



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

BOARD OF ADJUSTMENT

MINUTES

Wednesday, January 8, 2020

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, January 8, 2020 with the following members and guests in attendance.

**MEMBERS
PRESENT**

Ron Amos, Alt. 1
DeWayne Duhon, Chair

Nancy Yendes
Jon Burke, Alt. 2

STAFF / OTHERS

Mike Mallon, Assistant Director, Community & Economic Development
Nathan Jurey, Senior Planner
Jackie Sommer, City Attorney
LaKeisha Veal, Planning Commission Alt.
Karen Findora, Recording Secretary
Brittany Murray, Public Stenographer

ABSENT

Frederick Manning, Board Member
Laurie Hatfield, Vice Chair
Brian Ross, Board Member

**CALL TO ORDER /
APPROVAL OF
MINUTES**

DeWayne Duhon, Chair, called the meeting to order at 6:33 p.m. with a request that everyone stand for the Pledge of Allegiance.

Board Member Nancy Yendes made a motion to approve the September 11, 2019 and the November 13, 2019 meeting minutes, Seconded by Board Member Ron Amos, and a unanimous vote, the Minutes of September 11, 2019 and the November 13, 2019, were approved as submitted.

Chairperson 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. Due to the fact there

were only four (4) members present, Chairperson Duhon asked both applicants if they would like to proceed. Both applicants stated they would.

**AGENDA ITEM 2
PUBLIC HEARING
VARIANCE / VAR-
12-19-7180 / "Eagles
Ridge Villas PR-O 2nd
Plat, Lot 63" / 8011-
8013 SW 1st Street**

Chairperson Duhon opened the public hearing at 6:40 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:

1. Staff Report with attachments
2. Application with attachments
3. Affidavit of Publication in The Examiner, December 21, 2019
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**

Nathan Jurey, Senior Planner, stated that before the Board is a Variance request asking for the approval of a 5.6-foot variance from the minimum side setback required by the underling "TF/PR-O" (Two Family / Planned Residential Overlay), zoning district in the Eagles Ridge development. Ordinance 4694 amended the PRO for the Eagles Ridge development and requires that duplexes in the "TF/PR-O" zoning district maintain a minimum total side yard setback of twenty (20) percent of the lot width. The lot is 118.21 feet wide at the build line and thus requires a 23.6-foot total side yard setback. The applicant is requesting approval of a variance to allow an eighteen (18) foot total side yard setback. The applicant is requesting this due to the unique shape of the property.

Mr. Jurey described the five criteria that the Board of Adjustment reviews in order to see if a variance should be granted for the subject property.

Mr. Jurey explained conditions that are unique to the property, specifically the property being significantly wider in front than in back. The final plat was approved in 2019, however none of the building designs approved with the Eagles Ridge development, none of the approved buildings can fit on the subject lot.

The variance will not adversely affect adjacent properties or utility easements.

It would create an unnecessary hardship for the applicant because a new building design would have to be added to the building designs already approved with the PR-O Final Plan.

Granting the variance would not adversely affect the public's health, safety, morals or welfare.

QUESTIONS

Board Member Jon Burke asked if the home is as close to the street as they can get. Mr. Jurey stated that is was.

Chairperson Duhon wanted clarification of the variance request. He stated in the applicants, application he indicated a 5 ft. 7 in. variance request, and the report reads 5.6 ft. and would like to clarify which variance is needed.

APPLICANT Robert Walquist, Quist Engineering
4138 Hwy. TT
Odessa, MO
Mr. Walquist stated that the request is for 5.6 ft.

WITNESSES IN FAVOR None.

WITNESSES OPPOSED None.

HEARING CLOSED With no further testimony to be taken, Chairperson Duhon closed the public hearing at 6:53 p.m. with a request for action on the petition.

MOTION Board Member Nancy Yendes made a motion to **approve** Variance / VAR-12-19-7180 /
AGENDA ITEM 2 "Eagles Ridge Villas PR-O 2nd Plat, Lot 63."
PUBLIC HEARING
VARIANCE / VAR-
12-19-7180 / "Eagles
Ridge Villas PR-O 2nd
Plat, Lot 63" / 8011-
8013 SW 1st Street

SECOND Board Member Ron Amos.

