



CITY OF WARRENSBURG, MISSOURI Board of Adjustment

Minutes of a Meeting Held on August 27, 2019

The meeting was called to order by Chair Don Nimmer at 6:00 PM.

Roll was called and members Don Nimmer, Mike Shaw, Anita Love, Willie Crespo and Bryon Freeman were present. Doug Harris, 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 June 12, 2019

Minutes from the June 12, 2019, Board of Adjustment meeting were reviewed. Love moved to approve the minutes. Shaw seconded. Approved 5-0.

4. Hearings

4.1 VAR-30-2019: Request for Variance

500 E. Gay St.

Carroll summarized the nature of the request. The case is a request to be allowed:

1. To encroach 31.5 ft. into the required 40' setback from the property line adjacent to Gay St. This request involves Sec. 27-118 (g) (2) c of the Code of City Ordinances.
2. To encroach 21 ft. into the required 35' setback from the property line adjacent to Mitchell St. This request involves Sec. 27-118 (g) (2) b of the Code of City Ordinances.
3. To allow parking spaces in the rear yard. This request involves Sec. 27-408 (d) of the Code of City Ordinances.
4. To allow a parking space with the dimensions of 10 ft on the east, 7.5 ft on the west, 25 ft. on the north and 25 ft. on the south with no drive aisle behind it to count as a legal conforming parking space for off-street parking requirements. This request involves Sec. 27-410 (b) and Sec. 27-411 of the Code of City Ordinances.
5. To not be required to provide an accessible parking space. This request involves Sec. 27-414 (b) of the Code of City Ordinances.
6. To not be required to install the landscape buffer B (modified by type D) along the property line adjacent to the R3: Low Density Multi Family Residence District. This request involves Sec. 27-561 (a) and (c) (1) of the Code of City Ordinances.
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.

Craig Hibdon and Barbara Carroll were sworn in by the court reporter.

Hibdon stated he remodeled the property about 20 years ago, and the main concern now is the foundation and floor are in total disrepair. Hibdon stated his goal is to level the current building and build a brand new building on the same footprint. The parking lot will remain the

same. Board members questioned Hibdon regarding the parking lot, the street classifications for Gay St. and Mitchell St., and the parking space/driveway from Mitchell Street and the intent regarding ADA standards. Hibdon clarified the building will be brought up to ADA standards, but the request is to not require an ADA parking space. Carroll clarified that the adopted Building Code has its own requirement for an ADA parking space and that regardless of the Board of Adjustment might decide, the Building Code will still require an ADA parking space be installed.

Carroll offered Exhibits 1-5 to the Board of Adjustment, and they were received by the Chair. Carroll clarified the general intent behind the request is to bring the whole property into compliance, not just the structure, and that is why there are some many pieces to the request. Carroll reviewed and answered questions concerning the lot dimensions based on the 1998 survey, the required setbacks as they applied to a structure and the parking, and landscaping requirements. The Board of Adjustment discussed the landscape buffer requirements and the intersection of Gay St. and Mitchell St.

No public comment was received in the meeting. Nimmer closed the public hearing. Ex-parte contacts were disclosed by board members. None was indicated. Shaw moved to consider all six requests together. Love seconded. Approved 5-0 on a roll call vote. Freeman moved to approve the variance as requested. Crespo seconded.

A roll call vote was taken as follows:

Mike Shaw:	Yes
Anita Love:	Yes
Bryon Freeman:	Yes
Willie Crespo:	Yes
Don Nimmer:	Yes

The motion was approved 5-0. The variance was approved.

4.II VAR-35-2019: Request for Variance

444 E. Russell Ave.

Carroll summarized the nature of the request. The case is a request to allow the installation of a gravel parking area instead of a parking area paved with concrete or asphalt for Land Use 10.220 and Land Use 10.300. This request involves Sec. 27-412 (a) of the Code of City Ordinances.

Barbara Carroll, Scott Rasa, Mark Carter, and Cheryl Borgstadt Brown were sworn in by the court reporter.

Rasa offered Exhibit A to the Board of Adjustment, and they were received by the chair. Rasa stated he has worked with Miller Pipeline for the last year and a half in Higginsville with a supply yard, and now they are in Warrensburg to work on gas mains for the next 5 years. Rasa stated the long-term plan for the property is to develop the whole thing and not to spend \$300,000 to concrete an acre or an acre and a half for a temporary staging area for Miller Pipeline. Mr. Rasa and the Board of Adjustment discussed the different entrances on E. Young St. and E. Russell Ave., grading the property and how much of the property will be used for Miller Pipeline, the types of vehicles and equipment that will be used on the property.

Carroll offered Exhibits 1-5 to the Board of Adjustment, and they were received by the Chair. Carroll argued on behalf of the City that it is a not a temporary use. The first five years is using the property as a laydown yard and parking equipment and vehicles which is Land Use 10.220 and 10.300 and then there would be a change in use after the five years. Part of the variance is the driveways as well and since the variance runs with the land they could always remain as gravel even if there is a change of use in the future.

In rebuttal, Mr. Rasa offered to use temporary staging area for a limited time and stated he does not want the variance for future developments on the property. Mr. Rasa and the Board of Adjustment discussed the site and vehicle traffic on the property.

Public comment was received as follows.

Mark Carter, 433 E. Young St., stated he owns Elite Auto next door to the property, and offered Public Comment A to the Board of Adjustment. It was received by the Chair. Carter showed the portion of the property he owns to the Board of Adjustment and stated his and Rasa's plan to level the land between their properties. Carter stated he is glad to see the land cleared and said it is a good thing. Carter stated putting in concrete would cost \$300,000 or more, and it's temporary.

Cheryl Borgstadt Brown, 507 E. Young St., stated she has a piece of property nearby, and seeing the land cleared wanted to know more. With the trucks and stuff, it will ruin the concrete with them pulling in and out. She was happy to see the area cleaned up and supports a temporary gravel lot and loves the future development concept.

Nimmer closed the public hearing. Ex-parte contacts were disclosed by board members. None was indicated. Freeman moved to grant the variance to allow gravel parking not exceed two (2) acres on the southern portion of the lot for a period of six (6) years. Shaw seconded. Approved 5-0. Freeman moved to approve the variance as requested. Shaw seconded.

A roll call vote was taken as follows:

Bryon Freeman:	Yes
Willie Crespo:	Yes
Mike Shaw:	Yes
Anita Love:	Yes
Don Nimmer:	Yes

The motion was approved 5-0. The variance was approved.

Nimmer granted permission for the exhibits that were presented by the applicants, public and staff to be withdrawn by staff and maintained as part of the file.

5. Other Business – None.

6. Adjourn

Shaw moved to adjourn the meeting. Crespo seconded. Approved 5-0 on a roll call vote. The meeting adjourned at 7:30 PM.

Date: Oct 14, 2019

Donald Nimmer
Chair