



PLANNING AND ZONING COMMISSION

AGENDA REPORT

May 26, 2020

ITEM 6.I: Appearance by Jim Skelton

Mr. Skelton has asked to appear before the Planning and Zoning Commission to request a variance or exception to the Minor Plat process per Section 21-5 of the Code of City Ordinances. Mr. Skelton would like to sell a portion of 613 Burkarth Rd. to an adjoining neighbor to the north. Staff has stated to Mr. Skelton that selling a portion of the lot to the neighbor requires a Minor Plat to be completed. Mr. Skelton takes exception to this requirement and has asked to appear before the Planning and Zoning Commission. Attached is a series of emails between Mr. Skelton and the City.

BACKGROUND:

The lot at 613 Burkarth Road has previously been platted as part of Chadwick's Addition. Under Sections 21-3 & 21-4 of the Code of City Ordinances, if a portion of a platted lot is divided without completing a Minor Plat process, it is considered an illegal subdivision of land under Chapter 21 of the City Code of Ordinances. The City would not issue any building permit for the lot the land was taken from or the lot the land was added into until a Minor Plat process was completed through the City.

STAFF RECOMMENDATION:

Mr. Skelton has requested relief under Section 21-5 of the Code of City Ordinances, but staff does not believe that an application under that section is proper. City staff and the City's legal counsel are of the opinion there is no authority under the code to grant a variance from the subdivision process itself. There is no process under Chapter 21 Subdivision Regulations to seek a variance to the requirement of filing a plat, just the provisions of Sec. 21-5 for a variance if a lot cannot meet the technical geometric requirements of the Subdivision Regulations. A copy of Section 21-5 of the Code of City Ordinances is attached and restated below.

Sec. 21-5 Variances and exceptions.

Whenever it is found that the land included in a subdivision or plat presented for approval is of such size or shape or requested by the developer is of such topographic condition that full conformity to the provisions of these regulations is impossible or is impractical, the planning and zoning commission may recommend to the city council by letter that the council authorize a variance or exception in the final plat so that substantial justice may be done and the public interest secured. In recommending such variance or exception, the planning and zoning commission must find that:

- (1) There are special physical conditions affecting the property;
- (2) The variance or exception is necessary for the reasonable and acceptable development of the property in question; and
- (3) The granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property and will not annul the intent and purpose of these regulations.

- Attachments:
1. Emails between Mr. Skelton and City staff
 2. Aerial photo of site
 3. Sec. 21-3, Sec. 21-4, Sec.21-5 of the City Code of Ordinances

From: "jpskelton42@gmail.com" <jpskelton42@gmail.com>
Subject: Re: 613 Burkarth Rd
Date: April 13, 2020 at 8:36:20 AM CDT
To: Harold Stewart <harold.stewart@warrensburg-mo.com>
Cc: Barbara Carroll <bcarroll@warrensburg-mo.com>, Kristin Dyer <kristin.dyer@warrensburg-mo.com>, Wanda Skelton <whskelton@gmail.com>

Harold,

I am truly shocked and deeply disappointed that you will not support my request for a variance. I have presented to you critical, pertinent facts and significant reasons why the city should consider my request for a variance. I have cited specific sections within the city codes that allow variances, if certain guidelines are met. These guidelines were not only satisfied, but, additional substantial reasons were also provided. The city ordinances allow variances under certain circumstances, which are obviously prevalent. The variances allow the city to be flexible when no harm or injuries affect the city, property owners and utility companies. In fact, the subdivided lot would actually benefit the city, property owners and utility companies. Doesn't an extremely successful business benefit the city, property owners and utility companies? Why would the city want to deny the opportunity for a very successful business to expand and grow for absolutely no legitimate reason?

