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

July 7, 2016

6:00 PM - Willard City Hall

224 W. Jackson Street

Board Members
Keith Hammett
Sam Baird
Landry Cobb
Glenn Kirkland
Trina Cowan

CITY OF WILLARD
BOARD OF ADJUSTMENTS AGENDA
July 7, 2016
6:00 P.M.

Posted June 29, 2016

Notice is hereby given that the City of Willard, Board of Adjustments will conduct a special meeting at 6:00 p.m. July 7, 2016, at Willard City Hall, 224 West Jackson, Willard Missouri.

The tentative agenda of this meeting includes:
PUBLIC HEARING TO CONSIDER A ZONING VARIANCE TO CONSIDER THE REQUEST FOR A VARIANCE FOR THE APPLICABLE MINIMUM REQUIREMENTS FOR SETBACK FROM LOT LINES TO BE LOCATED AT 507 LOGAN STREET, WILLARD, MO AND THE REQUEST IS MADE BY ROBERT HORN.

1. Call the meeting to order
2. Discussion/Vote to elect a Chair, Vice Chair and Secretary for a one (1) year term.
3. Approval of Agenda/Agenda Amendments
4. Approval of the minutes of the meeting on October 27, 2015.
5. Citizen Input
6. Variance Request for Mr. Horn.
7. 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)742-5302

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

_____
Jennifer Rowe, City Clerk

CITY OF WILLARD
BOARD OF ADJUSTMENTS
SPECIAL MEETING
October 27, 2015

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

Also present: City Clerk, Cheryl Bouton; Director of Development, Randy Brown; and City Attorney Representative, John Gold.

Also in attendance: Alfred and Peggy Ichord.

Attorney John Gold called the meeting to order at 7:00 p.m.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A VARIANCE FOR AN ADDITION OF A PORCH/DECK OVER AN EXISTING CONCRETE PAD/STEP AND SIDEWALK WHICH WOULD MAKE IT ELEVEN (11) FEET CLOSER TO THE STREET THAN IS ALLOWED. THE LOCATION IS 410 HOWARD ST, WILLARD, MO 65781 IN AN R-1 ZONING CLASSIFICATION AND THE REQUEST WAS MADE BY ALFRED AND PEGGY ICHORD.

The Attorney John Gold opened the hearing, there were no comments and the Attorney John Gold closed the hearing.

Discussion/Vote to elect a Chair, Vice Chair and Secretary for a one (1) year term.
Motion was made by Trina Cowan and seconded by Landry Cobb to elect Sam Baird as Chairman. Motion passed 5-0. Voting aye: Glenn Kirkland-aye, Trina Cowan-aye, Keith Hammett-aye, Sam Baird-aye and Landry Cobb-aye.
Motion was made by Sam Baird and seconded by Landry Cobb to elect Trina Cowan as Vice-Chairman. Motion passed 5-0. Voting aye: Glenn Kirkland-aye, Trina Cowan-aye, Keith Hammett-aye, Sam Baird-aye and Landry Cobb-aye.
Motion was made by Trina Cowan and seconded by Landry Cobb to elect Keith Hammett as Secretary. Motion passed 5-0. Voting aye: Glenn Kirkland-aye, Trina Cowan-aye, Keith Hammett-aye, Sam Baird-aye and Landry Cobb-aye.

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

Approval of the meeting on June 26, 2014
Motion was made by Trina Cowan and seconded by Keith Hammett to approve the minutes. Motion passed 5-0. Voting aye: Glenn Kirkland-aye, Trina Cowan-aye, Keith Hammett-aye, Sam Baird-aye and Landry Cobb-aye.

Citizens Input
None.

Variance Request- Porch/Deck over and existing concrete pad/step and sidewalk.
The Director of Development explained that the variance was required due to the R1 district setbacks and the fact that the addition would make it eleven (11) feet closer to the street than is allowed. The location is 410 Howard St., Willard, MO 65781 and the request was made by Alfred and Peggy Ichord.
The Chairman asked for a vote of each of the members on each of the seven (7) required questions for a variance approval.

1. Motion was made by Trina Cowan and seconded by Landry Cobb to approve. All were in favor and none were opposed.
2. Motion was made by Trina Cowan and seconded by Glenn Kirkland to approve. All were in favor and none were opposed.

