



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
VIA ZOOM
JANUARY 26, 2021
6:00 PM**

Join Zoom Meeting

<https://us02web.zoom.us/j/81792920732?pwd=MGhlcR4Nm9BU1RpMkljSTk1dGlnUT09>

Meeting ID: 817 9292 0732

Passcode: 296500

Join by phone

+1 312 626 6799 US

Meeting ID: 817 9292 0732

- A. Call to Order**
 - 1. Roll Call**
- B. Approval of Minutes**
 - 2. Board of Zoning Adjustments - Regular Meeting - Sep 1, 2020 6:00 PM**
- C. Action Items**
 - 1. Selection of an Acting Chair**
 - 2. Public Hearing - Ministerial Alliance-Shepherd's Staff Food Pantry**
 - 3. Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry**
- D. Adjourn**

Posted on City Hall Bulletin Board this 19th day of January, 2021.

Daniel Barnett , City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
SEPTEMBER 1, 2020
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		Present	
Chris O'Connell	Harrisonville		Present	
Norma Keltner	Harrisonville		Absent	
Jennifer Peters	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	

Also in attendance were Drew Cavendar, Applicant; Ashley Eppert & Jenna Neumann, applicants; Roger Kroh, Community Development Planner, Jamie Martin, Recording Secretary; and Cyndora Gauthreaux

2. Approval of Minutes

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

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

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

3. Agenda Items

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

Community Development Planner Roger Kroh presented a variance request from 605 N. King Terr. The request is for a variance for Zoning Code 405.550 (D) (1), Detached Accessory Buildings. The Code requires accessory buildings to be in the rear yard and 8 ft from both rear and side lot lines. Due to a large tree located in

the rear yard, the required 8 ft setbacks are unachievable. Mr. Cavender is requesting a variance to allow his already installed outbuilding to have a 3- ft rear and side lot setback when moved to the northeast corner of the yard. Mr. Cavender was informed by the company that sold him the shed that no permits were required by the City, therefore Mr Cavender was unaware of the 8-ft setback requirement.

Mr. Cavender stated the most effected neighbor was no longer adverse to the variance and was only concerned with the maintenance which Mr. Cavender said he will be adding decorative rock and greenery.

The public hearing was opened at 6:05 PM. There were no public comments or questions.

The Public hearing was closed at 6:06 PM.

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

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

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

Community Development Planner Roger Kroh presented the variance request for 300 W. Chestnut. The request is from Zoning Code 405.55 (D) (2) for a zoning variance allowing two (2) accessory buildings over 200 sq. ft. in the rear yard of a non-residential building in the C-2 District. The zoning regulations only allow one (1) accessory building that does not exceed 200 sq. ft. in the 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.

Jenna Neuman, Executive Director of Hope Haven, addressed those present to express the need for the requested variance by explaining that 99% of those Hope Haven assists who own pets said they would not have sought assistance had their pets not been allowed shelter with them.

A public hearing was opened at 6:10 PM. Mr. Saling inquired what would happen if residents left their pets behind. Mrs. Neumann responded to the question informing those present that any animal left behind would be considered abandoned and turned over to Animal Control where the owner would have five (5) days to claim said animal before it is made available for adoption. Mrs. Neumann went on to emphasize there had only been one instance where a resident was unable to take their pet with them when they left Hope Haven. However, that animal was later claimed by the original owner from Animal Control within the allotted five (5) days.

The public hearing was closed at 6:12 PM.

Jennifer Peters made a motion to approve the variance and it was seconded by Shannon Sipple. The motion was unanimously approved

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

4. Discussion Items

Community Development Planner Roger Kroh introduced Cyndora Gauthreaux as the new Community Development Recording Secretary. Mrs. Gauthreaux is taking over the responsibilities previously held by Jamie Martin.

Chairman O'Connell then presented Mrs. Martin with flowers and recognized her outstanding service to the Board of Zoning Adjustments.

5. Adjourn

With nothing further to come before the Board, Jennifer Peters made a motion to adjourn the meeting. and was seconded by Shannon Sipple. The motion was unanimously approved. The meeting was adjourned at 6:23 PM.

Chris O'Connell,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Sep 1, 2020 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: January 7, 2021
SUBJECT: Selection of an Acting Chair

Type of Item: *Approval*

GENERAL INFORMATION

Applicant: Roger Kroh

Requested Actions: Selection of an Acting Chair

Date of Application: January 7, 2021

BACKGROUND

Missouri State Statutes Ch. 89.080 states that annually the members of the board of zoning adjustment are to select a chair and when the chair is absent the members are to select an acting chair. There have been some changes in membership since the last BZA meeting in September 2020 and Chairman Chris O'Connell is no longer on the BZA. It is recommended that the BZA select an acting chair for this meeting and in February select a chair for the balance of 2021.

