



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
JUNE 12, 2018
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Feb 13, 2018 6:00 PM**
- 3. Agenda Items**
 - A. Public Hearing for VAR-1803: Variance Application for Karen Elmore for a variance to Section 405.140 of the Zoning Regulations.**
 - B. Consideration of VAR-1803: Variance Application for Karen Elmore**
 - C. Public Hearing for VAR-1804: Variance Application for John Coffey for a variance to Section 405.565 of the Zoning Regulations.**
 - D. Consideration of VAR-1804: Variance Application of John Coffey**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 8th day of June, 2018.

Randall K. Jones, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
FEBRUARY 13, 2018
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Chris O'Connell

Attendee Name	Organization	Title	Status	Arrived
Viola Wieberg	Harrisonville		Present	
Keith DeBrot	Harrisonville		Present	
Shannon Sipple	Harrisonville		Present	
Chris O'Connell	Harrisonville		Present	

Others present were City Administrator Happy Welch and City Clerk Randall Jones recording.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Nov 14, 2017 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Keith DeBrot
SECONDER:	Shannon Sipple
AYES:	Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

3. Agenda Items

A. Public Hearing for VAR-1704: Variance Application for Marcia Lightcap for a variance to Section 405.170 of the Zoning Regulations

Marcia Lightcap presented her request for a variance to construct a carport.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Keith DeBrot
SECONDER:	Shannon Sipple
AYES:	Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

B. Consideration of VAR-1704: Variance Application of Marcia Lightcap

RESULT:	APPROVED [UNANIMOUS]
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Minutes Acceptance: Minutes of Feb 13, 2018 6:00 PM (Approval of Minutes)

MOVER: Keith DeBrot
SECONDER: Shannon Sipple
AYES: Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

C. Public Hearing for VAR-1801: Variance Application requesting a variance to appeal previous Board elevated sign requirements.

Mark Lindsay with RP Lumber presented his request for variance for sign requirements. City Administrator Happy Welch presented staff report.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Keith DeBrot
SECONDER: Shannon Sipple
AYES: Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

D. Consideration of VAR-1801: Variance Application of RP Lumber

Motion by Keith DeBrot to approve variance with existing signage square footage and requirement to wrap poles. Second by Shannon Sipple. Motion carried.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Keith DeBrot
SECONDER: Shannon Sipple
AYES: Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

E. Public Hearing for VAR-1802: Variance Application for Amanda Willis for a variance to section 405.147 to the Zoning Regulations

Amanda Willis presented her request for a variance at 905/909 East Pearl Street.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Keith DeBrot
SECONDER: Shannon Sipple
AYES: Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

F. Consideration for VAR-1802: Variance Application of Amanda Willis

Motion by Keith DeBrot to approve variance with conditions set forth by Chris Arthur, Building Official, in regard to fire separation compliance. Second by Shannon Sipple. Motion carried.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Keith DeBrot
SECONDER: Shannon Sipple
AYES: Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

4. Discussion Items

A. Need for Board Members/Chairman

At the Board of Aldermen meeting scheduled for February 20, 2018, the Mayor is expected to make one appointment to the BZA but still need one more member as an alternate. Chris O'Connell agreed to serve as Chairman.

RESULT: **DISCUSSION**

5. Adjourn

Meeting adjourned at 6:23 p.m.

Brian Hasek, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Feb 13, 2018 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: June 8, 2018
SUBJECT: ELMORE

Type of Item: *Approval*

A. Action Item (ID # 2909)
ELMORE

Attachments:

Elmore Staff Report VAR - carport 060718 (DOC)

MEMORANDUM

TO Board of Zoning Adjustments
FROM Roger Kroh, Community Development Planner
DATE June 12, 2018 BZA Meeting
SUBJECT Karen Elmore, 2405 Hillside Drive – Setback Variance for Carport

GENERAL INFORMATION:

Applicant: Karen Elmore

Requested Action: Variance Application VAR-1803: A variance application of Karen Elmore for a variance to Section 405.140 of the Zoning Regulations – Height and Area Regulations. Section 405.140 (A) (2) of “R-1” Single Family Residential District which states, in part, “Any building hereafter constructed shall provide for a front yard, the minimum depth shall be thirty (30) feet.”

The applicant asks for a 10 ft. reduction in the 30 ft. front yard setback (8 ft. from the eave) so a one-car metal carport can be built in front of the garage door.

