



CITY OF JACKSON
ZONING BOARD OF ADJUSTMENT MEETING AGENDA

Thursday, May 23, 2024 at 5:30 PM

City Hall, 101 Court Street, Jackson, Missouri

Regular Members

Jason Liley
Kenneth White
Wade Bartels
Brent Wills

Kevin Schaper, Chairman

Larry Miller, Staff Liaison

Alternate Members

Lynette Moore
Vacant Position
Vacant Position

CALL TO ORDER

ROLL CALL

1. Election of Chairman for the 2024-25 year.

APPROVAL OF MINUTES

2. Approval of the December 28, 2023 minutes.

PUBLIC HEARINGS AND ACTION ITEMS

3. A request for a variance to allow the existing tree line at 2478 S Hope St to separate the adjacent residential district from the C-2 general commercial district instead of installing a privacy fence as submitted by Tilsit Road Animal Clinic Property LLC.

ADMINISTRATIVE CASES

OTHER ITEMS

ADJOURNMENT

This agenda was posted at City Hall on May 20, 2024, at 12:00 PM.

JOURNAL OF THE BOARD OF ADJUSTMENT
CITY OF JACKSON
DECEMBER 28, 2023, 5:30 PM
JACKSON CITY HALL

Chairman Kevin Schaper called the meeting to order, explained the board's procedure, and called roll.

Regular members Jason Liley, Kevin Schaper, Howard Hemmann, Kenneth White, and Brent Wills were present. City staff member Ginger Earnest, Building & Planning Inspector, was Present. The citizens present was Cindy Lange.

APPROVAL OF MINUTES

Approval of the minutes from the)
November 8, 2023, regular meeting)

The minutes of the previous meeting were unanimously approved on a motion by Commissioner White, seconded by Commissioner Hemmann.

VARIANCE HEARINGS & NEW ACTION ITEMS

Request for a variance to allow a)
portable storage shed in a side yard at)
1118 Shady Lane as submitted by)
Cynthia Walker and Cindy Lange)

Mrs. Earnest reported the dates of application and notifications for this hearing.

Chairman Schaper asked the applicant of the variance to come forward.

Cindy Lange came forward and explained she would like a storage shed in the side yard because a concrete pad is already there. Ms. Lang explained that she doesn't have a backyard because it is up to Jackson Trail.

Chairman Schaper said he drove by, and it looked like her neighbor also had a shed in their side yard.

Commissioner Liley asked if the shed would be as big as the concrete pad that was there, and Ms. Lang said that it would be much smaller.

Chairman Schaper closed the hearing. Commissioner Wills motioned to approve the request, which Commissioner White seconded.

A vote was called, and the variance was approved.

Vote: 5 aye, 0 nays, 0 abstentions, 0 absent

ADMINISTRATIVE ITEMS

None

OTHER ITEMS

None

ADJOURNMENT

Motion to adjourn)

Finding no further business, the meeting adjourned on a motion by Commissioner Wills, seconded by Commissioner Liley and unanimously approved.

Respectfully submitted,

Kevin Schaper
Chairman

Attested by:

Ginger Earnest
Building & Planning Inspector

Staff Report

ACTION ITEM: A request for a variance to allow the existing tree line at 2478 S Hope St to separate the adjacent residential district from the C-2 general commercial district instead of installing a privacy fence as submitted by Tilsit Road Animal Clinic Property, LLC.

APPLICANT: Tilsit Road Animal Clinic Property, LLC

APPLICANT STATUS: Property Owner

PURPOSE: To allow the natural tree line to serve as the privacy fence required to separate a veterinary clinic in a C-2 district from a residential district.

SIZE: 4.46 acres

PRESENT USES: Single-Family Residential

PROPOSED USE: Veterinary Clinic

PROPERTY ZONING: C-2 General Commercial District

SURROUNDING ZONING: R-1 Single Family Residential to the North, South, and West, Outside of the City Limits to the East.

HISTORY: A single-family residence is currently on the lot. It was rezoned from an R-1 Single Family Residential District to a C-2 General Commercial on February 17, 2012.

TRANSPORTATION AND PARKING: All required parking and street frontage currently exist.

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

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

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-2 General Commercial District. The purpose of the C-2 General Commercial District is to provide areas for general commerce and services typically associated with major thoroughfares.

