



RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, March 17, 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. Election of Officers
6. Consent Agenda
 - a. Approval of Minutes from February 18, 2020 meeting
7. Unfinished Business - None
8. New Business
 - a. Case #20002 - Velasquez Fence Setback Variance - 712 Meadow Lane (*public hearing*)
9. Staff Comments
10. Board Member Comment
11. 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, FEBRUARY 18, 2020** IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: JOSEPH WELLS, JERRY MARTIN, PAUL BERTOLONE, PAM HATCHER, AARON HARRISON AND SUSAN DOOLEY. ALSO PRESENT WAS CITY PLANNER KATIE JARDIEU, DEVELOPMENT SERVICES DIRECTOR JIM CADORET, AND CITY ATTORNEY JONATHAN ZERR.

1. **Call to Order** – Chairman Wells called the meeting to order at 6:02 p.m.
2. **Roll Call** – Roll was taken and 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 July 16, 2019 meeting

Motion by Board member Bertolone, Seconded by Board member Hatcher, to accept the minutes of the July 16, 2019 meeting.

Vote on Motion:

Board member Bertolone	Aye
Board member Dooley	Aye
Board member Hatcher	Aye
Board member Harrison	Aye
Board member Martin	Aye
Board member Wells	Aye
Board member Woods	Absent
Board member Woste	Absent

Motion passed 6-0-0

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

A. Case #20001 - 1207 Kettering Lane Setback Variance (public hearing)

Katie Jardieu, city planner, presented the staff report to the Board. The request for a variance required a public hearing and Ms. Jardieu 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. Ms. Jardieu stated the property has a unique shape and difficulty in fitting a home on the lot that matches both the size and character of surrounding homes.

Ms. Jardieu stated the odd shape of the lot causes a the lot to have a front yard setback on two sides creating an additional hardship on the lot. Ms. Jardieu also stated that the encroachment would be towards the street and not towards a neighbor.

Board member Martin asked if the home was a villa home.

Ms. Jardieu stated it was not.

Mr. Prouty stated that he and his wife had owned the property for approximately 6 years and were looking to downsize from 20 acres. Mr. Prouty stated they bought the lot in a firesale without realizing it was such unusual constraints.

Board member Bertolone asked what the addition on the rear was to be used for.

Mr. Prouty stated it was for a high end collector car.

Board member Bertolone asked if the previous action on lot 37 was related to this case.

Ms. Jardieu stated that it was related in location and that it also had a unique shape.

Board member Martin asked where lot 37 was located.

Ms. Jardieu showed where on the first page of the staff report, lot 37 was located in relation to lot 38.

Board member Hatcher stated that from a real estate perspective, the addition does not take value away from the house in terms of resale.

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

There were no public comments made.

Chairman Bertolone closed the public hearing at 6:15 p.m.

Motion by Board member Hatcher, Seconded by Board member Bertolone, to accept the staff proposed findings of fact and approve Case #20001, setback variance for 1207 Kettering Lane.

Vote on Motion:

Board member Bertolone	Aye
Board member Dooley	Aye
Board member Hatcher	Aye
Board member Harrison	Aye
Board member Martin	Aye
Board member Wells	Aye
Board member Woods	Absent
Board member Woste	Absent

Motion passed 6-0-0

8. Staff Comments - None

9. Board member Comment – None.

10. Adjournment

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

Vote on Motion:

Board member Bertolone	Aye
Board member Dooley	Aye
Board member Hatcher	Aye
Board member Harrison	Aye
Board member Martin	Aye
Board member Wells	Aye
Board member Woods	Absent
Board member Woste	Absent

Motion passed 6-0-0

The Board of Adjustment meeting for February 18, 2020 adjourned at 6:21 p.m.

Respectfully submitted,

Katie Jardieu



To: Board of Adjustment

From: City Staff

Date: March 17, 2020

**Re: Case #20002 - 712 Meadow Lane Privacy Fence
Variance**

GENERAL INFORMATION

**Applicant/
Property Owner:** John Velasquez
712 Meadow Lane
Raymore, MO 64083

Requested Action: Granting of a variance to the thirty (30') build line on the northwest side of the property in order to construct a privacy fence.

