

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

August 8, 2019
7:00 P.M.

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

MEETING

1. **Open Meeting** (Meeting Script is attached directly behind this agenda)
2. **Roll Call**
3. **Approval of April 11, 2019 Meeting Minutes**
4. **Old Business** – (Continued from July 18, 2019, due to lack of quorum)
 - A. Case #: BZA 2019-02
Request: 1. Variance from Monument Sign Height Regulation
(Sec. 50-490 [f][6])
Location: 8303 Westridge Road
Applicant: Erik Messner
Property Owner: Erik Messner, Messner Bee Farm
Variance: A proposed variance to allow for the height of a monument sign adjacent to 350 Highway to exceed the eight feet maximum allowed in a Highway Commercial zoning district by eight feet to overcome topographical line of sight issues.
5. **New Business:**
 - A. Case #: BZA 2019-03
Request: 1. Variance from Accessory Building Minimum Side Yard Setbacks
(Sec 50-129(c) of Raytown Municipal Code)
2. Variance from Accessory Building Maximum Size
(Ordinance No. 5181-07)
3. Variance from Accessory Building Exterior Materials
(Ordinance No. 5181-07)
Location: 5912 Elm Avenue
Applicant: Margaret Goforth
Property Owner: Michael & Margaret Goforth

Variances: Three variances to allow the applicant to have an accessory building closer than five (5) feet from property lines, to allow for the floor area of a primary accessory building to exceed the 720 square feet maximum allowed in residential zones by no more than 300 square feet and a secondary accessory building to exceed the 120 square feet maximum allowed in residential zones by no more than 300 square feet, and to allow the exterior materials of an accessory building to not be constructed of materials similar to the primary structure on the property.

6. Other Business – None

7. Set Tentative Future Meeting Date – No cases scheduled for September 12, 2019.

8. Adjourn

Board of Zoning Appeals

Variance Hearing Script

_____ To protect the rights of all parties involved and in order to establish an orderly fact finding procedure, the Raytown Board of Zoning Adjustment follows a specific fact finding procedure. Your attention to this procedure is appreciated.

_____ We would like to formally open the hearing regarding case number *(insert case number from agenda)*. Have any Board members had any outside contacts regarding this case? If so, please indicate who you have spoken with and explain the nature of the conversation.

_____ Do any Board members have a conflict of interest in this case?

_____ Is the applicant or his/her agent in attendance? Please step forward and state your name for the record. You have ten minutes to present your case. Board of Zoning Adjustment members may request clarification at the end of your presentation.

_____ Is there anyone in the audience who would like to comment on this case? You may have five minutes to comment. Please clearly state your name and address for the record before commenting.

_____ If there are no further comments, we will now hear the staff report.

_____ Does the applicant wish to rebutt any statements made?

_____ Does anyone in the audience wish to rebutt any statements made?

_____ Does the Board have any further questions of the applicant or staff?

_____ The public hearing is now closed. According to Section 2(h) of the Raytown Zoning Ordinance, in passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, the Board of Zoning Adjustment has the power to grant a variance and/or modify the application of any of the regulations where provisions of such ordinance relate to the use of land so that:

- The spirit of the ordinance shall be observed;
- Public safety secured; and
- Substantial justice done.

_____ The chair will entertain a motion.

Sample Motion: I move that we (*approve/deny*) a variance in this case based on the finding that (*enter above described conditions*) are (*found/not found*) to be present.

_____ A motion to (*repeat motion*) based on the following findings (*repeat findings*) has been made and seconded. Is there any discussion?

_____ Staff, please call the roll. Motion (*carries/fails*).

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

July 18, 2019
7:00 P.M.

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

MEETING

1. **Open Meeting** – Chairman Pat Riehle opened the meeting.
2. **Roll Call**
****** Not enough members were present for a quorum******
3. **Set Tentative Future Meeting Date** – The scheduled public hearing was announced as continued by Chairman Pat Riehle to the next regularly scheduled BZA date of August 8, 2019. No further actions were taken due to lack of quorum.

2. A proposed variance to allow for the monument sign to be illuminated in a residential zoning district.

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 applicant, Jerry and Jo Applegate.
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. *Application for Variance*
 - c. *Variance Permit and Receipt*
 - d. *Notice of Public Hearing in the Daily Record Newspaper*
 - e. *Jackson County paid tax receipt*
 - f. *Deed to property*
 - g. *Sign plan and supporting plan documents**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 the applicant, Jerry Applegate is requesting two variances – (1) A proposed variance to allow for the height of the monument sign to exceed the five feet maximum allowed in a residential zoning district by one foot and eleven inches and (2) A proposed variance to allow for the monument sign to be illuminated in a residential zoning district.

Jerry Applegate, the pastor of Lane Avenue Baptist Church, is requesting two variances for a monument sign in an R-1 zoning district. The new monument sign will be located at the same location as the current one shown in Figure 1. The replacement of the existing sign with a new one will void the sign's legal nonconformity.

Haydaripoor mentions that a CUP application for the same sign was submitted to the Planning and Zoning Commission last month. It was approved 5-0.
6. Presentation of variance application by applicant
Applegate states that the church is trying to replace the existing sign with a new one that is computerized. One of the main reasons they want to do this is so that Applegate won't have to go out and change the message himself. He states that the existing sign also has limited space and therefore the messages is limited as well.

Applegate states that the current sign is already illuminated, and the new sign will have a feature where it will dim the lighting at night. Applegate states that because of street/sidewalk improvements along 87th Street, their existing sign is lower than it once was – this is the reason why they need the additional height.

7. Request for public comment

Chairman Riehle swore in Ward 5 Alderman Bonnaye Mims.

Alderman Mims states that she is in full support of the church's proposed sign improvements.

8. Rebuttal, if necessary, by the applicant.

None

9. Summary of additional information by staff

Mr. Haydaripoor states that City Staff recommends approval of Case No. BZA 2019-01, Variance from Sec. 50-490 and Sec. 50-493 of the City of Raytown Zoning Regulations.

10. Board discussion

Cook asks if staff has any recommended conditions for approval.

Haydaripoor states that staff does not have any conditions.

11. Close public hearing

Chairman Riehle closed the public hearing.

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

a) Motion – Murray

b) Second – Aprill

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, June 13th at 7pm.

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

Staff Report

Community Development
Planning and Development Services

BZA 2019-02

To: City of Raytown Board of Zoning Adjustment
From: Chris Gilbert, Planning and Zoning Coordinator
Date: July 11, 2019
Re: Application for Variance

VARIANCE APPLICATION SUMMARY

Applicant: Erik Messner
Property Owner: Erik Messner
Property Location: 8301 Westridge
Requests: A proposed variance to allow for the height of the monument sign to exceed the eight feet maximum allowed in a Highway Commercial zone by eight feet, to compensate for a significant change in elevation caused by the location's proximity to Highway 350 and its bermed landscaping.

BACKGROUND

Property's Zoning Classification	Highway Commercial (HC)
Surrounding Properties' Zoning	Medium Density Residential (R-2) Manufacturing (M)
Surrounding Overlay	350 Highway Corridor Overlay
Surrounding Land Use	Commercial and Multifamily Residential
Designated Future Land Use	Commercial
Ward	Ward 5
Approximate Land Area	1.5 acres
Roadway Classification	Collector, Highway



Figure 1: Messner Bee Farm Store

SITE DESCRIPTION AND PRESENT USE

The Messner Bee Farm is located near the Raytown/Kansas City border between Westridge Road to its west and two southbound lanes of 350 HWY to its east. The tract is just under 1.5 acres, and is used by the Messner Family as a site to raise bees and produce and sell honey and beeswax products. On the site is also a historical stone barn that is rented out for events.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is surrounded by mostly commercial and quasi-industrial uses to the north and west within Raytown, and by unoccupied vacant land to the east adjacent to 350 Highway inside Kansas City, Missouri.

HISTORY

The building that currently houses the Bee Farm's store was a chicken house for a nearby restaurant in the 1920s. Yellow Rock Barn event space is a full service event venue, hosting weddings, dances and similar events. Also built in the 1920s, it is one of the last standing stone barns in the Midwest. These buildings and properties were purchased by the Erik and Rachel Messner in 2017 as a place to raise bees and keep hives.

PUBLIC COMMENTS

The public notice was published in *The Daily Record* on July 2, 2019. To date, the Community Development Department has received no letters or calls regarding this application.



Figure 2 - Aerial view of site of Messner Bee Farm and proposed sign location

ANALYSIS OF VARIANCE APPLICATION

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 existing sign frame and proposed location stands at the corner point of a roughly triangular parcel of land that is formed by the close proximity of 350 Highway southbound lanes and Westridge Road. The strip of land adjacent to 350 Highway is bermed, causing an increase in elevation which would obscure the view of a standard eight-foot high monument base sign from passing traffic. Tall grass and a few trees on the bermed hill could further obscure the view of a sign as short as eight feet high. Moving the sign farther back on the property is also not an option as this would make an eight-foot high sign even smaller in profile when viewed at 350 Highway speeds. Actions by the Missouri Dept. Of Transportation when 350 Highway was constructed caused the elevation difference and was not the fault of the property owner.



