



**AGENDA
CITY OF BELTON
BOARD OF ZONING ADJUSTMENT MEETING
WEDNESDAY, JULY 19, 2023 - 5:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER**

- II. ROLL CALL**

- III. APPROVAL OF THE MINUTES OF JUNE 21, 2023, BOARD OF ZONING ADJUSTMENT MEETING**

- IV. PUBLIC HEARING**
 - A. VAR-2023-02: To consider a request for a variance to UDC Section 26-5(1) to allow a second driveway opening on Catron Avenue for property addressed as 406 Catron Avenue.

- V. OTHER BUSINESS**

- VI. ADJOURNMENT**

**Minutes of Meeting
Belton Board of Zoning Adjustment
Belton City Hall Annex, 520 Main Street
June 21, 2023**

CALL TO ORDER

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

ATTENDANCE

Board: Chairman Hubbard, Keith Parks, Phil Trued, and Rusty Sullivan

Absent: Wilma Darlington

Staff: Matt Wright, Planning and Building Director; Jenna Fernandez, City Planner; and Madison Rust, Development Technician

Guests: Curt Admire, 8011 E. 155th St, Belton, MO 64012; Greg McAvoy, 8315 E. 155th St, Belton, MO 64012

MINUTES

Mr. Sullivan moved to approve the minutes of the November 16, 2022, Board of Zoning Adjustment meeting. Mr. Trued seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARING

VAR-2023-01: To consider a request for a variance to Section 4-1(b)(1) to allow an accessory dwelling unit to be constructed in the front yard of property addressed as 8011 E. 155th St, Belton, MO.

The public hearing was opened at 5:01 P.M.

The applicant and owner of the property located at 8011 E. 155th St, Belton, MO 64012, Curt Admire, was present to speak. He addressed the board by saying that he wishes to build an accessory dwelling unit on his property. The ADU would be roughly 988 square feet, and would mirror the primary structure as far as construction design and materials. The home would be primarily used for his mother, and out of town family members who come to visit.

There was no one else present to speak either in favor or against the proposal, and the public hearing was closed at 5:04 P.M.

Ms. Fernandez, City Planner, gave an overview of the staff report. Staff does recommend approval of the variance request, with the two conditions listed below.

1. The Variance for the ADU to be placed in the front yard at 8011 E 155th St is hereby approved, as shown on the preliminary site plan provided by Curt Admire.
2. All building codes and zoning requirements shall be met during building permit review.

Greg McAvoy, 8315 E. 155th St, Belton, MO 64012 had a few questions in regard to the proposed variance request. A summary of his questions and/or concerns are listed below:

- Asked if a hydrology study was done on the lake. If any structure is going to be built around a lake, a study should be done to show the lake and soil is sufficient to withstand the construction.
- Asked if a study was done to show that the road is stable to withstand the traffic and weight of construction vehicles.

Mr. Admire ensured that the ADU will be constructed 300 feet West of the pond, not in front of the pond. He also explained that he has not had any sort of hydrology reports done. The front pond is not his property. They just had 190 tons of asphalt put in, and there were no issues with soil compaction. Where the ADU is proposed, on a slab, the amount of dirt that will be brought in will be minimal and no digging will be taking place.

Staff explained that during a building permit process, they do not have the right to request and/or require special tests, studies, or reports like a hydrology study, etc. on a review like this. Staff just ensures that the proposed plans meet the adopted codes. Due to the size and location, there are no stormwater requirements and/or grading studies needed.

Chairman Hubbard asked if the City Engineer has reviewed the plans and/or provided any sort of recommendations. Mr. Wright explained that the City Engineer is aware, and did not have any concerns. An accessory dwelling unit is not something that he looks at in any sort of great detail.

Mr. Parks asked if the driveway was gravel or asphalt, and whether or not this was a shared driveway. Mr. Admire explained that the driveway used to be shared, but there was a vacation done of the easement to allow each property owner to have a separate driveway entrance to their property. The first 300 feet of his driveway is gravel, it will be asphalted once the gravel has settled, but everything else is asphalt. None of the construction vehicles will be entering on any other neighbors driveway.

Ms. Hubbard moved to approve the request for a variance to Section 4-1(b)(1) to allow an accessory dwelling unit to be constructed in the front yard of property addressed as 8011 E. 155th St, Belton, MO.

