



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
MAY 12, 2020
6:00 PM**

Due to the threat of coronavirus infection, this meeting will be held as an online video-conference-style meeting on Zoom.com. Meeting ID: 863 3185 5790 One tap mobile +19292056099,,86331855790# US (New York) +13017158592,,86331855790# US (Germantown)

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Apr 14, 2020 6:00 PM**
- 3. Agenda Items**
 - A. Russell Saunders Variance, 2104 Orchard Rd. PUBLIC HEARING**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 5th day of May, 2020.

Randall K. Jones, City Clerk



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

1. Call to Order

The meeting was called to order at 6:07 PM by Chris O'Connell

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

Also in attendance were Garrett Fossum, applicant; Kevin Miller, applicant; Mayor Bowman; Alderman Doerhoff; Roger Kroh, Community Development Planner

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Sep 10, 2019 6:00 PM

With no additions or corrections, the minutes from the September 10, 2019, meeting were unanimously accepted.

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

3. Agenda Items

A. Cyndi and Garrett Fossum Variance, 2008 Orchard Road

Roger Kroh presented a variance application for Garrett and Cynthia Fossum at 2008 Orchard Road. The request is for a variance from Zoning Code 405.550, Detached Accessory Buildings. This code only permits accessory buildings in rear yards. The Fossums would like to construct a 1200 square foot detached garage in their side yard. The irregular configuration of the lots surrounding their property and the existing

backyard swimming pool would make it very difficult to create a place for a garage in the rear yard. Also, an existing sunroom would have to be modified considerably if the garage was attached to the side of their house.

Staff recommends approval of a variance due to the irregular shape of the lot, the presence of an existing swimming pool in the rear yard, and the fact that they would have to greatly modify an enclosed sunroom to attach a garage to the house. Also, the proposed garage would be constructed next to an existing detached quonset hut garage built on the abutting neighbor's property. Staff has received an email supporting the variance from Mike Morgan at 104 E Joy Street. Mr. Kroh also spoke with John Southard, who is currently building a home at 109 Trinity Circle, a neighboring property. Mr. Southard was also supportive of the variance. Mr. Kroh pointed out that on Page 8 of the Agenda Packet, the picture points out a lean-to that is to be removed. This is not accurate. There are lean-tos that will be removed on both sides of a shed. But, the shed will stay.

Garrett Fossum stated that he agreed with Mr. Kroh's statements. Another problem they would have is that it would take a 1/2 mile driveway to get to a garage in the back if the variance was not approved. He stated that he had discussed the garage being placed in the side yard 8 to 12 years ago with the city and he was told it would not be a problem.

Chris O'Connell opened the Public Hearing. There were no comments or concerns from the public. Chris O'Connell closed the Public Hearing. Jennifer Peters made a motion to approve a recommendation to the Board of Aldermen that the variance for the Fossums to place a Detached Accessory Building in the side yard of 2008 Orchard Road be approved. Gerald Saling seconded the motion. The motion was unanimously approved.

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

B. Kevin Miller Variance, 500 Fieldcrest Drive

Roger Kroh presented a variance application for Kevin Miller, builder of 500 Fieldcrest Drive. This is a variance request from Section 405.560(F) which permits decks up to 60 square feet in size to extend up to 6 feet into rear yard setbacks. Mr. Miller is asking for a variance so the deck on the back of the house can be 120 square feet in size. This deck would be 24 feet from the back property line. Staff believes this lot is unique in size and situation. Mr. Kroh had received an email from Sue Flanigan at 501 Brookridge Dr, whose property overlooks the fence in the rear yard. She is opposed to the variance sighting privacy concerns. David Doerhoff, 2600 Quail St., which sits on the north side of the applicant's property has called to say he is supportive of the variance.

Kevin Miller stated that he would like to run the deck the width of the alcove on the rear of the house. It would be the same height as the already existing alcove. It would only be 4 to 5 foot wider and include steps.

Chris O'Connell opened the Public Hearing. There were no comments or questions.

Chris O'Connell closed the Public Hearing.

Gerald Saling made a motion to approve the variance request as written. Jennifer Peters seconded the motion. The vote was unanimous for approval.

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

4. Discussion Items

None at this time.