Existing Zoning: “R-1” Single Family Residential District

Location: 2405 Hillside Drive, Hillcrest Subdivision Lot 40

Surrounding Zoning: North: “R-1” Single Family Residential District
East: “R-1” Single Family Residential District
West: “R-1” Single Family Residential District
South: “R-1” Single Family Residential District

Karen Elmore, 2405 Hillside Drive – Setback Variance for Carport
June 12, 2018 BZA Meeting
Page 2

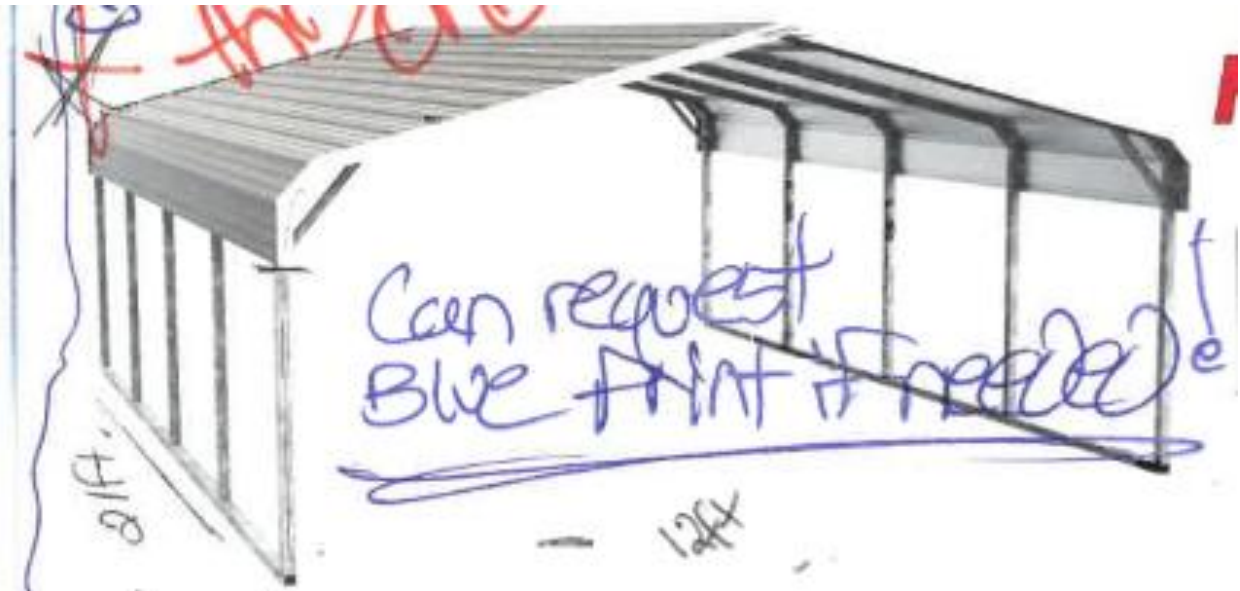
Vicinity Map



2405 Hillside Drive



Proposed Carport



Petition of Support from Neighbors

The applicant has submitted a petition of support signed by all 9 residents whose lots abut her lot (7 owners, 2 renters). All signed in support. She attempted to reach the owners of the two rental properties, but they have not responded. An aerial showing those who signed the petition is in the report. The petition is attached.



Evaluation of Request per City's Requirements for a Variance

In January 2018 the BZA did approve a variance to side yard setbacks to allow a carport in the rear side yard at 503 E. Chestnut because an existing alley on the side of the house provided additional buffer between the carport and neighbor. We do not see that case as setting a precedent for this application. The carport at the Chestnut location was at the side of the house behind the front building line whereas this carport is proposed to encroach into the front yard. Also, The Chestnut location had an alley that offset the reduction in the side yard setback.

Chapter 405.610 to 405.625 states that the Board of Zoning Adjustment may grant variances only in 5 specific standards set forth below and which are in harmony with the general purpose and intent of the zoning ordinance. Following each standard is the response from the applicant's application and the city planning staff response.

Standard No. 1. Can the subject property yield a reasonable return if used under the regulations governing the zoning district in which it is located?

Applicant Response: No. Private property/ personal use.

Staff Response: Yes, we believe the residence without a metal carport will yield a reasonable return if a carport is not permitted.

Standard No. 2. Is the plight of the owner due to unique circumstances? Unique circumstances may include, but is not is not limited to, the shape, topographical conditions, or physical surrounding of the property.

Applicant Response: Want this to add protection to vehicle while parked in driveway from elements, tree droppings, pitch and pollen, snow, ice, rain, wind storms, etc.

Staff Response: We appreciate the reasons why the applicant wishes to project her vehicle. But, we find nothing unique about the property.

Standard No. 3. Will the variance, if granted, not alter the essential character of the locality.

Applicant response: No.

Staff response: Yes, we believe that metal carports hurt the character of neighborhoods, as they grow in number. However, it should be noted that the applicant's neighbors do not share this concern as evidenced by their signatures of support on the petition.

Standard No. 4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Applicant response: No.

Staff response: We agree with the applicant.

Standard No. 5. Does the request arise from a condition which was created by an action(s) of the property owner or the applicant?

Applicant response: As trees grow they drop pitch and pollen on cars. (We) _____ don't want to remove trees. Also, for vehicle protection from the elements.

Staff response: Variances are not given when the conditions are created by the owner, but when they are created by such things as topography, shape and the physical surroundings of a property.

