LEE'S SUMMIT BOARD OF ZONING ADJUSTMENTS ACTION LETTER

Thursday, July 27, 2017

Chairman Shawn Geraghty called the July 27, 2017 Board of Zoning Adjustments meeting to order at 6:17 p.m.

OPENING ROLL CALL:

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

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. Wilson and seconded by Mr. Towns, the Board of Zoning Adjustments voted unanimously by voice vote to **APPROVE** the Agenda as published.

MINUTES: An Action Letter for the April 27, 2017, Board of Adjustment meeting.

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

PUBLIC HEARINGS:

1. **Appl. #PL2017-139 – VARIANCE** to the garage setback & number of detached accessory structures – 1350 NE Blackwell Road; Jerald & Kerry Krepps, applicant

Applicants were sworn in. Mr. Geraghty entered Exhibit A, List of Exhibits 1-14 into the record. Kerry and Jerald Krepps stated their address as 1350 NE Blackwell Road, and they are looking to add a detached garage to their property. Mr. Geraghty asked for details as to why they needed a variance. Mrs. Krepps stated that the house doesn't have a garage currently. The house was built in 1978, and in the late 80s the previous owner converted the garage into a mother-in-law apartment. Mrs. Krepps stated that the cars are currently parked in front of where the mother-in-law apartment was added.

Mrs. Krepps stated that they would like to add a detached garage that meets the side setback, but is in front of the house by 23' (from the front of the house to the back of the garage). Mr. Krepps stated that the reason for the location is because of the location of existing utility lines and the incline and drainage on the land. Mrs. Krepps stated that their house is set back close to the middle of the property, and is fairly secluded. She stated that Blackwell Road only serves 9 residents. She further stated that the detached garage, in the proposed location, does not impede anyone's view.

Mrs. Krepps stated that the reason the detached garage could not be located behind the house is because of an existing chain link fence, the air conditioning unit which is south of the house,

and buried utility lines that are located behind the house. Mr. Krepps added there was also drain tile that made locating the detached garage behind the house impractical. Mrs. Krepps stated that to the north of the house there was a steep decline, in two directions, from the east to the west and from the south to the north. She stated that the contractors they were working with informed them that locating the detached garage in this location would be impractical because there would be drainage problems. In addition, there are electrical lines to the horse barn. The contractors concluded that the proposed location was the most practical and logical location for the detached garage.

Mrs. Krepps continued to demonstrate that there would be minimal, if any, impact upon adjacent neighbors in the proposed location. The closest neighbor, located at 1300 NE Blackwell Road, is approximately 378' away from the location of the proposed detached garage. In between the 378' there is a row of mature trees blocking this neighbor's view. Mrs. Krepps stated that both adjoining neighbors are located much nearer to the road than they are, so there is considerable distance between the houses and the location for the detached garage. She further stated that the neighbor to the north, 1400 NE Blackwell Road, would not be able to view the garage due to the distance, elevation change, and trees. Mr. Krepps stated he spoke with the neighbors and they did not oppose the detached garage. Mrs. Krepps continued to review the photos of surrounding properties and show how secluded and far back the detached garage would be.

The land slopes does from the road to their house making it difficult to see the house itself. Mrs. Krepps went on to state that they spoke with a couple contractors and they both told them that the only practical location to place the detached garage was where they show it located in front of the house. Mr. Geraghty stated that the variance obviously wasn't because the structure was too close to the front property line because it is 300-something feet away; it's just because it is zoned R-1 and it says you can't have a detached structure in front of the house. Mrs. Stanton answered that this statement was correct. Mr. Geraghty stated this is because "presumably you would be that much closer to the front property line". Mrs. Stanton agreed and then stated there was another variance being sought here; the second issue was the number of detached structures. Mr. Krepps stated, "Because of the horse barn?" Mrs. Stanton answered, "Correct". Mrs. Krepps stated they loved having the horse barn because of the eight acres they needed somewhere to keep brush hogs and things like that which they were storing there.

