



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

**AGENDA  
CITY OF HARRISONVILLE  
BOARD OF ZONING ADJUSTMENT  
REGULAR MEETING  
CITY HALL  
NOVEMBER 10, 2025  
6:00 PM**

- 1. Call to Order**
  - A. Roll Call**
- 2. Approval of Minutes**

**Minutes from the**

  - A. Minutes from the July 8, 2025, meeting.**
- 3. Agenda Items**
  - A. Appl. #VAR-25-003—Variance of Sections 405.550.C.5.d and e to allow for a privacy fence on a corner lot on property located at 500 N. Bradley Avenue to encroach towards the front yard of an adjacent lot - PUBLIC HEARING**
  - B. Appl. #VAR-25-003—Variance of Sections 405.550.C.5.d and e to allow for a privacy fence on a corner lot on property located at 500 N. Bradley Avenue to encroach towards the front yard of an adjacent lot - CONSIDERATION**
  - C. Appl. #VAR-25-004—Variance of Section 405. 405.325.B, C, D and E and Section 405.565.E.3 to allow for a gravel display lot for storage sheds on property located at 103 S. Commercial Street - PUBLIC HEARING**
  - D. Appl. #VAR-25-004—Variance of Section 405. 405.325.B, C, D and E and Section 405.565.E.3 to allow for a gravel display lot for storage sheds on property located at 103 S. Commercial Street - CONSIDERATION**
- 4. Discussion Items**
- 5. Adjourn**

**Posted on City Hall Bulletin Board this 3rd day of November, 2025.**

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**Daniel Barnett, City Clerk**





**MINUTES**  
**CITY OF HARRISONVILLE**  
**BOARD OF ZONING ADJUSTMENT**  
**REGULAR MEETING**  
**CITY HALL**  
**JULY 8, 2025**  
**6:00 PM**

**1. Call to Order**

**A. Roll Call**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Michelle Hart	Board Member	Present	
Charles Hotchkiss	Board Member	Present	
Bryan Wooten	Chairman	Excused	
Obie Carl	Vice Chairman	Present	
April McLaughlin	Board Member	Present	
Angela Kramer	Board Member	Present	
Amanda Stites	Alternate	Excused	

Others present: Leah (Christy) Young, Applicant; Cody Young, Family Member of Applicant; Carol Looney, Realtor; Charles Taylor, Resident and Developer; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.  
 Alex Felzien, City Attorney; and Katherine Reed, City Attorney; attended virtually.

**2. Approval of Minutes**

**A. Minutes from the December 10, 2024, Meeting**

**RESULT:**                   **Approved**  
**MOVER:**                   Charles Hotchkiss  
**SECONDER:**               April McLaughlin  
**AYES:**                     Michelle Hart, Charles Hotchkiss, Obie Carl, April McLaughlin,  
                                   Angela Kramer  
**EXCUSED:**                 Amanda Stites, Bryan Wooten

**B. Minutes from the February 11, 2025, Meeting**

**RESULT:** Approved  
**MOVER:** April McLaughlin  
**SECONDER:** Charles Hotchkiss  
**AYES:** Michelle Hart, Charles Hotchkiss, Obie Carl, April McLaughlin, Angela Kramer  
**EXCUSED:** Amanda Stites, Bryan Wooten

**3. Agenda Items**

**A. Appl. #VAR-25-001--Variance of Section 405.550.B.1 to allow for a detached accessory structure to be setback approximately 12' from the south side yard on property located at 2905 Canyon Way - PUBLIC HEARING**

Director Stanton presented the Staff Report. The applicant is seeking a variance to Section 405.550.B.1 to allow for a detached accessory structure to be setback approximately 12 feet from the south side yard, a variance of approximately 8 feet.

Under the Background portion of the Staff Report:

- March 14, 2006 -The Final Plat of The Ranch was recorded with the Cass County Recorder's Office by Instrument #353090.
- October 19, 2009 - The Board of Aldermen approved various Code Amendments by Ordinance #3107, including an Amendment to the Accessory Uses section, which is when the clause regarding corner lots was added.
- July 27, 2023 - The Minor Plat of *Lot 6A, The Ranch - Phase 1*, was recorded with the Cass County Recorder's office by Instrument #737401. This was to combine two lots to make one larger lot.
- July 25, 2025 - A Building Permit, #23422, for a new single-family home at 2905 Canyon Way was issued a Certificate of Occupancy.
- November 5, 2024 - Staff received an anonymous complaint, which is when staff first became aware of the situation. Staff has been in conversations with the property owner to work towards Code compliance and were directed to a variance request.
- November 25, 2024 - A Building Permit, #24552, for a 6 foot vinyl privacy fence was approved.
- November 26, 2024 - A Building Permit, #24555, for a GFCI for a hot tub was approved.
- May 19, 2025 - A Building Permit, #25183, for a 16' X 20' garden shed was applied for and shortly after the Variance Application was submitted.

Under the Key Issues Section it is stated that:

- The property is currently zoned Planned Single-Family Residential (RP-1) District.
- Under current Zoning Regulations, Section 405.550.B.1: "A detached accessory building shall be located not less than eight feet from any side or rear lot line and no closer to the front of the building than eight feet. In the case of corner lots, accessory buildings shall

be set back not less than the distance required for residences from side streets...".

Under the Analysis Portion of the Staff Report, the five Standards are reviewed:

- The particular physical surroundings, shape or topographical conditions of the specific property do not create a particular hardship upon the owner based on Staff's review of what documentation was provided. The hardship is self-imposed and is due to the owner having a concrete pad for a future 16' X 20' shed structure poured and placed without having discussed the placement with staff. Had the owner or contractor contacted the City, they would have known about the location up front.
- The requested variance stems from a self-imposed hardship, not a hardship created by unique circumstances or conditions of the property. Though, it is worth noting that the adjacent right-of-way is 60 to 90 feet, 90 feet at the intersection with Mechanic/MO-7 Highway and 60 feet closer to the intersection of Jones Ranch Parkway and Canyon Way. As is evident in the attached pictures, neither the fence nor the proposed detached accessory structure would create any impediments to line of sight within the sight distance triangle, as they are still setback quite a bit because of the larger right-of-way.
- The concrete pad was poured sometime after the construction of the house and was brought to staff's attention via an anonymous complaint. The alleged difficulty or hardship stems from the property owner having the concrete pad poured without discussing placement with staff.
- 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 install a 16' X 20' garden shed approximately 12 feet from the south side property line adjacent to an already considerable right-of-way. The larger right-of-way, and the fence, will make the proposed detached accessory structure less visibly intrusive.
- 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 property values within the neighborhood.

In support of the requested variance are the following facts:

- The structure will be located behind the 6-foot-tall vinyl fence;
- The detached accessory structure will be located approximately 12 feet from the south side property line adjacent to an already considerable right-of-way; 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 recommended denial of the requested variance as staff saw it as self imposed.

Ms. Young said that she purchased the home in October. She asked her brother-in-law for help getting things done, and he suggested pouring the pad before the fence was put in due to the difficulty of getting concrete trucks inside the fence. Ms. Young got a plot plan and met with the contractor. She said she asked who pulls the permits and was told the contractor does and that it is written in the contract. After the concrete pad was poured, she received a letter from John Morris and her brother-in-law met with him to discuss the pad and fence. After that the electrician that was hired to do some work was told to leave because he did not have a permit. She said that she met with Mr. Morris and he said that he would not contest the shed because it is inside the fence and would not interfere with the sight triangle.

April McLaughlin confirmed with Ms. Young that the slab was poured before the fence was installed. She asked Ms. Young if she could see the contract from the concrete company. Ms. McLaughlin confirmed that the contractor would pull permits was in the contract.

Michelle Hart asked if there was any discussion about what would be on the slab when meeting with Mr. Morris. She said the discussion was mostly with her brother-in-law.

Obie Carl asked if the fence was inspected. Ms. Young said yes. Mr. Carl asked if the setback is standard. Director Stanton said that corner lots are difficult. They usually have a large lot size but then have larger setbacks.

Alex Felzien, City Attorney, told the Board that corner lots are unique but also not unique. Corner lots are more regulated than normal lots.

Michelle Hart stated that this lot had extra uniqueness. Mr. Felzien responded that the Code specifically treats corner lots differently.

Mr. Carl asked if Ms. Young's land went all the way to 7 Hwy. Ms. Young said that she thought it did but a large portion is a Recreational Easement and a great deal of it is not usable.

The Public Hearing was closed at 6:33 PM.

**B. Appl. #VAR-25-001--Variance of Section 405.550.B.1 to allow for a detached accessory structure to be setback approximately 12' from the south side yard on property located at 2905 Canyon Way - CONSIDERATION**

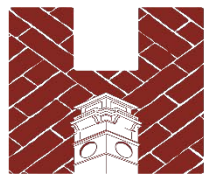
Variance request has met all of the criteria. Variance was approved.

