



RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, February 18, 2020 - 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 July 16, 2019 meeting
6. Unfinished Business - None
7. New Business
 - a. Case #20001 - Prouty Setback Variance - Lot 38 Edgewater at Creekmoor
(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 16, 2019** IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: DAVID WOSTE, TOM BUECHLER, PAUL BERTOLONE, AND SHANNON WEICHEL. ALSO PRESENT WAS ASSOCIATE PLANNER DAVID GRESS.

1. **Call to Order** – Vice-Chairman Bertolone called the meeting to order at 6:05 p.m.
2. **Roll Call** – Roll was taken and Vice-Chairman Bertolone declared a quorum present to conduct business.
3. **Pledge of Allegiance**
4. **Personal Appearances – None.**
5. **Consent Agenda –**

A. Approval of Minutes of July 2, 2019 meeting

Motion by Board member Buechler, Seconded by Board member Woste, to accept the minutes of the July 2, 2019 meeting as corrected.

Vote on Motion:

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

Motion passed 4-0-0

6. Unfinished Business – None

7. New Business

A. Case #19017 - 1400 Young Circle Rear Yard Setback Variance (public hearing)

Chad Buck, representing C&M Builders, owner of the property, presented the request to the Board. Mr. Buck stated the property has remained undeveloped for a number of years due to its unique shape and difficulty in fitting a home on the lot.

Mr. Buck said the odd shape of the lot causes a rear yard setback issue.

Mr. Buck stated the home will be 17 feet from the property line instead of the required 25 feet.

Vice-Chairman Bertolone asked about the land area behind the lot.

Mr. Buck stated there is a common area tract behind the lot so there will be no encroachment towards a neighbor.

Vice-Chairman Bertolone asked about the homes on the adjacent lots and how grading of the lot will be handled.

Mr. Buck stated he is working with the adjoining lot owners concerning drainage and what he will do as the home is constructed to avoid and issues for the neighbor.

Mr. Buck handed out to the Board members photographs and drawings that depict the property and the area around the lot.

Associate Planner David Gress presented the staff report. The request for a variance required a public hearing and Mr. Gress entered into the record the mailed notices to adjoining property owners, the notice of publication in The Journal, the Unified Development Code, the Growth Management Plan, the application, and the staff report.

Mr. Gress described the plot plan for the property and that the drawing does show the small corner of the rear of the home that will encroach into the setback area.

Mr. Gress stated staff has submitted proposed findings of fact on the request for the Board to consider.

Mr. Gress stated that staff does support the granting of the variance request and recommends the Board approve the variance request.

Board member Woste asked Mr. Buck if he was involved in the split of Lots 110 and Lot 111.

Mr. Buck stated he was not involved in the platting of the lots.

Mr. Gress commented that there was an additional phase added to the Creekmoor Subdivision.

Vice-Chairman Bertolone opened the public hearing at 6:21 p.m.

There were no public comments made.

Vice-Chairman Bertolone closed the public hearing at 6:21 p.m.

Motion by Board member Weichel, Seconded by Board member Buechler, to accept the staff proposed findings of fact and approve Case #19017, Rear-Yard setback variance for 1400 Young Circle.

Vote on Motion:

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

Motion passed 4-0-0

8. Staff Comments -

Mr. Gress provided the June 2019 Department monthly report to the Board.

9. Board member Comment – None.

10. Adjournment

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

Vote on Motion:

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

Motion passed 4-0-0

The Board of Adjustment meeting for July 16, 2019 adjourned at 6:23 p.m.

Respectfully submitted,

Jim Cadoret



To: Board of Adjustment
From: City Staff
Date: February 18, 2020
Re: Case #20001 - 1207 Kettering Lane Setback Variance

GENERAL INFORMATION

Applicant/Property Owner: John and Phyllis Prouty
P.O. Box 522
Raymore, MO 64083

Requested Action: Granting of a five foot (5') variance to a twenty-five foot (25') building line in the front of the property, and a five foot (5') variance to the fifteen foot (15') building line on the east side of the property.

