

REVIEW

Russell Taylor owns Lot 1 of Country Air subdivision, approximately 5.66± acres located at 18402 33 Highway. The property is zoned Agricultural (AG) District (see *Attachment B*). Mr. Taylor is requesting two variances so that he may construct an addition of living and storage space onto the original farm house (see *Exhibits A thru E*). The existing farmhouse was built in the 1960s and placed in its present location.

The Agricultural (AG) zoning district minimum front and street side setback is 50 feet. The petitioner is requesting variances to *Section 151-4.4 (C)* pertaining to the minimum front and street side setback for the principal dwelling unit which are the following:

- 13-foot front side setback variance.
- 9-foot street 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 E** 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 E** 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 as of the date of this writing.

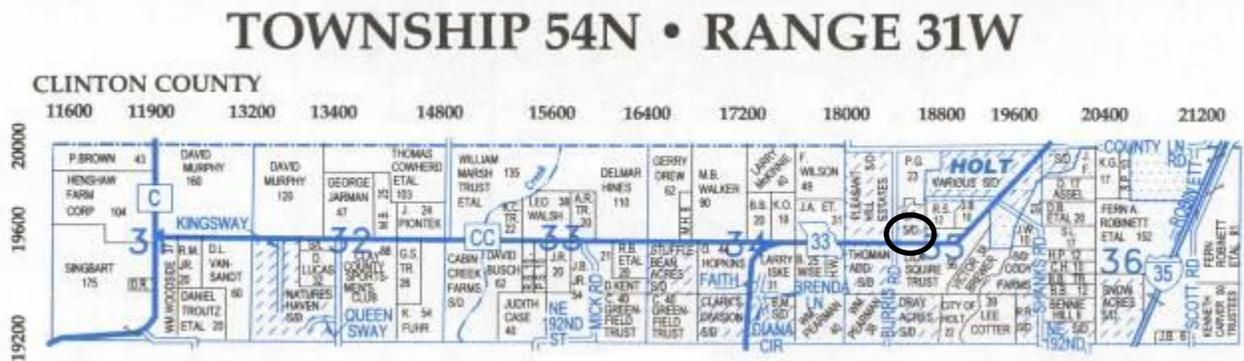
RECOMMENDATION

If the Board of Zoning Adjustment finds that the non-use variance approval criteria under Section 151-4.4 (C) have been met, then the following variances are to authorize the request:

1. A 13-foot front setback variance from *Section 151-4.4(C)* to allow an existing principal dwelling unit to remain within the front setback line and the proposed addition.
2. A 9-foot street side setback variance from *Section 151-4.4(C)* to allow an existing principal dwelling unit and the proposed addition to remain inside the street side setback line.

15-102BZA – Taylor

Attachment A – Vicinity Map



ADDRESS: 18402 33 Highway, Holt, MO

FROM Clay County Courthouse go east on E Kansas St turn **Left** on N Lightburne St/MO 33

