements and existing residential structures to remain below the minimum front yard requirements in the R-SF District. This request also proposes a variance from Section 36-483(1)(f) which requires driveways and off-street parking surfaces to be paved. These properties are located at 2101 and 2107 N. Main Avenue and 609 and 613 W. Dale Street.

## STAFF FINDINGS FOR MINIMUM LOT SIZE:

1. The applicant owns two lots generally located at 2101 and 2107 North Main Avenue. A total of four homes are on the site, with three being located on the southern lot. The two westernmost homes also encroach on the lot line dividing the two lots. The four homes were built in 1928. The applicant wishes to place each home on its own lot; however, due to the amount of land available, it is not possible to create four lots that meet the minimum size and setback requirements.
2. The property to be subdivided is zoned Single-Family Residential (R-SF) which requires lots to be at least 6,000 square feet in size, have lot dimensions of at least 50 feet of public street frontage, and be at least 80 feet in length. The proposed subdivision lots do not meet the size requirement but do meet the dimension requirements. The applicant is requesting a variance from Section 36-380(5)(a): Minimum lot area: 6,000 square feet.
3. According to the Greene County Assessor's website, the four homes were originally built in 1928. Aerial photographs from 1936 confirm that the structures were built around that time.
4. The average size of the proposed lots 4,593 square feet, the smallest lot being 3,812 square feet and the largest being 5,724 square feet.
5. Section 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 per attached standards and responses.
6. The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in section 36-365 (3).



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7. If the variance is approved; the proposed residential replat will be taken to Planning and Zoning Commission to allow lots in a residential replat below the minimum lot size requirements in the R-SF District as shown on the attached replat.
8. 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.
9. If the variance is denied; the applicant must design the site to comply with Section 36-380(5)(a) and all other applicable Zoning Ordinance requirements.

## STAFF FINDINGS FOR FRONT YARD SETBACKS:

1. The applicant owns two lots generally located at 2101 and 2107 North Main Avenue. A total of four homes are on the site, with three being located on the southern lot. The two westernmost homes also encroach on the lot line dividing the two lots. The four homes were built in 1928. The applicant wishes to place each home on its own lot; however, due to the amount of land available, it is not possible to create four lots that meet the minimum size and setback requirements.
2. According to the Greene County Assessor's website, the four homes were originally built in 1928. Aerial photographs from 1936 confirm that the structures were built around that time.
3. The required front yard setback for a new structure in any residential district on a local roadway is 15 feet from the prescribed minimum setback from centerline. In this situation, the existing homes are only setback approximately 8 feet from the front property line. These homes were constructed in 1928 prior to front yard building setbacks and are currently considered nonconforming. By granting this variance, each of these homes if replatted on separate lots would be considered conforming structures.
4. The applicant is requesting a variance from Section 36-380(6)(b)1.b: Fifteen feet along a street classified as a local street or as required by Section 36-453, (garages shall be setback a minimum of 20 feet).
5. Section 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 per attached standards and responses.
6. The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in section 36-365 (3).
7. If the variance is approved; the proposed residential replat will be taken to Planning and Zoning Commission to allow lots in a residential replat below the minimum front yard requirements in the R-SF District as shown on the attached replat.
8. 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.
9. If the variance is denied; the applicant must design the site to comply with Section 36-380(6)(b)1.b and all other applicable Zoning Ordinance requirements.

## STAFF FINDINGS FOR SURFACING OF DRIVEWAY/PARKING:

1. The applicant owns two lots generally located at 2101 and 2107 North Main Avenue. A total of four homes are on the site, with three being located on the southern lot. The two westernmost homes also encroach on the lot line dividing the two lots. The four homes were built in 1928. The applicant wishes to place each home on its own lot; however, due to the amount of land available, it is not possible to create four lots that meet the minimum size and setback requirements.
2. According to the Greene County Assessor's website, the four homes were originally built in 1928. Aerial photographs from 1936 confirm that the structures were built around that time.



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3. Off-street parking requirements dictate that a single-family dwelling have at least one off-street parking space. With the proposed subdivision, each lot will have a designated off-street parking space; however, the driveway and off-street parking space must be paved according to city code.
4. The applicant is requesting a variance from Section 36-483(1)(f) of the Zoning Ordinance: *Surfacing*. All off-street parking areas, shall be graded for proper drainage, provided with an all-weather, hard surface; and maintained in a condition to retain the original surface and to prevent the release of dust, mud or silt; and to be free of dust, mud, silt, standing water, trash and debris. The following materials constitute an acceptable all-weather hard surface material. 1. Asphalt. 2. Concrete. 3. Pervious or permeable pavement... 4. Ribbon driveways...
5. It appears that the driveways could be retrofitted to meet the driveway surfacing requirements of either asphalt, concrete, pervious or permeable pavement or ribbon driveway.
6. Public Works Traffic Division has concerns with the variance from the paving requirements. The driveway approach from edge of street to right-of-way line and parking area needs to be paved. The driveway itself needs to be at least a ribbon driveway per 36-483(1)(f)(4).
7. Gravel surfaces create issues with pedestrians with disabilities (ADA) to use sidewalks, allowing dust, silt and mud onto public right-of-way and streets, and safety hazards and tearing up the roadways when pushed or eroded onto streets.
8. It appears from historical aerials that at least two of these existing homes were constructed without driveways. The other two properties have utilized on-street parking along Dale Street.
9. Section 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 per attached standards and responses.
10. The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in section 36-365 (3).
11. If the variance is approved; the proposed residential replat will be taken to Planning and Zoning Commission to allow lots in a residential replat below the minimum lot size requirements in the R-SF District as shown on the attached replat.
12. 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.
13. If the variance is denied; the applicant must design the site to comply with Section 36-483(1)(f) and all other applicable Zoning Ordinance requirements.

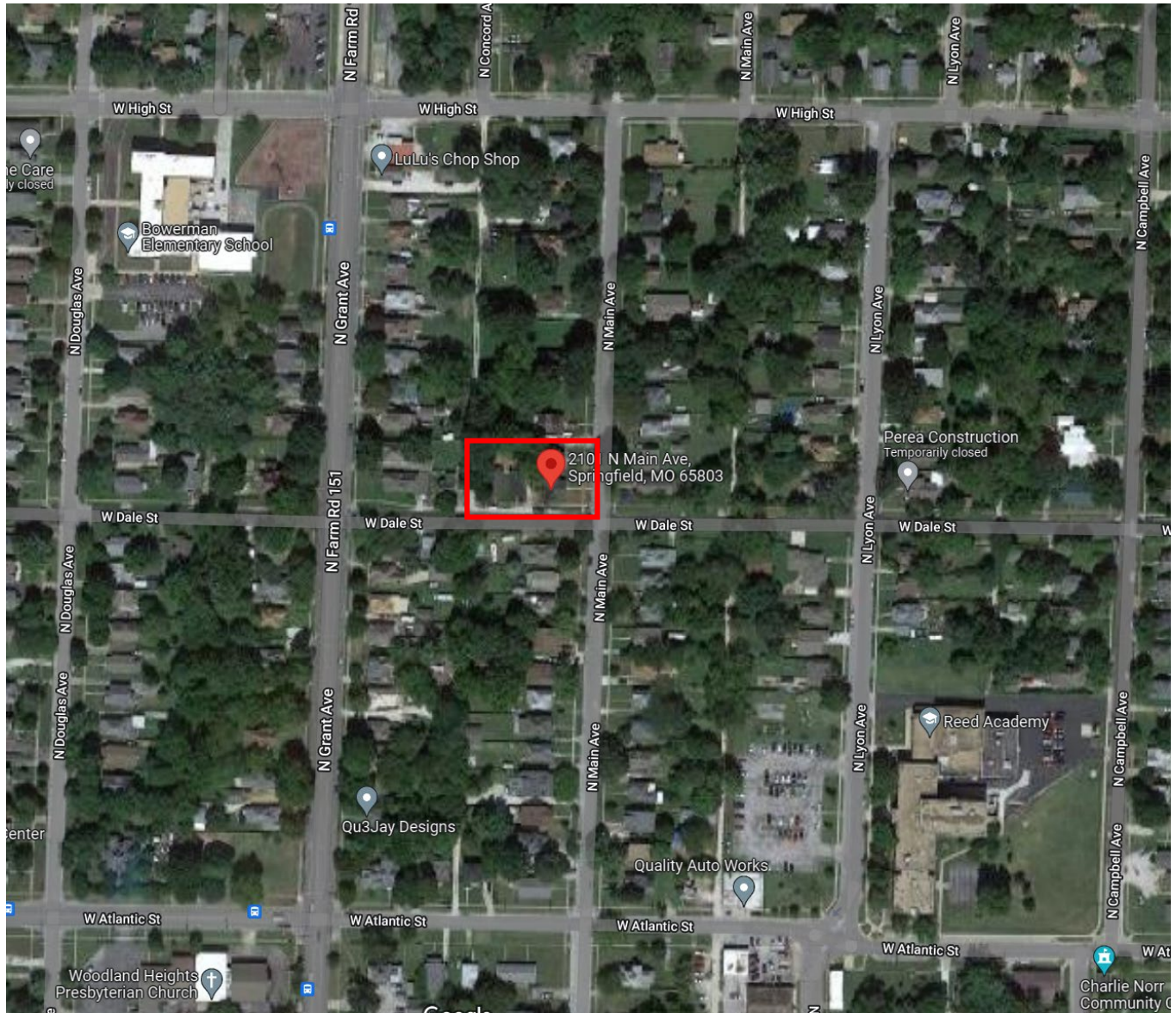
## SURROUNDING ZONING AND LAND USES:

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



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## SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



## STREET VIEW:





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## GROWTH MANAGEMENT AND LAND USE PLAN:



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



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## PROPERTY HISTORY:

The subject property was originally annexed by the City of North Springfield in 1886. In the next year, North Springfield was consolidated with the rest of the City of Springfield. The original subdivision of Woodland Heights was also recorded in the same year. According to the Greene County Assessor's Office, all four existing homes were built in 1928. The subject properties were rezoned from R-1 to R-SF during the citywide remapping in 1995. A proposed subdivision variance request to allow for the proposed lot configuration and setbacks was postponed by Planning and Zoning Commission at their meeting on June 16<sup>th</sup> to allow the Board of Adjustment to make a ruling on the proposed variances.

## 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.
- (3) *Standards for variances.* The board of adjustment shall not vary the regulations of this article as authorized above unless and until it shall make written findings based upon the particular evidence presented to it in each specific case that:
  - (a) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and
  - (b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification; and
  - (c) The purpose of the variance is not based exclusively upon a desire to enhance the value of the property, or increase the return or income therefrom; and



- (d) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; and
  - (e) The alleged hardship has not been created by any person presently having an interest in the property; and
  - (f) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof; and
  - (g) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety; and
  - (h) The variance, if granted, will not alter the essential character of the neighborhood; and
  - (i) The variance requested is consistent with the purposes and intent of this article and the Springfield Comprehensive Plan.
- (4) *Use variances not authorized.* The board of adjustment shall not be empowered to vary any of the provisions of this article relating to the use of land, buildings, or structures.
- (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).
- (6) *Application for variance.* An application for a variance may be filed by the owner, including a trustee, of the subject property or by a person having a contractual or possessory interest in the property. Any application filed by a person who is not the owner of the property for which the variance is sought shall be accompanied by evidence of the consent of and authority to act for the owner. The application shall contain the following information and such additional information as the board of adjustment may, by rule, require.
- (a) The particular provisions or requirements of this article which prevent the proposed construction on, or use of, the property.
  - (b) The existing district classification of the property.
  - (c) The special conditions, circumstances, or characteristics of the land, building, or structure that prevent compliance with the requirements of this article.
  - (d) The particular hardship which would result if the specified provisions or requirements were to be applied to the subject property.
  - (e) The extent to which it would be necessary to vary the requirements of this article in order to permit the proposed construction on, or use of, the property.
  - (f) An explanation of how the requested variance conforms to each of the standards set out in subsection (3).
  - (g) The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law.
  - (h) A site plan conforming to the requirements of section 36-360, site plan review, of this article.
- (7) *Notice of hearing on variance application.* Variance applications shall be submitted not less than 28 days prior to a regularly scheduled board meeting. Upon certification by the director of planning and development that an application for a variance is complete, the director of planning and development shall notify the board of adjustment which shall hold a public hearing thereon at their next regularly scheduled meeting, after giving the notice required by section 36-368, publication and posting of notices.



