



## STAFF REPORT

**TO:** Board of Zoning Adjustment (BZA)

**DATE:** April 21, 2015

**RE:** Case No. **15-103BZA**, a request for variance to **Section 151-4.5(C)** is pertaining to the minimum rear side setback in a Residential Rural (R-1) District. Such placement will be in non-compliance of the 2011 Land Development Code (LDC) requirements.

Applicant/Owner: Carol Bates

Application: 03/27/2015

Site Location: 17703 Georgetown Rd

S7 | T53 | R30

Site Size: 2.21 acres

Existing Land Use and Zoning: Residential Rural (R-1) District

Zoning/Platting History: Georgetown Acres, Replat of Lot 1, recorded March 28, 1994

Surrounding Land Use and Zoning:

- North* – Georgetown Acres (R-1), AG zoned land
- East* – Dagley Acres (AG), AG zoned land
- South* – R-1 and AG zoned Subdivisions
- West* – R-1 and AG zoned Subdivisions, AG zoned land

### PHYSICAL CONDITIONS



Basemap made available by Clay County Assessor GIS Mapping

## **REVIEW**

Carol Bates owns Lot 1B of the Replat of Lot 1 Georgetown Acres subdivision, 2.21 acres located at 17703 Georgetown Road. The property is zoned Residential Rural (R-1) District (see *Attachment B*). Ms. Bates is requesting a variance so that she may construct an addition of a second bathroom (see *Exhibits A thru E*). The existing home was built in the 1950s and placed in its present location. Ms. Bates then bought the property in the year 1998.

The Residential Rural (R-1) zoning district minimum rear setback is 50 feet. The petitioner is requesting a variance to *Section 151-4.5 (C)* pertaining to the minimum rear side setback for the principal dwelling unit which is the following:

- 25-foot rear 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: The attached **letter** and **Exhibits A thru D** have been presented by the petitioner.

- 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 April 9, 2015, and certified letters were sent on April 10, 2015 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: The attached **letter** and **Exhibits A thru D** have been presented by the petitioner.

- 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 Rural Low Density 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**

