



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

**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
DECEMBER 13, 2022
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Oct 11, 2022 6:00 PM**
- 3. Agenda Items**
 - A. Side Yard Setback Variance - 1503 S. King Ave. - PUBLIC HEARING**
 - B. Side Yard Setback Variance - 1503 S. King Ave. - CONSIDERATION**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 1st day of December, 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
OCTOBER 11, 2022
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by April McLaughlin

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		Absent	

Also in attendance were Jennifer Coday, applicant; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Aug 25, 2022 6:00 PM

With no additions or corrections, the minutes from the August 25, 2022, meeting were unanimously accepted.

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

3. Agenda Items

A. PUBLIC HEARING 604 N. King Ave. Variance to Front Yard Setback

Director Stanton presented an application for a variance to Section 405.140.A.2 to allow for a 22' wide by 16' deep deck to be located in the front yard. The home was built in 1976 before the current zoning standards were in place, making the property legal non-conforming. The front setback was 25 feet at the time. The deck/structure is approximately 21' from the edge of the pavement on N. King Avenue. Jennifer Love asked if the deck was an effort to save the tree? Director Stanton said that this an effort

to keep the property from eroding down the driveway. Staff recommended approval for the reasons stated in the Staff Report.

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

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

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

4. Discussion Items

There were no discussion items.

5. Adjourn

With nothing further to come before the Board, Michelle Hart made a motion to adjourn. Jennifer Love seconded, The meeting was adjourned at 6:06 PM.

Respectfully submitted,

Jamie Martin, Recording Secretary



TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: December 1, 2022
SUBJECT: Side Yard Setback Variance - 1503 S. King Ave. - PUBLIC HEARING

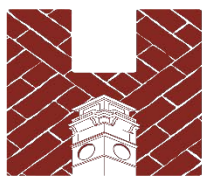
Type of Item: *Public Hearing*

A. Action Item (ID # 4393)

Side Yard Setback Variance - 1503 S. King Ave. - PUBLIC HEARING

Attachments:

BZA 12_13_22 Anthony Variance 1503 S. King Ave Packet (PDF)



To: Board of Zoning Adjustment

From: Christina Stanton, AICP, Director of Community Development

Date: December 13, 2022

Re: Request for variance of Section 405.140.A.3 and the Side Yard Setback for Lot 37, Parkwood to allow for a 28' by 30' detached garage to be located in the side yard

GENERAL INFORMATION

Applicant: Darrell Anthony, 1503 S. King Aveune

Requested Actions: Approval of requested variance of Section 405. 140.A.3 to allow for a 28' by 30' detached garage to be located in the side yard

Date of Application: November 15, 2022

PROPOSAL

Applicant is seeking a variance to the required side yard setback of 20' in the R-1, Single-Family Residential, Zoning District (Section 405.140.A.3) and the more restrictive side yard setback of 25' from the recorded plat, Parkwood, Lots 1 – 47.

PREVIOUS ACTIONS

Required legal notices have been issued.

- February 1, 1965—The Final Plat of Village South, Lots 1 – 48 was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat are 60' (includes Blueberry Drive, Edgevale Drive, and Halsey Avenue).
- November 30, 1965—The Final Plat of Parkwood, Lots 1 – 47 was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat are 50' *except Blueberry Drive*.
- July 25, 1967—The original building permit (#661) for the house located at 1503 S. King Avenue was issued by the City. This building permit indicates that the north side yard setback was approved with a setback of 26' (one foot more than what was required by the recorded plat).
- February 17, 1970—The Final Plat of Parkwood East, Lots 48 -104 was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat, *including Blueberry Drive*, are 50'.
- April 6, 1972—The Final Plat of Parkwood East, Lots 105 – 143 was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat are 50'.
- February 8, 1979—The Final Plat of Parkwood East, Lots 144 – 175 was recorded at the Cass County Record of Deeds Office. All street rights-of-way in this plat are 50'.

- October 30, 1984—The Final Plat of Parkwood East, Lots 176 – 197 was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat are 50’.
- June 6, 1985—The Final Plat of Parkwood East, Lots 198 – 224 was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat are 50’.
- December 17, 1985—The Final Plat of Parkwood East, Lots 225 – 245 was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat are 50’.
- August 30, 2000—The Final Plat of Oakwood, Lots 26 – 42 & Tract I was recorded at the Cass County Recorder of Deeds Office. All street rights-of-way in this plat, except Edgevale Drive, are 50’.

