



BOARD OF ZONING ADJUSTMENT

Regular Meeting Agenda
CITY OF PARKVILLE, MISSOURI
Tuesday, July 27, 2021 5:30 PM
City Hall Board Room

In light of public health orders from the Missouri Governor and Platte County related to the COVID-19 pandemic, and given the nature of the items to be considered at this particular meeting, the members of the Board of Zoning Adjustment will meet via telephone or video conference. Members of the public interested in this meeting are encouraged to listen in on the meeting via the following link: <https://us02web.zoom.us/j/81303244646?pwd=ekdBNkFvNFk4Z3R2ZW5pTWxlUGVVKUT09>

In addition, rather than appearing at City Hall to provide input at the meeting on action agenda items, members of the public may submit written testimony to the City Clerk in advance by noon on the day of the meeting and the testimony will be to be provided to the Board of Zoning Adjustment and presented at the meeting and made part of the official record.

1. Call to Order

2. Roll Call

3. General Business

- A. Approval of the agenda
- B. Approval of minutes from the Tuesday, February 23, 2021 Board of Zoning Adjustment regular meeting.
- C. Election of Officers:
 - 1) Chairperson
 - 2) Vice Chairperson
 - 3) Secretary

4. Public Hearing

- A. Application for variance to reduce the required side-yard setbacks for 303 Main Street. *Case No. BZA 2021-02, David Joiner, Integral Design Architecture, Applicant.*

5. Regular Business

6. Unfinished Business

7. Other Business

A. Upcoming meetings & dates of importance:

- Planning and Zoning Commission Regular Meeting: Tuesday, August 10, 2021 at 5:30 p.m.
- Board of Aldermen Meeting: Tuesday, August 3, 2021 at 7:00 p.m.
- Board of Zoning Adjustment Meeting: Tuesday, August 24, 2021 at 5:30 p.m.

8. Adjournment

1. Call to Order

Chair Dods called the meeting to order at 05:30 PM.

2. Roll Call

Members Present:

Kenneth Roberson

Russ Newcomer

Russ Downing

Carla Dods

Absent:

Art Shafferman

A quorum of the Board was present.

Staff Present:

Stephen Lachky, Community Development Director

Brad Stanton, Planner

3. General Business

A. Approval of the agenda.

ACTION: Kenneth Roberson moved to approve the agenda. Russ Newcomer seconded. Motion Passed: 4-0.

AYES: Kenneth Roberson, Carla Dods, Russ Downing, Russ Newcomer

NOES: None

ABSTAIN: None

B. Approval of minutes from the Thursday, December 3, 2020 Board of Zoning Adjustment special meeting

ACTION: Kenneth Roberson moved to approve the minutes as amended. Russ Newcomer seconded. Motion Passed: 4-0.

AYES: Kenneth Roberson, Carla Dods, Russ Downing, Russ Newcomer

NOES: None

ABSTAIN: None

4. Public Hearing

- A. Application for use variance to allow a single-family residence to be constructed in the "OTD" Old Town District zoning district at 303 Main Street. *Case No. BZA 2021-01, David Joiner, Integral Design Architecture, Applicant.*

Brad Stanton, Planner, introduced the item. Mr. Stanton noted that this is an application for a use variance to allow a single-family residence to be constructed in the OTD zoning district. An existing house is located on the property and the applicant is proposing to demolish the house and rebuild a new single-family residence. Board member Russ Downing asked if any neighbors were opposed. Mr. Stanton and Stephen Lachky, Director of Community Development, noted that staff had received no public comments in opposition. Board Member Kenneth Roberson asked the use of the property to the south. Director Lachky gave an overview of the corridor. Board Member Russ Newcomer inquired on the property line to the north, as it relates to the existing house. Director Lachky noted that a survey of the property was included in the agenda packet. David Joiner, Applicant, gave an overview of the project. Mr. Joiner noted that the small lot size and narrow width of the lot limited the usable floor plans.

ACTION: Kenneth Roberson moved to approve the application as presented. Russ Downing seconded. Motion Passed: 4-0.

AYES: Kenneth Roberson, Carla Dods, Russ Downing, Russ Newcomer

NOES: None

ABSTAIN: None

5. Regular Business

6. Unfinished Business

7. Other Business

- A. Upcoming meetings & dates of importance:

- Planning and Zoning Commission Regular Meeting: Tuesday, March 9, 2021 at 5:30p.m.
- Board of Aldermen Meeting: Tuesday, March 2, 2021 at 7:00p.m.
- Board of Zoning Adjustment Meeting: Tuesday, March 23, 2021 at 5:30p.m. (if necessary)

8. Adjournment

Chair Dods called further discussion. Seeing none, she called for a motion to adjourn.

ACTION: Russ Downing moved to adjourn. Kenneth Roberson seconded. Motion Passed: 4-0.

AYES: Kenneth Roberson, Carla Dods, Russ Downing, Russ Newcomer

NOES: None

ABSTAIN: None

Submitted by:

Stephen Lachky, AICP
Community Development Director

Date

Brad Stanton
Planner

Date



BYLAWS AND PROCEDURES
Of the
CITY OF PARKVILLE, MISSOURI
BOARD OF ZONING ADJUSTMENTS
Adopted by the Board of Zoning Adjustments on 2-10-16

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

I. AUTHORITY AND POWERS

The authority and powers of the Parkville Board of Zoning Adjustment are those set forth in RSMo, Chapter 89 and amendments and supplements thereto, and those powers and duties delegated to the Board of Zoning Adjustment by the Board of Aldermen for the City of Parkville as set forth in Title IV of the City Code of Ordinances.

