



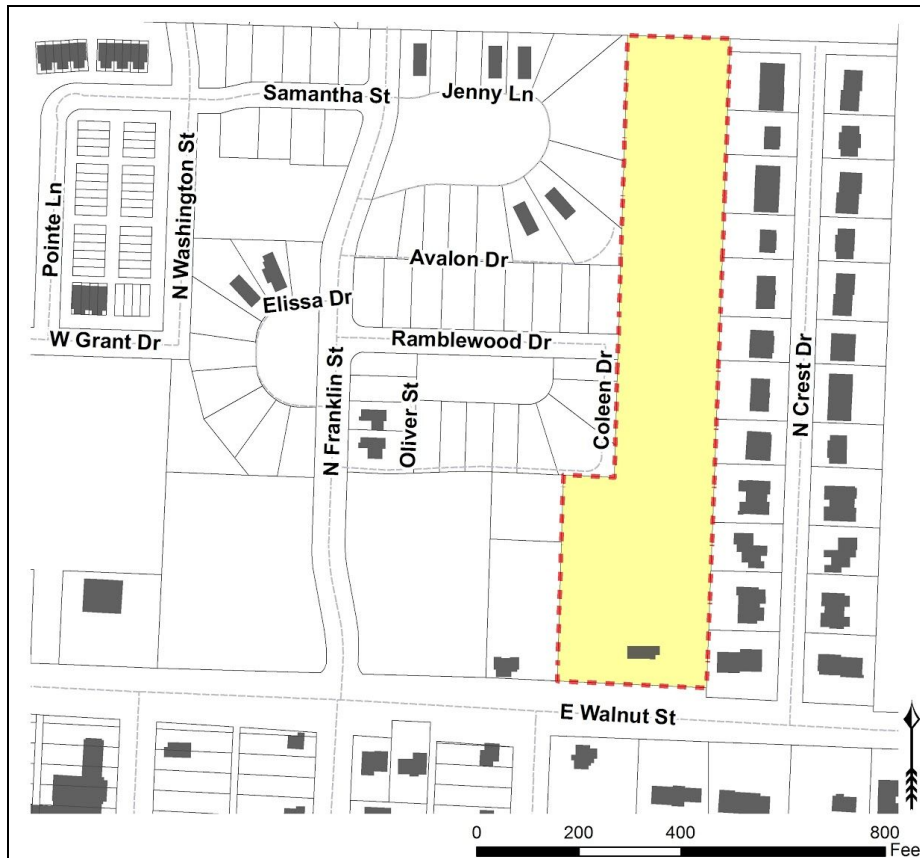
To: Board of Adjustment
From: City Staff
Date: June 20, 2017
Re: Case #17018 - G&G Storage Setback Variance;
308 E. Walnut St

GENERAL INFORMATION

**Applicant/
Property Owner:** G&G Storage, LLC.
103 Evans Ave
Raymore, MO 64083

Requested Action: Granting of variance to reduce the required side-yard setback from twenty feet (20') to ten feet (10')

Property Location: 308 E. Walnut Street, Raymore, MO



2016 Aerial Photograph:



Site Photographs



View looking north along the access drive from E. Walnut Street



View looking north showing the private alley in the Ramblewood subdivision and the tree line along the western property line



View looking west showing the natural tree buffer between the Ramblewood subdivision and the subject property

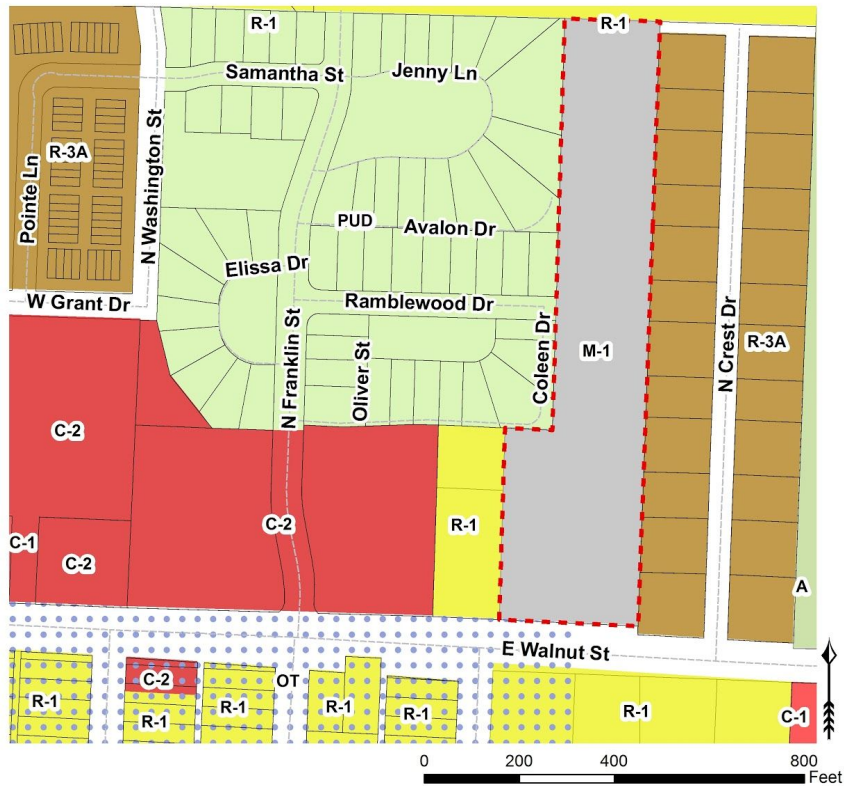


View looking east showing the existing tree buffer between the Falcon Crest subdivision and the subject property



