

**Minutes of the  
Board of Zoning Adjustment Meeting  
City of Parkville, Missouri  
Wednesday, July 29, 2015 at 5:30 p.m.  
City Hall Boardroom**

**1. CALL TO ORDER**

Chairman Al McCormick called the meeting to order at 5:34 pm.

**2. ROLL CALL**

Board Members Present:

Al McCormick, Chairman  
Carla Dods, Vice Chairman  
Russell Downing, Secretary  
Gia McFarlane  
Ken Wright

A quorum of the Board of Zoning Adjustment was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director  
Emily Crook, Community Development Department Assistant

**3. GENERAL BUSINESS**

**A. Approval of Board of Zoning Adjustment Meeting Agenda.**

Chairman Al McCormick called for any discussion of the proposed agenda.  
**Vice Chairman Dods moved to approve the agenda, Board Member McFarlane seconded. Motion passed 5-0.**

**B. Approval of Minutes from the Thursday, March 21, 2013 Board of Zoning Adjustment meeting.**

The minutes were excluded from the meeting's packet agenda. The Board resolved to take no further action.

**4. PUBLIC HEARING**

Chairman McCormick introduced the public hearing item. He asked Community Development Director Sean Ackerson to describe the application.

- A. **Application to consider uniform variance for the reduction of interior side-yard setbacks from 10 feet to 6.5 feet for all for single-family lots on 43.3 acres, more or less, zoned R-3 Single-Family Residential District.** *Case BZA15-01, Thousand Oaks West, David Barth, Forest Park Development, LLC, applicant.*

Community Development Director Ackerson outlined the area and the boundaries between the County and the City. He stated that the applicant's intent is to change the setbacks to match the rest of the Thousand Oaks properties that are annexed into the City. He gave a brief history of the Thousand Oaks development. For further background information, he shared the recent decision made in the last Planning and Zoning Commission Meeting. Ackerson, then, proceeded to explain the R-3 zoning code. The applicant wants to reduce the setbacks from 10 feet to 6.5 feet to match the R-3 zoning code that is currently in place with the other homes in Thousand Oaks.

Community Development Director Ackerson then referenced the staff report. He reviewed the requirements to hold a Board of Zoning Adjustment hearing and explained the guidelines for the meeting. Next, he defined the hardships to the applicants and stated that reducing the side yard setbacks provides more flexibility. Thousand Oaks is an R-3 zoning district and the plats are over 20 percent larger than the required minimum square footage. Allowing the setback reduction would match the current County R-7 zoning in place in Thousand Oaks County homes.

Community Development Director Ackerson referenced the comments submitted the email from the residents affected in Thousand Oaks. Overall, they were very concerned about the last Planning and Zoning Commission decision. They do not support the setbacks or the variance as these changes will decrease the character and the quality of development. He, then, stated that he was available for questions.

Chairman McCormick asked if any of the board members had questions for Community Development Director Ackerson.

Secretary Downing asked what the name of the lot area would be. Community Development Director Ackerson stated that it would remain a part of Thousand Oaks. Secretary Downing, also, asked if there were 6.5 feet setbacks in place for all current homes in Thousand Oaks. Ackerson, referencing the exhibit, said that that was the case.

Vice Chairman Dods asked if there was any data to support the claim that the setbacks are all uniform. Community Development Director Ackerson stated that the information can be found on the plats.

Board Member Wright asked about the concerns submitted in the emails regarding the cul-de-sac. Community Development Director Ackerson addressed the approved decision to remove of the cul-de-sac and the addition of an access road at River Road. He, then, referenced the preliminary plat.

Chairman McCormick called for any more question from the board members and then called David Barth to the podium to speak.

David Barth (6014 NW 9 Highway) stated that he acquired the land after he began construction years ago. He wants to keep the character and the uniformity of Thousand Oaks intact. He is requesting the change in setbacks for future homeowners to have flexibility in development. He stated that he intends to construct 34 homes on 44 acres, so he is not decreasing the size of the lots. He, then, restated that the preliminary plat has already been approved. His only aim is to develop the land and build new homes.

