



**AGENDA  
CITY OF HARRISONVILLE  
BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
CITY HALL  
DECEMBER 11, 2018  
6:00 PM**

- 1. Call to Order**
  - A. Roll Call**
- 2. Approval of Minutes**
  - A. Board of Zoning Adjustments - Regular Meeting - Oct 16, 2018 6:00 PM**
- 3. Agenda Items**
  - A. Public Hearing for VAR-1810: Variance Application for Darrell B. Myer's Trust, owner of 3105 N State Route 291, for a variance to 405.561 D.1. of the Zoning Regulations.**
  - B. Consideration for VAR-1810: Application of Darrell B. Myers Trust.**
- 4. Discussion Items**
- 5. Adjourn**

**Posted on City Hall Bulletin Board this 4th day of December, 2018.**

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**Randall K. Jones, City Clerk**



**DRAFT**  
**MINUTES**  
**CITY OF HARRISONVILLE**  
**BOARD OF ZONING ADJUSTMENTS**  
**REGULAR MEETING**  
**CITY HALL**  
**OCTOBER 16, 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 |       | Absent  |         |
| Keith DeBrot    | Harrisonville |       | Present |         |
| Shannon Sipple  | Harrisonville |       | Present |         |
| Chris O'Connell | Harrisonville |       | Present |         |
| Norma Keltner   | Harrisonville |       | Present |         |
| Jennifer Peters | Harrisonville |       | Absent  |         |

*Also in attendance were Sam Styron, Applicant's Engineer; Gary Kidd, Resident; Roger Kroh, Community Development Planner, and Jamie Martin, Recording Secretary.*

**2. Approval of Minutes**

**A. Board of Zoning Adjustments - Regular Meeting - Sep 11, 2018 6:00 PM**

*With no additions or corrections, the minutes from the September 11, 2018, meeting were unanimously accepted.*

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                  |
| <b>MOVER:</b>    | Keith DeBrot                                                 |
| <b>SECONDER:</b> | Shannon Sipple                                               |
| <b>AYES:</b>     | Keith DeBrot, Shannon Sipple, Chris O'Connell, Norma Keltner |
| <b>ABSENT:</b>   | Viola Wieberg, Jennifer Peters                               |

**3. Agenda Items**

**A. Public Hearing for VAR-1808: Variance Application for Jeff Schrock, owner of JDS Detailing Inc. for a variance to 405.565 D of the Zoning Regulations.**

*Roger Kroh opened with thanking Keith DeBrot for his service on the Board, as this was his last meeting. He then presented Packet Pages 5-11, Application for a variance for Jeff Schrock/JDS Auto Detail for a variance from Section 405.565 D.2.b and c. He would like*

to have the parking lot extend to the property line along Commercial and Independence Street and utilize the existing curbing into the required setback. He asked that his staff report be made part of the record.

Gary Kidd, a resident of Harrisonville, presented a map and e-mails with his opinions and concerns regarding safety and headlights shining away from the residences.

Sam Styron, the Applicant's Engineer, stated that there is now a stormwater detention pond behind the building making it difficult to build the new building further back on the property.

**B. Consideration for VAR-1808: Application of Jeff Schrock, owner of JDS Detailing Inc.**

Shannon Sipple made a motion to approve the variance for Jeff Schrock and JDS Auto Detail, Inc. at 1801 Butler Dr. to Sec. 405.565 D.2. b and c, Parking and Loading Regulations - Improvement of Parking Areas, to permit existing paving and curbing along Independence St. to be less than four (4) feet from the right-of-way, and be incorporated into the new parking area for the reasons stated in the staff report. Keith DeBrot seconded the motion.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                  |
| <b>MOVER:</b>    | Shannon Sipple                                               |
| <b>SECONDER:</b> | Keith DeBrot                                                 |
| <b>AYES:</b>     | Keith DeBrot, Shannon Sipple, Chris O'Connell, Norma Keltner |
| <b>ABSENT:</b>   | Viola Wieberg, Jennifer Peters                               |

**4. Discussion Items**

**5. Adjourn**

With nothing further to come before the board, Keith DeBrot made a motion to adjourn. Shannon Sipple seconded.

