

BOARD OF ZONING ADJUSTMENT MINUTES
September 23, 2014

Regular meeting of the Clay County Board of Zoning Adjustment, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, Missouri.

Call to Order

@ 5:30 pm: David Fulton, Chairman

Roll Call: Matthew Tapp, Director

Members Present: David Fulton, Buddy Raasch, Brian Klopfenstein, Vernon Reed and Larry Whitton

Members Absent: None

Staff Present: Matthew Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Fulton: Okay let's call the regular September 23, 2014 meeting of Clay County Board of Zoning and Adjustment to order. Would you call roll please.

Mr. Tapp: Buddy Raasch?

Mr. Raasch: Present.

Mr. Tapp: Brian Klopfenstein?

Mr. Klopfenstein: Present.

Mr. Tapp: Larry Whitton?

Mr. Whitton: Present.

Mr. Tapp: Vernon Reed?

Mr. Reed: Here.

Mr. Tapp: Chairman Dave Fulton?

Mr. Fulton: Here, okay thank you. You all received the minutes of the meeting of October the 22nd and we have the three members that can vote on it, is that correct?

Mr. Tapp: Actually all members can vote they are merely voting to the fact that this is an accurate record of what was said to best of their knowledge is that correct Tim?

Mr. Flook: Yes.

Mr. Fulton: Okay.

Mr. Tapp: And they are more than welcome too and since we had three members they can abstain if they want too.

Mr. Fulton: Is there any, you all receive them before the meeting do you have any additions or corrections, and if not I will entertain a motion to approve the minutes as received.

Mr. Reed: So moved.

Mr. Fulton: It's been moved a second?

Mr. Whitton: Second.

Mr. Fulton: All in favor signify by saying aye.

All: Aye.

Mr. Fulton: Minutes are approved.

Final Vote **5/0/0** **Approved** **October 22, 2013**
BZA Minutes

Mr. Fulton: Okay at this time we will swear in any individuals that want to testify this evening either in favor of or opponents to, the request we have tonight, so if they want to be sworn in even if you think you may or may not testify it's painless so stand and hold up your right hand, do you solemnly swear to tell the truth the whole truth and nothing but the truth so help you God?

All: Yes sir.

Mr. Fulton: Thank you very much. Let the record show that three individuals were sworn in at this time. We have one request this evening, its case number 14-101BZA it's a request for variances to Section 151-4.11(C) of the Clay County Land Development Code, pertaining to the minimum front and side setback in a Neighborhood Commercial District. At this day and time, Matt would you like to give a briefing to what the staff has found before we receive an outstanding summary of the request we all studied I am sure, so if you would like to add anything to it that is pertinent.

Mr. Tapp: No Mr. Chairman I would just like to add the staff report as part of the record. The only aspect I would like to add is that these are preexisting buildings within Paradise or Gosneyville depending on how far back you want to go, and the applicant clearly did not create the situation that requires the variance nor are they expanding the nonconformity. Beside from that it's just a mere point of clarification they are requesting a 33.47 foot front setback and 23.75 foot side setback.

Mr. Fulton: Okay to make it clear any time there's any change in use requirements the noncompliance we have to approve the setback because of the change in use and presently they are vacant.

Mr. Tapp: Correct, yes that is the purpose or the intent here is that the applicants are looking to locate an event center space in the buildings and they also have a Planning and Zoning Commission process after this but they had to get the variance first, thus they are coming before you this evening.

Mr. Fulton: I would just point out to the Board that we are ruling on not the use, we are ruling on the setback only this evening.

Mr. Tapp: Yes, we are not reviewing whether C-3 is appropriate or any type of land use zoning matter it's purely the front and side setback variance request and that is it.

Mr. Fulton: I think all of the Board Members are familiar with this property; it's been there a lot of years.

Mr. Tapp: The buildings were built in the 1880's.

Mr. Fulton: Gosneyville which is quite old. Okay with that we'll conduct a public hearing this is where anyone who wants to speak in favor of will speak first then if there is anyone here or arrives later who wants to speak in opposition to it we will hear them. So first we'll hear from the applicant for this request for a variance so if you would please stand at the mic, this is on the record, and state your name for the record.

