



BOARD OF ZONING ADJUSTMENT

Regular Meeting Agenda
CITY OF PARKVILLE, MISSOURI
Tuesday, February 27, 2024 5:30 PM
City Hall Board Room

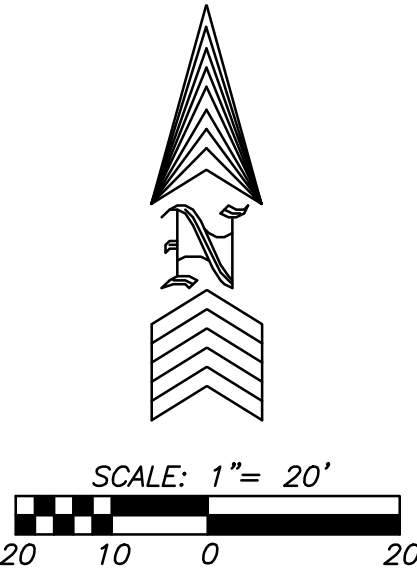
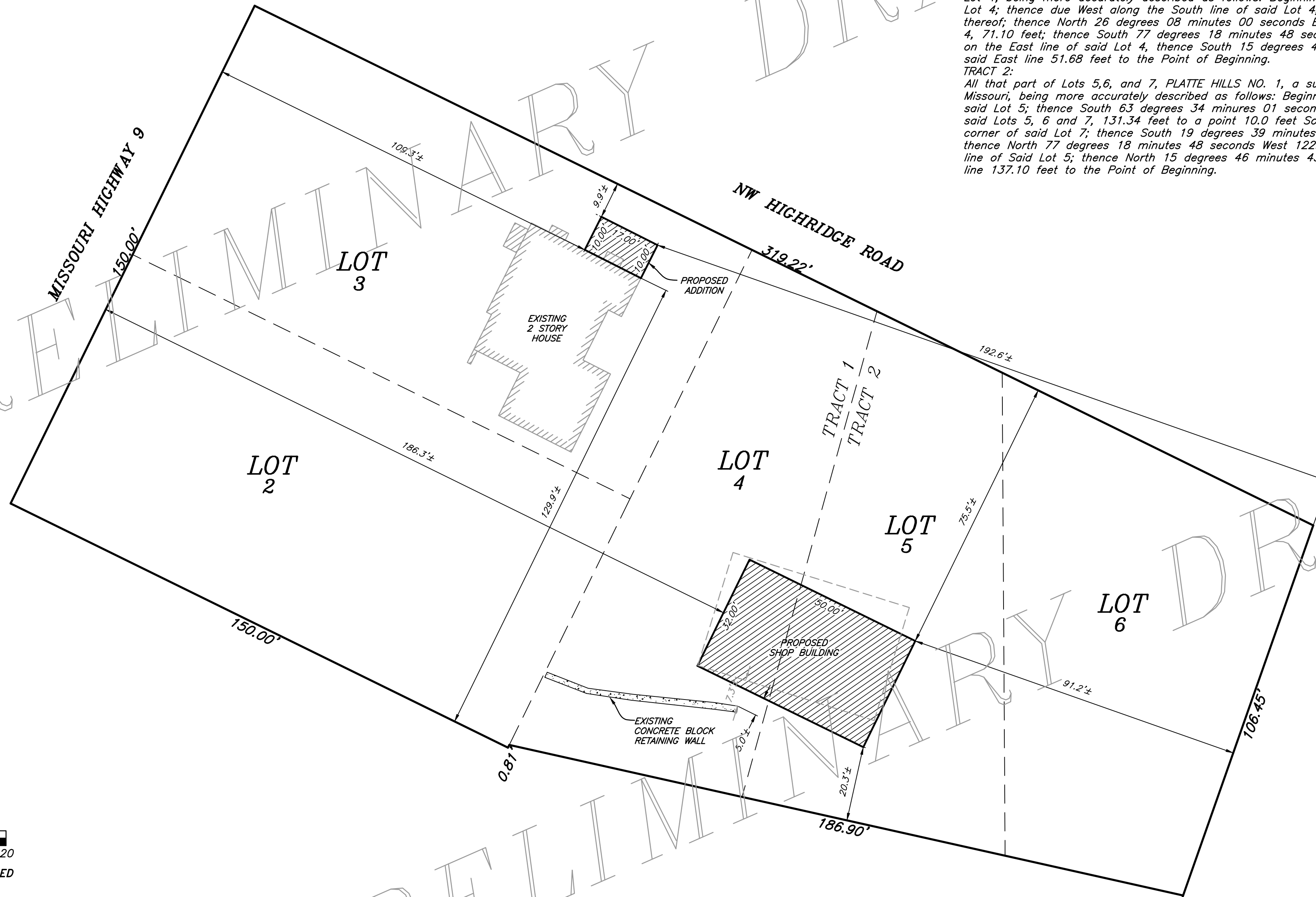
- 1. Call to Order**
- 2. Roll Call**
- 3. General Business**
 - A. Election of Officers (Chair, Vice-Chair, Secretary)
- 4. Public Hearing**
 - A. Application for variance to construct an over-sized accessory building at 6413 9 Highway.
Case No. BZA 2023-01, Frank Adam Jackson, Applicant.
- 5. Other Business**
 - A. Upcoming meetings & dates of importance:
 - Planning and Zoning Commission Regular Meeting: Tuesday, March 12 at 5:30 p.m.
 - Board of Aldermen Meetings: Tuesday, March 5 and March 19 at 7:00 p.m.
 - Board of Zoning Adjustment Meeting: TBD, as needed
- 6. Adjournment**

