

LEE'S SUMMIT BOARD OF ZONING ADJUSTMENTS ACTION LETTER

Thursday, April 6, 2017

Chairman Shawn Geraghty called the April 6, 2017 Board of Zoning Adjustments meeting to order at 6:03 p.m.

OPENING ROLL CALL:

Mr. Shawn Geraghty, Chair	Present	Mr. Joseph Towns	Present
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 Sheri Wells, Staff Attorney.

APPROVAL OF AGENDA:

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

MINUTES: An Action Letter for the March 6, 2017, Board of Adjustment meeting.

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

PUBLIC HEARINGS:

1. **Continued Appl. #PL2017-041 – VARIANCE** to private swimming pool setback – 1412 NE Kenwood Drive; Sallee Homes, applicant

Mr. Towns disclosed that he doesn't work directly with Sallee Homes, but he does work for a drafting service that does work with Sallee Homes. Mr. Geraghty noted that it takes four yes votes to move forward and asked if there was any issue with Mr. Towns. Ms. Wells looked up Chapter 105 of the Revised Missouri statutes. Mr. Towns states they comprise 1-2% of his business. Mr. Geraghty asked Mr. Towns whether he has anything to do with this application. Mr. Towns stated that he did not. Mr. Sallee stated that their draftsman draws building plans for them and their draftsman uses Mr. Towns' services. Mr. Sallee stated he just met Mr. Towns tonight. Mr. Wilson recommended moving forward with the testimony while Ms. Wells was researching Chapter 105. Mr. Geraghty asked Ms. Wells if that was okay and they would ask the determination prior to voting, it was decided to proceed with the testimony.

Mr. Geraghty entered the exhibit list into the record. Mr. Tyler Sallee stated he currently lives at 1416 NE Kenwood Circle, Lee's Summit. Mr. Sallee further stated that his wife and he are building a new house next door at 1412 NE Kenwood Circle. They plan to install a personal pool and are requesting a rear yard variance for the pool. Mr. Sallee stated that the current ordinance is 10' from side and rear, the requested variance is just for the rear. The north side backs up to the U.S. Army Corps ground, so he didn't foresee any issues. Variance requested is for 5 feet from the rear property line. The reason is for pool accessibility and location.

Mr. Geraghty stated that the ordinance requires a 10' setback from the pool and the apron. Mr. Sallee agreed. Mr. Geraghty then asked how much was apron and whether the 5' setback included the apron. Mr. Sallee said the apron is small, just the size of the coping which is approximately 12-14 inches. Don't consider there being any pool decking between the 5' set back to the rear or the 10' set back to the west side of the property. Mr. Sallee discussed landscaping being placed within the 5' set back, but no decking. Mr. Geraghty also inquired whether there would be a fence surrounding the area and Mr. Sallee agreed and stated that there would be a fence as required by Code. Mr. Geraghty stated that part of the reason for the setback was for safety reasons, in case anyone fell out of the pool. Mr. Sallee stated that there is a 6-8 foot drop from where the pool sits to rear of the pool. Mr. Geraghty stated that the drop in topography does make this lot somewhat unique.

Mr. Wilson stated that the variance was towards the Corps land and they will never allow their property to be developed. Mr. Atcheson stated he'd like to see the UDO changed. He stated this would eliminate close to 2/3rds of the Boards meetings because they all center around rear setback for a deck or a pool or something backed up to a large common area or a lake (something that nothing is ever going to be built on and it won't hurt anyone). Mr. Geraghty discussed the uniqueness of the lot being the facts that the property backs up to the U.S. Army Corps property and the topography of the lot.

Ms. Sheri Wells discussed Mr. Towns relationship to the applicant. She asked if it was more or less than \$5,000.00 per year. Mr. Towns stated he believed it was less than \$5,000.00 per year. Mr. Geraghty stated that the applicant's company uses others, not exclusively Mr. Towns and Mr. Towns stated that there is another person that he works with within the applicant's company (not directly with the applicant). Ms. Wells stated that Mr. Towns was fine to vote on this matter.

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

OTHER ITEMS: None.

ROUNDTABLE: Mr. Wilson brought up discussion about the appeal of the floodplain development permit. The Board expressed a desire to be updated on what has occurred with the properties affected by said application for appeal that was before the Board previously.

ADJOURNMENT – On motion of Mr. Wilson and seconded by Mr. Atcheson, the Board of Zoning Adjustments voted unanimously by voice vote to adjourn the meeting at 6:19 p.m.