

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT
 Tuesday, April 25, 2023 - 4:00 p.m.
 1100 Frederick, Council Chambers
 Regular Meeting

Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met, on Tuesday, April 25, 2023 at 4:00 p.m.

	<u>Name</u>	<u>Members' Term</u>	<u>Attendance</u>	<u>End of Term</u>
MEMBERS PRESENT:	Seth Slayden		(13-00)	02/23/24
	Lindsey Bachman		(04-00)	03/22/26
	Joe Morrey		(05-01)	05/12/24
	Grace Hammett		alternate member	
MEMBERS ABSENT:	Terry Hall		(10-03)	06/14/26
	G. Brent Powers		(08-03)	08/09/26
STAFF PRESENT:	Jason Soper, Assistant City Attorney			
	Brandon Kanoy, City Planner			
	Rebecca Shipp, Executive Administrative Assistant			

Four members constitute a quorum.

Slayden called the meeting to order at 4:00 pm.

(Verbatim transcript starts)

Slayden: It is April 25, 2023. This is the Zoning Board of Adjustment for the City of St. Joseph. I'm calling this meeting to order. We have certified copies of Chapters 11, 26, and 31 available. Ms. Shipp, will you please do roll call?

Shipp: Brent Powers

silence

Shipp: Joe Morrey

Morrey: Here

Shipp: Lindsey Bachman

Bachman: Here

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CITY CLERK

Shipp: Terry Hall

silence

Shipp: Seth Slayden

Slayden: Present

Shipp: Grace Hammett

Hammett: Here

Slayden: We have a quorum. Uh, there is one case uh, to be heard by us. There was originally another case. Um, but I understand that has been postponed um, to next month's meeting. Um, we also have an election of officers on the um, agenda but given that we don't have our normal full board, uh, I'll entertain a motion to postpone that to our next meeting.

Bachman: I will so move.

Slayden: Is there a second?

Morrey: Could I have a point of information? What are we voting on exactly?

Slayden: Election of officers.

Morrey: Oh.

Slayden: Chair and Vice Chair.

Morrey: I'll second that.

Slayden: Any discussion? Um, I have a motion and a second. Ms. Shipp, will you call the vote please?

Shipp: Joe Morrey

Morrey: Yes.

Shipp: Lindsey Bachman

Bachman: Yes

Shipp: Seth Slayden

Slayden: Yes

Shipp: Grace Hammett

Hammett: Yes

Slayden: Very good. Uh, does the City have any other postponements or adjustments to the agenda?

Kanoy: The only postponement or adjustments to the agenda are for case 2500. That agenda was heard just about a year ago for this specific project and none of the facts have changed. And then case 2501 has been postponed until the following meeting.

Slayden: Okay. Very good. The following rules of conduct have been adopted by the board; um, those are on the first page of our minutes. Um, when you speak give your name and complete address, no one may speak more than twice on the same item. 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 and all submissions of evidence, i.e., photos, drawings, will be retained by the Board of Adjustment and will become a part of the permanent file. The first case number 2499 a request for an exception from Sections 31-130 subsection (c)(2)(e) and any and all other Sections necessary to allow for a pole sign greater than 100 square feet located on the property at 3727 Frederick. Does the City have a report?

Kanoy: The City does. Staff's recommendation for this case is denial. This is a request for a 30' tall sign, approximately 150 something square feet for the property located at 3727 Frederick Avenue. It would advertise for Southern Bank which is located on the property. It was formerly Citizens Bank & Trust. The property is currently displaying legal conforming temporary signage that we permitted oh about a month ago. And the new proposed signage in this package would be 2 static faces: one that's a circle sitting on top and a rectangle below and then a changeable message board below that. And they're proposing timing of 15 seconds with instant change which does meet our city code. The current signage there is legal conforming. It's about a hundred square foot; about 15 to 20 feet tall. And it has a manual changeable position for banners that's lower down.

Slayden: Thank you. Does anyone have a question for the city?

Hammett: I do. So the maximum signage is, can be 30 feet or 20 feet with the sign on that?

