

**NOTICE OF PUBLIC HEARING  
DO NOT REMOVE**

**BOARD OF ZONING ADJUSTMENT OF JEFFERSON COUNTY, MISSOURI,  
NOTICE OF MEETING**

Notice is hereby given that the Board of Zoning Adjustment of Jefferson County, Missouri, will conduct a meeting at 4:00 p.m., Thursday January 12, 2023, in the Assembly Room of the Jefferson County Administration Center, 729 Maple Street, Hillsboro, Missouri.

The tentative agenda of this meeting includes:

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

Minutes of the December 15, 2022 Board of Zoning Adjustment Meeting

V. SWEARING IN OF WITNESSES

VI. INTRODUCTION OF EVIDENCE

VII. OLD BUSINESS

VIII. NEW BUSINESS

A. BOA23001: Application for a variance to Chapter 400: Unified Development Order, Article V, Section 400.1670, of the Code of Ordinances of Jefferson County, for front yard setback requirements for a building in a Single Family Residential (R-20) Zone District, 06-7.0-25.0-2-006-006, 06-7.0-25.0-2-006-005, 06-7.0-25.0-2-006-004. located at 6766 Cedar Hill Road, Cedar Hill, MO 63016 MO in Meramec Township and County Council District #7.

B. BOA23002: Application for a variance to Chapter 400: Unified Development Order, Article V, Section 400.1670, of the Code of Ordinances of Jefferson County, for rear yard setback requirements for a residence in a Single Family Residential (R-07) Zone District, 12-9.0-29.0-3-003-061. located at 9851 East Vista Dr., Hillsboro , MO in Central Township and County Council District #6.

IX. REPORTS TO THE BOARD

X. EXECUTION OF BOARD of ZONING ADJUSTMENT ORDERS

XI. CITIZENS TO BE HEARD

XII. ADJOURNMENT

Representative of the media may obtain copies of this notice by contacting the Planning Division at 636-797-5580, Jefferson County Planning Division, PO Box 100, Hillsboro, Missouri, 63050.

Any person requiring special accommodation under the Americans with Disabilities Act should contact Human Resources, at 636-797-5071.

**Please be Advised: Members of the County Council May Be in Attendance at this Meeting**

*Jefferson County, Missouri*

**PLANNING DIVISION**

PO BOX 100  
HILLSBORO, MO 63050  
(636) 797-5580

**Staff Report to the Board of Zoning Adjustment**

Meeting Date: January 12, 2023

**General Information:**

Petition Number: BOA23001

Applicant Name: Cedar Hill Fire District  
Street Address: 6766 Cedar Hill Rd  
City, State, ZIP: Cedar Hill, MO 63016

Owner Name: Same  
Street Address:  
City, State, ZIP:

Location of Site: Site is located at 6766 Cedar Hill Rd. in Cedar Hill, MO.

Requested Action: Relief from Chapter 400, Article V, Section 400.1670 – Minimum Building Setbacks – for a reduction in the required front yard setback along a state highway in the “R20” zone district for an expansion of the Cedar Hill Fire Facility from 50 feet to 25 feet; and from 35 feet to 18 feet.

Size of Tract: 1.85 acres (Assessor’s records)  
Parcel Number: 06-7.0-25.0-2-006-004  
Existing Zone District: R20  
Council District: #7  
Township: Meramec

Prepared By: Josh Jump, Planner II  
Date: January 3, 2022  
Recommendation: Approval w/conditions

Attachments:  
1. Aerial Map  
2. Zoning Map  
3. Site Plan

**Subject Property**

The subject property is located at 6766 Cedar Hill Rd. in Cedar Hill, MO. The property is developed with the Cedar Hill Fire District. The Cedar Hill Fire District has been the historic user of the property for quite some time. The parcel the proposed building is going to be located on is 1.85 acres in size, but the fire district does own two other adjacent parcels as well. The parcel is zoned Single-Family Residential "R20".

According to FEMA's Flood Rate Insurance Map, no portion of the property lies within the floodway or floodplain, and no stream orders traverse the property.

