

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 An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.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



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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.


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



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.

Dewey Michael Roberts Dewey Michael Roberts
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.

The variance request will have a minor effect on the neighbors. Primarily it is a line of sight issue regarding lake view. The Raintree Lake Property Owners handbook provides some guidance regarding lake view sightlines. Basically it states trees, and vegetation cannot unduly effect the other property owners view of the lake. Aerial views regarding line of site for the neighbors were provided and show that there is a relatively minor change which does not appear to rise to being unduly restrictive. There were 2 trees which were removed under our ownership which would impacted lake views at that time. We will also remove the large tree that exists today which will improve the lake view overall from my perspective.

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.

We have minimized the size of the project to the smallest we can while still providing the benefit we want. This is a unique situation from many variances as it is primarily a lake view issue. There will still be a lot of space between the one neighbors property that backs to the subject property. The addition will not detract from the aesthetics of the home. An effort was made to reduce the size of the project to minimize lake view changes.

STATEMENT OF VARIANCE CRITERIA (NON-USE)

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

Lake access from common areas will not be impacted. This doesn't affect the general community and would be less impactful than an outdoor hot tub or a pool which was considered. The addition would be within space currently where a deck and flower bed is. The addition is primarily to accommodate bringing the outdoors inside with a "Florida Room" with hot tub.

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 is a stand alone request and should not have any bearing on other variances that might be proposed within Raintree Lake Subdivision and would not create any variance precedents. There are no unique zoning issues as this would be part of a residential home within existing zoning requirements for residential housing. The addition will look as if were part of the original home.

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

We have a beautiful lake view but since moving to our home my wife is unable to go outdoors for any period of time without being insect bit. We have tried to do everything possible to change that but to no avail. The room will house a hot tub which is needed for her arthritic condition. The addition will not unduly affect property owners lake view nor detract from the community. We had offered to buy some of the common area from the RLPOA but that won't occur. This is the best



STATEMENT OF VARIANCE CRITERIA (NON-USE)

way to allow my wife to enjoy the lake experience that we paid for when we bought a lakefront property.

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.
The addition still maintains a large distance to the one home nearby. The addition will be further away than the existing deck. Common area is not changed and is the primary access to the lake for neighbors.

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.

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. The primary thing is the addition will not significantly change the lake view of neighbors and it does not unduly impact lake views. Access to the lake remains the same.

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 allow us to enjoy our property and the lake in a way that can't be done today. There isn't enough space to do this any other way other than a variance.

STATEMENT OF VARIANCE CRITERIA (NON-USE)

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.

We want to be good neighbors and have scaled the project down to what we need and to minimize the addition and concerns of neighbors. The line of sight to the lake is not substantially changed as to affect property values in our opinion.

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.)

The land itself is a normal lot that is adjacent to common space at Raintree Lake. This is not a new development and there are no personal financial issues. The primary issue is to have minimized lake view obstruction.

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

Dewey Michael Roberts
SIGNATURE

Dewey Michael Roberts
PRINT NAME HERE