



CITY OF JACKSON
ZONING BOARD OF ADJUSTMENT MEETING AGENDA

Thursday, January 27, 2022 at 5:30 PM

City Hall, 101 Court Street, Jackson, Missouri

Regular Members

Jason Liley
Kenneth White
Howard Hemmann
Brent Wills

Kevin Schaper, Chairman

Janet Sanders, Staff Liaison

Alternate Members

Lynette Moore
Mike Berti
Vacant Position

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Approval of minutes of December 2, 2021 meeting

PUBLIC HEARINGS AND ACTION ITEMS

2. Request for a 26' variance from the required 50' buffer from a residential district and a 23' variance from the front setback in a C-2 General Commercial District and allowance of a tree buffer in lieu of a privacy fence for construction of mini-storage units in a C-2 General Commercial Zoning District at 720 S. Old Orchard Rd. as submitted by Independence Self-Storage, LLC.

OTHER ITEMS

ADJOURNMENT

This agenda was posted at City Hall on January 21, 2022 at 2:00 p.m.

PLEASE OBSERVE SOCIAL DISTANCING WHEN ATTENDING THIS MEETING

JOURNAL OF THE BOARD OF ADJUSTMENT
CITY OF JACKSON
DECEMBER 2, 2021; 5:30 PM
JACKSON CITY HALL

The meeting was called to order by chairman Kevin Schaper. Present were regular members Kevin Schaper and Jason Liley. Regular members absent were Brent Wills and Ken White. Member Howard Hemmann was recused from this meeting. Alternates serving were Lynette Moore and Mike Berti. City staff member present was Building & Planning Manager Janet Sanders. Citizen present was Howard Hemmann (as applicant).

Chairman Schaper opened the meeting.

Approval of the minutes of the)
October 28, 2021, regular meeting)

The minutes of the October 28th meeting were unanimously approved on a motion by Jason Liley, seconded by Lynette Moore.

VARIANCE HEARINGS & NEW ACTION ITEMS

Request for a variance from the restriction)
prohibiting storage sheds in side yards in)
an R-4 General Residential District)
for relocation of an existing storage shed)
in the side yard of 401 North Missouri)
Street as submitted Howard N. Hemmann)

Chairman Schaper opened the hearing and Mrs. Sanders read a report detailing the dates of application and notifications for this item.

Mr. Hemmann of 401 North Missouri Street came forward and was sworn in. He stated that he is installing a carport on his driveway and needs to relocate the existing shed that had a variance. It will be moved 30' to the side. He has talked to several neighbors, and none were opposed.

Finding no others wishing to speak, Chairman Schaper closed the hearing.

Mrs. Moore made a motion to approve the request. The motion was seconded by Mr. Berti and was unanimously approved.

Vote: 4 ayes, 0 nays, 0 abstentions, 0 absent

ADMINISTRATIVE CASES

None.

ADJOURNMENT

The meeting adjourned on a motion by Mike Berti, seconded by Jason Liley and unanimously approved.

Chairman Shaper notified the board that he will be unavailable for the February meeting.

Respectfully submitted,

Kevin Schaper
Chairman

Attested by:

Janet Sanders
Building & Planning Manager

Staff Report

ACTION ITEM: Request for a 26’ variance from the required 50’ buffer from a residential district and a 23’ variance from the front setback in a C-2 General Commercial District, and allowance of a tree buffer in lieu of a privacy fence for construction of min-storage units in a C-2 General Commercial zoning district at 720 South Old Orchard Road (contingent upon successful annexation into the city limits)

APPLICANT: Independence Self Storage, LLC

APPLICANT STATUS: Property Owner

PURPOSE: To annex the property into the City of Jackson and have access to city utilities and services.

SIZE: 2.65 acres

PRESENT USES: Self-storage units currently under development in county.

PROPOSED USE: Self-storage units in the city limits with some climate-controlled units.

PROPERTY ZONING: Currently no zoning. All newly annexed property is automatically zoned R-1 Single Family. Rezoning to C-2 General Commercial is currently being pursued.

