



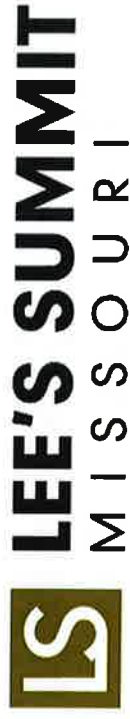
BOARD OF ZONING ADJUSTMENTS PROCESS

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).



NON-USE VARIANCE APPLICATION FORM

Application No. _____

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) _____

BEAR SETBACK TO ALLOW FOR POOL, POOL DECK, FENCE. FULL VARIANCE ON

PROPERTY ADDRESS 400 SW WATERFALL CT, Lee's Summit, MO 64081

LEGAL DESCRIPTION WINTERSET PARK 5TH PLAT LOT 111

APPLICANT CHAD DUMAS

PHONE 816-517-3049

CONTACT PERSON CHAD DUMAS

FAX _____

ADDRESS 400 SW WATERFALL CT.

CITY/STATE/ZIP Lee's Summit, MO 64081

E-MAIL chad.dumas@gmail.com

PROPERTY OWNER CHAD DUMAS

PHONE 816-517-3049

CONTACT PERSON CHAD DUMAS

FAX _____

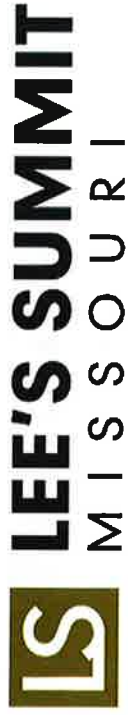
ADDRESS 400 SW WATERFALL CT.

CITY/STATE/ZIP Lee's Summit, MO 64081

E-MAIL chad.dumas@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 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**.



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.

THE LOT IS A WIDE CUL-DE-SAC LOT WITH NO VISIBILITY TO THIS AREA BY ANY NEIGHBORS. IN ADDITION, THERE IS A LARGE AMOUNT OF MAINTAINED COMMON GREEN SPACE & THEN ACRES OF TREES & WOODS BEHIND THIS

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.

WITH NO NEIGHBORING HOUSES AND NO CHANGE OF FUTURE DEVELOPMENT, THIS VARIANCE DOES NOT NEGATIVELY IMPACT ANY PROPERTY.

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

THIS VARIANCE WILL NOT SIGNIFICANTLY CHANGE STORM WATER RUNOFF, NOR WILL IT AFFECT ANY OF THE OTHER ITEMS MENTIONED.

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.



LEE'S SUMMIT MISSOURI

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.

IT IS NOT POSSIBLE WITHOUT THE VARIANCE

- 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.

AS MENTIONED, THE VARIANCE IS REQUIRED FOR THE
POOL PROJECT. VARIOUS OTHER SIMILAR VARIANCES HAVE
BEEN GRANTED THROUGHOUT LEE'S SUMMIT.

- 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 IS VERY PRIVATE, HAS A STEEP GRADE, AND

MULTIPLE LARGE MATURE TREES THAT IMPACT POOL PLACEMENT.

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



SIGNATURE

CHAD DUMAS

PRINT NAME HERE