



Board of Adjustment

**December 19, 2024 6:30 PM,
Council Chambers - 111 E. Maple Ave.**

CALL TO ORDER

ROLL CALL

CASE TO BE CONTINUED - STAFF RECOMMENDS THIS CASE BE CONTINUED TO THE JANUARY 16, 2025, MEETING.

1. **Case 24-999-12 – 790 & 800 N. Bly Road** – Variance allowing a flag lot, and relief from minimum lot frontage and maximum lot depth to width ratios.

PUBLIC HEARING(S)

1. **Continued Case 24-999-09 – 2121 S. Sterling Avenue** – Variance to driveway requirements.
2. **Continued Case 24-999-10 – 18707 E 28th Street S** - Variance to setback requirements for a deck.
3. **Case 24-999-11 – 1301 S. Noland Road** – Variance to the residential fencing standards.
4. **Case 24-999-13 – 3411 S. Noland Road** – Variance to the commercial fencing standards.

APPROVAL OF MINUTES

1. November 21, 2024

ADJOURNMENT

MEETING DATE: November 21, 2024

STAFF: Gabriel Glaser, Planner

PROJECT NAME: 2121 S Sterling – Relief from Parking and Loading Standards

CASE NUMBER: 24-999-09 – 2121 S. Sterling Avenue – Variance to driveway requirements

APPLICANT/OWNER: George and Paula Thomas

PROPERTY ADDRESS: 2121 S Sterling Ave, Independence, MO 64052

SURROUNDING ZONING/LAND USE:

N: R-12 (Two Family Residential) – Single Family Residential

S: R-12 (Two Family Residential) – Single Family Residential

E: R-12 (Two Family Residential) – Two Family/Multi-Unit Residential

W: R-12 (Two Family Residential) – Single Family Residence

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on November 4, 2024
- Legal notification published in the Independence Examiner on November 2, 2024

VARIANCE REQUEST

CITY CODE REQUIREMENTS/VARIANCE:

City Code **14-501-10-B. Setbacks and Parking Surfaces** prohibits driveways composed of gravel or other aggregate.

The applicant is requesting relief from this requirement, allowing them to resurface the circular drive, between E 21st St and Englewood Terr, with gravel/aggregate up to the Right-of-Way.

Anything outside the scope of this application will require a separate variance request, in accordance with City Code **14-706-02**.

Pavement outside of the property boundaries falls within the public Right-of-Way and is regulated by the Municipal Services Department. Requirements for pavement within the public Right-of-Way can not be waived, varied, modified, through a zoning variance, as per City Code **14-706-02-C**. A Right-of-Way permit application is required to be submitted for Northern driveway entrance.

VARIANCE REQUEST AND BACKGROUND:

The application is seeking relief from City Code **14-501-10-B. Setbacks and Parking Surfaces** in response to a code case initiated at the end of August 2024 (#24-003207).

George and Paula Thomas purchased this property in 1995, according to Jackson County records. According to the applicant, at that time, their gravel/aggregate driveway already existed. Jackson County aerial imagery indicate the gravel driveway existed at least as far back as 2010. Aerial imagery of the property shows slow deterioration of the gravel driveway over time.

By the time that the Neighborhood Services Division initiated a Code Enforcement Case (#24-003207), the gravel driveway had lost its legal nonconforming status. In accordance with City Code **14-501-10-B. (b)**, in order to retain the use of nonconforming gravel parking and drive areas, the areas must be maintained at all times and kept free from grass, dirt, and other debris. Subsequently, the applicant submitted an application for a variance requesting relief from the development standards for parking surfaces and use regulations for accessory structures.

However, as per City Code **14-706-02-C. Prohibited Zoning Variances**, variances are prohibited to waive, modify or amend any definition or use classification. The applicant is unable to seek an exception allowing a storage container to be used as a permanent accessory structure. This request is not a part of this application.

In addition, pending the determination of the Board of Adjustment, the area of driveway within the Right-of-Way will be required to be constructed with either concrete or asphalt, in accordance with City Code **Sec. 17.03.004. – Driveway Requirements**. This requirement cannot be waived, modified, or overridden through an application for a variance, as per City Code **14-706-02-C. 5**.

An existing gravel parking area exists at the Eastern driveway entrance. This gravel parking area has been maintained and has retained a legal nonconforming status. The Eastern driveway entrance and parking area is not a part of this application for a variance—the existing gravel parking surface can remain.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City's Comprehensive Plan designates neighborhood commercial and 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, gravel is a prohibited parking surface for residential properties. Neglect/deterioration of gravel parking surfaces renders them nonconforming.*

2. **The requested variance will not adversely affect the rights of adjacent property owners or residents.** *Yes, this variance will not 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, there is no practical difficulty in complying with the development standards for parking surfaces at this residential property.*
4. **The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.** *Yes, this variance 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.** *No, the hardship has been created by the property owner. Gravel/aggregate driveways are required to be maintained free from grass and debris. Failure to do so results in a nonconformity.*
6. **The variance, if granted, will not alter the essential character of the neighborhood.** *Yes, if the variance is granted it will not alter the character of the neighborhood.*

EXHIBITS

1. Narrative
2. Application and
3. Variance Criteria
4. Code Section
5. Notification letter
6. Addresses
7. Notification Area Map
8. Mailing affidavit
9. Aerial Image
10. Driveway Approach North Entrance
11. Driveway Variance Area Allowed

attn: Brian Harker

October 23, 2024

The Mansion House
George & Paula Thomas
2121 S Sterling Avenue
Independence, MO 64052

Board of Adjustment, Variance Application
111 E Maple Avenue
Independence, MO 64050

To Whom It May Concern:

We own the property aka The Mansion House circa 1827, and having owned and lived here for 30 years. This property is recognized as historical by the Independence Historical Department.

We were caught off guard when people from the zoning department showed up and told us we had to make some serious changes to our property. We agreed to those we thought were reasonable, but there were two primary issues that were not.

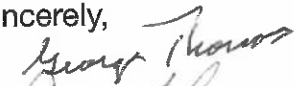
When the code people came out to see us we asked if there was somewhere else we could get exceptions or another way we could appeal these things they were saying were violations. We were told "no". To make sure I asked again, "no where else?" They again said "no".

We then we found out about the Board of Adjustment, and that we had the right to go before them to ask for variances, so we are doing so now. This is when I first met Mr. Gabe Glazer.

We asked Gabe Glazer if he could have these items exempted by an executive at the head of the department, but we were never informed that that this was ever done. Mr. Gazer never called me back as promised nor did he return my email I sent to inquire about this, reminding him he promised to get back with me. When I finally caught up with him on the phone he told me to hold off and not do anything until he checked things out. Again, I heard nothing from him.

Thank you in advance for your help and cooperation in this matter concerning our property.

Sincerely,



George & Paula Thomas
(816) 456-6880



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	☐ Admin. Adjustment ☒ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Project Name: George & Paula Thomas

Project Address/Location: 2121 S Sterling Ave, Independence, MO 64052

Sq. Ft. of Building: _____ Acreage: _____ Number of Lots/Tracts: _____ Steam Buffer (Yes or No): See attached

Existing Zoning: _____ Proposed Zoning: _____ Existing Land Use: Residential Proposed Land Use: Residential

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 <u>George & Paula Thomas</u> Name Company <u>2121 S Sterling Ave, Indep MO</u> Address <u>816 456-16880</u> <u>pdsuwayne@gmail.com</u> Phone Email Architect/Engineer/Surveyor/Other: <u>N/A</u>		Owner <u>Paula Thomas a Brz Frye</u> Name Company <u>2121 S Sterling Ave, Indep MO 64052</u> Address <u>816 456-6880</u> <u>pdsuwayne@gmail.com</u> Phone Email Architect/Engineer/Surveyor/Other: _____	
Name Company Address Phone Email		Name Company Address Phone Email	

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

Applicant's Signature: George Thomas Date: 10/23/24
 Owner's Signature: Paula Thomas Date: 10/23/24

(816) 223 9855
 May 2022
 Page 7 of 72

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:

This historical landmark was built circa 1827.

A. Gravel drive and parking area: The gravel driveway with some grass growing through it has been in place for many decades including when we purchased it from the church that was using it at the time as well. The City Historical Dept would not allow the house to be torn down in 1994 so the church continued to use the driveway as it was until they finally grew out of the building and had to find someone to purchase the home and property. The church had to find someone who would fit Historical Society's expectations. So, they approached us in 1995 and we purchased it from the church. The gravel driveway and parking area was there at that time, and used to continue down to Sterling Avenue until Sterling was widened. It has solid cement curbing which to this day has not be altered. It always had gravel along the drive. We still use it as it extends from Englewood Terrace, West away from the home as well as around the curve toward the North entrance of the drive. In all fairness, it should be grand-fathered in.

B. Wood Storage Unit: This enclosed metal container has been there for 30 years. The variance is required because of change in zoning requirements. It should be grand-fathered in.

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

☒Yes ☐No Explain:

A. Since it has always been here before the homes around us were built, and has been used all these years it definitely will not adversely affect the rights nor hinder any of the neighbors.

B. Because the property is large, and the storage unit is rather obscure from view, and has been there for 30 years, it does not hinder the neighbors. And because it is enclosed with a flat metal roof and we plan to cover the sides with siding, it will be even less noticeable than if we cut down our needed apple tree which hangs over the unit to replace it with a storage shed with a roof which would make it stand out even more.

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

☒Yes ☐No Explain:

A. Since this driveway has always been here, and the only safe place for us and/or company that visits it is the only place where we can park safely. It also makes it more convenient for those who have difficulty walking as it people can walk up the ramp to the front doors. The parking lot in the back is not safe as we have had too many vehicles stolen or broken in to while parked back there. Paving the drive and re-paving parking area will not only be cost prohibitive, but we are already dealing with water which flows over our property from Englewood Terrace which has done considerable damage bringing dirt, salt, silt and sand

down into both these areas damaging the parking area and into our front drive which has caused even more damage. Paving would prevent much of the water from being absorbed through the gravel and keeping erosion from continuing.

B. Moving the storage unit and building another structure will be difficult and expensive. We agree to covering the unit with siding even though it is another expense which is difficult for us. We would really appreciate it if we could just paint it white like the house?

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

☒Yes ☐No Explain:

A. There is nothing about the existing drive and parking area, nor is there anything we do here that adversely affects anyone or anything going on around us.

B. The enclosed metal wood storage unit not only doesn't adversely affect the public, but also it actually prevents insect infestation and reduces the risk of fire, more so that would a wood frame structure if the metal storage unit were to be replaced.

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

☒Yes ☐No Explain:

A. The drive and parking hardship was created decades ago by the previous owners and new zoning restrictions. We haven't changed it. We just maintain it to be as it has always been. The drive and parking area have served us and our visitors well. This issue before us has come from outside our realm of family or friends.

B. The storage unit hardship was created by a change in zoning requirements and was never an issue until recently.

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

☒Yes ☐No

Explain:

A & B. The variances will not alter the essential character of the neighborhood as it has always been a blessing to all before and since we have lived here for the past 30 years, and because we plan to beautify the sides of the storage unit it will be even better!

14-501-10 - Location of parking areas

14-501-1 General. Except as otherwise expressly stated in this development ordinance, required

0-A. parking spaces must be located on the same lot as the use served.

14-501-1 Setbacks and Parking Surfaces.

0-B.

1. Residential Districts. The following standards apply in all R districts:

- (a) Parking spaces and maneuvering aisles are prohibited in required exterior setbacks, except as otherwise expressly stated. Access driveways may traverse required exterior setbacks.
- (b) Parking spaces for detached houses, zero lot line houses, attached houses, and two-unit houses may be located on an approved driveway and adjoining asphalt/concrete pads, or other designated, approved parking areas. Parking on other than asphalt, concrete, paver stones, brick, or other hard durable surface, as determined by the Community Development Director, is expressly prohibited. Paver stones, bricks, and related materials must be designed and manufactured to withstand the weight of a motor vehicle. Driveways composed of gravel or other aggregate that lawfully existed before July 20, 2004 may continue to be used for off-street parking areas but may not be expanded or enlarged. In order to retain the use of these nonconforming gravel parking and drive areas, the areas must be maintained at all times and kept free from grass, dirt, and other debris.
- (c) No more than 40 percent of the front yard area in an R district may be paved or used for vehicle use. On corner lots, not more than 20 percent of the exterior side yard area may be paved or used for vehicle use.
- (d) In R-A districts, on lots of five acres or more, aggregate may be used for driveways provided that the driveway approaches are constructed with the approval of the Public Works Department, and an asphalt/concrete parking pad for at least two vehicles is provided adjacent to the residential structure.

- 2. Commercial and Industrial Districts.** In O, C, BP/PUD and I districts, parking is prohibited in required setback areas and in required landscape areas. All parking and storage of vehicles must be on a paved, all-weather surface.

(Ord. No. 17782; Ord. No. 17942; Ord. No. 17988; Ord. No. 18395; Ord. No. 19207, § 4, 4-19-2021)

Property Owner Notification Letter
City of Independence, Missouri

Date: Nov. 4th, 2024

Case No. 24-999-09

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: Please see attached letter.

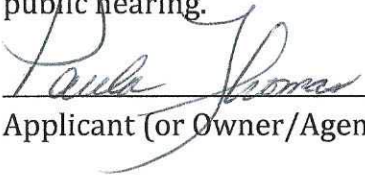
Applicant: Paula Thomas

Location of Property: 2121 South Sterling Avenue

Board of Adjustment Meeting Date: Nov. 21st, 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.

November 4th, 2024

To whom it may concern:

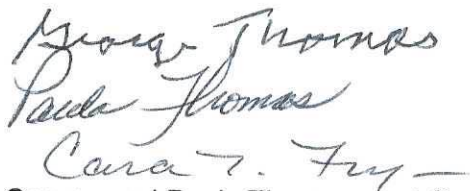
We are required by law to advise our neighbors that have property within 185 ft of ours that we are petitioning to the city to allow us to use our property as needed. In this case we are asking the city to allow us to use our existing driveway and to use our storage shed.

This house is a historical home built in the early 1800's and as such is unique. We are asking the city to allow us to continue to use our front driveway in full. In the early 1950's after the selling of the original property surrounding us the front gravel driveway was altered into a "T" shape to allow access to each road surrounding us except for 21st Street. Before we moved here in 1994, Sterling Avenue had been widened and as a consequence eliminated the access from Sterling Avenue directly. The internal grounds have not changed and the driveway still exists. Though it isn't as visible, the driveway is still there and we have been consistently using it.

Since our home is very old, it doesn't have centralized heat and so wood is essential to heating our home. It is a large home and so it requires a lot of wood to heat. We have the storage container to hold the wood needed to keep it dry as well as to not attract mice and rats and termites. We are requesting the city allow us to keep the container if we can dress it up to look more like a shed.

If you would like to support us in this petition feel free to attend the hearing.