Respectfully Submitted,

\_\_\_\_\_  
Jamie Martin, Recording Secretary

Minutes Acceptance: Minutes of Oct 16, 2018 6:00 PM (Approval of Minutes)



**TO:** Board of Zoning Adjustments  
**FROM:** Jamie Martin, Assistant  
**DATE:** December 3, 2018  
**SUBJECT:** Myers VAR-1810

**Type of Item:** *Discussion*

**A. Discussion Item (ID # 3066)**  
Myers VAR-1810

Attachments:

MYERS (PDF)

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

Case No. VAR- 1810BZA Date: 12/11/18  
(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: 3105 N. State Rd 291Parcel 08-08-33-200-001 & 003,000Zoning on subject property: \_\_\_\_\_ Current Land Use: Storage

**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.

City Code Section "405.565" Sheet 9 of 13 Sub Section "D"  
Sheet 11 of 13 Owner is requesting a variance in the  
paving requirement due to the economic hardship it  
creates making the project unaffordable.

Add additional pages if necessary

PROPERTY OWNER'S NAME: Darrell B. Myers Trust PHONE: 816-738-7662MAILING ADDRESS: 27804 S. Bill School Rd Harrisonville Mo 64701  

STREET
CITY
STATE
ZIP

APPLICANT/AGENT'S NAME: Darrell B. Myers PHONE: 816-738-7662MAILING ADDRESS: 27804 S. Bill School Rd Harrisonville Mo 64701  

STREET
CITY
STATE
ZIP

dmymers@nch.net

Deposit Filing Fee: \$100.00

APPLICANT'S SIGNATURE: Darrell B. Myers DATE: 12/7/18Received By: [Signature] TIME: \_\_\_\_\_

Attachment: MYERS (Myers VAR-1810)

## 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: Paving this area would make project  
unaffordable in the current market situation

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: Owners need to make use of this asset to  
facilitate retirement income. Property is currently  
not providing a good rate of return on investment.

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

☐ Yes ☒ No

Explain: This property has been used for over 40 years for  
storage, etc. by the current owner and will enhance +  
appearance of property and upgrade the general area

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

☐ Yes ☒ No

Explain: The storage area will enhance the  
neighborhood's appearance and be more stable than  
its current use

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: The results of the ordinance has hindered the  
owners ability to develop this property.

**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: MYERS (Myers VAR-1810)



**TO:** Board of Zoning Adjustments  
**FROM:** Jamie Martin, Assistant  
**DATE:** December 3, 2018  
**SUBJECT:** VAR-1810 MYERS STAFF

**Type of Item:** *Approval*

**B. Action Item (ID # 3067)**  
VAR-1810 MYERS STAFF

Attachments:

myers staff final (DOC)



### **General Information:**

Applicant/Location: Darrell B. Myers  
3105 N. State Route 291  
Parcel No. 08-08-33-200-001-003.000

Requested Action: A variance from Sec. 405.565.D.1, Parking and Loading Regulations – Improvement of Parking Areas, in order to use gravel in lieu of asphalt or Portland cement on approximately 3 acres on which mini-storage buildings are proposed.

Surrounding: North: A Agriculture (City)  
C-2, General Commercial (Unincorporated Cass County)  
East: RP-4, Single Family Homes on west side of Prairie View Drive  
West: C-2, Service Business District  
South: C-2, Service Business District

### **Request**

Darrell B. Myers of the Darrell B. Myers Trust, owner of commercial property at 3105 North State Road 291 in Harrisonville has applied for a variance from Sec. 405.565.D.1, Parking and Loading Regulations – Improvement of Parking Areas, in order to use gravel in lieu of asphalt or Portland cement on approximately 3 acres on which mini-storage buildings are proposed. The owner is requesting a variance in the paving requirements due to the economic hardship it creates making the project unaffordable.

