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MINUTES OF THE BUCHANAN COUNTY
PLANNING & ZONING BOARD
PUBLIC HEARING
OCTOBER 9, 2024

The meeting was called to order by Chairman Alfred Purcell at 7:00 p.m. in the Thomas J. Mann III Room, #223. This room is located on the 2nd floor of the Buchanan County Courthouse, 411 Jules Street, St. Joseph, Missouri 64501.

Board members Wayne Barnett, Shirley Day, Fred Corkins, Glen Frakes, Mike Korte, Rodney Fry, Cody Cornelius, and Alfred Purcell were present for roll call and a quorum was present.

Also present were Presiding Commissioner Scott Nelson, County Commissioner Scott Burnham, County Attorney Joshua Bachman, and Planning & Zoning Specialist, Kristy Theas.

AGENDA

ITEM #1: A request by Derek & Keri Allen, 13271 SE Mt. Moriah Road, Gower, MO 64454, to obtain a Conditional Use Permit to split off 2.0 acres, sell and build a single family dwelling on a 5.55 m/1 acre parcel, all located in Section 32, Township 56, Range 33.

ITEM #2: Public Comment - Number of speakers and time allotted for each statement will be determined by the Chairman.

P R O C E E D I N G S

(The hearing was called to order at 7:00 p.m.)

CHAIRMAN PURCELL: Good evening, folks. We will call the meeting to order. It's 7 o'clock. Kristy, would you be kind enough to call the roll.

MS. THEAS: Wayne Barnett?

MR. BARNETT: Here.

MS. THEAS: Shirley Day?

MS. DAY: Here.

MS. THEAS: Fred Corkins?

MR. CORKINS: Here.

MS. THEAS: Scotty Sharp?

(No response.)

CHAIRMAN PURCELL: Glen Frakes?

MR. FRAKES: Here.

MS. THEAS: Mike Korte?

MR. KORTE: Here.

MS. THEAS: Rodney Fry?

MR. FRY: Here.

MS. THEAS: Pat McLear?

(No response.)

MS. THEAS: Cody Cornelius?

MR. CORNELIUS: Here.

MS. THEAS: Al Purcell?

CHAIRMAN PURCELL: Here. The minutes have been forwarded to everyone, and so I'll entertain a motion to approve the minutes as written.

MS. DAY: So moved.

CHAIRMAN PURCELL: So moved. Is there a second?

MR. CORNELIUS: Second.

CHAIRMAN PURCELL: Thank you for the second, and all that approve the minutes, say aye.

(Unanimous aye.)

CHAIRMAN PURCELL: Those in disagreement, say nay.

(No response.)

CHAIRMAN PURCELL: Hearing none, the minutes will stand approved.

(Off the record.)

(Back on the record.)

CHAIRMAN PURCELL: Kristy, would you be kind enough to indicate what we have on the agenda this evening?

MS. THEAS: Yes. Item No. 1 is a request by Derek and Keri Allen, 13271 Southeast Mount Moriah Road in Gower, 64454, to obtain a conditional use permit to split off two acres to sell and build a single-family dwelling, all on a 5.55, more or less, acre parcel, all

1 located in Section 32, Township 56, Range 33.
2 CHAIRMAN PURCELL: Will those representing
3 this request please step forward and introduce
4 yourself, if you would, and your address.
5 DEREK ALLEN: Derek Allen. Address is 13271
6 Southeast Mount Moriah Road, Gower, Missouri.
7 KERI ALLEN: Keri Allen, 13271 Southeast Mount
8 Moriah Road, Gower, MO 64454.
9 CHAIRMAN PURCELL: Questions of the board?
10 MS. DAY: Tell me -- Tell me what you're
11 planning on doing.
12 MR. ALLEN: Well, right now it's the house and
13 five acres, and the field isn't used for anything. It
14 does get mowed. My dad mows it, and I give him the hay
15 off of it, but other than that, it's used for nothing.
16 It just sits there. And I'm wanting to go back to
17 school, so I'm trying to pay off some bills, and that
18 was one idea I came up with, so that way someone else
19 can move to the community and have a nice area there.
20 It's got a really good school district.
21 MS. DAY: Thank you.
22 MR. FRAKES: What part of that you going to --
23 MS. DAY: No, go ahead.
24 MR. FRAKES: What part of that are you going
25 to split off? The front part or off to the side or --
MR. ALLEN: Yeah, I'll show you.
MR. FRAKES: You might show me on that.
MR. ALLEN: Yeah. So basically right here you
got a little clump of trees right here, so this entire
field is right here.
MR. FRAKES: How many acres is in there?
MR. ALLEN: I actually think that's three
acres.
MR. FRAKES: So you're going to split off
everything other than --
MR. ALLEN: Everything but the house and the
shop and the driveway.
MR. BARNETT: Is that the part that's not
mowed there? It's kind of grewed up?
MR. ALLEN: Yeah, it's grewed up a little bit.
MR. BARNETT: So the people that's going to
buy it, do you know the people that's going to purchase
it?
MR. ALLEN: Actually, I have my brother-in-law
interested in buying it. He was wanting to get out
of -- outside in the country more. He lives in Gower
now; and I've had a realtor come out, Hailey Jackson,
she looked at it, and she's got a couple of people
interested, one other being a Gower local, Greg
McCormick.

