



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
MAY 11, 2021
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Apr 13, 2021 6:00 PM**
- 3. Agenda Items**
 - A. Public Hearing 400 E Washington**
 - B. JD Vaughn, Density Variance, 400 E Washington**
 - C. Public Hearing 2012 N State Route 291**
 - D. El Maguey Side Yard Plat Variance 2012 N State Route 291**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 5th day of May, 2021.

Daniel Barnett , City Clerk



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

1. Call to Order

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

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

Also in attendance were Phyllis and Jacob Miller, Applicants; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

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

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

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

3. Agenda Items

A. PUBLIC HEARING 200 S KING AVE

Chairman Saling opened the public hearing at 6:10 PM. No public were present. The Chairman closed the public hearing at 6:15 PM.

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

Roger Kroh introduced applicants Phyllis and Jacob Miller with Prosperous Enterprises, LLC. He said they are requesting two variances in order to construct a house on a vacant lot at the southwest corner of East Wall Street and South King Street (200 S. King St). A variance is required from the 100-ft. minimum lot depth requirement as the lot is 81 to 82

feet deep as are the other abutting lots in the same block. A variance is also required for the proposed garage to encroach approximately 3.7 feet into the rear yard into the minimum 30-ft. rear yard setback. The garage encroaches into the rear yard setback because the Original Harrisonville Design Guidelines requires front-loaded garages to be set back 10 feet behind the front building line.

Mr. Kroh said that the BZA has received two letters from neighbors. One is a letter of support from Joe and Deluna Traugott at 809 E. Pearl. They believe that the neighborhood benefits more from a home than a vacant lot. The second letter is from Sharon Erwin, at 310 S. King St., who is concerned that a new house will add to an existing flooding problem on her property. Kroh said that Mrs. Erwin has shown him the flooding problem and Street Superintendent Rodney Jacobs and City Stormwater Engineer Ted Martin have confirmed that Mrs. Erwin has a stormwater problem that needs to be corrected. In fact, Mr. Martin said that he has designed a stormwater project to correct or reduce the problem. However, construction is subject to funding. Mr. Martin says that the problem is much bigger than one house and the additional runoff from a new house would be negligible.

Mr. Hotchkiss said that he believes the stormwater issue is separate from the variance request. Mr. Kroh agreed and said that staff does not believe that it is fair to deny the construction of a house at 200 S. King due to a stormwater problem that is caused by runoff from an area much larger than 200 S. King.

Roger Kroh said that staff recommends approval of the variance for the reasons in the staff report and that it is better for the neighborhood to have a new home rather than a vacant lot, the need for the variance is caused by a change in the regulations after the subdivision was platted, and the new house will have a positive impact on the neighborhood.

Phyllis and Jacob Miller said that they agree with the staff comments and said that they will build an attractive house.

April McLaughlin said that according to the staff report, the answers to all eight criteria by which the BZA is to analyze a variance request are positive and support the variance. But one could argue that the new information from Sharon Erwin about the flooding problem causes the answer to at least one criteria to be negative toward the request. Ms. McLaughlin asked Mr. Kroh if one negative criterion disqualifies the variance from approval. Mr. Kroh responded that the law does not state that the BZA must determine that all eight criteria must be unanimously in favor of the variance for it to be approved.

The law gives the BZA the discretion to determine whether a variance should be approved following an analysis of criteria in which some may support the variance and some criteria may not.

Shannon Sipple said that he constructs stormwater projects as a profession. He believes the new house will actually help Mrs. Erwin's stormwater problem by slowing runoff headed toward Mrs. Erwin's home.

Mr. Sipple moved and April McLaughlin seconded a motion to approve a variance for the reasons stated in the Staff Report, from the 100-ft. minimum lot depth requirement to allow a home to be constructed on a lot that is 81-82 feet deep, and a variance to allow an attached garage to encroach approximately 3.7 feet into the 30-ft. rear yard setback. Unanimous approval.

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

4. Discussion Items

None

5. Adjourn

With nothing further to come before the Board, Charles Hotchkiss made a motion to adjourn. Shannon Sipple seconded. The meeting was adjourned at 6:17 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Apr 13, 2021 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: May 5, 2021
SUBJECT: Public Hearing 400 E Washington

Type of Item: *Public Hearing*

- A. Discussion Item (ID # 3877)**
Public Hearing



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: May 5, 2021
SUBJECT: JD Vaughn, Density Variance, 400 E Washington

Type of Item: *Approval*

General Information:

Date: May 11, 2021

Applicant: JD Vaughn, JDV Construction

Location: 400 E. Washington
.821 acres at northwest corner of Washington and Highland

Property Owner: John Foster

Zoning: CBD-2 Downtown Fringe Business District

Request: Variance from the maximum residential density limits of 4.5 dwelling units per acre in Section 405.295 (A)(3) of the CBD-2 Downtown Fringe Business District to allow construction of four single-family residences on an .82 acre tract at 400 E. Washington St.

Background:

The City has received an application from JD Vaughn who is seeking a variance from the residential density limits of 4.5 dwelling units per acre in the CBD-2 Downtown Fringe Business District to build a 4-lot subdivision on an .82 acre tract at 400 E. Washington St. (northwest corner of Washington St. and Highland Dr.). The zoning ordinance only allows 4.5 dwelling units per acre which is 3.7 lots for a .82 acre tract.



