



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
SEPTEMBER 1, 2020
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Apr 12, 2016 6:00 PM**
 - B. Board of Zoning Adjustments - Regular Meeting - Jul 14, 2020 6:00 PM**
- 3. Agenda Items**
 - A. 605 N. King Terr - Setback Variances (Public Hearing)**
 - B. 300 W. Chestnut - Accessory Building Variance (Public Hearing)**
- 4. Discussion Items**
- 5. Adjourn**

Posted this 26th day of August, 2020

Daniel Barnett, Deputy City Clerk



**MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
APRIL 12, 2016
6:00 PM**

1. Call to Order

The meeting was called to order at 6:00 PM by

Attendee Name	Organization	Title	Status	Arrived
Matt Turner	Harrisonville		Absent	
Viola Wieberg	Harrisonville		Absent	
Mike Davis	Harrisonville		Absent	
Keith DeBrot	Harrisonville		Absent	
Cary Corley	Harrisonville		Absent	
Shannon Sipple	Harrisonville		Absent	

This meeting was postponed to May 10, 2016, due to lack of a quorum.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Mar 22, 2016 6:00 PM
Tabled

3. Agenda Items

A. Consideration of VAR-1602: Variance Application of Scott Grant for Max Ford, LLC
Tabled

B. Consideration of VAR-1604: Variance Application of Tim Jones
Tabled

4. Discussion Items

5. Adjourn

Respectfully Submitted,

April Clark, Recording Secretary



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

1. Call to Order

This meeting could not be called to order due to a lack of quorum. The application and the minutes from the May 12, 2020, meeting will be considered at the August 11, 2020, meeting.

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

Also in attendance were Drew Cavender, Applicant; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

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

Respectfully Submitted,

Jamie Martin, Secretary



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: August 25, 2020
SUBJECT: 605 N. King Terr - Setback Variances (Public Hearing)

Type of Item: *Approval*

General Information -- Public Hearing

Applicant/Location: Drew and Samantha Cavender, 605 N. King Terr.

Request: A variance from Zoning Regulation Section 405.550 (D) (1) that requires accessory buildings to be in the rear yard and 8 ft from both rear and side lot lines. After meeting with the property owner of the home most affected by the Cavender's accessory building, the Cavender's have amended their application by moving the accessory building to the northeast rear corner of their yard and are asking for a variance to allow the building to be 3 ft. from the side and rear property 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:

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 both rear and side lot lines. After meeting with the property owner of the home most affected by the Cavender's accessory building, the Cavenders have amended their application by moving the accessory building to the northeast rear corner of their yard and are asking for a variance to allow the building to be 3 ft. from the side and rear property lines. Below is a current email from the applicant and the original letter.

Applicant Letter for September 1, 2020 Meeting

Roger

This letter is to ask you to change the variance meeting from Aug 11th to the Sept. 1st meeting due to changes agreed upon by the neighbor whose fence the shed will be next too. We have agreed upon a location in the far back of property and need time to submit proper paperwork for approval at the new meeting.

Thank you!
Drew Cavender

Letter with Initial Application

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.

