



RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, April 18, 2017 - 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 from November 15, 2016 meeting
6. Old Business - None
7. New Business
 - a. Case #17010 - Hilger Variance - 1455 Brompton Lane, Covered Deck (*public hearing*)
 - b. Case #17012 - Goeglein Variance - 1437 Brompton Lane, Covered Deck (*public hearing*)
 - c. Case #17011 - Mills Variance - 1214 Kingsland Circle Building Line/Setback (*public hearing*)
8. Staff Comments
9. Board Member Comment
10. Adjournment

Any person requiring special accommodation (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, NOVEMBER 15, 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 6:08 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 June 21, 2016 meeting

Motion by Board member Jenkins, Second by Board member Woste to accept the minutes of June 21, 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. Election of Officers

Motion by Board member Woste, second by Board member Buechler, to retain the three current officers, being Chairman: Stephen Grube; Vice-Chairman Mike Vinck; and Secretary Jerry Jenkins.

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

B. Case #16027 - Stathopoulos Variance, 1328 E. Walnut Street (public hearing)

Vice-Chairman Vinck opened Case #16027 - Stathopoulos Variance, 1328 E. Walnut Street.

Jim Cadoret, Community Development Director, presented the staff report. The applicant is requesting a variance to the Raymore Unified Development Code (UDC) Section 440.030A to reduce the minimum lot width requirement for a 9.15 acre tract of land located north of 1328 E. Walnut Street from three-hundred thirty feet (330') down to zero feet (0').

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 property is zoned Agricultural. The applicant is requesting to provide access to the tract of land via an easement through his property since the tract of land does not have frontage on a public street.

Mr. Cadoret stated that the tract of land is allowed to have agricultural buildings but is not allowed to have a single-family home. The property owner desires to sell the tract of land for a home site and lot frontage on a public street is required. The easement access has a paved driveway and the access road is already existing.

Mr. Cadoret stated he sent notice of the request and the public hearing to the owners of 5 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 Woste asked what the width of the easement is.

Mr. Cadoret stated approximately fifteen feet (15'), though the width does vary.

Applicant Frank Stathopoulos indicated he had a survey drawing that clearly identified the width of the easement. The applicant shared the survey drawing with the Board members.

City Attorney Jonathan Zerr indicated the survey drawing should be added as an exhibit to the case.

Vice-Chairman Vinck opened the floor for public comment at 6:20 p.m.

Juan Grube, 110 N. Prairie Lane, owns land with his brother adjacent to the tract of land to the north and to the east. Mr. Grube stated he has no problem with the request, but would like to see easement access continue to his land to the north.

Mr. Zerr commented that the easement is a private easement and an agreement with the applicant could be pursued, but is a separate matter from the request being considered this evening.

Mr. Zerr entered the survey drawing as Exhibit 8. He also stated that all four Board members must concur on the vote to grant the variance this evening.

Vice-Chairman Vinck closed the floor for public comment at 6:24 p.m.

Motion by Board member Woste, Second by Board member Jenkins to accept the Staff Proposed Findings of Fact and approve Case #16027 Stathopoulos Variance, 1328 E. Walnut Street.

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

C. Case #16028 - Strid Variance, 416 S. Lakeshore Drive (public hearing)

Vice-Chairman Vinck opened Case #16028 - Strid Variance, 416 S. Lakeshore Drive.

Jim Cadoret, Community Development Director, presented the staff report. The applicant is requesting a variance to the Raymore Unified Development Code (UDC) Section 440.030A to increase the maximum building coverage allowed on the lot from thirty percent (30%) to forty percent (40%).

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.

The specific request would allow the front and rear porch areas of the property to be covered with a roof. The proposed home would comply with the building coverage maximum, but the additional roof cover over the front and rear porch would establish a building coverage area in excess of that allowed by the code.

Mr. Cadoret explained how building coverage is defined by the Unified Development Code. Mr. Cadoret stated it is very unusual for a proposed home to exceed the allowable building coverage. On the subject property Mr. Cadoret stated a passerby would not notice the proposed increase. The width and depth of the home would not change if the front and/or rear porches were not covered. The porches could still exist but not be covered. Mr. Cadoret stated that the width of the home would not be increased under the request.

Mr. Cadoret stated there have been no comments made to staff by the neighbors.

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 Woste asked why building coverage requirement includes porches.

Mr. Cadoret stated that by allowing the porch to be covered a home-owner assumes the porch can then be enclosed. The enclosure could negatively impact neighboring property by blocking views.

Vice-Chairman Vinck asked about enclosing the porch.

Mr. Cadoret stated if there is approval for the porch to be covered there is approval for the porch to be enclosed.

Eldon Strid, applicant, indicated that having a porch is aesthetically pleasing.

Vice-Chairman Vinck asked if the porch was designed to be open.

Mr. Strid indicated the porches are designed to be open.

Vice-Chairman Vinck opened the floor for public comment at 6:36 p.m.

There were no public comments.

Vice-Chairman Vinck closed the floor for public comment at 6:36 p.m.

Board member Woste commented that he did not doubt the intent of the property owner to not enclose the porches but asked if the board could add an amendment to approve with the provision that the porch not be enclosed without a permit.

Mr. Cadoret stated that if the variance is granted as requested there is no additional approval needed to enclose the porch. A condition would have to be added by the Board to prohibit the future enclosure of the open porch.

Mr. Zerr indicated an application for a permit would have to comply with City Code requirements but would be limited to that control. There would not be a component of the permit that would require it to go back to the Board.

Vice-Chairman Vinck stated the permit application would have to comply with current code.

Mr. Strid stated that the way the home is to be constructed and the shape of the home is not conducive to the porch being screened in.

Motion by Board member Buechler, Second by Board member Jenkins to accept the Staff Proposed Findings of Fact and approve Case #16028 Strid Variance, 416 S. Lakeshore Drive.

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 Woste, Second by Board member Buechler 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 November 15, 2016 adjourned at 6:44 p.m.

