

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

**September 8, 2016  
7:00 P.M.**

**Raytown City Hall  
10000 East 59<sup>th</sup> Street  
Raytown, MO 64133**

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**MEETING**

**1. Open Meeting**

**2. Roll Call**

Clatanoff \_\_\_\_\_ Cook \_\_\_\_\_ Riehle \_\_\_\_\_  
Apprill \_\_\_\_\_ White \_\_\_\_\_ Wilson (Alt) \_\_\_\_\_  
Tush (Alt) \_\_\_\_\_

**3. Approval of August 11, 2016 Meeting Minutes**

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

**4. Old Business – None**

**5. New Business:**

**A. Case #: BZA-2016-007**  
**Request: Variance to the sign regulations specified in Section 50-493 of the Code of Ordinances of the City of Raytown to allow a wall sign above the maximum allowed size in a High-Density Residential (R-3) zoning district.**  
**Applicant: Tutera Senior Living & Health Care**  
**Location: 11901 Jessica Lane**

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- (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

**B. Case #:** BZA 2016-005  
**Request:** Appeal to Staff order to remove a nonconforming pole sign as per the sign regulations specified in Section 50-492 and Section 50-498 of the Code of Ordinances of the City of Raytown.

**Location:** 9323 E 350 Highway  
 Introduce application

- (1) Open Public Hearing
- (2) Swearing in of any person who may wish to speak for or against the application
- (3) Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.
- (4) Entering of exhibits into the record:

- a. Application for Accessory Use Home Occupation 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

**5. Other Business**

**6. Set Tentative Future Meeting Date** – October 13, 2016

**7. Adjourn**

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

**August 11, 2016  
7:00 P.M.**

**Raytown City Hall  
10000 East 59<sup>th</sup> Street  
Raytown, MO 64133**

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**MEETING**

**1. Open Meeting:** Chairman Pat Riehle opened the meeting.

**2. Roll Call**

Clatanoff <u>Present</u>	Cook <u>Absent</u>	Riehle <u>Present</u>
Apprill <u>Present</u>	White <u>Absent</u>	Wilson (Alt) <u>Absent</u>
Tush (Alt) <u>Present</u>		

Also present: Ray Haydaripoor, Acting Director of Development and Public Affairs, Andy Boyd, Building Official, George Kapke, City Attorney, Ron Williamson, Planning Consultant, Scott Peterson, Permit Technician, and June Van Loo, Permit Technician

Due to the presence of only four members, Chairman Riehle noted for the public that four members did constitute a quorum, but that all votes would need to be approved unanimously.

**3. Approval of April 14, 2016 Meeting Minutes**

- A. Changes: None
- B. Motion: Ms. Clatanoff made a motion to approve the April 14, 2016 minutes.
- C. Second: Mr. Apprill seconded Ms. Clatanoff's motion.
- D. Vote: For: 4 Against: 0 motion passed unanimously.

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**4. Approval of July 14, 2016 Meeting Minutes**

- E. Changes: None
- F. Motion: Mr. Apprill made a motion to approve the July 14, 2016 minutes.
- G. Second: Ms. Clatanoff seconded Mr. Apprill's motion.

H. Vote: For: 4 Against: 0 motion passed unanimously.

**5. Old Business – None**

**6. New Business:**

**A. Case #: BZA-2016-003**  
**Request: Variance to 720 square foot maximum accessory building size in a Low Density Residential (R-1) zoning district specified in Section 50-127 of the Code of Ordinances of the City of Raytown.**  
**Applicant: Congregation Beth Shalom**  
**Location: 5529 Ditzler Ave**

- (1) Introduce application- Mr. Riehle introduced the application.
- (2) Open Public Hearing- Mr. Riehle opened the public hearing.
- (3) Swearing in of any person who may wish to speak for or against the application- Mr. Kapke swore in those wishing to speak on behalf of the application.
- (4) Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application- None
- (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- Kenny Miller, architect for RMTA, spoke on behalf of the application. The applicant is looking to install a storage shed for the cemetery's maintenance that is larger than is allowed in an R-1 zone.
- (7) Request for public comment- None.
- (8) Rebuttal, if necessary, by the applicant.- None.
- (9) Summary of additional information by staff- Scott Peterson, Permit Technician, stated that the building would be moved closer to the street than the existing maintenance shed by about twenty feet, and also made three recommendations on behalf of staff for Board consideration:
  1. The maintenance building will be located on the site as shown on the plan and will not exceed 1575 sq. ft.

2. Staff shall approve the height and design of the building including elevations and building materials.
3. The existing maintenance building will be removed when the new building is occupied.

(10) Board discussion- None.

(11) Close public hearing- Mr. Riehle closed the public hearing.

- (12) Board decision to approve, conditionally approve or deny the application.
- a. Motion- Ms. Clatanoff made a motion to conditionally approve the application subject to the recommendations made by staff.
  - b. Second- Mr. Tush seconded Ms. Clatanoff's motion.
  - c. Additional Board Discussion- None.
  - d. Vote- Motion passed unanimously 4-0.

**B. Case #: BZA 2016-004**

**Request: Application for a Home Occupation Accessory Use Permit as provided in Article III, Sections 50-79 through 50-86 of the City of Raytown Code of Ordinances which seeks to operate a family day care.**

**Location: 6300 Sterling Ave**

(1) Introduce application- Mr. Riehle introduced the application.

(2) Open Public Hearing- Mr. Riehle opened the public hearing.

(3) Swearing in of any person who may wish to speak for or against the application- Mr. Kapke swore in those wishing to speak for or against the application.

(4) Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.- None.

(5) Entering of exhibits into the record:

- a. Application for Accessory Use Home Occupation 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- Satira Green is seeking an accessory use home occupation to operate a family day care out of her home at 6300 Sterling. Ms. Green is licensed by the State of Missouri.

(7) Request for public comment- None.

(8) Rebuttal, if necessary, by the applicant.- None.

(9) Summary of additional information by staff- Mr. Peterson stated that the accessory use home occupation is required because Ms. Green is requesting to use her garage as a portion of her business, which is not allowed in an R-1 district. Mr. Peterson made three additional recommendations on behalf of staff for the Board to consider:

1. A concrete or asphalt pad wide enough to accommodate the parking of at least one vehicle be added to the north side of the house or driveway and connected to the driveway to meet the requirement of three parking spaces.
2. A PVC-vinyl, or material of similar durability, fence is to be installed to completely enclose, with a gate that is capable of being locked, at least 500 square feet of the rear yard, to be at a minimum height of at least sixty (60) inches.
3. The applicants comply with all applicable local, state and federal laws and regulations.
4. The hours of operation are limited to the hours indicated in the application.
5. No individuals shall be employed that do not reside on the property.

