

**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 May 11, 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 April 13, 2023 Board of Zoning Adjustment Meeting

V. SWEARING IN OF WITNESSES

VI. INTRODUCTION OF EVIDENCE

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. BOA23006: 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 deck in a Planned Residential (PR-1) Zone District, 02-2.0-03.0-1-001-087.49. located at 62 San Marino Parkway, Fenton, MO 63026 in Rock Township and County Council District #2.

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: May 11, 2023

General Information:

Petition Number: BOA23006

Applicant Name: Chesterfield Fence and Deck Co./Brian Holderness
Street Address: 620 Spirit Valley East
City, State, ZIP: Chesterfield, MO 63005

Owner Name: Brian Holderness
Street Address: 62 San Marino Parkway
City, State, ZIP: Fenton, MO 63026

Location of Site: Site is located at 62 San Marino Parkway in Fenton, MO.

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 “PR1” zone district for a deck from 15 feet to 13 feet.

Size of Tract: .13 acres (Assessor's records)
Parcel Number: 02-2.0-03.0-1-001-.087.49
Existing Zone District: PR1
Council District: #2
Township: Rock

Prepared By: Josh Jump, Planner II
Date: May 1, 2023
Recommendation: Denial

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

Subject Property

The subject property is located at 62 San Marino Parkway in Fenton, MO. The property is developed with a single-family detached home. The parcel is 0.13 acres in size and zoned Planned Residential "PR1".

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>	PR1
	<u>Land Use:</u>	Developed Residential
To the East:	<u>Zoning:</u>	PR1
	<u>Land Use:</u>	Developed Residential
To the South:	<u>Zoning:</u>	PR1
	<u>Land Use:</u>	Developed Residential
To the West:	<u>Zoning:</u>	PR1
	<u>Land Use:</u>	Developed Residential (Common Ground)

Petitioner's Request

The petitioner is requesting relief from the required 15-foot rear yard setback for a deck. The proposed building line is shown being located at 13 feet, requiring a 2-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, decks are to be located 15 feet from a rear yard property line in the "PR1" zone district. While there is limited usable space in the rear yard due to the location and size of the home, the request arises from the petitioner's desire to build a deck in the western portion of the property in the orientation chosen by petitioner.

- 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.

Neither the lot shape nor topography create exceptional difficulties for the property owner. 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 variance will not likely cause detriment to the public health, safety, morals, or general welfare of the community. The property backs directly to common ground, this limits the impact to the surrounding property owners.

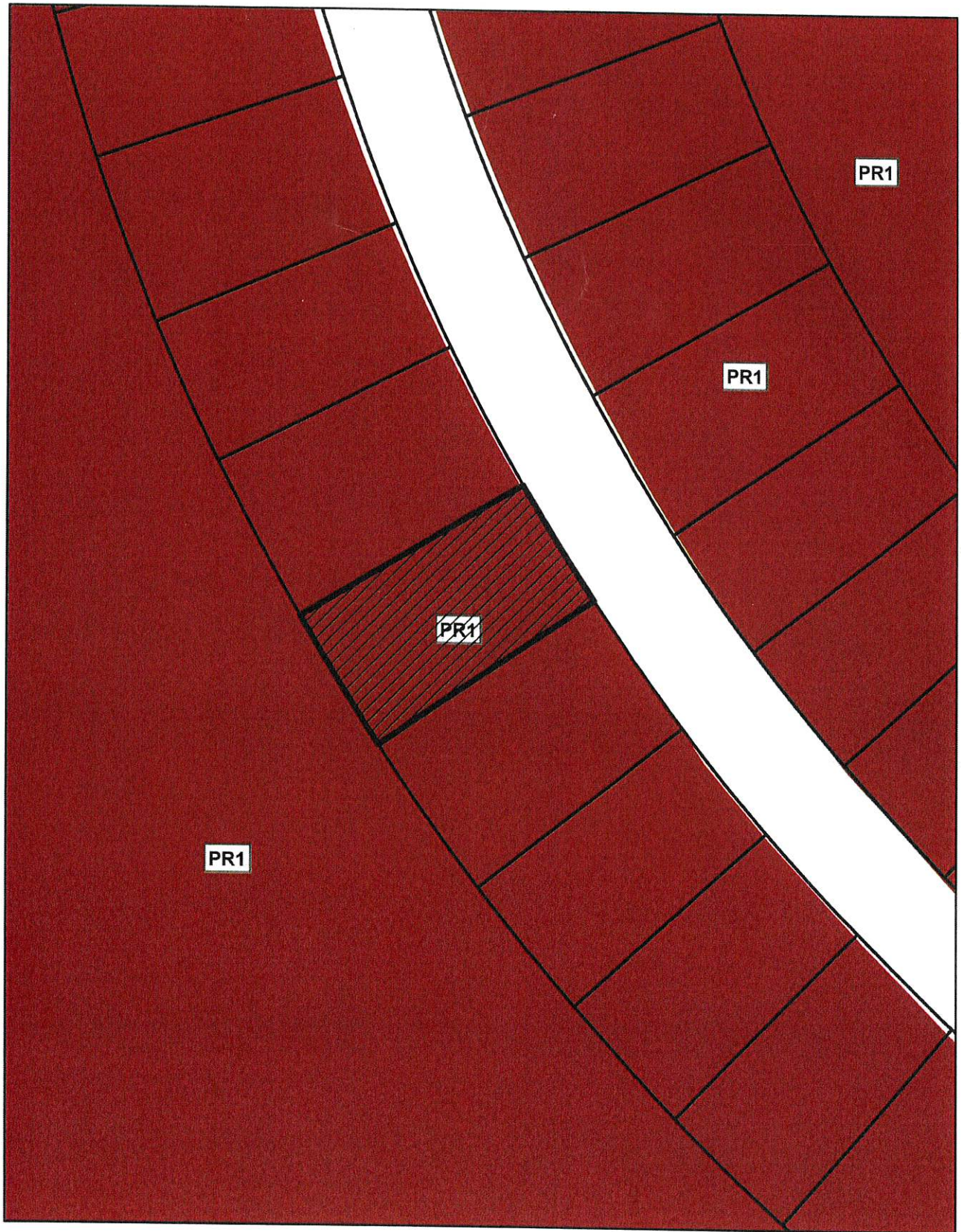
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

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.

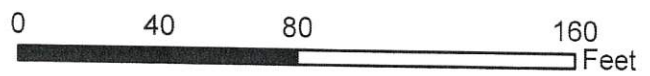
Staff Recommendation

Based on the analysis, staff recommends **Denial** of the requested variance for relief from the required 15-foot rear yard setback to be reduced to 13 feet for a deck along the western property boundary line in the "PR1" zone district.

BOA23006 - Holderness



Subject Property



BOA23006 - Holderness



Subject Property

