

RAYMORE BOARD OF ADJUSTMENT AGENDA

Wednesday, April 12, 2023 - 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 - Approval of Minutes from June 21, 2022 meeting
6. Unfinished Business - None
7. New Business
 - a. Election of Officers
 - b. 2023 Meeting Calendar
 - c. Case# 23009 Raymore Senior Village - Variance to bulk and dimensional standards (Public Hearing)
 - d. Case# 23010 100 N. Woodson Dr. - Variance to allow fence to be located in the front yard setback (Public Hearing)
 - e. Case# 23011 1535 Horseshoe Dr. Variance to allow fence to be located in the front yard setback (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, JUNE 21, 2022** 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 DAVID GRESS, ADMINISTRATIVE ASSISTANT EMILY JORDAN AND CITY ATTORNEY JONATHAN ZERR.

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** – None
6. **Unfinished Business** – None
7. **New Business**

a. **Case #22015 - 800 Canter Street Fence Variance (*public hearing*)**

Public hearing opened at 6:01pm.

Kurtis Beckerle came to the podium to give an overview of the case. The new fence has already been installed where the old fence was originally. The new fence is not in compliance with current City Code, but a variance is being requested to allow for the new fence to stay where it is.

City Planner Dylan Eppert gave the Staff Report. The proposed variance request is to allow the fence to be placed at the property line of 800 Canter Street. The existing zoning of the property is “R-1” Single-Family Residential, as is all surrounding zoning. The Future Land Use Plan Map contained in the Growth Management Plan identifies this area as appropriate for low density residential development. The Major Thoroughfare Plan Map classifies Canter Street and Sunny Lane as local roads. The Unified Development Code does not allow this type of privacy fence to be at the property line on corner lots, partially due to sight line requirements for surrounding properties. Mr. Eppert pointed out that there is a creek and trees that are part of the subject property that already obscure the view from the driveway to the home due west from the subject property, and the location of the proposed fence would not further hinder that obstruction. Four additional properties have the same fence alignment in the area. Staff recommends the Board of Adjustment accept the proposed findings of fact and approve the Case.

The public hearing was closed at 6:08pm.

Motion by Board Member Woods, Seconded by Board Member Harrison, to accept staff proposed findings of fact and approve Case #22015 - 800 Canter Street Fence Variance.

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

Board Member Bailey commented that the fence does not seem to be obstructing the view any further than the creek or trees do, which helped him decide on his vote.

8. Staff Comments -

Mr. Eppert noted that there are no new applications at this time, so there are no future meetings scheduled at this time.

9. Board Member Comment - None

10. Adjournment

Motion by Board Member Bailey, Seconded by Board Member Woods 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 June 21, 2022 adjourned at 6:11 p.m.

Respectfully submitted,
Emily Jordan

**Raymore Board of Adjustment
2023 Meetings and Deadlines**

2nd Wednesday of Month	Submission Deadline	Public Hearing	
		Sent to Publish	Neighbor Notice
11-Jan	9-Dec	16-Dec	23-Dec
8-Feb	6-Jan	13-Jan	20-Jan
8-Mar	3-Feb	10-Feb	17-Feb
12-Apr	10-Mar	17-Mar	24-Mar
10-May	7-Apr	14-Apr	21-Apr
14-Jun	12-May	19-May	26-May
12-Jul	9-Jun	16-Jun	23-Jun
9-Aug	7-Jul	14-Jul	21-Jul
13-Sep	11-Aug	18-Aug	25-Aug
11-Oct	8-Sep	15-Sep	22-Sep
8-Nov	6-Oct	13-Oct	20-Oct
13-Dec	9-Nov	17-Nov	22-Nov
10-Jan	8-Dec	15-Dec	22-Dec

*** A public hearing is required for all variance requests**

* Meetings start at 6:00p.m. in City Council Chambers

~ All applications must be complete upon submittal

~ A complete submission checklist and application instructions are available through the Development Services Department.

~ Incomplete applications will not be accepted or scheduled until such time as they are complete.