(10) Board discussion-

Discussion included the width of the driveway to accommodate three off-street parking spaces, and whether the recommended concrete pad needed to be extended all the way to the street. Mr. Peterson stated that it did not need to go all the way to the street, only enough to accommodate the three off street parking spaces.

Discussion also included the number of children that Ms. Green would be allowed to have on the property. Ms. Green is currently licensed for 10 children and does not plan to have more than that number of children at any time.

(11) Close public hearing- Mr. Riehle closed the public hearing.

(12) Board decision to approve, conditionally approve or deny the application.

- a. Motion- Ms. Clatanoff made a recommendation to conditionally approve the application based on staff recommendations, plus one additional condition that the accessory use home occupatio apply only to the current occupant of the property.
- b. Second- Mr. Apprill seconded Ms. Clatanoff's motion.
- c. Additional Board Discussion- None.
- d. Vote- Motion passed unanimously 4-0.

**C. Case #: BZA 2016-006**

**Request: Request for a variance to the twenty (20) foot side yard setback requirement in the Neighborhood Commercial (NC) Zoning District specified in Section 50-187 of the Code of Ordinances of the City of Raytown to allow for a lot split from the neighboring property which would put the dwelling on the property within the side yard setback area.**

- (1) Introduce application- Mr. Riehle introduced the application.
- (2) Open Public Hearing- Mr. Riehle opened the public hearing.
- (3) Swearing in of any person who may wish to speak for or against the application- Mr. Kapke swore in those wishing to speak for or against the application.
- (4) Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application- None.
- (5) Entering of exhibits into the record:
  - f. Application for Variance submitted by applicant
  - g. Notice of Public Hearing in the Daily Record newspaper
  - h. Notice of Public Hearing Mailed to Neighboring Property Owners,
  - i. City of Raytown Zoning Ordinance as provided in Chapter 50 of the Raytown Code of Ordinances
  - j. City of Raytown Comprehensive Plan
- (6) Presentation of requested variance by applicant- Wilson Goddard, representing the Raytown Church of Christ, introduced the variance. The applicant is wishing to split a house from the property and sell it to Wanda Mullins. This lot split will put the house in violation of the twenty foot side yard setback.

Ms. Clatanoff asked what the use of the applicant property would be, and whether or not Ms. Mullins would use it for her business since it is zoned Neighborhood Commercial. Ms. Mullins responded that it would primarily be her residence, but she may incorporate her business into it in some capacity in the future.
- (7) Request for public comment- Steve Shelton, representative for the Raytown Consolidated School District, requested further clarification on the location of the property in relation to Raytown High School. Seeing that it did not affect school district property, Mr. Shelton had no objections to the application.
- (8) Rebuttal, if necessary, by the applicant- None.
- (9) Summary of additional information by staff- None.

(10) Board discussion- Mr. Apprill made a recommendation to add a condition that the variance only apply to the house at 5914 Blue Ridge Blvd. Mr. Kapke clarified that in the event the house was torn down, the variance would no longer apply.

(11) Close public hearing- Mr. Riehle closed the public hearing.

(12) Board decision to approve, conditionally approve or deny the application.

e. Motion- Mr. Apprill made a motion to approve the application.

f. Second- Mr. Tush seconded Mr. Apprill's motion.

g. Additional Board Discussion- None

h. Vote- Motion passed unanimously 4-0.

**5. Other Business- None.**

**6. Set Tentative Future Meeting Date – September 8, 2016**

**7. Adjourn**

# STAFF REPORT

**To:** Board of Zoning Adjustment  
**From:** Development and Public Affairs Department  
**Date:** September 8, 2016  
**Subject:** Agenda Item No. 5.A - Case No. ZA-2016-007: Variance to the sign regulations specified in Section 50-493 of the Code of Ordinances of the City of Raytown to allow a wall sign above the maximum allowed size in a High-Density Residential (R-3) zoning district.

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## BACKGROUND

Tutera Senior Living & Health Care is seeking to construct a wall sign on the south side of the Westridge Gardens Rehabilitation & Health Care Center. The proposed sign will be facing westbound Highway 350 and is projected to be about ninety (90) total square feet and a total length of thirty-six (36) feet. The applicant property is zoned High-Density Residential (R-3). Section 50-493 states that bulletin board and identification signs in all residential districts may be no larger than sixteen (16) square feet in size.



## **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 the existing wall has no existing sign on its façade, and that the sign ordinance restricts the ability of passersby on Highway 350 from knowing the nature and use of the applicant property.

- 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 not impact any adjacent properties as there is a vacant tract of land between the proposed sign and the highway, so no neighbors will be impacted by the large sign.

- 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.)*

According to the applicant denial of the variance will cause unnecessary hardship because most properties along the Highway 350 corridor are zoned commercial and are allowed to have large wall signs. The applicant states that Westridge Gardens is at a disadvantage with no community recognition that signs provide.

- 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.)*

According to the applicant, the proposed variance will not be contrary to the general spirit and intent of the zoning ordinance because most businesses along 350 Highway are allowed signs showing the spirit of the code.

- 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.)*

According to the applicant the variance is the minimum necessary as the readable distance to Highway 350 determines the size of the sign. The applicant believes that the building is far enough away from the highway to warrant a larger sign to allow vehicles passing by to safely read the sign.

**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> <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 is unique as the property is a residentially zoned property along the Highway 350 corridor that allows larger wall signs for commercial properties.</p>	<p>The variance is not unique as the property is zoned correctly for its current use, and therefore its proximity to the highway is not relevant and should be required to follow the applicable zoning ordinance.</p>
<p><u>Effects on Adjacent Properties</u> <i>(The granting of the variance will not adversely affect the rights of adjacent</i></p>	<p>The variance will not impact any adjacent properties as the property to the south is currently vacant. Neighboring</p>	<p>The vacant property to the south is potentially buildable, and any structure built on that lot would be in full view of,</p>

<p><i>property owners or residents.)</i></p>	<p>residential properties will not be in view of the sign.</p>	<p>and also blocking the view from the highway, the proposed sign.</p>
<p><b><u>Hardship</u></b>  <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 result in the applicant not being able to adequately identify the use of the property for those passing by the Highway while other businesses are allowed larger wall signs.</p>	<p>The house has been previously used as a day care and as a rental unit, so the building would not necessarily be completely unusable.</p>
<p><b><u>Spirit and Intent of the Zoning Ordinance</u></b>  <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 proposed variance will not be contrary to the general spirit and intent of the zoning ordinance as it will not hinder neighboring properties, nor negatively affect the quality of the neighborhood. Furthermore, the house and church parking lot are existing structures, no changes are proposed to be made that would further violate the Zoning Ordinance.</p>	<p>The proposed variance will be contrary to the general spirit and intent of the zoning ordinance as the applicant property is a multi-family residential complex that does not provide the same business and advertising needs as a commercial business within the 350 Highway Corridor.</p>
<p><b><u>Minimum Amount / Size of Variance Necessary</u></b>  <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 property is far enough away from Highway 350 to provide a minimum safe size for the sign for drivers to see passing by.</p>	<p>There is no requirement that vehicles be allowed to see signs on buildings from Highway 350 in the zoning ordinance, so the minimum size of the sign is irrelevant to the property's proximity to the highway.</p>