Proposal to the City of Harrisonville

I would like to propose to you a plan for the development of the four lots on the corner of Washington and Highland in the City of Harrisonville.

The demand for affordable, high-quality, mid-range housing is at an all-time high. Offering these types of homes is essential to the city of Harrisonville. I propose a way to meet this demand by turning four undeveloped lots into four separate family homes.

The homes I propose to construct in these four lots would be modular homes, all of different styles and colors.

Modular homes are the up-and coming home of the future. Not only can they be constructed and ready in less time than a traditional home, they can often compete toe-to-toe with the standard stick-built home. In fact, the look and quality can actually be better when compared to some stick-built homes.

I have had over 25 years of experience specifically in the construction of modular homes, and am very well versed in the processes involved to produce a home that meets the design guidelines of the city, is of exceptional structural quality and integrity, and is aesthetically pleasing.

The estimated price point of each of these mid-range home ranges from \$195,000 to \$220,000. This excellent price point would allow families to move into a turn-key ready home an affordable rate, while contributing to city taxes and revenue for the city.

I welcome any questions that you may have regarding this proposal, and thank you for your consideration.

JD Vaughn
JDV Construction
23709 E. 232nd Street
Harrisonville, MO 64701
816-392-2540

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: Property has been vacant for many years. Would like a variance from the 3.7 dwelling unit maximum so that 4 single family homes can be built.

Staff: We do not believe that the applicant should be restricted to 3 homes on .82 acres due to the 3.7 acre maximum in the code.

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

Applicant: They are not. The code allows for 3.7 homes. Would not like to build a .7 home. Not sure it would sell.

Staff: The size of the site makes this a unique situation and we believe the variance should be granted to allow a 4th home.

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

Applicant: This area with 4 new homes will be a plus to the neighborhood and a plus to the community.

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: It would be a hardship if I only were able to put 3 homes on the property. A fourth home will make the project more viable.

Staff: We agree.

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 that is .82 acres in size.

Staff: We agree. If the maximum density for .82 acres was 3.9 homes, staff would not require a variance for a fourth residence. However, with the formula only permitting 3.7 residences on .82 acres, we recommended that the applicant seek a variance so lenders doing their due diligence in the future could not question whether the subdivision is non-conforming.

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 applying the 4.5 dwelling unit maximum density formula to .82 acres which only allows 3 dwelling units without a variance.

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: We do not believe it will be detrimental to the public 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: We do not believe that the construction of a fourth home will create any negative environmental impact. We also believe the new homes will maintain or improve property values.

Staff: We agree.

Recommendation:

Approve variance from the maximum residential density limits of 4.5 dwelling units per acre in Section 405.295 (A)(3) of the CBD-2 Downtown Fringe Business District to allow construction of four single-family residences on an .82 acre tract at 400 E. Washington St.

If the variance is approved, the next step for the applicant is to plat the property and have civil drawings prepared.

B. Action Item (ID # 3876)

JD Vaughn, Density Variance, 400 E Washington



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: May 5, 2021
SUBJECT: Public Hearing 2012 N State Route 291

Type of Item: *Public Hearing*

- C. **Discussion Item (ID # 3879)**
Public Hearing



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: May 5, 2021
SUBJECT: El Maguey Side Yard Plat Variance 2012 N State Route 291

Type of Item: *Approval*

General Information:

Date: May 11, 2021

Applicant: Gilberto Jaime, Owner
El Palo Redondo, LLC
DBA Maguey Restaurant

Location: 2012 N State Route 291

Property Owner: Harrisonville Crossing Properties, LLC

Zoning: C-2 Service Business District

Request: Variance from the 35-ft. side lot building line on the final plat so as to construct a roof over the existing dining patio area

Background:

The City has received a variance application from Gilberto Jaime and El Maguey Restaurant at 2012 N. State Route 291 for a variance from the 35-ft. side lot building line on the final plat so as to construct a roof over the existing dining patio area. In the C-2 Zoning District, the side yard setback is fifteen (15) feet. We are not certain why a 35-ft side yard setback was originally put on the plat. However, with the benefit of time we do not believe it is necessary.

The property owner for Harrisonville Crossings has approved the project at El Maguey and the application for a variance.





Zoning Ordinance Provisions

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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 do not believe that the applicant should be restricted to 3 homes on .82 acres due to the 3.7 acre maximum in the code.

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

Applicant: No

Staff: The size of the site makes this a unique situation and we believe the variance should be granted to allow a 4th home.

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

Applicant: No

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: No

Staff: The 35-ft. side yard setback does bring a hardship upon the owner as it prevents El Maguey from being able to cover the patio dining area. As the 35-ft setback is 20 ft more than the 15-ft side yard setback in the zoning ordinance, we believe a variance is justified.

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: 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 hardship (the 35-ft. side building setback) exceeds the 15-ft side yard setback in the zoning ordinance. We believe the 15-ft. setback is sufficient.

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

Applicant: No

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: No

Staff: We agree.

Recommendation:

Approve variance from the 35-ft. side lot building line on the final plat so as to allow construction of a roof structure over the existing patio dining area.

If the variance is approved, the next step for the applicant is to obtain a building permit for the construction project.

D. Action Item (ID # 3878)

El Maguey Side Yard Plat Variance 2012 N State Route 291