

**AGENDA**

**CENTRALIA BOARD OF ADJUSTMENT**

**Friday, January 16, 2015**

**2:00 p.m.**

**City Hall Council Chambers**

1. ROLL CALL
2. REQUEST FOR FRONT YARD SETBACK VARIANCE  
– DEXTER SCHNELL (809 S. CENTRAL)
3. AS MAY ARISE
4. ADJOURN

APPLICATION FOR BUILDING PERMIT & CERTIFICATE OF OCCUPANCY

City of Centralia

Permit # 22454  
 Date 1 / 1 /       
 Health      Public       
 Dept:      Works:     

Fee \$     

Estimated cost of Construction: \$ 125,000

*809 S Central*

Property Owner: Schnell Lawrence 13255 NR+2 Centralia MO 65240 5736827109  
 Last Name/First Name Address City State Zip Daytime Phone/Mobile Phone

Contractor: Schnell Lawrence 13255 NR+2 Centralia MO 65240 5736827109  
 Last Name/First Name Address City State Zip Daytime Phone/Mobile Phone

NOTE: Please provide a copy of recorded Deed for proof of ownership and a survey if applicable.  
 Please provide a survey/sketch plan with proposed location of building.

Type of Construction New Use of Building Res # of Dwelling Units single family  
 Number of Feet From Property Lines: Front 25 Sides 25 , 25 Rear 40  
 Structures presently on site None Size of property      x      =      Sq.Ft./Acres

	FINISHED	x Con. Factor	/ UNFINISHED	x Con. Factor	Sq.ft.
Basement Square footage					=
1 <sup>st</sup> Floor Square footage	<u>1377</u>				= <u>1377</u>
2 <sup>nd</sup> Floor Square footage	<u>322</u>				= <u>322</u>
Other					=
Garage <u>attached</u> /detached	<u>22</u> x <u>24</u>				= <u>528</u>
Pole Barn/Shed	x				=
Deck/Porch/Etc.	x				=
Number bedrooms <u>3</u> bathrooms <u>2</u>					TOTAL SQ. FT: = <u>1699</u> <sup>2220</sup>

Height of building to peak 25'

Type of foundation: BASEMENT CRAWL SPACE SLAB WITH FOOTINGS  
WOOD POLE PIER HOLES  
 Type of Waste Water System LAGOON SEPTIC SYSTEM CENTRAL SYSTEM  
OTHER/BOR APPROVED EXISTING (REPORT TO H.D. )

**FOR OFFICE USE ONLY:**  
 Zoning      Parcel #       
 S-T-R      Off-street parking spaces required       
 Subdivision      Lot      Block       
 Floodplain panel 290034      Floodplain Dev. Permit Req.      Permit #       
 911 #      Sinkhole area      Engineer       
 Directions to Site:       
 Comments:       
 Approved by:      Date:      /      /

I hereby certify that I have read and examined this application and know the same to be true and correct, and to comply with all County Ordinances and State Laws regulating building construction.

I understand that this *permit shall become null and void if construction does not begin within six (6) months of the date that the permit is issued; or if construction stops for more than six (6) months.*

I understand that a **minimum notice of one-half day** is required for inspections unless otherwise stated by this office, and that **no work may proceed until an inspector has approved the inspection that has been requested.**

I understand that a **CERTIFICATE OF OCCUPANCY** is required prior to occupancy of this structure and that, no structure shall be occupied until a Final Inspection has been requested, the Final Inspection has been performed and a **CERTIFICATE OF OCCUPANCY** has been issued.

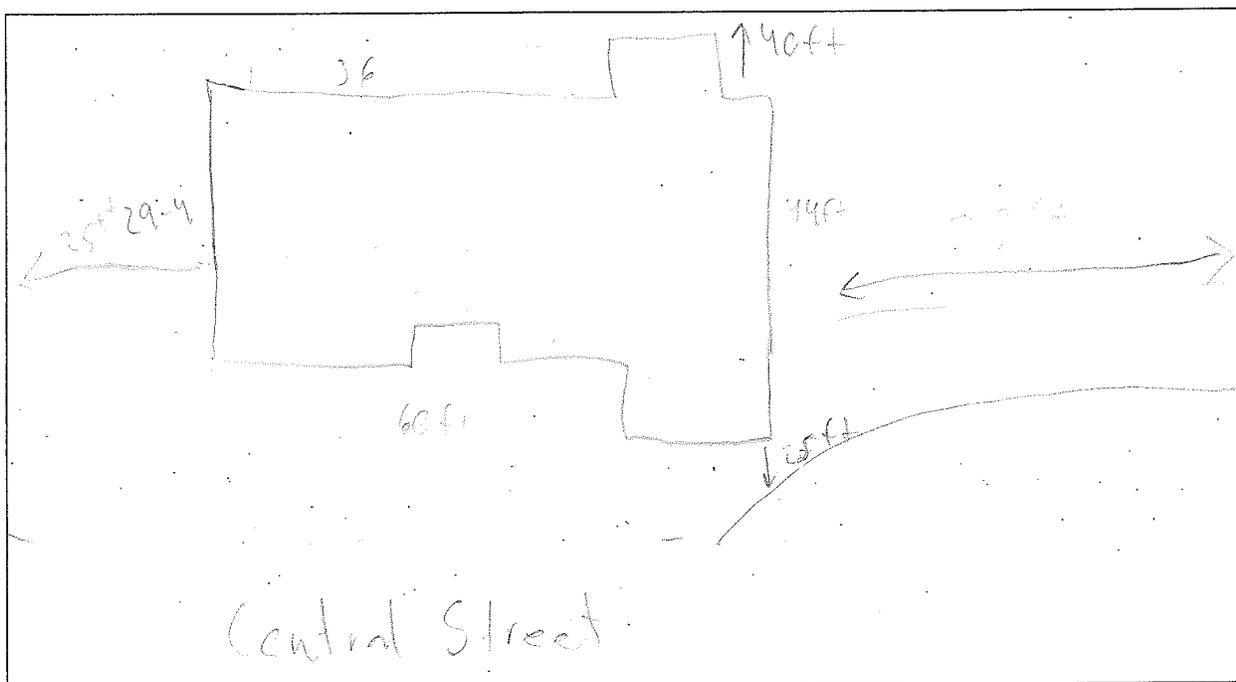
Applicant's Signature Lemuel Lusk Date 08 15 119

### PLOT PLAN

(Completed by applicant)

1. Please show and label streets/roads and indicate location of driveway.
2. Please show the location and dimensions of the proposed building in relation to lot lines.
3. Indicate location of wastewater treatment in relation to structure and lot lines.
4. Indicate and label all existing structures on property.
5. For additions, indicate existing structure and location of addition.
6. For Buildings NOT connected to existing structure: 1 ft from back property line, 3 ft from side property line, and 10 ft from the other structure.

### REAR PROPERTY LINE



FRONT (STREET FRONTAGE)

**APPLICATION FOR BUILDING PERMIT & CERTIFICATE OF OCCUPANCY**  
**Boone County, Missouri**

Fee \$ \_\_\_\_\_

Estimated cost of Construction \$ \$125,000

Permit #	<u>22454</u>		
Date	<u>08</u>	/	<u>15</u> / <u>2014</u>
Health Dept:	<u>Public Works #</u>		

Property Owner: Schnell Construction LLC, 13255 N. Route Z, Centralia, MO 65240  
 Last Name/First Name      Address      City      State      Zip      Daytime Phone/Mobile Phone

Contractor: Schnell Construction LLC, 13255 N. Route Z, Centralia, MO 65240  
 Last Name/First Name      Address      City      State      Zip      Daytime Phone/Mobile Phone

Email Address: \_\_\_\_\_

**NOTE: Please provide a copy of a recorded Deed for proof of ownership and a survey if applicable.**  
**Please provide a survey/sketch plan with proposed location of building.**

Type of Construction Single Family Dwelling Use of Building Single family residence # of Dwelling Units 1  
 Number of Feet From Property Lines: Front 25 Sides 25 / 25 Rear 40  
 Structures presently on site \_\_\_\_\_ Size of property \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Sq.Ft/Acres

