

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT

Tuesday, December 15, 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, December 15, 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>
<b>MEMBERS PRESENT:</b>	G. Brent Powers	(33-03)	02/22/21
	Michael Grimm	(07-00)	05/21/24
	Terry Hall	(33-04)	06/22/20
	Joe Morrey	alternate member	12/21/20
<b>MEMBERS ABSENT:</b>	Byron Myers Sr.	(16-14)	02/23/24
	Terri Lowdon	(20-06)	03/14/21

**STAFF PRESENT:** Ted Elo, Assistant City Attorney  
Zack Martin, City Planner  
Rebecca Shipp, Executive Administrative Assistant

Four members constitute a quorum.

Powers called the meeting to order at 4:00 pm.

*(Verbatim transcript starts)*

Powers: Certified copies of chapters 11, 26 and 31 are available and I will admit them into evidence for our hearing at this time. May we have a roll call please?

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

**Present-4, Absent -2.** Quorum is present.

Powers: Okay, we have four members of the board here. That is a quorum. Any approval by the board will require a unanimous vote of all four members. Just so you know, we are volunteers, citizen volunteers, we have no professional association with the City, and we do this because we enjoy helping out and helping the city do their business. At this time, I'd like to move the approval of the minutes and other non-case business to the end of the meeting. Is there any objection? No? Okay.

Powers: The following rules of conduct have been adopted by the board; give your name and complete address when you come up to speak. 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, etc., will be retained by the Board of Adjustment and will become a part of the permanent file. Which means if you hand it to us, we cannot hand it back. We do have three cases today. They don't seem to be very complicated to me, so. Let's get started \*inaudible\*

2020 DEC 16 PM 4: 22  
CITY CLERK

Powers: The first case is #2481 which is a request for a variance from Section 31-130 (c)(2)(a) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow for a third freestanding monument sign. The location is 2900 Townesouth Court. Petitioner is Dan Bayer on behalf of BMS Logistics. Does the city have a report on this matter?

Martin: Uh, yes. Again, this is a request for a variance from Section 31-130 (c)(2)(a) to allow a third freestanding sign as applied for uh, by Dan Bayer. Uh, this particular section allows for properties with more than 100 feet of frontage to have an additional freestanding sign for a total of two. Uh, this request is for a variance to allow a third monument sign at one of the entrances of BMS located at 2900 Townesouth Court. Um, an example of these signs are included with your packet. Um, ultimately staff recommends approval of this request finding that while the specific physical surroundings of the specific property would not result in unnecessary hardship if the strict letter of the regulation were carried out and the alleged hardship has been created by those presently having an interest in the property. The conditions of this request would not be applicable, generally, to another property in this zoning classification as this particular property received special permission to have an additional entrance into the property uh, when they were going through the development process. This makes it unique compared to other properties which are usually limited to two entrances. This one has three. Therefore, they are coming before you to ask for the ability to place a third sign. The granting of the variance would also be in keeping with the purpose of the zoning district uh, and the land use plan. The granting of the variance would not be detrimental to the public health, safety or welfare, or to other property in which the property is located.

Powers: Alright. Anyone like to speak on behalf of the request?

Bayer: If I may, I'm Dan Bayer with BMS Logistics, 3601 S Leonard Road. We've, we've, we've put this

Powers: Before you do, my fault, can you raise your hand and be sworn in?

Bayer: Oh, I'm sorry.

Powers: No, it was my fault. Swear to tell the truth, the whole truth and nothing but the truth?

Bayer: I do.

Powers: Okay. Thank you, sir.

Bayer: You bet. Again, I'm Dan Bayer, 3601 S Leonard Road. We purchased the property of three lots and put the building on it. We were allowed the three driveways. We need a sign at each drive for shipping/receiving, and employees to be real clear about the traffic and it keeps \*inaudible\* so that's the request that we have.

Powers: Any questions? I don't have any.

Grimm: Nope

Hall: I call the question.

Powers: Thank you. We've called the question. Do I hear a second?

Grimm: Second

Powers: Alright. Remember if you are voting in favor of this you are voting that the five things we need to find

are true or in this case the city has no objection to the hardship question so, uh, roll call vote.

