



To: Board of Adjustment
From: City Planner, Dylan M. Eppert
Date: February 15, 2022
Re: Case #22003: 315-317 N. Franklin St. Variance

GENERAL INFORMATION

Applicant/Property Owner: Sean Siebert
33 I St.
Lake Lotawana, MO 64086

Requested Action: Variance to reduce the front yard setback.

Property Location: 315-317 N. Franklin St.

2021 Aerial Photograph:





View looking south from E. Maplewood Ln.



View looking east from N. Franklin St.

Existing Zoning: “PUD” Planned Unit Development District

Existing Surrounding Zoning: **North:** “R-1” Single-Family Residential
South: “ PUD” Planned Unit Development District
East: “PUD” and Agriculture
West: “PUD” and “R-2” Single and two family residential.

Total Tract Size: 11,354 Square Feet

Growth Management Plan: The Future Land Use Plan Map contained in the Growth Management Plan identifies this area as appropriate for low density residential development.

Major Street Plan: The Major Thoroughfare Plan Map classifies E. Maplewood Ln and N. Franklin St as local roads.

Advertisement: January 27, 2022 **Journal** newspaper

Public Hearing: February 15, 2022 Board of Adjustment Meeting

Items of Record: **Exhibit 1. Mailed Notices to Adjoining Property Owner**
Exhibit 2. Notice of Publication
Exhibit 3. Unified Development Code
Exhibit 4. Application
Exhibit 5. Growth Management Plan
Exhibit 6. Staff Report
Additional exhibits as presented during hearing

PROPOSAL

The applicant is requesting a variance to the Raymore Unified Development Code (UDC) *Section 415.060* to reduce the front yard setback for a corner lot located in a Planned Unit Development District.

Section 470.060 of the Unified Development Code outlines the requirements and actions that need to be taken for a Variance.

PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY

1. The property was rezoned to PUD Planned Unit Development District in September 2020. The rezoning to PUD included approval of the preliminary plan and a signed Memorandum of Understanding (MOU).

- Oak Ridge Farms Final Plat was approved by City Council on June 14, 2021.

STAFF COMMENTS

- Notices of the request were mailed to 6 adjoining property owners. No objections or concerns were received.
- The current bulk and dimensional standards for this PUD- Planned Unit Development zoning district, established by the Oak Ridge Farms rezoning and MOU, recorded on October 14, 2020, are as follows:

PUD	
Minimum Lot Area	
per lot	6,480
per dwelling unit	-
Minimum Lot Width (feet)	48 ft
Minimum Lot Depth (feet)	105 ft
Yards, Minimum (feet)	
front	30
rear	30
side	6.25
side, corner lot	25
Minimum Building Separation	5
Maximum Building Height (feet)	35
Maximum Building Coverage (%)	45

- A building permit would still need to be reviewed and approved before construction could begin if the variance is approved by the Board of Adjustments.
- All conditions as outlined by the Memorandum of Understanding (MOU) that were approved with the PUD application will still need to be met.
- No foundation work has commenced upon the lot. Foundation work has commenced on adjacent properties.

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:

- 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 requested variance does result from a condition that is unique to the property as it is not a typical shape for a corner lot. The request is not uncommon as the Board of Adjustments has reviewed and approved front yard setback reductions for corner lots previously. The subject property would be oriented facing west (N. Franklin St.) therefore, staff would consider this to be a side-front setback, which historically was allowed to be reduced to 15' (in areas such as Creekmoor).

- 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. There does appear to be a hardship that would necessitate a variance to be allowed. With the orientation of the house and the shape of the lot there are unnecessary hardships and practical difficulties that arise on the subject property.

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

Granting of the variance would not adversely affect the rights of adjoining property owners as the entire subdivision is owned and operated by the applicant.

- 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.**

Granting of the variance would not result in advantages or special privileges to the applicant. The property is unique in the fact that the subject property is a corner lot with a duplex and is irregularly shaped causing challenges for the applicant to situate the structure in a manner that will meet current setbacks requirements.

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

The requested variance is the minimum variance necessary to allow the property owner to provide relief from the existing Unified Development Code.

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

The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed reduction of the front yard setback along E. Maplewood Ln would not cause sight-vision triangle issues nor would there be any kind of encroachment of the existing 10' Utility easement.

- 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. The granting of the proposed variance will not oppose the purpose and intent 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.**

The requested variance supports the purpose and intent of the Code and will not adversely affect the public health, safety or welfare.

STAFF RECOMMENDATION

The subject property does have some challenges that include the irregular shape of the lot as well as challenges with the orientation of the building not being able to meet the current setback requirements whether the building is facing Franklin or Maplewood.

City Staff recommends the Board of Adjustment accept the Staff Proposed Findings of Fact and approve Case #22003 - 315-317 N. Franklin St. Reduction of front yard setback variance.

BOARD OF ZONING ADJUSTMENT DECISION

The Board of Zoning Adjustment, at its February 15, 2022 meeting, voted 5-0 to accept the staff proposed findings of fact and approved case # 22003 as requested.