



**Parkville Board of Zoning Adjustment  
Meeting Agenda  
City of Parkville, Missouri  
Thursday, November 10, 2016 at 5:30 p.m.  
City Hall Boardroom**

1. Call to Order
2. Roll Call
3. General Business
  - A. Introduction of new Board of Zoning Adjustment members
  - B. Election of 2016-2017 BZA Officers
  - C. Approval of the agenda.
  - D. Approval of Minutes from the Tuesday, April 26, 2016 Board of Zoning Adjustment meeting.
4. Public Hearing
  - A. Application for variance for the reduction of "R-3" Single-Family Residential District front-yard setbacks from 25 feet to 20 feet, for all single-family lots in the Thousand Oaks – 20<sup>th</sup> Plat, in order to relieve practical difficulty/practical hardship due to exceptional topographical conditions. *Case BZA16-04, David Barth, Forest Park Development of Kansas City, LLC, applicant.*
  - B. Application for variance for the reduction of "R-3" Single-Family Residential District front-yard setbacks from 25 feet to 20 feet, for Lots 547, 548, 550, 552, 555, 596, and 597 in the Thousand Oaks 12<sup>th</sup> Plat. *Case BZA 16-05, David Barth, Forest Park Development of Kansas City, LLC, applicant.*
5. Regular Business

None
6. Unfinished Business

None
7. Other Business
  - A. Upcoming meetings & dates of importance:
    - Planning and Zoning Commission Special Meeting: Monday, November 14, 2016 (5:30 p.m.)
    - Board of Aldermen Meeting: Tuesday, November 15, 2016 (7:00 p.m.)



- Board of Zoning Adjustment Meetings: Tuesday, November 22, 2016 – Cancelled; No Agenda Items.
- Planning and Zoning Commission Special Meeting: Tuesday, November 29, 2016 (5:30 p.m.)
- Board of Aldermen Meeting: Tuesday, December 6, 2016 (7:00 p.m.)
- Planning & Zoning Commission Regular: Tuesday December 13, 2016 (5:30 p.m.)

8. Adjournment



## Staff Analysis

Agenda Item:           **4.A.**

Proposal:               Application for variance for the reduction of "R-3" Single-Family Residential District front-yard setbacks from 25 feet to 20 feet, for all for single-family lots in the Thousand Oaks – 20<sup>th</sup> Plat, in order to relieve practical difficulty / practical hardship due to exceptional topographical conditions.

Case No:                BZA16-04

Applicant:             David Barth, Forest Park Development Company of Kansas City, LLC

Owner:                Forest Park Development of Kansas City, LLC

Zoning:                City "R-3" Single-Family Residential District

Parcel #s:             Parcels 20-4.0-19-000-000-005.000 and 20-4.0-19-000-000-006.000

Exhibits:             A. This staff report  
B. Application for Variance, Appeal or Special Exception  
C. Thousand Oaks – 20<sup>th</sup> Plat, Final Plat (prepared by Aylett Survey & Engineering Company; dated April 28, 2016)  
D. Subject Area Map  
E. Photos of Subject Area  
F. Parkville Municipal Code, Title IV, Chapter 671 *Attachment 1: Height, Area, and Bulk Requirements*  
G. Illustration of Proposed Setback Reduction  
H. Homeowner Association Amenities  
I. Additional exhibits as may be presented at the public hearing

By Reference:\*       A. Parkville Municipal Code Chapter 420, "R-3" *Single-Family Residential District Regulations* - <http://ecode360.com/27901234>  
B. Parkville zoning code in its entirety - <http://www.ecode360.com/PA3395-DIV-05>  
C. Parkville Master Plan - <http://parkvillemo.gov/departments/community-development-department/master-plan/>  
D. Platte County Municipal Code, Title IV, Chapter 400, including Section 400.210: "R-7" *Single-Family High Density District* - [http://www.co.platte.mo.us/docs/planning\\_zoning/2015/zoning\\_order.pdf](http://www.co.platte.mo.us/docs/planning_zoning/2015/zoning_order.pdf)  
E. Case No. PZ16-06: Application for Thousand Oaks – 20<sup>th</sup> Plat, Final Plat, a Subdivision in the City of Parkville, Platte County, Missouri

- F. The Thousand Oaks Tenth Plat, Final Plat, recorded in the Platte County Recorder of Deeds Office via instrument 010266 in Book 20 Page 88 on June 10, 2005.
- G. Ordinance No. 2846: An Ordinance Approving Thousand Oaks – 20th Plat, Final Plat, A Subdivision In The City Of Parkville, Platte County, Missouri
- H. The Thousand Oaks Eleventh Plat, Final Plat, recorded in the Platte County Recorder of Deeds Office via instrument 001110 in Book 20, Page 134 on January 20, 2006.
- I. Case No. BZA04-35 (Request for approval of a proposed side-yard setback variance Thousand Oaks Estates)
- J. Notice of Public Hearing mailed to owners within 185 feet of the subject property
- K. Hearing notice published in the Platte County Landmark
- L. Summary of hearing posted on the City webpage - [http://parkvillemo.gov/download/public-hearing-notices/BZA16-04\\_VarianceHearingSummary111016.pdf](http://parkvillemo.gov/download/public-hearing-notices/BZA16-04_VarianceHearingSummary111016.pdf)
- M. Hearing announcement posted on the City webpage - <http://parkvillemo.gov/public-hearings/>

\* Copies on file at Parkville City Hall and available on request

Comments

Received: No written comments have been received by the Community Development Department as of the completion of this staff analysis on November 1, 2016.

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## Overview

The Thousand Oaks – 20<sup>th</sup> Plat (i.e., Phase 20 of the Thousand Oaks Subdivision development) is located east of the southeast corner of the intersection of Brink-Myer Road (north/south alignment) with Brink-Myer Road (east/west alignment), and contains 32 single-family lots in a City “R-3” Single-Family Residential District on 43.3 acres, more or less (See Exhibit C – A full legal description is contained therein). The Thousand Oaks 20<sup>th</sup> Plat, Final Plat (Case No. PZ16-06) was reviewed against the Parkville Municipal Codes, Zoning Code and subdivision regulations; and unanimously approved by the Planning and Zoning Commission (vote of 8-0) on May 10, 2016, and Board of Aldermen on June 7, 2016.



**Exhibit D – Subject Area Map**

The applicant is seeking a uniform variance for the reduction of applicable “R-3” Single-Family Residential district front-yard setbacks from 25 feet to 20 feet, for all for single-family lots in the Thousand Oaks – 20<sup>th</sup> Plat, in order to relieve practical difficulty / practical hardship due to exceptional topographical conditions (See Exhibits E, F, and G). The 20<sup>th</sup> Plat sits upon elevated land overlooking Hereford Valley Lake, Brink-Myer Road (north-south alignment) and Interstate 435 to the west. The elevation along the western edge of the 20<sup>th</sup> plat drops substantially in the woods surrounding Hereford Valley Lake. The applicant has indicated it’s very challenging building homes on rolling terrain around Parkville’s bluffs, and has safety concerns with the homes in this area. A 5 ft. reduction in the front yard setback requirement would allow homes to be better positioned and constructed in a safer manner, away from substantial elevation drop-offs in the rear yard of properties.

Note: Previous phases and plats throughout the Thousand Oaks Subdivision development have been granted approval of uniform variances in the past; more specifically for the reduction of side-yard setbacks in the “R-3” Single-Family District from 10 ft. to 6.5 ft. (Case Nos. BZA04-35; BZA15-01). This was done in order to achieve uniformity with County “R-7” Single-Family High Density District development standards for lots throughout the Thousand Oaks Subdivision within unincorporated Platte County.

## Review and Analysis

Variations are a process to provide relief from strict interpretation of the standards of the Zoning Code — including applicable area, width, depth and setback requirements (in this case, the City’s “R-3” Single-Family Residential District requirements) — which when applied to a particular property and in a specific context, would create an unnecessary hardship and practical difficulty on reasonable use of the property.

Per Section 480.050 of the Parkville Municipal Code, the Board of Zoning Adjustment shall have the power to grant the following variances: *A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent, and purpose of the zoning plan; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.*

Per Section 483.030 of the Parkville Municipal Code, a notice of public hearing was published in a newspaper in general circulation in the City, surrounding property owners within one-hundred and eight-five (185) ft. of the subject property were notified of the time, place and nature of the public hearing via certified mail, and a sign was posted on the subject property (in view from the public right-of-way) announcing the time, place and nature of the public hearing. No written comments have been received by the Community Development Department as of the completion of this staff analysis on November 1, 2016.

Furthermore, the application has been reviewed against the Parkville Municipal Code, including the applicable “R-3” Single-Family Residential District regulations. To consistently evaluate variances, the Board of Zoning Adjustment has previously considered the following matters as a guide as advised by staff and legal counsel. Following each matter to be considered are staff’s findings and conclusions.

### **1. Is the proposed variance to the Zoning Ordinance contrary to public health, safety and welfare?**

The proposed reduction in front-yard setback from 25 feet to 20 feet does not appear to have a substantial impact on the intent of the front yard, which is to help establish private property from public property and provide adequate depth for private uses, including parking. The variance does not adversely affect minimum vehicle parking requirements per Section 460.030 — at least two (2) vehicles would still be able to park at each single-family residential dwelling unit — as the City’s required parking depth of 18 ft. can still be accommodated. Additionally, the variance does not affect required aggregate separation between buildings for fire protection health, safety and welfare reasons.

### **2. Will the literal enforcement of the regulations result in unnecessary hardship upon the property owner?**

The hardship in this circumstance is the inability to safely develop single-family residences, as platted, graded and staked, based on the unique topographical conditions of the subject property, according to the area, width, depth and setback requirements of the applicable “R-3” Single-Family Residential Zoning District. The reduction in front-yard setback from 25 feet

to 20 feet allows flexibility to orient and position homes in a safer manner on each lot, away from the substantial elevation drop-offs in the rear yard of properties.

**3. Are the conditions unique to this parcel and not created by the owner's actions?**

While rolling terrain and bluffs are common throughout Parkville's city limits, the proposed variance is unique to the specific topographical conditions found on the subject property within the Thousand Oaks – 20<sup>th</sup> Plat; specifically, the drastic elevation changes between the western edge of the lots and the woods surrounding Hereford Valley Lake. However, one could argue the applicant could make modifications to the approved final plat by re-platting the layout of the streets and lots within the subject property area; however, the land and streets have already been graded.

**4. Would granting the variance adversely affect the rights of adjacent property owners?**

Staff does not see any substantial adverse effects affecting the rights of adjacent property owners. Abutting properties to the east are within unincorporated Platte County and zoned "R-7" Single-Family High Density District, and have a thirty (30) ft. front yard setback. Any noticeable dissimilarities between any lots in the Thousand Oaks – 20<sup>th</sup> Plat and adjacent lots in the 11<sup>th</sup> and 12<sup>th</sup> plats to the east would be buffered and separated by the Homeowner Association amenities around Myers Circle and in designated tracts around NW 66<sup>th</sup> Terrace (Exhibit H), which distinguishes the entrance into lots within the 20<sup>th</sup> Plat and around the cul-de-sacs.

Property owners within one-hundred and eight-five (185) ft. of the subject property have been notified of the time, place and nature of the public hearing via certified mail. No written comments have been received by the Community Development Department as of the completion of this staff analysis on November 1, 2016.

**5. Would the requested variance be opposed to the general spirit and intent of the Zoning Ordinance?**

The zoning ordinance defines the purpose of the "R-3" Single-Family Residential District as to, *"provide for single-family residential development of moderately spacious character together with such public buildings, schools, churches, public recreational facilities, and accessory uses, as may be necessary or is normally compatible with residential surroundings."* Minimum required lot area, width, depth and setback requirements were adopted to help achieve this intent.

The subject property contains approximately 43.3 acres, and the approved 20<sup>th</sup> Plat designates over 33% as open space. Of the remaining property, the lots exceed the minimum required lot area by a minimum of 40% with some lots over 300% of the minimum required lot area. Tracts "A" and "C" on the plat, dedicated as private open space to be maintained by the Homeowner's Association, which preserves a significant portion of land. Staff concludes that the intent of the "R-3" district to provide for "moderately spacious character" is met regardless of a reduction in the front-yard setback.

**6. Is the requested variance the minimum possible to make possible reasonable use of the property?**

Staff believes the proposed variance request for 5 ft. is the minimum possible in order for the applicant to make possible reasonable use of the property, due to exceptional topographical conditions. Granting the variance appears to address the safety concerns by allowing homes throughout the Thousand Oaks 20<sup>th</sup> Plat – Final Plat, to be positioned and

constructed in a safer manner, away from substantial elevation drop-offs in the rear yard of properties.

Lastly, although not the basis for approval alone, it should also be noted and considered that the Planning and Zoning Commission, and Board of Aldermen, have previously approved similar exceptions under a different section of the Parkville Municipal Codes. Specifically, rezoning several large-scale residential developments under a Community Unit Plan (CUP) designation in order to modify the area, width, depth and setback requirements in the district(s) in which the project is located. One example includes The National Golf Club of Kansas City, where several single-family phases in the master-planned development reduced the front-yard setback from 25 feet (per "R-2" Single-Family Residential District requirements) to 20 feet via the CUP.

### **Staff Conclusion and Recommendation**

Staff concludes that: the proposed variance is not contrary to protect the public health, safety and welfare; there does appear to be a hardship to the property owner if not granted the variance; exceptional topographical conditions are unique to the subject properties and area; the variance will not adversely affect the rights of adjacent property owners; the requested variance is not opposed to the general spirit and intent of the zoning ordinance; and the proposed variance is the minimum possible in order for the applicant to make possible reasonable use of the property.

Following review, staff recommends approving the proposed variance based on the merits of the application and the findings and conclusions in this report.

It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

### **Necessary Action**

Following consideration of the Application for Variance, Appeal or Special Exception, supporting information, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Board of Zoning Adjustment should decide if the request will preserve the intent and consistency of the zoning regulations, the general welfare of the community and the rights of the adjacent property owners without setting a precedent that will negatively affect administration of the regulations. If granting approval, conditions may be set to further mitigate any effects of the variance.

*End of Memorandum*



Stephen Lachky, AICP  
Community Development Director

11-01-2016  
Date

# Exhibit B



Application #: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Date Approved: \_\_\_\_\_

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

## Application for Variance, Appeal or Special Exception

### 1. Applicant / Contact Information

#### Applicant(s)

Name: Forest Park Development of Kansas City, MO  
Address: 6014 N. 9 Hwy.  
City, State: Parkville, Mo. 64152  
Phone: 816-587-6101 Fax: 816-741-6504  
E-mail: dbarth@kc.rr.com

#### Owner(s), if different from applicant

Name: SAME  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

**Applicant's Signature** (Required) [Signature] **MEMBER** Date: 10/4/16

**Property Owner's Signature** (Required) [Signature] **MEMBER** Date: 10/4/16

### 2. Type of Request

Check one:             Appeal                             Special Exception                             Variance

Applicable zoning regulation and section: \_\_\_\_\_

Describe nature of the request: Requesting a change in the front building set back to 20 ft. for lots in phase 20  
Thousand Oaks Subdivision.

### 3. Property Information

Address and general location: The Northwest section of Thousand Oaks.

If no address issued, submit legal.  
*Attach a separate sheet with complete legal description of the property.*

Present zoning: Residential  
Proposed zoning: Residential  
Present use of the property: Homesites  
Proposed use with variance, appeal or special exception: Homesites

**4. Neighboring Land Use, Zoning, Character and Effects of Amendment on Each**

Describe the zoning and uses on the neighboring properties:

	<u>Land use</u>	<u>Zoning</u>
North:	<u>Greenway</u>	<u>Residential/Agricultural</u>
South:	<u>Greenway</u>	<u>Residential/Greenway</u>
East:	<u>Phase 11 Thousand Oaks</u>	<u>Residential</u>
West:	<u>Greenway and farm lake.</u>	<u>Agricultural</u>

General character of the neighborhood: Rolling terrain and scenic views. Majority timber.

Effects of the requested variance, appeal or special exception on adjacent and neighboring property:

This will allow homes to be better positioned by builders with better yards.

It can be very challenging building on the rolling terrain found in Parkville along the river bluffs. People seem to

Other comments or factors relating to this request:

PEOPLE LOVE THE ROLLING HILLS AND SCENIC VIEWS IN PARKVILLE ALONG THE RIVER BLUFFS. HOWEVER, THE HOMESITES CAN BE VERY CHALLENGING.

**5. Checklist of Required Submittals**

- Completed application and all required submittals as follows.
- Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication and certified notice to adjacent property owners.
- Names and addresses of all property owners within 185' of the applicable property.
- Complete legal description of the applicable property.
- Owner's signature and affidavit of ownership.
- Twelve copies of a plan showing proposed variance, appeal or special exception in relation to existing proposed features, on and off-site and all supporting documentation and exhibits in paper and electronic (pdf) format.

**For City Use Only**

Application accepted as complete by: \_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_

Application fee payment by:  Check # \_\_\_\_\_  M.O. \_\_\_\_\_  Cash

Accepted by: \_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_

Hearing notice published in: \_\_\_\_\_ Date of publication: \_\_\_\_\_

Final reimbursable costs paid (if applicable). Date of Action: \_\_\_\_\_

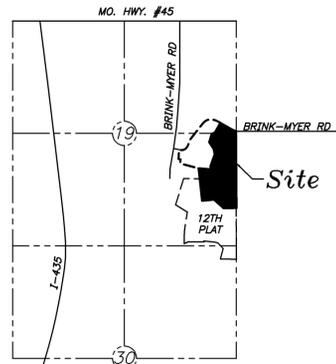
Board Action:  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_

Conditions if any: \_\_\_\_\_

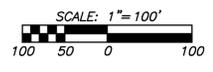
# THOUSAND OAKS - 20TH PLAT

## FINAL PLAT

A Subdivision in the City of Parkville,  
Platte County, Missouri



SEC. 19-51-34  
Location Map

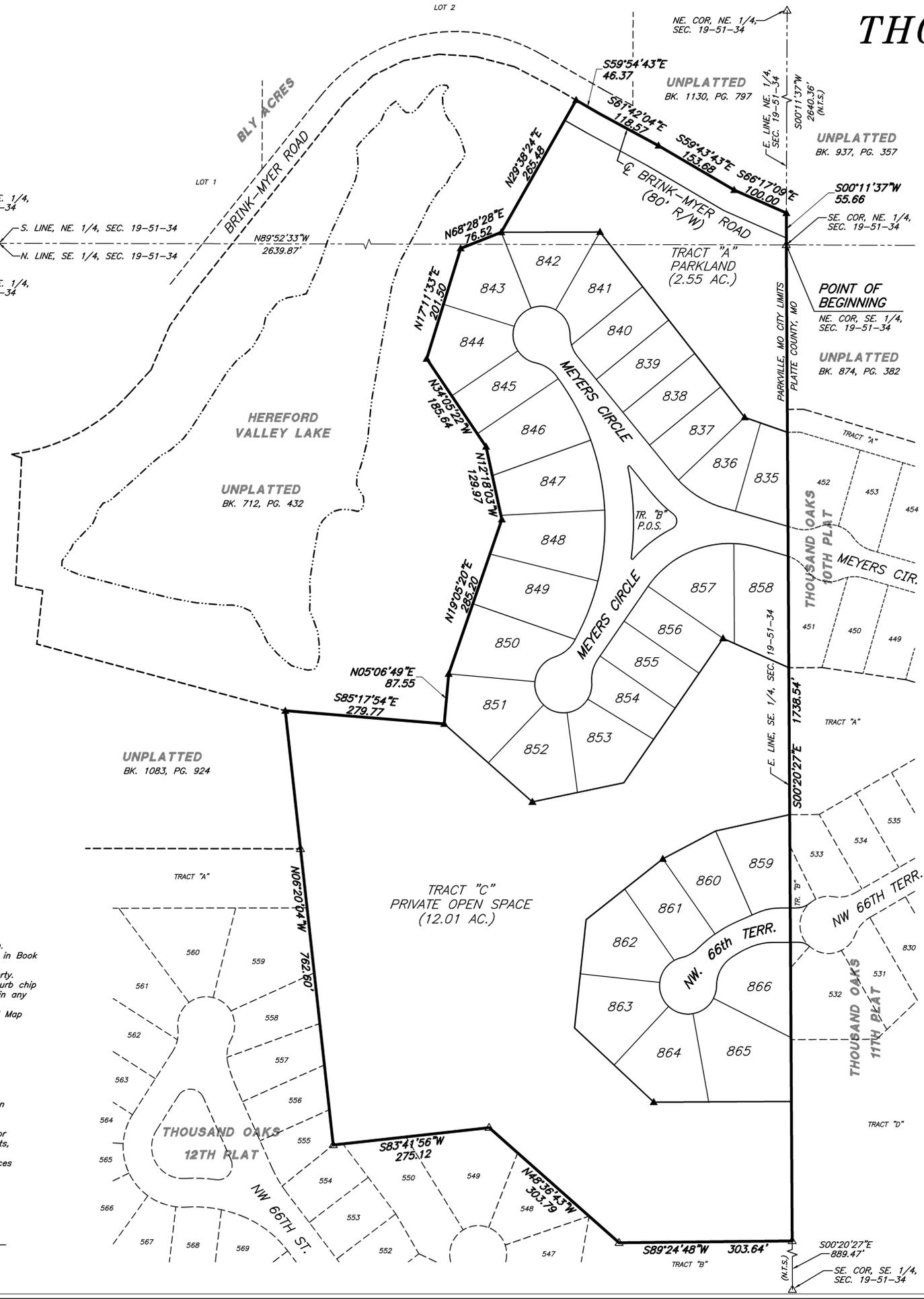


- LEGEND:**
- R/W = Right of Way
  - R = Radius
  - I.T.B. = Initial Tangent Bearing
  - DA = Delta Angle
  - N.T.S. = Not to Scale
  - BK. = Book
  - PG. = Page
  - P.O.S. = Private Open Space
  - △ Denotes Existing Monument
  - ▲ Denotes Permanent Monument

- NOTES:**
- Bearing System is based on the Missouri State Plane Coordinate System.
  - Parent tract is recorded at the Platte County Recorder of Deeds office in Book 712, Page 432 & Book 429, Page 76.
  - This plat meets the accuracy requirements for an urban class of property.
  - Permanent reference monument and semi-permanent lot corners and curb chip at lot line projections will be placed upon completion of construction but in any event, within twelve months after the plat has been recorded.
  - This tract of land does not lie within a Regulatory Floodplain, per FIRM Map No. 29165C0360E, Panel 360 of 425, dated April 2, 2015.

I hereby state that the plat of THOUSAND OAKS - 20TH PLAT subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Agriculture, Land Survey Division, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the plotting of subdivisions to the best of my professional knowledge and belief.

DATE: \_\_\_\_\_  
SAM A. AYLETT, PLS-2074



**DESCRIPTION:**  
All that part of the East Half of Section 19, Township 51, Range 34 in the City of Parkville, Platte County, Missouri, described as follows: Beginning at the Northeast corner of the Southeast Quarter of said Section 19; thence South 00 degrees 20 minutes 27 seconds East, along the East line of the Southeast Quarter of said Section 19, also being the West line of THOUSAND OAKS 10TH PLAT, a subdivision of land in Platte County, Missouri and its Northern prolongation thereof, also being the West line of THOUSAND OAKS 11TH PLAT, a subdivision of land in Platte County, Missouri, a distance of 1738.54 feet to the Northeast corner of THOUSAND OAKS 12TH PLAT, a subdivision of land in the City of Parkville, Platte County, Missouri; thence South 89 degrees 24 minutes 48 seconds West, along the North line of said THOUSAND OAKS 12TH PLAT, a distance of 303.64 feet; thence, continuing along said line, North 48 degrees 36 minutes 43 seconds West, a distance of 303.79 feet; thence, continuing along said line, South 83 degrees 41 minutes 56 seconds West, a distance of 275.12 feet; thence, continuing along said line and its Northern prolongation thereof, North 06 degrees 20 minutes 04 seconds West, a distance of 762.60 feet; thence South 85 degrees 17 minutes 54 seconds East, a distance of 279.77 feet; thence North 05 degrees 06 minutes 49 seconds East, a distance of 87.55 feet; thence North 19 degrees 05 minutes 20 seconds East, a distance of 285.20 feet; thence North 12 degrees 18 minutes 03 seconds West, a distance of 129.97 feet; thence North 34 degrees 05 minutes 22 seconds West, a distance of 185.64 feet; thence North 17 degrees 11 minutes 33 seconds East, a distance of 201.50 feet; thence North 68 degrees 28 minutes 28 seconds East, a distance of 76.52 feet; thence North 29 degrees 38 minutes 24 seconds East, a distance of 265.48 feet to a point in the centerline of Brink-Myer Road; thence South 59 degrees 54 minutes 43 seconds East, along said centerline, a distance of 46.37 feet; thence, continuing along said centerline, South 61 degrees 42 minutes 04 seconds East, a distance of 118.57 feet; thence, continuing along said centerline, South 59 degrees 43 minutes 43 seconds East, a distance of 153.68 feet; thence, continuing along said centerline, South 66 degrees 17 minutes 09 seconds East, a distance of 100.00 feet to a point on the East line of the Northeast Quarter of said Section 19; thence South 00 degrees 11 minutes 37 seconds West, along the East line of the Northeast Quarter of said Section 19, a distance of 55.66 feet to the Point of Beginning. Said tract of land contains 28.33 acres more or less.

**DEDICATION:** The undersigned proprietors of the tract of land described herein have caused the same to be subdivided in the manner as shown on the accompanying plat which subdivision shall hereafter be known as "THOUSAND OAKS - 20TH PLAT".

**STREETS:** Streets and Right of Ways shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

**BUILDING LINES:** Building lines or setback lines are hereby so established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line. Variance case number BZA04-35 was approved on October 20, 2004, which allowed a reduction of the side-yard setbacks in an R-3 District from 10 feet to 6.5 feet for the Thousand Oaks Estates development with the condition that there would be a 10 foot side yard setback requirement for any property abutting non Thousand Oaks property.

**EASEMENTS DEDICATION:** An easement is hereby granted to Parkville, Missouri, and to the utility companies franchised to operate in Parkville, Missouri, for the purpose of locating, constructing, operating and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV and surface drainage including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, over, under and along the strips of land designated "Utility Easement" or "U/E". Where other easements are designed for a particular purpose, the use thereof shall be limited to that purpose only. All the above easements shall be kept free from any and all obstructions which would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses and specifically there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Parkville, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonably necessary in exercising the rights granted by the easements. No excavation or fill shall be made or operation of any kind or nature shall be performed which will reduce or increase the earth coverage over the utilities above stated or the appurtenances thereto without the written approval of the Director of Public Works, as to utility easements.

**DRAINAGE EASEMENTS:** An easement is hereby granted to Parkville, Missouri, for the purpose of locating, constructing, operating and maintaining facilities for stormwater drainage including, but not limited to, underground pipes and conduits, any or all of them upon, over, under and along the strips of land designated "Drainage Easement" or "D/E".

