

# **RAYMORE BOARD OF ADJUSTMENT AGENDA**

**Wednesday, November 8, 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 October 11, 2023 meeting
6. Unfinished Business - None
7. New Business
  - a. Election of Officers
  - b. Case # 23043 106 N. Sunset Ln - Fence Height 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, OCTOBER 11, 2023** IN THE COUNCIL CHAMBERS AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: TERRI WOODS, BEN BAILEY, JERRY MARTIN, AND STEPHANIE VELASCO. ABSENT WERE PAM HATCHER AND AARON HARRISON. ALSO PRESENT WERE CITY PLANNER DYLAN EPERT AND ADMINISTRATIVE ASSISTANT EMILY JORDAN.

**1. Call to Order** – Vice Chair Woods called the meeting to order at 6:06 p.m.

**2. Roll Call** – Roll was taken and Vice Chair Woods 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 September 13, 2023 meeting

**Motion by Board Member Velasco, Seconded by Board Member Bailey, to approve the September 13, 2023 minutes.**

**Vote on Motion:**

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

**Motion passed 4-0-0**

**6. Unfinished Business** – None

**7. New Business**

**a. Case #23039 - Elite Fence and Deck - Variance of Use (public hearing)**

Public hearing opened at 6:08pm.

City Planner Dylan Epert 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. Epert noted that if the property was zoned differently, there would be more screening requirements than are required with the “C-3” zoning the property currently has. City Staff recommend the Board of Adjustment accept the proposed findings of fact and approve the Case.

Board Member Bailey asked about the screening requirements.

Mr. Epert noted that the screening requirements are outlined in the table

presented in the Staff Report, and the developers will be creating a landscaping plan as well.

The public hearing was closed at 6:15pm.

**Motion by Board Member Martin, Seconded by Board Member Bailey, to accept the Staff proposed Findings of Fact and approve Case #23039, Elite Fence & Deck Variance of Use.**

**Vote on Motion:**

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

**Motion passed 4-0-0**

**b. Case #23041 - 413 Eagle Glen Drive - Fence Variance (public hearing)**

Public hearing opened at 6:16pm.

Caleb Gunn, homeowner at 413 Eagle Glen Dr., came to the podium to give an overview of the request. The fencing company ended up building the fence differently than planned. The fence has a gate that Mr. Gunn would rather not face the street, so the fence was built past the build line by 8', to accommodate the 8' gate so it can face away from the street.

Mr. Eppert 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. Eppert noted that City Staff has seen this request occur 5 times in the last two years. City Staff recommend the Board of Adjustment accept the proposed findings of fact and approve the Case.

The public hearing was closed at 6:22pm.

**Motion by Board Member Bailey, Seconded by Board Member Martin, to accept the Staff proposed Findings of Fact and approve Case #23041, 413 Eagle Glen Drive Fence Variance.**

**Vote on Motion:**

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

**Motion passed 4-0-0**

**8. Staff Comments -**

Mr. Eppert noted that there will be a meeting on November 8th, and the Board will be holding the elections of officers and approving the 2024 meeting date calendar.

**9. Board Member Comment - none**

**10. Adjournment**

**Motion by Board Member Martin, Seconded by Board Member Bailey to adjourn.**

**Vote on Motion:**

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

**Motion passed 4-0-0**

The Board of Adjustment meeting for October 11, 2023 adjourned at 6:25 p.m.

Respectfully submitted,  
Emily Jordan





**To:** Planning and Zoning Commission  
**From:** City Staff  
**Date:** November 8, 2023  
**Re:** Case # 23043 106 N. Sunset Ln. - Fence Height Variance

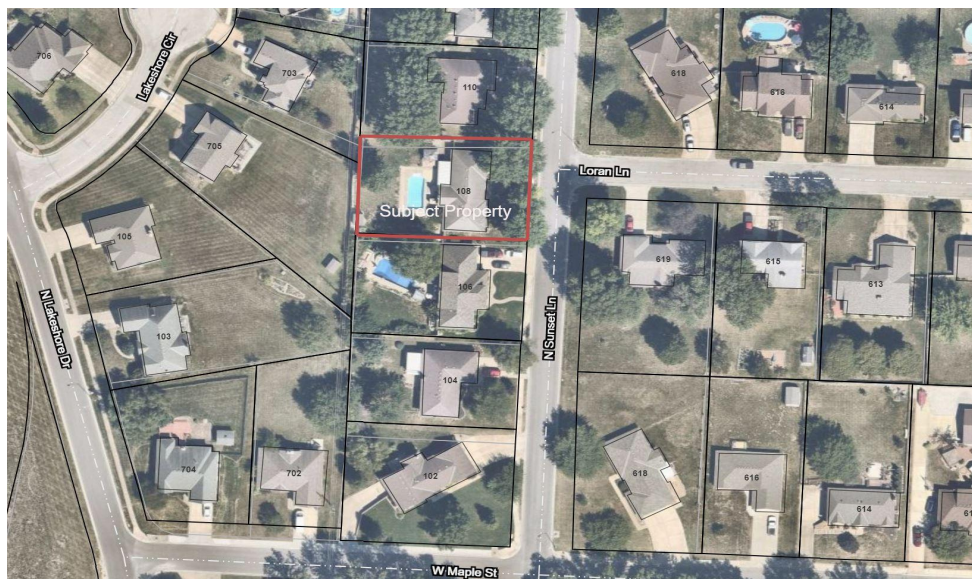
## GENERAL INFORMATION

**Applicant/Property Owner:** Curt and Melinda Houdyshell  
106 N. Sunset Ln.  
Raymore, MO 64083

**Requested Action:** Variance to allow for an 8' privacy fence to be constructed on a residentially zoned property.

**Property Location:** 106 N. Sunset Ln.

**2023 Aerial Photograph:**



**Site Photographs:**



View looking west from Sunset Ln.