- (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:

The following excerpts contain pertinent passages from the Zoning Ordinance:

### **Sec. 36-380. - R-SF - Single-family residential district.**

(5) *Lot size requirements.*

- (a) Minimum lot area: 6,000 square feet.
- (b) Minimum lot width: 50 feet.
- (c) Minimum lot depth: 80 feet.

(6) *Bulk and open space requirements.*

(a) *Maximum structure height:*

- 1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade.
- 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.

(b) *Minimum yard requirements* (additional bufferyard may be required by subsection (9):

1. *Front yard:*

- a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453.
- b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or with an approved preliminary plat in accordance with the city's subdivision regulations.



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2. *Side yard:* Five feet or as required by section 36-453, supplemental open space and yard regulations.
3. *Rear yard:* Ten percent of the lot depth, but may not be less than ten feet nor shall more than 20 feet be required.

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         |
| Residential connector       | 20 feet plus the required yard setback         |
| Downtown streets            | Required yard setback from right-of-way line   |

- (c) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
  - (d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area unless modified in accordance with subsection 36-482(15).
- (7) *Density requirements.* The maximum density shall be 6,000 square feet per dwelling unit provided the requirements of subsection 36-303(22) are met.
- (8) *Design requirements.*
  - (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved for all uses except single-family detached dwellings.
  - (b) A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for all single-family detached dwellings.
  - (c) A landscaping plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved for all uses except single-family-detached dwellings.
  - (d) All off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
  - (e) Refuse storage areas for permitted nonresidential uses shall be screened from view in accordance with section 36-480, screening and fencing.
  - (f) Required front yards shall be landscaped with grass, ground cover, plants, shrubs, or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and, unless otherwise meeting the provisions of subsection 36-483(2), shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.
  - (g) Storage of maintenance or other equipment incidental to any permitted or conditional use except a single-family detached dwelling shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.



- (h) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (i) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

## **Sec. 36-483. Off-street parking and loading area design standards.**

- (f) **Surfacing.** All off-street parking areas, shall be graded for proper drainage, provided with an all-weather, hard surface; and maintained in a condition to retain the original surface and to prevent the release of dust, mud or silt; and to be free of dust, mud, silt, standing water, trash and debris. The following materials constitute an acceptable all-weather hard surface material.
  - 1. Asphalt.
  - 2. Concrete.
  - 3. Pervious or permeable pavement such as pervious concrete, permeable interlocking concrete and brick pavers, and other pervious or permeable paving systems capable of withstanding the normal wear and tear associated with the parking and maneuvering of vehicles and which is appropriate for traffic loads and frequency of use. All materials shall be designated, installed, and maintained per current industry standards. Appropriate soils and site conditions shall exist for the pervious or permeable pavement to function. When designed to meet stormwater requirements for flood control detention or water quality, pervious or permeable pavement systems must be designed in accordance with the City Code, including chapter 96.
  - 4. Ribbon driveways that consist of two wheel tracks with a median are allowed for each drive lane for single-family detached, single-family semi-detached, duplex or townhouse dwelling units or mobile homes. Each wheel track shall meet the surfacing requirements of this section and shall be at least three feet in width. The median shall not exceed three feet in width with a surface of grass, gravel, or other approved pervious materials.

### **COMPATIBILITY WITH COMPREHENSIVE PLAN:**

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* states that protection of our existing residential neighborhoods is a prime concern. It is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts.

### **STAFF COMMENTS:**

- 1. The applicant is proposing to replat two lots in Woodland Heights Subdivision of approximately 0.4 acre in order to create a situation where all four existing homes are on their own subdivided lot. A variance has been requested to approve lots that do not meet the minimum size or setback requirements for Single-Family Residential. It also includes a variance from the off-street parking requirements in regards to the surfacing.
- 2. The Board of Adjustment has authority to grant variances that are based on design requirements of this article per Section 36-365(2)(a), (b) and (e) of the Zoning Ordinance.
- 3. The property owner, Barrett Fisk Investments, LLC, is a limited liability corporation that is managed by Barrett Fisk.
- 4. The applicant will be required to obtain driveway permits and delineate off-street parking spaces for each dwelling unit.



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## 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>Pertaining to the shape of the property: The subject is currently 2 separate lots in Woodland Heights Neighborhood. One lot has 1 home with 2 other homes encroaching on that property. The encroachments are integral parts of the structures of those other homes and cannot be removed. The second lot has 3 single family homes on 1 lot. 2 of those homes are encroaching on the previously mentioned lot. The only way to correct these issues is with a variance in the lot size requirements.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The lots were platted in 1887 and multiple houses constructed on them in 1928 so there were nonconformities created when the Zoning Ordinance was adopted in 1956 and subsequent amendments. |
| (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>Most of the other homes in the neighborhood are single family homes on their own lot. Approving this variance would make the subject properties conform better to the neighborhood. Many of the lots in this neighborhood are smaller or narrow. The property directly to the west is on a very small lot but still conforms to the neighborhood because of the age, style, and design of the older homes in Woodland Heights.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | As the applicant states, most single-family homes have been constructed on one lot or have been subdivided since that time.                                                                  |
| (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 issues present prevent the sale of these properties currently. The properties are remodeled and in good condition but vacant currently. They cannot be sold until the encroachments are corrected with new boundary lines.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | These properties will continue to be nonconforming until the homes are platted on their own lot or removed.                                                                                  |
| (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>The current code does not allow multiple single-family structures on one lot. A reasonable division of the property is the only way to correct these conditions that are currently not allowed.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The Zoning Ordinance would consider this a legal nonconforming situation so eventually these homes would need to be placed on their own lot or removed.                                      |
| (e) The alleged hardship has not been created by any person presently having an interest in the property; and                                                                                                                                                                 | <i>The properties were platted and constructed in the 1920's. The current owners are not responsible for the hardship conditions that were created many years ago.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | These three homes were constructed on one lot in 1928.                                                                                                                                       |
| (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 current location of the structures has existed for many years and the homes have been single family homes since they were built. Correcting these issues with the subject properties will actually improve the values for the neighborhood. Because of their size and price range, these homes can most likely be sold to first time home buyers. The properties will no longer have to sit vacant. The neighbors will also have homeowners as neighbors instead of renters. They will be more likely to keep the homes in their current good condition. Letting them become rentals again would be detrimental to the neighboring properties and could actually cause those values to decline. However, allowing first time home buyers to purchase these homes would free up the units they are currently renting in other places for others looking for housing. This project could potentially provide housing for up to 8 families if the variance is approved.</i> | These homes were constructed in 1928 so they have been here as long as the other homes in the area.                                                                                          |



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|                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| (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>There will be absolutely no change to the physical location of these structures, as they have already existed for many years, and therefore none of these issues really apply to this variance.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                    | These homes were constructed in 1928 so they have been here as long as the other homes in the area. |
| (h) The variance, if granted, will not alter the essential character of the neighborhood, and                                                                                                                                                                            | <i>These homes, as currently constructed, conform very well to the essential character of the neighborhood. Granting this variance will actually help ensure that these properties are part of the essential character of the property for years to come. Individual homeowners are the best way to make sure these properties are kept up and maintained. Having single family homes on single lots fits much better with the neighborhood than the conditions that exist currently.</i>                                                                                                                                                 | There are other houses that have been constructed on or later subdivided on similar sized lots.     |
| (i) The variance requested is consistent with the purposes and intent of this Article and the <i>Springfield Comprehensive Plan</i> .                                                                                                                                    | <i>Woodland Heights is a neighborhood that has been specifically targeted for urban renewal. Many of the older historic homes have been remodeled and preserved. Because real estate prices have become so high, this neighborhood has become an affordable option with lots for character and charm. These homes are located in the heart of residential zoning on interior streets designed for individual single-family residences. Approving this variance will bring these properties better in line with the Comprehensive Plan as well as the neighborhood improvement goals of the Woodland Heights Neighborhood Association.</i> | The Comprehensive Plan encourages accommodating different types of single-family housing.           |

## 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: 23

Returned: 0

## DEPARTMENT COMMENTS:

### BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

### CITY UTILITIES COMMENTS:

No apparent impact to CU.

### ENVIRONMENTAL SERVICES CLEAN WATER COMMENTS:

No conflict with public sewer.

### FIRE DEPARTMENT COMMENTS:

No comments.

### PUBLIC WORKS STORMWATER COMMENTS:

No comments.

### PUBLIC WORKS TRAFFIC COMMENTS:

Traffic has no issues with the variance from minimum lot size or front yard setbacks. Traffic has concerns with the variance from the paving requirements. The driveway approach from edge of street to right-of-way line and parking area needs to be paved. The driveway itself needs to be at least a ribbon driveway per 36-483(1)(f)(4).



# Development Review Staff Report



## LEGAL DESCRIPTION:

### EXHIBIT 1

#### LEGAL DESCRIPTION

ALL OF LOTS 11 AND 12, BLOCK 7, WOODLAND HEIGHTS ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF



# ADMINISTRATIVE RE-PLAT OF LOTS 11 AND 12, BLOCK 7, WOODLAND HEIGHTS ADDITION

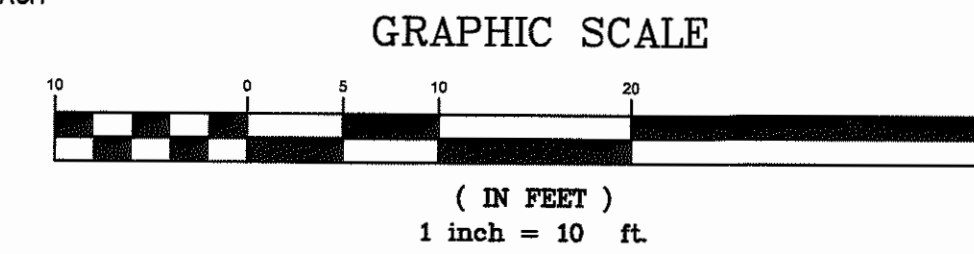
A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

GRID NORTH  
MISSOURI STATE PLANE  
CENTRAL ZONE  
NAD83 2011

COORDINATES LISTED ARE  
IN METERS

1 METER = 3.28083333  
FEET

DIMENSIONS LISTED ARE  
GROUND AND ARE LISTED  
IN U.S. SURVEY FEET



LOCATION MAP  
SECTION 11  
TOWNSHIP 29 RANGE 22  
APPROX. SCALE: 1"=2000'

## OWNER/ DEVELOPER

BARRET FISK INVESTMENTS LLC  
2001 EAST TRAFFICWAY  
SPRINGFIELD, MO 65802  
PHONE: (816) 773-3700

## PROPERTY DESCRIPTION

ALL OF LOTS 11 AND 12, BLOCK 7, WOODLAND HEIGHTS ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING SURVEY MONUMENT (5/8" IRON REBAR CAPPED "LS 2153") MARKING THE SOUTHEAST CORNER OF LOT 12, BLOCK 7, WOODLAND HEIGHTS ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE N88°40'41"W ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 183.00 FEET TO AN EXISTING SURVEY MONUMENT (5/8" IRON REBAR CAPPED "LS 2153") MARKING THE SOUTHWEST CORNER OF SAID LOT 12; THENCE ALONG THE WEST LINE OF SAID LOT 12 AND LOT 11, N02°30'54"E, A DISTANCE OF 100.47 FEET TO AN EXISTING SURVEY MONUMENT (5/8" IRON REBAR) MARKING THE NORTHWEST CORNER OF SAID LOT 11; THENCE ALONG THE NORTH LINE OF SAID LOT 11, S88°36'24"E, A DISTANCE OF 183.20 FEET TO AN EXISTING SURVEY MONUMENT (5/8" IRON REBAR) MARKING THE NORTHEAST CORNER OF SAID LOT 11; THENCE S2°37'43"W, A DISTANCE OF 100.25 FEET TO THE POINT OF BEGINNING, CONTAINING 0.4 ACRES.

