



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
APRIL 14, 2020
6:00 PM**

In an effort to maintain the COVID-19 social-distancing requirements, all City public meetings are being conducted through a remote, online service. Join Zoom Meeting
<https://zoom.us/j/644792462> Meeting ID: 644 792 462 One tap mobile
+13126266799,,644792462# US (Chicago) +19292056099,,644792462# US (New York)

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Sep 10, 2019 6:00 PM**
- 3. Agenda Items**
 - A. Cyndi and Garrett Fossum Variance, 2008 Orchard Road**
 - B. Kevin Miller Variance, 500 Fieldcrest Drive**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 7th day of April, 2020.

Randall K. Jones, City Clerk



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

1. Call to Order

The meeting was called to order at 6:03 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 Scott and Laura Johnson, applicants; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Aug 13, 2019 6:00 PM

With no additions or corrections, the minutes from the August 13, 2019, meeting were unanimously accepted.

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

3. Agenda Items

A. Public Hearing for VAR 19-003: Variance Application for Scott Johnson to Sec. 405.550.(D) Detached Accessory Buildings.

Roger Kroh presented his Staff Report, a variance request to allow an accessory structure in the side yard in R-1 zoning, for Scott and Laura Johnson, at 22906 E. 267th Street. The surrounding area is predominantly Rural and Agriculture. In R-1 Zoning

Districts, accessory structures are not allowed in side yards. This structure would sit approximately 65 feet from the front property line. Staff recommends approval because the Johnsons have several conditions that are unique and not normally found in R-1 zoning districts, and because of the findings identified in the staff report.

Norma Keltner asked Mr. Johnson if the structure would be kept neat. Mr. Johnson said that the "barn" would house farm equipment. The barn would hold his equipment which in turn would keep his property neat.

B. Consideration for VAR 19-003: Application of Scott Johnson

Jennifer Peters made a motion to approve the variance. Gerald Saling seconded the motion. The Board voted to approve unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Peters
SECONDER:	Gerald Saling
AYES:	Wieberg, O'Connell, Keltner, Peters, Saling
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 6:08 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Sep 10, 2019 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: April 7, 2020
SUBJECT: Cyndi and Garrett Fossum Variance, 2008 Orchard Road

Type of Item: *Approval*

THIS IS A PUBLIC HEARING ITEM

General Information:

Applicant/Location: Cynthia and Garrett Fossum, 2008 Orchard Rd.

Request: A variance from Zoning Code Sec. 405.550, Detached Accessory Buildings, which only permits accessory buildings in rear yards. The Fossums wish to construct a 40 ft x 30 ft. (1200 sq. ft.) detached garage in their side yard.

Zoning: R-1 Single-Family Residential District

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

Background:

Cynthia and Garret Fossum have requested a variance from Zoning Code Sec. 405.550, Detached Accessory Buildings, which only permits accessory buildings in rear yards. The Fossums wish to construct a 40 ft. x 30 ft (1200 sq. ft.) detached garage in their side yard.

Staff supports the variance for several reasons. First, the lot for their house, which was constructed in 1900, is essentially the tip of a triangle, which creates an irregular shape. Second, they cannot construct an attached garage without greatly modifying an enclosed sunroom on the only side of the house where there is sufficient room for a garage, and third, the proposed garage would be constructed next to an existing quonset hut detached garage built on the abutting neighbor's property.

Proposed Garage

To: City of Harrisonville

From: Garrett & Cyndi Fossum

2008 Orchard Road

Harrisonville, MO 64701

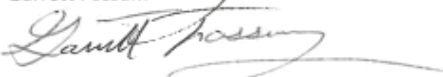
My husband and I have been a resident of Harrisonville for 16 years. We live in our beautiful 100 year old home in Trinity Acres. We have continued to develop and renovate this historic gem of Harrisonville. Over the years we have remodeled the inside(bathrooms, added closets, new flooring, refinished cabinets, installed an above ground pool w/pool deck, installed a pergula over our patio and recently built a 18x20 deck off of our kitchen. We would like to continue to develop our property by adding a 2 car garage. We were told 12 years ago by the city that could build the garage with the stipulation that we would have to build the garage even with the front of the house. We did not think that this would ever be an issue. We are now ready to build and are now being told that it must be built behind our home. The position of our home on our lot with the pool and out buildings does not allow for this. We would like to build a 30X40 garage from Sutherlands and have it built to code on the side of our house as originally approved. We would ask for your approval in this variance to improve our property.

