



**THE CITY OF
HARRISONVILLE**
WHERE TRADITION MEETS INNOVATION

**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
OCTOBER 11, 2022
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Aug 25, 2022 6:00 PM**
- 3. Agenda Items**
 - A. PUBLIC HEARING 604 N. King Ave. Variance to Front Yard Setback**
 - B. CONSIDERATION 604 N. King Ave. - Variance to Front Yard Setback**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 27th day of September, 2022.

Daniel Barnett , City Clerk



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
AUGUST 25, 2022
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
Jennifer Love	Harrisonville		Excused	
Michelle Hart	Harrisonville		Present	
Charles Hotchkiss	Harrisonville		Present	
April McLaughlin	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	

Also in attendance were John Coffey, Applicant; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Apr 12, 2022 6:00 PM

With no additions or corrections, the minutes from the April, 12, 2022, meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Charles Hotchkiss
SECONDER:	April McLaughlin
AYES:	Michelle Hart, Charles Hotchkiss, April McLaughlin, Gerald Saling
EXCUSED:	Jennifer Love

3. Agenda Items

A. 1202 S. Commercial St.- VAR of Section 405.550.D.2

Director Stanton presented an application for a variance to Section 405.550.D.2, to allow an accessory structure in the side yard at 1202 S Commercial Street. This is an existing 10 x 20 refrigerated structure in the side yard of the building it is being used in conjunction with. Having this in the side will make it easier for staff to monitor and have access to it. Director Stanton stated that the structure compliments the main building on the property and recommended approval.

Mr. Coffey said that Crossroads Church is currently using it to hand out food to the public once a week.

April McLaughlin made a motion to recommend approval. Michelle Hart seconded. The motion passed unanimously.

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

4. Discussion Items

A. Handbook for Boards and Commissions

Director Stanton presented the updated Handbook for Boards and Commissions. The handbook contains descriptions of duties for the Boards and Commissions, it also contains information on Attendance, Conflicts of Interest, Training, Responsibilities and Code of Ethics.

5. Adjourn

With nothing further to come before the Board, Wilbert Crawford made a motion to adjourn. April McLaughlin seconded. The meeting adjourned at 6:09 PM.

Respectfully submitted,

Jamie Martin, Recording Secretary

Minutes Acceptance: Minutes of Aug 25, 2022 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: September 27, 2022
SUBJECT: PUBLIC HEARING 604 N. King Ave. Variance to Front Yard Setback

Type of Item: *Public Hearing*

- A. Action Item (ID # 4325)**
PUBLIC HEARING 604 N KING AVE VARIANCE



TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: September 27, 2022
SUBJECT: 604 N. King Ave. - Variance to Front Yard Setback

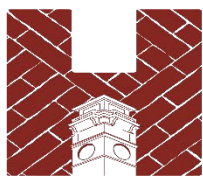
Type of Item: *Public Hearing*

B. Action Item (ID # 4324)

604 N. King Ave. - Variance to Front Yard Setback

Attachments:

Combined Variance Materials 604 N King Ave (PDF)



To: Board of Zoning Adjustment

From: Christina Stanton, AICP, Director of Community Development

Date: October 11, 2022

Re: Request for variance of Section 405.140.A.2 to allow for a 22' wide by 16' deep deck to be located in the front yard

GENERAL INFORMATION

Applicant: Jennifer Coday, 604 N. King Aveune

Requested Actions: Approval of requested variance of Section 405. 140.A.2 to allow for a 22' wide by 16' deep deck to be located in the front yard

Date of Application: September 15, 2022

PROPOSAL

Applicant is seeking a variance to the required front yard setback of 30' in the R-1, Single-Family Residential, Zoning District.

PREVIOUS ACTIONS

Required legal notices have been issued.

KEY ISSUES

Applicant is seeking a variance to the required front yard setback of 30' in the R-1, Single-Family Residential, Zoning District. The existing house was permitted in 1976, with a front yard setback of 26'; however, it should be noted that the required setback under the Zoning Regulations in place (522-B) at that time only required a setback of 25' so this house is considered legal non-conforming. The owner wishes to add a 22' wide by 16' deep deck (approximately 7" off the ground) to the front of the house, this would leave the front yard setback at 10'. The structure is approximately 21' from the edge of the pavement for N. King Avenue.

