

BOARD OF ZONING ADJUSTMENTS PROCESS

Application

- A variance is defined as a modification of or departure from the provisions of the Unified Development Ordinance (UDO) which, if applied to a specific lot, would significantly interfere with the use of the particular property.
- Application filing fee and legal notice publishing charge, payable to the City of Lee's Summit - see Schedule of Fees and Charges found on www.cityofls.net. One legal notice is required for a variance. A single payment covering the application fee and legal notice charge may be accepted. An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.
- The application must include the exact legal description of the property upon which the variance is being requested.
- The application shall be accompanied by at least one set of drawings to clearly indicate the requested variance in relation to the property and/or structures. These could include a plot plan, plat, site plan, survey and/or building elevation(s). Pictures can be submitted with the application and drawings but cannot replace the drawings. The drawings must be of such detail that it can be clearly read. **These drawings must be able to be clearly read as well as being reproduced. If the drawings are larger than 11" by 17", a smaller copy of the drawings shall also be provided.**

Public Hearing Process

- State statutes require legal notice of the time and place to be published 15 days prior to the hearing in an official paper.
- **Mail Notices.** The applicant must mail notices to the last known owner of record as provided by the county within 300 feet at least 15 days prior to the hearing. Sample notices are available. The notice must include:
 - time and place of hearing,
 - general description of the proposal,
 - location map of the property,
 - street address, or general street location
 - statement explaining that the public will have an opportunity to be heard
- **File Affidavit.** An affidavit must be filed with the Development Services Department prior to the public hearing certifying the notices have been sent. Provide a list of the property owners notified and a copy of the notice sent.
- **Post Sign.** The applicant shall post a sign on the premises, at least 15 days prior to the date of the hearing, informing the general public of the time and place of the public hearing.
- **Maintain Sign.** The applicant shall make a good faith effort to maintain the sign for at least the 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within 5 feet of the street right-of-way line in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.
- Variance applications require a public hearing, allowing the applicant and any other party to present testimony or evidence to the Board. The applicant or his/her representative will be asked to present



LEE'S SUMMIT MISSOURI

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its case to the Board, FULLY describing the situation and the variance criteria (see Statement of Variance Criteria).

- Any evidence presented to the Board will become public record and must be provided in duplicate to the City or tagged as an exhibit at the hearing.

Board's Authority

- The Board of Zoning Adjustment may grant a variance, only if application of the UDO when applied to a particular property, would significantly interfere with the use of the property.
- The Board's authority is limited by the statutes of the State of Missouri and the UDO. The Board may only grant a variance if, in its discretion, each of the variance criteria is met (See Statement of Variance Criteria). **It is the applicant's responsibility to demonstrate to the Board that each of these criteria have been met.** The Board may evaluate the evidence in the record before it, and exercise its discretion on whether each of these criteria has been met on a case by case basis.

The person completing the application must sign below.

Dewey Michael Roberts
SIGNATURE

Dewey Michael Roberts _____
PRINT NAME HERE



NON-USE VARIANCE APPLICATION FORM

Application No. _____

APPLICATION IS HEREBY MADE TO THE BOARD OF ADJUSTMENTS OF THE CITY OF LEE'S SUMMIT, MISSOURI, REQUESTING A VARIANCE TO THE UNIFIED DEVELOPMENT ORDINANCE, AS SET FORTH BELOW,

VARIANCE REQUEST (Give description of variance(s) requested) Stick built addition to existing home at 508 SW Seagull st, LSMO 64082. Addition would be 14' by 22.75' on the back of the home. Structure will be similar to existing home (siding, paint, window color, shingles). The addition encroaches on 30' setback but is adjacent to common area for Raintree Lake.

PROPERTY ADDRESS 508 SW Seagull St. Lees Summit, MO 64082

LEGAL DESCRIPTION Raintree Lake Lot 705

APPLICANT Dewey Michael Roberts (Mike) PHONE 8165911600

CONTACT PERSON Mike Roberts FAX _____

ADDRESS 508 SW Seagull S CITY/STATE/ZIP Lees Summit, MO 64082

E-MAIL mike.roberts54@icloud.com

PROPERTY OWNER Dewey Michael Roberts PHONE 816-591-1600

CONTACT PERSON Mike Roberts FAX _____

ADDRESS 508 SW Seagull St CITY/STATE/ZIP Lees Summit, Mo 64082

E-MAIL mike.roberts54@icloud.com

THIS APPLICATION MUST BE ACCOMPANIED BY:

- Acknowledgement of the Board of Adjustment Process.
- One set of drawings to clearly indicate the requested variance in relation to the property and/or structures. These could include plot plan, plat, site plan, survey and/or building elevation(s).
(Note: These drawings must be able to be clearly read as well as being reproduced. If the drawings are larger than 11" by 17", a smaller copy of the drawings shall also be provided.)
- Statement of Non-use Variance Criteria.
- Application filing fee and legal notice publishing charge, payable to the City of Lee's Summit - see Schedule of Fees and Charges found on www.cityofls.net. One legal notice is required for



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NON-USE VARIANCE APPLICATION FORM

a variance. A single payment covering the application fee and legal notice charge may be accepted. An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.

The application must be signed by the legal property owner AND the applicant, if other than the owner. The property owner may grant permission for the filing of the application by means of a signed and notarized affidavit to that effect.

PROPERTY OWNER

APPLICANT

Print name here: Dewey Michael Roberts

Dewey Michael Roberts

Receipt #: _____ Date Filed: _____ Processed by: _____ Application # _____

STATEMENT OF VARIANCE CRITERIA (NON-USE)

In accordance with Section 2.530.B.3 of the Lee's Summit Unified Development Ordinance, the applicant must meet each of the following requirements to support the granting of the requested variance. **Failure to complete each may result in an incomplete application.** Explain IN DETAIL how this application meets each of the following requirements.

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

This variance request is for a deck that when built by the original owners should have had a variance request done. The existing deck has been in place as constructed originally since the home was built. There are 2 options being proposed. Option 1 is the existing deck and there is no change from what had been in place and so there is no change for adjacent property owners. Option 2 would expand the deck to the west approximately 10' which would have minimal line of sight impact to the neighbor that backs up to the subject property.

2. The granting of the variance will not be opposed to the general spirit and intent of the ordinance from which the variance is sought.

I believe this is within the general spirit and intent of the ordinance from which a variance is being sought. Line of sight is really the only factor to be evaluated and there would be no change in terms of being closer to neighbors than exists today. Common space provides an open area beyond the property line as well.

3. The variance requested will not adversely affect the public health, safety, morals, or general welfare of the community.

There would be no change from the existing deck which is need of repair/replacement.

STATEMENT OF VARIANCE CRITERIA (NON-USE)

4. The variance requested arises from a condition which is unique and peculiar to the property in question and which is not ordinarily not found in the same zone or district, and further, is not created by an action or actions of the property owner or applicant.

This variance request is primarily to correct a situation where the prior owner had not obtained a variance.

5. Substantial justice will be done by the granting of this variance.

The variance will allow the continued use of an existing deck under option 1 and option 2 would expand the deck but not closer to adjacent home owners to the east.

Further, in accordance with Section 2.530.B.2 of the Lee's Summit Unified Development Ordinance, the applicant must meet each of the following requirements to support the granting of the requested non-use variance. Explain **IN DETAIL** how this application meets each of the following requirements.

1. Practical difficulties exist that would make it impossible to carry out the strict letter of the Unified Development Ordinance when considered in light of the following factors:

a. How substantial the requested variation is, in relation to the requirement of the Ordinance.
Option 1 is to correct an existing condition where a variance wasn't accomplished by the prior owner.

Option 2 would extend the deck to the west which would not be close to adjacent property to the east. We don't believe this causes a significant line of sight change.

b. The effect of increased population density, if any, on available public facilities and services, if the variance is allowed.

This remains a single family home and population density won't be affected.

STATEMENT OF VARIANCE CRITERIA (NON-USE)

c. Whether a substantial change will be produced in the character of the neighborhood, or whether a substantial detriment to adjoining properties will be created if the variance is allowed.

The character of the neighborhood will not change and adjoining properties will have no change from present with the minor exception of the Option 2 expansion which would not impact lake view.

d. Whether it is feasible for the applicant to pursue a method, other than a variance, to obviate the practical difficulty.

The variance is needed to correct the existing deck (by prior owners) from being out of compliance with city ordinances.

e. Whether the interests of justice will be served by allowing the variance, in view of the manner in which the practical difficulty arose in consideration of all of the above factors.

The variance requests effectively would approve that which we thought we were buying when we purchased the home. The prior buyer did not disclose the deck wasn't in accordance with city regulations.

f. Conditions of the land in question, and not conditions personal to the landowner. (The Board will not consider evidence of the applicant's or landowner's personal financial hardship unrelated to any economic impact on the land.)

There is no real impact to the land/lot

This sheet must be signed by the person completing this sheet.


SIGNATURE

Dewey Michael Roberts
PRINT NAME HERE