Figure 3 - Bermed median beside 350 HWY southbound lanes in Winter

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

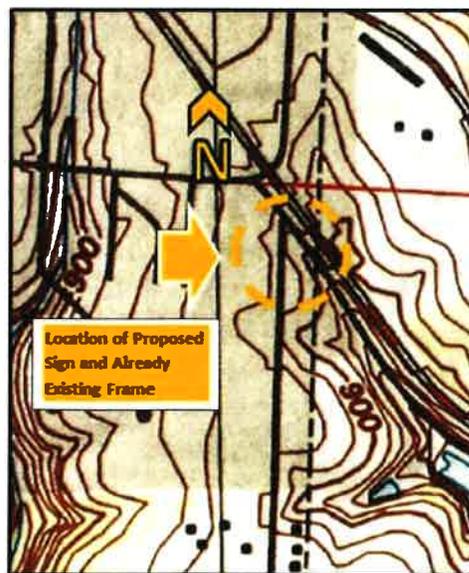
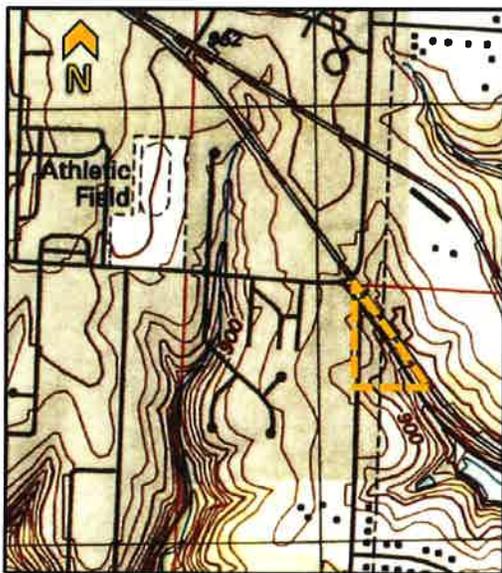
- As referenced in Figures 5 and 6, the topography of this part of town contains areas of flat land as well as areas with a much steeper grade. The Messner Bee Farm property is found in the latter, which presents the need to display a sign taller than the eight feet typically allowed in Highway Commercial zones. Allowance of this sign variance cannot be considered an unfair advantage to the Messner Bee Farm's business over all other businesses in the immediate area, because it is the only one that is subject to the unusual topographical hardship and abuts 350 Highway, requiring significantly more face area just to be seen.



Figure 4 - View of proposed site of sign from intersection of 350 Hwy and 83rd Street (March 2019)

- 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.*

– Referenced in Figures 5 and 6 below is a topographical map showing the differences in elevation in the surrounding area of the Messner Bee Farm. Lines far apart on the map represent flat areas of land, and lines close together represent areas that are elevated. The Highway 350 shoulder directly in front of the sign location is bermed, creating an increase in height. This area is grassed, which in the event of growth higher than a few inches, common when MoDot only mows a few times a year, will disrupt visibility of the sign even further.



Figures 5 and 6- Topographical map of the area

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 regulations is to make sure that all business owners in each separate district are treated the same and have the same amount of sign visibility as any other owner. Sometimes situations arise where a business owner doesn't have the same sign visibility as the neighbors do for factors not under the control of the business owner, and that is when a variance is made available to ensure substantial justice is done. The spirit of the regulations will be upheld if the variance is approved, for these reasons:

- The sign location is within the Highway Commercial Zone, where advertisement for commercial sales at the location of the property is encouraged.
- The visibility of the sign from 350 Highway would be greatly reduced if normally sized and located per zoning ordinance requirements.
- The sign shall be required to emit minimal if any light and be aesthetically pleasing, appearing as the Messner Bee Farm Logo on a colored backdrop with an architecturally compatible landscaped base.

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.*

- Mr. Messner has determined that given the difference in grade between Highway 350 and Westridge Road and the location of the existing sign frame, 16 feet high would be the minimum height required for adequate visibility from 350 Highway. Figure 7 provides a visual of how the proposed sign will look in the requested location at a height of 16 feet, visible, but unobtrusive to the surrounding landscape.



Figure 7 – How the sign will appear on their property

RECOMMENDATION

Staff recommends that the Board of Zoning Adjustment grant the variance to Case No. BZA 2019-01 from Sec. (50-490-f-6-c) of the City of Raytown Zoning Regulations, based on the following conditions:

1. All 5 factors for the granting of a variance have been found to be met.
2. The maximum height of the sign shall be limited to 16 feet.
3. A separate sign permit shall be applied for that is approved by staff.
4. The base of the sign shall be architecturally compatible and of either brick or stone.
5. The base of the sign shall be landscaped with medium shrubbery.
6. Any lighting shall be minimal and approved by staff through the permit process.

Attachments:

- Application
- Paid Receipt
- Applicant's Information In Support
- Warranty Deed
- Publication Affidavit
- Notice of Public Hearing Documents
- List of Property Owners within 185 feet.



Case Number: BZA 2018-

Date Received: _____

Fee Paid: \$350.00

City of Raytown – Board of Zoning Adjustments Variance/Appeal Application

1. I hereby apply for:

 Appeal from an administrative decision

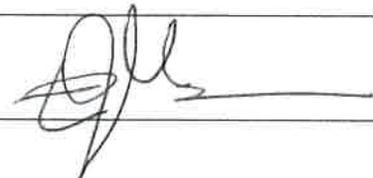
 X Variance from any specific requirement

(Specify Zoning Code Section) 50-490(f)(6)(c)

2. Name of Property Owner (as appears on deed): ERIK MESSNER

3. Phone Number: 816 265 1081

4. Address of Property Owner: 8303 WESTRIDGE RD

5. Signature of Owner: 

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

Name: _____

Phone: _____

Address _____

7. The property to which this application applies is located at: 8301 WESTRIDGE RD, RAYTOWN MO

Approximate Address (If address is currently unassigned): _____



APPLICATION TO BOARD OF ZONING ADJUSTMENT
FOR VARIANCE ON SECTION 50-490.f.6.c

Introduction:

Messner Bee Farm, LLC (MBF) keeps bees, manufactures lip balm and other wax-based products, and opened a new retail store in the Highway Commercial Corridor in October, 2017. Since our opening, we have enjoyed abundant and consistent support from the people of Raytown, and also from the City.



Photo 01: Support from the Raytown community at our Grand Opening

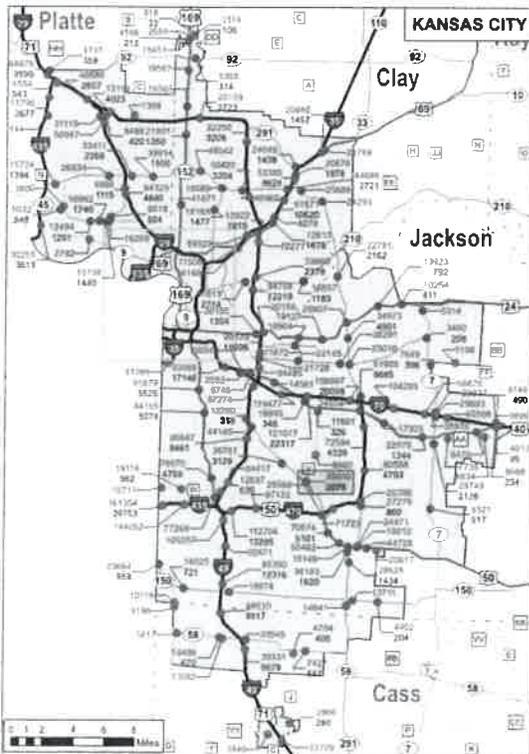
However, some of the more common comments we get from customers are, “I didn’t realize you were right here!” “I couldn’t see your store from the road,” and “you should really put out a sign that can be seen from the highway!” We’re hearing our customers loud-and-clear, however Section 50-490 presents an issue for us in meeting their request – subsection (f.6.c): “The maximum height of a monument sign is as follows unless a lower height is required elsewhere within these regulations: c. Highway Commercial District: eight feet.” As shown below, the height limitation for this sign will render it completely invisible from the highway it’s intended to advertise to.



MBF is excited about having a tall monument sign at this existing location for three main reasons:

1) *Historic Connection*

It is believed that this is the same location of the original sign on this property when all the current structures were first built, back in 1925, by the Harrison family. The family had a fried chicken dinner restaurant on the property which was popular in the metro at that time, and was a favorite eating place of then-U.S.-Senator Harry S Truman. We're excited to continue in their original vision of entrepreneurship, self-reliance, and community engagement. Refacing the same sign in this location connects us with their heritage and honors the history of the property.



2) *Perfect Size and Location for Visibility*

As well as being historic, this existing sign frame is in the perfect location and size for maximum visibility, without affecting our neighbors. This sign will be clearly visible from those westbound at the Westridge and 350 hwy stoplight, those southeast-bound at the stoplight on 350 hwy, and from the eastbound stoplight at 83rd and 350 hwy. As shown on the figure to the left, MoDOT estimates that approximately 33,650 cars pass this intersection *DAILY!* For most of these commuters, this is their last stoplight as they are leaving Raytown and heading toward Lee's Summit, and the City's last chance to encourage them to shop in our town.

3) *Efficient and Economical use of Existing Structures*

In addition, using the existing sign and covering it to make it comply with the monument signs requirements would be an efficient and responsible use of existing resources. Messner Bee Farm has grown from the ground up in only four years by bootstrapping, being frugal with expenditures and taking advantage of the resources we have been given. We believe that successful businesses grow by making do with what they have.



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

We would like to reuse the existing sign frame on our property and install a new face and wrap the base to make it conform to the definition of a Monument Sign, but keep it 15 feet tall, to advertise the location of our store for drivers traveling on Westridge Road, 83rd Street and 350 Highway.