Merge onto **I-35 North** 6 miles

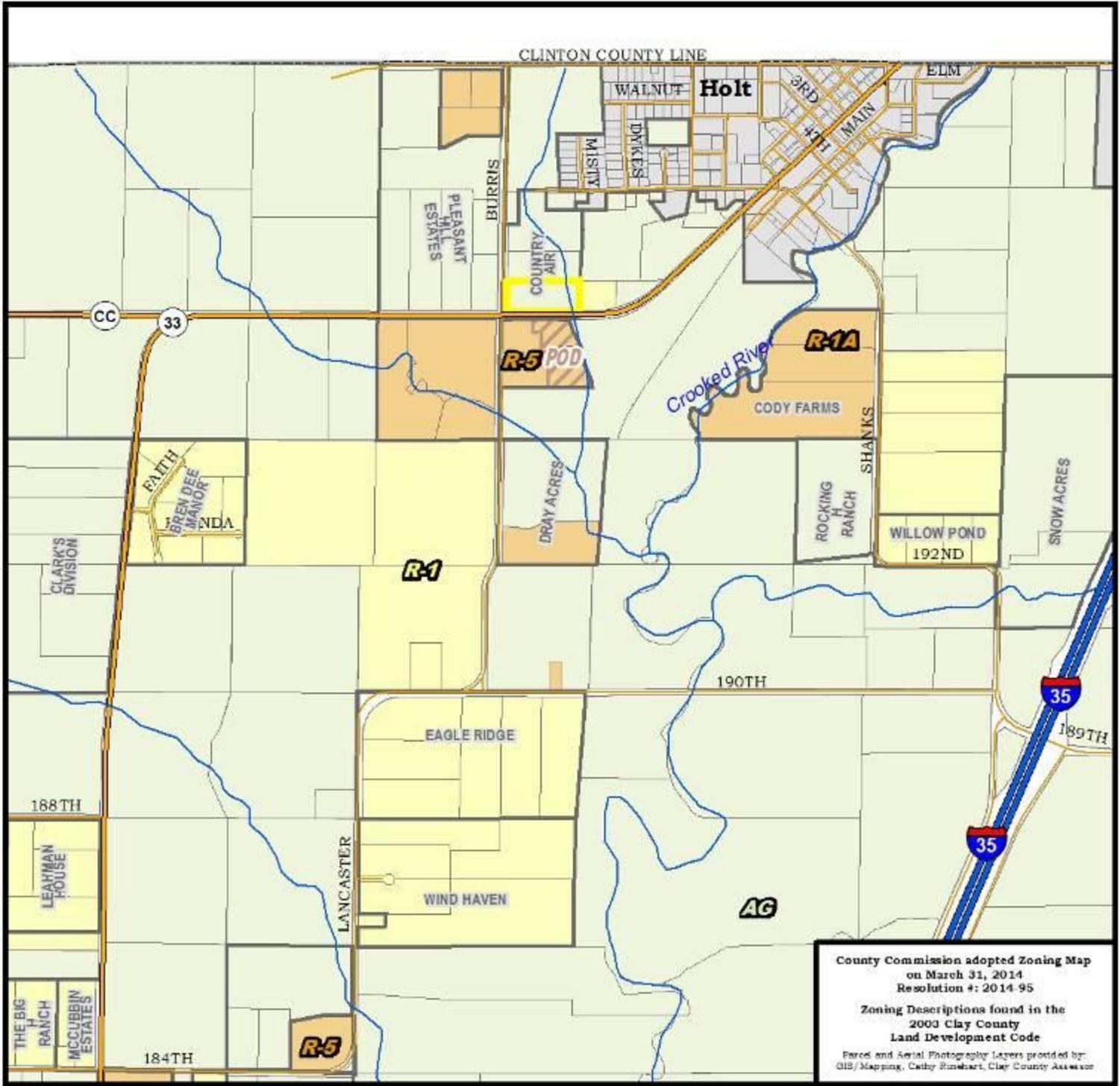
Take **MO-92, Exit 26** going toward Excelsior Springs

Turn **Left** onto **S Jefferson St/MO-33** 6.5 miles

Destination will be just past **Burriss Rd**

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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 Simbart, Clay County Assessor

