

RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, July 20, 2021 - 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 May 18, 2021 meeting
6. Unfinished Business - None
7. New Business
 - a. Case #21018 - 1011 Char Don Avenue - Subdivision Design 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, MAY 18, 2021** IN THE COUNCIL ROOM AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: BEN BAILEY, JERRY MARTIN, PAM HATCHER, TERRI WOODS, AND ALTERNATE SUSAN DOOLEY. ALSO PRESENT WAS CITY PLANNER KATIE JARDIEU, DEVELOPMENT SERVICES DIRECTOR JIM CADORET, ADMINISTRATIVE ASSISTANT EMILY JORDAN AND CITY ATTORNEY JONATHAN ZERR. ABSENT WAS AARON HARRISON.

1. Call to Order – Chairman Hatcher called the meeting to order at 6:19 p.m.

2. Roll Call – Roll was taken and Chairman Hatcher declared a quorum present to conduct business.

3. Pledge of Allegiance

4. Personal Appearances – None

5. Consent Agenda –

a. Approval of Minutes of April 20, 2021 meeting

Motion by Board Member Woods, Seconded by Board Member Martin, to accept the minutes of the April 20, 2021 meeting.

Vote on Motion:

Board Member Martin	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye
Board Member Woods	Aye
Board Member Dooley	Aye

Motion passed 5-0-0

6. Unfinished Business – None

7. New Business

a. Case #21013 - South Town Storage - Side Setback Variance (*public hearing*)

Chairman Hatcher opened the meeting and public hearing at 6:21pm.

Mr. Bill Breit, 4832 SW Leafwing Dr., Lee's Summit MO is before the Board this evening asking for a variance for South Town Storage, to move the building to the property line on the west side.

City Planner Katie Jardieu stated in the Staff Report that the applicant is here to request a variance to the ten foot (10') building line on the west side of the property. This would allow the owner to construct a wall along the western property line. The property is zoned M-1, which is Light Industrial Commercial District, and is surrounded on all sides by Industrial and Commercially zoned properties. On April 6, 2021, the Planning & Zoning Commission approved a two-phase site plan for the South Town Storage lot. The lot is bounded on the west side by additional mini-storage units and vehicle storage. Notices of the variance were mailed to 8 property owners, and no comments have been received thus far. While this lot is not

unique in size or shape, it is unique and poses a development situation in the fact that it is surrounded by already developed lots, two of which are similar storage facilities. The requested variance would not constitute unnecessary hardship or practical difficulties, however the City has granted previous variances for storage units in the past, which creates a precedence, and there is a storage facility to the west. This would create a strip of about 10 feet between the two lots that could prove to be difficult to maintain and could create a security issue for both of the facilities. The remaining site plan would follow the rest of the setback requirements. In general, these requirements are put in place to provide adequate separation for health and safety, but in this case the area would likely become overgrown and has the potential to become a code enforcement issue. What the applicant is requesting is not deemed to be adversely affecting public health, safety, morals, order, convenience, prosperity, or general welfare, and the granting of the request will not oppose the purposes and intents of the Unified Development Code. The staff finds that the existing setback requirements have the potential to create maintenance issues, as well as security issues, and granting the variance is necessary to relieve the applicant of substantial hardship or difficulty, as well as allow a wall to be built, further separating the two facilities from one another. City Staff supports the applicant's request to eliminate the west setback requirement of 10 feet. The property in question is an undeveloped lot surrounded by developed storage facilities, and Staff recommends the Board of Adjustment accept the Staff proposed findings of fact and approve case # 21013 as requested.

Board Member Martin asked Mr. Breit how high the wall would be, and what is the length?

Mr. Breit responded that on the south end, the wall will be around 2ft high, and by the time it gets to the north end, it will be about 8ft tall. The length is about 420ft.

Chairman Hatcher closed the public hearing at 6:26pm.

Motion by Board Member Dooley, Seconded by Board Member Woods, to accept staff findings of fact on case #21013, South Town Storage - Side Setback Variance to pass and approve the case.

Vote on Motion:

Board Member Martin	Aye
Board Member Bailey	Aye
Chairwoman Hatcher	Aye
Board Member Woods	Aye
Board Member Dooley	Aye

Motion passed 5-0-0

8. Staff Comments - Ms. Jardieu noted that there are not any applicants for the June meeting, and requests the meeting be cancelled.

