



**AGENDA
CITY OF BELTON
BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING AND MEETING
WEDNESDAY, NOVEMBER 16, 2022 – 5:00 P.M.
BELTON CITY HALL ANNEX, 520 MAIN STREET**

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF OCTOBER 4, 2021, BOARD OF ZONING ADJUSTMENT MEETING

IV. PUBLIC HEARING

- A. To consider a request for a variation to reduce the front and side setbacks to allow the installation of a monument sign at the northeast corner of the property at 124 Cunningham Pkwy, known as Legacy Office Suites. ***(This public hearing has been postponed. The public hearing will be re-noticed if/when a new date is determined.)***

V. OTHER BUSINESS

- A. Discussion about developing a meeting schedule for the Board of Zoning Adjustment

VI. ADJOURNMENT

**Minutes of Meeting
Belton Board of Zoning Adjustment
Belton City Hall Annex, 520 Main Street
October 4, 2021**

CALL TO ORDER

Chairman Hubbard called the meeting to order at 5:00 p.m.

ATTENDANCE

Board: Chairman Hubbard, Keith Parks, Phil Trued and Wilma Darlington

Absent: Pam Miller

Staff: Dave Clements, Planning and Building Director; Madison Smith, Development Technician

Guests: Jeff Teague, Teague Tractor, 3501 E 273rd Street, Cleveland, MO 64734

MINUTES

Ms. Darlington moved to approve the minutes of the August 16, 2021, Board of Zoning Adjustment meeting. Mr. Trued seconded the motion. All members present voted in favor, and the motion carried.

PUBLIC HEARING

To consider a request for a variation of the six-foot (6') maximum sign height for a freestanding sign in a C-2 General Commercial District, to allow an eighteen-foot (18') freestanding sign at 1422 Larkspur Circle.

Mr. Clements presented the case and gave an overview of the project along with the findings of fact. The staff report is attached as **Exhibit A**.

The public hearing was opened at 5:06 p.m.

The applicant and owner of Teague Tractor, Jeff Teague, was present to answer any questions.

With no one present to speak either in favor, or opposition of the proposed variance request, the public hearing was closed at 5:07 p.m.

Ms. Darlington moved to approve the variance of the six-foot (6') maximum sign height for a freestanding sign to allow an eighteen-foot (18') freestanding sign at 1422 Larkspur Circle.

The motion was seconded by Mr. Trued. When a vote was taken, the following was recorded:

Ayes: 4 – Chairman Hubbard, Mr. Parks, Ms. Darlington, and Mr. Trued

Noes: 0

Absent: 1 – Ms. Miller

OTHER BUSINESS

Mr. Clements gave an overview of the construction activity in the City. The Planning and Building Department is seeing an all time high with the amount of permit revenue coming in to the City. We have issued building permits for the Encore Apartments along 163rd Street. We have also issued building permits for Center 301 Apartments

behind Target. Activity at Southview Commerce Center is still moving as building 4 is under construction. The old Belton Inn has been purchased by Cass County; demolition should begin soon.

ADJOURNMENT

Mr. Parks moved to adjourn the meeting. Chairman Hubbard seconded the motion. All members voted in favor and the meeting adjourned at 5:13 p.m.

EXHIBIT A



**BELTON ZONING BOARD OF ADJUSTMENT
MONDAY, OCTOBER 4, 2021 – 5:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

APPLICATION

Applicant: Teague Tractor/Teague Construction

Address: 1422 Larkspur Circle

Request: *A variation of the six-foot (6') maximum sign height for a freestanding sign in a C-2 General Commercial District, to allow an eighteen-foot (18') freestanding sign.*

BACKGROUND

This application was filed to consider a sign height variation for a proposed sign at 1422 Larkspur Circle. The property is generally located 3 blocks north of East North Avenue and east of Mullen Road.

Teague Construction purchased the property at 1422 Larkspur Circle, the former location of Rockhill Electric. Teague is renovating the building and will open Teague Tractor, a retailer of small tractors, garden equipment and related items. The property abuts I-49, and the grade/topography is such that a 6-foot monument sign permitted by the Unified Development Code (UDC), would not be visible to passing traffic.

The applicant is requesting a sign height variation so the new sign would be more visible to traffic. The proposed sign would be 18-feet in total height, and it is designed to be visible to north bound traffic. The sign display area would be 4' x 8' for a total sign area of 32 square feet. The applicant prepared the attached sign exhibit that accurately shows the property elevation and sight line to traffic on I-49.

The sign exhibit demonstrates that the 18-foot sign height would provide adequate visibility of the 4' x 8' sign to I-49 traffic.

FINDINGS OF FACT

Pursuant to Chapter 2, Section 2-118 (g), (3) of the Unified Development Code (UDC) states:

“A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the finding will be entered into the record, provided that all of the following conditions are met in the specific case.”

The variance application submitted by the applicant addresses the required conditions as follows:

1. **Uniqueness**-The need for a variance must be caused by a condition which is unique to the property in question, and not ordinarily found in the same zoning district.

The applicant explains that the property is at a grade/elevation that would not provide visibility of a 6-foot sign as currently permitted by the ordinance. This provides a condition that is unique to this property.

This circumstance is unique for the property and not generally applicable to other properties in the same zoning district.

2. **Impact on Surrounding Properties**-The granting of the variance will not adversely impact the rights of adjacent property owners.

The proposed 18-foot sign would not impact any surrounding property. The sign height is “just enough” to provide visibility of the 32-square foot sign to I-49 traffic. There are many other signs in the vicinity of the property taller than the proposed sign.

This would indicate that the proposed variations would not have any detrimental impact on surrounding properties.

3. **Unnecessary Hardship**-The Strict Application of the UDC standards will cause an Unnecessary Hardship or Practical Difficulty to the Property Owner:

The applicant notes that a 6-foot sign as permitted by the UDC would not provide visibility for Teague Tractor and the ordinance limitation presents a practical difficulty to the property owner. It is reasonable to allow an increased sign height along I-49.

The applicant believes these conditions present a hardship for signage at the property.

4. **Impact on Public Health, Safety, and Welfare**- The variance should not have any adverse impact on the public health, safety, and general welfare of residents.

It is believed that the proposed variances will not impact the public health, safety, and welfare of the general public.

STAFF RECOMMENDATION

The staff believes that this is a reasonable request, believing that there is a certain hardship considering the grade of the property in relation to I-49. A 6-foot sign as permitted by the UDC would not provide adequate identification for this new business. Staff recommends approval of the request, subject to there being no objections that prove an adverse impact due to the proposed variation.

BOARD ALTERNATIVES

1. The Board could approve the variance as requested, with or without any conditions, if the required ‘findings-of-fact’ are determined.

2. The Board could approve a lesser variance than requested, with or without any conditions, if the required 'findings-of-fact' are determined.
3. The Board could postpone action on this application to obtain additional information.
4. The Board could deny the applicant's request, if the required 'findings-of-fact' could not be determined.

ATTACHMENTS:

1. Location map
2. Sign exhibit