



STAFF REPORT

TO: Board of Zoning Adjustment (BZA)

DATE: September 18, 2014

RE: Case No. **14-101BZA**, a request for variances to **Section 151-4.11(C)** pertaining to the minimum front and side setback, in a Neighborhood Commercial (C-1) District, where such placement is in non-compliance of the 2011 Land Development Code (LDC) requirements.

Applicants: Charles K. and Jody L. Light

Application: 08/22/2014

Owners: Charles K. and Jody L. Light

Site Location: 18422 Collins Road

S5 | T53 | R32

Site Size: .3± acres

Existing Land Use and Zoning: Neighborhood Commercial (C-1) District

Zoning/Platting History: Town of Gosneyville, recorded January 17, 1948

Surrounding Land Use and Zoning:

North – Residentially Rural (R-) and Agriculturally (AG) zoned land

East – Holdsworth Commercial Addition (C-2), W Highway

South – Paradise/Gosneyville (R-1), Paradise Storage (C-3), Smithville Lake Reservoir

West – Paradise/Gosneyville (R-1), Smithville Lake Reservoir

EXISTING CONDITIONS



Basemap made available by Clay County Assessor GIS Mapping

REVIEW

Charles and Jody Light purchased the subject properties and are proposing to rezone and plat Lots 1-4, Lot 7 and part of Lot 8 of the Town of Gosneyville approximately 0.917± acres located at 18422 Collins Road. The Lights are requesting front and side setback variances for the .3± acre portion that was built on in 1889. The Town of Gosneyville was originally platted on January 17, 1948, an unincorporated place which is now known as Paradise.

The Land Development Code (LDC) notes in the Section 151 4.11 C-1 (C) the minimum front setback is 35 feet and the minimum side setback is 25 feet.

The applicant is requesting the following variances to *Section 151 4.11 C-1 (C)* for the minimum front setback of 35', the side setback of 25' in a Neighborhood Commercial (C-1) District):

- a 33.47-foot front setback variance
- a 23.79 foot side setback variance

In review of a non-use variance request, the following approval conditions must be met [*Section 151-3.11D (2)*]:

- A.** *“The requested variance arises from **conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner’s intentional action;**”*

Staff Response: **Exhibits A** has been presented by the petitioner, and **Exhibit B** was added by Staff.

- B.** *“The granting of the permit for the Variance will **not be contrary to the public interest and will not adversely affect the rights of adjacent property owners or residents;**”*

Staff Response: Public Notice was published for this case in the Kearney Courier on September 4, 2014, and certified letters were sent on September 15, 2014 to the adjacent property owners at the addresses furnished by the applicant. At this time, there have been no objections to the request.

- C.** *“The strict application of the provisions of which a Variance is requested will constitute an **unnecessary hardship upon the property owner represented in the application;**”*

Staff Response: This will be presented by the petitioner at the meeting on September 23rd, 2014.

- D.** *“**and, The Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan.**”*

Staff Response: The subject property falls within the Natural Resources Tier of the 2008 Clay County Comprehensive Plan. This request for variances will have no negative implications on the 2008 Comprehensive Plan. In addition, no opposition to this variance has been received to date.