1 MR. BARNETT: So you're getting the
2 conditional-use, which it goes to the land, for a
3 single-family home, but do we know if it's a
4 stick-built home, if it's trailer house, or whatever it
5 is?
6 MR. ALLEN: That would be up to the buyer.
7 MR. BARNETT: We don't know that?
8 MR. ALLEN: Yeah.
9 MS. THEAS: If it was to be a trailer home,
10 they would have to come in front of the board. There's
11 no -- I mean, the conditional use would just be for a
12 stick-built.
13 MR. BARNETT: Stick-built home.
14 MS. THEAS: Correct. Like, if they wanted to
15 change that or -- I mean, any, any parcel that has a
16 single-wide mobile home has to come in front of the
17 board.
18 MR. BARNETT: Okay.
19 MS. THEAS: No matter what they're zoned.
20 MR. BARNETT: Okay. So we're agreeing that
21 it's a stick-built foundation --
22 MS. THEAS: That's what the conditional use
23 will be for.
24 MR. BARNETT: -- conditional use permit.
25 MS. THEAS: If it changes, if you're a
26 buyer --
27 MR. ALLEN: Wants to go that way.
28 MS. THEAS: -- he would have to change that and
29 come in front of the board.
30 MR. FRAKES: A modular home is a stick-built
31 one?
32 MS. THEAS: Yes, modulars -- they don't to
33 come in front of the board for a modular home because
34 that just means it's built off-site. It doesn't have
35 an axle or anything like that.
36 MR. BARNETT: Where a manufactured would be;
37 right?
38 MS. THEAS: Yes, yeah, a manufacturer would
39 have a title and they'd have to come in front of the
40 board.
41 CHAIRMAN PURCELL: Other questions or
42 comments?
43 (No response.)
44 CHAIRMAN PURCELL: Thank you. Is there anyone
45 here in opposition? Please come forward, state your
46 name and your address.
47 MARLIN MIER: Marlin Mier, Gower, Missouri.
48 12493 Southeast 135th Road. It's right across from
49 Derek's property.
50 I'm not either against or for it, really. I

1 just want to make it noted that we run a cattle-feeding
2 operation across -- right across the road and, you
3 know, we just don't want to have anybody move in that's
4 going to be opposed to what we do and would give us a
5 lot of trouble. I guess that's what I want to make
6 known, and I guess there's -- and it kind of depends on
7 where the house would be positioned there. It's going
8 to be difficult to see sometimes up on that corner,
9 traffic coming from both directions there a little bit,
10 but mostly from the west sometimes. Other than that,
11 there is -- right on that corner there is a rural water
12 flush out right on that corner. I don't know if that
13 makes any difference.

14 So I just am not really for or against. I
15 wanted to state that.

16 MS. THEAS: There are setbacks that the buyer
17 would have to follow, so they would have to be 50 feet
18 from the edge of the road back on both sides so --
19 before a structure can even start. So just to give
20 you, you know, clarification on that.

21 PRESIDING COMMISSIONER NELSON: I'm thinking
22 I'm looking at cows right there. Is this your
23 building?

24 UNIDENTIFIED SPEAKER: Yeah, his driveway is
25 over on 135th.

MARLIN MIER: Our driveway's right here, but
our actual -- yeah, there's cattle right through here.

PRESIDING COMMISSIONER NELSON: Okay.

MARLIN MIER: And some other pens there, too.

PRESIDING COMMISSIONER NELSON: Okay.

MARLIN MIER: I'm not opposed to it. Just
want to make sure --

CHAIRMAN PURCELL: Is there anyone else here
that's in opposition? Anyone else wish to speak?

(No response.)

CHAIRMAN PURCELL: Hearing none, we'll -- Do
you wish to speak, sir?

COLLIN MIER: Well, I'll speak, yeah.

CHAIRMAN PURCELL: Please come forward and
state your name and your address.