Those powers and duties include:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Title.
- b. To hear and decide special exceptions to the terms of this Title or other matter upon which such Board is required to pass under this Title.
- c. To authorize upon appeal in specific cases such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title will result in unnecessary hardship, and so that the spirit of the Zoning Code shall be observed and substantial justice done.
- d. To perform all other functions of the Board of Zoning Adjustment and Board of Adjustment pursuant to State Law and the Parkville Municipal Code.

II. ORGANIZATION AND STRUCTURE

a. MEMBERSHIP

The Board and Zoning Adjustment consists of five (5) members who shall be residents of the City and three (3) alternates, each shall be appointed to serve in the absence, abstention or the disqualification of the regular members. Appointments are made by the Mayor, with the consent of the Board of Aldermen, for service on the Board and Zoning Adjustment. Appointments shall be for a period of five (5) years, except when appointed to fill a vacancy of an unexpired term. All board members shall serve without pay or remuneration of any sort. Vacancies shall be filled by appointment of the Mayor with approval by the Board of Aldermen for the unexpired term(s). Any member may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.

b. OFFICERS AND HOW ELECTED

The Board of Zoning Adjustment shall elect a Chairperson, Vice Chairperson and Secretary from among its citizen members. The terms of the Chairperson, Vice Chairperson and Secretary shall be for one (1) year with eligibility for re-election.

c. PRESIDING OFFICER

1. The Chairman or, in his absence the Vice Chairman, shall preside over all meetings and hearings of the Board. In the absence of both the Chairman and Vice Chairman, the Secretary shall preside over the Board.
2. The presiding officer shall administer oaths of truthfulness, take evidence, enter discussions and vote on all matters coming before the Board.
3. The presiding officer shall decide all points of order and procedure, subject to these rules, unless otherwise directed by the majority of the members of the Board present.
4. The Chairman shall appoint members to serve on any subcommittees of the Board.

d. COMMISSION STAFF LIAISON

1. The Community Development Director, or designated representative, shall serve as the Staff Liaison to the Board of Zoning Adjustment and shall provide the staff necessary to carry out the duties and responsibilities of the Board. The Community Development Director may

- appoint a member of his/her staff to serve as the Recorder of the meeting minutes. All references in these rules to the Staff Liaison shall include the Director of Community Development or his/her appointed staff or designees.
2. The Staff Liaison shall process all applications that are to be brought before the Board and, in doing so, guide the applicant through the proper procedures of the applicable ordinances, regulations or requirements.
 3. The Staff Liaison shall be responsible for all routine correspondence and provide for the proper presentation of matters coming before the Board, including preparation of the official agenda.
 4. The Staff Liaison shall attend all official meetings and hearings of the Board, keep the minutes, compile records, maintain files, and make available current ordinances, maps, and other pertinent information relating to the duties of the Board.

III. MEETINGS

a. OPEN MEETINGS

All meetings of the Board shall be open to the public and comply with the state's open meeting laws, and shall be conducted generally according to Robert's Rules of Order.

b. MEETINGS

The Board shall meet at the time and place set by resolution of the Board of Zoning Adjustment, unless otherwise specified in official public notices. In the event that no business comes before the Board for a specific meeting, the Community Development Director or his/her designee may elect to cancel the regular meeting and notify all members of such cancellation within 24 hours of the meeting time.

c. SPECIAL MEETINGS

Special meetings may be called by the Community Development Director or his/her designee when required to act upon matters before the Board, provided at least fifteen (15) days' notice is delivered to each member of the Board and to the public by posting such notice in a conspicuous place within the Parkville City Hall and on the subject property if applicable. Such notice shall specify the subject, time and place for such special meeting. Only the subject contained in the notice may be considered at such special meetings.

d. ADJOURNED MEETINGS

Meetings may be adjourned to a specified date, time, and place. In order to adjourn such meetings, a quorum need not be present; however, the notice provisions of special meetings shall apply if a quorum is not present.

e. QUORUM

Attendance by a quorum of three (3) Board of Zoning Adjustment members or alternates shall be required for a meeting to be held

f. VOTING

An affirmative vote of a majority of the members present is required to pass any motion. The passage of a resolution requires a majority vote of the full membership of the Board of Zoning Adjustment. The presiding officer may call for a roll call vote and the minutes shall reflect such votes.

g. AGENDA

An official agenda generally following the "ORDER OF BUSINESS" shall be made available for all regular meetings and the presiding officer shall generally adhere to said agenda unless it is amended or revised by consent of the majority of the Board members present.

h. ORDER OF BUSINESS

1. Call to order by presiding officer.
2. Roll call to determine quorum.
3. Acceptance of the agenda.
4. Consideration of minutes from previous meeting(s).
5. Introductions/announcements
6. Public hearings
7. Other business including reports from special committees, CLARB, Planning & Zoning Commission, Board of Aldermen and/or Staff
8. Adjournment, or
9. Adjournment for continuance of any unfinished business to the next regular or special meeting.

i. DISPOSITION

All items coming before the Board as agenda items shall be acted upon on the day presented or heard and such action shall be one of the following:

1. Denial;
2. Approval;
3. Continuance;
4. Recommended to Board of Aldermen for approval; (if needed)
5. Recommended to Board of Aldermen for disapproval (denial); or
6. Taken under advisement.

j. ATTENDANCE

Any member of the Board of Zoning Adjustment that is absent for three consecutive meetings without making prior arrangements shall be deemed to have resigned from the Board of Zoning Adjustment. A replacement member shall then be appointed by the mayor and approved by the Board of Aldermen.

