



**City of Blue Springs
903 Main Street
Blue Springs, Missouri 64015**

BOARD OF ADJUSTMENT

MINUTES

Wednesday, May 9, 2018

A meeting of the Board of Adjustment of the City of Blue Springs was held in the Howard L. Brown Public Safety Building located at 1100 SW Smith Street on Wednesday, May 9, 2018 with the following members and guests in attendance.

**MEMBERS
PRESENT**

William Washington III
Brian Ross
DeWayne Duhon, Chairman

Evelyn Ericson
Frederick Manning

STAFF / OTHERS

Mike Mallon, Assistant Director, Community Development
Tom Degenhardt, City Engineer
Jackie Sommer, City Attorney
Karen Findora, Recording Secretary
Brittany Murray, Public Stenographer

ABSENT

Laurie Hatfield, Vice Chairman

**CALL TO ORDER /
APPROVAL OF
MINUTES**

DeWayne Duhon, Chairman, called the meeting to order at 6:30 p.m. with a request that everyone stand for the Pledge of Allegiance. With a motion by Board Member Ericson, a second from Board Member Washington, and a unanimous vote, the Minutes of April 11, 2018, were approved.

Chairman Duhon advised the audience of the manner in which the Public Hearing would be conducted, and noted that as the Board consists of five (5) voting members; a concurring vote of four (4) would be required to pass any motion.

**PUBLIC HEARING
AGENDA ITEM 2
AMENDED
VARIANCE / VAR-**

Chairman Duhon opened the public hearing at 6:33 p.m. with a request for exhibits from the City Attorney. Ms. Jackie Sommer entered Exhibits 1 thru 7 for Agenda Item 2 into the public record on behalf of the applicant.
Exhibits:

03-18-6309 / "4905
SW Marguerite Street"
/ Indigo Hills PUD 1st
Plat, Lot 12

1. Staff Report with attachments
2. Affidavit of Publication in The Examiner, April 21, 2018
3. Application with attachments
4. 185 Ft. Notification Map
5. Names/addresses of property owners within 185 ft. of site
6. Copy of letter sent to said property owners
7. Unified Development Code "UDC" (By Reference)

**STAFF
COMMENTS**

Mike Mallon, Community Development Acting Director, stated that before the Board is a Variance to reduce the rear-yard setback, which standards are noted in Section 405.020 of the Unified Development Code, of the property located at 4905 SW Marguerite St. This is a continuation from the April 11th meeting, where the setback was proposed to be reduced from 30ft. to 24ft., to allow for the construction of a detached house on a uniquely shaped lot. Discussion in that meeting has prompted the applicant to revise the Variance request to reduce the setback from 30ft. to 16ft., to accommodate a lot line adjustment between this property: Lot 12, and the neighboring property: Lot 14. The staff review for the amended Variance request is as follows:

1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;

The conditions applicable to this request are unique to this property. The shape of the lot is unique and includes a diagonal rear property line that connects two very different sized side property lines.

2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

Granting this variance will not adversely affect the rights of adjacent property owners or residents. The rear property line where the proposed home would encroach into the required rear yard is similar in nature to a side yard, and consequently, the proposed variance would not have any greater impact on adjacent properties than a property having a side yard abutting a rear yard of an adjacent property, which is common throughout the city.

3. The strict application of the provisions of the zoning regulations of which a variance is requested will constitute an unnecessary hardship or practical difficulty upon the property owner represented in the application;

The strict application of the zoning regulations would create an unnecessary hardship on the property owner. While a home could be designed to fit on the property in compliance with the regulations, it would result in an odd shaped house that would not be compatible with other homes in the subdivision.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;

The public health, safety, morals, order, convenience, prosperity, or general welfare will not be adversely affected if this variance is granted.

5. Granting the variance desired would not violate any requirements set forth by State or Federal agencies.

State and Federal agencies do not regulate building setbacks.

Staff supports this Variance request to reduce the required rear yard setback from 30ft. to 16ft. because of the unique shape of the lot, the proposed lot line adjustment and the difference in grade between the two lots. The staff recommendation of approval is contingent upon the proposed lot line adjustment to move a portion of the rear property line to the west and is only supported to reduce the required rear setback for the primary detached dwelling. The proposed building complies with all other provisions in the Unified Development Code.

QUESTIONS

Chairman Duhon inquired if staff research into the discussed lot line between Lots 12 & 14 indicated whether it is a side-yard or rear-yard. Mr. Mallon stated this lot line would constitute a rear-yard lot line.

