

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

January 10, 2019
7:00 P.M.

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

MEETING

1. Open Meeting

2. Roll Call

Apprill *Present* Cook *Present* Morales *Absent*
Murray *Present* Riehle *Present* Tush (Alt) *Absent*
Wilson (Alt) *Absent*

3. Approval of November 8, 2018 Meeting Minutes

A. Changes: N/A

B. Motion: Murray

C. Second: Apprill

D. Vote: For: 4 Against: 0

4. Old Business – None

5. New Business:

A. Case #: BZA 2018-05
Requests: 1. Variance from Lot Split Regulations
 (Sec. 38-11)
 2. Variance from HC Zoning Regulations
 (Sec. 50-208 [e-f])
Location: 9315 E. 350 Highway
Applicant: Eric Gonsher
Property Owner: Raytown 9315, LLC
Variances: 1. Allowing for the lot split process to create a lot with no street
 frontage

2. Allowing for a decrease in the minimum lot size in the HC zoning district (total area, width and depth)

1. Open Public Hearing by Chair
Chairman Riehle opened the public hearing and introduced the case.
2. Swearing in of any person who may wish to speak for or against the application
Chairman Riehle swore in Bryan Jantsch, who was speaking on behalf of applicant, Eric Gonsher.
3. Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.
None
4. Entering of exhibits into the record:
 - a. *Staff Report*
 - b. *Variance Permit*
 - c. *Application for Variance*
 - d. *Notice of Public Hearing in the Daily Record Newspaper*
 - e. *Lot Split Comment Review Letter*
 - f. *Site Plan Comment Review Letter*
 - g. *Jackson County paid tax receipt*
 - h. *Deed to property*
 - i. *Applicant's draft of Easement Agreement*
 - j. *Recorded Cross Access Easement*
 - k. *Proposed Certificate of Survey**Chairman Riehle introduced the exhibits into the record.*
5. Introduction of application by staff
Director of Community Development, Ray Haydaripoor, introduced the case. Haydaripoor states that Gonsher was unable to make it to the meeting and has sent his representative to answer any questions the board members may have.
6. Presentation of variance application by applicant
Jantsch states that the goal is to split the lot so that the cell tower is on its own parcel. The benefit of this would be so that the cell tower could own the land it is on and using rather than going through another owner.
7. Request for public comment
No member of the public was present.
8. Rebuttal, if necessary, by the applicant.
None
9. Summary of additional information by staff

Mr. Haydaripoor states that City Staff are recommending approval of the two variances being requested given the following conditions also be approved.

- 1. The lot created for the cell tower must be 4,780.85 square feet (0.11 acres) as proposed on the Certificate of Survey submitted to City Staff on December 18th, 2018 and may not be decreased during the final lot split process or in the future.*
- 2. No new structure should be constructed on the cell tower lot in the future.*
- 3. Applicant must complete the lot split process through the City of Raytown – Community Development Department.*
- 4. Compliance with all applicable local, state and federal regulations, codes, ordinances and laws.*

10. Board discussion

Murray states that the project is straight-forward.

Cook asks the applicant if he had any issues with staff's conditions.

Jantsch states that he does not have an issue with the conditions.

Aprill states that the project is a unique situation with the amount of space the cell tower would need. He doesn't see a problem.

11. Close public hearing

Chairman Riehle closed the public hearing.

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

- a) Motion – Cook (conditionally approve with staff recommendations)*
- b) Second – Murray*
- c) Additional Board Discussion - None*
- d) Vote – **Motion carried 4-0***

6. Other Business – None

7. Set Tentative Future Meeting Date – Chairman Riehle sets a tentative future meeting date of Thursday, March 14th at 7pm.

8. Adjourn – Chairman Riehle made a motion to adjourn.