

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

November 11, 2021
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 – June 10, 2021**
- 4. Old Business – None**
- 5. New Business:**
 - A. **Case #:** BZA 2021-02, Beverly Place Apts., 10309 E. 61st Street
Request:
 - (1) A 2.5 foot variance to the maximum front yard fence height stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(2)(d);
 - (2) A variance from the 40% open front yard fence surface area requirement stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(3)(a) for that portion of the security fence that is located within the front yard setback and faces the sides of the property; and
 - (3) A 20.11-foot variance from the 30-foot front yard setback stated in stated in Municipal Code Chapter 50, Article IV, Sec. 50-167(b).

Applicant: Alpine Expo, LLC, represented by Husch Blackwell, LLP
Property Owner: Alpine Expo, LLC
- 6. Other Business – None**
- 7. Set Tentative Future Meeting Date – December 9, 2021, to hear a setback variance application.**
- 8. Adjourn**

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

June 10, 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

Apprill Present

Cook Present

Morales Absent

Murray Present

Riehle Present

Tush (Alt) Absent

Wilson (Alt) Absent

3. Approval of January 9, 2020 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 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

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

Marvin Russell, applicant, presented the application to the Board.

6. Request for public comment

John Bales, 6016 Blue Ridge Blvd., Spoke regarding the application and was not opposed.

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

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 – Riehle*
 - c) *Additional Board Discussion - None*
 - d) *Vote – **Motion carried 4-0. Variance request was approved.***

6. Other Business – Annual Meeting and Election of Officers.

For Chairman: Pat Riehle nominated. Murray/Cook, vote passed 4-0.

For Vice-Chair: James Cook nominated. Riehle/Murray, vote passed 4-0.

Jennifer Baird, City Counsel, gave a brief presentation on BZA responsibilities and duties.

7. **Set Tentative Future Meeting Date** – *No meeting date is set until staff has a case for review.*
8. **Adjourn** – *Meeting was adjourned at 8:15 P.M. upon motion by Murray and second by Riehle.*



BZA 2021-02

To: City of Raytown Board of Zoning Adjustment
From: Chris Gilbert, Planning and Zoning Coordinator
Date: November 11, 2021
Re: Application for Variance for Front Yard Screening Fence

VARIANCE APPLICATION SUMMARY

Applicant: Chris Kline, Husch Blackwell LLP on behalf of Alpine Expo, LLC
Property Owner: Alpine Expo, LLC
Property Location: 10309 E. 61st Street, 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	High Density Residential (R-3)
Surrounding Properties' Zoning	Neighborhood Commercial to the west / Low Density Residential to the north and east / High Density Residential to the South
Surrounding Overlay	None
Surrounding Land Use	Commercial/Office, Multi and Single Family Residential, High School
Designated Future Land Use	Multi-Family Residential
Ward	Ward 2
Approximate Land Area	2.24 Acres
Roadway Classification	Local Residential Street

SITE DESCRIPTION AND PRESENT USE

The subject parcel is the Beverly Place Apartments that has recently undergone a full remodel to upgrade the apartment units and the complex as a whole. As part of the full remodel, the contractors installed a full perimeter fence around the property, including in the required front yard setback off of 61st Street without City approval. The owner was provided with options to correct the situation and chose to retain the law firm of Husch Blackwell to prepare and marshal a variance application through the process. The full perimeter fencing is all a part of the overall redevelopment of the site and the owner was not keen on cutting back the fencing to the front of the first building and leaving a parking area not protected by the barrier that is inside the front yard setback.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is surrounded by a mix of uses, with Raytown High School to the north, commercial zoning to the west, low density residential to the east and high density residential to the south.

HISTORY

The Beverly Place Apartments have existed under various names, including Alpine Village for almost 60 years having been primarily constructed between 1965 and 1967. In 2020-21 they underwent a major renovation that saw the entire site upgraded under permit, except for the fence which doesn't require permits but still has to meet Zoning Ordinance guideline. The fence they installed without talking to staff first does not meet code requirements and that ultimately led to this variance application.