Planning & Zoning Department

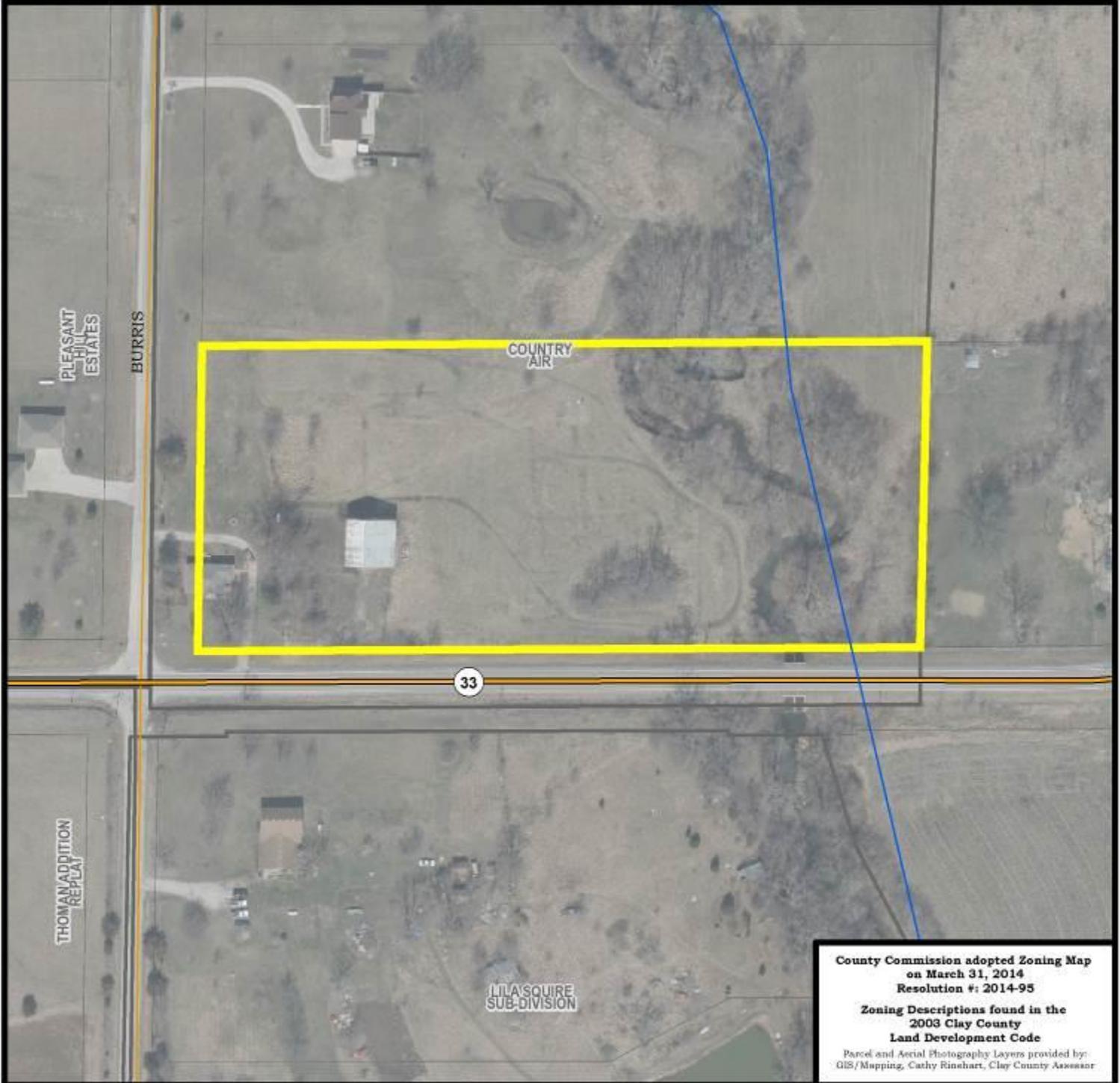


LEGEND

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

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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

Map Document: (G:\GIS\Project_Files\Vacinity Map - 6 x 11 P.mxd)
 04/08/2015 -- 01:27:18PM



Planning & Zoning Department



1 inch = 150 feet
 1 inch = 0.03 miles

LEGEND

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

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Exhibit A – Petitioner Letter

Board of Zoning Adjustment
Clay County Planning and Zoning
234 W. Shrader, Suite C
Liberty, MO 64068

April 14, 2015

RE: Request for Variance Application

Dear Board of Zoning Adjustment Members,

It is our desire to add an addition onto our existing home known as Lot 1 of Country Air located at 18402 State Route 33, Holt Mo 64048. The intended purpose is to have more living and storage space, as well as enhance the look and value of our home.

We are asking the Board of Zoning Adjustment to grant us the non-use variances from the Clay County Land Development Code for the addition to be located on the east side of our primary home.

NON-USE VARIANCES, ITEM A

The property was originally subdivided into Country Air in the year 1994 and has not changed from that original plat. As to our knowledge we are the fourth owners and purchased the property in 2013. At that time the home and all accessory features on the property were constructed and in their current locations.

The location and configuration of the property presents severe limitations on where the addition can be built. Please see the attached pictures and drawings indicating the location of below items.

Namely:

1. The lot size of 766 ft. X 322 ft. (5.7 acres)
2. The property is zoned AG.
3. The property is located on a corner which puts my house within the County's build lines on two sides (*front & street side*).

NON-USE VARIANCES, ITEM B

We have spoken to the adjacent property owners and not one has voiced any concerns or oppositions to building the addition onto our home. The addition will be built to match the existing homes appearance. The proposed size of the addition is 30 ft. X 36 ft.

