



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
OCTOBER 16, 2018
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Sep 11, 2018 6:00 PM**
- 3. Agenda Items**
 - A. Public Hearing for VAR-1808: Variance Application for Jeff Schrock, owner of JDS Detailing Inc. for a variance to 405.565 D of the Zoning Regulations.**
 - B. Consideration for VAR-1808: Application of Jeff Schrock, owner of JDS Detailing Inc.**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 9th day of October, 2018.

Randall K. Jones, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
SEPTEMBER 11, 2018
6:00 PM

1. Call to Order

The meeting was called to order at 6:02 PM by Chris O'Connell

Attendee Name	Organization	Title	Status	Arrived
Viola Wieberg	Harrisonville		Present	
Keith DeBrot	Harrisonville		Present	
Shannon Sipple	Harrisonville		Absent	
Chris O'Connell	Harrisonville		Present	
Norma Keltner	Harrisonville		Present	
Jennifer Peters	Harrisonville		Present	

Also in attendance were Dean Willie, Applicant; Roger Kroh, Community Development Planner; and Jamie Martin; Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Aug 14, 2018 6:00 PM

With no additions or corrections, the minutes from the Aug 14, 2018, meeting were unanimously accepted.

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

3. Agenda Items

A. Public Hearing for VAR-1807: Variance Application for Community Bank of Raymore for a variance to Section 435.080 Appendix A of the Zoning Regulations.

Roger Kroh presented Agenda Packet Pages 4-10. He asked that his Staff Report and the Zoning Regulations be made part of the record.

Dean Willie stated that a smaller ground sign would not be feasible for all of the tenants to be on a smaller sign and that a ground sign would be more welcoming than a elevated sign.

B. Consideration of VAR-1807: Variance Application of Community Bank of Raymore.

Keith Debrot made a motion to approve the variance to allow a ground sign of 160 square feet in area and 16 foot height. Jennifer Peters seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Keith DeBrot
SECONDER:	Jennifer Peters
AYES:	Wieberg, DeBrot, O'Connell, Keltner, Peters
ABSENT:	Shannon Sipple

4. Discussion Items

none

5. Adjourn

With nothing further to come before the board, Keith Debrot made a motion to adjourn. Jennifer Peters seconded.

Respectfully Submitted,

Jamie Martin, Recording Secretary



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: October 9, 2018
SUBJECT: PUBLIC HEARING

Type of Item: *Discussion*

A. Discussion Item (ID # 3032)
PUBLIC HEARING

Attachments:

Application and Fee (PDF)

Staff Report Final 100918 (DOC)

**APPLICATION
FOR
VARIANCE OR APPEAL
City of Harrisonville**

Case No. VAR- 1808BZA Date: 10/16/18
(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. An application will not be considered complete and The Board of Zoning Adjustment meeting will not be scheduled until all required material has been submitted and the filing fee has been delivered to the City per City Code. 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 applicants responsibility to obtain a copy of the agenda, staff report and staff recommendation prior to the scheduled meeting. Attach additional sheets if necessary.

Location or address of subject property: 1801 S. BUTLER ST,
HARRISONVILLE, MO 64701

Zoning on subject property: COMMERCIAL Current Land Use: COMMERCIAL

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

THE REQUEST IS TO CONTINUE TO HAVE THE PARKING LOT
EXTEND TO THE PROPERTY LINE ALONG COMMERCIAL AND
INDEPENDENCE STREET AS IT HAS FOR MANY YEARS.

Add additional pages if necessary

PROPERTY OWNER'S NAME: JEFF SCHROCK PHONE: 816-616-3352

MAILING ADDRESS: 1102 S. COMMERCIAL ST. HARRISONVILLE MO 64701
STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME: SAME PHONE: _____

MAILING ADDRESS: _____
STREET CITY STATE ZIP

Deposit Filing Fee: \$100.00

APPLICANT'S SIGNATURE: Jeff Schrock DATE: 9-25-18

Received By: [Signature] TIME: 9/26/18

1/1/2018

APPLICATION FOR VARIANCE OR APPEAL

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: THERE WOULD BE UNNECESSARY EXPENSE REMOVING
EXISTING ASPHALT AND CURBS AND THE REBUILDING IN A
LOCATION PER REGULATIONS

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 PROPERTY WAS PREVIOUSLY DEVELOPED WITH
CURBS AND PAVEMENT EXTENDED TO THE PROPERTY LINES

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

☐ Yes ☒ No

Explain: THE PARKING LAYOUT WILL REMAIN CONSISTENT
WITH WHAT IT HAS BEEN FOR DECADES

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: _____

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.

