



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

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - May 12, 2020 6:00 PM**
- 3. Agenda Items**
 - A. Cavender Application - Accessory Bldg, Setback, 605 N. King Terr.-
PUBLIC HEARING**
- 4. Discussion Items**
- 5. Adjourn**

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

Randall K. Jones, City Clerk



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

1. Call to Order

The meeting was called to order at 6:21 PM by Chris O'Connell

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

Also in attendance were Russell Saunders, applicant; Mayor Bowman; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Apr 14, 2020 6:00 PM

With no additions or corrections, the minutes from the April 14, 2020, meeting were unanimously accepted.

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

3. Agenda Items

A. Russell Saunders Variance, 2104 Orchard Rd. PUBLIC HEARING

Roger Kroh presented a variance application for Russell Saunders at 2104 Orchard Rd.. The request is for a variance from Zoning Code 405.550, Detached Accessory Buildings. This code only allows accessory structures in the rear yard. Mr. Saunders would like to build a 40 x 30 ft garage in his side yard. He has a unique situation with a power line running through the middle of his back yard that serves 3 or 4 homes along Orchard Rd.. The code states that you can not put a building structure under a power line. Also, Mr.

Kroh stated that the lot is deeper than most R-1 lots. The house sits approximately 80 feet from the street whereas most homes in R-1 sit 30 ft from the street. Staff recommends approval of the variance due to the power line in the rear yard, the depth of the lot, and the other reasons listed in the staff report.

Mr. Saunders stated that he would be using the garage to store and restore classic cars.

The public hearing was opened. There were no comments or questions.

The public hearing was closed.

Gerald Saling made a motion to approve the variance for the reasons stated in the staff report. Jennifer Peters seconded the motion. The motion was unanimously approved.

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

4. Discussion Items

None

5. Adjourn

With nothing further to come before the Board, Gerald Saling made a motion to adjourn. Viola Weiberg seconded. The meeting was adjourned at 6:27 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of May 12, 2020 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: July 7, 2020
SUBJECT: Cavender Application - Accessory Bldg, Setback, 605 N. King Terr.

Type of Item: *Approval*

General Information -- Public Hearing

Applicant/Location:	Drew and Samantha Cavender, 605 N. King Terr.
Request: 405.550	A variance from Zoning Regulation Section
applicant is	(D) (1) that requires accessory buildings to be in the rear yard and 8 ft from the side lot line. The
side	asking for a variance so a shed can be 5 ft. from a
	property line.
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:

Drew and Samantha Cavender at 605 N. King Terr. have applied for a variance from Zoning Regulation Section 405.550 (D) (1) that requires accessory buildings to be in the rear yard and 8 ft from the side lot line. The applicant is asking for a

variance so a shed can be 5 ft. from a side property line. Below is a letter from the applicant.

DREW AND SAMANTHA CAVENDER

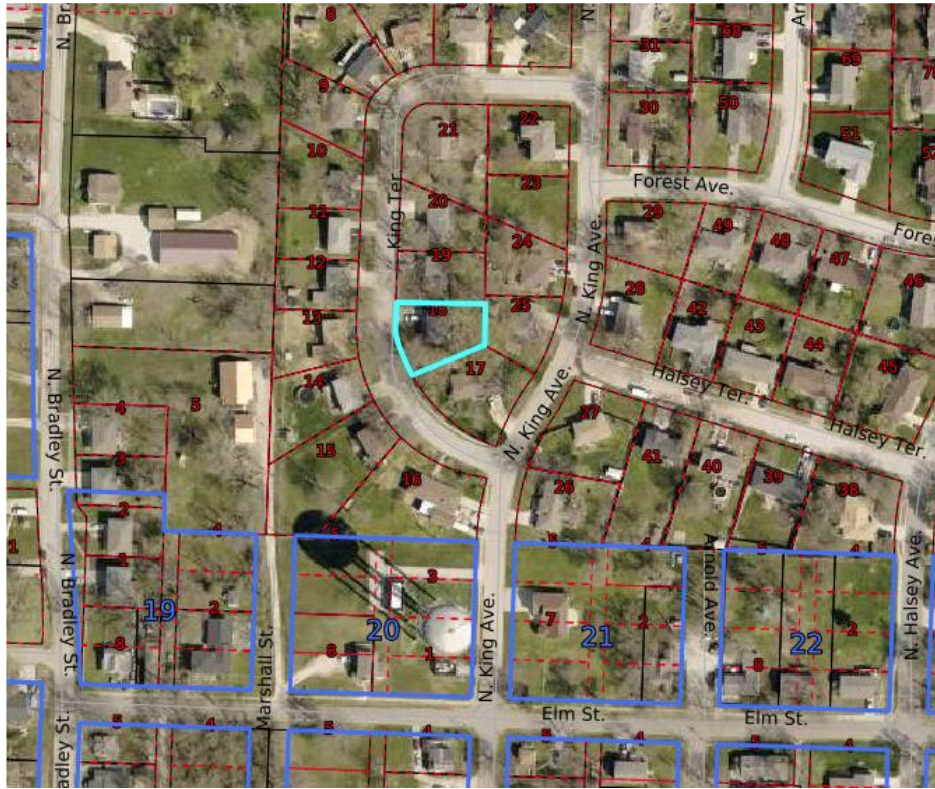
605 N KING TERR.

