



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 300 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



BOARD OF ZONING ADJUSTMENTS PROCESS

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.

Andrew Brain

SIGNATURE

Andrew Brain

PRINT NAME HERE



USE VARIANCE APPLICATION FORM

Application No. _____

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) We are requesting a variance from
our current zoning to allow for a new financial service company to sign a lease at our property.

PROPERTY ADDRESS 816 SW Blue Parkway, Lee's Summit, MO 64063

LEGAL DESCRIPTION SEC 7 TWP 47 TNG 31 PT OF N 1/2 NW 1/4 DAF: BEG ON W LI NICHOLS ST AT
A PT 250'S S OF S LI 3RD ST TH S 289.2' TH W 226.2' TH S 175' TO NLY LI HWY 50TH NWLY
ALG SD LI 459.6' TH N 215' MOL TH E 1212.26' TH S 10' TH E 405' MOL TO POB

APPLICANT Andrew Brain PHONE 816-281-5900
CONTACT PERSON Andrew Brain FAX _____
ADDRESS 300 e. 39th street CITY/STATE/ZIP Kansas City, MO 64111
E-MAIL abrain@braindev.group

PROPERTY OWNER Brain Dev 3, LLC PHONE 816-281-5900
CONTACT PERSON Andrew Brain FAX _____
ADDRESS 300 e. 39th street CITY/STATE/ZIP Kansas City, MO 64111
E-MAIL abrain@braindev.group

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**.



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.

Andrew Brain

PROPERTY OWNER

APPLICANT

Print name here: Andrew Brain

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 purpose of the variance is to allow for the use of a new tenant at our shopping center and
will not affect the rights fo adjacent property owners or residents. The proposed use is for a
financial services company.

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 the proposed use of the tenant is not opposed to the spirit and intent of the
ordinance.

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

Due to the innocuous use of the tenant the variance will not adversely affect the public in any
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 property currently does not allow for the intended use to be in such close proximity to a
daycare facility. This is peculiar as the intended use has no affect on the business of a daycare
facility and in no way affects the patrons of their business.

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

Not applicable.



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.

Due to this restriction we are unable to lease spaces to certain tenants thus limiting our ability

to conduct business.

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

Leasing up spaces at the center will improve the overall character of the locality by reducing the

number of vacancies and increasing the number of visitors to all other businesses at the center.

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

The space in question would be leased at the same rate regardless of the intended use.

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

Andrew Brain

SIGNATURE

Andrew Brain

PRINT NAME HERE