

Board of Adjustment meeting

Tuesday, April 22, 2025 at 6 p.m.

New Haven City Hall

Agenda

1. Call to Order
2. Roll Call
3. Public Hearing, Variance request, Luke and Michelle Otten, 802 Sunset Lane
 - a. Open Public Hearing, pages 1-2
 - b. Applicant presentation, pages 3-6
 - c. City staff report
 - d. Public comment
 - e. Close public hearing
4. Board discussion / action
5. Approval of minutes dated May 23, 2023, pages 7-8
6. Adjourn

City of New Haven

101 FRONT STREET

PO BOX 236

NEW HAVEN, MO 63068

Phone 573-500-2530 * www.newhavenmo.org * Fax 573-237-4696

April 1, 2025

Notice of Public Hearing

The New Haven Board of Adjustment will hold a Public Hearing on April 22, 2025, at 6 p.m. at the New Haven City Hall, 101 Front Street, New Haven, Mo to hear a request for a variance from the City's zoning district set back requirements.

1. The applicant, Luke and Michelle Otten, is seeking a variance from the back setback lines requirements for property located at 802 Sunset Lane, New Haven, Mo. The property is zoned R-1a, Single Family Residential.

Interested citizens are invited to comment on this request at the Public Hearing. If you cannot attend, citizens may direct written comments to the City of New Haven, PO Box 236, New Haven, Mo 63068. A copy of the applicant's request and other information is available at City Hall.

Publish in the New Haven Independent News April 2 and April 9, 2025.

City of New Haven

101 Front Street

PO Box 236

New Haven, MO 63068

Phone 573-500-2530*www.newhavenmo.org*Fax 573-237-4696

April 1, 2025

Dear Property Owner,

Please be advised that the New Haven Board of Adjustment will hold a **Public Hearing on April 22, 2025 at 6 p.m. at New Haven City Hall, 101 Front Street, New Haven, MO**, to hear a request for a variance from the City's zoning district set back requirements.

The applicant, Luke and Michelle Otten, is seeking a variance from the back setback line requirements for property located at 802 Sunset Lane, New Haven, Mo. The property is zoned R-1a, Single Family Residential.

Interested citizens are invited to comment on this request at the Public Hearing. If you cannot attend, citizens may direct written comments to the City of New Haven, PO Box 236, New Haven, Mo 63068

You are receiving this notice because your property is located within 200 feet of the subject property (802 Sunset Lane) as required by the New Haven Municipal Code.

If you have any questions about this notice, please contact me at 573-500-2530 or

kathy.trentmann@newhavenmo.org.

Thank you,



Kathleen A. Trentmann
City Administrator



CITY OF NEW HAVEN
BOARD OF ADJUSTMENT
101 FRONT STREET
NEW HAVEN, MO 63068
573-237-2349 573-237-4696 (FAX)

Job 327-25
Recpt # 5587

APPEAL OR VARIANCE REQUEST

Payment Received
An appeal for interpretation application fee \$150 ☐ YES ☐ NO
An request for a variance application fee \$150 ☒ YES ☐ NO

NAME OF APPLICANT: LUKE & Michelle Otten

ADDRESS: 412 Locust St New Haven, MO. 63068

PHONE - HOME Luke: (573) 291-2375 PHONE - WORK Michelle (636) 259-6289

LOCATION OF PROPERTY: 802 SUNset Ln. LOT 41 Baltimore P3

NAME OF LEGAL OWNER: LUKE Otten & Michelle Otten

PRESENT ZONING DISTRICT CLASSIFICATION: R1-A

TYPE OF USE: Single family residence

Has an application for a building permit been filed with the City Building Official?
Yes _____ No ✓

1. List the particular provision or requirement of the zoning code which prevents the proposed construction on, or use of, the property.

We are requesting a variance from the specifications
recorded in the deeded plat. Specifically, we are
seeking approval to ~~not~~ adhere to the city code, which
stipulates a 25-foot backyard setback, as outlined in
Code 405.270(A), rather than the setback indicated
on the deeded plat. We only need this variance
on the left hand side of the lot to add accommodate
a covered deck on the left side.

