



**AGENDA  
CITY OF BELTON  
BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING AND MEETING  
MONDAY, AUGUST 16, 2021 – 5:00 P.M.  
BELTON CITY HALL ANNEX, 520 MAIN STREET**

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**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF THE MINUTES OF AUGUST 21, 2019, BOARD OF ZONING ADJUSTMENT MEETING**

**IV. PUBLIC HEARING**

To consider a variance of the provisions of Section 4-1(b)(1) of the Unified Development Code to reduce the 5-foot required side yard for an accessory building to 0 feet, to allow the construction of a detached garage on an existing slab on the property located at 402 Third Street.

- Summary-Staff Report
- Applicants Comments
- Open Public Hearing
- Close Public Hearing
- Board Discussion
- Motion

**V. OTHER BUSINESS**

**VI. ADJOURNMENT**

**SECTION III.  
AUGUST 21, 2019  
MEETING MINUTES**

**Minutes of Meeting  
Belton Board of Zoning Adjustment  
Belton City Hall Annex, 520 Main Street  
August 21, 2019**

**CALL TO ORDER**

Chairman Connie Hubbard called the meeting to order at 4:57 p.m.

**ATTENDANCE**

*Board:* Chairman Hubbard, Wilma Darlington, Phil Trued and Pam Miller  
*Absent:* Keith Parks  
*Staff:* Dave Clements, Planning and Building Director; and Ashley Scherer, Development Technician  
*Guest:* Rusty Sullivan, 117 West North Avenue, Belton, MO 64012.

**MINUTES**

Mr. Trued moved to approve the minutes of the January 23, 2019 Board of Zoning Adjustment meeting. Ms. Darlington seconded the motion. All members present voted in favor, and the motion carried.

**PUBLIC HEARING – CASE #VA19-02 – Consideration of a variance of the 5-foot side yard setback requirements of Section 4-1 (b) to allow an addition to an existing garage to be constructed with a 2-foot setback in an R-1 Single-Family Residence District at 117 West 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**. The public hearing was opened at 5:04 p.m.

Mr. Sullivan was present to speak in favor of the application and spoke in favor of the application. With no further public input, the public hearing was closed at 5:05 p.m.

Mr. Parks moved to approve the variance of the 5-foot side yard setback requirements of Section 4-1 (b) to allow an addition to an existing garage to be constructed with a 2-foot setback in an R-1 Single-Family Residence District at 117 West North Avenue, in Belton, MO.

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

Ayes: 4 – Chairman Hubbard, Ms. Darlington, Ms. Miller, and Mr. Trued.

Noes: 0.

Absent: 0 – Mr. Parks

**OTHER BUSINESS**

**ADJOURNMENT**

Ms. Darlington moved to adjourn the meeting. Mr. Shirk seconded the motion. All members voted in favor and the meeting adjourned at 5:09 p.m.

*Ashley Scherer  
Development Technician*



## EXHIBIT A

BELTON ZONING BOARD OF ADJUSTMENTS  
WEDNESDAY, AUGUST 7, 2019 – 5:00 P.M.  
CITY HALL ANNEX BUILDING – 520 MAIN STREET

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### CASE NO. VA19-02

Applicant: *Rusty Sullivan*

Address: *117 West North Avenue*

Request: *A variation of the 5-foot side yard setback requirements of Section 4-1 (b) of the Unified Development Code (UDC), to allow an addition to an existing garage to be constructed with a 2 foot setback in an R-1 Single-Family Residence District.*

### BACKGROUND

This application was filed in order to consider a setback variations for a proposed addition to an existing detached garage at 117 West North Avenue. The subject property is a large residential lot with dimensions of 118 feet x 290 feet for a total area of 34,437 square feet. There are several accessories structures in the rear yard of the property, including a 22 foot x 28 foot detached garage. This garage is constructed 2 feet from the lot line, and is a legal non-conforming structure.

The applicant would like to construct a 20 foot x 22 foot addition to the existing garage, and maintain the existing 2 foot setback.

The existing R-1 Single-Family Residence District requires a 5-foot side yard setback for the addition to the existing garage, and all accessory buildings shall not exceed five percent to total lot coverage.

The applicant believes that constructing the garage addition at a conforming 5 foot setback would lead to higher than necessary construction costs, creating an offset in the garage wall and reduce the floor area of the garage addition. There are no structures near the location of the garage addition, so continuing the existing 2 foot setback would have no adverse impact on surrounding properties.

