



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
FEBRUARY 13, 2018
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Nov 14, 2017 6:00 PM**
- 3. Agenda Items**
 - A. Public Hearing for VAR-1704: Variance Application for Marcia Lightcap for a variance to Section 405.170 of the Zoning Regulations**
 - B. Consideration of VAR-1704: Variance Application of Marcia Lightcap**
 - C. Public Hearing for VAR-1801: Variance Application requesting a variance to appeal previous Board elevated sign requirements.**
 - D. Consideration of VAR-1801: Variance Application of RP Lumber**
 - E. Public Hearing for VAR-1802: Variance Application for Amanda Willis for a variance to section 405.147 to the Zoning Regulations**
 - F. Consideration for VAR-1802: Variance Application of Amanda Willis**
- 4. Discussion Items**
 - A. Need for Board Members/Chairman**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 5th day of February, 2018.

Randall K. Jones, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
NOVEMBER 14, 2017
6:00 PM

1. Call to Order

The meeting was called to order at 6:01 PM by Keith DeBrot

Attendee Name	Organization	Title	Status	Arrived
Viola Wieberg	Harrisonville		Present	
Keith DeBrot	Harrisonville		Present	
Shannon Sipple	Harrisonville		Present	
Chris O'Connell	Harrisonville		Present	

Also in attendance were Brad Bockelman, Applicant; Jim Clarke, Economic/Community Development Director.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Aug 8, 2017 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Shannon Sipple
SECONDER:	Viola Wieberg
AYES:	Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

3. Agenda Items

A. Public Hearing for VAR-1703: Variance Application of Brad Bockelman for a variance to Section 405.565 of the Zoning Regulations- Parking and Loading Regulations- D (1) Improvement of Parking Areas.

Brad Bockelman, of 301 N Price Road, presented his application for variance. He has requested that he be able to re-gravel the existing gravel driveway at 501 N Main instead of paving it as the Zoning Regulation states. He states that a majority of the surrounding neighbors also have gravel driveways. This property will be for his personal use.

This meeting was closed to the public at 6:10 PM by Keith DeBrot.

B. Consideration of VAR-1703: Variance Application of Brad Bockelman

Minutes Acceptance: Minutes of Nov 14, 2017 6:00 PM (Approval of Minutes)

Jim Clarke stated that storage units are permitted in C-2 Service Business Zoning District.. He also stated that a neighbor is supportive of Mr. Bockelman purchasing and utilizing this property.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shannon Sipple
SECONDER:	Chris O'Connell
AYES:	Viola Wieberg, Keith DeBrot, Shannon Sipple, Chris O'Connell

4. Discussion Items

5. Adjourn

With nothing further to present to the board, Shannon Sipple moved to adjourn the meeting. Chris O'Connel seconded that motion.

Keith Debrot adjourned the meeting at 6:14 PM.

 Brian Hasek, Mayor & Ex-Officio
 Chairman of the Board of Aldermen

ATTEST:

 Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Nov 14, 2017 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: January 15, 2018
SUBJECT: LIGHTCAP CARPORT APPLICATION

Type of Item: *Approval*

A. Action Item (ID # 2756)
LIGHTCAP CARPORT APPLICATION

Attachments:

LIGHTCAP CARPORT (PDF)

Lightcap pictures (PDF)

**APPLICATION
FOR
VARIANCE
City of Harrisonville**

Case No. VAR- _____
BZA Date: _____
(Staff use only.)

Please print or type

It is recommended that the applicant schedule a meeting with city staff prior to the submission of an application. An application will not be considered complete until all required material has been submitted. The Board of Zoning Adjustment meeting will not be scheduled until the application is complete. It is the applicants responsibility to submit evidence that a variance is justified. The applicant should be aware that obtaining a variance is difficult and ample evidence justifying a variance must be provided. It is the applicants responsibility to obtain a copy of the agenda, staff report and staff recommendation prior to the scheduled meeting. Attach additional sheets if necessary.

Legal Description: Parcel # 13-21-41-103.000-064.000
Original Town E50' N132.5' B1K 180

Location or address of subject property: 502 E. Chestnut

Zoning on subject property: _____ **Current Land Use:** R

Request: Cite section and subsection of the Land Use Ordinance from which variance is being requested and describe the reason for requesting a variance.

PROPERTY OWNER'S NAME: Marcia Lightcap **PHONE:** 816-884-2012
MAILING ADDRESS: 503 E. Chestnut Harrisonville, MO 64701
STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME: Marcia Lightcap **PHONE:** 816-884-2012
MAILING ADDRESS: 503 E. Chestnut Harrisonville, MO 64701
STREET CITY STATE ZIP

NOTE: See attached material for instructions and examples.

Application Fee: \$50.00

APPLICANTS SIGNATURE: Marcia Lightcap **DATE:** 11/27/2017

Received By: [Signature]

Attachment: LIGHTCAP CARPORT (LIGHTCAP CARPORT APPLICATION)

APPLICATION FOR VARIANCE

Page 2

(Attach additional sheets if necessary.)

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

☒ Yes ☐ No

Explain: It will continue to be used as a residence.

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

☒ Yes ☐ No

Explain: The driveway is close to the alley and the house actually faces the alley.

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

☐ Yes ☒ No

Explain: Carport will be away from the alley.

4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare?

☐ Yes ☒ No

Explain:

5. Does the request arise from a condition which was created by an action(s) of the property owner or the applicant?

☒ Yes ☐ No

Explain: Because of physical conditions of the homeowner she needs the carport in the location requested.

It is the applicant's responsibility to demonstrate that these conditions have been met at the time of application. Applicants are encouraged to submit any materials which will support their case, including site plans, photographs, studies, letters of support, etc.

Attachment: LIGHTCAP CARPORT (LIGHTCAP CARPORT APPLICATION)



City of

Harrisonville

est.
1836

3.A.a

P.O. Box 367, 300 East Pearl Street - Harrisonville, Missouri 64701 p. (816) 380-8900 f. (816) 380-8906

November 14, 2017

To Whom It May Concern:

This letter is to notify you of a public hearing before the Harrisonville Board of Zoning Adjustments which is scheduled for Tuesday, January 9, 2018, 6:00 p.m. at city hall, 300 E. Pearl St., Harrisonville, MO 64701.

The BZA will be considering a variance to allow a carport to be located within the 8 foot side setback for the owner Marcia Lightcap, 503 E. Chestnut, Harrisonville, MO 64701, Parcel #: 13-21-41-103-000-064.000, Original Town East 50' North 132.5' Block 180.

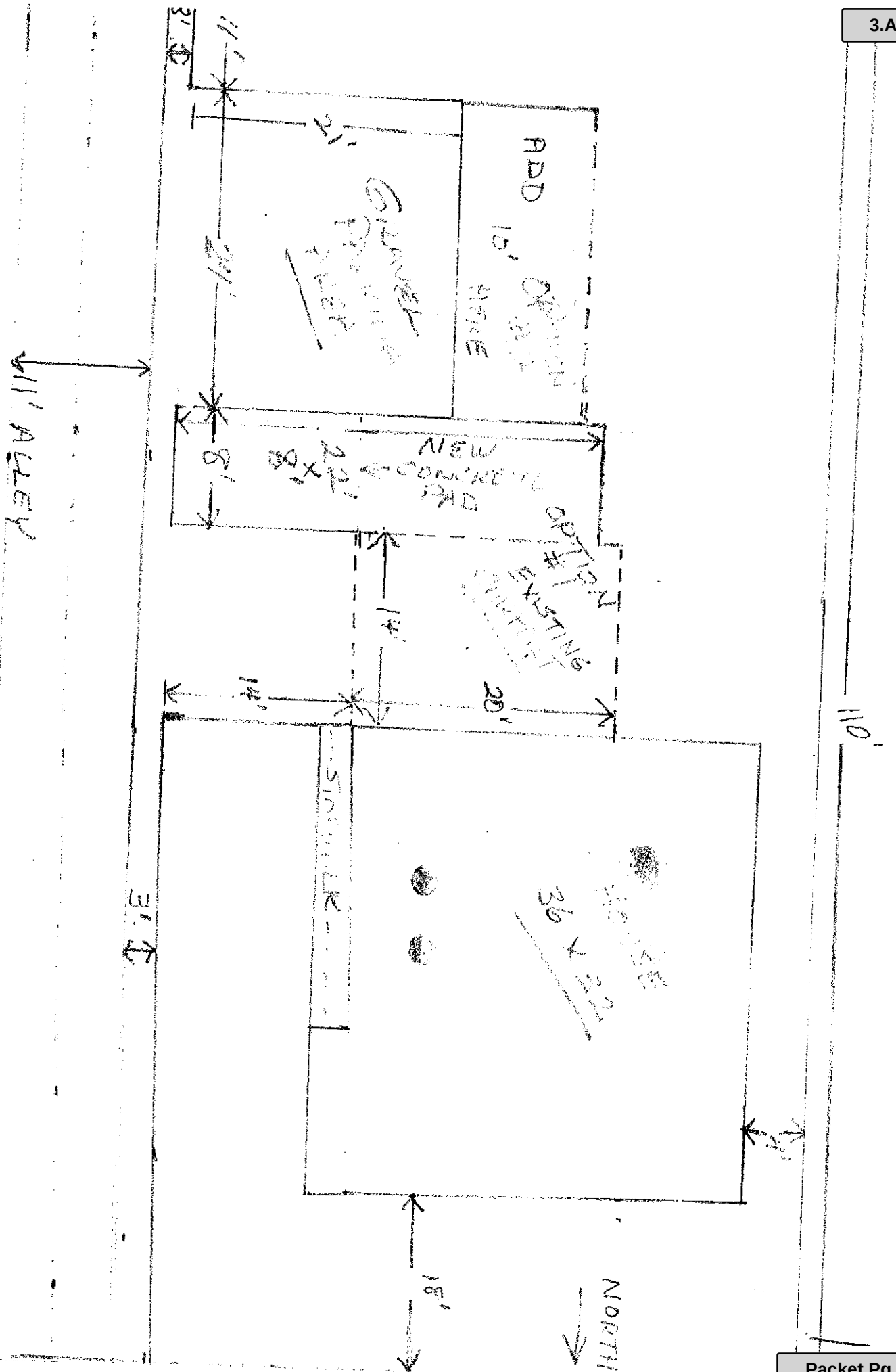
As a nearby landowner you are being notified of this public hearing as required by municipal ordinance. You are also welcome to express any opinions regarding this application during the public hearing, however, your appearance is not required.

Sincerely,

Happy Welch
City Administrator

Letters sent
12/5/17
DJ.

Attachment: LIGHTCAP CARPORT (LIGHTCAP CARPORT APPLICATION)



MADEIRA LIGHTCAP - 503 E. CHESTNUT ST. 884-2012

This is the entrance to the alley
where Ms. Lightcap lives. It turns
north off of East Pearl St.

Attachment: Lightcap pictures (LIGHTCAP CARPORT APPLICATION)

Over



Ther...
 ranch style house on the corner of East Pearl Dr.
 and the unnamed alley where Ms. Lightcap resides.
 Notice the proximity to the alley.

Location (Lightcap pictures) (LIGHTCAP CARPORT APPLICATION)



h
s the (north) garage to the alley. The carport requested would continue the visual line along the alley.

Attachment: Lightcap pictures (LIGHTCAP CARPORT APPLICATION)

Over



his is one view where the carport permission is located.

Attachment: Lightcap pictures (LIGHTCAP CARPORT APPLICATION)

Over





TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: January 15, 2018
SUBJECT: STAFF REPORT

Type of Item: *Discussion*

B. Action Item (ID # 2755)
STAFF REPORT

Attachments:

BZA - Staff Report - Marcia Lightcap - Carport within 8' Setback - 1-9-18 (DOC)
County Aerial - 503 E. Chestnut St. (DOCX)

M E M O R A N D U M

TO Board of Zoning Adjustments

FROM Jim Clarke, Community/Economic Development Director

DATE January 9, 2018

SUBJECT 503 E. Chestnut - Variance

GENERAL INFORMATION:

Applicant: Marcia Lightcap

Requested Action: A variance from Section 405.170 of the Zoning Regulations – Height and Area Regulations. Section 405.170 (A) (3) of “R-2” Two Family Residential District states, in part, “...no side yard shall be less than seven and one-half (7 ½) feet”. The Applicant is requesting a carport at 503 E. Chestnut be allowed to be located within the 7 ½ feet Setback required by Section 405.170 (A) (3) of the Zoning Regulations.

Purpose: Locate a Carport within 7 1/2’ Setback - Variance

Existing Zoning: “R-2” Two Family Residential District

Location: 503 E. Chestnut

Surrounding Zoning: North: “R-2” Two Family Residential District
East: “R-2” Two Family Residential District
West: “R-2” Two Family Residential District
South: “R-2” Two Family Residential District

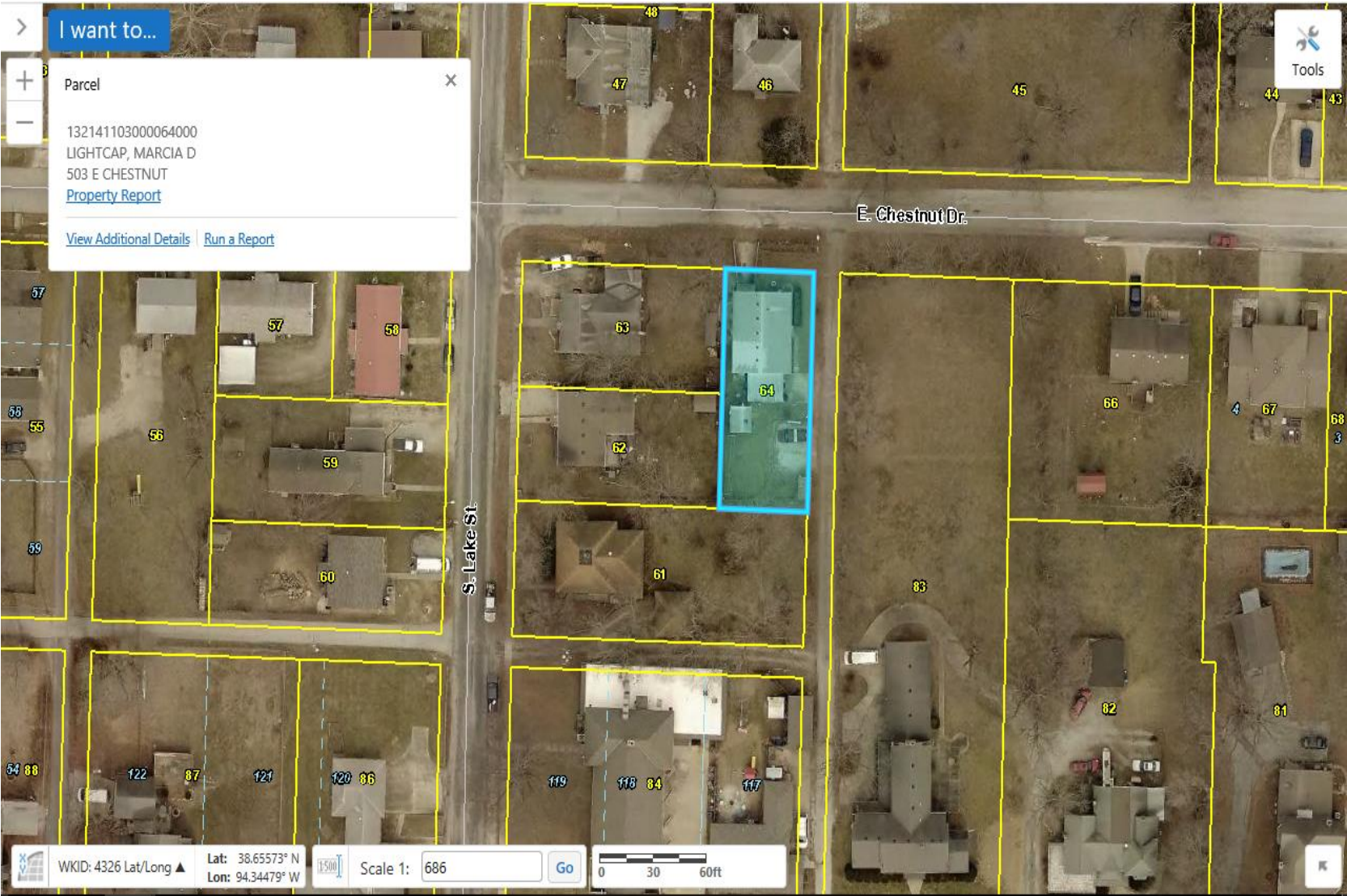
Comprehensive Plan: Low Density Residential (Comprehensive Plan from 2002)

OVERVIEW

The Applicant is requesting allowance to locate a structure within a Setback area defined and prescribed in the Zoning Regulations. The configuration of the property and existing structures, combined with the proximity to this alley, may present challenges in structure location, presenting conflict and causing noncompliance with Zoning District Regulations.

ATTACHMENTS

- Agenda
- Minutes of October 10, 2017 BZA meeting
- Application for Variance
- Staff Report
- County Assessor's Office aerial image of subject property (shaded) and surrounding properties.
- Public Hearing Notice Publishing
- Certified Letters Return Receipts



Attachment: County Aerial - 503 E. Chestnut St. (STAFF REPORT)



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: January 17, 2018
SUBJECT: RP LUMBER APPLICATION

Type of Item: *Discussion*

C. Action Item (ID # 2758)
RP LUMBER APPLICATION

Attachments:

RP LUMBER APPLICATION (PDF)

RECEIVED**JAN 16 2018**

CITY OF HARRISONVILLE

APPLICATION
FOR
VARIANCE
City of Harrisonville

Case No. VAR-
1861
BZA Date: 3/13/2018
(Staff use only.)

Please print or type

It is recommended that the applicant schedule a meeting with city staff prior to the submission of an application. An application will not be considered complete until all required material has been submitted. The Board of Zoning Adjustment meeting will not be scheduled until the application is complete. It is the applicant's responsibility to submit evidence that a variance is justified. The applicant should be aware that obtaining a variance is difficult and ample evidence justifying a variance must be provided. It is the applicant's responsibility to obtain a copy of the agenda, staff report and staff recommendation prior to the scheduled meeting. Attach additional sheets if necessary.

Legal Description: Approx 9.93 ACRES Commonly Known As
"LANDMARK PLAZA"

Location or address of subject property: 2005 N COMMERCIAL - 2059
HARRISONVILLE, MO 64701

Zoning on subject property: COMMERCIAL Current Land Use: RETAIL

Request: Cite section and subsection of the Land Use Ordinance from which variance is being requested and describe the reason for requesting a variance.

Chapter 435

Decision from BZA meeting of 10/27/2009

PROPERTY OWNER'S NAME:

PHONE:

RIP Development Company, Inc.

618-456-1514

MAILING ADDRESS:

514 E Vandalia

Edwardsville

IL

62025

STREET

CITY

STATE

ZIP

APPLICANT/AGENTS NAME:

PHONE:

[Signature]

618-456-1514

MAILING ADDRESS:

514 E VANDALIA ST

EDWARDSVILLE

IL

62025

STREET

CITY

STATE

ZIP

NOTE: See attached material for instructions and examples.

Application Fee: \$50.00

100.00

Robert Plummer

APPLICANTS SIGNATURE:

DATE:

1/11/18

Attachment: RP LUMBER APPLICATION (RP LUMBER APPLICATION)

Received By: APPLICATION FOR
VARIANCE page 2.

(Attach additional sheets if necessary.)

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

a No.

Explain:

YES. WITH THE REQUESTED VARIANCE, WE FEEL THAT ALL OF
THE TENANTS CAN EXPECT REASONABLE RETURNS.

2. Is the plight of the owner due to unique circumstances? (Unique circumstances may include, but is not limited to, the shape, topographical conditions, or physical surroundings of the property.) a No

Explain:

NO.

3. Will the variance, if granted, alter the character of the locality and/or neighborhood? a No

Explain:

NO.

4. Will the variance adversely affect the public health, safety) morals, order, convenience, prosperity, or general welfare? No

Explain:

NO.

5. Does the request arise from a condition which was created by an action(s) of the property owner or the applicant? a No

Explain:

YES. CREATING A NEW ANCHOR STORE WITHIN
THE COMPLEX.

Attachment: RP LUMBER APPLICATION (RP LUMBER APPLICATION)

EXHIBIT A

Legal Description

ALL THAT PART OF LOT 6 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 5; TOWNSHIP 44, RANGE 31, IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF NORTH COMMERCIAL STREET, AS NOW ESTABLISHED AND THE EAST LINE OF SAID LOT 6; THENCE NORTH 89 DEGREES 08 MINUTES 00 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200.01 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 89 DEGREES 08 MINUTES 00 SECONDS WEST, 61.39 FEET; THENCE SOUTH 0 DEGREES 52 MINUTES 00 SECONDS WEST, 221.21 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 00 SECONDS WEST, 307.28 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MISSOURI HIGHWAY NO. 291, AS ESTABLISHED BY DOCUMENT FILED FOR RECORD IN BOOK 491, PAGE 45 IN THE OFFICE OF RECORDER OF DEEDS FOR CASS COUNTY, MISSOURI, AND 85 FEET EASTERLY OF THE CENTERLINE THEREOF; THENCE IN A SOUTHERLY AND SOUTHWESTERLY DIRECTION ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 562.50 FEET AND AN INITIAL TANGENT BEARING OF SOUTH 13 DEGREES 12 MINUTES 36 SECONDS WEST, AN ARC DISTANCE OF 314.86 FEET TO A POINT THAT IS OPPOSITE AND 85 FEET EASTERLY OF CENTERLINE STATION 932+76.2 OF SAID HIGHWAY; THENCE SOUTH 21 DEGREES 10 MINUTES 00 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY, A DISTANCE OF 82.86 FEET TO A POINT OPPOSITE AND 118.2 FEET SOUTHEASTERLY OF CENTERLINE STATION 932+00 OF SAID HIGHWAY; THENCE SOUTH 18 DEGREES 08 MINUTES 30 SECONDS EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 71 AS ESTABLISHED BY DOCUMENT FILED FOR RECORD IN BOOK 491, PAGE 45 IN THE OFFICE OF THE RECORDER OF DEEDS OF CASS COUNTY, MISSOURI, A DISTANCE OF 410.44 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 15 SECONDS EAST, A DISTANCE OF 577.50 FEET; THENCE NORTH 0 DEGREES 05 MINUTES 45 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID LOT 6, A DISTANCE OF 729.60 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 00 SECONDS WEST PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTH COMMERCIAL STREET, A DISTANCE OF 150.00 FEET; THENCE NORTH 0 DEGREES 05 MINUTES 45 SECONDS WEST PARALLEL TO THE EAST LINE OF SAID LOT 6, A DISTANCE OF 221.24 FEET TO THE TRUE POINT OF BEGINNING.

SITUATED IN CASS COUNTY, MISSOURI
TAX ID NO. 13-31-51-000-000-001.002

Subject to real estate taxes for the year 2015 and subsequent years; covenants, conditions, restrictions and easements apparent or of record; and all applicable zoning laws and ordinances.

{00014631.1}

Attachment: RP LUMBER APPLICATION (RP LUMBER APPLICATION)

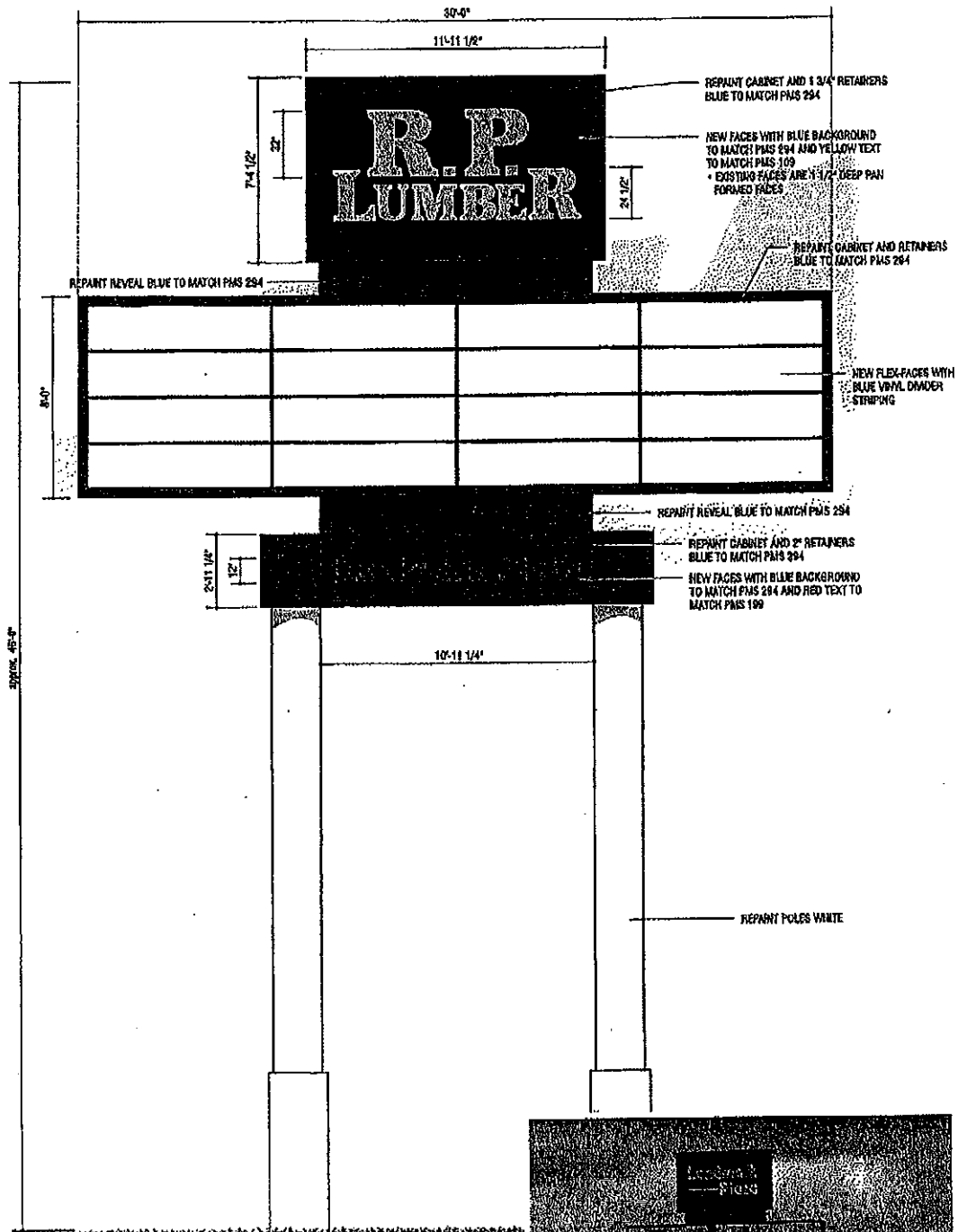


ACME SIGN 1913 Vernon North Kansas City Missouri 64116-4422 (816) 842-8880 FAX (816) 842-6308	CLIENT: R.P. LUMBER ADDRESS: HARRISONVILLE, MO SALESPERSON: JENSEN DESIGNER: LYONS	FILE: R.P. LUMBER_Plan_1		SHEET: 1 OF 1	
		11/2/17			

CLIENT APPROVAL: _____

Client approval denotes that spelling, colors & specifications for signage & design meet their satisfaction.

The original design and all information contained herein is the property of ACME Sign. No part of this design may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from ACME Sign.



MODIFICATIONS TO EXISTING D/F INT-ILLUMINATED POLE SIGN

SCALE: 1/4"=1'-0"

NOTE: PRODUCTION QUALITY VECTOR ART FOR LOGO
REPRODUCTION REQUIRED FOR FINAL PRODUCTION



EXISTING SIGN

Attachment: RP LUMBER APPLICATION (RP LUMBER APPLICATION)

Landmark Plaza
POLE SIGN.

HAPPY
COPY

**BOARD OF ZONING ADJUSTMENTS
OCTOBER 27, 2009
6:00 PM**

MEMBERS PRESENT: Matt Turner, Viola Wieberg, Mike Davis, Robert Cooper

MEMBERS ABSENT: Randy Evers, Greg Miller

STAFF PRESENT: Steve Rauscher, April Wiskur

The meeting was called to order by acting Chairman Mike Davis at 6:03PM.

APPROVAL OF MINUTES OF MAY 12, 2009

With no additions or corrections, the May 12, 2009, minutes were approved as written.

PUBLIC HEARING TO CONSIDER VAR0901: VARIANCE APPLICATION OF EDWARD FELTMAN, KESSINGER/HUNTER & COMPANY, FOR A VARIANCE FROM SECTION 435.110:A, 1, TO MODIFY AN EXISTING POLE SIGN ON THE PROPERTY AT 2005-2061 N. COMMERCIAL STREET

Chairman Davis opened the public hearing at 6:05PM.

Ed Feltman, of Kessinger/Hunter & Co, manages the shopping center for AHG, Inc. He explained that the variance request is for the existing pole sign on the west side of the property. He explained that since Price Chopper left the center, they have been told they need to reduce the sign face from 366 square feet to the 144 square foot limit as required by the sign ordinance. The owners have removed the Price Chopper face of the sign, but would like to preserve the existing sign and replace that space with smaller signs showing the other tenants in the center. This would allow preserving that space for a future anchor tenant in the center. Landmark Plaza is in a critical situation now after losing Price Chopper to the new location. He explained how the shopping center needs the signage and an anchor tenant to help it thrive. He said City staff has recommended denial of the application. He reviewed each point with the Board. He explained that the largest space will likely be divided into two spaces, so we are now looking at three anchor tenants instead of two. He said it takes about 5 years to recoup the cost of dividing the space. Signage is at least the 2nd most important way to bring in business, if not the 1st. Mr. Feltman stated that the signage would enhance the property by attracting businesses.

Cher Langford, Kessinger/Hunter & Co., gave an example of a shopping center in Independence where a tenant took only 25,000 square feet of a 50,000 square foot area left in the center. A condition of them taking it was that they get a sign panel as large as the anchor store, which was a Price Chopper. They were granted the signage and took the space. It is critical that businesses come into Landmark Plaza and the signage is very important. She stated that they are asking that the variance be granted in order to offer existing signage to the current tenants and a future anchor tenant.

Brian Mills, owner of Liberty Tax Franchise located in the Landmark Plaza, stated that he was concerned about going into a space at Landmark because of the visibility. What made the area a plus was the actual Landmark Shopping Center sign, which is a "landmark" in Harrisonville. He gave reasons for the variance to be granted and his support of the applicant. He stated that signage is what helps businesses make it through this tough economic time and asked that the Board grant the variance.

Attachment: RP LUMBER APPLICATION (RP LUMBER APPLICATION)

Tim Soulis, owner of Gaslight Shopping Center, stated that his center is just to the east of Landmark. He said that a few years ago, the sign ordinance that restricted the signage, made it difficult for him to provide signage for his tenants as well. He said he understands that this Board is trying to follow the ordinances and do what is best for the City. Without asking for a variance on his own signage, he could not allow signage for all of his tenants. He asked that the Board consider that "one size doesn't fit all" and allow a compromise for the tenants trying to advertise their businesses. He said he will be coming here soon to ask for variances on his signage rather than throw one away to conform to an ordinance that only allows "one size fits all" signage.

Robert Cooper asked if the proposed sign is a reduction in size from the original Price Chopper sign. Mr. Feltman said it would be the same square footage, just replacing the face with the proposed signage for the other tenants temporarily until a future anchor comes in.

Matt Turner asked if they replace that sign with an anchor tenant in the future, won't they have to come back for another variance? Mr. Feltman said they are asking to keep the existing sign and then replacing the sign face after that would just require a sign permit.

Mr. Cooper asked if they had thought about new signage for the other tenants. Mr. Feltman said that is impossible under the sign ordinance.

Mr. Cooper asked if the Board were to approve the variance, would we be within rights to set conditions on the "temporary" signage. He expressed concern that if the variance is granted, this temporary sign will become permanent if an anchor store does not come in.

Steve Rauscher stated that the Board can set conditions. If the Board grants the variance to allow the existing sign to remain this size, it stays with this sign forever.

Mr. Turner stated that they are wanting to putting the other tenants in the sign to help them out now, but when an anchor tenant comes in they won't need the extra signage because the anchor will generate traffic to them.

Mr. Rauscher stated that in regards to the comment made by Mr. Soulis about the "one size fits all" ordinance, this ordinance was drafted to maintain consistency in the signage throughout the City, regardless of size of business. Landmark Plaza has more elevated signs than any other business area in town, with three. The sign in questions was probably originally built as a highway sign to draw people off the highway. He explained that Landmark is in the Highway Overlay District, which allows elevated sign area to be 144 square feet instead of the 100 square feet allowed in all other commercial districts. On this particular sign, the only two tenants ever listed on that sign were Price Chopper and CVS. He applauds Mr. Feltman for trying to give the other tenants some signage, though temporary, but this sign is still approximately 240 square feet larger than the sign ordinance permits. This sign ordinance was designed to get rid of pole signs, other than monolithic poles. There are no other variances granted like this in the area. Mr. Soulis will have the same issue. There are several signs that have been removed from this site, including the McDonald's pole sign and the Captain D's pole sign. Staff recommends denial because the property owner does not meet the requirements as set out by the ordinance.

Mr. Turner asked if this sign was grandfathered when the new ordinance was adopted. Mr. Rauscher stated that it was, until there were changes made to it as listed in Section 435.110:A. He explained that changes were made to the sign ordinance soon after it was adopted. He reviewed the section for the Board. If the sign face is changed out for the same business, it's maintenance. If the sign

face is changed out for a new business, it's a change or modification and requires the sign to come into compliance.

Chairman Davis asked if a sign task force was put together to go over this ordinance. Mr. Rauscher stated that in 2003 a task force was assigned to work on the Zoning Regulations and the Sign Ordinance and they developed this new ordinance. When staff began administering the ordinance, there were problems, so administration was suspended for approximately 10 months and a group of people were gathered to go over the ordinance. The existing ordinance was then adopted and is being administered.

Chairman Davis stated that we have a situation where the changes being made have taken away the grandfathering. He stated that he had followed the discussion regarding the sign ordinance when it was being discussed and many decisions were made and agreed upon.

With no further discussion from the audience, Chairman Davis closed the public hearing at 6:50PM.

CONSIDERATION OF VAR0901: VARIANCE APPLICATION OF EDWARD FELTMAN, KESSINGER/HUNTER & COMPANY

Mr. Rauscher stated that a possible condition of the variance, if granted, could be that the 2 signs at the Commercial Street entrance be removed.

Brian Mills stated that he believes that having no signage at the Commercial Street entrance would be detrimental to the business owners. Mr. Rauscher stated that it's possible that the owner of the property could remove the 2 existing signs and construct a code-compliant monument sign.

Mr. Cooper asked if the applicant would be willing to be creative with signage if the conditions are placed. Mr. Feltman stated that they would, but it is imperative that the entrance to the shopping center be marked. The owner, though, is perfectly willing to be creative.

Mr. Rauscher stated that Mr. Feltman is within his rights to modify his request to ask the Board to grant the variance for the existing pole sign, to remove the 2 existing signs at the Commercial Street entrance, and to construct a new code-compliant ground-mounted sign that is no larger than 64 square feet. He also stated that if the Board grants the variance and places a condition that the owner remove the 2 existing sign and replaces them with a compliant sign, he would work with the owner to place the sign out of a sight triangle.

Robert Cooper made the motion to approve the variance with the condition that the two remaining signs be removed and a smaller monument sign be constructed, and with the condition that when an anchor is found, the sign face on the pole sign be replaced with the anchor tenant only and the area that formerly housed the co-anchor be removed. Matt Turner seconded. The motion passed unanimously.

ADJOURN

With no further business to come before the Board, the meeting was adjourned at 7:11PM.

Respectfully submitted,

April L. Wiskur
April L. Wiskur, Secretary

Attachment: RP LUMBER APPLICATION (RP LUMBER APPLICATION)

CITY OF HARRISONVILLE

REC#: 00686888 1/16/2018 2:14 PM
OPER: CASH TERM: 001
REF#: 1079

TRAN: 655.0000 ZONING & PLAT REVIEW
RP LUMBER
VARIANCE APPLICATION
ZONING & PLAT REVIE 100.00CR

TENDERED: 100.00 CHECK
APPLIED: 100.00-

CHANGE: 0.00

www.ci.harrisonville.mo.us

Attachment: RP LUMBER APPLICATION (RP LUMBER APPLICATION)



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: January 17, 2018
SUBJECT: 909 E PEARL APP

Type of Item: *Discussion*

- D. Action Item (ID # 2759)**
909 E PEARL



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: January 18, 2018
SUBJECT: 909 E PEARL APPLICATION

Type of Item: *Approval*

E. Action Item (ID # 2762)
909 E PEARL APPLICATION



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: January 17, 2018
SUBJECT: 909 E PEARL STAFF REPORT

Type of Item: *Discussion*

F. Action Item (ID # 2760)
909 E PEARL STAFF REPORT

Attachments:

909 E PEARL STAFF REPORT (PDF)

909 (905) East Pearl St. Lot Split/ Side set back variance.

From: carthur@ci.harrisonville.mo.us
Sent: Tue, Jan 16, 2018 at 4:14 pm
To: Happy Welch
Cc: John Morris

Happy, my opinion on this request is that it should be approved.

- 1- The combination of lots created a current non conforming use- more than 1 principle structure on 1 lot.
- 2- The owners have agreed to create a private easement for both lots regarding shared maintenance of the structure(attached garage) between the 2 homes.
- 3- The costs to remove the garage/deck structure would be very high due to the type of construction.
- 4- The garage deck structure was issued a building permit by the city for construction of same.
- 5- If the variance is approved the owners have agreed to construct a code compliant fire separation demising wall between the 2 properties thus splitting the garage(similar to a side by side duplex) and the work to comply with attached garage requirements for each home.

Chris Arthur

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Attachment: 909 E PEARL STAFF REPORT (909 E PEARL STAFF REPORT)



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: January 15, 2018
SUBJECT: NEED FOR BOARD MEMBERS/CHAIRMAN

Type of Item: *Discussion*

A. Discussion Item (ID # 2757)

NEED FOR BOARD MEMBERS/CHAIRMAN