

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT

Tuesday, January 25, 2022 - 4:00 p.m.  
1100 Frederick Avenue – Council Chambers

Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met, on Tuesday, January 25, 2022 at 4:00 p.m.

	<u>Name</u>	<u>Members' Term Attendance</u>	<u>End of Term</u>
<b>MEMBERS PRESENT:</b>	Seth Slayden	(04-00)	02/23/24
	Michael Grimm	(13-01)	05/21/24
	G. Brent Powers	(02-00)	08/09/26
	Joe Morrey (alternate)		
<b>MEMBERS ABSENT:</b>	Jo Pruitt	(02-03)	03/22/26
	Terry Hall	(03-01)	06/14/26
<b>STAFF PRESENT:</b>	Jason Soper, Assistant City Attorney Zack Martin, City Planner Rebecca Shipp, Executive Administrative Assistant		

Four members constitute a quorum.

Grimm called the meeting to order at 4:06 pm.

*(Verbatim transcript starts)*

Grimm: Do we need to have a roll call first to see if we have a quorum?

Shipp: Brent Powers

Powers: Here

Shipp: Jo Pruitt

\*silence\*

Shipp: Mike Grimm

Grimm: Here

Shipp: Terry Hall

Hall: \*silence\*

Shipp: Seth Slayden

Slayden: Here

2022 JAN 27 AM 10:54

CITY CLERK

Shipp: Joe Morrey

Morrey: Here

Shipp: We have a quorum.

Grimm: Okay. We have a quorum. Do you have the rules of conduct? I'll read through them right quick. I think I know it, but. Okay. A uh, certified copy of chapters 11, 26 and 31 are available. Um, the following rules of conduct will apply: Give your name and complete address. No one may speak more than twice on the same subject. No one may speak more than ten minutes at a time without permission from the Chairperson. No one may speak a second time on a question until every person who wants to speak has done so. All submissions of evidence, photos, drawings, will be retained by the Board of Adjustment and will become a part of the permanent file. Okay, so if it's okay with everyone, we'll just wait until the end to, to take up the minutes.

Grimm: Are there any changes to the agenda?

Martin: Uh, no changes.

Grimm: Okay. Alright, Zack, uh, let's see. The first case is

Martin: Uh, the first item is a request for an exception from Section 31-131(g) and all other sections of the code of ordinances and Section V subsection d of the Tuscany Village Precise Plan to allow the erection of a sign displaying an electronic variable message for a period of 8 second intervals. The applicant is Larry Knapp on behalf of Raymond Sisson. And the location is identified by parcel id #. It is parcel 03-7.0-26-003-000-025.000. Uh, you can see on the map within the staff report that it is located just north of cook road uh, in that parcel along interstate 29. So again this uh, this request is for an exception to build an electronic sign that has a variable message for a period of 8 second intervals. Uh, the property is located along the western edge of Interstate 29. And currently, the City Code allows for 15 second dwell time on electronic signs, which is primarily a consideration for any signage located along trafficways with slower speeds than interstate highways. Additionally, given the nature of the sign, it would likely be operational outside standard business hours outlined within the Tuscany Village Precise Plan. Uh, this request would allow the sign to utilize dwell times in-line with other municipalities with similar(sic), similar regulations and benefit the property in regard to promoting business along the interstate corridor. In reviewing this application, staff found that: The exception would not be detrimental to the surrounding area, as the sign would be primarily visible from the interstate, while also being in a largely commercial area or area proposed for commercial development and being compliant with all other sign code regulations and requirements, Staff also found while the proposed signage does not meet the requirements of the specific parcels indicated, this inconsistency is limited only within the dwell time of the proposed signage screen and in all other capacities the exception would be in keeping with the purpose of the sign code. In staff's findings, this would be a minimal modification to the sign code, uh, just allowing a shorter dwell time, which again is in line with many other municipalities and is also in line specifically with the MoDOT code regarding uh, electronic signs. Uh, this would be the only regulation or

requirements of the existing code and precise plan that would need to be modified. And finally, staff found the enforcement of the Code and Precise Plan as written would result in potential financial impacts to the property owners. Promoting commercial operations is a key part of any business and the ability to relay this information to passing traffic is important. By shortening the dwell time of proposed signage, the business would have more opportunity to reach traffic traveling at higher speeds along Interstate 29. And this exception would serve as step towards promoting the area's commercial opportunities and the wider community as a whole. And so, with this, staff does recommend approval of the request.