PUBLIC COMMENTS

The public notice was published in *The Daily Record* on October 25th, 2021, and all property owners within 185 feet of the property were notified by individual letter. The Community Development Department has received no letters or calls regarding this application as of the 4th of November. Any calls or letters received after June 4th will be updated at the meeting on June 10th.



Figure 1 – Location of Subject Property and Surrounding Area

ANALYSIS OF VARIANCE APPLICATION

Note: The applicant's law firm provided very strong arguments for issuance of the variance which are included as an attachment to this report. This variance request is required to meet the following 5 conditions as contained in the Raytown Municipal Code Section 50-83:



Staff Report

Community Development
Planning and Development Services

1. **Uniqueness:** *The variance requested arises from such condition that is unique to the property in question and that is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant.*

The owners' intent for installing the gated security fence was to provide a measure of safety and security to the residents of the apartment complex by restricting access to parties that did not need to have access. One of the parking areas intended to be included in the protection barrier was the parking lot serving the northernmost building and without a variance that would not be possible, exposing certain residents to a much lower level of safety and security.

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

Staff does not believe granting the variance will be detrimental to the neighbors as the full security fence provides an additional measure of privacy and safety to all its neighbors from the activities of the apartment complex and thus creates an additional buffer to the surrounding uses.

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 safety and general welfare of the residents of the apartment complex would be impacted by the inability of the owners to provide a full gated security fence for all the residents of the complex, not just some. As crime prevention and personal safety are issues of major concern for any community, efforts by private property owners to assist in this regard are always helpful as the City cannot do it all on its own. This is a good example.

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 for the R-3 District is to provide quality multi family housing and at the same time ensuring livability, property values, open spaces, SAFETY, and the general welfare of the community. This security fencing will help achieve those goals.

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 is the minimum necessary to permit a full 6 foot security fence along the entire property boundary.



RECOMMENDATION

Staff believes that all five (5) factors for approval of the requested variances from the Raytown Municipal Code can be met based upon a primary need of any community being to provide safety and security to its residents and that goal many times does require assistance from the private sector to achieve, as in this case :

- (1) A 2.5 foot variance to the maximum front yard fence height stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(2)(d);
- (2) A variance from the 40% open front yard fence surface area requirement stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(3)(a) for that portion of the security fence that is located within the front yard setback and faces the sides of the property; and
- (3) A 20.11-foot variance from the 30-foot front yard setback stated in stated in Municipal Code Chapter 50, Article IV, Sec. 50-167(b).

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.

This variance if granted does not absolve the owner of responsibility to ensure the fence meets all design and safety criteria, including those established by the Raytown Fire District. Included in the packet is 2018 IFC Appendix D Relating to Fire Apparatus Access Roads and related features provided by the Fire District.

Attachments:

- Site Plan
- Application with Applicant's Arguments
- Public and Neighbor Notice Documents
- Ownership and Licensing Documents
- 2018 IFC Appendix D Provided by Raytown Fire District



Figure 2. Site Photos



Figure 3. Location of noncompliant fencing needing variances.



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

X Variance from any specific requirement

(Specify Zoning Code Section) _____

2. Name of Property Owner (as appears on deed): Alpine Expo, LLC

3. Phone Number: 816-808-6623

4. Address of Property Owner: 4714 Central Avenue, Suite 2300, Kansas City,
MO 64112

5. Signature of Owner:  _____

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

Name: Chris Kline & Charles Renner

Phone: 816-983-8000

Address 4801 Main Street, Suite 1000, Kansas City, MO 64112

7. The property to which this application applies is located at: _____

10309 E. 61st Street

Approximate Address (If address is currently unassigned): _____

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

See Exhibit A

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: _____

See Exhibit B

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

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

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:

See Exhibit B

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

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

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

I, Amin Rezvani, understand 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.