IV. PROCEDURES

a. OFFICE PROCEDURES

1. Records and Files

Minutes shall be maintained for all Board meetings and such minutes shall be filed in the office of Community Development. All maps, charts, materials, documents, reports and correspondence shall be carefully maintained and preserved in accordance with the retention schedules set by the Missouri Secretary of State's Office and using office procedures compatible with the permanence and importance of such documentation. Security shall be provided to prevent any loss or unauthorized alteration.

2. Collection of Fees

Each application or activity coming before the Board that requires a fee by law shall be accompanied by suitable payment, payable to the City of Parkville and accepted by the Staff Liaison before placed on the official agenda. The amounts and methods of payment of fees shall be in accordance with schedules and ordinances established or authorized by the Board of Aldermen.

b. PUBLIC HEARING PROCEDURES

1. **Legal Notice.** The Department of Community Development is responsible for assuring all legal notices relating to this Board are duly published according to law.
2. **Order of Appearance of Hearing.** The order of hearing for each case shall be:
 - a) Open public hearing.
 - b) Staff reports:
 1. Community Development Director or representative.
 2. Public Works Director or representative, if applicable.
 3. Reports from other departments or public entities, if applicable.
 - c) Applicant's report
 - d) Report of proponent(s)
 - e) Report of opponent(s)

- f) Close public hearing.
 - g) Motion to dispose.
3. **Citizen Presentation.** All persons appearing before the Board shall stand where directed and state their name and address for the record. Any person who wishes to question testimony or otherwise comment on an issue at hand shall first be recognized by the Chairman and shall direct their questions and comments to the Board. No cross-examination of witnesses by anyone other than Board members shall be allowed unless specifically authorized by the presiding officer.
 4. **Time Limits for Presentations.** The presiding officer may limit the time any presenter, citizen, or witness has to state his/her case. Every effort shall be made to permit the development of all pertinent facts and to provide for the preservation of a fair and impartial hearing.
 5. **Board Presentation.** No member of the Board shall make the initial presentation on behalf of any applicant unless the member is the applicant. However, a Board member may offer testimony on behalf of an applicant after that Board member has disqualified themselves from the Board.
 6. **Member Disqualification.** A member shall disqualify themselves and not participate in discussion or vote on any application in which the member, his employer, or any member of his immediate family has or have had any financial interest whatsoever. Any member affected by this regulation shall disqualify themselves prior to the presentation of the application. A member who disqualifies themselves shall remove themselves from the room and not listen to the discussion nor return until the disposition of the item.
 7. **Postponement or Tabling of Hearing.** The hearing of any application may, upon request by the applicant, be postponed or may be tabled and such tabling or postponement may be granted by the Chairman of the meeting; provided that after the granting of two such postponements the members may vote to dismiss the subject application without prejudice. In such case that the applicant chooses to pursue the application, they must re-file it according to the requirements of the zoning ordinance or subdivision regulations.
- c. *PROCEDURE FOR STAFF INITIATED AGENDA ITEMS*
- Staff initiated agenda items shall be placed on the agenda by the Community Development Director and acted upon in accordance with these Rules and Procedures. Such items may be presented directly by staff or may be referred to the Board by the Board of Aldermen.
- e. *BOARD OF ZONING ADJUSTMENT SUPPORT AT BOARD LEVEL*
- On matters of major importance that are acted on by the Board of Zoning Adjustment and transmitted to the Board of Aldermen, it is appropriate to attend the Board of Aldermen meetings when such items are discussed to provide support of the Board of Zoning Adjustment action and recommendation.
- f. *ETHICAL PRINCIPLES OF THE PARKVILLE BOARD OF ZONING ADJUSTMENT AND STAFF*
- The Parkville Board of Zoning Adjustment has officially adopted the following principles to govern the conduct of its business. Should any questions arise about the interpretation and application of any of these principles, staff or the city attorney should be consulted.
1. **Serve the Public Interest.** The primary obligation of Board of Zoning Adjustment members and Community Development staff is to serve the public interest.
 2. **Support Citizen Participation in Adjustments.** Members and staff should encourage a forum for meaningful citizen participation and expression in the adjustments process and assist in clarifying community goals, objectives and policies.
 3. **Recognize the Comprehensive and Long-Range Nature of Adjustments Decisions.** Board of Zoning Adjustment members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by adjustment decisions by gathering all relevant facts, considering responsible alternative approaches, and evaluating the means of accomplishing

- them. Board of Zoning Adjustments members and the Community Development staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. **Expand Choice and Opportunity for All Persons.** Board members and the Community Development staff should strive to make decisions that increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions and decisions that restrict choices and opportunities be changed.
 5. **Facilities Coordination through the Adjustments Process.** Board of Zoning Adjustment members and the Community Development staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective adjustment decision receive adequate information far enough in advance of the decision to allow their meaningful participation.
 6. **Avoid Conflict of Interest.** Reference City of Parkville Municipal Code Chapter 107 Code of Ethics: To avoid conflict of interest and the appearance of impropriety, Board of Zoning Adjustment members who may receive some private benefit from a public adjustment decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to an immediate relation.
 7. **Render Thorough and Diligent Adjustment Service.** Should a Board of Zoning Adjustment member or members of staff believe he/she can no longer render service in a thorough and diligent manner, he/she should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public adjustment decision, the member should not participate in that decision.
 8. **Not Seek or Offer Favors.** Board of Zoning Adjustment members and staff must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part.
 9. **Not Disclose or Improperly Use Confidential Information for Financial Gain.** Board of Zoning Adjustment members and staff must not disclose or use confidential information obtained in the course of their adjustment duties for financial or other gain.
 10. **Ensure Full Disclosure at Public Hearings.** Board of Zoning Adjustment members and staff members must ensure that the presentation of information on behalf of any party to an adjustment question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make ex-parte information (received in mail, by telephone, or other communication) regarding the issue part of the public record.



