

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

January 9, 2019  
7:00 P.M.

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

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**NOTE: This new Agenda is to accompany staff report packet from last month. Meeting was cancelled and readvertised due to lack of a quorum on December 12.**

**MEETING**

- 1. Open Meeting**
- 2. Roll Call**
- 3. Approval of August 8, 2019 Meeting Minutes**
- 4. Old Business – None**
- 5. New Business:**
  - A. Case #: BZA 2019-04  
Request: Variance from Minimum Side Yard Setbacks  
(Sec 50-187 of Raytown Municipal Code)  
Location: 6411 Evanston Avenue  
Applicant: Durbin AAA Tree Service, Chad Anderson, Contact  
Property Owner: Durbin AAA Tree Service  
Variance: Reduction of Side yard Setback from 20 feet to 10 feet to accommodate a proposed building extension
- 6. Other Business – None**
- 7. Set Tentative Future Meeting Date – No cases scheduled for February 13, 2020.**
- 8. Adjourn**

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

August 8, 2019  
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**

*Vice-chairman Cook called the meeting to order at 7:00 PM.*

**2. Roll Call**

<i>Aprill Absent</i>	<i>Cook Present</i>	<i>Morales Absent</i>
<i>Murray Present</i>	<i>Riehle Absent</i>	<i>Tush (Alt) Present</i>
<i>Wilson (Alt) Present</i>		

**3. Approval of April 11, 2019 Meeting Minutes**

- A. Changes: N/A
- B. Motion: Murray
- C. Second: Cook
- D. Vote: Approved 3-0-1 (Wilson abstained)

**4. Old Business – Continued from July 18, 2019, due to No Quorum**

**Case #:** BZA 2019-02  
**Requests:** 1. Variance from Monument Sign Height Regulation  
(Sec. 50-490 [f][6])  
**Location:** 8303 Westridge

Applicant: Erik Messner

Prop. Owner: Erik Messner, Messner Bee Farm

Variations: 1. A proposed variance to allow for the height of the monument sign to exceed the eight feet maximum allowed in a Highway Commercial (HC) zone by 8 (eight) feet to overcome topographical line of sight issues.

1. Open Public Hearing by Chairperson.  
*Vice-Chair Cook opened the public hearing and introduced the case.*
2. Swearing in of any person who may wish to speak for or against the application.  
*Vice Chair Cook swore in applicants, and persons wishing to provide testimony for the hearings on the agenda.*
3. Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.  
*None*
4. Entering of exhibits into the record:  
*Vice Chair Cook introduced the staff report and its attachments into the record.*
5. Introduction of application by staff  
*Chris Gilbert, Planning and Zoning Coordinator presented the staff report regarding this application. Mr. Gilbert addressed the scope of the requested variance, location, and how the request addresses the five criteria to grant a variance. Mr. Gilbert stated that the criteria appear to have been addressed for approval of a variance application and therefore recommended approval.*
6. Presentation of variance application by applicant  
*The applicant, Erik Messner, said the staff report addressed much of what he was going to say, but added that it was vital to his Messner Bee Farm business that the sign be visible from the Highway so people know they are there.*  
  
*The Board members had a brief conversation about where the photos were taken from showing the sign from 350 Highway and what other options had been looked at by the applicant to address issues with advertising and signage.*
7. Request for public comment  
*Rachael Messner spoke, stating that they tried to consider other methods such as billboards but none of those options were reasonable for their situation.*

8. Rebuttal, if necessary, by the applicant.  
*None*
9. Summary of additional information by staff  
*None*
10. Board discussion  
*Limited Board discussion.*
11. Close public hearing  
*Vice Chair Cook closed the public hearing.*
12. Board decision to approve, conditionally approve or deny the application
  - a) *Motion – Dr. Murray moved to approve with staff report conditions of approval.*
  - b) *Second – Tush*
  - c) *Additional Board Discussion - None*
  - d) *Vote – Motion carried 4-0. Variance application is approved.*

**5. New Business:**

**A. Case #:** **BZA 2019-03**  
**Requests:** Variances from Accessory Building Minimum Side yard Setbacks, Accessory Building Maximum Size, and Accessory Building Exterior Materials  
**Location:** 5912 Elm Avenue  
**Applicant:** Margaret Goforth  
**Property Owner:** Same  
**Variances:**

1. A proposed variance to permit a new accessory building to be closer than the minimum required 5 feet from side and rear property lines.
2. A proposed variance to permit a new accessory building to be larger than the maximum 720 square feet for a primary accessory structure and for the secondary structure to be larger than the 120 square feet permitted.
3. A proposed variance to permit a new accessory building to be constructed of materials that do not conform with zoning ordinance requirements for exterior materials to closely resemble the materials used on the primary structure on the property.

13. Open Public Hearing by Chair  
*Vice Chair Cook opened the public hearing and introduced the case.*
14. Swearing in of any person who may wish to speak for or against the application

*Previously done at beginning of meeting.*

15. Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.

