

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

BOARD OF ADJUSTMENTS

Special Meeting

January 10, 2019

5:30 PM - Willard City Hall

224 W. Jackson Street

Board Members

SAM BAIRD

GLENN KIRKLAND

TRINA COWAN

KEITH HAMMETT

LANDRY COBB

CITY OF WILLARD
BOARD OF ADJUSTMENTS AGENDA
January 10, 2019
5:30 P.M.

Posted January 2, 2019

Notice is hereby given that the City of Willard, Board of Adjustments will conduct a special meeting at 5:30 p.m. January 10, 2019, at Willard City Hall, 224 West Jackson, Willard Missouri.

The tentative agenda of this meeting includes:

A Public Hearing will be conducted to consider a zoning variance request for a side yard setback referring to the Willard Municipal Code, Section 515.040 - Public and Private Swimming Pools, Locations. The property in question that is the subject of the variance is located at 605 Sarah Ct, Willard, MO.

1. Call the meeting to order
2. Roll Call.
3. Approval of Agenda/Agenda Amendments
4. Approval of the minutes of the meeting on October 10, 2018.
5. Citizen Input
6. Public Hearing for Variance at 605 Sarah Ct.
7. Variance Request for 605 Sarah Ct.
8. Adjourn meeting

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Jennifer Rowe
224 W. Jackson
P.O. Box 187
Willard, Missouri 65781
(417)742-3033

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.

**CITY OF WILLARD
BOARD OF ADJUSTMENTS
SPECIAL MEETING
October 10, 2018**

Board present: Alderman Baird, Keith Hammett, Glenn Kirkland, Landry Cobb and Trina Cowan.

Also present: City Administrator, Brad Gray; City Clerk, Jennifer Rowe; Director of Development, Randy Brown; and City Attorney, Ken Reynolds.

Also in attendance: Darrell Baker, David Helton and Mayor Hendrickson.

Alderman Sam Baird called the meeting to order at 5:54 p.m.

A Public Hearing to consider a zoning variance request for a variance to waive the open space and setback requirements referring to the Willard Municipal Code 400.480 Section (D) *Setbacks and Maximum Lot Coverage*, and (E) *Open Space Requirements*. The property in question that is the subject of the variance is located at 101 S. Main, Willard, MO.

Public Hearing.

City Attorney Ken Reynolds opened the public hearing at 5:54 p.m.

No citizens wished to speak.

With no further comments, the City Attorney closed the public hearing at 5:55 p.m.

Approval of Agenda/Agenda Amendments.

Motion was made by Trina Cowan and seconded by Landry Cobb to approve the Agenda. Motion passed 5-0. Voting aye: Keith Hammett, Trina Cowan, Glenn Kirkland, Alderman Baird and Landry Cobb.

Approval of the Minutes from the meeting September 11, 2018.

Motion was made by Trina Cowan and seconded by Keith Hammett to approve the minutes from the meeting on September 11, 2018. Motion passed 5-0. Voting aye: Keith Hammett, Trina Cowan, Glenn Kirkland, Alderman Baird and Landry Cobb.

Citizens Input

None.

Variance Request- 101 S. Main.

The Director of Development explained that the variance was required due to Mr. Kirkland wishing to extend his building to the property lines. Discussion was made on the property and easements. The Chairman asked for a vote of each of the members on each of the seven (7) required questions for a variance approval.

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

A. The building was in place prior to zoning requirements. It is at a disadvantage and would never meet current zoning requirements.

Question one (1) passed with a vote of 4-0. Voting yes: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

2. The conditions of which the applicant complains is one suffered by the applicant, and would not be applicable to other property in the same zoning classification;

A. Building is in the older part of town. It would never meet requirements as it is now. The lot is unique.

Question two (2) passed with a vote of 4-0. Voting yes: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

3. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his property if strict compliance with the regulations is required;
 - A. It limits the applicant's ability to expand.

Question three (3) passed with a vote of 4-0. Voting yes: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

4. The hardship relates to the applicant's land, rather than personal circumstances;
 - A. Land and lot shape prior to zoning has nothing to do with the owner.