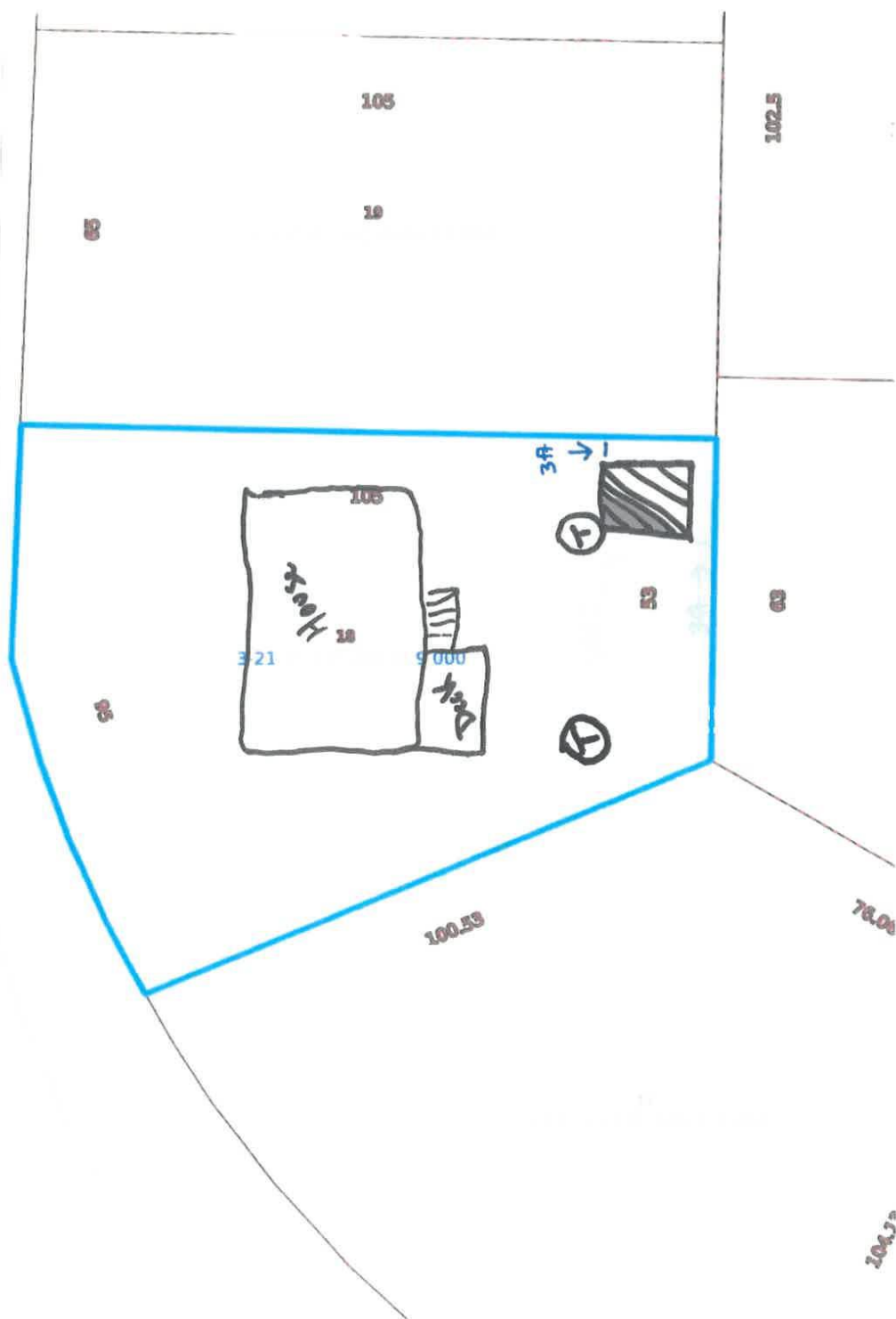
DREW & SAMANTHA CAVENDER

Vicinity Map



The Cavender's Accessory Building



Site Plan

AerialOriginal Neighborhood Petition

PETITION FOR SHED LOCATION VARIANCE

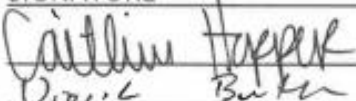
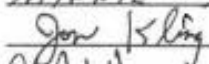
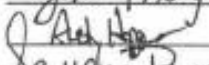
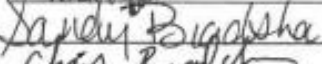
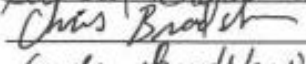
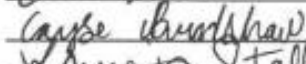
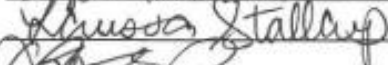
OWNERS: DREW & SAMANTHA CAVENDER

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 MAINTNANCE 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
	King L Butler	6/10/20
MINNIE BUTLER	MINNIE 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 D. Davis	[Signature]	6-11-2020
Jessica Hoskins	[Signature]	6/11/2020
Kyle Hoskins	[Signature]	6-11-2020
Josiah Cantrell	[Signature]	6-11-2020

Zoning Ordinance Provisions
Regarding the Board of Zoning Adjustments
Updated for September 1, 2020 Meeting

