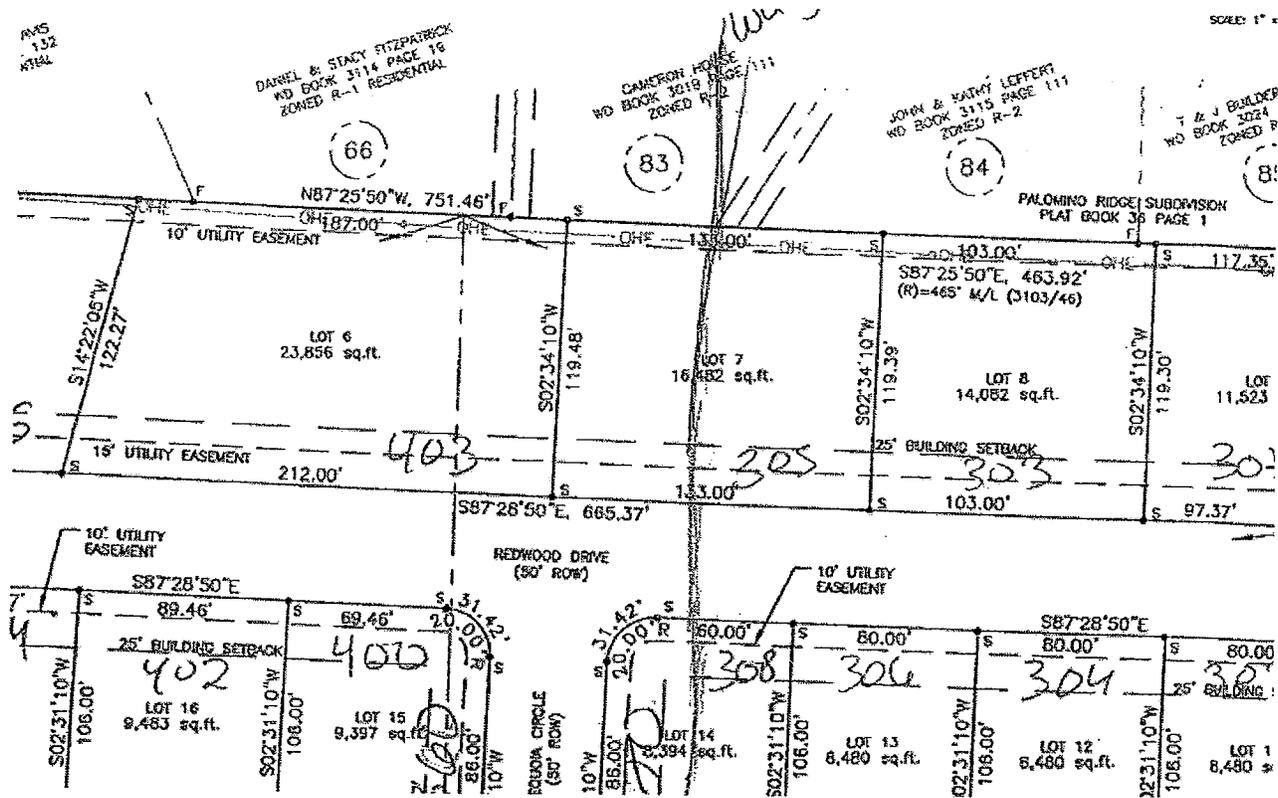




**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
WEDNESDAY, JUNE 20, 2012 AT  
7:00 P.M.**

The Board of Adjustment will hold a public hearing, Wednesday, June 20, 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 Larkin Powers for Lots 6, 7 and 8 in Ashland Keystone Subdivision. This request involves dividing three lots into four lots which do not meet the minimum lot size requirements of Chapter 9 Section 9.298 "Lot Size Transition calculation."

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:

24-200-00-03-006 0001

Tax Parcel Number

and known, or to be known as: 403 Redwood Dr.