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

Ayes: 4 – Chairman Hubbard, Mr. Parks, Mr. Sullivan, and Mr. Trued

Noes: 0

Absent: 0 – Ms. Darlington

OTHER BUSINESS

An application has been received for a variance. Our next meeting will be Wednesday, July 19th, 2023, at 5:00 P.M.

ADJOURNMENT

Mr. Sullivan moved to adjourn the meeting. Mr. Trued seconded the motion. All members voted in favor and the meeting adjourned at 5:25 p.m.



PROJECT: 406 CATRON AVE DRIVEWAY VARIANCE

SITE LOCATION:

406 Catron Ave.

PROJECT REQUEST:

Variance - Driveway

APPLICATION:

Property Owner & Applicant – Jeff Johnson
General Contractor – Danny Chevalier / Chevalier Construction

PROJECT SUMMARY

CURRENT ZONING/USE:

R-1 Single-Family Residential

PROPOSED USE:

Driveway

PROPOSED DEVELOPMENT:

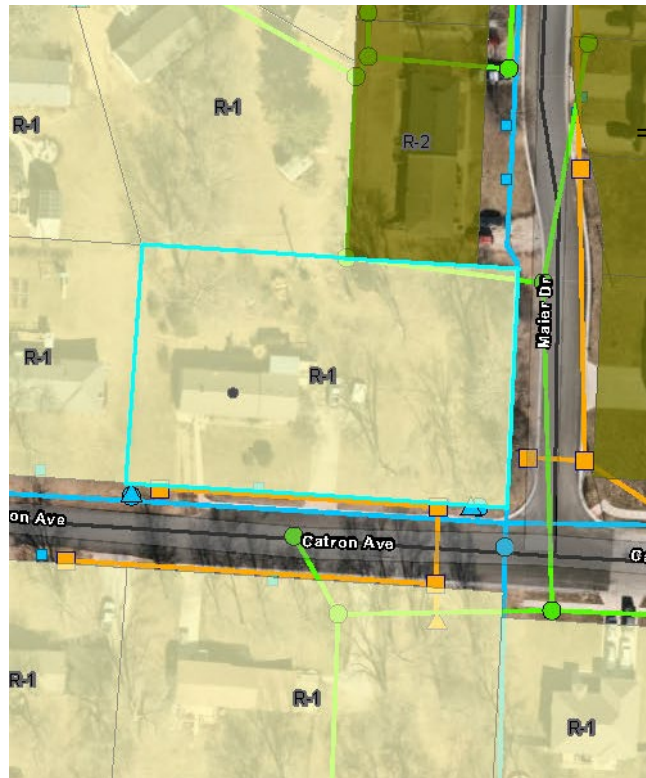
Construct a second driveway in front yard to front door.

LAND AREA:

0.75 Acres

CONTEXTUAL DESCRIPTION:

An application was filed by Jeff Johnson for a variance for the construction of a second driveway in the front yard of the property adjacent to the existing driveway. The proposed driveway is 12-ft x 60-ft. UDC Sec. 26-5 (2) requires second driveways to be located on the adjoining street, opposite the first driveway, to limit the number of curb-cuts. A variance is requested to allow a second driveway to be built off the same street as the existing driveway (Catron Ave.).



STAFF RECOMMENDATION

STAFF RECOMMENDS APPROVAL SUBJECT TO CONDITIONS

BACKGROUND INFORMATION

The applicant and property owner is requesting to construct a second driveway on the same street as their first driveway (Catron Ave.). The proposed driveway would be located on the South side of the property parallel to the existing driveway, leading to the front door. The proposed driveway is 12-ft wide and 60-ft long, which is consistent with UDC code requirements for a one-car driveway.

To accommodate the driveway, the applicant is requesting a variance from the following:

UDC Section 26-2(1) – One driveway opening is permitted to a parcel from any abutting street provided that access is not otherwise controlled or restricted. UDC Section 26-2(2) - A second driveway opening is permitted on corner lots, provided that no off-street parking areas are located in the sight triangle area as described by this Code.

The applicant is requesting a variance to allow a second driveway to be built off the same street as the existing driveway (Catron Ave.).

During Staff review, the proposed structure meets all other UDC requirements as they pertain to residential driveways.

FINDINGS OF FACT

Pursuant to UDC Section 2-118(g)(3), 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:

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 states that the current access to the front door of the property does not allow for handicap access.