Property Location: 1207 Kettering Lane – Edgewater at Creekmoor 2nd Lot 38



2018 Aerial Photograph:



Site Photographs:



View looking northwest from the southern corner of the property



View looking southwest from the northeastern edge of the property

Existing Zoning: PUD Planned Unit Development

Existing Surrounding Uses:

North:	Residential
South:	Residential
East:	Residential
West:	Residential

Total Tract Size: 9,691 square feet

Growth Management Plan: The Future Land Use Plan Map contained within the 2013 Growth Management Plan designates this property as appropriate for low-density residential development.

Major Street Plan: The Major Thoroughfare Plan has Kingsland Circle and Kettering Lane classified as local streets.

Advertisement: January 30, 2020 Journal Newspaper

Public Hearing: February 18, 2020 Board of Adjustment

- Items of Record:**
- Exhibit 1. Mailed Notices 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**
 - Exhibit 7. Applicant's Personal Statement**
 - Exhibit 8. Creekmoor Declaration of Covenants**

PROPOSAL

The applicant is seeking a five foot (5') variance to a twenty-five foot (25') building line in the rear of the property, and a five foot (5') variance to the fifteen foot (15') building line on the eastern side of the property. The variance would allow the property owners to construct their desired home on the lot. See exhibit 1 page 3 for an image with the areas of encroachment highlighted in yellow.

VARIANCE REQUIREMENTS

City Ordinance Requirements: In order for the applicant to accomplish the aforementioned action, they must first meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to be granted a variance, specifically Section 470.060.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. On January 24, 2004 the Creekmoor Planned Unit Development preliminary plan and Memorandum of Understanding was approved by the Raymore City Council.
2. The Edgewater at Creekmoor Second Plat, which created Lot 37, was recorded on February 17, 2012.
3. On March 13, 2017, City Council voted 7-1 on 2nd reading to approve a request to vacate five feet (5') of a twenty-five foot (25') easement that exists on the west property line of adjacent lot 37.
4. On April 17, 2017, The Board of Adjustment approved a variance to lot 37 to allow a twenty foot (20') rear yard setback instead of the twenty-five foot (25') rear yard established setback.

STAFF COMMENTS

1. The zoning regulations for the Edgewater at Creekmoor 2nd Plat were established in the Creekmoor Memorandum of Understanding. The minimum regulations for single-family lots are as follows:
 - a. Lot Area Minimum: 5,000-6,050 square feet
 - b. Lot Width Minimum: 30-55 ft
 - c. Lot Depth Minimum: 100 ft
 - d. Front Setback Minimum: 25 ft
 - e. Rear Setback Minimum: 25 ft
 - f. Interior Side Lot Minimum: 7.5 ft (15ft for corner lot)
2. The proposed home is roughly 4,554 square feet. The proposed home is comparable in size and appearance to other homes in the neighborhood.
3. The lot is bounded on three sides by street right of way and therefore has three front yard setbacks and one side yard setback.
4. Notices of the variance request were mailed to twenty-three (23) property owners that live within 185 feet of the subject property. No comments have been received.
5. A concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant.

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 need for the variance arises as a result of the irregular shape of Lot 38, which is not a situation created by an action of the applicant. The applicants have stated that due to its irregular shape, the owners have struggled to find a home design that fits within the parameters of the lot.

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.

An unnecessary hardship arises when the physical characteristics of a property, coupled with imposed governmental regulations, preclude a property owner from any reasonable use of their land.

The applicant is limited in the practical use of his property under the zoning regulations. Due to the irregular shape of the lot, the applicant is unable to fit a home of similar size as surrounding owners, given the existing setback two front yard setback requirements.

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 variance will not adversely affect the rights of adjacent property owners. Lot 38 was platted as part of the 2nd phase of the Edgewater at Creekmoor Subdivision. Although the lot has remained undeveloped for sometime, it was expected that this lot would be built upon at some point in time.