Instead of simply stating the Minor Plat process already addresses how to remedy my issue without granting a variance, how about taking a different approach - flexibility? You also said that you see nothing in my request that distinguishes it from similar issues that have been resolved by this same process. How can you say that you see nothing in my request that warrants a variance when I cited Sections 21-4 and 21-5, and other specific evidence as well, that clearly identify the reasons for granting a variance? How can you declare an interior lot with no street frontage and with no improvements is not distinguished from similar issues? The Minor Plat process is costly, unreasonable, impractical and totally unnecessary. What are the specific reasons you would recommend denial to my request? What guidelines required for a variance were

not satisfied?

The purpose of a variance to the city codes is to promote progress within the city, especially when that variance would be beneficial to all parties concerned and harm or injure absolutely no one. If there is no need for a variance, why do the city codes offer a method to property owners with unusual circumstances, but with valid reasons, to grant a variance? Where did I fail to prove that my request for a variance was warranted?

Why have a variance in the city codes if the reasons presented are not even considered?? Where is the flexibility that the city recently demonstrated when the City Council approved the ordinance that now allows 50' residential lots?? I request your re-consideration and support of my request for granting a variance to the city codes, and, the specific reasons that I have presented for this request.

I look forward to your affirmative response.

Jim

Sent from my iPad

On Apr 9, 2020, at 3:47 PM, Harold Stewart
<harold.stewart@warrensburg-mo.com> wrote:

I typically do not attend or get involved with the Planning and Zoning Commission, as my role is assisting and advising the City Council. Each element of the process has a specific part to play in the decision making process, and I don't want to manipulate the process towards a specific outcome. It is Barb's role to assist and advise the Planning and Zoning Commission similar to my function with the Council. As such she could provide a recommendation of approval or denial, or simply advise the Commission as to the current circumstance, the direction found in today's City Code, and then allow the Commission to come to its own conclusion.

If the City Council was to ask me my opinion I would tell them that

currently your matter can be resolved appropriately through the Minor Plat process and that I see nothing in your request that distinguishes it from similar issues that have been resolved by this same process. So I would tell them they have the ability to grant a variance if they so choose, but I think the current Code already addresses how to remedy your issue without granting a variance.

Harold Stewart

Warrensburg City Manager

From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 9, 2020 3:03 PM
To: Harold Stewart <harold.stewart@warrensburg-mo.com>
Cc: Barbara Carroll <bcarroll@warrensburg-mo.com>; Kristin Dyer <kristin.dyer@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>
Subject: Re: 613 Burkarth Rd

Thanks Harold. Please let me know when the commission will meet. Will you or Barbara make any recommendations of approval or denial?

Jim

Sent from my iPad

On Apr 9, 2020, at 2:34 PM, Harold Stewart <harold.stewart@warrensburg-mo.com> wrote:

Mr. Skelton,

Your request for a variance as outlined in Section 21-5 will be put on the next available Planning and Zoning agenda. It is unlikely that one will be held in May given the current State of Emergency

and notification requirements once it is lifted. Staff will let you know when the meeting is scheduled. I would recommend you attend the meeting in person to discuss the matter with the Commission. Given what you have provided below I do not know if the Commission will recommend approval or denial of your request to the Council.

Harold Stewart

Warrensburg City Manager

From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 9, 2020 12:17 PM
To: Barbara Carroll <bcarroll@warrensburg-mo.com>
Cc: Kristin Dyer <kristin.dyer@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>; Harold Stewart <harold.stewart@warrensburg-mo.com>
Subject: Re: 613 Burkarth Rd

Thanks Barbara for your prompt response to my inquiry regarding the subdivision of my lot at 613 Burkarth Rd.

After reviewing the city codes, I am very glad to learn that a variance to the re-platting requirement of my subdivided lot can be granted by the city. Therefore, I submit the following reasons for your consideration of my request for a variance to the city codes.

Pursuant to your answer to my question “what is the benefit to the city to require re-platting”, since my subdivided lot will ensure the development and maintenance of a healthy, attractive and efficient community, and, since my subdivided lot will continue to provide adequate public infrastructure and easements, I request a variance to the city codes to transfer my subdivided lot to the adjoining property owners.

Pursuant to Section 21-4, since the adjoining property was described by metes and bounds prior to September 12, 1977, I

request a variance to the city codes to transfer my subdivided lot to the adjoining property owners.