Mrs. Krepps clarified that when the previous garage was converted into a mother-in-law apartment the previous owners added on a little, and the whole house is a little less than 2,000 square feet. Mr. Geraghty asked if anyone else was present who wanted to talk. No one else was present. Mr. Geraghty asked for comments or questions from the other Board members. Mr. Sauter stated he didn't have any questions, he thought it was pretty straight forward. Mr. Towns also stated he didn't have any questions. Mr. Geraghty asked if anyone cared to make a motion. Mr. Towns made a motion to allow the variance based upon the information provided by staff and stated that what made this case unique was because the house is set so far back. Mr. Geraghty asked if heard a second. Mr. Sauter seconded the motion. Mr. Geraghty asked for a vote, it was approve unanimously.

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

2. **Appl. #PL2017141 – VARIANCE** to the area allowed for a detached garage – 304 SE Johnson Street; McRoberts Building Corporation, applicant

Mr. Geraghty entered Exhibit A, List of Exhibits 1-15 into the record. Mr. Geraghty asked the applicant to state the name and tell the Board why they are here. Ms. Val Holman stood, stated her name and that she was with McRoberts Building Corporation. Ms. Holman stated that they

were there to request a variance to build a detached 2-car garage with a loft unit above located at 304 SE Johnson Street. She stated the footprint of the structure is 626 square feet, which is 167.5 square feet more than the current ordinance allows. Ms. Holman stated that the reason for the request is because Charles Wheeler is the owner of the property and he lives there with his wife, who has had a stroke and is wheelchair bound, and their son Chad (who is here tonight) is helping his father care for his step-mother. They want the detached structure to allow everyone to live there comfortably and have their own privacy. Ms. Holman stated that the 626 square foot footprint would allow for adequate space for Chad. This would allow the family to stay together and Chad to continue to help his father care for his step-mother.

Ms. Holman went on to discuss additional improvements that were planned for the property, including the removal of a handicapped accessible ramp and old decking. They are planning new decking and extensive landscaping. Ms. Holman discussed the architectural style of the proposed structure. She continued further discussing the character of the neighborhood and the mix of commercial properties surrounding the Wheeler's property. Ms. Holman clarified the location of the proposed detached 2-car garage with loft on the lot. The mix of commercial and residential found in Licata's Flower Shop and 209 SE 3rd Street, which is a salon with residential, were also discussed.

Mr. Geraghty asked why a smaller garage wouldn't meet the need that they are trying to address. Chad stated he would be the person living there, and the ordinance allows 458.5 square feet. He wants a little bit bigger living space. He continued to describe the basic layout of the loft unit. Chad stated that they currently come in off the alley. He showed where the new handicapped ramp was going to go and discussed the other improvements that they had planned. Chad stated his dad wasn't there tonight because he is with his step-mother, who recently suffered from a stroke.

Ms. Holman stated the goal was to keep the garage in proportion with the house and the deck in proportion with all of it, and the other improvements will just continue the aesthetic. Chad stated this property was the first thing you see coming west when you pass the convenience store and this would be a huge improvement. Mr. Geraghty stated he saw uniqueness in a couple things: 1) not having access to Johnson Street, and 2) the zoning of the property. Mr. Towns asked if he could comment. Mr. Geraghty said yes. Mr. Towns stated he was not opposed to it because he is on the Historic Preservation Commission and this seems to be sensitive to the area. Mr. Towns said this works with the community and enhances the area. Mr. Towns stated he thought this allowance would signal to the downtown community that a well-done, well-thought out addition to a piece of property will be supported by this Board.

Mr. Geraghty stated that one of the things they had to consider was whether it was unique enough. Mr. Wilson stated this was different because of the commercial location, if it were in a residential subdivision it would be different. Ms. Nancy Yendes took a picture of the drawing that the applicant created on the dry-erase board and asked that it be added to the exhibit list, it was added as Exhibit #16. Mr. Sauter made a motion to approve the variance as requested, Mr. Towns seconded.

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

OTHER ITEMS: Election of Officers. Mr. Geraghty asked that this be pushed down till the next meeting since Mr. Atcheson and Ms. Morin were absent.

ROUNDTABLE: None.

ADJOURNMENT – On motion of Mr. Sauter and seconded by Mr. Towns, the Board of Zoning Adjustments voted unanimously by voice vote to adjourn the meeting at 6:50 p.m.

City of Lee's Summit
Planning & Special Projects

September 22, 2017

TO: Board of Zoning Adjustments

FROM: Christina Stanton, AICP, Senior Planner CS

RE: **PUBLIC HEARING – Application #PL2017-179 – Variance to Unified Development Ordinance Article 8, Table 8-1, Setback for Private Swimming Pool – 4508 SW Raintree Shore Drive; Jamie & Karen Cox, applicant**

Recommendation

The Department of Planning & Special Projects recommends **APPROVAL** of the variance, as requested.

