

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

June 10, 2021
7:00 P.M.

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

BY VIDEO CONFERENCE

In response to the continuing COVID-19 situation and the City of Raytown Council Chamber being unavailable for use, this meeting will be held by on-line video conference. For additional questions, please contact City Planning and Zoning Staff at (816) 737-6059.

Individuals wishing to make Public Comments at the Board of Zoning Adjustment Meeting can do so by utilizing the below listed meeting connection information to join the meeting and stating you wish to speak when the Chairperson opens the floor up to comments from the public.

Here is the Zoom Meeting Connection Information:

Zoom.us/join
Meeting ID: 921 4563 9189
Passcode: 438336

1. Open Meeting
2. Roll Call
3. Approval of Meeting Minutes – January 9, 2020

4. Old Business – None

5. New Business:

A. Case #: BZA 2021-01

Request: Variance from Minimum Front Yard Setback in NC, Neighborhood Commercial Zone, reducing Setback to a minimum of 3 feet to accommodate Outdoor Seating Area Canopies. (Sec 50-187 of Raytown Municipal Code)

Location: 6020 Blue Ridge Blvd.

Applicant: Marvin and Jonesther Russell

Property Owner: Same as Applicant

6. Other Business –

A. **Annual Meeting and Election of Officers**

1. Legal Briefing from Lauber Law Firm Attorney regarding Variance Law

2. Election of Chairperson and Vice-Chairperson

7. Set Tentative Future Meeting Date – No new cases scheduled as of date of this agenda packet.

8. Adjourn

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

January 9, 2020
7:00 P.M.

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

MEETING

1. Open Meeting

Chairman Riehle called the meeting to order at 7:00 PM.

2. Roll Call

Aprill Present

Cook Present

Morales Absent

Murray Present

Riehle Present

Tush (Alt) Absent

Wilson (Alt) Absent

3. Approval of August 8, 2019 Meeting Minutes

A. Changes: N/A

B. Motion: Cook

C. Second: Murray

D. Vote: Approved 4-0-0

4. Old Business – None.

5. New Business:

A. **Case #:** **BZA 2019-04**
Requests: Variance from Minimum Side Yard Setbacks from 20 feet to 8 feet
Location: 6411 Evanston Ave.
Applicant: Durbin Tree Service
Property Owner: Same

Chairman Riehle opened the public hearing and introduced the case.

1. Swearing in of any person who may wish to speak for or against the application
Performed by City Counsel of all persons wishing to testify.
2. Explanation of any exparte' communication from Board of Zoning Adjustment members regarding the application.
None.
3. Entering of exhibits into the record:
Chairman Riehle introduced the staff report and its attachments into the record.
4. Introduction of application by staff.
Chris Gilbert, planning & Zoning Coordinator, presented the staff report for the case and reviewed the requested variance in detail.
5. Presentation of variance application by applicant
Chad Anderson, on behalf of the applicant, presented the application to the Board. Doug Durbin, the applicant, provided additional supporting information.
6. Request for public comment
No members of the public wished to speak on this application.
7. Rebuttal, if necessary, by the applicant.
None
8. Summary of additional information by staff
Mr. Gilbert provided the recommendation that the variance be granted as requested.
9. Board discussion
Limited board discussion on the merits of the application.
10. Close public hearing
Chairman Riehle closed the public hearing.

