

## **RAYMORE BOARD OF ADJUSTMENT AGENDA**

**Tuesday, August 17, 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 July 20, 2021 meeting
6. Unfinished Business - None
7. New Business
  - a. Case #21025 - Pam Hatcher, 1403 N. Madison Street - Lot Frontage 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 20, 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, AND AARON HARRISON. ALSO PRESENT WAS CITY PLANNER KATIE JARDIEU, DEVELOPMENT SERVICES DIRECTOR JIM CADORET, ADMINISTRATIVE ASSISTANT EMILY JORDAN AND CITY ATTORNEY JONATHAN ZERR. ABSENT WAS TERRI WOODS AND SUSAN DOOLEY.

**1. Call to Order** – Chairman Hatcher called the meeting to order at 6:01 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 May 18, 2021 meeting**

**Motion by Board Member Martin, Seconded by Board Member Bailey, to accept the minutes of the June 18, 2021 meeting.**

**Vote on Motion:**

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

**Motion passed 4-0-0**

**6. Unfinished Business** – None

**7. New Business**

**a. Case #21018 - 1011 Char-Don Avenue - Subdivision Design Variance (*public hearing*)**

Chairperson Hatcher opened the meeting and public hearing at 6:02pm. Kevin Hardee of Hardee Home, LLC came before the Board on behalf of homeowners Melissa & Timothy Salmen of 1011 Char Don Avenue, Raymore MO 64083. Mr. Hardee gave an overview of the variance being requested to allow for an individual sewage disposal system on a lot smaller than 3 acres. The new home is being built on the corner of Char-Don Avenue and Hubach Hill Road, and is on 2.13 acres. Mr. Hardee mentioned that there is currently no sewer available for the property, with the nearest sewer line being around 5000ft away. The property was platted in the late 1970's, and has been in the family since 1992 and

was given to the current owners to build a home.

Chairperson Hatcher asked Mr. Hardee if a perc soil test has already been done on the property?

Mr. Hardee stated that yes, Dan Owen did the soil check and confirmed the soil is appropriate for a low pressure system. There is another area of the property that is for a secondary system down the road if the lateral system fails. Mr. Hardee mentioned that Dan Owen is also the contractor who will be doing the work.

City Planner Katie Jardieu stated in the Staff Report that the applicant is requesting a variance to allow an individual sewage disposal system on a lot less than 3 acres. The Jwede subdivision consists of 38 lots that were platted in 1971, 12 of these lots are less than 3 acres and have individual septic systems. The lot that the variance is being requested for is the last undeveloped lot in the subdivision, and the nearest sanitary sewer line connection is over 5000ft away. Because of the distance to the existing sanitary sewer, Staff considers this to be an unnecessary hardship and practical difficulty for the property owner. The granting of the variance does not adversely affect the rights of adjacent property owners, and since the surrounding property owners are on individual septic systems, it is the responsibility of the individual property owners to repair and replace the system should they fail. The installation contractor has demonstrated there is room on the property for the initial system as well as room for a back-up system should one be needed. Ms. Jardieu submitted the exhibits into the record.

Chairperson Hatcher asked Ms. Jardieu if the house will have a Hubach Hill or Char-Don address?

Ms. Jardieu responded that it will have a Char-Don address since the driveway is off of Char-Don Avenue.

Board Member Martin asked Ms. Jardieu if the letter from the Baldus's located at 1101 E Hubach Hill Road has been taken into consideration.

Ms. Jardieu responded that the letter asked that the lot not be split, which is not what the case is requesting. There was no contact information to get in touch with them to further discuss the issue.

City Attorney Zerr mentioned that if there are individuals that have an issue with the application, they will have the opportunity to speak as well.

Chairperson Hatcher asked if there were any members of the public that would like to speak.