Question four (4) passed with a vote of 4-0. Voting yes: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

5. The alleged hardship has not been created by any person presently having an interest in the property;
 - A. Hardship is a result of being zoned prior to zoning laws taking affect.

Question five (5) passed with a vote of 4-0. Voting yes: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

6. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located;
 - A. There is no detrimental effect to the neighbors.

Question six (6) passed with a vote of 4-0. Voting yes: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

7. The variance will not nullify the intent and purpose of the City of Willard Land Development Regulations and the Willard Comprehensive Plan.
 - A. This will not nullify the intent and purpose of the LDR's and Comprehensive Plan. Those are in place and apply to 99% of the lots in town. This is just one lot.

Question seven (7) passed with a vote of 4-0. Voting yes: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

The variance was approved by a vote of aye from all four (4) present members of the Board of Adjustments to all seven (7) questions.

Adjourn Meeting –

Alderman Baird adjourned the Meeting at 6:06 p.m.

Jennifer Rowe, City Clerk

Sam Baird, Board of Adjustments Chairman

BOARD OF ADJUSTMENT FINDING

Hearing held by the Board of Adjustment on October 9, 2018. The Board, by Motion, approves the request for variance by Glenn's Automotive, LLC for the property located at 101 S. Main, Willard, Missouri, based on the following reasons and findings as to the standards for grant of the variance:

1. The physical surroundings and shapes of the specified property would result in an undue hardship on the owner due to the lot being established prior to existing zoning laws.
2. The condition which Glenn's Automotive, LLC complains of is unique to this lot due to lot being established prior to zoning laws and thus would not affect other property in the same zoning classification.
3. Existing zoning laws would restrict the owner's ability to expand his business and it may have to be relocated.
4. This hardship relates to the applicant's land, rather than personal circumstances, in that the building in question was built prior to zoning laws.
5. The hardship is the result of lots in this area of Willard being smaller and existing prior to zoning laws.
6. This is not detrimental to the public and adjustment building owners have expressed no concern and suggested approval of this request.
7. This variance will not nullify the intent and purpose of the zoning regulations because the lot was in existence prior to zoning laws.

As a result, the Board of Adjustment members present, unanimously approve the applicant's request.

Sam Baird, Board Chairman
Board of Adjustment



City of Willard

Zoning Case No. _____
Application Date _____
Application Fee: \$300.00 +additional costs to the City.
Recording Fee _____
Publication Fee _____

APPLICATION FOR ZONING VARIANCE

We, the undersigned, request that the City of Willard, Missouri Board of Adjustment approve a variance from the application of the requirements of the zoning provisions of the *Willard Land Development Regulations* as requested in this application for the property described below. We attest to the truth and correctness of all facts and information presented with this application and agree to pay all advertising and mail notification costs for the public hearing as required by the *Willard Land Development Regulations*. The City of Willard is authorized to prepare and publish all required legal advertising, and mail notifications, the cost of which is to be billed to the name listed below for payment.

Legal Description of Property (attach additional sheet if needed):

Street Address or Other Common Description 605 Sarah Court

Present Zoning Classification PDD R1

Current Use of Property Home - Personal Residence

Property Owner's Name(s): STEVEN ROY COMPTON

If Corporation, Corporate Official and Seal: _____

Mailing Address: 605 Sarah Court, Willard Mo. 65781

Telephone Number: 417-872-5356 Fax Number 417-725-0939

PROPERTY OWNER'S SIGNATURE:


(If corporation, signature of official)

Applicant's Name (if different than property owner): _____

If Corporation, Corporate Official and Seal: _____

Mailing Address: _____

Telephone Number: _____ Fax Number _____

APPLICANT'S SIGNATURE (If different than property owner):

(If corporation, signature of official)

BILL LEGAL ADVERTISING AND MAIL NOTIFICATION COSTS TO:

Name _____

Address _____ Telephone _____

Section of the Regulations for which a variance is requested _____

Description of the variance requested (attach additional sheet if needed) _____

Answer the following questions in writing on an attached sheet(s).

