

# LEE'S SUMMIT BOARD OF ZONING ADJUSTMENTS ACTION LETTER

**Thursday, April 26, 2018**

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Chairman Shawn Geraghty called the April 26, 2018 Board of Zoning Adjustments meeting to order at 6:00 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	Mr. Chris Campbell	Present

City staff present was 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. Atcheson, the Board of Zoning Adjustments voted unanimously by voice vote to **APPROVE** the Agenda as published.

**MINUTES:** An Action Letter for the February 22, 2018, Board of Adjustment meeting.

**BOARD OF ZONING ADJUSTMENTS ACTION:** Mr. Geraghty entered Exhibit A, List of Exhibits 1-15 into the record. Mr. Geraghty asked whether there were any comments, modifications, or requested changes to the action letter from last meeting. Mr. Atcheson inquired about the email sent out by Mr. Geraghty from Mr. Handley. Mr. Atcheson stated he did not have a problem with the modifications Mr. Handley wanted inserted into the Action Letter. He stated he had never seen anybody outside of a committee member care about a comment, even read them, let alone ask for them to be corrected. Mr. Atcheson stated that this is not the last thing they [the residents in the Prairie Lee Lake area] were going to do before this matter was over for them, so they just wanted to make sure it properly documented. He stated he did not have a problem with modifying the Action Letter if everybody else's recollection is the same.

Mr. Towns stated he was in agreement with Mr. Atcheson. He also asked how the Board would get "stung" by changing the minutes. Mr. Geraghty stated that the minutes had not been approved yet. Mr. Geraghty further stated that he read the email too, and to his recollection there wasn't anything that wasn't accurate either. Mr. Geraghty stated it was a matter of how detailed the minutes are; the Board talks for a long time at some of their meetings and not every single word are necessarily put down, but he didn't see anything that wasn't accurate. Mr. Campbell stated he didn't remember anyone stating that Mr. Hinkley didn't appear to be treated differently than any other similarly situated code violator—that was the only thing I didn't remember. Mr. Campbell continued, "I remember someone saying, 'I wish I was this guy,' but I took it as like this guy who doesn't care about the rules and does whatever he wants to. I don't remember anyone saying, 'I don't think the City treated him the same as they treat someone else because of who he is'." Mr. Geraghty stated he recalled a comment about equating it to if somebody's grass was too tall, then the City would actually go in and take care of it and they didn't seem to be doing anything in this case—that's the only connection I kind of made there. Mr. Atcheson stated it was unusual, a one of a kind violation, not similar to anything else. Mr.

Campbell agreed and stated he didn't want it to come off as the Board accusing the City of treating him differently than they would if somebody did the exact same thing. Mr. Atcheson agreed. Mr. Atcheson asked if the Board should ask staff to modify the minutes and not approve the minutes until the next meeting. Mr. Geraghty stated he thought that was a good idea because that allows staff to place the modifications in with the same tone and format as the rest of the minutes.

Ms. Yendes stated they are the Board's minutes and staff wants them to reflect their recollection. She further stated that we have had someone say here's some other stuff I don't think are in your minutes and that is fine. If we include some of that in the paragraphs that might jog your memories some more; unfortunately, we don't have a tape so it's your memories. Ms. Yendes asked the Board, "Would you like to have staff put those comments, except for the one about treating him differently, in the minutes and bring them back to you at the next meeting? There's nothing wrong with that because you have a meeting next month. That's not that long. Feel comfortable about your minutes because they are your minutes." Mr. Atcheson agreed, and then stated he didn't think Mr. Hinkley was treated any differently—it was just an odd issue. Mr. Geraghty stated it sounded like someone is ready to make a motion. Mr. Atcheson said, "So moved." Ms. Yendes stated, "The motions should be to direct staff to bring back the minutes modified with these additions, except for that one about treating him differently." Mr. Atcheson stated, "Yes." (laughter) Ms. Yendes asked, "Is that fair? Just so staff has good direction." (more laughter) Mr. Geraghty, "So I heard a motion. Do I hear a second?" Mr. Campbell seconded the motion.

On motion of Mr. Atcheson and seconded by Mr. Campbell, the Board of Zoning Adjustments voted unanimously by voice vote to request staff to bring back the minutes modified with the additions recommended, except for the one about treating Mr. Hinkley differently.