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 the company selling the shed, 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 in the northeast corner of the rear yard and 3 ft. from a side property line and 3 ft. from a rear property line. The variances of 5-ft. from the side and rear property lines are justified in order to save a large tree.
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 # 3599)

605 N. King Terr - Setback Variances (Public Hearing)



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: August 26, 2020
SUBJECT: 300 W. Chestnut - Accessory Building Variance (Public Hearing)

Type of Item: *Approval*

General Information -- Public Hearing

Applicant: Nate Borger, GreaterGood.org - Rescue Rebuild Program

Representative: Ashley Eppert, Hope Haven of Cass County

Location: 300 W. Chestnut

Request: A variance from Zoning Regulation Section 405.550 (D) (2) for a variance allowing two (2) accessory building over 200 sq. ft. in the rear yard of a non-residential building in the C-2 District.

Surrounding Zoning:

- North: C-2 Service Business District
- East: C-2 Service Business District
- West: R-2B, Near Downtown Two-family Neighborhood District
- South: R-2B, Near Downtown Two-family Neighborhood District

Background:

The zoning regulations only allows one (1) accessory building that does not exceed 200 sq. ft. in size C-2 zoning district. Hope Haven of Cass County and Nate Borger and the GreaterGood.org - Rescue Rebuild Program have applied for a variance to have 2 accessory buildings that are each 288 sq. ft. in size so domestic violence victims living at the shelter have a place to house and care for their pets. One building will be for dogs and the other will be for cats. Per city code, no more than 4 pets will be allowed. Everything will be completely enclosed by a privacy fence and unobservable from the road.

Letter from Applicant



8/5/2020

Board of Zoning Adjustment

City of Harrisonville

300 E. Pearl St.

Harrisonville, MO 64701

Dear Board of Zoning Adjustment,

GreaterGood.org's Rescue Rebuild is planning to come to Harrisonville soon to help Hope Haven of Cass County, your local domestic violence shelter, start their pet program. As such, we are seeking the variance to finalize our plans to establish their on-site pet housing. This project will allow up to four domestic violence victims (4 pet limit) at a time bring their pet to the shelter with them. National statistics show that 50% of domestic violence victims delay leaving their abusers because they are afraid to leave their pets behind. This project will help enable your community to break that cycle. The shelter is establishing these auxiliary pet housing units to meet the needs of pet-owning victims while not interrupting the lives of the other residents who do not own pets. This variance is so vital to completing this project because the pet program cannot exist inside the building at Hope Haven. Their existing layout and footprint do not have the space to create pet housing and keep their extreme allergy sufferers and those afraid of animals separated. It would require too much renovation to create these kinds of spaces inside the existing building without seriously disrupting their ability to serve the people in crisis in your community. The sheds will allow residents to bring their pets to a safe and clean environment that is on the same site. GreaterGood is currently planning on being in Harrisonville to complete the project for Hope Haven from October 8th - 29th, but these are tentative dates pending this variance application. Below you will find the proposed scope of work for the project.

Scope of Work Proposed:

- Two 12'x24' prefabricated sheds dropped and anchored by Sheds KC from Smithville, MO
 - Sheds will be stick built with pressure treated subfloors and wooden exteriors
 - Floor, walls, ceilings to be insulated by Sheds KC

- One shed will become the “Cat Shed”
 - No dividing walls interior
 - One main entrance door on the North side of the building
 - Two windows on the south side and a large emergency exit window to the east
 - The space will be designed as a communal living space with stress relief in mind
 - Room will then be filled with cleanable cat enrichment equipment and seating/ storage space
 - A few cat cages will be added so that new cats can be properly introduced safely
- Second shed will be the “Dog Shed”
 - This shed will have one door on the front-facing north side, four windows on that same front-facing side
 - It will have another door on one of the short sides
 - Each short end also gets a window
 - The end of the shed with the side door will have becomes an 8’ x 12’ indoor pet visitation room
 - This will provide a safe indoor space for owners to decompress with their pets, especially during bad/ cold weather
 - The 12x16’ of space remaining will contain four Mason indoor dog runs sent directly from Mason to be assembled in place
 - The dog runs will be against the South wall with a dog door (1 for each run) leading to an enclosed 15’ pet relief space
 - The pet relief spaces are to be fenced in spaces of 4’ x 15’ galvanized chain link allowing the dogs access outside but securely inside their own fence
 - The four relief areas will be accessible by a chain link gates, to the south
- All electrical work will be sub-contracted out and completed after we finish our project. This company will be pulling their own permits for the following work:

- Surface-mounted covered outlets (at least four per shed)
- Two surface-mounted 3-way light switches in each room (one at each door)
- A single surface-mounted light fixture in each room
- Installation of a mini split-air heating/cooling units inside each room
- A 6' privacy fence will be attached to the existing fence and then enclose an approximate space of 280 square feet
 - The fence will start at the corner of the rear driveway where the cat shed will be and then connect to the existing privacy fence to the southeast
 - The fence will enclose the individual dog relief areas and provide enough space for a play yard
 - See the site map for measurements but the fence avoids the drainage area just east of the rear driveway

The total budget for this project will be \$87,000 and will include all supplies, permitting, management costs and administrative fees. All of the people completing the project are GreaterGood.org's employees. The entire project is being granted to Hope Haven and there is no cost to them.

Bryna Donnelly

GreaterGood - Rescue Rebuild

205 Cherry Street

East Greenville, PA 18041

BrynaDonnelly@GreaterGood.org <mailto:BrynaDonnelly@GreaterGood.org>

Sincerely,

Bryna Donnelly

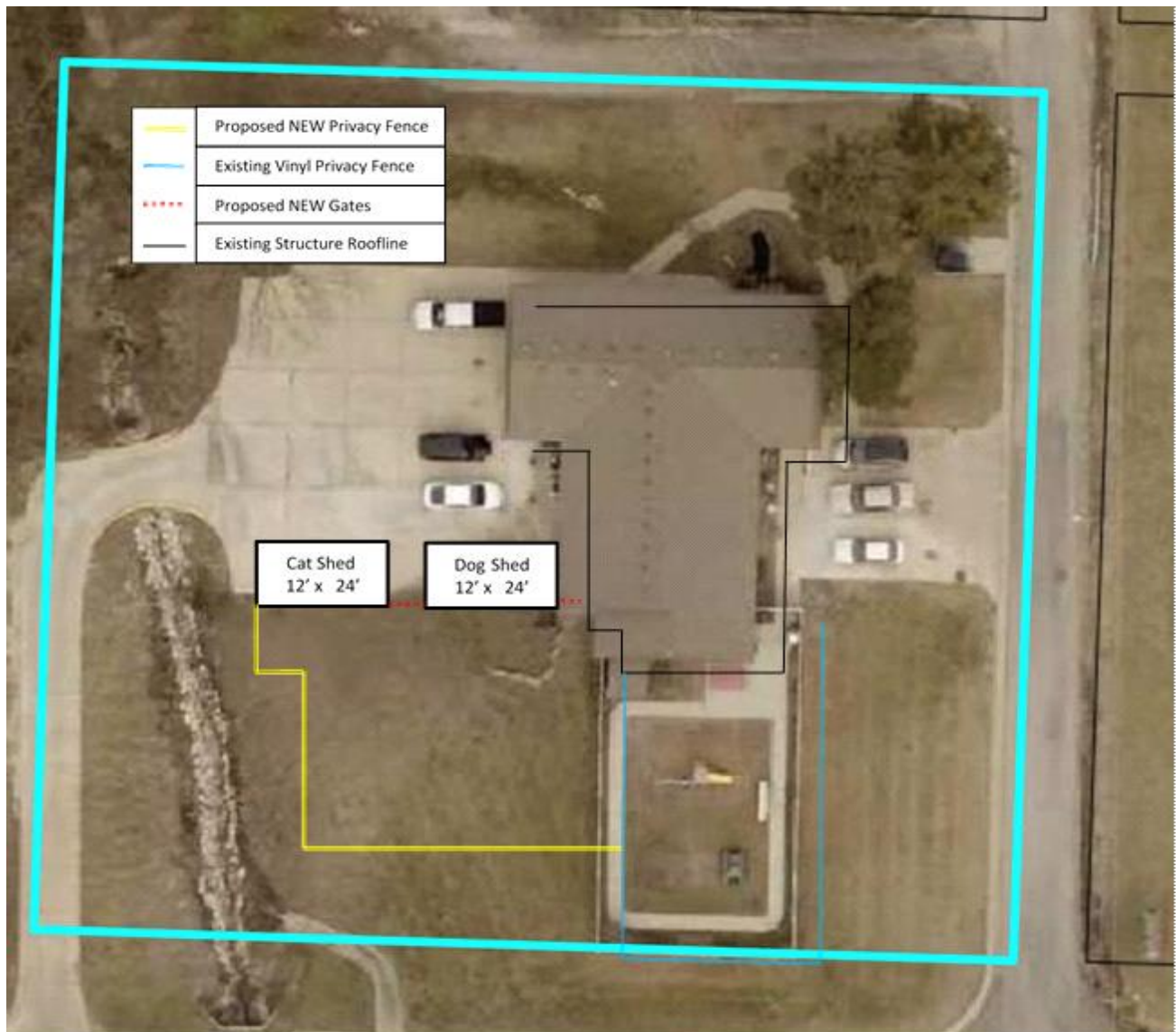
Rescue Rebuild Program Director

Family & Pet Projects

GreaterGood.org

Vicinity

Site Plan



Zoning Ordinance Provisions **Regarding the Board of Zoning Adjustments**

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Section 405.615 (A) Standards

The Board of Zoning Adjustment 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: Adding these accessory structures will enable the shelter to help people who otherwise would not seek shelter if they could bring their pets. Nationally, 50% of domestic violence (DV) victims delay leaving because they can't find accommodations for their pets.

Staff: The facility can yield a reasonable return without the accessory buildings. However, we also agree with the applicant that providing facilities for pets will improve public safety as it relates to DV victims.

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: The only unique circumstances are that we are trying to accommodate pets for DV victims. Other listed circumstances are normal.

Staff: There are no unique circumstances such as the shape of the property, topographical conditions or physical surroundings. However, staff is recommending approval as the project improves public safety for the victim and community.

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

Applicant: No, everything new will be completely enclosed by a privacy fence and will be unobservable from the road. At most there will be 4 total pets (cats and dogs) between the 2 sheds. The play yard will be inside of the privacy fence and will allow for the exercise space to be hidden as well.