Development & Public Affairs Department  
 Building Inspections Division  
 10000 E. 59<sup>th</sup> Street  
 Raytown, MO 64133  
 Office (816) 737-6011 Fax (816) 737-6164

**VARIANCE PERMIT**

<b>PERMIT #:</b> 20160838	DATE ISSUED: 7/28/2016
	MUST COMMENCE BY: 7/28/2017
JOB ADDRESS: 11901 JESSICA LN	LOT #:
	BLK #:
SUBDIVISION:	
OWNER: TUTERA GROUP	CONTRACTOR: TUTERA GROUP
ADDRESS: 7711 STATE LINE	ADDRESS: 7711 STATE LINE
CITY, STATE ZIP: KANSAS CITY MO 00000	CITY, STATE ZIP: KANSAS CITY MO 00000
PHONE:	PHONE:
VALUATION: \$ 0.00	
SQ FT 0.00	
OCCP TYPE:	
CNST TYPE:	
DESCRIPTION OF WORK: VARIANCE TO MAXIMUM SIGN ALLOWED IN R-3 ZONE.	

FEE CODE	DESCRIPTION	AMOUNT
PZ-08	VARIANCE	\$ 250.00
<b>TOTAL</b>		<b>\$ 250.00</b>

**Inspection Information**

1. All inspections require one working day (24 hours) advance notice.
2. Inspections must be scheduled and approved before covering any work.
3. APPROVED PLANS AND SITE PLAN MUST BE ONSITE FOR INSPECTIONS!

This permit is issued in reliance upon information submitted by the applicant. The Building Official may suspend or revoke a permit whenever the permit is issued in error, on the basis of incorrect information supplied, or in violation of the adopted code, city ordinance or regulations. This permit shall become null and void if the work authorized by this permit is suspended for a period of 180 days or is not commenced within 180 days. Approval of the plans or any inspections of this project shall not be construed as an approval of a violation of the codes or ordinances of the City of Raytown.

Issued By: \_\_\_\_\_ Date: \_\_\_\_\_ Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date Received: 07/28/16

Fee Paid: \_\_\_\_\_

**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) 50-493

2. Name of Property Owner (as appears on deed): \_\_\_\_\_

Tutera Senior Living & Health Care

3. Phone Number: 816-278-3104

4. Address of Property Owner: 7611 State Line Rd  
Kansas City, MO 64114

5. Email: GeorgeH@Tutera.com

6. Signature of Owner: \_\_\_\_\_

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

Name: George Holler: Director of Capital Projects

Phone: 816-278-3104

Address 7611 State Line Rd, Kansas City, MO 64114

8. The property to which this application applies is located at: \_\_\_\_\_

11901 Jessica Lane, 64138

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: \_\_\_\_\_

Code limits one wall sign to 16 square feet  
on street frontage

Request is to place one channel letter  
sign (design and rendering attached) facing  
Highway 350.

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

The sign would be a public service  
announcement to the community in need  
of their service.

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

Most Businesses Facing 350 Highway in  
Raytown are allowed these sign types by  
code. Westridge Gardens is at a disadvantage  
with no community recognition that signs  
provide.

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:

The existing wall has no sign(s) on it, and the code restricts the ability of passersby on Highway from knowing of this valuable community resource.

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

There are no establishments between the building and 350 Highway.

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

Most businesses along 350 Highway are allowed signs showing the spirit of the code.

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

The readable distance to 350 Highway determines the size of the letters

I understand that in filing my application with the City of Raytown I am responsible for paying the costs incurred in the processing of my application and agree to pay the City of Raytown for such costs, which include but are not limited to the following:

- Postage
- Published notice in the newspaper

I further understand these costs are estimates. In the event the legal costs exceed the amount paid, payment for the additional charges will be required prior to further departmental action on my case.

**CHECKLIST FOR**  
**BOARD OF ZONING ADJUSTMENT**

Date Completed

✓

**APPLICATION FEE AND LEGAL NOTICE FEE TOTALING \$250**

~~✗~~

**WRITTEN AND SIGNED CERTIFICATION FROM COUNTY TREASURER THAT ALL PROPERTY TAXES FOR THE PARCEL HAVE BEEN PAID IS ATTACHED.**

N/A

**WRITTEN AND SIGNED CERTIFICATION FROM THE CITY FINANCE DEPARTMENT THAT ALL OCCUPATIONAL LICENSES FOR THE PARCEL ARE CURRENT IS ATTACHED.**

\_\_\_\_\_

**COPY OF DEED WITH EXACT LEGAL DESCRIPTION IS PROVIDED.**

N/A

**SITE PLAN DEPICTING LAND ASSOCIATED WITH THE REQUEST.**

A sketch plan, drawn to scale, showing the location and exterior dimensions of all existing and proposed structures, yard improvements, landscaping, off street parking areas, driveways, signs, all required setback, and right-of-ways, traffic, pedestrian walks and areas, storm water drainage facilities and exterior lighting fixtures in relation to parcel boundaries and adjacent right-of-ways and location of public utilities.