Request

Variance Requested: a non-use variance to the setback requirement for a private swimming pool

Site Characteristics

Location: 4508 SW Raintree Shore Drive

Zoning: R-1 (Single-Family Residential)

Property Owner: Jamie & Karen Cox

Surrounding Zoning and Uses:

North: R-1 – single-family residences

South: R-1 – single-family residence

West (across Raintree Lake): R-1 – single-family residences

East (across SW Raintree Shore Dr.): R-1 – single-family residences

Background

- June 19, 2015 – The Codes Administration Department issued Building Permit #PRESS20150964 for a single-family house with a lanai located on either side of an uncovered deck, which was set back 30' from the rear property line, at 4508 SW Raintree Shore Drive.

Ordinance Requirement

Private Swimming Pool Setback Requirements. The Unified Development Ordinance requires a minimum private swimming pool setback of 10 feet, inclusive of the concrete apron or deck surrounding the swimming pool. (UDO Article 8, Table 8-1)

Existing Conditions. The house currently exists with a lanai on either side of an uncovered deck, which is set back 30' from the rear property line. The rear of the property abuts a small common area tract which contains a sidewalk that runs behind all the properties abutting Raintree Lake in this area.

Request. The applicants are requesting a variance of 6' to the required 10' swimming pool patio/deck setback requirement.

Analysis of Variance

With respect to all variances, the following is an evaluation of the criteria set forth in the Unified Development Ordinance Article 4, Sec. 4.590.B.3.:

Criteria #1 – The granting of the variance will not adversely affect the rights of adjacent landowners or residents.

Granting the variance will not adversely affect the adjacent property owners' view since the structure is an in-ground swimming pool and the abutting property to the west is common area owned by the Raintree Lake Property Owners Association. In addition, the applicants are proposing a 4 foot tall retaining wall to go around the pool and the majority of the pool deck.

Criteria #2 – The granting the variance will not be opposed to the general spirit and intent of this Ordinance.

The intent of setbacks is to keep privacy and separation between uses and structures. Granting the requested variance will not be opposed to the spirit and intent of the ordinance. The proposed in-ground swimming pool will be separated and kept private by the use of a 4' tall retaining wall. Additionally, the proposed reduced setback is in the direction of common area and Raintree Lake.

Criteria #3 – The variance desired will not adversely affect the public health, safety or general welfare.

It is not anticipated that the proposed in-ground swimming pool will have any adverse affect to the public health, safety or general welfare since the requested variance of 6' encroaches toward common area and Raintree Lake to the west and not any of the abutting residential lots.

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 lot backs up to common property and Raintree Lake.

Criteria #5 – Substantial justice will be done.

Substantial justice would be done. As proposed, the swimming pool will meet the required 10' setback from the side property lines. The requested variance is for 6' of the required 10' setback from the rear property line, which is shared with the Raintree Lake Property Owners Association's common property. The common property is comprised of a narrow strip of land with a sidewalk, which runs behind all the properties in this area that abut Raintree Lake. A variance would not violate the spirit of maintaining privacy and separation between uses and structures.

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 4, Sec. 4.590.B.2.:

Criteria #1 – Whether practical difficulties exist that would make it impossible to carry out the strict letter of the Ordinance.

Following the strict letter of the UDO would limit the construction of the desired private swimming pool. However, these limitations are no different than those placed upon other property owners within this and other subdivisions. There are no practical difficulties making it impossible to carry out the strict letter of the ordinance requirement and construct a private swimming pool of the same or similar shape and functionality.

In making such recommendation, the Staff has analyzed the following considerations set forth in the Unified Development Ordinance Article 4, Sec. 4.590.B.2.:

Consideration #1 – How substantial the variation is, in relation to the requirement.

The applicant requests a 6 foot variance from the required 10 foot setback from the swimming pool.

Consideration #2 – If the variance is allowed, the effect of increased population density, if any, on available public facilities and services.

Approval of the setback encroachment 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 swimming pool encroachment would be 6 feet and is unlikely to have a negative impact on the adjacent properties since the encroachment is towards common property and Raintree Lake and it will be screened with a 4' tall retaining wall.