**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. Michelle Hart seconded. The meeting was adjourned at 6:38 PM.



# 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

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**To:** Board of Zoning Adjustments  
**From:** Christina Stanton, AICP, Director of Community Development  
**Date:** November 10, 2025  
**Re:** Appl. #VAR-25-003—Variance of Sections 405.550.C.5.d and e to allow for a privacy fence on a corner lot on property located at 500 N. Bradley Avenue to encroach towards the front yard of an adjacent lot

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## GENERAL INFORMATION

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**Applicant:** Brandon Lee, 500 N. Bradley Ave.

**Requested Actions:** Approval of requested variance of Sections 405.550.C.5.d and e to allow for a privacy fence on a corner lot on property located at 500 N. Bradley Avenue to encroach towards the front yard of an adjacent lot

**Date of Application:** October 1, 2025

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## PURPOSE AND AUTHORITY

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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.

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## PROPOSAL

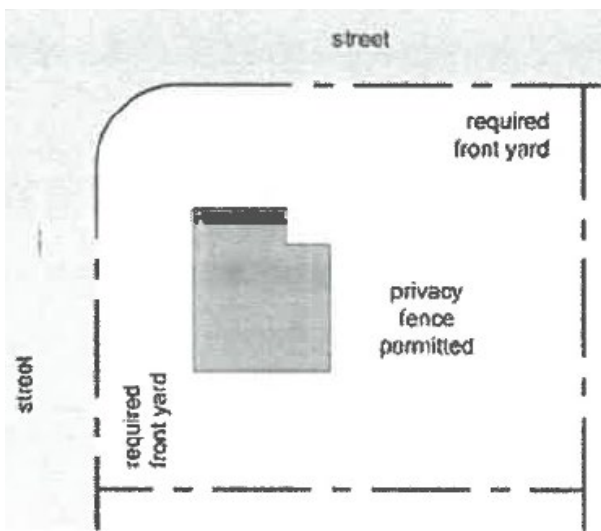
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Applicant is seeking a variance to the fence location requirements, specifically #5.d which states: “On corner lots, a privacy fence, chain link fence, decorative fence, wall, or hedge may be constructed or planted to a maximum height of six (6) feet 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. (See Figure 1.)”

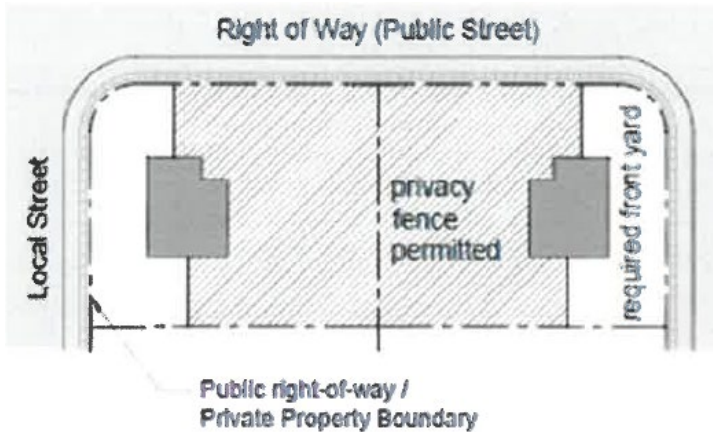
Additionally, 5.e states:

“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. (See Figure 2.)

- a. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot.
- b. The front of each home on each lot faces in opposite directions.
- c. There is no driveway to either home from the street adjacent to the side yard of both lots.”

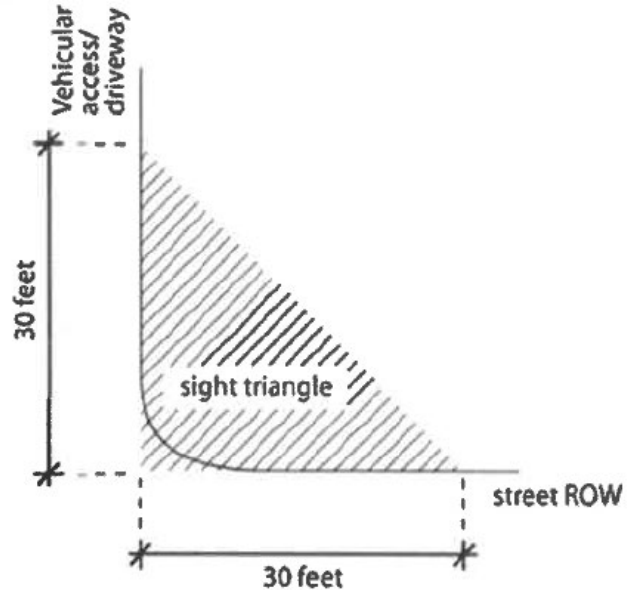
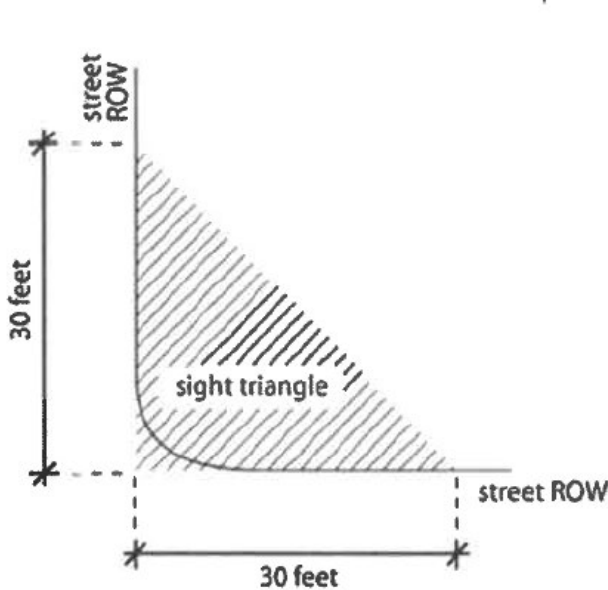


CORNER LOT FIGURE 1



CORNER LOT FIGURE 2

Note that Section 405.550.C.8.a states: “No sign, fence, wall, shrub or other obstruction with a height between two (2) feet and eight (8) feet shall be located in a sight triangle.”  
 Section 405.550.C.8.c states: “The sight triangle includes the area created by the street right-of-way lines extending thirty (30) feet from their intersection. Where a street right-of-way intersects a vehicular access way or driveway, the sight triangle includes the area created by the street right-of-way line and the edge of the drive extending thirty (30) feet from their intersection.”



Additionally, it should be noted that Section 405.550.C.8.e states: “The City of Harrisonville is authorized to trim, remove or order removal of structures, signs, landscaping, or other materials that violate this Section.”

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## PREVIOUS ACTIONS

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Required legal notices have been issued.

- September 20, 1957—The Final Plat of *Brooks Subdivision, Lots 1 – 10* was recorded with the Cass County Recorder’s Office by Instrument #92481.

- **June 28, 1971—A Building Permit (#1020-A) for a new single-family home for 500 N. Bradley Avenue was issued.**
- **June 3, 2009—A Building Permit (#09118) was issued for a new 42-inch high chain link fence on the subject property.**
- **November 16, 2015—The Board of Aldermen approved Ordinance #3341, which established the R-1B and R-2B Districts and their associated regulations. Prior to the establishment of the R-2B District the subject property was zoned Two-Family Residential (R-2) District.**
- **June 10, 2024—A Building Permit (#23390) was finalized for rehab work including replacing a then existing deck.**
- **July 2, 2025—A Code Compliance Case (#PERMIT-25-0012) was opened for construction of a privacy fence without a permit.**
- **July 9, 2025—A Building Permit (#25280) was submitted for removal of the existing chain link fence and replacement with a 6-foot tall privacy fence. The submitted permit application and associated documentation is attached. The permit has never been issued.**
- **July 14, 2025—The Code Compliance Case was closed since an application for permit was submitted despite the fact that the fence requires variances and the permit has not been paid for or issued.**
- **October 1, 2025—The applicant submitted for variance.**
- **October 30, 2025—Staff drove by to take pictures for the packet, see attached, and noticed that the fence is largely completed and appears to be in the right-of-way of Shady Lane. City staff measured the right-of-way and verified that the fence is located 8’ inside the City’s right-of-way for E. Shady Lane.**

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## **KEY ISSUES**

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**The property is currently zoned Near Downtown Two-Family Neighborhood (R-2B) District.**

**The property is located on a corner lot adjacent to a non-corner lot, which means that the rear of this property abuts the side and front yards of the adjacent lot.**

**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 applicant has already installed the fence and it is currently located 8’ inside the right-of-way of E. Shady Lane, and is in violation of Section 405.550.C.8.**

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**The Applicant is seeking a variance to the fence location requirements, specifically #5.d and e and the sight triangle requirements listed in Section 405.550.C.8.c as detailed under the “Proposal” section of the staff report. The applicant’s proposed fence would have been allowed under the prior fencing regulations, except for that portion located within the right-of-way of Shady Lane.**

