

RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, June 21, 2022 - 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 - None
6. Unfinished Business - None
7. New Business
 - a. Case #22015 - Kurtis and Brandi Beckerle - Variance to Fence for a corner lot - 800 Canter St. *(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.

To: Board of Adjustment
From: Dylan M. Eppert, City Planner
Date: June 21, 2022
Re: **Case #22015: 800 Canter St. - Fence Variance**

GENERAL INFORMATION

Applicant/Property Owner: Kurtis and Brandi Beckerle
800 Canter St.
Raymore, MO 64083

Requested Action: Variance to allow fence be placed at property line

Property Location: 800 Canter St., Raymore MO 64083

2022 Aerial Photograph:





View looking west from Canter St.



View looking north from Sunny Ln.



View looking southeast from Sunny Lane.

Existing Zoning: "R-1" Single Family

Existing Surrounding Zoning:

North:	Residential
South:	Residential
East:	Residential
West:	Residential

Total Tract Size: 0.238 Acres

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 Canter Street and Sunny Lane as local roads.

Advertisement: June 2, 2022 **Journal** newspaper

Public Hearing: June 21, 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 440.030. Fences* to allow for a fence to be constructed on the north property line.

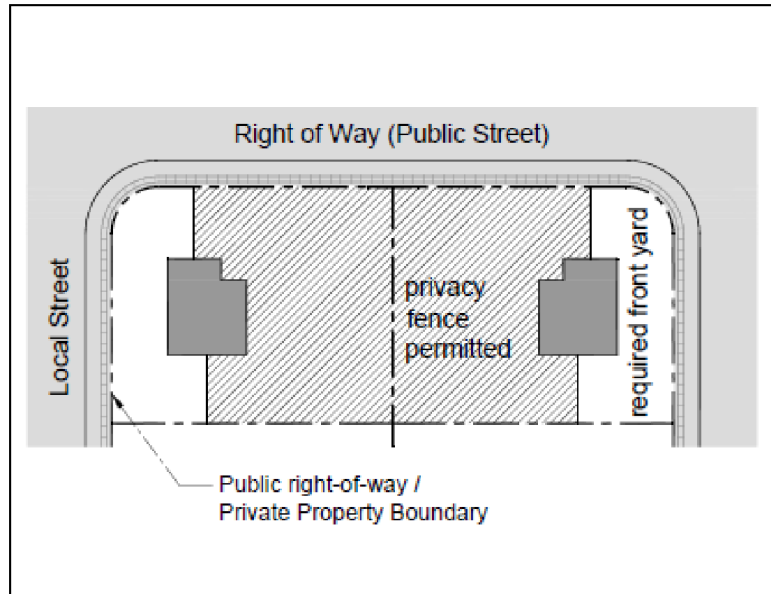
Section 470.060 of the Unified Development Code outlines the requirements and actions that need to be taken for a Variance.

PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY

1. The home was built June 14, 2000.

STAFF COMMENTS

1. Notices of the request were mailed to 14 adjoining property owners. No objections or concerns were received.
2. The Unified Development Code states: If the following conditions apply to a corner lot, then the privacy fence, chain link fence, decorative fence, wall or hedge may be installed to a height of six feet up to the property line in the rear yard of the structure as illustrated below:
 - a. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot; and
 - b. The front of each home on each lot faces in opposite directions; and
 - c. There is no driveway to either home from the street adjacent to the side yard of both lots.



3. Four (4) additional properties have the same fence alignment as the subject property. Two of the properties are directly north of the subject property. The other two properties are a block north of the subject property. Property Addresses are as follows: 617 S. Park Dr, 721 S. Park Dr, 618 Canter St and 722 Canter St.
4. The section of code was adopted as part of the 13 Amendment by the City Council on September 10, 2012.
5. If the application for a variance is approved by the Board of Adjustments the applicant will still need to obtain a fence permit and pay the associated permit fee before the permit can be issued.

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 requested variance does result from a condition that is unique to the property. The subject property is consumed by a creek and trees on both sides of the creek that take up a lot of the back yard. The intent of the code for fences was to prevent sight vision problems that had driveways on the same side as a neighboring fence. The pictures above show that both the treeline and creek extend the full width of the property, and create a greater sight-line obstruction, which is a unique feature of this property.

- 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. If we were to hold this property owner to the standard of the Unified Development Code their back yard would shrink even more than it is already. This is due to the creek and trees that line the back yard preventing the homeowner from full use and enjoyment of the property with regards to a fence.

- 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 there are currently four (4) other homes in the same vicinity of the subject property that have fences on the property line and are corner lots with driveway access. Something to note is that all of the mentioned properties have the creek and trees that line both sides in common.

- 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 as there are four (4) properties in the Canter Ridge Subdivision that have their fences on the property line and are corner lots that fit the criteria that this property is facing. The property is unique in the fact that most of the rear property is consumed by a creek and trees that line both sides of the creek.

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. The original fence was installed in the same area as the new fence and has not received any complaints from neighbors or neighboring properties.

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.

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

City Staff recommends the Board of Adjustment accept the Staff Proposed Findings of Fact and approve Case #22015 - 800 Canter St. Fence Variance.

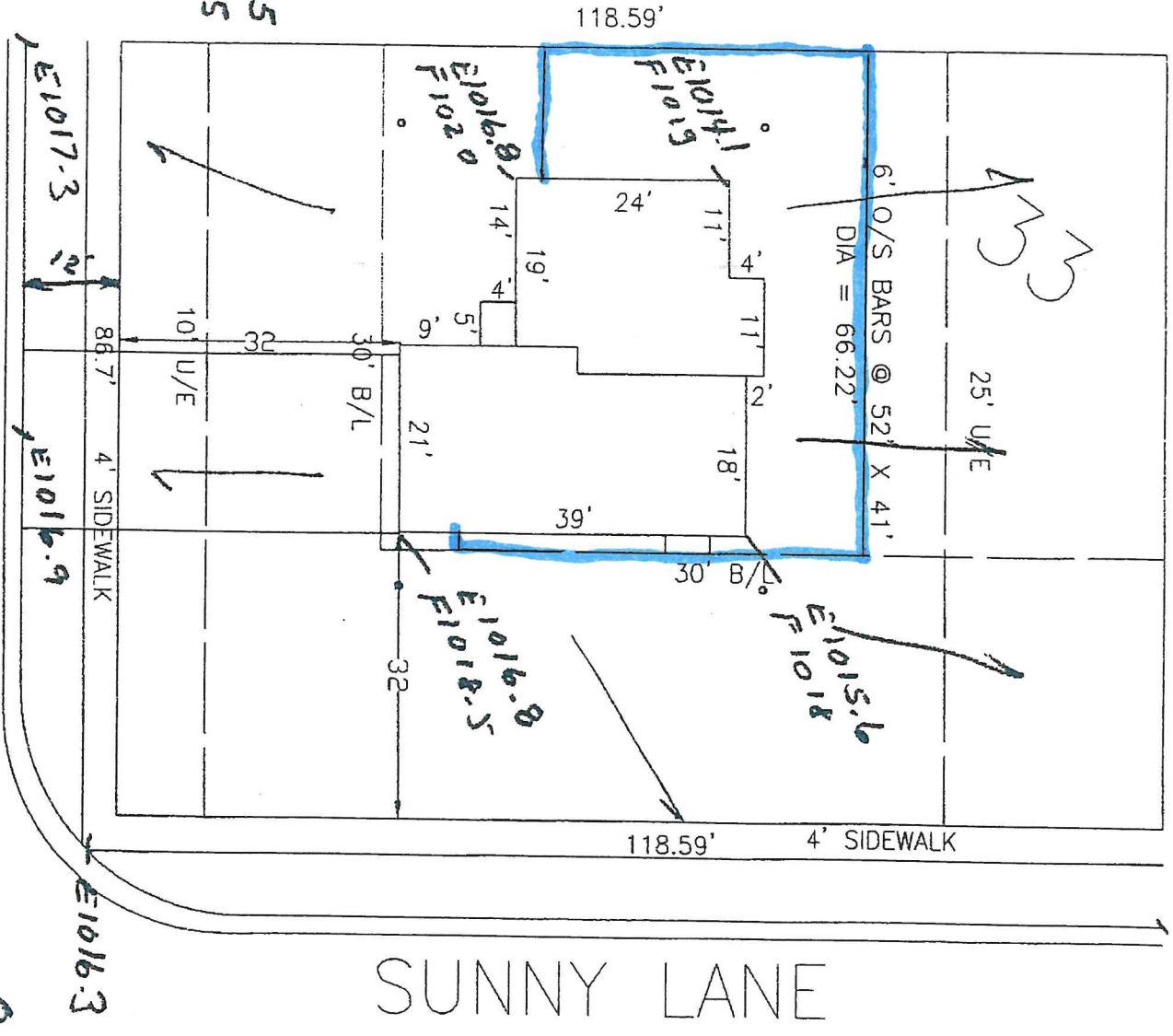
CONSTRUCTION STAKE PLOT PLAN

ORDERED BY: HIGGINS
DESCRIPTION: LOT 33 CANTER RIDGE, RAYMORE, CASS COUNTY, MISSOURI

Adhere to City code Exhibit 1

MBF 1011.20

Gar F1/E L 1018.5
Bas. F1- 1014.5



CANTER STREET

SUNNY LANE



ATTENTION: This plot plan was prepared for use before and during foundation construction only. House staked as shown on this plot plan. Contractor to check and verify house dimensions with final house plans and final elevations at job site. Not responsible for underground utilities or unplatted easements. This does not constitute a boundary survey and it is the builders responsibility to check description with deeds. NOTE: Cuts shown hereon for excavation are a guide only. Final decisions as to cuts and foundation height to be made by builder on job site. Builder to verify sanitary sewer elevation and location prior to excavation for foundation.