Pursuant to Section 21-5, since the subdivision of my lot would be impractical, costly, unreasonable and not necessary, I request a variance to the city codes to transfer my subdivided lot to the adjoining property owners. Furthermore, Section 21-5 allows a variance to city codes when:

- 1 - there are special physical conditions affecting the property;
- 2 - the variance is necessary for the reasonable and acceptable development of the property in question; and
- 3 - the granting of a variance will not be detrimental to the public welfare or injurious to adjacent property and will not annul the intent and purpose of these regulations.

For the following additional reasons, I request a variance to the city codes to transfer my subdivided lot to the adjoining property owners:

- 1 - the subject property does not have any street frontage.
- 2 - the subject property will not be landlocked.
- 3 - there are no improvements on the subject property.
- 4 - the city is fully protected by still having the authority to require any future building permits and site plans.
- 5 - the adjoining property owners are fully protected from any possible encroachments or any other detriments.
- 6 - the subdivision of my lot will benefit the adjoining property owners and it will also benefit the city.
- 7 - pertinent utility easements are of public record and no changes will be necessary.
- 8 - all utility companies are protected because there is a 15' utility easement that runs along my north property line for a distance of 331'. If a utility is needed, the easement is already of public record. There is no need for utility receipts.

And finally, I request a variance to the city codes whereby a survey of my subdivided lot, and, a recorded Warranty Deed that will transfer the legally described property to the adjoining property

owners, will satisfy all of the city requirements.

I look forward to your affirmative response.

Jim

Sent from my iPad

On Apr 7, 2020, at 8:01 AM, Barbara Carroll
<bcarroll@warrensburg-mo.com> wrote:

Good morning Jim. I have provided answers below in blue text.

Stay safe and be well.

Barbara Carroll, AICP
Director of Community Development
City of Warrensburg, Missouri
Phone: (660) 747-9135
TTY: 660-422- 5635



From: jpskelton42@gmail.com <jpskelton42@gmail.com>

Sent: Monday, April 06, 2020 3:04 PM

To: Barbara Carroll <bcarroll@warrensburg-mo.com>

Cc: Kristin Dyer <kristin.dyer@warrensburg-mo.com>; Wanda

Skelton <whskelton@gmail.com>; Harold Stewart
<harold.stewart@warrensburg-mo.com>

Subject: Re: 613 Burkarth Rd

Thanks Barbara.

I won't be completing an application for a minor plat at this time. The city requirements are far too cumbersome and costly to sell an interior lot with no street frontage and a lot that will not be landlocked. My understanding is that I would have to provide four surveys - my lot, buyer's lot, the new combined lot and my new smaller lot. I will ask the city council to consider revising the city ordinances to make them more reasonable, practical and affordable. This type of transaction should have been very simple, especially since the subject property is an interior tract of land, with no improvements, and the subject property would have been very beneficial to the new owner and to the city! A survey of the subject property, the determined legal description and a recorded warranty deed should be all that are required to satisfy city requirements!

A few questions:

- what are the required utility receipts? There is no building on the vacant lot! [Section 21-54 Step 7 sets for the requirements for the receipts. All new plats are required to be submitted to the utility companies whether or not there are existing utilities on the land in the boundary of the plat. This process came into being several years ago to assure that utility easements are coordinated once, rather than utility companies requiring a multitude of separate easements, as used to be the case. This process has actually improved development and protected land owners from multiple easement demands.](#)

- if my lot had "not" been originally platted, but was conveyed on a metes and bounds property description by a warranty deed without a plat, would the minor plat still be required? [Yes, if future permits were to issue on the property.](#)

- if the adjoining property was not platted and title to the adjoining property was transferred to the owner by a metes and bounds legal description, would the minor plat still be required? [Yes, if future permits were to issue on the property.](#)

- how much is the application fee? [\\$250.](#)

- since the interior lot does not have any street frontage, as required in a minor plat, what section in the city ordinances specifically requires the re-platting of these two lots - buyer's and seller's lots as they are now and the two newly platted lots as they will become after conveyance? [Sec. 21-3](#)