Grimm: Okay. Thank you, Zack. Is there anyone here who would like to speak in favor?

Martin: And I will note that for everyone on the Board that the applicant is unfortunately not able to be here today. He is ill so he is not able to speak on behalf of the application.

Grimm: Okay. Uh, does anyone have any questions?

Morrey: I'd ask a couple. It says it's within specifications of City and State. That is a big billboard; 48', what, what is the maximum dimensions of billboards along the highway? Allowable? I didn't have time to look it up in the code. That's why I'm asking.

Martin: Absolutely. I actually need a copy of the code for that because now it escapes my mind. I apologize.

Morrey: I think that's gotta be the maximum size.

Martin: Yes, right at the maximum. I believe the exact square footage is I believe right at 600 and it would be right at that.

Morrey: I think it's 682 or something. 672.

Martin: 672

Morrey: I couldn't even picture 48' when I saw that. Are those signs that big along the Belt Highway?

Martin: Typically. That's a fairly typical size.

Morrey: Okay

Martin: And, and this isn't on the Belt. Are you talking about-

Morrey: I know. I was making a comparison. Because my mind went to the one at McDonalds.

Martin: Gotcha. That larger one right there.

Morrey: Um, is there any others within a close proximity to that location?

Martin: Not within immediate proximity. That area is kind of largely undeveloped at the moment so, nothing of this size or nature is there at the moment.

Morrey: And that's why I occurred to me to ask cause this is going to set the tone for it. What it looks like.

Martin: The design specifications would still have to be to the precise plan's standards and the City's general code. This is strictly just for the electronic signage moving at a faster clip than what is currently allowable in the code.

Morrey: Yeah. And that makes us easy for us to vote because that's not significant or substantive. Is, what, is there any limitation that that process will engender? As far as placement goes? I mean,

Martin: Not the specific process. As far as locating the sign and any other design specifications, they are within code regulations. So, this really is just limited to that.

Morrey: Okay. So it would be granted and wouldn't be before us if they were leaving it at 15 second intervals?

Martin: Yes.

Morrey: Okay. Thank you.

Grimm: Any other questions? Rebecca-

Slayden: I have a question. I'm sorry.

Grimm: Okay.

Slayden: So I was reading through this packet and the letter from the applicant references an exhibit A about other cities utilizing an 8 second dwell time. I guess my concern is people driving at high speeds on the interstate. We want them to keep their eyes on the road. Digital billboards are unique in that they take our eyes, they can sometimes catch our eyes when they change. And so, if it is true most other cities and municipalities on interstate corridors use digital billboards then I guess I wouldn't see that much of a problem with it. Um, but I didn't see that exhibit A and was hoping that someone could speak to that and educate me a little bit.

Martin: Unfortunately, Larry's not able to be here to speak on that. I did check the Missouri Department of Transportation code that he specifically referenced. 8 seconds is the limit of how quickly a sign can change in the state so it would appear to be consistently enforced in that aspect across the State. So, traveling on the highway about 70 miles per hour that would allow you to see a sign and typically the switch time is about a half a second or so between the two different displays or whatever you're advertising on that sign. So, it is upheld within MoDOT's code. So, they're basically requesting to be as flexible as the State currently allows.

Slayden: Do you know, like, if the City of Kansas City or uh, Springfield or any other, do you personally know what their requirements are?