Staff Analysis

- Agenda Item: 4.A.
- Proposal: Application for variance to reduce the required side-yard setbacks for 303 Main Street.
- Staff Recommendation: Approval
- Case No: BZA 2021-02
- Applicant: David Joiner, Integral Design Architecture
- Owner: Andrea Scott
- Zoning: “OTD” Old Town District
- Parcel #s: Platte County parcel no. 20-7.0-35-100-033-004.000
- Exhibits:
- A. This staff report
 - B. Application for Variance
 - C. Subject Property Area Map
 - D. Building Plans & Elevations (provided by Applicant)
 - E. Additional exhibits as may be presented at the public hearing
- By Reference:*
- A. Parkville Master Plan – <http://parkvillemo.gov/departments/community-development-department/master-plan/>
 - B. Parkville Municipal Code, Title IV – Development Code in its entirety (<https://www.ecode360.com/PA3395-DIV-05>)
 - a. Section 401.030 Administration and Review Bodies
 - b. Section 403.080 Variance
 - c. Section 405.010 Zoning Districts Established
 - d. Section 405.020 Districts and Uses
 - e. Section 406.010 Old Town District - OTD
 - C. Notice of Public Hearing mailed to all property owners within 185 feet of the subject property
 - D. Hearing notice published in The Platte County Citizen newspaper on July 14, 2021
 - E. Public hearing announcement posted on the City webpage - <http://parkvillemo.gov/government/public-hearings/>

* Copies on file at Parkville City Hall and available on request

Comments

Received: The Community Development Department has not received any public comment letters as of the date of this staff analysis report.

Overview

303 Main Street is located along the east side of N Main Street, approximately 50-ft. north of E 3rd Street. The subject property includes one parcel — Platte County parcel #20-7.0-35-100-033-004.000 (0.05 acres, more or less) — and is zoned “OTD” Old Town District.



The subject property currently contains a single-story frame house (726 sq. ft.) that was built in 1970.



Photo courtesy of the Platte County Assessor's Office



WEST ELEVATION

1/4" = 1'-0"

Proposed building elevation (submitted by Applicant)

On February 23, 2021, the Board of Zoning Adjustment (BZA) approved a use variance to allow the development of a single-family residence within the “OTD” Old Town District zoning district.

The owner wishes to demolish the existing structure and construct a new 2-story single-family residence on the property. Per the Development Code, a minimum of a 5-foot side-yard setback is required. Per the Applicant, a 5-foot setback on the north and south property lines would result in an unworkable building width. The Applicant has requested a 3-foot side-yard setback on the north property line and a 4-foot side-yard setback on the south property line. As a result, an Application for Variance has been submitted for consideration by the BZA in order to relieve practical difficulty/hardship due to existing zoning standards.

Review and Analysis

The application has been reviewed against the Parkville Municipal Code. Variances are a process to provide relief from strict interpretation of the standards of the Development Code — including applicable use standards (in this case, the City’s “OTD” Old Town District standards) — which when applied to a particular property and in a specific context, could create an unnecessary hardship and practical difficulty on reasonable use of the property.

Per Section 401.030, Subsection D. of the Parkville Development Code, the Board of Zoning Adjustment shall have and perform all powers and duties authorized by RSMo. Chapter 89, as provided in Chapter 403, including but not limited to, hearing and deciding special exceptions to the terms of the development code where specifically stated and authorized; and authorizing (upon appeal in specific cases) a variance from the terms of the Development Code.

Per Parkville Municipal Code, Title IV, Section 403.010, Subsection E requirements, notice of the public hearing was published in a newspaper in general circulation in the City, The Platte County Citizen newspaper on July 14, 2021; a sign announcing the time, place and nature of the public hearing was placed on the subject property within view from public right of way; and mailed notice was provided to all property owners within 185 ft. of the subject properties. Per Section 403.080, a variance shall be reviewed and approved only on the finding that all of the following conditions are met (the following are staff’s findings and conclusions):

1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner’s intentional action

This property is unique due to its small size. The property is approximately thirty (30) feet wide, which leaves a twenty (20) foot buildable width. The Applicant has noted that a 20-foot wide building would not be a workable floor plan. While other properties in the “OTD” Old Town District are similarly small, the building standards allow for a 0-foot setback (along a party wall) to accommodate this. However, this property is allowed to be a single family residence which is not conducive to a party wall, especially with a single family residence to the north and a commercial enterprise to the south. Staff finds that this situation is not ordinarily found in the same zoning district. The property owner took no intentional action to make the lot the size that it is, they simply purchased an existing property and wish to construct a new residence.

2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents

Staff does not find that the granting of this variance would adversely affect the rights of adjacent property owners or residents. Other properties in the area have reduced side yard setbacks due to being built before the adoption of a development code.

Additionally, this building could potentially be constructed with a 0-foot setback as allowed by the Code if they used a party wall. A reduction from a 5-foot side yard setback in this context does not adversely affect the rights of adjacent property owners.

3. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute unnecessary hardship or practical difficulties upon the property owner represented in the application

As attested by the Applicant in their submitted narrative, strict application of the provisions of the City's Title IV – Development Code, would not permit construction of a workable floor plan for a single-family residence on this property. The required 5-foot side-yard setback would reduce the buildable width of the lot to 20 feet, which constitutes a practical difficulty to the property owner.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare

The proposed variance does not appear to adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The variance would not represent a substantial change to the development pattern in the surrounding area. Many of the surrounding properties have 0-foot or reduced side-yard setbacks without negative impact. The variance also does not represent an increase in demand for fire protection or police protection for health, safety and welfare reasons.

5. Granting the variance would not be opposed to the general spirit and intent of this Code.

The Development Code states, *“The OTD Old Town District provides a broad range of retail, entertainment and civic uses, and supporting accessory office, service, and residential uses, in a compact and walkable format. This district preserves the scale and character of original Parkville as the focal point of the community, and reinforces a high level of civic design and small-scale urban patterns that keep downtown Parkville vibrant.”* Staff does not believe granting approval of the variance would be opposed to the general spirit and intent of the development code, as Section 410.020, Subsection H. allows the Board of Zoning Adjustment to grant variances according to the procedures and criteria established in Section 403.080 and 403.090. The proposed new construction single-family residence would keep the character of original Parkville and provide a compact, supporting residential use within walking distance of downtown Parkville. The Code and Staff support high quality infill development near downtown Parkville

Staff Conclusion and Recommendation

Staff concludes that: The application for variance reasonably meets all five (5) criteria for a variance. Staff does not find that granting the variance would negatively impact the surrounding properties nor the public health, safety, morals, order, convenience, prosperity, or general welfare. Following review, staff recommends approval of the requested variance to reduce the required 5-foot side-yard setback to a 3-foot setback on the north and a 4-foot setback on the south.

It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the Application for Variance, supporting information, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Board of Zoning Adjustment should decide if the request will preserve the intent and consistency of the zoning regulations, the general welfare of the community and the rights of the adjacent property owners without setting a precedent that will negatively affect administration of the regulations. If granting approval, conditions may be set to further mitigate any effects of the variance.

End of Memorandum

<u>/s/ Brad Stanton</u>	<u>7-23-2021</u>
Brad Stanton	Date
Planner	



Application #: _____
 Date Submitted: _____
 Public Hearing: _____
 Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Variance
 Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant/Contact Information

Applicant(s)

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

Engineer/Surveyor(s), preparing plans & legal desc.

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

Owner(s), if different from applicant

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

Contact Person, if different from applicant(s)

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) _____ **Date:** _____

Property Owner's Signature (Required) _____ **Date:** _____

2. Property Information

Address and general location:

Attach a separate sheet with complete legal description of the property (if requested by Community Development Director).

Zoning district: _____

Present use of the property: _____

Proposed variance (or use with variance):

Attach a narrative addressing:

1. How the requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.
2. How the granted variance would not adversely affect the rights of adjacent property owners or residents.
3. How applying provisions of the zoning regulations for the requested variance constitutes unnecessary hardship or practical difficulties upon the property owner represented in the application.
4. How the variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare.
5. How granting the variance would not oppose the general spirit and intent of the City Code.

Last modified January 2020

3. Neighboring land use, zoning, character and effects of variance on each

<u>Land use</u>	<u>Zoning</u>
North: _____	_____
South: _____	_____
East: _____	_____
West: _____	_____
General character of the neighborhood: _____	

Effects of the requested variance on adjacent and neighboring properties:

Other comments or factors relating to this request:

4. Checklist of required submittals

- Completed application, including all required details and supporting data.
- Nonrefundable application fee of \$300.00. Separately, the applicant will be billed to recover costs for required publication, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- Complete legal description of the applicable property (if requested by the Community Development Director).
- Authorized signature of the applicant and property owner.
- Three (3) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of a site plan showing proposed variance in relation to property boundaries, existing and proposed topography, on and off-site, and other site features related to the proposed variance.

For City Use Only

Application accepted as complete by: _____

Name/Title: _____ Date: _____

Application fee payment: Check # _____ M.O. _____ Cash _____

Hearing notice published in: _____ Date of publication: _____

Final reimbursable costs paid (if applicable). Date of Action: _____

Board of Zoning Adjustment Action: Approved Approved with Conditions Denied Date of Action: _____

Conditions if any: _____



8836 REEDS ROAD
OVERLAND PARK
KANSAS 66207
TEL 913-383-3738

Date: 6-29-21

Stephen Lachky
City of Parkville
Community Development
8880 Clark Drive
Parkville, MO 64152

**RE: 303 Main Street / Parkville, MO 64152
BUILDING SETBACK VARIANCE**

Dear Mr. Lachky,

We are requesting a building setback variance to construct a 2-story residence at 303 Main Street, Parkville, MO. A Use Variance was granted on Feb. 23, 2021, enabling the development of the proposed dwelling within the OTD Zoning District.

The purpose of our current request is to enable safe and practical construction for the new south wall foundation, which is very close to the existing adjacent building located at 301 Main Street. Our engineer & general contractor are concerned that without adequate separation, one or potentially both of the building foundations may be compromised over time.

The property is extremely narrow, and without the opportunity to utilize a “zero set-back” party demising wall, the zoning ordinance requires 5’-0” side yard building setbacks. To comply with these SB distances it would limit the building width to just 20’-0”, not practical for a working floor plan. We reduced the building width from 24’-0” to 23’-0” to help create more building separation distance and also retain a functional plan layout.