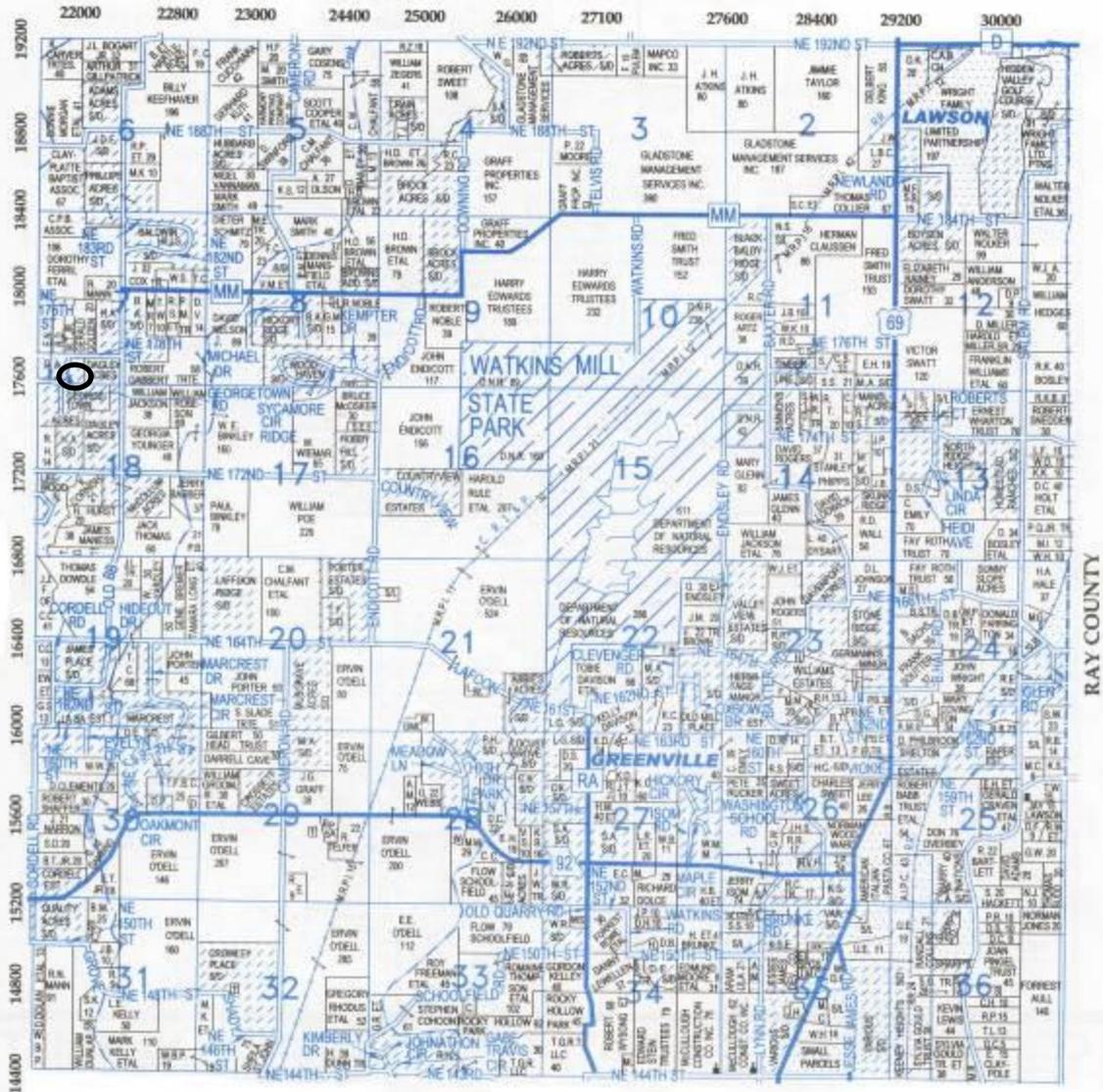
**If the Board of Zoning Adjustment finds that the non-use variance approval criteria under Section 151-4.5 (C) have been met, then the following variances are to authorize the request:**

1. A 25-foot rear side setback variance from *Section 151-4.5(C)* to allow an existing principal dwelling unit to remain within the rear setback line and the proposed addition.