- what is the benefit to the city, and to the property owners, to require the re-platting of two properties to transfer an interior tract of land that has no improvements? If the owner of the transferred property wishes to build a new structure, the owner would be required to obtain a building permit and provide it to the city with a site plan that would show the new structure will be built within the building setback lines and that there will be no encroachments onto the adjoining properties. The city and the adjoining property owners are completely protected! [The purpose of the subdivision regulations is to make provision for adequate light, air, open space, drainage, traffic circulation, utilities and other needs, to insure the development and maintenance of a healthy, attractive and efficient community. The minor plat process assures that fractional lot transfers, and the development that may take place after them, continue to provide adequate public infrastructure and easements. If unregulated, a variety of barriers to future development can occur over time. It is certainly possible that those concerns may not come into play in a particular situation, but the overall need to assure that those issues do not create future barriers to orderly development means that these processes must be followed in all cases. It is not only the impacts to the property in question, but how the future use of that property might impact the surrounding area, that make this process necessary, even when it may not seem so in a particular instance.](#)

- why make this procedure so difficult and costly when it is not absolutely necessary? The city needs to show some flexibility when stringent requirements are in place, but, not necessary! The city recently demonstrated this flexibility in approving 50' residential lots!

I look forward to your response.

Jim

Sent from my iPad

On Apr 3, 2020, at 10:51 AM, Barbara Carroll
<bcarroll@warrensburg-mo.com> wrote:

Good morning Jim. Below is the process for submitting a Minor Plat to the City all the way through to recording of the plat.

1. Hire a surveyor to prepare a Minor Plat. It will need to include all the land in the original two lots (both the one it is coming out of and the one it is going into). In case you need it, I have attached a list of surveyors that work in this area. You can use any Missouri licensed surveyor.
2. Once the surveyor has the plat prepared, submit all of the following to the City. An application is not considered complete and submitted to the City until we get the signed application, utility receipts, electronic copy of the plat, and application fee.
 - a. The electronic PDF file of the plat (usually, the surveyor emails this to kristin.dyer@warrensburg-mo.com)
 - b. Minor Plat application signed by all the property owners of both lots. Need original signatures. The Minor Plat application is at this link <http://www.warrensburg-mo.gov/394/Zoning-Applications>
 - c. The utility receipts from each utility company. Contact

information is on the attached document. You or the surveyor needs to submit to each utility company a copy of the same plat you are submitting to the City. They then have 30 days to review it (runs simultaneous to the City's review time) and provide any comments to the City. If you want the surveyor to do this, you need to discuss it with him when you hire him. It takes at a least a week for the utility companies to email back and say they got it. Do not wait to the last day to complete this task. People have missed the deadline before by waiting to the last second and not being able to get a receipt in time. A FedEx or UPS tracking # will not work, has to be a written or email receipt from the utility company employee.

d. Application fee.

3. The application deadlines are at this link. <http://www.warrensburg-mo.gov/DocumentCenter/View/3134/Plat-Application-Deadlines-2020-COVID-PDF>. HOWEVER, due to the COVID 19 crisis, plat applications are suspended until the City's state of emergency is lifted. We will not be able to accept an application during the emergency order.

4. Staff will review the plat submittal and provide any comments in writing to the surveyor for corrections.

5. The surveyor makes the corrections and emails staff an updated electronic copy.

6. The item is placed on the Planning and Zoning Commission agenda. The commission will make a recommendation to the City Council.

7. City Council considers the item and votes on an ordinance either approving or disapproving the plat.

8. The surveyor makes any final changes necessary if there were any conditions in the ordinance approving the plat.

9. The surveyor will print a mylar of the plat and seal it then give to the owner.

10. You will need to get both owners to sign the plat (must be notarized), have any mortgage holders sign the plat, and have the County Collector sign that all taxes have been paid.