3. Motion was made by Trina Cowan and seconded by Keith Hammett to approve. All were in favor and none were opposed.
4. Motion was made by Trina Cowan and seconded by Landry Cobb to approve. All were in favor and none were opposed.
5. Motion was made by Trina Cowan and seconded by Glenn Kirkland to approve. All were in favor and none were opposed.
6. Motion was made by Trina Cowan and seconded by Landry Cobb to approve. All were in favor and none were opposed.
7. Motion was made by Trina Cowan and seconded by Glenn Kirkland to approve. All were in favor and none were opposed.

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

Adjourn Meeting –

Motion made by Trina Cowan with a second by Landry Cobb to adjourn the meeting. All votes aye. Motion approved.

Meeting Adjourned at 7:30 p.m.

_____
Jennifer Rowe, City Clerk

_____
Sam Baird, Board of Adjustments Chairman

Background Report for 507 Logan Street
Zoning Case # 061416 – Variance Request for Rear Lot Line Setback

6-29-16

Staff received a building permit application for a R-1 Dwelling to be constructed on Lot #13 in Cardinal Hills Subdivision from Mr. Horn. During the review process it was discovered that the structure would not meet the rear yard setback requirement of 45' due to the deck being constructed onto the rear of the house. The lot measures 80 ft. wide by 140 ft. deep. The building setbacks are as follows:

Front yard – 35 ft.
Rear yard – 45 ft.
Side yard – 15 ft.
Easements – 10 ft. front yard utility easement
7.5 ft. west side yard utility and drainage easement
15 ft. rear yard utility easement

The structure will en croach the rear yard setback 15 ft 8 in. This will leave approximately 29 ft. 4 in. to the property line or 14 ft. 4 in. to the south edge of the utility easement. This will not have an effect on future utility maintenance or placement of any new lines. The rear property line is screened from view to the north by a line of trees that block visibility to the adjacent Fox Creek Subdivision. There would be no negative impact to the adjacent properties to the North. I have enclosed a copy of the site plan as well as the final plat of the subdivision for your review . Feel free to contact me at City Hall if you have any questions.

Randy Brown
Director of Development
Randy Brown

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 507 LOGAN STREET

Present Zoning Classification R1 PD

Current Use of Property VACANT

Property Owner's Name(s): BOB AND MARLENE HORN

If Corporation, Corporate Official and Seal: _____

Mailing Address: 6032 LESTARE DR. ERIE, PA 16509

Telephone Number: 814-864-2914 Fax Number _____

PROPERTY OWNER'S SIGNATURE: Robert V. Horn

(If corporation, signature of official)

Applicant's Name (if different than property owner): Robert A. Horn

If Corporation, Corporate Official and Seal: _____

Mailing Address: 6757 N. BRAYFIELD DR, WILLARD, MO 65781

Telephone Number: 417-619-7113 Fax Number _____

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

Bob Hord

(If corporation, signature of official)

BILL LEGAL ADVERTISING AND MAIL NOTIFICATION COSTS TO:

Name Bob Hord

Address 6257 N. Brayfield Dr, Willard MO 65781 Telephone 417-619-7113

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. 400.480 R1 Single Family Home 400.570 P.D. District Setback
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*. Desired Home size will not fit on existing setbacks
3. List the particular hardship which would result if the specified provisions or requirements of the *Land Development Regulations* were applied to this property. Could not build desired home
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. 15' of rear setback
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;

APPLICATION CHECKLIST
ZONING VARIANCE
City of Willard, Missouri

This checklist is provided to help you make sure that you submit everything that is required for a complete zoning variance application. This application must be complete and all items listed on the attached application checklist must accompany the application before the application will be forwarded to the Board of Adjustment. The application must be submitted no later than 4:00 p.m. to the Willard City Hall, 30 working days prior to date at which a hearing before the Board of Adjustment is requested. Please contact the City Clerk at the telephone number below for hearing date before the Board.

