

NOTICE OF OPEN MEETING

Posted December 20, 2023 at 8 a.m.

Notice is hereby given that the Neosho Airport Industrial Development Board will meet in regular session on Thursday, December 28, 2023 at 10:00 a.m., at the Neosho Council Chambers, 203 East Main Street, Neosho, Missouri 64850.

AGENDA

BOARD OF ADJUSTMENTS HEARING NEOSHO AIRPORT INDUSTRIAL DEVELOPMENT BOARD

The agenda of this meeting includes:

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Appoint a Chairman
2. Appoint a Secretary
3. Appoint a Vice Chairman
4. **Public Hearing concerning an appeal from Patrick Quigley requesting a variance for property located at 218 Grand Avenue, Neosho, Missouri on the minimum front yard depth 25 feet as stipulated in Neosho City Code Section 405.070, District “R-1” First Dwelling House.**
5. Consider granting a variance as petitioned by Patrick Quigley, 218 Grand Avenue, Neosho, Missouri
6. **Public Hearing concerning an appeal from Hugo Avendano requesting a variance for property located at 807 Highland Place, Neosho, Missouri on the minimum lot width of 70 feet as stipulated in Neosho City Code Section 405.070, District “R-1” First Dwelling House.**
7. Consider granting a variance as petitioned by Hugo Avendano at 807 Highland Place, Neosho, Missouri

ADJOURN

218 W. Grand Avenue, NEOSHO, MO 64850

- Exhibit 1 – City Code Ordinance
- Exhibit 2 – Application
- Exhibit 3 – Denial Letter
- Exhibit 4 – Satellite Map
- Exhibit 5 – Plans
- Exhibit 6 – Public Hearing Notice
- Exhibit 7 – Planning and Zoning Minutes

EXHIBIT 1

CODES REFERENCED IN LETTER DATED DECEMBER 19, 2023 BY RICHARD LEAVENS, DEVELOPMENT SERVICES DIRECTOR

Patrick Quigley
218 West Grand Ave.
Neosho, MO 64850

Neosho City Code

405.070 Section B. Subsection 2.

Section 405.070 District "R-1" First Dwelling House District. [1]
[Ord. No. 468-2011 §1, 3-15-2011; Ord. No. 162-2021, 4-6-2021]

B.

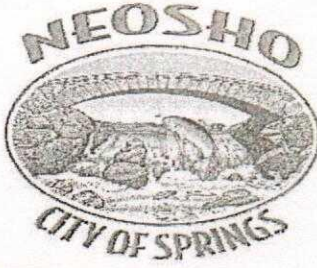
Height And Area Regulations. In "R-1" First Dwelling House District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (for exceptions see Section 405.210, "Height and Area Exceptions")

1.

Height. Buildings or structures shall not exceed thirty-five (35) feet and shall not exceed two and one-half (2 1/2) stories in height.

2.

Front Yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least twenty-five (25) feet.



Planning and Zoning Department

City Hall 203 E. Main Neosho, MO 64850 Phone 451-8050

PLANNING AND ZONING APPLICATION

PROJECT TITLE & TYPE

- Preliminary Plat / Site Plan
- Special Use Permit
- Rezoning
- Final Plat / Site Plan
- Vacation of Right-of-Way
- Board of Adjustments
- Vacation of Easement
- Other VARIATION

INFORMATION

APPLICANT	PROJECT
Name <u>Patrick Quigley</u>	Project Location _____
Address <u>218 West Grand Ave</u>	Existing Use _____
Phone <u>408-733-4594</u>	Proposed Use _____
Contact Person Name <u>SAR</u>	Existing Zone _____
Contact Person Phone <u>SAR</u>	Proposed Zone _____

Patrick.quigley@sbcglobal.net

SIGNATURE OF OWNERS & DATE

The above information and the attached list of property owners and the area map are true and accurate to the best of my knowledge.

Patrick Quigley _____ 11-14-23 _____
 Signature of Owner Date

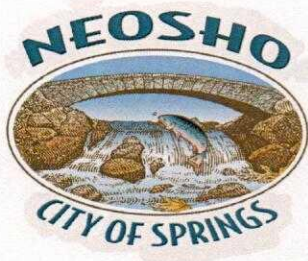
 Signature of Co-Owner Date

Staff Use Only

Application Accepted...

