



Board of Adjustment

April 17, 2025 6:30 PM,
Council Chambers - 111 E. Maple Ave.

CALL TO ORDER

ROLL CALL

PUBLIC HEARING(S)

1. **Case 25-999-04 – 18707 E. 28th Street S** – Variance to setback and screen/fence height requirements.

APPROVAL OF MINUTES

1. March 20, 2025

ADJOURNMENT

MEETING DATE: April 17, 2025

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Mary Wilcox - Deck Variance Request

CASE NUMBER: 25-999-04 – 18707 E. 28th Street S. – Variance to the Side Yard Setback and Screen/Fence Height Requirements for a Deck

APPLICANT/OWNER: Mary Wilcox

PROPERTY ADDRESS: 18707 E. 28th Street S.

ZONING/LAND USE: R-6 (Single-Family Residential)...single-family residence

SURROUNDING ZONING/LAND USES:

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

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on March 31, 2025
- Legal notification published in the Independence Examiner on March 29, 2025

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.

SECTION 14-400-02-B...2. No fence **or wall** in a residential district may exceed eight feet in height.

SECTION 14-201 – GENERAL TERMS...FENCE. A structure, other than a building, purposely designed for and used as a barrier to provide a boundary, means of confinement or protection, or visual screen for areas of land.

VARIANCE REQUESTS AND BACKGROUND:

The applicant requests to allow a deck that was constructed too close to the east side property line 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.

At the December 14, 2024 Board of Adjustment meeting, the south side of the deck, which sets 2-feet from the property line, received variance of 3 feet. However, the vote for the east setback variance was not for the above stated original request, but on a motion modifying the request

to allow the east side of the deck to encroach within three feet of the property line. It failed to achieve approval. The applicant is asking consideration of the original request.

The applicant also proposes to install louvres (fence/screen) atop the 3-foot-tall railing along the side of the deck. The applicant has not provided a vertical image/elevation of the southeast corner of the deck as requested by staff. Therefore, from the attachments provided, it appears this would make the height over 8 feet above ground level. Staff estimates 10 feet in height given the submitted information; thus requiring a 2-foot variance.

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 wants to construct a mitigating screen at a height that does 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 deck, the rail and screen 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 and screen 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.** *No and Yes, prior to a stop work order, for failing to obtain an approved building permit, the deck and part of a railing/screen structure along the east property line had been built into the code required setback. During permit submittal, 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 contributing to the current hardship;

6. **The variance, if granted, will not alter the essential character of the neighborhood.**
Yes, the deck and screen being constructed in the rear yard should not alter the essential character of the neighborhood.

EXHIBITS

1. Narrative
2. Application
3. Applicant's Variance Criteria
4. Code Sections
5. Notification letter
6. Addresses
7. Notification Map
8. Affidavit
9. Plot Plan
10. Plot Plan Additional Measurements
11. Deck Rail Privacy Screen Scope of Work
12. Deck Review Sheet

March 20, 2025

HAND DELIVERED

Independence Missouri Planning and Zoning
c/o Mr. Brian Harker
111 E. Maple Ave.
Independence, Mo. 64050

Re: Cover Letter Describing Details of Project
18707 E. 28th St. S, Independence., Missouri (the “subject property”)
Application for variance from side yard setback requirement on east side of deck
for swimming pool

Mr. Harker:

According to the Planning and Zoning Application Form for Variance one of the Basic Application Requirements is a “Cover Letter Describing Details of the Project”. This letter serves as the Cover Letter Describing Details of the Project.

The undersigned represents the applicant and owner of the subject property, Mary Wilcox. Ms. Wilcox has an existing in-ground swimming pool in her back yard on the subject property. Previously, Ms. Wilcox submitted plans to the City for a wood deck in connection with the in-ground swimming pool. The decked was “L” shaped with a backdrop/railing to provide privacy to neighbors. All deck materials are standard. The plans submitted to the City showed the deck would be less than 1 foot (i.e., about 6 inches) from the existing privacy fence on the east side of the subject property. The plans showed the deck would be 2 feet from the existing privacy fence along the south line of the subject property.

Attached to this cover letter as Exhibit 1 is a copy of the application for the building permit.

The deck was planned that way because of the existing slope/grade of the east side of the subject property. The slope/grade of the subject property creates practical difficulty relative to the subject property in terms of use or development of the subject property. And the slope/grade creates practical difficulties relative to the maintenance of the back yard given the age and disabilities of the owner/applicant. In her email communications with the city re: the building permit, Ms. Wilcox did refer to the maintenance hardship and her disabilities.

After filing the application for the building permit, the City reviewed the plans, made comments, and ultimately issued Residential Deck Permit no. 2024-03481 to Ms. Wilcox. The

description of the work contained in the Residential Deck Permit was “Install deck around 2 side of the pool with side wall at the back of the deck so not to disturb neighbors in the back and sides.” Prior to issuing the building permit, it is Ms. Wilcox’s understanding that the plans were reviewed by no less than 5 city professionals in 4 city departments and the plans were approved without ever mentioning that she/her plans did not meet requirements.

Attached to this cover letter as Exhibit 2 is a copy of the Residential Deck Permit issued by the City. Attaching a copy of the Residential Deck Permit satisfies the Basic Application Requirement of providing “One PDF copy of a plat map or site plan.”

Almost 4 weeks after the City’s issuance of the Residential Deck Permit, and after the deck was nearly complete, a city representative contacted Ms. Wilcox and alleged an error had been made at the City and that she would have to go before the Board of Adjustment to seek variances from alleged setback requirements. The BOA granted the variance request for the south side of the deck. There was never a vote on the application for a 4-foot 6 inch variance for the east side of the deck and that is the purpose of this application for variance. This application is only for the variance on the east side of the deck in the amount of 4 feet 6 inches.