	<u>FINISHED</u>	<u>UNFINISHED</u>	=	_____
Basement Square footage	<u>0</u>	<u>0</u>	=	<u>0</u>
1st Floor Square footage	<u>1377</u>		=	<u>1377</u>
2nd Floor Square footage	<u>322</u>		=	<u>322</u>
Other			=	
Garage attached/detached		<u>528</u>	=	<u>528</u>
Pole Barn/Shed			=	
Deck/ Porch/ Etc.	<u>0</u>	<u>0</u>	=	<u>0</u>
				<b>TOTAL SQ.FT:</b> <u>2227</u>
Number bedrooms	<u>3</u>	bathrooms	<u>2</u>	

Height of building to peak
<u>25</u>

DRIVEWAY TYPE: ( \_\_\_\_\_ )driveway with( \_\_\_\_\_ )-road

Type of foundation:  BASEMENT       CRAWL SPACE       SLAB WITH FOOTINGS  
 EXISTING       WOOD       POLE       PIER HOLES

Type of Waste Water System:  LAGOON       SEPTIC SYSTEM       CENTRAL SYSTEM  
 OTHER/BOR APPROVED       EXISTING (REPORT TO H.D.  )

**FOR OFFICE USE ONLY:**

Zoning R-1      Parcel # 04 - 511 - 00 - 17 - 006 . 00  
 S-T-R 15 - 51 - 11      Off-street parking spaces required \_\_\_\_\_

Subdivision Dexter SD      Lot F      Block \_\_\_\_\_

Floodplain panel 290034      Flood Plain Dev. Permit Req. \_\_\_\_\_ Permit # \_\_\_\_\_

911 # 809 S. Central St., Centralia, MO      Sinkhole area \_\_\_\_\_ Engineer \_\_\_\_\_

Directions to site: North in Hwy 124 East on Gano Chance Road One block past Columbia turn North (left) on Central St. Proceed along Central until the first house on the left as you enter the cul-de-sac bulb.

Comments: New construction of SFR.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Will this structure be used for commercial/business purposes?  YES  NO  
If yes, please explain:

Initial \_\_\_\_\_

I hereby certify that I have read and examined this application and know the same to be true and correct, and to comply with all County Ordinances and State Laws regulating building construction.

I understand that this *permit shall become null and void if construction does not begin within six (6) months of the date that the permit is issued; or if construction stops for more than six (6) months.*

I understand that a **minimum notice of one-half day** is required for inspections unless otherwise stated by this office, and that **no work may proceed until an inspector has approved the inspection that has been requested.**

I understand that a **CERTIFICATE OF OCCUPANCY** is required prior to occupancy of this structure and that , no structure shall be occupied until a Final Inspection has been requested, the Final Inspection has been performed and a **CERTIFICATE OF OCCUPANCY** has been issued.

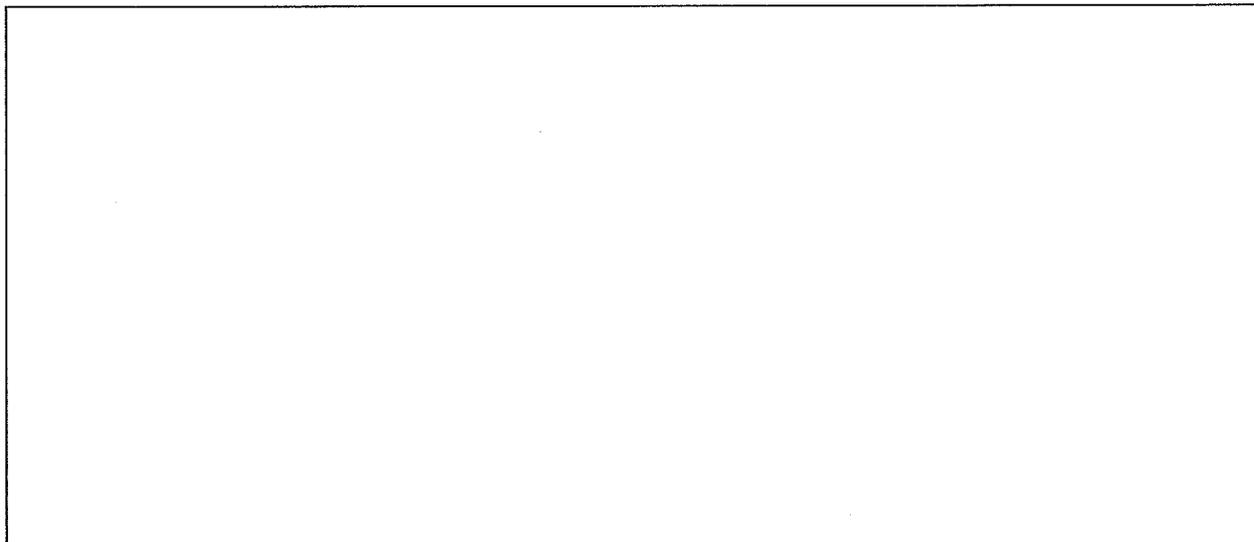
Applicant's Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**PLOT PLAN**

(Completed by applicant)

1. Please show and label streets/roads and indicate location of driveway.
2. Please show the location and dimensions of the proposed building in relation to lot lines.
3. Indicate location of wastewater treatment in relation to structure and lot lines.
4. Indicate and label all existing structures on property.
5. For additions, indicate existing structure and location of addition.

**REAR PROPERTY LINE**



**FRONT (STREET FRONTAGE)**





Board of Adjustment

NOTICE OF APPEAL

12/18/14, 2014

To: Board of Adjustment and City Administrator  
% City Clerk  
City of Centralia  
114 S. Rollins  
Centralia, MO 65240

Subject: Notice of Appeal from Decision of the City Administrator in re the following described property located in the City of Centralia, County of Boone, State of Missouri:

Known as: 809 Central St. Centralia MO, 65240

Notice is hereby given that I (we) appeal the decision made by the City Administrator on October 20, 2014, with reference to the above described property. On that date the City Administrator refused to change the address and designation of the front yard as requested. The reason he gave for the refusal was that:

**The foundation as poured placed the house where it did not meet the setback requirements for front yards in the R-1 zoning district under Section 31-20 of the Centralia City Code.**

**The slab at its closest point (the corner of the garage) is 25ft away from the curb.**

which does not comply with the strict letter of Section 31-20 of the (Centralia City Code or Ordinance No. of the Ordinances of the City of Centralia, Missouri. That Section provides:

**Front Yard. There shall be a front yard not less than twenty-five (25) feet in depth; except, as provided hereafter.**

(In lieu of this paragraph you may state: A copy of the letter of the City Administrator is attached.)

There are practical difficulties or unnecessary hardship, or both, in the way of carrying out the strict letter of the Centralia City Code as requested by this appeal, nevertheless there will be substantial compliance with the Zoning Code (Ordinance), the spirit of the Zoning Code (Ordinance) will be observed, public safety and welfare will be secured, and substantial justice will be done because

**The only part of the slab that is over the 25ft building line is the corner of the garage. The garage sits where the curb starts to make the radius into the cul-de-sac. The corner of the garage closest to curb is 25 ft away as shown on the building permit. The other side of the garage is 34ft away from the curb. I cannot move the**

house back because I would be over the rear setback line. The City Administrator and I have checked and made sure that there is enough room to park a car and truck in the driveway and for pedestrians to use the sidewalk without difficulty.

The practical difficulties include that I cannot just pick up and move the building. When I applied for a building permit from the City of Centralia I drew out my plan on the back page, as specified to do, which include the set back locations. And I positioned the building as close as I could to the set back dimensions given on the drawing and still being within what I thought were the minimum setback locations. After receiving the permit I started preparing to pour concrete footers for the slab. After digging the footings I called for an inspection. The inspector came out to the job, passed the footings, and I poured them. The inspector was at the job site a minimum of 3 times before I poured my slab and not once did he say anything about setbacks or anything else. I was led to believe that everything was fine; I had followed what I had written out on my permit, which was approved by both the City of Centralia and Boone County.