View looking north from subject property (backyard).





View looking west from subject property (backyard).



View looking south from subject property (backyard).

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

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

**Existing Surrounding Uses:** **North:** Single Family Residential  
**South:** Single Family Residential  
**East:** Single Family Residential  
**West:** Single Family Residential

**Total Tract Size:** 0.313 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.

**Major Street Plan:** The Major Thoroughfare Plan Maps classifies N. Sunset Ln. as a Minor Collector and W. Maple St. as a local road.

**Advertisement:** October 18, 2023 **North Cass Herald** newspaper

**Public Hearing:** November 8, 2023 Board and Adjustment Meeting

**Items of Record:** **Exhibit 1. Mailed Notices to 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 hearing

## **PROPOSAL**

The applicant is requesting a variance to the Raymore Unified Development Code (UDC) *Section 440.030(C) “Residential Districts”* to allow for an 8’ vinyl privacy fence to be installed on the property.

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 in 1986.
2. An above ground pool was installed in 1987.
3. An inground pool was installed to replace the previously installed pool in 2009.
4. A 6’ privacy fence was installed in 2010.
5. A roofing permit was obtained and finalized on June 1, 2020.

## STAFF COMMENTS

1. Notices of the request were mailed to 14 adjoining property owners. City Staff has received one (1) letter of support and one (1) email inquiring about the request.
2. The applicant would have to apply for a fence permit and provide any supporting documentation as well as any associated fees if the Board of Adjustment approved the request.
3. The applicant is proposing to add 2’ of vinyl fencing to the existing 6’ vinyl fence if approved.
4. The request is for the entire property to be fenced with 8’ vinyl fencing but the applicant only intends to do the north side initially with the south being done in a couple of years. The applicant is requesting approval of the 8’ fence in case they were to ever sell the property and the buyer wants the fencing to match on all sides without having to come back for another variance.
5. **C. Residential Districts** (*Amendment 13 – Ordinance 2012-074 9.24.12*) (*Amendment 16 – Ordinance 2013-056 8.26.13*)

- a. In residential districts, the following standards apply:

Type	Maximum Height	Permitted Location
Privacy fences, walls or hedges	6 feet	in the side and rear yard provided no portion extends within ten (10) feet of the front corner of the house.
Chain link fences	6 feet	in the side and rear yard provided no portion extends within ten (10) feet of the front corner of the house; on any portion of a lot in an RE district
Decorative fences	4 feet	on any portion of the lot
Decorative fences	6 feet	in the side and rear yard provided no portion extends within ten (10) feet of the front corner of the house; on any portion of a lot in an RE district
Barbed wire	n/a	prohibited
Electric fences (above ground)	n/a	allowed in RE districts only on any portion of the lot

## **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 having privacy issues with neighboring properties. The applicant has kids on the property that use the existing swimming pool and there is an opportunity for someone to be able to look into the backyard and the applicant wants to have an extra layer of privacy by being able to have an 8' privacy fence.

- 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 topography of the property creates a hardship as there is a vantage point from neighboring properties to be able to see into the applicant's backyard, even over the existing 6' privacy 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; the current fence is completely owned by the applicant and therefore would be able to construct an 8' privacy fence all the way around if approved by the Board of Adjustment without having to work with neighboring properties as the fence is owned and maintained 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 with the way the back yard is situated. The topography creates a bit of a bowl-like feeling as neighboring properties are able to see into the back yard. Topography and deck structures on adjoining properties precludes the current 6' privacy fence from wholly obstructing the view from adjacent neighbors which the applicant would like to correct. The requested increase in height must match the existing fence materials so as to not create any visual inconsistencies.

- 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.

- 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. The requested variance will allow a slight increase in fence height, and must be constructed of the same material as the existing fence (vinyl) so as to no create any undesirable visual impacts to adjacent properties.

- 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 #23043 - 106 N. Sunset Ln. Fence Height Variance.



To whom it may  
concern, Richard & Shirley  
at 102 N SUNSET LN  
do not have a problem  
with Curt & Milinda  
raising their fence.

They want privacy

Richard

Flowers

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## 8' privacy fence at 106 N. Sunset Lane

2 messages

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**lancekirbypainting@yahoo.com** <lancekirbypainting@yahoo.com>

Mon, Oct 23, 2023 at 6:11 PM

To: deppert@raymore.com

In regards to the request for a permit for 8' fence at 106 N. Sunset Lane would like to know the reason for the fence and location of fence in respect to house and yard. A diagram would be very helpful showing where fence would set. (Not sure if I will be able to attend hearing.)

Thank you for your help,  
Lance Kirby.  
Sent from my iPhone

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**Dylan Eppert** <deppert@raymore.com>

Tue, Oct 24, 2023 at 10:15 AM

To: lancekirbypainting@yahoo.com

Good Morning,

Thank you for reaching out regarding the fence variance request for 106 N. Sunset Ln. The request is for an 8' vinyl privacy fence all the way around the property. The applicant has stated that they will probably start with the north side first and then if the house was to ever be sold and the buyer wants the whole fence to look uniform they wouldn't have to go back through the process of obtaining a variance for the remaining sections of fence. My assumption is that with being a 8' privacy fence they are wanting more privacy than what their current 6' privacy fence is providing at this time. I hope that helps answer your question. Please let me know if you have any other questions or if my response didn't fully answer what you were looking for.

Have a great day!

**Dylan M. Eppert** | City Planner  
City of Raymore | 100 Municipal Circle  
(816) 892-3016 | [www.raymore.com](http://www.raymore.com)

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