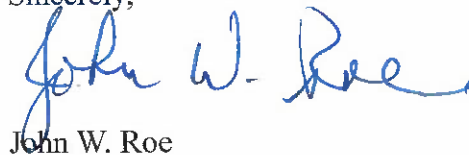
Three things to note: (1) the granting of the variance on the south side of the deck means that there was a finding that all variance criteria were met for the deck (in other words, the Residential Deck Permit was issued for the deck as a whole so the variance request granted for the south side means the variance criteria were satisfied for the deck and, therefore, this requested variance for 4 feet 6 inches on the east side should be granted); (2) In making this application for variance, Ms. Wilcox, the applicant and owner of the subject property, does not waive her right to challenge whether a variance is even required. The question of law is whether a deck is an “accessory building” under section 14-400-01-C.2 of the City’s Unified Development Code. The definitions of “Accessory Building” and “Building” in 14-201-01 do not cover “decks”. All rights to challenge that legal issue are preserved and not waived by the filing of this application. (3) It is likely that the Residential Deck Permit was issued based on the plans Ms. Wilcox submitted for this very reason – that a deck is not an “Accessory Building” under 14-400-01-C.2.

The legal description of the property in question is: Castle Woods, Lot 58.

Also, attached is the Planning and Zoning application for variance and the Variance Criteria questions that are answered which has an Ex. A.

Thank you.

Sincerely,



John W. Roe

w/enclosures

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	east side of backyard	No
Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Stream Buffer (Yes or No)
Residential	Same; no change	Residential	Same; no change
Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use

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

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

Applicant

Mary Wilcox	N/A
Name	Company
18707 E. 28th St. S, Independence, Mo.	
Address	
816-616-7165	fastest2.mw@protonmail.co
Phone	Email

Architect/Engineer/Surveyor/Other: Attorney

John W. Roe	The Roe Law Firm LLC
Name	Company
4444 N. Belleview Ave., Ste. 208, KCMO 64116	
Address	
816-421-9000	jroelawfirm.com
Phone	Email

Owner

Mary Wilcox	N/A
Name	Company
18707 E. 28th St. S, Independence, Mo.	
Address	
816-616-7165	fastest2.mw@protonmail.co
Phone	Email

Architect/Engineer/Surveyor/Other: Attorney

John W. Roe	The Roe Law Firm LLC
Name	Company
4444 N. Belleview Ave., Ste. 208, KCMO 64116	
Address	
816-421-9000	jroelawfirm.com
Phone	Email

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

John W. Roe 3-20-25
Applicant's Signature Date
Attorney for applicant
Mary Wilcox

John W. Roe 3-20-25
Owner's Signature Date
Attorney for owner
Mary Wilcox

VARIANCE CRITERIA

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

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

☒ Yes ☐ No

Explain: The requested variance arises from conditions that are unique to the subject property. Applicant submitted an application to the City for a deck in her back yard in connection with an in-ground swimming pool.

* continued on attached Ex. A

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

☒ Yes ☐ No

Explain: The fact that the City's Board of Adjustment previously approved the variance for the south side of the deck is a clear indication that the requested variance will not adversely affect the rights of adjacent property owners or residents. *continued on attached Ex. A

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

☒ Yes ☐ No

Explain: Due to the grade/slope of the side yard of the subject property adjacent to and near the fence on the east side of the property maintenance of is very difficult. Also, now that the deck is nearly complete, without the variance, compliance with the zoning regulations will *continued on attached Ex. A

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

☒ Yes ☐ No

Explain: The requested variance will not adversely affect the public health. Public health refers to organized community efforts to prevent disease and promote health. The requested variance does not adversely affect community efforts to prevent disease nor does it adversely affect community efforts *continued on attached Ex. A

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

☒ Yes ☐ No

Explain: The only person presently having an interest in the subject property is the applicant/owner. The applicant/owner did not create this hardship. The applicant/owner followed established procedures in submitting plans and applying for a building permit for the deck. The City reviewed and approved those plans *continued on attached Ex. A

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

☒ Yes ☐ No

Explain: The variance of 4 feet 6 inches for the east side of the deck, if granted, will not alter the essential character of the neighborhood. *continued on attached Ex. A

Ex. A to Variance Criteria

1. The plan for the building permit clearly showed that the east side of the deck would be within 6 inches of the privacy fence that runs along the east side of the subject property. And the plans showed the deck would be within 2 feet of the fence that runs along the south property line. The City issued the building permit in accordance with the plans that had been submitted. The applicant, in reliance on the building permit issued by the City, proceeded to build the deck in accordance with the plans approved and permitted by the City. When the deck was nearly complete, a city representative alleged that a variance would be needed for both the east side of the deck and the south side of the deck. The City's board of adjustment subsequently granted a variance for the south side of the deck. This current variance application relates to the east side of the deck and is a request for a 4 foot 6 inch variance (meaning that the closest edge of the deck would be 6 inches from the privacy fence on the property line) and all other necessary variances. Under the circumstances of the city having approved and permitted this deck and given that the applicant constructed the deck in accordance with the plans that were approved and permitted by the City, it is clear that this is a condition not ordinarily found in this zoning district and it facts clearly show that this requested variance is not the result of the owner's intentional action. Just the opposite – the requested variance is the result of the City's intentional action to review and approve and permit the owner's plans and then after construction was nearly complete, allege that a variance is needed.
2. Put another way, granting a variance for the same deck on the same subject property on the inside of a privacy fence relative to the same in-ground swimming pool is an admission that the requested variance for the very same deck on the same subject property on the inside of a privacy fence relative to the same in-ground swimming pool will not adversely affect the rights of adjacent property owners or residents. The deck would be completely enclosed within the back yard of the subject property which is enclosed by privacy fencing. There is nothing about a deck that serves an existing in-ground swimming pool that would adversely affect the rights of adjacent property owners or residents. The property owner to the east has an in-ground pool and may at some point in the future wish to add a deck to his pool like the applicant is doing and like the City approved and permitted. The zoning/land use of adjacent property is residential. There is nothing about the requested variance for a deck that will adversely affect the rights of adjacent owners to use their property for residential uses.
3. constitute a practical difficulty for the subject property owner. The subject property owner spent substantial time and monetary resources constructing the deck in