Respectfully submitted,

Jim Cadoret



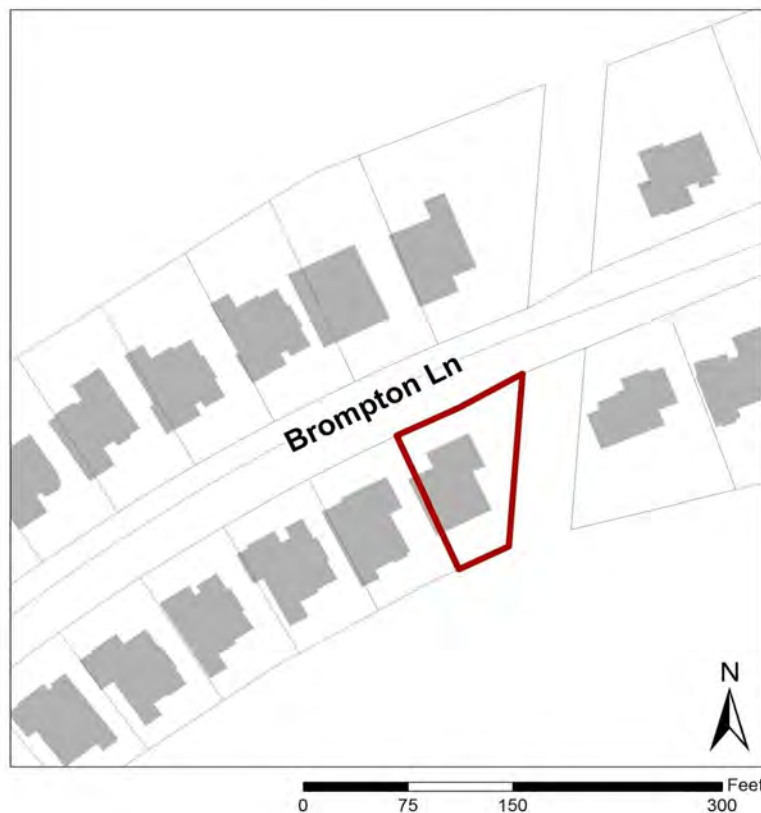
To: Board of Adjustment
From: City Staff
Date: April 18, 2017
Re: Case #17010 - 1455 Brompton Lane Covered Deck Variance

GENERAL INFORMATION

**Applicant/
Property Owner:** Marlene Hilger
1455 Brompton Lane
Raymore, MO 64083

Requested Action: Granting of variance to construct a roof above a deck

Property Location: 1455 Brompton Lane – Westbrook Villas at Creekmoor, 3rd,
Lot 65



2016 Aerial Photograph:



Site Photographs





Existing Zoning: PUD Planned Unit Development

Existing Surrounding Uses: **North:** Residential
 South: Golf Course
 East: Residential
 West: Residential

Total Tract Size: 7,484 square feet

Growth Management Plan: The Future Land Use Plan Map contained within the 2013 Growth Management Plan designates this property as appropriate for low-density residential development.

Major Street Plan: The Major Thoroughfare Plan has Brompton Lane classified as a local street.

Advertisement: March 30, 2017 Journal Newspaper

Public Hearing: April 18, 2017 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 seeks a variance to UDC Section 405.030(B)(1) Projections into Required Yards - Porches and decks greater than 30 inches above grade, open on at least 3 sides, with no roof or cover. The requested variance would allow the applicant to construct a roof covering the existing deck.

VARIANCE REQUIREMENTS

City Ordinance Requirements: In order for the applicant to accomplish the aforementioned action, they must first meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to be granted a variance, specifically Section 470.060.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. On January 24, 2004 the Creekmoor Planned Unit Development preliminary plan and Memorandum of Understanding was approved by the Raymore City Council.
2. The Westbrook Villas at Creekmoor 3rd Subdivision was approved on April 10, 2006.

STAFF COMMENTS

1. The zoning regulations for the Westbrook Villas 3rd at Creekmoor Subdivision were established in the Creekmoor Memorandum of Understanding. The minimum regulations for single-family "patio" lots are as follows:
 - a. Lot Area Minimum: 5,000-6,050 square feet
 - b. Lot Width Minimum: 50 ft
 - c. Lot Depth Minimum: 110 ft
 - d. Front Setback Minimum: 25 ft
 - e. Rear Setback Minimum: 25 ft
 - f. Interior Side Lot Minimum: 7.5 ft
2. The Unified Development Code, effective January 1, 2009, limits open porches and decks to a maximum projection of 30 percent into the required rear yard. In a change from the previous code, the UDC prohibits covered porches and decks from projecting into the required rear yard.
3. Notices of the variance request were mailed to eleven (11) property owners that live within 185 feet of the subject property, no comments were received.
4. 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 property in question is similar in depth and shape to surrounding properties. The need for the variance arises as a result of the orientation of the house on the lot. The applicant has stated that the rear of their property faces southeast, and without cover, the existing deck receives constant direct sunlight, making it uncomfortable to use, which is not a situation created by an action of the applicant.

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 applicant is permitted practical use of his property under the zoning regulations. However, the code does not allow a roof to extend into the required rear yard setback. Staff finds there is no unnecessary hardship imposed by the provisions of the Unified Development Code.

3. **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.**

The granting of the variance will not adversely affect the rights of adjacent property owners. The property is adjacent to the Creekmoor golf course, so the roof addition will not result in a decreased distance between structures or have otherwise intrusive impacts on adjacent homeowners.

Many adjacent homeowners have covered decks in their rear yards. Although these decks do not project more than 30 percent into the required rear yard, they are covered by extensions of the roof line and include stairs from the ground to the deck. The requested variance will allow the deck to be covered, however, the applicant has indicated that they will not add stairs, and the deck will remain open on three sides.

- 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.**

The granting of the variance will allow the property owner to construct a roof covering the deck on the rear of the house that is consistent in size and design with surrounding properties. Other properties within the Creekmoor subdivision have covered decks, however, no homeowners are permitted to build decks or porches that encroach more than 7.5 feet into the required rear yard. The required rear yard setback throughout the Creekmoor subdivision is 25 feet; The existing deck of the subject property is built to the maximum encroachment of 7.5 feet into the required rear yard.

- 5. Whether the requested variance is the minimum variance necessary to provide relief.**

The requested variance would allow a roof to be constructed over the existing deck, and would not have an impact on other development regulations. The structure will still meet the maximum allowed projection of 30 percent into the required rear yard.

- 6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

Setback and projection/obstruction requirements are in place to provide adequate separation between homes for the purposes of health and safety. The rear yard of Lot 65 abuts the golf course, thus the requested variance to construct a roof would not result in inadequate separation between homes. While it is important to maintain appropriate separation between structures and a golf course for the protection of homeowners, the requested variance is not deemed to adversely affect 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 through the regulation of density and mass of structures. The granting of the requested variance will not be opposed to said purposes and intents of the UDC. The addition of a roof will not adversely affect surrounding properties or the character of the neighborhood.

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 contradictory to the purpose and intent of the Code and will not adversely affect the public health, safety or welfare. Thus, granting the variance would be a just application of the Code. Staff does not find, however, that UDC Section 405.030 creates an undue hardship to the applicant. Granting the variance is not necessary to relieve the applicant of substantial hardship or difficulty.

STAFF RECOMMENDATION

The subject property is similar in depth, size, and shape to surrounding properties. Several homes surrounding the subject property have decks that are covered by extensions of the roof line. The addition of a roof covering the existing deck will not adversely affect surrounding properties or the character of the neighborhood, or the public health, safety, morals, order, convenience, prosperity, or general welfare of the public.

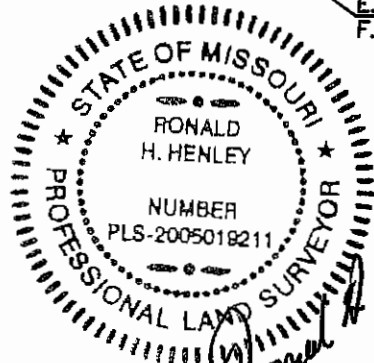
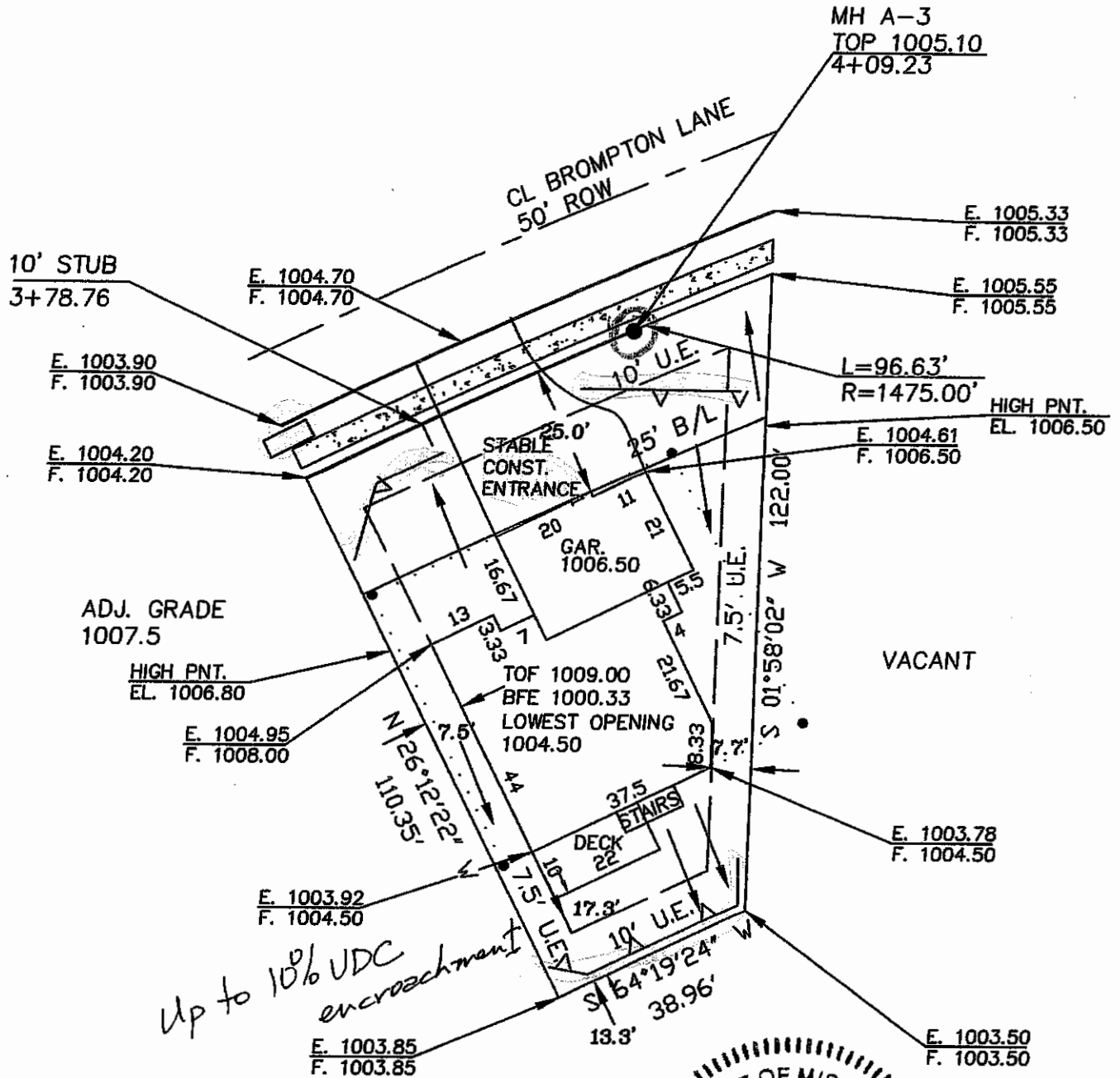
Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve case #17010 as requested, as it meets the required conditions of approval.

CONSTRUCTION STAKE PLOT PLAN

ORDERED BY: KING BUILDING

DESCRIPTION: LOT 65 WESTBROOK VILLAS AT CREEKMOOR 3RD PLAT
 LOTS 59-74
 RAYMORE, CASS COUNTY, MISSOURI

1455 BROMPTON LANE
 7484 SQ. FT.
 MBE 998.13



Ronald H. Henley

HENLEY SURVEY CO.

PHONE: (816) 716-3254

ATTENTION: This plot plan was prepared for use before and during foundation construction only. House staked as shown on plot plan. Contractor to check and verify house dimensions and elevations at job site. We are not responsible for unknown or platted easements of any kind unless we are furnished the description of said easements before the field work is performed. NOTE: Cuts shown hereon for excavation are a guide only. Final decision as to cuts and foundation height are to be made by builder on job site.

• = 6' 0/S BAR (TYP.)

DATE: 8/14/14

1" = 30'

DIRECTION OF DRAINAGE →



To: Board of Adjustment
From: City Staff
Date: April 18, 2017
Re: Case #17012 - 1437 Brompton Lane, Covered Deck Variance

GENERAL INFORMATION

**Applicant/
Property Owner:** Keith and Virginia Goeglein
1437 Brompton Lane
Raymore, MO 64083

Requested Action: Granting of variance to construct a roof above an existing deck, and to screen in the covered (northern) portion

Property Location: 1437 Brompton Lane – Westbrook Villas at Creekmoor, 2nd, Lot 56



2016 Aerial Photograph:



Site Photographs:





Existing Zoning: PUD Planned Unit Development

Existing Surrounding Uses: **North:** Residential
 South: Golf Course
 East: Residential
 West: Residential

Total Tract Size: 7,223 square feet

Growth Management Plan: The Future Land Use Plan Map contained within the 2013 Growth Management Plan designates this property as appropriate for low-density residential development.

Major Street Plan: The Major Thoroughfare Plan has both Brompton Lane and Ventnor Lane classified as local streets.

Advertisement: March 30, 2017 Journal Newspaper

Public Hearing: April 18, 2017 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
Exhibit 8. Applicant's Proposed Findings of Fact

PROPOSAL

The applicant seeks a variance to UDC Section 405.030(B)(1) Projections into Required Yards - Porches and decks greater than 30 inches above grade, open on at least 3 sides, with no roof or cover. The requested variance would allow the applicant to construct a roof covering the existing deck.

VARIANCE REQUIREMENTS

City Ordinance Requirements: In order for the applicant to accomplish the aforementioned action, they must first meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to be granted a variance, specifically Section 470.060.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. On January 24, 2004 the Creekmoor Planned Unit Development preliminary plan and Memorandum of Understanding was approved by the Raymore City Council.
2. The Westbrook Villas at Creekmoor 2nd Subdivision was approved on July 11, 2005
3. On August 11, 2009, the Board of Zoning Adjustment approved a variance that increased the distance that a deck could project into the required rear yard from 30% (7.5 feet) to 40% (10 feet)

STAFF COMMENTS

1. The zoning regulations for the Westbrook Villas 2nd at Creekmoor Subdivision were established in the Creekmoor Memorandum of Understanding. The minimum regulations for single-family “patio” lots are as follows:
 - a. Lot Area Minimum: 5,000-6,050 square feet
 - b. Lot Width Minimum: 50 ft
 - c. Lot Depth Minimum: 110 ft
 - d. Front Setback Minimum: 25 ft
 - e. Rear Setback Minimum: 25 ft
 - f. Interior Side Lot Minimum: 7.5 ft
2. The Unified Development Code, effective January 1, 2009, limits open porches and decks to a maximum projection of 30 percent into the required rear yard. In a change from the previous code, the UDC prohibits covered porches and decks from projecting into the required rear yard.
3. The applicant currently has a temporary “pergola” style roof above the existing deck. Granting of this variance would replace this structure with a permanent roof.
4. Notices of the variance request were mailed to sixteen (16) property owners that live within 185 feet of the subject property. No comment have been received.
5. 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 property in question is similar in depth and shape to surrounding properties. The need for the variance arises as a result of the orientation of the house on the lot. The applicant has stated that without cover, the existing deck receives constant direct sunlight, making it uncomfortable to use, which is not a situation created by an action of the applicant.

- 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 applicant is permitted practical use of his property under the zoning regulations. However, the code does not allow a roof to extend into the required rear yard setback. Staff finds there is no unnecessary hardship imposed by the provisions of the Unified Development Code.

- 3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.**

The granting of the variance will not adversely affect the rights of adjacent property owners. The property is adjacent to the Creekmoor golf course, so the roof addition will not result in a decreased distance between structures or have otherwise intrusive impacts on adjacent homeowners.

Many adjacent homeowners have covered decks in their rear yards, some of which are screened on three sides. Although these decks do not project more than 30 percent into the required rear yard, they are covered by extensions of the roof line and include stairs from the ground to the deck. The requested variance will allow the applicant's deck to be covered, and screened on three sides. However, the applicant has indicated that they will not add stairs

- 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.**

The granting of the variance will allow the property owner to construct a roof covering the deck on the rear of the house that is consistent in size and design with surrounding properties. Other properties within the Creekmoor subdivision have covered decks, however, no homeowners are permitted to build decks or porches that encroach more than 7.5 feet into the required rear yard. The required rear yard setback throughout the Creekmoor subdivision is 25 feet; The existing deck of the subject property is built to the maximum encroachment of 7.5 feet into the required rear yard.

5. **Whether the requested variance is the minimum variance necessary to provide relief.**

The requested variance would allow a roof to be constructed over the existing deck, and screens to be installed on three sides, and would not have an impact on other development regulations. The structure will still meet the maximum allowed projection of 30 percent (7.5 feet) into the required rear yard.

6. **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

Setback and projection/obstruction requirements are in place to provide adequate separation between homes for the purposes of health and safety. The rear yard of Lot 56 abuts the golf course, thus the requested variance to construct a roof would not result in inadequate separation between homes. While it is important to maintain appropriate separation between structures and a golf course for the protection of homeowners, the requested variance is not deemed to adversely affect 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 through the regulation of density and mass of structures. The granting of the requested variance will not be opposed to said purposes and intents of the UDC. The addition of a roof and screening will not adversely affect surrounding properties or the character of the neighborhood.

