



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
APRIL 23, 2019
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Dec 11, 2018 6:00 PM**
- 3. Agenda Items**
 - A. Public Hearing for VAR 1-001: Variance Application Hiram Schear of Dunamis Motors for a variance to Section 405.485, M-1 Limited Industrial District**
 - B. Consideration for VAR 19-001: Application of Hiram Schear**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 17th day of April, 2019.

Randall K. Jones, City Clerk



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

1. Call to Order

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

Attendee Name	Organization	Title	Status	Arrived
Viola Wieberg	Harrisonville		Present	
NA	Harrisonville		Present	
Shannon Sipple	Harrisonville		Present	
Chris O'Connell	Harrisonville	Chairman	Present	
Norma Keltner	Harrisonville		Present	
Jennifer Peters	Harrisonville		Present	
Gerald Saling	Harrisonville	Alternate	Present	

Also in attendance were Mr. Darrell Myers, Applicant; Dennis Dahmer, Prairie View Villas Builder; Roger Phelps, Resident; Jane Moses, daughter and Power of Attorney for Resident Rosa Conner; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Oct 16, 2018 6:00 PM

With no additions or corrections, the minutes from the October 16, 2018, meeting were unanimously accepted.

3. Agenda Items

A. Public Hearing for VAR-1810: Variance Application for Darrell B. Myers Trust, owner of 3105 N State Route 291, for a variance to 405.561 D.1. of the Zoning Regulations.

Roger Kroh started the meeting off letting the Board know that there were originally 2 applications on the agenda for this meeting. It was determined that Michelle and Daniel Hill's application did not have to come before the Board due to their zoning. Roger Kroh welcomed Mr. Saling to the Board and thanked him for volunteering.

Roger Kroh presented the Staff Report, Packet Pages 5-15. Staff recommends denial of this variance request for the reasons stated in the Staff Report.

Mr. Meyers would like to build a new mini-storage on 3 of his 11 acres at 3105 N State Route 291. He is asking for a variance to use gravel in lieu of paving. He states that Ordinance #3452, passed by the Board of Alderman on November 5, 2018, has impacted the usage and growth of his land. He states that it would cost too much to asphalt 3 acres at \$3.00 a square foot. He states that he would just be continuing to use his property as it has been for 40 years.

Dennis Dahmer, builder of Prairie View Villas, states that somewhere we need to draw the line with new businesses and require them to pave. He thinks we need to keep the City's standards high.

Roger Phelps, 3110 Prairie View Dr., shared his concerns about dust and weeds from the gravel. He asked about a fence separating the properties. Mr. Myers told him he would plant trees as a barrier/screen.

Janet Moses, said she has Power of Attorney for her mother, Rosa Conner at 3106 Prairie View Drive. She said her concerns are mice, old trailers, noise, headlights shining in residences and mini-storages being a target for theft. Regarding fencing, Mr. Myers said he would put boulders along Waters Rd, Obermiller has a fence and he will place a new fence between the mini storage and New Castle and trees along the back side of the homes.

The Public Hearing was closed at 6:39 PM.

RESULT:	DISCUSSION
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B. Consideration for VAR-1810: Application of Darrell B. Myers Trust.

Gerald Saling asked Mr. Myers if the entrance and exit for the mini-storage would be on Waters Road. Mr. Myers stated it would be with a city approved drive and apron. Viola Weiberg made a motion to vote to approve the variance. Viola Weiberg Norma Keltner , and Gerald Saling voted Aye, Shannon Sipple and Jennifer Peters voted Nay. Chairman O'Connell did not voted. With 4 votes required to pass, the variance request was denied.

RESULT:	DEFEATED [3 TO 2]
AYES:	Viola Wieberg, Norma Keltner, Gerald Saling
NAYS:	Shannon Sipple, Jennifer Peters
ABSTAIN:	Chris O'Connell

4. Discussion Items

No additional business.

5. Adjourn

With nothing further to come before the board, Jennifer Peters made a motion to adjourn. Shannon Sipple seconded. The meeting was adjourned at 6:43 PM.

MinuteTraQ Admin,
Chairperson of the Board of Zoning Adjustments

Regular Meeting**Tuesday, December 11, 2018****6:00 PM**

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Dec 11, 2018 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: April 17, 2019
SUBJECT: Hiram Schear Dunamis Motors

Type of Item: *Approval*

A. Action Item (ID # 3167)

Hiram Schear Dunamis Motors

Attachments:

BZA STAFF REPORT (DOC)

AD BZA (PDF)

Meeting Date: Tuesday, April 23, 2019

General Information:

Applicant/Location: Hiram Schear, Dunamis Motors
1500 Clearwater Road
Harrisonville, MO 64701
Parcel No. 13-31-05-000-000-010.001

Requested Action: A variance from the zoning regulations to allow the sale of up to 2 cars per month at 1500 Clearwater Rd. (Parcel No. 13-31-05-000-000-010.001) in the M-1 Limited Industrial District.

Surrounding: North: M-1 Limited Industrial District
C-2, General Commercial (Unincorporated Cass County)
East: I-49 Interstate
Tow Lot
West: G Government – Sanitary Sewer Plan
South: M-1 Limited Industrial District

Subject Site



Request

The applicant is requesting to sell motor vehicles in the “M-1” Limited Industrial District. Permitted Uses in this district do not allow this use per Section 405.485 Permitted uses of the Zoning Regulations. Hence the applicant is requesting consideration of this use by the Board of Zoning Adjustment. The property owner, Alex Crawford with AGC Automotive, Inc, agrees with the applicant selling up to two (2) cars per month out of an accessory building on site. The cars will be ones that have been repaired at AGC Automotive.