accordance with the plans the City approved and permitted. If the variance is not granted the subject property owner will be looking at the expenditure of substantial time and money to remove/tear out a portion of the deck that was approved and permitted by the City. That is a practical difficulty. The practical difficulty is exacerbated by the fact that without the variance the grade/slope of the side yard will now be exposed again, which is difficult, challenging if not impossible to use that portion of the subject property. That is a unique circumstance for the subject property owner given her age and disabilities. Strict enforcement of the zoning regulation would create a substantial obstacle or hardship for the subject property owner. This grade/slope is not a general problem faced by all properties in the zoning district.

4. to promote health. The portion of the deck for which the variance is requested is entirely on the applicant's subject property and is behind a privacy fence. Furthermore, the requested variance for the south side of the deck was previously granted, meaning that there was a finding that a variance related to this deck would not adversely affect public health. That finding would apply here.

The requested variance will not adversely affect public safety. In Missouri, public safety encompasses the protection of the general public's well-being and security, encompassing law enforcement, emergency response, and ensuring the safety of people and property, often through partnerships between law enforcement and the community. There is nothing about the requested variance that adversely affects the public's well-being and security – the deck is entirely on the applicant's property in her backyard and is screened by privacy fencing. There is nothing about the requested variance that adversely affects law enforcement or emergency response. Furthermore, the requested variance for the south side of the deck was previously granted, meaning there was a finding that a variance related to this deck would not adversely affect public safety. That would apply to the requested variance.

The requested variance would not adversely affect the public morals. In Missouri, "public morals" generally refers to the moral and ethical standards enforced by law or social pressure, particularly in public life, media content, and conduct in public places, often encompassing regulations related to sexual matters, dress, and other behaviors. There is nothing about the requested variance for a deck on the east side of the subject property that would adversely affect any moral or ethical standard in public life or in the media and has nothing to do with sexual behavior, dress or other behaviours. Furthermore, a variance was granted for the south side of this deck meaning there was a finding that there was no adverse effect on the public morals which same finding would apply to this requested variance.

The requested variance would not adversely affect public order. In Missouri, offenses against public order are crimes that disrupt the usual operation of society, often lacking a direct victim but focusing on conduct considered detrimental to the community as a whole. There is nothing about the requested variance that is criminal – the applicant built in accordance with plans approved and permitted by the City. There is nothing about the requested variance that would disrupt the usual operation of society. There is nothing about the requested variance that could be considered detrimental to the community as a whole. In other words, there is nothing about the requested variance that disturbs the peace or obstructs public places. Furthermore, a variance was granted for the south side of this deck meaning there was a finding that there was no adverse effect on the public order which same finding would apply to this requested variance.

The requested variance would not adversely affect public convenience. In Missouri, "public convenience" generally refers to facilities or services provided for the general public's ease and comfort, such as restrooms or transportation. It also relates to the concept of a "certificate of public convenience and necessity," which is a permit required for certain utilities and businesses. There is nothing about the requested variance that adversely affects the public's ease and comfort or restrooms or transportation. Furthermore, a variance was granted for the south side of this deck meaning there was a finding that there was no adverse effect on the public order which same finding would apply to this requested variance.

The requested variance would not adversely affect the public prosperity. Public prosperity, in its broadest sense, refers to the state of well-being and flourishing of a society as a whole, encompassing economic, social, and environmental aspects. There is nothing about the requested variance that adversely affects levels of production, consumption or investment. Furthermore, a variance was granted for the south side of this deck meaning there was a finding that there was no adverse effect on the public prosperity which same finding would apply to this requested variance.

The requested variance would not adversely affect the general welfare. In Missouri, "general welfare" refers to the government's concern for the health, peace, morality, and safety of its residents, as outlined in the Missouri Constitution. There is nothing about the requested variance that adversely affects the government's concern for the health, peace, morality and safety of its residents, i.e., the well being of the people as a whole. For e.g., nothing about the requested variance adversely affects providing

aid and care to the needy, providing a uniform system of free public schools, addressing public health, addressing the right to work, addressing the right to organize as members of a trade union, addressing working hours or conditions which are all examples of general welfare.

5. and issued a building permit to the owner/applicant who, in turn, constructed in reliance on the building permit and in accordance with the approved plans.
6. There is nothing about the requested variance that would alter the land use, architecture or overall atmosphere. The essential character of the neighborhood is residential. If the variance is granted, the essential character of the neighborhood remains residential. The requested variance if granted won't change the architecture in the neighborhood and it won't change the atmosphere of the neighborhood, after all, the deck is in the backyard and behind privacy fencing. Furthermore, a variance was granted for the south side of this deck meaning there was a finding that there was no alteration of the essential character of the neighborhood which same finding would apply to this requested variance.