Chapter 405.610-625 also sets out five (5) additional conditions which supplement the above standards, and which are to help the BZA determine whether the evidence shows that there are practical difficulties or hardship that would substantiate the approval of a variance. The supplements conditions are as follows:

- A. The physical surroundings, shape or topographical conditions of the specific property involved would bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
- B. The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;
- C. The alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this Chapter;
- D. The granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;
- E. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

Recommendation:

Approve a motion to deny Variance Application VAR-1803 submitted by Karen Elmore at 2405 Hillside Drive for a 10-ft front yard setback variance to the 30-ft. setback required by Section 405.140 (A) (2) of the zoning regulations based upon the following findings:

- 1. The residence without a variance to the front yard setback to allow a metal carport will yield a reasonable return if a carport is not permitted.
- 2. The plight of the owner is not due to unique circumstances such as the shape, topographical conditions, or physical surrounding of the property.
- 3. Approving a variance to allow one carport to extend into the front yard would not hurt the character of the neighborhood. However, approving the variance would set a precedent that could allow additional carports to be constructed that would encroach into front yards and this would hurt the character of the neighborhood.
- 4. The request arises from a condition which was created by an action(s) of the property owner and not for such things as topography, shape and the physical surroundings of a property.

Exhibits

Application
Legal Notice
Letter to Neighbors
List of Neighbors

**APPLICATION
FOR
VARIANCE OR APPEAL
City of Harrisonville**

Case No. VAR- 1803BZA Date: 6-12-18
(Staff use only.)

Please print or type

It is recommended that the applicant schedule a meeting with city staff prior to the submission of an application. An application will not be considered complete until all required material has been submitted. An application will not be considered complete and The Board of Zoning Adjustment meeting will not be scheduled until all required material has been submitted and the filing fee has been delivered to the City per City Code. It is the applicant's responsibility to submit evidence that a variance is justified. The applicant should be aware that obtaining a variance is difficult and ample evidence justifying a variance must be provided. It is the applicants responsibility to obtain a copy of the agenda, staff report and staff recommendation prior to the scheduled meeting. Attach additional sheets if necessary.

Location or address of subject property: 2405 Hillside Drive
Harrisonville MO 64701Zoning on subject property: _____ Current Land Use: Residential

Request: Cite section and subsection of the Land Use Ordinance from which a variance or appeal of a zoning decision is being requested and describe the reason for requesting a variance.

I want to add a carport metal made by
Coast to Coast, single wide to cover over the
drive way in front of house.
12 x 21 14 gauge has corner braces 5 bows
corner braces welded center
brace standard 2x4x8
where it meets
main house
Green

PROPERTY OWNER'S NAME: Karen Elmore PHONE: 816-527-6121MAILING ADDRESS: 2405 Hillside Dr. Harrisonville, MO
STREET CITY STATE ZIPAPPLICANT/AGENT'S NAME: Karen Elmore PHONE: 816-527-6121MAILING ADDRESS: 2405 Hillside Dr. Harrisonville, MO
STREET CITY STATE ZIP

Deposit Filing Fee: \$100.00

Attachment: Elmore Staff Report VAR - carport 060718 (ELMORE)

Please note: Two homes in town with carport out in front of drive way: 906 Locust
2704 Cherokee

APPLICATION FOR VARIANCE OR APPEAL

Page 2

(Attach additional sheets if necessary.)

1. Can the subject property yield a reasonable return if used under the regulations governing the zoning district in which it is located?

☐ Yes ☒ No

Explain:

No - private property / personal use

2. Is the plight of the owner due to unique circumstances? (Unique circumstances may include, but is not limited to, the shape, topographical conditions, or physical surroundings of the property.)

☐ Yes ☒ No

Explain:

Want this to add protection to vehicle while parked in driveway - from elements: tree droppings, pollen, snow, ice, rain, wind storms, etc.

3. Will the variance, if granted, alter the character of the locality and/or neighborhood?

☐ Yes ☒ No

Explain:

4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare?

☐ Yes ☒ No

Explain:

It is the applicant's responsibility to demonstrate that these conditions have been met at the time of application. Applicants are encouraged to submit any materials which will support their case, including site plans, photographs, studies, letters of support, etc.

*Concrete Anchors 2 or 3 per side

1/1/2018 12 x 21 x 6 A/BFF PERK WAX



300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900
May 15, 2018

To: legals@kcstar.com

From: Roger Kroh, Community Development Planner
rkroh@harrisonville.com Direct (816) 380-8922

Jamie Martin, Administrative Secretary
jmartin@harrisonville.com Direct: (816) 8958

Re: Legal Notice for May 12, 2018 Cass County Democrat – VAR 1801 Elmore

Please publish this legal notice one time in the Friday May 25, 2018 edition of the *Cass County Democrat*. The invoice should be made out to the City of Harrisonville and sent with a proof of publication to Jamie Martin, Administrative Secretary, City of Harrisonville, PO Box 367, Harrisonville, MO 64701. Thank you and please call if any questions.