Thank you for your consideration,

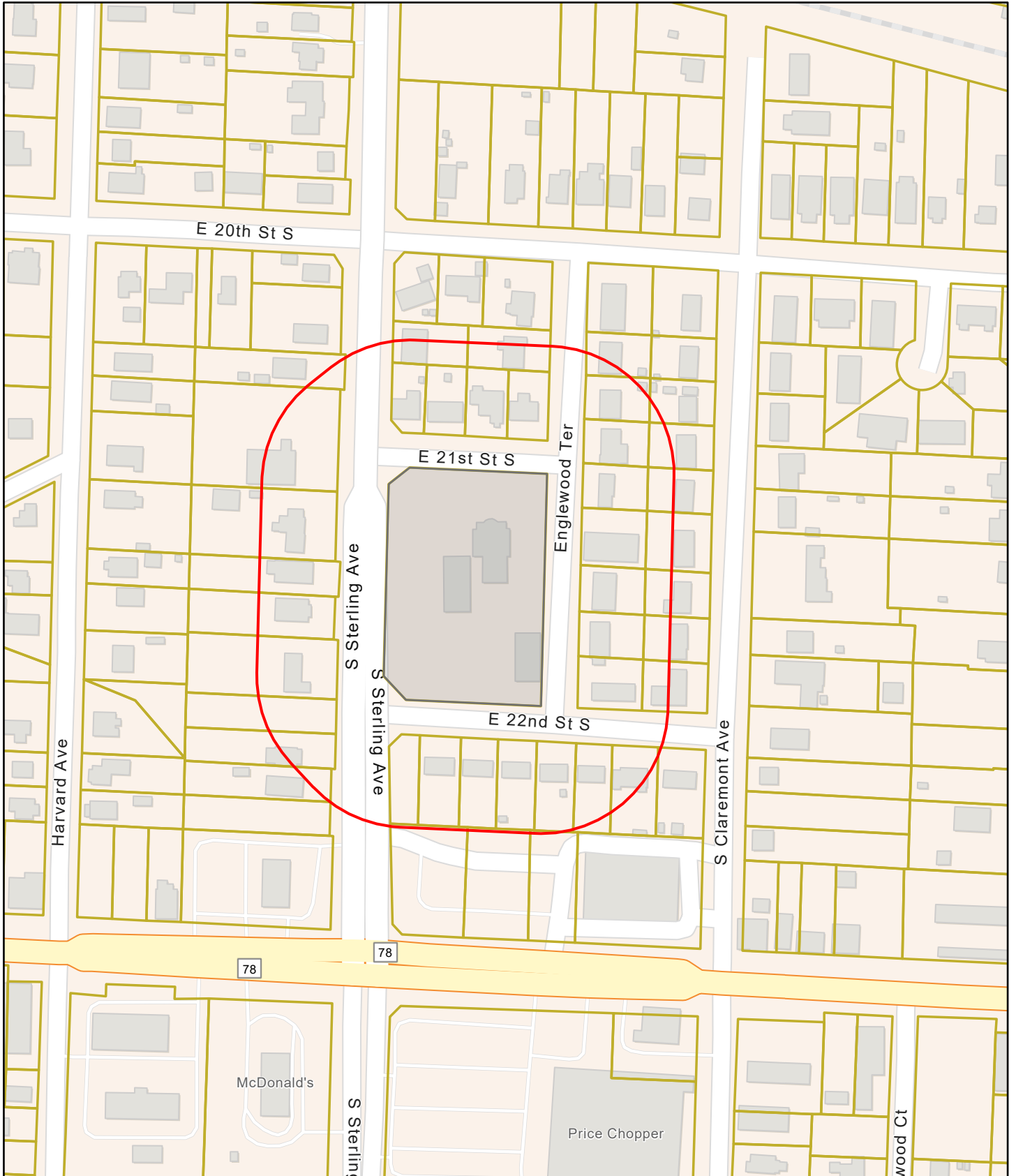
The block contains three handwritten signatures in cursive script. The first signature is 'George Thomas', the second is 'Paula Thomas', and the third is 'Cara Frye'.

George and Paula Thomas, and Cara Frye

Property Address	Property Owner	Owner Address	City	State	ZIP Code
11200 E 23RD ST S	STERLING INDEPENDENCE LLC	PO BOX 1159	INDEPENDENCE	MO	64052
11208 E 21ST ST S	BANTTARI LOREN PAUL	11208 E 21ST ST S	INDEPENDENCE	MO	64052
2152 S STERLING AVE	MIDWEST RENTAL ACQUISITIONS LLC STERLING SERIES	4522 NE ALHAMBRA DR	LEES SUMMIT	MO	64064
2150 S STERLING AVE	XIONG VILER	PO BOX 1328	BUENA VISTA	CO	81211
11206 E 21ST ST S	MERTELL HOLLAND A & KATHLEEN S	11206 E 21ST ST	INDEPENDENCE	MO	64052
2102 S CLAREMONT AVE	SLH LLC	16657 E 23RD ST S BOX 370	INDEPENDENCE	MO	64055
2014 S CLAREMONT AVE	BURRAGE TAMIKA	2014 S CLAREMONT AVE	INDEPENDENCE	MO	64052
2053 S STERLING AVE	SANDOVAL ANDRADES CARLOS A	3829 JOSHUA PL	ALEXANDRIA	VA	22309
11239 E 22ND ST S	J ROSS LEASING SERVICES LLC	12611 CHEROKEE LN	LEAWOOD	KS	66209
2101 S ENGLEWOOD TER	WHEELER JOHN D	2101 ENGLEWOOD TER	INDEPENDENCE	MO	64052
2260 S STERLING AVE	TALLGRASS HOLDINGS LLC	8100 E 22ND ST N BLDG 300	WICHITA	KS	67226
2105 S ENGLEWOOD TER UNIT 4	A & A PROPERTY INVESTMENT LLC	PO BOX 755	GRAIN VALLEY	MO	64029
2106 S CLAREMONT AVE	SQUARE ONE HOMES LLC	PO BOX 65	INDEPENDENCE	MO	64051
2120 S STERLING AVE	WHEATON LARRY WAYNE & TRACY L	2421 N YOCUM RD	INDEPENDENCE	MO	64058
2116 S STERLING AVE	HEAN YIN	2116 S STERLING AVE	INDEPENDENCE	MO	64052
11205 E 22ND ST S	THOMPSON JACOB	11205 E 22ND ST S	INDEPENDENCE	MO	64052
2010 S CLAREMONT AVE	WILLIAMS MARSHALL	2010 S CLAREMONT AVE	INDEPENDENCE	MO	64052
2110 S STERLING AVE	CAPSTONE PARTNERS INC	412 W RIVERS EDGE DR	PROVO	UT	84604
11217 E 22ND ST S	SPEAKMAN TIMOTHY J	11217 E 22ND ST	INDEPENDENCE	MO	64050
2256 S STERLING AVE	JAEGER MICHAEL PAUL & LAUREN NICOLE	204 POSHARD ST	PLEASANT HILL	CA	94523
11201 E 22ND ST S	FS INVESTING LLC	11201 E 22ND ST S	INDEPENDENCE	MO	64052
2009 S ENGLEWOOD TER	ROGERS JERRY & LEEANNE	7553 STATE AVE	KANSAS CITY	KS	66112
11209 E 22ND ST S	ARROWHEAD RESIDENTIAL FUND I LLC	16657 E 23RD ST S STE 370	INDEPENDENCE	MO	64055
2113 S ENGLEWOOD TER	MCCORMICK DENNIS & LISA	1500 COTTONWOOD AVE	PLEASANT HILL	MO	64080
11202 E 21ST ST S	JENKINS JOSHUA B	11202 E 21ST ST	INDEPENDENCE	MO	64052
2148 S STERLING AVE	MCBEE PROPERTIES LC	1203 E US 24 HWY	INDEPENDENCE	MO	64050
11221 E 22ND ST S	ADG PROPERTIES LLC	3600 CHINO DR	CAMP VERDE	AZ	86322
2013 S ENGLEWOOD TER	NUNEZ ROSA	2013 S ENGLEWOOD TER	INDEPENDENCE	MO	64052
2258 S STERLING AVE	USA REGROWTH FUND LLC	16869 SW 65TH AVE # 317	LAKE OSWEGO	OR	97035
2005 S ENGLEWOOD TER	HARTMANN MAURICIO	2005 S ENGLEWOOD TER S	INDEPENDENCE	MO	64052
2121 S STERLING AVE	SWAYNE DAVID H & PAULA	2121 S STERLING AVE	INDEPENDENCE	MO	64052
11213 E 22ND ST S	LUNNON BROTHERS PROPERTIES LLC	17000 NE 119TH ST	KEARNEY	MO	64060

11229 E 22ND ST S	HUGHES SAMUEL	610 W RUSH AVE	HARRISON	AR	72601
11200 E 21ST ST S	NEWPORT MARILYNN F & SHAWN E	11200 E 21ST ST S	INDEPENDENCE	MO	64052
2006 S ENGLEWOOD TER	LIVINGSTON PROPERTIES LLC	6509 W 126TH TER	LEAWOOD	KS	66209
2114 S CLAREMONT AVE	SPENCE MELINDA M	2114 CLAREMONT	INDEPENDENCE	MO	64052
2110 S CLAREMONT AVE	KELLEY KATHY ANN	2110 CLAREMONT	INDEPENDENCE	MO	64052

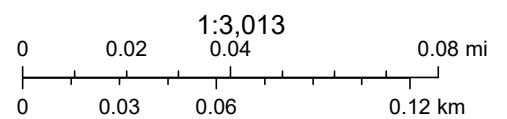
185ft Notification Area Map



10/29/2024, 5:32:28 PM

 Parcels (General Use- AGOL)

 City Limits



Esri Community Maps Contributors, City of Independence MO, Kansas City, MO, Jackson County, MO, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

ArcGIS Web AppBuilder

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-999-09

I, Paula Thomas, 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 5 day of November, 2024.

Paula Thomas
Signature of Agent, Owner or Attorney

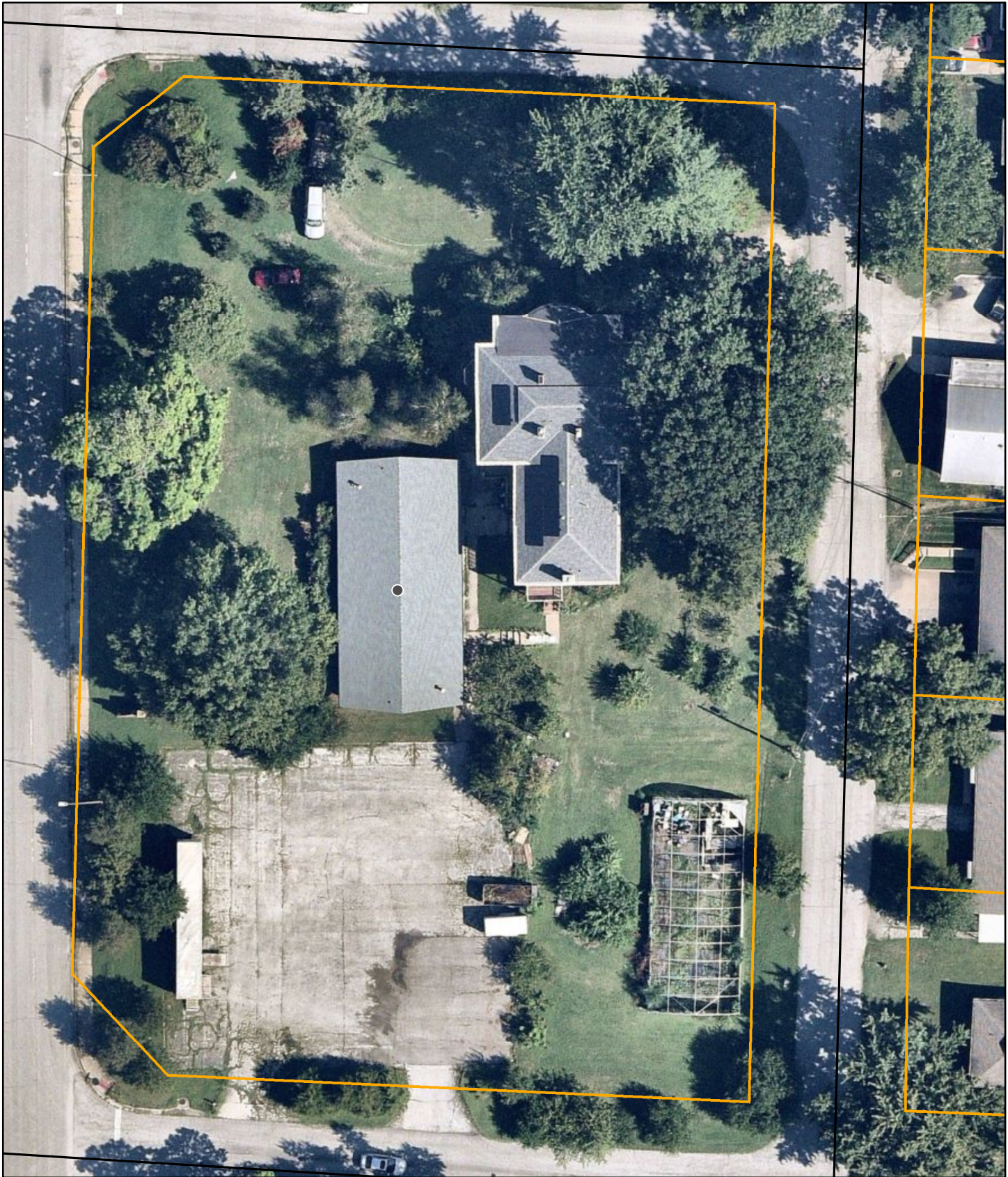
Subscribed and sworn to before me this 5 day of November, 2024.

