

# RAYMORE BOARD OF ADJUSTMENT AGENDA

Wednesday, September 13, 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 August 9, 2023 meeting
- 6. Unfinished Business None
- 7. New Business
  - a. Case # 23034 Elite Fence and Deck Fencing 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 **WEDNESDAY**, **AUGUST 9**, **2023** IN THE COUNCIL CHAMBERS AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: BEN BAILEY, JERRY MARTIN, PAM HATCHER, AARON HARRISON, AND STEPHANIE VELASCO. ABSENT WERE TERRI WOODS, AND BOARD ALTERNATE LINDSAY FOSTER. ALSO PRESENT WAS 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 there was a quorum present to conduct business.
- 3. Pledge of Allegiance
- 4. Personal Appearances None
- 5. Consent Agenda Approval of Minutes from the July 12, 2023 meeting

Motion by Board Member Martin, Seconded by Board Member Bailey, to approve the July 12, 2023 minutes.

#### **Vote on Motion:**

Absent
Aye

Motion passed 5-0-0

6. Unfinished Business - None

#### 7. New Business

a. Case #23026 - 590 Kreisel Dr. Variance to allow a deck to be constructed closer than 5' from the property line (public hearing)

Public hearing opened at 6:02pm.

William Clay, homeowner at 590 Kreisel Dr., came to the podium to give an overview of the request. He is handicapped, and the new deck addition allows him to use space that was previously unusable due to a set of stairs leading down to the patio.

Development Services Director David Gress gave the Staff Report, including the property location, existing zoning, public hearing notifications, previous planning actions on or near the property, and Staff comments. Mr. Gress noted that no deck permit was

approved before the construction of the deck, so Mr. Clay must apply for a deck permit if the Case is approved. City Staff recommend 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 Bailey, Seconded by Board Member Harrison, to accept the Staff proposed Findings of Fact and approve Case #23026, 590 Kreisel Drive Variance to allow for a deck to be constructed closer than 5' from the property line.

#### Vote on Motion:

bsent
ye

## Motion passed 5-0-0

## b. Case #23032 - 590 Kreisel Dr., Variance for a deck to encroach into the utility easement (public hearing)

Public hearing opened at 6:09pm.

Mr. Gress gave the Staff Report, noting that all of the property information is the same as the previous case. The request is to allow a deck to encroach into an existing utility easement, which was found to have Evergy facilities located within it. The applicant originally requested to vacate the portion of the easement in which the deck encroached, but due to the existing Evergy infrastructure, City staff could not support that request. City Staff has contacted Evergy, who stated they are okay with the encroachment, as long as the homeowner is aware that Evergy is not liable for any damage done to his property by Evergy in the case work must be done. City Staff recommend the Board accept the proposed findings of fact and approve the case.

Public hearing closed at 6:11pm.

Motion by Board Member Bailey, Seconded by Board Member Martin, to accept the Staff proposed Findings of Fact and approve Case #23032, 590 Kreisel Dr., variance for a deck to encroach into a utility easement.

### Vote on Motion:

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

## Motion passed 5-0-0

#### 8. Staff Comments -

Mr. Gress provided a report on the Department, and noted that there has been an uptick in permitting in the previous weeks.

#### 9. Board Member Comment -

Chairman Hatcher asked about a variance request for Elite Fence.

Mr. Gress noted that they should be filing soon, and the meeting should be held in September. The Board will be updated should new information arise.

## 10. Adjournment

# Motion by Board Member Bailey, Seconded by Board Member Harrison to adjourn.

#### **Vote on Motion:**

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

#### Motion passed 5-0-0

The Board of Adjustment meeting for August 9, 2023 adjourned at 6:14 p.m.

Respectfully submitted, Emily Jordan



To: Board of Adjustment

From: City Staff

Date: September 13, 2023

Re: Case # 23034: Elite Fence and Deck - Screening Variance

## GENERAL INFORMATION

**Applicant/Property Owner:** Elite Fence and Deck

% Kevin Lint 611 E. Walnut St. Raymore, MO 64083

Requested Action: Variance to allow for an 8' security type chain link

fence to be constructed in a "C-3" Regional

Commercial District that is slatted.

