

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

May 12, 2022
7:00 P.M.

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

1. **Open Meeting**
2. **Roll Call**
3. **Approval of Meeting Minutes** – December 9, 2021
4. **Old Business – None**
5. **Election of Chairperson and Vice-Chairperson**
6. **New Business:**
 - A. **Case #:** BZA 2022-01
Location: 5725 Blue Ridge Cutoff
Request: Variance from Raytown Municipal Code Section 50-10(a)(1) to permit a roofed and enclosed front porch area within the required front yard setback.
Applicant: Catherine Packard
Property Owner: Catherine Packard
7. **Other Business**
 - A. **3, 2, One Raytown, GO (Bonds)! Presentation by City Administrator**
 - B. **BZA Annual Meeting and Briefings for 2022**
8. **Set Tentative Future Meeting Date** – Next Meeting will be June 9, 2022, to consider a Front Yard Setback Variance Application.
9. **Adjourn**

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

December 9, 2022
7:00 P.M.

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

MEETING

1. Open Meeting

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

2. Roll Call

<i>Apprill Present</i>	<i>Cook Present</i>	<i>Wilson (Alt.) Present</i>
<i>McDaniel Present</i>	<i>Riehle Absent</i>	<i>Tush (Alt) Absent</i>

3. Approval of November 11, 2021 Meeting Minutes

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

4. Old Business – None.

5. New Business:

- A. Case #: **BZA 2021-03**
Location: 9813 E. 66th Street

Request: A 10.12-foot variance from the 20-foot rear yard setback stated in Municipal Code Chapter 50, Article IV, Sec. 50-187

Applicant: Steve Mullally of Rolland Studios, represented by Christopher Jones of the Law Office of Christopher Jones, LC

Property Owner: Steve J. and Melanie R. Mullally

Vice-Chairman Cook 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:

Vice Chairman Cook 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

Chris Jones, attorney with Law Offices of Christopher Jones in Raytown, representing the applicant, presented the application to the Board.

6. Request for public comment

No persons spoke regarding 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 and that if granted, the applicant will have to submit a site plan application to the City and go through the process as well as accounting for all necessary parking for the use including a cross-access easement agreement if necessary.

9. Board discussion

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 – McDaniel*

b) *Second – Apprill*

c) *Additional Board Discussion - None*

d) *Vote – Motion carried 4-0. Variance request was approved.*

6. **Other Business – None.**

7. **Set Tentative Future Meeting Date – *No cases presently under review.***

8. **Adjourn – *Meeting was adjourned by acclamation at 7:18 P.M.***



Staff Report

Community Development
Planning and Development Services

BZA 2022-01

To: City of Raytown Board of Zoning Adjustment
From: Chris Gilbert, Planning and Zoning Coordinator
Date: May 12, 2022
Re: Application for Variance

VARIANCE APPLICATION SUMMARY

Applicant: Catherine Packard
Property Owner: Catherine Packard
Property Location: 5725 Blue Ridge Blvd., Raytown, Missouri
Request: A variance from Municipal Code Section 50-10(a)(1) to permit a roofed and enclosed front porch area within the required front yard setback.

BACKGROUND

Property's Zoning Classification	R-1, Low Density Residential (R-1)
Surrounding Properties' Zoning	R-1, Low Density Residential, R-3 High Density Residential
Surrounding Overlay	None
Surrounding Land Use	Low Density Residential
Designated Future Land Use	Single Family Residential
Ward	Ward 3
Approximate Land Area	14,766 Square Feet
Roadway Classification	Corner of Arterial Street with Local Street

SITE DESCRIPTION AND PRESENT USE

The subject parcel is a single-family owner-occupied residence on a corner lot on the southeast corner of Blue Ridge Cutoff and 57th Terrace. The property owner has constructed a handicapped ramp up to what was a permitted front raised porch area but then also added a roof over this porch and enclosed the area. Per Section 50-10(a)(1), a covered porch is specifically excluded from being an exempted front yard obstruction. This extension intrudes approximately 10 feet into the front yard area and the work is already done as it was done without a permit. The building official has ways to inspect after the fact should this variance be approved.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is surrounded by low density residential lots with single family homes constructed upon them in all directions. Zoning on the applicant's side of Blue Ridge Cutoff is Low Density Residential and on the West side of the street is High Density Residential.

