

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 An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.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



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.

A handwritten signature in black ink, appearing to read 'Leonard Radulescu', is written over a horizontal line.

SIGNATURE

LEONARD RADULESCU

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) We are proposing to install an 8-foot decorative steel fence along the rear of the property, running east to west from tree line to tree line. Additionally, we are proposing to install a 6-foot black decorative steel fence along the front of the property, running east to west tree line to tree line.

PROPERTY ADDRESS 501 NE Missouri rd

LEGAL DESCRIPTION CORNERSTONE BAPTIST CHURCH LOT1~~~LOT1 (EX PT IN ROW & EX PT SW 1/4 DAF: BEG SE COR LOT 1 CORNERSTONE BAPTIST CHURCH TH E 8.13' TH N 01 DEG 35 MIN 49 SEC E 617.19' TH E 8.13' TH S 01 DEG 35 MIN 49 SEC W 618.17' TO POB)

APPLICANT KVC FOUNDATION PHONE (913)626-8445
CONTACT PERSON LEONARD RADULESCU FAX _____
ADDRESS 1325 SOUTH FOUNTAIN DR CITY/STATE/ZIP OLATHE,KS 66061
E-MAIL LRADULESCU@KVC.ORG

PROPERTY OWNER KVC FOUNDATION PHONE _____
CONTACT PERSON _____ FAX _____
ADDRESS _____ CITY/STATE/ZIP _____
E-MAIL _____

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.



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.

A handwritten signature in black ink, appearing to be 'Leonard Radulescu', written over a horizontal line.

KVC FOUNDATION _____
PROPERTY OWNER

Leonard Radulescu _____
APPLICANT

Print name here: LEONARD RADULESCU _____

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 proposed decorative black fencing will enhance the appearance, security, and overall maintenance of the property without negatively impacting neighboring properties. The fence will remain decorative in nature, maintain visibility, and will not obstruct traffic sightlines or access to adjacent properties. The installation follows the natural tree line boundaries and is intended to improve privacy, safety, and property aesthetics while remaining compatible with

the surrounding area.

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 intent of the ordinance is to promote orderly development, safety, and compatibility within the community. The proposed fencing supports these goals by providing a clean, attractive, and secure perimeter improvement that complements the character of the area. The request is limited in scope and maintains the decorative nature of the fencing while respecting the surrounding neighborhood and existing site conditions.

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

The proposed fence installation will improve safety and security for the property and surrounding area by clearly defining property boundaries and discouraging unauthorized access.

The decorative steel fencing will be professionally installed and maintained, creating a visually appealing enhancement that supports the overall welfare and appearance of the community without creating hazards or nuisance conditions.

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.

The property layout, tree line configuration, and existing site conditions create unique boundary and visibility circumstances that make the proposed fence heights appropriate for this location. The requested variance is intended to allow the fencing to follow the natural layout of the property while maintaining consistency in appearance, privacy, and security. These conditions are specific to this



STATEMENT OF VARIANCE CRITERIA (NON-USE)

variance is intended to allow the fencing to follow the natural layout of the property while maintaining consistency in appearance, privacy, and security. These conditions are specific to this property and were not created by the current owner or applicant.

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

Granting the variance will allow reasonable improvements to the property while maintaining compatibility with the surrounding area and preserving the intent of the ordinance. The proposed decorative fencing will improve appearance, security, and usability of the property without causing harm to neighboring properties or the public. Approval of the request represents a fair and practical solution that benefits both the property owner and the community.

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 variance is limited in scope and relates only to the height and placement of decorative fencing along portions of the property. The request does not alter the use of the property or create impacts inconsistent with the intent of the ordinance. The proposed fence remains aesthetically compatible with the surrounding area and is intended to improve the appearance, privacy, and security of the property.

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

The requested fence variance will not increase population density or place additional demand on public facilities or services. The request is strictly related to site improvements and decorative fencing and will not impact traffic, utilities, schools, emergency services, or other public infrastructure.

- 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 proposed decorative black steel fencing will be consistent with the character of the surrounding area and will serve as an enhancement to the property. The fence design is intended to be visually attractive and professionally installed. No substantial detriment to adjoining properties is anticipated, and the variance will not negatively impact neighboring property values, access, or viability.



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.

Due to the layout of the property, existing tree lines, and desired consistency in the appearance and security, there is no practical alternative that would achieve the same result without requesting the variance. Reducing fence height or altering layout would limit effectiveness of the fencing and create inconsistencies with the overall design and function of the property improvements.

- 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.

Allowing the variance serves the interests of justice by permitting reasonable property improvements that enhance security, appearance, and usability while remaining compatible with the surrounding neighborhood. The practical difficulty arises from the unique layout and conditions of the property rather than from any attempt to circumvent the ordinance. Granting the variance provides a fair and balanced solution without negatively impacting the public or neighboring properties.

- 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 request is based solely on the physical characteristics and layout of the property, including the tree lines, boundary configuration, and existing site conditions. The variance is not requested do to personal or financial circumstances of the owner, but rather to allow a reasonable and consistent fencing improvement that appropriately fits the property and surrounding environment

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

A handwritten signature in black ink, appearing to read 'Aaron Thakker', written over a horizontal line.

SIGNATURE

Aaron Thakker

PRINT NAME HERE