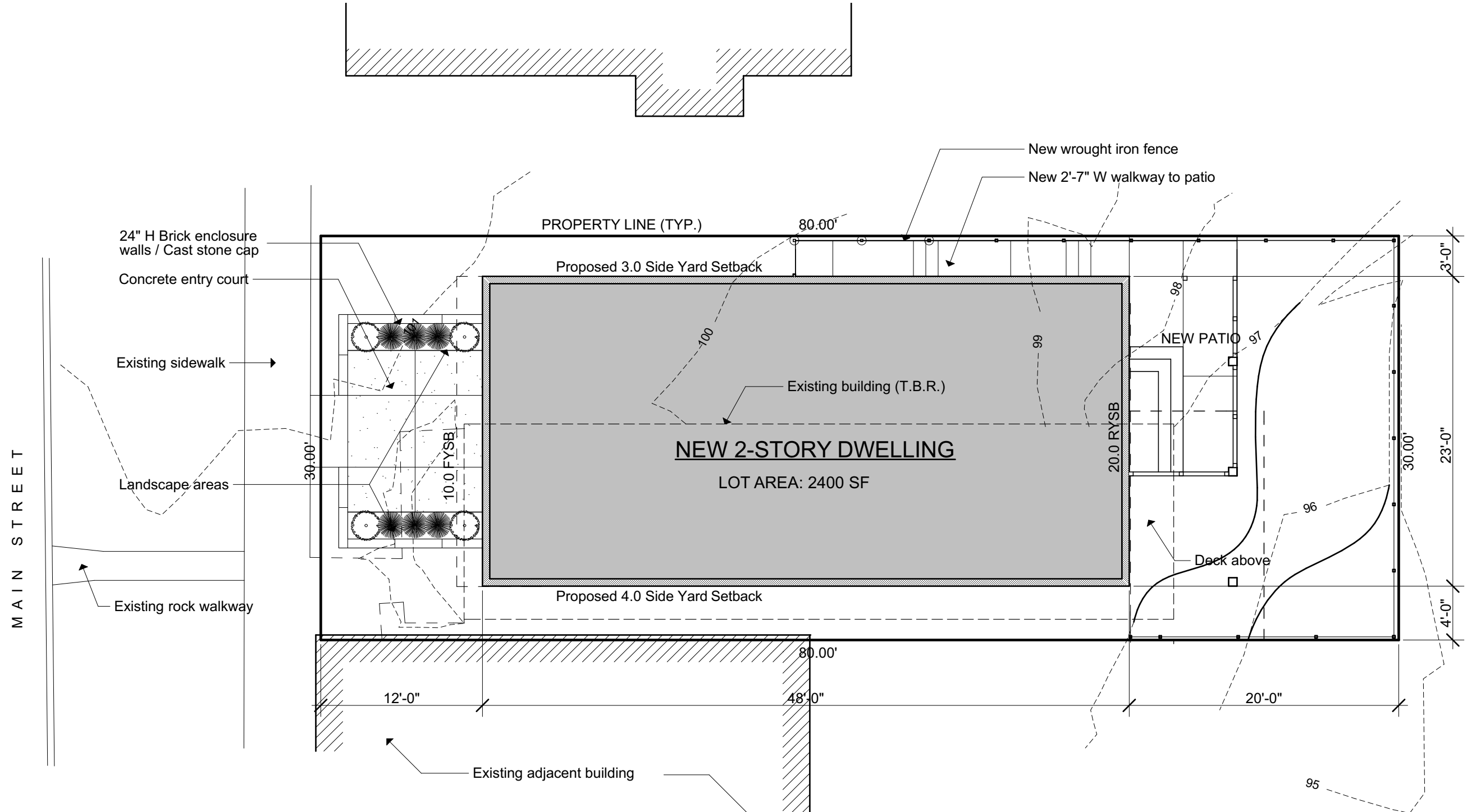
By reducing the setback distances on the south property by 1’-0” and the north property by 2’-0”, we would have the minimum separation needed to make the project structurally viable.

Thank you for considering our request for this variance.

Sincerely,

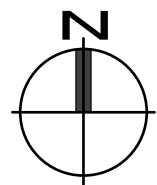
A handwritten signature in black ink, appearing to read "David L. Joiner", written over a white background.

