

THE **BOARD OF ADJUSTMENT** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, APRIL 18, 2017** IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: DAVID WOSTE, MIKE VINCK, GERALD JENKINS AND ALTERNATE LOREN JONES. BOARD MEMBERS STEPHEN GRUBE AND TOM BUECHLER WERE ABSENT. ALSO PRESENT WERE COMMUNITY DEVELOPMENT DIRECTOR JIM CADORET, ASSOCIATE PLANNER DAVID GRESS, ASSISTANT PUBLIC WORKS DIRECTOR ED IEANS, AND CITY ATTORNEY REPRESENTATIVE MIKE FLEMING.

1. **Call to Order** – Vice-Chairman Vinck called the meeting to order at 6:04 p.m.
2. **Pledge of Allegiance**
3. **Roll Call** – Roll was taken and Vice-Chairman Vinck declared a quorum present to conduct business.

Vice-Chairman Vinck indicated that since there are only four board members present that it would take a concurrent vote of the four members to approve any request this evening.

4. **Personal Appearances – None.**
5. **Consent Agenda –**
 - A. **Acceptance of Minutes of November 15, 2016 meeting**

Motion by Board member Jenkins, Seconded by Board member Woste to accept the minutes of November 15, 2016 as written.

Vote on Motion:

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

Motion passed 4-0-0

6. **Old Business – None**
7. **New Business**

A. Case #17010 - Hilger Variance - 1455 Brompton Lane (public hearing)

Vice-Chairman Vinck opened Case #17010 - Hilger Variance, 1455 Brompton Lane, and *opened the public hearing at 6:05 p.m.*

Marlene and Ron Hilger, 1455 Brompton Lane, presented their request to the Board.

Mrs. Hilger stated they are requesting approval of a variance to allow a roof over an existing deck. The deck faces southeast and has sunlight for most of the day. The roof will help to alleviate the heat that is generated by constant sunshine hitting the deck. The rear of the home is adjacent to the golf course and would allow us to spend more time outside. Our neighbors all have covered decks.

Board member Woste asked why the applicant did not complete the proposed findings of fact as part of their application.

David Gress, Associate Planner, indicated that applicants are encouraged but not required to complete the findings sheet. Staff has provided proposed findings for the Board to consider.

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

Mr. Gress stated the City Code changed in 2009, which resulted in decks that encroach into the setback area from not being allowed to be covered. Under the previous code covered porches were allowed to encroach into the setback area.

Mr. Gress indicated staff does recommend approval of the variance application.

Board member Jenkins asked if the adjacent homes that have covered decks were completed prior to the code change.

Mr. Gress indicated the existing covered decks were constructed prior to the code change.

Board member Woste asked for clarification on why the variance application was necessary.

Mr. Gress indicated that the current code requires that a deck with a roof cover must comply with the building setback required for the home. The deck on the rear of this home projects into the rear yard setback area and thus a variance is necessary to construct a roof cover.

There were no public comments on the application.

Vice-Chairman Vinck closed the floor for public comment at 6:12 p.m.

Motion by Board member Jenkins, Seconded by Board member Jones to accept the Staff Proposed Findings of Fact and approve Case #17010, Hilger Variance, 1455 Brompton Lane.

Vote on Motion:

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

Motion passed 4-0-0

B. Case #17012 - Goeglein Variance, 1437 Brompton Lane (public hearing)

Vice-Chairman Vinck opened Case #17012 - Goeglein Variance, 1437 Brompton Lane, and opened the public hearing at 6:14 p.m.

Keith and Virginia Goeglein, 1437 Brompton Lane, presented their request to the Board.

Mr. Goeglein stated their request is similar to the Hilger request. We are needing our deck covered due to the sun and heat issues and not being able to utilize the deck. Our deck also faces the golf course.

Mr. Goeglein stated they did obtain a variance to allow their deck to encroach into the setback area. Our neighbors do have covered decks and we would like our deck to be covered. We think the approval of the variance would allow for a more uniform area and that the Creekmoor POA did approve the request.

Mr. Gress presented the staff report. As this was a public hearing, Mr. Gress entered for the record: Mailed Notices to Adjoining Property Owners; Notice of Publication; Unified Development Code; Application; Growth Management Plan; Staff Report; site plan submitted by the applicant; and proposed findings of fact submitted by the applicant.