Consideration #4 – Whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance.

The UDO requires a minimum 10 foot setback from the swimming pool and any concrete apron or deck surrounding the swimming pool. The proposed swimming pool is set back 4 feet from the rear property line. The applicant could obviate the need for a variance by reducing the size of the swimming pool from 16' x 36' to 10' x 36'. The pool cannot be moved closer to the house due to Section 8.020.H of the UDO, which states: "When an accessory structure is attached to the principal structure by a breezeway, passageway, or similar means, or is located within 10 feet of the principal structure it shall comply with the yard requirements of the principal structure to which it is accessory." Due to this section of the UDO, if the swimming pool were closer than 10' from the house it would be required to be set back 30' from the rear property line.

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 would be served by granting the requested variance. The variance would not violate the spirit and intent of maintaining privacy and separation between uses and structures.

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.

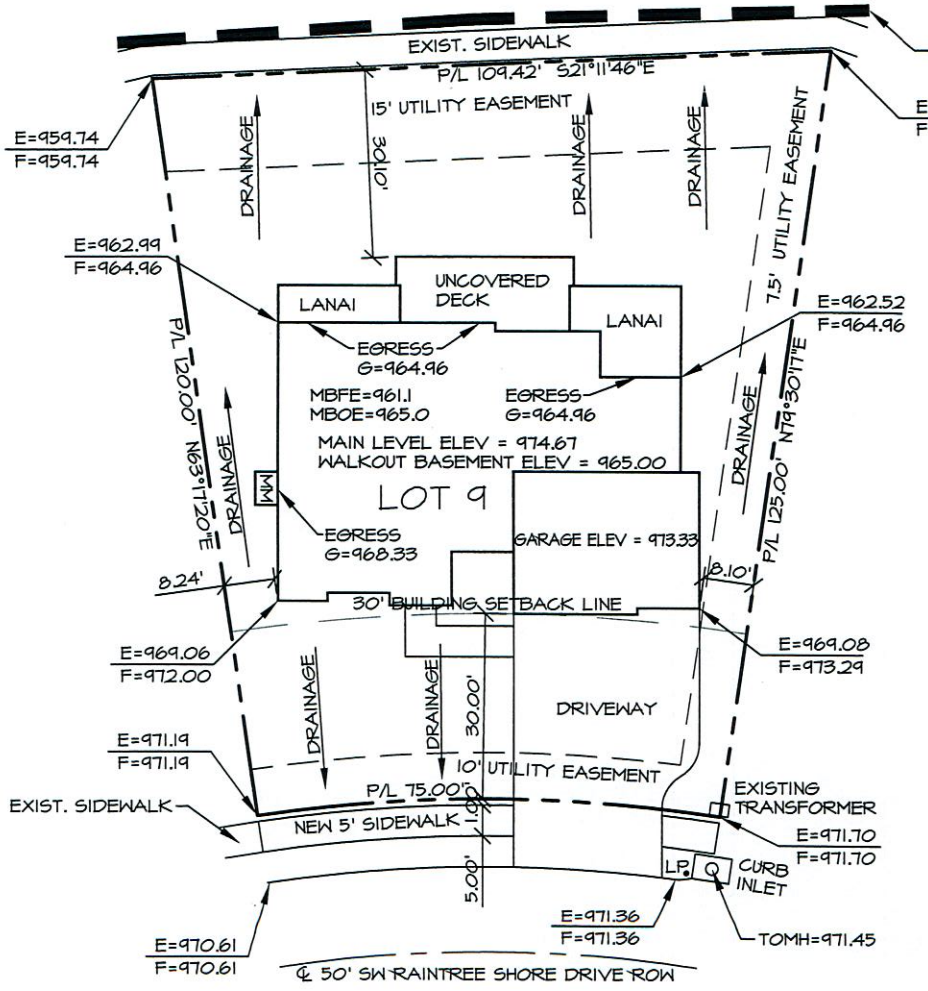
The size of the lot itself is not unique. The fact that the rear of the lot abuts common property and a lake is somewhat unique.

