



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

AGENDA  
CITY OF HARRISONVILLE  
BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
CITY HALL  
NOVEMBER 12, 2024  
6:00 PM

1. **Call to Order**
  - A. **Roll Call**
2. **Approval of Minutes**
  - A. **Board of Zoning Adjustments - Regular Meeting - Jul 9, 2024 6:00 PM**
3. **Agenda Items**
  - A. **Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING**
  - B. **Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - CONSIDERATION**
  - C. **Appl. #VAR-24-010--Variance of Section 405.325.B and D - PUBLIC HEARING**
  - D. **Appl. #VAR-24-010--Variance of Section 405.325.B and D - CONSIDERATION**
4. **Discussion Items**
5. **Adjourn**

Posted on City Hall Bulletin Board this 29th day of October, 2024.

Daniel Barnett

Daniel Barnett, City Clerk



**DRAFT**  
**MINUTES**  
**CITY OF HARRISONVILLE**  
**BOARD OF ZONING ADJUSTMENTS**  
**REGULAR MEETING**  
**CITY HALL**  
**JULY 9, 2024**  
**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
Vanessa Hargrave	Harrisonville	Alternate	Excused	
Bryan Wooten	Harrisonville		Present	
Michelle Hart	Harrisonville		Present	
Charles Hotchkiss	Harrisonville		Present	
April McLaughlin	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	

*Also in attendance were Chris Harty, CEI Engineering on behalf of Murphy Oil USA, Inc.; Billy and Nelda Huffman, Applicants; Twyla Embree, Applicant's daughter; Alex Felzien, City Attorney; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.*

**2. Approval of Minutes**

**A. Board of Zoning Adjustments - Regular Meeting - Jun 11, 2024 6:00 PM**

*With no additions or corrections the minutes from the June, 11, 2024, meeting were unanimously accepted.*

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	April McLaughlin
<b>SECONDER:</b>	Charles Hotchkiss
<b>AYES:</b>	Wooten, Hart, Hotchkiss, McLaughlin, Saling
<b>EXCUSED:</b>	Vanessa Hargrave

**B. Court Reporter Manuscript**

**3. Action Items**

**1. Appl. #VAR-24-006--Variance of Section 405.325.B, C and D at 1720 N. St. Rte. 291 - PUBLIC HEARING**

*Director Stanton presented the staff report for a variance application from Murphy USA Oil, Inc., seeking variance to the setback requirements for the Service Business (C-2)*

District. The applicant is requesting a variance of 10' from the required 35' front yard setback, a variance of 1.68' from the required 15' side yard setback on the south side, and a variance of 15' from the required 15' rear yard setback. The requested variances are to allow for the existing gas station to be razed and a new larger model to be rebuilt in its place. She said the Final Plat of Jenkins Addition was recorded in May of 1993 and a Lot Split creating Lots 2A and 2B, Jenkins addition was recorded in December of 2007. The key issues for this property are that it is currently zoned Service Business (C-2) District. Under the current Zoning Regulations, Section 405.325.B: "Front yard. A front yard of not less than thirty-five (35) feet shall be provided."; Section 405.325.C: "Side yards. There shall be a side yard on each side of not less than fifteen (15) feet on each side of a building."; and Section 405.325.D: "Rear yard. The depth of the rear yard shall be at least fifteen (15) feet.". She said the letter provided by CEI states that the variances are being requested due to the odd shape of the lot and because Wal-Mart is unwilling to sell them any additional property. Director Stanton said the uniqueness in this instance is that the lot is an irregular shape. This situation was created when the Lot Split was completed in 2007, which reduced the land area for Murphy's Oil. Additionally, the applicant has noted that Wal-Mart is unwilling to sell Murphy's any additional property. The granting of the variances would not alter the essential character of the area as the existing use is not proposed to change, but the building is proposed to be razed and rebuilt to a newer larger model. The proposed encroachments are towards an 80' right-of-way and Show Me Auto Mall to the east, and towards existing drives and parking lot for Wal-Mart to the west and south. She said the hardship is being caused by the irregular shape of the lot and the current property owner's desire to raze the existing building and rebuild a newer larger model. The granting of the requested variances would not result in a detriment to the public welfare in the area. The variances would allow the property owner to raze an existing gas station and rebuild a newer larger model. The requested variances will not impair an adequate supply of light or air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety nor will it substantially diminish or impair the property values within the area. Director Stanton said that Staff recommends approval of the requested variance.

Chris Harty, of CEI Engineering, spoke on behalf of Murphy USA, Oil Inc. He said that the tanks on the property are 20 years old and would be replaced. The proposed building would be a 1400 square feet walk-in station. It currently has 4 pumps and the proposed would have 6, and a new dumpster enclosure. Mr. Harty said that the lot was oddly shaped when they purchase it from Wal-Mart. April McLaughlin asked if it was possible to rebuild in the current footprint. Mr. Harty said no. The proposed prototype is much bigger than the current one. Mrs. McLaughlin asked what would be done if the variance were denied. Mr. Harty said the company would probably update the signage and replace the tanks, but leave the site as-is.

With no further questions or comments from the public, Chairman Saling closed the Public Hearing at 6:07 PM.

**2. Appl. #VAR-24-006--Variance of Section 405.325.B, C and D at 1720 N. St. Rte. 291 - CONSIDERATION**

The Variance Request failed due to not meeting the criteria for hardship with a vote of 3 agree and 2 disagree.

**3. Appl. #VAR-24-007--Variance of Section 405.550.C.5.d at 2401 Meadowlark Drive - PUBLIC HEARING**

Director Stanton presented the Staff Report for a Variance Application from James Hale seeking a variance to the fence location requirements in Section 405.550.C.5.d, specifically number 5.d which states: "On corner lots, privacy fence, chain link fence, decorative fence, wall, or hedge may be constructed or planted to a maximum height of six feet abutting the front yard setback line in the rear yard of the home. For the purposes of this Section, the rear yard is defined as the side of the house opposite the front door.". Additionally, 5.e states: "If all the following conditions apply to a corner lot, then the privacy fence, chain link fence, decorative fence, wall or hedge may be installed to a

height of six feet abutting the property line in the rear yard of the structure; i. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot.; ii. The front of each home on each lot faces in opposite directions.; iii. There is no driveway to either home from the street adjacent to the side yard of both lots.". She said in this case, we do not have an adjacent lot, but have undeveloped land. Director Stanton said the Final Plat of Meadow View, Lots 1-30 was recorded in November of 1971 and the building permit for a new single-family residential structure at 2401 Meadowlark was issued 2 years later. February 21, 2023, the Board of Aldermen approved Ordinance #3627, which included changes to the fencing regulations. The key issues for this property are that the property is currently zoned Single-Family Residential (R-1) District, the fencing regulations changed with the approval of Ordinance #3627 on February 21, 2023. The previous regulations pertaining to residential fences simply stated that "6 feet in the side yard and eight feet in the rear yard, provided sight distance shall be maintained on corner lots" was allowed. The current fencing regulations are much clearer about what is allowed and where. The fence has existed in its current state since at least 2003. She said that if we were to assume that it was installed when the house was constructed, it would mean it has existed in its current state for approximately fifty-one years. Director Stanton said the particular surroundings, shape or topographical conditions of the specific property do not create a particular hardship upon the owner. The variance stems from the owner's desire to completely remove the existing fence and replace it. Partial removal/replacement would be allowed as part of general maintenance; however, once the fence is completely removed the property owner would need a variance to replace it in its current location as it does not meet the current fence location requirements. The granting of the variance would not alter the essential character of the area as the existing structure is not proposed to change, just removed and replaced. The alleged hardship was created by changes to the fencing regulations and the homeowner's desire to completely remove and replace the existing fence. The granting of the variance would not result in a detriment to the public welfare in the area. The variance would allow the property owner to remove and replace the existing fence. The encroachment is towards Osage Street and the property owner to the east. Additionally, if the property owner were to perform general maintenance of the fence it could remain in its current location. The requested variance will not impair an adequate supply of light or air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety nor will it substantially diminish or impair the property values within the area. Director Stanton said that Staff recommends approval of the requested variance.

With no questions or comments from the public, Chairman Saling closed the Public Hearing at 6:24 PM.

**4. Appl. #VAR-24-007--Variance of Section 405.550.C.5.d at 2401 Meadowlark Drive - CONSIDERATION**

Variance request has met all of the criteria. Variance was approved.