SURROUNDING ZONING: North – R-2 Single Family Residential; South – out of city; East – R-1 Single Family Residential (30’ strip along Old McKendree driveway) otherwise C-2 General Commercial and CO-1 Enhanced Commercial Overlay; West – out of city

HISTORY: This property began development while in the county before the owner had interest in annexing into the city. The city obtained a 20’ utility easement across this county property from the property owner for the Williams Creek Sewer Interceptor Sewer (a trunk sewer serving the entire eastern part of town from East Jackson Boulevard north to East Main). In negotiating the easement, the city agreed to define the easement between the proposed self-storage buildings. The sewer has now been constructed and zig zags through the building layout, preventing a shift in the building locations. A pond has been located just south of the building footprints. The pond has now been drained.

TRANSPORTATION AND PARKING: All required street frontage currently exists. No minimum parking is required for self-storage units. South Old Orchard Road is a collector street on the Major Street Plan. This section of road was designed with a 100’ right-of-way to accommodate future expansion to a 4-lane pavement width with a center turn lane.

CODE SECTION(s) REQUESTED TO BE VARIED: Zoning Code (Chapter 65) excerpts:

Sec. 65-12. - C-2 General commercial district regulations.

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

ww. The following uses when located fifty (50) feet or more from any residential district (as measured to the property line) and separated from an adjacent residential district by a privacy fence:

26. Self-service storage facilities.

(3) *Height, area, and lot size regulations.* In addition to the specific requirements for the C-2 General commercial district, all height, area, and lot size regulations and exceptions set forth in [section 65-19](#), as they apply to uses in the C-2 General commercial district, shall be observed.

b. *Area.* No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

1. *Front yard.* Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.

2009 COMPREHENSIVE PLAN: Regional Center (commercial)

FLOODPLAIN INFORMATION: This property is not located in a floodplain per FEMA panel 29031C0163, dated 9/29/11.

PHYSICAL CHARACTERISTICS: City trunk sewer zig-zags between the footprints of the buildings under construction.

COMMENTS: The 2.65 acres is currently in the annexation process. The annexation and rezoning are being pursued simultaneously. All three processes are dependent upon the success of the others. If the Board of Aldermen votes to recommend approval of the variance, **any approval must be contingent upon successful annexation and rezoning.**

The variance request from the required 50' buffer is listed as a 26' variance. The drive around the buildings will be 24' from the property line between this property and the residentially zoned McKendree Crossing Subdivision. The nearest building will be 39' from the property line, but the driveway is considered part of the commercial use.

If the board grants the portion of the variance related to a tree buffer in lieu of a privacy fence, they may define what constitutes an adequate tree-line or landscape buffer.

ACTION REQUIRED: The Board shall approve or deny this request based on the criteria for granting variances. Special conditions may be added as needed.



VARIANCE REQUEST APPLICATION

City of Jackson, Missouri

APPLICATION DATE: January 11, 2022

PROPERTY ADDRESS (Other description of location if not addressed):

720 South Old Orchard Road, Jackson, MO 63755

CURRENT PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): Independence Self Storage, LLC.

Mailing Address: 6839 State Hwy. D,

City, State ZIP: Oak Ridge, MO 63769

PROPOSED PROPERTY OWNERS (if property is to be transferred, name(s) in which property will be deeded):

Proposed Property Owner(s): _____

Mailing Address: _____

City, State, ZIP _____

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Michael H. Lackamp

Mailing Address: 6839 State Hwy. D

City, State ZIP Oak Ridge, MO 63769

Contact's Phone: 573-270-2210

Email Address (if used): mikelackamp@yahoo.com

CURRENT ZONING: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> R-1 (Single-Family Residential) | <input type="checkbox"/> C-1 (Local Commercial) |
| <input type="checkbox"/> R-2 (Single-Family Residential) | <input type="checkbox"/> C-2 (General Commercial) |
| <input type="checkbox"/> R-3 (One- And Two-Family Residential) | <input type="checkbox"/> C-3 (Central Business) |
| <input type="checkbox"/> R-4 (General Residential) | <input type="checkbox"/> C-4 (Planned Commercial) |
| <input type="checkbox"/> MH-1 (Mobile Home Park) | |
| <input type="checkbox"/> O-1 (Professional Office) | <input type="checkbox"/> I-1 (Light Industrial) |
| <input type="checkbox"/> CO-1 (Enhanced Commercial Overlay) | <input type="checkbox"/> I-2 (Heavy Industrial) |
| | <input type="checkbox"/> I-3 (Planned Industrial Park) |

