

**BOARD OF ADJUSTMENT PUBLIC HEARING
MONDAY, OCTOBER 29, 2012 AT 7:00 P.M.
ASHLAND CITY CHAMBERS
109 EAST BROADWAY**

The Board of Adjustment will hold a public hearing, Monday, October 29, 2012 at 7:00 p.m. at Ashland City Hall Chambers, 109 East Broadway, Ashland, Mo. to hear public input on a variance request submitted by Southern Boone County Fire Protection District for 208 S. Henry Clay Blvd. This request is a variance from Chapter 9, Planning and Zoning Ordinance 9.330.1- rear yard setback requirements from a minimum required setback of 30 feet to 12 feet. For additional information or questions please contact us at 573-657-2091 Ashland City Hall, 109 East Broadway, Ashland, Mo. from 8:00 a.m. to 5:00 p.m. Monday thru Friday.

Advertise: 10-10-12



THE CITY OF ASHLAND, MISSOURI

LETTER OF NOTICE TO PARTIES IN INTEREST

(PERTAINING TO PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT)

DATE: October 10, 2012

TO: Whom it May Concern;

RE: A request by Southern Boone County Fire Protection District, for a variance from Chapter 9; Planning and Zoning Section 9.330.1 rear yard setback requirements. The request is for a variance in rear yard setback requirements of a minimum of 30 feet to 12 feet.

Notice of public hearing before the Board of Adjustment of the City of Ashland, Missouri in relation to the following described property located in the City of Ashland, Missouri:

208 S. Henry Clay Blvd.

Notice is hereby given that there will be a public hearing before the Board of Adjustment of the City of Ashland, Missouri at the hour of 7:00 p.m. on Monday, the 29th of October, 2012, in the Ashland City Chambers located at 109 East Broadway, in Ashland, Missouri.

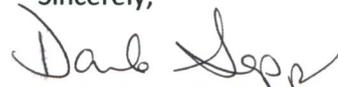
The person or persons requesting said hearing have listed you as a party in interest to an application or appeal to the Board of Adjustment relative to the above described property.

The file copy of the Notice of Application to the Board of Adjustment may be seen at the Ashland City Hall, which is located at 109 East Broadway, Ashland, Missouri. It can also be seen on City's website www.ashlandmo.us.

Notice of the public hearing is being published in the Boone County Journal.

The Board of Adjustment invites you to attend the Public Hearing and make known your interests in the appeal or application. If you have any questions please contact City Hall at 573-657-2091.

Sincerely,


Darla Sapp, City Clerk



CITY OF ASHLAND, MISSOURI

NOTICE OF APPLICATION TO THE BOARD OF ADJUSTMENT

To: Board of Adjustment
City of Ashland, Missouri
109 E. Broadway
Ashland, MO 65010
(573) 657-2091

Subject: Notice of application in regard to the following described property located in Ashland Missouri.

Legal Description:

24 - 508 - 00 - 05 - 008 - 0001 Attached Warranty Deed (2 pgs)
Tax Parcel Number

and known, or to be known as: 208 S. Henry Clay Blvd
Street or Route

Notice is hereby given that I/We the property owner(s) apply to the Board of Adjustment of Ashland, Missouri for permission to make the following described use of the described property:

Building expansion to the east of existing building as shown on the attached exhibits (11x17). The SBCFPD requests relief from the rear yard setback to be 17' +/- as shown.

Authority to grant said permission is given to the Board of Adjustment by City of Ashland Code.

If the Board of Adjustment grants permission as requested, there will still be substantial compliance with the Zoning Regulations, the spirit of the Zoning Regulations will be observed, public safety and welfare will be secured and substantial justice will be done.

I/We request that the Board of Adjustment grant the above described permission and that a Certificate of Decision be issued by the said Board to that effect.

Attached hereto and made part hereof is a sheet entitled "Parties of Interest" which lists the names and addresses of all parties in interest, including all property owners within 185 feet of the subject property, to the best of my/our belief.

