

**Summary of SC96215, *Antioch Community Church v. Board of Zoning Adjustment of the City of Kansas City, Missouri***

Appeal from the Clay County circuit court, Judge Janet Lodwick Sutton  
Argued and submitted October 25, 2017; opinion issued April 3, 2018

**Attorneys:** The church was represented by Bernard J. Rhodes of Lathrop & Gage LLP in Kansas City, (816) 292-2000; the city's zoning adjustment board was represented by M. Margaret Sheahan Moran of the city attorney's office in Kansas City, (816) 513-3140.

*This summary is not part of the opinion of the Supreme Court. It has been prepared by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Court and should not be quoted or cited.*

**Overview:** A church appeals a city zoning board's decision denying the church a nonuse zoning variance for a digital display on a sign in front of its building. In a unanimous decision written by Judge Laura Denvir Stith, the Supreme Court of Missouri affirms the decision. The board had the authority to grant the church's variance request, but its decision not to do so was supported by competent and substantial evidence.

**Facts:** Antioch Community Church upgraded the monument sign in front of its building to include a digital display in place of individual removable hanging letters. The church sought neither a permit nor a variance prior to installing the digital display. Kansas City's zoning code, however, prohibits institutions in residential zones from having a monument sign with "any form of digital or electronic display." The city issued the church a citation for violating the zoning code. The church appealed the citation to the city's board of zoning adjustment and applied for a zoning variance. After a public hearing, the board rejected both the appeal and the request for a variance. The board determined it did not have the authority to grant the variance and, even if it did, the church failed to establish the requisite "practical difficulty." The church appeals.

**AFFIRMED.**

**Court en banc holds:** (1) The zoning code prohibits the board from approving variances as to the type of signs allowed in residential zones. But because the sign remained a monument sign after the addition of the digital display, the board had authority to grant the variance.

(2) To obtain a nonuse variance such as the one the church requested, it was required to present competent and substantial evidence it would face "practical difficulties" in using the property for a permitted use absent the variance. Because the church failed to meet this burden, the board's decision to deny the variance was supported by competent and substantial evidence.