Attachments:

1. Copy of original plot plan approved on May 15, 2015, for construction of a single-family home with lanais and uncovered deck
2. Copy of revised site plan showing proposed layout of swimming pool and pool deck – date stamped September 1, 2017
3. Board of Zoning Adjustment Application and Variance Criteria – 6 pages
4. Letter from Raintree Lake Property Owners Association, dated August 3, 2017, and zoomed in copy of plat with additional grading information
5. Location Map

PRES201150964

Rx-Sub



SITE PLAN

SCALE: 1" = 20'

WW WINDOW WELL

E=EXISTING
F=FINISH
SPOT GRADES

G=XXX.XX LOWEST ADJACENT GRADE TO EGRESS

This approval is issued in reliance upon information submitted by the applicant. Any permit issued pursuant to this approval may be suspended or revoked whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation. Approved plans shall not be changed, modified or altered without authorization. The issuance or granting of a permit or approval of plans shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the ordinance of the City of Lee's Summit, Missouri

APPROVED Jennifer Thompson DATE 05/15/15

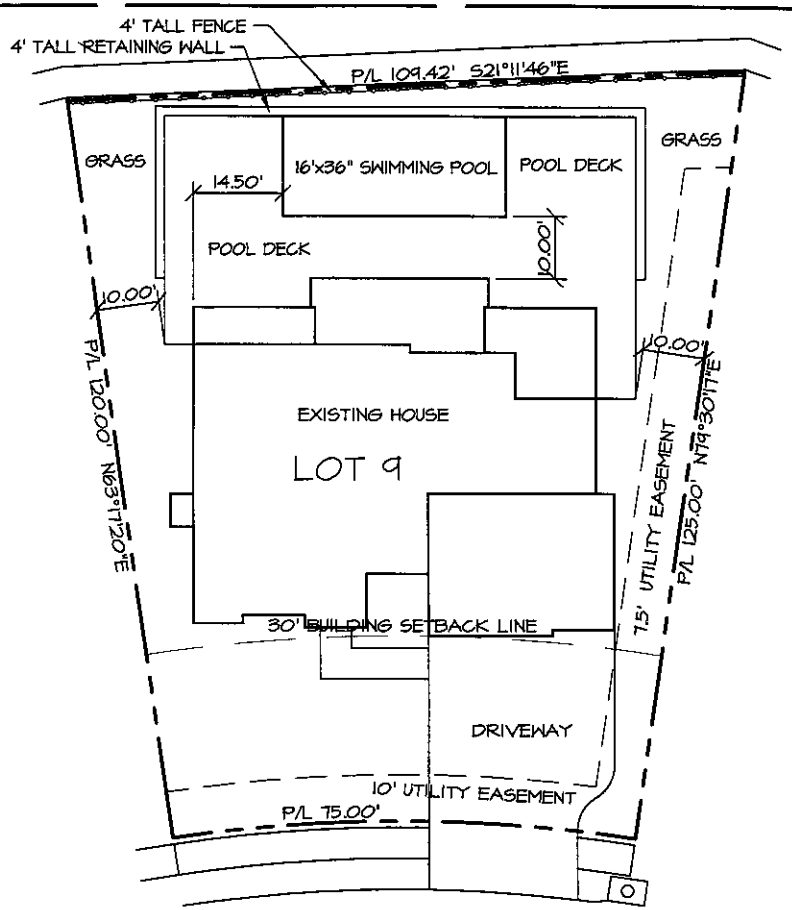
PRINT NAME Jennifer Thompson

STATE OF MISSOURI
ALBERT P. HERMANS
NUMBER E-23306
REGISTERED PROFESSIONAL ENGINEER

SDC ENGINEERING, INC.
Consulting Structural and Civil Engineers
5907 Raytown Trafficway
Raytown, Missouri 64133
816-356-1445 Fax: 816-356-1477

Job Location COX RESIDENCE
LOT 9 AT NORTH SHORE AT RAINTREE LAKE
LEES SUMMIT, MISSOURI

Drawn by	APH	5/5/15	Revision 5/13/15	Dwg. No. SITE PLAN
Chk. by	APH	5/5/15		
Appr. by				



SITE PLAN

SCALE: 1" = 20'

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SEP - 1 2017

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-2017-179-

STATE OF MISSOURI
ALBERT P. HERMANS
NUMBER E-23306
REGISTERED PROFESSIONAL ENGINEER

SDC ENGINEERING, INC.
Consulting Structural and Civil Engineers
5907 Raytown Trafficway
Raytown, Missouri 64133
816-356-1445 Fax: 816-356-1477

Job Location — *COX RESIDENCE – PROPOSED POOL*
LOT 9 AT NORTH SHORE AT RAINTREE LAKE
LEES SUMMIT, MISSOURI

Drawn by	*APH*	*8/27/17*	*Revision*	*Dwg. No.*
Chk. by	*APH*	*8/27/17*	*8/31/17*	*SITE PLAN*
Appr. by				

LEE'S SUMMIT
MISSOURI

BOARD OF ZONING ADJUSTMENTS PROCESS

- 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.