11. Then you will drop off the mylar with the signatures to Kristin Dyer, City Planner, at City Hall.

12. Kristin will make sure everything is correct on it and give it to the City Clerk for her to get the Mayor signature.

13. Then the City Clerk will record the Plat at the County Recorder's Office.

14. Then you are free to close on the sale of the land.

As stated yesterday, a land transfer that takes place before completion of a minor plat would render the fractional lots ineligible for issuance of future permits. To correct that, the same above process would be used to do a Minor Plat so building permits could once again be issued in the future.

Barbara Carroll, AICP
Director of Community Development
City of Warrensburg, Missouri
Phone: (660) 747-9135
TTY: 660-422- 5635



From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 02, 2020 5:02 PM
To: Harold Stewart <harold.stewart@warrensburg-mo.com>
Cc: Barbara Carroll <bcarroll@warrensburg-mo.com>; Kristin Dyer <kristin.dyer@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>
Subject: Re: 613 Burkarth Rd

Thanks Harold.

Jim

Sent from my iPad

On Apr 2, 2020, at 4:29 PM, Harold Stewart
<harold.stewart@warrensburg-mo.com> wrote:

I have asked Barb to provide you steps as best she can by noon tomorrow.

Harold Stewart

Warrensburg City Manager

From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 2, 2020 3:04 PM
To: Harold Stewart <harold.stewart@warrensburg-mo.com>
Cc: Barbara Carroll <bcarroll@warrensburg-mo.com>; Kristin Dyer <kristin.dyer@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>
Subject: Re: 613 Burkarth Rd

Thanks Harold. We'll have to wait until we know a deal can be completed. I was hoping to speed up the process by getting city requirements completed first. In the meantime, so that I have a better understanding, what are the necessary steps to get a minor plat approved?

Jim

Sent from my iPad

On Apr 2, 2020, at 2:45 PM, Harold Stewart
<harold.stewart@warrensburg-mo.com> wrote:

Mr. Skelton,

I believe staff has informed you correctly that this process can be handled through a Minor Plat process, and this is the quickest and simplest process to accomplish what you are wanting to get done. I concur with their recommendation.

As I am sure you are aware, revision of the City Ordinances can only be done by the City Council. I can put this on a Council Agenda, as per your request, for the Council to consider such a revision. Staff and I would need to research the legal impacts of your request in preparation of discussion with Council. Until this research is completed I do not know if staff would be supportive of your request, or recommend against it. Please let me if you would like this matter to go before the Council. If so, please let me know if there are any time sensitivity issues. With the City's current COVID-19 prevention efforts City Council meetings are likely to be a bit more limited in timing and agenda matters will be limited to essential issues.

Harold Stewart

Warrensburg City Manager

From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 2, 2020 1:52 PM
To: Harold Stewart <harold.stewart@warrensburg-mo.com>
Cc: Barbara Carroll <bcarroll@warrensburg-mo.com>; Kristin Dyer <kristin.dyer@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>
Subject: 613 Burkarth Rd

Harold,

I request your review of the communications between Barbara, Kristin and myself.

I may sell the East portion of my lot on Burkarth Rd. to an adjoining neighbor. I requested city requirements for this to happen. I was told that I had to file a minor plat. I objected to that because the lot does not have street frontage. Now I'm told that, since the interior lot does not meet the minor plat requirements, I have to file a preliminary plat, then a final plat. This seems very unreasonable and would be very costly. Since the lot is an interior lot, would be very beneficial to the prospective buyer and causes no adverse effects on adjoining properties, I request the city to consider revising the city ordinances to make them more reasonable under these circumstances.

I will appreciate your response.

Jim Skelton

From: Barbara Carroll <bc Carroll@warrensburg-mo.com>
Date: April 2, 2020 at 12:43:44 PM CDT
To: "jpskelton42@gmail.com" <jpskelton42@gmail.com>, Kristin Dyer <kristin.dyer@warrensburg-mo.com>
Cc: Wanda Skelton <whskelton@gmail.com>
Subject: RE: 613 Burkarth Rd

The City does not agree with your conclusion. Section 21-55 (a) allows a Minor Plat process to be used in certain circumstances. When a subdivision of land does not qualify for those

circumstances and a Minor Plat, then the Preliminary Plat and Final Plat procedures sections must be followed as opposed to no procedures.

If you survey and sell a part of a previously platted lot off to a different owner, without doing a Minor Plat or Preliminary and Final Plat, that is considered an illegal subdivision of land under the City's Subdivision regulations. If you do that, the City would no longer be able to issue any building permits for the lot the land was taken out of or the lot the land is added to until such time a Minor Plat is done through the City.

Barbara Carroll, AICP
Director of Community Development
City of Warrensburg, Missouri
Phone: (660) 747-9135
TTY: 660-422- 5635



From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 02, 2020 12:32 PM
To: Kristin Dyer <kristin.dyer@warrensburg-mo.com>
Cc: Barbara Carroll <bc Carroll@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>
Subject: Re: 613 Burkarth Rd

Since the newly created lot does “not” have street frontage, a minor plat is “not” required, according to Sec. 21-55, a. Further, utilities, municipal facilities, public improvements and adverse effects on adjoining property are “not” involved. Therefore, it should be very simple to survey the new lot and record the new warranty deed. That procedure should satisfy the city. Please confirm my conclusion.

Jim

Sent from my iPad

On Apr 2, 2020, at 11:00 AM, Kristin Dyer
<kristin.dyer@warrensburg-mo.com> wrote:

Jim,

If three or less lots are being created, it would require a minor plat. To review the regulations for a minor plat, please review Chapter 21 of the City Code of Ordinances: https://library.municode.com/mo/warrensburg/codes/code_of_ordinances

Sincerely,
Kristin Dyer, City Planner
City of Warrensburg, Missouri
Phone: (660) 262-4633
TTY: 660-422- 5635

From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 2, 2020 10:47:13 AM
To: Kristin Dyer <kristin.dyer@warrensburg-mo.com>
Cc: Barbara Carroll <bcarroll@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>
Subject: Re: 613 Burkarth Rd

The lot would not be landlocked. It would be sold to an adjoining neighbor!! Who would buy a lot with no access????? Please do

not mention the front 60 feet again. That has nothing to do with my question. Apparently, your only concern is the front 60 feet. Since that has nothing to do with my question, I will assume that there are no city requirements.

Jim

Sent from my iPad

On Apr 2, 2020, at 10:35 AM, Kristin Dyer
<kristin.dyer@warrensburg-mo.com> wrote:

If you split a property, you cannot create a landlocked property where there is only other properties on all sides. The lot would have to touch the street right-of-way at least 60 ft. With this lot only having 100 ft touching the street right-of-way of Burkarth Rd., there would not be enough to split the lot and meet the 60 ft street frontage requirement for 613 Burkarth and for the new lot that would be created.

Sincerely,
Kristin Dyer, City Planner
City of Warrensburg, Missouri
Phone: (660) 262-4633
TTY: 660-422- 5635

From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Thursday, April 2, 2020 9:56:12 AM
To: Kristin Dyer <kristin.dyer@warrensburg-mo.com>
Cc: Wanda Skelton <whskelton@gmail.com>; Barbara Carroll

[<bcarroll@warrensburg-mo.com>](mailto:bcarroll@warrensburg-mo.com)

Subject: Re: 613 Burkarth Rd

Yes, or a portion thereof - 100' north and south x ??? east and west, but, starting at the east property line, then moving westward.

Sent from my iPad

On Apr 2, 2020, at 9:14 AM, Kristin Dyer
<kristin.dyer@warrensburg-mo.com> wrote:

Jim,

You want to sell the back east portion that is just the grassy area?
-Kristin

Sincerely,
Kristin Dyer, City Planner
City of Warrensburg, Missouri
Phone: (660) 262-4633
TTY: 660-422- 5635

From: jpskelton42@gmail.com <jpskelton42@gmail.com>

Sent: Thursday, April 2, 2020 9:11:17 AM

To: Kristin Dyer <kristin.dyer@warrensburg-mo.com>

Cc: Barbara Carroll <bcarroll@warrensburg-mo.com>; Wanda Skelton <whskelton@gmail.com>

Subject: Re: 613 Burkarth Rd

Please read my question again.