APPLICATION FORM:	
	Include the legal description of the land involved in the variance request. Attach the legal description on a separate sheet if necessary.
	List the street address or other common description of the land or property involved.
	List the present zoning classification of the land or property involved.
	Describe the current use of the property.
	Indicate the specific section of the Land Development Regulations for which the variance is requested.
	Describe the variance that is requested.
	Provide an answer to Questions 1 – 5 on the application form.
	Attach a plot plan to the application that shows the dimensions of the lot to be built upon or used, the dimensions and location of the building on the lot, and any other information necessary to help determine the nature of the variance requested.
	List the current property owner's name, address, and telephone number. If a corporation, list the corporate official and include the corporate seal.
	Property owner, or if applicable, a corporate official must sign the application.
	If the applicant is different than the property owner, list the applicant's name, address and telephone number. The applicant must sign the application.
APPLICATION FEE:	
	Include the $300.00application fee. Applicant also responsible for advertising and notification costs for public hearing.
PROPERTY OWNERS NOTIFICATION:	
	Submit a list of property owners' names and addresses within 185 feet of the property for which the variance is requested, which has been compiled from the records of the Greene County Assessor's Office or prepared by a title company authorized to issue title policies in the State of Missouri.
	Provide an addressed, stamped (not metered) business envelope for every property owner listed on the property owners' list.
Note: The Board of Adjustment shall not take final action on any case when the applicant or the applicant's agent does not appear at the public hearing before the Board to provide evidence regarding the applicant's variance request.	

Submit Applications To:
Willard City Hall
224 W. Jackson, PO Box 187
Willard, MO 65781
(417) 742-3033

For mail delivery, use the post office box address
For hand delivery or parcel delivery, use the street address

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.

To Whom It May Concern,

I am writing this in reference to question 5, A-G , on the Application For Zone Variance. I am moving my parents back to Missouri from Pennsylvania because they are 80 years old and their health is declining. As the oldest of three, I feel it is my duty to be look out for their wellbeing. They wish to have me build the same home they have in Pennsylvania, which is easy for them to get around in. They know the layout of the home, both use walkers, and the home is one story. The setback for the property are such that the home will comply to the 10" setback on either side but the home is too deep to meet the setback regulation for the rear. As this will most likely be the last home they live in, the hardship would be they could not line in the home they desire to in the twilight of their lives. I do not feel that the variance will be detrimental in any way to the neighborhood or subdivision. The rear setback would still be 30' as the home would need the extra 15' to fit on the lot.

Please give every consideration possible to this humble request. Your consideration is greatly appreciated.