*None.*

16. Entering of exhibits into the record:

*Vice Chair Cook introduced the staff report and its attachments into the record.*

17. Introduction of application by staff.

*Chris Gilbert, planning & Zoning Coordinator, presented the staff report for the case and reviewed the requested variances in detail, addressing each variance request separately. Upon completing the staff report presentation, Mr. Gilbert informed the Board of Zoning Adjustment that it did not appear that the criteria for the granting of a variance was met for all five factors.*

18. Presentation of variance application by applicant

*Margaret Goforth, the applicant, of 5912 Elm Ave., spoke on behalf of herself and her husband, the applicants. She stated that they had purchased an RV and did home improvements after taking out retirement cash. They did not understand the rules to build by when they decided to build a covering structure for the RV. She said they had intention to paint the structure to be more similar o existing buildings on the property color-wise but were waiting to spend more money until the variance process was concluded. She said they had reached an agreement with their neighbors to add evergreen plantings along the property line to the west in the line of sight of the affected property. She said they did not intend to be a nuisance and that their property is large and they previously had constructed a shed for lawn equipment then converted it to the existing small garage. She stated they wished to work with the City to make things right. Ms. Goforth provided letters of support to the Board of Zoning Adjustment which are attached.*

*Ms. Goforth was asked about the KCP&L easement and its impact on the size of the RV structure. She responded that it would be shortened enough to keep the structure out of the easement. Mr. Gilbert added that the flatwork can remain, but structures cannot be placed over them unless a waiver is granted and that waiver was denied.*

*The applicant was questioned on intent to paint the building to eliminate the glare and Ms. Goforth said that would be done. Mr. Gilbert added that it would be a condition of approval should the variances be granted.*

19. Request for public comment

*Darlene Ryan, of 5906 Elm Ave. said she supports the application, stating that the Goforths' are good neighbors and can understand not knowing the laws. She said the improvements make the property look good.*

*Jacob Tungate, of 9209 E. 59<sup>th</sup> Street, said the applicants take good care of their property and he supports the application.*

*Tia Douglas, of 9215 E. 59<sup>th</sup> Street, stated that she had no problem with the shed. Was ok with the work being done, would like to see it painted and supports the application.*

*Shirley Mipletz, 9201 E. 59<sup>th</sup> Street, said she supports the granting of the variance.*

**20. Rebuttal, if necessary, by the applicant.**

*None*

**21. Summary of additional information by staff**

*Mr. Gilbert recapped the 3 proposed conditions of approval should the variance be granted.*

**22. Board discussion**

*Mr. Wilson asked if the foundation was movable. Mr. Gilbert said it was not as the building was not a portable building.*

**23. Close public hearing**

*Vice Chair Cook closed the public hearing.*

**24. Board decision to approve, conditionally approve or deny the application**

**e) Motion – Murray**

**f) Second – Tush**

**g) Additional Board Discussion - None**

**h) Vote – **Motion carried 4-0, Variances requests are all approved with conditions attached as follows:****

**1. Paint the building a non-reflective color similar to primary structure on the property.**

**2. Plant evergreen plantings along property line on west side to protect neighbor from the building glare and sheer size of the building.**

**3. Variance for size of larger structure reduced to minimum size needed to remove the structure from the KCP&L easement.**

**6. Other Business – Discussion of having packets delivered by email. All members present agreed to email delivery over paper copies.**

**7. Set Tentative Future Meeting Date – No meeting date is set until staff has a case for review.**

**8. Adjourn – Vice Chair Cook entertained a motion to adjourn. Meeting was adjourned at 8:13 P.M. by acclamation.**



X Goforth.rtf



8/7/2019

To whom it may concern,

My name is David Banks. I live at 5905 Elm Ave, around the cul-de-sac from the Goforth family.

Regarding the property of Mike and Maggie Goforth, I quite like the new building on their property. In my eyes it raises the value of the property. It provides storage for their RV and vehicles, keeping their driveway clear and allowing for open space. It also looks quite nice! If everyone (myself included) made improvements such as that to their property our home values would rise.

Feel free to contact me at 816 315 0454 if there is a need or to answer any questions you may have for me. I am unable to attend the hearing for a variance due to my work schedule.

Yours truly,

David R Banks

To whom it may concern :

I, Israel Espinoza have  
no issues with the building or  
property located at 5912 Elm Ave.  
The forth's are great to  
live around and please feel free  
to contact me at 5937 Laurel Ave.

Thank you,  
*Israel Espinoza*  
8-5-19

8/5/19

To whom it may concern,

I, Chegan Marshall @ 5929 Laurel Avenue, Raytown, Mo can not make it to hearing due to work obligations. The question of the shed / building being built is no issue or concern to our residence. Feel free to contact me via cell phone @ 913-200-2154 if you have questions.

Chegan Marshall

Aug 7, 2019

Regarding the 5912 Elm Shed project.  
We have discussed my neighbors concerns  
regarding large shed that is viewable from  
their house at 5913 Laurel (Roger & Donna  
Bruenger.).

- galvanized steel is ugly; agreed and  
planned to paint the exterior to  
match the main house.
- large structure not pleasing to look  
at; plant evergreen trees along  
the clear section of fence to diffuse  
the view. These are fast growing  
and evergreens will have foliage  
across the seasons.

Roger Bruenger  
Donna Bruenger



# Staff Report

Community Development  
Planning and Development Services

## BZA 2019-04

To: City of Raytown Board of Zoning Adjustment  
From: Chris Gilbert, Planning and Zoning Coordinator  
Date: December 12, 2019  
Re: Application for Variance

### VARIANCE APPLICATION SUMMARY

Applicant: Durbin Tree Service, Chad Anderson contact person  
Property Owner: Durbin AAA Tree Service  
Property Location: 6411 Evanston, Raytown, Missouri  
Request: A variance to allow for a 25 foot by 31 foot building addition to be constructed 10 feet closer to a side property line than the 20 feet required by Section 50-187 of the Zoning Ordinance. This addition will only extend the existing building wall along the same setback distance already established.