Martin: Off hand, no. Kansas City or other larger ones, I mean I am familiar with electronic billboards along 35 going south from downtown and that area of Kansas City and the dwell time is about comparable. Just from personal; experience. I live in Kansas City, so I do see it every single day. Okay?

Grimm: Any other questions?

Morrey: Seth, are you finished?

Slayden: Yes, I am.

Morrey: I, I think that's an excellent point. I mean, we're supposed to be making this decision and the exhibits not attached that confirms that other cities are down to 8 seconds. That's a substantial change. Cutting it in half from 15 seconds \*inaudible\*. I hadn't thought about that. But it does catch your eye when it changes.

Grimm: Does MoDOT regulate the signage and, I mean it's, it's just a city regulation? Or does MoDOT regulate?

Martin: The 15 seconds is a city regulation.

Grimm: Okay.

Morrey: To answer your question, they regulate everything out of, outside the city limits. As where, where you can place them and how many

Grimm: Okay. I, I, that's what I was curious whether this applied for St. Joe or whether MoDOT

Morrey: I'll give you an example, we're just having a discussion here, at Dearborn

Grimm: Uh-huh

Morrey: when you're coming north you know, and you see the seven signs crammed together? Before, I'm old enough to remember, when we were beautifying the country, they were moving, they weren't renewing billboards along the highways, they were trying to remove them. Or move them back, you know, 500' from so you couldn't see it. I think Dearborn annexed that so they could do that.

Grimm: Put their signs up.

Morrey: Yeah. \*inaudible\* It's a total eye sore.

Grimm: It is, yeah.

Morrey: So, I almost feel like we should request to table until we see, or someone checks out. If we're going to the minimum time required by MoDOT that's a pretty substantial move. It's, It's not, It's the bottom. It's the shortest time they recommend.

Grimm: So what, what would you like to see? Just regulations that MoDOT has?

Morrey: The guy's exhibit-

\*Inaudible – several speaking at once\*

Slayden: Yeah, I think a lack of record for our purposes is problematic despite the fact that I have total confidence in Zack and what he's telling us. Not having the exhibit or the applicant here to testify is a problem for me.

\*inaudible\*

Grimm: Someone want to make a motion to wait until we get a copy of the exhibit for next month?

Morrey: That's a great motion. And I'd like to include too that Zack would check out if that, that exhibit if it does not contain other significant cities such as Kansas City or ones like Columbia you know comparable in size, that he checks it out himself also.

Grimm: Okay. Is there a second to the motion?

Slayden: I'll second.

Grimm: Okay.

Shipp: Brent Powers

Powers: Yes

Shipp: Michael Grimm

Grimm: Yes

Shipp: Seth Slayden

Slayden: Yes

Shipp: Joe Morrey

Morrey: Yes

Grimm: Okay, so that uh, we'll table that until the next month. Uh, let's see, uh the next

Martin: Alright. The next item is a for an exception from Sections 31-053(12) and 31-022(c) and

