

Board of Zoning Adjustment
MINUTES OF MEETING

December 6, 2012

7:39 a.m.

Item 1. Roll Call.

PRESENT: Bill Griffey Sr., Rodney Rounkles, Nick Houk, Tray Harkins, Rich Andrew.

STAFF PRESENT: Bill Ahrens, Planning & Zoning Director, Larry Murry, Building Official; and Jaime Blackburn, Board of Zoning Adjustment Secretary and Chad Taylor, Pro Tem.

ABSENT: Kenneth Dickey

VISITORS: Richard Cox and Darlene Berg.

Chairman Griffey called the meeting to order. A quorum was present.

Item 2. Approval of Minutes November 15, 2012

Commissioner Rounkles motioned to approve the November 15, 2012 minutes. Commissioner Harkins seconded. The motion carried. Bill Griffey said Jaime did a nice job on last meetings minutes.

Item 3. Public Hearing.

Variance-BZA-12-003, 2212 West Street application for variance regarding building permit and driveway regulations in an R-1: Single Family Residential District.

Bill Ahrens, Planning & Zoning Director, presented to Board of Zoning Adjustments the request for a variance from City Code Chapter 404, Section 404.020 and City Code Chapter 400, Section 400.280 Subsection D for the purpose for constructing a residential garage. All property owners within 200 feet of the applicant's property were sent a letter concerning this application, and a legal notice of this public hearing was published in the Excelsior Springs Standard. Three comments were received as of Wednesday, November 28, 2012 and one additional comment after that date so a total of four comments were received from neighbors. All say that the garage would be a positive improvement to the property, however should follow building codes and three comments stated that the driveway should be paved and that the gravel drive is kind of a nuisance at a dead-end street with cars turning around throwing loose gravel into the streets which sometimes washes gravel to adjacent properties. One comment said they had no issue pro or con with the driveway.

A little background on City Code requirements that we are asking variance from, Section 404.020 covers building permits, basically states that it shall be submitted with a layout or site plan, drawn to scale, showing actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and any accessory buildings, etc. Section 400.280 which is parking and loading requirements basically states that all parking areas and drives to be used for occupying a building surface to be either asphalt or concrete. Further it states that existing gravel drives may be maintained, however if any existing gravel drive is extended or replaced shall be replaced with concrete or asphalt. Basically if a home improvement is going to include a garage or a garage addition then the existing gravel drive shall be paved. Additionally when an existing residential structure with an unpaved driveway abuts a subdivision where a majority of the driveways are paved, the owner shall be required to pave the driveway as part of a home improvement project that includes a new garage or a garage addition.

This property at 2212 West Street is located in an R-1: Single family residential zoning district. A location map is attached. Adjacent properties on all sides are also zoned R-1.

Applicant met with City Community Development Department staff to ascertain the City's requirements for construction of a garage on the property. Applicant was informed that prior to a building permit being issued, city code requires that any accessory building greater than 120 sq. ft. requires submittal of a staked plot plan and structural plans stamped by a licensed engineer. Since the property has an existing gravel driveway, city code would require that the driveway be paved. Applicant did not wish to provide a plot plan or pave the driveway. I might add that since the filing of this application, the city plot plan has been received and the driveway is still unpaved.

Staff is recommending denial of the requested variances from Section 400.280.D, driveway requirements of the zoning code. Since the property has an existing gravel driveway, city code would require that the driveway be paved. We feel that the city requirements are reasonable and consistently applied. Staff's opinion is that the variance request does not meet any of the standards of BZA in terms of hardship on the applicant, size, or shape of the lot.

Item 4. Comments of Visitors: Mr. Richard Cox presented his case to the BZA committee giving some history of West Street and the property he owns. He wanted to address a few issues. He felt the progressive nature of these requests, building permits, just leads to one big expense to another and all he wanted to do was provide a renter to place to put a car in a carport or a garage. The building passes all the city codes and it was a \$3000 investment. He thought that was a lot to spend since he went ahead and put new siding, windows on the house to up the neighborhood and for a personal reason too. He showed pictures of the before and after shots of the

property's improvements. He found it quite a hardship to go through this process. He thinks there could be a better way to handling our City codes and why would you have rules when you are making an improvement to a property, adding more costs to the person trying to make the improvements and believes the city needs to use common sense. There are better and more efficient ways to handle this and he did not need a survey because he personally knew where the utilities were buried on his property. Sometimes it does not require a fine tooth approach in his opinion. He ended up doing everything the city wanted me. He drew up his own plot showing everything they wanted to see. Feels it is a dictated list when it comes to doing something in the City.

Chairman Griffey explained the job of the committee to Mr. Cox whether they agree or do not agree. They are given a set of guidelines in order for a variance to be considered it is not a matter of whether the committee likes an idea or favor an idea or an improvement to the community those are not the guidelines. It must fit within these guidelines if I understand what you are saying by our definitions you are not a victim of the ordinance as far as a unique situation except that to do what you want to do and if you comply with the ordinance of the city then a person is going to spend a lot of money. That is not taken into consideration of the guidelines and they are laid down by the board of adjustments. You need to understand we have no control if there are problems with the ordinances.

Visitor Darlene Berg, homeowner at 2214 West Street commented that she put in a driveway and made improvements. She stated her neighborhood looks just as good as King Estates. She states if you do an improvement then you need to follow the City codes.

Commissioner Houk motioned to deny variance at 2212 West Street. Commissioner Harkins seconded. The motion carried. Five ayes on denying variance at 2212 West Street.

Minutes prepared by Jaime Blackburn, Secretary.