



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
AUGUST 14, 2018
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Jul 10, 2018 6:00 PM**
- 3. Agenda Items**
 - A. Consideration of VAR-1806: Variance Application of Scott Beck.**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 7th day of August 2018

Randall K. Jones, City Clerk

The Board of Aldermen meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments of citizens under PUBLIC PARTICIPATION. Our rule is that comments by any individual or group shall not exceed (4) minutes. The Board of Aldermen request that concerns be initially addressed at the appropriate action level before coming to the Board of Alderman



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
JULY 10, 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	
Norma Keltner	Harrisonville		Absent	6:04 PM
Jennifer Peters	Harrisonville		Present	

Also in attendance were Stephen Litle, Applicant; Scott Beck, Applicant; Mike Freeland, Co-Owner of Beck Event Space; Roger Kroh, Community Development Planner; Happy Welch, City Administrator; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Jun 12, 2018 6:00 PM

With no additions or corrections, the June 12, 2018, minutes were approved as written.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Shannon Sipple
SECONDER:	Keith DeBrot
AYES:	Wieberg, DeBrot, Sipple, O'Connell, Peters
ABSENT:	Norma Keltner

3. Agenda Items

A. Public Hearing for VAR-1805: Variance Application for Stephen D. Litle for a variance to Section 405.565 of the Zoning Regulations.

Roger Kroh presented Agenda Packet Pages 5-18. He asked that his Staff Report and the Zoning Regulations be made part of the record.

Stephen Litle presented his variance request. He stated that there is only one paved driveway near his location and it would not benefit him to pave the drive or approach.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Keith DeBrot
SECONDER: Shannon Sipple
AYES: Wieberg, DeBrot, Sipple, O'Connell, Peters
ABSENT: Norma Keltner

B. Consideration of VAR-1805: Variance Application for Stephen D. Litle.

Keith DeBrot made a motion to approve the variance request for a gravel drive at 2515 South East Outer Road.

Shannon Sipple seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Keith DeBrot
SECONDER: Shannon Sipple
AYES: Wieberg, DeBrot, Sipple, O'Connell, Peters
ABSENT: Norma Keltner

C. Public Hearing for VAR-1806: Variance Application for Scott Beck for a variance to Section 405.550 of the Zoning Regulations.

Roger Kroh presented Agenda Packet Pages 19-34. He asked that his Staff Report and the Zoning Regulations be made part of the record.

Scott Beck presented his need for the variance. His business partner, Mike Freeland, stated they would like to find a way to make this work for everyone.

John Foster, owner of a neighboring building, stated that he opposes the variance and would like the board to decline it.

D. Consideration of VAR-1806: Variance Application of Scott Beck.

After much discussion Shannon Sipple motioned to table the topic to be revisited at the August 14, 2018, meeting.

Chris O'Connell seconded the motion.

RESULT: **TABLED [UNANIMOUS]**
MOVER: Shannon Sipple
SECONDER: Chris O'Connell
AYES: Wieberg, DeBrot, Sipple, O'Connell, Peters
ABSENT: Norma Keltner

4. Discussion Items

5. Adjourn

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Jul 10, 2018 6:00 PM (Approval of Minutes)



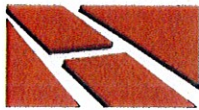
TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: August 3, 2018
SUBJECT: Consideration for Beck

Type of Item: *Approval*

A. Action Item (ID # 2966)
Consideration for Beck

Attachments:

BECK VARIANCE (PDF)



MEMORANDUM

TO Board of Zoning Adjustments
FROM Roger Kroh, Community Development Planner *RK*
DATE Tue., July 10, 2018 BZA Meeting
SUBJECT Scott Beck – Variance 1806 to Allow Shipping Container

GENERAL INFORMATION:

Applicant: Scott Beck, Owner
Beck Event Space, 210 S. Independence St.

