

**Board of Zoning Adjustment
City Council Chambers
Hall of Waters Building
201 East Broadway
Excelsior Springs, MO**



July 8, 2021 at 4:00 PM

1. Call to Order
2. Zoning Code Review: Board of Zoning Adjustment
 - a. Memo
 - b. Code Review:BZA
3. Adjourn

Copies of this notice are available by contacting the Community Development Department at 201 E. Broadway, Excelsior Springs, MO 64024. (816) 630-0756

Date and time posted: July 2, 2021 at 3:00 P.M.



Community Development
Board of Zoning Adjustment - 7/8/2021

To: Board Members
From:
Date
RE: Memo

ATTACHMENTS:

Description	Type	Upload Date
Memo	Exhibit	7/2/2021

MEMORANDUM

TO: Board of Zoning Adjustment
FROM: Doug Hermes, Planning Consultant
RE: City Code Review Process & Timeline – Zoning & Subdivision Regulations
DATE: 08 July 2021

INTRODUCTION

A City Code review process focusing on the Zoning & Subdivision Regulations and development-related code sections has been identified as an action item in the Community Development Department 2021 Work Plan. The process began with the Planning & Zoning Commission earlier this year.

This code review process focuses on updating and correcting the current Zoning & Subdivision Regulations and other development related code sections to fix conflicting language, clarify areas of ambiguity, and modernize regulatory steps to reflect current best practices in administration. The process will reflect existing City land use and development policy in the Comprehensive Plan.

DISCUSSION

The code review process is being facilitated by City staff through the Planning & Zoning Commission with consultation, as appropriate, with other City boards & commissions that have advisory roles in certain development procedures. Final recommendations for City Code amendments will follow the statutory and code requirements for consideration through the Planning & Zoning Commission and City Council.

The various code sections addressing the Board of Zoning Adjustment are a part of this review process.

ACTION REQUESTED/RECOMMENDATION

City staff would appreciate the opportunity to review the various code sections addressing the Board of Zoning Adjustment at the July 8, 2021 BZA Study Session and discuss potential areas for update and clarification.

:djh



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Board of Zoning Adjustment

Section 404.080 Zoning Ordinance

Section 400.280 Par. F(19) Zoning Ordinance (parking/driveway standards)

Section 401.040 Par. I Zoning Ordinance (Floodplain)

Section 401.080 Par. G-J Zoning Ordinance (Floodplain)

Section 402.150 Zoning Ordinance (Historic Preservation)

Section 406.080 Subdivision Regulations (subdivisions)

Section 407.440 Stormwater Management (stormwater)

[Copies of these various Code sections will be provided at the Study Session and are available online through the City's website]

Missouri State Statutes require that if a municipality adopts and administers zoning regulations, it must establish a Board of Zoning Adjustment to allow for impartial consideration of variances to the zoning standards based on specific criteria.

PRINCIPLE – There will be certain unique and exceptional circumstances, not caused by the property owner, where strict interpretation of a zoning standards will cause a hardship to the property owner. In those instances, the Board of Zoning Adjustment is empowered to grant a variance to certain zoning standards.

Board composition

Missouri State Statutes require a municipality with planning and zoning regulations to establish a Board of Zoning Adjustment of five individuals, residents of the city, to serve five year terms. Three alternate members may be appointed who would serve on the Board in the absence or disqualification of a regular Board member.

Board authority

The Board has the authority to consider:

1. Variance applications to certain requirements in the development regulations.
2. Appeals of certain administrative interpretations and decisions of the development regulations.

The affirmative vote of four Board members is required to approve a variance request or an appeal of an administrative decision.

Review standards

In order to approve a variance request or an appeal of an administrative decision, the Board must find that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the code requirement. City code standards also state the Board must find that the plight of the applicant is due to unique circumstances not caused by the current or past property owners.

Furthermore, specific findings of fact must be made by the Board when making a decision regarding the practical difficulties or particular hardships.

Appeal of BZA decision

Decisions of the Board may only be appealed through Circuit Court.

While Section 404.080 provides the foundational requirements and authority for the Board of Zoning Adjustment, other code sections explicitly mention the authority of the Board in granting variances or approving appeals for specific code standards.

CONSIDERATIONS –

- Streamline and clarify the BZA code section to precisely comply with State Statutes and simplify standards and authority.
- Remove certain other code section references to BZA that are redundant.