### BACKGROUND

<b>Property's Zoning Classification</b>	<b>Neighborhood Commercial (NC)</b>
<b>Surrounding Properties' Zoning</b>	<b>Neighborhood Commercial / Low Density Residential / Medium Density Residential</b>
<b>Surrounding Overlay</b>	<b>None</b>
<b>Surrounding Land Use</b>	<b>Single Family Residential</b>
<b>Designated Future Land Use</b>	<b>Residential</b>
<b>Ward</b>	<b>Ward 1</b>
<b>Approximate Land Area</b>	<b>0.45 Acres</b>
<b>Roadway Classification</b>	<b>Local</b>

### SITE DESCRIPTION AND PRESENT USE

The subject parcel is narrow, deep, wedge-shaped, nearly half-acre lot at the westernmost side of the Raytown Road Neighborhood Commercial zone south of 63<sup>rd</sup> Street. It is 326 feet deep with 80 feet of frontage onto Evanston Ave., narrowing to 40 feet of width along the rear property line. The property has two commercial structures already existing upon it and a commercial parking area in the front with a paved access around the north side to the rear building. Lot coverage is under 50%. The property has been used for 40 years as Durbin Tree Service and the majority of the under-roof space is used to store the vehicles and equipment used for their business.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is surrounded by residential lots with single family homes constructed upon them. Some of the lots are zoned for Medium Density Residential but not used as such yet.

## HISTORY

The current property owners have occupied the current site of Durbin Tree Service for decades, making improvements over the years to add to the original building with paved parking and access ways, and in 2014, receiving variance approval from the City for a reduced side yard setback for a new building located behind the original one that has since been constructed.

## PUBLIC COMMENTS

The public notice was published in *The Daily Record* on November 22, 2019. The Community Development Department has received no letters or calls regarding this application as of the 26<sup>th</sup> of November. Any calls or letters received after November 26<sup>th</sup> will be updated at the meeting on December 12<sup>th</sup>.



Figure 1 – Location and Zoning of Subject Property and Surrounding Area

## ANALYSIS OF VARIANCE APPLICATION

This variance relates to constructing an extension to an existing building that would violate Section 50-187 of the Raytown Municipal Code, which requires a twenty (20) foot side yard setback.



# Staff Report

Community Development  
Planning and Development Services

- 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 lot is deep and narrow and the two existing buildings constructed on it were legally constructed at the time they were put up. The original building on the west end was constructed in the 1980s and the back building to the east of the original one was constructed in accordance with a setback variance granted in 2014 by the Zoning Board of Adjustment following a public hearing on Case 2014-04 (attached). The expansion between the two buildings would maintain the same existing setback.

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

The lot to the south is heavily wooded and the home is set back almost 100 feet from where the new extended building is proposed. View impediments are not expected to be significant as a result. Property owners across Evanston should see very little change as the expansion is between 2 existing buildings. The property owner to the north would be the most affected by view disturbance but it is important to note that the property is zoned Neighborhood Commercial and the current residential use upon it is non-conforming.

- 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.*

Since the expansion will be at the same setback as, and is located between, two currently existing and legally constructed buildings, enforcing a setback different from what the existing buildings presently sit at would be an unnecessary hardship as the public benefit from requiring the "inbetween" building to be further set back than the "end" buildings is so minimal as to be non-existent. It can furthermore be argued that by placing the large tree-trimming vehicle that always sits outside on the asphalt into the new building would make a more significant improvement to the site than moving the addition 10 feet further would accomplish.

- 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 spirit and intent of the City of Raytown zoning regulations is to ensure that development is conducted in as orderly and safe a manner as possible in accordance with adopted ordinances. By constructing the building in a similar manner to the existing structures on the site with the same setback, staff believes the building addition would not significantly affect the public health, safety, morals, order, convenience, prosperity or general welfare of the city.



# Staff Report

Community Development  
Planning and Development Services

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 size of the variance requested would be the minimum amount needed since the structure from which the addition is being extended already exists at the requested setback.

## RECOMMENDATION

Staff believes that all five (5) factors for approval of the variance from Section 50-129(c) of the Raytown Municipal Code regarding side yard setbacks, are present as required by state statute prior to the granting of a variance. In making its decision, and before concurring with this recommendation to approve, staff believes the Zoning Board of Adjustment should consider the entirety of the evidence presented as it all pertains to each of the five (5) factors discussed above including testimony from the applicant, affected neighbors, and the general public.

## Attachments:

- Site Plan and 3D Building Profile
- Applicant's Information In Support
- BZA Case 2014-04 Staff Report and Minutes
- Public and Neighbor Notice Documents
- Ownership and Licensing Documents



16.25 ft

Total: 36.25 ft

75'

54.24 ft

61.24 ft

101.69 ft

326.75'

101.69 ft

101.69 ft

10.28 ft

Total: 29.4 ft

Total: 321.27 ft

30.61 ft

Total: 30.61 ft

80'

165'

