



# City of Grain Valley

## Board of Zoning Adjustment

### Meeting Minutes Summary

3/29/2023  
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#### ITEM I: CALL TO ORDER

- The Board of Zoning Adjustment of the City of Grain Valley, Missouri met on March 29, 2023, in the City Hall Council Chambers.
- The meeting was called to order at 6:30 PM by Chair Steve Shatto.

#### ITEM II: ROLL CALL

- *Present: Steve Shatto*
- *Present: Mark Clark*
- *Present: Jim Wyzard*
- *Present: Joe Panza*
- *Present: Lynne Berend*

#### ITEM III: APPROVAL OF MINUTES

- Board member Clark made a motion to approve the minutes from the March 15, 2023 meeting. The Board approved the minutes by vote 5-0.

#### ITEM IV: CONTINUED FROM MARCH 15, 2023 MEETING

Chair Shatto stated this item was continued from the March 15<sup>th</sup> meeting and introduced the variance request as:

- 1) VAR2023-01 John Riotte – Requesting a variance to Section 400.230 C.9 pertaining to allowable fence materials in a residential zoned subdivision. The applicant used a hog metal panel framed with cedar wood along the east property line or rear yard and on the gates that are on the front side of the property. The existing lot is located near the southwest corner NE Hoot Owl Street and NE Andeon Street and is legally described as Lot 20 in Hoot Owl Estates Plat, a subdivision in the Northwest Quarter of Section 26, Township 49 North, Range 30 West in Grain Valley, Missouri aka 1603 NE Andeon Street.
- Director Trosen stated the following exhibits were entered into the public record at the last meeting and there were no further exhibits:

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#### Board Members Present

Mark Clark  
Mike Coon  
Steve Shatto  
Lynne Berend  
Joe Panza

#### Board Members Absent

#### Staff Officials Present

Mark Trosen – CD Director  
Jeff Deane – City Attorney



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- 1) Use Variance Application
- 2) Applicant Plot Plan
- 3) Aerial Map
- 4) Staff Report
- 5) Photos of the Fence
- 6) Hoot Owl Estates
- 7) Display Boards from Applicant
- 8) Support letter from William Nixon, 1605 NE Andeon St., dated 3/7/2023.
- 9) Support letter from Justeen & Cameron Humphrey, 209 NE Hoot Owl St., dated 3/15/23.

- Board Member Wyzard asked Director Trosen regarding code enforcement in the future, what does that look like if this variance is approved? Does this adversely impact the Code Enforcement Officer reporting other fence issues? Director Trosen responded that this variance request only pertains to this particular property. So, if he sees another property in violation of fence materials then, he will notify the property owner regarding that violation of the code.
- Board member Wyzard asked do you see any issue with precedence? Director Trosen responded that was a particularly good question. He said the Board needs to consider this variance pertaining to this particular property and that the Board should consider if the applicant has proven the 5 statements as noted in the staff report. Board member Wyzard says that he does not have an issue with this fence but just wants to make sure we are not weakening the ability of code enforcement if there is another violation through visual precedence.
- Board member Wyzard asked if the Board would be obligated to approve another variance with similar construction. Chair Shatto replied no, each case should be considered individually.
- Board Member Berend asked is there something wrong with the fence because she is not getting the jest here. Director Trosen explained the history regarding this fence and the need for the applicant to apply for a variance. Board Member Berend asked is it like this for all the other houses in town. Director Trosen responded no. The other property owners comply with the zoning regulation and install the allowable fence materials.
- Board Member Panza asked if metal allowed? Director Trosen responded chain link is allowed. Board Member Panza asked is there farmland behind this house? Director Trosen

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**Board Members Present**

Mark Clark  
Mike Coon  
Steve Shatto  
Lynne Berend  
Joe Panza

**Board Members Absent****Staff Officials Present**

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said yes. Board Member Panza said there is nothing wrong with the fence and asked if the city wants to adopt new rules for fences. Director Trosen said that would be a decision of the Board of Aldermen after hearing a recommendation from the Planning and Zoning Commission.

- Board Member Clark pointed out to the benefit of the Members not present during the public hearing, there were several neighbors that appeared and supported the fence and variance request.
- Board Member Wyzard said there is significant risk in changing the guidelines and ordinance because what might happen the fence may not look as nice as this one and someone could install t-posts and the hog metal panels and we have changed the ordinance so that it would be difficult for code enforcement do anything and therefore, I would caution the change of regulations. I think what we are doing here and looking at this case individually is the best solution.
- Board Member Clark made a motion to approve the variance request. Board Member Panza seconded the motion. The Board approved the motion by a vote of 5 to 0.

#### **ITEM VIII: PREVIOUS BUSINESS**

- None

#### **ITEM IX: NEW BUSINESS**

- Election of a Chairperson
- Board member Berend made a motion to re-elect Steve Shatto as Chair. There were no other nominations or motions. The motion was approved by a vote of 5 to 0.

#### **ITEM X: ADJOURNMENT**

- Board Member Panza motioned to adjourn the meeting. Board Member Clark second the motion. The Board approved the motion by a vote of 5 to 0.

*-The Meeting Adjourned at 6:40 PM-*

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#### **Board Members Present**

Mark Clark  
Mike Coon  
Steve Shatto  
Lynne Berend  
Joe Panza

#### **Board Members Absent**

#### **Staff Officials Present**

Mark Trosen – CD Director  
Jeff Deane – City Attorney