

NOTICE OF OPEN MEETING

Public Notice is hereby given that the Board of Zoning Adjustment of the City of Excelsior Springs Regular Meeting **at 6:00 PM, April 21, 2026** to consider and act upon the matters on the following agenda and such other matters as may be presented at the meeting and determined to be appropriate for discussion at the time.

The tentative agenda of this meeting is as follows.

Board of Zoning Adjustment City of Excelsior Springs

AGENDA



Board of Zoning Adjustment Meeting
6:00 PM
Tuesday, April 21, 2026
City Council Chambers
201 E. Broadway
Excelsior Springs, MO

-
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MEETING SUMMARY
 - A. Approval of Meeting Summary for November 12, 2025
 4. PUBLIC HEARINGS
 - A. BZA-26-001 - 101 W Excelsior Street — An application by Gualtieri Holdings, LLC for a variance from Section 400.080(B), concerning setbacks and lot area and from Section 400.280(F)14 concerning driveways and parking, for the property located at 101 W Excelsior Street
 - B. BZA-26-002 - 1413 Ann Circle — An application by Jeremy and Shelley Simmons for a variance from Section 400.280(F)14 concerning driveways and parking, for the property located at 1413 Ann Circle.
 5. STAFF COMMENTS
 6. COMMISSION COMMENTS
 7. ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the City Manager's office, 201 East Broadway. Phone (816) 630-0752.

If any accommodations are required in order to attend this meeting (i.e. qualified interpreter, large print, reader, hearing assistance), please notify the City Manager's office no later than 48 hours prior to the beginning of the meeting.

Date and Time of Posting: April 16, 2026 12:00PM

Board of Zoning Adjustment

Meeting Summary

November 12, 2025, 6:00 p.m.

Item 1. Call to Order

Chairman Dr. Nick Houk called the meeting to order at 6:00 p.m.

Item 2. Roll Call

PRESENT: John Clark, Dr. Nick Houk, Robert McLaughlin and Jody Pasalich, Dr. Kent Powell

STAFF PRESENT: Mallory Brown, Community Development Director; Joshua Garrett, City Planner; Julia Goldstein, Community Development Administrative Assistant.

ABSENT: Tray Harkins, Brent McElwee, Cindy Spellman

VISITORS: Jill Cox, Mike Cox, Kathy Sharp, Rick Whitham, Karen Whitham, Christi Kundrick, Doug Mitchell, and Mark Pence.

Item3, Approval of Meeting Summary – March 4, 2025

Board Member Powell made a motion to approve the March 4, 2025 meeting summary.

Board Member Pasalich seconded the motion. Motion carried.

Vote: Motion passed 4-0-1

Yes: Board Members: Houk, McLaughlin, Pasalich and Powell

No: None

Abstain: Clark

Item 4. BZA-25-002 – An application by Mark Pence, MAP LLC for a variance from the R-1 lot dimension standards regarding lot width, lot area and side yard setback for the property and 218 N Titus Avenue.

Chairman Houk asked Mr. Garrett to present the staff report for BZA-25-002.

Joshua Garrett shared the staff report stating staff does not have a recommendation to approve or deny. However, should the board approve the variance application, the city recommends facade variation between the three homes to avoid a monotonous streetscape. Additionally, the applicant should meet with the city staff to review façade designs prior to building permits being issued.

The Public Hearing was opened at 6:29pm.

(Additional questions were fielded outside of that timeframe. Conversations and feedback provided.)

Rick Whitham stated the letter said a side yard of 5' leaving only 10' between the houses.

Joshua Garrett stated that was a typographical error, it would actually be a 6' set back.

Dr Houk asked that that be corrected.

The original application submitted asked for 2 lots; however, that would require considerably more expense to the builder. It would necessitate a full survey, new lot splits and platting. The request was adjusted to simply separate the parcel back to the three original lots and seek a lot width of 40' rather than 70' and side yard setback of 6' instead of 7'.

Rick Whitham, Jill Cox, Mike Cox and Kathy Sharp all spoke against the zoning adjustment. The shared concerns were the limited space between houses being a fire hazard. There have been rumors about "starter homes" and rentals (lower quality housing). If houses are put that close together, that could lead to privacy fences and they don't want to see those in their neighborhood. Some concerns about insurance rates rising with houses that close together. Most wouldn't mind if there were two new houses there, but not three. There were also concerns about how it would look having the two-story homes and would like to see a rendering of that. They asked if the front setbacks would change, and they will not.