Staff: We agree.

Section 405.615 (B)

For the purpose of supplementing the above standards, the Board of Zoning 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: No, this is a serious hardship. DV victims are currently incapable of bringing their pets to the shelter. As explained above, this prevents people who need help from seeking help.

Staff: The physical surroundings, shape or topographical conditions of the specific property involved will not bring a hardship upon the owner. However, the limit of 1 accessory building up to 200 sq. ft. in size does create a hardship by not allowing the two buildings needed to accomplish the project and improve the public safety of victims and the community. We do not see a negative impact on the neighborhood as the use is completely screened and there will be no more pets than what is permitted at any residence in the city

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

Applicant: Just for this property.

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: No.

Staff: The difficulty is created by Hope Haven in that they wish to have two accessory buildings instead of one and they wish the buildings to be 288 sq. ft. instead to 200 sq. ft. However, staff sees no negative impact on the neighborhood. The use is completely screened and there will be no more pets than what is permitted at any residence in the city.

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

Applicant: No, enclosed in privacy and dogs will always be contained.

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: Not at all.

Staff: We agree.

Recommendation:

Approve motion granting GreaterGood.org- Rescue Rebuild Program and Hope Haven of Cass County a variance from Zoning Regulation Section 405.550 (D) (2) so two (2) accessory

buildings up to 288 sq. ft. can be constructed at 300 W. Chestnut Street in the rear yard of a non-residential building in the C-2 District based on the following findings:

1. The accessory buildings will be completely enclosed, greater than 8 ft. from side and rear property lines and the area for the pets will be completely enclosed by a privacy fence.
2. No more than 4 dogs and or cats will be permitted at one time.
3. Having the ability to accommodate pets at the shelter makes it easier for victims to move to the shelter and remove themselves from dangerous situations at home, thereby improving public safety for victims and the community.
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.

B. Action Item (ID # 3600)

300 W. Chestnut - Accessory Building Variance (Public Hearing)