CURRENT USE OF PROPERTY: _____

PROPOSED USE OF PROPERTY: Self Storage including climate control

LEGAL DESCRIPTION OF TRACT (attach a copy of the most current property deed):

REASON FOR REQUEST: State the reason(s) why you believe the requested variance is necessary and compliance with the zoning code creates an undue hardship that denies all beneficial use of the property. Undue hardship must be related to condition of the property, not a condition of the owner or to a financial consideration. Attach additional page(s) as needed.

DRAWINGS: Attach a scaled plat of the tract(s) showing the entire lot, the location and size of all buildings / structures on the lot. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

SURROUNDING PROPERTY OWNERS: A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated as part of this application by the City. The 185' distance is exclusive of rights-of-way. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.

PRIOR VARIANCE HISTORY:

Have there been any prior applications for Board of Adjustment action for this property? If so, please include the date of previous application. YES ☐ NO ☒ Date: _____

Prior Variance Approved? YES ☐ NO ☐

Description of prior variance request: _____

SITE PLAN:

Attach a site plan of the property in question. The site plan does not need to be prepared by a surveyor, but must be adequate to clearly show the following information. This site plan must include the proposed construction, all existing structures on the property, all streets, alleys, easements, property lines, etc. Please include dimensions (measurements) of all structures and measurements from the structure in question to other structures and to all property lines. For a height variance, also include the proposed height from the lowest adjacent grade and highest adjacent grade. Show the location of all unusual physical features of the property that pertain to the problem. Measurements for the distance, setback, height, or size to be varied must be accurate. Construction cannot exceed the varied distance, size, or height approved by the Board of Adjustment.

PHOTOS:

Include photos of the property if they help explain the problem and/or reason for the need for a variance.

PERMISSION TO VISIT PROPERTY:

The owner hereby gives permission for members of the Board of Adjustment and/or city staff to enter within the boundaries of the real estate listed herein to examine the location(s) and property conditions involved in the proposed variance.

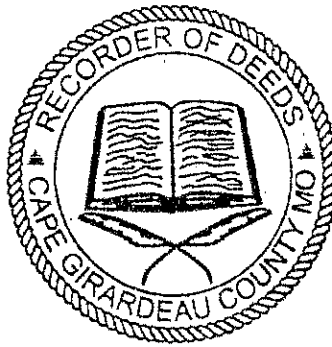
Yes ☒No ☐**OWNER SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. (Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)

Michael L. Lark
Sandra K. Zachamp

Please submit this application along with \$50.00 non-refundable application fee to:

Janet Sanders
 Building & Planning Manager
 City of Jackson
 101 Court Street
 Jackson, MO 63755
 573-243-2300 ext.29 (ph)
 573-243-3322 (fax)
jsanders@jacksonmo.org



ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
12/16/2021 10:26:40 AM
REC FEE: 27.00
PAGES: 2

WARRANTY DEED

This Warranty Deed made and entered into this 16th day of December, 2021, by and between **W & L Enterprises, LLC, a Missouri Limited Liability Company**, hereinafter referred to as **GRANTOR**, and **INDEPENDENCE SELF STORAGE, LLC, a Missouri Limited Liability Company**, of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEE**. The mailing address of the Grantee is:

6839 State Hwy D, Oak Ridge, MO 63769

WITNESSETH: The Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid to the Grantor, the receipt of which is hereby acknowledged, does by these presents Grant, Bargain, and Sell, Convey and Confirm unto the Grantee the following described lots, tracts or parcels of land lying, being and situated in the County of Cape Girardeau and State of Missouri, to-wit:

