



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
APRIL 13, 2021
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Mar 23, 2021 6:00 PM**
- 3. Agenda Items**
 - A. PUBLIC HEARING 200 S KING AVE**
 - B. PHYLLIS AND JACOB MILLER, PROSPEROUS ENTERPRISES, LLC,
200 S KING AVE**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 7th day of April, 2021.

Daniel Barnett , City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
MARCH 23, 2021
6:00 PM

1. Call to Order

The meeting was called to order at 6:03 PM by Gerald Saling

Attendee Name	Organization	Title	Status	Arrived
April McLaughlin	Harrisonville		Present	
Viola Wieberg	Harrisonville		Present	
Shannon Sipple	Harrisonville		Absent	
Gerald Saling	Harrisonville		Present	
Charles Hotchkiss	Harrisonville		Present	

Also in attendance were John Mueller and Krystal Wright, Applicants; William Smith, Applicant; Lynn Hicks, Court Reporter; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Feb 23, 2021 6:00 PM

With no additions or corrections, the minutes from the February 23, 2021, meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Charles Hotchkiss
SECONDER:	April McLaughlin
AYES:	April McLaughlin, Viola Wieberg, Gerald Saling, Charles Hotchkiss
ABSENT:	Shannon Sipple

3. Agenda Items

A. PUBLIC HEARING GREENLIGHT DISPENSARY

Roger Kroh asked that the public hearing be reopened as it was continued from the February BZA meeting. There were no comments or questions from the public.

B. GREENLIGHT DISPENSARY SIGN VARIANCE

Minutes Acceptance: Minutes of Mar 23, 2021 6:00 PM (Approval of Minutes)

Roger Kroh said the BZA continued this application from the February BZA meeting for the applicant and staff to determine whether the street sign is in the Highway Overlay District. Kroh reported that it had been determined that the sign is actually on the outside edge of the Highway Overlay District. Also, since the last meeting the staff and applicant had reached the following compromise.

1. Staff will agree that the sign is in the Highway Overlay District and the applicant will reduce the face size of the sign from 324 sf to 144 sf, the maximum size permitted without a variance in the Highway Overlay District. A variance for the sign face is no longer needed.

2. The applicant will reduce the height of the poles so that the distance from the base to the top of the sign is 50 ft., the maximum height allowed without a variance. The abandoned Texaco sign is 77 ft. tall. A variance for the sign height is no longer needed.

3. Staff will recommend approval of variance to allow reuse of the existing pole signs.

Roger Kroh asked that the staff report be made a part of the record.

Jim Mueller with the Greenlight Dispensary said that they are supportive of the proposed compromise.

April McLaughlin said that given the sign is on the edge of the Highway Overlay District she believes that the benefit should go to the applicant. She is supportive of the proposed compromise.

April McLaughlin made a motion, and Viola Wieberg seconded the motion, to approve a variance for the Greenlight Dispensary at 1408 State Route 291 to allow the reuse of existing pole signs as the sign face will not exceed 144 sf in size and the height of the sign from the base to the top of the sign will not exceed 50 ft. Unanimous approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	April McLaughlin
SECONDER:	Viola Wieberg
AYES:	April McLaughlin, Viola Wieberg, Gerald Saling, Charles Hotchkiss
ABSENT:	Shannon Sipple

C. PUBLIC HEARING - SMITH VARIANCE 700 E. CHESTNUT

Chairman Saling opened the public hearing. Roger Kroh reported that he had received a note from a neighbor who lives across the street from the applicant, Kenny Stanley, supporting the applicant's application. There were no other comments or questions from the public.