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 will allow the owners of Lot 38 to construct their desired home on lot, just as the homeowners surrounding the subject property were allowed to do. The irregular shape of the lot in question precludes the property owner from building their desired home. Therefore, the granting of the variance would allow the property owner the same privileges and home size allotted to the homeowners surrounding their property.

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

The requested variance would allow the applicant to construct a home on the lot, and would not have an impact on other development regulations. The proposed home will still meet all other setback requirements.

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

Setback requirements are in place to provide adequate separation between homes for the purposes of health and safety. The applicant will maintain the setback adjacent to the neighbor, meeting the minimum side-yard setback of 7.5 feet between the neighbor to the west.

While the applicant is requesting to reduce the required setback(s), the request is not deemed to adversely affect 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.

Relevant purposes and intents of the UDC include the promotion of health, safety, and general welfare and the protection of property values through the regulation of density and mass of structures.

The construction of a home on Lot 38 will not adversely affect the character of the neighborhood or the adjacent properties. The granting of the requested variance will not be opposed to said purposes and intents of the UDC.

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.

As stated above, the requested variance is not contradictory to the purpose and intent of the Code, and will not adversely affect the public health, safety or welfare. Thus, granting the variance would be a just application of the Code.

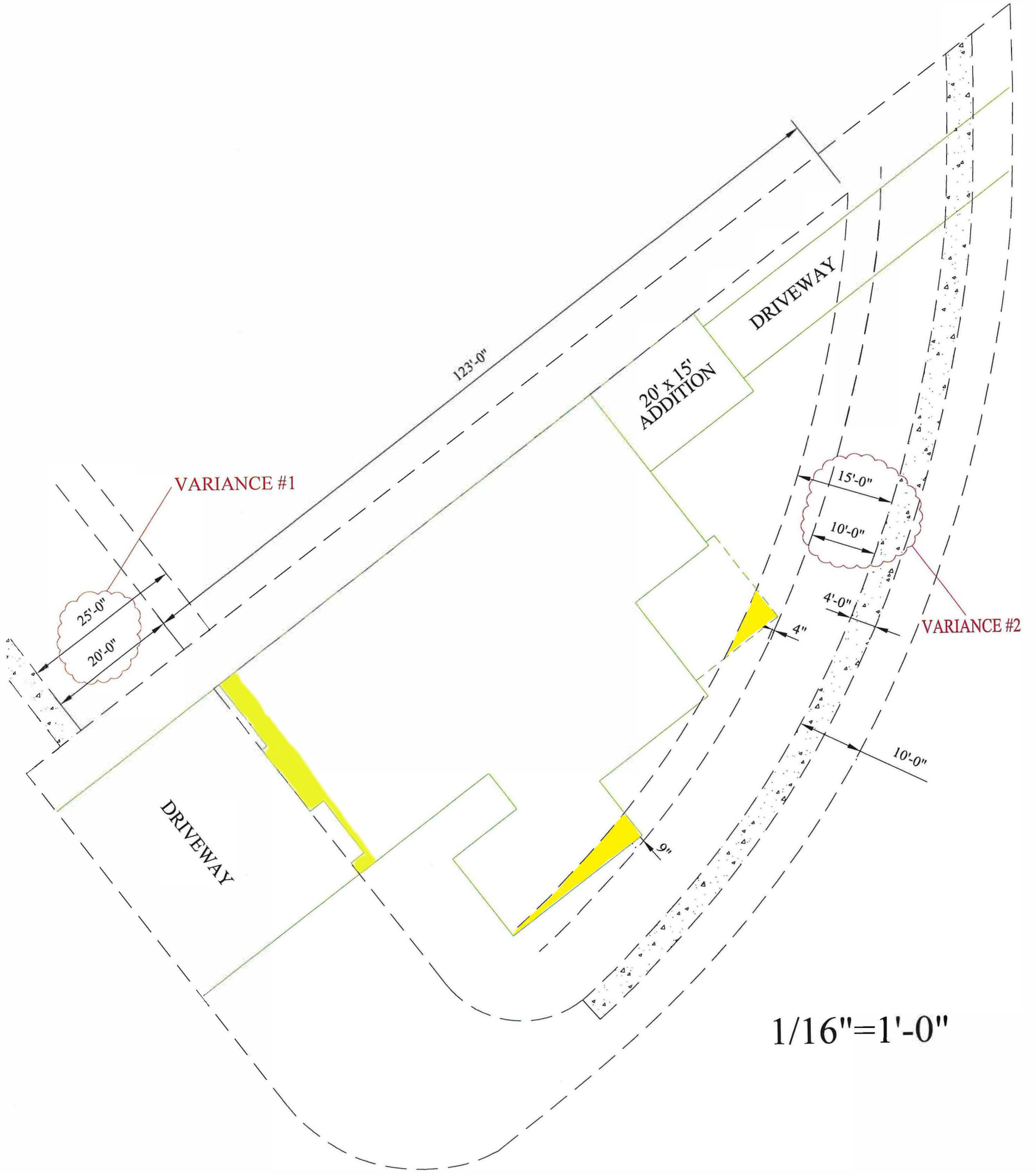
Staff finds that the existing setback requirements create an undue hardship to the applicant, and places the burden of an undeveloped lot on the Edgewater at Creekmoor neighborhood. Granting the variance is necessary to relieve the applicant of substantial hardship or difficulty, and would allow a home to be constructed on an undeveloped lot.