**5. Appl. #VAR-24-008--Variance of Section 405.140.B at 1905 Harry Drive - PUBLIC HEARING**

Director Stanton presented the staff report for a variance application from Billy and Nelda Huffman, seeking a variance to the requirement that the front yard setback in the Single-Family Residential (R-1) District be 30' in Section 405.140.B. The requested variance is a variance of 7'10" from the required 30' front yard setback. The yard exception listed in Section 405.560.F allows for an encroachment of up to 6', which means that the applicant truly only needs a variance of 1'10" to the allowed encroachment. She said the Final Plat of Parkwood South, Lots 57-78 was recorded February 21, 1991. The building permit for this property was issued October 15, 1991 and the Certificate of Occupancy was issued on February 11, 1992. The key issues with this property are that it is currently zoned Single-Family Residential (R-1) District and under current Zoning Regulations, Section 405.140.B: "Front yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty feet.". Harry Drive has a right-of-way of 50', which means that there is 25' from the centerline of the street to the property line for a

*total of 55" from the centerline of the street to the required front yard setback. The applicant has stated that "the overall ramp and deck are forty-seven feet, 2 inches from the center of (the) street.". Director Stanton said that Section 405.560.F states: "Required Yard Or Court To Be Open-Exceptions. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for... and provided further that canopies or open porches having a roof area not exceeding sixty square feet may project a maximum of six feet into the required front or rear yard and existing open porches extending into the required yard shall not be enclosed.". She said the physical surroundings, shape and topographical conditions of the property are not atypical and thus not unique. The need for the variance is due to the applicant's desire and physical needs to have the existing deck and ramp in its current configuration. No evidence has been submitted to staff as to whether the ramp can be reconfigured, but it does appear that there is very little room to provide for a ramp without a variance. The house was built very near the required setback, which is not atypical, so it is likely that other properties may need a variance if they were to install a ramp. The alleged hardship is being caused by the current property owner's desire to have an existing ramp that, in its current configuration, encroaches into the required front yard setback by 7'10", 1'10" more than allowed by the exception listed in Section 405.560.F. The granting of the requested variance will not result in a detriment to the public welfare in the area. The variance would allow the property owner to have a front yard setback of 22'2". The 7'10" encroachment is towards the 50' right-of-way, and the adjacent existing residential building to the north is approximately 98', including the 50' of right-of-way. The requested variance will not impair an adequate supply of light or air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety nor will it substantially diminish or impair the property values within the area. Director Stanton said that Staff recommends approval.*

*Billy Huffman, the property owner, said that the neighbors are happy with the deck and ramp and that the property across the street would like one also.*

*With no other comments or questions from the public, Chairman Saling closed the Public Hearing at 6:34 PM.*

**6. Appl. #VAR-24-008--Variance of Section 405.140.B at 1905 Harry Drive - CONSIDERATION**

*Variance request has met all of the criteria. Variance was approved.*

**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. Charles Hotchkiss seconded. The meeting was adjourned at 6:38 PM.

Respectfully submitted,

\_\_\_\_\_  
Jamie Martin, Recording Secretary

Minutes Acceptance: Minutes of Jul 9, 2024 6:00 PM (Approval of Minutes)

STAFF REPORT

**TO:** Board of Zoning Adjustments  
**FROM:** Christina Stanton,  
**DATE:** October 1, 2024  
**SUBJECT:** Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING

**Type of Item:** *Public Hearing*

**A. Action Item (ID # 4975)**

Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING

Attachments:

Staff Report BZA 10\_8\_24 Melhus Variance 2004 N Lexington St (PDF)

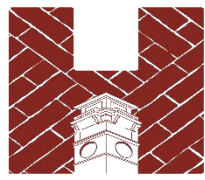
Application (PDF)

Answers to Application (PDF)

Site Plan and Supporting Pictures (PDF)

Zoning Map (PDF)

Aerial Map (PDF)



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

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

Attachment: Staff Report BZA 10\_8\_24 Melhus Variance 2004 N Lexington St (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC

**To:** Board of Zoning Adjustment  
**From:** Christina Stanton, AICP, Director of Community Development  
**Date:** October 8, 2024  
**Re:** Appl. #VAR-24-009—Variance of Section 405.550.C.4.b to allow for a proposed 8-foot tall privacy fence to be installed along the south side and rear on property located at 2004 N. Lexington Street

**GENERAL INFORMATION**

**Applicant:** Dan Melhus, 2004 N. Lexington Street

**Requested Actions:** Approval of requested 2’ variance of Section 405.550.C.4.b to allow for a proposed 8-foot privacy fence to be installed along the south side and the rear on property located at 2004 N. Lexington Street

**Date of Application:** September 9, 2024

**PURPOSE AND AUTHORITY**

In accordance with Section 405.610 of the City’s Code, the Board of Zoning Adjustment (BZA) “may decide that there are practical difficulties or particular hardship in the way of carrying out the strict letter of these regulations”. The BZA “may grant variances from the provisions of this Chapter in harmony with its general purpose and intent” based upon the standards listed in Section 405.615, which are listed below in staff’s analysis. The concurring vote of four (4) members of the Board is required for approval of a variance.

**PROPOSAL**

The applicant is seeking a 2-foot variance to the maximum fence height requirement of 6-feet to allow for an 8-foot-tall privacy fence to be installed along the south side and the rear of his property, as shown on the applicant’s attached site plan.

**PREVIOUS ACTIONS**

Required legal notices have been issued.

2004 N. Lexington Street (Melhus)	2002 N. Lexington Street (Jarman)
1965—Year house was built according to Cass County Assessor’s parcel records.	1984—Year house was built according to Cass County Assessor’s parcel records.
June 1988—Permit #4271 was issued for a 12’ x 16’ shed.	September 1993—Permit #93209 was issued for a 20’ x 20’ garage.

March 2012—Permit #1206 was issued for 128’ of treated wood fence, 6’-tall.

June 2022—Permit #22252 was issued for repair/replacement of the existing deck.

- February 21, 2023—The Board of Aldermen approved Ordinance #3627, which included changes to the fencing regulations.

---

## KEY ISSUES

---

The property (Melhus) is not located on a corner lot; however, the rear of this property (2004 N. Lexington Street) is the front of 2002 N. Lexington Street (Jarman’s). This situation has been existing since the house located at 2002 was first constructed in 1984, as the house located at 2004 was constructed in 1965.

The fencing regulations changed with the approval of Ordinance #3627 on February 21, 2023. The previous regulations pertaining to residential fences simply stated that “six (6) feet in the side yard and eight (8) feet in the rear yard, provided sight distance as shall be maintained on corner lots” was allowed. The current fencing regulations are much clearer about what is allowed and where. The rear portion of the applicant’s proposed fence would have been allowed under the prior fencing regulations.

---

The Applicant is seeking a variance of 2’ from the maximum fence height requirement (6’) to allow for an 8-foot-tall privacy fence to be installed along the south side and the rear of his property.

### 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:
- 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 property can yield a reasonable return. The use of the property as a single-family residence would not change if the variance were not granted; however, the code allowed 6’-tall privacy fence would not provide the level of privacy or security desired.**
  - 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. The uniqueness of this property is that it is situated such that the rear of the applicant’s property is the front of one of their neighbor’s, the Jarman’s. Additionally, the properties in question do slope from the west to the east as shown below:**



The plight of the owner is due to the way these properties were developed and the slope of the properties. The Jarman's property at 2002 N. Lexington Street was built upon after the Melhus's property at 2004 N. Lexington Street, 1984 and 1965 respectively.

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 variance is for an additional 2' in height for a privacy fence, which will not alter the residential character of the area. If the properties were flatter, it could have more of a visual impact; however, it is due to the change in grade that the additional 2' is being requested and as such should not have a visual impact. There are concerns for drainage and pooling around the proposed fence, for this reason staff recommends that the base of the fence be slightly elevated (6") to allow for proper drainage.

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 and topographical conditions of the specific property create a particular hardship upon the owner in that his property sits lower than his neighbor located behind his property and the properties are situated such that the rear of the applicant's property is the front of his neighbor (Jarman's) property.

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

**The primary reason the applicant is requesting this variance is due to the fact that the properties slope from west to east, and because he has a neighbor located immediately behind his property. This means that he has limited privacy from the neighbor located behind his property, who's front portion of their house sits approximately 8' higher than the rear of the applicant's house.**



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 built in 1965, and the house of the neighbor located behind Mr. Melhus's house was built in 1984. 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 the requested variance on this property will not result in a detriment 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 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:

- The two properties affected by the requested variance slope down from the west to the east;
- The difference in elevation between the rear of the applicant’s house and the front of the neighbor located behind Mr. Melhus’s house is approximately 8’; 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 requested variance.

---

**ATTACHMENTS**

---

- Application and Supporting Documents
- Zoning Map
- Aerial Map

Attachment: Staff Report BZA 10\_8\_24 Melhus Variance 2004 N Lexington St (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC



VARIANCE APPLICATION DATE: 9-9-24

Applicant (Print): DAN MELHUS Signature: [Handwritten Signature]

Company Name: \_\_\_\_\_

Street Address: 2004 N LEXINGTON City: Harrisonville State: MO Zip: 64701

Telephone: 214-262-8388 Email: \_\_\_\_\_

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 (if applicable): \_\_\_\_\_

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: 2004 N LEXINGTON

Harrisonville Properties, \_\_\_\_\_ Acres or Sq. Ft. .59

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 \$65.00 notice fee, payable to the City of Harrisonville
2. Letter explaining the project and why variance needed.
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.

Attachment: Application (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)

# HARRISONVILLE

PLANNING COMMISSION

[Faint, mostly illegible text, possibly a meeting agenda or minutes]

[Faint, mostly illegible text, possibly a report or minutes]

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:

The code is 6' for a privacy fence, as you can see from the attached pictures, 6' does not provide the security or protection necessary. 8' provides the needed security and protection.

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 surrounding do the property.*)

Applicant Response:

Topography requires 8". From the attached pictures we see the elevation change not only from the street view but also our view from entering our home.

(Both views looking from E to W;  
from the front to the back of property).

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

Applicant Response:

Building an 8' security / privacy fence will not alter the character of the neighborhood.

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 surrounding, shape or topographical conditions of the specific property create a hardship for the owner as distinguished from a mere inconvenience?

Applicant Response:

The existing code does not provide or allow for the security or privacy necessary to the need. Again, the elevation change from E to W, Front to the Back of the property is hardship.

