



## BOARD OF ZONING ADJUSTMENTS PROCESS

### Application

- A variance is defined as a modification of or departure from the provisions of the Unified Development Ordinance (UDO) which, if applied to a specific lot, would significantly interfere with the use of the particular property.
- Application filing fee and legal notice publishing charge, payable to the City of Lee's Summit - see Schedule of Fees and Charges found on [www.cityofls.net](http://www.cityofls.net). One legal notice is required for a variance. A single payment covering the application fee and legal notice charge may be accepted. An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.
- The application must include the exact legal description of the property upon which the variance is being requested.
- The application shall be accompanied by at least one set of drawings to clearly indicate the requested variance in relation to the property and/or structures. These could include a plot plan, plat, site plan, survey and/or building elevation(s). Pictures can be submitted with the application and drawings but cannot replace the drawings. The drawings must be of such detail that it can be clearly read. **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.**

### Public Hearing Process

- State statutes require legal notice of the time and place to be published 15 days prior to the hearing in an official paper.
- **Mail Notices.** The applicant must mail notices to the last known owner of record as provided by the county within 300 feet at least 15 days prior to the hearing. Sample notices are available. The notice must include:
  - time and place of hearing,
  - general description of the proposal,
  - location map of the property,
  - street address, or general street location
  - statement explaining that the public will have an opportunity to be heard
- **File Affidavit.** An affidavit must be filed with the Development Services Department prior to the public hearing certifying the notices have been sent. Provide a list of the property owners notified and a copy of the notice sent.
- **Post Sign.** The applicant shall post a sign on the premises, at least 15 days prior to the date of the hearing, informing the general public of the time and place of the public hearing.
- **Maintain Sign.** The applicant shall make a good faith effort to maintain the sign for at least the 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within 5 feet of the street rightofway line in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.
- Variance applications require a public hearing, allowing the applicant and any other party to present testimony or evidence to the Board. The applicant or his/her representative will be asked to present



# LEE'S SUMMIT MISSOURI

## BOARD OF ZONING ADJUSTMENTS PROCESS

its case to the Board, **FULLY** describing the situation and the variance criteria (see Statement of Variance Criteria).

- 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

Andrew Scott Boldrey  
\_\_\_\_\_  
PRINT NAME HERE





# LEE'S SUMMIT MISSOURI

## NON-USE VARIANCE APPLICATION FORM

Application No. \_\_\_\_\_

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) Allowing the rebuild of our house on its existing structure. Allowing us to be grandfathered into the original setbacks.

PROPERTY ADDRESS 2414 Ne Douglas St Lee's Summit Mo 64064

LEGAL DESCRIPTION See Exhibit "A"

APPLICANT Andrew S Baldrey PHONE 816-256-9640  
CONTACT PERSON Andrew S Baldrey FAX \_\_\_\_\_  
ADDRESS 2414 Ne Douglas St CITY/STATE/ZIP Lee's Summit Mo 64064  
E-MAIL Scottb@KCmetro lawn and snow.com

PROPERTY OWNER Andrew & Jennifer Baldrey PHONE 816-256-9640  
CONTACT PERSON Andrew Baldrey FAX \_\_\_\_\_  
ADDRESS 2414 Ne Douglas St CITY/STATE/ZIP Lee's Summit Mo 64064  
E-MAIL Scottb@KCmetro lawn and snow.com

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).  
(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.
- Application filing fee and legal notice publishing charge, payable to the City of Lee's Summit - see Schedule of Fees and Charges found on [www.cityofls.net](http://www.cityofls.net). One legal notice is required for a variance. A single payment covering the application fee and legal notice charge may be accepted. An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.



# LEE'S SUMMIT MISSOURI

## NON-USE VARIANCE APPLICATION FORM

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.

Jennifer Boldrey  
PROPERTY OWNER

Andrew S Boldrey  
APPLICANT

Print name here: Jennifer R Boldrey

Andrew S Boldrey

Receipt #: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Processed by: \_\_\_\_\_ Application # \_\_\_\_\_





# LEE'S SUMMIT MISSOURI

## STATEMENT OF VARIANCE CRITERIA (NON-USE)

In accordance with Section 2.530.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.