Mr. Light: I am Charles Light, my wife and I are the owners of the buildings, we purchased it earlier this year and just kind of in the process of renovations and going through all the Planning and Zoning and everything to do with it.

Mr. Fulton: Why should we approve it, your request?

Mr. Light: Well this is an existing building and because it is an older building it was not in use, nobody was in it so we are in the process of renovating it and kind of putting it back together and have a lot of brick work done to it, roof and so we are just trying to, it's an old building and we have met with the town people around there and other people around the surrounding towns that have come by that have talked about the 1930's what this building was and what they did in it and stuff and it's just a very unique, it's a very pretty building inside once you get past all the age, so we are just in the process of restore it and open it as an event space so people can have receptions for parties make it available to the town folks and that is all it is.

Mr. Fulton: Okay thank you very much, any questions for the applicant? If not anyone from the Board?

Mr. Reed: You have been doing some renovations already, have you got the building permit to do all of that?

Mr. Light: Yes we have been working with Matt and Mark Manville, we got permits, we got with Smithville Fire Department, come out and looked it over and they gave all the paperwork and stuff of what we could do to upgrade and change and so we're in the process of getting that all done before (*inaudible*) comes out and look over and stuff, so yeah we are trying to do the right steps.

Mr. Fulton: Good for you thank you. No other questions, thank you very much and we reserve the right to call you back if we have other questions. Is there any others who would like to speak as a proponent? If there is no one else I see no body in the court to speak in opposition so we will close the public hearing and open it up for discussion the Chair would entertain a motion a positive motion on this and then we will have a discussion.

Mr. Reed: I move that we approve the changes that are being proposed.

Mr. Fulton: A motion has been made is there a second?

Mr. Whitton: Second.

Mr. Fulton: Duly moved and seconded to approve the variance now we will open it up for discussion. Can't hardly move a building that was built in what 1880?

Mr. Tapp: 1889.

Mr. Fulton: It used to be the, how many have been in that building, it used to be a grocery store a few years back but I don't know what it was before that. Hearing no discussion, no questions.

Mr. Raasch: I think Clay County is very lacking in event space, it's something that is needed by the County.

Mr. Fulton: And that's kind of mute to the whole subject but it's a good point. Let's close the discussion and we'll call for the vote, if you will call the roll to approve. This is a vote to approve.

Mr. Tapp: Buddy Raasch?

Mr. Raasch: Yes.

Mr. Tapp: Brian Klopfenstein?

Mr. Klopfenstein: Yes.

Mr. Tapp: Larry Whitton?

Mr. Whitton: Yes.

Mr. Tapp: Vernon Reed:
Mr. Reed: Yes.
Mr. Tapp: Chairman Dave Fulton?
Mr. Fulton: Yes.

Final Vote 5/0/0 **Approved** **Case 13-101BZA**
Charles K. and Jody L. Light

Mr. Fulton: Your request has been approved unanimously so you now can move forward with whatever, well you move forward with the Planning and Zoning. Thank you very much.

Mr. Light: Thank you.

Mr. Fulton: Matt is there anything else to come before the Board this evening?

Mr. Tapp: There's nothing in addition to bring to the Board's attention.

Mr. Fulton: Is there any other requests for November?

Mr. Tapp: No.

Mr. Fulton: Nothing, because this is the cutoff date?

Mr. Tapp: Yesterday was.

Mr. Reed: For November or October?

Mr. Fulton: For November.

Mr. Tapp: November no October.

Mr. Fulton: The Chair would enter the motion to adjourn.

Mr. Raasch: So moved.

Mr. Fulton: It's been moved second?

Mr. Whitton: Second

Mr. Fulton: All those in favor say aye.

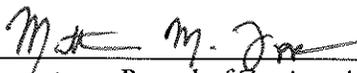
All: Aye.

Mr. Fulton: Thank you very much.

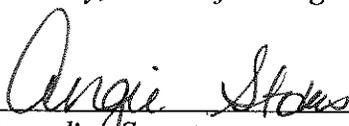
Meeting Adjourned



Chairman, Board of Zoning Adjustment



Secretary, Board of Zoning Adjustment



Recording Secretary