

RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, July 16, 2019 - 6:00 p.m.

City Hall Council Chambers
100 Municipal Circle
Raymore, Missouri 64083

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Personal Appearances - None
5. Consent Agenda
 - a. Approval of Minutes from the July 2, 2019 meeting
6. Unfinished Business - None
7. New Business
 - a. Case #19017 - 1400 Young Circle Rear Yard Setback Variance (*Public Hearing*)
8. Staff Comments
9. Board Member Comment
10. Adjournment

Any person requiring special accommodations (i.e. qualified interpreter, large print, hearing assistance) in order to attend this meeting, please notify the City Clerk at (816) 331-0488 no later than forty-eight (48) hours prior to the scheduled commencement of the meeting.

THE **BOARD OF ADJUSTMENT** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, JULY 2, 2019** IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: DAVID WOSTE, TOM BUECHLER, JOSEPH WELLS, PAUL BERTOLONE, AND SHANNON WEICHEL. ALSO PRESENT WERE ASSOCIATE PLANNER DAVID GRESS AND CITY ATTORNEY JONATHAN ZERR.

1. **Call to Order** – Vice-Chairman Wells called the meeting to order at 6:00 p.m.
2. **Roll Call** – Roll was taken and Vice-Chairman Wells declared a quorum present to conduct business.
3. **Pledge of Allegiance**
4. **Personal Appearances – None.**
5. **Consent Agenda –**

A. Approval of Minutes of May 7, 2019 meeting

Motion by Board member Bertolone, Seconded by Board member Weichel, to accept the minutes of the May 7, 2019 meeting as written.

Vote on Motion:

Board member Bertolone	Aye
Board member Buechler	Aye
Board Member Weichel	Aye
Board member Wells	Aye
Board member Woste	Aye

Motion passed 5-0-0

6. **Unfinished Business – None**
7. **New Business**

A. Election of Officers

Associate Planner David Gress reminded the Board members that the office of Chairman is vacant due to the resignation of Mike Vinck. The Board needs to elect a Chairman, Vice-Chairman, and Secretary.

Board member Woste nominated Joseph Wells as Chairman, Paul Bertolone as Vice-Chairman, and David Woste as Secretary.

There were no other nominations.

Motion by Board member Buechler, Seconded by Board member Weichel, to accept the nominations as presented.

Vote on Motion:

Board member Bertolone	Aye
Board member Buechler	Aye

Board Member Weichel Aye
Board member Wells Aye
Board member Woste Aye

Motion passed 5-0-0

B. Case #19015 - Secondary Residential Driveway Access - 605 Falcon Street (public hearing)

Dennis Barnard, property owner at 605 Falcon Street, indicated he has submitted a permit application to construct a pole barn on his property and would like to have a separate driveway to the structure. He would also like the driveway to be a gravel surface.

Mr. Barnard indicated he has spoken with all of the adjoining property owners and they did not express any concerns. He stated he does have a letter of support for the variance from one of his neighbors.

Board member Woste asked the applicant for clarification on the driveway width to the garage.

Mr. Barnard stated the driveway width will be as required by Code.

Board member Woste asked if there will be a turnaround for vehicles at the end of the driveway so vehicles don't have to back out into the street.

Mr. Barnard stated there is limited traffic on the road and should not be an issue if a vehicle had to back out.

Associate Planner David Gress provided the staff report for the case. He entered into the record the notices sent to adjoining property owners; notice of publication in The Journal; the Unified Development Code; the application; the Growth Management Plan; and the staff report.

Mr. Gress commented that there were no comments or objections to the request received from the neighbors.

Mr. Gress stated that the R-1 zoning of the property limits each lot to only 1 driveway. He stated the lots on Falcon Street are larger than what is required in R-1 zoning districts today. He commented that there are 4 other nearby properties that have more than 1 driveway access.

Mr. Gress indicated that the R-1 zoning district prohibits gravel driveways as well. He indicated there are 4 other nearby properties that have a gravel driveway.

Mr. Gress indicated that due to the lot size and neighbor properties with similar situations, staff recommends approval of the request for a 2nd driveway, and for that driveway to have a gravel surface.

Vice Chairman Wells asked if the existing gravel driveways in the neighborhood had to obtain a variance.

Mr. Gress stated that the existing gravel driveways were in place prior to a change of City Code that no longer allowed gravel driveways in the R-1 zoning district.

