



RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, November 15, 2016 - 6:00 p.m.

City Hall Council Chambers
100 Municipal Circle
Raymore, Missouri 64083

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Personal Appearances - None
5. Consent Agenda
 - a. Acceptance of Minutes of June 21, 2016 meeting
6. Old Business - None
7. New Business -
 - a. Election of Officers
 - b. Case #16027 - Stathopoulos Variance, 1328 E. Walnut Street (public hearing)
 - c. Case #16028 - Strid Variance, 416 S. Lakeshore Drive (public hearing)
8. Staff Comments
9. Board Member Comments
10. Adjournment

THE BOARD OF ADJUSTMENT OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION TUESDAY, JUNE 21, 2016 IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: TOM BUECHLER, DAVID WOSTE, MIKE VINCK, AND GERALD JENKINS. BOARD MEMBER STEPHEN GRUBE WAS ABSENT. ALSO PRESENT WERE COMMUNITY DEVELOPMENT DIRECTOR JIM CADORET AND CITY ATTORNEY JONATHAN ZERR.

1. Call to Order – Vice-Chairman Vinck called the meeting to order at 6:00 p.m.
2. Pledge of Allegiance
3. Roll Call – Roll was taken and Vice-Chairman Vinck declared a quorum present to conduct business.
4. Personal Appearances – None.
5. Consent Agenda –
 - A. Acceptance of Minutes of April 19, 2016 meeting

Motion by Board member Woste, Second by Board member Jenkins to accept the minutes of April 19, 2016 as written.

Vote on Motion:

Board member Jenkins	Aye
Board member Buechler	Aye
Board member Grube	Absent
Board member Woste	Aye
Board member Vinck	Aye

Motion passed 4-0-0

6. Old Business – None
7. New Business
 - A. Case #16012 - Woodward Variance, 815 Creekmoor Pond Lane

Vice-Chairman Vinck opened Case #16012 - Woodward Variance, 815 Creekmoor Pond Lane.

Henry Woodward presented his request to the Board. Mr. Woodward indicated he is requesting a variance to allow him to erect a fence closer to the front of his home along Hampton Drive than what code allows. He stated he wanted to include the window on the side of the home within the fenced in area. The fence will be four feet tall with an eight foot gate. He stated the fence has been moved back one foot farther from the corner of the home upon the request of the Creekmoor Property Owner's Association.

Jim Cadoret, Community Development Director, presented the staff report. The applicant is requesting a variance to the Raymore Unified Development Code (UDC) Section 440.030C1 to reduce the minimum distance a privacy fence must be set back from the front corner of the home from ten feet (10') down to four feet (4').

As this was a public hearing, Mr. Cadoret entered for the record: Mailed Notices to Adjoining Property Owners; Notice of Publication; Unified Development Code; Application; Growth Management Plan; Staff Report and the plot plan submitted by the applicant.

Mr. Cadoret stated the fence is proposed to be four feet from the front corner of the side of home along Hampton Drive, though the applicant has now indicated it will be five feet.

Mr. Cadoret stated that prior to the adoption of the Unified Development Code a privacy fence could be no closer to the front of the home than the rear corner of the home. When the UDC was adopted a privacy fence was allowed to be at the midpoint between the front and rear corners of the home. In 2013 the requirement was changed to being ten feet from the front corner of the home. The principal reason for not allowing a privacy fence up to the front of the home is to avoid a "wall" appearance along streets. On many streets the homes are all set back an equal distance from the street. If the privacy fence was allowed on each lot to be even with the front of the home, the combination of the front of the home and the privacy fence would create a wall effect along the street.

Mr. Cadoret stated he sent notice of the request and the public hearing to the owners of 8 adjacent properties but had not been contacted by any of the adjacent property owners.

Mr. Cadoret stated that staff had submitted Proposed Findings of Fact as the board is required to make findings of fact as part of their review. Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve the variance as requested. This concluded the staff report.

Board member Jenkins stated that the request does not appear to affect the continuity of the area.

Vice-Chairman Vinck opened and closed the floor for public comment at 6:10 p.m. as no public came forward to speak.

Motion by Board member Buechler, Second by Board member Jenkins to accept the Staff Proposed Findings of Fact and approve Case #16012 Woodward Variance, 815 Creekmoor Pond Lane.

Vote on Motion:

Board member Jenkins	Aye
Board member Buechler	Aye
Board member Grube	Absent
Board member Woste	Aye
Board member Vinck	Aye

Motion passed 4-0-0

8. Staff Comments - None

9. Board member Comment – None

10. Adjournment

Motion by Board member Buechler, Second by Board member Woste to adjourn.

Vote on Motion:

Board member Jenkins	Aye
Board member Buechler	Aye

Board member Grube	Absent
Board member Woste	Aye
Board member Vinck	Aye

Motion passed 4-0-0

The Board of Adjustment meeting for June 21, 2016 adjourned at 6:12 p.m.