This property is in the C-2 Service Business Zoning District where mini-storage is a permitted use.

### **Background**

The Planning and Zoning Commission and Board of Aldermen recently reviewed the surfacing requirements of the city and on November 5, 2018, adopted the following requirements. The most relevant

405.565 Parking and Loading Regulations.

D. Improvement of Parking Areas.

1. All parking areas and drives, except as specifically provided for in this section D.1., shall be ready for use upon occupying a building and shall be surfaced with a minimum of two (2) inches of hot-mix asphaltic concrete on a minimum four (4) inch compacted stone base or Portland cement concrete paving of equal strength (the “Hard Surface Requirement”). All such drives and off-street areas used by vehicles, except those serving single- and two-family dwellings, shall have curbs. The Director of Codes Administration may grant an extension by issuing a

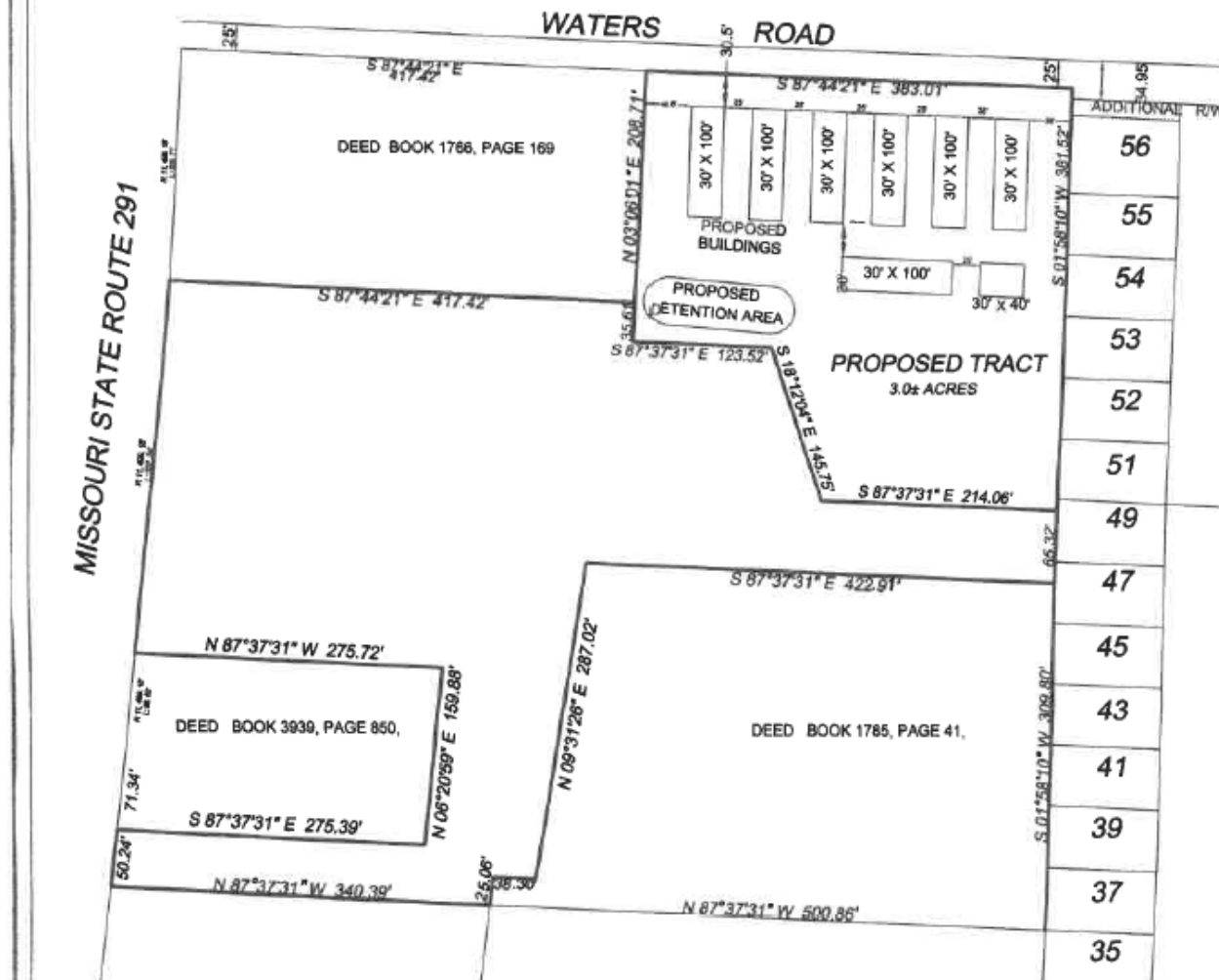
temporary certificate of occupancy when weather conditions are not satisfactory for placing paving materials. Exceptions to the Hard Surface Requirement are specified in subsections “a, b, c and d”. None of these exceptions herein shall relieve the owner, occupant or developer from the requirements of the Americans with Disabilities Act regulations, including hard surface parking areas for those with disabilities.