D. SMAITH VARIANCE 700 EAST CHESTNUT

Roger Kroh stated that the City has received a variance application from William and Kathleen Smith at 700 E. Chestnut for front and side yard setback variances to allow a 20 ft. x 20 ft. metal carport. The applicant requests a variance from the 25 ft. front yard setback requirement and 5 ft. side yard setback requirement in the R-2B zoning district to

allow him to install a 20 ft x 20 ft metal carport over the existing driveway in the front yard. There is no garage on the front of the house. In the application, the applicant states that the primary reason for the application is medical. He states in the application, "Front of home with driveway. I want covered parking to help wife's disability getting into home along with covered parking . I will add a no-steps walkway to house from covered (parking) and this walkway would be covered also by eaves on the house." Mr. Kroh said that Mr. Smith has provided information from doctors validating that he and his wife have serious medical issues. Kroh asked that the staff report be make a part of the record.

Mr. Kroh stated that although staff is very sympathetic to the medical situation of the Smiths, staff cannot support the request as it sets a precedent for allowing carports to encroach on front and side yard setbacks. Two to three times a month, staff has to advise callers that the municipal code does not allow carports in the front and side yard setbacks.

Mr. Smith briefed the BZA on his plans for the front of his home and discussed how the carport and walkway will help he and his wife get to and from their vehicle. He said that he would be willing to agree to have the carport removed when they leave the home.

April McLaughlin asked Roger Kroh if the BZA can put a term limit on a variance. Mr. Kroh said that he had talked to the City Attorney who said that the BZA can put term limits and any other stipulations on variances providing they are reasonable. April McLaughlin said that if the BZA approves a variance for Mr. Smith, she would like it to be well-documented that it is for medical reasons so as not to set a precedent that the city will allow carports in the front and side yard setback.

Roger Kroh said that if the BZA would like to grant the variance, he suggested that the motion specify that the variance is due to medical hardships of the Smiths, that it be for a specific term which can be renewed, that the carport is to be removed when the Smiths move out of the house, and that notice of the variance be recorded at the County.

Charles Hotchkiss moved and Gerald Saling seconded a motion that the BZA approve a side yard variance of 4 ft. for the east side yard and a front yard variance of approximately 6.5 ft. to allow for a 20 ft. by 20 ft. metal carport at 700 E. Chestnut. The term of the variance shall be for five (5) years or until such time as William and Kathleen Smith move out of the house, whichever is less. The Smiths may re-apply for an extension of the variance if living in the house at the end of five (5) years. This variance is being approved due to the medical hardships of William and Kathleen Smith. Notice of the variance shall be recorded at the Cass County Recorder of Deeds. for 700 E. Chestnut. Unanimous approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Hotchkiss
SECONDER:	Gerald Saling
AYES:	April McLaughlin, Viola Wieberg, Gerald Saling, Charles Hotchkiss
ABSENT:	Shannon Sipple

4. Discussion Items

None

5. Adjourn

With nothing further to come before the Board, April McLaughlin made a motion to adjourn. Viola Weiberg seconded. The meeting was adjourned at 6:42 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Mar 23, 2021 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: April 6, 2021
SUBJECT: PUBLIC HEARING 200 S KING AVE

Type of Item: *Approval*

Public Hearing

Date: April 13, 2021

Applicant: Phyllis and Jacob Miller, Prosperity Enterprises, LLC

Location: Southwest Corner, E. Wall Street and S. King Street
 Parcel No. 13-21-41-104-000-092.000

Property Owner: Prosperity Enterprises, LLC

Zoning: R-1B Near Downtown Single Family Residential District

Request: A variance is required from the 100-ft. minimum lot depth requirement as the lots in the block on the west side of King were platted with depths of 81-82 feet. A variance is also required from the minimum 30-ft. rear yard setback for the proposed garage to encroach 3.7 into the rear yard.

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, April 13, 2021 at 6 PM at the Harrisonville City Hall at 300 E. Pearl Street, Harrisonville, MO 64701 to receive public testimony on a variance application from Phyllis and Jacob Miller at the southwest corner of E. Wall St. and S. King St. for variance from the 100-ft. minimum lot depth requirement so that a home can be constructed on the vacant lot which has a lot depth of 81.25 ft.