The slab is poured and my plumbing is set. Therefore I cannot move anything inside the plan and if I cut part of the garage off I wouldn't even be able fit a small car in the garage making it unusable. I am a bit distressed over this situation. I have tried to the best of my abilities to comply with any rules or regulations set by the City of Centralia or the County of Boone. I did not try to be arbitrary in the setback of this building. I thought I was within the designated area for the building and when doing the preliminary work that goes into pouring a concrete slab I double checked my measurements many times to make sure that they corresponded with the measurements I had given on the building permit.

Had this problem been brought to my attention before a building permit was issued to me, I could have easily moved the house around to have made it fit. I have been talking with Matt and when I applied for and was issued the building permit he had just taken over for Lynn Behrns. He has told me that he did not realize that it was his job to inspect or measure the setbacks. And I thought that setting 25ft back from the curb was acceptable. I started doing dirt work on the 21<sup>st</sup> of September and poured my footings on the 23<sup>rd</sup> of September. The slab was poured on the 30<sup>th</sup> of September. Matt did not measure the setbacks until the 20<sup>th</sup> of October. There was never any mention made that the City Administrator had anything thing to do with the inspections. The only inspection sheet I was given was from Boone County and I have followed that inspection list.

One other important reason that I must have the correct square footage and a double car garage is that when I applied for a bank loan I gave the dimensions and the size of the garage to the bank. And was given a building loan based on the size of the house and what other houses the same size appraised for.

It was never my intention to try to push the limits of what size home I could put on the lot. I believed that I had used the proper set backs when I staked out and sized the house on the lot. Had it come to my attention earlier, especially while in the process of the permit application, I would have been more then willing to move things around.

I (we) request that the Board of Adjustment vary or modify the application of the Zoning Code (Ordinance) to the above described property to the extent **that I be allowed to build within the 25ft building line.**

Attached hereto and made a part hereof is a sheet entitled "Parties in Interest" which lists the names and addresses of all other parties in interest, to the best of my (our) knowledge and belief.

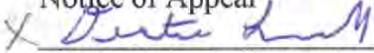
(Name Address Phone No. on the attached sheet list the names, addresses and phone numbers of the persons who own property adjoining your property at the side or rear and any person who own property across the street of streets from your property. Also list any other persons you have reason to believe might oppose your appeal.)

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

(Telephone) \_\_\_\_\_,

I hereby acknowledge receipt of two signed copies of the above Notice of Appeal, and I also hereby acknowledge receipt of \$25.00 required to be deposited with said Notice of Appeal

X   
\_\_\_\_\_  
City Clerk  
**NOTICE OF PUBLIC HEARING  
BEFORE THE BOARD OF ADJUSTMENT**

Notice is hereby given that the Board of Adjustment of the City of Centralia, Missouri will hold a public hearing at a meeting of said Board in the City Hall Council Chambers, 114S, \ Rollins, Centralia, MO 65240 at 7:00 p.m. on \_\_\_\_\_, 2014, to give all interested persons an opportunity to appear and be heard in relation to the following appeal and applications:

1. Appeal of \_\_\_\_\_ from the denial by the Centralia City Administrator of the set backs to construct Single Family home on the real estate in the City of Centralia, County of Boone, State of Missouri, hereinafter next described, requesting that said Board modify or vary the application of Section 31-20 of the Centralia City Code by (I request that I be allowed to build inside of the 25ft building line) said real estate being described as follows:

809 Central St

Know as (or Located

at) \_\_\_\_\_,

2. Dates of Notice

\_\_\_\_\_  
Board of Adjustment

City of Centralia

by \_\_\_\_\_, Chairman  
**BOARD OF ADJUSTMENT  
CITY OF CENTRALIA, MISSOURI**

Office of City Clerk

\_\_\_\_\_,  
2014

To: \_\_\_\_\_  
\_\_\_\_\_

Subject: Notice of public hearing on appeal from decision of City Administrator in re the following described property located in the City of Centralia, County of Boone, State of Missouri, to-wt: (Here insert legal description of property) known as (or to be known as) (here set outthetstreetaddressof the property, or otherwise so locate it that it can easily be found.)

\_\_\_\_\_, who owns (leases, or is the tenant of) the above described property has applied for a building permit for a \_\_\_\_\_ to be constructed on said property, but the City Administrator of the City of Centralia, Missouri refused to issue a permit because \_\_\_\_\_. Said applicant has appealed to the Board of Adjustment of the City of Centralia, Missouri for a modification or variance of Section \_\_\_ of the Centralia City Code so that a building permit may be issued. The Board of Adjustment will hold a public hearing on the appeal at 7:00 p.m. \_\_\_\_\_, \_\_\_\_\_, 2014, in the City Hall Council Chambers, 114 S. Rollins, Centralia, MO 65240, and all interested parsons will be heard at that time and place. This letter simply notifies you of the hearing and of your right to be heard, but this letter neither directs nor requires you to appear. It is requested that you give notice of the public hearing to any other person or persons who have an interest in your property.

Very truly yours.

Board of Adjustment

City of Centralia

by \_\_\_\_\_

City Clerk

Matthew C. Harline  
City Administrator



114 S Rollins, Centralia, MO 65240  
Phone (573)682-2139

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## City of Centralia

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November 13, 2014

Lawrence Schnell  
13255 N. Route Z  
Centralia, MO 65240

Dear Mr. Schnell:

On October 20, 2014, as required of me by Section 30-6 of the Centralia City Code, I measured the set back of the slab on poured at 809 Central in Centralia, Missouri, (Lot F of the Dexter Subdivision) it is my determination that if you put the entire slab under roof, you will be in violation of the Centralia City Code; specifically Section 31-20 concerning the front yard setback for construction in the R-1 District. The required setback is twenty-five (25) feet from the building line, not from the curb.

On August 15, 2014 the City of Centralia issued you building permit 22454 based on your drawing that shows a twenty-five foot setback from a line we assumed was the building line. The line, in fact, represented the curb. At some point in the two months following the issuance of the permit and before I measured the setback, you poured the footer and slab foundation.

Earlier today (November 13, 2014) we visited the lot together and determined that the front yard setback did not meet the legal setback distance. Both side setbacks and the rear yard setback meet the regulations. The rear yard is almost at the minimum 30 foot setback.

Unless you obtain a variance from the Board of Adjustment or modify your plan to maintain a 25-foot setback from the building line, the City cannot issue an occupancy permit.

Please contact me at (573) 682-2139 should you have any questions.

Sincerely,

Matt Harline  
City Administrator  
City of Centralia, Missouri

### **Parties in Interest**

Frank Buck: 815 S Central Ave Phone: 682-9922

Sharon Mango: 823 S Central St Phone:

Larry Schnell: 13255 N. Rt. Z Centralia MO Phone: 573-881-4036



**DEDICATION AND AGREEMENTS**

THESE PRESENTS:

LARRY SCHNELL AND LINDA SCHNELL, HUSBAND AND WIFE, THE SOLE OWNERS OF THE TRACT, HAVE CAUSED THE SAME TO BE SURVEYED AND DIVIDED AS SHOWN ON THIS PLAT. THE EASEMENTS AND RIGHT-OF-WAY AS SHOWN, ARE HEREBY DEDICATED TO THE PUBLIC OR STRUCTURES, INCLUDING

STATE OF MISSOURI } SS  
 COUNTY OF BOONE

ON THIS 15<sup>TH</sup> DAY OF November  
 LARRY SCHNELL AND LINDA SCHNELL, HUSBAND AND WIFE, BE THE PERSONS DESCRIBED HEREIN AND WHO HAVE ACKNOWLEDGED THAT THEY EXECUTED THE SAME IN MY TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL IN MY OFFICE IN SAID COUNTY AND STATE, THE DAY OF

MY COMMISSION EXPIRES:

FINAL PLAT OF  
**DEXTER SUBDIVISION**  
A MAJOR PLAT

A RESUBDIVISION OF PART  
OF LOT 3, BISHOP SUBDIVISION

NOVEMBER 2, 2001

**DESCRIPTION**

A RESUBDIVISION OF A PART OF LOT 3, BISHOP SUBDIVISION, RECORDED IN PLAT BOOK 26, PAGE 42 OF THE BOONE COUNTY, MISSOURI RECORDS, BEING IN THE SOUTHWEST 1/4 OF SECTION 15, T51N, R11W, CENTRALIA, MISSOURI, AND BEING THAT LAND DESCRIBED BY A WARRANTY DEED RECORDED IN BOOK 1726, PAGE 207 OF THE BOONE COUNTY, MISSOURI RECORDS. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE AT THE SOUTHWEST CORNER OF BISHOP SUBDIVISION, DECLARED ON THE PLAT OF BISHOP SUBDIVISION TO BE S 87°-29' E 50 FEET AND N 0°-53' E 406.5 FEET FROM THE SOUTHWEST CORNER OF SECTION 15-51-11, AND ON THE EAST RIGHT-OF-WAY LINE OF THE COLUMBIA TERMINAL RAILROAD; THENCE N 0°-53' E, ALONG SAID RIGHT-OF-WAY LINE, 551.00 FEET TO AN EXISTING IRON PIPE AT THE NORTHWEST CORNER OF BISHOP SUBDIVISION; THENCE S 88°-28' E, ALONG THE NORTH LINE OF BISHOP SUBDIVISION, 467.55 FEET TO A SET IRON PIPE AT THE NORTHWEST CORNER OF THE TRACT DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN BOOK 1525, PAGE 910; THENCE S 0°-32' W, ALONG THE WEST LINE OF LAST SAID TRACT, 150.00 FEET TO A SET IRON PIPE; THENCE, FOLLOWING THE LINES OF LOT 3, BISHOP SUBDIVISION: N 88°-28' W 45.00 FEET; S 0°-32' W 130.00 FEET; S 88°-28' E 75.00 FEET TO A SET IRON PIPE; S 0°-32' W 271.77 FEET TO AN EXISTING IRON PIPE; AND N 88°-25' W 500.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.990 ACRES.

I THEN DIVIDED SAID TRACT INTO 18 LOTS, DESIGNATED AS "A" THRU "R", AS SHOWN ON THIS PLAT.  
THE RESULTS OF THE SURVEY OF THIS SUBURBAN PROPERTY, MADE FOR LARRY SCHNELL AND LINDA SCHNELL, AND EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, ARE SHOWN ON THIS PLAT.

NATHANAE SURVEYS & DESIGNS  
BY:

*Nathanael E. Kohl*  
NATHANAE E. KOHL  
PROFESSIONAL LAND SURVEYOR  
LS #2615

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC IN AND FOR BOONE COUNTY, MISSOURI THIS 15 DAY OF November, 2001.

MY COMMISSION EXPIRES 4/4/2005

GARY P. TINSLEY, JR.  
Notary Public - Notary Seal  
State of Missouri  
County of Boone  
My Commission Exp. 04/04/2005

*Gary P. Tinsley, Jr.*  
NOTARY PUBLIC

GARY P. TINSLEY, JR.  
Notary Public - State of Missouri  
County of Boone  
My Commission Expires Apr. 4, 2005

**CITY APPROVALS AND CERTIFICATION**

THIS PLAT HAS BEEN APPROVED BY THE CITY OF CENTRALIA, MISSOURI PLANNING AND ZONING COMMISSION, THIS 15 DAY OF November, 2001.

*James G. Everhart*  
JAMES G. EVERHART, CHAIRMAN  
PLANNING AND ZONING COMMISSION  
CITY OF CENTRALIA, MISSOURI

THIS PLAT HAS BEEN APPROVED AND ACCEPTED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CENTRALIA, MISSOURI THIS 15 DAY OF November, 2001 BY ORDINANCE NUMBER 2175

*Gene C. Berck*  
GENE C. BERCK, MAYOR  
CITY OF CENTRALIA, MISSOURI

I, KATHY COLVIN, CITY CLERK OF THE CITY OF CENTRALIA, MISSOURI, HEREBY CERTIFY THAT THE PLAT OF DEXTER SUBDIVISION AS SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION AND THE BOARD OF ALDERMEN, ALL OF THE CITY OF CENTRALIA, MISSOURI, AS SET FORTH ABOVE. IN WITNESS WHEREOF, I SUBSCRIBE THIS CERTIFICATE AND AFFIX THE OFFICIAL SEAL OF THE CITY OF CENTRALIA, MISSOURI THIS 15 DAY OF November, 2001.

*Kathy Colvin*  
KATHY COLVIN, CITY CLERK  
CITY OF CENTRALIA, MISSOURI

**CERTIFICATE OF RECORDER**

STATE OF MISSOURI } SS  
COUNTY OF BOONE

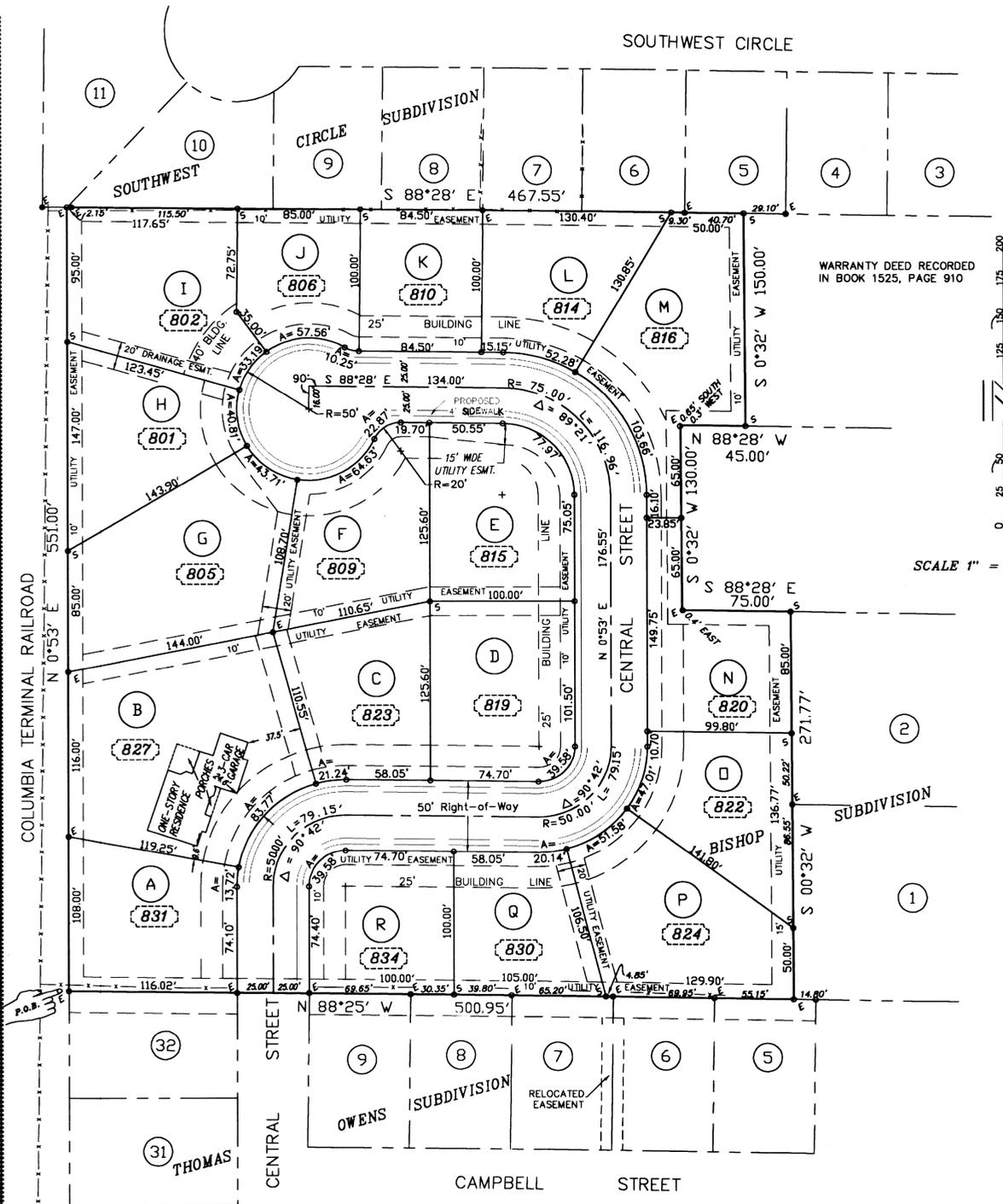
DOCUMENT NO. 31442

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS FOR BOONE COUNTY, MISSOURI, THIS 30 DAY OF November, 2001, AT 4:29 O'CLOCK P.M. AND RECORDED IN PLAT BOOK 35, PAGE 84

