



**CITY OF GRAIN VALLEY
BOARD OF ZONING ADJUSTMENT
Thursday, December 15, 2022 – 6:30 PM
Grain Valley City Hall – Council Chambers - 711 Main St**

AGENDA

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- November 2, 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 then public testimony will be taken. The public hearing will then be closed, and the Board will discuss and vote on the item.

- 1) **VAR2022-01 Nilesh Patel** – Requesting a 765-foot variance to the 10,000 square foot minimum lot area in Section 400.080 C.6, District R-2 (Duplex Residential District). The applicant wants to split an existing lot that contains 19,235 square feet into two lots which one lot will have the minimum lot area of 10,000 square feet more or less and the other lot will have 9,235 square feet more or less. The existing vacant lot is located at the southeast corner NW Sni-A-Bar Blvd. and NW Sni-A-Bar Parkway and is legally described as Lot 50 in Creekside Landing – 2nd Plat, a subdivision in the Southwest Quarter of Section 34, Township 49 North, Range 30 West in Grain Valley, Missouri aka 111-113 NW Sni-A-Bar Parkway.

Exhibits:

- 1) Area Variance Application
- 2) Applicant Plot Plan
- 3) Aerial Map
- 4) Staff Report
- 5) Building Plan
- 6) Creekside Landing – 2nd Plat

V. NEW BUSINESS

- None

VI. ADJOURNMENT

PEOPLE 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.

711 Main Street
Grain Valley, MO 64029
816.847.6200

cityofgrainvalley.org

LIFE OUTSIDE THE LINES



City of Grain Valley

Board of Zoning Adjustment

Meeting Minutes Summary

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ITEM I: CALL TO ORDER

- The Board of Zoning Adjustment of the City of Grain Valley, Missouri met on November 2, 2021 in the City Hall Council Chambers.
- The meeting was called to order at 7:14 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 Coon made a motion to approve the minutes from the April 21, 2021 meeting. Board member Clark second the motion. The Board approved the minutes by vote 5-0.

ITEM IV: PUBLIC HEARING

Chair Shatto opened the following public hearing:

- 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

Board Members Present

Mark Clark
Mike Coon
Joe Panza
Lynne Berend
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Joe Lauber – City Attorney
Catie Gerstner – City Attorney



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5) Yennie's Addition Plat recorded on 12/2/1910

- Director Trosen entered the exhibits into the record.
- Director Trosen reviewed the Staff Report with the Board.
- Director Trosen stated City Attorney Lauber brought Section 400.250 B.1. to Staff's attention and stated that since the property is zoned R-1, the setback may be reduced to 15 feet. Since the proposed house will be setback 17 feet from Yennie, a variance would not be required. Trosen stated that the only variance needed now is the seven-foot variance to the 8-foot side yard setback on the south side of lot.
- Director Trosen reviewed the Staff Report with the Board.
- This variance request is unique and peculiar to the property in question and was not the fault of the current owner.
- Allowing the variance would be fair and correct a problem by allowing 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 each lot, the distance between the structures on lot 26 and 27 would be 14 feet. The distance would provide an appropriate open space between the two houses.
- With the Applicant's statements of why a variance should be granted and facts presented, the interests of justice will be served by granting the variance.
- Chair Shatto asked if anyone from the audience wanted to speak.
- Nilesch Patel with the Patel Group Property Management LLC stated that a builder will purchase all three lots and build a house on each lot with garages in the back. The houses will be shifted on each lot to the south so that they have uniform look and similar spacing between the three houses.
- Board Member Clark made a motion to approve the variance needed for the side yard setback. Board member Coon second the motion. The Board approved the variance by a vote of 5 to 0.

ITEM VIII: PREVIOUS BUSINESS

- None

ITEM IX: NEW BUSINESS

- City Attorney Lauber introduced Catie Gerstner, a new associate in their office.

Board Members Present

Mark Clark
Mike Coon
Joe Panza
Lynne Berend
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Joe Lauber – City Attorney
Catie Gerstner – City Attorney



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ITEM X: ADJOURNMENT

- Board member Clark motioned to adjourn the meeting. Board member Berend second the motion. The Board approved the motion by a vote of 5 to 0.

-The Meeting Adjourned at 7:22 PM-

Board Members Present

Mark Clark
Mike Coon
Joe Panza
Lynne Berend
Steve Shatto

Board Members Absent

Staff Officials Present

Mark Trosen – CD Director
Joe Lauber – City Attorney
Catie Gerstner – City Attorney



**BZA STAFF REPORT
DECEMBER 15, 2022
AREA VARIANCE**

PURPOSE:

Nilesh Patel is requesting a 765-foot variance to the 10,000 square foot minimum lot area in Section 400.080 C.6, District R-2 (Duplex Residential District). The applicant wants to split an existing lot that contains 19,235 square feet into two lots which one lot will have the minimum lot area of 10,000 square feet and the other lot will have 9,235 square feet.