**Property Location:** east of S. Sunrise Dr. and north of Dawn St.

## 2023 Aerial Photograph:



## Site Photographs:



View looking east from S. Sunrise Dr.



View looking north from Dawn St.



View looking south from Freedom Stop.

**Existing Zoning:** "C-3" Regional Commercial District

Existing Surrounding Zoning: North: "C-3" Regional Commercial District

**South:** "R-3A" Multiple-Family Residential District **East:** "M-1" Light Industrial-Commercial District

West: "C-2" General Commercial District

Tract Size: 1.53 Acres

**Growth Management Plan:** The Future Land Use Plan Map contained in the Growth Management Plan identifies this area as appropriate for Business Park Development.

**Major Street Plan:** The Major Thoroughfare Plan Map classifies S. Sunrise Dr. as a Local Road and Dawn St. as a Local Road.

Advertisement: August 23, 2023 North Cass Herald newspaper

**Public Hearing:** September 13, 2023 Board of Adjustments Meeting

Items of Records: Exhibit 1: Mailed Notices of 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

Additional exhibits as presented during meeting

## PROPOSAL

The applicant is requesting a variance to the Raymore Unified Development Code (UDC) Sections 440.030A(4)c "Materials" and 440.030D(1) "Commercial and Industrial Districts". The applicant is seeking to construct an 8' security type chain link fence that is slatted in a Commercially zoned 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 final plat (Johnston Industrial Park) for the subject property was approved August 13, 1979.
- 2. The property to the east was approved on August 13, 1979 to be rezoned from "A" Agriculture to "M-1" Light Industrial.
- 3. The property to the west (Johnston Industrial Park lots 55-61 and 65-73) was approved on May 29, 1990 to be rezoned from "M-1" Light Industrial to "R-3A" Multiple-Family Residential District.
- 4. City Council approved the property to the south to be rezoned from "M-1" Light Industrial District to "R-3A" Multi-Family Residential District on February 28, 2022.
- 5. On July 19, 2022 the Planning and Zoning Commission voted to approve the Site Plan for "Ascend" a Multi-Family residential project.
- 6. City Council approved the final plat for the property to the south known as "Ascend" on August 8, 2022.
- 7. On November 15, 2022 the Planning and Zoning Commission approved the Site Plan for Elite Fence and Deck, which included improvements to the existing building on the site, as well as the addition of a new storage building in the rear of the property.

8. On December 12, 2022 the City Council approved the final plat for Lot 1, Elite Fence.

## STAFF COMMENTS

- 1. Notices of the request were mailed to 9 adjoining property owners. No objections or concerns were received.
- The concept plan shows a long range plan, the applicant is only requesting a variance with regards to the fence at this time. The rest of the plan is for illustration purposes only and would be part of a future site plan to develop the subject property over the course of time.
- 3. If the request is approved, the applicant must apply for a fence permit as well as provide all documentation as required and pay the associated permit fees.
- 4. The applicant could request to rezone the property from "C-3" Regional Commercial District to "M-1" Light Industrial District and be allowed to construct an 8' security type chain link fence that is slatted if the rezoning was approved.
- 5. There are three (3) separate requests for a variance, but they are all under Section 440.030 of the Unified Development Code therefore staff determined that a single variance application was acceptable.
  - a. **Request #1** To construct a chain-link fence that is slatted in a commercially zoned property, pursuant to UDC Section 440.030A(4)c
  - b. **Request #2** To construct a fence that is 8' tall rather than 6' tall in a commercially zoned property, pursuant to UDC Section 440.030D(1)
  - c. **Request #3** To construct a security type fence in a commercial zoned property, pursuant to UDC Section 440.030D(1)
- 6. UDC Section 430.080(C)(4) 'Location of Screens' indicates that "Screening required by this section must be located along the common lot line(s) of adjacent uses. Where uses are separated by an intervening right-of-way, screening is not required. In its review of a site plan, the Planning and Zoning Commission may require the location or dimensions to be modified to better achieve the desired level of screening on a particular site".
- 7. Because the subject property is separated from properties to the west and south of right-of-way (Sunrise Drive and Dawn Street) screening is not required in these areas.