COLLIN MIER: My name is Collin Mier, 12493,
same as his, Southeast 135th Road.

I'm just a neighboring landowner from across
the way, but like he said there, we got some main
concerns. Coming up to that roadway, with the slant on
that hill on 135th with loaded trucks, we have to look
across that property to make sure that we can turn from
traffic east or west; and you can't stop there or else
you'll get stuck. And that's my only concern about the
whole thing. And if a building's there, how are we

1 going to see to the west? Are we going to have to back
2 all the way down the hill and try it again? I don't
know. But that's only my main concern about that whole
deal.

3 MS. THEAS: Yeah, and I had -- I did have the
4 eastern barns go and look at those roads. I mean,
Scott, he didn't -- he didn't express concerns to me
but --

5 COMMISSIONER BURNHAM: Yeah, Brian went out
6 and looked at it, my supervisor, and he didn't have any
major corners on it. I guess my question is can you --
7 yeah, show us where your -- because I want to make sure
I understand.

8 COLLIN MIER: So here's my dad's property. He
owns that lot. Here's mine right here.

9 COMMISSIONER BURNHAM: Okay.

10 COLLIN MIER: And that would be that. See,
11 this is my property around this corner here, but see,
12 this corner, that road right there comes up at a slant.
Now, both these roads, as you can see, turn right
13 there, and you come into that at 45. And this road's
coming to 135th, which is our home place there on the
14 farm. We come up here, and of course, you can see kind
of where we stack bales there in that corner -- and so
15 my dad stays pretty much following the road. Like I
said, I'm not opposed of it either, just that's one of
16 my main concerns, if this is something that goes in,
are they willing to change the road so that we can make
17 that corner? Because right now we've got to come all
the way up here, not stop, and swing clear over to get
over, either way there, with traffic coming around this
corner. You don't see anything until that corner. At
45 mile an hour you're talking about --

18 (Collin Mier talking to Commissioner Burnham.
Inaudible.)

19 COLLIN MIER: That's where that water comes
in, right there on the corner as well.

20 CHAIRMAN PURCELL: All right. Does anyone
wish to introduce a special condition to set this back
21 even more so line of sight is there? Does anyone wish
to make that special condition?

22 MR. BARNETT: Would that go -- that would go
with this rather than the builder; right?

23 MR. BACHMAN: It would -- If we direct that it
goes with the land, it would go with the land. Also,
24 something else to remember, too, it's only good for a
year, so if it doesn't sell and they don't start
25 building, you know, it's only good for a year and
they'll have to come back and reapply for a conditional
use permit. But, yes, if -- maybe Commissioner Burnham

1 can add a little more to this, but if we think that the
2 mandatory 50-foot setback won't be sufficient to take
care of that blind spot, you could add an additional --
what's that?

3 MS. THEAS: Like, 25 feet, make it 75 feet
instead of the 50.

4 MR. BACHMAN: Or something like that to make
sure.

5 MR. BARNETT: I was there today, and I would
at least do 100. I mean, I was there, and I went down
6 both roads and --

CHAIRMAN PURCELL: Let me start to summarize.
7 Is anyone on the board interested in making this
special restriction to make it 100 feet so it would
8 mitigate the problem?

9 MR. CORKINS: It's 100 feet from Mount Moriah.

CHAIRMAN PURCELL: Mount Moriah.

10 MR. CORKINS: Just the 50 foot from it would
be fine.

11 MR. BARNETT: Yes, I would like to make a
requisition that it be at least 100 feet from Mount
Moriah Road.

12 THE COURT: So that would be part of the
special use? So let me ask the last gentleman that was
13 up. Would that mitigate, would that prevent the
problem that you're referring to? The answer is?

14 COLLIN MIER: Yeah, I think it would. I think
100 to 150 foot, that's right in there in terms of the
15 road. That's where I was thinking, somewhere in there
would eliminate that issue so that we can still see
16 across there with a loaded truck and we don't have to
stop.

17 CHAIRMAN PURCELL: So the motion on the table
at the present time is to put a special condition to
18 ensure that rather than 50 feet setback, that it's 100
feet setback.

19 MS. THEAS: Off of Mount Mora (sic) Road.

20 MR. BARNETT: Mount Moriah Road.

MS. THEAS: Mount Moriah Road.

21 CHAIRMAN PURCELL: Yes, only from that
particular road. Is there a second to that motion?

22 MR. CORKINS: I'd second it.

CHAIRMAN PURCELL: You second the motion?
Those who support this motion, say aye.

23 (Unanimous aye.)

CHAIRMAN PURCELL: Those opposed?