DESCRIPTION:

DATE: 05/18/2023

TRACT 1:
 All of Lots 2,3, and 4, PLATTE HILLS NO. 1, a subdivision of land in Parkville, Platte County, Missouri, except that part of said Lots 2, and 3 which is described in Condemnation Petition filed January 10, 1964, in the Circuit Court of Platte County, Missouri, Cause No. C-12090, captioned; State of Missouri etrel State Highway Commission of Missouri, Plaintiff vs. Phillips Marketing Properties, INC., a Corporation eral, defendants. Also except a tract being part of Lot 4, being more accurately described as follows: Beginning at the Southeast Corner of said Lot 4; thence due West along the South line of said Lot 4, 79.9 feet to the Southwest corner thereof; thence North 26 degrees 08 minutes 00 seconds East along the West line of said Lot 4, 71.10 feet; thence South 77 degrees 18 minutes 48 seconds East 64.20 feet to a point on the East line of said Lot 4, thence South 15 degrees 48 minutes 43 seconds West along said East line 51.68 feet to the Point of Beginning.

TRACT 2:
 All that part of Lots 5,6, and 7, PLATTE HILLS NO. 1, a subdivision of land in Platte County, Missouri, being more accurately described as follows: Beginning at the Northwest Corner of said Lot 5; thence South 63 degrees 34 minures 01 seconds East along the Northerly line of said Lots 5, 6 and 7, 131.34 feet to a point 10.0 feet Southeasterly from the Northwesterly corner of said Lot 7; thence South 19 degrees 39 minutes 39 seconds West 106.45 feet; thence North 77 degrees 18 minutes 48 seconds West 122.15 feet to a point on the West line of Said Lot 5; thence North 15 degrees 46 minutes 43 seconds East along said Westerly line 137.10 feet to the Point of Beginning.



BEFORE YOU
 DIG - DRILL - BLAST

Call
 1-800-344-7483 (MISSOURI)



**BUILDER TO VERIFY
 SEWER LOCATION &
 ELEVATION PRIOR TO
 EXCAVATION OF FOOTINGS.**

This drawing is for permit and construction purposes only. It is not to be used to establish property lines. It will be the builder's responsibility to verify that this drawing meets all City and County Regulations. No Title Commitment was furnished, there may be easements of record that are not shown. Builder to place Bottom of Footing at or below the level of undisturbed soil. Any proposed elevations shown on this drawing are provided by client, this company takes no liability for its accuracy.



Permit #: _____
 Application #: _____
 Date Submitted: _____
 Date Approved: _____

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

APPLICATION FOR PERMIT

1. Property Description

Property Address: 6413 N State Rt 9
 Property Parcel Number: 20-6.0-23-400-009-005.000
 Lot#: 2.3 Plat #: _____ Subdivision: PLATTE HILLS
 Lot area: 1.03 ACRES Zoning: RESIDENTIAL R-1
 Existing Use: RESIDENTIAL
 Proposed Use (if different from existing): _____
 Located in the floodplain? Yes No (If yes, flood plain permits required)

2. Permit Type

Check one of the following:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Building Permit – New construction | <input type="checkbox"/> Alarm |
| <input type="checkbox"/> Building Permit – Tenant finish | <input type="checkbox"/> Electrical only – general |
| <input type="checkbox"/> Building Permit – other (addition / alteration / remodel / repair/ roofing) | <input type="checkbox"/> Mechanical only |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Plumbing only (includes sprinklers) |

Description of Work: _____

For additions: Existing square feet: _____ Addition square feet: 2.000

4. Applicant, Owner and Designer

In addition to the following, if the property or building are owned by a company, LLC, LLP or otherwise not owned by a single individual, attach completed "ownership" forms with the application.

Applicant / Permit Holder:

Individual Corporation LLC / LLP Other
 Name: FRANK ADAM JACKSON
 Company: _____
 Address: 6413 N STATE ROUTE 9
PARKVILLE, MO 64152
 Phone 1: (816) 728-7505
 Phone 2: _____
 Email: KCCOBRA03@AOL.COM
 Fax: _____
 Occ. License #: _____

Architect / Engineer (if applicable):

Name: _____
 Company: _____
 Address: _____
 Phone 1: _____
 Phone 2: _____
 Email: _____
 Fax: _____
 State License #: _____

Building owner(s) if other than applicant:

Individual Corporation LLC / LLP Other
 Name: _____
 Company: _____
 Address: _____
 Phone 1: _____
 Phone 2: _____
 Email: _____
 Fax: _____

Property owner(s) if other than applicant:

Individual Corporation LLC / LLP Other
 Name: _____
 Company: _____
 Address: _____
 Phone 1: _____
 Phone 2: _____
 Email: _____
 Fax: _____

FEB 22 2023

Permit #: _____

5. Contractors

Note: All contractors must have valid City occupational licenses per Chapter 605 of the Municipal Code.

