

NOTICE OF OPEN MEETING

Public Notice is hereby given that the Planning & Zoning Commission of the City of Excelsior Springs Regular Meeting **at 4:00 PM, March 4, 2025** to consider and act upon the matters on the following agenda and such other matters as may be presented at the meeting and determined to be appropriate for discussion at the time.

The tentative agenda of this meeting is as follows.

Planning & Zoning Commission City of Excelsior Springs

A G E N D A



Planning & Zoning Commission Meeting
4:00 PM

Tuesday, March 4, 2025
City Council Chambers
201 E. Broadway
Excelsior Springs, MO

1. CALL TO ORDER
2. ROLL CALL
3. ELECTION OF OFFICERS: CHAIRMAN AND VICE-CHAIRMAN
4. APPROVAL OF MEETING SUMMARY
 - A. July 18, 2024 Meeting Summary
5. BZA-25-001-AN APPLICATION BY SCOTT CLAYPOLE ON BEHALF OF THOMAS WAYNE OWENS AND CATHRINE HORTON FOR A VARIANCE FROM SECTION 400.240 PAR. D OF THE EXCELSIOR SPRINGS ZONING REGULATIONS TO PERMIT AN ACCESSORY DWELLING UNIT TO BE LOCATED IN FRONT OF THE FRONT BUILDING LINE IN DISTRICT "A" AGRICULTURE ZONING DISTRICT AT 802 CORUM ROAD.
 - A. BZA-25-001
6. COMMENTS OF BOARD MEMBERS
7. STAFF COMMENTS
8. ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the City Manager's office, 201 East Broadway. Phone (816) 630-0752.

If any accommodations are required in order to attend this meeting (i.e. qualified interpreter, large print, reader, hearing assistance), please notify the City Manager's office no later than 48 hours prior to the beginning of the meeting.

Date and Time of Posting: DATE AND TIME: February 27, 2025 @ 9:30 a.m.

Board of Zoning Adjustment

Meeting Summary

July 18, 2024, 4:00 p.m.

Item 1. Call to Order

Chairman Dr. Nick Houk called the meeting to order at 4:09 p.m.

Item 2. Roll Call

PRESENT: Tray Harkins, Dr. Nick Houk, Robert McLaughlin, Dr. Kent Powell and Stephen Stubbs

STAFF PRESENT: Melinda Mehaffy, Economic Development Director, Doug Hermes, Planning Consultant and Lisa Morgan, Community Development Administrative Assistant.

ABSENT: Cindy Spellman

VISITORS: Tara Limbach (applicant)

Item 3. Approval of Meeting Summary – September 15, 2023

Board Member Stubbs made a motion to approve the September 15, 2023 meeting summary.
Board Member Harkins seconded the motion. Motion carried.

Vote: Motion passed 5-0-0

Yes: Board Members: Harkins, Houk, McLaughlin, Powell and Stubbs

No: None

Abstain: None

Item 4. BZA-24-001 – An application by Quik Trip #279 requesting a variance from Section 403.100 (3) of the Excelsior Springs City Code, which pertains to signage regulations within the “C-3” Business District. Quik Trip #279 requesting a modification in the height of a sign. Quik Trip #279 is requesting an increase of ten (10) feet to a sign height of forty-five (45) feet. This variance request pertains to the property located at 2021 West Jesse James Road.

Chairman Houk asked Mr. Hermes to present the staff report for BZA-24-001.

Mr. Hermes presented the staff report stating the city staff recommends that the board approve the variance application and adopt the following Findings of Fact:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved bring a particular hardship upon the owner.
2. The conditions of the specific property involved are not applicable generally to other property within the same zoning classification.

Board Member Stubbs asked supposed something besides Burger King goes in that has a different shape sign, is that sign at the maximum height then?

Mr. Hermes the existing sign is at the current maximum thirty-five (35) feet height. We cannot anticipate at this time what might go into the old Burger King location. City Staff will not be favorable to allow any sort of variance application from them. The existing sign is clearly visible.

Board Member Powell asked if the request for extra height is due to the power lines?

Mr. Hermes said yes that is correct. If you look at the site plan the sign is at the north-west corner right off the end of the parking area. It is between the power lines and the building. The power company does not want the sign any closer to the power lines than what is being asked for because of power lines, right of way and easements.

Board Member Stubbs asked if anyone has thought about cutting down the trees?

Chairman Houk asked if those were City trees. Mr. Hermes said no they are located on private property. They may have been apart of the landscaping plan for the bank, so that would not be an option.

Board Member Harkins said the trees are not the issue it's the old Burger King sign.