1. List the specific provisions or requirements of the *Land Development Regulations* which prevent the proposed construction on, or use of, the property.
2. List the special conditions, circumstances or characteristics of this land, building or structure that prevent compliance with the requirements of the *Land Development Regulations*.
3. List the particular hardship which would result if the specified provisions or requirements of the *Land Development Regulations* were applied to this property.
4. Indicate the extent to which it would be necessary to vary the requirements or provisions of the *Land Development Regulations* in order to permit the proposed construction on, or use of, the property.
5. Explain how the requested variance conforms to each of the following standards set forth in Article III, Part 3 Appeals and Variances Section 400.200, of the *Land Development Regulations*, for grant of a variance:
 - A. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in undue hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out;
 - B. The conditions of which the applicant complains is one suffered by the applicant, and would not be applicable to other property in the same zoning classification;
 - C. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his property if strict compliance with the regulations is required;
 - D. The hardship relates to the applicant's land, rather than personal circumstances;

Answers:

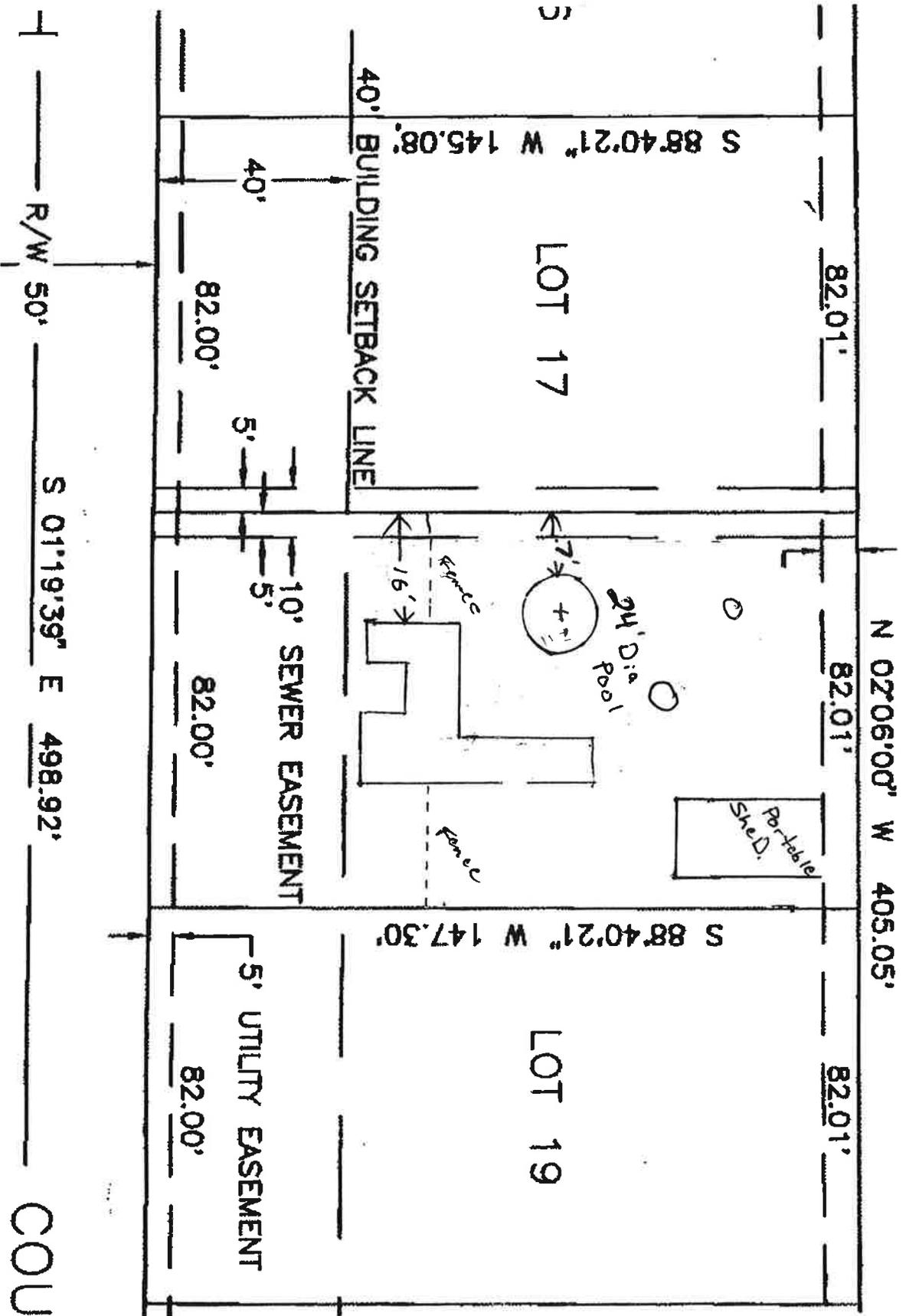
1. Section 515.040 Locations ORD. NO. 890612-A Private Swimming pools shall not encroach on any front or side yard. A wall of a swimming pool shall not be located less than 10' from any rear of property line or 15' from any side property line or 20' from any street property line.
2. This will place the pool to close to a current patio structure and within 4' of a 20-year-old oak tree which I do not want to remove.
3. Hardships of the specified provision as it currently is:
 - a) Placement of Pool would not accommodate a large enough deck area for my fiancé, whom is handicapped, to access the pool. (She cannot use a ladder to enter or exit a pool, so the surface must be level with top of pool.) This is main reason we need pool so that she can do water exercises.
 - b) Pool would be within 4 to 5 feet of the base of an oak tree which would be an issue in a few years as the base continues to grow in diameter.
 - c) Part or all of a concrete patio structure would have to be torn out to accommodate for the pool.
4. Would need to move pool out to within 7' of the side property line instead of 15'
5. Answers:
 - A) The particular physical surroundings are causing a hardship that by granting the variance would allow to remove the undue hardship of the existing patio structure and tree will no longer be an issue.
 - B) Due to the layout of property in question it is solely unique to this property only and would not be applicable to any other properties in the same zoning classification.
 - C) Removing of any of the current structures or trees would not allow me to yield a reasonable return on investment nor would I have reasonable use of this property.
 - D) Said hardship does relate to the land as there are items already in place that would not allow for an ideal location for the pool.
 - E) Said hardship has not been created by any person presently having interest in the property.
 - F) The granting of said variance would not be detrimental to any public welfare or injurious to any other property or improvements to the area as it will be behind a locked privacy fence. Maintained well with neatly decked and landscaped area around pool and it will not affect any improvements to the area other than to be an improvement itself.
 - G) The variance will not nullify any of the Willard Land Development Regulations and or the Willard Comprehensive Plan as it only pertains to the address brought forth in this request.