Mark Pence has a home plan for 1466 sq ft. 28' wide with a 2-car garage and front door facing the street. Upstairs, the bedroom level will have 3-bedroom, 2-baths. Downstairs will be a walkout basement. He will use the same plan for all three lots with different facades. Pictures were shown to the board and to the public of house plan and sample facades. Lot prices are what is driving up the price of homes. Having three homes built on this parcel will significantly reduce lot costs over having two homes. This plan changes the distance between homes from 14' to 12'. He states that he builds very nice homes.

When asked if this wasn't approved, would he still build, Mr. Pence stated he might consider duplexes.

Dr Houk likes the idea of three separate facades rather than a "cookie cutter" appearance.

Dr. Powell motioned to end the public hearing at 7:06pm.

Board Member Pasalich seconded the motion.

Chairman Houk called for the vote.

Vote: Motion passed 5-0-0

Yes: Board Members: Houk, McLaughlin, Powell, and Pasalich

No: None

Abstain: None

Board Member Powell moved to approve Case No. BZA-25-002 with the 40' lots and 30' variance subject to the conditions put forth by the staff (facade variations and working with staff during the permitting process).

Board Member Pasalich seconded the motion.
Chairman Houk called for the vote.

Vote: Motion passed 5-0-0
Yes: Board Members: Houk, McLaughlin, Powell, and Pasalich
No: None
Abstain: None

Item 5. Comment from Public

No additional comments.

Item 6. COMMENTS OF BOARD MEMBERS

No additional comments.

Item 7. STAFF COMMENTS

Joshua Garrett stated that there is a meeting scheduled for December 1st at 4:00PM, immediately preceding the Council meeting held on that Monday.

Item 8. ADJOURN

Motion to adjourn the meeting by Board member Powell.
Second by Board member Pasalich.

Meeting was adjourned at 7:11 p.m.

Vote: Motion passed 5-0-0
Yes: Board Members: Clark, Houk, McLaughlin, Pasalic, Powell
No: None
Abstain: None

The next meeting of the Board will be called when needed to review future applications.

Meeting Summary prepared by Julia Goldstein, Community Development Administrative Assistant.

**Community Development Department
Planning & Zoning**



April 21, 2026

To: Board of Zoning Adjustment

Re: Staff Report for Case No. BZA-26-001

Proposal Summary:

An application by Gualtieri Holdings, LLC for a variance from Section 400.080(B), concerning setbacks and lot area and from Section 400.280(F)14 concerning driveways and parking, for the property located at 101 W Excelsior Street

General Information:

Applicant/Owner: Daniel Gualtieri, Gualtieri Holdings, LLC
 Address: 101 W Excelsior Street
 Current Zoning: R-3 (Cluster, Townhouse, or Garden Apartment District)
 Current Land Use: Vacant/Dangerous Building

Surrounding Zoning & Land Use: North: R-2, Large lot single-family homes
 East: M-2, Concrete plant
 South: A, Vacant/cemetery
 West: R-1, Single-family homes

Proposed Variances:

Lot Standard Type	Standard	Existing	Variance
Front Setback	20 feet	4 feet	16 feet
Interior Side Setback	7 feet	2 feet	5 feet
Exterior Side Setback	20 feet	9 feet	11 feet
Rear Setback	20 feet	19 feet	1 foot
Lot Area / Family	3,000 sq. feet	1,412 sq. feet	1,588 sq. feet
Req. Covered Parking	1 space	0 spaces	1 space
Off-Street Parking	2 spaces	1 space	1 space
Driveway near ROW	10 feet	0 feet	10 feet
Driveway near Prop Line	6 feet	0 feet	6 feet

Background:

The structure that currently sits at 101 W Excelsior Street is a two-story, brick house built in the late 1890s. As early as 1909, the home was divided into two residential units, with separate entrances to each unit. From this point until the mid-1990s the subject property was used as multi-family dwellings. In 1995 the building was declared a dangerous building and has remained vacant since. The building has fallen into severe disrepair.

In 2025, the property was purchased by Daniel Gualtieri with Gualtieri Holdings, LLC. Both before and after purchasing the building, the applicant has worked with City Staff to understand the various processes that will need to be navigated to repair the building and permit multi-family dwellings once again. The applicant has submitted applications to the Historic Preservation Commission (HPC), Planning and Zoning Commission, and Board of Adjustment (BZA). The HPC approved the applicant's application and scope of work at the February 11th meeting, which includes several exterior alterations such as replacing windows, repainting the exterior, replacing rotted wood, and other repairs.