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

Applicant Response:

Just to my property because of the elevation change.

- 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:

Charley & Sarah Combs to Jack & Pam Combs (Aug 28, 1979)  
No difficulty

Jack & Pam Combs to Dan & Danell Melhus (Sept 1, 2020)  
No difficulty

Attachment: Answers to Application (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)

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, in fact will should create peace and quiet for the neighborhood.  
Does not include the beauty, security and privacy provided.

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:

All pictures presented have been shot between the hours of 10:00 AM & noon. No light or air dangers or fire or public safety.  
In fact, the security and privacy will enhance property values in our neighborhood.



E

N

8'

8'

H-42'

08-08-34-000-000-008.000





8' 7' 6'

Attachment: Site Plan and Supporting Pictures (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)



Attachment: Site Plan and Supporting Pictures (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)



Attachment: Site Plan and Supporting Pictures (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)

10:42

◀ Camera



June 7, 2021  
3:41 PM

Edit



Attachment: Site Plan and Supporting Pictures (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)



Attachment: Site Plan and Supporting Pictures (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)

# Zoning Map



Attachment: Zoning Map (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)

0 105 210 420 US Feet

# Aerial Map



Attachment: Aerial Map (Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - PUBLIC HEARING)

MARC/Local jurisdictions, MO911ServiceBoard,DNR MDC, State of Missouri, Maxar, Microsoft

0 62.5 125 250 US Feet

STAFF REPORT

**TO:** Board of Zoning Adjustments  
**FROM:** Christina Stanton,  
**DATE:** October 2, 2024  
**SUBJECT:** Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - CONSIDERATION

**Type of Item:** *Approval*

**B. Action Item (ID # 4977)**

Appl. #VAR-24-009--Variance of Section 405.550.C.4.b - CONSIDERATION

STAFF REPORT

**TO:** Board of Zoning Adjustments  
**FROM:** Christina Stanton,  
**DATE:** October 29, 2024  
**SUBJECT:** Appl. #VAR-24-010--Variance of Section 405.325.B and D - PUBLIC HEARING

**Type of Item:** *Public Hearing*

**C. Action Item (ID # 5002)**

Appl. #VAR-24-010--Variance of Section 405.325.B and D - PUBLIC HEARING

Attachments:

Staff Report BZA 11\_12\_24 Murphy Oil Variance 1720 N St Rte 291 (PDF)

Application (PDF)

CEI Letter (PDF)

Site Plan (PDF)

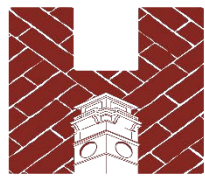
Composite Site Plan (PDF)

Alta Survey (PDF)

2007 Lot Split (PDF)

Zoning Map (PDF)

Aerial Map (PDF)



**To:** Board of Zoning Adjustments  
**From:** Christina Stanton, AICP, Director of Community Development  
**Date:** November 12, 2024  
**Re:** Appl. #VAR-24-010—Variance of Section 405.325.B and D to allow for a front yard setback of 27.25 and a rear yard setback of 1’ from the canopy on property located at 1720 N. St. Rte. 291

**GENERAL INFORMATION**

**Applicant:** Chris Harty, with CEI Engineering Associates, Inc., 3030 LBJ Freeway, Ste. 920, Dallas, TX

**Requested Actions:** Approval of requested variances from Section 405.325.B and D to allow for a front yard setback of 27.25’ and a rear yard setback of 1’ from the canopy on property located at 1720 N. St. Rte. 291

**Date of Application:** October 1, 2024

**PURPOSE AND AUTHORITY**

In accordance with Section 405.610 of the City’s Code, the Board of Zoning Adjustment (BZA) “may decide that there are practical difficulties or particular hardship in the way of carrying out the strict letter of these regulations”. The BZA “may grant variances from the provisions of this Chapter in harmony with its general purpose and intent” based upon the standards listed in Section 405.615, which are listed below in staff’s analysis. The concurring vote of four (4) members of the Board is required for approval of a variance.

**PROPOSAL**

The applicant is seeking variances to the setback requirements for the Service Business (C-2) District (Section 405.325.B and D). The variances are being requested to allow for the site to be razed and redeveloped to a larger gas station. The required setbacks for this District are as follows: front yard setback is 35’ (405.325.B) and rear yard setback is 15’ (405.325.D). The requested variances are as follows: a variance of 7.75’ from the required 35’ front yard, which yields a setback of 27.25’ from the front property line; and a variance of 14’ from the required 15’ rear yard, which yields a setback of 1’ from the rear property line.

**PREVIOUS ACTIONS**

Required legal notices have been issued.

- May 4, 1993—The Final Plat of *Jenkins Addition* was recorded with the Cass County Recorder’s Office.
- December 6, 2007—A Lot Split creating *Lots 2A and 2B, Jenkins Addition* was recorded with the Cass County Recorder’s Office.
- July 9, 2024—The Board of Zoning Adjustments heard requested variances to raze and redevelop this site. The requested variances were as follows: a variance of 10’ from the required 35’ front yard setback; a variance of 1.68’ from the required 15’ side yard setback; and a variance of 15’ from the required 15’ rear yard setback. The variances requested failed due to not meeting the criteria for hardship with a vote of 3 agree and 2 disagree.

---

## KEY ISSUES

---

The property is currently zoned Service Business (C-2) District.

Under current Zoning Regulations:

- Section 405.325.B: “Front yard. A front yard of not less than thirty-five (35) feet shall be provided.”
- Section 405.325.D: “Rear yard. The depth of the rear yard shall be at least fifteen (15) feet.”

CEI’s letter states that the variance is needed due to the unique shape and narrowness of the existing lot and because Wal-Mart is not willing to sell any additional property that would allow for this property to be redeveloped (raze and rebuild).

---

The Applicant is seeking variances to the front and rear yard setbacks to allow for a front yard setback of 27.25’ and rear setback of 1’.

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 property can yield a reasonable return. The existing use of the property would continue if the variances were not granted. However, the planned raze and rebuild would not be possible.**

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. The uniqueness in this situation is that the lot is an irregular shape. This situation was created when the Lot Split was completed in 2007, which reduced the land area for Murphy’s Oil. Additionally, the applicant has noted that Wal-Mart will not sell Murphy any additional property.**

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 existing use is not proposed to change, but the building is proposed to be razed and rebuilt to a newer model. The proposed variances are less than what was requested in July as the redevelopment has been reconfigured to eliminate the previously requested side yard variance and reduce the amount of variance request for the front yard (current request 27.25' – previous request 25' = 2.25' less) and rear yard (previous request 15' – current request 14' = 1' less). The previous variances included the convenience store, the applicant is seeking the proposed variances in the new layout solely for the canopy. The proposed encroachment is towards:**

- **(to the front/east) an 80' right-of-way and the immediately adjacent existing building to the east (Show Me Auto Mall) is setback approximately 70', so the closest existing structure to the east would be approximately 150' away; and**
- **(to the rear/west) an existing drive and parking lot for Wal-Mart.**

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 lot is an irregular shape and has created a situation whereby it is very difficult to construct an expansion of the existing facility whether done as an addition or a raze and rebuild. Additionally, the applicant has noted that Wal-Mart is unwilling to sell Murphy's Oil any additional land preventing their ability to raze and rebuild as planned without obtaining the requested variances.**

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

**The requested variances apply to this property due to the irregular shape of the lot and the desire of the applicant to raze their existing structure and rebuild a newer model.**

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 alleged difficulty or hardship is being caused by the irregular shape of the lot, which was split into its current configuration in 2007, and the current property owner's desire to raze the existing building and rebuild a newer model.**

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 the requested variances will not result in a detriment to the public welfare in the area. The variances would allow the property owner to have a front yard setback of 27.25' and a rear setback of 1' for the canopy. The requested 7.75' variance to the front setback encroaches towards an 80' right-of-way and the nearest structure is**

setback approximately 70', so the closest existing building to the east (Show Me Auto Mall) would be approximately 150' away. Additionally, there are no immediately adjacent structures to the rear (west).

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.

The proposed variances will not impair an adequate supply of light or air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety nor will they substantially diminish or impair property values within the neighborhood.

---

**STAFF COMMENTS AND SUGGESTIONS**

---

In support of the requested variances are the facts that:

- The proposed encroachments are towards:
  - (to the front/east) an 80' right-of-way and the immediately adjacent existing building to the east (Show Me Auto Mall) is setback approximately 70', so the closest existing structure to the east would be approximately 150' away;
  - (to the side/south) an existing drive and parking lot for Wal-Mart; and
  - (to the rear/west) an existing drive and parking lot for Wal-Mart;
- The intent of setbacks are to provide for separation of uses and a degree of uniformity;
- The granting of the variances 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 requested variances.

---

**ATTACHMENTS**


---

- Application
- CEI Letter
- Sheets ALTA Survey (existing conditions) and ECP
- Zoning Map
- Aerial Map



## VARIANCE APPLICATION

DATE: 9/23/2024

Applicant (Print): Chris Harty Signature: 

Company Name: CEI Engineering Associates, Inc

Street Address: 3030 LBJ Freeway Suite 920 City: Dallas State: TX Zip: 75234

Telephone: 479-409-8032 Email: rharty@ceieng.com

### Property Owner Authorization Required if Applicant Different from Property Owner

Property Owner Name (print): Murphy Oil USA, Inc Signature: \_\_\_\_\_

Street Address: 200 E Peach Street City: El Dorado State: AR Zip: 71730

Telephone: 870-677-0481 Email: bassam.ziada@murphyusa.com

Firm Preparing Application (if applicable): \_\_\_\_\_

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:  
1720 State Route 291 Harrisonville, MO 64701

Harrisonville Properties, 08-08-33-300-000-029.001 Acres or Sq. Ft. .45 ac/19,677 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 \$65.00 notice fee, payable to the City of Harrisonville
2. Letter explaining the project and why variance needed.
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 2<sup>nd</sup> 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: No, the property will not be usable.