**Surrounding Areas**

The zone districts and land uses surrounding the subject property include:

To the North:	<u>Zoning:</u>	R20
	<u>Land Use:</u>	Developed Residential/Lawfully non-conforming commercial
To the East:	<u>Zoning:</u>	R20
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	R20
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	R20
	<u>Land Use:</u>	Developed Residential

**Petitioner's Request**

The petitioner is requesting relief from the required 50-foot front yard setback for a structure along a state highway in the R20 district. The proposed building line is shown being located at 25 feet, requiring a 25-foot reduction in the setback requirement.

**Analysis**

Article 17, Section 400.5770, of the Code of Ordinances of Jefferson County, asserts the powers of the Board of Zoning Adjustment. The Revised Statutes of the State of Missouri and the Jefferson County Unified Development Order deem the following conditions necessary for granting a variance. Staff's comments (**in bold**) follow each condition.

- The variance requested arises from a condition that is unique and peculiar to the property in question and is not created by an action or actions of the property owner or applicant.

**As required by the Jefferson County UDO, structures are to be located 50 feet from a front yard property line in the "R20" zone district from a state highway, and 35 feet from a County maintained road. The request arises from the Petitioner's desire to build an expansion on to the existing structure and a new structure on the northwestern portion of the parcel.**

- Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property the strict application of the provisions of the regulations complained of will constitute peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner

of the property, as an unreasonable deprivation of use as distinguished from the mere grant of a privilege.

**The property does not present any exceptional difficulties due to topography. The terrain, while it does have some challenges, does not create unreasonable difficulties that prevent the viability of locating an addition on the property within, or more closely aligned with, front setback requirements. Petitioner has asserted that if it was forced to meet the required setbacks, the location of the addition and proposed new structure would then cause grades on the property to be severe, and that this would interfere with the operational capabilities of the Fire Protection District.**

- The variance requested will not cause substantial detriment to the public health, safety, morals and general welfare of the community.

**There are several buildings that encroach further into the setback and might even be right on the property line that have existed for quite some time. The proposed structure is also located at a 3-way stop signed intersection. This effectively reduces the rate of travel very low near the proposed encroaching structure. The proposed use is a non-residential use that is allowed in almost any zone district. If the property were zoned CC2 (Non-Planned Community Commercial) the front setback would only be 20 feet off the state highway, which this proposed structure would meet.**

- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

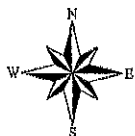
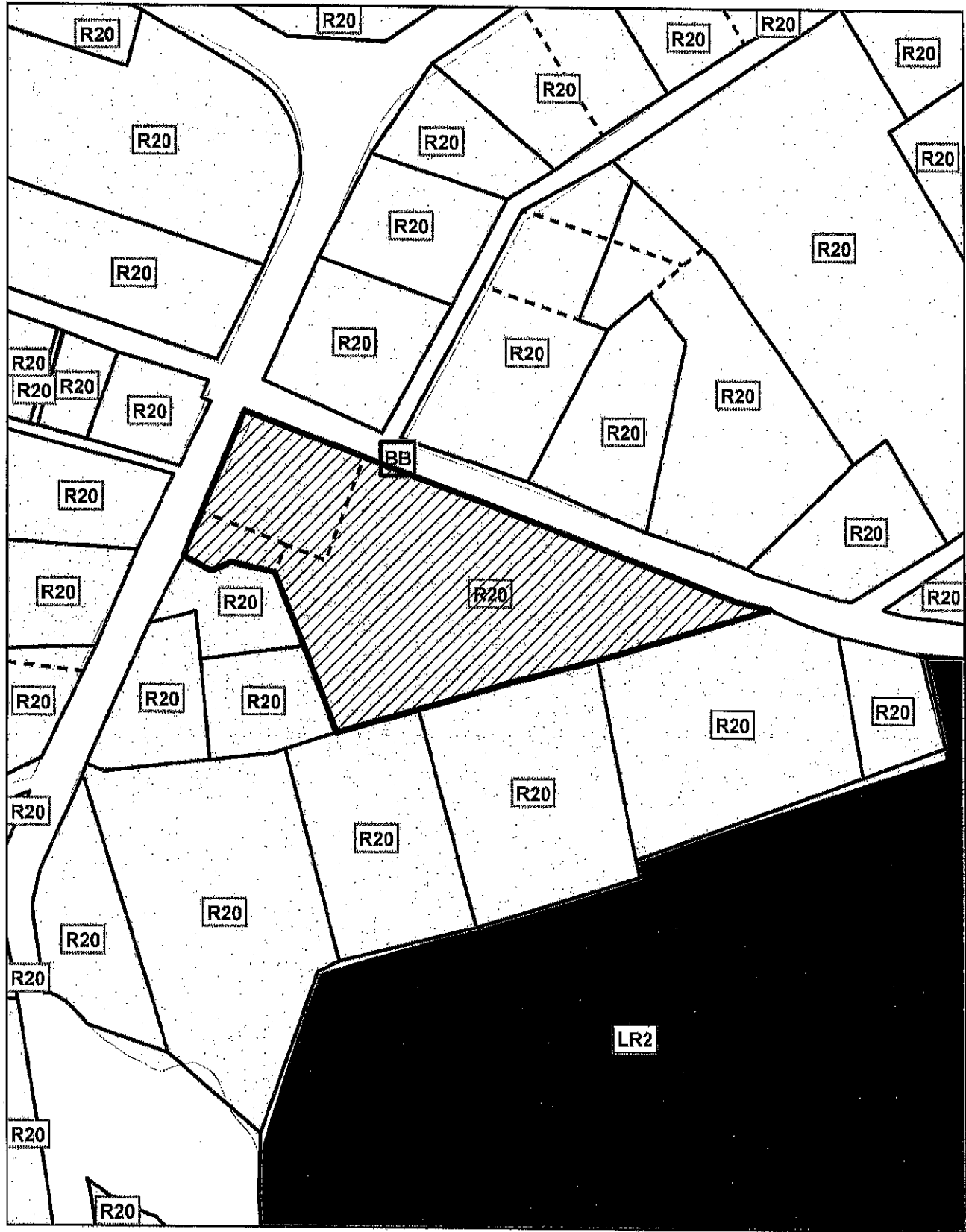
**The requested variance is not consistent with the intent, purpose, and integrity of the zone plan as embodied in the Jefferson County Unified Development Order.**

#### **Staff Recommendation**

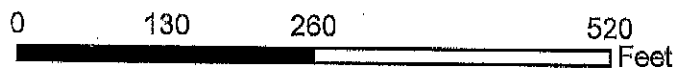
Based on the analysis, staff recommends Approval of the requested variance for relief from the required 50-foot front yard setback to be reduced to 25 feet for the structure along the northern property boundary line and to reduce the 35-foot front yard setback to 18 feet for the addition along the western boundary line in the "R20" zone district with the following condition.

- The variance be approved for the proposed structures only, any future structures that don't meet the setbacks will need to be reevaluated if proposed.

# BOA23001 - Cedar Hill Fire District



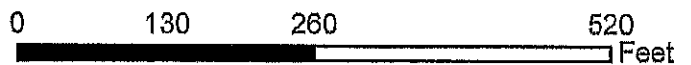
Subject Property



# BOA23001 - Cedar Hill Fire District



**Subject Property**





*Jefferson County, Missouri*

**PLANNING DIVISION**

PO Box 100  
HILLSBORO, MO 63050  
(636) 797-5580

**Staff Report to the Board of Zoning Adjustment**  
Meeting Date: January 12, 2023

**General Information:**

Petition Number: BOA23002

Applicant Name: Dustin Wilfong (Wil-Build Construction)  
Street Address: PO Box 585  
City, State, ZIP: Hillsboro MO 63050

Owner Name: Adam and Kaitlyn Pyke  
Street Address: 9861 Richmond Cavalry Dr  
City, State, ZIP: St. Louis MO 63123

Location of Site: The subject property is located at 9851 E Vista Dr in Hillsboro.

Requested Action: Relief from Chapter 400, Article V, Section 400.1670 – Minimum Building Setbacks – for a reduction in the required rear yard setback in the “R7” zone district for a residence from 30 feet to 21 feet.