If the requested fence variance is approved, screening from adjacent properties shall be required to comply with Section 430.080 "Screening Requirements". A Type-A landscape buffer/screen would be required along Dawn St. as it abuts property that is zoned "R-3A" Multiple-Family Residential District. Sunrise Dr. would also be required to have plantings. A Type-C screen shall also be considered along the northern property line.

- a. A landscape plan must be submitted to the City as part of a site plan application and must comply with Chapter 430 "Landscaping and Screening" of the Unified Development Code (UDC).
- 8. 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 requested variance does result from a condition that is unique to the property. The property owner is looking to expand his existing business (Elite Fence & Deck) to provide additional services to his customers. The only vacant piece of property that abuts the existing business is the subject property, which is zoned "C-3" Regional Commercial District.

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. This property has been vacant for a very long time with no plans for development. The property owner to the east desires to expand their business in the community. If the application was denied the fence could be constructed however, would look different that the existing fence to the east, which would create discontinuity which is what the applicant is trying to prevent.

# 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 is already a 6' security type fence that is screened directly east of the subject property. The applicant is requesting to expand their existing fence and construct an 8' fence to be able to provide additional services to their customer base. They would also provide additional screening measures (trees) to provide a more aesthetically pleasing design.

# 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 if zoned "M-1" Light Industrial District, an 8' security type chain link fence that is slatted would be permitted by right. Since the property is zoned "C-3" Regional Commercial, the applicant is seeking approval from the Board of Adjustments to allow for the requested fence, as opposed to requesting a rezoning of the property from its current "C-3" Regional Commercial to an "M-1" Light Industrial District, wherein the requested fence would be allowed by right.

# 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 applicant is seeking to expand their current business to the east of the subject property.

The applicant's long-term plan for the property includes a potential commercial building that would face Sunrise Drive, with the fenced area located in the rear of the building. Looking at the long-term plan for the property, maintaining the commercial zoning while granting an exception to the fencing standards is the minimum variance needed in order to allow for continuity between the properties in terms of fencing, without rezoning the property to a more intense use (M-1 Light Industrial), wherein the fence would be allowed by right.

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 variance request would not be necessary if the property was zoned to "M-1" Light Industrial District, similar to the adjacent property owned by the applicant. Granting of the requested fence variance allows for continuity between adjoining properties, while protecting the surrounding properties from a more intense zoning classification (M-1 Light Industrial).

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 does not oppose the purpose and intent of the UDC. The extension of the fence would provide continuity and match the current fence that exists where Elite Fence and Deck currently operates their business.

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.

