

Board of Zoning Adjustment Minutes
Aurora City Hall
City Council Chambers
2 W Pleasant Street
Aurora, Missouri
Monday, April 21, 2025 - 6 P.M.

4/21/2025 - Minutes

1. CALL TO ORDER

5:58 PM

2. ROLL CALL

Chairman Mike Bloss - Present

Vice Chairwoman Shannon Walker - Present

Board Member Deb Dillman - Present

Board Member Cyndy Muench - Present

Board Member Israel Medlin - Present

3. APPROVAL OF SESSION MINUTES

3.I. Approval Of Minutes From Meeting Held January 6, 2025

Vice Chairwoman Walker made a motion to approve the minutes from the meeting held January 6, 2025. Motion seconded by Board Member Dillman. Motion passed with all members voting aye.

4. NEW BUSINESS

4.I. Public Hearing - Setback Variance Request

Vice Chairwoman Walker made a motion to open the public hearing at 6:00pm. Motion seconded by Board Member Muench. Motion passed with all members voting aye.

Manager Howlett addressed the Commission regarding the formal application from Heman Houses LLC. Brett Heman is present at the meeting, representing Heman Houses LLC. The variance request involves 903 S Hudson Avenue. Site plan is provided. Mr. Heman will be constructing a duplex on this parcel after the variance approval. All aspects of Mr. Heman's plans meet code except for the one setback that does not. The variance request is for the front yard to be 15 feet on the setback instead of the 25 feet that the City Code requires. The duplex will also have intentions of being readdressed to face Springfield Street instead of Hudson Avenue. City Staff took into account the 30 foot sight distance triangle and these Code requirements are all met. No negative feedback has been received by the public hearing letters mailed out to all property owners within 185 feet. Newspaper notices were also published well in advance of 15 days prior to the public hearing.

Board Member Medlin inquired about the parking plans. Mr. Heman stated that parking will be separated on each side of the building. There are spaces for 2 vehicles per duplex side and Mr. Heman, as a landlord, will enforce the rules he has laid out for his tenants. Chairman Bloss reminded the Board that They have

approved a similar request in the past for the front setback with a building changing direction from the standard placement. Vice Chairwoman Walker inquired about the address and if it would reflect the change to show it is facing Springfield. Manager Howlett informed the Board that the Community Development Department would be the ones to create the address and that it would indeed show a Springfield address on the duplex facing Springfield Street.

Mr. Heman added that Liberty Utilities did send their vegetation crew to the property to address and take care of any issues found. All utilities will be underground as to minimize issues.

Vice Chairwoman Walker made a motion to close the public hearing at 6:14 pm. Motion seconded by Board Member Dillman. Motion passed with all members voting aye.

Finding of Fact and Conclusions were addressed with the Board. This variance request does arise from a condition that is peculiar to the property based on the size and shape of the requested construction. The condition may or may not be applicable to other land or structures in the same district. The condition found in the property that causes the variance request is frequently found in the same zoning district but due to construction of a duplex instead of a single family home, the need arose for the variance. The condition was created by the actions of the property owner/applicant as they are wanting to place a duplex for two family residential. Granting of this variance will not have an adverse effect on the rights of adjacent property owners or residents. Strict application of the provisions of the regulations of City Code could constitute practical difficulties to the applicant based on the applicant. The variance is not substantial in relation to the requirements. When the original structure was built on the parcel at 903 S Hudson Avenue, there were no zoning codes in place and therefore the setbacks were not met to begin with. There will not be a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties. The problem cannot be corrected by a feasible alternative to the granting of the variance. Fairness will be achieved for all by allowing the variance.

Conclusions are as follows:

The variance requested arises from special conditions and circumstances which are peculiar to the property in questions and which are not applicable to other property in the same district; and further, the special conditions and circumstances do not result from the actions of the applicant.

The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

The strict application of the provisions of the regulations complained of will constitute practical difficulties to the applicant.

The variance requested will not adversely affect the public health, safety, morals or general welfare of the community.

The granting of the variance will not be opposed to the general spirit and intent of the ordinance from which the variance is sought.

Literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.

Substantial justice will be done.

Based on these above finding, the Board of Zoning Adjustment votes to Approve the Variance.

Vice Chairwoman Walker made a motion to accept and approve the conclusions listed and found with our area variance checklist, as well as approve the variance request as presented. Board Member Medlin seconded the motion. Motion passed with all members voting the following:

BLOSS - AYE

WALKER - AYE

DILLMAN - AYE

MUENCH - AYE

MEDLIN - AYE

4.II. Public Hearing - Setback Variance Request

Vice Chairwoman Walker made a motion to open the public hearing at 6:16 pm. Motion seconded by Board Member Dillman. Motion passed with all members voting aye.

Manager Howlett addressed the Board regarding the second formal application brought by Heman Houses LLC, represented by Brett Heman who is present at the meeting. Mr. Heman's second request involves 909 S Hudson Avenue, which is directly south of 903 S Hudson Avenue. Heman Houses LLC owns both properties and both properties present a similar challenge, thus also requiring a variance. The request for a variance at 909 S Hudson Avenue involves a front yard variance to 15 feet from the City Code requirement of 25 feet, and also to the rear yard with the applicant requesting an 18 foot setback instead of 30 feet required by City Code. A site plan was provided by Mr. Heman. Structure is planned to face north and south instead of east to west.

Vice Chairman Walker made a motion to close the public hearing at 6:19pm. Motion seconded by Board Member Dillman. Motion passed with all members voting aye.

Finding of Fact was addressed with the Board and Conclusions were voted on.

Conclusions are as follows:

The variance requested arises from special conditions and circumstances which are peculiar to the property in questions and which are not applicable to other property in the same district; and further, the special conditions and circumstances do not result from the actions of the applicant.

The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

The strict application of the provisions of the regulations complained of will constitute practical difficulties to the applicant.

The variance requested will not adversely affect the public health, safety, morals or general welfare of the community.

The granting of the variance will not be opposed to the general spirit and intent of the ordinance from which the variance is sought.

Literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.

Substantial justice will be done.

Based on these above finding, the Board of Zoning Adjustment votes to Approve the Variance.

Vice Chairwoman Walker made a motion to accept and approve the conclusions previously stated and found with our area variance checklist, as well as approve the variance request as presented. Board Member Medlin seconded the motion to approve the Conclusions as well as the variance request. Motion passed with all members voting the following:

BLOSS - AYE

WALKER - AYE

DILLMAN - AYE

MUENCH - AYE

MEDLIN - AYE

5. ADJOURNMENT

Vice Chairwoman Walker made a motion to adjourn, time noted 6:21pm. Motion seconded by Board Member Medlin. Motion passed with all members voting aye.

APPROVED:

Mike Bloss, Chairman

ATTEST:

Crystal Gregory, Administrative Assistant

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