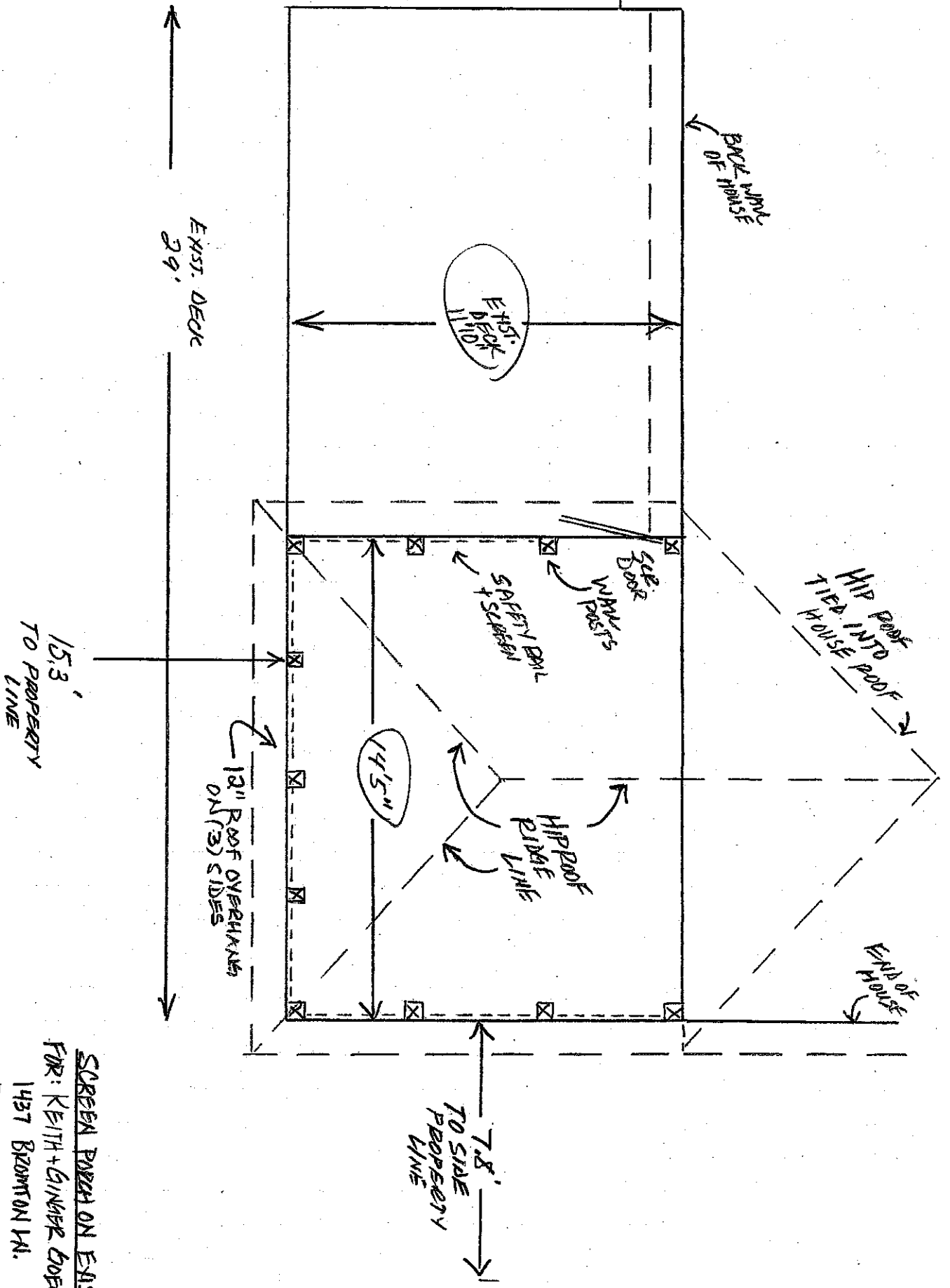
8. **The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this code and the individual hardships or practical difficulties that will be suffered if the variance request is denied.**

As stated above, the requested variance is not contradictory to the purpose and intent of the Code and will not adversely affect the public health, safety or welfare. Thus, granting the variance would be a just application of the Code. Staff does not find, however, that UDC Section 405.030 creates an undue hardship to the applicant. Granting the variance is not necessary to relieve the applicant of substantial hardship or difficulty.

STAFF RECOMMENDATION

The subject property is similar in depth, size, and shape to surrounding properties. Several homes throughout the Creekmoor neighborhood, and surrounding the subject property have decks that are covered by extensions of the roof line, many of which are screened on three sides. Approval of the variance will allow the property owner to replace the existing “pergola” style roof with a permanent extension of the roof line, which is more consistent with the surrounding properties.

Staff recommends that the Board of Adjustment accept the staff proposed findings of fact and approve case #17012 as requested, as it meets the required conditions of approval.



SCREEN PORCH ON EXISTING DECK
 FOR: KEITH + GINGER COBGEN
 1437 BROMTON LN.
 RAYMORE MO.
 SIZE: 14'5" WIDE X 11'10" PROJECTION

VARIANCE FROM BOARD OF ADJUSTMENT APPLICANT PROPOSED FINDINGS OF FACT



Case Number: _____

Please respond to how the variance request addresses the following conditions of approval.

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. *Condition is unique in the fact that every house to the right and left of me in Westbrook Villas has a roof over their deck, extending from the back of their house toward the rear lot line.*
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. *Currently we experience the practical difficulty not experienced by neighbors with roofs over their decks - these being extended easterly sun time, no protection from rain, and general ability to utilize deck as a roof will enhance.*
3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. *Adjacent property owners should appreciate the fact that my house would now have a roof over the deck like theirs, be more uniform with the neighborhood, and a welcome addition regarding aesthetics and over all property values.*
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. *Conversely, not granting the variance constitutes a disadvantage of my property by being the only one without a roof over deck. The variance eliminates this disadvantage.*
5. Whether the requested variance is the minimum variance necessary to provide relief. *The 2009 variance granted to build our deck defined the size of the deck. This added roof covers that dimension only and is the minimum needed to do so.*
6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. *Variance only affects our personal use of our house deck and has no affect on any of the issues mentioned here with regard to the public.*
7. The granting of the variance desired will not be opposed to the relevant purposes and intents of this Unified Development Code. *The code promotes fairness among like properties and protects against property values - the granting of this variance allows our property to be more like all other Westbrook Villas.*
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 variance will result in added equality and uniformity which is not only desired by us, but a positive for Creekmooor subdivision as a whole (Creekmooor POA has approved this project) with the aesthetics gained as golfers view the back of our house.*



To: Board of Adjustment
From: City Staff
Date: April 18, 2017
Re: Case #17011 - 1214 Kingsland Circle Setback Variance

GENERAL INFORMATION

**Applicant/
Property Owner:** Derek and Pamela Mills
211 NW Hemlock Street
Lee's Summit, MO 64064

Requested Action: Granting of a five foot (5') variance to a twenty-five foot (25') building line in the rear of the property, and a five foot (5') variance to the twenty-five foot (25') building line in the front of the property.

Property Location: 1214 Kingsland Circle – Edgewater at Creekmoor 2nd Lot 37



2016 Aerial Photograph:



Site Photographs:



View looking northwest from the southern corner of the property



View looking southwest from the northeastern corner of the property

Existing Zoning: PUD Planned Unit Development

Existing Surrounding Uses:

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

Total Tract Size: 8,676 square feet

Growth Management Plan: The Future Land Use Plan Map contained within the 2013 Growth Management Plan designates this property as appropriate for low-density residential development.

Major Street Plan: The Major Thoroughfare Plan has Kingsland Circle and Kettering Lane classified as local streets.