STAFF RECOMMENDATION

City staff supports the applicant's request for a five foot (5') variance to a twenty-five foot (25') building line in the rear of the property, and a five foot (5') variance to the fifteen foot (15') building line on the east side of the property. The property in question is an irregularly shaped lot, and has proven to be difficult to develop. The granting of the applicant's requested variance would allow adequate space for a home to be built on the lot.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve case #20001 as requested, as it meets the required conditions of approval.

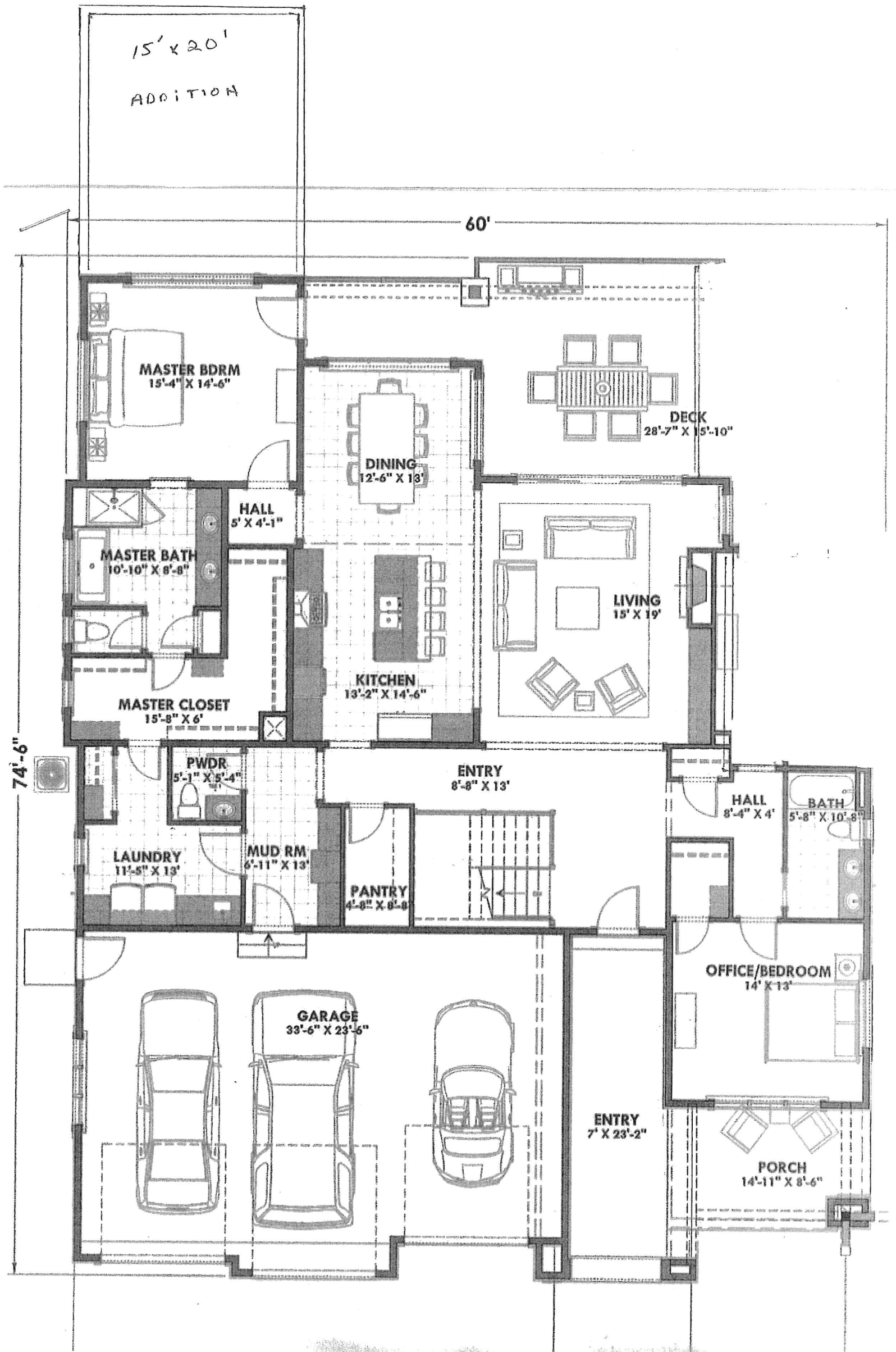
Submittal 5



SUBMITTAL 6



SUBMITTAL 4



MONTHLY REPORT JANUARY 2020

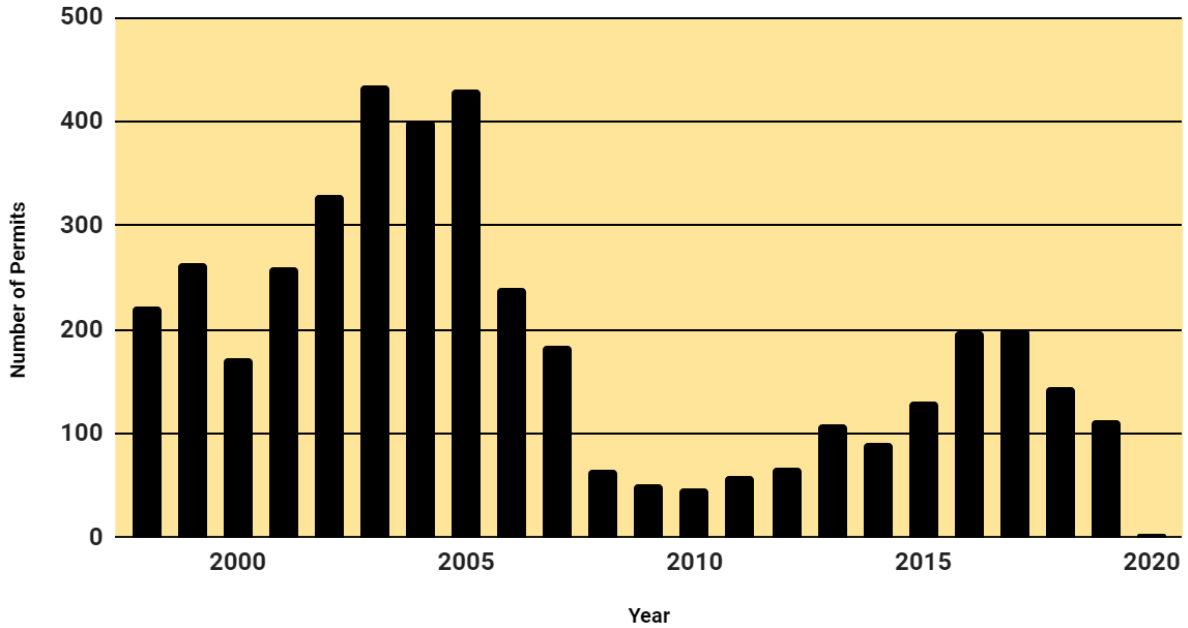
Building Permit Activity

Type of Permit	Jan 2020	2020 YTD	2019 YTD	2019 Total
Detached Single-Family Residential	3	3	13	113
Attached Single-Family Residential	0	0	0	26
Multi-Family Residential	0	0	0	0
Miscellaneous Residential (deck; roof)	43	43	34	720
Commercial - New, Additions, Alterations	4	4	2	18
Sign Permits	6	6	2	54
Inspections	Jan 2020	2020 YTD	2019 YTD	2019 Total
Total # of Inspections	266	266	288	3,858
Valuation	Jan 2020	2020 YTD	2019 YTD	2019 Total
Total Residential Permit Valuation	\$977,700	\$977,700	\$3,532,500	\$34,498,600