The current members are as follows:

- 1) Gerald Saling
- 2) Viola Wieberg
- 3) Shannon Sipple
- 4) April McLaughlin, Alternate
- 5) Vacant

1. **Action Item (ID # 3754)**
Selection of an Acting Chair



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: January 7, 2021
SUBJECT: Public Hearing - Ministerial Alliance-Shepherd's Staff Food Pantry

Type of Item: *Approval*

General Information

Public Hearing

Location: Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry
 1311 Sanders St.

Applicant: Debbie Glazner, Board Member
 Shepherd's Staff Food Pantry

Request: A variance from Zoning Regulation Section 405.550 (D) (2) for a variance allowing an accessory structure that is larger than 200 sq. ft., located in the front yard of a building, and visible from public streets.

See Staff Report for More Information

City of Harrisonville, MO
 Notice of Public Hearing
 Board of Zoning Appeals

Notice is hereby given that the Harrisonville Board of Zoning Appeals (BZA) will conduct a public hearing on Tuesday, January 12, 2021 at 6 PM to receive public testimony on an application from the Harrisonville Ministerial Alliance - Shepherds Staff Food Pantry for a variance at 1311 Sanders St. for a carport that does not meet size and location requirements for accessory building requirements in the C-2 General Commercial Zoning District . Due to the threat of coronavirus infection, the meeting will be held in an online video-conference-style meeting using Zoom.com. Prior to the meeting, a link to access the meeting will be made

available on the City's website in <https://www.ci.harrisonville.mo.us/>
<<https://www.ci.harrisonville.mo.us/%20a.us/>>) under the "Agendas & Minutes" button in the center of the main page. This page can also be accessed by choosing the "Government" tab at the top of the main page and then selecting "Agendas/Minutes". The City invites all individuals to attend the meeting in the manner described above and make oral comments on the application. Contact Roger Kroh, City Planner, at rkroh@harrisonville.com <<mailto:rkroh@harrisonville.com>> or (816) 380-8922, if you wish to review the application or submit commentaries prior to the meeting, and if you have difficulty accessing the online meeting agenda packets.

Cyndora Gauthreaux

Secretary to the Planning and Zoning Commission

2. Action Item (ID # 3755)

Public Hearing - Harrisonville Ministerial Alliance-Shepherd's Staff Food Pantry



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: January 7, 2021
SUBJECT: Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry

Type of Item: *Approval*

General Information

Public Hearing

Location: Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry
 1311 Sanders St.

Applicant: Debbie Glazner, Board Member
 Shepherd's Staff Food Pantry

Request: A variance from Zoning Regulation Section 405.550 (D) (2) for a variance allowing an accessory structure that is larger than 200 sq. ft., located in the front yard of a building, and visible from public streets.

Background:

Debbie Glazner with the Shepherd's Staff Food Pantry and the Harrisonville Ministerial Alliance at 1311 Sanders St. are requesting a variance to construct a 420 sf aluminum carport on the south side of the existing ramp to provide a sheltered work area for volunteers who are delivering groceries to families coming to the food pantry. The variance is necessary as Sec. 405.550 (D) of the Zoning Code of the City states that accessory structures in commercially zoned areas are to be no larger than 200 sq. ft., located in the rear yard of a building, and not visible from public streets.

Section 405.550 (D) *Detached Accessory Building(s).*

2. <<https://www.ecode360.com/33890746>> For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the rear yard providing it adheres to existing set back requirements for accessory buildings and is effectively screened so as not to be visible from any public street or residential district. Any

existing or future accessory building, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

Site:



Vicinity:



Letter from Applicant:

**Shepherd's Staff Food Pantry
1311 Sanders Street
Harrisonville, MO 64701
816 844-0078**

City of Harrisonville
Board of Zoning Adjustments

Dec. 31, 2020

To the Members of the Zoning Board,

This letter is written to accompany our application for a zoning variance at the location of Shepherd's Staff Food Pantry, 1311 Sanders Street. A variance is necessary due to the size and type of structure we desire to erect on the pantry property.

We would like to anchor a 20'x21' carport on the south side of the entry ramp into the building. Typically the delivery truck is parked on the north side of the ramp which partially blocks the view of the carport placement. (Pictures attached.) The primary purpose of this carport is to provide shelter for the volunteers on distribution days. On the other days, the pantry van will be parked under this covering. The carport roof will closely match the brick of the building to help it blend into the appearance rather than contrast and stand out. The placement of the carport is strategic to the method of grocery cart delivery to the vehicles.

