

The City of



BOARD OF ZONING ADJUSTMENT

MEETING PACKET

July 30, 2025

5:00 p.m.



Agenda

Board of Zoning Adjustment

Wednesday, July 30, 2025
City Hall – Council Chambers – 5:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

Dice_____ Gregory_____ Heston_____ Mayone_____ McClelland_____

III. APPROVAL OF MINUTES

A. June 18, 2025 Meeting

IV. PUBLIC HEARING CASES

- A. **CASE 25-32V:** A variance to the *Unified Development Ordinance* (UDO), Section 30-87.4, “CBD and MU Districts” to allow a 14+/- square foot projecting blade sign on a commercial building where Code would permit a six square foot projecting blade sign at 24 S. Main Street.
- B. **CASE 25-38V:** A request to vary 13 feet from the platted 50-foot front building line setback recorded on the final plat of the Northpoint subdivision (1976) and the subsequent resurvey of Lots 182 and 183 (1977) of the Northpoint subdivision, to allow for the construction of an addition to the home at 608 Nashua Road (Lot 183) up to 37 feet from the front property line.
- C. **CASE 25-43V:** A variance to the *Unified Development Ordinance* (UDO), Section 30-49.2, “District R-1C, height and area regulations” to allow new residential construction to encroach into the required 30-foot front yard setback by 3+/- feet at 500 Ella’s Way, resulting in a front yard setback of 27+/- feet.

V. OTHER BUSINESS

VI. ADJOURNMENT

LIBERTY BOARD OF ZONING ADJUSTMENT

June 18, 2025

Meeting Summary

5:00 p.m.

I. Call to Order

The Liberty Board of Zoning Adjustment met on Wednesday, June 18, 2025, in the Council Chambers of City Hall. A quorum being present, Chairman Mayone called the meeting to order at 5:00 p.m.

II. Roll Call

Board members in attendance were: David Dice; Larry Gregory; David Heston; Lowell Mayone; and Rae McClelland. Representing staff were Katherine Sharp, Director of Planning and Development, Mike Peterman, Assistant Director of Planning and Development, and Kyle McGinnis, City Planner. Janet Wimer, Court Reporter, was in attendance. Seven members of the public were in attendance.

III. Approval of Minutes

Chairman Mayone asked if there were any questions or comments related to the minutes from the May 14, 2025 meeting.

Board member Heston moved to approve the regular session minutes from the May 14, 2025 meeting and Board member Dice seconded the motion. The minutes were approved 5-0-0.

IV. Public Hearing Cases

A. **CASE 25-26V: A variance to the *Unified Development Ordinance (UDO)*, Section 30-97.2, "Development and design standards, access" to allow for the partial construction of a sidewalk along public right-of-way where full construction of a sidewalk would typically be required at 1206 Wildbriar Court.**

Mr. McGinnis presented the case to the board as described in the staff report.

Chairman Mayone asked if the lot combination process or the granting of the variance would trigger a response from Code Enforcement in regards to the vegetation present along the cul-de-sac. Ms. Sharp stated that neither the lot combination nor the approval of the variance would trigger such a response from Code Enforcement, as those regulations typically pertain to nuisance issues such as overgrown grass/weeds, not trees.

Chairman Mayone asked if any of the Board members had questions for staff. Seeing none, he opened the public hearing and asked if there were any persons in the audience that would like to speak for or against the requested variance.

John A. Washer, 1206 Wildbriar Court, introduced himself to the Board as the property owner and applicant for this variance request. Mr. Washer provided an exhibit, including photos of the area in question, to the Board to be entered into the record. Mr. Washer explained his concerns regarding performing earthwork in the area near the bedrock wall present approximately 12 feet from the edge of the pavement of the cul-de-sac, which he had spoken to a civil engineer and concrete contractor about, both of whom expressed the need to perform some level of excavation in the area to complete that portion of sidewalk. Mr. Washer noted that approximately 96 feet of sidewalk had recently been completed along the linear portion of Wildbriar Court and that Tim McNerland, a City Right-of-Way Project Inspector, had informed Mr. Washer that certain telecom agencies with easements in the area had expressed difficulty in performing utility work here due to the presence

of rock. Mr. Washer's exhibit also included a list of signatures from neighbors who supported the variance request.

Bryan Lee, the property owner at 1218 Wildbriar Court to the north of the subject property, introduced himself to the Board. Mr. Lee explained that he had lived at this property for 22 years and that he does not support the requested variance. Mr. Lee expressed concerns with the overgrowth of vegetation along the frontage of the cul-de-sac and noted that the encroachment of debris along the frontage forced cars to park not along the edge of the pavement but more towards the center of the cul-de-sac, making it difficult to navigate when exiting his property. Mr. Lee stated that he would construct the remaining segment of sidewalk on his property if Mr. Washer's request was denied.

Mr. McGinnis requested to enter into the record an email sent to City staff in the morning hours of June 18, 2025 from Mr. Bob Piepergerdes, 1224 Wildbriar Court, in opposition to the approval of the variance request. Chairman Mayone read the email aloud to be entered into the record.

Chairman Mayone asked if any other members of the audience would like to speak regarding this matter. Seeing none, he closed the public hearing.

Board member Heston stated that he understands Mr. Lee's difficulty with navigating the cul-de-sac when vehicles are parked in the public right-of-way as he lives on a cul-de-sac and struggles with people parking in front of his home as well. Mr. Heston agreed that the frontage of the lot in question appears overgrown.

Board member Dice asked how much distance is present between the bedrock wall and the edge of the street pavement. Mr. McGinnis stated that staff had taken a rough measurement of approximately 12 feet between the bedrock wall and the edge of pavement.

Board member Dice asked if the sidewalk could be built closer to the edge of the street's pavement to maintain additional distance from the bedrock wall. Ms. Sharp replied that that would be feasible, but that the green strip between the sidewalk and the edge of pavement is typically where underground utilities are located.

Board member McClelland asked for clarification as the conversation appeared to have produced two separate issues: the sidewalk variance request; and the overgrowth of vegetation along the frontage. Ms. Sharp confirmed that the variance request to not construct sidewalk along the cul-de-sac is the focus of the public hearing, and that the overgrowth of vegetation is a community concern unrelated to the variance request being considered.

Board member Heston asked for clarification of where 1224 Wildbriar Court (Mr. Piepergerdes) is located in relation to the subject property. Mr. McGinnis used a map to depict the proximity of these properties to one another.

Board member Dice asked for further clarification of the location of the bedrock wall, the retaining wall at 1218 Wildbriar Court, and the relevant property lines. Staff used imagery from their report to clarify these questions.

Board member Dice asked whether the sidewalk could be ramped over the bedrock wall. Ms. Sharp stated that the sidewalk that is constructed must be ADA compliant.

Board member Gregory asked whether the grade of such a ramp would be ADA compliant. Ms. Sharp replied that staff only reviews plans submitted for the construction of sidewalk for compliance with these standards, but that the City does not construct sidewalks. Ms. Sharp added that if this

property had been developed with a single-family home, the site would have been fully graded and that the sidewalk would have been built to standard.

Board member McClelland asked whether the public input received during the public hearing had altered staff's opinion on the matter. Ms. Sharp stated that City staff is not equipped to assess the validity of the geological/topographical constraints presented by the applicant, but that staff's opinion on the variance request remains unchanged. Ms. Sharp added that staff could work with Mr. Washer on the issue of the overgrown vegetation if that is a community concern.

Board member McClelland asked whether Mr. Lee, the neighbor at 1218 Wildbriar Court, would be able to construct the full length of sidewalk if the variance request was granted and Mr. Washer was not required to construct the sidewalk on his property. Ms. Sharp stated that that situation would be a private matter between the two property owners; while staff would not prohibit it from occurring, it would require permission from Mr. Washer for construction on his property.