✓

**IF SIGN, DRAWING ILLUSTRATING THE PROPOSED SIGN.**

**BUILDING ELEVATION**

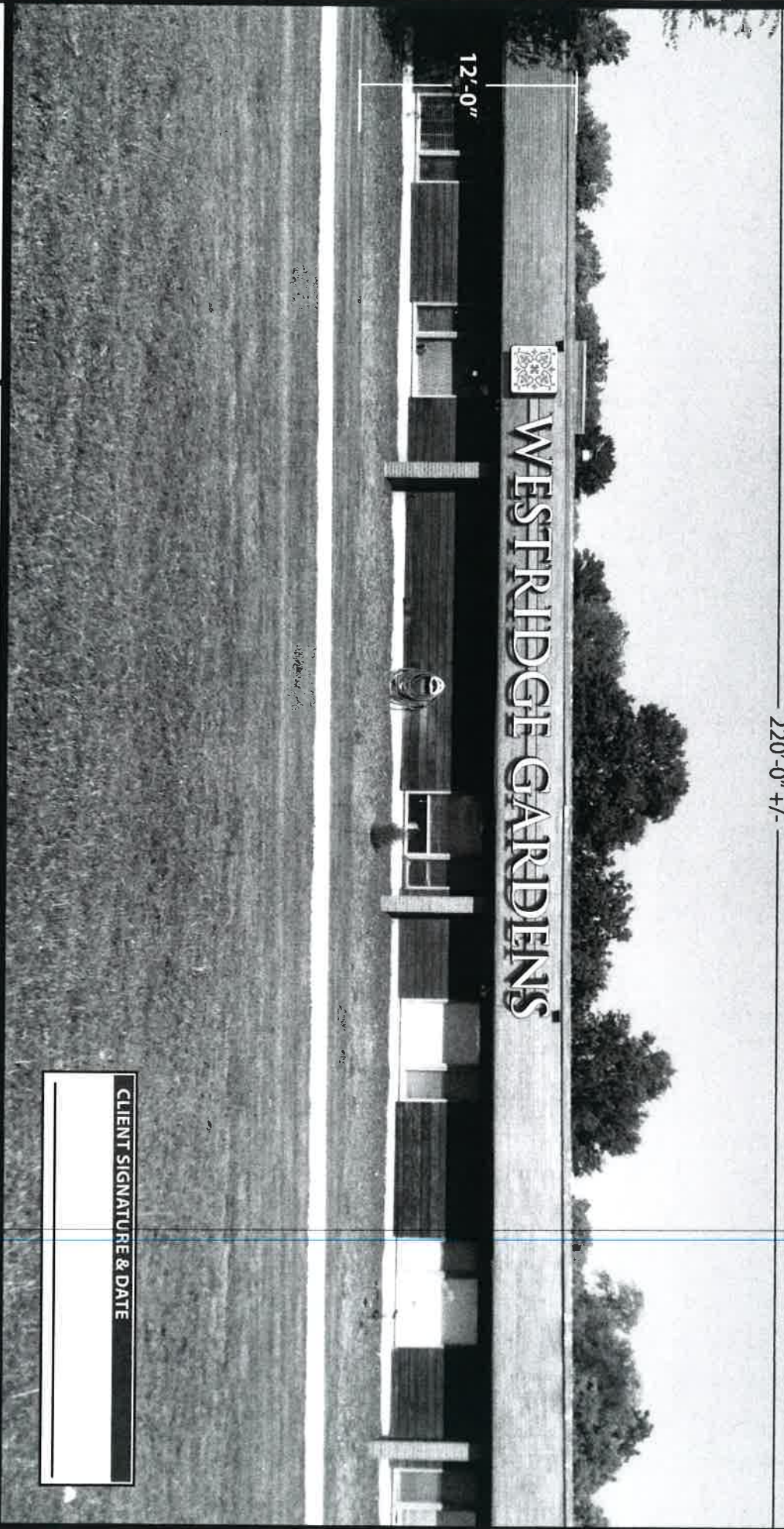
SCALE: 1/8" = 1'-0"

2640.0 SQFT OF FACADE

220'-0" +/-

12'-0"

 WESTRIDGE GARDENS



CLIENT SIGNATURE & DATE

Blank box for client signature and date.

THIS DESIGN IS THE SOLE PROPERTY OF HIGHTECH SIGNS AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

**HIGHTECH SIGNS**

SIGNS THAT MEAN BUSINESS

2338 Myrtle Dr. Kansas City, KS 66106  
Phone (913) 694-4422 FAX (913) 236-7446

**CLIENT:**

WESTRIDGE GARDENS  
RAYTOWN, MISSOURI  
11901 Jessica Lane, 64138

**DRAWING NO.**

14-143

**DATE**

10.03.2014

**SALESPERSON:**

DICK ROBINSON

**DESIGNER:**

KEN ALBIN

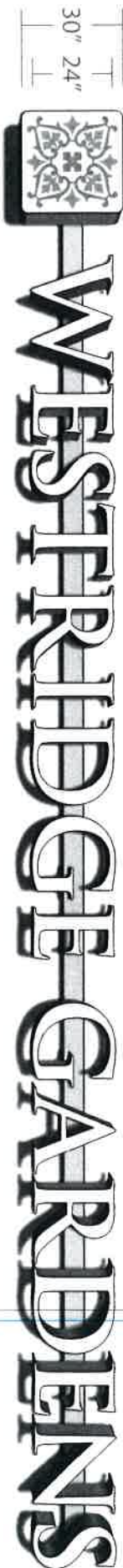
**BUILDING ELEVATION**

**ILLUMINATED CHANNEL LETTERS**

90.0 SOFT OF SIGNAGE

SCALE: 1/4" = 1'-0"

36'-0"



WIREWAY MOUNTED CHANNEL LETTERS  
 INTERNALLY ILLUMINATED WITH WHITE SAMSUNG LED'S  
 5" BRONZE ALUMINUM RETURNS  
 3/16" WHITE ACRYLIC FACES  
 \*LOGO TO HAVE APPLIED TRANSLUCENT DIGITAL PRINT APPLIED  
 1" BRONZE JEWELITE TRIM CAP  
 ALUMINUM WIREWAY PAINTS TO MATCH BUILDING FACADE  
 CUSTOMERS ELECTRICIAN TO SUPPLY PRIMARY ELECTRICAL TO SIGN LOCATION

CLIENT SIGNATURE & DATE

THIS DESIGN IS THE SOLE PROPERTY OF HIGHTECH SIGNS AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

**HIGHTECHSIGNS**

SIGNS THAT MEAN BUSINESS

2336 Meridian Dr. Kansas City, KS 66106  
Phone (913) 894-4422 Fax (913) 236-7446

**CLIENT:**

WESTRIDGE GARDENS  
RAYTOWN, MISSOURI  
11901 ~~Jessica~~ Lane 64138

**DRAWING NO.**

14-143 revised

**DATE**

07.26.2016

**SALESPERSON:**

DICK ROBINSON

**DESIGNER:**

KEN ALBIN

**SIGN  
DETAIL**

**ILLUMINATED CHANNEL LETTERS**

90.0 SOFT OF SIGNAGE

SCALE: 1/4" = 1'-0"

36'-0"

30" 24"



WESTRIDGE GARDBENS

27'-0"

24" 18"



WESTRIDGE GARDBENS

54.0 SOFT OF SIGNAGE

- WIREWAY MOUNTED CHANNEL LETTERS
- INTERNALLY ILLUMINATED WITH WHITE SAMSUNG LED'S
- 5" BRONZE ALUMINUM RETURNS
- 3/16" WHITE ACRYLIC FACES
- 'LOGO' TO HAVE APPLIED TRANSLUCENT DIGITAL PRINT APPLIED
- 1" BRONZE JEWELITE TRIM CAP
- ALUMINUM WIREWAY PAINTS TO MATCH BUILDING FACADE
- CUSTOMERS ELECTRICIAN TO SUPPLY PRIMARY ELECTRICAL TO SIGN LOCATION