Jason Stential, 1003 Char-Don Avenue, Raymore MO 64083 came to the podium for comments. He asked the developer to confirm that there will not be a potty pond on the property, but is concerned that the lateral lines are at the south edge of his property. Mr. Stential is concerned about the amount of water runoff from the lateral lines leading onto the south side of his property.

Chairperson Hatcher mentioned that she has lived on a septic system for the majority of her life, and is very familiar with potty ponds, mound systems, and lateral systems. The laterals should not be leaching onto the neighboring property, instead should be going out into the ground. Since there has been a

perc test done and a sewage contractor is installing the system, there should be no downside, no smell, and no leaking.

Ms. Jardieu mentioned that there are setbacks that the builder and installer will have to respect when installing the system.

Chairperson Hatcher closed the public hearing at 6:14pm.

**Motion by Board Member Martin, Seconded by Board Member Harrison, to accept staff proposed findings of fact on Case #21018 - 1011 Char Don Avenue - Subdivision Design Variance to pass and approve the case.**

**Vote on Motion:**

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

**Motion passed 4-0-0**

**8. Staff Comments** - Ms. Jardieu noted that there will be a meeting in August.

**9. Board Member Comment** – Chairperson Hatcher mentioned that Board Member Susan Dooley was unable to attend due to a significant loss in her family, and if there are any details on formal arrangements to please pass that along.

**10. Adjournment**

**Motion by Board Member Bailey, Seconded by Board Member Martin to adjourn.**

**Vote on Motion:**

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

**Motion passed 4-0-0**

The Board of Adjustment meeting for July 20, 2021 adjourned at 6:15 p.m.

