

AGENDA

The Rolla Board of Adjustment
Rolla City Hall, 3rd Floor Conference Room, 901 North Elm Street
Thursday, November 20, 2025 @ 5:30 PM

Board Members: **Matt Crowell (Chairperson), VACANT (Vice-Chairperson),
Jacob Rohter, John Meusch, VACANT,
Jonathan Hines (Alternate)**

I. APPROVE MINUTES:

Review of the Minutes from the Board of Adjustment meeting held on October 23, 2025.

II. OLD BUSINESS: **NONE**

III. PUBLIC HEARING:

1. **ZV25-05:** Variance to Section 42.215 (3) (e) to allow a reduction of the minimum side yard setback in the R-4, Urban Multi-family Residential district at 602 N Olive Street

**IV. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON,
COMMITTEE, OR STAFF:**

1. Election of Vice-Chairperson

NEXT MEETING DATE: **January 22, 2026 (Dec 18 meeting to be cancelled)**

BOARD OF ADJUSTMENT MINUTES
October 23, 2025
Rolla City Hall

<u>Presiding:</u>	Chairperson Matt Crowell
<u>Members Present:</u>	Jacob Rohter (via zoom), John Meusch
<u>Alternates Present:</u>	Jonathan Hines
<u>Members Not Present:</u>	None, One Vacancy
<u>City Officials in Attendance:</u>	City Planner Tom Coots and Community Development Specialist Cindy Brown
<u>Others in Attendance:</u>	Curtis Baxter

Chairperson **Matt Crowell** called the meeting to order at 5:32 P.M. He recognized the members who were present. **Crowell** swore in all present who intended to speak.

I. APPROVE MINUTES:

Review of the Minutes from the Board of Adjustment meeting held on September 18, 2025.

A motion was made by Jonathan Hines, seconded by John Meusch to approve the minutes from the September 18, 2025 Board of Adjustment meeting as printed and distributed. Motion passed unanimously.

II. OLD BUSINESS:

NONE

III. PUBLIC HEARING:

1. **ZV25-04:** Variance to section 42.214 (3) (g) to allow a reduction of the minimum front yard setback in the R-3, Multi-family Residential district at 1805 Saint Michael's Street.

Crowell opens the public hearing at 5:36 P.M.

Tom Coots presents the staff report.

Curtis Baxter residing at 12270 Country Club Drive, Rolla MO. Mr. Baxter confirmed that he had been sworn in. He stated that they are using the same plan that is being used throughout the whole community.

Crowell closes the public hearing with no citizen comments at 5:42 P.M. and moves into Board deliberation.

1st Criterion: **Crowell** asks Baxter if he plotted the properties out. **Baxter** replied that the Developer plotted the properties and that the engineering firm designed it to have this floor plan on all of the lots. The engineering firm somehow missed that there would not be enough room for the proper setbacks to be met on this particular lot. All Board members agreed the 1st criterion was met.

2nd Criterion: All Board members agreed the 2nd criterion was met.

3rd Criterion: All Board members agreed the 3rd criterion was met.

4th Criterion: All Board members agreed the 4th criterion was met.

5th Criterion: All Board members agreed the 5th criterion was met.

6th Criterion: All Board members agreed the 6th criterion was met.

7th Criterion: All Board members agreed the 7th criterion was met.

A motion was made by John Muesch, seconded by Jonathan Hines to approve the application as submitted. A roll call vote on the motion showed the following: Ayes: Crowell, Rohter, Meusch and Hines. Nays: None. Absent: One vacancy. The motion passes.

IV. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:

1. Election of Vice-Chairperson

Chairperson Matt Crowell tabled the election to a later date.

Having no further business, the meeting was adjourned at 5:52 P.M.
Minutes prepared by **Cindy Brown**.

NEXT MEETING:

Thursday November 20, 2025



Report to:

Board of Adjustment

Case No.: ZV25-05

Meeting Date: November 20, 2025

Subject: Variance to Section 42.215 (3) (e) to allow a reduction of the minimum side yard setback in the R-4, Urban Multi-family Residential district at 602 N Olive Street

Background: The subject property was rezoned to the R-4, Urban Multi-family district in March 2025. The property was the only property on the block to be rezoned at the time. The applicant has developed a site plan for redeveloping the property with a small apartment building.