On April 6, 2026 the City Council approved the applicant's request to rezone the property from C-2 to R-3. However, due to the long period that the building has remained vacant and unused and the act of rezoning in itself, the property has several non-conformities with the R-3 requirements. However, since the building itself is an existing building, on an existing lot, the applicant seeks several variances from these standards to permit the structure and use of the property for two residential dwelling units.

Review Criteria:

The Board of Adjustment may vary the provisions of this Chapter as authorized in 400.080 of the Code of Ordinances, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

a. That the plight of the applicant is due to unique circumstances of the property or circumstance;

Yes, this is true. This is a historic property that was platted, built, and occupied far before our current zoning standards were adopted. Additionally, most R-3 zoned properties are much larger to accommodate larger developments. This is a unique situation indeed.

b. That the variance, if granted, will not alter the essential character of the surrounding properties.

The variances will not in any way alter the essential character of the surrounding properties. In fact, granting the variances will help ensure the character of this portion of Excelsior Street remains residential in nature.

For the purpose of supplementing the above standards, the Board of Adjustment shall also, in making a determination of whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

a. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;

Yes, the lot itself is rather small. Much smaller than what we would permit today. This was because the property was platted far before the City had adopted such standards.

b. That the conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;

Correct, as mentioned, most properties zoned R-3 are designed and intended for larger residential developments and are designed to accommodate such a land use. This property is much smaller and will only permit 2 dwelling units, and is therefore significantly different than what is typical in R-3 districts.

c. That the alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this ordinance;

The hardship was not created by the current property owner in anyway. The property was platted over 100 years ago creating the small lot which is the primary reason for the variances. Additionally, the applicant did not choose to zone property to C-2, which was an inappropriate zoning district for the property. Lastly, the current property owner did not leave the structure vacant and in a dangerous condition. In fact, he is seeking to restore the building.

d. That the granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;

Not at all, by restoring and reactivating this property, the neighborhood will be free of a property that has been in disrepair and vacant for over three decades.

- e. **That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

No, none of the proposed variances will have any impact regarding these matters.

Staff Analysis:

This property and structure are clearly designed for residential uses and has historically been used as such. But for the odd zoning classification and the decades of vacancy, these variances would not be required. The need for these variances has clearly not been caused by the applicant would be required for anyone seeking to restore the use of the property. Approving these variances will permit the applicant to reactive the property and restore a previously blighted property in Excelsior Spring's downtown.

Staff Recommendation:

City staff recommends approval of all the variances requested by the applicant.

Respectfully submitted,



Joshua Garrett, MPA

Planner

City of Excelsior Springs

Attachments:

- Exhibit A – Application
- Exhibit B – Application Supplement
- Exhibit C – Applicant Cover Letter
- Exhibit D – Site Plot Plan



Planning and Zoning

Application Form

Community Development
 201 E. Broadway Avenue
 Excelsior Springs, MO 64024
 (816) 630-0756
 planner@excelsiorsprings.gov

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Other
<input type="checkbox"/> Rezoning <input type="checkbox"/> Planned Rezoning <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Land Use Permit	<input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Split <input type="checkbox"/> Lot Combination	<input type="checkbox"/> Major Site Plan <input type="checkbox"/> Standard Site Plan <input type="checkbox"/> Development Plan	<input type="checkbox"/> Certificate of Appropriateness <input checked="" type="checkbox"/> Variance <input type="checkbox"/> ROW Vacation

Project Information and Location

Project Name

Project Address/Location

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Flood Hazard

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements

- Completed and signed application
- Application fee
- Cover letter describing details of project

- One 24"x34" set of plans for Land Sub. & Site Dev.
- One PDF copy of plat map or site plan
- Legal description of property

Contact Information

Applicant

Name

Company

Address

Phone

Email

Surveyor/Engineer/Other: _____

Name

Company

Address

Phone

Email

The applicant hereby agrees that the information provided above is accurate.

Applicant's Signature

Date

Owner

Name

Company

Address

Phone

Email

Surveyor/Engineer/Other: _____

Name

Company

Address

Phone

Email

Owner's Signature

Date

3. That the alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this ordinance;

4. That the granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;

5. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

A handwritten signature in black ink, appearing to read "David A.", written over a horizontal line.