General Contractor if not permit holder:

Name: _____
Occ. License #: _____

Subcontractor (Mechanical)

Name: _____
Occ. License #: _____

Subcontractor (Footing/Foundation)

Name: _____
Occ. License #: _____

Subcontractor (Roofing)

Name: _____
Occ. License #: _____

Subcontractor (Framing)

Name: _____
Occ. License #: _____

Subcontractor (Drywall)

Name: _____
Occ. License #: _____

Subcontractor (Electrical)

Name: _____
Occ. License #: _____

Subcontractor (Other)

Name: _____
Occ. License #: _____

Subcontractor (Plumbing)

Name: _____
Occ. License #: _____

Subcontractor (Other)

Name: _____
Occ. License #: _____

6. Valuation

Valuation of Construction (labor and material only): \$25,000

Construction Square Footage: 2,000

7. Acknowledgements

UNDER PENALTY OF INTENTIONAL MISREPRESENTATION AND/OR PERJURY, I declare that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvements in compliance with all provisions of the applicable Parkville code and ordinances. I further certify that all encumbrances restricting the use of the property are shown or noted on the plans submitted herewith. I realize that the information that I have affirmed hereon forms a basis for the issuance of the permit herein applied for and approval of plans in connection therewith shall not be construed to permit any construction upon said premises or use thereof in violation of any applicable ordinance or to excuse the owner or his or her successors in title from complying therewith.

Frank Adams-John 3/31/22 OWNER
Applicant's Signature Date Title

I do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct to the best of my knowledge. I understand that by applying for this permit, I am consenting to the inspection of this property and to the entry onto the property by inspectors of the authority having jurisdiction for the purpose of performing the necessary inspections during normal business hours for the duration of the permit.

Frank Adams-John 3/31/22
Owner's Signature Date

For Office Use Only

Approved by: _____
Date Issued: _____
Plan Review Fee (29.0030) \$ _____
Permit Fee: (21.0000) \$ _____
Sewer Tap Fee: (64.0000) \$ _____
Sewer impact Fee: (64.0001) \$ _____

Occupancy Group: _____
PZ/BZA case# _____
SPFPD# _____
PCRS# _____

Payment Info:
Cash D.M.O. D CK. CK/MO # _____

Total Fee: _____

Payment by: _____

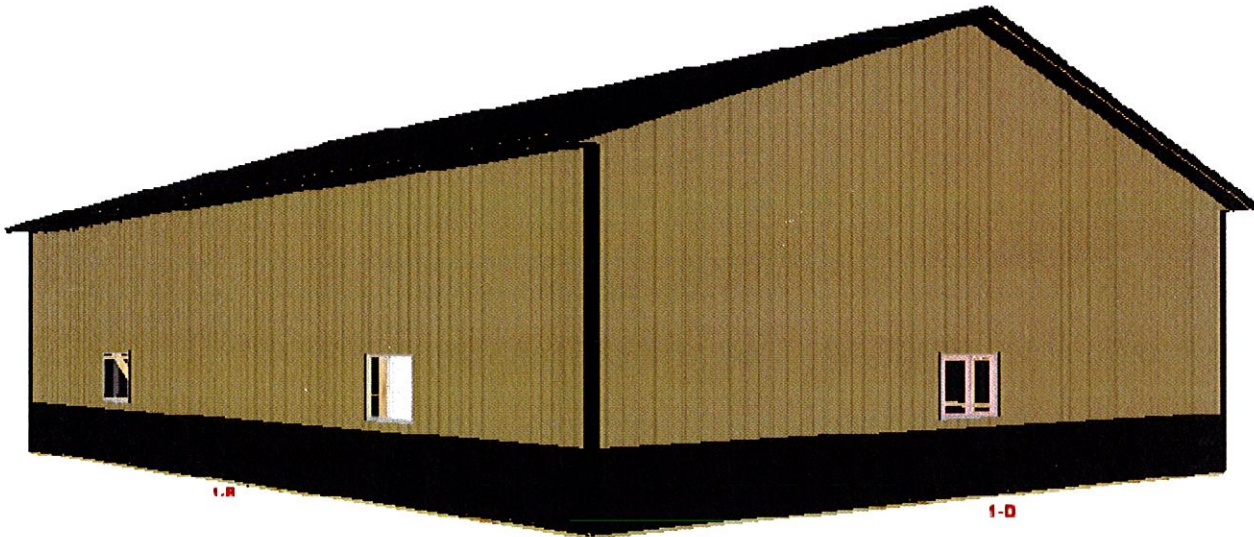
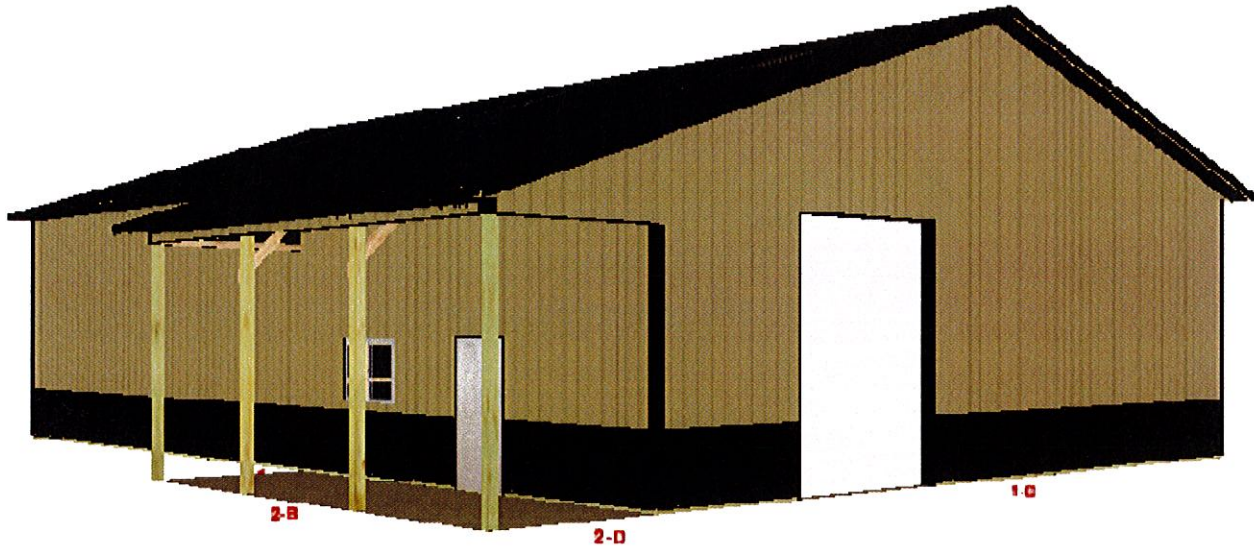
Permit fee includes penalty for work without permit