Exhibit A



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
03/14/2019 09:03:51 AM
WD FEE: \$ 33.00 5 Pages

INSTRUMENT NUMBER:
2019E0017626

Title of Document: Special Warranty Deed

Date of Document: March 11, 2019

Grantor(s): Alpine Apartments, LLC, a Missouri limited liability company

Grantee(s): Alpine Expo, LLC, a Missouri limited liability company

Mailing Address: 4741 Central Street, Suite 2300, Kansas City, MO 64112

Legal Description: See "Exhibit A"

Reference Instrument No.: N/A

KANSAS CITY TITLE
218269

SPECIAL WARRANTY DEED

THIS INDENTURE, made on the 17th day of March 2019, by and between ALPINE APARTMENTS, LLC, a Missouri limited liability company, **Grantor**, and ALPINE EXPO, LLC, a Missouri limited liability company, **Grantee**, with an address at 4741 Central Street, Suite 2300, Kansas City, Missouri 64112.

WITNESSETH: THAT GRANTOR, in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other valuable consideration, to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does by these presents, sell and convey unto Grantee and their successors and assigns, the following described real estate and interests in real estate lying, being and situate in the County of Jackson and State of Missouri (the "Property") to-wit:

See Exhibit "A", attached hereto and incorporated herein.

Subject, however, to taxes and assessments for 2019 and subsequent years, all matters of record and the rights of the public in and to all parts thereof in streets, roads and alleys.

TO HAVE AND TO HOLD, the Property aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto Grantee and unto its successors and assigns forever, Grantor hereby covenanting that the Property is free and clear from any encumbrance done or suffered by it, except as to matters of record and as set forth above, and that Grantor will warrant and defend the title of the Property unto Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever, lawfully claiming or to claim the same by, through or under the party of the Grantor, except as set forth above.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has caused this Indenture to be executed by its duly authorized officer, the day and the year first above written.

**ALPINE APARTMENTS, LLC,
a Missouri limited liability company**

By: IQ Investments, LLC, its manager

By:  _____

Name: Brandon Logan

Title: Manager

STATE OF MISSOURI)
) ss.
COUNTY OF Jackson)

On this 11th day of March in the year 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Brandon Logan, as Manager of IQ Investments, LLC, a Missouri liability company, as Manager of Alpine Apartments, LLC, a Missouri limited liability company, personally known by me to be the person who executed the same instrument, on behalf of said limited liability companies and acknowledged to me that he/she executed the same for the purposes therein stated.

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



Notary Public

Name: _____

My Commission Expires: _____



[SEAL]

EXHIBIT "A" TO SPECIAL WARRANTY DEED

Legal Description

TRACT 1:

All that part of the East 48.63 acres of the South one-half (1/2) of the Northwest 1/4 of Section 4, Township 48, Range 32, in Raytown, Jackson County, Missouri, described as follows: Beginning at a point 122 feet East and 134 feet South of the Northwest corner of said 48.63 acre tract; thence South and parallel with the West line of said 48.63 acre tract, a distance of 254.6 feet; thence East a distance of 172.2 feet; thence North 254.6 feet; thence West 172.2 feet to the point of beginning.

TRACT 2:

All that part of the East 48.63 acres of the South one-half (1/2) of the Northwest 1/4 of Section 4, Township 48, Range 32, in Raytown, Jackson County, Missouri, described as follows: Beginning at a point on the North line of said East 48.63 acres, said point being 144 feet East of the Northwest corner of said East 48.63 acres; thence East along said North line, a distance of 150.2 feet; thence South and parallel to the West line of said East 48.63 acres, a distance of 134 feet; thence West and parallel to the North line of said 48.63 acres, a distance of 150.2 feet; thence North a distance of 134 feet to the point of beginning, excepting the North 12 feet thereof now in 61st Street.