Please confirm on the City website (<https://www.ci.harrisonville.mo.us/>) the location of the meeting prior to the meeting date. Due to the threat of coronavirus infection, the meeting may be held as

an online video-conference-style meeting on www.zoom.com <<http://www.zoom.com>>. If held online, the access and pass codes will be available on the agenda on the City website by choosing the “Agendas and Minutes” button in the middle of the home page and then the “Board of Zoning Adjustments” in the Meeting Group box. Individuals are invited to make oral comments in the meeting or by sending comments prior to the meeting to Roger Kroh, City Planner, at rkroh@harrisonville.com <<mailto:rkroh@harrisonville.com>> or (816) 380-8922. The application may be viewed at City Hall, 300 E. Pearl St., Harrisonville, MO 64701.

Jamie Martin

Secretary to the Board of Zoning Adjustment

A. Action Item (ID # 3837)

PUBLIC HEARING 200 S KING AVE



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: April 6, 2021
**SUBJECT: PHYLLIS AND JACOB MILLER, PROSPEROUS ENTERPRISES, LLC,
 200 S KING AVE**

Type of Item: *Approval***General Information:**

Date: April 13, 2021

Applicant: Phyllis and Jacob Miller, Prosperous Enterprises, LLC

Location: 200 S King Ave

Parcel No. 13-21-41-104-000-092.000

Property Owner: Prosperity Enterprises, LLC

Zoning: R-1B Near Downtown Single Family Residential District

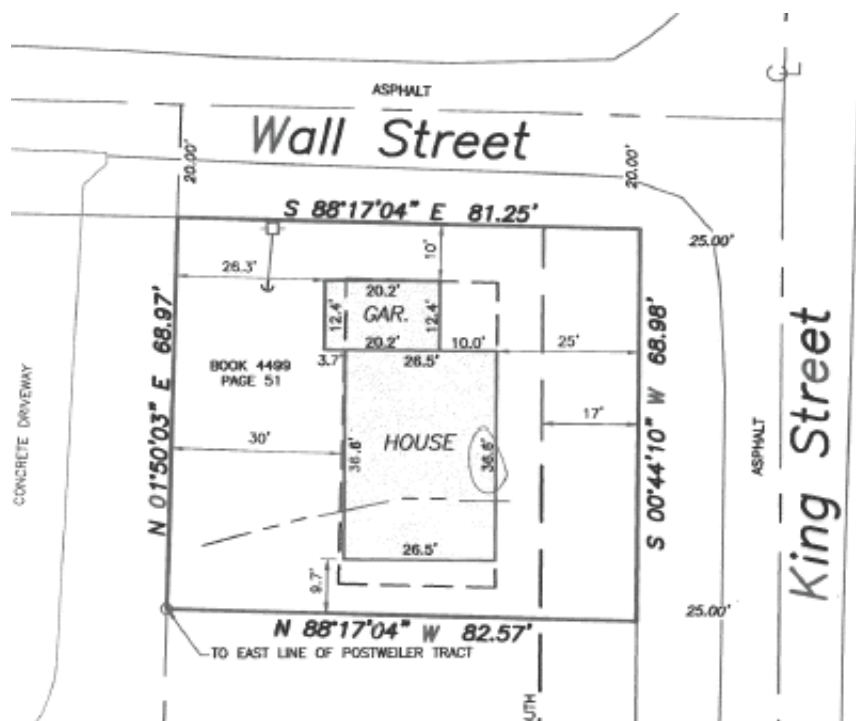
Request: A variance is required from the 100-ft. minimum lot depth requirement as the lots in the block on the west side of King were platted with depths of 81-82 feet. A variance is also required from the minimum 30-ft. rear yard setback for the proposed garage to encroach 3.7 into the rear yard.

Background:

Phyllis and Jacob Miller, Prosperous Enterprises, LLC, are requesting variances for a vacant lot on the Southwest Corner, E. Wall Street and S. King Street (Parcel No. 13-21-41-104-000-092.000). A variance is required from the 100-ft. minimum lot depth requirement as the lots in the block on the west side of King were platted with depths of 81-82 feet. A variance is also required from the minimum 30-ft. rear yard setback for the proposed garage to encroach 3.7 into the rear yard.