That part of USPS No. 324 Township 31 North, Range 13 East of the Fifth Principal Meridian, Cape Girardeau County, Missouri, being more particularly described as follows: Begin at the southwest corner of McKendree Crossing Subdivision, as recorded in document No. 2018-05914 in the land records of Cape Girardeau County Missouri: thence South 80°51'49" East along the south line of said subdivision, 566.88 feet; thence leaving said south line, South 06°40'44" West 204.32 feet; thence North 80°51'49" West 562.37 feet to a point on the east right of way line of South Old Orchard Road; thence North 05°24'59" East along said east right of way line 204.56 feet to the point of beginning.

The herein described tract contains 2.65 acres, more or less. Description taken from survey dated 07/09/2021 by Rodney W. Amos, PLS# 2007000072 of Strickland Engineering, Project #21-153,

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said Grantee and unto its successors and assigns FOREVER, the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by it or those under whom it claimed title; and that it will warrant and defend the title to said premises unto the said Grantee, and unto its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand the day and year first above written.

GRANTOR:

Michael H. Lackamp
Michael H. Lackamp, Member

Sandra K. Lackamp
Sandra K. Lackamp, Member

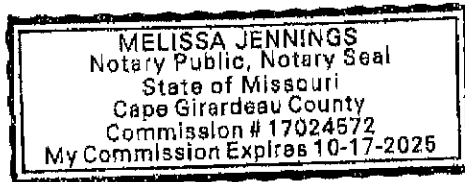
STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

On this 16 day of December, 2021, before me personally appeared **Michael H. Lackamp and Sandra K. Lackamp, Members of W & L Enterprises, LLC, a Missouri Limited Liability Company**, to me known to be the person described in and who executed the within Warranty Deed in behalf of said limited liability company and acknowledged to me that he or she executed the same for the purposes therein stated.

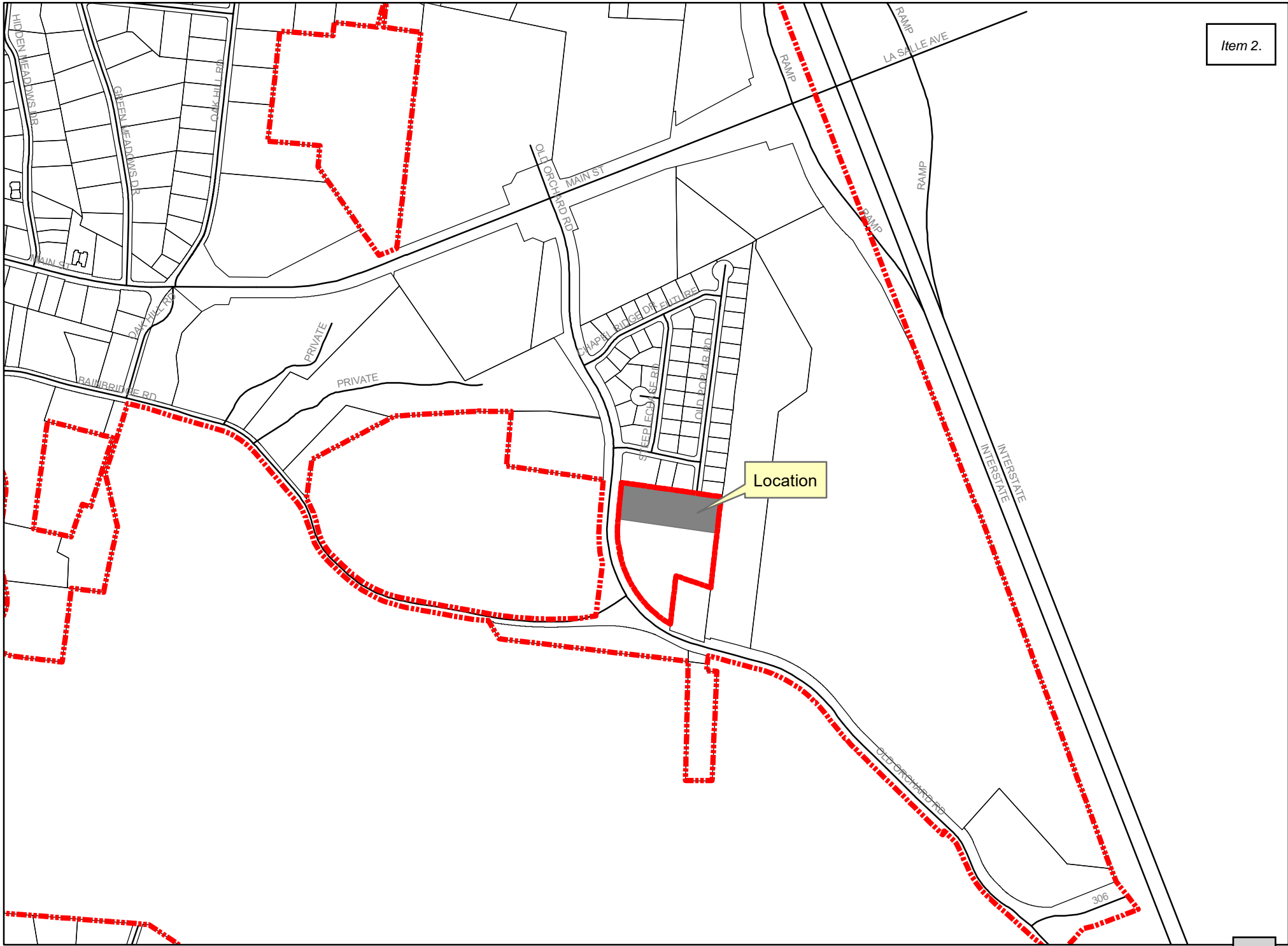
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Melissa Jennings
Notary Public