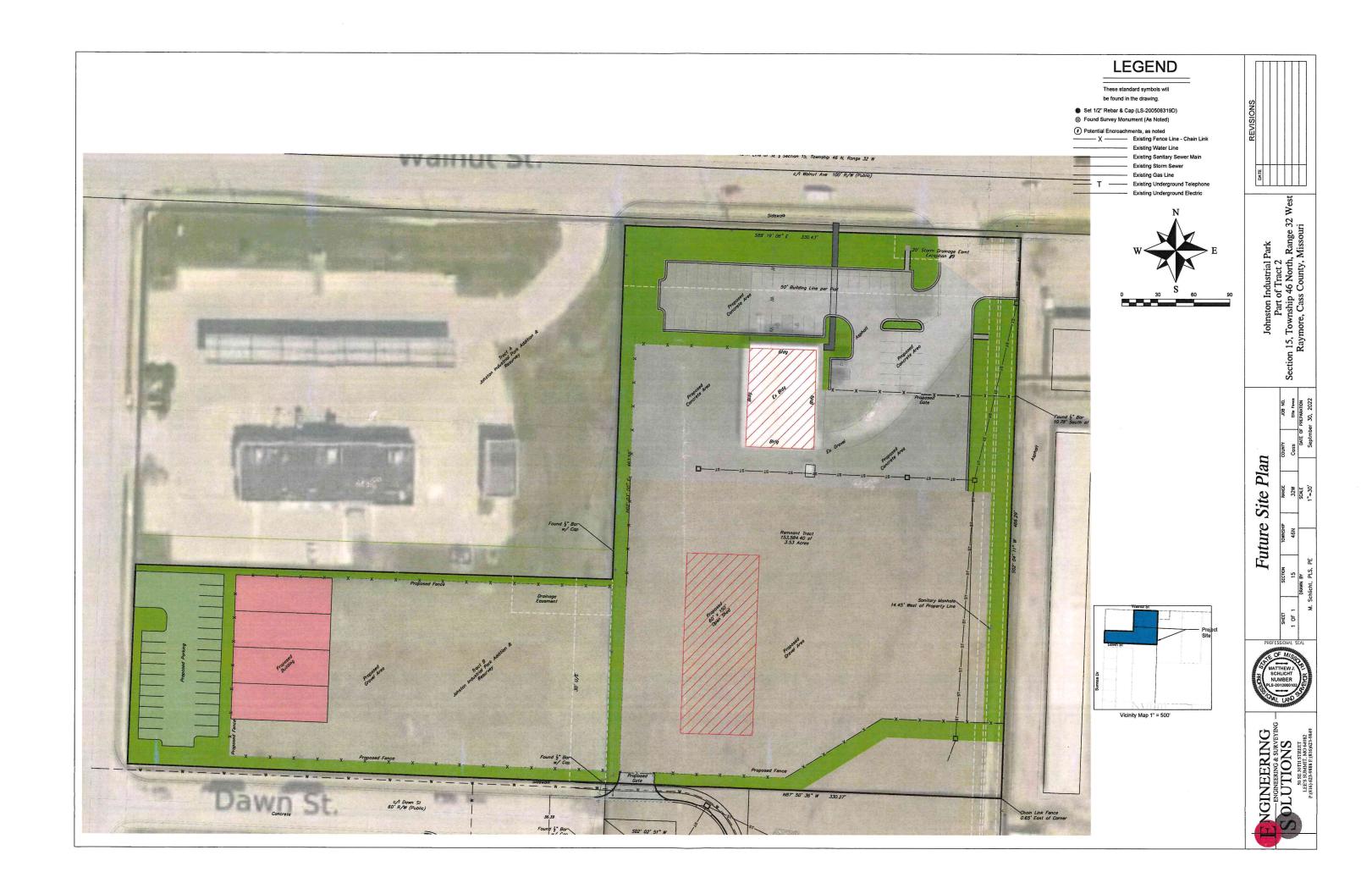
The requested variance supports the purpose and intent of the Code and will not adversely affect the public health, safety or welfare.

## STAFF RECOMMENDATION

The applicant's request was determined to be reasonable to expand upon the existing fence from the property directly east (Elite Fence and Deck) to the subject property as shown on the concept plan.

City Staff feels that the requested variance allows the applicant to meet their short and long term business plans, without requesting other actions that may have a detrimental impact on the surrounding area, such as rezoning the subject property to an M-1 Light Industrial classification.

City Staff recommends the Board of Adjustment accept the Staff proposed findings of fact and approved Case # 23034 - Elite Fence & Deck - Screening Variance.





## **MONTHLY REPORT**

**AUGUST 2023** 

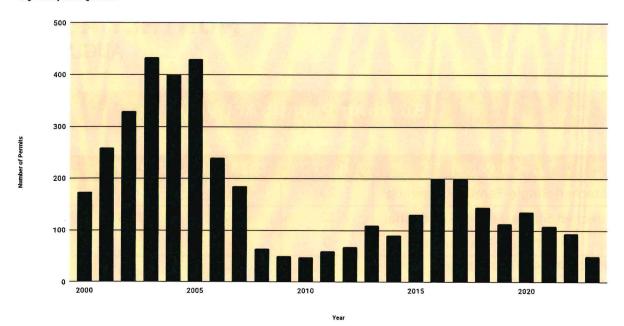
## **Building Permit Activity**

	1.3 (c) -			
Type of Permit	AUG 2023	2023 YTD	2022 YTD	2022 Total
Detached Single-Family Residential	13	50	85	94
Attached Single-Family Residential	12	70	178	- 238
Multi-Family Residential	0	0	15	15
Miscellaneous Residential (deck; roof)	61	479	517	763
Commercial - New, Additions, Alterations	1	17	14	20
Sign Permits	9	46	32	49
Inspections	AUG 2023	2023 YTD	2022 YTD	2022 Total
Total No. of Inspections	432	3,620	4,357	6,264
Residential Inspections	227	1,701	the Shirt of	responding to
Commercial Inspections	205	1,919		
Valuation	AUG 2023	2023 YTD	2022 YTD	2022 Total
Total Residential Permit Valuation	\$6,790,400	\$32,267,640	\$59,086,750	\$69,322,400
Total Commercial Permit Valuation	\$96,150	\$34,543,550	\$93,221,500	\$93,784,200

