



City of Grain Valley
Board of Zoning Adjustment
Meeting Minutes Summary
(Transcript of Meeting is Available)

9/17/2020
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ITEM I: CALL TO ORDER

- The Board of Zoning Adjustment of the City of Grain Valley, Missouri met on September 17, 2020 in the City Hall Council Chambers.
- The meeting was called to order at 7:01 PM by Chair Steve Shatto.

ITEM II: ROLL CALL

- *Present: Lynne Berend*
- *Present: Mark Clark*
- *Present: Mike Coon*
- *Present: Joe Panza*
- *Present: Steve Shatto*
- ***There was a quorum.***

ITEM III: APPROVAL OF MINUTES

- Board member Clark motioned to approve the minutes from the November 13, 2019 meeting. The Board approved the minutes by vote 5-0.

ITEM IV: PUBLIC HEARING

1) **V2020-01: Submitted by Grain Valley Hospitality LLC**, requesting an area variance of ten (10) foot to the required forty (40) foot maximum height (Section 400.300.C.5.c) for a detached (free-standing) pole sign to advertise the motel that will have an overall height of 50 feet. The land use is Americas Best Value Inn. The property is zoned Downtown Overlay – Transition Zone District and is lying in Section 26, Township 49, Range 30 in the City of Grain Valley, aka 105 Sunny Side Lane.

- Chair Shatto opened the public hearing.
- Director Trosen entered the following exhibits:
 1. Application and Attachments
 2. Affidavit of Publication in Examiner
 3. List of Property Owners within 185 ft.
 4. Letter sent to Property Owners within 185 ft.
 5. Staff Report
- Director Trosen presented the staff report.

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



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- Ken Patel, owner of Grain Valley Hospitality LLC, testified and explained the request for the variance. He stated that he bought the hotel in 2017. He said that the white sign has been there for years. He said that he has recently learned that he may not own the property that the sign is on. He wanted the City to prove that he owned the white sign. He said that the previous motel owner's mother told him that they leased the sign and did not own it. He said that if the city could prove that he owned the property then he would agree to the conditions in the staff report except that he would like 120 days to remove the brown sign instead of 60 days.
- Board Member Clark asked Director Trosen if we know that he owns the property.
- Director Trosen responded that Mr. Patel has represented himself that he owns the property when filing this application. He further stated that the city checked county records and the county shows that the property owner is Grain Valley Hospitality LLC. The notice of violation was mailed to Grain Valley Hospitality LLC. Trosen asked Mr. Patel if he pays taxes on the property?
- Mr. Patel responded yes.
- Mr. Clark asked that the owner of record with the county is Mr. Patel?
- Director Trosen responded yes.
- Mr. Clark said that if Mr. Patel is concerned that he may not own the land then maybe the Board should continue the issue. Mr. Clark made a motion to table request.
- Mr. Panza said that Mr. Patel needs to check with the county. Mr. Panza second Mr. Clark motion to table.
- Mr. Patel is fine with the Board to decide.
- Director Trosen contends that the City believes that Mr. Patel owns the property.
- Mr. Clark withdrew his motion to table the public hearing.
- Mr. Patel said that he needs 120 days because it takes 90 days to get new sign panels.
- Chair Shatto closed the public hearing. He asked if there was any discussion.
- Chair Shatto made a motion to approve the variance with staff conditions except amending the time for the brown sign to be removed to 120 days. Board Member Coon second the motion. The Board approved by a vote of 5 to 0.

2) **V2020-02: Submitted by Jesse George**, requesting an area variance to Section 400.070 C.6 pertaining to the minimum lot area of 7,000 square feet and allow a structure to be built on a tract with 5,474 square feet. Said tract is generally located at the southeast corner of NW Hickory Ridge Drive and NW Nolan Drive and is legally described as Tract B in the Whitney Hill Third Plat lying in the northeast quarter of Section 27, Township 49, Range 30 in the City of Grain Valley, aka 511 NW Hickory Ridge Drive.

