



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
VIA ZOOM
FEBRUARY 23, 2021
6:00 PM**

Join Zoom Meeting

<https://us02web.zoom.us/j/85784186730>

Meeting ID: 857 8418 6730

One tap mobile

+13126266799,,85784186730# US (Chicago)

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Jan 26, 2021 6:00 PM**
- 3. Agenda Items**
 - A. SELECTION OF AN ACTING CHAIR**
 - B. PUBLIC HEARING - GREEN DISPENSARY SIGN VARIANCE**
 - C. GREENLIGHT DISPENSARY SIGN VARIANCE**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 19th day of February, 2021.

Daniel Barnett , City Clerk



**MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
VIA ZOOM
JANUARY 26, 2021
6:00 PM**

A. Call to Order

The meeting was called to order at 6:05 PM by

Attendee Name	Organization	Title	Status	Arrived
Viola Wieberg	Harrisonville		Present	
Shannon Sipple	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	
April McLaughlin	Harrisonville		Present	

Also in attendance were Debbie Glazner, Applicant; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

B. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Sep 1, 2020 6:00 PM

April McLaughlin abstained from voting as she had not yet been appointed to the Board for the September 1, 2020 meeting. With no additions or corrections, the minutes were accepted as written.

RESULT:	ACCEPTED [3 TO 0]
MOVER:	Gerald Saling
SECONDER:	Viola Wieberg
AYES:	Viola Wieberg, Shannon Sipple, Gerald Saling
ABSTAIN:	April McLaughlin

C. Action Items

1. Selection of an Acting Chair

Roger Kroh asked the Board if there were any volunteers to Chair the meeting. Gerald Saling suggested that Mr. Kroh lead this meeting and when a new member is appointed, the Board will take a vote the Chairman. The Board agreed.

2. Public Hearing - Ministerial Alliance-Shepherd's Staff Food Pantry

Roger Kroh opened the Public Hearing at 6:18 PM. There were no comments or questions from the public. The Public Hearing was closed at 6:19PM,

3. Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry

Minutes Acceptance: Minutes of Jan 26, 2021 6:00 PM (Approval of Minutes)

Roger Kroh presented a variance request from Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry. The request is for a variance for Zoning Code 405.550 (D) (2), to allow an accessory structure larger than 200 sq. ft., and located in the front yard of a building, visible from public streets.

Shepherd's Staff Food Pantry would like to construct a 420 sq. ft. aluminum carport on the south side of the existing ramp to provide a sheltered work area for the volunteers that unload delivery trucks and help load food for families using the pantry. The carport would be visible from Sanders Street, but not Commercial Street which is the main traffic corridor.

Deborah Glazner, Shepherd's Staff Food Pantry Board Member, explained the reasons that a carport is needed to improve conditions for volunteers working outside in the heat and cold.

Viola Weiberg thanked Ms. Glazner and stated that she is thankful for the pantry.

Staff recommends approval for the reasons stated in the Staff Report.

Gerald made a motion to approve the variance for the reasons stated in the Staff Report. Viola Weiberg seconded the motion. The motion was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gerald Saling
SECONDER:	Viola Wieberg
AYES:	Viola Wieberg, Shannon Sipple, Gerald Saling, April McLaughlin

D. Adjourn

Mr. Kroh asked the Board to put Tuesday, February 9th, on their calendars as there will be a meeting at 6:00 PM.

Gerald Saling made a motion to adjourn. Viola Weiberg seconded. The meeting was adjourned at 6:24 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Jan 26, 2021 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: February 19, 2021
SUBJECT: SELECTION OF AN ACTING CHAIR

Type of Item: *Approval*

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: February 19, 2021
SUBJECT: Selection of an Acting Chair

GENERAL INFORMATION

Missouri State Statutes Ch. 89.080 states that annually the members of the board of zoning adjustment are to select a chair and when the chair is absent the members are to select an acting chair. There have been some changes in membership since the last BZA meeting and Chairman Chris O'Connell is no longer on the BZA. It is recommended that the BZA select an acting chair for this meeting and in March. select a chair for the balance of 2021.