Notice of Public Hearing

Notice is hereby given of a public hearing before the Board of Zoning Adjustments of the City of Harrisonville, MO to be held at 6:00 p.m. on Tuesday, June 12, 2018 at City Hall at 300 E. Pearl Street in Harrisonville, MO 64701. To construct a carport, Karen Elmore at 2405 Hillside Drive is requesting a variance of approximately 8 ft. from Sec. 405.140 of the zoning ordinance that requires front yards to have minimum depths of 30 ft. All interested parties are encouraged to attend. Parcel # 08-08-33-200-003-030.000.

Jamie Martin
 Secretary to the Board of Zoning Adjustment

Attachment: Elmore Staff Report VAR - carport 060718 (ELMORE)



300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

May 24, 2018

To Whom It May Concern:

This letter is to notify you of a public hearing before the Harrisonville Board of Zoning Adjustment (BZA) on Tuesday, June 12, 2018, 6:00 p.m. at city hall, 300 E. Pearl St., Harrisonville, MO 64701.

The BZA will be considering an application for a variance from Karen Elmore, 2405 Hillside Drive, Harrisonville, MO 64701 (Parcel #: 08-08-33-200-003-030.000, Hill Crest Subdivision No. 1, Lot 40). Sec. 405.140 of the zoning ordinance that requires residences to be set back a minimum of 30 ft. from the front yard property line. However, the applicant is requesting a setback variance of approximately 8 feet to allow a carport to be added to the front of the house.

As a nearby landowner you are being notified of this public hearing and invited to attend. However, your appearance is not required. If you have any questions, please give me a call.

Sincerely,

Roger Kroh
Community Development Planner

Attachment: Elmore Staff Report VAR - carport 060718 (ELMORE)

PROPERTIES WITHIN 200 FEET OF 2405 HILLSIDE DR.

<u>DEED HOLDER</u>	<u>MAIL ADDRESS</u>	<u>MAIL CITY</u>	<u>MAIL ZIP CODE</u>
WILLS, MICHAEL T & CARLA J	2400 HILLSIDE DR	HARRISONVILLE	64701-0000
HAMILTON, STEVEN L & CONNIE E	2002 CRESTWOOD DR	HARRISONVILLE	64701-0000
CLEWELL, RICKY H	2405 MEADOW CT	HARRISONVILLE	64701-0000
MATHEWS, MARY KATHERINE	1902 MEADOW CT	HARRISONVILLE	64701-0000
KREEGER, JOHN SCOTT	1900 MEADOW CT	HARRISONVILLE	64701-0000
WELCH, JAMES CHRISTOPHER	2501 MEADOW CT	HARRISONVILLE	64701-0000
CLARY, BENJAMIN	1903 MEADOW CT	HARRISONVILLE	64701-0000
TIM & KAREN SOULIS PROPERTIES LLC	26705 E STATE ROUTE EE`	HARRISONVILLE	64701-0000
DUNCAN, TOMMY L & KATHY	2401 HILLSIDE DR	HARRISONVILLE	64701-0000
COBURN, MORRIS F	908 E PEARL	HARRISONVILLE	64701-0000
PELTON, BARBARA A	1900 CRESTWOOD DR	HARRISONVILLE	64701-0000
SPANGLER, CHARLES EDWARD ETAL	1905 MEADOW CT	HARRISONVILLE	64701-0000
ELMORE, MICHAEL W & KAREN M	2405 HILLSIDE DR	HARRISONVILLE	64701-0000
MOORE, JUSTIN DEAN & MEGHAN MARIE	14408 NORWOOD	LEAWOOD	66224-0000
ARNOLD, DEBORAH J	2402 MEADOW CT	HARRISONVILLE	64701-0000
MILLS, CAROL A TR	2402 HILLSIDE DR	HARRISONVILLE	64701-0000
WEBER, JEFFREY A & JAUNA L	2504 HILLSIDE DR	HARRISONVILLE	64701-0000
CSMA BLT LLC	PO BOX 2249	CUMMING	30028-0000
MILLS, RONALD L	2500 HILLSIDE DR	HARRISONVILLE	64701-0000
HARLE, WARD C & HELEN J	23600 S SOUTHCREST DR	PECULIAR	64078-0000
BAILEY, DEBBY A	2403 MEADOW CT	HARRISONVILLE	64701-0000
BURTON, RICHARD A & VICKIE R	3771 DANTES DR	EDINBURG	78541-0000
LAKE OF THE OZARKS PROPERTIES INC	265 W BONITA AVE	CLAREMONT	91711-0000



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: June 8, 2018
SUBJECT: Consideration of VAR-1803: Variance Application for Karen Elmore

Type of Item: *Discussion*

B. Discussion Item (ID # 2912)

Consideration of VAR-1803: Variance Application for Karen Elmore



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: June 8, 2018
SUBJECT: COFFEY

Type of Item: *Approval*

C. Action Item (ID # 2910)
COFFEY

Attachments:

Coffee Staff Report VAR - Gravel Drive (3) (DOC)

MEMORANDUM

TO Board of Zoning Adjustments
FROM Roger Kroh, Community Development Planner
DATE June 12, 2018 BZA Meeting
SUBJECT John Coffey, – Variance from hard surface driveway requirement

GENERAL INFORMATION:

Applicant: John Coffey

Requested Action: Variance Application VAR-1804: A variance Application of John Coffey for a variance to Section 405.565 of the Zoning Regulations – Parking and Loading regulations – D(1) Improvement of Parking Areas. This section states, in part, “All parking areas and drives shall be ready for use upon occupying a building and shall be surfaced”

The applicant proposes to construct a new house for his mother on 8.85 acres at 310 N. Clearwater in the (A) Agriculture Zoning District. He is asking that he be exempted from the paving requirement as the tract is in the “A” zoning district and the drive will be approximately 485 feet long. The driveway will be gravel.

Existing Zoning: “A” Agriculture Zoning District

Location: 310 North Clearwater Dr.

West 8.85 ac. of 306 N. Clearwater Dr. which is being addressed at 310 N. Clearwater and which is described as Parcel No. 13-31-51-000.-000-012.000 and Pt E2 L5 NW lying north of Frisco RR and west of Hwy 71 (I-49) except south 20 ft.

Surrounding Zoning: North: “A” Agriculture Zoning District
East: I-49 and “M-1” Limited Industrial District
West: “A” Agriculture (County zoning)
South: “A” Agriculture Zoning District

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)

Vicinity Map



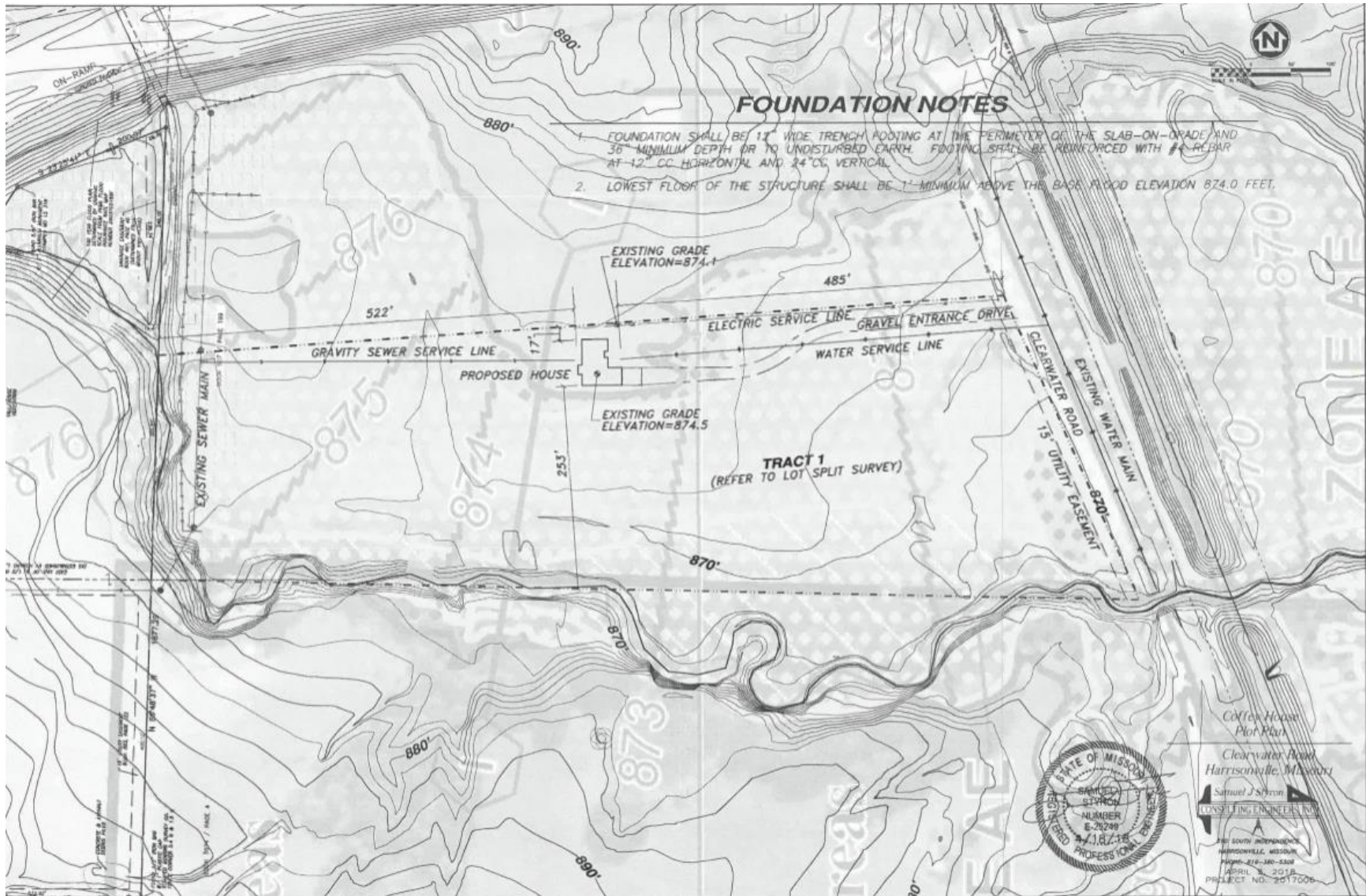
John Coffey, 310 North Clearwater Dr. – Variance