J. M. C.
SIGNATURE

Jamie M. Cox
PRINT NAME HERE

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LEE'S SUMMIT MISSOURI

NON-USE VARIANCE APPLICATION FORM

Application No. PL2017-179

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) Pool with a 4ft. Retaining Wall,

PROPERTY ADDRESS 4508 SW Raintree Shore Dr LSMO 64082

LEGAL DESCRIPTION

PROPERTY OWNER Jamie Cox

ADDRESS SAME

CITY—STATE—ZIP

PHONE 816 935 1730 FAX

APPLICANT Jamie Cox & Karen Cox

ADDRESS SAME

CITY—STATE—ZIP 816-536-4744

PHONE 816-935-1730 FAX 816-880-0045

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).

LEE'S SUMMIT
MISSOURI

NON-USE VARIANCE APPLICATION FORM

(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.
- Enclosed is the fee in the amount of $ 465.00 ($300 filing fee plus $165 advertising charge) Payable to the **City of Lee's Summit.**

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.

PROPERTY OWNER

Print name here: Jamie Cox

APPLICANT

Jamie Cox

Receipt #: 2017029955 Date Filed: 9/1/17 Processed by:

LEE'S SUMMIT
MISSOURI

STATEMENT OF VARIANCE CRITERIA (NON-USE)

In accordance with Section 4.520.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.

NO. 4ft Retaining wall with a 4ft fence. THE ENCROACHMENT IS TO THE WEST TOWARD THE LAKE AND SO WILL NOT IMPACT ANY PROPERTY OWNER.

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.

Encroachment is towards the lake. No reduction of Privacy or Separation

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

NO.

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.

Correct

LEE'S SUMMIT
MISSOURI

STATEMENT OF VARIANCE CRITERIA (NON-USE)

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

THE VARIANCE REQUEST IS TOWARD THE LAKE AND SO WILL NOT DIRECTLY IMPACT ANY ADJOING PROPERTY OWNERS.

Further, in accordance with Section 4.530.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.

Due to size of lot, it is very substantial. A 6' VARIANCE TO THE 10' SETBACK REQUIREMENT.

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

NO

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.

NO. THE SETBACK ENCROACHMENT IS TOWARD THE LAKE.

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.
NO- Not Staying 10ft away from the deck.

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.
Yes

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.)

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

SIGNATURE

Jamie M. C

PRINT NAME HERE

Raintree Lake
PROPERTY OWNERS ASSOCIATION
825 SW RAINTREE DRIVE
LEE'S SUMMIT, MO 64082
TELEPHONE (816) 537-7576

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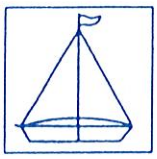
August 3, 2017

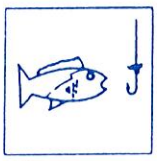


To Whom It May Concern,

This letter is in regards to Jamie & Karen Cox who reside at 4508 SW Raintree Shore Dr. Lee's Summit, MO 64082, Lot North Shore 9 and their intent to install an in ground pool on their property.

Raintree Lake Property Owners Association Architectural Guidelines state: *"An application for the construction of a permanent-type, back-yard swimming pool will not be considered unless the application is accompanied by an application for an acceptable fence design. The design shall conform to county or municipal regulations for such fencing. Use of plantings in the vicinity of the pool is recommended to soften the effect of sound on adjacent property.*

All pool construction should be submitted to the City of Lee's Summit Zoning Board for approval before submitting to the ARB."