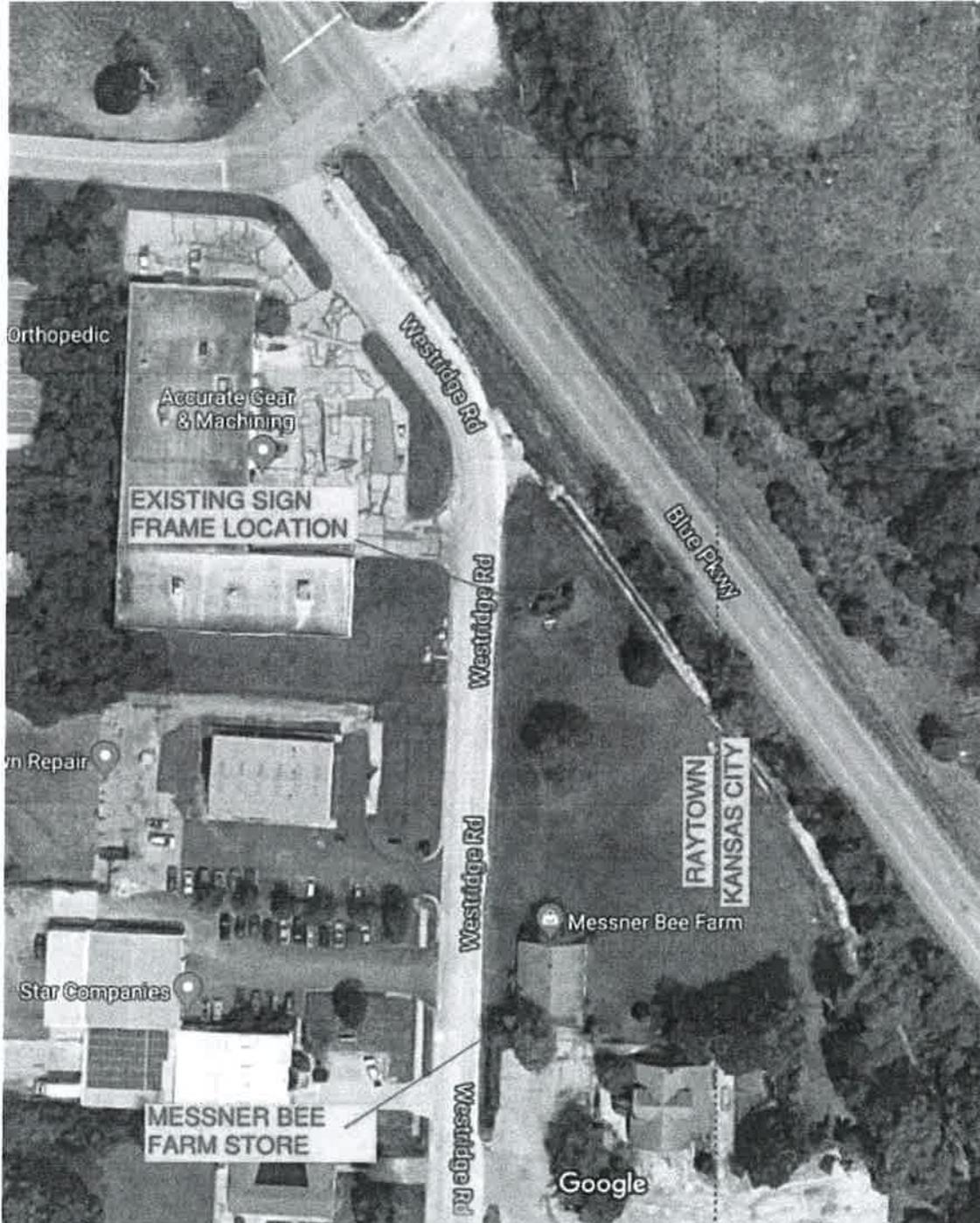


Photo 02: Aerial view of property with existing sign frame and store location, credit: Google Images 2018



10. The proposed variance would not be contrary to public health, safety and the public interest because:

There are no neighbors in any direction who's view would be obstructed by a monument sign of this height.

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

In order to comply with the code as it is currently written, we would need to ensure that a new monument sign is no more than eight feet off the ground. Unfortunately, this would place the sign so low that it would not be meaningfully visible to the primary intended audience – that is, cars stopped at the 83rd St / 350 hwy / Westridge stoplight, southbound for Lee's Summit. See *Photo 05* below for a graphic of the sign when the top is limited to eight feet off the ground.



Photo 05: Graphic of new sign as a monument sign



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 Messner Bee Farm property is uniquely situated at the edge of the plateau that Raytown is built on. The grade where the existing sign is located is actually about 15-feet *lower* than the last point in Raytown where the sign can be practically viewed, from 350 hwy. See below topographical map showing elevation contours for this area. Because of this, the existing 15-foot tall sign frame is ideal, as it sits high enough that the sign is not hidden below the road, but not so high that it obstructs the view beyond.

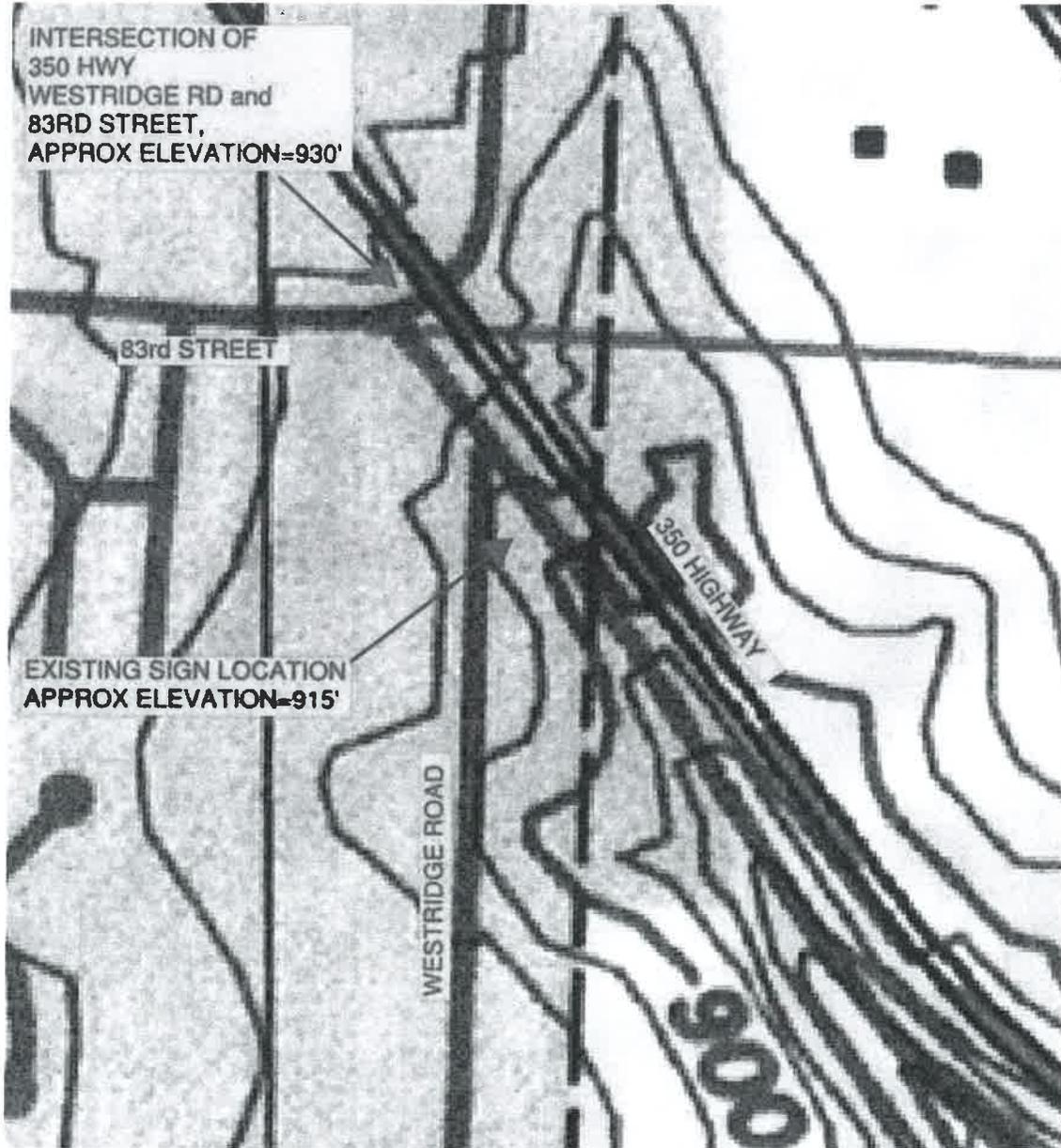


Photo 06: Topographic map of area of sign and highway intersection, credit: www.topozone.com



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

No adjacent property owners would be affected by the variance because of the slope of the land discussed above, and the orientation of the City boundary and the undeveloped areas beyond. As shown in the below *Photos 07, 08 and 09*, no view of adjacent business or residential interests is obstructed by the use of this existing sign.