5. Adjourn

With noting further to come before the Board, Gerald Saling made a motion to adjourn. Jennifer Peters seconded. The meeting was adjourned at 6:21 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Apr 14, 2020 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: May 5, 2020
SUBJECT: Russell Saunders Variance, 2104 Orchard Rd.

Type of Item: *Approval*

THIS IS A PUBLIC HEARING

General Information:

Applicant/Location: Russell Saunders, 2104 Orchard Rd.

Request: A variance from Zoning Code Sec. 405.550, Detached Accessory Buildings, which only permits accessory buildings in rear yards. Mr. Saunders wishes to construct a 40 ft x 30 ft. (1200 sq. ft.) detached garage in the side yard as because overhead electrical lines bisect his rear yard. Buildings are not allowed beneath overhead lines.

Zoning: R-1 Single-Family
Residential District

Surrounding: 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:

Russell Saunders has requested a variance from Zoning Code Sec. 405.550, Detached Accessory Buildings, which only permits accessory buildings in rear

yards. Mr. Saunders wishes to construct a 40 ft. x 30 ft (1200 sq. ft.) detached building in the side yard that is to be used as a garage for vehicles.

To: Board Members

The Purpose of the detached building is to be used as an additional garage, for vehicles that there is presently not sufficient space for in the attached garage.

The area in front of the detached building will be paved in concrete as an addition to the existing driveway.

**From: Russ Saunders
2104 Orchard Rd
Harrisonville, MO. 64701**

Staff supports the variance for the reasons contained in the staff report. Mr. Saunders has two situations that are somewhat unique from most lots in the R-1 Single Family Zoning District.

- First, there are overhead electrical lines serving several homes along Orchard Rd. that bisect the Saunders' rear yard. Buildings are not allowed beneath overhead lines.
- Second, the Saunders' .7 acre lot is deeper than most lots in the R-1 zoning district. The front of the proposed building will be approximately 80 ft. from the front property line. Most single family homes are 30 ft. from the front property line.

Proposed Building

CONCEPT PHOTO FOR PROPOSED BUILDING

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. Can the property in question 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, but it can yield a greater return with a detached building.

Staff: We agree.

2. Is the plight of the owner due to unique circumstances? (*Unique circumstances include, but are not limited to, the shape, topographical conditions, or physical surroundings of the property.*)

Applicant: Yes, power lines in the back yard do not allow a detached building in the back yard. City of Harrisonville Electric said that no building can be constructed under power lines.

Staff: We agree.

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

Applicant: My property is approximately .7 acres; a detached building will not alter the character of the subdivision.

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. Will the physical surroundings, shape or topographical conditions of the specific property involved 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, the power lines that cross my back yard keep me from constructing a detached building in my back yard.

Staff: We agree.

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

Applicant: Very few residential properties have power lines crossing the middle of their back yards. Most residential properties have the power lines on the rear property line.

Staff: We agree.

3. Has the alleged difficulty or hardship 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 has not been created by myself, but by the power company running power lines across the middle of my back yard.

Staff: We agree.

4. Will the granting of the variance not be detrimental to the public welfare in the neighborhood in which the property is located?

Applicant: The granting of the variance will not be detrimental to the welfare of the neighborhood.

Staff: We agree.

5. Will the proposed variance 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: Constructing the detached building will not negatively affect the air supply or supply of light to adjacent properties, will not increase the danger of fire or public safety to adjacent properties, or substantially diminish or impair property values to adjacent properties.

Staff: We agree.

Recommendation:

Approve motion granting Russell Saunders a variance from Zoning Code Sec. 405.550, Detached Accessory Buildings, which only permits accessory buildings in rear yards, so that he may construct a 1200 sq. ft. detached building in the side yard at the location identified in the plot plan for the following reasons

1. The plight of the owner is due to two unique circumstances; first, overhead electrical lines bisect the rear yard below which the city does not allow buildings to be constructed; and second, the detached garage will be set back approximately 80 feet from the front property line whereas most houses in the R-1 Zoning District are only set back 30 feet from the front property line.
2. Following the strict letter of the regulations would entail practical difficulties and hardships such as relocating the power lines for the Saunders home and two neighboring homes.
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.

A. Action Item (ID # 3512)

Russell Saunders Variance, 2104 Orchard Rd.