



CITY OF WILLARD

BOARD OF ADJUSTMENTS MEETING

June 18, 2026 at 6:00 PM

Willard City Hall, 224 W. Jackson St., Willard, MO

AGENDA

Update Posted on June 15, 2026 at 1:00 p.m.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

CALL THE MEETING TO ORDER

- 1. ROLL CALL**
- 2. AGENDA AMENDMENTS/APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
- 4. CITIZEN INPUT**
- 5. PUBLIC HEARING**
 - A. 404 Beam St Rezone from R-1 to MU**
- 6. DISCUSSION & VOTE**
 - A. 404 Beam St Rezone from R-1 to MU**
- 7. NEW BUSINESS**
- 8. UNFINISHED BUSINESS**
- 9. ADJOURN MEETING**

If you have special needs which require accommodation, please notify personnel at the City Hall. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at 417-742-5302.

Courtney Myers, City Clerk

SANDERS CHIROPRACTIC CLINIC

Samuel B. Sanders, D.C.

P.O. Box 25, 430 W. Jackson St. * Willard, Mo 65781 * Phone: (417) 742-1233

Date: May 11, 2026

Re: 404 Beam Street Willard, MO

To Whom It May Concern,

Hello my name is Sam Sanders; I am the property owner of 404 Beam Street. It is a small triangular parcel of land located at the northeast corner of Jackson and Miller. I originally purchased this land in hopes to put a small office for my clinic. However, at that time, the only option to rezone was commercial property. Over the decade or so that I have owned the property, the city has added an additional option of rezoning as mixed use. I have found another place for my clinic. I do not think the property on Beam Street is an ideal location to build a home. I do believe with its proximity to trail and location off Jackson Street it would be of better use as a low foot traffic office or cater to trail travelers. Mixed use rezoning has built in regulations to control the type of business, and location near the school would restrict the sale of alcohol or other harmful substances. I am opposed to the sale of these substances. I feel that the decision to deny rezoning the Beam Street property did not consider the City's best interests to build up the downtown area.

Thank you for your consideration in this matter,



Samuel B. Sanders

1. Jurisdictional Check: Is this a "Use Variance"?

- **Does the applicant's request seek to allow a use that the Alders just voted down?** If the Alders rejected rezoning a plot from single-family residential to commercial, the BOA must ask if the applicant is now asking for a "use variance" to run that exact same thing.
- **The Board's Answer:** In most jurisdictions, the BOA **must answer "Yes" and reject the case.** Granting a use variance after a legislative rejection amounts to unauthorized, illegal rezoning. The BOA can only adjust dimensional rules (like setbacks or heights), not alter the map. [[1](#), [2](#), [4](#), [5](#)]

2. Evaluating the Hardship under the Old Rules

- **Is there a physical hardship inherent to the land itself?** The board must ask if the plot has unique physical constraints—such as steep topography, severe rock formations, or an irregular shape.
- **The Board's Answer:** The board must determine if the land's physical limitations make it impossible to build what is permitted under current zoning. **The Alders' rejection of the zoning change cannot be cited as the hardship.**

3. The "Reasonable Use" Test

- **Does the existing zoning deny all reasonable economic use of the property?** Can the property owner still build a compliant structure under the current rules.
- **The Board's Answer:** The board cannot grant relief just because the current rules prevent the owner from making a higher profit.

4. Preserving the Spirit of the Comprehensive Plan

The BOA is legally bound to uphold the "spirit and intent" of the city's development guidelines.

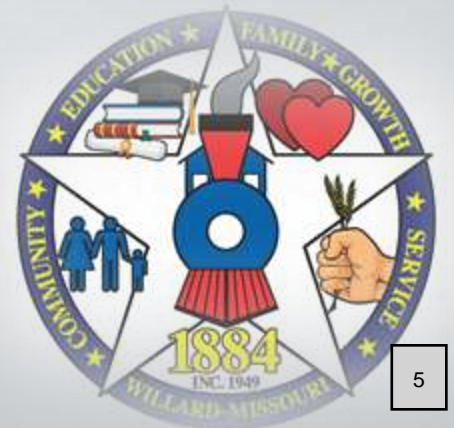
- **Will granting this adjustment conflict with the city's master plan or the Alders' policy goals?** If the Alders rejected the rezoning because it contradicts the town's [Comprehensive Plan](#), the BOA must evaluate if a variance would create the exact same issue.
- **The Board's Answer:** The BOA must determine if the requested modification bypasses or undermines the broader legislative intent of the city's elected leadership.