Kanoy: Yes. So the maximum height for signage is 30 feet. So that's to the top of the sign. Cannot go above 30 feet. And then the maximum square footage for the sign is a hundred square feet.

Hammett: Thank you.

Morrey: And that height, the interchangeable use of the pole is not the height of the pole.

Kanoy: That is correct.

Morrey: A pole with a sign amount to 30 feet.

Kanoy: That's correct. In this sign package I think the sign was roughly 14 feet.

Morrey: Um, and we had this debate in great detail last fall. I know. I don't know if you were in your position at that time. Were you?

Kanoy: Yes, I was for the second Peterbuilt application.

Morrey: Yeah, Peterbuilt. I see it now is up as I go down I-29. I can't read it like I said when I was arguing against it but uh, I guess it's there. We didn't have any trouble passing that one. What's the distinction here?

Kanoy: The distinction for this package is its location and the current signage is highly visible. We find that the new signage proposed we don't find it a hardship because we don't require signs to be 30 foot tall. At 15-20 feet its extremely visible right now. The necessary extra square footage in this package is to compete with the other signage in the area that is also tall which is not a hardship.

Morrey: Is the other signage you're referring to, they're trying to compete with, in conformity

Kanoy: Most of that signage is legal non-conforming, I think. The Reed signs look to be about 40 feet tall. Most everything else is about 30 feet tall.

Morrey: They're at 20 feet.

Kanoy: The existing signage is about 15 or 20 feet, yeah.

Morrey: Well, you're telling, that's good enough. That's specific. Half the height of the others. Two-thirds, and they're asking to go to 30 and a hundred and fifty square feet. Is that right?

Kanoy: Yeah.

Morrey: Do you know what the square footage is in excess is of the Peterbuilt got approved?

Kanoy: I do, yes.

Morrey: How much was that?

Kanoy: I think it was a hundred and fifty square feet over.

Morrey: 250 square feet?

Kanoy: 250 square feet total I think yes. It was 256.

Morrey: 256 square feet.

Kanoy: Uh-huh.

Slayden: Any other questions for the city?

Morrey: Well, I have a couple more. Are you saying that it's a danger to the vehicular traffic there at the site?

Kanoy: No, we're not making any claim to the safety of the proposed signage. It is more that wanting to have a taller, taller sign than is currently there and wanting to have it larger to be able to compete with other signage which is either legal conforming or grandfathered in is not considered a hardship.

Morrey: According to, to you it isn't. Is there some law that says that?

Kanoy: It's according to our City Code in what we need to look at for recommendations.

Morrey: Okay. Thank you.

Slayden: Any other questions for the City? Hearing none, is there anyone in the audience that would like to speak for or against this request? Yes, sir. Please approach. Um, please be sure to um, give us your name and address and speak clearly please. Thank you.

Speaker: Chris Hampton, 4825 East Kearney Street, Springfield, Missouri 65803. Um, I have handouts for visuals if that's okay to approach.

Slayden: Yes.

Slayden: You may proceed.

Hampton: Okay. Um, wow (sirens in background), sorry, um, the difference in what a hundred and fifty square feet is, is the way the City measures the signs. They do rectangular. We have a circle and two rectangles. Our actual face square footage is *inaudible-sirens* but the way the code requires it to be measured is a rectangle so our, our face does not fit onto the old sign. That's one of our deals. Because we're trying to *inaudible-sirens* brand standard and it's just not a rectangle. But square footage-wise that actual square footage is a hundred square feet. Um, the height of the pole we can adjust that. It was 30, max of *inaudible-sirens*. That's what they did. If you look at the photos I gave you, our sign does sit lower than the surrounding ones already. And so my proposal for the height of it would be to make the bottom of that electronic message center 10 feet above the ground which would make it about 25 ½ feet tall. And the 10 feet is just kind of a standard for a lot of places so people just don't run up and hit it. Stuff like that. But they would be very glad to lower that pole. Um, as far as sight, you can see from both views that that sight, sign is not super, super visible especially going west. I'm sorry, going East because of the power lines. Um, we went to a single pole. The old signs had the two cladded poles which do cause a visual distraction when you're trying to pull out and so they went with a single pole to try to alleviate that problem. Uh, and also by code we're set back two feet which actually gives us a hundred and twelve square feet of signage instead of a hundred. And that is from 31-130 (c)(2)(e) is the code for the setback on that. Um, extra signage, extra square footage. But the main thing is that the way it's measured is what the problem is because we're having to measure a few our signs' actually two feet more narrow. It's just taller. The old sign is twelve by eight. And also the way the code reads, I mean they're saying it's legal conforming but they have a cabinet attached to the bottom so if they were actually to measure that with it the existing sign is a hundred and ninety-six square feet. And I think we are in spirit with the code and surrounding businesses to try and display our brand. Even though it's in excess of 50 square feet by actual face it's not. If you look at all the other signs around; CVS, Walgreens, all those have upper cabinets, lower cabinets that are separated by quite a ways. I feel like our sign is more compact than those are, more put together than being spread out.