11. Board decision to approve, conditionally approve or deny the application
 - a) *Motion – Murray*
 - b) *Second – Apprill*
 - c) *Additional Board Discussion - None*
 - d) *Vote – **Motion carried 4-0. Variance request was approved, reducing the side yard setback on the south side of the lot from 20 feet to 8 feet.***

6. **Other Business** – *None.*

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

8. **Adjourn** – *Meeting was adjourned at 7:30 P.M. by acclamation.*



Staff Report

Community Development
Planning and Development Services

BZA 2021-01

To: City of Raytown Board of Zoning Adjustment
From: Chris Gilbert, Planning and Zoning Coordinator
Date: June 10, 2021
Re: Application for Variance

VARIANCE APPLICATION SUMMARY

Applicant: The Newzroom Café
Property Owner: Marvin and Jonesther Russell
Property Location: 6020 Blue Ridge Blvd., Raytown, Missouri
Request: A variance from Municipal Code Section 50-187 to allow for the front yard setback adjacent to Blue Ridge Blvd. to be reduced to a minimum of 3 feet to accommodate the installation of un-sided but roofed outdoor seating canopies to provide weather protection for guests.

BACKGROUND

Property's Zoning Classification	Neighborhood Commercial (NC)
Surrounding Properties' Zoning	Neighborhood Commercial / Low Density Residential
Surrounding Overlay	Central Business District
Surrounding Land Use	Commercial/Office, Single Family Residential
Designated Future Land Use	Downtown District
Ward	Ward 2
Approximate Land Area	0.2 Acres
Roadway Classification	Collector

SITE DESCRIPTION AND PRESENT USE

The subject parcel is narrow and long 0.2 acre lot with an existing restaurant structure and parking lot on the property. It is approximately 107 feet long by 55 feet width and frontage onto Blue Ridge Blvd. Lot coverage is over 50% which is common for buildings located in Raytown's Commercial core. The current restaurant use has a concrete outdoor seating area that already exists which has been accessory to the available restaurant indoor seating. Since the COVID-19 pandemic, although it is now easing somewhat, outdoor seating and social distancing has been the preferred method to help reduce the spread of the virus. The applicants have filed this variance request to provide protection for their outdoor guests with a decorative, roofed but un-sided, canopy over a part of the seating area.



Staff Report

Community Development
Planning and Development Services

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is surrounded by non-conforming residential lots with single and multiple family homes constructed upon them to the north and west, a convenience store to the south, and Raytown High School to the east across Blue Ridge Blvd.

HISTORY

The current property owners have owned the Newzroom Café since February 2020, just before the COVID-19 pandemic shutdowns in March, 2020. The previous business in the building was a Pizzeria/Bakery known as Crust Plus.

PUBLIC COMMENTS

The public notice was published in *The Daily Record* on May 26, 2021. The Community Development Department has received no letters or calls regarding this application as of the 4th of June, but has had discussions with the immediate neighbor to the property that would like to see additional screening installed between the properties. Any calls or letters received after June 4th will be updated at the meeting on June 10th.



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



ANALYSIS OF VARIANCE APPLICATION

This variance request is required to meet the following 5 conditions as contained in the Raytown Municipal Code Section 50-83:

- 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 situation is unique based upon the social distancing and personal safety efforts encouraged by all levels of government during the ongoing COVID-19 pandemic, which, while it is easing up some, is still present and dangerous and a unique situation in almost everyone's lifetime. The City of Raytown has an interest in preserving its commercial business base during this difficult time and no industry has been hit harder than the restaurant/bar category with the social distancing requirements imposed by government to combat the spread of the virus.

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

Properties to the south and east are not likely to be affected at all, being across roadways and containing a convenience store and a high school, but to the north and east, existing residential properties can be impacted by greater use of the outdoor seating area. This area already exists for outdoor seating but is open to the weather so is not nearly as effective as a covered area would be. Potential increased noise impacts exist with increased outdoor use by customers to nearby properties. There is a fence on the north abutting the residential use but it ends due to code requirements at the front yard setback.

- 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.*

The COVID-19 pandemic and the personal and economic devastation it has wrought in every community has certainly created a hardship on practically all restaurant/bar operations and many have not survived already without a continuing revenue stream. An outdoor seating area to permit social distancing not in an enclosed room continues to be popular and gives these types of businesses a chance to survive the pandemic and thrive in its aftermath.

