

City of Lee's Summit

Department of Planning & Special Projects

April 20, 2018

TO: Board of Zoning Adjustments
FROM: Christina Stanton, AICP, Senior Planner *CS*
RE: **PUBLIC HEARING – Application #PL2018-053 – Variance to Unified Development Ordinance Article 8, Table 8-1, Detached Garage Rear Setback – 512 SE Douglas St.; Mark & Nancy Hecker, applicants**

Recommendation

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

Request

Variance Requested: a non-use variance to the detached garage rear setback requirement.

Site Characteristics

Location: 512 SE Douglas Street

Zoning: R-1 (Single-Family Residential)

Property Owner: Mark & Nancy Hecker

Surrounding Zoning and Uses:

North: R-1 – single-family residences

South (across SE 6th St.): R-1 – single-family residences

West: R-1 – single-family residences

East (across SE Douglas St.): R-1 – single-family residences

Background

- 1905-1909 – The 2-story American Four Square Prairie style home was constructed by “Billie B.” Howard, the son of Lee’s Summit founder William B. Howard.
- April 4, 2005 – The Codes Administration Department issued a building permit (#B0500523) for a 16’ 6” x 18’ room addition and porch.

Ordinance Requirement

Detached Garage Rear Setback Requirements. The Unified Development Ordinance requires a minimum setback of 10 feet from the rear property line (4 feet for alley access) for properties zoned R-1. (UDO Article 8, Table 8-1)

Existing Conditions. The existing house was constructed between 1905 and 1909, with a room addition and porch added to the house in 2005. The existing detached garage with double doors is presumed to have been built at the same time as the house. The 20’ x 30.2’ detached garage is approximately 40 feet from the property line along SE 6th Street and is currently located on the rear property line abutting the alley.

Request. The applicant requests a variance in order to remove the existing garage and allow construction of a new 26' x 38' detached garage in its place. The garage will be located approximately 33' from the property line along SE 6th Street and will maintain the same zero (0) foot setback from the rear property line along the alley as the existing garage. The request requires a variance of 10 feet to the 10 foot rear setback requirement. The setback requirement would be 4' if the garage were being accessed off the alley.

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. The encroachment is to the rear of the property and toward the alley. Additionally, the applicants' request is to maintain the 0' garage setback that has existed on the property for approximately 109 years.

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.

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

It is not anticipated that a larger detached garage, located in approximately the same location as the existing detached garage as proposed will create any increased risk in the health, safety, morals and general welfare.

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.

Several properties in the downtown area have a garage located on the rear property line when abutting an alley. Approximately half of the properties located on the block between SE Miller and SE Douglas Streets, SE 5th and SE 6th Streets, have garages located on the rear property line abutting the alley. There are also several homes in the area with detached garages setback 10' or more from the rear property line.

Criteria #5 – Substantial justice will be done.

Granting a variance is not expected to significantly impact the expectation of privacy and separation between the subject property and abutting properties. The applicants propose to replace an existing garage with a new garage that maintains the same 0' rear setback that has existed for approximately 109 years.

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.

There are no practical difficulties making it impossible to carry out the strict letter of the ordinance requirement. However, moving the garage toward the house 10' would likely necessitate the garage to be rotated for access and would be out of character with the homes along that same side of SE Douglas Street in this block.

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 applicants request a 10' variance to the 10' setback requirement, to allow a 0' setback along the rear (west) 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 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 is not anticipated to produce a substantial change in the character of the neighborhood. In fact, all the homes in this block and on this side of SE Douglas Street have garages set either on the rear property line or within a few feet from the rear property line.

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

The applicants could build the new garage 10' from the rear property line to bring it into compliance with the setback requirements of the UDO.

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.