Slayden: Thank you Mr. Hampton. Are there any question, uh, for the applicant?

Hammett: I have. It looks like there are three signs here. Is the total 156 including the circle on top?

Hampton: Correct. Yeah, because there measuring a circle instead of a rectangle it's measuring 10 feet wide by like I think 15 and a half from the top of the circle down to the bottom of the message center. But individually or of you measure each one individually it's a hundred square feet.

Morrey: Do you have another question, Grace?

Hammett: Oh, no.

Morrey: Could I?

Hammett: Yes, please.

Morrey: Um, am I understanding you to say the actual square feet is 100 square feet?

Hampton: The actual square feet is 100 square feet. The actual square feet of the faces of those signs are a hundred square feet total.

Morrey: Of those three?

Hampton: Of those three yeah. The circle is 28.27 it's actually a hundred point 27. The circle is 28.27, the uh, main cabinet that *inaudible* is 40, and the uh, message center is 42.

Morrey: And because I think what you refer to is that our ordinance required it to be squared out.

Hampton: Correct. The actual face area is a hundred square feet.

Morrey: And this is a new bank *inaudible*.

Hampton: Correct.

Hammett: Question. And so, on this, on this drawing 30 feet is to the bottom of the sign?

Hampton: Yes. That's ground level to the top of the circle is 30 feet.

Hammett: To the circle is 30 feet?

Hampton: Correct.

Hammett: Oh I see.

Inaudible-more than one person speaking

Hampton: And like I said, we could definitely go down. It would be like 26 and a half or something like that. We would put the message board 10 feet above grade which is a normal standard.

Morrey: Instead of 14.8?

Hampton: Correct. I mean the sign that was in the notes was high. No problem lowering it but I think we should leave that at least ten feet above. People walking and trying to jump up and hit it wouldn't be good. Unless they're like superior athletes they couldn't jump up and smack the sign.

Morrey: This is a procedural thing from my understanding, or our understanding of the board. Um, did you have this conversation with the office when you made your application?

Hampton: I'm sorry.

Morrey: Did you have this conversation?

Hampton: I did not personally submit the application. It's from our office.

Morrey: But do you know if your office was informed of this?

Hampton: Yes.

Morrey: And what did you understand you needed to do? Come here?

Hampton: Yes. Correct. I mean the main thing is that circle is what's really thrown us over. And that's, I mean, for us to be within the city code the signs gonna be half that size. And that's, and that would not look anything like anybody in the surrounding businesses or any other banks, competitors at all. It would be half the size of everybody else's.

Slayden: So the Citizens' Bank old sign, was it a hundred square feet?

Hampton: It's 96 and it's 20 feet tall.

Slayden: Okay. Thank you.

Hampton: I'm sorry.

Kanoy: You're fine. You have way more accurate measurements. It was windy.

Slayden: I'd just like to know, did you guys consider or ever um, come up with any drawings that would have shown what your logo would have looked like if you would have tried something

Inaudible-more than one speaking

Hampton: --half that size. It would literally be, that circle would be two foot nine inches so it would be this big (demonstrating with hands) and the other EMC would be two by four. The other sign would be what two and half by five.