Chairman Duhon asked if the Variance is written only for the portion of the lot line near the house, or for the entirety of the lot line. Mr. Mallon stated that staff would only like to have the Variance for the rear lot line where the lot line adjustment is proposed. Discussions between staff and the applicant, as well as testimony from the April 11th meeting have indicated that the Variance is only for the portion of the lot line that is to be adjusted.

Board Member Ericson inquired if the approval of the Variance would need to be contingent on the lot line adjustment. Jackie Sommer, City Attorney, indicated that it is the case.

APPLICANT

Shawn Woods, Applicant
5050 SW US 40 Hwy.
Blue Springs, MO 64015

Mr. Woods indicated that this Variance will include the Minor Lot Line Adjustment, and the proposed house has not been modified or moved since the prior meeting.

WITNESSES IN FAVOR

Susan Braun, Homeowner
813 SW Elizabeth St.
Blue Springs, MO 64015

Ms. Braun noted that she opposed the Variance prior, but now that it includes the Minor Lot Line Adjustment, she is in favor. Further, the privacy fence in the rear of her property will remain, and large trees will be planted at her expense along the exterior of the fence.

WITNESSES OPPOSED

None.

HEARING CLOSED

With no further testimony to be taken, Chairman Duhon closed the public hearing at 6:50 p.m. with a request for action on the petition.

**MOTION
PUBLIC HEARING
AGENDA ITEM 2
AMENDED
VARIANCE / VAR-
03-18-6309 / “4905
SW Marguerite Street”
/ Indigo Hills PUD 1st
Plat, Lot 12**

Board Member Washington made a motion to **approve** Variance / VAR-03-18-6309 / “4905 SW Marguerite Street.”

There was no second.

Board Member Manning made a motion to withdraw the previous motion to **approve** Variance / VAR-03-18-6309 / “4905 SW Marguerite Street.”

Seconded by Board Member Ericson, and approved unanimously by all Board Members.

Board Member Ericson made a motion to **approve** Variance / VAR-03-18-6309 / “4905 SW Marguerite Street”, contingent upon the discussed Minor Lot Line Adjustment of Lot 14.

SECOND

Board Member Washington.

VOTE

Brian Ross – Aye
Laurie Hatfield – Absent
Dewayne Duhon, Chairman – Aye
(APPROVED 5-Aye, 0-No)

Frederick Manning – Aye
William Washington III – Aye
Evelyn Ericson – Aye

**AGENDA ITEM 3
ELECTION OF
OFFICERS**

**MOTION
AGENDA ITEM 3
ELECTION OF
OFFICERS /
CHAIRMAN**

Board Member Ericson nominated Board Member Duhon as Chair of the Board of Adjustment for 2018/2019.

SECOND

Board Member Washington.

VOTE

Brian Ross – Aye
William Washington III - Aye
Laurie Hatfield – Absent
(APPROVED 5-Aye, 0-No)

Frederick Manning - Aye
DeWayne Duhon, Chairman – Aye
Evelyn Ericson – Aye

**MOTION
AGENDA ITEM 3
ELECTION OF
OFFICERS / VICE-
CHAIRMAN**

Board Member Ericson nominated Board Member Hatfield as Vice-Chairman of the Board of Adjustment for 2018-2019.

SECOND

Board Member Washington.

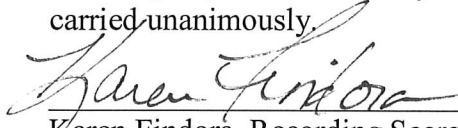
VOTE

Brian Ross – Aye
William Washington III - Aye
Laurie Hatfield – Absent
(APPROVED 5-Aye, 0-No)

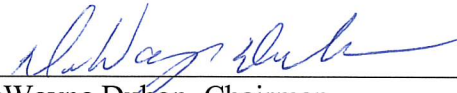
Frederick Manning - Aye
DeWayne Duhon, Chairman – Aye
Evelyn Ericson – Aye

OTHER BUSINESS The next meeting is scheduled for Wednesday, June 13, 2018.

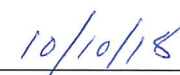
ADJOURN With no further items to come before the Board, a motion was made by Board Member Washington, and seconded by Board Member Ross, to adjourn at 6:56 p.m. Motion carried unanimously.



Karen Findora, Recording Secretary



DeWayne Duhon, Chairman



Date