Chairman Mayone asked if the board had any further questions. Seeing none, he asked for a motion.

Action: Board member Gregory moved to approve the requested variance as presented in the staff report because it met the findings of fact, Board member McClelland seconded the motion.

Vote: Motion 5-0-0
Yes: All
No: None
Abstain: None

VI. Other Business

None.

VII. Adjournment

Board member Heston moved to adjourn, Board member Dice seconded. Chairman Mayone adjourned the meeting at 5:34 p.m.



STAFF REPORT

Board of Zoning Adjustment Case 25-32V

Staff: Kyle McGinnis, City Planner

Date: July 30, 2025

GENERAL INFORMATION

Application: **A variance to the *Unified Development Ordinance (UDO)*, Section 30-87.4, “CBD and MU Districts” to allow a 14+/- square foot projecting blade sign on a commercial building where Code would permit a six square foot projecting blade sign at 24 S. Main Street.**

Applicant/Owner: David Pence
7823 Raines Road
Liberty, MO 64068

Location: 24 S. Main Street

Existing Land Use/Zoning: Commercial office / CBD, “Central Business District”

Surrounding Land Uses/Zoning: **North:** Office / CBD, “Central Business District”
South: Mixed Commercial / CBD, “Central Business District”
East: S. Main Street, County Jail / CBD, “Central Business District”
West: S. Gallatin Street, Office / CBD, “Central Business District”

Public Notice: Legal Notice printed in Courier Tribune on July 16, 2025
Letter sent to property owners within 185 ft. on July 16, 2025
Sign posted on July 18, 2025

File Date: June 6, 2025

SPECIFIC INFORMATION

The applicant owns the property at 24 S. Main Street. Per the applicant’s narrative (Exhibit B), the building present at this location was built in 1880 and was originally used as a hotel named “Metropolitan.” As part of the applicant’s efforts to rebrand this property to promote its history, the applicant intends to install a projecting blade sign on the east face of the building fronting on S. Main Street. The sign would contain the name “Metropolitan” with vertical lettering and a corresponding logo (Exhibit C).

Section 30-87.4, “CBD and MU district” of the *Unified Development Ordinance (UDO)* limits projecting signs in these districts to a maximum area of six square feet. The applicant has proposed a projecting sign totaling approximately 14 square feet in area, which would require the approval of a variance to permit. The applicant’s narrative (Exhibit B) details why the applicant believes a larger projecting sign would be acceptable at this location, and Exhibit D contains scaled renderings of the proposed sign at various sizes, in addition to a rendering of a Code-compliant wall sign to serve as a comparison.

This property is zoned Central Business District but is also located within, and subject to the regulations of, the Liberty Square Historic District. As such, the proposed sign required the approval of the Liberty Historic District Review Commission (HDRC) prior to its installation on the building. The HDRC reviewed the proposed sign at their July 1, 2025 meeting and voted 7-0-0 to approve the 14+/- square foot design depicted in Exhibit C. An excerpt of the meeting minutes from the HDRC's July 1, 2025 meeting is also attached as Exhibit E, for reference.

STAFF ANALYSIS

Staff has reviewed the UDO to determine whether a variance is not warranted in this instance. With respect to a non-use variance, staff conducted its analysis according to the following six-part test:

a. **How substantial is the variation in relation to the requirement?**

By the express letter of the regulation, the variation from the requirement is substantial. The applicant has proposed an approximately 14 square foot projecting blade sign where Code limits such signs to a maximum area of six square feet; this constitutes a 133% increase in sign area beyond what would be permitted by Code in this zoning district. The applicant has provided a set of scaled renderings (Exhibit D) depicting the projecting sign at various sizes to demonstrate its appearance relative to the building. Visually, the difference in the appearance of these signs relative to the building is not drastic despite the substantial variation from Code's regulations.

b. **If the variance is allowed, what is the effect of increased population density, if any, on available public facilities and services?**

The approval of the requested variance would not increase the density of population and would therefore not affect the availability of public facilities and services.

c. **Will a substantial change be produced in the character of the neighborhood or a substantial detriment to adjoining properties created if the variance is allowed?**

Staff does not believe that the approval of this variance would produce a substantial change in the character of this streetscape or neighborhood, nor would the adjoining properties be substantially and detrimentally impacted were the variance to be approved. Although the proposed sign is more than double Code's area allowance for projecting signs in the Central Business District, the visual impact of the larger sign, if approved, would not be substantial.

d. **Can the difficulty be obviated by some method feasible for the applicant to pursue other than a variance?**

Per the applicant's narrative (Exhibit B), the "difficulty" in this instance is the impact the Code's projecting sign area allowance has on the legibility of the proposed projecting sign at this location. This difficulty could be obviated by making use of Code's other allowances for various types of signs in the Central Business District. For example, at this location, Code would allow for a wall sign not to exceed 10% of a given wall's area. The applicant's renderings (Exhibit D) depict what one such wall sign could look like while still complying with Code's limitations (this rendering is strictly illustrative and does not imply an intent to place such a sign on this building). Despite these options, staff feels it is important to note that the HDRC voted 7-0-0 at their July 1, 2025 meeting to approve of the 14+/- square foot projecting blade sign, and commented that the sign appears unobtrusive and appropriate for this historic structure (Exhibit E).

- e. **In view of the manner in which the difficulty arose and considering all of the above factors, will the interests of justice be served by allowing the variance?**

Staff does feel that the interests of justice would be served by the approval of this variance. Per Sec. 30-87.4 of the UDO, this property would be permitted to install a wall sign on any of its façades less than or equal to 10% of a given façade's square foot area. The resulting wall sign would be significantly larger than the requested 14+/- square foot projecting blade sign. In this sense, Code's allowance of six square feet for projecting signs seems overly restrictive.

- f. **Does the variance rely on conditions of the land in question, and not conditions personal to the landowner? The board shall not consider evidence of the applicant's personal financial hardship unrelated to any economic impact on the land.**

The requested variance does not rely on conditions of the land in question.

Staff analyzes all variance applications according to the following five-part test:

- a. **Will granting the variance adversely affect the rights of adjacent landowners or residents?**

No, approval of the variance would not adversely affect the rights of adjacent landowners or residents.

- b. **Will granting the variance be opposed to the general spirit and intent of this UDO?**

No, approval of the variance would not be opposed to the general spirit and intent of the UDO. As noted above, Code would permit a wall sign with an area not to exceed 10% of a given wall's square foot area, which would result in a sign much larger than the projecting sign proposed.

- c. **Will the variance requested adversely affect the public health, safety or general welfare?**

No, approval of the variance would not adversely affect the public health, safety, or general welfare.

- d. **Does the variance requested arise from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action of the applicant?**

No, the requested variance does not arise from a condition that is unique to the property in question or the circumstances at hand.

- e. **Will substantial justice be done?**

Staff does believe that approval of the variance would result in substantial justice in this instance as Code's limitations on projecting signs seems overly restrictive.