The applicant is seeking approval of a variance to allow a reduction of the side yard setback from 10 feet to 5 feet. The R-4 district does not require any setback when adjacent to other R-4 properties, but requires a 10 foot setback when adjacent to any other district. In this case, since only the subject property was rezoned, the property is adjacent to properties on both sides which are zoned C-1, Neighborhood Commercial and C-2, General Commercial, thus requiring a 10 foot setback on both sides. The applicant proposes a 5 foot setback on the north side, and a 15 foot setback on the south side of the proposed building.

Application and Notice:

Applicant/Owner - Will Benhardt of Blarney Stone Investments, LLC
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; [BOA Packet and Agenda](#)

Property Details:

Current zoning - R-4, Urban Multi-family residential
Current use - Multi-family (proposed)

Code Reference:

Section 42-215. R-4, Urban Multi-Family Residential District.

3. The following minimum requirements for subdivision and building applies in the R-4, Urban Multi-Family Residential District:
 - e. Minimum setback dimensions:
 - 1) Front yard: 5 feet
 - 2) Side yard: No minimum setback; 10 feet when adjacent to any other district;** 20 feet when adjacent to an alley
 - 3) Side yard — Corner lot: 5 feet
 - 4) Rear yard: 10 feet; 20 feet when adjacent to an alley or any other district

Variance Approval Criteria:

A variance must be reviewed to ensure that the following criteria are met:

1. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought, which are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and;

2. That said circumstances or conditions are such that the strict application of the provisions of this Chapter create an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building, and;
3. That the alleged hardship has not been created by any person presently having an interest in the property, or based exclusively on a desire to enhance the rate of return from or value of the property, and;
4. That the granting of such variance will not be detrimental to the public safety or public welfare, in such zoning district or neighborhood areas in which the property is located, and;
5. That the variance as granted by the Board is the minimum variance that will accomplish this purpose, and;
6. That relief from the literal enforcement and strict application of the provisions of this Chapter is consistent with the intent and spirit of the Chapter, and;
7. That substantial justice is achieved by relief from the ordinance which cannot be achieved in any other means.

Discussion: The subject lot is currently the only R-4 lot on the block. The rest of the block is currently zoned for commercial uses. The zoning of the single lot for R-4 is unusual. In most other locations, the R-4 zoning was applied to entire blocks. The application of an increased setback was originally intended for situations where a lower intensity residential use was adjacent to the R-4 district.

The C-1 district requires a 5 foot side yard setback adjacent to other commercial districts; however, C-1 does require a 10 foot setback adjacent to residential districts. The C-2 district does not have any side yard setback requirement adjacent to other commercial districts; however, does require a 20 foot setback when adjacent to residential districts.

The intent at the time of the rezoning was to consider city-initiated rezoning of the block and similar areas near the downtown after the new Comprehensive Plan is completed.

Staff Recommendation:

Staff recommends that the Board review the criteria for the variance, however, the letter of request submitted by the applicant does appear to adequately describe how the criteria are met. The Board should review all criteria to ensure they are met.

Alternatives:

The Board of Adjustment has the following alternatives of action:

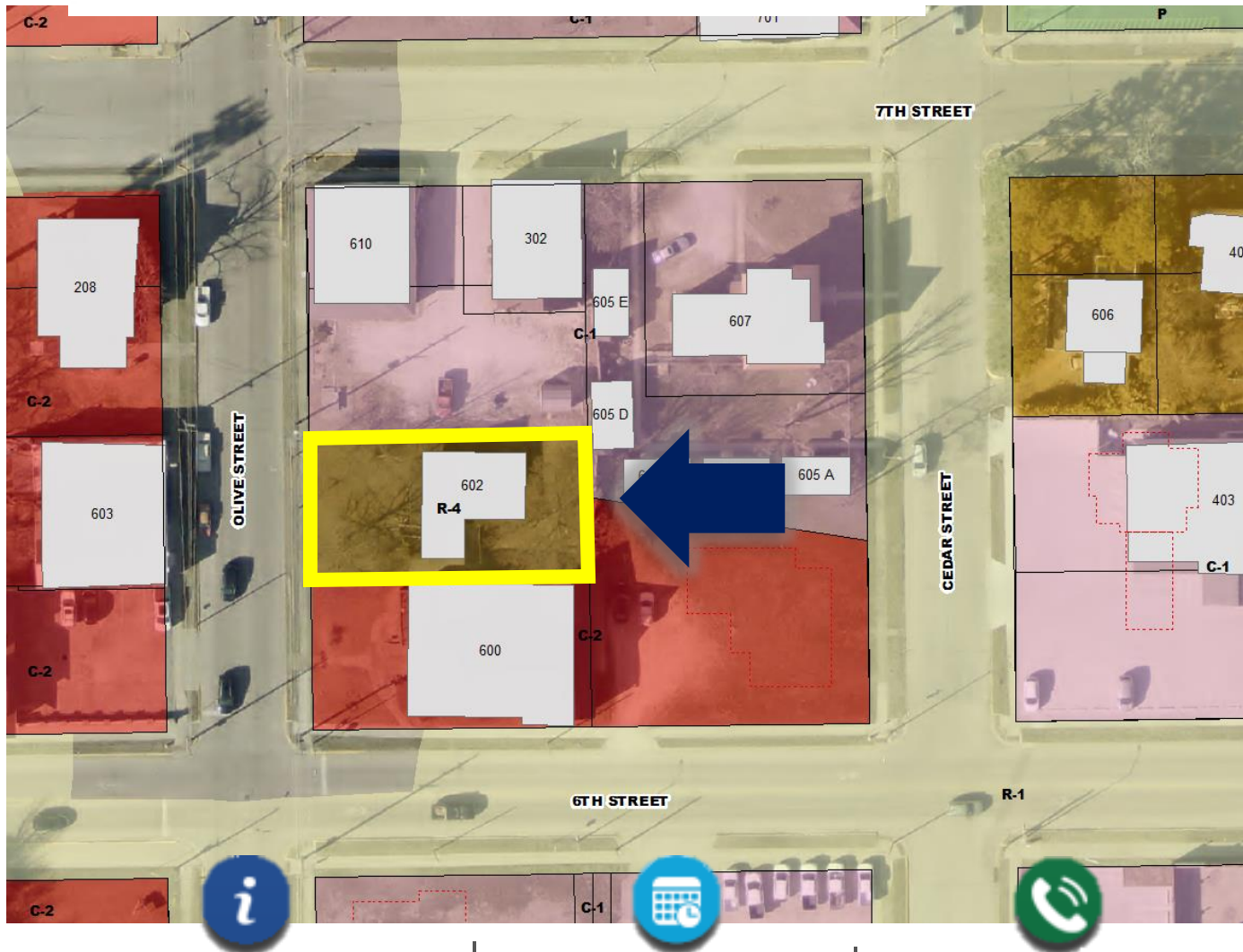
1. Find that each of the criteria for approval of the variance(s) are met and explain how each criteria is met for the record.
2. Find that the criteria for approval of the variance could be met through the imposition of conditions or limitations to ensure that the criteria are met. The Board will explain how each criteria is met and grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Letter of Request, Site Plan



PUBLIC NOTICE



Project Information:

Case No: ZV25-05
Location: 602 N Olive
Applicant: Barney Stone
Investments, LLC
Request:
Variance to allow a reduction in
the side yard setback in the R-4,
Urban Multi-family district

Public Hearing:

Board of Adjustment
November 20, 2025
5:30 PM
City Hall: 3rd Floor

For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org

(573) 426-6974
901 North Elm Street
City Hall: 2nd Floor
8:00 – 5:00 P.M.
Monday - Friday

COMMUNITY DEVELOPMENT DEPARTMENT

(573) 364-5333 | comdev@rollacity.org | www.rollacity.org/comdev



Who and What is the Board of Adjustment?