Jazmin Garcia Bosquez
Notary Public

05/23/2026
Commission Expiration Date



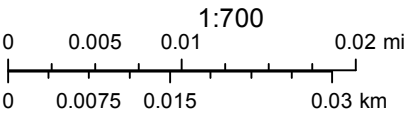
2121 S Sterling Ave



11/7/2024, 1:50:31 PM

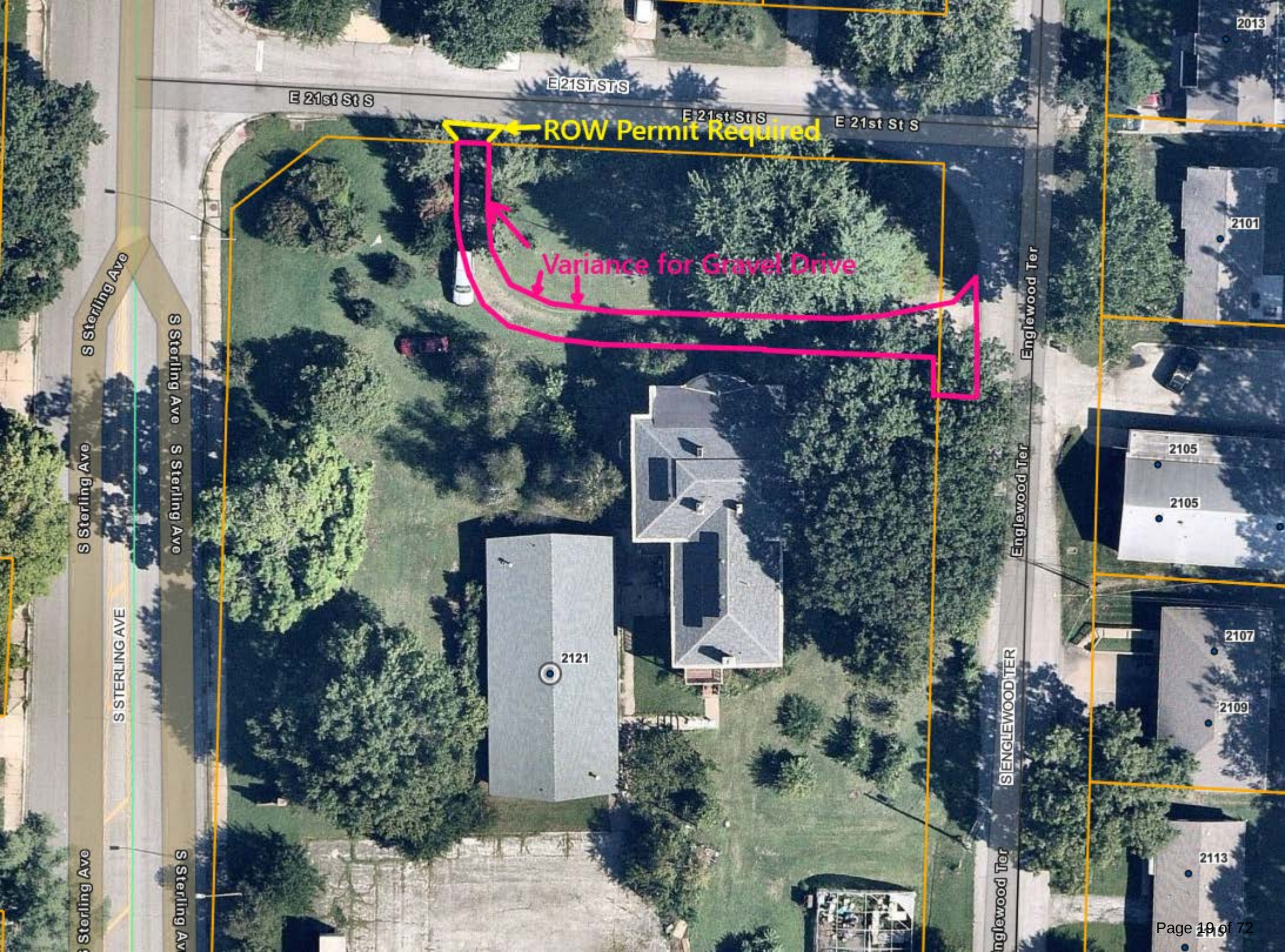
Streets

- Local
- Parcels
- City Limits



Nearmap





E 21st St S

E 21st St S

E 21st St S

ROW Permit Required

Variance for Gravel Drive

S Sterling Ave

S Sterling Ave S Sterling Ave

S STERLING AVE

S Sterling Ave

S Sterling Av

Englewood Ter

Englewood Ter

ENGLEWOOD TER

Englewood Ter

2121

2013

2101

2105

2105

2107

2109

2113



December 6, 2024

RE: Case #24-999-09 – 2121 S Sterling Ave - Addendum

This addendum is regarding a request put forward by the Board of Adjustment to include in the application for a variance (#24-999-09) relief from use regulations of the Unified Development Ordinance prohibiting temporary portable storage containers to be used as permanent accessory structures.

As per City Code **14-400-07 – Temporary portable storage containers**, temporary portable storage containers are an allowed temporary, accessory use on lots containing a dwelling. However, they are not permitted to exceed a total of 30 days within any consecutive six-month period. Additionally, City Code **14-400-07-F** - rail cars, semi-trailers and similar structures may not be used for temporary or permanent storage.

Staff has had the City's legal counsel review the request by the Board of Adjustment to apply a variance to a prohibited use in a zoning district. Legal counsel determined that Zoning Adjustments and Variances under Code Section **14-706** cannot provide a variance to prohibited uses in the City and cannot seek a variance through the procedures outlined under chapter **14-706-02**.

Additionally, City Code **14-707 – Appeals of Administrative Decisions** does not apply to this case for the following reasons:

- a. Appeals of administrative decisions require an application and fee, following the criteria set out under City Code Chapter **14-707**. This is a separate procedure and has separate review criteria, distinct from zoning adjustments and variances under City Code Chapter **14-706**.
- b. There has been no administrative decision that can be appealed. Utilizing temporary portable storage containers as permanent accessory structures or the use of a rail car or semi-trailer container is a prohibited use by Code and cannot be administratively approved or denied.

This addendum is hereby submitted as part of the material related to case #24-999-09 submitted before the Board of Adjustment.

Respectfully,

Gabriel C. Glaser
Planner
City of Independence

MEETING DATE: November 21, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Mary Wilson Deck Variance Request

CASE NUMBER: 24-999-10 – 18707 E. 28th Street S. – Variances to Setback Requirements for a Deck

APPLICANT/OWNER: Mary Wilcox

PROPERTY ADDRESS: 18707 E. 28th Street S.

ZONING/LAND USE: R-12 (Two-Family Residential)...single-family residential

SURROUNDING ZONING/LAND USE:

NSEW: R-6 (Single-Family Residential)...single-family homes

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on October 31, 2024
- Legal notification published in the Independence Examiner on November 2, 2024

VARIANCE REQUEST

CITY CODE REQUIREMENTS:

SECTION 14-400-01-C #2 indicates that in all R districts, except R-A districts, accessory buildings must setback at least 5 feet from all interior lot lines.

VARIANCE REQUESTS AND BACKGROUND:

The applicant request to allow a deck that was constructed too close to the side and rear property lines because of an inadvertently approved building permit. The east side of the deck sets only 6-inches from the fence, indicating a needed variance of 4½-feet. The south side of the deck sets 2-feet from the property line, indicating a needed variance of 3-feet. However, it should be noted, only a professional ground survey can determine the certainty of the property lines.

The deck is a 936-square foot “L” shaped structure abutting the concrete walk around the property’s swimming pool and extending eastward and southward to near the fence lines. Coverage for the deck is less than 50 percent of the area of the 2,401.37-square foot house.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City’s Comprehensive Plan designates Residential 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 and No. Staff inadvertently approved an application with content that did not meet Code (setbacks), and the applicant constructed a railing in a manner that did not meet Code;*
2. **The requested variance will not adversely affect the rights of adjacent property owners or residents.** *Yes and No. The deck as indicated would exist within the applicant's property, however the height of the rails and their installment on a deck just adjacent to the neighbor's fence could make future maintenance more difficult;*
3. **Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.** *Yes. Due the grade of the side yard, the applicant has expressed difficulty in maintaining the ground adjacent to the fence;*
4. **The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** *Yes and No. while the construction of the deck may not adversely affect, safety, health or welfare of the public, it may adversely affect the convenience and prosperity of neighbor's property;*
5. **The alleged hardship has not been created by any person presently having an interest in the property.** *Yes, several versions of the permit drawings were submitted with differing deck sizes. During review of the revisions, the final permit was approved with the setbacks in error creating the current hardship;*
6. **The variance, if granted, will not alter the essential character of the neighborhood.** *Yes, the deck being constructed in the rear yard should not alter the essential character of the neighborhood.*

EXHIBITS

1. Narrative
2. Application and Applicant's Variance Criteria
3. Code Section
4. Notification letter
5. Addresses
6. Notification Map
7. Affidavit
8. Aerial Photo
9. Photo a
10. Photo b
11. Photo c

Mary Wilcox 7 pages

Requested Cover Letter:

10-20-24

1. I still have not received the new link that takes me wherever Mr. Glaser directed me to go.

Clicking the link brings me to the City website "page not found". I hope this is not causing an incomplete application or related step.

2. Per email and phone call from Gabe Glaser the fee for this variance has been WAIVED.

3. The Planning and Zoning Application sent by Mr. Glaser does not appear to have a lot of applicable information that would pertain to a backyard deck. But, I completed the form as much as I could and then attached:

A. a pdf of the city-approved plan [permit issued...Approved by 5 professionals in 4 City Depts.]

B. legal description from county records

C. application form [signed] none of the 1st section seemed appropriate to mark.

Overview of the project.

It is an "L" shaped deck with a backdrop/railing [for providing privacy to neighbors] [that surrounds an existing inground swimming pool.] ALL materials used are standard materials with no exceptions. You'll see by the drawing they issued my permit based on that same drawing.

5 professionals in 4 city departments approved my plan, without ever mentioning that I did not meet one of the requirements. Issued Permit #2024-03481

The original plans showed:

The deck is less than 1 foot from one existing privacy fence on the side

and along the back it is 2 feet from the existing privacy fence.

It was planned that way to resolve the hardship concerning my disabilities. It also stated this in an email/letter I wrote to Mike Stewart [permit dept.] and the "bpermits" email. Along with it being noted on multiple submissions of my drawings. [original and resubmissions]

I should note almost 4 WEEKS AFTER issuing my permit, and AFTER the deck was almost complete...

I received a surprise phone call from Gabe Glaser, (C of I) that there was "an error made" at the City and I now have to go the Board of Adjustments for a "variance" to be issued.

Note: It wouldn't have been 1 error. It would be FIVE ERRORS from multiple city departments involved.

5 professionals signed off on it-- 4 depts. I am certain you can understand why I have a difficult time accepting this is "an error".

If I remain required to have a public hearing in order to receive this variance, I will speak at my public hearing to provide many details not divulged in this current part of the process. I really think the public & the Board should know the complete chain of events in what I am deeming a debauched, shameful debacle.

Thank you.

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	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

deck

Project Name

18707 E 28th St S [backyard]

Project Address/Location

n/a

n/a

partial backyard

n/a

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Stream Buffer (Yes or No)

res

res

res

res

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

Contact Information

Applicant

Mary Wilcox

n/a

Name

Company

18707 E 28th St S

Address

816-616-7165

fastest2.mw@protonmail.co

Phone

Email

Architect/Engineer/Surveyor/Other: self ?

n/a

Name

Company

Address

Phone

Email

Owner

same

Name

Company

same

Address

same

same

Phone

Email

Architect/Engineer/Surveyor/Other: self?

n/a

Name

Company

Address

Phone

Email

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


Applicant's Signature

10.20.24
Date


Owner's Signature

10.20.24
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: I do not know if yes is the correct answer. I'm guessing it is unique. I can swear to it was not intentional by the owner. [me]

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

☐ Yes ☒ No

Explain: The deck is completely in the boundaries of my own property and would have zero negative affect on neighbors.

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

☒ Yes ☐ No

Explain: As a senior citizen with physical disabilities I am solving an issue by this deck being installed.

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

☐ Yes ☒ No

Explain: Absolutely no negative affect on any of these.

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

☐ Yes ☒ No

Explain: Having a pool installed for mainly health reasons I had no idea it would have this impact on the surrounding ground.

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

☐ Yes ☒ No

Explain: Next door has a shed 1 foot from the fence. Diagonal has 12/16 ft tall shed very close to the fence so I don't believe me having a deck in my yard will alter the character of the neighborhood.

14-400 ACCESSORY USES AND STRUCTURES

14-400-01 GENERAL

Accessory uses and structures are permitted in connection with any lawfully established principal use unless otherwise expressly provided in this development ordinance. Also, unless otherwise expressly stated, accessory uses and structures are subject to the same regulations as the principal use or structure.

14-400-01-A. TIME OF CONSTRUCTION

Unless otherwise noted in this article, accessory structures must be constructed in conjunction with or after the principal building. They may not be built prior to the construction of the principal building. In RA districts, detached accessory buildings may be constructed prior to the principal structure only in accordance with this section.

(History: Ordinance No. 17942)

14-400-01-B. SUBORDINATE NATURE

1. Accessory uses must be subordinate and clearly incidental to the principal use of the property.
2. Accessory structures must be of secondary importance and subordinate to the principal building on the property.

14-400-01-C. LOT AND BUILDING STANDARDS

1. GENERAL

The lot and building standards of the base zoning district apply to accessory structures unless otherwise expressly stated. This provision shall include the use durable building materials and not canvas, plastic, and similar materials.

2. INTERIOR SETBACKS

In the R-A district, detached accessory buildings must be set back at least 35 feet from all interior lot lines. In all other R districts, detached accessory buildings must be set back at least 5 feet from all interior lot lines.

3. EXTERIOR SETBACKS

No accessory building may be located closer to the street than the principal building. This provision shall not apply to accessory structures on R-A and R-1 zoned properties of over 5 acres in size, where detached accessory buildings shall be set back at least 50 feet from all exterior lot lines.

(History: Ordinance No. 18898)

4. SEPARATION

Accessory buildings must be separated by a minimum distance of 10 feet from all other accessory and principal buildings.

5. HEIGHT OF ACCESSORY STRUCTURES

Accessory structures may not exceed 25 feet in height, or the height of the principal building on the same lot, whichever is less. This provision shall not apply to accessory structures on R-A zoned properties of over 10 acres in size. In any case, no structure or any appurtenances thereto shall exceed the height limitations prescribed by the Federal Aviation Agency within the flight approach zone of an airport.

Property Owner Notification Letter

City of Independence, Missouri

Date: _____

Case No. _____

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: _____

Applicant: _____

Location of Property: _____

Board of Adjustment Meeting Date: _____, 20____, at 6:30 p.m.

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

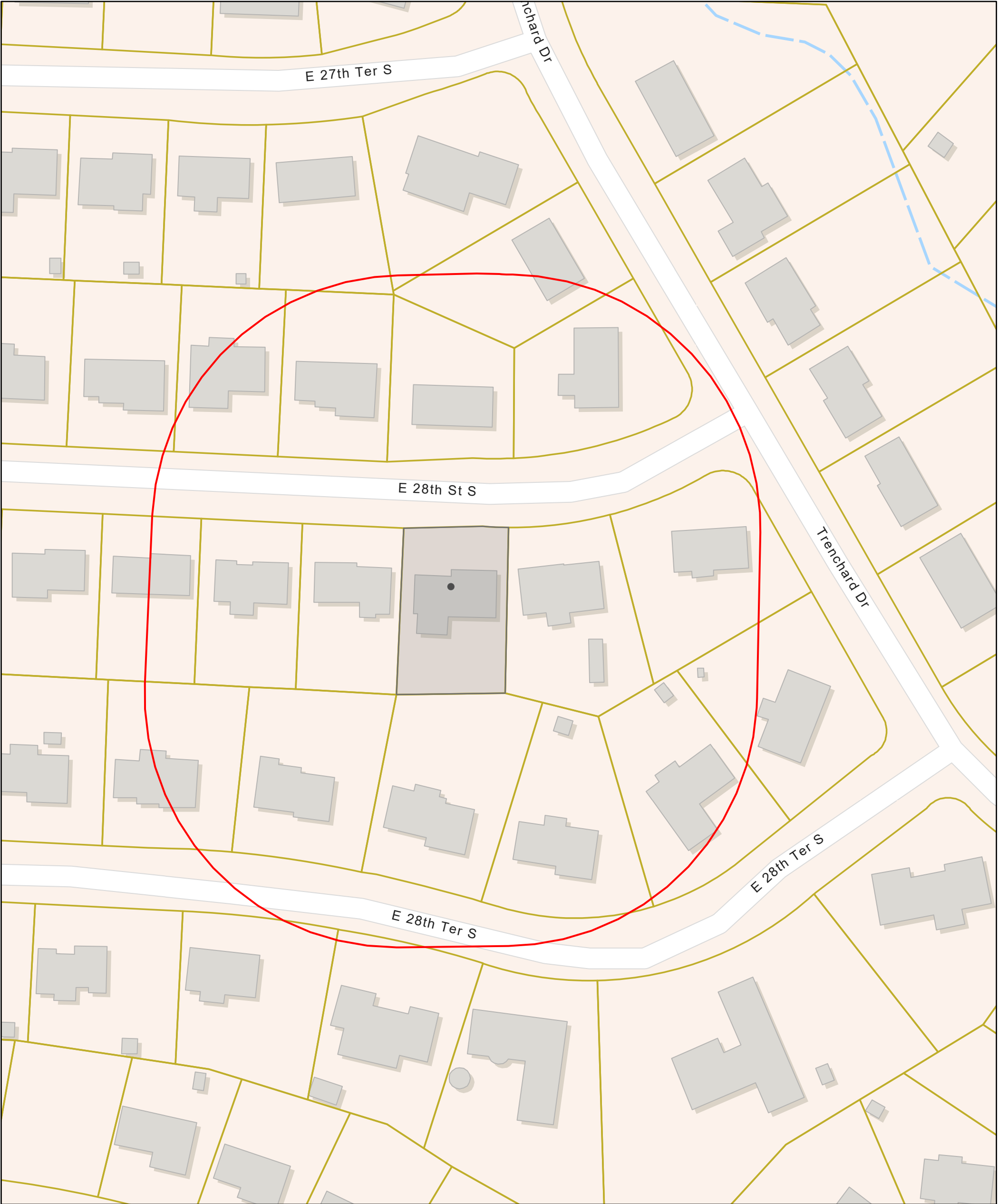
All interested persons are invited to attend and will have an opportunity to be heard at the public hearing.