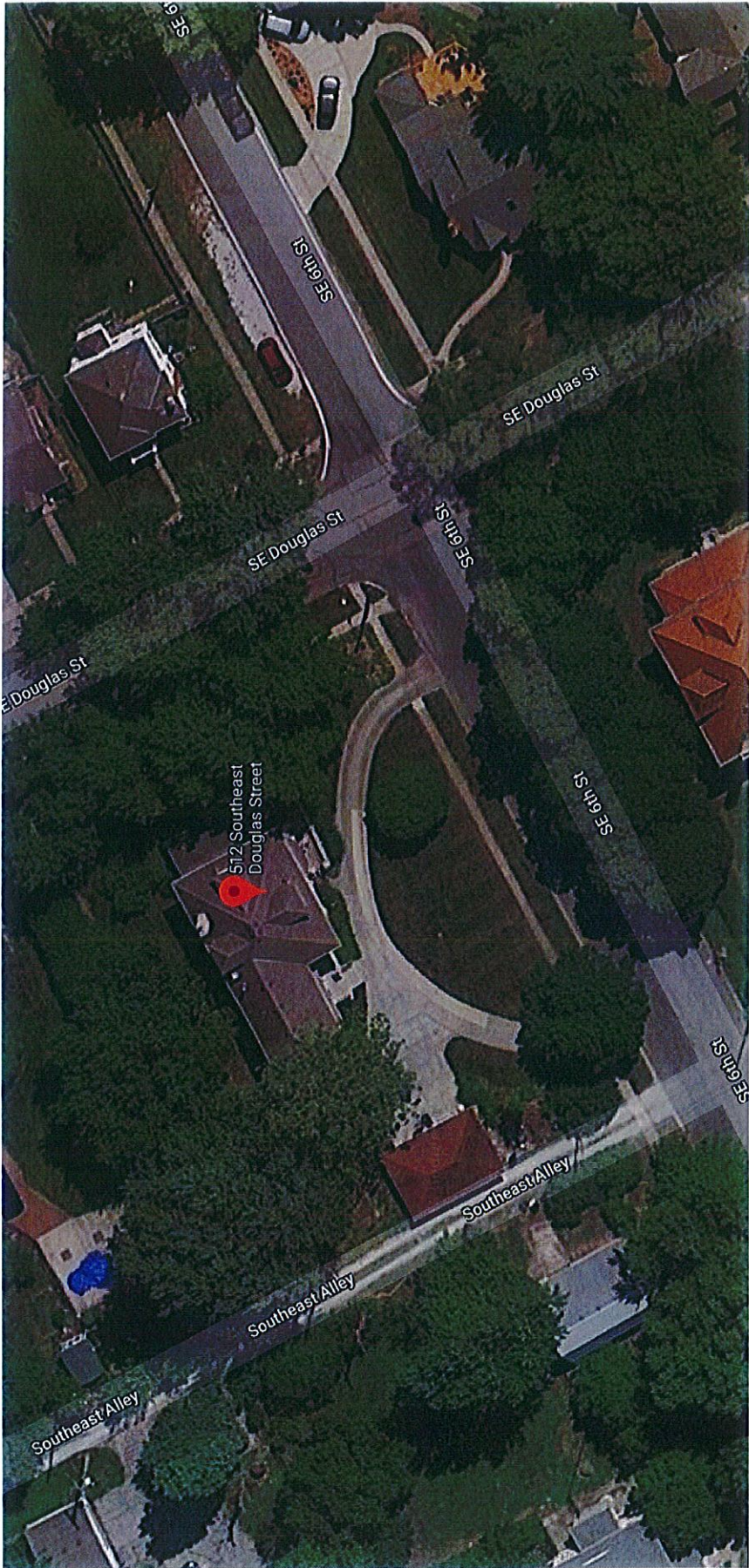
The existing garage with 0' rear setback has existed on the property for approximately 109 years. The applicant proposes to replace the existing garage with a new garage on the same location, inclusive of maintaining the 0' setback. Granting the variance allows the property owners to preserve an aspect of the property's historical integrity while making improvements to their home.

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 variance request stems from the applicants' desire to remove their existing 20' x 30.2' garage and replace it with a 26' x 38' garage in the same location.

Attachments:

1. Google images of 512 SE Douglas Street – 2 pages
2. Board of Zoning Adjustment Application and Variance Criteria – 6 pages
3. Copy of plot plan showing location of existing detached garage—1 page
4. Copy of plot plan showing proposed 26' x 38' detached garage—1 page
5. Elevations and architectural drawings of proposed detached garage—5 pages
6. Location Map







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.


SIGNATURE

Mark Hecker Nancy Hecker

PRINT NAME HERE



NON-USE VARIANCE APPLICATION FORM

Application No. PL2018-053

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) _____

Proposing to demolish and replace an existing garage with a larger garage. New construction requires a 4 foot set back and this request is to use the existing 0 foot setback.

PROPERTY ADDRESS _____

512 SE Douglas, Lee's Summit MO

LEGAL DESCRIPTION _____

Lot 1 and the south 48 feet of Lot 2, Block 24, Howard's 1st Addition in Lee's Summit, MO

PROPERTY OWNER Mark and Nancy Hecker mark_hecker@yahoo.com

ADDRESS 512 SE Douglas Street

CITY—STATE—ZIP Lee's Summit MO 64063

PHONE 816-554-0973 FAX None

APPLICANT Mark and Nancy Hecker

ADDRESS 512 SE Douglas Street

CITY—STATE—ZIP Lee's Summit MO 64063

PHONE 816-554-0973 FAX None

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).



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: Mark and Nancy Hecker


APPLICANT

Mark and Nancy Hecker

Receipt #: 2018032787 Date Filed: 4/2/18 Processed by: CS



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.

All garages on the East side of the alley have zero set backs.

The proposed garage placement is on the same set back line as the existing garage. There will be no access to the garage from the alley.

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.

The ordinance contemplated alley access for vehicles and there will be no alley access to the garage.

