



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
JUNE 8, 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 DENSITY VARIANCE, VAUGHN/FOSTER, 400 E WASHINGTON**
 - B. VAUGHN/FOSTER DENSITY VARIANCE 400 E WASHINGTON**
 - C. PUBLIC HEARING - EL MAGUEY SIDE YARD VARIANCE, 2012 N SR 291**
 - D. EL MAGUEY SIDE YARD VARIANCE, 2012 N SR 291**
 - E. PUBLIC HEARING WOODS ACCESSORY STRUCTURE VARIANCE, 2510 BURRIS DR.**
 - F. WOOD ACCESSORY STRUCTURE VARIANCE, 2510 BURRIS DR.**
 - G. PUBLIC HEARING MINISTERIAL ALLIANCE FRONT YARD SETBACK VARIANCE 1311 SANDERS**
 - H. MINISTERIAL ALLIANCE FRONT YARD SETBACK VARIANCE 1311 SANDERS**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 7th day of June, 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)



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
SUBJECT: PUBLIC HEARING DENSITY VARIANCE, VAUGHN/FOSTER, 400 E WASHINGTON

Type of Item: *Approval*

PUBLIC HEARING

Date: May 11, 2021

Applicant: JD Vaughn, JDV Construction

Property Owner: John Foster

Location: 400 E.Washington

.821 acres at northwest corner of Washington and Highland

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.

Location: 400 E.Washington

.821 acres at northwest corner of Washington and Highland

City of Harrisonville, MO

Notice of Public Hearing
Board of Zoning Adjustment

Notice is hereby given that the Harrisonville Board of Zoning Appeals (BZA) will conduct a public hearing on Tuesday, June 8, 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 applicant JD Vaughn and property owner John Foster for a variance from the residential density limits of 4.5 dwelling units per acre in the CBD-2 Downtown Fringe Business District to allow for a 4-lot subdivision on an .82 acre tract at 400-406 E. Washington St. (northwest corner of Washington St. and Highland Dr.). The application is available for public review at City Hall. The City invites all individuals to attend the meeting and make oral comments on the application or send written comments for the BZA in care of Roger Kroh, Planner, at rkroh@harrisonville.com or at City Hall, P.O. Box 367, Harrisonville, MO 64701.

Jamie Martin

Secretary to the Planning and Zoning Commission

A. Action Item (ID # 3923)

PUBLIC HEARING VAUGHN / FOSTER DENSITY VARIANCE, 400 E WASHINGTON



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
SUBJECT: VAUGHN/FOSTER DENSITY VARIANCE 400 E WASHINGTON

Type of Item: *Approval*

General Information:

Date: May 11, 2021

Applicant: JD Vaughn, JDV Construction

Property Owner: John Foster

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

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 # 3924)

VAUGHN/FOSTER DENSITY VARIANCE 400 E WASHINGTON



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
SUBJECT: PUBLIC HEARING - EL MAGUEY SIDE YARD VARIANCE, 2012 N SR 291

Type of Item: Approval

PUBLIC HEARING:

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

City of Harrisonville, MO

Notice of Public Hearing
Board of Zoning Adjustment

Notice is hereby given that the Harrisonville Board of Zoning Adjustment (BZA) will conduct a public hearing on Tuesday, June 8, 2021, at 6 PM at City Hall at 300 E. Pearl Street in Harrisonville, MO 64701 to receive public testimony on an application from Gilberto Jamie and

El Maguey Restaurant at 2102 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. The application is available for public review at City Hall. The City invites all individuals to attend the meeting and make oral comments on the application or send written comments for the BZA in care of Roger Kroh, Planner, at rkroh@harrisonville.com or at City Hall, P.O. Box 367, Harrisonville, MO 64701.

Jamie Martin

Secretary to the Planning and Zoning Commission

C. Action Item (ID # 3925)

PUBLIC HEARING - EL MAGUEY SIDE YARD VARIANCE, 2012 N SR 291



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
SUBJECT: - EL MAGUEY SIDE YARD VARIANCE, 2012 N SR 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

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: 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 he 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 # 3927)

EL MAGUEY SIDE YARD VARIANCE, 2012 N SR 291



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
SUBJECT: PUBLIC HEARING WOODS ACCESSORY STRUCTURE VARIANCE,
 2510 BURRIS DR.