BEARINGS LISTED ARE BASED ON MISSOURI STATE PLANE, CENTRAL ZONE, NAD83 (2011).

SUBJECT TO ANY EASEMENTS OF RECORD, EXCEPT ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.

## OFFER OF DEDICATION

BARRETT FISK INVESTMENTS LLC IS THE OWNER OF THE REAL ESTATE DESCRIBED HEREON AND HAS CAUSED SAID REAL ESTATE TO BE SUBDIVIDED AS SHOWN. SAID SUBDIVISION SHALL BE KNOWN AS ADMINISTRATIVE RE-PLAT OF LOTS 11 AND 12, BLOCK 7, WOODLAND HEIGHTS ADDITION AND ALL STREETS, ALLEYS, EASEMENTS, AND ACCESS LIMITATIONS SHOWN HEREON ARE DEDICATED TO THE PUBLIC, IN WITNESS WHEREOF BARRETT FISK INVESTMENTS LLC HAS CAUSED THIS PLAT TO BE SIGNED

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BARRET FISK, MEMBER

## ACKNOWLEDGMENT

STATE OF MISSOURI }  
COUNTY OF CHRISTIAN }

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME PERSONALLY APPEARED BARRET FISK, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN (OR AFFIRMED), DID SAY THAT HE IS THE MANAGING MEMBER OF BARRETT FISK INVESTMENTS LLC A LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS, AND SAID BARRET FISK ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE THE DAY AND YEAR LAST ABOVE WRITTEN.

ROBERT HENRY WILSON

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

MY COMMISSION EXPIRES \_\_\_\_\_

PREPARED BY

**WILSON SURVEYING CO., INC.**

SURVEYING/ ENGINEERING/ LAND PLANNING

(417)-522-7870

Email: Rick.Wilson@wilsurveying.com

1835 S. STEWART AVENUE, SUITE 124

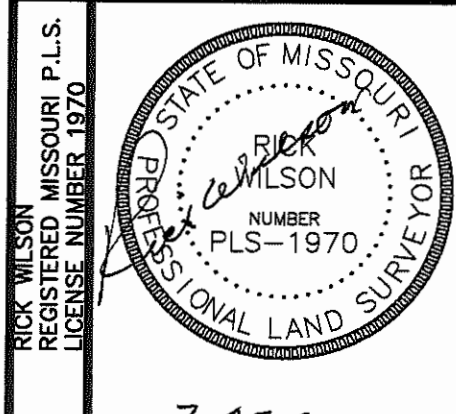
Springfield, Missouri 65804

Drawing No.: WD-105-699

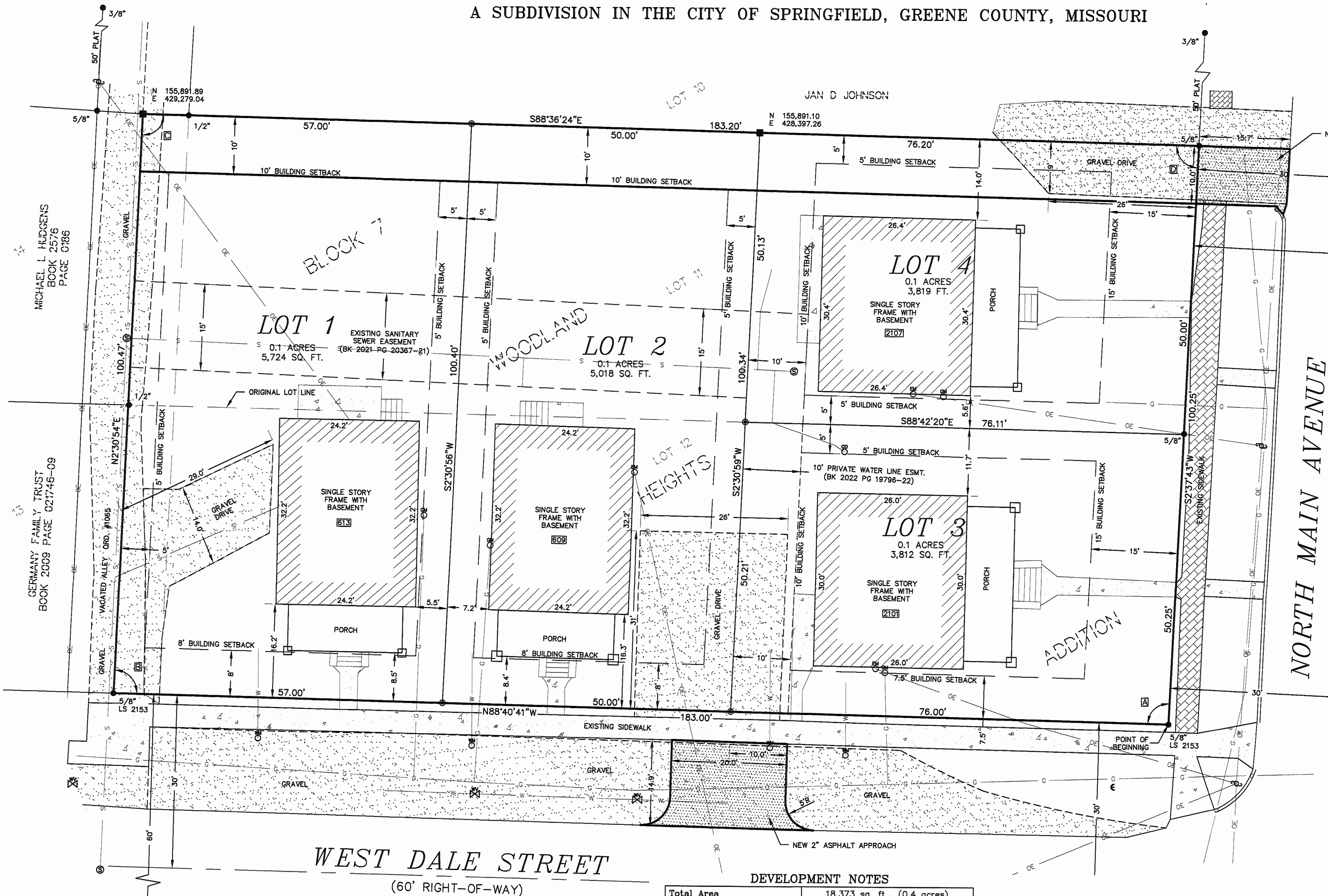
JOB NO.: 2020-069

DRAWN BY: JV

DATE: JULY 26, 2022



7-25-2022



## UTILITIES

SANITARY SEWER TO BE PROVIDED BY CITY OF SPRINGFIELD SEWER DISTRICT 46A SECTION 11 840 BOONVILLE AVENUE SPRINGFIELD, MISSOURI 65802 (417) 864-1900

ELECTRIC, NATURAL GAS AND WATER TO BE SUPPLIED BY

CITY UTILITIES OF SPRINGFIELD, MO 301 E. CENTRAL STREET SPRINGFIELD, MISSOURI 65802 (417) 863-9000

TELEPHONE SERVICE TO BE PROVIDED BY

SBC 1010 PINE ST. LOUIS MISSOURI 63101 (800) 464-7928

CABLE TELEVISION TO BE PROVIDED BY MEDIACOM 1533 S. ENTERPRISE AVENUE SPRINGFIELD, MISSOURI 65804 (417) 875-5500

THE SURVEY SHOWN HEREON WAS PERFORMED TO MEET OR EXCEED THE REQUIREMENTS OF MISSOURI STANDARDS FOR URBAN CLASS PROPERTY.

THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE MAP 29077C0331E, EFFECTIVE DECEMBER 17, 2010.

## STORMWATER NOTE

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DAY OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUN-OFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUN-OFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

## LEGEND

- = EXISTING IRON PIN EXCEPT AS NOTED
- = 5/8" IRON PIN SET CAPPED "LS-2670"
- = PERMANENT MONUMENT
- = POWER POLE
- = ANCHOR
- = ELECTRIC METER
- = GAS METER
- = WATER METER
- = WATER VALVE
- = CLEAN OUT
- = SEWER MANHOLE
- = SAN. SEWER LINE
- = GAS LINE
- = WATER LINE
- = OVERHEAD ELECTRIC LINE
- = CONCRETE
- = GRAVEL

## DEVELOPMENT NOTES

|                   |                                                    |
|-------------------|----------------------------------------------------|
| Total Area        | 18,373 sq. ft. (0.4 acres)                         |
| Total No. of Lots | 4                                                  |
| Density           | 9.5 LOTS/ACRE                                      |
| Current Zoning    | R-SF (SINGLE FAMILY RESIDENTIAL DISTRICT)          |
| Proposed Land Use | SINGLE FAMILY HOME SITES                           |
| Smallest Lot      | Lot 4 3,812 sq.ft. (0.1 acres)                     |
| Largest Lot       | Lot 1 5,724 sq.ft. (0.1 acres)                     |
| Average Lot Size  | 4,593 sq.ft. (0.1 acres)                           |
| Source of Title   | Book 2007 Page 57995-07<br>Book 2007 Page 58009-07 |

## CERTIFICATE OF APPROVAL BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT

I, BOB HOSMER, PLANNING MANAGER, OF PLANNING AND DEVELOPMENT OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IN ACCORDANCE WITH THE AUTHORITY GRANTED TO ME BY SECTION 203 OF ARTICLE II OF THE LAND DEVELOPMENT CODE, CHAPTER 36, SPRINGFIELD CITY CODE, DO HEREBY APPROVE THE ADMINISTRATIVE RE-PLAT OF LOTS 11 AND 12, BLOCK 7, WOODLAND HEIGHTS ADDITION, A SUBDIVISION OF SAID CITY OF SPRINGFIELD OF THIS \_\_\_\_ DAY OF \_\_\_\_ 2022.

BOB HOSMER, AICP  
PLANNING MANAGER

## RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION

FINAL PLAT WOODLAND HEIGHTS ADDITION

DEEDS AS SHOWN

## SURVEYORS DECLARATION

KNOW ALL MEN BY THESE PRESENTS: THAT I, RICK WILSON, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED PREPARED BY WILSON SURVEYING CO., INC. DATED JANUARY 25, 2021 AND SIGNED BY MARK C. YOUNG LS-1811 AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF RICK WILSON, P.L.S. 1970 IN ACCORDANCE WITH THE STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS PROMULGATED FOR THE STATE OF MISSOURI BY THE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF AGRICULTURE, AND IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, CHAPTER 36, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

SIGNATURE *Rick Wilson*  
WILSON SURVEYING CO., INC. LC 2670  
BY RICK WILSON, P.L.S. 1970

DATE PREPARED: JULY 26, 2022

## INTERIOR ANGLE TABLE

|       |            |
|-------|------------|
| A     | 91°18'26"  |
| B     | 88°48'24"  |
| C     | 91°07'18"  |
| D     | 88°45'52"  |
| TOTAL | 360°00'00" |



# Board of Adjustment

## Variance Findings of Fact and Conclusions of Law

Appellant: Barrett Fisk Investments, LLCCase No. V Variance 588

I, the undersigned, as a member of the Board of Adjustment, have taken into consideration, among other things, the following:

1. The extent to which the evidence demonstrates that the particular physical surrounding, shape, or the extent to which the evidence demonstrates that the particular physical surrounding, shape, or
2. The extent to which the evidence demonstrates that the request for a variance is not based exclusively upon a desire of the owner, lessee, occupant, or applicant to increase economic return of improve financial position regarding the property; and
3. The extent to which the evidence demonstrates that the granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and
4. The extent to which the evidence demonstrates that the granting of the variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The undersigned makes the following findings in regard to the requested variance:

### Check one or more

### **Findings (APPROVED)**



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:



The granting of the variance will not adversely affect the rights of adjacent property owners or residents. Reason:



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. Reason:



The variance desired will not adversely affect the public health safety, morals, order, convenience, prosperity, or general welfare.