Property Location: 712 Meadow Lane – Evan Brook 4th Plat



2018 Aerial Photograph:



Site Photographs:



View looking northwest from the southern corner of the property



View looking northwest from the southern edge of the property

Existing Zoning: R-1 Single Family Residential District

Existing Surrounding Uses:

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

Total Tract Size: 0.32 acres

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

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

Advertisement: February 27, 2020 Journal Newspaper

Public Hearing: March 17, 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 thirty foot (30') building line setback variance in order to build a privacy fence at the building line of the property.

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. The Evan Brook Fourth Plat, which created Lot 117, was recorded on October 12, 1994.
2. On July 13, 2004, the Board of Adjustment voted 4-0 to allow a privacy fence in the front yard setback for 503 Sunny Lane in Canter Ridge. This lot is 0.25 acres in size. The front of the home faces Sunny Lane, and the request was to fence in the required front yard setback area along Furlong Street. The fence regulations at the time would allow the fence to be no closer to Furlong Street than the rear corner of the house. The fence is seven (7) feet from the edge of the sidewalk along Furlong Street.
3. There is a privacy fence within the 30 foot build line across the street at 606 Meadow Court. However, aerial photos show this fence has been in place in the same location since prior to 2002 which is before a fence permit was required. The fence is parallel to the house and therefore at the closest point, encroaches 10 feet into the setback, whereas at the furthest point, it is right on the 30 foot build line.

STAFF COMMENTS

1. The zoning regulations for the Evan Brook 4th Plat were established when the plat was recorded. The minimum regulations for single-family lots are as follows:
 - a. Lot Width Minimum: 70 ft
 - b. Lot Depth Minimum: 100 ft
 - c. Front Setback Minimum: 30 ft
 - d. Rear Setback Minimum: 30 ft
 - e. Interior Side Lot Minimum: 10 ft (30 ft for corner lot)
2. The proposed fence is a privacy fence to be placed at the lot line as opposed to the 30 foot build line.
3. The lot is bounded on two sides by street right of way and therefore has two front yard setbacks and one side yard setback.
4. Notices of the variance request were mailed to twenty-one (21) property owners that live within 185 feet of the subject property. One resident contacted Development Services with concern for the storm sewer at the rear of the lot and how the fence would affect drainage. The resident also had concern for setting precedent with other neighbors.
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.**

There are several corner lots within the Evan Brooke subdivision. This property is unique in that the house to the rear of the property has a driveway that extends northwest onto Country Lane. Similar corner lots in the area, often have a rear property driveway that is parallel to the property as opposed to from the side.

- 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 able to construct a privacy fence of up to six (6) feet in height at the 30 foot build line.

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

There is concern that the fence will obstruct view for the driveway to the rear of the lot. Staff has not received any comments from the adjacent property owner.

- 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 allow the property owner to construct a privacy fence 30 feet closer to the main street. Precedence may be set by granting this variance, as this lot is a typical corner lot throughout the neighborhood.

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

The requested variance would allow the applicant to construct a privacy fence at the lot line. A privacy fence may be constructed without a variance, at the 30 foot setback line. Likewise, a decorative fence of up to six (6') in height may be constructed without a variance at the lott line.

- 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. There is concern that the privacy fence will affect the sight line of the neighbor to the rear.

- 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 granting of the requested variance will potentially be opposed to said safety 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.