KEY ISSUES

The property is located on a corner lot with a platted side yard setback of 25’ and adjacent to that portion of Blueberry Drive that is a 60’ right-of-way according to the recorded plat (Parkwood, Lots 1 – 47). This means that any structure placed in the rear yard is required to be setback 55’ from the center of the street. Additionally, it means that the existing house does not meet the required side yard setback since the applicant has measured 50’7” from the fence and side of house to the centerline of Blueberry Drive, so not only do they need a variance to allow the proposed 28’ by 30’ detached garage structure to be located in the side yard but they also need a variance of 4’5” for the existing house that has existed in its current location since constructed in 1967. The 43’ from the corner of the proposed 28’ by 30’ detached garage is measured to the centerline. It is 7’ beyond the fence and side wall, but only 3’6” further out than the wing wall on the front side of the house.

Staff performed a careful review of the setback from centerline of Blueberry Drive as platted compared to if the setback were not more restrictive than City Code and if the right-of-way were 50’ (which is more typical). If not for the 25’ side yard setback on the recorded plat the setback from the center of the street would be 50’ from the centerline according to the required side yard setback of 20’ in the R-1, Single-Family Residential, Zoning District (Section 405.140A.3). As is evident from staff’s research of platted rights-of-way in the area, most streets have a 50’ right-of-way. If this portion of Blueberry Drive were a 50’ right-of-way rather than the platted 60’ right-of-way and the plat did not contain a more restrictive side yard setback requirement, then the side yard setback would be 45’ from the centerline. This is summarized in the table below.

Scenario	Setback from Centerline	Amount of Variance Necessitated
30’ ROW + 25’ Side Yard Setback (Based on Plat)	55’	12’
30’ ROW + 20’ Side Yard Setback (Section 405.140.A.3)	50’	7’
25’ ROW + 20’ Side Yard Setback (Typical)	45’	2’

The Applicant is seeking a variance to the more restrictive required side yard setback of 25’ as shown on the recorded plat (Parkwood, Lots 1 – 47), and the typical side yard setback required by Section 405.140.A.3 to allow for a side yard setback of 43’ from the centerline of Blueberry Drive for the proposed detached garage structure and 50’7” for the existing house.

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;

The existing house was approved by building permit #661 in 1967 and indicated that the north side setback was 26'; however, according to the measurement provided by the applicant (50'7") it appears that the north side of the house was built 19'5" from the right-of-way. This means that the existing house does not meet the required setback of either the more restrictive recorded plat or the side yard setback required by Section 405.140.A.3. This house has existed in this location since it was constructed in 1967, so staff is supportive of approving a variance of 4' 7" to the existing house to allow it to continue.

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. What is unique in this situation is that the right-of-way for Blueberry Drive in this area is 60' and not 50' and the recorded plat has a more restrictive side setback than the City Code (25' rather than 20').

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. Additionally, it should be noted that several of the surrounding property owners have signed a statement that they are supportive of the proposed placement of the structure.

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;

The particular physical surroundings, shape or topographical conditions of the specific property are not what creates the uniqueness in this situation. What is unique is the fact that this portion of Blueberry Drive is a 60' right-of-way rather than 50' and that the recorded plat contains a 25' side yard setback rather than the 20' side yard setback established in Section 405.140.A.3 of the City's Code of Ordinances.

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 greater right-of-way and the more restrictive side yard setback on the recorded plat as well as the existing house being closer to the side yard than was originally approved in 1967.

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 1967 and the plat was recorded in 1965. 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 encroachment is towards the street and several of the surrounding neighbors have signed a statement in support of the proposed location and structure.

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.

STAFF COMMENTS AND SUGGESTIONS

In support of the requested variance are the facts that:

- When the house was built in 1967, the required side yard setback from the recorded plat is 25' and this portion of Blueberry Drive has a right-of-way of 60' rather than the typical 50';
- If the right-of-way of Blueberry Drive were typical, 50', in this area and the side yard setback not more restrictive than the City Code the applicant would only need a variance of 2';
- The proposed detached garage is only 3'6" closer to the right-of-way than the existing wing wall on the north front side of the house;
- The encroachment is towards the street and the adjacent property owners are supportive of the proposed structure and location; 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.