1st St

1st St

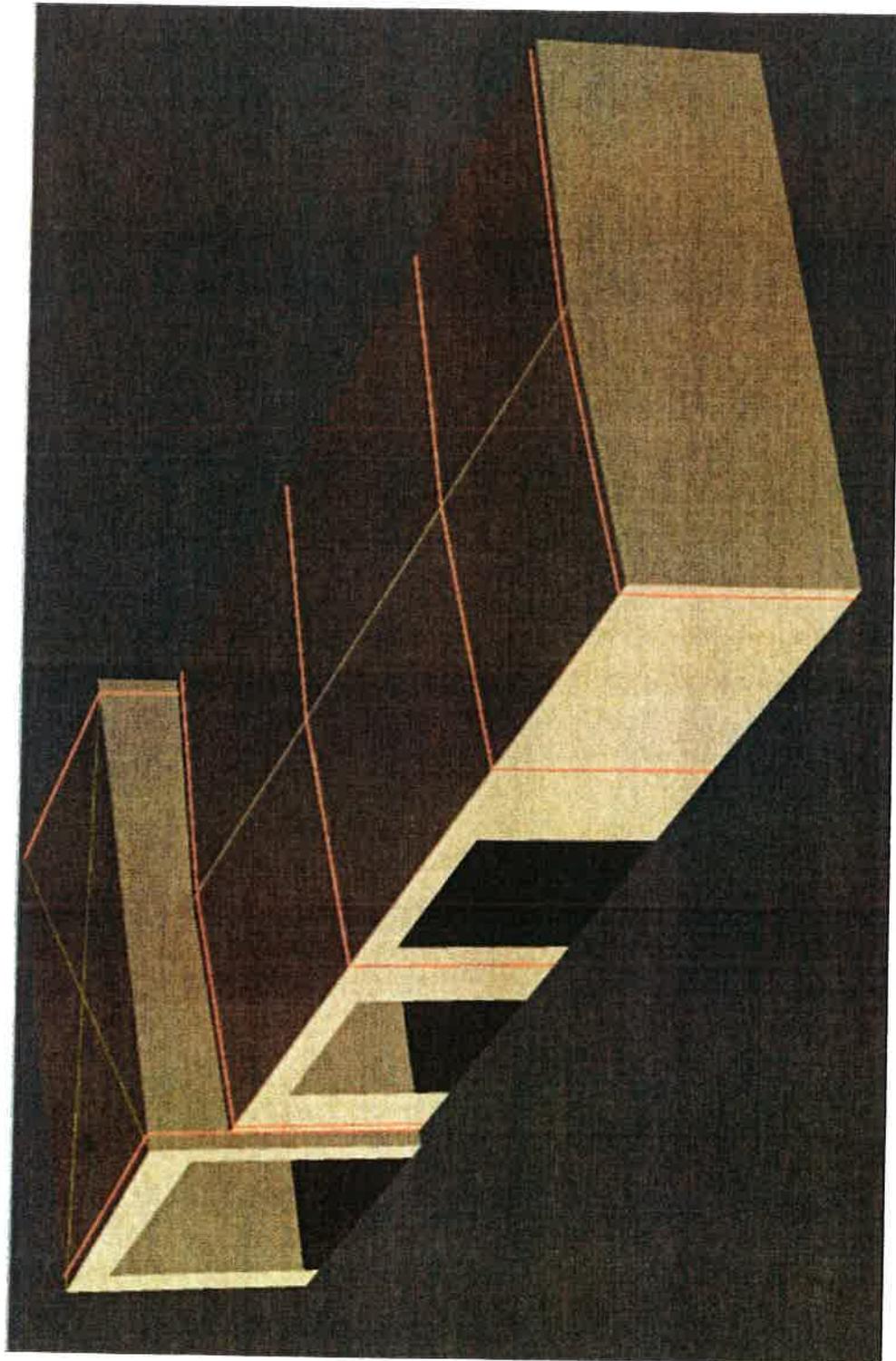
EVANSTON AVE

25'



Durbin AAA Tree Service  
6411 Ewanston Ave  
Raytown, Missouri 64133

# Site Plan





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

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

9. Please describe what you wish to do that the Zoning Ordinance prohibits: \_\_\_\_\_

7. Build a building within the current setbacks not allowed

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

an additional bay in the back of property and adjacent to current building does not impede health, safety or public interest.

Keeping all trucks inside garages or in back lot under truck port helps beautify residential neighborhood and other commercial properties.

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

Having equipment free of ice and snow during emergency situations.

12. 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 building setbacks are not favorable for building expansion with current setbacks allowed.

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

An additional bay is being added to rear of existing building and also adjacent to existing building out of main view of property owners.

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

This addition would be aesthetically pleasing to the neighborhood by housing trucks either inside garages or in the back lot under truck port.

Unlike neighbor's property, this property is maintained regularly. Lot is mowed; bushes are trimmed; and front of building is clear of vehicles during non-business hours.

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

it is based on dimensions of bucket truck to be housed with less than one foot of clearance.

# STAFF REPORT

**To:** Board of Zoning Adjustment  
**From:** Community Development Department  
**Date:** December 11, 2014  
**Subject:** **Agenda Item No. 5.A - Case No. BZA-2014-004:** Application for a variance of fifteen (15) feet to the depth of the side yard specified in Article VII, Section 50-187 of the City of Raytown Code of Ordinances, as amended.

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## **BACKGROUND**

Chad Anderson with Mar Enterprises, Inc., on behalf of Durbin AAA Tree Service Inc., is seeking approval of an application for variance of fifteen (15) feet to the side yard setback requirements of the Neighborhood Commercial (NC) zoning district. The property to which the variance application applies is located at 6411 Evanston Avenue. The variance is being requested as Durbin AAA Tree Service, Inc., which is located on the property, wants to replace an existing accessory building with a new accessory building that is proposed to have a ten (10) 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.)*

According to the submitted application, the variance requested is unique because when the property was originally platted the side yard setback was not regulated by the city. In addition, the application states that the lot is a long skinny lot that does not allow for building expansion.

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 application will not adversely affect adjacent properties as the existing structure that will be removed is setback eight (8) feet from the property line. The proposed building would be setback ten (10) feet from the property line.

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 submitted application if the variance application is denied, it will not allow for an adequately sized building to be constructed at the proposed location.

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 submitted application, approval of the variance request will result in the proposed building being located two feet further from the side property lines than the existing accessory building on the property. Therefore, the greater setback will not adversely affect the public health, safety, and public interest. Additionally, the variance will be in keeping with the spirit and intent of the city's zoning regulations as the new building will be closer to compliance with the city's setback regulations for the NC District.