(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 lines) and separated from an adjacent residential district by a privacy fence:

14. Veterinarian or animal hospital.

2009 COMPREHENSIVE PLAN: Single Family Residential use

MAJOR STREET PLAN: This doesn't interfere with the major street plan.

FLOODPLAIN INFORMATION: This property is not located in the floodplain per FEMA panel 29031C0231E, dated 9/29/11.

PHYSICAL CHARACTERISTICS: This property has roadway frontage. The front of the house faces S Hope Street. Trees surround the property. See the included pictures from the applicant.

COMMENTS: N/A

ACTION REQUIRED: The Board shall approve or deny this request based on the criteria for granting variances.



VARIANCE REQUEST APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 4/11/2024

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

2478 S Hope St Jackson MO

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

Property Owner Name(s): Tilsit Road Animal Clinic Property LLC (Emily Henderson, sole member)

Mailing Address: 1089 Aaron Dr

City, State ZIP: Jackson MO 63755

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: Emily Henderson or Carolyn Curtis

Mailing Address: 2009 County Road 335

City, State ZIP: Jackson MO 63755

Contact's Phone: 573-243-2010

Email Address (if used): dogdoctor06@hotmail.com TilsitRoadAC.LLC@gmail.com

CURRENT ZONING: (check all that apply)

- ☐ R-1 (Single-Family Residential)
- ☐ R-2 (Single-Family Residential)
- ☐ R-3 (One- And Two-Family Residential)
- ☐ R-4 (General Residential)
- ☐ MH-1 (Mobile Home Park)
- ☐ O-1 (Professional Office)
- ☐ CO-1 (Enhanced Commercial Overlay)

- ☐ C-1 (Local Commercial)
- ☒ C-2 (General Commercial)
- ☐ C-3 (Central Business)
- ☐ C-4 (Planned Commercial)
- ☐ I-1 (Light Industrial)
- ☐ I-2 (Heavy Industrial)
- ☐ I-3 (Planned Industrial Park)

CURRENT USE OF PROPERTY: vacant

PROPOSED USE OF PROPERTY: veterinary clinic

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.

Section 65-12(1)ww of the City Ordinance states that a privacy fence would be required to ~~separate the animal clinic from the adjacent residential district. There is a wide tree line along~~ all sides of the property, excluding the highway frontage. Due to the topography of the area, ~~the canopy of the trees would provide more of a visual barrier between the residential zone and the business activities than a privacy fence would provide.~~

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.)*

Emily D. Henderson

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

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

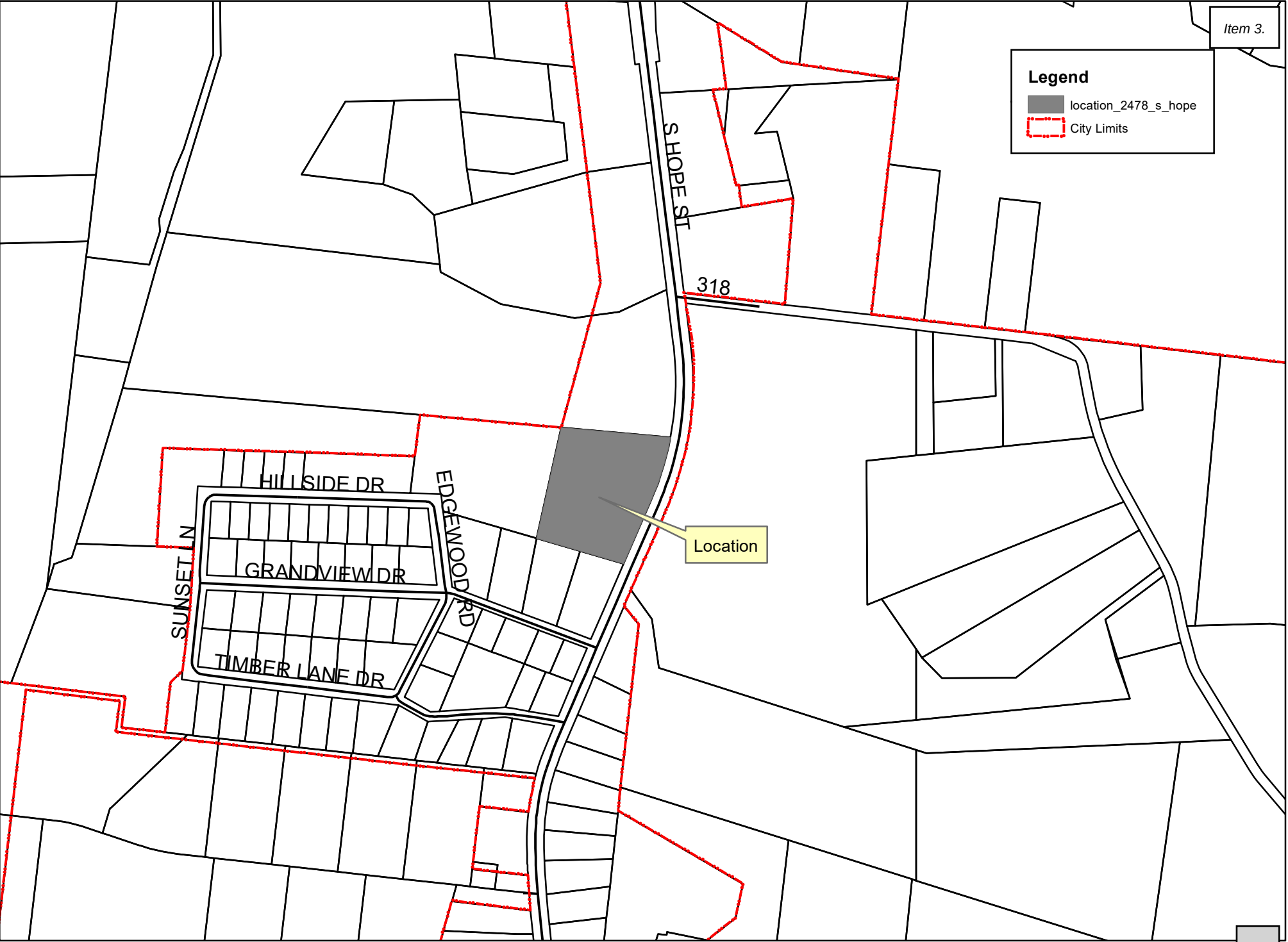
EXHIBIT "A"

