



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

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

**NOVEMBER 4, 2020
6:00 PM
AGENDA**

1. Call To Order

2. Roll Call

3. Minutes

3.I. Meeting Held September 29, 2020

Documents:

[09-29-20 BOA MINUTES.PDF](#)

4. Other Business

4.I. Resolution For VAR-49-2020
606 Creach Dr.

Documents:

[RESOLUTION VAR-49-2020.PDF](#)

5. Adjourn



CITY OF WARRENSBURG, MISSOURI Board of Adjustment

Minutes of a Meeting Held on September 29, 2020

Acting as Chairman, the meeting was called to order by Vice-Chair Anita Love at 6:15 PM.

Roll was called and members Bryon Freeman, Mike Shaw, Anita Love, Willie Crespo, and Mark Karscig 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. The meeting was recorded by a court reporter.

3. Minutes

3.1 Meeting Held October 14, 2019

Minutes from the October 14, 2019, Board of Adjustment meeting were reviewed. Love proposed to continue the minutes as only one member in attendance was present for the October 14, 2019 meeting. With no objection from the other members, the minutes were continued.

4. Election of Officers

Carroll introduced the annual election of the Board of Adjustment officers, which are the Chair and Vice-Chair, and they each serve for a one-year term. Carroll noted two members are not present tonight and recited the name of regular members and alternates.

Karscig nominated Love to serve as Chair. Seeing no further nominations, the nomination carries.

Karscig nominated Crespo for Vice-Chair. Seeing no further nominations, the nomination carries.

5. Hearings

5.1 VAR-49-20--2020: Request for Variance - Fence 606 Creach Dr.

Joe Kaup and Barbara Carroll were sworn in by the court reporter.

Carroll summarized the nature of the request. The case is a request to be allowed to encroach 30 ft. into the required 30 ft. setback for a front yard fence along Creach Drive, a local street, in a GB: General Business District. This request involves Sec. 27-232 (a) (1) (a) and Sec. 27-118 (g) (2) (a) of the Code of City Ordinances.

Kaup offered Exhibit 1 to the Board of Adjustment, and they were received by the Chair. Kaup stated he and his wife purchased the property in July 2020, and this is their fourth storage unit facility. His goal was to run a fence behind the existing landscaping and still allow customers to access their storage units facing Creach Dr. Warrensburg is high demand area, but people do not want to rent storage units without a security fence, so rates have been lowered. Kaup stated customers have had their storage units broken into three or

four times and explained the proposed fence. The visibility and access from Highway 50 allow people to jump off the highway for theft and crime.

Carroll offered Exhibits A-G to the Board of Adjustment, and they were received by the Chair. Carroll clarified the setback for fences and the setback reduction for fences located in the side yard adjacent to the street. Carroll made argument on behalf of the City stating the property started development in 1995 in three phases, and since 1999, there has been a business continuously licensed and operating on the property. The board members questioned the applicant regarding the fence line, fence height, location of storage unit doors facing Creach Dr., and gate locations.

No public comment was received in the meeting. Love closed the public hearing. Ex-parte contacts were disclosed by board members. None was indicated. Shaw moved to approve the variance as requested. Karscig seconded.

A roll call vote was taken as follows:

Bryon Freeman:	Yes
Mike Shaw:	Yes
Willie Crespo:	Yes
Mark Karscig:	Yes
Anita Love:	Yes

The motion was approved 5-0 on a roll call vote. The variance was approved.

5. Other Business – None.

6. Adjourn

With no further discussion or items, Love adjourned the meeting at 6:52 PM.

Date: _____

Chair



CITY OF WARRENSBURG, MISSOURI
Community Development Department

BOARD OF ADJUSTMENT

RESOLUTION

Case No.: VAR-49-2020

Request for Variance: 606 Creach Dr.

Tract 1: Lot 57A in Replat of Lot 57, East Gate Replat, as shown by the plat recorded in Plat Book 10, Page 215-216, in Warrensburg, Johnson County, Missouri.

Tract 2: Lot 57B in Replat of Lot 57, East Gate Replat, as shown by the plat recorded in Plat Book 10, Page 215-216, in Warrensburg, Johnson County, Missouri.

Tract 3: Lot 57C in Replat of Lot 57, East Gate Replat, as shown by the plat recorded in Plat Book 10, Page 215-216, in Warrensburg, Johnson County, Missouri.

Applicant: Your Other Attic Mini Storage, LLC

Hearing Date: September 29, 2020
6:00 p.m.
Warrensburg Municipal Center, 200 S. Holden St.

General Statement of Case:

To encroach 30 ft. into the required 30 ft. setback for a front yard fence along Creach Drive, a local street, in a GB: General Business District. This request involves Sec. 27-232 (a) (1) (a) and Sec. 27-118 (g) (2) (a) 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 September 29, 2020. At that hearing Barbara Carroll, Director of Community Development represented the City of Warrensburg. Joe Kaup 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 is located at 606 Creach Dr. in a GB: General Business District.
2. At the time of the public hearing and deliberation by the Board, the property was used by Your Other Attic Mini Storage, LLC for storage purposes.
3. Section 27-232 (a) (1) (a) states no fence two (2) feet or higher in height above the grade level of the land on both sides thereof is allowed to be located within the front yard setback from a street, except as allowed specifically in this section.

4. Section 27-118 (g) (2) (a) states no structure is allowed within thirty (30) feet of a local street right-of-way.
5. The applicant is requesting to encroach 30 ft. into the required 30 ft. setback for a front yard fence along Creach Drive, a local street, in a GB: General Business District.
6. The north side of the property along Young Street is considered the street along the side per Section 27-232 (s) (3) a. The zoning ordinances provides a setback reduction of 60% for fences located in the side yard adjacent to a street on corner lots; therefore, the proposed fence along E. Young St. meets the 16 ft. setback.
7. Creach Drive is classified a local street.
8. Customers come from the local area and Whiteman Air Force Base to utilize the storage units.
9. There are existing storage units that are immediately adjacent to the 30 ft. building setback along Creach Dr.
10. Due to the visibility from U.S. Highway 50, a fence would deter people from pulling off the highways for theft and crime.
11. The proposed fence and security gate will placed behind the existing landscaping.
12. The goal of the applicant is to bring the self-storage facility to the same level of security that other local self-storage facilities can provide.
13. Notice of the hearing on this matter was published in the Daily Star Journal on September 11, 2020.
14. Notice was also posted on the property on September 10, 2020.
15. Notice was mailed to property owners within 300 ft. on September 11, 2020.
16. 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 fence exceeds the 2 ft. permitted height for fences adjacent to a street.
2. A fence installed at the 30 ft. setback line will prohibit access to the individual storage units on the ends of the buildings as the fence would be immediately adjacent to the structures.
3. The granting of the variance will bring the self-storage units to the same security standards as other self-storage units in Warrensburg.
4. 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.
5. 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.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance be granted 606 Creach Dr. encroach 30 ft. into the required 30 ft. setback for a front yard fence along Creach Drive, a local street, in a GB: General Business District.

Passed by the Board of Adjustment this _____ day of _____, 2020.

Chair