

# LEE'S SUMMIT BOARD OF ZONING ADJUSTMENTS ACTION LETTER

Thursday, September 28, 2017

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Chairman Shawn Geraghty called the September 28, 2017 Board of Zoning Adjustments meeting to order at 6:10 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 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 July 27, 2017, Board of Adjustment meeting.

**BOARD OF ZONING ADJUSTMENTS ACTION:** On motion of Mr. Wilson and seconded by Ms. Morin, the Board of Zoning Adjustments voted unanimously by voice vote to **APPROVE** the Minutes as published with the corrected spelling of Mr. Sauter's name on the bottom of page 3.

## PUBLIC HEARINGS:

1. **Appl. #PL2017-179 – VARIANCE** to the swimming pool setback – 4508 SW Raintree Shore Drive; Jamie & Karen Cox, applicant

Applicants were sworn in. Mr. Cox stated his name and address and that they were before the Board to request a variance so that they could install an in-ground swimming pool. Mr. Cox stated they have a shallow backyard but it backs-up to the lake. He further stated that the variance was being requested to allow for the pool to be wide enough. Mr. Geraghty confirmed that the house backs-up to the lake and noted that the Raintree Lake Property Owners Association had provided a letter stating they have no objection to the request. Mr. Geraghty asked what questions the Board had of the applicant. Mr. Geraghty entered Exhibit A, List of Exhibits 1-14 into the record.

Mr. Geraghty stated that staff's letter indicated that there would be a 4' tall fence. He asked staff whether this met code. The applicant stated that Raintree only allows a 4' tall fence for the entire subdivision. Mr. Atcheson asked about the difference between the requirements for a residential fence and a commercial fence. Mr. Atcheson asked whether the applicant could place this structure within a utility easement. Mrs. Stanton stated that the applicant is currently going through a vacation of easement process as well. She further stated that half of the utility companies had responded that they did not object to the vacation of the utility easement. Mr. Atcheson stated that the approval would need to be contingent upon the vacation of the utility easement. Ms. Yendes stated that even if the variance was approved the applicant would still

need to complete the vacation of easement process and that this was just one step in the process to the applicants achieving their goal. Mrs. Stanton pulled-up the City's Code of Ordinance off Municode and confirmed that a 4' tall fence met the minimum requirements contained in the Code.

Mr. Atcheson stated that the whole intent of the rear setback requirement was to not encroach upon the neighbor behind the property, and since this property backs to the lake he did not see any issue with approving the requested variance. Mr. Geraghty asked if there were any other questions or comments from the Board. Mrs. Stanton pulled up the aerial image and showed the Board the boundaries of the property, how it is abutted by a small common area tract containing a sidewalk and then the lake.

Mr. Towns and Mr. Wilson had questions of clarification regarding the placement of the pool in relation to the existing utility easement. There was some confusion regarding the location of the utility easement that was to be vacated and whether that was on the inside or the outside of the property. Mr. Cox clarified that the pool would be over the utility easement, once vacated, but not over the property line. Mr. Towns asked Mr. Geraghty whether he was looking for a motion. Mr. Geraghty stated he couldn't give one. Mr. Wilson moved that the requested variance be granted. Mr. Atcheson and Ms. Morin both seconded the motion. It was approved unanimously.

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

**OTHER ITEMS:** Election of Officers. Mr. Geraghty stated there are two officers, Chair and Vice-Chair. Mr. Atcheson motioned that the current Chair and Vice-Chair be re-elected. Mr. Atcheson further stated that the salaries should be doubled, then Mr. Geraghty said triple the salaries while you're at it (3Xs \$0). Mr. Towns stated that Mr. Geraghty does a wonderful job, a job he himself does not want. Mr. Atcheson asked if the discussion was being recorded. Mr. Towns went on to state that the current Chair and Vice-Chair do a fabulous job and that he is amazed at Bill's knowledge of stuff that goes on and history.

Mr. Towns stated that one of the things he has noticed about this commission is that you have to be here awhile to do a good job; it's not just something that you can swap people out. Mr. Towns stated they are a wealth of knowledge, and then he stated he would like to sweeten it and give them the authority to marry people. Mr. Atcheson stated that for \$15 on Google you could get that authority. Mr. Geraghty stated his son received that authority online and would be marrying someone this weekend. Then, Mr. Geraghty stated it had been moved and seconded that the current officers be re-elected and asked whether anyone else wanted the job. The re-election of the current offices passed unanimously.

**ROUNDTABLE:** None.

**ADJOURNMENT** – On motion of Ms. Morin and seconded by Mr. Towns, the Board of Zoning Adjustments voted unanimously by voice vote to adjourn the meeting at 6:21 p.m.