Commissioner Woste asked for clarification on the RE zoning district where gravel driveways are allowed.

Mr. Gress stated the RE, Rural Estate Zoning District, is for properties of at least 3 acres in size.

Board member Weichel asked for some history of the R-1 zoning designation for the subject property.

Mr. Gress stated this area is surrounded by smaller lots which are appropriate for R-1 zoning. The subject lot is 2.3 acres in size so not large enough for the RE zoning designation.

Vice-Chairman Wells opened the public hearing at 6:15 p.m.

There were no public comments made.

Vice-Chairman Wells closed the public hearing at 6:15 p.m.

Motion by Board member Bertolone, Seconded by Board member Weichel, to accept the staff proposed findings of fact and approve Case #19015, Secondary Driveway Access for 605 Falcon Street.

Vote on Motion:

Board member Bertolone	Aye
Board member Buechler	Aye
Board Member Weichel	Aye
Board member Wells	Aye
Board member Woste	Aye

Motion passed 5-0-0

Motion by Board member Woste, Seconded by Board member Buechler, to accept the staff proposed findings of fact and approve Case #19015, Gravel Driveway for 605 Falcon Street.

Vote on Motion:

Board member Bertolone	Aye
Board member Buechler	Aye
Board Member Weichel	Aye
Board member Wells	Aye
Board member Woste	Aye

Motion passed 5-0-0

8. Staff Comments -

Mr. Gress reminded the Board members of the scheduled meeting on July 16 at 6:00 p.m.

9. Board member Comment – None.

10. Adjournment

Motion by Board member Bertolone, Seconded by Board member Buechler to adjourn.

Vote on Motion:

Board member Bertolone	Aye
Board member Buechler	Absent
Board Member Weichel	Aye
Board member Wells	Aye
Board member Woste	Aye

Motion passed 4-0-0

The Board of Adjustment meeting for July 2, 2019 adjourned at 6:20 p.m.

Respectfully submitted,

Jim Cadoret



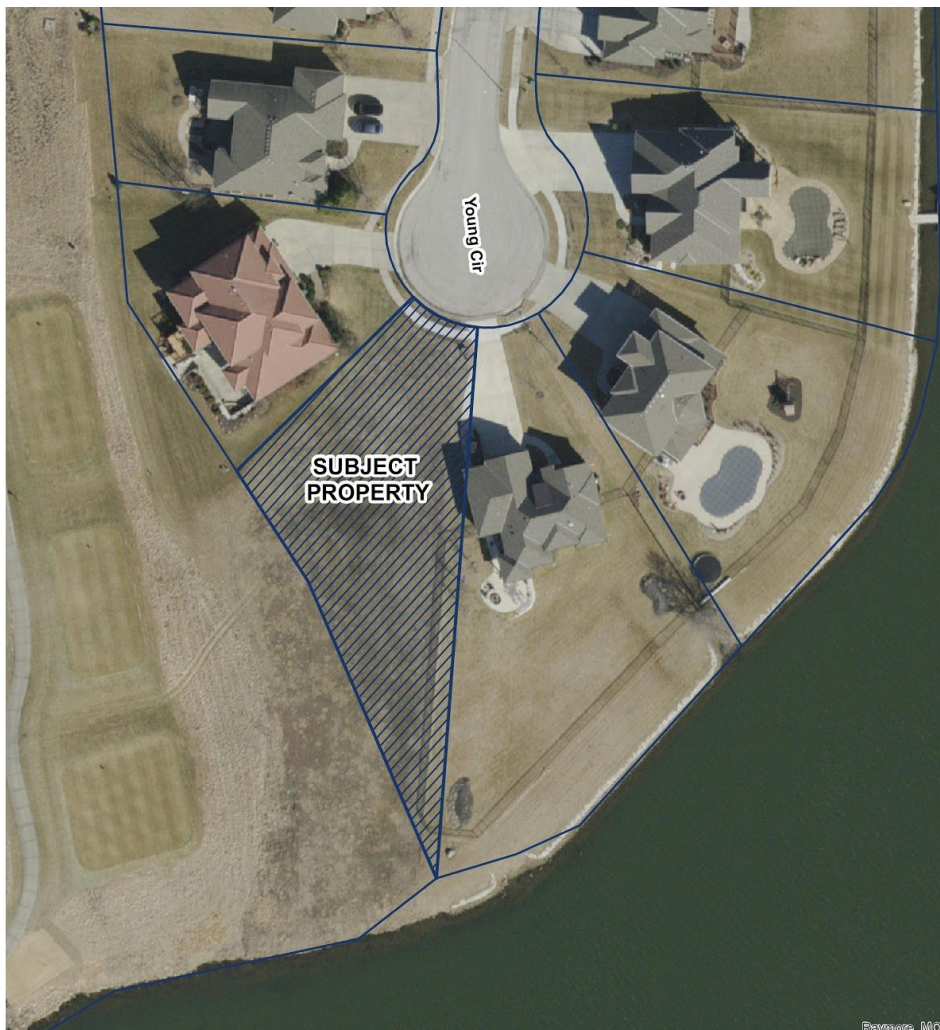
To: Board of Adjustment
From: City Staff
Date: July 16, 2019
Re: Case #19017: Rear-Yard Setback Variance - 1400 Young Circle

