



LEE'S SUMMIT MISSOURI

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 it 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 the last known owner of record as provided by the county 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.
- **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 case to the Board, FULLY describing the situation and the variance criteria (see Statement of Variance Criteria).

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BOARD OF ZONING ADJUSTMENTS PROCESS

- 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 before it, 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.

SIGNATURE

Vince Bresnahan

PRINT NAME HERE

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NON-USE VARIANCE APPLICATION FORM

Application No. PL2020-169

APPLICATION IS HEREBY MADE TO THE BOARD OF ADJUSTMENTS 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) Homeowner is requesting the current setbacks be adjusted from 10 feet from the deck changed to 5 feet and rear set back changed from a 15 foot utility easement to 5-6 feet. There are no utilities located in the area. Homeowner backs up to common ground with no homes behind.

PROPERTY ADDRESS 1721 NE Woodland Shores Ct. Lees Summit, MO 64086

LEGAL DESCRIPTION Lot 148, Woodland Shores, 3rd Plat

APPLICANT Vincent & Victoria Bresnahan PHONE 314-724-7883
CONTACT PERSON Vincent Bresnahan FAX _____
ADDRESS 1721 NE Woodland Shores Ct. CITY/STATE/ZIP Lees Summit, MO 64086
E-MAIL vincebresnahan@yahoo.com

PROPERTY OWNER Vincent & Victoria Bresnahan PHONE 314-724-7883
CONTACT PERSON Vincent Bresnahan FAX _____
ADDRESS 1721 NE Woodland Shores Ct. CITY/STATE/ZIP Lees Summit, MO 64086
E-MAIL vincebresnahan@yahoo.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 Non-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.**

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LEE'S SUMMIT MISSOURI

NON-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.



PROPERTY OWNER

Print name here: Vincent Bresnahan



APPLICANT

Vincent Bresnahan

Receipt #: 2020049798 Date Filed: _____ Processed by:  Application # PL2020-169

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STATEMENT OF VARIANCE CRITERIA (NON-USE)

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.** Explain **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.

There are no homes behind, and the property backs up to common ground.

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.

The project will not affect the grade of the property. If granted, the proposed pool will be pushed more towards the center of the property and

allowing more distance between the adjacent property and utilizing the homeowners property without affecting any surrounding property owners.

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

There are no homes behind the property, therefore no one will be affected by the project.

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

Property backs up to common ground. Lot is oddly shaped, preventing the property owner from utilizing their property with the unused 15 foot



STATEMENT OF VARIANCE CRITERIA (NON-USE)

utility easement.

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

By granting this variance, property owner will be able to utilize an entire half of their own property. Since property backs to common area with no homes it will not affect any other property owners.

Further, in accordance with Section 2.530.B.2 of the Lee's Summit Unified Development Ordinance, the applicant must meet each of the following requirements to support the granting of the requested non-use variance. Explain **IN DETAIL** how this application meets each of the following requirements.

1. Practical difficulties exist that would make it impossible to carry out the strict letter of the Unified Development Ordinance when considered in light of the following factors:

a. How substantial the requested variation is, in relation to the requirement of the Ordinance.

Property owner is only asking to vacate an unused utility easement and place the pool in a position to less affect adjacent property owner

b. The effect of increased population density, if any, on available public facilities and services, if the variance is allowed.

There will be no negative affect on properties surrounding, as it is deemed common area owned by Woodland Shores

c. Whether a substantial change will be produced in the character of the neighborhood, or whether a substantial detriment to adjoining properties will be created if the variance is allowed.

There will be no affect on any other property. Variance is requested on property owners own property with no other property owners

affected negatively.

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STATEMENT OF VARIANCE CRITERIA (NON-USE)

- d. Whether it is feasible for the applicant to pursue a method, other than a variance, to obviate the practical difficulty.

There is no other place to put the pool without it being very close to adjacent neighbor unless the variance is granted which will allow pool to be pulled more toward the center of the property owners own property.

- e. Whether the interests of justice will be served by allowing the variance, in view of the manner in which the practical difficulty arose in consideration of all of the above factors.