# 15-103BZA – Bates

## Attachment A – Vicinity Map

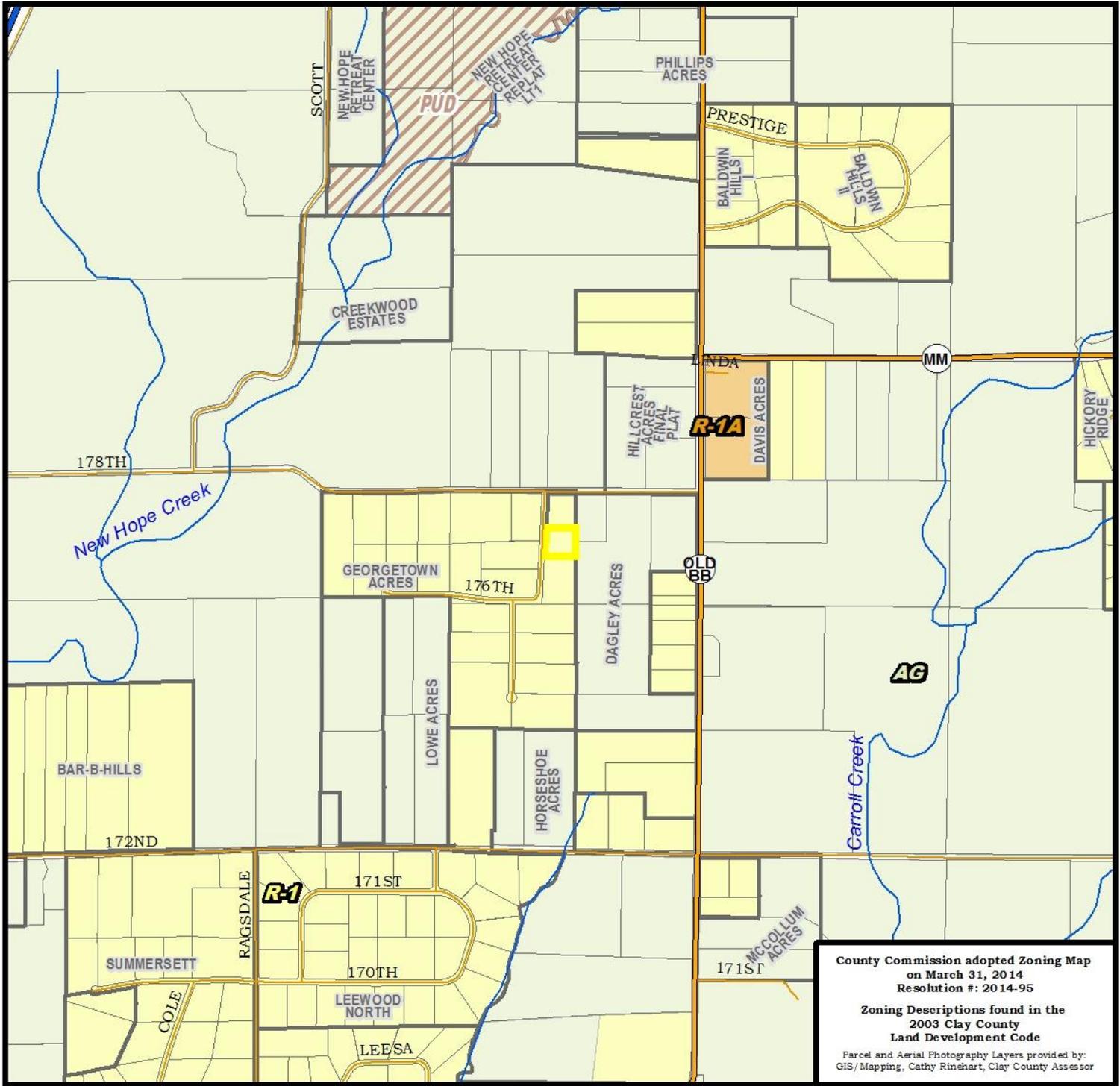
### TOWNSHIP 53N • RANGE 30W



ADDRESS: 17703 Georgetown Road, Holt, MO  
 FROM Clay County Courthouse go **east** on **E Kansas St** turn **Left** on **N Lightburne St/MO 33**  
 Merge onto **I-35N** 6 miles  
 Take **MO-92** exit Exit 26 toward Excelsior Springs 1.9 miles  
 Turn **Left** on **Jesse James Farm Rd**  
 Turn **Right** to stay on **Jesse James Farm Rd**  
 Turn **Left** onto **Old BB Highway** 1.7 miles  
 Turn **Left** onto **178<sup>th</sup> Street** .3 miles  
 Take the **1<sup>st</sup> Left** onto **Georgetown Road**  
**Destination** will be on the **Left**

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## 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 Rinshart, Clay County Assessor

Planning & Zoning Department



1 inch = 1,500 feet  
 1 inch = 0.28 miles

### LEGEND

- |               |                |                   |                                     |                  |
|---------------|----------------|-------------------|-------------------------------------|------------------|
| Property Line | Roads          | Subdivisions      | Overlay Districts                   | Zoning Districts |
| Streams (EPA) | Interstates    | City Limits       | CD (Conservation District)          | C-1              |
| Railroads     | State Highways | Parks             | POD (Preservation Overlay District) | C-2              |
|               | Local Roads    | County Boundaries | PUD (Planned Unit Development)      | C-3              |
|               | Highway Ramps  |                   |                                     | I-1              |
|               |                |                   |                                     | I-2              |
|               |                |                   |                                     | OP               |