### **Regarding Municipal Code: 405.615 Standards**

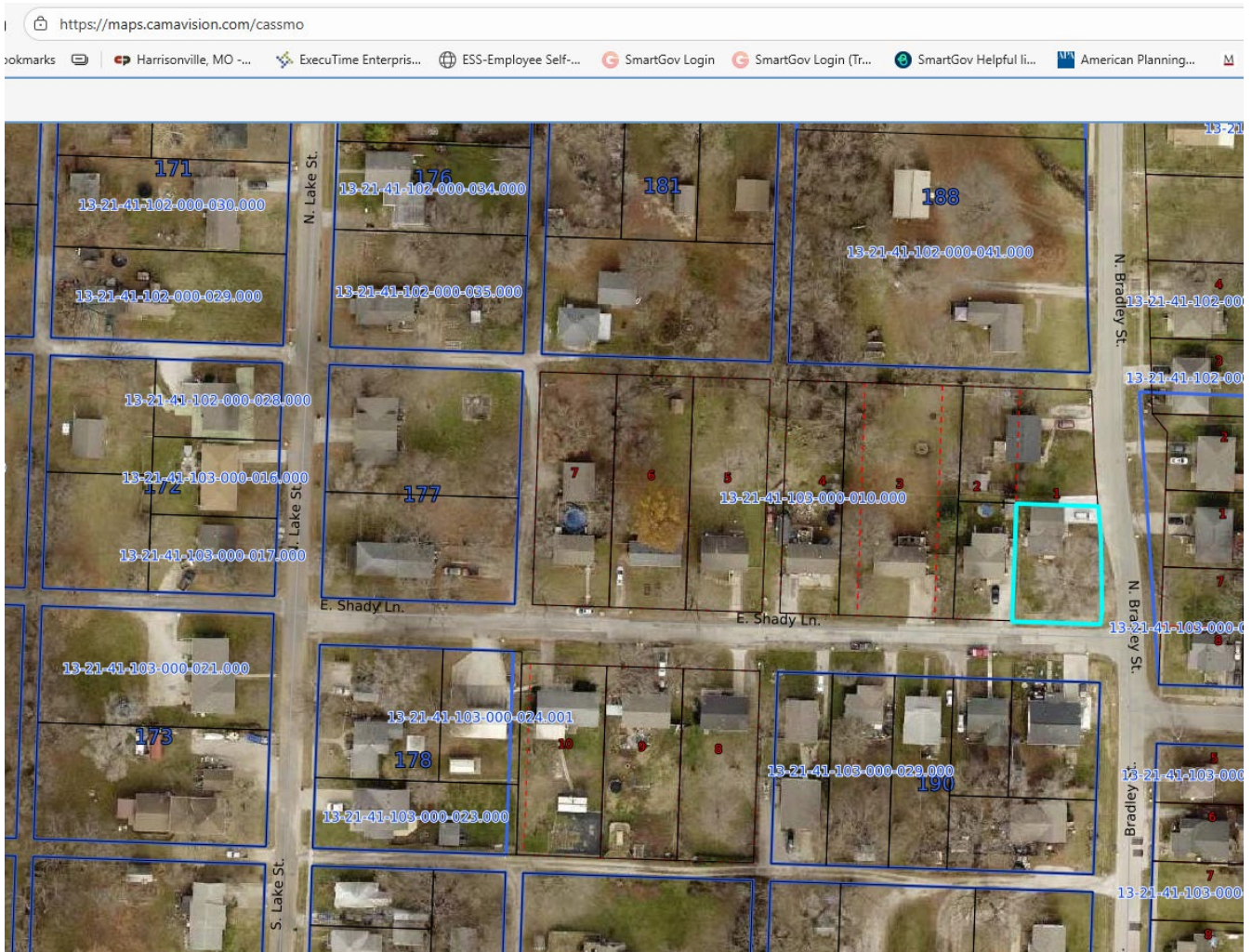
- A. The Board of Zoning Adjustments may vary the provisions of this Chapter as authorized in this Section, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

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 property would still be used as a single-family residence if the variance is not granted. However, the fenced in portion of the yard would be smaller.**

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. A corner lot in and of itself is not unique. However, the location of the existing house in relation to the property and its surroundings are somewhat unique in that the subject property has very little usable rear yard. The following lists the attached supporting documentation, according to the applicant's understanding (staff input is in parenthesis): Figures 1 and 2 show the proposed variance with a modified sight distance triangle of 13.5' (rather than the required 30'), Figure 3 shows all yard space (regardless of front or rear, only excluding their driveway, and including approximately 8' for the right-of-way for E. Shady Lane), Figure 4 depicts what the strict letter of the Code would allow, and Figure 5 shows the requested variance. It should be noted that all of these appear to utilize the placement of the property lines as shown on the County's GIS mapper, and GIS (while a very useful tool) is not 100% accurate. Staff would also like to note that there is a slightly similar situation existing at the southeast corner of Forest Avenue and N. Lake Street, except that the fence on this property was permitted under the previous regulation, is a larger lot, the house is more closely centered along the front of the lot, the abutting property sits closer to the street, and the driveway is located further away.**



It is easy to see that the County's mapper shows the property line being very near the pavement for E. Shady Lane, which is not correct. Additionally, it is clear that the lots located on the south side of E. Shady Lane are likely somewhat skewed. The recorded plat of *Brooks Subdivision, Lots 1-10* (attached) shows that E. Shady Lane has a right-of-way of 50'.

3. The variance, if granted, will not alter the essential character of the locality. The variance, if granted, will not alter the essential character of the locality. The encroachment is towards the right-of-way of E. Shady Lane and the front yard of the abutting neighbor whose lot fronts on E. Shady Lane. There is a letter in the supporting documents provided by the applicant from the abutting neighbor stating that she is supportive of the proposed variance. It should be noted that the applicant has taken into consideration the line of sight for this neighbor to be able to see around their fence when backing out. However, it should also be noted that the required sight distance triangle is measured at 30' (not 13.5') as shown in the bottom image on page 2 and the fence cannot be located within the right-of-way without an approved encroachment agreement with Public Works and there are valid concerns for the survivability of said fence when the City provides the snow plowing services along E. Shady Lane.

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 location of the existing house does create a particular hardship upon the owner in that there is very little usable yard on this 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 requested variance stems from the location of the house in relation to the property lines and the property owners' desire to fence in as much of their yard as possible. The condition of the existing house's location in relation to the property lines are not commonly found on other property within the same zoning classification.**

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 1971, which is when the alleged difficulty or hardship was created.**

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, with the exception of that portion of the fence that was constructed in the City's right-of-way and the reduced sight triangle, will not result in a detriment to the public welfare in the neighborhood. The variance would allow the property owner to install a 6-foot high wood privacy fence. The encroachment is towards the right-of-way of E. Shady Lane and the front yard of the abutting property owner at 706 E. Shady Lane who has provided a letter of support for the requested variance.**

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, with the exception of that portion of fence constructed within the right-of-way of E. Shady Lane and the reduced sight triangle.**

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## **STAFF COMMENTS AND SUGGESTIONS**

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**In support of the requested variance are the facts that:**

- **The applicants were somewhat considerate of their abutting neighbor's safety by providing a modified sight distance triangle;**

- The property owner whose front yard is being encroach towards is supportive of the requested variance; 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, with the exception of that portion of fence constructed within the right-of-way of E. Shady Lane and the reduced sight triangle.

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## **STAFF RECOMMENDATION**

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Staff recommends approval of the requested variance with the following conditions:

- 1) That the portion of the fence located within the City right-of-way of Shady Lane be removed; and
- 2) The sight distance triangle shall be corrected to meet the City's Municipal Code Section 405.550.8.

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## **ATTACHMENTS**

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Application and Supporting Documentation  
Fence Permit Application  
Images  
*Brooks Subdivision, Lots 1 – 10*  
Zoning Map  
Aerial Map



VARIANCE APPLICATION DATE: \_\_\_\_\_

Applicant (Print): Brandon Lee Signature: Brandon Lee

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

Street Address: 500 N Bradley Ave. City: Harrisonville State: MO Zip: 64701

Telephone: 816-699-7343 Email: brandonl1354@gmail.com

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

Property Owner Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Firm Preparing Application (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:  
500 N Bradley Ave. Harrisonville, MO 64701

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

**Process and Submittal Requirements**

*City of Harrisonville Zoning Ordinance Section 405.610*

*The Board of Zoning Adjustment may grant variances from the provisions of this Chapter in harmony with its general purpose and intent and may vary them only in specific instances hereinafter set forth. The Board of Zoning Adjustment, based on standards hereafter prescribed and after hearing, may decide that there are practical difficulties or hardship in the way of carrying out the strict letter of these regulations. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement or decision of the party appealed from or to issue an order or variance or to decide in favor of an appellant.*

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

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

1. \$200 filing fee PLUS \$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.

**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?**

Yes, the property could technically yield a reasonable financial return under the current zoning regulations. However, the existing fencing restrictions significantly limit our ability to create a private and secure backyard space that meets the practical needs of our growing family. Without the variance, the usable portion of our yard would be compromised, impacting our ability to enjoy the property fully, both now and in the future as our family expands.

Although the property could theoretically yield a reasonable “financial” return, the existing fencing regulations do not afford the opportunity to build a privacy fence that yields a reasonable return in terms of a usable backyard for a growing family with plans for future children.