BETTIE JOHNSON - RECORDER OF DEEDS

*Bettie Johnson*  
KAREN JOHNSON

DEPUTY RECORDER OF DEEDS



**LEGEND**

- IRON PIPE
- REBAR
- ⊕ EXISTING
- ⊖ SET
- FENCE LINE
- CENTERLINE

**NOTES:**

1. ALL MONUMENTS NOT SHOWN AS SET OR EXISTING WILL BE SET AFTER CONSTRUCTION.
2. BEARINGS ARE BASED ON THE LINES OF BISHOP SUBDIVISION.
3. PERMANENT BENCH MARK: NORTH RIM OF MANHOLE AT THE NORTHWEST INTERSECTION OF CENTRAL & CAMPBELL STREETS. BASED ON USGS BENCHMARK AS PERPETUATED ON CONSTRUCTION PLANS FOR JEFFERSON AND LAKEVIEW STREETS. ELEV: 888.24

**MORTGAGEE'S SUBORDINATION AGREEMENT**

THE UNDERSIGNED MORTGAGEE, MERCHANTS AND FARMERS BANK, BEING THE HOLDER OF THE PROMISSORY NOTE SECURED BY A DEED OF TRUST RECORDED IN BOOK 1726, PAGE 209 OF THE BOONE COUNTY, MISSOURI RECORDS, DOES HEREBY CONSENT AND AGREE TO THE DEDICATION TO PUBLIC USE OF THE UTILITY EASEMENTS AND RIGHT-OF-WAY FOR CENTRAL STREET AS SET FORTH ABOVE ON THIS PLAT BY THE OWNERS, LARRY SCHNELL AND LINDA SCHNELL, HUSBAND AND WIFE, AND THE UNDERSIGNED DOES HEREBY SUBORDINATE THE SAID DEED OF TRUST TO THE DEDICATED UTILITY EASEMENTS AND STREET RIGHT-OF-WAY, AND FOR THAT PURPOSE RELEASES SAID DEDICATED PROPERTY FROM THE LIEN OF SAID DEED OF TRUST. THE UNDERSIGNED FURTHER AGREES TO COMPLY WITH ALL CURRENT PROVISIONS OF THE SUBDIVISION CODE OF THE CITY OF CENTRALIA, MISSOURI IN REGARDS TO DEXTER SUBDIVISION.

IN WITNESS WHEREOF, THE SAID  
STATE OF MISSOURI } SS  
COUNTY OF BOONE

MERCHANTS AND FARMERS BANK,  
HAS CAUSED THESE PRESENTS TO  
BE SIGNED BY ITS Senior Vice President,  
ATTESTED TO BY ITS Assistant Vice Manager,  
AND ITS CORPORATE SEAL TO BE HERETO  
AFFIXED THIS 15<sup>th</sup> DAY OF NOVEMBER, 2001.

ON THIS 15<sup>th</sup> DAY OF NOVEMBER, 2001,  
BEFORE ME APPEARED Ronald J. Schepher  
TO ME PERSONALLY KNOWN, WHO, BEING BY  
ME DULY SWORN, DID SAY THAT (SHE IS THE  
Senior Vice President OF MERCHANTS AND  
FARMERS BANK, AND THAT THE SEAL AFFIXED  
TO THE FOREGOING INSTRUMENT IS THE  
CORPORATE SEAL OF SAID MERCHANTS AND  
FARMERS BANK, AND THAT SAID INSTRUMENT  
WAS SIGNED AND SEALED IN BEHALF OF SAID  
MERCHANTS AND FARMERS BANK BY  
AUTHORITY OF ITS BOARD OF DIRECTORS,  
AND SAID Senior Vice President  
ACKNOWLEDGED SAID INSTRUMENT TO BE THE  
FREE ACT AND DEED OF SAID MERCHANTS  
AND FARMERS BANK.

IN WITNESS 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.

MY COMMISSION EXPIRES:

4/4/2005

*Gary P. Tinsley, Jr.*  
GARY P. TINSLEY, JR.  
Notary Public - Notary Seal  
State of Missouri  
County of Boone  
My Commission Exp. 04/04/2005

GARY P. TINSLEY, JR.  
Notary Public - State of Missouri  
County of Boone  
My Commission Expires Apr. 4, 2005

**OWNERS' DEDICATION AND AGREEMENTS**

KNOW ALL MEN BY THESE PRESENTS:

WE, LARRY SCHNELL AND LINDA SCHNELL, HUSBAND AND WIFE, THE SOLE OWNERS OF THE ABOVE DESCRIBED TRACT, HAVE CAUSED THE SAME TO BE SURVEYED AND DIVIDED AS SHOWN ON THIS PLAT. THE EASEMENTS AND RIGHT-OF-WAY AS SHOWN, ARE HEREBY DEDICATED TO PUBLIC USE FOREVER. NO TREES, SHRUBS, OR STRUCTURES, INCLUDING FENCES, SHALL BE GROWN, PLACED, CONSTRUCTED, MAINTAINED OR OTHERWISE PERMITTED WITHIN THE EASEMENTS SHOWN ON THIS PLAT. WE FURTHER AGREE TO COMPLY WITH ALL CURRENT PROVISIONS OF THE SUBDIVISION CODE OF THE CITY OF CENTRALIA, MISSOURI IN REGARDS TO DEXTER SUBDIVISION.

*Larry Schnell*  
LARRY SCHNELL

*Linda Schnell*  
LINDA SCHNELL

STATE OF MISSOURI } SS  
COUNTY OF BOONE

ON THIS 15<sup>th</sup> DAY OF November, 2001, BEFORE ME APPEARED LARRY SCHNELL AND LINDA SCHNELL, HUSBAND AND WIFE, TO ME PERSONALLY KNOWN TO BE THE PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED. 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.

MY COMMISSION EXPIRES:

4/4/2005

*Gary P. Tinsley, Jr.*  
GARY P. TINSLEY, JR.  
Notary Public - Notary Seal  
State of Missouri  
County of Boone  
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GARY P. TINSLEY, JR.  
Notary Public - State of Missouri  
County of Boone  
My Commission Expires Apr. 4, 2005

BOARD OF ADJUSTMENT  
City of Centralia, Missouri  
\* \* \* \* \*

INFORMATION, RULES, AND FORMS

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BOARD OF ADJUSTMENT  
City of Centralia, Missouri  
INFORMATION, RULES, AND FORMS

The following statement, which includes information, suggestions, rules, and forms, was adopted by the Board of Adjustment on March 22, 1961, and is effective as to all appeals and applications filed thereafter.

I. IN GENERAL

The Board of Adjustment of the City of Centralia, Missouri, is a board separate and distinct from the Zoning Commission of the City. The Board of Adjustment is separate and distinct from the Boone County Board of Equalization which adjusts assessments for tax purposes and which sometimes is referred to as an adjustment board.

With reference to the Board of Adjustment, see generally; Sections 89.080-89.110, Rev. Stat. Mo. 1949 (hereafter city as RSMO 1949); and Ordinance No. 738 of the Ordinances of the City of Centralia, Missouri, generally referred to as the Zoning Ordinance. Hereafter citations will be simply to certain sections of the Zoning Ordinance; page references are to the Zoning Ordinance, as it appears in the permanent bound copy of the Ordinances. Copies of the City Ordinances may be examined at the office of the City Clerk, City Hall, Centralia, Missouri.

The Board of Adjustment is composed of five representative citizens, all of whom serve without compensation, appointed by the Mayor with the approval of the Board of Aldermen. The City

Clerk on your request will furnish you with the names of the current members of the Board of Adjustment.

II. POWERS OF THE BOARD OF ADJUSTMENT.

The powers of the Board of Adjustment are set out by Section 89.090, RSMo 1949, and Section 25, Zoning Ordinance. In part, Section 25, Zoning Ordinance, is substantially identical with the State statute, but the ordinance in addition sets out in detail miscellaneous powers of the Board some of which are implemented elsewhere in the Zoning Ordinance; other sections of the Zoning Ordinance also refer matters to the Board of Adjustment and deal with the powers of the Board.

The following three subsections on types of appeals to, and miscellaneous powers of, the Board are intended to present these matters in an understandable manner without undue technicality.

A. Appeals for "waiver" of strict letter of Zoning Ordinance. The type of appeal most often made to the Board is the one provided for in Section 25, Zoning Ordinance, as follows: "The Board shall have the following powers: \*\*\* 3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of building or structures, or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done." Even though literal compliance with the strict letter of the Zoning Ordinance may be "waived", nevertheless

under Missouri case law there must be substantial compliance with the letter of the Zoning Ordinance.

In the typical case the City Administrator or City Engineer denies a building permit because the application for the permit shows on its face that the proposed building will violate the Zoning Ordinance; in such cases he must follow the strict letter of the Zoning Ordinance and has no discretion in the matter. The applicant then appeals to the Board, requesting that the Board waive, i.e., vary or modify, the strict letter of the Zoning Ordinance. For example, the Zoning Ordinance may require a 30' back yard, the building in its planned location would allow only a 29' back yard, and the appellant wants the Board to reduce the 30' requirement to 29'.

The Board's powers in such a case are very limited. The appellant must prove two things: (1) That there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, or that there would be unnecessary hardship in carrying out the strict letter of the Zoning Ordinance (or both practical difficulties and unnecessary hardship); and (2) That if the requested variance or modification be granted by the Board nevertheless there will be substantial compliance with the Zoning Ordinance and the spirit and purpose of the Zoning Ordinance will be fully effectuated. See State ex rel. Nigro v. Kansas City, 325 Mo. 95, 27 S.W. 2d 1030 (1930).

No brief discussion can indicate adequately or with complete accuracy what constitutes "practical difficulties" or "unnecessary hardship". Most often the practical difficulties and unnecessary hardship exist because the shape or topography of the lot is such

that it is impossible to meet the strict letter of the Zoning Ordinance or the strict letter could be met only at prohibitive cost. It is easier to indicate in a general way what facts may not be considered by the Board. The personal situation of the appellant cannot be considered, e.g., that he is ill or is short of funds. Difficulties or hardship created by the appellant himself usually cannot be considered by the Board, e.g., mistakes by the appellant in placing an improvement on the lot, or after the Zoning Ordinance becomes effective selling off all of a tract except a narrow strip which does not meet the minimum width required. Financial considerations ordinarily are not pertinent, e.g., that if there is a waiver more income can be made from the property or improvements can be made at less cost, but in a case where enforcing the strict letter of the Zoning Ordinance would make improvements impossible and would in effect confiscate the property, financial considerations may be taken into account. The leading case on financial considerations is Carlyle-Lowell, Inc. v. Ennis, 330 S.W.2d 164 (Mo.App. 1959). The practical difficulty or unnecessary hardship must be unique to the particular lot and not common to many properties; in the latter case the remedy, if any, is by amendment of the Zoning Ordinance or in the courts.

See, generally, the following: McQuillan, Municipal Corporations (3d ed.), Vol. 8, Sections 25.159-25.179; American Jurisprudence, Zoning, Sections 194-217; American Law Reports, Annotated, Vol. 168, pp. 13-156, Construction and Application of Provisions for Variations in Application of Zoning Regulations and Special Exceptions Thereto; and see other legal texts on zoning.

The requirement that there be substantial compliance with the letter of the Zoning Ordinance, and the proposition that the Board has power to waive only the strict letter and not the substance is not expressly stated in the state statutes nor in the Zoning Ordinance, but is announced in cases construing the state statute. The Board does not have broad power to do whatever may seem to be reasonable under all the circumstances. The leading case is *Berard v. Board of Adjustment of City of St. Louis*, 138 S.W. 2d 731 (Mo. App. 1940), which held that a Board order was void which reduced a setback from a required 25' minimum to 5'. The court said: "But the board can in no case relieve from a substantial compliance with the ordinance. Their administrative discretion is limited to the narrow compass of the statute . . . The order of the board of adjustment in this case does not merely vary or modify the regulation of the ordinance, but is subversive of it. It is not a substantial compliance with either the letter or spirit of the ordinance."

The Board has no power to rezone property. For example, the Board has no power to authorize a triplex in a district zoned for single family dwellings or duplexes, no matter how great the practical difficulties or unnecessary hardship. (Section 25, Zoning Ordinance, makes some express exceptions in transition areas.) This is true even though the appellant can make no profitable use whatsoever of his property as it is zoned. If what the appellant really seeks is rezoning, he should not appeal to the Board of Adjustment, but his remedy, if any, lies with the Zoning Commission and the Board of Aldermen under their established procedures for rezoning or amending the Zoning Ordinance, or

in the courts.

B. Appeals to correct error of an administrative official

This type of appeal is provided for in Section 25, Zoning Ordinance, as follows: "The Board shall have the following powers: 1. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance."

This subsection covers a wide variety of appeals. One type of case that might be appealed to the Board would be a case concerning nonconforming uses existing or claimed to exist at the effective date of the Zoning Ordinance, where it is asserted that an administrative official has erroneously granted a permit, or has erroneously denied a permit.

Appeals to correct errors of administrative officials generally turn on questions of fact or law, and the problem of practical difficulties and unnecessary hardship, discussed in Subsection A above, often is not present and need not be proved.

It should be noted that the Board's powers are limited to dealing with alleged errors on zoning matters. The Board does not have power, for example, to deal with alleged errors of an administrative official in the enforcement of the building, plumbing, and electrical codes.

Appeals to correct alleged errors of administrative officials should be very few as, generally, such officials are willing to correct any error brought to their attention.

C. Powers, miscellaneous: Section 89.090 (2) RSMo 1949, provides: "The Board of adjustment shall have the following powers:\*\*\* (2) To hear and decide all matters referred to it or upon which it is required to pass under such ordinance," and Section 25, Zoning Ordinance, includes substantially this same provision.

There are several sections of the Zoning Ordinance which refer matters to the Board. For example, under Section 20, Zoning Ordinance, the Board determines where certain special classes of use may be carried on, such as amusement parks, aviation fields, buildings for public utilities, etc. Under other sections, the Board makes certain determinations with reference to parking lots. There are a number of other similar situations.

The section or sections referring the particular problem to the Board must be consulted to determine the power of the Board and the procedure. In some instances the Board is given broad discretionary power, in other instances very limited power. In some instances matters may come by direct application to the Board rather than by way of appeal from an adverse ruling by an administrative official. Proof of practical difficulties or unnecessary hardship is not required in many of these cases, but generally the Ordinance will require satisfactory proof of certain things before the Board can act.

D. Validity of grants of powers to Board of Adjustment.

The Board of Adjustment must accept the Ordinances as it finds them, and cannot hold an ordinance invalid: Phillips v. Board

of Adjustment of City of Bellefontaine Neighbors, 308 S.W. 2d 765 (Mo. App. 1958); State ex rel, Sims v. Eckhardt, 322 S.W. 2d 903, at p. 906 (Mo. 1959); and see cases cited in Missouri Digest, Municipal Corporations, Section 621.39. In the event the Board of Aldermen purport to grant certain powers to the Board of Adjustment but fail to lay down an intelligible and reasonable definite standard to limit and guide the Board the grant of power may be invalid: see cases cited in Missouri Digest, Municipal Corporations Section 591. Each appellant or other person seeking action by the Board of Adjustment must determine for himself whether there has been a valid delegation of power to the Board to act in the case.

### III. PROCEDURE AND RULES FOR APPEALS TO BOARD OF ADJUSTMENT.

The general procedure for an appeal to the Board is set forth in Section 25, Zoning Ordinance, and Section 89.100, RSMO., 1949. Any additional rules adopted by the Board which are not stated herein are on file and may be seen at the City Clerk's office, which is the office of the Board of Adjustment.