Respectfully submitted,

Jim Cadoret



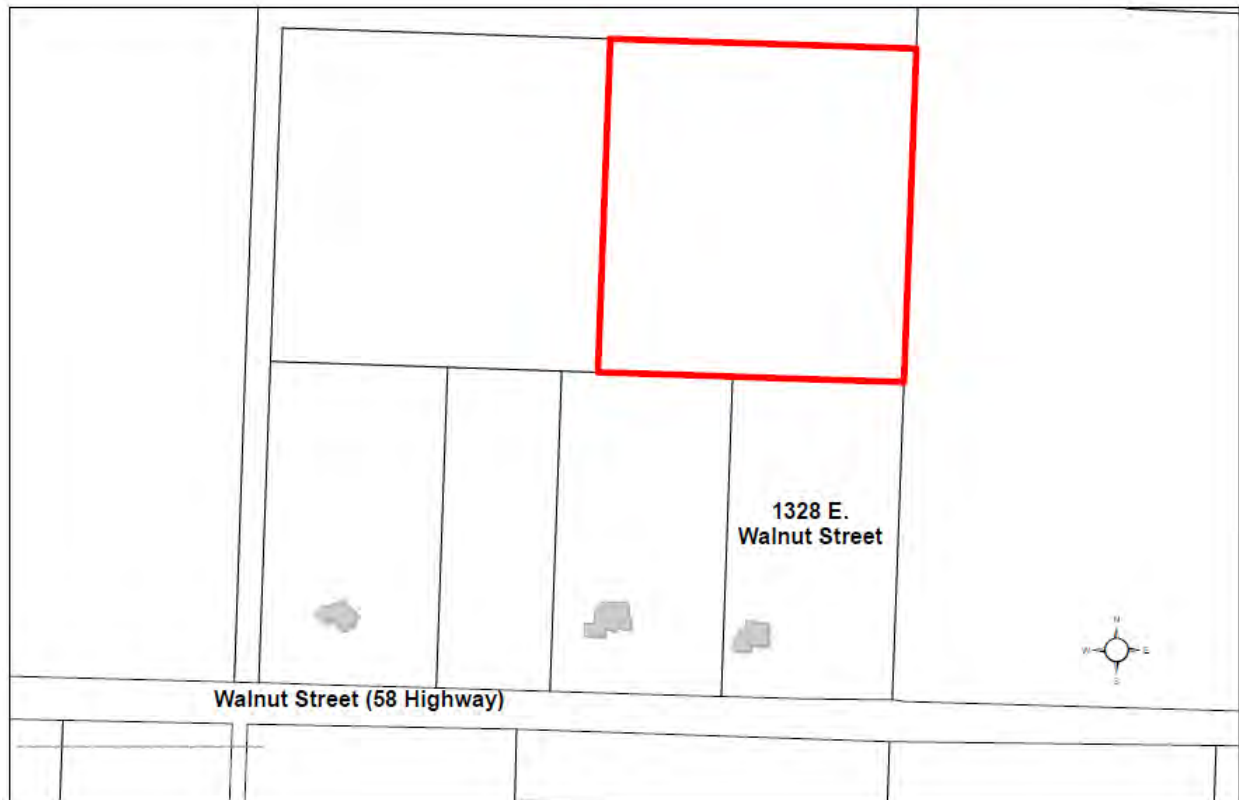
To: **Board of Adjustment**
From: **City Staff**
Date: **November 15, 2016**
Re: **Case #16027 - Stathopoulos Variance**
1328 E. Walnut Street

GENERAL INFORMATION

Applicant/
Property Owner: Frank Stathopoulos
1328 E. Walnut Street
Raymore, MO 64083

