

RAYMORE BOARD OF ADJUSTMENT AGENDA

Tuesday, April 2, 2019 - 6:00 p.m.

City Hall Council Chambers
100 Municipal Circle
Raymore, Missouri 64083

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Personal Appearances - None
5. Consent Agenda
 - a. Approval of Minutes from August 21, 2018 meeting
6. Unfinished Business - None
7. New Business
 - a. Election of Officers
 - b. Case #19002 - Bill Breit - Variance of Development Standard - 210 S. Lincoln Road
(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, AUGUST 21, 2018** IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: DAVID WOSTE, MIKE VINCK, TOM BUECHLER, JOSEPH WELLS, SHANNON WEICHEL AND ALTERNATE PAUL BERTOLONE. ALSO PRESENT WERE COMMUNITY DEVELOPMENT DIRECTOR JIM CADORET, ASSOCIATE PLANNER DAVID GRESS, AND CITY ATTORNEY JONATHAN ZERR.

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

A. Approval of Minutes of November 21, 2017 meeting

Motion by Board member Woste, Seconded by Board member Buechler to accept the minutes of November 21, 2017 as written.

Vote on Motion:

Board member Buechler	Aye
Board member Wells	Aye
Board member Woste	Aye
Board member Weichel	Aye
Board member Vinck	Aye

Motion passed 5-0-0

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

A. Case #18013 - Peggy Wansing Variance of Use - 302 W. Walnut Street (public hearing)

Peggy Wansing, owner of 302 W. Walnut Street, presented her request to the Board. Also present was Roger Breit.

Mr. Breit stated that he is wanting to move his construction business into the property but it is zoned commercial and the use is not currently allowed. He stated he wants to have his business office there and a place to work on equipment. The larger construction equipment will not be parked on the property. Any overnight parking of trucks will be behind the building. The property was previously an auto repair facility.

Board member Woste asked what type of construction business Mr. Breit has.

Mr. Breit stated he does subdivision development and some municipal work.

Associate Planner David Gress presented the staff report. The applicant seeks a variance a use to allow the operation of a construction sales and service business on the subject property. The building was initially constructed as a fire station and is not set up for a commercial retail business, which is the current zoning classification of the property. The property was most recently utilized as an auto repair facility that was allowed as a conditional use.

Mr. Gress reviewed the photographs of the property and discussed the adjacent land uses.

Mr. Gress entered into the record the mailed notices to adjoining property owners; the notice of publication in The Journal; the Unified Development Code; the application; the Growth Management Plan; and the staff report.

Mr. Gress indicated staff submitted proposed findings of fact for the Board's consideration and indicated staff recommended approval of the variance request subject to five conditions.

Board member Woste asked if this request was moving from a more permanent zoning to a temporary zoning classification.

Mr. Gress commented that the zoning of the property remains C-2, General Commercial. This application simply adds Construction Sales and Service as a permitted use on the property for the property owner. The variance is not transferable.

City Attorney Jonathan Zerr stated this variance request is specific to this applicant. The variance is for only this business and this applicant. If the business would change ownership a new application would be required.

Community Development Director Jim Cadoret stated that this is the first variance of use application submitted to the Board. The Unified Development Code allows a property owner to request a use on a property that is not currently allowed.

Chairman Vinck clarified that in the past this application may have been classified as a Special Use. A variance of use is a new application type for the Board to review.

Chairman Vinck opened the public hearing at 6:20 p.m.

No public comment.

Chairman Vinck closed the public hearing at 6:20 p.m.

Board member Wells asked how the application would be monitored.

Mr. Gress stated a change in business license for the property would flag the need for the new business owners to request a variance of use.

Motion by Board member Buechler, Seconded by Board member Wells to accept the staff proposed findings of fact and approve Case #18013, variance of use for a Construction Sales and Service business to locate at 302 W. Walnut Street, subject to five conditions as set forth in the staff report

Board member Woste asked for clarification on what constitutes a Class 7 truck as prohibited in one of the conditions.

Mr. Gress stated a Class 7 truck would be a dump truck or similar heavy construction vehicle.

Vote on Motion:

Board member Buechler	Aye
Board member Wells	Aye
Board member Woste	Aye
Board member Weichel	Aye
Board member Vinck	Aye

Motion passed 5-0-0

8. Staff Comments - None

9. Board member Comment – None.

10. Adjournment

Motion by Board member Buechler, Seconded by Board member Wells to adjourn.