CONSTRUCTION ENGINEERING SERVICES

16810-C East 40 Highway
Independence, MO 64055

(816) 478-2323
FAX 478-2372

LEE BODENHEIMER, P.E., L.S.

Professional Engineer—Land Surveyor

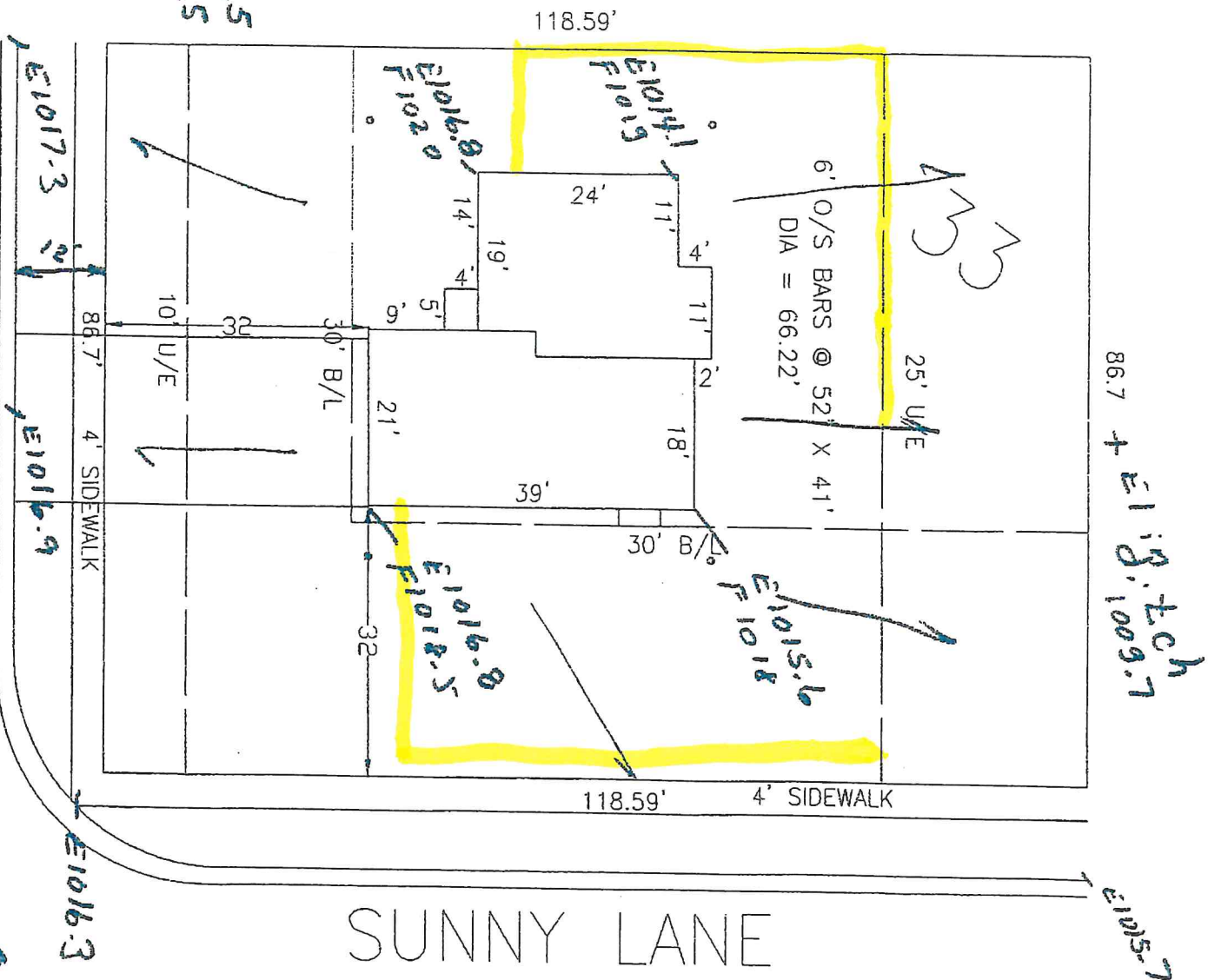


SCALE: 1" = 20'
DATE: 10-28-99
JOB NO: 6715

CONSTRUCTION STAKE PLOT PLAN

ORDERED BY: HIGGINS
DESCRIPTION: LOT 33 CANTER RIDGE, RAYMORE, CASS COUNTY, MISSOURI

Proposal Exhibit 2



CANTER STREET

MBF1019.4
101019.4



ATTENTION: This plot plan was prepared for use before and during foundation construction only. House staked as shown on this plot plan. Contractor to check and verify house dimensions with final house plans and final elevations of job site. Not responsible for underground utilities or unplatted easements. This does not constitute a boundary survey and it is the builders responsibility to check description with deeds. NOTE: Cuts shown hereon for excavation are a guide only. Final decisions as to cuts and foundation height to be made by builder on job site. Builder to verify sanitary sewer elevation and location prior to excavation for foundation.

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Professional Engineer—Land Surveyor