Granting the variance desired will not be opposed to the general spirit and intent of the Land Development Code.

Other findings:



**Check one or more**

## **Findings (DISAPPROVED)**

☐

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:

☐

The granting of the variance will not adversely affect the rights of adjacent property owners or residents. Reason:

☐

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. Reason:

☐

The variance desired will not adversely affect the public health safety, morals, order, convenience, prosperity, or general welfare.

☐

Granting the variance desired will not be opposed to the general spirit and intent of the Land Development Code.

Other findings:

(The variance cannot be approved if any of the findings list above are disapproved).

Based on the above findings, I hereby vote to:

☐

**APPROVE the variance**

☐

**DISAPPROVE the variance**

**BOARD MEMBER:**

\_\_\_\_\_  
Derek Lee, Vice Chair  
Name

Print

\_\_\_\_\_  
Signature



# Development Review Staff Report



|                                            |                                                            |                   |
|--------------------------------------------|------------------------------------------------------------|-------------------|
| <b>BOARD OF ADJUSTMENT PUBLIC HEARING:</b> |                                                            | September 6, 2022 |
|                                            | <b>CASE NUMBER:</b><br>Appeal 73                           |                   |
|                                            | <b>LOCATION:</b><br>2207 N. Grant Avenue                   |                   |
|                                            | <b>ACRES:</b><br>Approximately 0.44 acre                   |                   |
|                                            | <b>EXISTING LAND USE:</b><br>Illegal automotive sales uses |                   |
|                                            | <b>APPLICANT:</b><br>Bruce & Sherlyn Mullins               |                   |
|                                            | <b>STAFF:</b><br>Daniel Neal, Senior Planner,<br>864-1036  |                   |

## SUMMARY OF APPEAL:

Request to appeal the decision pursuant to Section 36-457(4)(l) the right to continue a nonconforming use is conditional and may be continued for only so long as the nonconforming activity is conducted lawfully in the LB, Limited Business District and subject to appeal pursuant to the procedures and standards set forth in Section 36-364, Appeals.

## EXTENT OF THE BOARD'S APPEAL POWERS:

1. Affirm the administrative decision wholly or in part;
2. Reverse the administrative decision; or
3. Modify the administrative decision.

## STAFF FINDINGS:

1. In this appeal, the Board of Adjustment exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the section of the ordinance means and how the Ordinance applies to a factual situation. In this case, the Board of Adjustment must review the decision pursuant to Section 36-457(4)(l) the right to continue a nonconforming use is conditional and may be continued for only so long as the nonconforming activity is conducted lawfully and does not produce a condition which constitutes a nuisance in the LB, Limited Business District and subject to appeal pursuant to the procedures and standards set forth in Section 36-364, Appeals.
2. The property is zoned LB, Limited Business District. This District does not allow for the retail sales or leasing of consumer vehicles.
3. The last business license at this location was by Degraffenreid Auto Sales in 2016.
4. The new business license application for GS Auto at 2207 N. Grant Ave. was denied on June 7, 2022.



# Development Review Staff Report



5. A review of the City records revealed that a business license for this property at 2207 N. Grant Avenue had not been issued since 2016. It was ruled on July 19, 2022, that the use as auto sales can no longer be permitted due to unlawful use as described in Section 36-457(4)(l), of the Zoning Ordinance.
6. Section 36-457(4)(l) of the Zoning Ordinance states: *Termination of nonconforming use for nuisance or illegality. The right to continue a nonconforming use is conditional and may be continued for only so long as the nonconforming activity is conducted lawfully and does not produce a condition which constitutes a nuisance. The use of any building, structure or land in a manner set forth below shall constitute constructive abandonment of the use, shall terminate the right to continue the nonconforming use, and nothing contained in subsection 36-457(4)(j) shall be construed to require such constructive abandonment to continue for 12 consecutive months: 1. Use in any manner which produces a condition constituting a nuisance subject to chapter 74, Springfield City Code, prohibiting the creation of a nuisance. 2. Use for any activity which is in violation of law or ordinance.*
7. The Nonconformities section allows the continuation of a non-conforming use “so long as it is otherwise lawful” which means obtaining a business license for the legal operation of the non-conforming business use in order to lawfully conduct business in the City limits.
8. Sec. 36-457. - Nonconformities.
  - (4) Nonconforming uses.
    - (a) Section 36-457 - Authority to continue. Any lawfully existing nonconforming use of part or all of a building or structure or any lawfully existing nonconforming use of land, not involving a building or structure or only involving a building or structure which is accessory to such use of land, may be continued, so long as it is otherwise lawful, subject to the regulations contained in subsections 36-457(4)(b) through 36-457(4)(l).
9. City Code Section 70-34: *License Required*: No person shall engage in any occupation named in this article without obtaining a license therefor. (see attached certified copy exhibit)
10. City Code Section 70-84: *Automobile dealers—Used*: Wholesale or retail automobile or motor vehicle companies or dealers, dealing only in used motor vehicles (other than motorcycles or motor scooters), who may also deal in tires, parts, accessories and repairs, shall pay a license fee based on the standard scale with a minimum of \$75.00, together with an insurance policy and a performance bond. (see attached certified copy exhibit)
11. In the Missouri Court of Appeals, Southern District, Division Two, Williams v. Department of Building Development Services of the City of Springfield, No. 27330, May 20, 2006, a salvage yard owner, who had expanded a structure without a building permit, appealed order of Board of Adjustment ruling that he could no longer operate his business under the nonconforming use zoning provision. Under the zoning ordinances, Plaintiff's legal nonconforming use was terminated due to the unlawful expansion of his building.
12. In this case, the applicant has violated City law by operating without a business license since 2016, thus forfeiting the nonconforming use of the property.
13. Where the board has determined there was an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article, the director of planning and development shall also refund the appeal application fee to the appellant.
14. If the decision is reversed and the applicant's appeal is approved; the automotive sales business is considered legal nonconforming until such time that all requirements of the current Zoning Ordinance, Building Codes and all other City regulations are no longer met.
15. If the decision is affirmed and the appeal is denied; the decision of the board of adjustment may be appealed in the manner provided by State Statute.

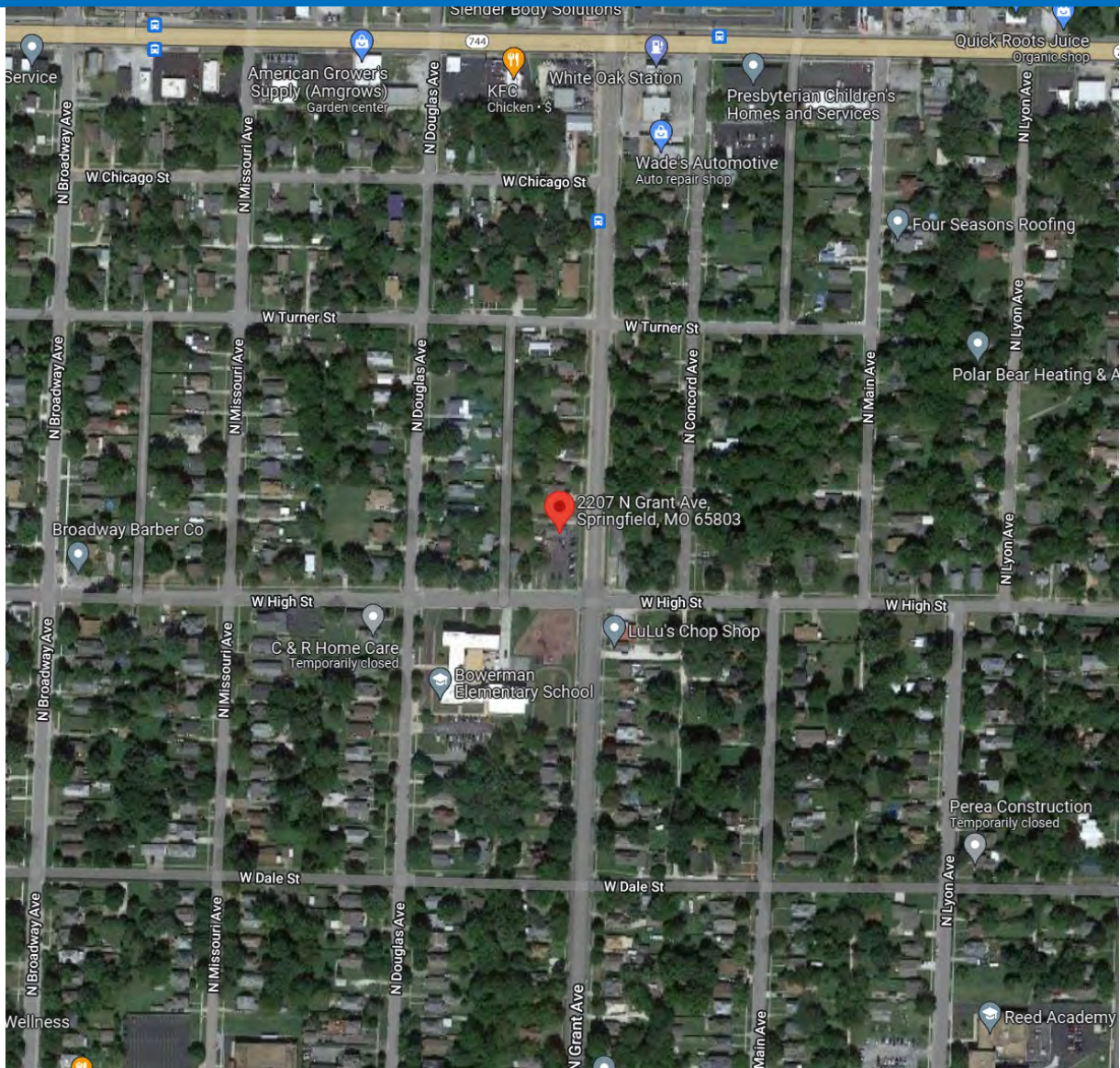
## SURROUNDING ZONING AND LAND USES:

|          | NORTH                     | SOUTH             | EAST                  | WEST                    |
|----------|---------------------------|-------------------|-----------------------|-------------------------|
| ZONING   | R-SF                      | R-SF              | LB                    | R-SF                    |
| LAND USE | Single-family residential | Elementary school | Personal service uses | Single-family residence |



# Development Review Staff Report

## SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):





# Development Review Staff Report

INSPECTOR PHOTOS MAY 3, 2022:





## BOARD OF ADJUSTMENT ORDINANCE AUTHORIZATION:

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

### **Sec. 36-364. Appeals.**

- (1) (a) *Appeals from administrative ruling.* The board of adjustment shall be empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article. In this capacity, the board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the article means and how the article applies to a particular fact situation.
- (b) *Application for appeal.* The application shall contain the following information and such additional information as the board of adjustment may, by rule, require:
  1. The order, requirement, decision, or determination from the administrative official which is allegedly in error.
  2. The name of the administrative official making the order, requirement, decision, or determination being appealed, and the date the order, requirement, decision, or determination was made.
  3. A description of why the order, requirement, decision, or determination made by the administrative official is in error.
  4. The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law.
- (2) *Extent of the board's appeal powers.* In exercising the authority herein granted, the board may, in conformity with the provisions of this article, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as the board deems appropriate and to that end shall have all powers of the administrative official from whom the appeal is taken.
- (3) *When appeals may be taken.* Appeals to the board of adjustment may be taken by any person aggrieved or by an officer, department, board, or agency of the City of Springfield affected by a decision of an administrative officer. Appeals shall be taken within 30 days after the decision has been rendered by an administrative officer, by filing with the officer from whom the appeal is taken and with the secretary of the board of adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall forthwith forward to the secretary of the board all the papers constituting the record upon which the action appealed from was taken.
- (4) *Burden on applicant.* The applicant for an appeal shall bear the burden of producing evidence establishing the grounds of the appeal.
- (5) *When appeals to stay proceedings.* A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a proper court order.
- (6) *Hearing on appeals.* Notice of appeals shall be submitted not less than 28 days prior to a regularly scheduled board meeting. The appellant shall be notified in writing by registered mail of the date, time, and place of the hearing.
- (7) *Decision on appeal.* Within 30 days after the hearing on an appeal, the board of adjustment shall file with the director of planning and development its findings of fact and conclusions with respect to the appeal. The director of planning and development shall send by first-class mail a copy of the decision to the appellant and upon each other person who requests in writing to be notified. Where the board has determined there was an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article, the director of planning and development shall also refund the appeal application fee to the appellant.