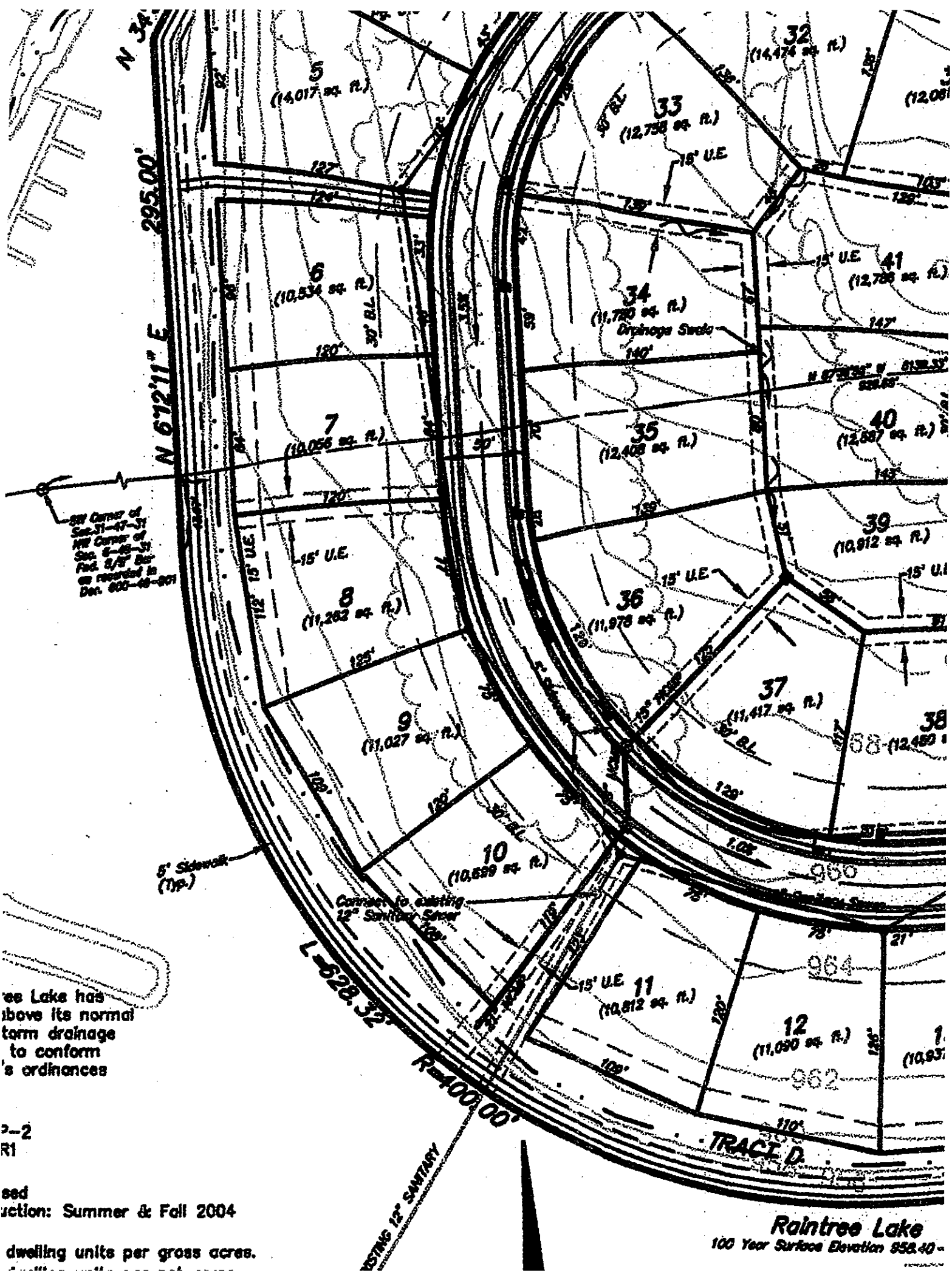
In regards to the 15' utility easement that exists on the Cox's property, Raintree Lake Property Owners Association has never made a practice of utilizing them without utilities being currently in place. We have no restrictions against the Cox's utilizing the 15' utility easement.

If you have any questions or concerns, please get back with me.

Sincerely,

R. Vandiver

Rachelle Vandiver
General Manager



ee Lake has
above its normal
torm drainage
to conform
's ordinances

-2
R1

sed
uction: Summer & Fall 2004

dwelling units per gross acres.

Appl. #PL2017-179--VAR to swimming pool setback
4508 SW Raintree Shore Dr.;
Jamie & Karen Cox, applicants