Requested Action: Variance on minimum lot width requirement

Property Location: **1328 E. Walnut Street**



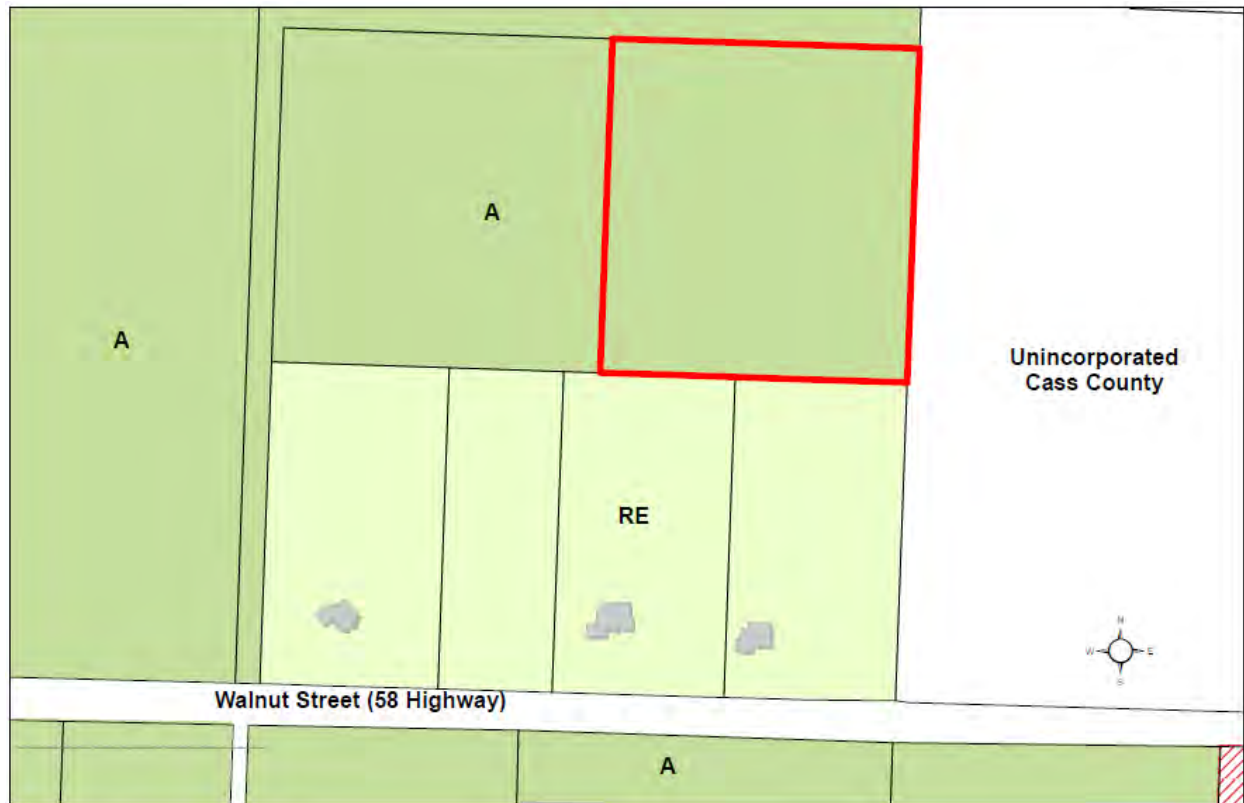
2016 Aerial Photograph:



Google Earth View:



Existing Zoning: "A" Agricultural District



Existing Surrounding Uses:

- North:** Agricultural
- South:** Single Family Residential
- East:** Agricultural
- West:** Agricultural

Total Tract Size: 9.15 acres

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

Major Street Plan: The Major Thoroughfare Plan Map contained in the Growth Management Plan has Walnut Street (58 Highway) classified as a major arterial.

Advertisement: October 27, 2016 Journal Newspaper

Public Hearing: November 15, 2016 Board of Adjustment

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**
- Exhibit 7. Proposed Site Plan**

PROPOSAL

The applicant is requesting a variance to the Raymore Unified Development Code (UDC) Section 405.030A to allow easement access to a 9.15 acre tract of land located north of 1328 E. Walnut Street. The Unified Development Code establishes the minimum lot frontage along a public street on a tract of land in the A “Agricultural Zoning District” as three-hundred thirty feet (330’). The variance request is to allow the lot to have zero (0) frontage on a public street but still allow a principal structure (home) upon the tract of land.

VARIANCE REQUIREMENTS AND STANDARDS

1. The following section of the Unified Development Code is applicable to this application:

Section 470.060 Zoning Variances

A. Authority and Applicability

The zoning variance procedures of this section authorize the Board of Adjustment to approve, in specific cases, variances from specific zoning standards of this Code that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in unnecessary hardship. In approving variances where there are practical difficulties or unnecessary hardship, the Board may vary or modify the application of any provisions of such ordinance relating to construction or alteration of use of land if it determines the public safety and welfare will be secured and substantial justice will be done.

B. Prohibited Variances

The Board of Adjustment may grant variances from all requirements of this Code except:

1. the requirements for public improvements contained within Chapter 445;
2. uses permitted within a particular district as specified in Chapter 405 and Chapter 410;
3. any provision in Chapter 460, Flood Protection; and
4. any provision in Chapter 455, Natural Resource Protection.

C. Applications

An application for a variance may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with Section 470.010C and filed with the Community Development Director so that a public hearing date can be established in accordance with Section 470.010E.

D. Procedure

1. Board of Adjustment Public Hearing

All proposed variance applications must be submitted to the Board of Adjustment. The Board of Adjustment will hold a public hearing on the application in accordance with Section 470.010E. The public hearing must be held at the next regular meeting of the Board of Adjustment for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Community Development Director or other appointed official as designated by the Planning and Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing as provided in Section 470.010E.

2. Board of Adjustment Action

Upon conclusion of the public hearing, the Board of Adjustment must approve, approve with conditions or disapprove the requested variance. A concurring vote of at least four members of the Board of Adjustment is required to approve any variance request.

E. Findings of Fact

A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the finding will be entered into the record.

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, applicant, or their agent, employee or contractor.
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.
3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

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.
5. Whether the requested variance is the minimum variance necessary to provide relief.
6. The variance desired 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.
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.