David L. Joiner
Integral Design Architecture

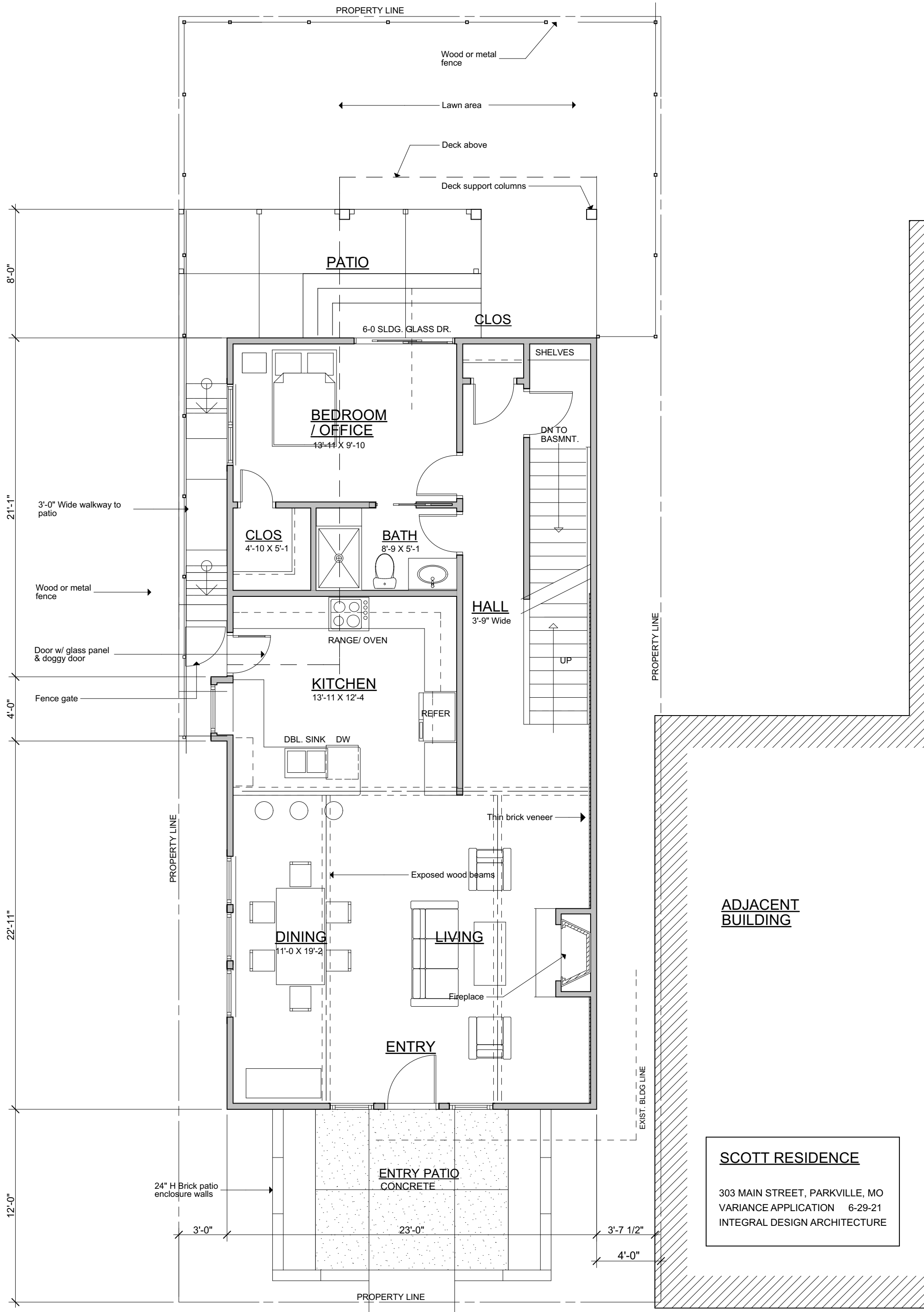


SCOTT RESIDENCE
 303 MAIN STREET, PARKVILLE, MO
 VARIANCE APPLICATION 6-29-21
 INTEGRAL DESIGN ARCHITECTURE

SITE PLAN
 SCALE: 1/8" = 1'-0"



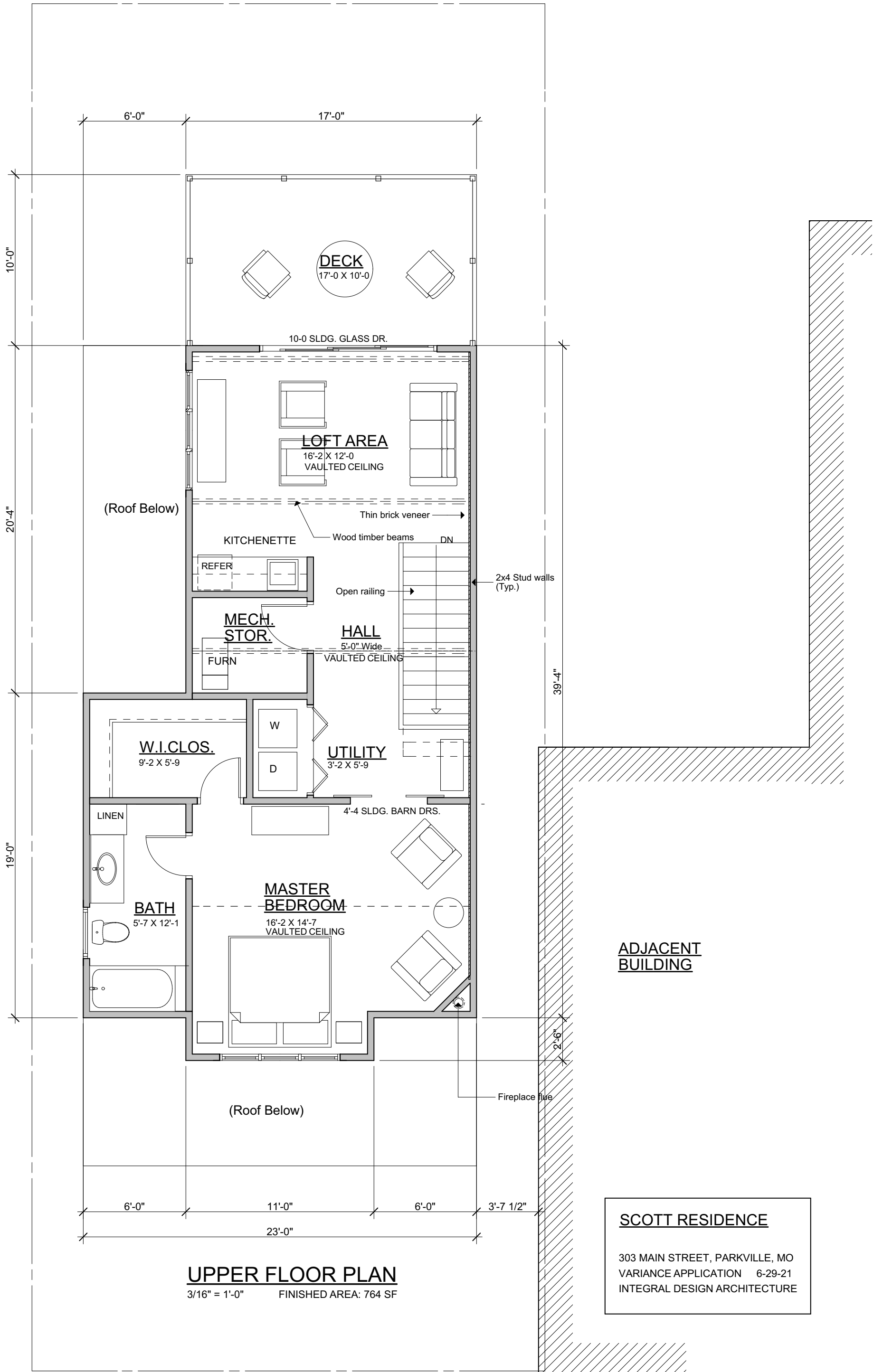
LEGAL DESCRIPTION
 ALL OF SOUTH 30 FEET OF LOT 4,
 BLOCK 13, PARKVILLE, A SUBDIVISION
 IN PLATTE COUNTY, MISSOURI