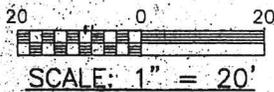
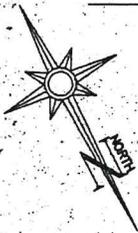
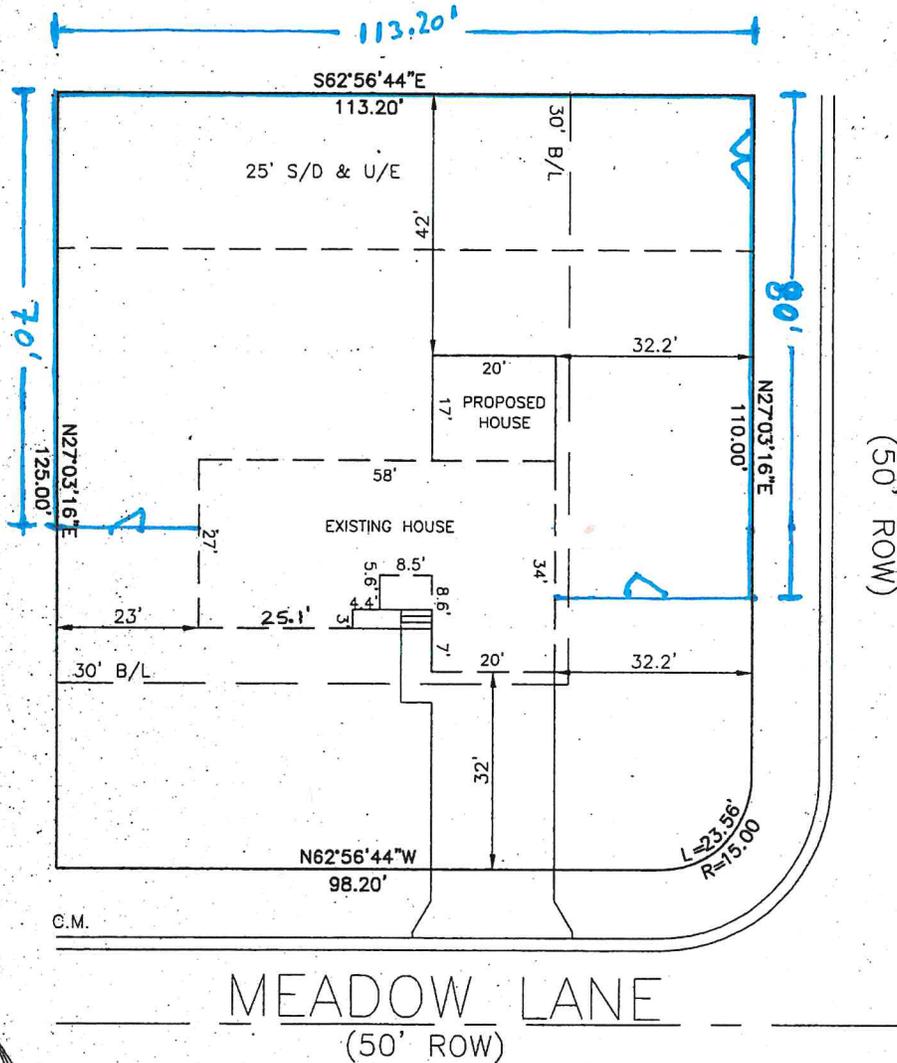
As stated above, the requested variance may be viewed as contradictory to the purpose and intent of the Code, and may adversely affect the public health, safety or welfare.

STAFF RECOMMENDATION

City staff does not support the applicant's request for a variance to the thirty foot (30') build line as a privacy fence can still be constructed if built at the 30 foot line. Similarly a decorative fence of up to six feet (6') in height in the side and rear yard can be built at the property line.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and deny case #20002 as requested, as it does not meet the required findings of fact.

PLOT PLAN FOR BUILDING PERMIT



BASIS OF BEARING:
ASSUMED NORTH FROM RECORDED
PLAT OF EVAN-BROOK

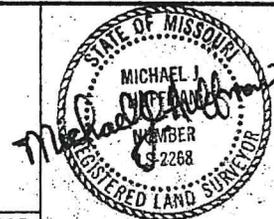
ORDERED BY: BROWN RESTORATION
ATTN: ELLÉNORE RUSSELL
712 MEADOW LN
RAYMORE, MO
322-7507

DESCRIPTION:
ALL OF LOT 117, EVAN-BROOK PLAT A
SUBDIVISION OF LAND IN THE CITY OF RAYMORE,
CASS COUNTY, MISSOURI, ACCORDING TO THE
RECORDED PLAT THEREOF.