Vice Chairman Dods asked if future development is planned. Mr. Barth stated that he was not aware of any other future plans for development. Community Development Director Ackerson clarified what area was being referenced. Mr. Barth, then, stated that people want to buy lots along the greenway. They want front yards and back yards more than side yards. If the application to reduce setbacks were approved, that does not mean that every lot would have the minimum 6.5 feet side yard setback. He is building on rough terrain.

Chairman McCormick asked if there were any other questions from the board members, then he opened the hearing to the public.

Tom Kirker (14795 NW 66<sup>th</sup> Terrace) stated that he was opposed to the preliminary plat. Mr. Barth is supposed to meet with the residents to consider alternatives for the loss of the cul-de-sac, but this has not occurred. Approval should not occur until that condition has been met. It would be like "pulling the cart before the horse."

Jeff Kinsey (14775 MW 66<sup>th</sup> Terrace) asked what the difference was between the preliminary plat and the final plat. He asked questions about the process and then stated that he was opposed to the setbacks. He, also, asked if there was a way to offset the loss to the owners if the setback reduction were to be approved. Mr. Kinsey proceeded to play a clip of Commissioner Pam Scott from the June 09, 2015 Planning and Zoning Commission meeting. He testified that the lots are being sold at premiums and he referenced the homes for sale in the subdivision; the average price for the new homes is over \$400,000. He, also, played a clip of Mr. Barth projecting home prices for these homes. He believes that higher price lots should have larger setbacks.

Chairman McCormick asked if there was anyone else who wanted to speak.

Kathy Sloan (14790 NW 66<sup>th</sup> Terrace) is a nine-year resident. She was assured when she bought her house that the road would not be developed any further. She is not opposed to development but she is opposed to a through street and to the application. She noted that the preliminary plat is approved subject to conditions. She received a letter referencing a variance reduction from 6.5 feet to 5 feet. She was opposed to this because it would not allow for the aggregate separation of 13 feet. She stated that she has been maintaining Tract B instead of the subdivision, but it is steep and dangerous to mow. The area has been neglected by the developer. Ms. Sloan then referred back to her letter. She has enjoyed gardening, but that will be lost with the development of Phase 20. It will block the view and destroy the trees along the property line. She, then, stated that she had brought an invoice with her for the land that she had been mowing for nine years.

Community Development Director Ackerson stated that there is a 20 foot utility easement next to Lots 451 and 533. It would not reduce the setback to her property. Chairman McCormick asked if there was anyone else who wanted to speak. Seeing no one, he closed the hearing. He, then, asked if any of the board members had any further comments or questions.

Board Member Wright stated that the concerns addressed seemed to be in regards to the loss of the cul-de-sac. The residents do not appear to be as concerned about the setbacks themselves.

Vice Chairman Dods asked when the setbacks are brought to the Board of Zoning Adjustment. Community Development Director Ackerson stated that they are taken to the Board before the final plat is approved.

Chairman McCormick asked if there were any more questions. Seeing none, he called for a motion. **Secretary Downing made a motion to approve the uniform variance for the reduction of interior side-yard setbacks from 10 feet to 6.5 feet. Board Member McFarlane seconded. Motion Passed 5-0.**

## **5. REGULAR BUSINESS**

### **A. Discussion of terms and vacancies.**

Community Development Director Ackerson outlined the protocol for terms and vacancies. The board members will be contacted by the mayor about continuing to serve on the Board. He stated that some of the board members have served many terms and no longer wish to be a part of the Board of Zoning Adjustment.

### **B. Discussion of preferred meeting dates.**

Community Development Director Ackerson stated that he had no personal preference between Tuesday or Wednesday meetings. When he asked the board members if they had a personal preference, Secretary Downing stated that Tuesday nights are best for him.

Chairman McCormick asked if everyone was in agreement that the new meeting date would be Tuesdays to which everyone agreed.

Community Development Director Ackerson discussed the change in material delivery. Submitting a single file to drop box is more user-friendly.

Secretary Downing stated that the discussion tonight had very little to do with the application. There was agreement. Discussion ensued.

## **6. ADJOURNMENT**

Seeing no other discussion, Chairman McCormick called for a motion to adjourn. **Vice Chairman Dods moved to adjourn. Board Member McFarlane seconded. Motion to adjourn passed 5-0.** Meeting adjourned at 6:42 p.m.

Submitted by:

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Emily Crook  
Community Development Department Assistant

5/15/15