Chairman Houk asked what the dimensions of the sign would be? If the sign is let's say is twenty (20) feet, half of it would still be covered by the old Burger King sign that is if we approve to raise it ten (10) more feet.

Mr. Hermes said that is correct.

Ms. Limbach (applicant) said she was not sure of the exact dimensions, they have so many different signs and could not say for certain which sign they would be using.

Hearing no more questions from the Board Chairman Houk opened the public hearing.

Chairman Houk invited the applicant Tara Limbach to the podium and address the board. All of you knew Kaitlin Helsper she was previously handling this project; it has now been handed over to her as Kaitlin has moved on to some other role with Star Development. We have been talking about coming to Excelsior Springs for years and we are happy that it is finally happening. I'm here to answer any questions you may have. Quik Trip appreciates all your support. We anticipate opening in three (3) months.

Board Member Harkins said the application is pretty straight forward.

Chairman Houk asked if there were any questions for the applicant. There were none.
Chairman Houk closed the public hearing.

Chairman Houk asked if there were any more questions from the Board. Hearing none

Board Member Stubbs moved to approve Case No. BZA-24-001 and adopt the following Findings of Fact:

Board Member Powell seconded the motion.

Chairman Houk called for the vote.

Vote: Motion passed 5-0-0

Yes: Board Members: Harkins, Houk, McLaughlin, Powell and Stubbs

No: None

Abstain: None

Item 5. Comment from Public

There were none

Item 6. COMMENTS OF BOARD MEMBERS

There were none

Item 7. STAFF COMMENTS

Ms. Mehaffy informed the Board that John McGovern vacated his seat on the Board due to being appointed a member of the City Council. City Council has recommended and accepted Cindy Spellmen to fill Board Member John McGovern's seat on the Board. This makes Steven Stubbs alternate number one (1). Brent McElwee was appointed alternate number two (2). We have a vacancy for alternate number three (3).

Item 8. ADJOURN

Meeting was adjourned at 4:26 p.m.

The next meeting of the Board will be called when needed to review future applications.

Meeting Summary prepared by Lisa Morgan, Community Development Administrative Assistant.

Board of Zoning Adjustment

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**Community Development Department
Board of Zoning Adjustment**

Phone: 816-630-0756; Fax: 816-630-9572



March 4, 2025

To: Chairman and Board Members
Board of Zoning Adjustment

Re: Staff Report for Case No. BZA-25-001: An application by Scott Claypole on behalf of Thomas Wayne Owens and Cathrine Horton for a variance from Section 400.240 Par. D of the Excelsior Springs Zoning Regulations to permit an Accessory Dwelling Unit to be located in front of the front building line in District "A" Agriculture Zoning District at 802 Corum Road.

Applicant: Scott Claypole

General Information:

Address: 802 Corum Road
Current Zoning: District "A", Agriculture Zoning District
Current Land Use: Single-family house; accessory use building

Background:

The applicant's property is approximately 21.01 acres, is not part of a platted subdivision, and located in District "A" - Agriculture Zoning District. An existing single-family house was on the property when an accessory use building was permitted to be constructed in front of the front building line, as established by the single-family house.

The property owners want to construct an accessory dwelling unit (ADU) on the property in close proximity to the accessory use building.

Current City Code permits accessory dwelling units (ADU), accessory to an occupied single-family dwelling unit, in the "R-1", "R-1A" and "R-2" zoning districts, under certain standards. A Zoning Text Amendment application under consideration by the City Council at its March 3, 2025 regular session would also permit ADUs in District "A" where single-family dwelling units are also common.

When the ADU standards were initially adopted, City staff applied the interpretation that detached ADUs are considered "accessory use buildings" and thus were subject to the standard that such buildings shall be "located behind the front building line as established by the principal structure" eg. Single-family dwelling unit. Therefore, a detached ADU

could not extend in front of the existing house on the lot. The proposed ZTA under City Council consideration would also clarify this intent.

The applicant indicates that the terrain of the property created special circumstances where the only feasible location for the initial accessory use structure was in front of the single-family house. The applicant believes the same circumstances still apply and requiring the location of the proposed detached ADU behind the single-family house will create a particular hardship on the property owner.

Staff Analysis:

Variances from certain provisions of City Code may be granted if there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations. In making that determination it should be established, among other criteria, that: the unique conditions of the property would create a particular hardship as distinguished from a mere inconvenience; the conditions are unique to this property and not applicable generally to other property within the same zoning district; and, the alleged difficulty or hardship has not been created by the current or previous property owners.

On the subject property, there do exist particular terrain and slope issues that could have been determining factors in the location of the accessory use building. The Board may find that the topographical circumstances on the lot are indeed a unique condition of this property creating a particular hardship on the property owner.