The above information is true and correct to the best of my knowledge.

[Signature] 9/10/12
Signature of Owner(s) Date
(573) 657-9231 (H)
Daytime Phone
(573) 881-4844 (C)

Jim Cunningham, SBCFPD
Print Name of Owner
208 S. Henry Clay Blvd
Address
Ashland, MO 65010
City & Zip Code

Darbo Dore 9.14.12
Secretary, Board of Adjustment Date

I hereby acknowledge receipt of this application:

Boone County, Missouri

Filed for record on Oct 18 1994 at 11:14 AM in Boone County, Mo.
Document No. 22289 recorded in Book 111 Page 154 of the Recorder of Deeds

GENERAL WARRANTY DEED

156

THIS DEED, made and entered into this 4th day of October, 1994 by and between

BARRETT L. GLASCOCK AND ELIZABETH A. GLASCOCK, HUSBAND AND WIFE
party or parties of the first part, of BOONE County, State of Missouri, grantor(s), and

SO. BOONE COUNTY FIRE PROTECTION DISTRICT
party or parties of the second part, of _____ County, State of Missouri, grantee(s).

Grantor's mailing address is P.O. Box 199 Ashland, MO. 65010

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, SURRENDER AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part the following described Real Estate, situated in the COUNTY of BOONE and State of Missouri, to wit:

SEE ATTACHED EXHIBIT A.

TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges and appurtenances to the same belonging, unto the said party or parties of the second part forever, the said party or parties of the first part covenantee that said party or parties and the heirs, executors, administrators and assigns of such party or parties shall and will WARRANT AND DEFEND the title to the premises unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting however, the general taxes for the calendar year 1994 and thereafter, and special taxes becoming a lien after the date of this deed.

IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.

Barrett L. Glascock
BARRETT L. GLASCOCK

Elizabeth A. Glascock
ELIZABETH A. GLASCOCK

STATE OF MISSOURI }
COUNTY OF BOONE } On this 4th day of October, 1994

before me personally appeared BARRETT L. GLASCOCK AND ELIZABETH A. GLASCOCK, HUSBAND AND WIFE to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Ashland Missouri, the day and year first above written.

My term expires July, 1996 Brenda L. Forbis
signed

(SEAL) Brenda L. Forbis



STATE OF MISSOURI }
COUNTY OF _____ } IN THE RECORDER'S OFFICE

I, Recorder of said County, do hereby certify that the within instrument of Writing was, at _____ o'clock _____ M. on the _____ day of _____, 19____, duly filed for record in this office, and has been recorded in Book _____ Page _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at _____ Missouri on the day and year aforesaid.

(SEAL) _____ Recorder of Deeds

Boone County, Missouri Unofficial Document

EXHIBIT A:

157

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 15, TOWNSHIP 46 NORTH, RANGE 12 WEST, BEING THAT PART OF BLOCK 23 IN THE TOWN OF ASHLAND, MISSOURI, LYING EAST OF U.S. HIGHWAY 63, NOW KNOWN AS HENRY CLAY BOULEVARD IN ASHLAND, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF SAID HENRY CLAY BOULEVARD AND THE SOUTH LINE OF SAID BLOCK 23; THENCE SOUTH 89 DEGREES 17' 40" EAST ALONG THE SOUTH LINE OF SAID BLOCK 23, 195.80 FEET; THENCE NORTH 28 DEGREES 49' 24" EAST 405.25 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF JOHNSON AVENUE; THENCE NORTH 89 DEGREES 02' 17" WEST 195.80 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF HENRY CLAY BOULEVARD; THENCE SOUTH 28 DEGREES 49' 24" WEST 405.25 FEET TO THE POINT OF BEGINNING. SAID PARCEL BEING A PART OF LOT FOUR (4) OF ASHLAND CENTER SUBDIVISION, A RESUBDIVISION OF THAT PART OF BLOCK 23 LYING EAST OF U.S. HIGHWAY 63 IN THE TOWN OF ASHLAND, MISSOURI AS SHOWN BY PLAT RECORDED IN PLAT BOOK 14, PAGE 15, RECORDS OF BOONE COUNTY, MISSOURI.