5. The Traffic & Public Safety Test

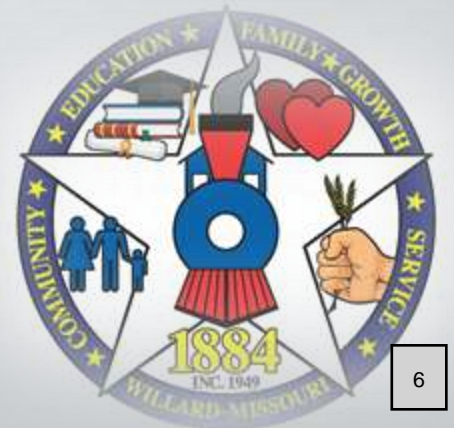
Because the Alders flagged traffic and school safety as core issues, the BOA must rigidly evaluate these factors against the existing R-1 standards.

- **Will granting an adjustment to the R-1 rules worsen the traffic or safety hazards near the school?**
 - **The Board's Answer:** The BOA must determine if any modification (such as altering driveway placements or reducing street setbacks) will negatively impact school bus routes, student crosswalk safety, or general traffic congestion. If the modification compromises public safety near the school, the board must deny

A REZONE FROM R-1 TO MU AT 404 BEAM ST, WILLARD MO



AN ORDINANCE TO REZONE 404 BEAM STREET CONTAINING 1.27 ACRES FROM R-1 TO MU IN THE CITY OF WILLARD, GREENE COUNTY, MISSOURI



LEGAL REQUIREMENTS PURSUANT TO §71.012

Item # A.

Original Application filed by owner March 31, 2026

Public Hearing noticed April 3, 2026

Planning Commission Public Hearing held April 21, 2026

Board of Aldermen Public Hearing held April 27, 2026





**Location of
property in
Willard, Greene
County MO**

PROPER PUBLICATION OF THE PUBLIC HEARING

Item # A.

Date(s): 4/3, 2026 Vol/No(s): 146/3

PUBLIC NOTICE

Notice is hereby given that the Willard Planning and Zoning Commission shall meet on Tuesday April 21, 2026, and the City of Willard Alders will meet on Monday April 27, 2026, at 6:00 p.m. to consider the rezoning request of a City of Willard parcel of property from R-1 Single

Family Residential District to Mixed Use District (MU). This parcel is located at 404 E. Beam St, further identified by Greene County Assessor as Parcel #0725201016. The Commission will take public comments at these meetings. If you are unable to attend these meetings, you are welcome to send any comments in support of, in opposition to, or general inquiries regarding this request for the proposed zone change to Michael Ruesch, Director of Planning and Development at:

**City of Willard
P.O. Box 187
Willard, MO 65781
(417) 742-5310**

planning@cityofwillard.org

If you have special needs, which require accommodation, please notify City personnel at City Hall. Accommodations will be made for your needs. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at the information above.