Size of Tract: Roughly .22 acres (The Assessor does not have a size provided)  
Parcel Number: 12-9.0-29.0-3-003-061  
Existing Zone District: R7  
Council District: #6  
Township: Central

Prepared By: Rachel Krispin Planner I  
Date: January 4, 2023  
Recommendation: Denial

Attachments: 1. Aerial Map  
2. Zoning Map  
3. Site Plan



**Subject Property**

The property is located at 9851 E Vista Dr in Hillsboro. The property is undeveloped. The parcel is roughly 0.22 acres in size (the Assessor's office does not have a size listed) and is zoned Single-Family Residential "R7" zone district.

According to FEMA's Flood Rate Insurance Map, a small portion of the property lies within the floodplain, and no stream orders traverse the property.

**Surrounding Areas**

The zone districts and land uses surrounding the subject property include:

To the North:	<u>Zoning:</u>	R7 (Across the lake)
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	R7
	<u>Land Use:</u>	Undeveloped Residential
To the South:	<u>Zoning:</u>	R7
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	R7
	<u>Land Use:</u>	Undeveloped Residential

**Petitioner's Request**

The petitioner is requesting relief from the required 30-foot rear yard setback for a residence. The proposed structure is shown being located 21 feet from the rear property line requiring a 9-foot reduction in the setback requirement.

**Analysis**

Article 17, Section 400.5770, of the Code of Ordinances of Jefferson County, asserts the powers of the Board of Zoning Adjustment. The Revised Statutes of the State of Missouri and the Jefferson County Unified Development Order deem the following conditions necessary for granting a variance. Staff's comments (**in bold**) follow each condition.

- The variance requested arises from a condition that is unique and peculiar to the property in question and is not created by an action or actions of the property owner or applicant.

**As required by the Jefferson County UDO, structures such as the one proposed are required to be located 30 feet from the rear property line in the "R7" zone district. The request arises from the petitioner's desire to build a residence that encroaches on the rear building setback.**

- Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property the strict application of the provisions of the regulations complained of will constitute peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property, as an unreasonable deprivation of use as distinguished from the mere grant of a privilege.

**The lot shape is normal in shape and size, and is similar in shape and size to neighboring properties. The rear property line does not appear to be**

parallel with the seawall, creating some area of the property in which the space cannot be accounted for in regard to setbacks. However, the request arises from the petitioner's wish to build a single-family residence at the desired size and in the desired location. Denial of the variance would not deprive the owner of the residential use of the property.

- The variance requested will not cause substantial detriment to the public health, safety, morals and general welfare of the community.

**The granting of the variances will not likely cause detriment to the public health, safety, morals, or general welfare of the community. The proposed residence, while it is encroaching, is on a lot that backs directly up to the lake minimizing the impact to any surrounding property owners.**

