

Page 1

1 BEFORE THE
2 CITY OF FULTON
3 BOARD OF ADJUSTMENT
4 MEETING
5 AUGUST 1, 2023
6 5:15 p.m. - 5:27 p.m.

7 BOARD MEMBERS PRESENT:
8 Dan Healy, Chairman
9 Rob Barnes, Member
10 Tommy Salmons, Member
11 Aaron Rigdon, Alternate Member

12 STAFF:
13 Kathie Ratliff, City Clerk

14 REPORTED BY:
15 Shelley Bartels, CCR No. 679

Page 2

1 (On the record at 5:15 p.m.)
2 MS. RATLIFF: All right. If I could call
3 the meeting to order. It's 5:15, meeting of the
4 Board of Adjustment on August 1st, 2023.
5 Roll call: Rob Barnes.
6 MR. BARNES: Here.
7 MS. RATLIFF: Dan Healy.
8 MR. HEALY: Here.
9 MS. RATLIFF: Tommy Salmons.
10 MR. SALMONS: Here.
11 MS. RATLIFF: Shad Salmons. Aaron
12 Rigdon.
13 MR. RIGDON: Here.
14 MS. RATLIFF: Thank you. Four present,
15 enough for a quorum. Before we start, do all the
16 members agree that Aaron can stand in as an alternate
17 and he can perform as a member?
18 (Unanimous yeses.)
19 MS. RATLIFF: Great. The last time we
20 held an election of a chairman was in 2021, so we've
21 expired and we need to take nominations. Can I have
22 a nomination for a chairman? You can point fingers.
23 MR. HEALY: I will do it again; I don't
24 mind. Someone else can do it.
25 MR. BARNES: Sounds like a nomination to

Page 3

1 me.
2 MS. RATLIFF: Sounds like a nomination?
3 MR. BARNES: Yeah. I'll second it.
4 MS. RATLIFF: For Dan?
5 MR. BARNES: For Dan.
6 MS. RATLIFF: Okay. Is there any other
7 nominations? Hearing none, Dan Healy, you're
8 approved as the chairman. The motion was made by --
9 MR. SALMONS: Tommy Salmons.
10 MS. RATLIFF: Thank you. And seconded by
11 Rob Barnes. Appreciate that. Okay. Dan, it's your
12 meeting.
13 MR. HEALY: Okay. We're going to have a
14 meeting today to declare an open hearing and at --
15 this hearing is called to hear the request from
16 Crockett Engineering Consultants asking for a
17 variance in setback requirements for the property
18 located at 906 Westminster Avenue in the city of
19 Fulton, Missouri. The City Code permits an allowance
20 of a 25-foot rear setback. A variance of 20-foot
21 rear setback along the easternmost property line is
22 requested.
23 The next thing I would like to do is have
24 a call for those in favor to speak. If we have
25 anyone who would like to speak, come on up to the

Page 4

1 microphone there if you could.
2 MS. RATLIFF: Please state your name and
3 your address.
4 MR. SANDERS: My name is Dan Sanders. I
5 am with MACO, M-A-C-O, Development Company. Our
6 corporate address is 111 North Main Street, Clarkton,
7 Missouri.
8 MS. RATLIFF: Thank you.
9 MR. SANDERS: We're working with the
10 George Washington Carver Cultural Center for the
11 preservation and rehab of the George Washington
12 Carver School on Westminster Boulevard here in
13 Fulton. And upon completion the property will be
14 completely preserved, rehabbed. The school will be
15 rehabbed and converted into apartments for senior
16 citizens. The gymnasium will be made into offices
17 and amenity areas, workout areas and other things for
18 the residents that live there. And then in addition,
19 behind the building we're building a new construction
20 addition which will have 24 new construction
21 apartments which will also be part of this
22 development. It'll be connected to the school.
23 We'll have an elevator in the building, but that is
24 our overall proposal for what we're trying to do
25 there.