Accepted by: _____

Note: _____

Date: _____

Elevation Views



Date: 02/16/2023 - 12:39 PM

Design Name: Post Frame Designer

Design ID: 334256450370

System V Estimate ID: 89825

Estimated price: \$25,197.51 *

*Today's estimated price, future pricing may go up or down.

Tax, labor, and delivery not included.

MENARDS

Design & Buy™ POST FRAME

How to recall and purchase a saved design at home



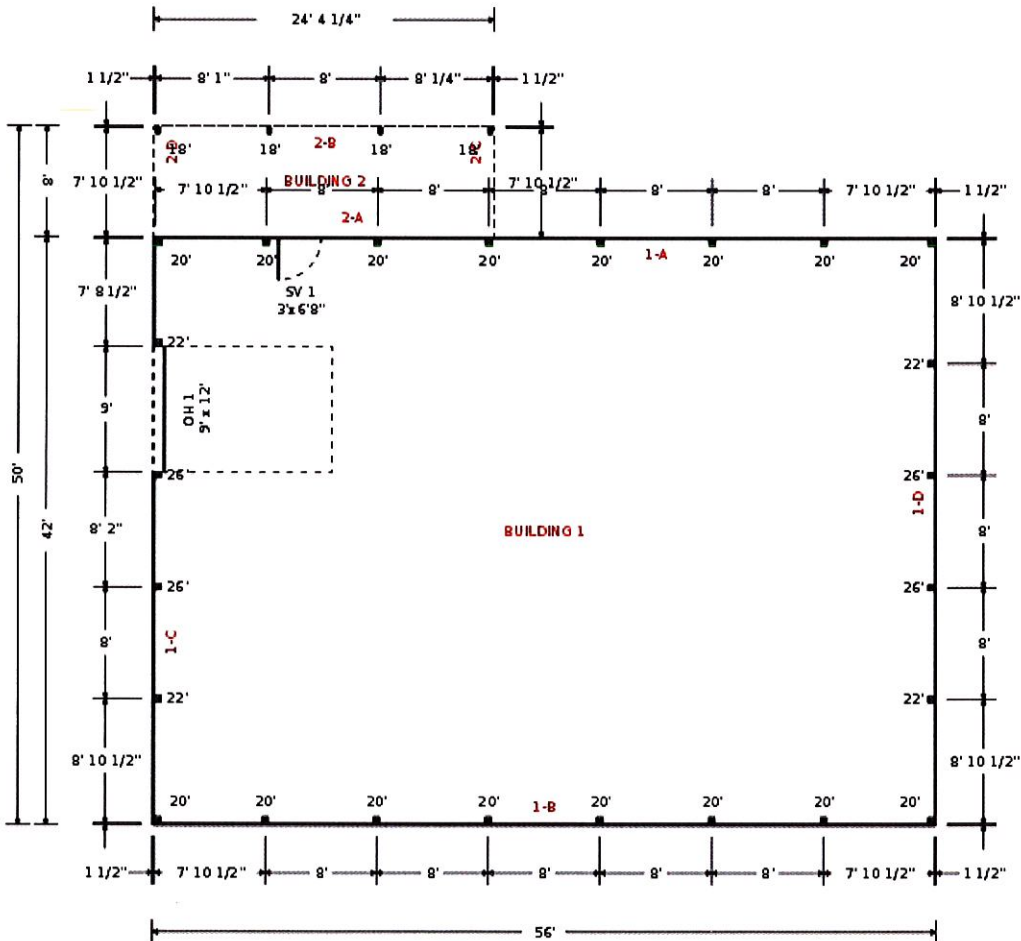
OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Buildings Designer
3. Recall your design by entering Design ID: 334256450370
4. Follow the on-screen purchasing instructions

How to purchase at the store

1. Enter Design ID: 334256450370 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions.

FLOOR PLAN





Congratulations, you have taken the first step towards making your new post frame building a reality!

