



**AGENDA
CITY OF BELTON
BOARD OF ZONING ADJUSTMENT MEETING
WEDNESDAY, JUNE 21, 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 NOVEMBER 16, 2022, BOARD OF ZONING ADJUSTMENT MEETING**
- IV. PUBLIC HEARING**
 - A. 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.**
- V. OTHER BUSINESS**
- VI. ADJOURNMENT**

**Minutes of Meeting
Belton Board of Zoning Adjustment
Belton City Hall Annex, 520 Main Street
November 16, 2022**

CALL TO ORDER

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

ATTENDANCE

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

Absent: N/A

Staff: Matt Wright, Planning and Building Director; and Madison Rust, Development Technician

Guests: N/A

MINUTES

Mr. Parks moved to approve the minutes of the October 4, 2021, Board of Zoning Adjustment meeting. Mr. Trued seconded the motion. All members present voted in favor, and the motion carried.

PUBLIC HEARING

To consider a request for a variation to reduce the front and side setbacks to allow the installation of a monument sign at the northeast corner of the property at 124 Cunningham Pkwy, known as Legacy Office Suites. ***(This public hearing has been postponed. The public hearing will be re-noticed if/when a new date is determined.)***

Mr. Wright explained to the board the reasoning for postponing the public hearing. During the review process, after the public hearing was formally noticed, staff discovered that the proposed sign was shown in a utility/drainage easement, a sign (or any other structure) is not able to be placed in a drainage easement, so a variance would not be able to be granted for such. Staff is working with the applicant to find another solution to hopefully be able to install the sign outside of the easement. A variance could potentially be required still based on the unique layout of the site. Staff does anticipate that the application will be withdrawn, and if the applicant does decide to proceed with a new plan, a new application will be brought forward at that time.

OTHER BUSINESS

Discussion about developing a meeting schedule for the Board of Zoning Adjustment.

Mr. Wright explained that staff thought it would be easier for the board members if a monthly scheduled was established in order to better plan public hearings. It would also assist staff in better communicating the process to applicants. There could be a standard date scheduled once a month, but staff would communicate in advance if that meeting would be cancelled or not. More than likely, there would not be monthly meetings, but it would be helpful to all involved to have a set schedule to follow. Staff and board members agreed that Wednesdays are favorable for meeting dates. Ms. Hubbard expressed she would prefer the 3rd Wednesday of each month. The board also agreed that 5:00 P.M. is a preferrable start time. Additionally, Mr. Wright expressed there are currently

three vacancies for alternates that are currently open. Staff is working on hopefully filling those alternate positions, that way in the event of a member being unable to attend, an alternate could step in for them.

ADJOURNMENT

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



PROJECT: 8011 E 155TH ST ADU VARIANCE

SITE LOCATION:	PROJECT REQUEST:
8011 E 155 th St	Variance - ADU

APPLICATION:
Property Owner – Curt & Tammy Admire
Applicant – Curt Admire
General Contractor – Brooks May / City Wide Maintenance

PROJECT SUMMARY

CURRENT ZONING/USE:	PROPOSED USE:
A Agriculture, Residential	Accessory Dwelling Unit

PROPOSED DEVELOPMENT:	LAND AREA:
Construct an ADU in the front yard of the property	8.24 Acres

CONTEXTUAL DESCRIPTION:
 An application was filed by Curt Admire for a variance for the construction of a 988 sqft accessory dwelling unit in the front yard of the property. UDC Sec. 4-1 (b) (1) requires all accessory structures to be located outside of an established front yard. A variance is requested to allow the accessory structure to be built in an established front yard.

STAFF RECOMMENDATION

STAFF RECOMMENDS APPROVAL SUBJECT TO CONDITIONS



BACKGROUND INFORMATION

The applicant and property owner is requesting to construct an Accessory Dwelling Unit (ADU) in the established front yard of the property. The proposed ADU would be located North of the principal structure, approximately 20-ft North of the tree line and 60-ft East of the rear property line, as shown in the image. The proposed ADU is 980-sqft, 2 bedrooms, and utilizes existing utilities. The ADU would be placed on a slab foundation and built to City Standards following the 2018 building code and other applicable setback requirements.

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

UDC Section 4-1(b)(1) – No accessory structures or uses shall be located within a required or established front yard, nor closer than five feet from any side or rear lot line, unless otherwise provided by these regulations. The applicant is requesting a variance to allow an accessory structure in the front yard.

During Staff review, the proposed structure meets all other UDC requirements as they pertain to accessory structures and accessory dwelling units.

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 due to his flag-shaped lot, any proposed location would not meet the UDC standards of having the ADU outside of the front yard.

Staff agrees that based on the current available space on the lot and the orientation of the primary structure, this is the most reasonable location on the property to construct an ADU that is adjacent to the property's driveway to provide access.

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

The applicant states that adjacent property will not be impacted by the placement of the ADU due to it exceeding setback requirements on all four sides. The proposed ADU will also match the existing structure on the lot.

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 layout of the property line does not accommodate an ADU to be placed within the required yard.

Staff agrees that based on the existing conditions of the lot, it would be almost impossible to locate the ADU outside of the front yard and meet all setback requirements.

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 ADU will have no adverse effect on the public health, safety, welfare, or the line of site triangle for vehicles. Other than being located in the front yard, the proposed ADU will be within zoning ordinance regulations.

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

STAFF RECOMMENDATION

Staff recommends approval of the Variance for an ADU to be placed in the front yard at 8011 E 155th St. The recommendation is subject to the following conditions:

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.

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

The reason we are asking for the variance is our house in the far SW corner of the 8.24 acres facing out. There is no room to place an ADU in our "back yard."

Where we are proposing to place the ADU is still several hundred feet from our neighbor to the north maintaining their privacy. No other neighbor would be affected in any way by the ADU.

Without approval of the variance, we will not be able to add any structure to the 8.24 acres given its unique shape and virtually no "back yard."

The ADU will mirror the main house in siding, color and roof and will utilize the same utilities. The current driveway will be utilized to get to the ADU so landscape will not be affected (we will add a small drive off the current one at the house going south to north). I see little to no increase in traffic and expect nothing more than a "mother in law" ADU. We did vacate the shared driveway last year and made our driveway a private drive so no neighbors will be affected by anyone.

Finally, the ADU will be a 988 sq ft home for guest/friends/family to stay as they visit. It's condition will mirror the main house and upkeep the same. We are proposing a location as close to our "back yard" as possible and the greatest distance from all neighbors.

Thank you for this consideration.

Curt Admire
cadmire@gocitywide.com



Imagery ©2023 Google, Imagery ©2023 Maxar Technologies, U.S. Geological Survey, Map data ©2023 100 ft

← 8011 E 155th St
All Street View & 360°

- Approximately 60' East of back property line will be back edge of house.
- South edge of home will be approximately 20' North of tree line

representative(s) may administer the estate independently without adjudication, order, or direction of the Probate Division of the Circuit Court unless a petition for supervised administration is made to and granted by the court.

The independent personal representative's attorney's name, business address and phone number is:

ANNE POND
HENDRICKSON
10401 HOLMES RD,
STE 210
KANSAS CITY, MO 64131
816-601-1234

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033 RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: **MARCH 20, 2023**

Date of First Publication: **MAY 31, 2023**

Kim York, Clerk
Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The

Kim York, Circuit Clerk
PUBLISHED ON MAY 31, JUNE 7
and JUNE 14, 2023

**IN THE CIRCUIT COURT
OF CASS COUNTY,
MISSOURI,
PROBATE DIVISION**

Case Number:
23CA-PR00119

In the Estate of:
MARY G. MORLEY,
Deceased

**NOTICE OF HEARING
DETERMINATION OF
HEIRSHIP**

To all persons, known or unknown, who claim any interest in the property of MARY G. MORLEY, who died on April 6, 2022, and had resided at 903 Ridge Drive, Belton, MO 64012.

You are hereby notified that a Petition has been filed in the Probate Division of the Circuit Court of Cass County, Missouri, by GINA STEVENS for the determination of heirship, and of respective interests such as heirs in and with respect to all of the property owned by said decedent at time of death, including the following:

Real Property located at 903 Ridge Drive, Belton, MO 64012, and legally described as follows:

Lot Eighteen (18), Block Two (2), in BRENTWOOD MANOR, a subdivision of land in the City of Belton, Cass County, Missouri, according to the recorded plat thereof, filed in Plat Book 3, Page 3.

Total value:
\$150,000.00

and

Plat 11, Lot 25, SUGAR VALLEY LAKES, a subdivision of Linn County, Kansas, according to the recorded plat thereof.

Total value:
\$0.00

Petitioner's attorney is

First date of publication: May 31, 2023.

Kim York, Circuit Clerk
PUBLISHED ON MAY 31,
JUNE 7, JUNE 14, JUNE 21
and JUNE 28, 2023

**BELTON BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE**

The Belton Board of Zoning Adjustment will hold a public hearing on Wednesday, June 21, 2023, at 5:00 P.M., at the Belton City Hall Annex located at 520 Main Street, to receive testimony concerning the following case:

A. An application submitted by Curt & Tammy Admire to consider 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 Street, and legally described as follows:

A tract of land in the Northeast Quarter of Section 06, Township 46 North, Range 32 West of the Fifth Principal Meridian, in the City of Belton, Cass County, Missouri, more particularly described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence South 87 degrees 13' 42" East, along the North line of said Northeast Quarter, a distance of 1796.21 feet; thence South 03 degrees 37' 58" West, a distance of 50.01 feet to a point on the South right-of-way line of 155th Street, also known as County Line Road, said point being the True Point of Beginning; thence South 87 degrees 13' 42" East, along said South right-of-way line, a distance of 60.00 feet; thence South 03 degrees 37' 58" West, a distance of 792.08 feet; thence North 87 degrees 13' 42" West, a distance of 58.45 feet; thence South 07 degrees 56' 54" West, a distance of 425.50 feet; thence North 86 degrees 39' 16" West, a distance of 429.42 feet; thence North 03 degrees 37' 58" East, a distance of 469.51 feet; thence South 87 degrees 13' 42" East, a distance of 185.02 feet; thence North 03 degrees 37' 58" East, a distance of 320.22 feet; thence South 88 degrees 26' 44" East, a distance of 85.54 feet; thence on a curve to the left, tangent to the last described course, with a radius of 113.50 feet, an arc length of 114.48 feet to a point of tangency; thence North 33 degrees 45' 47" East, a distance of 80.87 feet; thence South 86 degrees 22' 02" East, a distance of 54.75 feet; thence North 03 degrees 37' 58" East, a distance of 296.50 feet to the point of beginning. Containing 358,779 square feet or 8.24 acres, more or less.

Additional information on the above request can be requested at the City Hall Annex, 520 Main St., Belton, MO, by phone at 816-892-1266, or by email at projects@belton.org.

All interested parties are encouraged to attend.
PUBLISHED ON MAY 31, 2023

the object and nature of which is a Dissolution of Marriage.

You are further notified that, unless you file an Answer or

A. An application submitted by Porlier Outdoor Advertising Company to request to approve a Special Use Permit for the installation of an electronic message center sign on an existing billboard located in an easement in a vacant lot adjacent to the Hampton Hotel at the Southwest corner of Cornerstone Dr. and Stoneridge Dr. and I-49 (Parcel ID: #05011200000002016). The subject property is more specifically described as follows:

A tract of land being part of Lot-2 of Cornerstone Pointe first plat as recorded in plat book 20 page 32 of the Cass County, Missouri records and being part of section 12 township 46 north, range 33 west, Cass County, Missouri and being more particularly described as follows:

Commencing at the most Southern corner of Lot-2 of Cornerstone Pointe first plat as recorded in plat book 20 page 32 of the Cass County, Missouri records, thence along the Western line of said Lot-2, also being the Eastern right-of-way of U.S highway 71 North 48° 14'16" West, 196.51' feet to the point of beginning of the tract of land herein described; thence continuing along said right-of-way North 48°14'16" West, 27.43 feet; thence North 34°06'14" West, 10.95 feet; thence leaving said right-of-way and running through said Lot-2 the following: North 41°45'44" East, 58.25 feet; thence South 48°14'16" East, 38.05 feet; thence South 41°45'44" West, 60.93 feet to the point of beginning and containing: 2,303 square feet or 0.05 acres, more or less.

B. An application submitted by Melonie Gonzalez (Matriarch Body Piercings) to request to approve a Special Use Permit for the expansion of Belton's Ink Spot Tattoos & Piercings into an adjacent building at 829 E. North Ave. to allow Matriarch Body Piercings to operate. The subject property is more specifically described as follows:

Block 2, Apple Valley Replat of Resurvey Blocks 2 & 3, a subdivision in Belton, Cass County, Missouri.

C. A request by Planning & Building staff to approve UDC (Unified Development Code) Text Amendments, adopted as Ordinance No. 2011-3772, and as subsequently amended, to modify or create new regulations for public hearing notices and alternative development standards for plats.

Additional information on the above requests can be requested at the City Hall Annex, 520 Main St., Belton, MO, by phone at 816-892-1266, or by email at projects@belton.org.

All interested parties are encouraged to attend.
PUBLISHED ON MAY 31, 2023

SHERIFF'S NOTICE OF SALE OF REAL ESTATE

By virtue and authority of a general execution, Case Number 18CA-AC00790, issued from the office of the Clerk of the Circuit Court of Cass County, in Harrisonville, Missouri, pursuant to a judgment entered on July 2, 2018, in favor of Plaintiff/Judgment Creditor, Eagle Glen Homeowners Association, Inc., and against said Defendant/Judgment Debtor, Cynthia Boxdell, and I have levied upon and seized all the right, title, interest and estate of said Defendant, Cynthia Boxdell, in and to the following described real property, situated in the County of Cass, State of Missouri, to-wit:

Lot 310, EAGLE GLEN SUBDIVISION - 5th PLAT, a subdivision in Raymore, Cass County, Missouri, according to the recorded plat thereof, filed in Plat Book 3804, Page 265. Commonly known as 1208 Belinder Drive, Raymore, Missouri 64083.

And I will on the 7th day of June, 2023, between the hours of 9:00 in the forenoon and 5:00 in the afternoon of that day, at the North front door of the Cass County Justice Center, 2501 West Mechanic Street; Harrisonville, Cass County, Missouri, sell at public venue, for ready money, to the highest bidder, subject to all prior liens and judgments, if any, the above described real property, to satisfy said execution and costs. Payment will be cash or guaranteed funds the same day of the sale unless the buyer is the plaintiff, which may credit bid up to its total judgment.

Sale to commence at 2:00 P.M.
Jeff Weber, Sheriff of Cass County, Missouri
By: Deputy Kevin Buerge

PUBLISHED ON MAY 10, MAY 17,
MAY 24 and MAY 31, 2023

**NCH SUBSCRIPTIONS
NOW AVAILABLE!**

The North Cass Herald

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\$30 PER YEAR IN CASS COUNTY (includes tax)
\$35 per year Missouri outside Cass County • \$39 per year outside Missouri