



CITY OF JACKSON
ZONING BOARD OF ADJUSTMENT MEETING AGENDA

Thursday, October 24, 2024 at 6:00 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

APPROVAL OF MINUTES

1. Approval of the August 1, 2024 minutes.

PUBLIC HEARINGS AND ACTION ITEMS

2. Request for a 5-foot variance from the required 5-foot setback for an accessory building, as it relates to both side and rear lot lines at 1100 Trail Ridge Drive, as submitted by Terry W. Young.

ADMINISTRATIVE CASES

OTHER ITEMS

ADJOURNMENT

This agenda was posted at City Hall on October 18, 2024, at 12:00 PM.

JOURNAL OF THE BOARD OF ADJUSTMENT
CITY OF JACKSON
AUGUST 1, 2024, 5:30 PM
JACKSON CITY HALL

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

Jason Liley, Kevin Schaper, Ken White, Lynette Moore, and Brent Wills were members present. City staff member Larry Miller, Building and Planning Manager, was Present. Britney Ackman and Cindy Swigonski were the citizens present.

ROLL CALL

APPROVAL OF MINUTES

Approval of the minutes from the)
May 23, 2024, regular meeting)

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

VARIANCE HEARINGS & NEW ACTION ITEMS

Request for a variance from the restriction)
prohibiting privacy fences in side yards)
adjacent to streets in an R-2 Single Family)
Residential District to construct a 6')
wooden privacy fence 8' from the property)
line in the side yard (front) at 1502 Jackson)
Ridge Drive as submitted by Curtis Ackman)
and Britney (Schott) Ackman.)

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

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

Britney Ackman from 1502 Jackson Ridge Dr. came forward and explained why they asked for the variance. She said the main reason they wanted the privacy fence was for the safety of her two younger children. She said the backyard is too small for the children to play in, and it would also help with people cutting through their yard.

Commissioner Brent Wills asked if the fence would line up with the subdivision sign in their yard, and Ms. Ackman said it would. Since the fence doesn't go past the subdivision sign, it shouldn't cause a sight issue at the stop sign, Commissioner Brent Wills stated.

Commissioner Jason Liley said the neighbor across the street has a privacy fence, as Ms. Ackman requested. Chairman Schaper said the commission also granted a variance for that house several years earlier.

Chairman Schaper closed the hearing. Commissioner Brent Wills motioned to approve the request, which Commissioner Lynette Moore 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 Jason Liley, seconded by Commissioner Lynette Moore, and unanimously approved.

Respectfully submitted,



Kevin Schaper
Chairman

Attested by:



Larry Miller
Building & Planning Inspector

Staff Report

ACTION ITEM: Request for a 5-foot variance from the required 5-foot setback for an accessory building related to both side and rear lot lines at 1100 Trail Ridge Drive, as submitted by Terry W. Young.

APPLICANT: Terry W. Young

APPLICANT STATUS: Property Owner

PURPOSE: To allow the shed to remain in its current location.

SIZE: N/A

PRESENT USES: Single-Family Residential

PROPOSED USE: Accessory Building

PROPERTY ZONING: R-2 Single Family Residential

SURROUNDING ZONING: R-2 Single Family Residential District: North, South, and West.
R-1 Single Family Residential District: East

HISTORY: The small portable shed was placed in its current location without a permit. It was found to be noncompliant when the rear neighbor surveyed their yard for a land exchange. During the land exchange process with the neighbors, the shed was noticed in an aerial photo as being on an easement. Contact was made with Mr. Young, and he asked for the easement to be abandoned by the Board of Aldermen. For the shed to remain where it is, Mr. Young had to ask for a variance because it was on the property line, and our ordinance requires them to be at least five (5) from a property line.

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

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

Sec. 65-20. - Accessory building, use, and structure regulations.

- (2) Accessory buildings or structures shall not occupy more than thirty (30) percent of a required rear yard, shall not be nearer than five (5) feet to any side or rear lot line, and shall not be located over any public easement or right-of-way.

2009 COMPREHENSIVE PLAN: Single Family Residential

MAJOR STREET PLAN: Does not interfere with the major street plan.

FLOODPLAIN INFORMATION: This property is not in the floodplain per FEMA panel 29031C0232E, dated 9/29/11.