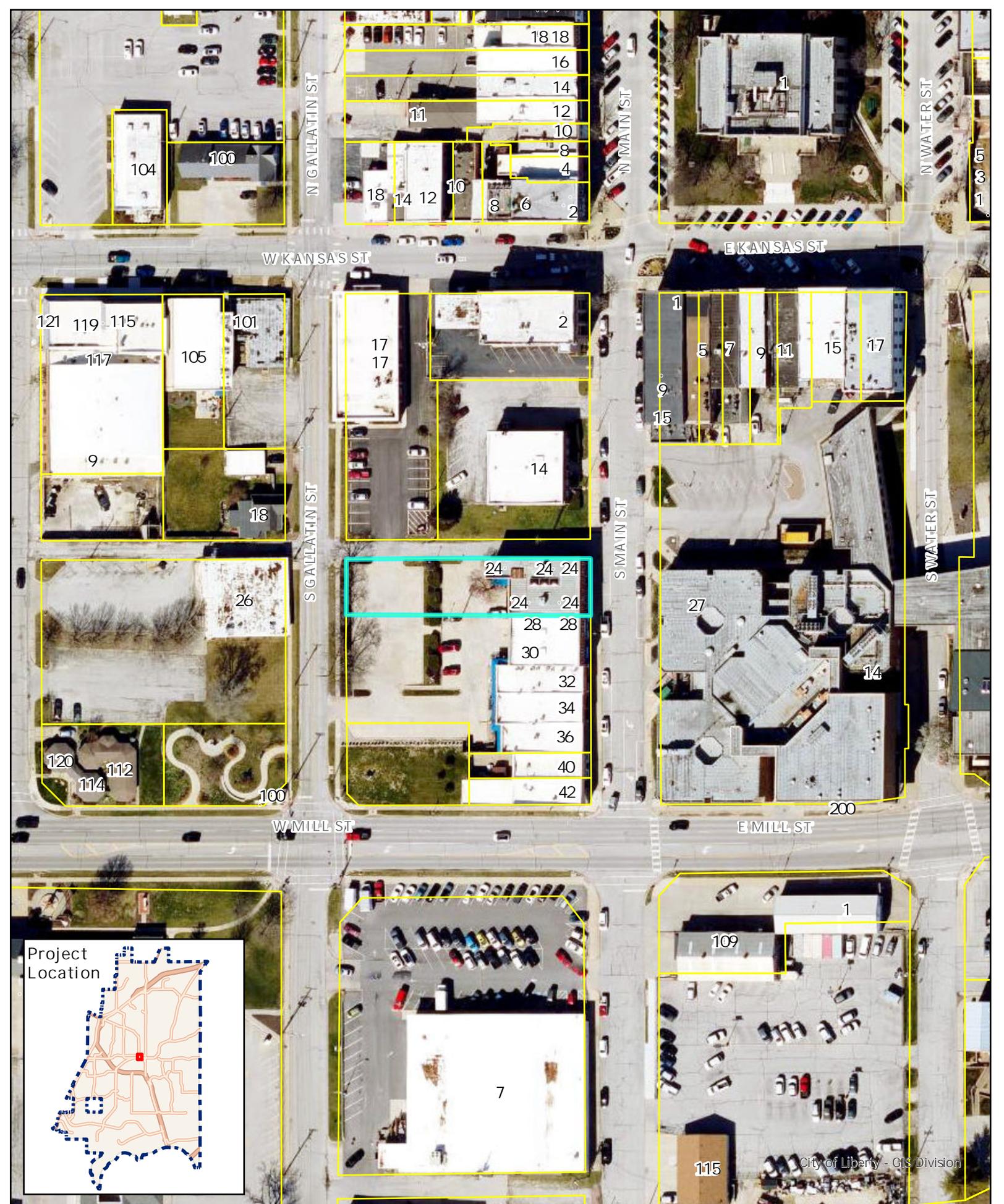
STAFF RECOMMENDATION

Staff recommends that the application to permit a 14+/- square foot project sign at 24 S. Main Street be approved based on the following findings of fact:

1. That approval of the variance would not adversely affect the rights of adjacent landowners or residents;
2. That the variance is in alignment with the general spirit and intent of the *Unified Development Ordinance*;
3. That approval of the variance would not adversely affect the public health, safety, or general welfare; and
4. That approval of the variance would result in substantial justice.

ATTACHMENTS

- Exhibit A:** Vicinity Map
- Exhibit B:** Applicant Narrative
- Exhibit C:** Proposed Sign Detail
- Exhibit D:** Sign Comparisons
- Exhibit E:** HDRC Minutes Excerpt

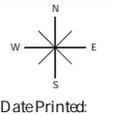
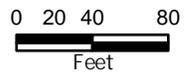


Project Location



Vicinity Map Exhibit A

P&Z Case 25-32V
24 S. Main Street Sign Variance



DatePrinted:

City of Liberty - GIS Division

EXHIBIT B

24 S. Main – Projecting Sign Narrative

To Whom it may Concern:

Please accept this narrative and accompanying exhibit as our justification for requesting a sign variance. When we purchased the 24-26 South Main property, our historical research provided that the structure was constructed in 1880 and was originally a hotel named “Metropolitan”. We had dreamed early on about rebranding the building “Metropolitan” to pay homage to its beginnings in Liberty.

As we began looking at building signage, we quickly determined that we were not interested in cluttering the Main Street façade with multiple tenant signage but rather create an identifying marker for the entire building that created a namesake for the structure into the future. Our hope is that current and future tenants refer to the “Metropolitan” as a location/destination.

Our selection of a blade sign came for a few paramount reasons. The first reason is practical; a Blade sign makes sense on a one-way street with visual connectivity to the historic Liberty Square. We were also inspired by Beaux – Arts blade signs that we had seen on other cities that were coming into prominence at the end of the 19th century. We wanted the sign to show the name of the building as well as display an accompanying small logo that is represented throughout the interior building signage and marketing material. We also thought it was important to show the date of origin to establish historical reference. We gravitated away from much larger potential awning signs and building face signs.

The primary challenge with complying with the allowable sign area, is the name M-E-T-R-O-P-O-L-I-T-A-N. 12 characters along with the date and logo poses an issue with proportionality. In the Lumeo Signs exhibit, the actual letter size is 5”. The letter size drives the proportionality of the remainder of the sign.

We took the initiative of modeling the building perspective with sign options to scale as seen from the direction of the square. Our intention was to show the impact of various sized signs on the building and showed what would be allowed by the current signage code if we simply painted the signage on the alley elevation. We would rather not do that, but felt it was important to demonstrate that our signage variance request is less impactful than what we would otherwise be allowed to install. As can be seen in these perspectives, the smallest allowable sign is as small as the current sconce lights on the building and does not represent a sign that pays homage to this structure.

In conclusion, we are requesting the signage variance to preserve the original name of the structure and eliminate other signage on the Main Street Façade, to maintain the Beaux-Arts flair of the blade sign and to refrain from painting a much larger sign “by right” on the alley façade.

We appreciate your consideration.

P&P 24 Main, LLC – David Pence and Jeff Price, AIA

EXHIBIT C

EXTERIOR Non-Illuminated Projecting Option B



TENANT TO REMOVE
VINYL GRAPHICS



PROPOSED



EXISTING



CUSTOMER: 1880 METROPOLITAN
NAME: JEFF PRICE / DAVID PENCE
LOCATION: 24 & 26 S MAIN ST
LIBERTY, MO 64068

DATE: 3/6/2025
DESIGN NO.: SP-330245
ARTIST: JH
SCALE: 1" = 1'-0"
1/8" = 1'-0"

SPECIFICATIONS

- FABRICATE AND INSTALL (1) DOUBLE-FACED, NON-ILLUMINATED PROJECTING BUILDING SIGN
- SHAPED PAN PAINTED SW 1915 SKYLINE
- INSET PAN PAINTED BLACK WITH 1/4" THICK FLAT CUT OUT DISK - PAINTED SW 6391 GALLANT GOLD OVERLAID WITH DIGITALLY PRINTED DOGWOOD VINYL
- WITH 1/4" THICK FLAT CUT OUT ALUMINUM "M" PAINTED WHITE
- "METROPOLITAN" - 1/4" THICK FLAT CUT OUT ALUMINUM LETTERS PAINTED SW 6391 GALLANT GOLD
- "EST. 1880" - 1/8" THICK FLAT CUT OUT ALUMINUM NUMBERS PAINTED WHITE

ALL NOTED DIMENSIONS ARE APPROXIMATE AND MAY BE MODIFIED SLIGHTLY DURING MANUFACTURING TO ALLOW PROPER COMPONENT USAGE.
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METROPOLITAN

1880

EXHIBIT E

Request for Comment on Sign Variance for 24/26 S. Main

Ms. Sharp presented the proposal to allow a 14 square foot blade sign at 24 S Main. She said this sign variance will be heard by the Board of Zoning Adjustments in July.