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



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- Chair Shatto opened the public hearing.
- Director Trosen entered the following exhibits:
 1. Application and Attachments
 2. Affidavit of Publication in Examiner
 3. List of Property Owners within 185 ft.
 4. Letter sent to Property Owners within 185 ft.
 5. Staff Report
 6. Whitney Hills Third Plat
 7. Aerial Map
 8. Letter from surrounding property owners in opposition
- Director Trosen presented the staff report.
- Jesse George testified and explained the request for the variance. Mr. George passed out an attachment of a picture of a proposed building and the general location of the proposed building on the tract.
- Director Trosen marked the attachment as Exhibit 9.
- Mr. George explained that the building would match paint colors of neighborhood and look like the houses in the area with dormers. He further explained that the building would be setback the same as the houses to the north and east of the tract.
- Mr. George said that this tract was left over from the development of the subdivision. He said that the tract was often overgrown in weeds and tall grass. He said the previous property owner to the east bought the tract from the developer and put a swing set and trampoline on it for his kids.
- Mr. George said that property owner sold his house and moved away. He told neighbors that he wanted to sell the tract.
- Mr. George bought the property on May 24, 2018. Mr. George cleaned up the tract.
- Mr. George had thought that eventually he could build a detached garage on the property and if he owned either of the adjacent lots, he wouldn't need a variance since he could then replat into one lot and build the detached garage according to city regulations.
- Mr. George wants to have a purpose for the tract.
- Chair Shatto asked if there was a Homeowners Association. Mr. George responded no.
- Mr. Clark asked if Mr. George talked to the City on what the tract could be used for before he bought it. Mr. George said that he was relax on that and relied on the previous owner telling him that he talked to the city and was told he could build a detached garage.
- Mr. Clark asked if Mr. George spoke to neighbors and he said yes.

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



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- Rodneda Jackman testified. Mrs. Jackman said she lived across from the tract. Mrs. Jackman asked if the applicant was getting the property zoned to commercial. Chair Shatto said no. Mrs. Jackman said that the property values will decline with the garage on the corner.
- Phil Stasi testified. He had same concerns that property values would decline. He is concerned that if this change hands then it could be used for a mechanic shop.
- Mr. Panza asked Mr. George what he planned to do with the building. Mr. George said that he would park his motorcycles, gym and park a trailer.
- Paul Morris testified. Mr. Morris said that he submitted written opposition to the variance. He said that when they bought their house a year ago, the realtor said that nothing could be built on the tract because it was a common area. The proposed garage will have a negative impact on property values and overall curb appeal of the neighborhood. He said that if this were approved it could lead to other variances in the neighborhood.
- Matt Bruner testified. He bought the house across the street. He complimented Mr. George on maintaining the tract but feels that a garage would decrease property values.
- Linda Morris testified. She said that if there would have been a garage on the tract a year ago then they would not have bought their house.
- Chair Shatto closed the public hearing. He asked the Board if there was any discussion.
- Mr. Panza made a motion to deny the variance request. Mr. Clark second the motion. Mr. Clark further commented that the five factors noted in the Staff Report have not been met to justify the area variance. The Board voted 5 to 0 to deny the variance V2020-02.

3) V2020-03: Submitted by Jesse George, requesting a use variance to Section 400.230 C to allow the construction of a detached garage (accessory use) on a tract of land that will not have a principal structure (single family residence). Said tract is generally located at the southeast corner of NW Hickory Ridge Drive and NW Nolan Drive and is legally described as Tract B in the Whitney Hill Third Plat lying in the northeast quarter of Section 27, Township 49, Range 30 in the City of Grain Valley, aka 511 NW Hickory Ridge Drive.

- Chair Shatto opened the public hearing.
- Mr. George stated that he withdraws the application for V2020-03.

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



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ITEM VIII: PREVIOUS BUSINESS

- None

ITEM IX: NEW BUSINESS

- Election of a Chair. The Board concluded that Steve Shatto would remain the Chair.

ITEM X: ADJOURNMENT

- Mr. Coon motioned to adjourn the meeting. Mrs. Berend second the motion. The Board approved the motion by a vote of 5 to 0.

-The Meeting Adjourned at 7:55 PM-

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney