



Grain Valley City Hall
711 Main Street
Grain Valley, MO 64029
816-847-6220
Fax: 816-847-6206
www.cityofgrainvalley.org

**CITY OF GRAIN VALLEY
BOARD OF ZONING ADJUSTMENT
Wednesday, April 21, 2021
Grain Valley City Hall – Council Chambers - 711 Main St
7:00 P.M.**

AGENDA

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- September 17, 2020 Meeting

IV. PUBLIC HEARING

The following item requires a Public Hearing and has been duly advertised for this meeting. Staff will present information on item first, then input from the applicant and the public testimony will be taken. The public hearing will then be closed, and the Board will discuss and vote on the item.

- 1) **VAR2021-01 Brandon and Nicole Logan** – Requesting a variance to the maximum building square footage for a detached garage of 1,000 square feet (Section 400.230 C.2) in District R-1 (Single Family Residential District) to allow a 4,800 square foot detached building on a 3.94-acre lot. The lot is generally located less than a quarter of a mile north of SW Addie Lane on the east side of S. Minter Road and is legally described as Lot 13 in Minter Hilltop Estates, a subdivision in Section 4, Township 48, Range 30 in Grain Valley, Missouri aka 713 S. Minter Road.

Exhibits:

- 1) Area Variance Application
- 2) Staff Report
- 3) Aerial Map
- 4) Minter Hilltop Estates – Final Plat
- 5) Publication in the Examiner on Saturday, April 3, 2021
- 6) Letter to Property Owners within 185 feet

V. NEW BUSINESS

- Election of a Chairperson

VI. ADJOURNMENT

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE MEETING SHOULD CONTACT THE CITY CLERK AT 816-847-6211 AT LEAST 48 HOURS BEFORE THE MEETING. THE CITY OF GRAIN VALLEY IS INTERESTED IN EFFECTIVE COMMUNICATION FOR ALL PERSONS.

UPON REQUEST, THE MINUTES FROM THIS MEETING CAN BE MADE AVAILABLE BY CALLING 816-847-6221.



City of Grain Valley
Board of Zoning Adjustment
Meeting Minutes Summary
(Transcript of Meeting is Available)

9/17/2020
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ITEM I: CALL TO ORDER

- The Board of Zoning Adjustment of the City of Grain Valley, Missouri met on September 17, 2020 in the City Hall Council Chambers.
- The meeting was called to order at 7:01 PM by Chair Steve Shatto.

ITEM II: ROLL CALL

- *Present: Lynne Berend*
- *Present: Mark Clark*
- *Present: Mike Coon*
- *Present: Joe Panza*
- *Present: Steve Shatto*
- *There was a quorum.*

ITEM III: APPROVAL OF MINUTES

- Board member Clark motioned to approve the minutes from the November 13, 2019 meeting. The Board approved the minutes by vote 5-0.

ITEM IV: PUBLIC HEARING

- 1) **V2020-01: Submitted by Grain Valley Hospitality LLC**, requesting an area variance of ten (10) foot to the required forty (40) foot maximum height (Section 400.300.C.5.c) for a detached (free-standing) pole sign to advertise the motel that will have an overall height of 50 feet. The land use is Americas Best Value Inn. The property is zoned Downtown Overlay – Transition Zone District and is lying in Section 26, Township 49, Range 30 in the City of Grain Valley, aka 105 Sunny Side Lane.
 - Chair Shatto opened the public hearing.
 - Director Trosen entered the following exhibits:
 1. Application and Attachments
 2. Affidavit of Publication in Examiner
 3. List of Property Owners within 185 ft.
 4. Letter sent to Property Owners within 185 ft.
 5. Staff Report
 - Director Trosen presented the staff report.

Board Members Present
Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present
Mark Trosen – CD Director
Jeff Deane – City Attorney



City of Grain Valley
Board of Zoning Adjustment
Meeting Minutes Summary
(Transcript of Meeting is Available)

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- Ken Patel, owner of Grain Valley Hospitality LLC, testified and explained the request for the variance. He stated that he bought the hotel in 2017. He said that the white sign has been there for years. He said that he has recently learned that he may not own the property that the sign is on. He wanted the City to prove that he owned the white sign. He said that the previous motel owner's mother told him that they leased the sign and did not own it. He said that if the city could prove that he owned the property then he would agree to the conditions in the staff report except that he would like 120 days to remove the brown sign instead of 60 days.
 - Board Member Clark asked Director Trosen if we know that he owns the property.
 - Director Trosen responded that Mr. Patel has represented himself that he owns the property when filing this application. He further stated that the city checked county records and the county shows that the property owner is Grain Valley Hospitality LLC. The notice of violation was mailed to Grain Valley Hospitality LLC. Trosen asked Mr. Patel if he pays taxes on the property?
 - Mr. Patel responded yes.
 - Mr. Clark asked that the owner of record with the county is Mr. Patel?
 - Director Trosen responded yes.
 - Mr. Clark said that if Mr. Patel is concerned that he may not own the land then maybe the Board should continue the issue. Mr. Clark made a motion to table request.
 - Mr. Panza said that Mr. Patel needs to check with the county. Mr. Panza second Mr. Clark motion to table.
 - Mr. Patel is fine with the Board to decide.
 - Director Trosen contends that the City believes that Mr. Patel owns the property.
 - Mr. Clark withdrew his motion to table the public hearing.
 - Mr. Patel said that he needs 120 days because it takes 90 days to get new sign panels.
 - Chair Shatto closed the public hearing. He asked if there was any discussion.
 - Chair Shatto made a motion to approve the variance with staff conditions except amending the time for the brown sign to be removed to 120 days. Board Member Coon second the motion. The Board approved by a vote of 5 to 0.
- 2) **V2020-02: Submitted by Jesse George**, requesting an area variance to Section 400.070 C.6 pertaining to the minimum lot area of 7,000 square feet and allow a structure to be built on a tract with 5,474 square feet. Said tract is generally located at the southeast corner of NW Hickory Ridge Drive and NW Nolan Drive and is legally described as Tract B in the Whitney Hill Third Plat lying in the northeast quarter of Section 27, Township 49, Range 30 in the City of Grain Valley, aka 511 NW Hickory Ridge Drive.

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



City of Grain Valley
Board of Zoning Adjustment
Meeting Minutes Summary
(Transcript of Meeting is Available)

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- Chair Shatto opened the public hearing.
- Director Trosen entered the following exhibits:
 1. Application and Attachments
 2. Affidavit of Publication in Examiner
 3. List of Property Owners within 185 ft.
 4. Letter sent to Property Owners within 185 ft.
 5. Staff Report
 6. Whitney Hills Third Plat
 7. Aerial Map
 8. Letter from surrounding property owners in opposition
- Director Trosen presented the staff report.
- Jesse George testified and explained the request for the variance. Mr. George passed out an attachment of a picture of a proposed building and the general location of the proposed building on the tract.
- Director Trosen marked the attachment as Exhibit 9.
- Mr. George explained that the building would match paint colors of neighborhood and look like the houses in the area with dormers. He further explained that the building would be setback the same as the houses to the north and east of the tract.
- Mr. George said that this tract was left over from the development of the subdivision. He said that the tract was often overgrown in weeds and tall grass. He said the previous property owner to the east bought the tract from the developer and put a swing set and trampoline on it for his kids.
- Mr. George said that property owner sold his house and moved away. He told neighbors that he wanted to sell the tract.
- Mr. George bought the property on May 24, 2018. Mr. George cleaned up the tract.
- Mr. George had thought that eventually he could build a detached garage on the property and if he owned either of the adjacent lots, he wouldn't need a variance since he could then replat into one lot and build the detached garage according to city regulations.
- Mr. George wants to have a purpose for the tract.
- Chair Shatto asked if there was a Homeowners Association. Mr. George responded no.
- Mr. Clark asked if Mr. George talked to the City on what the tract could be used for before he bought it. Mr. George said that he was relax on that and relied on the previous owner telling him that he talked to the city and was told he could build a detached garage.
- Mr. Clark asked if Mr. George spoke to neighbors and he said yes.

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



City of Grain Valley
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- Rodneda Jackman testified. Mrs. Jackman said she lived across from the tract. Mrs. Jackman asked if the applicant was getting the property zoned to commercial. Chair Shatto said no. Mrs. Jackman said that the property values will decline with the garage on the corner.
 - Phil Stasi testified. He had same concerns that property values would decline. He is concerned that if this change hands then it could be used for a mechanic shop.
 - Mr. Panza asked Mr. George what he planned to do with the building. Mr. George said that he would park his motorcycles, gym and park a trailer.
 - Paul Morris testified. Mr. Morris said that he submitted written opposition to the variance. He said that when they bought their house a year ago, the realtor said that nothing could be built on the tract because it was a common area. The proposed garage will have a negative impact on property values and overall curb appeal of the neighborhood. He said that if this were approved it could lead to other variances in the neighborhood.
 - Matt Bruner testified. He bought the house across the street. He complimented Mr. George on maintaining the tract but feels that a garage would decrease property values.
 - Linda Morris testified. She said that if there would have been a garage on the tract a year ago then they would not have bought their house.
 - Chair Shatto closed the public hearing. He asked the Board if there was any discussion.
 - Mr. Panza made a motion to deny the variance request. Mr. Clark second the motion. Mr. Clark further commented that the five factors noted in the Staff Report have not been met to justify the area variance. The Board voted 5 to 0 to deny the variance V2020-02.
- 3) V2020-03: Submitted by Jesse George, requesting a use variance to Section 400.230 C to allow the construction of a detached garage (accessory use) on a tract of land that will not have a principal structure (single family residence). Said tract is generally located at the southeast corner of NW Hickory Ridge Drive and NW Nolan Drive and is legally described as Tract B in the Whitney Hill Third Plat lying in the northeast quarter of Section 27, Township 49, Range 30 in the City of Grain Valley, aka 511 NW Hickory Ridge Drive.**
- Chair Shatto opened the public hearing.
 - Mr. George stated that he withdraws the application for V2020-03.

Board Members Present
Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present
Mark Trosen – CD Director
Jeff Deane – City Attorney



City of Grain Valley
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ITEM VIII: PREVIOUS BUSINESS

- None

ITEM IX: NEW BUSINESS

- Election of a Chair. The Board concluded that Steve Shatto would remain the Chair.

ITEM X: ADJOURNMENT

- Mr. Coon motioned to adjourn the meeting. Mrs. Berend second the motion. The Board approved the motion by a vote of 5 to 0.

-The Meeting Adjourned at 7:55 PM-

Board Members Present

Lynne Berend
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



2021-0134

Area Variance Application Form

APPLICATION IS HEREBY MADE TO THE BOARD OF ADJUSTMENT OF THE CITY OF GRAIN VALLEY, MISSOURI, REQUESTING A VARIANCE TO THE CITY'S ZONING CODE, AS SET FORTH BELOW.

VARIANCE REQUEST (Give description of variance(s) requested) Request to build a 60x80x16 outbuilding on a 4 acre property.

PROPERTY ADDRESS 713 S. Minter Rd.

LEGAL DESCRIPTION Lot 13 Minter Hilltop Estates

PROPERTY OWNER Nicole Logan / Brandon Logan PHONE (816) 529-2226

ADDRESS 713 S. Minter Rd. FAX X

CITY-STATE-ZIP G.V. - MO. - 64029

E-MAIL Bloganbiz@yahoo.com

APPLICANT same as above PHONE

ADDRESS FAX

CITY-STATE-ZIP

E-MAIL

THIS APPLICATION MUST BE ACCOMPANIED BY:

- Statement of Area Variance Criteria.
Enclosed is the filing fee in the amount of \$250.00, Payable to the City of Grain Valley.

PAID

MAR 11 2021

CITY OF GRAIN VALLEY

The application must be signed by the legal property owner AND the applicant, if other than the owner. The property owner may grant permission for the filing of the application by means of a signed and notarized affidavit to that effect.

[Signature] PROPERTY OWNER

Brandon Logan APPLICANT

Print name here: Brandon Logan

Application # 2021-0134 Receipt # Date Filed: Processed by:

City of Grain Valley

Statement of Area Variance Criteria

Failure to complete each may result in an incomplete application. Describe in detail how this application meets each of the following requirements.

1. The variance requested arises from a condition which is unique and peculiar to the property in question and which is not ordinarily found in the same zone or district, and further, is not created by an action or actions of the property owner or applicant.

We would like a building larger than 1,000 sqft.

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

We only have one neighbor (715 minter) who also has a building larger than 1,000 sqft, and they are supportive in our request of this building plan and variance.

3. Strict Application of the provisions of the City's zoning regulations of which the variance is requested will constitute practical difficulties for the property owner. Missouri Courts have stated that the following factors are helpful in determining practical difficulties: (1) How substantial the deviation (variance) is in relation to the requirement; (2) Whether there will be a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties; (3) Can the problem be corrected by a feasible alternative to the grant of a variance; (4) Whether fairness can be achieved for all by allowing the variance.

We believe the restriction is for normal single family lots that are 7,000 sqft.

4. The variance requested will not adversely affect the public health, safety, morals, or general welfare of the community.

No it will not.

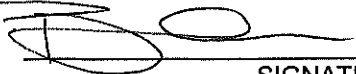
5. The granting of the variance will not be opposed to the general spirit and intent of the ordinance from which the variance is sought.

We believe the building will only improve the property value, and the design will compliment our home

6. Substantial justice (i.e., is it fair to all affected parties) will be done by the granting of this variance. (Why is this request fair to all affected?)