TRACT 3:

All that part of the East 48.63 acres of the South one-half (S 1/2) of the Northwest one-quarter (NW 1/4) of Section 4, Township 48, Range 32, in Raytown, Jackson County, Missouri, described as follows: Beginning at the Northwest corner of said East 48.63 acres; thence South 388.6 feet; thence East 294.2 feet; thence North 388.6 feet to the North line of said East 48.63 acres; thence West 294.2 feet to the point of beginning, except the North 134 feet of the West 122 feet thereof.

AND EXCEPT

All that part of the East 48.63 acres of the South one-half (1/2) of the Northwest 1/4 of Section 4, Township 48, Range 32, in Raytown, Jackson County, Missouri, described as follows: Beginning at a point 122 feet East and 134 feet South of the Northwest corner of said 48.63 acre tract; thence South and parallel with the West line of said 48.63 acre tract, a distance of 254.6 feet; thence East a distance of 172.2 feet; thence North 254.6 feet; thence West 172.2 feet to the point of beginning.

AND EXCEPT

All that part of the East 48.63 acres of the South one-half (1/2) of the Northwest 1/4 of Section 4, Township 48, Range 32, in Raytown, Jackson County, Missouri, described as follows: Beginning at a point on the North line of said East 48.63 acres, said point being 144 feet East of the Northwest corner of said East 48.63 acres; thence East along said North line, a distance of 150.2 feet; thence South and parallel to the West line of said East 48.63 acres, a distance of 134 feet; thence West and parallel to the North line of said 48.63 acres, a distance of 150.2 feet; thence North a distance of 134 feet to the point of beginning, excepting the North 12 feet thereof now in 61st Street.

AND EXCEPT

The West 22 feet of the following described Tract of land in the South one-half (1/2) of the Northwest 1/4 of Section 4, Township 48, Range 32 in Raytown, Jackson County, Missouri, described as follows: Beginning on the North line of the East 48.63 acres of said 1/2 1/4 Section and 122.0 feet East of the Northwest corner thereof; thence South and parallel with the West line of said 48.63 acres, a distance of 134 feet; thence East 172.2 feet; thence North 134 feet; thence West 172.2 feet to the point of beginning.

TRACT 4:

The West 22 feet of the following described tract of land in the South one-half (1/2) of the Northwest 1/4 of Section 4, Township 48, Range 32 in Raytown, Jackson County, Missouri, described as follows: Beginning on the North line of the East 48.63 acres of said 1/2 1/4 Section and 122.0 feet East of the Northwest corner thereof; thence South and parallel with the West line of said 48.63 acres, a distance of 134 feet; thence East 172.2 feet; thence North 134 feet; thence West 172.2 feet to the point of beginning.

Exhibit B

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

Installation of a 6' security fence around the perimeter of the property which necessitates the following variances:

(i) a 2 ½' variance to the maximum fence height provided in Article VII, Sec. 50-466(2)(d);

(ii) a variance from the 40% open surface area requirement provided in Article VII, Sec. 50-466(3)(a) for that portion of the security fence that is located within the front yard setback and faces the side of the property; and

(iii) a 20.11' variance from the 30' front yard setback provided in Article IV, Sec. 50-167(b).

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

The subject property consists of an existing apartment complex, which is a permitted use for property zoned R-3. The purpose of the R-3 district is to provide quality apartment development in a higher density setting, while ensuring that livability, property values, open spaces, safety and the general welfare will be sustained. The requested variances will enable the owner to maintain a security fence around the perimeter of the property, which will enhance the public health, safety and public interest by providing a secure environment for the residents of the existing multi-family apartment complex.

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

Literal enforcement of the zoning regulations would cause unnecessary hardships in the ongoing operation of the existing apartment complex which consists of five (5) existing multi-family residential buildings with associated parking and other amenities. As such, the highest and best use of the property is multi-family residential housing, however, the ability to provide a safe environment to residents is paramount to the operation of the apartment complex. Given the location of the existing residential structures, as well as the size and configuration of the property, literal enforcement of the zoning regulations would prohibit the existing security fence. Therefore, literal enforcement of the zoning regulation would substantially impair the owner's ability to provide a safe environment to its residents, essentially preventing the owner from utilizing the property for multi-family residential housing. Furthermore, literal enforcement of the zoning regulations would defeat rather than advance one of the primary goals of the R-3 zoning district which is to provide quality apartment development while ensuring that safety and the general welfare will be sustained.