**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.)**

Yes, the plight of the owner is due to unique circumstances related to the placement of our home in relation to the property boundaries and the neighboring residence on E Shady Lane. The current fencing regulations significantly restrict our ability to construct a privacy fence that makes practical use of our property.

According to preliminary measurements taken via Google Maps (*See Figures 001-005*), the existing regulations limit our usable backyard space to less than 25% of the total yard area. The proposed variance would nearly double that usability to approximately 45%, creating a much more functional and family-friendly outdoor space.

$[\sim 1,472 \text{ (Usable Space w/ Current Regulations)} \div \sim 5,937 \text{ (Total Usable Yard Space)}] = \sim 24.79\%$

Vs.

$[\sim 2,692 \text{ (Usable Space w/ Proposed Variance)} \div \sim 5,937 \text{ (Total Usable Yard Space)}] = \sim 45.34\%$

Additionally, the revised fence layout maintains appropriate visibility for nearby properties by honoring the required sight triangle for our neighbors at 706 E Shady Lane (Dawn & Wayne). This ensures the variance accommodates both safety and privacy considerations. (*See Figure 002. Sightline Visualizations*)

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

No, the proposed variance will not alter the character of the locality or neighborhood. It aims to serve as a starting point for several aesthetic improvements to our property that aim to enhance the overall appearance of both our yard and the surrounding area.

The new fence would allow us to create a more defined and maintained backyard space, which we plan to complement with flower beds, seasonal decorations (especially during the fall and winter holidays), and improved lawn care treatments in the spring. These enhancements are intended to reflect pride of ownership and contribute positively to the visual character of the neighborhood.

**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?**

Yes, enforcing the strict letter of the regulation would create a legitimate hardship, not just an inconvenience, due to the physical layout of the property and the surrounding conditions. Since purchasing our home in June 2024, we have experienced multiple serious safety concerns tied to the immediate area, including:

- A neighboring dog attacked a postal worker, which led to mail delivery being suspended for over a month.
- Repeated disruptive and dangerous behavior from unsupervised neighbor children, including throwing knives at each other in the front yard, as well at other objects at our house.
- Several domestic incidents requiring police response, contributing to a general sense of instability and lack of safety in the front and side areas of the property.

Given these conditions, we are trying to proactively prepare a secure, private, and functional backyard space for our growing family. The current fence regulations prevent us from doing so in two major ways:

- They limit usable backyard space to a very small fraction of our total lot, making it virtually unusable for recreational or family purposes.
- They restrict the type of materials we can use, potentially forcing us to install fencing that would not provide adequate protection or durability given the circumstances.

We are proud to have become homeowners and are personally invested in improving both our property and the surrounding environment. This variance would allow us to address serious safety concerns and ensure our future children have a secure space to grow and play. Unfortunately the current regulations do not reasonably permit that, given the unique conditions of our lot and neighborhood.

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

The reasons for this variance request are specific to our property and do not apply generally to other properties within the same zoning classification. The unique placement of our home in relation to the property boundaries and adjacent houses creates a layout that significantly limits our ability to construct a functional and private backyard space under the current regulations.

While other corner lots in the same zoning district typically have more favorable positioning that allows for a wooden privacy fence enclosing a majority of their usable yard, our lot configuration presents a one-off situation that requires this variance to ensure safe and reasonable use of the space.

**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?**

No, the hardship has not been created by any person with an interest in the property after May 13, 1991. The original fence was constructed prior to that date and was grandfathered in under previous regulations. The current request is a response to updated zoning requirements that the original structure no longer complies with, not a result of any changes made by current or past owners since that time.

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

No, the granting of this variance will not be detrimental to the public welfare of the neighborhood. In fact, the proposed fence design piggybacks from the intent of existing regulations, specifically those regarding sight triangles. The placement and structure of the fence have been thoughtfully planned to provide clear lines of sight for Dawn and Wayne while leaving and returning to their house on E Shady Lane.

**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?**

No, the proposed variance will not impair the supply of light or air to adjacent properties, nor will it increase the risk of fire, endanger public safety, or negatively affect property values within the neighborhood. The design of the fence maintains appropriate setbacks and clearances, ensuring no obstruction of airflow, sunlight, or emergency access.

Additionally, the adjacent neighbors, Dawn and Wayne, have expressed their full support for the proposed variance, as outlined in the signed letter included with this application (See Attachment: Neighbor's Approval Letter). Their support further affirms that the variance will not create any adverse impact on neighboring properties or the overall character of the area.

Dear Members of the Zoning Board,

We are writing to request a variance for the construction of a privacy fence at our home located at 500 N Bradley Ave. We purchased this property in June 2024 with the goals of building a safe, welcoming home to raise our family. However, the current zoning regulations make it difficult to create a secure and functional backyard space given the unique placement of our property and house in relation to our neighbors.

As shown in the attached diagram (*Figure 1: Proposed Variance*), our request includes a privacy fence that would slightly exceed current setback rules in order to enclose a more usable portion of our backyard. The design also incorporates a modified sight triangle (*see Figure 1.2*) to maintain safe lines of visibility at the intersection of E Shady Lane and N Bradley Avenue.

Under current regulations, we are only able to fence in less than 25% of our yard. The proposed variance would nearly double that amount, increasing usability to approximately 45% while still preserving public safety and ample sight lines for our neighbors at 706 E Shady Ln.

This request is based on circumstances unique to our lot. The placement of our home, relative to both the property boundaries and adjacent house, is not typical of others in the same zoning classification. While many corner lots are able to accommodate privacy fences that enclose the majority of their usable 'backyard' space, our property layout leaves us disproportionately restricted under current guidelines.

The need for this variance extends past simple preference. It is a matter of safety, functionality, and peace of mind. Since moving in, we have faced multiple concerning incidents:

- A dog from a neighboring property attacked the mail carrier, resulting in a month-long pause in mail service.
- Neighboring children have frequently engaged in unsafe behavior, including throwing knives at one another and objects at our home.
- Several domestic disturbances have required police presence at neighboring addresses.

As I state in our Variance Application, we are excited to begin our family after our upcoming wedding and want to ensure that our future children have a secure space to play and grow. The current fence regulations would either force us to use weaker fencing materials or drastically reduce the usable yard space. Neither of which supports a safe environment for children or peace of mind for us as future parents. Additionally, our neighbors, Dawn and Wayne at 706 E Shady Lane, fully support this proposed variance. A signed letter of support from them is included with this application.

Thank you for your time and consideration.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is 'Brandon' and the signature on the right is 'Meghan'. Both are written in a cursive, flowing style.

The Future Lees, Meghan & Brandon

Page 6

To the Members of the Zoning Board,

I, Dawn Page, resident & owner of 706 E Shady Lane, are writing to express our support for the proposed fence variance submitted by Brandon & Meghan at 500 N Bradley Ave.

I have reviewed their plans and have no objections to the location, height, or materials of the proposed fence variance. I believe the project will not impact the overall integrity of the neighborhood or impede on our lines of sight as we enter or leave our driveway.

Please feel free to contact us if further information is needed.

Sincerely,

A handwritten signature in black ink that reads "Dawn Page". The signature is written in a cursive style with a large, looped initial "D" and a large "P".

