



CITY OF JACKSON
ZONING BOARD OF ADJUSTMENT MEETING AGENDA

Thursday, June 22, 2023 at 5:30 PM

City Hall, 101 Court Street, Jackson, Missouri

Regular Members

Jason Liley
Kenneth White
Howard Hemmann
Brent Wills

Kevin Schaper, Chairman

Larry Miller, Staff Liaison

Alternate Members

Lynette Moore
Wade Bartels
Vacant Position

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Approval of the May 25, 2023, regular minutes.

PUBLIC HEARINGS AND ACTION ITEMS

2. Request for an 85' variance from the required 30' front setback in an R-2 Single-Family Residential District to construct a single-family residence at 915 East Independence Street.

ADMINISTRATIVE CASES

OTHER ITEMS

ADJOURNMENT

This agenda was posted at City Hall on June 16, 2023, at 12:00 PM.

JOURNAL OF THE BOARD OF ADJUSTMENT
CITY OF JACKSON
MAY 25, 2023, 5:30 PM
JACKSON CITY HALL

The meeting was called to order by chairman Kevin Schaper. Regular members Kevin Schaper, Brent Wills, Jason Liley, Ken White, and Howard Hemmann were present. The city staff member present was Building & Planning Manager Larry Miller. The citizens present were Katy Liley, Rhett Liley, and Tonya Castro.

CALL TO ORDER

Chairman Schaper called the meeting to order.

ROLL CALL

Election of Chairman for the)
2023-2024)

Chairman Schaper called roll. After the roll, the Chairman was elected for 2023-2024. Mr. Wills motioned to continue with Chairman Schaper as Chairman, seconded by Mr. Liley and was unanimously approved.

APPROVAL OF MINUTES

Approval of the minutes from the)
April 25, 2023, regular meeting)

The minutes of the previous meeting were unanimously approved on a motion by Mr. Wills, seconded by Mr. Liley.

VARIANCE HEARINGS & NEW ACTION ITEMS

Request for a variance from the)
restriction prohibiting accessory buildings)
from being closer to a front or side street)
then the existing house to allow a carport)
to be constructed at 955 W Adams Street)
16' from the side property line facing)
W. Jackson Boulevard.)

Mr. Miller reported the dates of application and notifications for this hearing.

Ms. Tonya Castro of 955 W Adams came forward and was sworn in. She said she applied for the varies because she feels she has a hardship with her property. Ms. Castro said she lives on a corner lot which makes her have three front yards.

Chairman Schaper said she has a unique lot. Ms. Castro said she did.

Ms. Castro said she couldn't place the carport on the east side of her house because it was too close to her neighbors. She said she was told the only place she could put it was the rear yard which is technically a front yard because it faces Jackson Boulevard.

Chairman Schaper asked if the board had any questions, and Mr. Wills asked if the carport would be past the front of the house. Ms. Castro said that it wouldn't be. She also said it wouldn't affect the line of sight at the stop sign.

Chairman Schaper said he noticed the gravel was already in place and asked if that was where the carport was going, and Ms. Castro said yes, it was.

Chairman Schaper closed the hearing after finding no others wishing to speak in favor or opposition. Mr. Wills motioned to approve the request, which Mr. White seconded.

A vote was called, and the variance was unanimously approved.

Vote: 5 ayes, 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 Mr. Wills, seconded by Mr. Hemmann, and unanimously approved.

Respectfully submitted,


Kevin Schaper
Chairman

Attested by:


Larry Miller
Building & Planning Manager

Staff Report

ACTION ITEM: Request for an 85' variance from the required 30' front setback in an R-2 Single-Family Residential District to construct a single-family residence at 915 East Independence Street.

APPLICANT: John Bening and Kevin Welker

APPLICANT STATUS: Owner and proposed property owner

PURPOSE: Variance

PRESENT USES: Empty lot

PROPOSED USE: Single-family dwelling

SURROUNDING LAND USE: R-2 single-family residential district on all sides

HISTORY: There was a small house on this lot that was condemned. It has since been demolished.

APPLICABLE REGULATIONS: Zoning Code (Chapter 65)

2009 COMPREHENSIVE PLAN: Single-family residential

FLOODPLAIN INFORMATION: Property is not in the flood plain per FEMA panel 29031C0143E dated 9-29-2011

PHYSICAL CHARACTERISTICS: 1.06-acre lot

COMMENTS: Sec. 65-6. - R-2 Single-family residential district regulations.