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 hardship is unique to the property and was not created by the owner because the options for where to place the security fence are constrained by the location of the existing residential structures, as well as the size and configuration of the property.

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

The requested variance would not adversely affect adjacent property owners; instead, it would help to preserve it. The variances will enable the owner to utilize the property for multi-family residential housing, which is a use compatible with adjacent and nearby uses. Installation of the security fence will not only help to provide a secure environment for its resident, it will also dramatically help to protect the applicant's large financial investment in the property. Since acquiring the site in March of 2019, the applicant has made significant financial investments in the property, however, such investment would not have been possible if the applicant knew they would be unable to adequately secure the property. Furthermore, the depth of the fence will align with the existing fence located on the property immediately to the east of the subject property.

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

The purpose of the R-3 district is to provide quality apartment development in a higher density setting, while ensuring that livability, property values, open spaces, safety and the general welfare will be sustained. The requested variances enable the owner to provide a secure environment to the residents of the existing multi-family apartment complex. Since acquiring the site in 2019, the owner has made substantial improvements to the property (as evidenced by the assessed value of the property increasing by almost 400% since the current owner acquired the site), however, continued multi-family use isn't feasible if the owner cannot provide a secure environment for its residents. As such, denial of these variance requests would defeat rather than advance one of the primary goals of the R-3 zoning district which is to provide quality apartment development while ensuring that safety and the general welfare will be sustained.

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

The ability to provide a safe environment for the residents is paramount for the continued operation of the existing multi-family residential apartment complex and the requested variances are the minimum required for the owner to maintain a security fence around the perimeter of the property.

Exhibit C



Official Receipt

Jackson County, MO

2020 Property Tax

Paid May 28th, 2021

Receipt Details

Receipt Number
12517925

Amount Applied
\$21,035.50

Payer Name
LEAD BANK

Tender Type
CERTIFIED FUNDS

Payer Address
10309 E 61ST ST APT 1
RAYTOWN, MO 64133

Real Property

Property Account Number 45-120-11-15-00-0-00-000

Name
ALPINE EXPO LLC

Address
10309 E 61ST ST APT 1
RAYTOWN, MO 64133

Since
2019-03-11

To
--

Legal Line
RNG-32 TWP-48 SEC-04 ALL TH PT OF NW 1/4 DAF: BEG 10' M/L N OF NW COR LOT 16

Tax Year 2020 Receipt Details

Amount Applied \$18,118.43	Unpaid Balance \$0.00	Description A/V Principal-Reside
Amount Applied \$1,358.88	Unpaid Balance \$0.00	Description A/V Interest
Amount Applied \$389.55	Unpaid Balance \$0.00	Description Chapter 52 Gener
Amount Applied \$194.77	Unpaid Balance \$0.00	Description Chapter 52 Maint
Amount Applied \$973.87	Unpaid Balance \$0.00	Description Chapter 141 Gene

Distribution of Districts

STATE BLIND PENSION
\$57.03
BOARD OF DISABLED SERVICES
\$123.38
MENTAL HEALTH

\$200.76
METRO JUNIOR COLLEGE
\$404.56
MID-CONTINENT LIBRARY
\$702.66
CITY - RAYTOWN
\$910.84
JACKSON COUNTY
\$1,161.60
FIRE DISTRICT - RAYTOWN
\$2,542.39
RAYTOWN SCHOOL C-II
\$12,015.20

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.

Exhibit D



City of Raytown, Missouri
Occupational License

License Number: 000663-2020

Expires: 05/31/2021

License is hereby Granted To : IRON DOOR MANAGEMENT LLC

IRON DOOR MANAGEMENT LLC
4741 CENTRAL STE 2300
KANSAS CITY, MO 64112

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".



