

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

September 11, 2018

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
September 11, 2018
5:30 P.M.

Posted August 28, 2018

Notice is hereby given that the City of Willard, Board of Adjustments will conduct a special meeting at 5:30 p.m. September 11, 2018, at Willard City Hall, 224 West Jackson, Willard Missouri.

The tentative agenda of this meeting includes:

A Public Hearing to consider a zoning variance request for a front yard setback referring to the Willard Municipal Code, Section 400.470 C Lot Size, Bulk and Open Space Requirements, Minimum Yard Requirements. The property in question that is the subject of the variance is located at 503 Logan, Willard, MO.

1. Call the meeting to order
2. Approval of Agenda/Agenda Amendments
3. Approval of the minutes of the meeting on January 25, 2018.
4. Citizen Input
5. Variance Request for 503 E. Logan.
6. 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
January 25, 2018**

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

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

Also in attendance: None.

Alderman Sam Baird called the meeting to order at 5:45 p.m.

PUBLIC HEARING TO CONSIDER A ZONING VARIANCE REQUEST FOR A FRONT YARD SETBACK REFERRING TO THE WILLARD MUNICIPAL CODE, SECTION 400.470 C LOT SIZE, BULK AND OPEN SPACE REQUIREMENTS, MINIMUM YARD REQUIREMENTS. THE PROPERTY IN QUESTION THAT IS THE SUBJECT OF THE VARIANCE IS LOCATED AT 1011 QUARRY ROAD.

Elections: Chairman.

Motion was made by Keith Hammett and seconded by Landry Cobb to nominate Alderman Baird for the position of Chairman. Motion carried with a vote of 4-0. Voting aye: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

Approval of Agenda/Agenda Amendments.

Motion was made by Keith Hammett and seconded by Trina Cowan to approve the Agenda. Motion passed 4-0. Voting aye: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

Approval of the Minutes from the meeting July 7, 2016.

Motion was made by Landry Cobb and seconded by Trina Cowan to approve the minutes. Motion passed 4-0. Voting aye: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

Public Hearing was opened by Attorney Ken Reynolds at 5:46 p.m.

No citizens wished to speak, so the public hearing was closed at 5:47 p.m.

Citizens Input

None.

Variance Request- Front Yard setback for 1011 Quarry Road.

The Director of Development explained that the variance was required due to the front yard setback requirements needing a twenty-five (25) foot setback and the proposed plans would only allow for a ten (10) foot setback. Discussion was made on the site plan, sewer plans and land design.

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 City has invested a significant amount of time and money into surveying and engineering for the pump station. Acquiring an alternate site suitable for the same design would require more money. There would be significant costs for redesign and lost time, and the wastewater bypasses will continue until capacity is reached.

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. Other properties are not typically this narrow.

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. The property would have no benefit to the City if it can't be used for a lift station.

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. The property is not developable for anything else.

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. The narrow shape of the property was created when MoDOT acquired Hwy 160 Right-of-way.

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. Property is buffered by Hwy 160 to West, Quarry Road to the East, and drainage to South. East of Quarry Road is buffered by heavy vegetation along the Greenway Trail. Quarry Road traffic is limited by Quarry use.

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 project is in line with the LDR's and comp plan, pertaining to planning along range, future economic development as well as State requirements (DNR, MoDOT).

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 –

Motion made by Landry Cobb with a second by Trina Cowan to adjourn the meeting. Motion carried with a vote of 4-0. Voting aye: Keith Hammett, Trina Cowan, Alderman Baird and Landry Cobb.

Meeting Adjourned at 6:08 p.m.

Jennifer Rowe, City Clerk

Sam Baird, Board of Adjustments Chairman

PUBLIC NOTICE

Notice is hereby given that the City of Willard, Board of Adjustments will conduct a special meeting on September 11, 2018 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 front yard setback referring to the Willard Municipal Code, Section 400.470 C Lot Size, Bulk and Open Space Requirements, Minimum Yard Requirements. The property involved that is subject of the variance is located at 503 E. Logan St., further identified by Greene County records as Parcel ID 880736400067. 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.



City of Willard

Zoning Case No. _____
Application Date 8-8-18
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):

LOT 15 CARDINAL HILLS SUBDIVISION WILLARD, MO

Street Address or Other Common Description 503 E. LOGAN

Present Zoning Classification RESIDENTIAL

Current Use of Property RESIDENTIAL

Property Owner's Name(s): AJR PROPERTY DEVELOPERS, LLC

If Corporation, Corporate Official and Seal: NO SEAL

Mailing Address: 8932 E. RIVERVIEW DRIVE

Telephone Number: 417-353-4363 Fax Number 417-865-6899

PROPERTY OWNER'S SIGNATURE:

[Signature] MANAGING MEMBER
(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 AKR PROPERTY DEVELOPERS, LLC

Address 8932 E. RIVERVIEW DR. Telephone 417-353-4363
ROGERSVILLE, MO 65742

Section of the Regulations for which a variance is requested _____

Description of the variance requested (attach additional sheet if needed) CHANGE FRONT
YARD SETBACK TO 33.9'.