9. Board Member Comment – None

10. Adjournment

Motion by Board Member Woods, Seconded by Board Member Martin to adjourn. Vote on Motion:

Board Member Martin	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye
Board Member Woods	Aye
Board Member Harrison	Aye

Motion passed 5-0-0

The Board of Adjustment meeting for May 18, 2021 adjourned at 6:28 p.m.

Respectfully submitted,

Emily Jordan

To: Board of Adjustment
From: Katie Jardieu, City Planner
Date: June 20, 2021
Re: Case #20018 - 1011 Char Don - Subdivision Design Variance

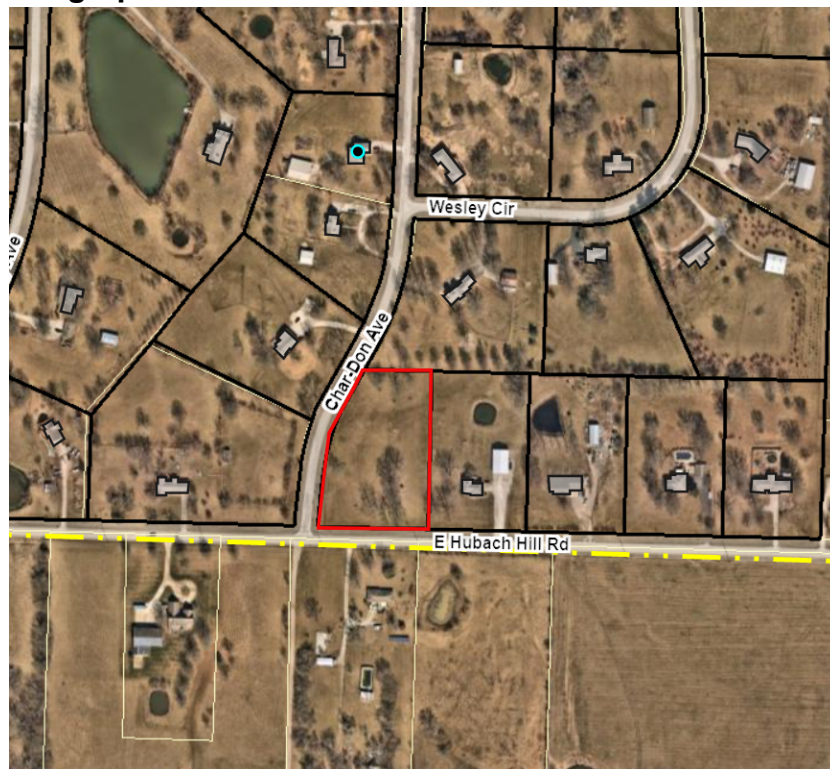
GENERAL INFORMATION

Applicant: Kevin Hardee of Hardee Home, LLC
Property Owner: Melissa & Timothy Salmen
1011 Char Don Ave
Raymore, MO 64083

Requested Action: Granting a variance from the subdivision design standards to allow an individual sewage disposal system on a lot smaller than 3 acres.

Property Location: 1011 Char Don Avenue - Jwedeia First Plat Lot 18

2020 Aerial Photograph:



Site Photographs:



View looking northeast from the southwest side of the property

Existing Zoning: RE Rural Estate District

Existing Surrounding Uses: **North:** Residential
 South: Unincorporated Cass County
 East: Residential
 West: Residential

Total Tract Size: 2.1 acres

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 Char Don Avenue classified as a local street and Hubach Hill Road is classified as a minor arterial.

Advertisement: July 1, 2021 Journal Newspaper

Public Hearing: July 20, 2021 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 variance to the subdivision design standards which require existing lots to be a minimum of three acres in order to utilize an individual sewage disposal system

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 November 22, 2009 the property was rezoned to RE - Rural Estate District.
2. The Jwedeia subdivision was platted in 1971.

STAFF COMMENTS

1. The Jwedeia subdivision consists of 38 lots. Of the 38 lots, there are 12 lots that are less than 3 acres in size.
2. Existing homes within the subdivision are served by individual sewage disposal systems.
3. This is the last undeveloped lot within the subdivision.
4. The closest sanitary sewer line connection is over 5,000 feet away.
5. Notices of the variance request were mailed to nine (9) property owners that live within 185 feet of the subject property. One letter was received and has been

included with the staff report. The letter references splitting the lot which is not being proposed.

6. 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 size of the platted lot. The zoning of the lot, RE, designates a 3 acre minimum, however this lot was platted prior to Subdivision Design standards. The size of the lot within the RE zoning is uncommon and not created through the actions of the owner.

