

THE **BOARD OF ADJUSTMENT** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, NOVEMBER 16, 2021** IN THE COUNCIL ROOM AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: TERRI WOODS, BEN BAILEY, JERRY MARTIN, PAM HATCHER, AND AARON HARRISON. ALSO PRESENT WAS CITY PLANNER DYLAN EPPERT, DEVELOPMENT SERVICES DIRECTOR JIM CADORET, ADMINISTRATIVE ASSISTANT EMILY JORDAN AND CITY ATTORNEY JONATHAN ZERR. ABSENT WAS SUSAN DOOLEY.

**1. Call to Order** – Chairman Hatcher called the meeting to order at 6:00 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 October 19, 2021 meeting**

**Motion by Board Member Harrison, Seconded by Board Member Woods, to accept the consent agenda.**

**Vote on Motion:**

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

**Motion passed 5-0-0**

**6. Unfinished Business** – None

**7. New Business**

**a. Election of Officers**

Development Services Director Jim Cadoret informed the Board that during the first meeting in November of each year, the Board is required to select Officers for the next calendar year. The current slate of officers includes Chairman Hatcher, Vice Chair Woods, and Secretary Harrison. Staff requests nominations be made for those positions. The Board may accept the current Officers and re-elect them for another calendar year, or each position may be re-appointed individually.

City Attorney Jonathan Zerr mentioned that if the Board is inclined to keep the same slate of Officers, each of the current Officers need to state their acceptance of the

continued position. If any of the current Officers do not wish to be re-appointed, there will need to be a vote for a new Officer for that position.

Chairman Hatcher, Board Member Woods, and Board Member Harrison all expressed their willingness to retain their Officer positions for the next calendar year.

**Motion by Board Member Bailey, Seconded by Board Member Martin, to maintain the current slate of officers for the next calendar year.**

Mr. Zerr clarified that Board Member Woods will serve as Vice Chair, Board Member Harrison will serve as Secretary, and Chairman Hatcher will remain Chairman.

**Vote on Motion:**

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

**Motion passed 5-0-0**

**b. 2022 Meeting Calendar**

Mr. Cadoret stated that during the first meeting in November, Staff proposes a meeting calendar for the next calendar year that includes meeting dates, application deadlines, and publication dates. There is no change to the structure, the regular meetings for the Board of Adjustment will be held on the 3rd Tuesday of each month at 6pm.

**Motion by Board Member Woods, Seconded by Board Member Martin, to accept the Staff proposed Meeting Calendar and deadlines for 2022.**

**Vote on Motion:**

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

**Motion passed 5-0-0**

**c. Case #21035 - Allen & Mary Blanton, 513 Regina Ct - Rear Yard setback variance (public hearing)**

Chairman Hatcher opened the public hearing at 6:06pm.

Allen & Mary Blanton, homeowners of 513 Regina Ct., Raymore MO 64083, came to the podium to explain the variance being requested. Mr. Blanton noted that the home was

purchased four years ago as a retirement home. A 10'x10' addition was planned for the rear of the home to create a space for Mrs. Blanton to do sewing and crafting. Mr. Blanton stated that he believes that an addition of a same-level living space will add to their lifestyle as they age. Upon purchasing the home, it was noted that there was no Homeowners Association for the neighborhood. The rear door and electrical were both altered to accommodate the new addition that was planned, but the addition was denied by the City. Mr. Blanton stated that the addition would not affect other structures in the neighborhood, and there were no objections from the neighbors regarding the new structure. Mr. Blanton stated that he believes the small addition will bring a lot to their lifestyle. Mrs. Blanton mentioned that the project would not be considered an attractive nuisance such as a pool that would draw a lot of unsupervised people to the project. The construction of the structure would meet all of the City code requirements, would not be visible from the street, and the variance seems like a reasonable request to allow this structure to be built.

