

**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 July 8, 2021, 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 8, 2021 Board of Zoning Adjustment Meeting
- V. SWEARING IN OF WITNESSES
- VI. INTRODUCTION OF EVIDENCE
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
 - A. BOA21005: 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 residence in a Single Family Residential (R-20) Zone District, 02-8.0-28.0-3-002-005.01. located at Forest Crest Lots 1 & 2, Imperial, MO 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: July 8, 2021

General Information:

Petition Number: BOA21005

Applicant Name: Robert L. Stiern
Street Address: 492 Ascot Manor Ct.
City, State, ZIP: Fenton, MO 63026

Owner Name: Same as above.
Street Address:
City, State, ZIP:

Location of Site: Site is located on Blecha Rd. just north of the intersection of Blecha and State Highway 21

Requested Action: Relief from Chapter 400, Article V, Section 400.1670 – Minimum Building Setbacks – for a reduction in the required front yard setback in the “R20” zone district for two homes from 35’ (for a county maintained road) feet to 10’ feet.

Size of Tract: 2.84 acres (Assessor’s records)
Parcel Number: 02-8.0-28.0-3-002-005.01
Existing Zone District: R20
Council District: #2
Township: Rock

Prepared By: Josh Jump, Planner II
Date: June 28, 2021
Recommendation: Denial

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

Subject Property

The subject property is located on Blecha Rd. The property is just north of the intersection of Blecha and State Highway 21. The property is currently undeveloped but has previously been subdivided into two separate lots.

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
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 35-foot front yard to build two individual homes on two separated lots. The proposed structures are shown being located 10 feet from the edge of ROW, 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 required to be located 35 feet from the edge of ROW in the "R20" zone district. The request arises from the petitioner's desire to build 2 homes on each subdivided lot that encroach on the front 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 rather unique as well as the two lots taper significantly as they get closer to the State Highway ROW. The ROW for Blecha is also significantly wider at the property and then tapers back to a more standard and normal ROW for a county road. While the shape of the lots may affect the rear setbacks the shape does not impact the front building lines or setbacks. The request arises from the petitioner's wish to build homes 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 as the homes could be repositioned or made smaller to fit the building setbacks.

- 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 reduction is quite significant for the building setback, however, the ROW of Blecha is very wide and the county road doesn't use much of that ROW at the point of the property, furthermore the area is pretty well developed decreasing the likelihood of further development triggering the need to widen or use the county ROW for Blecha.

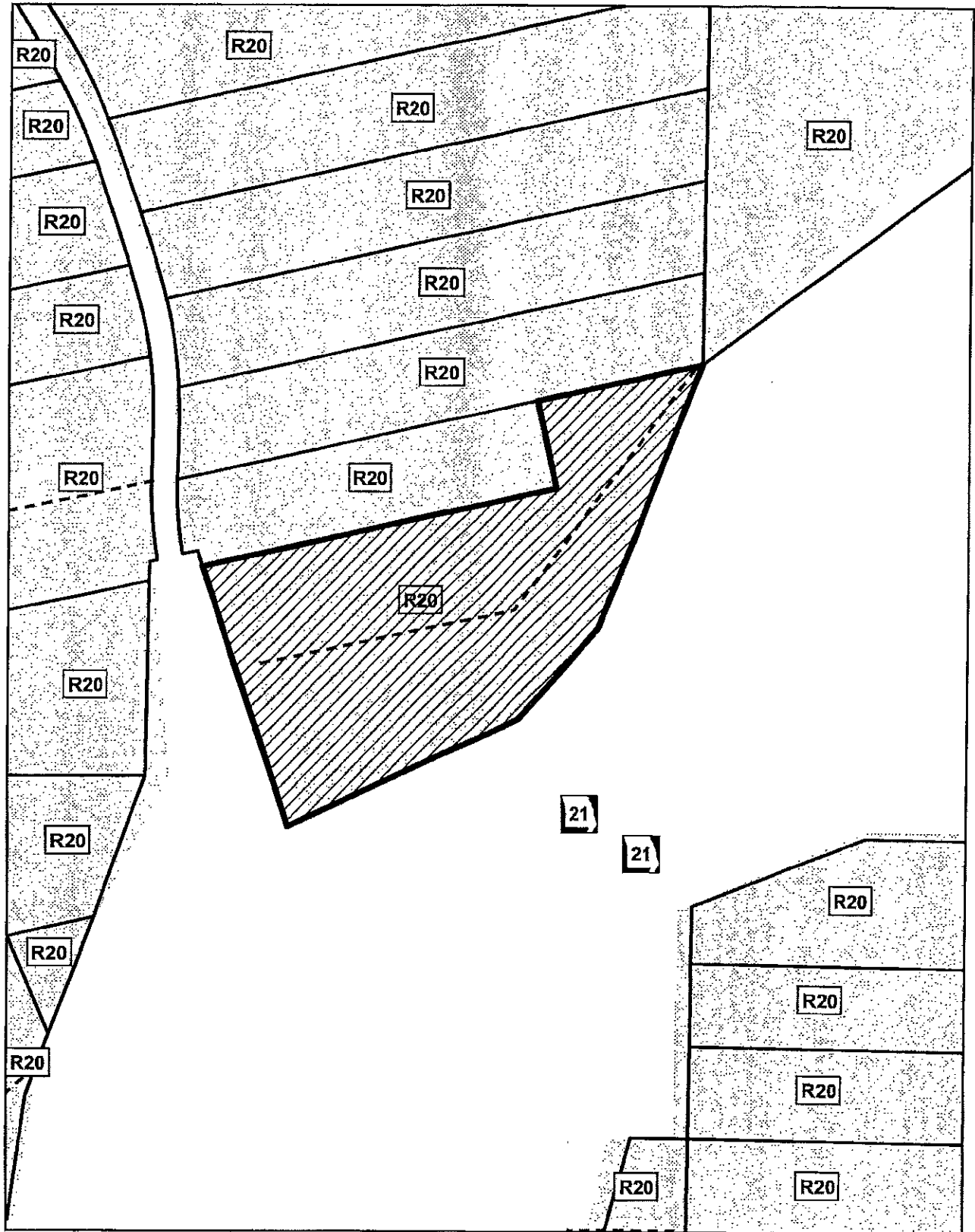
- The granting of the variance will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the UDO.