Vote on Motion:

Board member Buechler	Aye
Board member Wells	Aye
Board member Woste	Aye
Board member Weichel	Aye
Board member Vinck	Aye

Motion passed 5-0-0

The Board of Adjustment meeting for August 21, 2018 adjourned at 6:23 p.m.

Respectfully submitted,

Jim Cadoret



To: Board of Adjustment
From: City Staff
Date: April 2, 2019
Re: Case #19002: Bush Industrial Park Variance
210 S. Lincoln

GENERAL INFORMATION

**Applicant/
Property Owner:** William Breit
418 SW Seaside Sparrow St.
Lee's Summit, MO 64082

Requested Action: Variance to reduce to minimum required frontage of an industrially zoned (M-1) lot from 100' to 20'

Property Location: **Intersection of W. Foxwood Drive and
Huntsman Blvd.**



Site Photographs:



View looking east at the property from S. Lincoln



View looking east along the access drive

View looking east along the access drive

Existing Zoning: "M-1" Light Industrial District

Existing Surrounding Uses:

North:	Commercial
South:	Undeveloped
East:	Undeveloped
West:	Undeveloped

Total Tract Size: 4.9 acres

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

Major Street Plan: The Major Thoroughfare Plan Map contained in the Growth Management Plan classifies E. Walnut (MO-58) as a Major Arterial, and S. Lincoln (J Highway) as a Minor Arterial.

Advertisement: March 14, 2019 **Journal Newspaper**

Public Hearing: April 2, 2019 Board of Adjustment meeting

Items of Record: **Exhibit 1. Mailed Notices to Adjoining Property Owners**
Exhibit 2. Notice of Publication

Exhibit 3. Unified Development Code
Exhibit 4. Application
Exhibit 5. Growth Management Plan
Exhibit 6. Staff Report

PROPOSAL

The applicant is requesting a variance to the Raymore Unified Development Code (UDC) Section 410.030A Bulk and Dimensional Standards. The Unified Development Code establishes the minimum lot frontage along a public street for property zoned "M-1" Light Industrial as one-hundred feet (100'). The requested variance would allow a reduction to twenty feet (20') of frontage along a public street, allowing the property to be subdivided, while still providing easement access to the rear of the property.

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

- The Bush Industrial Park Plat was approved by the Raymore City Council on August 27, 1990.
- The Replat of Bush Industrial Park Tract 4, which created the subject property, was recorded on June 11, 1996.
- The driveway easement that was originally platted to serve the property from MO-58 Highway, between Lot A and Lot B, was vacated on June 11, 2018 as part of the site plan process for the daycare facility to the north. The property owner was notified of this action.

STAFF COMMENTS

- The property is currently owned by the applicant who leases the front building(s) to other tenants, and utilizes the rear of the property for his personal business. The request variance would allow the property owner to sell the land
- A thirty-foot (30') driveway easement exists along the property's north boundary. This easement is utilized by the current property owner, and the Casey's Gas Station to the north. The requested variance will not affect the use of this easement.
- A thirty-foot (30') driveway easement also exists along the southern property line between the subject property and Lot 5 of Bush Industrial Park. The requested variance will not affect the use of this easement.

- If approved, the applicant would need to establish an easement (shown in red) to continue to utilize the existing gate at the front of the property. There is also a gate located near the northwest corner of the subject property. The requested variance will not affect the use of this gate.



- Notices of the request were mailed to 8 adjoining property owners. No concerns or objections were received.

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 narrow and deep dimensions of the property, in addition to the location of existing buildings make it difficult to subdivide the property in such a way that meets the development standards of the UDC. If subdivided, a portion of the property would become landlocked, only having easement access from J Highway.

It is uncommon for industrial properties similar to this to not have access to at least one public road.

- 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 landlocked on three sides, and only has access from the property at 210 S. Lincoln. The strict application of the provision in Section 410.030A of the UDC would prevent the property owner from being able to subdivide 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 access easement that currently exists will still be available for use by all adjoining properties.

- 4. The granting of the variance will not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.**

Granting of the variance would not result in advantages or special privileges to the applicant.

- 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 subdivide the property while still providing ingress and egress access to all adjacent properties.

- 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 property has historically been occupied by multiple tenants, utilizing the access easement for ingress and egress. The requested variance would only make it easier for the front portion of the property to be purchased by its current occupant.

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.