2. Describe the special conditions, circumstances or characteristics of the land, building or structure that prevent compliance with the requirements of the zoning code.

This lot is one of the few with a 30-foot setback, which only impacts the covered deck on the left side of the proposed home. - the area farthest from any utilities on the lot.

According to the developer, the 30-foot setback was established due to uncertainty about the sewer line exact placement. It's now evident that there is ample space on the left side of the lot.

3. Describe in detail the particular hardship which would result if the particular requirements of the zoning ordinance were strictly applied to the subject property.

We would not be able to build our ~~desired~~ home on this lot.

4. To what extent is it necessary to vary the requirements of the zoning code in order to permit the proposed construction on, or use of the property.

The zoning code will remain unaffected. We are requesting a variance to align with the city code rather than the deeded plat. While the 30-foot set back is necessary on the right side of the lot, it's not required on the left side.

We are seeking approval for a 25-foot set back on the left side to accommodate a covered deck.

I certify that the information contained herein is complete and accurate to the best of my knowledge.

Signature: Michelle Otten Date: 3/27/2025

Name (please print) Michelle Otten



SCALE 1" = 30'

LOT 40

C/L 10' WIDE RECREATIONAL
EASEMENT

19.0'
N61°58'30"E 110.02'
6' SETBACK & UTILITY ESMT.
86.47'
12'x12' DECK

24.4'

UTILITY ESMT.
VARIABLE WIDTH

LOT 95

S28°01'14"E 100.00'

10' UTILITY
EASEMENT
N28°01'30"W 76.12'

25' SETBACK

SUNSET LANE
(50' R/W)

PROPOSED
DRIVEWAY

R=175.00'
L=23.95'

PROPOSED
HOUSE

GARAGE

LOT 41
0.25 AC.

71.03'
6' SETBACK & UTILITY ESMT.
S61°58'30"W 111.65'

LOT 42

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5

CERTIFICATE OF OWNERSHIP:

I hereby certify that I am the owner of the property shown and described hereon, have caused the same to be surveyed and resubdivided in the manner shown on this plat, which resubdivision shall hereafter be known as "The Resubdivision of lots 40,41,42,43,&44 of Baltimore Subdivision Plat 3."

Utility & storm sewer easements as shown on this plat are hereby granted to the City of New Haven, Southwestern Bell Telephone Company, Ameren UE, and to such other utilities as may be approved by the undersigned from time to time, for the purposes of construction, maintenance and repair of underground public utilities.

IN WITNESS WHEREOF, we have executed this plat as of this 17 day of June 2006

OTTEN BROTHERS, INC.

Tim Otten, President, Otten Bros. Inc.

NOTARY PUBLIC CERTIFICATION:

STATE OF MISSOURI
COUNTY OF FRANKLIN] SS

On this 17 day of June, 2006, before me, the undersigned Notary Public, personally appeared Tim Otten, President, of Otten Brothers, Inc., known to be the person who executed the foregoing instrument on behalf of said corporation and acknowledged that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public



LORI A. CREWS
Franklin County
Missouri
Notary Public
Exp. 12-2007

SURVEYOR'S CERTIFICATE:

This is to certify that at the request of Tim Otten we have during the month of June 2006, executed a Property Boundary Survey and Resubdivision on Lots 40,41,42,43, & 44 of Baltimore Subdivision Plat 3, and that this plat and the survey on which it was based were made under my direct supervision in a manner consistent with the degree of care and skill ordinarily exercised by prudent members of the same profession currently practicing and in similar circumstances (the "Applicable Standards and Degree of Care"); and in accordance with the current Minimum Standards for Property Boundary Surveys as established by the Missouri Board for Architects, Engineers, and Land Surveyors and the Missouri Department of Natural Resources Division of Geology and Land Survey, and that the results of said survey are, to the best of my knowledge and belief, correctly represented upon this plat. Witness my original signature, registration number and seal this 17 day of June, 2006.

