

**CITY OF RAYTOWN
BOARD OF ZONING ADJUSTMENT
MEETING**

**February 11, 2016
6:00 P.M.**

**Raytown City Hall
10000 East 59th Street
Raytown, MO 64133**

MEETING

1. Open Meeting

2. Roll Call

Clatanoff _____ Cook _____ Riehle _____
Apprill _____ White _____ Wilson (Alt) _____
Tush (Alt) _____

3. Approval of September 10, 2015 Meeting Minutes

- A. Changes: _____
- B. Motion: _____
- C. Second: _____
- D. Vote: For: _____ Against: _____

4. Old Business – None

5. New Business:

A. Case #: BZA-2016-001
Request: Variance to twenty (20) foot side yard setback requirement of the Neighborhood Commercial zoning district specified in Section 50-187 of the Code of Ordinances of the City of Raytown
Applicant: Monopoly Acquisitions, LLC
Location: 5210 – 5254 Blue Ridge Boulevard

- (1) Introduce application
- (2) Open Public Hearing

- (3) Swearing in of any person who may wish to speak for or against the application
- (4) Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.
- (5) Entering of exhibits into the record:
 - a. Application for Variance submitted by applicant
 - b. Notice of Public Hearing in the Daily Record newspaper
 - c. Notice of Public Hearing Mailed to Neighboring Property Owners,
 - d. City of Raytown Zoning Ordinance as provided in Chapter 50 of the Raytown Code of Ordinances
 - e. City of Raytown Comprehensive Plan
- (6) Presentation of requested variance by applicant
- (7) Request for public comment
- (8) Rebuttal, if necessary, by the applicant.
- (9) Summary of additional information by staff
- (10) Board discussion
- (11) Close public hearing
- (12) Board decision to approve, conditionally approve or deny the application.
 - a. Motion
 - b. Second
 - c. Additional Board Discussion
 - d. Vote

6. Other Business

7. Set Tentative Future Meeting Date – March 10, 2016

8. Adjourn

STAFF REPORT

To: Board of Zoning Adjustment
From: Community Development Department
Date: February 11, 2016
Subject: Agenda Item No. 5.A - Case No. BZA-2016-001: Variance to twenty (20) foot side yard setback requirement of the Neighborhood Commercial zoning district specified in Section 50-187 of the Code of Ordinances of the City of Raytown

BACKGROUND

The owner of the Blue Ridge Shopping Center located at 5210-5254 Blue Ridge Boulevard is seeking a variance to the twenty (20) foot side yard setback required in the Neighborhood Commercial (NC) district. The applicant is seeking this variance as they want to subdivide the property so that they can sell a portion of the existing building and parking lot area to a different entity that will occupy that portion of the existing building. The applicant will continue to own the remainder of the property. In order to subdivide the property, however, necessitates a new property line extending through the existing building. As a result, the existing building on each side of this new property line will have a zero (0) foot setback rather than the required twenty (20) foot side yard setback.

FACTORS TO CONSIDER

The Zoning Ordinance states that a request for a variance may be approved upon a finding that all of the following conditions have been met:

- 1. Uniqueness:** *(The variance requested arises from such condition that is unique to the property in question and that is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant.)*

The applicant states that this same type of variance has been approved for other shopping centers in Raytown. This is a correct statement as the building in which the Hy-Vee grocery store is located is owned by Hy-Vee Corporation and directly abuts the adjoining shopping center building, which is owned by a different entity. It is unique for this type of request to occur when redevelopment of an existing older shopping center occurs, as is the case with the two shopping centers referred to by the applicant.

- 2. Effects on Adjacent Properties:** *(The granting of the variance will not adversely affect the rights of adjacent property owners or residents.)*

According to the submitted application, the variance will only impact the existing property and will not have any impact on adjoining properties as the setback will only apply to the existing shopping center building.

- 3. Hardship:** *(The strict application of the provisions of these regulations of which the variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.)*

Denial of the variance will prevent the property from being subdivided and a portion of the existing building and property from being sold. This in turn will prevent the former grocery store space in the shopping center, which has been vacant for over ten years, from being occupied by a new use.

- 4. Spirit and Intent:** *(The variance desired will not be opposed to the general spirit and intent of the zoning regulations and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.)*

The proposed variance will not be contrary to the general spirit and intent of the zoning ordinance as the existing building where the new lot line will extend is constructed of concrete and steel. Therefore, the concrete and steel will maintain safety, as required by the city's adopted fire code, as well as allow redevelopment to occur within this shopping center that will promote convenience, prosperity or general welfare in the community.

