

BOARD OF ADJUSTMENTS MINUTES

June 5, 2024

In Attendance:

Board Members: Jerome Gordon, Mike Dunbar, Clinton Jarret, Jason Baker

City Staff: John Doyle, Nathan Carmon, Miriam Jones, James Hendrix

Absent: Kris York

Guests: Mark Rowden

1. **Roll Call-** Meeting called to order at 5:00 p.m. A quorum was present.
2. **Public Hearing- Variance Applications-** Public Hearing was opened at 5:00 p.m. The purpose of the hearing is to consider a variance request for setback requirements for Building 59, Lot 2 of Pinnacle Place and Building 93, Lot 35 of Pinnacle Place. Nathan Carmon stated building 59 the set back is 6 ½ to 7 ft off back of curb to home. Building 93 is off by 1 ½ with soffit. After discussion from the board Mike Dunbar asked if there were any safety concerns for traffic. Nathan Carmon stated no safety concerns. Clinton Jarret is concerned about building 59 encroaching on easement. Nathan Carmon stated if lot is large enough for 59 to be pushed back would like that to happen. John Doyle stated he would want a replat of building 59 to remove private structure from easement. Mike Dunbar stated, to confirm building 93 there is no easement issue. Nathan Carmon stated, correct. Clinton Jarret made a motion to accept variance request for building 93, lot 35. Jason Baker seconded motion. All in favor. Motion passes. Clinton Jarret stated he is not in favor to accept variance request for Building 59. If it can't be moved back, not saying can't build house just need to look at other options. Jerome Gordon made a motion to deny variance request for building 59. Jason Baker seconded motion. All in favor of denying the variance request for building 59. Motion passes.

With no further business, the meeting was adjourned at 5:50 p.m.



THE CITY OF WAYNESVILLE

Public Works/Building Department

100 Tremont Center
Waynesville, MO. 65583
Phone: (573) 774-6171

VARIANCE APPLICATION		
APPLICANT INFORMATION		
Applicant Name: Mark Rowden	Date: 03/5/25	Appeal No:
Applicant's Address: 20980 Rowden Lane	Phone: 5738554584	
VARIANCE INFORMATION		
Location of Property (if different from above): Building 93, lot 35 of Pinnacle Place		
Parcel ID No: 116023000000003079	Zoned: R3	
Name: Pinnacle Place	Organization & Title Pinnacel Place-Owner	
APPLICANT STATEMENT		
<p>I, <u>Mark Rowden</u>, hereby petition the Board of adjustment for a VARIANCE from the literal provisions of the City of Waynesville Zoning Ordinance because it prohibits the use of the parcel of land described above shown by the attached plot plan. I request a variance from the following provisions of the ordinance: 25' Building setback</p>		
<p>So that the property can be used in a manner indicated by the attached plot plan or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:</p>		
<p><i>The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under State enabling statutes, the Board is required to agree with three (3) relevant factors before it may issue a variance. Those factors are:</i></p> <ol style="list-style-type: none"> <i>1. the applicant would suffer "unnecessary hardships" in carrying out the strict letter of the regulation.</i> <i>2. the variance would be in harmony with the intent of the regulation and preserve its spirit; and</i> <i>3. by granting the variance, the essential character of the neighborhood will not be altered, the public safety and welfare will be assured and a grant of the variance will result in substantial justice for parties.</i> 		
4. APPLICANT RESPONSE TO RELEVANT FACTORS		
<p>A. <i>There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Regulation.</i> The courts have developed three (3) rules to determine whether "Practical Difficulties" or "Unnecessary Hardships" exist in a particular situation. State facts and arguments in support of each of the following:</p> <ol style="list-style-type: none"> 1. If the owner of the property complies with the provisions of the regulation, he/she can secure no reasonable return from or make no reasonable use of his property. Note: It is not sufficient that failure to grant the variance simply makes the property less valuable. <p>Applicant's Response: Since the structures are in progress, remediation would be difficult and costly.</p>		

Applicant Response Continued. Pg 2

2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land.
Note: Hardship suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e., a ditch which runs through the property.

Applicant's Response:

The building setback is slightly off because of confusion in the layout process because of the tight curvature of the street in front of the house.

3. The hardship is not the result of the applicant's own actions or was inherited with the applicant's prior knowledge.

Applicant's Response:

This issue is the result of confusion and misunderstanding on the part of our team

In the space below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three (3) conclusions:

1. *The variance is in harmony with the general purpose and intent of the regulation and preserves its spirit.*
State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the regulation that will allow a reasonable use of the land and that the use of Property, if the variance is granted, will not substantially detract from the character of the neighborhood.

Applicant's Response:

Because of the curvature of the road, the building is slightly closer to the curb on one corner of the garage. This does not present an aesthetic challenge. The front of the buildings will not appear to vary at all from the other nearby, and adjoining, buildings

2. *The granting of the variance secures the public safety and welfare and does substantial justice.*
State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.

Applicant's Response:

The benefit to the public will be the continuity of the development that is providing needed housing for the community.

NOTE: The applicant and/or their agents or parties of interest are prohibited from any contact in relation to this matter with any member of the Board of Adjustment members or Planning & Zoning Commission members prior to the Public Hearing.

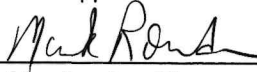
I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted this 5th day of March, 2024.

Caleb Rowden

Printed Name of Applicant

Signature of Applicant



3/5/24

Date

Export (4)

Parcel Id	Owner Name	Property Address	Owner Address	Owner City	Owner State	Owner Zip
11602300000007001	RANKIN SCOTT & ALEJANDRA	20775 REPORTER RD	20775 REPORTER RD	WAYNESVILLE	MO	65583-2790