Date _____
 Time _____
 By _____

- Application Fee Received
- Deed Attached
- Parcel Map Attached
- Property Owners Within 200 Ft Attached
- Publication Fee Received



City of Neosho

203 E. Main Street
Neosho, MO, 64850
417 / 451-8050 phone
417 / 451-8065 facsimile
www.neoshomo.gov

December 19, 2023

To: City of Neosho
Board of Adjustments

From: Richard Leavens
Development Services Director

Re: Partick Quigley
218 Grand Avenue
Neosho, MO

Mr. Quigley requested a variance on the minimum front yard depth 25 feet as stipulated in Neosho City Code Section 405.070, District "R-1" First Dwelling House. After researching the options for Mr. Quigley's request he was advised that I could not accommodate his request and that the request would have to go to the city's Board of Adjustment.

Thank you,

Richard Leavens
Development Services Director
Building Department Supervisor

EXHIBIT 4 NEOSHO



1: 1,127



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

- Legend**
- Neosho Streets
 - <all other values>
 - INTERSTATE
 - U.S. HIGHWAY
 - STATE HIGHWAY
 - ALLEY
 - CITY STREET
 - NAMED COUNTY ROAD
 - PLATTED/UNDEVELOPED
 - UNNAMED
 - VACATED STREET
 - Parcel

