

City of Lee's Summit

Development Services Department

September 12, 2025

TO: Board of Zoning Adjustments
FROM: Hector Soto, Jr., AICP, Senior Planner
RE: **PUBLIC HEARING – Application #PL2025-205 – Variance to Unified Development Ordinance Article 6, Section 6.1330, Table 6.IV-1, Detached Garage Setback/Location – 315 NE Saint Andrews Cir; QKI, LLC, applicant**

Recommendation

The Development Services Department recommends **APPROVAL** of the variance to allow a detached garage to be constructed closer to the front property line than the principal structure (i.e., the existing single-family residence) with a 242' front setback as requested.

Request

Variance Requested: a non-use variance to the front setback for a detached garage

Site Characteristics

Location: 315 NE Saint Andrews Cir (Lot 1, *The Forest at St. Andrews*)

Zoning: R-1 (Single-Family Residential)

Property Owner: QKI, LLC

Surrounding Zoning and Uses:

North (across NE Saint Andrews Cir): R-1 – Single-family residential

South: AG (Agricultural) and RP-3 (Planned Residential Mixed Use) – Lakewood common area and golf course

East: AG (Agricultural) – R-1 – Single-family residential

West: AG & R-1 – City of Lee's Summit water tower and Single-family residential (across NE Maybrook Rd)

Background

- October 8, 1990 – The Planning Commission approved the preliminary plat (Appl. #1990-119) for *The Forest at St. Andrews, Lots 1-6*.
- November 6, 1990 – The City Council approved a rezoning (Appl. #1990-024) from AG to R-1 for approximately 22 acres generally located at the southwest corner of NE Saint Andrews Cir and NE Maybrook Rd, inclusive of the subject property.
- November 20, 1990 – The City Council approved the final plat (Appl. #1990-120) for *The Forest at St. Andrews, Lots 1-6* by Ordinance No. 3478.
- August 21, 2000 – A building permit (#B0001472) was approved for construction of a 4,634 square foot single-family residence on the subject property.

Ordinance Requirement

Location/Front Setback for Detached Garage. Detached garages are not allowed to be located closer to the front property line than the principal structure, meaning the single-family residence (UDO Section 6.1330, Table 6.IV-1).

Existing Conditions. The subject property is a 7.97-acre residential lot. The existing 4,634 square foot single-family residence is currently served by an attached garage. The existing residence is located approximately 381' from the front property line. The subject property is impacted by significant topographical slopes across the entirety of the lot.



Figure 1 - Existing residence

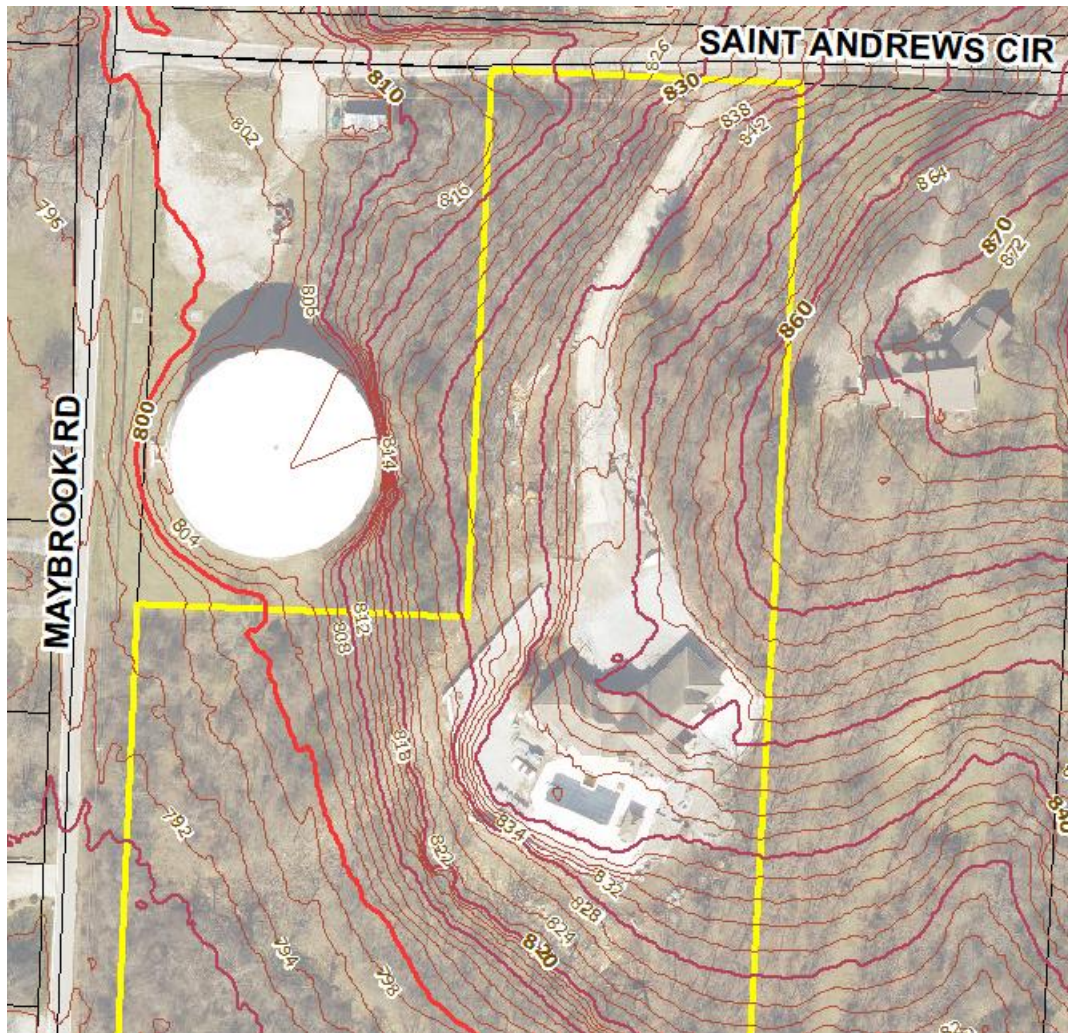


Figure 2 – Close-up of existing residence shown with topography (2-foot contours)

Request. The applicant seeks to construct a 3,000 square foot detached garage along the existing residential driveway. The detached garage would be located 242' from the front property line, approximately 80' north (i.e., in front) of the existing residence. The applicant requests a variance to the restriction that detached garages cannot be located closer to the front property line than the principal structure (i.e., the single-family residence).

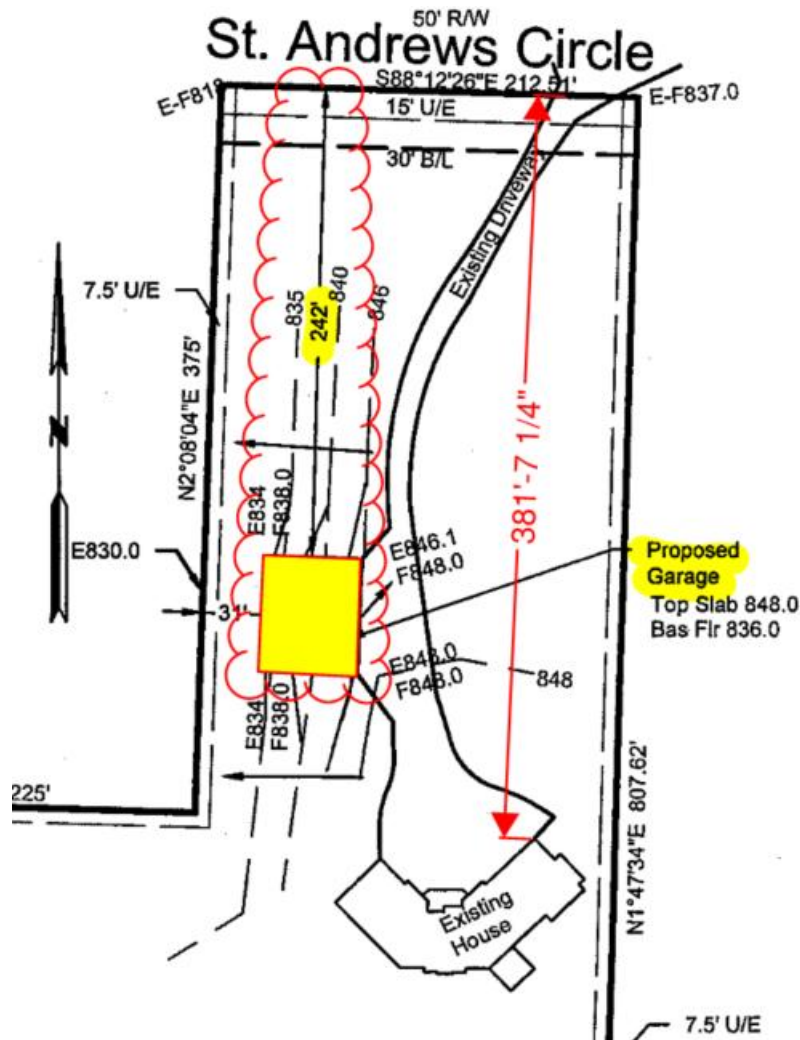


Figure 3 – Plot showing proposed detached garage location relative to existing single-family residence.