Photo 07: Graphic view of new sign at existing location, from 83rd street, eastbound at intersection



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

It is the understanding of Messner Bee Farm that the intent of the zoning ordinance is to provide for a more sleek, uncluttered skyline and prevent the obstruction of view of nearby homes and businesses. Because of the sloping of the ground mentioned above, resulting in the existing sign being lower than all nearby signs and structures, Messner Bee Farm believes that this variance would still honor the spirit and intent of the code.

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

Installing a new monument sign that has inadequate visibility from the road is not really reasonable. The Messner Bee Farm store represents the last chance that commuters have to purchase products in Raytown before they continue into Lee's Summit and spend their money elsewhere.

MISSOURI WARRANTY DEED

THIS INDENTURE, Made on May 31, 2017 by and between

Grantor: **Jana Lea, trustee of the Jana Lea Living Trust, Dated February 15, 2008**
OF Jackson COUNTY, Missouri

AND

Grantee: **Erik Messner, a married person**
whose mailing address is 8303 Westridge Rd., Raytown, MO 64138

WITNESSETH: THAT THE SAID GRANTOR(S), in consideration of the sum of **ONE DOLLAR AND OTHER VALUABLE CONSIDERATIONS** to be paid by said grantee(s) (the receipt of which is hereby acknowledged), do by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said grantee(s) his/her/their heirs/successors and assigns, the following described lots, tracts or parcels of land lying, being and situate in the County of **Jackson** and State of **Missouri**, to-wit:

Legal Description:
SEE EXHIBIT "A" ATTACHED HERETO

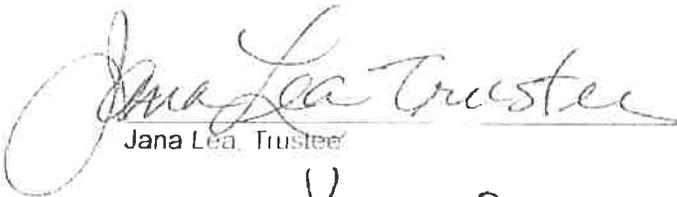
The Grantor herein states that this deed is given pursuant to the powers conferred by the Trust Agreement and that said Agreement remains in full force and effect at this time and has not been amended, revoked or terminated.

8303 Westridge Rd., Raytown, MO 64138

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said grantee(s) and unto his/her/their heirs/successors and assigns forever; the said grantor(s) hereby covenanting that he/she/they lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that he/she/they has/have good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by him/her/them or those under whom he/she/they claim; and that he/she/they will warrant and defend the title to the said premises unto the said grantee(s) and unto his/her/their heirs/successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, The said grantor(s) has/have hereunto set his/her/their hand(s) and seal the day and year above written.


Jana Lea, Trustee

, Trustee

State of Kansas

County of Johnson

On this 31st day of May, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Jana Lea, trustee of the Jana Lea Living Trust, Dated February 15, 2008 to me known to be the person described in and who executed the foregoing instrument and acknowledged that Jana Lea, trustee of the Jana Lea Living Trust, Dated February 15, 2008, executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office, the day and year last above written.

My Commission Expires: 8/28/18


Lisa K. Raich

(Notary Public
Printed Name

Lisa K. Raich
Notary Public - State of Kansas
My Appt. Expires August 28, 2018

EXHIBIT A

LEGAL DESCRIPTION:

A part of the Northeast 1/4 of the Northwest 1/4 of Section 22, Township 48, Range 32, more particularly described as follows: Beginning at a point located Southerly 233.50 feet and Easterly 25 feet from the Northwest corner of said 1/4 1/4, said point being on the East right of way of Westridge Road; thence North 34 Degrees 28 Minutes 51 Seconds East a distance of 14.25 feet to a point on the Southwesterly right of way of State Route 350; thence along last said right of way South 36 Degrees 31 Minutes 33 Seconds East, a distance of 166.57 feet; thence South 35 Degrees 09 Minutes 26 Seconds East a distance of 439.79 feet; thence North 86 Degrees 21 Minutes 18 Seconds West a distance of 378.46 feet to the East right of way of Westridge Road; thence North 2 Degrees 09 Minutes 30 Seconds East along said East right of way a distance of 457.93 feet to the point of beginning. Partly in Kansas City, partly in Raytown, wholly in Jackson County, Missouri.

Borrower: Erik Messner and Rachel L. Messner, husband and wife

Platinum Title, LLC - 20172361

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AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF JACKSON

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Chanel Jones** 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 **July 02, 2019** edition and ending with the **July 02, 2019** edition, for a total of 1 publications:

07/02/2019

Notice of Public Hearing

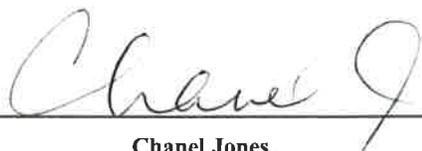
Notice is hereby given that the Raytown Board of Zoning Adjustment will hold a public hearing to consider an application for a variance, filed by Erik Messner of 8303 Westridge Road, regarding a parcel of property located at 8301 Westridge Road. This variance application seeks relief from the requirements of **Sec. 50-490(f)(6)(c)** of the Raytown Municipal Code to permit the applicant to install a higher monument sign than the Code allows adjacent to 350 Highway and Westridge Road.

The requested variance, if approved, will permit the height of a new monument sign proposed by the applicant to exceed the five feet maximum allowed in a Highway Commercial, HC, zoning district by 11 feet.

The public hearing will be held on Thursday, July 18th, 2019 at 7:00 p.m., at Raytown City Hall - 10000 East 59th Street, Raytown, MO 64133

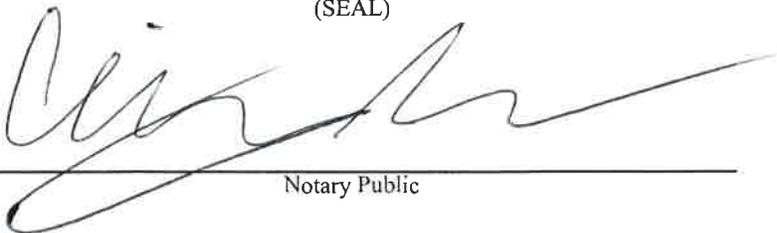
The public is invited to attend the public hearing and provide public comment. A complete copy of the application and proposed plans are available in the Community Development Office during regular business hours or contact Chris Gilbert at chrisg@raytown.mo.us or (816) 737-6059.

11763658 Jackson Jul. 2, 2019

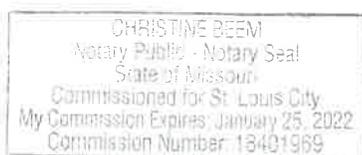


Chanel Jones

Subscribed & sworn before me this 2nd day of Jul, 2019
(SEAL)



Notary Public





Community Development Department

10000 E 59th Street

Raytown, MO 64133-3993

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

June 25, 2019

Mr. Messner:

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.

Wednesday (6/28/19), the Community Development Department will be sending the City Clerk a Notice of Public Hearing to be published in the newspaper announcing that your case will be heard at the July 18th BZA meeting.

Also, by the end of the day today (6/25/19), the Community Development Department will send you the addresses of property owners within 185 feet of your property. It will then be your responsibility to invite these property owners to the Public Hearing at 7:00 PM on July 18th. **This invitation (attached) must be sent in the mail to the addresses provided by 6/26/19.**

15 days prior to the June 6th PZ 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 **7/3/19**. The signs 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,

Chris Gilbert
Planning and Zoning Coordinator
10000 E 59th St.
Raytown, MO 64133-3993
816-737-6059
chrisg@raytown.mo.us



Community Development Department
10000 East 59th Street
Raytown, Missouri 64133
(816) 737-6014
www.raytown.mo.us

June 25, 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 Erik Messner of 8303 Westridge Road, regarding a parcel of property located at 8301 Westridge Road. This variance application seeks relief from the requirements of **Sec. 50-490(f)(6)(c)** of the Raytown Municipal Code to permit the applicant to install a higher monument sign than the Code allows adjacent to 350 Highway and Westridge Road.

The requested variance is:

- To allow the height of a new monument sign to exceed the five feet maximum allowed in a Highway Commercial, HC, zoning district by 11 feet.

The public hearing will be held on Thursday, July 18th, 2019 at 7:00 p.m., at Raytown City Hall - 10000 East 59th Street, Raytown, MO 64133.

The public is invited to attend the public hearing and provide public comment. For a complete copy of the application and proposed plans, come to the Community Development Office during regular business hours or contact Chris Gilbert at chrisg@raytown.mo.us or (816) 737-6059.