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:

With 403 Redwood being so oversized, I would like to request a variance for dividing lot 6 (403), lot 7, & lot 8 into 4 lots, or possibly only lots 6 & 7.

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 of Owner(s) [Handwritten Signature] Date 4-4-12

Daytime Phone 573-489-1236

MARKIN POWERS/Powers Construction LLC
Print Name of Owner

3825 E. HARTWEGE RD. #
Address

HARTSBURG, MO 65039
City & Zip Code

Dore Sepp 4/4/12
Secretary, Board of Adjustment Date

I hereby acknowledge receipt of this application:



## **Board of Adjustment Report**

**DATE:** June 11, 2012  
**TO:** Members of the Board of Adjustment  
**FROM:** Charles Senzee, Community Development Director  
**CC:** Larkin Powers, Applicant  
**SUBJECT:** Ashland Keystone Subdivision Lots 6, 7 and 8 – Lot Size Variance

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The purpose of this report is to provide you with information regarding a request from Larkin Powers w/ Powers Construction, Applicant, that the Board of Adjustment grant a variance to Chapter 9, Section 9.298, *Lot Size Transition Calculation*, to allow three existing lots within the Ashland Keystone Subdivision to be re-platted to a size smaller than the City's code will currently allow. The purpose of this variance and re-plat is to reconfigure the arrangement of the three lots to create a new fourth lot. Chapter 10, Section 10.155 of the City's adopted Code of Ordinances grants the Board of Adjustment authority to review variance request applications.

### **GENERAL INFORMATION**

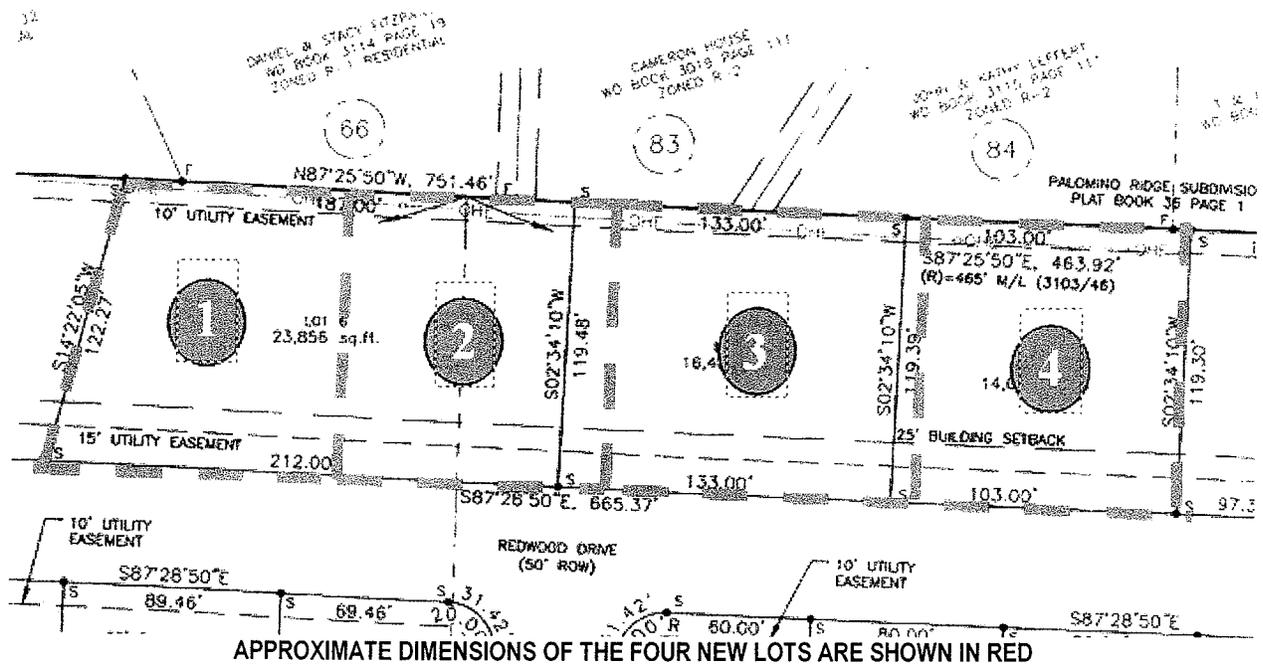
**Parcel Identification / Property Size.** Lot 6 – PIN: 24-200-00-03-006.00 01 (0.55 acres, 23,865 sq ft)  
Lot 7 – PIN: 24-219-00-08-001.00 01 (0.38 acres, 16,482 sq ft)  
Lot 8 – PIN: 24-219-00-08-002.00 01 (0.32 acres, 14,082 sq ft)