Notes

Neosho, MO

EXHIBIT 4

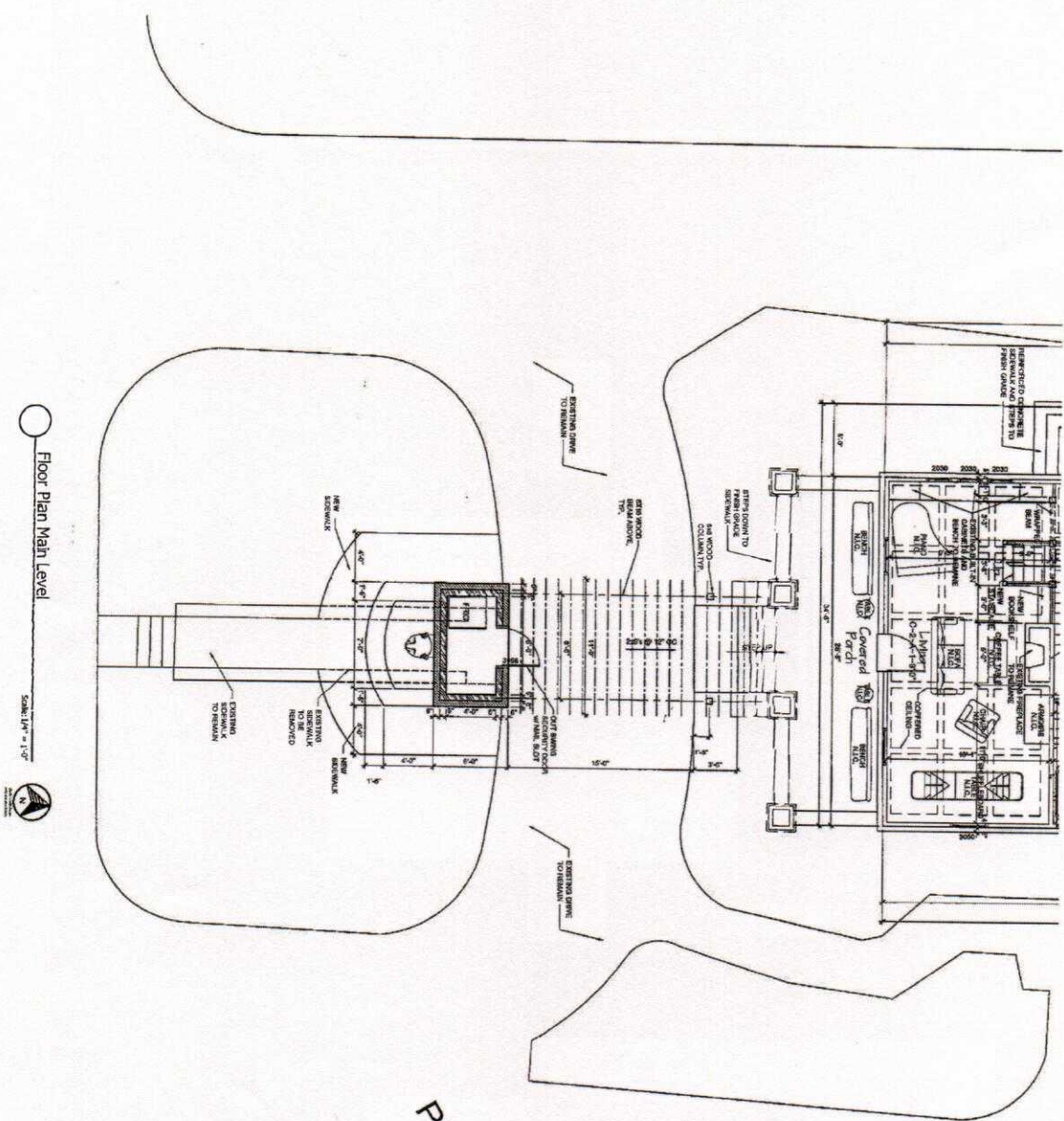


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 - Parcel

Notes



○ Floor Plan Main Level
Scale 1/4" = 1'-0"
N

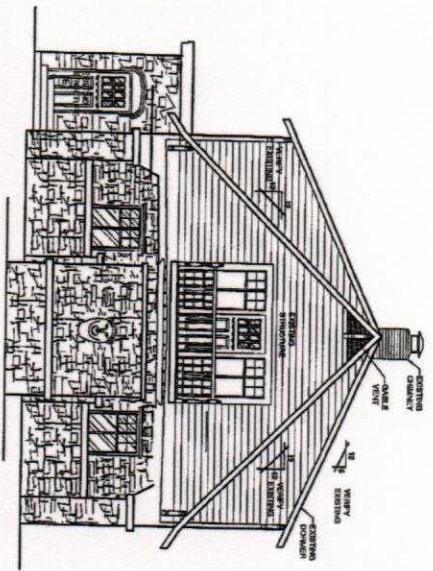
PRELIMINARY
11/09/2023
NOT FOR CONSTRUCTION

A New Addition for
Pat Quigley
218 West Grand
Neosho, Missouri
408-733-45-94

T6A

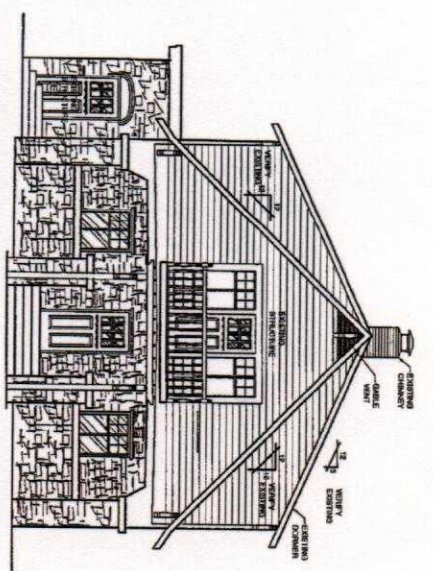
TEAM 61
ARCHITECTURE, L.L.C.
5526 West 32nd Street
Joplin, Missouri 64804
P: 417-882-4887 F: 417-882-5852

NO. 1	DATE	DESCRIPTION
1	11/09/2023	AS NOTED
2	11/09/2023	AS NOTED
3	11/09/2023	AS NOTED
4	11/09/2023	AS NOTED
5	11/09/2023	AS NOTED
6	11/09/2023	AS NOTED
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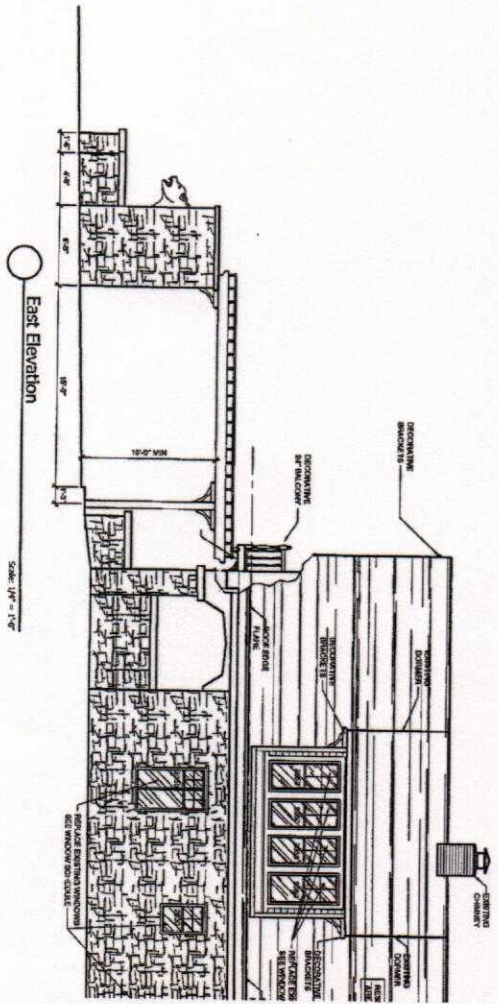
South Elevation at Fountain