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

20 October 2021

Notice of Public Hearing
City of Raytown Board of Zoning Adjustment

Affected Property: Beverly Place Apartments, 10309 E. 61st Street, Raytown, Missouri
Jackson County Parcel ID # 45-120-11-15-00-0-00-000

The City of Raytown Community Development Department has received an application for a Variance submitted by Husch Blackwell LLP, representing Alpine Expo LLC, owners of the Beverly Place Apartments located at 10309 E. 61st Street. in Raytown, Missouri. This variance application is requesting the following variances to permit a 6-foot high perimeter fence to be installed in the front yard setback area of the Beverly Place Apartments:

- (1) A 2.5 foot variance to the maximum front yard fence height stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(2)(d);
- (2) A variance from the 40% open front yard fence surface area requirement stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(3)(a) for that portion of the security fence that is located within the front yard setback and faces the sides of the property; and
- (3) A 20.11-foot variance from the 30-foot front yard setback stated in stated in Municipal Code Chapter 50, Article IV, Sec. 50-167(b).

A public hearing to consider this application will be held by the Raytown Board of Zoning Adjustment at **7:00 pm on Thursday, November 11, 2021.**

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 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.

October 20, 2021

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 Husch Blackwell LLP, representing Alpine Expo LLC, owners of the Beverly Place Apartments located at 10309 E. 61st Street. in Raytown, Missouri. This variance application is requesting the following variances to permit a 6-foot high perimeter fence to be installed in the front yard setback area of the Beverly Place Apartments:

- (1) A 2.5 foot variance to the maximum front yard fence height stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(2)(d);
- (2) A variance from the 40% open front yard fence surface area requirement stated in Municipal Code Chapter 50, Article VII, Sec. 50-466(3)(a) for that portion of the security fence that is located within the front yard setback and faces the sides of the property; and
- (3) A 20.11-foot variance from the 30-foot front yard setback stated in stated in Municipal Code Chapter 50, Article IV, Sec. 50-167(b).

A public hearing to consider this application will be held by the Raytown Board of Zoning Adjustment **at 7:00 PM on Thursday, November 11, 2021**. The full packet and agenda should be available for view on the City of Raytown website on November 5, 2021.

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) in order to attend either of these online 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.



MAILING LIST FOR CASE BZA 2021-02 BEVERLY PLACE APTS. FENCE VARIANCE

OWNER	OWNER ADDRESS	OWNER	OWNER ADDRESS
Raytown Cons. School District #2	6608 Raytown Road, Raytown, MO 64133	Ronald Stockton	6127 Ash Ct., Raytown, MO 64133
KC Quality Property Management	8508 E. 92 nd . St., Kansas City, MO 64138	Timothy John Fisher	6129 Ash Ct., Raytown, MO 64133
Gibson Funeral Homes Inc.	6113 Blue Ridge Blvd., Raytown, MO 64133	Theresa Denti	6131 Ash Ct., Raytown, MO 64133
Robert & Frances Miller	2811 Chrysler, Independence, MO 64052	Deleesa Chambers	6133 Ash Ct., Raytown, MO 64133
Mark & Barbara Carmack	6111 Hadley, Raytown, MO 64133	Missouri Home Improvement LLC	9115 E. 58 th Ter., Raytown, MO 64133
Yolaunda Bogue	6115 Hadley, Raytown, MO 64133	David Bowie	6104 Hardy Ave., Raytown, MO 64133
James Guess, Jr.	804 Cross Timbers Dr., Keller, TX 76248	Gary Jones	6108 Hardy Ave., Raytown, MO 64133
Maurice Grigsby	6123 Hadley, Raytown, MO 64133	VB ONE LLC	3500 Park Center Dr., Ste. 100, Dayton, OH 45414
Paul Keleti	2549 Skipper Trl., Clearwater, FL 33761	Jimmy & Caissa Drummond	6116 Hardy Ave., Raytown, MO 64133
Clarice Machal-Titus	6126 Ash Ct., Raytown, MO 64133	Marissa Nickles	6120 Hardy Ave., Raytown, MO 64133
William & Edith Rodgers	6128 Ash Ct., Raytown, MO 64133		
Paula Stogner	6124 Ash Ct., Raytown, MO 64133		
John Kennedy	6130 Ash Ct., Raytown, MO 64133		
Katherine Glass - Trustee	6122 Ash Ct., Raytown, MO 64133		
Jeanetta Nelson	6132 Ash Ct., Raytown, MO 64133		
Noda Scherer	6120 Ash Ct., Raytown, MO 64133		
Marion Thatcher	6134 Ash Ct., Raytown, MO 64133		
Betty Bonwell	6123 Ash Ct., Raytown, MO 64133		
Dnita Louis-Scott	6125 Ash Ct., Raytown, MO 64133		