HISTORY

The existing home on the property was built in 1953 on Lot 16 of Hodges Heights and continues to be used as a single-family home. A current resident of the property is handicapped, and a ramp was constructed from the driveway up to the front of the house. The same resident reported injurious falls due to snow and ice on the surface of the porch area and desires to have the porch covered to provide greater protection from such weather events.

PUBLIC COMMENTS

The public notice was published in *The Daily Record* on April 19. The Community Development Department has received no letters or calls regarding this application as of the date of packet publication (May 6, 2022). Any calls or letters received the week before the meeting will be updated at the BZA meeting on May 12, 2022.



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

ANALYSIS OF VARIANCE APPLICATION

Prior to examining the staff analysis presented below, please review the responses provided by the applicant that addresses the factors contained below from the property owners' point of view. This variance request is required to meet the following 5 conditions as contained in the Raytown Municipal Code Section 50-10(a)(1):

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.*



Staff Report

Community Development
Planning and Development Services

While this property owner certainly had the work done prior to receiving City approvals for the enclosed porch area and could be considered a self-imposed situation, the handicapped status of the resident on the property is certainly not an issue that can be considered self-imposed as we have little control over aging and disability.

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

Some other homes along the east side of Blue Ridge Blvd. north and south of the subject property also have partially covered porch areas so this would not be unusual in the neighborhood. Also the improvement does not in any way affect the corner lot sight triangle for traffic visibility at Blue Ridge Cutoff and 57th terrace.

- 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.*

As the property has a resident that is handicapped and uses a 4-legged walker to get around, denying the variance and exposing the person to risks associated with additional slips trying to enter the home would certainly constitute a hardship, and potentially life-threatening as well.

- 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. The proposed front yard obstruction variance will provide a greatly increased level of health safety for the residents as they continue to enter and exit the home in the future. In addition, with other properties having similar roof extensions in the vicinity, this would not be opposed to the spirit and intent of the City Zoning Regulations.

- 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 extent of this variance is recommended to be limited to what is existing currently in the form of a covered front porch area, as shown on the attached photos, and not permitted to expand in any way.

RECOMMENDATION

Staff believes that all five (5) factors for approval of the variance from Section 50-10(a)(1) of the Raytown Municipal Code regarding permitted front yard obstructions can be met. In making its decision, and before concurring with this recommendation to approve, staff believes the Zoning Board



Staff Report

Community Development
Planning and Development Services

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.

Direction to Applicant:

Should the variance be approved, the applicant shall file the necessary paperwork with the Community Development Department to have the roofed porch improvement properly permitted and inspected no later than 30 days following the approval of this variance. The variance is not final until 30 days after the action taken by the Board of Zoning Adjustment to accommodate the required 30 day appeal period for any aggrieved party to Jackson County Circuit Court.

Attachments:

- Full-Size Site Photos
- Application
- Public and Neighbor Notice Documents
- Ownership and Licensing Documents







Case Number: _____

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): Catherine L. Packard

3. Phone Number: 816 868 9446

4. Address of Property Owner: 5725 Blue Ridge Cutoff
Raytown, MO 64133

5. Signature of Owner: Catherine L. Packard

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: _____

5725 Blue Ridge Cutoff Raytown

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: _____

I would like to keep my screened in porch w/ roof. In front of my house. The afternoon sun is very hot on my front door and screen door. If you have to open them they are hot to touch to hold open.

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

It allows me to use my walker and be safe. I've fallen several times before my ramp & deck were put up. Doesn't pose a risk near the street or my neighbors property line.

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

unnecessary hardships: Financial hardship due to limited income. Holes left in my siding from large screws used to hold boards up.

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:

add additional security to my home.
We had people knock on my front several times wanting to know what time the bus comes by. I don't open up my front door after dark. I am here by myself I am 68 yrs old.

13. The proposed development or variance would not adversely affect the rights of

adjacent property owners because:

Neighbors property lines not effected as the structure extends to my driveway.

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

the zoning ordinance because:

A Screened in porch cant be considered something you can live in. So I can go out and smoke and no one can see me. I live on a very busy street.

15. The variance (or exception) requested is the minimum needed to make possible the

reasonable use of the land or structure because:

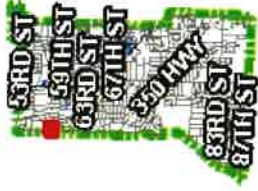
The roof is to help keep me dry coming into porch. Didn't have anything before so I always was very wet coming in.

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

- Postage for public notice letters
- Published notice in the newspaper

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

Raytown, MO



Legend

— Road

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

274.8

137.42

0

274.8 Feet

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF JACKSON

} S.S.

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 **April 19, 2022** edition and ending with the **April 19, 2022** edition, for a total of 1 publications:

04/19/2022



Brandon Crail

Subscribed & sworn before me this 19th day of Apr., 2022
(SEAL)



Notary Public



**Notice of Public Hearing
City of Raytown Board of Zoning
Adjustment**

Affected Property: 5725 Blue Ridge Cutoff, Raytown, Missouri
Jackson County Parcel ID # 32-380-07-05-00-0-00-000

The City of Raytown Community Development Department has received an application for a Variance submitted by Catherine Packard, owner of a single-family residence addressed as 5725 Blue Ridge Cutoff, in Raytown, Missouri. This application is requesting a variance from Raytown Municipal Code Section 50-10(a)(1), that prohibits a permanent roof over an open or closed porch in a required yard area, to permit a previously existing uncovered porch to be enclosed and fully roofed within what would otherwise be considered as the required front yard setback area of the residence.

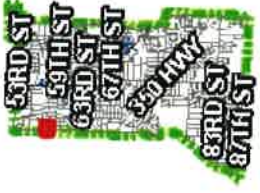
A public hearing to consider this application will be held by the Raytown Board of Zoning Adjustment at **7:00 pm on Thursday, May 12, 2022. All public hearings take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.**

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 chrisg@raytown.mo.us.

If you will require any special accommodation to attend this 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.