STAFF RECOMMENDATION

Staff recommends approval of the variances:

1. A variance of 4'7" for the existing house; and
2. A variance of 12' for the proposed 28' by 30' detached garage.

ATTACHMENTS

Zoning Map
Aerial Map
Application and Supporting Documents

Zoning Map

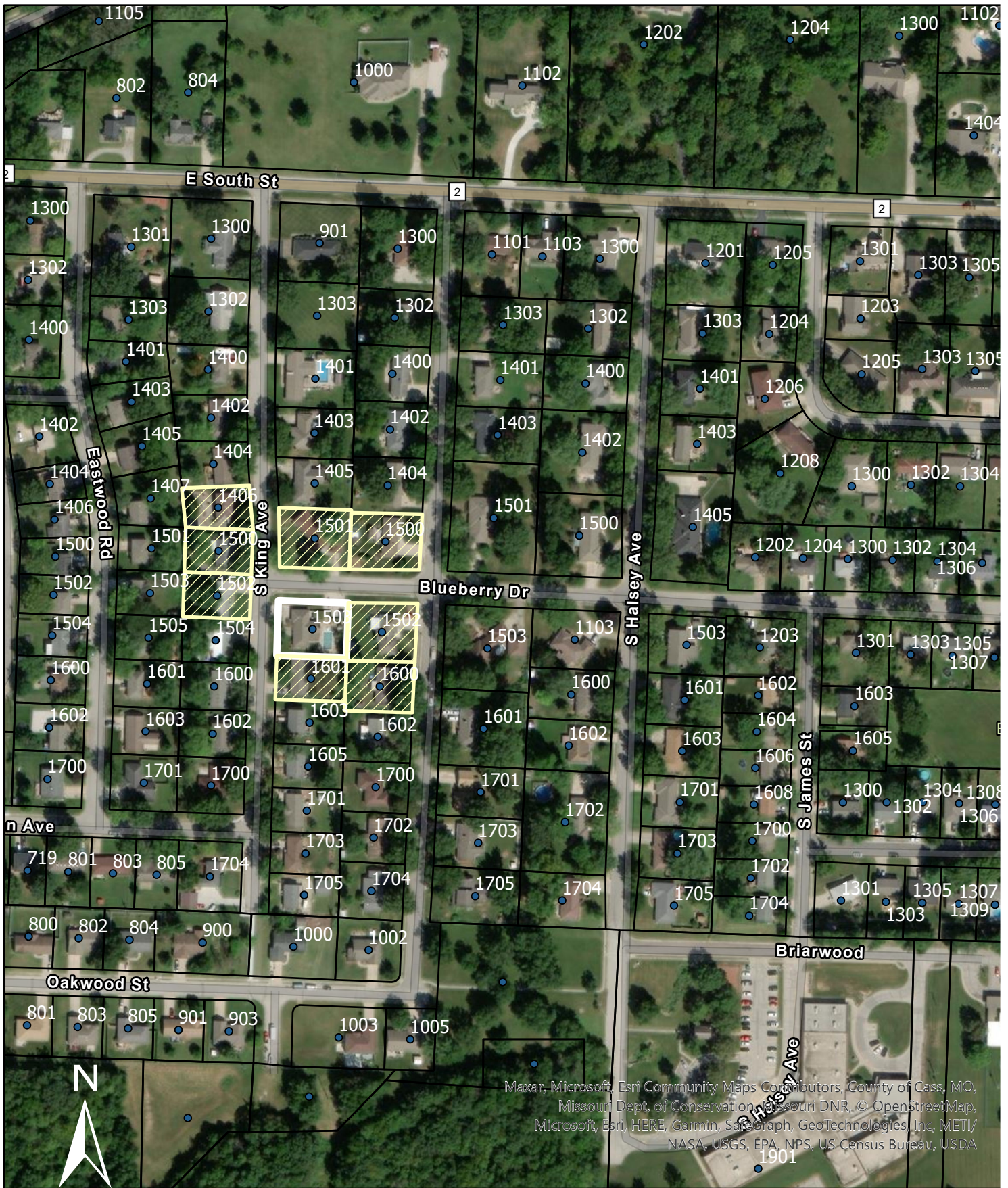


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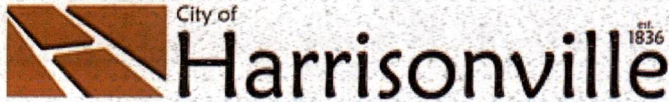
Attachment: BZA 12_13_22 Anthony Variance 1503 S. King Ave Packet (Side Yard Setback Variance - 1503 S. King Ave. - PUBLIC HEARING)