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 substantial distance of over 5,000 feet from the existing sanitary sewer, it presents unnecessary hardship and practical difficulty on the property to connect to the City sanitary sewer system.

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. There are 12 other lots with Jwedeas that are less than three acres in size that have individual sewage disposal systems. Should an issue

arise with any of the individual systems, the individual is responsible for the repair and replacement of their system. The installation contractor has demonstrated that there is adequate room for a replacement system to be installed upon the property should the first system fail.

- 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 18 to develop the last lot within 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 setback requirements.

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

The minimum acreage design standard is in place to allow for adequate room to build both a house and septic system on the same lot for purposes of health and safety. The applicant has shown that there is room to allow both the house and individual septic system on the lot without compromising the public health, safety, morals, order, convenience, prosperity, or general welfare of neighbors.

- 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 an individual sewage system on Lot 18 will not adversely affect the character of the neighborhood or the adjacent properties as this is what the other 37 homes within the neighborhood have as well. 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 three acre minimum creates an undue hardship to the applicant, and places the burden of an undeveloped lot on the Jwedea neighborhood. Granting the variance is necessary to relieve the applicant of substantial hardship or difficulty, and would allow a home to be constructed on the last undeveloped lot within the subdivision.

STAFF RECOMMENDATION

City staff supports the applicant's request for a variance allowing the installment of an individual sewage disposal system on a lot smaller than three acres in size.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve case #20018 as requested.

MONTHLY REPORT

June 2021

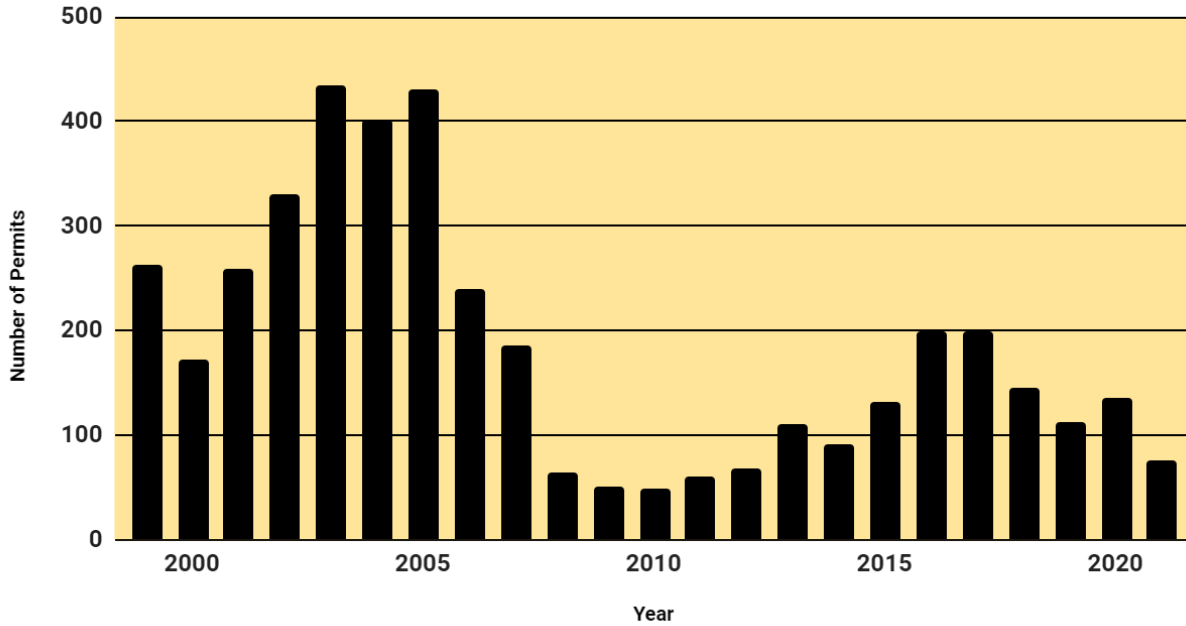
Building Permit Activity

Type of Permit	June 2021	2021 YTD	2020 YTD	2020 Total
Detached Single-Family Residential	6	76	44	136
Attached Single-Family Residential	0	0	14	22
Multi-Family Residential	0	0	0	396
Miscellaneous Residential (deck; roof)	60	356	589	1,240
Commercial - New, Additions, Alterations	2	14	10	13
Sign Permits	2	7	16	37
Inspections	June 2021	2021 YTD	2020 YTD	2020 Total
Total # of Inspections	352	2,006	2,236	4,447
Valuation	June 2021	2021 YTD	2020 YTD	2020 Total
Total Residential Permit Valuation	\$1,816,700	\$19,910,800	\$13,575,000	\$40,314,600
Total Commercial Permit Valuation	\$291,000	\$2,738,900	\$8,264,300	\$46,094,200