Some things to note:

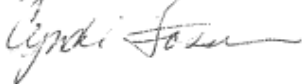
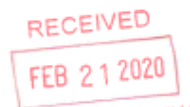
- Our neighbor to the south of us has a one car detached garage along our fence
- We have 3 vehicles, a motorcycle and lawn equipment that are exposed to the elements
- We would be removing the lean to that is in the back of the yard with the building of the garage. Making the appearance of the property better for all.
- Building the garage on Joy St will not affect any neighbor. There is 1 small 2 bedroom rental property across the street and our 1 neighbor to the south of us, which has the 1 car detached garage
- Increase in the overall value of our property

Sincerely,

Garrett Fossum



Cyndi Fossum

Vicinity Plan

Site Plan**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: No, without the garage the potential yield would not be as high.

Staff: We agree.

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

Applicant: Unable to build behind house. There is a pool and out-building behind home.

Staff: We agree.

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

Applicant: No, it will add value to our home and will not affect anyone.

Staff: We agree.

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 layout of our lot makes it hard for us to put in an attached garage. We have developed over the past 15 years and have a pool and outbuildings and have not anticipated this being an issue.

Staff: We agree.

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: Based on lot and the way it sits on curve makes it difficult. Our lot is not square.

Staff: We agree.

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: We have lived in the house for 15 years and have developed the property with a pool and outbuildings. We do not want to tear out what we have developed.

Staff: The hardship has been created by the owner's construction several accessory structures in their back yard. However, staff believes they should be able to have a garage without being required to remove the pool and outbuildings.

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

Applicant: We believe that there will be no effect on our neighborhood. Our neighbor has a detached garage.

Staff: We agree.

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, we will have it built to City building codes.

Staff: We concur.

Recommendation:

Approve motion granting Cynthia and Garret Fossum a variance from Zoning Code Sec. 405.550, Detached Accessory Buildings, which only permits accessory buildings in rear yards for a 40 ft. x 30 ft (1200 sq. ft.) detached garage in their side yard for the following reasons.

1. The plight of the owner is due to unique circumstances caused by the irregular configuration of the lot.
2. Following the strict letter of the regulations would entail practical difficulties and hardships such as greatly modifying an enclosed sunroom to construct an

attached garage or removing a swimming pool and other accessory structures in order to locate a detached garage in the rear yard.

3. There is an existing quonset hut detached garage built on the lot abutting the side of the Fossum property where the detached garage is proposed.
4. The variance is in harmony with its general purpose and intent of the zoning ordinances of the city.
5. The variance, if granted, will not alter the essential character of the locality.
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.

A. Action Item (ID # 3489)

Cyndi and Garrett Fossum Variance, 2008 Orchard Road

Attachments:

Proposed Bldg(DOCX)





STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: April 7, 2020
SUBJECT: Kevin Miller Variance, 500 Fieldcrest Drive

Type of Item: *Approval*

THIS IS A PUBLIC HEARING ITEM

General Information:

Applicant/Location: Kevin Miller, 500 Fieldcrest Drive

Request: A variance from Section 405.560(F) of the City zoning ordinance which permits decks up to 60 sq. ft. in size to extend up to 6 feet into rear yard setbacks. However, because the existing cul-de-sac reduces the depth of the lot at 500 Fieldcrest Dr., Mr. Miller requests the variance so that the deck can be 120 sq. ft. in size.

Zoning: R-1 Single-Family Residential District

Surrounding: North: R-1, Single Family Residential District
 East: R-1, Single Family Residential District
 R-4, Medium Density Apartment District
 West: R-1, Single Family Residential District
 South: R-1, Single Family Residential District

