



# City of Pevely

401 Main Street Pevely, Missouri 63070

A PUBLIC NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT OF THE CITY OF PEVELY, MISSOURI, WILL CONDUCT A PUBLIC HEARING AT 6:00 P.M. ON AUGUST 8, 2023 AT PEVELY CITY HALL, 401 MAIN STREET, TO CONSIDER AND ACT UPON THE MATTERS ON THE FOLLOWING TENTATIVE AGENDA AND SUCH OTHER MATTERS AS MAY BE PRESENTED AT THE MEETING AND DETERMINE TO BE APPROPRIATE FOR DISCUSSION AT THAT TIME.

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## **Board of Adjustment Public Hearing**

The meeting will take place on August 8, 2023 at 6:00 P.M.

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### **Agenda**

The purpose of the hearing:

The City of Pevely Board of Adjustment will hold a public hearing before their regularly scheduled meeting on Tuesday August 8, 2023, at 6:00 PM at the Pevely City Hall, 401 Main Street, Pevely, MO 63070. The property owners of 528 Bon Jovi are requesting a Lot Split Variance that result in non-conforming lots.

All interested parties are welcomed to attend.

All copies of all ordinances proposed to be introduced for consideration by the Board of Adjustment meeting are available for public inspection at the Office of the City Clerk.

All ordinances and resolutions are read by caption only pursuant to RSMo. 79.130.

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**Posted On: 8/7/2023 11:13:32 AM**  
**By: Adam Mitchell Building Official**



# City of Pevely

401 Main Street Pevely, Missouri 63070

A PUBLIC NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT OF THE CITY OF PEVELY, MISSOURI, WILL CONDUCT ITS REGULARLY SCHEDULED MEETING AT 6:45 P.M. ON AUGUST 8, 2023 AT PEVELY CITY HALL, 401 MAIN STREET, TO CONSIDER AND ACT UPON THE MATTERS ON THE FOLLOWING TENTATIVE AGENDA AND SUCH OTHER MATTERS AS MAY BE PRESENTED AT THE MEETING AND DETERMINE TO BE APPROPRIATE FOR DISCUSSION AT THAT TIME.

## **Board of Adjustment Regular Meeting**

The meeting will take place on August 8, 2023, at 6:45 P.M.

1. **Pledge of Allegiance**

2. **Roll Call**

3. **Citizen's Comments**

"Citizen's Comments shall be limited to three (3) minutes to address the Commission. Please fill out an index card on the podium prior to the meeting. Visitors are not allowed to speak during the business portion of the meeting and no responses from the Planning and Zoning Commission Citizen's Comments will be given."

4. **Consent Agenda**

5. **Approval of Minutes**

Regular Meeting: August 1, 2023

Public Hearing August 1, 2023

6. **New Business**

528 Bon Jovi Lane Lot Split Variance

7. **Continued Business**

8. **Member Reports**

- a. Doug Groom
- b. Mike Sullivan
- c. Art Heyl
- d. Dan Murphy
- e. Mike Menkhus
- f. Chairman Shackelford

9. **Adjournment**

Posted On: 8/7/2023 11:32:22 AM By: Adam Mitchell Building Official



# City of Pevely

401 Main Street Pevely, Missouri 63070

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A public notice is hereby given that the Planning and Zoning Board of the City of Pevely, Missouri will conduct a Public Hearing at 5:30 P.M. on August 1, 2023, at Pevely City Hall, 401 Main Street, to consider and act upon the matters on the following tentative agenda and such other matters as may be presented at the meeting and determine to be appropriate for discussion at that time.

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## Board of Adjustments Public Hearing

The meeting took place on August 1, 2023, at 5:30 P.M.

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Members in attendance: Russ Shackelford, Mike Sullivan, Doug Groom, and Art Heyl.  
Also Present: Adam Mitchell and Jeff Spraul

Building Official Adam Mitchell informed the board of the property location as well as the surrounding areas. .

A brief discussion took place. No members of the public spoke for or against the proposal.