Page 5

1 We have been supported by the City
 2 Council and been approved by the State for this.
 3 We're now working through the bureaucratic process
 4 for the historic tax credits which is now in the
 5 hands of the State Historic Preservation officer who
 6 is hopefully, within the next couple weeks, ready to
 7 submit their review forward to the National Park
 8 Service so it can be reviewed at the national level.
 9 Our plans are hopefully to be -- to have
 10 all of the approvals in place and start new
 11 construction, I think third quarter, fourth quarter
 12 of this year. But again, it's just the bureaucratic
 13 process. We do have the financing and all the other
 14 parts approved. We're just now moving through the
 15 paperwork to get there.
 16 We're requesting a 20-foot rear setback
 17 line versus the 25-foot. Just, it's basically to
 18 separate the buildings a little more so the residents
 19 have some ability to get air and see -- have a better
 20 view looking out their windows on the upper floors so
 21 they're not looking at just another building adjacent
 22 to them. And it's also to make construction easier,
 23 to have that extra five foot between the buildings
 24 for the construction workers while they're working on
 25 it.

Page 6

1 But that's -- those are the main reasons
 2 for our request for the variance. And Kyle Miller is
 3 with Crockett Engineering and they are the civil
 4 engineer for this development and I will now let Kyle
 5 speak and give you some more details on what we're
 6 proposing.
 7 MR. HEALY: Thank you very much.
 8 MR. MILLER: Good evening. Kyle Miller,
 9 Crockett Engineering. Address, 1000 West Nifong,
 10 Building 1, Columbia, Missouri.
 11 So to add on to what Dan said here this
 12 evening, as you can see by our rendering here or the
 13 packet that was provided, the existing building is to
 14 be renovated and on top of that, a new construction
 15 of a new building there just to the east of that
 16 building.
 17 The City Code requires that the rear
 18 setback be 25 feet along with the front yard is
 19 also 25 feet and side yard of 10. With this proposal
 20 of the new building we would be meeting all other
 21 requirements for the front yard at 25, the side
 22 yards of 10 feet, as well as the -- right in this
 23 area -- an additional rear setback for the residents
 24 right adjacent to that property with the same
 25 required 25-foot setback. The only thing we would be

Page 7

1 asking for is a reduction of five feet there on the
 2 rear of the very east portion of the lot adjacent to
 3 Poston Ave.
 4 We're doing that a couple reasons.
 5 Number one is to allow for better drainage between
 6 the buildings, to allow for the water to have a way
 7 to get out and go to the area inlands. Number two,
 8 better fire protection. If we were to push that rear
 9 setback an additional five feet, the buildings would
 10 then be even closer together having the un -- unable
 11 to move the existing building. And then also to have
 12 the residents on that side of the building be able to
 13 have a better view and not be as close to the
 14 existing building as well. And like Dan said,
 15 constructability as well.
 16 It is our opinion too that, you know,
 17 these rear setbacks are made for whenever you have
 18 two residential lots back to back or any other
 19 buildings back to back. In this case we have a
 20 right-of-way to the road as well, so it has a lot of
 21 extra buffer in the area as well. So that is why
 22 we're here requesting tonight to go from 25 to 20
 23 foot setback; it's for the previously-mentioned
 24 items. Be happy to answer any other questions the
 25 Board might have.

Page 8

1 MR. HEALY: I don't know if anyone has a
 2 question, but thank you very much.
 3 MR. MILLER: You bet.
 4 MR. HEALY: I'm going to have the second
 5 call for those in favor to speak. Do we have anyone
 6 else that would like to speak?
 7 MR. LITTLE: I'm Brian Little, 4050 State
 8 Road JJ, Fulton, Missouri. I've been on the board,
 9 the Carver school board for quite a few years now.
 10 This project is moving forward with the help of MACO
 11 and their partners. I believe we've gotten a lot of
 12 support from the State. We've gotten a lot of
 13 support from the City of Fulton council members. I
 14 would like to encourage your support too for this
 15 project with this minor variance.
 16 If you're not familiar with it, I would
 17 invite you to look at a similar property in Sedalia
 18 called Lincoln Hubbard. If you haven't seen the
 19 drawings and everything that Dan and his company have
 20 provided, if you look up Lincoln Hubbard, you're
 21 going to see some photos of a school that looks just
 22 almost identical to Carver and what they've done with
 23 it. It just -- it was just astounding what they've
 24 done. And we're needing your help to accomplish the
 25 same thing for that neighborhood on Westminster

Page 9

1 Avenue.

2 So I appreciate your thought into this

3 process and help us out. Thank you. Any questions?