- (8) *Appeal from decision of board of adjustment.* Appeals from decisions of the board of adjustment may be taken in the manner provided by statute.

## **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 APPEAL:

The following excerpts contain pertinent passages from the Zoning Ordinance:

### Sec. 36-457. - Nonconformities.

#### (4) *Nonconforming uses.*

- (a) *Authority to continue.* Any lawfully existing nonconforming use of part or all of a building or structure or any lawfully existing nonconforming use of land, not involving a building or structure or only involving a building or structure which is accessory to such use of land, may be continued, so long as it is otherwise lawful, subject to the regulations contained in subsections 36-457(4)(b) through 36-457(4)(l).
- (b) *Ordinary repair and maintenance.*
  - 1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any building or structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection 36-457(4)(b)1. shall not be deemed to authorize any violation of subsections 36-457(4)(c) through 36-457(4)(l) of this article.
  - 2. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition (where such restoration will not be in violation of subsection 36-457(4)(f) of this article).
- (c) *Remodeling.* No building or structure that is devoted in whole or in part to a nonconforming use shall be remodeled, if structural alteration is required, unless the entire building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located.
- (d) *Extension.* A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
  - 1. Extension of such use to any building or structure or land area other than one occupied by such nonconforming use on the effective date of this article (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming) except as permitted by subsection 36-457(4)(e);
  - 2. Extension of such use within a building or structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this article (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming) except as permitted by subsection 36-457(4)(e) and provided, however, that such use may be extended throughout any part of such building or structure that was lawfully and manifestly designed or arranged for such use on such effective date; and
  - 3. Operation of such nonconforming use in such manner as to conflict with any performance standards established for the zoning district in which such use is located. Nor shall a nonconforming use be operated in such a manner so that it further conflicts with any performance standards established for the district in which such use is located if it already conflicts on the effective date of this article (or on the effective date of a subsequent amendment hereto that results in such use becoming nonconforming).
- (e) *Exemptions.* Notwithstanding the provisions of this section, where a use is conforming but is made nonconforming on the effective date of this article, such use may be increased by 25 percent in terms of building floor area, number of employees or other measure of intensity provided the use conforms to all other regulations of this article.
- (f) *Enlargement.* No building or structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.



# Development Review Staff Report



- (g) *Damage or destruction.* In the event that any building or structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by any means, to the extent of more than 75 percent of its replacement cost at the time of such damage, such building or structure shall not be restored unless such building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 75 percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to its completion.
- (h) *Moving.* No building or structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- (i) *Change in use.*
  - 1. The board of adjustment may grant a special exception to permit a nonconforming use to be changed to any other use permitted in the zoning district in which the nonconforming use is allowed provided the proposed use is not more intense than the existing use in terms of activity, traffic generation, and other impacts on surrounding property.
  - 2. When a nonconforming use has been changed to any conforming use allowed in the district in which the property is located, it shall not thereafter be changed back to a nonconforming use.
- (j) *Abandonment or discontinuance.* When a nonconforming use of land or of a building or structure is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use except as provided in (g) above), such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land, building or structure shall comply with the regulations of the zoning district in which it is located.
- (k) *Nonconforming accessory uses.* No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
- (l) *Termination of nonconforming use for nuisance or illegality.* The right to continue a nonconforming use is conditional and may be continued for only so long as the nonconforming activity is conducted lawfully and does not produce a condition which constitutes a nuisance. The use of any building, structure or land in a manner set forth below shall constitute constructive abandonment of the use, shall terminate the right to continue the nonconforming use, and nothing contained in subsection 36-457(4)(j) shall be construed to require such constructive abandonment to continue for 12 consecutive months:
  - 1. Use in any manner which produces a condition constituting a nuisance subject to chapter 74, Springfield City Code, prohibiting the creation of a nuisance.
  - 2. Use for any activity which is in violation of law or ordinance.

## 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.

## PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet:      Mailed: 18      Returned: 0



# Development Review Staff Report



## DEPARTMENT COMMENTS:

### DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

Building Development Services has denied this request as stated in the attached letter on July 19, 2022 (Exhibit).

### DEPARTMENT OF LICENSING DIVISION:

Licensing denied the business license as stated in the attached letter on June 7, 2022 (Exhibit).



# Development Review Staff Report



## PROPERTY DESCRIPTION:

### EXHIBIT 1 LEGAL DESCRIPTION

#### Tract 2:

All of the East One Half of Lots Ten (10), Eleven (11), and Twelve (12), in Block One (1) in Woodland Heights Addition to the City of Springfield, Greene County Missouri.

#### Tract 3:

All of the East 42.75 feet of the West One Half of Lots Ten (10), Eleven (11), and Twelve (12), in Block One (1) in Woodland Heights Addition to the City of Springfield, Greene County Missouri.





CO-FOUNDER

THEODORE L. JOHNSON, III

MEMBERS

CRAIG F. LOWTHER  
MICHAEL K. CULLY <sup>1</sup>  
JOHN W. HOUSLEY  
DAVID A. FIELDER  
GLENN P. GREEN  
THOMAS M. BENSON  
RANDY J. REICHARD  
LEE J. VIOREL  
RUSSELL W. COOK <sup>1,2</sup>  
MATHEW L. PLACZEK  
AARON M. KLUSMEYER  
KYLE HARMON  
GREGGORY D. GROVES  
N. AUSTIN FAX  
ADLAI GROVES  
MEGAN N. CRESON

ASSOCIATES

AIMEE L. MORRISON  
KENNETH A. BECK  
KEVIN A. SCHARF  
B. JACOB HASKINS

<sup>1</sup> ALSO ADMITTED IN ARKANSAS

<sup>2</sup> ALSO ADMITTED IN KANSAS

DIRECT EMAIL

CLOWTHER@LOWTHERJOHNSON.COM

901 ST. LOUIS STREET  
20<sup>TH</sup> FLOOR  
SPRINGFIELD, MISSOURI  
65806-2592  
TELEPHONE :  
(417) 866-7777 EXT  
FACSIMILE :  
(417) 866-1752

WEB

www.lowtherjohnson.com

Exhibit A

July 8, 2022

To Whom It May Concern:

This appeal concerns the refusal to grant a business license for a car lot at 2207 N. Grant. The property has been used, continuously, for years and years as a car lot. The problem is that a previous tenant of Bruce and Sherlyn Mullins did not get a city license while he used it as a car lot.

Wesley A. Miller, the prospective new tenant for the property, was denied the business license by letter of June 7, 2022, (attached) from Brandy Atnip, Licensed Inspector for the City of Springfield.

I do not believe that the technicality of getting a business license affects how the property was used or whether it should be grandfathered. The usage of the car lot was, in fact, a legal use of the property. That they did not get a city license while using the lot, is a technicality, and goes against the spirit of the grandfathering clauses.

The undersigned will state that since the property has been used, continuously, for many years, it should be grandfathered and a city license should be issued for the car lot.

Very truly yours,

LOWTHER JOHNSON  
Attorneys at Law, LLC



Craig F. Lowther

CFL:amc





G S AUTO  
WESLEY A MILLER  
2207 N GRANT ST  
SPRINGFIELD, MO 65803

June 7, 2022

RE: City of Springfield Business License Application

Dear WESLEY A MILLER:

This letter is in reference to the business license application for G S AUTO located at 2207 N GRANT AVE, SPRINGFIELD, MO, 65803. Due to the following reason(s), the City of Springfield License Division will be unable to issue your license at this time.

Zoning Approval denied: Zoned LB. Outdoor storage and display is not permitted in this district.  
This site is not considered nonconforming because the last auto dealers license expired in 2016.

If you have any questions regarding the issues related to zoning, please contact Andrew Menke at (417) 864-1613. If you have questions about your business license, you may reach me by calling (417)864-1856.

Please resolve this matter within the next ten (10) business days. Continuing to operate your business without a license may result in a summons being issued to Municipal Court.

Sincerely,

A handwritten signature in blue ink that reads 'Brandy Atnip'.

Brandy Atnip  
License Inspector  
P.O. Box 8368 | 840 N Boonville Springfield, MO 65801  
(417)864-1856  
batnip@springfieldmo.gov

**Department of Finance - License Division**  
Busch Municipal Building • 840 Boonville Avenue  
Springfield, Missouri 65802



**Sec. 70-34. License required.**

No person shall engage in any occupation named in this article without obtaining a license therefor.

(Code 1981, § 20-3)

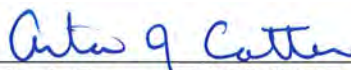


STATE OF MISSOURI     )  
                                      )  
COUNTY OF GREENE    ) SS  
                                      )  
CITY OF SPRINGFIELD   )

I, Anita J. Cotter, duly qualified and acting City Clerk, in the City of Springfield, Missouri, do hereby certify that the foregoing 1 page constitutes a true and correct copy of Section 70-34 of the City Code of the City of Springfield, Missouri, as the same was adopted by City Council, City of Springfield, Missouri.

IN TESTIMONY WHEREOF, I hereto set my hand and official seal of the City of Springfield, Missouri, this 4<sup>th</sup> day of August, 2022.



  
\_\_\_\_\_  
Anita J. Cotter, EMC/MRCC  
City Clerk



**Sec. 70-84. Schedule.**

Every person engaged in the following occupations or operating any of the following institutions or establishments shall pay the license fee set forth or referred to in the following subsections of this section, which shall be annual unless otherwise provided:

- (1) *Abstractors of land titles*: Standard scale.
- (2) *Adjusters and claim agencies*: \$25.00.
- (3) *Advertising agencies or services*: \$25.00.
- (4) *Ambulance services or companies*: \$25.00 per ambulance in addition to any fee imposed by chapter 118 of this Code.
- (5) *Amusement centers*: Amusement centers not otherwise specified, \$15.00 for the first amusement device and \$5.00 for each additional device such as go-carts, trampolines, ball-pitching machines, merry-go-rounds or other devices.
- (6) *Apartment houses and complexes*:
  - a. An apartment house or apartment complex shall pay a minimum \$10.00 fee plus \$1.00 for each rental unit. One-room efficiency apartments shall be classified as a rental unit. If a person has paid a license fee pursuant to this subsection, then such person shall not be required to pay a registration fee as required by section 74-325.
  - b. Any person who has paid a license fee pursuant to this subsection (6) and a registration fee pursuant to section 74-325 for the year 1980 prior to the effective date of the ordinance from which this subsection is derived may obtain a refund from the finance director of the city if the license fee and registration fee which have been paid exceed the amount now authorized.
- (6.1) *Armored car services*: Standard scale with a minimum fee of \$25.00.
- (7) *Auctioneers*: \$25.00.
- (8) *Auctions*: Auctions held or conducted on premises leased or rented for that purpose, not licensed as an auction house, \$10.00 per day.
- (9) *Auction houses*: \$100.00.
- (10) *Automobile auction houses or establishments*: \$100.00, together with a performance bond and an insurance policy.
- (11) *Automobile brokers or sales agents*: \$50.00, together with a performance bond and an insurance policy.
- (12) *Automobile dealers—Used*: Wholesale or retail automobile or motor vehicle companies or dealers, dealing only in used motor vehicles (other than motorcycles or motor scooters), who may also deal in tires, parts, accessories and repairs, shall pay a license fee based on the standard scale with a minimum of \$75.00, together with an insurance policy and a performance bond.
- (13) *Same—New and used*: Wholesale or retail automobile or motor vehicle companies or dealers, dealing in new or new and used motor vehicles (other than motorcycles or motor scooters), who may also deal in tires, parts, accessories and repairs, shall pay a license fee based on the standard scale with a minimum fee of \$100.00, together with an insurance policy and a performance bond.
- (14) *Automobile parking lots or storage garages*: Standard scale.