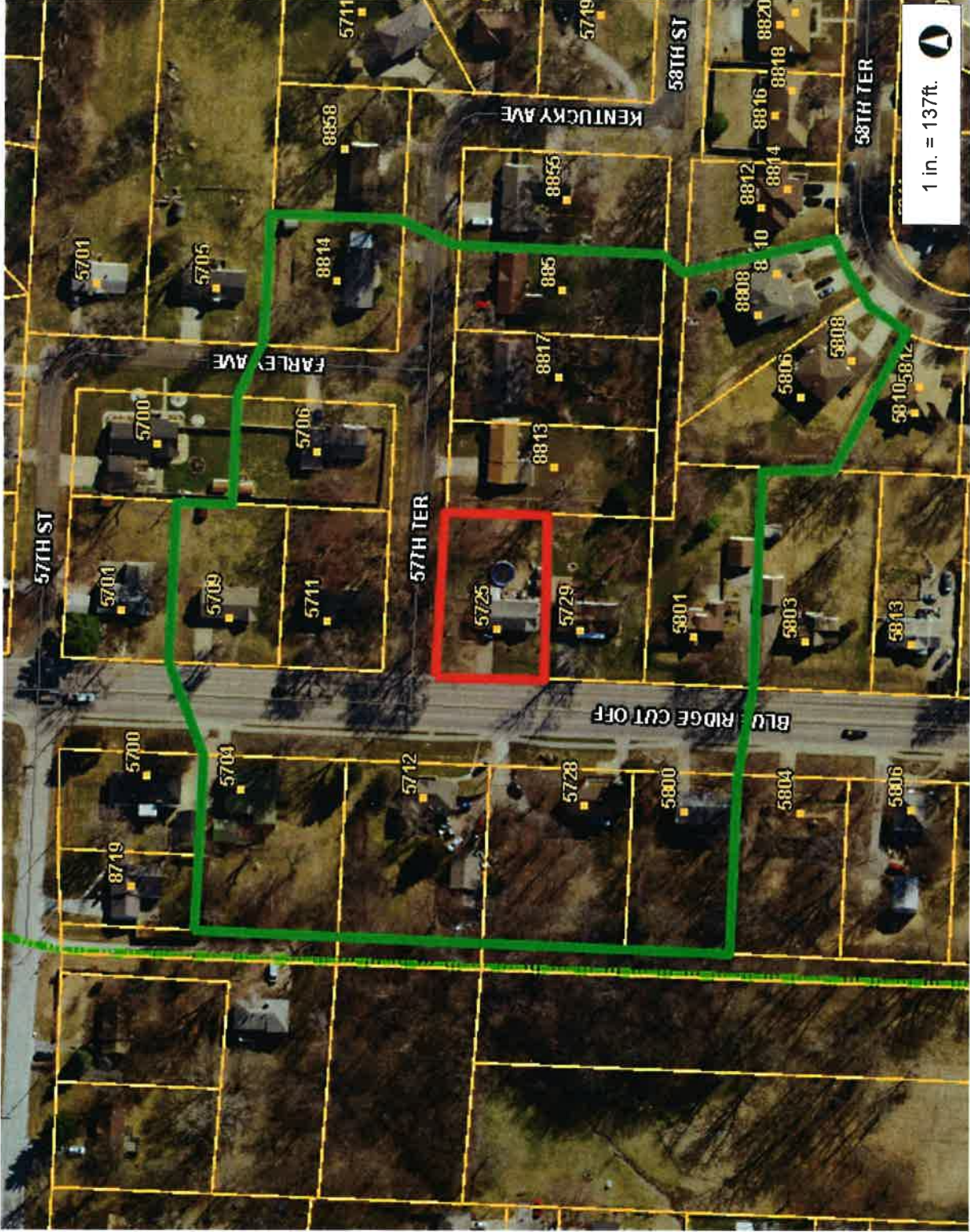
12110266 Jackson Apr. 19, 2022

Raytown, MO



Legend

- Road
- Parcel
- Address Point
- City Limit



1 in. = 137ft.

274.8 Feet

137.42

0

274.8

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April 15, 2022

Dear Property Owner/Tenant:

Notice of Public Hearing in Your Area

The City of Raytown Community Development Department has received an application for a Variance submitted by Catherine Packard, owner of a single-family residence addressed as 5725 Blue Ridge Cutoff, in Raytown, Missouri. This application is requesting a variance from Raytown Municipal Code Section 50-10(a)(1), that prohibits a permanent roof over an open or closed porch in a required yard area, to permit a previously existing uncovered porch to be enclosed and fully roofed within what would otherwise be considered as the required front yard setback area of the home.