EXCEPT LOTS 4-A AND 4-B OF PLAT NO. 1 OF A RESUBDIVISION OF PART OF LOT 4 OF "ASHLAND CENTER SUBDIVISION" AS SHOWN BY PLAT RECORDED IN PLAT BOOK 18, PAGE 59, RECORDS OF BOONE COUNTY, MISSOURI.

SUBJECT TO RESERVATION OF UTILITY EASEMENT OVER THE NORTH 15 FEET OF THE ABOVE DESCRIBED LAND.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

STATE OF MISSOURI)
COUNTY OF BOONE) SS.

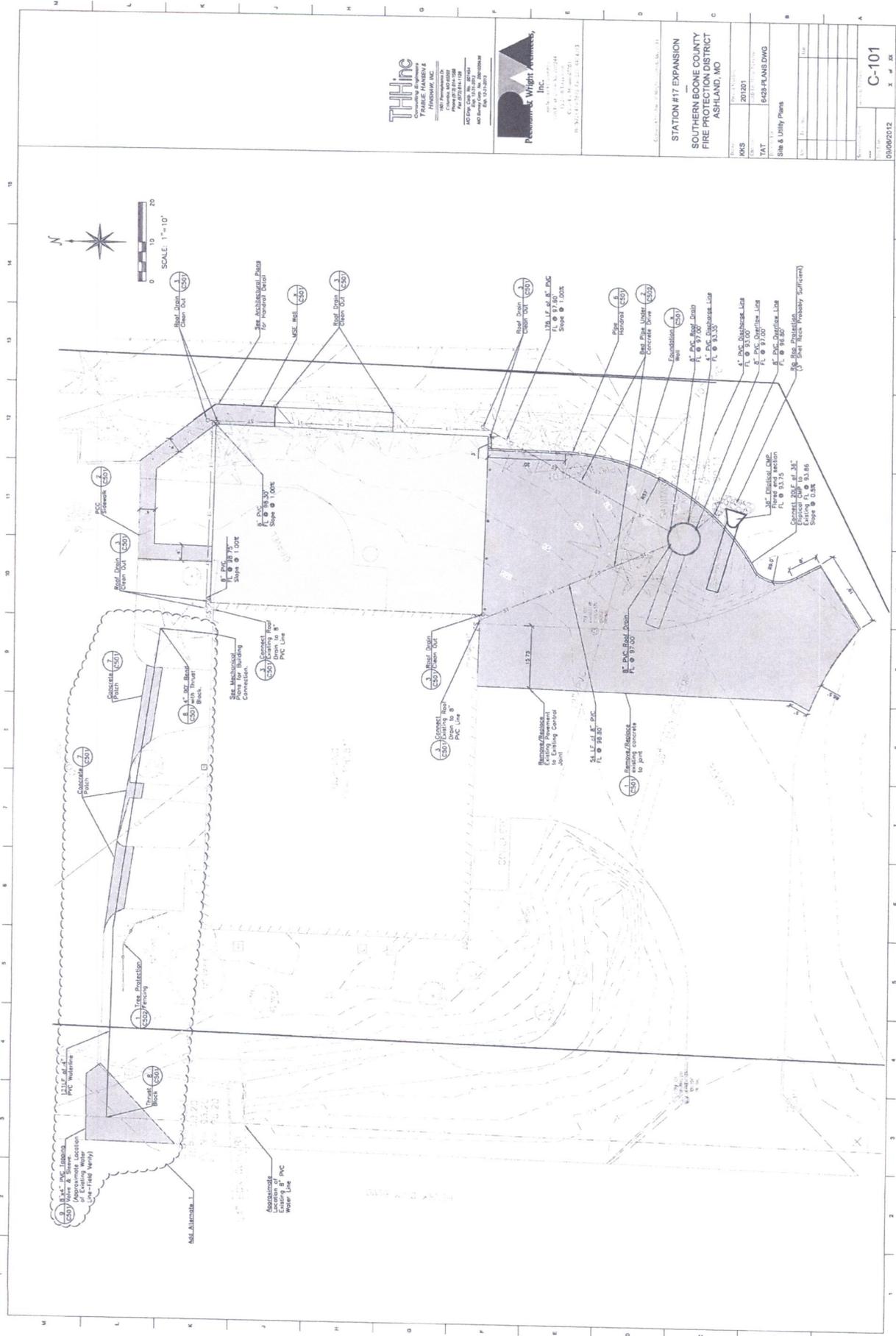
Document No. 22389

I, the undersigned Recorder of Deeds for said county and state do hereby certify that the foregoing instrument of writing was filed for record in my office on the 14th day of October 1994 at 10 o'clock and 43:41 minutes AM and is truly recorded in Book 1114 Page 156.

Witness my hand and official seal on the day and year aforesaid.

BETTIE JOHNSON, RECORDER OF DEEDS

by Lisa Vicker deputy



THinc
 Planning & Architecture
 1007 Parkwood Dr.
 Ashland, MD 21731
 Phone: 301-281-1588
 Fax: 301-281-1589
 MD Exp. Cert. No. 201242
 MD Survey Cert. No. 2002020048
 Exp. 12/31/2023

Pennamark Wright Architects, Inc.
 178 E. E. E. Pk.
 Ashland, MD 21731
 Phone: 301-281-1584
 Fax: 301-281-1585