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- (15) *Automobile repossession agents or agencies*: Standard scale with a \$75.00 minimum, together with an insurance policy and a performance bond, which fee shall be applicable to any person acting for himself or as an agent for others, other than licensed automobile dealers, who repossesses and sells automobiles or motor vehicles.
  - (16) *Automobile washing, waxing or polishing establishments*: Standard scale.
  - (17) *Banks*: \$75.00 for capital stock of \$25,000.00 or less, and \$0.50 for each \$1,000.00 of capital stock and surplus in excess of \$25,000.00.
  - (18) *Barbers*: Those without a licensed place of business or who do not work in a licensed place of business, but who call at homes, hospitals, etc., \$5.00 per year.
  - (19) *Barbershops*: \$2.50 per chair.
  - (20) *Bathhouses, masseurs, physical therapy, weight control by machine, exercise or health studios or similar establishments*: \$25.00.
  - (21) *Beauty operators*: Those without or not working in a licensed place of business, but calling at homes, hospitals, etc., \$5.00.
  - (22) *Beauty parlors*: \$2.50 per operator.
  - (23) *Billboards, etc.; outdoor advertising companies*: Such companies or agencies using billboards or billposters, a license fee based on the standard scale with a \$75.00 minimum.
  - (24) *Billiard parlors and pool rooms*: \$10.00 per table.
  - (25) *Bondsmen, bail*: \$25.00 for each person authorized to execute bail bonds for the business or partnership, or authorized to execute bail bonds with the additional signature of others.
  - (26) *Booking agencies*: \$20.00.
  - (27) *Bowling alleys and pin alleys*: \$10.00 for each alley.
  - (28) *Brokers and brokerage companies*: Such companies or brokers not otherwise provided for in this section, \$50.00.
  - (29) *Burial insurance or service plans, agents or businesses*: \$25.00 for each agency or agent, and \$15.00 for each solicitor, engaged in selling or providing burial, insurance or service plans, whether conducted as an independent business or as a sponsored agent or agency of a licensed undertaker or funeral establishment.
  - (30) *Business schools or studios*: Business, trade, correspondence, charm or personality schools or studios, \$25.00, with a license fee of \$15.00 for each solicitor.
  - (31) *Carnivals*: \$100.00 for the first day, and \$25.00 for each day thereafter.
  - (32) *Caterers*: Standard scale.
  - (33) *Cemetery lot sales and services*: Standard scale.
  - (34) *Charge-a-check systems or bill-pay services*: Standard scale.
  - (34.5) *Cigarette dealers*: \$2.50 per thousand for all cigarettes sold, offered, delivered or displayed for sale, used or otherwise disposed of.
  - (35) *Circuses*: \$100.00 for the first day, and \$25.00 for each day thereafter.
  - (36) *Cleaners of windows, buildings, sewers, septic tanks, carpets and rugs, furniture and similar items*: Standard scale.



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- (37) *Coin-operated machines—Generally*: Distributors or persons in the business of placing coin-operated machines in business places and establishments of others shall pay a license fee as follows:
- a. *Amusement machines*: \$5.00 for each machine intended for amusement, such as machines for playing records, television, pinball, miniature bowling, target shooting, etc.
  - b. *Machines other than amusement machines*: \$1.00 for each machine using a five-cent coin or larger and \$0.50 for each machine using a one-cent coin, such as weighing and automatic vending machines or other machines not for amusement.
- (38) *Same—In owner's place of business*: Any business conducted primarily with the use of coin-operated machines owned by the business operator shall pay a license fee of one-half the amount provided for each such machine by subsection (37) of this section.
- (39) *Same—Dispensing prophylactic devices*: Distributors or persons placing coin-operated machines in businesses or establishments of others for the dispensing of prophylactic devices shall pay a license fee of \$5.00 for each such machine.
- (40) *Cold storage and locker plants*: \$50.00 for the first 500 lockers and \$0.25 for each additional locker.
- (41) *Collecting agents, agencies or services (bill collecting)*: \$25.00.
- (42) *Commission agents, livestock agents and grain and hay agents*: \$25.00.
- (43) *Contractors in construction of new structures or remodeling*: A minimum license fee of \$25.00 for the first \$10,000.00 or less of gross sales or receipts, plus standard scale for any gross sales or receipts above \$10,000.00.
- (44) *Contractors—Electrical*: First license issuance, \$100.00; renewal license issuance, \$50.00.
- (45) *Same—Plumbing*: A \$25.00 minimum fee for the first \$10,000.00 or less of gross sales or receipts, plus standard scale for all gross sales or receipts above \$10,000.00.
- (45.5) *Same—Plumbing/mechanical*: Same fee as set out in subsection (45) of this section.
- (46) *Same—Special trades*: A minimum fee of \$25.00 for the first \$10,000.00 or less of gross sales or receipts, plus standard scale for all gross sales or receipts above \$10,000.00, for contractors engaged in the following work: acoustical, air conditioning, heating, insulation, interior decorating, painting, paving, plastering, flat wall, roofing, siding, storm doors or windows, sheetmetal, wallpapering, or wrecking of buildings and structures, or engaged in any other specific type of contracting work similar to those listed in this subsection.
- (46.5) *Same—Special trades/mechanical*: Same fee as set out in subsection (46) of this section.
- (47) *Coupons or trading stamps, sale or distribution*: \$25.00 for supervisors and \$5.00 for each salesman or solicitor.
- (48) *Credit associations*: \$50.00.
- (49) *Credit investigators or agencies*: \$20.00.
- (50) *Dancehalls*: \$50.00 annually or \$30.00 for six months.
- (51) *Dancing schools*: Standard scale.
- (52) *Dealers in coal and coal distribution*: Standard scale, with a \$15.00 minimum.
- (53) *Dealers in ice, wholesale or retail*: Standard scale.
- (54) *Dealers at retail in intoxicating liquor—For consumption on premises where sold*: \$450.00.
- (55) *Same—In the original package*: \$150.00.



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- (55.1) *Same—Restaurant bars:* Those dealers in intoxicating liquors possessing restaurant bar licenses under RSMo 311.097, as amended, shall pay an annual license fee of \$750.00.
- (55.2) Letters of approval for caterers or other persons holding licenses to serve beer and/or liquor at an event held at a location other than the licensed premises \$15.00 per day. This fee may be revised by ordinance from time to time.
- (55.3) New Liquor Location Application Fee, Investigation of location for new liquor license \$63.00 per location. This fee may be revised by ordinance from time to time.
- (56) *Same—Not in excess of five percent of alcohol by weight—For consumption on premises where sold:* \$52.50.
- (57) *Same—Same—For sale in the original package:* \$22.50.
- (57.1) *Same—Same—For sale in the original package on Sundays:* Those dealers in intoxicating liquors possessing licenses under RSMo 311.293 shall pay an annual license fee of \$300.00.
- (58) *Dealers at retail in nonintoxicating beer (32/10percent or less by weight)—In original package:* \$22.50.
- (59) *Same—For consumption on premises where sold:* \$37.50.
- (60) *Dealers at wholesale and solicitation in intoxicating liquor—All intoxicating liquor:* \$750.00.
- (61) *Same—Containing not in excess of 22 percent of alcohol by weight:* \$300.00.
- (62) *Same—Containing not in excess of five percent of alcohol by weight:* \$150.00.
- (62.1) *Dealers at wholesale in nonintoxicating beer (32/10percent or less by weight):* \$75.00.
- (63) *Dental laboratories:* Standard scale.
- (64) *Detectives or private investigators and security guards:* \$50.00.
- (65) *Distributors—Generally:* Any distributor, company, branch office or person, other than an established wholesale or retail merchant, using samples only or making sales from a stock of merchandise or from catalogs, for delivery at the time or future delivery, or such distributors, companies, branch offices or persons promoting sales by solicitors, demonstrators or salespersons by appointment or otherwise, to persons singly or in groups in homes or other places, and whether or not then sold or charged to the solicitor or demonstrator, and regardless of how the order is placed, shall pay a fee based on standard scale.
- (66) *Same—Jobber distributors:* Any person selling or attempting to sell to merchants from stock carried in a vehicle or otherwise, except from an established wholesale house, or those taking orders and delivering later, shall be termed a jobber distributor and shall pay a fee based on the standard scale.
- (67) *Same—Demonstrators, solicitors, etc.:* Each solicitor, demonstrator or salesperson operating as set forth in subsection (65) of this section shall be known as a demonstrator-solicitor and shall pay a license fee of \$15.00.
- (68) *Dog kennels:* Standard scale.
- (69) *Employment agencies:* \$25.00.
- (69.5) *Escort services:* \$25.00 for the first \$10,000.00 or less of gross sales, and standard scale for all gross sales or receipts above \$10,000.00.
- (70) *Express companies:* \$100.00.
- (71) *Film agencies:* Any person engaging in the sale, rental or leasing of radio, television or motion picture film or recording shall pay a license fee based on the standard scale.



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- (72) *Florists, greenhouses, nurseries, etc.*: Any person engaged in the occupation of florist, greenhouse, plant nursery or planter of flowers, shrubs and nursery stock or transplanting trees, or treating, spraying and trimming of flowers, shrubs and trees up to 15 feet in height, or sodding of lawns, terraces or plots of land, shall pay a fee based on the standard scale.
- (72.3) *Fortunetelling*: A minimum license fee of \$25.00 for the first \$10,000.00 or less of gross sales or receipts, plus standard scale for all gross sales or receipts above \$10,000.00.
- (72.5) *Disposal and recycling areas*: Provided recycling areas are in excess of one-quarter acre or more as defined in chapter 94, article II.
- (73) *Gasfitters*: Standard scale.
- (74) *Grain elevators*: Standard scale.
- (75) *Hay and grain haulers*: \$15.00.
- (76) *Reserved*.
- (77) *House movers*: \$15.00, together with a \$10,000.00 performance bond and a business auto liability policy written by a company authorized to do business in the state, with minimum coverage in the amount required by the state highway and transportation department overdimension and overweight permit regulations, as they may be amended from time to time, and endorsed to waive policy exclusions for overdimension and overweight loads.
- (78) *Hucksters and hawkers*: Those conducting business on foot, with or without a hand basket or similar portable container, \$5.00 per month or \$25.00 per year; those using a wagon, automobile, cart, or other vehicle or conveyance, \$20.00 for each such vehicle used.
- (79) *Insurance agents, agencies or brokers*: \$20.00, plus \$5.00 for each additional person engaged in the productive part of the business. Each person shall carry a card, in such form as may be prescribed by the director of finance, evidencing the payment of the license fee required in this section.
- (80) *Insurance companies of whatever class or character*: \$24.00.
- (81) *Investment companies*: Investment companies, brokers, counsellors, agencies or similar agencies dealing in stocks, bonds, securities or investments of any character shall pay a license fee of \$50.00, plus \$25.00 for each salesman or solicitor or agent operating for such company, broker or agency.
- (82) *Laundries*: Laundries, clothes cleaners and pressers, diaper services, and towel and apron suppliers shall pay a license fee based on standard scale.
- (83) *Laundromats and clothes cleaning establishments, coin-operated*: Those laundromats and clothes cleaning establishments operating with coin-operated machines shall pay a license fee of \$1.00 for each machine used for washing, cleaning or drying or the vending of any product within the business location.
- (84) *Loan brokers*: \$20.00.
- (85) *Loan companies and loan agents*: \$50.00.
- (85.5) *Locksmiths*: Each application for a license shall be accompanied by a fee of \$20.00, and each application for the annual renewal thereof shall be accompanied by a fee of \$20.00. In addition to the fee established by this subsection, locksmiths shall pay a license fee as set forth in section 70-81.
- (86) *Magazine and book solicitors*:
- a. Resident magazine and book solicitors shall pay a fee of \$25.00 for each supervisor and \$15.00 for each solicitor or telephone solicitor.



- b. Transient book and magazine solicitors shall pay a fee of \$25.00 for each supervisor and \$15.00 for each solicitor or telephone solicitor, together with a performance bond of \$1,000.00.
- c. All magazine and book solicitors' licenses shall be issued to a named individual and shall not be transferable or retransferable until held by such named individual for a period of at least 90 days. Transfers or retransfers of a magazine or book solicitor's license shall be to a named individual and shall be made only upon payment of a \$1.00 transfer fee.

