



## **BOARD OF ZONING ADJUSTMENT**

Regular Meeting Agenda

CITY OF PARKVILLE, MISSOURI

Tuesday, February 23, 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 Planning and Zoning Commission 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 telephone number and access code – (312) 626 6799, Meeting ID: 898 8416 4048,*

*Password: 368482 rather than appear at City Hall (note: occupancy will be limited).*

*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 Planning and Zoning Commission 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 Thursday, December 3, 2020 Board of Zoning Adjustment special meeting.

### **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.*

### **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**

**CITY OF PARKVILLE**  
**Policy Report**

Date: February 19, 2021

Prepared By:

Reviewed By:

ISSUE:

Approval of the agenda.

BACKGROUND:

BUDGET IMPACT:

ALTERNATIVES:

STAFF RECOMMENDATION:

POLICY:

SUGGESTED MOTION:

ATTACHMENTS:

None

**Parkville Board of Zoning Adjustment  
Regular Meeting Minutes  
City of Parkville, Missouri  
Thursday December 3, 2020 at 3:30 p.m.  
City Hall Boardroom**

**1. Call to Order**

Chairwoman Carla Dods called the meeting to order at 3:30 p.m.

**2. Roll Call**

Board Members Present:

Carla Dods, Chairwomen  
Russell Downing, Vice Chair  
Russ Newcomer  
Kenneth Roberson

A quorum of the Board of Zoning Adjustment was present.

Staff Present:

Stephen Lachky – Community Development Director  
Brad Stanton – Planner

**3. General Business**

**A. Approval of the December 3, 2020 Board of Zoning Adjustment meeting Agenda.**

Chairwoman Dods called for discussion on the proposed agenda. Seeing none she called for a motion to approve the agenda.

**Member Roberson moved to approve the agenda, Member Newcomer seconded. Motion passed 4-0.**

**B. Approval of Minutes from the May 28, 2019 Board of Zoning Adjustment meeting.**

Chairwoman Dods called for discussion on the Regular Meeting Minutes. Seeing none she called for a motion to approve the minutes as published.

**Member Roberson moved to approve the minutes, Member Newcomer seconded. Motion passed 4-0.**

**4. Public Hearing**

**A. Application for variance for the reduction of “R-1” Single-Family Residential rear-yard setbacks from 50 ft. to 42.3 ft. for 6106 NW Bell Road, in order to relieve practical difficulty/hardship due to existing zoning district building standards. *Case No. BZA 2020-01, Northland Management & Construction, applicant.***

Stephen Lachky, Community Development Director, presented a summary of the proposed variance. Director Lachky stated that the applicant wished to reduce the rear-yard setback of 6106 NW Bell Road by 7.7 ft. The applicant would like to construct a garage addition to the existing house, but would infringe on the required 50 ft. rear-yard building setback. Member Newcomer inquired about the applicability of the R-1 zoning district on this property. Director Lachky noted that the property was large enough for the R-1 zoning district. Director Lachky stated that staff had received comments from neighbors with the only concern being appearance of the materials of the garage addition.

Jeff Johnson with Northland Management & Construction stated that the materials for the garage addition would be consistent with those materials in the National and the nearby Limestone Villas. Member Roberson inquired about the size of the garage. Dominique Allen, property owner, responded that he works on antique cars.

Chairwoman Dods asked for additional discussion, seeing none she called for a motion.

**Member Roberson moved to approve the application for variance, Member Newcomer seconded. Motion passed 4-0.**

**5. Regular Business**

None

**6. Unfinished Business**

None

**7. Other Business**

- A. Informal discussion with Clayton and Laural Lenhart, owners of 8504 NW Highridge Rd, regarding expansion to an existing accessory structure/building

Director Lachky introduced the Lenhart's proposed project, an expansion of their existing accessory structure. Clayton Lenhart described their plans to add on to their existing carriage house for his wife's pottery studio. Members discussed the impact of neighbor's testimony on BZA decisions.