General Information:

Applicant/Location: Mr. Jeff Schrock, owner of JDS Auto Detailing, Inc.
1801 Butler Drive

Representative: Mr. Sam Stryon, P.E

Requested Action: Variance from Sec. 405.565 D.2.b and c, Parking and Loading Regulations - Improvement of Parking Areas which states that no parking area shall extend closer than four (4) feet to a right-of-way measured to the back of the curb of the parking area.

Existing Zoning: C-2 Service business District

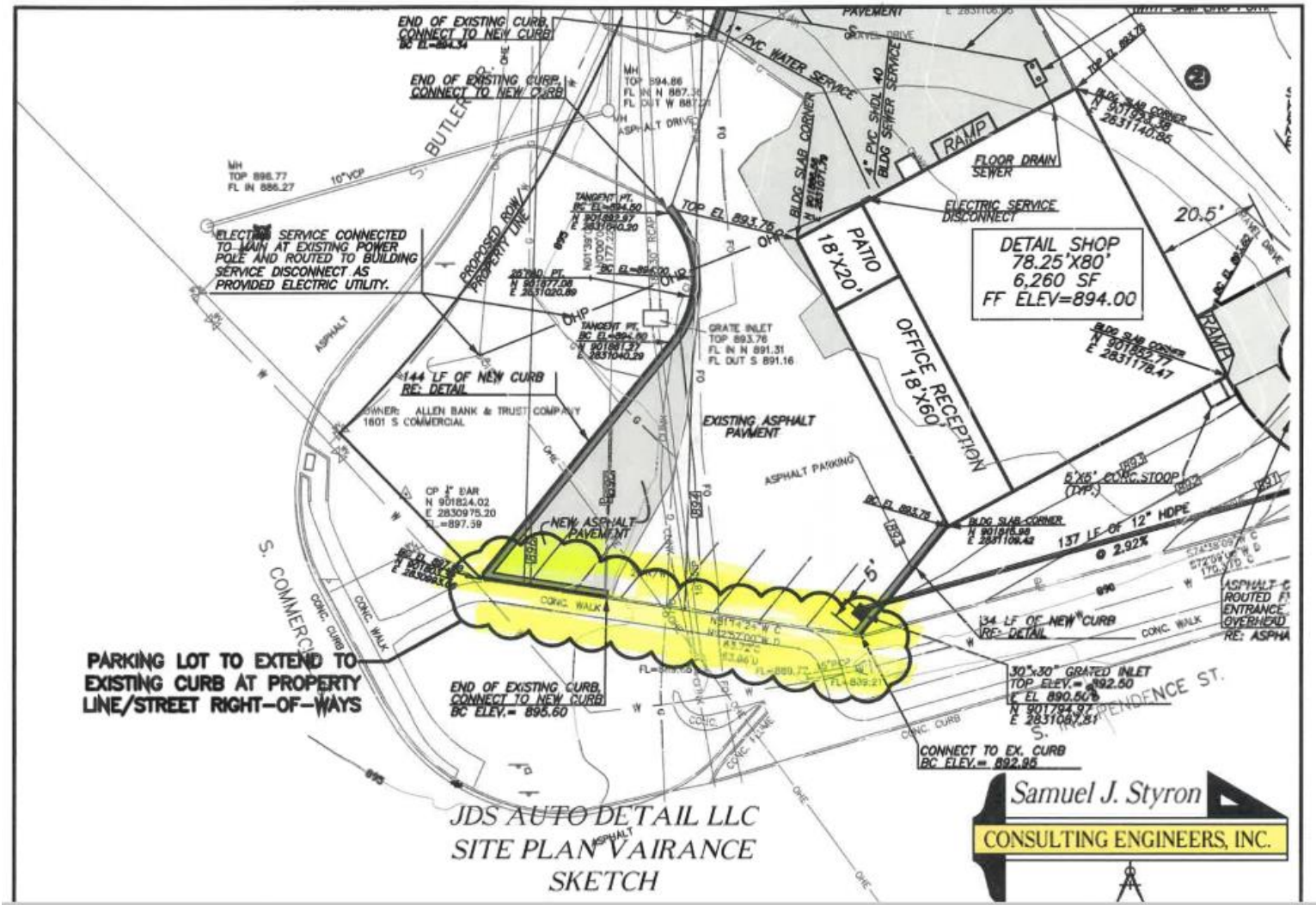
Surrounding: North: R-1, Single Family Residential
East: R-1, Single Family Residential
West: C-2, Service Business District
South: C-2, Service Business District

Background:

Mr. Schrock is constructing a new building at 1801 Butler Dr. and wishes to have the new parking lot extend to the existing driveway curb on the south property line that abuts Independence Street Avenue. To accomplish this, he is requesting a variance from Sec. 405.565 D.2.b and c, Parking and Loading Regulations - Improvement of Parking Areas which states that no parking area shall extend closer than four (4) feet to a right-of-way measured to the back of the curb of the parking area.