David Pence, the architect and owner of the property, said the sign that they are proposing is 8 foot tall. The existing light fixtures are almost 4 ft. tall, so he believes this sign will be an appropriate scale for the building. The Metropolitan is the original name of the building when it was a hotel so they would like to have a sign paying homage, but because the name is so long they need a bigger sign or the letters would be too small to read.

Commissioner Carr said he likes the sign painted on the alley wall as well. He said the blade sign is an awesome sign and it doesn't seem obtrusive. He believes the applicant's narrative explained why it is needed.

Commissioner Chelton asked for clarification on what would be allowed.

Ms. Sharp said our sign code allows a few options, including a wall sign, a freestanding sign, a façade sign, a projecting sign, and an awning sign. Our projecting signs are more pedestrian scale. The max is 6 square feet, and so they are asking for a variance to allow it to be larger.

Commissioner Armstrong said she likes that they are using the entire name of the building and appreciates how the sign relates to the history of the building. She likes how the blade sign breaks up the large massing of the building. Her preference is the large sign that is being proposed by the applicant.

Commissioner Chelton said that this type of blade signs came into favor in the 1930's.

Commissioner Gray feels the sign size is appropriate.

Commissioner Rinker said the bricks are soft so painting the brick for a painted wall sign may not be the best idea.

Mr. Pence said they intent of the image of the painted wall sign was just for reference, to show how big the wall sign is allowed to be and that it is not what they are proposing.

A motion was made by Commissioner Armstrong in favor of the application for a blade sign variance because the sign is in harmony with the lines of the building and is appropriate to the scale of the building and coveys the history of the building. The motion was seconded by Commissioner Rinker. The motion passed 7-0-0.



STAFF REPORT

Board of Zoning Adjustment Case 25-38V

Staff: Kyle McGinnis, City Planner

Date: July 30, 2025

GENERAL INFORMATION

Application: A request to vary 13 feet from the platted 50-foot front building line setback recorded on the final plat of the Northpoint subdivision (1976) and the subsequent resurvey of Lots 182 and 183 (1977) of the Northpoint subdivision, to allow for the construction of an addition to the home located at 608 Nashua Road (Lot 183) up to 37 feet from the front property line.

Applicant/Owner: Jon & Gregory Arnold
608 Nashua Road
Liberty, MO 64068-1228

Represented by: Michelle Travers, A3G Architects
110 N. Main Street
Liberty, MO 64068

Location: 608 Nashua Road

Existing Land Use/Zoning: Single-Family Residential Dwelling / R-1C, "Standard Single-Family Residential District"

Surrounding Land Uses/Zoning: **North:** Single-Family Residential / R-1C District
South: Nashua Road, Single-Family Residential / R-1C District
East: Single-Family Residential / R-1C District
West: Single-Family Residential / R-1C District

Public Notice: Legal Notice printed in Courier Tribune on July 16, 2025
Letter sent to property owners within 185 ft. on July 16, 2025
Sign Posted on site on July 18, 2025

File Date: June 19, 2025

SPECIFIC INFORMATION

The Northpoint subdivision was platted in 1976, north of Nashua Road. The subject property, 608 Nashua Road, was platted as Lot 183 of the Northpoint subdivision at that time. Lot 182, to the east, and the subject property were then subsequently resurveyed in 1977 to adjust their shared lot line by 10 feet. Both the Northpoint subdivision plat (1976) and the resurvey of Lots 182 and 183 (1977) included a platted 50-foot front building line setback along Nashua Road, behind which both dwellings, including the dwelling on the subject property, were built.

The applicants plan to construct an addition to their home and have retained the services of A3G Architects for the design of the addition, whose narrative for this request is attached as Exhibit B. Per the current design, the addition would encroach beyond the platted 50-foot front building setback line by approximately 13 feet, which would place the proposed extension of the garage about 37 feet from the front property line along Nashua Road. The *Unified Development Ordinance* lacks an administrative mechanism by which construction can vary from platted setbacks; as a result, the applicants have requested this variance in order to encroach beyond the platted 50-foot front building line setback.

STAFF ANALYSIS

Staff has reviewed the UDO to determine whether a variance is not warranted in this instance. With respect to a non-use variance, staff conducted its analysis according to the following six-part test:

a. **How substantial is the variation in relation to the requirement?**

The requested variance would result in a front yard setback of 37 feet, an approximate 26% reduction in the platted 50-foot front yard setback for this lot. Although this variance is somewhat substantial when represented as a percent of the platted requirement, the actual conditions the reduced front yard setback would produce would be in relative alignment with several nearby homes along the north side of Nashua Road. In addition, the typical front yard setback required by the property's zoning – the R-1C, "Standard Single-Family Residential District" – is 30 feet, which the proposal would comply with.

b. **If the variance is allowed, what is the effect of increased population density, if any, on available public facilities and services?**

This variance would not result in an increase in population density and as such would not produce increased demand on public facilities and services.

c. **Will a substantial change be produced in the character of the neighborhood or a substantial detriment to adjoining properties created if the variance is allowed?**

No, staff does not believe that the approval of this variance would produce a substantial change in the character of the neighborhood or result in a substantial detriment to the adjoining properties. When the Northpoint subdivision was platted in 1976, all eight lots which fronted on Nashua Road were given a 50-foot front building line setback along that frontage. In 1978, resurveys were recorded which combined two of these lots into one (producing seven lots where there were once eight), and providing three of the lots with a reduced 40-foot front building line setback where a 50-foot setback had initially been designated. As a result, the homes located at 500 Nashua Road, 1200 Campbell Avenue, and 1201 Campbell Avenue were built up to or close to this amended 40-foot front building line setback. The remaining homes at 400, 406, 604, and 608 Nashua Road were built at or near the original 50-foot front building line setback. The request to vary from the platted 50-foot setback by approximately 13 feet, resulting in a front yard setback of 37 feet, is similar to the platted 40-foot setback applicable to 1200 and 1201 Campbell Avenue, and 500 Nashua Road. Refer to Exhibit D for a visualization of these setback lines and the homes that exist today.

d. **Can the difficulty be obviated by some method feasible for the applicant to pursue other than a variance?**

The architects working on this project did explore other design configurations prior to the submission of this variance request, but found an encroachment into the front yard setback to be the only reasonably viable option. Based on the width of the existing home, there is not sufficient space to either side of the structure to construct an addition of this size based on the R-1C District's required seven-foot side yard setback. Furthermore, the land slopes rather steeply as one walks from the front to the rear of the garage, making an addition to the rear of the garage more prohibitive. A site plan of the proposed addition

denoting all applicable setbacks and including pictures of the property has been provided as Exhibit C.

- e. **In view of the manner in which the difficulty arose and considering all of the above factors, will the interests of justice be served by allowing the variance?**

The variance requested did not arise out of an instance of injustice; as a result, approval of the variance would not result in the deliverance of justice. However, staff maintains that the requested variance is not substantial in relation to the typical requirement for the R-1C District and would produce a similar visual effect as those homes built to the amended 40-foot platted setback at 1200 and 1201 Campbell Avenue, and 500 Nashua Road.

- f. **Does the variance rely on conditions of the land in question, and not conditions personal to the landowner? The board shall not consider evidence of the applicant's personal financial hardship unrelated to any economic impact on the land.**

The variance request does rely, in part, on conditions of the land in question. The home was built such that there is insufficient space to construct an addition to either of its sides, and the slope of the land makes the construction of an addition at the rear of the garage less favorable than the addition proposed to the front of the garage.