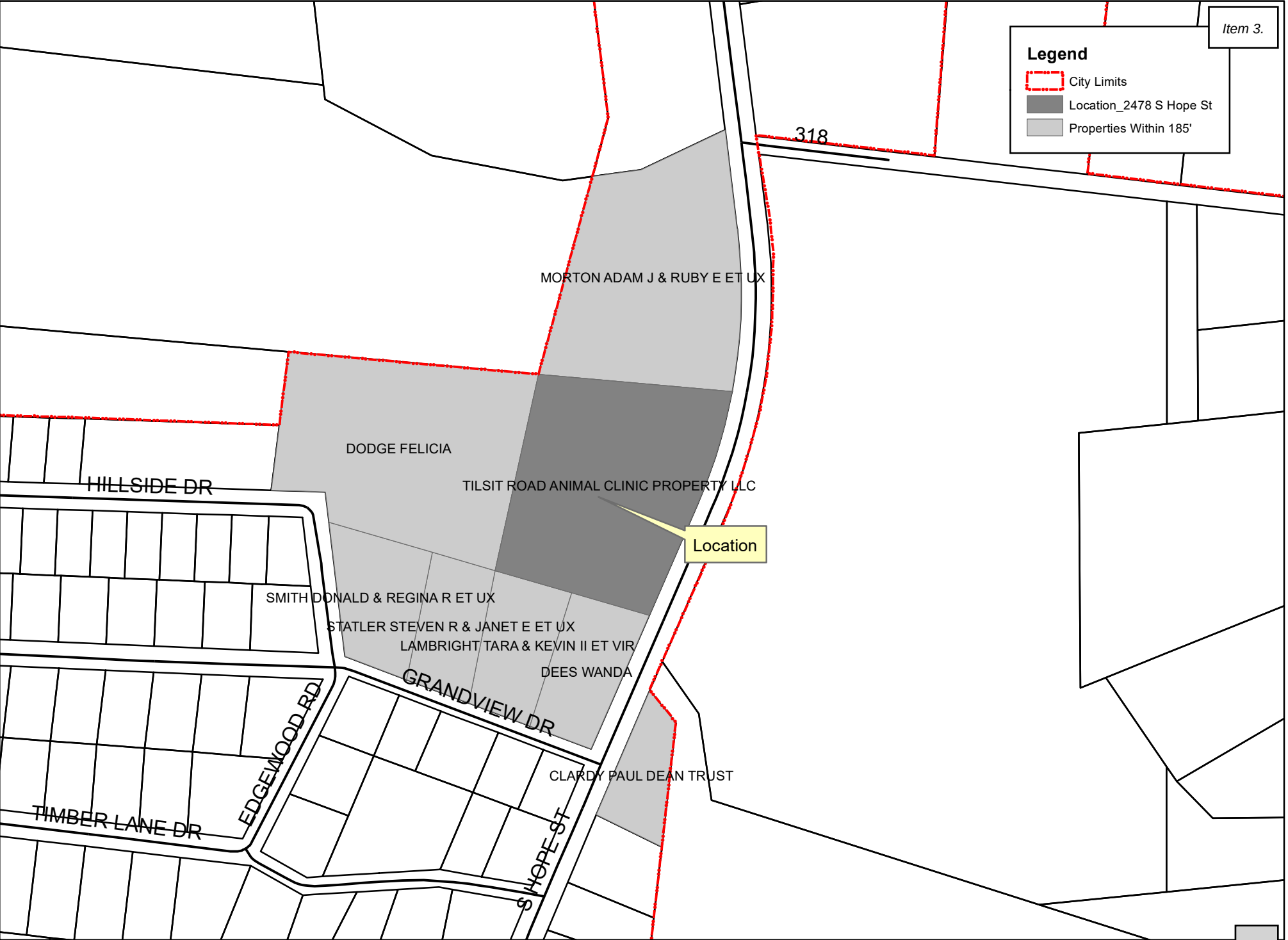
A parcel of land containing 4.46 acres, more or less, located in Survey No. 1266, Township 31 North, Range 12 East, described as follows: Start at a corner on the west line of said Survey No. 1266, said corner being the northeast corner of Survey No. 186; thence North $83^{\circ} 0'$ West, along the north line of said Survey No. 186, 474.5 feet; thence following a property line North $19^{\circ} 0'$ East, 517.4 feet; thence South $82^{\circ} 0'$ East, 61.4 feet; thence North $17^{\circ} 30'$ East, 704.2 feet; thence South $84^{\circ} 0'$ East, 1789.1 feet for the point of beginning; thence South $11^{\circ} 30'$ West, 442.8 feet for a corner; thence South $74^{\circ} 0'$ East, 367.7 feet for a corner in the west right-of-way line of Missouri State Highway Route No. 25 thence North $23^{\circ} 15'$ East, along said west right-of-way line, 268.9 feet; thence leaving said right-of-way line North $6^{\circ} 30'$ East, 262.7 feet; thence North $84^{\circ} 0'$ West, 393.5 feet to the point of beginning and contains 4.46 acres, more or less.