**CLIENT SIGNATURE & DATE**

---

THIS DESIGN IS THE SOLE PROPERTY OF HIGHTECH SIGNS AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

**HIGHTECHSIGNS**

SIGNS THAT MEAN BUSINESS

2336 Northway Dr. Kansas City, KS 66106  
Phone (913) 894-4422 Fax (913) 236-7446

**CLIENT:**

WESTRIDGE GARDENS  
RAYTOWN, MISSOURI  
11901 Jessica Lane, 64138

**DRAWING NO.**

14-143

**DATE**

10.03.2014

**SALESPERSON:**

DICK ROBINSON

**DESIGNER:**

KEN ALBIN

**SIGN**

**DETAIL**

**BUILDING ELEVATION**

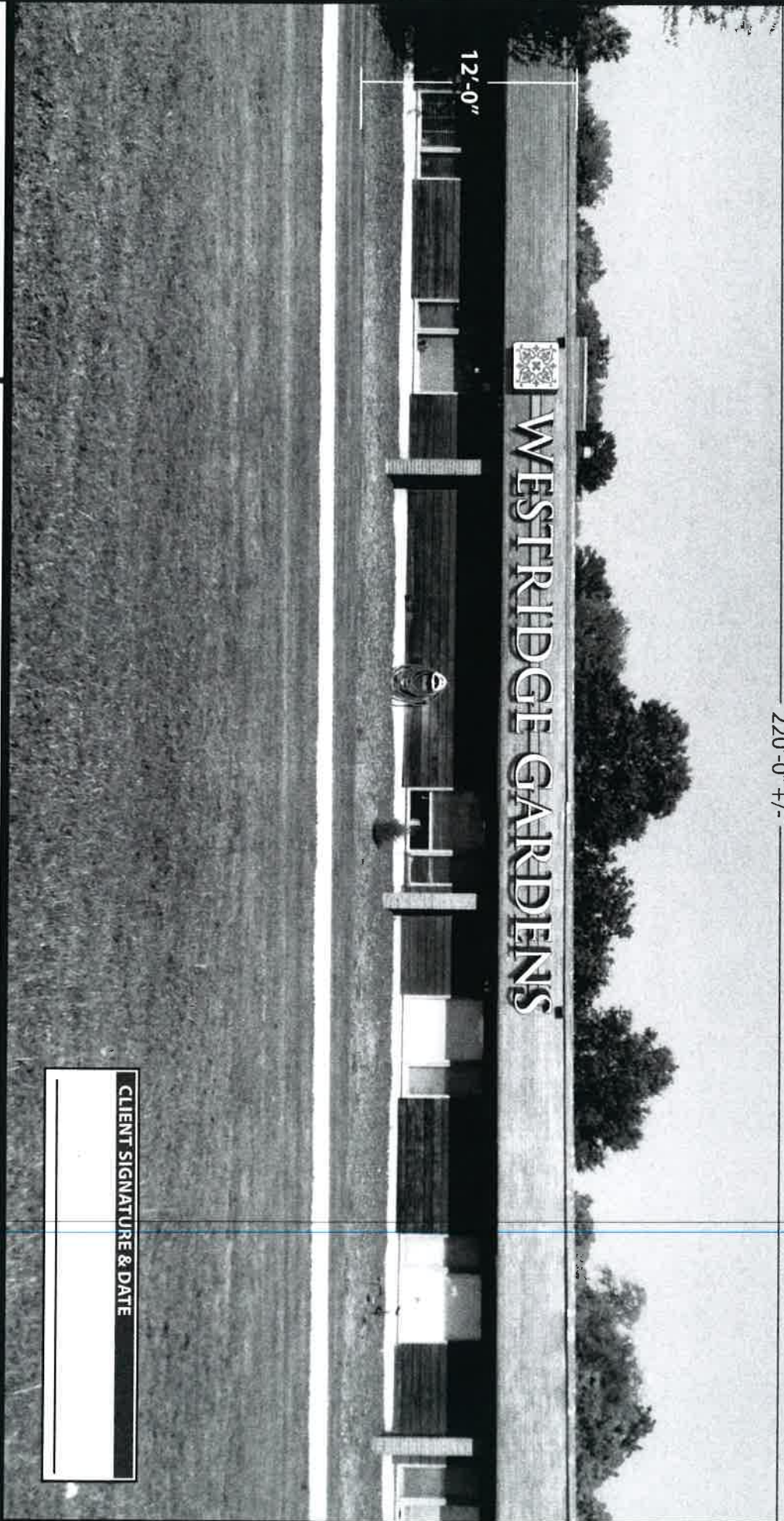
SCALE: 1/8" = 1'-0"

2640.0 SQFT OF FACADE

220'-0" +/-

12'-0"