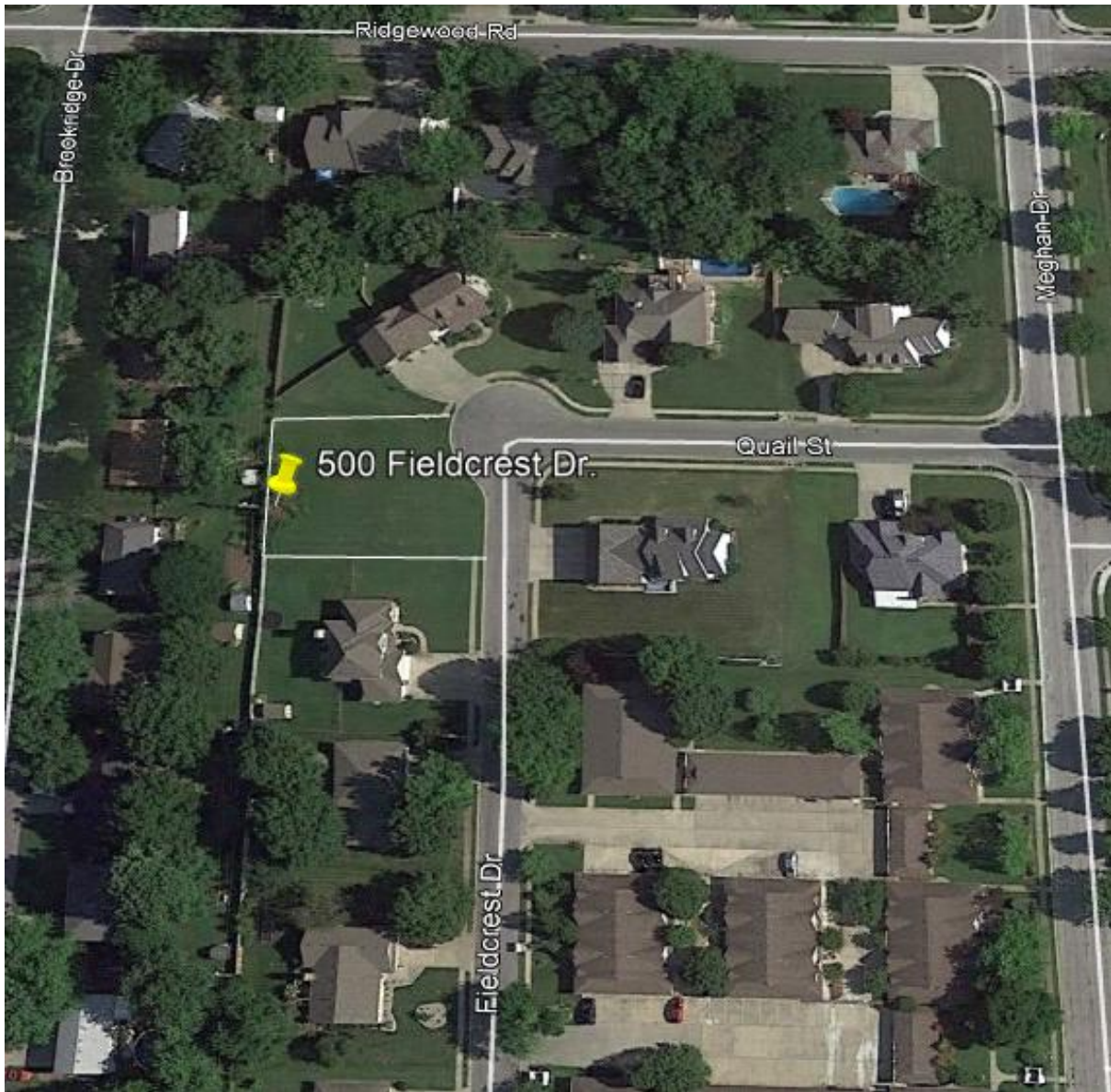
Background:

Mr. Kevin Miller has requested a variance from Section 405.560(F) of the City zoning ordinance permits decks up to 60 sq. ft. in size to extend up to 6 feet into rear yard setbacks. However, because the existing cul-de-sac reduces the depth of the lot at 500 Fieldcrest Dr., Mr. Miller requests the variance so that the deck can be 120 sq. ft. in size.