Regarding Municipal Code: 405.615 Standards

- A. 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;

The applicant states, "I believe that the deck being built off the patio and boxing the retaining wall around the tree most certainly [will] add to the house." Staff doesn't argue that allowing the deck as proposed will likely add to the value of the property, but Staff must also point out that the property has existed without the deck since it was built in 1976.

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

This standard typically refers to the shape of the lot, topographical conditions, or other unique physical surroundings of the property such as existing utilities. Staff has noticed that this is a split level, and it is not atypical for split levels to have changes in the grading near the front. Staff also pulled a Google Earth Street View image to see what the front of the property looked like prior to the deck being put into place and it is evident that the property owner had a small at grade sitting area and it does not appear that the deck extends much, if any, beyond where the retaining blocks were previously.

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

The variance, if granted, will not alter the essential character of the locality. The encroachment is towards the street and does not appear to extend out further than where the retaining blocks were previously.

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 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;

Staff does not find strong evidence that the physical surroundings, shape, or topographical conditions of the specific property has created a hardship upon the owner. Again, it is not uncommon for split level houses to have topographical changes near the front of the house. The applicant stated, "Yes, the pave stone wall was starting to fall due to the tree roots and had to be removed. This leaves no wall and will result in washing out on the driveway."

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

This variance stems from the existing house and lot being closer to the current setback and the property owner wanting to install a deck in front of her house due to the issue with the tree roots and a desire to avoid her property "washing out in the driveway" or eroding into her driveway.

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;

The effective date of this chapter was in 1991. The house was permitted in 1976 and the tree has likely existed since that point in time as well. The alleged difficulty or hardship was not created by any person having an interest in the property.

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

The granting of a variance on this property as proposed will not result in a detriment to the public welfare in the area. The only encroachment is towards the street.

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 the proposed variance will 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. The applicant stated, "No, it is only going to be 7 inches taller than the retaining wall that was there."

STAFF COMMENTS AND SUGGESTIONS

In support of the requested variance are the facts that:

- When the house was built in 1976, the required front yard setback was 25' and is part of the reason for the current situation;
- The proposed deck is roughly the same area as the previous paver stones and retaining walls;
- The encroachment is towards the street and not any of the adjacent property owners; and
- The granting of the variance will not result in a detriment to the public welfare or negatively impact the adequate supply of light and air to adjacent property or increase the danger of fire or otherwise endanger the public safety or diminish or impair surrounding property values. If anything, it will improve the value of the property and help maintain the value of the properties in the neighborhood.