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 R-A districts, detached accessory buildings may be constructed prior to the principal structure only in accordance with this section.

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.

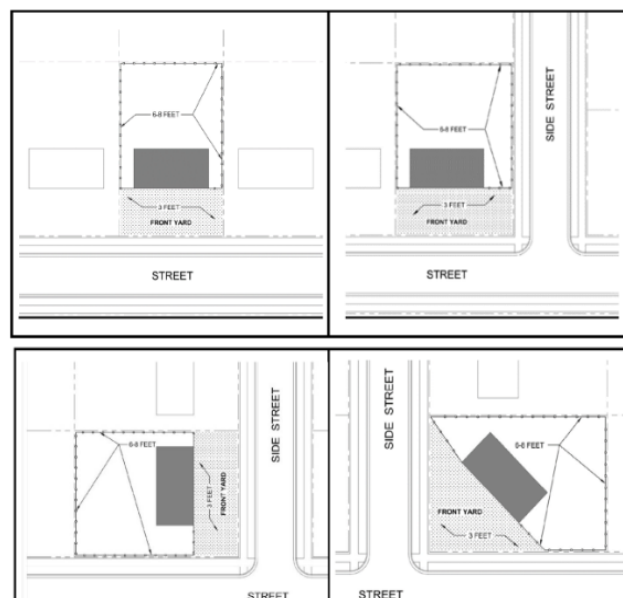
14-400-01-C. Lot and Building Standards.

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 five feet from all interior lot lines.
3. **Exterior Setbacks.** Accessory buildings shall be subject to the same required setback as the primary structure. For non-corner lots, accessory building shall not project past the front of the primary structure. This provision shall not apply to accessory structures on R-A and R-1 zoned properties of over five acres in size, where detached accessory buildings shall be set back at least 50 feet from all exterior lot lines.
4. **Separation.** Accessory buildings must be separated by a minimum distance of ten 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 ten 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.
6. **Building Coverage.** In R districts, detached accessory buildings may not cover more than 15 percent of the actual area of the rear yard or an area exceeding 50 percent of the building coverage of the principal building, whichever is greater, provided that at least 600 square feet of accessory building coverage is allowed on any lot in an R district. This provision shall not apply to accessory structures on R-A zoned properties of over ten acres in size.
7. **Design and Appearance.** In all residential districts, the design and construction of any accessory garage, carport or storage building or shed larger than 120 square feet shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction. This provision shall not apply to accessory structures used for bona-fide agricultural activities on properties over ten acres in size.
8. **Accessory Buildings as Primary Structures, R-A District Only.** In R-A Districts, detached accessory buildings may be constructed prior to the principal structure provided that all the following conditions are met:

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.

Figure 400-1. Residential Fence Locations



14-201 GENERAL TERMS

14-201-01 General terms

EMPLOYMENT AGENCY. An establishment primarily engaged in listing employment vacancies and referring or placing applicants for employment or providing executive search, recruitment and placement services.

EVERGREEN TREES. Those trees which retain their leaves during dormancy, such as Pine, Juniper, Yews, Fir, etc.

FAMILY. The following living arrangements shall constitute a family for the purposes of this chapter:

- (a) One or more persons related by blood, marriage, legal adoption or custodial relationship living as a single housekeeping unit; or,
- (b) Not more than three unrelated persons, all of whom live together in a dwelling unit; or,
- (c) Two unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

FENCE. A structure, other than a building, purposely designed for and used as a barrier to provide a boundary, means of confinement or protection, or visual screen for areas of land.

FINE. When used herein shall mean a monetary fine imposed by the Municipal Court for this City.

FLOOR AREA. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

FOOT CANDLE. A unit of illumination equal to the light flux which falls on a one square foot area one foot distant from a light source of one candlepower.

FOSTER CARE HOME. A residential facility providing 24 hour care in a group setting to children under 18 years of age who are unrelated to the person operating the facility and who are unattended by a parent or guardian. Said home shall have all applicable state licensing in accordance with RSMo 210.481 to 210.536.

GROUND COVER. Low-growing plants or turf grass, installed to form a mostly continuous cover over the ground surface.

HEAVY VEHICLE DEALERSHIP, NEW/USED/LEASE. An establishment engaged in the sale, lease or trade of new and used heavy duty trucks and vans includes utility and hauling trailers.

HISTORIC DISTRICT. An area designated as a "Historic District" by ordinance of the City Council because it meets one or more of the criteria contained in Section 14-907-06.

IMPERVIOUS SURFACE (OR IMPERVIOUS COVER). A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally paved streets, roofs, sidewalks, parking lots, and other similar improvements.

INTERIOR PARKING LOT LANDSCAPING. Landscape located within a paved parking area planted with live plant material, such as trees, shrubs, groundcover, or turf grass.

Property Owner Notification Letter

City of Independence, Missouri

Date: March 28, 2025

Case No. 25-999-04

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: Property owner is seeking a variance to the side
setback for decks in the amount of 4.5'

Applicant: Mary Wilcox

Location of Property: 18707 E 28th St S

Board of Adjustment Meeting Date: April 17, 2025, 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.