NON-USE VARIANCES, ITEM C

The strict applications of the Clay County Land Development Codes with respect to easements and build set back lines put my home constructed in the 1960's directly within the build lines on two sides encompassing the entire home.

NON-USE VARIANCES, ITEM D

It is our opinion that the desired variance will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan. The proposed addition will not obstruct any driving site lines associated with the adjacent roads.

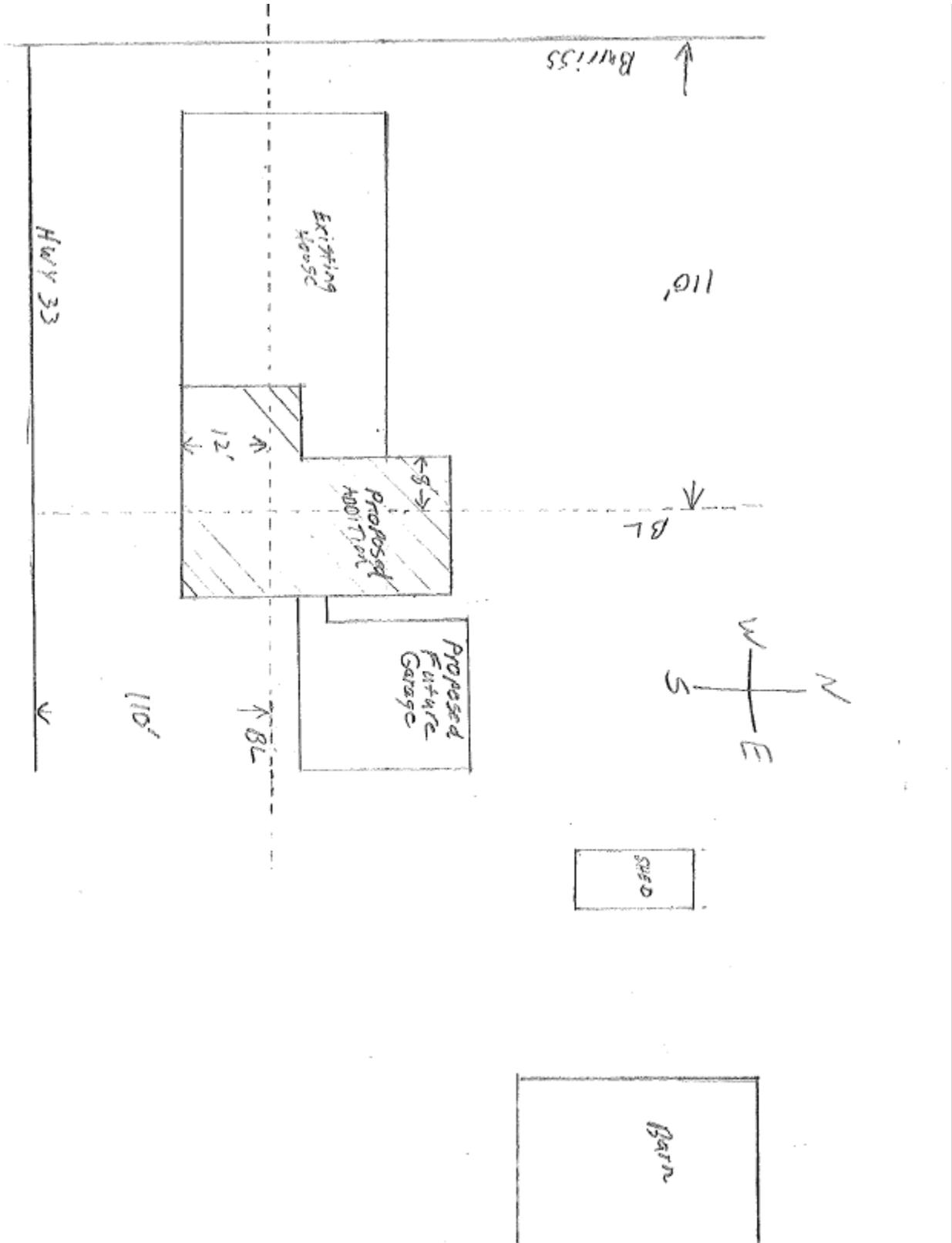
Thank you for your consideration of the proposed variance request,