Some background to why we would like to provide shelter for the volunteers: at the beginning of the year, we began to discuss how to improve the efficiency of serving the clients to reduce wait time while also providing a safe delivery method for the clients and volunteers. Then COVID19 entered the scene and the change of distribution became a necessity to protect the wellness of the facility (clients no longer entering the building) and to address the anticipated increase in client traffic. Starting in March, we now check clients in while they remain in their vehicles, food is delivered and unloaded by the outside volunteers. In an effort to prevent a large number of volunteers inside the building, we have two crews - one works inside and the other remains on the outside. The outside crew has served in temperatures below freezing, in the rain and this summer several times with temps over 90 degrees. We have used a 10' canvas canopy which isn't large enough nor sturdy in windy weather. The outside crew, which includes those directing traffic in the streets, numbers around 14 each week. A carport would allow adequate room for the volunteers to escape the weather conditions for a few minutes, have a drink, stand by the fan or heat source depending on the season.

In the last two months, we have served more than 220 households per week. Bottom line, we couldn't provide the service we do if not for the dedicated volunteers who serve week after week. This year has been one of continual adjustments to meet the increasing needs of the people in our community. The support that has been shown to this ministry work has met every challenge presented. This request for a zoning variance is one more challenge and we trust that your board will make the decision deemed best for the community.

Thank you for your time in serving Harrisonville and for hearing this zone variance request.

Sincerely,
Debbie Glazner, Board Member
Shepherd's Staff Food Pantry

Photo 1 from Applicant



Photo 2 from Applicant



Photo 3. Proposed Carport



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.

Attached is the application submitted by the applicant with their responses to the questions in the municipal code which the BZA members are to use to evaluate the requests for variances. Staff concurs with the applicant's responses.

Recommendation:

Approve variance from Zoning Regulation Section 405.550 (D) (2) for a variance allowing an accessory structure that is larger than 200 sq. ft., located in the front yard of a building, and visible from public streets for the following reasons:

1. The variance, if granted, will not alter the essential character of the locality.
2. Granting a variance in this situation will not create a precedent that the BZA will be asked to approve again and again. There are very few situations where the property has no rear yard and the Ministerial Alliance building partially blocks the view of the carport on three sides.
3. The public benefit of having a food pantry in the community outweigh the fact that the carport falls short of meeting the requirements for accessory structures in a commercial zoning district.
4. Given that the Ministerial Alliance buildings are in a commercial area and the buildings will partially block the view of the carport on three sides, we do not believe the carport will be detrimental to the public welfare in the neighborhood.
5. The carport will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or endanger the public safety or substantially diminish or impair property values in the neighborhood.

3. Action Item (ID # 3756)

Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry 1311 Sanders St.

Attachments:

Application (DOCX)

Debrot Ltr (DOCX)



VARIANCE APPLICATION

DATE: Dec. 18, 2020

Applicant (Print): Debbie Glazner **Signature:** Signed application on file

Company Name: Harrisonville Ministerial Alliance – Shepherd's Staff Food Pantry

Street Address: 1311 Sanders St. **City:** Harrisonville **State:** MO **Zip:** 64701

Telephone: 816-805-3429 (Debbie) **Email:** dglazner56@gmail.com

Property Owner Authorization Required if Applicant Different from Property Owner

Property Owner Name (print): David Noble **Signature:** Signed Application on File

Company Name: Harrisonville Ministerial Alliance

Street Address: 1405 S. Commercial St./ PO Box 262 **City:** Harrisonville **State:** MO **Zip:** 64701

Telephone: 816-844-0078 **Email:** _____

* All correspondence should be sent to (check one): ☒ Applicant ☒ Property Owner ☐ Firm

Project Information

General Location or Address: 1311 Sanders St Harrisonville, MO

Acres or Sq. Ft. .94 acres

Process and Submittal Requirements

City of Harrisonville Zoning Ordinance Section 405.610

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.

Step 1. Hold pre-application conference with City staff.

Step 2. Submit complete application and the following at least thirty (30) days prior to the BZA Meeting:

1. \$200 filing fee plus and actual cost of court reporter (est. \$200) and published legal notice (est. \$35).
2. Full legal description in Word format by email
3. One (1) 8 1/2 x 11 electronic copy of site plan showing property, existing and proposed structures and additional important information.
4. Letter or statement to BZA giving explaining the intended use of the property or structure needing a variance and the reasons that you believe the variance should be approved.

Step 3. City staff publishes legal notice and sends letters to property owners within 185 feet.

Step 4. Board of Zoning Adjustments Meeting 2nd Tuesday of month at 6 PM at City Hall.