Also a parcel of land containing 0.23 acres, more or less, located in Survey No. 1266, Township 31 North, Range 12 East, described as follows: Start at a corner on the west line of said Survey No. 1266, said corner being the northeast corner of Survey No. 186; thence North $83^{\circ} 0'$ West, along the north line of said Survey No. 186, 474.5 feet; thence following a property line North $19^{\circ} 0'$ East, 517.4 feet; thence South $82^{\circ} 0'$ East, 61.4 feet; thence North $17^{\circ} 30'$ East, 704.2 feet; thence South $84^{\circ} 0'$ East, 2182.6 feet for the point of beginning; thence South $6^{\circ} 30'$ West, 262.7 feet to a point in the west right-of-way line of Missouri State Highway No. 25; thence North $23^{\circ} 15'$ East, along said west right-of-way line, 36.4 feet to the point of a curve to the left; thence along said curve to the left, having a radius of 1111.3 feet, 234.0 feet; thence leaving said right-of-way line North $84^{\circ} 0'$ West, 59.5 feet to the point of beginning and contains 0.23 of an acre.









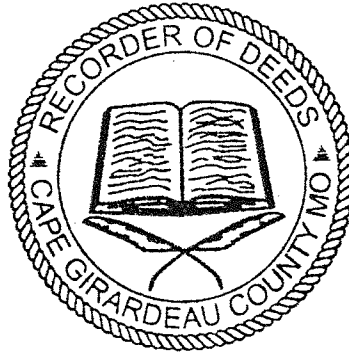
Legend

- City Limits
- Location_2478 S Hope St
- Properties Within 185'

Item 3.