This request is similar to a variance granted to Mr. Thomas Ohnemus on July 11, 2017 to sell 2 cars per month at JP’s Collision and Repair at 2500 Anaconda Road. JP’s is also in the M-1 zoning district.

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 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: It is customary that a vehicle repair shop or body shop sell 2 cars a month.

Staff: We concur that this selling cars from a repair shop is a common practice that many cities do not even regulate with their zoning ordinance.

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

Applicant: The unique circumstance is that the M-1 zoning district allows automotive repair, but not car sales.

Staff: We concur and support the variance request since the applicant is only asking to sell 2 cars per month and the city has granted a similar request with the same set of facts in the past at JP's Automotive.

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

Applicant: It will not alter the character of the area.

Staff: We concur.

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;

Applicant: The physical surroundings do not create the hardship. But, the zoning district that we are in does create the hardship in that it does not allow us to sell up to two cars a month.

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;

Applicant: The prohibition against selling cars in the M-1 District would apply to anyone in that district but we are asking for the variance because we only want to sell 2 cars a month.

Staff: This prohibition against selling cars does apply to other repair shops, but the city has allowed a variance to the prohibition in the past since it is customary that repair shops do sell a small number of cars that they repair.

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 hardship in selling cars for a repair shop or body shop is that the zoning regulations do not allow it.

Staff: This hardship has been created by the zoning regulation and the applicant. However, the city has allowed a variance to body and repair shops sell a very small number of cars since it is customary in the industry.

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

Applicant: No.

Staff: We concur. The variance will not be detrimental to the public welfare in the neighborhood.

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: No.

6. Staff: We concur. The 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 motion granting of a variance to Section 405.485, Permitted Uses, for sell up to 2 motor vehicles per month to be sold at 1500 Clearwater in the “M-1” Limited Industrial District.



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

NEW PUBLIC HEARING DATE

April 2, 2019

Dear Property Owner:

Now on file with the City of Harrisonville is an application from Hiram Schear with Dunamis Motors for a variance from the zoning regulations to allow the sale of up to 2 cars per month at 1500 Clearwater Rd. (Parcel No. 13-31-05-000-000-010.001) in the M-1 Limited Industrial District. As you are an adjacent property owner, you are hereby notified of and invited to attend a public hearing on the variance request at the following day and time.

Board of Zoning Adjustments Meeting

6:00 p.m.
Tuesday, April 23, 2019
City Hall
300 E. Pearl Street
Harrisonville, MO 64701

The application is available for public review at City Hall and all interested parties are invited to attend the public hearing. For more information, please contact the applicant, Hiram Schear, at (816) 258-1057 or me at (816) 380-8922 or rkroh@harrisonville.com.

Sincerely,

Roger Kroh
Community Development Planner

Attach.

Attachment: AD BZA (Hiram Schear Dunamis Motors)

THE KANSAS CITY
STAR.
MEDIA COMPANY

1601 McGee Street • Kansas City, MO 64108

The Kansas City Star
KansasCity.com
Customized Digital Solutions
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Star Savings
Kansas City Spaces magazine
InkKC.com
Middle of the Map
KC Weddings magazine
KC Weddings Bridal Spectacular

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
620778	0004158429	City of Harrisonville Notice of Public Hearing Not	Hiram Schear	\$25.17	3	1.11 In

Attention: Roger Kroh

CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC
DEVELOPMENT
PO BOX 367
HARRISONVILLE, MO 64701

City of Harrisonville
Notice of Public Hearing

Notice is hereby given of a public hearing before the Board of Zoning Adjustments of the City of Harrisonville, MO at 6:00 p.m. on Tuesday, April 23, 2019 at City Hall at 300 E. Pearl Street in Harrisonville, MO 64701. Hiram Schear requested a variance from the zoning regulations to allow the sale of up to 2 cars per month at 1496-1500 Clearwater Rd. (Parcel No. 13-31-05-000-000-010.001) in the M-1 Limited Industrial District. The application is available for public review at City Hall and all interested parties are encouraged to attend. Call Roger Kroh, Community Development Planner at (816) 380-8922 for more information. Jamie Martin, Secretary to the Board of Zoning Adjustment

THE STATE OF TEXAS

County of Tarrant

I, Victoria Rodela,

make oath and swear that

CYPRESS MEDIA, LLC, publishers of The Kansas City Star, all it's neighborhood sections and suburban newspapers including 816, 913, Johnson County News, Northland and its subsidiaries, The Olathe News, The Cass County Democrat-Missourian and The Lee's Summit Journal, are published in the Kansas City, Missouri, metro (distribution) area including but not exclusively to Johnson and Wyandotte Counties in the state of Kansas, and Cass, Clay, Jackson and Platte Counties in the state of Missouri. Every publication listed is published weekly, twice weekly or daily. We confirm the notice ran the days scheduled in this statement. A true copy of which is hereto attached was duly published in .

V. Rodela

FOR THE PERIOD OF: 1 day(s)

COMMENCING: 04/05/2019

ENDING: 04/05/2019

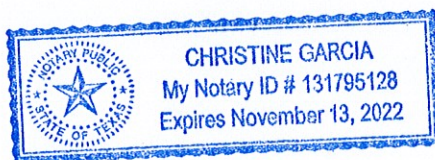
EDITION(S):

April 05, 2019

Subscribed and sworn to before me, this 5th day of April in the year of 2019.

C. Garcia
- Notary

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



Attachment: AD BZA (Hiram Schear Dunamis Motors)



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: April 17, 2019
SUBJECT: Consideration for VAR 19-001

Type of Item: *Approval*

- B. Action Item (ID # 3168)**
Consideration for VAR-19