A. Counsel. Ordinarily, the appellant should be present at the hearing; as a rule he is the one who knows the facts. An appellant may handle his appeal personally, or by an agent (for example, his architect or contractor), or by a lawyer. Each appellant must determine for himself whether he needs a lawyer; a lawyer's services are invaluable where difficult questions of fact or law are involved. (If the decision of the Board is apt to be appealed to the Circuit Court, the appellant ordinarily should have a lawyer handle his appeal before the Board. See Par. III (H) below).

Hearings range from informal conference types lasting twenty

to thirty minutes to formal trial types lasting several days.

B. Time for appeal. An appellant must appeal within a reasonable time after the adverse order, requirement, decision, or determination appealed from. What constitutes a reasonable time depends on all the circumstances in the particular case.

The board has established thirty (30) days as the reasonable time allowed for appeal, unless there are circumstances clearly making a reasonable time either shorter or longer. Insofar as the thirty day period is concerned, the day of the adverse action appealed from is not counted, the period starts running on the next day, and the day when the Notice of Appeal is filed is counted as one of the thirty days. For example, if the adverse action appealed from is taken July 10, the appeal must be filed on or before the next following August 9.

If delay in appealing could not prejudice any other person or the City, the Board ordinarily will consider the appeal timely. For example, if the City Administrator or City Engineer denies a building permit because the requirement of a 30' back yard is not met, and the applicant seeks a variance to 29' by reason of unnecessary hardship, delay in appealing ordinarily would not be prejudicial.

On the other hand, there are cases where a thirty day delay in appealing would be unreasonably long. A typical case would be one where sufficient facts are known to the appellant, and without protest or appeal he sits by idly watching another make large expenditures or an irrevocable change in position in reliance on an erroneously granted permit or license (but facts that estop an individual appellant would not necessarily estop the City.)

C. Notice of Appeal to be filed in duplicate with City Clerk.

The appellant makes his appeal by filing with the City Clerk, City Hall, Centralia, Missouri, two copies of a Notice of Appeal in substantially the form attached hereto, and by depositing with the City Clerk a filing fee in the sum of \$25.00 to cover the cost of public notice by advertisement and due notice to parties in interest (any surplus will be refunded): see Section 25, Zoning Ordinance. The Board bears the cost of the services of the shorthand reporter who takes down the hearing, but any person who desires a transcript of the hearing must pay the shorthand reporter the regular statutory fee therefor.

D. Plat of property to be filed with City Clerk. In all appeals where a plat would serve any useful purpose in aiding the Board to visualize the problem on appeal (this includes all cases involving yard and building line or set-back requirements and all cases where the effect on other properties is significant), the appellant must file with the City Clerk a plat or drawing of his property showing its boundaries, the location of existing improvements thereon, and the location of proposed changes or additions. The plat also must show the boundaries of adjacent properties and the location of existing improvements thereon.

If practicable the plat should be filed at the same time the Notice of Appeal is filed, and in any event it must be filed no later than the day next preceding the hearing.

Only one copy is required, but it materially assists the Board to have six copies, one for the Board file and one copy for each of the five members of the Board.

In most cases the appellant can make the plat himself if he does careful work, and ordinarily it will not be necessary for him to employ a surveyor.

E. Advertisement and notice of hearing -- Adjourned Meetings.

The City Clerk will advertise the hearing in the local newspaper for two successive weeks (disregarding holidays) before the hearing, the last publication to be less than one week prior to the day of hearing but not be on the date of hearing. This notice may be reduced to one week in the local newspaper by a vote of four members of the Board favoring such reduction in time of notice in cases of emergency.

The City Clerk also will mail notices to other parties in interest and such other notices as may be necessary or as are ordered by the Board; notices to other parties in interest will be sent by ordinary mail and posted in time to be delivered in the ordinary course of mails at least one day before the hearing, but it is the policy of the Board to provide longer notice wherever practicable.

Notice also will be given by posting one or more signs as may be necessary on the property affected as far in advance of the hearing as may be practicable, the signs to remain posted on the property continuously until the date of the initial hearing. Cardboard signs with blanks to be filled in will be made available at the office of the City Administrator. It is the responsibility of the Appellant to see that the signs are posted and maintained. As a matter of courtesy and public service the City Administrator or City Engineer will endeavor to post the signs initially, but this does not shift the responsibility to them.

Once due notice of a hearing has been given, the Board may adjourn or continue the hearing from time to time as may be reasonable under all the circumstances, and the hearing may be continued at the adjourned time or times without further notice.

The City Clerk will inform any interested person who inquires as to the time adjourned hearings will be held. If a hearing cannot be held because four Board members are not present, the Board members or Board member actually present shall have the power to adjourn the meeting. In case no Board member is present, the hearing is automatically continued to the next regular Board meeting.

F. Day and hour of hearings. The Board of Adjustment holds regular meetings on the 1st Monday night of each month. Regular meetings begin at 7:00 p. m.

The Board desires to give each case a prompt hearing, but in view of the regular business and professional demands on the time of the Board members, the Board can hold special meetings only where there are very exceptional circumstances, e.g., where an appellant or applicant establishes that he has exercised great diligence and that a hearing delayed until the regular meeting date may result in irreparable loss. Requests for special meetings should be made to the Chairman, who has authority to call special meetings at his discretion on a day and hour convenient to the several Board members.

Cases are heard in the order in which they are filed, unless for good reason the Board calls up a case out of order.

The City Clerk will inform any interested person as to the day and hour of any particular meeting or hearing

G. Place of meeting. The regular place of meeting of the Board is in the City Hall and in the Council Room if that room is available. If the Council Room is not available, the meeting will be held in the office room directly across the building south from the Council Room. If neither of these rooms is available, meetings will be held in the City Auditorium. The

Chairman may designate other meeting places as the need arises.

The City Clerk will inform any interested person as to the place of any particular meeting or hearing.

H. Deadline for filing appeals or application for hearing on a particular date. In the case of regular meetings, an appeal or application must be filed not later than 12:00 o'clock noon on Tuesday of the second preceding week.

I. BOARD OFFICE. The office of the City Clerk is the office of the Board of Adjustment. This is located on the ground floor of the City Hall.

J. Evidence heard at hearing. At the hearing the Board will hear the appellant and any witnesses he has, and also will hear any persons in opposition and their witnesses. Witness will be sworn. The Board also will receive any petitions, pro or con, and will consider letters of approval or protests, and will consider any other pertinent documents or instrument, but the Board may not give the same weight to informal "evidence" that it gives to sworn testimony and other formal evidence.

K. Certificate of decision -- Form -- Recording.  
The appellant will be notified in writing of the action of the Board and if the Board rules in favor of the appellant (the concurring vote of at least four of the five board members being necessary), the appellant in due time will be given a Certificate of Decision which he should record in the office of the Recorder of Deeds in the Boone County Courthouse. The appellant will pay the recording fees. The purpose of recording is to make the decision of the Board a part of the record title to the property.

The Certificate of Decision ordinarily will be in the form attached hereto, but the Board will consider any special form of certificate of decision submitted to the Board by the appellant

or his attorney.

L. Appeals to Circuit Court. Appeals from a decision of the Board may be made by any aggrieved person to the Boone County Circuit Court. The time within which such an appeal may be made and the procedure for such an appeal are set forth in Section 89.110, RSMo., 1949 and in Section 25 of the Zoning Ordinance. Although, theoretically, the aggrieved party may act for himself and without an attorney in appealing to the Circuit Court, as a practical matter he should have an attorney.

In view of the possibility of an appeal, any order of the Board and any action by a City official pursuant thereto (such as the issuance of a building permit), is not final until the appeal period has passed. An appellant in whose favor the Board has ruled acts at his own risk if he proceeds with building, etc., in the meantime. See, also, the caveat in Par. II (D), above.

#### IV. FORMS

##### A. Notice of Appeal.

(Date) \_\_\_\_\_, 19\_\_.

To: Board of Adjustment and to City Administrator and City Engineer  
c/o City Clerk  
City Hall  
Centralia, Missouri

Subject: Notice of Appeal from Decision of the City Administrator (City Engineer) in re the following described property located in the City of Centralia, County of Boone, State of Missouri:

(Here set out the legal description of the property)

Known as (or To be known as) (Here set out the street address of the property, or otherwise so locate it that it can easily be found.)