Staff agrees that based on the current site conditions of the front walk and driveway, the elevation and stairs do not allow for handicapped access to the front door.

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

The applicant states that adjacent properties will not be impacted by the placement of the driveway due to their double lot and low traffic on Catron Ave.

Staff agrees that based on the proposed location, adjacent properties will not be negatively impacted by the structure.

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

The applicant states that the property owner is handicapped and cannot negotiate the stairs at the garage entrance. The second driveway allows for a stair-less entrance.

Staff agrees that based on the existing conditions of the lot, it would be challenging to add another stair-less entry option.

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.

The applicant states the proposed driveway will have no adverse effect on the public health, safety, welfare, or the line of site triangle for vehicles. Other than being located adjacent to the existing driveway and not leading to a garage, the proposed driveway will be within zoning ordinance regulations.

Staff agrees that the construction of the driveway won't have any negative impacts on health, safety, or welfare of the community.

STAFF RECOMMENDATION

Staff recommends approval of the Variance for a driveway to be placed on Catron Ave at 406 Catron Ave. The recommendation is subject to the following conditions:

1. The Variance for a second driveway to be placed on Catron Ave. at 406 Catron Ave. is hereby approved, as shown on the preliminary site plan provided by Jeff Johnson.
2. The driveway will extend 10' of curb along Catron Ave. after the edge of the driveway.
3. The driveway will tie into the sidewalk in front of the house seamlessly, without a gap.
4. The driveway will not extend past the West front corner of the house.
5. All building codes and zoning requirements shall be met during building permit review.

BOARD OF ZONING ADJUSTMENT ALTERNATIVES

1. Motion to **approve** the Variance as requested, with or without any conditions, if the required "findings of fact" are determined.
2. Motion to **approve** a lesser Variance than requested, with or without any conditions, if the required "findings of fact" are determined.
3. Motion to **deny** the Variance as requested, if the required "findings of fact" cannot be determined.
4. Motion to **continue** the Variance application and request additional information.

ATTACHMENTS

1. Project Narrative – 1 page
2. Preliminary Site Plan – 1 page

1. Uniqueness: Would be a significant aid in assisting handicapped individual.
2. Adjacent property: The driveway will not affect neighboring homes in any way due to low traffic count on Catron Avenue.
3. Hardship: Property owner is handicapped and cannot negotiate the stairs at the garage entrance, thus finding need for second driveway addition with better accessibility.
4. Public Interest: The second driveway will in no way affect public health, safety, or welfare.
5. Spirit and Intent of the Zoning Ordinance Regulation: The driveway will join several other second driveways on Catron Avenue.





MEETING PROCEDURES

Public Hearing Agenda Items

The following procedures apply to public hearing agenda items:

1. Chair will read the case number from the agenda item and open the public hearing.
2. Staff will present the staff report and supporting information provided for the record. The Board/Commission may ask questions.
3. Applicant will present their request and respond to any questions from the Board/Commission. Applicant must provide their name and address for their record.
4. Chair will call for any attendees who wish to speak in favor of the request. Each speaker must provide their name and address for the record. Each speaker may speak for up to 5 minutes and are encouraged to not repeat testimony already provided.
5. Chair will call for any attendees who wish to speak in opposition to the request, or who may have questions about the request. Each speaker must provide their name and address for the record. Each speaker may speak for up to 5 minutes and are encouraged to not repeat testimony already provided.
6. After all attendees have been given the opportunity to speak, the Chair may close the public hearing. No additional testimony may be provided by public attendees.
7. After the public hearing has been closed, the Board/Commission may ask clarifying or additional questions to staff or the applicant and have further discussion on the request.
8. The Board/Commission may make motions and vote on the request. Acceptable motions may include continuing or tabling the request to a future meeting date (which may be a certain date – e.g. the next meeting – or a date uncertain – if date is uncertain, a new public hearing notice will be published when the date is determined).

Non-Public Hearing Agenda Items

The following procedures apply to non-public hearing agenda items:

1. Chair will read the case number from the agenda item.
2. Staff will present the staff report and supporting information provided for the record. The Board/Commission may ask questions.
3. Applicant will present their request and respond to any questions from the Board/Commission. Applicant must provide their name and address for their record.
4. the Board/Commission may ask clarifying or additional questions to staff or the applicant and have further discussion on the request.
5. The Board/Commission may make motions and vote on the request. Acceptable motions may include continuing or tabling the request to a future meeting date.