**SEWER EASEMENTS:** An easement or license is hereby granted to Platte County Regional Sewer District to locate, construct and maintain or authorize the location, construction and maintenance and use of sanitary sewer mains under and along the strips designated "Sewer Easement" or "S/E".

**RESTRICTIONS:** Covenants and restrictions have been filed simultaneously with this plat.

**PRIVATE OPEN SPACE:** Tracts B and C are reserved for Private Open space and are to be owned and maintained by the Homeowners Association.

**PARKLAND:** Tract A is hereby dedicated to the City of Parkville, Missouri for public use forever to be used for parks, trails or other recreational purposes and any and all purposes reasonably related thereof.

**IN TESTIMONY WHEREOF:** FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC, a Missouri Limited Liability Company, has by the authority of its Members caused this instrument to be executed by its Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC

David Barth, Member

STATE OF MISSOURI } s.s.  
COUNTY OF \_\_\_\_\_

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned Notary Public in and for the County and State above mentioned, came David Barth, Member of FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC, a Missouri Limited Liability Company, who is personally known to me and duly sworn did say that he executed this instrument as the free act and deed of said FOREST PARK DEVELOPMENT COMPANY OF KANSAS CITY, LLC and was signed by its authority, in testimony whereof.

**IN TESTIMONY WHEREOF:** I have hereunto set my hand and affixed my notarial seal at my office in \_\_\_\_\_ County, Missouri, on the day and year last written.

My Commission Expires: \_\_\_\_\_ NOTARY PUBLIC

**BOARD OF ALDERMEN**  
City of Parkville, Missouri: This is to Certify that this plat of THOUSAND OAKS - 20TH PLAT, was duly submitted to and considered by and approved by the Board of Aldermen of Parkville, Missouri, by Ordinance No. \_\_\_\_\_, duly authenticated as passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MAYOR: Nanette K. Johnston CITY CLERK: Melissa McChesney

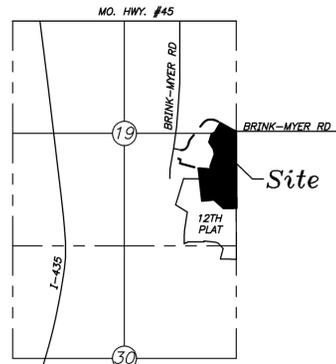
<b>THOUSAND OAKS - 20TH PLAT</b> FINAL PLAT PARKVILLE, PLATTE COUNTY, MISSOURI	
	Developer: <b>FOREST PARK DEVELOPMENT OF KANSAS CITY, LLC</b> 6014 N. HWY. 9 PARKVILLE, MO 64152
<b>AYLETT SURVEY &amp; ENGINEERING COMPANY</b> LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING 201 NW 72ND ST. ~ GLADSTONE, MO 64118 PH. (816) 436-0732 ~ FAX (816) 436-0767	
Drawn By: JKR	File Name: 49881FPA
SEC. 19-51-34	SHEET 1 OF 3
Date: April 28, 2016	Job No: 49881

# THOUSAND OAKS - 20TH PLAT

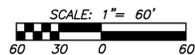
## FINAL PLAT

A Subdivision in the City of Parkville,  
Platte County, Missouri

REFER TO SHEET 2 FOR CONTINUATION

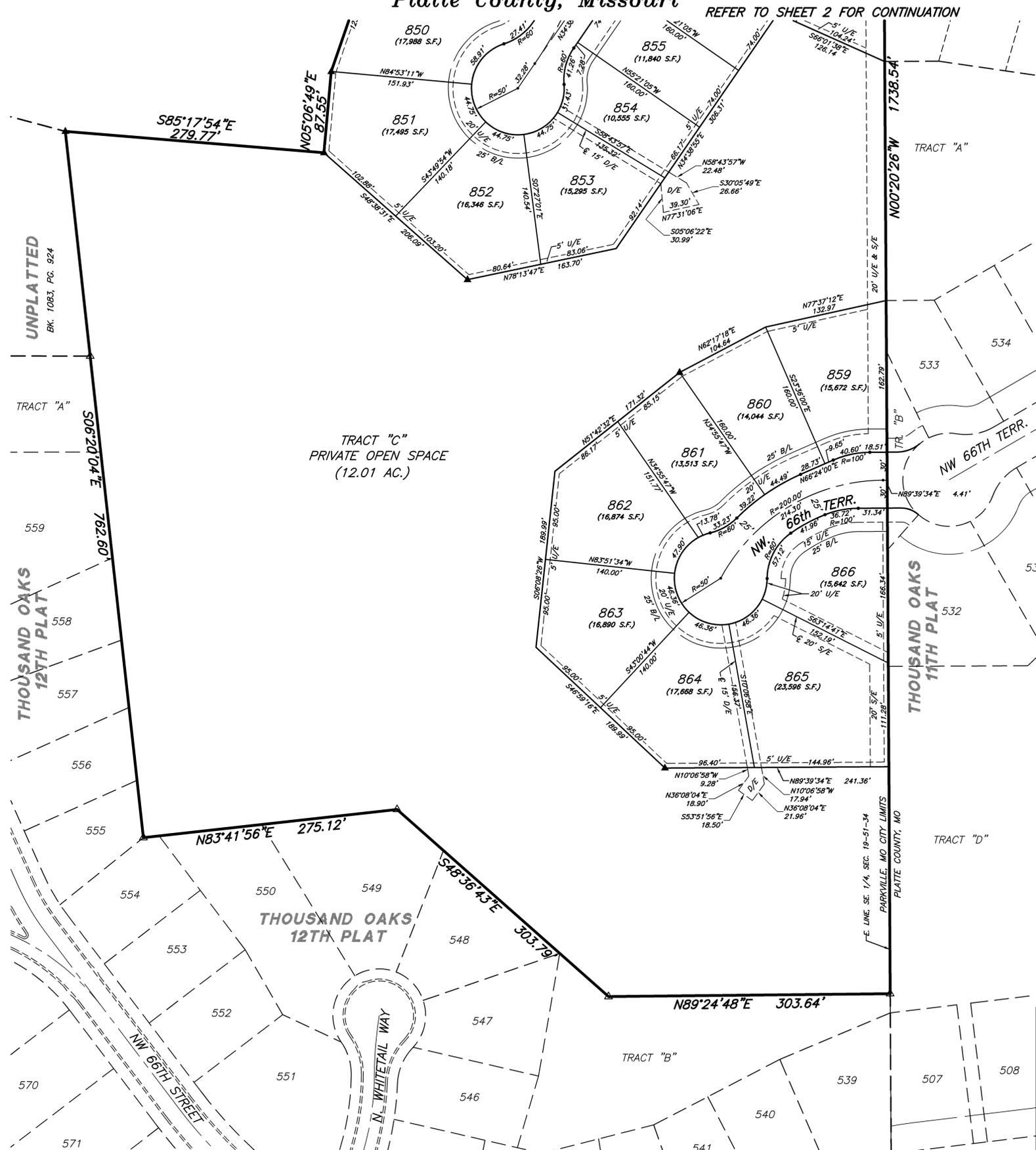


SEC. 19-51-34  
Location Map



**LEGEND:**

- R/W = Right of Way
- U/E = Utility Easement
- B/L = Building Line
- L/E = Landscape Easement
- D/E = Drainage Easement
- W/E = Water Line Easement
- R = Radius
- I.T.B. = Initial Tangent Bearing
- DA = Delta Angle
- N.T.S. = Not to Scale
- BK. = Book
- PG. = Page
- P.O.S. = Private Open Space
- △ Denotes Existing Monument
- ▲ Denotes Permanent Monument



I hereby state that the plat of THOUSAND OAKS - 20TH PLAT subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Agriculture, Land Survey Division, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

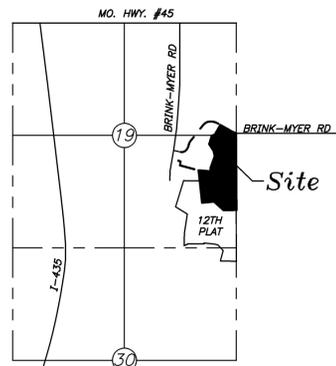
DATE: \_\_\_\_\_  
SAM A. AYLETT, PLS-2074

FINAL PLAT <b>THOUSAND OAKS - 20TH PLAT</b> PARKVILLE, PLATTE COUNTY, MISSOURI	
<p><b>AYLETT SURVEY &amp; ENGINEERING COMPANY</b>                  LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING                  201 NW 72ND ST. ~ GLADSTONE, MO 64118                  PH. (816) 436-0732 ~ FAX (816) 436-0767</p>	Developer: <b>FOREST PARK DEVELOPMENT OF KANSAS CITY, LLC</b> 6014 N. HWY. 9 PARKVILLE, MO 64152
<b>SHEET 3 OF 3</b>	
Drawn By: JKR    File Name: 49081FPB    SEC. 19-51-34	Date: April 28, 2016    Job No: 49881

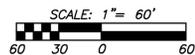
# THOUSAND OAKS - 20TH PLAT

## FINAL PLAT

A Subdivision in the City of Parkville,  
Platte County, Missouri



SEC. 19-51-34  
Location Map



**LEGEND:**

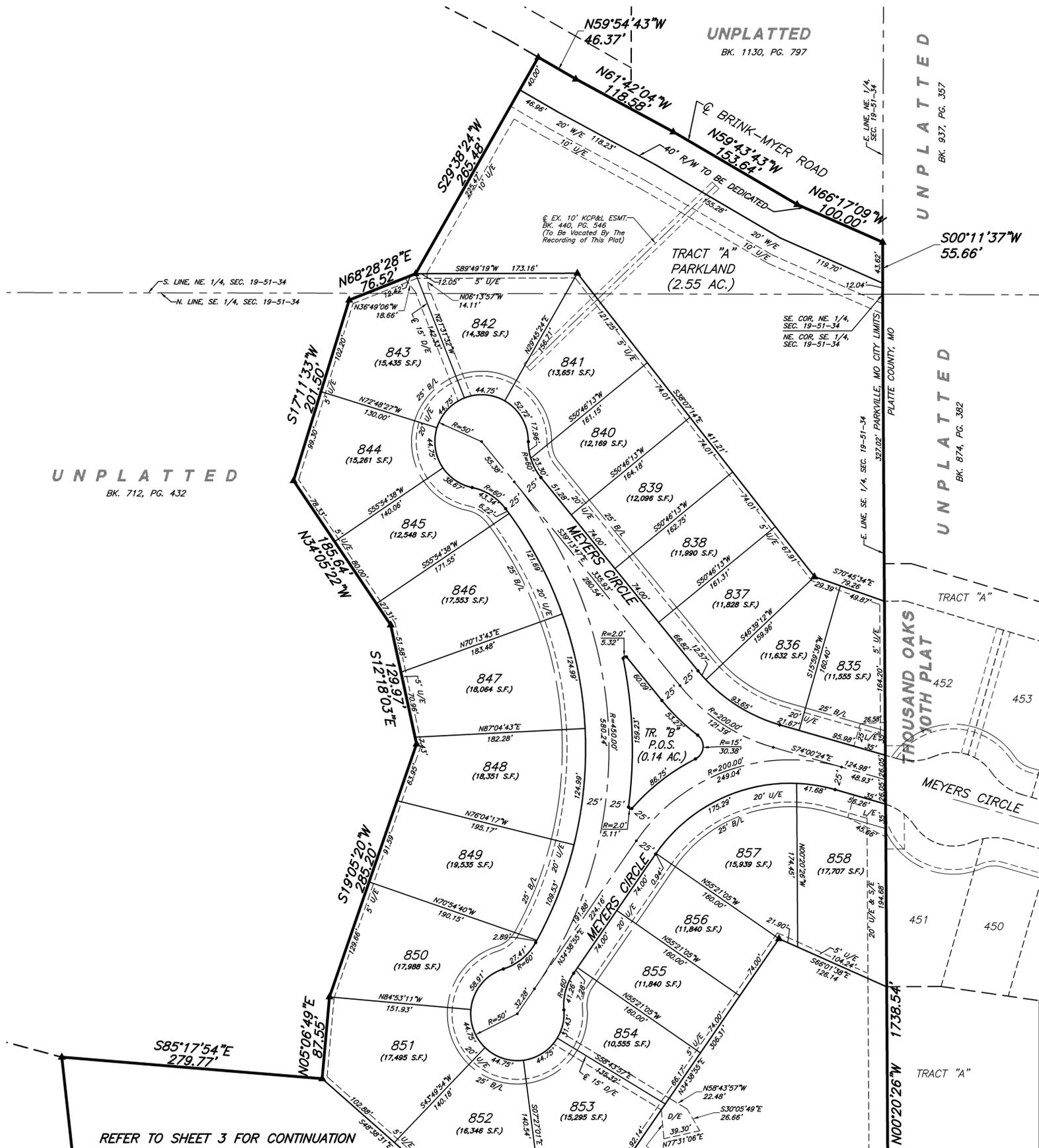
- R/W = Right of Way
- U/E = Utility Easement
- B/L = Building Line
- L/E = Landscape Easement
- D/E = Drainage Easement
- W/E = Water Line Easement
- R = Radius
- I.T.B. = Initial Tangent Bearing
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- N.T.S. = Not to Scale
- BK. = Book
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- △ Denotes Existing Monument
- ▲ Denotes Permanent Monument

UNPLATTED  
BK. 712, PG. 432

UNPLATTED  
BK. 1130, PG. 797

UNPLATTED  
BK. 937, PG. 357

UNPLATTED  
BK. 874, PG. 382



I hereby state that the plat of THOUSAND OAKS - 20TH PLAT subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Agriculture, Land Survey Division, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

DATE: \_\_\_\_\_  
SAM A. AYLETT, PLS-2074

REFER TO SHEET 3 FOR CONTINUATION

FINAL PLAT <b>THOUSAND OAKS - 20TH PLAT</b> PARKVILLE, PLATTE COUNTY, MISSOURI	
<p><b>AYLETT SURVEY &amp; ENGINEERING COMPANY</b>                  LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING                  201 NW 72ND ST. ~ GLADSTONE, MO 64118                  PH. (816) 436-0732 ~ FAX (816) 436-0767</p>	Developer: <b>FOREST PARK DEVELOPMENT OF KANSAS CITY, LLC</b> 6014 N. HWY. 9 PARKVILLE, MO 64152
<b>SHEET 2 OF 3</b>	
Drawn By: JKR	File Name: 49081FPB
SEC. 19-51-34	Date: April 28, 2016
Job No: 49881	

**Exhibit E**



View looking east toward NW Meyers Circle (Thousand Oaks 10<sup>th</sup> Plat)



View looking east toward NW Meyers Circle (Thousand Oaks 10<sup>th</sup> Plat)



View looking west from NW 66<sup>th</sup> Terrace into the Thousand Oaks 20<sup>th</sup> Plat (future extension of NW 66<sup>th</sup> Terrace)



View looking west from the future extension of NW 66<sup>th</sup> Terrace in the Thousand Oaks 20<sup>th</sup> Plat.