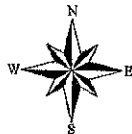
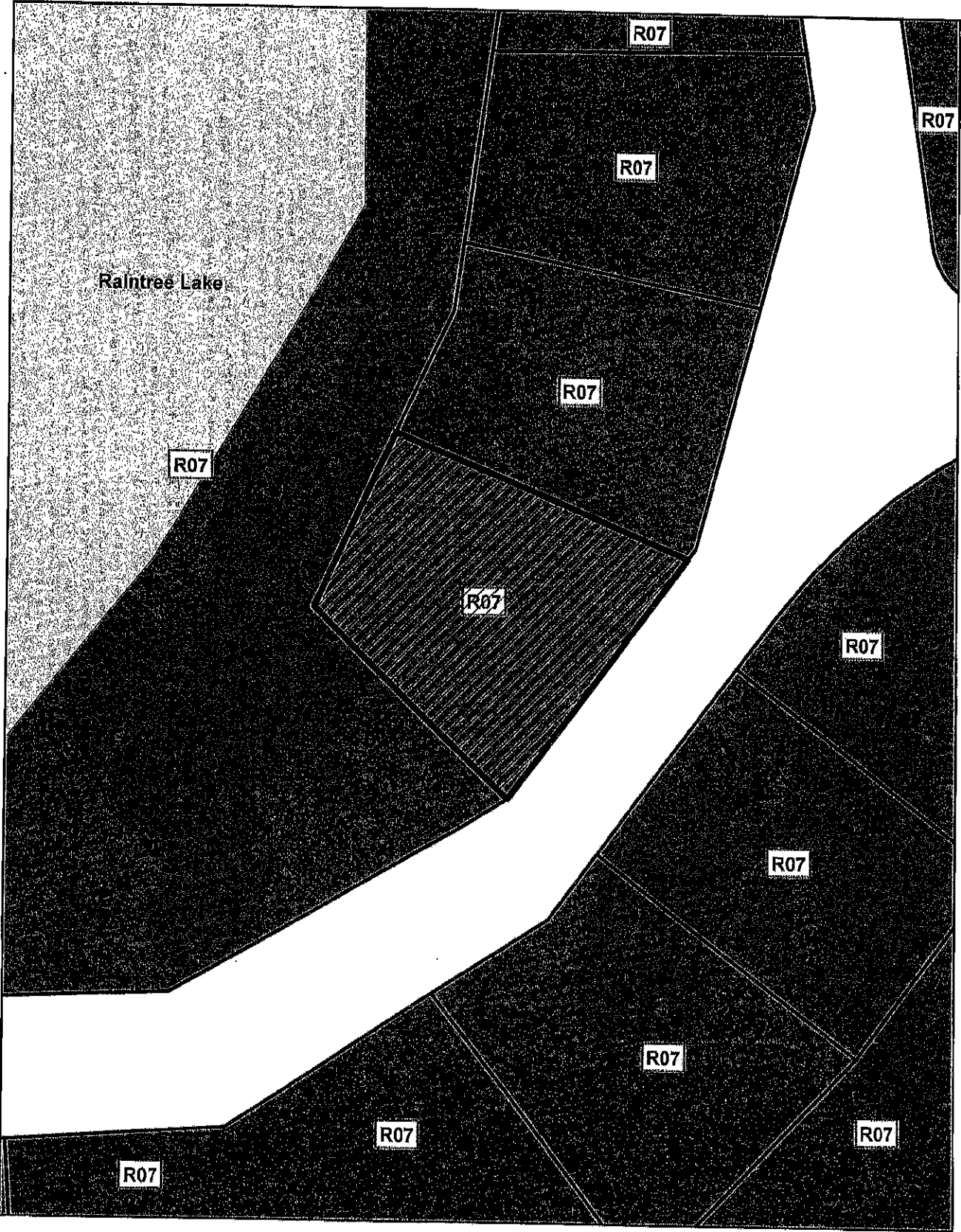
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

**The requested variance is not consistent with the intent, purpose, and integrity of the zone plan as embodied in the Jefferson County Unified Development Order.**

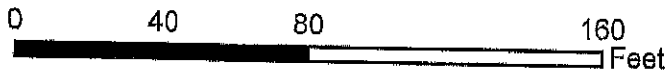
#### **Staff Recommendation**

Based on the analysis, staff recommends Denial of the requested variance for relief from the required 30-foot rear yard setback to be reduced to 21 feet along the rear property boundary line in the "R7" zone district.