Advertisement: March 30, 2017 Journal Newspaper

Public Hearing: April 18, 2017 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. Applicant's Personal Statement**
 - Exhibit 8. Creekmoor Declaration of Covenants**

PROPOSAL

The applicant is seeking a five foot (5') variance to a twenty-five foot (25') building line in the rear of the property, and a five foot (5') variance to the twenty-five foot (25') building line in the front of the property. The variance would allow the property owners to construct their desired home on the lot.

VARIANCE REQUIREMENTS

City Ordinance Requirements: In order for the applicant to accomplish the aforementioned action, they must first meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to be granted a variance, specifically Section 470.060.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. On January 24, 2004 the Creekmoor Planned Unit Development preliminary plan and Memorandum of Understanding was approved by the Raymore City Council.
2. The Edgewater at Creekmoor Second Plat, which created Lot 37, was recorded on February 17, 2012.
3. On March 13, 2017, City Council voted 7-1 on their 2nd reading to approve a request to vacate five feet (5') of a twenty-five foot (25') easement that exists on the west property line.

STAFF COMMENTS

1. The zoning regulations for the Edgewater at Creekmoor 2nd Subdivision were established in the Creekmoor Memorandum of Understanding. The minimum regulations for single-family lots are as follows:
 - a. Lot Area Minimum: 5,000-6,050 square feet
 - b. Lot Width Minimum: 30-55 ft
 - c. Lot Depth Minimum: 100 ft
 - d. Front Setback Minimum: 25 ft
 - e. Rear Setback Minimum: 25 ft
 - f. Interior Side Lot Minimum: 7.5 ft (15ft for corner lot)
2. The proposed home is roughly 1,840 square feet. Homes surrounding the property in question range from 1,650 to 1,814 square feet.
3. Notices of the variance request were mailed to twenty-three (23) property owners that live within 185 feet of the subject property. No comments have been received.
4. 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 need for the variance arises as a result of the irregular shape of Lot 37, which is not a situation created by an action of the applicant. The applicants have stated that due to its irregular shape, the lot is unable to accommodate the home they wish to build.

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 applicant is limited in the practical use of his property under the zoning regulations. Due to the irregular shape of the lot, the applicant unable to fit their desired home on the lot, given the existing setback requirements.

3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

The granting of the variance will not adversely affect the rights of adjacent property owners. Lot 37 was platted as part of the 2nd phase of the Edgewater at Creekmoor Subdivision. Although the lot has remained undeveloped for sometime, it was expected that this lot would be built upon at some point in time.

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.

The granting of the variance will allow the owners of Lot 37 to construct their desired home on lot, just as the homeowners surrounding the subject property were allowed to do. The irregular shape of the lot in question precludes the property owner from building their desired home. Therefore, the granting of the variance would allow the property owner the same privileges allotted to the homeowners surrounding their property.

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

The requested variance would allow the applicant to construct a home on the lot, and would not have an impact on other development regulations. The proposed home will still meet all other setback requirements.

6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Setback requirements are in place to provide adequate separation between homes for the purposes of health and safety. The applicant has pushed to home forward to allow adequate separation from the adjacent neighbor and the drainage swale along the western (rear) property line. The proposed home will still meet the minimum side-yard setback of 7.5 feet between the neighbor to the north.

While the applicant is requesting to reduce the required setback(s), the request is not deemed to adversely affect 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 through the regulation of density and mass of structures.

The construction of a home on Lot 37 will not adversely affect the character of the neighborhood or the adjacent properties. The granting of the requested variance will not be opposed to said purposes and intents 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.

As stated above, the requested variance is not contradictory to the purpose and intent of the Code, and will not adversely affect the public health, safety or welfare. Thus, granting the variance would be a just application of the Code.

Staff finds that the existing setback requirements create an undue hardship to the applicant, and places the burden of an undeveloped lot on the Edgewater at Creekmoor neighborhood. Granting the variance is necessary to relieve the applicant of substantial hardship or difficulty, and would allow a home to be constructed on an undeveloped lot.