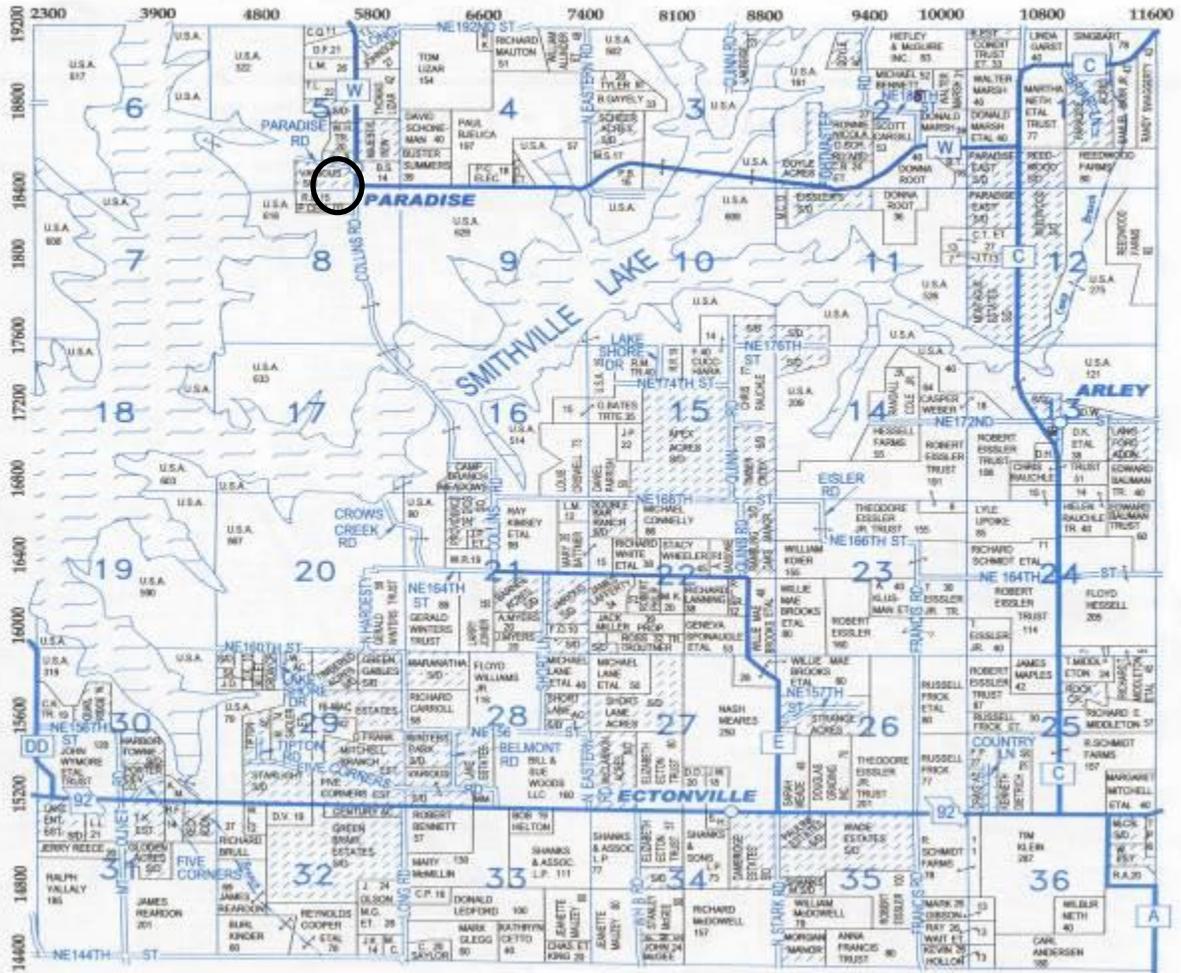
RECOMMENDATION

If the Board of Zoning Adjustment finds that the non-use variance approval criteria under Section 151-4.11 (C) have been met, then the following variances are to authorize the request:

1. A 23.79 foot side setback variance from *Section 151-4.11(C)* to allow an 1889 structure to remain as established on the property.
2. A 33.47 foot front setback variance from *Section 151-4.11(C)* to allow an 1889 structure to remain as established on the property.

14-101BZA – Light Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 32W



ADDRESS: 18422 Collins Rd, Smithville, MO 64089

FROM Courthouse in Liberty go East to **Lightburne Street** turn North (2.7 miles)

Merge onto **I-35 North** to Kearney Exit 9 (6 miles), turn West on **92 Highway**

West on **92 Highway** (3.9 Miles) to **County Road C** turn North (4.4 miles)