BACKGROUND:

The existing vacant lot is located at the southeast corner of NW Sni-A-Bar Blvd. and NW Sni-A-Bar Parkway and is legally described as lot 50 in Creekside Landing – 2nd Plat, 111-113 NW Sni-A-Bar Parkway.

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.

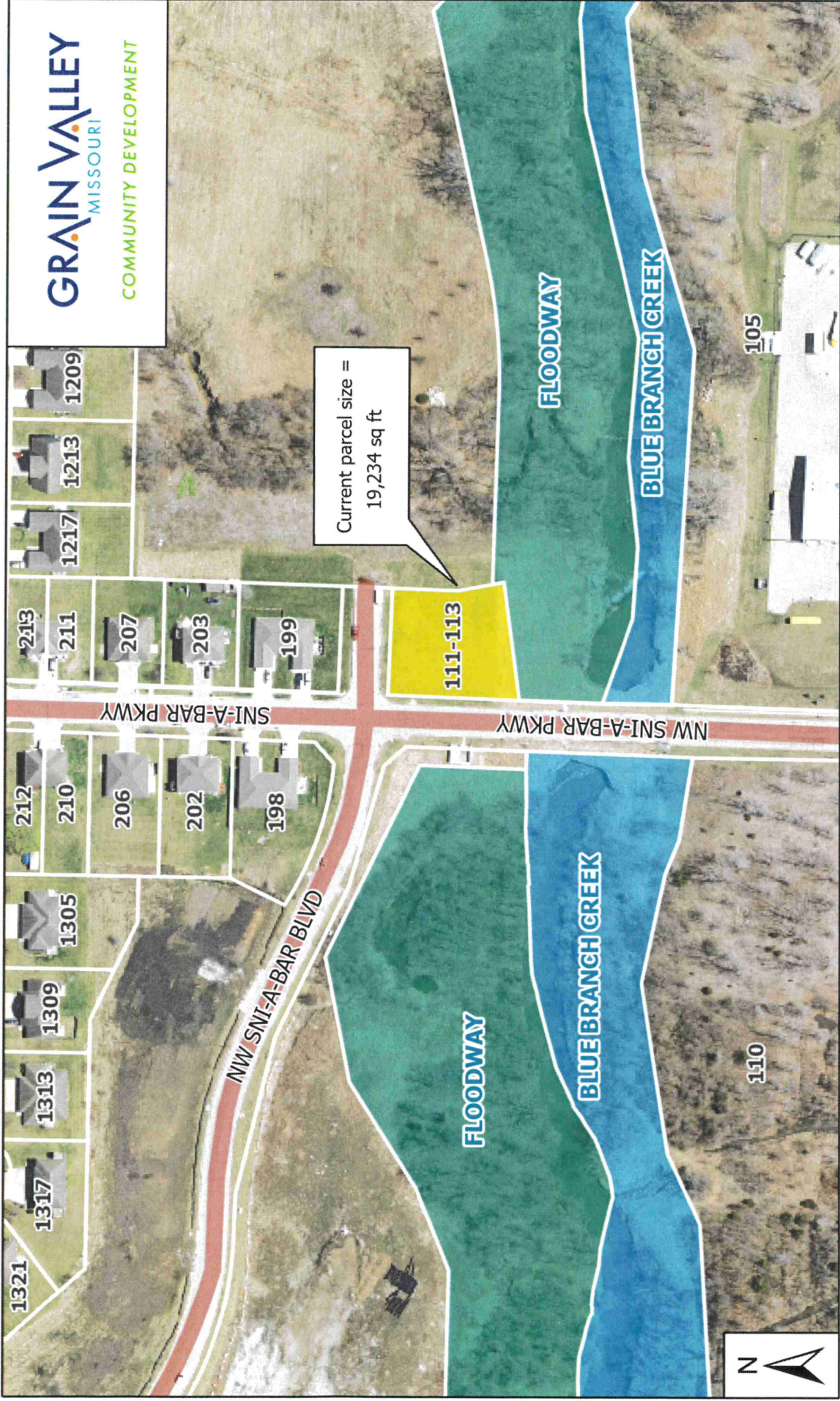
The variance requested arises from a condition which is unique and peculiar to the property in question, and which is not normally found in subdivisions being platted in District R-2 today.

When this lot was platted, the lot area was constrained with the street right-of-way on the north side and the Blue Branch Creek and FEMA Floodway on the south and Sni-A-Bar Parkway on the west side.

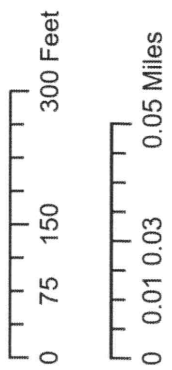
Although there will not be square footage of green space directly on the lot with the minimum lot area of 10,000 square feet, there is sufficient green space to the south and east without consideration of the invisible property line.

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

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.



Map information as of 11/16/2022
Imagery taken Spring 2022



City of Grain Valley
Variance Request, Nov. 2022
VAR2022-01 - Nilesh Patel

- Legend**
- Roads
 - Parcels
 - Area Requesting Variance
 - Creek
 - Floodway

THE EXAMINER

AFFIDAVIT OF PUBLICATION

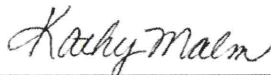
AFFIDAVIT OF PUBLICATION: #593180

STATE OF MISSOURI, COUNTY OF JACKSON, SS:

Kathy Malm

I, Kathy Malm, of lawful age, being duly sworn upon oath, deposes and says that I am the Authorized Agent of Examiner, a publication that is a "legal newspaper" as that phrase is defined for the city of Independence, for the County of Jackson, in the state of Missouri, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

30 Nov 2022

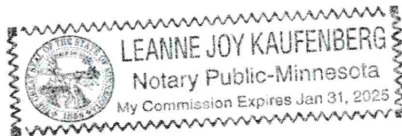


Authorized Agent



Notary, State of MN, County of Redwood
Commission expires January 31, 2025

Printer's Fee: \$44.00



CITY OF GRAIN VALLEY BOARD OF ZONING ADJUSTMENT PUBLIC HEARING

The Grain Valley Board of Zoning Adjustment will hold a public hearing on Thursday, December 15, 2022, at 6:30 p.m. in the City Hall Council Chambers (711 Main Street) to receive public input concerning the following request:

1) VAR2022-01 Nilesch Patel –

Requesting a 765-foot variance to the 10,000 square foot minimum lot area in Section 400.080 C.6, District R-2 (Duplex Residential District). The applicant is wanting to split an existing lot that contains 19,235 square feet into two lots which one lot will have the minimum lot area of 10,000 square feet more or less and the other lot will have 9,235 square feet more or less. The existing lot is located at the southeast corner NW Sni-A-Bar Blvd. and NW Sni-A-Bar Parkway and is legally described as Lot 50 in Creekside Landing – 2nd Plat, a subdivision in the Southwest Quarter of Section 34, Township 49 North, Range 30 West in Grain Valley, Missouri aka 111-113 NW Sni-A-Bar Parkway.

All interested parties are encouraged to attend.

Published in the Examiner, Nov 30, 2022

593180

Grain Valley Community Development
111-113 NW Sni A Bar Pkwy
11/03/2022 - 11/02/2023
Variance
General

Printed: 11/03/2022

0916214

a04fc960-5b78-11ed-ae6-753c1496f120

New

Active

Application Review Status

Pre-Review	Not Reviewed
Final-Review	Not Reviewed

11/03/2022

Fees

Variance	\$250.00
Subtotal	\$250.00
Amount Paid	\$0.00

Payments

There are no payments

Application Form Data

(Empty fields are not included)

Variance Type
Area Variance

Please explain the requested variance

Looking to split a lot into two separate lots. Need a variance on one of the new lots on the minimum square footage requirements. The north lot will meet the minimum square footage needed and the south lot can be a minimum of 9083 square feet with the possibility of

being slightly larger depending on final survey and platting. The variance will not be more than 10% of the required minimum lot square footage.

Please provide a legal description of the variance

Lot 50, Creekside Landing-2nd Plat

Property Street Address

111-113 NW Sni A Bar Pkwy

City

Grain Valley

State

MO

Zip Code

64029

First Name

Nilesh

Last Name

Patel

Phone Number

(816) 309-7604

Email

Patelgroupre@gmail.com

Street Address

1106 SW Foxtail Dr.

City

Grain Valley

State

MO

Zip Code
64029

Is the applicant also the property owner?

Yes

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.

This particular lot is a corner lot and much larger than the others in the neighborhood. It is also bounded by a creek and no development can happen up to the property line on the south. The original platting could not use the creek area because of flood/floodway so it was platted just short of having enough square footage for 2 lots. Also both lots can meet the minimum lot frontage requirements so the spacing of the duplex buildings will be in line with the neighborhood and will not impact neighboring properties as all other requirements can be met.

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

Again there are no chances of adjacent development to the south. The type of development will be exactly the same as what is occurring in the subdivision and will meet all other requirements for lot frontage, depth and setbacks.

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.

1. The deviation is under 10% less than the normal required lot square footage for the south lot. The north lot will meet the minimum requirements. 2. The use, development, and all other requirements will be exactly the same as the rest of the neighborhood. 3. I am not aware of any other feasible alternatives that can correct the problem. 4. The variance will make the property more usable and cost effective to build on with the current state of new construction costs. It allows a past unbuilt lot to be added to the tax base with twice as much in tax revenue.

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

The request will allow a new construction housing to be built that will be in excellent shape, rents will be in the upper tier for the area.

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

Since the square footage rule is used to ensure enough buildable area, and it has been demonstrated by the diagrams attached to the application that an adequate floor plan can be built on the lot, it does not pose an issue with the general spirit of the minimum lot

square footage rule.

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?)

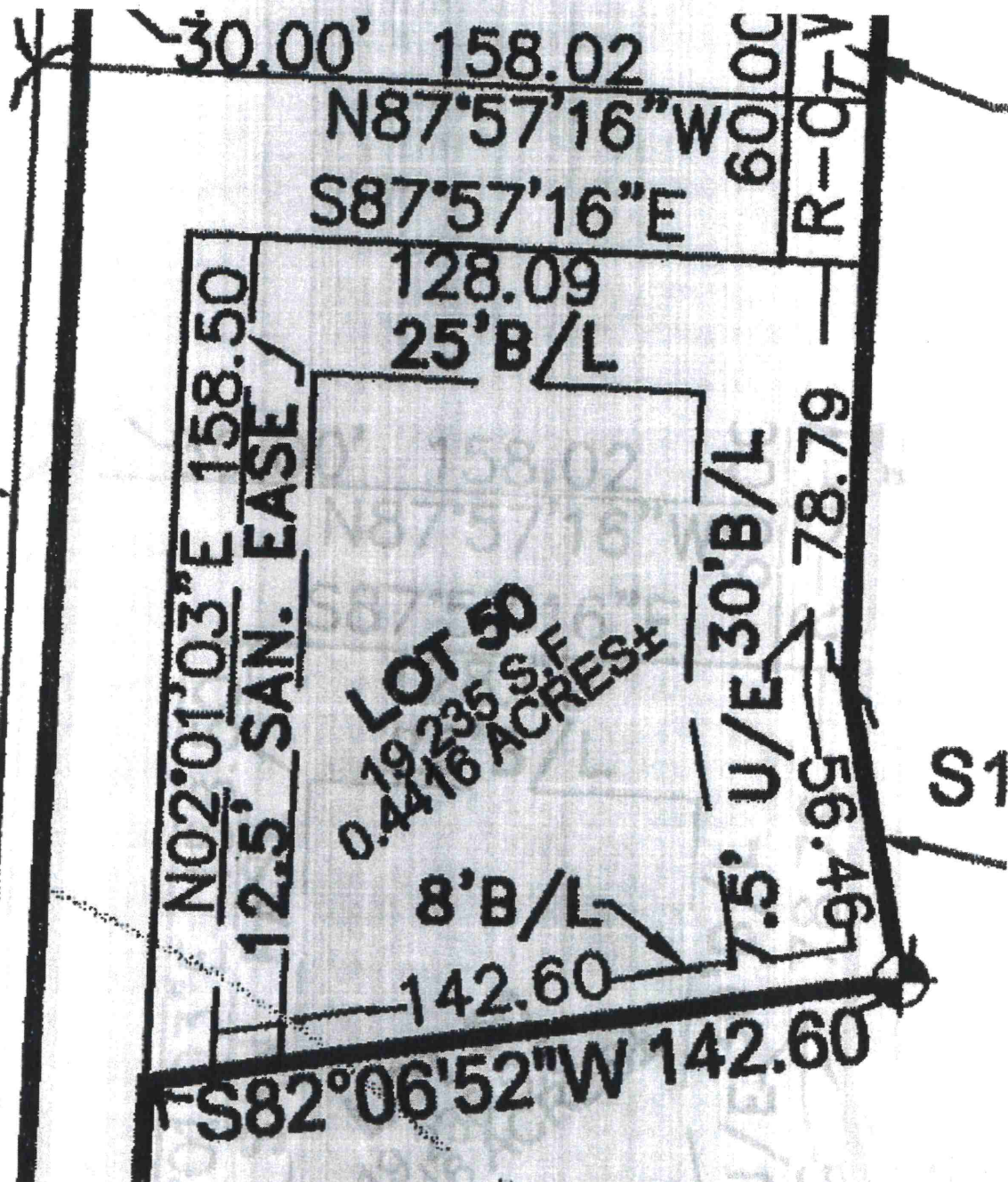
It is fair to the owner as it makes a project more feasible when construction costs are outpacing property values. It is fair to the area property owners as it is a higher quality project that will only help increase their property values. It is fair for the city as it allows for maximizing the allowed use in an area while meeting all other requirements except for the minimum lot square footage, thus helping to increase the tax base. It does not adversely affect other residents in the city as the use is the same as what is already allowed and the neighborhood is far enough away that it doesn't immediately impact anyone else.

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Nilesh Patel - 11/03/2022 8:08 am

N02°01'03"E 406.10



N02°01'03"E 406.10

Sri-A-Bar Parkway

N02°01'03"E 158.50
12.5' SAN. EASE

128.09
25' B/L

LOT 30
0.479 ACRES ±
235 S.F.

8' B/L

142.60

S82°06'52"W 142.60

7.5' U/E 30' B/L

56.46
67.87

S1

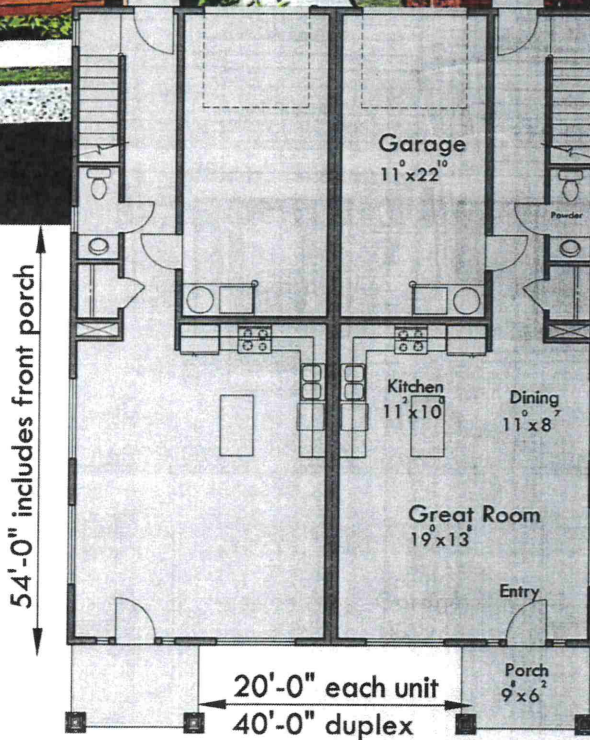
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S87°57'16"E
60.00
R-O-T-V

24

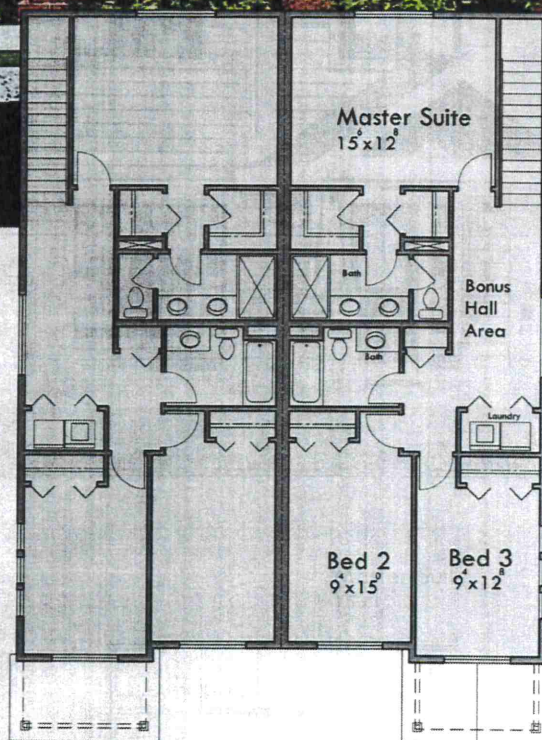
PLAN #D-601

MAIN FLR. 692 SQ. FT.
UPPER FLR. 970 SQ. FT.
TOTAL 1662 SQ. FT.
GARAGE 268 SQ. FT.

TYPICAL
PLAN, MAY
DIFFER



MAIN FLOOR



UPPER FLOOR

www.houseplans.pro

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1304 SW Bertha Blvd. Portland, Oregon 97219 (503-246-3022)