Sincerely,

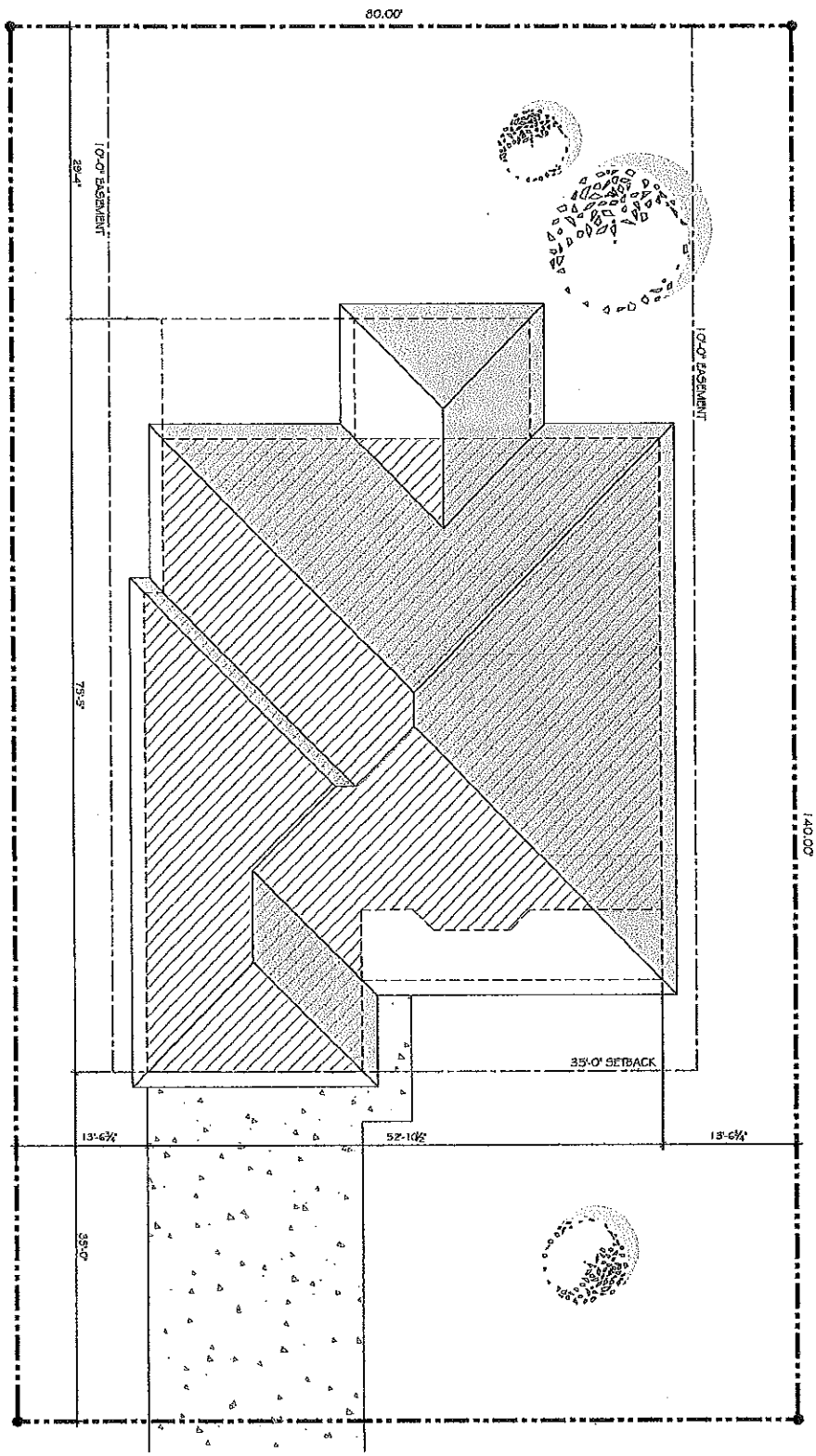
Robert A. Horn

6/10/2016

ARTISTIC REPRESENTATION. FINAL CONSTRUCTION MAY VARY.

SITE PLAN

SCALE: 3/16" = 1'-0"