Scale: 1/4" = 1'-0"



South Elevation

Scale: 1/4" = 1'-0"



East Elevation

Scale: 1/4" = 1'-0"

REVISED

PRELIMINARY
11/09/2023
NOT FOR CONSTRUCTION

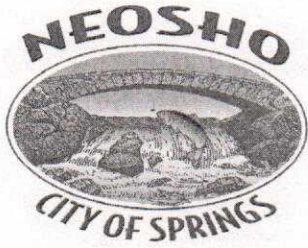
TEAM 6
ARCHITECTURE, LLC
5506 West 30th Street
Joplin, Missouri 64604
417.482.4827 • 417.482.4828
www.team6arch.com

TGA

Travis G. F. Architects, LLC
Architect of Record
1000 West 10th Street
Joplin, Missouri 64604
417.482.4827 • 417.482.4828
www.travisgfa.com

A New Addition for
Pat Quigley
218 West Grand
Necsho, Missouri
408-733-45-94

OWNER	DATE
DESIGNER	DATE
ARCHITECT	DATE
CONTRACTOR	DATE
PERMITS	DATE
AS BUILT	DATE
REVISIONS	DATE
ELEVATIONS	DATE



City of Neosho

203 E. Main Street
Neosho, MO, 64850
417 / 451-8050 phone
417 / 451-8065 facsimile
www.neoshomo.gov

December 21, 2023

TO: The Neosho Daily News, Attn: Legal Notices

NOTICE OF PUBLIC HEARING

Pursuant to provisions of the Code of Ordinances of the city of Neosho, MO., notice is hereby given that the Board of Adjustments will hold a public hearing 10:00 a.m. on December 28, 2023, in the council chambers at Neosho City Hall located at 203 East Main Street, Neosho, Missouri.

The purpose of the public hearing is to hear an appeal from Hugo Avendano at 218 W. Grand Avenue regarding a decision of the City Building Inspector to deny a variance on the property due to the minimum front yard depth of 25 feet as stipulated in City Code Section 405.070, District R-1 First Dwelling House.

Respectfully,

Cheyenne Wright
City Clerk
City of Neosho

To be published in the Neosho Daily News, December 22, 2023.

**MINUTES
REGULAR SESSION – PLANNING AND ZONING COMMISSION**

CALL TO ORDER

Julie Kruse called the meeting to order at 6:00pm.

ROLL CALL

Commissioners present were; Julie Kruse, Rick Mitchell, Dudley Zerbel, Denise Briez and Justin Morehead.

APPROVAL OF MINUTES

Rick Mitchell made a motion to accept the minutes of the regular session of October 10, 2023. Dudley Zerbel seconded the motion which passed 5/0.

NEW BUSINESS

1. Public hearing for the de-annexation of 806 Mary Ave.

The commissioners discussed the information on the property. Property owner in 2005 and was told that he was not in the city at that time. He has had to contact law enforcement a couple of times and the sheriff's department has responded. He has not been paying city taxes, had never had city water or sewer and has not been able to vote in city elections until his voting precinct changed this year.

Charles Akers was present to answer questions. He advised that he had a chimney fire in early 2023 and was surprised when Neosho police and fire departments responded. He was advised at that time that he was in the city. He contacted the assessor's office and found that they had had an error in the system and corrected it.

Mr. Akers stated that he purchased the property because he did not want to be in the city and that he has hunted on the property and cannot do that in the city. He has his own well and septic system and until his fire last winter was not recognized as being in the city.