- a) Required Driveway Connection Condition for Any Exception to Apply:  
Gravel may be used in lieu of the Hard Surface Requirement for the exceptions described in subsections “b., c. and d.” of this section D.1, providing that any driveway connection from the parking lot to the street is constructed to the standard of the Hard Surface Requirements as follows:
  - (i) for at least ten (10) feet in depth from the street for the width of the driveway. Driveways shall also mean Drives to parking areas.
  - (ii) if a sidewalk is constructed on the property, or to be constructed on plans submitted, then for the width of the driveway from the street to the sidewalk or ten (10) feet in depth, whichever is greater.
- b) Exceptions for Non-residential Uses – Except as required in subsection D.1.a. above, existing gravel parking lots with a non-residential use may remain as gravel until a new principal use structure is constructed on the property at which time all parking areas shall meet the Hard Surface Requirement. This exception shall include a property with a previously approved Special Use Permit condition(s), provided the requirements in subsection D.1.a are met.
- c) Exceptions for Residential Uses – Single Family: Except as required in subsection D.1.a. above, driveway may be gravel for single-family residences that extend more than 100 feet from the street to the house or accessory structure. This exception shall not apply to zoning districts described in section D.1.d. below.
- d) Exceptions for Residential Uses: R-1B and R-2B – Except as required in subsection D.1.a. above, the following exceptions apply to zoning districts for the Single-Family R-1B Near Downtown Single-Family Neighborhood District and R-2B Near Downtown Two Family Neighborhood District:
  - (i.) existing gravel driveways are not required to be improved when a single-family home is removed and replaced with a new single-family home, and

- (ii) single-family residences may have one gravel parking space in the side or rear yard.

Countryside Survey, LLC.  
SITE PLAN

PO BOX 1702  
RAYMORE, MO 64083  
OFFICE: (816) 292-2818  
FAX: (816) 328-0920



**Attachment: myers staff final (VAR-1810 MYERS STAFF)**

### Subject Site



Attachment: myers staff final (VAR-1810 MYERS STAFF)



### **Zoning Ordinance Provisions Regarding the Board of Zoning Adjustments**

Chapter 405.610 to 405.625 of the zoning ordinance of the city provides the following guidance regarding matters before the Board of Zoning Adjustments.

#### **Section 405.610 Purpose**

The Board of Zoning Adjustment may grant variances from the provisions of this Chapter in harmony with its general purpose and intent and may vary them only in specific instances hereinafter set forth. The Board of Zoning Adjustment, based on standards hereafter prescribed and after hearing, may decide that there are practical difficulties or hardship in the way of carrying out the strict letter of these regulations. The concurring vote of four (4) members of the Board shall be

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Attachment: myers staff final (VAR-1810 MYERS STAFF)

necessary to reverse any order, requirement or decision of the party appealed from or to issue an order or variance or to decide in favor of an appellant.