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## 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

GEORGETOWN  
ACRES



**Planning & Zoning Department**



1 inch = 50 feet  
1 inch = 0.01 miles

### LEGEND

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

# 15-103BZA – Bates

## Exhibit A – Petitioner Letter

April 9, 2015

Board of Zoning Adjustment  
Clay County Missouri  
Planning and Zoning  
234 W. Shrader, Suite C  
Liberty, MO 64048

Re: Request for Variance Application

Dear Board of Zoning Adjustment Members:

It is my desire to construct a second bathroom on my property known as Lot 1 of Georgetown Heights located at 17703 Georgetown Rd., Holt, Mo. (Currently one bathroom with three bedrooms).

I am asking the Board of Zoning Adjustment to grant me a non-use variance from the Clay County Land Development Code for my home building offset requirements which are: So the structure may be located:

1. 25 feet from the rear (east) adjacent property line.

### Non-Use Variances, Item a.

The house was constructed in the early 1950's and the existing structure (a bedroom) which I wish to expand, was in place when I purchased the house and property in 1998. The size, zoning classification, location and configuration of the property presents limitations on where I can add an additional bathroom. (See attached diagram).

1. The septic system and lateral fields run off the West side of the house along with multiple large 100 year old trees with deep root systems.
2. Electricity and Water run off of the South side of the house along with a driveway and garage that go under the house.
3. The North side of my house is the living and dining room area with 5 large windows and 100 year old trees.. The propane tank is located on the North side with the gas line running from it into the house.
4. No additional land is available for purchase so that the bathroom could be built without the requested variance.

### Non-Use Variances, item b.

I have spoken to some of the adjacent property owners and no one has voiced any opposition or concerns with me adding the bathroom to the existing structure. The proposed structure will be professionally built and aesthetically pleasing.

### Non-Use Variances, item c.

The strict applications of the Clay County Land Development Code requirements for the acceptable location of the bathroom would cause a hardship for me, the owner, if I had to destroy 100 year old trees to construct the bathroom elsewhere.

### Non-Use Variances, item d.

It is my opinion that the desired variance will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the intent of the comprehensive Plan. The proposed location of the bathroom does not get any closer to the east property line.

Thank you for your consideration of the proposed variance request.