Slayden: Uh-huh

Hampton: That's what I'm saying. If you put, if you actually put those side by side, they're literally half of what that shows. Which is nowhere close to the surrounding signage. It's, it's because of the shape with the circle in there. With just the circle area we're losing 58 square feet in air.

Slayden: You wouldn't happen to have a copy of any of those comparisons, would you?

Hampton: I don't.

Morrey: Is this your standard-

Hampton: This is the brand standard, yeah. And actually the circles are bigger at some of the other locations that they're doing. They're seven feet.

Bachman: And I understand that's, you know, your brand and logo. Um, is the electronic board standard in all of the signs?

Hampton: Um, in place that will accept them. Some places don't accept the electronic.

Bachman: So, there could be consideration of taking away the electronic signage and then you also and I heard that you don't want to do that.

Hampton: No. Yeah.

Bachman: And also lowering the pole?

Hampton: Correct. The main deal is, is the existing sign there now, like I said, the top cabinet is 96 square feet and then they have the lower cabinet that they can put banners on which is supposed to be temporary but the banners can usually tie around so if you measure that sign the way that we're having to measure it they're at 194 square feet.

Morrey: Now, when you say temporary, is it canvas or is --

Hampton: No. Its, it's a aluminum cabinet between those poles.

Morrey: Aluminum?

Hampton: Aluminum.

Morrey: Oh. Thank you.

Slayden: Are there any other questions for the applicant? If not, um, is there a motion on this request?

Bachman: Can I, can I just ask one more question of the City?

Slayden: Sure.

Bachman: Just, just on the measurement, is yours all accurate and how you measure circles versus squares and rectangle. I mean, any of that that we need to consider?

Kanoy: Um, so what your asking is whether like the measurement for what we calculate is correct?

Bachman: Right.

Kanoy: Yeah. So we're required to like you were saying we've got to calculate the whole rectangle that includes the negative space.

Hampton: And that's what I was trying to explain is when we do anything but a rectangle you're losing. It's like, it's like their brand is a circle so we lose 50 square feet.

Morrey: I'll move that we approve it.

Slayden: I have a motion. Is there a second?

Hammett: I second.

Slayden: I have a motion and a second. Any further discussion? Hearing none, Ms. Shipp, would you call the vote?

Shipp: Joe Morrey

Morrey: Yes.

Shipp: Lindsey Bachman

Bachman: No.

Shipp: Seth Slayden

Slayden: No.

Shipp: Grace Hammett

Hammett: Yes.

Slayden: Motion has been denied. Unfortunately, this request requires a vote of four people. Um, you can talk with Mr. Kanoy and see other arrangements you might be able to make to resubmit the application.

Hampton: Yeah. *Inaudible-more than one speaking*

Slayden: You guys can talk later. This is all on the record and I want you to be able to speak freely. So, we do appreciate you sir.

Hampton: Yep.

Inaudible-several speaking at once

Slayden: Okay, so the next item on the agenda today would be approving the minutes um, which we have a copy of. Um, those are dated November 15, 2022. Um, I'll entertain a motion for approval of the minutes.

Bachman: I will so move.

Slayden: Do we have a second?

Morrey: I'll second.

Slayden: Okay. A motion and a second. Um, there's no need for any discussion or corrections. Hearing none, all those in favor signify by saying aye.

All replied aye in unison

Slayden: All those opposed, same sign.

Silence

Slayden: Hearing none, the motion passes and the minutes are approved.

Hammett: I have a question.

Slayden: Yes.

Hammett: About, about the agenda. I don't know. This may not be an appropriate question. Um, so this 2501 was postponed? Can we know why it was postponed?

Kanoy: We informed the applicants that we would not have a full slate of members here today. And we gave them the option to postpone in the case that the next meeting has a full slate.

Hammett: Thank you.

Slayden: And that is all I see on our agenda. Is there any old business or new business that we need to take up?

Shipp: None at this time.

Slayden: Okay. If not, I'll entertain a motion to adjourn.

Hammett: So moved.

(Verbatim ends)

Meeting adjourned 4:22 pm

Minutes respectfully submitted, Rebecca Shipp