View looking up toward the future extension of NW 66<sup>th</sup> Terrace in the Thousand Oaks 20<sup>th</sup> Plat.



View looking along future lots in at the end of NW 66<sup>th</sup> Terrace in the Thousand Oaks 20<sup>th</sup> Plat.

# Exhibit F

## HEIGHT, AREA, AND BULK REQUIREMENTS

467 Attachment 1

### City of Parkville

[Ord. No. 624 §16-1, 5-20-1975; Ord. No. 1273 §19, 12-17-1991; Ord. No. 2624 §1, 12-20-2011]

Chapter	District	Minimum Depth of Rear Yard In Feet	Minimum Lot Area Per Family In Square Feet	Minimum Lot Area In Square Feet	Minimum Width Of Lot In Feet	Minimum Depth Of Lot In Feet
410	"R-1" Single-Family Residential	50	20,000	20,000	100	150
415	"R-2" Single-Family Residential	30	10,000	10,000	75	100
420	"R-3" Single-Family Residential	25	7,500	7,500	60	100
425	"R-4" Multiple-Family Residential	20	Single-family-- 6,000 All multiple family dwellings--5,445	6,000	50	75
430	"B-1" Neighborhood Business	Dwls: 25	Same as "R-4"	6,000	50	75
		For other bldgs: None except as required in Sec. 430.050	—	None	None	None

PARKVILLE CITY CODE

Chapter	District	Minimum Depth of Rear Yard In Feet	Minimum Lot Area Per Family In Square Feet	Minimum Lot Area In Square Feet	Minimum Width Of Lot In Feet	Minimum Depth Of Lot In Feet
435	"B-2" General Business	Dwls: 20	Same as "R-4"	6,000	50	75
		For other bldgs: None except as required in Sec. 435.050	—	None	None	None
445	"I-1" Light Industrial	10	—	43,560	150	200
450	"I-2" Light Industrial	None except as required in Sec. 450.050	—	None	None	None
455	"I-3" Heavy Industrial	None except as required in Sec. 455.050	—	None	None	None

Chapter	District	Maximum Height		Minimum Depth of Front Yard In Feet	Minimum Width of Side Yards In Feet	Number of Side Yards	Minimum Aggregate Width of Side Yards in Feet
		Feet	Stories				
410	"R-1" Single-Family Residential	35	2½	40	10	2	30
415	"R-2" Single-Family Residential	35	2½	25	10	2	20
420	"R-3" Single-Family Residential	35	2½	25	10	2	20
425	"R-4" Multiple-Family Residential	45	3	15	1 & 2 fam: 5	2	1 & 2 fam: 10
					3+ family: 10		3+ family: 20
					All others: 10		All others: 10

## HEIGHT, AREA, AND BULK REQUIREMENTS

430	"B-1" Neighborhood Business	35	2½	25	For dwls: 10	2	20
					For other buildings: None except as required in Section 430.050		

PARKVILLE CITY CODE

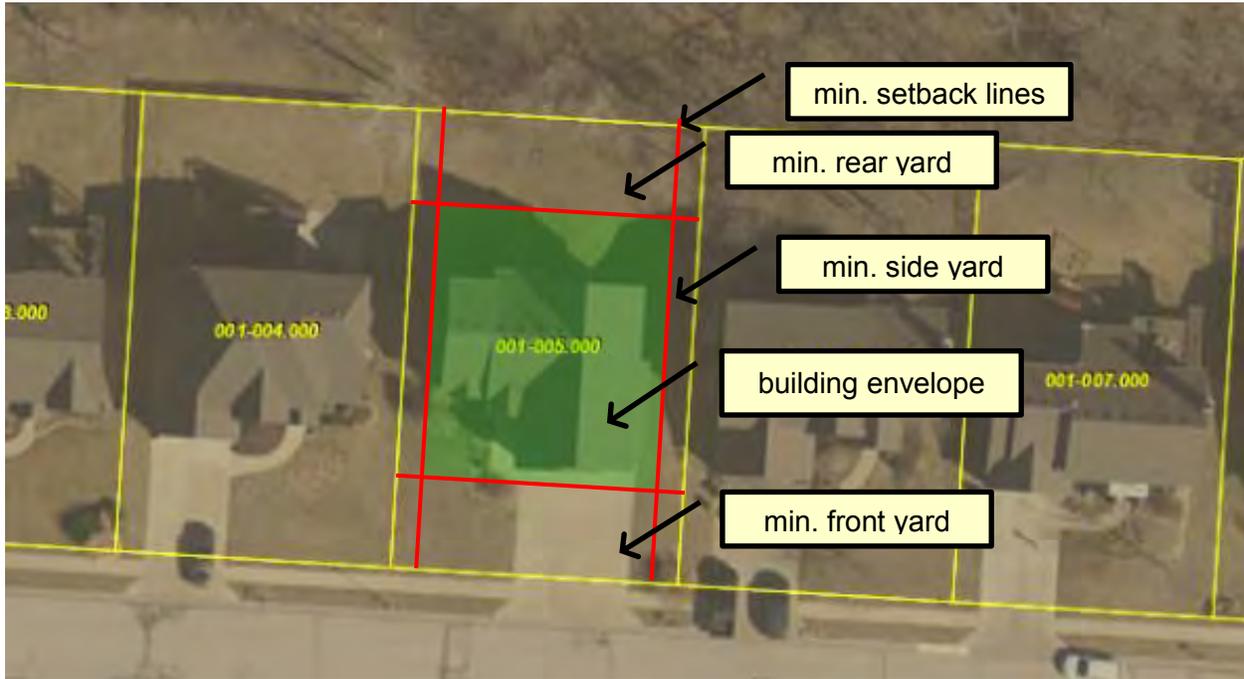
Chapter	District	Maximum Height		Minimum Depth of Front Yard In Feet	Minimum Width of Side Yards In Feet	Number of Side Yards	Minimum Aggregate Width of Side Yards in Feet
		Feet	Stories				
435	"B-2" General Business	45	3	None	For dwls: 5	2	10
					For other buildings: None except as required in Section 435.050		
445	"I-1" Light Industrial	30	2	40	15	2	50
450	"I-2" Light Industrial	45	3	25	None except as required in Section 450.050		
455	"I-3" Heavy Industrial	125	—	40	None except as required in Section 455.050		

Abbreviations: dwls. - dwellings; 3+ - 3 or more; 4+ - 4 or more; fam. - family or families

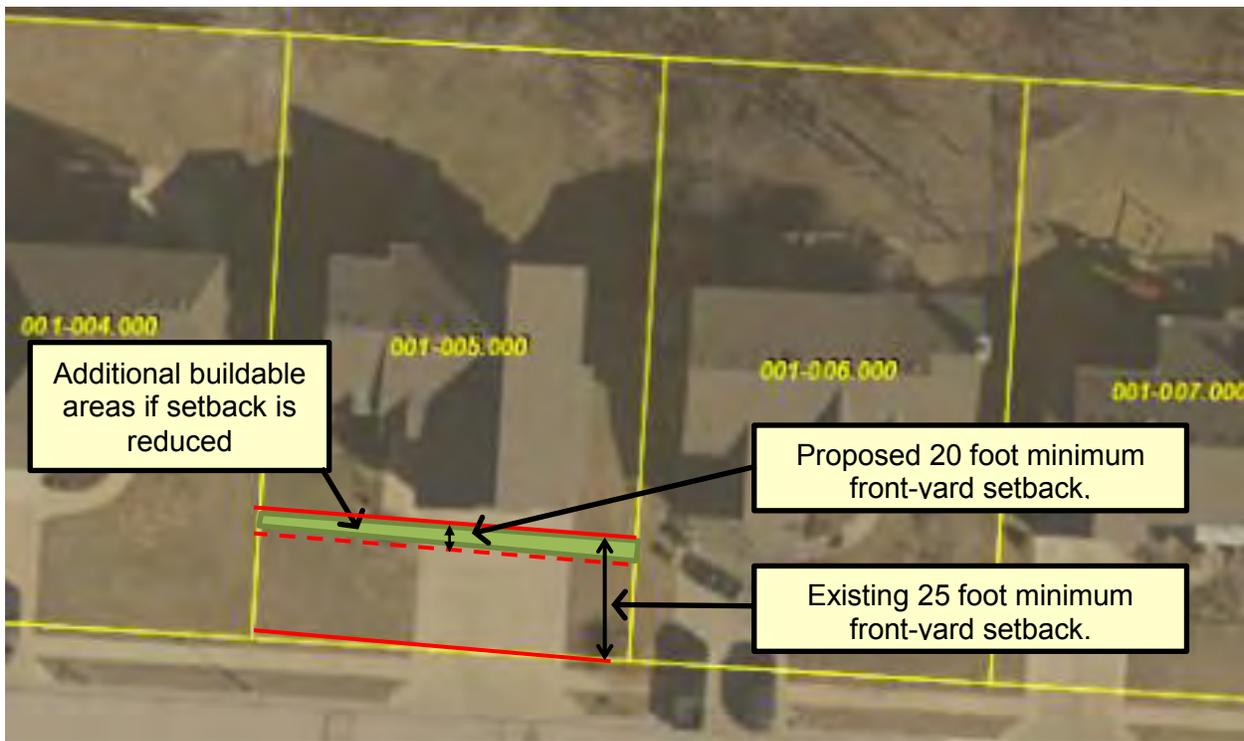
A dash (—) indicates no applicable regulations

## Exhibit G – Illustration of Proposed Setback Reduction

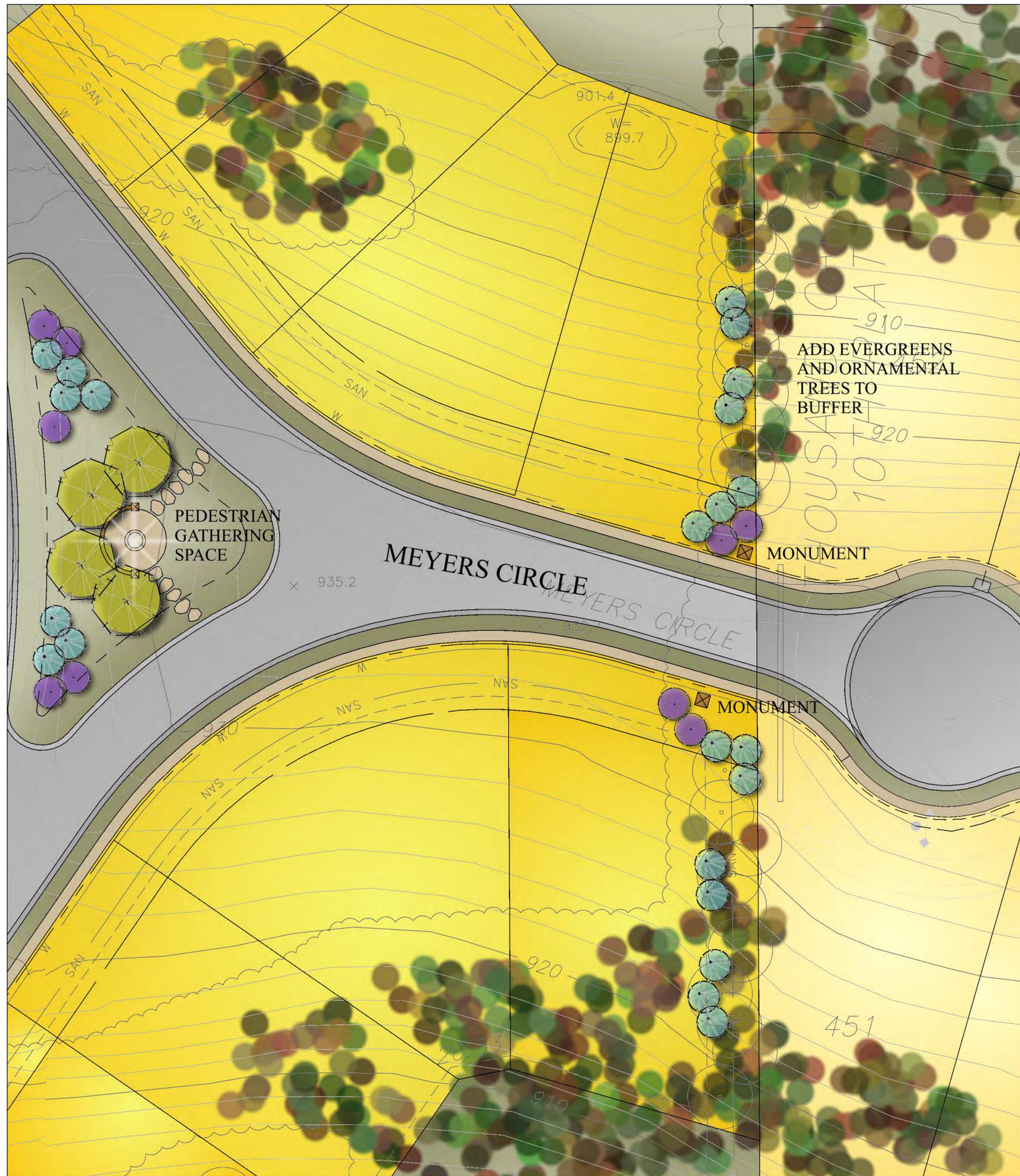
EXAMPLE ONLY. Note: Lot areas and setbacks in diagrams are NOT drawn to scale. Additionally, lot sizes are NOT applicable to “R-3” Single-Family Residential District.