Dawn Page

706 E Shady Lane  
Harrisonville, MO 64701

Figure 1: Proposed Variance



Figure 1.2: Detailed View of Proposed Sight Triangle Variance

Figure 2: Sightline Visualization



Figure 3: Full Yard Space - Boundary View - 500 N Bradley Ave

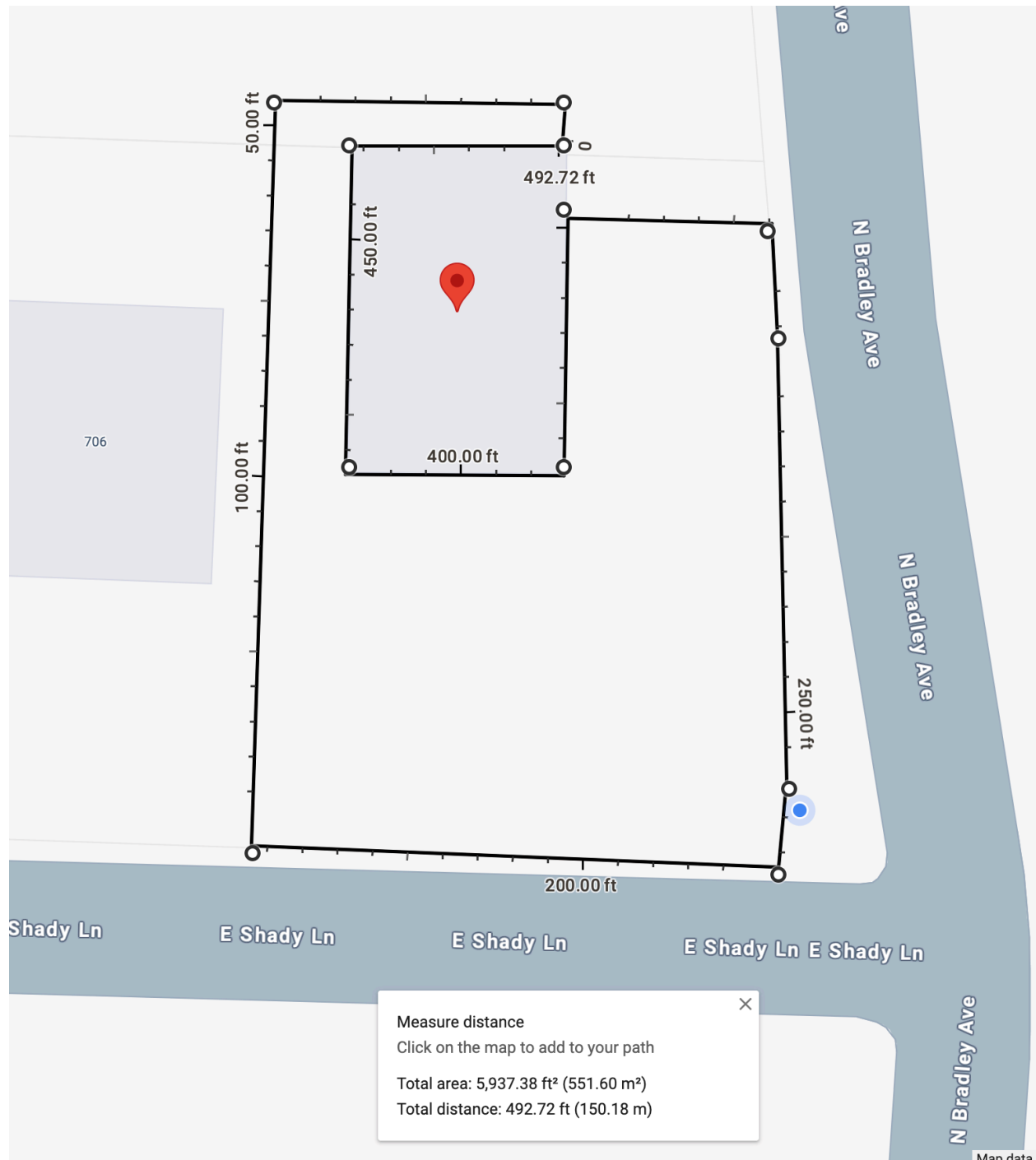


Figure 4: Usable Space w/ Current Regulations - Boundary View - 500 N Bradley Ave

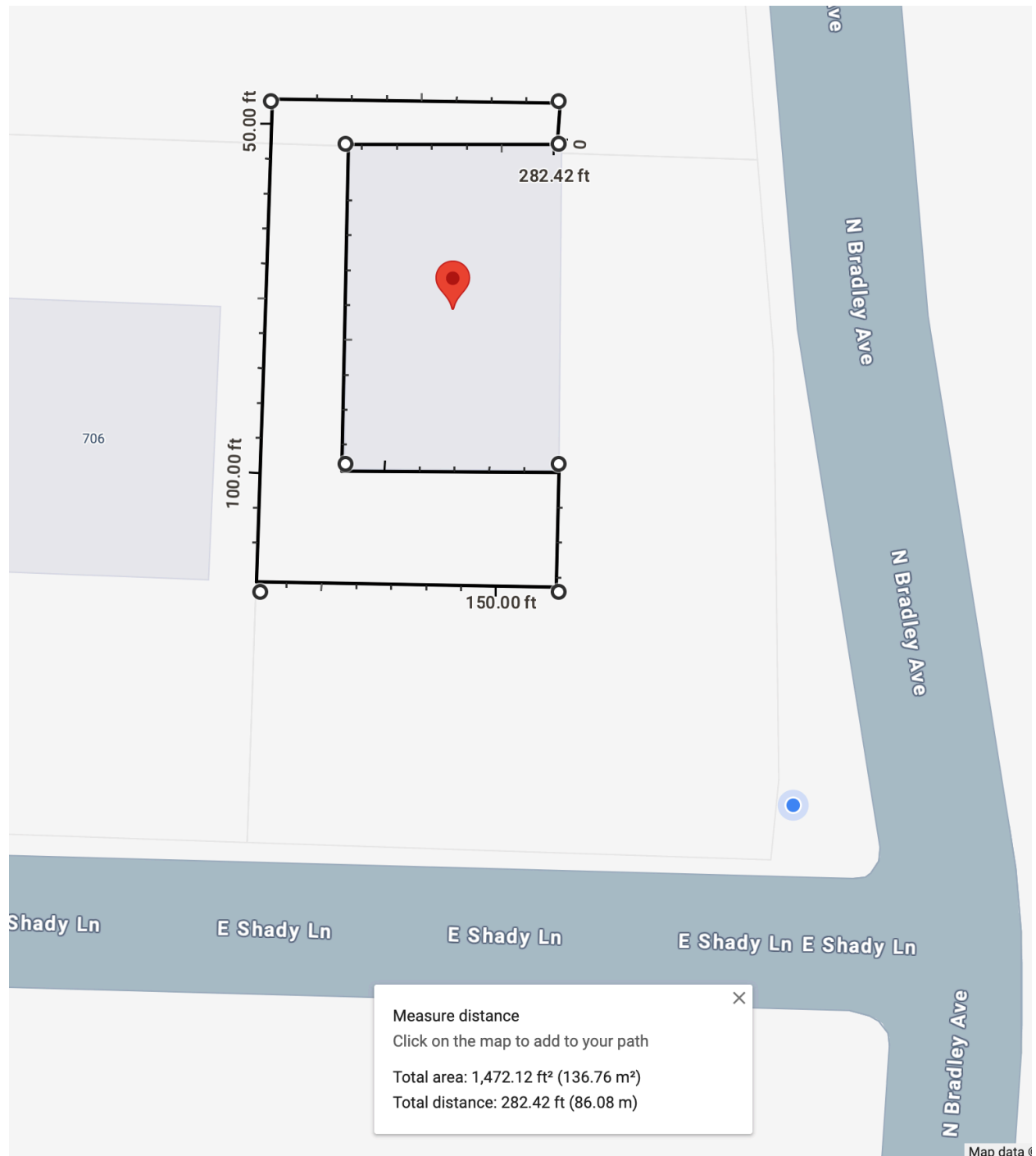


Figure 5: Proposed Variance - Boundary View - 500 N Bradley Ave



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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Applicant Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Applicant Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Applicant Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 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	<a href="mailto:jmorris@harrisonville.com">jmorris@harrisonville.com</a>
Christina Stanton	Community Development Director	(816) 380-8922	<a href="mailto:cstanton@harrisonville.com">cstanton@harrisonville.com</a>
Jamie Martin	Administrative Secretary	(816) 380-8958	<a href="mailto:jmartin@harrisonville.com">jmartin@harrisonville.com</a>
Public Works Department, 201 W. Chestnut, Harrisonville, MO 64701			Fax (816) 380-3997
Carl Brooks	Director of Public Works	(816) 380-8964	<a href="mailto:cbrooks@harrisonville.com">cbrooks@harrisonville.com</a>
Ted Martin	City Engineer	(816) 380-8964	<a href="mailto:tmartin@harrisonville.com">tmartin@harrisonville.com</a>

### For Office Use Only

Case No: \_\_\_\_\_ Filing Fee. Amount Paid: \$ \_\_\_\_\_ Date: \_\_\_\_\_  
 Date Application Received: \_\_\_\_\_ BZA Meeting Date: \_\_\_\_\_  
 Note: \_\_\_\_\_

# BUILDING PERMIT APPLICATION

Jurisdiction of City of Harrisonville  
FOR INSPECTIONS CALL (816) 380-8958

Date \_\_\_\_\_ Permit No. \_\_\_\_\_

<b>JOB ADDRESS</b> 500 N Bradley Ave		PARCEL NO.
1. LEGAL DESCR.	USE ZONE	<b>DATE TO COMMENCE</b> July 12th, 2025
2. <b>OWNER</b> Brandon Lee	<b>MAIL ADDRESS</b> 500 N Bradley Ave Harrisonville, MO 64701	<b>ZIP</b> 64701 <b>PHONE</b> 816-699-7343
3. <b>CONTRACTOR</b> Brandon Lee	<b>MAIL ADDRESS</b> 500 N Bradley Ave Harrisonville, MO 64701	<b>PHONE</b>
4. <b>ARCHITECT OR DESIGNER</b> Brandon Lee	<b>MAIL ADDRESS</b> 500 N Bradley Ave Harrisonville, MO 64701	<b>PHONE</b> LICENSE NO.
5. <b>PLUMBER</b> N/A	<b>MAIL ADDRESS</b>	<b>PHONE</b>
6. <b>ELECTRICIAN</b> N/A	<b>MAIL ADDRESS</b>	<b>PHONE</b>
7. <b>MECHANICAL</b> N/A	<b>MAIL ADDRESS</b>	<b>PHONE</b>

8. **CLASS OF WORK:**     NEW     ADDITION     ALTERATION     REPAIR     MOVE     REMOVE

9. **DESCRIBED WORK:**  
Removing existing chain link fence and replacing it with a 6' privacy fence.