 MD Exp. Cert. No. 201275
 MD Survey Cert. No. 2002020043
 Exp. 12/31/2023

STATION #17 EXPANSION
 SOUTHERN BOONE COUNTY
 FIRE PROTECTION DISTRICT
 ASHLAND, MD

Project No.	201201
Client	Southern Boone County Fire Protection District
Site & Utility Plans	
Scale	1" = 10'
Date	09/06/2012
Sheet No.	C-101
Sheet of	XX of XX



THinc
 TRINITY
 ENGINEERING
 ARCHITECTURE
 PLANNING
 LANDSCAPE ARCHITECTURE
 1001 Parkway, Suite 100
 Ashland, MO 64003
 Phone: 417-685-1100
 Fax: 417-685-1101
 www.thincinc.com

Perkins & Wright Architects, Inc.
 1100 N. 1st Street, Suite 104
 Ashland, MO 64003
 Phone: 417-685-1100
 Fax: 417-685-1101
 www.perkinswright.com

STATION #17 EXPANSION
 SOUTHERN BOONE COUNTY
 FIRE PROTECTION DISTRICT
 ASHLAND, MO

K/S	2/1/19
C/S	2/1/19
TAT	8432-PLANS.DWG
Site & Utility Plans	
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C-101
 09/04/2012



Board of Adjustment Report

DATE: October 2, 2012
TO: Members of the Board of Adjustment
FROM: Charles Senzee, Community Development Director
CC: Jim Cunningham w/ SBCFPD, Applicant
SUBJECT: 208 S. Henry Clay Blvd, Fire Station #17 Expansion – Rear Setback Variance