Notice is hereby given that I (We) appeal the decision made by the City Administrator - City Engineer on \_\_\_\_\_, 19\_\_, with reference to the above described property.

On that date the City Administrator - City Engineer refused

or his attorney.

L. Appeals to Circuit Court. Appeals from a decision of the Board may be made by any aggrieved person to the Boone County Circuit Court. The time within which such an appeal may be made and the procedure for such an appeal are set forth in Section 89.110, RSMo., 1949 and in Section 25 of the Zoning Ordinance. Although, theoretically, the aggrieved party may act for himself and without an attorney in appealing to the Circuit Court, as a practical matter he should have an attorney.

In view of the possibility of an appeal, any order of the Board and any action by a City official pursuant thereto (such as the issuance of a building permit), is not final until the appeal period has passed. An appellant in whose favor the Board has ruled acts at his own risk if he proceeds with building, etc., in the meantime. See, also, the caveat in Par. II (D), above.

#### IV. FORMS

##### A. Notice of Appeal.

(Date) \_\_\_\_\_, 19\_\_.

To: Board of Adjustment and to City Administrator and City Engineer  
c/o City Clerk  
City Hall  
Centralia, Missouri

Subject: Notice of Appeal from Decision of the City Administrator (City Engineer) in re the following described property located in the City of Centralia, County of Boone, State of Missouri:

(Here set out the legal description of the property)

Known as (or To be known as) (Here set out the street address of the property, or otherwise so locate it that it can easily be found.)

Notice is hereby given that I (We) appeal the decision made by the City Administrator - City Engineer on \_\_\_\_\_, 19\_\_, with reference to the above described property.

On that date the City Administrator - City Engineer refused

to issue me a building permit as applied for. The reason he gave for refusal was that my application for a building permit indicated

(Here insert reason)

which does not comply with the strict letter of Section \_\_\_ of Ordinance \_\_\_ of the Ordinances of the City of Centralia, Missouri. That Section provides:

(Here insert provisions)

(In lieu of this paragraph you may state: A copy of the letter of the City Administrator - City Engineer is attached.)

There are practical difficulties or unnecessary hardship, or both, in the way of carrying out the strict letter of the ordinance because

(Here state details of difficulties)

If the Board of Adjustment varies or modifies the application of the Ordinance as requested by this appeal, nevertheless there will be substantial compliance with the Zoning Ordinances, the spirit of the Zoning Ordinances will be observed, public safety and welfare will be secured, and substantial justice will be done because

(Here state reason)

I (we) request that the Board of Adjustment vary or modify the application of the Ordinance to the above described property to the extent indicated, and that the building permit applied for be issued in accordance with my (our) application therefor.

Attached hereto and made a part hereof is a sheet entitled "Parties in Interest" which lists the names and addresses of all

other parties in interest, to the best of my (our) knowledge and belief.

Name

Address

Phone No.

(on the attached sheet list the names and addresses and phone numbers of the persons who own property adjoining your property at the side, or rear, and persons who own property across the street or streets from your property. Also list any other persons you have reason to believe might oppose your appeal.)

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

(Telephone) \_\_\_\_\_

(Date) \_\_\_\_\_, 19\_\_

I hereby acknowledge receipt of two signed copies of the above Notice of Appeal, and I also hereby acknowledge receipt of \$25.00 required to be deposited with said Notice of Appeal.

\_\_\_\_\_  
City Clerk.

\*\*\*\*\*

B. Published notice of hearing.

NOTICE OF PUBLIC HEARING  
BEFORE BOARD OF ADJUSTMENT

Notice is hereby given that the Board of Adjustment of the City of Centralia, Missouri will hold a public hearing at a meeting of said Board in the Council Room of the City Hall in Centralia, Missouri at 7:00 p. m., on \_\_\_\_\_, \_\_\_\_\_, 19\_\_, to give all interested persons an opportunity to appear and be heard in relation to the following appeals and applications:

1. Appeal of \_\_\_\_\_ from the denial by said

City's City Administrator - City Engineer of a building permit to construct a \_\_\_\_\_ on the real estate in the City of Centralia, County of Boone, State of Missouri, hereinafter next described, requesting that said Board modify or vary the application of Sec. \_\_\_ of the Zoning Ordinance of said City by

(Here insert requests for modification or variation)

said real estate being described as follows:

(Insert description)

Known as (or Located at) \_\_\_\_\_.

2. Dates of Notice \_\_\_\_\_.

Board of Adjustment  
City of Centralia, Missouri  
by \_\_\_\_\_, Chairman.

\*\*\*\*\*

C. Letter notice to parties in interest of hearing.

BOARD OF ADJUSTMENT  
CITY OF CENTRALIA, MISSOURI  
Office of City Clerk

\_\_\_\_\_, 19\_\_

To: \_\_\_\_\_

\_\_\_\_\_ Street, \_\_\_\_\_, Missouri

Subject: Notice of public hearing on appeal from decision of City Administrator - City Engineer in re the following described property located in the City of Centralia, County of Boone, State of Missouri, to-wit:

(Here insert legal description of property)

Known as (or to be known as) (here set out the street address of the property, or otherwise so locate it that it can easily

be found).

\_\_\_\_\_, who owns the above described property, has applied for a building permit for a \_\_\_\_\_ to be constructed on said property, but the City Administrator City Engineer of the City of Centralia, Missouri refused to issue a permit because \_\_\_\_\_.

Said applicant has appealed to the Board of Adjustment of the City of Centralia, Missouri for a modification or variance of the Zoning Ordinance so that a building permit may be issued. The Board of Adjustment will hold a public hearing on the appeal at \_\_\_\_\_ o'clock \_\_ m., \_\_\_\_\_, 19\_\_, in the Council Room, City Hall, Centralia, Missouri, and all interested persons will be heard at that time and place.

This letter simply notifies you of the hearing and of your right to be heard, but this letter neither directs nor requires you to appear.

It is requested that you give notice of this public hearing to any other person or persons who have an interest in your property.

Very truly yours,  
Board of Adjustment  
City of Centralia, Missouri  
By \_\_\_\_\_

\*\*\*\*\*

D. Certificate of decision.

CERTIFICATE OF DECISION

KNOW ALL MEN BY THESE PRESENTS: That I, \_\_\_\_\_, Acting Chairman of the Board of Adjustment of the City of Centralia, Missouri, do hereby certify as follows:

That on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, after public notice

thereof had been duly given by advertisement in The Centralia Fireside Guard, a weekly newspaper, on \_\_\_\_\_, 19\_\_ and on \_\_\_\_\_, 19\_\_, proof of publication of which was laid before said Board, and after due notice to the parties in interest by letter notices and by \_\_\_\_\_ signs posted on the real property hereinafter described, as shown by the records of said Board, a duly called meeting of said Board was held to consider the appeal of \_\_\_\_\_ from the action of the City Administrator - City Engineer of said City whereby he \_\_\_\_\_

---

on property owned by said Appellant situate in the City of Centralia, County of Boone, State of Missouri, and particularly described as follows:

(Here insert legal description)

Known as (or To be known as) \_\_\_\_\_.

That at said meeting, at least four (or all five) members of said Board being present, the same being a quorum, said appeal was heard and considered, and after all interested persons were given an opportunity to be heard, and after said Board was fully advised in the premises, and after deliberation, it was duly moved and seconded that said Board make the following findings and take the following action:

WHEREAS, the Board finds practical difficulties and unnecessary HARDSHIP in the way of carrying out the strict letter of Section \_\_\_\_, Zoning Ordinance, being Ordinance No. 738 of the Ordinances of the City of Centralia, Missouri, and

WHEREAS, the Board finds that notwithstanding the variance or modification there will be substantial compliance with said Zoning Ordinance, and the spirit of said Zoning Ordinance will be observed,



to me known to be the person who executed the foregoing Certificate of Decision and who subscribed the same in my presence, and who being by me first duly sworn, did say that he is the Acting Chairman of the Board of Adjustment of the City of Centralia, Missouri, and that the facts stated in the foregoing Certificate of Decision are true, and he further acknowledged that he executed the said Certificate of Decision as his free act and deed.

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 next above written.

My term of office as a Notary Public will expire \_\_\_\_\_.

\_\_\_\_\_  
Notary Public