**WESTRIDGE GARDENS**



**CLIENT SIGNATURE & DATE**

THIS DESIGN IS THE SOLE PROPERTY OF HIGHTECH SIGNS AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

**HIGHTECHSIGNS**

SIGNS THAT MEAN BUSINESS

2358 Merwin Dr. Kansas City, MO 66106  
Phone (913) 894-4422 Fax (913) 256-7446

**CLIENT:**

WESTRIDGE GARDENS  
RAYTOWN, MISSOURI  
11901 Jessica Lane, 64138

**DRAWING NO.:**

14-143 revised

**DATE**

07.26.2016

**SALESPERSON:**

DICK ROBINSON

**DESIGNER:**

KEN ALBIN

**BUILDING  
ELEVATION**

**BUILDING ELEVATION**

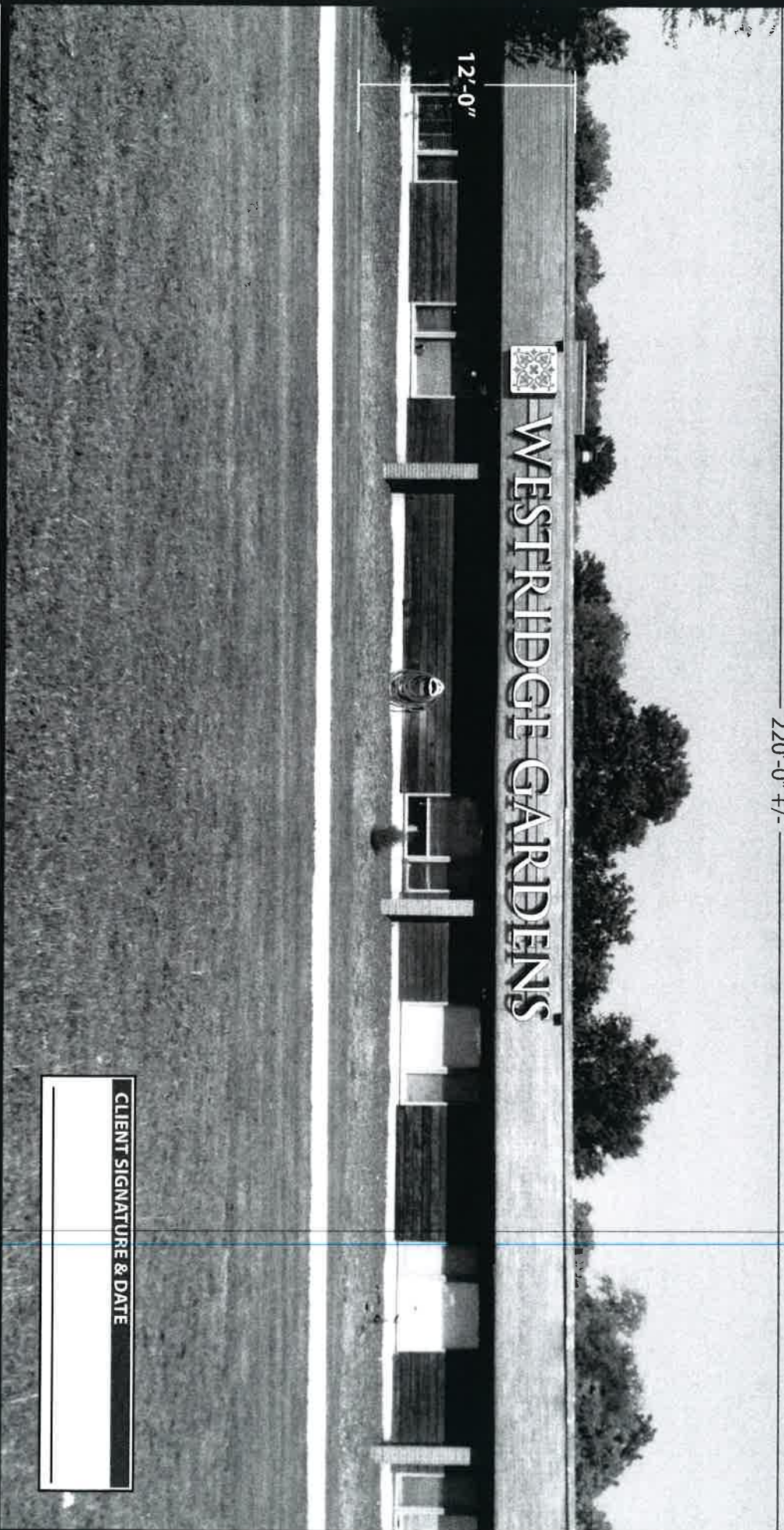
SCALE: 1/8" = 1'-0"

2640.0 SQFT OF FACADE

220'-0" +/-

12'-0"

 WESTRIDGE GARDENS



CLIENT SIGNATURE & DATE

\_\_\_\_\_

**HIGHTECHSIGNS**

SIGNS THAT MEAN BUSINESS

2330 Meridian Dr. Kansas City, MO 64116  
Phone (913) 894-4442 Fax (913) 236-7446

THIS DESIGN IS THE SOLE PROPERTY OF HIGHTECH SIGNS AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

**CLIENT:**

WESTRIDGE GARDENS  
RAYTOWN, MISSOURI  
11901 Jessica Lane, 64138

**DRAWING NO.**

14-143 revised

**DATE**

07.26.2016

**SALESPERSON:**

DICK ROBINSON

**DESIGNER:**

KEN ALBIN

**BUILDING  
ELEVATION**

**ILLUMINATED CHANNEL LETTERS**

90.0 SQFT OF SIGNAGE

SCALE: 1/4" = 1'-0"

36'-0"

30" 24"



**WESTRIDGE GARDENS**

WIREWAY MOUNTED CHANNEL LETTERS  
 INTERNALLY ILLUMINATED WITH WHITE SAMSUNG LED'S  
 5" BRONZE ALUMINUM RETURNS  
 3/16" WHITE ACRYLIC FACES  
 'LOGO' TO HAVE APPLIED TRANSLUCENT DIGITAL PRINT APPLIED  
 1" BRONZE JEWELITE TRIM CAP  
 ALUMINUM WIREWAY PAINTS TO MATCH BUILDING FACADE  
 CUSTOMERS ELECTRICIAN TO SUPPLY PRIMARY ELECTRICAL TO SIGN LOCATION

CLIENT SIGNATURE & DATE

Blank line for client signature and date.

THIS DESIGN IS THE SOLE PROPERTY OF HIGHTECH SIGNS AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

**HIGHTECHSIGNS**

SIGNS THAT MEAN BUSINESS

2338 Merriam Dr. Kansas City, KS 66105  
Phone (913) 894-4422 Fax (913) 236-7446

**CLIENT:**

WESTRIDGE GARDENS  
RAYTOWN, MISSOURI  
11901 Jessica Lane 64138

**DRAWING NO.**

14-143 revised

**DATE**

07.26.2016

**SALESPERSON:**

DICK ROBINSON

**DESIGNER:**

KEN ALBIN

**SIGN  
DETAIL**

### **NOTICE OF PUBLIC HEARING**

Application: Request for a variance to allow a wall sign to be erected larger than the maximum square footage allowed in accordance with the sign regulations specified in Section 50-493 of the Code of Ordinances of the City of Raytown.

Location: 11901 Jessica Lane, Raytown, MO 64133

Notice is hereby given that the City of Raytown Board of Zoning Adjustment will hold a public hearing regarding the above-described application on Thursday, September 8, 2016 at 7:00 p.m., at Raytown City Hall located at 10000 East 59<sup>th</sup> Street, Raytown, Missouri.

The public is hereby invited to attend the public hearing and be heard.

Certified for publication this 22<sup>nd</sup> day of August 2016.



Development & Public Affairs Department  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133  
(816) 737-6014  
[www.raytown.mo.us](http://www.raytown.mo.us)

August 24, 2016

**Notice of Public Hearing  
to be held by the  
City of Raytown Board of Zoning Adjustment  
On September 8, 2016 at 7:00 pm**

Notice is hereby given that the City of Raytown Board of Zoning Adjustment will hold a public hearing to consider an application for a variance to Request for a variance to allow a wall sign to be erected larger than the maximum square footage allowed in accordance with the sign regulations specified in Section 50-493 of the Code of Ordinances of the City of Raytown. The property to which the variance applies is located at 11901 Jessica Lane, in Raytown, MO and contains multi-family housing units.

The variance is being requested as the property owner is requesting to place a wall sign facing Highway 350 that is larger than the maximum allowed sixteen (16) square feet for residentially zoned properties.

The public hearing before the City of Raytown Board of Zoning Adjustment to consider the proposed application will be held on Thursday, September 8, 2016 at 7:00 p.m. in the Council Chambers at Raytown City Hall located at 10000 East 59<sup>th</sup> Street in Raytown, Missouri. You are invited to attend the public hearing to provide input and / or ask questions regarding the application.