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

The set back will primarily only affect the 8 other property owners in the 500 block. Only one of those owners routinely uses the alley to access their garage and the existing is garage consistent with the other garages in the neighborhood.

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.

The other garages in the area are similarly situated. If the



STATEMENT OF VARIANCE CRITERIA (NON-USE)

proposed garage is set back from the alley line it will not be consistent with the other garages in the neighborhood.

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

The proposed garage will be consistent in spatial appearance if the variance is granted.

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.

The variance requested is only 4 feet and the ordinance requirement presumes alley access which is not applicable.

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

None of these concerns will be impacted.

- 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.

The request is consistent with the neighborhood character and will not be detrimental to the adjoining properties.



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.

If variance is not granted, the garage will not be consistent with the neighboring properties.

- 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.

Justice will be served by allowing the proposed garage to be constructed in a manner consistent with the neighborhood.

- 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.)

The current garage is functionally obsolete.

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


SIGNATURE

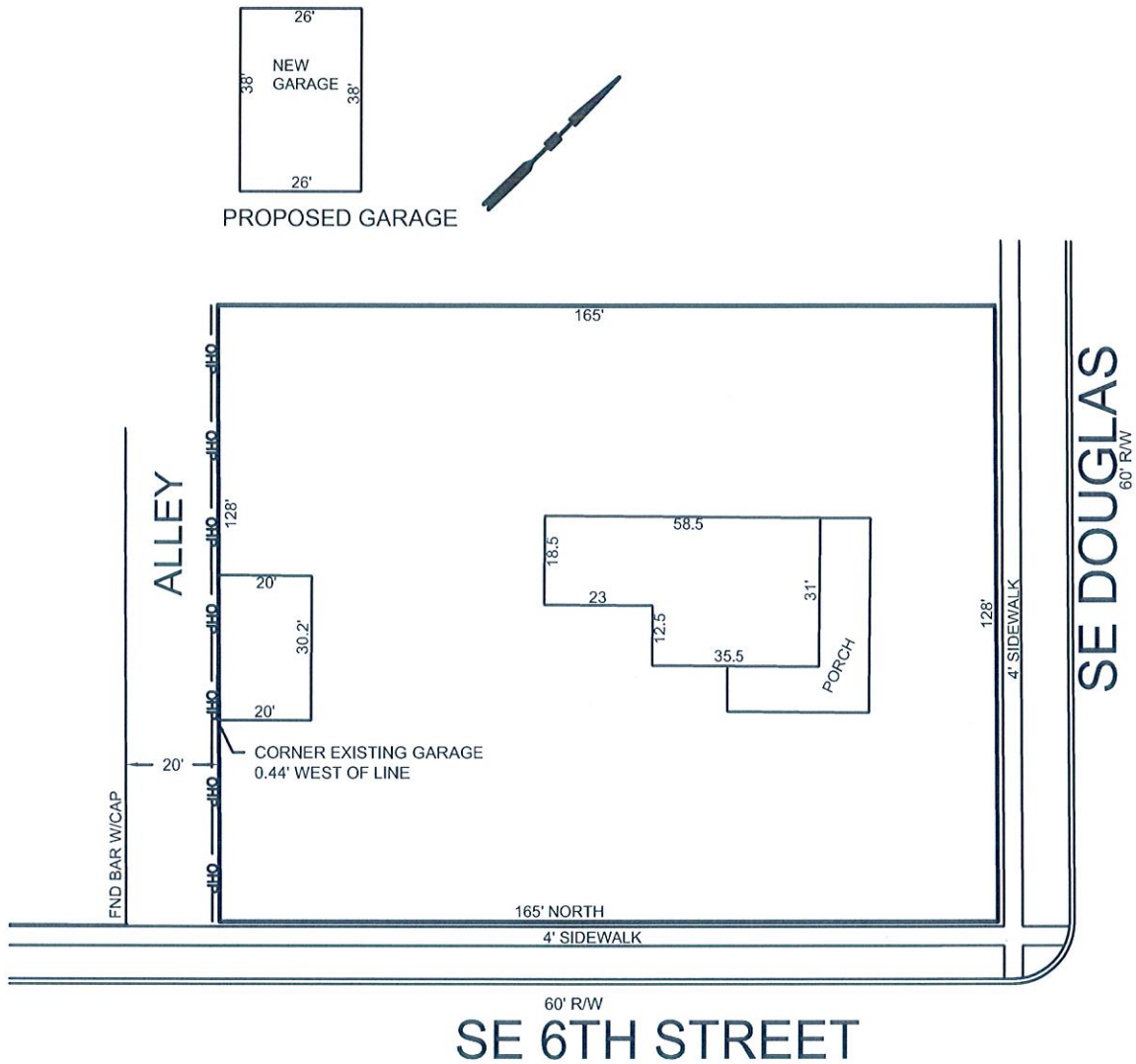
Mark Hecker Nancy Hecker

PRINT NAME HERE

CONSTRUCTION STAKE PLOT PLAN

ORDERED BY: LEWIS BECHTEL

DESCRIPTION: LOT 1 AND THE SOUTH 48' OF LOT 2, BLOCK 24, HOWARDS 1ST ADDITION IN LEE'S SUMMIT, MO
512 SE DOUGLAS



This plot plan is not an "as-built" survey as the house was staked prior to being built and cannot be used in place of a "Surveyors Real Property Report". This plot plan was prepared for use before and during foundation construction only and should not be used to establish property lines for fences or other structures. House staked as shown on this plot plan. House dimensions may have been assumed and contractor must check house dimensions shown and compare to the final house plans. Contractor to verify all elevations at job site. Builder must make final decision as to cuts and foundation heights at the job site, any floor elevations shown are shown as a guide only. Sanitary sewer and lateral elevations cannot be verified at time of staking, and it may be necessary to verify sanitary sewer elevation and location (BY DIGGING UP THE SEWER LATERAL) prior to excavation for foundation. Underground utilities and un-platted easements may not be shown. This does not constitute a boundary survey and builder must check to make sure description shown is correct with the deed for the property. It is recommended that no work be done until building permits are obtained and plot plan has been verified by local building codes authorities to comply with all setback and other restrictions.

— = DRAINAGE PATTERN

CONSTRUCTION ENGINEERING SERVICES, INC.

16810-C East 40 Highway
Independence, MO 64055

(816)478-2323

lee@engineeringkc.com

SCALE: 1"=30'