Staff Recommendation/Action Requested:

City staff recommends that the Board approve the variance application and adopt the following Findings of Fact:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved bring a particular hardship upon the owner.
2. The conditions of the specific property involved are not applicable generally to other property within the same zoning classification.

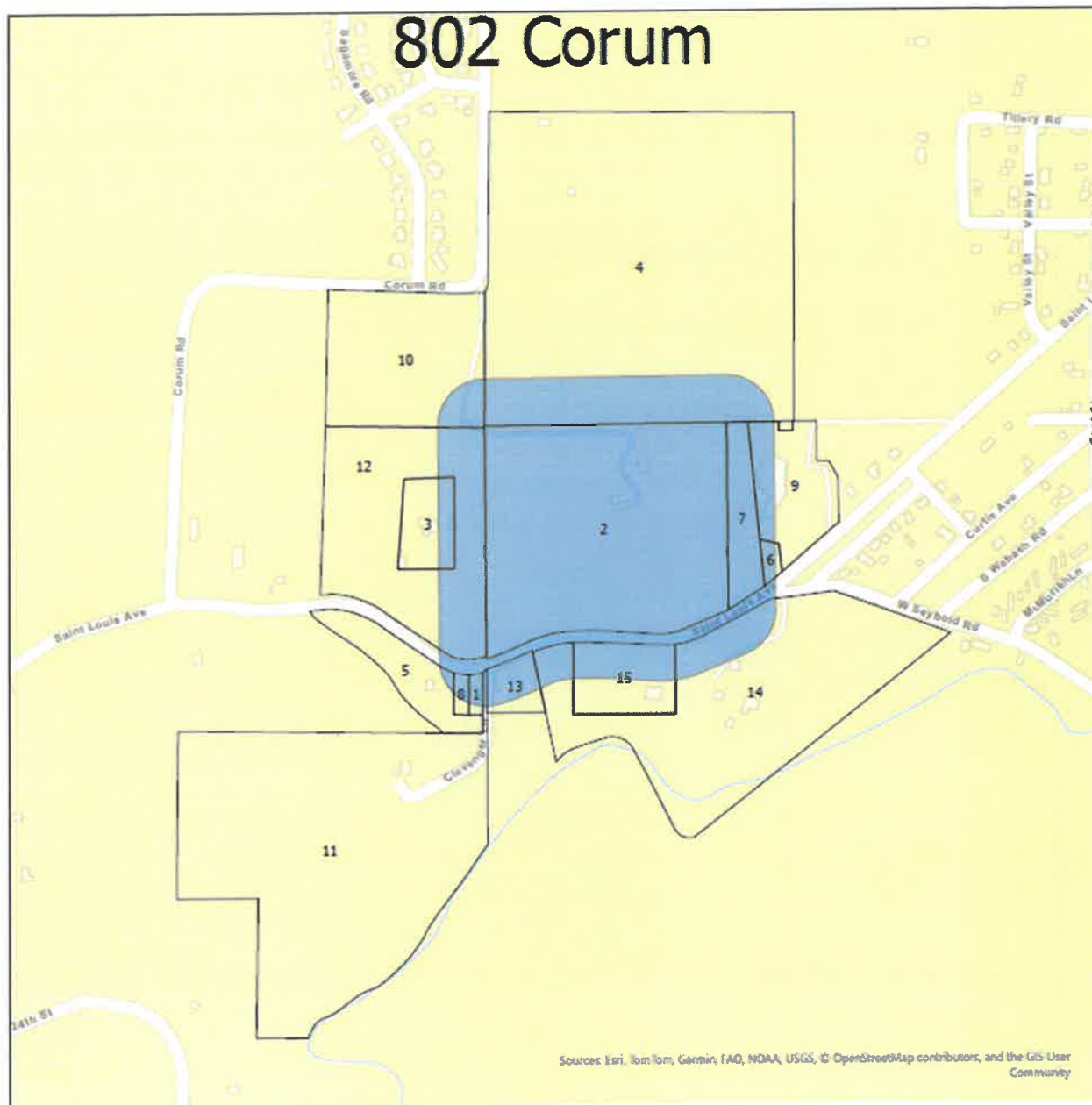
Respectfully submitted,

Doug Hermes
Planning Consultant
City of Excelsior Springs

Attachments:

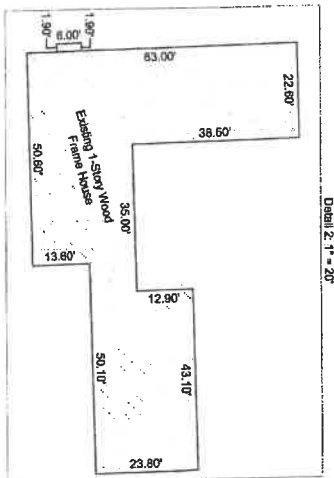
Exhibit A – Vicinity Map
Exhibit B – Site Plan