### 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 this is a large residential lot and there are no structures in the vicinity of the garage addition. The size of the lot and location of the garage present unique circumstances that are not generally applicable to other residential areas.*

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 garage addition is not located near any structures on neighboring properties. The location and small size of the addition will have no impact on surrounding properties.*

This would indicate that the proposed variations would not have any detrimental impact on surrounding properties.

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

*Constructing the garage addition with a conforming 5 foot setback would create an offset in the east vertical wall of the garage. This would provide an irregular shaped side yard and add to construction cost of the project.*

The applicant believes these conditions present a hardship for constructing the addition to the garage.

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.*

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 garage addition would 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 residential areas.

### **STAFF RECOMMENDATION**

The staff believes that this is a reasonable request, believing that there is a certain hardship in offsetting the garage addition to meet the 5 foot setback requirement. Inasmuch as there are no structures on adjoining property near the location of the garage addition, there should be no impact on surrounding properties. Staff recommends approval of the request, subject to there being no neighborhood objections that prove an adverse impact due to the proposed variation.

### **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 to obtain additional information.
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. Applicants survey/plot plan

**SECTION IV.**  
**5-Foot Side Yard Setback Variance**  
**at 402 Third Street**



**BELTON ZONING BOARD OF ADJUSTMENTS  
WEDNESDAY, AUGUST 16, 2021 – 5:00 P.M.  
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

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**APPLICATION**

Applicant: Bob Snider

Address: 402 Third Street

Request: *A variation of the 5-foot side yard setback requirements of Section 4-1 (b) of the Unified Development Code (UDC), to allow the construction of a detached garage with a 0-foot setback in an R-2 Two-Family Residence District.*

**BACKGROUND**

This application was filed to consider a setback variation for a proposed detached garage at 402 Third Street. The property is at the southwest corner of Third Street and E. Walnut. The garage location is on the Third Street frontage of the property.

The subject property is a large residential lot with dimensions of 140 feet x 132 feet for a total area of 18,480 square feet. The property owner explains that there is an existing slab zero (0) feet from the lot line. Construction started on the garage without a permit, and the applicant was advised that a variation would be necessary to complete the garage on the existing slab.

The application for the variation was filed, and the property owner completed the construction without obtaining the final variance or building permit.

The existing R-2 Two-Family Residence District requires a 5-foot side yard setback for a garage and all accessory buildings shall not exceed five percent to total lot coverage.

The applicant believes that constructing the garage at zero (0) foot setback will not have an adverse impact on neighboring property, and that it is reasonable to allow the garage construction on the existing slab. He explains that a garage had previously been constructed at this location, but was removed and the slab remains.



## 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 it is reasonable to allow a new garage to be constructed on the existing slab, and it is a unique situation to have an existing slab on a lot. This is a large residential lot and there are no structures in the vicinity of the garage. The size of the lot and location of the garage present unique circumstances that are not generally applicable to other residential areas.*

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 garage is not located near any structures on neighboring properties. The location and the size of the garage will have no impact on surrounding properties.*

This would indicate that the proposed variations would not have any detrimental impact on surrounding properties.

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

*The applicant notes that it is unusual to have an existing slab on a lot, and not permitting the garage to be built at this location creates an unnecessary hardship and financial inconvenience.*

The applicant believes these conditions present a hardship for constructing the garage.

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.*

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 garage would 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 residential areas.

#### **STAFF RECOMMENDATION**

The staff believes that this is a reasonable request, believing that there is a certain hardship in not permitting a garage to be constructed on the existing slab. Inasmuch as there are no structures on adjoining property near the location of the garage, there should be no impact on surrounding properties. Staff recommends approval of the request, subject to there being no neighborhood objections that prove an adverse impact due to the proposed variation.

#### **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 to obtain additional information.
4. The Board could deny the applicant’s request, if the required ‘findings-of-fact’ could not be determined.

#### **ATTACHMENTS:**

1. Location map

# Location Map



8/12/2021, 4:21:32 PM

Aerial\_MARC\_2020\_6in.tif

Streets

Belton\_Parcels

Red: Band\_1

Green: Band\_2

Blue: Band\_3

1:564

0 0.01 0.01 0.01 0.02 mi

0 0.01 0.01 0.03 km

Maxar, Microsoft, Esri Community Maps Contributors, Kansas City, MO, County of Cass, MO, Missouri Dept. of Conservation, Missouri DNR, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METINASA, USGS, EPA, NPS, US Census

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