Additional answers from the checklist page:

Augusta Heights Phase 1 Lot 18

PDD R1

- E. The alleged hardship has not been created by any person presently having an interest in the property;
 - F. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located;
 - G. The variance will not nullify the intent and purpose of the *City of Willard Land Development Regulations and the Willard Comprehensive Plan*.
6. Attach a plot plan that shows dimensions of the lot to be built upon or used; dimensions of the building or structure and location on the lot; and any other information that may be necessary to determine the nature of the variance requested.



1/16" = 1'

--- Fence

Google Maps 605 Sarah Ct



Imagery ©2018 Google, Map data ©2018 Google 50 ft



605 Sarah Ct
Willard, MO 65781



PUBLIC NOTICE

Notice is hereby given that the City of Willard, Board of Adjustments will conduct a special meeting on January 10, 2019 at 5:30 pm, at Willard City Hall, 224 W. Jackson St., Willard, Missouri.

A Public Hearing will be conducted to consider a zoning variance request for a side yard setback referring to the Willard Municipal Code, Section 515.040 - Public and Private Swimming Pools, Locations. The property involved that is subject of the variance is located at 605 S Sarah Ct., further identified by Greene County records as Parcel ID 880726300030. The Board will take public comments at this meeting. If you are unable to attend this meeting, you are welcome to send any comments in support of, in opposition to, or general inquiries regarding this request to Jennifer Rowe, City Clerk at:

City of Willard
P.O. Box 187
Willard, MO 65781
(417) 742-5302
clerk@cityofwillard.org

If you have special needs, which require accommodation, please notify City personnel at City Hall. Accommodations will be made for your needs. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at the information above.