

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT

Tuesday, August 25, 2020 - 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, August 25, 2020 at 4:00 p.m.

	<u>Name</u>	<u>Members' Term Attendance</u> (mtgs attended-mtgs absent)	<u>End of Current Term of Office</u>
MEMBERS PRESENT:	G. Brent Powers	(31-03)	02/22/21
	Joe Morrey	alternate member	12/21/20
	Terry Hall	(32-03)	06/22/20
	Michael Grimm	(05-00)	05/21/24
MEMBERS ABSENT:	Byron Myers Sr.	(16-12)	02/23/24
	Terri Lowdon	(20-04)	03/14/21
STAFF PRESENT:	Ted Elo, Assistant City Attorney		
	Zack Martin, City Planner		
	Rebecca Shipp, Executive Administrative Assistant		

2020 AUG 26 PM 3:11

Four members constitute a quorum (Four votes required to approve a request).

Powers called the meeting to order at 4:03 pm.

(Verbatim transcript starts)

Powers: I'm G. Brent Powers and I'm calling this meeting of the zoning board of adjustment for August 25, 2020 to order. Certified chapters 11, 26 and 31 of St. Joe Ordinances are available and are hereby admitted into evidence. Can we have a roll call?

Roll call: Lowdon – absent, Hall – present, Grimm – present, Myers – absent, Powers – present, Morrey-present.

Present-4, Absent -2. Quorum is present

Powers: We do have a quorum and it will take a unanimous, all four votes to approve the pending request. Uh, I'd like to move our approval of minutes and any other business to the end of the meeting after we hear the case before us. Any objection?

No one spoke

Powers: Okay, we'll do that. I do need to say the following rules, conduct have been adopted by the Board; If you're going to speak we need you to give your name and complete address, no one may speak more than twice on the same item, no one, 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 everyone who wants to speak has done so, all submissions of evidence, in other words, photos, drawings etc., will be retained by the Board of Adjustment and will become a part of the permanent file. That means if you hand it to us, we will not hand it back. So, so with that in mind we have case # 2480 when we get to it.

Powers: It is a request for an exception from Section 31-130(a)(5) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow light/glare from an illuminated sign to be cast on residentially zoned property. Petitioner is Jerome Wheeler. Do we have a City report on this?

Martin: Uh, yes. The request is for an exception from Section 31-130(a)(5) and any and all other sections of Chapter 31 of the Code of Ordinances to allow an electronic sign to cast glare/illumination into a neighboring residential use. Uh, the applicant is seeking this exception to help in the competitive(sic), competitiveness of this proposed pharmacy and feels that the electronic message board would help achieve this goal for the new pharmacy that is planned for that property.

Martin: Ultimately staff found that that the exception will not be detrimental to or cause undue hardship to the surrounding neighborhood and property owners, or to the public safety. Um, as the current uses along this particular stretch of Pear Street are more commercial in nature, with active and former commercial uses to the north, northwest, and northeast. Uh, the neighboring residential use is in a lot that is partially zoned commercial. Uh, and the proposed signage luminance is less than that of car headlights per the application materials. So, taking this and the character of the surrounding area into consideration, there would not be significant detriment or hardship to the surrounding neighborhood, property owners, or public safety uh, in permitting this exception. Uh, we did find that the conditions upon which the petition for an exception is based on would not typically be applicable to other property within the same zoning classification. As the conditions of this proposed sign are that the neighboring property is residential in use but not in zoning. Um, and if the exception were to be granted this would be the least modification to allow the sign to be built as proposed. It would only modify the code that regulates the effects of a sign on adjacent residential lots. Specifically, um, residential use on a commercially zoned portion of an adjacent lot. And denial of the request for an exception would be consistent with the applicable sections of the code because one of the objectives of the zoning regulations is to reduce direct light or glare onto adjacent lots zoned or used for residential purposes. However, when analyzing the surrounding area and considering the commercial uses, uh, to the northern areas, uh ultimately staff found that the proposed sign would not be an overall detriment.

Martin: So, based on that, staff ultimately recommends approval of this request.

Powers: Any questions for the City? No? Is there someone here to, that would like to speak in favor of the proposal? You need to tell us your name and address and then I'm going to swear you in and then you can go.

Wheeler: Okay, Jerome Wheeler, 3606 Beck Road, St. Joseph, Missouri.