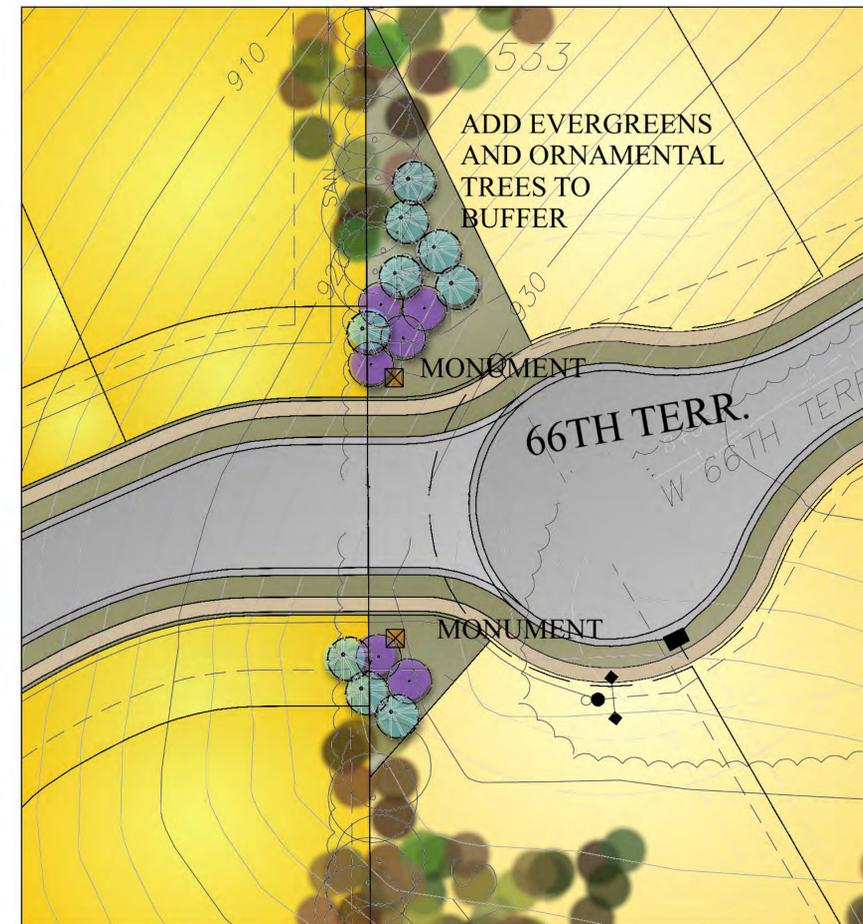
New homes cannot be located within the minimum required front, rear, or side-yards, but may be located anywhere within the building envelope created by the minimum setback lines.



The proposed variance requests to reduce the front-yard setbacks from 25 feet to 20 feet. As in the example above, the reduction does not require buildings to be built to the setback line. Instead, reducing the setback would allow increased area for locating a home.



**1 MEYERS CIRCLE CONCEPT PLAN**  
SCALE: 1"=20'-0"



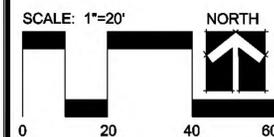
**2 66TH TERRACE CONCEPT PLAN**  
SCALE: 1"=20'-0"



**3 CONCEPTUAL COLUMN ELEVATION DESIGN**  
SCALE: NTS

**CLIENT**  
Barth Development Group  
6014 MO-9  
Parkville, MO 64152

**PROJECT**  
SITE RENDERING  
Thousand Oaks Community  
Parkville, MO



Date: 3.20.16

Concept Plan



## Staff Analysis

- Agenda Item:** 4.B.
- Proposal:** Application for variance for the reduction of “R-3” Single-Family Residential District front-yard setbacks from 25 feet to 20 feet, for Lots 547, 548, 550, 552, 555, 596, and 597 in the Thousand Oaks 12<sup>th</sup> Plat, in order to relieve practical difficulty / practical hardship due to exceptional topographical conditions.
- Case No:** BZA16-05
- Applicant:** David Barth, Forest Park Development Company of Kansas City, LLC
- Owner:** Forest Park Development of Kansas City, LLC
- Zoning:** City “R-3” Single-Family Residential District
- Parcel #s:** Parcels 20-4.0-19-400-001-009.000 (Lot 547), 20-4.0-19-400-001-010.000 (Lot 548), 20-4.0-19-400-001-012.000 (Lot 550), 20-4.0-19-400-001-014.000 (Lot 552), 20-4.0-19-400-001-017.000 (Lot 555), 20-4.0-19-400-002-012.000 (Lot 596), and 20-4.0-19-400-002-013.000 (Lot 597).
- Exhibits:**
- A. This staff report
  - B. Application for Variance, Appeal or Special Exception
  - C. Thousand Oaks – 20<sup>th</sup> Plat, Final Plat (prepared by Aylett Survey & Engineering Company; dated April 28, 2016)
  - D. Subject Area Map
  - E. Photos of Subject Area
  - F. Parkville Municipal Code, Title IV, Chapter 671 *Attachment 1*: Height, Area, and Bulk Requirements
  - G. Illustration of Proposed Setback Reduction
  - H. Public comments received (as of November 1, 2016)
  - I. Additional exhibits as may be presented at the public hearing
- By Reference:\***
- A. Parkville Municipal Code Chapter 420, “R-3” *Single-Family Residential District Regulations* - <http://ecode360.com/27901234>
  - B. Parkville zoning code in its entirety - <http://www.ecode360.com/PA3395-DIV-05>
  - C. Parkville Master Plan - <http://parkvillemo.gov/departments/community-development-department/master-plan/>
  - D. Platte County Municipal Code, Title IV, Chapter 400, including Section 400.210: “R-7” *Single-Family High Density District* - [http://www.co.platte.mo.us/docs/planning\\_zoning/2015/zoning\\_order.pdf](http://www.co.platte.mo.us/docs/planning_zoning/2015/zoning_order.pdf)
  - E. Case No. PZ16-06: Application for Thousand Oaks – 20<sup>th</sup> Plat, Final Plat, a Subdivision in the City of Parkville, Platte County, Missouri

- F. The Thousand Oaks Tenth Plat, Final Plat, recorded in the Platte County Recorder of Deeds Office via instrument 010266 in Book 20 Page 88 on June 10, 2005.
- G. Ordinance No. 2846: An Ordinance Approving Thousand Oaks – 20th Plat, Final Plat, A Subdivision In The City Of Parkville, Platte County, Missouri
- H. The Thousand Oaks Eleventh Plat, Final Plat, recorded in the Platte County Recorder of Deeds Office via instrument 001110 in Book 20, Page 134 on January 20, 2006.
- I. Case No. BZA04-35 (Request for approval of a proposed side-yard setback variance Thousand Oaks Estates)
- J. Notice of Public Hearing mailed to owners within 185 feet of the subject property
- K. Hearing notice published in the Platte County Landmark
- L. Summary of hearing posted on the City webpage - [http://parkvillemo.gov/download/public-hearing-notices/BZA16-05\\_VarianceHearingSummary111016.pdf](http://parkvillemo.gov/download/public-hearing-notices/BZA16-05_VarianceHearingSummary111016.pdf)
- M. Hearing announcement posted on the City webpage - <http://parkvillemo.gov/public-hearings/>

\* Copies on file at Parkville City Hall and available on request

#### Comments

Received: In addition to receiving inquiries via phone calls, the Community Development Department has received one (1) public comment (see Exhibit H) as of the completion of this staff analysis on November 1, 2016.

---



- Preserving aesthetics and view sightlines along the street
- Several adjacent lots had homes already built at the 25 ft. setback

After four-and-a-half years, lots 539, 540, 546, 549, 551, 553, 554, 556, 557, 558, 559, 560, 561, 577, 578, 578, 580, and 595 have been constructed; however, lots 547, 548, 550, 552, 555, 596, and 597 remain undeveloped. The applicant has indicated it's very challenging building homes on rolling terrain around Parkville's bluffs, and has safety concerns with the homes in this area. A 5 ft. reduction in the front yard setback requirement would allow homes to be better positioned and constructed in a safer manner, away from substantial elevation drop-offs in the rear yard of properties.

Note: Previous phases and plats throughout the Thousand Oaks Subdivision development have been granted approval of uniform variances in the past; more specifically for the reduction of side-yard setbacks in the "R-3" Single-Family District from 10 ft. to 6.5 ft. (Case Nos. BZA04-35; BZA15-01). This was done in order to achieve uniformity with County "R-7" Single-Family High Density District development standards for lots throughout the Thousand Oaks Subdivision within unincorporated Platte County.

### **Review and Analysis**

Variances are a process to provide relief from strict interpretation of the standards of the Zoning Code — including applicable area, width, depth and setback requirements (in this case, the City's "R-3" Single-Family Residential District requirements) — which when applied to a particular property and in a specific context, would create an unnecessary hardship and practical difficulty on reasonable use of the property.

Per Section 480.050 of the Parkville Municipal Code, the Board of Zoning Adjustment shall have the power to grant the following variances: *A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent, and purpose of the zoning plan; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.*

Per Section 483.030 of the Parkville Municipal Code, a notice of public hearing was published in a newspaper in general circulation in the City, surrounding property owners within one-hundred and eight-five (185) ft. of the subject property were notified of the time, place and nature of the public hearing via certified mail, and a sign was posted on the subject property (in view from the public right-of-way) announcing the time, place and nature of the public hearing. While staff has received inquiries via phone calls, no written comments have been received by the Community Development Department as of the completion of this staff analysis on November 1, 2016.

Furthermore, the application has been reviewed against the Parkville Municipal Code, including the applicable "R-3" Single-Family Residential District regulations. To consistently evaluate variances, the Board of Zoning Adjustment has previously considered the following matters as a guide as advised by staff and legal counsel. Following each matter to be considered are staff's findings and conclusions.

**1. Is the proposed variance to the Zoning Ordinance contrary to public health, safety and welfare?**

The proposed reduction in front-yard setback from 25 feet to 20 feet does not appear to have a substantial impact on the intent of the front yard, which is to help establish private property from public property and provide adequate depth for private uses, including parking. The variance does not adversely affect minimum vehicle parking requirements per Section 460.030 — at least two (2) vehicles would still be able to park at each single-family residential dwelling unit — as the City’s required parking depth of 18 ft. can still be accommodated. Additionally, the variance does not affect required aggregate separation between buildings for fire protection health, safety and welfare reasons.

**2. Will the literal enforcement of the regulations result in unnecessary hardship upon the property owner?**

The hardship in this circumstance is the inability to safely develop single-family residences, as platted, graded and staked, based on the unique topographical conditions of the subject property, according to the area, width, depth and setback requirements of the applicable “R-3” Single-Family Residential Zoning District. The reduction in front-yard setback from 25 feet to 20 feet allows flexibility to orient and position homes in a safer manner on each lot, away from the substantial elevation drop-offs in the rear yard of properties; however, it’s important to note that adjacent lots, specifically those along NW 66<sup>th</sup> St., have been able to develop under the current district requirements.

**3. Are the conditions unique to this parcel and not created by the owner’s actions?**

Rolling terrain and bluffs are common throughout Parkville’s city limits, and the Thousand Oaks 12<sup>th</sup> Plat of the Thousand Oaks subdivision development is no different to having these unique topographical conditions. However, one could argue the applicant put themselves in this position by platting the layout of the streets and lots of the Thousand Oaks 12<sup>th</sup> Plat in such a manner to create these challenges.

**4. Would granting the variance adversely affect the rights of adjacent property owners?**

Staff does not see any substantial adverse effects affecting the rights of adjacent property owners for lots 547, 548, 550, 596, and 597. Lots 547, 548 and 550 reside within the N. Whitetail Way cul-de-sac and lots 596 and 597 reside within the N. Burr Oak Court cul-de-sac; as a result of being located and oriented at the end of cul-de-sacs, staff does not see the setback reduction of 5 ft. adversely affecting aesthetics and/or view sightlines of adjacent property owners. However, staff believes there may be adverse effects impacting the aesthetics and/or view sightlines of adjacent property owners around lots 552 and 555 due to the orientation of NW 66<sup>th</sup> St. and those lots located along that local street, as opposed to being within cul-de-sacs.

