



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

BOARD OF ADJUSTMENT

MINUTES

Wednesday, March 13, 2019

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, March 13, 2019 with the following members and guests in attendance.

**MEMBERS
PRESENT**

Evelyn Ericson
Nancy Yendes, Alt.
DeWayne Duhon, Chairman

Brian Ross
Frederick Manning

STAFF / OTHERS

Thomas Cole, Director, Community & Economic Development
Mike Mallon, Assistant Director, Community & Economic Development
Nathan Jurey, Associate Planner
Tom Degenhardt, City Engineer
Jackie Sommer, City Attorney
Karen Findora, Recording Secretary
Brittany Murray, Public Stenographer

ABSENT

Board Member Laurie Hatfield.

**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.

Board Member Evelyn Ericson made a motion to approve the February 13, 2019 meeting minutes, Seconded by Board Member Frederick Manning, and a unanimous vote, the Minutes of February 13, 2019, were approved as submitted.

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.

**AGENDA ITEM 2
PUBLIC HEARING
VARIANCE / VAR-
02-19-6811 / "Roselli
Residence" / 2238 SW
Park Avenue Circle**

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 8 for Agenda Item 2 into the public record on behalf of the applicant.

Exhibits:

1. Staff Report with attachments
2. Affidavit of Publication in The Examiner, February 23, 2019
3. Application with attachments
4. Letter of Uniqueness dated, February 13, 2019
5. 185 Ft. Notification Map
6. Names/addresses of property owners within 185 ft. of site
7. Copy of letter sent to said property owners
8. Unified Development Code "UDC" (By Reference)

**STAFF
COMMENTS**

Nathan Jurey, Associate Planner, stated that before the Board is a Variance request to reduce the 8ft. side yard setback required by the UDC, Section 405.020 to a 7.5ft. side yard setback for only the southeast corner of the proposed building.

Mr. Jurey went through the variance criteria with the Board. Staff believes all five review criteria has been met.

QUESTIONS

None.

APPLICANT

Ron Myrick, Ron Myrick Design Builders, Inc.
1205 SW Wintergreen Lane
Blue Springs, MO

Mr. Myrick will be the builder of the home.

**WITNESSES IN
FAVOR**

None.

**WITNESSES
OPPOSED**

None.

HEARING CLOSED

With no further testimony to be taken, Chairman Duhon closed the public hearing at 6:42 p.m. with a request for action on the petition.

**MOTION
AGENDA ITEM 2
PUBLIC HEARING
VARIANCE / VAR-
02-19-6811 / "Roselli
Residence" / 2238 SW
Park Avenue Circle**

Board Member Evelyn Ericson made a motion to **approve** Variance / VAR-02-19-6811 / "Roselli Residence."

SECOND

Board Member Brian Ross.

VOTE

Brian Ross – Aye
Nancy Yendes – Aye
Laurie Hatfield – Absent

Frederick Manning – Aye
Evelyn Ericson – Aye

Dewayne Duhon, Chairman – Aye
(APPROVED 5-Aye, 0-No)

**AGENDA ITEM 3
PUBLIC HEARING
VARIANCE / VAR-
02-19-6813 / “Bills
Addition Lot 3” / East
of SW 9th Street, +/-
250’ north of SW
South Avenue**

Chairman Duhon opened the public hearing at 6:43 p.m. with a request for exhibits from the City Attorney. Ms. Jackie Sommer entered Exhibits 1 thru 8 for Agenda Item 3 into the public record on behalf of the applicant. Exhibit 9 was added to the record.

Exhibits:

1. Staff Report with attachments
2. Affidavit of Publication in The Examiner, February 23, 2019
3. Application with attachments
4. Letter of Uniqueness dated, February 15, 2019
5. 185 Ft. Notification Map
6. Names/addresses of property owners within 185 ft. of site
7. Copy of letter sent to said property owners
8. Unified Development Code “UDC” (By Reference)
9. Photos from nearby Resident, Jerry Colman

**STAFF
COMMENTS**

Nathan Jurey, Associate Planner, stated that before the Board is a Variance from the UDC, Section 404.240.H that states “Parking lots and garages shall not front to the street” in order to legally construct a house with a garage that fronts the street.