Location: 300 South Lexington
Parking area north of Mechanic St. between
Independence and Lexington

Requested Action: Application VAR-1806 for a variance to the following
subsections in Section 405.550 of the Zoning Regulations
to allow a shipping container

- (D) Detached Accessory Buildings. and
- (J) Districts CDB-1, CDB-2, and C-2

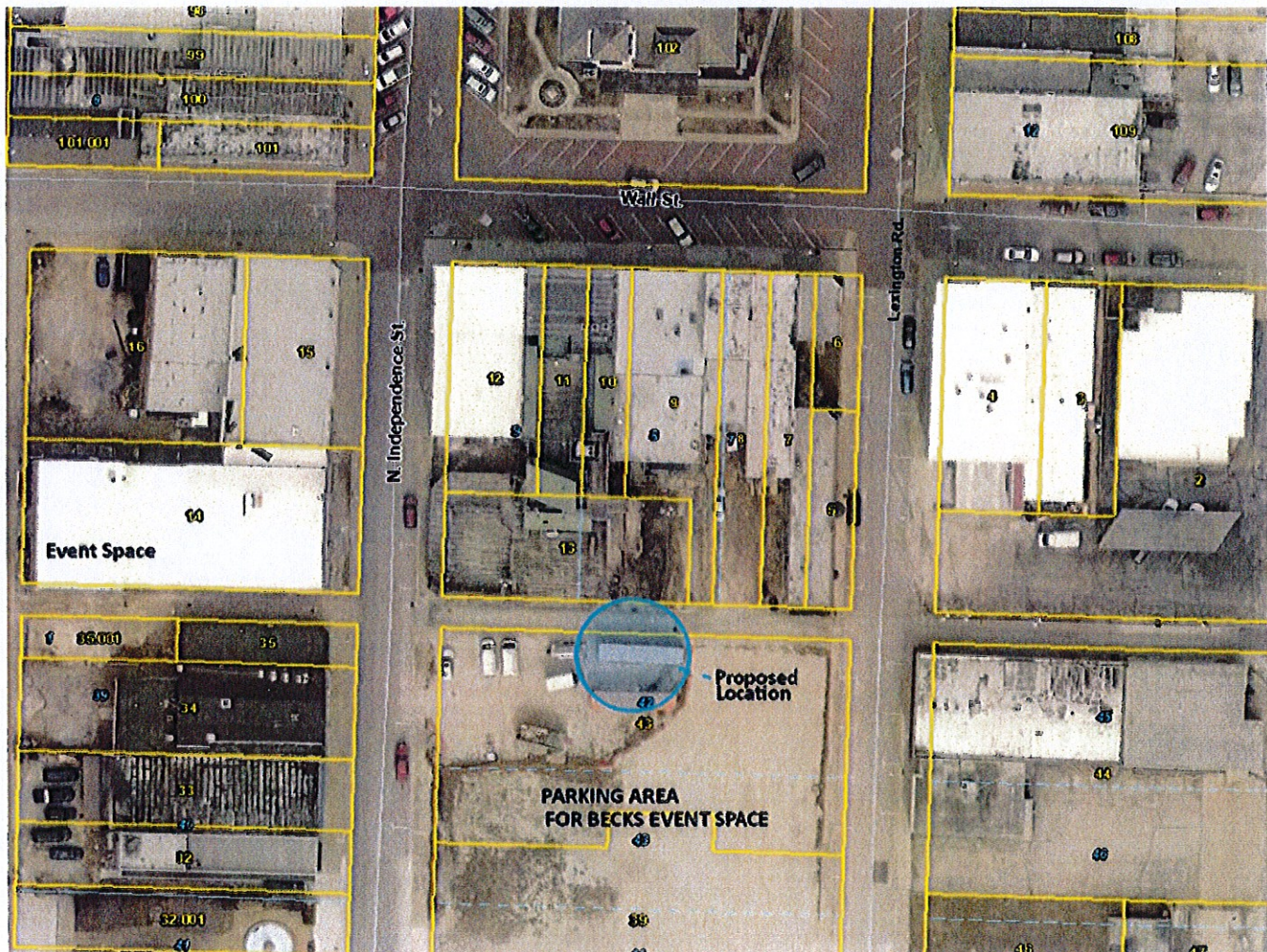
The City has advised the applicant that he needs to apply for a variance as shipping containers are not a permitted or special use in the CBD-2 zoning district. The shipping container is used for storage for the Beck Event Space.