*Published in The Daily Events
4/3, 2026 (F)*

THE DAILY EVENTS

Established 1881

*Invoice &
Affidavit of
Publication*

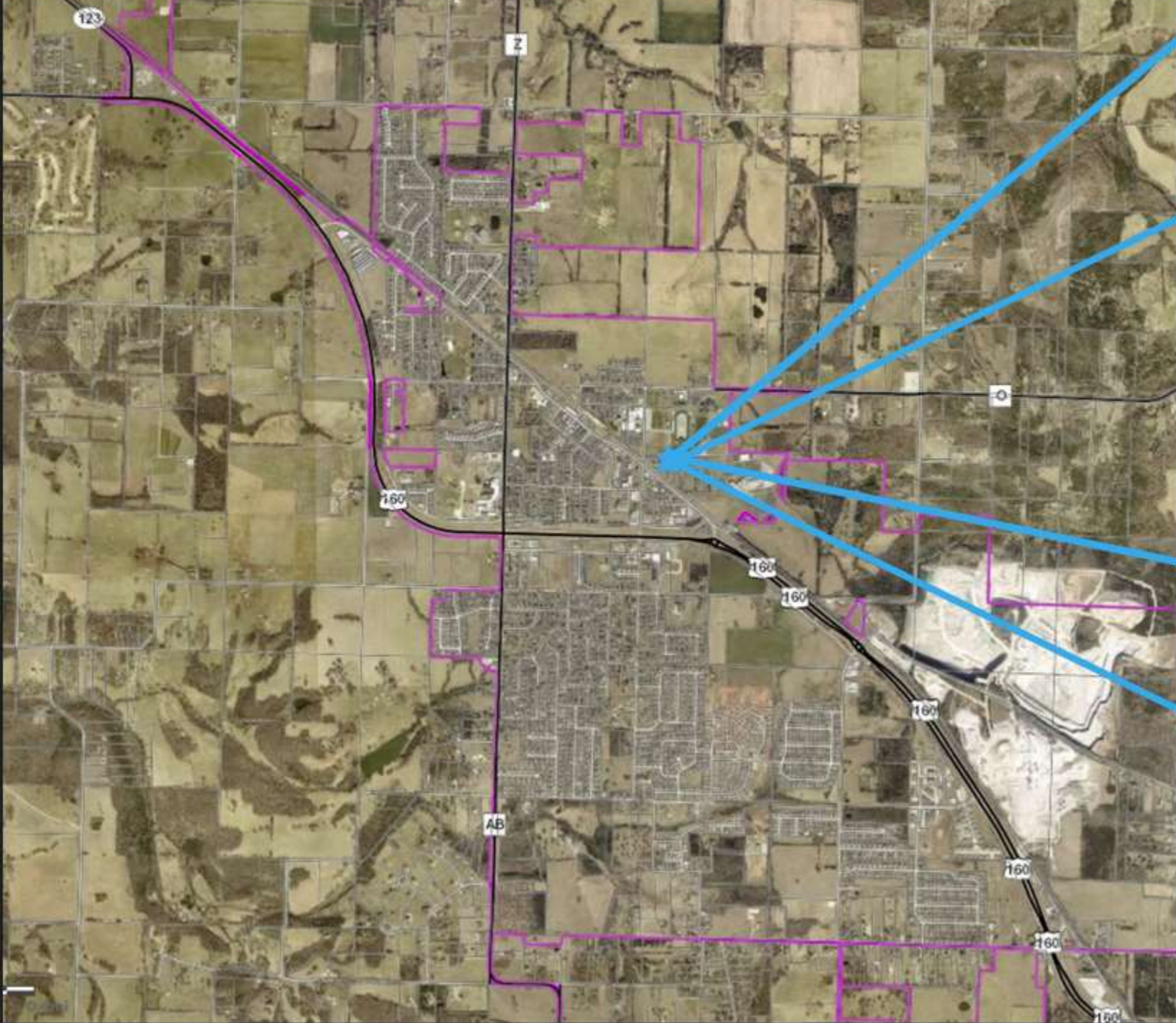
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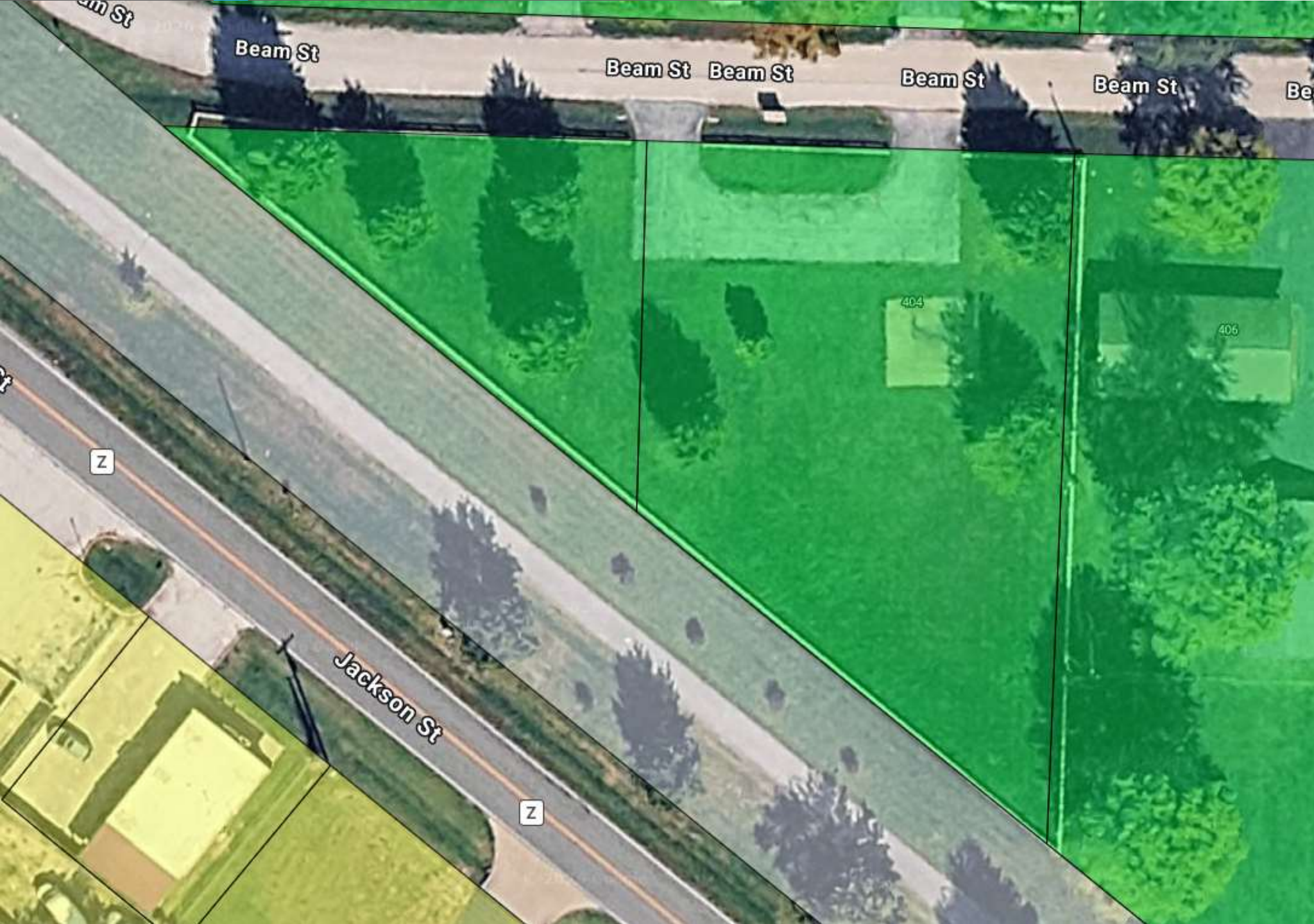
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Item # A.





