



CITY OF WARRENSBURG, MISSOURI  
**Board of Adjustment**

Minutes of a Meeting Held on January 29, 2018

The meeting was called to order by Chair Don Nimmer at 5:31 PM.

Roll was called and members Don Nimmer, Anita Love, Sandi Bryan, Nancy Knight, Bryon Freeman were present. Adam Sommer, attorney and counsel to the Board of Adjustment; Barbara Carroll, Director of Community Development; and Kristin Pack, City Planner, were also present. Jerry Franklin was present as the applicant. The meeting was recorded by a court reporter.

Minutes from the January 3, 2017, Board of Adjustment meeting were reviewed. Love moved to approve the minutes. Knight seconded. Freeman motioned to amend the motion with the correction of the spelling of Bryan's name in the roll call. Knight seconded. Approved 5-0. Nimmer called for a vote on the original motion. Approved 5-0.

**4. Hearings**

**A. BA 2018-01: Request for Variance-Setbacks**

**305 E. Russell Ave. and 315 E. Russell Ave.**

Barbara Carroll, Kristin Pack, and Jerry Franklin were sworn in together by the court reporter. Carroll summarized public notices given for the hearing, the nature of the request, and clarified that during the review of the plat the boundary description given in the notices. The plat has been approved by City Council, and the addresses have been assigned to Lot 4 and Lot 5 as 305 East Russell Avenue and 315 East Russell Avenue. The case is to allow a 40 ft. encroachment into the required 40 ft. setback from the north property line adjacent to U.S. 50 Highway and a 40 ft. encroachment into the required 40 ft. setback from the west property line adjacent to Missouri Business Route 13/Maguire Street. These requests involve Sec. 27-118 (g) (2) c of the Code of City Ordinances. Carroll entered Exhibits 1-5 to the Board of Adjustment, and they were received.

Franklin entered Exhibit A to the Board of Adjustment and made argument on behalf of Keystone Development LLC regarding the need for a reduced setback. He stated the topography was a challenge with the lake on the east property lines and drainage from Missouri Business Route 13 right-of-way into the lake. Franklin explained based on the hypothetical site plan in the staff packet title "Exhibit A", he would lose the parking spaces because of the setback. Franklin noted the property is in a Tax Increment Financing (TIF) district and briefly explained to the Board the criteria for a TIF District. The Board discussed with the ~~application~~ <sup>applicant</sup> if the buildings could be rotated to meet setback requirements.

Carroll entered Exhibit 6 and made arguments on behalf of the City regarding the adopted zoning map, table of uses and public notices given for the hearing. Carroll stated the applicant platted the property knowing the topography, and the parking is allowed inside the setback; however, no structures are allowed in the setback. Carroll noted other types of permissible uses that could meet the setback requirements, and the applicant is requesting a zero setback in which there is a utility easement along the west property line of Lot 4 and Lot 5.

Ex-parte contacts were disclosed by board members; Love stated she was approached a year ago by Mr. Franklin. At that time, Mr. Franklin asked if she would be willing to meet and discuss an unknown property, but they never met and discussed.