Respectfully submitted,  
Emily Jordan



**To:** Board of Adjustment

**From:** City Staff

**Date:** August 17, 2021

**Re:** Case #21025 - 1403 N. Madison Street - Lot Frontage Variance

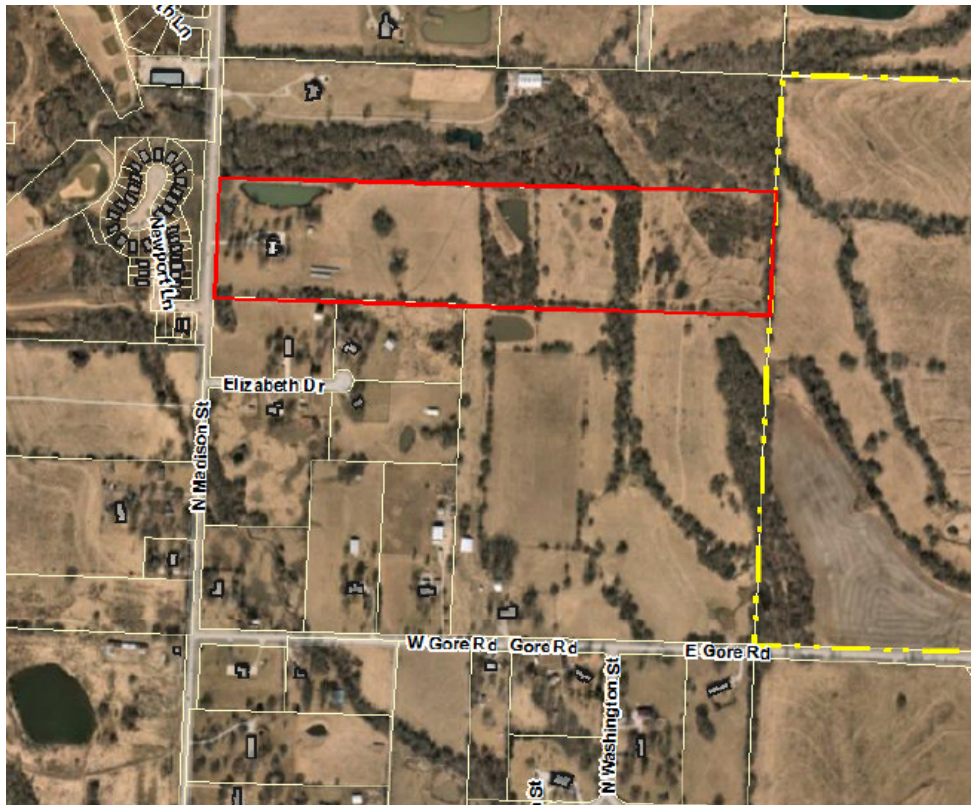
## GENERAL INFORMATION

**Applicant:** Pam Hatcher  
**Property Owner:** 1403 N. Madison Street  
Raymore, MO 64083

**Requested Action:** Creation of two lots with zero street frontage on 32 acres at 1403 N. Madison Street.

**Property Location:** 1403 N. Madison Street - Stegmaier Acres Lot 2

**2021 Aerial Photograph:**



**Site Photographs:**



**View looking east from Madison at proposed driveway location**



**View looking east - proposed driveway location south of house**



**View looking east at proposed driveway south of existing solar panels**



**View looking north at proposed easement area for driveway to front of lots**



**View looking northwest at area for proposed lots**

**Existing Zoning:** "RE" Rural Estate District

**Existing Surrounding Uses:**

<b>North:</b>	Residential
<b>South:</b>	Residential/Agricultural
<b>East:</b>	Agricultural
<b>West:</b>	Residential

**Total Tract Size:** 32 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 Madison Street classified as a Major Collector.

**Advertisement:** July 29, 2021 Journal Newspaper

**Public Hearing:** August 17, 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. Property Survey Exhibit**

## **PROPOSAL**

The applicant is seeking a variance to the subdivision design standards which require all lots located in any subdivision to have direct access to a dedicated public street. The proposed two lots will be provided access to North Madison Street by means of a 30-foot wide ingress-egress easement.

## **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 property is legally described as Lot 2 of Stegmaier Acres, a subdivision that was approved on October 28, 1985.
2. The zoning of the property was reclassified from “A” Agricultural District to “RE” Rural Estate District on October 27, 2009.

## **STAFF COMMENTS**

1. The Stegmaier Acres subdivision consists of 2 lots, each lot 32 acres in size.
2. The existing home was constructed in 1979 and is served by an on-site sewage disposal system.
3. The subject property has 549 feet of frontage along North Madison Street, and is 2,545 feet deep.
4. The “RE” Rural Estate Zoning District requires all lots to have a lot width along a public street of 220 feet and consist of a minimum of 3 acres.

5. Section 445.030: Subdivision Design and Layout is the applicable section of the Unified Development Code. Subsection I(1) reads as follows:
  1. **Street Access**  
All lots located in any subdivision must provide direct access to a dedicated public street, except that private streets may be permitted as a part of a Planned Unit Development or as otherwise permitted by this chapter.
6. If the variance application is approved, a replat of the property is required to officially create the two additional lots.
7. A home on each of the two lots will be required to have a separate water service line and a separate on-site sewage disposal system.
8. Separate and distinct street addresses will be provided off North Madison Street for each lot. Posting of the address is necessary in order for emergency personnel to adequately locate the property off the easement driveway.
9. The applicant has indicated that the purpose for creating the two additional lots is for the lots to be transferred to her daughter and son in order for each to construct a home.
10. Notices of the variance request were mailed to eight (8) property owners that live within 185 feet of the subject property.
11. 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 lot is irregular in size in that it has a much narrower lot frontage in comparison to the depth of the lot. In order to subdivide the property, access

must be provided past the existing home and property improvements. An easement is the most reasonable means to provide access to allow for the creation of the two additional lots.

- 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 property is unique from other lots within the Rural Estate Zoning District. The lot is almost five times as deep as it is wide. With the existing home located in the northwest corner of the property, the property is well suited to be subdivided to allow additional home sites.