Applicant (or Owner/Agent)

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

Property	Property Owner	Owner Address	City	State	ZIP Code
18708 E 28TH TER S	EVANS GREGORY E & PAMELA	18708 E 28TH TER UNIT S	INDEPENDENCE	MO	64057
2720 S TRENCHARD DR	FANSHER GREG & SUSAN	2720 TRENCHARD DR	INDEPENDENCE	MO	64057
18703 E 27TH TER S	STATESEL MARK S & REBECCA S	18703 E 27TH TER	INDEPENDENCE	MO	64057
18701 E 28TH TER S	DAVIS ZACHARY & SKYLER	18701 E 28TH TER S	INDEPENDENCE	MO	64057
18705 E 28TH ST S	WINTZ ANTHONY J & JENNIFER C	18705 E 28TH STREET	INDEPENDENCE	MO	64057
2724 S TRENCHARD DR	STAFFORD SARAH J	2724 S TRENCHARD DR	INDEPENDENCE	MO	64057
18704 E 28TH ST S	NICCOM SCOTT L & ANGELA L	18704 E 28TH ST S	INDEPENDENCE	MO	64057
18706 E 28TH ST S	SOETAERT TIFFANIE C	18706 E 28TH ST S	INDEPENDENCE	MO	64057
18800 E 28TH TER S	ROBISON ELAINE M	18800 E 28TH TER S	INDEPENDENCE	MO	64057
18703 E 28TH ST S	COLLETT MARYANN	18703 E 28TH ST	INDEPENDENCE	MO	64057
18711 E 28TH ST S	RAMOS GLADYS	18711 E 28TH ST S	INDEPENDENCE	MO	64057
18712 E 28TH TER S	HART DENNIS L & PAMELA S	18712 E 28TH TER S	INDEPENDENCE	MO	64057
18709 E 28TH ST S	DEVINS JOHN	18709 E 28TH ST S	INDEPENDENCE	MO	64057
18700 E 28TH ST S	HINRICKSEN VIRGIL V& LINDA M -TR	18700 E 28TH ST	INDEPENDENCE	MO	64057
18704 E 28TH TER S	GRIFFIN TROY D & DEBRA S	18704 E 28TH TER	INDEPENDENCE	MO	64057
18804 E 28TH TER S	DIGIROLAMO WENDY R & JOSEPH B	18804 E 28TH TER S	INDEPENDENCE	MO	64057
18701 E 28TH ST S	WINSHIP DAVID S & GLENNA J	18701 E 28TH STREET S	INDEPENDENCE	MO	64057
2728 S TRENCHARD DR	TAUTI GALULOLO & VESI	2728 TRENCHARD DR	INDEPENDENCE	MO	64057
18705 E 28TH TER S	FARR VINCENT S & MARSHA A	18705 E 28TH TER S	INDEPENDENCE	MO	64057
18700 E 28TH TER S	FRANKLIN JAMES C & KELLIE E	18700 SE 28TH TER	INDEPENDENCE	MO	64057
18702 E 28TH ST S	JEWELL JEFFERY S	18702 E 28TH ST S	INDEPENDENCE	MO	64057

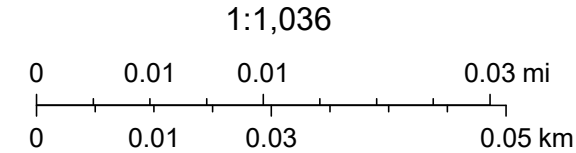
185ft Notification Area Map



10/30/2024, 11:25:45 AM

 Parcels (General Use- AGOL)

 City Limits



Esri Community Maps Contributors, City of Independence MO, Jackson County, MO, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-999-10

I, Je'Nai Moulon, 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 Planning Commission, 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 31 day of October, 2024.



Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 31 day of October, 2024.



Notary Public

March 12, 2028

Commission Expiration Date

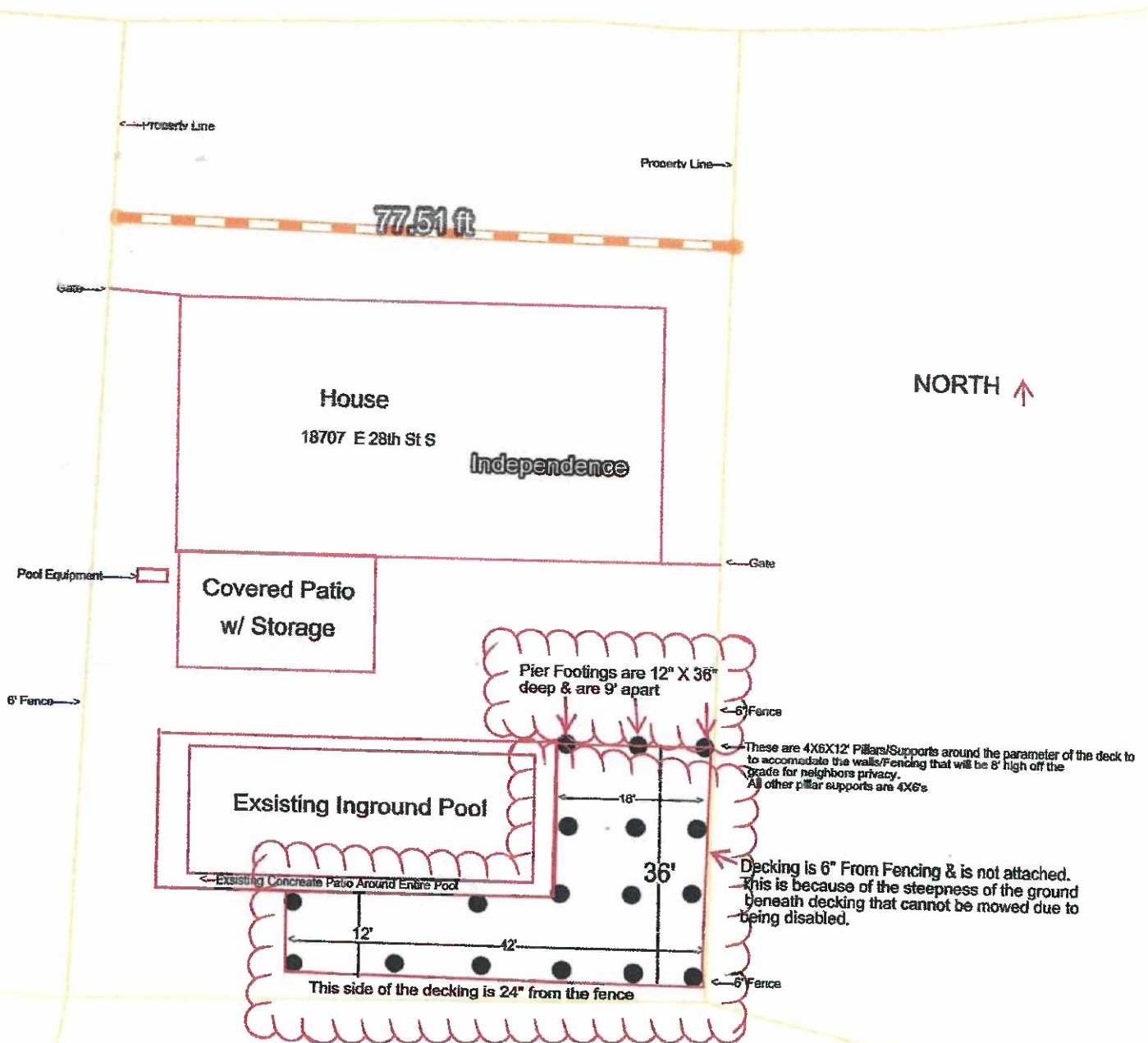


U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D.C. 20250
OFFICE OF THE ASSISTANT SECRETARY
FOR PLANT INDUSTRY
WASHINGTON, D.C. 20250

25.01.15.25

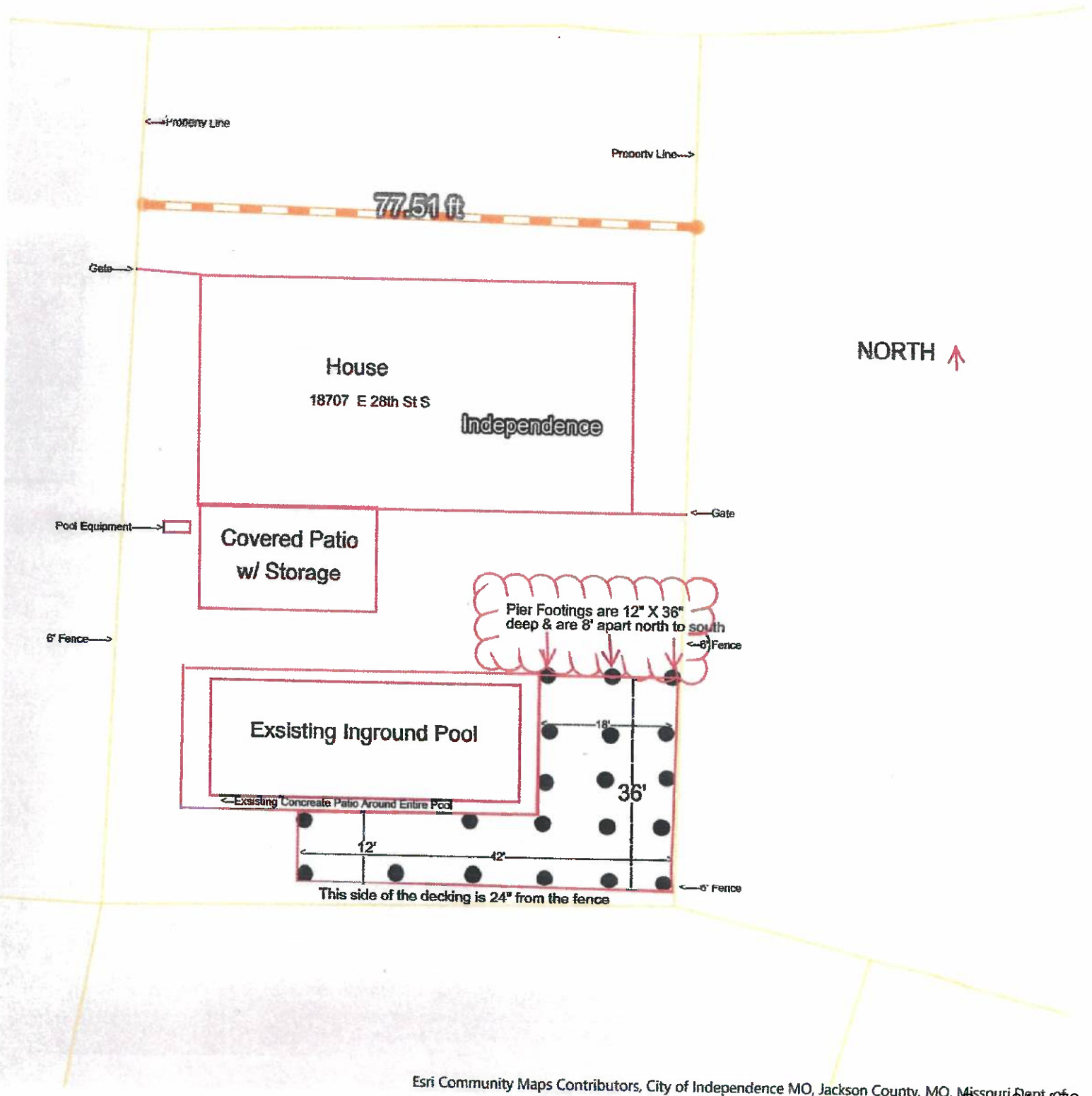
25.01.15.25

This document is the original drawing submitted
 plus
 City said to use the red cloud type marks to
 indicate the clarifications requested for 2nd
 Submission



This is the 3rd & FINAL Drawing
Approved & permit issued

E 28th St S



AERIAL PHOTOGRAPH









MEETING DATE: December 19, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Carolyn Richards Fencing Standards

CASE NUMBER: 24-999-11 – 1301 S. Noland Road – Variance to the Residential Fencing Standards

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial)...restaurant

South: C-2 (General Commercial)...auto repair

East: R-6...(Single-Family Residential)...single-family home

West: C-2 (General Commercial)...restaurants

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on December 1, 2024.
- Legal notification published in the Independence Examiner on November 30, 2024.

VARIANCE REQUEST

CITY CODE REQUIREMENTS/VARIANCE:

City Code **14-400-02-B.**

(b) Front and Street Side Yards — Except for fencing around bona-fide agricultural activities, no fence or wall located in front yard of a residence, or along a side street in front of a residence, shall exceed three feet in height. Such fence shall be at least 50 percent transparent and may include chain-link, picket, wrought iron, and split rail fencing.

REQUEST & BACKGROUND:

The applicant requests to erect a 6-foot fence (portions of which would be opaque) around the perimeter of the front yard of her house that sets at the southeast corner of the intersection of E. Fair Street and S. Noland Road. Providing security for the property and herself is her motivation for the request. The applicant feels that a fence will keep the areas homeless from trespassing and vandalizing the property.

The fencing would run along the southern perimeter from the existing fence line to the sidewalk along S. Noland Road. Then it would go northward to a few feet short of the south right-of-way along E. Fair Street proceeding eastward the existing fence line. The perimeter fence would set at the top of the perimeter embankments and retaining walls and zigzag around the stairs of the front walk.

The fence along the southern property line would be a shadow box design like the existing segments of fence. The fence along S. Noland Road and the western half of the northern addition would be black, iron, see-through fence. Shadow box fencing would extend eastward to the existing fence.

The City's traffic engineer stated that any fence installed on the west side of the property, west of the signal pole southeast of the intersection would restrict sight distance below the necessary minimum for a 35-mph roadway. He has concerns with both styles of fences obscuring first responders from being able to see approaching vehicles with adequate sight distances.

Given this, the fence at the northwest corner of the property should not encroach into the site-triangle as defined by the Public Works manual. In short, the sight-triangle abuts the intersecting rights-of-way lines (25' by 25' by 32.5'). If a variance is granted to permit a 6-foot-tall fence in the property's front yard, it should be kept out of the site-triangle.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City's Comprehensive Plan designates Commercial 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. There are many other single-family homes on major arterials in Independence (i.e. 23rd Street, Truman Road and US 24 Highway), whether residentially or commercially zoned, that have not been granted permission to erect 6-foot fences in their front yards.*
2. **The requested variance will not adversely affect the rights of adjacent property owners or residents.** *No. The six-foot tall front yard fences are not allowed either along the Noland Road corridor nor in the surrounding residential neighborhood.*
3. **Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.** *No. The property owner is requesting a fence when other security options could be employed.*
4. **The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.** *Yes, this is true. There is no indication that a fence will adversely affect the public health, safety, or morals, etc.*
5. **The alleged hardship has not been created by any person presently having an interest in the property.** *No. Again, the property owner is requesting a fence when other security options could be employed.*
6. **The variance, if granted, will not alter the essential character of the neighborhood.** *No. Again, the six-foot tall front yard fences are not allowed either along the Noland*

Road corridor nor in the surrounding residential neighborhood. Beautification measures have been employed by the Noland Road CID along this corridor and continue maintenance and improvements are expected.