DATE: 03-07-2018

JOB NO: 512 SE DOUGLAS

LEE BODENHEIMER, L.S.
Land Surveyor

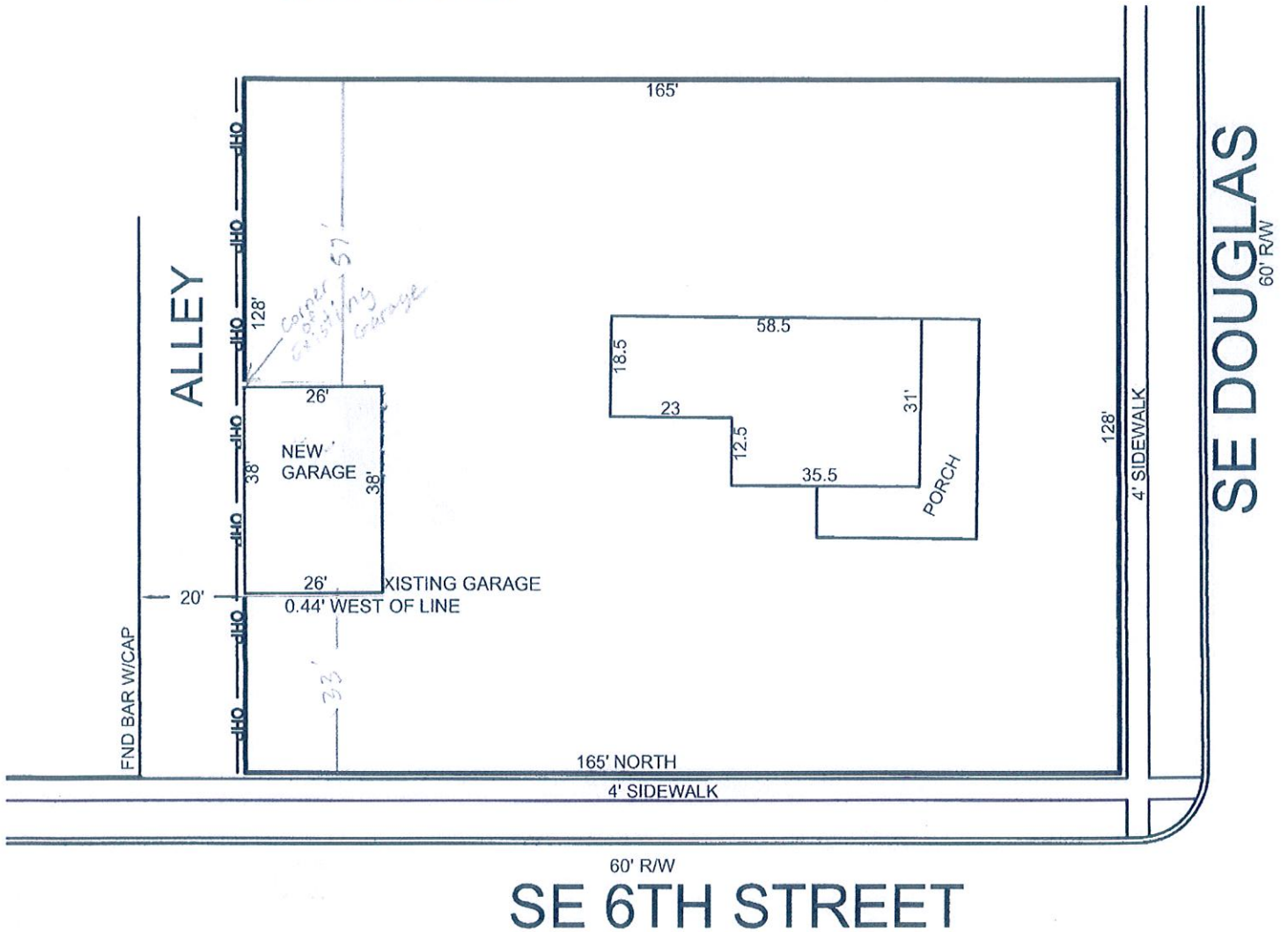
CONSTRUCTION STAKE PLOT PLAN

ORDERED BY: LEWIS BECHTEL

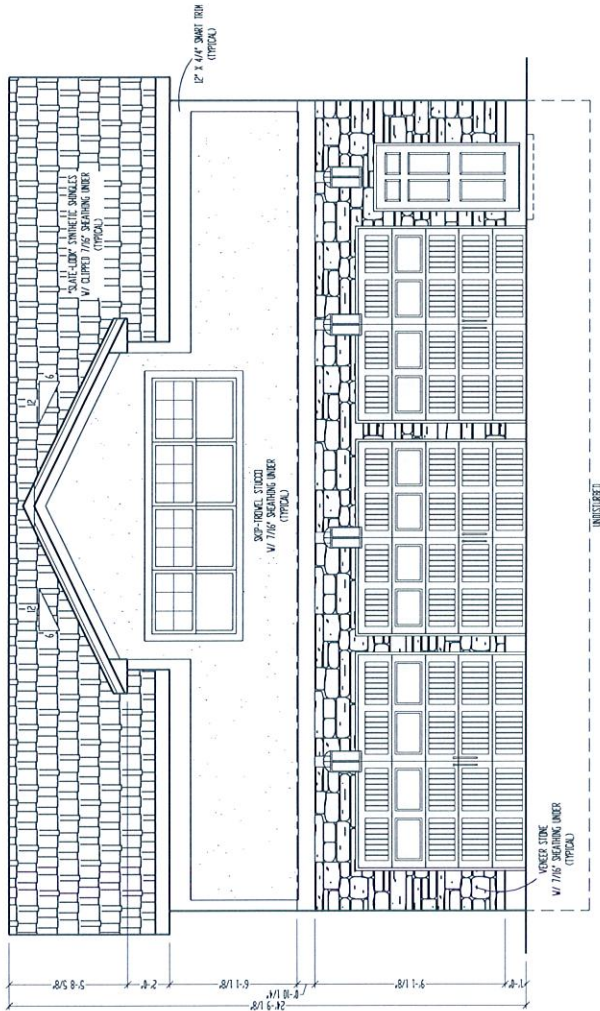
DESCRIPTION: LOT 1 AND THE SOUTH 48' OF LOT 2, BLOCK 24, HOWARDS 1ST ADDITION IN LEE'S SUMMIT, MO
512 SE DOUGLAS



PROPOSED GARAGE



This plot plan is not an "as-built" survey as the house was staked prior to being built and cannot be used in place of a "Surveyors Real Property Report". This plot plan was prepared for use before and during foundation construction only and should not be used to

[illegible]

NOTE: TRUSSES PROPOSED TO BE USED

— TRUSSES SHALL BE DESIGNED FOR 20 PSF SNOW LOAD, 5 PSF CEILING DEAD LOAD, 10 PSF CEILING LIVE LOAD, AND 3 PSF FLOOR DEAD LOAD.

— THE HOST SHALL REVIEW THE TRUSS DRAWINGS FOR GENERAL CONFORMANCE TO THE DESIGN OF THE BUILDING, PRIOR TO SUBMITTING THE TRUSS DRAWINGS TO THE ARCHITECTURAL OFFICE FOR APPROVAL.

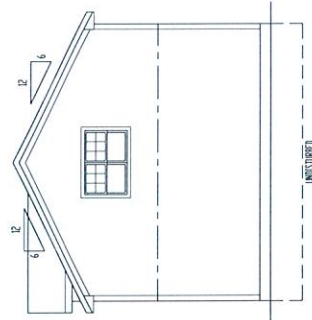
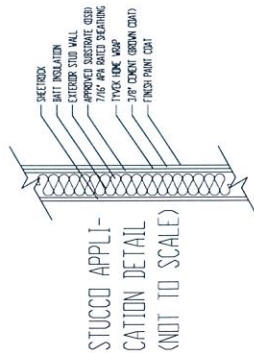
— THE FAILURE OF THE RESPONSIBLE PARTIES TO SUBMIT THE TRUSS DRAWINGS TO THE ARCHITECTURAL OFFICE FOR APPROVAL, SHALL BE THE RESPONSIBILITY OF THE TRUSS MANUFACTURER. THE TRUSS MANUFACTURER SHALL BE RESPONSIBLE FOR THE FAILURE OF THE RESPONSIBLE PARTIES TO SUBMIT THE TRUSS DRAWINGS TO THE ARCHITECTURAL OFFICE FOR APPROVAL.