Correct. The house will be built in the exact same spot that it was before. It is not exceeding any existing set backs.

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.

We wouldn't change anything other than what we are requesting for this variance.

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

Correct. We have lived in this current residence for ~~15~~<sup>15</sup> years, since 2007. We are in good standing with all of our neighbors, raising our 3 children in the same neighborhood is so important to us. Just requesting to be able to build where the original house was.

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 original house was "grandfather" in to



## STATEMENT OF VARIANCE CRITERIA (NON-USE)

*original setbacks. Looking to rebuild in the original location.*

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

*Yes. Our property lines does not allow us to conform to the new setbacks.*

Further, in accordance with Section 2.530.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.

*If we followed the new ordinance, our house would only be 19 ft wide, due to following new setbacks*

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

*zero effect.*

- 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.

*there will be no change.*





# 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.

*It is not feasible other than this variance.*

- 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.

*There should no difficulty in this matter if we are granted this variance*

- 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 is all about the boundaries of the land.*

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

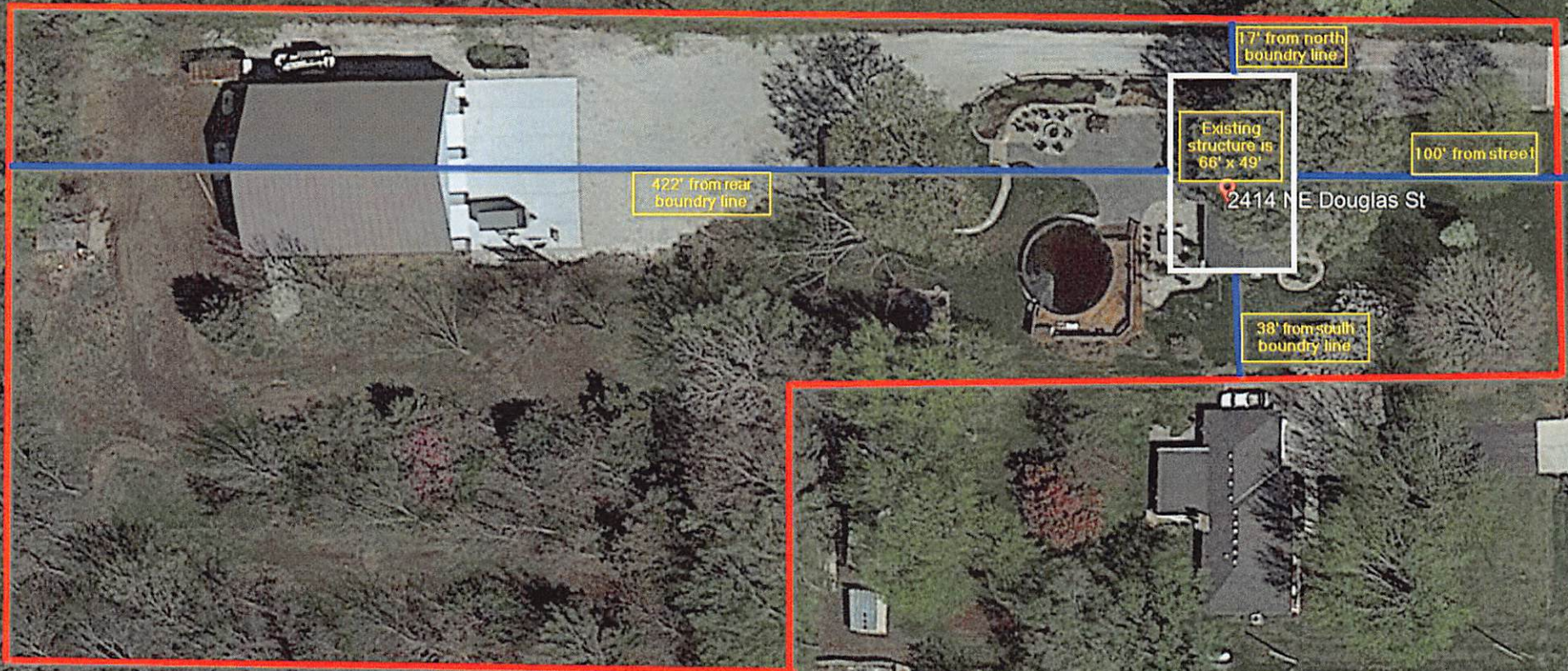
*Jennifer Boldrey Perry*  
SIGNATURE

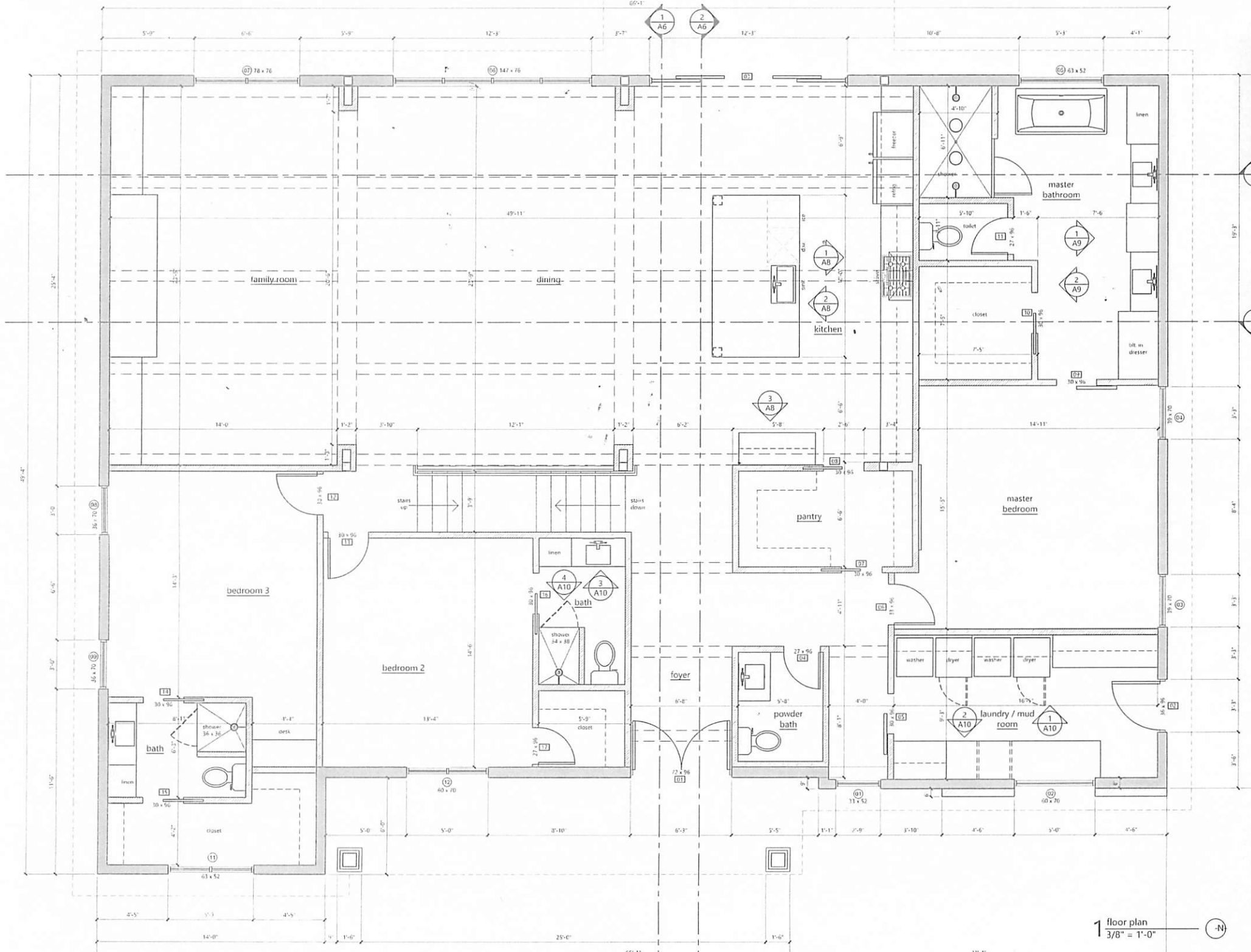
*Jennifer Boldrey Andrew Boldrey*  
PRINT NAME/HERE