Vicinity Map:

Site Plan:



Attachment: Staff Report Final 100918 (PUBLIC HEARING)

Evaluation of Request

Chapter 405.610 to 405.625 states that the Board of Zoning Adjustment may grant variances only in the 5 specific situations set forth below provided they are in harmony with the general purpose and intent of the zoning ordinance.

Standard No. 1. Can the subject property yield a reasonable return if used under the regulations governing the zoning district in which it is located?

Applicant: No, there would be an unnecessary expense removing existing asphalt and curbs and the rebuilding in a location per the regulations.

Staff: we believe that the operation could yield a reasonable without removing the existing asphalt and curbs. However, we agree that it would be a wasted expense to do so when we are dealing with an existing curb that is on the opposite side of the lot from any residences and it abuts the city right-of way for only a relatively short distance.

Standard No. 2. Is the plight of the owner due to unique circumstances? Unique circumstances may include, but are not is not limited to, the shape, topographical conditions, or physical surrounding of the property.

Applicant: Yes, the property was previously developed with curbs and pavement extended to the property line.

Staff: We concur and add that this is a small area and, as previously mentioned, it is on the opposite side of the property that abuts residences.

Standard No. 3. Will the variance, if granted, not alter the essential character of the locality.

Applicant: The parking layout will remain consistent with what it as been for decades.

Staff: We do not believe the variance will alter the essential character of the locality because the existing curb and pavement has existed there for a long period of time.

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

Applicant: No.

Staff: The variance will not have a negative effect on public health, safety, morals, order convenience, prosperity and general welfare.

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

Applicant: No.

Staff: The existing condition of the curb being less than 4 ft. from the property line was created by a prior property owner and the current owner is incorporating it into his development.

Chapter 405.610-625 also sets out five (5) additional conditions which supplement the above standards, and which are to help the BZA determine whether the evidence shows that there are practical difficulties or hardships that would substantiate the approval of a variance. They are as follows:

- A. The physical surroundings, shape or topographical conditions of the specific property involved would bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

The existing would incur both additional costs if the existing curb were removed, and the parking spaces would have to be removed or moved elsewhere.

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

Having a relatively short paved area less than 4 ft. from the property line and away from abutting property owners is rare.

- C. 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 alleged difficulty or hardship is being created by the existing property owner, however, he wishes to incorporate into his project curb and pavement that appears to have existed since before 2004.

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

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

- E. 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 variance will not impair an adequate supply of light and air to adjacent property, not increase the danger of fire if the storage is properly managed, not endanger the public safety or substantially diminish or impair property values in the neighborhood.

Recommendation:

Approve motion recommending that the Board of Aldermen approve a variance for Jeff Schrock and JDS Auto Detail, Inc. at 1801 Butler Dr. to Sec. 405.565 D.2.b and c, Parking and Loading Regulations - Improvement of Parking Areas, to permit existing paving and curbing along Independence St. to be less than four (4) feet from the right-of-way for the following reasons:

1. The operation could yield a reasonable without removing the existing asphalt and curbs. However, we agree that it would be a wasted expense to do so when we are dealing with an existing curb that is on the opposite side of the lot from any residences and it abuts the city right-of way for only a relatively short distance.
2. There is an unusual circumstance in that the property was previously developed with curbs and pavement extended to the property line. This area is a small and on the opposite side of the property that abuts residences.
3. The variance will not alter the essential character of the locality because the existing curb and pavement has existed there for a long period of time.
4. The variance will not have a negative effect on public health, safety, morals, order convenience, prosperity and general welfare.
5. The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;
6. The proposed ground sign will not alter the character of area.
7. The variance will not have a negative effect on public health, safety, morals, order convenience, prosperity and general welfare.



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: October 9, 2018
SUBJECT: Consideration of VAR-1808

Type of Item: *Approval*

- B. Action Item (ID # 3033)**
Consideration of VAR-1808