Variance Request - 2478 S. Hope St.
Properties Within 185'



ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
04/04/2024 08:30:59 AM
REC FEE: 27.00
PAGES: 2

Missouri General Warranty Deed

This Indenture, Made on 26th day of March, 2024, by and between

DYKE R. MARBLE, A SINGLE PERSON,
as GRANTOR, and

TILSIT ROAD ANIMAL CLINIC PROPERTY, LLC, A MISSOURI LIMITED LIABILITY COMPANY,

as GRANTEE, whose mailing address is: **2478 S. HOPE STREET
JACKSON, MO 63755**

Property Address: **2478 S. HOPE ST., JACKSON, MO 63755**

WITNESSETH: THAT THE GRANTOR, in consideration of the sum of One Hundred Dollars (\$100.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby Grant, Bargain, Sell, Convey and Confirm unto GRANTEE, GRANTEE'S heirs and assigns, the following described lots, tracts and parcels of land situated in the County of **CAPE GIRARDEAU** and State of **Missouri**, to wit:

A parcel of land containing 4.46 acres, more or less, located in Survey No. 1266, Township 31 North, Range 12 East, described as follows: Start at a corner on the west line of said Survey No. 1266, said corner being the northeast corner of Survey No. 186; thence North 83° 0' West, along the north line of said Survey No. 186, 474.5 feet; thence following a property line North 19° 0' East, 517.4 feet; thence South 82° 0' East, 61.4 feet; thence North 17° 30' East, 704.2 feet; thence South 84° 0' East, 1789.1 feet for the point of beginning; thence South 11° 30' West, 442.8 feet for a corner; thence South 74° 0' East, 367.7 feet for a corner in the west right-of-way line of Missouri State Highway Route No. 25 thence North 23° 15' East, along said west right-of-way line, 268.9 feet; thence leaving said right-of-way line North 6° 30' East, 262.7 feet; thence North 84° 0' West, 393.5 feet to the point of beginning and contains 4.46 acres, more or less.

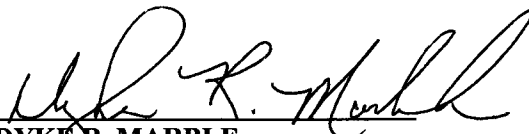
Also a parcel of land containing 0.23 acres, more or less, located in Survey No. 1266, Township 31 North, Range 12 East, described as follows: Start at a corner on the west line of said Survey No. 1266, said corner being the northeast corner of Survey No. 186; thence North 83° 0' West, along the north line of said Survey No. 186, 474.5 feet; thence following a property line North 19° 0' East, 517.4 feet; thence South 82° 0' East, 61.4 feet; thence North 17° 30' East, 704.2 feet; thence

South 84° 0' East, 2182.6 feet for the point of beginning; thence South 6° 30' West, 262.7 feet to a point in the west right-of-way line of Missouri State Highway No. 25; thence North 23° 15' East, along said west right-of-way line, 36.4 feet to the point of a curve to the left; thence along said curve to the left, having a radius of 1111.3 feet, 234.0 feet; thence leaving said right-of-way line North 84° 0' West, 59.5 feet to the point of beginning and contains 0.23 of an acre.

Subject to terms, conditions, restrictions, reservations and easements of record, if any.

TO HAVE AND TO HOLD The premises aforesaid with all singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto GRANTEE and unto GRANTEE'S heirs and assigns forever; the GRANTOR hereby covenanting that GRANTOR is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that GRANTOR has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by GRANTOR or those under whom GRANTOR claims, except as stated above and except for all taxes assessments, general and special, not now due and payable, and that GRANTOR will warrant and defend the title to the said premises unto GRANTEE and unto GRANTEE'S heirs and assigns forever, against the lawful claims and demands of all persons whomsoever. If two or more persons constitute the GRANTOR or GRANTEE, the words GRANTOR and GRANTEE will be construed to read GRANTORS and GRANTEES whenever the sense of this Deed requires.

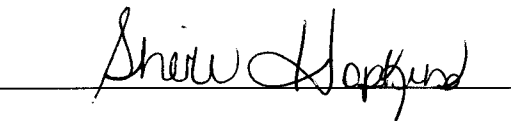
IN WITNESS WHEREOF, The GRANTOR has hereunto executed this instrument on the day and year above written.


DYKE R. MARBLE

State of Illinois
County of Fayette

On this 26 day of March, 2024, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **DYKE R. MARBLE, A SINGLE PERSON** to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed, and the said further declared that he is unmarried.

Witness my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above written.


Notary Public

My Term Expires: 08/10/2026

