MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT

Tuesday, March 26, 2019 - 4:00 p.m.
Council Chamber
City Hall

Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met in the Council Chamber, City Hall, on Tuesday, March 26, 2019 at 4:00 p.m.

<table>
<thead>
<tr>
<th>Name</th>
<th>Members’ Term Attendance (mtgs attended-mtgs absent)</th>
<th>End of Current Term of Office</th>
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<tbody>
<tr>
<td><strong>MEMBERS PRESENT:</strong></td>
<td></td>
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<tr>
<td>Terry Hall</td>
<td>25-1</td>
<td>6/22/20</td>
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<tr>
<td>G. Brent Powers</td>
<td>22-3</td>
<td>2/22/21</td>
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<tr>
<td>Jeff Penland</td>
<td>23-4</td>
<td>5/12/19</td>
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<tr>
<td>Terri Lowdon</td>
<td>14-1</td>
<td>3/14/21</td>
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<tr>
<td><strong>MEMBERS ABSENT:</strong></td>
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<tr>
<td>Byron Myers Sr.</td>
<td>12-7</td>
<td>2/23/19</td>
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Four members constitute a quorum (Four votes required to approve a request).

**OTHERS PRESENT:**
- Clint Thompson, Director
- Amber Lattin, Assistant City Planner
- Bryan Carter, City Attorney
- Ted Elo, Assistant City Attorney
- Rebecca Shipp, Executive Secretary

Powers called the meeting to order at 4:18 pm.

**Verbatim transcript starts**

Powers: Rules of conduct that have been adopted by this board, by the way we are a citizen volunteer board. We are not employed by the City. If you’re going to come up and speak we need you to give your name and complete address. No one may speak more than twice on the same item. No one may speak more than ten minutes at a time without permission from the Chair. No one may speak a second time on a question until every person who wants to speak has done so. All submissions of evidence, in other words, photos, drawings, will be retained by the Board of Adjustment and will become a part of the permanent file. If you hand me something I will not hand it back. It will become part of the file.

Powers: Uh, so, Rebecca will you take the roll please.


Powers: We do have a quorum. I would ask for a motion to defer our review of the minutes and other routine business until after the case is listened to.

Hall: So moved

Powers: Second?

Lowdon: Second
Powers: All those in favor say aye

**All present respond aye verbally, in unison**

Powers: Opposed same sign

**silence**

Powers: Great. Thank you so much. The first case today is 2471. It is a request for a variance from Section 31-056(d) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow installation of a 99x8' permanent canopy on the property at 1302 S 9th Street. Petitioner is Cindy Daffron. And before we begin I would like to admit a copy of the relevant ordinances into evidence prior to taking up any testimony.

Powers: Does the City have a report on this case?

Lattin: We do

Powers: Great

Lattin: Uh, the subject property is currently zoned M-2 Heavy Manufacturing District, and currently operates as a storage facility for the Pony Express Museum. Uh, the non-existing, er, the existing non-conforming structure was constructed in the 1930s, and at some point a covered awning was added to the portion of the building adjacent to Mitchell Avenue. The awnings structural support was placed in the right-of-way; however the awning could be removed without modifying the structural integrity of the existing structure. Um, due to a recent initiative to establish a uniform appearance for all Pony Express Museum facilities located at 903 Mitchell Avenue and 914 Penn Street. The applicant is requesting a variance in order modify the non-conforming structures roof system, and place the supporting structures, structure for the roof in dedicated right-of-way. The portion of the roof system that extends over the right-of-way is eight feet wide by 99, uh, 99, feet long, along the north side of the building adjacent to Mitchell Avenue. The location of the support structures will be less than one foot from the travel lane on Mitchell Avenue. Um, City staff would like to note that the support structures are placed outside of property owned by the applicant. Should the variance be approved, the city at no point will vacate any portion of the dedicated right-of-way or allow enclosure. Um, City Staff does recommend approval of the variance.

Powers: Any questions for the City? Alright. Is there anyone here to speak on behalf of the application?

**applicant stood and spoke from gallery-away form microphone**

Powers: If you want to. Stand up, state your name and address please.

Daffron: My name is Cindy Daffron, Executive Director of the Pony Express National Museum at 914 Penn Street, St. Joseph, Missouri.

Powers: Swear to tell the truth, the whole truth, nothing but the truth?

Daffron: I do

Powers: Okay

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Daffron: We’d just like to state that we do want to match it. The goal of our future was to use that building so later on could be like an annex of the museum. Right now it currently stores a lot of our storage along with Pumpkinfest and so we just wanted it to match and make the locality and improve that little section down there also make it look better.

Powers: So did I understand that there has been a canopy there before where you’re kind of replacing the structure?

Daffron: yes a small one

Powers: Where you’re replacing the structure supports

Daffron: yes

Powers: Any other questions? That’s all I need. Would you like to say anything else? Any more questions? None whatsoever? Thank you very much. Alright. Uh, did we send out the required notices to the uh, adjacent property owners within the zone of influence that we’re supposed to?

Shipp: Yes, we did

Powers: Did we receive any comments?

Shipp: No, we did not

Powers: No, we did not. Does the Board have any discussion on the matter they’d like to entertain?

Hall: Mr. Chairman I move we call the question.

Powers: I’ll remind the board that if you are voting in favor of the variance you are finding in the affirmative the five factors we have to find in order to approve the request. Is there a second?

Penland: I’ll second

Powers: Okay roll call vote please

**VOTE: Lowdon-approve, Hall – approve, Penland – approve, Powers – approve. Yes-4, No-0 Motion passes**

Powers: You are approved. Thank you. Go build.

**inaudible from unidentified audience member**

Powers: You’re welcome. Alright. Uh, you all have had the opportunity to review the minutes from our last meeting. Which I believe was very dynamic.

Penland: I’ll provide a motion to accept that

Powers: Okay. Is there a second?
Hall: Second

Powers: All those in favor say aye

**All present respond aye verbally, in unison**

Powers: Opposed same sign

**silence**

Powers: Next we have to adopt the finding of facts. How many did we have?

Shipp: Just the one

Powers: Just the one okay. Uh, case #2470 which was a request for a variance from Section 31-130 (c) (2) (a-h) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow installation of a 9 x 20’ sign on an existing free standing pole sign on the property located at 4601 S Leonard Road. Um, by Sue Trively and we found in favor of it. I would entertain a motion to adopt the finding of fact.

Lowdon: So moved

Powers: Second?

Hall: Second

Powers: All those in favor say aye

**All present respond aye verbally, in unison**

Powers: Opposed same sign

**silence**

Powers: It’s been approved. Any other business to come before the board? No? Great.

(Verbatim transcript ends)

Discussion was held between Elo and board members regarding Penland’s term of office end date. Penland term expires mid-May 2019.

Meeting adjourned 4:26 pm

Minutes respectfully submitted

Rebecca Shipp