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products visit us on the web at www.midwestmanufacturing.com.

*Delivery charge is not included in price. Items ordered to complete your building from vendors other than Midwest Manufacturing are not available for pickup from the plant.



Building Information

1. Building Use:	Code Exempt
2. Width:	42 ft
3. Length:	56 ft
4. Inside Clear Height:	14 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

Wall Information

1. Post Type:	Posts
2. Post Spacing:	8 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Beige
6. Wainscot Size:	36 in
7. Wainscot Color:	Burnished Slate
8. Sidewall A Wainscot:	Yes
9. Sidewall B Wainscot:	Yes
10. Trim Color:	Burnished Slate
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Sidewall A Eave Light:	None
14. Sidewall B eave light:	None
15. Wall Fastener Location:	In the Flat
16. Gradeboard Type:	2x6 Treated Gradeboard

Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Condensation Control:	None

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	8 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Burnished Slate
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	On the Rib
7. Endwall Overhangs:	1 ft
8. Sidewall Overhangs:	1 ft
9. Fascia Size:	4 in Fascia
10. Soffit Color:	Burnished Slate
11. Skylight Size:	9 ft
12. Skylight Quantity:	6
13. Ridge Vent Quantity:	None
14. Ceiling Liner Type:	None
15. Purlin Placement:	On Edge
16. Ceiling Insulation Type:	None

Accessories

1. Outside Closure Strip:	Standard
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Mini Print:	Hardcopy and E-mail



Leans

Building 2	
Attaching wall:	A
Endwall overhang length:	1 ft
Sidewall overhang length:	1 ft
Add snow guards:	No
Remove every other post:	No
Length:	24 ft
Depth:	8 ft
Drop Distance From Roof:	0 ft
Position From Left:	32 ft
Approximate Clear Height:	10 ft 4 in
Open interior wall:	No
Open exterior walls:	Side And End Walls

Doors & Windows

Name	Size	Wall
Service Door	36"x80"	1-A
Window	48"x36"	1-A
Window	48"x36"	1-B
Window	48"x36"	1-B
Overhead Door	9' x 12'	1-C
Window	48"x36"	1-D

Lean Open Walls

Wall	Every Other Post Removed
2-B	No
2-C	No
2-D	No

Job	Truss	Truss type	Qty	Ply	Job Reference (optional)
QTREC0485324	P42E	GABLE	1	1	
Midwest Manufacturing, Eau Claire, WI 54703			7 640 s Nov 10 2015 MiTek Industries, Inc Wed Dec 21 13:28:22 2016 Page 1		
			ID.vu7i??CW9ZvR7qj Y?2Hly7S4N-Vg8Bk83gOCyda8wESg7NXhZg26MCMt_5WWWJ9Jy6k0c		