(3) 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.** On each lot upon which a building is constructed, there shall be a front yard of not less than thirty (30) feet and not more than forty (40) feet, except when a building line is established by subdivision plat, the front yard shall be not less than the setback established on the plat and not more than ten (10) feet greater than that setback.

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



VARIANCE REQUEST APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 5/18/2023

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

EAST INDEPENDENCE ST. 915

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

Property Owner Name(s): John Bening

Mailing Address: 3817 N. OAK HILL RD

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): Kevin Weiker

Mailing Address: 196 Timber Hawk Trail

City, State, ZIP: Cape Girardeau MO 63701

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Kevin Weiker

Mailing Address: SAME AS ABOVE

City, State ZIP: "

Contact's Phone: 573-450-2132

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

CURRENT ZONING: (check all that apply) Not sure

☐

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: Just A Lot

Item 2.

PROPOSED USE OF PROPERTY: Build A Home

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

Attached

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.

Would like to move building structure back to about 115' from street. Reason being the size and the way the lot lays.

OR if this is not possible theres 4 lots what can I do with them?

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 ☐

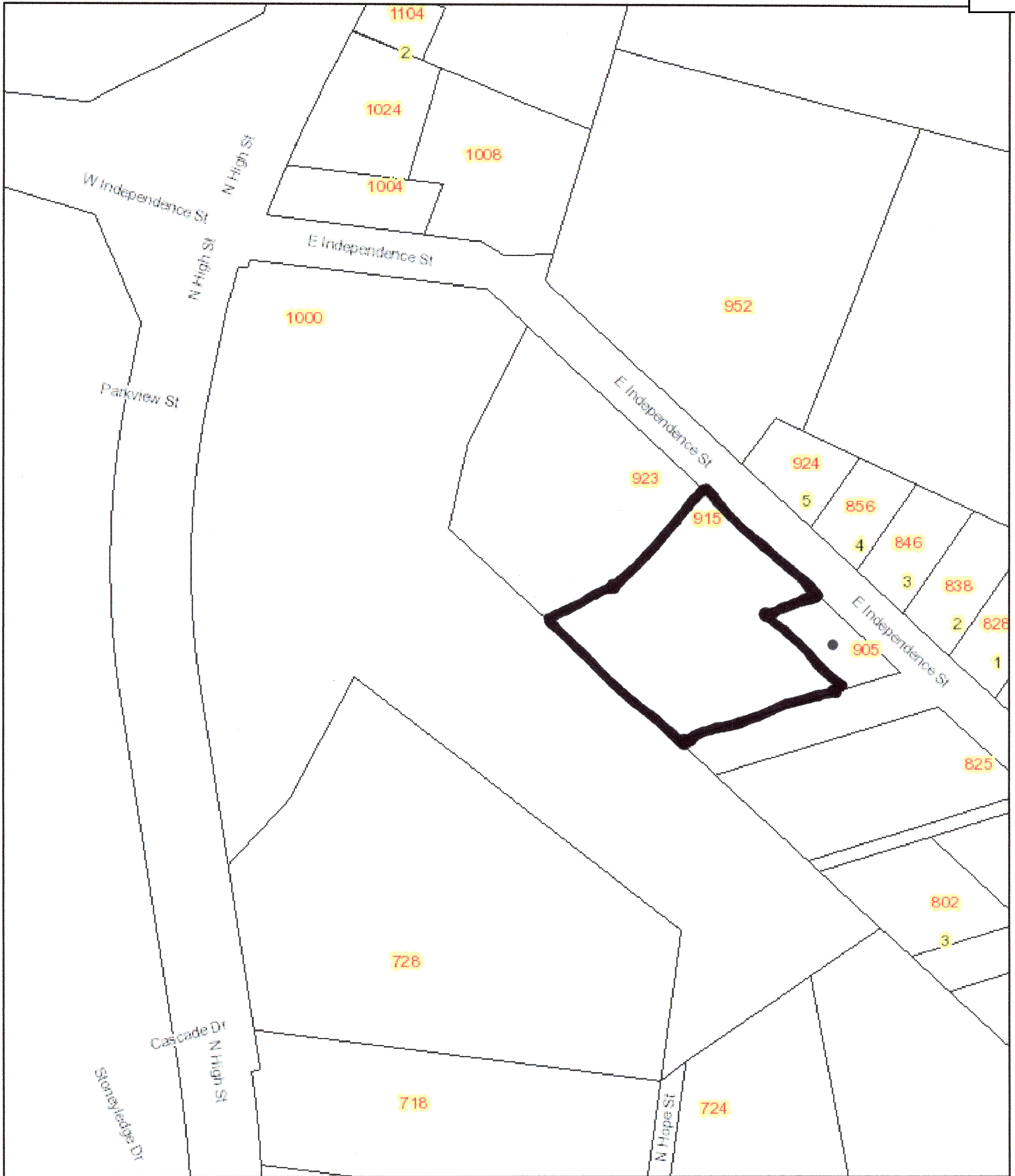
OWNER SIGNATURES:

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.)*

John A. - trustee

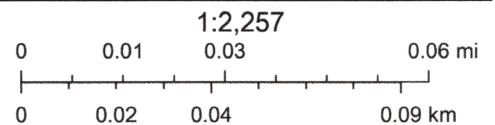
Please submit this application along with \$50.00 non-refundable application fee to:

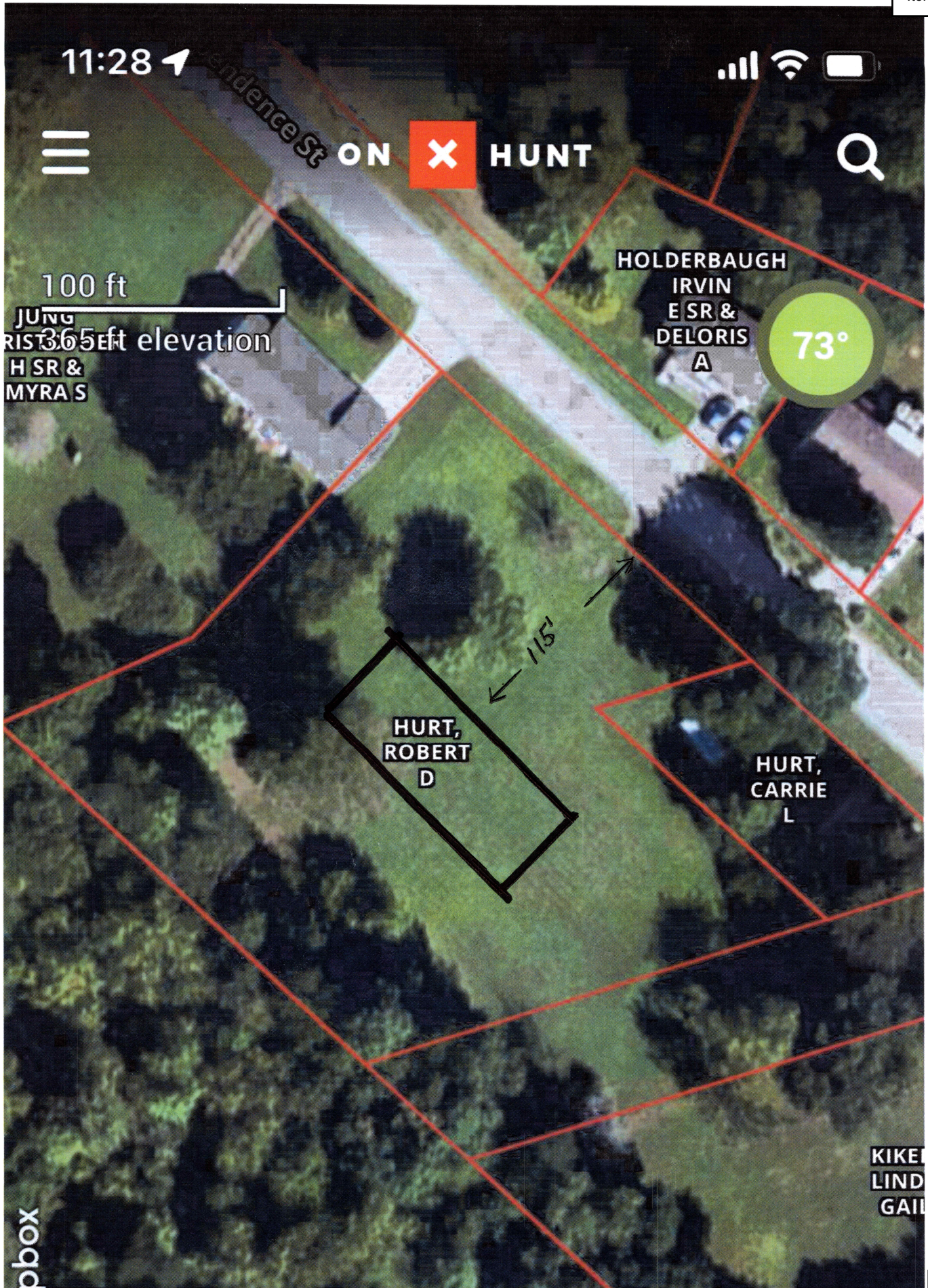
Janet Sanders
Building & Planning Manager
City of Jackson
101 Court Street
Jackson, MO 63755
573-243-2300 ext.29 (ph)
573-243-3322 (fax)
jsanders@jacksonmo.org