Powers: Do you swear to tell the truth the whole truth and noting but the truth?

Wheeler: Yes Sir.

Powers: Okay

Wheeler: I just hope you approve it because Rogers, that monster of a sign they have, kind of set the standard for signage for independent pharmacies in the city of St. Joe. And I can't get that big but uh, so. And I think it'd be a great asset to us. *inaudible* Thank you.

Powers: Wait just a moment. Anyone have a question for Mr. Wheeler?

Grimm: I drove by your site. I assume that's your new building that's, that's up now there.

Wheeler: Yeah, it's, it's gonna be beyond that, where that one that's there.

Grimm: Right

Wheeler: We're gonna use those poles

Grimm: Right. And, thank you very much for investing in St. Joe. Appreciate it, so.

Wheeler: Well, so far, you, you guys have helped support smooth endings real well so. I appreciate it.

Morrey: Thank you. Is it an existing pharmacy?

Wheeler: No, it was the Teamsters' Hall.

Morrey: Right

Wheeler: Originally

Morrey: You're, you're

Wheeler: Yeah, well, yeah, right now I'm, right now I'm in the Compton

Morrey: Compton

Wheeler: Well, it was the Apple Market at *inaudible* Pear Street. *Inaudible* So we're just going to move everything down there where we're gonna have 2,400 square feet of retail front and so, I don't know. I shouldn't be doing this at 66 but, I don't know, I just can't help myself. Yeah, and it will be kinda, I'm an old-fashioned kind of druggist.

Morrey: Well, are you operating a pharmacy at the apple market? Is that what your

Wheeler: Inside. Inside Compton's, yeah. Back in the corner there. *inaudible*

Morrey: So, this will be yours up front?

Wheeler: Yeah, and we're just gonna getting out of there and going down there. And then I had a pharmacy in a grocery store in Hastings. Where there's two independent businesses, you got a 50-50 chance at somebody going under. And, you know, the grocery store went under in Hastings. The grocery store went under here. And I sat in there, you know, for three months just a bombed-out grocery store. And now I've got these guys in there. And they're good guys. *inaudible* I just don't want to be dependent on them.

Morrey: Okay. Thanks for explaining.

Powers: Any discussion? No? Okay.

Hall: I'll move to call the question.

Powers: Second?

Grimm: Second

Powers: Okay. Can we have a roll call please?

**VOTE: Hall – yes, Grimm – yes, Powers – yes, Morrey-yes
Yes-4, No -0, Abstain-0** Request approved.

Powers: Case closed. Congratulations. We'll come down and visit you.

Wheeler: *inaudible-speaking away from microphone*

Powers: Thank you. Um, the next item would be the approval of the minutes from the last meeting which was long and lengthy. I need a motion for approval of the minutes.

Morrey: I'll make the motion. I propose that motion.

Powers: Okay. Second?

Hall: I'll second.

Powers: All in favor say aye.

All in attendance stated aye in unison

Powers: Opposed same sign

No one spoke

Powers: Minutes are approved. Thank you. Who typed these up?

Shipp: I did

Powers: Thank you. I bet that took a while. Uh, the next item, what is this item?

Shipp: That's the Finding of Fact.

Powers: This is? This Finding of Fact is different? This is also a Finding of Fact?

Shipp: Yes, I did one, Ted did the other.

Powers: okay, alright. Well, let's go to uh, case # 2479 which was on July 28th. A request for exception on a fence. We denied it. So, I need a motion to approve that.

Hall: So moved.

Grimm: Second

Powers: All in favor say aye.

All in attendance stated aye in unison

Powers: Opposed same sign

No one spoke

Powers: And finally, a Finding of Fact for, which I found to be a very interesting meeting regarding the demolition of the building downtown that was damaged. And we, still trying to figure out what we did.

Hall: We sided

Powers: We decided that they could tear it down without permission from the downtown folks.

Hall: Yeah

Powers: I need a motion to approve this Finding of Fact.

Morrey: I'll make that motion.

Powers: Second?

Hall: Sure

Powers: Okay. All in favor say aye.

All in attendance stated aye in unison

Powers: Opposed same sign

No one spoke

Powers: Okay that concludes our official business.

Hall: Motion to adjourn

(verbatim ends)

Meeting adjourned 4:13 pm

Minutes respectfully submitted

Rebecca Shipp