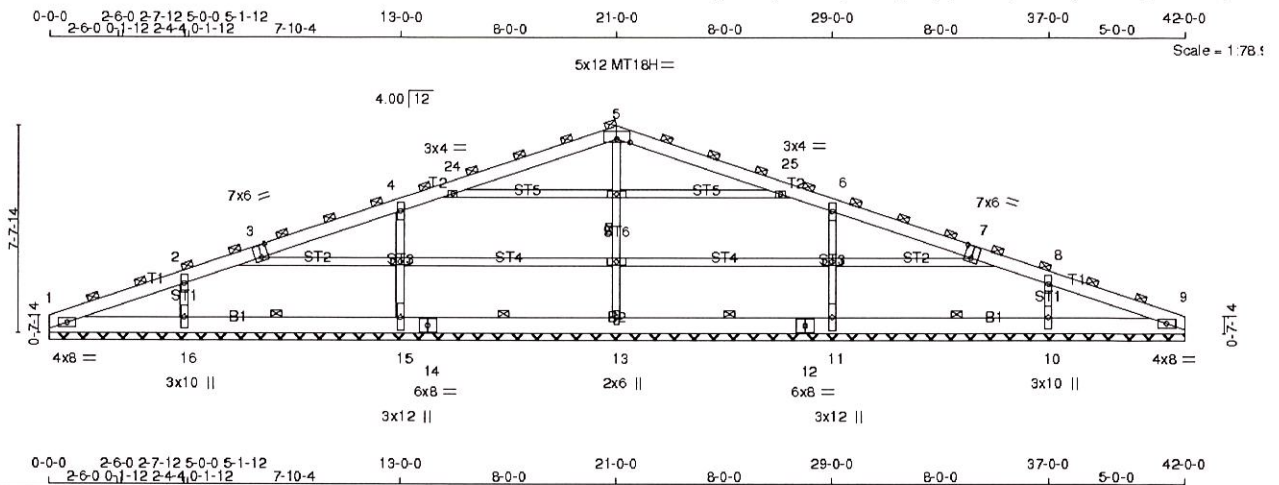


Plate Offsets (X,Y)-- [3-0-3-0-0-5-4], [5-0-6-0-0-1-8], [7-0-3-0-0-5-4]					
LOADING (psf)	SPACING-	CSI.	DEFL.	PLATES	GRIP
TCLL (roof) 20.0	9-0-0	TC 0.79	in (loc) l/defl L/d	MT20	197/144
Snow (Ps/Pg) 11.3/20.0	Plate Grip DOL 1.15	BC 0.48	Vert(LL) n/a - n/a 999	MT18H	197/144
TCDL 4.0	Lumber DOL 1.15	WB 0.79	Vert(CT) n/a - n/a 999		
BCLL 0.0	Rep Stress Incr NO	(Matrix)	Horz(CT) 0.01 9 n/a n/a		
BCDL 1.0	Code IBC2015/TPI2014			Weight: 244 lb	FT = 2

LUMBER-
TOP CHORD 2x6 SPF 2100F 1.8E *Except*
T1: 2x6 SPF No.2
BOT CHORD 2x8 SPF No.2
OTHERS 2x4 SPF Stud *Except*
ST4: 2x4 SPF No.2

BRACING-
TOP CHORD 2-0-0 oc purlins (6-0-0 max.).
BOT CHORD 10-0-0 oc bracing.
WEBS 1 Row at midpt 5-13

REACTIONS. All bearings 42-0-0.
(lb) - Max Horz 1=470(LC 13)
Max Uplift All uplift 100 lb or less at joint(s) except 1=153(LC 13),
9=124(LC 9), 13=329(LC 8), 15=1193(LC 12), 16=947(LC 12),
11=1192(LC 13), 10=944(LC 9)
Max Grav All reactions 250 lb or less at joint(s) except 1=441(LC 2),
9=441(LC 2), 13=1494(LC 2), 15=2008(LC 29), 16=1578(LC 2),
11=2008(LC 30), 10=1578(LC 2)

FORCES. (lb) - Max. Comp/Max. Ten. - All forces 250 (lb) or less except when shown.
TOP CHORD 1-2=540/272, 2-3=431/413, 3-4=176/458, 4-24=484/657, 5-24=180/718,
5-25=180/665, 6-25=484/603, 6-7=134/263, 7-8=431/219, 8-9=392/116
BOT CHORD 1-16=5/334, 15-16=5/334, 14-15=5/334, 13-14=5/334, 12-13=5/334,
11-12=5/334, 10-11=5/334, 9-10=5/334
WEBS 5-13=1419/397, 4-15=1942/1273, 2-16=1459/973, 6-11=1942/1272,
8-10=1459/971

JOINT STRESS INDEX
1 = 0.51, 2 = 0.35, 3 = 0.80, 4 = 0.46, 5 = 0.95, 6 = 0.46, 7 = 0.80, 8 = 0.35, 9 = 0.51, 10 = 0.37, 11 = 0.49, 12 = 0.23, 13 = 0.41, 14 = 0.23, 15 = 0.49, 16 = 0.37,
17 = 0.25, 18 = 0.25, 19 = 0.00, 20 = 0.25, 21 = 0.25, 22 = 0.26 and 23 = 0.26

Continued on page 2

Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTREC0485324	P42E	GABLE	1	1	

Midwest Manufacturing, Eau Claire, WI 54703

7 640 s Nov 10 2015 MiTek Industries, Inc. Wed Dec 21 13:28:22 2016 Page 2
 ID:vu7l??CW9ZvRl7qjY?2Hly7S4N-Vg8Bk3gOCydja8wESg7NXhZgz6MCMt_5WWU9Jy6k0x

NOTES (18)

- 1) Unbalanced roof live loads have been considered for this design.
- 2) Wind: ASCE 7-10; Vult=105mph (3-second gust) Vasd=83mph; TCDL=3.0psf; BCDL=1.0psf; h=25ft; Cat. I; Exp C; enclosed; MWFRS (envelope) gable end zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60 (Actual dead loads used per ANSI/TPI-1)
- 3) Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- 4) TCLL: ASCE 7-10; Pr=20.0 psf (roof live load: Lumber DOL=1.15 Plate DOL=1.15); Pg=20.0 psf (ground snow); Ps=11.3 psf (roof snow: Lumber DOL=1.15 Plate DOL=1.15); Category I; Exp C; Fully Exp.; Ct=1.2; Unobstructed slippery surface
- 5) Roof design snow load has been reduced to account for slope.
- 6) Unbalanced snow loads have been considered for this design.
- 7) The bottom chord dead load shown is sufficient only to cover the truss weight itself and does not allow for any additional load to be added to the bottom chord.
- 8) Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.
- 9) All plates are MT20 plates unless otherwise indicated.
- 10) All plates are 3x8 MT20 unless otherwise indicated.
- 11) Gable requires continuous bottom chord bearing.
- 12) Vertical gable studs spaced at 8'-0" oc and horizontal gable studs spaced at 2'-6" oc.
- 13) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- 14) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 153 lb uplift at joint 1, 124 lb uplift at joint 9, 329 lb uplift at joint 13, 1193 lb uplift at joint 15, 947 lb uplift at joint 16, 1192 lb uplift at joint 11 and 944 lb uplift at joint 10.
- 15) This truss is designed in accordance with the 2015 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.
- 16) "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.
- 17) Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.
- 18) Plate Approval Numbers: ESR-1988 and ESR-1352.