/s/John W. Roe attorney/agent for Applicant

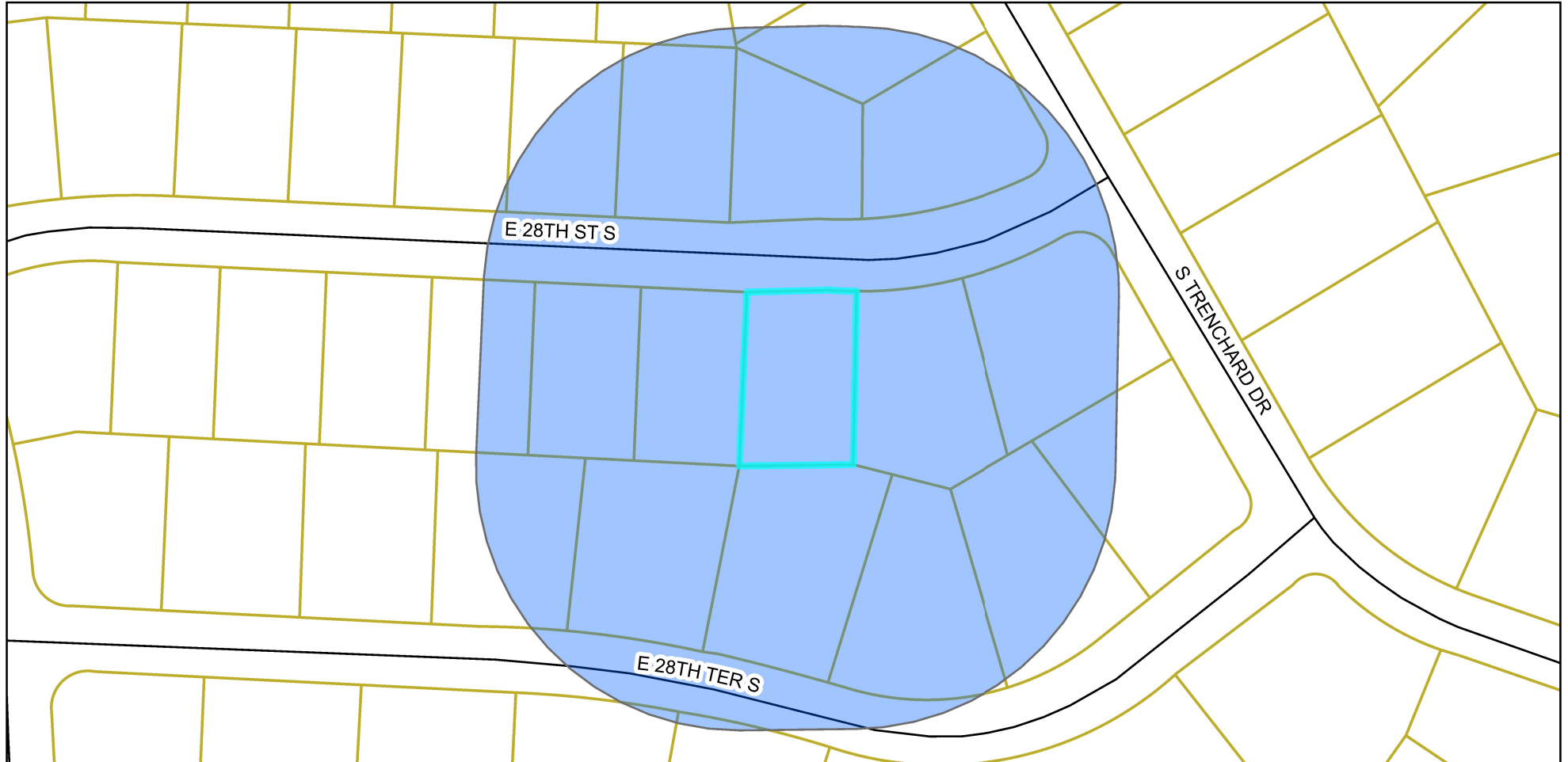
Applicant (or Owner/Agent)

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

Property Address	Property Owner	Owner Address	City	State	ZIP Code
18705 E 28TH TER S	FARR VINCENT S & MARSHA A	18705 E 28TH TER S	INDEPENDENCE	MO	64057
2728 S TRENCHARD DR	TAUTI GALULOLO & VESI	2728 TRENCHARD DR	INDEPENDENCE	MO	64057
18701 E 28TH ST S	WINSHIP DAVID S & GLENNA J	18701 E 28TH STREET	SOUTH INDEPENDENCE	MO	64057
18702 E 28TH ST S	JEWELL JEFFERY S	18702 E 28TH ST S	INDEPENDENCE	MO	64057
18700 E 28TH TER S	FRANKLIN JAMES C & KELLIE E	18700 SE 28TH TER	INDEPENDENCE	MO	64057
2724 S TRENCHARD DR	STAFFORD SARAH J	2724 S TRENCHARD DR	INDEPENDENCE	MO	64057
18705 E 28TH ST S	WINTZ ANTHONY J & JENNIFER C	18705 E 28TH STREET	SOUTH INDEPENDENCE	MO	64057
18703 E 27TH TER S	STATESEL MARK S & REBECCA S	18703 E 27TH TER	INDEPENDENCE	MO	64057
2720 S TRENCHARD DR	FANSHER GREG & SUSAN	2720 TRENCHARD DR	INDEPENDENCE	MO	64057
18701 E 28TH TER S	DAVIS ZACHARY & SKYLER	18701 E 28TH TER S	INDEPENDENCE	MO	64057
18704 E 28TH ST S	NICCU SCOTT L & ANGELA L	18704 E 28TH ST S	INDEPENDENCE	MO	64057
18708 E 28TH TER S	EVANS GREGORY E & PAMELA	18708 E 28TH TER UNIT S	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
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
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
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

Notification Area

18707 E 28th St S



0 50 100 200 Feet
+ + + + +



Prepared For: Board of Adjustment
Community Development Department
Meeting Date: April 17, 2025

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF ~~JACKSON~~ Platte

Case No. 25-999-04

I, John W. Roe, 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 28th day of March, 2025.