My commission expires:



2109049



720 S. Old Orchard Rd.
Location Map

BOUNDARY SURVEY FOR INDEPENDENCE SELF STORAGE

Part of U.S.P.S. No. 324, Township 31 North,
Range 13 East of the Fifth Principal Meridian
Cape Girardeau County, Missouri.



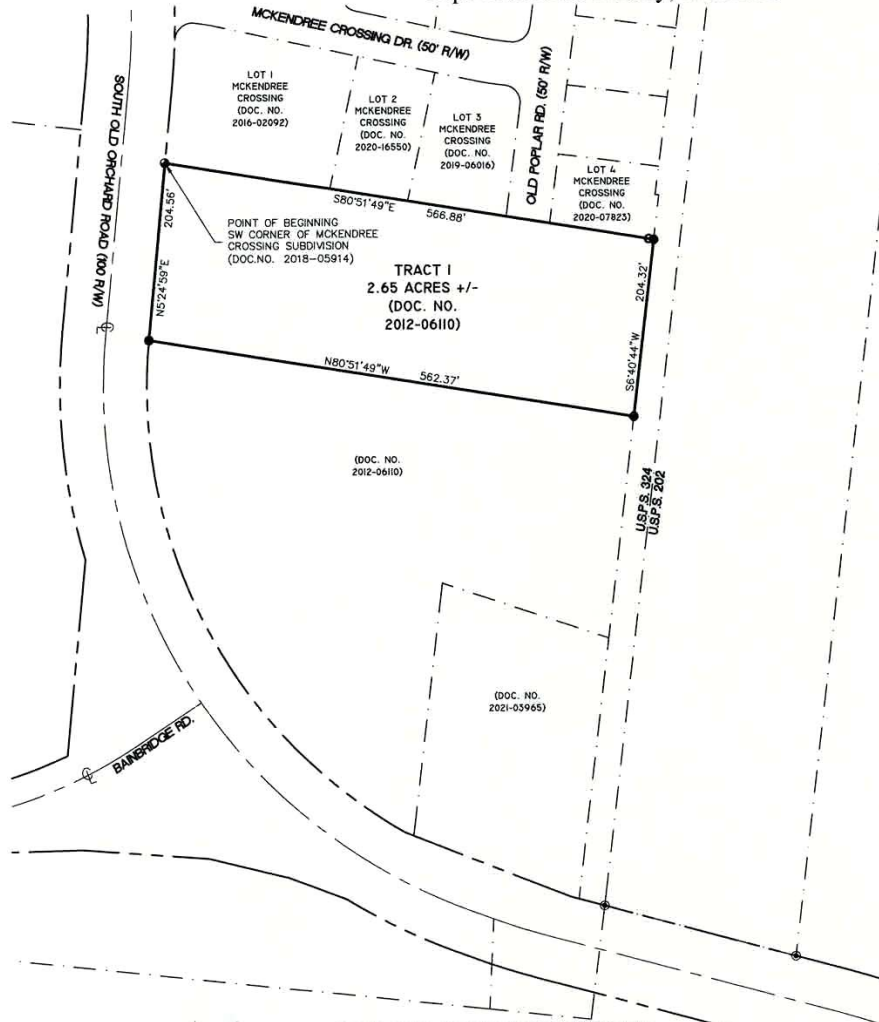
REFERENCES

1. DOCUMENT NO. 2012-06110 (SUBJECT)
2. DOCUMENT NO. 2016-02092
3. DOCUMENT NO. 2020-16550
4. DOCUMENT NO. 2019-06016
5. DOCUMENT NO. 2020-07823
6. MCKENDREE CROSSING SUBDIVISION, DOCUMENT NO. 2018-05914
7. PREVIOUS SURVEYS DATED 02-02-2010, 02-07-2011, & 12-03-2013

ACCURACY STANDARD: TYPE RURAL

LEGEND

1. 1/2" IRON ROD (SET)
2. 5/8" IRON ROD W/ALUM CAP (SET)
3. IRON ROD W/CAP (FOUND)
4. IRON ROD (FOUND)
5. IRON PIPE
6. STONE
7. COTTON PICKER SPINDLE
8. CHISELED CROSS
9. AXLE
10. ALUMINUM MONUMENT
11. RIGHT-OF-WAY MARKER
12. (M) MEASURED
13. (R) RECORDED



THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS MADE EFFECTIVE JUNE 30, 2017. IN WITNESS WHEREOF, I HAVE SET MY SEAL AND SIGNATURE THIS 9TH DAY OF JULY 2021.

RODNEY W. AMOS MO-PLS 2007000072
113 WEST MAIN STREET
JACKSON, MISSOURI 63755

TRACT I - DESCRIPTION

THAT PART OF U.S.P.S. NO. 324, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF MCKENDREE CROSSING SUBDIVISION, AS RECORDED IN DOCUMENT NO. 2018-05914 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI; THENCE SOUTH 80°51'49" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 566.88 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 06°40'44" WEST 204.32 FEET; THENCE NORTH 80°51'49" WEST 562.37 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH OLD ORCHARD ROAD; THENCE NORTH 05°24'59" EAST ALONG SAID EAST RIGHT OF WAY LINE, 204.56 FEET TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 2.65 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, AND LICENSES AFFECTING THE SAME, EITHER WRITTEN OR IMPLIED.

THIS SURVEY CREATES A NEW PARCEL FROM A TRACT DESCRIBED IN DOC. NO. 2012-06110 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI.

STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU
FILED FOR RECORD THIS 16TH DAY OF July, 2021 AND DULY