HARRISONVILLE MO 64701

WE (THE CAVENDERS) MOVED TO HARRISONVILLE ALMOST FOUR YEARS AGO. LAST YEAR WE PURCHASED A SHED FROM NEW CASTLE HOMES FOR OUR PROPERTY AND HAD IT INSTALLED ON THE LEFT SIDE OF THE PROPERTY ON THE FENCE LINE. WITH A FRONT DOOR FACING THE ROAD AND BARN DOORS TO THE REAR OF THE PROPERTY, WE THOUGHT THIS WAS THE PERFECT SETUP FOR OUR YARD. WE EVEN PAINTED THE HOUSE TO MATCH THE SHED TO MAKE OUR HOME MORE APPEALING TO NEIGHBORS AND PASSERSBY. DURING THE PURCHASE, WE WERE MISINFORMED AND UNAWARE OF PERMITS AND PROPERTY SETBACKS REQUIRED FOR PROPER SHED PLACEMENT WHICH IS WHY WE WENT WITH SUCH A LARGE STORAGE SHED FOR OUR FAMILY NEEDS. GROWING UP IN THE COUNTRY, WE WERE UNFAMILIAR WITH CITY PERMITS AND ORDINANCES USED TO HELP KEEP COMMUNITIES BEAUTIFUL AND UNIFORM. ON MAY 11, WE RECEIVED A CITY CITATION FOR AN IMPROPERLY PLACED SHED. AFTER READING THE CITY ORDINANCE REQUIRING 8 FT FROM ALL PROPERTY LINES WITH LOCATION IN REAR OF PROPERTY, TALKING WITH CITY INSPECTOR, AND CITY PLANNER, WE AGREE WE ARE NOT IN COMPLIANCE. THE CITY PLANNER HAS COME OUT TO MY PROPERTY TO HELP DETERMINE THE BEST LOCATION FOR THE SHED. DUE TO TREES AND FENCE LINES, A GOOD SHED PLACEMENT IS UNABLE TO BE ACHIEVED THAT FITS THE CURRENT ORDINANCE. ON RECOMMENDATION OF THE CITY PLANNER, I AM APPEALING FOR A VARIANCE OF THE 8FT ORDINANCE TO ALLOW ME TO PLACE THE SHED EVEN WITH THE REAR OF THE HOUSE AND 5FT FROM THE PROPERTY LINE. THIS WOULD ALLOW THE SHED TO STILL BE FUNCTIONAL AS IT WAS BUILT BUT ALLOW FOR PROPER LAWN AND SHED MAINTANCE TO KEEP THE AREA APPEALING TO THE NEIGHBORHOOD. WE HAVE DISCUSSIED OUR SHED SITUATION WITH MANY NEIGHBORS AND HAVE FOUND NO ONE OPPOSED TO THE PROPOSED SHED LOCATION. WE HAVE HAD MANY SIGN OUR PETITION, WITH THE EXCEPTION OF A FEW CITY WORKERS THAT LIVE IN MY NIGHBORHOOD. WHO ARE UNABLE TO SIGN. MY FAMILY IS HOPING TO MAKE THIS AN EASY FIX THAT IS APPROVED BY MANY BUT NOT COSTLY TO MY FAMILY FOR MY MISTAKE. THANK YOU FOR YOUR TIME AND UNDERSTANDING.