F. Conditions of Approval

1. In making any decision varying or modifying any provisions of the Unified Development Code, the Board may impose such conditions, restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.
2. The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond will be based on a general estimate of cost for the improvements as determined by the Board and will be enforceable by, or payable to, the City Council in the sum equal to the cost of constructing the required improvements.
3. In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

G. Appeal of Board' s Decision

Any person or persons jointly or severally aggrieved by any decision of the Board, any neighborhood organization as defined in Section 32.105, RSMo. representing such person or persons, or any officer, department, board or bureau of the municipality may present to the Circuit Court of the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within 30 days after the filing of the decision in the office of the Board.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. The Pegasus Park Subdivision Plat (for the residential lots south of the subject property) was recorded on March 16, 1990.
2. The “RE” Rural Estate Zoning designation on the residential lots south of the subject property was established on November 23, 2009.

STAFF COMMENTS

1. The Unified Development Code (UDC) was adopted in 2009 and established minimum requirements for the creation of a lot upon which a home was planned to be constructed. Any lot that is proposed to contain a single-family home must have frontage on a public street. The amount of frontage is dependent upon the zoning of the property. For the “A” Agricultural Zoning District a lot must have at least three-hundred and thirty feet (330’) of frontage on a public street.
2. The development standards for the “A” Agricultural District are listed below:

A	
Minimum Lot Area	
per lot	10 ac.
per dwelling unit	10 ac.
Minimum Lot Width (ft.)	330
Minimum Lot Depth (ft.)	100
Yards, Minimum (ft.)	
Front	50
rear	50
side	15
Maximum Building Height (feet)	35
Maximum Building Coverage (%) [1]	10

3. In January of 2000 Rick DeLuca, then the Planning and Zoning Administrator for Raymore, determined that the 9.15 acre tract was exempt from the subdivision regulations and was able to be sold separate from the lot at 1328 E. Walnut Street. Access to the 9.15 acre tract would have to be provided. Use of the tract was to be for agricultural purposes.
4. Under the current “A” Agricultural Zoning a barn or other accessory structure is allowed to be constructed. Currently there is a pole building on the property. If a principal structure or house were proposed to be built, then the requirements for lot frontage are imposed.

5. An access easement will be created on the property located at 1328 E. Walnut Street. There is a paved driveway on the property that will be utilized to provide access to the 9.15 acre tract.
6. Notices of the variance request were mailed to 5 property owners that live within one-hundred eighty-five feet (185') of the subject property. Staff has not been contacted to date by any of the nearby property owners on this application request.
7. 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 subject property is a remnant agricultural tract of land that was created when the Pegasus Park subdivision plat was approved. The tract is small for an agricultural zoned parcel of land with limited ability for access from any street other than Walnut Street. It is unusual in Raymore that an agricultural tract of land does not have any frontage on a public street.

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. The subject property is land locked and only has access from the property at 1328 E. Walnut. There is an existing access drive to the tract which would provide safe and adequate access to a home on the 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 will not adversely affect the rights of adjoining property owners. The property is currently provided access through the property at 1328 E. Walnut. Allowing the construction of a home on the property will not alter the location of the access drive.

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 will not result in advantages or special privileges to the applicant. The requested variance is a reasonable request that remains in compliance with the purpose and intent of the UDC.

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 construct a home with easement access on the property.

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 lot is several hundred feet from any adjacent home on an adjacent lot and the drive access is on the far east side of the lot, away from any adjacent residential structures.

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 through the regulation of density and mass of structures. The granting of the proposed variance will not be opposed to said purposes and intents of the UDC. The property is currently provided access via the driveway and this will not change with the approval of the variance.

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.**

As stated above, the requested variance is not contrary to the purpose and intent of the Code and will not adversely affect the public health, safety or welfare. The easement access will be provided over the existing drive, which is separated from any adjacent residential structures.

STAFF RECOMMENDATION

The subject property is an orphan tract of agricultural land that is currently provided access through the driveway of the property at 1328 E. Walnut Street. The access drive is located on the furthest east portion of the property at 1328 E. Walnut and is separated by several hundred feet from any adjacent residential structure. Allowing the construction of a home on the tract of land is an appropriate use and should be allowed.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve the variance as requested.



To: **Board of Adjustment**
From: **City Staff**
Date: **November 15, 2016**
Re: **Case #16028 - Strid Variance**
416 S. Lakeshore Drive