24 (No response.)

25 CHAIRMAN PURCELL: Hearing none, so that
motion will be identified and put into the plan, and so
to the extent that this land is sold, we're talking

1 about within this one year, those are the restrictions
2 that go with this land, and so be it. Thank you.

3 MS. THEAS: Do you want me to take the roll?

4 CHAIRMAN PURCELL: Yeah, if you would call the
5 roll, please.

6 MS. THEAS: Wayne Barnett?

7 MR. BARNETT: Yes, best use.

8 MS. THEAS: Shirley Day?

9 MS. DAY: No, not enough information.

10 MS. THEAS: Fred Corkins?

11 MR. CORKINS: Yes, best use.

12 MS. THEAS: Glen Frakes?

13 MR. FRAKES: Yes, best use.

14 MS. THEAS: Mike Korte?

15 MR. KORTE: Yes, best use.

16 MS. THEAS: Rodney Fry?

17 MR. FRY: Yes, best use.

18 MS. THEAS: Cody Cornelius?

19 MR. CORNELIUS: Yes, best use.

20 MS. THEAS: And Al Purcell?

21 CHAIRMAN PURCELL: Yes, best use. So it's
22 been approved and so we'll move forward. Thank you.

23 We have a -- Moving to the second, we've been
24 asked to have public comment this evening, and so I'm
25 going to set a restriction in terms of the time
allotted in terms of discussion about public comment,
and I'm going to set a time restriction of five
minutes, and so I've never met you, whoever is coming
forward, to make a public comment, so would you please
come forward and state your name and your address, and
I also am very interested in your objective, what is
your objective in the public comment and what do you
expect to accomplish? Okay? And you have five
minutes.

26 JEFF GRUBB: My name is Jeff Grubb, 3335
27 Southeast McQueen Road, St. Joe 64507. My objective is
28 to hopefully get things a little more clear out in the
29 county as to what the zoning rules are. I don't know
30 that I really have an agenda, what I want to get out of
31 this, except those guys should hear what I've kind of
32 been through, and I'll start off now -- we wrote it
33 down to try and make it easy.

34 The end of August we received a letter stating
35 that we were supposed to get a building permit for an
addition we done on our house. In the 30 years that
I've owned this farm and built several structures on
it, I've never had to have a permit. Years ago when I
bought this farm, I was told I would not have to have
permits because I owed over 20 acres from a zoning --
planning and zoning member at that time.

1 So when I got this letter, I called Kristy,
2 and she told me that because we had over 20 acres, that
3 this rule is being enforced. It was being enforced by
4 a new director. I don't know who that is, still don't
5 know. But I had talked to a couple other people, one
6 of them being Mr. Huff, which is not here tonight. He
7 didn't understand who the new director was either, so
8 questioning that.

9 The other part of this is -- and I can show
10 you the picture that I got. I'm guessing you guys have
11 probably seen it. The picture was taken on December
12 13th of 2023. I got this letter in August, eight
13 months later, telling me I need a permit. Why did it
14 take so long to tell me I need a permit?

15 MS. DAY: Are you asking us a question or are
16 you making a statement?

17 MR. GRUBB: Yes, that's a question.

18 MS. THEAS: Yeah, well, this --

19 CHAIRMAN PURCELL: I'll handle this.

20 MS. THEAS: Oh, okay.

21 CHAIRMAN PURCELL: Excuse me. Please state
22 everything you wish to state.

23 MR. GRUBB: Okay.

24 CHAIRMAN PURCELL: And then after you state
25 it, then we'll either ask questions or make comments.

26 MR. GRUBB: Okay. All right. I'm trying to
27 see if there's anything else in here that I wanted.
28 Like I said, I bought this farm in 1995, built a house
29 in 1999, and have added several structures to it since;
30 a barn, a garage, solar panel system, added on to the
31 house in 2010. Never heard anything about needing
32 permits, and not sure when we started enforcing this
33 so -- Is there a way that people can be notified? How
34 do people go about getting notified that have been
35 living in this county their whole lives and doing
36 things like this that was told you don't need a permit
37 if you own over a certain number of acres? I am done,
38 sir.

39 CHAIRMAN PURCELL: Anything else?

40 MR. GRUBB: No, sir.

41 CHAIRMAN PURCELL: Okay, thank you. The --
42 Okay. Questions, as I facilitate this. How long have
43 building permit requirements been in existence in
44 Buchanan County?

45 MS. THEAS: Since 1964.

46 CHAIRMAN PURCELL: So 1964, and I'll address
47 this to everyone that's here. Since 1964 building
48 permits have been required on any building that takes
49 place in Buchanan County, so they've been in existence
50 at all since 1964. So these are not new requests.