EXHIBITS

1. Applicants Letter
2. Application and Applicants Criteria
3. Code Section
4. Notification letter
5. Addresses
6. Affidavit
7. Notification Area Map
8. Plot Plan
9. Plot Plan with Sight Triangle
10. Applicants Fence Description
11. Sample Pictures



Carolyn Richardson <carolynrena@gmail.com>

Issues since living here at 1301 Noland Rd, independence, mo. 64055 Sept 2019-current

20 messages

10/24 Someone recently tried to break-in, homeless people sleeping on front porch, back steps, side hill

Carolyn Richardson <carolynrena@gmail.com>

To: Carolyn Richardson <CarolynRena@gmail.com>, Joshua Garrett <jgarrett@indepmo.org>

Mon, Sep 25, 2023 at 11:33 AM

- *Slashed tires two occurrences
- *Used condoms left around my patio area
- *Someone helping themselves into my backyard leaving cigarette butts, alcohol bottles, beer cans, and trash
- *Stranger sleeping on my front porch, leaving used tampons, and clothes
- *My back door appears to be tampered with as the door knob is loosened "again" this will be the third time having to change to lock.
- *There are strangers sleeping on my front porch and on the front steps, as well as the rear of the property steps leading into the back yard.
- *There are strangers sleeping alongside the fence area in the rear of my property
- *One of my screen windows have been replaced twice due to tampering as well as two windows on the front and South side of the property
- *Extra locks had to be installed onto the screendoors both rear and front however one had already been replaced since installing the locks.
- *The door knob in the rear of the property had to be replaced twice already and currently the door knob is loosened again.
- *Often times my water spicket in the rear of the property has been mysteriously left on when I return from overnight trips, and the spicket on the south side of the property is broken.
- *My electrical outlet in the front of the property has been broken into several times, and the casing around the electrical has been replaced twice thus far and the locks have been cut off many times I believe 3 times so far.
- *My basement window has been kicked in and the window itself had been replaced. This is also on the South side of the property.
- *My front door appeared to have been kicked in where the interior wood frame had been damaged, and the screen on the front porch as well as the screen on the second window next to the front porch both have been rescreened atleast once since owning this property due to tampering.
- *The gate on the front steps has been broken several times and was installed as a deterrent for people sleeping on the front steps and porch to the property.
- *There is an alley behind my property where many people walk through during the night time, they'd step over my fence and help themselves to whatever they want in my backyard or they'd steal whatever they can take from the chop shop then disappear through the alley.
- *At night many times there have been strangers purposely trying to antagonize my dogs which would include throwing water on them through the fence.

- Chop Shop, adjacent property divided by a non functional, broken and unsafe retaining wall based on the survey recently submitted that wall belongs to the owner of the now vacant lot, my property line stops at the fence and curves a little to the left at the front of that dysfunctional wall.

*There have been several late night thefts happening on this property from folks stealing and entire camper, bikes, electricity and anything not secured. The owner has made reports to the police department and absolutely nothing was done to help retrieve his camper or other stolen items.

- Quick Trip, So much chaos has happened there where there's not room to write all of the unbelievable things taking place there; The police are there now on a regular basis and they even had to hire an armed securing team to be present nightly. It's unsafe even for the employees there.

- McDonalds, there is a growing population on hot days of homeless people sleeping on the sidewalks right at the entrance on Fair St. this entrance faces my driveway these homeless people would oftentimes cause conflict with my dogs so much to the point I had to install a kennel in the rear of the property when my dogs couldn't be seen.

- Caliber Collision on (Fair St.) When the business closes nightly this is when the crime levels rise so much to the point that this company had to put a 7000 kw electric fence up against they're 6ft shadowbox wood fence to help keep the vandalism down on customers cars. This fence was installed within the last few years and it is on the corner of Fair & Dodgin encompassing they're property line to protect they're company, assets, and employees.

<https://mail.google.com/mail/u/0/?ik=4f6e52ee10&view=pt&search=all&permthid=thread-a:r1528776256093877599&simpl=msg-a:r16163579095278...> 1/10

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 <i>fence</i> ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Carolyn Richardson
Project Name

1301 S. Noland Rd, Independence, mo. 64055
Project Address/Location

1,512 Sq. Ft. of Building 0.22 Acreage 1 Number of Lots/Tracts no Steam Buffer (Yes or No)

R-6 Existing Zoning Com/Res Proposed Zoning Residential Existing Land Use Residential 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
---	---

Contact Information

Applicant		Owner	
<u>Carolyn Richardson</u>		<u>same as applicant</u>	
Name	Company	Name	Company
<u>1301 S. Noland Rd. Indep. Mo. 64055</u>		<u></u>	
Address		Address	
<u>618-519-6998</u>	<u>Carolyn.rena@gmail.com</u>	<u></u>	<u></u>
Phone	Email	Phone	Email
Architect/Engineer/Surveyor/Other: <u></u>		Architect/Engineer/Surveyor/Other: <u></u>	
<u></u>		<u></u>	
Name	Company	Name	Company
<u></u>		<u></u>	
Address		Address	
<u></u>		<u></u>	
Phone	Email	Phone	Email

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

Carolyn Richardson 11/1/24 Carolyn Richardson 11/1/24
Applicant's Signature Date 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

Explain: Items being left on property resembling (guns). being cursed out by homeless persons sleeping on front porch, or back steps. Drug paraphernalia left all over my property, broken basement windows screen windows being tampered with, threats to pay for security from either homeless or gang members. It's unsafe!

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

☒ Yes ☐ No

Explain: There is only the Chop Shop adjacent to my property and there is a retaining wall separating my property from the Chop Shop.

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

☒ Yes ☐ No

Explain: I will no longer be afraid living in my home. I will be able to safely enjoy both the front & back yard.

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

☒ Yes ☐ No

Explain: The property sits on a hill, on a corner therefore fencing the property will add a sense of safety, and protection which will solve around 90% of the pending issues surrounding the property.

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

☒ Yes ☐ No

Explain: ^{mostly,} all issues have come from what is believed from the homeless communities.

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

☒ Yes ☐ No

Explain:

The fence will provide much needed protection around the property

9. No fence may be used to display any sign or advertising material other than a small—maximum one square foot—placard identifying the sign contractor/manufacturer. Advisory 'No Trespassing' and related safety/warning signs of two square feet or less may be posted on fences.
10. No private fence shall be installed on public property, including in the street right-of-way. Fences are subject to the intersection visibility standards of the Public Works Manual.
11. Fences around tennis courts, swimming pools and other similar recreational facilities are limited to ten feet in height. Such fences must comply with any other requirements of the City Code.
12. Electrically charged fences are prohibited except in the R-A district, where they may be used in conjunction with bona-fide farming activities.
13. Barbed wire fencing is prohibited except where it may be used in conjunction with bona-fide agricultural activities. Barbed wire fencing may also be approved as an administrative adjustment when deemed necessary to protect health and safety in association with utility structures, landfills, airports or similar facilities. When approved as an administrative adjustment, barbed wire fencing must be located at least seven feet above grade. For the purposes of this chapter, the term "barbed wire" shall include concertina wire, razor wire, razor ribbon and other security wire types.

14-400-02-B. Residential Zoning Districts. The regulations of this subsection apply to all fences in R zoning districts.

1. Chain-link fences must be installed with barbs turned down.
2. No fence or wall in a residential district may exceed eight feet in height.
3. Residential fencing locations, see Figure 400-1 below.
 - (a) Interior Side and Rear Yards — Fences or walls in interior side or rear yards shall not exceed six feet without a fence permit, or up to eight feet with a fence permit.
 - (b) Front and Street Side Yards — Except for fencing around bona-fide agricultural activities, no fence or wall located in front yard of a residence, or along a side street in front of a residence, shall exceed three feet in height. Such fence shall be at least 50 percent transparent and may include chain-link, picket, wrought iron, and split rail fencing. Fences or walls in street side yards not in front of a residence, shall not exceed six feet without a permit, or up to eight feet with a fence permit.

Property Owner Notification Letter

City of Independence, Missouri

Date: 11/1/2024 12/1/2024

Case No. 23-999-15 22-999-11

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: Requesting a Variance to the
residential fencing standards; A fence around the property
is desperately needed and necessary for security and
safety for myself (owner) my pets, and my property.

Applicant: Carolyn Richardson

Location of Property: 1301 S. Noland Rd, Independence, MO. 64055

Board of Adjustment Meeting Date: December 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.

Carolyn Richardson

Applicant (or Owner/Agent)

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

Property Address	Property Owner	Address	City	State	ZIP Code
205 E FAIR ST	LINRAY CORP	4321 S AVON DR	INDEPENDENCE	MO	64055
1307 S NOLAND RD	KING KONG PROPERTIES LP	12903 E 35TH TER S	INDEPENDENCE	MO	64055
1301 S NOLAND RD	RICHARDSON CAROLYN RENA	14200 E 32ND ST S 3322	INDEPENDENCE	MO	64055
1315 S NOLAND RD	KING KONG PROPERTIES LP	12903 E 35TH TER S	INDEPENDENCE	MO	64055
1225 S NOLAND RD	PERSAUD ENTERPRISES INC	3604 S GRAND AVE	SEDALIA	MO	65301
1302 S DODGION AVE UNIT A	CORDAS VERONICA J	1302 S DODGION AVE UNIT B	INDEPENDENCE	MO	64055
1304 S DODGION AVE	HUDDLESTON ADRIAN	1304 S DODGION ST	INDEPENDENCE	MO	64055
1234 S DODGION AVE	WOLFF HOLDINGS LLC	8600 LEES SUMMIT RD	KANSAS CITY	MO	64139
1321 S NOLAND RD	HEARTLAND MANAGEMENT GROUP LLC	14112 W 141ST PL	OLATHE	KS	66062
1312 S DODGION AVE	COMBS CINDY A	1312 S DODGION	INDEPENDENCE	MO	64055
1300 S NOLAND RD APT A	TALLGRASS HOLDINGS LLC	8100 E 22ND ST N BLDG 300-100	WICHITA	KS	67226
1312 S NOLAND RD	REVEST LLC	1000 SCOTT DR	LIBERTY	MO	64068
1316 S DODGION AVE	FENTON GARY W & GERALDINE C	1316 S DODGION ST	INDEPENDENCE	MO	64055

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 22-999-11

I, Carolyn Richardson, 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.**

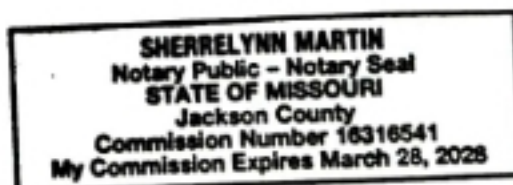
These notices were mailed on the 1st day of December, 2024.

Carolyn Richardson

Signature of Agent, Owner or Attorney

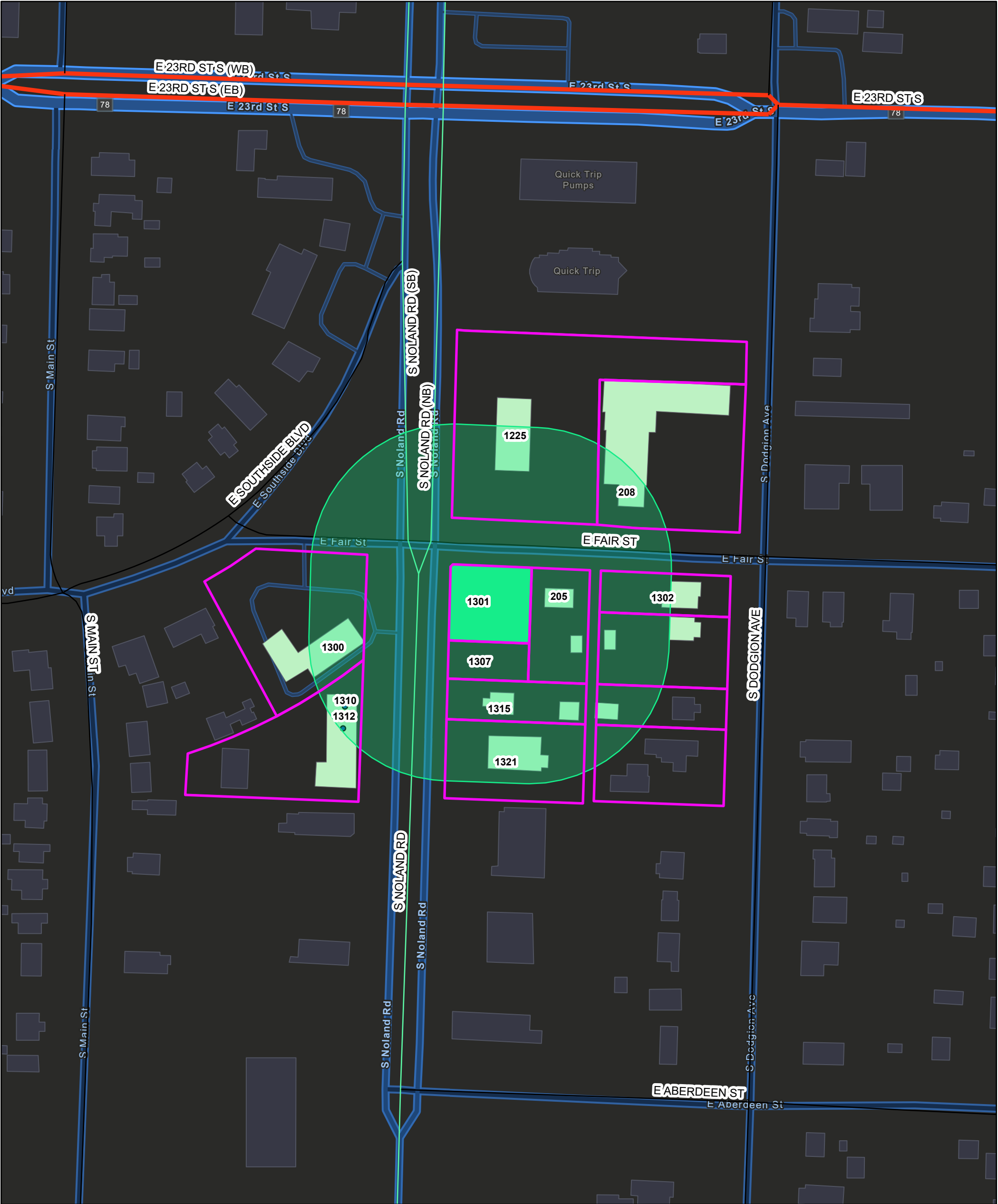
Subscribed and sworn to before me this 2nd day of December, 2024.

Sherrelynn Martin
Notary Public



03/28/2028
Commission Expiration Date

185ft Notification Area



12/5/2024, 9:27:44 AM

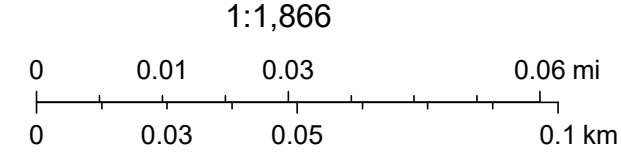
- Streets
- Highway

Local

Major Arterial
- Address

Building Footprint

Parcels



Esri Community Maps Contributors, City of Independence MO, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Carolyn Richardson
1301 S. Noland Road
Independence, MO 64055

All of the West 100 feet and 9 inches of Lots 2 & 3, and the East 7 feet of vacated Noland Street adjoining said Lots on the West, BLOCK 9, WALNUT PARK, a subdivision in Independence, Jackson County, Missouri, according to the recorded plat thereof. EXCEPT, that part to the city of Independence, Missouri, in the Northwest corner of the property containing 50 square feet more or less.