6/12/2023, 12:59:46 PM

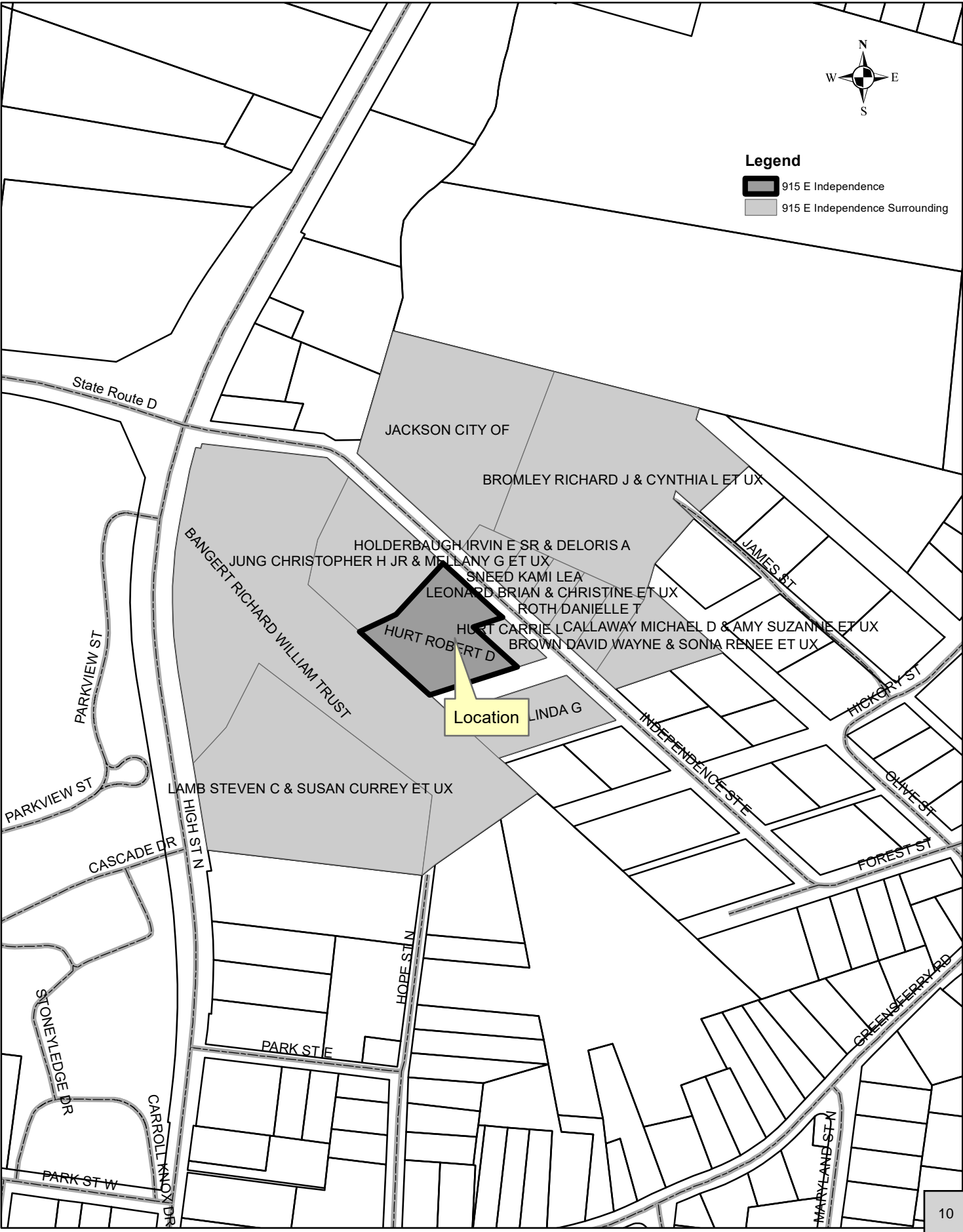
LOCATION MAP
915 W INDEPENDENCE



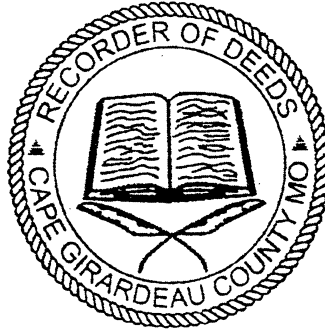


915 East Independence Street

Item 2.



**eRecorded
DOCUMENT #
2023-03455**



**ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
05/04/2023 08:39:16 AM
REC FEE: 27.00
PAGES: 2**

GENERAL WARRANTY DEED

THIS Deed, Made and entered into on the 3rd day of May, 2023, by and between **Myra R. Hurt a/k/a Myra Hurt, a single person** of the County of Cape Girardeau, in the State of Missouri, **Grantor**, and **John W. Bening, Trustee of the John W. Bening Amended & Restated Revocable Trust Indenture dated July 21, 2009, as amended and restated**, of the County of Cape Girardeau, in the State of Missouri, **Grantee**, whose mailing address is: 4153 Jackson Blvd., Jackson, MO 63755:

WITNESSETH, That the said Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to her paid by the Grantee, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said Grantee, his successors and assigns, the following described Lots, Tracts or Parcels of Land, lying, being and situate in the County of **Cape Girardeau** and State of Missouri, to-wit:

All of Lots Two (2), Three (3), and Four (4) in Block Three (3) of Southwestern Realty & Improvement Company Subdivision in the City of Jackson, Missouri, as shown by plat recorded in Plat Book 2 at Page 27 of the land records of Cape Girardeau County, Missouri.

ALSO part of Lot 1 and all of Lots 3 and 4 of Collier Subdivision in the City of Jackson, Missouri, as shown by plat recorded in Plat Book 19 at Page 7 of the land records of Cape Girardeau County, Missouri.