GENERAL INFORMATION

**Applicant/
Property Owner:** C&M Builders
PO Box 1033
Raymore, MO 64083

Requested Action: Variance to allow a reduction in the rear-yard setback from twenty-five feet (25') to seventeen feet (17')

Property Location: 1400 Young Circle, Westbrook at Creekmoor subdivision.



Site Photographs:



View looking south at the subject property on Young Circle

Existing Zoning: "PUD" Planned Unit Development District

Existing Surrounding Uses:

North:	Single Family Residential
South:	Golf Course, Creekmoor Lake
East:	Single Family Residential
West:	Golf Course, 7th Hole

Total Tract Size: 16,353 SF

Growth Management Plan: The Future Land Use Plan Map contained in the Growth Management Plan identifies this area as appropriate for low density residential development.

Major Street Plan: The Major Thoroughfare Plan Map contained in the Growth classifies Young Circle as a local road

Advertisement: June 27, 2019 **Journal Newspaper**

Public Hearing: July 16, 2019 Board of Adjustment meeting

- Items of Record:**
- Exhibit 1. Mailed Notice to Adjoining Property Owners**
 - Exhibit 2. Notice of Publication**
 - Exhibit 3. Unified Development Code**
 - Exhibit 4. Application**
 - Exhibit 5. Growth Management Plan**
 - Exhibit 6. Staff Report**

PROPOSAL

The applicant is requesting a variance to the *Raymore Unified Development Code (UDC) Section 415.060(E)3 Bulk and Dimensional Standards for Planned Unit Developments*, to decrease the required minimum rear-yard setback from twenty-five feet (25') to seventeen feet (17') to allow for the construction of a home on the subject property.

VARIANCE REQUIREMENTS AND STANDARDS

1. The following section of the Unified Development Code is applicable to this application:

Section 470.060 Zoning Variances

A. Authority and Applicability

The zoning variance procedures of this section authorize the Board of Adjustment to approve, in specific cases, variances from specific zoning standards of this Code that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in unnecessary hardship. In approving variances where there are practical difficulties or unnecessary hardship, the Board may vary or modify the application of any provisions of such ordinance relating to construction or alteration of use of land if it determines the public safety and welfare will be secured and substantial justice will be done.

B. Prohibited Variances

The Board of Adjustment may grant variances from all requirements of this Code except:

1. the requirements for public improvements contained within Chapter 445;
2. uses permitted within a particular district as specified in Chapter 405 and Chapter 410;
3. any provision in Chapter 460, Flood Protection; and
4. any provision in Chapter 455, Natural Resource Protection.

C. Applications

An application for a variance may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with Section 470.010C and filed with the Community Development Director so that a public hearing date can be established in accordance with Section 470.010E.

D. Procedure

1. Board of Adjustment Public Hearing

All proposed variance applications must be submitted to the Board of Adjustment. The Board of Adjustment will hold a public hearing on the application in accordance with

Section 470.010E. The public hearing must be held at the next regular meeting of the Board of Adjustment for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Community Development Director or other appointed official as designated by the Planning and Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing as provided in Section 470.010E.

2. Board of Adjustment Action

Upon conclusion of the public hearing, the Board of Adjustment must approve, approve with conditions or disapprove the requested variance. A concurring vote of at least four members of the Board of Adjustment is required to approve any variance request.

E. Findings of Fact

A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the findings will be entered into the record.