GENERAL INFORMATION

**Applicant/
Property Owner:** Eldon & Elaine Strid
P.O. Box 112
Raymore, MO 64083

Requested Action: Variance on maximum building coverage

Property Location: **416 S. Lakeshore Drive**
Lakeshore Place 3rd Plat Lot 126



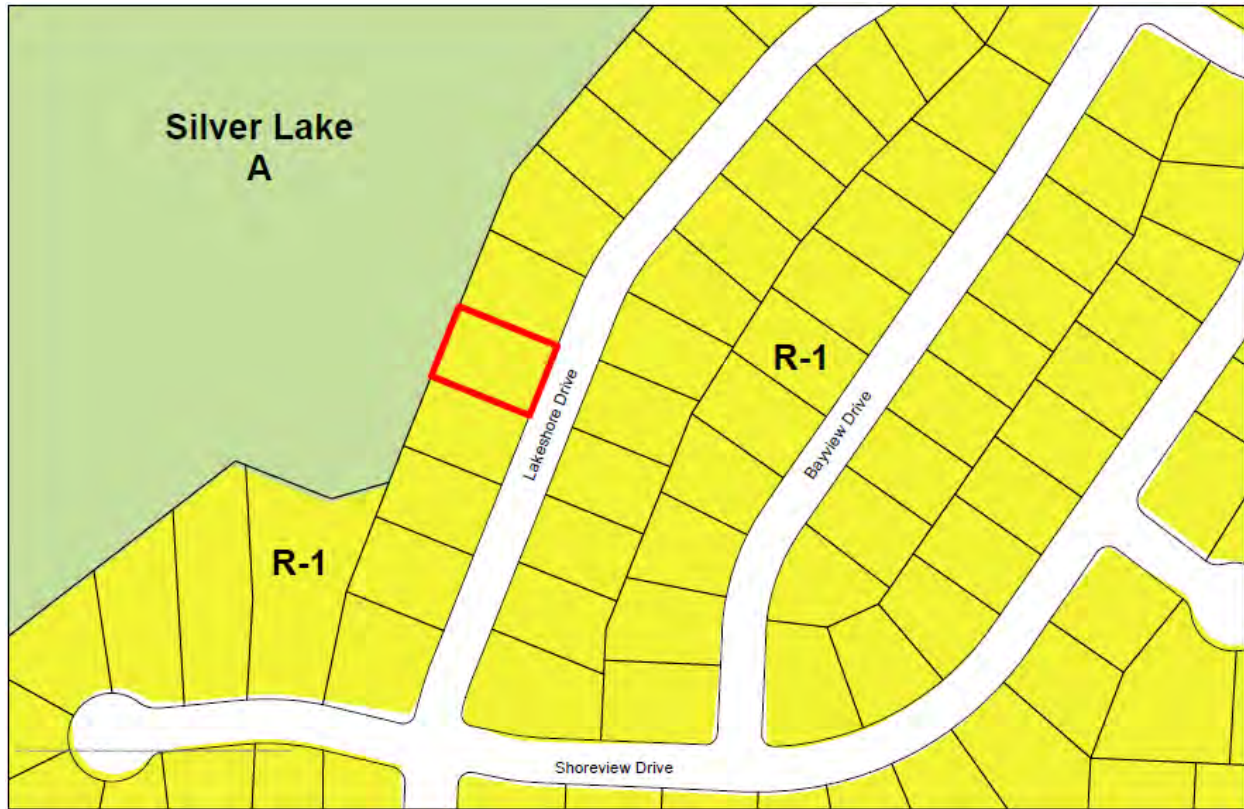
2016 Aerial Photograph:



Google Earth View:



Existing Zoning: "R-1" Single-Family Residential District



Existing Surrounding Uses:

North:	Single Family Residential
South:	Single Family Residential
East:	Single Family Residential
West:	Silver Lake

Total Tract Size: 10,200 square feet (.23 acres)

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

Major Street Plan: The Major Thoroughfare Plan Map contained in the Growth Management Plan has Lakeshore Drive classified as a minor collector.