The Board of Adjustment (BOA) is an appointed group of citizens from Rolla who are charged with hearing and deciding Variances, Appeals, and Special Exceptions.

What is a Variance?

A Variance is a request for relief from a particular provision in the zoning code. A Variance should only be granted if certain criteria are met. Variances are frequently sought to allow things such as reduced setback, lot size or increased height.

What is an Appeal or Special Exception?

An Appeal is a request for an interpretation of the meaning of the zoning code from the Board of Adjustment. A Special Exception is a request to allow certain uses.

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 364-5333 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

Lot 6, Block 64, County Addition to Rolla, Phelps County, Missouri



Will Benhardt

Blarney Stone Investments, LLC.

1420 E. State Hwy 72

Rolla, MO 65401

City of Rolla Planning and Zoning Department

901 North Elm St.

Rolla, MO 65401

Subject: Request for Variance – 602 N. Olive Street

Dear City of Rolla Planning and Zoning,

On behalf of Blarney Stone Investments, I would like to formally request a variance to the setbacks on the lot located at 602 N. Olive Street

Our intent with this property – as stated earlier this year in the successful rezoning – is to construct an apartment building on the site. We are grateful for the rezoning allowing us to pursue this endeavor.

Our original intent with the property was to have the parking located toward the back of the lot, as this seemed to us the best possible option for tenants, neighbors, the city, and other stakeholders. As we've been developing site plans and getting the property surveyed, it has become apparent that to allow traffic to pass the site to the back, we would need to request a slight variance to the setbacks as they stand.

Our property, zoned R-4, has side setbacks of 10 feet on each side, as the properties on either side are dissimilarly zoned. As it stands, if we were to use those setbacks as driveways to access the back parking lot, the driveway width would be insufficient. We would like to request that the setbacks be amended to 5 feet on the north side, and 15 feet on the south side, allowing for a driveway to be built to access the rear of the property.

Several points to note:

- 1.) If the adjacent properties were also zoned R-4, the side setbacks would be zero. Seeing as R-4 district is only a few years old, there are very few properties zoned such yet.
- 2.) The existing structure on this site is constructed with zero setback – right on the property line.
- 3.) We are seeking the minimum variance for feasibility -- still aiming to maintain the total side setback amount of 20 feet, just shifting it slightly.
- 4.) Without this variance, parking will not be able to be in the rear of the property. Parking will be in front, and the building footprint will need to be smaller, limiting the investment that we're wanting to make in this neighborhood.
- 5.) The granting of this variance will not be at all detrimental to public safety or welfare – if anything, it will be a benefit to all parties involved to contain parking to the rear of the property.
- 6.) We believe this request is consistent with the general intent and spirit of the code.

Ultimately, this variance will allow us to make better use of this property, to make a greater investment in this community, and to better serve the needs of Rolla and its citizens. We are excited to see growth and development in this community, and we look forward to playing a part in it.

Thank you for your consideration of this request.