- 1.** The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner, applicant, or their agent, employee or contractor.
- 2.** The strict application of the provisions of the Unified Development Code of which the variance is requested will constitute an unnecessary hardship or practical difficulty upon the property owner represented in the application and that such unnecessary hardships or practical difficulties are not generally applicable to other property in the same district.
- 3.** The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- 4.** The granting of the variance will not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.
- 5.** Whether the requested variance is the minimum variance necessary to provide relief.
- 6.** The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
- 7.** The granting of the variance desired will not be opposed to the relevant purposes and intents of this Unified Development Code.
- 8.** The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this code and the individual hardships or practical difficulties that will be suffered if the variance request is denied.

F. Conditions of Approval

- 1.** In making any decision varying or modifying any provisions of the Unified Development Code, the Board may impose such conditions, restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.
- 2.** The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond will be based on a general estimate of cost for the improvements as determined by the Board and will be enforceable by, or payable to, the City Council in the sum equal to the cost of constructing the required improvements.

3. In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

G. Appeal of Board’s Decision

Any person or persons jointly or severally aggrieved by any decision of the Board, any neighborhood organization as defined in Section 32.105, RSMo. representing such person or persons, or any officer, department, board or bureau of the municipality may present to the Circuit Court of the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within 30 days after the filing of the decision in the office of the Board.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. The Preliminary Plan and Memorandum of Understanding (MOU) for Creekmoor, which established to development standards for the subdivision were approved by City Council on January 26, 2004.
2. The Westbrook at Creekmoor 4th Plat, which created the subject property, was approved by the City on September 12, 2005.

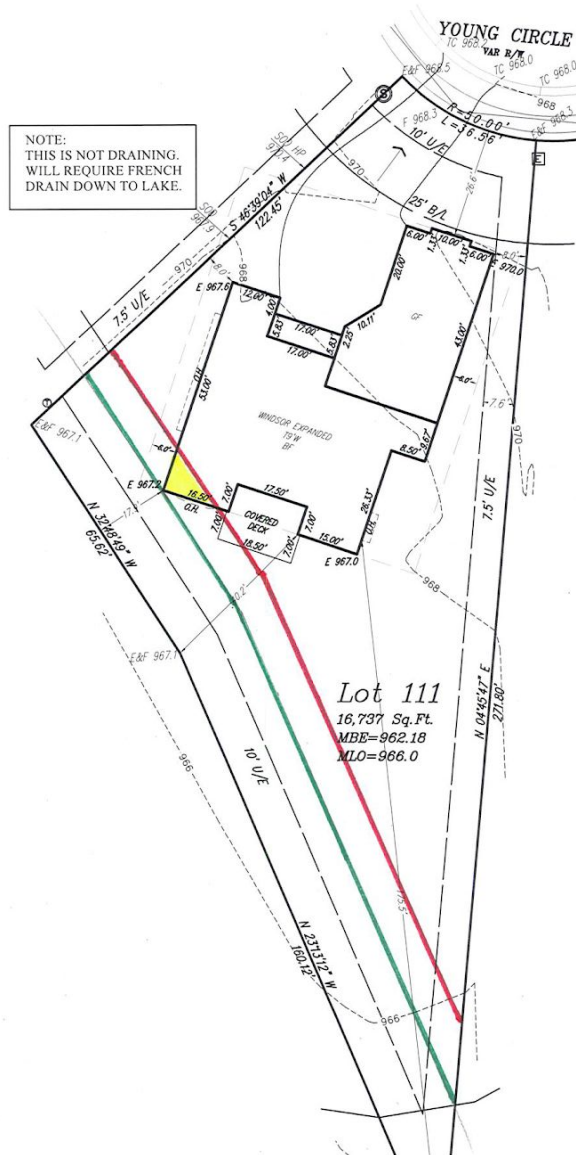
STAFF COMMENTS

1. The development standards which apply to the subject property are as follows:

	Requirements
Minimum Lot Area	
per lot	8,400 sq. ft.
Minimum Lot Width (ft.)	Standard Lot: 70 ft. Cul de Sac: 30 ft.
Minimum Lot Depth (ft.)	100
Yards, Minimum (ft.)	
Front	25
rear	25
side, corner	20
side, interior	7.5
Maximum Building Height (feet)	35
Maximum Building Coverage (%)	30%

2. There is a 10’ utility easement along the rear property line, abutting the golf course. The requested variance will not impact the existing utility easement.
3. The plot plan below illustrates the requested setback reduction. The existing twenty-five foot (25’) setback is shown in red. The setback encroachment is

highlighted in yellow. The requested seventeen foot (17') setback is shown in green.