June 12, 2018 BZA Meeting

Page 3



Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)



Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)

Introduction

The applicant has recently obtained approval of a lot split of a 23-ac. tract in the “A” zoning district at 306 North Clearwater Dr. into a 14.15-acre tract with a house now on it and a new 8.85 ac. tract at 310 N. Clearwater Dr. on which he has obtained a building permit to construct a house for his mother. He is requesting a variance from the paved driveway requirement as his property and the property around him is zoned “A” Agriculture, the tract is large at 8.85 acres, and the driveway will be approximately 485 feet long and very costly to pave. He proposes to use gravel. The other residences in the area have gravel driveways.

In my experience, it is not uncommon for cities to require paved drives in commercial and residential districts, but not agricultural districts. The BZA approved a variance in November 2017 to allow for a gravel driveway at 501 N. Main in the “C-2” zoning district.

Evaluation of Request per City’s Requirements for a Variance

Chapter 405.610 to 405.625 states that the Board of Zoning Adjustment may grant variances only in 5 specific situations (set forth below) and which are in harmony with the general purpose and intent of the zoning ordinance. Herein are the 5 situations followed by the applicant’s comments and the planning staff response.

Standard No. 1. Can the subject property yield a reasonable return if used under the regulations governing the zoning district in which it is located?

Applicant Response: No.

Staff Response: Yes, we believe the property would yield a reasonable return with a hard-surface driveway even though the cost of paving a 485 ft. drive in an “A:” zoning district seems excessive.

Standard No. 2. Is the plight of the owner due to unique circumstances? Unique circumstances may include, but are not is not limited to, the shape, topographical conditions, or physical surrounding of the property.

Applicant Response: Yes, the length of the driveway is cost prohibitive to expect a reasonable return in the future.

Staff Response: We concur that the large size of tracts in the “A” zoning districts is unique for a requirement that driveways be paved as they are in residential and commercial zoning districts. The minimum lot size the “A” zoning district is 5 acres.

Standard No. 3. Will the variance, if granted, not alter the essential character of the locality.

Applicant response: No, there are existing gravel driveways on Clearwater.

Staff response: We agree with the applicant. The driveways near this tract are gravel.

Standard No. 4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?

Applicant response: No.

Staff response: We agree with the applicant.

Standard No. 5. Does the request arise from a condition which was created by an action(s) of the property owner or the applicant?

Applicant response: No.

Staff response: Yes, the condition does arise from the house being placed approximately 485 ft. away from the road. But, it seems unreasonable for the driveway paving requirement to make it cost prohibitive to place a home on a rural tract in the middle or rear of a rural property.

Chapter 405.610-625 also sets out five (5) additional conditions which supplement the above standards, and which are to help the BZA determine whether the evidence shows that there are practical difficulties or hardship that would substantiate the approval of a variance. The supplements conditions are as follows:

- A. The physical surroundings, shape or topographical conditions of the specific property involved would bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

- B. The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;
- C. The alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this Chapter;
- D. The granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;
- E. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

Paved Approach

The staff and applicant have had discussions about paving the driveway approach to keep gravel and mud from getting out onto the street. After looking into the matter, the applicant would not like to install the paved approach due to the cost. However, staff asks the BZA to include the installation of the approach as a condition of approval.

Recommendation:

Approve a motion granting approval of application VAR-1804 submitted by John Coffey for a variance to Section 405.565 D (1) by waiving the driveway paving requirements for 310 N. Clearwater Drive subject to the installation of a paved driveway approach and based upon the following findings:

1. The large physical size of the subject tract (8.85 ac.) would bring a hardship upon the owner if the owner were required to implement the driveway paving requirement that is more appropriate in residential and commercial zoning districts.
2. A gravel driveway will not alter the essential character of the area. All other driveways near 310 N. Clearwater are gravel.
3. The granting of the variance to allow a gravel driveway will not be detrimental to the public welfare in the neighborhood in which the property is located.

4. While the condition does arise from an action taken by the applicant, it is unreasonable for the driveway paving requirement to make it cost prohibitive to place a home on a rural tract in the middle or rear of a large rural property.
5. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

1

Exhibits

Application
Legal Notice
Letter to Neighbors
List of Neighbors

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)

**FOR
VARIANCE OR APPEAL
City of Harrisonville**

BZA Date: _____
(Staff use only.)

