



LEE'S SUMMIT MISSOURI

STATEMENT OF VARIANCE CRITERIA (NON-USE)

The new structure is intended to provide steps down from existing deck while allowing to avoid posts on the patio below and simultaneously provide additional usable space.

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

Because there are no neighbors behind and the neighbor to the east has been allowed to extend their living area w/ a pool it makes sense for this project to be approved.

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.

It appears we have approx 5' of allowable space to extend the deck and we are only asking for a variance of another 7' out on top of that in order to avoid posts in the patio below.

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

There shall be no additional population density as we are not adding any bedrooms to the home.

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.

On the contrary if required to stay within the setback and install a 5' extension for a staircase. Then the character of the home and the neighborhood would be harmed by an awkward addition.



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 structure will not extend out any further than the existing patio space or existing pergola structure

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.

There are no neighbors behind the property and no views will be obstructed by this structure

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

The new structure will be built to code and shall not have any adverse affects on the community.

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.



LEE'S SUMMIT MISSOURI

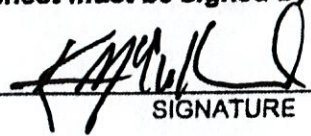
STATEMENT OF VARIANCE CRITERIA (NON-USE)

d. Whether it is feasible for the applicant to pursue a method, other than a variance, to obviate the practical difficulty. Extending the deck less would be possible but
however it would not align w/ the design aesthetic
of the home or the neighborhood.

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.
Considering the existing patio and pergola are
at the same distance as the proposed structure and
there are no neighbors behind. The allowing this
extension would be just for the homeowners and the
neighbor

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 proposed project is a much bigger
investment than a solution which falls w/in the
current setback.

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


 SIGNATURE

Kouri McCalla
 PRINT NAME HERE



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.

Handwritten signatures and printed names for Property Owner (Kevin McClelland) and Applicant (Heidi McClelland and Kevin McClelland).

Receipt #: _____ Date Filed: _____ Processed by: _____ Application # _____

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) Requesting to build 12x12 structure to extend deck over existing patio & provide steps down to yard. Currently only approx 5' allowed w/ set back.

PROPERTY ADDRESS 4525 NE Sherwood Dr Lee's Summit MO 64066

LEGAL DESCRIPTION Park Ridge 5th PLAT - LOT 261

APPLICANT Royal Enterprises & KCh PHONE 816-825-2524

CONTACT PERSON Andy Wright FAX _____

ADDRESS 1509 S Osage St. #2B CITY/STATE/ZIP Independence MO

E-MAIL Andy@RoyalCreationsKC.com

PROPERTY OWNER McClelland Kevin & Heidi PHONE 913-481-6019

CONTACT PERSON Kevin McClelland FAX _____

ADDRESS 4525 NE Sherwood Dr. CITY/STATE/ZIP Lee's Summit MO 64066

E-MAIL Kevin mc 968@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.



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

Kevin McCreland

PRINT NAME HERE



BOARD OF ZONING ADJUSTMENTS PROCESS

Application

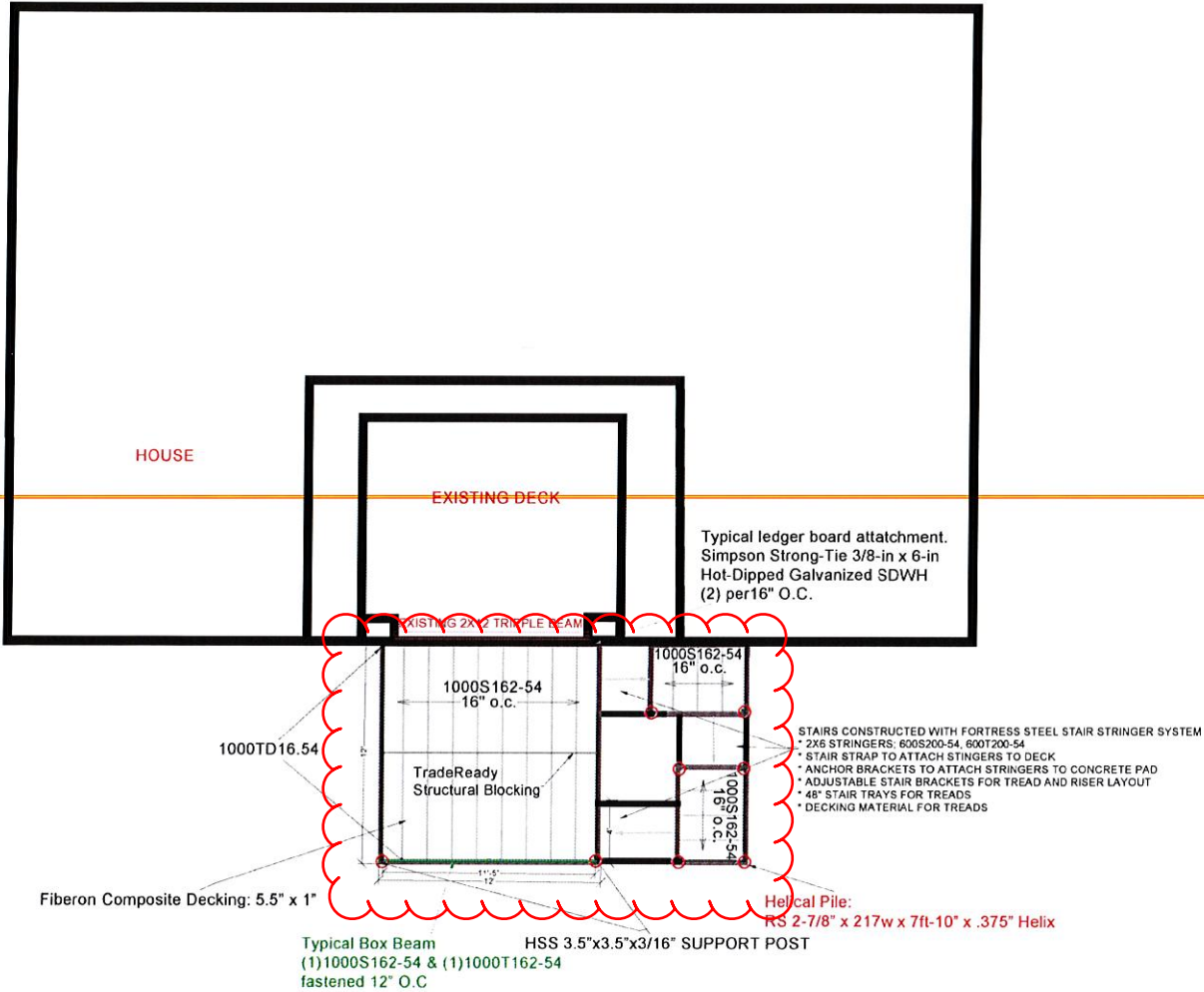
- A variance is defined as a modification of or departure from the provisions of the Unified Development Ordinance (UDO) which, if applied to a specific lot, would significantly interfere with the use of the particular property.
- Application filing fee and legal notice publishing charge, payable to 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

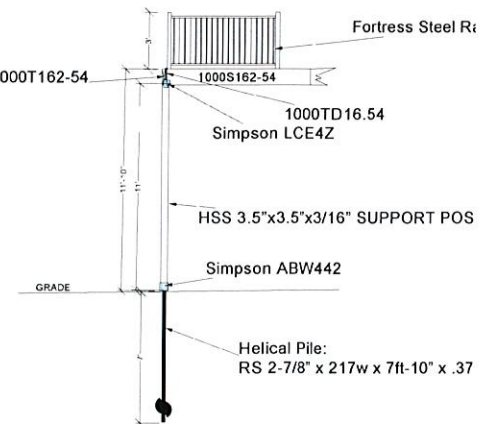
- State statutes require legal notice of the time and place to be published 15 days prior to the hearing in an official paper.
- **Mail Notices.** The applicant must mail notices to the last known owner of record as provided by the county within 300 feet at least 15 days prior to the hearing. Sample 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

McClelland Residence

4525 NE SHERWOOD DRIVE
LEES SUMMIT, MO 64064



SIDE ELEVATION



NOTES

- 1) FRAMING: Galvanized light gauge steel to conform with typical LGS framing methods.
JOISTS: (1000S162-54) 10" web, 1-5/8" flange
TRACK/LEDGER: (1000T162-54) 10" web, 1-1/4" leg
BOX BEAM: Joist (1000S162-54) nesting inside a Track (1000T162-54), attached with #10 x 3/4" Hex Head exterior coated self-tapping screws 12" o.c. (TYPICAL)
- 2) SUPPORT POSTS: HSS 3.5"x3.5"x3/16" steel square tubing coated with corrosion resistant paint.
- 3) HELICAL PILES: PierTech RS 2-7/8" x 217w x 7ft-10" x .375" Helix installed by PierTech certified helical pile installer.
Typical deck post attachment using Simpson ABW442.
- 4) DECKING: Fiberon Composite Decking
- 5) RAILING: DeckPro Prestige aluminum railing, 3" posts.
- 6) FASTENERS: LGS framing fasteners= #10 x 3/4" hex head
Decking fasteners=#10 x 1-5/8" in (face screwed w/matching plug)

NE Aberdeen Dr

82'

45 25

DECK
12'x12'

STAIRS

18'

127'

127'

53'-6"

44'-5"

127'