1 MR. GRUBB: Okay.

2 CHAIRMAN PURCELL: This has been around since
3 1964. The second thing, in terms of you indicated that
4 over a period of time you've added several structures,
5 you've added on in terms of 2010, you purchased the
6 property in 1995, and you also indicated that a letter
7 was sent -- first of all, back to December 13th of
8 2013, your question is why did it take until August?

9 MR. GRUBB: December of 2023.

10 MS. THEAS: Yeah.

11 CHAIRMAN PURCELL: That's what I'm referring
12 to. And then you didn't get something in terms of
13 until almost a year later.

14 MR. GRUBB: Mm-hmm.

15 CHAIRMAN PURCELL: And so your question is why
16 did it take -- first of all, building permits have been
17 required since 1964; and then, secondly, someone
18 discovered the fact that you had added on, so your
19 question is why did it take several months to notify
20 you after the problem was identified?

21 MR. GRUBB: Mm-hmm.

22 MS. THEAS: Okay. Well, the assessor's
23 office, they only have three assessors that actually
24 drive out to the entire county. We have a program
25 called GIS that was implemented in 2004. The county
was completely digitized in 2006. It then gave aerial
views of every property. Those aerial views are on
every other year.

MR. GRUBB: Okay.

MS. THEAS: So it's on odd years is how they
determine that. The Eagle View is a new process that
the assessor's office used. That is the same as GIS,
but it actually pinpoints and tells when something's
changed to a parcel.

Whenever that happens, they send me letters
and say this parcel has changed, we have no permit on
record, send them a letter. These photos, the reason
why it took so long is because they only do those
photos in those years. Like, in December of 2021 they
took a photo and in December of 2023 they took a photo.

MR. GRUBB: Mm-hmm.

MS. THEAS: And it tells what the differences
are. And they just went through over 3,000 changes --

MR. GRUBB: Okay.

MS. THEAS: -- in parcels, and so that's -- and
then so I sent the letters stating -- I sent out
hundreds of letters.

MR. GRUBB: Okay.

MS. THEAS: Stating that they didn't have
permits for those, you know, whether it's structure,

1 addition, solar panels or in-ground swimming pools.
2 That's the only thing we permit for.

3 MR. GRUBB: Okay.

4 CHAIRMAN PURCELL: And the other point you'd
5 mentioned was that there was a new director, and
6 because the new director was appointed, that this had
7 happened.

8 MS. THEAS: Well, he's talking about Austil
9 Landis, who was the director and, I mean, people
10 retire, and then the new director was -- I think after
11 him was Carolyn Mueller. Then after Carolyn Mueller
12 had Denise Embry, and then after Denise is me. I mean,
13 that's --

14 MR. GRUBB: So you're the new director.

15 MS. THEAS: Well, they changed my title, but
16 yes.

17 MR. GRUBB: Okay, well, that's not what you
18 told me on the phone.

19 CHAIRMAN PURCELL: Sir.

20 MS. THEAS: Yeah, I mean, like, who's, like,
21 the director of --

22 CHAIRMAN PURCELL: This is not an open forum.
23 I gave you five minutes to present your case, and so
24 this board does not have purview over what we're
25 talking about, although we have interest and so that's
why we provided you a forum to be able to share this.
And based upon the conversation, I believe that this
has been answered. We appreciate your concern, and
that's it.

MR. GRUBB: Okay.

CHAIRMAN PURCELL: I'll entertain a motion to
adjourn, then.

MR. BARNETT: So moved.

CHAIRMAN PURCELL: Second?

MR. FRAKES: Second.

UNIDENTIFIED SPEAKER: Third.

CHAIRMAN PURCELL: Motion to adjourn, say aye.
(Unanimous aye.)

CHAIRMAN PURCELL: Those opposed?

(No response.)

CHAIRMAN PURCELL: Hearing none, meeting
adjourned.

(The meeting was adjourned.)

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REPORTER'S CERTIFICATE

STATE OF MISSOURI)
)
COUNTY OF BUCHANAN)

I, Karen J. Lyman, Certified Court Reporter of the State of Missouri, do hereby certify that I appeared at the time and place first hereinbefore set forth, that said proceedings were taken before me and thereafter transcribed into typewriting under my direction and supervision; and I hereby certify that the foregoing transcript of proceedings is a full, true and correct transcript of my shorthand notes.

I further certify that I am neither counsel, nor related to any party to said action, nor otherwise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my seal this 11th day of October, 2024.



Karen J. Lyman, CCR #395