Property owners within one-hundred and eight-five (185) ft. of the subject property have been notified of the time, place and nature of the public hearing via certified mail. While staff has received inquiries via phone calls, no written comments have been received by the Community Development Department as of the completion of this staff analysis on November 1, 2016.

**5. Would the requested variance be opposed to the general spirit and intent of the Zoning Ordinance?**

The zoning ordinance defines the purpose of the “R-3” Single-Family Residential District as to, *“provide for single-family residential development of moderately spacious character*

*together with such public buildings, schools, churches, public recreational facilities, and accessory uses, as may be necessary or is normally compatible with residential surroundings.”* Minimum required lot area, width, depth and setback requirements were adopted to help achieve this intent.

The Thousand Oaks 12<sup>th</sup> Plat, Final Plat contains approximately 35 acres, 9.61 of which is dedicated as private open space to be maintained by the Homeowner’s Association as identified by Tracts “A”, “B”, “C”, “D”, and “E” on the plat, which preserves a significant portion of the land. Staff concludes that the intent of the “R-3” district to provide for “moderately spacious character” is met regardless of a reduction in the front-yard setback.

**6. Is the requested variance the minimum possible to make possible reasonable use of the property?**

Staff believes the proposed variance request for 5 ft. is the minimum possible in order for the applicant to make possible reasonable use of the property, due to exceptional topographical conditions. Granting the variance appears to address the safety concerns for lots 547, 548, 550, 552, 555, 596, and 597 within the Thousand Oaks 12<sup>th</sup> Plat, by allowing the homes on them to be positioned and constructed in a safe manner, away from substantial elevation drop-offs in the rear yard of properties.

Lastly, although not the basis for approval alone, it should also be noted and considered that the Planning and Zoning Commission, and Board of Aldermen, have previously approved similar exceptions under a different section of the Parkville Municipal Codes. Specifically, rezoning several large-scale residential developments under a Community Unit Plan (CUP) designation in order to modify the area, width, depth and setback requirements in the district(s) in which the project is located. One example includes The National Golf Club of Kansas City, where several single-family phases in the master-planned development reduced the front-yard setback from 25 feet (per “R-2” Single-Family Residential District requirements) to 20 feet via the CUP. However, a distinction that’s important to note is the CUP for The National was approved prior to plats being recorded and building permits issued for the construction of homes throughout the plat. Thus, no existing homes had been constructed to different setback requirements and the 20 ft. setback was applied uniformly throughout the entire development, as opposed to individual property parcels.

**Staff Conclusion and Recommendation**

Staff concludes that: the proposed variance is not contrary to protect the public health, safety and welfare; there does appear to be a hardship to the property owner if not granted the variance; exceptional topographical conditions are unique to the subject properties, however may have been a result of the platted layout of streets and lots in the Thousand Oaks 12<sup>th</sup> Plat by the applicant; the variance will not adversely affect the rights of adjacent property owners of lots 547, 548, 550, 596, and 597; however, the variance may adversely affect the rights of adjacent property owners of lots 552 and 555; the requested variance is not opposed to the general spirit and intent of the zoning ordinance; and the proposed variance is the minimum possible in order for the applicant to make possible reasonable use of the property.

Following review, staff recommends approving the proposed variance for lots 547, 548, 550, 596, and 597 based on the merits of the application and the findings and conclusions in this report, and does not recommend approval of the variance for lots 552 and 555.

It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the

public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

**Necessary Action**

Following consideration of the Application for Variance, Appeal or Special Exception, supporting information, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Board of Zoning Adjustment should decide if the request will preserve the intent and consistency of the zoning regulations, the general welfare of the community and the rights of the adjacent property owners without setting a precedent that will negatively affect administration of the regulations. If granting approval, conditions may be set to further mitigate any effects of the variance.

*End of Memorandum*



11-01-2016

Stephen Lachky, AICP  
Community Development Director

Date



Application #: BZA16-05
Date Submitted: 10/04/16
Public Hearing: November 10, 2016
Date Approved:

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Variance, Appeal or Special Exception

1. Applicant / Contact Information

Applicant(s)

Name: Forest Park Development of Kansas City
Address: 6014 N 9 Hwy
City, State: Parkville, MO 64152
Phone: 816-587-6101 Fax: 816-741-6504
E-mail: dbarth@kc.rr.com

Owner(s), if different from applicant

Name: Same
Address:
City, State:
Phone: Fax:
E-mail:

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) [Signature] Date: 10/04/16

Property Owner's Signature (Required) [Signature] FOREST PARK DEV. OF KC, L.L.C. Date: 10/04/16

2. Type of Request

Check one: Appeal Special Exception Variance

Applicable zoning regulation and section:

Describe nature of the request: Requesting a change in the front building set back to 20 ft. for lots 547, 548, 549, 550, 552, 555, 597 & 598 in Thousand Oaks Subdivision

3. Property Information

Address and general location: The Southeast section of Thousand Oaks

If no address issued, submit legal.

Attach a separate sheet with complete legal description of the property.

Present zoning: Residential

Proposed zoning: Residential

Present use of the property: Home-sites

Proposed use with variance, appeal or special exception: Home-sites

**4. Neighboring Land Use, Zoning, Character and Effects of Amendment on Each**

Describe the zoning and uses on the neighboring properties:

	<u>Land use</u>	<u>Zoning</u>
North:	<u>Thousand Oaks 20th Plat</u>	<u>Residential</u>
South:	<u>Greenway</u>	<u>Residential</u>
East:	<u>Greenway</u>	<u>Residential</u>
West:	<u>Greenway</u>	<u>Agricultural</u>

General character of the neighborhood: Rolling terrain and scenic views; majority timber

Effects of the requested variance, appeal or special exception on adjacent and neighboring property:

Other comments or factors relating to this request:

People love the rolling hills and scenic views in Parkville along the river bluffs; however, the home-sites can be very challenging.

**5. Checklist of Required Submittals**

- Completed application and all required submittals as follows.
- Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication and certified notice to adjacent property owners.
- Names and addresses of all property owners within 185' of the applicable property.
- Complete legal description of the applicable property.
- Owner's signature and affidavit of ownership.
- Twelve copies of a plan showing proposed variance, appeal or special exception in relation to existing proposed features, on and off-site and all supporting documentation and exhibits in paper and electronic (pdf) format.

**For City Use Only**

Application accepted as complete by: \_\_\_\_\_  
Name/Title Date

Application fee payment by:  Check # \_\_\_\_\_  M.O. \_\_\_\_\_  Cash

Accepted by: \_\_\_\_\_  
Name/Title Date

Hearing notice published in: \_\_\_\_\_ Date of publication: \_\_\_\_\_

Final reimbursable costs paid (if applicable). Date of Action: \_\_\_\_\_

**Board Action:**  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_  
 Conditions if any: \_\_\_\_\_

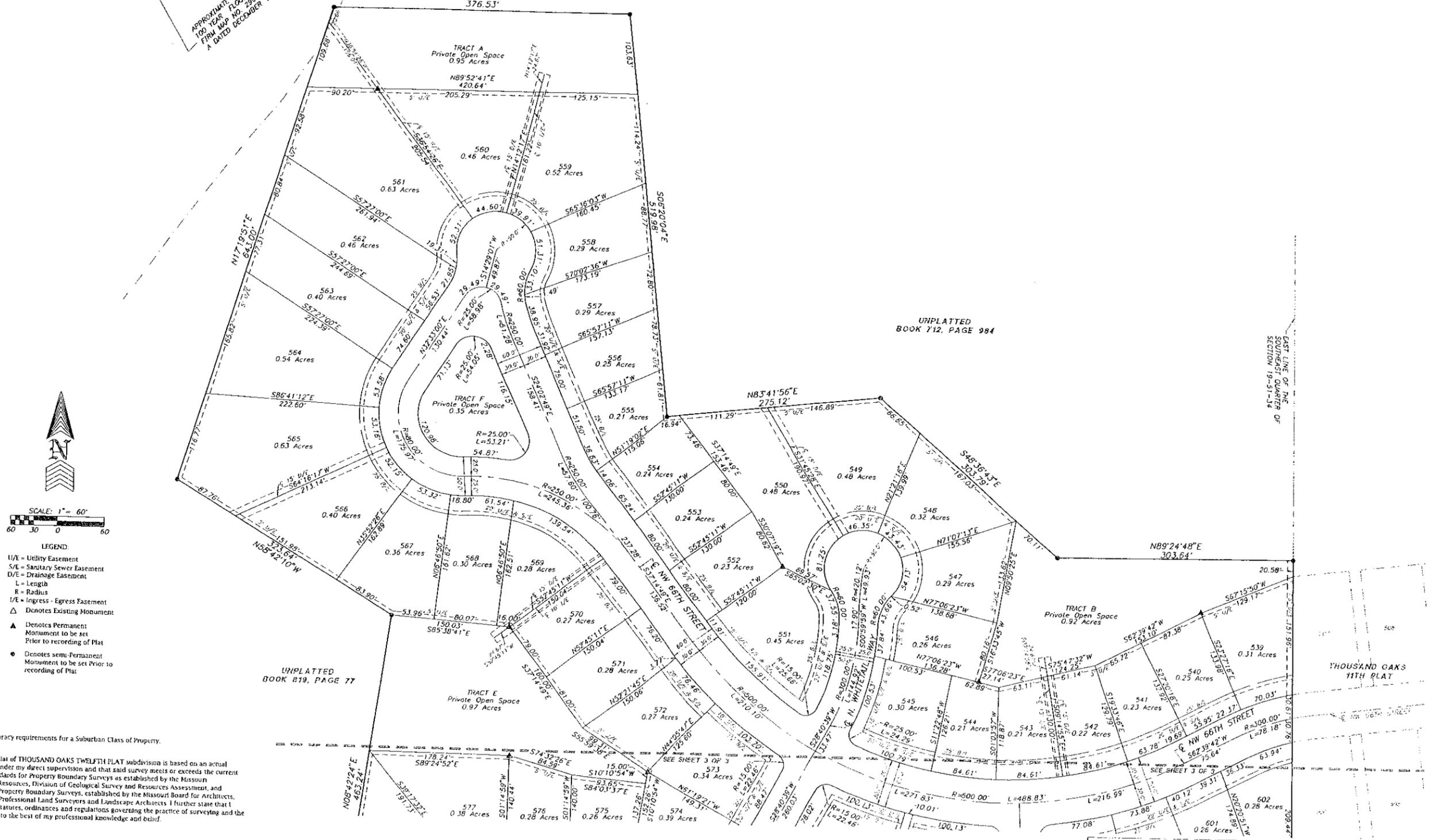


# THOUSAND OAKS TWELFTH PLAT

## FINAL PLAT

A Subdivision in Parkville  
Platte County, Missouri

APPROXIMATE LIMITS OF THE  
100 YEAR FLOODPLAIN PER  
FIRM MAP NO. 59475 D155  
DATED DECEMBER 18, 1979



SCALE: 1" = 60'

- LEGEND:
- U/E = Utility Easement
  - S/E = Sanitary Sewer Easement
  - D/E = Drainage Easement
  - L = Length
  - R = Radius
  - I/E = Ingress - Egress Easement
  - △ = Denotes Existing Monument
  - ▲ = Denotes Permanent Monument to be set Prior to recording of Plat
  - = Denotes semi-Permanent Monument to be set Prior to recording of Plat

UNPLATTED BOOK R19, PAGE 77

UNPLATTED BOOK 712, PAGE 984

EAST LINE OF THE  
SOUTHWEST QUARTER OF  
SECTION 19-31-34

THOUSAND OAKS  
11TH PLAT

This plat meets the accuracy requirements for a Suburban Class of Property.