NEW RESIDENCE FOR

THE HORN FAMILY

WILLARD, MO

C1

1 OF 1

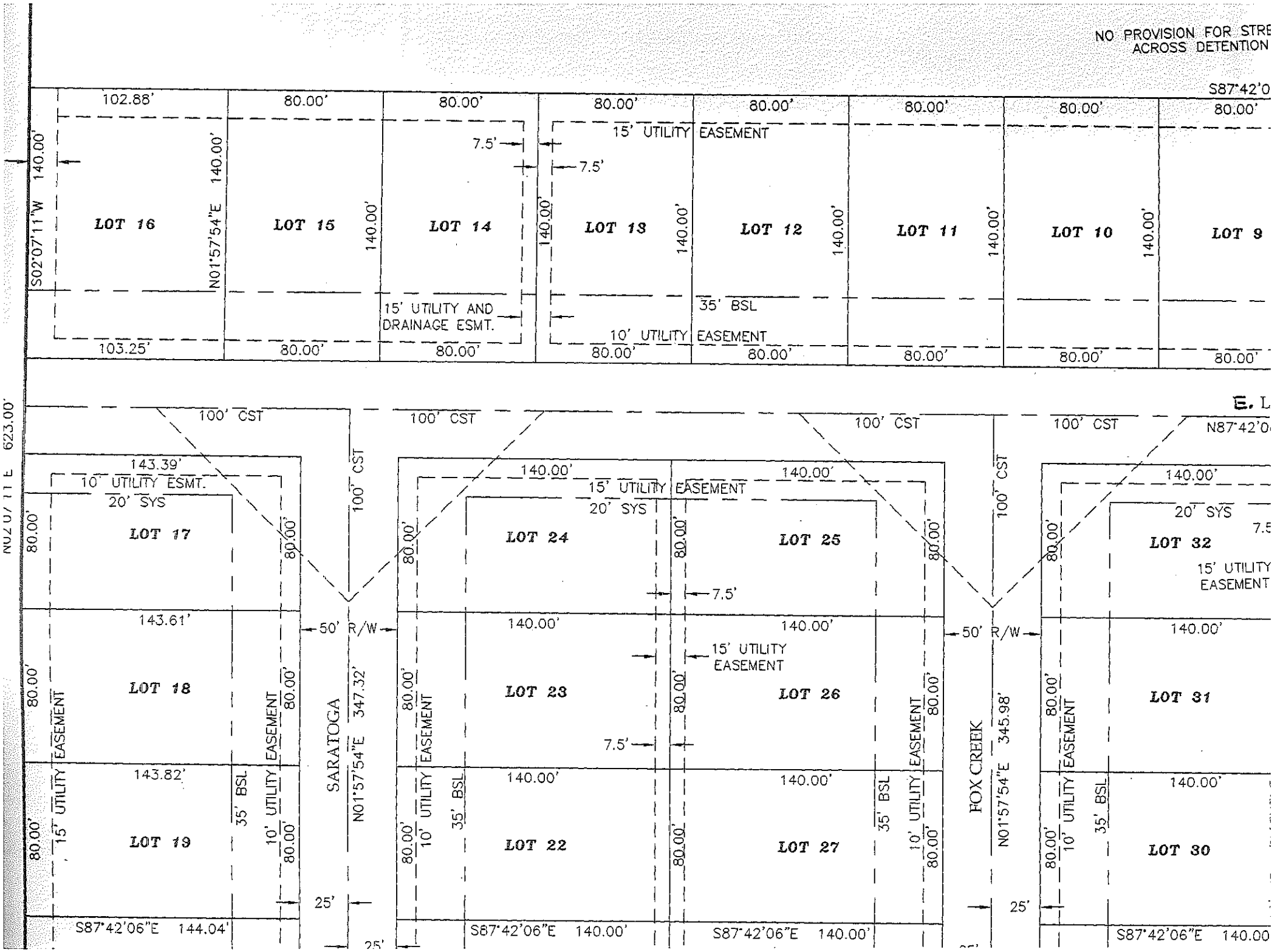
JASON DILLBECK

DRAFTING · RENDERING · ASSISTANT-WEB DESIGN

jasondillbeck.com

PLAN #16-01

REVISIONS


NO PROVISION FOR STRE
ACROSS DETENTION
S87°42'0
102.88'
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
15' UTILITY EASEMENT
7.5'
7.5'
140.00'
S02°07'11"W 140.00'
N01°57'54"E 140.00'
LOT 16
LOT 15
LOT 14
LOT 13
LOT 12
LOT 11
LOT 10
LOT 9
15' UTILITY AND DRAINAGE ESMT.
35' BSL
10' UTILITY EASEMENT
103.25'
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
623.00'
100' CST
100' CST
100' CST
100' CST
100' CST
N87°42'0
143.39'
10' UTILITY ESMT.
20' SYS
140.00'
140.00'
15' UTILITY EASEMENT
20' SYS
20' SYS
7.5
LOT 17
LOT 24
LOT 25
LOT 32
15' UTILITY EASEMENT
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
7.5'
143.61'
50' R/W
140.00'
140.00'
50' R/W
140.00'
15' UTILITY EASEMENT
LOT 18
LOT 23
LOT 26
LOT 31
80.00'
80.00'
80.00'
80.00'
80.00'
80.00'
7.5'
143.82'
SARATOGA
N01°57'54"E 347.32'
FOX CREEK
N01°57'54"E 345.98'
140.00'
140.00'
140.00'
140.00'
LOT 19
LOT 22
LOT 27
LOT 30
15' UTILITY EASEMENT
35' BSL
10' UTILITY EASEMENT
35' BSL
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25'
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25'
S87°42'06"E 144.04'
S87°42'06"E 140.00'
S87°42'06"E 140.00'
S87°42'06"E 140.00

UNDEVELOPED LAN...
WILLARD R2 SCHOOL ...
BOOK: 02004
PAGE: 00738804

GENERAL NOTES

1–NO DIRECT ACCESS TO FARM ROAD 103 FROM LOTS 1 AND 40.

2–THE FLOOD INSURANCE RATE MAP (FIRM) FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) COMMUNITY PANEL No. 290653 0004 A, EFFECTIVE 8/04/2003 SHOWS THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.)

3–SIDEWALKS SHALL BE CONSTRUCTED ON THE OPPOSITE SIDE OF THE STREET FROM THE WATER MAIN.

4–NO FENCES OR STRUCTURES SHALL BE CONSTRUCTED WITHIN OR ACROSS ANY DRAINAGE OR UTILITY EASEMENTS.