John W. Roe, attorney
Signature of Agent, Owner or Attorney for owner

Subscribed and sworn to before me this del 31st day of March, 2025.

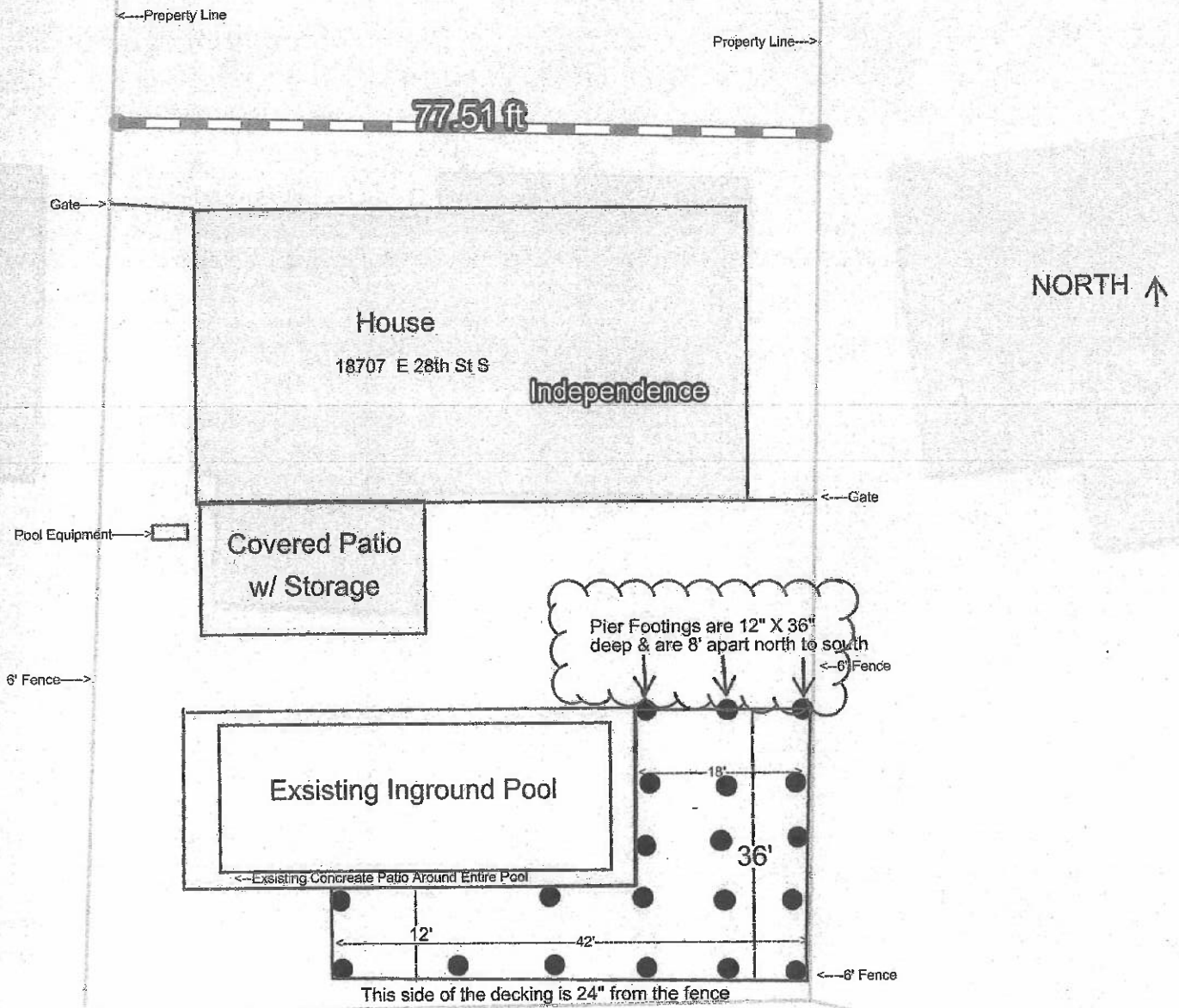
Angela Madden
Notary Public

Aug 1 2028
Commission Expiration Date



Property Address	Property Owner	Owner Address	City	State	ZIP Code
18705 E 28TH TER S	FARR VINCENT S & MARSHAA	18705 E 28TH TER S	INDEPENDENCE	MO	64057
2728 S TRENCHARD DR	TAUTIGALULOLO & VESI	2728 TRENCHARD DR	INDEPENDENCE	MO	64057
18701 E 28TH ST S	WINSHIP DAVID S & GLENN A J	18701 E 28TH STREET	SOUTH INDEPENDENCE	MO	64057
18702 E 28TH ST S	JEWELL JEFFERY S	18702 E 28TH ST S	INDEPENDENCE	MO	64057
18700 E 28TH TER S	FRANKLIN JAMES C & KELLIE E	18700 SE 28TH TER	INDEPENDENCE	MO	64057
2724 S TRENCHARD DR	STAFFORD SARAH J	2724 S TRENCHARD DR	INDEPENDENCE	MO	64057
18705 E 28TH ST S	WINTZ ANTHONY J & JENNIFER C	18705 E 28TH STREET	SOUTH INDEPENDENCE	MO	64057
18703 E 27TH TER S	STATESEL MARK S & REBECCA S	18703 E 27TH TER	INDEPENDENCE	MO	64057
2720 S TRENCHARD DR	FANSHER GREG & SUSAN	2720 TRENCHARD DR	INDEPENDENCE	MO	64057
18701 E 28TH TER S	DAVIS ZACHARY & SKYLER	18701 E 28TH TER S	INDEPENDENCE	MO	64057
18704 E 28TH ST S	NICCUM SCOTT L & ANGELA L	18704 E 28TH ST S	INDEPENDENCE	MO	64057
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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