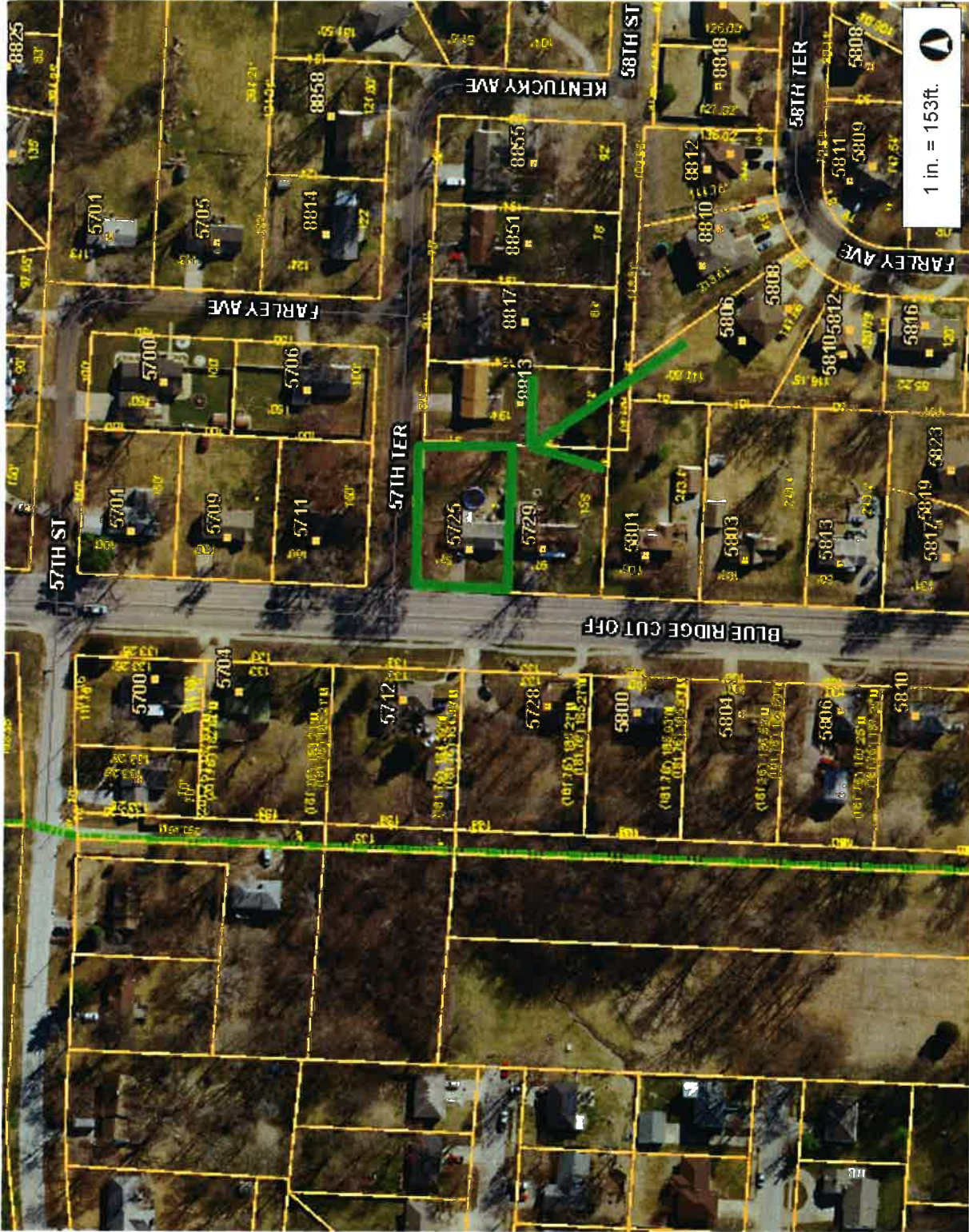
A public hearing to consider this application will be held by the Raytown Board of Zoning Adjustment **at 7:00 PM on Thursday, May 12, 2022**. The full packet and agenda should be available for view on the City of Raytown website on Friday, May 6, 2022.

All public hearings take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.

The public is invited to attend this 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 phone at (816) 737-6059 or by e-mail at chrisg@raytown.mo.us.

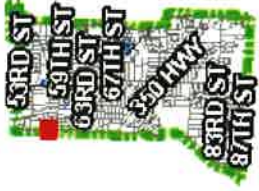
If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) to attend either of these public hearings, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing date.

Raytown, MO



Legend

- Road
- Parcel
- Address Point
- City Limit



Notes

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305.5 0 152.73 305.5 Feet

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

09/13/2005 04:10:58 PM

INSTRUMENT TYPE: WD FEE: \$24.00 2 Pages



INSTRUMENT NUMBER/BOOK & PAGE:

200510080953



ROBERT T. KELLY, DIRECTOR OF RECORDS

Missouri Warranty Deed

Kansas City Title - File # 38508
201 W. Lexington, Suite 301
Independence, MO 64050

THIS INDENTURE, made this 12th day of August, 2008, by and between **Yolanda D. Dean**, a single person, as GRANTOR, and **Catherine L. Packard**, as GRANTEE, whose mailing address is **5725 Blue Ridge Cutoff, Raytown, MO 64133**.

WITNESSETH: THAT SAID GRANTOR, in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged by GRANTOR, does hereby **grant, bargain and sell, convey and confirm**, unto the said GRANTEE, and unto GRANTEE'S heirs and assigns forever, the following described real property situated in the County of Jackson, State of Missouri to-wit:

Hodge's
Lot 16, ~~HODE'S~~ HEIGHTS, a subdivision in Raytown, Jackson County, Missouri.

Subject to all easements, restrictions and reservations, 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 anywise appertaining, unto the said GRANTEE and unto GRANTEE'S heirs and assigns forever; the said GRANTOR hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; except as stated above and except for all taxes and assessments, general and special, not now due and payable; and that it will warrant and defend the title of the said premises unto the said GRANTEE, and unto GRANTEE'S heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

If two or more persons constitute either GRANTOR or GRANTEE, the words GRANTOR and GRANTEE shall be construed to read GRANTORS or GRANTEES, whenever the sense of this Deed requires.