Type of Item: *Approval*

PUBLIC HEARING

Applicant & Property Owner: Kevin Wood
Requested Action: Variance to Allow Accessory Structures in Front of the
 Front Building Line on a 2.377
Location: 2510 Burris Drive (Lot 1 Burris Ridge)
 NWC Burris Ridge Drive and N. Mechanic St.

City of Harrisonville, MO
 Notice of Public Hearings
 Board of Zoning Adjustment

Notice is hereby given that the Harrisonville Board of Zoning Adjustment (BZA) will conduct a public hearing at 6 PM on Tuesday, June 8, 2021 at the Harrisonville City Hall, 300 E. Pearl St., Harrisonville, MO 64701 to receive public testimony on an application from Kevin Wood for 1) a variance to allow a residential driveway to Burris Drive in the east 150 ft. of the lot, and 2) a variance to allow accessory structures to a residence in the front yard on a 2.377 acre lot on Lot 1 in Burris Ridge Subdivision, Plat 1 (2510 Burris Drive).

The application is available for public review at City Hall. The City invites all individuals to attend the meeting and make oral comments on the application or send written comments for the Board of Zoning Adjustment to Roger Kroh, Planner, at rkroh@harrisonville.com <<mailto:rkroh@harrisonville.com>> or by mail to City Hall, PO Box 367, Harrisonville, MO 64701.

Jamie Martin,
 Secretary to the Planning and Zoning Commission

E. Action Item (ID # 3928)

PUBLIC HEARING WOOD ACCESSORY STRUCTURE VARIANCE, 2510 BURRIS DR.



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
SUBJECT: WOOD ACCESSORY STRUCTURE VARIANCE, 2510 BURRIS DR.

Type of Item: *Approval*

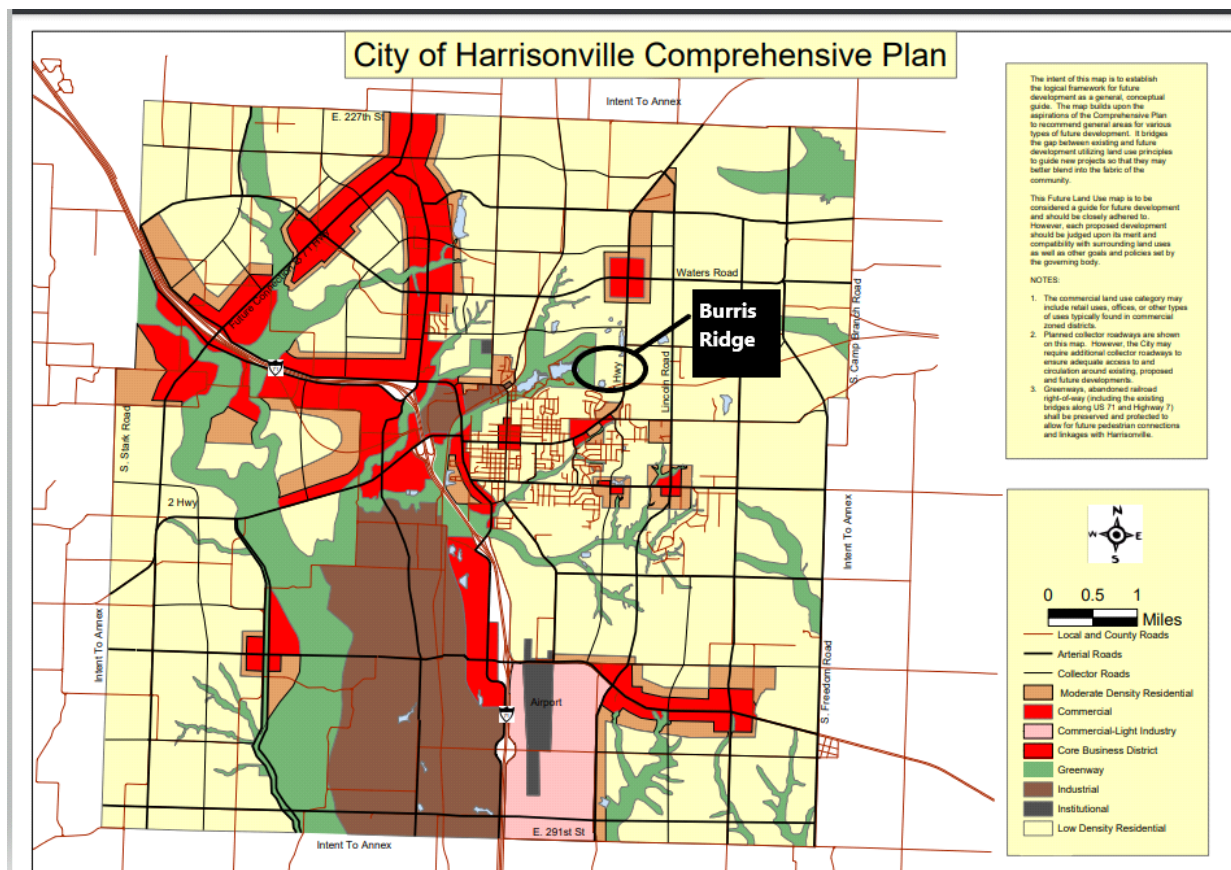
GENERAL INFORMATION

Applicant & Property Owner: Kevin Wood
Requested Action: Variance to Allow Accessory Structures in Front of the Front Building Line on a 2.377 acre lot.
Zoning: R-1 Single Family Residential
 2510 Burris Drive (Lot 1 Burris Ridge Subdivision)
 NW Corner Burris Ridge Drive and N. Mechanic St.

PROPOSAL

The city has received an application from Kevin Wood for a variance to allow accessory structures to a residence in the front yard on a 2.377 acre lot on Lot 1 in Burris Ridge Subdivision, Plat 1 (2510 Burris Drive).

The property owner is designing a residence and 2510 Burris Drive and wishes to construct a detached garage in the side yard of the property. Section 435.550 requires accessory structures to be behind the rear building line of the house. Given that the 2.377 acres lots is considerably larger than most R-1 lots, and the house and detached garage are set back approximately 200 ft., which is considerably further than the 30 ft. minimum front yard setback, staff supports the variance.





Site Plan

Lot 1, Burris Ridge 1st Plat

Record Description: (copy and paste in
LOT 1, BURRIS RIDGE 1ST PLAT, A SUBDIVISION OF LAND
IN THE CITY OF BURRISVILLE, DALLAS COUNTY, TEXAS,
ACCORDING TO THE RECORDING PLAT THEREOF, FILED IN
PLAT BOOK 20 AT PAGE 61.

0' 10' 20' 30' 40' 50'

LOT 1
2.82 AC ±
114125 S.F. ±
2510 BURRIS DR.
BURRISVILLE, MO 65611

BURRIS RIDGE 1ST PLAT

Burris Drive
(87' R/W)

Missouri State Highway No. 7

NOTE: SEE ALSO CITY ORDINANCE & RECORDS DEPARTMENT WEBSITE
FOR THE CITY OF BURRISVILLE, DALLAS COUNTY, TEXAS, REGARDING THE
RECORDING OF PLAT NO. 1, BURRIS RIDGE 1ST PLAT, FILED IN
PLAT BOOK 20 AT PAGE 61.

Bowers Land Survey Co. LLC
2510 BURRIS DR.
BURRISVILLE, MO 65611
TEL: 660-222-1111 FAX: 660-222-1112
WWW.BOWERSLANDSURVEY.COM

ZONING VARIANCE ANALYSIS

Zoning Ordinance Provisions Regarding the Board of Zoning Adjustments:

Chapter 405.610 to 405.625 of the zoning ordinance of the city provides the following guidance regarding matters before the Board of Zoning Adjustments.

Section 405.610 Purpose

The Board of Zoning Adjustment may grant variances from the provisions of this Chapter in harmony with its general purpose and intent and may vary them only in specific instances hereinafter set forth. The Board of Zoning Adjustment, based on standards hereafter prescribed and after hearing, may decide that there are practical difficulties or hardship in the way of carrying out the strict letter of these regulations. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement or decision of the party appealed from or to issue an order or variance or to decide in favor of an appellant.

Section 405.615 (A) Standards

The Board of Zoning Adjustments may vary the provisions of this Chapter as authorized in this Section, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

1. The property in question cannot 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.

Staff: The property can yield a reasonable return without the variance.

2. The plight of the owner is due to unique circumstances.

Staff: The unique circumstance is that the lot is considerably larger than a typical R-1 lot and both the house and detached garage are proposed to be set back considerably more than is required.

3. The variance, if granted, will not alter the essential character of the locality.

Staff: No. The variance will not alter the essential character of the area.

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. The physical surroundings, shape or topographical conditions of the specific property involved would bring a hardship upon the owner, as

distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.

Staff: The proposed accessory building can be constructed elsewhere on the property. However, given that the house and accessory garage are set back considerably further than minimum requirements, staff has no objection to putting the accessory garage in front of the house.

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

Staff: Very few lots zoned R-1 are 2+ acres in size and deep enough to allow a house and detached garage to be set back approximately 200 ft. from the front property line. These conditions would not be applicable generally to other property in the R-1 zoning district.

3. The alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this Chapter.

Staff: The situation is caused by the property owner. However, given the size of the lot and setback of the house and garage, staff has no objection.

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

Staff: Granting the variance will not be detrimental to the public welfare of in the neighborhood.

5. The proposed variance will not 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.

Staff: The proposed variance will not impair the supply of light or air or substantially increase the danger of fire or otherwise endanger the safety or diminish property values.

Recommendation:

Approve motion granting a variance to Kevin Wood at 2510 Burris Dr. to allow an accessory building in the side yard based on the following findings.

1. The variance is in harmony with its general purpose and intent of the zoning ordinances of the city.
2. The plight of the owner is due to unique circumstances. The property is 2.377 acres in size and the house and detached garage are set back approximately 200 feet, far more than the 30 ft minimum setback in the R-1 zoning district.

3. The property is 2.377 acres and significantly larger than most R-1 lots.
4. The variance will not alter the essential character of the locality.
5. The conditions upon which the petition for variance is based would not be applicable generally to most R-1 properties in the same zoning classification.
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.

F. Action Item (ID # 3929)

WOOD ACCESSORY STRUCTURE VARIANCE, 2510 BURRIS DR.



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
**SUBJECT: PUBLIC HEARING MINISTERIAL ALLIANCE FRONT YARD
 SETBACK VARIANCE 1311 SANDERS**

Type of Item: *Approval*

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: Request a variance at 1311 Sanders St. to allow 1) an existing dock to extend approximately 10 ft. further into the front yard setback and 2) a roof over the dock to be extended into the front yard setback approximately 20 ft.

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, June 8, 2021 at 6 PM at Harrisonville City Hall at 300 E Pearl St., Harrisonville, MO 64701 to receive public testimony on an application from the Harrisonville Ministerial Alliance - Shepherd's Staff Food Pantry for a variance at 1311 Sanders St. to allow 1) an existing dock to extend approximately 10 ft. further into the front yard setback and 2) a roof over the dock to be extended into the front yard setback approximately 20 ft. Individuals are invited to make oral comments in the meeting or send written comments for the BZA to Roger Kroh, City Planner, at rkroh@harrisonville.com <<mailto:rkroh@harrisonville.com>> or at City Hall, 300 E. Pearl St., Harrisonville, MO 64701.

Jamie Martin

Secretary to the Planning and Zoning Commission

G. Action Item (ID # 3930)

PUBLIC HEARING MINISTERIAL ALLIANCE FRONT YARD SETBACK VARIANCE
1311 SANDERS



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: June 4, 2021
SUBJECT: MINISTERIAL ALLIANCE FRONT YARD SETBACK VARIANCE 1311 SANDERS

Type of Item: Approval

General Information

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 425.325 for a variance from the 35ft. front yard setback regulations to allow an encroachment of 20 ft. for a new roof over the existing dock and an encroachment of 30 ft. to add 10 ft. of additional uncovered space to the existing deck.

Background:

Debbie Glazner with the Shepherd's Staff Food Pantry and the Harrisonville Ministerial Alliance at 1311 Sanders St. are requesting a variance from the 35-ft minimum front yard setback in the C-2 Services Business District to:

- 1) construct a new roof that will completely cover the existing dock. The roof will extend approximately 20 ft. into the front yard setback, and
- 2) extend the existing dock approximately 10 ft. closer to Sanders St. This will increase the encroachment of the dock from approximately 20 to 30 ft. into the front yard setback. This portion of the dock will be uncovered.



Photo 1



Photo 2



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

Chapter 405.610 to 405.625 of the zoning ordinance of the city provides the following guidance regarding matters before the Board of Zoning Adjustments.

Section 405.610 Purpose

The Board of Zoning Adjustment may grant variances from the provisions of this Chapter in harmony with its general purpose and intent and may vary them only in specific instances hereinafter set forth. The Board of Zoning Adjustment, based on standards hereafter prescribed and after hearing, may decide that there are practical difficulties or hardship in the way of carrying out the strict letter of these regulations. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement or decision of the party appealed from or to issue an order or variance or to decide in favor of an appellant.

Section 405.615 Standards (A) states the Board of Zoning Adjustment may vary the provisions of the Zoning and Subdivision Regulations as authorized in this Section, but only when it shall have made findings upon evidence presented to it in the following specific cases.

1. The property in question cannot 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 : If sold, the ministerial alliance building will yield no greater return with the extended dock and dock roof.

Staff : We concur

2. The plight of the owner is due to unique circumstances.

Applicant: The unique circumstance is that the food pantry is providing an essential service to the residents of Harrisonville and Cass County. Without it, many individuals and families in need would be without food or have to travel farther distances for it. The many unpaid volunteers getting the food out each Friday need adequate protection overhead from the elements and additional dock space on which to work.

Staff: We concur and support the encroachment to allow the existing dock to be covered. However, we do not support extending the dock by an additional ten (10) which will bring the dock to within 5 ft. of the property line.

3. The variance, if granted, will not alter the essential character of the locality.

Applicant: We do not believe that extending the dock and roof structure will alter the character of the neighborhood. Other than the two homes that have a few of the dock area at the food pantry, the area is predominately business.

Staff: We concur that covering the exiting dock will not alter the character of the neighborhood. However, we believe that extending the dock an additional ten (10) will alter the character of the neighborhood.

Section 405.615 (B) states that 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 particular hardship, take into consideration the extent to which the following facts, favorable to the applicant, have been establish by the evidence. have been established by the evidence.

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular 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 strict letter of the regulations is carried out, it will create a hardship for the volunteers in that they will not have adequate protection from the elements and adequate room in which to provide groceries to approximately 200 families each week.

Staff: We agree that the present situation creates a hardship and support covering the existing dock. However, we do not support allowing the dock to be extended an additional ten (10) feet toward the front property line.

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

Applicant: 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 food pantries providing this essential service.

Staff: We agree.

3. The alleged difficulty or hardship has not 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: Yes, we are creating our own difficulty hardship by having a food pantry at this location. However, we believe the public benefit of this essential service outweighs the encroachment of a roof and dock into the front yard setback.

Staff: We concur and support the roof over the existing dock, but not extending the dock ten (10) additional feet.

4. The granting of the variance (will) not be detrimental to the public welfare in the neighborhood in which the property is located.

Applicant: Given that the Ministerial Alliance buildings are in a commercial area and the buildings will partially shield the view of the dock area, we do not believe the encroachment into the front yard of the dock and roof will be detrimental to the public welfare in the neighborhood.

Staff: We do not believe that allowing a variance so the existing dock can be covered will be detrimental to the neighborhood. We do believe extending the dock to within five (5) feet of the front property line will be detrimental.

5. The proposed variance 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 within the neighborhood.

Applicant: We do not believe that extending the dock and roof structure 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.

Staff: We agree that extending the roof structure 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. We do however believe that bringing the dock to within five (5) of the front property line will have a negative impact.

Recommendation:

Approve variance from Zoning Regulation Section 425.325 for a variance allowing an encroachment into the front yard setback by 20 ft. to permit a roof structure to be built over the existing loading dock 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.
3. The public benefit of having a food pantry in the community outweighs denying an encroachment to allow the existing loading dock to be covered.

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 a roof over the loading dock will be detrimental to the public welfare in the neighborhood.
5. The covered loading dock 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 impair property values in the neighborhood.

Staff does not support an additional ten (10) foot encroachment to allow the loading dock to be extended to within five feet of the front yard property line.

H. Action Item (ID # 3933)

MINISTERIAL ALLIANCE FRONT YARD SETBACK VARIANCE 1311 SANDERS