Chairman Russ Shackelford adjourned the Public Hearing at 5:45.

Attest:

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Ashton Cooke  
City Clerk of Pevely, MO

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Russ Shackelford  
Planning and Zoning Chairman



# City of Pevely

401 Main Street Pevely, Missouri 63070

A public notice is hereby given that the Planning and Zoning Board of the City of Pevely, Missouri will conduct its regularly scheduled meeting at 5:30 P.M. on August 1, 2023, at Pevely City Hall, 401 Main Street, to consider and act upon the matters on the following tentative agenda and such other matters as may be presented at the meeting and determine to be appropriate for discussion at that time.

## Board of Adjustments Regular Meeting

The meeting took place on August 1, 2023, at 5:30 P.M.

A roll call vote was taken:

Chairman: Russ Shackelford: Present

Doug Groom: Present

Mike Sullivan: Present

Art Heyl: Present

Dan Murphy: Absent

Mike Menkhus: Absent

Also Present:

Building Official: Adam Mitchell

Code Enforcement Clerk: Jeff Spraul

### **Motion: To approve the agenda**

Russ Shackelford: Motion

Art Heyl: Second

Chairman: Russ Shackelford: Approve

Doug Groom: Approve

Mike Sullivan: Approve

Art Heyl: Approve

Dan Murphy: Absent

Mike Menkhus: Absent

### **Motion: To approve the minutes (6-7-2022) Public Hearing and Regular)**

Art Heyl: Motion

Mike Sullivan: Second

Chairman: Russ Shackelford: Approve

Doug Groom: Approve

Mike Sullivan: Approve

Art Heyl: Approve

Dan Murphy: Absent

Mike Menkhus: Absent

### **Motion: To approve the setback variance for 8320 Daniel Dunklin Blvd**

Art Heyl: Motion

Mike Sullivan: Second

Chairman: Russ Shackelford: Approve

Doug Groom: Approva

Mike Sullivan: Approve

Art Heyl: Approve

Dan Murphy: Absent

Mike Menkhus: Absent



# City of Pevely

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**Member Reports:**

Doug Groom: No report  
Mike Sullivan: No report  
Russ Shackelford: No report  
Art Heyl: No report.

**Motion: To Adjourn**

Art Heyl: Motion  
Mike Sullivan: Second  
All in Favor: Aye

The meeting ended at 5:45 P.M.

Attest:

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Ashton Cooke  
City Clerk of Pevely, MO

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Russ Shackelford  
Planning and Zoning Chairman



## BOARD OF ADJUSTMENT APPLICATION

CITY OF PEVELY, MO  
401 MAIN ST. - PEVELY, MO 63070  
636-475-4452

**Date:** June 7, 2023

**Name:** John B. Pashia

**Address:** 528 Bon Jovi Lane, Pevely MO 63070

**Home Phone #** 636-475-6377 **Cell Phone #** 314-359-0349

**Current Property Zone:** R2

**Adjoining Zoning:** North: \_\_\_\_\_ South: \_\_\_\_\_ East: \_\_\_\_\_ West: \_\_\_\_\_

**Number of Acres:** .2938 **Present use of property:** Residential Rental Property

**Describe your request:** Our request is the approval of a Boundary Adjustment to separate the 2 homes on Walnut Street from the home facing Bon Jovi. There are 3 residences on this parcel and have been since WWII in 1945. 529 Walnut and 529 Rear face Walnut Street. 528 Bon Jovi faces Bon Jovi. Bon Jovi became the road name in the 1980's (Voted on by the school). This property has been in the family for over 50+ years and was always referenced as separate properties & addresses. To sell these homes to owner occupants, and meet lender requirements, they need to be on their own lot/parcel. We hired THD Design Group to perform a boundary adjustment to separate the parcels. The proposed lot sizes would be typical for the area and neighborhood in Pevely. There are a number of lot sizes in the immediate area that are similar or smaller than these lots once divided. These lots and neighborhoods were designed long before any current guidelines. That said, we are seeking the approval for the variance to subdivide the lots as per the survey proposal provided by THD Design Group.