5–NO PLANTINGS OR OBSTRUCTIONS OTHER THAN A MAILBOX PERMITTED WITHIN THE LIMITS OF ANY RIGHT–OF–WAY OR DRAINAGE EASEMENTS.

6–PERMANENT MONUMENTS ARE 5/8" REBAR, 24" LONG WITH AN ALUMINUM CAP MARKED STRIBLING 000373.

7–LOT CORNER PINS ARE 5/8" REBAR, 18" LONG WITH YELLOW PLASTIC CAPS MARKED STRIBLING 000373.

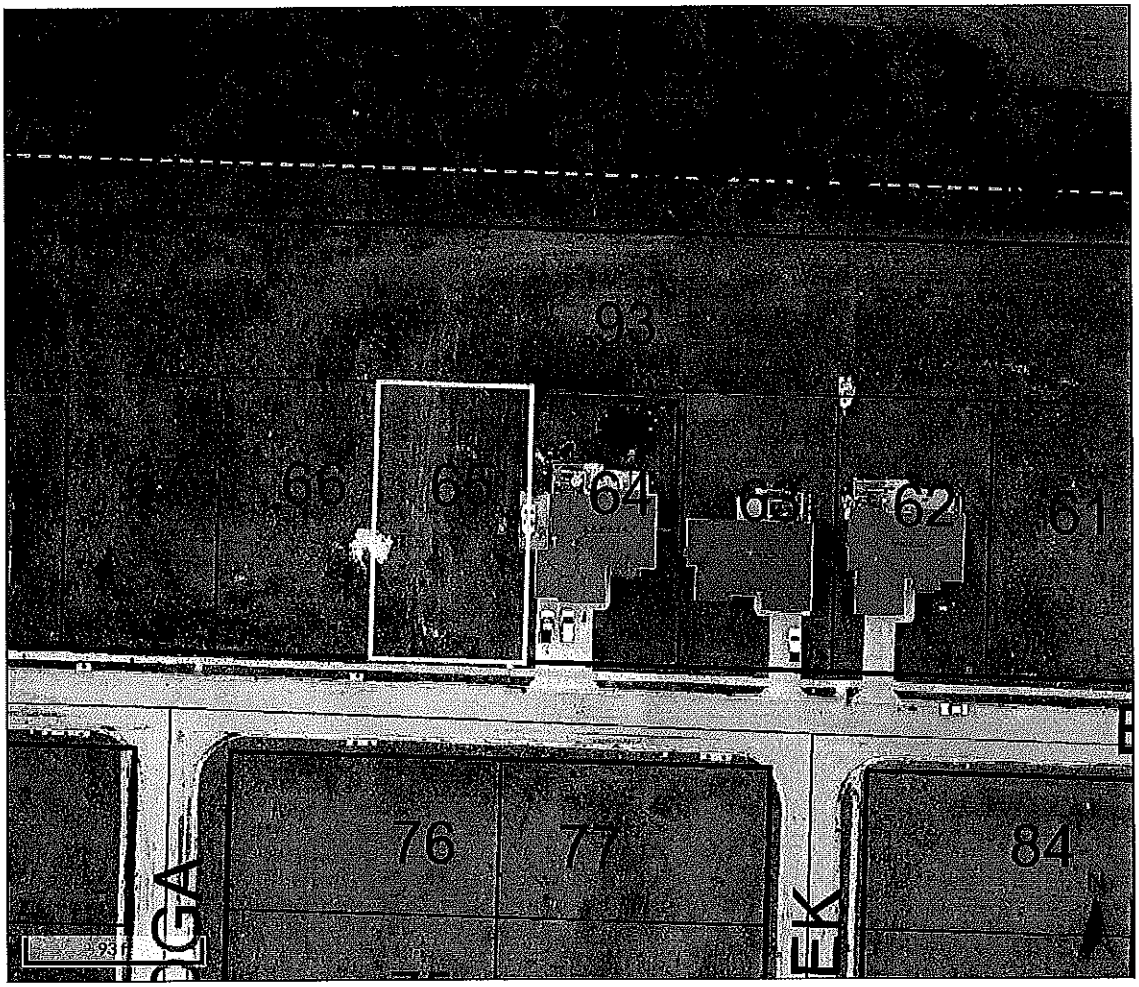
8–VERTICAL AND HORIZONTAL DATUM ARE FROM D.N.R. GEOGRAPHIC STATION GR–33.
COORDINATES (METERS):
NORTH (Y): 163833.137
EAST (X): 418244.307
GRID FACTOR: 0.9999604
(NOTE: 1 METER = 3.28083333 FEET)
DATE OF ADJUSTMENT: 1998