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

There are acreage properties adjacent to the subject property. The proposed two lots are proposed for locations on the property that have minimal impact on existing homes on adjacent lots while still being close enough to North Madison to be adequately served by City water services. Three homes on 32 acres will create minimal impact on adjacent property owners.

- 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 for reasonable development of the 32 acre property into 3 home sites.

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

The requested variance is the minimum variance necessary to provide relief and allow the property to be subdivided into three lots.

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

The minimum lot width 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. Due to the narrow width of the lot in comparison to the lot size, the most practical means of creating an additional two lots is to provide easement access and establish the two lots behind the existing home site towards the middle of the lot. The applicant has shown that there is room to allow three lots and an individual septic system on each 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 subdivision of the property into three lots on 32 acres will not adversely affect the character of the neighborhood or the adjacent properties. The property will maintain its rural character.. 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.**

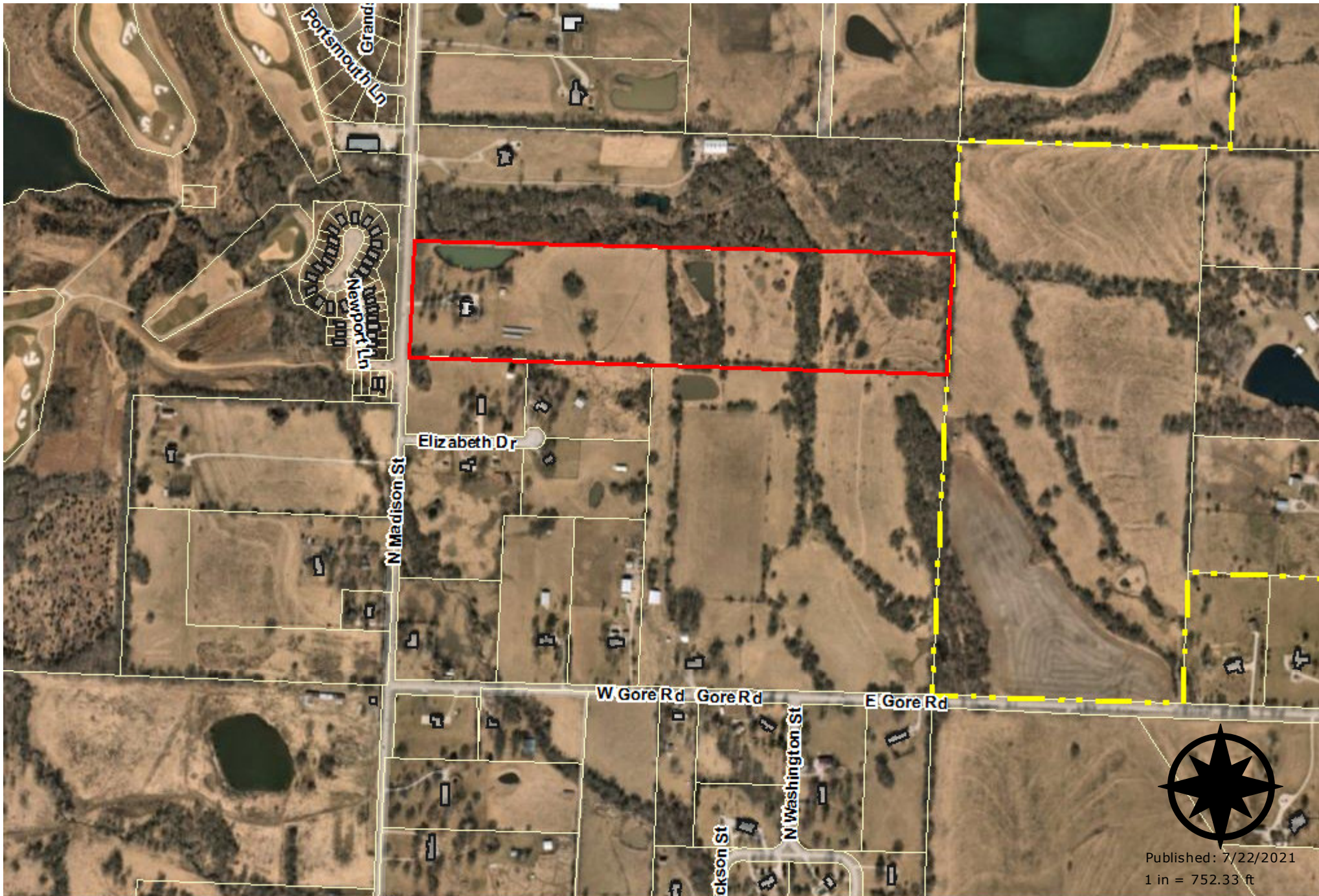
As stated above, the requested variance is not contradictory to the purpose and intent of the Code, and will not adversely affect the public health, safety or welfare. Thus, granting the variance would be a just application of the Code.

