

**Minutes of Meeting  
Belton Board of Zoning Adjustment  
Belton City Hall Annex, 520 Main Street  
January 23, 2019**

**CALL TO ORDER**

Chairman Connie Hubbard called the meeting to order at 5:00 p.m.

**ATTENDANCE**

*Board:* Chairman Hubbard, Keith Parks, Wilma Darlington, Roger Shirk, and Phil Trued.

*Absent:* None.

*Staff:* Dave Clements, Planning and Building Director; Jim Brown, Building Official; and Ashley Scherer, Development Technician.

*Audience:* Josh Burnett, 24005 E 172nd Street Pleasant Hill, MO 64080.

**MINUTES**

Ms. Darlington moved to approve the minutes of the December 19, 2018 Board of Zoning Adjustment meeting. Mr. Trued seconded the motion. All members present voted in favor, and the motion carried.

**PUBLIC HEARING** – CASE #VA19-01 – Consideration of a variance of the provisions of Section 12-2 of the Unified Development Code to reduce the 20 foot rear setback requirement to 10 feet, and to reduce the 10 foot side yard setback to 5 feet to allow the construction of a new commercial building on the property located at 217 East North Avenue, in Belton, MO.

Mr. Clements presented the case and gave an overview of the project along with the findings of fact. The staff report is attached as **Exhibit A**.

Mr. Burnett, 24005 E 172nd Street Pleasant Hill, MO 64080, was present to speak in favor of the variance. Mr. Burnett stated the building would not make the alley any tighter for the Fire Department and his building will meet the Fire and Building codes as it relates to fire projection.

The public hearing was opened at 5:07 p.m. With no public input, the public hearing was closed at 5:08 p.m.

Mr. Parks moved to approve the variance request to Section 12-2 of the Unified Development Code to reduce the 20 foot rear setback requirement to 10 feet, and to reduce the 10 foot side yard setback to 5 feet to allow the construction of a new commercial building on the property located at 217 East North Avenue, in Belton, MO.

The motion was seconded by Mr. Trued. When a vote was taken, the following was recorded:

Ayes: 5 – Chairman Hubbard, Mr. Parks, Ms. Darlington, Mr. Shirk, and Mr. Trued.

Noes: 0.

Absent: 0.

**OTHER BUSINESS**

- Mr. Shirk announced he would be retiring from the Board.

**ADJOURNMENT**

Mr. Parks moved to adjourn the meeting. Mr. Shirk seconded the motion. All members voted in favor and the meeting adjourned at 5:14 p.m.

Ashley Scherer  
Development Technician



## **EXHIBIT A**

**BELTON ZONING BOARD OF ADJUSTMENTS  
WEDNESDAY, JANUARY 23, 2018 – 5:00 P.M.  
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

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### **CASE NO. VA19-01**

Applicant: *KC Rim Shop/Josh Burnett*

Address: *217 East North Avenue*

Request: *A variation of the 20 foot rearyard setback and the 10 foot sideyard setback requirements of Section 12-2 to allow a new commercial building to be constructed with a 10 rearyard setback and a 5 foot sideyard setback in a C-2 General Commercial District.*

### **BACKGROUND**

This application was filed in order to consider a setback variations for a proposed commercial building at 217 East North Avenue. The site is the location of the former location of Benjamin Liquors, and is currently being used by KC Rim Shop as a secondary location for the main store at 100 North Chestnut. KC Rim Shop is a local business providing retail sales of wheels, tires, car audio/video, window tinting and automotive accessories. The owner of KC Rim Shop, Josh Burnett, is proposing to demolish the old liquor store building and an adjoining single-family home and construct a new commercial building at the location.

The existing C-2 General Commercial District requires a 20 rearyard setback, and a 10 sideyard setback. The applicant would like to reduce the 20 rearyard setback to 10 feet abutting the alley, and reduce the 10 foot sideyard setback to 5 feet. Please see the attached site plan for information on the request. The building would be approximately 8800 square feet, including a 3840 retail area and service bays.