Advertisement: October 27, 2016 Journal Newspaper

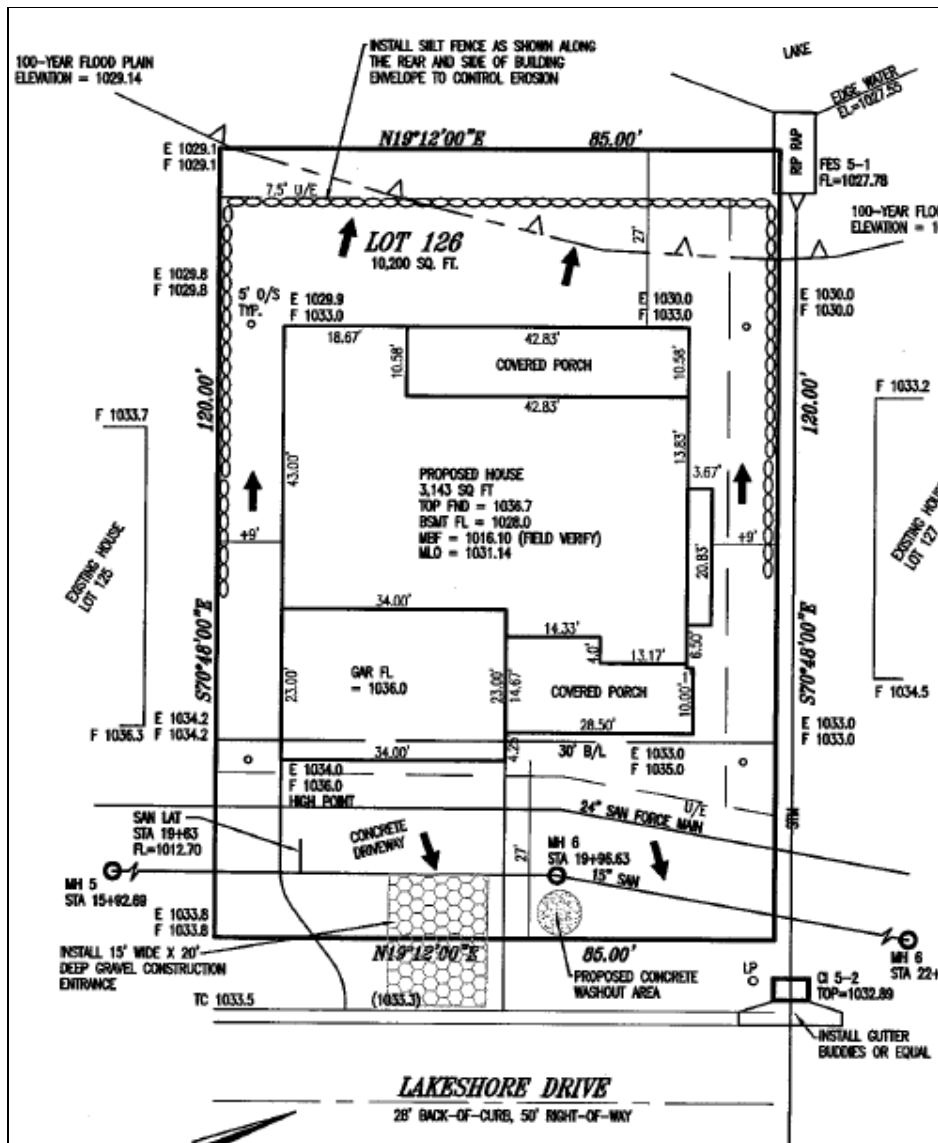
Public Hearing: November 15, 2016 Board of Adjustment

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
- Exhibit 7. Proposed Site Plan

PROPOSAL

The applicant is requesting a variance to the Raymore Unified Development Code (UDC) Section 405.030A to allow a proposed new home to cover 40% of the lot area. The proposed home would be located at 416 S. Lakeshore Drive, on property legally described as Lakeshore Place 3rd Plat Lot 126. The variance request is to increase the maximum allowed building coverage from thirty percent (30%) to forty percent (40%).



VARIANCE REQUIREMENTS AND STANDARDS

1. The following section of the Unified Development Code is applicable to this application:

Section 470.060 Zoning Variances

A. Authority and Applicability

The zoning variance procedures of this section authorize the Board of Adjustment to approve, in specific cases, variances from specific zoning standards of this Code that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in unnecessary hardship. In approving variances where there are practical difficulties or unnecessary hardship, the Board may vary or modify the application of any provisions of such ordinance relating to construction or alteration of use of land if it determines the public safety and welfare will be secured and substantial justice will be done.

B. Prohibited Variances

The Board of Adjustment may grant variances from all requirements of this Code except:

1. the requirements for public improvements contained within Chapter 445;
2. uses permitted within a particular district as specified in Chapter 405 and Chapter 410;
3. any provision in Chapter 460, Flood Protection; and
4. any provision in Chapter 455, Natural Resource Protection.

C. Applications

An application for a variance may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with Section 470.010C and filed with the Community Development Director so that a public hearing date can be established in accordance with Section 470.010E.

D. Procedure

1. Board of Adjustment Public Hearing

All proposed variance applications must be submitted to the Board of Adjustment. The Board of Adjustment will hold a public hearing on the application in accordance with Section 470.010E. The public hearing must be held at the next regular meeting of the Board of Adjustment for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Community

Development Director or other appointed official as designated by the Planning and Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing as provided in Section 470.010E.

2. Board of Adjustment Action

Upon conclusion of the public hearing, the Board of Adjustment must approve, approve with conditions or disapprove the requested variance. A concurring vote of at least four members of the Board of Adjustment is required to approve any variance request.

E. Findings of Fact

A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the finding will be entered into the record.

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, applicant, or their agent, employee or contractor.
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.
3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
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.
5. Whether the requested variance is the minimum variance necessary to provide relief.
6. The variance desired 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.
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.

F. Conditions of Approval

1. In making any decision varying or modifying any provisions of the Unified Development Code, the Board may impose such conditions, restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.
2. The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond will be based on a general estimate of cost for the improvements as determined by the Board and will be enforceable by, or payable to, the City Council in the sum equal to the cost of constructing the required improvements.
3. In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

G. Appeal of Board' s Decision

Any person or persons jointly or severally aggrieved by any decision of the Board, any neighborhood organization as defined in Section 32.105, RSMo. representing such person or persons, or any officer, department, board or bureau of the municipality may present to the Circuit Court of the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within 30 days after the filing of the decision in the office of the Board.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. The Lakeshore Place 3rd Plat was recorded on August 11, 1998.