Additional Building Activity:

- Construction nears completion for the first units at The Lofts at Fox Ridge apartment community. Construction continues on all remaining units.
- A Certificate of Occupancy was issued for the 1st building in the Raymore Commerce Center. Site grading has commenced on Lot 3 for a 2nd building.
- Construction continues for Community America Credit Union to locate a branch at 1400 W. Foxwood Drive in the Willowind Shopping Center
- Site work has commenced for The Venue of The Good Ranch townhome development.
- A Certificate of Occupancy was issued for the shell of the Heartland Dental Office building in the Raymore Marketplace. A tenant finish permit has been issued.
- Renovations have commenced for the re-use of the former Steak 'n Shake as a medical marijuana dispensary facility.
- Building construction has commenced on the South Town Storage facility, a covered parking area for RV's and similar vehicles

Single Family Building Permits



Code Enforcement Activity

Code Activity	June 2021	2021 YTD	2020 YTD	2020 Total
Code Enforcement Cases Opened	79	280	314	565
<i>Notices Mailed</i>				
- Tall Grass/Weeds	21	64	66	96
- Inoperable Vehicles	22	124	83	185
- Junk/Trash/Debris in Yard	13	58	47	92
- Object placed in right-of-way	2	2	3	6
- Parking of vehicles in front yard	4	22	10	20
- Exterior home maintenance	5	31	30	43
- Other (trash at curb early; signs; etc)	2	4	4	6
Properties mowed by City Contractor	17	35	36	73
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	0	1	0	3
Signs in right-of-way removed	33	298	245	460
Violations abated by Code Officer	10	48	81	133

Development Activity

Current Projects

- Watermark Rezoning (Raymore Galleria)
- Saddlebrook Rezoning and Preliminary Plat
- Sendera Rezoning and Preliminary Plat
- Brookside Tenth Tract V and Tract W Final Plat
- 1011 Char-Don Avenue variance application

	As of June 30, 2021	As of June 30, 2020	As of June 30, 2019
Homes currently under construction	585 (396 units at Lofts of Foxridge)	149	132
Total number of Undeveloped Lots Available (site ready for issuance of a permit for a new home)	195	284	363
Total number of dwelling units in City	8,857	8,726	8,603

Actions of Boards, Commission, and City Council

City Council

June 14, 2021

- Approved on 2nd reading the easement vacation for 1307 Granton Lane
- Approved on 2nd reading the Oak Ridge Farms Final Plat
- Approved on 1st reading the rezoning of 145 acres for The Prairie at Carroll Farms
- Held a public hearing but deferred action on The Prairie at Carroll Farms preliminary plat
- Approved a resolution of support for the application to the Missouri Housing Development Commission for tax credits for Grant Park Villas, a senior housing community on Adams Street

June 21, 2021

- Approved on 2nd reading the rezoning of 145 acres for The Prairie at Carroll Farms
- Approved the Prairie at Carroll Farms preliminary plat

Planning and Zoning Commission

June 15, 2021

- Recommended denial of the modifications to the development standards in the R-1P zoning district for Saddlebrook subdivision
- Recommended approval of the Saddlebrook Subdivision Preliminary Plat

Upcoming Meetings – July & August

July 6, 2021 Planning and Zoning Commission

- Watermark Rezoning (Raymore Galleria) "C-3" Regional Commercial District to "R-3B" Apartment Community Residential District
- South Metropolitan Fire Protection District Administrative Offices Site Plan
- Culver's amendment to the site plan to add a 2nd drive-thru menu board
- Replat of Tract V and Tract W in Brookside Tenth

July 12, 2021 City Council

- 1st reading - Saddlebrook rezoning - modification of development standards for R-1P zoning designation (public hearing)
- Resolution for Preliminary Plat for Saddlebrook (public hearing)
- 1st reading - Replat of Tract V and Tract W in Brookside Tenth

July 20, 2021 Planning and Zoning Commission

- Sendera Rezoning (Estates of The Good Ranch) "R-1P" Single-Family Residential Planned District to "PUD" Planned Unit Development District. Sendera is a 428-lot single-family residential development proposed for 135 acres located on the south side of Hubach Hill Road, east of Brook Parkway.