## **Additional Building Activity:**

- Interior finishing work continues on the residential apartment buildings within The Depot community.
- Staff continues inspections at the Southern Glazer's distribution center as they continue the buildout of their facility at 1100 S. Dean Avenue.
- Tenant finish plans were received for a portion of the building located at 1200 S Dean Avenue in the Raymore Commerce Center.
- Staff continues inspections at the Nuuly distribution facility located at 1300 S. Dean Avenue.
- Work commenced at 213 N Madison for the future location of Wheelhouse Baseball Clinic
- Exterior work on the Starbucks Coffee located at 1631 W. Foxwood Drive is nearing completion. Tenant finish work should begin soon.
- Building Official Jon Woerner commenced plan review for the Grant Park Villas project, located at N. Adams St. and W. Grant Drive.
- Tenant finish work continues at 214 W. Walnut, the future location of the Quilted Cow.

Single Family Building Permits



## CODE ENFORCEMENT ACTIVITY

Code Activity	AUG 2023	2023 YTD	2022 YTD	2022 Total
Code Enforcement Cases Opened	84	531	533	705
Notices Mailed			-	-
-Tall Grass/Weeds	29	115	118	144
- Inoperable Vehicles	21	181	164	221
- Junk/Trash/Debris in Yard	9	86	78	122
- Object placed in right-of-way	3	15	10	10
- Parking of vehicles in front yard	5	22	30	46
- Exterior home maintenance	9	61	64	73
- Other (trash at curb early; signs; etc)	0	0	0	0
Properties mowed by City Contractor	18	55	37	55
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	0	4	0	-
Signs in right-of-way removed	56	362	698	1,184
Violations abated by Code Officer	6	40	60	76

## **DEVELOPMENT ACTIVITY**

## **Current Projects**

- Comprehensive Plan
- HTeaO Site Plan Review
- Eastbrook 4th Plat
- Elite Fence & Deck Expansion
- 36th UDC Amendment
- Grant Park Villas

## **ACTIONS OF BOARDS, COMMISSIONS & CITY COUNCIL**

## August 1, 2023 Planning and Zoning Commission

- 1830 W Foxwood Drive Site Plan
- Dean Avenue South Extension ROW Plat
- Annual UDC Review

## August 9, 2023 Board of Zoning Adjustment

- Accessory Structure/Deck Setback Variance 590 Kreisel (public hearing), approved
- Accessory Structure/Deck Easement Encroachment Variance 590 Kreisel (public hearing), approved

## August 14, 2023 City Council

- 1st Reading Dean Avenue South Extension ROW Plat
- 1st Reading Timber Trails Mixed Use Chapter 100 Request
- 2nd Reading Non-Residential Sewer Contributor Agreement (Nuuly), approved
- 2nd Reading 1111 Hillswick Lane Easement Vacation, approved

## August 15, 2023 Planning and Zoning Commission

Meeting canceled due to lack of business

## August 28, 2023 City Council

- 2nd Reading Timber Trails Mixed Use Chapter 100 Request, approved
- 2nd Reading Dean Avenue South Extension ROW Plat, approved

## **UPCOMING MEETINGS SEPTEMBER & OCTOBER**

## September 5, 2023 Planning and Zoning Commission

- 2024-2028 Capital Improvement Plan Presentation (public hearing)
- 36th Amendment to UDC Misc items from 2023 Review (public hearing)
- Eastbrook at Creekmoor 4th Final Plat
- Site Plan HTeaO (Sunset Lane & 58 Highway)

## September 11, 2023 City Council

No items currently scheduled

## September 13, 2023 Board of Zoning Adjustment

Elite Fence & Deck Screening Variance (public hearing)

## September 19, 2023 Planning and Zoning Commission

No items currently scheduled

#### September 25, 2023 City Council

- 1st Reading 36th Amendment to UDC Misc items from 2023 Review (public hearing)
- 1st Reading Eastbrook at Creekmoor 4th Final Plat