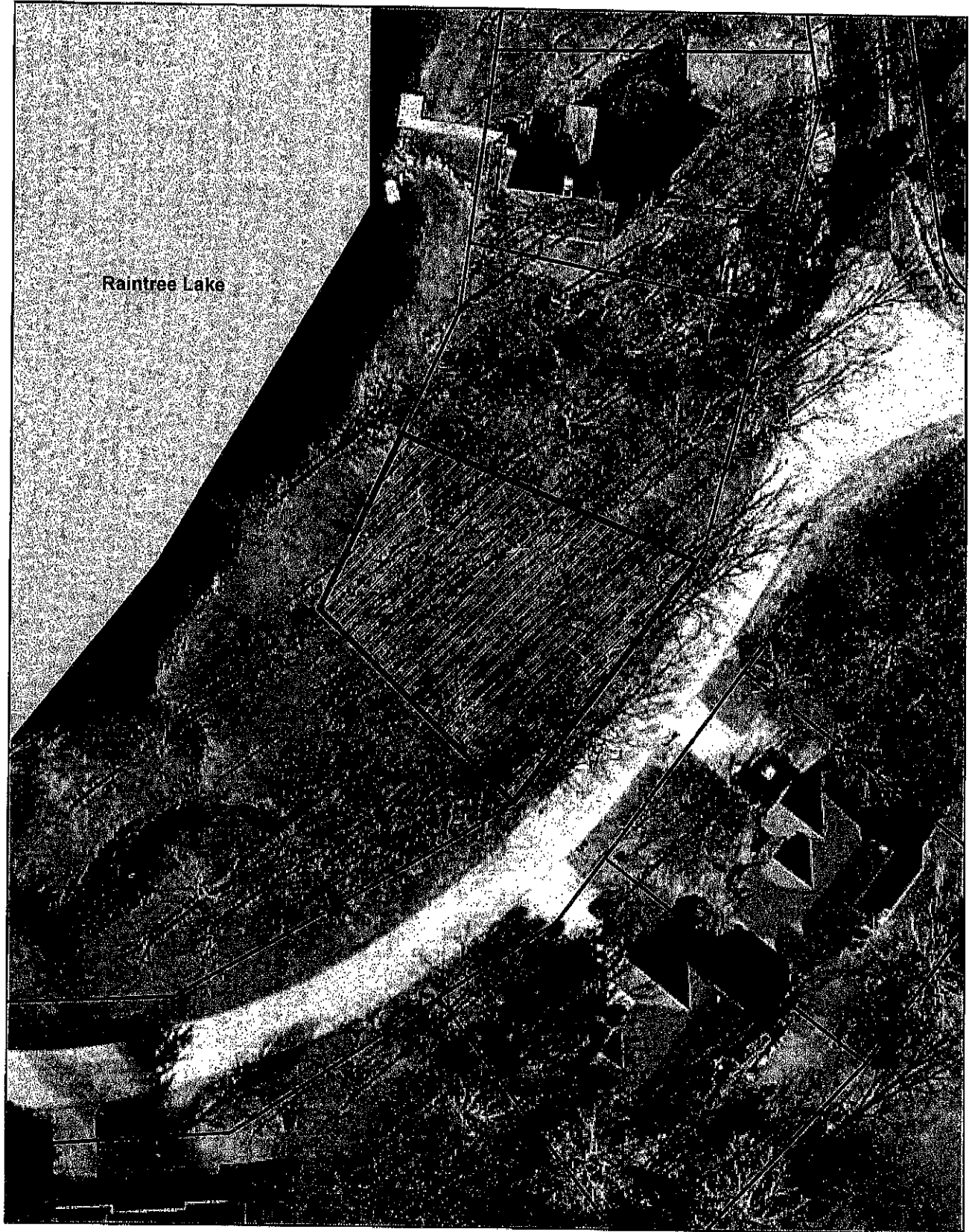
# BOA23002 - Wil-Build Construction



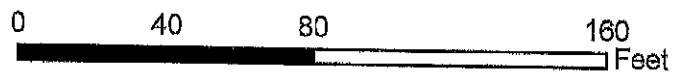
Subject Property



# BOA23002 - Wil-Build Construction



**Subject Property**

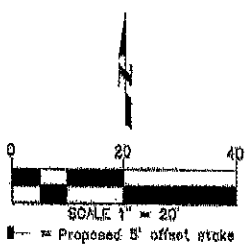
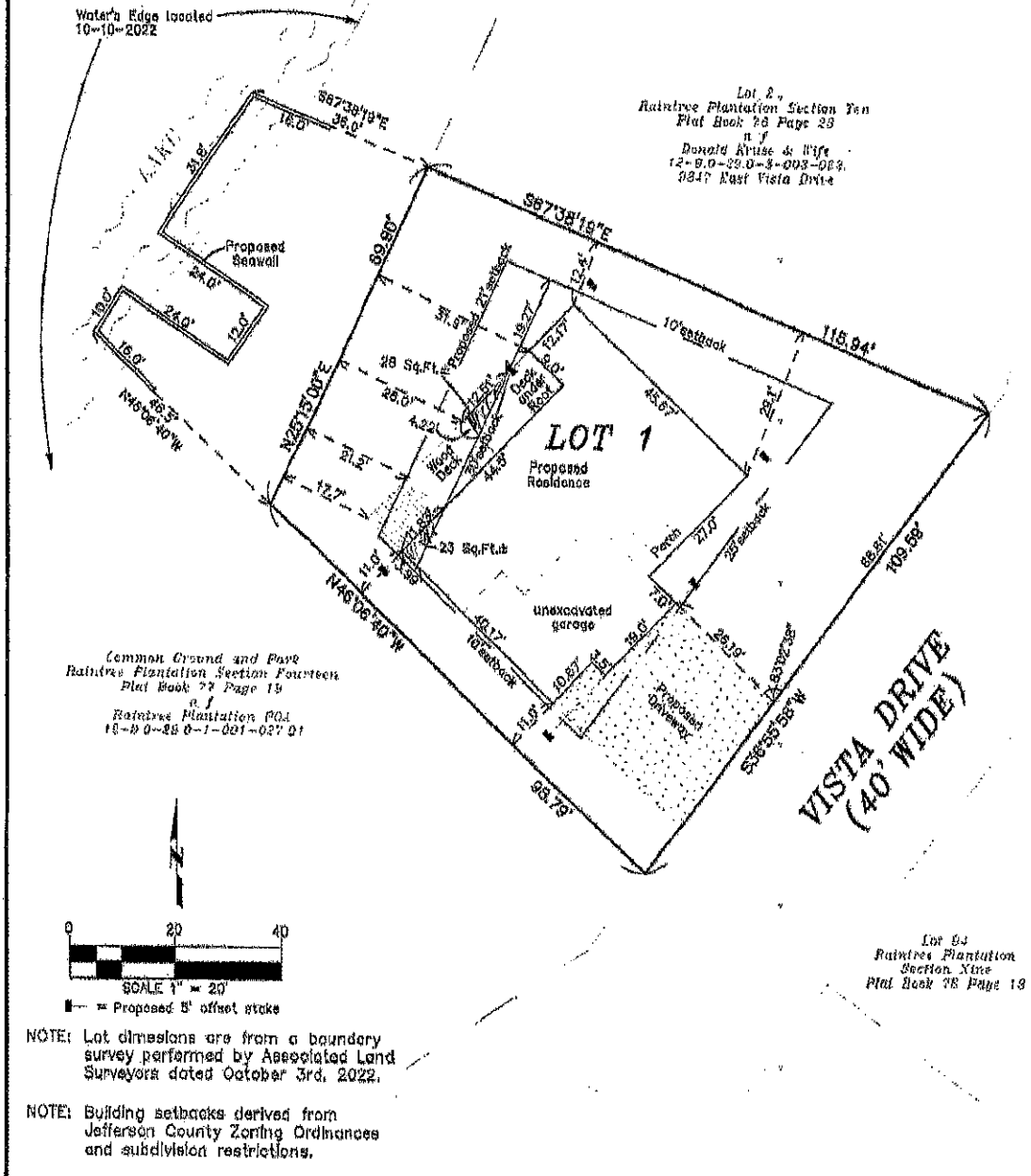


# PROPOSED RESIDENCE AND VARIANCE REQUEST EXHIBIT

LOT 1

## RAINTREE PLANTATION SECTION TEN

Jefferson County, Missouri  
Current Zoning: R-07



<p><b>UNCERTIFIED ELECTRONIC COPY FOR REVIEW ONLY</b></p>	<p><b>PROPOSED RESIDENCE AND VARIANCE REQUEST EXHIBIT</b></p> <p>East Vista Drive Hillsboro, Missouri 63050</p> <p>David Wiley Professional Land Surveyor #2612</p> <p>Dated October 7th, 2022</p> <p>Scale 1" = 20'</p>	
	<p>Associated Land Surveyors, Inc.</p> <p>Certificate of Authority No. 000260 David Wiley P.L.S. 2612</p>	<p>Drawn By: M.G.</p> <p>Checked By: D.W.</p> <p>Job No.</p> <p><b>34882</b></p>

P.O. BOX 137  
10660 HIGHWAY 21  
HILLSBORO, MISSOURI 63050  
PHONE (636)797-2283

Server\Company\Survey Projects\Site-PP\34882 Lot 1 Raintree Section 10.dwg-revised(10-11-22 Client Comments)(10-17-22 Client Comments)-revised(10-18-22 Client Comments)