Applicant's Signature

Date:

Daniel Gualtieri /Property owner
[REDACTED]
[REDACTED]

January/16/2026

Dear sir/madam

I am writing in reference to the property. I recently purchased at 101 W. Excelsior St. I respectfully request rezoning from C – 2 (commercial) to R-3 (residential) to convert it into a duplex. The first unit will feature two bedrooms and two baths; the second two bedrooms and two baths.

The exterior will see no demolition. All original ornamentation will be repaired, not replaced, and existing windows and door positions preserved. we plan to simply repaint the current historic color scheme.

Interior renovations will comply with every city code. Target completion: full occupancy and pass inspections 120 days from permit

Thank you

Sincerely,

Daniel Gualtieri/property owner

Daniel gualtieri

SITE PLAN

101 W Excelsior St

Excelsior Springs, Mo 64024

Parcel ID: 12-311-00-20-001-00

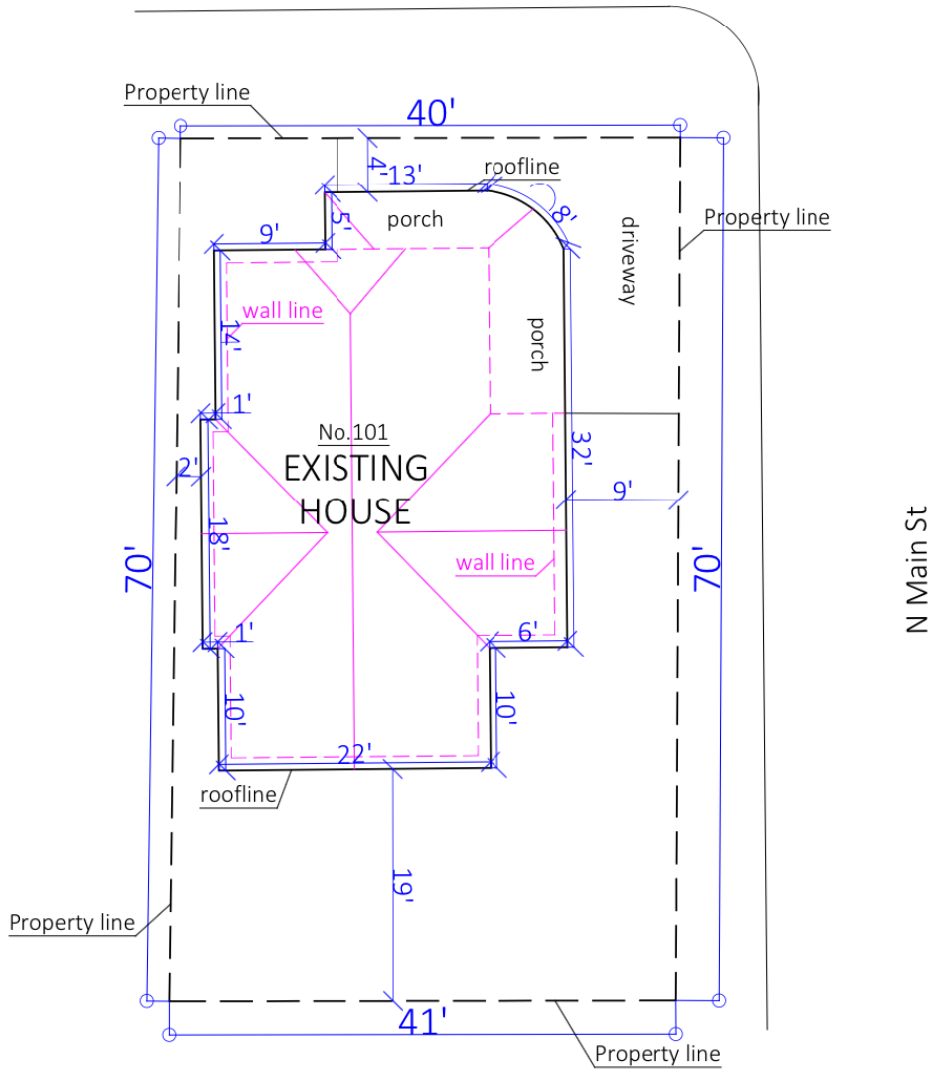
Lot area: 0.06 Acres

Paper Size: 11"x17"



scale 1"=20'

W Excelsior St



Community Development Department Planning & Zoning



April 21, 2026

To: Board of Zoning Adjustment

Re: Staff Report for Case No. BZA-26-002

Proposal Summary:

An application by Jeremy and Shelley Simmons for a variance from Section 400.280(F)14 concerning driveways and parking, for the property located at 1413 Ann Circle.