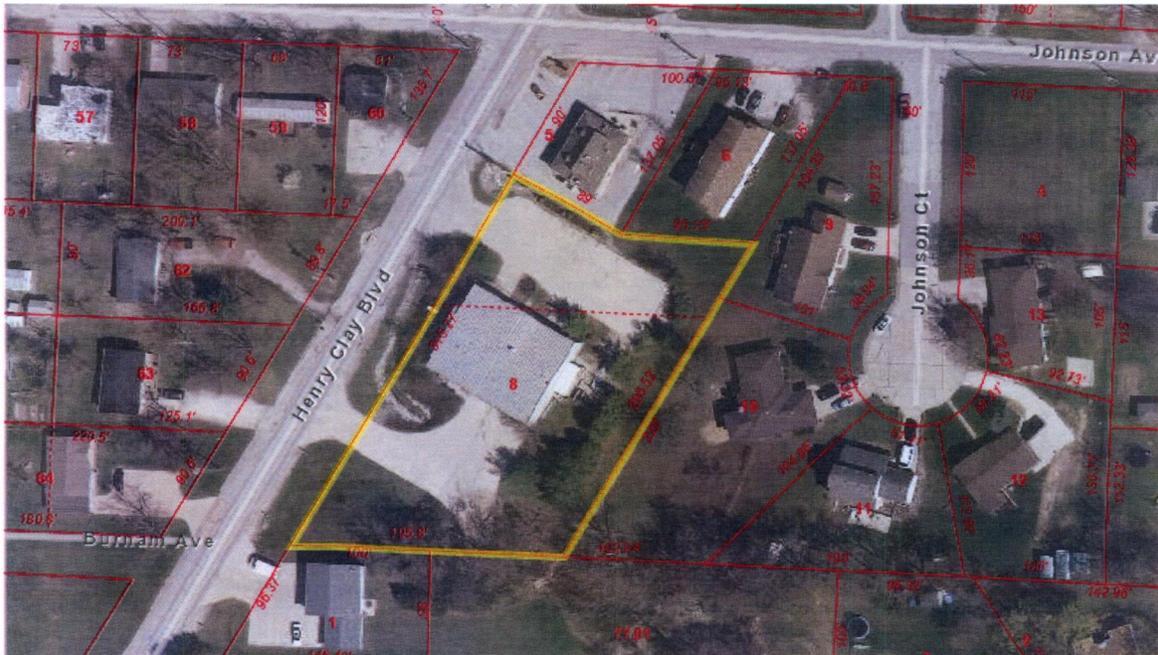
The purpose of this report is to provide you with information regarding a request from the Southern Boone County Fire Protection District (SBCFPD), Applicant, that the Board of Adjustment grant a variance to Chapter 9, Section 9.330.1, *Maximum Height and Minimum Yard Requirements*, to allow a 12 foot rear yard in lieu of the 30 foot rear yard required by code. This variance is necessary in order to pursue the approval and permitting of a planned expansion to the existing fire station structure. Section 10.155 of the City's adopted Code of Ordinances grants the Board of Adjustment authority to review variance request applications.

GENERAL INFORMATION

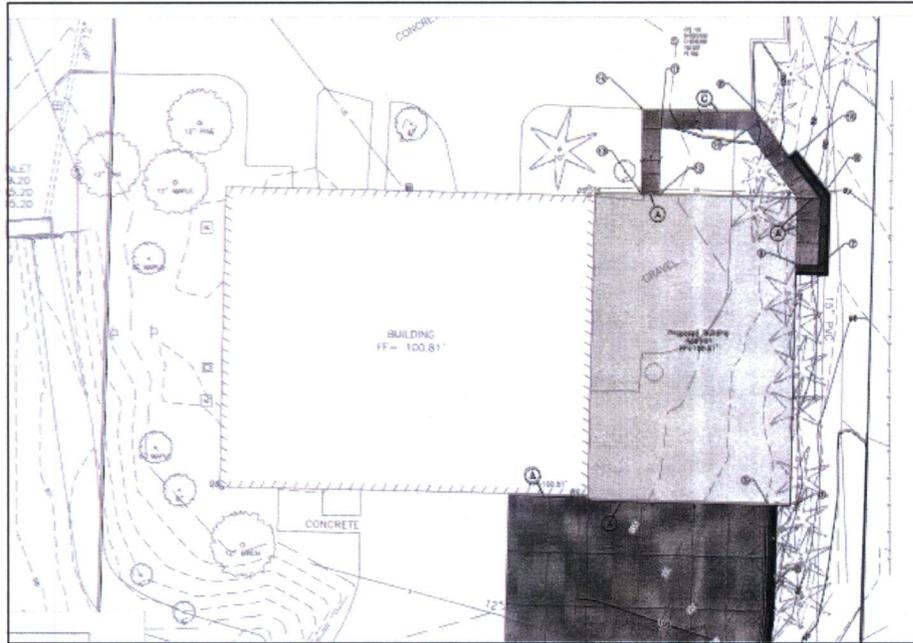
Parcel Identification. 24-508-00-05-008-0001

Physical Characteristics. The subject property is currently developed as the Southern Boone County Fire Station #17.