If, prior to the public hearing on this application, you would like additional information regarding this application, you may contact the City of Raytown Development and Public affairs Department located in the Raytown City Hall at 10000 East 59<sup>th</sup> Street by e-mail at [scottp@raytown.mo.us](mailto:scottp@raytown.mo.us) or by telephone at (816) 737-6011

Sincerely,

Scott Peterson  
Permit Technician  
City of Raytown

QUALITY PROPERTY LLC  
17101 E KENTUCKY RD  
INDEPENDENCE MO 64056

QUALITY PROPERTY LLC  
17101 E KENTUCKY RD  
INDEPENDENCE MO 64056

TA OPERATING LLC  
255 WASHINGTON ST  
NEWTON MA 2458

TI WESTRIDGE GARDENS LLC  
11901 JESSICA LANE  
RAYTOWN MO 64138

JESSICA ESTATES LP  
5000 W 95TH ST STE 120  
PRAIRIE VILLAGE KS 66207

DEAN DEVELOPMENT LLC  
5000 W 95TH ST STE 120  
PRAIRIE VILLAGE KS 66207

ARHC EMRAYMO01 LLC  
7444 LONG AVE  
SKOKIE IL 60077

RAYTOWN SENIORS APARTMENTS LP  
3556 S CULPEPPER STE 7  
SPRINGFIELD MO 65804

QUALITY PROPERTY LLC  
17101 E KENTUCKY RD  
INDEPENDENCE MO 64056

WESTRIDGE HOMES ASSOCIATION  
8001 WESTRIDGE  
RAYTOWN MO 64138

WESTRIDGE HOMES ASSOCIATION  
8001 WESTRIDGE  
RAYTOWN MO 64138

WESTRIDGE HOMES ASSOCIATION  
8001 WESTRIDGE  
RAYTOWN MO 64138

LOGUE SHARON R  
8001 WESTRIDGE 102  
RAYTOWN MO 64138

MAC ARTHUR KAREN M  
8001 WESTRIDGE RD  
RAYTOWN MO 64138

WINTER ARTHUR N & ANNIE E-TRUSTEES  
6616 ENGLEWOOD AVE  
RAYTOWN MO 64133

MARPLE VIRGINIA L  
8001 WESTRIDGE RD UNIT 12  
RAYTOWN MO 64138

WESTRIDGE HOMES ASSOCIATION  
8001 WESTRIDGE  
RAYTOWN MO 64138

VALVERDE CONNIE  
8001 WESTRIDGE RD UNIT 24  
RAYTOWN MO 64138

GILLILAND LOIS E  
8001 WESTRIDGE RD UNIT 23  
RAYTOWN MO 64138

WESTRIDGE HOMES ASSOCIATION  
8001 WESTRIDGE  
RAYTOWN MO 64138

# STAFF REPORT

**To:** Board of Zoning Adjustment  
**From:** Development and Public Affairs Department  
**Date:** September 8, 2016  
**Subject:** Agenda Item No. 5.B - Case No. BZA-2016-005: Appeal to Staff order to remove a nonconforming pole sign as per the sign regulations specified in Section 50-492 and Section 50-498 of the Code of Ordinances of the City of Raytown.

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## BACKGROUND

In March of 2016 the QuikTrip service station located at 9323 E 350 Highway closed in order for a new, larger store to be constructed in its place. The existing service station was demolished, as were neighboring buildings to the east that had been purchased by QuikTrip for an expansion of the site. The convenience store was out of business for a period of longer than 60 days, which eliminates the legal status of all nonconforming uses. As such, an existing pole sign on the property that predated the demolition and reconstruction of the convenience store was ordered by city staff to be removed; the pole sign is no longer a legal nonconforming use, and is now subject to Section 50-498 Subsection (2) which reads as follows:

“The lawful use of a sign existing on the effective date of the ordinance from which this chapter is derived, although such sign does not conform to the provisions hereof, may continue, but if such nonconforming sign is discontinued for a period of 60 days, any future use of such sign shall be in conformity with the provisions of these regulations.”

QuikTrip has appealed this decision on the grounds that the use has remained the same prior to and after construction, and that the convenience store has maintained active business and liquor licenses throughout the construction process. However, the test of whether the business has actually been in operation is whether any income has been derived from the business. No income was generated throughout the course of construction, which lasted longer than 60 days, and therefore the business was not active. Actual use of the business is the key element in determining whether the sign maintains its nonconforming status.



QuikTrip Pole Sign

The property is zoned (HC) Highway Commercial Corridor District and is located within the Highway 350 Corridor Design Standards Overlay District. Section 50-418 Applicability Subsection (c) of the Zoning Ordinance states:

*“New Development.* All of the provisions of the 350 Corridor Overlay Design Guidelines shall be applicable to the construction of a new building or structure on a vacant site...”

Since the buildings and structures on the site were demolished, this is new development even though it is for the same business that occupied the site prior to the demolition. Subsection 50-418 (d) (2) Commercial Development states:

“all of the provisions of the 350 Corridor Design Standards shall be applicable to new construction.”

“The Type amount and size of signage allowed on a property shall be in accordance with Article VIII of the Chapter.” Article VIII is the Sign Regulations and, the Highway Corridor Commercial District, like all districts in the City of Raytown, prohibits pole signs.

It must be emphasized that the objective of the sign ordinance is to gradually eliminate nonconforming pole signs over a period of time. So far, over 100 pole signs have been

eliminated in the City since the ordinance was adopted, many of them along Highway 350 where the applicant property is located. Section 50-80 states that the Board of Zoning Adjustment shall have the power:

“in passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, to vary or modify the application of any of the regulations or provisions of this article relating to the construction or alteration of buildings or structures so that the spirit of the article shall be observed, public safety and welfare secured and substantial justice done. The board shall not have the power to vary or modify the zoning regulations relating to the use of land.”

When considering the application, the Board should identify if there are practical difficulties or unnecessary hardships brought upon the applicant by removal of the existing pole sign that did not exist when other pole signs were required to be removed from other properties.

It should be pointed out that the applicant can legally construct a monument sign on the property that is no taller than 8 feet.

## **RECOMMENDATION**

In summary, this is new development according to the zoning ordinance; new development is subject to the Highway 350 Corridor Design guidelines; The Design Guidelines require new development to meet the Sign Regulations outlined in Article VIII of the Code of Ordinances of the City of Raytown; the sign regulations prohibit pole signs in the City; The QuikTrip had not been in actual use for more than 60 days during the period of construction, causing the pole sign on the property to lose its legal nonconforming status; and, therefore, it is recommended that the Board uphold the decision of the City Staff and deny the pole sign to be allowed to remain on the property.