MAILING LIST FOR CONDITIONAL USE PERMIT NOTIFICATION

OWNER	OWNER ADDRESS	TENANT	TENANT ADDRESS
J BAR S ENTERPRISES	4321 NE BLUE JAY CIR, LEE'S SUMMIT MO 64064	J BAR S ENTERPRISES	11917 E 83 RD ST, RAYTOWN MO 64138
QUALITY HOLDINGS LLC	17101 E KENTUCKY RD, RAYTOWN MO 64138	LETTER NOT NECESSARY- CURRENTLY UNOCCUPIED	
THOMAS OSBORNE	8403 WESTRIDGE RD, RAYTOWN MO 64138	SAME	
COURTNEY SCOTT & KRISTEN RILEY	8402 WESTRIDGE RD, RAYTOWN MO 64138	SAME	
VICKI RIED	8401 WESTRIDGE RD, RAYTOWN MO 64138	SAME	
ROBERT & JOANN SMITH	9316 E 57 TH TERRACE, RAYTOWN MO 64133	LETTER NOT NECESSARY- CURRENTLY UNOCCUPIED	
MCKENNA PROPERTIES LLC	8320 WESTRIDGE, RAYTOWN MO 64138	SAME	
BRIAN & KENDA BAMESBERGER	8330 WESTRIDGE, RAYTOWN MO 64138	SAME	
STANLEY ROBERT PRESTON	1037 NE QUEENS CIR, LEE'S SUMMIT MO 64064	STANLEY ROBERT PRESTON	8310 WESTRIDGE RD, RAYTOWN MO 64138

Staff Report

Community Development
Planning and Development Services

BZA 2019-03

To: City of Raytown Board of Zoning Adjustment
From: Chris Gilbert, Planning and Zoning Coordinator
Date: August 8, 2019
Re: Application for Variances

VARIANCE APPLICATION SUMMARY

Applicant: Michael and Margaret Goforth
Property Owner: Michael and Margaret Goforth
Property Location: 5912 Elm Ave., Raytown, Missouri
Requests: Three variances to allow for an accessory building to be constructed closer than 5 feet from side yard property lines, to allow for the floor area of a primary accessory building to exceed the 720 square feet maximum allowed in residential zones by no more than 300 square feet and a secondary accessory building to exceed the 120 square feet maximum allowed in residential zones by no more than 300 square feet, and to allow the exterior materials of an accessory building to not be constructed of materials similar to the primary structure on the property.

BACKGROUND

Property's Zoning Classification	Low Density Residential (R-1)
Surrounding Properties' Zoning	Low Density Residential (R-1)
Surrounding Overlay	None
Surrounding Land Use	Single Family Residential
Designated Future Land Use	Residential
Ward	Ward 1
Approximate Land Area	1.16 acres
Roadway Classification	Collector

SITE DESCRIPTION AND PRESENT USE

The subject residential lot is a large acreage cul-de-sac lot located off of Elm Avenue south of 59th Street. The property contains 1.16 acres of land with a primary residential structure located approximately 140 feet back from the property line at the street. A long asphalt drive extends from the street up to the home on the north side of the lot and also provides access to a single car garage nearby to the north of the home.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is surrounded by low density residential lots with single family homes constructed upon them.

HISTORY

The current property owners and applicants, the Goforths, have been making improvements to the subject property as many homeowners typically do. Many improvements do not require permits, however, construction of an accessory building over 200 square feet does require a permit and the applicants did not apply for one for the new RV storage building they put up adjacent to the existing smaller accessory building as it had access to the paved drive area. The 40.8 feet long by 24.8 feet wide structure (1012 square feet) is constructed of a reflective metallic material and was almost completely finished before being noticed by the City of Raytown Building Official, Andy Boyd, by its sharp sunlight reflection off the metal skin. The structure was built within 5 feet of the property line on its north and northeast sides and when built also caused the already existing accessory structure that measures 22.3 feet x 18.1 feet (404 square feet) to become too large for a secondary accessory building. The applicant has chosen to pursue variances for the new RV storage building and any further city action is being stayed pending resolution of this application. As the structure is also built within the 5-foot utility easement along the north property line, the applicants were requested to provide waivers from the utility companies for this intrusion. KCP&L declined to provide such waiver, so at a minimum, the building already has to be shortened by over 4 feet to stay out of this existing easement.

PUBLIC COMMENTS

The public notice was published in *The Daily Record* on July 23, 2019. The Community Development Department has received a letter and calls regarding this application. The letter from an adjoining property owner is attached.



Figure 1 – Location of Subject Property

ANALYSIS OF VARIANCE APPLICATION

There are 3 variances being requested in relation to this application. The first variance relates to constructing an accessory building within 5 feet of the side property line in violation of Raytown Municipal Code section 50-129(c) that states, "All detached accessory buildings shall provide a minimum side yard of 5 feet".

- 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 over an acre in size and there are many other locations on the property where this accessory structure could have been placed that would have met the requirements of section 50-129(C), albeit requiring a driveway extension to get there. By constructing the building without consulting the City, which would have made the applicant aware of the issues, the requested variance was created by actions of the applicants.

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

By placing a 15 feet high accessory building within 5 feet of the property line, the applicants have created a situation where maintenance of the sides closest to the property lines will be more difficult without trespassing on the neighbors properties, whether to mow around the structure or to perform structural maintenance. In addition, an excessively large view impeding structure is placed unnecessarily close to the property line, impacting neighbors view more directly.

- 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.*

Any hardship to the applicant is directly caused by the construction of the primary structure without having first submitted plans and acquired a building permit from the City of Raytown. Building permits are required to ensure structures are built in accordance with adopted building and fire codes and thus this structure was never approved for construction by the City. Furthermore, the lot is large enough that the accessory building could have been constructed in other code-conforming locations on the lot.

- 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 without City review or inspections, staff is unable to determine if the building would not affect the public health, safety, morals, order, convenience, prosperity or general welfare of the city.

- 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 already exists.

The second variance relates to Ordinance number 5181-07, approved February 20, 2007, which requires in Section 1-9.11(C) that "No accessory building shall cover a land area exceeding 720 square feet and a second accessory building shall not cover a land area exceeding 120 square feet."

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.*

There is no unique situation on the property itself from which a variance would be appropriate relief for the size of the structure. The applicants want to house their RV in the new building and it will not fit into a smaller 720 square foot structure. Additionally, upon constructing this large accessory building, the formerly compliant detached garage has become non-compliant as well as it now exceeds the 120 square feet maximum permitted for a secondary accessory structure. This variance request is entirely created by actions of the applicants.

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

By placing a 15 feet high accessory building over 1000 square feet within 5 feet of the property line and adjacent to another 400 square foot accessory structure, the applicants have created an excessively large view blocker placed unnecessarily close to the property line, impacting neighbors view and affecting their enjoyment of their property.

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.*

Any hardship to the applicant is directly caused by the construction of the primary structure without having first submitted plans and acquired a building permit from the City of Raytown. Building permits are required to ensure structures are built in accordance with adopted building and fire codes and thus this structure was never approved for construction by the City. Furthermore, the lot is large enough that the accessory building could have been constructed in other conforming locations on the lot.

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 without City review or inspections, staff is unable to determine if the building would not affect the public health, safety, morals, order, convenience, prosperity or general welfare of the city.

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 as both accessory structures already exist and their sizes are already known.

The third variance relates to Ordinance number 5181-07, approved February 20, 2007, which requires in Section 1-9.11(E)(1) that "The exterior materials of an accessory building covering more than 120 square feet of land area shall be the same as the exterior materials on the principal building. Alternative exterior materials may be approved by the Director of Community Development if such materials are durable, similar to the exterior materials on the principal building, and of a type commonly used in residential construction in Raytown."

- 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.*

There is no unique situation on the property itself from which a variance would be appropriate relief to permit a highly reflective metallic skinned exterior which is not commonly used in residential construction in Raytown. As the applicants did not submit plans to the City for review and did not apply for a building permit before constructing the new RV storage building, this variance request is entirely created by actions of the applicants.

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

The applicants have created an excessively large view blocker constructed of a highly reflective metallic skin material and placed unnecessarily close to the property line, impacting neighbors' view and affecting their enjoyment of their property. Staff has received complaints of a "glare blinding" effect at certain times of the day, including a neighbor letter stating such which is attached to this report.

- 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.*

Any hardship to the applicant is self-imposed, being directly caused by the construction of the primary structure without having first submitted plans and acquired a building permit from the City of Raytown. Building permits are required to ensure structures are built in accordance with adopted building and fire codes and thus this structure was never approved for construction by the City. Furthermore, the metallic skin material would not have been approved had plans been submitted as the material is not commonly used in residential construction in Raytown and thus not approvable by the Director of Community Development.

- 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 without City review or inspections, staff is able to determine that

the building's metallic skin exterior and the glare caused by it already has and will continue to affect the public health, safety, morals, order, convenience, prosperity or general welfare of the city.

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 exterior material variance requested would be the minimum needed to permit the exterior to remain as is.

RECOMMENDATION

1. Staff believes that all 5 factors for approval of the variance from Section 50-129(c) of the Raytown Municipal Code regarding side yard setbacks, are not present as required by state statute prior to the granting of a variance.
2. Staff believes that all 5 factors for approval of the variance from Ordinance number 5181-07, approved February 20, 2007, Section 1-9.11(C), regarding maximum size of accessory buildings, are not present as required by state statute prior to the granting of a variance.
3. Staff believes that all 5 factors for approval of the variance from Ordinance number 5181-07, approved February 20, 2007, Section 1-9.11(E)(1) regarding exterior materials on accessory buildings, not present as required by state statute prior to the granting of a variance.

Attachments:

- Site Photos
- Application
- Applicant's Information In Support:
 - Variance Arguments
 - Site Plan
 - Construction Drawing
- Publication Affidavit
- Notice Documents
- Neighbor Letter
- Ordinance 5181-07





Case Number: _____

Date Received: 3/25/19

Fee Paid: \$350.00

**City of Raytown – Board of Zoning Adjustments
Variance/Appeal Application**

1. I hereby apply for:

Appeal from an administrative decision

Variance from any specific requirement

(Specify Zoning Code Section) _____

2. Name of Property Owner (as appears on deed): Margaret K Goforth & Michael Lee Goforth

3. Phone Number: Margaret (316) 405-7005 Michael (816) 785-1880

4. Address of Property Owner: 5912 Elm Ave, Raytown MO 64133

5. Signature of Owner: Margaret K Goforth

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

Name: _____

Phone: _____

Address _____

7. The property to which this application applies is located at: 5912 Elm Ave Raytown, MO 64133

Approximate Address (If address is currently unassigned): N/A

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

Install a metal shed, sold to us by Future Buildings, that's large enough to house our 32' Travel Trailer against weather and keep it from being parked on the ground next to the detached garage.