Zoning Classification. R-2 (Two-Family Residential)



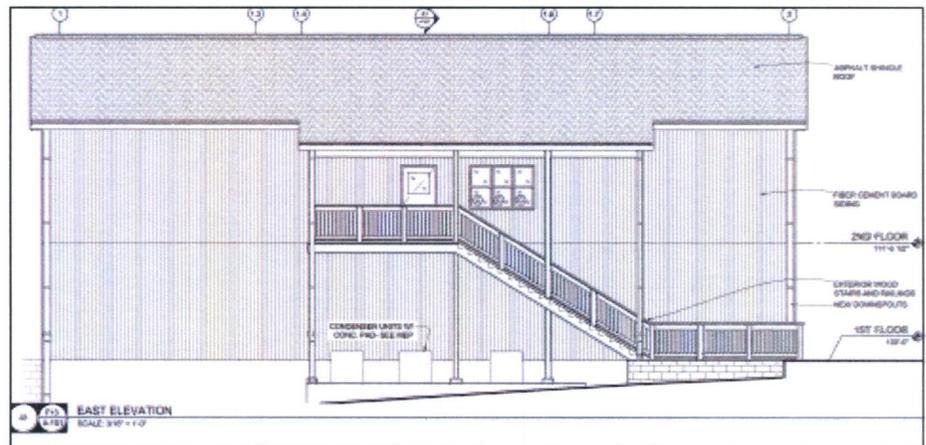
AERIAL VIEW OF AREA, SUBJECT PROPERTIES ARE SHOWN IN YELLOW



PROPOSED BUILDING EXPANSION CURRENTLY BEING REVIEWED BY CITY STAFF

EAST ELEVATION OF PROPOSED ADDITION (FACING ADJACENT SUBDIVISION).

PLEASE SEE ATTACHMENT FOR OTHER BUILDING SIDES.