4. The applicant has submitted building plans to the City's Building Official for review.
5. Notices of the request were sent to (9) adjacent property owners, including the Creekmoor Property Owners Association. Staff received no calls or concerns regarding the request.

STAFF PROPOSED FINDINGS OF FACT

Section 470.060 of the Unified Development Code directs the Board of Adjustment concerning their actions in dealing with a variance request. Specifically, Section 470.060(E) directs the Board of Adjustment to make determinations on eight specific conditions and the findings entered into the public record. The eight conditions and Staff's recommendation concerning each condition are as follows:

- 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner and applicant or their agent, employee or contractor.**

The variance request does arise from a condition that is unique to the property. The property itself was platted adjacent to the Creekmoor golf course and the Creekmoor Lake, which resulted in the creation of irregular lot lines. The irregular shape creates challenges in fitting a home on the property.

- 2. The strict application of the provisions of the Unified Development Code of which the variance is requested will constitute an unnecessary hardship or practical difficulty upon the property owner represented in the application and that such unnecessary hardships or practical difficulties are not generally applicable to other property in the same district.**

The strict application of the provisions of the Unified Development Code of which the variance is requested would constitute an unnecessary hardship or practical difficulty upon the property owner.

- 3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.**

The granting of the requested variance will not adversely impact the rights of adjacent property owners. The rear-yard of the property abuts the Creekmoor Golf Course, and would not impact any adjacent properties.

- 4. The granting of the variance will not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.**

The granting of the variance would not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.

- 5. Whether the requested variance is the minimum variance necessary to provide relief.**

The requested variance is the minimum variance necessary to provide relief.

- 6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

The requested variance will not adversely impact the public health, safety, morals, order, convenience, prosperity, or general welfare of the neighborhood or community. The rear yard of the property abuts the common golf course area of the Creekmoor subdivision.

- 7. The granting of the variance desired will not be opposed to the relevant purposes and intents of this Unified Development Code.**

The requested variance would not be opposed to the relevant purposes and intents of this Unified Development Code.

- 8. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this code and the individual hardships or practical difficulties that will be suffered if the variance request is denied.**

The variance will result in substantial justice being done considering the rights of the property owners and the protections of adjacent property owners afforded by the provisions of the Unified Development Code.

STAFF RECOMMENDATION

Staff fully supports the intent of the Unified Development Code. The development standards that were established for the Creekmoor subdivision were intended to provide adequate separation between properties. The subject property was platted adjacent to the Creekmoor golf course and the Creekmoor Lake, which resulted in the creation of irregular lot lines. The rear-yard of the subject property does not abut any residential structures, thus requested rear-yard setback reduction will not impact adjacent properties.

Staff recommends that the Board of Adjustment accept the staff proposed findings of fact, and approve Case #19017: Rear-Yard Setback Variance - 1400 Young Circle