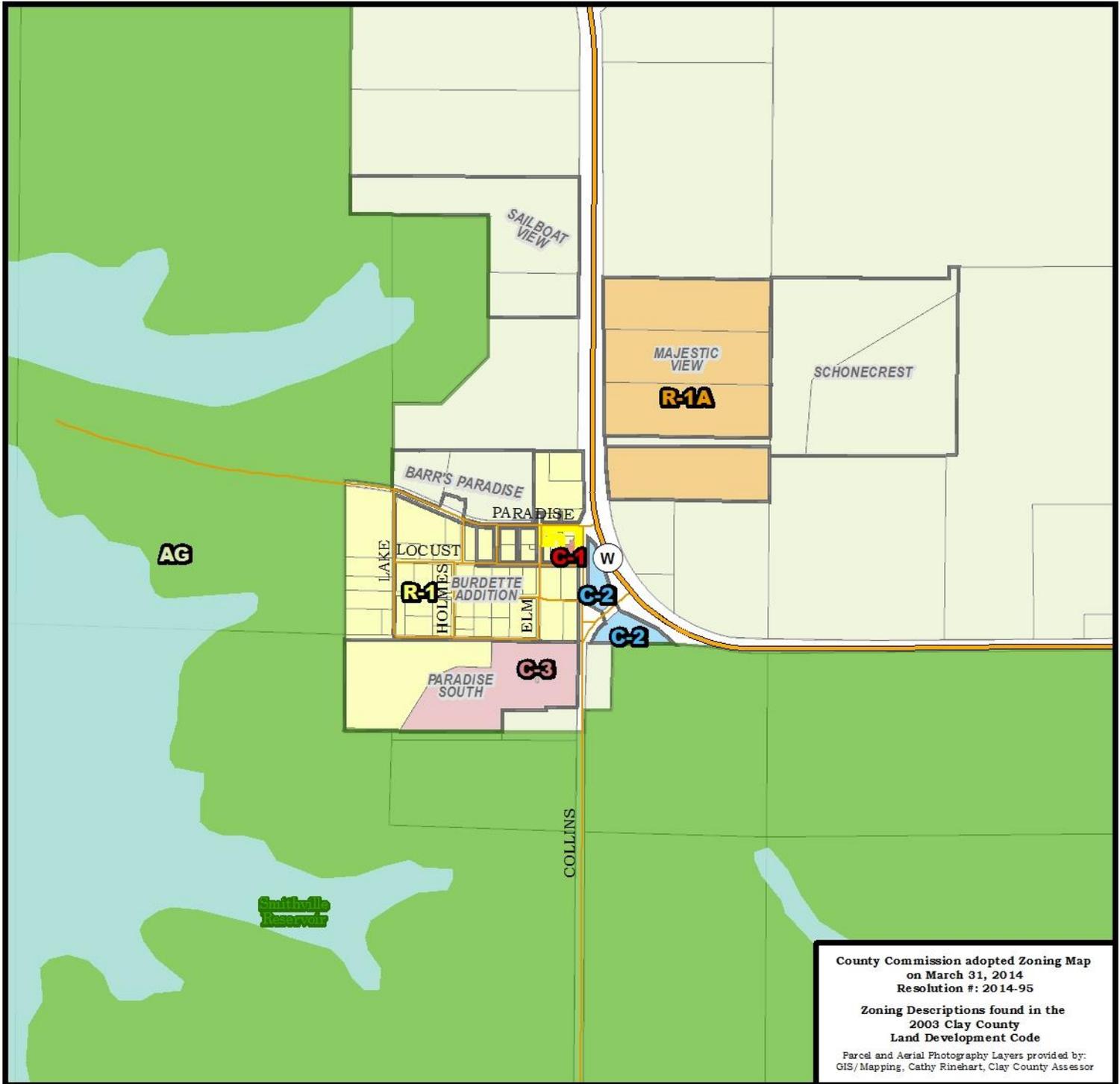
Turn West on **County Road W** (3.6 miles)

Turn West onto **Paradise Road** (.02 miles)

Take first left (South) onto **Collins Road** (.04 miles)

14-101BZA - Light

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
 on March 31, 2014
 Resolution #: 2014-95

Zoning Descriptions found in the
 2003 Clay County
 Land Development Code

Parcel and Aerial Photography Layers provided by:
 GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 1,000 feet
 1 inch = 0.19 miles

