



BOARD OF ZONING ADJUSTMENTS PROCESS

Application

- A variance is defined as a modification of or departure from the provisions of the Unified Development Ordinance (UDO) which, if applied to a specific lot, would significantly interfere with the use of the particular property.
- An application for variance must be completed and submitted to the Development Services Department, with the \$300 filing fee plus one (1) \$165 advertising charge, payable to the City of Lee's Summit.
- The application must include the exact legal description of the property upon which the variance is being requested.
- The application shall be accompanied by at least one set of drawings to clearly indicate the requested variance in relation to the property and/or structures. These could include a plot plan, plat, site plan, survey and/or building elevation(s). Pictures can be submitted with the application and drawings but cannot replace the drawings. The drawings must be of such detail that they can be clearly read. **These drawings must be able to be clearly read as well as being reproduced. If the drawings are larger than 11" by 17", a smaller copy of the drawings shall also be provided.**

Public Hearing Process

- State statutes require legal notice of the time and place to be published 15 days prior to the hearing in an official paper.
- **Mail Notices.** The applicant must mail notices to all property owners within 185 feet at least 15 days prior to the hearing. Sample notices are available. The notice must include:
 - time and place of hearing,
 - general description of the proposal,
 - location map of the property,
 - street address, or general street location
 - statement explaining that the public will have an opportunity to be heard
- **File Affidavit.** An affidavit must be filed with the Development Services Department prior to the public hearing certifying the notices have been sent. Provide a list of the property owners notified and a copy of the notice sent.
- **Post Sign.** The applicant shall post a sign on the premises, at least 15 days prior to the date of the hearing, informing the general public of the time and place of the public hearing. When revised plans are submitted, staff will prepare the sign and provide it to the applicant for posting.
- **Maintain Sign.** The applicant shall make a good faith effort to maintain the sign for at least the 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within 5 feet of the street right-of-way line in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.
- Variance applications require a public hearing, allowing the applicant and any other party to present testimony or evidence to the Board. The applicant or his/her representative will be asked to present its



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case to the Board, **FULLY** describing the situation and the variance criteria. (See Statement of Variance Criteria.)

- Any evidence presented to the Board will become public record and must be provided in duplicate to the City or tagged as an exhibit at the hearing.

Board's Authority

- The Board of Zoning Adjustment may grant a variance only if application of the UDO, when applied to a particular property, would significantly interfere with the use of the property.
- The Board's authority is limited by the statutes of the State of Missouri and the UDO. The Board may only grant a variance if, in its discretion, each of the variance criteria is met. (See Statement of Variance Criteria.) **It is the applicant's responsibility to demonstrate to the Board that each of these criteria have been met.** The Board may evaluate the evidence in the record, and exercise its discretion on whether each of these criteria has been met on a case by case basis.

The person completing the application must sign below.

Shawn roberts

SIGNATURE

Shawn Roberts

PRINT NAME HERE



LEE'S SUMMIT MISSOURI

USE VARIANCE APPLICATION FORM

Application No. PL2019-368

APPLICATION IS HEREBY MADE TO THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF LEE'S SUMMIT, MISSOURI, REQUESTING A VARIANCE TO THE UNIFIED DEVELOPMENT ORDINANCE, AS SET FORTH BELOW,

VARIANCE REQUEST (Give description of variance(s) requested) There are two variances (mutually exclusive) that are being requested for the existing solar array located at 1201 NE Todd George Parkway, Lee's Summit. Both pertain to the Unified Development Ordinance Sec. 6.1450. - Solar collectors—Accessory use. D: Ground-mounted solar collectors shall not exceed eight feet in total height and shall be located within the rear yard at least 12 feet inside the property line. The first variance would allow the existing solar system to stay in it's current location on the NE corner of the property, within 12 feet of the adjacent property that is also owned by the owner of 1201 NE Todd George Parkway. The second variance would allow the system to raise above 8 feet in height to 12 feet in total to allow for optimal solar irradiance and solar energy production.

PROPERTY ADDRESS 1201 NE Todd George Parkway, Lee's Summit, MO 64086

LEGAL DESCRIPTION Parcel #: 52-710-05-08-00-0-00-000 SEC-33 TWP-48 RNG-31---PT SW 1/4 NE 1/4 DAF: BEG SW COR NE 1/4 TH S 88 DEG 40 MIN 49 SEC E 795.2 TH N 01 DEG 51 MIN 08 SEC E 50.04' TH N 45 DEG 47 MIN 41 SEC W 73.21' TH N 01 DEG 40 MIN 27 SEC W ALG CURV RI RAD 1150' ARC DIST 65.02' TH N 01 DEG 36 MIN 01 SEC E 554.55' TO TRU POB TH S 88 DEG 23 MIN 59 SEC E 180.76' TH N 15 DEG 3 1 MIN 48 SEC E 116.03' TH N 70 DEG 36 MIN 16 SEC W 111.87' TH S 88 DEG 56 SEC W 102.29' TH S 01 DEG 36 MIN 01 SEC W 141.9' TO TRU POB (KNOWN AS TRACT 2 CERT SUR T-38 PG-41)

APPLICANT Arrowpoint Solar LLC PHONE 417-773-2627
CONTACT PERSON Shawn Roberts FAX _____
ADDRESS 227 Downing Street Suite #4 CITY/STATE/ZIP Nixa, MO, 65717
E-MAIL shawn.roberts@arrowpointsolar.com

PROPERTY OWNER Vincent Scire PHONE 816-456-9916
CONTACT PERSON Vincent Scire FAX _____
ADDRESS 1201 NE Todd George Parkway CITY/STATE/ZIP Lee's Summit, MO 64086
E-MAIL vscore942@gmail.com

THIS APPLICATION MUST BE ACCOMPANIED BY:

- Acknowledgement of the Board of Adjustment Process.
- One set of drawings to clearly indicate the requested variance in relation to the property and/or structures. These could include plot plan, plat, site plan, survey and/or building elevation(s).
(Note: These drawings must be able to be clearly read as well as being reproduced. If the drawings are larger than 11" by 17", a smaller copy of the drawings shall also be provided.)
- Statement of Use Variance Criteria.
- Enclosed is the fee in the amount of \$465.00 (\$300 filing fee plus \$165 advertising charge) Payable to the **City of Lee's Summit**.