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

The requested variance is not contrary to the purpose and intent of the Code and will not adversely affect the public health, safety or welfare. The variance will allow the current tenant of the building on the property to purchase and maintain the front of the property, while allowing the current property owner to utilize and maintain the back portion of the property.

STAFF RECOMMENDATION

Staff fully supports the purposes and intents of the Unified Development Code. The provisions that affect the subject property were implemented to promote safety and ensure adequate visibility and access to industrially zoned properties.

While the applicant is requesting to significantly reduce the minimum required frontage along a public road, the presence of access easements along the north and south property lines ensures adequate access will still be provided to all adjacent properties.

Staff recommends that the Board of Adjustment accept the staff proposed findings of fact, and approve Case #19002 Bush Industrial Park Variance; 210 S. Lincoln.

MONTHLY REPORT FEBRUARY 2019

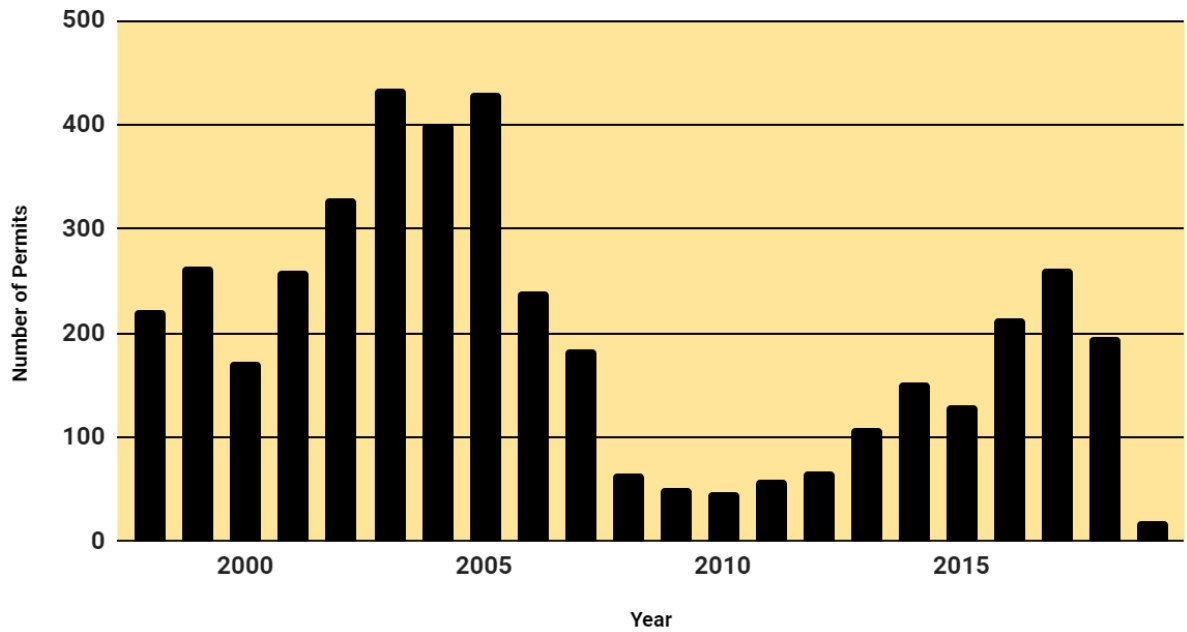
Building Permit Activity

Type of Permit	Feb 2019	2019 YTD	2018 YTD	2018 Total
Detached Single-Family Residential	7	20	10	153
Attached Single-Family Residential	0	0	0	44
Multi-Family Residential	0	0	0	0
Miscellaneous Residential (deck; roof)	28	62	53	604
Commercial - New, Additions, Alterations	0	2	5	17
Sign Permits	6	7	11	63
Inspections	Feb 2019	2019 YTD	2018 YTD	2018 Total
Total # of Inspections	218	506	1,087	5,947
Valuation	Feb 2019	2019 YTD	2018 YTD	2018 Total
Total Residential Permit Valuation	\$1,643,500	\$5,176,000	\$2,605,100	\$41,964,900
Total Commercial Permit Valuation	\$0.00	\$143,500	\$728,500	\$5,222,550

Additional Building Activity:

- Construction continues on the new self-storage facility at 308 E. Walnut Street.
- Construction work continues on the shelter, boardwalk and amphitheater at Hawk Ridge Park
- Interior tenant finish work has commenced for a FedEx office to be located inside Walmart.
- Staff reviewed plans for a 14-bed expansion to the Benton House of Raymore assisted living facility