Legend

Item # A.

10 ft

Official Zoning Map

ZONING

(blank)	
AG	
C1	
C2	
M1	
M2	
MU	
PDD-R1	
PDD-R3	
R1	
R2	
R3	
R4	



P & Z Meeting Minutes from April 21, 2026

- **404 Beam Rezone**
- Celeen Thedell suggested that we put some limitation on the re-zoning, by not allowing tobacco or liquor sells. Motion made by Jeff LaMontia, seconded by Marianne Hill to approve. Voting aye: Valorie Simpson, Steve Cobb, Marianne Hill, Jeff LaMontia, Celeen Thedell and Burnis Coleman. Motion carried 6-0

BOA Meeting Minutes From April 27, 2026

- **PUBLIC HEARING FOR A. ORDINANCE OF THE CITY OF WILLARD, MISSOURI APPROVING THE ZONING CHANGE FROM R-1 TO MU FOR THE PROPERTY LOCATED AT 404 BEAM STREET IN WILLARD, MISSOURI**
- Planning and zoning Mike Ruesch, property at 404 Beam 1.27 acres R1 to MU. April 1st application filed 21st public hearing. Mike Ruesch read an email from Citizen Judith Mcgarthy strongly opposing the zone change from R1 to MU this would change level of traffic, additionally cost of property would decline. Steve Cobb would like to see the BOA tabled this zoning change. Elizabeth Riebold traffic is already very high in this area, and it would increase, the improvements recently done have been damaged twice safety in the area is already unsafe. Mike McCrosky this street is hard to turn in and out of already, notices need to be larger did not see until today. Darin Stribcing this street is going to be a nightmare to get in and out of. Shawn Baker delivery trucks will have issues, and this is a dead end street, not safe for the kids.

Board must review:

- Zoning conforms to Willard Conceptual Plan
- Meets the criteria for the proposed Zoning



STAFF REPORT

REQUEST FOR A ZONING CHANGE FROM R-1 TO MU FOR THE PROPERTY LOCATED AT 404 BEAM STREET, WILLARD, MISSOURI.