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 35-foot front yard setback to be reduced to 10-foot for two homes along the western property boundary line in the "R20" zone district.

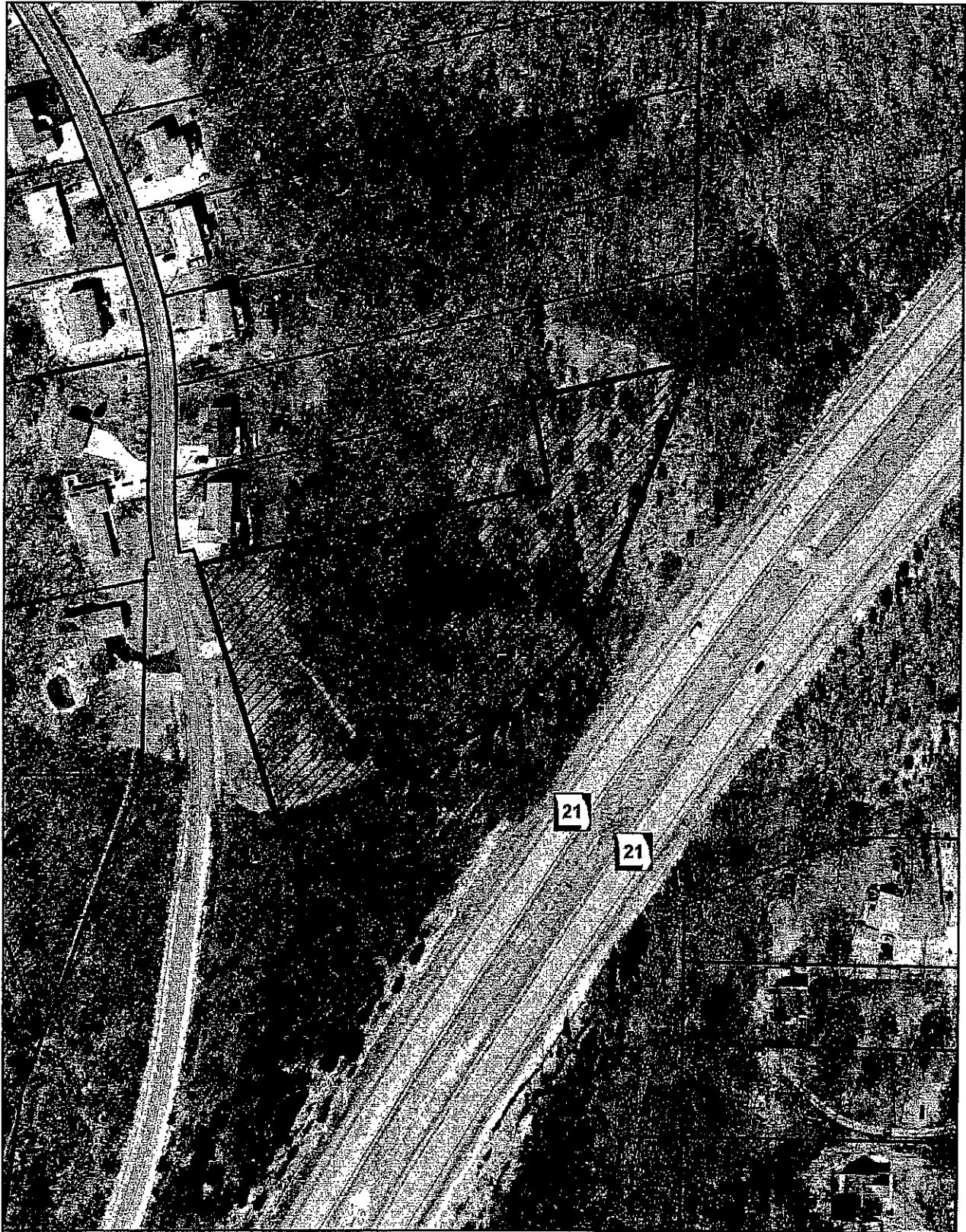
BOA21005 - Stiern



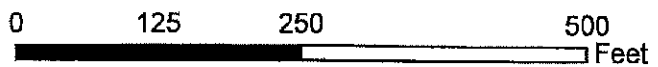
Subject Property