E 28th St S



E 28th St S

<---Property Line

Property Line-->

77.51 ft

Gate-->

House

18707 E 28th St S

Independence

NORTH ↑

Pool Equipment-->

Covered Patio
w/ Storage

<---Gate

6' Fence-->

Existing Inground Pool

<--Existing Concrete Patio Around Entire Pool

<--6' Fence

<---8"

<---5 3/4"

<---5"

<---5 3/4"

<---7 1/2"

<---10"

<---11"

<---13"

<---15 1/2"

<---17"

<---18"

<---23 1/2"

<---22"

<---6' Fence

Measurements taken from the fence to the deck at 2' intervals from 0' to 20' then 4' intervals from 20' to 36'

36'

12'

42'

This side of the decking is 41" from fence

This side of the decking is 59" from fence

Permit Number: 2024-03481

Mary V Wilcox

Residential Deck

18707 E 28Th St S

Clarification Of Scope Of Work For Deck Railing & Privacy System

The proposed deck Railing and privacy System on the East side and South sides of the deck will start with the rail gap of 3 7/8" off the deck. It will consist of Gisafai 24 x 48 Inches Aluminum Diamond Tread Plates (Pictured Below) framed in with wood to a height of 34".

The privacy System will be installed above the decorative railing to a height of 6' of off the deck floor. It will be installed for the maximum privacy for the neighbors. The privacy system will be constructed of 1"X 6" Wood slats stained to match the Deck and attached by Pylex Deck Sunblind System 11060 Louvers Bracket Shutter Hardware Kit. (Pictured Below) The louvers will also allow for ventilation needed.

The north side of the deck will have a hand rail & spindles extended 12 feet.