JUNE 2006

CB Engineering Inc.
DBA Cochran
LS-380



CITY CLERK'S CERTIFICATE:

I, Carolyn Scheer, City Clerk for and within the City of New Haven, Missouri, do hereby certify that the above plat of "The Resubdivision of lots 40,41,42,43,&44 of Baltimore Subdivision Plat 3" was approved by the City Council of the City of New Haven, Missouri by Ordinance No. 216 passed and approved on the 1 day of June 2006.

Carolyn Scheer, City Clerk
City of New Haven, Missouri



RECORDER OF DEEDS CERTIFICATE:

STATE OF MISSOURI
COUNTY OF FRANKLIN] SS

I, Sharon L. Birkman, Recorder of Deeds, within and for said County and State, do hereby certify that the foregoing instrument of writing was filed for record on the 17 day of JUNE 2006 at 10:55 o'clock A.M., and duly recorded in Book 20600 Page 2613979 on said date.

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed my official seal, at my office in Union, the date aforesaid.

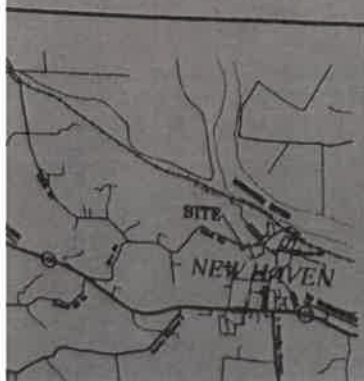
Sharon L. Birkman, Recorder of Deeds

By Sharon L. Birkman Deputy



Notes:

1. Bearing system per North line of Baltimore Subdivision Plat 1 (S86°13'36"W) as recorded in Doc. # 2004-26454 of the Franklin County Recorder of Deeds Office.
2. This survey meets the accuracy requirements for "Urban" property as defined by the Missouri Minimum Standards.
3. No investigation has been performed by Cochran Engineering and Surveying regarding hazardous waste, underground conditions or utilities affecting the tract shown hereon.
4. This survey was executed without a title commitment and is subject to any and all easements, restrictions, conditions, etc. of record.
5. Setbacks: Front 25'
Side 6' unless otherwise noted
Rear 30' unless otherwise noted
6. A 10 foot wide utility easement is hereby dedicated along the front and rear of all lot lines.
7. A 6 foot wide utility easement is hereby dedicated along the sides of all lot lines.
8. This site is zone "C" areas of minimal flooding per FIRM panel 280133 0001A effective date February 18, 1981
9. O - Denotes set 24" long 5/8" iron rebar with plastic cap. (Cochran LS380)



6

BOA Meeting Minutes
4/24/2023
7:00 PM

Call to order

Roll Call : Board Members - Rosalie Laune, David Burke, Larry Scheer, Jim Stiles, Jean Jueddeman.
Also Present : Mayor Jason Addison, Building Inspector Mike Fleege

Building Inspector presentation ref: Variance Request from Lance Stroheker for property located at 101 Kemp Street. - Mike Fleege explained that upon review the total square footage of the property was within city code and that there was no need for a meeting. Fleege stated The grade of the property allowed for the walk out basement square footage to be counted towards the total square footage of the property. Larry Scheer asked how the grade of a building was determined. Fleege explained and agrees with the previous permits issued by the previous building inspector that the property is within city code and does not need a variance.

Public Comment

Motion to approve minutes made by Davis Burke. 2nd Jean Jueddman
Motion passed 4-0
Motion to adjourn made by Larry Scheer. 2nd Jean Jueddeman
Motion passed 4-0

Meeting adjourned

Minutes taken by David Burke



City of New Haven

101 Front Street
PO Box 236
New Haven, MO 63068



May 3, 2023

Lance Stroheker
133 Front Street
New Haven, MO 63068

RE: Board of Adjustment Variance Request refund

Dear Lance,

As you know, the Board of Adjustment held a meeting April 24 to hear your request for a variance. You were issued a building permit On October 3, 2018. After, Building Inspector Michael Fleege reviewed your building permit it was determined you did not need to file a Variance Request, 101 Kemp Street.

Enclosed is a refund check for \$150, which represents a full refund for the Variance Request. I apologies for any inconvenience this may have caused.

If you have any questions, please do not hesitate to contact me at 573-237-2349.

Thank you,

Kathleen Trentmann
City Administrator