STAFF RECOMMENDATION

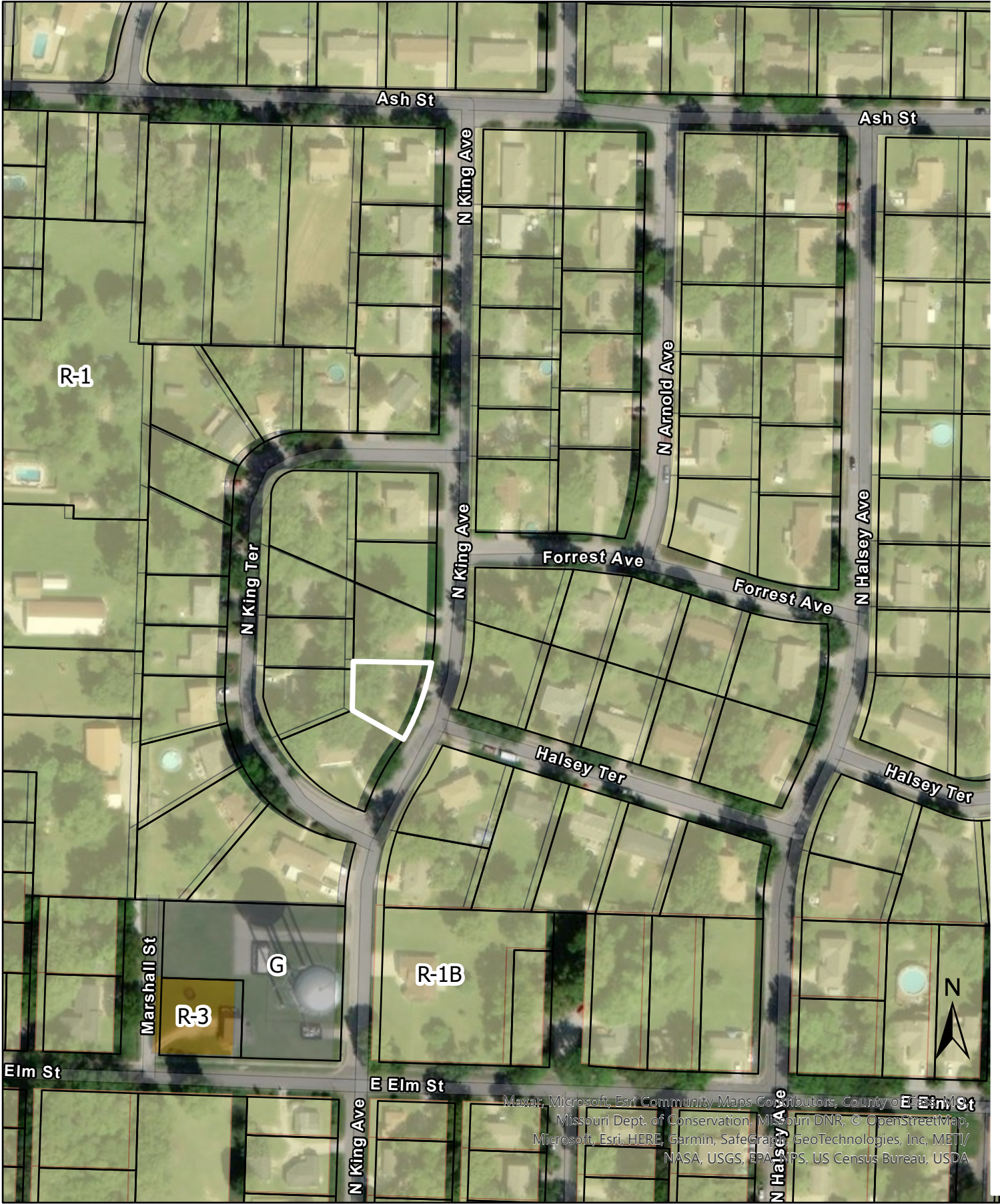
Staff recommends approval of the variance.

