

**To:** Board of Adjustment  
**From:** Katie Jardieu, City Planner  
**Date:** November 17, 2020  
**Re:** Case #20021 - 713 Redtop Lane Setback Variance

## GENERAL INFORMATION

**Applicant/  
Property Owner:** Gary Gaston  
400 N Park Drive  
Raymore, MO 64083

**Requested Action:** Granting of a 2.5 foot variance to a thirty foot (30') building line in the front of the property,

**Property Location:** 713 Redtop Lane – Meadowood at the Good Ranch 1st Plat Lot 16



**2020 Aerial Photograph:**



**Site Photographs:**



**View looking southeast from the northwest side of the property**



**View looking northeast from the south edge of the property**

**Existing Zoning:** R1-P Single Family Residential Planned

**Existing Surrounding Uses:**       **North:** Residential  
                                                  **South:** Residential  
                                                  **East:** Residential  
                                                  **West:** Residential

**Total Tract Size:** 7,375 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 S Dean Avenue as a minor arterial. Indian Grass Way and Redtop Lane are classified as local streets.

**Advertisement:** October 29, 2020 Journal Newspaper

**Public Hearing:** November 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**

## **PROPOSAL**

The applicant is seeking a 2.5 foot variance to a thirty foot (30') building line in the front of the property. The variance would allow the property owner to construct their desired home on the lot. See exhibit 1 page 2 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. In August 2004 the Meadowood of the Good Ranch Planned Development and Development Agreement were approved by the Raymore City Council.
2. The Meadowood of the Good Ranch 1st Plat, which created Lot 16, was recorded on February 2, 2005.

## **STAFF COMMENTS**

1. The zoning regulations for the Meadowood of the Good Ranch First Plat were established in the Good Ranch Development Agreement. The minimum regulations for single-family lots are as follows:
  - a. Lot Area Minimum: 7,150 square feet
  - b. Lot Width Minimum: 57 ft
  - c. Lot Depth Minimum: 100 ft
  - d. Front Setback Minimum: 25 ft
  - e. Rear Setback Minimum: 25 ft
  - f. Interior Side Lot Minimum: 10% of the lot width
2. The proposed home is comparable in size and appearance to other homes in the neighborhood.
3. The front yard setback of this lot is determined by the right of way from Redtop Lane. Due to its location along the curvature of the cul-de-sac, the setback, running parallel to the right of way, is pushed back further into the lot.
4. Notices of the variance request were mailed to twenty-two (22) 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 16, which is not a situation created by an action of the applicant. The applicant has moved the home to the rear as much as possible and these corners are the only portion that does not fit within the building envelope.

- 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 curve in the setback.

- 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. While an identical curve can be found across Redtop Lane in Lot 21, this lot is an additional 22 feet in lot depth, allowing for a house to be pushed further back than Lot 16 allows. Similarly, Lot 26 on Bluestem Court is an additional 21 feet in lot depth than Lot 16 and is 19 feet wider than Lot 16 to allow a different configuration as well.

- 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 16 to construct a home that is similar in size and design to those in the rest of 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 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 east and 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 16 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. 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 2.5 foot variance to a thirty foot (30') building line on the front of the property. The property in question has an irregular sloping setback in the front. 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 #20021 as requested.