

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 #PL2025-224 – Variance to Unified Development Ordinance Article 6, Section 6.1330, Table 6.IV-1, Detached Garage Setback/Location – 1540 NE Woods Chapel Rd; Christine Trainer and Dan Bromley, applicants**

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 236' front setback as requested.

Request

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

Site Characteristics

Location: 1540 NE Woods Chapel Rd (Lot 1, *Bromley Acres*)

Zoning: R-1 (Single-Family Residential)

Property Owner: Christine Trainer and Dan Bromley

Surrounding Zoning and Uses:

North: R-1 – Large-acreage single-family residential and Savannah Ridge single-family residential subdivision

South: AG (Agricultural) – Large-acreage single-family residential

East (across NE Woods Chapel Rd): AG (Agricultural) – Large-acreage single-family residential

West: AG & R-1 – Large acreage single-family residential and Savannah Ridge single-family residential

Background

- March 12, 1996 – The Jackson County Recorder of Deeds office recorded the minor plat for *Bromley Acres, Lot 1* by Instrument #I-0014127.
- 1996 – A building permit was issued for construction of a 1,974 square foot single-family residence on the subject property.
- August 29, 2025 – Staff approved the minor plat (Appl. #PL2025-145) titled *Bromley Acres, Lots 1A & 2*. The minor plat is currently in the process of being recorded with the County. Upon recording of the minor plat, the subject property will be known as Lot 1A and will increase in size from 1.99 acres to 4.41 acres as a result of acquisition of a portion of the abutting lot to the north that will be known as Lot 2. **For the purposes of this**

application, the subject property will be considered as having the approved larger 4.41 acres in size.

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 4.41-acre residential lot. The existing 1,974 square foot single-family residence is currently served by an attached garage. The existing residence is located approximately 615' from the front property line. The subject property is a heavily wooded lot with two ponds on the site. The existing residence is currently served by a shared driveway that splits to the north to serve another existing single-family farther north off the image below.

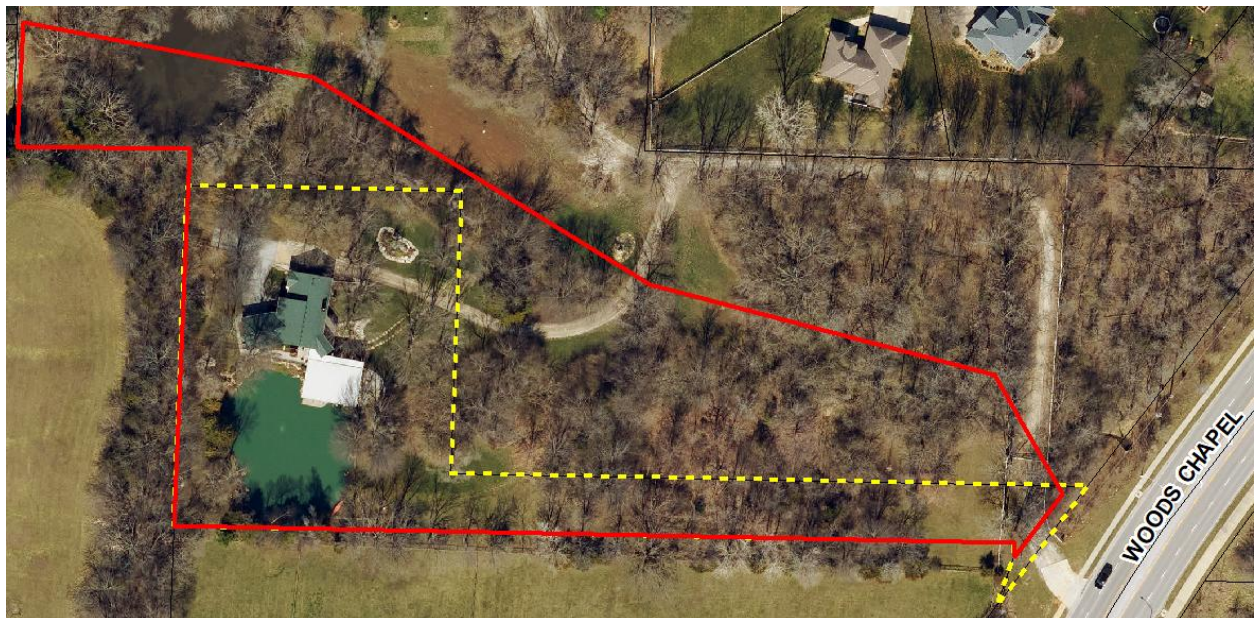


Figure 1 - Existing residence. Existing 1.99-acre lot boundary shown in dashed yellow line. Pending 4.41-acre lot boundary shown in solid red line.

Request. The applicant seeks to construct a 2,400 square foot detached garage along a new driveway that will serve the existing single-family residence. The detached garage would be located 236' from the front property line, approximately 316' east (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 2 – Aerial showing proposed detached garage (green rectangle) and new driveway (magenta line) 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's 236' setback from the front property falls within the range of setbacks for existing principal and accessory structures (ranges between 100' and 250') of similar large-acreage single-family residential lots in the immediate vicinity along NE Woods Chapel Rd. Also, the heavily wooded property 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. 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 the limited area available to construct a detached garage to the side or rear of the house. The existing residence is located to the very rear of the subject property, just 50' from the rear property line and as such nearly the entirety of the open area is located between the house and the front property line. With that said, there is an area to the north (considered a side yard) of the existing residence where a detached garage could be constructed, but the applicants' preference is to locate the detached garage in front of the house to the east along a new driveway that will be constructed.

Criteria #5 – Substantial justice will be done.

Substantial justice will be done by granting the requested variance to allow construction of the detached garage in the preferred location east (i.e. between the house and front property line) of the house. The combination of the detached garage's 236' front setback and heavily treed nature of the site renders the garage location out of sight from NE Woods Chapel Rd.

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.

The practical difficulty that limits the ability to carry out the strict letter of the Ordinance is the fact that the existing residence is set back 615' from the front property line and only 50' from the rear property line, meaning that the bulk of open area is located between the house and front property line. It is not possible to construct the proposed detached garage to the rear of the house and is very limited in the open area available to the sides of the house. There is an existing pond on the south side of the home and some small open area to the north of the home.

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 615' from the front property line; the proposed detached garage is set back 236' 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 236' from the NE Woods Chapel Rd right-of-way

in a heavily wooded area and will be out of view from the street 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 limited available area to the side and rear of the existing house due to the fact that the existing house is set back 615' from the front property line and only 50' from the rear property line, so practical alternate options are limited.

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 location of the existing house at the very rear of the site that drastically limits the area in which the detached garage can be located in compliance with the UDO is the driving force for the requested variance.

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 UDO requires detached garages to be located to the side or rear yard and cannot be closer to the front property line than the house it serves. The existing residence on the subject property land is located 615' from the front property line; is located 50' from the rear property line; has a pond located to the south; and has a small amount of open area to the north. The bulk of the area where a detached garage could be constructed is to the east of the residence between the house and the front property line.

Attachments:

1. Variance Application, plot plan and photos, uploaded August 29, 2025 – 12 pages
2. Location Map