- B. Upcoming meetings & dates of importance:

- Planning and Zoning Commission Regular Meeting: Tuesday, December 8, 2020 at 5:30 p.m.
- Board of Aldermen Meeting: Tuesday, December 15, 2020 at 7:00 p.m.
- Board of Zoning Adjustment Meetings: Tuesday, February 23, 2021 at 5:30 p.m.

**8. Adjournment**

Seeing no further discussion, Chairwomen Dods called for a motion to adjourn.

**Member Roberson moved to adjourn, Member Newcomer seconded. Motion passed: 4-0.**  
Meeting adjourned at 4:32 p.m.

Submitted by:

\_\_\_\_\_  
Stephen Lachky  
Community Development Director

2-19-20  
Date

\_\_\_\_\_  
Brad Stanton  
Planner

2-19-20  
Date

DRAFT



## Staff Analysis

- Agenda Item: 4.A.
- Proposal: 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.
- Staff Recommendation: No Staff Recommendation
- Case No: BZA 2021-01
- 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. Existing Conditions Survey for 303 N Main Street (prepared by Aylett Survey & Engineering Co.; dated July 24, 2020)
  - E. Building Plans (provided by Applicant)
  - F. 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 February 10, 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

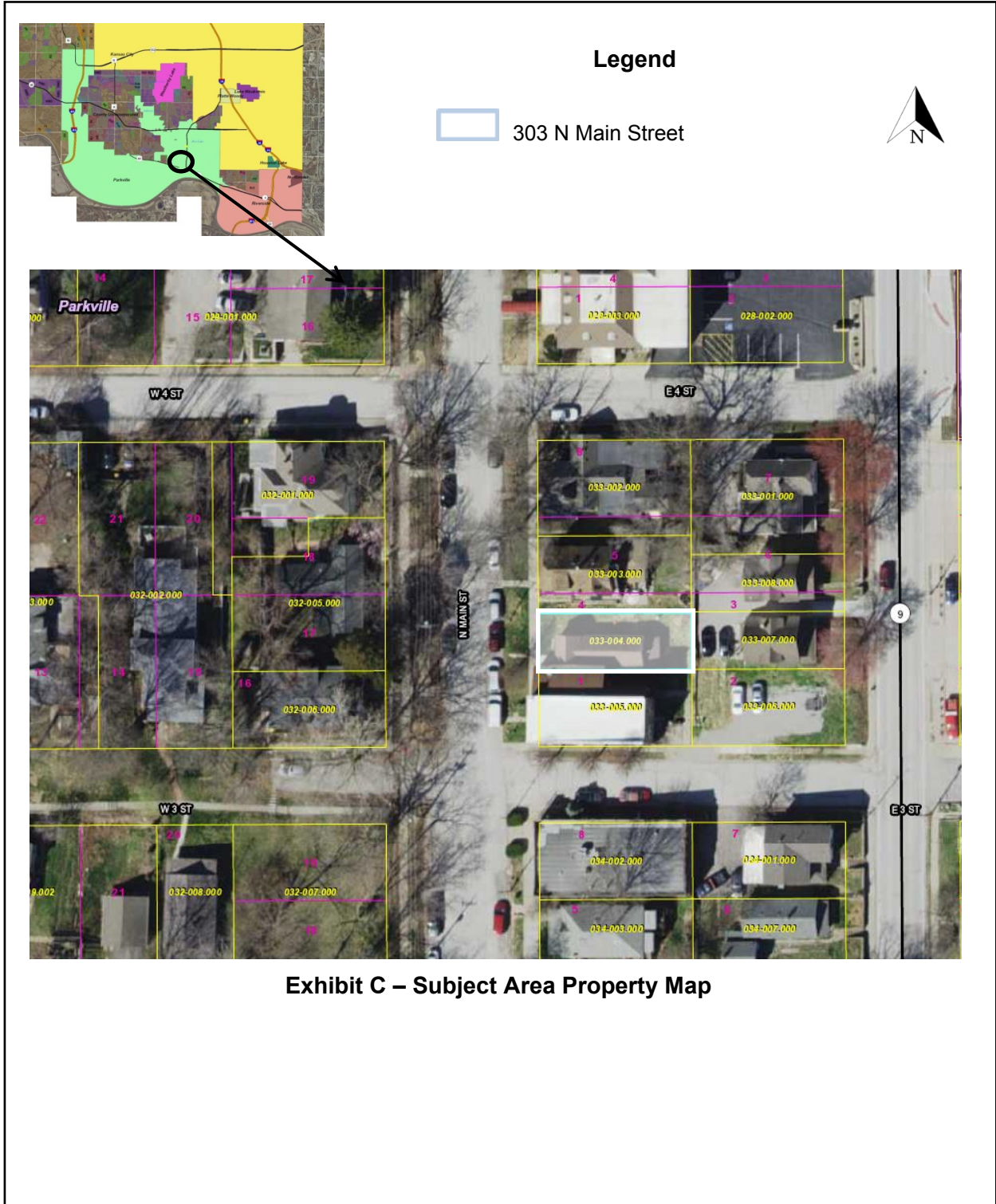
Comments

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

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**Overview**

303 Main Street is located along the east side of N Main Street, approximately 50-ft. north of E 3<sup>rd</sup> 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.



**Exhibit C – Subject Area Property Map**

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*

The owner wishes to demolish the existing structure and construct a new 2-story single-family residence on the property. The current "OTD" Old Town District zoning district does not allow single-family residential as a permitted use. Per the Development Code, residential uses are only allowed in the "OTD" in a mixed-use setting, e.g. 2<sup>nd</sup> floor residential above 1<sup>st</sup> floor retail. As a result, an Application for Variance has been submitted for consideration by the Board of Zoning Adjustment (BZA) in order to relieve practical difficulty/hardship due to existing zoning district use 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 February 10, 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**

The northern section of the OTD zoning district is unique in that it encompasses mainly single-family or multi-family residential properties. These properties are currently legal non-conforming uses. The OTD zoning district does not allow for residential uses except in a mixed-use setting, e.g. 2<sup>nd</sup> floor residential above 1<sup>st</sup> floor retail. The subject property has been used as a residence since construction in 1970. The owner has owned this property since at least 2017 and did not intentionally act on this property to skirt the requirements of the Development Code. The owner is simply asking to construct a building on this property similar to the building that this property has contained since at least 1970.