LOAD CASE(S) Standard



Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.



Staff Analysis

- Agenda Item: 4.A.
- Proposal: Application for variance to construct an over-sized accessory building at 6413 9 Highway.
- Staff Recommendation: No Recommendation
- Case No: BZA 2023-01
- Applicant: Frank Adam Jackson
- Owner: Frank Adam Jackson
- Zoning: "R-1" Single-Family Residential
- Parcel #s: Platte County parcel no. 20-6.0-23-400-009-005.000
- 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
 - C. Hearing notice published in The Platte County Citizen newspaper on February 14, 2024
 - D. 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

6413 9 Highway is located along the east side of 9 Highway, south of NW Highridge Rd. The subject property includes one parcel — Platte County parcel #20-6.0-23-400-009-005.000 (1.03 acres, more or less) — and is zoned “R-1” Single-Family Residential.

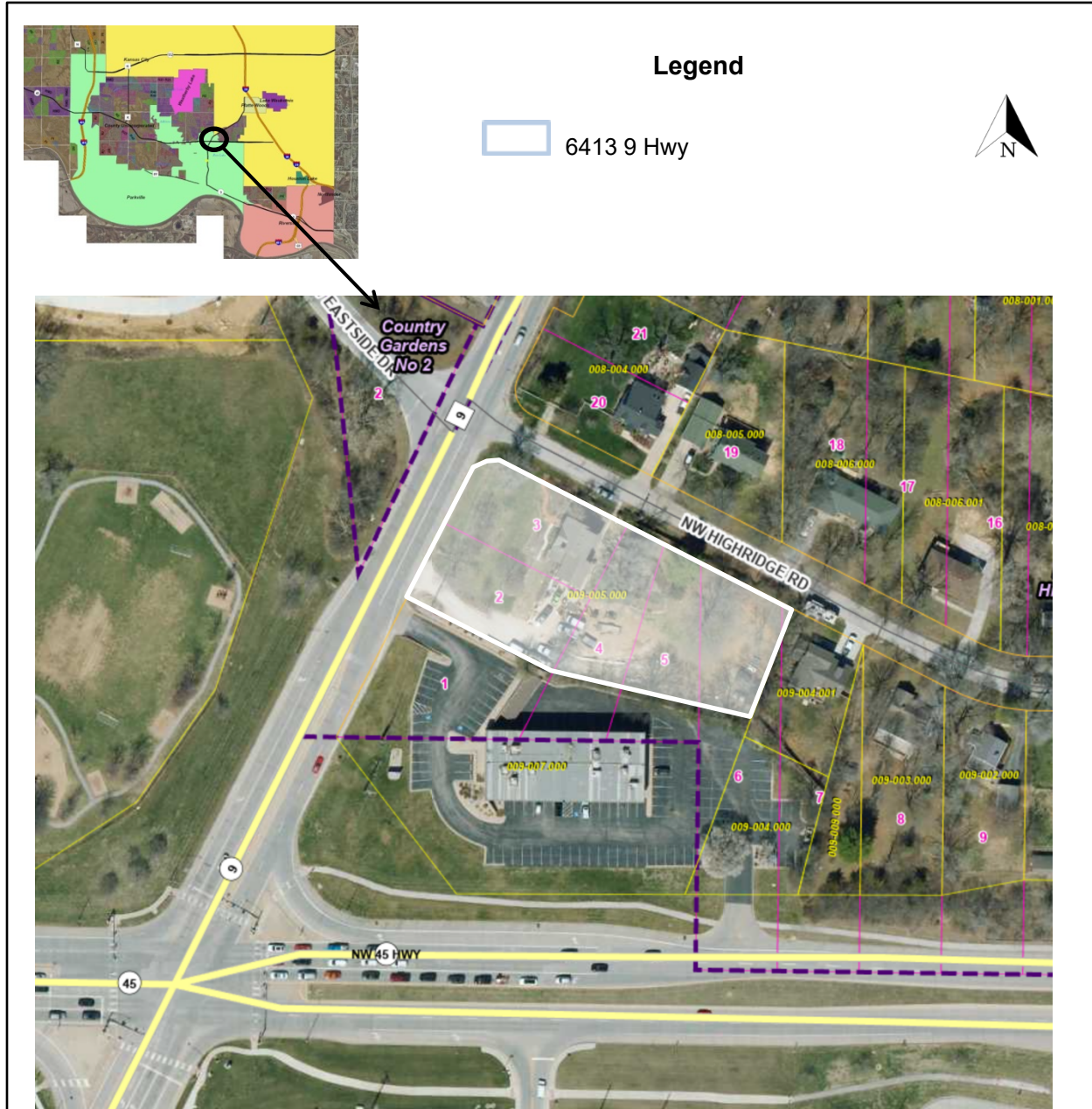
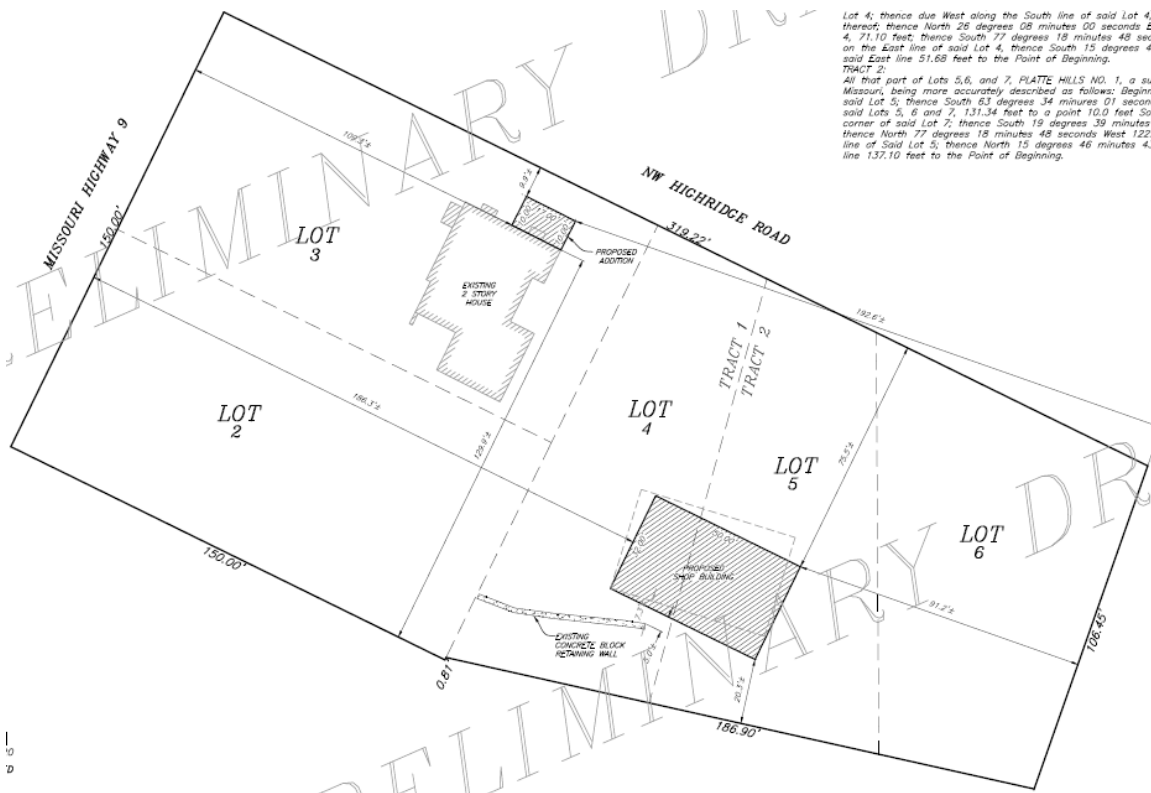