We paved the space next to the detached garage to tie into the existing drive way. The shed is close to the property lines and does not sustain the full 5 feet on the two sides that border other properties. The east side varies between 2-5 feet from the property line.

The back variance is on the easement used by utilities, KCPL indicated we cannot build on this easement since they need access. Our plan is to remove one of the 5' sections of the shed, then bring in the back panel and reattach it to clear to the easement. The flat/concrete surface is not an issue and does not need to be changed. If/when the other variances are approved, we will proceed with making these additional changes. We didn't want to incur any extra costs until we had approval whole project.

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

We have discussed putting up a shed in this location with of our neighbors: Darlene, Nancy, Dave, Delores and Jeannie. They had no issue with us making this addition on our property. We have also chosen the site to be set part way behind the current detached garage to allow access via a concrete driveway to back the RV into the shed. We tucked it behind the detached garage as much as we could, in a discrete location, but still be able to access the building to back the RV into the east side. See provided photos.

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

We would lose the money we invested in the building, concrete pad and driveway. We felt this is an investment in our property which we intend 5912 Elm to be our forever home. The company we bought the shed from, Future Buildings, told us that the building is to code and would be acceptable where we live. They even provided the certified blue prints as proof. We would lose this investment and be upside down if we cannot obtain an exception to keep this building. It's distressing to find out after the fact that the company only told us what we wanted to hear so we would purchase the shed.

12. The following conditions, which were not created by the owner's actions are unique to this parcel and are not commonly found on parcels use in similar ways:

Our property is larger with over 1.5 acres of land. We have enough property to support the additional shed building. Not clear what was being asked here. Perhaps this question doesn't apply.

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

The shed is still on our property, we did not cross property lines.

We added the new shed behind the existing detached garage so it sits in the same north east corner of the lot. The property to the east has an empty grassy area. The property to the north has a shed set behind the shed we built. Local utility company should still have access to the utility pole nearest the shed.

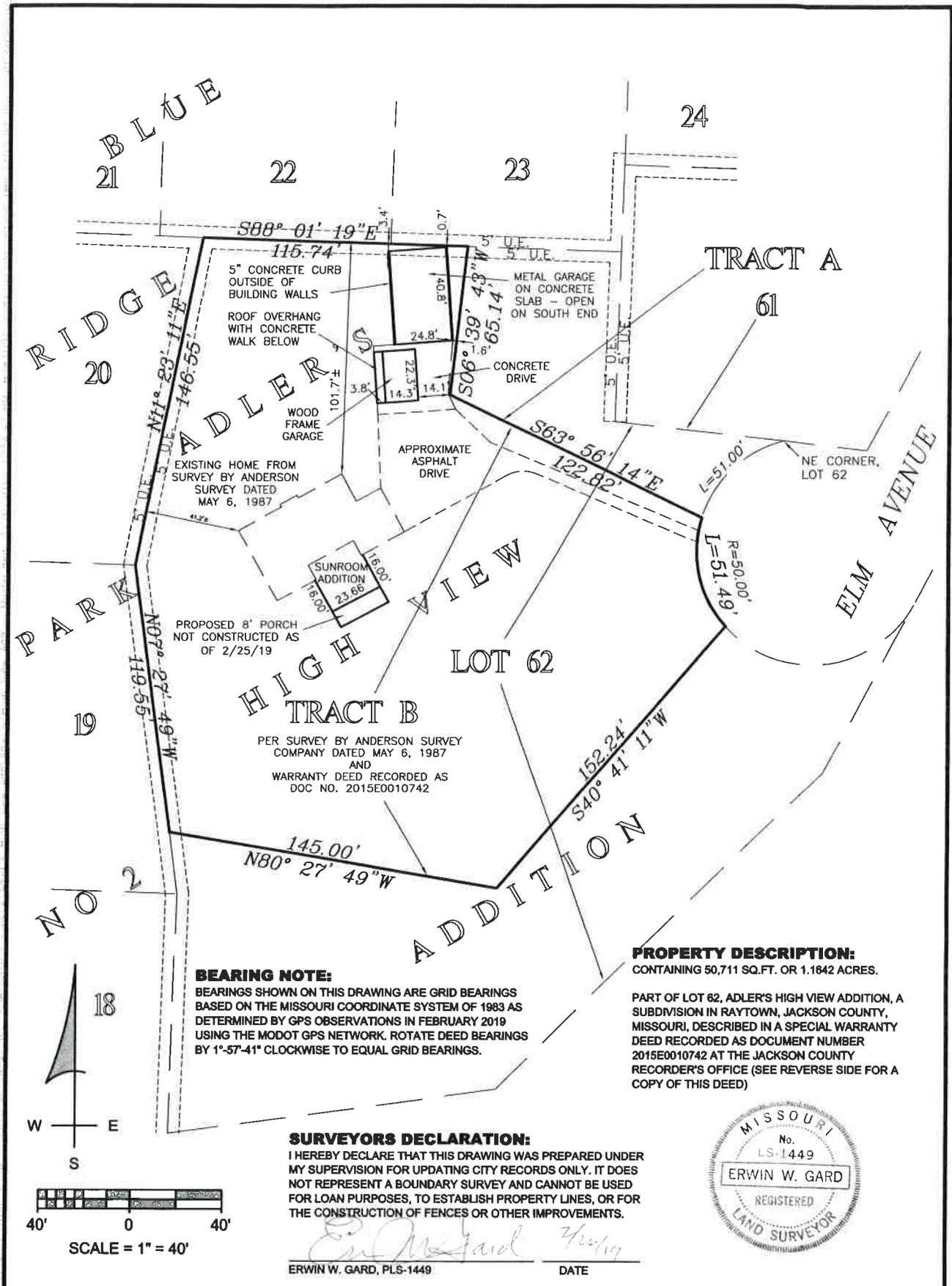
14. The proposed development would not be contrary to the generate spirit and intent of the zoning ordinance because:

The property we have is sufficient to support the additional structure and its size. We tied the new drive to the existing driveway and set the shed pad behind the current detached garage so it's in a discrete location on the corner of the property, tucked under the trees. The intent is to provide a shelter to house the RV and all the lawn equipment needed to maintain this large property. Choosing this location was an important consideration so it didn't require driving across the large sweeping lawn to other parts of the property. We engaged the services of a survey company who provided an updated site plan/survey of the specific area with the detached outbuildings to get clear lines of demarcation.

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

There are two variances: The material for the shed is steel, we have re-side the house and detached garage but the siding is not steel. We have replaced the old battered roof with a new steel roof, now the house/detached and shed material do match in this instance. It is our intention to paint the shed to match the house and detached garage so it's has a consistent look that blends with the rest of the property. The shed also encroaches within 5 feet of the property line, but it is not over. We have a land survey from 1987 that shows the property lines and the existing fencing

structure on the east property line still stands as a clear marker for the edge of the property that matches to the land survey. The new site plan also provides additional detail for the specified area. I understand this easement is to mitigate fire from spreading from one property to another. With the shed being metal, this risk is further mitigated. Utilities should still have access to the pole nearest the shed.



BEARING NOTE:
 BEARINGS SHOWN ON THIS DRAWING ARE GRID BEARINGS BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983 AS DETERMINED BY GPS OBSERVATIONS IN FEBRUARY 2019 USING THE MODOT GPS NETWORK. ROTATE DEED BEARINGS BY 1°-57'-41" CLOCKWISE TO EQUAL GRID BEARINGS.

PROPERTY DESCRIPTION:
 CONTAINING 50,711 SQ. FT. OR 1.1642 ACRES.
 PART OF LOT 62, ADLER'S HIGH VIEW ADDITION, A SUBDIVISION IN RAYTOWN, JACKSON COUNTY, MISSOURI, DESCRIBED IN A SPECIAL WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2015E0010742 AT THE JACKSON COUNTY RECORDER'S OFFICE (SEE REVERSE SIDE FOR A COPY OF THIS DEED)

SURVEYORS DECLARATION:
 I HEREBY DECLARE THAT THIS DRAWING WAS PREPARED UNDER MY SUPERVISION FOR UPDATING CITY RECORDS ONLY. IT DOES NOT REPRESENT A BOUNDARY SURVEY AND CANNOT BE USED FOR LOAN PURPOSES, TO ESTABLISH PROPERTY LINES, OR FOR THE CONSTRUCTION OF FENCES OR OTHER IMPROVEMENTS.