Please print or type

It is recommended that the applicant schedule a meeting with city staff prior to the submission of an application. An application will not be considered complete until all required material has been submitted. An application will not be considered complete and The Board of Zoning Adjustment meeting will not be scheduled until all required material has been submitted and the filing fee has been delivered to the City per City Code. It is the applicant's responsibility to submit evidence that a variance is justified. The applicant should be aware that obtaining a variance is difficult and ample evidence justifying a variance must be provided. It is the applicants responsibility to obtain a copy of the agenda, staff report and staff recommendation prior to the scheduled meeting. Attach additional sheets if necessary.

Location or address of subject property: N Clearwater

Zoning on subject property: Ag Current Land Use: Ag

Request: Cite section and subsection of the Land Use Ordinance from which a variance or appeal of a zoning decision is being requested and describe the reason for requesting a variance.

Add additional pages if necessary

PROPERTY OWNER'S NAME: Hothe Coffey PHONE: _____

MAILING ADDRESS: 1402 Sanders St Harrisonville MO 64701
STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME: John Coffey PHONE: _____

MAILING ADDRESS: 1402 Sanders St Harrisonville MO 64701
STREET CITY STATE ZIP

Deposit Filing Fee: \$100.00

ch 15575

APPLICANT'S SIGNATURE: John Coffey DATE: 5-9-18

Received By: _____ TIME: _____

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)

APPLICATION FOR VARIANCE OR APPEAL

Page 2

(Attach additional sheets if necessary.)

1. Can the subject property yield a reasonable return if used under the regulations governing the zoning district in which it is located?

☐ Yes ☒ No

Explain: _____

2. Is the plight of the owner due to unique circumstances? (Unique circumstances may include, but is not limited to, the shape, topographical conditions, or physical surroundings of the property.)

☐ Yes ☒ No

Explain: Yes, Length of Driveway is Cost prohibitive to
Expect reasonable return in the future.

3. Will the variance, if granted, alter the character of the locality and/or neighborhood?

☐ Yes ☒ No

Explain: Existing gravel driveways on Clearwater.

4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare?

☐ Yes ☒ No

Explain: _____

5. Does the request arise from a condition which was created by an action(s) of the property owner or the applicant?

☐ Yes ☒ No

Explain: _____

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)



300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

May 15, 2018

To: legals@kcstar.com

From: Roger Kroh, Community Development Planner
rkroh@harrisonville.com Direct (816) 380-8922

Jamie Martin, Administrative Secretary
jmartin@harrisonville.com Direct: (816) 8958

Re: Legal Notice for May 12, 2018 Cass County Democrat – VAR 1802 Coffey

Please publish this legal notice one time in the Friday May 25, 2018 edition of the *Cass County Democrat*. The invoice should be made out to the City of Harrisonville and sent with a proof of publication to Jamie Martin, Administrative Secretary, City of Harrisonville, PO Box 367, Harrisonville, MO 64701. Thank you and please call if any questions.

Notice of Public Hearing

Notice is hereby given of a public hearing before the Board of Zoning Adjustments of the City of Harrisonville, MO to be held at 6:00 p.m. on Tuesday, June 12, 2018 at City Hall at 300 E. Pearl Street in Harrisonville, MO 64701. John Coffey, applicant, is requesting a variance from Sec. 405.565 (D)(1) that requires all drives shall be hard surfaced. He wished to construct a hard surface approach and gravel drive to a residence on an 8.85 ac. tract at 310 N. Clearwater Dr. in the (A) Agriculture Zoning District. All interested parties are encouraged to attend.

Jamie Martin
 Secretary to the Board of Zoning Adjustment

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)



300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

May 24, 2018

To Whom It May Concern:

This letter is to notify you of a public hearing before the Harrisonville Board of Zoning Adjustment (BZA) on Tuesday, June 12, 2018, 6:00 p.m. at city hall, 300 E. Pearl St., Harrisonville, MO 64701. The BZA will be considering an application for a variance from John Coffey, for property at 310 North Clearwater Dr., Harrisonville, MO 64701. The applicant is requesting a variance from Sec. 405.565 (D)(1) of the zoning ordinance that requires all driveways to be hard surfaced. Instead, he proposes to construct a hard surface approach and gravel drive to a residence to be constructed on the 8.85 ac. tract which is in the (A) Agriculture Zoning District.

The site at 310 North Clearwater Dr. is the west 8.85 ac. of 306 N. Clearwater Dr. which is also described as Parcel No. 13-31-51-000.-000-012.000 and Pt E2 L5 NW lying north of Frisco RR and west of Hwy 71 except south 20 ft.



As a nearby landowner you are being notified of this public hearing and invited to attend. However, your appearance is not required. Please call if you have any questions.

