



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**

**Tuesday, November 2, 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

- April 21, 2021 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) **VAR2021-02 The Patel Group Property Management LLC** – Requesting a seven-foot variance to the 25-foot front yard setback along Yennie Ave. (Section 400.070 C.2) and seven-foot variance to the 8-foot side yard setback on south side of lot (Section 400.070 C.3) in District R-1 (Single Family Residential District) to allow a 1,500 single family residence on a 6,347 square foot platted lot. The lot is located at the southwest corner of Yennie Ave. and Thieme Ave. and is legally described as Lot 26 in Yennie's Addition, a subdivision in Section 35, Township 48, Range 30 in Grain Valley, Missouri aka 620 NW Thieme Ave.

Exhibits:

- 1) Area Variance Application
- 2) Applicant Plot Plan
- 3) Staff Report
- 4) Aerial Map
- 5) Yennie's Addition Plat recorded on 12/2/1910

V. NEW BUSINESS

- None

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

4/21/2021
Page 1 of 3

ITEM I: CALL TO ORDER

- The Board of Zoning Adjustment of the City of Grain Valley, Missouri met on April 21, 2021 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: Steve Shatto*
- *Present: Mark Clark*
- *Present: Mike Coon*
- *Present: Joe Panza*
- *Present: Lynne Berend*
- *There was a quorum.*

ITEM III: APPROVAL OF MINUTES

- Board member Clark made a motion approve the minutes from the September 17, 2020 meeting. Board member Panza second the motion. The Board approved the minutes by vote 4-0.

ITEM IV: PUBLIC HEARING

Chair Shatto opened the following public hearing:

- 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.
- Director Trosen entered the following exhibits into the record:
 - 1) Area Variance Application
 - 2) Staff Report
 - 3) Aerial Map
 - 4) Minter Hilltop Estates – Final Plat

Board Members Present
Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent
Lynne Berend

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



City of Grain Valley
Board of Zoning Adjustment
Meeting Minutes Summary

4/21/2021
Page 2 of 3

- 5) Publication in the Examiner on Saturday, April 3, 2021
- 6) Letter to Property Owners within 185 feet
- 7) Letter of support from Michael Valentine – 715 S. Minter
- 8) Email of support from Chad Dressen – 615 S. Minter
- 9) Letter from applicant, photo of building, site plans, photo of team

- Director Trosen reviewed the Staff Report with the Board.
- Chair Shatto asked if anyone from the audience wanted to speak.
- Mr. Golden Cordry, 700 S. Minter, asked where the building would be located. Mr. Brandon Logan from the audience said behind the house. Mr. Cordry said that he has no problem with Mr. Logan's building. He said that he was turned down for a 40 ft by 60 ft building and was only allowed to build a 1,200 square foot building. He said that he is going to apply for a larger building and that he better get it or there will be a lawsuit. Director Trosen stated that he has a right to apply for a variance.
- Mr. Michael Valentine, 715 S. Minter, stated that he submitted a written statement which you have a copy and he supports the detached building being built by the Logans.
- Mr. Brandon Logan appeared and said that they plan to build the structure behind the house and because of the elevation change you will not be able to see it from Minter Road. Mr. Panza asked what the purpose of the building. Mr. Logan responded that he coaches the 3rd grade boys' team, and this will provide a place to practice.
- Board Member Clark asked Staff if the City would ever consider increasing the allowable size for an out-building based on the increase in the size of the lot. Director Trosen said that after receiving this application, City Attorney Joe Lauber and he have started that conversation.
- Board Member Clark commented Clark that the surrounding property owners are in favor of this building.
- Board Member Panza made a motion to approve the variance as requested. Board member Coon second the motion. The Board approved the variance by a vote of 4 to 0.

ITEM VIII: PREVIOUS BUSINESS

- None

ITEM IX: NEW BUSINESS

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

Board Members Present

Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Lynne Berend

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



City of Grain Valley
Board of Zoning Adjustment
Meeting Minutes Summary

4/21/2021
Page 3 of 3

ITEM X: ADJOURNMENT

- Mr. Clark motioned to adjourn the meeting. Mr. Panza second the motion. The Board approved the motion by a vote of 4 to 0.

-The Meeting Adjourned at 7:36 PM-

Board Members Present

Mark Clark
Mike Coon
Joe Panza
Steve Shatto

Board Members Absent

Lynne Berend

Staff Officials Present

Mark Trosen – CD Director
Jeff Deane – City Attorney



Grain Valley,
Missouri
Come Home To Opportunity

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) _____

Side setbacks to be reduced to 1' on the south line and and 17' on the north line to allow construction on the lot, while giving the city an easement for a storm drain that was constructed on the property without a proper easement.

PROPERTY ADDRESS _____

620 NW Theime Street

LEGAL DESCRIPTION _____

YENNIES ADD TO GRAIN VALLEY LOT 26

PROPERTY OWNER The Patel Group Property Management LLC PHONE 816-309-7604

ADDRESS PO Box 2996 FAX _____

CITY—STATE—ZIP Grain valley, MO 64029

E-MAIL PatelGroup@kw.com

APPLICANT Same 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**.

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.

DocuSigned by:

Nilesh Patel
8D626A4548324CE... PROPERTY OWNER

DocuSigned by:

Nilesh Patel
8D626A4548324CE... APPLICANT

Print name here: Nilesh Patel, Manager

Nilesh Patel, Manager

Application # _____ 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.

There is a unique condition of a storm drain that was constructed on the property without the owner's permission. The storm drain and culvert are integral to the storm drainage system of the neighborhood and should not be built upon, removed or destroyed. The city would like to obtain an easement for this portion of the property.

2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents. The adjacent property to the south is owned by the property owner of this lot and future construction will still be maintained at a safe distance from the home being constructed on Lot 26. The property to the north, west and east are across an alley or street and are not affected.

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.

The lot is not suitable to be built on if typical side setback of 8 feet is needed as it would only allow for a home width of 18 feet or less after the area with the storm drain is deducted. The variance is large in relation to the regulation, but concessions are being made to ensure the next home to the south will have a setback that will be greater than 16 feet from the home constructed on the lot in question. Because the distance between homes will be maintained not change it the character of the neighborhood will be noticed. Because of the storm drains location there is no other way to solve the issue of building a typical size home of the neighborhood on the lot. Because of the unjust use of the lot for public purposes, fairness to the owner the property owner can only be achieved by obtaining the variance.

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

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

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.

Because the home to be constructed on lot 27 to the south will be situated a minimum of 16' away from the home on the lot with the variance, the general spirit and intent of the ordinance is still in tact.

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?)

The granting of the variance is fair to all parties as it allows the property owner to use the property for a residential home as it is zoned. It is fair to the City of Grain Valley as it will allow the owner to grant a proper easement for the storm drain. It is fair for the citizens of the Grain Valley as it will allow the easement to be granted free of charge upon approval of this variance and no cost will be incurred by the tax payers.

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

DocuSigned by:

Nilesh Patel

8D626A4548324CE...

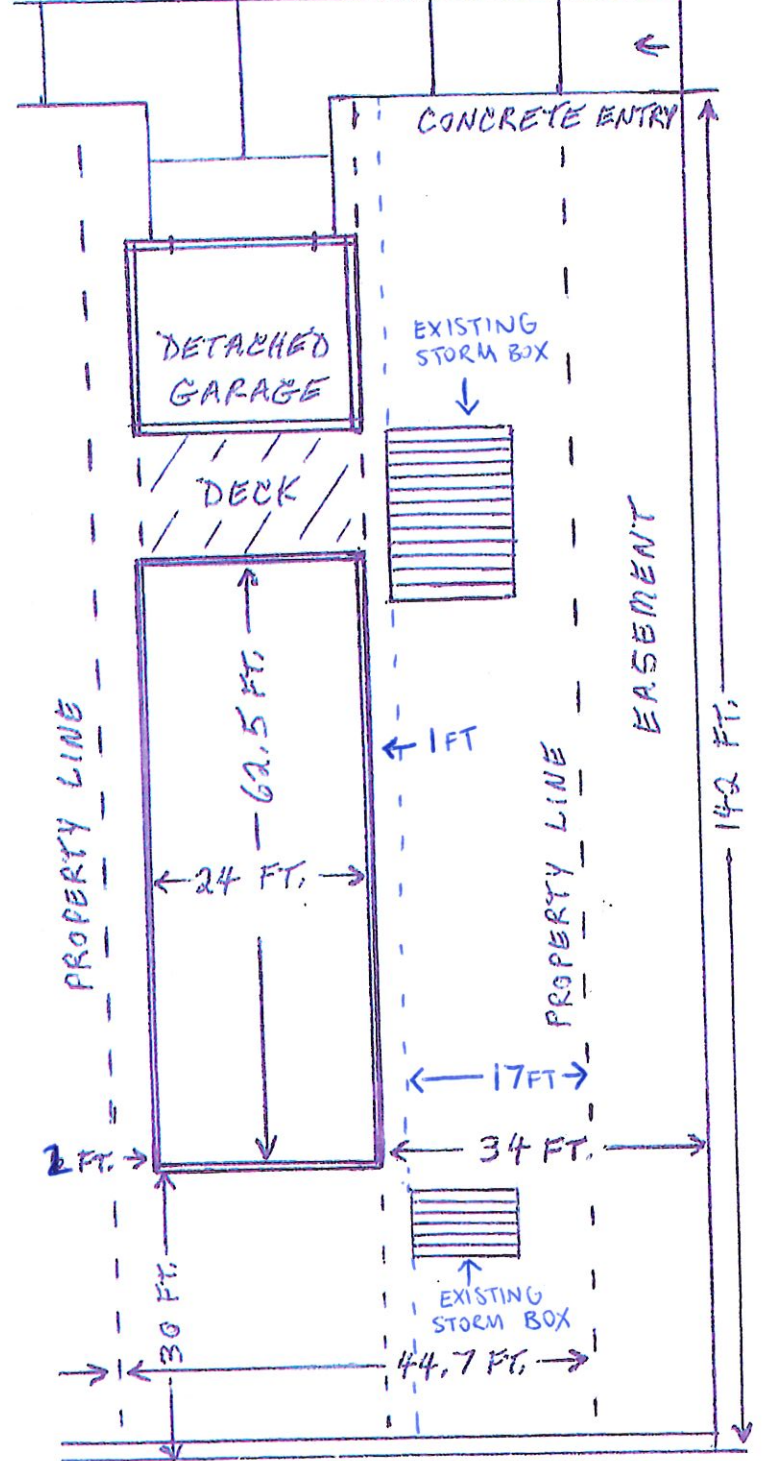
SIGNATURE

Nilesh Patel, Manager

PRINT NAME HERE

LOT 26

ITY EASEMENT



YENNIE ST.

THIEME ST.

**BZA STAFF REPORT
NOVEMBER 2, 2021
AREA VARIANCE**

PURPOSE:

The Patel Group Property Management LLC is requesting a seven-foot variance to the 25-foot front yard setback along Yennie Ave. and seven-foot variance to the 8-foot side yard setback on south side of lot. The lot is zoned District R-1 (Single Family Residential). The applicant or future buyer wants to construct a 1,500 square foot home on this lot that is 6,347 square feet. The lot is legally described as Lot 26 in Yennie's Addition aka 620 NW Thieme Ave.

BACKGROUND:

The Yennie's Addition to the Town of Grain Valley Subdivision Plat was recorded on December 2, 1910. The plat illustrates that the width of lot 26 adjacent to Thieme Ave. is 44.7 feet and the length is 142 feet. The other lots south of lot 26 to an alley north of lot 13 are 50 feet wide.

In the application and on the applicant's plot plan, there are two storm inlet boxes and a drainage pipe buried from box to box that are all 17-foot south of the north property line of lot 26. This is the property line that is adjacent to Yennie Ave. The statement in the application is correct that the City does not have an easement for this infrastructure.

The applicant is agreeable to granting the City a permanent drainage easement if the building construction moves forward.

The Patel Group Property Management LLC also owns the two lots, 27 and 28 that are south of lot 26.

ANAYLSIS:

An area variance authorizes a variation from the bulk and area restrictions imposed under the zoning ordinance (for example, setbacks from property lines or size of lots, 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 variance requested arises from a condition which is unique and peculiar to the property in question, and which is not normally found in subdivisions being platted in District R-1 today. When this lot was platted, with this lot width, was not the fault of the current owner.



*Community Development
Mark Trosen, Director*

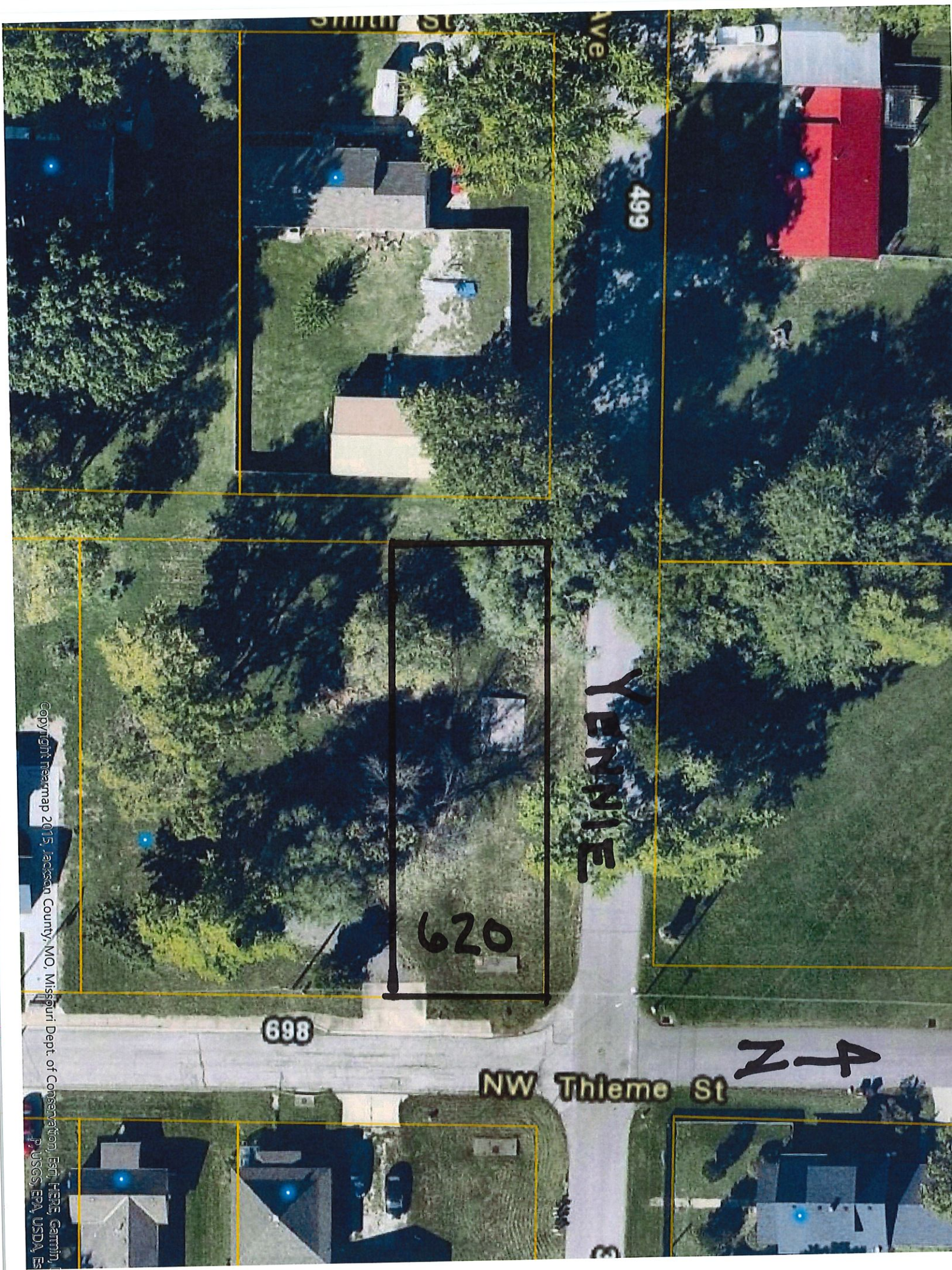
**PAGE 2, BZA STAFF REPORT
NOVEMBER 2, 2021**

Lot 26 is a corner lot. The front yard setback on a corner lot in District R-1 is 25 feet from each street that the property fronts. The side yard setback in District R-1 is 8 feet. The current minimum width of a lot in District R-1 is 65-feet.

If you add the front yard setback requirement of 25 feet from Yennie and add the side yard setback requirement of 8 feet to equal 33 feet, subtract that from the width of the platted lot 26, 44.7 feet that would only allow 11.7-foot-wide house. This type of house would normally be found as a row house in a shared "wall" building that is a block long in New York or Chicago. If required to be built on this lot, the width of this house would be a change in the character of the neighborhood. Allowing the variance would be fair and correct a problem by allow a residential structure that would blend into the neighborhood and not be a substantial change in the character of the neighborhood or a detriment to adjoining properties.

The granting of the variance will not adversely affect the rights of adjacent property owners. The plan is to build similar homes on lots 27 and 28. If these homes are also 24 feet wide and centered on the lot, then the distance between the structures on lot 26 and 27 would be 14 feet. This distance would provide an appropriate open space between the two houses.

With the Applicant's statements of why a variance should be granted and the facts presented above, the interests of justice will be served by granting the variance.



15912

YENNIE'S ADDITION

TO THE TOWN OF
GRAIN VALLEY,
Jackson County, Missouri.

Beginning at the North west corner of the south west quarter of the North west quarter of Section Thirty-five (35) Township 49, Range 30; thence East 1016.0 feet; thence South, parallel to the West line of said Section, 519.18 feet to the North line of Walnut Street; thence West with the North line of said Walnut Street to the West line of said Section; thence North, to the place of beginning, 530.28 feet.

We, the undersigned proprietors of the above described lands have caused the same to be subdivided in the manner as represented on this plat which subdivision and plat shall hereafter be known as "YENNIE'S ADDITION"

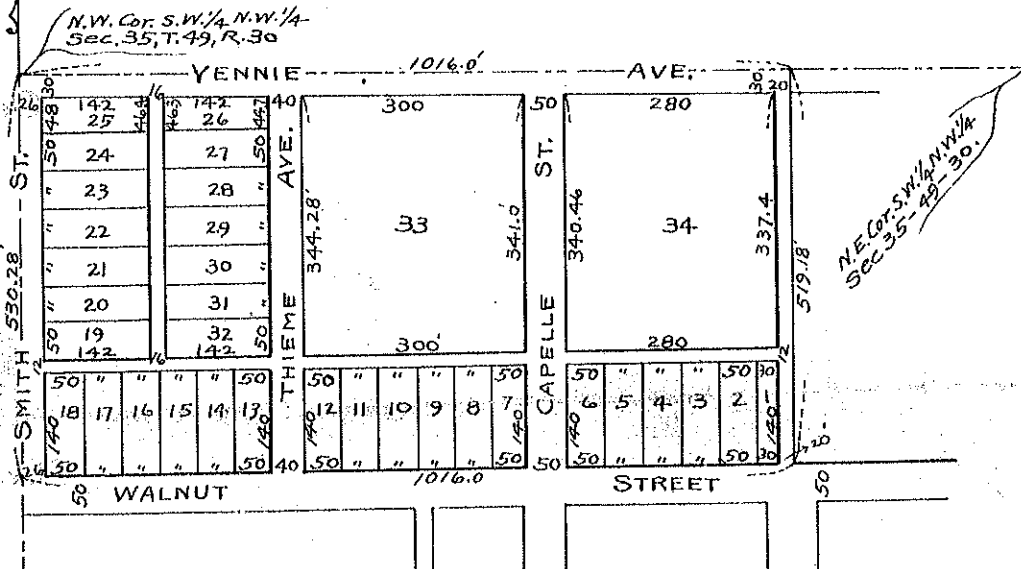
The streets, avenues, and alleys as shown on said plat, are hereby dedicated to public use forever.

In Witness whereof, we have hereunto set our hands,

State of Missouri } ss On this 29th day of November 1910
County of Jackson } before me personally appeared Peter J. Yennie and Minnie B. Yennie, his wife to me known to be the persons described in and who executed the foregoing Instrument and acknowledged that they executed the same as their free act and deed.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Grain Valley, Mo. the day and year above written.

My term expires August 3rd 1913
N. Notary Public in and for Jackson Co., Mo.



Jones & Smith, Surveyors,
Independence, Mo.
Scale 200' = 1"

Filed Dec 2, 1910
at 12:40 P.M.

B6-31