ERWIN W. GARD, PLS-1449 DATE

GARD HORIZON LLC
 LAND SURVEYING : BUILDING PERMIT & HOUSE PLAN SERVICES
 REAL ESTATE : LARGE FORMAT SCANS & PRINTS

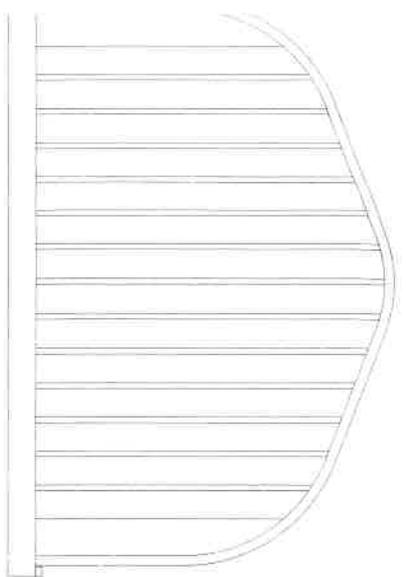
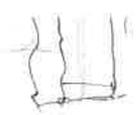
1040 SW Luttrell, Suite E2
 Blue Springs, Missouri 64015
 Phone: 816-295-5951
 Web: gardhorizon.com

Erwin W. Gard, Owner
 Professional Surveyor ~ Realtor
 Call: 816-853-4559
 Email: erwin@gardhorizon.com

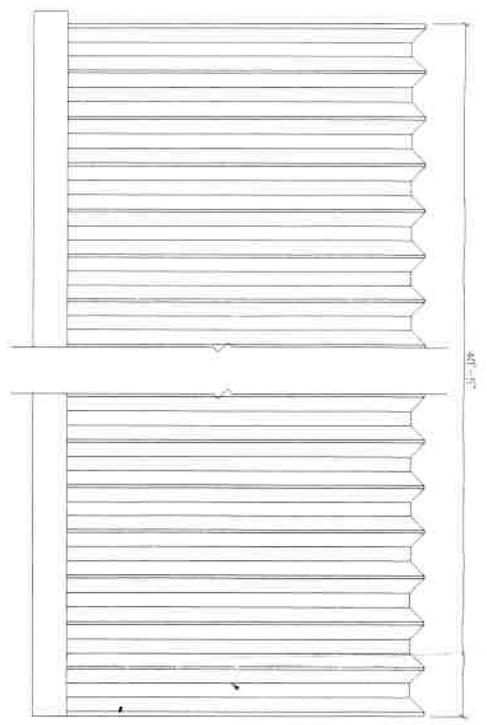
"AS BUILT" PLOT PLAN
 PART OF LOT 62, ADLER'S HIGH VIEW ADDITION
 5912 ELM AVENUE
 RAYTOWN, JACKSON COUNTY, MISSOURI

MARGARET GOFORTH
 5912 ELM AVENUE
 RAYTOWN, MISSOURI 64133

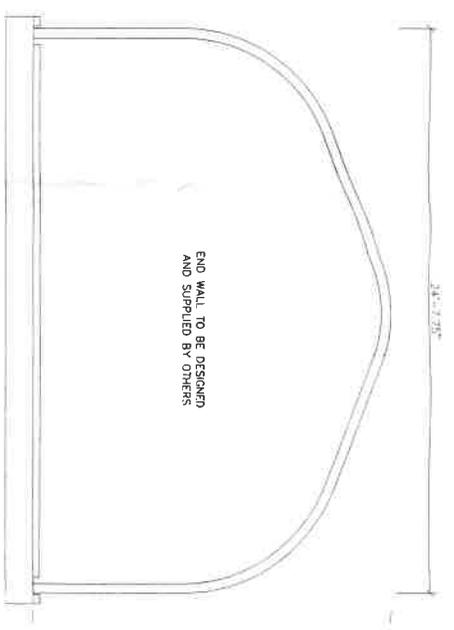
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SUB FOLDER:	
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FILE NAME:	
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FIELD BOOK - PAGE:	
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E. GARD	
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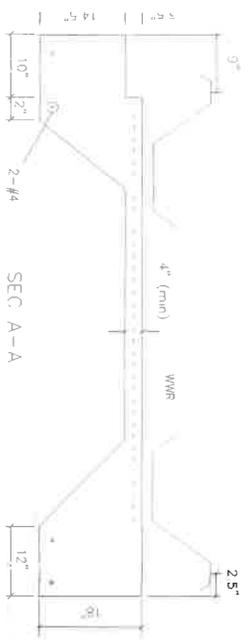
REAR ELEVATION



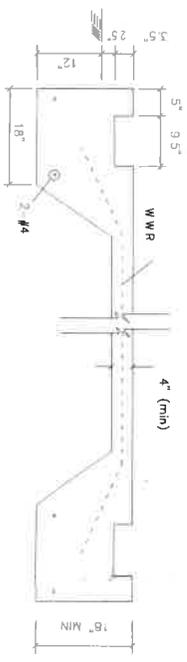
SIDE ELEVATION



FRONT ELEVATION



SEC. A-A

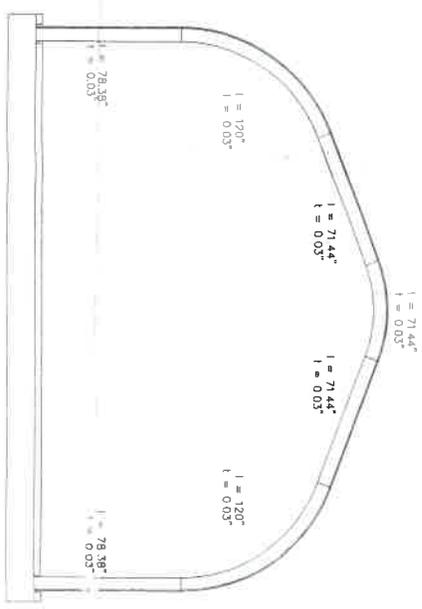


SEC. B-B

WARNING: DO NOT REMOVE OR REDUCE THE CONCRETE FLOOR OR THE REINFORCING STEEL, AND/OR RAISE THE TOPS OF THE FOOTERS ABOVE THE FLOOR OR BUILDING FAILURE MAY RESULT

Minimum Concrete Cover:

- (a) Concrete Cast against earth: 3"
- (b) Concrete exposed to earth or weather: 2"
- No. 6 through No. 10 bars: 3"
- No. 5 bar and smaller: 0.75"
- (c) Concrete not exposed to earth or weather: 0.75"



ARCH PROFILE

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF JACKSON

} S.S.

Before the undersigned Notary Public personally appeared **Karle 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 **July 23, 2019** edition and ending with the **July 23, 2019** edition, for a total of 1 publications:

07/23/2019

Karle Clark

Karle Clark

Subscribed & sworn before me this 23rd day of July, 2019
(SEAL)

[Signature]

Notary Public

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 multiple variances, filed by Margaret Goforth, regarding a parcel of property located at 5912 Elm Avenue, in an R-1, Low Density Residential, zoning district. This variance application seeks relief from certain requirements of the Raytown Municipal Code pertaining to accessory structures, as adopted by Ordinance No. 5181-07 on February 20, 2007, and as required by Section 50-129 of the Raytown Municipal Code, to permit the applicant to:

1. install an accessory building that is closer than 5 feet from property lines;
2. that has 2 accessory structures both exceeding the maximum 720 square feet and 120 square feet sizes permitted for a primary and secondary such structure; and
3. will be constructed of a material not permitted (Galvanized aluminum-type) that does not match the principal structure exterior materials and is also not commonly used for such purposes within Raytown.

The public hearing will be held on Thursday, August 8th, 2019 at 7:00 p.m., at Raytown City Hall - 10000 East 59th Street, Raytown, MO 64133

The public is invited to attend the public hearing and provide public comment. A complete copy of the application and proposed plans are available in the Community Development Office during regular business hours or contact Chris Gilbert at chrisg@raytown.mo.us or (816) 737-6059.

11770966 Jackson Jul. 23, 2019



Chris Gilbert

From: Margaret Goforth <mgoforth63@gmail.com>
Sent: Thursday, July 25, 2019 12:13 PM
To: Margaret Goforth; Chris Gilbert
Subject: Re: 5912 Elm Ave Shed Project





Community Development Department
10000 East 59th Street
Raytown, Missouri 64133
(816) 737-6014
www.raytown.mo.us

July 17, 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 multiple variances, filed by Margaret Goforth regarding a parcel of property located at 5912 Elm Avenue. This variance application seeks relief from the requirements of the Raytown Municipal Code pertaining to:

- Minimum accessory building setback distance.
- Maximum permitted size of accessory buildings.
- Using a siding material for an accessory building not permitted by code.

The public hearing will be held on Thursday, August 8th, 2019 at 7:00 p.m., at Raytown City Hall - 10000 East 59th Street, Raytown, MO 64133

The public is invited to attend the public hearing and provide public comment. A complete copy of the application and proposed plans are available in the Community Development Office during regular business hours or contact Chris Gilbert at chrisg@raytown.mo.us or (816) 737-6059.