Staff analyzes all variance applications according to the following five-part test:

- a. **Will granting the variance adversely affect the rights of adjacent landowners or residents?**

No, the granting of this variance would not adversely affect the rights of adjacent landowners or residents.

- b. **Will granting the variance be opposed to the general spirit and intent of this UDO?**

No, the granting of this variance would not be opposed to the general spirit and intent of the UDO. The property is zoned R-1C, which requires a minimum 30-foot front yard setback. The proposal would place the front of the addition approximately seven feet further back from this minimum setback line.

- c. **Will the variance requested adversely affect the public health, safety or general welfare?**

No, the requested variance would not adversely affect the public health, safety, or general welfare. The home addition would be built approximately seven feet further back from the minimum front yard setback applicable to this zoning district, and only three feet closer to the right-of-way than several other homes along the north side of this segment of Nashua Road.

- d. **Does the variance requested arise from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action of the applicant?**

The requested variance did not arise from a condition created by the applicant and is related to a condition not typically found in the R-1C District. A 50-foot front yard setback is not typical within the R-1C District, which requires a minimum 30-foot front yard setback; staff believes the Northpoint subdivision may have initially platted this 50-foot front yard setback due to Nashua Road's designation as a Collector roadway, which does not allow for on-street parking. The larger front yard setback may have been applied here to provide additional space for larger driveways and more off-street parking for future homes.

- e. **Will substantial justice be done?**

The variance requested did not arise out of an instance of injustice; as a result, approval of the variance would not result in the deliverance of justice.

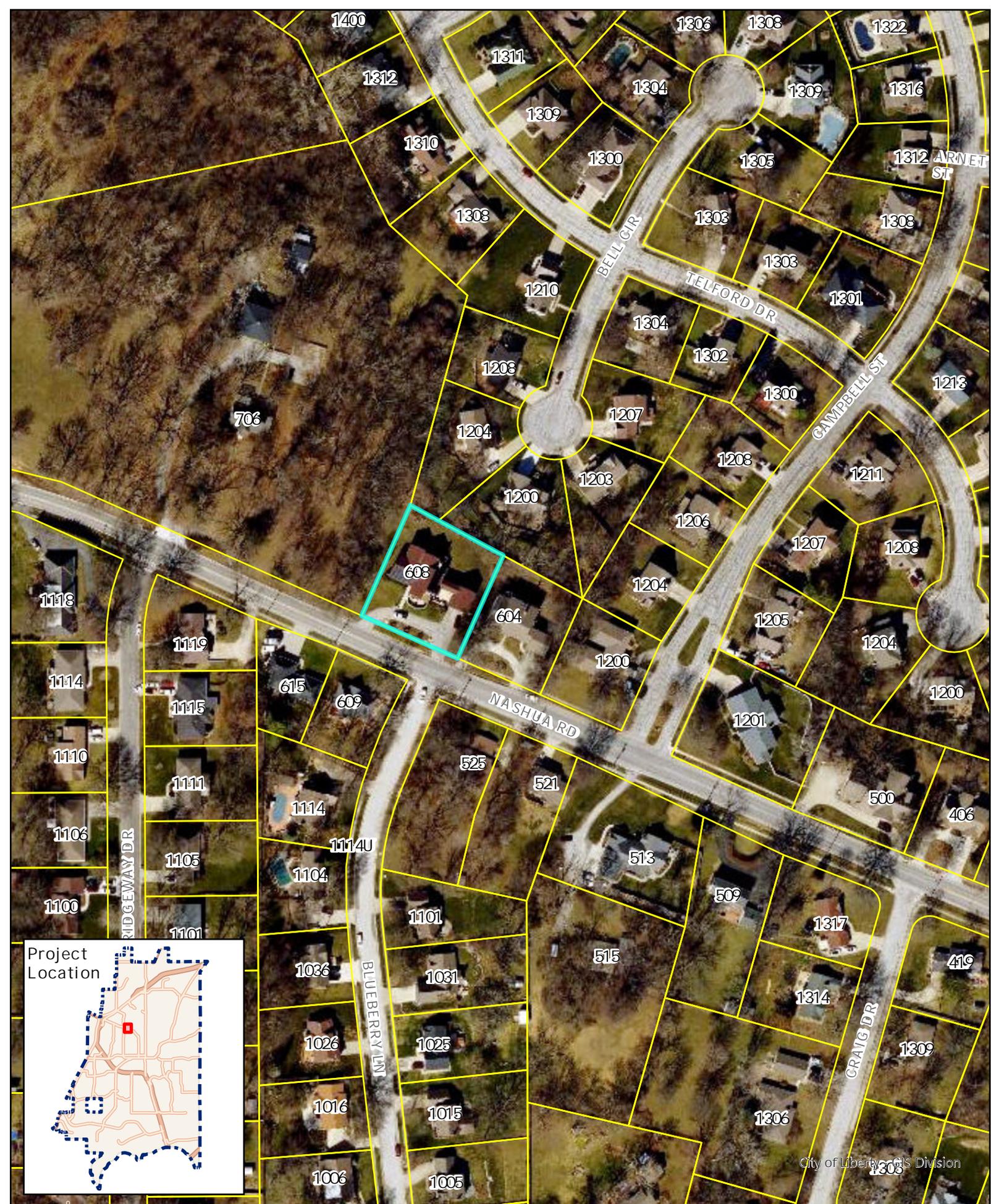
STAFF RECOMMENDATION

Staff recommends that the application to vary from the platted 50-foot front building line setback by 13 feet, resulting in a front yard setback of 37 feet, for the home at 608 Nashua Road be approved based on the following findings of fact:

1. The requested variance would not substantially change the character of the neighborhood or be a substantial detriment to the adjoining properties;
2. The requested variance is not opposed to the general spirit and intent of the UDO; and
3. The requested variance arose from a condition not typically found in the R-1C District.

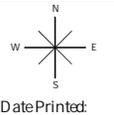
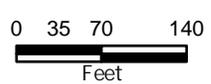
ATTACHMENTS

- Exhibit A:** Vicinity Map
- Exhibit B:** Variance Narrative
- Exhibit C:** Proposal Plan Set
- Exhibit D:** Setback Visualization



Vicinity Map
Exhibit A

P&Z Case 25-38V
608 Nashua Road Front
Yard Setback Variance



City of Liberty GIS Division

DatePrinted:



EXHIBIT B

14 July 2025

City of Liberty
Board of Zoning and Adjustment
Liberty, Missouri 64068

RE: 608 Nashua Road
Liberty, Missouri 64068

To the Board of Zoning Adjustment:

This is a formal request for a variance on the front yard setback at 608 Nashua Road. The lot is currently zoned as an R-1C Residential lot, which typically requires a minimum front yard setback of 30 feet. However, the home is in the Northpoint Subdivision, which has a minimum front yard setback of 50 feet. We propose to reduce the front yard setback from 50 feet to 37 feet to accommodate an addition to the existing two-car garage on the front of the house. The location of the proposed addition is the best for the site because of the existing interior spatial arrangement of the home and existing grades.

Originally, the 608 Nashua Road lot, Lot 183, was designated as the R-1C Residential zoning with a 30-foot front yard setback. In 1976, the lot was included in the final plat for the Northpoint Subdivision, where the front yard setback became 50 feet. It was then resurveyed in 1977, adjusting the shared line between adjacent lot 182. Various lots east and west of the Northpoint Subdivision on Nashua Road follow the 30-foot front yard setback.

The owners intend to have a multi-generational home by incorporating an addition for a mother-in-law's suite and to accommodate all cars by extending the existing garage forward to have a four-car garage.