— TRUSS LOADS AND TRAMMER PITCHES ON THIS PLAN ARE ASSIGNED LOADS ONLY AND CAN ONLY BE VERIFIED AFTER TRUSS LAYOUTS AND DESIGNS ARE COMPLETED.

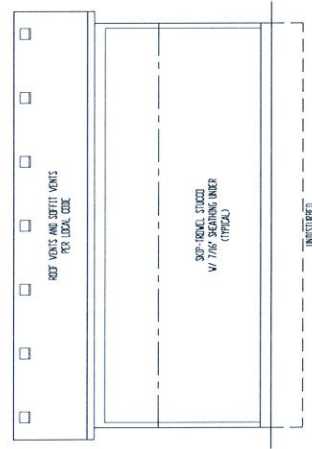
— ATTACH EACH OF EACH TRUSS TO TOP PLATE WITH 3/8" X 6" X 12" TRUSS TO TOP PLATE WITH CONNECTOR PLATE FOR MANUFACTURER'S DESIGN (NOT LOST ONE SEPARATE MANUFACTURER'S DESIGN BY OWNER'S).

FRONT ELEVATION

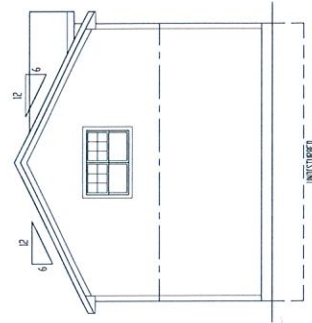
SCALE: $1/4'' = 1'-0''$



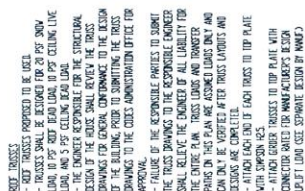
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/8" = 1'-0"



Sheet No.: A-2

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Care and effort have gone into the creation and design of this plan. However, the designer is not responsible for any errors or omissions in the design or drawings. Also, the conditions may vary from those assumed in the design. The designer does not warrant the suitability of these plans for use on your specific site. Consult your architect to determine the suitability of these plans for your specific site and application.

Designated for
Mark & Nancy
HECKER

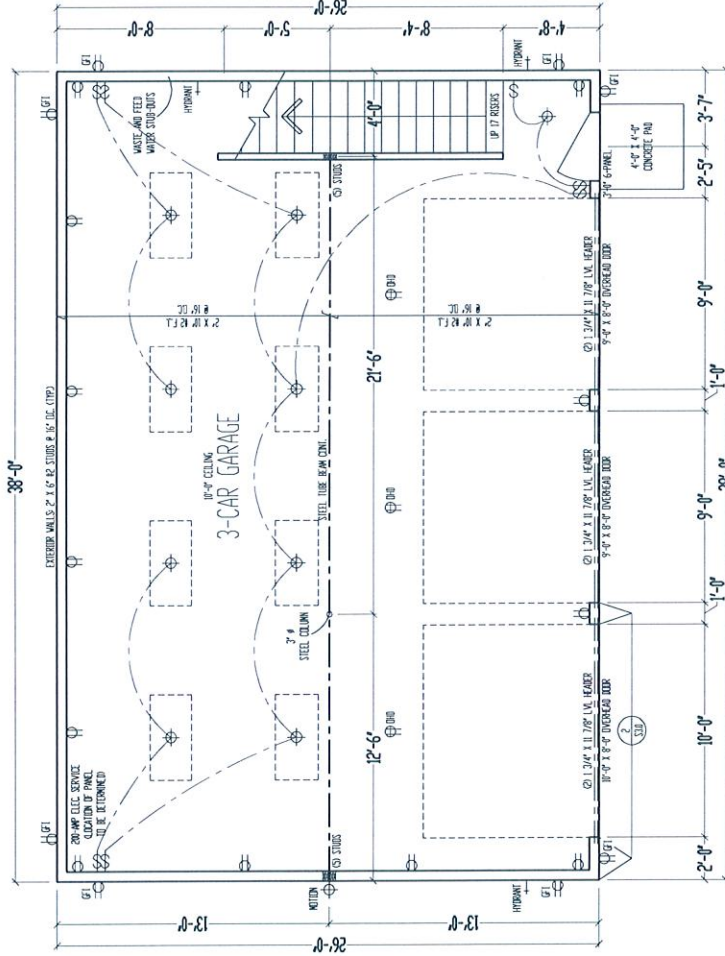
Property Address
512 SE Douglas Rd.
Lee's Summit, MO
64063