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

Powers: Okay. Thank you. The next case is #2482 which is a request for a variance from North County Development Precise Plan Article VI Design Guidelines (A)(2)(b) and any and all other sections of the North County Development Precise Plan necessary to allow the exterior and roof of a family entertainment center to be constructed of metal. North County Development Precise Plan Article 7(E) designates the Zoning Board of Adjustment as the body to grant any variance to the Precise Plan. The location is Green Acres Road parcel #3-8.0-27-001-000-001.028. The petitioner is Rick Gilmore. City?

Martin: Alright. Again, this is a request for a variance from North County Development Precise Plan. Um, the specific article is six Design Guidelines (A)(2)(b) which states that “exterior walls of buildings in this particular area shall be finished with brick, stone, glass, concrete panels painted or finished with a permanent and attractive surface” to allow for the development of an entertainment facility with a metal exterior. An entire concept book has been provided for the board um, with your packet. So, you’re welcome to look over those if you have specific questions on what the property is hoping to be. Staff does recommend approval of the request finding that the specific physical surroundings of the property would not result in unnecessary hardship if the strict letter of the code were carried out and the alleged hardship has been created by those with an interest in the property. The conditions of this request would not be applicable, generally, to another property in this zoning classification as the location of this property in this particular zoning district which is again the North County Development Precise Plan um, along a dead end road directly adjacent to a residential district um, makes potential development potentially difficult of this particular parcel. Uh, the granting of the variance is in keeping with the purpose of the zoning district and the land use plan in that the precise plan does allow for variance and different interpretations be brought up on a case-by-case basis for different developments than the precise plan. And that the granting of the variance would not be detrimental to the public health, safety or welfare, or to other property in which the property is located.

Powers: Thank you. Any questions for the City? Is there someone here who wishes, wishes to speak in favor? Looks like Mr. Gilmore behind that mask.

\*Inaudible\*

Powers: Raise your hand and solemnly swear to tell the truth, the whole truth and nothing but the truth.

Gilmore: Yes, I do.

Powers: Spell your name and give us your address.

Gilmore: Rick Gilmore. 4601 S Lakewood Drive, St. Joseph, Missouri, 64506. Um.

Powers: Did you put this together?

Gilmore: We put the packet together.

Powers: Nicely done.

Gilmore: Kenny Siemens put the verbiage in there.

Powers: He was a little wordy.

Gilmore: Yeah. The, the reason uh, we want to go with this style building is we're going to, what we're doing is enclosing normally outside venues of recreation, batting cages and indoor mini golf. And, uh, the height of the building required for the batting cages uh, it's just uh, very expensive because of the masonry as high as we would have to go. Uh, and we will make this building very attractive though and we're gonna put stone four foot around the building. And, also landscape as well. Uh, one, one thing we got a climbing tower there. We're not sure we can fit that all on the lot the way it's laid out so we might, that's, that's the circular area on the north corner right there. We might, that round circular area there. It might not get built in. But other than that uh, we'd sure like to bring this to the community and, and provide some more recreation for our youth, families, and uh, this is an area where there's two hotels right now and uh, they're gonna build a third one. And there's a fourth one across the street. So, we would have some entertainment for people that are spending the night at the hotels and whatever, you know. So, we'd sure appreciate your favorable vote on this.

Powers: I think it's a really great idea. Any questions for Mr. Gilmore?

Morrey: I got to ask, are you still going to put the climbing thing up?

Gilmore: I don't know if we will or not.

Morrey: Can I ask what safety features you have?

Gilmore: Yeah

\*inaudible\*

Powers: Excuse me, excuse me.

Lang: Joe Lang-19671 Northeast Red Oak Boulevard, St. Joe, Missouri

Powers: Okay, thank you.

Lang: Can I take this down while I talk? \*inaudible—standing away from podium/microphone\* Uh, the rock climbing tower is from a company out of Denver, Colorado and, um, it'll, of course, it'll be fenced in. They have self-guiding uh, maneuverable locking systems. So, we have a tenant, we have two tenants \*inaudible\* and they would make sure everyone's buckled, full-body harness \*inaudible\*

Morrey: Okay. It just looked like a free-for-all.

Lang: Yeah, no. It'll, it'll be gated. You'll pay to get in and

Gilmore: Everything will be fenced. That's not illustrated on uh, the drawing.

Lang: And, and there's some just, just to hype it up, could I, could I tell you more about it before you vote? Is that okay? We, we, we, ah, got a connection with a guy that builds the rides for Universal Studio. So, the indoor mini golf isn't going to be just an ordinary, indoor, blacklight mini golf. He just built the Spiderman ride at Universal Studios and he's coming here to build one of the most state-of-the-art indoor, blacklight, mini golf courses in the nation today. Uh, most people come to Joetown mini golf and say hey why don't you do this, why don't you do this, why don't you do this. So, everything they've said we're doin' it right here for 'em. Ya know, indoor, outdoor stuff. It's, it's, it's gonna be big for the city.