LAND SURVEY COMPANY

Quality since 1959

P.O. BOX 528, GRANDVIEW, MISSOURI 64030

PHONE: (816) 966-0839 FAX: (816) 763-1761

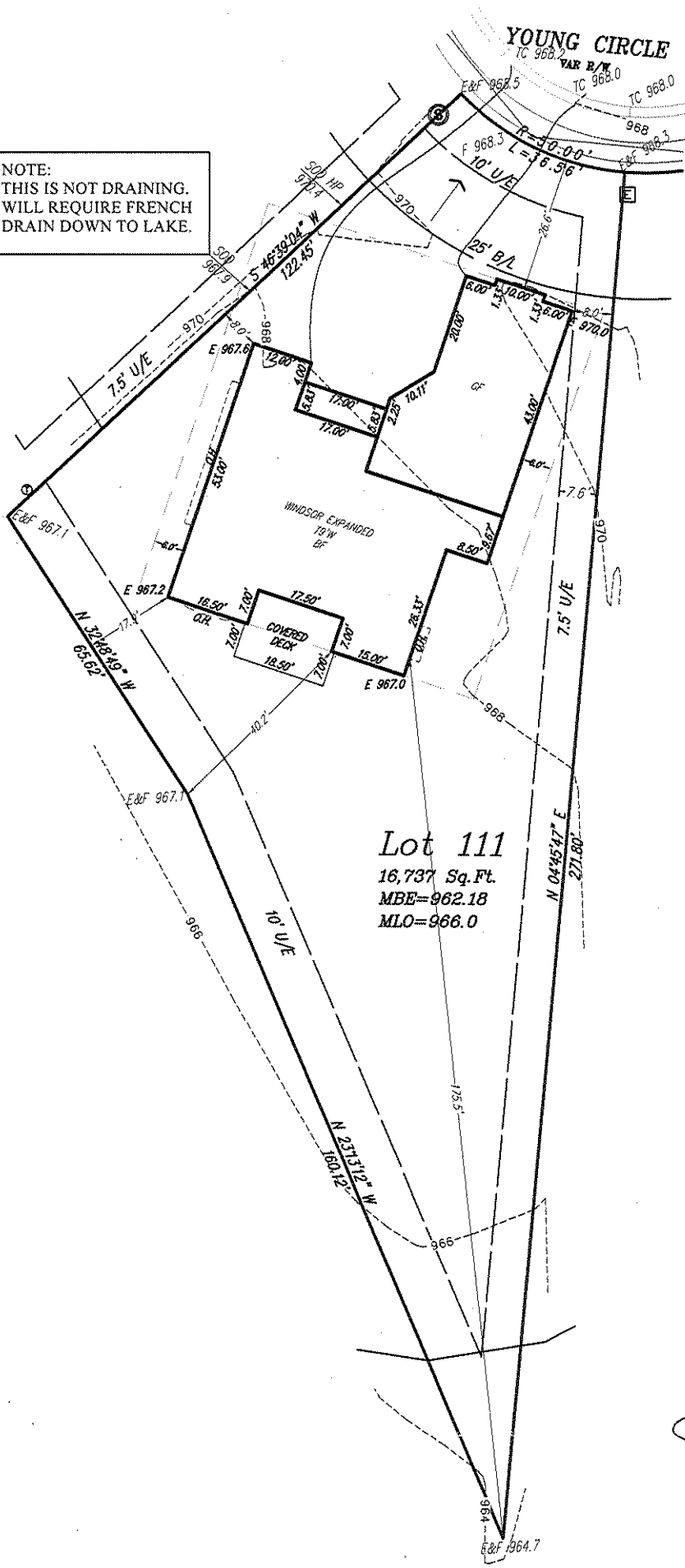
CONSTRUCTION STAKE PLOT PLAN

ORDERED BY: C&M BUILDERS

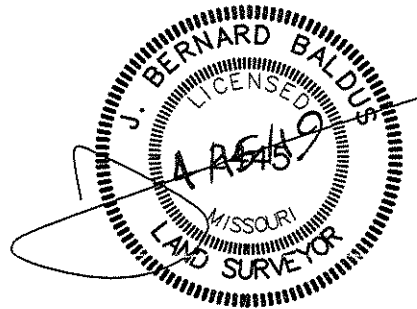
PROPERTY ADDRESS: 1400 YOUNG CIRCLE

DESCRIPTION: Lot 111, WESTBROOK AT CREEKMOOR-
FOURTH PLAT, Lots 55-68, Lots 98-111, a subdivision in
Raymore, Cass County, Missouri.

NOTE:
THIS IS NOT DRAINING.
WILL REQUIRE FRENCH
DRAIN DOWN TO LAKE.



Lot 111
16,737 Sq. Ft.
MBE=962.18
MLO=966.0



SCALE IN FEET
SCALE: 1" = 30'
DATE: 2/21/19
REVISED: 2/25/19
REVISED: 3/7/19
GO AHEAD: 3/28/19
FINAL: 4/4/19, 4/15/19
REV HSE: 4/9/19, 4/15/19

Attention: This Plot Plan was prepared for use before and during foundation construction ONLY. This house is staked as shown on this drawing. The Contractor is to check and verify house dimensions and elevations at the job site. We are not responsible for unknown or unplatted easements of any kind unless we are furnished with the description of said easement prior to our field work being performed. Elevations shown hereon are for a guide only, and final elevations are the responsibility of the on-Site Contractor. Unless otherwise noted, THIS IS NOT AN AS-BUILT SURVEY and we can not guarantee the construction of anything shown on this "Plan." Boundary and Improvement Surveys and "As-Built" Grading Certifications serve the purpose of showing "Actual" construction.