Staff does not find that this variance arises from conditions which are unique to this particular subject property, however. Instead, these conditions exist on many properties in the OTD zoning district, including neighboring properties to the subject property.

**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. First, the subject property has been residential in nature for over 50 years without adverse effect. Second, many properties surrounding the subject property are zoned in the OTD and are used as single-family residences without adverse effect to the area.

**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 City’s Title IV – Development Code, would not permit reconstruction of a structure similar in nature to the existing structure on the

subject property. While the current structure could remain on the property and be used as a single-family residence as a legal non-conforming use, the existing structure is aging and smaller than the applicant's proposed new construction. In order to use this property as a residence under the use standards of the OTD zoning district, the applicant would have to maintain a commercial use below or in front of the proposed residential use. Staff defers to the Board of Zoning Adjustment to whether this represents an unnecessary hardship on the property owner.

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

The proposed use variance to allow a single-family residence in the OTD zoning district 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 uses in the surrounding area. Many of the surrounding properties are single-family residences in the OTD zoning district 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.

Staff would note that the Development Code does not specifically refer to use variances, but staff believes that it could be reasonably construed that the Board of Zoning Adjustment has the ability to grant relief from use standards through the application of Section 403.080, specifically Subsection A. Generally, a "use variance" would be handled via a rezoning of the subject property which would be reviewed by the Planning & Zoning Commission and the Board of Aldermen. However, in this instance the applicant has felt that a rezoning would create an "island" of residential zoning inside of the surrounding OTD zoned properties.

**Staff Conclusion and Recommendation**

Staff concludes that: The application for variance may not fully meet all five (5) criteria for a variance. However, 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 does not have a recommendation for either approval or denial of the requested use variance to allow a single-family residence in the "OTD" Old Town District and will defer discretion to 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*

<u>/s/ Brad Stanton</u>	<u>2-19-2021</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: 1-26-21

Brad Stanton  
Planning & Zoning  
City of Parkville, MO

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

Dear Mr. Stanton,

We are requesting a use variance to construct a 2-story residence at 303 Main Street, Parkville, MO. It is our understanding that this property is within the OTD Zone (Old Town District) and a single family dwelling is not an accepted use within this zone.