July 20, 2021 Board of Adjustment

- Variance to allow an on-site septic system - 1011 Char-Don Avenue

July 26, 2021 City Council

- 1st reading - Watermark Rezoning (public hearing)
- 2nd reading - Saddlebrook Rezoning
- Resolution for Preliminary Plat for Saddlebrook
- 2nd reading - Replat of Tract V and Tract W in Brookside Tenth

August 3, 2021 Planning and Zoning Commission

- Annual review of the Unified Development Code

August 9, 2021 City Council

- 1st reading - Sendera Rezoning
- 2nd reading - Watermark Rezoning

August 17, 2021 Planning and Zoning Commission

- No applications filed (expecting 2 applications to be filed)

August 23, 2021

- 2nd reading - Sendera Rezoning

Department Activities

- The United States Census Bureau released its annual population estimates. As of July 1, 2020, the population estimate for Raymore is 22,532. The Decennial Census count for Raymore, the official population count for the City as of April 1, 2020, will be released in September.
- City Planner Katie Jardieu graduated from the KU Public Management Center's Emerging Leaders Academy.
- Economic Development Director David Gress and the City's Internal Economic Development Team conducted a building and site tour of the [Raymore Commerce Center](#) with Missouri Partnership and site selection consultant Ginovus. Raymore was selected this year to participate in the state-wide Raise the Bar Assessment Program, which assesses the competitiveness of communities across Missouri in their business attraction efforts.
- Building Official Jon Woerner is completing final building inspections for the industrial building located on Lot 1 in the Raymore Commerce Center.
- Economic Development Director David Gress attended the June Morning Coffee meeting hosted by the Raymore Chamber of Commerce
- 18 individuals attended a Good Neighbor meeting held on the Sendera subdivision, a 428-lot single-family subdivision proposed for 135 acres located on the south side of Hubach Hill Road, east of Brook Parkway. The applicant has placed a hold on the review of the request. The Planning and Zoning Commission will not consider the rezoning and preliminary plat on July 6 as originally scheduled. Notice of the new hearing date before the Commission will be mailed to adjacent property owners. Check the [What's Happening](#) app for updates.
- Economic Development Director David Gress participated in the Mid-America Regional Council Solid Waste Management District Board meeting.
- Economic Development Director David Gress participated in the monthly Chamber of Commerce Board meeting.
- City Planner Katie Jardieu participated in the quarterly meeting of the Cass County Non-Profits.
- Economic Development Director David Gress participated in the quarterly meeting of the Cass County Corporation for Economic Development.
- GIS Coordinator Heather Eisenbarth participated in the KC Metro GIS meeting to discuss plans for 2022 Aerial Photography of the Kansas City region.
- Director Jim Cadoret and City Planner Katie Jardieu participated in the quarterly Planners Roundtable sponsored by the Mid-America Regional Council.
- A temporary Certificate of Occupancy was issued for the industrial building constructed on Lot 1 in the Raymore Commerce Center.
- City Planner Katie Jardieu was a presenter as part of the Accessible Home Design Workshop hosted by the Mid America Regional Council. Mayor Kris Turnbow

moderated a panel of local experts discussing universal design in new and remodeled houses.

- 12 residents attended the Good Neighbor meeting for the [Watermark](#) apartment community proposed for property located on the east side of Dean Avenue, south of OfficeMax and Sam's Club. The Planning and Zoning Commission will consider the request on July 6.
- Economic Development Director David Gress hosted a tour of recently completed projects with the City Council and members of the City's Internal Economic Development Team. Projects toured included the newly constructed Compass Health facility, the Lofts at Foxridge, and Building 1 of the Raymore Commerce Center.
- Economic Development Director David Gress attended the 2021 Annual Industry Briefing and networking event hosted by KC SmartPort.
- Director Jim Cadoret and Administrative Assistant Emily Jordan attended a Missouri Sunshine Law presentation at Centerview by the Attorney General's office.

GIS Activities

- Cartographic maps, apps, reports as requested
- Data design & publication (water services & park land)
- Enterprise administration - portal collaboration & indexing
- Data delivery as requested (engineers/planners/applicants/MO)
- Configuration for network clients as required
- Horizontal accuracy improvement & update of extents for extraterritorial utilities
- Update of geospatial data from external agencies, imagery & (quarterly) geocoding
- Mapping of proposed development
- Build database, map & network topology for QC
- Monitoring of custom apps and services for compliance with new browser build(s)