By allowing the variance, the property owner will be allowed to utilized their property and vacating the unused utility easement and allowing the pool to be placed away from the adjacent neighbors property. This will create a safer swimming environment so the pool can be wider.

- f. Conditions of the land in question, and not conditions personal to the landowner. (The Board will not consider evidence of the applicant's or landowner's personal financial hardship unrelated to any economic impact on the land.)

The land in question is within the property boundaries.

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

A handwritten signature in blue ink, appearing to be 'Vince Bresnahan', written over a horizontal line.

SIGNATURE

Vince Bresnahan

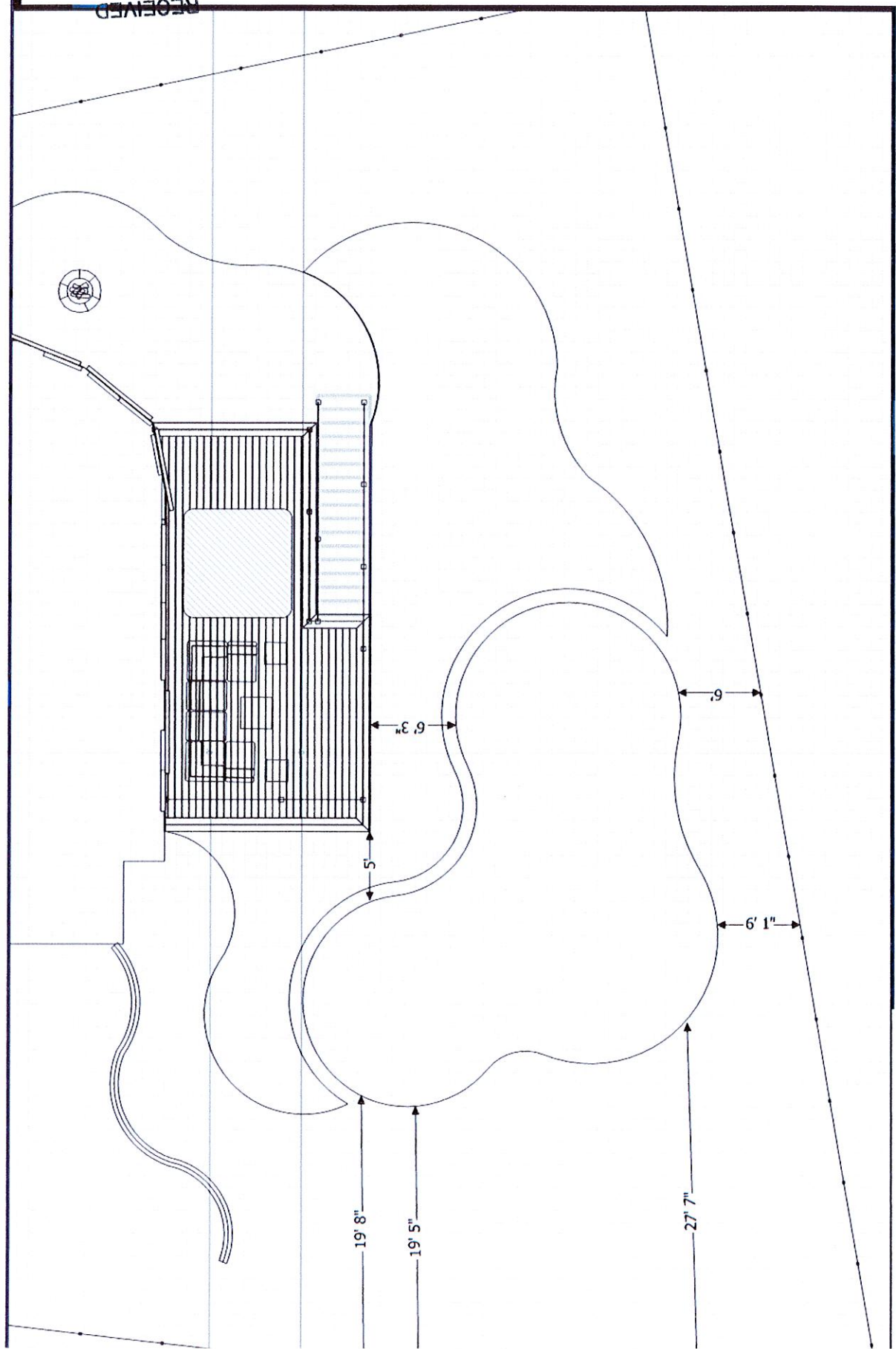
PRINT NAME HERE

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Bresnahan
1721 New Woodland Shores Ct.
Lees Summit, MO 64086



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WOODLAND SHORES 3RD PLAT

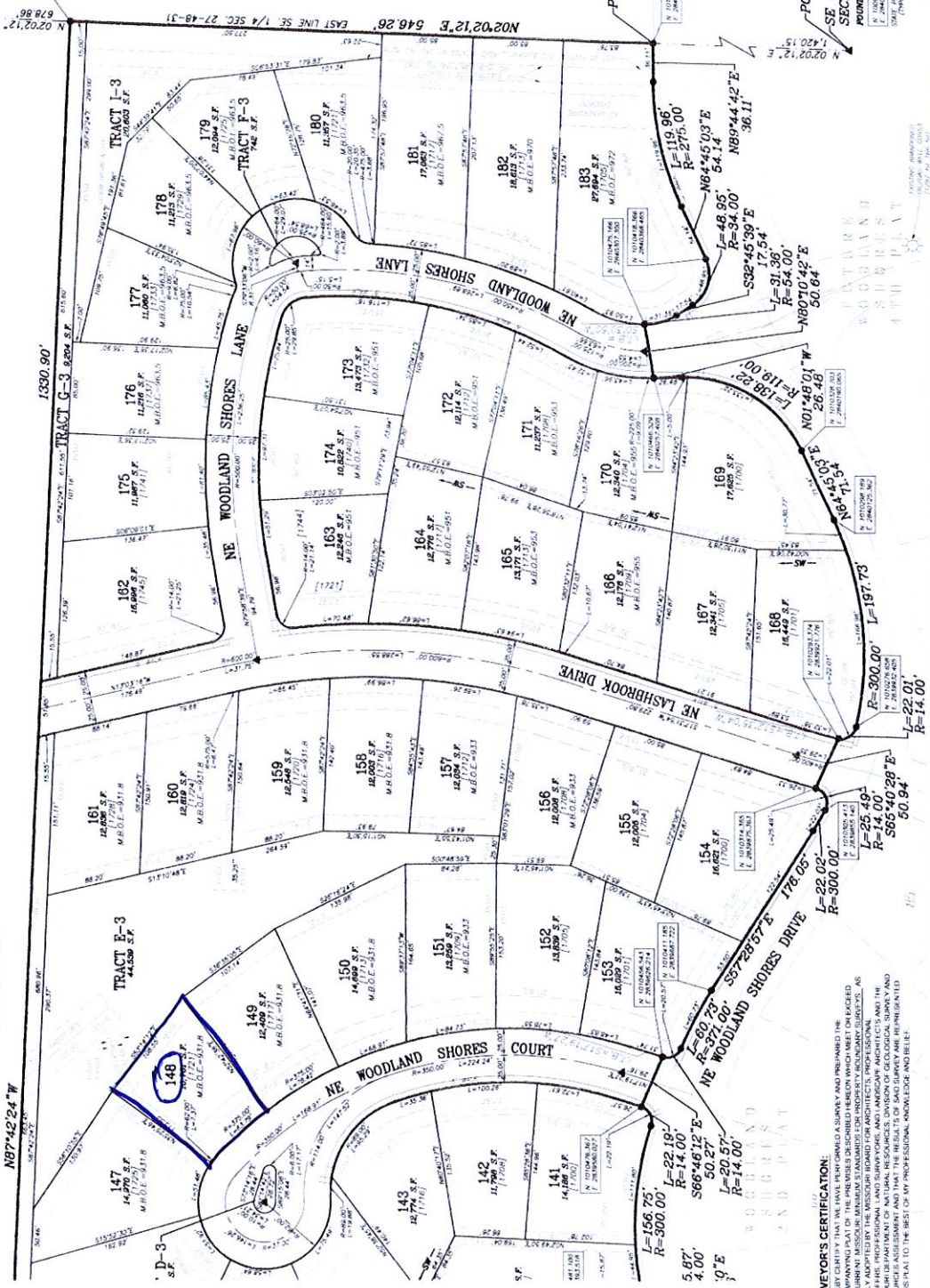
LOTS 118 THRU 183 and
TRACTS "A-3" THRU "I-3"