- 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. Since the Downtown Raytown area has many existing businesses close to the street, most



Staff Report

Community Development
Planning and Development Services

notably on 63rd Street, separated from on-street parking and through traffic by only a sidewalk, staff believes the canopies constructed three feet or more behind the sidewalk would not significantly affect the public health, safety, morals, order, convenience, prosperity or general welfare of the city and in many ways retaining our businesses through the pandemic itself contributes to the general welfare of the community.

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

The size of the variance requested would be the minimum amount needed since the canopy structures have a set size and they would be installed between the parking area concrete barrier wall and the sidewalk in the outdoor seating area. These canopies do not have walls but are supported by 4 securely mounted pylon feet as shown on the attached photo in this packet.

RECOMMENDATION

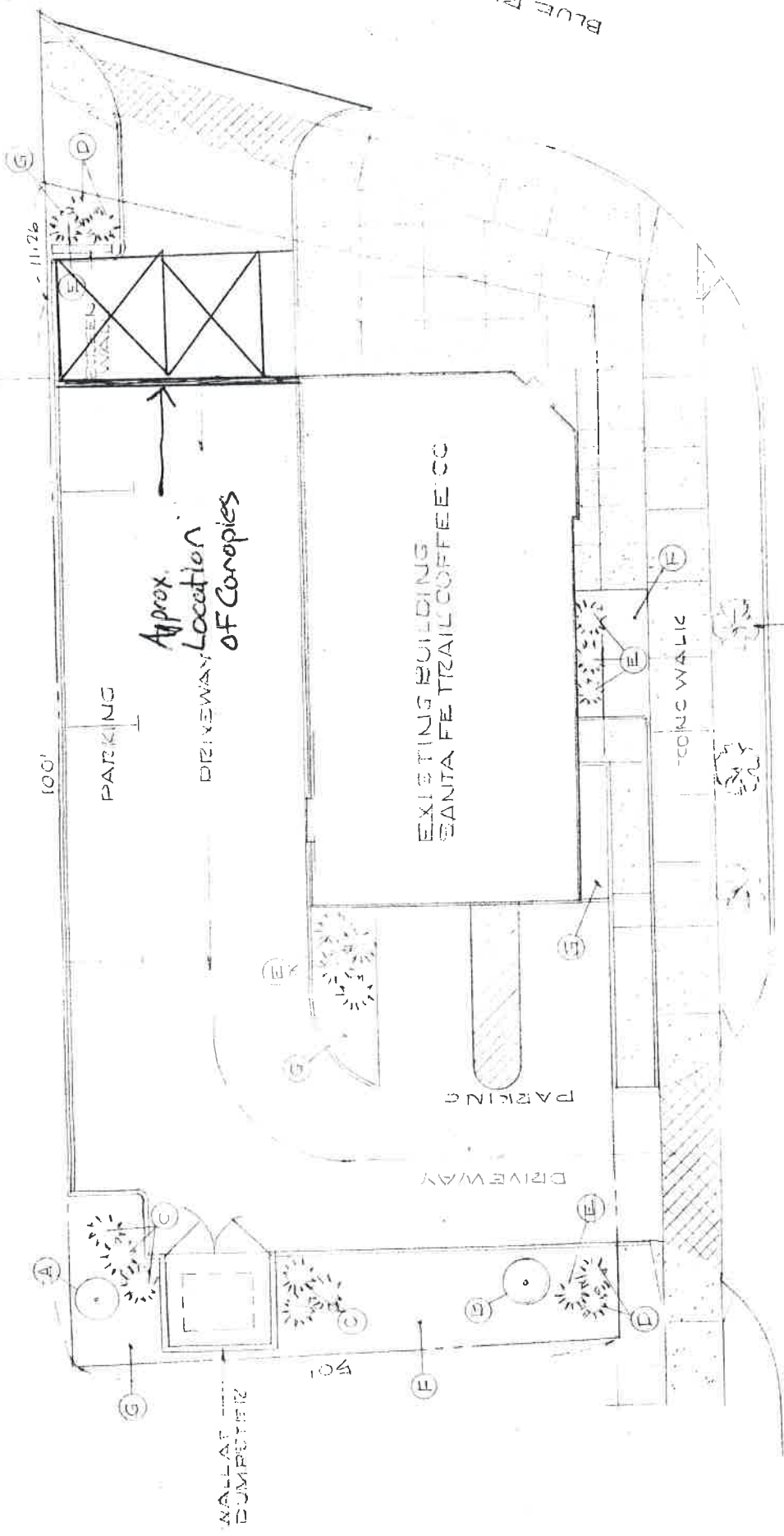
Staff believes that all five (5) factors for approval of the variance from Section 50-187 of the Raytown Municipal Code regarding front yard setbacks, are present as required by state statute prior to the granting of a variance. In making its decision, and before concurring with this recommendation to 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 Related Documents
- Application
- Public and Neighbor Notice Documents
- Ownership and Licensing Documents



