

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 An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.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



LEE'S SUMMIT MISSOURI

BOARD OF ZONING ADJUSTMENTS PROCESS

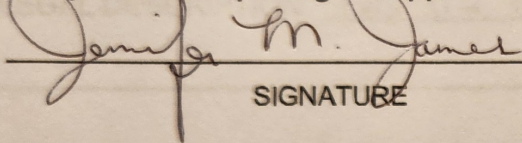
case to the Board, **FULLY** describing the situation and the variance criteria (see Statement of Variance Criteria).

- 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

Jennifer M. James
PRINT NAME HERE



LEE'S SUMMIT MISSOURI

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) The replacement of an old deck and construction of a new one. Like the old deck, the uncovered portion of the new deck will be less than 25' from the back of the property. A covered portion would be built less than 30' from the back.

PROPERTY ADDRESS 2720 NW Bent Tree Cir., Lee's Summit, MO 64081

LEGAL DESCRIPTION Bent Tree Bluffs 1st Plat - Lot 9, Parcel: 51-940-03-15-00-0-00-000

APPLICANT _____ PHONE _____

CONTACT PERSON _____ FAX _____

ADDRESS _____ CITY/STATE/ZIP _____

E-MAIL _____

PROPERTY OWNER Jennifer James PHONE 816-716-3319

CONTACT PERSON same FAX _____

ADDRESS 2720 NW Bent Tree Cir. CITY/STATE/ZIP Lee's Summit, MO 64081

E-MAIL jennifer.m.james313@gmail.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 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.



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NON-USE VARIANCE APPLICATION FORM

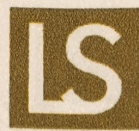
The application must be signed by the legal property owner AND the applicant, if other than the owner. The property owner may grant permission for the filing of the application by means of a signed and notarized affidavit to that effect.

Jennifer M. James
PROPERTY OWNER

APPLICANT

Print name here: Jennifer M. James

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 new deck will have a similar footprint to the current deck, which was built long before we purchased the property. The neighbors adjacent to our property also have decks, covered and uncovered, of various shapes and sizes. I know of no reason why the variance would adversely affect the rights of adjacent property owners.

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.

The new deck only requires the granting of a variance due to the unusual shape of the property. The current deck, which was built before we purchased the property, already stands with the western corner less than 25' from the back property line. The new deck would be built in line with the house rather than the oddly-angled back property line.

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

The variance will not adversely affect the public in any way. On the contrary, it will beautify the property and raise its value.

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.



STATEMENT OF VARIANCE CRITERIA (NON-USE)

The property is unusual for two reasons. First, the current deck, built before we purchased the property, already sits with the western corner less than 25' from the back property line. Second, the property is oddly shaped, with the east side at 130' long and the west side at 103' long.

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

The current deck already sits with the western corner less than 25' from the back property line. It's been like that since before we moved in, and we've been living with it like that since we purchased the property. We would also be able to build the covered portion in line with the house rather than the oddly-angled back property line.

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 requested variation is building a new deck with a similar footprint to the current one, the uncovered western corner slightly less than 25' from the back property line, and a part of the covered portion less than 30' from the back property line.

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

In the case of increased population density, I'm unaware of any effect on available public facilities and services due to the requested variation.

- 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.

I know of no detriment to adjoining properties that would be created by the variance.

The variance is in keeping with the character of the neighborhood, which features both covered and uncovered decks and patios.



LEE'S SUMMIT MISSOURI

STATEMENT OF VARIANCE CRITERIA (NON-USE)

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

Our contractor's plans place the deck as far east as it can go before running into the air conditioning unit. The covered portion is just large enough to enclose the back door. We feel

this is important, as it's our plan to grow old in the house, and we want any additions to be accessible to us regardless of our ages or physical conditions.

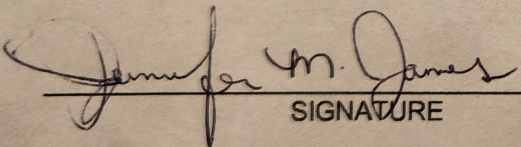
- e. Whether the interests of justice will be served by allowing the variance, in view of the manner in which the practical difficulty arose in consideration of all of the above factors.

I believe the interests of justice will be served by allowing the variance. The difficulty in building an accessible deck in a similar footprint to the current one arises entirely from the odd shape of the property.

- 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 east line of the property measures 130', but the west line measures only 103'. Were it not for the loss of 27' going east to west, the variance wouldn't be necessary.

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


SIGNATURE

Jennifer M. James
PRINT NAME HERE