DREW & SAMANTHA CAVENDER

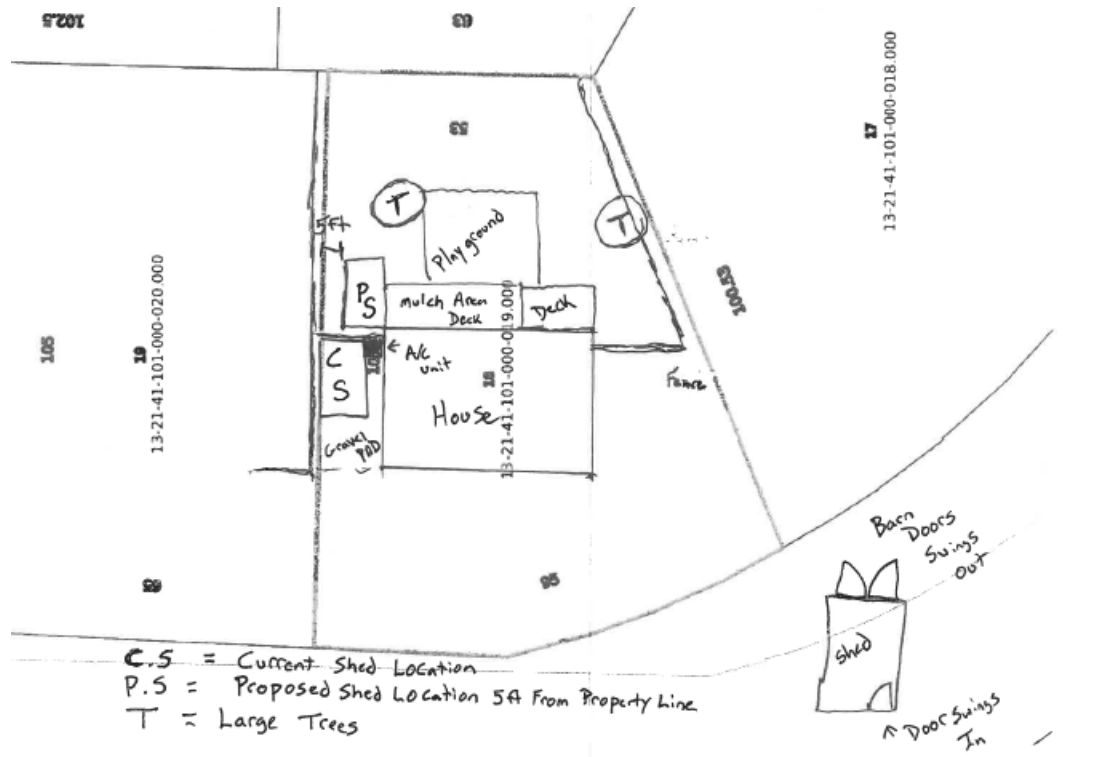
Vicinity Map



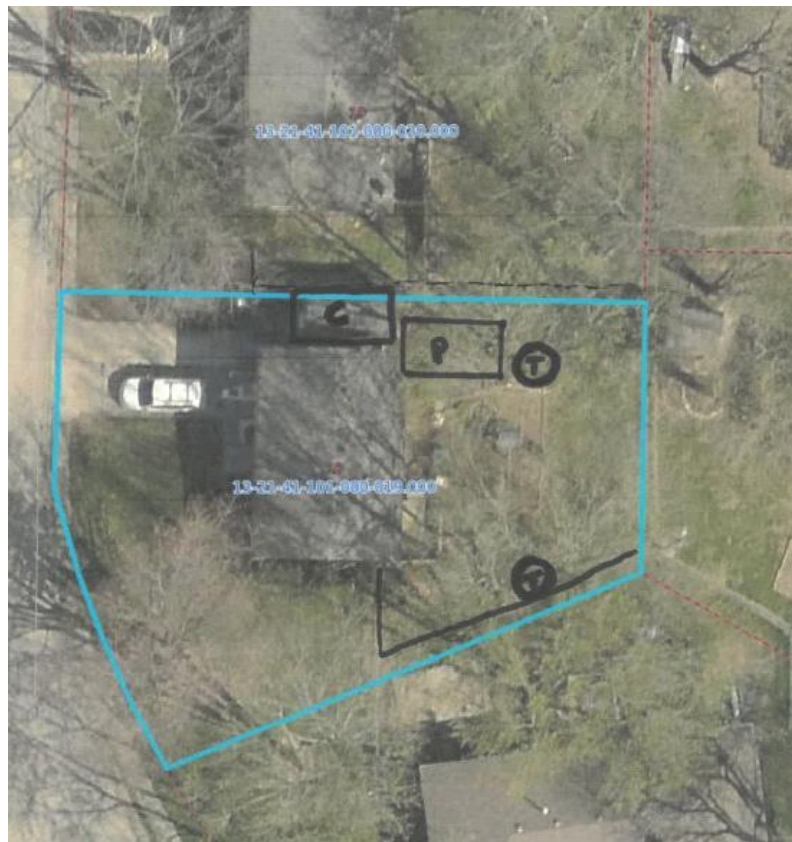
The Cavender's Accessory Building



Site Plan



Aerial



PETITION FOR SHED LOCATION VARIANCE

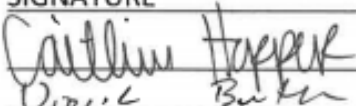
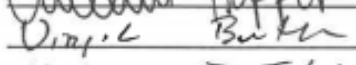
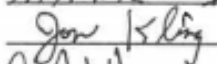
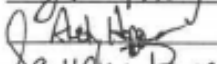
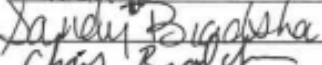
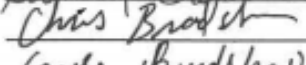
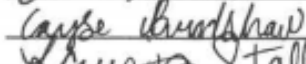
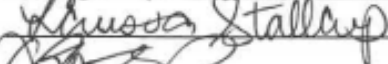
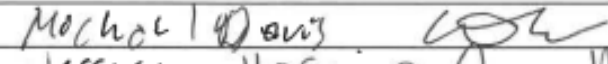
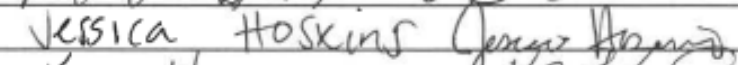
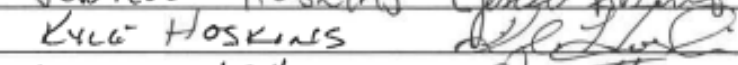
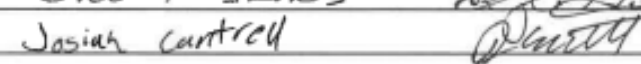
OWNERS: DREW & SAMANTHA CAVENDER