Total Commercial Permit Valuation	\$7,482,000	\$7,482,000	\$143,500	\$1,822,300

Additional Building Activity:

- Construction continues on the new self-storage facility at 308 E. Walnut Street.
- Site grading has commenced on the Compass Health office building
- Site work continues for The Lofts at Fox Ridge apartment community
- Land Disturbance/grading permit has been issued for commencement of installation of the extension of Dean Avenue to serve the proposed Van Trust Industrial development at the southwest corner of Dean Avenue and North Cass Parkway

Single Family Building Permits



Code Enforcement Activity

Code Activity	Jan 2020	2020 YTD	2019 YTD	2019 Total
Code Enforcement Cases Opened	33	33	19	642
<i>Notices Mailed</i>				
-Tall Grass/Weeds	0	0	0	135
- Inoperable Vehicles	18	18	2	138
- Junk/Trash/Debris in Yard	7	7	11	146
- Object placed in right-of-way	1	1	0	14
- Parking of vehicles in front yard	3	3	3	13
- Exterior home maintenance	3	3	2	41
- Other (trash at curb early; signs; etc)	1	1	1	2
Properties mowed by City Contractor	0	0	0	71
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	0	0	0	10
Signs in right-of-way removed	26	26	12	370
Violations abated by Code Officer	20	20	1	126

Development Activity

Current Projects

- Sunset Plaza Rezoning and Preliminary Development Plan
- Variance, Front Yard setback requirement, 1207 Kettering Lane