## Exhibit A

All that part of the Southwest quarter of the Southeast quarter of Section 19, Township 48, Range 31, in Lee's Summit, Jackson County, Missouri, described as follows: Beginning at a point 33 feet West and 309.65 feet South of the Northeast corner of said quarter of quarter section; thence South 232.25 feet; thence West 562.7 feet; thence North 232.25 feet; thence East 562.7 feet to the point of beginning, except that part thereof in Hagen Road. Also, except the following described tract: Beginning at a point 33 feet West and 432.9 feet South of the Northeast corner of the Southwest quarter of the Southeast Quarter of Section 19, Township 48, Range 31, said point being in the county road; thence South parallel to the East line of said quarter of the quarter section, 109 feet, thence West 273 feet; thence North 109 feet; thence East parallel to North line of said quarter of quarter section, 273 feet to the point of beginning. Subject to easements and restrictions of record, if any.











1 east elevation  
3/8" = 1'-0"



2 west elevation  
3/8" = 1'-0"

**design**

kisha nichell, sda  
principle design studio, llc  
1606 w main street suite 1a  
greenwood missouri 64034  
816-897-4941  
principledesignstudio.com

**general contractor**

todd jeffres  
15320 kelly road  
grandview missouri

an addition &  
remodel for:

**Scott & Jenni  
Boldrey**

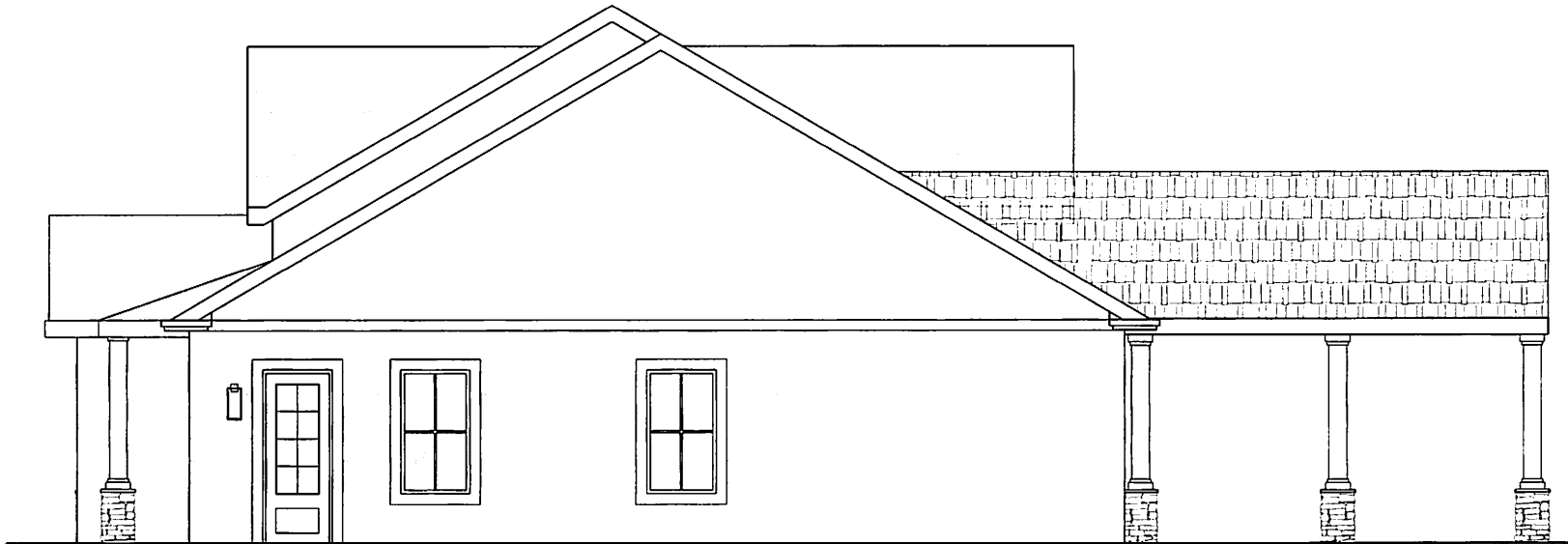
2414 ne douglas  
lee's summit missouri

drawing type	pen
project no	21
date	05.10
rev ##	d
rev 03	08.23

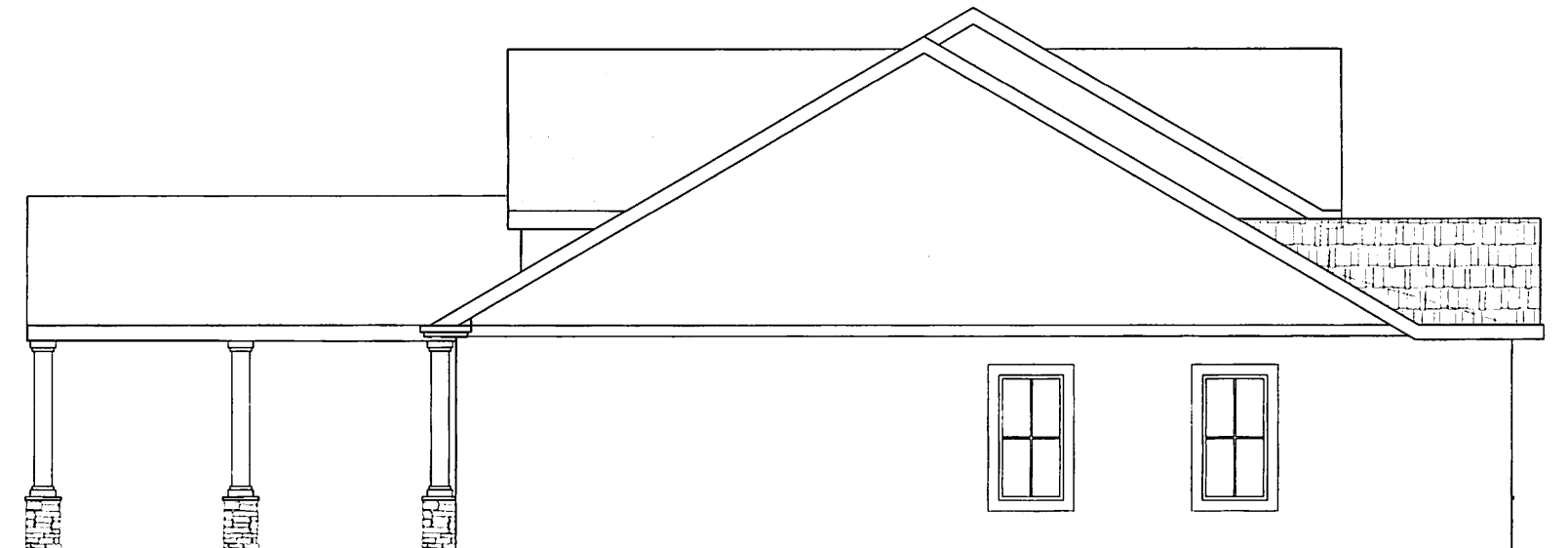
sheet number

**A3**





1 north elevation  
3/8" = 1'-0"



2 south elevation  
3/8" = 1'-0"

**design**

isha nickell, ida  
principle design studio, llc  
1606 w main street • suite 1a  
greenwood • missouri • 64034  
816.897.4941  
principledesignstudio.com

**general contractor**

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2414 ne douglas  
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drawing type	per
project no	21
date	05.11
rev	0
rev date	08.25

sheet number

**A4**