(87) *Manufacturers*: Manufacturers shall pay a license fee based on the following schedule of gross sales or receipts:

| Gross Sales or Receipts               |                                            | Fee     |
|---------------------------------------|--------------------------------------------|---------|
| Up to and including \$5,000.00        |                                            | \$10.00 |
| \$5,001.00 through \$10,000.00        |                                            | 20.00   |
| \$10,001.00 and above, base fee       |                                            | 20.00   |
| Plus, for each additional \$1,000.00: |                                            |         |
|                                       | From \$10,000.00 through \$100,000.00      | 0.50    |
|                                       | From \$100,000.00 through \$200,000.00     | 0.35    |
|                                       | From \$200,000.00 through \$500,000.00     | 0.25    |
|                                       | From \$500,000.00 through \$1,000,000.00   | 0.20    |
|                                       | From \$1,000,000.00 through \$2,000,000.00 | 0.15    |
|                                       | Over \$2,000,000.00                        | 0.10    |

(88) *Merchants—Retail*: Standard scale.

(89) *Same—Wholesale*: Standard scale.

(90) *Miniature golf courses and golf driving ranges*: \$15.00.

(91) *Miniature bowling alleys*: \$15.00 for the first alley and \$2.50 for each additional alley.

(92) *Motels, hotels, and tourist courts*: \$15.00 for the first unit and \$1.00 for each additional unit.

(93) *Nurseries and kindergartens*: \$10.00 for the first five children for which provisions are made and \$1.00 for each additional child.

(94) *Nurses' registries*: \$15.00.

(95) *Nursing, convalescent or old-age homes*: \$15.00.

(96) *Office buildings*: \$25.00 for the first ten rooms and \$1.00 for each additional room.

(97) *Optical goods, manufacturing, wholesale or retail*: Standard scale.

(97.5) *Ozark Empire Fair*:

- a. *Attractions, devices, exhibitions, etc., connected with fair*. All attractions, devices, races or exhibitions under direct contract with the Ozark Empire Fair Board involving a guarantee of



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performance or operation shall be exempted from license fees during the period of the Ozark Empire Fair. All other shows, devices, contests, soft drink and food stands, peddlers, hawkers, games, merchandise sales or other businesses which lease space for their operations or are permitted to move about the fairgrounds to carry on their operations shall pay a license fee of \$5.00 for the period of the Ozark Empire Fair; except that no license fee shall be charged schools and fraternal, religious or charitable organizations. These license fees apply to the fairgrounds and the sections adjacent to the fairgrounds which operate only during fair weeks.

- b. *Parking lots in vicinity of fairgrounds.* Parking lots adjacent to or in the vicinity of the fairgrounds shall pay the following license fee during fair week:

200 spaces or over \$20.00

100 to 200 spaces 10.00

25 to 100 spaces 5.00

Under 25 spaces 2.50

- (98) *Pawnbrokers:* An investigation fee of \$500.00 for a new applicant or a \$250.00 fee for a second or additional license to an applicant already licensed for a separate location. The annual renewal fee is \$500.00.

State law reference(s)—Fees as authorized in RSMo 267.043(3)(1).

- (99) *Peddlers:*

- a. *Resident peddlers:*

1. Conducting business on foot, with or without a hand basket or similar portable containers, \$25.00 a year or \$5.00 per month.
2. Using a wagon, automobile, cart, or other vehicle or conveyance, \$20.00 for each such vehicle used.

- b. *Nonresident peddlers:*

1. Nonresident or transient peddlers conducting business on foot, with or without a hand basket or similar portable container, \$5.00 per month.
2. Using a wagon, automobile, cart, or other vehicle or conveyance, \$20.00 for each vehicle used.

- c. *Indigent peddlers with physical handicaps:* Indigent peddlers with physical handicaps shall pay a license fee, whether using a vehicle or not, of \$1.00 per year.

- (100) *Pet or pony sales:* Standard scale.

- (101) *Photographers and photofinishing services, resident:* Standard scale; provided, however, such photographers and services shall comply with the provisions of section 70-47 if they shall sell any coupons, stamps or other devices requiring a bond by the provisions of such section. Solicitors for photographers and photofinishing services shall pay a fee of \$25.00 for each supervisor thereof and \$15.00 for each solicitor.

- (102) *Photographers, transient:* Nonresident or transient photographers, crews or organizations shall pay a license fee of \$25.00 per month for each photographer plus \$25.00 per month for each crew chief and \$25.00 per month for each salesman, solicitor or telephone solicitor, together with the filing of a performance bond in the amount of \$1,000.00, which bond shall also be sufficient to comply with the requirements of section 70-47 if they shall engage in selling coupons, stamps or other devices requiring a bond under that section.



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- (103) *Pony or horse rides*: Those persons engaged in the occupation of providing pony or horse rides or rentals, or riding academies, or those persons engaged in the occupation of giving horse riding lessons, shall pay a fee based on the standard scale.
- (104) *Printing*: Printing, typesetting or linotype, mimeographing, photostating, engraving, photocopying or lithographing services or establishments shall pay a fee based on the standard scale.
- (105) *Processing services*: Those processing establishments or processing services not otherwise provided for shall pay a fee based on the standard scale.
- (106) *Promoters*: Promoters of wrestling or other contests and promoters of all types of entertainment where an admission is charged to the public for profit or the expectation of profit shall pay a fee of \$25.00.
- (107) *Races*: Those conducting auto, horse or motor vehicle races of any type shall pay a fee of \$5.00 per day.
- (108) *Real estate brokers and salesmen*: \$50.00 for brokers and \$25.00 for salesmen.
- (109) *Rendering plants*: Standard scale.
- (110) *Rental agencies, motor vehicles*: Those persons engaged in renting or leasing of automobiles, trucks, vans or buses shall pay \$5.00 per vehicle.
- (111) *Rental businesses*: Those persons engaged in the rental of household or other wares, furnishings, furniture, equipment, tools, machinery, trailers or other similar items or equipment shall pay a fee based on the standard scale.
- (112) *Repair establishments—Generally*: Those persons engaged in motor vehicle repair or painting and auto body shops shall pay a fee based on the standard scale; provided, however, that the operator or owner of any such establishment shall not offer or display for sale any motor vehicle, unless the vehicle is titled to the operator or owner of the establishment, without first obtaining an automobile dealer's or sales agent's license as provided for in this section. Proof of the ownership of any vehicle displayed for sale shall remain on the premises for purposes of inspection to determine compliance with this subsection.
- (113) *Same—Not otherwise provided for*: Any person engaged in repairing, renovating, renewing or refinishing of any or all articles of whatever class or character not otherwise specially provided for in this section shall pay a license fee based upon the standard scale.
- (114) *Restaurants*: Standard scale.
- (115) *Rock quarries*: Standard scale.
- (116) *Roominghouses, boardinghouses or lodginghouses*: Those roominghouses, boardinghouses or lodginghouses in which rooming, boarding or lodging is provided by the owner or operator for at least three persons for compensation, whether the compensation is paid directly or indirectly, shall pay a fee of \$1.00 per person, which fee shall be in addition to the registration fee required by section 74-325.
- (117) *Service agents or agencies*: Any service agent or agency or group sales operator or establishment not otherwise specified in this section, but authorized by the Charter for the imposition of a license tax, shall pay a minimum fee of \$25.00 for the first \$10,000.00 or less of gross sales or receipts, plus standard scale for all gross sales or receipts above \$10,000.00, and shall pay \$15.00 for each solicitor.
- (118) *Service stations*: Standard scale; provided, however, the operator or owner of the service station shall not offer or display for sale motor vehicles at the business location, unless such vehicle is titled to the operator or owner of such business, without first obtaining an automobile dealer's or sales agent's license as provided for in this section. Proof of the ownership of any vehicle displayed for sale shall remain on the premises for purposes of inspection to determine compliance with this subsection.



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- (119) *Shoeshine parlors*: \$2.50 for the first chair and \$1.00 for each additional chair.
- (120) *Shooting galleries*: \$20.00.
- (121) *Shows, transient*: Tent shows, exhibits, exhibitions or other attractions held indoors or outdoors or in automotive or other conveyances, other than carnivals or circuses, shall pay a license fee of \$10.00 for the first day and \$5.00 for each additional day. Any such show with a written contract with a religious, educational, fraternal or charitable organization shall be exempt from a license fee.
- (122) *Sign makers and sign painters*: Standard scale.
- (123) *Skating rinks, ice or roller*: \$50.00.
- (124) *Slaughterhouses, poultry*: \$25.00.
- (125) *Solicitation agencies*: Those solicitation agencies or agents not otherwise specified in this section, but authorized by the Charter for imposition of a license fee, shall pay a fee of \$25.00 for the agency or agent and \$15.00 for each solicitor.
- (126) *Sound recording and reproduction services*: Standard scale.
- (127) *Sound trucks*: Those engaged in the operation of sound trucks shall pay a fee of \$15.00 per truck.
- (128) *Stenographic or telephone answering services*: Standard scale.
- (129) *Stockyards*: \$150.00.
- (130) *Storage houses and warehouses*: Standard scale.
- (131) *Tailoring establishments*: Standard scale.
- (132) *Taxicab companies*: \$25.00 for each vehicle.
- (133) *Taxidermists*: \$15.00.
- (134) *Telegraph companies*: \$100.00.
- (135) *Theaters and moving picture houses*: Those having a seating capacity of:
- |               |          |
|---------------|----------|
| 500 or less   | \$ 50.00 |
| 501—1,000     | 75.00    |
| 1,001—1,500   | 100.00   |
| 1,501—2,000   | 125.00   |
| 2,001 or more | 150.00   |
- (136) *Trading stamp companies or agencies*: Those companies, agents or agencies distributing or selling trading stamps to merchants or operating stamp redemption stores shall pay a fee based on the standard scale.
- (137) *Trailer camps*: \$15.00 for the first parking unit and \$1.00 for each additional parking unit.
- (138) *Transfer and moving van companies*: \$15.00 for the first vehicle and \$5.00 for each additional vehicle used in the business.
- (139) *Travel agencies or agents*: \$20.00.
- (140) *Tree surgeons*: Those persons engaged in the occupation of tree surgeons, tree trimming, tree and plant treating or spraying services shall pay a fee of \$25.00, together with an insurance policy.



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(140.5) *Trolley bike, commercial*: A minimum fee of \$25.00 for the first \$10,000.00 or less of gross sales or receipts, plus standard scale for all gross sales or receipts above \$10,000.00.

(141) *Trucking services*: Those trucking services, agencies or companies engaged in hauling for hire, which shall include delivery services, trash and garbage hauling, and general hauling of any description not otherwise specified in this section, shall pay a fee of \$7.50 for the first vehicle with a pickup rating or less, and \$15.00 for the first vehicle above pickup rating, and \$5.00 for each additional vehicle.

(142) *Truck terminals or truck unloading depots*: \$50.00.

(143) *Undertakers or funeral establishments*: Standard scale.

(144) *Vermin exterminators or pest control agencies or services*: A \$25.00 minimum fee for the first \$10,000.00 or less of gross sales or receipts, plus standard scale for all gross sales or receipts above \$10,000.00, together with a performance bond. No such company shall engage in the removal or replacement of structural material of any building unless it shall also possess the contractor's license for the type of work involved.

(145) *Valet parking service*. Those persons engaged in the occupation or service of valet parking shall pay a fee of \$200.00.

(146) *Well drilling*: Those persons or establishments engaged in drilling of wells for water or other purposes shall pay a fee based on the standard scale.

(147) *Wired music sales or rental services*: Standard scale.