The current members are as follows:

- 1) Gerald Saling
- 2) Viola Wieberg
- 3) Shannon Sipple
- 4) April McLaughlin
- 5) Charles Hotchkiss

A. Action Item (ID # 3803)

SELECTION OF AN ACTING CHAIR



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: February 19, 2021
SUBJECT: PUBLIC HEARING - GREEN DISPENSARY SIGN VARIANCE

Type of Item: *Approval*

PUBLIC HEARING

Applicant: Maddie Ferson, Sign Designs, 1720 W. 7th Street, Joplin,

Location: 1408 State Route 291, Harrisonville, MO 64701

(Former Texaco Station next to Quik Trip)

Property Owner: David George, THF Partners, LLC., 10777 Barkley, OP,
KS

Business: Greenlight Dispensary

Zoning: C-2 Service Business District

Requestt: Variance to allow use of an existing pole sign and to
exceed the maximum sign face size and height allowed by
Ch. 435, Sign Regulations.

SEE STAFF REPORT

B. Action Item (ID # 3802)

PUBLIC HEARING - GREEN DISPENSARY SIGN VARIANCE



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: February 17, 2021
SUBJECT: GREENLIGHT DISPENSARY SIGN VARIANCE

Type of Item: *Approval***General Information:**

Applicant: Maddie Ferson, Sign Designs, 1720 W. 7th Street, Joplin,
 Location: 1408 State Route 291, Harrisonville, MO 64701
 (Former Texaco Station next to Quik Trip)

Property Owner: David George, THF Partners, LLC., 10777 Barkley, OP,
 KS

Business: Greenlight Dispensary

Zoning: C-2 Service Business District

Requestt: Variance to allow use of an existing pole sign and to
 exceed the maximum sign face size and height allowed by
 Ch. 435, Sign Regulations.

Background:

The recently opened Greenlight Dispensary at 1408 St Route 291 has acquired and remodeled the former Texaco service station that closed 11 years ago and left two unused 70-ft. pole signs. The Greenlight Dispensary is now seeking a variance to reuse one of the signs. They recently removed the second sign.

The height and size of the sign faces far exceeds what is allowed in the C-2 zoning district. The maximum height that is permitted is 50 ft. The maximum size sign face allowed for single tenant buildings is 100 sq. ft. As no unique situation or hardship exists, staff cannot support the request.

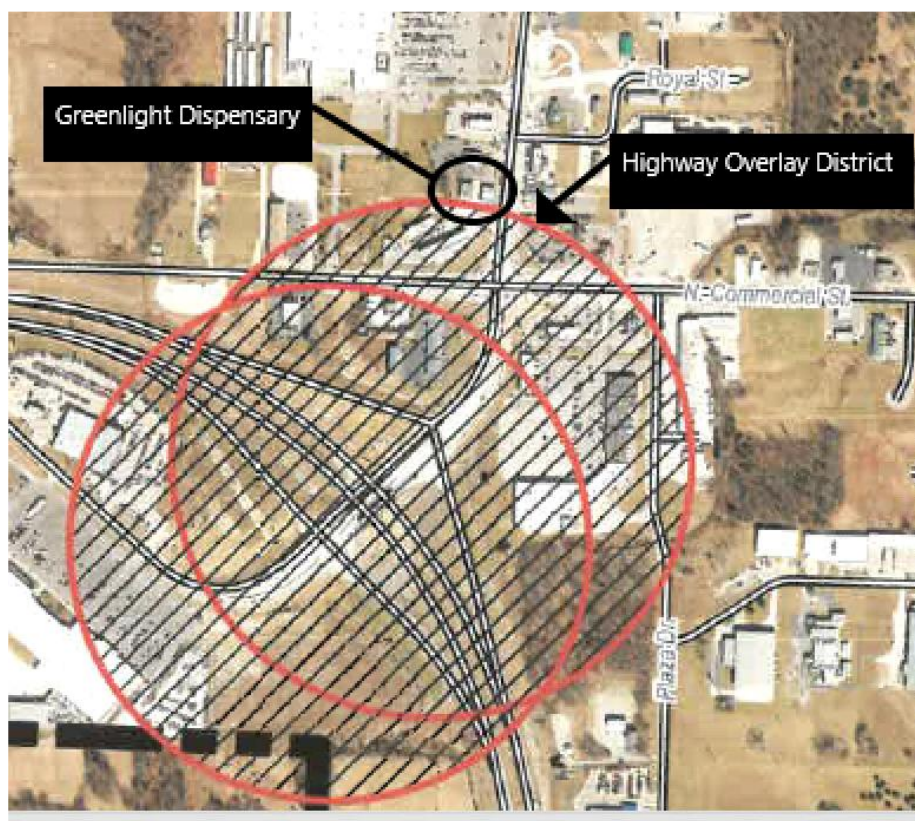
Pole signs are now listed as a prohibited sign in Section 435.100 of the sign regulations. However, Section 435.110, Amortization of Certain Prohibited Signs, states pole signs may remain in use if regular maintenance is provided, existing sign faces may be changed or modified, and existing pole signs are