#### **PUBLIC HEARINGS:**

1. **Appl. #PL2018-053 – Variance** to detached garage rear setback – 512 SE Douglas St.; Mark & Nancy Hecker, applicants

At 6:09 p.m. Mr. Geraghty asked for any who would be speaking at the hearing to stand and be sworn in. Mark Hecker stated he wanted to tear down the existing garage, which is a little over 600 square feet, and build a larger garage in approximately the same location. Mr. Heckler stated that the variance request was to maintain a 0' setback along the rear property line, which is consistent with all the other homes in his block on his side of Douglas Street. Mr. Hecker stated that they could meet the setback but it would not look quite right and would no longer line up with their neighbors up the street. Mr. Heckler stated he believed it would be in the best interest and integrity of the neighborhood to keep the detached garage in that location.

Mr. Wilson asked if the neighbor located 2 houses north of him had a similarly sized garage. Mr. Heckler stated his neighbor's was slightly smaller because it is based off the area allowed by the UDO calculation for lot area. He stated that neighbor's garage is around 960 square feet. Mr. Heckler stated he came to this Board 2-3 years ago when that neighbor requested 3 variances for his detached garage (square footage, setback, and height). Mr. Heckler stated that the Board declined the variance requests for square footage and height, but did allow for the 0' setback. Mr. Heckler also stated that the same person who had designed that neighbor's garage designed his garage.

Mr. Geraghty stated, "So the only variance being requested is a variance cause by having the same setback as what has been there for 100 years or more?" Mr. Heckler answer, "That is correct, yeah. That is the only variance that is being requested." Mr. Towns stated, "Short answer is that I am comfortable with this, but the one thing I..um..I'm on the Board of the Historic Preservation Commission and..um..this is a um historic preservation district." Ms. Stanton stated, "It is in the Neighborhood Stabilization Overlay and the applicant has been sent the information for that and Shannon's contact information was included in the email as well to put them in touch so that he can go through that process after this. Assuming this moves

forward.” Mr. Towns, “Okay. The thing I would ask, with absolutely no authority, but...and it looks like your drawing is pretty sensitive to the area. To preserve the flavor of that neighborhood is to everybody’s benefit. I am a licensed architect and I’m very interested in preserving Lee’s Summit and the tone that it has and it seems like this looks like it’s going to be pretty close. It’s going to be separate from the house, right?” Mr. Heckler answered, “Yes it will. And just a little bit about me and my family. We’ve owned this house for 20 years and I also served on the Historic Preservation Commission about 15 years ago.” Mr. Towns, “Then you have some sensitivity...” Mr. Heckler, “I’m very sensitive to making sure...as far as I’m concerned this is the Browning House. That’s what the people in Lee’s Summit know this as. Anybody under 70, this is the Browning House. We have a picture of the Brownings in our living room.” Mr. Towns, “Wonderful! That’s the kind of stuff I like to hear.” Mr. Atcheson asked Mr. Towns if he knew who the Brownings were. He stated that was Nancy Blackwell, Nancy Browning, really neat story. Mr. Atcheson stated he didn’t know that was their house. Mr. Heckler stated it was and that they have a picture of the seven kids and the adults back in the ‘50’s. Mr. Towns stated, “That’s the kind of thing I want to hear, that you’re going to preserve the neighborhood. You stay in context with the architecture, and then my only other recommendation is (I just epoxied my garage floor and it really looks great).” Mr. Heckler stated, “Yes, I intend to do that before a car ever pull into this garage.”

Mr. Geraghty asked, “Assuming we approve this, who does it go in front of next?” Mrs. Stanton stated, “The next review would be done by Shannon McGuire, who is the staff liaison for the Historic Preservation Commission, will do...” Mr. Geraghty asked for a motion. Mr. Towns motioned to approve the variance as requested based upon staffs’ recommendation and the sensitivity to the district. Mr. Atcheson seconded the motion. Motion carried unanimously.

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

**OTHER ITEMS:** None.

**ROUNDTABLE:** None.

**ADJOURNMENT** – On motion of Mr. Atcheson and seconded by Mr. Towns, the Board of Zoning Adjustments voted unanimously by voice vote to adjourn the meeting at 6:18 p.m.