



**CITY OF WARRENSBURG, MISSOURI
BOARD OF ADJUSTMENT**

**WARRENSBURG MUNICIPAL CENTER
200 S. HOLDEN ST.
WARRENSBURG, MO 64093**

**JUNE 12, 2019
5:00 PM
AGENDA**

1. Call To Order

2. Roll Call

3. Minutes

3.I. Meeting Held April 29, 2019

Documents:

[04-29-19 BOA MINUTES.PDF](#)

4. Other Business

4.I. Resolution For VAR-22-2019

Documents:

[RESOLUTION VAR-22-2019.PDF](#)

5. Adjourn



CITY OF WARRENSBURG, MISSOURI Board of Adjustment

Minutes of a Meeting Held on April 29, 2019

The meeting was called to order by Chair Don Nimmer at 6:00 PM.

Roll was called and members Don Nimmer, Lynn Solomon, Sandi Bryan, Nancy Knight and Mike Shaw were present. Adam Sommer, attorney and counsel to the Board of Adjustment; Barbara Carroll, Director of Community Development; and Kristin Dyer, City Planner, were also present. Joe Phillips was present as the applicant. The meeting was recorded by a court reporter.

3. Minutes

3.1 Meeting Held August 27, 2018

Minutes from the August 27, 2018, Board of Adjustment meeting were reviewed. Solomon moved to approve the minutes. Bryan seconded. Approved 5-0.

4. Hearings

4.1 VAR-22-2019: Request for Variance-Sign

703 N. Devasher Rd.

Carroll summarized the nature of the request. The case is a request to be allowed to install one 83.18 sq. ft. wall sign in a R1: Single Family Residence District. This request involves Sec. 27-504 (c) (1) of the Code of City Ordinances.

Joe Phillips was sworn in by the court reporter.

Phillips made arguments on behalf of Compass Health. Compass Health purchased Pathways Community Behavioral Healthcare, Inc. last year and are currently changing the names of all their signs. Phillips stated the proposed site is used as a recovery center and counseling center, and since it is zoned residential, they do have inpatient stays on occasion. Phillips stated based on the R1 zoning, a wall sign of four-square feet is allowed. The request is to install a large wall sign on the U.S. Highway 50 side of the structure because of visibility and the need to identify the building in the best possible way to get people to the facility. There was a general discussion about the location of the site, other Compass facilities in the city and the types of services at this facility, where users of this facility come from, the location of the sign and the size of the sign, and the lighting details of the sign.

Barbara Carroll was sworn in by the court reporter. Carroll offered Exhibits 1-3 to the Board of Adjustment, and they were received by the Chair. Carroll made arguments on behalf of the City stating there is an existing ground mounted sign, which he owner intends to keep and reface the sign. Carroll stated there have been discussions with Phillips concerning other methods of complying with the zoning ordinance such as rezoning or a conditional use permit. These methods would impact the use of the building, and it was important to retain

the residential use of the building. Carroll stated there is a reasonable use of the building since it has been used in that capacity since 1997 without the relief of a variance. Carroll offered exhibits 4 and 5 to the Board of Adjustment, and they were received by the Chair.

There was a discussion about changes to the ground mounted sign. Phillips stated the ground mounted sign would be redundant if the wall sign was approved, so it was his understanding would be removed from the property in that event. Nimmer opened the hearing to receiving comments from the public. Sharon Stroh was sworn in by the court reporter.

Sharon Stroh, 229 NE U.S. Hwy 50, addressed the Board of Adjustment stating since she lives across Highway 50 to the north of the property. The sign will be facing U.S. Hwy 50, and the sign would be obnoxious and shine right at their front door. Ms. Stroh stated mostly everyone has GPS to find a location; the sign would affect the value of her residence; there is not a necessity for it since they have existed without the sign up to now, and they already have an existing sign.

Phillips stated that if the Board of Adjustment agreed to a specific time, the sign could be turned off; in addition, there is a two-sided billboard on the east of their property that sits roughly 450 ft. away with gooseneck lighting. Phillips stated the adjacent storage facility has quite a few pole lights, and these will project more light than what the wall sign will put off.

Ed Stroh was sworn in by the court reporter.

Ed Stroh, 229 NE U.S. Hwy 50, addressed the Board of Adjustment. Mr. Stroh stated the main thing is the building is directly across from his property and into the front room. Mr. Stroh stated his property is not located in city limits; however, they spend a lot of money and do business in the City of Warrensburg. The light shining through the front window is unnecessary.

Nimmer closed the public hearing. Solomon moved to approve the variance as requested. Shaw seconded.