802 Corum

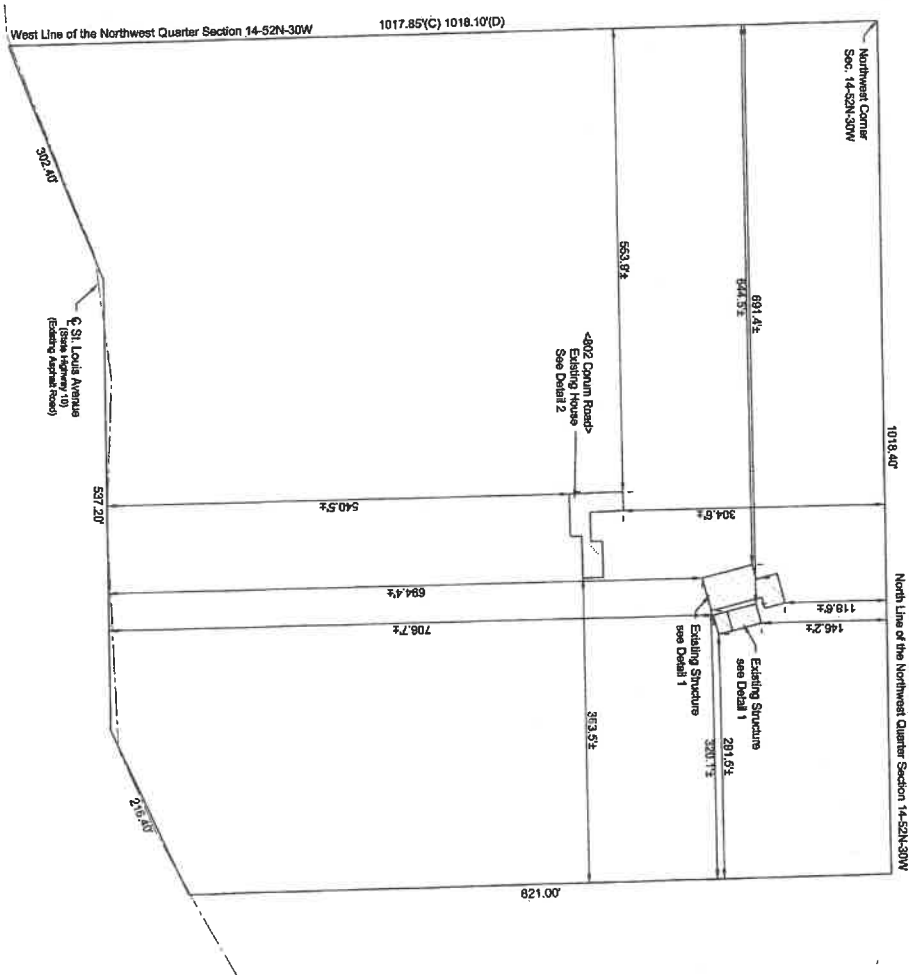


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

PROPERTY DESCRIPTION: Bk. 9539 Pg. 120
Part of the Northwest Quarter of the Northwest Quarter of Section 14, Township 62 North, Range 30 West, City of Escalante Springs, Clay County, Missouri, described as follows: Beginning at the Northwest Corner of said Section 14, thence North 89 degrees 48 minutes East, along the North line of said Section 14, 1018.64 feet; thence South 00 degrees 20 minutes East, 321 feet to the middle of State Highway 10; thence South 86 degrees 03 minutes West, along said Highway, 251.74 feet; thence South 69 degrees 41 minutes West, along said Highway, 533.2 feet; thence South 86 degrees 38 minutes West, along said Highway, 302.4 feet, to the West line of Section 14; thence South 86 degrees 38 minutes West, along said West line, 1018.1 feet to the point of beginning. Subject to easements and restrictions of record.



LEGEND:	
CENTERLINE	CL
RIGHT-OF-WAY	R/W
BOOK	BK
PAGE	PG
DEEDED	(D)
CALCULATED	(C)



MARK	REVISION	DATE	BY	
Engineer: ZAB	Checked By: CHKD	Scale: 1" = 100'		
Technician: TDC	Date: 12/12/2024	T-R-S: 52N-30W-14		
Project No: 124.1439.13		Sheet 1 of 1		

**SNYDER
& ASSOCIATES**



Project No: 124.1439.13
Sheet 1 of 1

802 Cornum Rd.