MAILING LIST FOR BZA VARIANCE APPLICATION NOTIFICATION

OWNER	OWNER ADDRESS	TENANT	TENANT ADDRESS
JAMES & LINDA DE LONG	5900 LAUREL AVE, RAYTOWN MO 64133	SAME	
MIGUEL NAVA-CRUZ	5901 LAUREL AVE, RAYTOWN MO 64133	SAME	
ANDREW ONG	5231 BLUE RIDGE BLVD, RAYTOWN MO 64133	TENANT	5912 LAUREL AVE, RAYTOWN MO 64133
ROGER & DONNA LOU BRUENGER	5913 LAUREL AVE, RAYTOWN MO 64133	SAME	
RODNEY & ASHLEY BURMASTER	5918 LAUREL AVE, RAYTOWN MO 64133	SAME	
JENNIFER DELISE	5921 LAUREL AVE, RAYTOWN MO 64133	SAME	
HENRY & REBECCA TEAFORD-BOLDRIDGE	5928 LAUREL AVE, RAYTOWN MO 64133	SAME	
MICHAEL & MARSHALL RHEGAN HIGHTOWER	5929 LAUREL AVE, RAYTOWN MO 64133	SAME	
ISRAEL ESPARZA	5937 LAUREL AVE, RAYTOWN MO 64133	SAME	
ANGELIA BUESING	6638 S HIGHWAY C, HARWOOD MO 64750	TENANT	6000 ELM AVE, RAYTOWN MO 64133
ANGELIA JUNGERMAN	6000 ELM AVE, RAYTOWN MO 64133	SAME	
NANCY L FERGUSON LIVING TRUST	5909 ELM, RAYTOWN MO 64133	TENANT	5909 ELM, RAYTOWN MO 64133
DARLENE RYAN	5906 ELM, RAYTOWN MO 64133	SAME	
DAVID BANKS & REBECCA GLEN	5905 ELM, RAYTOWN MO 64133	SAME	
DEJUAN TRENT & TIA DOUGLAS	9215 E 59 TH ST, RAYTOWN MO 64133	SAME	
CRAIG & DAWN BELGARDE	9209 E 59 TH ST, RAYTOWN MO 64133	SAME	
SHIRLEY MIGLETTZ	9201 E 59 TH ST, RAYTOWN MO 64133	SAME	

JULY 30 TH, 2019

TO: CITY OF RAYTOWN COMMUNITY DEVELOPMENT DEPARTMENT

ATTENTION: RAYTOWN BOARD OF ZONING ADJUSTMENT

We are writing this letter in response, regarding an application for multiple variances filed by Margaret Goforth, 5912 Elm Avenue Raytown, Mo.

As neighbors, and citizens of Raytown who have abided by requirements of the Raytown Municipal Codes ourselves, we believe that Ms. Gogorth should abide by these codes as well. We also worry that this large, unattractive galvanized building, which glares in the sun, making it unenjoyable to look out our windows, as we have full view of the total length of this building from our property, will have a negative effect on the value of our home. Thank you for your consideration on our behalf.

Roger & Donna Bruenger

5913 Laurel Ave.

Raytown, Mo 64133

Roger Bruenger
Donna Bruenger

1 AN ORDINANCE AMENDING SECTION 1-9.11 PERMITTED ACCESSORY USES, OF
2 THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RAYTOWN,
3 MISSOURI.
4

5 WHEREAS, Application PZ-2006-021, submitted by the City of Raytown, proposing
6 amendments to Section 1-9.11 Permitted Accessory Uses, of the Comprehensive Zoning Regulations
7 for the City of Raytown, Missouri, was referred to the Planning Commission to hold a public
8 hearing; and
9

10 WHEREAS, after due public notice in the manner prescribed by law, the Planning
11 Commission held a public hearing for the request on January 4, 2007, and rendered a report to the
12 Board of Aldermen recommending that the amendment be approved; and,
13

14 WHEREAS, after due public notice in the manner prescribed by law, the Board of
15 Aldermen held a public hearing on February 6, 2007, and rendered a decision to amend the zoning
16 regulations.
17

18 Now therefore, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
19 RAYTOWN, MISSOURI, AS FOLLOWS:
20

21 Section 1. That Section 1-9.11 of the Comprehensive Zoning Regulations
22 for the City of Raytown, Missouri, is hereby amended to read as follows:
23

24 **1-9.11 Permitted Accessory Uses.** Any structure, vehicle or device may be allowed as an
25 accessory use or structure if it meets the definition of accessory use or building contained in
26 these regulations. Such uses may include, but are not limited to, the following:
27

28 On all property zoned residential, all accessory buildings shall comply with the following
29 regulations unless a conditional use permit has been issued for the accessory building,
30 pursuant to Section 20 of these Zoning Regulations:
31

- 32 A. An accessory building shall not be constructed on a lot until the principle
33 structure has been constructed.
34
35 B. Number of Accessory Buildings Allowed: No more than two accessory
36 buildings shall be located on a lot.
37
38 C. Size of Accessory Buildings Allowed: No accessory building shall cover a land
39 area exceeding 720 square feet and a second accessory building shall not cover a
40 land area exceeding 120 square feet.
41
42 D. Maximum Height of Accessory Buildings:
43

1 (1) An accessory building covering a land area of 720 square feet or less shall
2 not have a height greater than the principle building on the property or fifteen
3 (15) feet, whichever is less.
4

5 (2) An accessory building covering a land area of 120 square feet or less shall
6 not exceed eight (8) feet in height.
7

8 E. Exterior Materials Allowed:
9

10 (1) The exterior materials of an accessory building covering more than 120
11 square feet of land area shall be the same as the exterior materials on the
12 principle building. Alternative exterior materials may be approved by the
13 Director of Community Development if such materials are durable, similar to
14 the exterior materials on the principle building, and of a type commonly used
15 in residential construction in Raytown.
16

17 (2) The exterior on an accessory building that is 120 square feet or less shall
18 consist of one of the following materials:

- 19 a. Prefabricated metal shed kit;
- 20 b. Wood siding;
- 21 c. Cement fiber siding;
- 22 d. Clear fiberglass siding commonly used for greenhouses;
- 23 e. Other exterior materials approved by the Director of Community
24 Development if such materials are durable, similar to the exterior
25 materials on the principle building, and of a type commonly used in
26 residential construction in Raytown.
27

28 F. Accessory buildings shall comply with all other applicable regulations and codes
29 of the City of Raytown.
30

31 On all property zoned residential, all accessory uses shall comply with the following
32 regulations:
33

34 A. Storage of recreational equipment and vehicles such as boats, camping trailers or
35 motor homes is permitted, provided that they shall not be utilized for living
36 purposes, except for the convenience of temporary lodging only for a period of
37 two (2) weeks each year and, when stored on a residential lot as personal
38 property of the occupant, shall not be located within the right-of-way of any
39 dedicated street or less than five (5) feet from any property line, as long as such
40 storage is on a paved surface.
41

42 B. Guest houses (without kitchen facilities) or rooms for guests in a permitted
43 accessory building, provided that such facilities are used for the occasional
44 housing of guests of the occupants of the principal building and not as rental

1 units for permanent occupancy as housekeeping units.
2

3 C. Outdoor storage shall not be permitted as an accessory use, except as specifically
4 permitted in the district regulations.
5

6 On all property zoned residential, all accessory structures other than accessory buildings
7 shall comply with the following regulations unless approved as part of a Planned Zoning
8 Overlay District or a conditional use permit has been issued for the accessory structure,
9 pursuant to Section 20 of these Zoning Regulations:
10

11 A. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences and walls
12 constructed in accordance with these zoning regulations, bathhouses and
13 swimming pools that are enclosed by a security-type fence as approved by the
14 Community Development Director, regardless of whether the pool is above or
15 below ground.
16

17
18 B. Pens, kennels, or other enclosures used for the keeping of animals are permitted,
19 subject to the following conditions:
20

21 (1) No pen, kennel or other enclosure for the housing of dogs or cats shall be
22 kept or maintained within fifteen (15) feet of the nearest portion of any
23 building occupied by or in any way used by human beings, other than the
24 dwelling occupied by the owner or keeper of the dogs or cats, or within
25 ten (10) feet of any property line.
26

27 (2) No chicken coop, dove cote, rabbit hutch or other yard establishment for
28 the housing of fowl or small animals, except dogs and cats, shall be kept
29 or maintained closer than one hundred (100) feet to the nearest portion of
30 any building occupied by or in any way used by human beings, other
31 than the dwelling occupied by the owner or keeper of the animals or
32 fowl, or within twenty-five (25) feet of any property line.
33

34 (3) No pen, kennel or other enclosure used for the keeping of animals shall
35 exceed 216 square feet.
36

37 Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are
38 hereby repealed.
39

40 Section 3. That this ordinance shall be in full force and effect from and after the
41 date of its passage and approval.
42

BILL NO. 6042-07 ORDINANCE NO. 5181-07 SECTION NO. XIII

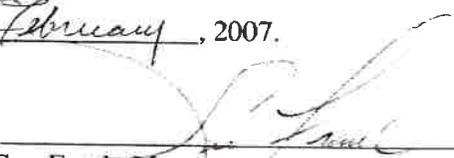
1 BE IT REMEMBERED that the above was read two times, and upon final vote taken the
2 20th day of February, 2007, was approved by the Board of Aldermen of the City
3 of Raytown, Jackson County, Missouri upon the following vote:
4

Alderman	Aye	Nay	Absent/Abstain
Walters	✓		
Ness			✓
Aziere	✓		
Hamilton	✓		
Smith	✓		
Melson			✓
Schlapia	✓		
Hartwell	✓		
Fleming	✓		
Riehle	✓		
Tie Vote: Mayor Frank			

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Teresa Newton, City Clerk

APPROVED BY THE MAYOR the 20th day of February, 2007.


Sue Frank, Mayor

or:

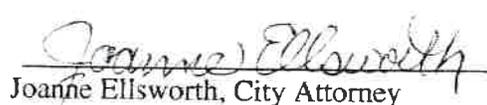
APPROVED without the Mayor's signature the _____ day of _____, 2007.

or:

APPROVED over the Mayor's veto the _____ day of _____, 2007.

ATTEST:

Teresa Newton, City Clerk

APPROVED AS TO FORM:

Joanne Ellsworth, City Attorney

Sponsor(s): The Planning Commission