4 MR. HEALY: Thank you, Brian.

5 MR. LITTLE: Thanks, Dan.

6 MR. HEALY: Now I'm going to have the

7 third call for those in favor to speak. Is there

8 anyone else that would like to speak in favor?

9 Hearing none I will move on to three

10 calls for those in opposition to speak. Do we have

11 anyone in opposition? Okay. Second call to speak

12 for anyone in opposition. And now we'll have the

13 third call for anyone to speak in opposition.

14 Hearing none, I will move on to declare

15 the hearing closed. And discussion on the issue if

16 anyone on the board has any discussion, any

17 questions, would like to talk. Would you like to say

18 something to us?

19 MS. RATLIFF: I don't have the speakers

20 on.

21 MR. BRUEMMER: Don't have the speakers

22 on? I can talk loud. Kyle Bruemmer, City engineer.

23 In looking at the plan that Kyle and Dan presented

24 and Poston Avenue, one of the things I looked at was

25 just sight distance, you know, for the traveling on

Page 10

1 Poston on either corner. Obviously the way that the

2 building's arranged, that's -- there's no issues that

3 I see there. Additionally on that back setback, none

4 of the parking, parking lots or anything that -- the

5 entrances into this facility are going to be off of

6 Poston. So, you know, that's another mitigating

7 factor as far as that setback goes.

8 So, you know, from an engineering side of

9 it, the City Engineer office side of it, we didn't

10 see any problem with this adjustment.

11 MR. HEALY: Thank you. Do we have any

12 other discussion?

13 MR. BARNES: Mr. Bruemmer, it looks like

14 everything else is conforming to code. No other

15 issues need to be dealt with, just this one?

16 MR. BRUEMMER: Correct.

17 MR. HEALY: All right. Do we have a

18 motion? Anyone like to make a motion?

19 MR. BARNES: I'll make a motion to allow

20 the variance of a 20-foot rear setback on the eastern

21 portion of the property.

22 MR. SALMONS: Second.

23 MR. HEALY: We have a motion and a

24 second. Do we have any further discussion of the

25 motion?

Page 11

1 Hearing none we will just have a roll

2 call vote. Roll call vote.

3 MR. SALMONS: Tommy Salmons, here.

4 MS. RATLIFF: Mr. Healy?

5 MR. HEALY: Yes.

6 MS. RATLIFF: Tommy Salmons?

7 MR. SALMONS: Here.

8 MS. RATLIFF: Do you agree, yes or no?

9 MR. SALMONS: Yes.

10 MS. RATLIFF: Thank you. Shad Salmons?

11 Aaron Rigdon?

12 MR. RIGDON: Yes.

13 MS. RATLIFF: Rob Barnes?

14 MR. BARNES: Yes.

15 MS. RATLIFF: Four in favor. Pass.

16 Motion passes.

17 MR. HEALY: Now do we have any other

18 business before the board?

19 Hearing none, I would like to remind the

20 board that we have another meeting coming up on

21 Monday the 21st for a different issue. Hearing no

22 other discussions or other business that the board

23 needs to attend to, at this time I'm going to call

24 the meetings adjourned.

25 (Off the record at 5:27 p.m.)

Page 12

1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

3 COUNTY OF CALLAWAY)

4 I, Shelley L. Bartels, a Certified Court

5 Reporter, CCR No. 679, do hereby certify that I was

6 authorized to and did stenographically report the

7 transcript of proceedings; and that the foregoing

8 transcript, pages 1 through 11, is a true record of

9 my stenographic notes.

10 I FURTHER CERTIFY that I am not a relative,

11 employee, or attorney, or counsel of any of the

12 parties, nor am I a relative or employee of any of

13 the parties' attorney or counsel connected with the


14 action, nor am I financially interested in the

15 action.