9–IT IS THE BUILDERS RESPONSIBILITY TO CHECK THE WILLARD SUBDIVISION REGULATIONS FOR THE REQUIRED BUILDING SETBACKS. MINIMUM BUILDING SETBACK REQUIREMENTS:
35' FRONT YARD SETBACK
45' REAR YARD SETBACK
10' SIDE YARD SETBACK
20' SIDE YARD SETBACK (ADJACENT TO STREET)

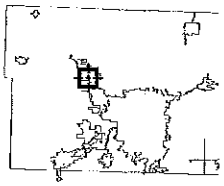
10–NO PROVISION IS TO BE MADE FOR STREET ACCESS ACROSS DETENTION AREA. TO INSURE THAT TRAFFIC PATTERNS ARE IN THE CITY'S AND ADJOINING PROPERTY OWNERS' BEST INTERESTS THE SUBDIVISION WAS DESIGNED TO ACCESS EXISTING FARM ROAD 103 (HUNT ROAD) WHICH IS PROPOSED AS A COLLECTOR BY THE WILLARD COMPREHENSIVE PLAN, TRANSPORTATION PLAN. (REFERENCE SECTION 5.5, TABLE 5.1 AND SECTION 5.12, ITEM #7.)

11–AREA EAST, WEST, AND SOUTH– UNDEVELOPED WITHIN 500 FEET OF THE PROPERTY.
AREA NORTH– FOX CREEK SUBDIVISION LOTS ARE 310 FEET NORTH OF PROPERTY LINE ALSO 420 FEET OF COMBINED DETENTION AREA AND PROPOSED HUGHES ROAD RIGHT–OF–WAY ARE LOCATED BETWEEN ACTUAL LOTS OF CARDINAL HILLS AND FOX CREEK.

Beacon™ Greene County, MO



Overview



Legend

- Area Numbers
- S/T/R Numbers
- Parcel Lines
- <all other values>
- DASHROW
- MUNIRWD
- PROPDASH
- PROPLINE
- RRROW
- ZONING
- Section Lines
- Quarter Section Lines
- Section Lines
- Streets
- <all other values>
- 8
- County Boundary
- Assessor's Parcels
- Floodplains
- City Limits

Parcel ID	880736400065	**Alternate ID**	n/a	**Owner Address**	KRAMER, RICHARD G
Sec/Twp/Rng	36-30N-23W	**Class**	R		789 N MILLER RD
Property Address	507 E LOGAN	**Acreage**	0.2571		SPRINGFIELD MO 65802
	WILLARD				
District	180				
Brief Tax Description	CARDINAL HILLS LOT 13				
	(Note: Not to be used on legal documents)				

The sinkhole layer represents surface depressions from LiDAR imaging obtained in 2010 and 2011. Most of the sinkholes shown have not been field verified and are provided for informational purposes only. This layer should not be used as a substitute for a geological or geotechnical investigation. Questions regarding sinkholes should be directed to the Environmental Section of the Resource Management Department (417) 868-4147. For sinkhole information inside the city limits of Springfield, please call (417) 864-1901.

Date created: 6/27/2016

Developed by
Schneider The Schneider Corporation

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN to all interested citizens that the Willard Board of Adjustments will hold a Public Hearing on July 7, 2016 at 6:00 P.M. at Willard City Hall, 224 West Jackson, Willard, MO, to consider the request for a variance for the applicable minimum requirements for setback from lot lines to be located at 507 Logan Street, Willard, MO.

City of Willard, MO
Wednesday, June 29, 2016

Chapter 400. Land Development Regulations

ARTICLE III. Administration and Review

Part 3. Appeals and Variances

Section 400.190. Appeals Pertaining To Zoning Regulations.

[Ord. No. 020227 §1(3.7), 2-27-2002]

A. *Appeal From Administrative Order.* The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of the applicable zoning provisions of this Chapter.

B. *When Appeals May Be Taken.* An appeal may be taken to the Board of Adjustment by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by an officer, department, board or agency of the City of Willard affected by a decision of an Administrative Official. An appeal must be made within fifteen (15) days after the date of the decision or order appealed. Appeals shall be taken by filing with the City Clerk a written notice of appeal specifying the grounds for the appeal. The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Chair of the Board of Adjustment the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.

