



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
SEPTEMBER 10, 2019
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Aug 13, 2019 6:00 PM**
- 3. Agenda Items**
 - A. Public Hearing for VAR 19-003: Variance Application for Scott Johnson to Sec. 405.550.(D) Detached Accessory Buildings.**
 - B. Consideration for VAR 19-003: Application of Scott Johnson**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 3rd day of September, 2019.

Randall K. Jones, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
AUGUST 13, 2019
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	
Shannon Sipple	Harrisonville		Absent	
Chris O'Connell	Harrisonville		Present	
Norma Keltner	Harrisonville		Present	
Jennifer Peters	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	

Also in attendance were John Southard, Applicant; Cyndi and Garrett Fossum, Residents; Roger Kroh, Community Development Planner, and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Apr 23, 2019 6:00 PM

With no additions or corrections, the minutes from the April 23, 2019, meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Wieberg, O'Connell, Keltner, Peters, Saling
ABSENT:	Shannon Sipple

3. Agenda Items

A. Public Hearing for VAR 19-004: Variance Application of John Southard for a variance to Section 405.140 Height and Area Regulations

Roger Kroh presented Packet Pages 4-10, variance request to allow the southeast corner of the residence to be approximately 29 feet 5 inches instead of 30 feet from the rear property line at 109 Trinity Circle. Mr. Kroh stated that the plans for the new construction of a home meet all the required setbacks except this one which is 7.2 inches into said setback. Staff recommends approval of this variance.

John Southard, Applicant, brought pictures of a house that he has recently built. He stated that he proposes to build the same house with a little larger square footage on this lot. The lot is configured in such a way that it makes it impossible to build a house on it with square footage requirements set forth by the deed restrictions. This variance of 7.2 inches would make building this home possible within the deed restrictions.

Public Hearing was opened.

Cyndi Fossum shared her concerns about run off from home and property values. Roger Kroh stated that it was a city approved lot, building a home on it is allowed providing they meet city requirements.

B. Consideration for VAR 19-004: Application of John Southard

Gerald Saling made a motion to approve. Jennifer Peters seconded. Viola Weiberg and Chris O'Connell voted Yes. Norma Keltner voted No. The variance request was approved with a vote of 4-1.

RESULT:	APPROVED [4 TO 1]
MOVER:	Gerald Saling
SECONDER:	Jennifer Peters
AYES:	Viola Wieberg, Chris O'Connell, Jennifer Peters, Gerald Saling
NAYS:	Norma Keltner
ABSENT:	Shannon Sipple

4. Discussion Items

The Board had no other Discussion items.

5. Adjourn

With nothing further to come before the Board, Gerald Saling made a motion to adjourn. Jennifer Peters seconded. The meeting was adjourned at 6:20 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: September 3, 2019
SUBJECT: Public Hearing for VAR 19-005

Type of Item: *Public Hearing*

A. Discussion Item (ID # 3330)

Public Hearing for VAR 19-005

Attachments:

Staff Report - Johnson 22906 E. 267th 091018 Mtg (DOC)

General Information:

Applicant/Location: Scott Johnson, 22906 E. 267th Street

Requested Action: A variance from the requirement that accessory structures are only allowed in the rear yards in residential zoning districts per Sec. 405.550.(D) Detached Accessory Buildings.

