

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,

BOARD OF ZONING ADJUSTMENTS, July 27, 2017

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 down 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 he heard a second. Mr. Sauter seconded the motion. Mr. Geraghty asked for a vote, it was approved 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. Sauter 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.