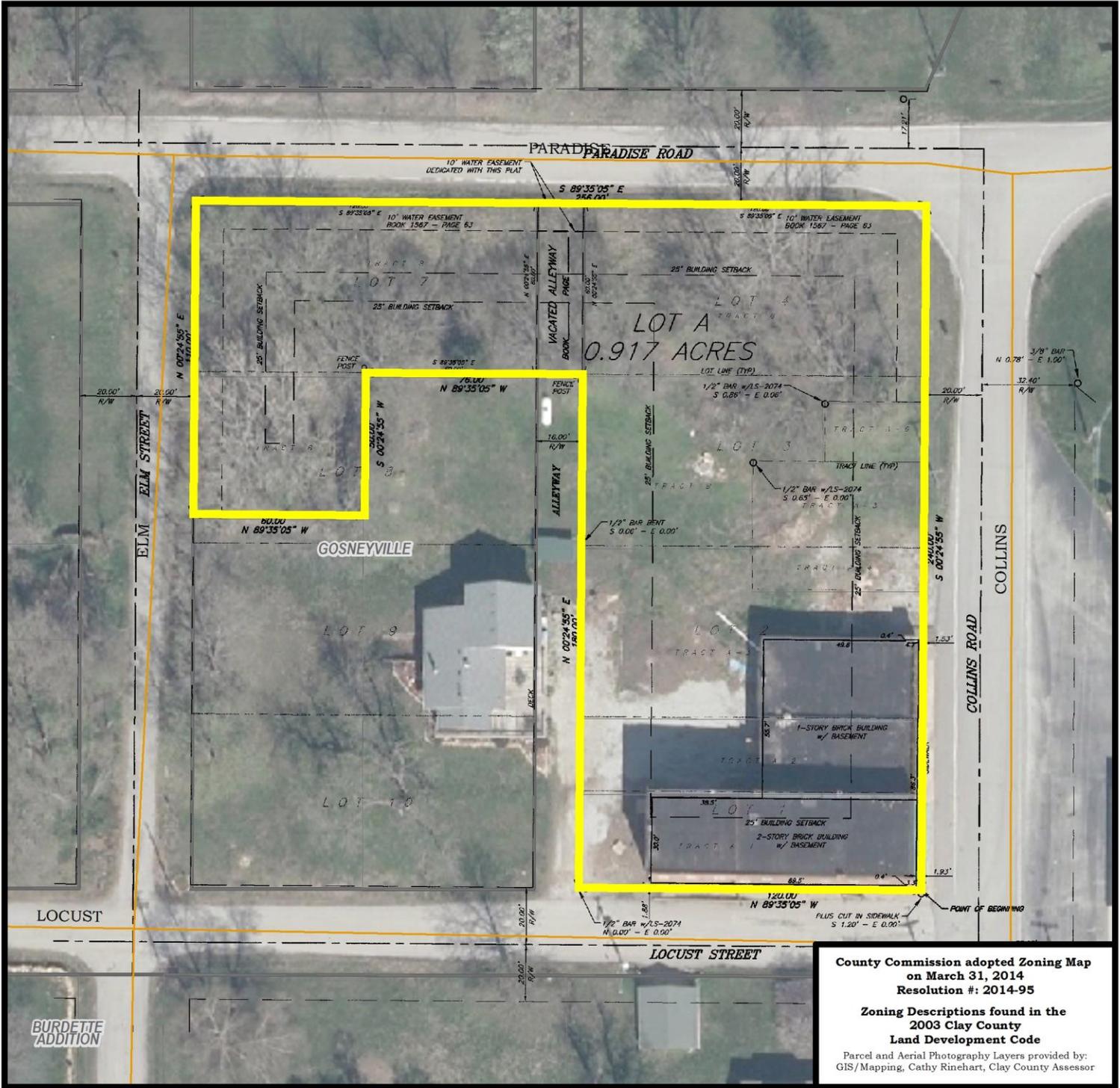
LEGEND

- Property Line
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Streams (EPA)
- Railroads
- Subdivisions
- 2014 City Limits
- Parks
- County Boundaries

- Overlay Districts**
- CD (Conservation District)
 - POD (Preservation Overlay District)
 - PUD (Planned Unit Development)

- Zoning Districts**
- C-1
 - C-2
 - C-3
 - R-1
 - R-1A/R-5
 - R-1B/RU
 - R-3
 - AG
 - OP

14-101BZA - Light Attachment C - Site Plan Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor



Planning & Zoning Department



1 inch = 50 feet
1 inch = 0.01 miles

LEGEND

- Property Line
- Streams (EPA)
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14-101BZA – Light

Exhibit A – Property Owner Letter

Variance Request

Charles K and Jody L Light

18422 Collins Road

Smithville, Mo 64089

A variance is requested due to the building on the stated above property does not meet the zoning condition set back. The building was built in 1889. The variance will not adversely affect the adjacent property owners or residents because no modifications to the building location will be performed.

14-101BZA – Light

Exhibit B – Clay County Assessor Picture (2011)