Powers: Cool. That's all? No further questions?

Hall: Call the question.

Powers: Second?

Grimm: Second

Powers: Oh, excuse me, I need to, were notices sent out, out to the people we're supposed to send them out to, the adjacent property owners?

Shipp: Originally yes, when this was first heard. It's old business.

Powers: And there uh, were no objections?

Shipp: No.

Morrey: There are actually a couple of letters of approval.

Powers: I did see that. I thought that was nice also. Okay. Roll call.

Elo: You need to close the public comment Mr. Chairman.

Powers: Okay. Is there anyone else who wants to speak in favor or against this proposal? We have no discussion.

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

Powers: Okay guys. Good luck

Gilmore: Thank you very much.

\*inaudible conversations away from podium\*

Powers: Okay. The next case is # 2483 which is a request for a variance from Section 31-025 (e)(2-4) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow a 14x12' addition on the house. Location is 1614 Holman and the petitioner; is it Susan?

Shipp: Sandra

Powers: Had it written down wrong. She corrected me but I didn't have it written on my copy. Sorry, Sandra. Sorry, Ms. Wolfe. Um, City?

Martin: Yes. This is a request for a variance from Section 31-025 (e)(2-4) to allow a 14x12' addition on the house located at 1614 Holman. This section specifically states the setback requirements for the R-4 residential district which the property is in um, would actually fall under the R-1B standards as it is a single-family home. Um, the applicant is seeking a variance to the setback requirements it's listed in that district to allow for this addition to the existing home which was built prior to the implementation of these standards. Um, the primary request is for the front yard setback. The house currently sits approximately 35 feet from the centerline of the

street which intrudes about 15 feet into the setback. It would bring the entire face of the house up to this point. Um, staff does recommend approval of this request finding that the specific physical surroundings of the property would result in unnecessary hardship if the strict letter of the code were carried out. It is significantly smaller than the lot standards of 2020. Again, single family residences in R-4 districts allow for the standards of the R-1B zoning districts uh, and that means that the current lot size of approximately 4,200 square feet is about half the size of a modern lot that would be required in that same district. Um, and the alleged hardship has not been created by those with an interest in the property as the home was built approximately 120 years ago. Uh, and then the conditions of this request would not be applicable, generally, to other property in this zoning classification as the property has over the past 100 year or so been made smaller than originally platted to its current size which the southern 55 feet of the property added to an entirely new lot sometime in the past. I'm not entirely sure when but it has made the lot its current size which is very small. The only way to have a structure that would meet property setbacks would be to completely move it which is just not feasible. Uh, the granting of the variance is in keeping with the purpose of the zoning district as it allows for a resident to utilize and fully enjoy their property as well as increase the functionality. And that the granting of the variance would not be detrimental to the public health, safety or welfare, or to other property near where the property is located.

Powers: Thank you. Any questions for the City? Would somebody like to speak on behalf of the request? Anyone want to speak against it? Any discussion?

\*inaudible\*

Grimm: Second

Shipp: I'm sorry, who made the

Powers: Joe did. It's hard to tell with these masks on, isn't it? I feel like I'm yelling at everybody.

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

\*inaudible—conversations away from podium\*

Powers: Alright. Now we can move on to the approval of the minutes from the last meeting. I know you've all carefully read them. Do I have a motion for approval?

Hall: So moved.

Powers: Second?

Grimm: Second

Powers: All those in favor say aye

\*all present stated aye verbally\*

Powers: Opposed same sign.

\*silence\*

Powers: Is this the Finding of Fact Rebecca?

Shipp: Yes

Powers: Finally, we need to approve a Finding of Fact from the uh, well there's no name, uh, case number 2480 filed by Jerome Wheeler, that we heard on August 25, 2020 and approved. Do I have a motion to approve this Finding of Fact?

Hall: So moved.

Powers: Second?

Grimm: Second

Powers: All those in favor say aye

\*all present stated aye verbally\*

Powers: Opposed same sign.

\*silence\*

*(verbatim ends)*

Meeting adjourned 4:18 pm

Minutes respectfully submitted

Rebecca Shipp