STAFF COMMENTS

1. The Unified Development Code (UDC) establishes minimum requirements for both the size of a lot in a subdivision and for the placement of a home on a lot. The subject lot in the Lakeshore Place subdivision was established in 1998 and does comply with the minimum lot size and lot width requirements.
2. The development standards for the "R-1" Single-Family Residential District are listed below:

R-1	
Minimum Lot Area	
per lot	8,400 sq.ft
per dwelling unit	8,400 sq ft
Minimum Lot Width (ft.)	70
Minimum Lot Depth (ft.)	100
Yards, Minimum (ft.)	
Front	30
rear	30
side	10
Maximum Building Height (feet)	35
Maximum Building Coverage (%) [1]	30

3. Building coverage is defined in the UDC as follows:

“Building coverage is to be measured as the percentage of lot area that is covered with principal and accessory buildings and above-grade structures, including garages, sheds, gazebos, covered decks, and covered porches. At grade accessory structures such as driveways, patios, walkways, and other paved surfaces on a lot are not included in the calculation of maximum building coverage”.

4. With a lot size of 10,200 square feet, a new home on the lot could have building coverage of up to 3,060 square feet. The proposed home has building coverage of approximately 3,962 square feet, calculated as follows:

Living Area, including garage	= 3,143 square feet
Front Porch	= 366 square feet
<u>Back Porch</u>	<u>= 453 square feet</u>
Total area	= 3,962 square feet

5. With 3,962 square feet of building coverage on the lot, the home would cover 38.8% of the lot, exceeding the maximum building coverage allowed by 8.8%.

6. The UDC allows the Community Development Director to approve minor adjustments to the development standards that apply to the lot. An administrative adjustment of up to 10% of the requirement is allowed. The front, rear and side yard setbacks that apply to the property have been adjusted by 10%. The proposed home is in compliance with all of the required building setbacks.

7. If the front and rear porches were not covered by a roof, the home would not exceed the maximum allowed building coverage and no variance would be needed. The fact that the homeowner desires to have a covered front porch and

a covered rear porch as part of the home design is requiring the need for the variance.

8. Notices of the variance request were mailed to 17 property owners that live within one-hundred eighty-five feet (185') of the subject property. Staff has not been contacted to date by any of the nearby property owners on this application request.
9. 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 subject property is of an average lot size for lots within the Lakeshore Place subdivision. The proposed home is of similar size to homes on nearby properties. The home will not be proportionally larger than homes on nearby lots. The limits of the lot size were not created by the property owner.

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.**

The strict application of the provisions of the Unified Development Code will constitute a hardship upon the property owner. The front and rear porches that are requested comply with all of the requirements of the UDC with the exception of being allowed to have a covered roof. Allowing the porches to have a roof cover will not impact the overall size of the home on the lot and will not change the amount of grass area (impervious surface) on the lot.

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 will not adversely affect the rights of adjoining property owners. The home will remain the same distance from the side, front and rear property lines whether the variance is granted or not. There is no increase in storm water runoff due to the porches having a covered roof.

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 will not result in advantages or special privileges to the applicant. The requested variance is a reasonable request that remains in compliance with the purpose and intent of the UDC.

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 construct a home with easement access on the property.

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 width and depth of the home on the lot will not be changed with the variance. If the variance is granted a passerby will not notice that the lot coverage has been exceeded for the property.

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 through the regulation of density and mass of structures. The granting of the proposed variance will not be opposed to said purposes and intents of the UDC. The overall size of the home is appropriate for the neighborhood and is not out of context with other nearby homes.

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.**

As stated above, the requested variance is not contrary to the purpose and intent of the Code and will not adversely affect the public health, safety or welfare. The

proposed home is consistent in size with neighboring homes and the covered porches will not have a negative impact on the nearby residential properties.

STAFF RECOMMENDATION

If the front porch and the rear porch were not covered with a roof the home would be in compliance with the maximum allowed building coverage requirement and a variance would not be needed. Simply by covering the porches with a roof the building exceeds the maximum allowed building coverage. The width and depth of the home are not being increased by the request to cover the front and rear porches with a roof. A passerby or neighbor would not visibly notice the increase in building coverage that would occur with the covering of the front or rear porch area.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve the variance as requested.

100-YEAR FLOOD PLAN
ELEVATION = 1029.14

INSTALL SILT FENCE AS SHOWN ALONG
THE REAR AND SIDE OF BUILDING
ENVELOPE TO CONTROL EROSION

LAKE
EDGE WATER
EL=1027.55

E 1029.1
F 1029.1

N19°12'00"E 85.00'

FES 5-1
FL=1027.78

100-YEAR FLOOD PLAN
ELEVATION = 1029.14

↑ LOT 126
10,200 SQ. FT.