---



---

- 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 Murphy property becomes very narrow on the south side due to a shared access driveway just west of the site. The Murphy lot is land locked being surrounded on 3 sides by Walmart and ROW to the east. Walmart is not willing to sell additional property to avoid the need for a variance.

---



---

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

Applicant Response: No, granting this variance will not alter the character of the locality and/or neighborhood.

---



---

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, if the property is not granted the variance it will not be able to be redeveloped.

---



---

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

Applicant Response: The variance applies to this 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: The property when originally developed it was done so as a leased area. When the property was purchased in December of 2007 Walmart wanted to maintain control of the shared access driveway causing the property to be narrow on the south end.

---



---

Attachment: Application (Appl. #VAR-24-010--Variance of Section 405.325.B and D - PUBLIC HEARING)

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

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 the property is already an existing gas station in a commercial area.

Resources

City Website	<a href="http://www.ci.harrisonville.mo.us">www.ci.harrisonville.mo.us</a>
Zoning Map	<a href="https://www.ci.harrisonville.mo.us/documentcenter/view/6182">https://www.ci.harrisonville.mo.us/documentcenter/view/6182</a>
Zoning Regulations	<a href="https://www.ecode360.com/27908265">https://www.ecode360.com/27908265</a>
Subdivision Regulations	<a href="https://www.ecode360.com/27909481">https://www.ecode360.com/27909481</a>
Cass County GIS Map	<a href="https://cassgis.integritygis.com/h5/index.html?viewer=cass">https://cassgis.integritygis.com/h5/index.html?viewer=cass</a>

Contacts

City Hall, 300 E. Pearl, Harrisonville, MO 64701		(816) 380-8900	Fax (816) 380-8910
John Morris	Building Official	(816) 380-8917	jmorris@harrisonville.com
Christina Stanton	Community Development Director	(816) 380-8922	cstanton@harrisonville.com
Jamie Martin	Administrative Secretary	(816) 380-8958	martin@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
Ted Martin	City Engineer	(816) 380-8964	tmartin@harrisonville.com

For Office Use Only

Case No: VAR-24-010 Filing Fee. Amount Paid: \$ 265.00 Date: 10/1/24  
 Date Application Received: 10/1/24 BZA Meeting Date: Nov. 12, 2024  
 Note: \_\_\_\_\_

Attachment: Application (Appl. #VAR-24-010--Variance of Section 405.325.B and D - PUBLIC HEARING)



Civil Engineering, Landscape Architecture,  
Survey, Planning & Program Management

3030 LBJ Freeway, Suite 920  
Dallas, TX 75234  
Office: 972.488.3737  
Toll-free: 1.877.488.3737  
ceieng.com

September 23, 2024

Board of Zoning Adjustment  
City of Harrisonville  
300 E Pearl  
Harrisonville, MO 64701  
816-380-8900

RECEIVED  
OCT 01 2024  
CITY OF HARRISONVILLE

**Re: Murphy USA – 1720 State Route 291, Harrisonville, MO 64701 | Variance Request – Setback Requirements**

To Whom It May Concern,

I am writing on behalf of CEI Engineering & Associates, representing Murphy Oil USA, to formally request a variance for the rear setback requirement at the property located at 1720 State Route 291, Harrisonville, MO, identified by property #080833300000029001.

According to Section 405.325 of the Height and Area Regulations (Ord. No. 1825, 5-13-1991), a 15-foot rear building setback is required. We are requesting a variance to reduce this setback to 1 foot to accommodate the construction of a new store fuel canopy.

The justification for this request stems from the unique shape and narrowness of the lot, particularly toward the south, where a shared access driveway, located just west of the property, restricts development options. Originally, the site was leased, with the lease area extending over the shared access. However, when Murphy and Walmart negotiated the property sale, Walmart retained ownership of the access driveway and granted an easement for Murphy's use. Unfortunately, Walmart is not currently willing to sell additional land to Murphy, effectively land-locking the Murphy lot.

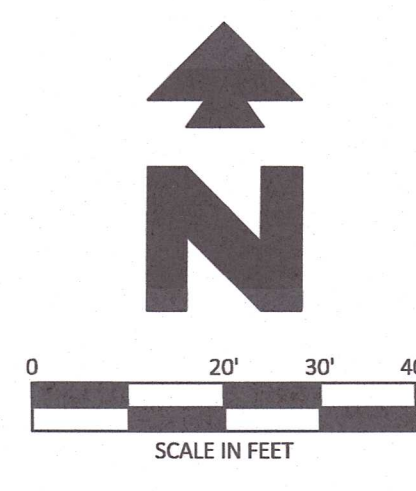
We appreciate your consideration of this variance request. Should you need any further information or have questions, please do not hesitate to contact me directly.

Thank you for your attention to this matter.

Sincerely,

Chris Harty  
Project Manager  
CEI Engineering Associates, Inc.  
rharty@ceieng.com  
479-409-8032

Attachment: CEI Letter (Appl. #VAR-24-010---Variance of Section 405.325.B and D - PUBLIC HEARING)



Know what's below.  
Call before you dig.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

THESE DRAWINGS DO NOT INCLUDE COMPONENTS FOR CONSTRUCTION SAFETY.



CEI ENGINEERING ASSOCIATES, INC.  
3108 SW REGENCY PKWY  
BENTONVILLE, AR 72712  
PHONE: (479) 273-9472  
FAX: (479) 273-0844

MURPHY OIL U.S.A. INC.  
200 PEACH STREET  
EL DORADO, AR 71730

MURPHY USA



VARIANCE WILL BE  
REQUIRE FOR SETBACKS.

RECEIVED  
OCT 1 2024  
CITY OF HARRISONVILLE

### NOTES

- PROPOSED LOCATION IS AN
- OUT PARCEL
  - EXISTING PARKING AREA
  - GRASSY AREA
  - FUTURE LEASE LOT
- PARKING
- ±1179/5.89 EXISTING NUMBER OF PARKING SPACES / RATIO ON WAL-MART PARCEL
  - 0 TOTAL NUMBER OF SPACES TO BE REMOVED FROM WAL-MART PARCEL
  - ±1179/5.89 TOTAL NUMBER OF POST GAS SPACES REMAINING ON WAL-MART PARCEL / RATIO
  - ±199.024 WAL-MART BUILDING SQUARE FOOTAGE- (GROSS SQ-FT)
- TYPE OF STATION OPERATION:
- 1400 SF C-STORE 6(S) MPD 78.33x46 CANOPY SIZE
  - KIOSK MPD CANOPY SIZE
- PROPOSED SQUARE FOOTAGE OF OUT PARCEL AREA:
- 19,877 S.F 0.45 ACREAGE
  - PERCENTAGE OF OUTLOT USED: 100%
- ZONING REQUIREMENTS:
- C-2 EXISTING ZONING
  - C-2 ZONING REQUIREMENTS FOR STATION
  - NA PROPOSED ZONING CHANGES
  - NA RE-PLAT
- PROPOSED UTILITY EASEMENTS: ANSWER "YES" OR "NO" AND PARTIES INVOLVED:
- |    |                       |                            |     |
|----|-----------------------|----------------------------|-----|
| NO | WATER                 | N/A PUBLIC WITH            | N/A |
|    |                       | N/A PRIVATE WITH WAL-MART  | N/A |
|    |                       | N/A PRIVATE WITH 3RD PARTY | N/A |
| NO | SEWER                 | N/A PUBLIC WITH            | N/A |
|    |                       | N/A PRIVATE WITH WAL-MART  | N/A |
|    |                       | N/A PRIVATE WITH 3RD PARTY | N/A |
| NO | UNDERGROUND ELECTRIC  | N/A PUBLIC WITH            | N/A |
|    |                       | N/A PRIVATE WITH WAL-MART  | N/A |
|    |                       | N/A PRIVATE WITH 3RD PARTY | N/A |
| NO | UNDERGROUND TELEPHONE | N/A PUBLIC WITH            | N/A |
|    |                       | N/A PRIVATE WITH WAL-MART  | N/A |
|    |                       | N/A PRIVATE WITH 3RD PARTY | N/A |