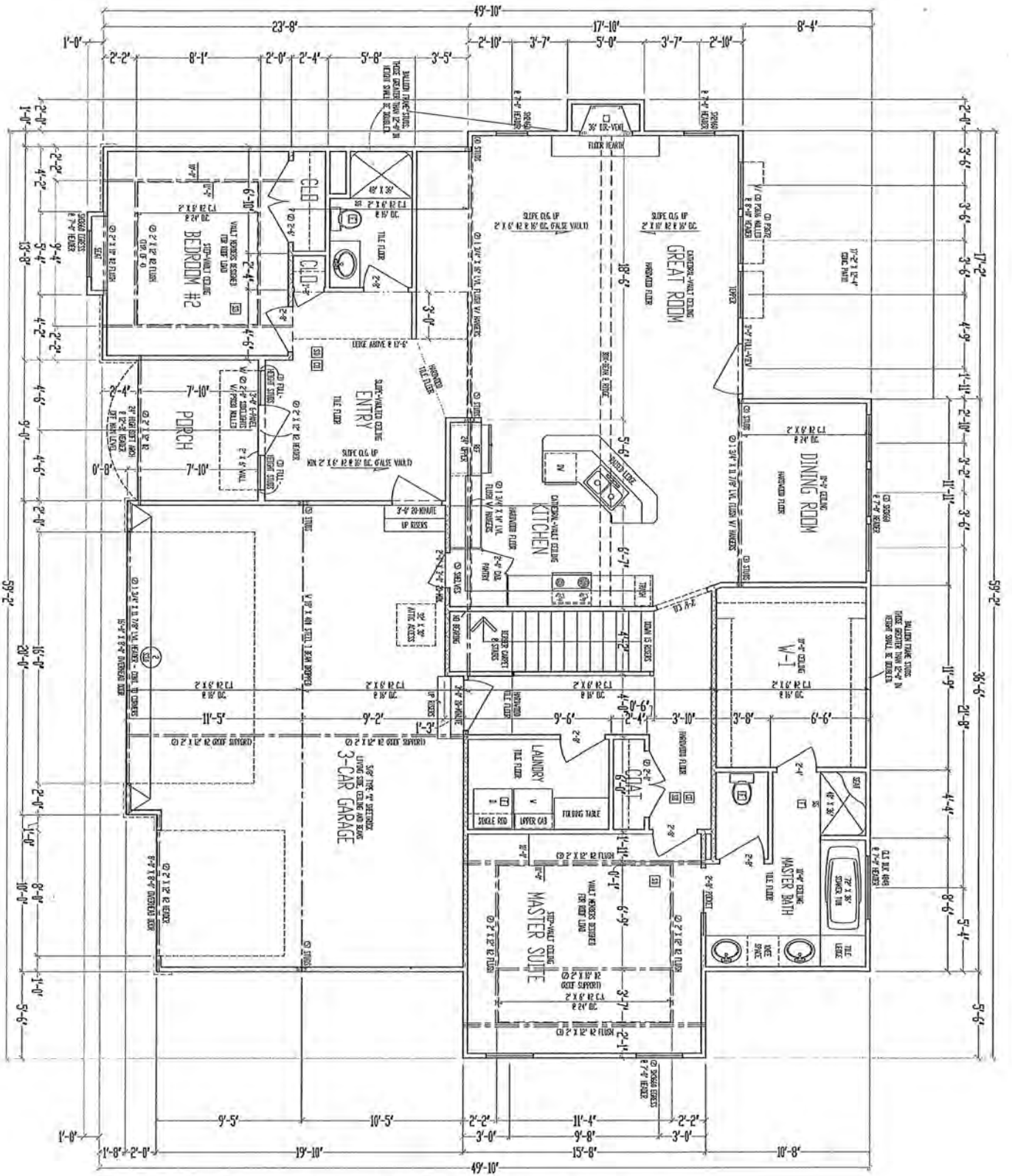
STAFF RECOMMENDATION

City staff supports the applicant's request for a five foot (5') variance to a twenty-five foot (25') building line in the rear of the property, and a five foot (5') variance to the twenty-five foot (25') building line in the front of the property. The property in question is an irregularly shaped lot, and has proven to be difficult to develop. The granting of the applicant's requested variance would allow adequate space for a home to be built on the lot.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve case #17011 as requested, as it meets the required conditions of approval.







10'-0" CEILING
 MAIN LEVEL
 SCALE: 1/4" = 1'-0"
 MAIN LEVEL: 1841 SQ. FT.
 GARAGE: 618 SQ. FT.

FINISHES:
 1. FLOOR: 1/2" x 3/4" x 12' x 18' BIRCH
 2. WALLS: 1/2" x 1/2" x 12' x 18' BIRCH
 3. CEILING: 1/2" x 1/2" x 12' x 18' BIRCH
 4. DOORS: 1/2" x 1/2" x 12' x 18' BIRCH
 5. WINDOWS: 1/2" x 1/2" x 12' x 18' BIRCH
 6. STAIRS: 1/2" x 1/2" x 12' x 18' BIRCH
 7. HALLS: 1/2" x 1/2" x 12' x 18' BIRCH
 8. BATHS: 1/2" x 1/2" x 12' x 18' BIRCH
 9. KITCHEN: 1/2" x 1/2" x 12' x 18' BIRCH
 10. LAUNDRY: 1/2" x 1/2" x 12' x 18' BIRCH
 11. MASTER SUITE: 1/2" x 1/2" x 12' x 18' BIRCH
 12. MASTER BATH: 1/2" x 1/2" x 12' x 18' BIRCH
 13. ENTRY: 1/2" x 1/2" x 12' x 18' BIRCH
 14. BEDROOM #2: 1/2" x 1/2" x 12' x 18' BIRCH
 15. PORCH: 1/2" x 1/2" x 12' x 18' BIRCH
 16. GARAGE: 1/2" x 1/2" x 12' x 18' BIRCH

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NOTE: THESE PLANS WERE DEVELOPED BY THE ARCHITECT AND DESIGNED BY THE ARCHITECT. THE ARCHITECT HAS ASSUMED RESPONSIBILITY FOR THE DESIGN OF THE STRUCTURE AND THE DESIGN OF THE INTERIORS. THE ARCHITECT HAS NOT ASSUMED RESPONSIBILITY FOR THE DESIGN OF THE EXTERIORS OR THE DESIGN OF THE LANDSCAPE. THE ARCHITECT HAS NOT ASSUMED RESPONSIBILITY FOR THE DESIGN OF THE MECHANICAL, ELECTRICAL, OR PLUMBING SYSTEMS. THE ARCHITECT HAS NOT ASSUMED RESPONSIBILITY FOR THE DESIGN OF THE STRUCTURE OR THE DESIGN OF THE INTERIORS. THE ARCHITECT HAS NOT ASSUMED RESPONSIBILITY FOR THE DESIGN OF THE EXTERIORS OR THE DESIGN OF THE LANDSCAPE. THE ARCHITECT HAS NOT ASSUMED RESPONSIBILITY FOR THE DESIGN OF THE MECHANICAL, ELECTRICAL, OR PLUMBING SYSTEMS.



Bellah Homes
 1272 SW Arborcrest Circle
 Lee's Summit, MO 64082
 Phone: (816) 697-2870
 www.BellahHomes.com



PLANNING TITLE: LMD041 SPEC
 SHEET TITLE: SHEET NO. 4 OF 5
 MAIN LEVEL PLAN (SHEET 4/5)