**Physical Characteristics.** The subject properties are currently undeveloped.

**Zoning Classification.** R-1 (Single-Family Residential)



**AERIAL VIEW OF AREA, SUBJECT PROPERTIES ARE SHOWN IN YELLOW**



## ANALYSIS

In March of this year the applicant contacted staff to discuss the possibility of re-plating the subject properties in order to create a new lot. The applicant felt that the three existing lots were too large and did not match the size of the other lots within the subdivision. Staff informed the applicant that a variance from Section 9.298 would be required prior to submitting for a re-plat. A variance request was submitted on April 4, 2012.

Chapter 9, Section 9.295 requires that lots within the R-1 zoning district be a minimum of 8,000 sq ft in size. Although the rest of the Ashland Keystone subdivision was developed according to this size requirement the subject lots are range between 14,082 and 23,865 sq ft. This was done in order to comply with Section 9.298 which states the following:

### 9.298. Lot Size Transition Calculation

*The total area of a proposed residential lot abutting an existing residential lot in neighboring plats shall be no less than the greater of either:*

- (2) *The minimum lot area square footages called out in 9.295 or:*
- (3) *Eighty percent (80%) or more of the area of the existing residential lot sharing linear footage with the proposed lot.*

*If 9.298 (2) prevails as the greater, the area of a proposed residential lot sharing linear footage with two or more existing residential lots shall be calculated based on the average area of the existing residential lots sharing linear footage with the proposed lot.*

*In cases where a street does or will separate a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting.*

*In cases where required open space within a proposed residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting, and the area of open space located between the two lots and within the extended lot lines of the proposed lot may be counted toward the required square footage of the proposed lot.*

## **CITY STAFF OPINION**

Section 9.298 was clearly created in an attempt to provide appropriate transition between subdivisions of differing densities. The placement of a large lot subdivision (with possibly high value homes) immediately adjacent to a subdivision with smaller lots (and possibly more affordable homes) is not recommended as it could impact the property value of the larger lots. This code is designed to limit the encroachment of dense subdivisions and protect property values within established single family home subdivisions. However, the manner in which it is currently constructed could be considered overly complex and inflexible. It focuses solely on lot size and does not take into account the specific type of dwelling which will be constructed on the property. Duplexes, triplexes, and apartments are all typically found on large residentially zoned lots. The placement of an apartment building next to a large-lot single family home may also impact the property value of that home. However, this situation is not covered by this code section. It is staff's opinion that residential density must be factored into any code dealing with transitional requirements.

The subject lots are immediately adjacent to larger lots containing duplex homes. The subject lots are being required to maintain larger lot sizes solely due to these neighboring duplexes. Section 9.298 has created a situation where the City is attempting to protect a more dense development from a less dense development. It is the opinion of staff that this runs contrary to the intent of the section. It is clear that improvements are needed to Section 9.298 in order to improve functionality, reduce complexity, and properly limit its scope.

Staff supports the variance request as the strict application of Section 9.268 places an unnecessary and undue hardship on the property owner. Allowing the applicant to re-plat the existing three lots into four lots which comply with the standard 8,000 sq ft size requirement for R-1 lots would have minimal impact on the surrounding area. In fact, such lots would better match those already constructed within the Ashland Keystone subdivision and provide a more uniform appearance to the neighborhood. If the Board of Adjustment chooses to approve the variance request staff asks that the approval specifically include the three subject properties and any lot which may be created from these properties via the City's platting process.

containing square footage equal to or greater than the proposed subdivision's proposed total lot area reduction is prohibited from use for dwelling (s).