Jim

Sent from my iPad

> On Apr 2, 2020, at 9:00 AM, Kristin Dyer
> <kristin.dyer@warrensburg-mo.com> wrote:

>

>

> Good morning Jim,

>

> Barb forwarded me your request to split the east half of 613
> Burkarth Rd (Lot 3 Chadwick's Addition). Lots are required to have
> 60 ft of street frontage, and currently this lot only has 100 ft along
> Burkarth Rd. There would need to be another 20 ft to be able to
> split the lot.

>

> Please let me know if you have any additional questions.

>

> Sincerely,

> Kristin Dyer, City Planner

> City of Warrensburg, Missouri

> Phone: (660) 262-4633

>

613 BURKARTH AERIAL MAP



Zoning ordinance shall mean the zoning ordinance of the city, as set out in Chapter 27 of this Code, which regulates the use of land, density of development, height of structures, building setback and open space requirements within various districts of the city.

(Ord. No. 1814, § 2(2.2), 9-12-77)

Cross reference—Definitions and rules of construction generally, § 1-2.

State law reference—Streets, subdivision defined, RSMo 89.300(2), (3).

Sec. 21-3. Jurisdiction.

(a) All plats or replats of land hereafter made within the city limits shall be prepared by the developer, presented to the planning and zoning commission for approval, submitted to the city council for acceptance and endorsement, and filed with the county recorder for official record as prescribed in this chapter.

(b) The regulations contained in this chapter shall also apply to the subdivision or resubdivision of land into lots and parcels. Division of land for agricultural purposes in parcels or tracts of land of five (5) acres or more, and not involving any new streets or easements of access, shall be exempt from the requirements of these regulations. (Ord. No. 1814, § 2(1.3), 9-12-77)

State law reference—Procedure for approval or disapproval of plats, RSMo 89.400, 89.420, 89.430.

Sec. 21-4. Building permits.

No building permit shall be issued for any structure that is located upon a lot in an area that has not been subdivided, unless approved in the manner as provided for in these regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of this chapter. Lots described by metes and bounds which were in existence prior to September 12, 1977, may be used in a manner permitted by the zoning ordinance applicable to the area in which such lots are located without regard to provisions of this chapter prohibiting such use without subdivision thereof.

(Ord. No. 1814, § 2(8.2), 9-12-77; Ord. No. 1899, § 1, 7-9-79)

Cross reference—Building code, § 6-16 et seq.

Sec. 21-5. Variances and exceptions.

Whenever it is found that the land included in a subdivision or plat presented for approval is of such size or shape or requested by the developer is of such topographic condition that full conformity to the provisions of these regulations is impossible or is impractical, the planning and zoning commission may recommend to the city council by letter that the council authorize a variance or exception in the final plat so that substantial justice may be done and the public interest secured. In recommending such variance or exception, the planning and zoning commission must find that:

- (1) There are special physical conditions affecting property;
- (2) The variance or exception is necessary for the reasonable and acceptable development of the property in question; and
- (3) The granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property and will not annul the intent and purpose of these regulations.

(Ord. No. 1814, § 2(8.1), 9-12-77)

Sec. 21-6. Survey corrections.

If areas that have been subdivided and substantially developed are resurveyed to correct apparently erroneous surveys the facts of the new survey must be reported to the director of public works for recording by the city clerk. If the land is still not substantially developed changes resulting from resurveys should be reported through the resubdividing procedure under section 21-54.

Secs. 21-7—21-25. Reserved.

ARTICLE II. DESIGN STANDARDS*

Sec. 21-26. Purpose.

The quality of design of the urban area is dependent on the quality of design of the individual

*State law reference—Municipal authority to regulate size, location and use of buildings, etc., to promote health, safety, morals or general welfare of community, RSMo 89.020.