10. <b>USE OF BUILDING</b> Privacy	PLAN CHECK FEE	PERMIT FEE
CHANGE OF USE TO/FROM	Type of Const.	Occupancy Group
11. <b>VALUATION OF WORK:</b> \$ 3,000	Size of Bldg. (Total) Sq. Ft. N/A	No. of Stories N/A No. of Bedrooms 0
SPECIAL CONDITIONS	No. of Dwelling Units 0	No. of Rooms 0 Fire Sprinklers Required <input type="checkbox"/> Yes <input type="checkbox"/> No Parking Spaces

	INSPECTIONS	REQUIRED	NOT REQUIRED	FEE
APPROVED BY: _____ DATE _____	TEMP. ELEC.			
	FOOTING			
	UND. FL. PLUMB.			
	FRAMING			
	ROUGH PLUMB.			
	ROUGH ELEC.			
	WATER			
	SEWER			
	GAS			
	FINAL PLUMB.			
	FINAL ELEC.			
	MECHANICAL			
	SPECIAL			
	OCCUPANCY			
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT _____ (DATE) _____	WATER SYSTEM CONNECTION FEE			\$ _____
	WASTEWATER SYSTEM CONNECTION FEE			\$ _____
SIGNATURE OF OWNER (IF OWNER BUILDER) _____ (DATE) _____	ELECTRIC CONNECTION FEE			\$ _____
	<b>TOTAL</b>			\$ _____

THIS PERMIT BECOMES NULL AND VOID IF WORK AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IN COMMENCED.



----- = New proposed fenceline

The scope of this project is to remove the existing 4-foot chain link fence surrounding the backyard of the property. It will be replaced with a new 6-foot-tall wooden privacy fence constructed with pressure-treated pine vertical pickets and 4x4 treated wood posts spaced roughly 6-7 feet apart and set in concrete. Two gates will be included—one 3' gate on the north side and one 3' gate on the south side of the house—both swinging outward. All demolished fencing materials will be hauled away and disposed of off-site. The fence will be installed entirely within the property boundaries in compliance with all local height and setback regulations.

**Google Earth Image:**

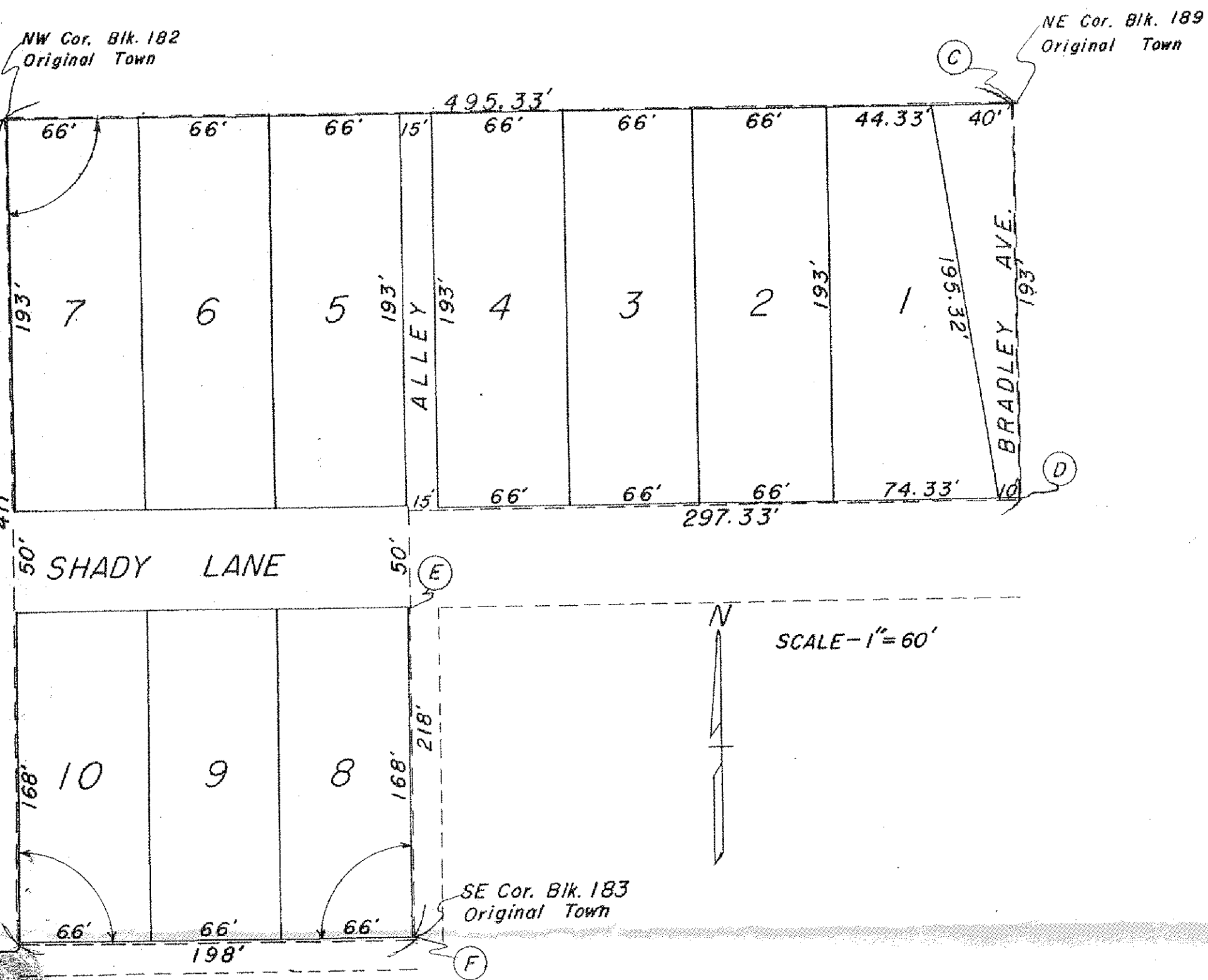


**Pictures:**





10/30/2025 08:31



- Iron Pin--Power Pole W by N 13.2'--20" Mulberry SSE 33.25'
- Iron Pin--Transformer Pole WSW 17.4'--4" Hedge Corner Post W by N 2.4'
- Iron Pin--Transformer Pole N by E 73.45'--Water Meter Cover WNW 52.25'
- Iron Pin--Power Pole E by S 38.9'--End of Culvert South 11.3'
- Iron Pin--Rim of Man hole cover N 20.7'--Near point of Concrete Culvert ENE 32.9'
- Iron Pin--Rim of Man hole cover S 6.5'--20" Maple W 6.25'

I hereby certify the above plat to be correct, and to be the true findings of a survey made by me on May 10, 1957.

B. B. Thomas  
CASS COUNTY SURVEYOR

APPROVED: City of HARRISONVILLE

CITY COUNCIL      MAYOR      CITY CLERK

A. B. Bowman      Robert H. ...      ...

DATE August 7<sup>th</sup> 1957

PLAT of SURVEY  
of  
Lots 1 thru 10  
of  
**BROOKS SUBDIVISION**

STATE OF MISSOURI )  
COUNTY OF CASS ) Recorder's Office  
I hereby certify that this instrument of writing was  
for record on this 20<sup>th</sup> day of September  
1957 at \_\_\_\_\_ o'clock \_\_\_\_\_ minutes  
in the \_\_\_\_\_ volume \_\_\_\_\_ page 78  
given under my hand and official seal.  
W. H. Russell  
Recorder

DESCRIPTION:--- This is a further subdivision of Blocks 182, 183, and 189 of the ORIGINAL TOWN of Harrisonville, Cass County, Missouri, being a part of the West Half of Lots 5 and 6 of the Northeast Quarter of Section 4, Township 44, Range 31.

The undersigned proprietors of the real estate described hereon have caused the same to be subdivided in the manner as shown on this plat, which subdivision and plat shall hereafter be known as "BROOKS SUBDIVISION". It shall be sufficient description of each lot so platted hereon to designate it by the number which appears in the center of said lot followed by the words--- BROOKS SUBDIVISION.

The Streets, avenues, and alleys shown on this plat and not already dedicated as public thoroughfares, are hereby so dedicated.

The use of all lots on this plat shall be subject to any and all restrictions recorded in the office of the Recorder of Deeds in Cass County, Missouri, and to all restrictions imposed by ordinance by the City of Harrisonville, Missouri.

In Testimony Whereof, the undersigned proprietors have hereunto set their hands this 15<sup>th</sup> day of May, 1957.

Charles B. Brooks  
Celia A. Brooks  
PROPRIETORS

STATE OF MISSOURI )  
COUNTY OF CASS )

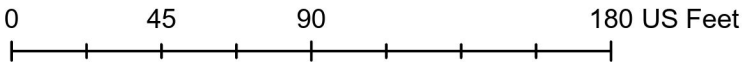
On this 15<sup>th</sup> day of May, 1957, before me, a Notary Public, in and for said County and State, personally appeared Charles B. Brooks and Celia A. Brooks, his wife, to me personally known and known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

In Witness Whereof, I have hereunto set my hand and affixed my notarial seal at my office in Harrisonville, Missouri, on the day and year last above written.

Charles W. Night  
NOTARY PUBLIC

My Commission expires July 2, 1958.