The proposed location for the garage addition is the most practical solution to accommodate the owner's need for a four-car tandem garage. We cannot extend the existing garage's width without encroaching on the side yard setback. Also, we cannot relocate the entirety of the garage to the other side yard without encroaching on that setback. The 50-foot setback is limiting due to the existing property sloping down a substantial amount to the rear yard.

Extending the existing garage along the front of the house will allow the addition to be slab on grade. An addition to the existing garage in the rear will require a suspended slab and new full-height foundation walls at approximately 9 feet with limestone veneer to match the existing.



Describe in detail the variance requested:

- A front yard setback variance is being requested from the required 50-foot front yard setback per Northpoint Subdivision guidelines to 37-foot front yard setback for a total variance of 13 feet.

Requirement “(2) A” states “How substantial the variation is in relation to the requirement.”

- The variance is not substantial because it is within the UDO standards of a minimum 30-foot front yard setback per the R1-C zoning setback standards.

Requirement “(2) B” states “If the variance is allowed, the effect of increased population density, if any, on available public facilities and services;”

- No change in population density.

Requirement “(2) C” states “Whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties is created;”

- The variance is within the UDO standards of a minimum 30-foot front yard setback per the R-1C zoning setback standards. The owner intends to keep the existing aesthetic and character of the home.

Requirement “(2) D” states “Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than a variance;”

- Extending the existing garage in the front yard is the most feasible method to achieve the four-car tandem garage due to the existing conditions. The addition can be slab on grade and maintains more of the existing garage framing. Widening the existing garage or relocating it to the other side of the property will encroach on the standard 7ft side yard setback. The addition added to the rear of the garage will require a suspended slab and new full-height foundation walls.

Requirement “(2) E” states “Whether, in view of the manner in which the difficulty arose and considering all of the above factors, the interest of justice will be served by allowing the variance; and”

- Allowing the variance will accommodate the four-car garage for the proposed multi-generational household with the most feasible method.



Requirement “(2) F” states “Condition of the land in question, and not conditions personal to the landowner. The board shall not consider evidence of the applicant’s personal financial hardship unrelated to any economic impact upon the land.”

- The site is limiting due to the existing property grade sloping down to the rear yard, creating a walkout basement for the home. This is not a feasible solution for extending the existing garage because it will require a suspended slab and new full-height walls at approximately 9 feet.

Requirement “(3) A” states “Granting the variance will not adversely affect the rights of adjacent landowners or residents;”

- The variance is within the UDO standards of a minimum 30-foot front yard setback per the R-1C zoning setback standards. Lots on the same road have the same front yard setback that are not part of the Northpoint subdivision.

Requirement “(3) B” states “Granting the variance will not be opposed to the general spirit and intent of this UDO;”

- The variance does not oppose the general spirit and intent of the UDO because it is within the UDO standards of a minimum 30-foot front yard setback per the R-1C zoning standards.

Requirement “(3) C” states “The variance requests will not adversely affect the public health, safety or general welfare;”

- The variance will not affect the public health, safety, or general welfare because it is within the UDO standards of a minimum 30-foot front yard setback per the R-1C zoning standards. The existing circle driveway of the lot will remain as is, and occupants will not need to back into traffic from the extended garage to access the road.

Requirement “(3) D” states “The variance requested arises from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action of the landowner or the applicant; and”

- The condition for the variance is unique because other lots do not have an approximate 9-foot grading drop in their rear yard. If there were not a substantial grade drop in the rear yard, extending the existing garage could be a feasible solution. Also, most R-1C zoned properties have a minimum of 30 feet as a front yard setback rather than 50 feet. The 37-foot front yard setback is within the UDO standards, and other



properties along Nashua Road are not part of the Northpoint subdivision and have a minimum 30-foot front yard setback.

Requirement “(3) E” states “Substantial justice will be done.”

- The front yard variance request will allow the homeowners to expand their home for multi-generation living in the most practical method and fall within design guidelines for the R-1C zoning.

Sincerely,

A handwritten signature in black ink that reads 'Aimee D. Gray'.

Aimee D. Gray AIA, NCARB
Principal/Owner
A3G Architects

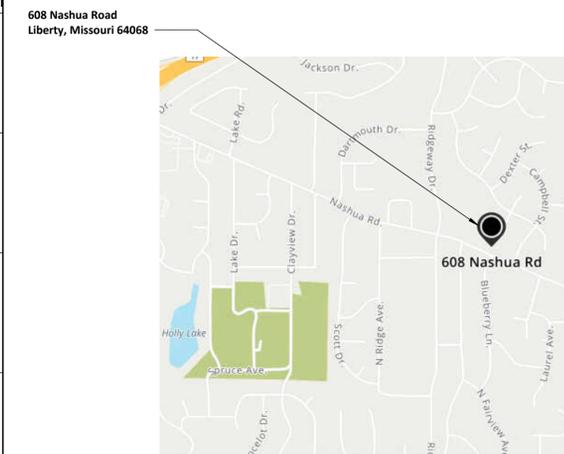
GENERAL PROJECT INFORMATION

Project Name: Arnold Residence
Project Address: 608 Nashua Road
 Liberty, Missouri 64068
Jurisdiction: City of Liberty, Missouri
Legal Description: NORTHPOINT RESSURVEY LTS 182 & 183 LT 183
Property ID: 329064
Parcel ID: 15105000601000

Description of Work
 This project consists of a home renovation and addition where the owners want to extend their existing garage to accommodate 4 cars.

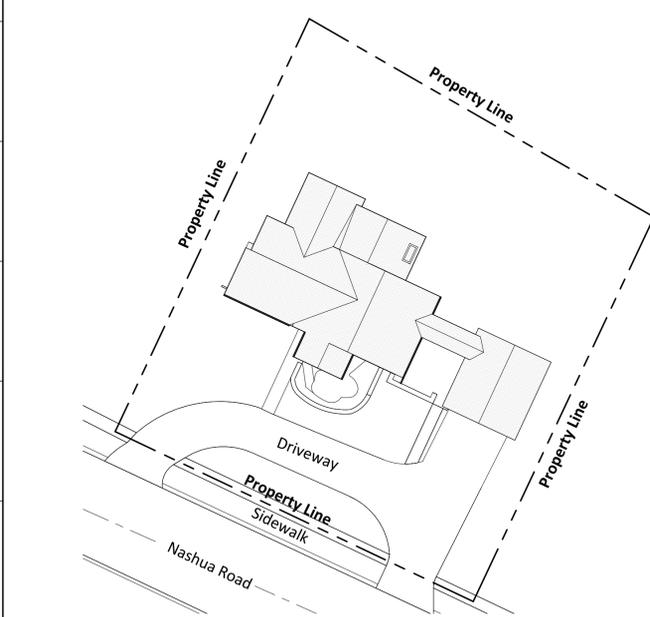
Building Data
Owner: Jon Christopher and Gregory Arnold
Zoning: R-1C
Lot Size: 21,721 sf
House Addition: 279 sf
Garage Addition: 493 sf

Property Setbacks
Front Yard - South: 50'-0"
Rear Yard - North: 30'-0"
Side Yard - East: 7'-0"
Side Yard - West: 7'-0"



G1 Location Map

Not to Scale



A1 Site Plan - Existing

A5 1" = 30'-0"

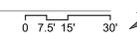
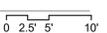


EXHIBIT C



A8 Site Plan

A5 1" = 10'-0"



110 North Main Street
 Liberty, Missouri 64068
 p 816.581.6330
 www.a3garchitects.com
 3AG Architects, LLC
 Missouri Certificate of Authority:
 #A-014000783