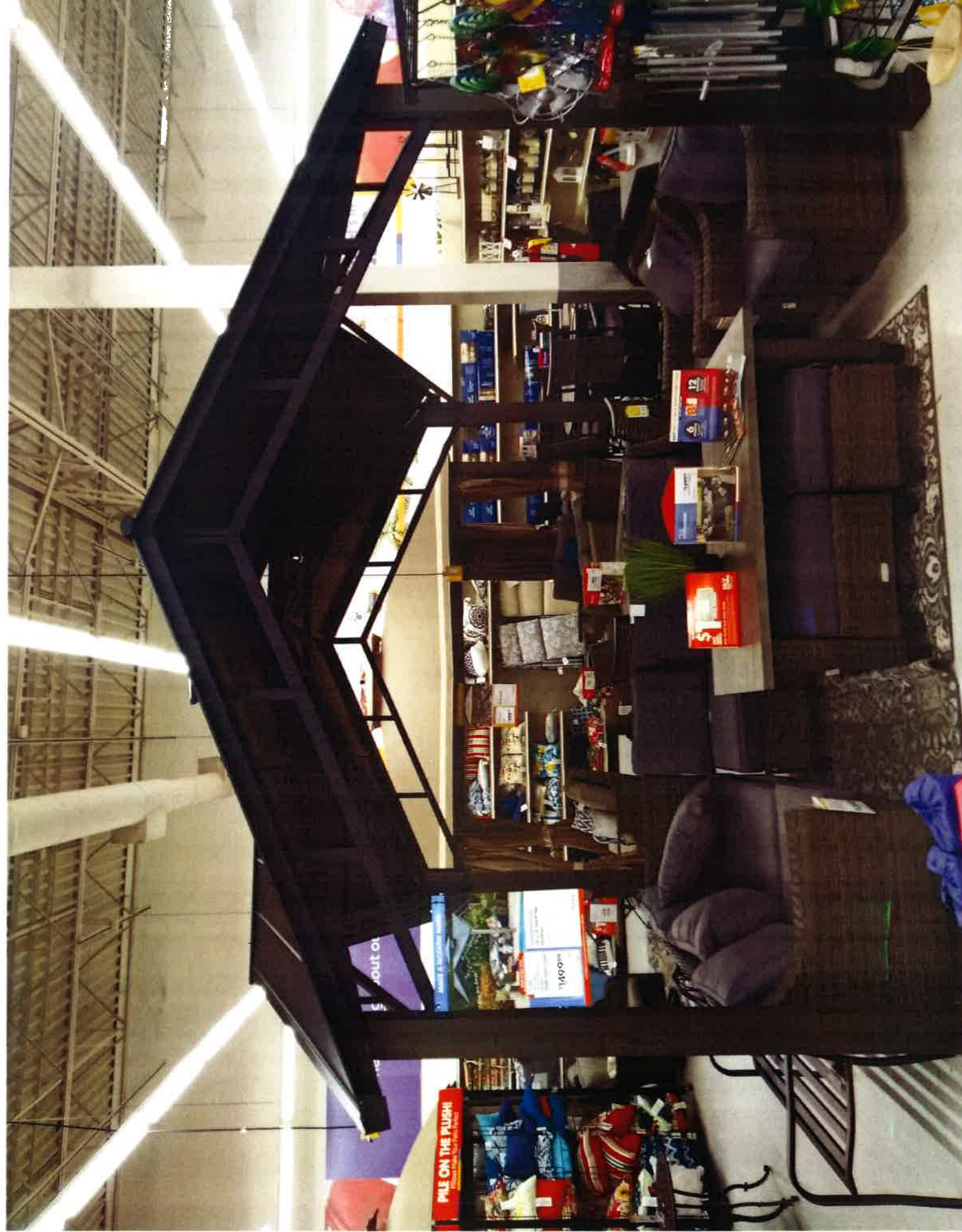
BLUE RIBBON



TREES 2 1/2" CALIBER 27' ABOVE GRADE
 TO NOT INTERFERE W EXIST OH UTILITY
 LINES AS DETERMINED BY CITY OF RAYTOWN
 TREE BOARD'S "TREE REGULATIONS"

60TH TERRACE

N
 LANDSCAPE PLAN
 1" = 10'







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

Variance from any specific requirement

(Specify Zoning Code Section) _____

2. Name of Property Owner (as appears on deed): MARVIN B. RUSSELL JR and JONESTHER M. LEWIS-RUSSELL (hus. & wife)

3. Phone Number: 816 260-3157 or 816 820-5244

4. Address of Property Owner: 15711 E 78th St KCMO 64139

5. Signature of Owner: Marvin B Russell Jr and Jonesther M Lewis-Russell

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

Name: J. Michelle Lewis-Russell

Phone: 816 820-5244

Address 15711 E 78th St KCMO 64139

7. The property to which this application applies is located at: 6020 Blue Ridge Blvd. Raytown, MO 64133

Approximate Address (If address is currently unassigned): _____

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: _____

Add a CANOPY OVER the patio that is already there. The issue is the distance although there is an existing patio. Also the CANOPY (hardcover) will NOT be attached to the building.

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

there is already an existing seating patio area. The hardcover canopy will only enhance the space.

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

Reduce seating because of heat & light rain. Reduce our support of Social Distancing and people having constant fresh air. Due to COVID it is encourage to be outside and allow people more space.

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:

This ~~CANOPY~~/HARDCOVER IS NOT unique. On Blue Ridge Blvd other businesses already have hard CANOPY COVERS.

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

it already exist as A seating area (Patio) we are just proposing cover from the sun and encourage people to sit outside. The patio canopy will create additional social distancing by encouraging customers to sit outside.

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

it's what we are trying to do in Raytown. Develop the business area and encourage people to come outside.

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

~~It will not affect any current walking space, nor any city needs, because the land in use will not change.~~
The variance will support social distancing. It will not affect any current walking space, nor any city needs, because the land in use will not change.

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF JACKSON

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Brandon Crail** 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 **May 24, 2021** edition and ending with the **May 24, 2021** edition, for a total of 1 publications:

05/24/2021

Notice of Public Hearing

The City of Raytown Community Development Department has received an application for a Variance submitted by Marvin and Jonesther Russell, operators of the Newroom Café located at 6020 Blue Ridge Blvd. in Raytown, Missouri, that would reduce the front setback to 3 feet from the property line along Blue Ridge Blvd. to accommodate outdoor dining easements for restaurant customers (See attached location map).

A public hearing to consider this application will be held by the Raytown Board of Zoning Adjustment at 7:00 pm on Thursday, June 10, 2021.