Single Family Building Permits



Code Enforcement Activity

Code Activity	Feb 2019	2019 YTD	2018 YTD	2018 Total
Code Enforcement Cases Opened	20	39	56	461
<i>Notices Mailed</i>				
- Tall Grass/Weeds	0	0	0	147
- Inoperable Vehicles	3	5	9	54
- Junk/Trash/Debris in Yard	9	20	20	96
- Object placed in right-of-way	0	0	3	26
- Parking of vehicles in front yard	2	5	10	36
- Exterior home maintenance	1	3	9	35
- Other (trash at curb early; signs; etc)	1	2	5	38
Properties mowed by City Contractor	0	0	0	56
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	0	0	0	0
Signs in right-of-way removed	7	19	35	473
Violations abated by Code Officer	4	5	14	60

Development Activity

Current Projects

- Dean Commercial Preliminary Plat
- Rezoning from R-1 to R-2 of Brookside South

	As of Feb 28, 2019	As of Feb 28,, 2018	As of Feb 28, 2017
Homes currently under construction	171	267	240
Total number of Undeveloped Lots Available (site ready for issuance of a permit for a new home)	386	402	577
Total number of dwelling units in City	8,516	8,223	7,991

Actions of Boards, Commission, and City Council

City Council

February 11, 2019

- Approved on 1st reading the Cunningham at Creekmoor 3rd Plat
- Approved a 1-year extension to the expiration date for the Raymore Galleria North Preliminary Plat

February 25, 2019

- Approved on 2nd reading the Cunningham at Creekmoor 3rd Final Plat
- Tabled indefinitely the request from VanTrust Real Estate LLC to reclassify the zoning of 136 acres located south of North Cass Parkway, east of I-49.
- Denied a request for a 1-year extension to the expiration date of the Alexander Creek Preliminary Plat

Planning and Zoning Commission

February 5, 2019

- Tabled the public hearing and application for the proposed Dean Commercial Preliminary Plat
- Recommended approval of the Cunningham at Creekmoor 3rd Final Plat

Upcoming Meetings – March & April

March 5, 2019 Planning and Zoning Commission

- Meeting Cancelled

March 11, 2019 City Council

- Resolution to nullify the current Intent to Annex Area
- Ordinance to nullify the Plan of Intent for Annexation Areas identified in 2007
- Resolution to establish a new Intent to Annex Area

March 19, 2019 Planning and Zoning Commission

- No items currently scheduled

March 25, 2019 City Council

- No development items currently scheduled

April 2, 2019 Planning and Zoning Commission

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

April 8, 2019 City Council

- No development items currently scheduled

April 16, 2019 Planning and Zoning Commission

- Meeting cancelled

April 22, 2019 City Council

- No development items currently scheduled

May 7, 2019 Planning and Zoning Commission

- Dean Commercial Preliminary Plat (public hearing)

Department Activities

- Staff prepared notification to the owners of 18 undeveloped lots that meet the threshold requirement for sidewalks to be installed in order to create a continuous sidewalk network. Affected property owners have until Aug. 1 to secure a building permit to construct a home or install the sidewalk.
- Associate Planner David Gress participated in an America Walks webinar "Creating Safer Streets for All."

- GIS Coordinator Heather Eisenbarth participated in a Census 2020 workshop sponsored by the Mid-America GIS Consortium.
- Staff met with the project engineers of the Dean Commercial Preliminary Plat, a 9-lot commercial development proposed for the southwest corner of 58 Highway and Fox Ridge Drive.
- Director Jim Cadoret and Associate Planner David Gress participated in the monthly meeting of the Cass County Non-Profits.
- Code Enforcement Officer Christian Neal has resigned effective April 12, 2019.

GIS Activities

- Reviewed water supply distribution model at intersection points against 58 Relocation plans from yr1998
- Identified/quantified internal outfalls directly impacting surface waters, detention, natural & engineered swales to create inventory map & draft monitoring application
- Administration and QA/QC of anonymously managed data & apps
- Reference of approved plans for mapping
- Addressing and unique asset ID assignment & coordination
- Dashboard for quantifying datasets for annual CAFR reporting process
- GIS redistricting/apportionment workshop at Washington University in St Louis
- Receipt of corrected imagery tiles, LiDAR and derivatives from MARC.
- Mapping request to reference 1819 plat map book page to recent imagery
- Repaired 2018 imagery catalog, mosaic, overviews, web cache & services with complete tiles supplied