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance or legislation of the jurisdiction.

User note:

About this appendix: Appendix D contains more detailed elements for use with the basic access requirements found in Section 503, which gives some minimum criteria, such as a maximum length of 150 feet and a minimum width of 20 feet, but in many cases does not state specific criteria. This appendix, like Appendices B and C, is a tool for jurisdictions looking for guidance in establishing access requirements and includes criteria for multiple-family residential developments, large one- and two-family subdivisions, specific examples for various types of turnarounds for fire department apparatus and parking regulatory signage.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driv-

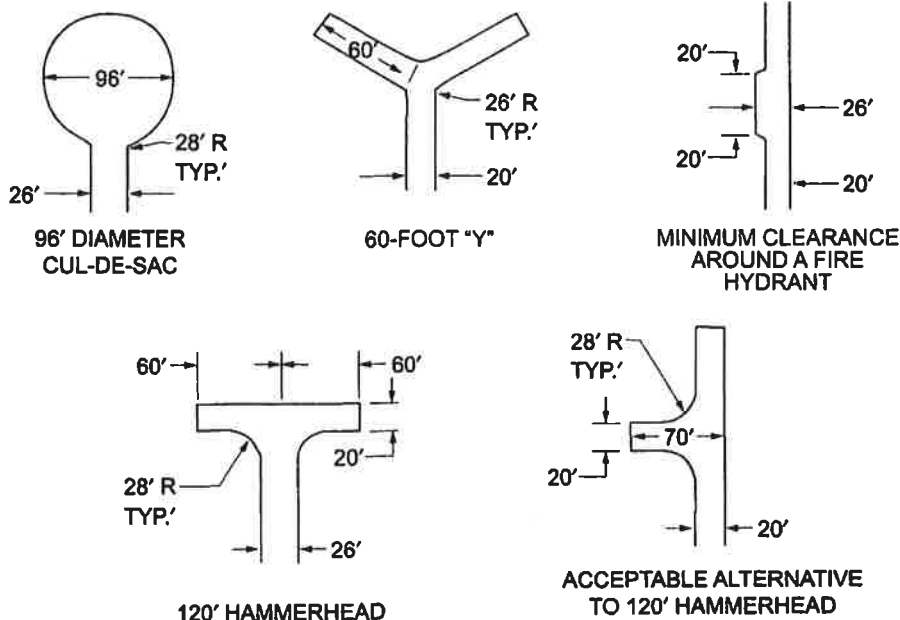
ing surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the *fire code official*.



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. One or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

**SECTION D106
MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* shall have not fewer than one *approved* fire apparatus access road where all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

**SECTION D107
ONE- OR TWO-FAMILY
RESIDENTIAL DEVELOPMENTS**

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or

903.3.1.3, access from two directions shall not be required.

2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

**SECTION D108
REFERENCED STANDARDS**

ASTM	F2200—14	Standard Specification for Automated Vehicular Gate Construction	D103.5
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through May 2015	D103.5