



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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

1. Call to Order

A. Roll Call

Attendee Name	Title	Status	Arrived
Michelle Hart	Board Member	Present	
Bryan Wooten	Chairman	Present	
Obie Carl	Vice-Chairman	Present	
Angela Kramer	Board Member	Present	
Amanda Stites	Board Member	Excused	
April McLaughlin	Alternate	Excused	

Others present: Brandon Lee and Megan Bussard, Applicants; Dawn Paige and Wayne Day, Neighboring Property Owners; Trent Gilliam, Neighboring Property Owner; Steve Nothangel, Neighboring Property Owner; Alex Felzien, City Attorney; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

Minutes from the

A. Minutes from the July 8, 2025, meeting.

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

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

Director Stanton presented the Staff Report. The applicant is seeking a variance to Section 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.

Director Stanton said that under the Previous Action Section of the Staff Report:

- 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 are attached in the Staff Report. The permit has never been issued.
- July 14, 2025 - The Code Compliance Case was closed since an application for a 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 E. 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.

Under the Key Issues Section it is stated that:

- 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 the sight triangle requirements of Section 405.550.C.8.

Director Stanton said that in reviewing the five Standards listed in Section 405.615.B:

1. The particular physical surroundings and location does create a particular hardship upon the owner in that there is very little usable yard on this property.
2. 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 effective date of this chapter was in 1991. The house was built in 1971, which is when the alleged hardship was created.
4. 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 3-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. 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 which is also a safety concern.

Director Stanton said that in support of the requested variance are the following facts:

- 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 encroached 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.

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

1. The portion of the fence located within the City right-of-way of E. Shady Lane shall be removed; and
2. The sight distance triangle shall be corrected to meet the City's Municipal Code Section 405.550.C.8.

Angela Kramer asked if moving the fence in the 8 feet on Shady Lane would bring the fence into compliance. Director Stanton said that staff would have to verify that the sight distance would be clear.

Bryan Wooten asked how we decide the sight triangle. Director Stanton said that we use the diagram on page Packet Page 9. Mr. Wooten asked who would be liable if there were an accident and the Board approved it. Alex Felzien said that the driver would be liable and maybe the homeowner, possibly the City if it was allowed as it is. Mr. Wooten added that there is a huge traffic problem on that street.

Brandon Lee spoke to the Board. He said the he brought his neighbors and that they are all supportive of his variance request. Michelle Hart asked him if he was willing to move the fence if they decided that was necessary. Mr. Lee said yes, he would be willing to do so and he would be happy to do whatever it takes.

Steve Nothangel, Trent Gilliam, and Dawn Paige all spoke on behalf of their neighbor and were supportive.

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

Variance request has met all of the criteria. Variance was approved with Staff's conditions.

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

Director Statnton presented the Staff Report. 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. Director Stanton said that she provided historical data related to this lot under the Previous Actions section of the Staff Report; however, she would not be reviewing this historical data since the lot is currently vacant due to the City demolishing the previously existing building.

Under the Key Issues Section of the Staff's Report it is stated that:

- 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 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. 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.

Additionally, an email was received Friday from Charles Cox, the property owner at 100 S. Commercial Street and was read into the record.

"I do not think this is a good choice for this type of business at one of your busiest intersections on Commercial Street. Because of what it looks like down by Trade Fair and for what Harrisonville wants to look like in the future. Some of the problems, Traffic vision problems at intersection, not secure to the ground, homeless people problems. Sorry I can not be at the zoning meeting 11-10-25. Thank you, David Cox, 100 S Commercial Street, Harrisonville, MO"

Director Stanton said that in reviewing the five (5) standards listed in Section 405.615.B:

1. 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 lot. All newer developments in this 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 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 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 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 of 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 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.

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 the heart of the community.

Staff recommends denial of the requested variances.

Director Stanton told the Board that the Applicant was not present.

With no questions or comments from the Public, the Public Hearing was closed at 6:33 PM

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

Variance request did not meet all of the criteria. The variance was denied.

4. Discussion Items

There were no discussion items.

5. Adjourn

With nothing further to come before the Board, Obie Carl made a motion to adjourn. Angela Kramer seconded. The meeting was adjourned at 6:34 PM.