

# LEE'S SUMMIT BOARD OF ZONING ADJUSTMENTS ACTION LETTER

**Thursday, June 23, 2016**

Chairman Shawn Geraghty called the June 23, 2016 Board of Zoning Adjustments meeting to order at 6:00 p.m.

## **OPENING ROLL CALL:**

Mr. Shawn Geraghty, Chair	Present	Mr. Joseph Towns	Present
Mr. William Wilson, Vice Chair	Absent	Mr. Joe Sauter (A)	Present
Mr. Mike Atcheson	Present	Ms. Brenda Morin	Absent

Also present were Christina Stanton, Senior Planner; and Trevor Stiles, Chief of Litigation.

## **APPROVAL OF AGENDA:**

**BOARD OF ZONING ADJUSTMENTS ACTION:** On motion of Mr. Atcheson and seconded by Mr. Sauter, the Board of Zoning Adjustments voted unanimously by voice vote to **APPROVE** the Agenda as published.

## **APPROVAL OF CONSENT AGENDA:**

**BOARD OF ZONING ADJUSTMENTS ACTION:** On motion of Mr. Towns and seconded by Mr. Atcheson, the Board of Zoning Adjustments voted unanimously by voice vote to **APPROVE** the Consent Agenda as published.

**MINUTES:** An Action Letter for the May 26, 2016, Board of Adjustment meeting.

**BOARD OF ZONING ADJUSTMENTS ACTION:** On motion of Mr. Towns and seconded by Mr. Atcheson, the Board of Zoning Adjustments voted unanimously by voice vote to **APPROVE** the Minutes as published.

## **PUBLIC HEARINGS:**

1. **Appl. #PL2016-112 – VARIANCE** to the rear yard setback – 4500 SW Bowsprit Drive; Joe and Jeanne Willerth, applicant

Mr. Geraghty entered into record List of Exhibits 1-17. Mr. Willerth identified his property as 4500 SW Bowsprit Drive, Lot 517 in the Raintree Lake subdivision. Mr. Willerth stated that the house was built by Richard & Deloris Link in 1979, and he and his wife purchased the house in 1992. The decks were in existence when they purchased the property. Mr. Willerth stated he has been working with City staff for approximately 1 year to have the current decks replaced.

Mr. Willerth discussed the large common area behind his house that he has maintained as though it was part of his yard since he owned the property. Mr. Willerth further stated that they will be eliminating the lower portion of deck and replacing it with an at grade patio. He stated that they first learned that they would need a variance when the builder came to pull the building permit and was informed that the enclosed portion is less than 25 feet from the property line and would require a variance.

"The decks are on the east side of the home that faces Raintree Lake," Mr. Willerth continued. He stated that there is 50+ feet of green space between his property and the lake, and there are a number of homes being built in Raintree Lake with similar deck structures. Mr. Willerth stated that the rear setback is to prevent crowding or structures from being too close together; there are no other structures in the area between their house and the lake. He stated that he has maintained the common area for 30+ years. Additionally, Mr. Willerth stated that both of his adjacent property owners were supportive of what he and his wife are proposing.

Mr. Willerth stated he believes what he is requesting is in keeping with the spirit and intent of the ordinance. He requested a 2-foot variance to the uncovered, 12' x 20', section of deck; and a 5-foot variance for the covered, 10' x 12', section of deck. Mrs. Willerth added that the proposed changes would give the adjacent neighbors a better view since a portion of the existing deck will become a patio.

Mr. Geraghty stated that the changes between what is there today and what Mr. and Mrs. Willerth want to do are less intrusive—two decks are being removed, one deck is being made smaller, and the only other change is a portion is being enclosed. Mr. Willerth confirmed. Mr. Towns stated, "As I see it there is precedence in this area for covered decks." Mr. and Mrs. Willerth confirmed. Mr. Geraghty stated that it is common in both Lakewood and Raintree for property owners who are living near a lake or other large common area to go to replace an existing deck structure and learn that they need a variance.

Mr. Geraghty asked if there were any other questions from the Board, hearing none he asked for a motion.

**BOARD OF ZONING ADJUSTMENTS ACTION:** Mr. Towns motioned to approve the variances requested on grounds that there's a precedent for enclosed decks in the area, they're improving the views of their neighbors, and there's a huge distance between the shoreline and the Willerth's property line. On motion of Mr. Towns and seconded by Mr. Atcheson the Board of Zoning Adjustments unanimously by voice vote to **APPROVE** the variance as requested.

**OTHER ITEMS:** Election of Officers.

Mr. Atcheson nominated Mr. Geraghty as the Board Chair, Mr. Towns seconded the nomination due to Mr. Geraghty's "exception[al] knowledge and ability to carry the weighty command of the leadership of this [Board]." Mr. Atcheson nominated Mr. Wilson as the Board Vice Chair, Mr. Towns seconded the nomination. Mr. Atcheson stated that the Vice Chair should bring cookies to the meetings. Mr. Towns agreed the Vice Chair is in charge of refreshments. Mr. Geraghty stated, "It has been moved and seconded that the current Chair and Vice Chair be re-elected, with the addition that Bill bring cookies next meeting." Mr. Geraghty said to leave the cookies out of the transcript; however, Mr. Atcheson asked that it be left in. Mr. Atcheson stated it would be fun to read in 30 years.

**ROUNDTABLE:** None.

**ADJOURNMENT** – On motion of Mr. Towns and seconded by Mr. Atcheson, the Board of Zoning Adjustments voted unanimously by voice vote to adjourn the meeting at 6:20 p.m.