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 submitted application the variance is the minimum amount needed to allow the parking of Durbin Tree Service's boom truck and grapple truck within the proposed 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.

<b>FACTORS</b>	<b>POSSIBLE FINDINGS OF FACT FOR APPROVAL OF THE REQUESTED VARIANCE</b>	<b>POSSIBLE FINDINGS OF FACT FOR DENIAL OF THE REQUESTED VARIANCE</b>
<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 because when the property was originally platted the side yard setback was not regulated by the city. In addition, the lot is a long skinny lot that does not allow for building expansion.</p>	<p>The variance is not unique as the applicant was aware of the lot size when the business located on the property.</p>
<p><u>Effects on Adjacent Properties</u>  <i>(The granting of the variance will not adversely affect the rights of adjacent property owners or residents.)</i></p>	<p>The application will not adversely affect adjacent properties as the existing structure to be removed is setback eight (8) feet from the property line and the proposed building will be setback ten (10) feet from the property line.</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 application will result in a hardship as the lot does not allow for an adequately sized building to be constructed at the proposed location.</p>	<p>The applicant is creating their own hardship as they are constructing the building.</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>Approval of the variance results in the proposed building being located two feet further from the side property lines than the existing accessory building on the property, thereby making the new building closer to compliance with the city's setback regulations.</p>	<p>Approval of the variance will not be in keeping with the spirit and intent of the zoning regulations as it will enable the applicant to construct a new building that does not comply with the required 15 foot setback.</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 amount needed to allow the parking of Durbin Tree Service's boom truck and grapple truck within the proposed building.</p>	<p>The applicant has not demonstrated that a longer, narrower building in which a boom truck and grapple truck could be located could not be constructed.</p>

**CITY OF RAYTOWN  
BOARD OF ZONING ADJUSTMENT  
MEETING  
December 11, 2014  
6:30 P.M.**

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

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**Minutes**

**1. Mr. Riehle opened the Meeting**

**2. Roll Call**

Clatanoff: Present      Cook: Present      Riehle: Present  
Aprill: Present      White: Present      Wilson (Alt) \_\_\_\_\_  
Tush (Alt) \_\_\_\_\_

**3. Approval of October 9, 2014 Meeting Minutes**

- A. Changes:None
- B. Motion: Ms. White made a motion to approve the October 9<sup>th</sup>, 2014 Minutes
- C. Second: Mr. Cook seconded the motion
- D. Vote:      For:   5        Against:   0

**4. Old Business – None**

**5. New Business:**

- A. **Case #:**      **BZA-2014-004**  
**Request:**      **Application for a Variance of (15) fifteen feet to the depth of the side yard specified in Article VII, Section 50-187 of the City of Raytown Code of Ordinances, as amended.**  
**Applicant:**    **Durbin Tree Service**  
**Location:**     **6411 Evanston**

- (1) Introduce application

Mr. Riehle introduced BZA 2014-004 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

Attorney Kapke swore in all that were speaking.

(4) Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.

None

(5) Entering of exhibits into the record:

Mr. Riehle entered exhibits a-g into the record.

- a. Variance Application
- b. Notice of Public Hearing in the Daily Record
- 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
- f. Staff Report for December 11, 2014 Board of Zoning Adjustment meeting
- g. Letter from Neal Clevenger in support of this application

(6) Presentation of application by applicant

Chad Anderson, 205 NE Maple, Lee's Summit, MO 64063. I am with Mar Enterprises we are looking at putting a truck port up on Mr. Durbin's property. The purpose of the truck port is to get the trucks out of the weather. Originally when the property was purchased there was an eight (8) foot variance set back so that is what the original building is now that was back in the mid 70's. We want to go from the 8 encroach 5 foot in to it so can put a 32x50 truck port. We basically want to encroach 5 more feet into the property. Mr. Durbin has been a long time business owner here in Raytown and is in good standing with the community.

Ms. Clatanoff asked what was surrounding the property.

Mr. Durbin explained who his neighbors are and how they all have a good neighbor relationships with all neighbors and he maintains the his property on both sides of the chain link fence. We try to maintain everything around there.

Mr. Cook asked if the existing building if I am reading this correctly is roughly 33x26 is that right.

Mr. Durbin stated the existing building is 40x60 and is considered our shop.

Mr. Riehle stated the property to the right and left is zoned commercial is that correct.

Mr. Durbin stated that is correct.

Request for public comment.

None

(7) Rebuttal, if necessary, by the Applicant.

None

(8) Summary of additional information by staff

Mr. Benson had nothing further at this time

(9) Board Discussion

None

(10) Close Public Hearing

Mr. Riehle closed the public hearing

(11) Board Decision to Approve, Conditionally Approve or Deny the application.

- a. Ms. White made a motion to approve subject to Durbin owning the property.
  - b. Mr. Riehle seconded the motion
  - c. Additional Board Discussion
  - d. Vote was taken
    - Clatanoff      Yes
    - Cook            Yes
    - Aprill          Yes
    - White          Yes
    - Riehle          Yes
- Motion Passed 5-0

**6. Other Business**

None

**7. Set Tentative Future Meeting Date – January 8, 2015**

**8. Adjourn**

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF JACKSON

} S.S.

Before the undersigned Notary Public personally appeared **Karie Clark** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **November 21, 2019** edition and ending with the **November 21, 2019** edition, for a total of 1 publications:

11/21/2019

**Notice of Public Hearing**

Notice is hereby given that the Raytown Board of Zoning Adjustment will hold a public hearing to consider an application for a variance, filed by Durbin AAA Tree Service, regarding a parcel of property located at 6411 Evanston Ave. This variance application seeks relief from the requirements of Sec. 50-187 of the Raytown Municipal Code, entitled, "Height, area and yard regulations" as applicable to NC, Neighborhood Commercial zoning districts.