HUFFMAN & ASSOCIATES
Land Surveyors

P.O. Box 661
Raymore, Missouri 64083
(816) 322-4544

8424 Clint Drive
Belton, Missouri 64012
Fax: 331-4030



23 JUL 2003

MONTHLY REPORT FEBRUARY 2020

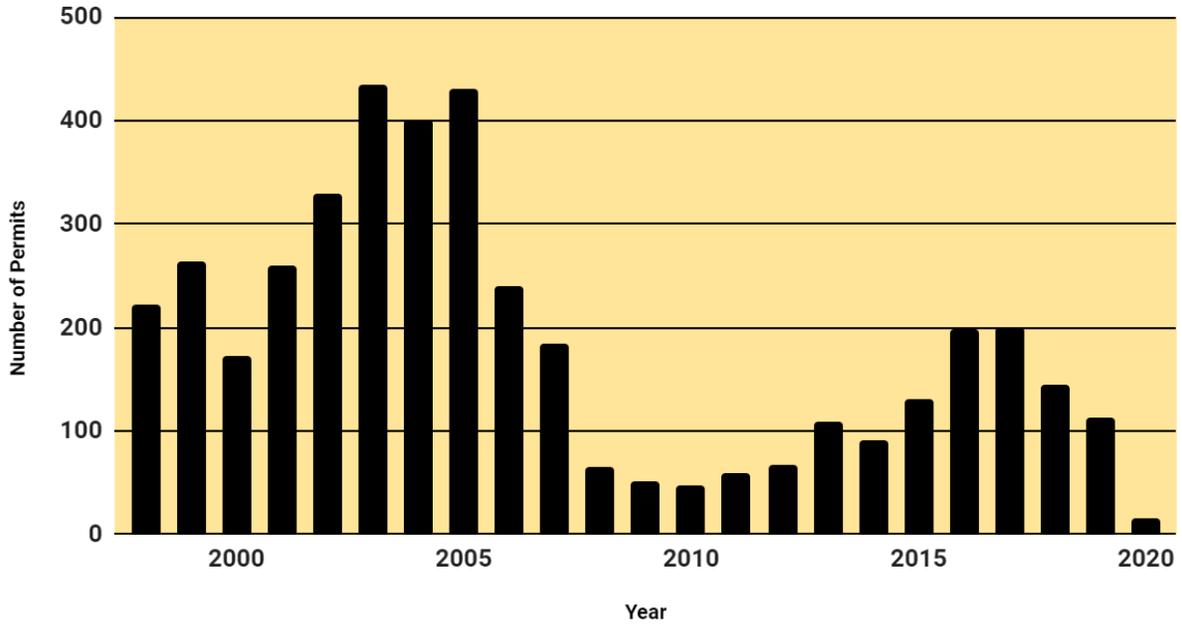
Building Permit Activity

Type of Permit	Feb 2020	2020 YTD	2019 YTD	2019 Total
Detached Single-Family Residential	12	15	20	113
Attached Single-Family Residential	6	6	0	26
Multi-Family Residential	0	0	0	0
Miscellaneous Residential (deck; roof)	39	82	62	720
Commercial - New, Additions, Alterations	0	4	2	18
Sign Permits	1	7	7	54
Inspections	Feb 2020	2020 YTD	2019 YTD	2019 Total
Total # of Inspections	209	475	506	3,858
Valuation	Feb 2020	2020 YTD	2019 YTD	2019 Total
Total Residential Permit Valuation	\$3,534,400	\$4,512,100	\$5,176,000	\$34,498,600
Total Commercial Permit Valuation	\$0.00	\$7,482,000	\$143,500	\$1,822,300

Additional Building Activity:

- Construction is nearing completion on the final building in the new self-storage facility at 308 E. Walnut Street.
- Site grading continues on the Compass Health office building.
- Site work and utility installation 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.
- Remodeling (interior demolition) of the former Pizza Hut building has commenced.
- Site and building work continues at T.B. Hanna Station.

Single Family Building Permits



Code Enforcement Activity

Code Activity	Feb 2020	2020 YTD	2019 YTD	2019 Total
Code Enforcement Cases Opened	57	90	39	642
<i>Notices Mailed</i>				
- Tall Grass/Weeds	0	0	0	135
- Inoperable Vehicles	22	40	5	138
- Junk/Trash/Debris in Yard	6	13	20	146
- Object placed in right-of-way	0	1	0	14
- Parking of vehicles in front yard	5	8	5	13
- Exterior home maintenance	5	8	3	41
- Other (trash at curb early; signs; etc)	2	3	2	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	16	42	19	370
Violations abated by Code Officer	17	37	5	126