LEE'S SUMMIT MISSOURI

USE VARIANCE APPLICATION FORM

The application must be signed by the legal property owner AND the applicant, if other than the owner. The property owner may grant permission for the filing of the application by means of a signed and notarized affidavit to that effect.

vincent scire

PROPERTY OWNER

Shawn roberts

APPLICANT

Print name here: Vincent Scire

Shawn Roberts

Receipt #: _____ Date Filed: _____ Processed by: _____ Application # _____



STATEMENT OF VARIANCE CRITERIA

In accordance with Section 2.530.B.3. of the Lee's Summit Unified Development Ordinance, the applicant must meet each of the following requirements to support the granting of the requested variance. **Failure to complete each may result in an incomplete application.** Describe in detail how this application meets each of the following requirements.

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

The solar system is located within the property lines located at 1201 NE Todd George Parkway and is adjacent to land that is also owned by the current owner

located at 1201 Ne Todd George Parkway. Additionally, adjusting the height of the ground mount would not impede sight lines or cause any abnormal safety

issues. Due to the slope of the land, the ground mount even at 12 feet from base would not extend beyond the height of the homes and buildings on the

property because the ground mount is located at the bottom of the sloped land in the back yard.

2. The granting of the variance will not be opposed to the general spirit and intent of the ordinance from which the variance is sought.

We believe that granting this variance in no way impedes the spirit of the ordinance. We find that this variance would be well within install practices and

guidelines found commonly within other State and local AHJ (Authority Having Jurisdiction). To our knowledge there are no other jurisdictions that have

a 8 foot height restriction on ground mounts, since the state of Missouri has an ideal solar tilt of 30 degrees, making most ground mounts in the state

typically between 10-14 feet in height.

3. The variance requested will not adversely affect the public health, safety, morals, or general welfare of the community.

These variance changes would in no way impact the public health, safety, morals or general welfare of the community. The ground mount in it's current location

has already passed rigorous testing by Arrowpoint Solar, KCPL Electric Company, and has passed inspection by the City of Lee Summit via Permit #

PRRES20191108 issued by city inspector Khanh Nguyen. Neither the current placement of the ground mount nor raising the height to adjust the slope of the

ground mount would impact any of the previous testing in any signifigant or meaningful way.



STATEMENT OF VARIANCE CRITERIA

4. The variance requested arises from a condition which is unique and peculiar to the property in question and which is not ordinarily found in the same zone or district, and further, is not created by an action or actions of the property owner or applicant.

The slope of the land and the placement of existing structures on the property made ideal solar placement impossible within the city's current universal ordinance.

Ideal solar placement would allow the system be constructed at a height of 12 feet to accomodate a 30 degree slope while maintaining

healthy ground clearance for maintenance and lawn care. Most importantly, the ordinance as written and the property layout would not allow a true southern

facing ground mount without existing within 12 feet of adjacent property lines.

5. Substantial justice will be done by the granting of this variance.

Both the customer, Vincent Scire, and the contractor, Arrowpoint Solar LLC, would be wholly satisfied if both of these variances are granted.



STATEMENT OF VARIANCE CRITERIA

Further, in accordance with Section 2.530.B.1. of the Lee's Summit Unified Development Ordinance, the applicant must meet each of the following requirements to support the granting of the requested use variance.

1. The strict application of the provisions of the Unified Development Ordinance would constitute an unnecessary hardship upon the applicant or landowner.

With current UDO guidelines, the customer would be forced to either move the ground mount, resulting in unnecessary labor and cost and would also have

a non ideal solar environment for financial return on investment. Moving the ground mount would result in a non true south orientation which would

result in approximately a 5% decrease in solar production. Additionally, granting the height increase would allow the ground mount to be tilted from 20

degrees to 30 degrees which would result in approximately a 3% increase in solar production over the life of the system.

2. The grant of the variance will not alter the essential character of the locality.

Granting this variance will in no way impact the character of the locality or in any way, shape, or form impact the safety inspections that have been completed.

In short, granting this variance allows the customer a greater return on investment with no change outside of aesthetics.

3. The land in question cannot yield a reasonable return if used only for the purposes allowed in the district.

With current UDO guidelines, the customer would be forced to either move the ground mount, resulting in unnecessary labor and cost and would also have

a non-ideal solar environment for financial return on investment. Moving the ground mount would result in a non-true south orientation which would

result in approximately a 5% decrease in solar production. Additionally, granting the height increase would allow the ground mount to be tilted from 20

degrees to 30 degrees which would result in approximately a 3% increase in solar production over the life of the system.

This sheet must be signed by the person completing this sheet.

Shawn Roberts

SIGNATURE

Shawn Roberts

PRINT NAME HERE