Exhibit C – Subject Area Property Map

The subject property currently contains a two-story stone house (2,668 sq. ft.) that was built in 1942.



Photo courtesy of the Platte County Assessor's Office



Lot 4; thence due West along the South line of said Lot 4, therefor; thence North 26 degrees 08 minutes 00 seconds East 4, 71.10 feet; thence South 77 degrees 18 minutes 48 seconds East on the East line of said Lot 4, thence South 15 degrees 44' said East line 51.68 feet to the Point of Beginning.

TRACT 2:
 All that part of Lots 5, 6, and 7, PLATTE HILLS NO. 1, a sub Missouri, being more accurately described as follows: Begin on said Lot 5; thence South 63 degrees 34 minutes 01 second said Lots 5, 6 and 7, 131.34 feet to a point 10.0 feet Sou corner of said Lot 7; thence South 19 degrees 39 minutes thence North 77 degrees 18 minutes 48 seconds West 122 line of said Lot 5; thence North 15 degrees 46 minutes 43 line 137.10 feet to the Point of Beginning.

Proposed site plan (submitted by Applicant)

The owner wishes to construct an accessory shop building on the 1.03+/- acre property. Per Section 405.030(3) of the Parkville Municipal Code, detached accessory buildings are limited to 576 sq. ft. The applicant is requesting a 1,600 sq. ft. detached accessory building. 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 Accessory Building 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 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 large size and lot assemblage. The subject property is 1.03 +/- acres. An analysis of the surrounding properties (i.e. north of NW Highridge Rd) finds they are generally 0.50 acres or less. 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 accessory building.

- 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. The proposed accessory building meets all of the setback requirements of the “R-1” zoning district. Additionally, the larger than usual size of the lot will allow the over-sized accessory building to look more in scale with the lot.

- 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**

Strict application of the provisions of the zoning regulations for which the variance is requested would not allow for a detached accessory building over 576 sq. ft.

- 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. The proposed accessory building would meet the setback requirements of the underlying “R-

1" zoning district. 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 cannot predict every circumstance and unique lot conditions can impose hardships on property owners. The Development Code allows for relief from Code requirements through the variance process as established in Section 403.080.

Staff Conclusion and Recommendation

Staff makes no recommendation to the Board, instead deferring to the deliberation of the Board of Zoning Adjustment.

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

/s/ Brad Stanton
Brad Stanton, AICP
Planner

2-23-2024
Date