	As of Jan 31, 2020	As of Jan 31, 2019	As of Jan 31, 2018
Homes currently under construction	146	174	294
Total number of Undeveloped Lots Available (site ready for issuance of a permit for a new home)	345	393	408
Total number of dwelling units in City	8,670	8,508	8,190

Actions of Boards, Commission, and City Council

City Council

January 13, 2020

- Approved on 2nd reading the Foxridge Business Park Final Plat
- Approved on 1st reading the Conditional Use Permit for Outdoor Recreational Fields as part of Impact Fieldhouse at 501 S. Lincoln Road

January 27, 2020

- Approved a 1-year extension to the expiration date for The Estates and Estate Villas of The Good Ranch Preliminary Plat

Planning and Zoning Commission

No Meetings in January

Upcoming Meetings –February & March

February 4, 2020 Planning and Zoning Commission

- Update to the Planning and Zoning Commission Rules of Procedure

February 10, 2020 City Council

- No development applications currently scheduled

February 18, 2020 Planning and Zoning Commission

- Reclassification of Zoning from "C-1" Neighborhood Commercial and "C-2" General Commercial to "PUD" Planned Unit Development, property located north of Pine Street, east of Sunset Lane. (Sunset Plaza, formerly referred to as Conway Place)
- Sunset Plaza Final Plat