We considered requesting a rezoning of the property to permit residential use, but that would create a separately zoned "island", which was not appealing to the City Planning staff. Therefore we would like to be granted permission to construct a residential dwelling in keeping with other neighboring residential structures which are within the same zone.

In addition we would like to decrease the rear yard setback to 12'-0" to permit construction of an elevated deck.

Sincerely,

David L. Joiner  
Integral Design Architecture

# EXISTING CONDITIONS

## PROPERTY DESCRIPTION

All of South 30 feet of Lot 4, Block 13, PARKVILLE, a subdivision in Platte County, Missouri.

## GENERAL NOTES

1. No Title Report was provided for this survey. Therefore, all easements of record may not be shown.
2. Basis of Bearing: ASSUMED
3. No underground utilities were located for this survey. Missouri law requires the use of the Missouri One Call System (Toll free 1-800-344-7483) prior to any excavating or digging. It is the excavator's responsibility to verify the location of and protect all utilities whether shown or not.
4. This tract contains 2,400.08 square feet or 0.06 acres, more or less.
5. Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.
6. The word "certify" or "certificate" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
7. Elevation Datum is Assumed.

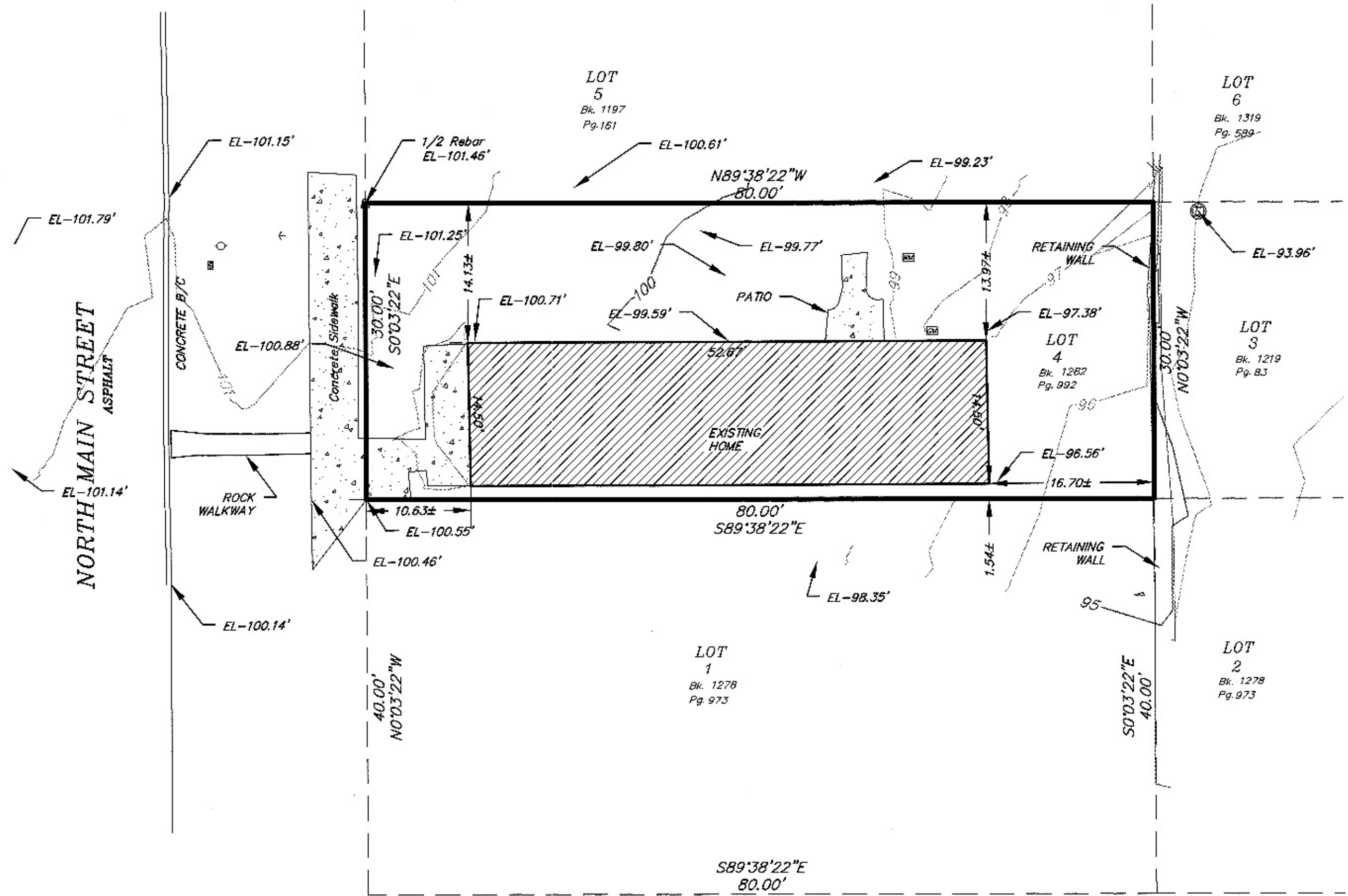
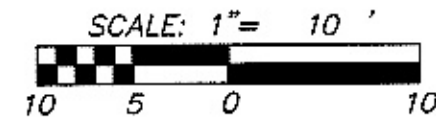
## LEGEND