Sincerely,



Will Benhardt

Blarney Stone Investment, LLC

07541.00

07542.00

5' Setback



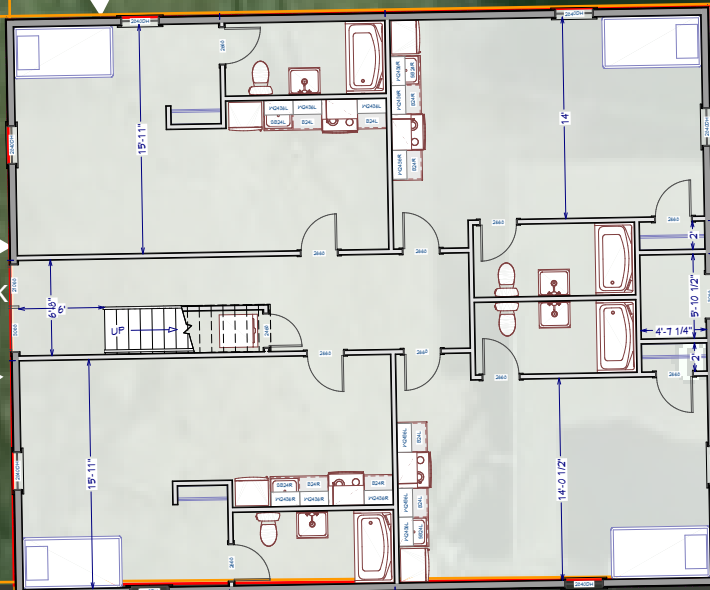
5' Setback



Entrance

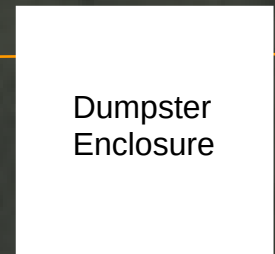


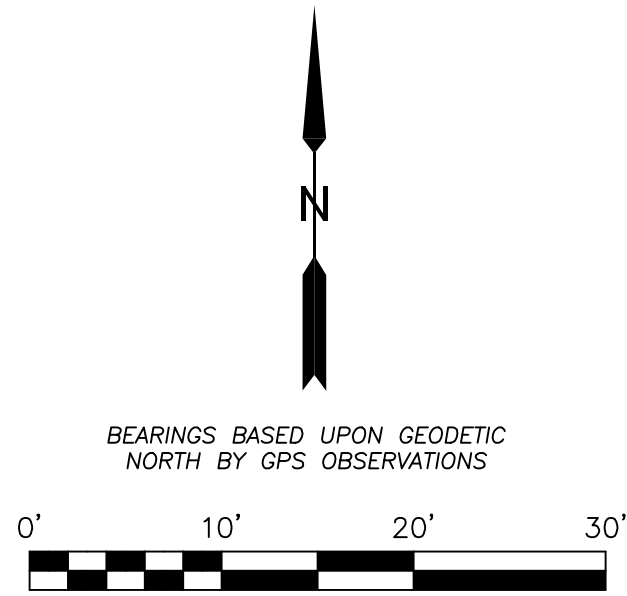
15' Setback



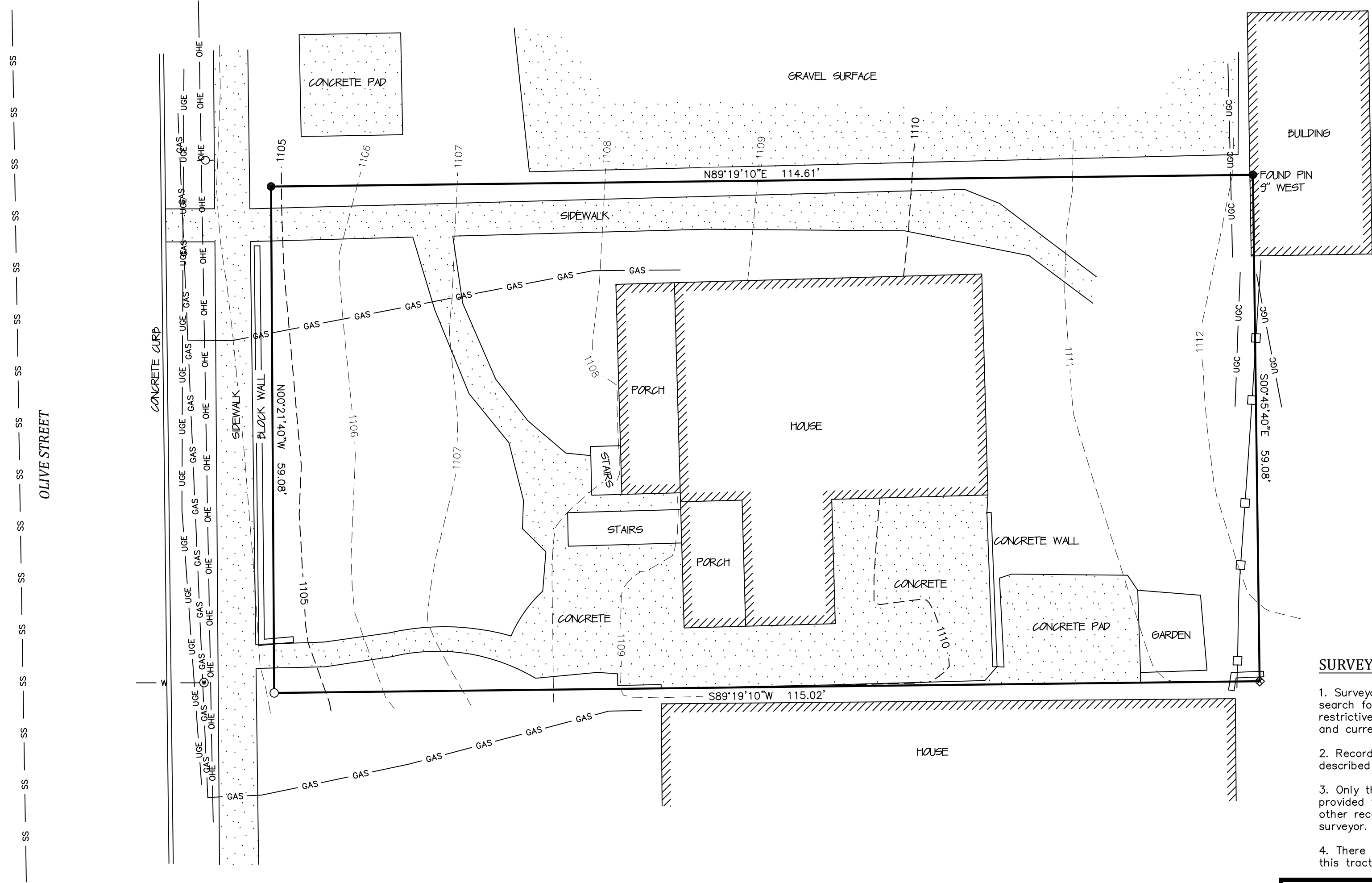
07543.00

Dumpster Enclosure





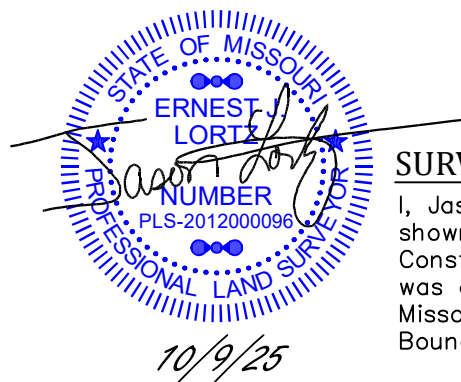
- FOUND 3/4" IRON PIPE
● FOUND 1/2" IRON ROD
⊕ CUT CROSS
○ UTILITY POLE
— W — WATER LINE
⊙ WATER METER
— SS — SEWER LINE
— UGE — UNDERGROUND ELECTRIC LINE
— OHE — OVERHEAD ELECTRIC LINE
— UGC — UNDERGROUND COMMUNICATION LINE
— GAS — GAS LINE
□ FENCE LINE



PROPERTY LOCATED AT
602 N. OLIVE STREET
ROLLA, MO. 65401

SURVEYOR'S NOTES

1. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or any other facts that an accurate and current title search may disclose.
2. Record Title Reference: Tract is part of the lands described in Document 2024-4373.
3. Only the record documents noted hereon were provided to or discovered by surveyor. No abstract nor other record title documentation was provided to surveyor.
4. There may be structures and improvements located on this tract which are not shown.



SURVEYOR'S DECLARATION

I, Jason Lortz, did perform a survey of the tract shown hereon at the request of Cahills Construction on October 6, 2025. This survey was completed in accordance with the Current Missouri Minimum Standards for Property Boundary Surveys for Urban Property.

LORTZ SURVEYING

P.O. Box 767 • 231 W. Commercial Street Lebanon, Missouri 65536
Phone 417-991-8115 • www.lortzsurveying.com • LS: 2012028494



Survey of part of Lot 6
Block 64, County Addition
Rolla, Missouri

Cahills Construction
Rolla, Missouri

Drawn by EJL	Scale 1" = 10'	Survey No. L-2697
Checked by EJL	Date 10/9/2025	