- 5. Minimum Variance:** *(The amount or size of the variance requested is the minimum amount or size needed to achieve the purpose for which the variance is requested.)*

The variance is the minimum necessary as the proposed new property line will extend through the existing building.

POSSIBLE FINDINGS OF FACT

After considering the above factors, the Board will need to decide if the variance request should be:

- ◆ Approved,
- ◆ Approved with conditions, or
- ◆ Denied.

The following are two sets of POSSIBLE findings of fact based upon the information submitted as part of the application, which is contained in this staff report. The set of possible findings of fact provided in the middle column support the approval of the variance requested while the second set of possible findings provided in the column on the right side of the table below provide facts supporting denial of the variance request. The Board should accept a set of findings of fact they deem most appropriate for either approval or denial based upon the information provided in this staff report and at the public hearing. Please note, however, that in order to approve a variance, ALL of the factors described in the middle column must be met. If one or more of the findings in the middle column are not found to be true then the application cannot legally be approved. It should be noted, that the following possible findings of fact are solely based upon the information contained in this staff report. Additional information could be presented at the public hearing, which may alter the following findings of fact. If additional information is presented at the public hearing, which alters the findings contained below, the applicable set of findings of fact need to be modified at the meeting to reflect the additional information presented so that the Board may use it as a basis in a making a decision on the variance application.

FACTORS	POSSIBLE FINDINGS OF FACT FOR APPROVAL OF THE REQUESTED VARIANCE	POSSIBLE FINDINGS OF FACT FOR DENIAL OF THE REQUESTED VARIANCE
<p><u>Uniqueness</u></p> <p><i>(The variance requested arises from such 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 of the property owner / applicant).</i></p>	<p>The variance requested is unique as it will allow for redevelopment of an existing older shopping center.</p>	<p>The variance is not unique as the applicant is creating the need for the variance through their desire to subdivide the property and existing shopping center.</p>
<p><u>Effects on Adjacent Properties</u></p> <p><i>(The granting of the variance will not adversely affect the rights of adjacent property owners or residents.)</i></p>	<p>The variance will only impact the existing property and will not have any impact on adjoining properties as the setback will only apply to the existing shopping center building.</p>	
<p><u>Hardship</u></p> <p><i>(The strict application of the provisions of these regulations of which the variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.)</i></p>	<p>Denial of the variance will prevent the property from being subdivided and a portion of the existing building and property from being sold. This in turn will prevent the former grocery store space in the shopping center, which has been vacant for over ten years, from being occupied by a new use.</p>	

<p><u>Spirit and Intent of the Zoning Ordinance</u></p> <p><i>(The variance desired will not be opposed to the general spirit and intent of the zoning regulations and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.)</i></p>	<p>The wall within the existing shopping center where the new lot line will extend is constructed of concrete and steel. Therefore, the concrete and steel will maintain safety, as the separation between the two sides of the buildings will comply with the city's adopted fire code. The variance will also allow redevelopment to occur within the shopping center that will promote convenience, prosperity or general welfare in the community.</p>	
<p><u>Minimum Amount / Size of Variance Necessary</u></p> <p><i>(The amount or size of the variance requested is the minimum amount or size needed to achieve the purpose for which the variance is requested.)</i></p>	<p>The variance is the minimum necessary as the proposed new property line will extend through the existing building.</p>	

Case Number: _____

Date Received: ~~01/14/16~~ 01/14/16

Fee Paid: 250.00

**CITY OF RAYTOWN
APPLICATION TO BOARD OF ZONING ADJUSTMENT
FILING FEE \$250.00**

1. I hereby apply for:

_____ Appeal from an administrative decision

Variance from any specific requirement

(Specify Section) _____

2. Name of Property Owner (as appears on deed): MONOPOLY ACQUISITIONS, LLC

3. Phone Number: 816.590.7660

4. Address of Property Owner: PO BOX 16687, RAYTOWN
MISSOURI 64013

5. Email: CHRISPAYNE1000@aol.com

6. Signature of Owner: Chris Payne

7. I appoint the following person as my agent during consideration of my request.

Name: N/A

Phone: _____

Address _____

8. The property to which this application applies is located at: 5210 BLUE RIDGE BLVD,
RAYTOWN, MO 64133 (Commonly known as BLUE RIDGE PLAZA)

Approximate Address (If address is currently unassigned): _____

9. Deed with Legal Description: (Please attach separate sheet).

For each of the following questions, please attach additional sheets if necessary.