I hereby state that the plat of THOUSAND OAKS TWELFTH PLAT subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Natural Resources, Division of Geological Survey and Resources Assessment, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

DATE \_\_\_\_\_  
SAM A. AYLETTE, PLS-2074 - PLATTE COUNTY SURVEYOR

FINAL PLAT  
**THOUSAND OAKS TWELFTH PLAT**  
PLATTE COUNTY, MISSOURI

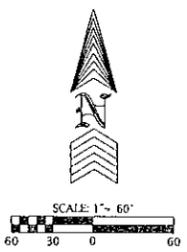
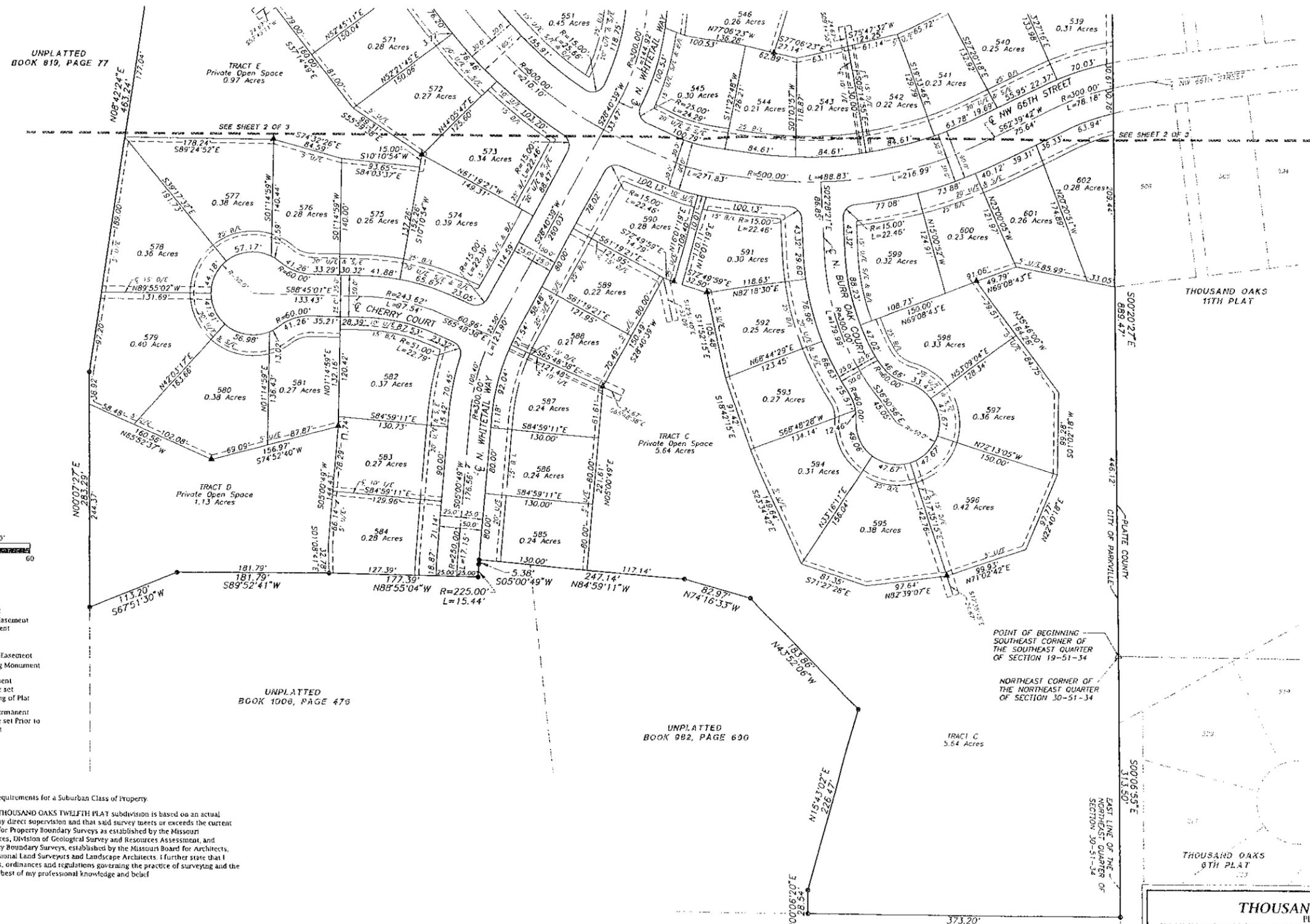
Prepared By <b>SAM'S SURVEY COMPANY, INC.</b> LAND SURVEYING - LAND PLANNING - CIVIL ENGINEERING 701 NW 72ND STREET - CLAYTON, MISSOURI 64119 Phone 436-0732 - Fax 436-0767	Prepared For Forest Park Development Company L.L.C. of Kansas City 6014 N. 9 Highway, Parkville, Missouri, 64152 Phone 816-741-6501
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Drawn By: NRM    Title Name: 431607PB    SEC: 198303131    Date: February 13, 2007    Job No: 431607

# THOUSAND OAKS TWELFTH PLAT

## FINAL PLAT

A Subdivision in Parkville  
Platte County, Missouri



- LEGEND:**
- U/E = Utility Easement
  - S/E = Sanitary Sewer Easement
  - D/E = Drainage Easement
  - L = Length
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  - I/E = Ingress - Egress Easement
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DATE \_\_\_\_\_  
SAM A. AYLETT, PLS-2074 - PLATTE COUNTY SURVEYOR

FINAL PLAT <b>THOUSAND OAKS TWELFTH PLAT</b> PLATTE COUNTY, MISSOURI	
Prepared By <b>SAM'S SURVEY COMPANY, INC.</b> <small>LAND SURVEYING - LAND PLANNING - CIVIL ENGINEERING          301 NW 72ND STREET - CLAYSTONE, MISSOURI 64118          Phone: 436-0732 - Fax: 436-0767</small>	Prepared For <b>Forest Park Development          Company L.L.C. of Kansas City</b> <small>6914 N 911 Highway, Parkville, Missouri, 64112          Phone: 816 741-6591</small>
<small>Drawn By SRM    File Name: 43109PK    SEC: 198305131</small>	<small>Date: February 13, 2007    Job No: 43169</small>

# Exhibit E



View looking north toward Lot 555 (Thousand Oaks 12<sup>th</sup> Plat)



View looking north toward Lot 555 (Thousand Oaks 12<sup>th</sup> Plat)



View looking north toward Lot 552 (Thousand Oaks 12<sup>th</sup> Plat)



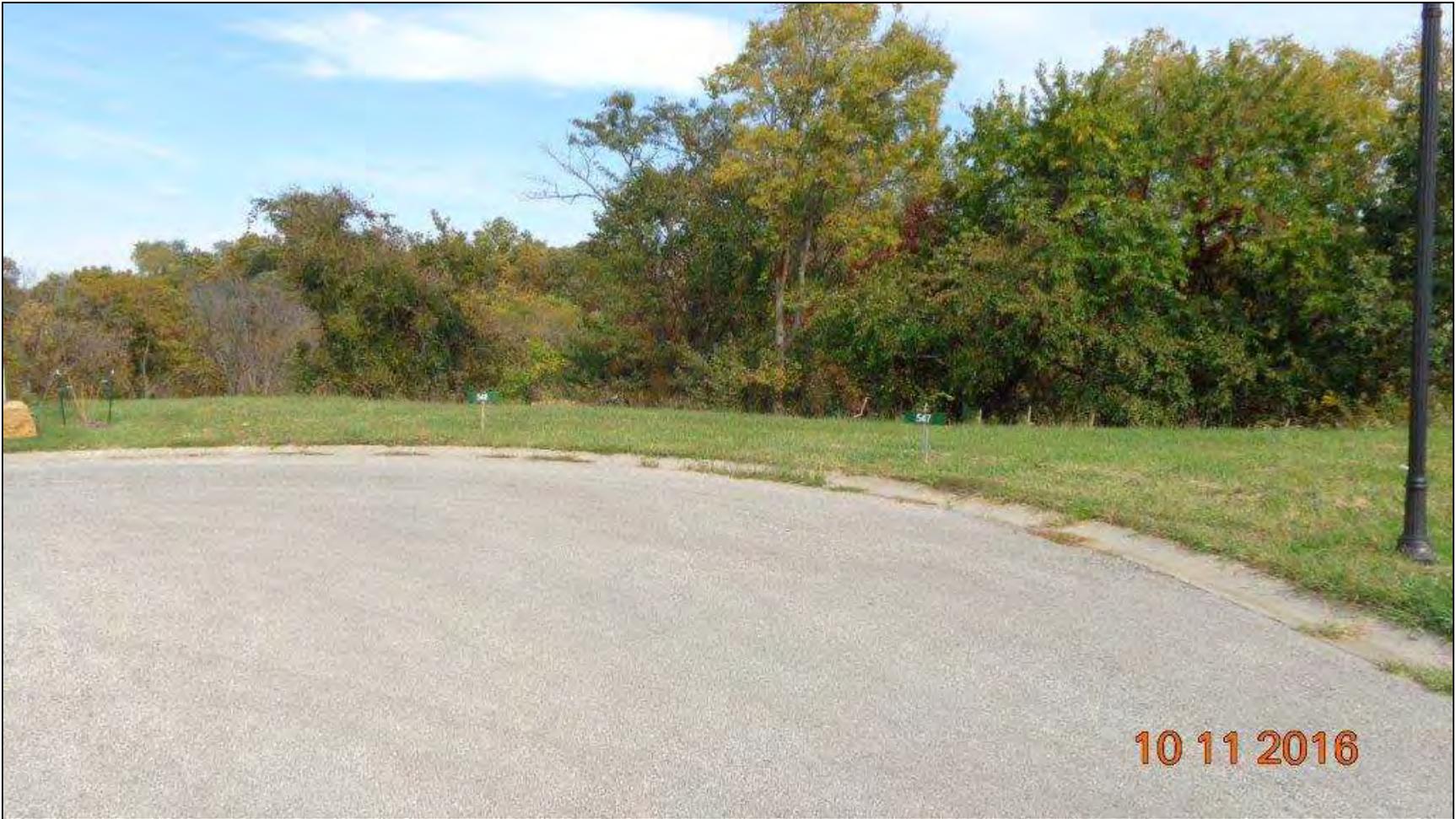
View looking northeast toward Lot 552 (Thousand Oaks 12<sup>th</sup> Plat)



View looking northwest toward Lot 552 (Thousand Oaks 12<sup>th</sup> Plat)



View looking west toward Lot 550 (Thousand Oaks 12<sup>th</sup> Plat)



View looking north toward Lots 548 and 547 (Thousand Oaks 12<sup>th</sup> Plat)



View looking northwest toward Lots 548 and 547 (Thousand Oaks 12<sup>th</sup> Plat)



View looking east toward Lot 597 (Thousand Oaks 12<sup>th</sup> Plat)



View looking southeast toward Lot 596 (Thousand Oaks 12<sup>th</sup> Plat)



View looking southeast toward Lot 596 (Thousand Oaks 12<sup>th</sup> Plat)

# Exhibit F

## HEIGHT, AREA, AND BULK REQUIREMENTS

467 Attachment 1

### City of Parkville

[Ord. No. 624 §16-1, 5-20-1975; Ord. No. 1273 §19, 12-17-1991; Ord. No. 2624 §1, 12-20-2011]

Chapter	District	Minimum Depth of Rear Yard In Feet	Minimum Lot Area Per Family In Square Feet	Minimum Lot Area In Square Feet	Minimum Width Of Lot In Feet	Minimum Depth Of Lot In Feet
410	"R-1" Single-Family Residential	50	20,000	20,000	100	150
415	"R-2" Single-Family Residential	30	10,000	10,000	75	100
420	"R-3" Single-Family Residential	25	7,500	7,500	60	100
425	"R-4" Multiple-Family Residential	20	Single-family-- 6,000 All multiple family dwellings--5,445	6,000	50	75
430	"B-1" Neighborhood Business	Dwls: 25	Same as "R-4"	6,000	50	75
		For other bldgs: None except as required in Sec. 430.050	—	None	None	None

PARKVILLE CITY CODE

Chapter	District	Minimum Depth of Rear Yard In Feet	Minimum Lot Area Per Family In Square Feet	Minimum Lot Area In Square Feet	Minimum Width Of Lot In Feet	Minimum Depth Of Lot In Feet
435	"B-2" General Business	Dwls: 20	Same as "R-4"	6,000	50	75
		For other bldgs: None except as required in Sec. 435.050	—	None	None	None
445	"I-1" Light Industrial	10	—	43,560	150	200
450	"I-2" Light Industrial	None except as required in Sec. 450.050	—	None	None	None
455	"I-3" Heavy Industrial	None except as required in Sec. 455.050	—	None	None	None

Chapter	District	Maximum Height		Minimum Depth of Front Yard In Feet	Minimum Width of Side Yards In Feet	Number of Side Yards	Minimum Aggregate Width of Side Yards in Feet
		Feet	Stories				
410	"R-1" Single-Family Residential	35	2½	40	10	2	30
415	"R-2" Single-Family Residential	35	2½	25	10	2	20
420	"R-3" Single-Family Residential	35	2½	25	10	2	20
425	"R-4" Multiple-Family Residential	45	3	15	1 & 2 fam: 5	2	1 & 2 fam: 10
					3+ family: 10		3+ family: 20
					All others: 10		All others: 10

## HEIGHT, AREA, AND BULK REQUIREMENTS

430	"B-1" Neighborhood Business	35	2½	25	For dwls: 10	2	20
					For other buildings: None except as required in Section 430.050		

PARKVILLE CITY CODE

Chapter	District	Maximum Height		Minimum Depth of Front Yard In Feet	Minimum Width of Side Yards In Feet	Number of Side Yards	Minimum Aggregate Width of Side Yards in Feet
		Feet	Stories				
435	"B-2" General Business	45	3	None	For dwls: 5	2	10
					For other buildings: None except as required in Section 435.050		
445	"I-1" Light Industrial	30	2	40	15	2	50
450	"I-2" Light Industrial	45	3	25	None except as required in Section 450.050		
455	"I-3" Heavy Industrial	125	—	40	None except as required in Section 455.050		