LOCATION: 605 N KING TERR.
HARRISONVILLE MO

CONCERN: CURRENT SHED LOCATION DOESN'T
MEET CITY CODE ORDINANCE

DEAR RECIPIENT

WE (THE CAVENDERS) MOVED TO HARRISONVILLE ALMOST FOUR YEARS AGO. LAST YEAR WE PURCHASED A SHED FOR OUR PROPERTY AND HAD IT INSTALLED ON THE LEFT SIDE OF THE PROPERTY ON THE FENCE LINE. WITH A FRONT DOOR FACING THE ROAD AND BARN DOORS TO THE REAR OF THE PROPERTY, WE THOUGHT THIS WAS THE PERFECT SETUP FOR OUR YARD. WE EVEN PAINTED THE HOUSE TO MATCH THE SHED TO MAKE OUR HOME MORE APPEALING TO NEIGHBORS AND PASSERSBY. GROWING UP IN THE COUNTRY, WE WERE UNFAMILIAR WITH CITY PERMITS AND ORDINANCES USED TO HELP KEEP COMMUNITIES BEAUTIFUL AND UNIFORM. ON MAY 11, WE RECEIVED A CITY CITATION FOR AN IMPROPERLY PLACED SHED. AFTER READING THE CITY ORDINANCE REQUIRING 8 FT FROM ALL PROPERTY LINES WITH LOCATION IN REAR OF PROPERTY, TALKING WITH CITY INSPECTOR, AND CITY PLANNER, WE AGREE WE ARE NOT IN COMPLIANCE. THE CITY PLANNER HAS COME OUT TO MY PROPERTY TO HELP DETERMINE THE BEST LOCATION FOR THE SHED. DUE TO TREES AND FENCE LINES, A GOOD SHED PLACEMENT IS UNABLE TO BE ACHIEVED THAT FITS THE CURRENT ORDINANCE. ON RECOMMENDATION OF THE CITY PLANNER, I AM APPEALING FOR A VARIANCE OF THE 8FT ORDINANCE TO ALLOW ME TO PLACE THE SHED EVEN WITH THE REAR OF THE HOUSE AND 5FT FROM THE PROPERTY LINE. THIS WOULD ALLOW THE SHED TO STILL BE FUNCTIONAL AS IT WAS BUILT BUT ALLOW FOR PROPER LAWN AND SHED MAINTANCE TO KEEP THE AREA APPEALING TO THE NEIGHBORHOOD. WITH YOUR SIGNATURE AND SUPPORT, WE ARE HOPING TO MAKE THIS AN EASY FIX FOR OUR FAMILY AND KEEP THE NEIGHBORHOOD LOOKING GREAT. THANK YOU FOR YOUR TIME.

SIGNATURE	PRINTED NAME	DATE
	Caitlin Hopper	6/9/20
	Virgil Butler	6/10/20
MIRRIE BUTLER	MIRRIE BUTLER	6-10-20
	Jon Kling	6-10-20
	Austin Hopper	6-10-20
	Sandy Bradshaw	6-10-20
	Chris Bradshaw	6-10-20
	Cayse Bradshaw	6-10-20
	Larissa Stallcup	6-10-20
	Colin Stallcup	6-10-2020
	Paula Davis	6-10-2020
	Michael Davis	6-11-2020
	Jessica Hoskins	6/11/2020
	Kyle Hoskins	6-11-2020
	Josiah Cartrell	6-11-2020

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.

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: Due to the large trees located in the back yard of the property, the 8-ft. setbacks are unachievable.

Staff: We agree.

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

Applicant: No. Standing in the property's backyard, several other sheds can be seen, as well, as many in the neighborhood.

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: Based on incomplete and inaccurate information from shed seller, I was told I didn't require a permit. I also wasn't informed of the City code for setbacks of a shed. If not granted variance, I would have to try to sell shed, most likely at a loss, and would then have to find somewhere to store all the items in the shed, most likely filling garage, making it unable to store my car.

Staff: We agree.

2. Do the reasons for the variance apply just to this property or generally to other properties in the same zoning classification?

Applicant: If it wasn't for the large tree in back of property, I would have more flexibility with shed location in the yard.

Staff: We agree. The presence of large trees makes this situation unique.

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: Yes, my need for a storage shed has put me in this situation.

Staff: The difficulty has been created by the company selling the shed not sharing with the Cavenders that accessory buildings have setback requirements in most communities.

4. Will the granting of the variance be detrimental to the public welfare in the neighborhood in which the property is located?

Applicant: No. From the rear of the property, you can see other sheds as well.

Staff: We do not believe that granting of the variance will be detrimental to the public welfare as there are many other accessory structures in the neighborhood.

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: No, several other backyards in the neighborhood have sheds on their property.

Staff: We concur.

Recommendation:

Approve motion granting Drew and Samantha Cavender, 605 N. King Terr., a variance from Zoning Regulation Section 405.550 (D) (1) that requires accessory buildings to be 8 ft from the side lot line. The motion is based on the following reasons:

1. The shed will be 5 ft. from a side property line instead of the required 8 ft. We see the request for a 3-ft. variance justified in order to save the large trees.
2. Following the strict letter of the regulations would entail practical difficulties and hardships such as removing large mature trees.

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 # 3547)

Cavender Application - Accessory Bldg, Setback, 605 N. King Terr.