Note: In the process of performing this boundary adjustment a couple of shed encroachments were identified. As a condition of this approval we intend to correct this encroachment.

John B Pashia  
Signature of Person Desiring Hearing

**How will it be a benefit to the neighborhood and community?** Pride of ownership stabilizes neighborhoods and increases home values. As the property stands it's best use is as rental property. The highest and best use of these 2 main homes, each facing its own respective street, is as fee simple/owner occupant residences. This property already visually appears to be divided in the fashion being requested on the Boundary Adjustment. This will also allow the City to independently assess each property. There is zero negative impact to the community or neighborhood by granting this variance.

**Property Address:** 528 Bon Jovi, Pevely MO 63070

(This was modified at some point by the county because Walnut Street existed long before Bon Jovi.)

**Property description (location, lot, subdivision, etc.):** See Below

**Name & Address of Legal Property Owner:**

John B. Pashia  
830 El Camino Drive  
Pevely, MO 63070

**Is Transfer of Ownership dependent on Commission Action?** Yes

**Have there been prior applications for action on this property?** No- prior to the proposed Boundary Adjustment and were informed we needed to apply for the variance. This is our first Board of Adjustment application.

**Adjoining Property Owners:**

Donald & Janet Menkhus - 864 Cha Bern Drive, Pevely MO 63070  
James Pashia (Unrelated) - 533 Walnut Street, Pevely MO 63070  
P&M Belken Properties LLC - 811 Pinson Court, Pevely, MO 63070  
Complete Housing C-2 LLC - 813 Pinson Court, Pevely MO 63070

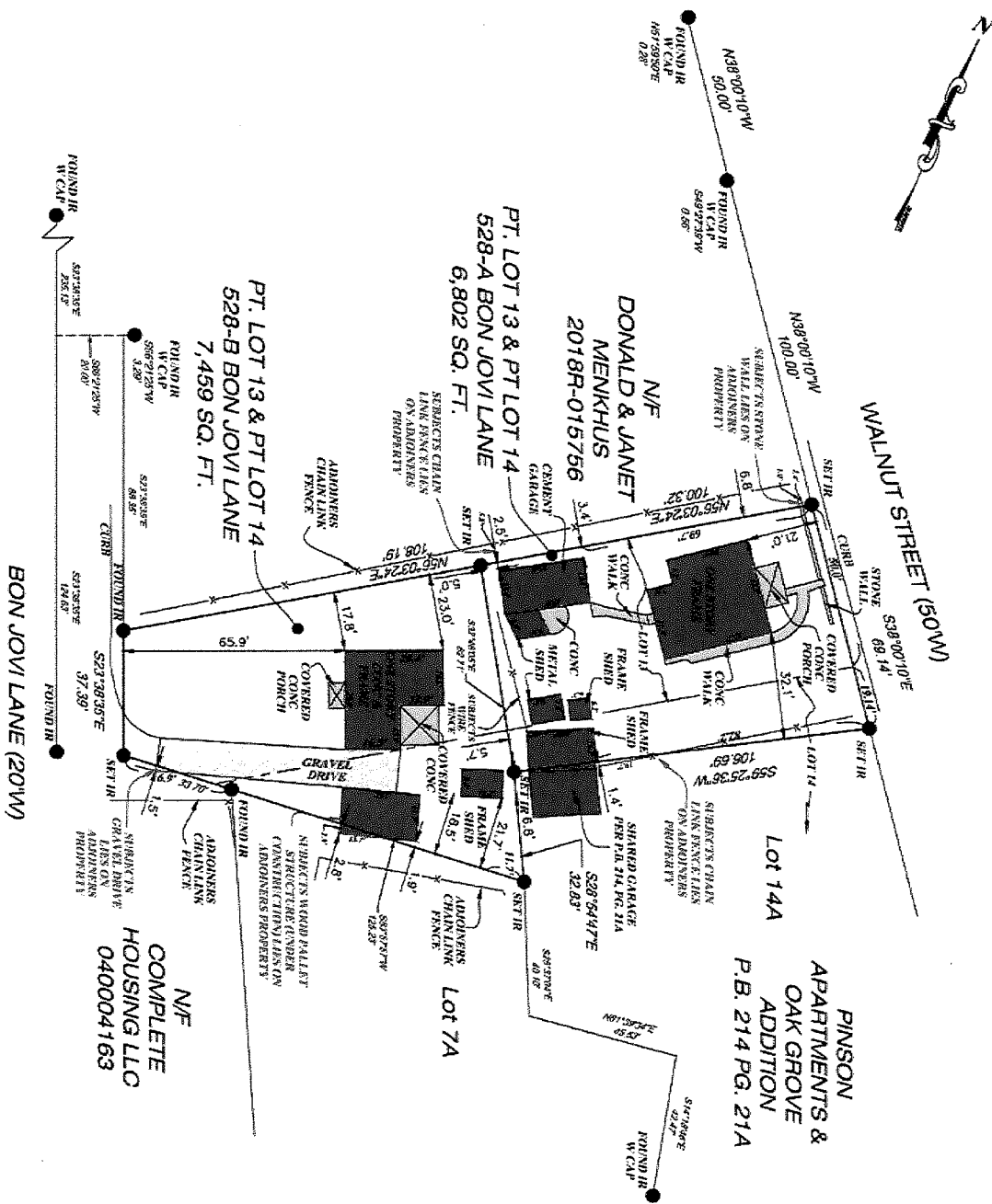
**Attach legal description and/or plat of property:** Oak Grove Add Lot 13 & Pt Lot 14 Block 11  
Proposed Plat from THD Design Group Attached