C. *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, that by reason of acts stated in the certificate a stay would, in the opinion of the officer, 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.

D. *Hearing On Appeals.* The Board of Adjustment shall hold a public hearing on all appeals in accordance with the provisions of Section **400.360(A)**.

E. *Board Of Adjustment Decision On Appeal.*

1. A motion to reverse, affirm or modify the order, requirement or decision appealed from shall include, so far as practical, a written statement of the specific reasons or findings of fact that support the motion. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement or decision or to decide in favor of the applicant on any matter upon which it is required to pass.

2. Within thirty (30) days after the hearing on an appeal, the Board of Adjustment shall file with the City its findings of fact and decision with respect to the appeal. The City Clerk shall

transmit by mail a copy of the decision to the appellant and to each other person who requests in writing to be notified.

Section 400.200. Variances Pertaining To Zoning Regulations.

[Ord. No. 020227 §1(3.8), 2-27-2002]

A. *Jurisdiction And Authority.* The Board of Adjustment shall exercise the authority to vary the strict or literal terms of the applicable zoning provisions of this Chapter in accordance with the standards set forth in Subsection **(C)**. 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 certain provisions of this Chapter would, due to special conditions peculiar to a particular property, result in unusual difficulty or hardship.

B. *Authorized Variances.* Variances from the zoning regulations and restrictions contained in this Chapter may be granted by the Board of Adjustment in the following instances:

1. A variance of the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, floor area ratio, required yard areas and other required open space.

2. A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.

3. A variance of the applicable off-street parking and off-street loading requirements and ratios.

4. A variance of the landscaping and buffer yard requirements.

C. *Standards For Grant Of Variance.* The Board of Adjustment may grant a variance if it concludes that strict enforcement of the ordinance would result in practical difficulties or undue hardship for the applicant and, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare will be secured and substantial justice will be done. The Board of Adjustment may reach these conclusions if it finds in writing that:

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;

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;

3. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his/her property if strict compliance with the regulations is required;

4. The hardship relates to the applicant's land, rather than personal circumstances;

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

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; and

7. The variance will not nullify the intent and purpose of the Willard Land Development Regulations and the Willard Comprehensive Plan.

D.

Application For Variance. An application for a variance shall be submitted to the City Clerk. The City Clerk shall transmit the application and all papers and materials constituting the record to the Board of Adjustment.

E. *Hearing On Variances.* The Board of Adjustment shall hold a public hearing on any application for variance in accordance with the provisions of Section **400.360(A)**.

F. *Board Of Adjustment Decision On Variances.*

1. In deciding on variances, the Board of Adjustment shall take a separate vote on each of the seven (7) required findings stated in Subsection **(C)**. The affirmative vote of four (4) members of the Board shall be required on each separate finding. Insofar as is practical, a motion to make an affirmative finding on each of the requirements shall include a written statement of the specific reasons or findings of fact supporting the motion.

2. A motion to deny a variance may be made on the basis that any one (1) or more of the seven (7) requirements set forth in Subsection **(C)** are not satisfied or that the application is incomplete. Such motion, insofar as is practical, shall include a written statement of the specific reasons or findings of fact that support the motion. A motion to deny a variance is adopted as the Board of Adjustment's decision if supported by more than one (1) affirmative vote.

3. In granting a variance, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practical with surrounding properties.

4. A variance may be issued for a specified or indefinite duration.

5. The nature of the variance shall be entered upon the permit. All such conditions are enforceable in the same manner as any applicable requirement of this Chapter.

City of Willard, MO
Friday, June 17, 2016

Chapter 400. Land Development Regulations

ARTICLE III. Administration and Review

Part 3. Appeals and Variances

Section 400.210. Recordation of Order of The Board of Adjustment.

[Ord. No. 020227 §1(3.9), 2-27-2002]
Whenever the Board of Adjustment shall have acted upon an appeal, request or variance, the Board shall cause its order granting or denying said appeal or application to be recorded in the records of the Greene County Recorder of Deeds. However, no order shall be recorded until the order has become final by the passage of thirty (30) days from the date said order is filed with the City Clerk 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 the thirty (30) day period.