~ The applicant is ultimately responsible for communicating with their architects, engineers, planners, contractors and consultants.



March 29, 2023

TO: Board of Zoning Adjustment
FROM: Development Services Department
RE: Case No. 23009 - Raymore Senior Village Variance

Board Members,

Included within the agenda for the April 12, 2023 Board of Adjustment meeting is 'Item C' under New Business: Case No. 23009 - Raymore Senior Village - Variance to Bulk and Dimensional Standards.

Staff received this application prior to the submission of the full site plan application for the Raymore Senior Village project (now referred to as Sunset Villas), a proposed 98-unit 55+ senior living facility located north of Price Chopper, between Johnston Parkway and Sunset Lane. The variance included a request to reduce the rear-yard setback for one building in order to accommodate the addition of an attached maintenance building.

Upon further review of the Site Plan application, it was determined that the variance was no longer needed to support the proposed building, and that it did meet the required setbacks. Thus, the applicant withdrew their variance application.

Because staff had already published the request in the **North Cass Herald**, as required by Code, the Board must still hold the public hearing for this request. Following the public hearing, there is no further action needed by the Board.

Respectfully,

A handwritten signature in black ink, appearing to read "David Gress", with a horizontal line extending to the right.

David Gress
Development Services Director

To: Board of Adjustment
From: Dylan M. Eppert, City Planner
Date: April 12, 2023
Re: **Case #23010: 100 N. Woodson Dr. Fence Variance**

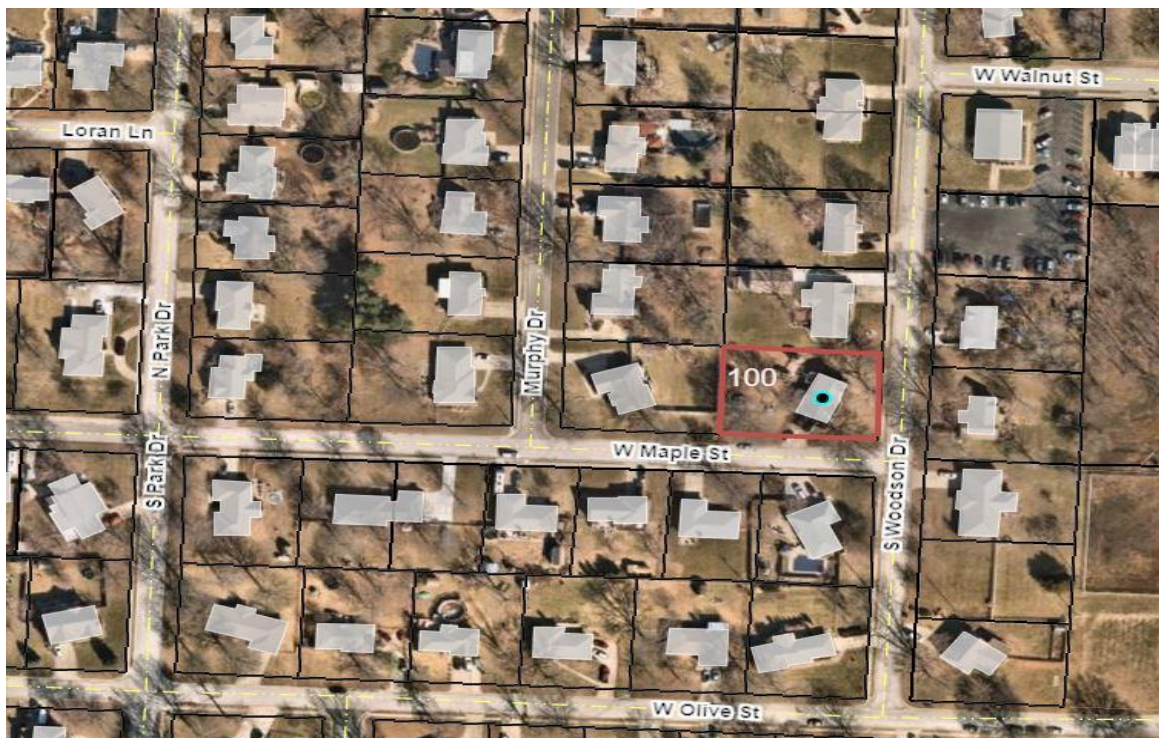
GENERAL INFORMATION

Applicant/Property Owner: Juan Molina
100 N. Woodson Dr.
Raymore, MO 64083

Requested Action: Variance to allow for a 6' fence to be located within the front yard setback area.