Development Activity

Current Projects

- Variance, Fence in front yard setback area, 712 Meadow Lane
- Rezoning, 4 acres located north of Foxwood Springs, from Agricultural to Planned Unit Development District (no development plan; rezoning to for consistency of maintenance building area zoning with the remainder of Foxwood Springs)

	As of Feb 29, 2020	As of Feb 28, 2019	As of Feb 28, 2018
Homes currently under construction	160	171	267
Total number of Undeveloped Lots Available (site ready for issuance of a permit for a new home)	328	386	402
Total number of dwelling units in City	8,674	8,516	8,223

Actions of Boards, Commission, and City Council

City Council

February 10, 2020

- Appointed Jeremy Mansur to the Planning and Zoning Commission
- Appointed Mike Cox, Chad Buck, Randy Reed, Lloyd Brown, Mike Ekey, and Wade Beck to the Board of Appeals
- Appointed Pam Hatcher, Jerry Martin, Aaron Harrison, Terri Woods and Susan Dooley to the Board of Adjustment

February 24, 2020

- Approved on 1st reading the rezoning of 5 acres located east of Sunset Lane, north of Pine Street, from C-1 and C-2 Commercial to Planned Unit Development District
- Approved on 1st reading the Sunset Plaza Final Plat

Planning and Zoning Commission

February 4, 2020

- Discussion on amendments to the Commission Rules of Procedure

February 18, 2020

- Recommended approval of the rezoning of 5 acres located east of Sunset Lane, north of Pine Street, from C-1 and C-2 Commercial to Planned Unit Development District.
- Recommended approval of the Sunset Plaza Final Plat
- Approved amendments to the Commission Rules of Procedure

Upcoming Meetings – March & April

March 3, 2020 Planning and Zoning Commission

- Meeting Cancelled

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

- Rezoning of 4 acres located north of Foxwood Springs from Agricultural to Planned Unit Development District (public hearing)

March 23, 2020 City Council

- 1st reading of rezoning of 4 acres located north of Foxwood Springs from Agricultural to Planned Unit Development District (public hearing)

April 7, 2020 Planning and Zoning Commission

- Annual Review of the Growth Management Plan (public hearing)

April 13, 2020 City Council

- 2nd reading of rezoning of 4 acres located north of Foxwood Springs from Agricultural to Planned Unit Development District (public hearing)

April 21, 2020 Planning and Zoning Commission

- No applications currently scheduled

April 27, 2020 City Council

- No development applications currently scheduled

Department Activities

- City Planner Katie Jardieu participated in a 2020 Census Partner Training workshop held in Overland Park, Kansas.
- Director Jim Cadoret and City Planner Katie Jardieu attended the First Suburbs Coalition meeting held in Grandview.
- Director Jim Cadoret participated in the Raymore-Peculiar School District Facility Planning Committee meeting.

- Building Official Jon Woerner reviewed construction plans for interior and exterior renovations to be completed on the CVS store located at 1215 W. Foxwood Drive.
- GIS Coordinator Heather Eisenbarth attended the KC Metro GIS meeting to discuss plans for 2020 Aerial Photography of the Kansas City region.
- Building Official Jon Woerner commenced final review of construction plans for [The Lofts at Foxridge](#) apartment community under construction in the Eagle Glen Subdivision.
- City Planner Katie Jardieu participated in the Census 2020 - KC Regional Complete Count Committee meeting held at the Mid America Regional Council.
- Director Jim Cadoret and City Planner Katie Jardieu participated in the monthly meeting of the Cass County Non-Profits.
- Staff updated the City [Development Guide](#), created for developers, builders, contractors, property owners, and homeowners as a guide to the development process in the City.

GIS Activities

- Continued to develop IIS to allow for development of data driven web applications (DNS, TCIP, Port Bindings, etc)
- Continued building/styling replacement [asp.net](#) application
- Continued to publish web mapping services and itemize in portal
- Responded to BAS and other Census inquiry
- Responded to requests for (geospatial) information from MARC (e911, regional trail publication, data acquisition efforts, etc)
- Updated features in database servers on svits1052085/1052386 & geospatial database for public works client(s)
- Creation of services for arcgis enterprise portal functionality; geometry, geocoding, elevation, etc
- Continued to migrate/recreate applications & dashboards
- Update of client machine software/drivers
- Street addressing/reporting as needed