## October 3, 2023 Planning and Zoning Commission

· No items currently scheduled

## October 9, 2023 City Council

- 2nd Reading 36th Amendment to UDC Misc items from 2023 Review
- 2nd Reading Eastbrook at Creekmoor 4th Final Plat

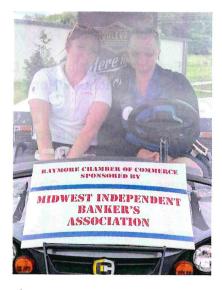
## **AUGUST DEPARTMENT ACTIVITY**

- The Planning and Zoning Commission met on Tuesday, Aug. 1 and reviewed and approved two applications, including a final plat request for the Dean Avenue South right-of-way, and a site plan request for a 9,000 square-foot multi-tenant retail building located at 1830 W. Foxwood Drive. The Commission also reviewed the 2023 Annual Review of the Unified Development Code.
- Development Services staff and Engineering staff met with Wilson & Co to discuss an update to the Westgate Traffic Study.

- Development Services Director David Gress and Fire Marshal Brett Palmer met with a tenant of the Raymore Commerce Center to discuss upcoming improvements and additions to the building.
- The Board of Zoning Adjustment met on Aug. 9 to review two variance applications for the property at 590 Kreisel Drive in the Lemor Estate subdivision. The Board approved a request to locate a deck within a utility easement and to construct the deck closer than five feet from the property line.
- Development Services staff met with representatives of the Grant Park Villas project.
- Development Services Director David Gress and Economic Development Director Jordan Lea attended the <u>Raymore Chamber of Commerce</u> Monthly Morning Coffee hosted by <u>Stellar Gifts and Goods</u>.
- Economic Development Director Jordan Lea and City Planner Dylan Eppert attended the monthly South KC Planner meeting.
- Development Services staff held a monthly progress meeting with Olsson Studio on the Raymore2045 Comprehensive Plan.
- Economic Development Director Jordan Lea attended a webinar titled Caregiving Challenges and Policy Opportunities for Women Business Owners presented by National Association of Women Business Owners & United WE.
- GIS Coordinator Heather Eisenbarth attended the first session of the Regional Data Academy, hosted by the Mid-America Regional Council. The program focuses on helping individuals in local governments make sense of public sector data, effectively use the data and develop clear and appropriate presentations of civic data.
- Development Services Director David Gress and Economic Development Director Jordan Lea attended the Raymore Chamber of Commerce's Event Committee meeting.
- Development Services Director David Gress and Economic Development Director
  - Jordan Lea participated in the annual meetings of the City's various Community Improvement Districts (CIDs) and Transportation Development Districts (TDDs).
- Economic Development Director Jordan Lea attended the Youth Scoreboard Launch and sales pitch meeting with Raymore Parks and Recreation.
- Economic Development Director Jordan Lea participated in a webinar hosted by United WE on Gender Parity on Civic Boards & Commissions in Missouri.



- Economic Development Director Jordan Lea attended a quarterly meeting with Economic Development professionals in Missouri Economic Development Council's District 3.
- Development Services Director David Gress and Economic Development Director Jordan Lea volunteered at the 28th Annual Raymore Chamber of Commerce Golf Tournament, The Bill McDaniel Classic.





- Development Services staff prepared the annual statement of nuisance abatements and delivered the report to the Cass County Collector's office.
- Code Enforcement Officer Drayton Vogel attended the annual Missouri Association of Code Enforcement (MACE) conference in Lake Ozark, MO

## **GIS ACTIVITY**

- Support for Strategic Planning Update of land use inventory & assessment to include extra territorial area and delivery of data to consultants
- Enterprise Administration Batch removal of delete protection to delete deprecated items
- Research for systems architecture best practices for migration
- Data updates & synchronization as required
- Government Training Institute (GTI) Data Academy Invite to pilot
- Support for provisioning of replacement Windows Server
- Database administration & enterprise management
- Data quality checks & improvement (horizontal accuracy)
- Annual review regional data for emergency response (mapping) operations
- Registration of <u>ESRI Community Analyst</u> through American Planning Association (APA)