- Water Meter
- Utility Pole
- Guy Anchor
- Manhole
- Right of Way
- Center Line
- Radius
- Length of Arc
- Book
- Page
- Gas Meter

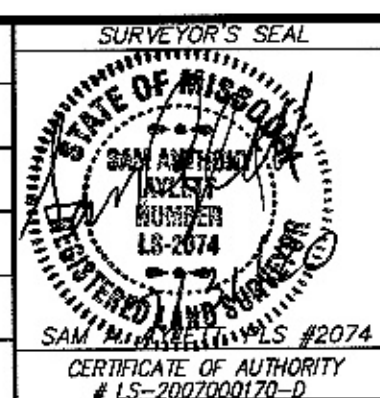
BEFORE YOU DIG - DRILL - BLAST



Call  
1-800-344-7483  
(MISSOURI)



EXISTING CONDITIONS	PROJECT NO.: 53701
	DRAWING DATE: 7/24/20
	CLIENT NAME: ANDREA SCOTT
	CLIENT ADDRESS: 303 N MAIN STREET PARKVILLE, MO, 64152
	DRAWN BY: BEB      CHKD. BY: SAA



Par of Lot 4, BLK 13  
Original Town of Parkville  
PARKVILLE, PLATTE, MISSOURI  
EXISTING CONDITIONS

**AYLETT SURVEY & ENGINEERING CO.**  
LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING  
201 NW 72ND ST. ~ GLADSTONE, MO 64118  
PH. (816) 438-0732 ~ FAX (816) 436-0767

NO.	DATE	REVISIONS	BY	APPR'D
1				
2				
3				
4				
5				

**SHEET NO. 01 OF 01**

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No.	Date	Revision

# Scott Residence

## NEW CUSTOM HOME

6038 Wyandotte Street  
 Kansas City, Missouri



8836 REEDS ROAD / OVERLAND PARK  
 KANSAS 66207 PHONE 913-383-3738

DATE: 1-26-21

REVISED:

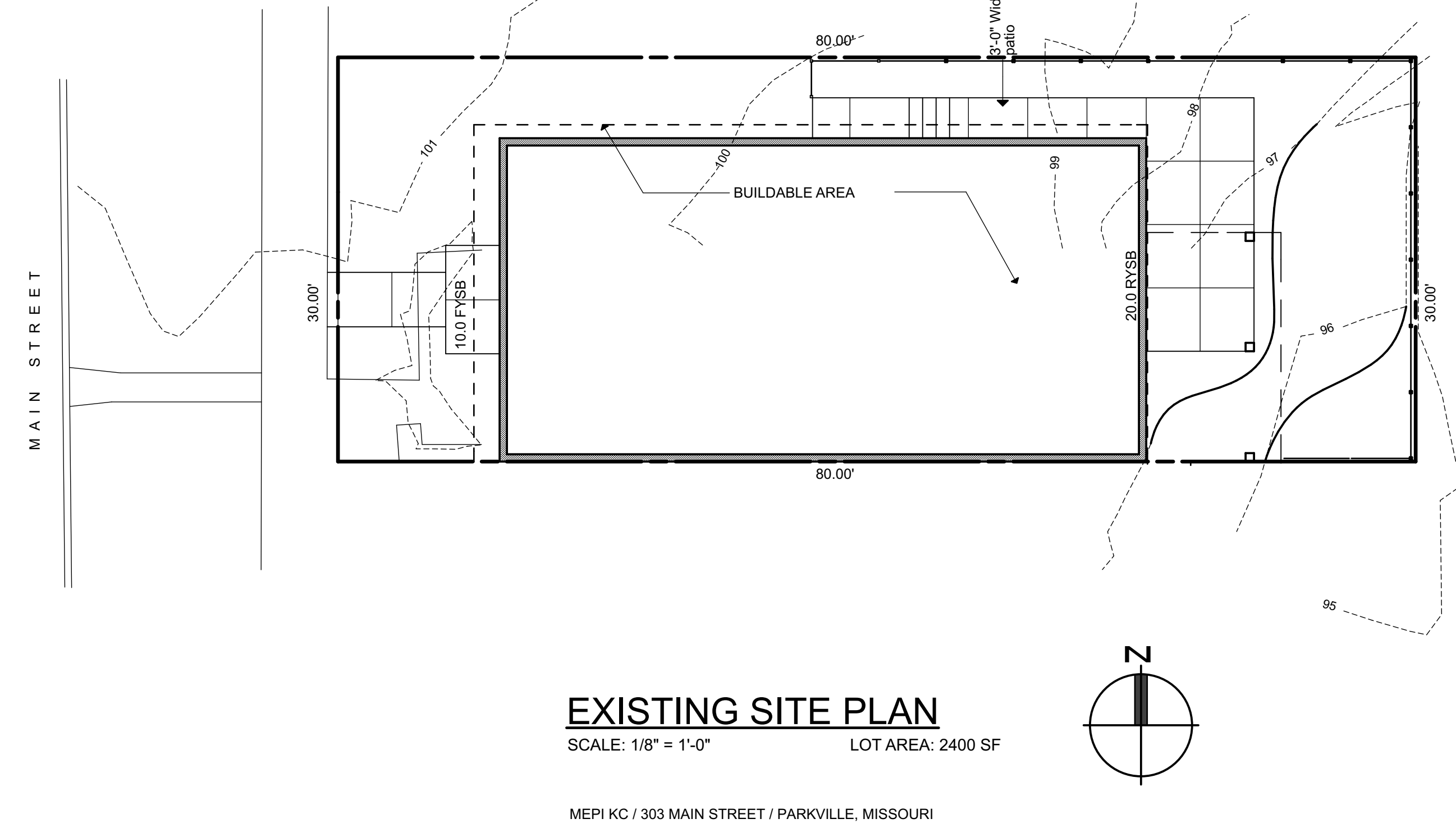
PROJECT NO:

DRAWING TITLE:  
 SITE PLAN / ELEVATIONS

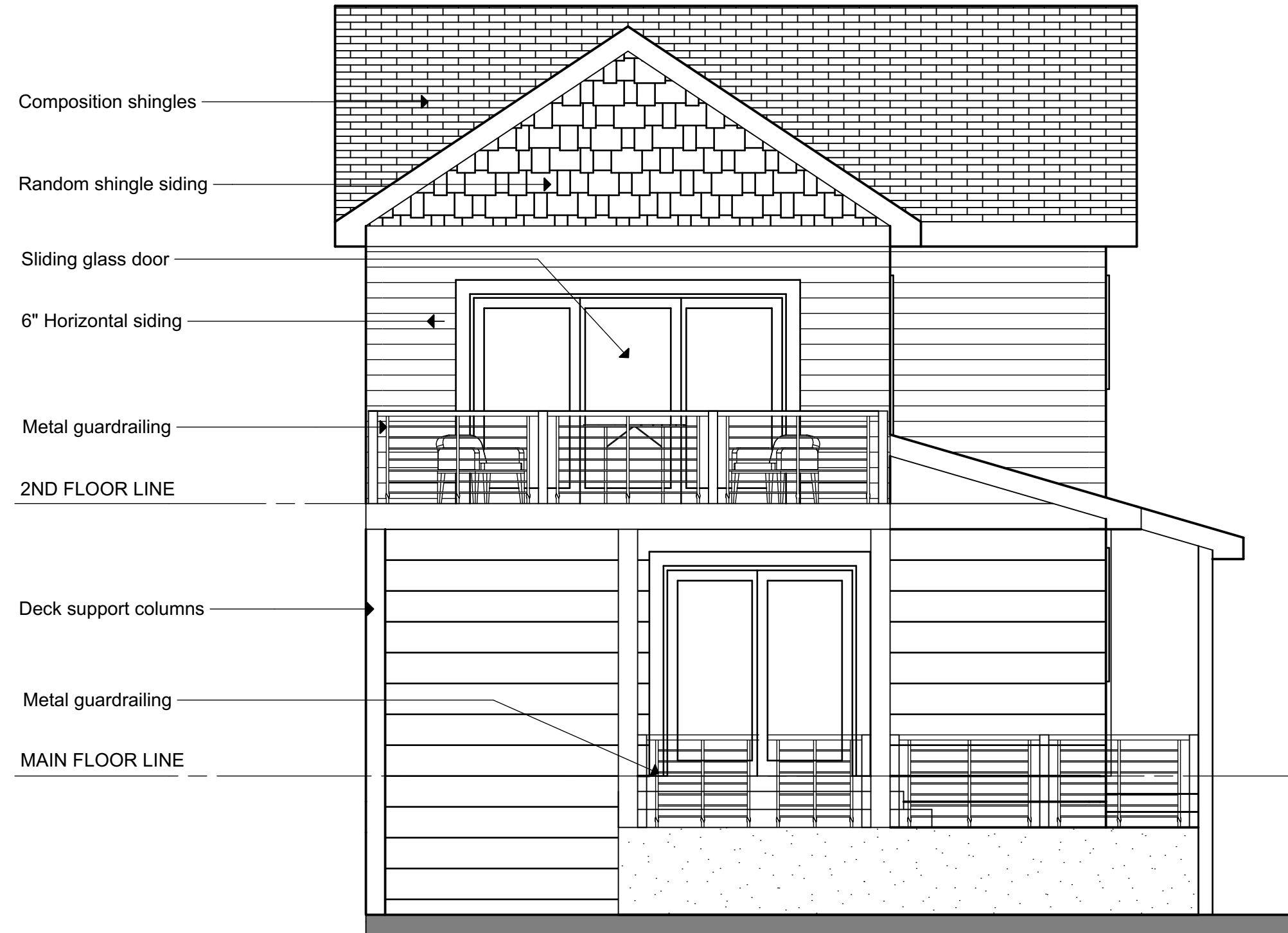
SHEET NO. **A-1**



**WEST ELEVATION**  
 1/4" = 1'-0"



**EXISTING SITE PLAN**  
 SCALE: 1/8" = 1'-0" LOT AREA: 2400 SF  
 MEPI KC / 303 MAIN STREET / PARKVILLE, MISSOURI



**EAST ELEVATION**  
 1/4" = 1'-0"



**NORTH ELEVATION**  
 1/4" = 1'-0"

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No.	Date	Revision

# Scott Residence

## NEW CUSTOM HOME

6038 Wyandotte Street  
 Kansas City, Missouri



8836 REEDS ROAD / OVERLAND PARK  
 KANSAS 66207 PHONE 913-383-3738

DATE:	1-26-21
REVISED:	
PROJECT NO:	
DRAWING TITLE:	FLOOR PLANS
SHEET NO.	<b>A-2</b>