any and all other Sections of Code of Ordinances necessary to allow off-site parking at a parcel with no primary structure. So, as stated this request is for an exception to allow off-site parking uh, on a piece of property that does not currently or likely ever will in the future have a primary structure. The property is located across the alleyway from the primary residence of the applicants who are William and Sandra Sarnowski. Uh, the specific location of the project property is at 203 Yale Street. The property is located across the alleyway as I have stated from the primary address of the applicants and is at the base of a very large and steep hill. Uh, it's been utilized for several years as a parking area by the applicants and this request would formalize this and allow the residents to continue that use without citation. The parcel technically meets the requirements for parking being within one block of the primary residence, however, it does not meet the standards of rear-yard parking outlined within the City Code, being a mix of grass and gravel with no defined boundaries. In reviewing this item, staff found that: the exception would cause hardship to the surrounding area. As stated above the property in question has been used for the purposes of parking for several years. The property is located at the junction of two alleyways, at the rear of properties located along King Hill Avenue and Harvard Street. The continuation of this use brought up to meet rear parking standards would have minimal impact to the surrounding neighborhood. Additionally, Staff feels that the exception sought would be in keeping with the purpose of the parking code. As stated in the background, the request is somewhat unique given the terrain of the subject property and the use itself. Technically, required off-set(sic), off-site parking shall be provided on the same lot as the main building, or within the same block. This parking area lies within the same block, though does exist on its own residentially zoned property without a primary structure. The steep grade of the property makes residential development unfeasible and the primary benefit of the property to the owner would be for accessory uses and parking. The primary issue would be the nonconformance with rear-yard parking standards requiring an impervious or gravel surface for parking, bounded in by railroad ties or some other sort of def(sic), definition., as in defining the area uh, which is addressed in the final staff recommendation. Staff finds that is would be a minimal modification to the applicable code, simply allowing the continued use of the property for parking uses. The property would still be subject to any and all residential regulations within the City Code. Finally, staff found the literal enforcement of the ordinance would result in inconsistent restrictions due to the consideration of the terrain of the existing residential lot and the inconsistency of what is outlined in the City Code. The current lot is largely unbuildable or usable for most other permitted residential uses, and the Code allows for parking within a certain distance of residential uses as long as it is maintained to standards outlined in the Code, which are conditions of approval in this case. So, referencing all this, staff does recommend approval of the exception with conditions, the conditions being the full graveling of the parking area and delineating the area with railroad ties, landscape timbers, masonry or some other method that defines the area for parking.

Grimm: Okay. Is there anyone here who would like to speak in favor? State your name and address please.

Speaker: Excuse me?

Grimm: State your name and address please.

Speaker: My name is Sandra Sarnowski. I live at 5911 King Hill. The property at 203 belongs to us. It's right behind the property as it says in those pictures. We've used it, bought it in 2008 and had it separated from 205 Yale for the purpose of parking and asked at that time if we could build a garage and that's when we found out that we couldn't because there was no primary structure, but they never said we couldn't park there until this year. For 13 years we parked there. We have a boat. We have a trailer. And we have, just, you know, the things and we live on King Hill and parking you know on King Hill is treacherous. \*Inaudible speaking away from microphone\* We actually bought that property in 2008 right after my son graduated from high school and he had had two vehicles hit on King Hill cause we didn't have sufficient parking in the back. He had to park on the street. So, we've been using it ever since. We have no problem with graveling it doing whatever we need to do just so we can continue to use it. \*Inaudible speaking away from microphone\*

Grimm: Okay. Thank you. Anyone else wish to speak?

Speaker: My name is Robert Summers. I own the property at 204 Harvard. The alley is behind mine and the property is beside the alley that they live and are trying to park. I have no problems with it. I'm glad they're doing it because over the years I bought my property in 87. I was offered that property late 80s early 90s by a person and I said I didn't want it because of the hill. There was no, nothing on the hill for me to add to my property \*inaudible speaking away from microphone\* you know, having a dog in the backyard and stuff. And over the years, uh, we've helped each other maintain the alley. So there's parking, because the parking for my property is behind the house cause it's a steep hill out in front of the house to. In the wintertime it's impossible \*inaudible speaking away from microphone\* And, you know, I'm in favor of them to get the property because they maintain the property and you know, keeps it nice back in the back. Before that when the other person had it, then I, I was getting letters over the property when it wasn't even my property because they thought it was attached to mine but there was an alley between us. I had to, when I bought the property for my Grandma to live in so she could have parking by the backdoor. And made sure the city came out and we okay's that it was an alley and I graveled it so \*inaudible speaking away from microphone\* for parking and these people bought it right next to the alley and over the years we've helped each other maintain that alley. And I'm glad they've got it. They've got flowers planted on it. Got peonies on it. It should flower it up a little bit. But that's all I got to say about it. I'm for them.