E 1029.8
F 1029.8

5' O/S
TYP. E 1029.9
F 1033.0

E 1030.0
F 1033.0

E 1030.0
F 1030.0

F 1033.7

120.00'
S70°48'00"E

EXISTING HOUSE
LOT 126

COVERED PORCH
42.83' x 10.58'

PROPOSED HOUSE
3,143 SQ FT
TOP FND = 1036.7
BSMT FL = 1028.0
MBF = 1016.10 (FIELD VERIFY)
MLO = 1031.14

F 1033.2

EXISTING HOUSE
LOT 127

GAR FL = 1036.0

COVERED PORCH
28.50' x 10.00'

120.00'
S70°48'00"E

F 1034.5

E 1034.2
F 1034.2

E 1034.0
F 1036.0
HIGH POINT

E 1033.0
F 1035.0

E 1033.0
F 1033.0

SAN LAT
STA 19+83
FL=1012.70

CONCRETE
DRIVEWAY

MH 6
STA 19+96.63
15" SAN

MH 5
STA 15+92.69

E 1033.8
F 1033.8

INSTALL 15' WIDE X 20'
DEEP GRAVEL CONSTRUCTION
ENTRANCE

TC 1033.5

85.00'
PROPOSED CONCRETE
WASHOUT AREA

LP

CI 5-2
TOP=1032.89

MH 6
STA 22+90.74

INSTALL GUTTER
BUDDIES OR EQUAL

LAKESHORE DRIVE

28' BACK-OF-CURB, 50' RIGHT-OF-WAY

FIRE HYD
AT LOT 108/109

CI 5-3
TOP=1031.05

4' S/W

KEY:
U/E = UTILITY EASEMENT
TC = TOP OF CURB
B/L = BUILDING LINE
E = EXISTING GRADE
F = FINISH GRADE



PROPOSED HOUSE PLACEMENT ON LOT PER
BUILDER. CITY SHALL APPROVE A VARIANCE FOR 27'
FRONT AND REAR YARD SETBACKS PRIOR TO
ISSUANCE OF A BUILDING PERMIT. NO
DOCUMENTATION FOR THE APPROVAL OF SAID
VARIANCE HAS BEEN PROVIDED TO THIS OFFICE
THIS DATE.

WESTON BENNETT ADDRESS: 416 S. LAKESHORE DRIVE

- NOTES:
- LEGAL DESCRIPTION OF PROPERTY PROVIDED BY CONTRACTOR. THIS PLOT PLAN DOES NOT CONSTITUTE OR REPRESENT A BOUNDARY SURVEY. THE CONTRACTOR AND/OR OWNER SHALL BE RESPONSIBLE FOR VERIFICATION OF PROPERTY BOUNDARY, PROPERTY CORNERS, DEED DESCRIPTIONS AND LOCATIONS OF PROPOSED HOUSE WITH RESPECT TO PROPERTY LINES.
 - EASEMENTS, BUILDING LINES AND SET-BACKS TAKEN FROM RECORDED PLAT ONLY.
 - CONTRACTOR TO VERIFY LOCATION AND DEPTH OF SANITARY SEWER SERVICE PRIOR TO CONSTRUCTION.
 - CONTRACTOR TO VERIFY ALL DIMENSIONS, ELEVATIONS AND LOCATIONS PRIOR TO CONSTRUCTION
 - CONTRACTOR TO VERIFY CONDITION OF ALL FILL PRIOR TO CONSTRUCTION.
 - GRADES ARE PROPOSED GRADES ONLY. FINAL GRADING AND ELEVATIONS SHALL BE CONTRACTORS RESPONSIBILITY.

PLOT PLAN	
LOT 126 LAKESHORE PLACE - 3RD PLAT	
RAYMORE	MISSOURI
LADWIG and ASSOCIATES, L.L.C. LAND SURVEYORS	
DRAWN BY: JDH	SCALE: 1" = 20'
DATE: 10/8/16	DRAWING NO. LSP-126

Raymore Board of Adjustment 2017 Meetings and Deadlines

Meeting 3rd Tuesday of Month	Submission Deadline	Public Hearing Notice	
		Sent to publish	Neighbor Notice
January 17, 2017	16-Dec	23-Dec	30-Dec
21-Feb	20-Jan	27-Jan	3-Feb
21-Mar	17-Feb	24-Feb	3-Mar
18-Apr	17-Mar	24-Mar	31-Mar
16-May	14-Apr	21-Apr	28-Apr
20-Jun	19-May	26-May	2-Jun
18-Jul	16-Jun	23-Jun	30-Jun
15-Aug	14-Jul	21-Jul	28-Jul
19-Sep	18-Aug	25-Aug	1-Sep
17-Oct	15-Sep	22-Sep	29-Sep
21-Nov	20-Oct	27-Oct	3-Nov
29-Dec	17-Nov	24-Nov	1-Dec
January 16, 2018	15-Dec	22-Dec	29-Dec

* A public hearing is required for all variance requests.

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

~ All applications must be complete upon submittal.

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