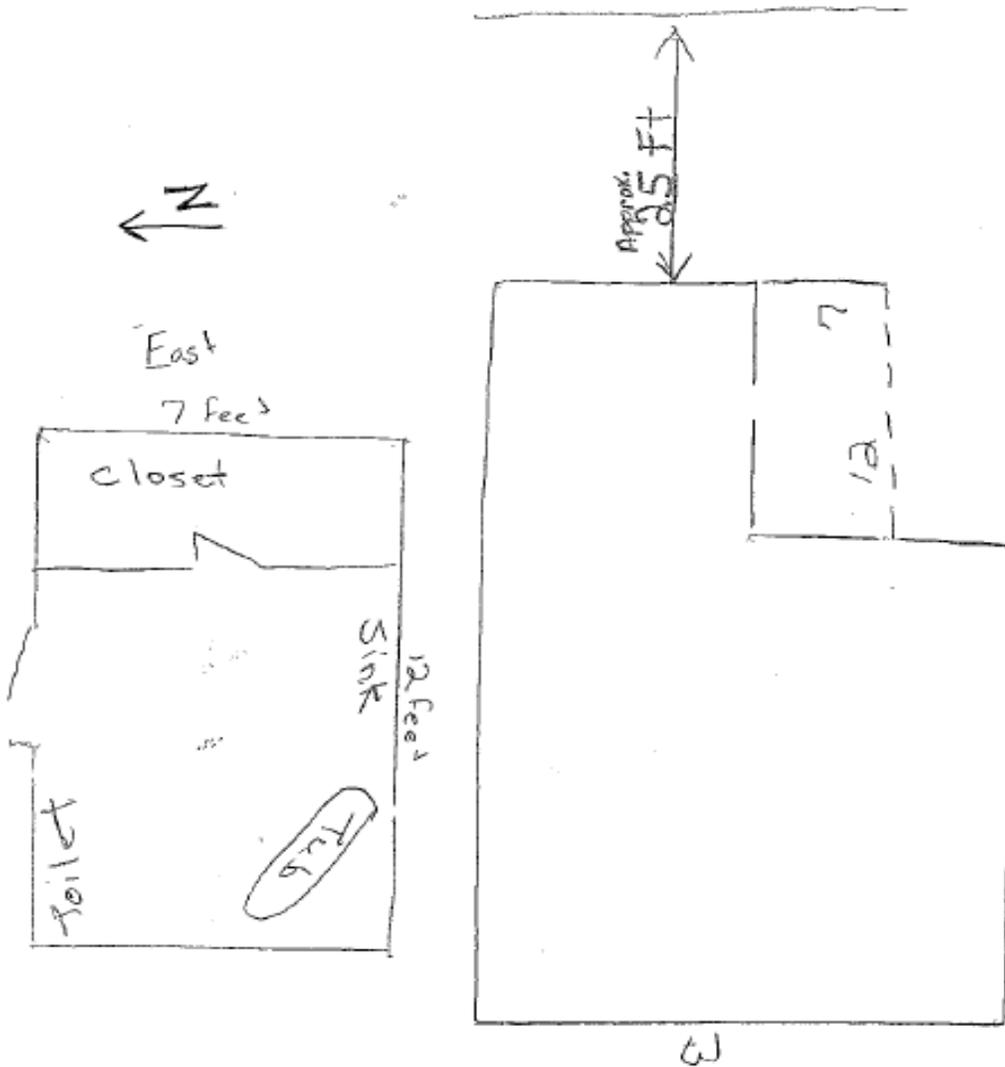
Respectfully yours,



Carol J. Bates  
17703 Georgetown Rd.  
Holt, MO 64048

# 15-103BZA - Bates

## Exhibit B - Petitioner Sketch



17703 Georgetown Rd

Standard 3' footing w/ rebar

2 #4's

materials  
concrete  
lumber  
insulation  
tile

Inspection before pour

If other provide details

Duct work

roofing material

wood shingles

Min 12" wide footing

Langston Const. - 550-3571 - Billy

# 15-103BZA – Bates

## Exhibit C – Petitioner Site Plan Diagram



County Commission adopted Zoning Map on June 25, 2012  
 Resolution #: 2012-233

Zoning Descriptions found in the 2011 Clay County Land Development Code

Parcels and MARC aerial photography provided by: GIS/Mapping, Cathy Riechart, Clay County Assessor

Printed Date: 9/27/2015 Time: 8:57:41 AM



1 inch = 50 feet  
 1 inch = 0.00047 miles



Planning & Zoning Department

### LEGEND

#### Building Permits

- MAIN\_TYPE**
- Accessory Structure
  - Accessory Structure - No BP
  - Addition
  - Commercial Building
  - Deck
  - Demolition
  - Fence

#### Roads

- Interstates
- Highways
- Local Roads
- Highway Ramps
- Rivers
- Parks

**X Septic**  
**X Propane**  
**X Water**  
**X Electricity**  
**X Large trees**

# 15-103BZA – Bates

Exhibit D – Petitioner Pictures (p. 01 of 03)



South side of House

**15-103BZA – Bates**

Exhibit D – Petitioner Pictures (p. 02 of 03)



West side of house

# 15-103BZA – Bates

Exhibit D – Petitioner Pictures (p. 03 of 03)



East side of house (proposed addition site)