10. Please describe what you wish to do that the Zoning Ordinance prohibits: _____

WE'RE IN THE PROCESS OF A LOT SPLIT. MONOPOLY
IS REQUESTING A VARIANCE TO ALLOW THERE TO
CHANGE TO THE SETBACK REQUIREMENTS AND TO
ALLOW A COMMON WALL OWNERSHIP.

11. The proposed variance (or exception) would not be contrary to public health, safety and the public interest because: _____

THE COMMON WALL WAS
CONSTRUCTED OVER 30 YEARS AGO FROM CONCRETE
AND STEEL. NOT ACTUAL CHANGES TO BUILDINGS
ARE OCCURRING.

12. The literal enforcement of the zoning regulations will result in the following unnecessary hardships: _____

NONE

13. The following condition(s), which were not created by the owner's actions, are unique to this parcel and are not commonly found on parcels used in similar ways:

FALSE, NO UNIQUE CONDITION EXIST. THIS REQUESTED VARIANCE HAS BEEN APPROVED AT OTHER PROPERTIES IN RAYTOWN.

14. The proposed development or variance would not adversely affect the rights of adjacent property owners because:

NO NEGATIVE CHANGE EXIST. PERHAPS POSITIVE CHANGES FOR ADJACENT PROPERTY OWNERS. THE LARGE VACANT BUILDING OF 10 PLUS YEARS IS NO LONGER VACANT.

15. The proposed development would not be contrary to the general spirit and intent of the zoning ordinance because:

FALSE

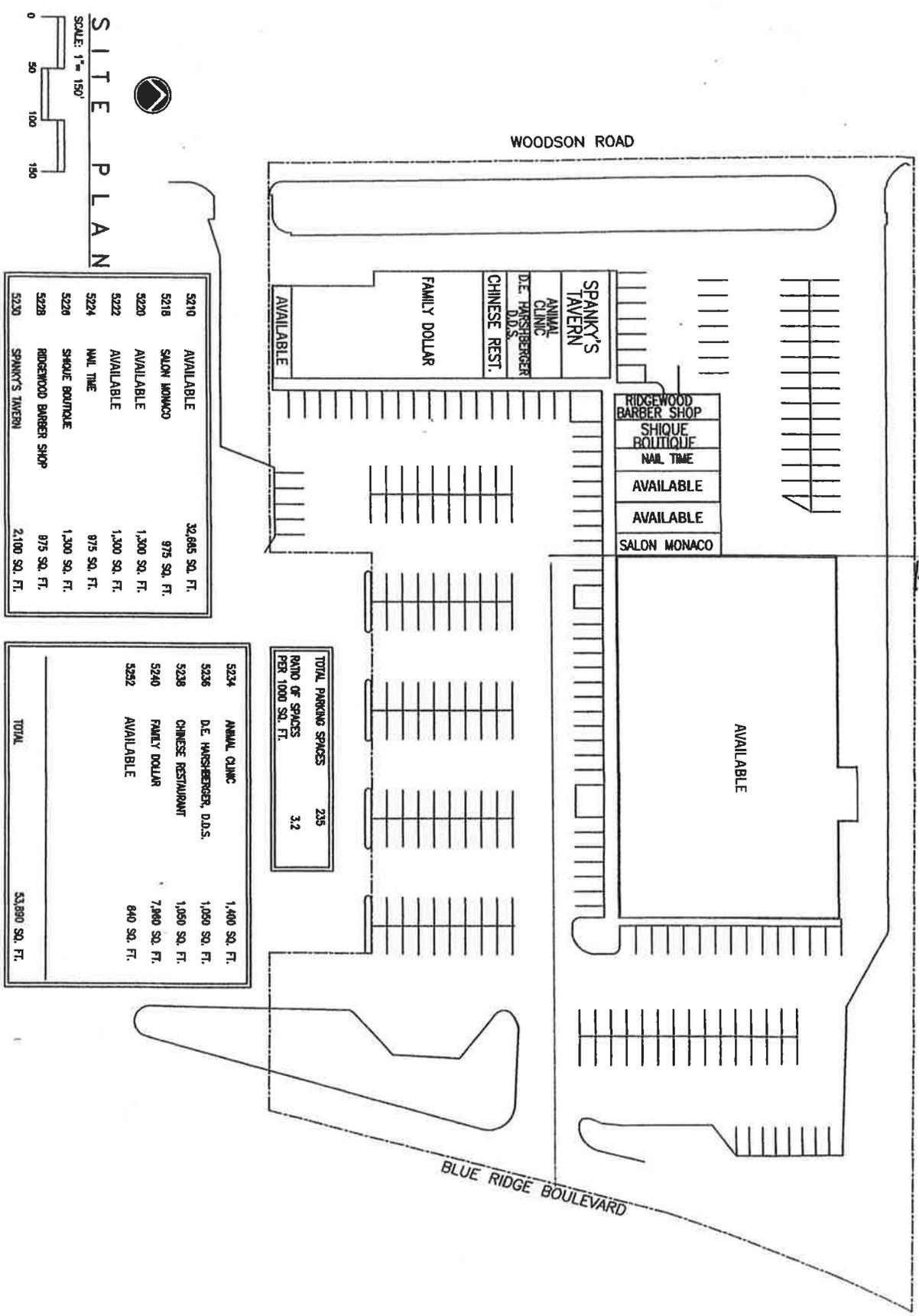
16. The variance (or exception) requested is the minimum needed to make possible the reasonable use of the land or structure because:

THE CURRENT STRUCTURE WHICH CONSIST OF INDIVIDUAL BUSINESSES, BUT FOR THERE TO BE SEPARATE OWNERSHIP, A VARIANCE ALLOWING 'COMMON WALLS' ARE NEEDED FOR LOT SPLITS

BLUE RIDGE PLAZA
 5210 - 5254 Blue Ridge Boulevard, Raytown, Missouri

NORTHWEST

PROPOSED LOT SPLIT PROPOSED COMMON WALL



5210	AVAILABLE	32,685 SQ. FT.
5218	SALON MONACO	975 SQ. FT.
5220	AVAILABLE	1,300 SQ. FT.
5222	AVAILABLE	1,300 SQ. FT.
5224	NAIL TIME	975 SQ. FT.
5226	SHIQUE BOUTIQUE	1,300 SQ. FT.
5228	RIDGEWOOD BARBER SHOP	975 SQ. FT.
5230	SPANKY'S TAVERN	2,100 SQ. FT.

TOTAL PARKING SPACES	235
RATIO OF SPACES PER 1000 SQ. FT.	3.2

5234	ANIMAL CLINIC	1,400 SQ. FT.
5236	D.E. HANSENBERGER, D.D.S.	1,050 SQ. FT.
5238	CHINESE RESTAURANT	1,050 SQ. FT.
5240	FAMILY DOLLAR	7,980 SQ. FT.
5252	AVAILABLE	840 SQ. FT.
TOTAL		53,890 SQ. FT.

BLOCK & COMPANY INC., Realtors

816.753.6000

All information furnished regarding property for sale or lease is from sources deemed reliable, but no warranty or representation is made as to the accuracy thereof and the same is subject to errors, omissions, changes of price, rental or other conditions, prior sale or lease or withdrawal without notice.





ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI

03/15/2012 12:08:48 PM

WD FEE: \$ 27.00 3 Pages

INSTRUMENT NUMBER:

2012E0027701

WARRANTY DEED

THIS DEED, dated 14th day of March, 2012, WITNESSETH, that **Blue Ridge Plaza, L.L.C., a Missouri limited liability company**, Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD VALUABLE CONSIDERATIONS, does by these presents, GRANT, BARGAIN AND SELL, Convey and Confirm unto **Monopoly Acquisitions LLC, a Missouri limited liability company**, whose mailing address is 6140 Raytown Rd, Raytown, MO 64133, Grantee, it's heirs, successors and assigns, the following described land situated in **Jackson** County, Missouri:

TRACT 1:

Beginning at the Northwest corner of Lot 2, **PENDLETON'S BLUE RIDGE PLACE**, a subdivision in Raytown, Jackson County, Missouri; thence along the North line of said Lot 2, South 89 degrees 56 minutes 47 seconds East, a distance of 679.21 feet, (Deed equals North 89 degrees 59 minutes East, 680.04 feet) to the Northeast corner of said Lot 2, said point being the Westerly right-of-way line of Blue Ridge Boulevard; thence along said road right-of-way line in a Southwesterly direction along a curve to the left having a radius of 1186.30 feet, an initial tangent bearing of South 24 degrees 35 minutes 37 seconds West, an arc distance of 207.905 feet (Deed equals 208.42 feet) to the point of tangent; thence continuing along said road right-of-way line South 14 degrees 33 minutes West, a distance of 220.52 feet (Deed = 220.54 feet); thence North 90 degrees 00 minutes 00 seconds West, parallel to and 280 feet North of the South line of Lot 1, in said subdivision, a distance of 548.33 feet (Deed equals 548.61 feet) to a point on the East right-of-way line of Woodson Road; thence along said road right-of-way line, North 0 degrees 49 minutes 32 seconds West, a distance of 409.82 feet (Deed equals North 0 degrees 53 minutes West, a distance of 407.90 feet) to the Point of Beginning, EXCEPT that part of Lot 1, **PENDLETON'S BLUE RIDGE PLACE**, a subdivision in Raytown, Jackson County, Missouri, described as follows:

Commencing on the East line of said Lot 1 and 293.31 feet (Deed equals 293.29 feet) Northerly of the Southeast corner of said Lot 1, measured along said lot line, said point also being on a line drawn 280 feet North of and parallel to the South line of said Lot 1, measured parallel to the West line of said lot; thence North 90 degrees 00 minutes 00 seconds West, along said parallel line, a distance of 60.50 feet (Deed equals 62.29 feet) to the True Point of Beginning of the parcel of land to be herein described; thence continuing North 90 degrees 00

minutes 00 seconds West, a distance of 260.00 feet; thence North 0 degrees 03 minutes 00 seconds East, a distance of 65.02 feet; thence South 90 degrees 00 minutes 00 seconds East, a distance of 260.00 feet; thence South 0 degrees 03 minutes 00 seconds West, a distance of 65.02 feet to the Point of Beginning.

TRACT 2:

Together with easements for ingress, egress and parking across all of Lots 1 and 2, PENDLETON'S BLUE RIDGE PLACE, as established by instrument recorded as Document No. I-250410, in Book I-685, Page 723 and modified by instrument recorded as Document No. I-399543, in Book I-963, Page 1785.

Subject to easements, reservations, restrictions, and covenants, if any, of record.

TO HAVE AND TO HOLD The premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining unto said Grantee, and unto it's heirs, successors and assigns forever; said Grantor does hereby covenant that it is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that it has good right to convey the same; that said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims, and that it will warrant and defend the title to said premises unto said Grantee unto it's heirs, successors and assigns forever, against the lawful claims and demand of all persons whomsoever.



Property Account Summary

Parcel Number	33-920-04-37-01-0-00-000	Property Address	5210 BLUE RIDGE BLVD , RAYTOWN, MO 64133
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General Information

Property Description	PENDLETON BLUE RIDGE PLACE BEG AT NW COR OF LOT 2 TH E 680.04' TO WLY ROW BLUE RIDGE BLVD TH SW ALG ROW 208.42' TH S 14 DEG W 220.5' TH W 62.29' TH N 65.02' TH W 260' TH S 65.02' TH W 226.32' TH N 407.9' TO POB
Property Category	Land and Improvements
Status	Active, Host Other Property, Locally Assessed
Tax Code Area	022

Property Characteristics

Property Class	2010
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Parties

Role	Percent	Name	Address
Taxpayer	100	MONOPOLY ACQUISITIONS LLC	6140 RAYTOWN RD, RAYTOWN, MO 64133 UNITED STATES
Owner	100	MONOPOLY ACQUISITIONS LLC	6140 RAYTOWN RD, RAYTOWN, MO 64133 UNITED STATES
Mortgage Company	100	BANKLIBERTY	9200 NE BARRY RD, KANSAS CITY, MO 64157

Property Values

Value Type	Tax Year 2015	Tax Year 2014	Tax Year 2013	Tax Year 2012	Tax Year 2011
Market Value Total	533,000	410,000	410,000	410,000	593,520
Taxable Value Total	170,560	131,200	131,200	131,200	189,926
Assessed Value Total	170,560	131,200	131,200	131,200	189,926

No Charges are currently due.

No Charge Amounts are currently due for this property. If you believe this is incorrect, please contact the Taxpayer Services Unit at (816) 881-3232.

NOTICE: Telephones are staffed during regular business hours (8am to 5pm, Monday through Friday, excluding holidays observed by Jackson County).

Distribution of Current Taxes

District	Amount
BOARD OF DISABLED SERVICES	125.870000
CITY - RAYTOWN	903.120000
FIRE DISTRICT - RAYTOWN	1,716.520000
JACKSON COUNTY	845.300000
MENTAL HEALTH	204.330000
METRO JUNIOR COLLEGE	399.620000
MID-CONTINENT LIBRARY	536.580000
RAYTOWN SCHOOL C-II	10,779.390000
STATE BLIND PENSION	51.170000
REPLACEMENT TAX	2,450.950000