City records show that the property was annexed in 1997.

2. Consider the de-annexation of 806 Mary Ave.

Rich Mitchell made a motion to recommend the de-annexation of 806 Mary Avenue. The motion was seconded by Julie Kruse. The motion passed 5/0.

3. Public hearing for a requested lot frontage variation for the property north of 807 Highland Place.

This property is approximately 45,000 square feet in area and has approximately 116 feet in frontage on Highland Place. The city ordinance requires a minimum of 7,000 square feet of area and a minimum of 70 feet of street frontage. The petitioner wants to split the lot and have one lot with the required 70 feet of frontage and the second with 46 feet of frontage.

The boundaries of the lot would allow the 46 feet to be used as a driveway that allows access to the back of the second lot where it opens to a large building lot.

Hugo Avendano was present and advised that he wished to split the one acre plus property into two lots so that his children could build on the lots.

The commission asked if a home could be built on the 46-foot-wide part of the property and were advised that given the other ordinance requirements would be met with the exception of the frontage that it could potentially happen.

4. Consider the request for a lot frontage variation for the property north of 807 Highland Place.

Denise Briez made a motion to accept the frontage variation as proposed with the stipulation that no construction take place in the 46-foot-wide portion of the lot. The motion was seconded by Justin Morehead and passed 5/0.

5. Public hearing for a requested Special Use Permit at 2796 Neosho Heights Ave. to operate a laser services and craft business.

A request was made for a Special Use Permit for 2796 Neosho Heights Ave to operate a home business that would do custom laser engraving of items for mostly commercial customers. The property is located in an R-1 zoned neighborhood.

Chris Richardson was present and advised that the business would be conducted online and that there should be no additional traffic as a majority of the items would be shipped to buyers. He also advised that the equipment would operate off standard household electric service and no additional generators or electrical service would be needed. Richardson also advised that an air compressor was necessary, but he was constructing a soundproof box for it and it would not disturb the neighborhood.

6. Consider the requested Special Use Permit at 2796 Neosho Heights Ave. to operate a laser services and craft business.

Justin Morehead made a motion to accept the request for the Special Use Permit. The motion was seconded by Dudley Zerbel and passed on a 5/0 vote.

7. Public hearing for a requested variance of the setback requirements at 218 W Grand Ave. to construct a portico in front of the residence.

The requested variance is for construction of a vehicle portico on the front the residence at 218 W. Grand. The portico would intrude approximately 10 feet into the 25 foot setback for the R-1 zoning district. The plans are for a pergola to extend from the front of the house to an 11' x 6' package delivery structure with a 4' water feature on the street side, leaving approximately 15' for the setback.

Partick Quigley was present at the meeting and offered some clarification to the commission.

8. Consider the requested variance of the setback requirements at 218 W Grand Ave. to construct a portico in front of the residence.

Dudley Zerbel made a motion to accept the requested setback variance. Denise Briez seconded the motion. The motion passed 5/0.

ADJOURN:

Julie Kruse adjourned the meeting at 6:28pm.

Representatives of the news media may obtain copies of this notice by contacting: Cheyenne Wright, City Clerk, 203 E. Main, Neosho, Missouri, (417-451-8050).

807 HIGHLAND PLACE, NEOSHO, MO 64850

- Exhibit 1 – City Code Ordinance
- Exhibit 2 – Application
- Exhibit 3 – Denial Letter
- Exhibit 4 – Satellite Map
- Exhibit 5 – Public Hearing Notice
- Exhibit 6 – Planning and Zoning Minutes

EXHIBIT 1

CODES REFERENCED IN LETTER DATED DECEMBER 19, 2023 BY RICHARD LEAVENS, DEVELOPMENT SERVICES DIRECTOR

Hugo Avendano
807 Highland Place
Neosho, MO 64850

Neosho City Code

405.070 Section B. Subsection 6.

Section 405.070 District "R-1" First Dwelling House District. [1]

[Ord. No. 468-2011 §1, 3-15-2011; Ord. No. 162-2021, 4-6-2021]

B.

Height And Area Regulations. In "R-1" First Dwelling House District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (for exceptions see Section 405.210, "Height and Area Exceptions")

1.