LESS AND EXCEPT that part conveyed in General Warranty Deed recorded as Document No. 2006-02883 on March 6, 2006 of the Cape Girardeau County, Missouri land records.

Being and intended to be the same property as conveyed in Second Amended Affidavit to Establish Title of Distributees of Decedent Where Total Estate is Less than \$40,000.00 recorded as Document No. 2023-02485 on April 4, 2023 of the Cape Girardeau County, Missouri land records.

SUBJECT to any and all restrictions, reservations, easements, zoning restrictions and rights-of-way of record or now in effect.

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 their heirs, successors and assigns, FOREVER, the said Grantor hereby covenanting that she is lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that she has good right to convey the same; and that the said premises are free and clear of any encumbrance done or suffered by her or those under whom she claims, and that she will WARRANT AND DEFEND the title to the said premises unto the said Grantee, and unto his successors and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever.

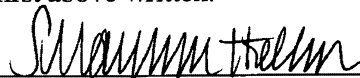
IN WITNESS WHEREOF, the said Grantor has hereunto set her hand the day and year first above written.


 Myra R. Hurt a/k/a Myra Hurt

State of Missouri)
) SS.
 County of Cape Girardeau)

On this 3rd day of May, 2023, before me appeared Myra R. Hurt a/k/a Myra Hurt, to me known to be the person described in and who executed the foregoing General Warranty Deed and acknowledged that she executed the same for the purposes therein stated. The said Myra R. Hurt a/k/a Myra Hurt further declared herself to be single and unmarried.

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


 Shannon Hoehn Notary Public

My commission expires: 1/20/2027