Example of fencing that exists at the applicant's other storage facility that will be used as screening between the subject property and the adjacent properties zoned R-1 and R-3A.

Existing Zoning: M-1; Light Industrial District



Existing Surrounding Uses:

North:	Residential, Undeveloped
South:	Residential
East:	Residential
West:	Residential, Commercial

Total Tract Size: 294,773 square feet

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

Major Street Plan: The Major Thoroughfare Plan has E. Walnut Street classified as a Major Arterial

Advertisement: June 1, 2017 Journal Newspaper

Public Hearing: June 20, 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 Proposed Findings of Fact**

PROPOSAL

The applicant seeks a variance to UDC Section 410.030A Bulk and Dimensional Standards. The requested variance would reduce the required side-yard setback, abutting a residential district from twenty feet (20') to ten feet (10').

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. The Falcon Crest Subdivision, located to the east of the subject property was approved by the City of Raymore on March 11, 1985.
2. The Ramblewood Subdivision, located to the west of the subject property was approved by the City of Raymore on June 25, 2007.

STAFF COMMENTS

1. Section 410.030A of the Unified Development Code includes the bulk and dimensional standards for Business, Commercial, and Industrial Zoning Districts. The standards for a property in the "M-1" Light Industrial District are as follows:
 - a. Lot Area Minimum: None
 - b. Lot Width Minimum: 100 ft
 - c. Lot Depth Minimum: 100 ft
 - d. Front Setback Minimum: 30 ft
 - e. Rear Setback Minimum: 20 ft
 - f. Side Setback Minimum: 10 ft
 - g. Side Setback Min., abutting a residential district: 20 ft

2. The applicant also owns a storage facility to the west on E. Walnut St. and N. Evans Ave. and indicated there is a waiting list for storage units.
3. The applicant indicated that they intend to locate the front row of storage units 15' from the front property line, which is allowed per Section 410.030C of the Raymore Unified Development Code:

Reduction to Front Yard Setback (*Amendment 13 – Ordinance 2012-074 9.24.12*)

The required front yard setback for a building located in a Business, Commercial or Industrial Zoning District may be reduced to ten (10) feet if:

- a. No parking areas or access drives are installed between the building and the right-of-way line;
 - b. The building is not located within a sight-visibility triangle; and
 - c. The area between the building and the right-of-way line shall contain living landscape material.
4. A natural buffer currently exists along the perimeter of the site, north of Ramblewood Drive



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 need for the variance arises as a result of the narrow width of the lot at the north end. The existing lot is 199.03 feet wide at the north end, and a 20 foot side-yard setback on both side will limit the usability of the site, 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 narrow width of the lot to the north, in addition to the required 20 foot side-yard setback limits the usability of the site.

- 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 variance would allow the storage units to be located closer to the property lines adjacent to residential development, however, the properties to the west are already buffered by an existing tree line, as well as a private alley. The properties to the east are also buffered by an existing tree line, and the applicant has indicated that they will provide additional landscaping between the adjacent properties to help mitigate the decreased setback. City staff believe that the decrease in setback 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.**

The requested variance will not result in advantages to the applicant that this code denies to other land, structures or uses in the same district. The typical side-yard setback for a property located in the M-1 zoning district is 10 feet, however since the subject property abuts a residential district, the minimum setback is increased to 20 feet.

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

The requested variance would allow the property owner to move their storage facility 10 feet closer to the property line, and provide better usability of their property. The structures will still comply with all other bulk and dimensional requirements for the M-1 zoning district.

- 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 typical side-yard setback for a property located in the M-1 zoning district is 10 feet, however since the subject property abuts a residential district, the minimum setback is increased to 20 feet. The subject property abuts residential districts on both sides, however the applicant has indicated that they will provide additional screening and landscaping buffers on both sides to help mitigate the decreased setback, thus the requested variance would not result in inadequate separation between homes.

- 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 decreased setback 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 typical minimum side-yard setback for a property located in the “M-1” Light Industrial District is 10 feet. However, because the subject property is adjacent to two residential districts, the minimum side-yard setback is increased to 20 feet.

The applicant has indicated that they intend to increase the screening between the adjacent properties to help mitigate the decreased side-yard setback.

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve case #17018 as requested, as it meets the required conditions of approval.