Mr. Beck has proposed to relocate the shipping container from its current location on the east side of the parking lot to the north end of the lot midway between Independence and Lexington. *See plot plan* with application.

Existing Zoning: CBD-2 Downtown Fringe Business District

Surrounding Zoning: North: CBD-1 Downtown Core Business District
East: CBD-2 Downtown Fringe Business District
West: CBD-2 Downtown Fringe Business District
South: CBD-2 Downtown Fringe Business District

Attachment: BECK VARIANCE (Consideration for Beck)

Vicinity Map

Attachment: BECK VARIANCE (Consideration for Beck)

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. We need the storage and the shipping container allows us to make better use of our property."

Staff Response: Yes. While a considerable investment has been made in Beck's Event Center and no doubt considerable storage is required to provide for a wide variety of events, we believe the properties involved can yield a reasonable return without a shipping container.

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. Our building does not have enough storage and there isn't enough storage nearby."

Staff Response: While Beck's Event Center may be unable to obtain storage nearby, the unique circumstances are not due to the shape, topographical conditions or physical surroundings of the property.

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

Applicant response: "Maybe. It will alter the look some but can be made to look nice."

Staff response: We agree with the applicant that the shipping container in its present condition may alter the character of the locality. This will become a bigger concern as the vacant buildings gain occupants. If the BZA does grant the variance, we believe moving it to north end of the parking area midway between Independence and Lexington is an improvement over its current location along Lexington. We would certainly be open to other ideas Mr. Beck has for improving the look of the container.

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: “Yes. We do not have enough storage and we purchased the container for \$4000 not knowing a variance was required”

Staff response: The condition was created by an action of the applicant. However, variances are granted for unique circumstances related to the shape, topography, and size 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 hardships that would substantiate the approval of a variance. They 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;

Staff response: The inability to have storage in close proximity to the event space would undoubtedly be a hardship to the owner. However, it is not the physical surroundings that is creating the hardship.

- B. The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;

Staff response: There are no unique conditions of the property that would justify a variance under the requirements of the zoning ordinance. As Mr. Beck states, the request is based on not knowing that accessory storage containers are not permitted or special uses in the CBD-2 zoning district.

- 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;

Staff response: Yes, the situation has been created by the property owner as Mr. Beck indicates.

- D. The granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;

Staff response: The granting of a 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.

Staff response: The proposed variance will not impair an adequate supply of light and air to adjacent property, not increase the danger of fire if the storage is properly managed, and not endanger the public safety in the neighborhood. However, we do believe that the presence of the shipping container will diminish property values. While the impact on property values is probably little at this time, while a number of buildings are not yet occupied, we feel that the negative impact will increase over time as businesses move downtown.

Although we have concerns about the impact the shipping container will have on property values, especially long term, we acknowledge that the Beck Event Space operation makes a very positive contribution to downtown and certainly is adding to property values and bringing more people downtown.

Recommendation:

The request does not meet the tests in the zoning ordinance for obtaining a variance. Therefore, the recommendation is denial based upon the provisions in the zoning ordinance and the findings below. However, we acknowledge that there is a public benefit to downtown by the presence of the Beck Event Space in terms of adding to the property values of downtown and exposing more people to downtown. One option for the BZA to consider, subject to Mr. Beck's concurrence, is to approve the variance on a short-term basis. We would suggest two (2) years. This will allow time for the Beck Event Center to develop its business and allow time for Mr. Beck to look for alternatives for off-premise storage.

Below are two motions for the BZA's consideration. One denies the variance on the basis that it does not meet the conditions for a variance specified in the zoning ordinance. The second motion approves the variance for a two-year period.

Motion to Deny Variance

Motion to deny Variance Application VAR-1806 submitted by Scott Beck at 300 S. Lexington to allow a shipping container as an accessory use by granting a variance to Section 405.550 of the Zoning Regulations, Subsection (D) Detached Accessory Buildings. and (J) Districts CDB-1, CDB-2, and C-2 based upon the following findings:

1. The property at 300 S. Lexington will yield a reasonable return if a shipping container 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 a shipping container will have a small negative impact on the character of the downtown area at this time, and the negative impact will become more significant as the downtown buildings becomes occupied.
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.
5. Approving the variance diminish property values. While the impact on property values is probably little at this time while some buildings are not yet occupied, we feel that the negative impact will increase over time as the buildings downtown become occupied.