Russell Taylor



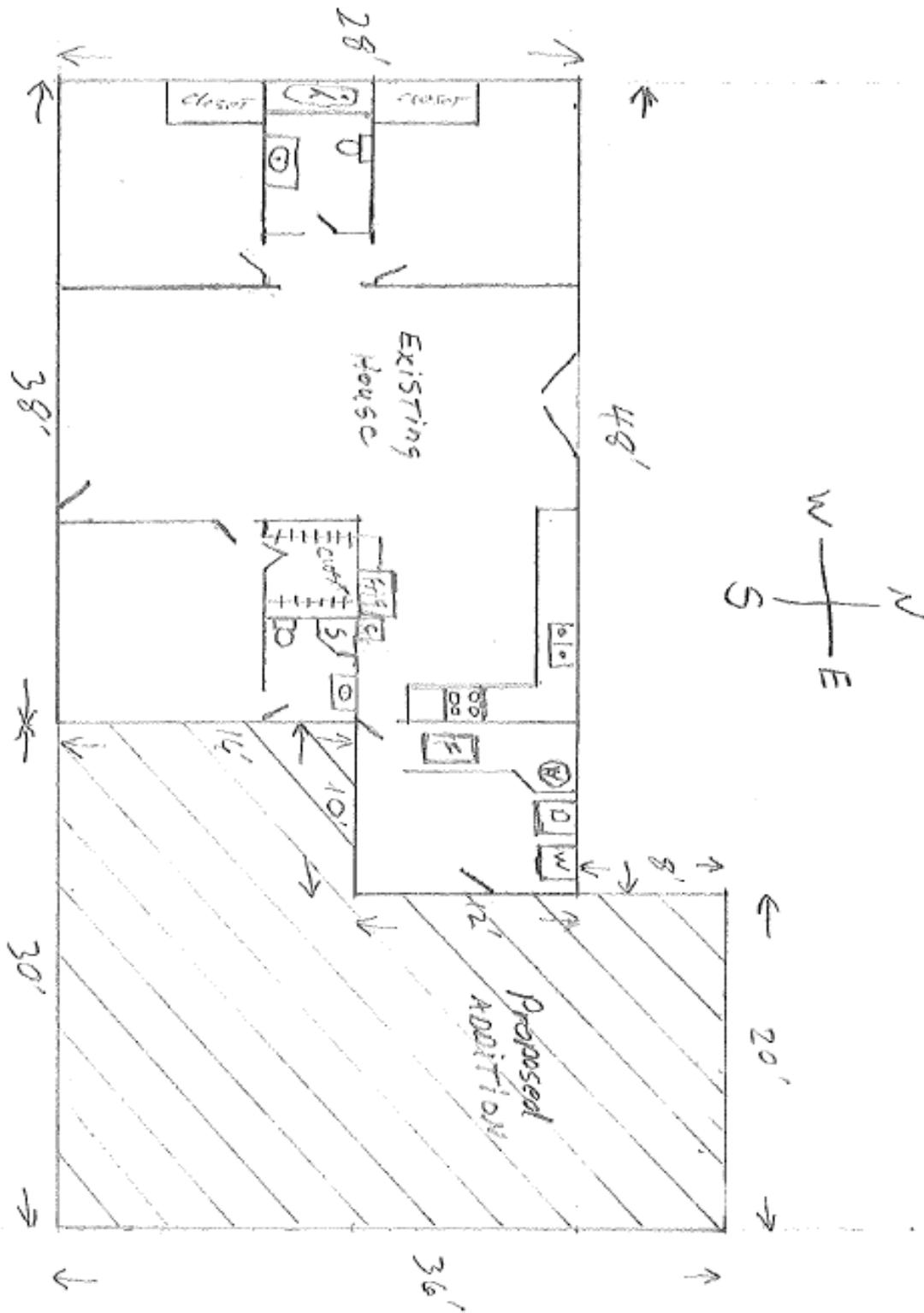
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Exhibit B - Petitioner Sketch



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Exhibit D - Petitioner House Plan with Proposed Addition



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Exhibit E – Petitioner Pictures (p. 01 of 02)



PICTURE #1: Burriss Road (@SW Corner of house)



PICTURE #2: View of 33 Highway (@ SW Corner of house)

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Exhibit E – Petitioner Pictures (p. 02 of 02)



PICTURE #3: Burriss Road and 33 Highway (@ NW Corner of House)