General Information:

Applicant/Owner: Jeremy and Shelly Simmons
Address: 1413 Ann Circle
Current Zoning: R-1 (Single-Family Residential)
Current Land Use: Single-Family Home

Surrounding Zoning & Land Use: R-1/Single-Family Residential

Proposed Variance:

Lot Standard Type	Standard	Proposed	Variance
Driveway setback from property @ front of building	6 feet	0 feet	6 feet

Background:

The home at 1413 is a new home, recently built. However, prior to the construction of the current home, the property sat vacant for nearly three decades. Several weeks ago, staff spoke with the property owner concerning the City's driveway standards. This included the information that the City permits driveways to go to the side property line up to the front of the building. Beyond this point, the driveway must be at least 6 feet from the side property line.

A few weeks ago, a contractor working on widening the existing driveway received a stop work order due to operating without a building permit. Upon filing for the permit,

the proposed extension was denied by staff as it did not meet the previously mentioned setback requirement. Shortly thereafter, the homeowner applied for a variance to the regulation citing a practical difficulty.

The owner's position is that due to the lot's location at the end of a cul-de-sac and its unique "triangular" geometry, strict adherence to the City's standard would limit or impede the use and access of their property.

Review Criteria:

The Board of Adjustment may vary the provisions of this Chapter as authorized in 400.080 of the Code of Ordinances, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

a. That the plight of the applicant is due to unique circumstances of the property or circumstance;

No, the circumstance is not unique. The city code has standards front yard setback and lot widths. The minimum width of the lot is determined at the building line. This means that a property on a cul-de-sac will have the same lot width and room for setbacks as any other property within the city. Further, the city has several streets with cul-de-sacs, that are able to comply with the setback requirements.

b. That the variance, if granted, will not alter the essential character of the surrounding properties.

Granting this variance will not alter the character of the surrounding properties.

For the purpose of supplementing the above standards, the Board of Adjustment shall also, in making a determination of whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

a. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;

The applicant's position is that the lot's geometry creates a practical difficulty upon the owner. However, as mentioned above, this situation is not unique to

the property. Access to the rear of the property does not require a paved surface, particularly for lawn maintenance equipment.

- b. That the conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;**

As mentioned, all R-1 properties have the same lot-width requirements at the building line.

- c. That the alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this ordinance;**

The alleged hardship has been created by the property owner by taking the action to expand the driveway when the existing driveway was in compliance. Further, the home is very new and built by the applicant. If there are concerns about the limitations of the side yard setback to permit access to the rear of the property, this should have been considered prior to construction of the home.

- d. That the granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;**

Granting the variance will not be detrimental to the public welfare or health of the neighborhood.

- e. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

No, none of the proposed variances will have any impact regarding these matters.

Staff Analysis:

The driveway, structure, and lot are common for R-1 zoning districts. The proposed variance does not meet the standards for a variance outlined in the review criteria. As such, staff cannot support the applicant's request.

Staff Recommendation:

City staff recommends denial of the requested variance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua Garrett", with a long horizontal flourish extending to the right.

Joshua Garrett, MPA

Planner

City of Excelsior Springs

Attachments:

Exhibit A – Application

Exhibit B – Applicant Narrative

Exhibit C – Pictures



COMMUNITY DEVELOPMENT
PLANNING & ZONING
 201 East Broadway
 Excelsior Springs, MO 64024
 Phone: (816) 630-9594
 Fax: (816) 630-9572

CocU PP

FOR OFFICE USE ONLY	
Fee:	\$225.00
Date Received:	^432.
Public Notice Date:	
BZA Meeting:	

Variance Application Board of Zoning Adjustment (BZA)

Applicant Name (Please Print): Jeremy S. Simmons & Shelley R. Simmons

Applicant Address: 1413 Ann Cr, Excelsior Springs, MO 64024

Applicant Phone: [REDACTED] **Applicant Emad:** [REDACTED]