MONTHLY REPORT JUNE 2019

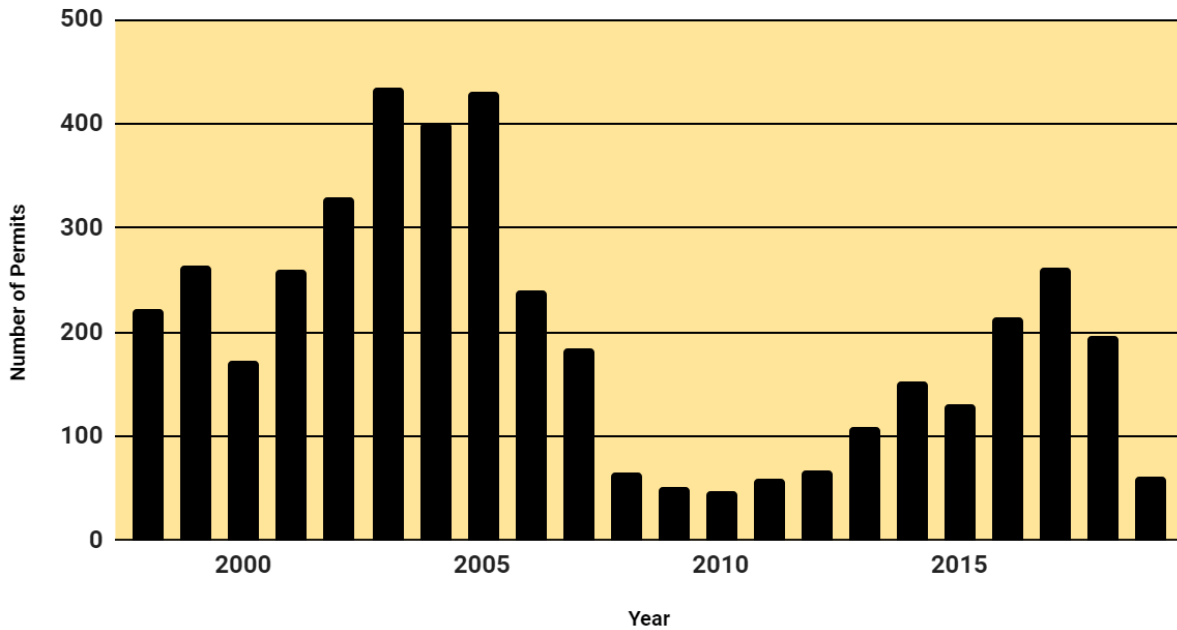
Building Permit Activity

Type of Permit	June 2019	2019 YTD	2018 YTD	2018 Total
Detached Single-Family Residential	19	61	90	153
Attached Single-Family Residential	0	0	38	44
Multi-Family Residential	0	0	0	0
Miscellaneous Residential (deck; roof)	80	345	309	604
Commercial - New, Additions, Alterations	0	11	7	17
Sign Permits	10	27	23	63
Inspections	June 2019	2019 YTD	2018 YTD	2018 Total
Total # of Inspections	324	1,824	2,912	5,947
Valuation	June 2019	2019 YTD	2018 YTD	2018 Total
Total Residential Permit Valuation	\$4,472,300	\$14,714,200	\$25,833,300	\$41,964,900
Total Commercial Permit Valuation	\$0	\$1,774,300	\$3,104,400	\$5,222,550

Additional Building Activity:

- Construction continues on the new self-storage facility at 308 E. Walnut Street.
- Construction work continues on the shelter, boardwalk and amphitheater at Hawk Ridge Park.
- A Certificate of Occupancy was issued for Athletico Physical Therapy to locate at 2007 W. Foxwood Drive Suite D.
- Construction has commenced on the expansion to Benton House of Raymore
- A Certificate of Occupancy was issued for the remodel of the Freedom Stop convenience store