(1) For the purpose of this section, dwelling(s) is as defined in 9.115.

(2) Land set aside to comply with this provision shall be clearly designated as such on the preliminary and final plats.

(3) The area of proposed residential lots abutting existing lots in neighboring plats cannot be sized under 9.297. and must instead be sized as described in 9.298.

(amended Council Bill No. \_\_\_\_\_, 1-03-2006)

### **9.298. Lot Size Transition Calculation**

The total area of a proposed residential lot abutting an existing residential lot in neighboring plats shall be no less than the greater of either:

- (2) The minimum lot area square footages called out in 9.295 or;
- (3) Eighty percent (80%) or more of the area of the existing residential lot sharing linear footage with the proposed lot.

If 9.298 (2) prevails as the greater, the area of a proposed residential lot sharing linear footage with two or more existing residential lots shall be calculated based on the average area of the existing residential lots sharing linear footage with the proposed lot.

In cases where a street does or will separate a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting.

In cases where required open space within a proposed plat separates a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting, and the area of open space located between the two lots and within the extended lot lines of the proposed lot may be counted toward the required square footage of the proposed lot.

(amended Council Bill No. 2005-032, 1-03-2006)

BOARD OF ADJUSTMENT PUBLIC HEARING REQUEST FOR LARKIN POWERS/POWERS CONSTRUCTION CO. LLC-JUNE 20, 2012 PROPERTY OWNERS WITHIN 185 FEET

<u>NAME</u>	<u>MAILING ADDRESS</u>
1. Grant & Adriane Kitch	330 Ponderosa Lane, Ashland, Mo. 65010
2. Rodney & Jamie Davis	502 Appaloosa Drive, Ashland, Mo. 65010
3. Daniel & Stacey Fitzpatrick	500 Appaloosa Drive, Ashland, Mo. 65010
4. Mark & Jeanne Shiner	400 Mustang Drive, Ashland, Mo. 65010
5. Lloyd & Debra Berry	5651 E. Arnold Lane, Ashland, Mo. 65010
6. Ashland Rentals, LLC	P.O. Box 387, Ashland, Mo. 65010
7. Bobby & Faye Lewis	12360 Bob Veach Road, Ashland, Mo. 65010
8. John & Kathy Leffert	P.O. Box 502, Ashland, Mo. 65010
9. Brandon Springer & Lauren Kriegshauser	405 Redwood Drive, Ashland, Mo. 65010
10. Bradley Williamson	501 Redwood Drive, Ashland, Mo. 65010
11. Watt's Construction Co., Inc.	1750 E Hwy MM, Ashland, Missouri 65010
12. Shane & Andrea Parks	302 Redwood Drive, Ashland, Mo. 65010
13. Cyrus Donovan Sparks	304 Redwood Drive, Ashland, Mo. 65010
14. Robert Lee Hammond	306 Redwood Drive, Ashland, Mo. 65010
15. Chad & Sarah Stevens	600A Pinto Pony Drive, Ashland, Mo. 65010
16. Sumner Dismukes	402 Redwood Drive, Ashland, Mo. 65010
17. Matthew Smith	500 Redwood Drive, Ashland, Mo. 65010
18. Powers Construction LLC	3825 E. Hart Ridge Rd., Hartsburg, Mo. 650.39
19. Cameron House	604B Pinto Pony Drive, Ashland, Mo. 65010
20. Robert & Rachael Adams	504 Appaloosa Drive, Ashland, Mo. 65010
21. Jason & Ashley Johnston	404 Redwood Drive, Ashland, Mo. 65010
22. Southern Boone County R-1 Schools	P.O. Box 168, Ashland, Mo. 65010