not a threat to traffic safety. As this sign has fallen into disrepair and sign faces removed, it cannot be used unless the Board of Zoning Adjustment approves a variance.

If the applicant would reduce the height and size of the sign so as to not exceed the maximums in the sign regulations, staff would support a variance to reuse the poles as they are large enough in diameter that they do not appear to be the typical bare poles prohibited in the sign regulations.

If the site were in the Highway Overlay District, the Sign Regulations would permit the city to increase the maximum height permitted with a sign variance if highway sight lines dictate. In this instance, the Green Dispensary property is just outside the Highway Overlay District. See below.

Highway Overlay District



Greenlight Dispensary



Proposed Greenlight Dispensary Sign

Retrofit existing 18-ft. x 18-ft. hi-rise sign with new faces and new led corn bulbs



Existing Hi-Rise

SIGN Designs
SIGNDESIGNERS

1720 West 7th Street - Joplin, MO 64801
417-624-8688 Phone • 417-624-0933 Fax
www.sign-designs.com

Copyright ©

This drawing is provided for the purpose of illustrating the proposed project. Unauthorized use, copying, scanning or sharing is strictly prohibited and protected by law.

Electrical hookup by others. Electrical requirements: 120V (or as indicated)
All landscaping by others.

Customer Approval

Name & Title

Authorization

Date

Proof: 11/5/2020
Rev 1: 11/11/2020
Rev 2: _____
Rev 3: _____
Rev 4: _____
Rev 5: _____

Zoning Ordinance Provisions

Regarding the Board of Zoning Adjustment

Chapter 405.610 to 405.625 of the zoning ordinance of the city provides the following guidance regarding matters before the Board of Zoning Adjustments.

Section 405.610 Purpose

The Board of Zoning Adjustment may grant variances from the provisions of this Chapter in harmony with its general purpose and intent and may vary them only in specific instances hereinafter set forth. The Board of Zoning Adjustment, based on standards hereafter prescribed and after hearing, may decide that there are practical difficulties or hardship in the way of carrying out the strict letter of these regulations. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement or decision of the party appealed from or to issue an order or variance or to decide in favor of an appellant.

Section 405.615 (A) Standards

The Board of Zoning Adjustments may vary the provisions of this Chapter as authorized in this Section, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

1. Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?

Applicant: The visibility of the hi rise sign was one of many reasons the owner chose this property. Adhering to current code would result in less visibility among other hi rise signs in the area which may limit property value and economical return.

Staff: We believe that the property can yield a reasonable return with a sign that meets the maximum height and size requirements permitted in the C-2 district.

2. Is the plight of the owner due to unique circumstances?

Applicant: Significant engineering, design and construction activities would be required to bring the sign into adherence with sign code. Owner is seeking variance based on visibility from highway and surrounding hi rise signs permitted within zone C-2.

Staff: In this situation, we do not believe there are unique circumstances such as shape, topographical conditions, or physical surroundings. Financial hardship is not considered to be a unique circumstance.