16

17 DATED this 7th day of August, 2023.

18

19 

20

21 Shelley L. Bartels, CCR 679

22

23

24

25

1	Additionally 10:3	buffer 7:21	conforming 10:14
1 6:10	address 4:3,6 6:9	building 4:19,23 5:21 6:10,13,15, 16,20 7:11,12,14	connected 4:22
10 6:19,22	adjacent 5:21 6:24 7:2	building's 10:2	constructability 7:15
1000 6:9	adjourned 11:24	buildings 5:18,23 7:6,9,19	construction 4:19, 20 5:11,22,24 6:14
111 4:6	adjustment 10:10	bureaucratic 5:3, 12	Consultants 3:16
2	agree 11:8	business 11:18,22	converted 4:15
20 7:22	air 5:19	C	corner 10:1
20-foot 3:20 5:16 10:20	allowance 3:19	call 3:24 8:5 9:7, 11,13 11:2,23	corporate 4:6
21st 11:21	amenity 4:17	called 3:15 8:18	Correct 10:16
24 4:20	apartments 4:15, 21	calls 9:10	council 5:2 8:13
25 6:18,19,21 7:22	approvals 5:10	Carver 4:10,12 8:9,22	couple 5:6 7:4
25-foot 3:20 5:17 6:25	approved 3:8 5:2, 14	case 7:19	credits 5:4
4	area 6:23 7:7,21	Center 4:10	Crockett 3:16 6:3, 9
4050 8:7	areas 4:17	chairman 3:8	Cultural 4:10
5	arranged 10:2	citizens 4:16	D
5:27 11:25	astounding 8:23	city 3:18,19 5:1 6:17 8:13 9:22 10:9	Dan 3:4,5,7,11 4:4 6:11 7:14 8:19 9:5,23
9	attend 11:23	civil 6:3	dealt 10:15
906 3:18	Ave 7:3	Clarkton 4:6	declare 3:14 9:14
A	Avenue 3:18 9:1, 24	close 7:13	details 6:5
Aaron 11:11	B	closed 9:15	development 4:5, 22 6:4
ability 5:19	back 7:18,19 10:3	closer 7:10	discussion 9:15, 16 10:12,24
accomplish 8:24	Barnes 3:3,5,11 10:13,19 11:13,14	code 3:19 6:17 10:14	discussions 11:22
add 6:11	basically 5:17	Columbia 6:10	distance 9:25
addition 4:18,20	bet 8:3	company 4:5 8:19	drainage 7:5
additional 6:23 7:9	board 7:25 8:8,9 9:16 11:18,20,22	completely 4:14	drawings 8:19
	Boulevard 4:12	completion 4:13	
	Brian 8:7 9:4		
	Bruemmer 9:21, 22 10:13,16		

E	G	L	N
<p>easier 5:22 east 6:15 7:2 eastern 10:20 easternmost 3:21 elevator 4:23 encourage 8:14 engineer 6:4 9:22 10:9 engineering 3:16 6:3,9 10:8 entrances 10:5 evening 6:8,12 existing 6:13 7:11, 14 extra 5:23 7:21</p>	<p>George 4:10,11 give 6:5 Good 6:8 gymnasium 4:16</p>	<p>level 5:8 Lincoln 8:18,20 live 4:18 located 3:18 looked 9:24 lot 7:2,20 8:11,12 lots 7:18 10:4 loud 9:22</p>	<p>national 5:7,8 needing 8:24 neighborhood 8:25 Nifong 6:9 nomination 3:2 nominations 3:7 North 4:6 Number 7:5,7</p>
F	H	M	O
<p>facility 10:5 factor 10:7 familiar 8:16 favor 3:24 8:5 9:7, 8 11:15 feet 6:19,22 7:1,9 feet along 6:18 financing 5:13 fire 7:8 floors 5:20 foot 5:23 7:23 forward 5:7 8:10 fourth 5:11 front 6:18,21 Fulton 3:19 4:13 8:8,13</p>	<p>hands 5:5 happy 7:24 Healy 3:7,13 6:7 8:1,4 9:4,6 10:11, 17,23 11:4,5,17 hear 3:15 hearing 3:7,14,15 9:9,14,15 11:1,19, 21 historic 5:4,5 Hubbard 8:18,20</p>	<p>M-A-C-O 4:5 MACO 4:5 8:10 made 3:8 4:16 7:17 main 4:6 6:1 make 5:22 10:18, 19 meeting 3:12,14 6:20 11:20 meetings 11:24 members 8:13 microphone 4:1 Miller 6:2,8 8:3 minor 8:15 Missouri 3:19 4:7 6:10 8:8 mitigating 10:6 Monday 11:21 motion 3:8 10:18, 19,23,25 11:16 move 7:11 9:9,14 moving 5:14 8:10</p>	<p>office 10:9 officer 5:5 offices 4:16 open 3:14 opinion 7:16 opposition 9:10, 11,12,13</p>
	I		P
	<p>identical 8:22 inlands 7:7 invite 8:17 issue 9:15 11:21 issues 10:2,15 items 7:24</p>		
	J		
	<p>JJ 8:8</p>		
	K		
	<p>Kyle 6:2,4,8 9:22, 23</p>		