The requested variance, if approved, will permit the applicant to construct an addition to an existing building on the site with a reduced side yard setback of ten (10) feet from the south property line instead of the twenty (20) feet required by this Section 50-187. The proposed addition will not substantially alter the appearance of the property as viewed from the street.

This public hearing will be held on **Thursday, December 12, 2019 at 6:30 p.m.**, at Raytown City Hall, 10000 East 59th Street, Raytown, MO 64133

The general public is invited to attend this public hearing and provide comment. A complete copy of the application and proposed plans are available in the Community Development Office during regular business hours, or feel free to contact Chris Gilbert, Planning and Zoning Coordinator, at [chrisg@raytown.mo.us](mailto:chrisg@raytown.mo.us) or by phone at (816) 737-6059.

11818140 Jackson Nov. 21, 2019

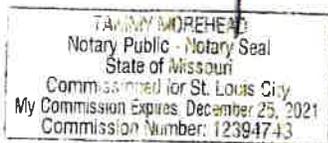
*Karie Clark*

Karie Clark

Subscribed & sworn before me this 21st day of Nov, 2019  
(SEAL)

*Tammy Morehead*

Notary Public





Community Development Department

10000 E 59<sup>th</sup> Street

Raytown, MO 64133-3993

Phone: 816-737-6014 Fax: 816-737-6164

November 19, 2019

Mr. Anderson:

Your application has been processed and is being prepared for review by the Board of Zoning Adjustment. However, there are still several deadlines that will need to be met before the public hearing.

The Community Development Department has sent the City Clerk a Notice of Public Hearing to be published in the newspaper announcing that your case will be heard at the December 12<sup>th</sup> BZA meeting.

The Community Development Department is providing you with the addresses of property owners within 185 feet of your property. It is your responsibility to invite these property owners to the Public Hearing at 6:30 PM on December 12<sup>th</sup>, 2019. This invitation (attached) must be sent in the mail to the addresses provided on or before 11/20/19.

15 days prior to the December 12<sup>th</sup>, 2019, meeting, a public notice sign must be posted on the site of the case. This sign will need to be picked up from the Community Development Department at Raytown City Hall and must be posted no later than 12:00 PM on **11/26/19**. The sign must remain posted through the hearing, and through any potential continuances of the hearing by the Board of Zoning Adjustment.

We strongly encourage you to meet these deadlines. Failure to do so may impact the review process. If you have any questions, please contact me immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Gilbert", with a stylized flourish at the end.

**Chris Gilbert**  
Planning and Zoning Coordinator  
10000 E 59<sup>th</sup> St.  
Raytown, MO 64133-3993  
816-737-6059  
[chrsg@raytown.mo.us](mailto:chrsg@raytown.mo.us)



Community Development Department

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

November 18, 2019

**Notice of Public Hearing Within 185 Feet of Property You Own or Occupy**

Notice is hereby given that the Raytown Board of Zoning Adjustment will hold a public hearing to consider an application for a variance, filed by Durbin AAA Tree Service, regarding a parcel of property located at 6411 Evanston Ave. This variance application seeks relief from the requirements of Sec. 50-187 of the Raytown Municipal Code, entitled, "Height, area and yard regulations" as applicable to NC, Neighborhood Commercial zoning districts.

The requested variance, if approved, will permit the applicant to construct an addition to an existing building on the site with a reduced side yard setback of ten (10) feet from the south property line instead of the twenty (20) feet required by this Section 50-187. The proposed addition will not substantially alter the appearance of the property as viewed from the street.

This public hearing will be held on **Thursday, December 12, 2019 at 6:30 p.m.**, at Raytown City Hall, 10000 East 59th Street, Raytown, MO 64133

The general public is invited to attend this public hearing and provide comment. A complete copy of the application and proposed plans are available in the Community Development Office during regular business hours, or feel free to contact Chris Gilbert, Planning and Zoning Coordinator, at [chrsgil@raytown.mo.us](mailto:chrsgil@raytown.mo.us) or by phone at (816) 737-6059.

## Chris Gilbert

---

**From:** Rose Durbin <durbinkan@aol.com>  
**Sent:** Wednesday, November 20, 2019 12:23 PM  
**To:** Chris Gilbert  
**Subject:** Doug Durbin Invitations Sent 11/20/19

Mr. Gilbert,

This letter is being sent as requested to provide notice and documentation that the owners and tenants of the 26 properties provided by your office have been mailed the invitation to the hearing set for December 12, 2019.

**These 26 notifications were mailed on 11/20/19 as requested.**

Thank you.

Doug Durbin  
Durbin AAA Tree Service, Inc.

PS. My son will be emailing you the picture of the posted sign shortly.