All public hearings normally take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133, however, with the Council Meeting Chamber continuing to undergo renovations, this meeting will be held on a Zoom online meeting connection. Please continue to watch the City of Raytown official website for connection information posted directly on the first page of the meeting agendas closer to the meeting date or contact City Community Development staff at the contact information listed below.

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6059 or by e-mail at chrags@raytown.mo.us.

If you will require any special accommodation in order to attend this online public hearing, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the public hearing date.

12003369 Jackson May 24, 2021

Brandon Crail

Subscribed & sworn before me this 24th day of May, 2021
(SEAL)

Notary Public

CHANEL JONES
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires August 08, 2022
Commission Number: 14397721



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

19 May 2021

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Raytown, MO



1 in. = 113ft.

226.9 0 113.45 226.9 Feet



- Legend**
- Road
 - Parcel
 - Address Point
 - City Limit

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Tenant
6012 Blue Ridge Blvd,
Raytown, MO 64133

Tenant
6008 Blue Ridge Blvd
Raytown, MO 64133

Michael Brandon Debra Frazier
6013 Raytown Rd
Raytown, MO 64133

Jay Smith Jr
5953 Cedar
Raytown, MO 64133

Elizabeth Murphy
021 Raytown Rd
Raytown, MO 64133

Raytown Christian Church
6108 Blue Ridge Blvd
Raytown, MO 64133

Raytown Consolidated
District #2
6608 Raytown Rd,
Raytown, MO 64133

Room 101
Blue Ridge Blvd
Raytown, MO 64133

Professional Office Bldg, LLC
9508 E. 63rd
Raytown, MO 64133

Newz Room Cafe

Minit Mart, LLC
165 Flanders
Westborough

Madden
RAYTOWN, MO 64133



Whole Chicken Wings,
Fish, & Hamburgers

VARIANCE
APPLICATION NUMBER
BZA 2021-01 *Newroom Cafe*
PUBLIC HEARING AT CITY HALL
BEFORE BOARD OF ZONING ADJUSTMENT ON
June 10, 2021 at 7:00 P.M.
CITY OF RAYTOWN, MISSOURI
Unauthorized Removal, Defacing, or Destruction of this Sign Punishable by Law.

Order Online menu

CLOSED

Breakfast Starting
May 22 Sat. and Sun. 8-12

6020
Blue Ridge



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
07/26/2011 11:00:43 AM
WD - FEE: \$ 24.00 2 Pages

INSTRUMENT NUMBER:
2011E0068669

General Warranty Deed

This Deed, made and entered into on July 25, 2011, by and between **Grantor(s)**: Jennifer Bales a/k/a Jennifer Morales, and John Bales, wife and husband, whose address is 6020 Blue Ridge Blvd, Raytown, MO 64133 of the County of Jackson, State of MO and **Grantee(s)**: Marvin B. Russell, Jr. and Jonesther M. Lewis-Russell, husband and wife, of the County of Jackson, State of MO. **Mailing Address of the Grantee(s)**: 15711 E. 78th St, Kansas City, MO 64139.

Witnesseth, that the Grantor(s), for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by the Grantee(s), the receipt of which is hereby acknowledged, do(es) by these presents **Grant, Bargain and Sell, Convey and Confirm** unto the Grantee(s), the following described Real Estate, situated in the County of Jackson and State of Missouri, to-wit:

TRACT 1:

ALL THAT PART OF THE SOUTH 78.05 FEET OF LOT 16, ASKANAS HEIGHTS, A SUBDIVISION IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI AND THE SOUTH 78.05 FEET OF LOT 1, CASSELL HOMESTEAD, A SUBDIVISION IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16, A FOUND 1/2 INCH REBAR WITH PLASTIC CAP NUMBER 2072; THENCE NORTH 88 DEGREES 49 MINUTES 17 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 16, 96.78 FEET (100 FEET DEED) TO A FOUND 1/2 INCH REBAR WITH PLASTIC CAP NUMBER 2072; THENCE NORTH 00 DEGREES 07 MINUTES 43 SECONDS WEST, 78.05 FEET TO A SET 1/2 INCH REBAR WITH PLASTIC CAP NUMBER 2008016658; THENCE SOUTH 88 DEGREES 49 MINUTES 17 SECONDS EAST, PARALLEL WITH SAID SOUTH LINE 120.59 FEET TO A SET 1/2 INCH REBAR WITH PLASTIC CAP NUMBER 2008016658 AND THE WEST RIGHT-OF-WAY LINE OF BLUE RIDGE BOULEVARD AS NOW ESTABLISHED; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY ALONG A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 1,186.30 FEET, 81.10 FEET TO THE POINT OF BEGINNING.

Subject to Building lines, easements, restrictions and conditions of record, if any, and to any zoning law or ordinance affecting the herein described property.

First American Title - NCS
7200 College Blvd
Overland Park, KS 66210
439312

Recorded Electronically	
ID	2011E0068669
County	JACKSON
Date	7/26/11
Time	11:00:43 AM
Simplifile.com 800.460.5657	

General Warranty Deed

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FIRST AMERICAN TITLE - NCS
 7200 COLLEGE BLVD
 OVERLAND PARK, KS 66210
 # 439312



Official Receipt

Jackson County, MO

2020 Property Tax

Paid November 24th, 2020

Receipt Details

Receipt Number 12029092	Amount Applied \$491.34
Payer Name RUSSELL MARVIN B JR & JONESTHER M LEWIS-	Tender Type ACH
Payer Address 6020 BLUE RIDGE BLVD RAYTOWN, MO 64133	

Real Property

Property Account Number 45-120-03-35-00-0-00-000

Name
RUSSELL MARVIN B JR & JONESTHER M LEWIS-

Address
6020 BLUE RIDGE BLVD
RAYTOWN, MO 64133

Since 2011-07-25	To --
----------------------------	-----------------

Legal Line

ASKANAS HEIGHTS---S 78.05' LOT 16 & S 78.05' LOT 1 CASSELL HOMESTEAD DAF: BEG SE COR LOT 16 TH N 88 DEG 49 MIN 17 SEC W 96.78' TH N 00 DEG 07 MIN 43 SEC W 78.05' TH S 88 DEG 49 MIN 17 SEC E 120.59' TH SWLY ALG CURV LF RAD 1186.3' ARC DIST 81.1' TO POB (KNOWN AS TRACT A CERT SUR T -35 PG-09)

Tax Year 2020

Receipt Details

Amount Applied \$426.96	Unpaid Balance \$0.00	Description A/V Principal-Commer
Amount Applied \$64.38	Unpaid Balance \$0.00	Description Replacement Tax

Distribution of Districts

STATE BLIND PENSION
\$1.34
BOARD OF DISABLED SERVICES
\$2.91
MENTAL HEALTH
\$4.73
METRO JUNIOR COLLEGE
\$9.53
MID-CONTINENT LIBRARY
\$16.56
CITY - RAYTOWN

\$21.46
JACKSON COUNTY
\$27.37
FIRE DISTRICT - RAYTOWN
\$59.91
RAYTOWN SCHOOL C-II
\$283.14

Any unpaid balance will continue to accumulate interest, penalties, and fees.

This receipt reflects the amount of any current unpaid balance at the time this receipt is generated. It does not include any such interest, penalties and fees that are later accrued. Changes to the account may change the unpaid balance amount.

If this payment does not clear your financial institution, this receipt is void and you may receive a returned item fee and late penalty. Please verify with your financial institution that this payment has cleared.



City of Raytown, Missouri
Occupational License

License Number: 007763-1

Expires: 01/31/2022

License is hereby Granted To : NEWZROOM CAFE LLC

NEWZROOM CAFE LLC
6020 BLUE RIDGE BLVD
RAYTOWN, MO 64133-3935

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 Kathie Schutte

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

City Clerk Teresa Henry

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