City of Raytown – Development and Public Affairs  
10000 East 59<sup>th</sup> Street / Raytown, Missouri 64133 / (816) 737-6011

July 8, 2016

Dear Mr. Daniel Chambers,

After a more thorough review of the Zoning Ordinance, Staff has determined that the Board of Zoning Adjustment (BZA) does not have the authority to consider the variance for the new pole sign at the QuikTrip. Pole signs are not a permitted use in any zoning district in Raytown, see Section 50-492 District Sign Regulations Table of the Zoning Ordinance. The BZA cannot grant a use variance in accordance with Section 50-83 (a) Variances.

Your variance application and filing fee will be returned to you.

According to Section 50-498 Nonconforming Signs, the existing pole sign does not meet the criteria for a legal, nonconforming sign. The reason for this determination is the fact that the use of said site as a QuikTrip has been discontinued for a period of 60 days which includes the sign. Therefore, any future use of such sign shall be in conformity with the provisions of the zoning regulations.

According to Section 50-498 (2), the lawful use of a sign existing on the effective date of the ordinance from which this chapter is derived, although such sign does not conform to the provisions hereof, may continue, but if such nonconforming use is discontinued for a period of 60 days, any future use of such sign shall be in conformity with the provisions of these regulations.

You have the right to appeal this decision within 15 days of the receipt of this letter in accordance with Section 50-82 Appeals. You need to specify in writing the grounds or reason for the appeal and pay the appropriate filing fee. The application will then be advertised and scheduled for a BZA Meeting.

If you have any questions, please contact Scott Peterson or myself.

---

Sincerely,

Ray Haydaripoor  
Acting Director of Development & Public Affairs  
City of Raytown



July 20, 2016

Ray Haydaripoor  
Acting Director of Development & Public Affairs  
10000 East 59th Street  
Raytown, MO 64133

RE: Appeal of Sign Violation

Mr. Haydaripoor,

QuikTrip Corporation received your July 8, 2016 letter (the "Decision Letter") determining that QuikTrip's existing sign is not subject to the exemption for existing nonconforming signs. Please accept this letter as QuikTrip's notice of appeal of this decision and request to present our case in front of the BZA if needed.

Despite the conclusions of the Decision Letter, QuikTrip's sign has been and remains subject to the protections of Section 50-498 (Nonconforming Signs). QuikTrip's sign has been in continuous use since its erection for purposes of advertising the site of QuikTrip's business to its customers and potential customers. The established sign has continuously displayed the QuikTrip logo that is a major part of our branding. It advertises current and future services and products available to consumers under the QuikTrip brand name. The only change in use for the sign at the current time is that it does not currently display fuel prices, as no fueling options are presently available at the site while QuikTrip completes remodel work on the site. Further, the sign serves a continuing safety purpose. The topography of Hwy 350 impacts the visibility of QuikTrip's site. QuikTrip wants the traveling public to have optimum time to see the sign and make safe lane changes allowing safe ingress into the site.

As further evidence that QuikTrip has not discontinued use of the site, QuikTrip has maintained current City of Raytown business licenses with no interruption throughout the remodel process. Also, the State Liquor License has been kept current. Further, QuikTrip has kept an employee presence on-site throughout the remodel process. This has been witnessed by the Building Inspector, Mr. Andy Boyd.

QuikTrip would like to meet with Staff and discuss the issues further. This will also allow a path forward to be established.

Thank you for your time and help throughout this entire process.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Chambers".

Daniel Chambers  
Real Estate Project Manager  
(918) 615-7147  
[daniel.chambers@quiktrip.com](mailto:daniel.chambers@quiktrip.com)

cc: Scott Peterson - City of Raytown

### **NOTICE OF PUBLIC HEARING**

Application: Request for an appeal to allow a pole sign to remain as a legal non-conforming structure in accordance with the sign regulations specified in Section 50-492 and Section 50-498 of the Code of Ordinances of the City of Raytown.

Location: 9323 E. Highway 350, Raytown, MO 64133

Notice is hereby given that the City of Raytown Board of Zoning Adjustment will hold a public hearing regarding the above-described application on Thursday, September 8, 2016 at 7:00 p.m., at Raytown City Hall located at 10000 East 59<sup>th</sup> Street, Raytown, Missouri.

The public is hereby invited to attend the public hearing and be heard.

Certified for publication this 22<sup>nd</sup> day of August 2016.



Development & Public Affairs Department  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133  
(816) 737-6014  
[www.raytown.mo.us](http://www.raytown.mo.us)

August 24, 2016

**Notice of Public Hearing  
to be held by the  
City of Raytown Board of Zoning Adjustment**

Notice is hereby given that the City of Raytown Board of Zoning Adjustment will hold a public hearing to consider an application for an appeal to allow a pole sign to remain as a legal non-conforming structure in accordance with the sign regulations specified in Section 50-492 and Section 50-498 of the Code of Ordinances of the City of Raytown.

The variance is being requested as the property owner is proposing to maintain an existing pole sign and cabinet for a QuikTrip convenience store atop the existing pole sign structure as part of redevelopment of property located 9323 E. Highway 350.

The public hearing before the City of Raytown Board of Zoning Adjustment to consider the proposed application will be held on Thursday, September 8, 2016 at 7:00 p.m. in the Council Chambers at Raytown City Hall located at 10000 East 59<sup>th</sup> Street in Raytown, Missouri. You are invited to attend the public hearing to provide input and / or ask questions regarding the application.

If, prior to the public hearing on this application, you would like additional information regarding this application, you may contact the City of Raytown Development and Public affairs Department located in the Raytown City Hall at 10000 East 59<sup>th</sup> Street by e-mail at [scottp@raytown.mo.us](mailto:scottp@raytown.mo.us) or by telephone at (816) 737-6011

Sincerely,

Scott Peterson  
Permit Technician  
Development & Public Affairs Department  
City of Raytown

---

**BZA QUICK TRIP**

QUICKTRIP CORPORATION  
PO BOX 3475  
TULSA, OK 74101

HY VEE INC  
5820 WESTOWN PARKWAY  
WEST DES MOINE, IA 50266

VIRGINIA SMITH  
12323 GRANADA  
LEAWOOD, KS 66209

ROTTINGHAUS REAL ESTATE LLC  
510 GILLETTE STREET  
LA CROSSE, WI 54603

FIRST FEDERAL BANK  
PO BOX 419194  
KANSAS CITY, MO 64141

S & Z CORPORATION  
12120 STATE LINE ROAD  
LEAWOOD, KS 662019

FONTEINSTAD 7 LLC  
9000 LEES SUMMIT ROAD  
KANSAS CITY, MO 64139

CARLOS ANDINO  
7200 OXFORD AVE  
RAYTOWN, MO 64133

MARK YOUNG  
7216 OXFORD AVE  
RAYTOWN, MO 64133

PETER CENCI  
7950 SPRING VALLEY ROAD  
RAYTOWN, MO 64138