Height. Buildings or structures shall not exceed thirty-five (35) feet and shall not exceed two and one-half (2 1/2) stories in height.

2.

Front Yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least twenty-five (25) feet.

3.

Side Yards. There shall be a side yard on each side of a building not less than ten percent (10%) of the width of the lot; except that such side yard shall not be less than seven (7) feet, and need not be more than fifteen (15) feet. Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet, provided, this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership at the time of the passage of this Chapter to less than thirty-five (35) feet.

4.

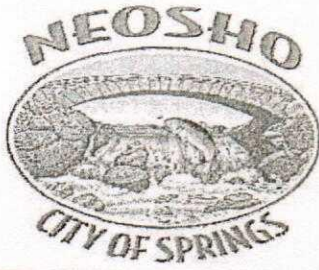
Rear Yards. The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet.

5.

Lot Area Per Family. Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than seven thousand (7,000) square feet per family, provided that where a lot had less area than herein required in separate ownership at the time of the passage of this Chapter, this regulation shall not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than fifteen thousand (15,000) square feet per family.

6.

Lot Width. The minimum width of a lot shall be seventy (70) feet, provided that where a lot has less width than herein required in separate ownership at the time of the passage of this Chapter, this regulation shall not prohibit the erection of a one-family dwelling.



Planning and Zoning Department

City Hall 203 E. Main Neosho, MO 64850 Phone 451-8050

PLANNING AND ZONING APPLICATION

PROJECT TITLE & TYPE

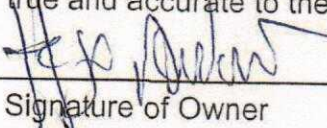
- Preliminary Plat / Site Plan
- Special Use Permit
- Rezoning
- Final Plat / Site Plan
- Vacation of Right-of-Way
- Board of Adjustments
- Vacation of Easement
- Other Lot Variance

INFORMATION

APPLICANT		PROJECT	
Name	<u>Hugo Avendano</u>	Project Location	<u>807 Highland Pl.</u>
Address	<u>807 Highland Pl.</u>	Existing Use	_____
Phone	<u>417 417-592-2055</u>	Proposed Use	_____
Contact Person Name	<u>Sawle</u>	Existing Zone	_____
Contact Person Phone	_____	Proposed Zone	_____

SIGNATURE OF OWNERS & DATE

The above information and the attached list of property owners and the area map are true and accurate to the best of my knowledge.

<u></u>	<u>10-24-2023</u>
Signature of Owner	Date
_____ Signature of Co-Owner	_____ Date

Staff Use Only

Application Accepted...

Date _____	<input type="checkbox"/> Application Fee Received
Time _____	<input type="checkbox"/> Deed Attached
By _____	<input type="checkbox"/> Parcel Map Attached
	<input type="checkbox"/> Property Owners Within 200 Ft Attached
	<input type="checkbox"/> Publication Fee Received

