



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

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

**August 6, 2018
4:00 PM
AGENDA**

1. Call To Order
2. Roll Call
3. Other Business
 - 3.I. Resolution For VAR-06-2018

Documents:

[RESOLUTION 06-2018.PDF](#)

4. Adjourn



CITY OF WARRENSBURG, MISSOURI
Community Development Department

BOARD OF ADJUSTMENT

RESOLUTION

Case No.: VAR-06-2018

Request for Variance: 321 E. YOUNG AVE.

The legal description of the property in question is as follows:

That part of the West half of the Northeast quarter of Section 24, Township 46, Range 26 described as commencing at a point 217.4 feet South 89 degrees 16 minutes East of a point on the East line of North Charles Street in the City of Warrensburg which is 217 feet North 01 degree 56 minutes East of the intersection of the East line of North Charles Street and the North right-of-way line of Business Route U S Highway No 50 THE TRUE POINT OF BEGINNING, thence South 89 degrees 16 minutes East 86 feet, thence North 01 degree 56 minutes East 50 feet (said point being the point of beginning of the tract described in the deed recorded in Book 555, at page 144), thence Easterly, along the North line of the tract described in the said deed recorded in Book 555, at page 144, to the Northeast corner of said tract, thence South 01 degree 56 minutes West to the North right-of-way line of said highway a distance of 231 feet, more or less, to the Southwest corner of the tract described in the deed recorded in Book 556, at page 71, thence North 240.05 feet to the true point of beginning; in Johnson County, Missouri.

Applicant: Glasscock Plaza, LLC

Hearing Date: July 12, 2018
6:00 p.m.
Warrensburg Municipal Center, 200 S. Holden St.

General Statement of Case:

Allow the installation of one 4 ft. tall sign for each suite or a double sign for a business occupying more than one suite in the shopping center. Said signs would be allowed to project 4 ft. above the highest point of the roof to which the sign is attached. This request involves Sec. 27-504 (e) (6) b 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 July 12, 2018. At that hearing Barbara Carroll, Director of Community Development represented the City of Warrensburg. Barry Glasscock appeared on behalf of the applicant. Adam Sommer was present as Counsel to the Board of Adjustment.

The following information was presented at the hearing:

1. The property in question at 321 East Young Avenue is located in a GB: General Business District.
2. The property address was changed by the Warrensburg Fire Department by letter from January 7, 2016 from 701 through 719 North Charles Street to 321 East Young Avenue with suite numbers.
3. The case is proceeding under the typewritten application signed by Barry Glasscock which is a comprehensive application that applies to the whole Glasscock Shopping Center and not just Suite I, a single suite, as stated in the handwritten application submitted on May 3, 2018.
4. Currently, there are six (6) roof signs located at 321 E. Young Ave., each projecting approximately 4 ft. above the roof.
5. At this time, the applicant proposes to install an additional sign for Metro PCS that is 4 ft. in height and 12 ft. in length. The proposed sign extends 4 ft. above the building's flat roof.
6. Section 27-504 (e) (6) b of the Code of City Ordinances states that roof signs shall not project above the highest point of the roof to which it is attached.
7. The variance granted on February 7, 2002, for BA 2002-03 at 715 N. Charles Street covers the same real property, but allowed the installation of only one roof sign which was then installed upon the granting of that variance.
8. The variance granted on July 17, 2006, for BA 2006-01 at 709 N. Charles Street covers the same real property, but allowed the installation of only one roof sign which was then installed upon the granting of that variance.
9. The interior walls separating individual tenant spaces can change locations to accommodate varying size uses and occupancies. Single, double, and triple size suites can be contemplated.
10. The building has a flat roof, which is the primary roof, with a mansard roof attached to the front façade of the building to cover a pedestrian walkway.
11. The mansard roof covering the pedestrian walkway is not capable of structurally supporting the weight of the sign.
12. Having one sign located on the mansard roof, while the remaining signs are located above the principal roof detracts from the aesthetics of the property and neighborhood.
13. The property is surrounded on all sides by commercial uses including retail, restaurants and service industries.
14. The applicant is requesting a variance to allow the installation of one 4 ft. tall sign for each suite or a double sign for a business occupying more than one suite in the shopping center. Said signs would be allowed to project 4 ft. above the highest point of the roof to which the sign is attached.
15. Notice of the hearing on this matter was published in the Daily Star Journal on June 26, 2018.
16. Notice was also posted on the property on June 20, 2018.
17. Notice was mailed to property owners within 300 ft. on June 21, 2018.
18. 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 sign that projects 4 feet above the highest point of the roof to which it is attached does not meet the sign requirements of the City of Warrensburg.
- 2. The situation is unique in that the mansard roof covering the pedestrian walkway is not capable of structurally supporting the weight of a sign.
- 3. The relocation of signs to another part of the building would detract from the aesthetics of the property.
- 4. The granting of the requested variance is the minimum variance that will accomplish this purpose.
- 5. The granting of the requested variance will be in harmony with the general purpose and intent of this chapter.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance be granted at 321 East Young Avenue to allow the installation of 4 ft. tall signs for each suite that can be extended to cover the length of the suite for an unlimited number of suites in the Glasscock Plaza shopping center. Said signs will be allowed to project 4 ft. above the highest point of the roof to which the sign is attached.

Passed by the Board of Adjustment this _____ day of _____, 2018.

Chair