RECORDED IN DOCUMENT NUMBER 2021-09601

ANDREW DAVID BLATTNER
RECORDER OF DEEDS OF CAPE GIRARDEAU COUNTY, MISSOURI



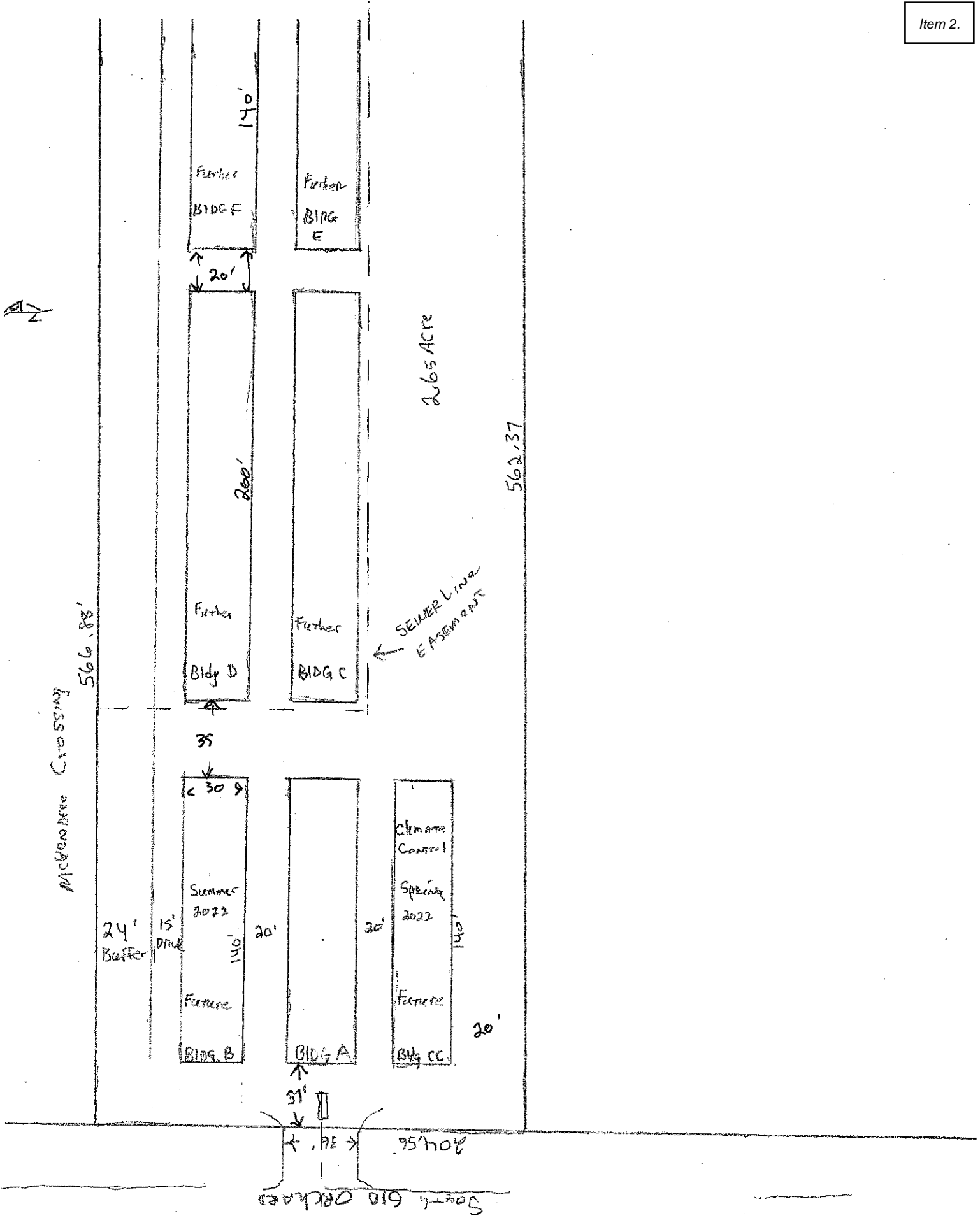
**STRICKLAND
ENGINEERING**

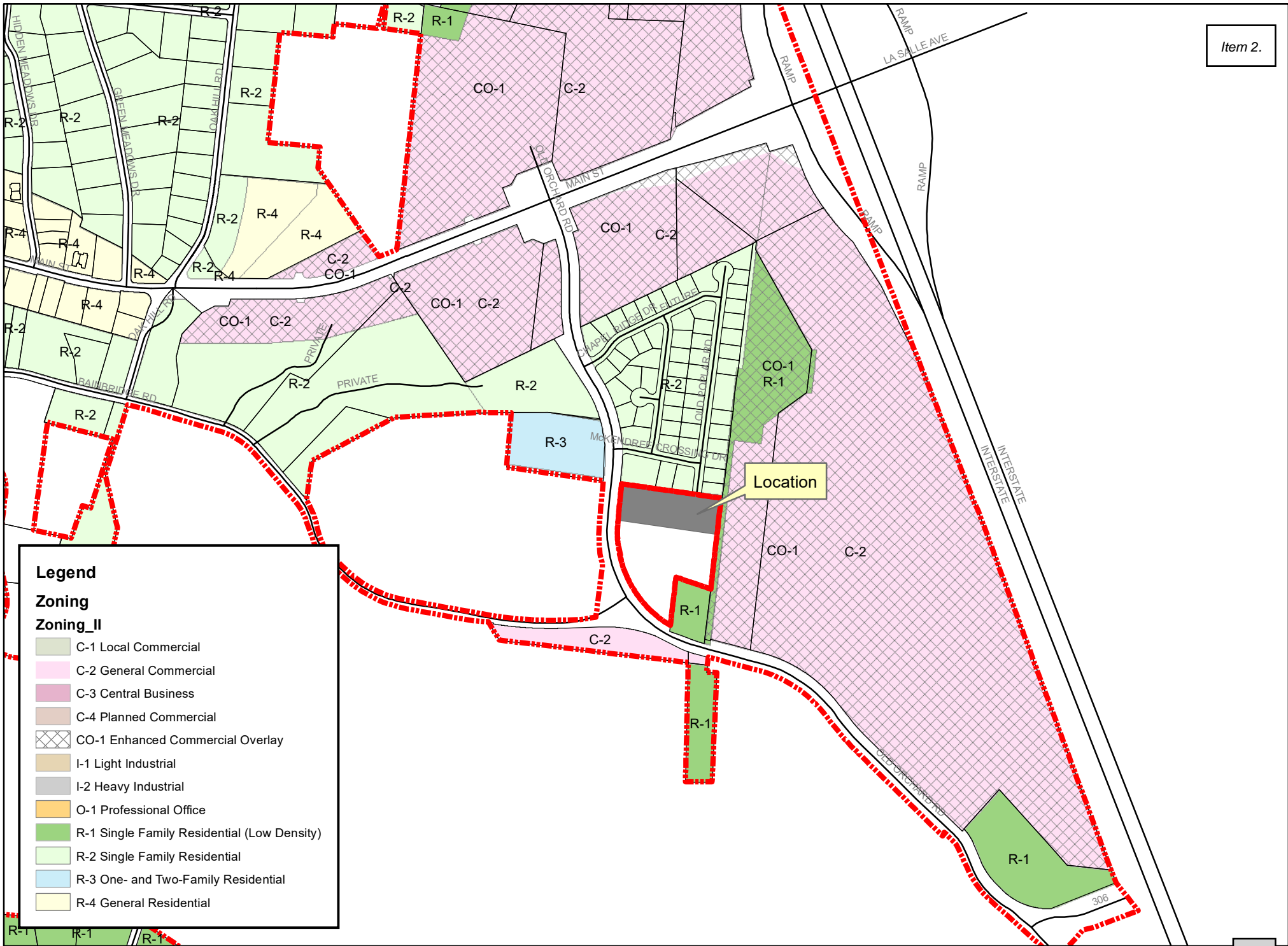
113 WEST MAIN STREET
JACKSON, MISSOURI 63755
TEL: 573-243-4080
FAX: 573-243-2191

CIVIL - MECHANICAL - ELECTRICAL ENGINEERING - LAND SURVEYING

**BOUNDARY SURVEY FOR
INDEPENDENCE SELF STORAGE
SOUTH OLD ORCHARD RD
JACKSON, MO**

SCALE	1"=100'
DATE	07-09-2021
DRAWN BY	RA
CHECKED BY	DR
PROJECT #	21-153





720 S. Old Orchard Rd.
Surrounding Zoning