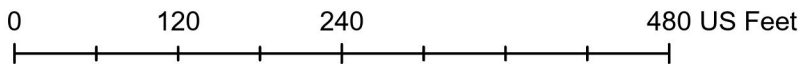
# Zoning Map

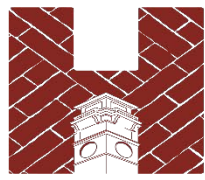


# Aerial Map



W.A.R.C./local jurisdictions; MO911/Service Board; DNR/MDC, State of Missouri; Microsoft; Vantor





# 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

**To:** Board of Zoning Adjustments

**From:** Christina Stanton, AICP, Director of Community Development

**Date:** November 10, 2025

**Re:** Appl. #VAR-25-004—Variance of Section 405.405.325.B, C, D and E and Section 405.565.E.3 to allow for a gravel display lot for storage sheds on property located at 103 S. Commercial Street

## GENERAL INFORMATION

**Applicant:** Philip Carselosey, with BPS Advisors, LLC

**Requested Actions:** Approval of requested variance of Section 405.325.B, C, D and E and Section 405.565.E.3 to allow for a gravel display lot for the placement of storage sheds on property located at 103 S. Commercial Street

**Date of Application:** October 14, 2025

## 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 setbacks and lot coverage requirements for the Service Business (C-2) District, Section 405.325.B, C, D, and E; and the “hard surface requirement”, Section 405.565.E.3. The applicant intends to gravel the entire lot to utilize the site as a display location for storage sheds.

## PREVIOUS ACTIONS

Required legal notices have been issued.

- 1940—Old parcel data from the County shows that a 3,000 sqft. warehouse was constructed on this property some time in 1940.
- September 20, 1978—The Board of Aldermen approved Zoning Ordinance #1194, which created the Service Business (C-3) District. In 1978, under the C-3 District, the front

setback was 15-feet and the side and rear setbacks were only required when the property abutted “a District R-1A to C-O inclusive”.

- **May 13, 1991**—The Board of Aldermen approved various changes to the Zoning Ordinance by Ordinance #1825. The C-3 District setbacks changed to 35-feet for the front yard and the side setback was 15-feet and the rear setback was 25-feet.
- **January 11, 1993**—The Board of Aldermen approved Zoning Ordinance #1930, which eliminated Central Business (C-2) District and changed all references from C-3 to C-2 for the Service Business District.
- **May 21, 2021**—Code Enforcement was made aware of the condition of the property and opened case #VAB-21-0006.
- **September, 2022**—The building, having been deemed a vacant/abandoned/blighted building, was demolished (permit #22372).

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## **KEY ISSUES**

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

Section 405.325 includes the height and area regulations for the C-2 District. The required setbacks are as follows:

**B. Front yard.** A front yard of not less than thirty-five (35) feet shall be provided.

**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.

**D. Rear yard.** The depth of the rear yard shall be at least fifteen (15) feet.”

Additionally, Section 405.325.E states that “the lot coverage shall not exceed eighty-five percent (85%)”. Section 405.565.E.3 contains the City’s “hard surface requirement”. Specifically, subsection a. states: “All parking areas and drives, except as specifically provided for in this Subsection E.3.a., shall be ready for use upon occupying a building and shall be surfaced with a minimum of two (2) inches of hot-mix concrete on a minimum four (4) inch compacted stone base or Portland cement concrete paving of equal strength (the “hard surface requirement”). All such drives and off-street areas used by vehicles, except those serving single- and two-family dwellings, shall have curbs..” Section 405.565.E.3.a.(2) provides the following exception for non-residential uses: “Except as required in Subsection E.3.a.(1), above, existing gravel parking lots with a non-residential use may remain as gravel until a new principal use structure is constructed on the property at which time all parking areas shall meet the “hard surface requirement”. This exception shall include a property with a previously approved special use permit condition(s), provided the requirements in Subsection E.3.a.(1) are met.”

The lot is very long and narrow and will likely require variances to setbacks to be usable, unless combined with the property immediately abutting to the east.

---

The Applicant is seeking a variance to the setbacks and lot coverage requirements for the Service Business (C-2) District, Section 405.325.B, C, D, and E; and the “hard surface requirement”, Section 405.565.E.3.

### **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;

**It is unlikely that the property can yield a reasonable return without variances to the required setbacks. However, the applicant has failed to specify the extent (or how much of a variance is being requested) of the requested variance(s) which leaves staff to assume that he is requesting no setbacks. Additionally, the attached site plan seems to indicate that a variance to the “hard surface requirement” is being requested as well.**

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 lot is irregular in shape in that it is a long, narrow lot which previously included a long, narrow warehouse building. Therefore, the plight of the owner in needing variances to the required setbacks is due to unique circumstances. However, staff does not recognize unique circumstances for the requested variance of the “hard surface requirement”.**

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

**The variances, if granted, will alter the essential character of the locality in that the area is considered part of the gateway into the downtown Harrisonville community.**

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 shape of the property is unique in that it is a long, narrow lot. The need for the variances to the setbacks are due to the narrowness of the long. All newer developments in the area, and even several older ones, are meeting the requirement for a “hard surface”. The requested variance to the “hard surface requirement” is not due to the uniqueness of the lot but likely is a financial hardship.**

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 conditions upon which the petition for the requested variances to the setbacks would not typically be associated with properties of the same zoning classification, as most lots are not normally long and narrow. The conditions upon which the petition for the requested variance to the “hard surface requirement” are made can only be assumed to be financial since no additional information was provided. This is a requirement for all developments and has been part of the City’s Municipal Code since 1978.**

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, pertaining to the required setbacks, is being caused by the narrowness of the lot in question. The alleged difficulty or hardship, pertaining to the “hard surface requirement”, has not been substantiated.**

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, pertaining to setbacks, will not result in a detriment to the public welfare in the area provided adequate sight distance is maintained. The granting of the requested variance to the “hard surface requirement” has the potential to be detrimental to the public welfare in that the traffic coming off this lot, if graveled, would bring said gravel into the right-of-way where it would have the potential of being flung by vehicles at other vehicles and potentially causing damage. Additionally, there is a concern for the creation of dust from a gravel surface that would not be present with a “hard surface” and would be a direct violation of Section 405.320.C: “No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.”**

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, pertaining to setbacks, 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 (provided adequate sight distance is maintained) nor will it substantially diminish or impair property values within the neighborhood. The proposed variance to the “hard surface requirement” could potentially endanger the public safety as discussed above.**

---

## **STAFF COMMENTS AND SUGGESTIONS**

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### **Findings of fact:**

- **The “hard surface requirement” has been in the City’s Municipal Code since 1978.**
- **Several industrial properties were allowed to utilize gravel over the years for unknown reasons since the “hard surface requirement” was part of the City’s Code, but apparently was not being enforced on industrially zoned properties.**
- **The subject property is zoned Service Business (C-2) District.**
- **The subject property is a long, narrow lot.**
- **The subject property is very visible as folks coming off of I-49 at MO-2/Mechanic Street enter into the heart of the community.**

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**STAFF RECOMMENDATION**

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Staff recommends denial of the requested variances.

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**ATTACHMENTS**

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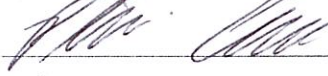
**Application and Supporting Documentation**

**Pictures**

**Zoning Map**

**Aerial Map**

**VARIANCE APPLICATION**      DATE: 10-7-25

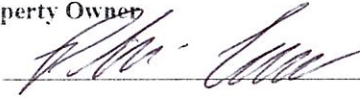
**Applicant (Print):** Philip Carselawey      **Signature:** 

**Company Name:** Shed Genius LLC dba Shed Connect

**Street Address:** 8100 E. 22<sup>nd</sup> St. N. 2300-1      **City:** Wichita      **State:** KS      **Zip:** 67226

**Telephone:** 316-536-0472      **Email:** phil@newfoundrentals.com

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

**Property Owner Name (print):** BPS Advisors      **Signature:** 

**Street Address:** 8100 E. 22<sup>nd</sup> St. N. 2300-1      **City:** Wichita      **State:** KS      **Zip:** 67226

**Telephone:** 316-536-0472      **Email:** phil@newfoundrentals.com

**Firm Preparing Application (if applicable):** N/A

**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:**  
103 S. Commercial, Harrisonville, MO

**Harrisonville Properties,** \_\_\_\_\_ **Acres or Sq. Ft.** .5 acres

**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: Perhaps I just want this variance to ensure I'm operating 100% within compliance at all times.

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: Yes - I'm also the owner of the land.

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

Applicant Response: I believe it will enhance the locality and neighborhood. That is my goal!

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: If I'm understanding the question: If nothing changed I'm afraid it would be super tight/hard to get inventory onto the lot.

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 mine.

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: Not that I'm aware of.

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

Applicant Response: 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: I believe so.