Staff finds that the 32 acre property is adequate in size to allow for the subdivision to create three lots, and that a safe and adequate driveway location exists for the easement access to the two lots in the middle of the property.

## **STAFF RECOMMENDATION**

City staff supports the applicant's request for a variance allowing the creation of two lots without frontage on a public street upon the property.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve case #21025 as requested.



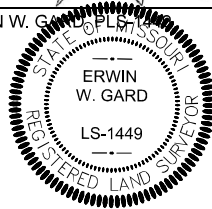
Published: 7/22/2021  
1 in = 752.33 ft



**SURVEYORS DECLARATION:**

I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED BY ME OR UNDER MY SUPERVISION FROM PLAT AND OTHER DATA AVAILABLE TO ME FOR A ZONING VARIANCE APPLICATION ONLY AND DOSE NOT REPRESENT A BOUNDARY SURVEY.

*Erwin W. Gard*  
 ERWIN W. GARD 07/01/2021  
 REGISTERED LAND SURVEYOR DATE

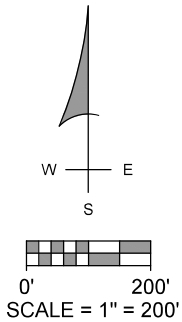


**SURVEYOR'S NOTES:**

1. AERIAL MAP FROM CASS COUNTY PARCEL MAPPING INFORMATION.
2. PROPERTY DIMENSIONS AND EASEMENT LOCATION ARE FROM THE PLAT OF STEGMAIER ACRES AND HAVE NOT BEEN CONFIRMED BY FIELD SURVEY.

**PROPERTY DESCRIPTION:**

CONTAINING 32 ACRES, MORE OR LESS.  
  
 ALL OF LOT 2, STEGMAIER ACRES, A SUBDIVISION IN RAYMORE, CASS COUNTY, MISSOURI.



**GARD HORIZON LLC**

LAND SURVEYING : BUILDING PERMIT & HOUSE PLAN SERVICES  
 REAL ESTATE : LARGE FORMAT SCANS & PRINTS

1040 SW Luttrell, Suite E2  
 Blue Springs, Missouri 64015  
 Phone: 816-295-5951  
 Web: gardhorizon.com

Erwin W. Gard, Owner  
 Professional Surveyor ~ Realtor  
 Cell: 816-853-4559  
 Email: erwin@gardhorizon.com

*EXHIBIT for*  
**ZONING VARIANCE**

LOT 2, STEGMAIER ACRES,  
 RAYMORE, CASS COUNTY, MISSOURI

PAM HATCHER

1403 N. MADISON  
 RAYMORE, MISSOURI 64083

JOB NO.: 1167-2101	
MASTER FOLDER: CAD Drawings\Sub	
SUB FOLDER: S	
FILE NAME: Stegmaier Ac MASTER	
FIELD BOOK -- PAGE N/A	
DRAWN BY: E. GARD	
SHEET	OF
<b>1</b>	<b>1</b>