place 5:10	ready 5:6	Sanders 4:4,9	8:25
plan 9:23	rear 3:20,21 5:16 6:17,23 7:2,8,17 10:20	school 4:12,14,22 8:9,21	things 4:17 9:24
plans 5:9	reasons 6:1 7:4	seconded 3:10	thought 9:2
portion 7:2 10:21	record 11:25	Sedalia 8:17	time 11:23
Poston 7:3 9:24 10:1,6	reduction 7:1	senior 4:15	today 3:14
presented 9:23	rehab 4:11	separate 5:18	Tommy 3:9 11:3,6
preservation 4:11 5:5	rehabbed 4:14,15	Service 5:8	tonight 7:22
preserved 4:14	remind 11:19	setback 3:17,20, 21 5:16 6:18,23, 25 7:9,23 10:3,7, 20	top 6:14
previously- mentioned 7:23	rendering 6:12	setbacks 7:17	traveling 9:25
problem 10:10	renovated 6:14	Shad 11:10	<hr/> U <hr/>
process 5:3,13 9:3	request 3:15 6:2	side 6:19,21 7:12 10:8,9	un 7:10
project 8:10,15	requested 3:22	sight 9:25	unable 7:10
property 3:17,21 4:13 6:24 8:17 10:21	requesting 5:16 7:22	similar 8:17	upper 5:20
proposal 4:24 6:19	required 6:25	Sounds 3:2	<hr/> V <hr/>
proposing 6:6	requirements 3:17 6:21	speak 3:24,25 6:5 8:5,6 9:7,8,10,11, 13	variance 3:17,20 6:2 8:15 10:20
protection 7:8	requires 6:17	speakers 9:19,21	versus 5:17
provided 6:13 8:20	residential 7:18	start 5:10	view 5:20 7:13
push 7:8	residents 4:18 5:18 6:23 7:12	state 4:2 5:2,5 8:7, 12	vote 11:2
<hr/> Q <hr/>	review 5:7	Street 4:6	<hr/> W <hr/>
quarter 5:11	reviewed 5:8	submit 5:7	Washington 4:10, 11
question 8:2	Rigdon 11:11,12	support 8:12,13, 14	water 7:6
questions 7:24 9:3,17	right-of-way 7:20	supported 5:1	weeks 5:6
<hr/> R <hr/>	road 7:20 8:8	<hr/> T <hr/>	West 6:9
RATLIFF 3:2,4,6, 10 4:2,8 9:19 11:4,6,8,10,13,15	Rob 3:11 11:13	talk 9:17,22	Westminster 3:18 4:12 8:25
	roll 11:1,2	tax 5:4	windows 5:20
	<hr/> S <hr/>	thing 3:23 6:25	workers 5:24
	Salmons 3:9 10:22 11:3,6,7,9, 10		working 4:9 5:3,24
			workout 4:17

Y

yard 6:18,19,21

yards 6:22

year 5:12

years 8:9