

LEE'S SUMMIT BOARD OF ZONING ADJUSTMENTS ACTION LETTER

Monday, March 6, 2017

Chairman Shawn Geraghty called the March 6, 2017 Board of Zoning Adjustments meeting to order at 6:15 p.m.

OPENING ROLL CALL:

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

Also present were Christina Stanton, Senior Planner; and Nancy Yendes, Chief Counsel of Infrastructure and Planning.

APPROVAL OF AGENDA:

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

MINUTES: An Action Letter for the June 23, 2016, Board of Adjustment meeting.

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

PUBLIC HEARINGS:

1. **Appl. #PL2017-018 – VARIANCE** to private swimming pool setback – 3933 NE Grant Street; Joseph A. Towns, applicant

Mr. Geraghty entered the exhibit list into record. Ms. Yendes noted that the exhibit list needed to be amended to include the applicants' video and Ramsey/Sleeper's Architectural Graphic Standards, 10th Ed. They were added to the exhibit list as items #14 and #15, respectively.

Mr. Towns stated that the lot is compressed, approximately 60 feet wide. He further stated that he meet with staff and discovered that there was a 10-foot setback from rear and side property lines required from the pool and any concrete apron or deck surrounding. He stated his idea of a curb or apron is different from anyone else so he referenced the Architectural Graphic Standards, which he called the architects' bible. He stated that he could not find any reference to an apron or curb for a swimming pool. He suggested the ordinance be changed so that the setback is from the edge of pool/water.

Mr. Towns stated that the distance from the edge of the pool to the property line is 9'6"; the curb is going to be 2 feet (manufacturer's preference). He further stated that the reason it is laid out as he has it is both for architectural reasons and for safety. He stated he has 2 little grand kids and he wants to be able to see the entire pool without any blind spots, and this layout make this possible. Then Mr. Towns played his video rendering of the way the patio and pool would set in relation to the house and remainder of the lot. Then he stated he is requesting a variance from BOARD OF ZONING ADJUSTMENTS, March 6, 2017

the edge of the pool because there is no standard for how small or large the curb (or apron) should be. He further stated that he has setback criteria for a normal lot and he does not have a normal lot because the RP-1 is a smaller lot.

Mr. Wilson and Mr. Acheson discussed the difference in minimum lot size for R-1 and RP-1 lots and the setback requirement for swimming pools. Mrs. Stanton clarified that the swimming pool setback is across the board for all zoning districts, no distinction is made for smaller lots. Mr. Acheson said that it would be difficult to look at this property differently if it were not RP-1, but because of the smaller lot size it did create a hardship.

BOARD OF ZONING ADJUSTMENTS ACTION: On motion of Mr. Wilson and seconded by Ms. Morin the Board of Zoning Adjustments unanimously by voice vote to **APPROVE** the variance as requested because the lot is zone RP-1.

OTHER ITEMS: None.

ROUNDTABLE: None.

ADJOURNMENT – On motion of Mr. Wilson and seconded by Ms. Morin, the Board of Zoning Adjustments voted unanimously by voice vote to adjourn the meeting at 6:32 p.m.