February 18, 2020 Board of Adjustment

- Prouty variance application, 1207 Kettering Lane

February 24, 2020 City Council

- 1st reading - Reclassification of Zoning from "C-1" Neighborhood Commercial and "C-2" General Commercial to "PUD" Planned Unit Development, property located north of Pine Street, east of Sunset Lane. (Sunset Plaza, formerly referred to as Conway Place)
- 1st reading - Sunset Plaza Final Plat

March 3, 2020 Planning and Zoning Commission

- No applications currently filed

March 9, 2020 City Council

- 2nd reading - Reclassification of Zoning from "C-1" Neighborhood Commercial and "C-2" General Commercial to "PUD" Planned Unit Development, property located north of Pine Street, east of Sunset Lane. (Sunset Plaza, formerly referred to as Conway Place)
- 2nd reading - Sunset Plaza Final Plat

March 17, 2020 Planning and Zoning Commission

- No applications currently filed

March 23, 2020 City Council

- No development applications currently filed

Department Activities

- Building Official Jon Woerner completed an inspection of the building located at 100 S. Madison and approved it for occupancy.
- Building Official Jon Woerner began inspections of the infrastructure work being completed as part of the Lofts at Foxridge apartment community.
- Staff welcomed Katie Jardieu as the new City Planner. Katie has a Bachelor's degree from Kansas State University and a Master's degree from the University of Nebraska. Katie has worked as a planner in Overland Park, Kansas and Brentwood, Tennessee.

- Director Jim Cadoret participated in the Raymore-Peculiar School District Facility Planning Committee meeting.
- Staff prepared notification to the owners of 11 undeveloped lots that meet the threshold requirement for [sidewalks](#) to be installed in order to create a continuous sidewalk network. Affected property owners have until Aug. 1 to secure a building permit to construct a home or install the sidewalk.
- Right-of-way for the proposed [Westgate Drive](#) (relocated Kentucky Road) project was secured. The City will be advertising for bids in February with an anticipated start of construction in April 2020.
- Review of the building construction plans for the Compass Health facility at 501 N. Sunset Lane is complete and the permit is ready to be issued.
- City Planner Katie Jardieu updated the [What's Happening in Raymore](#) mapping application with the Capital Budget projects to be completed in 2020.
- Economic Development Director David Gress participated in the monthly Chamber of Commerce Board meeting.
- City Planner Katie Jardieu participated in the Census 2020 - KC Regional Complete County committee meeting held at the Mid-America Regional Council.
- CVS submitted plans for interior renovations and exterior site improvements to the store located at 1215 W. Foxwood Drive.
- Site grading and clearing has commenced for the [Compass Health](#) facility being constructed at 501 N. Sunset Lane.
- The representatives for the Impact Fieldhouse application for a conditional use permit to allow outdoor recreation fields at 501 S. Lincoln Road have withdrawn their request.
- Director Jim Cadoret and City Planner Katie Jardieu participated in the monthly meeting of the Cass County Non-Profits.
- Director Jim Cadoret and City Planner Katie Jardieu participated in the bi-monthly meeting of Communities for All Ages Participating Communities Coalition.

GIS Activities

- Packaging of data transmittal to SEMA as requested, for FIRM update
- Sharing of geospatial site information to engineering firms
- Creation of new [asp.net](#) project to replace, rather than upgrade RaymoreGIS
- Configuration of IIS for active server pages and [asp.net](#) for remote publishing
- Issuance of a new self signed certificate
- SQL server copy & administrative tasks (backup, attach, indexing, etc)
- Authorization/configuration of new users for ArcGIS
- Regional imagery acquisition coordination
- Configuration of custom print task for web mapping applications
- Update of datasets on database servers svits1052085 & 1052386