Applicant's standing as appellant (Owner, contract purchaser, lessee, attorney, developer, etc. – all that apply):

i-Toperty Owner / Applicant
 Contractor Information Per Permit # 26-0088 - Driveway Extension - Claypole Construction - 816-630-5238 - sclaypole63@yahoo.com

Property Location: 1413 Ann Cr, Excelsior Springs, MO 64024

Requested Variance: See Attachment

Present Zoning: ^1

- Please attach a copy of the owner's **WARRANTY DEED** or a **TITLE REPORT** with the complete and correct legal description for the subject property.
- Copies of any covenants or deed restrictions pertaining to the subject property must be provided to the Planning and Zoning office.
- Site plans must be to scale. Applicant must include an 8 1/2 x 11 copy.
- A copy of the staff report and the agenda will be provided to the address prior to the meeting.

[Signature]
 Applicant

 Owner (If different from applicant)

3-25-26
 Date

 Date



VARIANCE REQUEST PRESENTATION PACKAGE

City of Excelsior Springs, Missouri
Board of Zoning Adjustment (BZA)

I. PROPERTY & APPLICANT IDENTIFICATION

Property Address:

1413 Ann Circle
Excelsior Springs, MO 64024

Parcel ID:

08913000200207

Legal Description:

Ridge Crest Subdivision, Lot 7

Property Owners / Applicants:

Jeremy Scott Simmons & Shelley Rena Simmons

Contractor:

Claypole Construction, LLC

Permit Reference:

Permit No. 26-0088
Residential Driveway Extension (Active)

II. NATURE OF THE REQUEST

The applicant respectfully requests a **variance from the required six (6) foot side-yard setback** to allow for a limited driveway extension along the **north side of the residence**.

The request applies specifically to a **triangular encroachment area totaling approximately fifty-one (51) square feet**, beginning at the **northeast corner of the home** and extending approximately seventeen (17) feet toward the rear of the property along the north side.

- Encroachment tapers from **0 feet to 6 feet**
- The impact is limited to a **short, defined section of the property**

- Beyond this area, the improvement returns to **full compliance with the six (6) foot setback requirement**

This variance is limited strictly to the portion of the driveway where compliance is not feasible and does not extend beyond what is necessary to achieve functional use of the property.

Clarification of Measurement Representation on Imagery

The triangular depiction shown in the provided imagery represents a **reversed conceptual layout** that was utilized strictly as a calculation method to determine the total area of encroachment within the required six (6) foot setback.

For purposes of accurate measurement:

- The point of beginning is established at approximately **six (6) feet inward toward the residence at the front northeast corner of the home** within the proposed concrete area.
- From this point, the encroachment **travels approximately seventeen (17) feet toward the fence line and tapers to zero (0)** at the location where the driveway aligns with the required six (6) foot setback.

This approach was used solely to calculate the total encroachment area of approximately **fifty-one (51) square feet**, ensuring that the request reflects only the **minimum area of impact within the required setback**.

III. UNIQUE PROPERTY CONDITIONS

The subject property presents **distinct physical characteristics** that create limitations not commonly found on standard residential lots.

A. Irregular Cul-de-Sac Lot Configuration

The property is located along the **backside of a cul-de-sac**, resulting in:

- An **irregular lot shape**
- Reduced usable width along the **north side of the residence**
- A shared turning and circulation area serving multiple properties

This configuration creates a condition where the side yard does not function like a typical rectangular lot, and usable space becomes constrained in a way that is **unique to this property**.

B. Fixed Structural and Boundary Constraints

- Existing residence placement
- Property line alignment along the north side
- Established boundary conditions and adjacent improvements

These factors are **not self-created** and limit the ability to meet setback requirements while maintaining functional use.

IV. PRACTICAL DIFFICULTY AND NECESSITY FOR RELIEF

Strict application of the six (6) foot side-yard setback along the **north side of the property** creates a **practical difficulty** by:

- Preventing a functional driveway width in the rear portion of the property
- Limiting the ability to utilize the narrow side-yard space created by the irregular lot shape
- Restricting access to the side entry and backyard

Importantly, the hardship is concentrated within a **short, defined section of the property**, after which the layout returns to full compliance.

This demonstrates that the issue is not widespread, but rather a **localized constraint caused by the lot's geometry**.