Attach scale plat of tract(s) including: boundary dimensions, adjoining streets and alleys, present improvements, intended improvements, adjoining & cornering property lines and owners and their zoning, addressed & stamped envelopes for all abutting property owners subject to notification of public hearing.

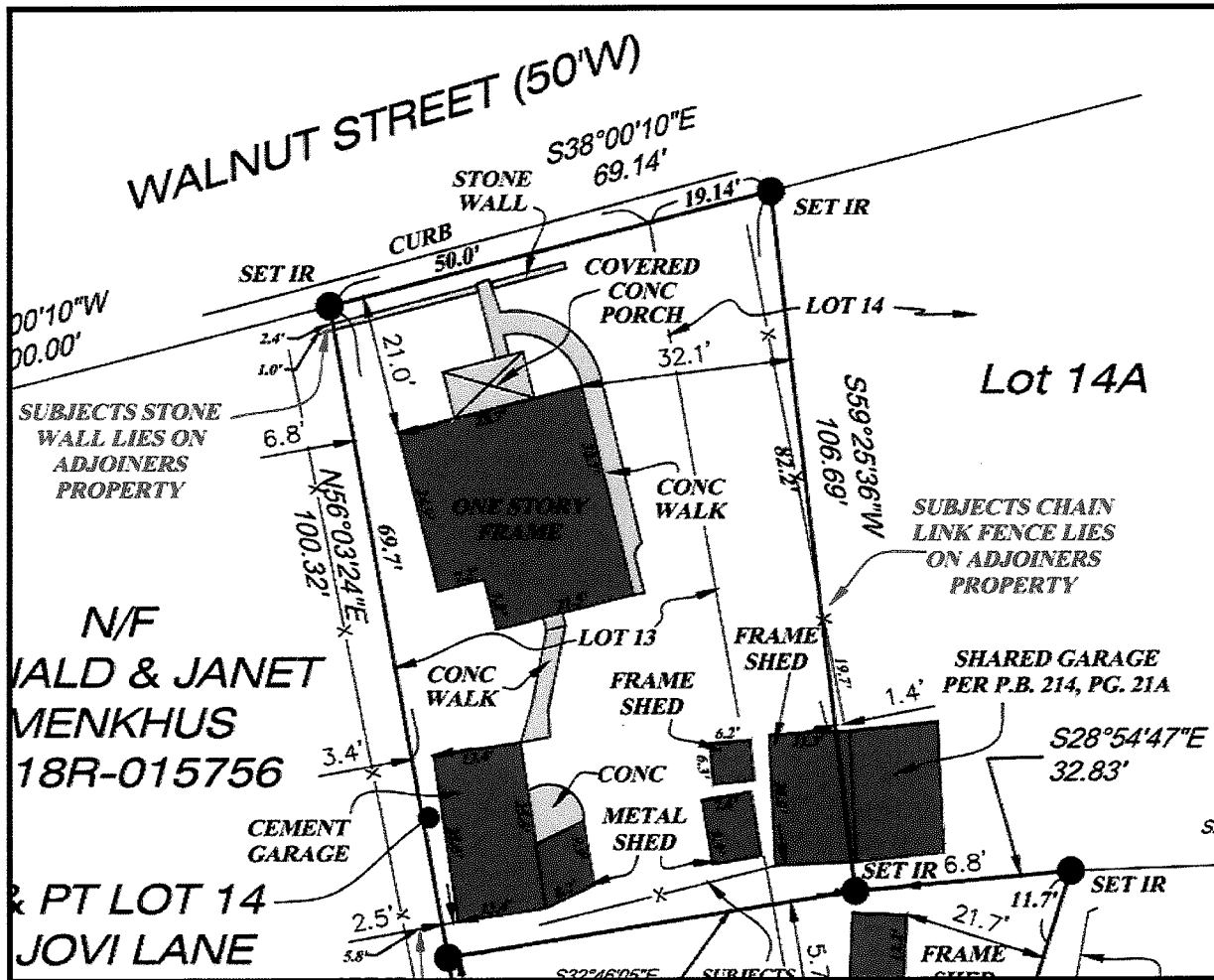




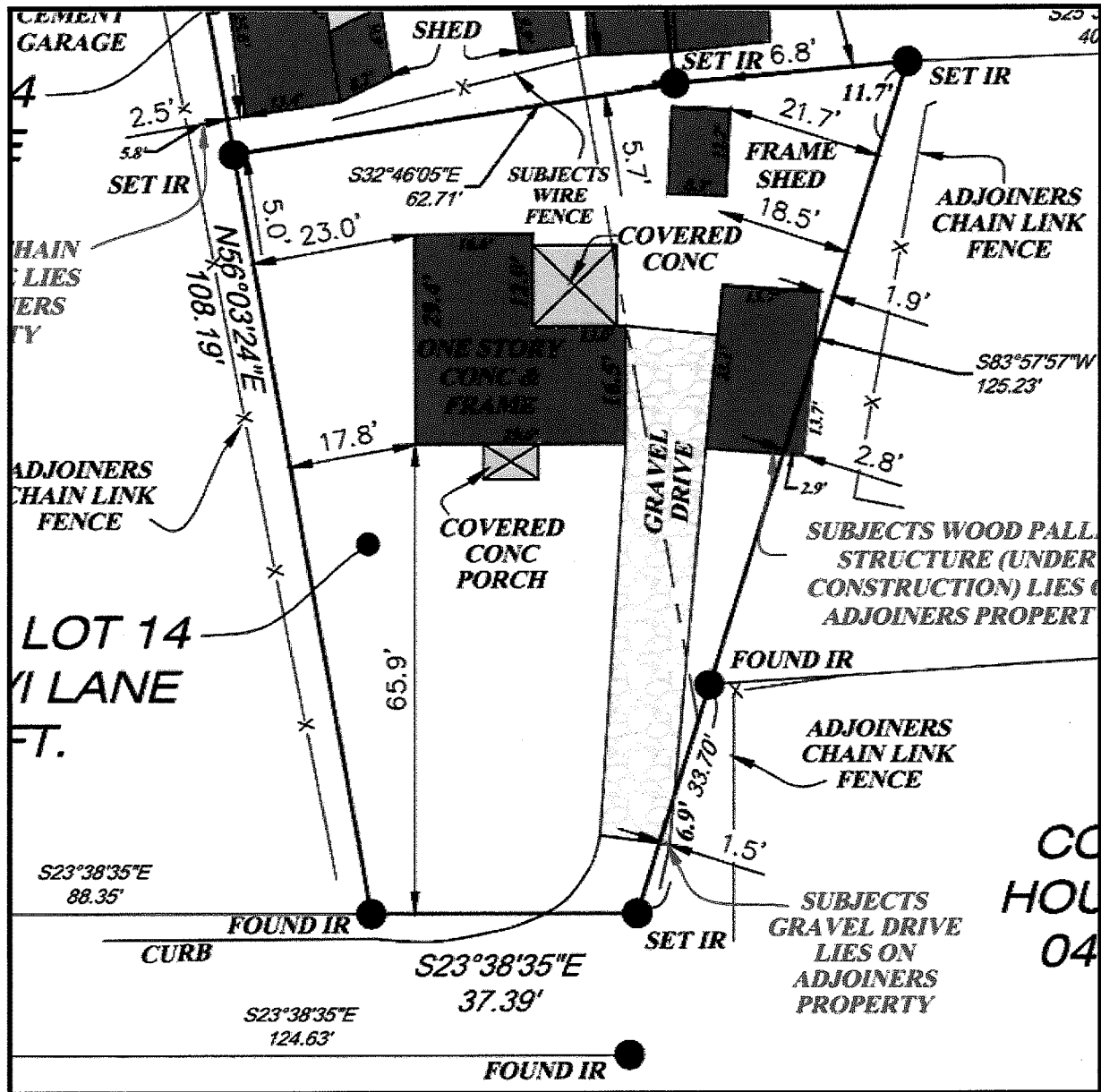
Larger photo of proposed Boundary Adjustment division.