The new building will be constructed to meet the design guidelines of the North Scott Corridor Overlay District + Guidelines.

### **FINDINGS OF FACT**

Pursuant to Chapter 2, Section 2-118 (g), (3) of the Unified Development Code (UDC) states:

*“A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the finding will be entered into the record, provided that all of the following conditions are met in the specific case.”*

The variance application submitted by the applicant addresses the required conditions as follows:

1. **Uniqueness**-The need for a variance must be caused by a condition which is unique to the property in question, and not ordinarily found in the same zoning district.

*The applicant explains that the property has an irregular shape due to the original platting of the land and the street configuration. While this condition can be found at other property in this area, it is not generally found in other commercial areas throughout the city.*

*The applicant notes that placement of a new building on the property that needs parking and open space requirements, and their business needs is difficult due to the shape of the lot.*

This circumstance is unique for the property not generally applicable to other properties in the same zoning district.

2. **Impact on Surrounding Properties-**The granting of the variance will not adversely impact the rights of adjacent property owners.

*The rearyard and sideyard reductions would have no adverse impact on surrounding properties. In this commercial area, many structures are built at setbacks that do not meet the current ordinance requirements.*

*The rear of the subject property abuts a 20 foot public alley, and nearby structures are built at setbacks ranging from zero feet to 18 feet along the alley. There are nearby examples of structures built with no sideyard or open space.*

This condition would indicate that the proposed variations would not have any detrimental impact on surrounding properties. It is reasonable to allow a variance abutting the public alley

3. **Unnecessary Hardship-**The Strict Application of the UDC standards will cause an Unnecessary Hardship or Practical Difficulty to the Property Owner:

*The property is an irregular shape due to the configuration of streets in the area, and this condition makes placement of the building more difficult.*

*The applicant also believes that the proposed commercial building cannot be constructed with the strict application of the setback requirements. A site plan designed to meet the required setbacks would reduce square footage of the building by approximately 1300 square feet. This would impact the functionality of the building.*

The applicant believes these conditions present a hardship for reasonable redevelopment of the property.

4. **Impact on Public Health, Safety, and Welfare-** The variance should not have any adverse impact on the public health, safety, and general welfare of residents.

*It is believed that the proposed variances will not impact the public health, safety, and welfare of the general public. Redevelopment of the site would eliminate obsolete structures from this commercial area, and the general area would benefit from new construction and investment.*

5. **Conformity with the General Spirit and Intent of the Unified Development Code-**

The variance must generally not be opposed to the intent of the UDC:

*The applicant believes that the variance is consistent with the spirit and intent of the UDC. The proposed commercial building will not result in over-building of the lot or reduce light, air and open space on adjoining properties. The variances would allow construction of a building consistent with existing buildings in the area.*

It is not uncommon to find the need for variances in older commercial areas.

### **STAFF RECOMMENDATION**

The staff believes that this is a reasonable request, considering the hardship due to the shape of the lot and the fact that there are many non-conforming setbacks in the area of the subject property.

While reducing the required setbacks by 50 percent, the proposed building will not be out of character with the area, and will not have an adverse impact on surrounding property values, or present any negative impact on the neighborhood.

Staff recommends approval of the request, subject to there being no neighborhood objections that prove an adverse impact due to the proposed variations.

### **BOARD ALTERNATIVES**

1. The Board could approve the variance as requested, with or without any conditions, if the required 'findings-of-fact' are determined.
2. The Board could approve a lesser variance than requested, with or without any conditions, if the required 'findings-of-fact' are determined.
3. The Board could postpone action on this application with the consent of the applicant, if additional information is required.
4. The Board could deny the applicant's request, if the required 'findings-of-fact' could not be determined.

### **ATTACHMENTS:**

1. Neighborhood area map
2. Survey/plot plan