Resources

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

Contacts

City Hall, 300 E. Pearl, Harrisonville, MO 64701		(816) 380-8900	Fax (816) 380-8910
John Morris	Building Official	(816) 380-8917	<a href="mailto:jmorris@harrisonville.com">jmorris@harrisonville.com</a>
Christina Stanton	Community Development Director	(816) 380-8922	<a href="mailto:cstanton@harrisonville.com">cstanton@harrisonville.com</a>
Jamie Martin	Administrative Secretary	(816) 380-8958	<a href="mailto:jmartin@harrisonville.com">jmartin@harrisonville.com</a>
Public Works Department, 201 W. Chestnut, Harrisonville, MO 64701			Fax (816) 380-3997
Carl Brooks	Director of Public Works	(816) 380-8964	<a href="mailto:cbrooks@harrisonville.com">cbrooks@harrisonville.com</a>
Ted Martin	City Engineer	(816) 380-8964	<a href="mailto:tmartin@harrisonville.com">tmartin@harrisonville.com</a>

For Office Use Only

Case No: VAK 25-004 Filing Fee. Amount Paid: \$ 265.00 Date: 10-14-25

Date Application Received: 10-14-25 BZA Meeting Date: 11-11-25

Note: \_\_\_\_\_

Committee,

We plan to use the site as a display location for storage sheds that we sale via retail to consumers. The space will have some land work done, reflected in the layout design.

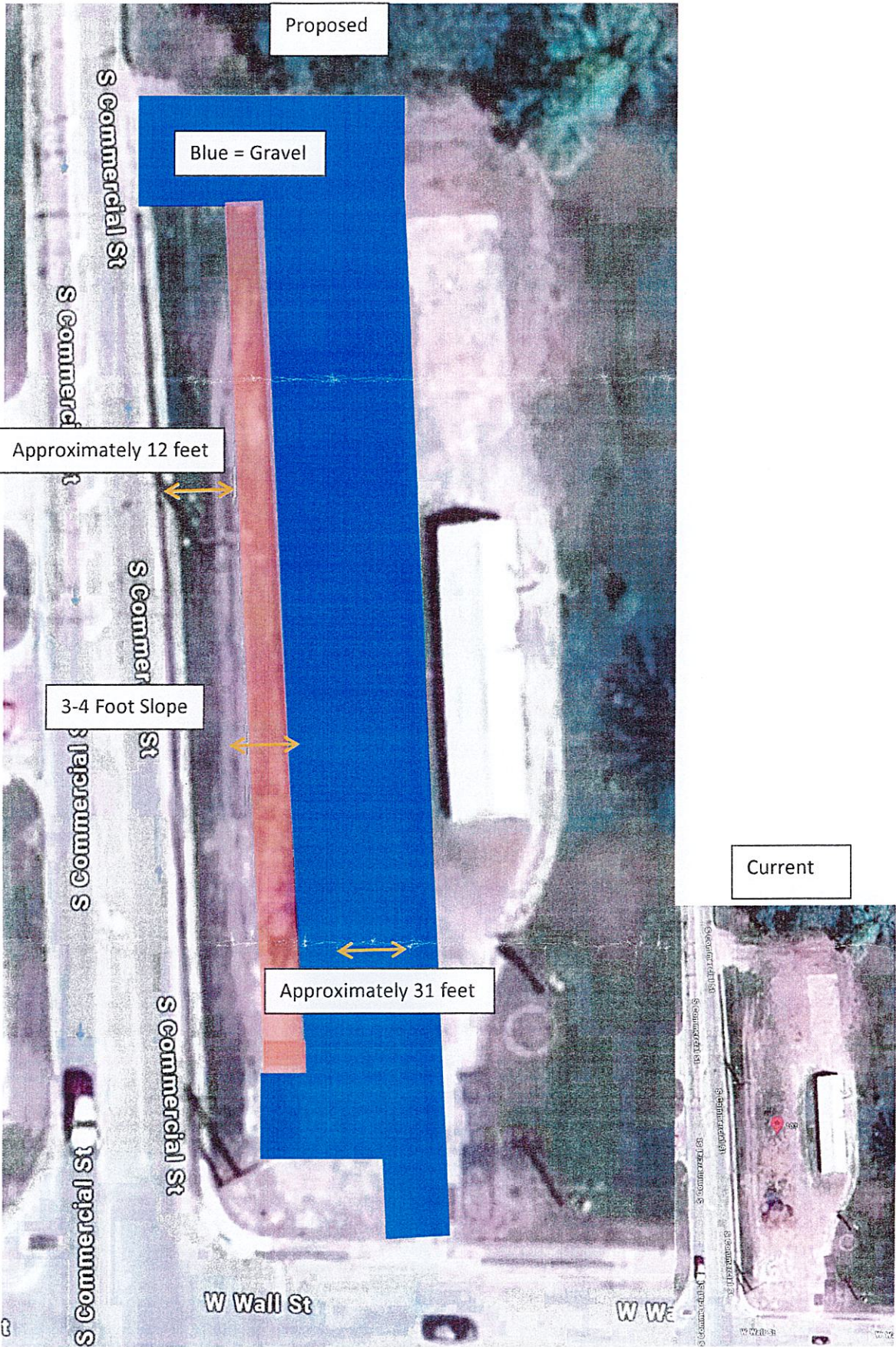
Basically bringing in a bunch of gravel to create good entrances as well as a level foundation for the sheds to be displayed on.

From the end of the gravel there will be a small slope to lead back down to the base level of the site.

Our goal is to make this space aesthetic and well maintained.

Thanks,

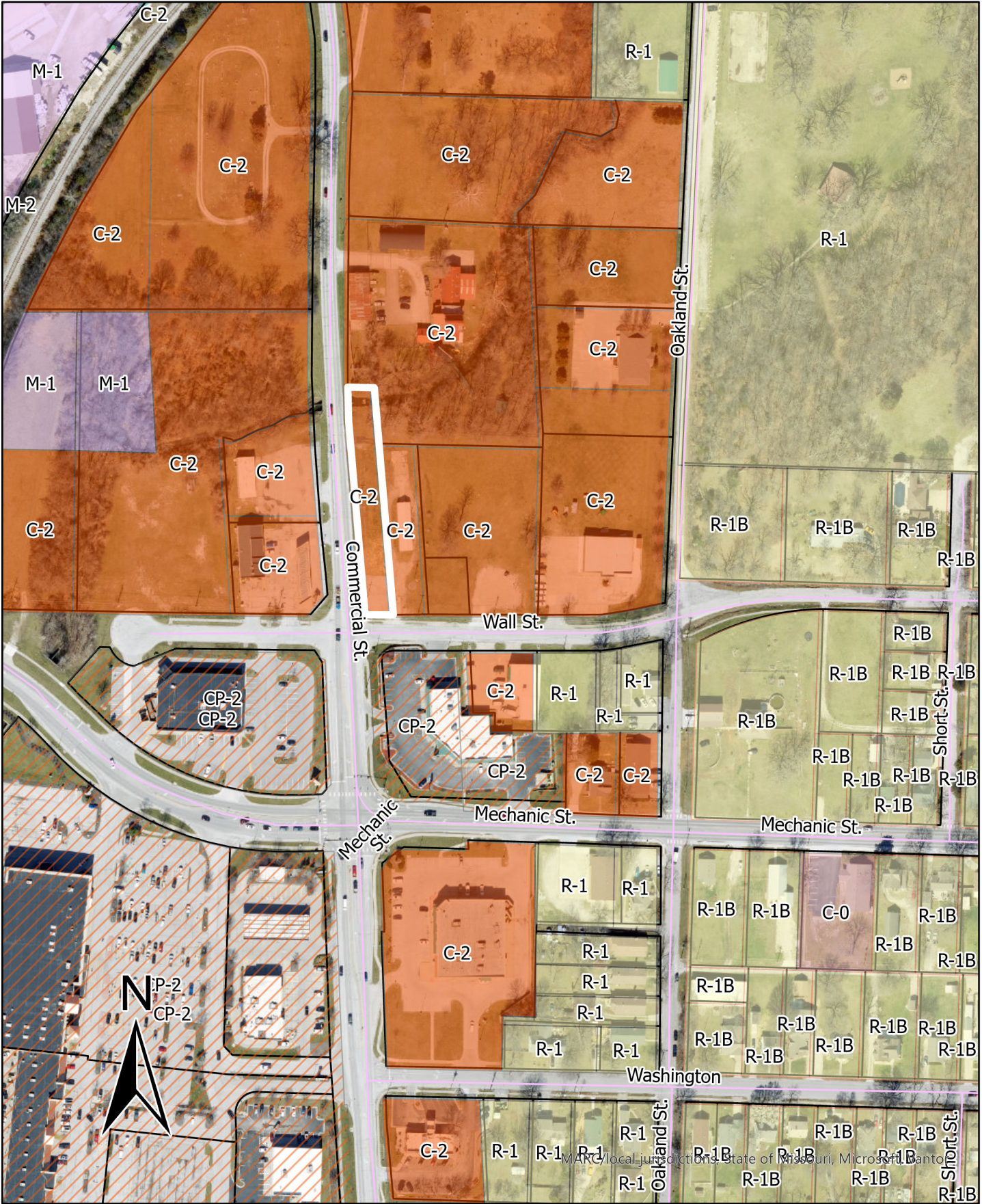
Phil C.



# Pictures



# Zoning Map



0 195 390 780 US Feet

# Aerial Map



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

0 75 150 300 US Feet