Motion to Approve a Variance for 2 Years

Motion to approve Variance Application VAR-1806 submitted by Scott Beck at 300 S. Lexington to allow a shipping container as an accessory use until July 15, 2020 by granting a variance to Section 405.550 of the Zoning Regulations, Subsection (D) Detached Accessory Buildings. and (J) Districts CDB-1, CDB-2, and C-2 based upon the following findings:

1. The applicant will relocate the shipping container to the north portion of the lot midway between Independence and Lexington as indicated in the application.

2. The storage container will meet the requirements of the building / fire codes of the city and the owner will allow periodic inspections of the shipping container by the city to ensure that it does not present a fire danger.
3. Within thirty (30) days of approval, the applicant will develop ideas for making the shipping container more attractive and present them to city staff for administrative approval.
4. Although approval of a variance to allow a shipping container until July 15, 2020 will have a small negative impact short-term on property values and the character of the downtown, by granting the variance for two years the event space will have time to increase its business, look for alternative storage, and in doing so it will also benefit the public by enhancing property values of downtown, bringing shoppers and potential business owners to downtown, and permit the event center time to find alternative locations for storage so that the shipping container will be removed before it has long-term negative impacts on the character and property values of downtown.

Exhibits

Application
Legal Notice
Letter to Property Owners
Letter of Support from Dr. Jerry Morris, CMHC, Inc.

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

Case No. VAR-_____

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: ~~311 S Independence~~ 300 S LexingtonZoning on subject property: CBD-1 Current Land Use: Parking

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.

Section 405.550 D Accessory Bldgs

Additional Storage is needed, want to place a shipping containers at the back of the lot

Add additional pages if necessary

PROPERTY OWNER'S NAME: Scott Beck PHONE: 816-645-8480

MAILING ADDRESS: 210 S Independence HV MO 64701
STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME: _____ PHONE: _____

MAILING ADDRESS: _____
STREET CITY STATE ZIP

Deposit Filing Fee: \$100.00

scottbeckeventspace.com

APPLICANT'S SIGNATURE: Scott Beck DATE: 6-1-18

Received By: _____ TIME: _____

1/1/2018

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: We need the storage and the shipping container allows us to make better use of our property

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: Our building doesn't have enough storage and there isn't enough storage nearby

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

☐ Yes☐ No

Explain: It will alter ~~the~~ the look some but can be made to look nice

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: We do not have enough storage and we purchased the container for \$4000.00 not knowing a variance was required.

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.

Attachment: BECK VARIANCE (Consideration for Beck)



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

June 18, 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: Two (2) Legal Notices for June 22, 2018 *Democrat* -- **REVISED**

Please publish these two legal notices one time in the Friday June 22, 2018 edition of the *Cass County Democrat*. Please send the invoice and 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, July 10, 2018 at City Hall at 300 E. Pearl Street in Harrisonville, MO 64701. Stephen Little, applicant, requests a variance from Sec. 405.565 (D)(1) that requires all drives be hard surfaced. He wishes to construct a 600 ft. gravel drive to a new residence being constructed on a 10 ac. tract at 2515 South East Outer Rd. All interested parties are encouraged to attend.

Jamie Martin
Secretary to the Board of Zoning Adjustment

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, July 10, 2018 at City Hall at 300 E. Pearl Street in Harrisonville, MO 64701. Scott Beck, applicant, requests a variance from Sec. 405.550 (D) **Detached** Accessory Buildings **and (J) Districts CDB-1, CDB-2 and C-2** to allow a shipping container to be placed at the back of the lot at 300 S. Lexington. All interested parties are encouraged to attend.