Sincerely,

Roger Kroh
Community Development Planner

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)

PROPERTIES WITHIN 200 FEET OF <i>310 N. CLEARWATER DR.</i>			
<u>DEED HOLDER</u>	<u>MAIL ADDRESS</u>	<u>MAIL STATE</u>	<u>MAIL ZIP CODE</u>
MYLER, MARK & LANITA	19405 E 255TH ST	MO	64701-0000
MILLWALK MALL LLC	2601 CANTRELL RD	MO	64701-0000
AD TREND INC % COFFELT LAND TITLE	14450 US HWY 71	MO	64147-0000
ANDERSON, KEVIN & JACQUELINE S ETAL	PO BOX A	MO	64701-9363
MILL-WALK MALL	2601 CANTRELL	MO	64701-0428
CITY OF HARRISONVILLE	PO BOX 367	MO	64701-0367
COFFEY, JOHN	306 N CLEARWATER DR	MO	64701-0000
COFFEY, JOHN	306 N CLEARWATER DR	MO	64701-0000

May 24, 2018

To Whom It May Concern:

This letter is to notify you of a public hearing before the Harrisonville Board of Zoning Adjustment (BZA) on Tuesday, June 12, 2018, 6:00 p.m. at city hall, 300 E. Pearl St., Harrisonville, MO 64701.

The BZA will be considering an application for a variance from Karen Elmore, 2405 Hillside Drive, Harrisonville, MO 64701 (Parcel #: 08-08-33-200-003-030.000, Hill Crest Subdivision No. 1, Lot 40). Sec. 405.140 of the zoning ordinance that requires residences to be set back a minimum of 30 ft. from the front yard property line. However, the applicant is requesting a setback variance of approximately 8 feet to allow a carport to be added to the front of the house.

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)



300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

As a nearby landowner you are being notified of this public hearing and invited to attend. However, your appearance is not required. If you have any questions, please give me a call.

Sincerely,

Roger Kroh
Community Development Planner

Attachment: Coffee Staff Report VAR - Gravel Drive (3) (COFFEY)

PROPERTIES WITHIN 200 FEET OF 2405 HILLSIDE DR.

<u>DEED HOLDER</u>	<u>MAIL ADDRESS</u>	<u>MAIL CITY</u>	<u>MAIL ZIP CODE</u>
WILLS, MICHAEL T & CARLA J	2400 HILLSIDE DR	HARRISONVILLE	64701-0000
HAMILTON, STEVEN L & CONNIE E	2002 CRESTWOOD DR	HARRISONVILLE	64701-0000
CLEWELL, RICKY H	2405 MEADOW CT	HARRISONVILLE	64701-0000
MATHEWS, MARY KATHERINE	1902 MEADOW CT	HARRISONVILLE	64701-0000
KREEGER, JOHN SCOTT	1900 MEADOW CT	HARRISONVILLE	64701-0000
WELCH, JAMES CHRISTOPHER	2501 MEADOW CT	HARRISONVILLE	64701-0000
CLARY, BENJAMIN	1903 MEADOW CT	HARRISONVILLE	64701-0000
TIM & KAREN SOULIS PROPERTIES LLC	26705 E STATE ROUTE EE`	HARRISONVILLE	64701-0000
DUNCAN, TOMMY L & KATHY	2401 HILLSIDE DR	HARRISONVILLE	64701-0000
COBURN, MORRIS F	908 E PEARL	HARRISONVILLE	64701-0000
PELTON, BARBARA A	1900 CRESTWOOD DR	HARRISONVILLE	64701-0000
SPANGLER, CHARLES EDWARD ETAL	1905 MEADOW CT	HARRISONVILLE	64701-0000
ELMORE, MICHAEL W & KAREN M	2405 HILLSIDE DR	HARRISONVILLE	64701-0000
MOORE, JUSTIN DEAN & MEGHAN MARIE	14408 NORWOOD	LEAWOOD	66224-0000
ARNOLD, DEBORAH J	2402 MEADOW CT	HARRISONVILLE	64701-0000
MILLS, CAROL A TR	2402 HILLSIDE DR	HARRISONVILLE	64701-0000
WEBER, JEFFREY A & JAUNA L	2504 HILLSIDE DR	HARRISONVILLE	64701-0000
CSMA BLT LLC	PO BOX 2249	CUMMING	30028-0000
MILLS, RONALD L	2500 HILLSIDE DR	HARRISONVILLE	64701-0000
HARLE, WARD C & HELEN J	23600 S SOUTHCREST DR	PECULIAR	64078-0000
BAILEY, DEBBY A	2403 MEADOW CT	HARRISONVILLE	64701-0000
BURTON, RICHARD A & VICKIE R	3771 DANTES DR	EDINBURG	78541-0000
LAKE OF THE OZARKS PROPERTIES INC	265 W BONITA AVE	CLAREMONT	91711-0000



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: June 8, 2018
SUBJECT: Consideration of VAR-1804: Variance Application of John Coffey

Type of Item: *Discussion*

D. Discussion Item (ID # 2913)

Consideration of VAR-1804: Variance Application of John Coffey