PHYSICAL CHARACTERISTICS: This is a corner lot, and the house faces Trail Ridge Drive, which is west. The shed is in the rear yard facing Smith Trail.

COMMENTS: There are no City utilities in this easement. The Board of Aldermen is waiting for the ZBOA's response before they decide to abandon the easement. Mr. Young said he couldn't place the shed anywhere else in his yard because of the terrain.

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: 10-2-24

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

1100 TRAILBLAZE
JACKSON MO 63755

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

Property Owner Name(s): TERRY W YOUNG

Mailing Address: SAME

City, State ZIP: SAME

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: _____

Mailing Address: _____

City, State ZIP: _____

Contact's Phone: 573-450-2537

Email Address (if used): terry.w.young@sbcglobal.net

CURRENT ZONING: (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> R-1 (Single-Family Residential) | <input type="checkbox"/> C-1 (Local Commercial) |
| <input checked="" 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: ResidentialPROPOSED USE OF PROPERTY: Residential

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

Attached 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.

I AM REQUESTING A 5FT VARIANCE TO
ALLOW MY SHED TO REMAIN AT ITS CURRENT
LOCATION. THE REASON FOR DISPLACEMENT IS THAT
MY PROPERTY LACKS A LEVEL AREA SUITABLE
FOR THE SHED

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:

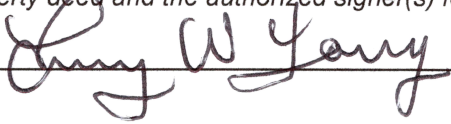
The owner hereby gives permission for members of the Board of Adjustment and/or city staff to enter within the boundaries of the real estate listed herein to examine the location(s) and property conditions involved in the proposed variance.

Yes ☒

No ☐

OWNER SIGNATURES:

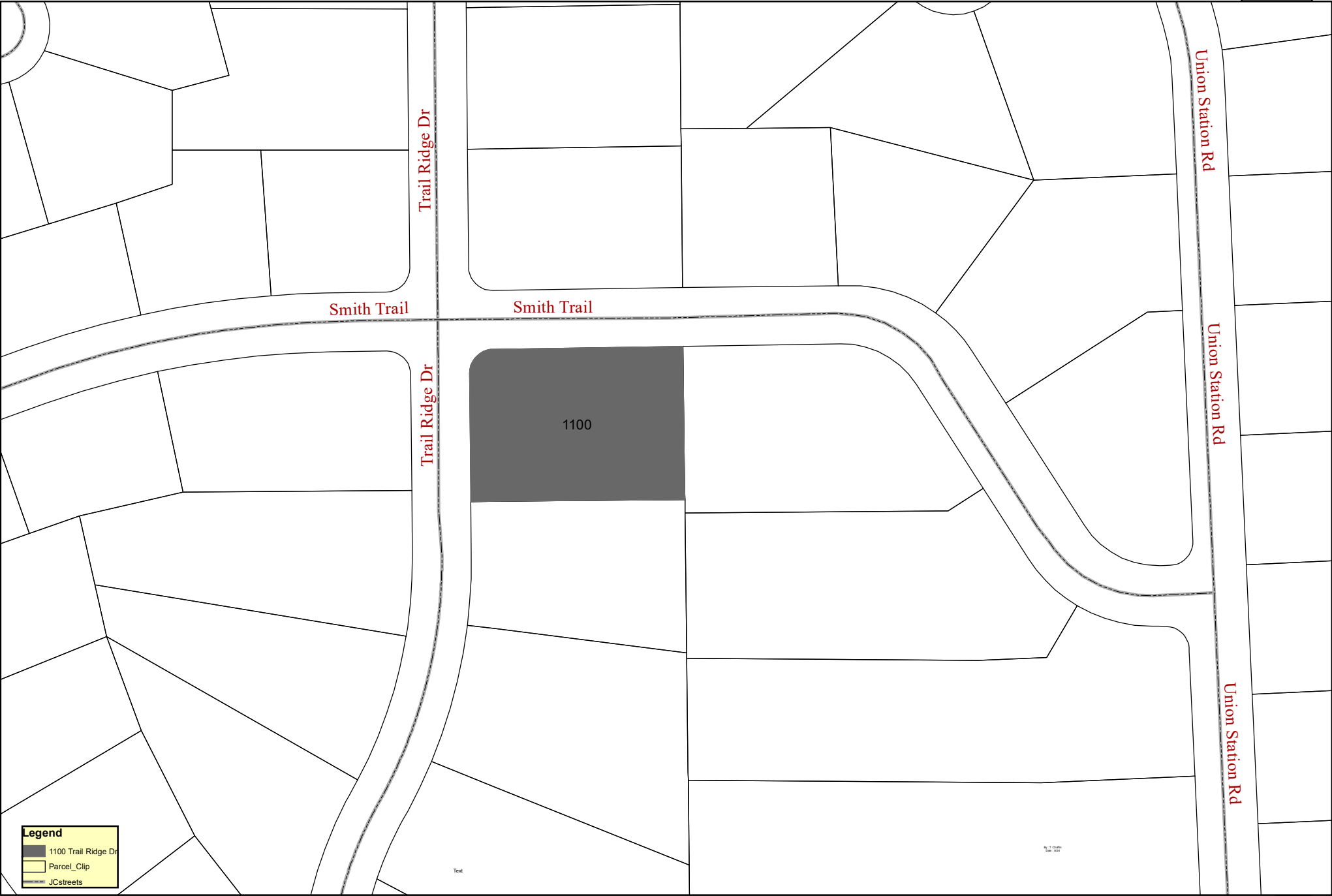
I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*