1.) The Plat of WALNUT PARK is recorded in Book 2, Page 34 in Jackson County, Missouri.

2.) Deed of record is recorded in Instrument No. 2019E0077833, dated 09/27/2019 in the Recorder of Deeds Office, Jackson County, Missouri

3.) Basis of bearings is established by the Missouri State Plane Coordinate System from GPS observation.



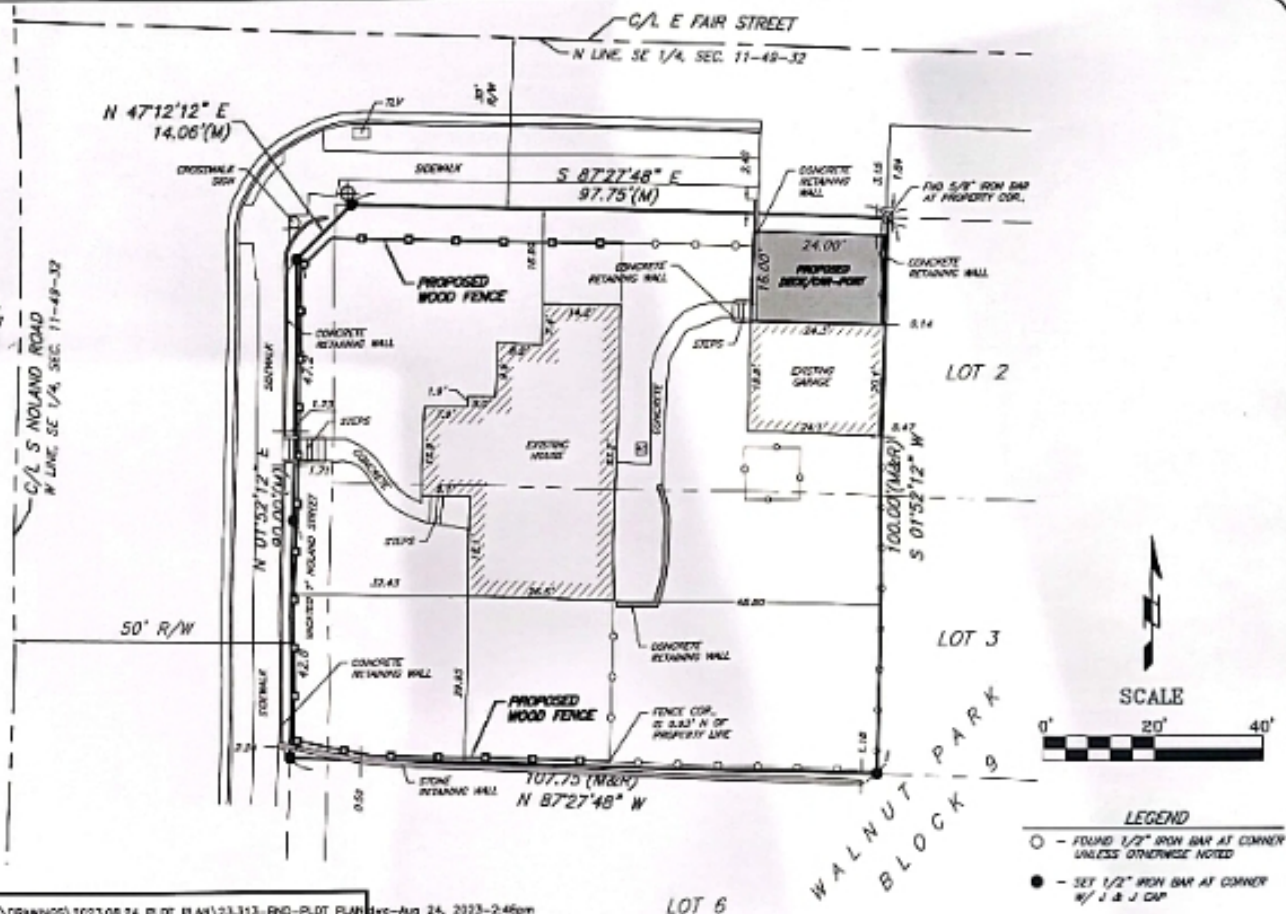
Location: Z:\SURVEY\ACTIVE SURVEY J005\23.313 - 1301 S Noland Rd\DRAWINGS\2023.08.24 PLOT PLAN\23.313-ENG-PLOT PLAN.dwg-Aug 24, 2023-2:46pm



J & J
SURVEY
U.S.

8001A PL. GREEN HILLS ROAD • KANSAS CITY, MO 64104
PHONE (816) 441-1807 • FAX (816) 441-1130

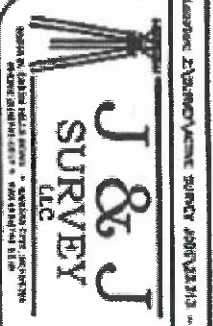
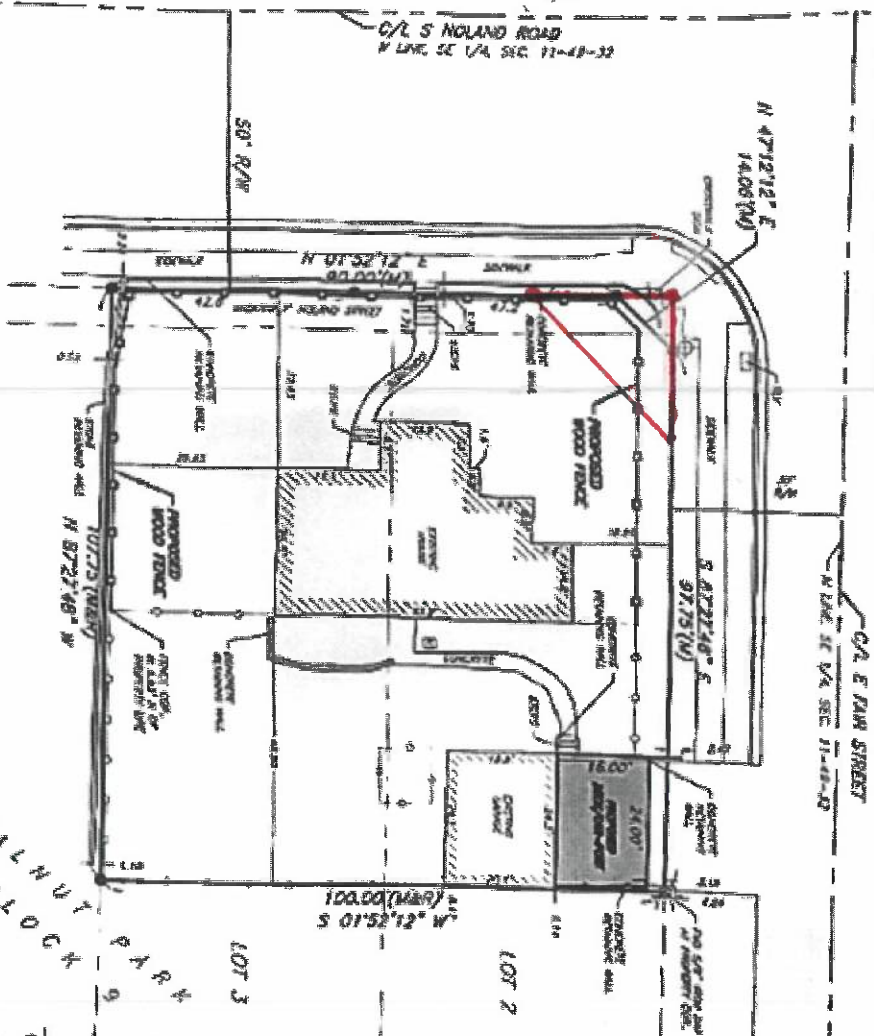
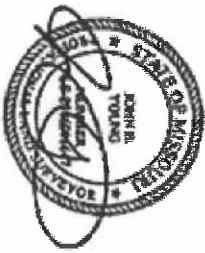
LOTS 2 & 3, WALNUT PARK - BLOCK 9,
INDEPENDENCE, JACKSON COUNTY,
MISSOURI



CLIENT/PROPERTY ADDRESS:
 Gregory Anderson
 LOT 3, Walnut Park
 Independence, MO 64055

DEED DESCRIPTION:
 All of the West 100 feet and 9 inches of Lots 2 & 3, and the East 7 feet of wooded Walnut Street adjoining said lots on the West, BLOCK 3, WALNUT PARK, a subdivision in Independence, Jackson County, Missouri, according to the recorded plat thereof, EXCERPT, that apart to the City of Independence, Missouri, in the Northwest corner of the property containing 50 square feet more or less.

NOTES:
 1.) The Plat of WALNUT PARK as recorded in Book 2, Page 34 in Jackson County, Missouri.
 2.) Deed of grant is recorded in Instrument No. 20180097221, dated 08/27/2019 in the Recorder of Deeds Office, Jackson County, Missouri.
 3.) Some of bearings are established by the Missouri State Plane Coordinate System from GPS observation.



PLOT PLAN
 LOTS 2 & 3, WALNUT PARK - BLOCK 9,
 INDEPENDENCE, JACKSON COUNTY,
 MISSOURI

LEGEND
 O - ROAD LOT AND LOT AT CORNER
 UNLESS OTHERWISE NOTED
 ● - SET 1/2" WIDE W/ 1/2" DIA
 TV - SETTING MARK
 (M) - MEASURED DISTANCE
 (P) - PROPOSED DISTANCE
 (N) - NORTH
 (S) - SOUTH
 (E) - EAST
 (W) - WEST

Re: Items and Case Number

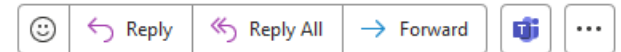


Carolyn Richardson <carolynrena@gmail.com>

To Brian Harker; Heather Wiley; Rory Rowland; Eric Fitch; BPermits

Retention Policy COI - General Email Retention Policy (100 years)

Expires 10/31/2124



Sun 11/24/2024 4:44 PM

Good evening, this is as close to a photo that I can show you it's not exact; but it's as close as I can get. Mine would be shadowbox exactly like my back yard alternating with steel along the sides of the property and all steel across the front of the property. I included the original plans and the original application for the permit should have detailed information as well. Nothing's changed except I'm already given permission by Mr. Fitch to go ahead and bring the fencing along the sides of the property. I'd like to finally be able to complete this project as I was lead to believe once the rezoning took place it shouldn't be a problem. The fence will be 6ft in height to help deflect break in's due to the increase of crime alongside my street. Just last month someone tried to break into my basement hence repairing windows. I'm merely desperately trying to protect myself. Please let me know if you need anything else. Mr. Fitch should also have whatever you need pertaining to this property.



MEETING DATE: December 19, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Walmart Marketplace Fencing Standards

CASE NUMBER: 24-999-13 – 3411 S. Noland Road – Variance to the Commercial Fencing Standards

APPLICANT: Nick Lusk

OWNER: Mick Webb

PROPERTY ADDRESS: 3411 S. Noland Road

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) & R-6 (Single-Family Residential)...high school

South: C-1 (Neighborhood Commercial)...gas station/convenience store

East: C-2...(General Commercial)...high school parking lot

Southwest: C-1 (Neighborhood Commercial)...rental car agency

West: C-2 (General Commercial)...restaurant

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on December 3, 2024.
- Legal notification published in the Independence Examiner on November 30, 2024.

VARIANCE REQUEST

CITY CODE REQUIREMENTS/VARIANCE:

City Code **14-400-02-C. Office, Commercial and Industrial Zoning Districts.** The regulations of this subsection apply to all fences in O, C, and I zoning districts.

1. Location—A fence may be constructed on any side or rear property line but shall not be located in any required exterior setback or be closer to any public or private street than the principal building, whichever is greater.

BACKGROUND:

The Walmart Marketplace at 3411 S. Noland Road was constructed in 2015. Prior to its construction the Gas Light Shopping Center was separated from Truman High School, and the property to the east, by a chain-link-fence. Upon constructing the new box store, a landscaping buffer/screen was required per Code. Along with the provided landscaping, a solid, white, vinyl fence replaced the eastern fence. This required opaque buffer was only to extend west near the location of the zoning boundary that splits the Truman High School property where the rear of the school is zoned R-6 and the front of the school is zoned C-2. The existing chain-link-fence (to be parallel with the new fence) could continue to extend toward Noland Road. However, the entire length of the existing fence was replaced with a white, vinyl fence.

Now the applicant wants to replace the entire vinyl fence with a wooden, shadow-box fence. Staff has already approved a fence permit for the fence along the eastern property line and for the portion of the fence that extends westward to Walmart's building line. But to replace the nonconforming fence near Noland Road, a variance is needed. In short, the applicant requests a variance to extend the fence closer to the street than the principal building.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City's Comprehensive Plan designates Commercial 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.** *Yes and No. The commercial property, along its northern edge, abuts a high school generating a great amount of foot traffic could trample the landscaping and fan-out across the parking lot. However, the existing fence, contrary to the building's permit, replaced a grandfathered chain-link-fence.*
2. **The requested variance will not adversely affect the rights of adjacent property owners or residents.** *Yes, this is true. It will replace an existing vinyl fence with a wooden one.*
3. **Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.** *Yes, this is true. Pedestrians continue to cross through this location damaging the previous installed fences, trampling landscaping and jeopardizing pedestrian safety within the driving lane of the parking lot.*
4. **The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.** *Yes, this is true. It could potentially enhance public safety.*
5. **The alleged hardship has not been created by any person presently having an interest in the property.** *Yes and No. The owner is not responsible for the potential pedestrian crossings, but did remove a legal non-conforming chain-link-fence and replaced it with a non-conforming vinyl fence.*
6. **The variance, if granted, will not alter the essential character of the neighborhood.** *Yes, this is true. The existing opaque, vinyl fence would be replaced with a wooden fence.*

EXHIBITS

1. Narrative
2. Application and
3. Variance Criteria
4. Code Section

5. Notification letter
6. Addresses
7. Notification Area Map
8. Mailing affidavit
9. Site Plan
10. Original Site Plan
11. Picture

Re: Walmart Fence Job - Variance - Board of Adjustment



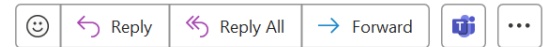
First Class Industries, Inc <1stclass.constructors@gmail.com>

To ☐ CD Planning; ☒ Brian Harker

Cc ☐ nick lusk

Retention Policy COI - General Email Retention Policy (100 years)

Expires 11/1/2124



Mon 11/25/2024 9:41 AM

Good morning! Please find narrative below.

Narrative: The goal of this project is to replace the existing white PVC fencing that exist around the perimeter of Walmart. The fence portion that extends beyond the front face of Walmart was grandfathered in from a previous variance. We would like to re-establish a new variance to replace the existing fence that was grandfathered in under the previous variance. The new fence will be a double sided treated wood fence 6 feet in height continuous around the perimeter. It will also match the fencing that is being replaced under the new permit.

Thanks,

First Class Industries, Inc

Phone: 913-485-8906

Web: <https://firstclassind.com>

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	☐ Admin. Adjustment ☒ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Walmart Fence

Project Name

3411 S Noland Rd, Independence, MO 64055

Project Address/Location

41,351	4.59	1	No
Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Stream Buffer (Yes or No)
Commercial	Commercial	Commercial	
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
--	--

Contact Information

Applicant

Nick Lusk	First Class Industries
Name	Company
11184 Anticoh Rd #541 Overland Park, KS 66210	
Address	
913-485-8906	1stclass.constructors@gmail
Phone	Email

Architect/Engineer/Surveyor/Other: Surveyor

Rick Rohlfing	BFA, Inc
Name	Company
103 Elm Street Washington, MO 63090	
Address	
636-231-4325	Rrrholfing@bfaeng.com
Phone	Email

Owner

Mick Webb	Walmart
Name	Company
4000 S. Bolger Rd Independence, Missouri 64055	
Address	
4000 S. Bolger Rd Independe	Mick.Webb@walmart.com
Phone	Email

Architect/Engineer/Surveyor/Other: _____

Name	Company
Address	
Phone	Email

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


11/21/24
 Applicant's Signature Date

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

Explain: We are simply replacing a languishing fence that was grandfathered in from a previous variance.

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

☒ Yes ☐ No

Explain: The variance will follow the permitted plans which place the fence in the correct location which does not affect any adjacent property owners. It will provide a barrier of safety for them as well.

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

☒ Yes ☐ No

Explain: That is correct. Strict compliance will constitute substantial difficulty and hardship for the store and its shoppers.

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

☒ Yes ☐ No

Explain: This variance will support and foster a safer environment for the public by eliminating entry into the premises outside of the designated routes.

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

☒ Yes ☐ No

Explain: Correct.

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

☒ Yes ☐ No

Explain: The variance will increase the character of the neighborhood by removing the antiquated and languishing fence. A wood fence could be maintained much better than a plastic one.

The Community Development Director shall have the authority to reduce the required rear setback for the through lot upon consideration of the available/proposed sight distance, the height and opaqueness of the fence, the elevation of affected properties, the street's classification, and the character of the neighborhood.

14-400-02-C. Office, Commercial and Industrial Zoning Districts. The regulations of this subsection apply to all fences in O, C, and I zoning districts.

1. Location—A fence may be constructed on any side or rear property line but shall not be located in any required exterior setback or be closer to any public or private street than the principal building, whichever is greater.
2. Height—Fences shall not exceed eight feet in height.
3. Lots adjacent to arterial, minor arterial and collector streets—Fences shall consist of either brick, stone, integrally colored decorative concrete masonry units (CMU), exterior stucco, pre-cast concrete panels, wrought iron, plastic (PVC) or wood. The Community Development Director may approve alternate materials and designs of similar quality to those listed herein.
4. Lots adjacent to other streets—Fences shall consist of either vinyl clad chain link fabric or the materials identified in #3 above. The Community Development Director may approve alternate materials and designs of similar quality to those listed herein.
5. Vacant lots—Vacant lots shall not be fenced. The Community Development Director may waive this prohibition for temporary or seasonal uses.
6. Anti-graffiti—When possible, fencing shall utilize anti-graffiti materials or treatment.
7. Permit required—All fencing constructed in O, C, and I districts shall require a permit from the Community Development Department.

(Ord. No. 17446; Ord. No. 17832; Ord. No. 17942; Ord. No. 17496; Ord. No. 19149, § 1, 8-17-2020)

14-400-03 Home businesses

14-400-03-A. General. Some types of business operations can be conducted at home with little or no effect on the surrounding neighborhood. The regulations of this article are intended to permit home-based businesses while ensuring that the businesses will not be detrimental to the character and livability of the surrounding area. The regulations require that home businesses remain subordinate and secondary to the principal residential use of the property and that the viability of the primary residential use is maintained. Two classifications of home business are allowed: "major" and "minor." All home businesses are subject to the regulations and procedures of this section.

14-400-03-B. Permits Required.

1. Unless otherwise exempted by the City Code, all home businesses must maintain a valid Business License, which must be renewed annually. No business license may be issued until a home business permit is first approved in accordance with the procedures of this section.
2. An applicant need apply only once for a home business permit provided that the location and the business activity remains the same. If the applicant moves to a different location or the business

Property Owner Notification Letter

City of Independence, Missouri

Date: 12/3/2024

Case No. 24-999-13

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: _____
Replace the existing white PVC fencing that exist around the perimeter of Walmart. The fence portion that extends beyond the front face of Walmart was grandfathered
in from a previous variance. We would like to re-establish a new variance to replace
the existing fence that was grandfathered in under the previous variance. The new
fence will be a double sided treated wood fence 6 feet in height continuous around
the perimeter. It will also match the fencing that is being replaced under the new
permit.

Applicant: First Class Industries, LLC

Location of Property: 3411 S. Noland Rd. Independence, MO 64055

Board of Adjustment Meeting Date: Decmeber, 19th, 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.

Nick Lusk
Applicant (or Owner/Agent)

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

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-999-13

I, _____, 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 3rd day of December, 2024.

Signature of Agent, Owner or Attorney

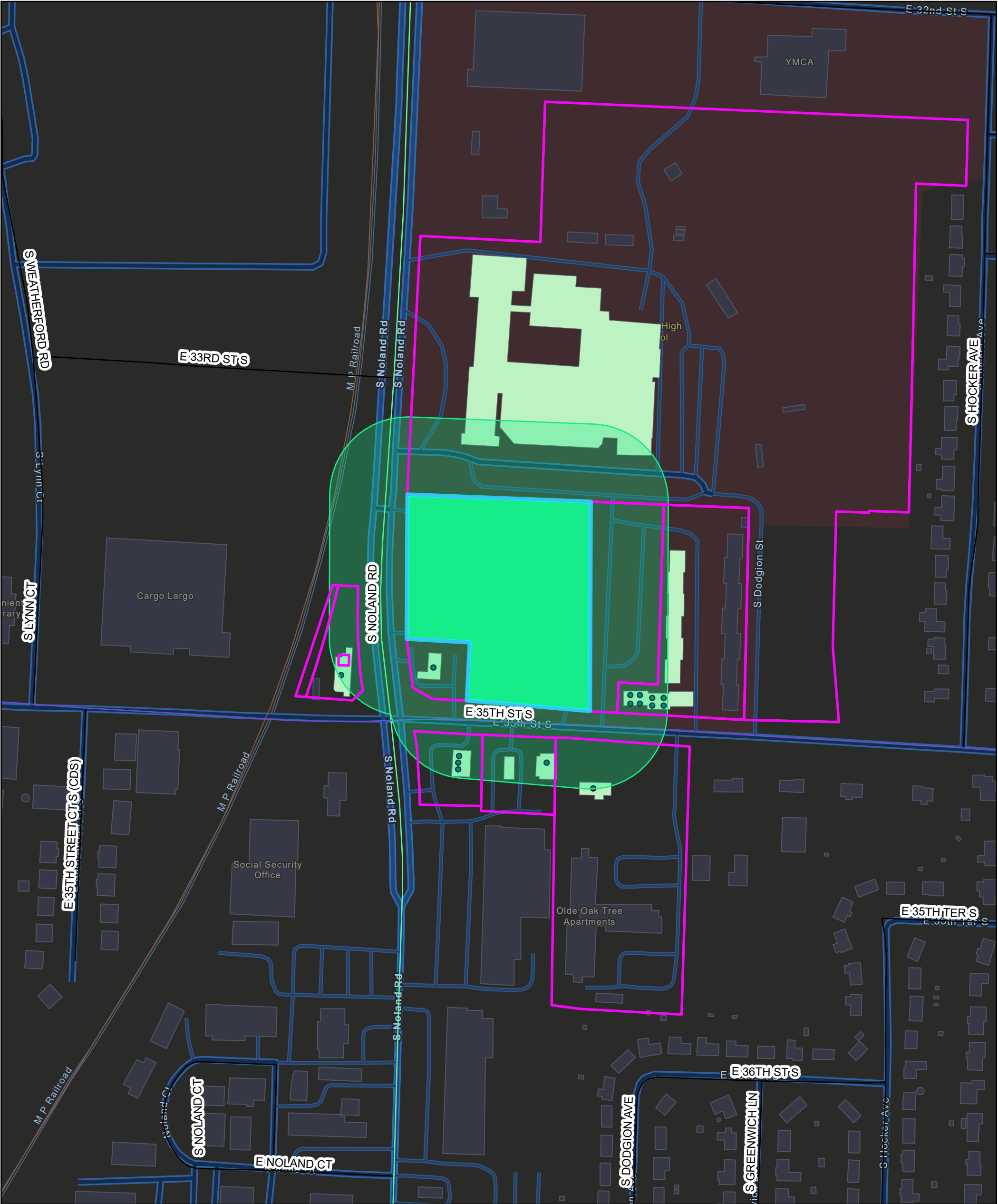
Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public

Commission Expiration Date

Property Address	Property Owner	Address	City	State	ZIP Code
3411 S NOLAND RD APT B	GROUP INDENDEPENENCE LLC	2300 NW CORPORATE BLVD STE 141	BOCA RATON	FL	33431
3445 S NOLAND RD	RAMER GARY L & DONNA L-TRUSTEE	5008 S BRITTANY DR	BLUE SPRINGS	MO	64015
3301 S NOLAND RD	INDEPENDENCE SCHOOL DISTRICT	201 N FOREST AVE	INDEPENDENCE	MO	64050
NO ADDRESS ASSIGNED BY CITY	SCHOOL DISTRICT OF CITY OF INDEPENDENCE	201 N FOREST AVE	INDEPENDENCE	MO	64050
14002 E 35TH ST S APT 14	CAMPBELL CHESTER & EDITH	3741 SWEETWATER RD	BONITA	CA	91902
13975 E 35TH ST S	SY OLD OAK TREE INVESTORS LP	7920 WARD PARKWAY	KANSAS CITY	MO	64114
13961 E 35TH ST S	ADVANCE CONCEPTS REAL ESTATE LLC	5114 BRISTOL	KANSAS CITY	MO	64129
3501 S NOLAND RD	2017 MO RAY REAL ESTATE LLC	3000 JOE DIMAGGIO BLVD STE 91	ROUND ROCK	TX	78665
3444 S NOLAND RD	STORE MASTER FUNDING VIII LLC	1203 NE JEFFERSON CT	BLUE SPRINGS	MO	64015
3444 S NOLAND RD	SDI REAL ESTATE VENTURES LLC	1203 NW JEFFERSON CT	BLUE SPRINGS	MO	64015
13970 E 35TH ST S	W K LAND HOLDINGS LLC	1203 NW JEFFERSON CT	BLUE SPRINGS	MO	64015

185ft Notification Addresses



12/5/2024, 9:47:01 AM

Streets

Local

Major Arterial

Minor Arterial

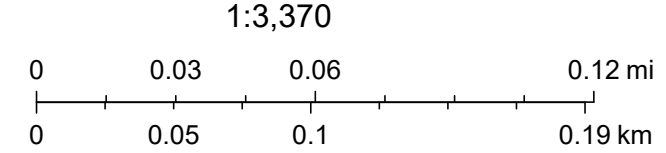
Railroads

Rule_1

Address

Building Footprint

Parcels



Esri Community Maps Contributors, City of Independence MO, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Property Owner Notification Affidavit

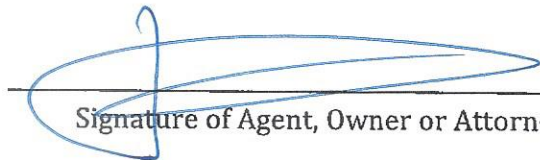
Kansas
STATE OF ~~MISSOURI~~
Johnson
COUNTY OF ~~JACKSON~~

Case No. 24-999-13

I, Dominic Lusk, of lawful age being first duly sworn upon oath, state:

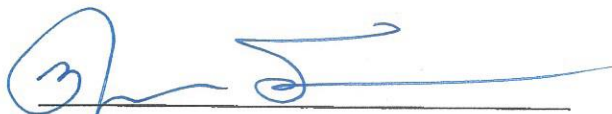
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Board of Adjustment, mail notices to all persons owning property within 185 feet of the subject property.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

These notices were mailed on the 3rd day of December, 2024.



Signature of Agent, Owner or Attorney

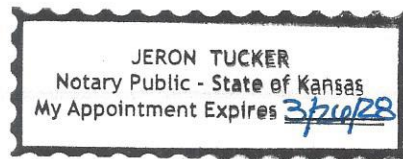
Subscribed and sworn to before me this 6th day of December, 2024.

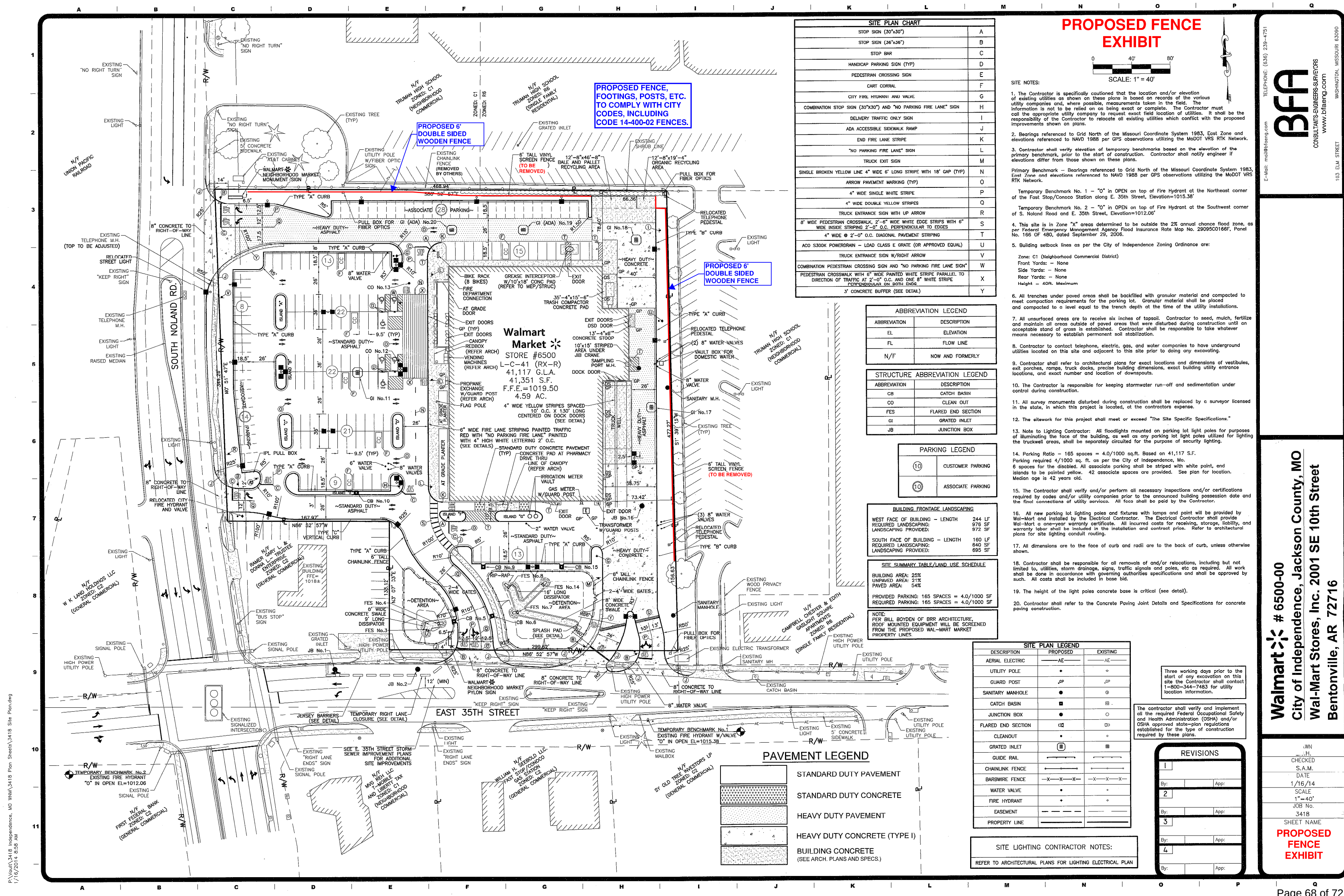


Notary Public

03/26/28

Commission Expiration Date





PROPOSED FENCE, FOOTINGS, POSTS, ETC. TO COMPLY WITH CITY CODES, INCLUDING CODE 14-400-02 FENCES.

PROPOSED 6' DOUBLE SIDED WOODEN FENCE

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SITE PLAN CHART	
STOP SIGN (30"x30")	A
STOP SIGN (36"x36")	B
STOP BAR	C
HANDICAP PARKING SIGN (TYP)	D
PEDESTRIAN CROSSING SIGN	E
CART CORRAL	F
CITY FIRE HYDRANT AND VALVE	G
COMBINATION STOP SIGN (30"x30") AND "NO PARKING FIRE LANE" SIGN	H
DELIVERY TRAFFIC ONLY SIGN	I
ADA ACCESSIBLE SIDEWALK RAMP	J
END FIRE LANE STRIPE	K
"NO PARKING FIRE LANE" SIGN	L
TRUCK EXIT SIGN	M
SINGLE BROKEN YELLOW LINE 4" WIDE 6" LONG STRIPE WITH 18" GAP (TYP)	N
ARROW PAVEMENT MARKING (TYP)	O
4" WIDE SINGLE WHITE STRIPE	P
4" WIDE DOUBLE YELLOW STRIPES	Q
TRUCK ENTRANCE SIGN WITH UP ARROW	R
8" WIDE PEDESTRIAN CROSSWALK, 2'-6" WIDE WHITE EDGE STRIPS WITH 6" WIDE INSIDE STRIPING 2'-0" O.C. PERPENDICULAR TO EDGES	S
4" WIDE @ 2'-0" O.C. DIAGONAL PAVEMENT STRIPING	T
ACD 3300K POWERDRAIN - LOAD CLASS E GRATE (OR APPROVED EQUAL)	U
TRUCK ENTRANCE SIGN W/RIGHT ARROW	V
COMBINATION PEDESTRIAN CROSSING SIGN AND "NO PARKING FIRE LANE SIGN"	W
PEDESTRIAN CROSSWALK WITH 6" WIDE PAINTED WHITE STRIPE PARALLEL TO DIRECTION OF TRAFFIC AT 2'-0" O.C. AND ONE 8" WHITE STRIPE PERPENDICULAR ON BOTH ENDS	X
3" CONCRETE BUFFER (SEE DETAIL)	Y

ABBREVIATION LEGEND	
ABBREVIATION	DESCRIPTION
EL	ELEVATION
FL	FLOW LINE
N/F	NOW AND FORMERLY

STRUCTURE ABBREVIATION LEGEND	
ABBREVIATION	DESCRIPTION
CB	CATCH BASIN
CO	CLEAN OUT
FES	FLARED END SECTION
GI	GRADED INLET
JB	JUNCTION BOX

PARKING LEGEND	
(10)	CUSTOMER PARKING
(10)	ASSOCIATE PARKING

BUILDING FRONTAGE LANDSCAPING	
WEST FACE OF BUILDING - LENGTH	244 LF
REQUIRED LANDSCAPING:	976 SF
LANDSCAPING PROVIDED:	972 SF
SOUTH FACE OF BUILDING - LENGTH	160 LF
REQUIRED LANDSCAPING:	840 SF
LANDSCAPING PROVIDED:	695 SF

SITE SUMMARY TABLE/LAND USE SCHEDULE	
BUILDING AREA: 25%	
UNPAVED AREA: 21%	
PAVED AREA: 54%	
PROVIDED PARKING: 165 SPACES = 4.0/1000 SF	
REQUIRED PARKING: 165 SPACES = 4.0/1000 SF	

NOTE: PER BILL BOYDEN OF BRR ARCHITECTURE, ROOF MOUNTED EQUIPMENT WILL BE SCREENED FROM THE PROPOSED WAL-MART MARKET PROPERTY LINES.

SITE PLAN LEGEND		
DESCRIPTION	PROPOSED	EXISTING
AERIAL ELECTRIC	—AE—	—AE—
UTILITY POLE	•	•
GUARD POST	GP	GP
SANITARY MANHOLE	•	•
CATCH BASIN	■	■
JUNCTION BOX	•	•
FLARED END SECTION	□	□
CLEANOUT	•	•
GRADED INLET	■	■
GUIDE RAIL	—	—
CHAINLINK FENCE	—X—X—X—	—X—X—X—
BARB WIRE FENCE	•	•
WATER VALVE	•	•
FIRE HYDRANT	•	•
EASEMENT	—	—
PROPERTY LINE	—	—

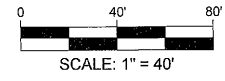
SITE LIGHTING CONTRACTOR NOTES:
REFER TO ARCHITECTURAL PLANS FOR LIGHTING ELECTRICAL PLAN

Three working days prior to the start of any excavation on this site the Contractor shall contact 1-800-344-7483 for utility location information.

The contractor shall verify and implement all the required Federal Occupational Safety and Health Administration (OSHA) and/or OSHA approved state-plan regulations established for the type of construction required by these plans.

REVISIONS	
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PROPOSED FENCE EXHIBIT



SITE NOTES:

- The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The Contractor must call the appropriate utility company to request exact field location of utilities. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on plans.
- Bearings referenced to Grid North of the Missouri Coordinate System 1983, East Zone and elevations referenced to NAVD 1988 per GPS observations utilizing the MoDOT VRS RTK Network.
- Contractor shall verify elevation of temporary benchmark based on the elevation of the primary benchmark, prior to the start of construction. Contractor shall notify engineer if elevations differ from those shown on these plans.
- Primary Benchmark - Bearings referenced to Grid North of the Missouri Coordinate System 1983, East Zone and elevations referenced to NAVD 1988 per GPS observations utilizing the MoDOT VRS RTK Network.
- Temporary Benchmark No. 1 - "O" in OPEN on top of Fire Hydrant at the Northeast corner of the Fast Stop/Conoco Station along E. 35th Street, Elevation=1015.38'
- Temporary Benchmark No. 2 - "O" in OPEN on top of Fire Hydrant at the Southwest corner of S. Noland Road and E. 35th Street, Elevation=1012.06'
- This site is in Zone "X" areas determined to be outside the 2% annual chance flood zone, as per Federal Emergency Management Agency Flood Insurance Rate Map No. 29095C0166F, Panel No. 166 OF 480, dated September 29, 2006.
- Building setback lines as per the City of Independence Zoning Ordinance are:
Zone: C1 (Neighborhood Commercial District)
Front Yards: - None
Side Yards: - None
Rear Yards: - None
Height - 40ft. Maximum
- All trenches under paved areas shall be backfilled with granular material and compacted to meet compaction requirements for the parking lot. Granular material shall be placed and compacted to a level equal to the trench depth at the time of the utility installations.
- All unexcavated areas are to receive six inches of topsoil. Contractor to seed, mulch, fertilize and maintain all areas outside of paved areas that were disturbed during construction until an acceptable stand of grass is established. Contractor shall be responsible to take whatever means necessary to establish permanent soil stabilization.
- Contractor to contact telephone, electric, gas, and water companies to have underground utilities located on this site and adjacent to this site prior to doing any excavating.
- Contractor shall refer to architectural plans for exact locations and dimensions of vestibules, exit porches, ramps, truck docks, precise building dimensions, exact building entrance locations, and exact number and location of downspouts.
- The Contractor is responsible for keeping stormwater run-off and sedimentation under control during construction.
- All survey monuments disturbed during construction shall be replaced by a surveyor licensed in the state, in which this project is located, at the contractors expense.
- The sitework for this project shall meet or exceed "The Site Specific Specifications."
- Note to Lighting Contractor: All floodlights mounted on parking lot light poles for purposes of illuminating the face of the building, as well as any parking lot light poles utilized for lighting the truckwell areas, shall be separately circuited for the purpose of security lighting.
- Parking Ratio - 165 spaces = 4.0/1000 sq.ft. Based on 41,117 S.F.
Parking required 4/1000 sq. ft. as per the City of Independence, Mo.
6 spaces for the disabled. All associate parking shall be striped with white paint, end islands to be painted yellow. 42 associate spaces are provided. See plan for location. Median age is 42 years old.
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- All new parking lot lighting poles and fixtures with lamps and paint will be provided by Wal-Mart and installed by the Electrical Contractor. The Electrical Contractor shall provide Wal-Mart a one-year warranty certificate. All incurred costs for receiving, storage, liability, and warranty labor shall be included in the installation and contract price. Refer to architectural plans for site lighting conduit routing.
- All dimensions are to the face of curb and radii are to the back of curb, unless otherwise shown.
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- The height of the light poles concrete base is critical (see detail).
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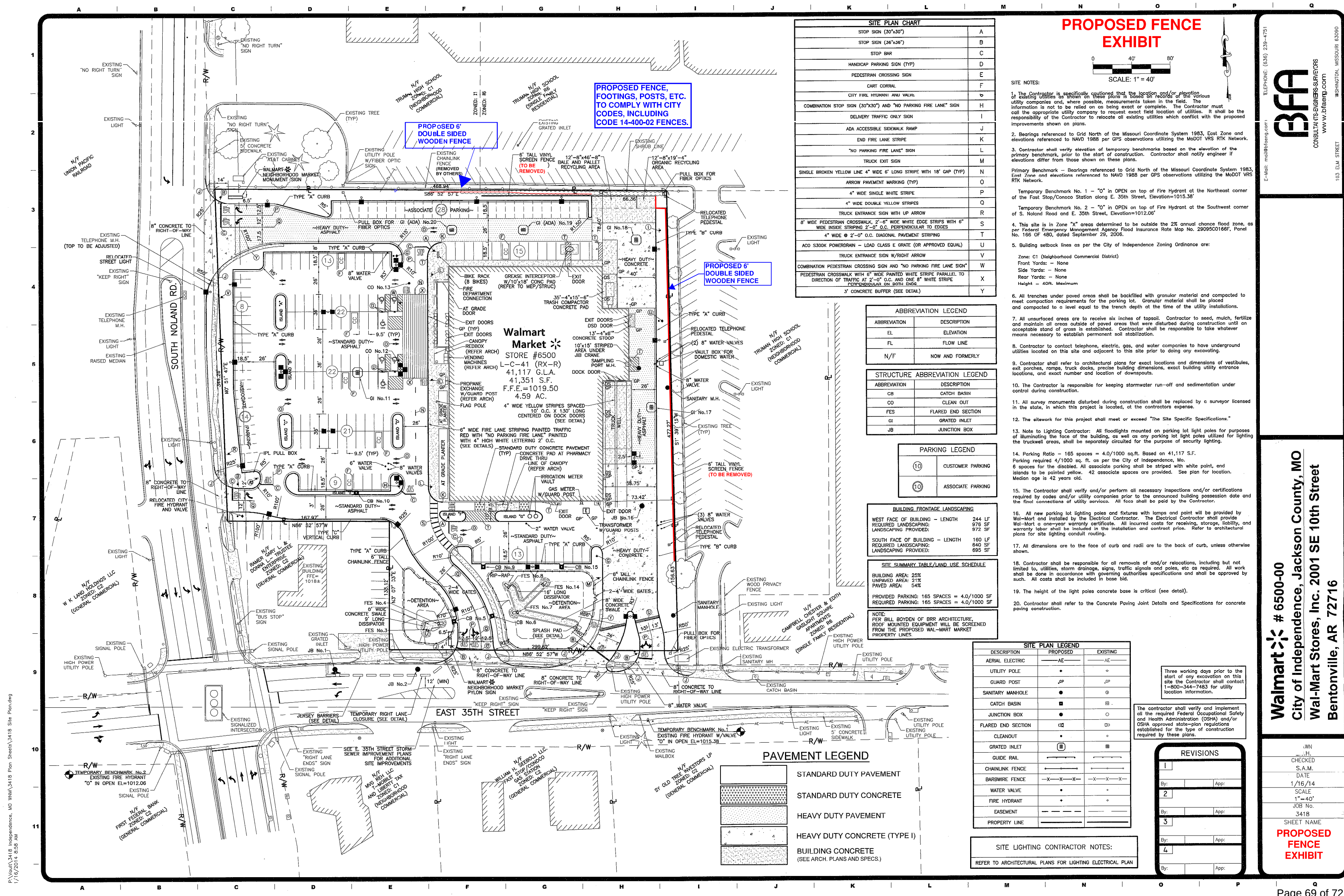
Walmart #6500-00
City of Independence, Jackson County, MO
Wal-Mart Stores, Inc. 2001 SE 10th Street
Bentonville, AR 72716

WJN
JH
CHECKED
S.A.M.
DATE
1/16/14
SCALE
1"=40'
JOB No.
3418
SHEET NAME
PROPOSED FENCE EXHIBIT

TELEPHONE: (636) 239-4751
E-Mail: mail@bfaeng.com

BFA
CONSULTANTS-ENGINEERS-SURVEYORS
www.bfaeng.com

103 ELM STREET
WASHINGTON, MISSOURI 63090



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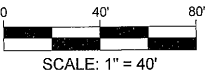
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Walmart # 6500-00
City of Independence, Jackson County, MO
Wal-Mart Stores, Inc. 2001 SE 10th Street
Bentonville, AR 72716

WJN
H
CHECKED
S.A.M.
DATE
1/16/14
SCALE
1"=40'
JOB No.
3418
SHEET NAME
PROPOSED FENCE EXHIBIT

TELEPHONE: (636) 239-4751

E-Mail: mail@bfaeng.com

103 ELM STREET

WASHINGTON, MISSOURI 63090

CONSULTANTS-ENGINEERS-SURVEYORS
www.bfaeng.com

BFA





Board of Adjustment Minutes

November 21, 2024 6:30 PM

Council Chambers - 111 E. Maple Ave.

CALL TO ORDER

A meeting of the Board of Adjustment was held at 6:30 PM on 11/21/2024, in the 111 E Maple Ave, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Roy Browne, John Davies, Anthony Sommer, Sarah Wimberley, Cody Atkinson. Absent - .

PUBLIC HEARINGS

1. Case 24-999-07 – Jackie Shepherd – 2701 S. Northern Avenue - Variances to the width of lot frontage and minimum building square footage.

Gabe Glaser gave the staff report.

Motion

John Davies made a motion to approve the case. Anthony Sommer seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

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.

Brian Harker gave the staff report.

Motion

Sarah Wimberley made a motion to approve the case. Anthony Sommer seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

3. Case 24-999-09 – 2121 S. Sterling Avenue – Variance to driveway requirements.

Gabe Glaser gave the staff report.

Motion

John Davies made a motion to continue the case to the December 19th Board of Adjustment meeting. Cody Atkinson seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

4. Case 24-999-10 – 18707 E 28th Street S - Variances to setback requirements for a deck.

Brian Harker gave the staff report.

Motion

Anthony Sommer made a motion to continue the case to the December 19th Board of Adjustment meeting. Sarah Wimberley seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

APPROVAL OF MINUTES

1. June 20, 2024

Motion

Cody Atkinson made a motion to approve the June 20, 2024, minutes. Anthony Sommer seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

ADJOURNMENT

The meeting was adjourned at 8:44 p.m.