A SUBDIVISION IN THE SE 1/4 OF
SECTION 27 - T 48 N - R 31 W
LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

NOTES:

1. MINIMUM BASEMENT FINISH ELEVATION (MBSL) - THE BASEMENT SHALL BE THE ELEVATION SHOWN ON ANY LOT LABELED WITH MBSL.

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DEVELOPMENT SERVICES
NE CORNER OF SE 1/4
SEC. 27-TWP. 48-RNG. 31
PLAT 148
JACKSON COUNTY, MISSOURI



SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE SURVEY AND PREPARED THE ACCOMPANYING PLAT OF THE HEREIN DESCRIBED LOTS WHICH MEET THE REQUIRED REQUIREMENTS OF THE MISSOURI BOARD OF ARCHITECTURE, PROFESSIONAL SURVEYORS, AND PROFESSIONAL LAND SURVEYORS, AND I AM A LICENSED SURVEYOR IN THE STATE OF MISSOURI. I HAVE ALSO PERSONALLY EXAMINED THE SOURCE OF INFORMATION AND THE RESULTS OF THE SURVEY AND BELIEVE THE SAME TO BE TRUE AND CORRECT.

DRAWING FILE NAME	WS_3rd Plat.dwg
PROJECT FILE	Q:\Projects\23115002 Woodland Shores Q.dwg
CHECKED BY	E. Card
DATE DRAWN	MARCH 20, 2006
SCALE	1" = 50'
FILES ATTACHED	KIP 200235V - FSR2006.CTR
DATE	1/14/06

No.	DATE	BY	REVISION
3	12-14-06	JLS	PER CITY COMMENTS DATED DECEMBER 14, 2006
2	12-08-06	JLS	PER CITY COMMENTS DATED JUNE 28, 2006
1	5-07-06	PKM	PER CITY COMMENTS DATED APRIL 14, 2006

Archer
TOTAL PROJECT MANAGEMENT
CORPORATE OFFICE
3741 NE THORN DRIVE
LEE'S SUMMIT, MO 64064
PH: 816-554-3010 FAX: 816-554-3081

- OTHER OFFICE LOCATIONS**
- 1000 LAMAR BLVD., SUITE 100, KANSAS CITY, MO 64105
 - 1000 LAMAR BLVD., SUITE 100, KANSAS CITY, MO 64105
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FINAL PLAT	2311350
WOODLAND SHORES 3RD PLAT	
LEE'S SUMMIT, JACKSON COUNTY, MISSOURI	
G & R INVESTMENTS	
450 WINNEBAGO	
LAKE WINNEBAGO, MISSOURI 64084	
3 OF 3	

CITY OF LEE'S SUMMIT:
APPROVED: CITY COUNCIL
THIS IS TO CERTIFY THAT THE ACCOMPANYING PLAT OF
WOODLAND SHORES 3RD PLAT
WAS SUBMITTED TO AND DULY APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI THIS 14th DAY OF MAY 2006 BY ORDINANCE NO. 6549
APPROVED: PLANNING COMMISSION
APPROVED: PUBLIC WORKS / ENGINEERING
APPROVED: PLANNING & DEVELOPMENT DEPARTMENT
JACKSON COUNTY:
APPROVED: ASSESSOR'S OFFICE
JACKSON COUNTY ASSESSOR



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