ATTACHMENTS

Zoning Map
Aerial Map
Application and Supporting Documents

STAFF CONTACT:
Christina Stanton

Zoning Map



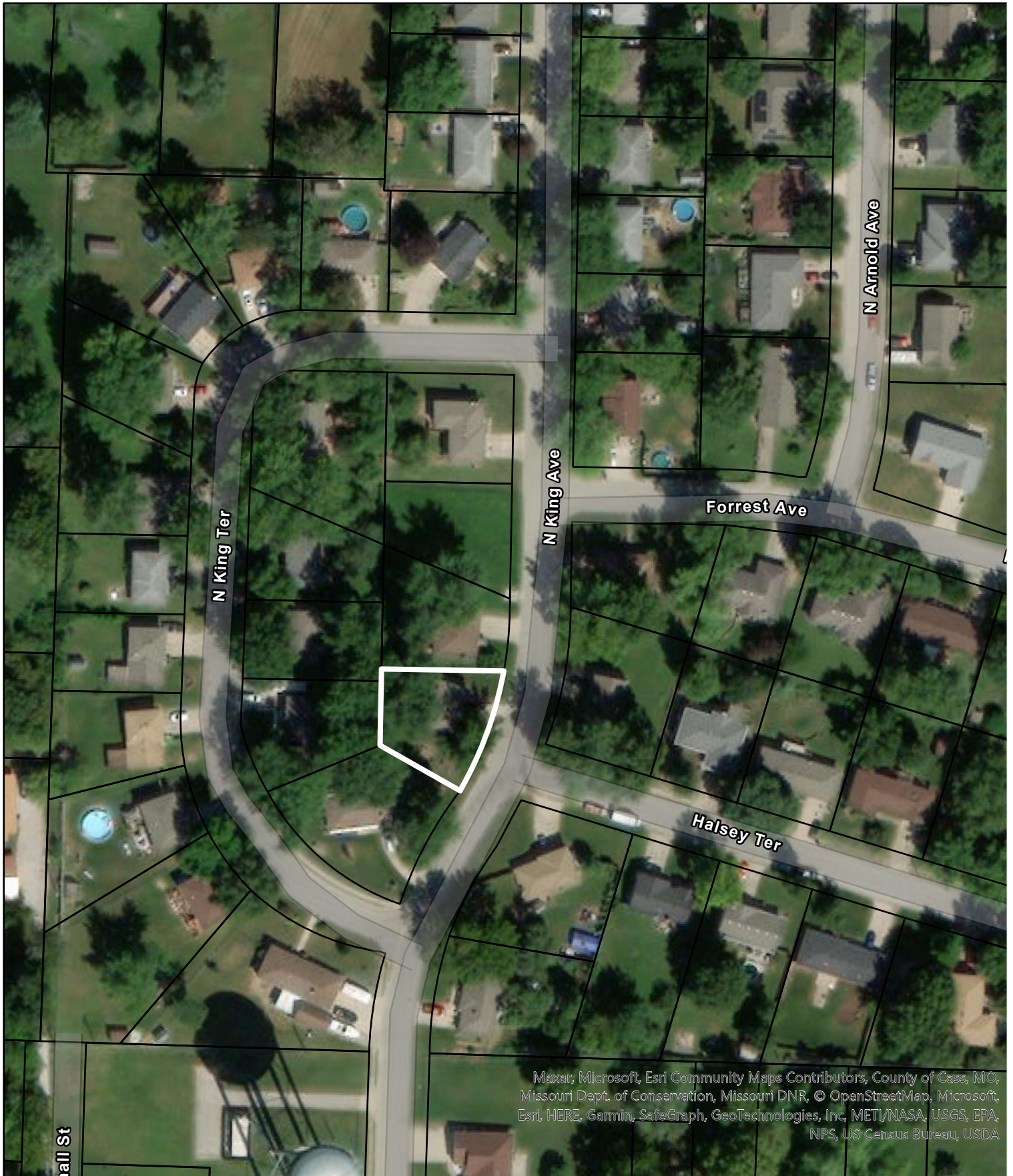
Attachment: Combined Variance Materials 604 N King Ave (604 N. King Ave. - Variance to Front Yard Setback)

Map data: Microsoft, Esri, Community Maps Contributors, County of Boone, Missouri, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA

0 0.01 0.03 0.06 Miles

Aerial Map

3.B.a



Attachment: Combined Variance Materials 604 N King Ave (604 N. King Ave. - Variance to Front Yard Setback)

Maxar, Microsoft, Esri Community Maps Contributors, County of Cass, MO, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

0 0.01 0.03 0.05 Miles

Packet Pg. 10

VARIANCE APPLICATION

DATE: 9/15/22

Applicant (Print): Jennifer Coday Signature: Jennifer Coday
Company Name: _____

Street Address: 604 N King Ave City: Harrisonville State: MO Zip: 64701
Telephone: 816-804-6844 Email: jjcoday@gmail.com

Property Owner Authorization Required if Applicant Different from Property Owner

Property Owner Name (print): _____ Signature: _____
Street Address: _____ City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Firm Preparing Application: _____
Contact: _____
Street Address: _____ City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

* All correspondence should be sent to (check one): Applicant ☒ Property Owner _____ Firm _____

Project Information

General Location or Address: 604 N King Ave Harrisonville MO 64701
Acres or Sq. Ft. 260 sq ft

Process and Submittal Requirements

City of Harrisonville Zoning Ordinance Section 405.610

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.

Step 1. Hold pre-application conference with City staff.

Step 2. Submit complete application and the following at least thirty (30) days prior to the BZA Meeting:

1. \$200 filing fee plus and actual cost of court reporter payable to the City of Harrisonville
2. Full legal description in Word format by email
3. One (1) 8 1/2 x 11 electronic copy of site plan showing property, existing and proposed structures and additional important information.