All Lumber used is CCA YellaWood

Pylex Deck Sunblind System 11060, Louvers Bracket Shutter Hardware Kit

OPENED

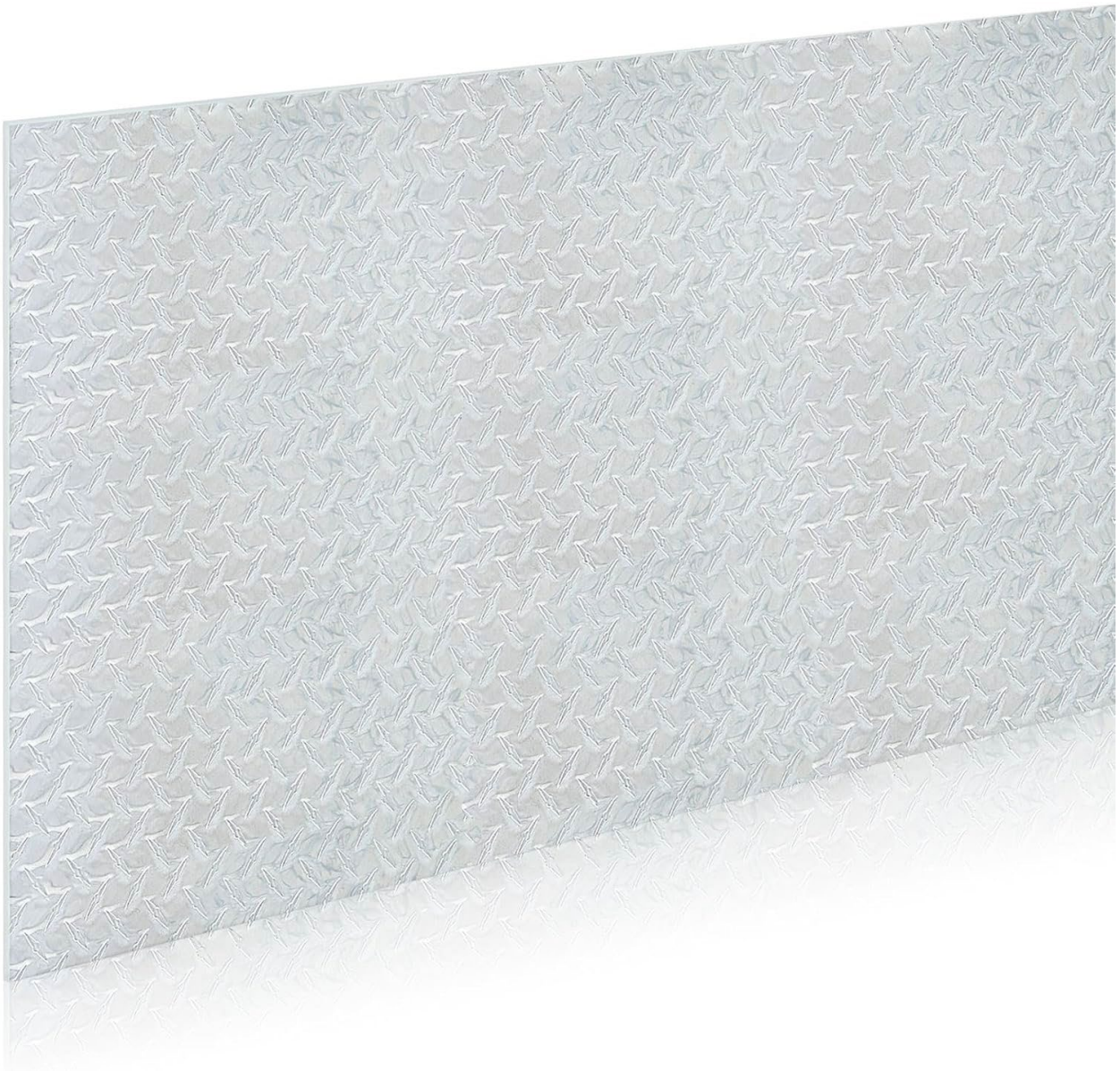


CLOSED

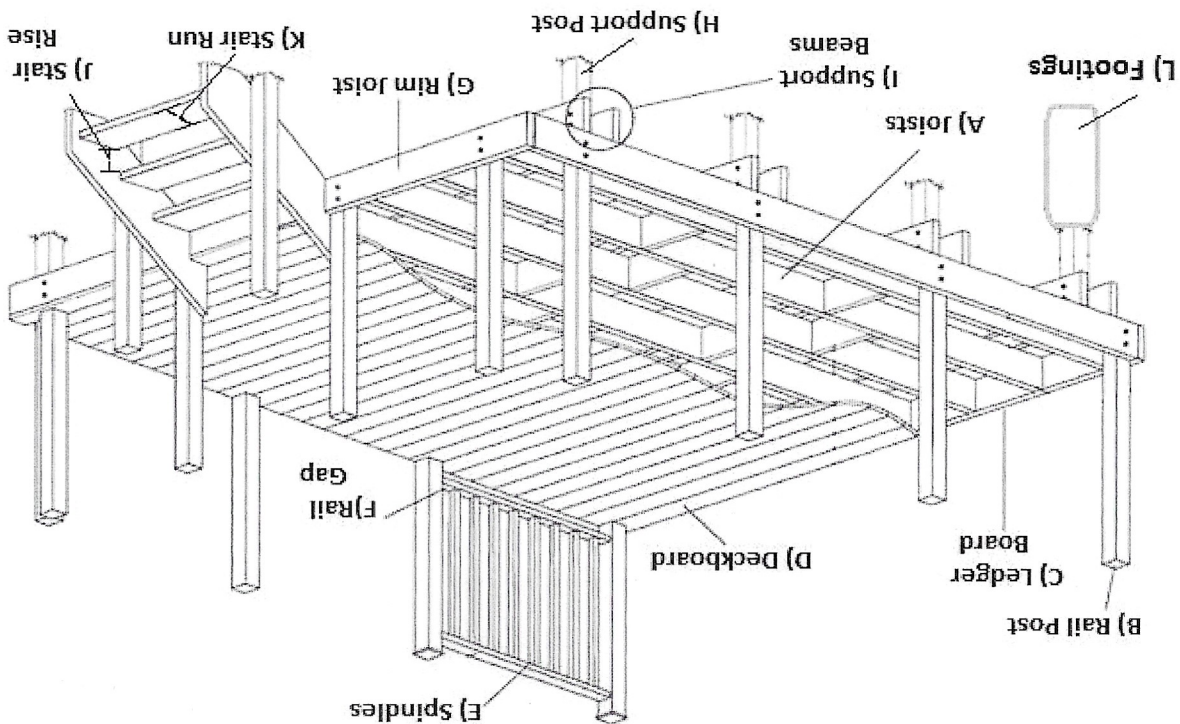




Gisafai 24 x 48 Inches Aluminum Diamond Tread Plate Sheet Metal Aluminum



DECK PLAN REVIEW SHEET



A. JOISTS
Size 2×10 Spacing 12
Orientation ☒ Parallel ☐ Perpendicular

B. RAIL POST

Size 4×6 Rail Height 64

C. LEDGER

Size 2×10

Attachment Method ☐ $\frac{1}{2}$ " lag screws ☒ $\frac{1}{2}$ " bolt with washer
Attachment Method ☐ nails ☒ screws
Material Type ☒ Wood ☐ metal

D. DECKING

Size 1×6

Material Type: Wood

E. SPINDLES

Size N/A 2

Spacing $3 \frac{1}{2}$ (max. $3 \frac{7}{8}$)

F. RAIL GAP

Spacing (max. $3 \frac{7}{8}$)

G. RIM JOIST

Size 2×10

(Must be bolted through rail posts)

H. POSTS

Size 4×6

I. BEAMS

Size 2×10

(Must be notched and bolted through support posts)

J. STAIR RISE

Max $7\frac{1}{2}$ " None

K. STAIR RUN

Min 10 " None

L. FOOTINGS

Width/Diameter 12 "

(Minimum 2x the post size)

Depth 36 " (Minimum 36 "

M. HEIGHT

4.0 "

(Distance from grade to walking surface of the deck)

agree to construct the deck per the 2018 IRC.

Signature

Date

8/9/24



Board of Adjustment Minutes

March 20, 2025 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 3/20/2025, at 111 E Maple Avenue, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Roy Browne, John Davies, Cody Atkinson, Cindy McClain, Caleb Holder. Absent - Sarah Wimberley.

PUBLIC HEARING

1. **Case 24-999-12 – 790 & 800 N. Bly Rd. –** Variances to lot standards.

Gabe Glaser gave the staff report.

Motion

Commissioner Cindy McClain made a motion to approve the case. Commissioner Caleb Holder seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

APPROVAL OF MINUTES

1. February 20, 2025

Motion

Commissioner Cody Atkinson made a motion to approve the minutes. Commissioner John Davies seconded the motion. The motion was approved Yes 5, No 0, Abstained 0.

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.