DATE: APRIL 22,2026

FACTS:

File Number: Z-2026-006

Applicant: Samuel Sanders

Property Owner: Samuel Sanders

Location: 404 E Beam Street

Current Zoning: R-1

Proposed Zoning: MU

Community Plan Future Land Use Designation: R-1

Surrounding Zoning:

North: R-1

South: C-2

East: R-1

West: MU

Request: The applicant requests to rezone approximately 1.27 acres from R-1 to MU, with the intent to possibly build.

Existing Conditions: The subject property is currently an undeveloped parcel located near intersection of Miller Road and Jackson Street. The property is bordered with **single family homes** to the East, **School property** to the North, Commercial to the south, MU And M-1 land to the west. }

Community Plan - The Community Plan Future Land Use map designates this area as **R-1** area. **Mixed-use areas** are intended to provide a built environment that facilitates the ability to live, work, and recreate in one area. They are zones where there is a vertical and horizontal mixture of residential use that operates as a commercial business (lodging); therefore it's categorized as mixed-use.

Mixed-use developments should contain convenient pedestrian circulation networks and access to the city's open space system. Buildings and developments should have a mix of uses, which are mutually supportive and integrated into the community. Vertically mixed-use buildings should accommodate active public uses such as commercial, retail and restaurants at the street level and residential or office spaces on the upper floors.

DETAILED ANALYSIS:

Section 400.350 Amendments.

- A. *Amendments Authorized.* The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the zoning districts or the regulations herein or subsequently established. The Board of Aldermen must receive the recommendation and report of the Commission before it may take any such action.
- B. *Initiation Of Amendment.* Amendments may be proposed by the Board of Aldermen, the Planning and Zoning Commission or by any person owning or having an interest in property in the City of Willard. If the Board of Aldermen initiates an amendment, the Board's proposal shall be transmitted to the Commission for the Commission's report and recommendation.
- C. *Application For Amendment.* An application for an amendment, along with pertinent data and information as may be required by the Commission, shall be submitted to the Commission at least thirty (30) working days prior to the public hearing to be held by the Commission on the application. Applications for amendments initiated by the Commission or the Board of Aldermen shall be accompanied by a motion of such body pertaining to the proposed amendment. The application shall be submitted on forms provided by the City Clerk and shall contain the following information, dependent on the type of amendment requested:
1. For changes in the zoning district classification (rezoning).
 - a. Applicant's name, address, phone number and interest in the property.
 - b. Owner's name, address and phone number and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act on the owner's behalf.
 - c. The street address of such property and if there is no street address, a sufficient description of the location of said property to enable the ordinary person to determine its location.
 - d. Legal description of the property proposed for rezoning.
 - e. The current zoning classification of the property and current use of the property.
 - f. The amendment or zoning classification requested.
 - g. The names and addresses of all property owners within one hundred eighty-five (185) feet of the subject property. The list of property owners shall be compiled from the property ownership records of the Greene County Assessor's office or by a title company authorized to issue title policies in the State of Missouri.
 - h. Such additional information that the Commission may, by rule, require.
 - i. Application fee in the amount of fifty dollars (\$50.00).
 2. For text amendments.

- a. The name, address and phone number of the applicant.
 - b. The Section of the text of the ordinance proposed to be amended.
 - c. The wording of the proposed amendment.
 - d. An identification of any property owned, controlled or occupied by the applicant that would benefit by the proposed amendment.
 - e. An explanation of the extent to which other properties in the City that are subject to the regulations proposed to be amended would be affected by the proposed amendment.
 - f. Application fee in the amount of fifty dollars (\$50.00).
- D. *Public Hearing Before Commission.* The Commission shall hold a public hearing on all proposed amendments in zoning district classifications or the text of this Chapter. Notice of public hearing shall be provided in accordance with the requirements of Section 400.360. The applicant or his/her agent shall present evidence to the Commission in regard to the applicant's request for the amendment.
- E. *Commission Recommendations.* Within thirty (30) days after the public hearing, except when the applicant requests the amendment be tabled, the Commission shall make one (1) of the following recommendations in connection with the proposed amendment in zoning district classification or the text of this Chapter:
1. Recommend against the proposed change in zoning district classification or the text of the ordinance;
 2. Recommend a change in the zoning district classification or the text of this Chapter;
 3. Recommend a change in the zoning district classification or the text of this Chapter together with recommendations that, in the judgment of the Commission, will protect adjacent or other affected property and ensure that the proposed amendment is consistent with the intent of this Chapter and the Willard Comprehensive Plan.
- F. *Report Of Commission Action Taken.* The Commission shall make written findings of fact on the proposed amendment and shall submit same together with its recommendations to the Board of Aldermen. The Commission shall not, however, forward its recommendations to the Board of Aldermen when at the meeting before the Commission the applicant or his/her agent did not appear and present evidence in regard to the applicant's request for the amendment.
- G. *Public Hearing Before Board Of Aldermen.* A public hearing shall be held before the Board of Aldermen before adopting any proposed amendment, change, supplement or repeal to this Chapter. Notice of public hearing shall be made in accordance with the requirements of Section 400.360.
- H. *Evidentiary Matters Before Board Of Aldermen.*