Property Location: 100 N. Woodson Dr.

2023 Aerial Photograph:



Site Photos:



Looking west from N. Woodson Dr.



Looking south from the backyard (100 N. Woodson Dr.)



Looking north from W. Maple St.



Looking east from 101 N. Murphy Dr.

Existing Zoning: “R-1” Single-Family Residential District

Existing Surrounding Zoning: **North:** “R-1P” Single-Family Residential District
South: “R-1P” Single-Family Residential District
East: “R-1P” Single-Family Residential District
West: “R-1P” Single-Family Residential District

Total Tract Size: 0.42 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 W. Maple St. as a local road and N. Woodson St. as a local road.

Advertisement: March 22, 2023 **North Cass Herald** newspaper

Public Hearing: April 12, 2023 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.C2 Fences* to allow for a 6’ privacy fence to be located within the front yard setback area.

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

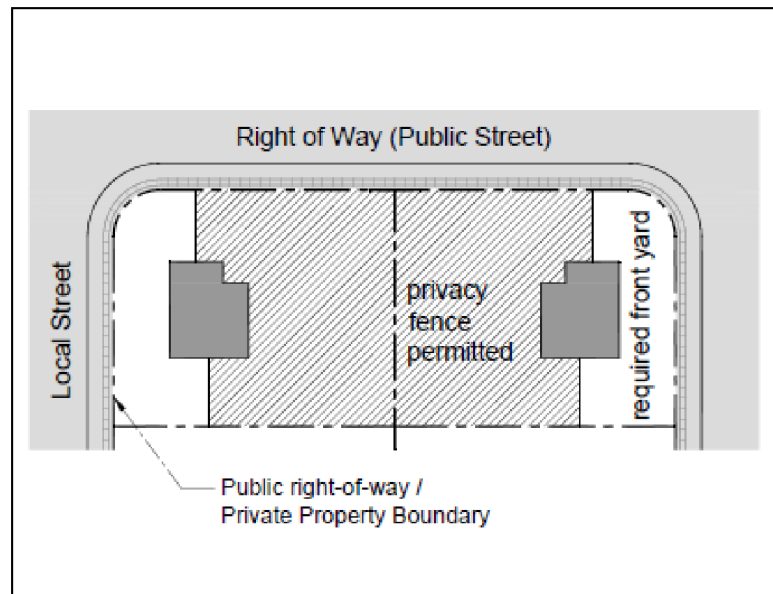
PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY

1. The Rolling Hills 1st Plat was approved and constructed in 1973.
2. The home was built in 1975.

3. A permit for property located at 101 N. Murphy Dr. (directly west) was obtained in 2015 due to a house fire.
4. A permit was obtained for a roof for the subject property in 2019

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. City Staff has seen this request occur three times in the last two years. City Staff is also aware of numerous properties within the City that meet the same or similar criteria as this request.
4. The home that was built originally at 101 N. Murphy had a side entry garage coming off of W. Maple St. instead of N. Murphy Dr. where the current driveway exists. City City staff would not have supported the variance if both 101 N.

Murphy Dr. and 100 N. Woodson Dr. had driveways off of W. Maple Dr. (See 2010 Aerial image in your packet). The provision within the UDC is meant to protect sight distance issues for neighboring driveways on adjacent properties. Due to the relocation of the driveway in 2015, no sight distance issues are created under the proposed variance.