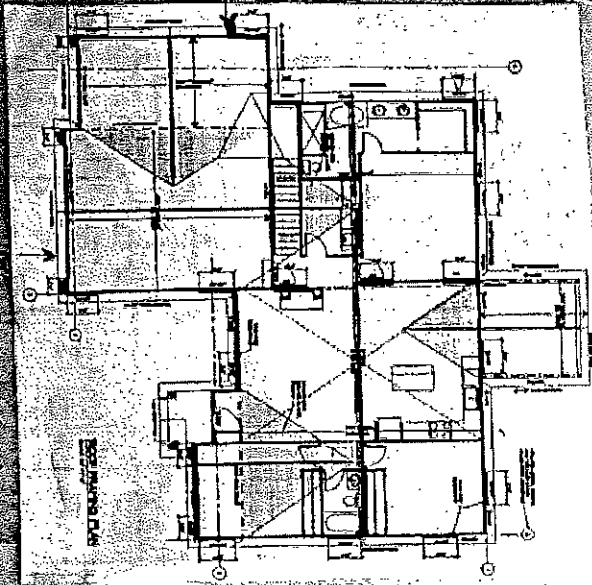
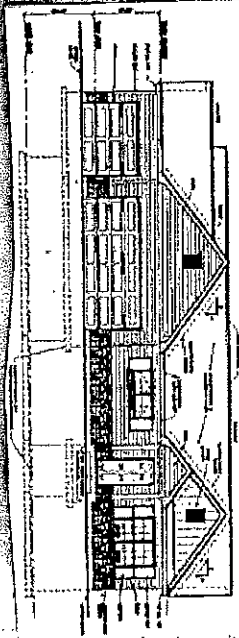
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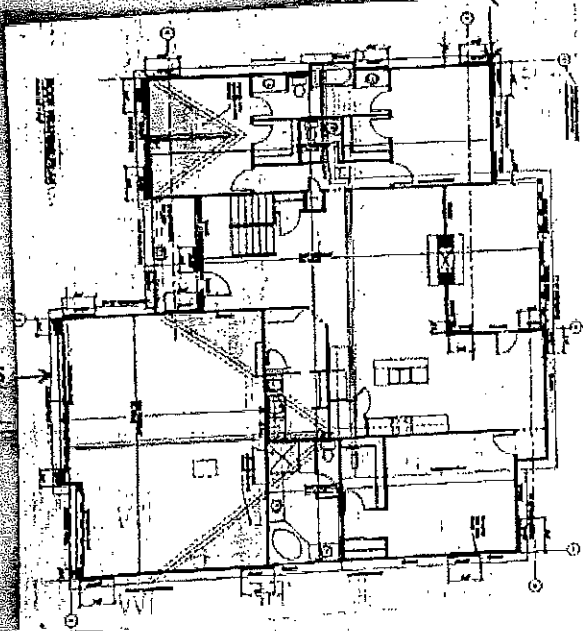
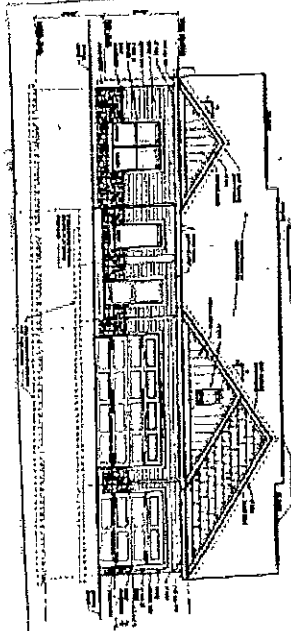
Subject Property



THE DAISY
HARDY BUILT



THE WINEBERRY
HARDY BUILT



305.00'

5' 15" 1/2"

20° 07' 40" E

305.27'

177.77'

127.51'