RECEIVED  
OCT 1 2024  
CITY OF HARRISONVILLE

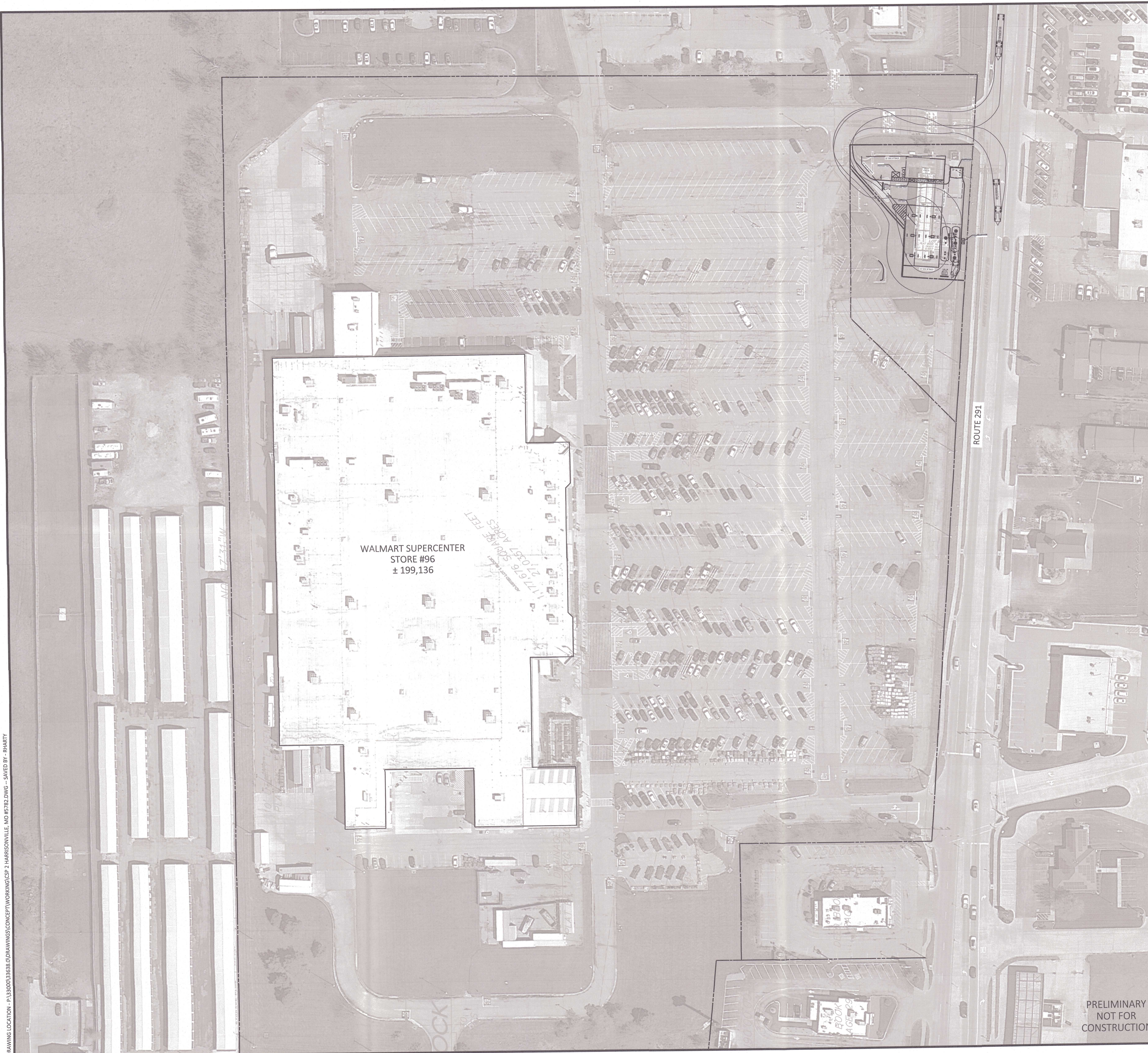
MURPHY USA (RAZE/REBUILD)  
WALMART SUPERCENTER #96  
1720 ROUTE 291  
HARRISONVILLE, MO



PRELIMINARY  
NOT FOR  
CONSTRUCTION

PROFESSIONAL OF RECORD	POR
PROJECT MANAGER	RCH
DESIGNER	AMP
CEI PROJECT NUMBER	33638
DATE	8/27/2024
REVISION	REV-0

ECP  
SHEET TITLE  
SHEET NUMBER  
**ECP**

DRAWING LOCATION - P:\33000\33638\0\DRAWINGS\CONCEPT\WORKING\CSF 2 HARRISONVILLE, MO\5782.DWG - SAVED BY - RHARTY



  
  
**Know what's below.  
Call before you dig.**

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

THESE DRAWINGS DO NOT INCLUDE COMPONENTS FOR CONSTRUCTION SAFETY.

VARIANCE WILL BE REQUIRE FOR SETBACKS.

**NOTES**

PROPOSED LOCATION IS AN

- OUT PARCEL
- EXISTING PARKING AREA
- GRASSY AREA
- FUTURE LEASE LOT

PARKING

±1179/5.89 EXISTING NUMBER OF PARKING SPACES / RATIO ON WAL-MART PARCEL

0 TOTAL NUMBER OF SPACES TO BE REMOVED FROM WAL-MART PARCEL

±1179/5.89 TOTAL NUMBER OF POST GAS SPACES REMAINING ON WAL-MART PARCEL / RATIO

±199,024 WAL-MART BUILDING SQUARE FOOTAGE - (GROSS SQ-FT)

TYPE OF STATION OPERATION:

1400 SF C-STORE 6(S) MPD 78.33x46 CANOPY SIZE

— KIOSK — MPD — CANOPY SIZE

PROPOSED SQUARE FOOTAGE OF OUT PARCEL AREA:

19,677 S.F 0.45 ACREAGE

PERCENTAGE OF OUTLOT USED: 100%

ZONING REQUIREMENTS:

C-2 EXISTING ZONING

C-2 ZONING REQUIREMENTS FOR STATION

NA PROPOSED ZONING CHANGES

NA RE-PLAT

PROPOSED UTILITY EASEMENTS: ANSWER "YES" OR "NO" AND PARTIES INVOLVED:

NO	WATER		
	N/A	PUBLIC WITH	N/A
	N/A	PRIVATE WITH WAL-MART	N/A
	N/A	PRIVATE WITH 3RD PARTY	N/A
NO	SEWER		
	N/A	PUBLIC WITH	N/A
	N/A	PRIVATE WITH WAL-MART	N/A
	N/A	PRIVATE WITH 3RD PARTY	N/A
NO	UNDERGROUND ELECTRIC		
	N/A	PUBLIC WITH	N/A
	N/A	PRIVATE WITH WAL-MART	N/A
	N/A	PRIVATE WITH 3RD PARTY	N/A
NO	UNDERGROUND TELEPHONE		
	N/A	PUBLIC WITH	N/A
	N/A	PRIVATE WITH WAL-MART	N/A
	N/A	PRIVATE WITH 3RD PARTY	N/A

OTHER NOTES:  
WB-50 TEMPLATE HAS BEEN USED FOR TRUCK ROUTE.

PRELIMINARY  
NOT FOR  
CONSTRUCTION



CEI ENGINEERING ASSOCIATES, INC.  
3108 SW REGENCY PKWY  
BENTONVILLE, AR 72712  
PHONE: (479) 273-9472  
FAX: (479) 273-0844

MURPHY OIL U.S.A. INC.  
MURPHY USA  
200 PEACH STREET  
EL DORADO, AR 71730

MURPHY USA (RAZE/REBUILD)  
WALMART SUPERCENTER #96  
1720 ROUTE 291  
HARRISONVILLE, MO

PROFESSIONAL OF RECORD	POR
PROJECT MANAGER	RCH
DESIGNER	AMP
CEI PROJECT NUMBER	33638
DATE	8/27/2024
REVISION	REV-0

COMPOSITE SITE PLAN  
SHEET TITLE  
SHEET NUMBER  
**CSP**



CEI ENGINEERING ASSOCIATES, INC. 2600 NE 11TH ST, SUITE 300 BENTONVILLE, AR 72712 PHONE: (479) 273-9472 FAX: (479) 273-0844 CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 920 DALLAS, TX 75234 PHONE: (972) 488-3737 FAX: (972) 488-6732

Title Commitment provided by: Stewart Title Guaranty Company, File No.: 207021179, Countersigned by Stewart Title of Kansas City, Inc. Effective Date: Date of Policy: September 26, 2008.

Table with 2 columns: Exceptions and Effect on Survey. Contains 7 numbered items detailing survey exceptions and their effects.

The land referred to in this Commitment is described as follows: Tract 1, Tract 2(A), of the Lot Split for Murphy Oil recorded in Book 19, Page 60 of Surveys in the Official Records of Cass County in the City of Harrisonville, Cass County, Missouri, and being also described as follows: Beginning at the Northeast corner of Lot 2A, of said Lot Split, said corner being on the westerly right-of-way line of Missouri State Highway 291...

GENERAL NOTES:

- 1. This survey does not purport to be a proposed tract split or replat, or any other subdivision plot as may be defined by city, county, or state law. The land owner is encouraged to check with the local planning/development authorities for proper platting procedures before proceeding with the development.
2. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate: Easements, other than those shown on this plat; building setback lines, restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
3. This plat represents an ALTA/NSPS Land Title Survey of the Lot 2a recorded in SURVEY BK. 19, PG. 60 and described in OR BK. 3163, PG. 603 in the public records of Cass County, Missouri.
4. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.
5. Declaration is made to the original purchaser of the survey and those listed in the certification for the use of this transaction only and is not transferable to any additional or subsequent owners.
6. Basis of Bearings: All bearings shown hereon are grid based on Missouri State Plane Coordinate System, NAD83, West Zone, as established by a Static observation processed through the MoDOT network.
7. Basis of Elevation: All elevations shown hereon are based on NAVD83, as established by a Static observation processed through the MoDOT network.
8. This survey is valid only if the drawing includes the seal and signature of the surveyor.
9. This survey meets the current Missouri Minimum Standards for Property Boundary Surveys.
10. Subsurface and environmental conditions were not examined nor considered a part of this survey.
11. Underground utilities were located by visible above ground markings as marked by utility locators and shown hereon as located by CEI Engineering Associates, Inc. survey field crews. All utility locations shown hereon are approximate. All utilities may not have been marked/located by the appropriate locators. No excavation has taken place as of this date to determine the exact location of existing underground utilities shown on this survey.
12. The contractor is advised to contract the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contract all non-members as well as the One-Call System.
13. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.

NOTES REGARDING TABLE "A" ITEMS:

- Item 2: Project Address: 1720 N State Route 291, Harrisonville, MO 64701
Item 3: By scaled map location and graphical plotting only. This property is located in unshaded Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain determined by the National Flood Insurance Program, Flood Insurance Rate Map for Cass County, Missouri. Map Number: 29037C0186F Map Revised: January 2, 2013
Item 6: No current zoning report or letter regarding zoning classification was provided to the Surveyor, the following information was obtained from the City of Harrisonville GIS map. This property is zoned C-2 (Commercial). Building setbacks for zone C-2 are as follows: Front: 35 Feet Side: 15 Feet Rear: 15 Feet
Item 7: A building exists on the surveyed property.
Item 9: No clearly identifiable striping, or constructed parking was observed on the subject tract.
Item 16: No observable evidence of current earth moving work, building construction or building additions were found in the process of conducting the field work.
Item 17: The surveyor was not aware of any changes in street Right-of-Way, and no observed evidence of street or sidewalk construction or repairs were found.

Owner: PARCEL #08083330000029001 MURPHY OIL USA, INC. 1720 N State Route 291 Harrisonville, Missouri 64701

Surveyors: CEI Engineering Associates, Inc. 2600 NE 11th St, Suite 300 Bentonville, AR 72712 Phone: (479) 273-9472 Fax: (479) 271-0536 Surveyor: Dustin G. Riley, Missouri PLS #2021015321

Benchmark Information

Benchmark #1: A 5/8" rebar with a CEI cap, located south of the northerly access drive for Wal-Mart at 1700 N State Route 291, Harrisonville, Missouri 64701. The rebar is located 99 feet southwest of an existing stop sign and 53 feet west of an existing light pole.
Benchmark #2: An 8" mag spike with a CEI washer, located on the east side of the asphalt parking area Wal-Mart at 1700 N State Route 291, Harrisonville, Missouri 64701. The mag spike is located 49 feet southeast of an existing light pole and 50 feet southwest of an existing utility pole.

SURVEYOR'S CERTIFICATION TO:

Stewart Title Guaranty Company, a Texas corporation
Stewart Title of Kansas City, Inc.
Murphy Oil USA, Inc., a Delaware corporation

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standards Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6a, 7a, 8, 9, 10, 11a, 13, 15, 17, and 19 of Table A thereof. The field work was completed on March 06, 2024.

Dustin G. Riley, Missouri PLS #2021015321 Date of Plat or Map: 3.2.2024

Legend

- Boundary Line
Adjoining Boundary Line
Right-of-Way Line
Easement Line
Setback Line
Break Line
Gas Line
Overhead Electric Line
Sanitary Sewer Line
Underground Electric Line
Underground Cable TV Line
Water Line
Chainlink Fence Line
Benchmark (BM)
Found Monument (As Noted)
Found Aluminum Cap (As Noted)
Found Railroad Spike
Set 5/8" Rebar "LSR2021015321"
Set Mag Nail w/Washer "LSR2021015321"
Electric Meter
Water Meter
Fire Hydrant
Irrigation Control Box
Sewer Clean Out
Guy Wire / Anchor
Utility Pole
Electric Vault
Water Valve
Traffic Sign (Type of Sign)
Water Riser
Warning Gas Line Sign
Air / Vacuum Machine
Ice Machine
Light Pole (2 Lamps)
Light Pole (3 Lamps)
Monitoring Well
Bollard / Guard Post
Tree (Deciduous)
Tree (Evergreen)
Back to Back of Curb
Building Height
Finish Floor Elevation
Right-of-Way
Record Bearing & Distance per Survey Bk. 19, Pg. 60
Survey Bk. 12, Pg. 230
Survey prepared by CEI Engineering Associates, Inc. dated Dec-10, 2007 Known as Project No. 23049

ALTA/NSPS Land Title Survey
Murphy Oil USA, Inc.
1720 N State Route 291
City of Harrisonville, Cass County, Missouri

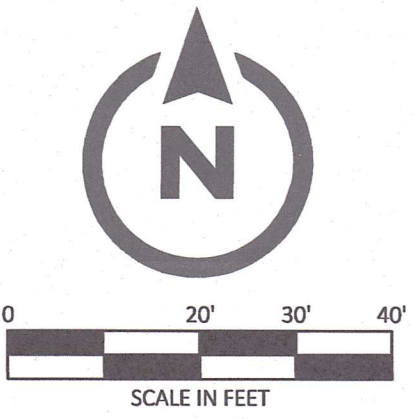


Table with 2 columns: PROFESSIONAL OF RECORD, DESIGNER, FIELD WORK, CEI PROJECT NUMBER, DATE, REVISION. Values include DGR, CNS, KTC, 33638, 3/12/2024, REV-0.

ALTA Sheet

SHEET TITLE SHEET NUMBER

1 OF 1



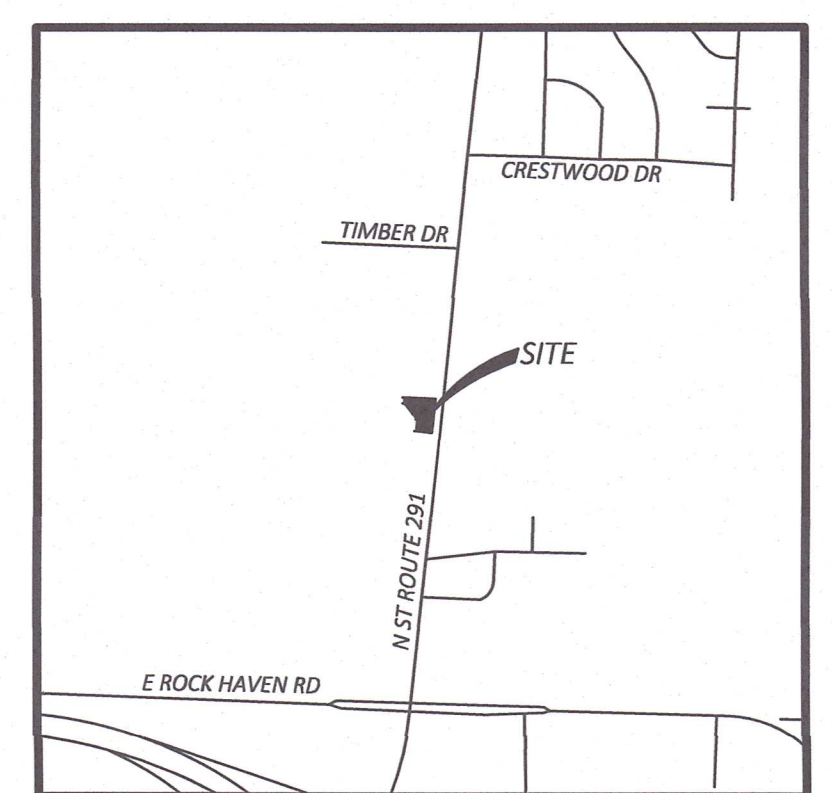
BM - 1 5/8" REBAR W/ CEI CAP N: 910.618.77 E: 2,826,475.81 ELEV = 920.86

SUBJECT TRACT LOT 2A JENKINS ADDITION SURVEY BK. 19, PG. 60 PARCEL #08083330000029001 MURPHY OIL USA, INC. OR BK. 3163, PG. 603 ZONE: C-2 19,646 SQ. FT. ± OR 0.45 AC. ±

LOT 1, BLOCK 1 JENKINS ADDITION SURVEY BK. 19, PG. 60 PARCEL #08083330000029000 WAL-MART REAL ESTATE BUSINESS TRUST ZONE: C-2 NOT A PART

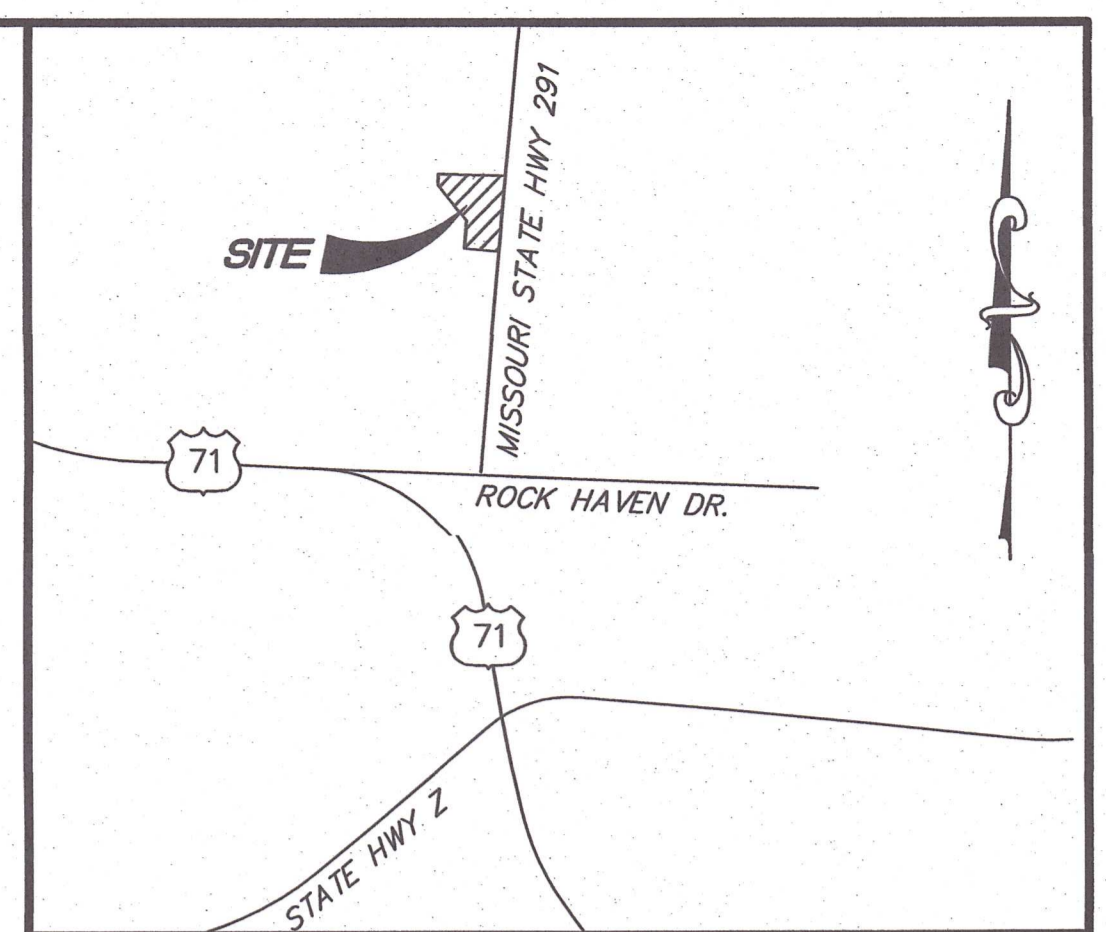
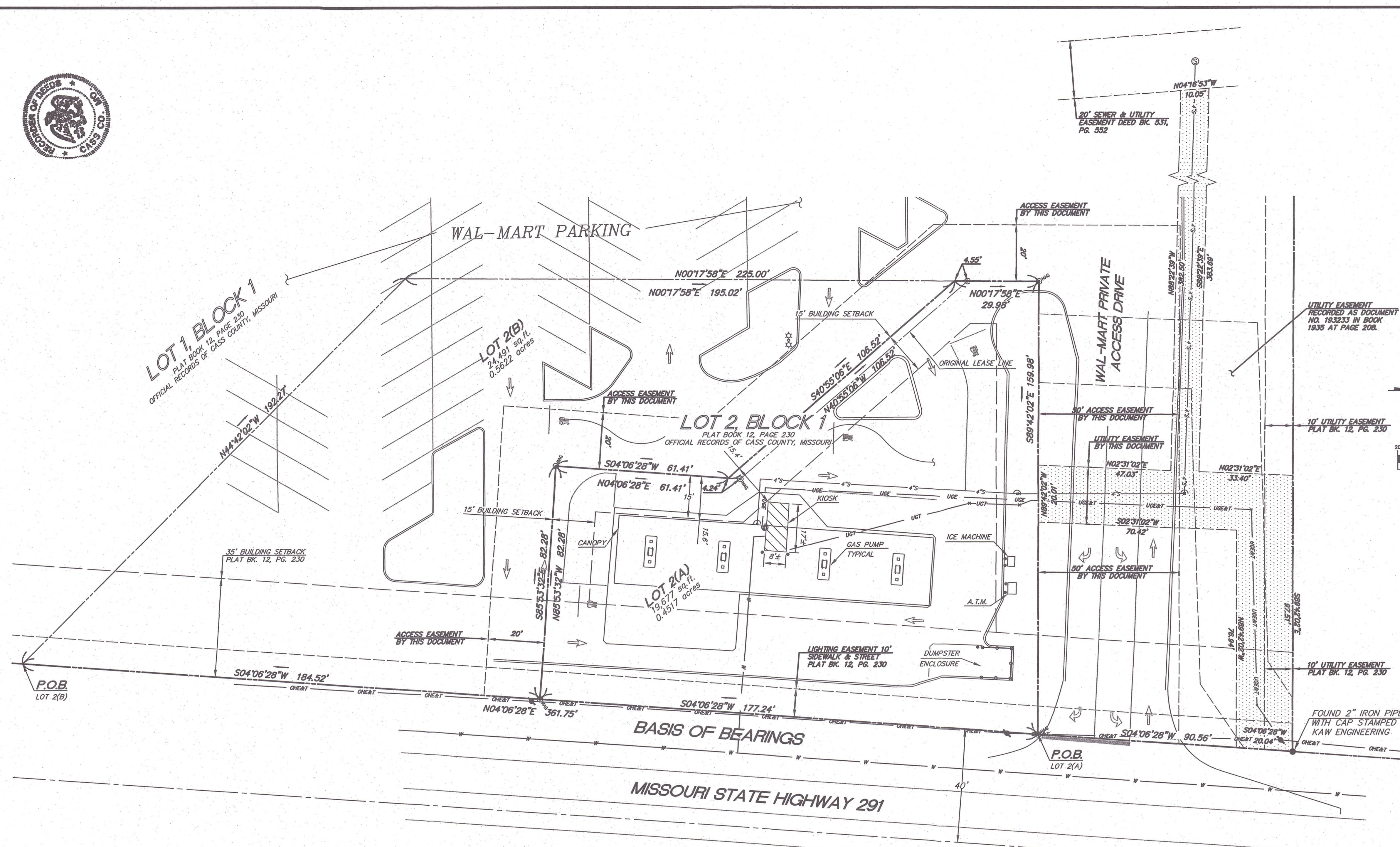
LOT 2B JENKINS ADDITION SURVEY BK. 19, PG. 60 PARCEL #08083330000029000 WAL-MART REAL ESTATE BUSINESS TRUST ZONE: C-2 NOT A PART

BM - 2 8" MAG SPIKE W/ CEI WASHER N: 910.286.07 E: 2,826,661.08 ELEV = 920.81



VICINITY MAP NOT TO SCALE Latitude: 38°40'02"N Longitude: 94°22'01"W

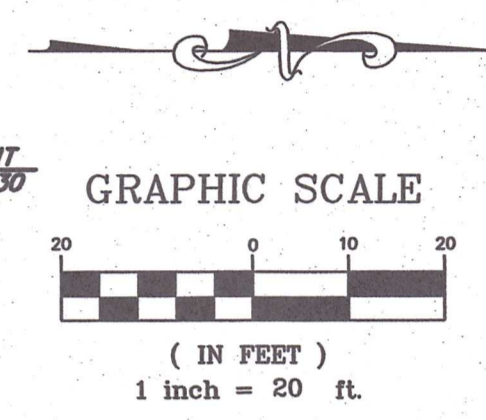
RECORDED IN BOOK 12, PAGE 230  
SARNA A. SANDY, GREGORY, RECORDER OF DEEDS  
CASS COUNTY, MISSOURI



Vicinity Map  
NOT TO SCALE

**LEGEND**

---	EASEMENT LINE
---	BOUNDARY LINE
---	SETBACK LINE
---	OHE OVERHEAD ELECTRIC
-X-S-	SEWER
---	UG&T UNDERGROUND ELECTRIC AND TELEPHONE
---	UGT UNDERGROUND TELEPHONE
-X-W-	WATER
○	CLEAN OUT
○	ELECTRICAL METER
○	CHAINLINK FENCE
○	GUARD POST
○	LIGHT POLE - 2 LAMPS
○	SIGN
○	UTILITY POLE
○	WATER METER
○	IRON PIPE FOUND AS NOTED
○	MAG NAIL FOUND
○	UTILITY EASEMENT AREA CONTAINS 7,184 SQUARE FEET, OR 0.1649 ACRES MORE OR LESS.



**ZONING:**  
THIS PROPERTY IS ZONED C-2 (GENERAL COMMERCIAL).  
BUILDING SETBACKS FOR ZONE OR ARE AS FOLLOWS:  
FRONT 35 FEET  
SIDE 15 FEET  
REAR 15 FEET

**PREPARER'S STATEMENT:**

IN WITNESS WHEREOF: CEI Engineering Associates, Inc., an Arkansas Corporation Licensed to do business in the State of Missouri has caused these presents to be executed this 3 day of DECEMBER, 2007.  
CEI Engineering Associates, Inc.  
An Arkansas Corporation  
*James G. Temple*  
James G. Temple  
L.S. No. 2517  
Survey Department Manager

**NOTARY ACKNOWLEDGMENT:**

State of California  
County of Fresno  
On this 3 day of December, 2007, before me, Jennifer Perkins Notary Public, personally appeared James G. Temple, personally known to me to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signatures on this instrument the person who, executed this instrument.  
Witness my hand and official seal.  
1741992  
Notary Commission Number  
Exp 4-26-2011  
*Jennifer Perkins*  
Signature of Notary

**CITY STATEMENT OF APPROVAL:**

I hereby state that I have examined this Lot Split, and approve any alterations as shown hereon.  
*[Signature]* 12-4-07  
Date  
Title: Director of Community Development

**LOT 2 (A):  
MURPHY OIL PARCEL LEGAL DESCRIPTION:**

A Portion of Lot 2, Block 1 of the Final Plat of Jenkins Addition recorded in Book 12, Page 230 in the Official records of Cass County, in the City of Harrisonville, Cass County, Missouri, and being more particularly described as follows.  
Beginning at the northeast corner of Lot 2, Block 1 of said Final Plat, said corner being on the westerly right-of-way line of Missouri State Highway 291;  
Thence along said right-of-way line South 04°06'28" West a distance of 177.24 feet;  
Thence, North 85°53'32" West a distance of 82.28 feet;  
Thence, North 04°06'28" East a distance of 61.41 feet;  
Thence, North 40°55'06" West a distance of 106.52 feet;  
Thence, North 00°17'58" East a distance of 29.98 feet;  
Thence, South 89°42'02" East a distance of 159.98 feet;  
The above described parcel contains 19,677 square feet, or 0.4517 acres more or less.  
Basis of Bearings the westerly right-of-way line of Missouri State Highway as taken to bear South 04°06'25" West.

**LOT 2 (B):**

A Portion of Lot 2, Block 1 of the Final Plat of Jenkins Addition recorded in Book 12, Page 230 in the Official records of Cass County, in the City of Harrisonville, Cass County, Missouri, and being more particularly described as follows.  
Beginning at the southeast corner of Lot 2, Block 1 of said Final Plat, said corner being on the westerly right-of-way line of Missouri State Highway 291;  
Thence leaving said right-of-way line North, 44°42'02" West a distance of 192.27 feet;  
Thence North, 00°17'58" East a distance of 195.02 feet;  
Thence South, 40°55'06" East a distance of 106.52 feet;  
Thence South, 04°06'28" West a distance of 61.41 feet;  
Thence South, 85°53'32" East a distance of 82.28 feet to a point on said right-of-way line;  
Thence along said right-of-way line South, 04°06'28" West a distance of 184.52 feet to the POINT OF BEGINNING.  
The above described parcel contains 24,491 square feet, or 0.5622 acres more or less.  
Basis of Bearings the westerly right-of-way line of Missouri State Highway as taken to bear South 04°06'25" West.

**UTILITY EASEMENT:**

A Portion of Lot 1, Block 1 of the Final Plat of Jenkins Addition recorded in Book 12, Page 230 in the Official records of Cass County, in the City of Harrisonville, Cass County, Missouri, and being more particularly described as follows.  
BEGINNING at the northeast corner of Lot 1, Block 1 of said Final Plat, said corner being on the westerly right-of-way line of Missouri State Highway 291;  
Thence along said westerly right-of-way line South 04°06'28" West a distance of 20.04 feet;  
Thence, North 89°42'02" West a distance of 76.94 feet;  
Thence, South 02°31'02" West a distance of 70.42 feet to a point on the north line of Lot 2, Block 1 of the aforementioned Final Plat;  
Thence along said north line, North 89°42'02" West a distance of 20.01 feet;  
Thence, North 02°31'02" East a distance of 47.03 feet;  
Thence, North 88°22'39" West a distance of 382.50 feet to a point on the easterly line of a sanitary sewer & utility easement recorded in deed book 531, at page 552 in the Official Records of Cass County;  
Thence along said easterly line, North 04°16'53" West a distance of 10.05 feet;  
Thence South 88°22'39" East a distance of 383.69 feet;  
Thence North 02°31'02" East a distance of 33.40 feet to the north line of said Lot 1;  
Thence along said north line South 89°42'02" East a distance of 97.51 feet to the POINT OF BEGINNING.  
The above described parcel contains 7,184 square feet, or 0.1649 acres more or less.  
Basis of Bearings the westerly right-of-way line of Missouri State Highway as taken to bear South 04°06'28" West.

Wal-Mart #96  
Murphy Oil USA #5782

10-11-07	JGT	ATY
DATE	PLS	DRW

**LOT SPLIT FOR MURPHY OIL**

**CEI ENGINEERING ASSOCIATES, INC**  
ENGINEERS • PLANNERS • SURVEYORS

1044 E. Herndon Ave, Suite 108 (559) 447-3119 JOB NO: 23049  
Fresno, CA 93720 FAX (559) 447-3129 DWG NAME: 23049-LOT

**LOT SPLIT**  
1720 N State Route 291  
HARRISONVILLE MO

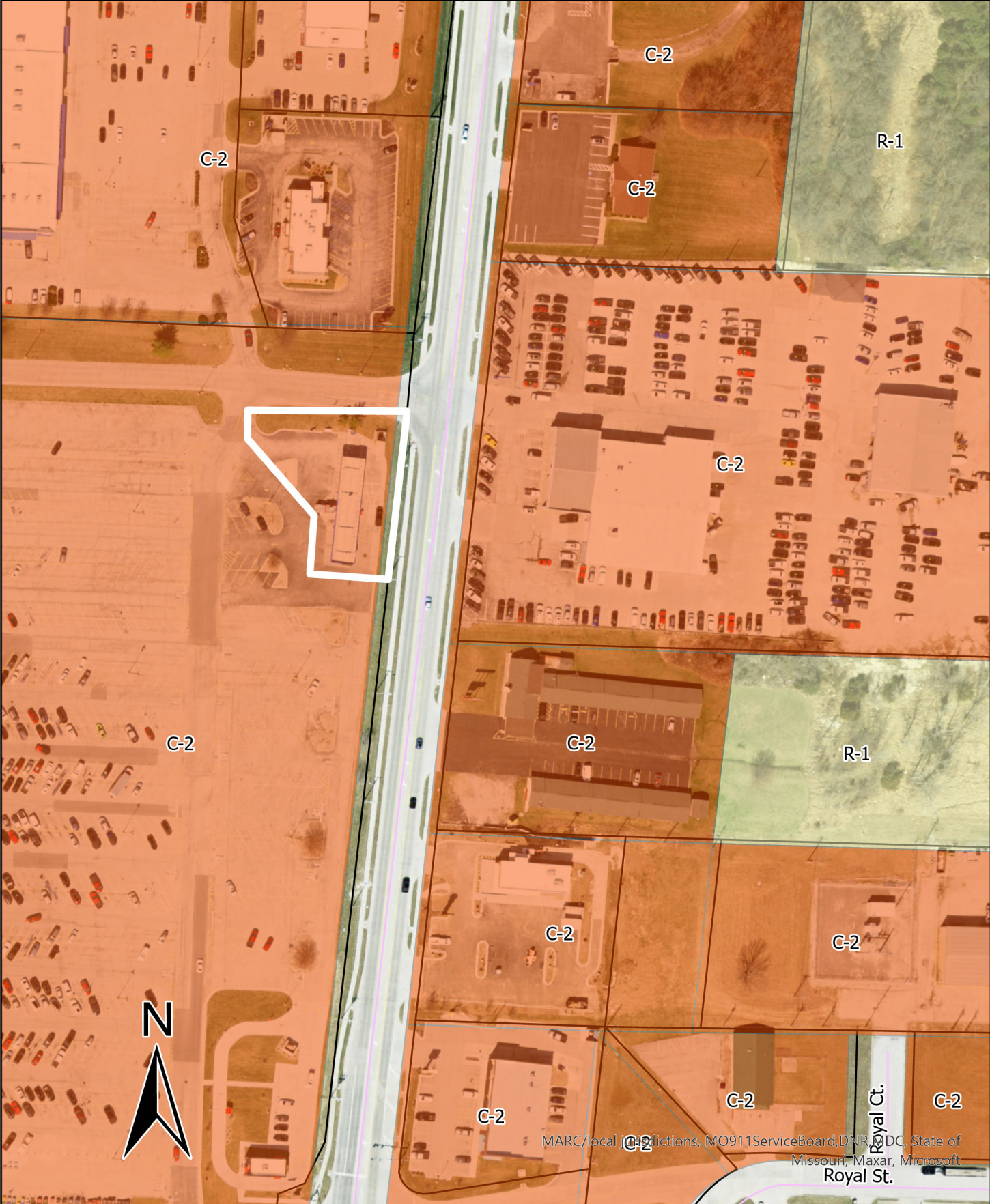
DATE 11-30-07 SHEET NO. 1 OF 1  
08:47 AM

12/2/07

© 2007, CEI ENGINEERING ASSOCIATES, INC.

Attachment: 2007 Lot Split (Appl. #VAR-24-910-Variance of Section 405.325-B and D - PUBLIC HEARING)

# Zoning Map



Attachment: Zoning Map (Appl. #VAR-24-010--Variance of Section 405.325.B and D - PUBLIC HEARING)

MARC/local jurisdictions, MO911ServiceBoard, DNR, MDC, State of Missouri, Maxar, Microsoft  
Royal Ct.  
Royal St.

# Aerial Map



Attachment: Aerial Map (Appl. #VAR-24-010--Variance of Section 405.325.B and D - PUBLIC HEARING)

MARC/local jurisdictions, MO911ServiceBoard,DNR,MDC, State of Missouri, Maxar, Microsoft

0 55 110 220 Feet

STAFF REPORT

**TO:** Board of Zoning Adjustments  
**FROM:** Christina Stanton,  
**DATE:** October 29, 2024  
**SUBJECT:** Appl. #VAR-24-010--Variance of Section 405.325.B and D -  
**CONSIDERATION**

**Type of Item:** *Approval*

**D. Action Item (ID # 5003)**

Appl. #VAR-24-010--Variance of Section 405.325.B and D - CONSIDERATION