Aerial Map

3.A.a



Attachment: BZA 12_13_22 Anthony Variance 1503 S. King Ave Packet (Side Yard Setback Variance - 1503 S. King Ave. - PUBLIC HEARING)



VARIANCE APPLICATION

DATE: 11/15/22

Applicant (Print): Darrell Anthony Signature: [Signature]
Company Name: _____

Street Address: 1503 S. King Ave City: Harrisonville State: MO Zip: 64701
Telephone: 816-719-2882 Email: darrellranthony@gmail.com

Property Owner Authorization Required if Applicant Different from Property Owner

Property Owner Name (print): Darrell Anthony Signature: _____
Street Address: 1503 S. King Ave City: Harrisonville State: MO Zip: 64701
Telephone: 816-719-2882 Email: darrellranthony@gmail.com

Firm Preparing Application: Property Owner

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: 1503 S. King Ave
Parkwood Addition Lot 37, 3388/539 Acres or 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: Current regulations state that the building has to be 60' from the middle of Blueberry. We are requesting a 30x28 garage which would put the garage in the pool.

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: When the house was built in 1967, the garage was built 46.6' from the middle of Blueberry. We are requesting that the new garage be 43' from Blueberry.

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

Applicant Response: We do not believe so. We have sought out approval from all surrounding property owners. See enclosed signed statements.

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: We currently rent 2 storage shed that store our UTVs, golfcart & other misc. items. We have already had 1 golfcart stolen and need to have all personal belongings stored at our house.

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

Applicant Response: Our unstanding is that there is a 2 block area on Blueberry running from S. King Ave to Halsey St. with the 60' easement. Unclear why this only applies here in the entire town?

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: None that we are aware of.

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

Applicant Response: We do not believe so. The proposed building is going to be on the northeast side of our property. There will be more lighting than is currently provided. White vinyl fence will be installed for the betterment of the neighborhood.

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: We will have outside lighting on the building. Building is set back far enough where there will be no obstructions for safety within the neighborhood.