MAIN FLOOR PLAN

3/16" = 1'-0" FINISHED AREA: 1104 SF

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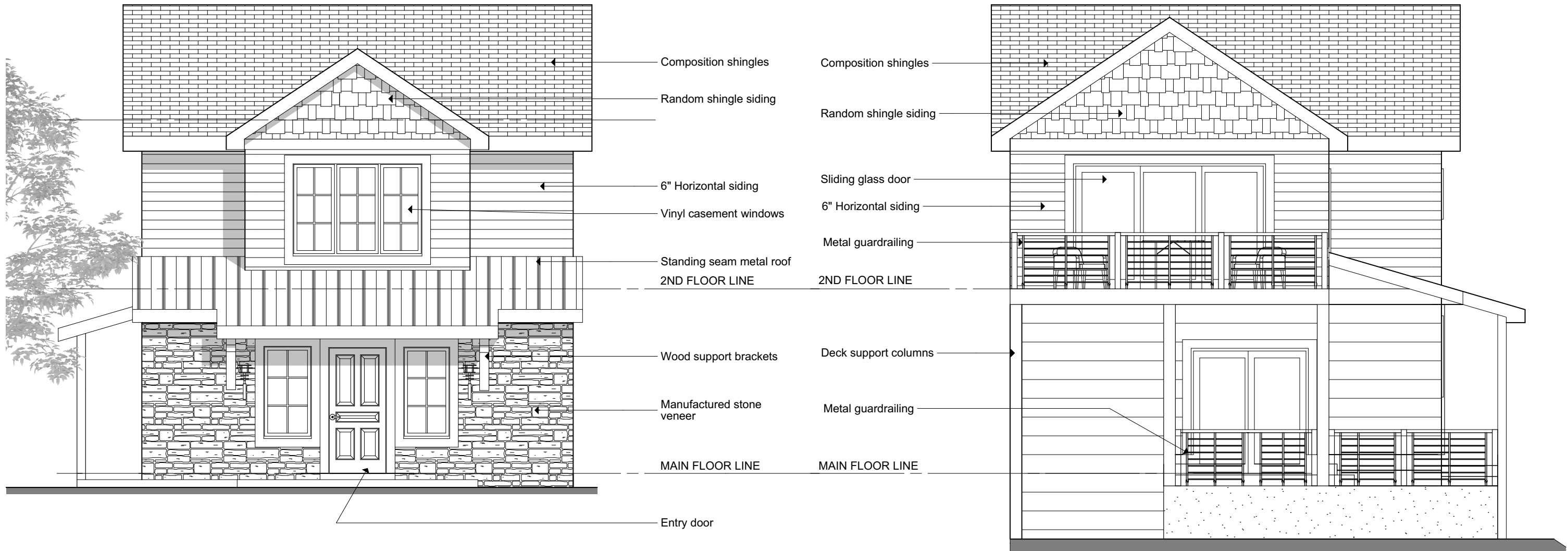
UPPER FLOOR PLAN

3/16" = 1'-0" FINISHED AREA: 764 SF

ADJACENT BUILDING

SCOTT RESIDENCE

303 MAIN STREET, PARKVILLE, MO
 VARIANCE APPLICATION 6-29-21
 INTEGRAL DESIGN ARCHITECTURE



WEST ELEVATION

1/4" = 1'-0"

EAST ELEVATION

1/4" = 1'-0"



Composition shingles

Vinyl casement windows

6" Horizontal siding

Standing seam metal roof

2ND FLOOR LINE

MAIN FLOOR LINE

Random shingle siding

Wood support brackets

NORTH ELEVATION
 3/16" = 1'-0"

SCOTT RESIDENCE
 303 MAIN STREET, PARKVILLE, MO
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