Step 3. City staff publishes legal notice and sends letters to property owners within 185 feet.

Step 4. Board of Zoning Adjustments Meeting 2nd Tuesday of month at 6 PM at City Hall.

Please Answer Following Questions

The BZA may approve a variance to the provisions of the Zoning and Subdivision Regulations, but only as allowed by the regulations and only when it has made findings based upon evidence presented to it in specific cases. *Section 405.615 (A) Standards*

1. Can the property in question yield a reasonable return if used only under the regulations governing the zoning district in which it is located?

Applicant Response:

I believe that the deck being build on the patio and fixing the retaining wall around the tree most certainly add to the house.

2. Is the plight of the owner due to unique circumstances? (Unique circumstances include, but are not limited to, the shape, topographical conditions, or physical surroundings of the property.)

Applicant Response:

The porch/deck will not be covering any more ground than what was already the with the retaining wall.

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

Applicant Response:

No, I can not see it doing anything but improve and update the overall appearance of my house.

For the purpose of supplementing the above standards and in determining whether there are practical difficulties or hardships, the BZA shall also take into consideration the extent to which the following facts have been established by the evidence. *Section 405.615 (B)*

1. If the strict letter of the regulation is carried out, will the physical surroundings, shape or topographical conditions of the specific property create a hardship for the owner as distinguished from a mere inconvenience?

Applicant Response:

Yes, the paestone wall was starting to fall due to the tree roots and had to be removed. This leave no wall and will result in washing out on the driveway.

2. Do the reasons for his variance apply just to this property or generally to other properties in the same zoning classification?

Applicant Response:

This variance only applies to the lay-out of my property only.

3. Has the alleged difficulty or hardship 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 Response:

NO

4. Will the granting of the variance be detrimental to the public welfare in the neighborhood in which the property is located?

Applicant Response: No, I can see the update only adding and improving the overall look.

5. Will the proposed variance 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 Response: No, it is only going to be 7 inches taller than the retaining wall that was there.

Resources

City Website	www.harrisonville.com/DocumentCenter/View/9508/Zoning-FDraft?bidId=
Zoning Map	
Zoning Regulations	https://www.ecode360.com/2790
Subdivision Regulations	https://www.ecode360.com/2790
Cass County GIS Map	https://cassgis.integritygis.com/h5/index.html?viewer=

Contacts

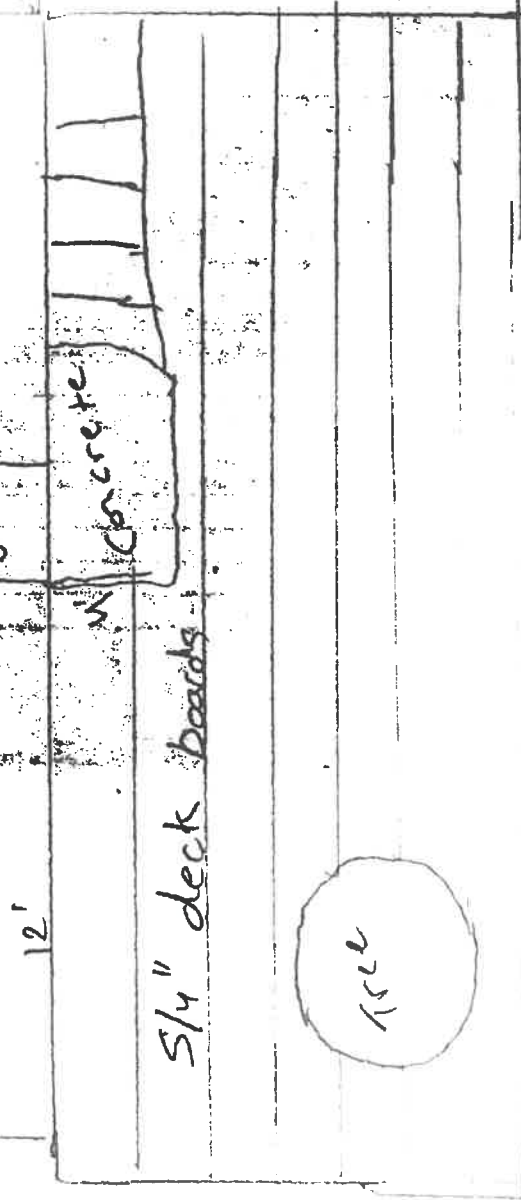
City Hall, 300 E. Pearl, Harrisonville, MO 64701		(816) 380-8900	Fax (816) 380-8910
Chris Arthur	Building Official	(816) 380-8912	carthur@harrisonville.com
Christina Stanton	Community Development	(816) 380-8922	cstanton@harrisonville.com
Ted Martin	City Engineer	(816) 380-8958	tmartin@harrisonville.com
Jamie Martin	Administrative Secretary	(816) 380-8958	jmartin@harrisonville.com
Public Works Department, 201 W. Chestnut, Harrisonville, MO 64701			Fax (816) 380-3997
Carl Brooks	Director of Public Works	(816) 380-8964	cbrooks@harrisonville.com

