



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 An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.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



SIGNATURE

Tyler Hiatt

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) _____

The property owner is requesting a variance from the currently defined interior side setback distance of 50'-0". The property owner is requesting that the setback be reduced to 25'-0" to allow for an addition to the home.

PROPERTY ADDRESS 392 NE Velie Road, Lee's Summit, MO

LEGAL DESCRIPTION GARDS ESTATES LOT 1

APPLICANT Vernacular Design, LLC PHONE 816-582-9816

CONTACT PERSON Tyler Hiatt FAX _____

ADDRESS 310 NW Englewood Road CITY/STATE/ZIP Kansas City, MO 64118

E-MAIL tyler@vernacular.archi

PROPERTY OWNER OLSON ANTHONY RAY & KELLY-TRUSTEES PHONE 816-876-8299

CONTACT PERSON Tony Olson FAX _____

ADDRESS 392 NE Velie Road CITY/STATE/ZIP Lee's Summit, MO 64064

E-MAIL anthonyrayolson@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.



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 read 'Tony Olson', written over a horizontal line.

PROPERTY OWNER

Print name here: Tony Olson

A handwritten signature in blue ink, appearing to read 'Tyler Hiatt', written over a horizontal line.

APPLICANT

Tyler Hiatt

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 will not negatively affect the adjacent property owners' rights of quiet enjoyment. The homes on adjacent properties are 450'-500' way from the home at 392 NE Velie Rd. In fact, the only other remedy for the issue at 392 NE Velie Rd would be to rezone the property. Rezoning the property would have a much more negative affect on the neighboring property owner as it would cause their current building project (large accessory garage) to fall out of compliance.

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 requested reduction of the required front setback from 50 feet to 25 feet does not contradict the spirit or intent of the zoning ordinance. The purpose of the setback requirement is to preserve adequate open space, maintain separation between structures, protect light and air, and ensure compatibility with surrounding properties. Those purposes remain fully satisfied by the proposed residence. Although the property is zoned Agricultural, the surrounding lots are being developed with large single-family homes rather than active agricultural uses. In this context, the requested setback reduction does not introduce a use or form of development that is out of character with the area. Even at 25 feet, the lot will retain substantial open area and continue to reflect the low-density, spacious character of the district. The variance is limited in scope and only seeks the relief necessary to allow reasonable placement of the residence on the property.

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

Granting this variance will have no ill affects on the public health, safety, morals, or general welfare of the community. Reducing the setback from 50 feet to 25 feet does not change the use of the property, does not increase density, does not create hazardous site conditions, and does not impose measurable negative effects on surrounding properties or the public at large. The house is still a single-family residence on a large lot, so the essential character of the area and intensity of use remain the same.

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)

Analysis of the parcel in question and the neighboring parcel show clear evidence that the primary residence on 392 NE Velie Road as well as the access road itself were built prior to the large square lot being split into the two triangular lots. This is further illustrated by the fact that the currently prescribed setback crosses through the existing primary residence. This condition existed prior to the current owners purchase of the property and is certainly unique to this situation and parcel.

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

Substantial justice will be done by granting the requested variance because the proposal represents a reasonable and limited residential expansion that will not materially injure neighboring properties or impair the public interest. The relief requested is no greater than necessary to allow the family to make reasonable use of their property. Strict application of the setback requirement would impose an unnecessary burden on the owners while producing little corresponding benefit to the public. Because the variance preserves the essential character of the area, maintains compatibility with surrounding development, and avoids any meaningful adverse impact on health, safety, or welfare, granting the variance is the more just and equitable result.

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 a 50% reduction of the inside property setback from 50' to 25'

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

This variance will have no effect on population density or public facilities/services.

- 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.

This variance will have no effect on the character of the neighborhood and will not be a detriment to adjoining properties.



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.

—The only other option would be a rezoning of the property. This is a technical issue for the adjoining property as it would cause their current building project (accessory garage building) to fall out of compliance.

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 issues with the current setback and the impediment on the current owners were created by factors that arose prior to the current owners purchase of the land. Allowing this variance would provide reasonable justice to the homeowner and allow for their continued quiet enjoyment of their 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 issues with the current setback and the impediment on the current owners is an issue that is specific to the material characteristics of the property and is in no way related to financial factors.

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

SIGNATURE

Tyler Hiatt

PRINT NAME HERE