Analysis of Variance

With respect to all variances, the following is an evaluation of the criteria set forth in the Unified Development Ordinance Article 2, Sec. 2.530.B.3.:

Criteria #1 – The granting of the variance will not adversely affect the rights of adjacent landowners or residents.

Granting a variance will not adversely affect the rights of the adjacent landowners or residents. The proposed detached garage will be set back farther (242') from the NE Saint Andrew Cir right-of-way than the adjacent homes on the same side of the street, which range between 100' and 150' from the right-of-way. Also, the combination of the heavily wooded property and the meandering configuration of the driveway will render the detached garage out of sight from the street. The proposed detached garage will comply with all side and rear yard setback requirements.

Criteria #2 – The granting of the variance will not be opposed to the general spirit and intent of this Ordinance.

The intent of not allowing detached garages (an accessory structure) to be located closer to the front property line than a residence (the principal structure) is to reflect and preserve the prominence of the primary use of the property as residential. The UDO defines an accessory building or use as “a *subordinate* (emphasis added) use of a building or land which is *incidental to* (emphasis added) and customary in connection with the main building or use which is located on the same lot as the main building or use (UDO Section 15.050).” Granting a variance to allow the proposed detached garage to be located closer to the front of the lot than the residence will not be opposed to the general spirit and intent of the Ordinance. In this case, the heavily wooded state of the property hides the view of the house from the street and will similarly hide the view of the detached garage from the street, therefore granting a variance allowing the detached garage to be located in front of the house does nothing to erode the prominence of residential as the primary and prominent use of the subject property.

Criteria #3 – The variance desired will not adversely affect the public health, safety or general welfare.

Granting a variance will not cause an increased risk in the health, safety or general welfare of the community.

Criteria #4 – The variance requested arises from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.

The variance request arises from topographical challenges on the property that hinder the ability to access and construct a detached garage on the property to the side or rear of the house. Due to these topographical challenges, the most feasible area to construct a detached garage is along the existing driveway leading to the house, which has less severe slopes to manage.

Criteria #5 – Substantial justice will be done.

Substantial justice will be done by granting the requested variance. The site’s existing topographical challenges are a demonstrated hardship that make compliance with the UDO requirements to locate a detached garage to the side or rear of the house infeasible, thus rendering the proposed location for the detached garage the most practical option.

Analysis of Non-Use Variance

With respect to a non-use variance, the following is an evaluation of the criteria set forth in the Unified Development Ordinance Article 2, Sec. 2.530.B.2.:

Criteria #1 – Whether practical difficulties exist that would make it impossible to carry out the strict letter of the Ordinance.

Topography-related difficulties across the breadth of the site exist that make it difficult, if not impossible, to carry out the strict letter of the ordinance. Undulating terrain that ranges from a high point of 862’ ASL (above sea level) to a low point of 784’ ASL is characteristic of the subject property and limit areas where a detached garage could practically be located.

In making such recommendation, the Staff has analyzed the following considerations set forth in the Unified Development Ordinance Article 2, Sec. 2.530.B.2.:

Consideration #1 – How substantial the variation is, in relation to the requirement.

A detached garage is required to be set back no closer than the principal structure. The existing residence is set back 381’ from the front property line; the proposed detached garage is set back 242’ from the front property line.

Consideration #2 – If the variance is allowed, the effect of increased population density, if any, on available public facilities and services.

Approval of the requested variance will not increase population and thus would have minimal, if any, effect on the available public facilities.

Consideration #3 – Whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties is created.

Granting a variance will not produce a substantial change in the character of the neighborhood. The proposed detached garage will be located 242' from the NE St Andrews Cir right-of-way and will be out of view from the street substantially house and detached garage are set back a considerable distance on the property and are barely visible from the street and adjacent residential properties.

Consideration #4 – Whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance.

The need for a variance is directly tied to site topography, so the difficulty cannot be obviated through a practical, alternate method.

Consideration #5 – Whether, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.

The interests of justice will be served by allowing the variance. The topographical features inherent to the site make compliance with the UDO requirements to locate a detached garage to the side or rear of the house infeasible, thus rendering the proposed location for the detached garage the most practical option.

Consideration #6 – Conditions of the land in question, and not conditions personal to the landowner. Evidence of the applicant's personal financial hardship unrelated to any economic impact upon the land shall not be considered.

The land in question has significant topographic variation across its entirety that inhibits the practical ability to locate a detached garage to the side or rear of the existing single-family residence in accordance with the requirements of the UDO.

Attachments:

1. Variance Application, uploaded August 5, 2025 – 7 pages
2. Plot Plans showing proposed detached garage location, August 5, 2025 – 2 pages
3. Location Map