#### Section 405.615 (A) Standards

The Board of Zoning Adjustments may vary the provisions of this Chapter as authorized in this Section, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

Applicant: The subject property cannot yield a reasonable return if used under the regulations governing the zoning district in which it is located. Paving this area would make the project unaffordable in the current market situation.

Staff: We acknowledge that the property can yield a greater return with the addition of a mini-storage facility. However, we believe the property appears to have yielded a reasonable return given the number of years that New Castle Homes has used the property.

2. The plight of the owner is due to unique circumstances;

Applicant: Yes, the owner needs to make use of this asset to facilitate retirement income. Property is currently not providing a good rate of return on investment.

Staff: We respect the owner's need to make better use of this asset to generate retirement income. However, we do not see any unique conditions with this site in terms of the shape or topographical conditions. Granted the balance of the New Castle property is primarily gravel, but the proposed mini – storage buildings, in staff's opinion, are new principal structures that trigger the hard surface requirement. The zoning ordinance defines a principal use as the main use of land or building as distinguished from a subordinate or accessory use.

3. The variance, if granted, will not alter the essential character of the locality.

Applicant: The mini storage buildings will not alter the character of the of the neighborhood. This property has been used for over 40 years for storage, etc. by the current owner and will enhance the appearance of property and upgrade the general area.

Staff: We concur with the applicant.

Attachment: myers staff final (VAR-1810 MYERS STAFF)

Staff: We concur that the buildings will not alter the character of the locality and may provide screening from the steel and materials stored in the New Castle work yard.

#### Section 405.615 (B)

For the purpose of supplementing the above standards, the Board of Adjustment shall also, in making the determination of whether there are practical difficulties or hardship, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. 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: In this case there are no shape or topography issues creating practical difficulties or hardship. The issue is economic.

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

Staff: There could be other property owners with the same zoning classification who have the same economic hardship with paving a new commercial operation. However, the cost of hard surfacing the mini-storage property is not exacerbated by size, shape or topography.

3. 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;

Applicant: The request does not arise from condition which was created by an action of the property owner. It is the results of the ordinance that hinders the owner's ability to develop this property.

Staff: This action does arise from the owner wanting to complete a project which he has found is not financially viable due to the cost of hard surfacing.

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

Applicant: The storage area will enhance the neighborhood's appearance and be more stable than its current use.

Staff: We concur.

Attachment: myers staff final (VAR-1810 MYERS STAFF)

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.

Applicant: The storage area will enhance the neighborhood's appearance and be more stable than its current use.

Staff: We concur. We see no air and light problems caused by the mini-storage operation. The buildings will be required to meet the city's building and fire safety codes.

Staff is sympathetic to the applicant's wish to develop a business that is a permitted use in the C-2 zoning district. Unfortunately, we do not believe that the cost of hard-surfacing the project is exacerbated by any unique circumstances related to shape, topography or physical characteristics.

The one condition that might partially support a variance is that the New Castle property is already gravel. In fact, if the use of the buildings was accessory to the New Castle modular home business, the code would not require the area around the buildings to hard surfaced. However, the mini-storage operation is not an accessory to the New Castle modular home sales and therefore the buildings are principal buildings which trigger the hard surface requirement.

### **Recommendation:**

Approve motion denying the granting of a variance to Darrell B. Myers of the Darrell B. Myers Trust, to waive the hard surface requirements in Sec. 405.565.D.1, Parking and Loading Regulations – Improvement of Parking Areas, at a proposed 3 ac. mini-storage business at 3105 N. State Route 291 based on the following findings:

1. The hardship is not based on unique circumstance caused by the size or topography of the property or other physical characteristics.
2. The request does arise from condition which was created by an action of the property owner and not one caused by the size or topography of the property or other physical characteristics.
3. The economic hardship upon which the variance would be based would not be unique to this property and would be a hardship generally applicable to other property within the same zoning classification.