General Contractor
Highway Remodeling
Co., LLC

Date: 11-10-2017
Rev. 1:
Rev. 2:
Rev. 3:

Sheet Title:
MAIN LEVEL
PLAN

Sheet No.:
A-3

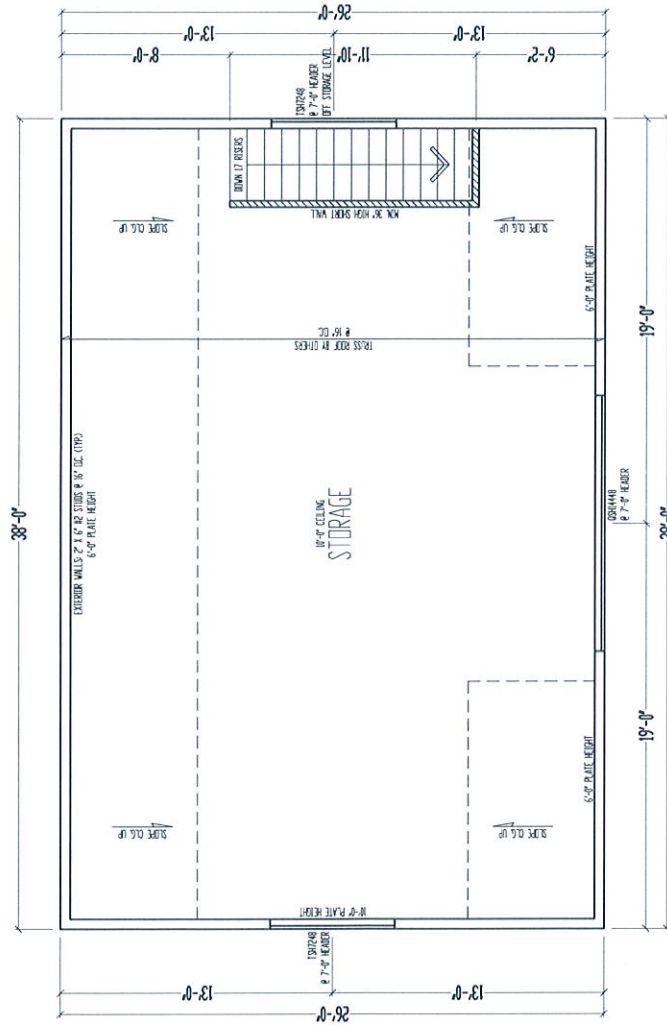


10'-0" CEILING
2" X 6" EXT. WALLS
GARAGE

SCALE: 1/4" = 1'-0"

GARAGE: 988 SQ. FT.

- FRAMING NOTES**
1. MAIN LEVEL EXTERIOR WALLS SHALL BE BUILT WITH 2" X 6" T&G SIPS.
 2. ALL EXTERIOR WALLS SHALL BE 2" X 6" T&G SIPS AT CORNERS & 8' O.C. IN THE FIELD. SHIRT PANEL, OR TOTAL, INSTALL PER MANUFACTURER'S REQUIREMENTS.
 3. ALL INTERIOR WALLS SHALL BE 2" X 6" T&G SIPS AT CORNERS & 8' O.C. IN THE FIELD. SHIRT PANEL, OR TOTAL, INSTALL PER MANUFACTURER'S REQUIREMENTS.
 4. ALL INTERIOR WALLS SHALL BE 2" X 6" T&G SIPS AT CORNERS & 8' O.C. IN THE FIELD. SHIRT PANEL, OR TOTAL, INSTALL PER MANUFACTURER'S REQUIREMENTS.
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 8. EXTERIOR WALLS SHALL BE 2" X 6" T&G SIPS AT CORNERS & 8' O.C. IN THE FIELD. SHIRT PANEL, OR TOTAL, INSTALL PER MANUFACTURER'S REQUIREMENTS.
 9. ALL EXTERIOR WALLS SHALL BE 2" X 6" T&G SIPS AT CORNERS & 8' O.C. IN THE FIELD. SHIRT PANEL, OR TOTAL, INSTALL PER MANUFACTURER'S REQUIREMENTS.
 10. ALL EXTERIOR WALLS SHALL BE 2" X 6" T&G SIPS AT CORNERS & 8' O.C. IN THE FIELD. SHIRT PANEL, OR TOTAL, INSTALL PER MANUFACTURER'S REQUIREMENTS.
 11. EXTERIOR WALL, BOTTOM PLATES SHALL BE NAIL TO FLOORING BELOW WITH 8D COMMON NAILS @ 8" O.C. MAX (WHERE APPLICABLE).
 12. EXTERIOR WALL, BOTTOM PLATES SHALL BE NAIL TO FLOORING BELOW WITH 8D COMMON NAILS @ 8" O.C. MAX (WHERE APPLICABLE).