As the next two homes south of this lot were built on lots of the same depth as the Miller's lot, city staff supports the variance to the 100-ft. minimum lot depth requirement. Staff also supports the variance to allow the garage to extend 2.7 ft. into the required 30-ft. rear yard. The zoning requirements state that front-loaded garages in the R-1B zoning

district must be set back at least 10 ft. from the front building line. If not for this requirement, the garage would not have to extend into the rear yard.



Zoning Ordinance Provisions

Regarding the Board of Zoning Adjustment

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: This property was probably platted before there was a 100-ft. minimum lot depth per zoning. Without the variance, nothing can be built.

Staff: We agree. The requirement that front loaded garages be set back 10 ft. from the front building line was also created after the lot was platted.

2. Is the plight of the owner due to unique circumstances?

Applicant: The unique circumstance is that the zoning regulation that established the 100 ft minimum lot depth came along after the property was platted. This lot is 1 of 3 that face S. King Street and the city allowed them to be built with lot depths less than 100 feet.

Staff: We agree.

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

Applicant: A variance will allow us to build a house which will be similar and in character with the surrounding homes 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: If the 100-ft. minimum depth requirement per zoning regulations is followed to the letter, it will create a hardship by making it impossible for us (or any future builders) to build a home on the lot.

Staff: We agree to the applicant's statement regarding the lot depth. We also believe that it is necessary to allow the garage to encroach 3.7 ft. into the rear yard due to the zoning requirement that garages in the R-1B zoning district must be set back at least 10 ft. from the front building line.

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

Applicant: The situation with the lot would apply to any lot in this zoning classification platted in the past with a lot depth of less than 100 ft.

Staff: We agree. Fortunately, there are very few lots in the R-1B zoning district with less than 100 ft. of lot depth.

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 was created by the adoption of zoning regulations that established a 100-ft. minimum depth. This lot was platted prior to that regulation.

Staff: We agree. The minimum lot depth requirement and setback requirement for front loaded garages was created by the regulations after the lot was platted.

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

Applicant: We do not believe it will be detrimental to the public welfare in the neighborhood as other houses in the immediate vicinity exist on lots less than 100-ft. in depth.

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: We do not believe that the construction of a new home will create any negative environmental impact. We do believe a new home construction in the neighborhood will maintain or improve property values.

Staff: We agree.

Recommendation:

Approve motion to grant a variance to the 100-ft minimum lot depth requirement to allow construction of a house on a lot with a depth of approximately 82 feet and a variance to allow a garage to encroach 3.7 feet into the required 30-ft. rear yard setback.

B. Action Item (ID # 3836)

PHYLLIS AND JACOB MILLER, PROSPEROUS ENTERPRISES, LLC, 200 S KING AVE

Attachments:

EMail from Traugott's 809 E Pearl St(MSG)

Jamie Martin

From: Joe Traugott <joetraugott@gmail.com>
Sent: Sunday, April 4, 2021 5:46 PM
To: Roger Kroh
Subject: Variance for vacant lot corner of King and Wall Streets

Good Morning / Afternoon,

My wife and I will be unable to attend the Zoning Appeals Board meeting on April 13 but would like to provide our commentary to the board for the zoning variance application (Parcel 13-21-41-104-000-092.000).

We own the home at 809 E Pearl St. with frontage on both Pearl and on Wall St. near the vacant lot that is the subject of this variance.

We would like to express our support for approval of the variance to setback and lot depth requirements to allow a single family residence to be constructed on the property. Though the lot is undersized it does not serve the best interests of the neighborhood or the city for it to remain undeveloped. The best and highest use for the property is a single family home in our view.

We encourage the board to grant the variance application.

Joseph and DeLana Traugott
 809 E Pearl St. (with street frontage on Wall St.)

joetraugott@yahoo.com

This is an email from outside your organization.

Attachment: EMail from Traugott's 809 E Pearl St (PHYLLIS AND JACOB MILLER, PROSPEROUS ENTERPRISES, LLC, 200 S KING AVE)