



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
AUGUST 13, 2019
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Apr 23, 2019 6:00 PM**
- 3. Agenda Items**
 - A. Public Hearing for VAR 19-004: Variance Application of John Southard for a variance to Section 405.140 Height and Area Regulations**
 - B. Consideration for VAR 19-004: Application of John Southard**
- 4. Discussion Items**
- 5. Adjourn**



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
APRIL 23, 2019
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Chairman Chris O'Connell

Attendee Name	Organization	Title	Status	Arrived
Viola Wieberg	Harrisonville		Present	
Shannon Sipple	Harrisonville		Present	
Chris O'Connell	Harrisonville	Chairman	Present	
Norma Keltner	Harrisonville		Present	
Jennifer Peters	Harrisonville		Present	
Gerald Saling	Harrisonville	Alternate	Absent	

Also in attendance were Alex Crawford and Hiram Schear; applicants, Roger Kroh, Community Development Planner; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - Dec 11, 2018 6:00 PM

With no additions or corrections, the minutes from the December 11, 2018, meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jennifer Peters
SECONDER:	Shannon Sipple
AYES:	Wieberg, Sipple, O'Connell, Keltner, Peters
ABSENT:	Gerald Saling

3. Agenda Items

A. Public Hearing for VAR 1-001: Variance Application Hiram Schear of Dunamis Motors for a variance to Section 405.485, M-1 Limited Industrial District

Roger Kroh presented the Staff Report, Packet Pages 6-11. Staff recommends approval of this variance request.

Shannon Sipple made a motion to approve the variance request as presented, allowing the sale of 2 cars a month at 1500 Clearwater Drive, which is in the M-1 Limited Zoning District. Chris O'Connell seconded the motion. The motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shannon Sipple
SECONDER:	Chris O'Connell, Chairman
AYES:	Wieberg, Sipple, O'Connell, Keltner, Peters
ABSENT:	Gerald Saling

B. Consideration for VAR 19-001: Application of Hiram Schear

4. Discussion Items

none

5. Adjourn

With nothing further to come before the board, Jennifer Peters made a motion to adjourn. Shannon Sipple seconded. The meeting was adjourned at 6:06 PM.

MinuteTraq Admin,
Chairperson of the Board of Zoning Adjustments

ATTEST:

Jamie Martin, Secretary

Minutes Acceptance: Minutes of Apr 23, 2019 6:00 PM (Approval of Minutes)



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: August 6, 2019
SUBJECT: Public Hearing - John Southard - 109 Trinity Circle

Type of Item: *Discussion*

A. Discussion Item (ID # 3308)

Public Hearing - John Southard - 109 Trinity Circle



TO: Board of Zoning Adjustments
FROM: Jamie Martin, Assistant
DATE: August 6, 2019
SUBJECT: John Southard Staff Report

Type of Item: *Approval*

B. Action Item (ID # 3309)

John Southard Staff Report

Attachments:

Staff Report - J Southard 109 Trinity Circle rear setback (PDF)

General Information:

Applicant/Location: John T. Southard
109 Trinity Circle

Requested Action: A variance from Zoning Code Sec. 405.140 Height and Area Regulations to allow the southeast corner of the residence to be approximately 29 ft. 5 inches instead of 30 ft. from the rear property line.

Existing Zoning: R-1 Single-Family Residential District

Surrounding: North: R-1, Single Family Residential District
East: R-1, Single Family Residential District
West: R-1, Single Family Residential District
South: R-1, Single Family Residential District

THIS IS A PUBLIC HEARING ITEM

Background:

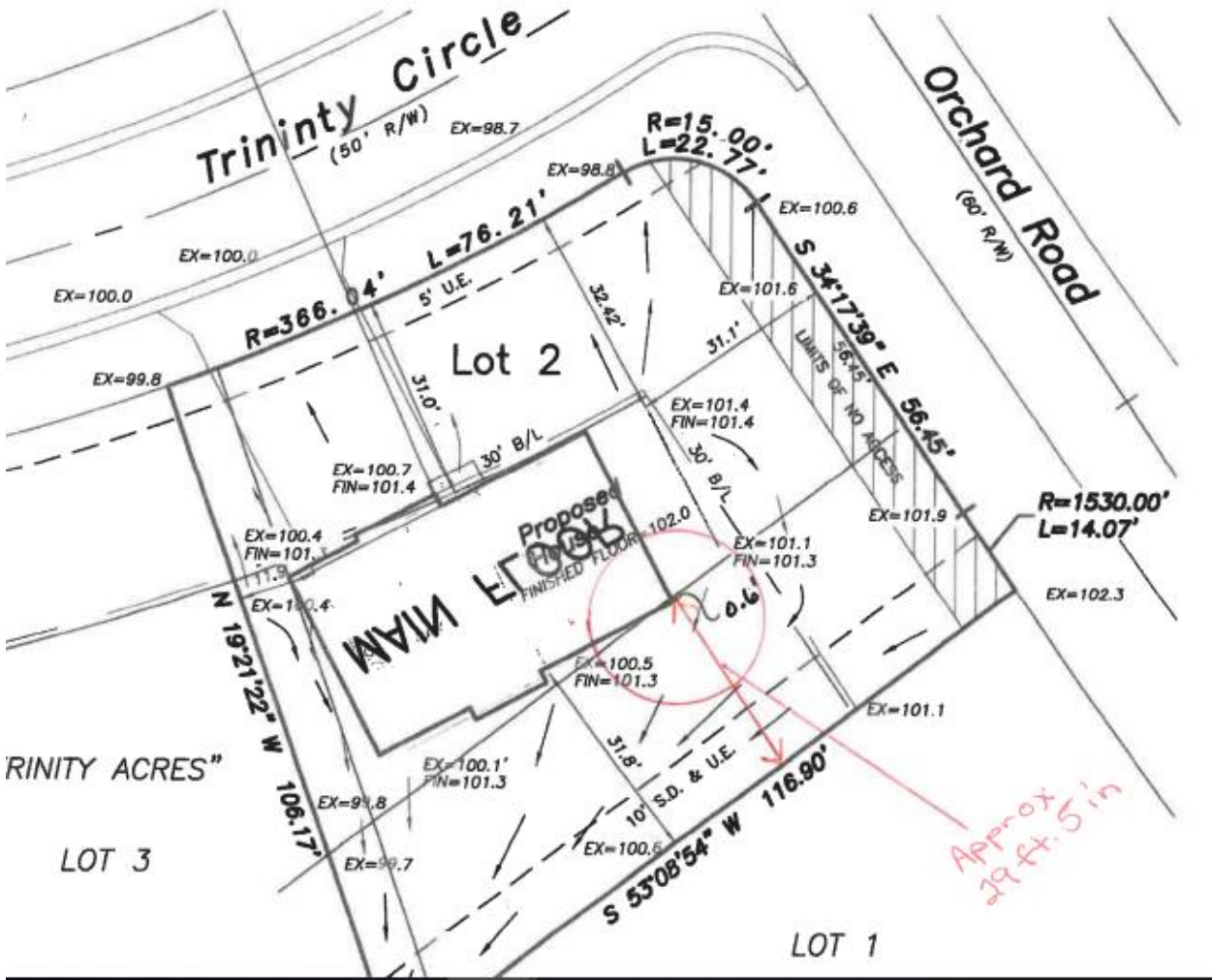
John T. Southard at 109 Trinity Circle in the R-1 Single-family Residential District has requested a variance from Zoning Code Sec. 405.140 Height and Area Regulations to allow the southeast corner of the residence to be approximately 29 ft. 5 inches instead of 30 ft. from the rear property line. Mr. Southard wishes to build a 1500 square foot house on what is the last vacant lot in the subdivision. Typically, staff would consider the small encroachment into the back yard at one corner of the house to be nominal enough that it would not require a variance. However, the applicant requests the variance to ensure there is no doubt that the house meets the rear setback requirements.

109 Trinity Circle – Vicinity Map



Attachment: Staff Report - J Southard 109 Trinity Circle rear setback (John Southard Staff Report)

Site Plan



**Zoning Ordinance Provisions
Regarding the Board of Zoning Adjustments**

Chapter 405.610 to 405.625 of the zoning ordinance of the city provides the following guidance regarding matters before the Board of Zoning Adjustments.

Section 405.610 Purpose

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

Attachment: Staff Report - J Southard 109 Trinity Circle rear setback (John Southard Staff Report)

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.

Section 405.615 (A) Standards

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;

Applicant: We only need .6 of an inch variance to make it work and it will be a good addition to the subdivision.

Staff: The variance will actually be .6 foot (7.2 inches) and will only be at one rear corner of the house. Staff does not believe it necessary to force the applicant to reduce the size of the house when such a small variance is needed at only one rear corner.

2. The plight of the owner is due to unique circumstances;

Applicant: The deed restrictions of 1500 sq. ft. house made it difficult to locate the house on the lot due to the shape of the lot. The plan I have will meet the challenge.

Staff: We agree. If this lot was symmetric there would probably be no need for a variance.

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

Applicant: No, this house will definitely improve the neighborhood.

Staff: We concur with the applicant.

Section 405.615 (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 hardship, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. 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;

Applicant: The design of the lot is making this difficult.

Staff: We concur.

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

Applicant: It will only be applicable had the same configuration of lot happen to someone else.

Staff: We concur.

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;

Applicant: The way the subdivision was laid out does cause the problem. The difficulty to build a house on this lot configuration has been why the lot has been vacant for so long.

Staff: We concur.

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

Applicant: The granting of the variance will be advantageous as the lot will no longer be vacant to the neighborhood.

Staff: We concur.

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.

Applicant: The house will help maintain property values on the street. The home will not impair the supply of light or air to any neighbors or cause a public safety issue for neighbors.

Staff: We concur.

Recommendation:

Approve motion granting a variance to John T. Southard for the property at 109 Trinity Circle from Zoning Code Sec. 405.140 Height and Area Regulations to allow the southeast corner of the residence to be approximately 29 ft. 5 inches instead of 30 ft. from the rear property line for the following reasons:

1. The variance is in harmony with its general purpose and intent of the zoning ordinances of the city.
2. Following the strict letter of the regulations would entail practical difficulties and hardships which is not necessary when the encroachment into the rear yard is only 7.2 inches and this encroachment is only at one rear corner of the house.
3. The plight of the owner is due to unique circumstances caused by the irregular configuration of the lot.
4. The variance, if granted, will not alter the essential character of the locality.
5. The granting of the variance will not be detrimental to the public welfare of the neighborhood in which the property is located;
6. Approval of this variance will not impair the 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.