5. This section of code was adopted as part of the 13th amendment to the Unified Development Code by the City Council September 10, 2012.
6. If the application request for the variance is to be approved by the Board of Adjustments the applicant would still need to obtain a fence permit and pay the associated fee before the permit could 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 property owner has a very large tree located on the south side of the property near the location of the variance request. If the variance was not approved and the fence was required to be moved back to the 20' Build Line, then the tree would not be located in the back yard for enjoyment of the property owner. The property owner desires to keep the tree within the confines of their backyard area.

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. The code changed in 2012 which if not permitted a variance, the overall backyard would essentially shrink. If this variance was not approved the fence would have to be built 20' back from the property line causing their yard to shrink dramatically.

Additionally, the location of the mature tree would require the fence to be located beyond the 20' build line. The current fence the applicant has is allowed in the current location and the reason the variance is being requested is because the fence is going from 4' chain link fence to 6' privacy fence. The applicant has children and animals causing them to want a little more privacy than what a 4' chain link fence can provide.

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. The fence location will not change, the only thing that is changing is the fence height. The applicant would be the only one that would be affected as it is their driveway that would have to contend with the proposed fence.

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. This type of requests has become more common recently as corner lots are typically the ones having to request the variance. The city has historically approved these types of variances as there almost always seems to be a special circumstance or unique property characteristics that helps substantiate their request.

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 is installed in the same area as the new fence that is being proposed. No complaints have been received from the neighbors or neighboring property owners.

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 #23010 - 100 N. Woodson Dr. Fence Variance.



Published: 3/23/2023
1 in = 47.02 ft



Murphy Dr

101

100

W Maple St

N Woodson Dr

S Woodson Dr



Published: 3/23/2023
1 in = 94.04 ft



Dylan Eppert <deppert@raymore.com>

Public Meeting on April 12th re: 100 N. Woodson Dr.

2 messages

Kelly Burns <kellyverhague@yahoo.com>
To: "deppert@raymore.com" <deppert@raymore.com>

Mon, Mar 27, 2023 at 1:57 PM

Good Afternoon,
I am in favor of the proposed 6 ft. privacy fence at 100 N. Woodson Dr.

Thank you,
Kelly Burns
503 W Maple St
Raymore, MO 64083

Dylan Eppert <deppert@raymore.com>
To: Kelly Burns <kellyverhague@yahoo.com>

Mon, Mar 27, 2023 at 2:02 PM

Kelly,

Thank you very much for your input for the Board of Zoning Adjustments. I have added your email to the file and to the staff report. Have a great week.

Dylan M. Eppert | City Planner
City of Raymore | 100 Municipal Circle
(816) 892-3016 | www.raymore.com



[Quoted text hidden]



To: Board of Adjustment
From: Dylan M. Eppert, City Planner
Date: April 12, 2023
Re: Case #23011: 1535 Horseshoe Dr. Fence Variance

GENERAL INFORMATION

Applicant/Property Owner: Travis Self
1535 Horseshoe Dr.
Raymore, MO 64083

Requested Action: Variance to allow for a fence to be constructed on the property line.

Property Location: 1535 Horseshoe Dr. (Stonegate 3rd, Lot 129)

2023 Aerial Photograph:





View looking south from Horseshoe Dr.



View looking east from S. Fox Ridge Dr.



View looking north from 1520 Saddlebrook Rd.



View looking west from backyard (1535 Horseshoe Dr.)

Existing Zoning: “R-1P” Single-Family Residential Planned District

Existing Surrounding Zoning: **North:** “R-1P” Single-Family Residential Planned District
South: “R-1P” Single-Family Residential Planned District
East: “R-1P” Single-Family Residential Planned District
West: “R-1P” Single-Family Residential Planned District

Total Tract Size: 0.32 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 S. Fox Ridge Dr. as a minor collector and Horseshoe Dr. as a local road.