1. No person shall present testimony to the Board of Aldermen which is substantially different from that presented to the Commission at its hearing on the matter and no exhibit will be accepted by the Board of Aldermen that has not been presented to the Commission at its hearing on the matter. However, this Subsection is not intended to prevent the introduction of new testimony, new exhibits or other new evidence when there is a clear showing, as determined by a majority of the Board of Aldermen, that the introduction of such evidence before the Commission was not in good faith, reasonably possible.
2. Should a person present testimony that is substantially or materially different from that presented to the Commission at its hearing on the matter or should an exhibit be offered that has not been presented to the Commission at its hearing on the matter, subject to the exception contained in Subsection (H)(1), any person on the opposing side of the matter before the Board of Aldermen may claim prejudice from such presentation or offering and the Board of Aldermen shall upon such a claim have sole discretion to determine whether the person claiming prejudice has in fact been prejudiced from such presentation or offering. Upon a determination that a prejudice exists, the Board of Aldermen shall refer the matter back to the Commission for a new notice and public hearing.

I. *Actions Of Board Of Aldermen.*

1. When the Commission has recommended a change in zoning district classification or the text of this Chapter together with recommendations for additional requirements pursuant to Subsection (E)(3), the Board of Aldermen shall have the discretion to accept, reject or make other or additional requirements. Any such requirements shall become a part of the ordinance changing the zoning classification of such property or the text of this Chapter. Such requirements regarding a change in zoning district classification shall be considered as an amendment to this Chapter insofar as it is applicable to such property. Such requirements shall be considered as conditions precedent to the granting of a certificate of occupancy and there shall be compliance with such requirements before a certificate of occupancy will be issued by the City Clerk for the use or occupancy of the building, land or structure on such property.
2. The Board of Aldermen shall not consider any zoning classification for a property in cases which involve a change from an existing zoning classification to another other than the zoning classification requested in the amendment application or the zoning classification expressly stated as considered by the motion of the Commission in its written report to the Board of Aldermen. If the applicant files a written request with the City Clerk prior to the final action of the Board of Aldermen stating that the applicant will pay the fees set forth for a zoning amendment application, then the Board of Aldermen may consider such different zoning classification only after referring the written request to the Commission for new public hearing and after receipt of the Commission's written report and decision and after new notice and public hearing before the Board of Aldermen.

- J. *Limitations On Rezoning Applications.* No application for rezoning of any tract, lot or parcel of land shall be allowed prior to the expiration of six (6) months from the time the Board of Aldermen shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel, unless the application previously acted upon was initiated by the Commission or the Board of Aldermen or unless the applicant can demonstrate substantial change in condition that should warrant consideration of a new application.

- K. *Two-Thirds (2/3) Majority Necessary When Protest.* In case of a protest against a rezoning amendment duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the district proposed to be changed, then the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen shall be required for the amendment to be enacted.

STAFF RECOMMENDATION:

The proposed rezone request from R-1 to MU will allow for the use of mixed occupancies which is compatible with the existing parcel to the **West**. The surrounding area has a mixture of zoning districts including, M-1, R-1, MU, C-2. This development will be mixed commercial-residential which is most compatible within the MU zoning district.

Staff recommends approval of the rezone request with the condition

BACKUP DOCUMENTATION:

- Staff Report Exhibit 1- Zoning Application
- Staff Report Exhibit 2- Published Notice 15 days prior to hearing, Posting Notice in 3 places on property 10 days prior to hearing, 1st class mailing of owners within 185 feet.
- Staff Report Exhibit 3- Community Plan Preferred Land Use
- Staff Report Exhibit 4- Vicinity Maps
- Staff Report Exhibit 5- Rezone Exhibit