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: NA
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*. Improper foundation layout
3. List the particular hardship which would result if the specified provisions or requirements of the *Land Development Regulations* were applied to this property. WITHOUT THE VARIANCE THE FRONT OF THE GARAGE WOULD HAVE TO BE TORN OFF.
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. 1,1'
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; require demolition very expensive
 - 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; yes
 - 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; yes
 - D. The hardship relates to the applicant's land, rather than personal circumstances; yes

- E. The alleged hardship has not been created by any person presently having an interest in the property; *yes*
 - 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; *yes*
 - G. The variance will not nullify the intent and purpose of the *City of Willard Land Development Regulations and the Willard Comprehensive Plan*. *yes*
-

- 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.

SEE ATTACHED.

**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.

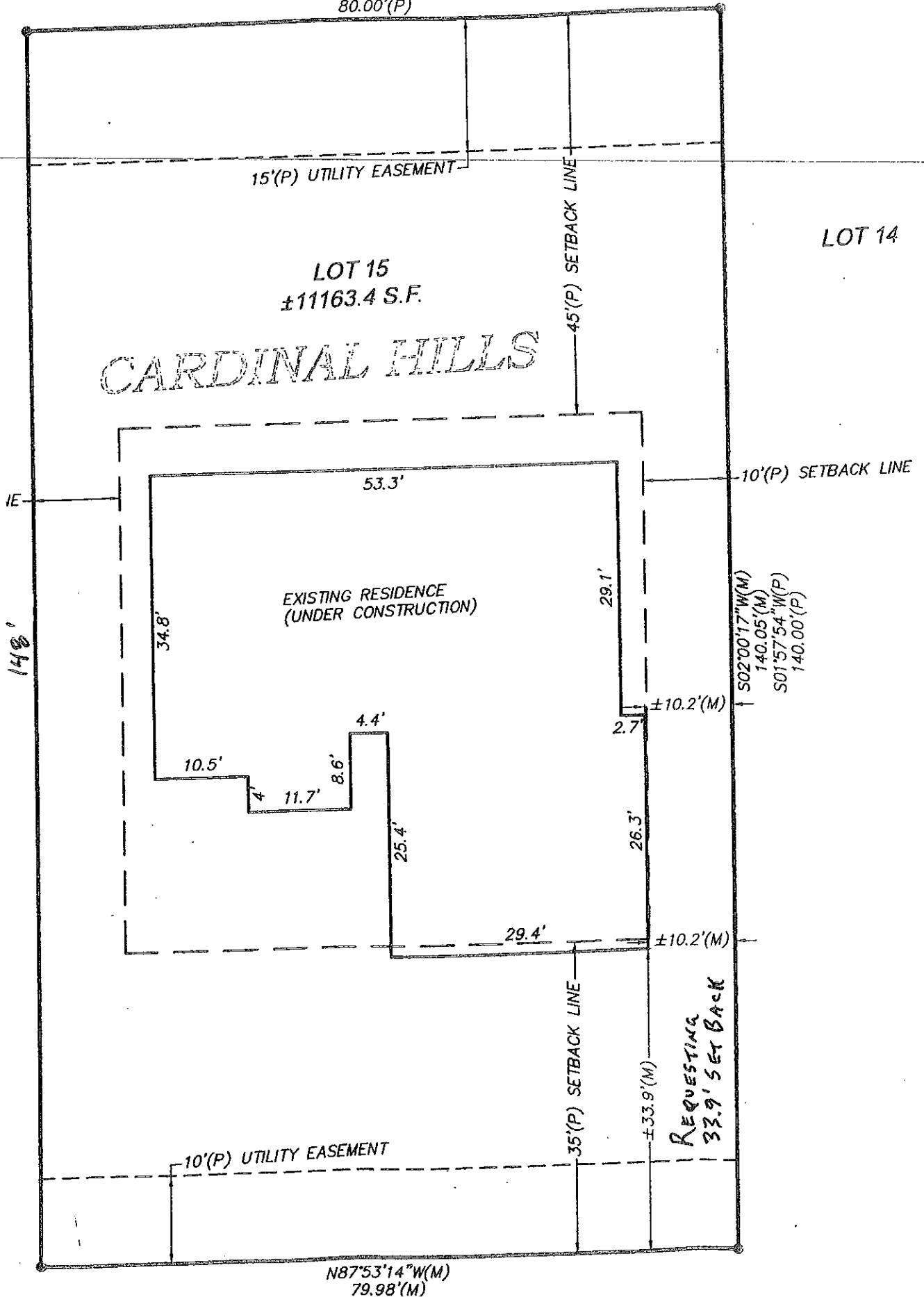
APPLICATION FORM:	
	Include the legal description of the land involved in the variance request. Attach the legal description on a separate sheet if necessary.
	List the street address or other common description of the land or property involved.
	List the present zoning classification of the land or 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 \$300.00 application 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

503 E. LOGAN

S88°09'33"E(M)
79.66'(M)
S87°42'06"E(P)
80.00'(P)



CARDINAL HILLS

LOT 15
±11163.4 S.F.

LOT 14

EXISTING RESIDENCE
(UNDER CONSTRUCTION)

REQUESTING
33.9' SET BACK

148'

502°00'17"W(M)
140.05'(M)
S01°57'54"W(P)
140.00'(P)

N87°53'14"W(M)
79.98'(M)