IN WITNESS WHEREOF, The said GRANTOR has executed this instrument the day and year first above written.

Yolanda D. Dean

Yolanda D. Dean

State of *MO*
County of *Jackson*

On this *12th* day of *August*, 20 *05*, before me personally appeared

Yolanda D. Dean, a single person,
to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal in said County and State, the day and year last above written.

My commission expires:

**SUE MANNING
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
CASS COUNTY
MY COMM. EXPIRES FEB. 16, 2007**

Sue Manning

Notary Public
Sue Manning

When recorded return to:
Catherine L. Packard
5725 Blue Ridge Cutoff
Raytown, MO 64133

KANSAS CITY TITLE
201 W. LEXINGTON, #301
INDEPENDENCE, MO 64050
In 38508



CERTIFICATE

STATE OF MISSOURI)
)
) SS
COUNTY OF JACKSON)

I, Diana Smith, Director of Recorder of Deeds within and for the County of Jackson, in the State of Missouri, aforesaid, do hereby certify that the above is a full, true and complete copy of the instrument (i.e. numbered and/or book & page) 2005E0080953 as the same appears on file in my office.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said office of the Recorder of Deeds of Jackson County, Missouri, this 14th day of March, 2022.



Diana Smith
Director of Recorder of Deeds

BY: Cathy W. [Signature]
DEPUTY

(THIS PORTION ONLY USED WHEN NOTARIZATION IS REQUIRED)

STATE OF MISSOURI)
)
) SS
COUNTY OF JACKSON)

On this _____ day of _____, _____, before me, _____, a Notary Public for the State and County above mentioned, personally appeared _____, known to me to be the party signing this document as his free act and deed, for the Department of Recorder of Deeds, in his capacity as Deputy.

Notary Public



Official Receipt

Jackson County, MO

2021 Property Tax

Paid December 6th, 2021

Receipt Details

Receipt Number
12675157

Amount Applied
\$1,602.79

Payer Name
PACKARD CATHERINE L

Tender Type
PAYIT ONLINE

Payer Address
5725 BLUE RIDGE CUT OFF
RAYTOWN, MO 64133

Real Property

Property Account Number 32-830-07-05-00-0-00-000

Name
PACKARD CATHERINE L

Address
5725 BLUE RIDGE CUT OFF
RAYTOWN, MO 64133

Since
2005-08-12

To
-

Legal Line
HODGES HEIGHTS LOT 16

Tax Year 2021

Receipt Details

Amount Applied
\$1,578.25

Unpaid Balance
\$0.00

Description
A/V Principal-Reside

Distribution of Districts

STATE BLIND PENSION

\$5.02

BOARD OF DISABLED SERVICES

\$11.09

MENTAL HEALTH

\$18.01

METRO JUNIOR COLLEGE

\$33.91

MID-CONTINENT LIBRARY

\$57.98

CITY - RAYTOWN

\$79.67

JACKSON COUNTY

\$97.38

FIRE DISTRICT - RAYTOWN

\$218.50
RAYTOWN SCHOOL C-II
\$1,056.70

Personal Property

Property Account Number 100418508

Name
PACKARD CATHERINE L

Address
5725 BLUE RIDGE CUT OFF
RAYTOWN, MO 64133

Since 2006-04-28 **To** --

Tax Year 2021

Receipt Details

Amount Applied	Unpaid Balance	Description
\$24.54	\$0.00	AV Principal-Regular

Distribution of Districts

STATE BLIND PENSION
\$0.08
BOARD OF DISABLED SERVICES
\$0.17
MENTAL HEALTH
\$0.28
METRO JUNIOR COLLEGE
\$0.53
MID-CONTINENT LIBRARY
\$0.90
CITY - RAYTOWN
\$1.24
JACKSON COUNTY
\$1.51
FIRE DISTRICT - RAYTOWN
\$3.40
RAYTOWN SCHOOL C-II
\$16.43

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.

3, 2, One Raytown, GO (Bonds)! Presentation

City Administrator Damon Hodges and Alderman Ryan Myers will discuss how Questions 1, 2 and 3 on the August 2, 2022, ballot will work together to rebuild, reconstruct, and maintain the City's roads and infrastructure through a proposed \$53 million in general obligation (GO) bonds.