Community Development Monthly Report



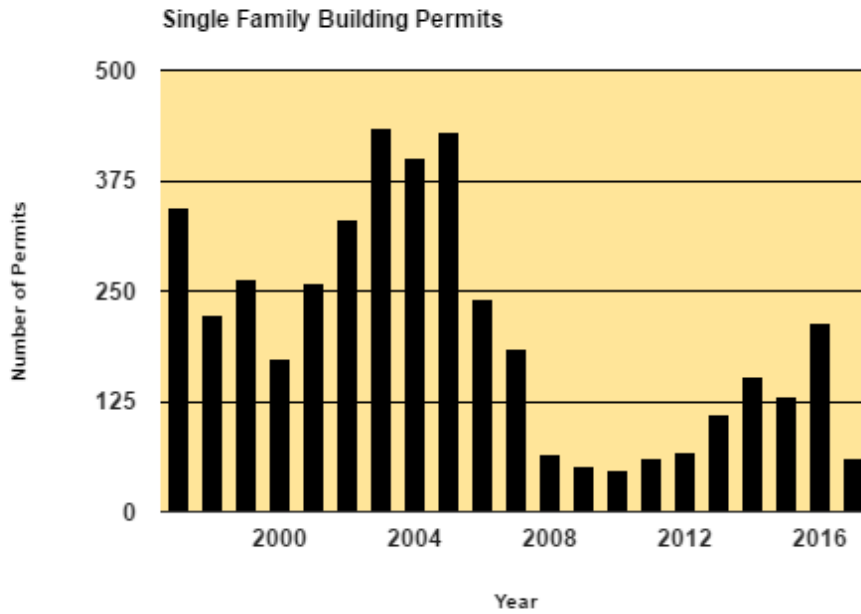
MARCH 2017

Building Permit Activity

Type of Permit	Mar 2017	2017 YTD	2016 YTD	2016 Total
Detached Single-Family Residential	13	51	29	201
Attached Single-Family Residential	10	10	2	14
Multi-Family Residential	0	0	0	0
Miscellaneous Residential (deck; roof)	39	86	89	458
Commercial - New, Additions, Alterations	4	6	4	26
Sign Permits	6	15	11	63
Inspections	Mar 2017	2017 YTD	2016 YTD	2016 Total
Total # of Inspections	671	1,703	1,454	6,354
Valuation	Mar 2017	2017 YTD	2016 YTD	2016 Total
Total Residential Permit Valuation	\$4,690,100	\$8,621,300	\$6,999,800	\$50,026,600
Total Commercial Permit Valuation	\$1,284,300	\$1,320,300	\$228,100	\$6,899,389

Additional Building Activity:

- Building construction continues for the Raymore Marketplace center at the southeast corner of Dean Avenue and 58 Highway.
- Building construction continues on the addition to the Creekmoor Clubhouse
- Building construction continues on the Centerview building on Municipal Circle
- Remodel work has commenced on the interior of Wal-Mart
- Building construction plans for the remodel of Wendy's; tenant finish of Mod's Pizza; and office area of Foxwood Springs have been reviewed



Code Enforcement Activity

Code Activity	Mar 2017	2017 YTD	2016 YTD	2016 Total
Code Enforcement Cases Opened	38	120	32	424
Notices Mailed				
-Tall Grass/Weeds	3	5	0	227
- Inoperable Vehicles	11	34	18	42
- Junk/Trash/Debris in Yard	8	19	2	65
- Object placed in right-of-way	3	7	0	7
- Parking of vehicles in front yard	9	32	1	48
- Exterior home maintenance	4	23	2	16
- Other (trash at curb early; signs; etc)	0	0	9	19
Properties mowed by City Contractor	0	0	0	68
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	0	0	0	1
Signs in right-of-way removed	104	149	67	299
Violations abated by Code Officer	6	22	n/a	12

Development Activity

Current Projects

- Review of infrastructure plans for Heritage Hills Lots 158 thru 175
- Review of infrastructure plans for Cunningham at Creekmoor Second Plat
- Variance application for 1455 Brompton Lane - rear building setback
- Variance application for 1437 Brompton Lane - rear building setback
- Variance application for 1214 Kingsland Circle - front and rear building setback

	As of Mar 31, 2017	As of Mar 31, 2016	As of Mar 31, 2015
Homes currently under construction	240	197	161
Total number of Undeveloped Lots Available (site ready for issuance of a permit for a new home)	551	741	849
Total number of dwelling units in City	8,015	7,815	7,597

Actions of Boards, Commission, and City Council

City Council

March 6, 2017 work session

- Council held a joint work session with the Planning and Zoning Commission. City Attorney Jonathan Zerr provided training on review of staff reports and findings of fact

March 13, 2017

- Approved on 2nd reading the vacation of a portion of a utility easement on an undeveloped lot located at 1214 Kingsland Circle
- Approved on 2nd reading the rezoning of Heritage Hills Lots 136 thru 157 from "R-1" Single Family Residential District to "R-2" Single and Two-Family Residential District
- Approved on 2nd reading the Westbrook at Creekmoor Twelfth Final Plat
- Approved a one-year extension of the expiration date of the North Cass Plaza preliminary plat
- Approved on 1st reading the replat of Shadowood Phase 4 Lots 181 thru 189

March 27, 2017

- Approved on 2nd reading the replat of Shadowood Phase 4 Lots 181 thru 189

- Approved on 1st reading the rezoning of T.B. Hanna Station from R-1 (Single-Family Residential) and C-1 (Neighborhood Commercial) to PR (Parks, Recreation and Public Use)

Planning and Zoning Commission

March 7, 2017

- Recommended approval of the Replat of Shadwood Phase 4 Lots 181 thru 189
- Recommended approval of the rezoning of T.B. Hanna Station from R-1 (Single-Family Residential) and C-1 (Neighborhood Commercial) to PR (Parks, Recreation and Public Use)

March 21, 2017

- Approved the Communities for All Ages Master Plan

Upcoming Meetings – April & May

April 4, 2017 Planning and Zoning Commission

- Meeting Cancelled - Election Day

April 10, 2017 City Council

- 2nd reading - T.B. Hanna Station rezoning

April 18, 2017 Planning and Zoning Commission

- Annual Review of the Growth Management Plan (public hearing)

April 24, 2017 City Council

- Determination of governing body members on the Planning and Zoning Commission

May 2, 2017 Planning and Zoning Commission

- No items currently on agenda

May 8, 2017 City Council

- No development applications currently on agenda

May 16, 2017 Planning and Zoning Commission

March 2017

- No items currently on agenda

May 22, 2017 City Council

- No development applications currently on agenda

Department Activities

- Staff completed work on the Community for All Ages Master Plan and submitted the plan to the Mid America Regional Council for consideration of Gold Level recognition as a Community for All Ages
- David Gress and Jim Cadoret participated in the Cass County Nonprofits group monthly meeting
- Director Jim Cadoret and Associate Planner David Gress participated in the Planner's Roundtable discussion held at the Mid-America Regional Council
- Staff worked on preparing the annual review and report on the Growth Management Plan
- Director Jim Cadoret and Associate Planner David Gress attended the Legal Decision Making for Planning Commissioners webinar sponsored by the American Planning Association
- Director Jim Cadoret and Associate Planner David Gress attended the Active Transportation in Rural Settings webinar sponsored by the Association of Pedestrian and Bicycle Professionals

GIS Activities

- Data sharing with Wilson & Company to support design/maintenance of streetlights
- Updates to enterprise GIS & apps
- Strategic material for Economic Development & Finance
- Mapping (segment maps, overall plan & distribution list) for sidewalk construction
- Reporting of qualified trees (alphabetical by common name)
- Trial (2 months) of ESRI Business Analyst to research projections and reports
- Customer service (maps, history, sales, addressing & permitting support)
- Continued support for Kentucky Road Realignment
- Data update to MARC (parks & 911 roads)
- Addressing of Westbrook at Creekmoor 12th

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.			