NOT FOR CONSTRUCTION

Aimee D. Gray - Architect
 Missouri License # A-2007019924

Arnold Residence
 608 Nashua Road
 Liberty, Missouri 64068

Jon Christopher and Gregory Arnold
 608 Nashua Road
 Liberty, Missouri 64068

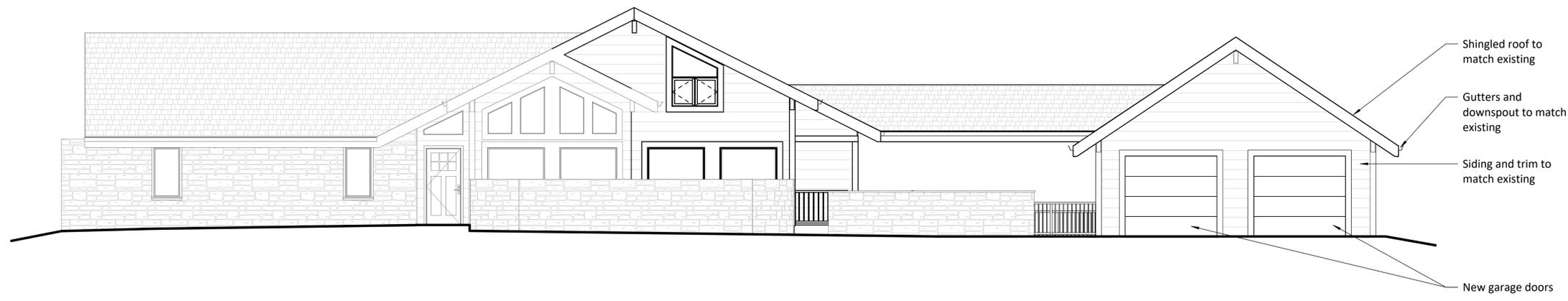
ISSUED FOR:

Building Variance

VA1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

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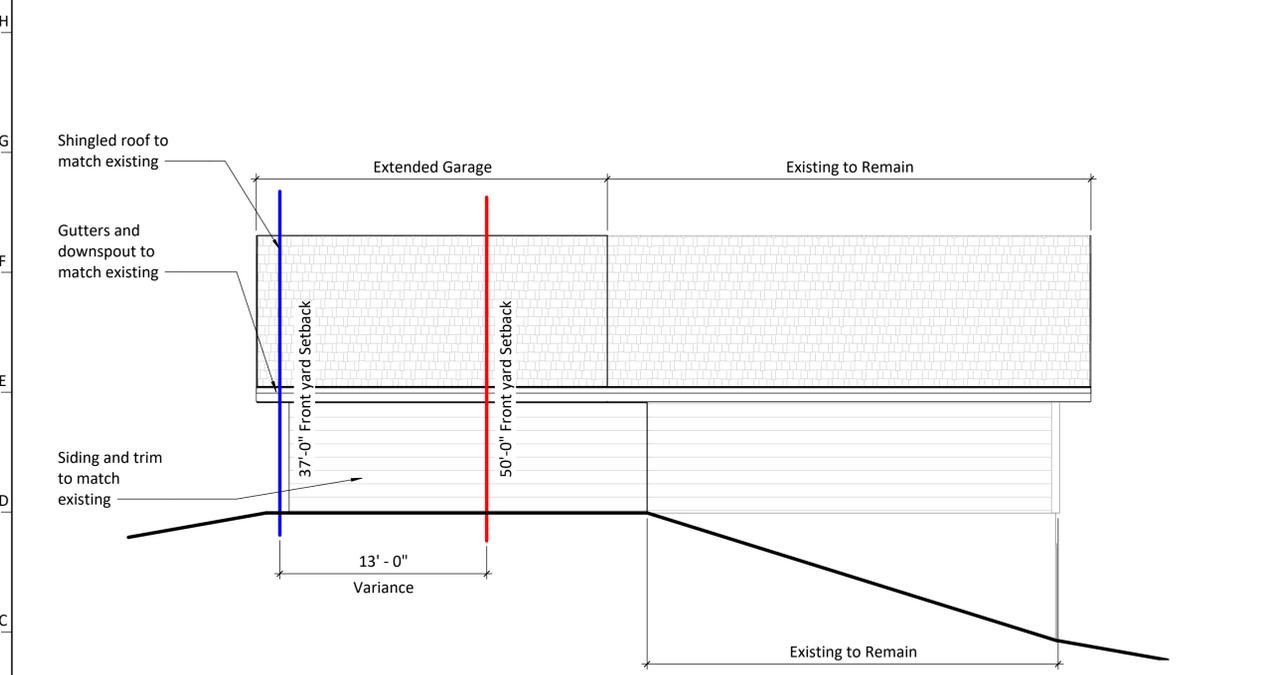
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 #A-014000783

NOT FOR CONSTRUCTION

Aimee D. Gray - Architect
 Missouri License # A-2007019924

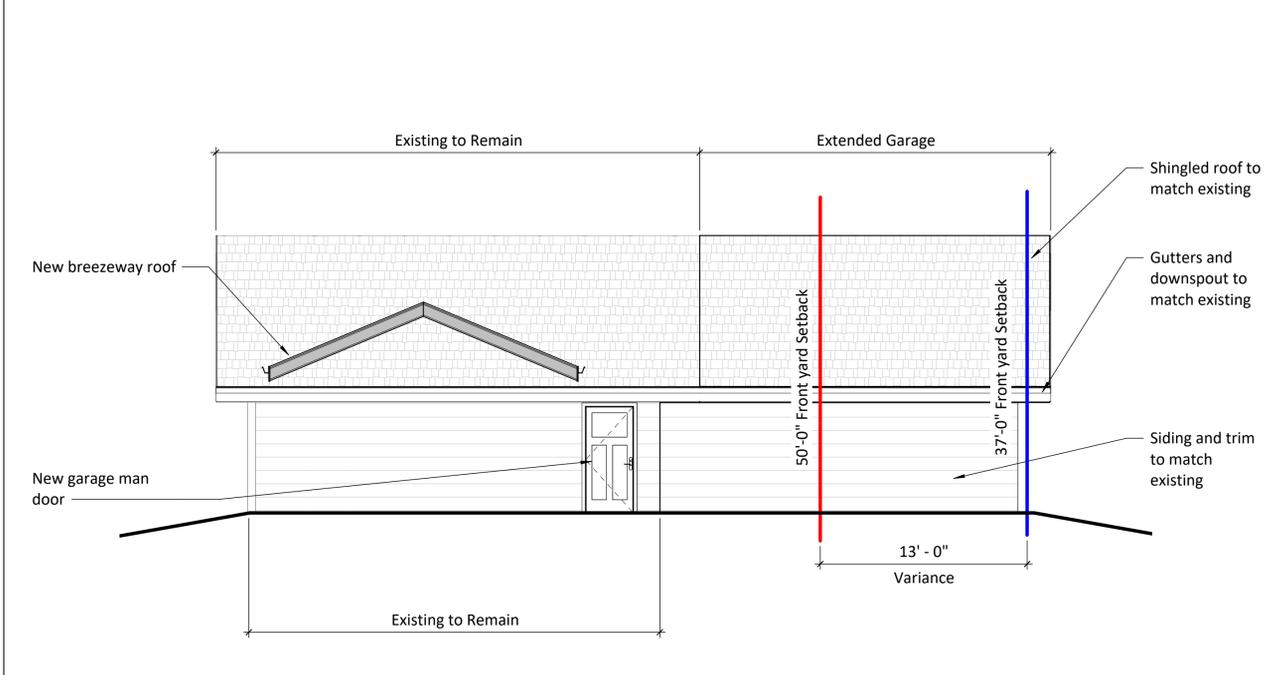
J1 Front Elevation

A2 3/16" = 1'-0" 0 14' 28" 54"



A1 East Elevation

A2 3/16" = 1'-0" 0 14' 28" 54"



A13 West Elevation

A2 3/16" = 1'-0" 0 14' 28" 54"