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.2029 (ph)
573-243-3322 (fax)
permits@jacksonmo.org

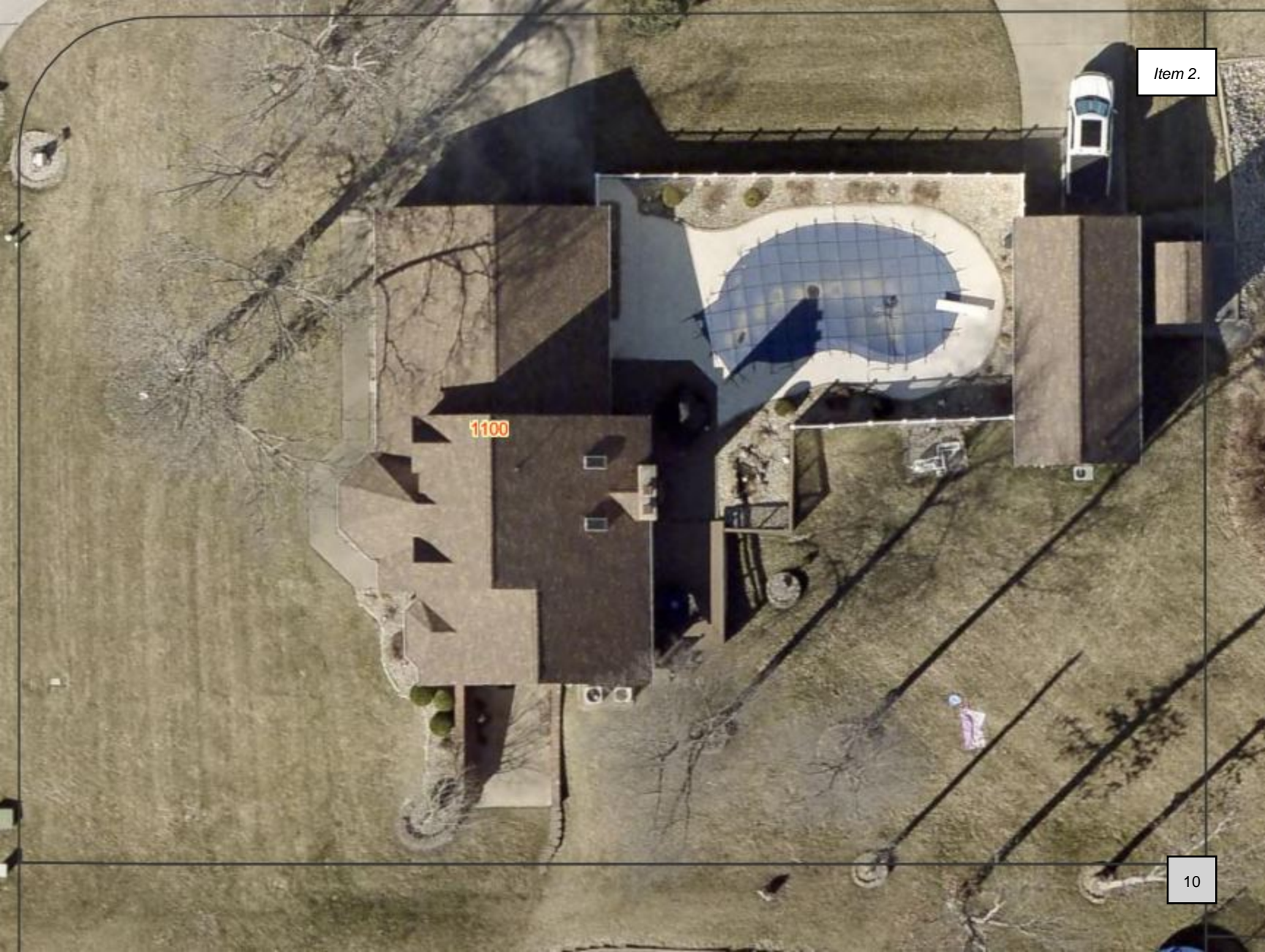