Jamie Martin
Secretary to the Board of Zoning Adjustment

Attachment: BECK VARIANCE (Consideration for Beck)



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

June 22, 2018

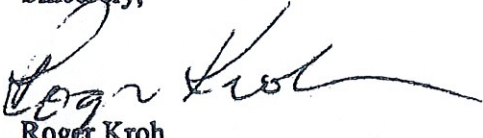
To Whom It May Concern:

This letter is to notify you of a public hearing before the Harrisonville Board of Zoning Adjustment (BZA) on Tuesday, July 10, 2018, 6:00 p.m. at city hall, 300 E. Pearl St., Harrisonville, MO 64701.

The BZA will be considering an application from Scott Beck who is requesting a variance from Sec. 405.550 (D) Detached Accessory Buildings and (J) Districts CDB-1, CDB-2 and C-2 to allow a shipping container to be placed at the back of the lot at 300 S. Lexington. All interested parties are encouraged to attend.

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

Attach.

Attachment: BECK VARIANCE (Consideration for Beck)



CMHC, Inc.

A Comprehensive Community Mental Health Center
 Affiliated with Bates County Memorial Hospital and Family Care Clinics
 CMHC, Inc. Corporate Offices at:
 815 S. Ash
 Nevada, MO 64772

Tele: 417-667-8352, Fax: 417-667-9216, email: cmhcjerry@sbcglobal.net, Web Site: <http://www.cmhconline.com>



Dr. Jerry Morris
 Clinical Director
 CMHC, Inc.

Terri Morris, CEO
 CMHC, Inc.

Cass County Psychological Services
 306 S. Independence
 Harrisonville, MO 64701
 816-380-4010

Family Care Clinics of Bates County
 Memorial Hospital
 617 W Nursery Street
 Butler, MO 64730
 Tele: 660-200-7528
 Web Site:
<http://www.bcmhospital.com/about.htm>

CMHC, Inc. Web Site
www.cmhconline.com

Affiliates:
 NAPPF
www.nappf.org
 Dr. Morris
 Board Member

ABMP
www.abmp.org
 Dr. Morris
 President & Board Member

Morris & Morris, Inc.
<http://www.cmhconline.com/Morris.htm>
 A Healthcare Management
 Consulting Firm
 Dr. Morris, President

July 2, 2018

Roger Kroh
 300 E. Pearl Street
 Harrisonville, MO 64701

Colleague,

I got your Community letter relative to Beck. I fully support giving variances to colleague's businesses that are developing the Downtown area.

Thank you,


 Jerry Morris, PsyD, MBA, MS (Pharm), ABPP, ABMP, ABBHP,
 NCSP, NBCC, CCM
 Clinical Director, CMHC, Inc.
 Clinical Psychologist and Neuropsychologist
 Board Certified Couple and Family Psychologist
 Board Certified Medical Psychologist
 Board Certified Behavioral Healthcare Practice
 Board Certified Counselor
 Board Certified School Psychologist
 Board Certified Case Manager



Jerry Morris, PsyD., MBA, MS(Pharm), ABMP, ABPP, NCSP, NBCC, CCM, is a licensed clinical psychologist, licensed marital and family therapist, and licensed counselor. He is Board Certified in Family Psychology, Medical psychology, counseling, school psychology, and in case management. He is an elected member of the National Academy of Practice in Psychology, certified by the APA National College of Psychology in Addictions, and is an AAMFT Approved Supervisor in Family Therapy. He has authored books and journal articles and is faculty in Psychology and Economics at Crowder College. He has post-graduate degrees in Management and Psychopharmacology. He has served on the Board of Directors and President of the MO Psychological Association, current Chair of the Insurance and Managed Care Committee, served on the Council of Representatives (functional board of directors), Rural Committee, and the Finance Committee of the American Psychological Association. Dr. Morris is the Clinical Director of CMHC Inc., and is licensed in Missouri, Louisiana, and Kansas. He has owned and operated hospitals, community mental health facilities, and served as federal CMS monitor of healthcare facilities. He consults in Facility Development, accreditation, senior leadership development and evaluation, and health facility planning.

See our Webpage at: <http://www.cmhconline.com>
 CMHC Inc. Administers programs Licensed and Certified
 By the Missouri Department of Mental Health and CARF

Attachment: BECK VARIANCE (Consideration for Beck)