VIEW OF EXISTING FIRE STATION PROPERTY FROM NEIGHBORING RESIDENTIAL LOT TO THE EAST

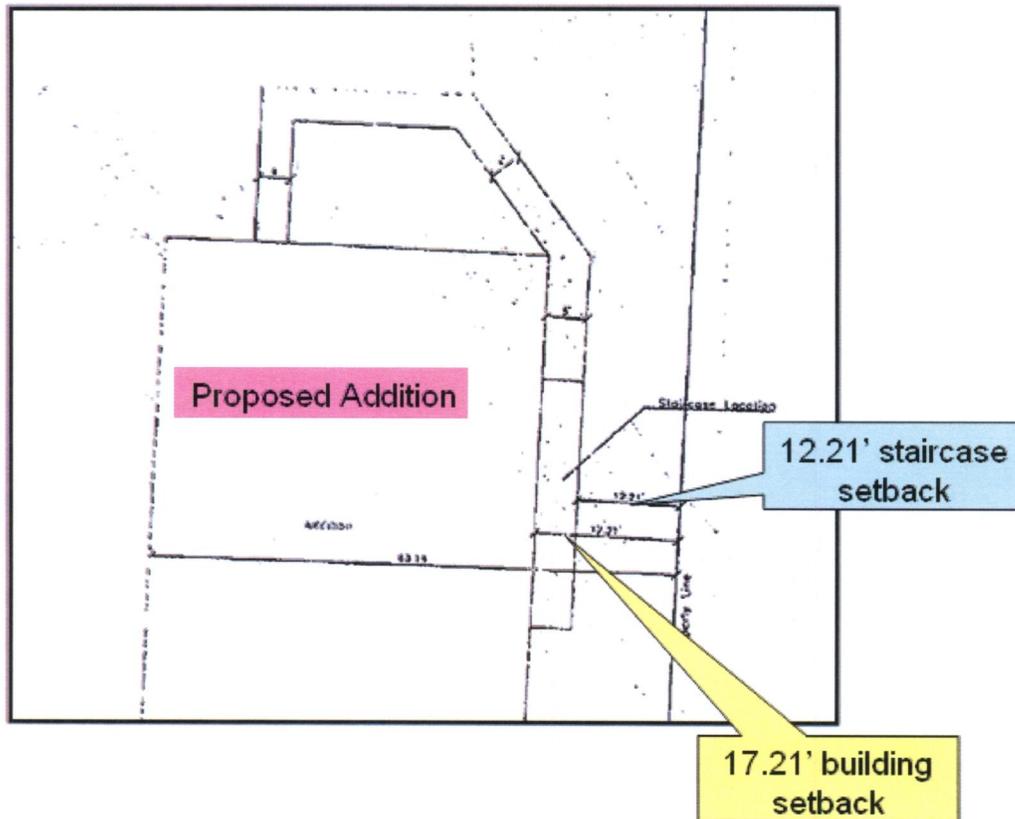
ANALYSIS

Earlier this year staff was contacted regarding a possible expansion of the SBCFPD's Station #17 located at 208 S. Henry Clay Blvd. This proposed expansion will include additional equipment storage and living quarters for the fire district employees. A reduction in the required 30' rear building setback was discussed in order to allow the district to pursue its preferred site design. Staff informed the applicant that a variance from Section 9.330.1 would be required prior to obtaining site plan approval from the City's Planning and Zoning Commission. A variance request was submitted on September 14, 2012.

Chapter 9, Section 9.330.1 requires that structures within the R-2 zoning district be a minimum of 30 feet from the rear property line. The applicant's variance application requests that this setback be reduced to 17 feet. However, this request fails to take the proposed staircase into account. Section 9.330.13 states the following:

Fire escapes, outside stairways, chimneys and balconies may project up to four (4) feet into a required side or rear yard, but these projections must be at least five (5) feet from any adjacent lot line.

Based upon this requirement the proposed stairway must maintain a minimum rear setback of 26 feet under Ashland's code. The proposed staircase is approximately 12 feet from the property line. Therefore the applicant is actually requesting that the minimum 30 foot rear setback be reduced to approximately 12 feet. This information is reflected in the diagram below.



Staff visited the subject property and observed that a number of trees create an excellent visual buffer between the homes on Johnson Court and the existing fire station. This buffer can be observed in one of the images above. It appears that these trees will be removed as part of the expansion project. The removal of this buffer and the reduction of the required setback will primarily impact the two residential properties immediately to the east. In order to determine if these changes would have a detrimental impact upon these properties staff contacted the resident at 203 Johnson Court. When the resident was informed of the proposed expansion and variance she voiced a number of concerns. These concerns included the proximity of the new addition to her house, the appearance and height of the structure, the impact to her property value, and the fact that occupants of the new structure could look down into her yard and house.

Another question raised by the resident of 203 Johnson Court is why the addition could not have been designed differently. Staff was unable to answer whether the applicant had considered alternative designs which would satisfy the needs of the SBCFPD while not requiring a variance. If such an alternative design exists then the requested variance may not be the result of a practical difficulty or hardship.

CITY STAFF OPINION

City staff strongly feels that the proposed fire station expansion represents a dramatic improvement to the community as a whole. The ability to house additional equipment and personnel within the station will have a positive impact upon the SBCFPD's ability to continue providing quality services to the region. However, when reviewing a variance request staff is required to consider the possible impacts that such variances may have upon adjacent properties. The concerns voiced by an adjacent property owner forced staff to consider that the requested variance may not be a benefit to the nearby neighborhood. In addition, the applicant has not yet provided information which establishes a clear hardship. The proposed project is clearly in the best interests of the community as a whole. However, staff is unable to support the variance request until the concerns of the neighboring residences are addressed and the applicant demonstrates that all other design options have been exhausted.