Existing Zoning: R-1 Single-Family Residential District

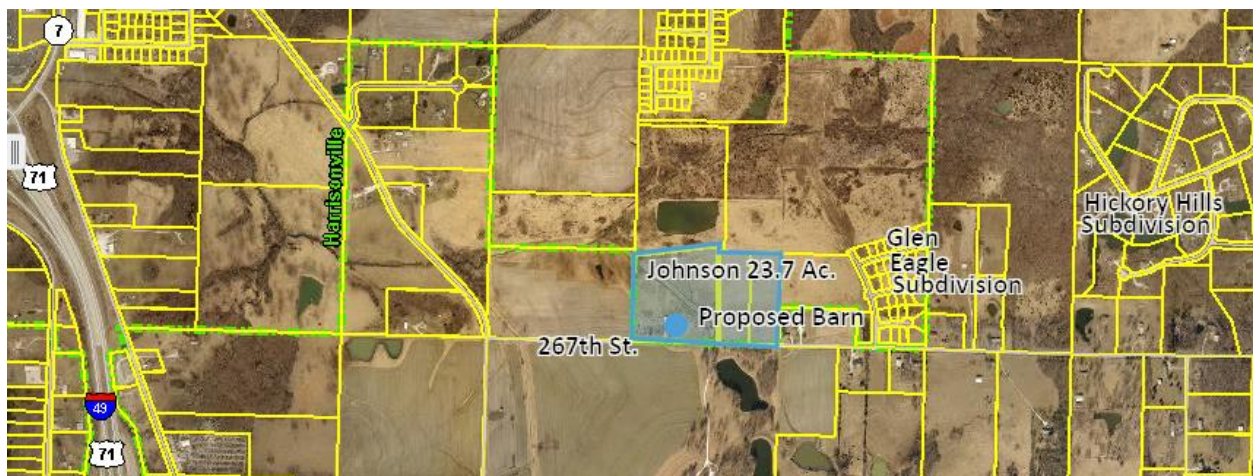
Surrounding: North: RP-1 Planned Single-Family Residential District
 East: Agriculture District (Cass County)
 West: Agriculture District (Cass County)
 South: Agriculture District (Cass County)

Background:

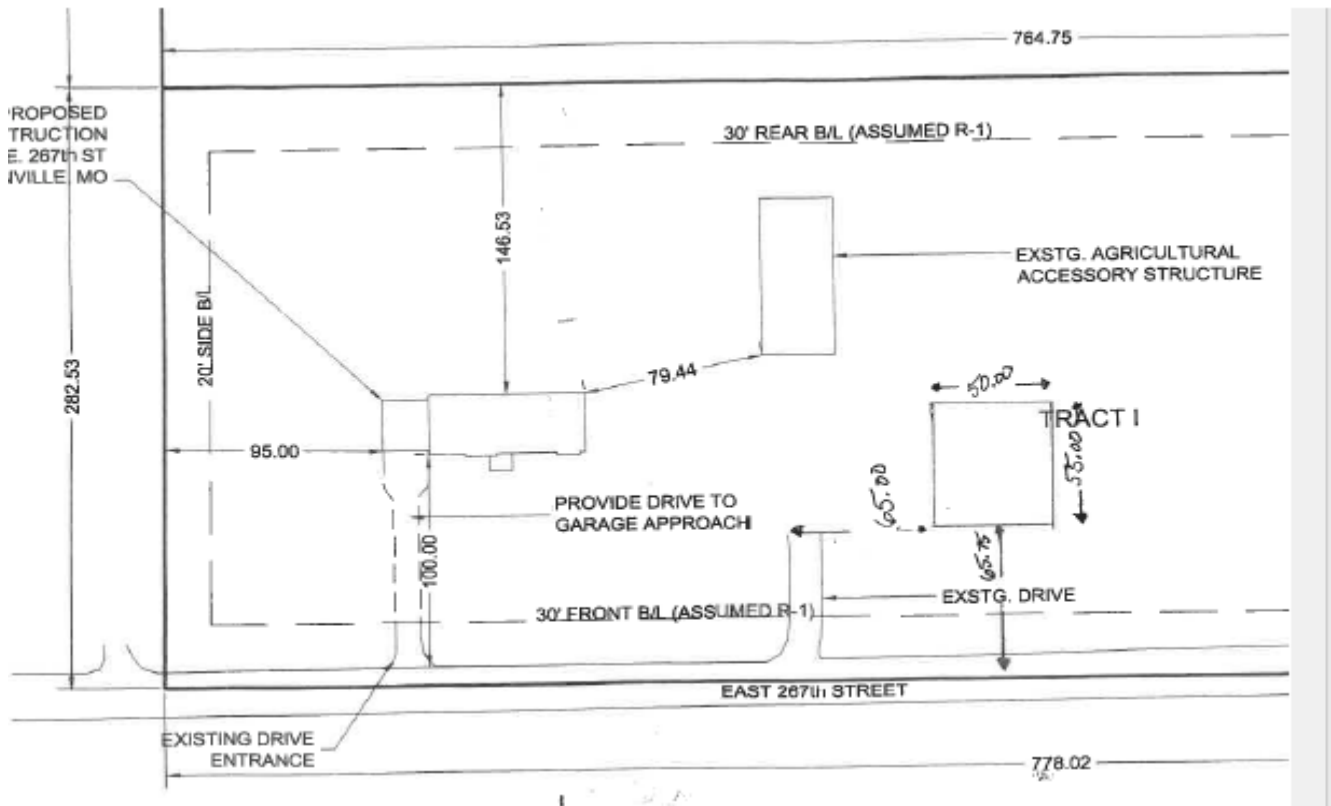
Scott Johnson lives on a 23.72-acre tract at 22906 E. 267th Street and wishes to construct a 2,750 square foot accessory structure east of his house for his farm equipment. Mr. Johnson's property is zoned R-1, Single Family Residential District. Although he is in the City, the land on three sides of him (East, West and South) is unincorporated Cass County.

Mr. Johnson was preparing the land for the building when he learned while applying for a building permit that a variance would be needed to put the building in the side yard since the code only allows accessory buildings in rear yards in residential zoning districts. He had assumed there would be no problem with getting a permit as a barn had had been constructed at the same location by a prior property owner.

Staff believes that Mr. Johnson has several unique situations normally not found in residential zoning districts that warrant a variance. First, Mr. Johnson's property is 23.72 acres, many times larger than most residential lots. Second, Mr. Johnson's home is set back approximately 100 ft. from the front property line, a distance far greater than most other homes are set back.

Vicinity Map

Site Plan
22906 E. 267th St.



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: Yes, the property can yield a return, but it would be more efficient to use prior building location.

Staff: We concur.

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

Applicant: Building the building in another location would cause an excessive cost due to topography.

Staff: We concur.

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

Applicant: No. The area is agricultural in nature and very rural.

Staff: We concur. The variance will not alter the essential character of the locality.

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: Yes, it would cost an excessive amount to build the building in another location due to topography and utility locations.

Staff: The proposed accessory building can be constructed elsewhere on the property. However, the applicant has incurred site preparation costs that would have to be duplicated if the building cannot go on the proposed location. Given that the building is on a 23.7 ac. tract and at least 65 feet from 267th street, we see no reason for the applicant to incur the additional costs.

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 majority of R-1 lots are not this large and rural in nature.

Staff: We concur. Very few lots zoned R-1 are 23.75 ac. in size. Also, the proposed structure will be 65 ft. from the front property line which is much farther than in most residential lots.

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: Yes, by putting our new house behind the previous house. Wanting to put the building in the original barn location.

Staff: The Johnsons have constructed their house approximately 100 ft from the front property line which is farther from 267th Street than the prior house. Although the proposed barn will be closer to 267th street than the Johnson house, it will still be approximately 65 ft from the front property line. This is more than twice the 30-ft. minimum front yard setback in the R-1 Zoning District.

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, it will not.

Staff: We concur.

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: Will not be a problem.

Staff: We concur.

Recommendation:

Approve motion granting a variance to Scott Johnson at 22906 E. 267th Street from Sec. 405.550.D, Detached Accessory Buildings, to allow an accessory building in the side yard based on the following findings:

1. The variance is in harmony with its general purpose and intent of the zoning ordinances of the city.
2. Following the strict letter of the regulations would entail practical difficulties and hardships as the accessory building is going on a location where a barn was previously located.
3. The plight of the owner is due to unique circumstances. Mr. Johnson's property at 23.72 acres is significantly larger than most R-1 lots that are generally .25 or .3 acres in size.
4. The variance will not alter the essential character of the locality. The area is rural in nature.
5. The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification. Most lots in the R-1 Zoning District are .25 and .3 acres in size and the Johnson property is 23.72 acres and rural in nature.
6. The granting of the variance will not be detrimental to the public welfare of the neighborhood in which the property is located;
7. Approval of this variance will not impair the 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.



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: September 3, 2019
SUBJECT: Consideration for VAR 19-003: Application of Scott Johnson

Type of Item: *Approval*

B. Action Item (ID # 3331)

Consideration for VAR 19-003: Application of Scott Johnson