Larger View 529 Walnut and 529 Walnut Rear:



Large View of 528 Bon Jovi:



## Chapter 405. Land Use/Zoning Code

### Article III. District Regulations

#### Section 405.120. "R-2" Medium Density Residential District Regulations.

[R.O. 2004 §§415.010 — 415.050; Ord. No. 571 §5, 6-3-1985; Ord. No. 639 §1, 12-8-1987; Ord. No. 745 §§1 — 3(420.010 — 420.050), 10-22-1992; Ord. No. 882 §§1 — 4, 12-2-1997; Ord. No. 1185 §1, 3-2-2009]

- A. *Purpose Of "R-2" Medium Density Residential District.* The purpose of the "R-2" Medium Density Residential District is to provide coherent zoning for medium density residential neighborhoods and prevent uses in discord with community objectives.
- B. *Permitted Uses.* A building or premises shall be used only for the following purposes:
1. Any uses permitted in the "R-1" Low Density Residential District.
- C. *Special Uses.* The following uses are also permitted within the "R-2" Medium Density Residential District but only upon the granting of a special use permit under the provisions of Article **IX** of this Chapter.
1. Any special use permitted in the "R-1" Low Density Residential District.
  2. A modular structure on a permanent foundation. (See Definitions — Section **405.050**.)
  3. Customary home occupation provided that not over one-fourth ( $\frac{1}{4}$ ) the area of one (1) floor is devoted to such use and, further provided, that there shall be no external evidence of such occupation, except a small professional sign not over two (2) square feet in area.
- D. *Parking Regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article **VII** of this Chapter.
- E. *Height And Area Regulations.*
1. *Height.* The maximum height of buildings permitted shall be as follows:
    - a. All buildings or dwellings, forty-five (45) feet or three (3) stories and the steeples of churches or other of places of worship, not more than seventy-five (75) feet.
  2. *Area lot restrictions and minimum lot requirements.*

Type of Structure	Lot Area in Square Feet	Lot Width in Feet	Minimum Yard Requirements in Feet		
			Front	Side	Rear
Single-family dwelling	10,000	75	30	10	30
All special uses	24,000	140	30	30	30