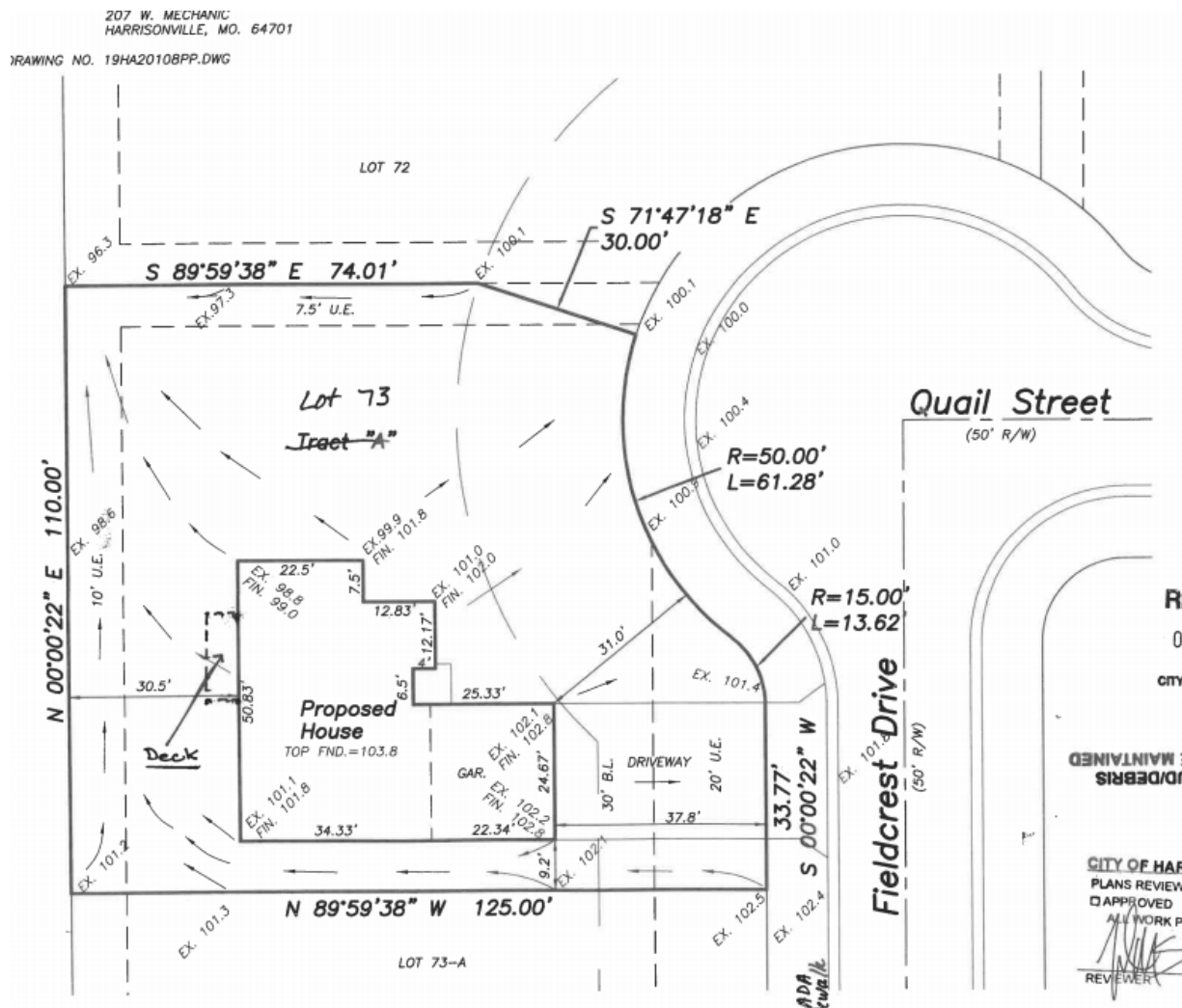
Location of Proposed Deck



Vicinity Plan



Site Plan



Zoning Ordinance Provisions

Regarding the Board of Zoning Adjustments

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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: This will be a very difficult house to sell without a full-size deck on the back of the house.

Staff: We agree.

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

Applicant: Yes, the property is on a cul-de-sac which makes for a very narrow lot. The house had to meet the minimum size in the restrictions of 1500 sq. ft. on the ground floor and this would have been difficult and possibly impossible to do without a variance.

Staff: We agree.

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

Applicant: No.

Staff: We agree.

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: It will bring a definite hardship to the owner if an adequately sized deck cannot be constructed on the property.

Staff: We agree.

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: There are very few properties on cul-de-sacs that are as shallow as this property.

Staff: We agree.

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 difficulty is caused by the way the lot is designed. It is shallow and on the cul-de-sac. It is the last lot on the street to develop and cannot be developed in a way that meets the minimum house size without a variance.

Staff: We agree.

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 variance will not be detrimental to the public welfare of the neighborhood.

Staff: We agree.

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 light will not impair the light, air or increase the danger of fire or otherwise endanger the public safety or substantially diminish property values.

Staff: We agree.

Recommendation:

Approve motion granting Mr. Kevin Miller a variance from Section 405.560(F) of the City zoning ordinance, which permits decks up to 60 sq. ft. in size, to extend the deck up to 6 feet into the rear yard setback so the deck can be 120 sq. ft. in size.

1. The plight of the owner is due to unique circumstances caused by the cul-de-sac making the lot unusually shallow.
2. Following the strict letter of the regulations would make it difficult and possibly impossible to build a house that meets the minimum size in the restrictions of 1500 sq. ft. on the ground floor without a variance.
3. The variance is in harmony with its general purpose and intent of the zoning ordinances of the city.
4. The variance, if granted, will not alter the essential character of the locality.

5. The granting of the variance will not be detrimental to the public welfare of the neighborhood in which the property is located;
6. 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.

B. Action Item (ID # 3490)

Kevin Miller Variance, 500 Fieldcrest Drive