Attachment: Application (Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry)

Please Answer Following Questions

The BZA may approve a variance to the provisions of the Zoning and Subdivision Regulations, but only as allowed by the regulations and only when it has made findings based upon evidence presented to it in specific cases. *Section 405.615 (A) Standards*

1. Can the property in question yield a reasonable return if used only under the regulations governing the zoning district in which it is located?

Applicant Response: If sold, the carport will neither increase or decrease the value of the Ministerial Alliance buildings.

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 Response: The requirements for accessory structures in a commercial zoning district are that one is limited to one structure no greater in size than 200 sf and it must be in the back of the building and not visible from a public street. The Food Pantry has asked for a 420 sf carport to provide shelter for volunteers on food distribution days. The Ministerial Alliance buildings do not have a rear yard. The carport will be most visible to eastbound drivers on Sanders St. It will be much less visible from Commercial St.

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

Applicant Response: Across the street from the Ministerial Alliance buildings are 2 commercial buildings. We do not believe the carport will alter the character of the neighborhood.

For the purpose of supplementing the above standards and in determining whether there are practical difficulties or hardships, the BZA shall also take into consideration the extent to which the following facts have been established by the evidence. *Section 405.615 (B)*

1. If the strict letter of the regulation is carried out, will the physical surroundings, shape or topographical conditions of the specific property create a hardship for the owner as distinguished from a mere inconvenience?

Applicant Response: If the strict letter of the law is carried out, it will not create a hardship for the volunteers. However, the carport will provide shelter for volunteers as they provide groceries to over 200 families each week.

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

Applicant Response: We do not believe that granting a variance in this situation will create a precedent that the BZA will be asked to approve again and again. There are very few situations where the property has no rear yard, but the Ministerial Alliance buildings will partially or totally block the view of the carport on three sides.

3. Has the alleged difficulty or hardship been created by any person having an interest in the property at any time after May 13, 1991, the effective date of this Chapter?

Applicant Response: Yes, we are creating our own hardship by having a food pantry at the Ministerial Alliance. However, we believe the public benefit of having a food pantry in the community outweighs the fact that the carport falls short of meeting the accessory building requirements in a commercial zoning district.

4. Will the granting of the variance be detrimental to the public welfare in the neighborhood in which the property is located?
 Applicant Response: Given that the Ministerial Alliance buildings are in a commercial area and the buildings will partially and totally block the view of the carport on three sides, we do not believe the carport will be detrimental to the public welfare 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 endanger the public safety or substantially diminish or impair property values within the neighborhood?
 Applicant Response: We do not believe the carport will impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or endanger the public safety or substantially diminish or impair property values in the neighborhood.

Resources

City Website	www.ci.harrisonville.mo.us
Zoning Map	https://www.ci.harrisonville.mo.us/documentcenter/view/6182
Zoning Regulations	https://www.ecode360.com/27908265
Subdivision Regulations	https://www.ecode360.com/27909481
Cass County GIS Map	https://cassgis.integritygis.com/h5/index.html?viewer=cass

Contacts

City Hall, 300 E. Pearl, Harrisonville, MO 64701		(816) 380-8900	
Chris Arthur	Building Official	(816) 380-8912	carthur@harrisonville.com
Roger Kroh	Planner	(816) 380-8922	rkroh@harrisonville.com
Ted Martin	City Engineer	(816) 380-8958	tmartin@harrisonville.com
Jamie Martin	Administrative Secretary	(816) 380-8958	jmartin@harrisonville.com
Public Works Department, 201 W. Chestnut, Harrisonville, MO 64701			
Carl Brooks	Director of Public Works	(816) 380-8964	cbrooks@harrisonville.com

For Office Use Only

Case No: BZ 20 - _____ Date Application Received: _____ BZA Meeting Date: Tue, Jan. 12, 2021 6 PM

Filing Fee. Amount Paid: _____.

Note: _____



1400 Sanders Street

Harrisonville, MO 64701

December 28, 2020

Dear Mr. Kroh,

I am writing in response to your letter regarding the carport for the Shepherd's Staff Food Pantry. We as owners of the property do not see a problem large enough to argue against such carport. We understand fully the need to have protection from weather for the volunteers at the pantry.

We are writing to give support to the variance. We do not believe it will be an eyesore or any offense to our property.

Our only concern would be if it started providing protection for the local homeless people again. As there is one certain man that seems to dislike our dog even when the dog is on our property and he will threaten her. They have been doing a good job lately at keeping them away when others are not there, so hopefully it won't be a too big of a problem again.

Sincerely,

Keith and Vicki DeBrot

Four Season's Electric, Inc.

Email: victoria@4seasonselectric.net

Attachment: Debrot Ltr (Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry)