



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
MARCH 8, 2022
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Aug 10, 2021 6:00 PM**
 - B. Board of Zoning Adjustments - Regular Meeting - Sep 14, 2021 6:00 PM**
- 3. Agenda Items**
 - A. PUBLIC HEARING: Variance Application - Accessory Building - Behind Primary Structure**
 - B. CONSIDERATION: Variance application - Accessory Building - Behind Primary Structure**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 2nd day of March, 2022.

Daniel Barnett , City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
AUGUST 10, 2021
6:00 PM

1. Call to Order

The meeting was called to order at 6:02 PM by Gerald Saling

Attendee Name	Organization	Title	Status	Arrived
Jennifer Love	Harrisonville	Alternate	Present	
Michelle Hart	Harrisonville		Present	
Charles Hotchkiss	Harrisonville		Present	
April McLaughlin	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	
Viola Wieberg	Harrisonville		Present	

Also in attendance were Steve Mauer, City Attorney; Alex Freizen, City Attorney; Chris Arthur, Building Official; Andy Pollard, Electric Superintendent; Carl Brooks, Public Works Director; David Ballew, Applicants Attorney; Mitch Waldberg, Applicant; Ray Blakely via zoom, Blakely and Associates; John Grotzinger, MPA; Terry Jarrett, MPA; Glenda Moeller, Court Reporter; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Jul 13, 2021 6:00 PM

With no additions or corrections, the minutes from the July 13, 2021, meeting were unanimously accepted.

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

3. Agenda Items

A. Harrisonville Marketplace / Price Chopper Appeal - Public Hearing

Roger Kroh started the meeting by asking Mr. Ballew if he would like the applicants and the counsel to be sworn in. He said yes. The applicants and counsel were sworn in by Glenda Moeller.

Please see the Court Reporter Manuscript.

The public hearing was opened at 7:38 PM. There were no comments or questions from the public. The public hearing was closed at 7:39 PM.

B. Harrisonville Marketplace / Price Chopper Appeal

Please see Court Reporter Manuscript.

April McLaughlin made a motion to deny for the reason that their definition of private utilities under M-1 zoning. M-1 zoning does not apply under the current zoning codes that Price Chopper is currently under, and I was not convinced that it was improperly applied by the City officials at this time. And, I believe that this is the incorrect forum in which to remedy that if in fact it is incorrect, and that reason I move to deny the appeal.

Charles Hotchkiss seconded the motion.

The motion passed unanimously. Appeal denied.

RESULT:	DEFEATED [UNANIMOUS]
MOVER:	April McLaughlin
SECONDER:	Charles Hotchkiss
AYES:	Hart, Hotchkiss, McLaughlin, Saling, Wieberg

4. Discussion Items

There were no discussion items.

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 8:01 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary



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

1. Call to Order

The meeting was called to order at 6:01 PM by Gerald Saling

Attendee Name	Organization	Title	Status	Arrived
Jennifer Love	Harrisonville		Present	
Michelle Hart	Harrisonville		Present	
Charles Hotchkiss	Harrisonville		Present	
April McLaughlin	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	

Also in attendance were Pat Flanner, Applicant; Jake Burnett (via Teams Meeting), Applicant; Dan Finn (via Teams meeting), Phelps Engineering; Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes - DEFERRED TO NEXT MEETING

3. Agenda Items

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

Roger Kroh present his Staff Report. Mr. Flanner is seeking a variance from Zoning Regulations which require detached accessory structures to be behind the rear build line of a house. He is asking for the variance to build a 2-car detached garage to be allowed in the side yard at 1701 E South Street due to the configuration of the lot. The detached garage will meet or exceed the 8 foot side and rear yard setbacks. Staff recommended approval for the variance.

Mr. Flanner told the board that the house was built around 1920 and was in great shape. He is renovating it from a 5 bedroom, 1 bath house to a 4 bedroom, 3 bath house. He stated the marketability of the home would be much better with a garage. He also said that the garage would still be toward the back of the house.

With no questions or comments from the public, the Public Hearing was closed at 6:08 PM.

B. Patrick Flanner, 1701 E. South St, Accessory Building

April McLaughlin made a motion to approve the variance. Charles Hotchkiss seconded. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	April McLaughlin
SECONDER:	Charles Hotchkiss
AYES:	Love, Hart, Hotchkiss, McLaughlin, Saling

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

Roger Kroh presented his Staff Report for Loving Cup LLC. Loving Cup LLC is seeking a variance to the 35 foot front yard setback requirement along State Route 291. They are planning to construct a Scooter's Coffee kiosk at the southeast corner of the Walmart parking lot. When MODOT did improvements to 291, they took more of the Right-of-Way so a small corner will not meet the setback. They will need 29 1/2 feet in the corner. If the kiosk is moved north it will be in a floodplain.

Staff recommends approval.

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

Charles Hotchkiss asked about the mailbox that is currently sitting in that location? Mr. Burnett said that they will be having a conversation with the USPS about it being relocated.

Michelle Hart made a motion to approve the variance. Jennifer Love seconded it. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michelle Hart
SECONDER:	Jennifer Love
AYES:	Love, Hart, Hotchkiss, McLaughlin, Saling

4. Discussion Items

Roger Kroh told the Board that the minutes from the August 10, 2021, meeting would be on the next agenda for approval.

5. Adjourn

With nothing further to come before the Board, Charles Hotchkiss made a motion to adjourn. April McLaughlin seconded. The meeting was adjourned at 6:18 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary



TO: Board of Zoning Adjustments
FROM: Jim Clarke,
DATE: March 1, 2022
SUBJECT: Variance Application - Accessory Building - Behind Primary Structure

Type of Item: *Public Hearing*

A. Action Item (ID # 4125)

Variance - Accessory Building - Behind Primary Structure

Attachments:

Staff Report - BZA - Variance - Bldg. Accessory - Jim Campbell - 3-8-22 (DOC)

Final Plat - East Elm Estates Lots 16-30 (PDF)

Images(PDF)

To: Board of Zoning Adjustment (BZA)
From: Jim Clarke, Community Development Director
Chris Arthur, Building Official
Date: March 8, 2022
Re: Application for Variance.

GENERAL INFORMATION

Applicant: Jim Campbell, owner 202 Andrea Lane lot 22 (parcel #13-21-31-100-000-039.012 and vacant lot 23 (parcel #13-21-31-100-000-039.013).

Requested Actions: Application for a Variance.

Date of Application: January 25, 2022

PROPOSAL

Applicant is asking for a variance to the requirement that accessory buildings shall be behind the rear line of the primary building structure (home). He is making his application contingent and conditional on him combining lots 22 and 23, and to use building design guidelines so that the accessory building exterior appearance will complement both the home and neighborhood.

PREVIOUS ACTIONS

Required legal notices have been issued.

KEY ISSUES

Applicant is asking for a variance to the requirement that accessory buildings shall be behind the rear line of the primary building structure (home). He is making his application contingent and conditional on him combining lots 22 and 23, and using design guidelines to use building guidelines so that the accessory building exterior appearance will complement both the home and neighborhood. He will be able to meet set back requirements for rear and side setback of 8 ft to rear property line and well over that to the side property line to the north; after combining the lots.

Once combined, the new lot side yard will accommodate an accessory building (30ft east/west x 40ft north/south) which will have an east side exterior wall at the approximate mid-point of his home depth instead at the rear point of his home. Please see the attached sketch, and some other exhibits, provided by him.

Regarding Municipal Code: 405.615 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;

A reasonable return has apparently been a problem for a number of years. His home was built in 1997 shortly after the subdivision was platted in the mid 1990's. The lot in question has hence remained vacant for over 25 years now, possibly due to irregular shape and size.

2.

The plight of the owner is due to unique circumstances;

The lot shape and size is such that maintaining setbacks of 30 ft front and 30 feet rear building setbacks, with a lot depth of 94 ft on the south side and a front lot width of 81 ft, when added to the irregular shape of the lot, have obviously contributed to the lot remaining vacant all these years. Also, Lot 23 has both a north side 30 foot setback line for buildings due to being a corner lot, and it also has a 20 foot stormwater and utility easement on the north side. These have also probably contributed to the difficulty in placing a home on the lot and hence contributed to the lot remaining vacant all these years.

3.

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

With the midpoint to the existing home west side wall being the new accessory building northwest corner line up, and the design guidelines to complement the existing home, mitigation can be expected regarding the alteration of the essential character of the locality.

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;

Again, the size and shape of the lot, along with the expected size and amenities of homes in the neighborhoods, have contributed to the vacancy of the lot all these years.

2.

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

Most platted lots are sized and shaped for attractive homes and accessory uses. The majority of built out subdivisions with lots of a size and shape nature similarly detracting from viable home construction of an attractive nature to buyers, based on both home size and amenities, have either been combined with other lots and productively used, or remain vacant.

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;

It would appear the hardship was created when the lot was originally sized, shaped and platted; based on anticipated, and attractive to buyers, home and lot sizes and shapes. The effective date of this chapter was in 1991.

4.

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

Staff does not believe a conditional variance, as proposed, would be detrimental to the public welfare in the area.

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 does not believe a conditional variance, as proposed, would impair, increase, endanger, diminish or impair the above.

STAFF COMMENTS AND SUGGESTIONS

Staff comments above. Staff suggestions would be to consider a variance based on above conditions and any other conditions the BZA may deem advisable.

All legal notices have been completed.

STAFF RECOMMENDATION

Staff recommends approval of the variance with the conditions noted, and any other conditions the BZA deems appropriate. Staff would recommend that staff have review authority for approval for the exterior complementary design, regarding color, roof lines, window and door shape and sizes.

ATTACHMENTS

Aerial photo map.

Applicant sketches and info.

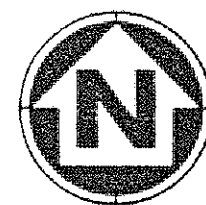
Original Plat – East Elm Estates Lots 16 thru 30.

STAFF CONTACT:

Jim Clarke

Chris Arthur

FINAL PLAT
OF
"EAST ELM ESTATES"
LOTS 16 THRU 30
A SUBDIVISION OF LAND
IN
THE CITY OF HARRISONVILLE
IN CASS COUNTY, MISSOURI



100' 0 100' 200'
SCALE IN FEET SCALE: 1" = 100'

NOTE: BEARINGS SHOWN ARE BASED UPON THE BEARINGS OF THE RECORDED FINAL PLATS OF "EAST ELM ESTATES", IN THE CITY OF HARRISONVILLE, IN CASS COUNTY, MISSOURI.

NOTE: 1/2" IRON BARS WITH PLASTIC CAPS STAMPED LS 1733 TO BE SET ON ALL BOUNDARY AND REAR LOT CORNERS, AND CURBS TO BE NOTCHED UPON COMPLETION OF STREETS, UNLESS NOTED OTHERWISE ON THIS PLAT.

● = SET 5/8" IRON BAR WITH ALUMINUM CAP STAMPED LS 1733.

○ = EXISTING 5/8" IRON BAR WITH 2" ALUMINUM CAP STAMPED BOWERS BRENIZER.

○ = EXISTING 1/2" IRON BAR WITH PLASTIC CAP STAMPED LS 1733, UNLESS NOTED OTHERWISE.

NOTE: AT THE TIME THIS PLAT WAS ISSUED TO THE OWNER A CURRENT TITLE COMMITMENT HAD NOT BEEN ISSUED.

NOTE: THIS PROPERTY IS NOT WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD ZONE ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 290783 0125 B, DATED APRIL 15, 1982.

DEDICATION:

THE UNDERSIGNED PROPRIETORS OF THE REAL ESTATE DESCRIBED HEREIN HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "EAST ELM ESTATES" LOTS 16 THRU 30. IT SHALL BE SUFFICIENT DESCRIPTION OF EACH LOT PLATTED HEREON TO BE DESIGNATED BY THE NUMBER WHICH APPEARS ON SAID LOT FOLLOWED BY THE WORDS "EAST ELM ESTATES".

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF HARRISONVILLE, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF CONDUITS, WATER, GAS AND SEWER PIPES, POLES, WIRES AND ANCHORS AND ALL OR ANY OF THEM UPON THOSE AREAS IN THIS SUBDIVISION OUTLINED ON THIS PLAT AND DEDICATED BY THE WORDS "UTILITY EASEMENT" (U.E.) OR "STORM DRAINAGE & UTILITY EASEMENT" (S.D. & U.E.).

THE USE OF ALL LOTS SHOWN ON THIS PLAT SHALL BE SUBJECT TO ANY AND ALL RESTRICTIONS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI.

THE STREETS OR ROADS SHOWN ON THIS PLAT AND NOT ALREADY DEDICATED TO THE PUBLIC, ARE HEREBY SO DEDICATED.

OWNER'S CERTIFICATE:

AS OWNER I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED AS REPRESENTED ON THIS PLAT.

IN WITNESS WHEREOF, THE UNDERSIGNED PROPRIETORS HAVE HEREUNTO SET THEIR HANDS THIS 7th DAY OF May, 1996.

John T. Southard
CITY OF HARRISONVILLE, MISSOURI

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC: Cheri L. Lawrence

MY COMMISSION EXPIRES: Feb 22, 1999

APPROVED: THE CITY PLANNING COMMISSION OF HARRISONVILLE, MISSOURI.

SIGNED: Gary W. Downey
CHAIRMAN

DATE: 5/13/96

APPROVED: THE CITY COUNCIL OF HARRISONVILLE, MISSOURI.

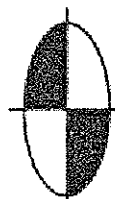
SIGNED: [Signature]
MAYOR

DATE: 5-8-96

ATTEST: Cheri L. Lawrence
CITY CLERK

THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY STATES THAT HE HAS SURVEYED THE DESCRIBED PROPERTY AND SUBDIVIDED IT AS SHOWN ON THIS PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS. HE FURTHER STATES THAT HE HAS COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND THE PLATTING OF SUBDIVISIONS TO THE BEST OF HIS PROFESSIONAL KNOWLEDGE.

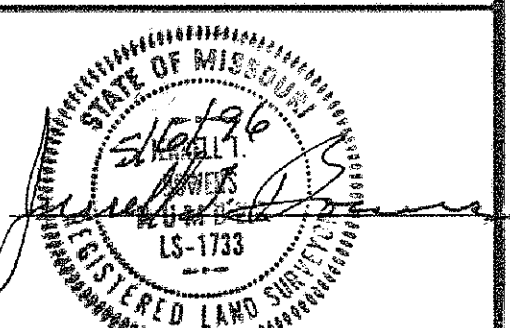
FOR: MR. JOHN SOUTHARD



BOWERS SURVEY COMPANY

110 SOUTH INDEPENDENCE P.O. BOX 71
HARRISONVILLE, MISSOURI 64701
PHONE/FAX (816) 380-4821

SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE	JOB NO.
3	44	31	CASS	MISSOURI	2/14/96	13595-96
DRAWING NO.	13595FP.DWG	DRAWN BY:	BS	CHECKED BY:		



JERRELL T. BOWERS MO

NW. CORNER OF W.1/2 OF E.1/2
OF LOT 5 OF THE NE. 1/4 OF
SEC. 3 - TWP. 44 - RNG. 31
CASS COUNTY, MISSOURI

ELM STREET

31

32

11

10

9

8

7

6

5

4

3

2

1

0

0

0

0

0

0

0

0

TRUE POINT
OF BEGINNING

CASS R-9 SCHOOL DISTRICT

MATT ST. (50' R/W)

PLATTED
"EAST ELM ESTATES"

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

SE. CORNER OF W.1/2 OF E.1/2
OF LOT 5 OF THE NE.1/4 SEC.3

DESCRIPTION: PART OF THE WEST HALF OF THE EAST HALF OF LOT 5 OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 3, TOWNSHIP 44, RANGE 31 IN THE CITY OF HARRISONVILLE, IN CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF LOT 5, AFORESAID, RUN THENCE SOUTH 0°11'08" WEST, ALONG THE WEST LINE OF THE WEST HALF OF THE EAST HALF OF SAID LOT 5, 192.75 FEET TO THE SOUTHWEST CORNER OF LOT 31, "EAST ELM ESTATES", A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, MISSOURI, AS PREVIOUSLY PLATTED AND RECORDED; RUN THENCE SOUTH 50°01'34" EAST, 240.27 FEET TO THE SOUTHWEST CORNER OF LOT 9, "EAST ELM ESTATES"; THENCE SOUTH 56°28'00" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 9, 209.94 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 7, "EAST ELM ESTATES", AND BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; CONTINUING THENCE SOUTH 56°28'00" EAST, 117.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 58°27'00" EAST, 54.47 FEET TO THE SOUTHWEST CORNER OF LOT 6, "EAST ELM ESTATES"; THENCE SOUTH 74°25'08" EAST, 164.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 0°12'33" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF LOT 5 OF THE NORTHEAST QUARTER OF SECTION 3, 720.73 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF SAID LOT 5; THENCE SOUTH 89°55'34" WEST, ALONG THE SOUTH LINE OF LOT 5 OF THE NORTHEAST QUARTER OF SECTION 3, 299.96 FEET TO THE SOUTHEAST CORNER OF LOT 15, "EAST ELM ESTATES"; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 15, AND AN EXTENSION THEREOF, 858.58 FEET TO THE TRUE POINT OF BEGINNING. SUBJECT TO ANY EXISTING EASEMENTS.

STATE OF MISSOURI
COUNTY OF CASS
RECORDED IN BOOK 14 PAGE 2
96 MAY 14 A 10:27.3
JOHN KOHLER, RECORDER
DEPUTY

RECORDING FEE \$ 25
STATE USER FEE \$ 13
TOTAL \$ 38

092047

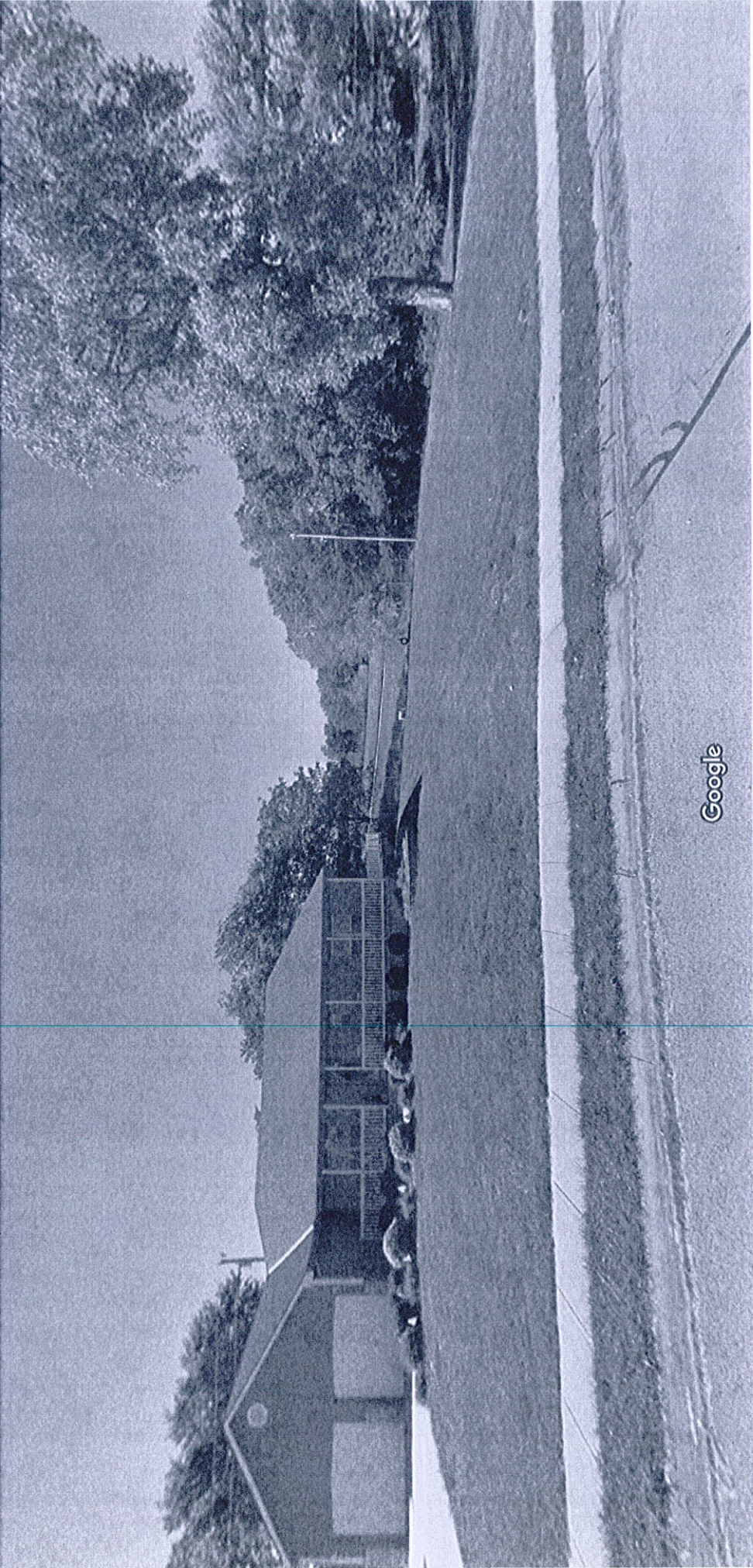


Image capture: Oct 2013 © 2022 Google

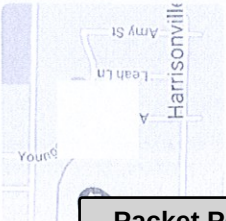
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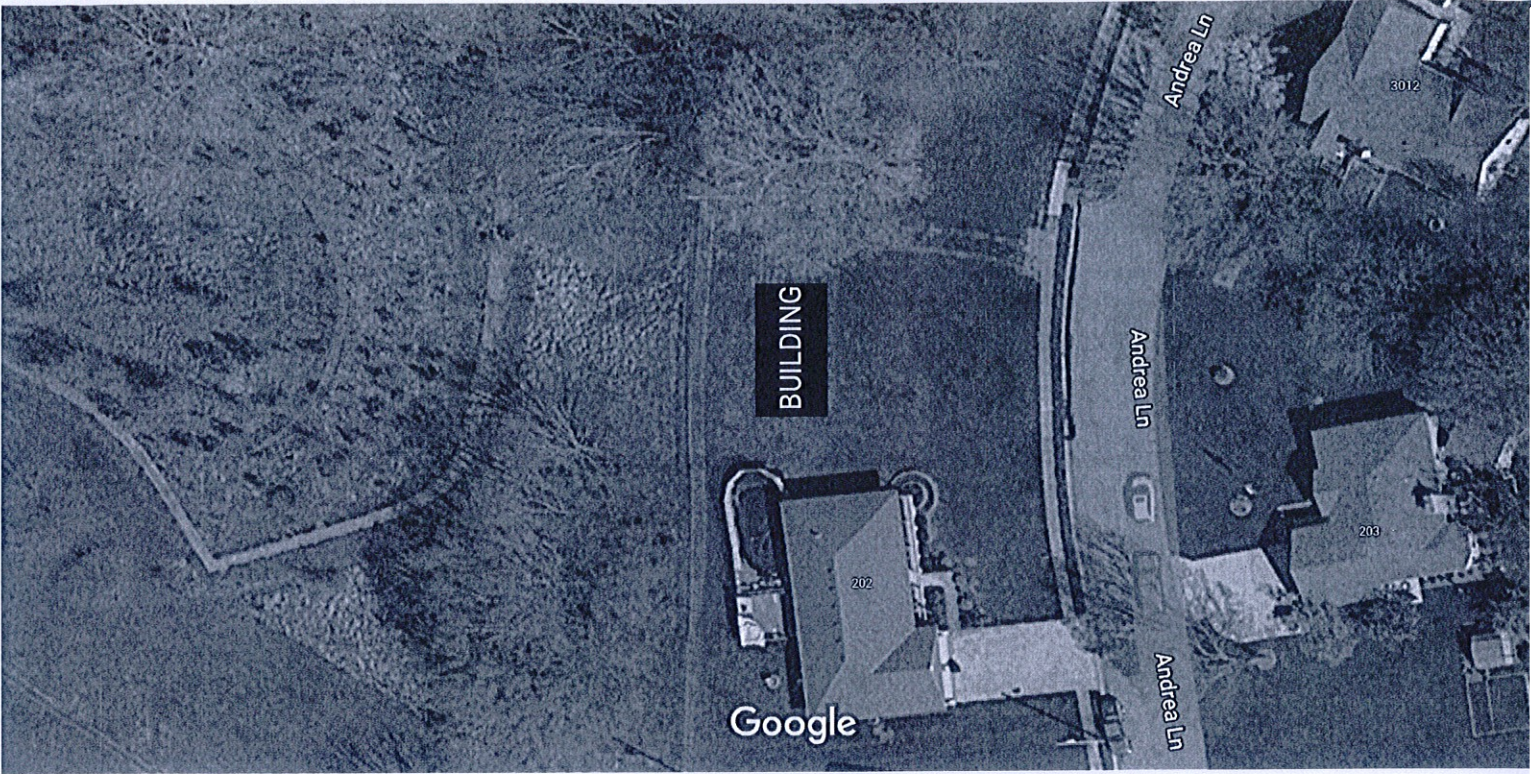
CAMP BELL HOME

Harrisonville, Missouri

Google

Street View - Oct 2013

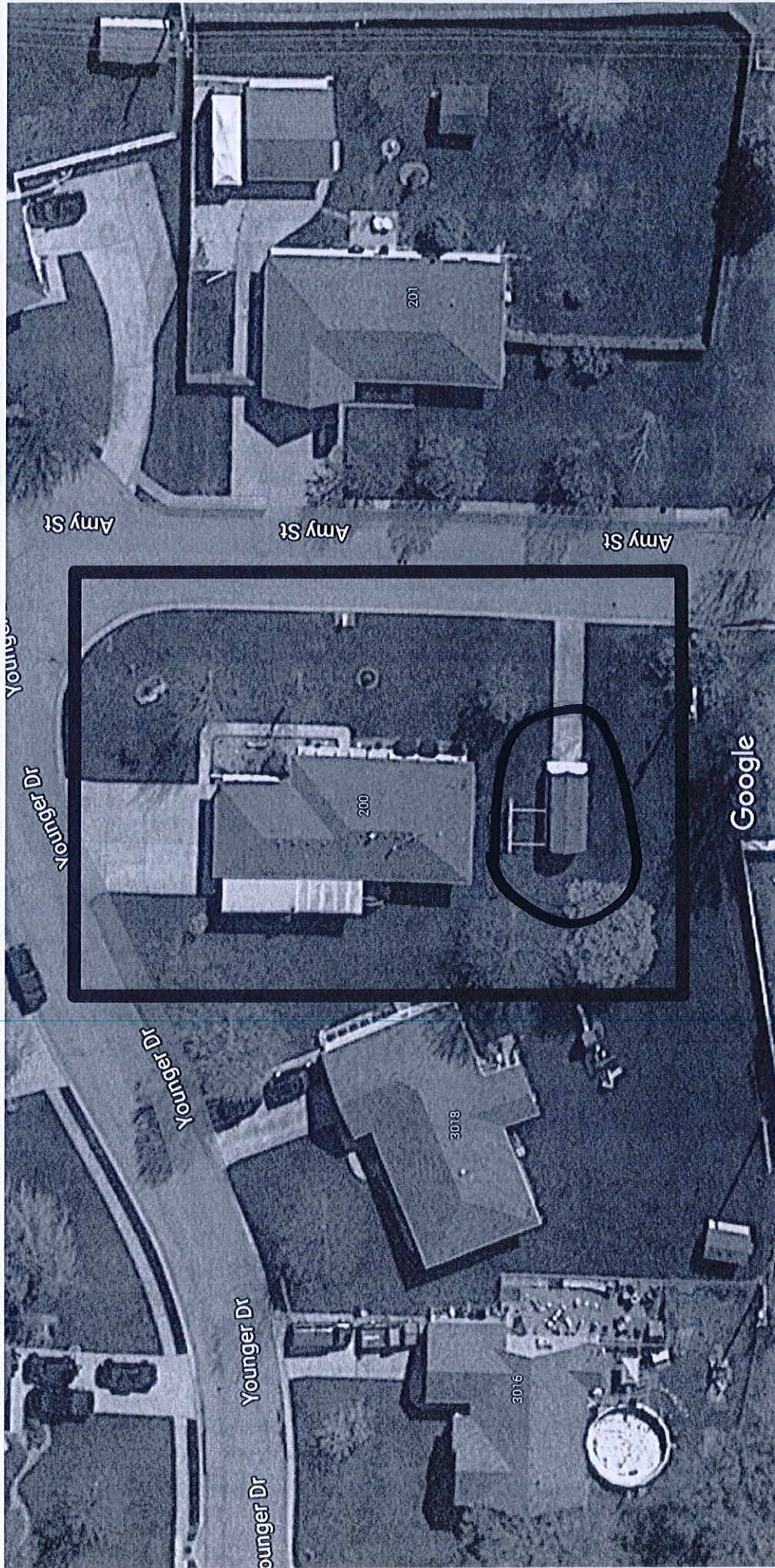




Map data ©2022, Map data ©2022 20 ft

CAMPBELL LOTS &
PROPOSED ACCESS. BLD.
LOCATION.

Attachment: Images (Variance Application - Accessory Building - Behind Primary Structure)



Map data ©2022, Map data ©2022 20 ft

**EXAMPLE OF AN EXISTING
ACCESS. IN SIDE YARD IN
THE NEIGHBORHOOD**

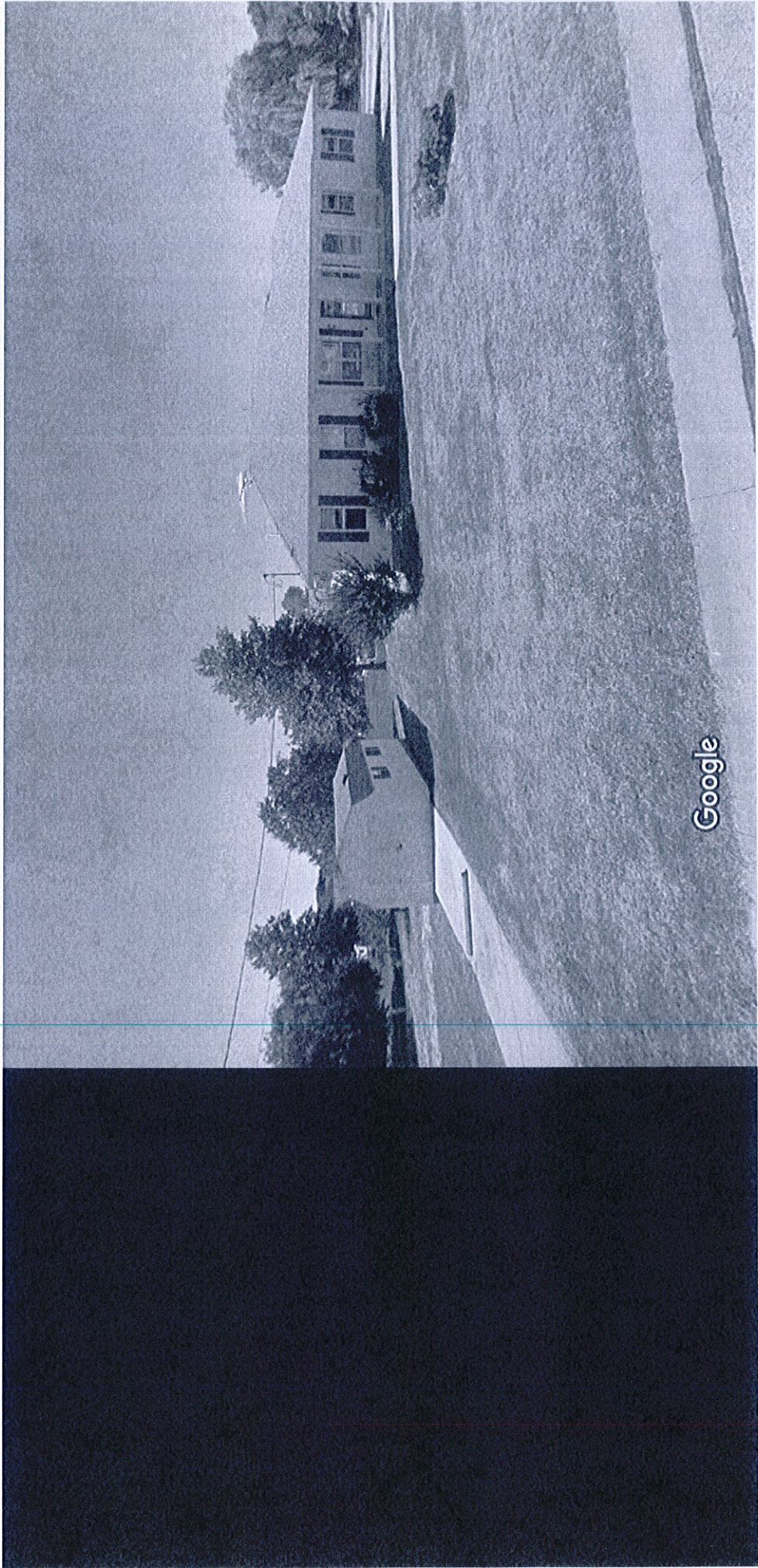
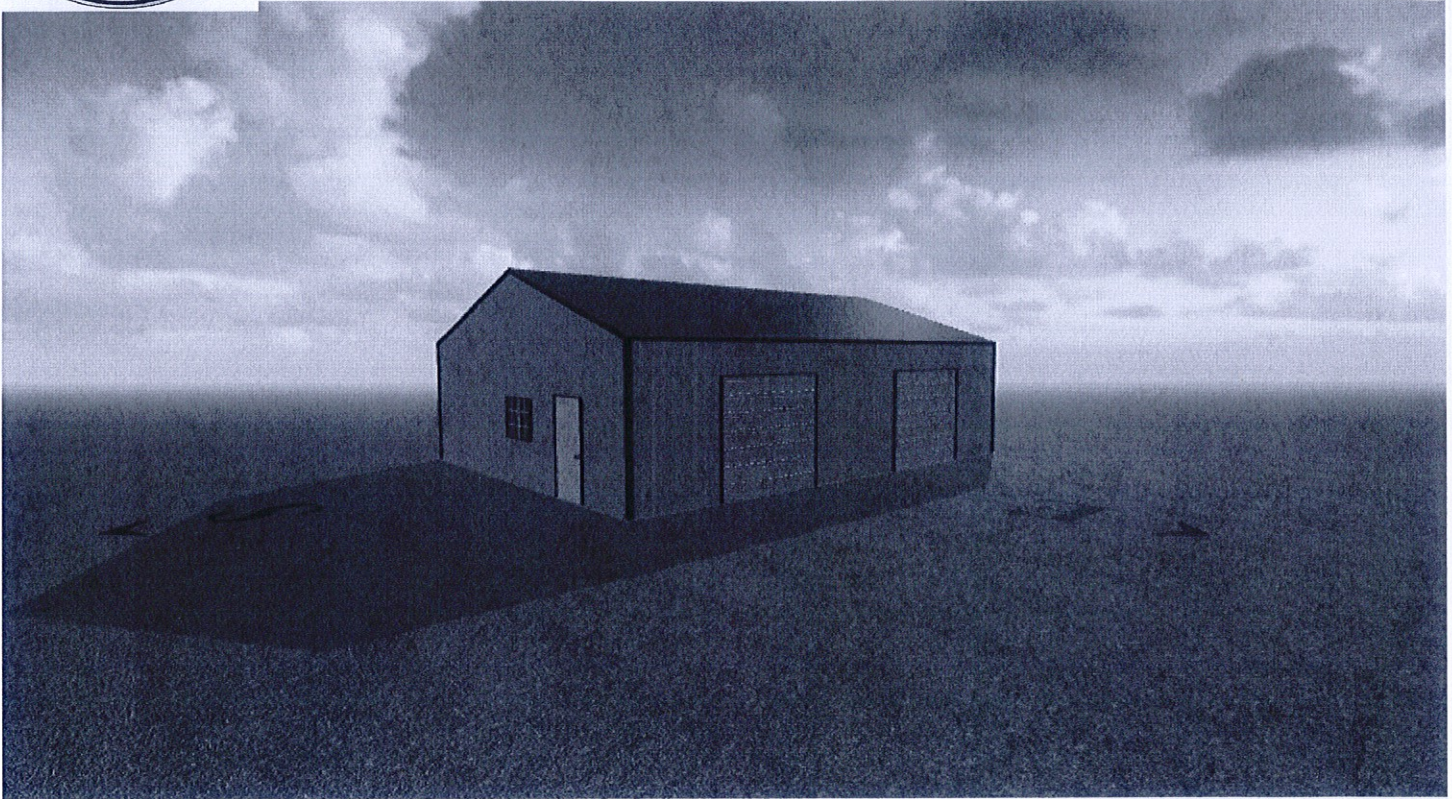


Image capture: Oct 2013 © 2022 Google

Harrisonville, Missouri
Google
Street View - Oct 2013



Worldwide Steel Building - 3D Designer



Building Specs

Width: 30'
Length: 40'
Height: 10.2312832878'
Roof Type: Gabled
Roof Rise: 4":12"
Secondary Members: Steel

Mezzanine

Porches & Overhangs

Windows & Doors

Walk Door Solid: w3.5ft x h6.7ft
Qty: 1
Window: w4ft x h3ft Qty: 1
Overhead Door: w9ft x h8ft Qty: 2

Colors

Roof Color: Forest
Wall Color: Ivory
Trim Color: Brown
Soffit Color: Ivory
Wainscot Color: Charcoal

Quality • Durability • Experience • Design • Strength • Versatility • Service
• Value

www.WorldwideSteelBuildings.com

816-608-8520



TO: Board of Zoning Adjustments

FROM: Jamie Martin, Assistant

DATE: March 2, 2022

SUBJECT: CONSIDERATION: Variance application - Accessory Building - Behind Primary Structure

Type of Item: *Approval*

B. Action Item (ID # 4126)

CONSIDERATION: Variance application