Our property has four acres of land, and the building requested will only take up a small portion. We do not plan to remove any trees during the building process.

This form must be signed by the person completing this form.



SIGNATURE

Brandon Lyon

PRINT NAME HERE

**Staff Report
April 21, 2021**

Case VAR2021-01:

Submitted by Brandon and Nicole Logan. Requesting an area variance to Section 400.230.C.2 pertaining to the maximum building square footage for a detached garage of 1,000 square feet to allow a 4,800 square foot detached building on a 3.94-acre lot. The lot is generally located less than a quarter of a mile north of SW Addie Lane on the east side of S. Minter Road aka 713 S. Minter Road.

Background:

The lot referenced above is legally described as Lot 13 in Minter Hilltop Estates, a subdivision in Section 4, Township 48, Range 30 in Grain Valley, Missouri. The lot size is 3.94 acres.

The property is zoned District R-1 (Single Family Residential). The minimum lot area in this zoning district is 7,000 square feet.

Analysis:

The applicant states that the granting of the variance will not adversely affect the rights of adjacent property owners. The property owner to the south (715 Minter) has a detached building that is larger than 1,000 square feet in size. This building has been on the property since before the 715 Minter house was built in 1995 and long before the property was zoned residential and platted in 2019.

The applicant further states that the restriction of a maximum 1,000 square feet for a detached accessory structure is intended for a smaller lot in a residential district and is not intended for a larger lot with multiple acres.

It would be fair to allow this property owner to have a larger accessory building on this lot with several acres since another adjacent property owner has a large barn on their lot.

Standard for Area Variance:

An area variance authorizes a variation from the bulk and area restrictions imposed under the zoning ordinance (for example, size of accessory buildings or signs, size of lots, setbacks, etc.).

The standard for obtaining an area variance is “practical difficulties”. The practical difficulties must relate to the property and not be personal to the current owners.

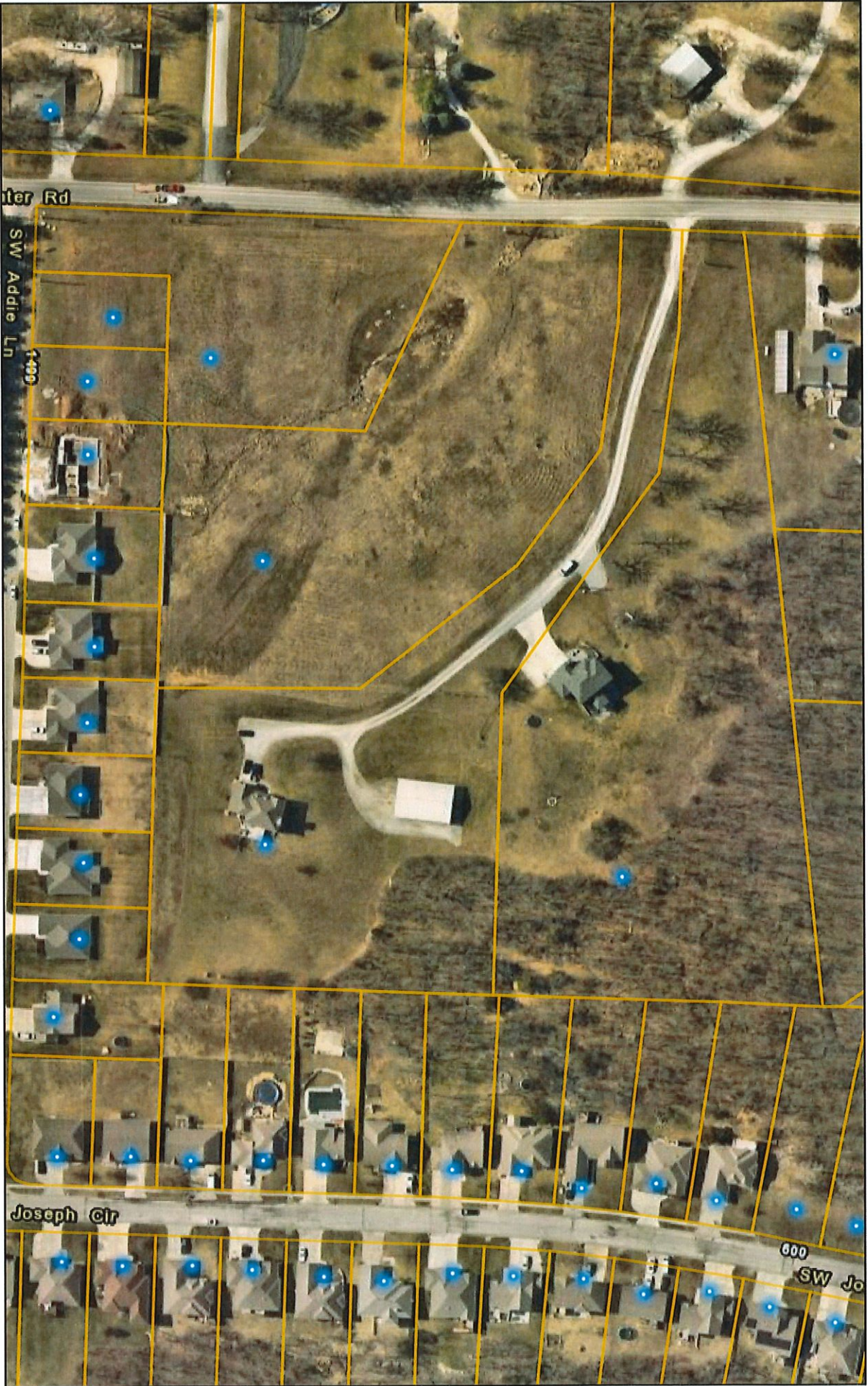
The following five factors should be considered in determining if “practical difficulties” are presented which justify granting an area variance:



*Community Development
Mark Trosen, Director*

PAGE 2, STAFF REPORT – VAR2021-01

- 1) how substantial the variation is in relation to the requirement?
 - 2) the effect, if the variance is allowed, of the increased population density thus produced on available governmental facilities (fire, water, trash, and the like),
 - 3) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created,
 - 4) whether the difficulty can be avoided by some method, feasible for the applicant to pursue, other than a variance, and
 - 5) whether in view of the way the difficulty arose and considering all the above factors the interests of justice would be served by allowing the variance.
-



March 29, 2021

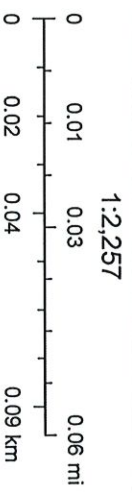
 Tax Parcels

 Addresses

 Green: Band_2

 Blue: Band_3

 Red: Band_1



1:2,257

CITY OF GRAIN VALLEY BOARD OF ZONING ADJUSTMENT

PUBLIC HEARING The Grain Valley Board of Zoning Adjustment will hold a public hearing on Wednesday, April 21, 2021 at 7:00 p.m. in the City Hall Council Chambers (711 Main Street) to receive public input concerning the following request:

- 1) VAR2021-01 Brandon and Nicole Logan** - Requesting a variance to the maximum building square footage for a detached garage of 1,000 square feet (Section 400.230 C.2) in District R-1 (Single Family Residential District) to allow a 4,800 square foot detached building on a 3.94-acre lot. The lot is generally located less than a quarter of a mile north of SW Addie Lane on the east side of S. Minter Road and is legally described as Lot 13 in Minter Hilltop Estates, a subdivision in Section 4, Township 48, Range 30 in Grain Valley, Missouri aka 713 S. Minter Road.

All interested parties are encouraged to attend. A face mask will be required to enter City Hall.

Publish: Saturday, April 3, 2021



Grain Valley City Hall
711 Main Street
Grain Valley, MO 64029
816-847-6220
Fax: 816-847-6206
www.cityofgrainvalley.org

April 2, 2021

Dear Property Owner:

As an owner of property within 185 feet of a proposed variance request, you are being notified that the Grain Valley Board of Zoning Adjustment will hold a public hearing on Wednesday, April 21, 2021 at 7:00 p.m. in the City Hall Council Chambers (711 Main Street) to receive input concerning the following requests:

VAR2021-01 Brandon and Nicole Logan – Requesting a variance to the maximum building square footage for a detached garage of 1,000 square feet (Section 400.230 C.2) in District R-1 (Single Family Residential District) to allow a 4,800 square foot detached building on a 3.94-acre lot. The lot is generally located less than a quarter of a mile north of SW Addie Lane on the east side of S. Minter Road and is legally described as Lot 13 in Minter Hilltop Estates, a subdivision in Section 4, Township 48, Range 30 in Grain Valley, Missouri aka 713 S. Minter Road.

Attendance at this meeting on your part is not required; however, all interested persons are encouraged to attend.

A face mask will be required to enter City Hall.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Trosen', with a long horizontal flourish extending to the right.

Mark Trosen
Community Development Director

Mark Trosen, Community Development Director