



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
SEPTEMBER 14, 2021
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes - DEFERRED TO NEXT MEETING**
- 3. Agenda Items**
 - A. Public Hearing -- Patrick Flanner, 1701 E. South St, Accessory Building**
 - B. Patrick Flanner, 1701 E. South St, Accessory Building**
 - C. Public Hearing Loving Cup, LLC Front Yard Setback - 1700 N SR 291**
 - D. Loving Cup, LLC Front Yard Setback - 1700 N SR 291**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 10th day of September, 2021.

Daniel Barnett , City Clerk



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: September 10, 2021
SUBJECT: Public Hearing -- Patrick Flanner, 1701 E. South St, Accessory Building

Type of Item: *Approval*

PUBLIC HEARING

Location: 1701 E. South St.

Applicant: Patrick Flanner, owner

Request: A variance from Zoning Regulations which require detached structures to be behind the rear building line of a house. The applicant is seeking a variance to allow a 2-car detached garage to be in the side yard of a single family home due to the lot configuration. The detached garage will meet or exceed the 8-ft. side and rear yard setbacks for accessory structures.

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, September 14, 2021 at 6 PM at Harrisonville City Hall at 300 E Pearl St., Harrisonville, MO 64701 to receive public testimony on an application from Patrick Flanner for a variance at 1701 E. South St. to allow a detached garage to be constructed in front of the rear building line of the house. The application is available for review at City Hall. 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

A. Action Item (ID # 4017)

Public Hearing -- Patrick Flanner, 1701 E. South St, Accessory Building



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: September 10, 2021
SUBJECT: Patrick Flanner, 1701 E. South St, Accessory Building

Type of Item: *Approval*

General Information

Location: 1701 E. South St.

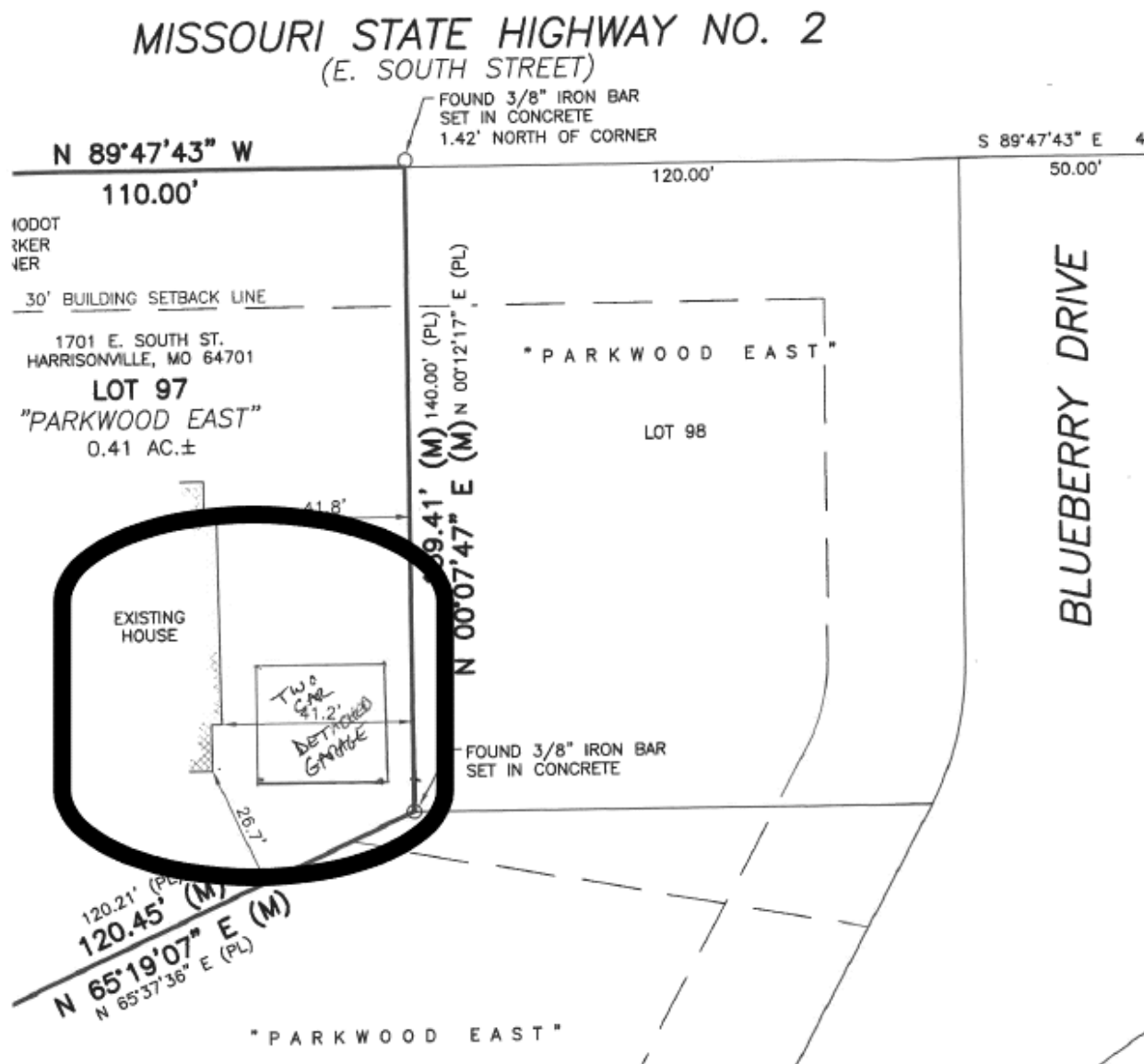
Applicant: Patrick Flanner, owner

Request: A variance from Zoning Regulations which require detached structures to be behind the rear building line of a house. The applicant is seeking a variance to allow a 2-car detached garage to be in the side yard of a single family home due to the lot configuration. The detached garage will meet or exceed the 8-ft. side and rear yard setbacks for accessory structures.

Background:

The applicant has acquired a house at 1701 E South Street that has no garage. Due to the Nevada-like shape of the lot, the rear yard is not sufficiently deep enough to allow the garage, an accessory building, to be constructed behind the rear building line of the house as required by code. Thus, he is seeking a variance to allow a 2-car detached garage to be constructed in the side yard of the single family home.





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 : No, the marketability of the home is greatly diminished absent a functional garage.

Staff : We concur

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

Applicant: Yes, the shape of the lot and location of the house on the lot create a unique circumstance.

Staff: We concur

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

Applicant: No, it should enhance the value of the property and surroundings.

Staff: We concur

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 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: Yes

Staff: We concur

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

Applicant: Just the property.

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: No response

Staff: 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. The difficulty was created when the land was divided before May 13, 1991.

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

Applicant: Not in my opinion

Staff: We concur

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: No, to the contrary. It should help property values.

Staff: We concur.

Recommendation:

Approve variance allowing an accessory building in the side yard of a single family home for the reasons stated in the staff report.

B. Action Item (ID # 4018)

Patrick Flanner, 1701 E. South St, Accessory Building



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: September 10, 2021
SUBJECT: Public Hearing Loving Cup, LLC Front Yard Setback - 1700 N SR 291

Type of Item: *Approval*

PUBLIC HEARING

Location: 1700 N SR 291
 Pad site at southeast corner of Walmart Supercenter

Applicant: Jacob Burnett, Loving Cup, LLC

Request: Front Yard Setback Variance

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, September 14, 2021, at 6 PM at Harrisonville City Hall at 300 E Pearl St., Harrisonville, MO 64701 to receive public testimony on an application from Loving Cup LLC for a front yard setback variance at 1700 N SR 291 to allow a 30 ft. front yard setback instead of the required 35 ft. front yard setback. The applicant wishes to construct a drive-up coffee kiosk at the southeast corner of the Walmart Supercenter parking lot. The application is available for review at City Hall. 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 or at City Hall, 300 E. Pearl St., Harrisonville, MO 64701.

Jamie Martin
 Secretary to the Planning and Zoning Commission

C. Action Item (ID # 4019)

Public Hearing Loving Cup, LLC Front Yard Setback - 1700 N SR 291



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Roger Kroh, Planner
DATE: September 10, 2021
SUBJECT: Loving Cup, LLC Front Yard Setback - 1700 N SR 291

Type of Item: *Approval*

General Information

Location: 1700 N. SR 291, Southeast Corner of Walmart Supercenter Tract

Applicant: Jacob Burnett, Loving Cup, LLC

Engineer: Dan Finn, PE, Phelps Engineering

Property Owner: Wal-Mart Real Estate Business Trust

Request: A variance from Zoning Regulations for a front yard setback variance at 1700 N SR 291 to allow a 30 ft. front yard setback instead of the required 35 ft. front yard setback.

Background:

The applicant wishes to construct a drive-up coffee kiosk at the southeast corner of the Walmart Supercenter parking lot at 1700 N SR 291. The kiosk meets the 35-ft front yard setback requirement along SR 291. However, there is one point where the setback is only 30 feet. The applicant could move the kiosk northward 5 ft so as to avoid the conflict. However, this would put them in the FEMA flood plain in the Walmart parking lot. Given the kiosk meets the 35-ft setback as most points along SR 291, staff supports the 5 ft variance for this one location.



SEE ATTACHED SITE PLAN

**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 : No, the proposed property is significantly limited by existing FEMA 100-year flood zone and building setback requirements. The significant limit the available building pad size and location which hampers potential development/

Staff : We concur

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

Applicant: Yes, the existing FEMA 100- year flood plan reducing the proposed property building pad size and location.

Staff: We concur

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

Applicant: The proposed variance will not alter the character of the locality and/or neighborhood. The proposed drive thru kiosk is consistent with the surrounding commercial development. The proposed building location and access will not cause any hardships on adjacent property owners.

Staff: We concur

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 established 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: Yes, the current building setback regulation, combined with the existing 100-year flood plain will ensure this proposed site remains an existing parking lot in lieu of a new development.

Staff: We concur

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

Applicant: The reasons for the variance are specific to this property and the relationship of the building setback and 100-year flood plain.

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: No, the hardship has not been created by any person having an interest in the property.

Staff: We believe the hardship is created by this project but have no objection to the variance being granted.

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

Applicant: No, granting the variance will provide a new reputable business to the neighborhood which is consistent with the surrounding commercial use.

Staff: We concur

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: No, the proposed variance will cause no danger of fire or endanger the public or the public safety. The proposed variance will not impair property values within the neighborhood. The proposed variance will not impair an adequate supply of light and air to adjacent properties.

Staff: We concur.

Recommendation:

Approve variance allowing a front yard setback of 30 ft. for the reasons stated in the staff report.

D. Action Item (ID # 4020)

Loving Cup, LLC Front Yard Setback - 1700 N SR 291

Attachments:

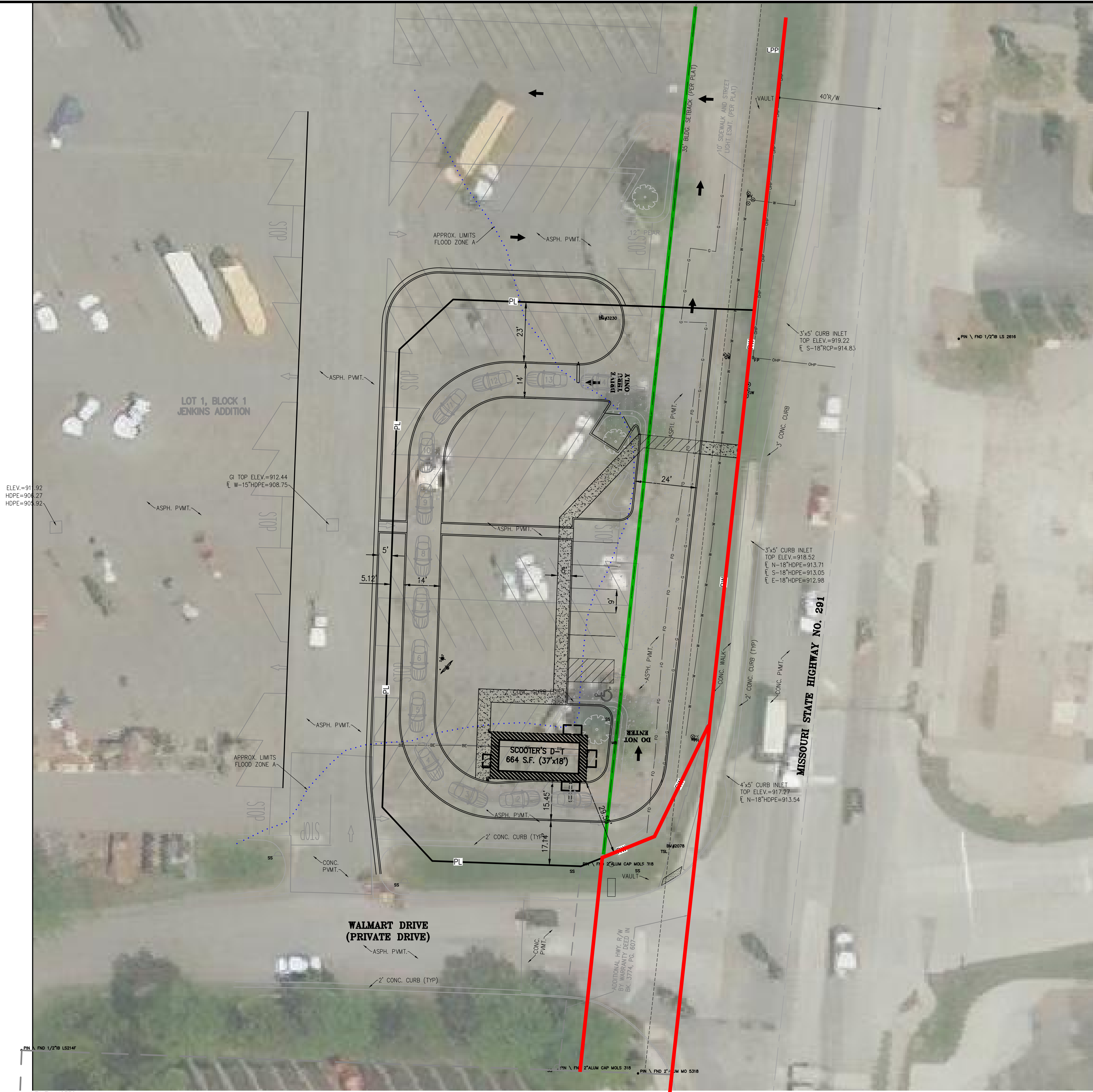
C1.1 SITE - AERIAL (PDF)

\\PHELPS-SERVER\Projects\1\210699.dwg (Permit Plans) SITE.dwg Layout: AERIAL Aug 18, 2021 - 2:39pm Daniel Finn



Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR
LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



SITE PLAN NOTES:

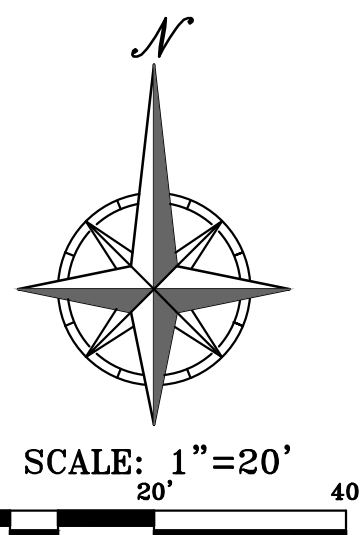
1. All construction materials and procedures on this project shall conform to the latest revision of the following governing requirements, incorporated herein by reference:
A) City ordinances & O.S.H.A. Regulations.
B) The City of Lee's Summit Technical Specifications and Municipal Code.
C) All construction shall follow the City of Lee's Summit Design and Construction Manual as adopted by Ordinance 5813. Where discrepancies exist between these plans and the Design and Construction Manual, the Design and Construction Manual shall prevail.
2. The contractor shall have one (1) signed copy of the plans (approved by the City) and one (1) copy of the appropriate Design and Construction Standards and Specifications at the job site at all times.
3. The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City of Lee's Summit, Missouri, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits, bonds and insurance shall be the contractor's responsibility and shall be included in the bid for the work.
4. The contractor is responsible for coordination of his and his sub-contractor's work. The contractor shall assume all responsibility for protecting and maintaining his work during the construction period and between the various trades/sub-contractors constructing the work.
5. The demolition and removal (or relocation) of existing pavement, curbs, structures, utilities, and all other features necessary to construct the proposed improvements, shall be performed by the contractor. All waste material removed during construction shall be disposed off the project site. The contractor shall be responsible for all permits for hauling and disposing of waste material. The disposal of waste material shall be in accordance with all local, state and federal regulations.
6. Contractor shall be responsible for all relocations, including but not limited to, all utilities, storm drainage, sanitary sewer services, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities specifications and shall be approved by such. All cost shall be included in base bid.
7. All existing utilities indicated on the drawings are according to the best information available to the Engineer; however, all utilities actually existing may not be shown. The contractor shall be responsible for contacting all utility companies for an exact field location of each utility prior to any construction. All underground utilities shall be protected at the contractor's expense. All utilities, shown and unshown, damaged through the negligence of the contractor shall be repaired or replaced by the contractor at his expense.
8. The contractor will be responsible for all damage to existing utilities, pavement, fences, structures and other features not designated for removal. The contractor shall repair all damages at his expense.
9. The contractor shall verify the flow lines of all existing storm or sanitary sewer connections and utility crossings prior to the start of construction. Notify the engineer of any discrepancies.
10. **SAFETY NOTICE TO CONTRACTOR:** In accordance with generally accepted construction practices, the contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Any construction observation by the engineer of the contractor's performance is not intended to include review of the adequacy of the contractor's safety measures, in, on or near the construction site.
11. All site concrete (curbs, pavements, sidewalks, etc.) shall meet Kansas City materials metro board (kcmmb) mix design specifications for 4,000 p.s.i. air entrained concrete. APWA detail references are provided for all geometrical and other design information.
12. Refer to the building plans for site lighting electrical requirements, including conduits, pole bases, pull boxes, etc.

SITE DIMENSION NOTES:

1. BUILDING TIES SHOWN ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC DIMENSIONS AND LAYOUT INFORMATION FOR THE BUILDINGS.
2. ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FORM BACK OF CURB TO BACK OF CURB.

PAVEMENT MARKING AND SIGNAGE NOTES:

1. PARKING STALL MARKING STRIPES SHALL BE FOUR INCH (4") WIDE WHITE STRIPES. DIRECTIONAL ARROW AND HANDICAP STALL MARKINGS SHALL BE FURNISHED AT LOCATIONS SHOWN ON PLANS.
2. HANDICAP PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO ALL FEDERAL (AMERICANS WITH DISABILITIES ACT) AND STATE LAWS AND REGULATIONS.
3. TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
4. STOP SIGNS SHALL BE PROVIDED AT ALL LOCATIONS AS SHOWN ON PLANS AND SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.
5. TRAFFIC CONTROL AND PAVEMENT MARKINGS SHALL BE PAINTED WITH A WHITE SHERWIN WILLIAMS S-W TRAFFIC MARKING SERIES B-2912 OR APPROVED EQUAL. THE PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. APPLY ON A CLEAN, DRY SURFACE AND AT A SURFACE TEMPERATURE OF NOT LESS THAN 70°F AND THE AMBIENT AIR TEMPERATURE SHALL NOT BE LESS THAN 60°F AND RISING. TWO COATS SHALL BE APPLIED.



SITE PLAN

SCOOTER'S DRIVE-THRU KIOSK
HARRISONVILLE, CASS COUNTY, MISSOURI
SITE ADDRESS: ROUTE 291 AND ROYAL STREET

PROJECT NO.	210699	No.	Date	Revisions:	By	App.
DATE: 08/09/2021	DRAWN: SCC					
CHECKED: DAF	APPROVED: JDC					
CERTIFICATE OF AUTHORIZATION						
LAND SURVEYING - LS-82						
ENGINEERING - E-361						
CERTIFICATE OF AUTHORIZATION						
LAND SURVEYING-200701028						
ENGINEERING-200700029						

SHEET

C1.1

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PLANNING
ENGINEERING
IMPLEMENTATION