(Code 1981, §§ 20-20, 20-20.1—20-20.147; G.O. No. 5472, § 3, 6-27-2005; G.O. No. 5502, § 1, 10-17-2005; G.O. No. 6163, § 2, 1-12-2015; G.O. No. 6209, § 1, 7-13-2015)

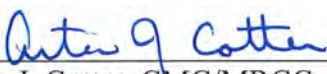


STATE OF MISSOURI     )  
                                      )  
COUNTY OF GREENE    ) SS  
                                      )  
CITY OF SPRINGFIELD   )

I, Anita J. Cotter, duly qualified and acting City Clerk, in the City of Springfield, Missouri, do hereby certify that the foregoing 10 pages constitute a true and correct copy of Section 70-84 of the City Code of the City of Springfield, Missouri, as the same was adopted by City Council, City of Springfield, Missouri.

IN TESTIMONY WHEREOF, I hereto set my hand and official seal of the City of Springfield, Missouri, this 4<sup>th</sup> day of August, 2022.



  
\_\_\_\_\_  
Anita J. Cotter, CMC/MRCC  
City Clerk





July 19, 2022

Mr. Bruce Mullins  
8413 Oaklawn Drive  
Willard, MO 65781

Re: 2207 North Grant Avenue

Dear Mr. Mullins,

The property at 2207 N Grant Ave is in the Limited Business (LB) Zone. The history shows that the zoning was added through General Ordinance 4494 and adopted on March 7<sup>th</sup>, 1995. A review of the city records has revealed that a business license for this property has not been issued since 2016. Based on these findings, it has been ruled that the use as auto sales can no longer be permitted due to abandonment or discontinuance as described in Section 36-457(4)(j), of the Zoning Ordinance. The auto sales use must cease, or you must file an appeal with Section 36-364 within 90 days of this letter.

The required application for the appeal can be obtained from the Planning Department.

If you have any questions, please contact us at 417-864-1059

Sincerely,

A handwritten signature in blue ink that reads 'Kevin R. Pierce'.

Kevin Pierce

Code Administrator

cc: Daniel Neal, Senior Planner, Planning and Development Department

Bob Hosmer, Planning Manager, Planning and Development Department

**Office of Building Development Services**  
Busch Municipal Building • 840 Boonville Avenue  
Springfield, Missouri 65802 • 417-864-1059 • [springfieldmo.gov](http://springfieldmo.gov)



## Exhibit 7

Activities for: BUS2007-01669 2207 N GRANT AVE DEGRAFFENREID AUTO SALES

| Date1      | Date2      | Date3 | Action Description            | Notes                                                                                                                                                                                                                                                                                                                                                                         | Done By  |
|------------|------------|-------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 11/15/2007 |            |       | Application received          |                                                                                                                                                                                                                                                                                                                                                                               | mcarter  |
| 11/15/2007 | 11/15/2007 |       | (F) Print BDS Approval form   |                                                                                                                                                                                                                                                                                                                                                                               | mcarter  |
| 11/15/2007 |            |       | (F) Print Application (Gross) |                                                                                                                                                                                                                                                                                                                                                                               | mcarter  |
| 11/15/2007 |            |       | (F) Print Receipt             |                                                                                                                                                                                                                                                                                                                                                                               | mcarter  |
| 11/23/2007 |            |       | BDS Inspector comments        | Denied. Must obtain RRT. Letter sent.                                                                                                                                                                                                                                                                                                                                         | vhilton  |
| 01/14/2008 |            |       | Miscellaneous Contact         | PRE2007-00346 - MU file to check on this every couple of weeks. Once issued that resend zoning to BDS.                                                                                                                                                                                                                                                                        | mcarter  |
| 05/08/2008 |            |       | Phone call                    | Called customer regarding PRE. He said that they have an Architect in OK that has been in contact with BDS regarding this. I told them I would probably call once a month regarding the status of this.                                                                                                                                                                       | mcarter  |
| 09/02/2008 |            |       | Miscellaneous Contact         | Talked to customer regarding PRE. He said that all he could tell me is that his architect is working with the City BDS.                                                                                                                                                                                                                                                       | mcarter  |
| 09/25/2008 |            |       | Miscellaneous Contact         | Karen Haynes in BDS came by and said that there has been no activity - via attorney or anyone else - regarding this location and that they are still selling vehicles here. Per talk with Ken - I am sending a 10 day ltr certified and regular mail. I will mu file for approx 15 days and if I haven't had a response then I will talk to Ken regarding a possible summons. | mcarter  |
| 11/14/2008 |            |       | Miscellaneous Contact         | per Karen in Bds, possibly action in December if no resolution. She will let us know. Ken                                                                                                                                                                                                                                                                                     | khenry   |
| 03/04/2009 |            |       | Miscellaneous Contact         | Called and left msg for Karen in BDS regarding status.<br>Karen came by and said that they are still operating there and that on Friday (3/6/2009) she is going to send a ltr of condition giving them 10 days to vacate property. Bldg permit is null.                                                                                                                       | mcarter  |
| 03/06/2009 |            |       | BDS Inspector comments        | LETTER OF CONDITION SENT 03-06-09 STATING THE FOLLOWING: MUST SUBMIT DRAWINGS BY LICENSED ENGINEER/ARCHITECT BY MARCH 27, 2009; OBTAIN A BUILDING PERMIT BY APRIL 16, 2009; AND CERTIFICATE OF OCCUPANCY BY MAY 31, 2009.                                                                                                                                                     | khaynes  |
| 04/01/2009 | 04/01/2009 |       | (F) Print BDS Approval form   | She came in, has new address, 762 S. Scenic. I submitted form to BDS today for new location.                                                                                                                                                                                                                                                                                  | mjackson |
| 04/07/2009 |            |       | Miscellaneous Contact         | Recvd BDS approval for 762 S Scenic today. I called the insurance co to get a current insurance certificate showing Scenic address. We'll also need bond & state auto dealers license with Scenic address.                                                                                                                                                                    | mjackson |
| 07/10/2009 |            |       | Miscellaneous Contact         | I sent Unable to Issue letter stating we've not recvd current liability insurance or current \$5000 bond.                                                                                                                                                                                                                                                                     | mjackson |
| 07/15/2009 |            |       | Miscellaneous Contact         | Man came in office & dropped off insurance & bond paperwork. Bond is not original & doesn't show expiration date & insurance does not show current address. I called the insurance co and asked for certif to be faxed to me.                                                                                                                                                 | mjackson |
| 07/16/2009 |            |       | Miscellaneous Contact         | Recvd fax of insurance showing Scenic address. Still need bond showing in force date/expiration date. I called Tammie of Rich & Cartmill Insur. (581-4003) & she will get with CSR to get this to me..                                                                                                                                                                        | mjackson |
| 07/17/2009 |            |       | (F) Issue License, Original   | got fax showing current dates of bond                                                                                                                                                                                                                                                                                                                                         | mjackson |
| 01/05/2010 |            |       | (F) Print Receipt             |                                                                                                                                                                                                                                                                                                                                                                               | mcarter  |
| 01/06/2010 |            |       | (F) Issue License, Renew      |                                                                                                                                                                                                                                                                                                                                                                               | mcarter  |
| 08/25/2010 |            |       | Miscellaneous Contact         | rcvd bond and no update on liability ins                                                                                                                                                                                                                                                                                                                                      | lstubben |
| 01/07/2011 |            |       | (F) Print Receipt             |                                                                                                                                                                                                                                                                                                                                                                               | lstubben |
| 01/21/2011 |            |       | (F) Issue License, Renew      |                                                                                                                                                                                                                                                                                                                                                                               | lstubben |
| 01/10/2012 |            |       | (F) Renew Business License    |                                                                                                                                                                                                                                                                                                                                                                               | licbatch |
| 03/07/2013 | 03/07/2013 |       | (F) Print BDS Approval form   |                                                                                                                                                                                                                                                                                                                                                                               | larnold  |
| 03/07/2013 |            |       | (F) Print Receipt             |                                                                                                                                                                                                                                                                                                                                                                               | larnold  |
| 03/14/2013 |            |       | Miscellaneous Contact         | NEW ADDRESS 726 S SCENIC ** APPROVED BY BDS ON 4/6/09** (THEY HAD BEEN AT 2904 W CHESTNUT EXPY BEFORE THAT) //!!!!!! copied this from front screen                                                                                                                                                                                                                            | batnip   |
| 03/14/2013 |            |       | Phone call                    | Received back zoning approval. All we are waiting for is the insurance and bond and then license can be issued. Tried to call in the morning and afternoon to let applicant know but did not receive a response.                                                                                                                                                              | larnold  |
| 04/18/2013 |            |       | Miscellaneous Contact         | TRANSFERRED OUT LLA FEES IN PREPARATION FOR ORACLE.                                                                                                                                                                                                                                                                                                                           | larnold  |
| 04/29/2013 |            |       | Phone call                    | Called and left VM message, we received back zoning approval only need insurance/bond with correct address and the license can be issued.                                                                                                                                                                                                                                     | bsmith   |
| 05/07/2013 |            |       | (F) Issue License, Renew      |                                                                                                                                                                                                                                                                                                                                                                               | larnold  |
| 05/07/2013 |            |       | Print label                   |                                                                                                                                                                                                                                                                                                                                                                               | larnold  |
| 06/10/2013 |            |       | Phone call                    | Called and spoke with Melissa, Joe was not in, but she said she would get the insurance info to us this week and she would send to my attention.                                                                                                                                                                                                                              | larnold  |
| 03/28/2014 |            |       | (F) Issue License, Renew      |                                                                                                                                                                                                                                                                                                                                                                               | tslagle  |
| 05/19/2014 |            |       | Miscellaneous Contact         | Joe Degraffenreid came in with insurance policy papers but not the certificate of liability with the city has the certificate holder. He will contact his insurance company. I gave him our faxed number.                                                                                                                                                                     | larnold  |
| 03/25/2015 |            |       | (F) Issue License, Renew      |                                                                                                                                                                                                                                                                                                                                                                               | mjackson |
| 08/06/2015 |            |       | Phone call                    | didn't seem to be much activity here when I drove past. Called busines ph # 869-6115 but no one answered and I couldn't leave a message w/o remote access code.                                                                                                                                                                                                               | mjackson |



| Date1      | Date2 | Date3 | Action Description         | Notes                                                                                                                                                                                                                                                                                                                     | Done By  |
|------------|-------|-------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 02/16/2016 |       |       | (F) Renew Business License |                                                                                                                                                                                                                                                                                                                           | licbatch |
| 03/21/2017 |       |       | Inspection                 | Drove by 2207 N Grant on inspection. Observed new sign: Crown auto sales: 771-5435; Previous phone number for Degraffenreid, had no answer (773-2037)                                                                                                                                                                     | spearce  |
| 04/13/2017 |       |       | Phone call                 | Phone call made to new number associated with address: Crown Auto Sales 771-5435; Facebook page visited; found another phone # listed: 707-386-9689.                                                                                                                                                                      | spearce  |
| 04/26/2017 |       |       | Phone call                 | 3rd phone call made: (417) 827-5448 found under CU inquiry; Joe Degraffenreid, no vcml set up.                                                                                                                                                                                                                            | spearce  |
| 05/03/2017 |       |       | OUT-Business closed        | business closed; new occupant sign observed during inspection; Letter sent with 30 day notice(liability insurance cancelled) on 3.10.17. No advertisement observed; Dealer not listed on :<br><a href="http://dor.mo.gov/publicreports/dealers_mv_report.txt">http://dor.mo.gov/publicreports/dealers_mv_report.txt</a> ; | spearce  |



# Board of Adjustment

## Appeal Findings of Fact and Conclusions of Law

Applicant: Bruce and Sherlyn Mullins Case No. A: Appeal 73

I, the undersigned, as a member of the Board of Adjustment, make the following finding in regard to the appeal of the Administrative decision after taking into consideration, among other things, the following:

The decision or determination by an administrative officer and the reasons therefore.

All ordinances and regulations applicable to the case in question.

Prior interpretations/determinations related to the case in question.

Particular facts and circumstances related to the cause in question.

### CHECK ONE

☐

Affirm wholly the administrative decision.

☐

Affirm partly the administrative decision and make the following order:

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☐

Reverse wholly the administrative decision and make the following order:

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☐

Modify the administrative decision and make the following order:

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### OTHER FINDINGS:

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### BOARD MEMBER:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature