



Board of Adjustment

**October 17, 2024 6:30 PM,
Council Chambers - 111 E. Maple Ave.**

**ALL ITEMS ON THIS MEETING AGENDA ARE CONTINUED TO THE NOVEMBER 21, 2024
MEETING DUE TO A LACK OF A QUORUM**

PUBLIC HEARING(S)

1. Case 24-999-07 – Jackie Shepherd – 2701 S. Northern Avenue - Variances to the width of lot frontage and minimum building square footage.
2. Case 24-999-08 – W. Benjamin Kasey – 140 E. Farmer Avenue - Johnson's Addition Replat - Variances to the width of lot frontages, area and building setbacks for exterior side yards.

APPROVAL OF MINUTES

1. June 20, 2024

MEETING DATE: October 17, 2024

STAFF: Gabriel Glaser, Planner

PROJECT NAME: 2701 S Northern – Relief from Lot and Building Standards

CASE NUMBER: 24-999-07 – Variance to Lot and Building Standards

APPLICANT/OWNER: Jackie Shepherd

PROPERTY ADDRESS: 2701 S Northern Blvd, Independence, MO 64052

SURROUNDING ZONING/LAND USE:

N: R-6 (Single Family Residential) – Single Family Residence

S: R-6 (Single Family Residential) – Single Family Residence

E: R-6 (Single Family Residential) – Single Family Residence

W: R-6 (Single Family Residential) – Single Family Residence

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on June 3, 2024
- Legal notification published in the Independence Examiner on May 28, 2024

VARIANCE REQUEST

CITY CODE REQUIREMENTS/VARIANCE:

City Code **14-300-05 – Lot and building standards** requires any lot created in Independence to have at least sixty (60) feet of frontage.

The applicant is requesting relief from this requirement and is proposing to record a lot in Independence with 47.43 feet of frontage.

In accordance with City Code **14-505-03 – Minimum floor area for single-family detached houses**, “Unless otherwise specified in this Code, all single-family detached houses shall enclose a floor area of not less than 900 square feet for a single story structure, and 1,100 square feet for structures of more than one story, in all non-Planned Unit Development (PUD) zoning districts. See Section 14-800-12-B for the reconstruction of damaged existing single family detached houses.”

The applicant is seeking relief from this development standard and is proposing to convert a structure 491.84 square feet in size to a single-family residence and lease it out as a rental property.

VARIANCE REQUEST AND BACKGROUND:

The applicant is seeking a variance from City Codes **14-300-05 – Lot and building standards** and **14-505-03 – Minimum floor area for single-family detached houses**, to obtain approval for an application for a minor subdivision in accordance with City Code **14-702-03 – Minor subdivisions**.

There are two existing structures located on this one tax parcel. A principal structure is addressed as 2701 S Northern Blvd. And an accessory structure is currently addressed as 2701 ½ S Northern Blvd. The City initiated a dangerous building case for 2701 S Northern Blvd and an unsafe buildings case for 2701 ½ S Northern Blvd in 2021. In 2022, the unsafe buildings case for 2701 ½ S Northern Blvd was escalated to a dangerous buildings case.

The applicant purchased this property in January 2024, according to Jackson County records. Subsequently, the applicant submitted a residential repair building permit for the principal structure located at 2701 S Northern Blvd at the beginning of February 2024. The property at 2701 S Northern Blvd passed a building final inspection on September 10, 2024. The principal structure has been issued a certificate of occupancy from the Building Inspections Division and the dangerous building tag was released. There remains an open dangerous buildings case for the structure located at 2701 ½ S Northern Blvd.

The applicant submitted an application for a minor subdivision (#24-330-09) on July 2, 2024, intending to divide up the existing tax parcel in to two separate lots. The applicant desires to sell the principal structure located at 2701 S Northern Blvd and retain ownership of the structure located at 2701 ½ S Northern Blvd. The applicant would like to lease the property at 2701 ½ S Northern Blvd as a rental unit.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City's Comprehensive Plan designates residential neighborhood uses for this property.

REVIEW CRITERIA

Recommendations made by staff and decisions of the Board of Adjustment must be based on consideration of all the following criteria. All six criteria **MUST** be met for variance to be granted.

1. **The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.** *No, many property owners in Independence have accessory structures located on their property.*
2. **The requested variance will not adversely affect the rights of adjacent property owners or residents.** *Yes, this variance would not appear to adversely affect the rights of adjacent property owners.*
3. **Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.** *No, the property currently conforms to lot and building standards, use regulations, and development standards for residential properties.*
4. **The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.** *No and Yes, the accessory structure is currently under a dangerous building code case; however, with the resolve the dangerous building case the variance may not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

5. **The alleged hardship has not been created by any person presently having an interest in the property.** *No, the hardship has been created by the property owner. They would like to split a property into multiple lots where there was no lot split previously.*
6. **The variance, if granted, will not alter the essential character of the neighborhood.** *No, due to the accessory structure not meeting the minimum square footage and proposing it be a principal structure on a separate lot, the building would also not meet the 85 percent of the average building width of other residential structures along this block as required by the residential infill standards of code section 14-506-06. There may be undetermined market value impacts to the properties along this block.*

EXHIBITS

1. Narrative
2. Application and
3. Variance Criteria
4. Code Section
5. Notification letter
6. Addresses
7. Mailing affidavit
8. Plot Plan
9. Front Image

7-2-24

Reason for subdivision
& variance

I want to split the property & make two residential homes. I will sale the larger home & hope to keep the smaller home as a rental.

Jackie Shepherd

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☒ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Kimo Court - Northern
Project Name

2701 S. Northern Blvd Independence, Mo. 64052
Project Address/Location

1864 .48 2
Sq. Ft. of Building Acreage Number of Lots/Tracts

Residential Residential
Existing Zoning Proposed Zoning Existing Land Use Proposed Land Use

Steam Buffer (Yes or No)

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form ☒ Application Fee. ☒ Cover Letter Describing Details of Project	☒ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
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Contact Information

Applicant

Jackie Shepherd
Name

10825 Ayers St Indep, MO. 64052
Address

816-591-2963 jackie@shepentgc.com
Phone Email

Architect/Engineer/Surveyor/Other: _____

Name Company

Address

Phone Email

Owner

Shepherd Investments 32, LLC
Name

128 W. 23rd St Indep, MO. 64053
Address

Same
Phone Email

Architect/Engineer/Surveyor/Other: _____

Name Company

Address

Phone Email

The applicant hereby agrees that the information provided above is accurate.

Jackie Shepherd 7-2-24
Applicant's Signature Date

Jackie Shepherd 7-2-24
Owner's Signature Date

VARIANCE CRITERIA

The Board of Adjustment must make a determination on each criteria listed below. Please explain how the requested variance meets the following criteria. Attach additional sheets if necessary.

1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.

☒ Yes ☐ No *See Attached*

Explain:

2. The requested variance will not adversely affect the rights of adjacent property owners or residents.

☒ Yes ☐ No

Explain: *See Attached*

3. Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.

☒ Yes ☐ No

Explain: *See Attached*

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

☒ Yes ☐ No

Explain: *See Attached*

5. The alleged hardship has not been created by any person presently having an interest in the property.

☒ Yes ☐ No

Explain: *See Attached*

6. The variance, if granted, will not alter the essential character of the neighborhood.

☒ Yes ☐ No

Explain: *See Attached*

- 1) We purchased the property and based on the information we received from the planning & Zoning division in City Hall that we would be able to remodel the larger house and sale it and remodel and improve the smaller house and retain it to add to our rental portfolio. We purchase it with the intent to remodel it and sale the bigger house. This property is already two lots, however the lots run East & West. Both homes are setting on the North lot and the South lot is a vacant lot. We propose turning the lots to be North & South with the bigger home on the West lot & smaller home on the East lot. There by eliminating a vacant lot which has been used for years as a dumping area for neighborhood brush, shrubs, & limbs. We have lived in the Englewood Highlands neighborhood for over 30 years. The entire time we have lived here the small house has been used as a rental property with the larger house being used as a single-family dwelling. Our kids when they were young went to grade school with the kids that lived in the smaller house. Our kids are in their late 30's early 40's now. By not allowing this variance it will cause the city to enforce the smaller house to be converted into a small garage, workshop or demoed not a taxable residential dwelling. We would like to split this lot to make two taxable residential homes rather than one. This house already has its own gas meter & electric meter. It is deemed as 2701 1/2 Northern thereby has its own address. The water & sewer are connected to the larger house but we fully intend if this variance is granted, we will separate the water & sewer from the larger house to the smaller house & attach to the city water & sewer which again will produce more revenue for the City of Independence.
- 2) It won't adversity effect the rights of adjacent property owners or residents do to the fact that it had been a residential structure for over 30 years now. The city shows it as being a converted garage however, with us living in this neighborhood for over 30 years it has never been a garage it has always been a residential dwelling. If we are forced to turn it into a garage, workshop or even demolish it that will more adversely affect the neighborhood then us completing remodeling the dwelling and making it a nice residence.
- 3) If we have to comply with the city's ordnance on the size of structure for a residential dwelling as well as the street frontage ordnance, we would have no choice but to tear this building down or turn this building into a very small garage or a workshop/storage building type of structure thereby eliminating a

single-family home as well as lowering the taxable income for the City of Independence.

- 4) The requested variance will not adversely effect anything it will only bring another family to the neighborhood as well as bring up property values in the area by remaining a residence verses a small garage or storage building.
- 5) No, the hardship was not created by anyone having an interest in the property. It was created by the building being deemed as a Dangerous building by the City of Independence do to the cooper being stripped out of the main house which by doing this it eliminated the grandfather statues which is what brings us to this reason for this variance. With that being said, I would like to interject that we have already remodeled the larger structure and it has passed all City inspections and is no longer on the Dangerous building list.
- 6) If the variance is not granted it will for sure alter the essential character of the neighborhood because the structure will have to be torn down, turned into a small garage, or some type of a storage out building. Thereby eliminating a residential dwelling that has been in the neighborhood for over 30 years. So, we are asking that you please grant this variance and allow us to bring this structure up to an exceptional standard there by improving the character of the neighborhood as well as brining another family to the area and a larger tax revenue for the City of Independence.

14-300-05 - Lot and building standards

14-300-0 General

- 5-A.**
1. This section establishes basic lot and building standards for all development in R districts. The standards that apply vary on the basis of zoning, building type and development type.
 2. All residential and nonresidential development in R districts must comply with the lot and building standards of Table 300-2, except as otherwise expressly provided in this ordinance.
 3. Rules for measuring compliance with the lot and building standards established in Table 300-2 and applicable exceptions to the standards can be found in Article 14-202.

Table 300-2 Lot and Building Standards

	R-A	R-1	R-2	R-4	R-6	R-12	R-18 PUD	R-30 PUD
CONVENTIONAL DEVELOPMENT								
Lot Size								
Min. lot area (square feet)	3 Ac	40,000	20,000	10,000	7,000	7,000	3,500	3,500
Min. lot area per unit (square feet)	3 Ac	40,000	20,000	10,000	7,000	3,500	2,400	1,450[1]
Min. lot frontage (feet)	240	120	100	75	60	60	30	30
Max. lot depth to width ratio	4/1	NA	NA	NA	NA	NA	NA	NA
Min. Exterior Setback (feet)								

Arterial streets	50	50	50	50	50	50	50	50
Collector/minor arterial	50	50	35	35	35	35	35	35
All other streets	50	50	35	25	25	25	25	25
Min. Interior Rear Setback (feet)	50	50	30	30	20	20	25	25
Min. Interior Side Setback (feet)	35	15	10	5	5	5	5	5
Maximum Height (feet)	None	35	35	35	35	35	35[3]	35[3]
OPEN SPACE DEVELOPMENT								
Overall Site								
Min. site area (acres)	5	5	5	5	5	5	5	5
Min. open space (% of site)	30	30	30	30	30	30	30	30
Min. site area per unit (square feet)	3 Ac	40,000	20,000	10,000	7,000	3,500	2,400	1,450[1]
Lot Size								
Min. lot area (square feet)	10,000	7,000	5,000	3,500	3,500	3,500	3,500	3,500

Min. lot frontage (feet)	75	60	45	30	30	30	30	30
Min. Exterior Setback (feet)								
Arterial streets	50	50	50	50	50	50	50	50
Collector/minor arterial	50	50	35	35	35	35	35	35
All other streets [2]	20	20	20	15	15	15	15	15
Min. Interior Rear Setback (feet)	30	25	25	25	25	25	25	25
Min. Interior Side Setback (feet)	8	6	4	3	3	3	3	3
Maximum Height (feet)	35	35	35	35	35	35	35[3]	35[3]
CONSERVATION DEVELOPMENT								
Overall Site								
Min. site area (acres)	5	5	5	5	5	5	5	5
Min. open space (% of site)	60	60	60	60	60	60	60	60
Min. site area per unit (square feet)	2.4 Ac	32,000	16,000	8,000	5,600	2,800	2,000	1,150[1]

Lot Size								
Min. lot area (square feet)	8,000	5,600	4,000	3,000	3,000	3,000	3,000	3,000
Min. lot frontage (feet)	75	60	45	30	30	30	30	30
Min. Exterior Setback (feet)								
Arterial streets	50	50	50	50	50	50	50	50
Collector/minor arterial	50	50	35	35	35	35	35	35
All other streets [2]	20	20	20	15	15	15	15	15
Min. Interior Rear Setback (feet)	30	25	25	25	25	25	25	25
Min. Interior Side Setback (feet)	8	6	4	3	3	3	3	3
Maximum Height (feet)	35	35	35	35	35	35	35[3]	35[3]

Notes to Table 300-2:

- [1] The minimum lot area per unit for elderly housing developments in the R-30 districts is 800 square feet.
- [2] Street-facing (front-entry) garages must be set back at least 25 feet from exterior lot lines except for lot lines abutting an alley.
- [3] Additional building height is permitted in R-18 and R-30 districts if interior side and interior

rear setbacks abutting R-zoned lots are increased at least one foot for each one foot of building height in excess of 35 feet. On lots that do not abut R-zoned lots, buildings may be increased in height if interior side and interior rear setbacks are increased at least one foot for each three feet of building height in excess of 35 feet.

(Ord. No. 17642; Ord. No. 17782)

14-505-03 - Minimum floor area for single-family detached houses

Unless otherwise specified in this Code, all single family detached houses shall enclose a floor area of not less than 900 square feet for a single story structure, and 1,100 square feet for structures of more than one story, in all non-Planned Unit Development (PUD) zoning districts. See Section 14-800-12-B for the reconstruction of damaged existing single family detached houses.

Property Owner Notification Letter

City of Independence, Missouri

Date: 9-11-24

Case No. 24-999-07

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration of a variance. The Board of Adjustment will consider the case on the property, date and time identified below.

Proposed project description: Split the two properties into separate parcels by turning the property lines to run North & South & the property line go between the houses so each house will be on its own land
This will allow for two separate residential properties that will be addressed separately

Applicant: Jackie Shepherd

Location of Property: 2701 & 2701 1/2 S. Northern Blvd Indep, Mo. 64052

Board of Adjustment Meeting Date: Oct 19, 2024, at 6:30 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the public hearing.

Jackie Shepherd
Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
CABRAL JESUS M	10709 E 27TH ST	INDEPENDENCE	MO	64052
CAMPOS ANA FABIOLA	10808 E 28TH ST S	INDEPENDENCE	MO	64052
CSMA BLT LLC	1850 PARKWAY PL STE 900	MARIETTA	GA	30067
DAMIAN JOSE	10808 E 27TH ST S	INDEPENDENCE	MO	64052
DAY ANTOINETTE C	4515 WALNUT 220D	KANSAS CITY	MO	64111
FOWLER JONATHEN & ERIN	10809 E 27TH ST S	INDEPENDENCE	MO	64052
FOX 4 HOLDINGS LLC	2419 S HARVARD AVE	INDEPENDENCE	MO	64052
FRANKLIN CLARENCE CHARLES	1102 W 35TH TER	INDEPENDENCE	MO	64055
HILL RICK	1704 NE PEREGRIN DR	BLUE SPRINGS	MO	64014
HOFMANN VERONICA J	10708 E 27TH TER S	INDEPENDENCE	MO	64052
HYSTEN ANNE E	10804 E 27TH ST	INDEPENDENCE	MO	64052
JAMESON KATRINA	2716 S APPLETON AVE	INDEPENDENCE	MO	64052
JOHNSON GREGORY R	10717 E 27TH TER	INDEPENDENCE	MO	64052
KING ROBERT E	10811 E 27TH ST	INDEPENDENCE	MO	64052
MOVERS MARCELLA A	10709 E 27TH TER	INDEPENDENCE	MO	64052
NOLAND DONALD	2712 APPLETON	INDEPENDENCE	MO	64052
PUES DIANA	10812 E 28TH ST S	INDEPENDENCE	MO	64052
RAMOS CARLOS J & AMARO GLENNY	2727 S NORTHERN BLVD	INDEPENDENCE	MO	64052
REYES PAULINA	10805 E 27TH ST	INDEPENDENCE	MO	64052
REYES ROEL DAGUIO	8895 DAFFODIL PL	GILROY	CA	95020
RIDER KEVIN W & SHANINI L	10800 E 27TH ST	INDEPENDENCE	MO	64052
SHEPHERD INVESTMENTS 32 LLC	128 W 23RD ST	INDEPENDENCE	MO	64052
WHITE LAURA M	10713 E 27TH TER	INDEPENDENCE	MO	64052
WINDMEYER ALEXANDER J	2723 S NORTHERN BLVD	INDEPENDENCE	MO	64052

N/A

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-999-07

I, Jackie Shepherd, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Board of Adjustment, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

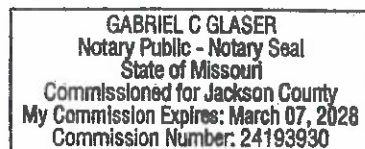
These notices were mailed on the 11 day of Sept, 2024.

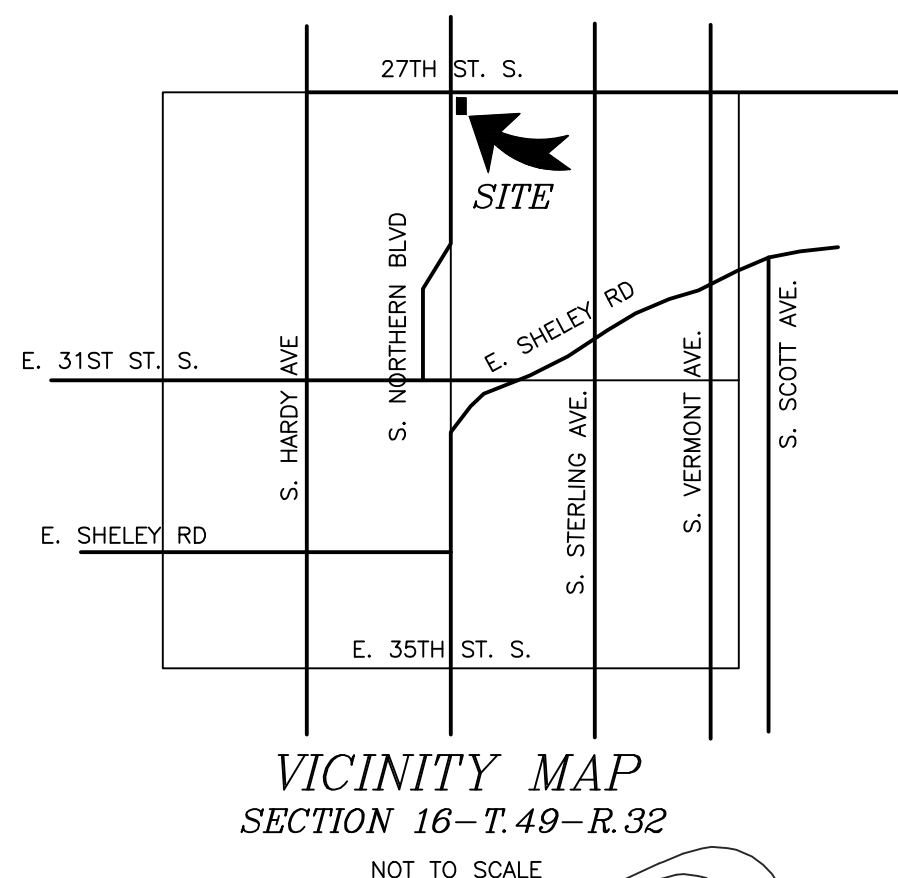
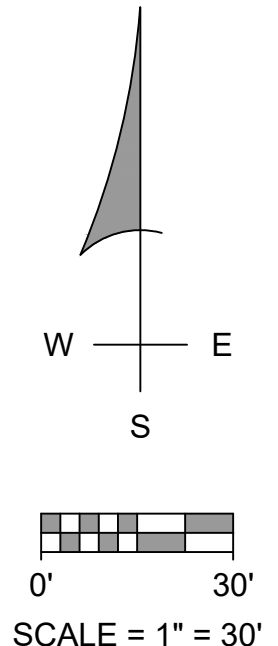
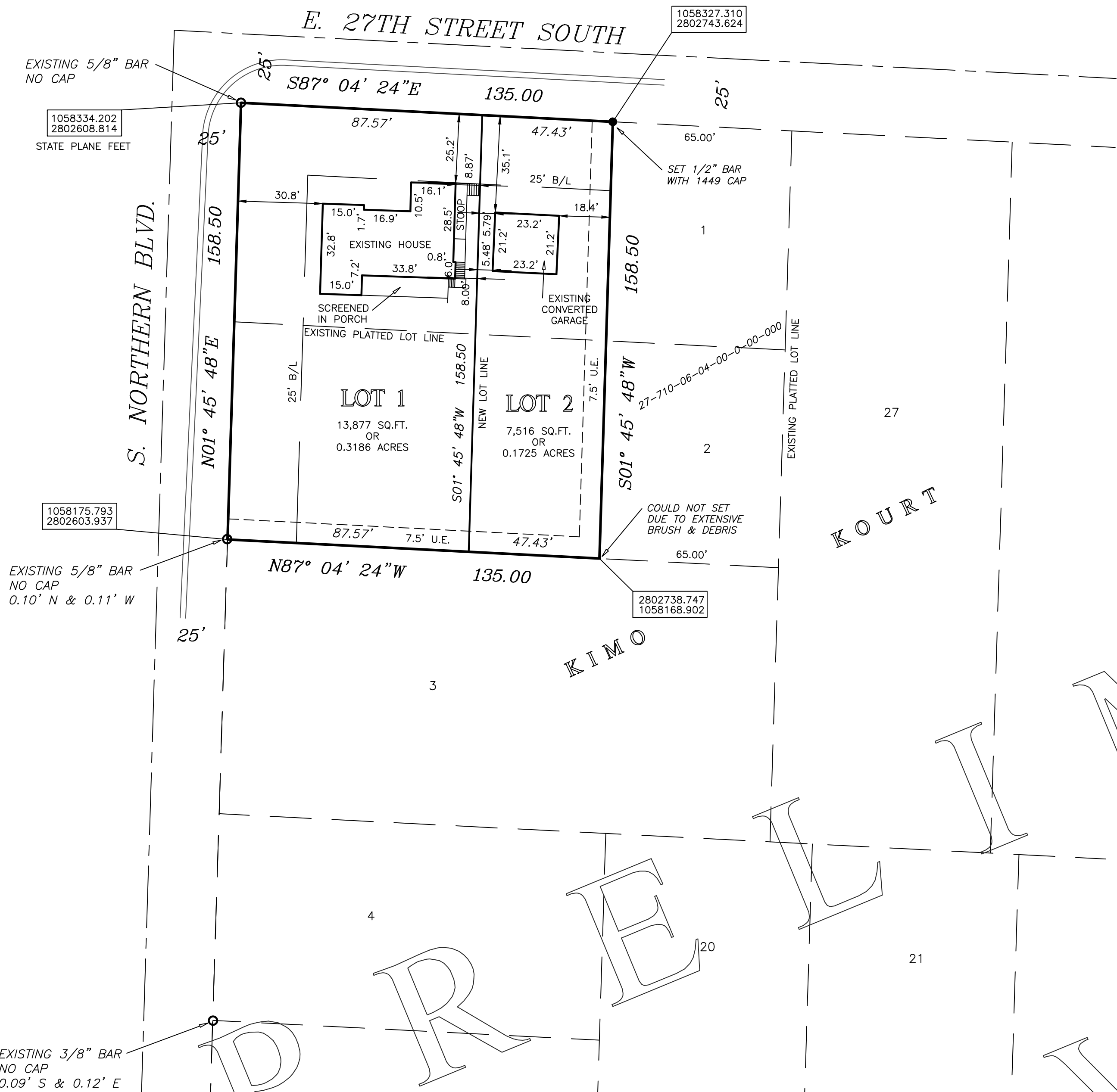
Jackie Shepherd
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 11 day of September, 2024.

Gabriel C Glaser
Notary Public

03/07/2028
Commission Expiration Date





MINOR SUBDIVISION
KIMO KOURT REPLAT A
THIS IS A RE-PLAT OF LOTS 1 & 2, KIMO KOURT,
EXCEPT THE EAST 65.00' THEREOF,
INDEPENDENCE, JACKSON COUNTY, MISSOURI

DEDICATION:
THE UNDERSIGNED PROPRIETORS OF THE TRACT OF LAND DESCRIBED IN THIS PLAT HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN HEREON WHICH SHALL, HEREAFTER BE KNOW AS:

KIMO KOURT REPLAT A

STREETS: ALL THOROUGHFARES SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.
EASEMENTS: AN EASEMENT OR LICENSE IS HEREBY GRANTED TO INDEPENDENCE, MISSOURI TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE OF POLES, WIRES, CONDUITS AND/OR STRUCTURES FOR WATER, GAS, SANITARY SEWER, STORM SEWER, ELECTRICITY, TELEPHONE, CABLE T.V. OR ANY OTHER PUBLIC SERVICE OR UTILITY, ANY OR ALL OF THEM UPON, OVER OR UNDER THOSE AREAS OUTLINED AND DESIGNATED UPON THIS PLAT AS "UTILITY EASEMENT" (U.E.), "DRAINAGE EASEMENT" (D.E.), "WATER EASEMENT" (W.E.), OR "SEWER EASEMENT" (S.E.) AND WITHIN ANY STREET OR THOROUGHFARE DEDICATED TO PUBLIC USE ON THIS PLAT. WHERE AN EASEMENT IS DEDICATED TO A SPECIFIC USE, THE USE THEREOF SHALL BE RESTRICTED TO SAID USE. ALL EASEMENTS SHALL BE KEPT FREE AND CLEAR OF ALL BUILDINGS, STRUCTURES OR OTHER OBSTRUCTIONS (EXCEPT DRIVEWAYS, PAVED AREAS, GRASS, SHRUBS, AND FENCES) WHICH WOULD INTERFERE WITH A) THE PROPER, SAFE, AND CONTINUOUS USE AND MAINTENANCE OR RECONSTRUCTION OF THE FACILITIES LOCATED WITHIN SAID EASEMENT, AND; B) THE AGENTS AND EMPLOYEES OF INDEPENDENCE, MISSOURI AND ITS FRANCHISED UTILITIES FROM GOING UPON SAID EASEMENT IN THE EXERCISING OF THE RIGHTS GRANTED BY SAID EASEMENT.
BUILDING SET BACK LINE: BUILDING LINE(S) OR SET BACK LINE(S) ARE HEREBY ESTABLISHED AS SHOWN AND DESIGNATED ON THIS PLAT AS "B/L". NO BUILDING OR PORTION THEREOF SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT-OF-WAY LINE.

IN TESTIMONY WHEREOF: SHEPHERD INVESTMENTS 32 LLC, A MISSOURI LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF _____ 20____.

JACKIE SHEPHERD, MEMBER
NOTARY CERTIFICATION:
STATE OF MISSOURI)
JSS
COUNTY OF JACKSON)
ON THIS _____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED JACKIE SHEPHERD BEING KNOWN BY ME TO BE THE PERSON DESCRIBED HEREIN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND BEING DULY SWORN BY ME DID ACKNOWLEDGE THAT SHE IS A MEMBER OF SHEPHERD INVESTMENTS LLC AND THAT SHE EXECUTED THIS INSTRUMENT AS THE FREE ACT AND DEED OF SAID LLC.

IN TESTIMONY THEREOF:
I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES _____, NOTARY PUBLIC

(NOTARY SEAL)

PROPERTY DESCRIPTION:
CONTAINING 21,393 SQUARE FEET OR 0.4911 ACRES.

ALL OF LOTS 1 AND 2, KIMO KOURT, A SUBDIVISION, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, EXCEPT THE EAST 65.00 FEET THEREOF.

- SURVEY NOTES:**
- SEMI-PERMANENT MONUMENTATION:
SET 1/2" BAR WITH CAP STAMPED "ERW GARD PLS-1449" AT CORNERS MARKED "●".
 - THE BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE, BY GPS OBSERVATIONS USING THE MoDOT GPS NETWORK. GRID FACTOR EQUALS 0.999998971.
 - THE SOURCE OF THE DESCRIPTION USED FOR THIS PLAT WAS DERIVED FROM A WARRANTY DEED RECORDED AS DOC NO 2024E0000295 AND THE PLAT OF KIMO KOURT.
 - NO EASEMENTS ARE SHOWN ON THE REFERENCED PLAT AND A TITLE REPORT WAS NOT PROVIDED BY THE CLIENT TO DISCLOSE OTHER EASEMENTS THAT MAY AFFECT THE SUBJECT PROPERTY; THEREFORE, THIS SURVEYOR ACCEPTS NO LIABILITY SHOULD THERE BE ANY EASEMENTS THAT AFFECT THE SUBJECT PROPERTY.
 - THIS SURVEY AND PLAT MEETS OR EXCEEDS THE STANDARDS FOR URBAN CLASS PROPERTY AS DEFINED BY THE CURRENT "MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS".
 - THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 29095 C 0279-G HAVING AN EFFECTIVE DATE OF JANUARY 20, 2017. LANDS LOCATED IN ZONE "X" ARE THOSE AREAS DETERMINED TO BE SUBJECT TO MINIMAL FLOODING.
 - THE SURVEYOR'S "CERTIFICATION" STATEMENT USED HEREON IS MADE TO THE PARTIES NAMED HEREIN AND IS NOT TRANSFERABLE TO ADDITIONAL PARTIES, INSTITUTIONS, OR SUBSEQUENT OWNERS AND MEANS AN EXPRESSION OF PROFESSIONAL BELIEF REGARDING THE DATA SHOWN ON THIS PLAT AND DOES NOT REPRESENT A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, WE PERFORMED A SURVEY OF THE PROPERTY DESCRIBED HEREIN AND PREPARED THIS DRAWING IN ACCORDANCE WITH THE CURRENT "MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS" AS JOINTLY ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF AGRICULTURE, LAND SURVEY PROGRAM.

ERWIN W. GARD, PLS-1449

JUNE 29, 2024

DATE

(SURVEYOR SEAL)

JACKSON COUNTY APPROVALS:

ASSESSOR'S OFFICE

DATE

GIS

DATE

CITY OF INDEPENDENCE APPROVALS:

ALEXANDER LOPEZ
MUNICIPAL SERVICES ENGINEER

DATE

TOM SCANNELL
DIRECTOR OF COMMUNITY DEVELOPMENT

DATE

APPROVED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF INDEPENDENCE, MISSOURI, PURSUANT TO ORDINANCE NO. 17339.

SUSANNE HOLLAND
CITY CLERK

DATE

GARD HORIZON LLC
LAND SURVEYING : BUILDING PERMIT & HOUSE PLAN SERVICES
REAL ESTATE : LARGE FORMAT SCANS & PRINTS
1212 SW Luttrell, Suite C
Blue Springs, Missouri 64015
Phone: 816-295-5951
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Erwin W. Gard, Owner
Professional Surveyor - Realtor
Cell: 816-853-4559
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SHEPHERD INVESTMENTS LLC
% JACKIE SHEPHERD
128 WEST 23rd STREET
INDEPENDENCE, MISSOURI 64055

JOB NO.: 1296-2401	FIELD BK--PG GPS	MASTER FOLDER: CAD Drawings\Subdivision	SHEET 1	OF 1
DRAWN BY: E. GARD		FILE NAME: Kimo Kourt MASTER		



MEETING DATE: October 17, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Johnson Addition Variance Request

CASE NUMBER: 24-999-08 – 140 E. Farmer Avenue - Variances to Lot Frontage, Area and Exterior Setbacks

APPLICANT: W. Benjamin Kasey

OWNER: Community Services League

NEW PROPERTY ADDRESSES: 143 and 147 E. Waldo Avenue and 146 E. Farmer Avenue

ZONING/LAND USE: R-6 (Single-Family Residential)...vacant lots

SURROUNDING ZONING/LAND USE:

North: C-2 (Single-Family Residential)...undeveloped lot

South: R-6 (Single-Family Residential) and C-2 (General Commercial)...single-family home and drainage basin

East: C-2 (General Commercial)...auto repair facility

West: C-2/HL (General Commercial/Historic Landmark) and R-6 (Single-Family Residential)...vacant lots

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on September 24, 2024
- Legal notification published in the Independence Examiner on September 24, 2024

VARIANCE REQUEST

CITY CODE REQUIREMENTS:

SECTION 14-300-05 indicates that lots in an R-6 (Single-Family Residential) district must be at least 60-feet in width along their frontage, be 7,000-square feet in area and must setback 50-feet from the right-of-way of an arterial roadway.

VARIANCE REQUESTS AND BACKGROUND:

Community Services League is planning on constructing three new residences on Lots 33A, 33B and 33C. The infill development is in one of the oldest subdivisions in the City, just being blocks north of the square. The creation of three lots, from this decades old lot split, will be in keeping with the pattern and dimensions of the existing neighborhood.

Lot 33A's frontage will be 50 feet wide requiring a variance of 10 feet. Lot 33B's frontage will be 50.62 feet wide and require a variance of 9.38 feet. Lot 33A and 33B require lot area variances of 2,000 and 553-square feet respectively.

The proposed house on Lot 33B will encroach 24.91 feet into the exterior side yard setback at its closest point to the Noland Road right-of-way. While the house on Lot 33C will require a variance of 17.54 feet.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City's Comprehensive Plan designates Residential Urban Neighborhood for this property.

REVIEW CRITERIA

Recommendations made by staff and decisions of the Board of Adjustment must be based on consideration of all the following criteria. All six criteria **MUST** be met for variance to be granted.

1. **The requested variances arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.** *Yes, this is true. The neighborhood was platted more than a century ago. To continue the neighboring lot pattern, variances to lot frontages, areas and setbacks from Noland Road are necessary;*
2. **The requested variance will not adversely affect the rights of adjacent property owners or residents.** *Yes, this is true. The new lots' dimensions will be similar to the existing adjacent lots;*
3. **Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.** *Yes, this is true. Variances are needed to develop lots with such dimensions and encroachments;*
4. **The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** *Yes, this is true. There will be no noticeable difference between the three proposed lots and other adjacent lots;*
5. **The alleged hardship has not been created by any person presently having an interest in the property.** *Yes, this is true. The pattern of lot size in the area was established nearly 150-years ago and before the modern improvements and setback standards for Noland Road;*
6. **The variance, if granted, will not alter the essential character of the neighborhood.** *Yes, this is true. Again, the neighborhood was platted at the greater density more than a century ago.*

EXHIBITS

1. Applicant's Letter
2. Application
3. Applicants Variance Criteria
4. Code Section
5. Notification letter
6. Addresses
7. Affidavit

8. Lot Map
9. Aerial Image

September 18, 2024

City of Independence
Community Development

Dear Sir/Madam:

This project entails a request for variances for lot width and street side setback in response to corrections and comments from the City regarding the Minor Subdivision Application submitted on behalf of Community Services League ("CSL") for the Johnson's Addition – Replat Minor Subdivision.

CSL is planning on constructing three new residences on Lots 33A, 33B and 33C. The City is requiring variances for the lot width for Lots 33A and 32A. City code requires sixty feet lot width and CSL is requesting a variance of ten feet for Lot 33A and 9.4 feet for Lot 32A.

The City is also requiring a variance for the street side setbacks. City Code requires fifty feet. CSL is requesting a variance of 25.09 feet for Lot 33B and a variance of 32.46 feet for Lot 33C.

Sincerely,



W. Benjamin Kasey

WBK/jw

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☒ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Minor Subdivision Johnson's Addition Replat

Project Name

143 & 147 E. Waldo Avenue and 146 East Farmer Avenue

Project Address/Location

Sq. Ft. of Building	6,236	Number of Lots/Tracts	Three	Steam Buffer (Yes or No)	No
Residential	Residential	Existing Land Use	Vacant	Proposed Land Use	Residential
Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use		

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
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Contact Information

Applicant

W. Benjamin Kasey

Name	Company
221 West Lexington, Suite 400 Independence, MO 64050	
Address	
(816) 836-5050	wbk@hfmlegal.com
Phone	Email

Architect/Engineer/Surveyor/Other:

Denver Winchester Blew Associates P.A.

Name	Company
3825 N. Shiloh Drive Fayetteville, AR 72703	
Address	
(479) 443-4506	survey@blewinc.com
Phone	Email

Owner

Community Services League

Name	Company
404 N. Noland Road Independence, MO 64050	
Address	
(816) 506-5229	bradfordd@cslcares.org
Phone	Email

Architect/Engineer/Surveyor/Other:

Name	Company
Address	
Phone	Email

The applicant hereby agrees that the information provided above is accurate.

W. Benjamin Kasey
Applicant's Signature

9/18/24
Date

Donna L Bradford
Owner's Signature

9.18.24
Date

VARIANCE CRITERIA

The Board of Adjustment must make a determination on each criteria listed below. Please explain how the requested variance meets the following criteria. Attach additional sheets if necessary.

1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.

☒ Yes ☐ No

Explain: The registered variances are unique because of the vacant lot, the property was recently rezoned to residential and the registered variances are required to construct the three residences and request was not created as a result of CSL's intentional actions.

2. The requested variance will not adversely affect the rights of adjacent property owners or residents.

☒ Yes ☐ No

Explain: The adjacent property owners are residential and the requested variances will not adversely affect the rights of adjacent property owners or residents.

3. Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.

☒ Yes ☐ No

Explain: Without the requested variances, the Minor Subdivision cannot be completed and the residences constructed for the benefit of the Independence Community and its citizens.

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

☒ Yes ☐ No

Explain: The requested variances only affect applicants property and will not adversely affect the public health, safety, morals, order, convenience prosperity or general welfare.

5. The alleged hardship has not been created by any person presently having an interest in the property.

☒ Yes ☐ No

Explain: The current hardship was not created by CSL and the variances are necessary to construct the three residences to benefit the City and its residents.

6. The variance, if granted, will not alter the essential character of the neighborhood.

☒ Yes ☐ No

Explain: The variances will not alter the essential characteristics of the neighborhood. It will instead allow three residencies to be added to the neighborhood and add to the essential character of the neighborhood as single family dwellings.

14-300-05 LOT AND BUILDING STANDARDS

14-300-05-A. GENERAL

1. This section establishes basic lot and building standards for all development in R districts. The standards that apply vary on the basis of zoning, building type and development type.
2. All residential and nonresidential development in R districts must comply with the lot and building standards of *Table 300-2*, except as otherwise expressly provided in this ordinance.
3. Rules for measuring compliance with the lot and building standards established in *Table 300-2* and applicable exceptions to the standards can be found in Article 14.202.

(History: Ordinance No. 17642, 17782)

Table 300-2 Lot and Building Standards	R A	R 1	R 2	R 4	R 6	R 12	R 18 PUD	R 30 PUD
CONVENTIONAL DEV'T								
Lot Size								
^L Min. lot area (square feet)	3 Ac	40,000	20,000	10,000	7,000	7,000	3,500	3,500
^L Min. lot area per unit (sq. ft.)	3 Ac	40,000	20,000	10,000	7,000	3,500	2,400	1,450[1]
^L Min. lot frontage (feet)	240	120	100	75	60	60	30	30
^L Max. lot depth to width ratio	4/1	NA	NA	NA	NA	NA	NA	NA
Min. Exterior Setback (ft)								
^L Arterial streets	50	50	50	50	50	50	50	50
^L Collector/minor arterial	50	50	35	35	35	35	35	35
^L All other streets	50	50	35	25	25	25	25	25
Min. Interior Rear Setback (feet)	50	50	30	30	20	20	25	25
Min. Interior Side Setback (feet)	35	15	10	5	5	5	5	5
Maximum Height (feet)	None	35	35	35	35	35	35[3]	35[3]

Property Owner Notification Letter

City of Independence, Missouri

Date: 9/23/24

Case No. 24-999-08

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration of a variance. The Board of Adjustment will consider the case on the property, date and time identified below.

Proposed project description: A variance of 10 feet for the Lot width for Lot 33A and a
variance of 9.4 feet for the Lot width for Lot 32A. A variance of 25.09 feet for the street
side setback for Lot 33B and a variance of 32.46 feet for the street side setback for
Lot 33C.

Applicant: Community Services League

Location of Property: 143 & 147 E. Waldo Ave. and 146 East
Farmer Avenue

Board of Adjustment Meeting Date: October 17, 2024 at 6:30 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the public hearing.


Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Luna Gilberto
1095 14th Street SE
Salem, OR 97301

McBee Properties LC
1203 E US 24 Highway
Independence, MO 64050

417 Tennessee LLC
315 SE 2nd Street
Blue Springs, MO 64014

Fordway Legacy LLC
1386 Highway TT
Bates City, MO 64011

JMS Enterprises
12521 E US 40 Highway
Independence, MO 64055

Apostolic Solutions for The Nations
7708 Appleton Avenue
Kansas City, MO 64138

Waymaker Holdings LLC
3009 SW Muir Drive
Lee's Summit, MO 64081

Jaime Zambrano
7615 Brooklyn Avenue
Kansas City, MO 64132

Marcy L. Bray
127 E Waldo Avenue
Independence, MO 64050

Robotics Inc.
58 Beach Drive
Lake Tapawingo, MO 64015

Palestine Missionary Baptist Church
810 North Delaware
Independence, MO 64050

Palestine Missionary Baptist Church of Independence
610 N High Street
Independence, MO 64050

Palestine Missionary Church of Jesus Christ
610 N High Street
Independence, MO 64050

Community Services League of Jackson County
404 N Noland Road
Independence, MO 64050

Robert Lewis Wolff
15609 East US Highway 24
Independence, MO 64050

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-999-08

I, W. Benjamin Kasey, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Board of Adjustment, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 24 day of September, 2024.



Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 24th day of September, 2024.

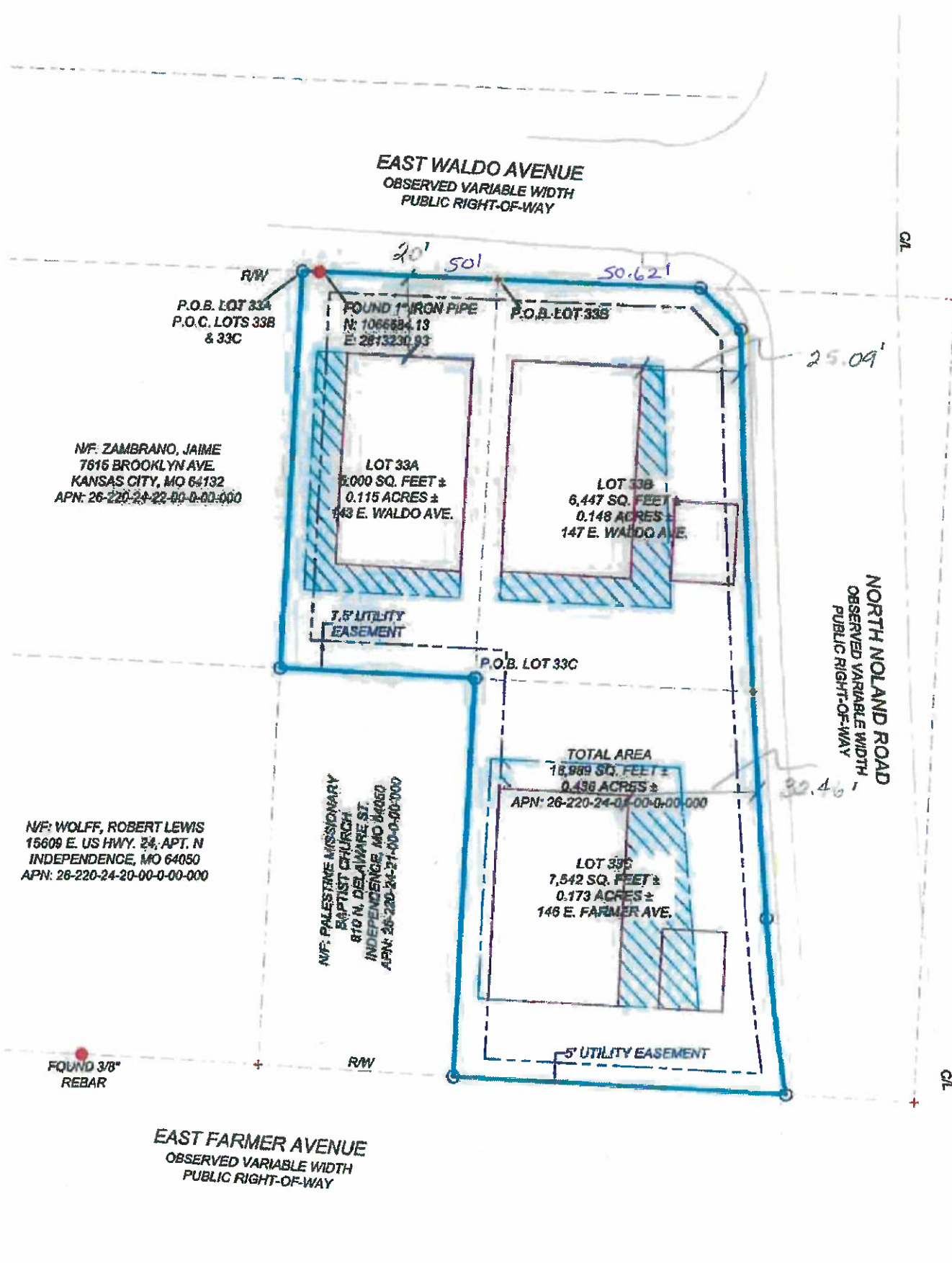


Notary Public

9/13/27

Commission Expiration Date

HEATHER STEWART
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires September 13, 2027
Commission # 23897031





MINUTES
INDEPENDENCE BOARD OF ADJUSTMENT
June 20, 2024

MEMBERS PRESENT

Roy Browne – Chairman
John Davies
Jack Layman
Anthony Sommer

STAFF PRESENT

Joshua Garrett – Planner
Mitch Langford – City Prosecutor

A meeting of the Independence Board of Adjustment was held at 6:30 p.m. on June 20, 2024, in the City Council Chambers of City Hall, 111 E. Maple Avenue. The meeting was called to order.

Case 24-999-05 – Justin Tharp – Variances to the fence at 2932 S Santa Fe Road.

Josh Garrett gave the staff report. John Davies made a motion to approve Case #24-999-05. The motion was seconded by Anthony Sommer. The motion was approved with four affirmative votes.

ADJOURNMENT – The meeting was adjourned at 6:43 p.m.