Resources

City Website

www.harrisonville.co

Zoning Map

<http://www.harrisonville.com/DocumentCenter/View/9508/Zoning-FinaDraft?bidId=>

Zoning Regulations

<https://www.ecode360.com/2790821>

Subdivision Regulations

<https://www.ecode360.com/2790941>

Cass County GIS Map

<https://cassgis.integritygis.com/h5/index.html?viewer=ca>

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

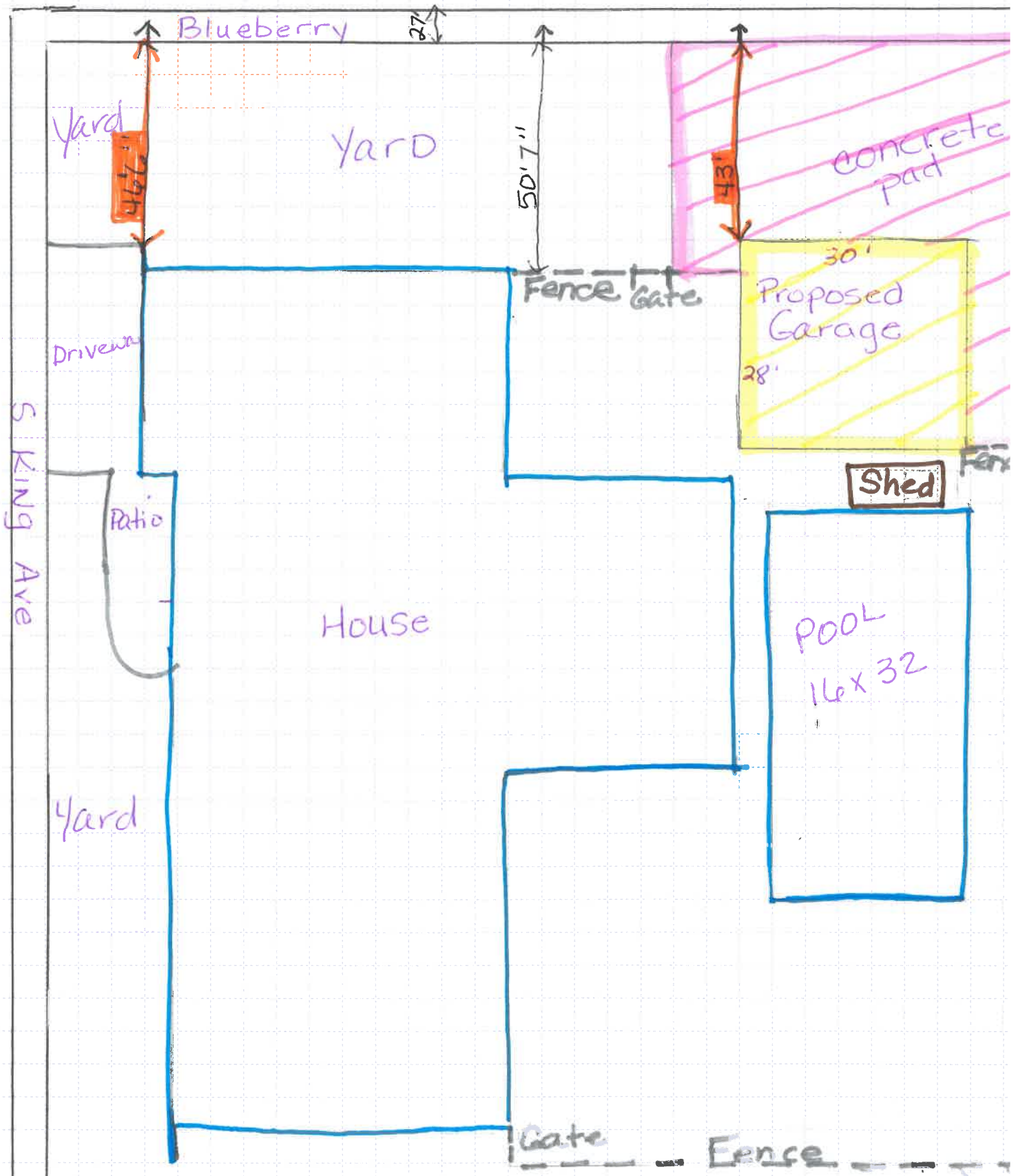
cbrooks@harrisonville.com

For Office Use Only

Case No: _____ Filing Fee. Amount Paid: \$ _____ Date: _____

Date Application Received: _____ BZA Meeting Date: _____

Note: _____



Proposed Layout

Google Maps 1503 S King Ave



Map data ©2022, Map data ©2022 20 ft



Building site
28 x 30

1503 S King Ave

Building



Directions



Save



Nearby



Send to
phone



Share

After reviewing the drawing, we have reviewed and approved of the garage to be built at Darrell and Cathy Anthony's residence of 1503 S King Ave.

Brooke Bell

Signature

11-7-22

Date

Brooke Bell 1500 S King Ave

Printed Name and Address

Casey B Belken

Signature

11-7-22

Date

CASEY B BELKEN 1406 S. KING AVE.

Printed Name and Address

Michael King

Signature

11-15-22

Date

MICHAEL KING 1501 KING ST.

Printed Name and Address

HARRISONVILLE MO. 64707

After reviewing the drawing, we have reviewed and approved of the garage to be built at Darrell and Cathy Anthony's residence of 1503 S King Ave.

William J. Drabant II 11/7/22
Signature Date

William J. Drabant II 1601 S King Ave
Printed Name and Address Harrisonville

Tara M. Drabant 11/7/22
Signature Date

1601 S King Ave. Harrisonville Tara M. Drabant
Printed Name and Address

Stephanie A. Collins 11/7/2022
Signature Date

Stephanie A. Collins
Printed Name and Address
1502 S King Ave Harrisonville, MO 64701

After reviewing the drawing, we have reviewed and approved of the garage to be built at Darrell and Cathy Anthony's residence of 1503 S King Ave.

Jody Myers
Signature

Nov. 7, 2022
Date

Jody Myers
Printed Name and Address
1500 So Edgewale Dr 64701

Debbie Case
Signature

11-7-22
Date

Debbie Case 1502 S Edgewale Dr
Printed Name and Address

Rouge & Roxy Malone 16005-Edgewale Dr.

[Signature]
Signature

11-7-22
Date

Printed Name and Address



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: December 1, 2022
SUBJECT: Side Yard Setback Variance - 1503 S. King Ave. - CONSIDERATION

Type of Item: *Approval*

B. Discussion Item (ID # 4394)

Side Yard Setback Variance - 1503 S. King Ave. - CONSIDERATION