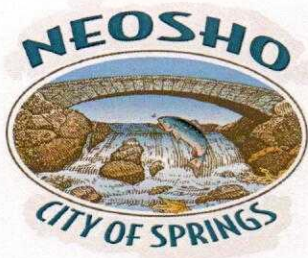


EXHIBIT 3

City of Neosho

203 E. Main Street
Neosho, MO, 64850
417 / 451-8050 phone
417 / 451-8065 facsimile
www.neoshomo.gov

December 19, 2023

To: City of Neosho
Board of Adjustments

From: Richard Leavens
Development Services Director

Re: Hugo Avendano
807 Highland Place
Neosho, MO

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Thank you,

Richard Leavens
Development Services Director
Building Department Supervisor



Legend

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- Parcel



1: 564



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

93.9



93.9 Feet

46.97

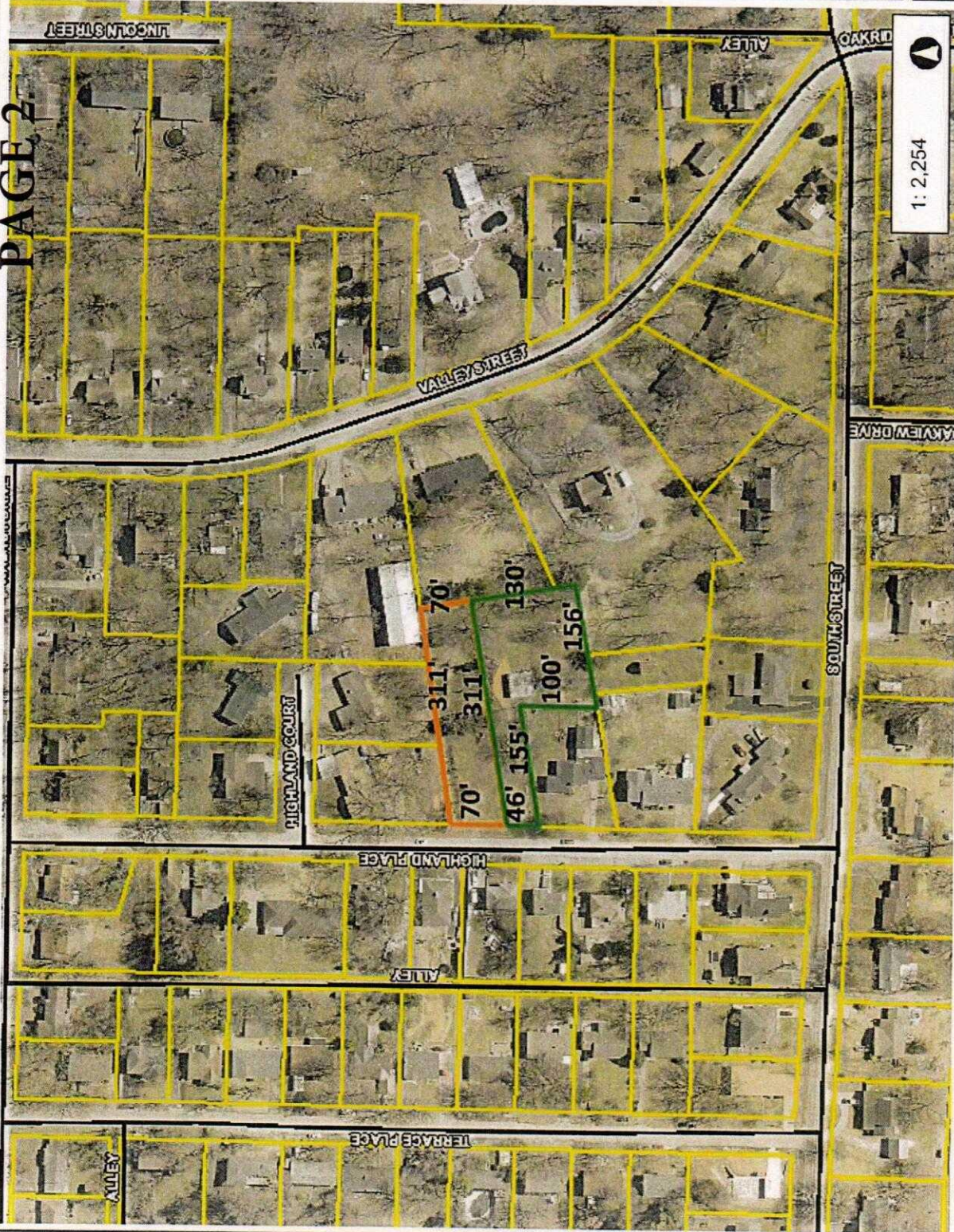
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Legend

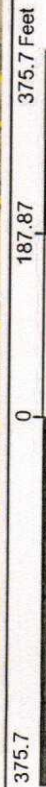
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Notes



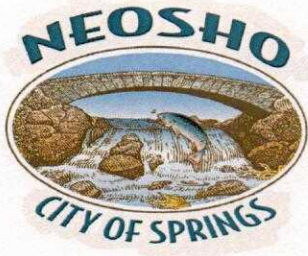
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375.7

1: 2,254



City of Neosho
203 E. Main Street
Neosho, MO, 64850
417 / 451-8050 phone
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www.neoshomo.gov

December 21, 2023

TO: The Neosho Daily News, Attn: Legal Notices

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Respectfully,

Cheyenne Wright
City Clerk
City of Neosho

To be published in the Neosho Daily News, December 22, 2023.

**MINUTES
REGULAR SESSION – PLANNING AND ZONING COMMISSION**

CALL TO ORDER

Julie Kruse called the meeting to order at 6:00pm.