Arnold Residence
 608 Nashua Road
 Liberty, Missouri 64068

Jon Christopher and Gregory Arnold
 608 Nashua Road
 Liberty, Missouri 64068

ISSUED FOR:

Building Variance

VA2



Side of Existing Garage



Side of Existing Garage



Back of Existing Garage



Back of Existing Garage



110 North Main Street
Liberty, Missouri 64068
p 816.581.6330
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Missouri Certificate of Authority:
#A-014000783

NOT FOR CONSTRUCTION

Aimee D. Gray - Architect
Missouri License # A-2007019924

Arnold Residence
608 Nashua Road
Liberty, Missouri 64068

Jon Christopher and Gregory Arnold
608 Nashua Road
Liberty, Missouri 64068

ISSUED FOR:

Existing Conditions

VA3

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EXHIBIT D





STAFF REPORT

Board of Zoning Adjustment Case 25-43V

Staff: Kyle McGinnis, City Planner

Date: July 30, 2025

GENERAL INFORMATION

Application: **A variance to the *Unified Development Ordinance (UDO)*, Section 30-49.2, “District R-1C, height and area regulations” to allow new residential construction to encroach into the required 30-foot front yard setback by 3+/- feet at 500 Ella’s Way, resulting in a front yard setback of 27+/- feet.**

Applicant/Owner: D.R. Horton
8025 Arrowridge Boulevard
Charlotte, NC 28273-5604

Represented by: Adam Murry
50 SE 30th Street
Lee’s Summit, MO 64082

Location: 500 Ella’s Way, Lot 45 of Ella’s Crossing

Existing Land Use/Zoning: Single-Family Residential / R-1C, “Standard Single-Family Residential District”

Surrounding Land Uses/Zoning: **North:** Single-Family Residential / R-1C District
South: Single-Family Residential / R-1C District
East: Burlington Northern Railroad / N/A
West: Ella’s Way, Single-Family Residential / R-1C District

Public Notice: Legal Notice printed in Courier Tribune on July 16, 2025
Letter sent to property owners within 185 ft. on July 16, 2025
Sign Posted on site on July 18, 2025

File Date: July 11, 2025

SPECIFIC INFORMATION

The subject property is located at 500 Ella’s Way (Lot 45 of Ella’s Crossing) and is currently under construction by the property owner, D.R. Horton, which is building a single-family dwelling on the site. An error was made by a former employee of Engineering Solutions, the civil engineer for this project, during the staking of the home, resulting in the construction of a foundation which encroaches approximately 2.7 feet beyond the required 30-foot front yard setback line prescribed by Section 30-49.2 of the *Unified Development Ordinance (UDO)*. In the absence of other reasonable means by which to correct this error, the applicant has requested a variance in order to accommodate these conditions.

STAFF ANALYSIS

Staff has reviewed the UDO to determine whether a variance is not warranted in this instance. With respect to a non-use variance, staff conducted its analysis according to the following six-part test:

a. **How substantial is the variation in relation to the requirement?**

A reduction in the prescribed 30-foot front yard setback by less than three feet is not overly substantial, particularly when considering the minimal impact this change will have on the appearance of the home as it relates to the neighboring dwellings along Ella's Way.

b. **If the variance is allowed, what is the effect of increased population density, if any, on available public facilities and services?**

The requested variance would not result in an increase in the density of the population on this property and, as a result, would not impact the availability of public facilities and services.

c. **Will a substantial change be produced in the character of the neighborhood or a substantial detriment to adjoining properties created if the variance is allowed?**

No, staff does not believe that the approval of this variance would result in a substantial change to the character of the neighborhood, nor would it produce a substantial detriment to the adjoining properties.

d. **Can the difficulty be obviated by some method feasible for the applicant to pursue other than a variance?**

No, the difficulty in this instance cannot be obviated by some other feasible method, as the only option would be to remove and rebuild the foundation and frame of the home at the correct location.

e. **In view of the manner in which the difficulty arose and considering all of the above factors, will the interests of justice be served by allowing the variance?**

Staff does believe that the interests of justice would be served by granting the requested variance. Without the approval of this variance, the property owner would be required to remove the foundation and frame of the home and reconstruct it at the correct setback, which staff believes is not a reasonable solution given these conditions are a result of genuine human error by a contractor of the property owner and the requested variance is not overly substantial relative to the requirement.

f. **Does the variance rely on conditions of the land in question, and not conditions personal to the landowner? The board shall not consider evidence of the applicant's personal financial hardship unrelated to any economic impact on the land.**

No, the variance does not rely on conditions of the land in question. The conditions present are the result of human error made by a former employee of Engineering Solutions during the staking of the home prior to construction; however, the property owner contacted City staff as soon as this error was identified and the project has been placed on hold until this process is complete.

Staff analyzes all variance applications according to the following five-part test:

a. **Will granting the variance adversely affect the rights of adjacent landowners or residents?**

No, granting the variance would not adversely affect the rights of adjacent landowners or residents.

b. **Will granting the variance be opposed to the general spirit and intent of this UDO?**

In the R-1C District, the UDO calls for a minimum 30-foot front yard setback. A front yard setback of 27 feet, as requested, is not overly substantial relative to the requirement and is not likely to result in an

overly noticeable condition relative to the neighboring homes. In this sense, staff does not believe that the requested variance would be opposed to the general spirit and intent of the UDO, as setbacks are intended to provide a sense of uniformity across development, and that uniformity would not be overly impacted by this request.

c. **Will the variance requested adversely affect the public health, safety or general welfare?**

No, granting the variance would not adversely affect the public health, safety, or general welfare.

d. **Does the variance requested arise from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action of the applicant?**

No, the variance does not arise from a condition unique to the property or otherwise not ordinarily found in the same zoning district. In this instance, the variance request was created by an action taken by a contractor hired by the property owner; however, the variance is the result of a genuine human error made by a former employee, and no other reasonable solution is available to correct the situation.

e. **Will substantial justice be done?**

Staff does believe that the interests of justice would be served by granting the requested variance.

STAFF RECOMMENDATION

Staff recommends that the application to permit the home at 500 Ella's Way to encroach into the 30-foot front yard setback by three feet be approved based on the following findings of fact:

1. The requested variance from the prescribed 30-foot front yard setback by less than three feet is not overly substantial;
2. The requested variance would not result in a substantial change to the character of the neighborhood, nor would it produce a substantial detriment to the adjoining properties;
3. The difficulty in this instance could not be obviated by some other reasonably feasible method; and
4. Granting the variance would not adversely affect the public health, safety, or general welfare.

ATTACHMENTS

Exhibit A: Vicinity Map

Exhibit B: Variance Narrative

Exhibit C: Site Plan

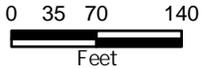


City of Liberty - GIS Division



Vicinity Map
Exhibit A

P&Z Case 25-42V
500 Ella's Way Front Yard
Setback Variance



Date Printed:



EXHIBIT B

Variance Request
July 10, 2025
Lot 45, Ella's Crossing 1st Plat

To Whom it May Concern

We are requesting a variance of 2.72' into the front Building Line. There were some errors made, by an ex-employee, while staking this house. Our field personnel made a mistake in the control that was used to stake this house. We became aware of the issue while completing a foundation certificate for the client. We brought it to the attention of Mike Peterman to see what the possible solutions would be to resolve the issue. We believe a variance would be the best solution to rectify the issue because the 2.72' is not noticeable or offensive while driving down the street and it does not disrupt the continuity of the subdivision. This lot is on a straight portion of the road and will not cause any site distance issues and we are still 41.8' from the curb so there will be no safety issues caused by this variance. If you have any questions or need anything else please feel free to give us a call at (816) 623-9888.

Thank You

Adam Murry

EXHIBIT C