1100 Trail Ridge Dr



Legend

- 1100 Trail Ridge Dr
- Parcel_Clip
- JCstreets

0 0.0045 0.009 0.018 Miles



1100

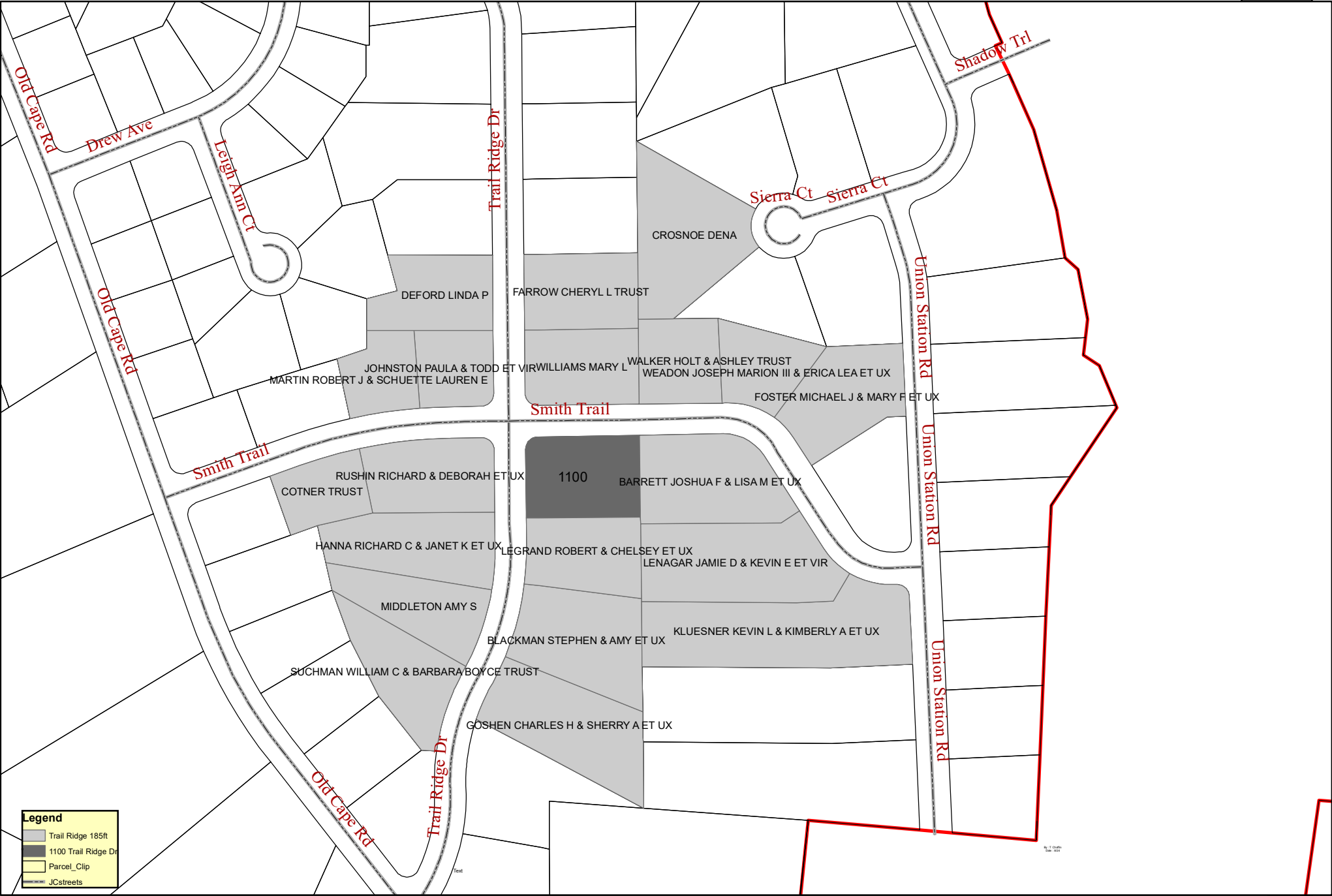
Item 2.





Item 2.

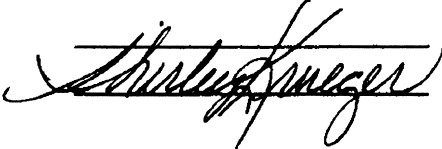
1100 Trail Ridge Dr



REC FEE: \$30.00
PAGES: 3

JANET ROBERT, Recorder of
Deeds, Cape Girardeau
County MO, certify that
this document was filed
for record at 11:55AM
and official seal affixed
at Jackson, MO. 09/09/2004

JANET ROBERT
Recorder of Deeds

 Deputy

Regional Title
1301 N. Kings Highway Ste J
Cape 63701

20 pgs

(Space above for recording information)

GENERAL WARRANTY DEED

THIS INDENTURE, made on this **30th** day of **August, 2004**, by and between

Jerry W. Suedekum and Linda L. Suedekum, Husband and wife

of the County of **Cape Girardeau**, State of **Missouri**, GRANTORS, and

**Terry W. Young and Pamela S. Young, Trustees of the Terry W. Young
Revocable Living Trust Agreement dated May 27, 2003**

of the County of **Cape Girardeau**, State of **Missouri**, GRANTEES, whose mailing
address is

1100 Trailridge Drive, Jackson, MO 63755

WITNESSETH, that the said Grantor(s), in consideration of Ten Dollars and
other good and valuable considerations to them paid by the said Grantee(s), the receipt of
which is hereby acknowledged, do they by these presents, Grant, Bargain and Sell,
Convey an Confirm unto the said Grantee(s), their heirs and assigns, the following
described Lots Tracts or Parcels of Land, lying, being and situated in the County of **Cape
Girardeau**, State of **Missouri**, to wit

As set forth on attachment hereto

Subject to covenants, easements and restrictions of record, or not of record, if any.

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(s), their heirs and assigns, FOREVER, the said Grantor(s) hereby covenanting that they are lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed, that they have good right to convey the same, and that the said premises are free and clear of encumbrance done or suffered by them or those under whom they claim, and that they will WARRANT AND DEFEND the title to the said premises unto the said Grantee(s), and unto their heirs and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever

IN WITNESS WHEREOF, the Grantor(s) have hereunto set their hands on the day and year first above written

Jerry W. Suedekum
 Jerry W. Suedekum
Linda L. Suedekum
 Linda L. Suedekum

STATE OF MISSOURI)

COUNTY OF Cape Girardeau) ss.
)

On this 30th day of August, 2004, before me, a Notary Public in and for said state, personally appeared **Jerry W. Suedekum and Linda L. Suedekum, Husband and Wife**, to me known to be the persons described in and who executed the foregoing general warranty deed, and who acknowledged to me that they executed the same as their free act and deed for the purposes therein stated

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the aforesaid county and state on the day and year first above written

SHARON L. BURTON
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Cape Girardeau County
 My Commission Expires on July 27, 2008

Sharon L. Burton
 Notary Public Sharon L. Burton
 Commissioned in Cape Girardeau
 County, Missouri
 My term expires 07-27-2008
 Job # 04-8021

SCHEDULE C***Legal Description***

The North Ten (10) feet of Lot Eighty-Two (82) and all of Lot Eight-Three (83) of Trail Ridge III Subdivision in the City of Jackson, County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 16 at Page 32 of the land records of Cape Girardeau County, Missouri. Subject to "Protective Covenants and Building Restrictions of Trail Ridge III Subdivision" recorded in Book 523 at Page 699 of the land records of Cape Girardeau County, Missouri.

(Description furnished)

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