For Office Use Only

Case No: VAR-22-002 Filing Fee. Amount Paid: \$ 200.00 Date: 9/15/2022
 Date Application Received: 9/15/2022 BZA Meeting Date: 10/11/2022
 Note: _____

Attachment: Combined Variance Materials 604 N King Ave. - Variance to Front Yard Setback)

604 N. King Ave
Harrisville, MO

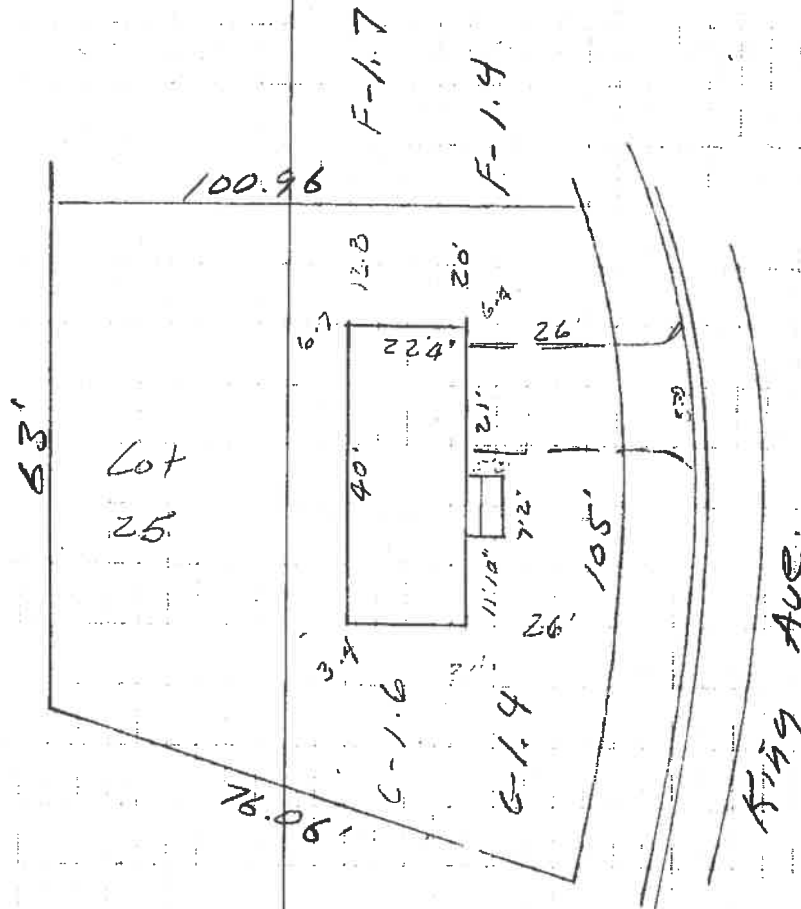


Driveway

Retaining block/pavers
underneath the perimeter
of the porch.

New structure is 7" high
front existing

Permit # 1568



Attachment: Combined Variance Materials 604 N King Ave (604 N. King Ave. - Variance to Front Yard Setback)



Attachment: Combined Variance Materials 604 N King Ave (604 N. King Ave. - Variance to Front Yard



Attachment: Combined Variance Materials 604 N King Ave (604 N. King Ave. - Variance to Front Yard