City Planner Dylan Eppert gave the Staff Report, highlighting that the variance request is to reduce the rear yard setback for an "R-2" Single and Two-Family Residential District. The property is located in the Remington Village subdivision. Existing zoning for the property is "R-2" Single and Two-Family Residential District and is surrounded by Residential zoning. The total tract size is .115 acres. Mr. Eppert entered 6 exhibits into the record, as well as any additional exhibits brought forth at the hearing. The proposal conflicts with the Unified Development Code (UDC) section 405.030, The Bulk Dimensional Standards Table. According to the table, a home in a district zoned "R-2" must maintain a thirty foot (30') rear yard setback minimum, and the request would encroach on that, only allowing for a twenty-one foot (21') rear yard setback. The request is to add a 10'x10' sunroom that would encroach into the setback by nine (9) feet. The property was zoned "R-2" in 1998, and the duplex was built in 2003. No objections or concerns were received from the twenty-two (22) adjoining property owners that received a copy of the proposal. There was a question by the applicant regarding the home to the south, 511 Regina Court. That property has an uncovered deck that was believed to be encroaching on the rear yard setback, but it is treated differently than a sunroom and is not required to follow the same requirements as a sunroom or addition. No other residents on Regina Court have a covered deck as far as the City is aware. The homes are right up to the thirty-foot (30') setback line to allow for the home to be as large as it can be while staying within the requirements for the lots. In August 2021, the Building Official reviewed the application for the addition and denied it due to the rear yard setback requirements. Staff recommends the Board of Adjustment accept Staff proposed findings of fact and deny Case #21035 located at 513 Regina Court.

Board Member Bailey asked if the UDC allows for only an uncovered deck to encroach in the setback, a porch with a roof or sides would not be allowed?

Mr. Eppert responded that this is correct. The Code differentiates those from an uncovered deck because anything with a roof or sides is attached to the primary structure. An uncovered deck has no structural integrity and would not be attached to the house in the same way a covered deck with a roof and walls would be.

Board Member Woods asked Mr. Eppert to clarify his answer.

Mr. Eppert stated that when a deck is covered, it becomes part of the principal structure. The UDC states some differentiation between a covered or uncovered deck. A covered deck requires more engineering and planning.

Chairman Hatcher asked Mr. Eppert to explain the purpose of the thirty-foot (30')

setback.

Mr. Eppert stated that the purpose of the setback is the standard that has been set forth that any builder or developer must respect. It gives the City a set guideline that shows the developer or builder the expectations of the City.

Chairman Hatcher stated that to maximize the square footage of the house, the builder built the house all the way to the rear yard setback to allow for the largest house possible.

Mr. Eppert confirmed that this is correct. Mr. Eppert also mentioned that if this variance is approved, it could set a dangerous precedent for the rest of the neighborhood.

Michael Duncan, Regional Director with Patio Enclosures, came to the podium for comments. Mr. Duncan stated that the proposed addition is not living space. The space has different engineering requirements than a deck or a covered patio, but all of the drawings have been approved by an engineer. The proposed addition does connect to the roofline of the home, but the addition should be treated more like a deck than everyday living space. The Blantons are planning to use the addition for hobbies, but not extra living space.

Board Member Martin asked Mr. Duncan if the proposed addition would have electricity and air conditioning?

Mr. Blanton stated that there will not be any heat or cooling in the proposed addition. It will have electricity for a ceiling light and some outlets. That is why the electrical box has been updated. It is a 3-season deck.

Board Member Martin asked if the structure would be finished inside.

Mr. Blanton stated that yes, it will be finished inside. It will have sliding windows, a sliding door, and vinyl flooring that would be insulated.

Chairman Hatcher closed the public hearing at 6:19pm, and opened the meeting for Board Member questions.

City Attorney Jonathan Zerr reminded the Board that the Staff Report does include staff proposed findings of fact. If inclined to approve the case and go against the proposed findings of fact and Staff recommendation, it would be appropriate to have information included in the motion to reflect that.

Chairman Hatcher clarified that if a motion is proposed to go against Staff recommendation, details must be provided as to why there is opposition to the proposed findings of fact and give examples.

**Motion by Board Member Bailey, Seconded by Board Member Harrison, to accept staff proposed findings of fact on Case #21035 - Allen & Mary Blanton, 513 Regina Court - Rear Yard Setback Variance, and deny the Case.**

**Vote on Motion:**

Board Member Woods	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye

Board Member Harrison	Aye
Board Member Martin	Nay

**Motion passed 4-1-0**

**8. Staff Comments -**

Mr. Cadoret stated that the monthly report for October 2021 does not include an application that has been submitted for the December 21, 2021 meeting. Mr. Cadoret mentioned that if the Board is so inclined, the meeting scheduled for December 21st can be rescheduled to December 14, 2021.

Chairman Hatcher confirmed that the December 21, 2021 meeting will be rescheduled to December 14, 2021.

**9. Board Member Comment - None**

**10. Adjournment**

**Motion by Board Member Woods, Seconded by Board Member Harrison to adjourn.**

**Vote on Motion:**

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

**Motion passed 5-0-0**

The Board of Adjustment meeting for November 16, 2021 adjourned at 6:24 p.m.

Respectfully submitted,  
Emily Jordan