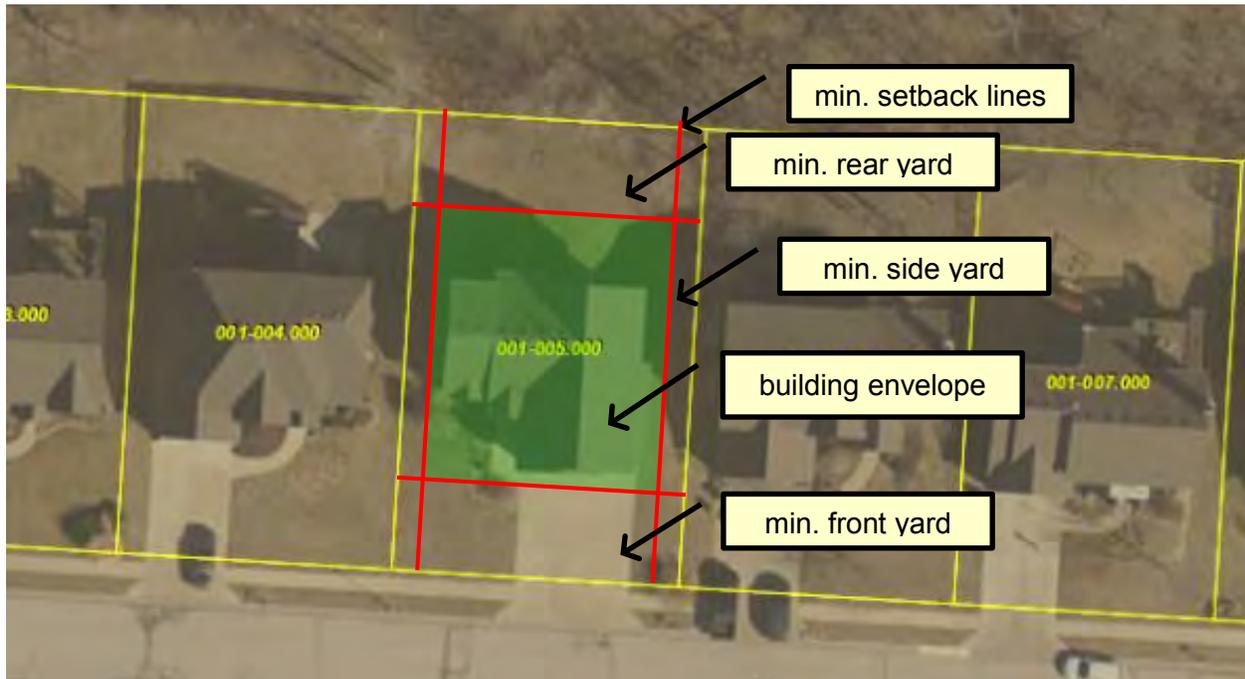
Abbreviations: dwls. - dwellings; 3+ - 3 or more; 4+ - 4 or more; fam. - family or families

A dash (—) indicates no applicable regulations

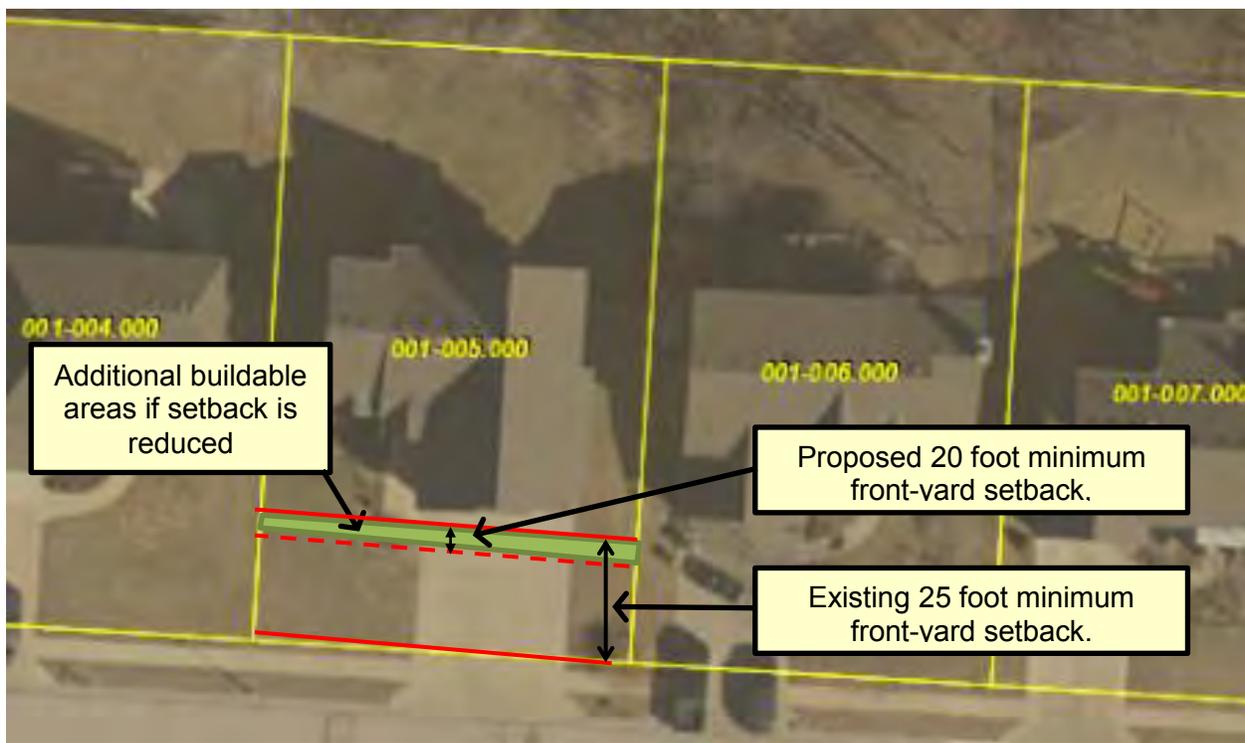
# Exhibit G

## Exhibit G – Illustration of Proposed Setback Reduction

EXAMPLE ONLY. Note: Lot areas and setbacks in diagrams are NOT drawn to scale. Additionally, lot sizes are NOT applicable to “R-3” Single-Family Residential District.



New homes cannot be located within the minimum required front, rear, or side-yards, but may be located anywhere within the building envelope created by the minimum setback lines.



The proposed variance requests to reduce the front-yard setbacks from 25 feet to 20 feet. As in the example above, the reduction does not require buildings to be built to the setback line. Instead, reducing the setback would allow increased area for locating a home.

# Exhibit H

**From:** George Heyns  
**To:** [Stephen Lachky](#)  
**Subject:** Public Hearing - BZA 16-05  
**Date:** Tuesday, November 01, 2016 11:06:41 AM

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**Case BZA 16-05** – Forest Park Development of Kansas City, LLC’s application for variance for the reduction of “R-3” Single-Family Residential District front-yard setbacks from 25 feet to 20 feet for Lots 547, 548, 550, 552, 555, 596 and 597 in the Thousand Oaks 12<sup>th</sup> Plat, in order to relieve practical difficulty/practical hardship due to exceptional topographical conditions.

The above-referenced hearing has been set to hear the applicant’s case to reduce the front-yard setbacks in Thousand Oaks 12<sup>th</sup> Plat from 25 feet to 20 feet. In particular, this request is being made by the applicant because it will “allow homes to be better positioned and constructed on lots in a safe manner, away from substantial elevation drop-offs in the rear yard of lots.”

As mentioned in the certified letter sent to local residents, this is not the first time the applicant has sought this variance. The previous request was addressed in Case No. BZA 12-01 and failed by a vote of 3-3 on April 4, 2012. It should be noted that nothing has physically changed with the lots in question since the first request to reduce front-yard setbacks was made four years ago. Rather, it should be noted that the following changes have occurred since that time:

1. Successful building of 50+ homes on Whitetail Way, Burr Oak Court and lower 66<sup>th</sup> Street. Each of these homes has been built on similar topography to the lots that the applicant is requesting a reduction of front-yard setbacks for safety reasons. City and County inspections have occurred at completion of each of these homes to certify occupancy and none has been deemed unsafe due to lot conditions.
2. In particular, in 2014 we built a house on Lot 549 on Whitetail Way at the base of the cul-de-sac between three of the lots (547, 548 & 550) that the applicant has requested a reduction in setbacks. Despite the conditions of the topography at the keystone of the cul-de-sac, construction of our home was completed while abiding by all current regulations currently in place.
3. In similar fashion to the construction of my home on Whitetail Way, in 2012 Nicole Manduca and Jacqueline Suchy constructed their home on the keystone lot of Burr Oak Court, which is adjacent to two additional lots (596 & 597) that the applicant is requesting a reduction in setbacks. Construction of this home was also completed without exception to current regulations.

The construction of each of the homes notated in #2 and #3 above did incur additional site work at the expense of the builder/buyer. In order to have a more stable foundation, our home on lot #549 required six additional foundation piers due to the soft nature of the soil – not the elevation or topography. Additionally,

we installed a 75-foot long, 8-foot high retaining wall so our back yard would have a flatter elevation. The combination of these two items increased our construction budget in excess of \$50,000. **I cannot, however, stress that neither of these changes and their resulting expenses had anything to do with an inability to build on the lot according to setback regulations that are in place.** The bottom line is that we chose the lot that we built on because we liked its location in the subdivision. Even though additional work was needed for aesthetics, it was our choice to invest the additional money into our site work and we are not unhappy with our decision.

The applicant is making this current request because they have not readily sold the remaining lots in Thousand Oaks 12<sup>th</sup> Plat, and they have refused to lower the sales price of the lots in an amount to offset any potential builder/buyer's expenses to create a flatter lot. Reducing the front-yard setbacks on Whitetail Way and Burr Oak Court would significantly affect the layout of the cul-de-sacs, and the resulting shorter driveways would reduce parking spaces. Furthermore, the layout/placement of homes on each of these cul-de-sacs and also on the two lots on 66<sup>th</sup> Street would appear abnormal and disjointed compared to the majority of homes constructed according to the 25-foot setback regulations for R-3 Residential.

Please take these comments into account when reviewing the applicant's request for a reduction in front-yard setbacks. The applicant's request is being made to facilitate an easier sale of the remaining lots in Thousand Oaks 12<sup>th</sup> Plat, and not for a matter of safety.

Sincerely,  
George Heyns

6549 N Whitetail Way (Lot 549, Thousand Oaks 12<sup>th</sup> Plat)  
Parkville, MO 64152

October 30, 2016

City of Parkville Missouri  
Board of Zoning Adjustment  
8880 Clark Ave,  
Parkville, MO 64152

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Re: Case No: BZA 16-05

Dear Mrs. Dods,

My name is Christopher Smith and I am homeowner in Thousand Oaks subdivision. My wife and I completed the construction of our home in October 2011 on Lot 551 in the 12<sup>th</sup> Plat. I would also like to mention that I was present at the hearing for Case No: BZA 12-01, whereby the request for a zoning variance (reduction in setbacks from 25 feet to 20 feet) by the Applicant was denied. I would very much appreciate if the Zoning Board would review my testimony in Case No: BZA 12-01 because much of it still applies to this new case currently before you and I would like to make sure it is on file with this new case.

My first objection to the approval for this zoning variable is due to the potential safety issues that would arise should this Board vote to approve the setback variance. All Lots would present big potential safety risk if large cars or SUV's are parking in the driveway because these cars would impede the sidewalk traffic. We have a neighborhood with lots of young children and during good weather we have numerous pedestrians using the sidewalks. By allowing this zoning variance it could require pedestrians to move into the street in order to go around cars that are parked in a driveway and blocking sidewalks. There is little, we as residents, can do about this matter after a house is already completed with a 20-foot setback except complain to the actual homeowner or file a complaint with the City on our new neighbors (which no home owner wants to be put in a position to do). In addition to the obstruction of sidewalk lanes, if large cars are parked on Lot 552 it would completely obscure the driveway on Lot 553 (The Johnson's who own this home have 2 very young children). If these children are playing in the driveway, there is no way for any car traffic traveling west on 66<sup>th</sup> to see these children or have time to react should the kids exit the driveway. With the current 25-foot setbacks, it still requires drivers to be very aware of their surroundings and even at a speed limit of 25 MPH, not having adequate visibility of the end of driveways would greatly reduce the reaction time for drivers to stop.

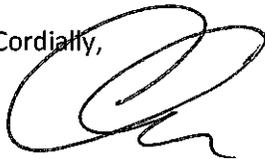
My second objection is to the marketability of the Lots in this case. When Case No: BZA 12-01 was presented, this was one of the Applicant's reasons for requesting the setback reduction. Since this case was closed in April 2012, the 12<sup>th</sup> Plat of Thousand Oaks have seen 89% of its Lots sold and successfully build upon. I do not know the number of completed homes in the 12<sup>th</sup> plat before April of 2012 but it was definitely less than 20 homes. I think time has shown that marketability was not the issue as stated in BZA 12-01. There is a specific reason why the Lots in this case have not yet sold and it is 100% attributed to the Applicant, initially, not grading the Lots correctly. Even with this, multiple lots with substantial drop offs have sold in the preceding years that are similar or worse than the Lots addressed in this application. I have spoken with many Builders who build in the Parkville City limits and one of them has specifically looked at Lot 552. He would have great interest in buying Lot 552 if the price of the Lot was marketed correctly based on the additional site costs that would be incurred by any Builder to build a home on it. Lot 552 is currently marketed for approximately \$75,000. Of the Builders that I

talked with, all of them told me that they would incur anywhere from \$20,000 to \$30,000 in additional site costs. These costs can't really be passed onto any potential Buyer because why would a Buyer pay \$20-30K more for the same size house than they could get built on any other comparable priced Lot in Thousand Oaks. Instead of the Applicant spending the money to correct the grading issues of these Lot's in order to bring them in line with all the other lots they have sold at near/full price OR lowering the sales price of the Lots to reflect the costs that Applicant avoided and "crediting" the builder for said costs, the Applicant wishes to change the rules of the 12<sup>th</sup> Plat at the potential risks to safety and marketability of the homes already completed in said Plat. As I stated in my testimony for Case No: 12-01, I would have loved to been able to build a home with two separate 2 car garages but there was no way to fit it on my Lot and still adhere to the setback restrictions. Instead of trying to change the rules and apply for a variance, I followed the rules and adjusted our construction plan to conform with the set zoning guidelines.

I look forward to seeing the completion of home construction in the 12<sup>th</sup> Plat but changing the rules, which have potential safety risks and potential marketability on the resale of current homeowner's property, is not the way this Board should allow the Applicant to proceed forward.

I respectfully request the Board of Zoning Adjustment to again vote NO on the Applicant's request for a reduction in setbacks from 25 feet to 20 feet.

Cordially,



Christopher Smith  
15000 NW 66<sup>th</sup> St (Lot 551)  
Parkville, MO 64152  
[christophersmith0819@gmail.com](mailto:christophersmith0819@gmail.com)  
816-935-6962