3. Will the variance, if granted, alter the character of the locality and/or neighborhood?

Applicant: No. Owner is seeking to add sign faces to an existing structure resulting in minimal changes to the current signage landscape.

Staff: Even with a new sign face, we believe that a 70 ft. sign with a 324 sq. ft. sign face negatively affects the appearance of the area. If this variance is approved to provide for increased visibility, neighboring businesses could obtain variances and signs that are taller and larger for the same reason. based on the precedent being set and the visual impact on the area would be negative. The cumulative effect would negatively impact the appearance of the area.

Section 405.615 (B)

For the purpose of supplementing the above standards, the Board of Adjustment shall also, in making the determination of whether there are practical difficulties or hardship, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. Will the physical surroundings, shape or topographical conditions of the specific property involved bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out?

Applicant: Yes, adhering to the current sign code would require the owner to perform significant design, engineering, and construction alterations to the existing structure.

Staff: We recognize that modifying the existing sign in order for it to meet the Sign Regulations is far less costly than using the sign as is. However, financial hardship is not a unique situation on which a variance can be based.

2. Will the conditions upon which the petition for variance is based not be applicable generally to other property within the same zoning classification?

Applicant: Generally, this variance would not be applicable to other properties in this zone that are currently occupied. It may be applicable to former vacant properties that were constructed in accordance with former code requirements.

Staff: The conditions upon which the petition for a variance is based would be applicable generally to other properties in the C-2 zoning classification. If a variance justified by increased visibility is approved for this application, it would set a precedent for other neighboring businesses.

3. Has the alleged difficulty or hardship not been created by any person having an interest in the property at any time after the effective date of this Chapter?

Applicant: No, it has not been created by anyone having an interest in the property.

Staff: We believe that the alleged difficulty or hardship is one that is created by the applicant.

4. Will the granting of the variance not be detrimental to the public welfare in the neighborhood in which the property is located?

Applicant: No, it will not be detrimental as the sign we are requesting a variance for is an existing dilapidated sign. Owner wishes to update the sign and improve overall appearance.

Staff: We believe that allowing a 324 sq. ft. sign that is 70-ft. tall will be detrimental to the public welfare in the neighborhood in which the property is located, particularly if the other nearby businesses are allowed to subsequently have 324 sq. ft. signs that are 70 ft. in height.

5. Will the proposed variance impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood?

Applicant: No, the desired updates to the existing sign will not result in any of above risks.

Staff: Although difficult to measure, we believe that the unsightliness of a sign of the requested height and size requested by the applicant will diminish or impair property values. This will certainly be the case if a new precedent is established that will allow other neighboring businesses to erect signs that are 70 ft. in height and 324 sq. ft. in size.

Recommendation:

Approve motion to deny a request for a variance for a sign at 1408 State Route 291 that is 70-ft. in height and has a sign face that is 324 sq. ft. in size based upon the following findings.

- 1) The property in question will yield a reasonable return if used with an elevated sign that meets the height and size requirements of the City.
- 2) The plight of the owner is not due to unique circumstances such as shape, topographical conditions, or physical surroundings of the property.
- 3) The physical surroundings, shape or topographical conditions of the specific property involved will not bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.

- 4) The conditions upon which the petition for a variance is based would be applicable generally to other properties in the C-2 zoning classification. If a variance justified by increased visibility is approved for this application, it would set a precedent for other neighboring businesses.
- 5) The alleged difficulty or hardship is one that is created by the applicant.
- 6) Allowing a 324 sq. ft. sign that is 70-ft. tall will be detrimental to the public welfare in the neighborhood in which the property is located, particularly if the other nearby businesses are allowed to also have 324 sq. ft. signs that are 70 ft. in height.

Although difficult to measure, we believe that the unsightliness of a sign of the requested height and size requested by the applicant will diminish or impair property values, especially if a new precedent is established that will allow other neighboring businesses to erect signs that are 70 ft. in height and 324 sq. ft. in size.

C. Action Item (ID # 3801)

GREENLIGHT DISPENSARY SIGN VARIANCE