Mr. Jurey went through the variance criteria with the Board. Staff believes all five review criteria has been met.

QUESTIONS

Chairman Duhon asked Mr. Jurey if he knew how many homes in that area had front facing garages. Mr. Jurey stated that he noticed 2-3 homes.

APPLICANT

Jason Walker, Walker Custom Homes, LLC
4210 NW Lake Drive
Lee’s Summit, MO

Mr. Walker stated that without the variance it would be very hard from an elevation perspective based on the dimensions of the plot plan and the creek to make a home construction plan work on this lot.

**WITNESSES IN
FAVOR**

None.

**WITNESSES
OPPOSED**

Jerry Colman, Resident
500 SW 9th Street
Blue Springs, MO

Mr. Colman presented several photos of the creek that were entered as Exhibit 9 in to the public record. Mr. Colman has concerns with the creek and the washout. Mr. Colman asked if the City was going to take care of the creek.

Chairman Duhon stated that the question that is before the Board is can the applicant build a house with a driveway that is facing the street. The reason for this request is that the City has put an easement in the back of this lot. The easement is a way for the City to access the property to manage the water flow if need be.

Jesse Christianson, Resident
414 SW 9th Street
Blue Springs, MO

Mr. Christianson stated that he has been caring for half of the property throughout the years. He has concerns with how long the new home will be and that the homes are stacked close together. He has concerns that the new home will not be cohesive to the surrounding older homes.

QUESTIONS

Board Member Nancy Yendes asked what kind of garage does Mr. Christianson have. He stated that his garage faces south on the side of his home and he also has a detached garage behind his house.

Member Yendes asked when the lot was platted and was it split apart. Mr. Jurey stated that they were always two separate lots, but he believes they were sold together. The Variance request is for Lot 3. Member Yendes asked if the lot that has the creek was purposely created. Mr. Jurey stated that yes it was.

Board Member Frederick Manning asked what the distance is between the two homes.

Member Yendes asked when the lot was platted. Mr. Jurey stated that it was platted in 1957. Member Yendes asked when was the easement granted. Mr. Jurey stated it was about a month ago. Mr. Jurey stated that it was replatted as a new subdivision, and the new name is Bills Addition Lot 3. It was replatted for the dedication of the easement. Before Public Works was willing to sign off on the building permit they requested an easement.

HEARING CLOSED

With no further testimony to be taken, Chairman Duhon closed the public hearing at 7:11 p.m. with a request for action on the petition.

MOTION

Board Member Evelyn Ericson made a motion to **approve** Variance / VAR-02-19-6813 / "Bills Addition Lot 3."

SECOND

Board Member Frederick Manning.

VOTE

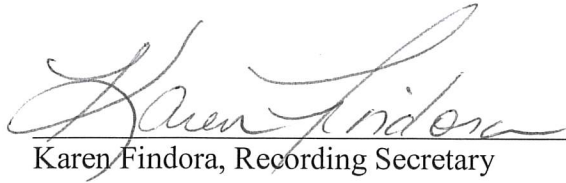
Brian Ross – Aye	Frederick Manning – Aye
Nancy Yendes - Aye	Evelyn Ericson – Aye
Laurie Hatfield – Absent	
Dewayne Duhon, Chairman – Aye	
(APPROVED 5-Aye, 0-No)	

OTHER BUSINESS

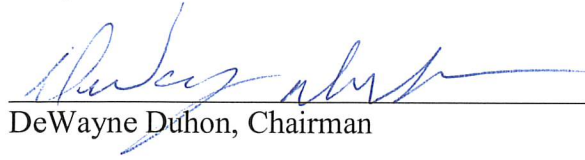
The next meeting is scheduled for Wednesday, April 10, 2019.

ADJOURN

With no further items to come before the Board, a motion was made by Board Member Frederick Manning, and seconded by Board Member Evelyn Ericson to adjourn at 7:16 p.m. motion carried unanimously.



Karen Findora, Recording Secretary



DeWayne Duhon, Chairman

4/10/19

Date