Advertisement: March 22, 2023 **North Cass Herald** newspaper

Public Hearing: April 12, 2023 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.C2 Fences* to allow for a 6’ privacy fence to be located on the west property line within the required front-yard area

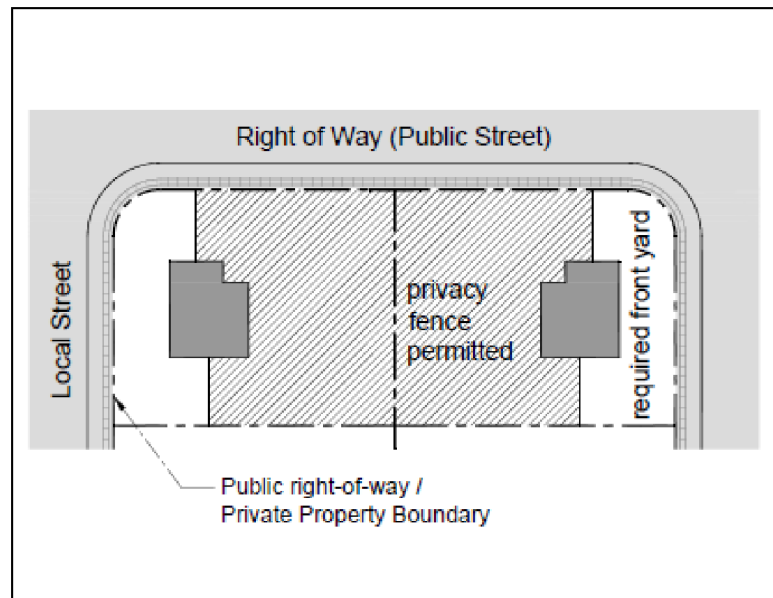
Section 470.060 of the Unified Development Code outlines the requirements and actions that need to be taken for a Variance.

PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY

1. The Stonegate of the Good Ranch 3rd Plat was approved and constructed in 1998
2. The home was built in 1999.
3. A permit was obtained for a 4' wooden privacy fence in 2007.
4. A roof permit was obtained for the subject property in 2020.

STAFF COMMENTS

1. Notices of the request were mailed to 16 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. City Staff is also aware of numerous properties within the City that meet the same or similar criteria as this request.
4. This section of code was adopted as part of the 13th amendment to the Unified Development Code, approved by the City Council September 10, 2012.
5. Many of the fences within the Stonegate neighborhood were constructed prior to the adoption of the Code provision above, meaning they were permitted when originally built.
6. If the application request for the variance is to be approved by the Board of Adjustments the applicant would still need to obtain a fence permit and pay the associated fee before the permit could 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 property owner is wanting to replace the fence where the original fence that was installed in 2007 was located. The only change is that they wanted to make the fence 6' in height instead of 4' in height. The unique property characteristic is that the existing 4' privacy fence was allowed under the previous code but is now not allowed.

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. The code changed

in 2012 which if not permitted a variance the overall backyard would essentially shrink. If this variance was not approved the fence would have to be built 30' back (build line) from the property line causing their yard to shrink from its current size.

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. The only neighboring property (1520 Saddlebrook Rd.) could be the only affected property however, they also have a 4' wood fence that goes up to the property line as their fences touch the property located at 1535 Horseshoe Dr. .

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 is only one property within the Stonegate subdivision that matches the same criteria as this property.

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 and allow the size of the backyard to remain in its current size. The original fence was installed in the same area as the new fence is being proposed. No complaints have been received from the neighbors or neighboring property owners.

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. The request will allow the owner to replace an old decaying fence that would match the height and size of the adjoining property without impeding the neighboring property owners.

STAFF RECOMMENDATION

City Staff recommends the Board of Adjustment accept the Staff Proposed Findings of Fact and approve Case #23011 - 1535 Horseshoe Dr. Fence Variance.



Proposed Fence Location
[with variance request]

Existing Fence Location

Horseshoe Dr

S Fox Ridge Dr

30' B/L

30' B/L







03.07.2023 11:14



03.07.2023 11:14

SADDLE BROOK

03.07.2023 11:14

