



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 the 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: June 12, 2019

Donald Nimmer
Chair