VOTE

Brian Ross – Absent	Frederick Manning – Absent
Jon Burke – Aye	Nancy Yendes – Aye
Laurie Hatfield – Absent	John Burke – Aye
Dewayne Duhon, Chair – Aye	

(APPROVED 4-Aye, 0-No)

AGENDA ITEM 3 Chairperson Duhon opened the public hearing at 6:54 p.m. with a request for exhibits
PUBLIC HEARING from the City Attorney. Ms. Jackie Sommer entered Exhibits 1 thru 7 for Agenda Item 3
VARIANCE / VAR- into the public record on behalf of the applicant.
12-19-7181 / "Visa

Estates 2nd Plat, Lot
176" / 205 SW 27th
Street

Exhibits:

1. Staff Report with attachments
2. Application with attachments
3. Affidavit of Publication in The Examiner, December 21, 2019
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 Nathan Jurey, Senior Planner, stated that before the Board is a variance request for a two
COMMENTS (2) foot variance from UDC Section 405.020 (Detached House – Neighborhood Lot), that
requires a minimum setback of fifteen (15) foot from the rear property line. The proposed
setback is thirteen (13) feet from the rear property line. The applicant is requesting this
variance due to the unique shape of the property, which was platted in 1978.

APPLICANT

Dave Smith III, Dave Smith Sales
2315 Opossum Hollow
Blue Springs, MO

Mr. Smith stated that the home he is proposing is a split entry, 1,200ft. on the main floor, and 500 ft. below. Mr. Smith is aware of concerns with water runoff for this property. Mr. Smith stated that Lot 177 currently has a home on it. He purchased that house and the two lots. The original owners since 1982 poured a double wide driveway on the property. It had a rear entry house and the owners poured another slap of concrete. Tuesday, January 7, 2020, Mr. Smith had the concrete removed and hauled away. Mr. Smith feels that this should help elevate the water run off concerns.

QUESTIONS

Board Member Jon Burke asked the applicant if he made the house 2ft. smaller, so he wouldn't have to come in front of the Board to request a variance, would it help the water runoff? Mr. Smith stated that he didn't believe so.

WITNESSES IN FAVOR

None.

WITNESSES OPPOSED

Linda Priest
2901 SW Walnut Street
Blue Springs, MO

Ms. Priest stated that they are concerned with the water run off on to their property. There is also concern of the runoff of the existing house Lot 177. Ms. Priest stated that it sounds like Mr. Smith is working towards helping that issue.

Mr. Smith stated that he felt like the removal of 5 loads of concrete will help the water runoff issue.

Chairperson Duhon stated that Ms. Priest's water runoff point is well taken, he stated that the decision of the Board of Adjustment is to see whether or not Mr. Smith can build a house into the setback by 2ft. Mr. Burks question was designed to point out the fact that by making the house 25 1/2 ft. deep from front to back, the Boards approval would not be necessary, Mr. Smith could just build it and be done. Chairperson Duhon stated that it is important when the community comes forward, and he thanked the Priest family for doing so, and it sounds like that Mr. Smith and Ms. Priest have a working relationship. Chairperson Duhon was pleased that the residence are working together and looking out for the betterment of the community.

HEARING CLOSED

With no further testimony to be taken, Chairperson Duhon closed the public hearing at 7:09 p.m. with a request for action on the petition.

**MOTION
AGENDA ITEM 3
PUBLIC HEARING
VARIANCE / VAR-
12-19-7181 / "Visa
Estates 2nd Plat, Lot
176" / 205 SW 27th
Street**

Board Member Jon Burke made a motion to approve Variance / VAR-12-19-7181 / "Visa Estates 2nd Plat, Lot 176."

SECOND

Board Member Ron Amos.

VOTE

Brian Ross – Absent
Jon Burke – Aye
Laurie Hatfield – Absent
Dewayne Duhon, Chair – Aye
(APPROVED 4-Aye, 0-No)

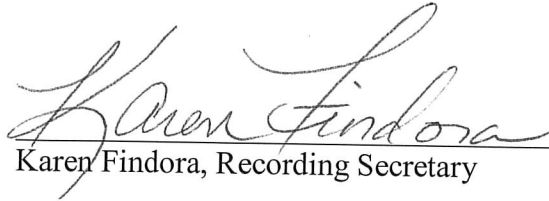
Frederick Manning – Absent
Nancy Yendes – Aye
Ron Amos – Aye

OTHER BUSINESS

The next meeting is scheduled for Wednesday, February 12, 2020.

ADJOURN

With no further items to come before the Board, a motion was made by Board Member Nancy Yendes, and seconded by Board Member Jon Burke to adjourn at 7:11 p.m. motion carried unanimously.



Karen Findora, Recording Secretary

 2/12/2020

DeWayne Duhon, Chair Date