OWNER	OWNER ADDRESS	TENANT	TENANT ADDRESS
Anthony Egerset	9524 E. 64 <sup>th</sup> St., Raytown, MO 64133		
Larry Ptacek	9515 E. 64 <sup>th</sup> St., Raytown, MO 64133		
Nicholas Nofsinger	6404 Evanston Ave., Raytown, MO 64133		
TMT Enterprises LLC	8440 Lee's Summit Rd., Kansas City, MO 64139	Tenant	9514 E. 64 <sup>th</sup> Terr., Raytown, MO 64133
Karen Rutherford	9510 E. 64 <sup>th</sup> Terr., Raytown, MO 64133		
Carolyn Crump, Trustee	6416 Evanston, Raytown, MO 64133		
Carl & Judith Allison	9505 E. 64 <sup>th</sup> Terr., Raytown, MO 64133		
Raytown Water Co.	9820 E. 63 <sup>rd</sup> St., Raytown, MO 64133	Tenant	6415 Evanston Ave., Raytown, MO 64133
David Barnes Appraisal Service	P.O. Box 16916, Kansas City, MO 64133	Tenant	6420 Overton Ave., Raytown, MO 64133
Steven Conrick	6416 Overton Ave., Raytown, MO 64133		
Edgar & Misty Urriola	6412 Overton Ave., Raytown, MO 64133		
B & S Partnership	3725 SW Evergreen Ln., Lee's Summit, MO 64082	Tenant	6408 Overton Ave., Raytown, MO 64133
Nancy & Keith Hunsperger	6400 Overton Ave., Raytown, MO 64133		
Kay Canglose	6332 Overton Ave., Raytown, MO 64133		
John Roeder	114 E. Escalones, San Clemente, CA 92672	Tenant	6328 Overton Ave., Raytown, MO 64133
Wel-Don Plumbing & Drain Service	29810 SW Outer Rd., Harrisonville, MO 64701	Tenant	6324 Overton Ave., Raytown, MO 64133
Creative World School	6314 Overton Ave., Raytown, MO 64133		
Keith Stephenson	10917 E. 57 <sup>th</sup> St., Raytown, MO 64133	Tenant	6317 Evanston Ave., Raytown, MO 64133
Tarron Phillips	6407 Evanston Ave., Raytown, MO 64133		



**DURBIN**  
TREE SERVICE, INC.  
SINCE 1946  
356-1861

# VARIANCE

APPLICATION NUMBER

*BZA 2019-04*

**PUBLIC HEARING AT CITY HALL  
BEFORE BOARD OF ZONING ADJUSTMENT ON**

*December 12 at 6:30  
P.M.*

**CITY OF RAYTOWN, MISSOURI**  
Unauthorized Removal, Defacing, or Destruction of this  
Sign Punishable by Law



**MODIFICATION AGREEMENT**  
**I1095350**

**I2223P**

THIS AGREEMENT, made and entered into as of the 10th day of March 19 92 by and between Durbin AAA Tree Service, Inc., a Missouri Corporation ("Mortgagor") whose address is 6504 Sterling, Raytown, Mo 64133 and Boatmen's First National Bank of Kansas City ("Bank") whose address is Raytown Banking Center, 10017 E. 63rd St., Raytown, MO 6413

WITNESSETH THAT:

WHEREAS, Mortgagor has previously executed and delivered to the Bank its note dated March 11, the principal amount of \$91,000.00 (The "Note") and Mortgagor acknowledges its liability to pay according to its terms, and

WHEREAS, the Bank is presently the holder of the Note, and

WHEREAS, the Note is secured by a Deed of Trust ~~and~~ dated March 11, 1986 (the "Deed of Trust") recorded March 12, 19 86 in Book I1517 Doc. No. 1677541 Page 1713 of the records of the Recorder of Deeds for Jackson County Missouri, and

WHEREAS, the Deed of Trust encumbers certain property in Jackson County 01-3350 Missouri, (the "Property") to wit: Lot 4, except beginning at the Northwest corner of said lot; thence North line of said lot to the Northeast corner thereof; thence South along the East line of said lot; 75 point; thence Westerly in a straight line to a point in the West line of said lot which is 80 feet South Northwest corner of said lot; thence North 80 feet to the point of beginning, BLOCK 4, ELLECREST, a subdivi Raytown, Jackson County, Missouri. and Mortgagor is the present owner of the Property in fee simple and acknowledges its obligations to maintain, and comply with the terms and conditions of the Deed of Trust, and

WHEREAS, reference is hereby made to the Deed of Trust for a more complete description of the Property terms and conditions of the Deed of Trust and payment of principal and interest of the Note and all of the terms and c of the Deed of Trust are hereby incorporated by reference as if more fully set out at length herein (except to th modified hereby), and

WHEREAS, Mortgagor and the Bank mutually desire to modify some of the terms and conditions of the Deed and the Note.

NOW, THEREFORE, the Bank and Mortgagor, in consideration of these presents and other good and consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. Amendment Number One: The maturity date for payment to the Bank of the final installment due under is hereby modified and amended to extend the date of payment of such final installment to the Bank to March 10, 19 97.

2. Amendment Number Two: Interest payable on the Note shall, after the date hereof, be at the rate of 9.75 % per annum.

6: In accordance with the requirements of Section 516.150 of the Missouri Revised Statutes, to the extent any the Bank represents to whom it may concern (which representation Mortgagor confirms is true and correct), that the amount now due and owing on the Note and the Deed of Trust (after giving effect to the terms of this Agree \$ 47,943.50

7. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective administrators, executors, successors and assigns.

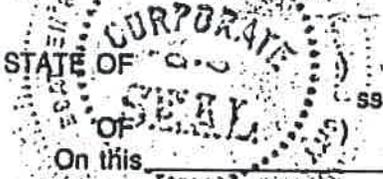
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above

BOATMEN'S

Durbin AAA Tree Service, Inc.

By Janice L. Vobornik Vice Pres.  
Janice L. Vobornik, Vice President

By Douglas W. Durbin  
Douglas W. Durbin, President  
Dortha L. Durbin  
Dortha L. Durbin, Secretary



On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me personally a \_\_\_\_\_ to me known to be the p described in and who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed t as \_\_\_\_\_ free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ State aforesaid, the day and year first above written.

My term expires: 38 Corporate Seal \_\_\_\_\_ Notary Public

STATE OF Missouri )  
County OF Jackson )  
On this 10th day of March, 1992, before me a Douglas W. Durbin, to me personally known, who being duly sworn, did say that he is the President Durbin AAA Tree Service, Inc., a corporation organized under the laws of the State of Missouri, the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was and sealed in behalf of said corporation by authority of its Board of Directors, and said Douglas W. Durbin acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County State aforesaid, the day and year first above written.