STORAGE: 943 SQ. FT.

[illegible]

General Contractor:
Rightway Remodeling
Co., LLC

Sheet No.: A-4

[illegible]

For God so loved
the world that he
gave his only
begotten Son, that
whosoever
believeth in him
should not perish,
but have
everlasting life" (John 3:16).

VIEWPOINT
RESIDENTIAL DESIGN LLC

M.T. (816) 547-4437
E: Plans@ViewpointDesign.net

Designed for:
**Mark & Nancy
HECKER**

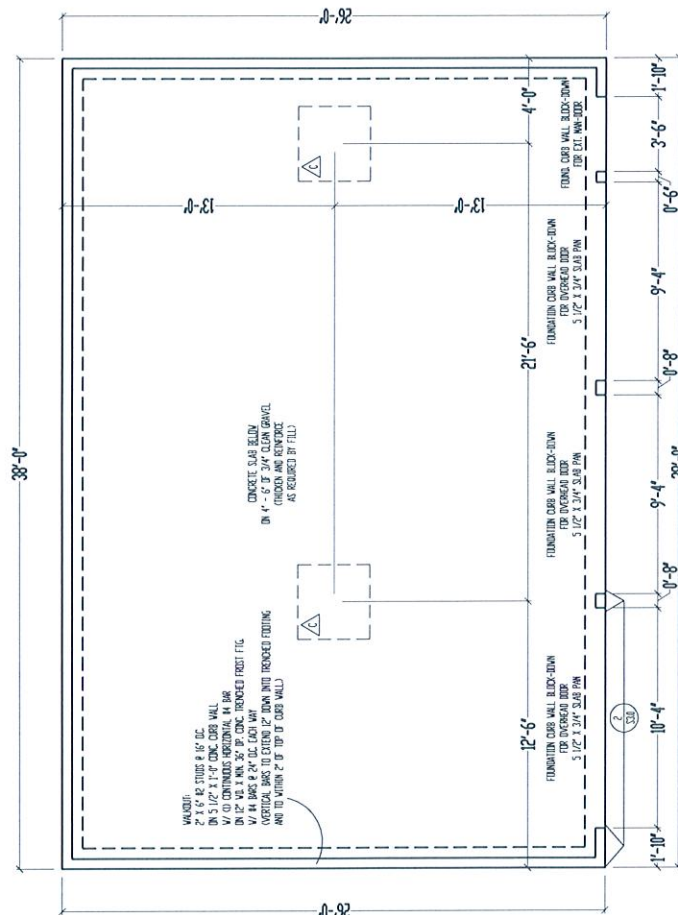
Property Address:
512 SE Douglas Rd.
Lee's Summit, MO
64063

General Contractor:
Rightway Remodeling
Co., LLC

Date: 11-10-AD 2017
Rev. 1:
Rev. 2:
Rev. 3:

Sheet Title:
**STORAGE LEVEL
PLAN**

Sheet No.: A-4



FOUNDATION

SCALE: $1/4'' = 1'-0''$

STEEL COLUMN & PAID FOOTING SCHEDULE	
A	3" X 1/4" STEEL COLUMN 3" X 30" X 12' PAID FOOTING W/ 6" H. BASES DASH W/ 2550
B	3 1/2" X 1 1/4" STEEL COLUMN 3" X 36" X 12' PAID FOOTING W/ 6" H. BASES DASH W/ 2550
C	3" X 3/4" X 12' STEEL COLUMN 4" X 42" X 14' PAID FOOTING W/ 6" H. BASES DASH W/ 2550
D	3 1/2" X 3/4" X STEEL COLUMN 4" X 48" X 14' PAID FOOTING W/ 6" H. BASES DASH W/ 2550
E	3 1/2" X 3/4" X STEEL COLUMN 4" X 54" X 14' PAID FOOTING W/ 6" H. BASES DASH W/ 2550
F	3 1/2" X 3/4" X STEEL COLUMN 4" X 60" X 14' PAID FOOTING W/ 6" H. BASES DASH W/ 2550

[illegible]Designed for
Mark & Nancy
HECKER

Property Address:
12 SE Douglas Rd.
Lee's Summit, MO
64063

General Contractor:
Rightway Remodeling
Co., LLC

Co., LLC
Gateway Remodeling

Date: 11-10-AD 2017
Rev. 1: _____
Rev. 2: _____
Rev. 3: _____

Sheet Title:
**FOUNDATION
PLAN**

Sheet No.: A-5

VIEWPOINT
RESIDENTIAL DESIGN LLC

E: Hans@ViewpointDesign.net M: (816) 247-4437

For God so loved
the world, that he
gave his only
begotten Son, that
whosoever
believeth in him
should not perish,
but have
everlasting life" (John 3:16).

[illegible]

#PL2018-053 --VAR to garage rear setback;
512 SE Douglas St.;
Mark & Nancy Hecker, applicants