Mr. Gress indicated staff submitted proposed findings of fact and recommends approval of the request.

Vice-Chairman Vinck asked about the 2009 variance application that was approved for this property and what was specifically requested at that time.

Mr. Gress stated the request was to allow the open deck to encroach ten feet into the setback area, an increase from the allowable 7.5 foot encroachment.

There were no public comments on the application.

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

Board member Jenkins stated he appreciated the applicants submitting their proposed findings of fact.

Motion by Board member Jenkins, Seconded by Board member Jones to accept the Staff Proposed Findings of Fact and approve Case #17012, Goeglein Variance, 1437 Brompton Lane.

Vote on Motion:

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

Motion passed 4-0-0

C. Case #17011 - Mills Variance, 1214 Kingsland Circle (public hearing)

Vice-Chairman Vinck opened Case #17011 - Mills Variance, 1214 Kingsland Circle, and opened the public hearing at 6:21 p.m.

Derek and Pamela Mills, 211 NW Hemlock Street, Lee's Summit, Missouri, presented their request to the Board.

Mr. Mills stated they are requesting a five foot variance for the undeveloped lot #37 in the Edgewater Subdivision and desire to construct a home upon the lot. There is a 1,600 square foot minimum floor area requirement that must be complied with and they have tried to fit the home on the lot.

Mr. Mills indicated that the Creekmoor POA agrees with the variance if the City approves it. Over the last 12 months we have met with the City Engineer and City officials to work out the drainage concerns on the lot. City Council approved the vacation of a portion of the rear easement.

Mr. Mills stated that due to the unique shape of the lot there is a hardship upon us to find a home design that will fit upon the lot. My builder will complete the drainage swale, will relocate trees outside of the easement and will grade the properties.

Board member Jenkins asked if the applicant would be moving the trees on Lot 19.

Mr. Mills stated yes, he would be moving the trees. Likely two trees would be moved.

Vice-Chairman Vinck asked if the design elevation included in the packet is the home that will be built.

Mr. Mills stated yes.

Board member Woste asked if they considered a future deck for the home.

Mr. Mills stated there will be a concrete patio but no deck.

Mr. Gress presented the staff report. As this was a public hearing, Mr. Gress entered for the record: Mailed Notices to Adjoining Property Owners; Notice of Publication; Unified Development Code; Application; Growth Management Plan; Staff Report; applicant's personal statement, and the Creekmoor Declaration of Covenants..

Mr. Gress stated staff included photographs of the site to help delineate the shape of the lot. He stated City Council did approve a vacation of utility easement that would allow construction of the proposed home.

Mr. Gress indicated staff submitted proposed findings of fact and recommends approval of the request.

Vice-Chairman Vinck asked if the City Code had a minimum driveway length.

Jim Cadoret, Community Development Director, stated the City Code does not have a minimum driveway length, but twenty feet would be a reasonable minimum to prevent any vehicle from overhanging the sidewalk.

Board member Jenkins asked if the sidewalk would be built by the builder.

Mr. Cadoret stated yes..

There were no public comments on the application.

Vice-Chairman Vinck closed the floor for public comment at 6:31 p.m.

Motion by Board member Jenkins, Seconded by Board member Jones to accept the Staff Proposed Findings of Fact and approve Case #17011, Mills Variance, 1214 Kingsland Circle.

Vote on Motion:

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

Motion passed 4-0-0

8. Staff Comments - None

9. Board member Comment –

Board member Jenkins asked if there are any upcoming meetings of the Board.

Mr. Gress stated there are no applications currently filed so no meeting is currently scheduled.

Board member Woste asked staff if the monthly Community Development Department report could be forwarded to the Board members.

Mr. Cadoret stated staff would forward the report each month to the Board members.

10. Adjournment

Motion by Board member Jenkins, Seconded by Board member Jones to adjourn.

Vote on Motion:

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

Motion passed 4-0-0

The Board of Adjustment meeting for April 18, 2017 adjourned at 6:35 p.m.

Respectfully submitted,

Jim Cadoret