

April 30, 2009

7:30 a.m.

Item 1. Roll Call.

PRESENT: Bill Griffey Sr., Rodney Rounkles, Dr. Nick Houk, Richart Andrew, Kenneth Dickey

STAFF PRESENT: Frank Davis, Kathy Twitchell

ABSENT: Jerry Woods, Sonny Parker

Chairman Griffey called the meeting to order and wanted the record to show that Kenneth Dickey, an alternate on the board, was present in Jerry Woods absence. A quorum was present.

Item 2. Approval of Minutes August 21, 2008

MINUTES APPROVED: A motion was made by Commissioner Rounkles to approve the August 21, 2008 minutes; Commissioner Andrew seconded. Motion approved.

Item 3. Public Hearing.

3 A. Variance Hearing Case Number BZA-09-00. Application for variance to display signs for a business with no public street frontage, Zoned C-3, Service Business District. Applicant and Owner: Jerry Bishop, B&B Enterprises.

Frank Davis, Director of Planning and Zoning gave the staff report. The property, owned by Jerry Bishop, is located at 1454 Kearney Road, Excelsior Springs, MO. The request is for a variance from City Code Chapter 403, Section 403.100 (2) for the purpose of displaying signs for a new business without street frontage on which to calculate allowable signage in the existing zoning.

The building and adjacent parking areas are recently completed new construction and are not yet open for business. However, after discussion with the owner, they plan to have the Quick Lube operation open by the first week of May. The remainder of the building that will house the other two businesses are not ready for occupancy.

Based on standards set forth in the city code for the Board, staff has come to the following conclusions.

The physical surroundings and location of the property do create a hardship on the applicant for the displaying of signs as required by city code.

The plight of the owner is due to unique circumstances. It is unusual for a commercial property located in a centralized commercial subdivision to be land locked and not have adjacent street frontage upon which signage can be calculated as outlined by city code.

The variance request, if granted, will not alter the essential character of the locality.

Staff can find no standard based on the facts of the case, environmental considerations, property inspection, or evidence supplied from the applicant that would require a negative recommendation to the Board for this request for variance to display appropriate signage in C-3 zoning.

Therefore, on the evidence of record, the proposal is supportable. Absent new evidence to the contrary at hearing, or otherwise brought to light, staff recommends approval of the requested variance for the enclosed signage as proposed by the owner, based on the Kearney Road frontage that runs parallel to the existing platted lot.

Pictures of the proposed signs were provided in the commissioners packets.

The applicant, Jerry Bishop, stated he owns the three businesses and has one tenant space ready. Mr. Bishop does not plan on expanding this building but may put something further back in the future.

Mr. Davis stated that 600 (six hundred) square foot of signage is allowed in C-3 zoning.

Commissioner Houk wanted verification if this meant the 3 (three) signs could total 600 (six hundred) square feet.

Mr. Davis stated the combined amount of all signs could be up to 600 (six hundred) square feet.

Commissioner Griffey explained that no less then a 4-1 vote is required for approval.

Commissioner Houk asked if any response was received from neighbor letters. Mr. Davis said no comments were received.

Commissioner Rounkles motioned to approve the variance request and Commissioner Andrew seconded. Motion was unanimously approved. Record shows a vote of 5-0 for approval.

Item 4. New Business.

4 A. No new business was presented.

Item 5. Adjourn.

No comments from the commissioners.

Commissioner Houk motioned to adjourn the meeting, Commissioner Andrew seconded. Motion approved. Meeting adjourned at 7:39 a.m.

Kathy Twitchell, Secretary to the Commission