



**CITY OF WARRENSBURG, MISSOURI**  
**Community Development Department**

**BOARD OF ADJUSTMENT**

**RESOLUTION**

**Case No.:** VAR-22-2019

**Request for Variance:** 703 N. Devasher Rd.

LOT 1 IN RANCHERO ESTATES, A SUBDIVISION IN JOHNSON COUNTY, MISSOURI, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 6, AT PAGE 1.

**Applicant:** Pathways Community Behavioral Healthcare, Inc.

**Hearing Date:** April 29, 2019  
6:00 p.m.  
Warrensburg Municipal Center, 200 S. Holden St.

**General Statement of Case:**

To be allowed the installation of one 83.18 sq. ft. wall sign in a R1: Single Family Residence District. This request involves Sec. 27-504 (c) (1) of the Code of City Ordinances.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Testimony was taken at the public hearing at 200 S. Holden Street on April 29, 2019. At that hearing Barbara Carroll, Director of Community Development represented the City of Warrensburg. Joe Phillips appeared on behalf of the applicant. Adam Sommer was present as Counsel to the Board of Adjustment. Public Comment was received during the hearing from Sharon Stroh and Ed Stroh.

The following information was presented at the hearing:

1. The property in question is located at 703 N. Devasher Road in a R1: Single-Family Residence District.
2. At the time of the public hearing and deliberation by the Board, the property was used by Pathways Community Behavioral Healthcare, Inc. for counseling services.
3. Clients come to this facility from the local area and surrounding counties.
4. Section 27-504 (c) (1) of the Code of City Ordinances states in R1: Single-Family Residence districts and R2: One-and-Two Family Residence districts, either one (1) yard sign or one (1) wall sign limited to four (4) square feet in surface display area shall be allowed per premises. Such signs shall be non-illuminated.
5. The applicant is requesting a variance to be allowed to install one 83.18 sq. ft. wall sign in a R1: Single Family Residence District.
6. There is a currently a non-illuminated ground-mounted sign located on the property along N. Devasher Road.
7. The proposed illuminated, wall sign will be placed on the north side of the building; therefore, orienting the light away from a residential area south of the property in the City.

8. There are four lanes of U.S. Highway 50 traffic between the proposed sign and the residential uses outside of city limits to the north.
9. Existing lighting in the area includes a billboard with goose-neck lighting along U.S. Highway 50; an adjacent storage facility outside city limits that has pole lights; and an approximately 50 ft. in height gooseneck light at the intersection of U.S. Highway 50 and N. Devasher Road.
10. A light industrial district is located west of the property and commercial uses located in an unincorporated area of Johnson County is located east of the property.
11. Notice of the hearing on this matter was published in the Daily Star Journal on April 12, 2019.
12. Notice was also posted on the property on April 12, 2019.
13. Notice was mailed to property owners within 300 ft. on April 11, 2019.
14. The Code of Ordinances of the City of Warrensburg, Missouri, provides as follows:
  - a. Section 27-61 (a) (2) provides that the Board of Adjustment may grant a variance "in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would deprive the owner of the reasonable use of the land or building involved...."
  - b. Section 27-61 (a) (2) further requires the Board to find that:
    - a. There are special circumstances or conditions "... applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that such circumstances or conditions are such that the application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building;"
    - b. "...the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board of adjustment is the minimum variance that will accomplish this purpose;" and
    - c. "...the granting of the variance will be in harmony with the general purpose and intent of this chapter, will not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Based upon this information and its interpretation of the cited code provisions, the Board finds that:

1. The proposed illuminated wall sign at 83.18 sq. ft. exceeds the 4 sq. ft. non-illumination requirement for wall signs in a R1: Single Family Residence District.
2. The situation is unique in that the property with an existing commercial use is located in a residential district adjacent to a Light Industrial District and commercial area and U.S. Highway 50.
3. The granting of the variance is necessary for the reasonable use of the land, and the variance requested is the minimum variance that will accomplish this purpose.
4. The granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare because the use is in keeping with the character of the neighborhood and surrounding uses.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance be granted at 703 N. Devasher Road to allow the installation of one 83.18 sq. ft. illuminated wall sign in a R1: Single Family Residence District.

Passed by the Board of Adjustment this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chair