Single Family Building Permits



Code Enforcement Activity

Code Activity	June 2019	2019 YTD	2018 YTD	2018 Total
Code Enforcement Cases Opened	67	245	228	461
<i>Notices Mailed</i>				
-Tall Grass/Weeds	17	62	64	147
- Inoperable Vehicles	10	32	25	54
- Junk/Trash/Debris in Yard	19	58	51	96
- Object placed in right-of-way	1	2	7	26
- Parking of vehicles in front yard	0	6	20	36
- Exterior home maintenance	4	9	22	35
- Other (trash at curb early; signs; etc)	0	2	20	38
Properties mowed by City Contractor	9	22	19	56
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	2	6	0	0
Signs in right-of-way removed	35	126	237	473
Violations abated by Code Officer	16	42	37	60

Development Activity

Current Projects

- Conway Place Rezoning and Preliminary Development Plan
- Foxridge Business Park Final Plat (southwest corner of 58 Hwy & Fox Ridge Drive)
- HyVee Fast and Fresh Store Conditional Use Permit and Site Plan - (southwest corner of 58 Hwy & Fox Ridge Drive)
- Edgewater at Creekmoor 7th Final Plat

	As of June 30, 2019	As of June 30, 2018	As of June 30, 2017
Homes currently under construction	132	221	240
Total number of Undeveloped Lots Available (site ready for issuance of a permit for a new home)	363	419	531
Total number of dwelling units in City	8,603	8,385	8,068

Actions of Boards, Commission, and City Council Afa

City Council

June 10, 2019

- Approved on 1st reading the vacation of 4 easements for an abandoned sewer line in the Good Ranch subdivision that are no longer needed.

June 24, 2019

- Approved the 2nd reading the vacation of 4 easements for an abandoned sewer line in the Good Ranch subdivision that are no longer needed.
- Denied the 30th amendment to the Unified Development Code regarding the keeping of fowl on smaller residential lots.
- Continued the public hearings on the Conway Place rezoning and preliminary plan.

Planning and Zoning Commission

June 4, 2019

- Approved an amended site plan for The Lofts at Foxridge apartment community.
- Completed the annual review of the Unified Development Code.

June 18, 2019

- Due to a lack of quorum the items on the agenda (Conway Place rezoning and preliminary plan) had to be continued to the July 2, 2019 meeting.

Upcoming Meetings – July & August

July 2, 2019 Planning and Zoning Commission

- HyVee Conditional Use Permit - gas station (public hearing)
- UDC 31st Amendment - medical marijuana facilities (public hearing)

July 8, 2019 City Council

- 1st reading - HyVee Conditional Use Permit - gas station (public hearing)
- 1st reading - UDC 31st amendment - medical marijuana facilities (public hearing)
- 1st reading - create a new City Code Chapter 660: Medical Marijuana Facilities

July 16, 2019 Planning and Zoning Commission

- No items currently scheduled

July 22, 2019 City Council

- 1st reading - HyVee Conditional Use Permit - gas station (public hearing)
- 1st reading - UDC 31st amendment - medical marijuana facilities (public hearing)
- 1st reading - create a new City Code Chapter 660: Medical Marijuana Facilities

August 6, 2019 Planning and Zoning Commission

- No items currently scheduled

August 12, 2019 City Council

- No development items currently scheduled

August 20, 2019 Planning and Zoning Commission

- No items currently scheduled

August 26, 2019 City Council

- No development items currently scheduled\

Department Activities

- Economic Development Director Matt Tapp attended the 2019 Missouri Economic Development Council conference.
- A Good-Neighbor meeting was held for a conditional use permit request to install fueling pumps associated with the [HyVee Fast & Fresh](#) store proposed for the southwest corner of Fox Ridge Drive and 58 Highway. The Planning and Zoning Commission will consider the request on July 2.
- Associate Planner David Gress participated in the Mid-America Regional Council Solid Waste Management District Board meeting that included a field visit to a recycling facility.
- Director Jim Cadoret and Associate Planner David Gress met with planners from nearby communities to discuss ongoing projects and planning initiatives.
- Director Jim Cadoret met with the City of Parkville management team members to discuss the benefits of involvement in the Communities for All Ages initiative.
- Director Jim Cadoret and Associate Planner David Gress participated in the monthly meeting of the Cass County Non-Profits Coalition.

GIS Activities

- Maps supporting department operations as requested
- Implementation support for GranitE software
- Biennial/monthly data management tasks
- Network connectivity troubleshooting
- Response to inquiry/requests for information/data
- Coordination for external updates
- Change support for Census Geography
- Configuration of AGO as sharing portal for Server
- Data/reports supporting department operations as requested
- CAD suite installation repair and update(s)