Carol Williamson  
CAROL L. WILLIAMSON Notary Public  
Notary Public - State of Missouri  
Commissioned in Jackson County  
My Commission Expires Dec. 26, 1995

STATE OF Missouri )  
County OF Jackson )  
On this 10th day of March, 1992, before me a Janice L. Vobornik, to me personally known, who being duly sworn, did say that she is the Vice President Boatmen's First National Bank of Kansas City, a corporation

STATE OF MISSOURI SS  
COUNTY OF JACKSON  
I CERTIFY INSTRUMENT RECEIVED

1992 MAR 20 P 12: 04 .0

RECORDED **2223P2031**  
WALTER R. PETERSON JR.  
DIRECTOR OF RECORDS

300  
400  
1100  

---

18.00  
Shelme

*Amberline Lane*

11095360



City of Raytown, Missouri  
Occupational License

License Number: 0063-2019

Expires: 06/30/2021

License is hereby Granted To : DURBIN AAA TREE SERVICE, INC.

DURBIN AAA TREE SERVICE, INC.  
6411 EVANSTON AVE  
RAYTOWN, MO 64133-4931

Subject to the provisions of all  
ordinances now in force  
and that may be passed by said  
City of Raytown

THIS LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE AND IS NON-TRANSFERABLE.

Mayor Mike McDonough

A handwritten signature in black ink, appearing to read "Mike McDonough".

City Collector Kathy Schutte

A handwritten signature in black ink, appearing to read "Kathy Schutte".

City Clerk Teresa Henry

A handwritten signature in black ink, appearing to read "Teresa M Henry".

# TAX BILL

## 2018 JOINT GOVERNMENTAL REAL PROPERTY TAX STATEMENT

17326

Property Account #: 45-240-06-08-00-0-00-000

Pay your bill online at [www.jacksongov.org](http://www.jacksongov.org)

PIN #: 163437

ACCOUNT VALUE	
DESCRIPTION	2018
Market Value Total	\$73,015
Taxable Value Total	\$23,365
Assessed Value Total	\$23,365

TAX DISTRIBUTION		
AGENCY	LEVY	AMOUNT
RAYTOWN SCHOOL C-II	6.3200	1,476.66
FIRE DISTRICT - RAYTOWN	1.0386	242.67
JACKSON COUNTY	0.7013	163.86
CITY - RAYTOWN	0.5149	120.31
MID-CONTINENT LIBRARY	0.3963	92.60
METRO JUNIOR COLLEGE	0.2305	53.86
MENTAL HEALTH	0.1171	27.36
BOARD OF DISABLED SERVICES	0.0720	16.82
STATE BLIND PENSION	0.0300	7.01
<b>Total Levy Rate</b>	<b>9.4207</b>	

TCA: 022  
 Lender:  
 Location: 6411 EVANSTON AVE



17326

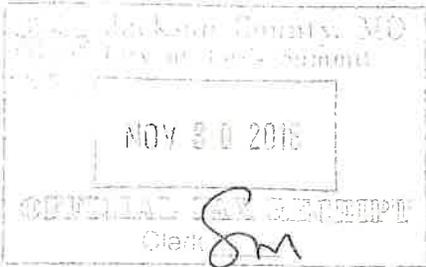
45-240-06-08-00-0-00-000  
 DURBIN AAA TREE SERVICE INC  
 6411 EVANSTON AVE  
 RAYTOWN MO 64133

### TAXES AND SPECIAL ASSESSMENTS

YEAR DESCRIPTION	AMOUNT BILLED	BALANCE DUE
2018 A/V Principal- Commercial	2201.15	2201.15
2018 Replacement Tax	335.76	335.76
<b>Total for Tax Year 2018</b>		<b>\$2,536.91</b>
<b>Total for All Tax Years</b>		<b>\$2,536.91</b>

### Description of Property ( IF INCORRECT - SEE INSTRUCTIONS ON OTHER SIDE )

BLUE CREST  
 LOT 4 (EX BEG AT NW COR SD LOT TH E ALG N LI TO NE CORTHOF TH S ALG E LI 75' TH  
 PT ON W LI SD LOT80' S OF NW COR OF SD LOT TH N 80' TO POB) BLK 4 WLY TO A



26110



Company Name	Street Number	Street Name	License Number	License Status	License Year	License Issued Date
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0306-1999	Expired	1998	06/15/1998
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2003	Renewed	2002	07/01/2002
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2004	Renewed	2003	07/01/2003
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2005	Renewed	2004	07/01/2004
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2006	Renewed	2005	07/01/2005
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2007	Renewed	2006	07/01/2006
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2008	Renewed	2007	07/01/2007
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2009	Renewed	2008	07/01/2008
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2010	Renewed	2009	07/01/2009
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2011	Renewed	2010	07/01/2010
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2012	Renewed	2011	07/01/2011
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2013	Renewed	2012	07/01/2012
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2014	Renewed	2013	07/01/2013
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2015	Renewed	2014	07/01/2014
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2016	Renewed	2015	07/01/2015
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2017	Renewed	2016	07/01/2016
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2018	Renewed	2017	07/01/2017
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2019	Issued	2018	07/01/2018
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2019	Issued	2019	07/01/2019
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2000	Renewed	1999	06/03/1999
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2001	Renewed	2000	07/01/2000
DURBIN AAA TREE SERVICE, INC.	6411	EVANSTON	0063-2002	Renewed	2001	07/01/2001