A roll call vote was taken as follows:

Mike Shaw:	Yes
Lynn Solomon:	Yes
Sandi Bryan:	Yes
Nancy Knight:	Yes
Don Nimmer:	Yes

The motion was approved 5-0. The variance was approved.

5. Other Business – None.

6. Adjourn

Bryan moved to adjourn the meeting. Solomon seconded. Approved 5-0. The meeting adjourned at 6:30 PM.

Date: _____

Chair



CITY OF WARRENSBURG, MISSOURI
Community Development Department

BOARD OF ADJUSTMENT

RESOLUTION

Case No.: VAR-22-2019

Request for Variance: 703 N. Devasher Rd.

LOT 1 IN RANCHERO ESTATES, A SUBDIVISION IN JOHNSON COUNTY, MISSOURI, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 6, AT PAGE 1.

Applicant: Pathways Community Behavioral Healthcare, Inc.

Hearing Date: April 29, 2019
6:00 p.m.
Warrensburg Municipal Center, 200 S. Holden St.

General Statement of Case:

To be allowed the installation of one 83.18 sq. ft. wall sign in a R1: Single Family Residence District. This request involves Sec. 27-504 (c) (1) of the Code of City Ordinances.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony was taken at the public hearing at 200 S. Holden Street on April 29, 2019. At that hearing Barbara Carroll, Director of Community Development represented the City of Warrensburg. Joe Phillips appeared on behalf of the applicant. Adam Sommer was present as Counsel to the Board of Adjustment. Public Comment was received during the hearing from Sharon Stroh and Ed Stroh.

The following information was presented at the hearing:

1. The property in question is located at 703 N. Devasher Road in a R1: Single-Family Residence District.
2. At the time of the public hearing and deliberation by the Board, the property was used by Pathways Community Behavioral Healthcare, Inc. for counseling services.
3. Clients come to this facility from the local area and surrounding counties.
4. Section 27-504 (c) (1) of the Code of City Ordinances states in R1: Single-Family Residence districts and R2: One-and-Two Family Residence districts, either one (1) yard sign or one (1) wall sign limited to four (4) square feet in surface display area shall be allowed per premises. Such signs shall be non-illuminated.
5. The applicant is requesting a variance to be allowed to install one 83.18 sq. ft. wall sign in a R1: Single Family Residence District.
6. There is a currently a non-illuminated ground-mounted sign located on the property along N. Devasher Road.
7. The proposed illuminated, wall sign will be placed on the north side of the building; therefore, orienting the light away from a residential area south of the property in the City.

8. There are four lanes of U.S. Highway 50 traffic between the proposed sign and the residential uses outside of city limits to the north.
9. Existing lighting in the area includes a billboard with goose-neck lighting along U.S. Highway 50; an adjacent storage facility outside city limits that has pole lights; and an approximately 50 ft. in height gooseneck light at the intersection of U.S. Highway 50 and N. Devasher Road.
10. A light industrial district is located west of the property and commercial uses located in an unincorporated area of Johnson County is located east of the property.
11. Notice of the hearing on this matter was published in the Daily Star Journal on April 12, 2019.
12. Notice was also posted on the property on April 12, 2019.
13. Notice was mailed to property owners within 300 ft. on April 11, 2019.
14. The Code of Ordinances of the City of Warrensburg, Missouri, provides as follows:
 - a. Section 27-61 (a) (2) provides that the Board of Adjustment may grant a variance "in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would deprive the owner of the reasonable use of the land or building involved...."
 - b. Section 27-61 (a) (2) further requires the Board to find that:
 - a. There are special circumstances or conditions "... applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that such circumstances or conditions are such that the application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building;"
 - b. "...the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board of adjustment is the minimum variance that will accomplish this purpose;" and
 - c. "...the granting of the variance will be in harmony with the general purpose and intent of this chapter, will not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Based upon this information and its interpretation of the cited code provisions, the Board finds that:

1. The proposed illuminated wall sign at 83.18 sq. ft. exceeds the 4 sq. ft. non-illumination requirement for wall signs in a R1: Single Family Residence District.
2. The situation is unique in that the property with an existing commercial use is located in a residential district adjacent to a Light Industrial District and commercial area and U.S. Highway 50.
3. The granting of the variance is necessary for the reasonable use of the land, and the variance requested is the minimum variance that will accomplish this purpose.
4. The granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare because the use is in keeping with the character of the neighborhood and surrounding uses.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance be granted at 703 N. Devasher Road to allow the installation of one 83.18 sq. ft. illuminated wall sign in a R1: Single Family Residence District.

Passed by the Board of Adjustment this _____ day of _____, 2019.

Chair