Grimm: Thank you very much. Anyone else wish to speak? Anyone here want to talk about it? I, I applaud you for uh, going before the Board and asking for a variance. I spent seven years as Chairman of the Administrative Violation Review Board which dealt with property maintenance violations, and this is a very common one that people parking in their yards that don't gravel it and it becomes a mess, a muddy mess. So, I applaud you for coming forward and trying to do it the correct way.

Sandra Sarnowski: I appreciate that.

Grimm: Is there anyone else?

\*inaudible speaking away from microphone on podium\*



William Sarnoski: Where we are parking, we do have the gravel. \*inaudible speaking away from microphone\* Now that I've bought another trailer and have more to park. I will add gravel to that and maintain that.

Powers: Good

Grimm: Good, appreciate it.

William Sarnowski: We take care of it.

Morrey: Sir, before you leave there, can I ask you a question?

William Sarnowski: Yes Sir.

Morrey: Can you place the perimeter around it, define it as a parking area?

William Sarnowski: Yeah, oh yeah. Absolutely.

Morrey: Alright. I think that's what they're recommending.

William Sarnowski: Yeah. I mean, I got concrete block here and there.

Morrey: Sure

William Sarnowski: But where there's, like I said started parking the trailer is not. I'll get it all lined out

Morrey: Yeah

William Sarnowski: by spring time. I don't know if I can right now.

Morrey: It's, it's just a request it'll just look like a parking area.

William Sarnowski: Right.

Grimm: Yeah, usually outlined by uh, railroad ties or just something to contain the gravel.

\*Inaudible – several speaking at once\*

William Sarnowski: Thank you.

Grimm: Thank you. Okay. Uh, anyone else?

Sandra Sarnowski: I have one more question.

\*Inaudible – several speaking at once\*

Sandra Sarnowski: Because we was talking about the lining of it, Sandra Sarnowski, 5911 King Hill, uh, so we'll be allowed to have grates in that so we can pull into different places because it's, it's not very wide. It's really deep.

Martin: Yeah, ingress egress would be acceptable. We understand configurations are different all over the place for parking areas. The big part is delineating the greater body of it. So making sure it is clearly distinct for \*Inaudible – several speaking at once\* parking space.

Grimm: And, and one of the things you know, the weeds for example grows up in the gravel and then and so if you, you something outside of that isn't for parking area so that would be a different situation. Stops the gravel, stops the weeds and looks like a parking area. Okay. Rebecca.

Shipp: Do we have a motion to approve?

Powers: So moved.

Morrey: I'll second that.

Grimm: Oh yeah, forgot that.

Shipp: Brent Powers

Powers: If you said Brent Powers, then yes

Shipp: Michael Grimm

Grimm: Yes

Shipp: Seth Slayden

Slayden: Yes

Shipp: Joe Morrey

Morrey: Yes

Shipp: Thank you.

Grimm: Okay. That passes, enjoy your parking place.

William Sarnowski: Thank you.

Sandra Sarnowski: Thank you.

Grimm: Okay then, the next item I guess is uh, the approval of minutes. Does anyone have questions or corrections or additions?

Powers: Approve

Grimm: Second? Anybody? I'll second.

Shipp: Brent Powers

Powers: Yeah

Shipp: Michael Grimm

Grimm: Yes

Shipp: Seth Slayden

Slayden: Yes

Shipp: Joe Morrey

Morrey: I don't know about the minutes. Do you need my vote?

Grimm: Whatever it is you're in favor of it.

Morrey: Yeah, I'm in favor. Yes.

Grimm: Okay. And we're supposed to elect uh, officers but can we delay that until month? You know you hate to put ol' Terry in there when you can't face him and tell him he's gonna be. So, if, if there's anything else that I need to cover?

Powers: Don't think so.

Grimm: Okay.

Powers: Motion to adjourn – so moved.

(Verbatim ends)

Meeting adjourned 4:30 pm

Minutes respectfully submitted.

Rebecca Shipp