ROLL CALL

Commissioners present were; Julie Kruse, Rick Mitchell, Dudley Zerbel, Denise Briez and Justin Morehead.

APPROVAL OF MINUTES

Rick Mitchell made a motion to accept the minutes of the regular session of October 10, 2023. Dudley Zerbel seconded the motion which passed 5/0.

NEW BUSINESS

1. Public hearing for the de-annexation of 806 Mary Ave.

The commissioners discussed the information on the property. Property owner in 2005 and was told that he was not in the city at that time. He has had to contact law enforcement a couple of times and the sheriff's department has responded. He has not been paying city taxes, had never had city water or sewer and has not been able to vote in city elections until his voting precinct changed this year.

Charles Akers was present to answer questions. He advised that he had a chimney fire in early 2023 and was surprised when Neosho police and fire departments responded. He was advised at that time that he was in the city. He contacted the assessor's office and found that they had had an error in the system and corrected it.

Mr. Akers stated that he purchased the property because he did not want to be in the city and that he has hunted on the property and cannot do that in the city. He has his own well and septic system and until his fire last winter was not recognized as being in the city.

City records show that the property was annexed in 1997.

2. Consider the de-annexation of 806 Mary Ave.

Rich Mitchell made a motion to recommend the de-annexation of 806 Mary Avenue. The motion was seconded by Julie Kruse. The motion passed 5/0.

3. Public hearing for a requested lot frontage variation for the property north of 807 Highland Place.

This property is approximately 45,000 square feet in area and has approximately 116 feet in frontage on Highland Place. The city ordinance requires a minimum of 7,000 square feet of area and a minimum of 70 feet of street frontage. The petitioner wants to split the lot and have one lot with the required 70 feet of frontage and the second with 46 feet of frontage.

The boundaries of the lot would allow the 46 feet to be used as a driveway that allows access to the back of the second lot where it opens to a large building lot.

Hugo Avendano was present and advised that he wished to split the one acre plus property into two lots so that his children could build on the lots.

The commission asked if a home could be built on the 46-foot-wide part of the property and were advised that given the other ordinance requirements would be met with the exception of the frontage that it could potentially happen.

4. Consider the request for a lot frontage variation for the property north of 807 Highland Place.

Denise Briez made a motion to accept the frontage variation as proposed with the stipulation that no construction take place in the 46-foot-wide portion of the lot. The motion was seconded by Justin Morehead and passed 5/0.

5. Public hearing for a requested Special Use Permit at 2796 Neosho Heights Ave. to operate a laser services and craft business.

A request was made for a Special Use Permit for 2796 Neosho Heights Ave to operate a home business that would do custom laser engraving of items for mostly commercial customers. The property is located in an R-1 zoned neighborhood.

Chris Richardson was present and advised that the business would be conducted online and that there should be no additional traffic as a majority of the items would be shipped to buyers. He also advised that the equipment would operate off standard household electric service and no additional generators or electrical service would be needed. Richardson also advised that an air compressor was necessary, but he was constructing a soundproof box for it and it would not disturb the neighborhood.

6. Consider the requested Special Use Permit at 2796 Neosho Heights Ave. to operate a laser services and craft business.

Justin Morehead made a motion to accept the request for the Special Use Permit. The motion was seconded by Dudley Zerbel and passed on a 5/0 vote.

7. Public hearing for a requested variance of the setback requirements at 218 W Grand Ave. to construct a portico in front of the residence.

The requested variance is for construction of a vehicle portico on the front the residence at 218 W. Grand. The portico would intrude approximately 10 feet into the 25 foot setback for the R-1 zoning district. The plans are for a pergola to extend from the front of the house to an 11' x 6' package delivery structure with a 4' water feature on the street side, leaving approximately 15' for the setback.

Partick Quigley was present at the meeting and offered some clarification to the commission.

8. Consider the requested variance of the setback requirements at 218 W Grand Ave. to construct a portico in front of the residence.

Dudley Zerbel made a motion to accept the requested setback variance. Denise Briez seconded the motion. The motion passed 5/0.

ADJOURN:

Julie Kruse adjourned the meeting at 6:28pm.

Representatives of the news media may obtain copies of this notice by contacting: Cheyenne Wright, City Clerk, 203 E. Main, Neosho, Missouri, (417-451-8050).