V. REASONABLE USE OF THE PROPERTY

The requested variance is necessary to allow the property to function in a **reasonable and customary residential manner**, including:

- Functional off-street parking
- Organized use of the north side yard
- Safe and accessible connection to the backyard
- Accommodation for:
 - Trailers
 - Lawn and maintenance equipment
 - Residential accessory vehicles

Without the variance:

- These uses would shift into:

- Cul-de-sac space
- Front-facing areas

This would be inconsistent with both **neighborhood expectations and City standards.**

VI. MINIMUM VARIANCE NECESSARY

The requested relief has been carefully limited:

- Total encroachment area: **51 square feet**
- Shape: **Triangular and tapered**
- Maximum encroachment: **6 feet**
- Length: **17 feet**

The encroachment:

- Occurs over a **short distance only**
 - Returns to full compliance immediately beyond that area
 - Is limited strictly to what is necessary due to the lot's shape
-

VII. PROPOSED IMPROVEMENT

The project consists of a **dust-free concrete driveway extension**, constructed under **Permit No. 26-0088.**

The improvement will:

- Extend the driveway along the **north side of the residence**
 - Provide access to the **side entry and backyard**
 - Create a **stable, paved surface** for residential use
-

VIII. CUL-DE-SAC SAFETY AND FUNCTIONAL IMPACT

The cul-de-sac serves as a **shared circulation and turning area.**

Without the Variance

- Increased reliance on shared space for:
 - Parking
 - Equipment staging
 - Greater potential for:
 - Congestion
 - Interference with neighboring access
-

With the Variance

- Vehicles and equipment remain **on private property**
- Improved organization along the **north side**
- Cul-de-sac remains:
 - Clear
 - Functional
 - Unobstructed

This enhances **shared safety and circulation efficiency**.

IX. ALIGNMENT WITH CITY DEVELOPMENT STANDARDS

The City's regulations emphasize:

- Functional driveway design
 - Safe circulation
 - Proper use of private property
-

Additionally, City Code Requires:

- Trailers, recreational vehicles, and similar equipment to be:
 - Stored **behind the building line**
 - Located in **side or rear yards**
 - Placed on a **paved surface**
 - Maintained at appropriate setbacks where feasible
-

This Variance Supports Compliance by:

- Providing paved access to the rear yard
 - Allowing equipment to be stored in compliant locations
 - Reducing reliance on front yard or cul-de-sac areas
 - Supporting the **intent of City code**, not avoiding it
-

X. DRAINAGE COMPLIANCE

The driveway extension has been designed to:

- Maintain proper slope away from the structure
- Follow natural drainage patterns
- Prevent runoff toward adjacent properties
- Provide effective water shedding through concrete surface

No adverse drainage impact will occur.

XI. RESIDENTIAL CHARACTER AND USE CONSISTENCY

The improvement:

- Keeps equipment and trailers **off the front of the property**
 - Maintains clean and orderly residential appearance
 - Supports proper use of side and rear yard areas
-

XII. NEIGHBORHOOD PRECEDENT

• **1207 Jill Lane**

Excelsior Springs, MO 64024

- Secondary driveway approved
- Property-line placement permitted
- Rear access established

Supports consistency in variance approval within the neighborhood.

XIII. IMPACT ON SURROUNDING PROPERTIES

The proposed variance:

- Does not negatively impact adjacent properties
 - Does not create drainage concerns
 - Does not interfere with utilities or access
 - Improves overall safety and organization
-

XIV. FINDINGS SUPPORTING APPROVAL

1. The property contains **unique physical constraints due to its irregular cul-de-sac configuration.**
 2. Strict application of the setback creates a **practical difficulty.**
 3. Relief is necessary for **reasonable residential use.**
 4. The hardship is **not self-imposed.**
 5. The request is **not based on convenience or cost**, but on physical site limitations.
 6. The variance is the **minimum necessary relief**, limited to a short section (51 sq ft).
 7. The improvement supports the **intent of City development standards and storage requirements.**
 8. The design maintains proper drainage and does not impact neighboring properties.
 9. The encroachment is limited and returns to full compliance beyond the affected area.
-

XV. CONCLUSION

This request is supported by:

- A clearly defined and minimal encroachment area
- Unique site conditions created by an irregular cul-de-sac lot
- A demonstrated practical difficulty under strict code application
- The necessity to allow reasonable and compliant residential use
- Alignment with the intent of City regulations

The applicant respectfully requests approval from the **Board of Zoning Adjustment.**





